

*Addendum to the Biennial Report to Congress Pursuant to  
Section 403(a) of the Magnuson-Stevens Fishery Conservation  
and Management Reauthorization Act of 2006*

**Positive Certification Determination for Mexico's 2015  
IUU Fishing Identification  
February 2018**

**U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230**

**Purpose of the Addendum.** Mexico was negatively certified in the 2017 Biennial Report to Congress due to the fact that appropriate corrective action had not been taken to address the activities for which it was identified at the time of issuance of the Report. Mexico was identified for having vessels, known as lanchas, fishing without authorization in U.S. waters, and for overfishing of stocks shared with the United States, in areas without applicable international measures or management organizations, which has adverse impacts on such stocks, including red snapper.

While Mexico reported it had taken several actions to address the lancha incursions, including increasing surveillance patrols, curtailing engine subsidies, and initiating enforcement cases against those individuals involved in the lancha operations, those actions had not progressed sufficiently to receive a positive certification. In addition, Mexico had not provided sufficient documentation of the actions it had taken. Therefore, Mexico received a negative certification in the 2017 Biennial Report to Congress.

**Bases for Identification.** Mexico was identified in the 2015 Biennial Report to Congress for having vessels fishing without authorization in U.S. waters, and for overfishing of stocks shared with the United States (red snapper, gag grouper, and gray triggerfish), in areas without applicable international measures or management organizations, that has adverse impacts on such stocks.<sup>1</sup>

**Notification and Consultation.** On January 18, 2017, NMFS notified Mexico via letter of its negative certification in the 2017 Biennial Report to Congress for IUU fishing. The National Commission of Aquaculture and Fisheries (CONAPESCA) was the primary entity within the Government of Mexico involved in the consultation. The following lists key communications between Mexico and the United States during the consultation period following the negative certification:

- On March 16, 2017, a U.S. delegation met with the Government of Mexico at its embassy in Washington, DC. Mexico updated the United States on the status of case prosecutions, and increased efforts in monitoring and surveillance by CONAPESCA and Mexico's Navy (SEMAR).
- In March 2017, on the sidelines of the Seafood Expo North America, Mr. John Henderschedt met briefly with Mexican Government officials to review recent actions taken and ongoing efforts by the Government of Mexico.
- On May 19, 2017, Mexico sent a letter to NMFS that included details of the prosecutions it has carried out, including the names of the individuals charged and the monetary fines imposed in each case.
- On July 12, 2017, NMFS sent a letter to Mexico with clarifying questions regarding Mexico's process for prosecutions and appeals.

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<sup>1</sup> In 2013, the USCG apprehended 24 open-hulled vessels powered by outboard motors (known locally as lanchas) in the U.S. EEZ with 82 Mexican nationals onboard, along with evidence of fishing activity. The vessels had made incursions as far as 41 nautical miles into the U.S. EEZ.

- On September 19, 2017, NMFS met with the Government of Mexico to discuss briefly the status of Mexico's prosecutions related to the lancha incursions and to re-inquire about a response to the July 12 letter.
- On October 19, 2017, officials of the U.S. Government met with the Government of Mexico and again discussed the status of the lancha incursion cases.
- On October 19, 2017, the Government of Mexico delivered a letter dated the same day to NMFS that answered the questions in NMFS's July 2017 letter.

**Corrective Actions Taken to Address the IUU Fishing.** Mexico brought charges against lancha vessel crews and owners, including fishing cooperatives, under its General Law of Sustainable Fishing and Aquaculture, which states that it is an infraction to conduct fishing in waters of foreign jurisdiction without a permit. Each violation assessed a fine between approximately \$35,500 USD and \$40,000 USD, for a total of approximately \$2,780,000 USD.

Mexico reported it installed satellite monitoring devices on the vessels sailing out of Bagdad Beach, Matamoros, Tamaulipas. Mexico also reported that it cancelled the engine and gas subsidies to the fishing cooperatives that are associated with lancha incursions. No subsidies were given to these cooperatives in 2016 and 2017.

Mexico also reported that the Secretariat of Communications and Transport (SCT) conducted inspections of fishing vessels registered in Bagdad Beach to verify compliance with fishing and marine laws and issued administrative measures to those without a name or registration number. Because of this, the vessels were not allowed to leave port until they were in compliance.

Mexico has also conducted recent agency reorganizations. The Port Authorities within Mexico are being transferred from SCT to SEMAR. Following the change, there will be one maritime affairs coordinating body. In addition, the Government of the State of Tamaulipas established a Secretariat of Fisheries and Aquaculture to encourage fishing and aquaculture development and to promote sustainable fishing.

**Certification.** After an analysis of Mexico's actions to address the lancha incursions in the Gulf of Mexico, NMFS determined that the Government of Mexico has taken appropriate corrective action to address them. Based on this finding, NMFS has made a positive certification determination for Mexico for its IUU fishing identification.

**Next Steps.** Mexico was also identified in the 2017 Biennial Report to Congress for having vessels fishing illegally in U.S. waters and for overfishing of a stock (red snapper) shared by the United States, in areas without applicable international measures or management organizations, which has adverse impacts on such stocks. The United States will continue consultations with Mexico on these issues and encourage appropriate corrective action leading up to the certification decision in the 2019 Biennial Report to Congress.