



REPORT TO CONGRESS

U.S. ACTIONS TAKEN IN 2018 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 1999*

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THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT,
AS AMENDED BY PUBLIC LAW 104-297, THE SUSTAINABLE FISHERIES ACT OF 1999
INCLUDED THE FOLLOWING LANGUAGE

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.

THIS REPORT RESPONDS TO THE ACT'S DIRECTION.

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I. EXECUTIVE SUMMARY

As of December 31, 2018, the UNGA global moratorium on large-scale high seas driftnet fishing has been in effect for 26 years. International implementation of the moratorium in the world's oceans and enclosed and semi-enclosed seas continues to be generally successful.

In 2018, there was one interception of a vessel conducting large-scale driftnet fishing operations on the high seas in the North Pacific Ocean. The Chinese-flagged fishing vessel *Run Da* was intercepted, detained and escorted in accordance with the China-U.S. bilateral agreement. The F/V *Run Da* was found to have 80 tons of illegally caught salmon and admitted to using 8-9 kilometers of drift net. The Coast Guard Cutter *Alex Haley* escorted and transferred the vessel to the Chinese Coast Guard Vessel *CCGV2301* in the Japan Sea for further prosecutorial actions by China.

II. 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 2018 in fulfillment of the Section 206(e) reporting requirement. Information pertaining to U.S. actions in support of the Act prior to 2018 and after 1988 can be found in the 1990–2017 annual driftnet reports to Congress available from NMFS (e-mail christopher.rogers@noaa.gov or call 301-427-8350).

III. DESCRIPTION AND PROGRESS OF EFFORTS MADE TO CARRY OUT PROVISIONS OF SECTION 206(e) POLICY

A. 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, 2018, the UNGA global moratorium on large-scale high seas driftnet fishing has been in effect for 26 years. International implementation of the moratorium in the world's oceans and enclosed and semi-enclosed seas continues to be generally successful.

North Pacific Ocean

In 2018, the Chinese-flagged fishing vessel *Run Da* was intercepted, detained, and escorted in accordance with the China-U.S. bilateral agreement. The F/V *Run Da* was found to have 80 tons of illegally caught salmon and admitted to using 8-9 kilometers of drift net, which is in direct violation of the UNGA 46/215 resolution outlawing high seas drift nets over 2.5 kilometers. Genetic samples of the salmon were collected and scans for hatchery Coded Wire Tags were conducted by U.S. Coast Guard boarding teams on behalf of NMFS and the Alaska Department of Fish and Game to support scientific stock assessments and impacts of illegal, unreported, and unregulated (IUU) fishing. The Coast Guard Cutter *Alex Haley* escorted and transferred the vessel to the Chinese Coast Guard Vessel *CCGV2301* in the Japan Sea for further prosecutorial

actions by China.

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.

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.

Although the NPAFC has served as a forum for joint enforcement planning and coordination in the NPAFC Convention Area, it has no enforcement authority against non-salmon non-Party high seas driftnet fishing threats. Because of the different target species and vessel flags involved, the NPAFC continues to work multilaterally through enforcement and diplomatic channels to bring pressure on these driftnet fishing vessels and the flag states these vessels are operating under to end operations in the North Pacific.

Table 1 shows the number of high seas driftnet vessel sightings and apprehensions by the NPAFC Parties, China, and Taiwan, in the North Pacific Ocean from 2000-2018. 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 ongoing autumn 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 how to modify its fishing operations to avoid detection. Since Parties have focused enforcement efforts on the Northwest Pacific, the number of sightings has dropped significantly – to low single digits from 2009 on and none in 2013 and 2015. Large-scale high seas IUU driftnet operations may adapt by shifting effort geographically or temporally, but those operations utilizing IUU fishing gear will

likely continue to try to mask their operations on the edges of legitimate fishing fleets targeting the same species.

Sightings, boardings, and fishing vessel seizures indicate that the high seas driftnet threat in the North Pacific Ocean has shifted fishing effort from a primary focus on salmon to squid, sharks, and/or albacore tuna. Of the 22 driftnet vessels intercepted since 2003, only four had salmon on board; the rest had squid, tuna, sharks, and other fish species. This shift is attributed to a combination of factors including favorable squid markets, effective surveillance of traditional high seas salmon fishing grounds, and more effective control of fishing fleets by North Pacific countries.

Table 1. Total North Pacific high seas driftnet vessel sightings and apprehensions from 2000–2018.

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Canada	1	0	0	1	2	1	26	9	7	0	0	0	0	0	0	0	1	0	0
Japan	0	0	3	0	1	11	67	21	5	0	1	2	0	0	0	0	1	0	0
Russia	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
China	0	0	0	0	11	0	0	0	0	1	1	0	0	0	0	0	0	0	0
Taiwan	0	0	0	0	0	1	0	7	2	1	0	0	0	0	0	0	0	0	0
United States	1	0	2	24	8	5	5	8	10	0	1	0	1	0	1	0	0	0	1
Total Sightings*	2	0	5	25	22	18	98	47	24	2	3	2	1	0	1	0	2	0	1
Apprehended**	1	0	0	6	1	0	0	7	2	1	1	1	1	0	1	0	0	0	1

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

** Out of the total number of vessels sighted.

NPAFC Joint Patrol Schedule Meeting (JPSM): Enforcement representatives of the NPAFC Parties met virtually, via e-mail communications, from March 12-20, 2018, for the annual NPAFC JPSM. The primary purpose of the JPSM was to review and agree on the 2018 joint patrol plan for the North Pacific Ocean. The plan was adopted by the Committee on Enforcement at the 26th NPAFC Annual Meeting in May 2018.

NPAFC Annual Meeting: Russia hosted the 26th Annual Meeting of the NPAFC in Khabarovsk, Russia on May 21-27, 2018. The 2018 meeting also included the first enforcement workshop in over 10 years, reviewing the process to exchange trends and best practices as well as improving real-time coordination, information sharing, collaboration on enforcement strategies and collaboration on scientific data to plan effective enforcement patrols. The NPAFC parties reported no sightings of large-scale high seas driftnet fishing vessel activity in the North Pacific from late 2017 to spring 2018. However, the NPAFC highlighted the following case of cooperation and joint actions that occurred on January 18, 2017: the F/V *Oyster* was sighted by onshore inspection units of the Federal Security Service (FSB) in territorial waters of the Russian Federation and suspected of IUU fishing. A surface patrolling vessel, *Hokou Maru*, from the Hokkaido Department of Fisheries and Forestry was the first to take F/V *Oyster* under surveillance. F/V *Oyster* was blocked by *Hokou Maru* in the Japanese EEZ until the FSB and the 1st District of Japan Coast Guard arrived to record evidence in the Russian EEZ.

U.S. Driftnet Enforcement Efforts in 2018

The U.S. Coast Guard's annual fisheries enforcement operation, known as Operation North Pacific Guard, was conducted from May 4 to August 3, 2018. The focus of this Operation is to detect, deter, and eliminate IUU fishing activity on the high seas of the North Pacific Ocean and includes identifying large-scale high seas driftnet fishing activity and any prohibited high seas capture of anadromous species. Operation North Pacific Guard 2018 was planned and executed by the Commander of USCG District 17 in coordination with the multilateral enforcement focus of the NPAFC Enforcement Coordination Committee and the North Pacific Coast Guard Forum (NPCGF). In addition, Operation North Pacific Guard implemented the *Memorandum of Understanding 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*.

Three deployments by a USCG HC-130 maritime surveillance aircraft from USCG Air Station Kodiak were staged out of Misawa Air Base, Japan, and two deployments from the remote island of Shemya, Alaska. A total of 29 maritime air sorties in the North Pacific Ocean amounting to a total of 250 patrol hours supported the Coast Guard Cutter (CGC) *Alex Haley* which patrolled the NPAFC Convention Area from May through August 2018, for a total of 91 days. Most significantly, the F/V *Run Da* (China) was intercepted, detained, and escorted in accordance with the China-U.S. bilateral agreement (photo below left) on suspicion of conducting IUU fishing in violation of the Moratorium. The F/V *Run Da* was found to have 80 tons of illegally caught salmon and admitted to using 8–9 kilometers of drift net (photo below right), which is in direct violation of the UNGA 46/215 resolution outlawing high seas drift nets over 2.5 kilometers.

Genetic samples of the salmon were collected and scans for hatchery Coded Wire Tags were conducted by USCG boarding teams on behalf of NOAA and Alaska Department of Fish and Game to support scientific stock assessments and impacts of IUU fishing. The CGC *Alex Haley* escorted and transferred the vessel to the Chinese Coast Guard Vessel *CCGV 2301* in the Japan Sea for further prosecutorial actions by China. To date, China has placed one person in criminal detention, 25 on bail, one person in house detention, and four people have been arrested (29 crew + liaison + owner).



15 June 2018: The fishing vessel *Run Da* (China) escorted by the USCGC *Alex Haley*.



15 June 2018: The fishing vessel *Run Da* (China) with 8-9 kilometers of high seas drift net.

In addition to the F/V *Run Da*, CGC *Alex Haley* conducted nine boardings pursuant to the Western and Central Pacific Fisheries Commission's (WCPFC) Conservation and Management Measure (CMM) 2006-08 - High Seas Boarding and Inspection (HSB&I) Procedures. The fishing vessels boarded were:

<i>Lian Her Fa</i>	Chinese Taipei	no violations
<i>Chin Yu Chun</i>	Chinese Taipei	1 violation: CMM 2014-02 (VMS not broadcasting)
<i>Shing Man Tsai</i>	Chinese Taipei	no violations
<i>Dong Cheng No. 188</i>	Chinese Taipei	1 violation: CMM 2004-03 (WIN number on pilot house not properly marked)
<i>Shoki Maru No. 35</i>	Japan	no violations
<i>Genkichi Maru No. 27</i>	Japan	no violations
<i>Eikichi Maru</i>	Japan	1 violation: CMM 2014-02 (VMS not broadcasting)
<i>Sanko Maru</i>	Japan	1 violation: CMM 2014-02 (VMS not broadcasting)
<i>Ichi Maru No. 28</i>	Japan	1 violation: CMM 2014-02 (VMS not broadcasting)

In total, the CGC *Alex Haley* identified 22 vessels not broadcasting VMS while fishing in the WCPFC Convention Area. These were all Japanese flagged vessels. The Coast Guard boarding team documented these WCPFC CMM violations and educated the master on the proper protocol. U.S. Coast Guard District 17 reported the boarding and results to both the WCPFC

Secretariat and flag of registry in accordance with standard WCPFC reporting procedures. The enforcement results of this inquiry are expected to be reported to WCPFC.

CGC *Alex Haley* also identified two Chinese transshipment vessels not authorized to be conducting offloads from NPFC vessels. This identification and notification resulted in an investigation by China concluding with the licenses being revoked from these two vessels and an additional third vessel owned by the same company.

The WCPFC HSB&I regime, developed with significant engagement by NOAA and the USCG, has proven to be a critical tool for patrolling USCG cutters to employ in the pursuit of addressing IUU fishing activity on the high seas; including enforcement against the practice of large-scale high seas driftnet fishing. In cases where a species regulated by WCPFC could be found on a vessel in the North Pacific, the WCPFC HSB&I regime provides USCG patrol assets with a mechanism to board foreign fishing vessels on the high seas of the North Pacific Ocean. Boardings conducted pursuant to these procedures ensure compliance with the provisions of the Convention and the CMMs adopted by the Commission (including a prohibition against large-scale high seas driftnet fishing). The WCPFC HSB&I regime facilitates reporting to flag State authorities and requires transparency on flag State actions taken pursuant to reports of suspected violations of WCPFC regulations.

Canada's Driftnet Enforcement Efforts in 2018

Operation North Pacific Guard 2018 was also supported by two Department of Fisheries and Oceans officers assigned to District 17 in Juneau, Alaska, to facilitate joint coordination of radar satellite imagery support.

Japan's Driftnet Enforcement Efforts in 2018

Fisheries Agency of Japan and Japan Coast Guard provided 77 aircraft hours and 11 cutter days patrolling the NPAFC Convention Area from July through October 2018. Japan Coast Guard also coordinated a Search and Rescue Exercise with the United States on July 5th to engage international cooperation from countries concurrently participating in IUU fishing enforcement efforts on the high seas of the North Pacific.

Korea's Driftnet Enforcement Efforts in 2018

Korea provided two observers onboard the CGC *Alex Haley* during the first leg of Operation North Pacific Guard 2018. This was the first ever exchange of Korean Coast Guard crew to USCG assets in support of the North Pacific Guard mission and provided valuable training to Korean Coast Guard enforcement officers.

Russia's Driftnet Enforcement Efforts in 2018

The Russian Federation conducted 6 flight hours of Law Enforcement Patrols and dedicated 2 surface patrol days to detect and deter IUU fishing activity within northern portions of the NPAFC Convention Area.

Russia reported to the USCG that none of its patrol assets detected any vessels engaged or suspected to be engaged in illegal driftnet fishing in 2018. However, in January 2018, a fishing vessel claiming the name *Sea Breeze* and Sierra Leone registration was seized by Russian Border Guard Directorate (RBG) on the high seas of the North Pacific Ocean after support from U.S. Coast Guard C-130 aircraft to locate the vessel. The boarding resulted in the captain of the vessel being fined \$9,600 and the vessel being escorted back to Russia and confiscated pursuant to a court decision. The U.S. Coast Guard District 17 and the RBG continue to work closely to combat IUU fishing activity along the Maritime Boundary Line.

Potential Driftnet Threat in the North Pacific Ocean in 2018

The current level of large-scale high seas driftnet utilization in the North Pacific is difficult to quantify. Historical sightings indicate that the high seas threat continues to exist in the North Pacific. However, the decrease in sightings of potential high seas driftnet vessels after 2008 indicates that this particular method of fishing is most likely on the decline. The results of the multilateral patrol efforts to address and combat the threat of large-scale high seas drift-netting in the North Pacific continues to indicate a persistent, if diminished threat. Past years' observations support a shift of fishing effort, both toward the beginning and again in later parts of the fishing season, and to a primary target species of squid. In addition, evidence indicates that anadromous and other highly migratory species (e.g., albacore tuna) may continue to be captured by high seas driftnet vessels as target species and/or 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) between 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

The North Pacific illegal driftnet fleet has historically operated in the part of the NPAFC Convention Area that is partially overlapped by the WCPFC Convention Area, and is expected to target species of interest to that Commission. Consequently, NPAFC coordinates with WCPFC with the goal of decreasing or eliminating IUU fishing in the region. Under the leadership of the United States, in 2008, WCPFC adopted a conservation and management measure (CMM 2008-04) prohibiting the use of large-scale driftnets on the high seas of the WCPFC Convention Area. CMM 2008-04 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 Ocean, and the WCPFC High Seas Boarding and Inspection Scheme is available to help investigate potential violations and ensure compliance. NPAFC established closer relations with WCPFC in November 2010 by concluding a Memorandum of Understanding between the two organizations, *inter alia* for the exchange of information on North Pacific large-scale driftnet fishing activities.

Mediterranean Sea

The United States is not aware of any documented sightings of large-scale driftnet fishing activity on the high seas of the Mediterranean in 2018. 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, can be found in previous driftnet reports to the Congress available online at: <https://www.fisheries.noaa.gov/national/annual-driftnet-reports-congress>

Indian Ocean

Background:

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 response, 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 IOTC 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. At the 16th Session of the IOTC held in Fremantle, Australia, on April 22–26, 2012, 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 with the exception that it states that the first large scale driftnet assessment will take place in 2013.

At the 16th Session of the IOTC Scientific Committee held in Busan, Korea, on December 2–6, 2013, the Scientific Committee reiterated its previous recommendation that the Commission considers allocating funds to support a regional review of the current and historical data available for gillnet fleets operating in the Indian Ocean. As an essential contribution to this review, scientists from all contracting and cooperating non-contracting parties having gillnet fleets in the Indian Ocean, in particular those from Iran, Oman, Pakistan and Sri Lanka, should collate the known information on bycatch in their gillnet fisheries, including sharks, marine turtles and marine mammals, with estimates of the likely order of magnitude where more detailed data are not available. The Committee also recommended that a consultant be hired for 30 days to assist with this task.

2014: The United States did not receive any reports of illegal large-scale high seas driftnet fishing in the Indian Ocean in 2014. The IOTC Working Party on Ecosystems and Bycatch requested that each individual contracting and cooperating non-contracting party begin work on collecting driftnet fisheries information at a national level through data mining and research activities.

2015: The United States did not receive any reports of illegal large-scale high seas driftnet fishing in the Indian Ocean in 2015. At the 19th Session of IOTC held in Busan, Republic of Korea, from April 27–May 1, 2015, the Commission noted the requirement in Resolution 12/12 for it to undertake a periodic evaluation of the effectiveness of Resolution 12/12 and agree if other steps are required to strengthen it. The Commission concluded that no revisions were required and an evaluation should take place once sufficient information is received by IOTC Secretariat from Parties on the implementation of the Resolution.

2016: The United States received a report from Sea Shepherd of illegal large-scale high seas driftnet fishing in the Indian Ocean in 2016 by vessels flagged to China. Sea Shepherd communicated its evidence and findings to the Chinese government, which took responsive actions against certain vessels involved in the illegal activity.

2017: The United States did not receive any reports of illegal large-scale high seas driftnet fishing in the Indian Ocean in 2017. At the 21st Session of IOTC held in Yogyakarta, Indonesia, from May 22–26, 2017, the Commission adopted Resolution 17/07 *On the prohibition to use large-scale driftnets in the IOTC area*, which phases out the use of large-scale driftnets within EEZs. The Commission noted that this resolution supersedes Resolution 12/12, and the periodic assessment called for by Resolution 12/12 is now not required to take place until 2023. Of note, Pakistan objected to Resolution 17/07 so that Resolution does not apply to Pakistan; instead, Resolution 12/12 remains binding on Pakistan. Some environmental non-governmental organizations expressed concern that Resolution 17/07 weakened the existing prohibition. As adopted, they note Resolution 17/07 now only applies to vessels on the IOTC register that are targeting tuna and tuna-like species, whereas the previous resolution simply prohibited the use of large-scale driftnets on the high seas.

2018: The United States did not receive any reports of illegal large-scale high seas driftnet fishing in the Indian Ocean in 2018. At the 22nd Session of IOTC held in Bangkok, Thailand, from May 21–25, 2018, the Commission again noted Pakistan’s objection on Resolution 17/07. Pakistan informed the Commission that given the size of its gillnet fisheries, Resolution 17/07 was difficult to implement. However, the Government of Pakistan recently approved a deep sea fishery policy that has a mandatory requirement restricting the length of gillnets to 2.5 km, and for the vessels to have VMS.

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 25 years, the USCG, with financial support from NOAA, has embarked fisheries enforcement officers from China on Coast Guard assets patrolling in the North Pacific Ocean for illegal high seas driftnet fishing pursuant to the terms of the *Memorandum of Understanding 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, provisions of the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, and conservation and management measures of the Western and Central Pacific Fishery Convention. 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, 2019.

The United States and China continued joint operations in the North Pacific Ocean in 2018 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 permits Chinese enforcement officials to embark on USCG vessels or aircraft. Four China Coast Guard (CCG) shipriders from the CCG Fisheries Law Enforcement Division were hosted onboard the USCG Cutter *Alex Haley* during Operation North Pacific Guard in 2018. These officials expedited the hand off the F/V *Run Da*.

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), 68/71 (2013), 69/109 (2014), 70/75 (2015), 71/123 (2016), 73/125 (2017), 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 2018 were provided in previous driftnet reports to the Congress available from NMFS.

The UN General Assembly adopted Resolution A/RES/73/125 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* on December 11, 2018. The Resolution recognizes the efforts of States, individually and through regional fisheries management organizations and arrangements, to implement UNGA Resolution 46/215 of December 20, 1991, which called for a global moratorium on all large-scale pelagic drift-net fishing.

Resolution A/RES/73/125 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 draft 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/RES/73/125 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.

Support for the Wellington Convention

The United States took no specific actions in support of the Wellington Convention in 2018. 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 2018 are provided in previous driftnet reports to Congress.

IV. 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 the 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.

V. 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.

VI. 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.

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