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**Proposed Amendments to Conservation and Management Measure for Protection of  
Cetaceans from Purse Seine and Longline Fishing Operations (CMM 2011-03)**

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**WCPFC-TCC20-2024-DP04**

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**Paper by the United States and the Republic of Korea**

## **Proposed Amendments to Conservation and Management Measure for Protection of Cetaceans from Purse Seine and Longline Fishing Operations (CMM 2011-03)**

### **I. Explanatory Note**

There are a number of threatened and endangered cetaceans (whales, dolphins and porpoises) species and populations in the Western and Central Pacific Ocean and there is evidence that marine mammal interactions with fishing gear may lead to injury or mortality for some of these animals. WCPFC Conservation and Management Measure 2011-03 manages interactions between cetaceans and purse seine operations, however, there is no current measure to manage interactions between cetaceans and longline fisheries. This proposal seeks to expand information collection for cetacean interactions and to prohibit the retention, transshipment, or landing of any cetacean on longline vessels.

WCPFC16 tasked the WCPFC Science Service Provider (SSP) to provide estimates of fishery interactions with cetaceans in the WCPF Convention Area, to the lowest possible taxonomic level, and to provide a report to the Scientific Committee for its review ([WCPFC16 Summary Report, para. 521](#)).

The SSP has provided two such analyses on available data on cetacean interactions in WCPFC longline and purse seine fisheries, which were presented during SC16 ([SC16-ST-IP-12](#)) and SC17 ([SC17-ST-IP-10](#)). Table 1 below provides estimates of longline cetacean interactions using interaction rates based on observed interactions, as reported in those analyses.

**Table 1.** Annual estimates using interaction rates based on observed interactions in the WCPFC longline fishery (number per 100 sets by YEAR) and the total number of sets in the WCPFC longline fishery (excluding Indonesia and Vietnam, due to uncertain estimated effort).

| Estimated number of Cetacean interactions with the longline gear, based on observer reports in the WCPF Convention Area longline fishery, 2015–2022 |      |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|------|
| Species   | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
| FALSE KILLER WHALE  | 283  | 236  | 123  | 200  | 212  | 84   | 184  | 159  |
| TOOTHED WHALES NEI  | 283  | 142  | 68   | 235  | 248  | 70   | 15   | 0    |
| BOTTLENOSE DOLPHIN  | 101  | 110  | 68   | 35   | 0    | 28   | 76   | 29   |
| ROUGH-TOOTHED DOLPHIN   | 0    | 16   | 14   | 59   | 106  | 99   | 31   | 101  |
| RISSO'S DOLPHIN   | 101  | 32   | 55   | 23   | 35   | 56   | 0    | 43   |
| SHORT-FINNED PILOT WHALE  | 121  | 63   | 68   | 35   | 12   | 14   | 31   | 0    |
| WHALE (UNIDENTIFIED)  | 20   | 0    | 55   | 23   | 47   | 56   | 46   | 29   |
| DOLPHINS NEI  | 61   | 0    | 0    | 0    | 12   | 0    | 0    | 159  |
| SPINNER DOLPHIN   | 40   | 32   | 41   | 23   | 0    | 0    | 31   | 43   |
| INDO-PACIF. BOTTLENOSE DOLPHIN  | 61   | 16   | 0    | 35   | 35   | 28   | 0    | 14   |
| MELON-HEADED WHALE  | 81   | 16   | 0    | 23   | 24   | 14   | 0    | 0    |
| PANTROPICAL SPOTTED DOLPHIN   | 0    | 16   | 27   | 23   | 35   | 0    | 15   | 14   |
| BEAKED WHALES NEI   | 0    | 0    | 27   | 0    | 12   | 14   | 15   | 29   |
| STRIPED DOLPHIN   | 20   | 47   | 0    | 12   | 0    | 14   | 0    | 0    |
| COMMON DOLPHIN  | 20   | 47   | 0    | 0    | 0    | 14   | 0    | 0    |
| KILLER WHALE  | 0    | 0    | 0    | 47   | 0    | 0    | 15   | 14   |
| SPERM WHALE   | 40   | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| DWARF SPERM WHALE   | 0    | 16   | 0    | 12   | 0    | 0    | 0    | 0    |
| PYGMY KILLER WHALE  | 0    | 16   | 0    | 0    | 12   | 0    | 0    | 0    |
| PACIFIC WHITE-SIDED DOLPHIN   | 0    | 0    | 0    | 23   | 0    | 0    | 0    | 0    |
| FIN WHALE   | 20   | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| HUMPBACK WHALE  | 20   | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| PYGMY SPERM WHALE   | 20   | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| BLAINVILLE'S BEAKED WHALE   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 14   |
| SEI WHALE   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 14   |
| LONG-BEAKED COMMON DOLPHIN  | 0    | 16   | 0    | 0    | 0    | 0    | 0    | 0    |
| BLUE WHALE  | 0    | 0    | 14   | 0    | 0    | 0    | 0    | 0    |
| CUVIER'S BEAKED WHALE   | 0    | 0    | 14   | 0    | 0    | 0    | 0    | 0    |
| GINKGO-TOOTHED BEAKED WHALE   | 0    | 0    | 14   | 0    | 0    | 0    | 0    | 0    |
| FRASER'S DOLPHIN  | 0    | 0    | 0    | 0    | 12   | 0    | 0    | 0    |

Estimates included in Table 1 assume that the current 5% observer coverage in the WCPFC longline fishery is representative of the fishery. It should also be noted that observer coverage rates have varied across regions and across years (e.g. minimal to zero coverage during 2020-2023), and therefore estimates in Table 1 are biased by those areas of either higher or lower coverage rates.

The SSP has indicated that current observer coverage levels in the longline fishery are not sufficient enough to provide an understanding of spatial or temporal patterns of cetacean interactions (SC17-ST-IP-10), and that those areas identified as having higher interaction rates generally reflect areas with higher observer coverage (figures 4-8, SC17-ST-IP-10). Conversely, we could assume that those areas identified as having limited or zero interactions could be a

result of lower observer coverage levels. It should also be noted that frequency and extent of cetacean predation in the longline fishery is more than an order of magnitude higher than reported interactions (figure 9, SC17-ST-IP-10), which may give some indication that the opportunity for interaction is much higher than the rate of interactions actually recorded.

Article 6 of the WCPFC Convention states that in applying the precautionary approach, the Commission shall:

*1. (b) take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distributions of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socio-economic conditions;*

*1. (c) develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans where necessary to ensure the conservation of such species and to protect habitats of special concern; and*

*2. be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.*

Until such time that the WCPFC level of observer coverage provides sufficient data on cetacean interactions in the longline fishery, the United States and Korea are proposing the adoption of revisions to the current cetacean CMM to expand information collection for cetacean interactions and to prohibit the retention, transshipment, or landing of any cetacean on longline vessels.

## **II. Consideration of CMM 2013-06**

a. Who is required to implement the proposal?

*This proposal applies to all CCMs that have tuna longliners fishing in the WCPFC.*

b. Which CCMs would this proposal impact and in what ways and what proportion?

*CCMs do not target marine mammals in the WCPFC so it would have little impact on any CCMs.*

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, there are not.*

d. Does the proposal affect development opportunities of SIDS?

*No, this proposal does not affect development opportunities of SIDS.*

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

*No, this proposal does not affect SIDS domestic access to resources or development aspirations.*

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

*No resources are required for SIDS to implement this CMM.*

g. What mitigation measures are included in the proposal?

*No mitigation measures 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?

*This proposal does not place a disproportionate burden on SIDS and does not require additional assistance.*



**TWENTY-FIRST REGULAR SESSION**

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**CONSERVATION AND MANAGEMENT MEASURE FOR PROTECTION OF  
CETACEANS FROM PURSE SEINE FISHING OPERATIONS**

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**Conservation and Management Measure 2024-XX**

The Western and Central Pacific Fisheries Commission;

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

*Recognising* the ecological and cultural significance of cetaceans in the Western and Central Pacific Ocean (WCPO);

*Further recognizing* that numerous cetacean species and populations in the WCPFC Convention Area are threatened or critically endangered;

*Considering* the adverse effects of fishing for highly migratory fish stocks on some populations of cetaceans in the WCPO through capture, injury and mortality;

*Mindful* that cetaceans are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around them, or for toothed cetaceans to be attracted to the same prey as tuna;

*Aware* that pelagic longline fishing grounds overlap with the distributions of most cetacean species and that cetacean interactions with longline fisheries are known to occur in the Convention Area;

*Aware* that SC19 noted the value of improving the understanding of interaction rates, particularly species-specific rates, of cetaceans in the WCPO fisheries.

**Committed** to ensuring that potential impacts on the sustainability of cetaceans from mortality through purse seine and longline operations are mitigated;

**Required**, by Articles 5(d) and (e) of the Convention, to adopt management arrangements for cetaceans as non-target and associated or dependent species, as they are incidentally caught by purse-seine and longline fisheries in the WCPO.

**Further Required**, by Articles 5(f) of the Convention, to adopt measures to minimize catch of non-target species, both fish and non-fish species, and to protect biodiversity in the marine environment;

**Acknowledging** that the conservation of these species depends on co-operative and coordinated activity at the international level, and that Regional Fisheries Management Organisations play an integral role in mitigating the impacts of fishing on these species;

**Alarmed** by observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members, and Participating Territories that indicate a number of instances of interactions with these species, and instances of misreporting of such interactions in logbooks;

Adopts the following Conservation and Management Measure in accordance with Article 10 of the Convention:

1. CCMs shall prohibit their flagged vessels from setting a purse seine net on a school of tuna associated with a cetacean in the high seas and exclusive economic zones of the Convention Area, if the animal is sighted prior to commencement of the set.

2. CCMs shall require that, in the event that a cetacean is unintentionally encircled in the purse seine net, the master of the vessel shall:

(a) ensure that all reasonable steps are taken to ensure its safe release. This shall include stopping the net roll and not recommencing fishing operation until the animal has been released and is no longer at risk of recapture; and

(b) report the incident to the relevant authority of the flag State, including details of the species (if known) and number of individuals, location and date of such encirclement, steps taken to ensure safe release, and an assessment of the life status of the animal on release (including, if possible, whether the animal was released alive but subsequently died).

3. CCMs shall prohibit all longline and purse seine vessels flying their flag, including vessels fishing under charter arrangements, from retaining onboard, transshipping, or landing any cetacean, in whole or any part thereof, in the Convention Area.

4. CCMs shall require all longline vessels flying their flag, including those fishing under charter arrangements, to release any cetacean that is caught or entangled by fishing gear in the Convention Area as soon as possible and in a manner that results in as little harm to the cetacean as possible and utilizing the Best Practices for the Safe Handling and Release of Cetaceans (suppl\_CMM 2011-03-01) if possible.

5. CCMs shall require the master of all longline vessels flying their flag, including those under charter arrangements, to report any interaction with a cetacean to the relevant authority of the flag State, including details of the interaction, the species (if known) and number of individuals, location and date of such incidents, steps taken to ensure safe release, and an assessment of the life status of the animal on release (including, if possible, whether the animal was released alive but subsequently died).

6. CCMs shall submit operational level data on interactions with cetaceans in accordance with Scientific Data to be Provided to the Commission<sup>1</sup> (WCPFC Key Document Data-01).

35. In taking steps to ensure the safe release of the cetacean as required under paragraph 2(a) and 4, CCMs shall require the master of the vessel to follow any guidelines adopted by the Commission for the purpose of this measure.

46. In applying steps under paragraphs 2(a), 4 and 35, the safety of the crew shall remain paramount.

7. CCMs are encouraged to provide their purse seine and longline operators with outreach and education on the protection of cetaceans in the Convention Area and the information in the Best Practices for the Safe Handling and Release of Cetacean.

*Comment from United States/Korea*

*This would be associated with a request to the Commission to post a species identification guide for cetaceans that occur in the WCPO. There are multiple such guides that currently exist that could be utilized for this purpose.*

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<sup>1</sup> Section 1 of Scientific Data to be Provided to the Commission specifies that “Catch estimates shall also be provided for other species as determined by the Commission.”



58. CCMs shall include in their Part 1 Annual Report any instances ~~in which cetaceans have been encircled by the purse seine nets of their flagged vessels,~~ reported under paragraph 2(b) and 5. These reports shall include information on: observed and reported species specific cetacean interactions or statistically rigorous estimates of species-specific cetacean interaction rates (for longline, interactions per 1,000 hooks) and total numbers.

69. The Secretariat shall report on the implementation of this conservation and management measure on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.

710. This Conservation and Management Measure shall enter into force on ~~January 1, 2013.~~ [July 1, 2025].