



NOAA
FISHERIES

Office of International
Affairs and Seafood
Inspection Program

Update on the U.S. Marine Mammal Protection Act Import Provisions

Implementation process and analysis of marine
mammal bycatch in commercial fisheries

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April 2, 2019

Implementing import provisions under the MMPA

Driving Factors for U.S. Action:

- Recognized threat to marine mammals and external petition pressure,
- Marine Mammal Protection Act (MMPA) provisions to prohibit fish imports from nations with unsustainable marine mammal bycatch,
- The Secretary of the Treasury shall ban the importation of commercial fish or fish product from fish which have been caught with commercial fishing technology which results in the incidental kill or serious injury of ocean mammals in excess of United States standards.



*Photo: Vicki Beaver, North Slope Borough,
in partnership with NOAA Fisheries*

Objectives



Photo: Tony Orr, NOAA, Alaska Fisheries Science Center

- Reduce marine mammal bycatch associated with international commercial fishing operations,
- Hold nations exporting fish and fish products to the U.S. to the same standards as U.S. commercial fishing operations,
- Establish procedures for nations to obtain an authorization to import fish and fish products into the United States,
- Establish criteria and procedures for evaluating a nation's regulatory program for reducing marine mammal bycatch.

Timeline and Actions Going Forward

Effective January 1, 2017 – a 5-year Exemption period begins, during which nations must:

- Provide information to classify fisheries in the List of Foreign Fisheries (LOFF) (2017, 2020)
- Estimate and mitigate bycatch in their export fisheries, develop regulatory programs (2017-2021...)
- Provide Progress Report mid-way through the exemption period (2019)
- Revision to the LOFF published in 2020
- Apply for a Comparability Finding to export to the U.S. (2021)
- 2022: End of exemption period, Comparability Finding determination (granted or denied)

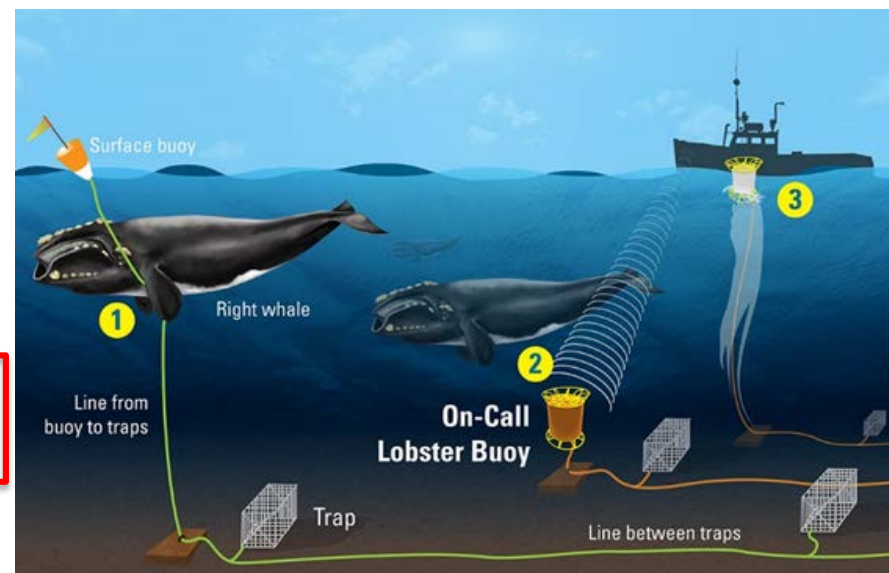


Illustration by Eric Taylor, WHOI Graphic Services

Categories of Fisheries

Fisheries classified as either “export” or “exempt” based on frequency of marine mammal bycatch

Exempt Fisheries have a remote likelihood of or no known marine mammal bycatch

- 10% or less of any marine mammal stock’s bycatch limit
- Handlines, hook & line, dip nets, cast nets, diving
- No regulatory program requirement

Export Fisheries have more than a remote likelihood of marine mammal bycatch

- Insufficient information = classified as Export Fishery
- Gillnets, longline, trawl, purse seines
- Develop a regulatory program comparable in effectiveness to U.S. regulatory program

Exempt and Export Fisheries must prohibit intentional killing and serious injury of marine mammals

The List of Foreign Fisheries (LOFF) and Data Sources



Photo: NOAA

- *LOFF is comprised of 138 nations—910 exempt and 2,386 export fisheries*
- Information provided by nations
- Data from National Reports (RFMOs, IWC, FAO, etc.)
- Literature data (scientific, gray)
- NGO reports
- All of this is publically available in the Federal Register Notice:
 - <https://www.fisheries.noaa.gov/foreign/international-affairs/list-foreign-fisheries>

Breaking Down the Universe

- Top 20 exporting nations = Canada, China, Indonesia, Thailand, Chile, India, Vietnam, Ecuador, Mexico, Russia, Japan, Philippines, Peru, Argentina, Iceland, Honduras, Taiwan, South Korea, New Zealand, United Kingdom
- Top products imported are shrimp, salmon, tuna

Shrimp → 39 nations, largely aquaculture, some trawl, not considered a bycatch threat

Tuna → 44 nations, longline, purse seine, handline, troll, managed under RFMOs
Purse seine—intentional setting on cetaceans prohibited in Indian Ocean and Western/Central Pacific RFMOs
Longline—interaction rate largely unknown, problem is depredation
Gillnet—greatest threat in Indian Ocean

Salmon → 22 nations, largely aquaculture, some gillnet and trawl, intentional killing at aquaculture facilities a problem
Nations must either prohibit or eliminate intentional killing or demonstrate exported product was not associated with intentional killing.

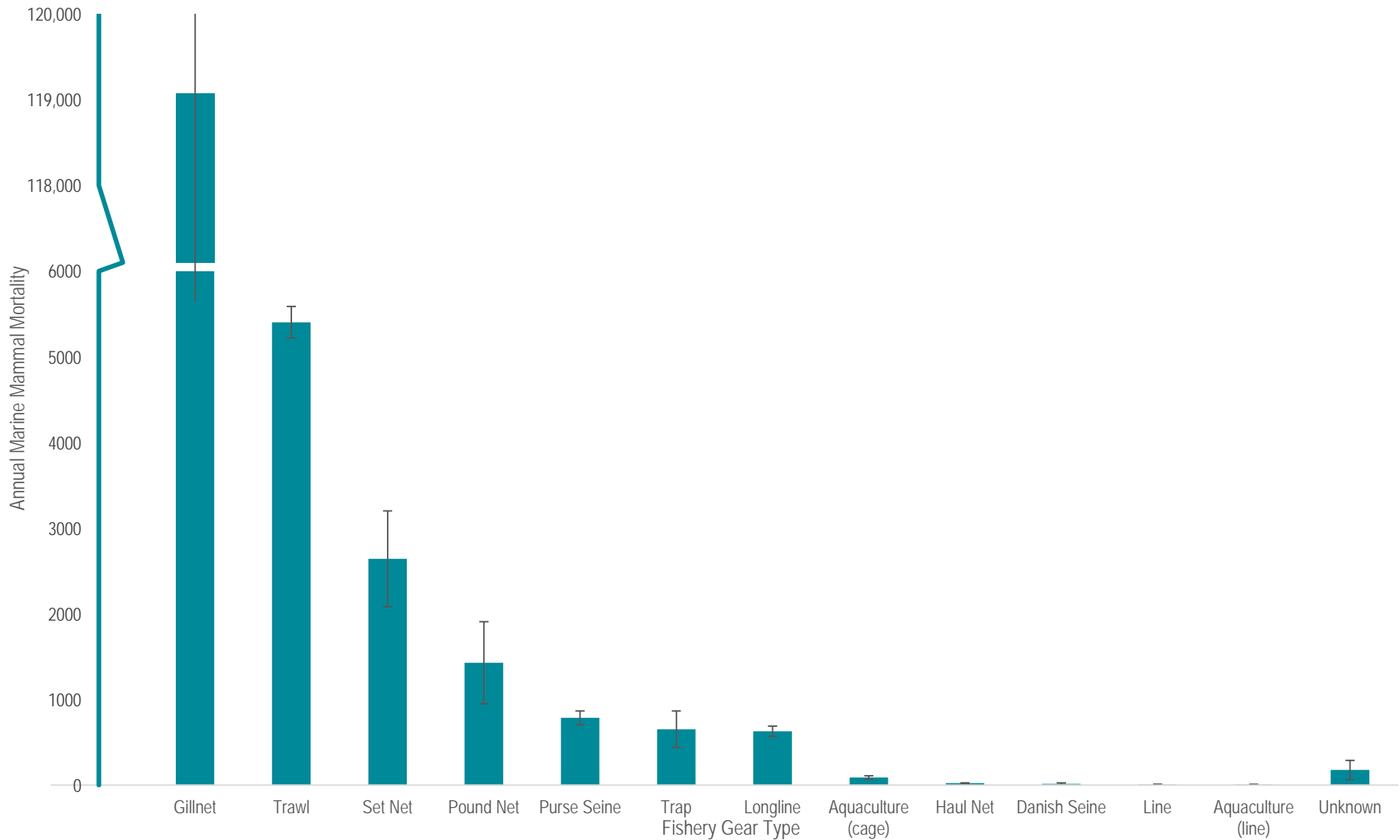
So we have a list – Now what?

- What are the fishing practices and the gear types with the highest marine mammal incidental mortality?



Photo: NOAA Fisheries, Office of Protected Resources

Bycatch by Gear Type – 2018 data



Conclusions

Confirmation, no surprises, frames the challenges and needs for bycatch mitigation--

- Actively fished gears: purse seines, Danish seines, have less bycatch and are amenable to safe handling and release,
- Passive, set gear: gillnets (set, anchored, drift), set nets, pound nets, have the highest level of bycatch, pose the greatest risk, difficult to mitigate, strong case for gear switching.

This list is a snapshot – it's evolving.

What's new in 2019?

Under the import provisions regulation, a harvesting nation shall submit, with respect to an exempt or export fishery, a progress report documenting actions taken to develop, adopt and implement its regulatory program, and meet the conditions for a comparability finding.

2019 Progress Report:

1. **Regulatory program and marine mammal biology questions:** address national regulations related to the intentional killing and serious injury of marine mammals and stock assessments of marine mammals including any calculations of bycatch limits for marine mammal species/stocks.
2. **Fishery-Specific questions** for each fishery included on the Export Fishery list: address monitoring, estimates of marine mammal bycatch, and mitigation of marine mammals interacting with commercial fisheries

NOAA Fisheries International Affairs Information Capture and Reporting System



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International Affairs
Information Capture and Reporting System

The U.S. National Oceanic and Atmospheric Administration's National Marine Fisheries Service is responsible for implementing congressionally mandated programs related to certain protected species and bycatch.

These programs include the Marine Mammal Protection Act import provisions, the Magnuson-Stevens Conservation and Management Reauthorization Act, the High Seas Driftnet Fishing Moratorium Protection Act, and the Shark Conservation Act.

The International Affairs Information Capture and Reporting System (IAICRS) supports information and data collection regarding protected species in international fisheries.

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NOAA FISHERIES

International Affairs Information Capture and Reporting System

Progress Report Deadline: July 31, 2019



Manage Fisheries

Access your nation's list of fisheries contained in the List of Foreign Fisheries (LOFF).

Please ensure that your list of fisheries is complete, accurate and up to date before starting your 2019 Progress Report.



Manage Marine Mammals

Access your nation's list of marine mammals present in your national waters or interacting with your commercial fisheries.

Please ensure the list of marine mammals present in your waters is complete, accurate and up to date before starting your 2019 Progress Report.

Fishery Accounts

This page shows your nation's List of Foreign Fisheries. You can view the fisheries of each classification by clicking on each tab. You can update your fisheries with any new fisheries since the last publication of the LOFF by clicking on the 'Add New Fishery' link. You can view or edit existing fisheries by clicking on the 'View' and 'Edit' buttons next to each fishery in the table. You can request that a fishery be removed from the list by clicking on the 'Request Deletion' button next to the fishery in the table at which point you will be required to provide a rationale for why that fishery should be removed.

Nation: Denmark **Territory:** Faroe Islands [Add New Fishery](#)

[LOFF \(10\)](#)
 [EXEMPT \(1\)](#)
 [EXPORT \(9\)](#)
 [INTERMEDIARY \(0\)](#)
 [RULE DOES NOT APPLY \(0\)](#)

Show entries Search:
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Category	Target Species	Gear Type	Area of Operation	Marine Mammal Species	Est. Bycatch Amount	Status
EXEMPT	Scallops nei (Pectinidae)	Dredges (not specified)	Faroe Islands EFZ			View Edit Request Deletion
EXPORT	Snow crab (Chionoecetes opilio)	Fish pots/fish traps	Svalbard zone			View Edit Request Deletion
EXPORT	Atlantic halibut (Hippoglossus hippoglossus), Flatfishes nei (Pleuronectiformes), Righteye flounders nei (Pleuronectidae), Solems nei (Soleidae)	Trawls (not specified)	NAFO, NEAFC, Faroe Islands EFZ			View Edit Request Deletion

Manage Marine Mammals

This table of marine mammals was generated from the marine mammals identified as interacting with your nation's fisheries (from the LOFF). You can update this list with any additional marine mammal species found in your waters or interacting with your fisheries by clicking on the "Add Marine Mammal" link below. You can provide stock and population information (if known) by clicking on the "Edit" button next to each marine mammal species in the table.

Nation: Denmark Territory: Faroe Islands [Add Marine Mammal](#)

Show entries Search: [Previous](#) [1](#) [Next](#)

Common Name	Scientific Name	Stock	Action
Gray seal	Halichoerus grypus	STOCK NOT SPECIFIED	Edit
pilot whale unspecified	Globicephala spp	STOCK NOT SPECIFIED	Edit

Showing 1 to 2 of 2 entries [Previous](#) [1](#) [Next](#)

[Back](#)

Manage Marine Mammals

Add or Edit Marine Mammal

Nation: Australia Territory: Australia

Marine Mammal Species*

Stock* Unknown

Nbest Average Abundance Estimate

Nbest CV Coefficient Variability

Nmin Min Population Abundance Estimate

Rmax Maximum Reproductive Rate

RF Recovery Factor

Bycatch Limit* System generated if Nmin, RF & Rmax are known. Bycatch Limit = $Nmin \times RF \times (Rmax/2)$

Bycatch Limit Unknown

Path Forward: Priorities and Needs

- Make sure your fisheries managers know about this rule!
- It applies to you!
- Identify who the primary Point of Contact is for your nation and let us know (MMPA.LOFF@noaa.gov)

NAMMCO



- Faroe Islands, Greenland, Iceland, Norway
 - Most advanced in many respects
- Fill data gaps = stock assessments and bycatch estimates
- Update stock assessments (continue to improve stock delineation)
- Update bycatch estimates, look for trends, identify effective mitigation
- Challenges =
 - Gillnet bycatch, especially of harbor porpoise
 - Robust pinniped populations
- Gathering this information will assist in overall sustainable management of direct harvests.

Questions?

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<https://bycatchreporting.fisheries.noaa.gov>

<https://www.fisheries.noaa.gov/foreign/international-affairs/list-foreign-fisheries>

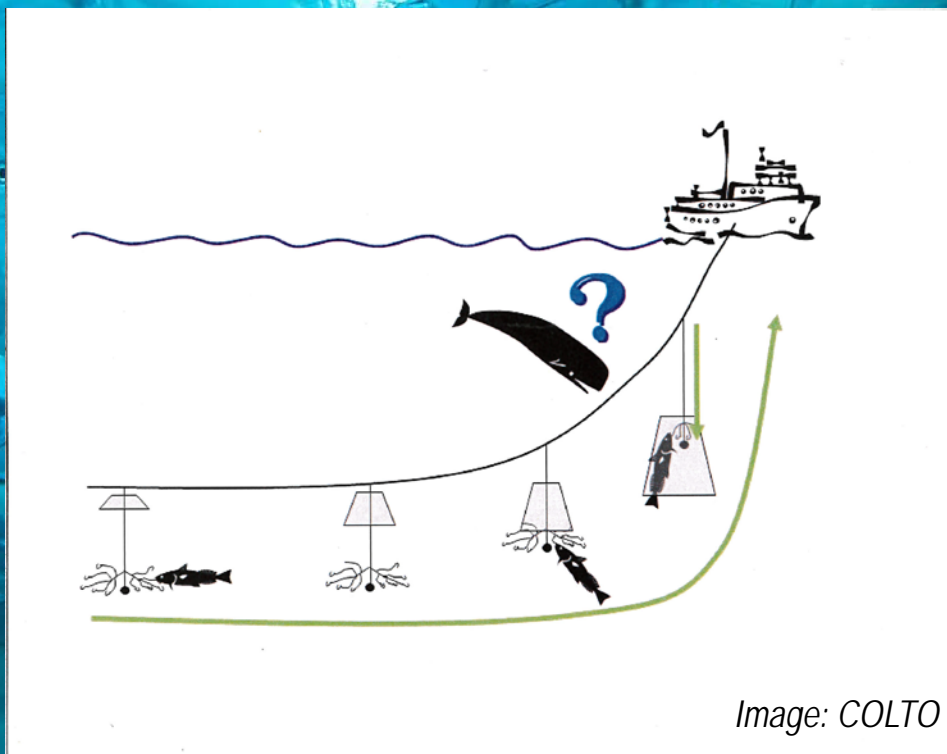


Image: COLTO

