

**NOAA  
FISHERIES**

Office of International  
Affairs and Seafood  
Inspection Program

# U.S. Marine Mammal Protection Act Import Provisions:

The Regulation, the List of Foreign Fisheries, and a  
Regional Analysis of Marine Mammal Bycatch

Lauren Fields  
National Marine Fisheries Service

September 25, 2018

# Implementing import provisions under the MMPA



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

## 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.

# Objectives



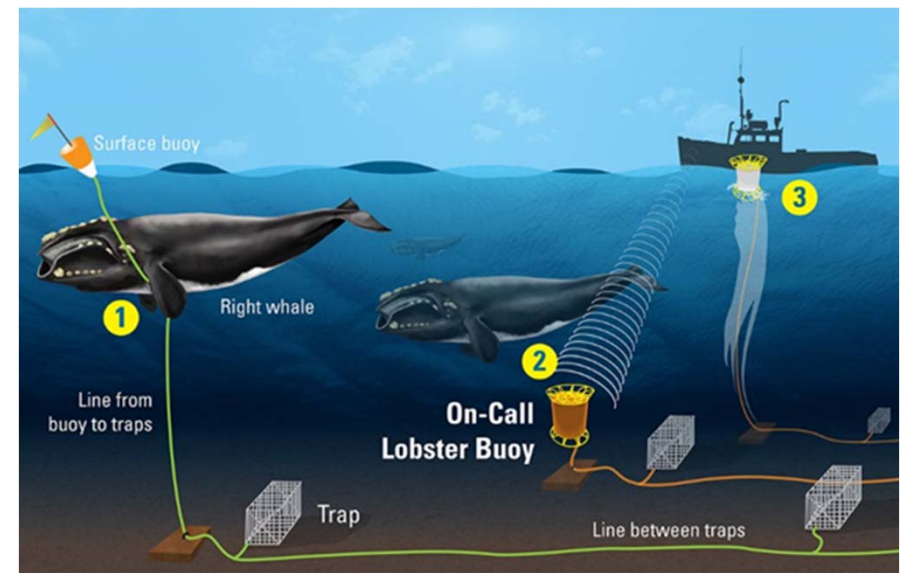
*Photo: Tony Orr, NOAA, Alaska Fisheries Science Center*

- 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 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
- Hand lines, 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>

## So we have a list – Now what?



*Photo: NOAA Fisheries, Office of Protected Resources*

- Top products imported are shrimp, salmon, and tuna
- What are the fishing practices and the gear types with the highest marine mammal incidental mortality?

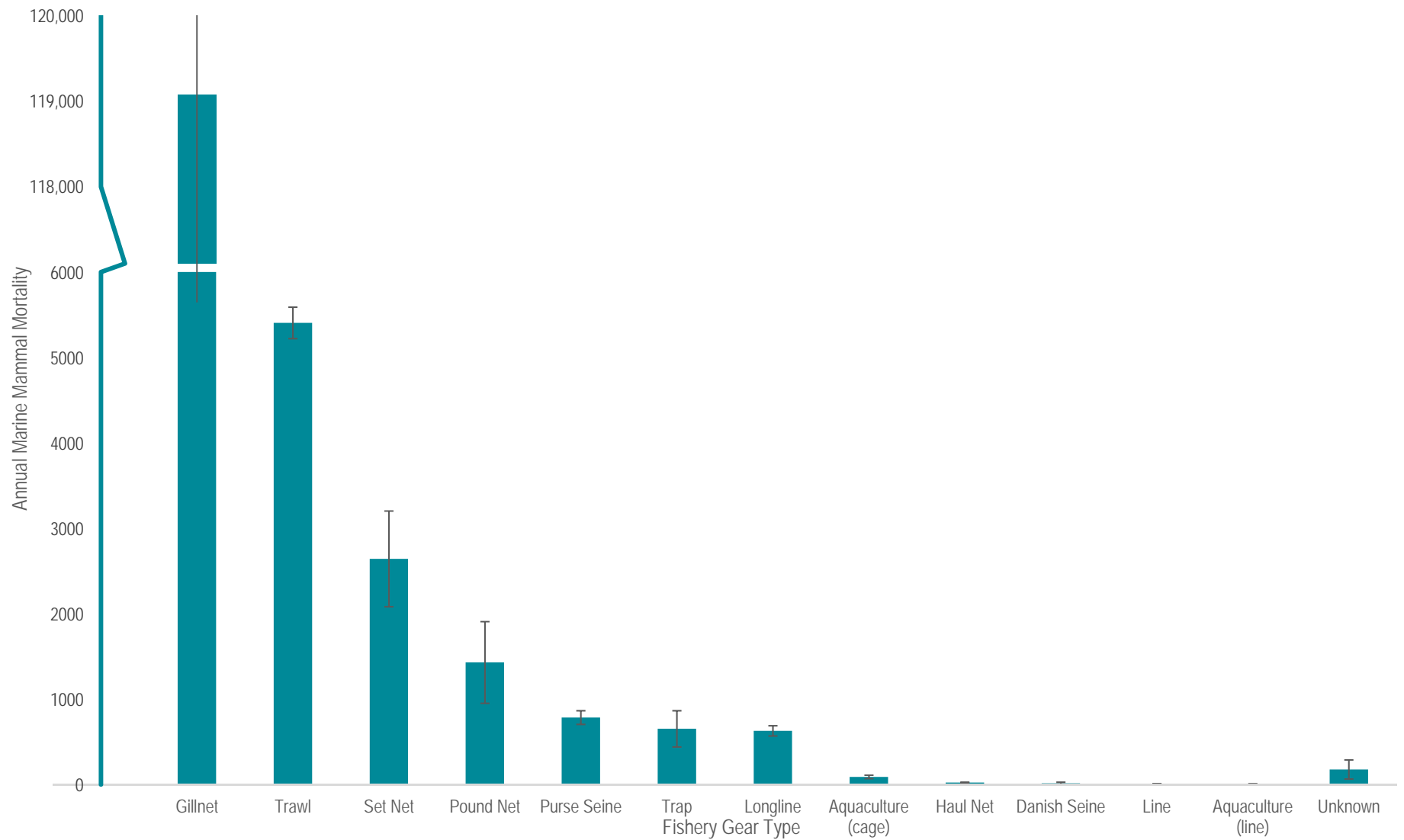
# Data Limitations

- Analysis on fisheries for which information was provided/available
- Many areas unknown (unknown bycatch levels in fisheries, lack of fine-scale fishing area resolution)
- Possibility of artificial inflation of bycatch numbers as bycatch information was provided for gear type but not necessarily individual fisheries
  - (ie: information provided that a gear type entangled some number of species but no information about which target species or fishing area. Bycatch was recorded as the given number across all instances of that gear type.\*)

## Data Limitations Cont.

- Bycatch information was not consistently reported
  - Examples:
    - Estimates of total bycatch but not per-fishery
    - Qualitative estimates (rare, occasional, moderate...)
    - Bycatch associated with a gear type but interpretation whether the number is associated to each individual fishery or that gear type as a whole
    - Bycatch numbers are currently aggregated for all species impacted, rather than on a per-species basis
- **\*\*This data does not indicate fishing effort\*\***

# Bycatch by Gear Type – Globally



# Reported Marine Mammal Species Bycatch

Approximately 350 total export fisheries

68 fisheries with documented marine mammal bycatch

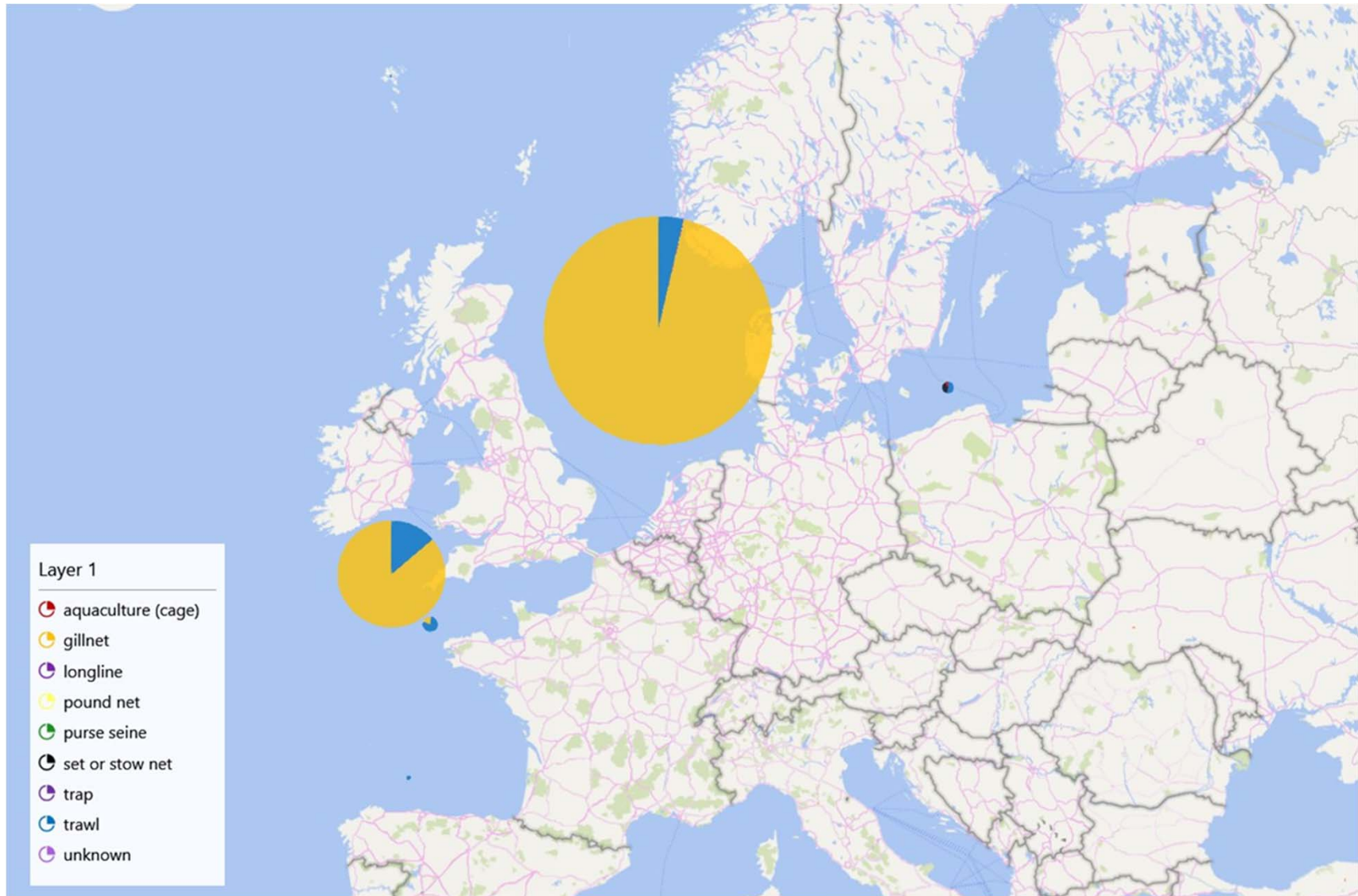


*Photo: Mark Malleson*

## Species List:

- Harbor porpoise (41 fisheries)
- Common dolphin (20 fisheries)
- Gray seal (31 fisheries)
- Harbor seal (24 fisheries)
- Ringed seal (3 fisheries)
- Striped dolphin (7 fisheries)
- Pilot whale (5 fisheries)
- White-beaked dolphin (1 fishery)
- White-sided dolphin (1 fishery)
- (2) Humpback whales (2 fisheries)  
(pound net and trap line)
- (1) Minke whale (1 fishery) (trap line)

# Northeast Atlantic Ocean



# Path Forward: Priorities and Needs

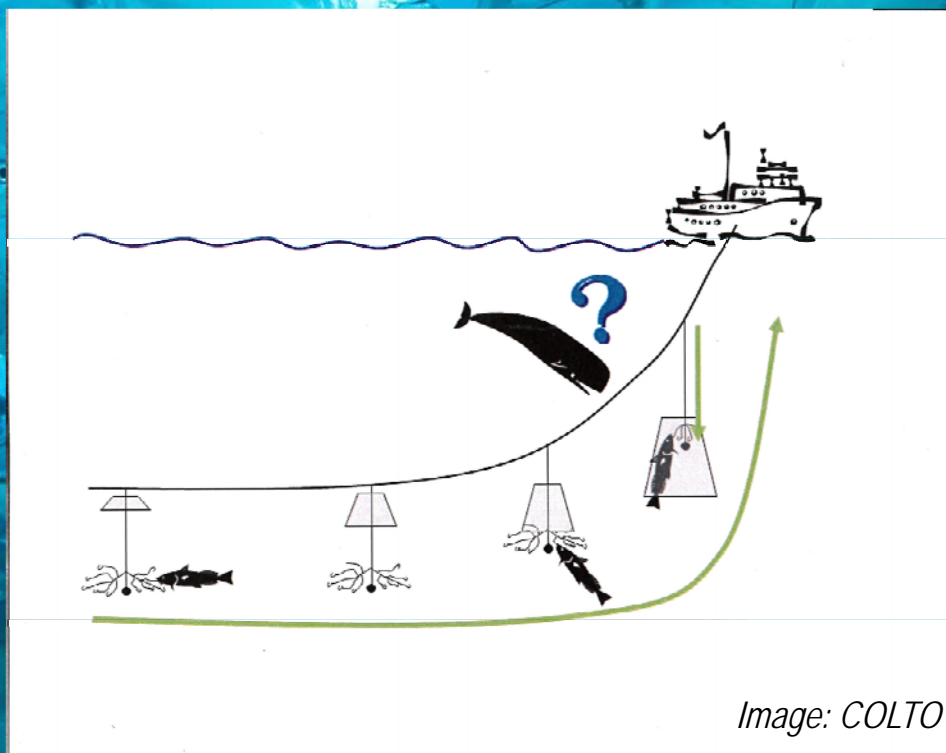
- Continued coordination with nations and regional bodies,
- Gear Development: stationary gear mitigation measures, exploration of alternate, active, gears,
- Further research: increases in monitoring and data collection for actively fished gear for better understanding of impact levels/bycatch risk.

# Questions?

Lauren Fields

Lauren.Fields@noaa.gov

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



**NOAA FISHERIES**