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**PROPOSAL FOR REVISION TO CMM 2010-05 (SOUTH PACIFIC ALBACORE) TO
ADDRESS THE ADVICE OF SC11 AND TCC11**

**WCPFC12-2015-DP04
31 October 2015**

Proposal by FFA Members



31 October 2015

Feleti P. Teo OBE
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
Federated States of Micronesia

Dear Feleti,

Revision of south Pacific albacore CMM

I write on behalf of the 17 members of the Forum Fisheries Agency in my capacity as the Chair of the Forum Fisheries Committee. Please find attached draft amendments to the conservation and management measure for south Pacific albacore. Also included is a comprehensive explanatory paper.

We look forward to discussing this proposal with CCMs in Bali and would welcome any inquiries before them, which should be directed to the FFA Secretariat (tim.adams@ffa.int or wez.norris@ffa.int).

Yours Sincerely

Samasoni Finikaso
Chair
Forum Fisheries Committee

**Proposal for revision to CMM 2010-05 (South Pacific Albacore)
to address the advice of SC11 and TCC11.**

Delegation Paper by members of the Forum Fisheries Agency

EXPLANATORY NOTE

Background

An economically viable fishery for South Pacific albacore tuna is critically important to many South Pacific SIDS economies, particularly those outside the scope of the tropical purse-seine fishery. It is proportionately far more important to their economies than to the North Pacific flag States that also fish for South Pacific albacore tuna.

FFA members expect the advice from the WCPFC Scientific Committee – “that longline fishing mortality and longline catch be reduced to avoid further decline in the vulnerable biomass so that economically viable catch rates can be maintained” – be taken seriously by WCPFC.

The WCPFC South Pacific Albacore measure currently does not address this advice from the Scientific Committee, because it only limits the number of vessels actively fishing for South Pacific Albacore tuna south of 20°S, and it does not provide a mechanism for the reduction either of longline fishing mortality or catch. Similar scientific advice has been provided in the past, and FFA members have made several proposals to revise the South Pacific albacore measure to address that advice, without agreement by the Commission.

As outlined in WCPFC-TCC11-2015-DP06, action has now been taken by South Pacific coastal States through the Tokelau Arrangement to put a limit on the catch of South Pacific albacore within their EEZs, and to set up a collaborative Management Scheme that will scale future EEZ catches according to a Target Reference Point for the stock.

Although South Pacific CCMs and participating Territories can take collaborative management action within their EEZs, fishing on the stock extending into the southern high seas can only be controlled by the Commission.

CMM proposal

After discussion under Agenda Item 11.1 (Review of existing CMMs: South Pacific Albacore CMM 2010-05), the Commission’s Technical and Compliance Committee advised WCPFC12 *“that the compliance and the performance of CMM 2010-05 cannot effectively be assessed, either for implementing management advice for the stock as a whole, or for demonstrably limiting albacore fishing capacity south of 20 degrees south. TCC11 recommended that CMM 2010-05’s data requirements need to be revised in order to make it more verifiable.”*

There are two main elements to the proposal:

1. The insertion of an objective that will guide the future evolution of the South Pacific Albacore measure towards implementing the advice from SC11, taking into account the failure at successive WCPFC meetings to comprehensively amend the CMM to give it immediate effect in addressing the scientific advice to reduce longline catch and fishing mortality;
2. An amendment to the data provisions of the CMM to give effect to the advice from TCC11, and a requirement for a report to be compiled by the secretariat on the performance of its main management provision.

Proposed Objective

The proposed objective – “to ensure that flag longline fishing on the southern high seas of the Convention Area does not contribute additionally to the risk of breaching the Limit Reference Point for the stock” – is in accordance with the requirements of the UN Fish Stocks Agreement Annex II paragraph 5, which in turn is bindingly reflected in Article 6.1 (a) of the Convention – that “fishery management strategies shall ensure that the risk of exceeding limit reference points is very low.”

Stochastic projections on the 2015 stock assessment to be presented at the WCPFC Harvest Strategy Workshop suggest there *is* a risk of the spawning stock biomass falling below the LRP if current levels of fishing mortality continue to 2033, but the effect of the measure as currently formulated – if it can be implemented effectively – is to avoid increasing this risk by not imposing additional fishing effort south of 20°S.

The objective merely reflects the current provisions of the measure – it reflects the status quo – but it does not give effect to the scientific advice to reduce catch. We look towards the Harvest Strategy process under CMM 2014-06 to address this advice.

Data provisions and secretariat summary report

The data provision paragraph has been amended with a view to making it possible for the secretariat to actually quantify the number of vessels “actively fishing” for south Pacific albacore in the area covered by the CMM, by defining what “actively fishing for south Pacific albacore” means, in a way that can be assessed by summarising information about the composition of major species in the annual catch by each vessel within the CMM area, from the first qualifying year of the CMM (2000) to the current year.

Extrapolation from footnote 2 of “Scientific Data to be Provided to the Commission” might suggest that a vessel would be considered “active” if it fished albacore “at least one day during the year” in this area. However, our amendment only requires the secretariat to report on the total number of vessels for which albacore was the largest component of their annual catch, by flag.

Preamble

The existing preambular paragraphs of the measure refer to previous subsidiary body advice and need updating to reflect, or at least not to contradict, the latest advice. We have reflected the latest advice in the first two paragraphs of the preamble and have removed elements from the last two paragraphs that do not reflect the current scientific evidence, while avoiding altering the existing wording as much as possible. An additional paragraph about the development of SIDS fisheries in their own EEZs has been added to the preamble to reflect paragraph 2 of the existing measure.

Application of CMM 2013-06

The following information is offered to assist the Commission in meeting the requirements of CMM 2013-06 in respect of the amendments to this draft CMM.

a. Who is required to implement the proposal?

This amendment would not change the current application of the CCM, which applies to all CCMs fishing for albacore south of 20°S in the Convention Area.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

Given that coastal States with EEZs in the area south of 20°S, and certain flag States, already provide operational-level data to the Commission and this data is compiled by SPC, only those flag States not already providing such data for the period 2000-present would be required to make an additional effort to compile the catch of major species, by vessel, by year for each and every vessel that caught any albacore during that year, within the area of application of the CMM. There is no requirement to disclose the identity of a vessel.

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

Regarding data provision for the purposes of verifying the main provision of this CMM, the SPC Oceanic Fisheries Programme already facilitates the process of data management for those CCMs providing operational-level data to the Commission, including for its members.

d. Does the proposal affect development opportunities for SIDS?

The proposal sets an objective for the measure that provides the prospect for future implementation of SC11 advice, by addressing a Target Reference Point for the stock that should eventually restore the stock biomass and CPUE to levels that can sustainably and reliably support SIDS fisheries.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

No. The measure currently has a SIDS EEZ exemption that will be necessary as long as high seas fishing remains outside verifiable control by this measure, and as long as the measure remains incompatible with the Tokelau Arrangement process for limiting albacore catch. A future Harvest Control Rule that appropriately allocates the responsibility for achieving a WCPFC south Pacific albacore TRP between TKA, high seas, and other zones would probably remove the need for this exemption.

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

No additional resources, since operational-level data is already provided by them.

g. What mitigation measures are included in the proposal?

None are needed in the amendment. Under the existing measure, the requirement for the measure to “*not prejudice the legitimate rights and obligations under international law of small island developing State and Territory CCMs in the Convention Area for whom South Pacific albacore is an important component of the domestic tuna fishery in waters under their national jurisdiction*” is an existing mitigation measure that should remain until a Harvest Strategy is in place.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

The amendment itself is intended to reduce the disproportionate burden of albacore conservation action currently borne by SIDS coastal states of the South Pacific.

CONSERVATION AND MANAGEMENT MEASURE FOR SOUTH PACIFIC ALBACORE

Conservation and Management Measure 20150-XX05¹

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:

Recalling that the Scientific Committee ~~notes that there are critical biological uncertainties for South Pacific albacore~~ has advised the Commission that longline fishing mortality and longline catch be reduced to avoid further decline in the vulnerable biomass;

Further recalling the recommendation by the Technical and Compliance Committee that the data requirements of CMM 2010-05 need to be revised in order to make it more verifiable;

Noting that ~~while current catch levels from the South Pacific albacore stock appear to be sustainable~~, given the age-specific mortality of the longline fleets, any significant increase in effort would reduce CPUE to low levels with only moderate increases in yields. CPUE reductions may be more severe in areas of locally concentrated fishing effort.

Further noting that ~~while future increases in albacore catch are likely to be sustainable~~, estimates of MSY are highly uncertain because of the extrapolation of catch and effort well beyond any historical levels. Projections demonstrated that longline exploitable biomass, and hence CPUE, would fall sharply if catch and effort were increased to MSY levels. ~~Therefore, the economic consequences of any such increases should be carefully assessed beforehand;~~

Mindful that many CCMs that are small island developing States intend to develop fisheries for south Pacific albacore in their EEZs;

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

“Vessels actively fishing for South Pacific albacore” in the context of this measure means vessels for which albacore is the largest component of their total annual catch.

1. The objective of this measure is to ensure that flag State fishing in the Convention Area south of 20°S does not contribute additionally to fishing mortality and the risk of breaching the Limit Reference Point for the stock.

1.2. Commission Members, Cooperating Non-Members, and participating

¹ By adoption of this CMM (CMM 20150-0005) the Commission rescinds CMM 201005-052 which has been revised and replaced.

Territories (CCMs) shall not increase the number of their fishing vessels actively fishing for South Pacific albacore in the Convention Area south of 20°S above current (2005) levels or recent historical (2000-2004) levels.

2.3. The provisions of paragraph 1 shall not prejudice the legitimate rights and obligations under international law of small island developing State and Territory CCMs in the Convention Area for whom South Pacific albacore is an important component of the domestic tuna fishery in waters under their national jurisdiction, and who may wish to pursue a responsible level of development of their fisheries for South Pacific albacore.

3.4. CCMs that actively fish for South Pacific albacore in the Convention Area south of the equator shall cooperate to ensure the long-term sustainability and economic viability of the fishery for South Pacific albacore, including cooperation and collaboration on research to reduce uncertainty with regard to the status of this stock.

5. CCMs shall report annually to the Commission the annual catch levels ~~of taken by each of~~ their fishing vessels that ~~has~~ve taken South Pacific Albacore ~~in the Convention area south of 20°S. Catch by vessel shall be reported according to the following species groups: albacore tuna, bigeye tuna, yellowfin tuna, swordfish, other billfish, and sharks. as a bycatch as well as the number and catch levels of vessels actively fishing for South Pacific albacore in the Convention area south of 20°S.~~ Initially this information will be provided for the period 20006-20140 and then updated annually.

5. (alt) CCMs that have not provided operational-level data to the Commission in accordance with the *Standards for the Provision of Operational Level Catch and Effort Data* attached to the *Scientific Data to be Provided to the Commission* for the period from 2000 to the present shall enter into or extend an operational-level data access agreement with the Secretariat of the Pacific Community that makes such data available for the purpose of the annual analysis required by paragraph 6.

5.6. The Commission Secretariat shall provide a report annually to the Technical and Compliance Committee on the number of vessels, by year and by flag, that have fished in the Convention area south of 20°S and which have taken albacore as the largest component in the species composition of their annual catch. This report shall cover the period from 2000 to the present.

6.7. This measure will be reviewed annually on the basis of advice from the Scientific Committee ~~on South Pacific albacore and the Technical and Compliance Committee.~~