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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)**

WCPFC21-2024-DP09_Rev01
30 November 2024

Submitted by the United States and the Republic of Korea

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

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 harvest, 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 provides estimates of longline cetacean interactions using interaction rates based on observed interactions, as reported in those analyses.

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 depredation 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 harvest, retention, transshipment, or landing of any cetacean on longline vessels.

The existing cetacean CMM (CMM 2011-03) and the proposed amendments to the cetacean CMM include requirements related to reporting interactions with fishing gear, including details regarding species identification, if known. To improve reporting accuracy and future assessments, we recommend that the proposed amendments to this measure be accompanied by a WCPFC21 outcome to produce cetacean species identification guides for the WCPO to be made available to vessels and crew.

Updates to this proposal made following discussions at TCC20 are shown below in track changes.

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 WCPFC 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

**Application of CMM 2013-06 to the
Proposed Amendments to Conservation and Management Measure for Protection of Cetaceans
from Purse Seine and Longline Fishing Operations
(CMM 2011-03)**

The following information is being provided to assist the Commission in understanding the CMM 2013-06 effects of the proposed changes by the United States and the Republic of Korea to the cetaceans measure. Specifically, this information evaluates the proposed revisions to the CMM requiring CCMs to prohibit the harvest, retention, transshipment, or landing of cetaceans in longline fisheries, mirroring requirements already in existence for purse seine vessels.

a. Who is required to implement the proposal?

The proposed revisions would apply to all CCMs that have [purse seine and](#) longline vessels fishing in the WCPFC Convention Area. The proposed revisions would prohibit longline vessels from harvesting, retaining onboard, transshipping, or landing any cetacean, in whole or any part thereof, in the Convention Area. The revisions mirror the current purse seine reporting requirements in the longline fishery.

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

The proposed revisions would impact any CCMs that currently harvest, retain, transship, or land any whole or part of a cetacean in their longline fisheries. We are not aware of any CCMs that target cetaceans with the intention of harvesting, retaining, transshipping, or landing in the WCPFC Convention Area. The proposed revisions will also require CCMs to report interactions between longline vessels and cetaceans. Positive impacts include better quality data regarding cetacean interactions and, therefore, improved fisheries management.

c. Are there linkages with other proposals or instruments in other Regional Fisheries Management Organizations or international organizations that reduce the burden of implementation?

In 2022, WCPFC adopted [Best Practices for the Safe Handling and Release of Cetaceans](#), which should provide assistance to CCMs in implementing requirements to release cetaceans in longline fisheries.

d. Does the proposal affect development opportunities of SIDS?

In advance of the proposal deadline, we requested input from SIDS on this 2013-06 analysis.

Pending requested input from SIDS, the authors believe the answer to be: No, the proposal does not affect development opportunities for SIDS or Participating Territories (hereafter “SIDS”).

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

Pending requested input from SIDS, the authors believe the answer to be: No, this proposal does not affect SIDS domestic access to resources or development aspirations. See further details in paragraph d above.

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

CCMs, including SIDS, are currently required to release a number of species that interact with longline vessels, including sea turtles and sharks. The proposed revisions would not require any additional skills or capacity not already required of fishing vessel captains and crew. Additional reporting requirements might require implementation of updated reporting procedures.

The current proposed measure poses an additional burden on SIDs administrations, as it requires an increase of efforts for reporting for the longline fishery on their Annual Report.

g. What mitigation measures are included in the proposal?

With no identified issues identified in questions above, there are no corresponding mitigation measures for disproportionate burden.

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

~~Pending requested input from SIDS, the authors do not anticipate that this proposal would transfer a disproportionate burden on SIDs nor require additional assistance.~~
Support for capacity building to crew for the implementation of the proposed measure would be of value. Assistance for meeting reporting requirements would also be of value.



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

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 (e) and (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 harvesting, 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, taking into account the safety of the crew, any cetacean that is caught or entangled by its 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 incidents of hooking or entanglement interaction with of a cetacean to the relevant authority of the flag State, including details of the interaction, the information on the species to the extent possible and number of individuals, location and date of such incidents, steps taken to ensure safe release, and an assessment of the life status or condition 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 incidents of hooking, entanglement, and encirclement interactions with of cetaceans in accordance with Scientific Data to be Provided to the Commission¹ (WCPFC Key Document Data-01).

37. In taking steps to ensure the safe release of the cetacean as required under paragraphs 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.

48. In applying steps under paragraphs 2(a), 4 and 7 3, the safety of the crew shall remain paramount.

9. 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.

~~[510. 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 to the extent possible or statistically rigorous estimates of species specific cetacean interaction rates (for longline, interactions per 1,000 hooks) and total numbers.]~~

611. 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.

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

¹ 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.”

Audit Points Checklist for Proposed New or Amended Obligations

("Audit Points Checklist")

(To be completed by proponents of new and amended measures. This checklist should not be confused with the "2013-06 Checklist", which is specific to impacts of new or amended proposals on SIDS.)

1. To whom does the obligation apply? Set out any proposed exceptions or exclusions.

All CCMs

Flag CCMs

Some CCMs - if so, which CCMs?

All CCMs that have longline vessels fishing in the WCPFC Convention Area

2. What is the scope of the new obligations (i.e., does it apply to a particular geographical area, fishery, stock, species of special interest?)

The proposed new obligations apply to all CCMs that have longline vessels fishing in the WCPFC Convention Area.

3. Are there existing obligations that should be assessed in combination with any of the proposed new obligations? If so, name the CMM and paragraph(s), or other Commission obligation.

No

4. Which proposed new obligations will require submission of Reports (R) or Implementation Statements (I), impose Limits (L), or have Deadlines (D)? Please fill out the relevant section(s) for each of the proposed new obligations.

Paragraph 3, 4 and 5 will require submission of Implementation Statements (I).

Paragraph 6 ~~and 10~~ will require submission of Reports (R).

I. Deadline

Specify what is required and by what deadline.

Regarding paragraph 6, CCMs shall submit operational level data on interactions with cetacean for the previous year by 30 April.

~~[As for paragraph 10, CCMs shall include in their Part 1 Annual Report (by 7 July) information on: observed and reported species-specific cetacean interactions [to the extent possible] or statistically rigorous estimates of species-specific cetacean interaction rates (for longline, interactions per 1,000 hooks) and total numbers.]~~

II. **Report**

Specify the type of information that is required, including any specific formats or templates to be used, and whether the information must be complete (100%) or a sub-set of information is sufficient to meet the proposed objective.

Regarding paragraph 6, CCMs shall submit operational level data on interactions with cetaceans. The information must be complete.

~~[As for paragraph 10, CCMs shall include in their Part 1 Annual Report information on: observed and reported species-specific cetacean interactions [to the extent possible] or statistically rigorous estimates of species-specific cetacean interaction rates (for longline, interactions per 1,000 hooks) and total numbers. The information must be complete.]~~

Is this information already provided wholly or in part through any other data submission requirement, i.e. operational level catch and effort data?

The information is provided in part through observer reports/data.

If no, specify the proposed reporting mechanism to be used for submission of new required information (i.e., Annual Report Part 1, Annual Report Part 2, direct to WCPFC Secretariat, other)

Can the information provided be verified through another source? If yes, specify what other data or information source should be used.

No

III. **Implementation**

In addition to the required Implementation Statements, list any additional information required to demonstrate CCM's implementation with the proposed new requirement.

Describe any data or other information that can be reviewed by the WCPFC Secretariat to confirm or verify implementation.

Observer reports/data may have relevant information.

IV. **Quantitative Limit**

Specify the proposed CCM-level or Collective limit.

Specify what verifiable data shall be provided by CCM to confirm its adherence to the limit. Specify what data sources are available to the WCPFC Secretariat to review and confirm CCM's reported limit.

V. **Other**

**If none of the other categories are appropriate:
Specify the nature of the obligation. Specify how compliance is to be assessed.**

Process for considering proposed audit points alongside new proposals

The purpose of the checklist is for proponents of new obligations to identify what they see as being the appropriate criteria or performance standard by which compliance should be assessed against new or amended obligations. This process will assist in identifying data gaps, potential duplication of reporting, and existing measures that might be linked to new or amended obligations.

The process for considering proposed audit points for proposed new obligations is as follows:

Step 1: Proponent of the proposed new or amended obligation(s) submits a completed AP Checklist at the same time as the proposed new or amended obligation(s) is submitted.

Step 2: Where proposed new or amended obligation(s) undergoes further discussion and negotiation, the AP Checklist remains attached to the proposal and is also considered throughout the iterative process.

Step 3: If proposed new or amended obligation(s) reaches the stage of finalization for adoption, the lead CCM on finalizing the proposed new or amended obligation(s) also updates the AP Checklist to reflect the final proposed new or amended obligation(s).

Step 4: The proposed audit points for the proposed new or amended obligation(s) are adopted as part of the final proposed new or amended obligation(s) and attached to the final CMM, or in the case of a Commission decision that is not reflected in a CMM, the proposed audit points are posted on the appropriate section of the WCPFC website associated with the decision or outcome.

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

Obligation	Description	Category	Draft Audit Point
Para 3, 4, 5	These paragraphs will require the submission of an implementation statement.	(I)	The CCM provided the Secretariat with an implementation statement.
Para 6	CCMs shall submit operational level data on interactions with cetaceans for the previous year by 30 April.	(R)	The CCM submitted operational level data for the previous year by 30 April.