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**CONSERVATION AND MANAGEMENT MEASURES ON TROPICAL TUNAS  
PROPOSAL**

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**WCPFC17-2020-DP02  
7 November 2020**

**Submission by United States of America**

# CONSERVATION AND MANAGEMENT MEASURES ON TROPICAL TUNAS

## Proposal by the United States of America to the Seventeenth Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

### Explanatory note:

This proposal would revise CMM 2009-02 and CMM 2018-01. No modifications to the objectives of CMM 2018-01 are proposed. Based on the latest evaluation of the tropical tunas measure (SC16-MI-IP-23), all the proposed revisions are consistent with those objectives. Furthermore, based on the latest “minimum target reference point” analyses for bigeye tuna and yellowfin tuna (WCPFC16-15, partially updated in WCPFC-TCC16-2020/IP-11), the proposed revisions would be expected to result in a risk of no more than about 3 percent of breaching the limit reference point for the WCPO bigeye tuna stock, and a risk close to 0 percent of breaching the limit reference point for the WCPO yellowfin tuna stock. SC16 also noted that the median value of relative recent (2015-2018) spawning biomass depletion ( $SB_{2015-2018}/SB_{F=0}$ ) was 0.41 with 10th to 90th percentiles of 0.27 to 0.52.

The proposed revisions to the treatment of floating objects during the FAD closure is intended to address the fact that vessel operators are not necessarily able to detect small floating objects, or floating objects as distant as 1 nautical mile, before making a set. The proposal would set more reasonable expectations for vessel operators.

The proposed removal of the two-month FAD closure on the high seas is intended to equalize the burden among CCMs of conserving bigeye tuna and young yellowfin tuna. There is no conservation basis for any of the tropical tuna stocks for distinguishing between the high seas and exclusive economic zones, and high seas-specific restrictions like the two-month FAD closure should not be part of the CMM.

The proposed removal of the exemption to the FAD closure for the domestic vessels of the PNA members, which is an open-ended exemption, is intended to equalize the burden among CCMs of conserving bigeye tuna and young yellowfin tuna, as well as strengthen the effectiveness of the measure and help ensure it meets its conservation objectives.

The proposed addition of 760 fishing days to the high seas purse seine effort limit of the USA is intended to restore the limit to the level available prior to 2014, when a four-month FAD closure went into effect to address the poor condition of the WCPO bigeye tuna stock. The perceived disproportionate conservation burden on certain SIDSs of the fourth month of the FAD closure was the primary basis for reducing the high seas limits of certain non-SIDSs. With the tropical tuna stocks now in good condition and without a four-month FAD closure, there is no longer a need for such reduced fishing effort limits on the high seas. This is consistent with the idea that CCMs that accept reductions in fishing opportunities to address conservation objectives should be rewarded---to the extent consistent with the continuing conservation and management needs of the stocks and fisheries---with returns of those privileges as those objectives are met. Failing to follow such a practice would create an

extreme disincentive for CCMs to consider and accept meaningful reductions in fishing privileges to address conservation needs, and make it difficult for the Commission to reach consensus in the future. This revision also would slightly mitigate the growing disparity in the measure with respect to CCMs whose fleets are limited on the high seas and those that are not. Some of the latter fleets are growing and fishing more on the high seas.

The proposal to clarify that CCMs may combine their EEZ and high seas purse seine fishing effort limits is intended to ensure that the operational flexibility of purse seine fleets is not unnecessarily constrained. For the tropical tuna stocks, there is no scientific or conservation basis for distinguishing EEZs from the high seas. The distinction in the current measure is solely for jurisdictional purposes: Coastal CCMs are responsible for the EEZ limits and flag CCMs are responsible for the high seas limits. The proposed revision would make clear that a CCM may satisfy its dual responsibility as a flag CCM and coastal CCM through implementation of a single limit. Since the effectiveness of the measure is determined by the sum of the various limits, not any of them in isolation, this clarifying revision would not compromise the effectiveness of the measure with respect to its conservation objectives. This clarifying revision, as well as the adjustment in the high seas limits, are essential to avoid transferring a disproportionate conservation burden onto American Samoa, a small island participating territory, and in particular, to provide for the economic viability of the cannery and all the American Samoa workers and families it supports.

The proposed increases in the longline bigeye tuna catch limits for certain CCMs are consistent with the improved status of the WCPO bigeye tuna stock and intended to support the main fishing sector that targets it. The proposed limits would partially restore fishing opportunities that were taken away when the WCPO bigeye tuna stock was evaluated to be in poor condition. No longline bigeye tuna limits for SIDSs and PTs would be maintained in recognition of their development aspirations, and the limits for other CCMs would also be maintained.

**CMM 2013-06 criteria:**

*a. Who is required to implement the proposal?*

All CCMs.

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

The proposal would primarily impact CCMs with tuna purse seine fishing vessels and tuna longline fishing vessels.

The FAD-related aspects of the proposal would have little net impact on most CCMs. The removal of the two-month high seas FAD closure would lessen the conservation burden on flag CCMs with purse seine vessels fishing on the high seas, with the exception of Kiribati, whose vessels are not currently subject to the high seas FAD closure, and the partial exception of the Philippines, whose vessels are subject to different measures in high seas pocket 1.

The removal of the exemption to the three-month FAD closure for PNA members' domestic vessels would increase the conservation burden for the PNA members who flag and charter purse seine vessels and for other flag CCMs whose vessels operate under charter as part of the domestic fleets of PNA members. This would help level the conservation burden among SIDSs, as some SIDSs with purse seine interests, like American Samoa, currently bear the full conservation burden of the FAD closure while others do not.

The increase in the number of high seas purse seine fishing days available to the USA would expand high seas fishing opportunities for the U.S. purse seine fleet to the level available prior to 2014, and because the fleet's activities are strongly linked to the economy of American Samoa and its development, it would lessen the conservation burden on American Samoa.

Clarifying that CCMs have the ability to combine their EEZ and high seas purse seine fishing effort limits would ensure that the operational flexibility of purse seine fleets is not unnecessarily constrained. This clarification would affect CCMs with high seas limits: China, European Union, Indonesia, Japan, New Zealand, Republic of Korea, Chinese Taipei, and USA.

The increases in longline bigeye tuna catch limits would expand fishing opportunities in the longline fisheries of the USA, Chinese Taipei, and Korea. No impacts on other CCMs would be expected.

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

No linkages have been identified.

*d. Does the proposal affect development opportunities for SIDS?*

To the extent that fishing opportunities equate to, or lead to, development opportunities, the proposal could affect development opportunities for SIDSs in both directions (see response to question b). Removal of the exemption to the three-month FAD closure for PNA members would level the conservation burden among SIDSs and thereby allow more equal development opportunities among SIDSs. The ability to combine EEZ and high seas purse seine limits would enhance the fishery development opportunities of all SIDSs with purse seine interests, including the FFA members and Participating Territories like American Samoa.

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

See response to question d.

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

No resources would be needed beyond those needed to implement CMM 2018-01.

*g. What mitigation measures are included in the proposal?*

No measures to mitigate the costs of implementation are included.

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

None.

**Proposal:**

WCPFC17 agrees to:

1. Revise paragraph 4 of CMM 2009-02 to read as follows:

*4. During the FAD closure period specified in CMM 2008-01, no purse seine vessel shall conduct any part of a set within one half a nautical mile of a FAD. That is, at no time may the vessel or any of its fishing gear or tenders be located within one half a nautical mile of a FAD while a set is being conducted.*

2. Revise CMM 2018-01 as show in Attachment 1.

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**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE, YELLOWFIN  
AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

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**Conservation and Management Measure ~~2018-01~~2020-XX\***

**PREAMBLE**

*The Western and Central Pacific Fisheries Commission (WCPFC):*

**Recalling** that since 1999, in the Multilateral High Level Conferences, the Preparatory Conferences, and in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission), a number of resolutions and Conservation and Management Measures (CMMs) have been developed to prevent or mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean;

**Recalling** that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

**Recalling further** the final statement of the Chairman of the Multilateral High Level Conferences in 2000 that: "It is important to clarify, however, that the Convention applies to the waters of the Pacific Ocean. In particular, the western side of the Convention Area is not intended to include waters of South-East Asia which are not part of the Pacific Ocean, nor is it intended to include waters of the South China Sea as this would involve States which are not participants in the Conference" (Report of the Seventh and Final Session, 30th August- 5 September 2000, p.29);

**Recognizing** that the Scientific Committee has determined that the bigeye stock appears not to be experiencing overfishing and is not in an overfished condition, and recommends as a precautionary approach that the fishing mortality on bigeye tuna stock should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point, and further that the Scientific Committee notes that the levels of fishing mortality and depletion differ among regions, and that fishery impact was higher in the tropical regions, with particularly high fishing mortality on juvenile bigeye tuna in these regions.

~~that the fishing mortality of bigeye should not be increased from the current level to maintain current or increased spawning biomass~~

~~**Recognizing** that the Scientific Committee; has determined that the yellowfin stock appears not to be experiencing overfishing and is not in an overfished condition, and recommends as a precautionary approach that the fishing mortality on yellowfin tuna stock should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point~~the current spawning biomass levels should be maintained~~; has determined and that skipjack is currently moderately exploited, the fishing mortality level is sustainable, and recommends that the Commission take appropriate management action to ensure that the biomass depletion level fluctuates around the TRP (e.g., through the adoption of a harvest control rule)~~that the spawning biomass be maintained near the target reference point~~;~~

*\* Version issued 2 May 2019*

**Recognizing further** the interactions that occur between the fisheries for bigeye, yellowfin, and skipjack tuna;

**Noting** that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and Territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks, including the provision of financial, scientific, and technological assistance;

**Noting further** that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular Small Island developing States and Territories. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, Parties, and Territories;

**Noting** that Article 8(1) of the Convention which requires compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

**Recalling** Article 8(4) of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

**Noting** that the Parties to the Nauru Agreement (PNA) have adopted and implemented “A Third Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms And Conditions Of Access To The Fisheries Zones Of The Parties”;

**Noting further** that the Parties to the Nauru Agreement have adopted and implemented a Vessel Day Scheme for the longline fishery, a Vessel Day Scheme for the purse seine fishery

and a registry for FADs in the zones of the Parties, and may establish longline effort limits, or equivalent catch limits for longline fisheries within their exclusive economic zones.

**Noting furthermore** that the Members of the Pacific Islands Forum Fisheries Agency have indicated their intention to adopt a system of zone-based longline limits to replace the current system of flag-based bigeye catch limits within their EEZs, and a system of zone-based FAD set limits to replace the FAD closure and flag-based FAD set limits in their EEZs;

**Acknowledging** that the Commission has adopted a limit reference point (LRP) for bigeye, skipjack, and yellowfin tuna of 20% of the estimated recent average spawning biomass in the absence of fishing, and, for skipjack tuna, has also agreed to an interim target reference point (TRP) of 50% of the recent average spawning biomass in the absence of fishing (CMM 2015-06);

**Acknowledging** that the Commission has adopted CMM 2014-06 on Establishing a Harvest Strategy for Key Fisheries and Stocks in the Western and Central Pacific Ocean and a Work Plan to guide the development of key components of a Harvest Strategy, including the recording of management objectives, adoption of reference points, and development of harvest control rules;

**Adopts** in accordance with Article 10 of the Convention, the following Conservation and Management Measure with respect to bigeye, yellowfin, and skipjack tuna:

## **PURPOSE**

1. Pending the establishment of harvest strategies, and any implementing CMM, the purpose of this measure is to provide for a robust transitional management regime that ensures the sustainability of bigeye, skipjack, and yellowfin tuna stocks.

## **PRINCIPLES FOR APPLICATION OF THE MEASURE**

### **Compatibility**

2. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of bigeye, skipjack, and yellowfin tuna stocks in their entirety. Measures shall ensure, at a minimum, that stocks are maintained at levels capable of producing maximum sustainable yield, pending agreement on target reference points as part of the harvest strategy approach, as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by Article 5 of the Convention.

### **Area of Application**

3. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.
4. Coastal states are encouraged to take measures in archipelagic waters and territorial seas which are consistent with the objectives of this Measure and to inform the Commission Secretariat of the relevant measures that they will apply in these waters.

### **Small Island Developing States**

5. With the exception of paragraphs 16-25, 31, 33-38, and 50-54, nothing in this Measure shall prejudice the rights and obligations of those small island developing State Members and Participating Territories in the Convention Area seeking to develop their domestic fisheries.
6. For the avoidance of doubt, where the term “SIDS” is used throughout this measure, the term includes Participating Territories. The term “CCM” means Members, Cooperating Non-Members and Participating Territories.
7. In giving effect to this CMM, the Commission shall pay attention to:
  - (a) the geographical situation of a small island developing State which is made up of noncontiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas;
  - (b) the special circumstances of a State which is surrounded by the exclusive economic zones of other States and has a limited exclusive economic zone of its own; and
  - (c) the need to avoid adverse impacts on subsistence, small-scale and artisanal fishers.

## **GENERAL PROVISIONS**

### **Charter Arrangements**

8. For the purposes of paragraphs 39-41 and 45-49, attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2016-05 or its replacement shall be attributed to the chartering Member, or Participating Territory. Attribution for the purpose of this Measure is without prejudice to attribution for the purposes of establishing rights and allocation.
9. For purposes of paragraphs 39-41 and 45-49, catches and effort of United States flagged vessels operating under agreements with its Participating Territories shall be attributed to the Participating Territories. Such agreements shall be notified to the Commission in the form of notification under CMM 2016-05 or its replacement. Attribution for the purpose of this Measure is without prejudice to attribution for the purposes of establishing rights and allocation.

## **Overlap Area**

10. Where flag CCMs choose to implement IATTC measures in the overlap area, any calculation of limits for the Convention Area (excluding the overlap area) that are done on the basis of historical catch or effort levels, shall exclude historical catch or effort within the overlap area. Notwithstanding decisions on application of catch and/or effort limits, all other provisions of this measure apply to all vessels fishing in the overlap area.

## **HARVEST STRATEGIES AND INTERIM OBJECTIVES FOR BIGEYE, SKIPJACK, AND YELLOWFIN TUNA**

11. This measure is to create a bridge to the adoption of a harvest strategy for bigeye, skipjack, and yellowfin tuna stocks and/or fisheries in accordance with the work plan and indicative timeframes set out in the Agreed Work Plan for the Adoption of Harvest Strategies under CMM 2014-06, which includes the development of management objectives and target reference points. Taking into account the bridging role of this measure and the uncertainty framework for evaluating the impact of management measures on the bigeye stock, the Commission shall work towards achieving and sustaining the aims in paragraphs 12 to 14.

### **Bigeye**

12. Pending agreement on a target reference point the spawning biomass depletion ratio ( $SB/SB_{F=0}$ ) is to be maintained at or above the average  $SB/SB_{F=0}$  for 2012-2015.

### **Skipjack**

13. The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the interim target reference point of 50% of the spawning biomass in the absence of fishing, adopted in accordance with CMM 2015-06.

### **Yellowfin**

14. Pending agreement on a target reference point the spawning biomass depletion ratio ( $SB/SB_{F=0}$ ) is to be maintained at or above the average  $SB/SB_{F=0}$  for 2012-2015.

15. The Commission at its 2019 annual session shall review and revise the aims set out in paragraphs 12 to 14 in light of advice from the Scientific Committee.

## PURSE SEINE FISHERY

### FAD Set Management

16. A three (3) months (July, August and September) prohibition of deploying, servicing or setting on FADs shall be in place between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels fishing in exclusive economic zones and the high seas in the area between 20°N and 20°S.<sup>‡</sup>

~~17. — In addition to the three-month FAD closure in paragraph 16, except for those vessels flying the Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone,<sup>2</sup> and Philippines' vessels operating in HSP1 in accordance with Attachment 2, it shall be prohibited to deploy, service or set on FADs in the high seas for two additional sequential months of the year. Each CCM shall decide which two sequential months (either April—May or November—December) shall be closed to setting on FADs by their fleets in the high seas for 2018, 2019 and 2020 and notify the Secretariat of that decision by March 1, 2018.<sup>#</sup>~~

~~<sup>#</sup>The Secretariat notes that WCPFC15 didn't sanction any specific revision to this paragraph but in 2019 some CCMs have notified a different choice of two sequential months to that notified in 2018.~~

18. The provisions of paragraphs 3 to 7 of CMM 2009-02 apply to the high seas FAD closures. In applying the provisions of paragraphs ~~16 and 17~~, any set ~~where small amounts of plastic or small garbage on an object~~ that does not have a tracking buoy attached ~~are detected~~ shall not be considered to be a FAD set for the purposes of the FAD closure. The FAD set prohibition shall only apply to FAD sets that are made within a 1/2 nautical mile of a FAD that meets the above criteria. ~~This shall apply in 2019 only and will be reviewed to determine whether it resulted in increased catch of bigeye and small yellowfin tuna.~~

### **Non-entangling FADs**

19. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1<sup>st</sup> January 2020, CCMs shall ensure that the design and construction of any FAD to be deployed in, or that drifts into, the WCPFC Convention Area shall comply with the following specifications:

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~~<sup>‡</sup>Members of the PNA may implement the FAD set management measures consistent with the Third Arrangement Implementing the Nauru Agreement of May 2008. Members of the PNA shall provide notification to the Commission of the domestic vessels to which the FAD closure will not apply. That notification shall be provided within 15 days of the arrangement being approved.~~

~~<sup>2</sup>Those vessels fishing within a 100 nautical mile buffer zone extending from the high seas adjacent to the Cook Islands shall inform Kiribati and the Cook Islands authorities at least 24 hours prior to entry into and 24 hours prior to the exit from the buffer zone with estimated coordinates for entry and exit. Each report shall contain the vessel name, international radio call sign and position at time of reporting.~~

- The floating or raft part (flat or rolled structure) of the FAD can be covered or not. To the extent possible the use of mesh net should be avoided. If the FAD is covered with mesh net, it must have a stretched mesh size less than 7 cm (2.5 inches) and the mesh net must be well wrapped around the whole raft so that there is no netting hanging below the FAD when it is deployed.
- The design of the underwater or hanging part (tail) of the FAD should avoid the use of mesh net. If mesh net is used, it must have a stretched mesh size of less than 7 cm (2.5 inches) or tied tightly in bundles or “sausages” with enough weight at the end to keep the netting taut down in the water column. Alternatively, a single weighted panel (less than 7 cm (2.5 inches) stretched mesh size net or solid sheet such as canvas or nylon) can be used.

20. To reduce the amount of synthetic marine debris, the use of natural or biodegradable materials for FADs should be promoted. The use of non-plastic and biodegradable materials in the construction of FADs is encouraged.

21. The Scientific Committee shall continue to review research results on the use of non-entangling material and biodegradable material on FADs, and shall provide specific recommendations to the Commission as appropriate.

22. The Commission at its 2020 annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC16 and TCC16 shall consider the adoption of measures on the implementation of non-entangling and/or biodegradable material on FADs.

### **Instrumented Buoys**

23. A flag CCM shall ensure that each of its purse seine vessels shall have deployed at sea, at any one time, no more than 350 drifting Fish Aggregating Devices (FADs) with activated instrumented buoys. An instrumented buoy is defined as a buoy with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position. The buoy shall be activated exclusively on board the vessel. A flag CCM shall ensure that its vessels operating in the waters of a coastal State comply with the laws of that coastal State relating to FAD management, including FAD tracking.

24. The Commission at its 2019 annual session, based on consideration in the FAD Management Options Intersessional Working Group, shall review whether the number of FADs deployed as set out in paragraph 23 is appropriate.

### **Zone-based purse seine effort control**

25. Coastal CCMs within the Convention Area shall restrict purse seine effort and/or catch of skipjack, yellowfin and bigeye tuna within their EEZs in accordance with the effort limits established and notified to the Commission and set out in Table 1 of Attachment 1. Those

coastal CCMs that have yet to notify limits to the Commission shall do so by 31 December 2018.

### **High seas purse seine effort control<sup>3</sup>**

26. CCMs that are not Small Island Developing States shall restrict the level of purse seine effort on the high seas in the area 20°N to 20°S to the limits set out in Attachment 1, Table 2, except that the Philippines shall take measures on the high seas in accordance with Attachment 2.

27. CCMs shall ensure that the effectiveness of these effort limits for the purse seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20°S. In order not to undermine the effectiveness of these effort limits, CCMs shall not transfer fishing effort in days fished in the purse seine fishery to areas within the Convention Area north of 20°N.

28. The limits set out in Attachment 1, Table 2 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission. By 2020 the Commission shall agree on hard effort or catch limits in the high seas of the Convention Area and a framework for the allocation of those limits in the high seas amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention. The Commission shall also consider options as to how CCMs would use their limits.

29. *{The Commission agreed at WCPFC15 that paragraph 29 in CMM 2017-01 applied only in 2018}*

30. Where the catch and effort limits in paragraphs 25 and 26 have been exceeded, any overage of the annual limits by a CCM or the collective annual limits of a group of CCMs shall be deducted from the limits for the following year for that CCM or group of CCMs.

30bis. A CCM that has limits under both paragraphs 25 (for all purse seine fishing vessels in its EEZ) and 26 (for its flagged purse seine vessels on the high seas) may implement the two limits as a single pooled limit, but only with respect to its own flagged vessels.

### **Catch retention: Purse Seine Fishery**

31. To create an incentive to reduce the non-intentional capture of juvenile fish, to discourage waste and to encourage an efficient utilization of fishery resources, CCMs shall require their purse seine vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S to retain on board and then land or transship at port all bigeye, skipjack, and yellowfin tuna. (Paragraphs 8 to 12 of CMM 2009-02 set out the Commission's rules for catch retention in the high seas.) The only exceptions to this paragraph shall be:

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<sup>3</sup> Throughout this measure, in the case of small purse seine fleets, of five vessels or less, the baseline level of effort used to determine a limit shall be the maximum effort in any period and not the average.

- a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set, noting that excess fish taken in the last set may be transferred to and retained on board another purse seine vessel provided this is not prohibited under applicable national law; or
- b) when the fish are unfit for human consumption for reasons other than size; or
- c) when serious malfunction of equipment occurs.

32. Nothing in paragraphs 16-18 and 31 shall affect the sovereign rights of coastal States to determine how these management measures will be applied in their waters, or to apply additional or more stringent measures.

### **Monitoring and Control: Purse Seine Fishery**

33. Notwithstanding the VMS SSP, a purse seine vessel shall not operate under manual reporting during the FADs closure periods, but the vessel will not be directed to return to port until the Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions in accordance with the VMS SSPs. The flag State shall be notified when VMS data is not received by the Secretariat at the interval specified in CMM 2014-02 or its replacement, and paragraph 37.

34. CCMs shall ensure that purse seine vessels entitled to fly their flags and fishing within the area bounded by 20°N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry an observer from the Commission's Regional Observer Program (ROP) (CMM 2018-05).

35. Each CCM shall ensure that all purse seine vessels fishing solely within its national jurisdiction within the area bounded by 20°N and 20°S carry an observer. These CCMs are encouraged to provide the data gathered by the observers for use in the various analyses conducted by the Commission, including stock assessments, in such a manner that protects the ownership and confidentiality of the data.

36. ROP reports for trips taken during FADs closure period shall be given priority for data input and analysis by the Secretariat and the Commission's Science Provider.

37. VMS polling frequency shall be increased to every 30 minutes during the FAD closure period. The increased costs associated with the implementation of this paragraph will be borne by the Commission.

### **Research on Bigeye and Yellowfin**

38. CCMs and the Commission are encouraged to conduct and promote research to identify ways for purse seine vessels to minimize the mortality of juvenile bigeye tuna and yellowfin tuna, particularly in accordance with any research plans adopted by the Commission.

## LOGLINE FISHERY

39. As an interim measure, CCMs listed in Attachment 1, Table 3 shall restrict the level of bigeye catch to the levels specified in Table 3. Where the limits in Table 3 have been exceeded, any overage of the catch limit by a CCM listed in Table 3 shall be deducted from the catch limit for the following year for that CCM.

40. The Commission shall review the bigeye catch limits specified in Table 3 ~~in 2019~~ based on any revised stock assessments and the recommendations of the Scientific Committee. The Commission may also take into account in setting any bigeye catch limits any plan submitted to the Secretariat by a CCM listed in Attachment 1, Table 3 to increase the level of monitoring and control of its longline vessels fishing in the Convention Area.

41. CCMs listed in Attachment 1, Table 3 shall report monthly the amount of bigeye catch by their flagged vessels to the Commission Secretariat by the end of the following month. The Secretariat shall notify all CCMs when 90% of the catch limits for a CCM is exceeded.

42. The limits set out in Attachment 1, Table 3 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

43. Subject to paragraph 5, each Member that caught less than 2,000 tonnes in 2004 shall ensure that its bigeye catch does not exceed 2,000 tonnes annually.

43bis. If the Commission determines that the total catch of bigeye tuna by longline is expected to exceed 100,000 mt per year, it shall review the bigeye tuna limits for all CCMs, as well as this measure's provisions for purse seine and other fisheries, and make any adjustments needed to ensure consistency with the objectives of the measure.

44. ~~By 2020~~ The Commission shall agree on hard limits for bigeye and a framework to allocate those limits amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention.

## CAPACITY MANAGEMENT FOR PURSE SEINE AND LOGLINE VESSELS

### Purse Seine Vessel Limits

45. CCMs, other than Small Island Developing States and Indonesia<sup>4</sup>, shall keep the number of purse seine vessels flying their flag larger than 24m with freezing capacity operating between 20°N and 20°S (hereinafter "LSPSVs") to the applicable level under CMM 2013-01.

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<sup>4</sup> This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

46. 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 to fish in the Convention Area of the replaced vessel shall be immediately revoked by the flag CCM. 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.

#### **Limits on Longline Vessels with Freezing Capacity**

47. CCMs, other than Small Island Developing States and Indonesia<sup>5</sup>, shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the applicable level under CMM 2013-01.<sup>6</sup>

#### **Limits on ice-chilled longline vessels landing fresh fish**

48. CCMs, other than Small Island Developing States and Indonesia<sup>7</sup>, shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish above the applicable level under CMM 2013-01, or above the number of licenses under established limited entry programmes applying during the operation of CMM 2013-01.<sup>8</sup>

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

#### **OTHER COMMERCIAL FISHERIES**

50. 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 meeting in 2019 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.

51. CCMs shall take necessary measures to ensure that the total catch of their respective other commercial tuna fisheries for bigeye, yellowfin or skipjack tuna, but excluding those

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<sup>5</sup> This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

<sup>6</sup> This provisions of this paragraph do not apply to those CCMs who apply domestic quotas, including individual transferable quotas, within a legislated/regulated management framework.

<sup>7</sup> This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

<sup>8</sup> The provisions of this paragraph do not apply to those CCMs who apply domestic quotas, including individual transferable quotas, within a legislated/regulated management framework.

fisheries taking less than 2,000 tonnes of bigeye, yellowfin and skipjack, shall not exceed either the average level for the period 2001-2004 or the level of 2004.

## **DATA PROVISION REQUIREMENTS**

52. Operational level catch and effort data in accordance with the *Standards for the Provision of Operational Level Catch and Effort Data* attached to the Rules for *Scientific Data to be Provided to the Commission* relating to all fishing in EEZs and high seas south of 20N subject to this CMM except for artisanal small-scale vessels shall be provided to the Commission not only for the purpose of stocks management but also for the purpose of cooperation to SIDS under Article 30 of the Convention.<sup>9 10</sup>

53. The Commission shall ensure the confidentiality of those data provided as non-public domain data.

54. CCMs whose vessel fish in EEZs and high seas north of 20N subject to this CMM shall ensure that aggregated data by 1 x 1 in that area be provided to the Commission, and shall also, upon request, cooperate in providing operational level data in case of Commission's stock assessment of tropical tuna stocks under a data handling agreement to be separately made between each CCM and the Scientific Provider. Those CCMs shall report such agreement to the Commission.

## **REVIEW AND FINAL PROVISIONS**

55. The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect.

56. {*The Commission agreed at WCPFC15 that paragraph 56 in CMM 2017-01 applied only in 2018*}

57. This measure replaces CMM 2017-01. This measure shall come into effect on 13 February 2019 and remain in effect until 10 February 2021 unless earlier replaced or amended by the Commission.

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<sup>9</sup> CCMs which had domestic legal constraints under CMM 2014-01 shall provide operational level data as of the date on which those domestic legal constraints were lifted.

<sup>10</sup> This paragraph shall not apply to Indonesia, until it changes its national laws so that it can provide such data. This exception shall expire when such changes take effect but in any event no later than 31 December 2025. Indonesia will, upon request, make best effort to cooperate in providing operational level data in case of Commission's stock assessment of those stocks under a data handling agreement to be separately made with the Scientific Provider.

## Attachment 1

Table 1: EEZ purse seine effort limits [paragraphs 25 and 30bis]

Coastal CCMs' EEZ/Group	Effort in Vessel days/Catch limit	Comment
PNA	44,033 days	This limit will be managed cooperatively through the PNA Vessel Day Scheme.
Tokelau	1000 days	
Cook Islands	1,250 days	These CCMs are developing joint arrangements which may incorporate measures such as pooling and transferability of limits between EEZs.
Fiji	300 days	
Niue	200 days	
Samoa	150 days	
Tonga	250 days	
Vanuatu	200 days	
Australia	30,000 mt SKJ 600 mt BET 600 mt YFT	
French Polynesia	0	
Indonesia	*	
Japan	1500 days	
Korea	*	
New Zealand	40,000 mt SKJ	
New Caledonia	20,000 mt SKJ	
Philippines	*	
Chinese Taipei	*	
United States **	558 days	
Wallis and Futuna	*	

\* Limits not notified to the Commission

\*\* The United States notified the Secretariat of the combined US EEZ and high seas effort limits on 1 July 2016 (1828 fishing days on the high seas and in the U.S. EEZ (combined)). The US EEZ limit is understood to be this notified limit minus the high seas effort limit for the United States set out in Table 2 of Attachment 1

**Table 2. High seas purse seine effort control [paragraphs 26-28 and 30bis]**

CCM	EFFORT LIMIT (DAYS)
CHINA 26 ECUADOR	**
EL SALVADOR	**
EUROPEAN UNION	403
INDONESIA	(0)
JAPAN	121
NEW ZEALAND	160
PHILIPPINES	#
REPUBLIC OF KOREA	207
CHINESE TAIPEI	95
USA	<u>12702,030</u>

\*\* subject to CNM on participatory rights  
 # The measures that the Philippines will take are in Attachment 2.

**Table 3. Bigeye Longline Catch Limits [paragraphs 39-42]**

Bigeye catch limits by flag	
CCMs	Catch Limits
CHINA	<u>8,224XXX</u>
INDONESIA	<u>5,889XXX*</u>
JAPAN	<u>18,265XXX</u>
KOREA	<u>13,942XXX</u>
CHINESE TAIPEI	<u>10,481XXX</u>
USA	<u>36,554</u>

*[It is anticipated that CCMs with limits of “XXX” will have an opportunity to nominate their respective limits.]*

\*Provisional and maybe subject to revision following data analysis and verification

Japan will make an annual one-off transfer of 500 metric tonnes of its bigeye tuna catch limit to China.

## Attachment 2: Measure for Philippines

1. This Attachment shall apply to Philippine traditional fresh/ice chilled fishing vessels operating as a group.

### AREA OF APPLICATION

2. This measure shall apply only to High Seas Pocket no. 1 (HSP-1), which is the area of high seas bounded by the Exclusive Economic Zones (EEZs) of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south. For the purposes of this measure, the exact coordinates for the area shall be those used by the WCPFC vessel monitoring system (VMS). A map showing the HSP-1 Special Management Area is attached.

### REPORTING

3. Philippines shall require its concerned vessels to submit reports to the Commission at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP-1 SMA. This information may, in turn, be transmitted to the adjacent coastal States/Territories.

The report shall be in the following format:

VID/Entry or Exit: Date/Time; Lat/Long

4. Philippines shall ensure that its flagged vessels operating in the HSP-1 SMA report sightings of any fishing vessel to the Commission Secretariat. Such information shall include: vessel type, date, time, position, markings, heading and speed.

### OBSERVER

5. The fishing vessels covered by this measure shall employ a WCPFC Regional Observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2018-05.

6. Regional Observers from other CCMs shall be given preference/priority. For this purpose, the Philippines and the Commission Secretariat shall inform the CCMs and the Adjacent Coastal State of the deployment needs and requirements at 60 days prior expected departure. The Secretariat and the CCM that has available qualified regional observer shall inform the Philippines of the readiness and availability of the Regional Observer at least 30 days prior to the deployment date. If none is available, the Philippines is authorized to deploy regional observers from the Philippines.

### VESSEL LIST

7. The Commission shall maintain an updated list of all fishing vessels operating in HSP1 SMA based on the foregoing vessel's entry and exit reports submitted to the Commission. The list will be made available to Commission Members through the WCPFC website.

#### MONITORING OF PORT LANDINGS

8. The Philippines shall ensure that all port landings of its vessels covered by this decision are monitored and accounted for to make certain that reliable catch data by species are collected for processing and analysis.

#### COMPLIANCE

9. All vessels conducting their fishing activities pursuant to this Attachment to CMM 2018-01 shall comply with all other relevant CMMs. Vessels found to be non-complaint with this decision shall be dealt with in accordance with CMM 2010-06, and any other applicable measure adopted by the Commission.

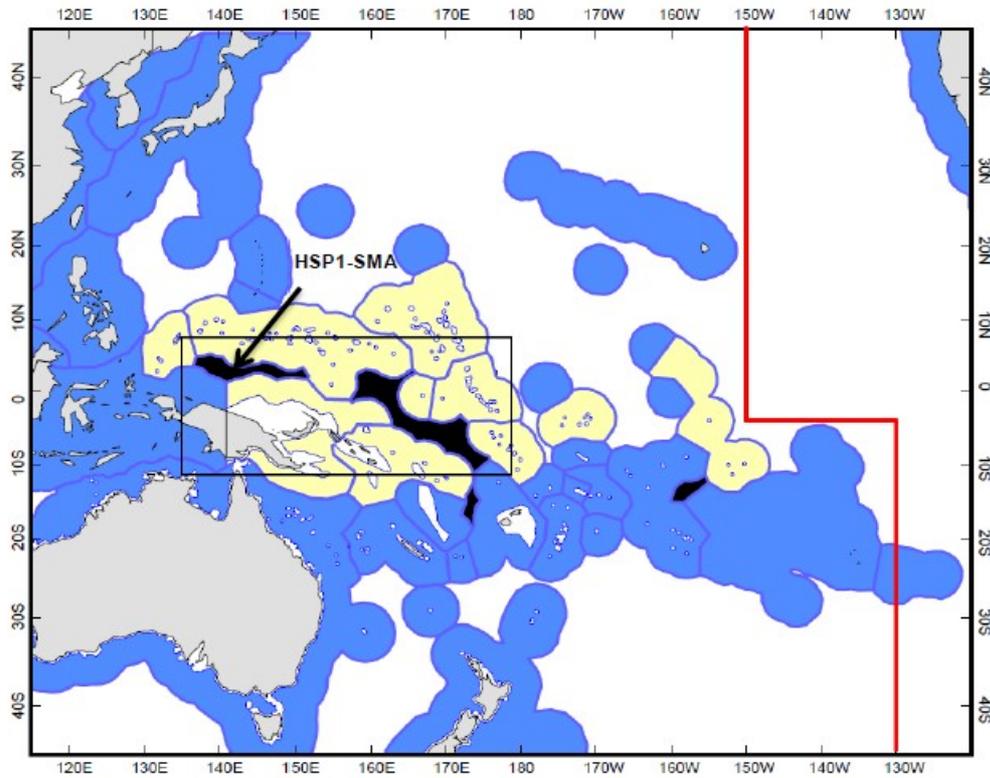
#### EFFORT LIMIT

10. The total effort of these vessels shall not exceed 4,659<sup>14</sup> days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

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<sup>14</sup> Reference Table 2(b), WCPFC9-2012-IP09\_rev3

- Map Showing HSP-1 SMA Where the Arrangements in Attachment 2 Apply



This map displays indicative maritime boundaries only. It is presented without prejudice to any past, current or future claims by any State. It is not intended for use to support any past, current or future claims by any State or territory in the western and central Pacific or east Asian region. Individual States are responsible for maintaining the coordinates for their maritime claims. It is the responsibility of flag States to ensure their vessels are informed of the coordinates of maritime limits within the Convention Area. Coastal States are invited to register the coordinates for their negotiated and agreed maritime areas with the Commission Secretariat.

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