



SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
7-11 December 2009

**INFORMATION RELATING TO PARAGRAPH 20 OF CMM 2008-01: 2009 HIGH SEAS
ALTERNATIVE MEASURE**

WCPFC6-2009/IP12
12th November 2009

Prepared by the Secretariat

Introduction

1. Paragraphs 15 and 16 of Conservation and Management Measure 2008-01 (CMM 2008-01) describe commitments and undertakings required of Members, Cooperating Non-members and Participating Territories (CCMs) in implementing alternative measures to the high seas FAD closure described at paragraph 13 in 2009.

High Seas Alternative to Paragraph 13 (Catch Limits)

15. As an alternative to the high seas FAD closure established pursuant to paragraph 13, Members may adopt measures to reduce their catch by weight of bigeye tuna in the purse seine fishery in the area between 20°N and 20°S by a minimum of 10 percent relative to 2001-2004 average levels through a Member-specific catch limit to achieve this goal. This alternative shall only be available to Members identified by the Commission in advance as having demonstrated a functioning capacity to implement such measures in an effective and transparent manner, including through: an established and functioning port monitoring program that allows monitoring of bigeye landings for each trip by each vessel; a commitment to carry on board observers from the Regional Observer Program, including upon return to port so that the observer can view the port monitoring program for each trip; a commitment to provide data for each trip by each vessel to the Commission within 30 days from the completion of the trip; having provided operational catch and effort data at least for the period 2001 to 2004 to substantiate the base level catch and effort; other such conditions as the Commission may determine. Any such program will be open to audit by the Commission to review the effectiveness of the program.

16. Once identified by the Commission as having met the requirements outlined above, the Members in question shall submit the full details of their intended measures and their port monitoring program to the Commission by 31 January 2009. The Commission will review these submissions and take them into account when assessing the effectiveness of the measures.

2. Paragraph 20 of CMM 2008-01 provides that:

Alternative measures may be set to reduce bigeye catch by a further 20% as a result of the review by the Commission of the 2009 alternative measure.

3. Neither the Summary Report of the Fifth Regular Session of the Commission (WCPFC5), nor CMM 2008-01 itself describes a process to be followed in further consideration of the

provisions of paragraphs 15 and 16. The Summary Report of WCPFC5 does not “identify” any CCMs as having met the requirements outlined in paragraph 15.

4. Subsequent to WCPFC5, the Secretariat received submissions in respect of paragraph 15 from New Zealand (received 31/1/2009), Japan (received 30/1/2009) and Philippines (received 30/1/2009). These submissions were circulated to all CCMs as attachments to Circular 2009/01 (distributed 2/2/2009).

5. In February and March 2009 the Secretariat provided preliminary comments to New Zealand (10/3/2009 – Attachment A), Japan (20 and 23/2/2009 – Attachment B) and the Philippines (10/3/2009 – Attachment C). In accompanying emails the Secretariat advised New Zealand, Japan and the Philippines that i) there was no role prescribed in CMM 2008-01 for the Secretariat to review of the alternative measures submitted and, as such, it was uncertain what responses were expected to the Secretariat’s comments, ii) it was not clear if circulation of the submissions received constituted “identification”, and iii) it was not clear what Commission process will be used to “review” the submissions.

6. In June (10/6/2009) the Secretariat received comments on the submissions by New Zealand, Japan and the Philippines from the USA (Attachment D).

7. During 2009 Japan, New Zealand (until July) and the Philippines submitted data and information consistent with the undertakings described in their respective January submissions. The data provided were:

- a. Operational logsheet data for the Japanese purse seine fleet in the tropical WCPFC Convention Area (20°N-20°S) for years 2001-2004, which satisfied the criteria for the provision of scientific data to the WCPFC (provided on 16th April 2009).
- b. The regular provision of purse seine landings data for Japanese purse seine vessels fishing the in the tropical WCPFC Convention Area (20°N-20°S), since February 2009. The landings data represent weighed catch (by species and size category) offloaded in Japanese ports during 2009, As at 10th November 2009, data for 179 landings had been received by the WCPFC Secretariat.
- c. The provision of eight individual trips reports for the New Zealand purse seine fleet in accordance with WCPFC CMM 2008-01 Para 15.
- d. Operational logsheet data for the Philippines domestic purse seine fleet for the period 2001-2004. Some of these data did not satisfy the criteria for the provision of operational data to the WCPFC, and a request for resubmission was sent by the WCPFC Secretariat (see WCPFC-SC5-2009/GN-WP16)

8. On 27th July 2009 New Zealand wrote to the Secretariat advising that its purse seine fleet no longer intended to implement the alternative measures described in its January 2009 submission and, instead, would participate fully in the high seas FAD closure described at paragraph 13 of CMM 2008-01 (Attachment E).

Advice and recommendations

9. The Sixth Regular Session of the Commission (WCPFC6) is invited to review the arrangements for alternative measures to the high seas FAD closure provided for at paragraph 13 of CMM 2008-01 and consider alternative measures to reduce bigeye catch by a further 20% as provided for at paragraph 20, if required.

Review of the Bigeye Tuna Management Plan for 2009 Submitted to WCPFC by New Zealand in Accordance With CMM 2008-01

1. Does the proposal describe an established and functioning (or new) port monitoring program that allows monitoring of bigeye landings for each trip by each vessel?

In regard to port monitoring, the Plan states that *“As a means to independently determine the species proportions within that catch, New Zealand will carry out port sampling in accordance with robust port sampling standards and protocols, developed in consultation with SPC Oceanic Fisheries Programme, to meet the requirements of WCPFC CMM 2008-01.*

“Port sampling will be carried out by independent and impartial observers accredited under the Pacific Islands Forum Fisheries Agency (FFA) observer programme and trained in port sampling. The primary objective of the port sampling programme is to determine the species composition of the overall catch taken on each trip. New Zealand will work with the SPC to refine port sampling methodology and protocols with the view to achieving statistically robust species composition estimates.”

Thus, a new port monitoring program for New Zealand-flagged vessels will be established. The sampling protocols for current port monitoring programs in the region have been developed to estimate the species composition for time-area strata, rather than for individual trips. It remains to be seen whether the sampling protocols for the New Zealand program will result in data from which unbiased and reliable estimates of the species composition per trip can be determined.

2. Does the proposal include a commitment to carry on board observers from the Regional Observer Program, including upon return to port so that the observer can view the port monitoring program for each trip?

Yes. The Plan states *“Consistent with Paragraph 15 of CMM 2008-01, New Zealand hereby makes a commitment to ensure that New Zealand vessels will carry on board observers from the Regional Observer Programme in accordance with requirements put in place by the Commission... ROP observers will also be provided with an opportunity to view and, where appropriate, participate in the port sampling programme when the vessels arrive in port.”*

3. Does the proposal describe the mechanism to submit vessel trip data within 30 days of the completion of a trip”?

Yes. The Plan states *“New Zealand will report data for each trip by a New Zealand flagged purse seine vessel involving fishing between 20N – 20S to the Commission within 30 days of the completion of the trip. These reports will include: (1) Catch and effort data summaries; (2) Port sampling reports including species composition data collected by the programme; (3) Observer reports if available; and (4) Cannery data if available.”*

4. Has the member provided operational catch and effort data at least for the period 2001 to 2004 to substantiate the base level catch and effort?

Yes. However, the coverage of operational data during this period was 79.3%.

5. Does the proposal describe a mechanism for limiting the catch of bigeye tuna to ensure that the limit is not exceeded, in particular a mechanism for ensuring zero catch subsequent to the catch limit being reached if that occurs?

Yes. Section 8 of the proposal “Administration of the programme” describes a mechanism for limiting the catch of bigeye tuna to ensure that the limit is not exceeded, including a mechanism for ensuring zero catch subsequent to the catch limit being reached, if that occurs.

Review of the Bigeye Tuna Management Plan for 2009 Submitted to WCPFC by Japan in Accordance With CMM 2008–01

1. Does the proposal describe an established and functioning (or new) port monitoring program that allows monitoring of bigeye landings for each trip by each vessel?

In regard to port monitoring, the Plan states that *“FAJ ensures 100% coverage of the landing inspection by inspectors. For this purpose, FAJ has designated the following five (5) ports as JPS landing ports... The inspectors conduct landing inspection for all landings by JPS to check the actual amount of bigeye tuna...”*

In regard to landings data, the Plan also states *“Inspectors report FAJ certified inspection result immediately after the completion of the landing.”*

There is no description of what constitutes a *“landing inspection”*; therefore, the information in the Plan is insufficient to determine whether there is a port monitoring program that allows monitoring of bigeye landings for each trip for each vessel.

If landings data and port sampling data are used to estimate the catch of bigeye per trip per vessel, then the following information are required to determine whether the program is adequate:

- (a) The annual coverage rates of the landings data used to correct the operational data (e.g., the percentage of trips or the percentage of the annual catch covered by the landings data). If landings for all trips were used to correct the operational data, then this percentage would be 100%.
- (b) The annual coverage rates of the port sampling data (i.e., the ratio of the catch contained in all of the wells that were sampled in port during the year to the annual catch).
- (c) A description of the port sampling protocol (e.g., the number of trips sampled per annum and the method for selecting trips, the average number of wells sampled per trip and the method for selecting wells, and the average number of fish sampled per well and the method for selecting fish).
- (d) A description of the statistical procedures used to correct the operational data with the landings data and port sampling data.

2. Does the proposal include a commitment to carry on board observers from the Regional Observer Program, including upon return to port so that the observer can view the port monitoring program for each trip?

Yes. The Plan states *“In accordance with paragraph 29, CMM08-01, FAJ ensures observers from the Regional Observer Program to be boarded JPS at least 20% of all the fishing trips in the management areas... These observers monitor the entire fishing trips of JPS, including upon returning to port so that the observer can view the port monitoring for each trip.”*

3. Does the proposal describe the mechanism to submit vessel trip data within 30 days of the completion of a trip”?

Yes. Notwithstanding the issue raised under criteria #1 above, the Plan states “*Inspectors report FAJ certified inspection result immediately after the completion of the landing. FAJ provides data from the landing inspection for each trip by each vessel to the WCPFC Secretariat within 30 days of the completion of the landing.*”

4. Has the member provided operational catch and effort data at least for the period 2001 to 2004 to substantiate the base level catch and effort?

Yes. However, the operational data provided by Japan are not consistent with the guidelines on Scientific Data to be Provided to the Commission (see email from Andrew Wright to Keisuke Satoh of 20 February 2009)¹.

5. Does the proposal describe a mechanism for limiting the catch of bigeye tuna to ensure that the limit is not exceeded, in particular a mechanism for ensuring zero catch subsequent to the catch limit being reached if that occurs?

Yes. The Plan states, “*To ensure the catch limit, when amount of bigeye tuna landed reaches 90% of the catch limit, FAJ requires JPS to make daily reporting of bigeye catch. Taking account of catch trend, FAJ directs a specific date for a closure of JPS fishing operation in the management area*”.

¹ A revision of data were received on 16th April 2009 which then satisfied the criteria for the provision of operational data

Review of the Bigeye Tuna Management Plan for 2009 Submitted to WCPFC by the Philippines in Accordance With CMM 2008–01

1. Does the proposal describe an established and functioning (or new) port monitoring program that allows monitoring of bigeye landings for each trip by each vessel?

In regard to port monitoring, the Plan states that *“The National Stock Assessment Program (NSAP) being implemented by the National Fisheries Research and Development Institute (NFRDI) will continue to collect and monitor port sampling data (species composition, length frequency and vessel catch and effort information) as a priority activity. Support has been provided to the NSAP from the IPDCP to better coordinate the collection and processing of data, through the activities of an Assistant National Tuna Coordinator, and by upgrading hardware and regional capacity. Based on the 8 existing tuna sampling and monitoring sites, and addition 15 sites will be established in 2009.”*

While a port monitoring program has been established, the objective of sampling has not been to estimate the species composition per trip. It remains to be seen whether the sampling protocols for the Philippines program will result in data from which unbiased and reliable estimates of the species composition per trip can be determined.

2. Does the proposal include a commitment to carry on board observers from the Regional Observer Program, including upon return to port so that the observer can view the port monitoring program for each trip?

Yes. The Plan states *“The Philippines shall develop and implement a National Observer Program. The program shall comply with the standard guidelines and requirements of the Regional Observer Program being implemented by the WCPFC. Training for the national observers to be deployed will be organized this April 2009 in collaboration with the WCPFC. All purse seine fishing vessels will be required to carry on-board observers. The trained observers will also be designated as part of the inspection and monitoring team.”*

3. Does the proposal describe the mechanism to submit vessel trip data within 30 days of the completion of a trip”?

The Plan states *“All purse seine fishing operators, including tuna canneries shall submit catch and effort logsheets or monthly cannery unloading data to NSAP project leaders within 30 days from the completion of the landings. These data will then be forwarded to the Fisheries Regulatory and Quarantine Division of the Bureau of Fisheries and Aquatic Resources for verification and encoding purposes. The TUFMAN data system, which has recently been installed by SPC, will be utilized for data processing and recording. All purse seine catch and effort data will be consolidated into a report by the National Tuna Coordinator for endorsement by the BFAR Director to the WCPFC.”*

While data will be submitted to NSAP project leaders within 30 days from the completion of the landings, it is not clear from this text whether the vessel trip data will be submitted to the Commission within 30 days of the completion of the trip.

4. Has the member provided operational catch and effort data at least for the period 2001 to 2004 to substantiate the base level catch and effort?

The Plan states that *“The Philippines has already provided the WCPFC Secretariat with the operational catch and effort data on the high seas, which is estimated at 7,140 days in 2004. While the operational catch and effort data on the EEZ is still work in progress, the SPC has initially estimated the purse seine fishing effort on the EEZ to be at 5,603 fishing days for 2004. Pending the final submission and verification of operational catch and effort data including supporting documents, the total purse fishing effort is estimated at 12,743 fishing days for the meantime.”*

SPC holds operational catch and effort data covering Philippines-flagged vessels operating in the waters of Papua New Guinea; however, these data have been provided by Papua New Guinea, rather than the Philippines, and they have not been provided to the Commission. No operational data covering Philippines-flagged vessels have been provided by the Philippines to the Commission.

5. Does the proposal describe a mechanism for limiting the catch of bigeye tuna to ensure that the limit is not exceeded, in particular a mechanism for ensuring zero catch subsequent to the catch limit being reached if that occurs?

No. The proposal makes no reference to a mechanism for limiting the catch of bigeye tuna to ensure that the limit is not exceeded.