

Archived: Monday, 6 February 2023 2:15:50 PM

From: s. 22(1)(a)(ii)

Sent: Fri, 10 Jun 2022 00:39:01

To: s. 22(1)(a)(ii) s. 22(1)(a)(ii)

Cc: s. 22(1)(a)(ii) s. 22(1)(a)(ii)

Subject: RE: US Marine Mammal Protection Act - information request [SEC=OFFICIAL:Sensitive]

Sensitivity: Normal

Hi ^{s. 22(1)(i)},

Thank you very much for your response.

NOAA was happy with the information we provided and has no further questions at this stage.

We will be in touch should NOAA raise any other issues as they continue their review of Australia's applications.

Kind Regards,

s. 22(1)(a)(ii)

Governance and Trade Section

Fisheries Branch

Agvet Chemicals, Fisheries and Engagement Division

Department of Agriculture, Water and the Environment

M: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii)@agriculture.gov.au

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@nre.tas.gov.au>

Sent: Wednesday, 11 May 2022 6:24 PM

To: s. 22(1)(a)(ii) @awe.gov.au>

Cc: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>; ^{s. 22(1)(a)(ii)}

^{s. 22(1)(a)(iii)} <s. 22(1)(a)(ii)@nre.tas.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@nre.tas.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii)@nre.tas.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@nre.tas.gov.au>

Subject: RE: US Marine Mammal Protection Act - information request [SEC=OFFICIAL:Sensitive]

Hi ^{s. 22(1)(a)(i)} – here are our responses the questions posed.

Happy to discuss further if you require further information.

Rgds,

^{s. 22(1)(i)}

s. 22(1)(a)(ii) | General Manager - Marine Resources

Department of Natural Resources and Environment Tasmania

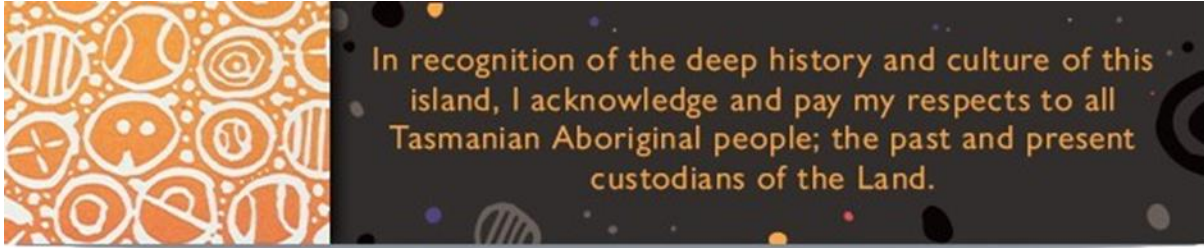
134 Macquarie Street Hobart TAS 7000

GPO Box 44 Hobart TAS 7001

M: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii)@nre.tas.gov.au

W: nre.tas.gov.au



In recognition of the deep history and culture of this island, I acknowledge and pay my respects to all Tasmanian Aboriginal people; the past and present custodians of the Land.

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1. Does your jurisdiction's legislation allow for lethal action to be taken against pinnipeds?

Several species of fur seal breed in Tasmania. Interactions between fur seals and aquaculture and/or fisheries primarily involve Australian fur seals (*Arctocephalus pusillus*). This species is listed as Protected under the *Tasmanian Nature Conservation (Wildlife) Regulations 2021*. Special purpose permits for take of protected wildlife may be issued under the Regulations in circumstances approved by the Secretary. The Seal Management Framework (SMF; non-statutory policy framework) applies to marine fin-fish farming operations in Tasmania, and provides the option for fish farming companies to submit an application for the humane destruction of an individual fur seal where it can be demonstrated that the seal presents an unacceptable risk to farm workers.

2. If so, what is the process followed and is the power to take this action allowed only in defence of human safety?

Yes, this action is only permitted in defence of human safety. If a fish farming company is able to positively identify an individual seal and can present sufficient evidence (as required under the SMF) that the seal presents an unacceptable risk to farm workers (e.g. repeated incidents or near misses that can't be immediately mitigated), they are eligible to submit an application to the Department of Natural Resources and Environment Tasmania for a permit to humanely destroy that individual seal. The application is assessed by expert marine mammal biologists and a recommendation is provided to the Secretary of the Department within 48 hours of receipt of an application. If the Secretary is satisfied that all relevant SMF criteria have been met, and the animal represents an unacceptable ongoing risk, a permit may be issued to the company to destroy that seal via sedation and injection of barbiturate (following trapping of that seal).

3. Can this action be undertaken in defence of fisheries and aquaculture operations (i.e., to protect gear, property, fish catch or aquaculture stock)?

No, under the SMF the Secretary of the Department may only issue a permit to destroy a seal if it is a) clearly identifiable, and b) demonstrated that the animal presents an unacceptable risk to farm workers.

4. Data regarding the issuance of permits in your jurisdiction to humanely destroy a pinniped (over the last three years).

Three permits to destroy individual Australian fur seals (one seal per permit) have been issued to finfish farming companies by the Secretary of the Department over the last three years (two in 2020 and one in 2021). One additional application in 2020 was not approved as the Secretary of the Department was not satisfied that the seal in question presented an unacceptable risk.

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au>

Sent: Friday, 6 May 2022 4:24 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@nre.tas.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@nre.tas.gov.au>; s. 22(1)(a)(ii)

<s. 22(1)(a)(ii) @nre.tas.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @nre.tas.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@nre.tas.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@nre.tas.gov.au>
Cc: a. 22(1)(a)(ii) <a. 22(1)(a)(ii)@agriculture.gov.au>; a. 22(1)(a)(ii) <a. 22(1)(a)(ii)@agriculture.gov.au>
Subject: US Marine Mammal Protection Act - information request [SEC=OFFICIAL:Sensitive]

Good afternoon Tasmania,

I write in regard to the United States' Marine Mammal Protection Act Comparability Finding currently being undertaken by the US National Oceanic and Atmospheric Administration (NOAA).

As you will be aware, effective 1 January 2023, all fisheries exporting to the United States must have received a Comparability Finding under the MMPA Import Provisions. The Department of Agriculture, Water and the Environment (DAWE) submitted state and NT applications before the 30 November 2021 deadline.

In response to the applications submitted, NOAA has sought clarification from Australia on legislation that enables us to take lethal action against pinnipeds, both at the state and commonwealth level. It has also asked for data on permits issued to take such action.

We ask that you provide the following information for our consolidation and reply:

1. Does your jurisdiction's legislation allow for lethal action to be taken against pinnipeds?
2. If so, what is the process followed and is the power to take this action allowed only in defence of human safety?
3. Can this action be undertaken in defence of fisheries and aquaculture operations (i.e., to protect gear, property, fish catch or aquaculture stock)?
4. Data regarding the issuance of permits in your jurisdiction to humanely destroy a pinniped (over the last three years).

It would be greatly appreciated if could respond to both these points ASAP, and at the latest before **COB 13 May**.

Please give me a call if you require further clarification or have any other questions.

Kind Regards,

s. 22(1)(a)(ii)

Governance and Trade Section

Fisheries Branch

Agvet Chemicals, Fisheries and Engagement Division

Department of Agriculture, Water and the Environment

M: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii)@agriculture.gov.au

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Archived: Monday, 6 February 2023 2:16:47 PM

From: [MMPA LOFF - NOAA Service Account](#)

Sent: Mon, 14 Nov 2022 19:22:46

To: s. 22(1)(a)(ii)

Cc:

Subject: Re: For action: Question about seal permitting and humane destruction [SEC=UNOFFICIAL]

Sensitivity: Normal

Dear ^{s. 22(1)(a)(ii)},

Thank you for your email. At this time I am unable to provide you with an update on Australia's application as we are still in the process of reviewing all applications. If we have further questions regarding Australia's application, we will reach out to you and provide you with time to respond prior to issuing any decisions.

Note that no trade restrictions would take effect until January 1, 2024. Per the regulations, any concerns about Australia's regulatory program will be communicated prior to a final determination. We will endeavor to complete reviews for all nations well in advance of the Nov 30 regulatory deadline for notification.

Sincerely,

^{s. 22(1)(a)(ii)}

On Thu, Jul 28, 2022 at 7:50 PM s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s. 22(1)(a)(ii)@awe.gov.au)> wrote:

Dear ^{s. 22(1)(a)(ii)},

I write in regard to Australia's application for Comparability Finding for its fisheries.

I was hoping to get an update on our application and expected timelines for the preliminary review to be completed. As noted below, to allow us sufficient time to action a response to any future requests, it would be appreciated if you could flag any areas of concern in advance of NOAA's assessment.

I also wanted to check that we are still on track for the results of the Comparability Finding evaluations to be published in the Federal Register by November 30 of this year.

Kind Regards,

^{s. 22(1)(a)(ii)}

From: MMPA LOFF - NOAA Service Account <mmpa.loff@noaa.gov>

Sent: Thursday, 9 June 2022 3:51 AM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>

Cc: s. 22(1)(a)(ii)[@afma.gov.au](mailto:s.22(1)(a)(ii)@afma.gov.au); s. 22(1)(a)(ii)[@afma.gov.au](mailto:s.22(1)(a)(ii)@afma.gov.au); s. 22(1)(a)(ii) (DFAT) <s. 22(1)(a)(ii)[@dfat.gov.au](mailto:s.22(1)(a)(ii)@dfat.gov.au)>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)>

Subject: Re: For action: Question about seal permitting and humane destruction [SEC=UNOFFICIAL]

Dear ^{s. 22(1)(a)(ii)} and colleagues,

Thank you very much for this comprehensive review of legal practices and actions taken against pinnipeds by the Commonwealth and States. We appreciate the review that you have undertaken regarding Australian lethal take in the past few years and the circumstances surrounding those actions. The actions undertaken are in line with our own domestic practices regarding lethal action in instances of safety of human life under the U.S. Marine Mammal Protection Act.

We have no further questions on this activity at this time. We will let you know if additional questions arise as we continue our review of Australia's application.

Sincerely,

^{s. 22(1)(a)(ii)}

On Tue, Jun 7, 2022 at 8:10 PM s. 22(1)(a)(ii) <s. 22(1)(a)(ii)[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)> wrote:

Dear ^{s. 22(1)(a)(ii)}

We have followed up on your request regarding legislation that enables Australia to take lethal action against pinnipeds, both at the State and Commonwealth level.

Commonwealth level:

- All pinnipeds are listed as marine species under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Under the EPBC Act it is an offence to kill, injure, take, trade, keep, or move listed marine, migratory or threatened species on Australian Government land or in Commonwealth waters without a permit. Where these animals occur in state jurisdictions relevant state legislation applies (see section below).
- Commonwealth legislation does not specify all factors that are considered as part of a permitting approval decision, however, all applications for a permit to destroy a pinniped are subject to a rigorous assessment process and practical non-lethal control options must be exhausted.
- We can confirm that no Commonwealth permits for the taking of lethal action against pinniped have been issued in at least the last three years. Nor were there any applications submitted for a permit to destroy a pinniped for reasons

related to the defense of fisheries and aquaculture operations.

State-level:

- Legislation and permitting exemptions regarding the destruction of pinnipeds varies at the State-level.
- Several States prohibit any lethal action against pinnipeds. In other States, it is possible to obtain a humane destruction permit for pinnipeds via a rigorous assessment process and where all practical non-lethal control options have been exhausted.
- We can confirm that no permits to destroy a pinniped for reasons related to the defense of fisheries and aquaculture operations have been issued in at least the last three years.
- To summarise State-level legislation/permitting exemptions:
 1. **New South Wales** — There are no provisions in the NSW Fisheries or Aquaculture Acts & Regulations that allows for lethal action to be taken against pinnipeds.
 2. **Western Australia** — a Regulation 26 Fauna taking (dangerous fauna) licence may be issued under the *Biodiversity Conservation Regulations 2018* to destroy a pinniped, but only where there is a significant risk to human safety. No such applications have been made to destroy a pinniped in Western Australia.
 3. **Tasmania** — Special purpose permits to destroy a pinniped may be issued under Tasmanian Regulations, but only where there is a risk to human safety. Three permits to destroy individual Australian fur seals on human safety grounds (one seal per permit) have been issued to finfish farming companies during the last three years (two in 2020 and one in 2021). One additional application in 2020 was not approved as the decision-maker was not satisfied that the seal in question presented an unacceptable risk to human safety.
 4. **Queensland** — Queensland legislation does not allow for lethal action to be taken against pinnipeds under any circumstance.
 5. **South Australia** — Permits to destroy a pinniped exist but legislation does not explicitly state the conditions for which a permit to destroy a pinniped may be issued. No permits to destroy a pinniped have been issued in at least the last three years.
 6. **Victoria** — Similar to South Australia, permitting exemptions exist but legislation does not explicitly state the conditions for which a permit to destroy a pinniped may be issued. Three permits for lethal control against pinnipeds have been issued over the last three years and all were issued due to threats to human safety.

The Australian Capital Territory is a landlocked jurisdiction and the Northern Territory has no pinnipeds occurring in its waters.

Please do not hesitate to contact me if you require further clarification.

Kind Regards,

s. 22(1)(a)(ii)

Governance and Trade Section
Fisheries Branch

Agvet Chemicals, Fisheries and Engagement Division
Department of Agriculture, Water and the Environment
M: s. 22(1)(a)(ii)
E: s. 22(1)(a)(ii)[@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)

From: MMPA LOFF - NOAA Service Account <mmpa.loff@noaa.gov>
Sent: Tuesday, 17 May 2022 7:07 AM
To: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>
Cc: s. 22(1)(a)(ii)[@afma.gov.au](mailto:s.22(1)(a)(ii)@afma.gov.au); s. 22(1)(a)(ii)[@afma.gov.au](mailto:s.22(1)(a)(ii)@afma.gov.au); s. 22(1)(a)(ii) (DFAT) <[s.22\(1\)\(a\)\(ii\)y@dfat.gov.au](mailto:s.22(1)(a)(ii)y@dfat.gov.au)>;
s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)>
Subject: Re: For action: Question about seal permitting and humane destruction [SEC=UNOFFICIAL]

Dear ^{s. 22(1)(a)(ii)}

It is nice to meet you and I look forward to working with you on this topic.

Thank you for reaching out to the relevant parties regarding our questions. A response in the week of 30 May is fine, we do not require a more urgent deadline for this request.

At this time, we do not have a projection for the date by which we will have a preliminary review concluded for Australia. NMFS will publish the results of the Comparability Finding evaluations in the Federal Register by November 30 of this year for all nation's fisheries. Should we have any concerns regarding Australian fisheries, we would be in contact with you and seek to address the concerns prior to making any final decisions; that way Australia would have an opportunity to respond to any identified concerns.

Please let us know if you have additional questions.

Sincerely,

^{s. 22(1)(a)(ii)}

On Mon, May 16, 2022 at 12:04 AM ^{s. 22(1)(a)(ii)} <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)> wrote:

Dear ^{s. 22(1)(a)(ii)}

Thank you for your email.

My name is ^{s. 22(1)(a)(ii)} – I have recently assumed responsibilities for managing Australia's application for Comparability Finding for its fisheries (replacing ^{s. 22(1)(a)(ii)}).

Regarding your below request, I have reached out to relevant Australian Jurisdictions and Commonwealth Authorities seeking answers your questions. Initial feedback from several jurisdictions is that humane destruction permits for pinnipeds are only ever issued where there is a significant risk to human safety and where relevant parties have exhausted all practical non-lethal control options. Initial responses also indicate that such permits are issued very infrequently.

Pending response times for other Australian jurisdictions, we endeavour to report back to you in more detail in the week starting **30 May 2022**. Please let me know if you require a more urgent response and I will do my best to push things along.

Relatedly, I was hoping to get a broader update on Australia's application. It would be greatly appreciated if you could share information regarding your assessment to date and indicative timelines for when the review will be completed and communicated to Australia. To allow us sufficient time to action a response to any future requests, it would be appreciated if you could flag any areas of concern in advance of NOAA's final assessment (as you have done in this instance).

Kind Regards,

s.22(1)(a)(ii)

Governance and Trade Section

Fisheries Branch

Agvet Chemicals, Fisheries and Engagement Division

Department of Agriculture, Water and the Environment

M: s. 22(1)(a)(ii)

E: [s. 22\(1\)\(a\)\(ii\)@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)

From: MMPA LOFF - NOAA Service Account <mmpa.loff@noaa.gov>

Sent: Monday, 2 May 2022 11:08 PM

To: s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>

Cc: s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@afma.gov.au](mailto:s.22(1)(a)(ii)@afma.gov.au)>; s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@afma.gov.au](mailto:s.22(1)(a)(ii)@afma.gov.au)>; s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)>; s. 22(1)(a)(ii) (DFAT) <[s. 22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s.22(1)(a)(ii)@dfat.gov.au)>

Subject: For action: Question about seal permitting and humane destruction [SEC=UNOFFICIAL]

Dear ^{s.22(1)(a)(ii)}

We are in the process of reviewing Australia's application for Comparability Finding for its fisheries and we have a question regarding your regulatory program. In reviewing the Environment Protection and Biodiversity Conservation Act of 1999, we took note of the permitting exception for pinnipeds (Chapter 5, Part 13 - Division 4, Sub-Division B, paragraph 258). In the 2018 Seal Management Framework for the Mitigation of Seal Interactions with Aquaculture Staff and Infrastructure in Tasmania, we noted that one of the management options in section 5.0 includes, under permit, humane destruction of individual fur seals identified as presenting a significant Work Health and Safety risk to marine farm staff. Pursuant to this Framework, we noted that the Tasmanian aquaculture fishery has utilized humane destruction, and permits have been authorized.

Can Australia provide clarification on whether lethal actions against pinnipeds may be permitted by Australia in defense of fisheries and aquaculture operations (i.e., to protect gear, property, fish catch or aquaculture stock) or if lethal actions against pinnipeds are only permitted for safety of human life? We would also appreciate any information you may be able to provide regarding recent issuances of humane destruction permits to Tasmania or other Australian aquaculture facilities.

Thank you for your assistance.

Sincerely,

s. 22(1)(a)(iii)

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On behalf of mmpa.loff@noaa.gov
Office of International Affairs and Seafood Inspection
NOAA Fisheries
U.S. Department of Commerce
www.fisheries.noaa.gov

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On behalf of mmpa.loff@noaa.gov
Office of International Affairs and Seafood Inspection
NOAA Fisheries
U.S. Department of Commerce
www.fisheries.noaa.gov

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On behalf of mmpa.loff@noaa.gov

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On behalf of mmpa.loff@noaa.gov
Office of International Affairs and Seafood Inspection
NOAA Fisheries
U.S. Department of Commerce
www.fisheries.noaa.gov

Archived: Tuesday, 7 February 2023 11:06:45 AM

From:

To:

Cc:

Subject: RE: Salmon company Huon Aquaculture used underwater explosives 8,000 times to deter seals - ABC News [SEC=UNOFFICIAL]

Sensitivity: Normal

Thanks s. 22(1)(a)(ii), we have received a question from the US in the context of export requirements about whether any seals have been for killed for reasons other than farm worker's OHS – we are following up with Jurisdictions and can let you know the answer.

Kind regards

s. 22(1)(a)(ii)

Assistant Secretary, Fisheries Branch

Agvet Chemicals, Fisheries, Forestry and Engagement

Department of Agriculture, Water and the Environment

t s. 22(1)(a)(ii) | m s. 22(1)(a)(ii)

w www.awe.gov.au | e. [@awe.gov.au](mailto:)

From: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>

Sent: Monday, 9 May 2022 4:31 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@agriculture.gov.au>

Subject: Fwd: Salmon company Huon Aquaculture used underwater explosives 8,000 times to deter seals - ABC News [SEC=UNOFFICIAL]

Regards

s. 22(1)(a)(ii)

Salmon company Huon Aquaculture used underwater explosives 8,000 times to deter seals - ABC News

<https://www.abc.net.au/news/2022-05-09/salmon-company-deterred-seals-with-underwater-explosives/101049320>

s.22(1)(a)(ii)

From: MMPA LOFF - NOAA Service Account <mmpa.loff@noaa.gov>
Sent: Tuesday, 25 October 2022 4:07 AM
To: **s.22(1)(a)(ii)**
Cc: **s. 22(1)(a)(ii)**
Subject: Re: Extension of Exemption Period Under the Import Provisions of the Marine Mammal Protection Act [SEC=UNOFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

Categories: MMPA

Dear ^{s.22(1)(a)(ii)}

Thank you for your email.

NMFS will be evaluating all applications and making our determinations for all fisheries before announcing any results. We have to be fair and consistent for all nations, so we will not be publicly announcing decisions for individual nations and individual fisheries until we have completed all evaluations. Our regulations, as amended, require notification to exporting nations by November 30, 2023 prior to implementing trade restrictions, if any, by January 1, 2024. However, the objective of the additional extension is to enable NMFS to complete its work in advance of the deadline, and to provide exporting nations and the trade community with sufficient notice to make adjustments, if needed, to supply chains affected by decisions on comparability findings.

Thank you,
s. 22(1)(a)(ii)

On Fri, Oct 21, 2022 at 1:38 AM s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@awe.gov.au> wrote:

Dear NOAA Fisheries MMPA Import Provisions Team,

Thank you for your email regarding the one-year extension for foreign nations to receive a comparability finding.

Australia understands the significant time required to review and evaluate comparability finding applications from more than 130 nations. We thank you for your ongoing efforts and for providing assurance that you will continue working with Australia to ensure our compliance with the MMPA Import Provisions.

Regarding the new 31 December deadline, we wanted to check whether countries can expect to receive comparability findings before the deadline (and in a staggered nature), or if findings will be released for all countries in one tranche? Australia would certainly welcome early notification.

Kind Regards,

s.22(1)(a)(ii)

Assistant Director

Fisheries Governance and Trade

Ph: [s.22\(1\)\(a\)\(ii\)](#)

Department of Agriculture, Fisheries and Forestry

18 Marcus Clarke Street, Canberra ACT 2601

From: MMPA LOFF - NOAA Service Account <mmpa.loff@noaa.gov>

Sent: Friday, 21 October 2022 5:55 AM

To: MMPA LOFF - NOAA Service Account <mmpa.loff@noaa.gov>

Subject: Extension of Exemption Period Under the Import Provisions of the Marine Mammal Protection Act
[SEC=UNOFFICIAL]

Dear Colleagues,

Today, NOAA Fisheries issued a final rule to provide an additional one-year extension to foreign nations to receive a comparability finding for their commercial fishing operations to export fish and fish products to the United States -- a revision to the regulations implementing the import provisions of the Marine Mammal Protection Act (MMPA).

The Import Provisions regulations, published in 2016, provided foreign nations a five-year exemption period to develop, as appropriate, regulatory programs governing the bycatch of marine mammals that are comparable in effectiveness to U.S. regulations. We previously extended the exemption period for an additional year due to the COVID pandemic.

NOAA Fisheries is reviewing comparability finding applications from more than 130 nations representing more than 2,500 exempt and export fisheries. NOAA Fisheries needs additional time to review and evaluate these applications, correspond with nations, make its final determination, and notify nations of its findings. These comparability findings are important because they ensure that foreign nations' bycatch programs meet U.S. standards as a condition to allow import of the fish and fish products from these fisheries.

With this extension, nations will have until December 31, 2023, to receive a comparability finding for their commercial fishing operations in order to export fish and fish products to the United States.

No further action is required by nations that have submitted their application. NOAA Fisheries will contact nations if additional information is needed or there are questions about the nation's application. NOAA Fisheries will continue working with its international trading partners to ensure they come into compliance with the MMPA Import Provisions.

Learn more about the Import Provisions [here](#).

Sincerely,

The NOAA Fisheries MMPA Import Provisions Team

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On behalf of mmpa.loff@noaa.gov
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