



Fisheries
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TAKING STOCK

Online Transparency of
Fisheries Management
Information



United States of America

2022 Detailed Assessment Report

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Every effort has been made to verify the accuracy of the information contained in this assessment. All information was believed to be correct as of December 2022. Nevertheless, the Fisheries Transparency Initiative (FiTI) cannot accept responsibility for the consequences resulting from the use of this assessment or its contents by others.

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We would like to thank all the individuals and institutions who contributed to the various stages of research and preparation of this assessment.

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By making fisheries management more transparent and inclusive, the FiTI promotes informed public debates on fisheries policies and supports the long-term contribution of the sector to national economies and the well-being of citizens and businesses that depend on a healthy marine environment.



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TAKING STOCK: Online Transparency of Fisheries Management Information

assesses the level of information that the United State national authorities publish on government websites regarding the country's marine fisheries sector.

The United States of America's 2022 TAKING STOCK: Online Transparency of Fisheries Management

Information assessment consists of this Detailed Assessment Report, as well as a comprehensive Summary Assessment Report.

Both reports, as well as information on the methodology, can be found at:

www.fiti.global/taking-stock

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ABBREVIATIONS

DOL	Department of Labor
EEZ	Exclusive Economic Zone
EBFIP	Ecosystem-Based Fisheries Implementation Plan
FAO	Food and Agriculture Organization of the United Nations
FFA	South Pacific Fisheries Forum Agency
FinCEN	Financial Crimes Enforcement Network
FiTI	Fisheries Transparency Initiative
FLSA	Fair Labor Standards Act
FMP	Fisheries Management Plan
FWS	Fish and Wildlife Service
FWS-OLE	FWS Office of Law Enforcement
GARFO	Greater Atlantic Regional Fisheries Office
IATCC	Inter-American Tropical Tuna Commission
IRCA	Immigration Reform and Control Act
ITQ	Individual Transferable Quotas
IUU fishing	Illegal, Unreported and Unregulated fishing
LSF	Large-scale Fisheries
SAFE	Security and Enforcement Act
MOU	Memorandum of Understanding
MSA	Magnuson-Stevens Fisheries Management and Conservation Act
NMFS	National Marine Fisheries Service
NGO	Non-Governmental Organisation
NIOSH	National Institute for Occupational Safety and Health
NOAA	National Oceanic and Atmospheric Administration

NOAA-OLE	NOAA Fisheries Office of Law Enforcement
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OSHA	Occupational Safety and Health Administration
PSMA	Agreement on Port State Measures
RFMC	Regional Fishery Management Council
SIMP	Seafood Import Monitoring Program
SSF	Small-scale Fisheries
TAC	Total Allowable Catch
UN	United Nations
US	United States
USAID	US International Agency for International Development
USD	United States Dollar
WTO	World Trade Organization

DIGITAL LANDSCAPE OF THE MARINE FISHERIES SECTOR IN THE US ¹

NATIONAL STRATEGIES FOR OPEN GOVERNMENT

The US has strong legislations for government transparency and is regarded as one of the leading nations in the world for advancing the principle of Open Government. In 2011, the US joined the [Open Government Partnership](#) (OGP).

In 2016, President Obama passed the Freedom of Information Law Improvement Act, which strengthened public's access to information held by federal government agencies, including establishing the 'presumption of openness'.

In 2017 the US passed the *Open Public Electronic and Necessary Government Data Act* which sets the presumption that government data assets should be made available by an agency as machine-readable data and in an open format, under open licenses.

Since the launch of the Open Data Policy in 2013, the US federal government has created a central online portal for government information (www.usa.gov), and a related portal

for government data (www.data.gov).

- The website of the [Government Publishing Office](#);
- The website of the [Federal Depository Library Programme](#);
- The website of the [Catalogue of US Publications](#);

In addition, the Government Publishing Office and the National Archives and Records Administration jointly administer the [Federal Register](#), which is designed to increase public understanding of the regulatory process and promote public participation in decision making of the federal government.

For a layperson it can be somewhat confusing to understand the relationship between these portals and websites, as they can provide overlapping information, presented in different ways.

¹ This section is intended to provide a brief introduction to the overarching framework through which the US government facilitates public access to information about its marine fisheries sector, and should not be considered an exhaustive source covering every effort, channel and stakeholder contributing to this process.

NATIONAL FISHERIES AUTHORITIES

Several national authorities regulate, promote and enforce the sustainable development of the fisheries sector in the US.

NOAA Fisheries

The primary source of government information on marine fisheries is the [National Oceanic and Atmospheric Administration \(NOAA\)](#), which is an agency within the Department of Commerce. Within the website of NOAA there is a dedicated section that covers the work of the *National Marine Fisheries Service*, which is one of several administrative bodies within NOAA. This body, more commonly known as NOAA Fisheries, has its own dedicated [sub-website](#) within the NOAA website. *NOAA Fisheries has been the government website where most information assessed in this report has been found.*

Fish and Wildlife Service

Information on marine fisheries is also provided by the US Fish and Wildlife Service (FWS), which exists under the Department of the Interior. Both NOAA and the FWS share some responsibilities on the management and conservation of marine fisheries. Overlap between the NOAA and FWS, which can extend to the publication of government information, has been discussed for many years by the US government and civil society.² However, despite some common responsibilities, such as on the conservation of endangered fish species, NOAA predominantly presides over marine fisheries and FWS presides over freshwater fisheries.

SUB-NATIONAL FISHERIES AUTHORITIES

This TAKING STOCK assessment analysed whether national (federal) information is published online by national authorities (e.g. NOAA, FWS) on their own websites. However, considerable responsibilities and powers in the US political administration are held by state and regional inter-state agencies. This is a prominent feature of US marine fisheries governance, and means public information on fisheries

management can also be found at this level.

Our assessment has therefore also reviewed government information sources on the sub-national level, but not in a systematic way. This was seen as important to understand whether these sub-national sources provide additional information to that which is provided by sources on the national level (e.g. from NOAA

² See for example the report issued in 2013 by the US Accountability Office on possible government re-organisation concerning NOAA and FWS: <https://www.gao.gov/assets/gao-13-248.pdf>

Fisheries). Consulting these sub-national sources was also seen as relevant as it is likely that these websites might be the first point of entry for citizens seeking information about fisheries in their region, e.g. on fisheries management plans, quota allocations and catch limits.

There are *two important types* of government fisheries institutions on the sub-national level in the US:

1) Regional Fishery Management Councils

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 1976 established 8 Regional Fishery Management Councils (RFMCs). These have the responsibility for, inter alia:

- Developing fishery management plans for fish that require conservation in their region;
- Establishing annual catch limits;
- Identifying research priorities.

Voting members of these councils include appointed members (from industry and civil society) nominated by state Governors, representatives of state fisheries management officials and the National Marine Fisheries Service (NMFS) regional administrator. Those RFMCs that cover fishing areas shared with tribal nations with federally recognised fishing rights also have obligatory seats for representatives of tribal authorities. The decisions of RFMCs are also informed by recommendations provided by advisory committees, which include a range of government and non-government

representatives. All recommendations made by RFMCs require approval from NMFS to ensure consistency with federal laws.

In 1992, following an amendment to the MSA, a separate management framework was established for highly migratory species of the Atlantic, including tunas, oceanic sharks, swordfish and billfish. These species are not managed by RFMCs; instead a Fisheries Management Plan is developed and implemented by NOAA Fisheries. For the West coast (Pacific Ocean region), highly migratory species are managed through a Fisheries Management Plan developed by the Pacific Fisheries Management Council.

The operation of RFMCs adheres to high levels of transparency, with all important meetings open to the public, including through virtual meetings.

There is a [dedicated website](#) that provides general information for all 8 RFMCs, including links to their documents and meeting reports. Furthermore, all RFMCs have their own dedicated websites.

It should be noted that the website of one of these RFMCs was not accessible for this assessment. This is the website of the RFMC for the North Pacific region. This website has security settings that blocks access for users based in certain countries, including the Seychelles (in which the FiTI International Secretariat is based). The inability to visit this website does not seem to have affected the results for this assessment, although it is possible that the website may publish

information on marine fisheries in this region that is not published by NOAA Fisheries, including more granular information on fish catches, discards, payments and vessel licensing.

2) Interstate Fisheries Commissions

There are three Interstate Fisheries Commissions in the US:

- Atlantic States Marine Fisheries Commission
- Gulf States Marine Fisheries Commission
- Pacific States Marine Fisheries Commission

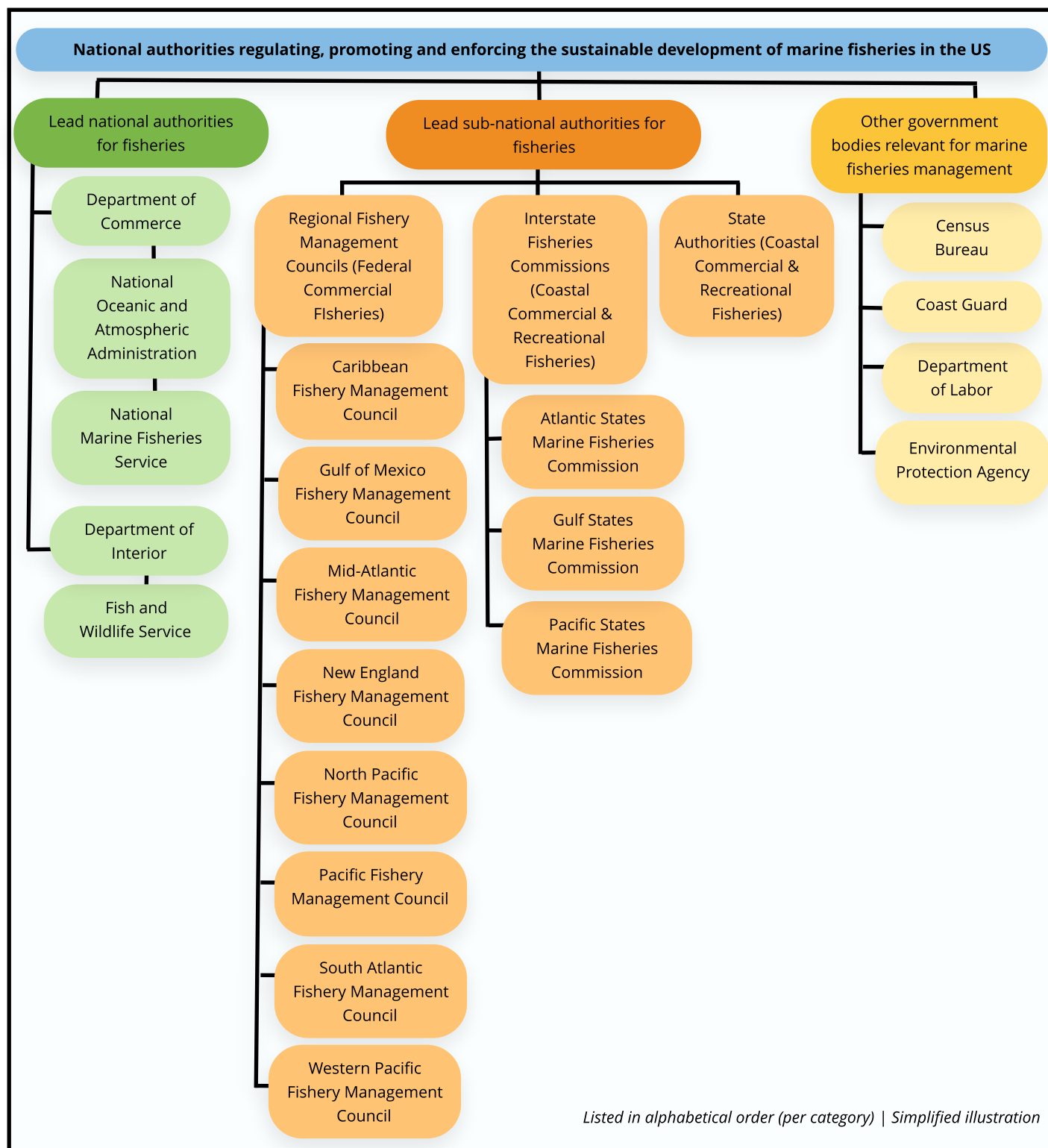
These were established prior to the 8 RFMCs, with the Atlantic States Marine Fisheries Commission being the first of the three, created in the early 1940s. They were established as voluntary commissions with an interest in collaboration on the management and research of shared fishery resources, as well as advocating on state fishery policies at the US Congress and among federal agencies.

These commissions are permanent organisations with their own staff, and their governance is led by a council comprising

representatives from states, civil society and members of regional agencies of federal organisations, including both NOAA Fisheries and FWS.

The role of the Interstate Fisheries Commissions has evolved over time and has been influenced by the creation of RFMCs. Although there is overlap between the functions and responsibilities of these commissions and the work of the RFMCs, generally the duties and responsibility of the commissions is restricted to state waters (0-3 nautical miles from the coast), while RFMCs have the responsibility to manage fisheries in the EEZ (3-200 nautical miles from the coast). Many fisheries overlap both these jurisdictions, which means management responsibilities are potentially difficult to determine.

In practice, only the ASMFC exerts independent management over fisheries, with the other two inter-state commissions playing a coordinating role only, while also providing research and data collection duties. In most regions of the USA, coastal marine fisheries is therefore managed by State authorities.



GOVERNMENT WEBSITES AND NOTABLE REPORTS

Within the scope of this assessment performed between May and August 2022, four different

entry points have been utilised to evaluate whether information on the US' marine fisheries

sector is published online by national authorities:

- By accessing the government's central portal (<https://www.usa.gov/>);
- By accessing the portal for government data (<https://www.data.gov/>);
- By directly accessing websites of national authorities (e.g. <https://www.fisheries.noaa.gov/>);
- By utilising external search engines, such as Google.

Parts of this assessment has involved consulting other federal websites, although not all of these have provided additional information to those already found on the website of NOAA Fisheries:

- US Census Bureau: The primary federal agency for collating and publishing data on US citizens and economic sectors. It was consulted regarding employment and trade

in the fisheries sector.

- US Department of Labour: The primary federal agency for matters relating to employment and labour rights. It was consulted regarding information on these topics for the fisheries sector.
- US Coast Guard: This agency plays a prominent role in monitoring the activities of fishing vessels, etc. It was consulted regarding information on law enforcement and publishing data of fishing vessel registration.
- US Environmental Protection Agency: The primary federal agency for regulating the environmental impacts of business and trade. It was consulted regarding information on environmental policies, procedures and data regarding the environmental impacts of fisheries management.

CENTRAL GOVERNMENT PORTALS IN THE US	
US government information and services ³	https://www.usa.gov/
US government open data ⁴	https://data.gov/
US government publications from all three branches of the federal government	https://www.govinfo.gov/

³ For this assessment the US Federal government's central portal on information and services was considered one of the main entry points to find information on fisheries. This site provides information through a search engine and organises selected government information via topics. Seven primary topics are listed, and this list includes one for the oceans and one for maritime issues. However, locating information on marine fisheries is not straightforward through this central government data portal. There is no thematic page that deals with fisheries specifically, and therefore finding information on fisheries is limited to the use of the search function. This produces vast amounts of records.

⁴ There is comprehensive information relevant to this assessment that can be located via this web portal, but using it as the primary entry point to locate and understand information on the marine fisheries sector would be extremely time consuming and cumbersome

WEBSITES OF FEDERAL DEPARTMENTS RELEVANT FOR THE US MARINE FISHERIES SECTOR

US Department of Commerce	https://www.commerce.gov/
US Department of the Interior	https://www.doi.gov/
National Oceanic and Atmospheric Administration (National Marine Fisheries Service)	https://www.fisheries.noaa.gov/
Fish and Wildlife Service	https://www.fws.gov/

WEBSITES OF SUPPORTING PUBLIC SECTOR INSTITUTIONS RELEVANT FOR THE US MARINE FISHERIES SECTOR

US Census Bureau	https://www.census.gov
US Department of Labour	https://www.dol.gov
US Coast Guard	https://www.uscg.mil
US Environmental Protection Agency	https://www.epa.gov

In addition to its website, NOAA Fisheries publishes three flagship annual reports. These are described by NOAA as follows:

- *Status of Stocks* is a report to the US Congress on the status of US fisheries and is required by the MSA. This report, which is published each spring, summarizes the number of stocks on the overfished, overfishing, and rebuilt lists for federally-managed fish stocks and stock complexes. The report also shows trends over time, discusses the value and contributions of NOAA's partners, and highlights how management actions taken by NOAA Fisheries have improved the status of US federally managed stocks.
- *Fisheries of the United States*, published each fall, which has been produced in various

forms for more than 100 years. It is the NOAA Fisheries yearbook of fishery statistics for the United States. It provides a snapshot of data, primarily at the national level, on US recreational catch and commercial fisheries landings and value. In addition, data are reported on US aquaculture production, the US seafood processing industry, imports and exports of fishery-related products, and domestic supply and per capita consumption of fishery products. The focus is not on economic analysis, although value of landings, processed products, and foreign trade are included.

- *Fisheries Economics of the United States*, published each fall, provides a detailed look at the economic performance of

commercial and recreational fisheries and other marine-related sectors on a state, regional, and national basis. The economic impact of commercial and recreational fishing activities in the US is also reported in terms of employment, sales, and value-added impacts. The report provides

management highlights for each region, including a summary of stock status, updates on catch share programs, and other selected management issues. Economic performance indicators for catch share programs and non-catch share fisheries are also published.

NOTABLE REPORTS AND OTHER INFORMATION SOURCES PUBLISHED BY US NATIONAL AUTHORITIES RELEVANT FOR ITS MARINE FISHERIES SECTOR

Status of Stocks	https://www.fisheries.noaa.gov/national/sustainable-fisheries/status-stocks-2021
Fisheries of the United States	https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-united-states#current-report
Fisheries Economics of the United States	https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-economics-united-states
Landings Database	https://www.fisheries.noaa.gov/foss/f?p=215:200:2025688128336:Mail:NO::
Stock SMART	https://www.st.nmfs.noaa.gov/stocksmart/

ADDITIONAL GOVERNMENT OUTREACH AND COMMUNICATION ACTIVITIES

The US government carries out several dissemination activities through various online communication channels. Notably, the different authorities responsible for the management of fisheries mentioned above, such as NOAA and

FWS, have their own social media channels, which are used to share regular updates. In addition, NOAA provides an email subscription service that shares regular news alerts.

DETAILED ASSESSMENT: ONLINE TRANSPARENCY OF FISHERIES MANAGEMENT INFORMATION IN THE US

This **TAKING STOCK: Online Transparency of Fisheries Management Information assessment**

evaluates and documents whether specific information relating to marine fisheries management is published online by government authorities.⁵ Only information published by government authorities is considered within the scope of this assessment, although information published by third parties is assessed to check whether government information is available at all, is up to date and is a true reflection of current government policies and activities.

This assessment covers 12 thematic areas of fisheries management, as defined by the **FiTI Standard**.⁶ These 12 thematic areas have been further broken down into a total of 39 transparency elements.

The following Detailed Assessment Report provides explanations for scorings of all

transparency elements.

It should be emphasised that several transparency elements have been assessed as **'Not applicable'**. This is because the transparency element refers to an aspect of fisheries management that is not relevant to the country.

Additionally, some information has been assessed as **'Not produced'**. This refers to information that is not in the public domain because national authorities have yet to collect or compile the relevant data, which may be due to national authorities targeting different priorities or simply because they do not have the technical, financial or human resources needed to produce such information.⁷

For further information about the methodology behind this assessment, please refer to: <https://www.fiti.global/taking-stock/methodology>.

⁵ Information disclosure through government websites and online publications remains critical in achieving transparency. This ensures information is freely available to anyone (including people outside the country), and that information – including historical data – can be accessed at any time.

⁶ The FiTI Standard is the only internationally recognised framework that defines what information on fisheries management should be published online by national authorities. The FiTI Standard was developed over two years in a global multi-stakeholder endeavour. Its objective is to contribute to the sustainability of marine fisheries by increasing the accessibility and credibility of national fisheries management information.

⁷ In the spirit of one of its key principles, namely 'progressive improvement', the FiTI does not expect all countries to have complete data for every transparency requirement from the beginning. Instead, public authorities must disclose the information they have, and where important gaps exist, demonstrate improvements over time. As such, engaging with the FiTI is not intended to be a burdensome and costly research activity. The FiTI has been designed to ensure that any country can implement it, including those where resources for collating information are limited. In fact, the FiTI may be particularly beneficial in such contexts, as it should support national authorities in their efforts to organise and present information. As this is the first TAKING STOCK assessment of the US, transparency requirements for which information is assessed as not yet existent to the government ('Not produced') will therefore not negatively impact the country's overall transparency performance.



1. FISHERIES LAWS, REGULATIONS AND OFFICIAL POLICY DOCUMENTS

A public record of the current laws, regulations and policy documents that relate to the management of marine fisheries is critical for ensuring transparency in the sector. Such documents are often, but not always, published by governments in a national gazette. However, transparency is undermined if it is difficult for citizens to locate these documents, which is the case when they are one of many entries in a more general national registry of official documents. To facilitate public access to laws, regulations and policy documents, the relevant public authority responsible for marine fisheries should list the key documents in one place, also providing summary information and dates of publication.

The laws of the US are complex, with a hierarchy that has many levels. As the supreme law, the Constitution provides the guiding legal framework to which all other laws must adhere. Beneath this are Federal Laws, comprised of Acts of Congress (or statutes) and International Treaties.

Most Acts of Congress delegate rulemaking authority to federal agencies (i.e. ministers, department heads, or a federally appointed commissions), and such rules are referred to as federal regulations. In turn, procedural laws and codes of conduct represent administrative rules that are enacted for the implementation of federal regulations.

The primary federal law governing the management of marine fisheries in the US is the *Magnuson-Stevens Fisheries Management and Conservation Act* (henceforth MSA), first passed in 1976, and amended in 1996 and 2007. The MSA extended US jurisdiction over the oceans to 200 nautical miles from the coast and it

established 8 regional fisheries management councils to manage US fisheries in federal waters. NOAA Fisheries lists a further [22 federal laws](#) that they consider to be the primary laws influencing the management of marine fishing and ocean conservation in the country. A great number (i.e. many thousands) of related federal regulations and administrative rules exist for the implementation of these laws.

The US legal system grants *considerable autonomy to the fifty US States* in terms of developing their own constitutions, laws enacted by the state legislatures and subsequent regulations. State laws ought to be consistent with federal laws, although the degree to which State laws and regulations diverge from those set at the Federal level and from the laws and regulations of other states is highly varied. It is beyond this assessment to consider transparency of laws and regulations at the state level in the case of marine fisheries.

1-A | LAWS ON MARINE FISHERIES

Basic information requirements:	Available online?	Up to date? (The latest laws are published)	Easy to find?
Registry of national legislation related to the marine fisheries sector ⁸	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

All *general and permanent* laws in the US are consolidated into one text, entitled the [US Code](#). The *US Code* is divided into 54 titles and the consolidated laws relating to marine fisheries are mostly contained in title 16, which is entitled 'Conservation'.

All *proposed federal laws*, including amendments to existing laws, are published online through the website of the [National Congress](#), which is a mechanism allowing for public transparency in the tracking of decision-making and for participation (public comment) in the legal process.

Federal regulations are published in the Federal Register and compiled on an annual basis in the [Code of Federal Regulations](#). This code combines laws and regulations and therefore can be considered to provide a more comprehensive and detailed description of Federal laws in comparison to the US Code. The Code of Federal

Regulations is divided into 50 titles, and title 50 is entitled 'wildlife and fisheries', with 699 separate parts organised into 4 main chapters.

All proposed federal regulations, including amendments to existing regulations, are published on the website of the Federal Register before these regulations are enacted, which also allows for transparency and public participation. The federal register allows multiple ways of retrieving documents, including key word search (i.e. fisheries) or by searching on regulations submitted by specific government agencies (i.e. NOAA).

Other than these federal publications, the website of NOAA Fisheries also publishes extensive information on laws and regulations for marine fisheries. Information on fisheries laws can be found through multiple ways. On the homepage of NOAA Fisheries there is a prominent link to sub-pages that describe and

⁸ This assessment does not cover legislations at the sub-national level.

list current national laws and regulations on marine fisheries, while specific laws and regulations can also be retrieved through searching on the NOAA catalogue of documents.

NOAA Fisheries also provides a searchable catalogue of information on proposed and enacted changes to rules and regulations, which are entitled '[bulletins](#)'. This catalogue contains information submitted by NOAA to the website of the Federal Register. On the website of NOAA Fisheries there is also a [dedicated page](#) that provides updates on legislative changes proposed and issued by the US Congress,

designed to keep people aware of the most recent developments.

NOAA Fisheries provides a [separate portal](#) of information on regional rules and regulations, organised for the 8 regions established under the MSA. A quick review of these 8 RFMC websites also demonstrated that all these councils publish information on laws and regulations relating to the management of fisheries in their regions. The same is true for laws and regulations for coastal fisheries managed by the three Interstate Fisheries Commissions.

Up to date?

This assessment is confident that the systems used by the US government to catalogue laws and regulations at the federal level is efficient and up-to-date. There is no evidence to the contrary.

The database of laws published by NOAA Fisheries also appears up to date, and there is no evidence NOAA Fisheries omits any current laws and regulations. There is only one area where information published by NOAA appears to be out of date. This relates to the

information NOAA Fisheries provides on legislative changes proposed and issued by the US Congress. This [page](#) of information is not up to date, with the last entry being from 2017. Searching for fisheries on the [US Congress website](#) retrieves numerous records of more recent proposed laws that have been introduced to Congress. However, as this information is published on the website of the US Congress, fisheries laws are assessed as fully up to date.

Easy to find?

The US Code and the US Code of Federal Regulations are easy to find online, and the information contained in these publications is easy to search and read online. The US Code of Federal Regulations is also written in plain

English and is therefore accessible to the layperson (as opposed to many types of legal texts that can be highly technical and difficult for non-experts to read). The fact that the US government consolidates federal laws and

regulations into one publication is an innovative feature of the US legal system that is highly beneficial from the perspective of transparency and open government.

However, it is likely that the most intuitive place to find information on fisheries laws and regulations is the website of NOAA Fisheries. Despite the complexity and sheer volume of laws and regulations, it succeeds in presenting information on laws and regulations in an efficient way. One improvement opportunity is that the main sub-page on federal laws and regulations published by NOAA does not provide a prominent link to the Code of Federal Regulations. There is a link to the [Code of](#)

[Federal Regulations](#) from the page of information on regional rules and regulations, but that seems to be a somewhat obscure place to provide this link.

For this assessment the US Code of Federal Regulations was considered an easier resource to understand the existing rules governing fisheries from the federal level. However, this is a subjective issue and members of the public will not find it difficult to locate reliable information on laws and regulations if only using the NOAA Fisheries website, or those of their RFMCs and Interstate Fisheries Commissions.



GOOD TRANSPARENCY PRACTICES: COMPREHENSIBILITY

The US Code of Federal Regulations is seen as an example of good practice in ensuring transparency of laws and regulations for marine fisheries. It overcomes the problem caused by laws and regulations existing as separate documents, where their relationship might not be clear and obvious. The fact that this Code is updated on an annual basis and provides annual archives (showing how laws and regulations have evolved) is also highly positive.

Furthermore, the way in which NOAA Fisheries publishes information on laws and regulations for marine fisheries also demonstrates aspects that exceed the minimum criteria for transparency used for this assessment. Here is a list of good practice examples that could be inspiring for other governments:

- **The use of succinct summaries:** The publication of information on laws provided by NOAA Fisheries provides succinct and accessible summaries of legal texts. These summaries are designed to help people understand the primary functions of the laws,

without having to read the legal texts themselves (although links are provided to the full documents). Additionally, NOAA provides a sub-page entitled '[Understanding fisheries management in the United States](#)', which has a short summary of the key fisheries laws and links to further information.

- **Historical description of changes to laws:** NOAA Fisheries provides a succinct history to each of the main fisheries laws, and a description of prominent amendments that have been made over time, and the reasons for these amendments.
- **Explanations on how laws are created and the role of public participation:** NOAA Fisheries provides a text on how laws and regulations are created, which also indicates how citizens can engage in the process. This is a positive example of how government agencies not only promote transparency but facilitate and encourage civic participation in fisheries governance.
- **Online information on proposed changes to legislation or new legislation:** NOAA Fisheries publishes information on any new legislation or proposed changes to existing legislation, including texts of draft laws that are indicated for public comment. This information is categorised as 'bulletins' in the NOAA Fisheries directory, under the general thematic area of 'news and announcements'. Publications on legislative changes are further categorised by 7 sub-categories indicating information that relates to different stages of the legislative cycle as well as information on temporary rule changes. This information can also be filtered in the online database for specific regions of the US. This illustrates a strong commitment for transparency and public participation throughout the entire process of developing fisheries laws and regulations.
- **The use of IT communication tools to increase public awareness:** NOAA Fisheries provides a news and information alert service, where subscribers are sent emails on new or proposed legislations, referred to as 'Blue Sheets'. Members of the public can receive regular bulletins on fisheries regulations via email, hard copies via the postal service, and as text messages (SMS). Subscribers to this information service can receive information that is tailored to a geographical preference (i.e. information on federal laws as well as regulatory changes for a specific regional management area). Additionally, several government agencies at the state level collaborate with a private company that offers a dedicated app for marine fisheries, called 'Fish Rules'. A component of this app provides up-to-date information on current laws and rules for marine fisheries, and the app allows for regulators to upload information (see: <https://fish.management>). The app currently does not cover all US States.

1-B | FISHERIES POLICY DOCUMENTS ⁹

Basic information requirements:	Available online?	Up to date? <i>(The latest policy documents are published)</i>	Easy to find?
Comprehensive list of national policy documents	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

All national US [fisheries policy documents](#) can be accessed from the website of NOAA. On the homepage of the NOAA Fisheries website, the 'Laws and Policies' icon is prominently displayed, leading to further sub-pages of information on specific policies. The main page for information on policies highlights 5 key policy documents that inform the approach to

managing marine fisheries and aquaculture in the US, as well as a link to a sub-page entitled '[Policy Directives System](#)'. This system is an initiative of NOAA Fisheries to organise information on policy documents, and provides access to comprehensive information on existing, proposed and former policy documents.

Up to date?

The information on fisheries policies is up to date and new entries to the Policy Directive

System are made on a regular basis.

⁹ Fisheries policy documents are defined in the broadest sense as the accumulation of documents and instruments regulating the sector. A policy document includes a national strategy for fisheries development. These may be produced as standalone documents exclusively for fisheries, or fisheries may be included as one sector of a broader policy, e.g. on the marine environment, agriculture and trade etc. Governments may produce multiple policy documents on fisheries development targeting different sub-sectors or thematic areas. For this assessment, policy documents are distinguished from fisheries management plans, which are time-bound strategies relating to the management of a specific fishery. These are assessed separately.

Easy to find?

The presentation and organisation of information on fisheries policies is clear and easy to navigate. This is despite the fact that many such policy documents exist, which could pose challenges for making this information accessible and easy to find for the public. However, NOAA Fisheries has used an effective approach to organising all this information. Beyond the introductory page about US policies on fisheries management, documents published

through the Policy Directive System are organised by 6 additional thematic headings. The online search function provided for the website of NOAA Fisheries also works well for finding specific policy documents, without generating huge numbers of results. For example, by entering the word 'policy' in the search function, the first result returned is a guide to how policy-related information is organised on the NOAA website.



GOOD TRANSPARENCY PRACTICES: COMPREHENSIBILITY

- **The use of succinct summaries:** The publication of information on policies provided by NOAA Fisheries provides succinct and clearly written summaries of key policy documents. These summaries are designed to help people understand the primary functions of the policies, without having to read the full document of the policy (although links are provided to the full documents).
- **Separate information on international policies:** In addition to the publication of information on national policies, NOAA Fisheries provides several sub-pages on the engagement of the US in international policies and agreements.
- **Multimedia tools for communication:** NOAA Fisheries produces videos to help explain key policies. For example, on the sub-page of the National Saltwater Recreational Fisheries Policy, NOAA provides a short video that captures key messages about the purpose and implementation of the policy.

1-C | FISHERIES MANAGEMENT PLANS ¹⁰

Fisheries Management Plans (FMPs) are produced by several governmental authorities, including NOAA Fisheries for highly migratory species of the Atlantic, RFMCs for the fisheries in their jurisdiction, and Interstate Fisheries Commissions for fisheries predominantly located in coastal waters.

The requirement for RFMCs to produce FMPs for fisheries under their responsibility is set out in the MSA [Sec.303]. This further describes the contents for these plans and procedures that must be followed for public consultation and the monitoring and reporting of the implementation of the plan. Predominantly, FMPs are developed for a distinct fish species or group of fish species. However, FMPs in the US are also developed for geographical areas (i.e. island-based FMPs being developed by the Caribbean Fishery Management Council). FMPs cover a large number of fish targeted for commercial and recreational purposes in the US. There are also fisheries where a FMP is currently being developed for the first time (e.g.

[the FMP for Puerto Rico](#)). NOAA Fisheries list 52 distinct FMPs on their website.

Interstate Fisheries Commissions also produce FMPs for coastal fishery units, with some of these being joint plans developed with RFMCs and others being complimentary plans. The latter covers coastal fisheries where Commissions have a higher degree of autonomy and flexibility in determining management decisions.

As part of its commitment towards an ecosystem-based approach to fisheries, from 2016 onwards, NOAA has introduced the concept of *Ecosystem-Based Fisheries Implementation Plans (EBFIPs)*. These are used to compliment FMPs and provide a more holistic or comprehensive approach to managing fisheries and wider ecosystems in comparison to FMPs. They do not replace FMPs but exist alongside them. Information on existing EBFIPs is presented by NOAA on a dedicated [sub-page](#).

¹⁰ Fisheries management plans are usually produced in consultation with fishers and other stakeholders, setting targets and procedures for the management of the fishery over a designated time frame.

Basic information requirements:	Available online?	Up to date? <i>(The latest fisheries management plans are published)</i>	Easy to find?
Comprehensive list of fisheries management plans	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

All FMPs (including those developed by RFMCs and Interstate Fisheries Commissions) as well as the more recent EBFIPs, are [published on the](#)

[website of NOAA Fisheries](#). Our assessment found no evidence that the registry of FMPs provided by NOAA contained any omissions.

Up to date?

The information on FMPs and EBFIPs provided through the website of NOAA Fisheries appears to be up to date, and the amendments of FMPs

includes recent records, which suggests the database of information is regularly updated.

Easy to find?

Finding FMPs on the website of NOAA Fisheries is straightforward. On the its homepage, the higher-level menu system includes a section on 'Resources and Services', from which a sub-page is available on 'Fisheries Management Info'. This brings up a database of documents, which includes a tab for 'Plans and Agreements'. Finding specific FMPs can be done by using a search filter for regions.

FMPs can also be located through the pages on 'Rules and Regulations', which lists FMPs on a

map for each RFMC.

Another way of finding FMPs is to search specific fish species on the NOAA website. Each fish covered by a management plan has its own sub-page, with a separate tab of information for 'management' and a link to the relevant management plan [an example is [American lobster](#)].

A dedicated sub-page is provided for [EBFIPs](#). However, this information might not be as easy

to find as information on FMPs. So far EBFIPs are not included in the information on 'Rules and Regulations', nor are they included in the database of information on 'Fisheries Management Info'. It is possible that members of the public, as well as people involved in fisheries, may not have easy access to

information that explains the relationship between these two types of management plans, and those looking for information on FMPs may not be aware of the role of the ecosystem-based plans. However, as this assessment is focused on FMPs, the assessment only considered these documents for the scoring of this element.



GOOD TRANSPARENCY PRACTICES: COMPREHENSIBILITY

- **Succinct summaries:** Each record of an FMP presented on the NOAA Fisheries website provides a succinct summary of the purpose and history of the FMP. This is important as FMP documents can be long and technical, meaning they may not be easily accessible to the layperson.



GOOD TRANSPARENCY PRACTICES: STAKEHOLDER PARTICIPATION

- **Publication of draft plans and proposed amendments for public consultation:** Any proposed amendments made to FMPs is published by NOAA Fisheries on its website and submitted as a notice for public comment in the Federal Register.
- **Guidelines for public consultation:** NOAA Fisheries have published [succinct and accessible guidelines](#) on the duties of RFMCs to enable public consultation on FMPs, which includes issues on public access to information.



2. FISHERIES TENURE ARRANGEMENTS

Fisheries tenure arrangements define how fishing rights are accessed, used, and managed. Tenure in fisheries covers a wide range of scenarios. Fishing rights can be provided on an individual basis (such as through restricted short-term licensing systems), or they can be designated to entire groups (such as when exclusive long-term access to areas of the sea is provided to coastal fishing communities). Official rules on tenure are one of the most critical aspects of sustainable fisheries management because they influence the sector's social, ecological and economic impacts. However, the effectiveness of fisheries tenure arrangements can be undermined by a lack of openness and publicity regarding government rules and procedures. As a result, citizens can suffer from limited insights into how tenures work, who owns fishing rights, and how the benefits and costs of fishing activities are distributed.¹¹

Marine fisheries in the US covers several different types of fisheries, wherein the rules of tenure are highly varied and specific. Federal laws and regulations provide a general standard for fisheries tenure systems. However many decisions on the rules of tenure are decentralised to government authorities at either a regional or State level, and the authority of decision-making is partially devolved by allowing co-management duties to civil society and the fishing industry. However, all decisions on fisheries tenure require approval from NOAA Fisheries at the federal level.

The Code of Federal Regulations presents national laws and regulations as well as regional laws and regulations at the regional level as separate sub-chapters.

To understand how transparency of government information on tenure in the US has been assessed in this report, some contextual information is required.

- **Categories of fishing in the US:** To understand how transparency of government information on tenure in the US has been assessed in this report, some contextual information is required.

The rules and procedures that govern tenure in fisheries are conditioned by the legal categorisations of fishing. *A key distinction used in the US is between commercial fishing and recreational fishing.* Commercial fishing covers all fishing activities where fish caught is sold for profit, whereas recreational fishing covers

¹¹ More information about the importance of transparency in fisheries tenure arrangements can be found in our 2nd transparency briefing (or 'tbrief', for short) here: <https://www.fiti.global/tbrief-series>

fishing for pleasure. Fish caught through recreational fishing is prohibited from being sold.

Unlike many countries, the US does not formerly distinguish between large-scale (or industrial) fishing and small-scale (or artisanal) fishing. Some fisheries regulations do distinguish rules between small boats and large boats, such as rules on fishing permit fees.¹² However, in the US, fisheries management regulations for commercial fisheries are usually applicable to all vessels irrespective of their size and level of technical sophistication.

US fisheries management also defines *scientific fishing* (or exploratory fishing) as a unique fishing activity, with its own rules and regulations.

Additionally, federal and regional approaches to managing fisheries recognise other types of fishing activity. The Code of Federal Regulations refers, in multiple places, to both *subsistence fishing* and *tribal fishing* as unique activities, subject to their own rules and regulations. However, these categories of fishing activities are not defined in the Code of Federal Regulations concisely, albeit they are described as different from both commercial and recreational fishing.

In the Code of Federal Regulations, tribal

fishing is defined as fishing by federally-recognised members of Native American tribes and indigenous peoples of US overseas territories in the Pacific. However, it is not clear in US regulations, as well as the information provided by NOAA Fisheries, where the boundaries lie between tribal fishing, subsistence fishing and commercial fishing. *There is no dedicated sub-page by NOAA Fisheries regarding tribal fishing, including for indigenous peoples of US overseas territories.* The page of information on subsistence fishing in the US includes a link to a further page of information for the Pacific, but this refers to recreational and non-commercial fishing, without recognising indigenous people of the Pacific territories to be engaged in tribal fishing.

- **Customary tenure: Indian Treaty Fishing Rights and traditional fishing rights of indigenous peoples:** International agreements on the responsible governance of fisheries recommend that countries recognise and restore, where appropriate, customary rights to marine fisheries resources. This is expressed most clearly in the FAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, as well as the UN Declaration on the Rights of Indigenous

¹² For example, small boats and large boats are subject to different fees in the American Samoa longline fisheries: <https://www.fisheries.noaa.gov/pacific-islands/resources-fishing/pacific-islands-permit-holders#main-hawaiian-islands-non-commercial-bottom-fish>

Peoples.

Native Americans have unique rights to fish in US territorial seas. These rights were recognised in the treaties signed between the US Federal government and Native American tribes, referred to in the MSA as *Indian Treaty Fishing Rights*. The wording of these rights is considered vague by many people, which has contributed to ongoing disagreements and legal disputes.¹³

As described by NOAA Fisheries, the relationship between the federal government and officially recognised Native American tribes is one of sovereign-to-sovereign relations. However, the interpretation and respect of Native American fishing rights is a source of longstanding dispute, which has resulted in several high-profile legal cases and the involvement of the US Supreme Court. A key point of conflict is the extent to which US government fisheries management decisions – as well as decisions in other sectors that impact fisheries – infringe access to resources for Native American people and their ability to seek reparations. While this continues to be a source of conflict, US federal government authorities and Native American authorities have strengthened forms of corporation and the co-management of shared marine fish resources. This co-operation, which includes the sharing of information, is an

activity covered in policies developed by NOAA Fisheries. In the MSA it is stated that a representative of a Native American tribe must be included as a voting member in RFMCs, and all fisheries management plans must include a description of the tribal rights over managed fish stocks.

Our assessment did not review the US government's publication of customary rights held by Native Americans, as well as transparency in the use of such rights (such as on access to resources, catch data and revenues), although several resources of information are provided on this subject on the website of NOAA Fisheries; detailed information on fisheries is provided by the Native American Fish and Wildlife Service, and regional Native American associations, such as the Northwest Indian Fisheries Commission.

Customary fishing rights of indigenous peoples is also an important, albeit contested, aspect for fisheries tenure in US overseas territories in the Pacific and the Caribbean. Rights to fish and co-manage fish resources are more limited in comparison to the rights provided in the Indian Treaty Fishing Rights. Specific rights to access fish for commercial and subsistence purposes for indigenous peoples in these territories can be granted by the regional administrator of the Western Pacific Fishery Management

¹³ See for example, Chris Aadland, "Tribal leaders allege State intentionally ignores treaty rights", Indian Country Today, 15th March 2022. <https://indiancountrytoday.com/news/tribal-leaders-allege-state-intentionally-ignores-treaty-rights>

Council through the [Western Pacific Community Development Programme](#). Respecting and restoring other rights afforded to indigenous communities in these territories, including exclusive rights to fishing grounds and the rights to contribute to the management of fisheries, has been a contested subject raised by civil society and government officials. Legal disputes on the interpretation of customary rights over fishing grounds was recently raised in the [failed effort of the government of US-Samoa to contest changes to US federal regulations](#) that allowed commercial long-line vessels to fish in coastal waters that were previously reserved for coastal subsistence fishing. Thus, while US laws and regulations recognise the concept of customary rights for indigenous people, the extent to which these are described in existing US laws and regulations for citizens of US overseas territories is a matter that generates controversy, and is an area why improved transparency could be beneficial. NOAA Fisheries website provides limited information on this topic.

- **Limited fisheries & catch share programmes:** The management of fisheries in the US distinguishes between those fisheries that are controlled through '[open access](#)' and those that are controlled through '[limited access](#)'.

Under open access the number of permits issued by authorities is not restricted, although other restrictions may be in place, e.g. which fishing gears are permitted and what is the maximum number of fish each fisher or vessel can take. Under limited access regimes, regulators cap the number of vessels that are allowed entry into the fisheries. Fishing authorisation is managed through a simple permitting system, with fishing permits usually provided on an annual basis.

Within fisheries managed through limited access regimes, the US federal government and regional fisheries management councils have been supportive of what is known as [catch share programmes](#). These establish a total allowable catch (TAC) on an annual basis and assign fishers or groups a proportion of this total amount. There are currently 17 catch share programmes operating in the US, which include several of the most important commercial fisheries.¹⁴

In many catch share fisheries quota allocations are assigned to individual fishers and these quotas (the percentage of the TAC) are guaranteed for several years; the MSA states that quotas can be provided for a maximum of 10 years before they need to be renewed. Most catch share programmes in the US allow

¹⁴ See the map of these catch shares according to regions of the US, provided by NOAA: <https://www.fisheries.noaa.gov/national/sustainable-fisheries/catch-share-programs-council-region>

holders of quotas to transfer all or part of quotas owned by individual or groups to others, either by selling outright or by leasing. Due to concerns about quota consolidation (i.e. quota control being captured by just a few companies or individuals), catch share programmes can, and usually do, cap the total amount of shares owned by an individual or company. Any trading in quota shares requires the authorisation of NOAA.

Catch share programmes are not always based on allocations to individuals. Some catch share programmes issue fixed quotas to fishing communities or fishing co-operatives, such as the Western Alaska Community Development Quota programme. Within these allocations groups have the right to distribute quotas to their members. Additionally, some RFMCs set aside a portion of the quotas to be sold by them to generate funds for research purposes

Regular monitoring and review of limited access fisheries is a requirement set out in the MSA, with a formal and detailed review required 5 years after implementation of the programme and at least every 7 years thereafter.

■ **Fishing fees and cost recovery:**

Commercial fishing is subject to direct fees by the federal government, as well as licensing fees that usually accrue to States (license fee for fishing for highly migratory species are paid to the federal government). Vessel license fees have a

fixed cost and are not determined by catches.

Money raised at the federal level is intended to cover the cost of fisheries management exclusively. In *limited access fisheries, NOAA administers fees that are referred to as 'cost recovery' charges*. A formula is used to calculate cost recovery based on estimates of fisheries management costs and by the market value of fish they catch and sell. A proportion of cost recovery fees can also be used by RFMCs to establish a fund for quota purchasing. This is predominantly used to purchase quotas for new entrants in the fishing sector. Under the provisions established in the MSA, the Federal government cannot raise cost recovery fees above 3% of the annual ex-vessel value of fish obtained in the fishery.

Another potential source of government revenue from commercial fisheries is through *royalty payments* attached to the allocations of quotas, which is a provision set out in NOAA Fisheries policy on catch share programmes. Opportunities for a royalty payment occurs when a catch share programme is introduced, or it can occur when shares are reallocated. However, most quota allocations used in the US have provided fishers longterm quotas free of charge, and decisions on quota allocations (where these are given to individual as opposed to groups) has usually been based on historical catches in the years leading up to the first allocation of catch shares.

Despite royalty payments being an option for the management of US fisheries, these are not used in practice.

- **Catch reporting:** All commercial fisheries in the US are subject to stringent catch reporting obligations, where fishers must

report catches to regulators at high frequencies (i.e. normally at the end of a fishing trip). The US has also been an innovator of electronic catch reporting, including the use of dedicated mobile apps for fishers.¹⁵

2-A | COMMERCIAL FISHERIES (LARGE-SCALE AND SMALL-SCALE)

Basic information requirements:	Available online?	Up to date? <i>(The latest tenure rules and procedures are published)</i>	Easy to find?
Fees of access rights and fishing authorisations	Yes	Yes	Yes
Duration of such rights and authorisations	Yes	Yes	Yes
Transferability of such rights and authorisations	Yes	Yes	Yes
Divisibility of such rights and authorisations	Yes	Yes	Yes
Authorities/persons that are legally entitled to issue such rights and authorisations	Yes	Yes	Yes
Mandatory administrative procedures required to determine their issue	Yes	Yes	Yes
Conditions relating to fishing effort	Yes	Yes	Yes
Conditions relating to ecosystem impact	Yes	Yes	Yes
Conditions relating to landings	Yes	Yes	Yes
Conditions relating to transshipping	Yes	Yes	Yes
Conditions relating to catch reporting	Yes	Yes	Yes
Procedures and rules for authorising a US-flagged vessel to fish in a third country or on the High Seas	Yes	Yes	Yes

¹⁵ See for example the mobile app for catch reporting in the highly migratory fisheries of the Atlantic region: <https://www.fisheries.noaa.gov/resource/tool-app/atlantic-hms-catch-reporting-app>

Provisions for formal mechanisms of external oversight and public consultations of fisheries tenure decisions	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

The majority of information listed in the above-shown assessment table can be found on the NOAA Fisheries website through the [dedicated sub-page for information on commercial fisheries](#).

From this page, information on rules applied to fishing permits can be viewed for every fishery unit in the US through a [dedicated catalogue of information](#).

The same information can also be retrieved by visiting the sub-page that links to [information for the 8 regions managed by RFMCs](#).

NOAA Fisheries also has a [separate dedicated sub-page for fishing permit information](#).

These multiple pages of information are somewhat confusing to navigate, although the information provided in different locations does seem to be consistent.

However, while information on the fees of commercial fishing permits could be found for most fisheries, this assessment found it difficult to locate permit fees for specific fisheries. In the case of Alaska's commercial fishing permits, the fishing permit information portal did not work

when choosing information for the Alaska region. Clicking on this information led to a general page on Alaska's commercial fishing. From this, information could be found on permits for Alaska's fisheries, but specific information on fees for permits and for cost recovery charges could only be found through a dedicated Alaska NOAA Fisheries website called 'E-Fish'. This website restricts access to registered users in the fishing industry. This means members of the public cannot find information from NOAA Fisheries webpage on how much commercial fishers in Alaska pay to national and regional authorities for fishing access. However, this information is published by [Alaska's Commercial Fisheries Entry Commission](#).

Information on cost recovery charges for limited access fisheries are published every year in the Federal Register. This information can also be found on the NOAA Fisheries website. NOAA Fisheries also publishes reports every year on how cost recovery fees for each applicable fishery have been calculated.¹⁶

FMPs, which are available through the NOAA

¹⁶ For example, see: <https://media.fisheries.noaa.gov/2021-12/crab-cost-recovery-fee-report-2020-2021-akro.pdf>

Fisheries website, provide detailed information on the rules applicable to authorised commercial fishing vessels, including obligations on catch reporting, limits to fishing effort or catches, rules that limit ecosystem impacts (including prohibited gear types, closed fishing seasons, prohibited fishing areas etc.) and the rules and procedures for fish landings.

Information on the procedures and rules for authorising a US-flagged vessel to fish in a third country are published by [NOAA Fisheries](#).

Information on the [procedures and rules for authorising a US-flagged vessel to fish on the High Seas](#) is also covered through a dedicated sub-page covering the High Seas Fishing Compliance Act of 1994.

Finally, the MSA describes federal standards for oversight and public consultation processes in the fisheries sector, including most significantly in the operation of RFMCs (although not at the State level). NOAA Fisheries website also contains multiple additional documents and sub-pages that elaborate and raise awareness on this aspect of fisheries management. In 2017, NOAA Fisheries published the '[Operational Guidelines for the Magnuson-Stevens Fishery Conservation and Management Act Fishery Management Process](#)', which described and strengthened measures to achieve transparency and public participation in the decision-making process.

Up to date?

This assessment found no evidence of delays in publishing information on rules and procedures for fisheries tenure arrangements. Such delays can occur where government authorities change rules but fail to publish information on these

changes. NOAA has an effective system for alerting the public about regulatory changes through its website (via bulletins) and the information is published in the Federal Register.

Easy to find?

Rules and procedures for fisheries tenure in the US are complex and highly specific to different fisheries. Organising this information so that it is easy to find is therefore a significant challenge. However, the website of NOAA Fisheries is efficient and intuitive in this regard. This is achieved by the use of explanatory pages for key

themes (such as the sub-page for commercial fisheries, with links to information on permits), as well as the catalogue of information organised for regions and specific fisheries. Additionally, most information on tenure is captured in the Code of Federal Regulations (apart from specific information on permit fees).



GOOD TRANSPARENCY PRACTICES: COMPREHENSIBILITY

The layout of information on fisheries tenure by NOAA Fisheries is exemplary, and contrasts to many countries where information on specific rules and procedures are only published in legal texts that can be difficult for the layperson to find and read.

An exceptional element of NOAA's approach to improving transparency in fisheries tenure comes with the *Operational Guidelines for the Magnuson-Stevens Fishery Conservation and Management Act Fishery Management Process*. One of three higher level objectives to these guidelines states: "Promote transparency and effectiveness of the decision making process by clearly explaining the Council and regulatory process, promoting the public's accessibility to the process, fostering effective and constructive public input, and providing mechanisms for people to track the progress of different actions."

NOAA also recognises that rules and procedures introduced through catch share programmes are complex and vulnerable to public misinformation. NOAA Fisheries has therefore provided [a dedicated website for explaining how catch shares work](#), based on a set of 'frequent questions'.

NOAA also provides a page of '[frequently asked questions](#)' for obtaining permits for highly migratory species, including tunas, sharks and swordfish.

2-B | COASTAL SUBSISTENCE FISHING

As stated in the introductory section of this chapter, the concept of subsistence fishing is recognised in the MSA and authorisations (in the form of specific permits) for subsistence fishing are issued in the US. However, it is a somewhat ambiguous category of fishing and often not clearly defined. For example, it is omitted from

the list of key terms in the introduction of the MSA and the Code of Federal Regulations.

Ambiguity surrounding this category of fishing, including the vague distinction between fishing for subsistence and commercial fishing in the US has been discussed in academic literature.¹⁷ The

¹⁷ Schumann, Sarah & Macinko, Seth. (2007). Subsistence in Coastal Fisheries Policy: What's in a Word?. Marine Policy. 31. 706-718. 10.1016/j.marpol.2006.12.010.

only example where national authorities use the concept of subsistence fishing as a legal concept for designating fishing authorisations is in the [Pacific Halibut Fisheries](#). In this case, subsistence fishing permits are reserved for members of coastal communities who are allowed a designated quota of fish and are authorised to sell or trade fish within what is referred to as 'customary communities'. Subsistence fishing is therefore distinct from both recreational fishing and commercial fishing. However, it is not synonymous with tribal fishing as not all people that obtain subsistence fishing permits are from federally-recognised indigenous tribes.

NOAA Fisheries has a dedicated sub-page for information on subsistence fishing in the US, with links to three regions; Alaska (where the Pacific Halibut Fisheries exists), the Pacific

Islands and the West Coast. However, in neither the Pacific Islands or the West Coast is subsistence fishing listed among the legally recognised types of fishing authorisations. Instead, the choice of these fisheries to be included under the sub-page for subsistence fishing appears to be caused by the presence of indigenous and tribal people. *Subsistence fishing is therefore a vague concept that is associated with indigenous communities and non-commercial fishing, but it is not systematically operationalised by national and regional fishing authorities outside of Alaska.* Thus, in assessing levels of transparency on the rules and regulations surrounding subsistence fishing, this can only be done for the [Pacific Halibut Fisheries](#), for which there is detailed information available.

Basic information requirements:	Available online?	Up to date? <i>(The latest tenure rules and procedures are published)</i>	Easy to find?
Fees of access rights and fishing authorisations	Yes	Yes	Yes
Duration of such rights and authorisations	Yes	Yes	Yes
Authorities/persons that are legally entitled to issue such rights and authorisations	Yes	Yes	Yes
Mandatory administrative procedures required to determine their issue	Yes	Yes	Yes
Conditions relating to fishing effort	Yes	Yes	Yes
Conditions relating to ecosystem impact	Yes	Yes	Yes
Conditions relating to landings (including the sale of fish)	Yes	Yes	Yes

Conditions relating to catch reporting	Yes	Yes	Yes
Provisions for formal mechanisms of external oversight and public consultations of fisheries tenure decisions	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

All information regarding the criteria listed above can be found in online information regarding the management of the Pacific Halibut Fishery.¹⁸

Up to date?

The online information on rules and procedures for the management of subsistence fishing in the Pacific Halibut Fishery are seen as up-to-date

Easy to find?

There is a dedicated sub-page provided by NOAA Fisheries for subsistence fishing, with links to all information required for this assessment.

¹⁸ Given the fact that subsistence fishing is recognised as a type of fishing in the MSA and in the Code of Federal Regulations - although there is no clear definition of what it exactly means - only one region in the US takes up the opportunity to recognise subsistence fishing, which is neither commercial nor recreational: Alaska. It would therefore be wrong to assess this transparency element as 'Not applicable' for US marine fisheries. Furthermore, it would also be wrong to assess this element as only partially transparent, even though intuitively this seems to be the correct score, given that it is only Alaska that provides information for this type of fisheries. However, partially available online would only be justified if the concept of subsistence fishing would be used by other regions as well, but only a certain number of regions provide data. However, in the current case of US marine fisheries, subsistence fishing is only used by Alaska, and full information is published online.

2-C | SCIENTIFIC AND EXPLORATORY FISHING

US Federal laws and regulations authorise fishing activities for research purposes and these authorisations are treated as distinct to other forms of fishing. There is a categorisation of authorisations for fishing that is primarily for research. In the Code of Federal Regulations a distinction is made between *scientific research activities* and what is called *exempted fishing activities*.

Our assessment views the definition provided in the Code of Federal Regulations for these two categories as somewhat ambiguous. Furthermore, specific regulations issued at the regional level differ in their use of terms, and there are unique types of fishing permits issued. While this is an inevitable (and possibly beneficial) feature of decentralised government in the US, it poses some challenges in understanding how fishing for research and scientific is regulated in the US. *Unlike many of the topics explained through the website of NOAA Fisheries, there is no central page that describes scientific and exempted fishing activities at the national level; only pages that describe related permits at the regional level.*

- Exempted fishing permits are issued for fishing activities that would be otherwise prohibited under commercial fishing regulations. There are many justifications that can be used by authorities to issue

such permits, although the primary reason is to generate knowledge that is beneficial for improving the environmental and economic management of fisheries. Exempted fishing permits can be issued to individuals (i.e. those owning commercial fishing vessels), or they can be issued to State management bodies, and applied to numerous fishers. An example of the latter are recent [exempted fishing permits issued for recreational fishing](#) for red snapper in Southern Eastern states, where the permits were issued to state bodies such as FWS.

Exempted fishing permits can be issued in response to unsolicited applications made to NOAA, or they may be based on proposals that are formulated by NOAA to fill research gaps. On its website, NOAA Fisheries describes that promoting these permits has become an important policy of US fisheries management; being a cost-effective way of working collaboratively with the fishing industry to improve knowledge on fisheries management. From the records of individual fishing permits displayed in the Federal Register, NOAA has issued well over 1,000 exempted fishing permits since 2010, which highlights how significant this programme has become.¹⁹

¹⁹ This is discussed in a useful and detailed research report published by the University of California San Diego undertaken by a Masters Student: Bonito, T. (2020), 'U.S. Exempted Fishing Permits: Role, Value, and Lessons Learned for Adaptive Fisheries Management', A Thesis submitted in partial satisfaction of the requirements for the degree Master of Science. Available at: https://escholarship.org/content/qt2286v47t/qt2286v47t_noSplash_0587dd4c48e87d648fa7244ea0ced9b5.pdf

The practice of issuing exempted fishing permits has led to authorities at the regional level devising various sub-categories. As such, different types of exempted fishing permits are referred to in the regulations of fisheries for each of the US fishing regions. For example, for fisheries in the Western Pacific Region, the Code of Federal Regulation describes a permit for *experimental fishing*, which is a unique type of exempted fishing permit in that region. However, experimental fishing permits are not referred to in the regulations for any other fishing regions. There are also different nomenclature used for exempted fishing permits for highly migratory fish species, which includes a distinct exempted fishing permit for sharks.

Distinct from exempted fishing permits are authorisations for scientific fishing activities.

- Permits for scientific fishing are reserved for research activities where the organisation undertaking the research is not involved in commercial or recreational fishing. In other words, these permits are for the activities of scientific research vessels. NOAA offers research vessels what is called a 'Letter of Acknowledgment'. This is not mandatory to have, but such letters

are produced by NOAA to verify the research activities of the vessel and to help these vessels in dealing with inspections from other government agencies, such as the US Coast Guard. Scientific research permits are however mandatory for specific types of research fishing, including where research is directed at species managed by the Atlantic Tunas Convention Act and where research is conducted on endangered species.

Federal government guidelines on when a scientific fishing permit is required are ambiguous and could not be fully understood as part of our assessment. Furthermore, on the NOAA Fisheries website for the New England & the Mid Atlantic region, the list of permits for scientific fishing includes a 'Temporary Possession' permit. This is required for scientific research vessels to allow them to carry fish on board caught in research activities, but this type of permit is not mentioned in regulations for other fishing regions. The same page for [New England & the Mid Atlantic region](#) describes other permits needed but does not refer to scientific research permits. This highlights how the regulations governing fishing for research vary across regions.

Basic information requirements:	Available online?	Up to date? <i>(The latest tenure rules and procedures are published)</i>	Easy to find?
Fees of access rights and fishing authorisations	Yes	Yes	Yes
Duration of such rights and authorisations	Yes	Yes	Yes
Authorities/persons that are legally entitled to issue such rights and authorisations	Yes	Yes	Yes
Mandatory administrative procedures required to determine their issue	Partially	Yes	Yes
Conditions relating to fishing effort	Yes	Yes	Yes
Conditions relating to ecosystem impact	Yes	Yes	Yes
Conditions relating to landings (including the sale of fish)	Partially	Yes	Yes
Conditions relating to catch reporting	Yes	Yes	Yes
Provisions for formal mechanisms of external oversight and public consultations of fisheries tenure decisions	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

The regulations setting out authorisations for scientific and exploratory fishing are described in general terms in the Code of Federal Regulations [50 CFR § 600.745]. Several rules are applicable to all permits, including the procedures that must be followed in making an application, the obligations for catch reporting, as well as rules for public oversight. *However, there is a high degree of flexibility in the regulations, which means that the conditions that*

apply for specific fishing activities are determined on a case-by-case basis, including on matters relating to the duration of fishing permits, ecosystem impacts and limits to fishing effort.

This assessment found it difficult to understand the rules on when a scientific research vessel is required to obtain a scientific research permit and whether this is a mandatory permit for all research activities, or only specific types of

research.

Despite some ambiguity on the rules over issuing permits, the management of scientific fishing by NOAA Fisheries is characterised by a strong degree of transparency. *All of the individual permits issued for scientific or exempted fishing are published in the Federal Register and on the website of NOAA Fisheries.*²⁰ Thus, while it may be somewhat difficult to understand the definitions of different types of permits, the public can access detailed information on every authorised research activity. The justification for the permit, as well as the terms and conditions for each authorised permits is also included as an annex to the published permit.²¹

Despite this strong approach to transparency, one issue where public information is seen as somewhat ambiguous relates to whether *vessels catching fish through a scientific or exempted permit are allowed to sell fish*. This issue is not specified clearly in the Code of Federal Regulations, although there is a provision for

allowing permit holders to retain catches as 'compensation' for their research. Furthermore, the Code of Federal Regulations describes that an application for an exempted fishing permit can be refused if the permit 'would have economic allocation as its sole purpose'. It suggests the spirit of the regulations is that scientific and exempted fishing permits are not designed to generate profits for individuals, but their catch can be sold in commercial markets (participation in the exempted fishing programme might be impossible without this). Most individual permits (of which several have been read for this assessment) include a clause in the annex about whether catches can be sold or not, and if there are any limits to selling quantities of fish. Yet, there were also examples where this information is missing.

The abuse of exempted fishing permits for commercial gains is a risk in the US, but our assessment found no evidence that this is a major problem, such as media reports and academic studies making such accusations.

Up to date?

The Code of Federal Regulations is up to date. This assessment also has strong confidence that

the publication of documents for individual permits by NOAA is done in a timely manner.

²⁰ These can be retrieved through searching on the NOAA fisheries website: <https://www.fisheries.noaa.gov/search?q=exempted+fisheries+permit>

²¹ See for example: https://media.fisheries.noaa.gov/dam-migration/2019_std_dsbgefp_complete_generic.pdf

Easy to find?

Regulations on scientific and exploratory fishing are easy to find. While there is no central page of information for this topic on the NOAA Fisheries website, using this website's search

function retrieves pages of information at the regional level, and there is a well organised system of publishing individual permits for each region.²²



GOOD TRANSPARENCY PRACTICES: GRANULARITY

NOAA Fisheries publishes all individual permits issued for scientific and exploratory fishing, including the justification for the permit, as well as the terms and conditions for each authorised permits.



GOOD TRANSPARENCY PRACTICES: STAKEHOLDER PARTICIPATION

NOAA ensures that all applications for exempted fishing permits are published online to allow for public comment, including any objections.

2-D | SPORT FISHING

The MSA defines recreational fishing as fishing for pleasure or sport, and it forbids any fish caught through recreational fishing to be sold or bartered. Within the recreational fishing sector, US laws and regulations distinguish tenure for

chartered fishing vessels, where owners hire their vessels for recreational fishing purposes (e.g. commercial sports fishing).

The marine recreational fishing sector in the US is

²² For the example of Alaska, see: <https://www.fisheries.noaa.gov/permit/alaska-exempted-fishing-permits>

extremely important, estimated by NOAA to contribute over USD 40 billion to the US economy every year. In many regions of the US, catches by recreational fishing rival or surpass those of commercial fishing. As such, US federal laws and policies for the management of recreational fishing have become a key priority for NOAA Fisheries, which has resulted in the [National Saltwater Recreational Fisheries Policy](#). In 2010, NOAA Fisheries launched the [National Recreational Fisheries Initiative](#), which among other activities established regular meetings and collaborations between saltwater fishing associations, state agencies and the federal government.

US recreational fisheries can be considered highly regulated, with the requirement for recreational fishers to purchase fishing permits, abide by limits to catches and restrictions on fishing zones, gear types and seasons. Recreational fishers are also subject to mandatory reporting requirements on the fish they catch. The US is also widely regarded as one of the most innovative countries in the world for developing electronic technologies to record catch and fishing data from the recreational sector, which is a policy detailed in the [Marine Recreational Information programme](#) launched in 2013.

Basic information requirements:	Available online?	Up to date? (The latest tenure rules and procedures are published)	Easy to find?
Fees of access rights and fishing authorisations	Yes	Yes	Yes
Duration of such rights and authorisations	Yes	Yes	Yes
Authorities/persons that are legally entitled to issue such rights and authorisations	Yes	Yes	Yes
Mandatory administrative procedures required to determine their issue	Yes	Yes	Yes
Conditions relating to fishing effort	Yes	Yes	Yes
Conditions relating to ecosystem impact	Yes	Yes	Yes
Conditions relating to landings, including the sale of fish	Yes	Yes	Yes
Conditions relating to catch reporting	Yes	Yes	Yes

Provisions for formal mechanisms of external oversight and public consultations of fisheries tenure decisions	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

General rules and regulations on recreational fisheries are included in the Code of Federal Regulations, while more specific regulations at the regional level can be found in the relevant parts of this Code.

Information on all the criteria listed in the assessment table was found on government websites, and the NOAA Fisheries website has a prominent sub-page for recreational fishing information, with further links to multiple pages that provide information on the rules and regulations for recreational fishing of different species and in different regions.

Detailed information on rules and regulations for recreational fishing can also be retrieved in the [searchable online database managed by NOAA Fisheries](#), with recreational fishing being one of three filters for results on types of fisheries.

Detailed online resources are also published by RFMCs on their websites.

Some of the specific information for rules and

procedures for recreational marine fishing was also found at the State level. This includes the fee structure and conditions of permits for recreational marine fishing in State waters (coastal waters up to three nautical miles).

NOAA Fisheries also publishes considerable information on government policies and procedures for oversight and public consultation regarding the management and development of the saltwater fishing sector. These are not regulated by law, but are rather developed as policies through the National Saltwater Recreational Fisheries Policy, and further elaborated through regional engagement plans. The MSA also requires RFMCs to ensure voting members on the councils include representatives from the recreational fishing sector (although including an appointed member from the recreational fishing sector is not mandatory, in practice this is followed by most RFMCs).

Up to date?

The Code of Federal Regulations is up to date. This assessment also has strong confidence that the publication of documents describing the

tenure rights of people engaged in recreational saltwater fishing by NOAA is done in a timely way.

Easy to find?

Due to NOAA's dedicated sub-pages for information on recreational fisheries, all information listed in the above table can be easily found online. The detailed search engine

used for retrieving catalogued information on rules and regulations for recreational fisheries works well and can be used to isolate rules for specific fisheries and regions.



GOOD TRANSPARENCY PRACTICES: COMPREHENSIBILITY

NOAA Fisheries provides a dedicated sub-page regarding information on laws, regulations and policies, the main website of information for saltwater recreational fisheries, including e.g. frequently asked questions relating to permits and policies, such as rules for registering on the [Federal Saltwater Angler Registry](#). There are also [links to several informational videos](#) on the NOAA Fisheries website.



3. FOREIGN FISHING ACCESS AGREEMENTS

A foreign fishing access agreement refers to a contractual arrangement that is entered into between a coastal state and a foreign party²³ that allows the foreign party's fishing vessels to operate in the coastal state's marine jurisdictional waters.²⁴ These agreements provide a compensation for the coastal state, such as monetary transfers, commitments for investments and services, or reciprocal access to overseas fishing grounds for the country's national fishing fleet. A lack of transparency surrounding foreign fishing access agreements has been a persistent concern in international debates. Governments may not publicise whether foreign fishing access agreements are in active use, and the contracts of these agreements can be withheld as confidential information.

3-A | FOREIGN-FLAGGED VESSELS FISHING IN US WATERS

Basic information requirements:	Available online?	Up to date? <i>(Agreements that came into force within the last 3 years are published)</i>	Easy to find?
Signed contracts allowing foreign-flagged vessels to fish in US waters	Yes	Yes	Yes
Related documents, such as Memorandum of Understandings or amendments (if applicable)	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

²³ Agreements can be signed between governments, between a coastal state and a union of foreign governments (such as the European Union), or between coastal states and private corporations, or associations of private companies.

²⁴ Territorial Sea and Exclusive Economic Zone, in the following referred to as 'US waters'.

Available online?

The USA-Canada Albacore Treaty is accessible from the Federal Register and from the website of NOAA Fisheries. Beyond publishing the legal text of the treaty, NOAA Fisheries provides

information on the management of the treaty, including reports of joint committee meetings and scientific stock assessments

Up to date?

Records of the USA-Canada Albacore Treaty are up to date.

Easy to find?

The legal texts, including amendments of this agreement are easy to find through the website of NOAA Fisheries. [The USA-Canada Albacore](#)

[Treaty](#) has a dedicated sub-page with summary text and links to relevant documentation.

3-B | US-FLAGGED VESSELS FISHING IN FOREIGN WATERS

Basic information requirements:	Available online?	Up to date? <i>(Agreements that came into force within the last 3 years are published)</i>	Easy to find?
Signed contracts allowing US-flagged vessels to fish in third country waters	Yes	Yes	Partially
Related documents, such as Memorandum of Understandings or amendments (if applicable)	Partially	Partially	Partially
	To a large extent	To a large extent	To a limited extent

The US has two international fishing agreements that allow US-flagged vessels access to fish in a foreign country's EEZ:

- *The USA-Canada Albacore Treaty*, signed in 1981 and last amended in 2002.
- The Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, or more commonly known as the *South Pacific Tuna Treaty*. This treaty was signed in 1998 and last amended in 2016.

The USA-Canada Albacore Treaty is a reciprocal fisheries agreement, and therefore allows Canadian-flagged fishing vessels access to tuna in US waters and vice versa. Although the US has several other bi-lateral agreements with Canada that manage shared fish stocks (ones that straddle and move between US and Canadian waters, such as the 2003 Pacific Hake/Whiting Treaty), none of these allow US- or Canadian-flagged vessels access to each other's national waters.

The USA-Canada Albacore Treaty is published online through the Federal Register. The amended South Pacific Tuna Treaty can be found through the website of the US Congress and is also published in the central online portal of government information, www.govinfo.gov.

This assessment found it difficult to understand if all related documents to the South Pacific Tuna Treaty are published. Specifically, the treaty includes provisions for economic

assistance by the US to members of the treaty, which is money paid by the US to the South Pacific Fisheries Forum Agency (FFA). This economic assistance is described as a condition of the tuna treaty, however it is detailed in a separate agreement. In 2003 the US and the FFA signed a 10-year agreement for this assistance, which amounted to an annual payment of USD 18 million. An online [signed copy of this agreement](#) was retrieved by using an external search engine, and was found on the US Department of State's website.

The agreement found online runs until 2013. Payments have continued from the US government to the FFA since 2013 (as confirmed by the World Trade Organisation in a recent [research report on foreign aid](#) to the fisheries sector) and this ongoing commitment is described in the amended treaty document of 2016. However, our assessment was unable to locate a copy of the updated agreement on economic assistance between the US and the FFA. Considerable effort was made to locate this document on US government websites, including searching on the website of USAID. Further information was searched on the website of the OECD's Creditor Reporting System, but no records could be found.

As this is a significant component of the fisheries agreement between the US and members of the South Pacific Tuna Treaty, this gap in public information is important.

The existence of other related documents to the

South Pacific Tuna Treaty, such as more recent amendments or MOUs, could not be verified for this assessment. However, the documentation published by NOAA Fisheries on this treaty, including on its implementation, is sparse in comparison to other bi-lateral agreements. Although NOAA Fisheries provides a sub-page of

information on the [South Pacific Tuna Treaty](#), it does not include a link to any further documents, including the treaty document itself. *This lack of detail for the South Pacific Tuna Treaty is inconsistent with the level of detail provided by NOAA Fisheries on many other topics of US fisheries management.*

Up to date?

Published information on the USA-Canada Albacore Treaty is up to date.

Online government information on the South

Pacific Tuna Treaty is up to date, but government information on the related economic assistance tied to this treaty are not.

Easy to find?

The USA-Canada Albacore Treaty is easy to find, with a prominent sub-page on the website of NOAA Fisheries with links to the treaty documents.

Information on the South Pacific Tuna Treaty is less easy to find, as the NOAA Fisheries website does not provide a link to the signed treaty or

other relevant documents. Retrieving a copy of the Treaty is straightforward by searching on the website of the US Congress and on www.govinfo.gov, although finding the document on the economic assistance is difficult, and could only be achieved through an external search engine (i.e. Google).



4. THE STATE OF THE FISHERIES RESOURCES

Concern is mounting over decreasing marine biodiversity due to human activities, such as overfishing, climate change, habitat destruction and pollution. National authorities have the duty to collate and publish information on the state of marine fish populations in their waters. This is particularly important for fish targeted by commercial fisheries, given their overfishing can put unsustainable pressure on stocks whose continued existence is essential for national development and food security. Transparency of government information regarding the status of fish stocks, including explanations on changes over time, is a critical feature of responsible fisheries management. Such information should be presented in an accessible way that supports wider public debate, rather than only published in technical scientific reports that are unlikely to be meaningful to the layperson.

4-A | NATIONAL REPORTS ON THE STATE OF MARINE FISH POPULATIONS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 3 years)	Easy to find?
National reports on US marine fish population, including at least the top 5 commercial fish species	Yes	Yes	Yes
Information on trends in the state of stocks and explanations on the reasons for change	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

The US has one of the most advanced programmes of marine fisheries research in the world. It therefore compiles extensive data and research on the status of marine fish, which is

published in a vast number of scientific articles and reports, as well as accessible summaries online.

A flagship publication of NOAA Fisheries is the annual [Report to Congress on the Status of US Fisheries](#). This report consolidates findings on

scientific stock assessments and gives a national overview of the sustainability of fishing, with links to further in-depth reports.

Up to date?

The latest Report to Congress on the Status of US Fisheries is for the year 2021, and is

therefore, seen as up to date.

Easy to find?

The Report to Congress on the status of US Fisheries is given prominence on the website of

NOAA Fisheries and its release is accompanied by media alerts and press briefings.



GOOD TRANSPARENCY PRACTICES: GRANULARITY

Summary information on the status of national fish stocks is published by NOAA Fisheries on a quarterly basis and can be found in a dedicated page for [fishery stock status updates](#).

4-B | SCIENTIFIC STOCK ASSESSMENTS

Basic information requirements:	Available online?	Up to date? <i>(Published data is not older than 3 years)</i>	Easy to find?
Scientific stock assessments	Yes	Yes	Yes
Information on the methods and data used to assess fish stocks	Yes	Yes	Yes

Information on ongoing or planned efforts to update and expand fish stock assessments	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

NOAA Fisheries produce extensive scientific stock assessments of marine fisheries. NOAA Fisheries describes that it undertakes scientific stock assessments on nearly 500 distinct fish populations, and that in 2020 it completed 190 separate stock assessments. The results of all of these are published online on the NOAA Fisheries website.

While there are multiple ways to access this information through the NOAA Fisheries website, the most detailed presentation is found in NOAA's [Stock SMART database](#) (Status, Management, Assessments & Resource Trends). Individual stock assessments can be retrieved by an online search function, with filters for species and geographical regions.

Another way to access stock assessments, and summary information, is through sub-pages for

individual fish species, which can be found from NOAA Fisheries' homepage under 'Find a species'.

NOAA Fisheries also provides detailed explanations on the methods and data used to assess fish stocks. An entry to this subject is provided in a dedicated sub-page entitled [Population Assessments: Fish Stocks](#).

Finally, NOAA Fisheries also publishes information on federal efforts to improve fish stock assessments. The most important document in this regard is the [NOAA Fisheries Stock Assessment Improvement Plan](#), which was last updated in 2018. This improvement plan sets out the national policy for enhancing the coverage and reliability of fish stock assessments.

Up to date?

Reports on fish stock assessments are regularly updated on the NOAA Fisheries website, and the

most recent records are for assessments undertaken in 2021.

Easy to find?

The extensive information published by NOAA Fisheries on fish stock assessments is given

prominence on its homepage, categorised under the heading of 'Fish populations'.



GOOD TRANSPARENCY PRACTICES: GRANULARITY

NOAA's Stock SMART database is an innovative way of providing a searchable database on information from stock assessments that allows users to download raw data and create their own datasets. It also presents summary statistics for fisheries at a glance.



GOOD TRANSPARENCY PRACTICES: COMPREHENSIBILITY

NOAA Fisheries recognises that the science of stock assessments is complex and uncertain, and therefore provides multiple publications that discuss how stock assessments are undertaken for the layperson. This includes the online resource entitled 'stock assessment 101', which also includes an animated video explaining how NOAA Fisheries approaches stock assessments.



GOOD TRANSPARENCY PRACTICES: STAKEHOLDER PARTICIPATION

NOAA Fisheries organises ongoing management reviews of fisheries population surveys, as well as independent peer reviews. Meetings by scientific experts are conducted online and are open to members of the public to participate.²⁵ This demonstrates a strong commitment to public participation and oversight in the process of undertaking and reviewing stock assessments and resulting decisions on catch limits.

²⁵ See for example: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/2020-management-track-assessments>.



5: LARGE-SCALE FISHERIES

Large-scale commercial fishing often represents the most important sector of marine fisheries in terms of catches, landings, and government revenues. It typically involves the use of large high-capacity boats, equipped with on-board facilities for freezing and processing seafood while at sea. These vessels often remain at sea for long periods of time and carry large crews for catching and processing fish on board. A number of important issues affecting large-scale fisheries – ranging from levels of bycatch and discards to the fair distribution of revenues – make the public availability of information on the sector a crucial element of increasing transparency in fisheries management.

The following part of the assessment considers information specifically for large-scale fisheries. In many countries government data on large-scale (or industrial fisheries) is collated and published separately from information on the more numerous small-scale (or artisanal) fishing vessels. *However, in the US, federal information on commercial fisheries does not distinguish between small- and large-scale.*

There is no internationally agreed definition between large-scale and small-scale fisheries, and the FiTI Standard does not provide a distinction for countries. It was therefore not appropriate for our assessment to provide any opinion on what might constitute large-scale fishing vessels in the US in comparison to small-scale fishing vessels. However, we assumed that there is a public interest in understanding commercial fisheries information that is disaggregated according to vessel characteristics. There is international interest in understanding the relative contribution of

different types of fishing vessels to catches and bycatch, while there is also interest in understanding the distribution of fishing authorisations and resulting catches between different segments of the commercial fishing industry.

The approach to assessing this part of our assessment was therefore to consider whether information listed below is presented by US authorities according to vessel characteristics and gear types. This would allow others to distinguish data according to subjective criteria on what constitutes large-scale vs small-scale. As is described further below, government data on catches, landings and fishing effort at the national level is presented without corresponding information on the types of vessels or gear types, whereas information on bycatch is. There are however reports on specific fisheries and regions that provide more granular information, particularly for fisheries in Alaska.

5-A | VESSELS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 1 year)	Easy to find?
Registry of US- and foreign-flagged vessels authorised to fish in US waters	Partially	Yes	No
Name of the vessel	Yes	Yes	Yes
Legal owner of the vessel, including their address and nationality	No		
Registered port of the vessel	Yes	Yes	Yes
Flag State of the vessel	No		
Unique identification number(s) of the vessel	Yes	Yes	Yes
Type of vessel, according to fishing gear or fishing method	No		
Physical characteristics of the vessel, including length, beam, tonnage and engine power	Yes	Yes	Yes
Name of the vessel's agent	Not applicable		
Access agreement under which the foreign-flagged vessel is authorised to fish	Yes	Yes	No
Type of fishing authorisation held by the vessel	No		
Quantity and names of target species, permissible bycatch and discards that the vessel is authorised to fish, if specified in the vessel's fishing authorisation	No		
Duration of the fishing authorisation, indicating start and end date	No		
Rights holder for whom the vessel is fishing, including the name and nationality of the rights holder	No		

Country and/or regions of the High Seas where the nationally-flagged vessel is authorised to fish	No		
	To a limited extent	To a full extent	No

Available online?

NOAA Fisheries does not publish a dedicated registry of US- and foreign-flagged vessels, which would allow the public to obtain a full list of authorised vessels. Instead, NOAA Fisheries publishes vessel information as part of its wider database on 'Commercial Fisheries Statistics'. A link to the 'Annual commercial landing statistics' provides access to a list called '*USCG Vessels*', which opens up a searchable database. As the name suggests, this information on vessels originates from the US Coast Guard, although the US Coast Guard does not publish its own fishing vessels list.

Unfortunately, this 'USCG Vessels' list allows only to retrieve information for those vessels whose name, vessel number or hull ID is known in advance. More 'traditional' vessel registries, which provide an overview of all licensed vessels, are published by some RFMCs, but not all (as outlined further below).

It was not possible to assess whether this vessel list is complete. Our assessment included random checks on vessels (including those on the vessel list of the Inter-American Tropical Tuna Commission), and all could be found in this the 'USCG Vessels' list. It would seem likely that all authorised fishing vessels are included in this

list. However, our assessment found two aspects that challenge the completeness of this vessel list:

First, the list of fishing vessels published by NOAA does not seem to include foreign fishing vessels authorised to fish in the US waters. NOAA provides confusing information on whether any foreign fishing vessels are authorised to fish in US waters. A page of information (under the theme of fishing permits) includes information on foreign fishing permits. This states that "the only foreign fishing permits issued in recent years have authorized foreign vessels to transship fish harvested by U.S. fishermen." However, under the information presented for the USA-Canada Albacore Treaty, NOAA Fisheries provides a list of 45 Canadian flagged vessels authorised to fish in US waters. This list includes the name of the captain for each fishing vessel, as well as the US fishing license issued. These Canadian fishing vessels appear to be the only foreign flagged fishing vessels authorised to fish in US waters.

It is further noted that the US submits data to the FAO's Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply

Vessels. However, US authorities provide only vessel names and information on their fishing port. The US data does not meet the full criteria of FAO's reporting guidelines, including specifying what fishing authorisations the vessels have and what type of fishing vessel it is. The records supplied by the US also appear to be for a smaller number of fishing vessels than those operating in US marine fisheries, possibly caused by sharing information only on vessels operating in federally-managed fisheries. The FAO Global record includes 3,491 entries for US-flagged vessels.

The same data can be found on the OECD database for fishing vessels provided by the US. This also does not contain information on vessel characteristics, including the length or size of the vessel.

Second, there is uncertainty whether this 'USCG Vessels' list is limited only to those vessels operating in federal waters, or whether it also includes vessels authorised to fish in State waters.

Information on authorised commercial fishing vessels (and quota ownership) can be found for some regions, but not for all. NOAA Fisheries provides a central page for permit information for six regions of US fisheries. The following is a summary of what information can be found for each:

- **Pacific:** A [list of permit holders and authorised fishing vessels](#), including the names of the permit holder. This information is only provided for fishing vessels authorised to fish in federal waters.
- **Alaska:** Highly detailed information on authorised vessels and quota allocations, organised for individual fishery units. Includes [extensive information on recreational and subsistence fishing authorisations](#) as well. The Alaska Commercial Fishery Commission also provides a [fishing vessel registry](#) covering vessels authorised in both federal and state fisheries as well as a separate registry of fishing permits, and these registries provide more detailed information than the vessel registry provided by NOAA, including information on the vessel owner, their address and what types of fishing each listed vessels is engaged in.
- **West Coast:** No information on individual permit holders, authorised vessels and ITQ allocations is published. Instead, it shows links to [information on obtaining and amending permits](#).
- **South East:** Per vessel information about fishing permits, including the company name that owns the vessel and the registered address of the company or owner is published. No information is provided on vessel characteristics, but the vessel ID name can be cross checked with the [central vessel list](#) provided by the US Coast Guard. No information is provided on catch share allocations.
- **New England/Mid-Atlantic:** Clicking on information for current permit holders opens a homepage of a password protected database, entitled [GARFO Fish](#). Access to this website was not possible during our assessment, as it is reserved for

US residents only.

- **Atlantic Highly Migratory Species:** No information on individual permit holders and authorised vessels is published, rather links to [information on obtaining and amending permits](#).

Furthermore, the usefulness of this 'USCG Vessels' list to increase transparency in fisheries is significantly diminished by the *omission of several core attributes about the vessels*. For example, the information in the vessel list does not indicate what type of fishing vessel it is nor where it fishes and for what species, including for vessels authorised to fish on the High Seas or in any other country's waters.

Also, the list does not provide information on the fishing authorisations for each vessel, i.e. licenses or permits, as well as information on any catch quotas. *Further research on the allocation of catch quotas in limited access fisheries found that information on ownership of quotas, including information on initial allocations and any transfers or lease arrangements, is not in the public domain*. As per the information provided above (tenure section), the policy guidelines produced by NOAA Fisheries for establishing and managing a catch share programme does not include obligations on the

transparency of this information. Some data on the ownership of catch shares is provided for ITQ programmes, but this information does not clearly show what shares are owned by individual companies/persons.²⁶ Research undertaken by NOAA Fisheries scientists in 2015 also confirms that public authorities do not regularly collect information on the monetary values of quota sales or leasing agreements for most of the nation's catch share programmes.²⁷

Information on vessels in this list also omits information on the *owner of the vessel*. There is a prominent message on the database that states all personal information about vessels (i.e. information about their ownership) has been removed by the US Coast Guard, and obtaining this information requires a request under the Freedom of Information Act to be sent to the US Coast Guard. *Personal information of vessel owners is therefore treated as confidential at the federal level*, only available to members of the public through such a request. However, it should be noted that certain state and regional authorities do not follow this protocol, and they do publish information on fishing vessels that includes personal information of the vessel owner.

²⁶ See for example: <https://seatchshares.fisheries.noaa.gov/viewDealers>

²⁷ Holland, D. et al., (2015). "US catch share markets: A review of data availability and impediments to transparent markets", Marine Policy. 57. Public access at: https://www.researchgate.net/publication/275058334_US_catch_share_markets_A_review_of_data_availability_and_impediments_to_transparent_markets

Up to date?

The partial information found in NOAA Fisheries 'USCG Vessels' list appears to be up to date. Furthermore, NOAA Fisheries provides annually

updated information to the FAO'S Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.

Easy to find?

Overall, this assessment judged information on vessels to be difficult to find on the NOAA Fisheries website. There is no central landings page on a vessel registry and relevant information is presented across multiple pages

and databases. A member of the public requesting information on vessels authorised to fish in the USA waters would likely spend considerable time looking for this information.

5-B | PAYMENTS

Basic information requirements:	Available online?	Up to date? (Published data comprises previous calendar year)	Easy to find?
Annual total amount of payments for fishing from large-scale vessels	Partially	Yes	No
Name of the natural person or legal entity that made the payment	No		
Name of the national authority who received the payment	Yes	Yes	Partially
Date on which payment was received by the national authority	No		
Purpose of the payment	Yes	Yes	Partially
	To a limited extent	To a full extent	No

Available online?

Our assessment found no information at the federal level that indicated total annual public revenues derived from the issuing of fishing authorisations to the marine commercial fishing sector, including charges related to cost recovery. For example, such information is not included in NOAA's annual report 'Fisheries Economics of the United States'.

Data exists on a regional level for some fisheries. Our assessment found granular data on charges to commercial fisheries vessels in the North West region, which is included in the searchable database called the Fisheries Economic Explorer or 'fish eye'. This allows members of the public to retrieve information on cost recovery and other fees raised from commercial fisheries, including observer fees, according to types of vessels and regions.²⁸ Information on cost recovery payments can also

be found in reports that review the performance of catch share programmes, although this information does not indicate payments from vessels according to their characteristics (i.e. size or gear types).

Given that information on payments can be found for selected regions and some fisheries, this assessment considers the information to be only partially available.

However, of the information that is published online, corresponding information does not include the name of the person/legal entity that has made specific payments and information on payments is not published with corresponding information on the date of financial transactions. Information regarding the purpose of the payments and the authority receiving the payment is published.

Up to date?

The partial information on payments that is published for several regions or fisheries was

seen as up to date.

Easy to find?

The partial information on payments was assessed to be not easy to find. Information on payments required

considerable research into technical reports to locate. It is acknowledged that such information might not be given prominence on government

²⁸ See the 'performance tracker': <https://dataexplorer.northwestscience.fisheries.noaa.gov/fisheye/>

websites, as payments for fishing vessels represent administrative charges and cost

recovery fees, with no direct corresponding public dividend.

5-C | CATCHES WITHIN US WATERS

Basic information requirements:	Available online?	Up to date? (Published data comprises previous calendar year)	Easy to find?
Total quantity of annual recorded retained catches	Yes	Yes	Yes
Disaggregated by species or species groups	Yes	Yes	Yes
Disaggregated by fishing authorisations or gear type	Partially	Yes	Yes
Disaggregated by flag State of the vessels	No		
	To a large extent	To a full extent	To a full extent

Available online?

Information on catches can be found through multiple publications, with a summary of national fishery statistics being provided in NOAA's annual report 'Fisheries in the USA'. This does not provide a breakdown of catches made by different segments of the commercial fishing sector. However, more granular information on specific species and regions is provided through many other publications.

The primary source of information on catches made by commercial fisheries is the Landings database. Catch data can also be retrieved from the Stock SMART database as this summarises information on catches for species and at the regional level.

The presentation of catch data from the Landings database and the Stock SMART database provides high levels of details for catches of species and from regions, but it is not possible to find catch data disaggregated by different segments of fishing fleets. However, this level of data can be found for many commercial fisheries though a number of other publications.

In selected fisheries this information is provided in economic assessment reports, some stock assessments and reports relating to fisheries management plans and reviews of catch share programmes. The following are illustrative examples:

- The 2019 NOAA Fisheries report '[Economic status of the ground fish fisheries off Alaska](#)' includes detailed disaggregated data on catches according to vessel characteristics and gear types.
- The [2021 Atlantic Shark Fishery review](#) provides catch and landing data according to different types of fishing gear and vessels.
- The [2019 report on highly migratory species](#) published by the South-West Fisheries science centre provides catches made by different vessels and gear types.

It should be noted that in all these more granular reports, NOAA does not publish catch data derived from 3 or fewer vessels, as this is considered to infringe on the confidentiality of the data clause, as set out in the MSA.

Some regions provide searchable databases for

catch data that includes the ability to isolate catches from specific vessel types and by fishing gear. The [Pacific Island Fisheries Centre](#) provides this for commercial catches for each of the US Pacific Island territories.

However, this assessment was not able to find this level of analysis for all commercial fisheries in the US, including for fisheries in the New England/Mid Atlantic region and the South East.

Foreign-flagged fishing vessels represent a very small segmented of commercial fishing in the US, limited to fishing under the US-Canada Albacore Treaty. However, it was not possible to find catch reports for Canadian-flagged vessels operating in US waters. This is not seen as an omission of this data, but rather due to the fact that no information on the flag State of the vessels is provided.

Up to date?

Information on catches made in US waters is up to date, with the latest report 'Fisheries of the US' covering data for 2019. More up to date

information is available in the Landings database and the Stock SMART database.

Easy to find?

Information on catches is generally easy to find, apart from catch data disaggregated by vessel or gear types, which is published in more detailed databases, requiring more time to retrieve.

It is acknowledged that while compiling catch data from within US waters for large-scale fishing vessels is possible, it would require a significant amount of time. Such data would need to be

retrieved from multiple databases and reports (selecting catch data from those vessels that apply to one's own individual definition of a large-scale vessel). However, as US national authorities do not distinguish between large-scale and small-scale vessels, the potential difficulties of locating such information have not influenced our assessment.

5-D | CATCHES OUTSIDE US WATERS

Basic information requirements:	Available online?	Up to date? (Published data comprises previous calendar year)	Easy to find?
Total quantity of annual recorded retained catches by US-flagged vessels	Yes	Yes	Yes
Disaggregated by species or species groups	Yes	Yes	Yes
Disaggregated by fishing authorisations or gear type	No		
Disaggregated by fishing area (i.e. High Seas and third country)	No		
	To a large extent	To a full extent	To a full extent

Available online?

Data on catches made by US-flagged vessels on the High Seas and/or in foreign waters is provided in the annual statistics presented in NOAA's 'Fisheries of the United States' report. This includes information for the main commercial species. More granular data on catches made by US vessels outside of US waters is not included in the Landings database or the Stock SMART database (these cover

fishing information for US waters only).

Information on catches made by US-flagged vessels does not provide disaggregated data according to authorisations of gear types, although summary information is published by the IATCC. US government data also does not provide information that disaggregates catches made in specific countries or on the high seas.

Up to date?

Information published on catches made by foreign

flagged vessels, where it is available, is up to date.

Easy to find?

Available information is easy to find in NOAA's

'Fisheries of the United States' report.

5-E | LANDINGS IN US PORTS

Basic information requirements:	Available online?	Up to date? (Published data comprises previous calendar year)	Easy to find?
Total quantity of annual recorded landings in US ports of fish caught in US waters	Yes	Yes	Yes
Disaggregated by species or species groups	No		
Disaggregated by fishing authorisation or gear type	Partially	Yes	Yes
Disaggregated by flag State of the vessels	Not applicable		
	To a large extent	To a full extent	To a full extent

Available online?

Summary data of total annual recorded landing in US is provided in the annual NOAA report 'Fisheries Economics of the United States'. This also provides information on the value of landings.

More detailed information can be retrieved via the Landings database. This allows for data on landings within States and for specific fish species. However, this database does not specify landings made by different types of fishing vessels, or whether landings are from recreational or commercial fisheries.

Information can be found on total catches and

landings of vessels within specific fisheries, which is information included in reports and publications listed above for catches. However, information disaggregated according to the types of vessels or fishing gear is not always available.

For this assessment landings by foreign-flagged vessels in US ports was considered as 'not applicable'. This is based on the assumption that only Canadian-flagged vessels catch fish in US waters - under the bilateral USA-Canada Albacore Treaty - and that these vessels land all of their catches in Canadian ports.

Up to date?

US federal government information on landings

in US ports is up to date.

Easy to find?

Information on landings is easy to find through a combination of NOAA's annual report 'Fisheries Economics of the United States' and its Landings database. Information on landings made by vessels within specific fisheries requires more in-depth research on that fishery, but this information is not difficult to find.

Members of the public wanting to determine catches made specifically by vessels according to their physical characteristics (e.g. large-scale vs

small-scale) could locate this information for the majority of regions and ports in the USA by consulting the Landings database and additional technical reports, but this would require significant work. This has not affected the overall scoring of this requirement, given that US authorities do not recognise the distinction between large-scale and small-scale commercial fisheries.

5-F | TRANSSHIPMENTS AND LANDINGS IN FOREIGN PORTS

Basic information requirements:	Available online?	Up to date? (Published data comprises previous calendar year)	Easy to find?
Total quantity of annual recorded transshipments at sea or landings in foreign ports of fish caught in US waters	Not produced		
Disaggregated by species or species groups			
Disaggregated by fishing authorisation or gear type			
Disaggregated by flag State of the vessel			
Not produced			

Available online?

Available information is inconclusive on whether fish caught in US waters by US- or foreign-flagged vessels is then transhipped at sea or landed directly in a foreign port. It is assumed that foreign-flagged vessels in US waters (e.g. the Canadian fleet targeting tuna) do land their catches outside of the US. US-flagged vessels may also land or transship catches abroad, e.g. tuna vessels operating in the Pacific (although the majority of these

catches are landed in American overseas territories).

Information on transshipments at sea or landings in foreign ports of fish caught in US waters was not found on the website of NOAA Fisheries. It is therefore assumed that such data is not available to NOAA and therefore scored as 'Not produced'.

5-G | DISCARDS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 3 years)	Easy to find?
Total quantity of annual discards from large-scale vessels authorised to fish in US waters	Yes	Yes	Yes
Disaggregated by species or species groups	Yes	Yes	Yes
Disaggregated by fishing authorisation or gear types	Yes	Yes	Yes
Disaggregated by flag State of the vessels	No		
	To a full extent	To a full extent	To a full extent

Available online?

NOAA Fisheries has a long-standing policy for monitoring and managing discards from commercial fisheries. Information on this, including the [national bycatch reduction](#)

[strategy](#), is summarised on a dedicated sub-page. Summary information on discards can be found in the '[US National Bycatch Report](#)', with the latest version being published

in 2019. This report draws on multiple studies, primarily based on observer reports. This report provides links to detailed technical assessments of individual fisheries published by NOAA scientists. Information on bycatch estimates are disaggregated according to types of vessels and gear types, where sufficient data is available.

NOAA Fisheries Office of Science and Technology also provides a database of information on [bycatch statistics](#) organised into information for fisheries and species. Access to this database is password protected, but anyone can access it via the 'guest login' option. Highly detailed and technical reports can be downloaded from this database, although the information seems somewhat dated, with the most recent data being for the year 2015.

However, scoring for this assessment is based on the information provided by the US National Bycatch report and referenced studies.

Our assessment found no information on discards disaggregated by the flag State of vessels (although Canadian-flagged vessels are fishing in US waters). However, the omission of this data from public reports should not be considered overly important. Analysis of discards in the tuna fisheries - used to establish estimates for fisheries management purposes - is conducted for all fishing vessels and is therefore likely to apply to Canadian-flagged vessels. There is no reason to believe specific analysis of discards by Canadian vessels warrants special attention.

Up to date?

The latest bycatch report is for 2019. Research on specific fisheries is older than this, however

all available studies appear to be published by NOAA.

Easy to find?

Information on bycatch and discards is easy to find on the NOAA Fisheries website, with a

dedicated sub-page where reports and data can be accessed.

5-H | FISHING EFFORT

Basic information requirements:	Available online?	Up to date? (Published data comprises previous calendar year)	Easy to find?
Total annual recorded fishing effort	Yes	Yes	Yes
Disaggregated by fishery or gear types	Yes	Yes	Yes
Disaggregated by flag State of the vessels	No		
	To a large extent	To a full extent	To a full extent

Available online?

Information on total fishing effort by vessels is usually provided in stock assessments, which are undertaken regularly for commercial fisheries and published by NOAA (see above, 4-B). Information on catch effort can also be found in more technical reports as listed above for catch data, including economic assessments and reviews of catch share programmes.

Our assessment found no information on fishing effort disaggregated by the flag State of

vessels (although Canadian-flagged vessels are fishing in US waters). However, the omission of this data from public reports should not be considered overly important, given the small size of the Canadian fleet operating in the US. Analysis of fishing effort in tuna fisheries - used to establish estimates for fisheries management purposes - is conducted for all fishing vessels and is therefore likely to apply to Canadian-flagged vessels as well.

Up to date?

Information on fishing effort is mostly provided through stock assessment reports, which have

been assessed as up to date (see above, 4-B).

Easy to find?

The assessment considers information on catch effort to be easy to find. This information is contained in technical reports and is not

accessible to the lay person, however this is to be expected for information on catch effort compiled across many fisheries.



6. SMALL-SCALE FISHERIES

In many countries, commercial small-scale fisheries – also commonly referred to as artisanal fisheries – account for the vast majority of people engaged in fishing activities, whether they be full-time, part-time or seasonal. It is widely recognised that this sector can play a vital role in national food security, the economic well-being of large numbers of people, as well as the culture of coastal communities. However, official information on the small-scale sector is often limited and inadequate public resources are allocated to collating this information. This represents a potential barrier to responsible fisheries management. It may also marginalise small-scale fisheries in national debates and policy implementation.²⁹

As for the previous section on 'Large-scale fisheries', the US federal information on commercial fisheries does not distinguish between small- and large-scale (or industrial and artisanal). Again, while this assessment does not provide a definition between the two, the approach to assessing this part of the assessment is to consider whether information listed below is presented by US authorities according to vessel characteristics and gear types. This would allow others to distinguish data according to subjective criteria on what constitutes large-scale vs. small-scale.

As will be described, government information at the national level on the total number of fishers and on catch data from commercial fisheries is presented without corresponding information on the types of vessels or gear types. It is

therefore difficult to use federal fisheries information to understand the characteristics of small-scale fisheries (regardless of how it is defined). However, there are regions and fisheries where information is published by national authorities with corresponding information on the characteristics of fishing vessels, including the size of vessels.

NOAA Fisheries recognises the importance of research and publications on the socio-economic characteristics of commercial fisheries, which includes information on the nature of fishing companies and the distribution of ownership. This type of analysis is relevant to understand what is commonly known as small-scale fisheries. The Economic and Social Sciences Research Programme of NOAA Fisheries is the lead department in collating and publishing this

²⁹ More information about the importance of transparency for small-scale fisheries can be found in our 6th transparency briefing (or 'tbrief', for short) here: <https://www.fiti.global/tbrief-series>.

information. Data and studies are however limited in geographical coverage (the majority of information is available for Alaska), and it appears that socio-economic research in NOAA is somewhat dated. For example, NOAA Fisheries publishes [an interactive map of fishing communities in Alaska](#), which contains extensive

social, economic and environmental information, but this map has not been updated since 2015. Furthermore, some links to relevant information are not working, which includes a link to a [report on the socio-economic profile of fishing communities in Alaska](#).

6-A | VESSELS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 3 years)	Easy to find?
Total number of commercial small-scale fishing vessels	Partially	Yes	Yes
Disaggregated by categories of fishing or gear types	Partially	Yes	Yes
	To a limited extent	To a full extent	To a full extent

Available online?

Although US government publications describe the total number of commercial fishing vessels authorised to fish, this assessment found no national statistics on the number of fishing vessels that included information on the number of different types of vessels in the commercial sector, including information disaggregated by size and categories of fishing and fishing gear. Such information is not included in the annual reports published by NOAA, including the report 'Fisheries of the United States' or the report 'Fisheries Economics

of the United States'.

Information on the total number of fishing vessels disaggregated by vessel characteristics is available for selected fisheries and regions, including in Alaska, and for federal fisheries of the Pacific region, but this data could not be found in other regions. *Ad hoc* information on the number of vessels operating in fisheries can be found in technical reports, including in stock assessments and economic reviews of selected fisheries, but detailed up-to-date information on

the number of different types of vessels is not consistently published by NOAA. Our

assessment therefore considers this information to be partially available.

Up to date?

The partial information that is published in the US on total number of commercial vessels that

includes corresponding information on vessel characteristics is up to date.

Easy to find?

The partial information that is published in the US on total number of commercial vessels that

includes corresponding information on vessel characteristics is easy to find.

6-B | LICENSES

Basic information requirements:	Available online?	Up to date? (Published data comprises previous calendar year)	Easy to find?
Total number of licenses issued to commercial small-scale fishing vessels	Partially	Yes	Yes
Disaggregated by categories of fishing authorisations	Yes	Yes	Yes
	To a large extent	To a full extent	To a full extent

Available online?

There is no federal report or database on licenses (or permits) issued to commercial fisheries, including information disaggregated by vessel characteristics. However, information

on licenses that indicates the number of permits according to vessel characteristics is published for *selected fisheries and regions*, including for Alaska and the federal fisheries of the Pacific

region (see regional information on vessels above, 5-A). For this reason the assessment considers the total number of licenses to be only partially available.

When assessing the partially available information on the number of licenses - by reviewing information published for Alaska and the Pacific region - this assessment found that the information is also fully disaggregated by categories of fishing authorisations.

Beyond those two regions, information on permit allocations according to different vessels can be located from various reports on specific fisheries and technical papers published by NOAA Fisheries and RFMCs, including for example the detailed reports on by-catch in

specific fisheries and some of the reports on stock assessments. But it is beyond the scope of this study to establish how comprehensive this information is. It should be noted that a vessel will often have multiple permits.

A centralised database on fishing permits that allows the public to understand permits issued to different types of fishing vessels may not be considered a priority for NOAA Fisheries. However, information on permits issued for specific fisheries according to vessel characteristics might be of public interest at a regional or more localised State level. It is not clear why the level of data published for Alaska, for example, is not found for other regions of the US.

Up to date?

The partial information found in two regions of the US is assessed as up to date. As noted above, ad hoc information beyond these two regions exists, but this has not been included for this part of the assessment.

A positive score here should not detract from the finding that information published by public authorities on licenses for what could be described as small-scale fisheries is fairly limited in scope for the US as a whole.

Easy to find?

The partial information that is published in the US on total number of licenses that includes corresponding information on vessel

characteristics - provided for Alaska and the Pacific region - is easy to find.

6-C | FISHERS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 3 years)	Easy to find?
Total number of small-scale fishers	No		
Disaggregated by gender information			
Disaggregated by type of occupation ³⁰			
	No		

Available online?

NOAA Fisheries publishes information on the total number of commercial fishers in the 'Fisheries Economics of the United States' report. However, this information is not disaggregated in such a way that allows for an understanding of the number of fishers working in different categories of fishing activities (i.e. corresponding to the distinction between large-scale/industrial, small-scale/artisanal). There is also no information published at the national level that further describes gender and

types of occupation.

More granular data for regions and fisheries is available, such as in reports produced by the Economic and Social Sciences Research Programme of NOAA, but the coverage of this information is limited and is provided almost exclusively for Alaska's fisheries. It is also information that has not been updated for several years. For this reason, the assessment considers this information to be not available.

6-D | PAYMENTS

Basic information requirements:	Available online?	Up to date? (Published data comprises previous calendar year)	Easy to find?
Total amount of payments made from commercial small-scale fisheries	Partially	Yes	No

³⁰ Proportion of full-time work, seasonal or part-time fishing.

Disaggregated by payments for fishing authorisations, catches and landings	Yes	Yes	Yes
Disaggregated by categories of fishing authorisations or gear types	Yes	Yes	Yes
Disaggregated by recipient of payments	Yes	Yes	Yes
	To a large extent	To a full extent	No

Available online?

Research for this assessment found no information at the federal level that indicated total annual public revenues derived from the issuing of fishing authorisations to the marine commercial fishing sector, including charges related to cost recovery. This information is not included in the annual 'Fisheries Economics of the United States' report.

Data exists on a regional level for some fisheries. This assessment found granular data on charges to commercial fisheries vessels in the North West region, which is included in the searchable database called the Fisheries Economic Explorer or '*fish eye*'. This allows members of the public to retrieve information on cost recovery and other fees raised from commercial fisheries, including observer fees,

according to types of vessels and regions.³¹

Information on cost recovery payments can also be found in reports that review the performance of catch share programmes, although this information does not indicate payments from vessels according to their characteristics (i.e. size or gear types).

Given that information on payments can be found for selected regions and some fisheries, this assessment considers the information to be partially available.

Of the information that is available, corresponding information includes the purpose of the payments and the authority receiving the payment.

Up to date?

The partial information that is published in the US on payments that includes corresponding

information on vessel characteristics is up to date.

³¹ See the 'performance tracker': <https://dataexplorer.northwestscience.fisheries.noaa.gov/fisheye/>

Easy to find?

Similar to 5-B, the partial information on payments was assessed to be not easy to find. Information on total payments required considerable research into technical reports to locate. However, once found, more detailed information, such as the recipients of payments is easy to locate.

It is again acknowledged that such information might not be given prominence on government websites, as payments for fishing vessels represent administrative charges and cost recovery fees, with no direct corresponding public dividend.

6-E | CATCHES

Basic information requirements:	Available online?	Up to date? (Published data is not older than 3 years)	Easy to find?
Total quantity of catches made by the small-scale sector	Yes	Yes	Yes
Disaggregated by species	Yes	Yes	Yes
Disaggregated by categories of fishing authorisations and gear types	Partially	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

As described for 5-C, information on catches can be found through multiple publications, with a summary of national fishery statistics being provided in the annual report 'Fisheries in the USA'. It is therefore assumed that catch data for commercial fisheries is published in a complete manner. This does not provide a breakdown of catches made by different segments of the

commercial fishing sector. Instead, more granular information on specific species and regions is provided through many other publications.

The primary source of information on catches made by commercial fisheries is the Landings database. Catch data can also be retrieved from

the Stock SMART database as this summarises information on catches for species and at the regional level.

The presentation of catch data from the Landings database and the Stock SMART database provides high levels of details for catches of species and from regions, but it is not possible to find catch data disaggregated by different segments of fishing fleets (including for fishing vessels or methods that might be considered small-scale or artisanal). However, this level of data can be found for many

commercial fisheries though a number of other publications.

In selected fisheries this information is provided in economic assessment reports, some stock assessments and reports relating to fisheries management plans and reviews of catch share programmes. Some regions provide searchable databases for catch data that includes the ability to isolate catches from specific vessel types and by fishing gear. The [Pacific Island Fisheries Centre](#) provides this for commercial catches for each of the US Pacific Island territories.

Up to date?

The partial information that is published in the US on catches that includes corresponding

information on vessel characteristics is up to date.

Easy to find?

Information on catches is in general easy to find, apart from catch data disaggregated by vessel or gear types, which is published in more detailed databases, requiring more time to retrieve. It is acknowledged that while compiling catch data for small-scale fishing vessels is possible, it would require a significant amount of time. Such data would need to be retrieved from multiple databases and reports (selecting catch data

from those vessels that apply to one's own individual definition of a small-scale vessel).

However, as US national authorities do not distinguish between large-scale and small-scale vessels, the potential difficulties of locating such information have not influenced our assessment.

6-F | DISCARDS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 3 years)	Easy to find?
Total volumes of discards by the small-scale sector	Yes	Yes	Yes
Disaggregated by species	Yes	Yes	Yes
Disaggregated by categories of fishing authorisations and gear types	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

As described for 5-G, detailed information is provided for discards in commercial fisheries and this provides estimates of discards for

different categories of fisheries, including information disaggregated for species.

Up to date?

The latest Bycatch report is for 2019. Research on specific fisheries is older than this, however

all available studies appear to be published by NOAA.

Easy to find?

Information on bycatch and discards is easy to find on the NOAA Fisheries webpage, with a

dedicated sub-page where reports and data can be accessed.



7. POST-HARVEST SECTOR AND FISH TRADE

Fish is the most traded agricultural product in the world. The commerce it generates provides important revenues and foreign exchange. The fisheries post-harvest sector – which includes the processing and selling of fish – often accounts for the majority of jobs created across the industry, and, in many countries, the sector represents an important source of income for women. The inflow and outflow of fish from a country also has substantial implications on national food availability. Widespread public access to information is therefore critical for ensuring properly informed national debates around the post-harvest sector's management and the resulting social, economic and food security implications.

7-A | IMPORTS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 2 years)	Easy to find?
Total quantity of imports of fish and fish products	Yes	Yes	Yes
Disaggregated by species and fish products	Yes	Yes	Yes
Disaggregated by country of origin	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

Detailed data on fish imports are provided in NOAA's annual statistical report '[Fisheries of the United States](#)'. This provides the quantities and values of fish imports, including information on the country of origin.

Additionally, more granular data on fish imports

are provided in the searchable [Landings database](#) accessible from the NOAA Fisheries website. This allows users to retrieve data on imports of fish products according to species and country of import. The resulting data also describes in which US Customs district imports

arrived in and it provides a USD value of specific imports. It should be noted that a considerable number of entries in this database declare fish

species as 'unclassified', which detracts from the transparency of import data.

Up to date?

NOAA's latest 'Fisheries of the United States' report was published in 2022, and covered import data from 2019. However, data in NOAA's

Landings database is more up to date and includes import data for 2022.

Easy to find?

Import data on fish and fish products is published in NOAA's annual report 'Fisheries of the United States' as well as in its Landings

database. Both information sources are easy to find on the website of NOAA Fisheries.

7-B | EXPORTS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 2 years)	Easy to find?
Total quantity of exports of fish and fish products	Yes	Yes	Yes
Disaggregated by species and fish products	Yes	Yes	Yes
Disaggregated by country of destination	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

Similar to import data, detailed data on fish exports are provided in NOAA's annual statistical report, '*Fisheries of the United States*'. This

provides the quantities and values of fish exports, including information on the country of destination.

Additionally, more granular data on fish exports are provided in the searchable Landings database, accessible from the NOAA Fisheries website. This allows users to retrieve data on exports of fish products according to species and country of export. The resulting data also describes which US Customs district handled

fish exports in and it provides a USD value of specific exports. As above, it should be noted that a considerable number of entries in this database declare fish species as 'unclassified', which detracts from the transparency of export data.

Up to date?

NOAA's latest 'Fisheries of the United States' report was published in 2022, and covered export data from 2019. However, data in NOAA's

Landings database is more up to date and includes export data for 2022.

Easy to find?

Export data on fish and fish products is published in NOAA's annual report 'Fisheries of the United States' as well as in its Landings

database. Both information sources are easy to find on the website of NOAA Fisheries.

7-C | EMPLOYMENT IN COMMERCIAL FISHERIES

Basic information requirements:	Available online?	Up to date? <i>(Published data is not older than 3 years)</i>	Easy to find?
Total number of people employed in commercial fisheries sectors	Yes	Yes	Yes
Disaggregated by gender	No		
Disaggregated by sub-sectors	Yes	Yes	Yes
	To a large extent	To a full extent	To a full extent

Available online?

Employment data for the fisheries sector is published by NOAA Fisheries in their annual statistical report entitled '*Fisheries Economics of the United States*'. This provides estimates disaggregated by sub-sectors, including the fishing sector, pre-harvest and post-harvest activities, covering importing, processing, and selling of fish and fish products.

Data on employment in the post-harvest sector is also compiled and published by the [US Bureau of Labour Statistics](#), which provides data on the total number of people employed in seafood product preparation and selling.

Gendered information: This assessment was not able to find national data on employment in the seafood industry that was disaggregated by gender.

The Department for Labour's Woman's Bureau collects [gendered information on employment](#),

which includes information on the employment of women in specific sub-sectors. However, the seafood industry is not included as a specific sub-sector, and employment in the post-harvest sector is likely included in the more general sector of food processing.

NOAA Fisheries data on employment, as published in its flagship 'Fisheries Economics of the United States' report, does not include gendered analysis. However, NOAA Fisheries recognises the lack of data on women's role in the fisheries as a shortfall in federal and regional statistical reports. This is described well in an [article published by NOAA Fisheries](#) on their website, discussing research by its own scientists in Alaska on women's role in commercial fisheries. This article describes recommendations that official fisheries statistics should be improved to capture more gendered information.

Up to date?

NOAA's latest 'Fisheries Economics of the United States' report was published in 2022, comprising

of data from 2019 and therefore, is considered as up to date for this assessment.

Easy to find?

Employment data is published in NOAA's annual report 'Fisheries Economics of the United States' report, which is easy to find on the NOAA

Fisheries website or through an external search engine, such as Google.

7-D | EMPLOYMENT IN INFORMAL FISHERIES

Basic information requirements:	Available online?	Up to date? <i>(Published data is not older than 3 years)</i>	Easy to find?
Total number of people employed in informal fisheries sectors	Not produced		
Disaggregated by gender			
Disaggregated by sub-sectors			
	Not produced		

Available online?

Our assessment found no government data on informal employment in the marine fisheries sector published online. This is not because informal employment in fisheries does not exist in the US, rather it appears to be an understudied and possibly neglected aspect of the fisheries sector. Non-governmental reports suggest [informal employment is likely to be a](#)

[feature of the post-harvest sector](#), including employment among seasonal workers and undocumented migrants in the post-harvest sector.

Our assessment considered therefore that information on the informal fisheries sector has not been produced by national authorities in the US.



8. FISHERIES LAW ENFORCEMENT

There has been growing international awareness of the scale and impacts of non-compliance with national laws and regulations, such as those associated with 'illegal, unreported and unregulated' (IUU) fishing. Increasing attention is focusing on how public authorities of coastal states respond to this challenge, including on their ability to enforce compliance and administer effective and fair criminal justice. However, reporting on these efforts is often neglected, undermining informed public debates on how the challenges arising from these illicit activities can be most effectively addressed.

Enforcement of laws for the marine fisheries sector in the US involves a multi-agency approach. NOAA Fisheries '[Office for Law Enforcement \(NOAA-OLE\)](#)' describes itself as the primary federal agency for enforcement of fisheries laws that protect the sustainable management of fish in federal waters.

Law enforcement for marine fisheries at the State level is led by State agencies with support from the federal agencies of both NOAA Fisheries and FWS.

The [US Coast Guard](#) also states [combatting illegal fishing](#), both within the EEZ and internationally, as one of its strategic objectives.

Law enforcement at the point of entry and exit of US ports is primarily undertaken by the FWS' [Office for Law Enforcement \(FWS-OLE\)](#), working in collaboration with the US Customs and Border Protection.

Although public reports from NOAA-OLE, FWS-OLE and the US Coast Guard describe partnerships between themselves, it is

somewhat unclear how they work together and which has primary authority over the enforcement of specific laws and regulations.

The multi-agency approach to addressing law enforcement in marine fisheries is reflected in interagency initiatives to combat Illegal, Unreported and Unregulated (IUU) fishing. In 2014, former President Obama issued a Presidential Memorandum on a Comprehensive Framework to Combat IUU Fishing and Seafood Fraud, which subsequently led to the creation of the [National Ocean Council Committee on IUU and Seafood Fraud](#) in 2015. This comprises of 14 different federal agencies.

In 2019 the US Congress passed the [Maritime Security and Fisheries Enforcement Act](#) (Maritime SAFE Act), which required the establishment of an Interagency Working Group on IUU Fishing. This comprises representatives of 21 different government agencies. Its Chair rotates between NOAA Fisheries, the US Coast Guard and the Department of State.

Our assessment only considered law enforcement within national fisheries and among US-flagged vessels. However, it is noted that - as established in the Maritime SAFE Act and related policies - US government efforts to enforce law enforcement in marine fisheries

includes an increasing attention to international law enforcement and collaboration with other countries, regional fisheries management organisations and international organisations, including the UN and Interpol.

8-A | ENFORCEMENT OF LAWS

Basic information requirements:	Available online?	Up to date? (Published data is not older than 2 years)	Easy to find?
National activities and strategies used for ensuring compliance of fishing vessels and the post-harvest sector with national legislation	Yes	Yes	Partially
Financial and human resources deployed by the government to ensure compliance with national legislation	Yes	Yes	Yes
Total numbers of inspections of fishing vessels at sea and in ports	Yes	Yes	Yes
	To a full extent	To a full extent	To a large extent

Available online?

Understanding national strategies of law enforcement in the fisheries sector is complex, due to the co-existence of interagency strategies and strategies that are adopted by individual agencies. Both NOAA-OLE and the US Coast Guard publish strategic plans on the enforcement of marine fisheries laws, as well as information on their own resources and inspections.

While US government's efforts to respond to non-compliance with fisheries laws has become a priority at the federal level, it is difficult to understand national strategies given the number of different programmes and initiatives.

NOAA Fisheries: The most intuitive place to understand the strategies and actions of NOAA Fisheries relating to law enforcement is the dedicated sub-page from NOAA-OLE. In terms of

a strategic plan, NOAA-OLE produces 'enforcement priorities' covering a five year timeframe, with the last covering the years 2018-2022. However, while the NOAA-OLE website has a [link to download](#) this document, the link did not work during our assessment.

NOAA Fisheries provides other websites and documents for specific policies on law enforcement strategies. This includes a dedicated website explaining how the international [Agreement on Port State Measures \(PSMA\)](#) is being implemented in the US, and information on the [Seafood Import Monitoring Program](#) (SIMP), which was established in 2018 to help combat imports of fish species that were identified as high risk for IUU fishing.

US Coast Guard: The [US Coast Guard](#) has eleven strategic missions, which includes [Living Marine Resource Law Enforcement](#). Activities of the US Coast Guard under this programme are briefly described in its [annual performance report](#), the latest available is for 2019.

In July 2020, the US Coast Guard published a ['Vision' document for combatting IUU fishing](#), which has led to a dedicated programme with its own dedicated website. The US Coast Guard has further produced an ['implementation plan' on IUU fishing](#). While this emphasizes international activities, it includes work on responding to fishing activities in the US EEZ as well.

It is impossible to isolate resources deployed by the US Coast Guard that are specific to its work on living marine resources law enforcement, as these activities form part of wider activities and missions. It would be unreasonable to expect

the US Coast Guard to report on this issue. However, this assessment found two publications from the US Coast Guard that summarized the number of inspections related to illegal fishing. In the 'Posture Statement', covering the budget year 2023, it was described that the Coast Guard boarded 57 foreign-flagged vessels and 7,599 US-flagged vessels to suppress IUU fishing activities. It was not stated what period of time this data referred to (assumed to be for the year 2021). In the annual performance report for 2019, it was reported that the US Coast Guard boarded 7,059 US-flagged vessels, which was a record number at that time. This led to the identification of 148 compliance violations. The US Coast Guard also identified 201 incursions of foreign-flagged vessels in the US EEZ, and was able to undertake at sea interdiction of 78 vessels, which was also reported as a record.

Fish and Wildlife Service: This assessment was not able to locate information published by the FWS on its activities and resources used to respond to illegal fishing and the trade in illegally caught fish species. A thorough search was undertaken on the website of the FWS, including on the sub-page of FWS-OLE. However, our search found no annual reports and strategic documents.

The FWS-OLE operates the [Law Enforcement Management Information Service database](#), which includes records of imports and exports of fish and marine wildlife, including information on violations. However, since 2016 this database is not available to the public, despite [civil society applications under the Freedom of Information](#)

[Act](#) for it to be made public again.

In addition to the efforts by NOAA Fisheries, the US Coast Guard and FWS, there are also other (interagency) efforts, most notably:

- **The National Ocean Council:** The strategic plan to combat IUU Fishing and Seafood Fraud published by the National Ocean Council was made available for public comment in the Federal Registry in 2015. A dedicated [website](#) exists for this council, maintained by NOAA Fisheries. A summary of the strategic plan and its accomplishments by 2017 is published in a [report available on this website](#). Although this website is still active, there have been no updates of information since 2018.
- **Interagency Working Group on IUU Fishing:** NOAA Fisheries maintains a dedicated webpage for the [this working group](#).

Our assessment found it difficult to understand how the National Ocean Council Committee

exists alongside the more recent Interagency Working Group, or if the latter has replaced the former. It is also noteworthy that while NOAA Fisheries provides information and links to web resources on the two interagency initiatives, the US Coast Guard's website and policy documents on IUU fishing does not mention these interagency efforts.

The overall score for this section on the availability of information is 'yes'. This is mainly justified by the extensive information provided by NOAA Fisheries and the US Coast Guard regarding their law enforcement strategies and activities on commercial fisheries in federal waters. The role of the FWS in law enforcement for fisheries violations is not fully clear and - in comparison to NOAA-OLE and the US Coast Guard - is failing to explain its role (if any) in combatting illegal fishing, including in its capacity to interdict imports and exports of illegal fish.

Up to date?

NOAA-OLE publishes annual reports with information on resources and inspections. Under the 'resources' tab of the NOAA-OLE website a link is provided to the annual report published in 2018. However, searching on NOAA Fisheries website by using a key word

search retrieves the latest annual report, which covered the year of 2019 and was published in 2021. This gives detailed information on resources (staff, patrol vessels), and budgets, including allocations to regional programmes and statistics on law enforcement activities.

Easy to find?

While individual documents and websites providing information on law enforcement strategies and resources were generally easy to find, our assessment score regarding strategies for law enforcement is 'partially'. The reason for this is the difficulty in understanding the roles of different agencies and interagency programmes. In particular, the information published by the US Coast Guard does not describe the role of interagency initiatives. Information on individual agency activities and strategies also provides limited information on the activities and strategies of other agencies. Understanding the federal government's response to violations of fisheries laws in the US is therefore difficult and requires considerable research using multiple publications and websites. The five-year plan of

the Interagency working group on IUU fishing may help improve transparency and public understanding when this is completed.

Overall, while it is emphasised that it took considerable effort to understand the national activities for law enforcement in US fisheries (and the resources deployed for compliance) - due to the scattered information and the lack of an overarching, consolidating national strategy document - our assessment recognised that NOAA-OLE and the US Coast Guard are the primary agencies responding to illegal fishing. Both of them provide easy to find information on how they seek to ensure compliance of fishing vessels and the post-harvest sector with national legislations.

8-B | SANCTIONS FOR MAJOR OFFENCES

Basic information requirements:	Available online?	Up to date? (Published data covers the last 5 years)	Easy to find?
Record of convictions for major offences in the fisheries sector	Partially	Yes	Partially
Name of the company or vessel owner, the nature of the offence and the penalty imposed	Yes	Yes	Yes
Nature of the offence	Yes	Yes	Yes
Penalty imposed	Yes	Yes	Yes
	To a limited extent	To a full extent	To a large extent

Available online?

NOAA-OLE, the US Coast Guard and FWS-OLE collate data on convictions for major offences in the fisheries sector, which in the US includes asset forfeiture.

In its annual report, [NOAA-OLE](#) provides summary information on significant investigations, including penalties and fines where cases are resolved. Additionally, NOAA-OLE publishes weekly reports on what it calls 'enforcement actions'. These reports are published for each region of the US, including reports relating to international actions. Where relevant, these reports provide information on the outcomes for major offences. However, it is difficult to know if these weekly reports represent a complete record of convictions for major offences.

The [US Coast Guard](#) provides highlights of cases investigated and prosecuted in its annual reports, but the information is illustrative of the

work of the Coast Guard and it does not represent a detailed record. For example, the outcomes of the cases where the US Coast Guard identified foreign-flagged vessels fishing in the US EEZ illegally were not reported.

The FWS-OLE publishes news stories on major convictions, but again these do not constitute a complete record of major offences. It is possible that this information is contained in the Law Enforcement Management Information Service database; however, as stated above, access to this database is restricted.

Given that the published information seems more anecdotal and no complete record of convictions is accessible to the wider public, our assessment scores this transparency element as only partially available online. However, detailed information about the offenses, such as the nature of the offense or the penalty imposed, have been seen as mostly provided.

Up to date?

This assessment considers the partial information published on sanctions to be up to

date, as this covers information for the last five years.

Easy to find?

Information published on convictions for major convictions relating to the fisheries sector are easy to find, for example in NOAA's weekly 'enforcement action' reports or the annual

reports from the US Coast Guard.

However, there is no consolidated report or database on convictions for major offences in

the fisheries sector and thus, despite the fact that the individual reports from NOAA etc. can be easily found, a layperson needs to consult a large number of records to obtain an overall

understanding about this aspect. Therefore, this assessment sees such information as only partially easy to find.



9. LABOUR STANDARDS

Fisheries provide jobs and income for large numbers of people, both in the harvest and post-harvest sectors. However, it is widely recognised that employment in fisheries is among the most arduous and dangerous in the world. Public authorities have a duty to ensure they apply high labour standards to all parts of their fisheries sector and that their efforts to enforce these standards are well documented. This is critical information for ensuring the rights of those working in the sector are respected.

Multiple laws influence labour rights in the US. The Department of Labor provides a [summary of 14 Acts at the Federal level](#) that provide an overarching framework. While most of these are applicable to the fisheries sector, four are of particular importance:

- **Fair Labor Standards Act** (FLSA), which includes rules relating to the payment of minimum wages and overtime.
- **Occupational Safety and Health Act** (OSHA), which includes rules protecting workers from the risk of accidents and ill-health in the workplace.
- **The Longshore and Harbor Workers' Compensation Act**, which deals with compensation to be paid by employers for accidents and injuries of certain maritime workers, including those on fishing vessels.
- **Immigration Reform and Control Act** (IRCA), which regulates the hiring of foreign workers.

Each of these laws has further regulations that are developed specifically for the fisheries

sector. The most detailed of these relates to the FLSA. The US Code of Federal Regulations has a dedicated part that describes the [application of the FLSA for the fishing sector](#), which includes post-harvest processing of seafood products. This describes the various exemptions and specific rules for fishers and fish workers given the specificities of employment in the sector.

It should be appreciated that each US State has its own labour laws, which are consistent with federal laws to varying degrees. Marine fishing in State waters are subject to State labour laws, whereas fishing that takes place in federal waters is subject to federal laws. In practice this distinction likely creates legal uncertainty and difficulties establishing jurisdiction for legal disputes.

It should be noted that several federal departments engage in activities to strengthen labour standards in the fisheries sector of foreign countries, which includes projects initiated by the [Bureau of International Labor Affairs](#) (an agency within the Department of

Labor), and projects on human trafficking and slave labour by the Department of State and [NOAA](#). However, this assessment is focused

only on the enforcement of labour standards within US fisheries.

9-A | ENFORCEMENT OF LABOUR STANDARDS

Basic information requirements:	Available online?	Up to date? (New laws that came into force within the last 5 years are published)	Easy to find?
National strategies and activities for ensuring compliance with labour standards in the fisheries sector	Partially	Partially	No
Financial and human resources deployed by the government to ensure compliance with labour standards	No		
	To a limited extent	To a limited extent	No

Available online?

The US Department of Labor (DOL) is the primary government agency for the development and enforcement of labour laws, regulations and policies. Advice and support on specific cases is usually handled by State departments of the DOL for the enforcement of labour laws at the State level. The seafood processing industry is handled by the DOL within the department for manufacturing.

Enforcing labour standards for employees working on fishing vessels at sea, including health and safety provisions, is a task undertaken primarily by the US Coast Guard. The labour standards and regulations applicable to maritime vessels, including fishing vessels,

are described in the Code of Federal Regulations, Title 46 (shipping). Further information in a more accessible format is provided in the [Coast Guard's Marine Safety Manual](#) and its Navigation and Vessel Inspection Circulars.

The OSHA of 1970 established the **National Institute for Occupational Safety and Health (NIOSH)**. This is primarily a research institute but also engages in activities that promote compliance with labour laws. NIOSH has a dedicated [programme on commercial fisheries](#), which includes monitoring fatalities and injuries in the sector and providing training.

Additionally, OSHA includes the provision for industry advisory committees to be established by the DOL. There has been a [Maritime Advisory Committee on Occupational Safety and Health](#) since 1995, which includes representatives for the commercial fishing sector. This committee provides regular meeting notes that includes advice to the DOL on strategic activities that relate to the implementation of the OSHA, including lobbying for regulatory reforms and publicising obligations for vessel owners. Our assessment found no similar work being undertaken by the DOL for other laws relating to the seafood sector, including the post-harvest sector.

Although NIOSH and the Maritime Advisory Committee on OSHA provides national strategies for the compliance of health and safety laws for the fisheries sector, neither provide a comprehensive strategy document for

the federal government. Such policies and strategic documents could not be found on the website of either the DOL or the US Coast Guard. It was also not possible to locate any information on the resources deployed by federal agencies on compliance of labor laws in the fisheries sector.

Furthermore, NOAA Fisheries does not provide information on labour issues, including the rights of those working on fishing vessels or in the post-harvest sector. While it is acknowledged that NOAA Fisheries does not have direct responsibilities for the development of labour standards, compliance with these by fishing and seafood companies is an important component of well managed fisheries. The lack of information on the scope and enforcement of labour rights in the fisheries sector is therefore a surprising omission from NOAA Fisheries' otherwise extensive information resources.

Up to date?

The reports and information of the Maritime Advisory Committee on Occupational Safety and Health are up to date and meeting notes are published at regular intervals. Contrary, the programme for the commercial fisheries sector run by NIOSH seems somewhat dated, with the

majority of publications and reports published on its website being from before 2015. This suggests that the programme of work on commercial fisheries may no longer be a priority.

Easy to find?

Public information on labour laws for the fisheries sector is somewhat hard to find. There is a lack of accessible publications explaining

laws for the fishing sector at the federal level. However, some State authorities publish fact sheets and frequently asked questions aimed at

the fisheries sector, such as those provided by the [Alaska Department of Labor](#).

Our assessment also found no prominent links to the work of NIOSH or the Maritime Advisory Committee on Occupational Safety and Health

published on either website of NOAA Fisheries, the US Coast Guard or the DOL. Therefore, such information is seen as difficult to find for non-experts.

9-B | SANCTIONS FOR LABOUR STANDARD OFFENCES

Basic information requirements:	Available online?	Up to date? <i>(Published data is not older than 2 years)</i>	Easy to find?
Total number of labour standard offences in the fisheries sector that have been resolved by national authorities	Yes	Yes	No
	To a full extent	To a full extent	No

Available online?

The DOL maintains a database entitled '[Enforcement Cases with Initial Penalties of \\$40,000 or Above](#)'. This database contains several cases that cover serious labour offences in fisheries and the seafood processing sector, and it includes cases resolved at the state level. This database provides a useful source of information on the total numbers of major offences that have been resolved by national

and state authorities.

Labour standard offences carried out against workers on fishing vessels are also included in national reports on illegal fishing published by NOAA-OLE and the US Coast Guard (see above in section 8). However, it is not entirely clear whether these reports are comprehensive or selective.

Up to date?

The database of the DOL is updated regularly, which would suggest it provides a timely

resource on serious offences resolved by the DOL.

Easy to find?

Reports on labour offense in the fisheries sector are difficult to find, particularly those involving the post-harvest sector. This assessment could find no reports or documents that consolidated information on labour offences in the fisheries sector, including the frequency of inspections and sanctions imposed on companies and employers. The database provided by the DOL provides details of individual cases, but there is no way of isolating searches on this database for offences in the fisheries sector. This is despite individual records indicating cases involving the seafood industry have a unique identification code.³² This code is likely only

used internally at the DOL, as it is not something that can be used by members of the public to sort data.

More detailed national reports that addressed the occurrence and nature of labour abuses in the fisheries sector could be beneficial to promote transparency. This is relevant given reports that indicate labour abuses in the fisheries sector are recurring and that employees in the US seafood processing industry, including immigrant workers, might be vulnerable to poor labour standards.³³

³² See for example this entry in the database: https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1416891.015

³³ See for example: <https://www.theguardian.com/business/2016/jun/08/us-seafood-workers-abuse-immigration-temporary-lab-or>



10. FISHERIES SUBSIDIES

The extent and purpose of government subsidies offered to a country's fisheries sector has long been one of the most controversial themes in international debates on responsible fisheries management. Perhaps more than any other single factor, subsidies are seen as the source of a range of problems, such as overfishing, illegal fishing and unfair benefit sharing.³⁴

10-A | GOVERNMENT FINANCIAL TRANSFERS OR SUBSIDIES

Basic information requirements:	Available online?	Up to date? (Previous calendar year)	Easy to find?
Total value of financial transfers or subsidies to the fisheries sector	No		
Disaggregated by type/purpose			
Disaggregated by recipient			
Average annual value of any fuel subsidies per unit of fuel (in nominal and percentage terms)			
	No		

Available online?

The US government does not publish information on its own websites on the value and purpose of subsidies provided to the

national marine fisheries sector. The term 'subsidy' is not found in reports on the NOAA Fisheries website, apart from within reports on

³⁴ More information regarding transparency for fisheries subsidies can be found in our 4th transparency briefing (or 'tbrief', for short) here: <https://www.fti.global/tbrief-series>

combatting IUU fishing (eliminating subsidies that contribute to IUU fishing at a global scale is a policy supported by the US government).

However, the US government does provide multiple forms of subsidies to the fishing sector, and it provides data on these subsidies to international organisations. For example, the US authorities provide information through notifications on fisheries subsidies requested by the World Trade Organization (WTO).³⁵ The US authorities also cooperate with information requests made by the Organization for Economic Corporation and Development (OECD)

for its [Fisheries Support Estimate](#) database.

Information on programmes that provide direct financial assistance to commercial fishers can be found on the website of NOAA Fisheries, however the term subsidy is not used by NOAA Fisheries.³⁶ [Reports and analysis of federal and regional subsidies](#) provided to commercial fisheries is an *important omission* by the national authorities, given international attention to this subject, support by the US for subsidy reforms and recent criticisms of proposals to expand capacity enhancing subsidies for US fisheries.

³⁵ Access to these reports is restricted for members of the public, but summary information on US reports can be found in information provided by the International Institute for Sustainable Development, who compiled a database of information provided by countries in their notifications to the WTO. See: <https://www.iisd.org/publications/report/compilation-wto-notification-s-fisheries-subsidies>

³⁶ For example, the vessel buy-back programme initiated with federal funds for the groundfish fishery of the Pacific: <https://www.fisheries.noaa.gov/national/funding-and-financial-services/pacific-coast-groundfish-buyback-program>



11. OFFICIAL DEVELOPMENT ASSISTANCE

Official development assistance (ODA) can represent an important source of funds to support the development of a country's fisheries sector. However, it is common knowledge that ODA is not always delivered in the most effective manner. This is exacerbated in situations where public information on the value, purpose and outcomes of public sector development projects remains unpublished. This can also lead to a lack of public participation in decision-making over how ODA should be used.

11-A | ASSISTANCE FOR NATIONAL FISHERIES DEVELOPMENT

Basic information requirements:	Available online?	Up to date? (Not older than 2 years)	Easy to find?
List of public sector projects related to fisheries and marine conservation in the US, funded by bilateral, multilateral and private donors	Not applicable		
Project value			
Project purpose and outputs			
Project evaluations			
Not applicable			

Available online?

The US does not receive financial assistance from bilateral or multilateral donors for the management of its fisheries, which includes public sector programmes implemented in US overseas territories. NOAA Fisheries actively encourages public-private partnerships, including in fisheries, but these have not been

assessed for this report. While further research is needed on whether federal, regional or State public authorities receive financial support from non-state organisations (i.e. philanthropic donors and charities), this assessment considered this information requirement as not applicable to US marine fisheries.

11-B | ASSISTANCE FOR FOREIGN FISHERIES DEVELOPMENT

Basic information requirements:	Available online?	Up to date? (Not older than 2 years)	Easy to find?
List of public sector projects related to fisheries and marine conservation in foreign countries, funded by the US government	Partially	Partially	Partially
Project value	Partially		
Project purpose and outputs	No		
Project evaluations	No		
	To a limited extent	To a limited extent	To a limited extent

Available online?

Since 1962, the US International Agency for International Development (USAID) has produced an annual publication detailing loans and grants to foreign countries. The obligation to do so is set out in the Foreign Assistance Act of 1961. This publication is referred to as [the Green Book](#). The latest publication of the Green Book was in 2019. Information is published for each country and is not arranged into thematic areas.

Improving transparency of overseas aid was also a policy promoted under the US government Open Government policy. In 2016, the US Congress approved the [Foreign Aid Transparency and Accountability Act](#). This obliged US federal agencies to report on overseas aid projects and for this information to be compiled in a publicly accessible online database. The resulting database is known as the

[‘ForeignAssistance.gov’ dashboard](#), which is maintained by USAID.

Retrieving information on overseas aid projects related to fisheries and marine conservation can be done by keyword searches for project titles. This assessment used the words ‘fish’, ‘seafood’, ‘marine’, ‘oceans’ and ‘sea’. Fish brought up the most records that were relevant to this assessment, with 193 records. However, several of these were repeated records for the same project. Furthermore, the search function does not work well as projects were retrieved that had no relevance to fish, such as a rhino conservation project in Zimbabwe, for which the project title and description makes no mention of fish. This assessment was therefore not confident that the search function provided a complete and accurate record of US funded overseas aid projects relating to fisheries and

marine conservation.

Individual projects retrieved in the database have a corresponding page of information, which provides a short summary of the project, its start data and the project's value. It also identifies which US agency provides the funding and who is the implementing organisation. However, for many projects the recipient of the funds was not specified and the total value of the project was incorrect, providing the value for the annual disbursement not the total. For example, the information provided for a project in Senegal - Feed the future - which is aimed to help improve fisheries management, has a value amount of USD 833,876, awarded to the US NGO Win Rock. However, other [online information](#) describes that the project had a total funding of \$15 million.

Furthermore, a tab for all projects is provided for 'Other documentation', which is intended for project documents (aims and purpose, etc.) and

evaluations. However, for most projects examined for this assessment, documentation including evaluations were missing. In some examples, documents are provided but these are unrelated to the project itself.³⁷

In addition to this dashboard, USAID also provides a searchable database for project evaluations, which is entitled '[Development experience clearinghouse](#)'. However, locating evaluations in this database for selected fisheries projects was not successful.

Despite the obligations set out in the Foreign Aid Transparency and Accountability Act, US government information on overseas aid projects related to fisheries and marine conservation is therefore lacking in transparency. Members of the public wanting to understand how USAID contributes to the development of fisheries and the conservation of marine habitats and fisheries will therefore have limited information from the US government.

Up to date?

The latest publication of USAID's 'Green Book' was in 2019 and is therefore considered as outdated under this assessment.

The 'ForeignAssistance.gov' dashboard appears to provide more up to date information, such as for a project on preventing and addressing labor

violations in the fishing sector in Peru and Ecuador for fiscal year 2022. However, the homepage of this dashboard shows a disclaimer next to the selection criteria of 'Fiscal Year', stating that the years 2021 and 2022 are only partially reported.

³⁷ See for example the Sustainable Fisheries Management project funded by USAID in Ghana which started in 2014 and ended in 2021. The only project documentation provided is a link to Guidelines and methodology for applying the water objects coding (WOC) system in the South Caucasus, which was published in 2007.

Easy to find?

As outlined above, the dashboard from USAID is in itself easy to locate. However, obtaining an overview of all relevant projects is not possible and finding individual fisheries-related projects

is fairly cumbersome. Therefore, our assessments scored this aspect as only partially easy to find.



12. BENEFICIAL OWNERSHIP

Beneficial ownership – that is, the natural person who ultimately owns or controls a business or transaction – is a topic grabbing global attention. This interest also extends to the fisheries sector. A lack of transparency around ownership of fishing companies, vessels or licenses is linked to several important policy debates, including non-compliance with tax laws, evasion of criminal prosecutions for illegal fishing, corruption and conflicts of interests, and also the excessive concentration of ownership in segments of the fisheries sector.³⁸

12-A | LEGAL BASIS FOR BENEFICIAL OWNERSHIP TRANSPARENCY

Basic information requirements:	Available online?	Up to date? (The latest legal basis is published online)	Easy to find?
Legal basis for beneficial ownership transparency in US	Yes	Yes	Yes
US' legal definition of beneficial ownership	Yes	Yes	Yes
Thresholds used to determine when ownership and control is disclosed	Yes	Yes	Yes
Disclosure exceptions	Yes	Yes	Yes
	To a full extent	To a full extent	To a full extent

Available online?

The legal basis for beneficial ownership transparency is defined in the [Corporate Transparency Act](#), which was passed by Congress

in April 2021. Since then proposed amendments have been put forward, including by the US Treasury Department's Financial Crimes

³⁸ More information about the importance of beneficial ownership transparency in fisheries can be found in our 3rd transparency briefing (or 'tbrief', for short) here: <https://www.fiti.global/tbrief-series>

Enforcement Network (FinCEN), for amending rules on beneficial ownership [reporting requirements](#).

It should be noted that the legal interpretation

of the definition of Beneficial Ownership under existing and proposed federal laws in the US, as well as the rules on exempted companies, remains [a contested subject](#).

Up to date?

Similar to the assessment of laws and policy documents (see section 1), our assessment is confident that the legal basis for beneficial

ownership transparency in the US - as defined in the Corporate Transparency Act - is up-to-date.

Easy to find?

The Corporate Transparency Act has been included in Title 31 of the United States Code (section 5336), which is easy to find on

government websites, such as the [Office of the Law Revision Counsel](#).

12-B | BENEFICIAL OWNERSHIP REGISTRY

Basic information requirements:	Available online?	Up to date? (Data confirmed on annual basis)	Easy to find?
Beneficial ownership register	No		
Beneficial owner(s) and their interests			
Declarations of shares or interest held indirectly			
Reasons for not specifying any beneficial owners			
Declaring entity			
No			

Available online?

Unlike in other countries, such as the United Kingdom, the Corporate Transparency Act

requires the US government (i.e. Secretary of the Treasury) to record beneficial owner information

in a secure, non-public database. Hence, beneficial ownership information submitted to FinCEN is treated as sensitive information and is available only to authorized government authorities. Furthermore, the US government imposes penalties on any person who knowingly discloses or uses the beneficial ownership information obtained through FinCEN reports

(e.g. fines of up to US\$10,000 and/or imprisonment of up to two years). In other words, beneficial ownership information is not available to the general public in the US. As our assessment evaluates whether government information is freely accessible to all stakeholders, this transparency element has been scored as not being available online.

12-C | BENEFICIAL OWNERSHIP DISCLOSURE IN FISHERIES

Basic information requirements:	Available online?	Up to date? <i>(New rules/procedures published in last 2 years)</i>	Easy to find?
Rules and procedures for incorporating beneficial ownership in filings by organisations to agencies regulating access to fisheries	No		
No			

Available online?

The rules and procedures regarding beneficial ownership transparency in the US - most notably documented in the Corporate Transparency Act - are seen as cross-sectoral. As the fisheries sector is not explicitly excluded from this Act, they are seen as also applicable to the US fisheries sector. However, this assessment found no documentation published by the US government on policies for beneficial ownership transparency relating specifically to US individuals or companies engaged in marine

fisheries (e.g. vessel owners). A search on the website of NOAA Fisheries resulted in no positive matches. It is therefore unclear as to whether such rules and procedures for the fisheries sector exist at all. However, given the advanced state of beneficial ownership transparency in the US, this assessment assumed that such fisheries-specific rules and procedures exists, but have not been published online.

TAKING STOCK

Online Transparency of Fisheries
Management Information



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