

PROPOSED RULE TO IMPLEMENT THE INTERNATIONAL PROVISIONS OF THE SHARK CONSERVATION ACT AND AMEND THE DEFINITION OF IUU FISHING

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NOAA Fisheries international activities focus on advancing U.S. interests and leveling the playing field for U.S. fishermen by working with other countries to promote global fisheries management and conservation practices comparable to those in the United States.

Today, NOAA Fisheries is taking an important step toward promoting improved shark fisheries management and conservation globally. NOAA Fisheries has published a proposed regulation to implement the international provisions of the Shark Conservation Act of 2011. This regulation provides new tools to promote the sustainable harvest and management of sharks and the adoption of international measures for the conservation of sharks. This action is one component of the Administration's commitment to the conservation and management of sharks, to combating IUU fishing activities by foreign fleets, and to leveling the playing field for U.S. fishermen.

NOAA Fisheries is seeking public comment on this proposed regulation until August 9, 2012.

Proposed Rule Details:

The proposed rule would require the United States to identify nations in a biennial report to Congress whose fishing vessels catch sharks on the high seas in the preceding calendar year and do not have a regulatory program for the conservation of sharks comparable to that of the United States. Identification would trigger a consultative process whereby identified nations are encouraged to address the fishing activities of concern. The last step in the process would be to issue a certification decision for nations that have been identified in the subsequent biennial report to Congress.

Identified nations would either receive a positive or a negative certification from the Secretary of Commerce. A positive certification indicates that a nation has taken the necessary actions to address the fishing activities of concern described in the biennial report, including the adoption of a regulatory program for the conservation of sharks comparable to that of the United States. If these actions are not taken, the nation would receive a negative certification and would be subject to prohibitions on the importation of certain fisheries products into the United States and the denial of port privileges for vessels of that nation. This certification process has the potential to enhance shark conservation and management by promoting the adoption of improved shark regulations by other nations engaged in shark catch and authorizing the United States to deny entry of illegally caught and unsustainable fisheries products into our market.

In the proposed regulation, NOAA Fisheries is also amending the definition of illegal, unreported, or unregulated (IUU) fishing to strengthen the ability of the United States to identify nations engaging in IUU activities and address unsustainable fishing activity.

The current definition of IUU fishing includes fishing activities by foreign vessels that:

- violate the rules of regional fishery management organizations if the United States is a party to the organization;
- have adverse impacts on fish stocks that are shared with the United States, subject to overfishing, and are not managed under an international agreement; and
- have significant adverse impacts on vulnerable marine ecosystems located beyond any national jurisdiction that are not subject to conservation and management measures.

The rule proposes to expand the IUU fishing definition to include violations of shark conservation measures, non-compliance with data reporting requirements, and fishing without authorization in U.S. waters.

The proposed IUU fishing definition would also include fishing activities that undermine the conservation of resources managed under an international fishery management agreement in the case where nations are not a party to the agreement.