NOAA FISHERIES

Marine Mammal Protection Act Import Provisions Comparability Finding Application Final Report

The Bahamas

Summary

Based on The Bahamas' initial application, its responses to the clarification questions, and the information described below, NMFS has determined that all of The Bahamas' exempt fisheries are comparable in effectiveness to U.S. standards. The Bahamas has no export fisheries. The Bahamas prohibits the intentional killing of marine mammals in the course of commercial fishing operations.

Comparability Finding Analysis

1. **Does the nation have a prohibition on the intentional killing or serious injury of marine mammals in the course of commercial fishing operations? OR Does the nation have procedures to reliably certify that fish and fish products were not caught in association with the intentional killing or serious injury of marine mammals in the course of commercial fishing operations?**

Response: Yes. Section 4 of The Bahamas' Marine Mammal Protection Act stipulates that, "No person shall take, harass, hunt, kill, or attempt to take, harass, hunt, kill any marine mammal within The Bahamas." The only exceptions include, "where it is necessary that a marine mammal be taken to ensure the preservation of such marine mammal" and, "to a person authorized to rescue or attempt to rescue a stranded or beached marine mammal."

2. **Does the nation have a Marine Mammal Bycatch Reduction Program? A bycatch reduction program, for purposes of compliance with the import provisions, is defined as having the following components:**

   a. **The ability to control/monitor its fishing operations that may take marine mammals (e.g., authorizations, permits, licenses, and/or registrations for vessels)**

Response: Not Applicable. Exempt fisheries only.

   b. **A program to monitor its fisheries for incidences of marine mammal mortality and serious injury in the course of commercial fishing operations**

Response: Not Applicable. Exempt fisheries only.

   c. **A requirement to report all marine mammal mortality and serious injury in the course of commercial fishing operations**

Response: Not Applicable. Exempt fisheries only.

d. Prioritization of fisheries for mitigation of unsustainable marine mammal bycatch as described in 16 U.S.C. § 1387(f)(3) (in particular those over the bycatch limit, of small population size, or declining rapidly, based on available financial resources) in response to reported bycatch occurring in fishing operations. Prioritization of fisheries should be similar to U.S. take reduction teams and development of take reduction plans and including an evaluation of whether the nation has provided a bycatch limit and whether that bycatch limit is exceeded for any 16 U.S.C. § 1387(f)(3) stock(s), and whether any mitigation is effective or reconsidered if not effective.

Response: Not Applicable. Exempt fisheries only.

3. Does the nation ban the use of large-scale high seas drift gillnet gear or other gear prohibited for use by U.S. fishermen?

Response: Not Applicable. Exempt fisheries only.

4. Does the nation implement marine mammal bycatch reduction measures in fisheries regulated under a regional fishery management organization (RFMO), which are required for U.S. fishermen by that RFMO?

Response: Not Applicable. Exempt fisheries only.

5. In cases where a U.S. Take Reduction Team has implemented marine mammal bycatch reduction measures for transboundary stocks shared with the United States, are the nation's measures similar or comparable in effectiveness? (Include in the response if the nation has provided a bycatch limit and if the bycatch limit is exceeded for any 16 U.S.C. § 1387(f)(3) stocks, either in one fishery or cumulatively over a number of fisheries)

Response: Not Applicable. Exempt fisheries only.

6. For marine mammal stocks that are not transboundary but are considered at high risk of extinction, does the nation implement mitigation/risk reduction measures comparable to what is or would be required in the United States? (Include in the response if the nation has provided a bycatch limit and if the bycatch limit is exceeded for any 16 U.S.C. § 1387(f)(3) stocks, either in one fishery or cumulatively over a number of fisheries)

Additional Considerations

In reviewing a nation's fisheries and marine mammals stocks, how do they compare to:

1. U.S. implementation of its regulatory program for similar marine mammal stocks and similar fisheries (e.g., considering gear or target species), including transboundary stocks governed by regulations implementing a take reduction plan (50 CFR § 229.2), and any other relevant information received during consultations

Response: The western North Atlantic stock of short-finned pilot whales covered under the U.S. Atlantic Pelagic Longline Take Reduction Plan (PLTRP) is likely a transboundary stock with The Bahamas and it is also considered strategic stock under the MMPA because its mean annual human-caused mortality and serious injury exceeds the potential biological removal level for the stock. Because The Bahamas has only exempt fisheries and no fishery uses longline gear, none of the PLTRP requirements are applicable to The Bahamas' fisheries.

2. The extent to which the harvesting nation has successfully implemented measures in the export fishery to reduce the incidental mortality and serious injury of marine mammals caused by the harvesting nation's export fisheries to levels below the bycatch limit

Response: Not applicable. Exempt fisheries only.

3. Whether the measures adopted by the harvesting nation for its export fishery have reduced or will likely reduce the cumulative incidental mortality and serious injury of each marine mammal stock below the bycatch limit, and the progress of the regulatory program toward achieving its objectives

Response: Not applicable. Exempt fisheries only.

4. Other relevant facts and circumstances, which may include the history and nature of interactions with marine mammals in this export fishery, whether the level of incidental mortality and serious injury resulting from the fishery or fisheries exceeds the bycatch limit for a marine mammal stock, the population size and trend of the marine mammal stock, and the population level impacts of the incidental mortality or serious injury of marine mammals in a harvesting nation's export fisheries and the conservation status of those marine mammal stocks where available

Response: Not applicable. Exempt fisheries only.

5. The record of consultations under 50 CFR § 216.24(h)(5) of this section with the harvesting nation, results of these consultations, and actions taken by the harvesting nation and under any applicable intergovernmental agreement or regional fishery management organization to reduce the incidental mortality and serious injury of marine mammals in its export fisheries

Response: Not applicable. Exempt fisheries only.

6. Information gathered during onsite inspection by U.S. government officials of a fishery's operations

Response: Not applicable. Exempt fisheries only.

7. For export fisheries operating on the high seas under an applicable intergovernmental agreement or regional fishery management organization to which the United States is a party, the harvesting nation's record of implementation of, or compliance with, measures adopted by that regional fishery management organization or intergovernmental agreement for data collection, incidental mortality and serious injury mitigation or the

conservation and management of marine mammals; whether the harvesting nation is a party or cooperating non-party to such intergovernmental agreement or regional fishery management organization; the record of United States implementation of such measures; and whether the United States has imposed additional measures on its fleet not required by an intergovernmental agreement or regional fishery management organization

Response: Not applicable.

8. **For export fisheries operating on the high seas under an applicable intergovernmental agreement or regional fisheries management organization to which the United States is not a party, the harvesting nation's implementation of and compliance with measures, adopted by that regional fisheries management organization or intergovernmental agreement, and any additional measures implemented by the harvesting nation for data collection, incidental mortality and serious injury mitigation or the conservation and management of marine mammals and the extent to which such measures are comparable in effectiveness to the U.S. regulatory program for similar fisheries**

Response: Not applicable.

Overall Summary for Additional Considerations

The western North Atlantic Stock of short-finned pilot whales covered under the U.S. Atlantic Pelagic Longline Take Reduction Plan (PLTRP) is likely a transboundary stock with The Bahamas. However, The Bahamas has exempt fisheries only, and does not have longline fisheries on its LOFF. Therefore, it does not have similar fisheries interactions with the transboundary stock and no requirements under the PLTRP are applicable to The Bahamas' fisheries.

Engagement History

NMFS held a routine consultation with The Bahamas Department of Marine Resources in February 2021, and had previous consultations in June and October of 2018. The Bahamas has been generally responsive to correspondence.