

**Maritime SAFE Act  
Interagency Working Group on IUU Fishing**

**WORK PLAN  
(as of October 29, 2020)**

**I. Introduction**

The Maritime Security and Fisheries Enforcement Act (Maritime SAFE Act) became law on December 20, 2019. Part II of this Act calls for the establishment of a collaborative interagency working group to strengthen maritime security and combat illegal, unreported, and unregulated (IUU) fishing and specifies the chair and agency membership in the Working Group, as well as the Working Group's responsibilities.

The President signed on May 7, 2020, an Executive Order (EO) promoting American seafood competitiveness and economic growth. One element of the Executive Order also calls for agencies to collaborate to combat IUU fishing through a range of domestic and international activities. Implementation of Section 5 of the EO is being merged as a part of the Working Group's set of activities rather than agencies creating a separate process. Such a merger contributes to the cooperation and collaboration goals of both mandates.

The Working Group developed an initial set of priorities and activities to begin fulfilling the responsibilities in Section 3551(c) of the Maritime SAFE Act, as well as Section 5(b) and (c) of the EO on seafood competitiveness. This list of priority activities has been incorporated into this Work Plan, which will be updated periodically, particularly as the Working Group progresses its work and as new challenges arise or situations change.

In 2004, the United States adopted a National Plan of Action of the United States of America to Prevent, Deter, and Eliminate Illegal, Unregulated, and Unreported Fishing (NPOA). The United States developed the NPOA in response to a call for all States to develop and adopt national plans of action to achieve the objectives of the 2001 United Nations Food and Agriculture Organization International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA) and to give full effect to the IPOA provisions as an integral part of our fisheries management programs and budgets. The NPOA described U.S. efforts at that time and included a number of recommendations for Federal agencies and others to contribute to combatting IUU fishing. We have not updated our NPOA since its initial development, and we have fulfilled many of the NPOA initial recommendations and some recommendations are no longer applicable due to changes within the fisheries management

landscape. This Work Plan, and the Strategic Plan that we will be developing over the next year, will serve as the basis for an update to the 2004 NPOA.

## **II. Organization of the Working Group**

The Interagency Working Group consists of those agencies listed in Section 3551(b) of the Maritime SAFE Act. The Act calls for the U.S. Coast Guard (USCG), the Department of State (DOS), and the National Oceanic and Atmospheric Administration (NOAA) to serve as chair or deputy chairs of this Working Group on a 3-year rotating basis. NOAA currently chairs the Working Group, with DOS and USCG as deputy chairs, until June 2023. A complete roster of agency leads and staff is maintained by NOAA. This roster is used by the Chair for sending notifications and meeting invitations to the Interagency Working Group.

The Maritime SAFE Act requires the establishment of the Subworking Group on the Gulf of Mexico IUU Fishing. Additional subworking groups will be formed as needed to carry out activities that fulfill the mandated responsibilities. We are also forming a task group. Task groups are intended to be more limited in duration than subworking groups and are narrowly focused on completing specific tasks or projects. In general, we intend to be judicious in the establishment of subworking groups and task groups, and build the structure of the IUU Fishing Working Group purposefully and deliberately.

Current Subworking Groups:

1. Gulf of Mexico IUU Fishing (NOAA lead)
2. Maritime Intelligence Coordination (NMIO lead)
3. Public-Private Partnerships (NOAA lead)

Current Task Groups:

1. Priority Regions and Priority Flag States (DOS lead)

## **III. Activities of the Working Group**

The Working Group identified the means described below for fulfilling its responsibilities listed in Section 3551(c). Activities that had been underway will be continued, modified, or enhanced to begin meeting the responsibilities of the Working Group and ensure an integrated federal government-wide response to IUU fishing. Additionally, new activities, particularly those involving intelligence assets, are being initiated by the Working Group.

Where appropriate, leads, involved agencies, timeframes, or other information relevant to carrying out activities and tasks have been outlined.

**a. Subworking Group Activities**

***i. Gulf of Mexico IUU Fishing Subworking Group***

The Maritime SAFE Act expressly required the creation of this subworking group, and outlined the requirements for its activities.

- **Lead:** NOAA
- **Subworking Group participants:** DOS, USCG, USTR, NMIO, DOJ
- **Task 1:** The subworking group will identify:
  - Federal actions taken and policies established during the past 5 years, with respect to IUU fishing in the U.S. EEZ in the Gulf of Mexico, specifically:
    - The surveillance, interdiction, and prosecution of any foreign nationals engaged in such fishing;
    - The application of the High Seas Driftnet Fishing Moratorium Protection Act to any relevant nation, including the status of any past or ongoing consultations and certification procedures
  - Actions and policies that NOAA, DOS, and the USCG can take, using existing resources, to combat IUU fishing in the U.S. EEZ in the Gulf of Mexico;
  - Any additional authorities that could assist NOAA, DOS, and the USCG in more effectively addressing such IUU fishing
- **Task 2:** Prepare a report to Congress, due in March 2021, which contains the findings from task 1 and a timeline for each of the three agencies to implement each action or policy identified.

***ii. Maritime Intelligence Coordination Subworking Group***

The following activities will be carried out by the Subworking Group on Maritime Intelligence Coordination chaired by National Maritime Intelligence-Integration Office (NMIO).

- **Lead:** NMIO
- **Subworking Group Participants:** DOS, DOD, FWS, NOAA, USCG, CBP, USGS/Civil Applications Committee (CAC), DOJ
- **Task 1:** Support recommendations from the broader Interagency Working Group, on the identification of priority regions and priority flag States. Timeframe: Near-term.
- **Task 2:** Finalize the draft Memorandum of Understanding (MOU) Between the Secretary of State, Secretary of Defense, Secretary of the Interior, Secretary of Commerce,

Secretary of Homeland Security, and the Office of the Director of National Intelligence Relating to the Enforcement of Domestic Laws and International Agreements that Conserve and Manage the Living Marine Resources of the United States. Timeframe: Near-term.

- **Task 3:** Lead the development of a unified Intelligence Community IUU fishing threat assessment. The assessment should include a prioritized list of suspicious fleets and owners for targeted law enforcement operations and investigation. Timeframe: Mid-term.
- **Task 4:** Lead the establishment of protocols for sharing information and collaborating in support of maritime domain awareness (MDA) and counter IUU fishing activities through collaboration on emerging technologies and intelligence support. Timeframe: Mid-term

### *iii. Public-Private Partnerships Subworking Group*

The following tasks to engage with seafood industry and nongovernmental stakeholders will be further developed by the Subworking Group on Public-Private Partnerships, chaired by NOAA. This Subworking Group will develop and provide recommendations to the Interagency Working Group and may carry out certain tasks, if appropriate.

- **Lead:** NOAA
- **Working Group Participants:** DOS, USCG, CBP, DOL, NMIO, USAID
- **Task 1:** Develop a communications strategy and plan for informing and involving stakeholders in the efforts of the Working Group. Timeframe: October 2020
- **Task 2:** Take stock of existing formal partnerships between agencies and private entities. Timeframe: Mid-term
- **Task 3:** Engage with existing partners to identify key areas for additional efforts. Timeframe: Mid-term

## **b. Task Group Activities**

### *i. Priority Regions and Priority Flag States Task Group*

A key element of the efforts of the Working Group involves the identification of priority regions and priority flag states, for the 5-year strategic plan mandated by the Maritime SAFE Act but also to focus the activities of the Working Group. DOS is separately to take steps through each of their chief of mission in priority regions or priority flag states, under Section 3542 of the Act.

DOS will lead a Task Group focused on elaborating a framework to identify priority regions and priority flag states and identify initial regions and countries consistent with Section 3552 (b).

The framework will include a mechanism for criteria and lists of regions and countries to be updated over the life of the Working Group. While the list is required for the 5-year Strategic Plan due by the end of 2021, the Working Group feels that developing such a list early in the process will serve to direct some of its immediate priority activities and improve the long-term efforts of the Working Group and Strategic Plan formulation.

- **Lead:** DOS
- **Working Group Participants:** NOAA, USCG, NMIO, USTR
- **Task 1:** Establish a framework that can be used to identify priority regions and flag states now and in the future
- **Task 2:** Identify initial priority flag states and regions based on the criteria in Section 3552 (b).
- **Timeframe:**
  - October 2020: DOS develops, in consultation with NOAA and USCG, draft framework and initial list of priority regions and countries
  - October 2020: Interagency reviews framework and initial list and provides feedback
  - November 2020: Framework and list finalized
  - September 2021/2: DOS leads review of priority list and makes updates as appropriate based on the framework

### **c. Ongoing Activities to Combat IUU Fishing**

Many federal agencies have been engaged in a variety of efforts to combat IUU fishing. The Working Group brings together these efforts for an integrated, whole-of-government approach.

The below captures the activities that have been on-going and which fall under the responsibilities of the Working Group, which relate to enforcement and other operations, work with partner governments, and interagency coordination on seafood imports. Where appropriate, additional details are provided or near-term tasks are described to increase awareness within the Working Group and promote the sharing of information and updates from the lead agencies to the Working Group. This may also provide for the identification of additional opportunities for coordination.

As the involved agency(ies) make further progress on these activities, they will inform the Working Group, including where and how coordination with other agencies occurred or would be helpful.

*i. Enforcement and Other Operations*

1. Incorporate counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the USCG, and create law enforcement and security partnerships similar to the Oceania Maritime Security Initiative and Africa Maritime Law Enforcement Partnership.
  - **Leads:** DOD and USCG
  - **Task 1:** Reinstate the legal authorities for the operational phase of the African Maritime Law Enforcement Partnership through legislative change proposal. Timeframe: FY22.
  - **Task 2:** Identify opportunities for counter-IUU fishing components to planned exercises. Timeframe: FY23.
  - **Task 3:** Identify regions for new law enforcement and security partnerships. Timeframe FY22.
2. Identify geospatial technologies that support MDA and IUU fishing capability development.
  - **Lead:** CAC
  - **Task 1:** Identify planned/potential geospatial remote sensing technologies from DoD/IC that can be leveraged and assist with any Department of Interior coordination. Work closely with the Maritime Intelligence Coordination Subworking Group.
3. Identify opportunities to assist countries in priority regions and flag states to improve the effectiveness of IUU fishing law enforcement.
  - **Leads:** USCG and NOAA
  - **Task 1:** Identify planned/potential law enforcement operations and evaluate future enforcement operations informed by priority regions and flag States. Timeframe: FY22.
4. Support the efforts of INTERPOL to combat IUU fishing by building fisheries enforcement capacity and strengthening collaboration between governments.
  - **Lead:** NOAA
  - **Ongoing:** NOAA, USCG, and DOJ National Central Bureau participate in the Interpol Fisheries Crime Working Group (FCWG), which is an international platform for sharing expertise and experience, and developing policing

approaches to fisheries crime. The group assists member countries to gather and analyze intelligence and exchange information with the international fisheries enforcement community.

NOAA and the USCG continue to engage in INTERPOL's Regional Investigative and Analytical Meetings (RIACMs), which allow member countries to exchange information on specific cases and discuss enforcement opportunities related to IUU vessels and the networks behind them. USAID is assisting the Government of Indonesia, through INTERPOL, to strengthen the government's capacity to identify, deter, and disrupt IUU fishing.

5. Support the efforts of regional monitoring, control, and surveillance (MCS) and fisheries enforcement networks, such as the International MCS Network, that bring together MCS practitioners and fisheries inspectors/enforcement personnel to share and harmonize counter-IUU fishing practices throughout the region, send alerts to distribute information on suspect IUU fishing vessel activities, and enhance information exchange across the region.

- **Lead:** NOAA
- **Ongoing:** NOAA, on behalf of the United States, is an observer to several operational counter-IUU fishing regional networks, such as the Network of Exchange of Information and Experiences among Latin American and Caribbean Countries to Prevent, Discourage and Eliminate IUU Fishing ("La Red"); the Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices including Combating IUU Fishing in Southeast Asia; and the Western Central Atlantic Fishery Commission RPOA-IUU, and will continue to provide fisheries enforcement expertise to these initiatives.

## *ii. Work with Partner Governments*

1. Use mechanisms to combat IUU fishing that are outlined in Section 3544(a), such as including counter-IUU fishing activities in existing maritime law enforcement agreements (e.g., shiprider agreements) and entering into maritime law enforcement agreements that include counter-IUU fishing provisions with priority flag states and countries in priority regions with which the United States does not already have such an agreement.

- **Leads:** USCG and DOS
- **In Progress:** Currently there are four signed maritime law enforcement agreements and five draft agreements in Africa. In the Pacific, there are 11

agreements and two pending draft agreements. USCG has developed an interagency draft agreement with a country in South America and is ready to transmit the agreement. USCG has drafted an amendment to an existing agreement to include IUU fishing in the Caribbean and is waiting for approval to send to the country team.

- **Task 1:** Conclude the five draft agreements in Africa. Timeframe: 6-12 Months
- **Task 2:** Conclude the two draft agreements in the Pacific. Timeframe: 6-12 Months
- **Task 3:** Conclude the first agreement in South America. Timeframe: 6-12 Months
- **Task 4:** Amend the existing agreement in the Caribbean. Timeframe: 6-12 Months

2. In priority regions, prioritize training and technical assistance to promote sustainable fisheries management, enhance MCS systems, and strengthen capabilities to combat IUU fishing and the trafficking in IUU fish and fish products – including assessing legal authorities and supporting transparency in fisheries enforcement sectors. Assist nations to better detect and interdict IUU fish and fish products before they enter the global stream of commerce and ideally prevent IUU fish and fish products from reaching the United States.

- **Lead:** NOAA and USAID
- **In progress:** Various agencies continue to provide a wide range of capacity building support in countries across Latin America, the Caribbean, Africa, Southeast Asia and the South Pacific. Capacity building activities range from workshops through international and regional bodies, such as the ASEAN Regional Forum (ARF) and direct bilateral and regional capacity building with support from and in partnership with USAID, U.S. Naval Forces Africa, U.S. Missions and international partners.
- **Task 1:** Identify key geographic areas that will be the focus of training and technical assistance. The area should be identified from the priority regions and priority flag states. Timeframe: Near-term
- **Task 2:** Provide information on planned/potential capacity building efforts for FY21. Timeframe: November 2020

3. Support accession to, and implementation of, the Port State Measures Agreement (PSMA) through: a) capacity building, training, and technical assistance directly to partner countries to strengthen national policy and legislative frameworks and operational capacities in carrying out coordinated MCS operations to combat IUU fishing; b) support programs such as the Food and Agriculture Organization of the United Nations' (FAO) Global Capacity Development Programme through financial



and in-kind contributions (contingent on the availability of resources); and c) support the phased development of new global and regional information sharing tools, such as the PSMA Global Electronic Information Exchange System to support the operational implementation of the PSMA.

- **Leads:** NOAA, DOS
- **In Progress:** NOAA and FAO are engaged in a multi-year project supported by funding from DOS Bureau of International Narcotics and Law Enforcement Affairs (DOS-INL) and the UN FAO Umbrella Program to support implementation of the PSMA and other instruments to combat IUU fishing in the Bahamas, the Dominican Republic, Jamaica, Guyana, and Trinidad and Tobago.

NOAA, in partnership with USAID, is currently assisting Indonesia operationally implement PSMA. NOAA has an ongoing partnership with USAID-Regional Development Mission for Asia to provide regional fisheries law enforcement training in Southeast Asia, and plans to conduct two additional PSMA trainings through this project in Thailand and Vietnam. NOAA and DOS-INL have initiated plans to conduct PSMA inspector trainings in the Philippines. NOAA has additionally engaged with U.S. Embassies or consulates in Vietnam, Thailand, Peru, Uruguay, and Ecuador to coordinate future PSMA inspector training workshops in those countries.

4. Support the implementation of collaborative international initiatives, such as FAO's Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, and other mechanisms to help enforcement authorities verify the identity of fishing and fishing-support vessels and receive information regarding harvesting, at-sea transshipment, and other activities pertaining to IUU fishing globally.

- **Leads:** DOS, NOAA, and USCG
- **Task 1:** Write to governments who have not submitted or provided recent updates of their fishing vessel registries to the Global Record encouraging them to do so and offering technical support if they need it to provide the registry data or updates. Timeframe: Near-term

### *iii. Seafood Imports*

1. Share information among Working Group agencies and coordinate more closely on seafood imports. The multi-agency Commercial Targeting and Analysis Center (CTAC), hosted by U.S. Customs and Border Protection (CBP), provides a vehicle to

facilitate the sharing of information and leverages the collective resources of participating government agencies to detect, prevent, deter and investigate importations in violation of laws and regulations that protect U.S. interests in environmental protection, import safety, and fair trade. Expanded leveraging of other CBP border trade monitoring and control mechanisms, such as those residing at its National Targeting Center, could provide partner government agencies with additional capabilities for operational coordination of seafood import enforcement efforts.

- **Lead:** NOAA
- **In Progress:** NOAA's work at CTAC has allowed for increased awareness of incoming seafood shipments, and afforded an improved capability to monitor and inspect shipments upon arrival. Because NOAA's arrangement with CTAC provides visibility on all products under its jurisdiction, as well as all U.S. ports of entry, and any entity undertaking the import of goods into the United States, it constitutes a comprehensive means for monitoring incoming shipments of concern. Such shipments may be scrutinized for a variety of reasons including improper documentation, mislabeling, and suspect origins.
- **Task 1:** NOAA will continue its ongoing cooperative interaction with CBP at the CTAC, which also provides the opportunity for NOAA to cooperate with other attending partner government agencies (PGAs).
- **Task 2:** NOAA and CBP will continue to engage in Trade Special Operations (TSOs), which are coordinated national operations that concentrate enforcement efforts on identification and inspection of particular products or product groups according to prearranged guidelines and timetables. NOAA will continue to maintain and improve its CTAC function to better target IUU fish and fish products, as well as other imports of concern, in the months and years ahead.

#### **IV. Additional Areas for Interagency Collaboration**

The Working Group intends to set up mechanisms for the agencies to regularly share information on its efforts to combat IUU fishing, maritime enforcement, technical assistance, work with partner governments, and other initiatives. As well as facilitating communication, these mechanisms will allow for the tracking of the efforts described above and assess progress against benchmarks that will be outlined in the 5-year strategic plan.

To ensure that all responsibilities of the Working Group are met, the following are areas for the Working Group to engage in, apart from or linked with the work under subworking groups, task groups, and ongoing activities, all of which are linked to mandates within other parts of the Maritime SAFE Act or other statutes:

- ***Monitoring imports of seafood and other natural resources:*** NOAA, USCG, U.S. Fish and Wildlife Service, CBP, Food and Drug Administration, and other agencies have various roles in monitoring natural resources imported into the United States. Enhancement of existing coordination could be explored, including through the vetting of import information, allowing for connectivity between relevant databases, as feasible and appropriate (e.g., authorized vessel lists), and supporting enforcement actions as needed.
  - Leverage interagency coordination to prevent seafood imports associated with IUU fishing.
  - Linked to Section 3545 of the Maritime SAFE Act on improvement of transparency and traceability programs. As DOS, USAID, USCG, NOAA, and other agencies, if merited, work to implement Section 3545, the Working Group can serve as a forum to share information and enhance coordination.
  
- ***Engagement with partner governments:*** Several Working Group agencies engage with partner governments or conduct activities in other countries, including through attachés located in U.S. embassies. Improved sharing of information among the agencies on these engagements and activities could support a more integrated response to IUU fishing.
  - Linked to Section 3543 of the Maritime SAFE Act, assistance by Federal agencies to improve law enforcement within priority regions and priority flag States.
  - As DOS, NOAA, USCG, and other relevant agencies work to implement Section 3543, information on certain activities should be shared with the Working Group to allow for coordination.
  - Linked to Section 3545 of the Maritime SAFE Act on improvement of transparency and traceability programs. As DOS, USAID, USCG, NOAA, and other agencies, if merited, work to implement Section 3545, the Working Group can serve as a forum to share information and enhance coordination.
  
- ***U.S. government (USG) information sharing related to regional fisheries management organizations (RFMOs), particularly initiatives that relate to combating IUU fishing:*** Several agencies already engage in the initiatives and position setting of the USG at the RFMOs, and participate in those organizations. Development of protocols to keep other agencies informed of issues on the agendas of the various RFMOs as appropriate will provide for information-sharing and participation in domestic implementation of measures and identification of potential IUU fishing activity within the relevant Convention Areas.

- NOAA and DOS, as it leads U.S. delegations to RFMOs, will keep the Working Group apprised of efforts and issues covered that relate to monitoring, control, and surveillance of fishing vessels, IUU vessel lists, and catch documentation.
  - Other agencies that lead U.S. delegations to international organizations that affect the work of RFMOs will also share information with the Working Group to coordinate U.S. positions or proposals as needed.
- *Implementation of the identification and certification procedures to address IUU fishing in accordance with the **High Seas Driftnet Fishing Moratorium Protection Act**: NOAA Fisheries already seeks information from a range of sources for the identification of countries whose vessels are engaged in IUU fishing. Yet, there may be potential for Federal agencies to provide additional information to NOAA Fisheries using existing means for monitoring maritime activities.*
- NOAA will be publishing its next report to Congress under the Moratorium Protection Act in 2021.
  - Working Group agencies should provide information for potential identifications to NOAA by December 2020.
  - NOAA to provide Working Group agencies essential elements of information needed to meet Moratorium Protection Act mandates.

## V. Reports to Congress

- a. Gulf of Mexico IUU Fishing Subworking Group (NOAA, USCG, and DOS) – due March 2021
  - Lead: NOAA
  - Contributors: USCG, DOS
- b. Annual report on Working Group’s efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing – due date not specified in the Act, but planned for June 2021
  - Lead: NOAA
  - Contributors: USCG
- c. 5-yr integrated strategic plan on combating IUU fishing and enhancing maritime security – due no later than Dec 20, 2021
  - Leads: NOAA, DOS, USCG
  - Contributors: All
- d. Assessment report – due 5 years, and again 5 years later, after submittal of the integrated strategic plan
  - Lead: To be determined