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CMM 2013-01: OUTSTANDING ISSUES AND REQUIREMENTS FOR 2014 AND WCPFC11

WCPFC11-2014-13
25 November 2014

Paper by Secretariat

1. Amongst others, CMM 2013-01 *Conservation and Management Measure for Bigeye, Yellowfin and Skipjack* tasked the Secretariat and CCMs with completing certain tasks prior to or at the WCPFC11 Regular Annual session.
2. On 13 May 2014, the Executive Director sent out Circular 2014/40 *Reporting Requirements and Future Work for Conservation and Management Measure 2013-01* to remind CCMs of the reporting requirements; the matters to be decided at WCPFC11 and some potential issues of concern for monitoring and reporting in CMM 2013-01.
3. This paper lists the outstanding matters in CMM 2013-01 grouped by topic, and provides some notes on updates during 2014, including references relevant papers for WCPFC11 or the associated workshops. **Attachment 1** includes a draft Terms of Reference for a FAD Management Options Working Group, and **Attachment 2** includes a copy of the paper prepared by the Secretariat in response to paragraph 38 of CMM 2013-01 (which was sent to CCMs as WCPFC Circular 2014/60).

Addressing disproportionate burden from the implementation of additional FAD measures during 2015 (para 15 and 17 of CMM 13-01)

15. The Commission shall at WCPFC11 adopt arrangements to ensure that this CMM, consistent with the Convention Article 30 2(c), does not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS. The fifth month FAD closure and alternative FAD set limit in paragraph 17 shall only take effect when these arrangements are agreed.

Additional FAD Measures for 2015 and 2016

17. Each CCM must select one of the following options listed below and notify the Secretariat of that selection by December 31 of the previous year.
- a. The prohibition of setting on FADs shall be extended for an additional two (2) months, for a total of 5 months (January, February, July, August, September). If a non-SIDS CCM chooses this option, the CCM shall take necessary measures to ensure that its total FAD sets in 2015 and 2016 shall not increase from its average number of FAD sets in 2010-2012, as listed in column D in Attachment A. OR

b. In addition to the 3-month prohibition of setting on FADs the CCM shall limit the total number of FAD sets by its vessels to the number listed in column B in Attachment A.

4. Disproportionate Burden will be discussed during the WCPFC *Implementation of CMM 2013-06 and Disproportionate Burden Workshop* scheduled to be held on 27th November 2014. The Chair's report from this workshop will be presented under Agenda 4.3 of the WCPFC11 provisional agenda.

5. Relevant WCPFC11 and associated workshop papers (as at 25 November 2014)

- DBW-03 Background to CMM 2013-06 – paper by the Secretariat
- DBW-04 Addressing Disproportionate Burden: A summary report from a workshop convened by WPRFMCouncil in Honolulu – paper by the United States of America
- DBW-05 FFA members - submission of two working papers for Disproportionate Workshop – papers by FFA members
- DP08 F Strengthening of CMM 2013-01 for Bigeye, Yellowfin and Skipjack tuna, paper by FFA members;
- DP11 PNA Members and Tokelau: Proposal for CMM on bigeye, yellowfin and skipjack tuna in WCPO
- DP15 Japan's comments on PNA members and Tokelau proposal for CMM for bigeye, yellowfin and skipjack tuna in the WCPO

Consideration of additional or alternative FAD measures to apply in 2017 (para 18 of CMM 13-01)

Additional FAD Measures for 2017

18. In addition to the FAD measures 2015 and 2016, except for those Kiribati flagged vessels fishing in the adjacent high seas, it shall be prohibited to set on FADs in the high seas, unless the Commission decides on other alternative measures at its 2014 or 2015 or 2016 annual meeting.⁵

Footnote 5: The high seas FAD closure in paragraph 18 does not apply in 2017 to a CCM that has achieved a verifiable reduction in bigeye catches by its purse seine vessels to 55% from current levels (2010-2012), to be reviewed on the basis of the advice of the Scientific Committee. The measures that the Philippines will take are in Attachment C.

6. No papers were presented by CCMs to SC10 or TCC10 in reference to the footnote 5 exemption (ie to demonstrate a verifiable reduction (greater than 55%) in bigeye catches by their purse seine vessels from 2010-2012 levels).

7. Relevant WCPFC11 delegation papers (as at 25 November 2014)

- WCPFC11-2014-15 SPC – Evaluation of CMM 2013-01
- DP08 Strengthening of CMM 2013-01 for Bigeye, Yellowfin and Skipjack tuna, paper by FFA members;
- DP11 PNA Members and Tokelau: Proposal for CMM on bigeye, yellowfin and skipjack tuna in WCPO
- DP15 Japan's comments on PNA members and Tokelau proposal for CMM for bigeye, yellowfin and skipjack tuna in the WCPO

38. The Commission Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical & Compliance Committee and the Commission in 2014, including:

- a. Marking and identification of FADs;
- b. Electronic monitoring of FADs;
- c. Registration and reporting of position information from FAD-associated buoys; and
- d. Limits to the number of FADs deployed or number of FAD sets made.

8. On 23 July 2014, the Secretariat sent out Circular 2014/60. A copy of the circular was tabled at SC10 (WCPFC-SC10-MI-IP06) and TCC10 (WCPFC-TCC10-2014-19).

9. SC10 record notes the following in respect of Circular 2014/60 (WCPFC-SC10-MI-IP06)

109. Also noting the request in Para 38 of CMM 2013-01, SC10 considered information paper SC10-MI-IP-06 on additional FAD management options prepared by the Commission Secretariat and SC10-ST-IP-09 on FAD design and activities. SC10 supported establishment of a Working Group and recommended TCC comment on the constituency of the Working Group. The Working Group should address the following three main issues:

- i) FAD marking, and identification, and use of electronic signatures;
- ii) FAD monitoring, tracking and control; and
- iii) FAD management options including appropriate limits to FAD deployment based on scientific advice and the precautionary approach.

10. TCC10 discussed the establishment of a working group on FAD Management Options as proposed in the cover page to Circular 2014/60 (WCPFC-TCC10-2014-19). There was general support for the establishment of the working group. Some CCMs provided comments on the possible papers/studies to be reviewed by the working group, the role and scope of the working group, and expressed views on the proposed consultancy study and its relationship to other studies. TCC10 recommendation was

314. TCC10 recommended that the Commission establish a Working Group subject to ToRs being agreed by WCPFC11. TCC10 agreed that CCMs should provide input to the Secretariat on those ToR and the scope of the proposed consultancy within 30 days of the Commission meeting. The Secretariat should revise the ToR and the scope of the proposed consultancy based on the points raised, taking into account TCC discussions on TCC10-2014-19 and any additional views received.

11. Post-TCC10 the Secretariat received a couple of informal comments from a few CCMs in the form of an expression of interest to be involved in the working group.

12. The Secretariat has reviewed the record of discussions from SC10 and TCC10, and has prepared a draft terms of reference for the FAD Management Option Working Group (see **Attachment 1**). A copy of TCC10-2014-19 is provided as **Attachment 2**.

High Seas Purse Seine effort limits (para 25 and 26 of CMM 13-01)

High Seas purse seine effort limits

25. For 2014, non-SIDS CCMs shall restrict the level of purse seine effort on high seas to the limits indicated in Attachment D.⁷ The Commission shall review these limits at its meeting in 2014 and agree on high seas purse seine effort limits to apply after 2014.

26. Notwithstanding any agreement that may be reached at its annual meetings in 2014, 2015 and 2016 on high seas purse seine effort limits the total effort level for non-SIDS CCMs shall not exceed the total level of effort in Attachment D.⁸

27. The limits in paragraph 25 and 26 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

Footnote 7: The measures that the Philippines will take are in Attachment C.

Footnote 8: The limits in paragraph 25 are without prejudice to the positions of CCMs concerned about whether the effort on which the limits are based was compliant with CMMs.

13. WCPFC11 agenda is proposed to include a discussion on CMM 2013-01.

14. Relevant WCPFC11 delegation papers (as at 25 November 2014)

- WCPFC11-2014-15 SPC – Evaluation of CMM 2013-01
- WCPFC11-2014-IP02_rev2 Data summaries to support discussions on CMM on tropical tunas – SPC – revision 2
- DP08 Strengthening of CMM 2013-01 for Bigeye, Yellowfin and Skipjack tuna, paper by FFA members;
- DP11 PNA Members and Tokelau: Proposal for CMM on bigeye, yellowfin and skipjack tuna in WCPO
- DP15 Japan's comments on PNA members and Tokelau proposal for CMM for bigeye, yellowfin and skipjack tuna in the WCPO

Yellowfin measures for purse seine and longline fisheries (para 28, 29 and 43 of CMM 13-01)

28. CCMs agree to take measures not to increase catches by their vessels of yellowfin tuna. At its 2014 regular session the Commission will formulate and adopt appropriate limits for CCMs, based on recommendations from the Scientific Committee, and taking into account other measures in this CMM. At its 2014 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

29. The Scientific Committee at its 2014 regular session will provide advice to the Commission on the relative impact on fishing mortality for yellowfin, of FAD set measures and any increases of yellowfin purse seine catch in unassociated schools.

43. CCMs agree to take measures not to increase catches by their longline vessels of yellowfin tuna. At its 2014 regular session the Commission will formulate and adopt appropriate limits for CCMs, based on recommendations from the Scientific Committee, and taking into account other measures in this CMM. At its 2014 regular session the

Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits

15. WCPFC11 agenda is proposed to include a discussion on CMM 2013-01.

16. Relevant WCPFC11 delegation papers (as at 25 November 2014)

- WCPFC11-2014-15 SPC – Evaluation of CMM 2013-01
- WCPFC11-2014-IP02_rev2 Data summaries to support discussions on CMM on tropical tunas – SPC – revision 2
- DP08 Strengthening of CMM 2013-01 for Bigeye, Yellowfin and Skipjack tuna, paper by FFA members;
- DP11 PNA Members and Tokelau: Proposal for CMM on bigeye, yellowfin and skipjack tuna in WCPO
- DP15 Japan's comments on PNA members and Tokelau proposal for CMM for bigeye, yellowfin and skipjack tuna in the WCPO

Bigeye longline catch limit adjustment (para 40 of CMM 2013-01)

40. The catch limits in 2014 and thereafter for bigeye tuna shall be as specified in Attachment F. Any overage of the catch limit by a CCM shall be deducted from the catch limit for the following year for that CCM.

17. Currently no CCM listed in Attachment F has notified the Commission of any overage of the catch limit in 2013 or 2014 (to date). Current reported figures are provided in WCPFC11-2014-14_rev2 “Summary of CCM reporting under CMM 2012-01 and CMM 2013-01 – revision 2”.

18. Other relevant WCPFC11 delegation papers (as at 25 November 2014)

- WCPFC11-2014-15 SPC – Evaluation of CMM 2013-01
- WCPFC11-2014-IP02_rev2 Data summaries to support discussions on CMM on tropical tunas – SPC – revision 2
- DP08 Strengthening of CMM 2013-01 for Bigeye, Yellowfin and Skipjack tuna, paper by FFA members;
- DP11 PNA Members and Tokelau: Proposal for CMM on bigeye, yellowfin and skipjack tuna in WCPO
- DP15 Japan's comments on PNA members and Tokelau proposal for CMM for bigeye, yellowfin and skipjack tuna in the WCPO

Other commercial fisheries

Other Commercial fisheries

46. To assist the Commission in the further development of provisions to manage the catch of bigeye, yellowfin, and skipjack tunas the Scientific and Technical and Compliance Committees during their meetings in 2014 will provide advice to the Commission on which fisheries should be included in this effort and what information is needed to develop appropriate management measures for those fisheries.

47. CCMs shall take necessary measures to ensure that the total effort and capacity of their respective other commercial tuna fisheries for bigeye, yellowfin and skipjack tuna but excluding those fisheries taking less than 2,000 tonnes of bigeye, yellowfin, and

skipjack, shall not exceed the average level for the period 2001-2004 or 2004.

48. CCMs shall provide the Commission with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2013 and future years.

19. See Table 6 in “Information paper WCPFC11-2014-IP02_rev2 “Data summaries to support discussions on CMM on tropical tunas – SPC – revision 2”.

20. Other relevant WCPFC11 delegation papers (as at 25 November 2014)

- WCPFC11-2014-15 SPC – Evaluation of CMM 2013-01
- DP08 Strengthening of CMM 2013-01 for Bigeye, Yellowfin and Skipjack tuna, paper by FFA members;
- DP11 PNA Members and Tokelau: Proposal for CMM on bigeye, yellowfin and skipjack tuna in WCPO
- DP15 Japan's comments on PNA members and Tokelau proposal for CMM for bigeye, yellowfin and skipjack tuna in the WCPO

Capacity Management

Capacity Management

Purse Seine vessels

49. Other than SIDS and Indonesia, CCMs shall not increase the number of purse seine vessels flying their flag larger than 24m with freezing capacity between 20N and 20S (hereinafter “LSPSVs”) above the current level.⁹

50. The concerned CCMs shall ensure that any new LSPSV constructed or purchased to replace a previous vessel or vessels, shall have a carrying capacity or well volume no larger than the vessel(s) being replaced, or shall not increase the catch or effort in the Convention Area from the level of the vessels being replaced. In such case, the authorization of the replaced vessel shall be immediately revoked. Notwithstanding the first sentence in this paragraph, for those vessels for which building approval has already been granted and notified to the Commission before 1 March 2014, the construction of those vessels will be in accordance with existing regulations of the concerned CCMs.

Longline vessels

51. Other than SIDS and Indonesia¹⁰, CCMs shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the current level.

52. Other than SIDS and Indonesia, CCMs shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish, above the current level or above the current number of licenses under established limited entry programmes.¹¹

Footnote 10: This paragraph shall not create a precedent to respect to application of

exemptions non-SIDS CCMs.

Footnote 11: The provisions of this paragraph do not apply to those CCMs who apply domestic individual transferable quotas within a legislated/regulated management framework.

Capacity management work plan

53. The Commission shall develop a scheme for:

- a. Reduction of overcapacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal states, in particular small island developing States, territories, and States with small and vulnerable economies; and
- b. Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate, including market-based mechanisms for the voluntary transfer.

54. CCMs, other than SIDS, shall jointly develop a scheme to jointly reduce the capacity of LSPSVs to the level of 31 December 2012 and submit it to WCPFC11.

55. Nothing in this measure shall restrict the ability of SIDS to construct or purchase vessels from other CCMs for their domestic fleets.

Footnote 9: China shall limit its number of flagged purse seine vessels to 20 vessels to accommodate vessels moving back under its flag from the flags of other CCMs.

21. Information on paragraph 50 notifications is provided in WCPFC11-2014-14_rev2 “Summary of CCM reporting under CMM 2012-01 and CMM 2013-01 – revision 2”.

22. For WCPFC11, one CCM has submitted a proposal related to paragraph 54: DP16: Proposal by Japan on the Joint Reduction Plan of Purse Seine Fishing Capacity in the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area.

DRAFT TERMS OF REFERENCE FOR A WCPFC FAD MANAGEMENT OPTION WORKING GROUP

Background

1. At WCPFC10 in adopting CMM 2013-01 the Secretariat was tasked with preparing a report for consideration by the SC, TCC and Commission in 2014. Paragraph 38 of CMM 2013-01 says:

38. The Commission Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical & Compliance Committee and the Commission in 2014, including:

- a. Marking and identification of FADs;
- b. Electronic monitoring of FADs;
- c. Registration and reporting of position information from FAD-associated buoys; and
- d. Limits to the number of FADs deployed or number of FAD sets made.

2. As a response to this tasking, on 23 July 2014 the Secretariat sent out WCPFC Circular 2014/60, which provided a number of relevant papers and draft proposals, and proposed the establishment of a working group on FAD Management Options.

3. These terms of reference define the objectives, scope and responsibilities of the working group. They set out the expectations of the Commission with respect to the outputs of the working group. These TORs may be subject to review or modification by the Commission.

Objective

To review the reference papers listed below, as well as other relevant information and advice from SC and TCC, and to recommend a way forward for the Commission on the following issues:

- a. Collection of additional data on FADs and their use in WCPO fisheries;
- b. FAD marking, and identification, and use of electronic signatures;
- c. FAD monitoring, tracking and control ~~to prevent FADs becoming marine debris;~~

and

- d. FAD Management options, including FAD closure, review of the FAD set limit alternatives in CMM 2013-01, and appropriate limits to FAD deployment based on scientific advice and the precautionary approach.

Working group

1. The working group shall be open to all Commission Members and Participating Territories.
2. All CCMs are encouraged to provide input to the work of the working group.
3. To the highest degree possible, the working group shall conduct its work electronically or, if convenient and cost effective, in targeted face to face meetings.
4. The working group shall report to TCC and SC, as appropriate, where the advice and recommendations shall be considered.
5. The working group shall consult with or seek advice from technical experts and industry as necessary.
6. The working group shall include participation by PNA and industry, and the SPC.
7. The working group shall consider the fisheries information management systems that are proposed or established in the WCPO for FAD registration and tracking.

Principles

[xxxx]

Timeframe

The working group and its progress will be reviewed at WCPFCxx.

References

1. Papers attached to WCPFC Circular 2014/60
 - Feasibility study – PNA FAD tracking and management (Oct 2013)
 - Conservation and Management Measure for the Collection and Analyses of Data on Fish Aggregating Devices – Proposal by the United States of America (WCPFC10-2013-DP05) 5 November 2013
 - Attachment E of CMM 2013-01 – Preparation of FAD Management Plans
 - FFA Proposal on FAD identification and tracking (WCPFC-TCC5-2009/DP-21) 5 October 2009

- FAD Management – A study on the impacts of fish aggregating devices (FADs) and the development of effective management strategies for their responsible use by industrial tuna fishing fleets – A report prepared for the WTPO (June 2009)

2. Other papers, studies and information suggested at TCC10 to be reviewed by the Working Group

- a. Preliminary analysis of the Regional Observer Programme data on FAD design (WCPFC-SC10-ST-IP09)
- b. SPC study which looked at the comparative value of catches from FAD and free school sets, taking into account the relative prices of fish by size class.
- c. Review measures adopted by other RFMOs on FAD management.
- d. Any other papers submitted as well as relevant information from SC and TCC
- e. [Proposed consultancy study to be commissioned in 2015, to analyse commercial implications of FAD usage in order to inform a sensible debate on FAD limits and controls.]