

**2013 REPORT OF THE SECRETARY OF COMMERCE
TO THE CONGRESS OF THE UNITED STATES
CONCERNING**

**U.S. ACTIONS TAKEN ON FOREIGN LARGE-SCALE HIGH
SEAS DRIFTNET FISHING**

**Compiled by the National Marine Fisheries Service
Pursuant to Section 206(E) of the
Magnuson-Stevens Fishery Conservation and Management Act,
as Amended by Public Law 104-297,
The Sustainable Fisheries Act of 1996**

TABLE OF CONTENTS

INTRODUCTION	2
DESCRIPTION AND PROGRESS OF EFFORTS MADE TO CARRY OUT PROVISIONS OF SECTION 206(C) POLICY	4
IMPLEMENTATION OF THE GLOBAL DRIFTNET MORATORIUM CALLED FOR BY UNGA RESOLUTIONS 44/225, 45/197, AND 46/215.....	4
<i>Current Status of the Driftnet Moratorium</i>	<i>4</i>
North Pacific Ocean	4
North Pacific Regional Driftnet Enforcement Coordination	4
U.S. Driftnet Enforcement Efforts.....	7
Mediterranean Sea	10
<i>Interagency Agreements</i>	<i>12</i>
<i>Bilateral Driftnet Agreements.....</i>	<i>12</i>
<i>Resolutions and Letters in Support of UNGA Resolution 44/225</i>	<i>13</i>
UNGA Driftnet Resolutions and Decisions	13
SUPPORT FOR THE WELLINGTON CONVENTION.....	14
EVALUATION OF THE IMPACTS ON LIVING MARINE RESOURCES.....	14
LIST AND DESCRIPTION OF ANY NEW FISHERIES DEVELOPED BY NATIONS THAT CONDUCT, OR AUTHORIZE THEIR NATIONALS TO CONDUCT, LARGE-SCALE DRIFTNET FISHING BEYOND THE EEZ OF ANY NATION.....	14
LIST OF NATIONS THAT CONDUCT, OR AUTHORIZE THEIR NATIONALS TO CONDUCT, LARGE-SCALE DRIFTNET FISHING BEYOND THE EEZ OF ANY NATION IN A MANNER THAT DIMINISHES THE EFFECTIVENESS OF OR IS INCONSISTENT WITH ANY INTERNATIONAL AGREEMENT GOVERNING LARGE-SCALE DRIFTNET FISHING TO WHICH THE UNITED STATES IS A PARTY OR OTHERWISE SUBSCRIBES.	15

INTRODUCTION

Public Law 101-627: The President signed Public Law 101-627, the Fishery Conservation Amendments of 1990, on November 28, 1990. Title I, Section 107, of the law amended Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1826) to incorporate and expand upon provisions of the Driftnet Impact Monitoring, Assessment, and Control Act of 1987.

Section 206(b) of the Magnuson-Stevens Act sets forth Congressional findings, including *inter alia* that "the continued widespread use of large-scale driftnets beyond the exclusive economic zone (EEZ) of any nation is a destructive fishing practice that poses a threat to living marine resources of the world's oceans." It also notes the expansion of large-scale driftnet fishing into other oceans and acknowledges the June 30, 1992, global driftnet moratorium called for by United Nations General Assembly (UNGA) Resolution 44/225. Finally, Section 206(b) recognizes the moratorium on the use of large-scale driftnets agreed through the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention.

Section 206(c) sets forth Congress' driftnet policy, specifically that the United States should:

- (1) implement the moratorium called for by UNGA Resolution 44/225;
- (2) support the Tarawa Declaration and the Wellington Convention; and
- (3) secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone (EEZ) of any nation.

Section 206(d) directs the Secretary of Commerce, through the Secretary of State and the Secretary of Homeland Security, to seek to secure international agreements to implement immediately the findings, policy, and provisions of Section 206, particularly the international ban on large-scale driftnet fishing.

Section 206(e) directs the Secretary of Commerce, after consultation with the Secretaries of State and Homeland Security, to submit to Congress no later than January 1 an annual report

(1) describing the efforts made to carry out Section 206, especially subsection (c); (2) evaluating the progress of those efforts, the impacts on living marine resources, including available observer data, and plans for further action; (3) listing and describing any new high seas driftnet fisheries developed by nations that conduct or authorize their nationals to conduct large-scale high seas driftnet fishing; and (4) listing nations that conduct or authorize their nationals to conduct high seas driftnet fishing in a manner that diminishes the effectiveness of or is inconsistent with any international agreement governing large-scale driftnet fishing to which the United States is a party. (The number of reporting requirements in Section 206(e) of Public Law 101-627 were reduced in 1996 to those above by Public Law 104-297, the Sustainable Fisheries Act.)

Finally, Section 206(f) provides that, if at any time the Secretary of Commerce, in consultation with the Secretaries of State and Homeland Security, identifies any nation that warrants inclusion in the list described in (4) above, the Secretary shall certify that fact to the President. This certification shall be deemed to be a certification for the purposes of Section 8(a) of the Fishermen's Protective Act of 1967 (22 USC 1978(a), as amended by Public Law 102-582), commonly referred to as the Pelly Amendment. Such a certification gives the President discretion to embargo products imported into the United States from that nation, so long as such action is consistent with U.S. obligations under the General Agreement on Tariffs and Trade.

Public Law 102-582: On November 2, 1992, the President signed Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act. Among other things, this Act is intended to enforce implementation of UNGA Resolution 46/215, which called for a worldwide driftnet moratorium beginning December 31, 1992. Once the Secretary of Commerce identifies a country as a nation whose nationals or vessels are conducting large-scale driftnet fishing beyond the EEZ of any nation, pursuant to the Act, a chain of U.S. actions is triggered. The Secretary of the Treasury must deny entry of that country's large-scale driftnet vessels to U.S. ports and navigable waters. At the same time, the President is required to enter into consultations with the country within 30 days after the identification to obtain an agreement that will immediately end high seas large-scale driftnet fishing by its vessels and nationals. If these consultations are not satisfactorily concluded within 90 days, the President must direct the Secretary of the Treasury to prohibit the importation into the United States of fish, fish products, and sport fishing equipment from the identified country. The Secretary of the Treasury is required to implement such prohibitions within 45 days of the President's direction.

If the above sanctions are insufficient to persuade the identified country to cease large-scale high seas driftnet fishing within 6 months, or if it retaliates against the United States during that time period as a result of the sanctions, the Secretary of Commerce is required to certify this fact to the President. Such a certification is deemed to be a certification under Section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a), as amended by Public Law 102-582).

Public Law 104-43: Public Law 104-43, the Fisheries Act of 1995, was enacted on November 3, 1995. Title VI of this law, the High Seas Driftnet Fishing Moratorium Protection Act, prohibits the United States, or any agency or official acting on behalf of the United States, from entering into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of UNGA Resolution 46/215. Title VI also charges the Secretary of State, on behalf of the United States, to seek to enhance the implementation and effectiveness of the UNGA resolutions and decisions regarding the large-scale high seas driftnet moratorium through appropriate international agreements and organizations. Finally, the act specifies that the President of the United States shall utilize appropriate assets of the Department of Defense, the U.S. Coast Guard (USCG), and other federal agencies, to detect, monitor, and prevent violations of the UN large-scale high seas driftnet moratorium for all fisheries under the jurisdiction of the United States, and to the fullest extent permitted under international law for fisheries not under U.S. jurisdiction.

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, in consultation with the Department of State and the Department of Homeland Security, submits the following report for 2013 in fulfillment of the Section 206(e) reporting requirement. Information pertaining to U.S. actions in support of the Act prior to 2013 and after 1988 can be found in the 1990–2012 annual driftnet reports to the Congress available from NMFS (email paul.niemeier@noaa.gov or call 301-427-8371).

DESCRIPTION AND PROGRESS OF EFFORTS MADE TO CARRY OUT PROVISIONS OF SECTION 206(c) POLICY

Implementation of the Global Driftnet Moratorium called for by UNGA Resolutions 44/225, 45/197, and 46/215:

Current Status of the Driftnet Moratorium

As of December 31, 2013, the UNGA global moratorium on large-scale high seas driftnet fishing has been in effect for 21 years. International implementation of the moratorium in the world's oceans and enclosed and semi-enclosed seas continues to be generally successful, although problem areas remain. In 2013, no vessels conducting unauthorized large-scale high seas driftnet fishing operations were sighted in the two major problem areas in recent years—the North Pacific Ocean and the Mediterranean Sea.

North Pacific Ocean

No driftnet vessels were sighted operating on the high seas of the North Pacific Ocean in 2013.

North Pacific Regional Driftnet Enforcement Coordination

North Pacific Anadromous Fish Commission (NPAFC): The NPAFC serves as a forum for promoting the conservation of anadromous fish stocks in the high seas area of the North Pacific Ocean. This area, as defined in the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (the Convention that established the NPAFC), is "the waters of the North Pacific Ocean and its adjacent seas, north of 33° North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured." The members of the NPAFC are Canada, Japan, the Republic of Korea (Korea), the Russian Federation (Russia), and the United States.

In addition, the NPAFC serves as the venue for coordinating the collection, exchange, and analysis of scientific data regarding anadromous fish stocks within Convention waters. It also coordinates high seas fishery enforcement activities by member countries. The Convention prohibits directed fishing for salmonids and includes provisions to minimize the incidental take of salmonids in other fisheries in the Convention area. Although the Convention does not

specifically ban large-scale high seas driftnet fishing, fishing for salmonids on the high seas has historically been conducted using this fishing gear. Consequently, the NPAFC and its enforcement activities primarily target high seas driftnet fishing vessels. The Parties to the NPAFC jointly plan and coordinate their high seas enforcement operations in order to most efficiently utilize enforcement resources, although the operational capabilities of each member vary.

NPAFC Enforcement Evaluation and Coordination Meeting (EECM): Enforcement representatives of the NPAFC Parties met on March 26, 2013, in Vancouver, B.C., Canada, for the annual NPAFC EECM. Mr. Youngho Park of Korea served as acting Chairman. The primary purpose of the EECM was to discuss the threat of illegal, unreported, and unregulated (IUU) fishing for salmon in the NPAFC Convention Area and to formulate a joint enforcement plan for the 2013 fishing season. The meeting included updates by each Party on IUU activity in 2012, information on enforcement efforts to date in 2013, and coordination of enforcement plans and resources for the remainder of 2013. The USCG presented its 2013 threat assessment for the NPAFC Convention Area, which included a review of 2012 driftnet activities by two vessels sighted driftnet fishing for neon squid—the *Shun Li No. 6* (name later changed to *Mitra 888*) and the *Bangun Perkasa* (previously named the *Timur Jaya No. 168*). Both claimed Indonesian registry, but the Government of Indonesia refuted their flag claims. The threat assessment presentation also showed trends in high seas driftnet fishing activities, including fishing gear, deployment methods, deceptive/defensive measures, and the potential for IUU fishing on salmon, squid, and albacore tuna. The 2013 salmon and squid threat areas remained unchanged from 2012. A detailed coordinated patrol schedule was developed in order to maximize patrol coverage of the Convention Area as effectively and efficiently as possible.

The Parties agreed to hold a virtual email meeting in March 2014 to develop the patrol scheme for 2014. The next face-to-face meeting of enforcement representatives will be at the NPAFC Annual Meeting in May 2014.

NPAFC Annual Meeting: Because the NPAFC Parties are changing the timing of annual meetings from fall to spring beginning in 2014, there was no face-to-face Annual Meeting in the fall of 2013. The Parties held a virtual email meeting to conduct essential business to ensure the continuation of the Commission's operations until the first spring annual meeting on May 12–16, 2014, in Portland, Oregon. Consequently, the NPAFC Committee on Enforcement did not meet. With the exception of the United States, detailed 2013 driftnet fisheries enforcement information for the other NPAFC Parties, which has historically been included in this report, was not available. Such information will be included in the 2014 Driftnet Report.

Sightings, boardings, and fishing vessel seizures from 2003 to 2012 indicate that the high seas driftnet threat in the North Pacific Ocean has primarily shifted fishing effort from salmon to squid, sharks, and albacore tuna. Of the 20 driftnet vessels intercepted since 2003, only two had salmon on board; the rest had squid, tuna, sharks, and other species. This shift may be attributed

to a combination of factors, including depressed salmon markets and favorable squid markets, more effective surveillance of traditional high seas salmon fishing grounds, and more effective control of fishing fleets by North Pacific countries.

A total of 32 vessels suspected of high seas driftnet fishing were sighted from 2008 to 2012. Approximately one-half of these sightings occurred in the September–November time frame. Prior to 2005, the Parties concentrated most of their enforcement efforts in the summer months in the North Pacific Ocean. In 2005, however, Japan patrolled the far northwestern part of the Convention Area in the September–October timeframe and reported 11 of the 18 total driftnet vessel sightings for that year. There is some uncertainty as to whether the increased number of sightings in 2006 and 2007 represented a real increase in the occurrence of large-scale high seas driftnet fishing in the North Pacific Ocean or whether enforcement efforts simply uncovered an existing IUU fishery. Given that the NPAFC Parties have patrolled the North Pacific for IUU fishing since 1992, it is likely that the illegal driftnet fleet has learned when and where not to conduct fishing operations. Since Parties have focused enforcement efforts on the Northwest Pacific, the number of sightings has dropped significantly—to the point of no sightings in 2013. IUU driftnet vessels may adapt by shifting effort geographically or temporally, but they likely will continue to try to hide within the legitimate squid jigging fleet in the high threat area.

Although the NPAFC has successfully deterred high seas salmon fishing and has served as a forum for joint enforcement planning and coordination in the NPAFC Convention Area, it has limited enforcement authority against non-salmon non-Party high seas driftnet fishing threats. Because of the different target species and vessel flags involved, the NPAFC will continue to work multilaterally through enforcement and diplomatic channels to bring pressure on these driftnet fishing vessels and their flag states to end operations in the North Pacific.

The North Pacific illegal driftnet fleet currently operates in the part of the NPAFC Convention Area that is partially overlapped by the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area, and targets species of interest to that Commission. Consequently, the NPAFC has agreed to coordinate with the WCPFC to eliminate the illegal fishing. As discussed further below, in 2008 the WCPFC adopted a conservation and management measure prohibiting the use of large-scale driftnets on the high seas of the WCPFC Convention Area. The NPAFC established closer relations with the WCPFC in November 2010 by concluding a Memorandum of Understanding (MOU) between the two organizations, *inter alia* for the exchange of information on North Pacific large-scale driftnet fishing activities. The NPAFC will continue to work with the WCPFC and invite it to send representatives to observe NPAFC annual meetings.

A summary of high seas driftnet vessel sightings and apprehensions by North Pacific nations from 2002 to 2013 is provided in the table below.

North Pacific high seas driftnet vessel sightings and apprehensions from 2002 to 2013.

Country	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Canada	0	1	2	1	26	9	7	0	0	0	0	0
Japan	3	0	1	17	67	21	5	0	1	2	0	0
Russia	0	0	0	0	0	2	0	0	0	0	0	0
China	0	0	11	0	0	0	0	1	1	0	0	0
Taiwan	0	0	0	1	0	7	2	1	0	0	0	0
United States	2	24	8	5	5	8	10	0	1	0	1	0
Total Sightings*	5	25	22	24	98	47	24	2	3	2	1	0
Apprehended**	0	6	1	0	0	7	2	1	1	1	1	0

* May include multiple sightings of the same vessel or vessels.

** Out of the total number of vessels sighted.

U.S. Driftnet Enforcement Efforts

In 2013, the U.S. Coast Guard again implemented Operation North Pacific Guard, the U.S. Coast Guard’s high seas fisheries enforcement operation to detect, deter, and eliminate IUU fishing activity on the high seas of the North Pacific Ocean. The focus of Operation North Pacific Guard included large-scale high seas driftnet fishing activity and any high seas capture of anadromous species. Operation North Pacific Guard is planned and executed by the Commander of U.S. Coast Guard District 17 in coordination with the multilateral enforcement focus of the NPAFC’s Enforcement Coordination Committee. In addition, Operation North Pacific Guard implements the Memorandum of Understanding between the Government of the United States of America and the Government of the People's Republic of China [China] on Effective Cooperation and Implementation of United Nations General Assembly Resolution 46/215 of December 20, 1991, known more generally as the U.S.-China Agreement on Fisheries Enforcement and Shiprider Cooperation.

North Pacific Guard operations began in June 2013 with U.S. Coast Guard HC-130 maritime surveillance aircraft deployed from Shemya, Alaska. In addition, the U.S. Coast Guard Cutter *Munro* patrolled the NPAFC Convention Area from June 27 through September 15, 2013, for a total of 81 days. To achieve effective multilateral coordination, two Canadian Department of National Defense officers and one Department of Fisheries and Oceans officer were assigned under the tactical control of the U.S. Coast Guard’s 17th District office in Juneau, Alaska, to facilitate Canadian CP-140 aircraft mission employment with United States, Russian, Japanese, and Korean enforcement assets. The CP-140 deployment was executed from Hakodate, Japan, in late August and early September, also under the tactical control of U.S. Coast Guard District 17. During the Canadian deployment, the CP-140 provided air reconnaissance with real-time sighting reports of commercial merchant vessel and high seas fishing fleet activity. In addition, Japan Coast Guard (JCG) aircraft patrolled the NPAFC Convention Area and coordinated surveillance efforts with *Munro* in late August. The U.S. Coast Guard sent an officer to Japan

to participate in both JCG flights as a technical advisor. These flights continued joint U.S.-Japan aircraft patrol operations that have been occurring since 2006.

In July 2013, the *MUNRO* conducted a 3-day joint patrol with the Russian Border Guard Patrol Vessel *VOLGA* on the high seas of the North Pacific. Later in the *MUNRO*'s patrol, specific sighting information of a cargo vessel operating on the high seas just outside the Russian EEZ was passed to Russian fisheries enforcement authorities. Further investigation by Russian authorities identified suspicions that the cargo vessel might be illegally receiving transshipments of fish products within the Russian EEZ.

On September 2, officers from the *MUNRO* boarded two Japanese-flagged fishing vessels pursuant to the WCPFC Conservation and Management Measure (CMM) 2006-08: High Seas Boarding and Inspection Procedures. The vessels were the F/V *Sihou Maru* and F/V *Ryuki Maru*. Both vessels were found to be in compliance with WCPFC conservation and management measures, including the WCPFC prohibition against the use of large-scale driftnets on the high seas of the WCPFC Convention Area.

While this year's operations did not result in the detection of any fishing vessels suspected of employing large-scale high seas driftnets, the coordinated multilateral enforcement efforts covered a significant portion of the high seas of the North Pacific Ocean and visually identified 581 vessels determined to be operating in compliance with international standards.

Planned Future Efforts: In 2014, the U.S. Coast Guard plans to continue to patrol the U.S. EEZ and the high seas of the North Pacific Ocean within the NPAFC Convention Area with available aircraft and patrol vessels to detect, deter, and eliminate IUU fishing activity. The Commanders of the U.S. Pacific Area and the 17th District are committed to providing up to 200 aircraft hours and a minimum of 90 cutter days in support of Operation North Pacific Guard in 2014.

The U.S. Coast Guard intends to continue issuing Local Notices to Mariners prior to and during the high threat season, encouraging mariners and fishing fleets to report sightings of suspected high seas driftnet fishing activity. The United States continues to encourage other Parties to establish similar systems for educating mariners and to submit informative sighting reports of suspected large-scale high seas driftnet fishing activity on the world's oceans

Status Update on the *Da Cheng*: On August 9, 2012, the United States assimilated the driftnet vessel *Da Cheng* to "without nationality" status consistent with customary international law and U.S. domestic law. The vessel was transferred to Chinese custody for investigation and possible prosecution of the vessel's master, crew, and owner. On January 31, 2013, the USCG Liaison Officer to China was notified that the vessel's catch was seized and sold and the vessel was destroyed in the port of Zhoushan.

Status Update on the *Bangun Perkasa*: The United States assimilated the *Bangun Perkasa* as a vessel without nationality in September 2011. It was seized for violating U.S. law, specifically the prohibition against large-scale driftnet fishing. The *Bangun Perkasa*'s catch was advertised

through a competitive bid process and on October 24, 2011, a local processor purchased the catch for use as bait. The vessel was forfeited to the United States by decree of the District Court, District of Alaska, on March 29, 2012. A procurement contract that met all U.S. legal requirements for vessel disposal was issued to Magone Marine in Dutch Harbor, Alaska, and Magone Marine began dismantling the vessel in May 2012. Magone Marine removed more than 80 miles of driftnets from the vessel. The total cost of seizing the vessel, keeping it tied up at dock for almost 2 years, and then scrapping it, is conservatively estimated at \$1.1 million.

Potential Driftnet Threat in the North Pacific Ocean in 2014

Historical sightings indicate that the high seas driftnet threat continues to exist in the North Pacific Ocean. Past years' observations support a shift of fishing effort, both toward the later parts of the fishing season and to a primary target species of squid. In addition, evidence shows that anadromous and highly migratory species (e.g., swordfish and sharks) continue to be captured by high seas driftnet vessels as target species and as bycatch.

Driftnet fishing targeting salmon is expected to take place north of 47°N, west of 173°E, and bounded by the U.S. and Russian EEZs. The greatest threat period for salmon is generally from April through June and for other species from May through November. High seas driftnet fishing vessels targeting squid may deploy nets in areas of strong temperature change. Targeted areas primarily include waters with a sea surface temperature (SST) of 11–17° Celsius (C). These waters typically occur in the North Pacific between 35°–48°N and 150°E–165°W. Strong evidence suggests fishing vessels target areas where SST changes rapidly over short distances. Historical evidence shows that Japanese fishing vessels deployed driftnets in areas where SST may differ by 2–3° C from one end of the net to the other. Prime fishing areas may be locations where the SST isotherm dips down to the south and forms a U-shaped pocket.

Western and Central Pacific Ocean

At the Fifth Regular Session of the WCPFC held in Busan, Korea, December 8–12, 2008, the Commission adopted Conservation and Management Measure (CMM) 2008-04, prohibiting the use of large-scale driftnets (greater than 2.5 km in length) on the high seas within the WCPFC Convention Area. CCM 2008-4 charges Commission Members, Cooperating Non-Members, and participating territories to take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the Convention Area. The measure provides greater authority for at-sea boarding and investigation of possible high seas driftnet vessels in the western and central Pacific, and the WCPFC High Seas Boarding and Inspection Scheme is available to help investigate potential violations and ensure compliance.

The WCPFC has coordinated with the NPAFC to establish a cooperative framework between the two organizations to exchange information on North Pacific large-scale driftnet fishing activities. An MOU between the two organizations to this effect was signed on November 5, 2010. Cooperation between the WCPFC and the NPAFC includes, among other things, “development of a process to promote harmonization and compatibility of conservation and management measures as relevant, including measures relating to monitoring, control, surveillance and

enforcement.”

Mediterranean Sea

Italy and Morocco continue to be identified by the non-governmental environmental community as countries that continue to conduct large-scale driftnet fishing, although the United States is not aware of any documented sightings of Italian or Moroccan large-scale driftnet vessels fishing on the high seas of the Mediterranean in 2013.

Italy: Greenpeace Italy reported in April 2013 that several Italian driftnet vessels from Bagnara Calabria were reflagging to Albania, and that Italian Customs had detained the vessels’ driftnet gear. The Italian Coast Guard confirmed the report and said that the transfer of the vessels was legal; however, Italy’s Ministry of Agriculture was blocking the transfer of the fishing gear pending further investigation of the legality of the nets.

On May 24, 2013, the Black Fish, an international marine conservation organization, reported that Italian Coast Guard officials stationed at the port of Reggio Calabria confiscated at least one illegal net found to be over the legal length of 2.5 kilometers. The owner was fined €4,000 and the net was confiscated.

The Italian Coast Guard provided the U.S. Embassy in Rome with driftnet enforcement data from May–August 2013. Eighteen vessels were found in Italian ports with illegal driftnets on board. Fines ranged from €5,200 (if the violator appealed the charges) to €4,000 (if the violator did not appeal and paid the fine immediately), and a 3-month suspension of the violator’s fishing license.

In all of the above cases, the driftnet violations were identified in Italian ports, not at sea.

Morocco: In the case of Morocco, there was one report in April 2013 of the Spanish Navy arresting a Moroccan fishing vessel for driftnet fishing in the Strait of Gibraltar. However, the vessel had deployed only 1.5 km of driftnetting, thus not qualifying it as a “large-scale” driftnet vessel (a vessel carrying more than 2.5 km of driftnets).

A complete discussion of European Union (EU) driftnet regulations and measures, rulings of the European Court of Justice pertaining to driftnet fishing, regional fisheries management organization binding driftnet measures in the Mediterranean Sea, and background information on Italian and Moroccan large-scale driftnet fishing, is available in the 2011 and 2012 driftnet reports to the Congress, available online at:

http://www.nmfs.noaa.gov/ia/iuu/driftnet_reports/2011_driftnet_report.pdf

Indian Ocean

Background: Driftnet vessels from Iran and Pakistan have fished on the high seas since the early 1990s, initially in waters of the Arabian Sea but covering a larger area in recent years, as they moved to operate also in tropical waters of the western Indian Ocean and Mozambique Channel. The amount of sharks caught by these fleets is thought to be high, representing between 25 and 50 percent of the total combined catches of sharks and other species.

In 2009, EU purse seiners observed dense concentrations of Iranian driftnet vessels and networks of large driftnets (estimated by EU skippers to be 3.5 to 5.5 nm long) north of the Equator between 2°N and 14°N. Iran identified a fleet of 752 driftnet vessels operating outside Iran's EEZ to the Indian Ocean Tuna Commission (IOTC) in 2009. These vessels ranged from 14 to 33 meters long. There is little information available about the activities of this fleet (fishing effort, the length of nets, fishing zones, bycatch, etc.).

In 2009, the IOTC adopted *Resolution 09/05: To Prohibit the Use of Large-scale Driftnets on the High Seas in the IOTC Area*. Resolution 09/05 charged each Contracting Party and Cooperating Non-Contracting Party to take all measures necessary to prohibit their fishing vessels from using large-scale driftnets (greater than 2.5 km in length) while on the high seas in the IOTC Convention Area. It also stated that, in 2012, the IOTC would assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not employed in the Convention Area.

At the 16th Session of the IOTC held in Fremantle, Australia, April 22–26, 2012, the Commission agreed to delay the assessment of this Resolution for an additional year. The Commission adopted *Resolution 12/12: To Prohibit the Use of Large-scale Driftnets on the High Seas in the IOTC Area*. *Resolution 12/12* superseded *Resolution 09/05* and is nearly identical except that it states that the first large-scale driftnet assessment will take place in 2013.

At the Eighth Session of the IOTC Working Party on Ecosystems and Bycatch (WPEB) held September 17–19, 2012, in Cape Town, South Africa, the Working Party noted that gillnet fisheries are expanding rapidly in Pakistan waters with high levels of bycatch being reported. Gillnets used in Pakistan are often more than 2.5 km, reaching 25 km or more in some cases. Catches of sharks are already showing signs of declines in average sizes, which is a cause for concern. IOTC paper *IOTC–2012–WPEB08–13 Status report on bycatch of tuna gillnet operations in Pakistan* reported that Pakistani fishing vessels involved in catching tuna use gillnets with lengths varying between 4.83 and 11.27 km in boats based in Sindh and 1.2 to 6.5 km in Balochistan. Some of these vessels reportedly operate in areas beyond the EEZ of Pakistan in contravention of IOTC Resolution 12/12 and UNGA Resolution 46/215.

2013 Update: The United States did not receive any reports of illegal large-scale high seas driftnet fishing in the Indian Ocean in 2013. We are not aware that the driftnet assessment referenced in IOTC Resolution 12/12 took place in 2013. At the 16th Session of the IOTC Scientific Committee held in Busan, Korea, in December 2013, the Scientific Committee noted that gillnets in excess of the 2.5 km limit are being used by the gillnet fleets of Pakistan on the

high seas in contravention of IOTC Resolution 12/12.

The United States is not a member of the IOTC.

Interagency Agreements

Fisheries Enforcement Memorandum of Understanding (MOU): On October 11, 1993, the Secretaries of Transportation, Commerce, and Defense entered into the *Memorandum of Understanding Between the Secretary of Transportation, the Secretary of Commerce and the Secretary of Defense Relating to the Enforcement of Domestic Laws and International Agreements that Conserve and Manage the Living Marine Resources of the United States*. The MOU, required under Section 202 of Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act, established a mechanism for the use of the surveillance capabilities of the Department of Defense for locating and identifying vessels violating U.S. marine conservation laws and international agreements, including UNGA Resolution 46/215. The MOU also set formal procedures for communicating vessel locations to the Secretary of Commerce and the USCG. A copy of the MOU was attached to the 1993 Driftnet Report to the Congress. There are no other interagency agreements regarding high seas driftnets.

Bilateral Driftnet Agreements

U.S.-China MOU

For over two decades, the USCG, in conjunction with NMFS, has embarked members of China's Fisheries Law Enforcement Command (FLEC) on Coast Guard assets patrolling the highest threat areas in the North Pacific Ocean for high seas driftnet fishing pursuant to the terms of the *Memorandum of Understanding [MOU] Between the Government of the United States of America and the Government of the People's Republic of China on Effective Cooperation and Implementation of United Nations General Assembly Resolution 46/215 of December 20, 1991*, signed in Washington, DC, on December 3, 1993. These patrols support the global large-scale high seas driftnet moratorium called for by UNGA Resolution 46/215 and provisions of the *Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean*. They also enable China to more effectively enforce domestic laws that prohibit high seas driftnet fishing by Chinese-flagged vessels in the North Pacific. The current MOU expires on December 31, 2014.

The United States and China continued joint operations in the North Pacific Ocean in 2013 pursuant to the terms of the MOU. The MOU established boarding procedures for law enforcement officials of either country to board and inspect U.S. or Chinese-flagged vessels suspected of high seas driftnet fishing. The MOU also established a "shiprider" program, which allows Chinese enforcement officials to embark on USCG vessels or aircraft. The USCG has had a strong working relationship with China's FLEC for 20 years. This working relationship increases opportunities for cooperation on both high seas fisheries enforcement efforts and training. China has provided a total of 87 enforcement officials to the USCG since the MOU

first entered into force in 1993. This cooperation has led to 18 interdictions and enforcement actions against vessels engaged in large-scale high seas driftnet fishing activity.

The USCG Cutter *Munro* hosted six Chinese FLEC officials during its patrol in 2013. These officials are generally instrumental in facilitating communications between the USCG and China's FLEC, as well as with Chinese fishing vessels encountered on the high seas of the North Pacific Ocean. The services of the FLEC officials were not used in 2013 as in previous years. Nevertheless, having Chinese FLEC shipriders onboard USCG patrol vessels effectively expands the jurisdictional reach of both enforcement agencies

Resolutions and Letters in Support of UNGA Resolution 44/225

UNGA Driftnet Resolutions and Decisions

Since December 1992, the United States has ensured that implementation of the high seas driftnet moratorium remains a priority of the UNGA. Details on UNGA Resolutions 44/225 (1989), 45/197 (1990), 46/215 (1991), 50/25 (1995), 51/36 (1996), 52/29 (1997), 53/33 (1998), 54/32 (1999), 55/8 (2000), 57/142 (2002), 58/14 (2003), 59/25 (2004), 60/31 (2005), 61/105 (2006), 62/177 (2007), 63/112 (2008), 64/72 (2009), 65/38 (2010), 66/68 (2011), 67/79 (2012), UNGA Driftnet Decisions 47/443 (1992), 48/445 (1993), and 49/436 (1994), and supporting resolutions and actions taken by the United States in other fora prior to 2013 were provided in previous driftnet reports to the Congress available from NMFS.

The UN General Assembly adopted Resolution A/68/L.19 on *Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments* without a vote on December 9, 2013. The Resolution recognized the efforts of States, individually and through regional fisheries management organizations (RFMO) and arrangements, to implement UNGA Resolution 46/215 of December 20, 1991, which called for a global moratorium on all large-scale pelagic driftnet fishing. It specifically acknowledged the 20-year effort by member Parties of the NPAFC that has successfully contributed to the decrease in the use of large-scale pelagic driftnets on the high seas of the North Pacific Ocean.

Resolution A/68/L.19 expresses concern that, despite the adoption of UNGA Resolution 46/215, the practice of large-scale pelagic driftnet fishing still exists and remains a threat to living marine resources. It urges States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the provisions of Resolution 46/215 and subsequent resolutions on large-scale pelagic driftnet fishing in order to eliminate the use of large-scale pelagic driftnets in all seas and oceans. Specifically, efforts to implement Resolution 46/215 should not result in the transfer of illegal driftnets to other parts of the world. Finally, the Resolution calls upon States to ensure that vessels flying their flags that are duly authorized to use large-scale drift nets in waters under their national jurisdiction do not use such gear for fishing while on the high seas. Resolution A/68/L.19 requests the Secretary-General to bring the present resolution to the attention of

relevant intergovernmental organizations, the organizations and bodies of the United Nations system, subregional and regional fisheries management organizations, and relevant non-governmental organizations.

The provisional agenda of the 69th session will include under the item entitled “Oceans and the law of the sea” the sub-item entitled “*Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.*” The 69th session will consider the possibility of including this sub-item in future provisional agendas on a biennial basis.

Support for the Wellington Convention

The United States took no specific actions in support of the Wellington Convention in 2013. The Wellington Convention, formally known as the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, prohibits driftnet fishing within the Convention Area, which includes both EEZs of South Pacific countries and territories, and adjacent high seas areas. Details on U.S. actions taken prior to 2013 are provided in previous driftnet reports to Congress.

EVALUATION OF THE IMPACTS ON LIVING MARINE RESOURCES

A detailed evaluation of the impacts of large-scale high seas driftnet fishing on salmonids, marine mammals and birds, tuna and non-salmonid fishes, and marine turtles was provided in the 1992 report to Congress. The evaluation was based on catch data from the 1989–1992 scientific driftnet monitoring programs with Japan, Taiwan, and Korea. However, an enormous amount of North Pacific ecosystem data resulted from the driftnet scientific monitoring programs. Analyses and interpretation of these data continued through 1994 and descriptions of such research were included in the 1993 and 1994 driftnet reports. With the advent of the UN moratorium on large-scale high seas driftnet fishing, legal sources for scientific data on this type of fishing gear disappeared. Only Japan continues to conduct research on the distribution and abundance and status of stocks of salmonids and non-salmonid pelagic fishes in the North Pacific Ocean using small-scale driftnets (driftnets less than 2.5 km).

LIST AND DESCRIPTION OF ANY NEW FISHERIES DEVELOPED BY NATIONS THAT CONDUCT, OR AUTHORIZE THEIR NATIONALS TO CONDUCT, LARGE-SCALE DRIFTNET FISHING BEYOND THE EEZ OF ANY NATION

We are not aware of any new fisheries that have been developed by nations that conduct, or authorize their nationals to conduct, large-scale pelagic driftnet fishing on the high seas beyond the EEZ of any nation.

LIST OF NATIONS THAT CONDUCT, OR AUTHORIZE THEIR NATIONALS TO CONDUCT, LARGE-SCALE DRIFTNET FISHING BEYOND THE EEZ OF ANY NATION IN A MANNER THAT DIMINISHES THE EFFECTIVENESS OF OR IS INCONSISTENT WITH ANY INTERNATIONAL AGREEMENT GOVERNING LARGE-SCALE DRIFTNET FISHING TO WHICH THE UNITED STATES IS A PARTY OR OTHERWISE SUBSCRIBES

The Secretary has not identified, pursuant to the High Seas Driftnet Fisheries Enforcement Act, any nation that conducts, or authorizes its nationals to conduct, large-scale driftnet fishing beyond the EEZ of any nation in a manner that diminishes the effectiveness of, or is inconsistent with, any international agreement governing large-scale driftnet fishing to which the United States is a party or otherwise subscribes.

U.S. Actions

Italy: Thanks to European Court of Justice rulings in 2009 and actions taken by the EU in 2012, there has been a significant decline in documented sightings of Italian fishing vessels employing large-scale driftnets on the high seas of the Mediterranean in recent years and none from 2009 to 2013.

The Secretary of Commerce identified Italy on March 19, 1999, pursuant to the High Seas Driftnet Fisheries Enforcement Act as a nation that conducts, or authorizes its nationals to conduct, large-scale pelagic driftnet fishing on the high seas beyond the EEZ of any nation. On July 15, 1999, the United States and Italy formally agreed on measures to effect the immediate termination of Italian large-scale high seas driftnet fishing. For this reason, the United States did not impose trade sanctions on Italian fish, fish products, and sport fishing equipment pursuant to the Act. Although the 1999 agreement expired, as a deterrent, the United States has continued to apply the provision of the High Seas Driftnet Fisheries Enforcement Act that denies entry of Italian large-scale driftnet vessels to U.S. ports and navigable waters. Since May 29, 1996, the United States requires Italy to provide documentary evidence pursuant to the Dolphin Protection Consumer Information Act (16 U.S.C. 1371(a)(2)(E)) that certain fish and fish products it wishes to export to the United States are not harvested with large-scale driftnets on the high seas. The United States intends to keep these measures in force as long as Italian vessels continue to fish with large-scale driftnets in Italy's territorial waters in violation of regional fisheries management organizations' conservation measures.