



**FOURTH REGULAR SESSION**

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**CONSERVATION AND MANAGEMENT MEASURES  
FOR BIGEYE AND YELLOWFIN TUNA  
IN THE WESTERN AND CENTRAL PACIFIC OCEAN**  
**Draft Conservation And Management Measure For Discussion**

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WCPFC4-2007/27 (Rev. 43)

6<sup>th</sup> November 2007

**Chairman's Draft**

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

*Recognising* that the Scientific Committee has determined that there is a high probability that the bigeye and yellowfin stocks are currently subject to overfishing, and that reductions in fishing mortality are required in order to reduce the risks that these stocks will become overfished,

*Recalling* that the Commission agreed in 2005 to review annually Commission Measure 2005-1,

*Recalling* that the Commission committed itself in 2006 to adopt a measure at its next session to reduce juvenile bigeye and yellowfin tuna mortalities from fishing effort on FADs,

*Recalling* also Article 30(2a) of the Convention that oblige the Commission, in establishing measures, to take into account the vulnerability of developing States Parties, in particular small island developing States, which are dependent on the exploitation of marine living resources,

And *recognising* Article 30(2c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions.

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

*Catch retention*

1. In order to create a disincentive to the capture of small fish and to encourage the development of technologies and fishing strategies designed to avoid the capture of small bigeye and yellowfin tuna, CCMs shall require their purse seine vessels fishing in the Convention Area within the area bound by 20N and 20S from 1 January 2009 to retain on board and then land or transship all bigeye, skipjack and yellowfin tuna, except for fish unfit for human consumption for reasons other than size. The only exception shall be the final set of a trip when there may be insufficient wellspace to accommodate all fish caught in that set.
2. The Secretariat shall submit to TCC in 2008 a proposal for implementation procedures including *inter alia*, reporting requirements, a definition of the exact time during a set at which full retention will be required, arrangements for the final set of a trip and a definition of fish unfit for human consumption.

*FAD Closure*

3. There shall be no fishing on FADs by purse seine vessels in exclusive economic zones and the areas beyond national jurisdiction within the area bounded by 20<sup>0</sup>N and 20<sup>0</sup>S within the Convention Area between 0000 hours on 1 July and 2400 hours on 30 September [or between 1 October and 31<sup>st</sup> December] in 2008 ~~and to 2010~~ ~~09~~ ~~[2010]~~.  
[or during one month in the periods 1 July and 30 September or 1 October and 31<sup>st</sup> December in 2008 to 2010.]

3bis. There should be no deployment or maintenance of FADs during the closure period(s).

4. ~~The Commission encourages CCMs~~ will ~~to~~ ensure that the effectiveness of the closure is not undermined by a transfer of effort into archipelagic waters and territorial seas.
5. Archipelagic waters and territorial seas in the context of this measure includes waters south of the southern coast of the Philippine island of Mindanao
6. Any small island State member or participating territory (Tokelau and Tuvalu) may exclude its exclusive economic zone from the closure if it can confirm to the Secretariat by 1<sup>st</sup> Feb 2008 that:
  - (i) more than 20% of earned government revenue (i.e. excluding grants) has been derived from purse-seine fisheries access fees in any year in the last 5 years;  
and

- (ii) its average purse –seine catch in its waters under national jurisdiction in the last 5 years does not exceed 16,000 mt.

(iii) and the Commission will keep CCMs informed of any changes in government revenues and tonnage caught in waters under national jurisdiction.

- 7. This measure will not apply to purse seiners home ported in the Philippines operating in the high seas off the coast of the Philippines which are entirely dependent on FAD sets. In lieu of this dispensation during 2008 and 2009, the Philippines will undertake to implement its national tuna plan which limits the number of FADs to 25 FADs per purse seine vessels. In addition, the Philippines will undertake to provide the national tuna plan for review and endorsement in 2008 by the Commission's Scientific Committee and Technical and Compliance Committee, including information on the number of offshore purse seiners, a map of their FADs and the data collection measures applied to this fleet.
- 8. By 1 July 2008, CCMs shall submit to the Commission management plans for the use of FADs within waters under their jurisdiction and by their vessels on the high seas as appropriate. FAD plans should contain the elements as listed in Attachment 1. These plans shall include strategies to limit the capture of small bigeye and yellowfin tuna, including implementation of the FAD closure pursuant to paragraphs 4 and 5 above. The plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (WCPFC Circular 2007/14 Attachment 1). CCMs shall report to the Commission on the effectiveness of their FAD Management Plans, as part of their Annual Report to the Commission Part II. This provision replaces paragraph 13 of CMM 2005-01 and paragraphs 4 and 5 of 2006-01.

8 bis This measure will not apply to small Pacific island developing state's purse seiners that are less than 50m in length and are substantially dependent on FADs or domestic purse seine vessels supplying locally based processing plants..

- 9. SC and TCC will make an initial review of the operations and implementation of the FAD closure in 2008, and conduct a full review of the effectiveness of the closure at their meetings in 2009, and make a recommendation to the Commission on any extension or modification to the closure.

#### *Longline Fishery*

- 10. At its next meeting, the Commission will adopt conservation and management measures specifically to address fishing mortality on bigeye tuna from longline fishing, taking into account the level of bigeye catches by each CCM between 2006 and 2007, and the results of the bigeye stock assessment to be conducted in 2008.

[~~F~~For the years 2009 and 2010 each CCM that caught more than 2000 **[5000]** tonnes in 2004 of bigeye shall not exceed 75% of the average annual bigeye catch for the years 2001-2004 or the year 2004, or level of reduction indicated by the 2008 stock assessment]

#### *Monitoring*

11. The Commission and CCMs will ensure that the necessary monitoring, control and surveillance measures are in place before July 1, 2008 in order to ensure compliance by purse seine vessels fishing on the high seas within the convention area during the July-September FAD closure.
12. In order to monitor compliance with the ~~catch-retention-and~~ FAD closure requirements, each CCM shall ensure that its purse seine vessels within the area bounded by 20N and 20S shall:
  - a) When operating, on any trip, principally in waters under the national jurisdiction of the flag State, and occasionally on adjacent high seas, carry an observer from a national or subregional observer programme duly authorised under the Commission's ROP; or
  - b) When operating outside of waters under the national jurisdiction of the flag State, carry an observer from a national observer programme of another CCM or from an existing subregional programme duly authorised under the Commission's ROP.
  - c. If an observer from a national from a national observer program or from an existing sub-regional program is available, the vessel will not be prevented from fishing until new arrangements be made to obtain and observer.
13. Each CCM shall ensure that its purse seine fishing vessels:
  - a) on the high seas in the Convention Area are equipped with ALCs that shall communicate such data as determined by the Commission;
  - b) In areas under national jurisdiction of another CCM shall operate an ALC in accordance with the applicable laws, including the standards, specifications and procedures determined by the coastal State.

#### *Data Provision*

14. CCMs shall ensure the provision of operational level catch and effort data and size composition data in the format required by the Rules of Provision of Scientific Data to the Commission.
15. Failure by CCMs to provide the data in para 12 will be taken into account by the Commission in implementing any additional reductions in fishing mortality that may be required to give effect to the precautionary approach.

## **Attachment 1. Elements of a FAD plan**

- 1. Limits on the number of licensed FADs**
- 2. The design, operation and maintenance of FADs**
- 3. Application process for deployment of FADs**
- 4. Location of FADs and reporting**
- 5. Marking of FADs**
- 6. Location in relation to navigational routes and shipping**
- 7. Closed areas**
- 8. Deployment of FADs in archipelagic waters**
- 9. The effect of FAD fishing by purse-seine vessels on tuna longline fishing**
- 10. Monitoring of the FAD fishery**
- 11. The effect of FAD fishing on sizes of tuna taken**
- 12. The effect of FAD fishing on by-catch species**
- 13. Reporting requirements for FAD fishing**
- 14. Reporting of species mix in the FAD fishing**
- 15. Reporting of by-catch in FAD fishing**
- 16. Reporting of utilisation of by-catch**
- 17. Conflict resolution in relation to FADs**
- 18. License status of vessels in relation to areas of FAD deployment**
- 19. Replacing of lost FADs**
- 20. Access to FAD areas**
- 21. Confidentiality of FAD position information**
- 22. Number of tender vessels per catcher vessel.**