



TECHNICAL AND COMPLIANCE COMMITTEE

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

WCPFC-TCC4-2008/14

18 September 2008

Proposal prepared by the Chairman

1. The Multilateral High Level Conferences, the Preparatory Conferences, and in the first and second regular sessions of the Commission (WCPFC), adopted a number of Resolutions and Conservation and Management Measures (CMMs) to mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean (WCPO).
2. For four consecutive years the Scientific Committee has provided advice and recommendations to the WCPFC 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.
3. Recognizing the failure of the WCPFC, at its Fourth Regular Session at Guam USA, to adopt a measure to address concerns relating to overfishing of bigeye and yellowfin tuna, particularly in relation to purse-seine fishing on FADs as agreed at WCPFC3 in December 2006, the WCPFC, agreed that, at its meeting in December 2008, it would adopt a supplementary and/or revised CMM for bigeye and yellowfin tuna (refer to paragraph 283 of the WCPFC4 Summary Report).
4. In preparing such a CMM, the Chairman has drawn on existing CMMs (2005-01 and 2006-01) and WCPFC4-2007/DP12 (a proposal tabled by FFA member CCMs at WCPFC3). The Chairman also drew upon the views of CCMs expressed during discussion on this matter at WCPFC3 and the useful discussions that took place at the Workshop of Stakeholders in WCPO Tuna Fisheries, convened by the Chairman, 1-2 April 2008 at Canberra, Australia.
5. Drawing on the advice of the Fourth Regular Session of the Scientific Committee, 11-22 August 2008 at Port Moresby, Papua New Guinea, the Chairman has prepared a consolidated draft CMM. In preparing this draft CCM the Chairman requested the

assistance of the Commission's Science Service Provider, SPC-OFP, to analyze a range of options and scenarios. The results of this analysis are presented as a supplementary paper to this draft CMM (WCPFC-TCC4-2008/14 Suppl.).

6. The purpose of a consolidated draft, as opposed to a third conservation and management measure for yellowfin and bigeye tuna, is to reduce confusion that is likely to arise if a large number of CMMs are adopted by the WCPFC to address one particular issue in the WCPO and to assist with administration and monitoring.

7. The Fourth Regular Session of the Technical and Compliance Committee is invited to provide advice and recommendations to the Fifth Regular Session of the Commission when it meets at Busan, Korea, 8-12 December 2008 in respect of implementation issues associated with various elements of the draft CMM (**Attachment A**) including:

- a. vessel monitoring systems requirements;
- b. observer program requirements;
- c. catch retention;
- d. FAD management;
- e. a program of work in Indonesia and Philippines;
- f. time and area closures; and
- g. capacity monitoring.

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Attachment A



FIFTH REGULAR SESSION

Busan, Republic of Korea

8-12 December 2008

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

Draft CMM 2008-xx

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 (WCPFC), a number of resolutions and conservation and management measures were developed to mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean (WCPO) and that these measures have been unsuccessful in either restricting the apparent growth of fishing capacity or in reducing the catch of bigeye or yellowfin juvenile tuna;

Recalling 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;

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;

Conscious that the WCPFC, at its regular sessions in December 2005 and 2006 adopted Conservation and Management Measures for bigeye and yellowfin tuna and agreed to review annually those measures;

Aware that the Commission committed itself, in 2006 and 2007, to adopt a measure at its next session to reduce juvenile bigeye and yellowfin tuna mortalities from fishing effort on Fish Aggregating Devices;

DRAFT

Noting that Article 30(1) of the Convention requires the WCPFC to give full recognition to the special requirements of developing States 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;

Noting further that Article 30(2c) of the Convention requires the WCPFC to measure 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 and possessions;

Taking note of Article 8(1) of the Convention requiring 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 WCPFC to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones;

Noting the 2008 Agreement among the Parties to the Nauru Agreement of May 2008 to link their fisheries partnership agreements to certain conditions relating to fishing activities in the high seas pockets contiguous to their waters under national jurisdiction;

Adopts, in accordance with Article 10 of the Convention, the following Measure with respect to bigeye tuna and yellowfin tuna, in particular.

GENERAL RULES OF APPLICATION

1. Through the adoption of necessary measures by Members of the WCPFC the total level of fishing effort for bigeye and yellowfin tuna in the Convention Area shall be reduced from the 2003-2006 average. This Conservation and Management Measure describes the actions and responsibilities required to achieve the reductions necessary.
2. In accordance with their commitments under Conservation and Management Measure 2004-02, this Measure shall apply equally to Cooperating Non Members of the WCPFC.
3. Commission Members of the WCPFC, Participating Territories and Cooperating Non Members (CCMs) shall take necessary measures to ensure that their fishing vessels be transferred to other CCMs only when such transfers do not result in overfishing in the Convention Area. Subject to the provisions of paragraph 5 and 6 below, this requirement will be achieved by verification, presented to each regular session of the Commission, as necessary, that such vessel transfers only occur following the removal of equivalent fishing effort from the Western and Central Pacific (WCPO) fishery.

DRAFT

4. For the purposes of this Measure, vessels operated under charter, lease or other similar mechanisms by developing island States and participating territories, as an integral part of their domestic fleet, shall be considered to be vessels of the host island state or territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to invite illegal, unreported and unregulated fishing vessels into the Convention Area. The WCPFC shall develop a Charter Arrangements Scheme, which will include notification provisions, at its Sixth Session in 2009.
5. Nothing in this decision shall prejudice the legitimate rights and obligations of those small island state Members and participating territories in the Convention Area seeking to develop their own domestic fisheries.
6. Notwithstanding paragraph 5, the provisions of this Conservation and Management Measure shall apply to domestic fisheries of small-island State members and participating territories.
7. The WCPFC will not delay the adoption of precautionary measures while research to reduce the catch of juvenile bigeye and yellowfin tuna in the WCPO tuna fishery is being undertaken by CCMs.
8. In giving effect to Conservation and Management Measure 2004-02, the WCPFC shall advise States wishing to acquire Cooperating Non Member (CNM) status that overfishing is currently taking place in respect of yellowfin and bigeye tuna in the WCPFC Convention Area, that the WCPFC is taking measures to reduce the fishing mortality on these stocks and therefore that their participation in any fisheries taking yellowfin and bigeye tuna in the WCPFC Convention Area will be limited should their applications for CNM status be successful.
9. This Measure shall be implemented in such a way as to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto Small Island developing States and territories.
10. The WCPFC will develop a program of work to support efforts in Indonesia and Philippines to implement this Measure.
11. This Measure will be reviewed annually and may be adjusted, on the advice of the Scientific Committee, concerning fishing mortality levels associated with maintaining the bigeye and yellowfin stocks at or above B_{MSY} in accordance with Article 5 of the Convention.

DRAFT

PURSE SEINE FISHERY

12. The purse seine fishery provisions of this Measure herein apply to the Convention Area bounded by 20⁰N and 20⁰S with the objective of achieving a 30% reduction in fishing mortality on bigeye and yellowfin tuna in the purse seine fishery in that region.

13. CCMs shall take necessary measures to ensure that purse seine vessel capacity and purse seine effort levels are reduced from the 2003-2006 average in waters under their national jurisdiction.

14. The WCPFC shall implement and monitor compatible measures, as described in this Measure, and as required under Article 8 of the Convention, to ensure that purse seine effort levels are reduced from the average of 2003-2006 levels on the high seas in the Convention Area by 30% and that the total fishing capacity will not increase in the Convention Area.

15. Noting the provisions of Article 8(4) of the Convention, as a contribution to the required reduction in fishing effort and fishing mortality on the high seas, there will be a total closure period for purse seine fishing in the high seas pockets entirely surrounded by the exclusive economic zones of Members of the Commission.

16. As a further contribution to the required reduction in fishing effort and fishing mortality on the high seas, there will be a closure period for purse seine fishing with fish aggregating devices (FADs) as described at paragraph 20 below.

17. For the members of the Pacific Islands Forum Fisheries Agency (FFA) who are Parties to the Nauru Agreement (PNA), the provisions of paragraph 24 shall be implemented by:

- a. Vessel Day Scheme which limits days fished to a level no greater than 2004 levels; and
- b. the Third Implementing Agreement among the Parties to the Nauru Agreement of May 2008.

18. Other non-PNA CCMs shall implement compatible measures to reduce purse seine effort in waters under their jurisdiction by 30% from the average 2003-2006 levels.

19. All CCMs will report to each regular session of the Technical and Compliance on the implementation of this Measure for their fishing vessels operating on the high seas or in waters under national jurisdiction. In consultation with CCMs, the Secretariat is directed to produce a standard template to support the reporting under this obligation by CCMs to the Fifth Regular Session of the Technical and Compliance Committee and each year thereafter.

CONTROL OF SETS ON FISH AGGREGATING DEVICES (FADS)¹

¹ For the purposes of this Measure, the term Fish Aggregation Device (FAD) means any man-made device, or natural floating object, whether anchored or not, that is capable of aggregating fish; and a FAD-set means as any fishing¹ activity conducted within one (1) kilometer of an anchored or drifting FAD.

DRAFT

FAD Closure

20. There shall be no fishing² on FADs by purse seine vessels in exclusive economic zones and the areas beyond national jurisdiction within the area bounded by 20⁰N and 20⁰S within the Convention Area between 0000 hours on 1 July and 2400 hours on 30 September each year.

21. CCMs shall ensure that the effectiveness of the closure is not undermined by a transfer of effort into archipelagic waters and territorial seas nor to areas within the Convention Area north of 20⁰N or south of 20⁰S.

22. The Scientific and the Technical and Compliance Committee shall review the effectiveness of the closure at their meetings in 2010, and make a recommendation to the Commission on any extension or modification to the closure.

FAD Management Plans

23. By 1 July 2009, CCMs shall submit to the WCPFC Management Plans for the use of FADs by their vessels. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna, including implementation of the FAD closure pursuant to paragraph 20 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 2).

24. Each purse seine fishing vessel deploying FADs in the WCPO purse seine fishery will permanently mark each FAD it deploys with i) the name of the parent purse seine fishing vessel, ii) its WIN, iii) a unique number for that FAD including the first two letters of the name of the parent purse seine vessel preceding the number, and iv) the date the FAD was first deployed. These details will be attached to the FAD, in the English language, in the form of an engraved stainless steel name plate no smaller in dimensions than 15cm by 15cm.

25. At each regular session of the Technical and Compliance Committee each CCM will present, as part of their Annual Report to the Commission Part 2, a FAD Management Plan Report. The report will, *inter alia*, i) detail the number of its vessels that deployed FADs in the previous calendar year, ii) the total number of new FADs deployed in the previous calendar year, and iii) the total number of FADs lost in the previous calendar year. This provision replaces paragraph 13 of CMM 2005-01 and paragraphs 4 and 5 of CMM 2006-01.

² This includes no deployment or servicing of Fish Aggregating Devices and associated electronic equipment, or fishing by purse seine vessels on floating objects.

DRAFT

JUVENILE TUNA CATCH MITIGATION RESEARCH

26. The Commission will work with CCMs to develop methods to reduce catches of juvenile bigeye and yellowfin tuna caught in association with FADs.

27. CCMs working independently or collaboratively with industry, and reporting through the Scientific Committee and the Technical and Compliance Committee at each regular session, shall explore and evaluate mitigation measures for juvenile bigeye and yellowfin taken around FADs and present the results annually to the Commission.

CATCH RETENTION

28. 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 20⁰N and 20⁰S from 11 February 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 well space to accommodate all fish caught in that set.

29. By 1 July 2009, each CCM shall submit to the Secretariat a copy of their Catch Retention Plan together with details of their implementation 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 as presented in WCPFC Circular 2007/14 Attachment 1. At its fifth regular session in 2009, the Technical and Compliance Committee will develop a definition of “fish unfit for human consumption”.

MONITORING

30. In order to monitor compliance with the catch retention, FAD closure requirements, and provide data on species mix and bycatch interactions, purse seine vessels fishing within the area bounded by 20⁰N and 20⁰S 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, are to carry, at all times, either an observer authorized by the Commission’s Regional Observer Program; or

- a. When operating, on any trip, principally in waters under the national jurisdiction of the flag State, and occasionally on adjacent high seas, an observer from a national or subregional observer programme;
- b. When operating outside of waters under the national jurisdiction of the flag State, an observer from a national observer programme of another CCM or from an existing subregional programme.

DRAFT

31. Each CCM shall ensure that its purse seine fishing vessels:
- a. on the high seas in the Convention Area are equipped with a satellite-based Mobile Transmitting Unit (MTU)s that shall communicate such data as determined by the WCPFC;
 - b. In areas under national jurisdiction of another CCM shall operate a MTU in accordance with the applicable laws, including the standards, specifications and procedures, determined by the coastal State.

LOGLINE FISHERY

32. The total catch of bigeye tuna by longline fishing gear will be subject to a phased reduction such that by 1 January 2012 the longline catch of bigeye tuna is 30% of the average annual bigeye catch for the years 2003-2006.

33. Paragraph 32 does not apply to CCMs that caught less than 1,000 tonnes in 2006. Each CCM that caught less than 1,000 tonnes of bigeye in 2006 shall ensure that their catch does not exceed 1,000 tonnes in each of the next 3 years (2009, 2010 and 2011).

34. Each CCM which caught an average of more than 1,000 tonnes of bigeye for the years 2003-2006 shall be subject to the following catches limits for bigeye tuna for the years 2009 to 2011 inclusive:

- a. 2009: 10% reduction of the average 2003-2006 catch
- b. 2010: 20% reduction of the average 2003-2006 catch
- c. 2011: 30% reduction of the average 2003-2006 catch.

OTHER COMMERCIAL TUNA FISHERIES³

35. The total fishing effort of CCMs commercial tuna fisheries⁴ for bigeye and yellowfin tuna, including purse-seining that occurs north of 20⁰N and south of 20⁰S, but excluding artisanal fisheries and those fisheries taking less than 1,000 tonnes of bigeye do not exceed the average level for the period 2003-2006.

³ “Other commercial fisheries” are those fisheries not addressed in CMM 2005-01, i.e. fisheries other than longline and tropical (20°N-20°S) purse seine. These include: hand-line, pole and line, purse seine fisheries north of 20°N or south of 20°S, ring-net, troll and unclassified fisheries.

⁴ As identified at SC2, Manila, Philippines.....

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DATA PROVISION

36. CCMs shall provide operational level catch and effort data and size composition data for all fleets⁵ in the format required by the rules and requirements adopted by WCPFC as “Scientific Data to be Provided to the Commission”.

37. The WCPFC shall take into account the level of compliance by CCMs to the data reporting requirements in paragraph 36 in implementing any additional reductions in fishing mortality that may be required to give effect to the precautionary approach.

PORT CONTROLS

38. Each CCM shall prohibit landings, transshipment and commercial transactions in tuna and tuna products that are positively identified as originating from fishing activities that contravene any element of the Commission’s Conservation and Management Measures.

CAPACITY

39. At the fifth regular session of the Technical and Compliance Committee CCMs will present verification of the fishing capacity of the fleet of tuna fishing vessels that they are responsible for, either as flag or chartering State, and which were active in the WCPF Convention Area in the period 2003-2006. The information provided will include, *inter alia*: number of vessels by gear type, the year each vessel entered the WCPO fishery for the first time, the fish carrying capacity (in m³), the gross tonnage (GT) and main engine power (in kW) of each vessel. This information will be updated by CCMs at each subsequent regular session of the TCC to be included in the WCPFC Record of Fishing Vessels.

FINAL CLAUSE

40. This Measure replaces CMM 2005-01 and CMM 2006-01

⁵ Including those identified as operating in “other commercial fisheries”.