



## **FIFTH REGULAR SESSION**

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

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**WCPFC5-2008/DP22 [Rev 2 (left column) and 3 (right column)]  
9 December 2008**

#### **Proposal by the Chairman**

*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 (CMMs) 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 fishing mortality of bigeye or juvenile yellowfin 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

**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 (CMMs) 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 fishing mortality of bigeye or juvenile yellowfin 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 stock is subject to overfishing, and that and yellowfin stocks are currently being fished at capacity, 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 CMMs for bigeye and yellowfin tuna and agreed to review annually those measures;

**Aware** that the WCPFC 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;

**Noting** that Article 30(1) of the Convention requires the WCPFC 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;

**Noting further** that Article 30(2)(c) of the Convention requires the WCPFC to ensure 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

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 stock is subject to overfishing, and that and yellowfin stocks are currently being fished at capacity, 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 CMMs for bigeye and yellowfin tuna and agreed to review annually those measures;

**Aware** that the WCPFC 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 (FADs)<sup>1</sup>;

**Noting** that Article 30(1) of the Convention requires the WCPFC 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;

**Noting further** that Article 30(2)(c) of the Convention requires the WCPFC to ensure 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 Arrangement among the Parties to the Nauru Agreement of May 2008 to adopt a package of measures for their exclusive economic zones including a prohibition on fishing in the high seas pockets adjacent to their waters as a condition of access to their waters;

**Noting** that limits on the levels of fishing have been adopted by the WCPFC under CMM 2005-01<sup>1</sup> and CMM 2006-01<sup>2</sup> and that these previously agreed limits should form the baseline for any future measures.

**Noting further** paragraph 19 of CMM 2005-01 which states that: “Any future reduction in catch levels shall take into account increases in the levels of such catches by each CCM in recent years.”

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

pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones;

**Noting** the Parties to the Nauru Agreement have agreed to implement the Third Arrangement of the Nauru Agreement of May 2008 (Attachment A).

**Noting** that limits on the levels of fishing have been adopted by the WCPFC under CMM 2005-01<sup>2</sup> and CMM 2006-01<sup>3</sup> and that these previously agreed limits should form the baseline for any future measures.

**Noting further** paragraph 19 of CMM 2005-01 which states that: “Any future reduction in catch levels shall take into account increases in the levels of such catches by each CCM in recent years.”

**Adopts**, in accordance with Article 10 of the Convention, the following Measure [to be implemented over a three-year period] with respect to bigeye tuna and yellowfin tuna, in particular.

## **OBJECTIVES**

1. The objectives of this Measure are to:

- Ensure through the implementation of compatible measures for the high seas and exclusive economic zones (EEZs) that bigeye and yellowfin tuna stocks are maintained at levels capable of producing their maximum sustainable yield;
- Achieve, over a three-year period commencing in 2009, a minimum of 30% reduction in bigeye tuna fishing mortality from the annual average during the period 2001-2004;
- Ensure that there is no increase in fishing mortality for yellowfin tuna beyond the annual average during the period

## GENERAL RULES OF APPLICATION

1. Through the adoption of necessary measures, the ratio of fishing mortality to FMSY for bigeye tuna shall be reduced below 2001-2004 levels and the ratio of fishing mortality to FMSY for yellowfin tuna shall not be increased beyond 2001-2004 levels<sup>3</sup>.
2. These measures will be reviewed annually. The level of reduction in the ratio of fishing mortality to FMSY may be adjusted, considering the advice of the Scientific Committee concerning fishing mortality levels associated with maintaining the bigeye and yellowfin stocks at or above BMSY in accordance with Article 5 in the Convention, and any advice from the Scientific or Technical and Compliance Committees regarding the effectiveness or any implementation issues with respect to these measures. In particular, the Scientific Committee, in reviewing the implementation of this CMM, will identify adjustments to levels of fishing effort to ensure that the bigeye and yellowfin stocks will remain at or above BMSY.
3. Commission Members, Cooperating Non-Members and Participating Territories (CCMs) shall take necessary measures to ensure that their fishing vessels be transferred to other CCMs only when such transfers do not result in an increase in fishing effort by that gear type in the Convention Area.
4. For the purposes of these measures, vessels operated under charter,

2001-2004 average; and

- Adopt a package of measures that will be reviewed annually and adjusted as necessary by the Commission taking account of the scientific advice available at the time. In addition, this review shall include any adjustments required by Commission decisions regarding management objectives and reference points.

## GENERAL RULES OF APPLICATION

2. For the purposes of these measures, vessels operated under charter,

lease or other similar mechanisms by developing islands 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 IUU vessels. The Commission shall consider the implementation of a Charter Arrangements Scheme at its 6th Session in 2009.

5. In giving effect to CMM 2004-02, the WCPFC shall advise States wishing to acquire Co-operating Non members (CNM) status that there is a high probability that overfishing is currently taking place in respect of yellowfin and bigeye tuna in the WCPF Convention Area. The WCPFC is taking measures to reduce the fishing mortality on these stocks. Therefore that their participation in any fisheries taking yellowfin and bigeye tuna in the WCPF Convention Area will be limited should their applications for CNM status be successful.

6. The WCPFC will not delay the adoption of precautionary measures while research to reduce the catch of juvenile bigeye and yellowfin tuna is being undertaken by CCMs.

7. The WCPFC will develop a program of work to support efforts in Indonesia and the Philippines to implement this measure.

8. Nothing in this measure 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.

lease or other similar mechanisms by developing islands 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 charter known IUU vessels. The Commission shall consider the implementation of a Charter Arrangements Scheme at its 6th Session in 2009.

3. In giving effect to CMM 2004-02, the WCPFC shall advise non-Parties to the Convention wishing to acquire Co-operating Non member (CNM) status that there is a high probability that overfishing is currently taking place in respect of bigeye and yellowfin and tuna in the WCPF Convention Area. Therefore, where necessary, the limits that apply to CNMs, particularly on the high seas, will be determined by the Commission in accordance with CMM 2004-02 or its revision.

4. The Commission will not delay the adoption of precautionary measures while research to reduce the fishing mortality on juvenile bigeye and yellowfin tuna is being undertaken by CCMs.

5. The Commission will develop a program of work to support efforts in Indonesia and the Philippines to implement this measure. This program of work shall, as appropriate, include other coastal States in the region which are not members of the WCPFC but conduct fishing activities on the species covered by this measure.

6. The Commission encourages CCMs to ensure that the effectiveness of these measures is not undermined by a transfer of effort into archipelagic waters and territorial seas.

7. Unless otherwise stated, nothing in this measure 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.

## **PURSE SEINE FISHERY**

9. The purse seine fishery provisions of this Measure herein apply to the Convention Area bounded by 20°N and 20°S with the objective of achieving a 30% reduction in fishing mortality on bigeye in the purse seine fishery in that area and reducing the risk of overfishing yellowfin tuna, beginning in 2009.

10. CCMs shall ensure that the effectiveness of these measures for the purse seine fishery are not undermined by a transfer of effort into archipelagic waters and territorial seas nor to areas within the Convention Area north of 20°N or south of 20°S .

## **PURSE SEINE FISHERY**

8. The purse seine fishery provisions of this Measure herein apply to the Convention Area bounded by 20°N and 20°S with the objective of achieving over a 3-year period commencing from the date this measure comes into effect in 2009, a 30% reduction in fishing mortality on bigeye tuna in the purse seine fishery in that area and reducing the risk of overfishing yellowfin tuna.

9. CCMs should ensure that the effectiveness of these measures for the purse seine fishery are not undermined by a transfer of effort into areas within the Convention Area north of 20°N or south of 20°S.

### *Measures for 2009*

#### EEZ and High Seas

10. For the members of the Pacific Islands Forum Fisheries Agency (FFA) who are Parties to the Nauru Agreement (PNA), this measure will be implemented through their domestic processes and legislation, including the Vessel Day Scheme which limits total days fished in the EEZs of PNA members to no greater than 2004 levels (Attachment C).

10 (bis). There shall be a 60-day FAD closure in EEZs and on the high seas in the area bounded by 20°N and 20°S commencing 1 July 2009 and extending through 31 August 2009. During this closure, vessels may fish free schools on the condition that each operation is monitored by an observer drawn from the Regional Observer Programme.

#### High Seas Alternative

11. As an alternative to the high seas FAD closure required in para. 10, members may adopt measures for reducing their effort on the high seas by 10% relative to 2004 levels (see Attachment B). Such alternative

*Waters under the jurisdiction of PNA members*

14. For the members of the Pacific Islands Forum Fisheries Agency (FFA) who are Parties to the Nauru Agreement (PNA), this measure will be implemented through their domestic processes and legislation. The arrangements are described in WCPFC-TCC4-2008/DP-04:
- 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.

15. The arrangements described in WCPFC-TCC4-2008/DP-04 include a 3 month FAD closure period in the EEZ of the PNA member countries from 0000 hours on 1 July each year until 2400 hours on 30

measures proposed by members shall constitute a genuine reduction in fishing days from the published 2004 effort levels. Members will advise the Commission of their proposed alternative measures no later than 15 February 2009. The Commission will review these submissions and take them into account when assessing the effectiveness of the Measure.

*Measures for 2010-2011*

EEZs

*Waters under the jurisdiction of PNA members*

12. For the members of the Pacific Islands Forum Fisheries Agency (FFA) who are Parties to the Nauru Agreement (PNA), this measure will be implemented through their domestic processes and legislation, including:

- a. the Vessel Day Scheme which limits total days fished in the EEZs of PNA members to no greater than 2004 levels (Attachment C); and
- b. the Third Arrangement Implementing the Nauru Agreement of May 2008 which comprises a 3 month FAD closure period in the EEZs of the PNA member countries from 0000 hours on 1 July each year until 2400 hours on 30 September each year; full catch retention; conditions for fisheries access to EEZs linked to agreements by vessel operators not to fish in the high seas pockets contiguous to the zones of PNA CCMs; and monitoring of the purse-seine fleet in national waters.

September each year, full catch retention, conditions for fisheries access to EEZs linked to fishing in the high seas pockets contiguous to the zones of PNA CCMs and monitoring of the purse-seine fleet in national waters.

*Waters under the jurisdiction of non-PNA members*

16. Other non-PNA CCMs shall implement compatible measures to reduce purse seine fishing mortality on bigeye tuna in waters under their jurisdiction by 30% from the baseline levels.

*High Seas*

11. Noting the provisions of Article 8(4) of the Convention, as a contribution to the required reduction in fishing mortality the reduction on the high seas will be achieved by implementing a total purse-seine closure in the high seas from 0000 hours on 1 July each year until 2400 hours on the 30th September each year.

12. CCMs shall ensure that the effectiveness of these measures for the high seas purse seine fishery are not undermined by a transfer of effort into archipelagic waters and territorial seas nor to areas within the Convention Area north of 20°N or south of 20°S.

13. The Commission will develop a high seas vessel day scheme (HS VDS) to be compatible with the PNA VDS to provide a common currency for managing purse seine effort. Based on the advice and recommendations of the SC and TCC the Commission will adopt such a scheme at its annual session in 2009 such that effort on the high seas is reduced by 30% from 2001-2004 levels.

Waters under the jurisdiction of non-PNA members

13. Other non-PNA CCMs shall implement compatible measures to reduce purse seine fishing mortality on bigeye tuna in waters under their jurisdiction by 30% from the 2001-2004 levels, subject to the authorization of fishing rights under existing regional or bilateral fisheries partnership arrangements or agreements, provided these are registered with the Commission and provided that the number of licenses authorized under such arrangements does not increase<sup>4</sup>.

High Seas

14. There shall be a 3-month FAD closure on the high seas in the area bounded by 20°N and 20°S commencing 1 July and extending through 30 September. Vessels may fish free schools during this closure on the condition that each operation is monitored by an observer drawn from the Regional Observer Programme.

15. The high seas pockets consisting of areas between 20°N and 20°S



## **CONTROL OF SETS ON FISH AGGREGATING DEVICES (FADS)**

### *FAD Closure*

17. Beginning in 2009 there shall be no deployment or servicing of FADs and associated electronic equipment, or fishing by purse-seine vessels on floating objects by purse seine vessels in waters under national jurisdiction (in exclusive economic zones) 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.

18. All man made FADs will be physically removed from the water by 0000 hours on 1 July each year. No re-deployment of man-made FADs will take place until 2400 hours on 30th September each year.

19. The compatible reduction in the high seas effort will be achieved by implementing a total closure period for purse seine fishing in the high seas from 0000 hours on 1 July each year until 2400 hours on the 30th September each year as described in paragraph 11 above.

20. Notwithstanding the provisions of paragraph 8 above, the provisions of paragraphs 17, 18 and 19 apply to the domestic fleets of developing States including small island developing States and participating territories in the Convention Area.

### *FAD Management Plans*

21. By 1 July 2009, CCMs fishing on the high seas shall submit to the WCPFC Management Plans for the use of FADs by their vessels on the high seas. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna, including implementation of the FAD

entirely surrounded by EEZs shall be closed to purse seine fishing (Attachment D). This closure may be reviewed upon development and implementation of the Commission's anticipated high seas VDS.

### *FAD Management Plans*

16. By 1 July 2009, CCMs fishing on the high seas shall submit to the Commission Management Plans for the use of FADs by their vessels on the high seas. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna, including implementation of the

closure pursuant to paragraph 17 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).

22. Each purse seine fishing vessel deploying FADs in the purse seine fishery in the Convention area will permanently mark each artificial or man made FAD it deploys with i) the name of the parent purse seine fishing vessel, ii) its WCPFC Identification Number (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 permanently 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.

23. 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 WCPFC 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. At its Regular Session in 2009, the TCC will develop advice and recommendations for the acquisition, by the Commission, of FAD associated satellite buoy position information for the high seas.

#### **JUVENILE TUNA CATCH MITIGATION RESEARCH**

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

25. 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

FAD closure pursuant to paras. 10 and 14 above. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Attachment E).

17. The WCPFC Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical & Compliance Committee and the Commission in 2009 including:

- a. Marking and identification of FADs;
- b. Registration and reporting of position information from FAD-associated buoys;
- c. Limits to the number of FADs deployed or number of FAD sets made; and
- d. Removal of FADs from the water during periods of FAD closures.

#### *Juvenile Tuna Catch Mitigation Research*

18. The Commission will work with CCMs, regional tuna commissions and industry to develop methods to reduce catches of juvenile bigeye and yellowfin tuna caught in association with FADs.

19. 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**

26. 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 20°N and 20°S 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 is insufficient well space to accommodate all fish caught in that net in which case the proportion of the catch that would otherwise be discarded to the sea may be loaded to a second purse-seine vessel. All such net sharing incidents will be fully reported on daily log sheets submitted to the Commission and will include the quantity and species of catch shared.

27. Each CCM will report on the application of the catch retention requirements of this Measure in their Part 2 Annual Report.

### **MONITORING**

28. In order to monitor compliance with the catch retention, FAD closure requirements, and provide data on species mix and by-catch interactions, purse seine vessels fishing within the area bounded by 20°N and 20°S 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

evaluate mitigation measures for juvenile bigeye and yellowfin taken around FADs and present the results annually to the Commission.

### *Catch Retention*

20. 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 EEZs and on the high seas within the area bounded by 20°N and 20°S from 1 January 2010 to retain on board and then land or transship all bigeye, skipjack and yellowfin tuna. The only exceptions shall be:

- a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set; or
- b) when the fish are unfit for human consumption for reasons other than size; or when serious gear malfunction occurs jeopardizing the safety of the vessel and crew.

### *Monitoring*

21. In order to monitor compliance with the catch retention and FAD closure requirements, and to provide data on species mix and by-catch interactions, purse seine vessels fishing within the area bounded by 20°N and 20°S 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, an observer from the Commission's Regional Observer Programme. The Secretariat, in conjunction with the IATTC, will develop a cross-endorsement arrangement in order to allow vessels operating within IATTC and WCPFC areas on the same fishing trip to use the same observer.

occasionally on adjacent high seas, an observer from a national or sub-regional observer programme;

- b. When operating outside of waters under the national jurisdiction of the flag State, an observer in accordance with the WCPFC Regional Observer Program

29. Each CCM shall ensure that its purse seine fishing vessels:

- a. on the high seas in the Convention Area are equipped with a continuously functioning satellite-based ALC (Automatic Location Communicator) that shall communicate such data to the Commission as determined by the WCPFC;
- 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 that coastal State.

#### **OTHER CONSIDERATION FOR PURSE SEINE MEASURES**

30. Developing skipjack purse seine fisheries, between 20°N and 20°S, that can provide verifiable evidence of minimal yellowfin and bigeye by-catch, with 100% observer coverage, and with a legitimate development plan, will be exempted. Any such plan shall restrict the use of FADs and implement other such management measures necessary to minimize impacts on bigeye and yellowfin. These measures must be supported by adequate monitoring, control and surveillance to ensure their effective implementation. Existing plans shall be tabled at the Commission for information. Any new plan is to be tabled at the Commission before Government approval. The Commission is to be given the opportunity to comment on the plan before its approval.

#### *Other Considerations for Purse Seine Measures*

22. Developing skipjack purse seine fisheries, between 20°N and 20°S that can provide verifiable evidence of minimal yellowfin and bigeye by-catch (<1%), with 100% observer coverage, and with a legitimate development plan, will be exempted. Any such plan shall restrict the use of FADs and implement other such management measures necessary to minimize impacts on bigeye and yellowfin tunas. These measures must be supported by adequate monitoring, control and surveillance to ensure their effective implementation. Existing plans shall be tabled at the Commission for information. Any new plan is to be tabled at the Commission before Government approval. The Commission is to be given the opportunity to comment on the plan before its approval.

## LOGLINE FISHERY

31. The longline fishery provisions of this Measure herein apply to the Convention Area with the objective of achieving a 30% reduction in fishing mortality on bigeye and reducing the risk of overfishing yellowfin tuna in the purse seine fishery in that region.

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 70% of the base level catch described in CMM 2005-01 (provided at Attachment A of this CMM). The catch of yellowfin tuna in the longline fishery is not to be increased from the baseline levels.

33. Paragraph 32 does not apply to members that caught less than 2,000 tonnes in 2004. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 3 years (2009, 2010 and 2011). Consistent with paragraph 5 opportunities for non members will be decided by the Commission on a case by case basis.

34. Each member which caught an average of more than 2,000 tonnes of bigeye for the baseline years shall be subject to the following catches limits for bigeye tuna for the years 2009 to 2011 inclusive:

2009:10% reduction of the baseline catch  
2010:20% reduction of the baseline catch  
2011:30% reduction of the baseline catch.

35. If such reductions would result in a catch limit less than 2000 tonnes for a member, then a catch limit of 2,000 tonnes shall apply to that member.

## LOGLINE FISHERY

23. 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 70% of the average annual catch in 2001-2004 (Attachment F).

24. Para. 23 does not apply to members that caught less than 2,000 tonnes in 2004. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 3 years (2009, 2010 and 2011). In accordance with para. 7, the 2,000 tonne limit shall not apply to small island developing State Members and participating territories in the Convention Area undertaking responsible development of their domestic fisheries. Consistent with para. 3 opportunities for non members will be decided by the Commission on a case by case basis.

25. Each member or cooperating non-Member that caught an average of more than 2,000 tonnes of bigeye for the baseline years shall be subject to the following catch limits for bigeye tuna for the years 2009 to 2011 inclusive:

2009: 10% reduction of the average annual catch in 2001-2004;  
2010: 20% reduction of the average annual catch in 2001-2004;  
2011: 30% reduction of the average annual catch in 2001-2004.

26. If such reductions would result in a catch limit less than 2,000 tonnes for a Member, then a catch limit of 2,000 tonnes shall apply to that Member.

36. CCMs shall not transfer their longline targeting to yellowfin to compensate for the reduction in effort in the bigeye fishery.

#### **OTHER COMMERCIAL TUNA FISHERIES<sup>5</sup>**

37. Beginning in 2007, CCMs have undertaken to take necessary measures to ensure that the total capacity of their respective “other” commercial tuna fisheries for bigeye and yellowfin tuna, including purse-seining that occurs 20 north and 20 south, but excluding artisanal fisheries and those fisheries taking less than 2,000 tonnes of bigeye and yellowfin, do not exceed the average level for the period 2001-2004 or 2004. The measure of capacity is the appropriate unit of fishing effort for each gear type.

#### **DATA PROVISION**

38. CCMs shall provide within the agreed timeframes each year, operational level catch and effort data and size composition data for all fleets in the format required by the rules and requirements adopted by WCPFC as “Scientific Data to be Provided to the Commission”.

39. The WCPFC shall take into account the level of compliance by CCMs to the data reporting requirements in paragraph 38 in implementing any additional reductions in fishing mortality that may be required to give effect to the precautionary approach.

27. CCMs shall not transfer their longline targeting to yellowfin to compensate for the reduction in bigeye catch.

28. FFA Members will be adopting a system of zone-based longline limits to replace the current system of flag-based bigeye catch limits. The Commission will review this system for possible wider application when details are made available.

#### **OTHER COMMERCIAL TUNA FISHERIES<sup>4</sup>**

29. Beginning in 2007, CCMs have undertaken to take necessary measures to ensure that the total capacity of their respective “other” commercial tuna fisheries for bigeye and yellowfin tuna, including purse seining that occurs north of 20°N-or south of 20°S, but excluding artisanal fisheries and those fisheries taking less than 2,000 tonnes of bigeye and yellowfin, do not exceed the average level for the period 2001-2004 or 2004. CCMs shall provide the SC with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2009 and future years.

#### **DATA PROVISION**

31. CCMs shall provide within the agreed timeframes each year, operational level catch and effort data and size composition data for all fleets in the format required by the rules and requirements adopted by WCPFC as “Scientific Data to be Provided to the Commission”.

32. The WCPFC shall take into account the level of compliance by CCMs to the data reporting requirements in para. 31 in implementing any additional reductions in fishing mortality that may be required to give effect to the precautionary approach.

## **PORT CONTROLS**

40. 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**

41. Noting paragraph 8 of this measure, and in order to understand the level of fishing capacity present in the Convention Area, 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 each year in the period 2001-2008. The information provided will include, *inter alia*: vessel name, IMO number, national registry number and WIN, number of vessels by gear type, the year each vessel entered the WCPO fishery for the first time, the fish carrying capacity (in m<sup>3</sup>), 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.

## **REPORTING**

42. All CCMs will report to each regular session of the Technical and Compliance Committee, through their Annual Report Part 2, on the implementation of this Measure for their fishing vessels operating on the high seas and/or in waters under national jurisdiction. The Fifth Regular Session of the Technical and Compliance Committee will prepare a template for reporting this requirement for the consideration of WCPFC6.

## **PORT CONTROLS**

33. 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**

34. Drawing on work that has been completed by CCMs, the WCPFC Secretariat shall present a report on measuring and monitoring fishing capacity in the WCPO for consideration by TCC5.

## **REPORTING**

35. All CCMs will report to each regular session of the Technical and Compliance Committee, through their Annual Report Part 2, on the implementation of this Measure for their fishing vessels operating on the high seas and/or in waters under national jurisdiction. The Technical and Compliance Committee will prepare a template for reporting this requirement for the consideration of WCPFC.

**FINAL CLAUSE**

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

**FOOTNOTES:**

<sup>1</sup> CCMs shall take necessary measures to ensure that purse seine effort levels do not exceed either 2004 levels, or the average of 2001 to 2004 levels, in waters under their national jurisdiction, beginning in 2006.

For the longline fishery, the catch of bigeye for each CCM for the next three years shall not exceed the average annual bigeye catch for the years 2001–2004 or the year 2004 (for China and USA). Each CCM that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next three years.

<sup>2</sup> Beginning in 2007, CCMs shall take necessary measures to ensure that the total capacity (effort?) of their respective other commercial tuna fisheries for bigeye and yellowfin tuna, including purse-seining that occurs 20 north and 20

**FINAL CLAUSE**

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

**ATTACHMENTS**

Attachment A: Third Arrangement of the Nauru Agreement of May 2008

Attachment B: Baseline Effort Levels for Purse Seine Fisheries

Attachment C: Vessel Day Scheme limits on Total Days Fished

Attachment D: Map showing EEZs and the High Seas Pockets

Attachment E: Suggested Guidelines for Preparation of FAD Management Plans (WCPFC Circular 2007/14 Attachment 2)

Attachment F: Baseline Catch Levels for Longline Fisheries

**FOOTNOTES:**

<sup>1</sup> For the purposes of these measures, 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.

<sup>2</sup> CCMs shall take necessary measures to ensure that purse seine effort levels do not exceed either 2004 levels, or the average of 2001 to 2004 levels, in waters under their national jurisdiction, beginning in 2006.



south, but excluding artisanal fisheries and those fisheries taking less than 2000 tonnes of bigeye and yellowfin, do not exceed the average level for the period 2001-2004 or 2004. Beginning in 2007, CCMs shall take necessary measures to ensure that the level of purse seine fishing effort by their vessels in areas of the high seas does not exceed 2004 levels or the average of 2001-2004.

<sup>3</sup> 2001-2004 levels of fishing effort shall include fishing rights authorized under existing regional or bilateral fisheries partnership arrangements or agreements, provided these are registered with the Commission, and provided that the number of licenses authorized under such arrangements does not increase. CCMs were required to have registered their bilateral agreements or arrangements with the Commission in advance of the Third Session of the Commission in December 2006.

<sup>4</sup> For the purposes of these measures, 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.

<sup>5</sup> 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

<sup>3</sup> Beginning in 2007, CCMs shall take necessary measures to ensure that the total capacity (effort?) of their respective other commercial tuna fisheries for bigeye and yellowfin tuna, including purse-seining that occurs 20 north and 20 south, but excluding artisanal fisheries and those fisheries taking less than 2000 tonnes of bigeye and yellowfin, do not exceed the average level for the period 2001-2004 or 2004. Beginning in 2007, CCMs shall take necessary measures to ensure that the level of purse seine fishing effort by their vessels in areas of the high seas does not exceed 2004 levels or the average of 2001-2004.

<sup>4</sup> CCMs were required to have registered their bilateral agreements or arrangements with the Commission in advance of the Third Session of the Commission in December 2006.

<sup>5</sup> 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.