



**Billing Code 4710-09**

**DEPARTMENT OF STATE**

**[Public Notice: 9986]**

**Annual Certification of Shrimp-Harvesting Nations**

**AGENCY:** Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

**ACTION:** Notice.

**SUMMARY:** On May 1, 2017, the Department of State certified that 13 shrimp-harvesting nations and four fisheries have a regulatory program comparable to that of the United States governing the incidental taking of the relevant species of sea turtles in the course of commercial shrimp harvesting and that the particular fishing environments of 26 shrimp-harvesting nations, one economy, and three fisheries do not pose a threat of the incidental taking of covered sea turtles in the course of such harvesting.

**DATES:** This finding is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]

**FOR FURTHER INFORMATION CONTACT:** Section 609 Program Manager, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, 2201 C Street, NW, Washington, DC 20520-2758; telephone: (202) 647-3263; email: DS2031@state.gov.

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 (“Sec. 609”) prohibits imports of certain categories of shrimp unless the President certifies to the Congress by May 1, 1991, and annually thereafter, that either: (1) the harvesting nation has adopted a program governing the incidental taking of sea turtles in its

commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) the particular fishing environment of the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State (“the Department”). The Department’s Revised Guidelines for the Implementation of Section 609 were published in the Federal Register on July 8, 1999, at 64 FR 36946.

On May 1, 2017, the Department certified 13 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Colombia, Costa Rica, Ecuador, El Salvador, Gabon, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Nigeria, Panama, and Suriname. This year the Department was unable to certify Pakistan because it did not demonstrate that the sea turtle protection program is comparable in effectiveness to that of the United States. Therefore, no wild-caught shrimp or product of that shrimp harvested in Pakistan and exported after April 30, 2017, will be permitted entry into the United States. The Department also certified 26 shrimp-harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Ten nations and one economy only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets or catch shrimp using other methods that do not threaten sea turtles. Use of

such small-scale technology does not adversely affect sea turtles. The 10 nations and one economy are: the Bahamas, Belize, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru, Sri Lanka, and Venezuela.

A completed DS-2031 Shrimp Exporter's/Importer's Declaration must accompany all shipments of shrimp or products from shrimp into the United States. Only shrimp or products from shrimp harvested in the 39 certified nations and one economy listed above may be accompanied by a DS-2031 with Box 7(B) checked. All DS-2031 forms accompanying shrimp imports from uncertified nations must be originals with Box 7(A)(1), 7(A)(2), or 7(A)(4) checked, consistent with the form's instructions with regard to the method of harvest of the product and based on any relevant prior determinations by the Department, and signed by a responsible government official of the harvesting nation's competent domestic fisheries authority. The Department has not determined that any uncertified nation qualifies to export shrimp or products from shrimp harvested in a manner as described in 7(A)(3).

Shrimp and products of shrimp harvested with turtle excluder devices ("TEDs") in an uncertified nation may, under specific circumstances, be eligible for importation into the United States under the DS-2031 Box 7(A)(2) provision for "shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States." Use of this provision requires that the Department determine in advance that the government of the harvesting nation has put in place adequate procedures to monitor the use of TEDs in the specific fishery in question and to

ensure the accurate completion of the DS-2031 forms. At this time, the Department has determined that only shrimp and products from shrimp harvested in the Northern Prawn Fishery, the Queensland East Coast Trawl Fishery, and the Torres Strait Prawn Fishery in Australia and shrimp and products from shrimp harvested in the French Guiana domestic trawl fishery are eligible for entry under this provision. The Department was unable to make the same determination with respect to the Exmouth Gulf Prawn Fishery in Australia because the licensing conditions for the fishery do not meet the minimum technical standards of the U.S. National Marine Fisheries Service, so no wild-caught shrimp and products from that shrimp harvested in Exmouth Gulf and exported after April 30, 2017, will be permitted entry into the United States. The importation of TED-caught shrimp from any other uncertified nation will not be allowed. A responsible government official of Australia or France must sign in Block 8 of the DS-2031 form accompanying these imports into the United States.

In addition, the Department has determined that shrimp and products from shrimp harvested in the Spencer Gulf region in Australia and with “mosquito” nets in the Republic of Korea, and Mediterranean red shrimp (*Aristeus antennatus*) and products from that shrimp harvested in the Mediterranean Sea by Spain may be exported to the United States under the DS-2031 Box 7(A)(4) provision for “shrimp harvested in a manner or under circumstances determined by the Department of State not to pose a threat of the incidental taking of sea turtles.” A responsible government official of Australia, the Republic of Korea, or Spain must sign in Block 8 of the DS-2031 form accompanying these imports into the United States.

The Department has communicated these certifications and determinations under Sec. 609 to the Office of International Trade of U.S. Customs and Border Protection.

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