2006 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

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

I. INTRODUCTION

Public Law 101-627: The President signed Public Law 101-627, the Fishery Conservation Amendments of 1990, on 28 November 1990. Title I, Section 107, of the law amended Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (hereafter referred to as the Magnuson-Stevens 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 30 June 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's 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 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 1 January 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 2 November 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 31 December 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 effect the immediate termination of high seas large-scale driftnetting 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 six 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 3 November 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 2006 in fulfillment of the Section 206(e) reporting requirement. Information pertaining to U.S. actions in support of the Act prior to 2006 and after 1988 can be found in the 1990-2005 annual driftnet reports to the Congress available from NMFS.

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

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

1. Current Status of the Driftnet Moratorium

As of 31 December 2006, the UNGA global moratorium on large-scale high seas driftnet fishing has been in effect for 14 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. Of the two major problem areas in recent years, the North Pacific Ocean and the Mediterranean Sea, 98 vessels capable of conducting unauthorized large-scale high seas driftnet fishing operations were sighted[1] in the North Pacific Ocean in 2006. At least 12 vessels were reported operating on the high seas of the Mediterranean Sea in 2006 with large-scale driftnets.

a. North Pacific Ocean

No large-scale driftnet fishing vessels were intercepted on the high seas of the North Pacific Ocean by the international community in 2006. However, 98 vessels capable of driftnet fishing were sighted operating in the Northwestern Pacific.

(1) Regional Driftnet Enforcement Coordination

North Pacific Anadromous Fish Commission (NPAFC): The NPAFC serves as a forum for promoting the conservation of anadromous stocks and ecologically-related species, including marine mammals, sea birds, and non-anadromous fish, 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), Russia, and the United States.

[1] A number of these vessels were unidentified, raising the possibility of multiple sightings of the same vessel or vessels. For purposes of this report, only those vessels that were visually confirmed as driftnet-capable have been considered sightings.

In addition, the NPAFC serves as the venue for coordinating the collection, exchange, and analysis of scientific data regarding the above species 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 it does not specifically ban high seas driftnet fishing, fishing for salmonids on the high seas has historically been carried out in this manner. As a result, the NPAFC and its enforcement activities are primarily targeted against high seas driftnet fishing vessels. The members of the NPAFC jointly plan and coordinate their high seas enforcement operations in order to most efficiently utilize enforcement resources.

NPAFC Enforcement Evaluation and Coordination Meeting (EECM): Representatives of the NPAFC Parties met in Juneau, Alaska, on 28 February-1 March 2006, for the annual NPAFC EECM. The meeting included presentations by each Party on enforcement efforts to date in 2006; coordination of enforcement plans and resources for the remainder of 2006; a demonstration on the use of the Parties' Integrated Information System (IIS), a software tool developed by Russia to improve information sharing and coordination; and a discussion on the applicability of the FAO model scheme on port state measures to combat illegal, unreported and unregulated (IUU) fishing in the NPAFC Convention Area. The Parties also discussed the characterization of vessels to be placed on a "Vessels of Interest" list on the IIS; i.e., those vessels believed to be engaged in fishing activity contrary to the Convention.

On 2 March, following the EECM, an enforcement symposium "Patrol tactics, planning and execution of enforcement in the NPAFC Convention Area" was held in Juneau. The purpose of the symposium was to bring together enforcement professionals from each of the NPAFC Parties to share lessons learned and best practices from their respective agencies. Enforcement officers, ship captains, and air crews from Canada's Department of Fisheries and Oceans (DFO) and Department of National Defense (DND), Japan's Fisheries Agency (FAJ) and Coast Guard, Republic of Korea's Ministry of Maritime Affairs and Fisheries, Russia's Federal Security Service, and the United States' NMFS and USCG participated. Each agency made a presentation which was followed by lengthy and spirited discussion. The NPAFC funded the attendance of two representatives from each of the Parties. The symposium fostered a very productive exchange of ideas and presented a valuable opportunity for the actual vessel, aircraft, and enforcement officers to meet each other prior to the beginning of the 2006 fishing season.

NPAFC Annual Meeting: The 14th Annual Meeting of the NPAFC was held in Vancouver, British Columbia, on 23-27 October 2006. Enforcement officials of the Parties met under the auspices of the NPAFC Committee on Enforcement to review enforcement activities in 2006 and begin planning activities for 2007. Representatives of Taiwan observed the proceedings of the meeting.

As a result of the Parties' cooperative enforcement efforts in 2006, no vessels were detected engaged in illegal large-scale driftnet fishing for salmon in the NPAFC Convention Area. However, sightings, boardings, and fishing vessel seizures from 2003-2006 indicate that the high seas driftnet threat in the North Pacific Ocean may be increasing, and shifting fishing effort from

salmon to squid and albacore tuna. At least 26 vessels suspected of high seas driftnet fishing were sighted in 2003, 22 vessels in 2004, 24 vessels in 2005, and 98 vessels in 2006. Unfortunately, the Parties were unable to investigate and positively identify many of these vessels because of their remote location. The Parties believe that the majority of the vessels were from the People's Republic of China (China) because of the type of vessel, the characteristic style of the Chinese characters used for vessel names, and because many Chinese-flagged squid jigging vessels were often sighted fishing in close proximity.

Approximately two thirds of the 2006 sightings occurred in the September-November time frame. In past years, the Parties concentrated most of their enforcement efforts in the summer months. In 2005, Japan patrolled the northwestern part of the Convention Area in September-October and made 17 of the 24 total driftnet vessel sightings for the year. There is some uncertainty as to whether the increased number of sightings represents a real increase in the occurrence of large-scale high seas driftnet fishing in the North Pacific Ocean or whether enforcement efforts have uncovered an existing IUU fishery.

Although the NPAFC has successfully deterred high seas salmon fishing and 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 work multilaterally through enforcement and diplomatic channels to bring pressure on these driftnet fishing vessels and their flag states to end operations in the NPAFC Convention Area. The NPAFC Parties agreed to send a letter from the Commission to the Chinese Government to request it to take preventative measures to ensure that Chinese vessels and nationals are not involved in high seas driftnet fishing operations on anadromous fish stocks in the NPAFC Convention Area and to express its concern about the increased number of Chinese vessels equipped with driftnet gear. The letter would also invite China to partner with the NPAFC Parties to combat such illegal activity.

In light of the continuing threat of unauthorized high seas salmon fishing in the Convention Area, Parties agreed to maintain 2007 enforcement efforts at levels similar to 2006 as a deterrent to unauthorized fishing activity. To coordinate enforcement efforts, the Parties agreed to hold the annual EECM in Busan, Korea, from 27 February-1 March 2007.

The contributions of each NPAFC Party and Taiwan to the 2006 high seas driftnet fisheries enforcement effort follow. Sightings of high seas driftnet-capable vessels in the North Pacific Ocean in 2006 are shown in Table 1.

Table 1. **Driftnet-capable vessels sighted operating in the North Pacific Ocean in 2006.**

DATE	VESSEL NAME	FLAG	POSITION	SOURCE OF REPORT	ACTION
3 June	*IRIDIA*	Russia	43°44'N, 154°23'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
3 June	*UNIDENTIFIED*	?	43°44'N, 154°23'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
18 July	*UNIDENTIFIED 2388*	China?	40°30.6'N, 151°43.5'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
18 July	*UNIDENTIFIED 2900*	China?	40°08.6'N, 151°49.6'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
19 July	*UNIDENTIFIED 2900*	China?	39°21.8'N, 152°59.2'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
19 July	*UNIDENTIFIED 2899*	China?	39°20.5'N, 153°00.2'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
19 July	*UNIDENTIFIED 818*	China?	39°18.4'N, 152°57.2'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
19 July	*UNIDENTIFIED 820*	China?	39°17.2'N, 152°55.6'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
19 July	*UNIDENTIFIED 66021*	China?	39°15.4'N, 152°54.3'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
19 July	*UNIDENTIFIED 2889*	China?	39°16.3'N, 152°48'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
19 July	*UNIDENTIFIED 2890*	China?	39°16.0'N, 152°46.9'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
3 Aug.	*UNIDENTIFIED*	China?	39°30.9'N, 153°24.7'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
4 Aug.	*UNIDENTIFIED*	China?	39°50.7'N, 154°06.5'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
4 Aug.	*UNIDENTIFIED 111*	China?	39°53'N, 154°07.2'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
4 Aug.	*UNIDENTIFIED 112*	China?	39°52.1'N, 154°13.7'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
4 Aug.	*UNIDENTIFIED 518*	China?	39°51.8'N, 154°13.8'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
6 Aug.	*UNIDENTIFIED 52820*	China?	40°20.9'N, 152°28.9'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
6 Aug.	*UNIDENTIFIED 52819*	China?	39°57.6'N, 151°21.7'E	Japan	Sighting information provided to the Chinese Government and the NPAFC

7 Aug.	*UNIDENTIFIED 801*	China?	39°44.7'N, 149°55.4’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Aug.	*UNIDENTIFIED 6*	China?	40°32.5'N, 151°42.8’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Aug.	*UNIDENTIFIED 77*	China?	40°36'N, 151°44.1’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Aug.	*UNIDENTIFIED 99*	China?	40°37.1'N, 151°43.8'E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Aug.	*UNIDENTIFIED 98*	China?	40°28.1'N, 151°28.3’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Aug.	*UNIDENTIFIED 1321*	China?	40°55'N, 150°58.6’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Aug.	*UNIDENTIFIED*	China?	40°54'N, 151°00.2’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Aug.	*UNIDENTIFIED*	China?	40°59.5'N, 150°51.9’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
23 Aug.	*MERIYANA*	?	42°11’N, 158°27’E	Taiwan Coast Guard	Sighting information passed to the NPAFC
30 Aug.	*UNIDENTIFIED 0006*	China?	42°15.2'N, 152°01.1’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
31 Aug.	*UNIDENTIFIED 0001*	China?	42°20.9'N, 152°52.2’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
8 Sept.	*UNIDENTIFIED 3068*	?	44°13'N, 156°44'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
8 Sept.	*UNIDENTIFIED*	?	44°11’N, 156°44’E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
8 Sept.	*UNIDENTIFIED 91*	?	44°25'N, 156°23'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
8 Sept.	*UNIDENTIFIED 77*	?	44°27'N, 155°55'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
8 Sept.	*UNIDENTIFIED 5*	?	43°36'N, 154°49'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
8 Sept.	*UNIDENTIFIED 132*	?	44°30'N, 156°33'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
8 Sept.	*UNIDENTIFIED 176*	?	44°33'N, 156°14'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
9 Sept.	*UNIDENTIFIED*	?	44°13'N, 155°02'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
9 Sept.	*UNIDENTIFIED 518*	?	44°17'N, 154°59'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
9 Sept.	*UNIDENTIFIED 18*	?	44°20'N, 155°E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
9 Sept.	*UNIDENTIFIED*	?	44°12'N, 155°03'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
9 Sept.	*UNIDENTIFIED*	?	44°38'N, 156°02'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC

9 Sept.	*UNIDENTIFIED 77*	?	44°40'N, 156°02'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
12 Sept.	*UNIDENTIFIED 62602*	China?	42°20.1'N, 152°39.6’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Sept.	*UNIDENTIFIED 62601*	China?	42°23.7'N, 152°38.1’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Sept.	*UNIDENTIFIED 66021*	China?	42°27.7'N, 152°33’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
12 Sept.	*SAMUDERAPACIFIC NO. 8*	?	42°33.8'N, 152°38.9’E	Japan	Sighting information provided to the NPAFC
12 Sept.	*TIMUR JAYA NO. 168*	Indonesia?	42°35.4'N, 153°04.3’E	Japan	Sighting information provided to the NPAFC
12 Sept.	*NICKY*	?	42°44'N, 164.05'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
12 Sept.	*UNIDENTIFIED*	?	42°49'N, 164.10'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
12 Sept.	*UNIDENTIFIED*	?	42°42'N, 163°21'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
13 Sept.	*UNIDENTIFIED 61*	China?	42°31.5'N, 153°19.5’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
13 Sept.	*UNIDENTIFIED 807*	China?	42°35.7'N, 153°35’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
13 Sept.	*UNIDENTIFIED 66021*	China?	42°32.3'N, 152°25.2’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
13 Sept.	*UNIDENTIFIED 62602*	China?	42°33.3'N, 152°22.8’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
13 Sept.	*UNIDENTIFIED 801*	China?	42°32.8'N, 152°26.7’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
13 Sept.	*UNIDENTIFIED 52667*	China?	42°28.8'N, 152°27.7’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
13 Sept.	*SANANDRES 727*	?	42°28.1'N, 152°37.2’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
13 Sept.	*UNIDENTIFIED 415*	China?	42°46.9'N, 153°24.3’E	Japan	Sighting information provided to the Chinese Government and the NPAFC
13 Sept.	*UNIDENTIFIED 6814*	?	44°44'N, 157°41'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
13 Sept.	*UNIDENTIFIED 6815*	?	44°47'N, 157°43'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
13 Sept.	*UNIDENTIFIED*	?	44°48'N, 157°46'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
13 Sept.	*UNIDENTIFIED 5268*	?	43°53'N, 156°02'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
13 Sept.	*UNIDENTIFIED*	?	43°54'N, 155°59'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
13 Sept.	*UNIDENTIFIED*	?	43°53'N, 155°55'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC

13 Sept.	*UNIDENTIFIED 5267*	?	43°53'N, 155°51'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
13 Sept.	*UNIDENTIFIED 17*	?	43°53'N, 155°50'E	Canadian CP-140 Aircraft	Sighting information passed to the NPAFC
16 Oct.	*DON YUAN YU NO. 62602*	China?	41°21.5'N, 150°48.1'E	Taiwan Coast Guard	Sighting information passed to the NPAFC
16 Oct.	*DON YUAN YU NO. 66021*	China?	41°21.5'N, 150°48.1'E	Taiwan Coast Guard	Sighting information passed to the NPAFC
16 Oct.	*UNKNOWN*	China?	41°26'N, 150°55'E	Taiwan Coast Guard	Sighting information passed to the NPAFC
16 Oct.	*UNKNOWN*	China?	41°26'N, 150°55'E	Taiwan Coast Guard	Sighting information passed to the NPAFC
17 Oct.	2 Unidentified Driftnet Vessels	China?	42°04.5' – 42°04.7'N, 146°30.4'-146°31.2'E	Japan (Fisheries Agency of Japan Patrol Aircraft)	Sighting information provided to the Chinese Government and the NPAFC
18 Oct.	8 Unidentified Driftnet Vessels	?	41°02.8' – 41°15.6'N, 150°20.6'-151°12.6'E	Japan (Fisheries Agency of Japan Patrol Vessel)	Sighting information passed to the NPAFC
19 Oct.	2 Unidentified Driftnet Vessels	?	42°06.7' – 42°14.6'N, 151°53.3'-151°56.3'E	Japan (Fisheries Agency of Japan Patrol Vessel)	Sighting information passed to the NPAFC
19 Oct.	1 Unidentified Driftnet Vessel	China?	41°06.1'N, 150°39.8'E	Japan (Fisheries Agency of Japan Patrol Aircraft)	Sighting information provided to the Chinese Government and the NPAFC
24 Oct.	3 Unidentified Driftnet Vessels	China?	41°38.4' – 41°39.1'N, 151°10.7'-151°14.9'E	Japan (Fisheries Agency of Japan Patrol Vessel)	Sighting information provided to the Chinese Government and the NPAFC
1 Nov.	6 Unidentified Driftnet Vessels	China?	41°27.5' – 41°49.3'N, 151°31'-151°47.9'E	Japan (Fisheries Agency of Japan Patrol Aircraft)	Sighting information provided to the Chinese Government and the NPAFC
5 Nov.	6 Unidentified Driftnet Vessels	China?	41°21.8' – 41°50.2'N, 150°45.2'-151°28.2'E	Japan (Fisheries Agency of Japan Patrol Vessel)	Sighting information provided to the Chinese Government and the NPAFC
Total Number of Sightings in the North Pacific in 2006 = 98					

* The "*UNIDENTIFIED*" vessels' names consisted of 2-3 characters followed by the numbers indicated. We are unable to represent the characters here.

Note: Only those vessels visually confirmed to be driftnet-capable were counted in this report. Radar returns alone are not considered adequate confirmation that a vessel is driftnet-capable. In addition, many of the vessels above were unidentified, making multiple sightings of the same vessel or vessels possible.

(2) U.S. Driftnet Enforcement Efforts in the North Pacific

To monitor compliance with the UN driftnet moratorium, the USCG patrolled high threat areas in the North Pacific. Operation North Pacific Watch, the USCG's 2006 high seas driftnet enforcement plan, began in April 2006. From April-October, USCG aircraft from Air Station

Barbers Point Hawaii and Air Station Kodiak Alaska flew five deployments for a total of 218 hours in support of the high seas driftnet mission, a slight increase from 214 hours in 2005.

From 16 June-3 August, the USCG Cutter *RUSH* conducted the high seas driftnet/illegal, unreported and unregulated (IUU) fisheries law enforcement portion of its North Pacific Coast Guard Forum (NPCGF) 2006 combined operations deployment. During this portion of its patrol, the *RUSH* conducted combined at-sea IUU enforcement operations with the Japanese Coast Guard, the Chinese Fishery Law Enforcement Command (FLEC), and Canada's DFO. The Japanese Coast Guard provided overflight coverage for a portion of *RUSH*'s IUU patrol in the North Central Pacific; *RUSH* had a FLEC official onboard for the entire IUU enforcement portion of its deployment; and the FLEC sent two patrol vessels to conduct joint patrol operations with *RUSH* over a 5-day period. The joint effort with the FLEC included daily communications, officer exchanges, and a combined boarding of the PRC-flagged fishing vessel *TAI PING YANG 1* (not a driftnet vessel).

From 3-4 July 2006, the USCG Cutter *MORGENTHAU* rendezvoused with the Russian patrol vessel FSS *VOROVSKY* for a separate IUU law enforcement engagement fostering international cooperation. No high seas driftnet vessels were sighted during this exercise.

In August 2006, the U.S. Department of State issued a proposal to Taiwan on behalf of the USCG to strengthen high seas fisheries enforcement cooperation between the USCG and Taiwan Coast Guard through information exchange. The proposal is currently under consideration by Taiwan.

USCG patrols did not detect any vessels actively engaged in high seas driftnet fishing and the boarding of the F/V *TAI PING YANG 1* was the only at-sea boarding conducted in 2006.

The USCG continued its practice of requesting high seas driftnet sighting information from other vessels on the high seas, including the U.S. tuna fleet, via the Local Notice to Mariners. However, there were no U.S. mariner reports of driftnet vessel sightings in the North Pacific in 2006, a significant reduction from the 20 sightings reported in 2005 through the American Albacore Fishing Association and the Western Fishboat Owners Association.

In addition to the USCG enforcement activities described above, two NMFS Enforcement officers deployed with Canadian CP-140 and USCG C-130 air patrols in the NPAFC Convention Area spent a total of 225 person-hours engaged in high seas driftnet fisheries enforcement activities in 2006. The results of the Canadian air patrols is discussed in (3) below.

<u>2007 Enforcement Efforts</u>: In supporting enforcement efforts for 2007, the USCG intends to patrol with its HC-130 aircraft at resource levels similar to previous years and in consideration of all other missions. USCG high endurance cutters will continue to be scheduled to patrol in areas of the U.S. EEZ, giving them the capability to respond to any potential violators in the Convention Area. The USCG is exploring the possibility of sending a patrol vessel to the area of

the fall 2006 driftnet vessel sightings in fall 2007. The USCG will continue to conduct joint air and surface patrols with international and interagency partners when possible.

NMFS will continue to place enforcement officers on Canadian high seas driftnet surveillance flights during 2007 deployments and on USCG HC-130 aircraft deployments when possible.

The USCG intends to continue issuing Local Notices to Mariners prior to and during the high threat season and partner with other parties of the NPAFC to provide more detailed information on high seas driftnet fishing to mariners via a web site. The United States has encouraged the other NPAFC Parties to establish a similar system for advising mariners and encouraging them to report suspected high seas driftnet fishing activity.

(3) <u>Canadian Driftnet Enforcement Efforts in the North Pacific</u>

Canada conducted 14 aerial patrols in 2006 for a total of 168.6 hours of surveillance covering 4 million square kilometers in the North Pacific high seas driftnet fishing area. As in past years, Canadian flight operations involved two Department of National Defense (DND) CP-140 Aurora aircraft contracted by the Department of Fisheries and Oceans (DFO), associated flight crews, technicians and ground support, plus one DFO fishery officer and a NMFS enforcement officer per each flight. The patrols were conducted from Eareckson Airfield, Shemya Island, Alaska, and were divided into two time periods--1-10 June and 6-14 September, in contrast to late April-mid-May in 2005.

In general, the surveillance area was west of 175°W to the Russian EEZ and north of 38ºN to the U.S. EEZ off Alaska. The 2006 patrol area was decreased slightly over previous years. Coordinates were chosen based on the high probability of thermoclines used by salmon, USCG threat assessment information, experience, capabilities of the aircraft, and the NPAFC Convention Area.

One member of the Canadian DND assigned to the operational tasking of the aircraft was located at USCG 17th District Headquarters in Juneau, Alaska, to coordinate information and surface support operations.

<u>Patrol Results</u>:

On 3 June 2006, a Canadian CP-140 patrol aircraft operating out of Shemya, Alaska, sighted the *IRIDA* at 43°44'N, 154°23'E, approximately 60 nautical miles (nm) east of the Russian EEZ, equipped with high seas driftnet fishing gear. The *IRIDA* failed to respond to attempted radio contact. A second vessel rigged for high seas driftnet fishing was sighted in the same vicinity as the *IRIDA*, however enforcement officials were not able to identify it. On 5 June, a vessel with similar characteristics was detected on radar 100 nm inside the Russian EEZ. At the NPAFC Annual Meeting, the Russian delegation said that the *IRIDA* is a Russian vessel and agreed to investigate the case to see if the vessel was involved in any illegal activity.

On 8 September 2006, a Canadian CP-140 patrol aircraft operating out of Shemya, Alaska, sighted a number of vessels equipped with high seas driftnet fishing gear. Details of some of these sightings follow:

- At 44°13'N, 156°44'E, a vessel was hauling a driftnet on the starboard side. There were approximately 14 people working on deck. The vessel was described as a sky blue vessel with red bottom paint and the number "3068" painted on the port side bow. Enforcement officials were unable to determine the net length.

- An unidentified driftnet vessel was sighted in transit at 44°11'N, 156°44'E. It was heading 225 degrees true at 17 knots. It was described as black with a white wheel house and red bottom paint. The vessel had large net bin on its stern that appeared to have a large amount of netting stored in it.

- A driftnet vessel was sighted hauling a net through a cutout on its starboard side at 44°25' N, 156°23'E. It was described as a white vessel with lots of rust, dark red bottom paint, and the number "91" on the starboard bow. A large amount of unidentified fish was observed in the fish hold. Enforcement officials were unable to determine the net length.

- At 44°27'N, 155°55'E, a driftnet vessel was sighted retrieving a net on its starboard side. It was described as a sky blue vessel with red bottom paint and had two Asian characters and the number "77" marked on the starboard bow. The vessel was using large white floats. There were lots of fish on deck and approximately 8 people working the net. Enforcement officials were unable to determine the net length.

- The patrol aircraft's radar identified a group of medium-sized targets in the area defined by 45°N, 156°E to 41°N, 156°E to 41°N, 150°E to 45°N, 156° E. Approximately 20 vessels in a 15 nm radius were tentatively identified as driftnet vessels from their radar pattern. Due to fuel and visibility limitations, the crew of the patrol aircraft was unable to visually identify them. Therefore, they have not been counted in the total number of driftnet vessel sightings for 2006.

- The last driftnet vessel was sighted at 43°38'N, 154°49'E, hauling in a net on its starboard side. It was described as having a black hull with red bottom paint and a white/rusty wheelhouse. The starboard bow was marked with three Asian characters and the number "5." Approximately 10 people were working the net and unidentified fish were visible on deck. Due to weather conditions and limited fuel, enforcement officials were unable to determine the net length.

On 9 September 2006, a Canadian CP-140 patrol aircraft operating out of Shemya, Alaska, sighted six vessels equipped with high seas driftnet fishing gear. Details of these sightings follow:

- A driftnet vessel was sighted at 44°13'N, 155°02'E. The vessel had a blue hull and was hauling a driftnet. The stern net bin appeared to be empty.

- A driftnet vessel was sighted dead in the water and hauling a net at 44°17'N, 154°59'E. Enforcement officials determined that the net in the water was in excess of 4 nm long. The vessel's bow was marked with the number "518."

- A driftnet vessel was sighted dead in the water and hauling a net at 44°20'N, 155°E. Officials determined that the net in the water was greater than 7 nm long. The patrol aircraft hailed the vessel, but received no response. The vessel's bow was marked with the number "18."

- A driftnet vessel was sighted dead in the water and hauling a net at 44°12'N, 155°03'E. It had a black hull and two unidentifiable white Asian characters on the stern. The patrol aircraft flew the length of the net, which was greater than 7 nm long.

- A driftnet vessel was sighted dead in the water and hauling a net at 44°38'N, 156°02'E. The net remaining in the water was over 1 nm long.

- The final driftnet sighting of the day was at 44°40'N, 156°02'E. The vessel was hauling a net measured at 3 nm long. Markings were observed on the vessel--two Asian characters followed by the number "77." The sea surface temperature in the area was 13.2°C.

On 12 September, a Canadian CP-140 patrol aircraft operating out of Shemya, Alaska, sighted three vessels equipped with high seas driftnet fishing gear:

- The first vessel was located at 42°44'N, 164°05'E, and was in transit. It was described as having a white house and hull with the name *NICKY* on the starboard and port bow. Net bins were empty, however officials observed people working on a net on the bow, where the net is hauled.

- The second vessel was sighted dead in the water at 42°49'N, 164°10'E with an empty net bin.

- The third vessel was located at 42°42'N, 163°21'E. The vessel had net in the water; however the length of the net was not determined.

On 13 September, a Canadian CP-140 patrol aircraft operating out of Shemya, Alaska, sighted eight vessels equipped with high seas driftnet fishing gear. Some details of the sightings follow:

- A driftnet vessel was sighted dead in the water at 44°47'N, 157°41'E. It had a large amount of netting in its net bin, but none visible in the water. The vessel had a blue hull and house, and two Asian characters followed by the number "6814" on the port bow.

- A driftnet vessel was sighted at 44°47'N, 157°43'E, with net in the water. Two Asian characters and the number "6815" were painted on the starboard bow. This vessel had a large amount of netting in the net bin and greater than 1 nm of netting in the water at the time of the sighting.

- A driftnet vessel was sighted dead in the water at 44°48'N, 157°46'E. It had a blue wheel house and hull and a full net bin on the stern. It appeared as if the crew had just finished hauling the net as an orange float was still in the water. A water temperature in the area was 15.4˚C.

- A driftnet vessel was sighted in transit 43°53'N, 156°02'E. The vessel had a large amount of netting in the bin at its stern. It had two Asian characters followed by the number "5268" on the starboard bow.

- A driftnet vessel was sighted in transit at 43°54'N, 155°59'E. The vessel was traveling at 12 knots and had lots of net in the net bin at the stern. It was flying a red flag at the stern and had markings consisting of two characters and 4 numbers, but enforcement officials were unable to identify them.

- A driftnet vessel was sighted in transit at 43°53'N, 155°55'E. The bin at the stern of the vessel was full of netting.

- A driftnet vessel was sighted in transit at 43°53'N, 155°51'E. It had two Asian characters and the number "5267" on the starboard bow.

- The last driftnet vessel was sighted in transit at 43°53'N, 155°50'E. The net bin at the stern of the vessel was full and the number "17" could be read off the starboard bow.

No USCG assets were available to respond to the sightings. The vessels were believed to be targeting on squid and tuna rather than salmon.

In summary, Canadian surveillance flights obtained 815 radar targets within the operational area, of which 282 fit the profile of a fishing vessel. Of the 282 vessels, 61 were investigated and 26 of these were rigged for driftnet fishing. Twelve of the vessels actually had nets in the water. None of the driftnet vessels were positively identified.

Canadian Driftnet Enforcement Efforts for 2007: The Canadian Government will commit 180 hours of air surveillance time to high seas driftnet fisheries enforcement in 2007; however no firm dates have been set for aircraft deployments at this time.

(4) Japan's Driftnet Enforcement Efforts in the North Pacific

Japan's 2006 driftnet fishery enforcement efforts consisted of the deployment in the North Pacific Ocean of 5 Fisheries Agency of Japan (FAJ) patrol vessels for a total of 41 ship days at

sea from June-October, 2 Hokkaido local government patrol vessels for 78 ship days at sea from April-July, and 30 Japan Coast Guard vessels for a total of 242 ship days at sea from February-September. Japan Coast Guard and FAJ aircraft flew a total of 84 hours (54 hours for fixed wing and 30 hours for helicopter) and 28 hours, respectively, from February-September 2006, in the North Pacific. The Japan Coast Guard patrols were multipurpose.

Although Japan reported that no fishing activities targeting salmon in the NPAFC Convention were sighted in 2006, it did report 67 sightings of vessels rigged for driftnet fishing (included in Table 1) from mid-July through early November. Only three of these vessels were actively fishing; the rest were anchored, drifting, or underway. Japan believes that the majority of the vessels were Chinese. The driftnet vessels were thought to be fishing for squid and/or tuna. Japan reported that some of the Chinese-flagged squid jigging vessels fishing in the same area tried to interfere with the course of the Japanese patrol boats to prevent the sightings. The Japanese Government provided the Chinese Government with the sighting information and is currently awaiting a response. It has requested that the China take enforcement action against those vessels positively identified as Chinese-flagged.

Japan did not conduct any driftnet boardings and inspections in 2006. Japanese patrol vessels have no Chinese interpreters on board and are not armed. Japanese officials explained that the patrol vessels were generally outnumbered by Chinese fishing vessels on the fishing grounds and for safety reasons did not attempt any boardings.

Additional sightings for 2005: Japan reported on 6 additional driftnet vessel sightings in 2005 (Table 2.) These occurred from 1-5 November 2005, after the 2005 NPAFC Annual Meeting. All vessels were believed to be Chinese.

Table 2. Driftnet-capable vessels sighted by Japan operating in the North Pacific Ocean in November 2005.

DATE	VESSEL NAME*	FLAG	POSITION	SOURCE OF REPORT	ACTION
1 Nov.	*UNIDENTIFIED 87*	China?	41°49'N, 151°54'E	Japan Fisheries Agency Aircraft	Sighting information provided to the Chinese Government and the NPAFC
1 Nov.	*UNIDENTIFIED 01*	China?	41°51N, 151°50'E	Japan Fisheries Agency Aircraft	Sighting information passed to the NPAFC
5 Nov.	*UNIDENTIFIED 1*	China?	41°39'N, 151°31'E	Japan Fisheries Agency Patrol Vessel	Sighting information provided to the Chinese Government and the NPAFC
5 Nov.	*UNIDENTIFIED 2*	China?	41°54'N, 151°48'E	Japan Fisheries Agency Patrol Vessel	Sighting information provided to the Chinese Government and the NPAFC
5 Nov.	*UNIDENTIFIED 6004*	China?	41°43'N, 152°02'E	Japan Fisheries Agency Patrol Vessel	Sighting information provided to the Chinese Government and the NPAFC
5 Nov.	*UNIDENTIFIED 008*	China?	41°30'N, 151°23'E	Japan Fisheries Agency Patrol Vessel	Sighting information provided to the Chinese Government and the NPAFC

* The names of the vessels consisted of 2-3 characters followed by the numbers indicated. We are unable to represent the characters here.

Japanese Driftnet Enforcement Efforts for 2007: Japan intends to maintain the same level of enforcement effort in 2007 as in 2006.

(5) Korea's Driftnet Enforcement Efforts in the North Pacific

The Korean Government was not able to conduct high seas fisheries enforcement operations in 2006 and does not plan to conduct any pursuant to the NPAFC enforcement effort in 2007. However, as a member of the Western and Central Pacific Fisheries Commission (WCPFC), Korea is considering taking part in WCPFC enforcement activities for tuna on the high seas.

Because there is an overlap in the Convention Areas of the NPAFC and the WCPFC, Korea may be able to patrol tuna and salmon areas at the same time; i.e., conduct dual-purpose patrols.

(6) Russian Federation's Driftnet Enforcement Efforts in the North Pacific

Russian patrols did not detect any illegal high seas driftnet vessels in 2006. The Federal Border Service, Federal Security Service of the Russian Federation, utilized enforcement assets of the Northeast Regional Border Directorate in Petropavlovsk-Kamchatsky and the Sakhalin Border Service in Yuzno-Sakhalinsk to patrol the North Pacific Ocean bordering the Russian EEZ. The Border Service deployed seven coastal patrol vessels--the *DZERZHINSKY*, *VOROVSKY*, *VOLGA*, *DUNAI*, *BUG*, *BARS*, and *818*--for a total of 62 ship days covering 1,875 nm from mid-May to mid-September 2006. The Border Service also deployed three AN-72P aircraft for 6 surveillance flights covering 3,340 nm from mid-May through July 2006. On 3-4 July, the USCG Cutter *MORGENTAU* and the *VOROVSKY* conducted a joint patrol exercise and officer exchange in the NPAFC Convention Area to target high seas driftnet violators.

Russian Driftnet Enforcement Efforts for 2007: The Federal Border Service intends to concentrate more effort on patrols based out of Yuzno-Sakhalinsk as most of the 2006 driftnet sightings in the vicinity of the Russian EEZ were closer to Sakhalin Island than Kamchatka. Russia also hopes to participate in more joint surface and aircraft patrols with the United States and Canada in 2007.

(7) Taiwan's Driftnet Enforcement Efforts in the North Pacific

The Taiwan Coast Guard has conducted high seas fisheries enforcement patrols in the North Pacific Ocean since 1993. Although Taiwan is not a Party to the NPAFC, it shared information with the NPAFC Secretariat on its 2006 patrol activities in advance of the fishing season. Taiwan observers at the NPAFC 14th Annual Meeting reported that Taiwan dispatched three patrol vessels to the North Pacific from 14 June-5 November 2006, to monitor the activities of domestic fishing vessels. The vessels patrolled the area of 35°-45°N, 145°-180°E, for a total of 242 vessel days. On 23 August 2006, one of the patrol vessels sighted the driftnet vessel *MERIYANA* at 42°11'N, 158°27'E in the North Pacific Ocean. The *MERIYANA* did not display a radio call-sign, registration numbers, or a flag, so the patrol vessel was not able to determine its

flag state. On 16 October 2006, another Taiwan patrol vessel sighted four driftnet fishing vessels--two unknown driftnet vessels at 41°26'N, 150°55'E and two driftnet vessels identified as the *DON YUAN YU NO. 62602* and the *DON YUAN YU NO. 66021* at 41°21.5'N, 150°48.1'E. On 17 October 2006, the Fisheries Agency of Taiwan informed the NPAFC Parties of the sightings by e-mail.

Taiwan's Driftnet Enforcement Efforts for 2007: Taiwan will continue to dispatch patrol vessels to the North Pacific to prevent Taiwan-flagged vessels and nationals from engaging in large-scale high seas driftnet fishing. It will also continue to cooperate and exchange enforcement information with the NPAFC.

(8) Chinese Driftnet Enforcement Efforts in the North Pacific

China's Fisheries Law Enforcement Command (FLEC) continued to participate in high seas fisheries enforcement in 2006. The USCG has had a strong working relationship with the FLEC for over a decade. This has resulted in increased opportunities for cooperation on both high seas fisheries enforcement efforts and training. In July 2006, the USCG Cutter *RUSH* conducted a high seas fisheries enforcement patrol in the North Pacific with one FLEC enforcement official (shiprider) onboard. The shiprider received a first-hand look at how an operational USCG unit transitions from one mission to the next. Additionally, three FLEC officers rotated through the North Pacific Regional Fishery Training Center in Kodiak, Alaska, during the driftnet high-threat season. The USCG Pacific Area (PACAREA), through the FLEC operations center, coordinated combined operations between the *RUSH* and FLEC vessels *ZHONG GUO YU ZHENG 201* and *ZHONG GUO YU ZHENG 118* in July 2006. PACAREA provided C-130 maritime patrol aircraft support for both *RUSH* and the FLEC patrol vessels.

(9) Potential Driftnet Threat in the North Pacific Ocean in 2007

Despite the actions taken by the international community to implement the UN global driftnet moratorium, large-scale high seas driftnet fishing activity persists in the North Pacific Ocean. The high threat areas for illegal large-scale high seas driftnet fishing in 2006 are expected to remain fairly consistent with those areas where such activity was detected in the past, although the target fishery has shifted from salmon to primarily squid and tuna. 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, 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 14-17° Celsius (C). These waters typically occur in the North Pacific between 38°-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.

b. Mediterranean Sea

In addition to the UNGA global moratorium on large-scale high seas driftnet fishing, several other international mechanisms are in place to prohibit large-scale driftnet fishing in the Mediterranean Sea:

European Union (EU) Ban on Driftnets: In 1997, the EU began to consider an EU-wide driftnet ban in the Mediterranean Sea and North Atlantic Ocean as a means of complying with the UN driftnet moratorium. The EU adopted a series of regulations leading to this goal:

- On 29 April 1997, the EU adopted EC Regulation 894/97 which stated that no vessel could keep on board, or use for fishing, one or more driftnets whose individual or total length is more than 2.5 km.

- On 8 June 1998, the EU Fisheries Council adopted Council Regulation 1239/98 banning the use of all driftnets for catching tunas, billfish, sharks, dolphinfishes, sea bream, sauries, and cephalopods by 1 January 2002 in all waters falling within the jurisdiction of Member States, as well as outside those waters, with the exception of the Baltic Sea.

- The EU driftnet ban entered into force on 1 January 2002. Under Council Regulation 812/2004, adopted on 30 April 2004, the ban will enter into force for the Baltic Sea on 1 January 2008.

One of the major problems in enforcing the EC driftnet regulations is that the EC never legally defined what a driftnet is. This has allowed the French and Italian Governments to exploit loopholes in EC Regulation 1239/98 by redefining driftnet gear and continuing to fish. Conventional large-scale driftnets--nets that fish passively, drift with ocean currents, and are often more than 20 km long--are called "spadare" driftnets in Italy. In 1998, after the EU driftnet ban was adopted, the Italian Government approved a new type of driftnet fishing gear called "ferrettara." Ferrettara driftnets could legally measure up to 2 km long, have a mesh size up to 100 mm, and had to be fished within 3 nm from the coast. In April 2005, the Government amended the law to allow fishermen to use ferratara up to 5 km long, 20m deep, and with mesh up to 180 mm. These nets could be fished up to 12 nm from the coastline. Over the years, many of the spadare driftnet fishermen hid behind the name "ferrattara," without modifying their spadare nets.

The French Government redefined its fishermen's large-scale driftnet gear as "thonaille," or set surface gear. The thonaille is a type of driftnet up to 9.2 km long with mesh size measuring from 10-20 cm. Rather than drifting freely, the net incorporates a floating anchor, or sea anchor, at one end. This has allowed the French Government to claim that the net is an anchored gillnet, not a driftnet. Acoustic deterrent devices, or pingers, are also incorporated in thonaille to help minimize the bycatch of marine mammals.

The thonaille fishery was outlawed under French law in August 2005, due to a successful court case brought by three French conservation organizations--France Nature Environnement, the Cetacean Research Group (GREC), and SOS Grand Bleu. Despite this, the French Minister for Fisheries restated his support for the use of thonaille in a ministerial notification in September 2005. He defined thonaille as anchored driftnets.

To remove any confusion about what a driftnet is, the European Commission adopted a new definition of driftnets on 20 September 2006. The Commission believes that this single definition will simplify and increase transparency in EU legislation governing this fishing gear. The Commission's driftnet definition follows:

> "Drift net means any gillnet held on the sea surface or at a certain distance below it by floating devices, drifting with the current either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilize the net and/or to limit its drifting."

The EC Regulations effected by the action are the 1997 Regulation on technical measures for the conservation of fisheries resources (No. 894/97) as amended by Regulation 1239/98, the Regulation on the protection of small cetaceans (No. 812/2004; IP/04/ 378) and the Regulation on technical measures in the Baltic Sea (No. 2187/2005).

General Fisheries Commission for the Mediterranean (GFCM): At its 22nd Session in October 1997, the GFCM adopted binding resolution 97/1 concerning the use of large-scale pelagic drift-net gear. The resolution, taking UNGA resolution 44/225 into account and considering that uncontrolled expansion and growth of driftnet fishing may entail serious disadvantages in terms of increased fishing effort and increased bycatches of species other than target species, prohibited vessels flying the flag of a Contracting Party of the GFCM from keeping on board, or fishing with, one or more driftnets whose individual or total length is more than 2.5 km.

At the 20th Session of the GFCM on 21-25 February 2005, the Commission adopted ICCAT Recommendation 03-04 (described below) prohibiting the use of driftnets for fisheries of large pelagics in the Mediterranean Sea as Recommendation GFCM/2005/3(A) (Attachment 1).

International Commission for the Conservation of Atlantic Tuna (ICCAT) Driftnet Recommendation: On 26 November 2003, ICCAT adopted at its 18th Annual Meeting in Dublin, Ireland, Recommendation (03-04) which prohibits the use of driftnets in fisheries for large pelagic species in the Mediterranean by its Contracting Parties, Cooperating Non-Contracting Parties, Entities, and Fishing Entities. Contracting Parties are legally bound by the recommendation. In practical terms, the recommendation closes a driftnet fishing loophole that could be used by countries which are members of ICCAT but not the EU, and therefore are not bound by the EU driftnet ban. Unlike the UN high seas driftnet moratorium, neither the EU ban nor the ICCAT recommendation differentiates between driftnet fishing on the high seas or in territorial waters--driftnet fishing is prohibited in both.

2006 Developments:

Nongovernmental conservation organizations (NGO), including Oceana and Greenpeace, continued to assert that up to 600 vessels from Italy, France, and Morocco with driftnets from 7-13 km in length, are operating throughout the Mediterranean Sea. The United States received reports documenting 12 sightings of Italian large-scale driftnet vessels operating on the high seas of the Mediterranean in 2006.

France: Oceana visited 27 Mediterranean ports in southern France and Monaco from 13-16 July 2006 and documented the presence of 37 French driftnet vessels or "thonaillers" in port. The vessels ranged from 7 to 18 m in length. Twelve of the vessels had driftnets on board. According to Oceana, the French driftnet fleet targets primarily bluefin tuna and swordfish in the Gulf of Lyons and Genoa, and around northern Corsica.

Morocco: Background--On 20 November 2003, the World Wildlife Federation (WWF)-International released a report titled "Biodiversity impact of the Moroccan driftnet fleet in the Alboran Sea." The report claimed that the Moroccan driftnet fleet, with 177 vessels, was killing thousands of dolphins and other vulnerable species, such as sharks and sea turtles, in the Alboran Sea and around the Straits of Gibraltar. The WWF also alleged that Italian, French, Turkish, and most probably other fishing fleets are using driftnets in breach of existing legislation and the United Nations driftnet moratorium. The WWF report came out in advance of the Conference on Mediterranean Fisheries, which was held in Venice, Italy, on 23-25 November 2003. The WWF urged the EU to monitor and prosecute all of the fleets of its member states using driftnets. It also called on the GFCM, and non-EU countries, particularly those in North Africa, to introduce legislation banning the use of driftnets in the Mediterranean Sea.

At the 2003 ICCAT Annual Meeting, Morocco admitted to having a driftnet fleet. At the time ICCAT's driftnet recommendation was adopted, Morocco made a statement for the record of its intention to devise a national plan to phase out driftnet gear and pledged to work with the EU and others to accomplish this. At the 15-21 November 2004 ICCAT Annual Meeting in New Orleans, Morocco presented a 4-year plan for eliminating the use of driftnets in its fisheries, primarily through public education and assistance to its fishermen. The U.S. ICCAT delegation highlighted the urgency of this action and offered to work with Morocco to help expedite implementation of the plan.

A U.S. delegation traveled to Morocco from 26-28 September 2005 to discuss issues related to ICCAT and large-scale driftnets. Three of the goals of the trip were to learn about driftnet use by Morocco and other countries bordering the Mediterranean, to educate Morocco on U.S. driftnet laws and to explore possible areas of cooperation and capacity building, especially regarding the phase-out of Morocco's driftnet fleet. Morocco expressed the need for assistance in transitioning its driftnet fleet to other, more selective gears and noted that it is in the second year of its driftnet elimination plan. The plan calls for buying driftnets and disposing of them. Morocco also expressed an interest in working with the United States on analysis of the social and economic impacts of eliminating its driftnet fleet, including the effect on fishermen, the

social loss associated with such a change, and the cost of vessel/gear replacement. The United States has earmarked funds to help with some aspects of Morocco's driftnet elimination program. The United States will be working with Morocco in the near future to determine the best use of the funds to achieve the goal of ending Moroccan driftnet fishing.

On 28 July 2005, the EU and Morocco signed a new fisheries partnership agreement after 6 years of negotiations. Under the new 4-year agreement, which began in 2006, a total of 119 EU vessels will be allowed to fish in Moroccan waters in exchange for EU compensation of approximately $42 million per year. A substantial portion of this compensation will be earmarked for measures specifically designed to fund the conversion of the Moroccan driftnet fleet to more sustainable fishing activities.

2006: In August 2006, Oceana issued a press release claiming that 150 Moroccan driftnet vessels were continuing to fish illegally in the Alboran Sea and the Straits of Gibraltar with nets up to 12 km long. Oceana said that these vessels are based mainly in the North African ports of Nador, Alhucemas, and Tangiers. The vessels average 15 m in length with crews of 8-14 and target primarily swordfish. Most of the Moroccan catch is reportedly bought by Spanish wholesalers for the Spanish and Italian markets.

In late August 2006, the ecological organization Verdemar-Ecologistas en Accion in Cadiz reported the presence of dozens of Moroccan driftnet vessels in the Straits of Gibraltar, where their nets posed a navigation hazard to maritime traffic. Oceana's research vessel, *OCEANA RANGER*, confirmed that not only were Moroccan driftnet vessels in the Gibraltar area, but also throughout the Alboran Sea and in international waters near the banks of Xauen, Tofinno, Provençaux, and Cabliers.

Turkey: In regard to NGO charges that Turkey is using large-scale high seas driftnets, Turkey told the United States in a bilateral meeting on 29 September-1 October 2005 that it has fewer than 100 driftnet vessels, each less than 15 meters long. Turkey claims that these are small-scale operations targeting swordfish in the Mediterranean off the southwest corner of Turkey. The fishing season lasts two months--May through June. The driftnet mesh size is 240-260 mm and the net is made of nylon polyfilament. The total length of the net is 1000-1500 m on average, with a depth of 4 m. The fishing areas are 300-2500 m deep and 5-9 nm from the coast. The driftnet is usually set in the evening at a depth of 6-7 m and is retrieved the next the morning.

Although Turkish vessels may not be violating the UN driftnet moratorium, Turkey is a member of ICCAT and the GFCM and is fishing in violation of ICCAT and GFCM rules. On 3 October 2005, Turkey opened accession negotiations with the EU, which banned the use of all driftnets by EU member nations beginning in 2002. Turkey must agree to adopt the common rules, standards, and policies that make up the body of EU law as a prerequisite to accession. This would include terminating its driftnet fleet. NMFS is not aware of any new driftnet developments for Turkey in 2006.

Italy: The status of the Italian driftnet situation is provided in Section II.B.3.b., below.

c. Antarctic Waters

Of the 21 vessels currently included on the 2006 IUU Vessel List for the Commission for the Conservation of Antarctic Living Marine Resources (CCAMLR), at least 7, and possibly 13, of the vessels are reported to have converted from longlines to gillnets in the CCAMLR Convention Area. Five of the vessels are reported to have deployed gillnets in the CCAMLR Convention Area in 2006. Three of the five are flagged in Equatorial Guinea, one in North Korea, and one Panama.

It is unclear whether the "gillnets" being deployed are, by definition, driftnets, although there are references in CCAMLR documentation to two unknown vessels sighted recovering "driftnet-type fishing gear for catching toothfish" in Division 58.4.2 of the Convention Area. These vessels typically fish with nets that are 2.5-3 miles long with a mesh size of 250 mm. The catch reportedly consisted primarily of sharks and other pelagic fish.

At its 25th Annual Meeting in Hobart, Tasmania, on 23 October-3 November 2006, CCAMLR adopted Conservation Measure 22-04. The measure prohibits the use of deepsea gillnets for purposes other than scientific research in the CCAMLR Convention Area until the Commission's Scientific Committee has investigated and reported on the potential impacts of the gear and the Commission has agreed on the basis of advice from the Scientific Committee that such gear may be used in the Convention Area. In addition, the measure requires that any vessel seeking to transit the Convention Area carrying gillnets must give advance notice, including expected dates of transit, to the CCAMLR Secretariat. The measure was advanced by Australia and supported by the United States. The Commission agreed that gillnets are non-selective fishing gear with the potential to fish indiscriminately and to "ghost" fish over long time periods when lost or discarded.

2. Interagency Agreements

Fisheries Enforcement Memorandum of Understanding (MOU): On 11 October 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 U.S. Coast Guard. 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.

3. Bilateral Driftnet Agreements

a. U.S.-China MOU

The United States and China continued to work together in 2006 to ensure effective implementation of UNGA Resolution 46/215 in the North Pacific Ocean 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 D.C. on 3 December 1993. The MOU (also referred to as the "U.S.-PRC Shiprider Agreement") established boarding procedures for law enforcement officials of either country to board and inspect U.S. or Chinese flagged vessels suspected of driftnet fishing. The MOU also established a shiprider program, which allows FLEC officials to embark on U.S. Coast Guard resources during each driftnet fishing season. Pursuant to this provision, China has provided a total of 42 enforcement officials to the USCG since 1994. As a bilateral enforcement agreement, the MOU facilitates/expedites investigations of suspicious vessels when they are encountered on the high seas. The MOU will expire on 31 December 2009.

One Chinese FLEC shiprider was deployed on the USCG Cutter *RUSH* during its IUU Patrol from 16 June-3 August 2006. In addition, three FLEC officers rotated through the North Pacific Regional Fishery Training Center in Kodiak, Alaska, from April-August 2006. These officials were instrumental in facilitating communications between the USCG and the PRC FLEC. The USCG hopes to host a similar number of PRC officials during the 2007 fishing season. It is also exploring opportunities to conduct professional exchanges with China, including the training of FLEC officers and hosting familiarization visits to enforcement offices.

b. U.S.-Italy Driftnet Agreement

Background: Following an order of the U.S. Court of International Trade, the United States on 19 March 1999 identified Italy as a nation for which there was reason to believe its nationals or vessels were conducting large-scale driftnet fishing beyond the EEZ of any nation, pursuant to the U.S. High Seas Driftnet Fisheries Enforcement Act (the Act). This was the second time the United States identified Italy pursuant to the Act; the first identification was in 1996. As a result of the identification, the United States began consultations with the Government of Italy on 17 April 1999 to obtain an agreement to effect the immediate termination of such activities.

Agreement was formally reached by the two countries on 15 July 1999 via an exchange of Diplomatic notes. Complete details of the agreement can be found in the NMFS 1999 Driftnet Report to the Congress.

The 1999 driftnet agreement reiterated the Government of Italy's commitment to full implementation of the measures to combat large-scale high seas driftnet fishing contained in the 1996 U.S.-Italy driftnet agreement. As a result of Italy’s driftnet vessel conversion program (a product of the 1996 agreement), about 85 percent of Italy’s driftnet fleet of 679 vessels were converted to other fishing methods or scrapped by March 2000. The Government of Italy

expected the remaining vessels to continue to fish in Italian waters until the EU driftnet ban entered into force in 2002 (Italy is a member of the EU).

Italy took a number of measures in addition to the driftnet vessel conversion program to strengthen the enforcement of its laws relating to driftnet fishing. It publicized a March 1999 court decision prohibiting the possession, as well as use of, driftnets longer than 2.5 kilometers. Italy increased boarding and inspections of driftnet vessels at dockside. The Italian Government implemented a detailed 1999 enforcement action plan involving joint enforcement efforts with European Union fisheries inspectors and proposed bilateral enforcement agreements with other EU Mediterranean countries. The Italian Coast Guard committed to increase at-sea monitoring by regional Coast Guard districts and spot checks of seized driftnets, until such netting can be destroyed.

In 2003, the Italian Government took the following additional steps to bring any remaining driftnet fishing activity to an end:

- Enacted legislation in December 2002 that required "compulsory dismissal or conversion" (boats could be scrapped or convert to another gear type) of the driftnet fishing licenses of the remaining 89 licensed driftnet vessels that did not participate in Italy's earlier driftnet conversion program. The legislation allocated a total of €5 million, half to be distributed as compensation to vessel owners and the other half to crew members. This sum included funds provided by the Sicilian and Calabrian regional governments.

- Identified crew members and vessel owners who would be compensated under the compulsory retirement scheme.

- Cancelled the driftnet portions of the fishing licenses of all of the 89 remaining vessels.

- Deleted the names of those vessels from the EU Vessel Registry, which contains a unique registration number for each vessel.

- Seized and sealed the driftnets from all 89 vessels. According to the law, the driftnets can be "recycled or transformed" and the owners will get to keep the profits from recycling operations.

- Received European Commission approval for Italy's compensation plan in February 2003. Part of the Commission's review included a finding that the buyback funds were not a "market-distorting measure."

- Sought to initiate a uniform sanction scheme among all EU member states in order to reduce disparities in the level of sanctions applied for fisheries violations.

- Considered the use of marine reserves and marine sanctuaries to protect spawning and nursery areas for marine species.

Despite all of these measures, Italian vessels and nationals have continued to fish with large-scale driftnet in the Mediterranean Sea. In 2005, environmental organizations reported at least four Italian driftnet vessels operating on the high seas of the Mediterranean and approximately 61 vessels operating within Italian territorial waters or docked in Italian ports. Of the total, 23 had previously received subsidies from the Government of Italy and the EU to stop using driftnet gear.

2006 Developments: U.S. diplomatic approaches to the Italian Government and the EC in 2005 and 2006 to address the large-scale driftnet issue elicited assurances at all levels that it was being dealt with. However, reports of Italian driftnet fishing persisted in 2006. By July 2006, the Italian Coast Guard had reportedly confiscated 400 km of illegal driftnets.

Oceana reported in May 2006 that the Italian Coast Guard had seized several driftnet fishing vessels to the southeast of the island of Stromboli, north of Sicily. One of the boats, the *ELISEO*, had received a subsidy of €11,850 to replace its driftnets with more selective fishing gear. Two other driftnet fishing boats, the *S. GIACOMO* and the *MADONNA DE FATIMA*, were stopped near to the Eolie Islands to the west of Sardinia. The *MADONNA DE FATIMA* had also received €54,875 in buy-out money to stop driftnet fishing.

In 26 June 2006, crew members of the Greenpeace flagship, *RAINBOW WARRIOR*, seized part of a driftnet from an Italian fishing vessel off the southern coast of Italy. The net was reported to be 15 km long and 15 m deep and had ensnared a sea turtle.

In July 2006, Greenpeace provided the State Department and NMFS with sighting information on five Italian driftnet vessels operating in the Mediterranean. When the positions of the vessels were plotted, three were found to be operating outside Italian waters in international waters. Information on the three vessels follows:

Italian driftnet vessels sighted by Greenpeace on the high seas of the Mediterranean Sea in June 2006.

DATE	VESSEL NAME (REGISTRATION NUMBER)	FLAG	POSITION	SOURCE OF REPORT	Details
23 June	*BIAGIO ANNA* (3CS822)	Italy	40°55.5'N, 12°54.7'E	Greenpeace	Net was estimated to be from 6-8 km long and about 12 m deep
25 June	*ATHENA* (5RC868)	Italy	39°23.8'N, 14°41'E	Greenpeace	Net was estimated to be from 15 km long and > 10 m deep
25 June	*ODISSEA* (5RC1076)	Italy	39°28.9'N, 14°40.7'E	Greenpeace	Net was estimated to be 15 km long and 7.5 m deep

Oceana published *Italian Driftnetters 2006: The OCEANA report* in October 2006. The report is a detailed account of Oceana's efforts from late May to the beginning of July 2006 to document and report the vessels in the Italian driftnet fleet engaged in IUU fishing in the Ligurian, Tyrrhenian, and Sardinian seas. During this time, Oceana's research vessel, *OCEANA RANGER*, documented the activity of 9 Italian driftnet vessels on the high seas. Some of the vessels had

over 11 km of driftnetting on board. Oceana also visited ports in Sardinia, Campania, Calabria, and Sicily from 14-16 June 2006, where it found illegal driftnet activity in 14 ports. It documented a total of 46 active driftnet vessels in these ports. Oceana estimated the average length of the nets used by these vessels to be 8 km, with some as long as 20 km. Oceana filmed and photographed Italian driftnet vessels capturing and landing swordfish and albacore tuna in Italian ports--both illegal activities. The report is available on Oceana's website at http://www.oceana.org.

From driftnet vessel sighting data from 2005 and 2006, Oceana documented a total of 71 vessels with driftnets on board. Twenty two of the total had previously received subsidies to end the use of driftnets, for a total of €773,136 or €35,986 per vessel (approximately $47,500). Interestingly, the remainder of the vessels were not on the Italian Government's list of vessels in the process of converting or having already converted under previous buyout schemes, leading Oceana to conclude that these vessels may have recently begun illegally driftnet fishing.

Oceana presented the results from its 2006 campaign to document illegal driftnetters in Mediterranean waters at the 4th meeting of the Agreement on the Conservation of Cetaceans of the Black and Mediterranean Seas and Contiguous Atlantic Area (ACCOBAMS) Scientific Committee held from 5-8 November 2006 in Monaco. It also provided its report to the Fisheries Committee Members of the European Parliament, European Commissioner for Fisheries and Maritime Affairs Joe Borg and members of his Cabinet, Fisheries Attaches at the EU Permanent Representations, and EU Fisheries Ministers, in addition to the Italian Government.
Oceana called upon the Italian Government to:

- Prohibit not only the use of driftnets, but also the possession of such nets at sea and in port.
- Destroy decommissioned nets rather than placing them in the custody of the offenders, as is the current practice.
- Prohibit fishing vessels from carrying more than one gear type on board in order to prevent them from claiming that any catch was taken by the non-driftnet gear type.
- Place inspectors at Italian ports in order to prevent the landing and shipment of prohibited species.
- Ensure that non-compliance with legislation leads to the definitive withdrawal of fishing permits.

Oceana had not received any official responses at the time this report was written.

<u>EC Infringement Procedure against Italy</u>: The infringement procedure against Italy continued in 2006. EC officials are still analyzing Italian arguments and are verifying Oceana's report on Italian driftnet fishing. The EC Directorate for Fisheries and Maritime Affairs began the infringement procedure against Italy in November 2004, after monitoring the driftnet situation in Italy for several years and concluding that Italy was not complying with EC driftnet legislation. Article 226 of the EC Treaty gives the Commission power to take legal action against a member country that has not complied with EU law. The process may take considerable time to complete, and, if the Commission concludes that there has been an infringement of EU law, it

may call upon the member country to comply within a specified period of time (this is known as a "reasoned opinion"). In the event that the country fails to comply with the Commission's ruling, the Commission may bring the case before the European Court of Justice. If the Court of Justice upholds the Commission's ruling, the member country is required to take all necessary measures to conform. Failure of the member country to comply with the Court's judgment could ultimately result in a financial penalty and the penalties for noncompliance can be significant. The Directorate's Office of Legal Services is currently reviewing Italy's response to the Commission's second reasoned opinion. The results will determine whether the case is turned over to the European Court of Justice.

4. Resolutions and Letters in Support of UNGA Resolution 44/225

a. UNGA Driftnet Resolutions and Decisions

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), and 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 2006 have been provided in previous driftnet reports to the Congress available from NMFS.

On December 7, 2006, at its 61st session, the UNGA adopted draft Resolution A/61/L.38 *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* (Attachment). The Resolution reaffirms the importance the General Assembly attaches to continued compliance with Resolution 46/215 and other subsequent resolutions on large-scale pelagic driftnet fishing. It urges States and other entities identified in Article I, paragraph 2(b) of the Agreement to enforce fully the measures recommended in those resolutions. Draft UNGA Resolution A/61/L.38 also expresses the concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, although the incidence of this practice has continued to be low in most regions of the world's oceans and seas. It emphasizes that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of driftnets that contravene the resolution.

Finally, it requests that the Secretary-General bring the Resolution to the attention of the international community, relevant intergovernmental organizations, the organizations and bodies of the UN system, regional and subregional fisheries management organizations or arrangements, and relevant nongovernmental organizations and invites them to provide him with information relevant to the implementation of the Resolution.

The Resolution requests the Secretary-General to submit to the General Assembly at its 62nd session a report 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, taking into account information provided by States and other entities on the relevant paragraphs in draft Resolution A/61/L.38. In addition, a sub-item with the same title as draft Resolution A/61/L.38 will be placed under the item "Oceans and the law of the sea" on the agenda of the 62nd Session of the UN General Assembly in 2007.

b. UN Driftnet Reports

Since December 1992, the United States has been instrumental in ensuring that implementation of the high seas driftnet moratorium remains a priority of the UNGA. The United States will continue to support UNGA resolutions and decisions requesting that the UN Secretary-General submit to the General Assembly biennial reports on developments relevant to the implementation of the UN driftnet moratorium.

UNGA Resolution 60/31, adopted in December 2005, requested that the Secretary-General submit to the General Assembly at its 62nd session in 2007 a report relating to the implementation of the resolution 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*. Therefore, the Secretary General did not report on large-scale high seas driftnet fishing at the 61st UNGA Session in 2006.

B. Support for the Wellington Convention

The United States took no specific actions in support of the Wellington Convention in 2006. 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 2006 are provided in previous driftnet reports to the Congress. No large-scale pelagic driftnet fishing activities have been reported in the Wellington Convention area since 1991.

III. 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. 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).

IV. 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.

V. 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 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.

U.S. Actions

China: The United States remains concerned that Chinese fishing vessels and nationals were potentially engaged in large-scale high seas driftnet fishing in the North Pacific Ocean in 2006. Although China has not yet confirmed that any of the driftnet sightings were Chinese-flagged vessels, the vessels exhibited characteristics that suggest they were Chinese. The 2006 sighting information has been submitted to China for investigation. The U.S. Government will seek a dedicated bilateral meeting with Chinese Government officials regarding the driftnet issue prior to the 2007 fishing season. The United States would be interested in receiving a detailed response to the 2005/2006 North Pacific sightings and learning what measures China intends to take to prevent its vessels and nationals from conducting large-scale driftnet fishing operations in the region in 2007. The meeting would also provide the United States an opportunity to reaquaint the Chinese Government with U.S. driftnet policy and to explore new ways to cooperate with China to help eliminate its IUU driftnet fleet.

The United States continues to be encouraged with the enforcement actions taken by the Chinese Government in 2006. The U.S. Government will continue to work with China to improve Chinese enforcement efforts and presence in the North Pacific.

The United States will explore with other countries the possibility of targeting future enforcement efforts at areas and time periods that showed increased driftnet activity in 2006, and will investigate the role that other multilateral organizations might play in enforcement efforts in the future.

Italy: As detailed in Section II.A.3.b. of this report, the Secretary of Commerce identified Italy on 19 March 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 15 July 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. However, 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 29 May 1996 it has also required 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 U.S. Government is very concerned by reports from conservation organizations in 2006 that Italian vessels and nationals continue to engage in large-scale high seas driftnet fishing, despite the many measures taken by the Government of Italy, the EC, ICCAT, and the GFCM to address this problem. The United States is hopeful that the EC adoption on 20 September 2006 of a new definition of driftnets will eliminate loopholes which have allowed Italy and France to circumvent EC driftnet regulations. The United States will seek a joint meeting with the EC and Italy prior to the 2007 fishing season to discuss its concerns about the Italian driftnet situation in the Mediterranean Sea and to seek new solutions to the problem. The United States will continue to apply the High Seas Driftnet Fisheries Enforcement Act provisions (previously described) to Italy until such time that it is satisfied that all driftnet fishing has ceased.

Morocco: Morocco verified in 2004 that it had a large-scale high seas driftnet fleet and that it intended to phase out this fleet over a 4-year period, ending in 2008. The United States has no reason to believe that Morocco will not meet this goal.

NMFS has offered to assist Morocco in implementing its phaseout program and has procured some funding for this purpose. NMFS has proposed to hold two regional workshops in Morocco in 2007 to provide training on alternate fishing gears, particularly the use of circle hooks in longline fisheries. Fishermen will also learn how to collect basic scientific data, including GPS location, in order to improve fisheries management in the region.