



COMMISSION
NINTH REGULAR SESSION
Manila, Philippines
2-6 December 2012

Draft - Conservation Management Measure 2012-01 (CMM 2012-01)

WCPFC9-2012-35
6 December 2012
1220hrs

DRAFT

Conservation and Management Measure 2012-01

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 (the Commission), 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 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 that 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;

Recalling further the final statement of the Chairman of the Multilateral High Level Conferences in 2000 that: “It is important to clarify, however, that the Convention applies to the waters of the Pacific Ocean. In particular, the western side of the Convention Area is not intended to include waters of South-East Asia which are not part of the Pacific Ocean, nor is it intended to include waters of the South China Sea as this would involve States which are not participants in the Conference” (Report of the Seventh and Final Session, 30th August- 5 September 2000, p.29);

Recognising that the Scientific Committee has determined that the bigeye stock is subject to overfishing, and that 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;

Recognizing further the interactions that occur between the fisheries for bigeye, yellowfin and skipjack tuna;

Noting that Article 30(1) of the Convention requires the Commission 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, including the provision of financial, scientific and technological assistance;

Noting further that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular small island developing States and Territories. This includes ensuring 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;

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

Noting the Parties to the Nauru Agreement (PNA) have adopted and implemented “A Third Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms And Conditions Of Access To The Fisheries Zones Of The Parties”

Noting further that the Members of the Pacific Islands Forum Fisheries Agency have indicated their intention to adopt a system of zone-based longline limits to replace the current system of flag-based bigeye catch limits within their EEZs;

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

I. Objectives and general rules

Objectives

The objectives of this Measure are to ensure that:

General

1. compatible measures for the high seas and exclusive economic zones (EEZs) are implemented so that bigeye, yellowfin and skipjack tuna stocks are, at a minimum, maintained at levels capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by Article 5 of the Convention. The Commission will amend, or replace the objectives with target reference point after its adoption.

Skipjack

2. the Fishing Mortality Rate (F) for skipjack will be maintained at a level no greater than Fmsy, i.e. $F/F_{msy} \leq 1$.

Bigeye

3. the fishing mortality rate for bigeye tuna will be reduced to a level no greater than Fmsy, i.e. $F/F_{msy} \leq 1$. This objective shall be achieved through step by step approach through 2017 in accordance with this Measure.

Yellowfin

4. the fishing mortality rate is not greater than Fmsy, i.e. $F/F_{msy} \leq 1$.

General Rules

Attribution of Charter Arrangements

5. For the purposes of paragraph 15 and 25, attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2011-05 shall be attributed to the chartering Member, or Participating Territory. Attribution for the purpose of this Measure is without prejudice to attribute for the purposes of establishing rights and allocation.

Non-Parties

6. In giving effect to CMM 2009-11 or its replacement the Commission shall advise

non-Parties to the Convention wishing to acquire Co-operating Non Member (CNM) status as follows: (a) that for bigeye tuna the current fishing mortality rate is above that associated with MSY and the Scientific Committee recommends a reduction in F for bigeye tuna; (b) yellowfin tuna is not being overfished but current F is close to Fmsy and the Scientific Committee recommends no increase in F for yellowfin tuna; (c) that skipjack tuna is not being overfished and that the Scientific Committee recommended that the Commission consider adopting limits on fishing for skipjack tuna and noted that additional purse seine effort on skipjack tuna will yield only modest long term gains in catches. Therefore, where necessary, the limits that apply to CNMs, particularly on the high seas, will be determined by the Commission in accordance with CMM 2009-11 or its revision.

Small Island Developing States

7. Unless otherwise stated, nothing in this Measure shall prejudice the rights and obligations of those small island developing State Members and Participating Territories in the Convention Area seeking to develop their domestic fisheries. This paragraph shall not be applied to paragraphs 10, 11, 12, 13, 15, and 25.

Transfer of effort

8. CCMs shall ensure that the effectiveness of these measures for the purse seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20S in order to not undermine the effectiveness of these measures. In order not to undermine the effectiveness of these measures, CCMs shall not transfer fishing effort in days fished in the purse seine fishery to areas within the Convention Area north of 20N.

Area of application

9. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.

II. Interim Measure for 2013

Purse seine fishery in tropical area (20N – 20S)

FADs management

10. A three (3) months (July, August and September) prohibition of setting on FADs shall be in place for all purse seine vessels fishing in EEZs and high seas in the Convention Area (see **Attachment 3** paragraphs 3 -7 of CMM 2009-02 for the rules for

the FAD closure).

11. In addition to Paragraph 8, for additional reduction of FAD sets, flag CCMs shall implement one of the following two options;*

- (i) prohibition of setting on FADs in October, or
- (ii) annual limit of FAD sets to 8/12 of the average number of annual FAD sets between 2001-2011 of the CCM (Attachment A), or for a SIDS CCM, 8/9 of the three years average (2009-2011) of the CCM.**

* Purse seine vessels under SIDS CCMs' flag smaller than 50 m LOA (13 vessels currently on the WCPFC Record of Fishing Vessels) are exempted from this reduction requirement. When a SIDS CCM chooses the second option (paragraph 9 (ii)), purse seine vessels newly introduced in 2012 and 2013 are managed outside of the FAD set limit for that CCM. Those purse seine vessels exempted or managed outside the FAD set limit shall be notified to the Secretariat by 31 January 2013.

** The levels of FAD sets indicated in Attachment A are without prejudice to any future decisions on CMM-specific FAD set limits.

CCM shall notify its intent on which option it will implement to the Secretariat by 31 January 2013. Detailed operation of this option (ii) shall be conducted in accordance with the guideline attached as Attachment B.

Effort management

EEZ

12. Coastal States within the Convention Area that are Parties to the Nauru Agreement (PNA) shall restrict the level of purse seine effort in their EEZs to 2010 levels through the PNA Vessel Days Scheme.

13. Other coastal States with effort in their EEZs exceeding 1,000 days annually over the period of 2006-2010 shall limit effort in their EEZs to 2001-04 average or 2010 levels.

14. Other coastal States within the Convention Area other than those referred to in 13 shall establish effort limits or equivalent catch limits for purse seine fisheries within their EEZs that reflect the geographical distributions of skipjack, yellowfin, and bigeye tunas, and are consistent with the objectives for those species. Limits established

pursuant to this provision shall be provided to the Commission by the relevant coastal States no later than 16 November 2013.

High Seas

15. Each CCM shall take measures not to increase fishing days on high seas.

16. Philippines shall restrict their purse seine fishing in the western High Sea Pocket No.1 (Attachment C) as provided in Attachment D and shall not fish in the High Sea Pocket No.2. Philippines shall take necessary measure not to increase fishing days and vessel number deployed in the High Sea Pocket No. 1.

Yellowfin tuna

17. CCMs are encouraged to take measures not to increase their catch of yellowfin tuna.

Catch retention

18. 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 tunas and other fish, 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 to retain on board and then land or transship at port all bigeye, skipjack, yellowfin tuna. (See CMM 2009-02 paragraphs 8-13 for the Commission's rules for catch retention.)

The only exceptions to this paragraph shall be:

- a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set noting that excess fish taken in the last set may be transferred to and retained on board another purse seine vessel provided this is not prohibited under applicable national law; or
- b) when the fish are unfit for human consumption for reasons other than size; or
- c) when serious malfunction of equipment occurs.

19. Nothing in paragraphs 10, 11 and 18 shall affect the sovereign rights of coastal States to determine how these management measures will be applied in their waters, or to apply additional or more stringent measures.

Monitoring and control

20. Notwithstanding the VMS SSP, a purse seine vessel shall not operate under manual reporting during FADs closure period. The flag State shall be notified when VMS data

is not received by the Secretariat at the interval a specified in CMM2007-02 and paragraph 24.

21. CCMs shall ensure that purse seine vessels entitled to fly their flags and fishing within the area bounded by 20° N and 20°S exclusively on the high seas, 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, shall carry an observer from the Commission's Regional Observer Program (ROP).

22. Each CCM shall ensure that all purse seine vessels fishing solely within its national jurisdiction within the area bounded by 20° N and 20°S carry an observer. These CCMs are encouraged to provide the data gathered by the observers for use in the various analyses conducted by the Commission, including stock assessments, in such a manner that protects the ownership and confidentiality of the data.

23. ROP reports for trips taken during FADs closure period shall be given priority for data input and analysis by the Secretariat and the Commission's Science Provider.

24. VMS poling frequency shall be increased to every 30 minutes from 2 hour before the local sunrise until the local sunrise during the FAD closure period.

[[FAD Management Plan]]

Longline fishery

Catch limits

25. The catch limits for bigeye tuna shall be as specified in Attachment E.

Monthly catch report of bigeye

26. CCMs with catch limits shall report monthly the amount of bigeye catch by its flagged vessels to the Secretariat by the end of the following month. Reports shall include catch of the month and catch for the year to date. When 90% of the catch limit for a CCM is reached, the Secretariat shall notify that to all CCMs.

Yellowfin tuna

27. CCMs are encouraged to take measures not to increase their catch of yellowfin tuna. Each CCM shall report to WCPFC10 its 2013 catch of yellowfin tuna as of October 31.

Other Commercial fisheries

28. To assist the Commission in the further development of provisions to manage the catch of bigeye, yellowfin, and skipjack tunas the Scientific and Technical and Compliance Committees during their meetings in 2013 will provide advice to the Commission on which fisheries should be included in this effort and what information is needed to develop appropriate management measures for those fisheries.

29. CCMs shall take necessary measures to ensure that the total effort and capacity of their respective other commercial tuna fisheries for bigeye, yellowfin and skipjack tuna but excluding those fisheries taking less than 2,000 tonnes of bigeye, yellowfin, and skipjack, shall not exceed the average level for the period 2001-2004 or 2004.

30. CCMs shall provide the Commission with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2013 and future years.

III. Measures for 2014-2017

31. The Commission shall establish at WCPFC10 a multi-year management program for 2014-2017 to achieve the Objectives set out in paragraphs 1-4 above. A WG shall be established to develop a draft of the multi-year management program for 2014-2017 to be considered at TCC9. In doing so, the WG shall consider;

- Management measures for both purse seine and longline fisheries to reduce fishing mortality of bigeye,
- Alternative measures intended to reduce the catch of juvenile tunas, such as a limit on FAD set numbers,
- The zone-based management for longline fishery in PNA waters,
- Special requirements of SIDS that CMMs will not result in a disproportionate burdens on SIDS,
- Improvement of MCS measures to enhance both monitoring of and compliance with CMMs,
- Issue of attribution of bigeye catch in the overlapping area to catch limits of WCPFC and IATTC,
- Conservation and economic implications of two 2 months FAD closures rather than 4 month FAD closure,
- Means to address issues of non-compliance with relevant CMMs, and;

- Other issues identified by WG that may contribute to achieving the Commission's conservation objectives for skipjack, yellowfin and bigeye tunas.

32. These measures shall be reviewed and amended, if necessary, in 2015 to achieve the Objectives.

IV. Final Clause

33. This measure replaces CMM2008-01 and CMM2011-01.

Attachment A: Estimated FAD sets undertaken in the tropical purse seine fishery of the WCPFC Convention Area (20° N-20° S), by flag, 2001-2011.

CCM	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average (2001- 2011) (a)	(a)*8/12	For SIDs only	
														Average (2009- 2011) (b)	(b)*8/9
CHINA	17	139	226	544	936	933	900	1,199	1,559	692	2,090	840	560	-	-
CHINESE TAIPEI	1,641	2,670	1,930	3,300	2,742	3,080	2,788	2,254	2,750	1,842	2,952	2,541	1,694	-	-
ECUADOR							98	443	124	181	425	254	169	-	-
EL SALVADOR	9	29	1				54	152	162	136	185	91	61	-	-
FEDERATED STATES OF MICRONESI A	326	395	502	794	499	282	341	481	736	433	877	515	343	682	606
INDONESIA	?	?	?	?	?	?	?	?	?	?	?	?	-	-	-
JAPAN	2,319	2,022	2,267	3,161	2,378	2,617	2,437	2,603	2,409	829	1,320	2,215	1,477	-	-
KIRIBATI	70	61	63	96	103	66	61	69	234	222	560	146	97	339	301
MARSHALL ISLANDS	422	580	878	1,066	936	783	898	469	633	638	1,471	798	532	914	812
NEW ZEALAND	141	469	440	578	197	498	443	445	391	193	166	360	240	-	-
PAPUA NEW GUINEA	2,126	2,575	2,759	4,281	4,508	3,659	2,985	3,409	3,865	2,596	3,347	3,283	2,189	3,269	2,906
PHILIPPINES (distant-water)	989	1,040	1,265	1,242	1,192	1,023	691	964	1,090	801	946	1,022	681	-	-
PHILIPPINES (domestic)	?	?	?	?	?	?	?	?	?	?	?	?	-	-	-
REPUBLIC OF KOREA	655	1,332	764	2,620	898	2,327	1,870	1,951	2,178	1,101	2,126	1,620	1,080	-	-
SOLOMON ISLANDS	285	261	356	430	459	554	483	391	540	353	760	443	295	551	490
SPAIN	65	40	59	82	48	139	259	425	336	384	488	211	141	-	-
TUVALU									29	40	55	41	27	41	37
UNITED STATES OF AMERICA	2,049	1,782	1,587	2,086	1,335	1,553	1,401	2,774	3,783	2,398	3,407	2,196	1,464	-	-
VANUATU	37	145	181	742	764	487	623	228	385	192	326	374	249	301	268
Total	11,152	13,541	13,278	21,022	16,995	18,003	16,331	18,257	21,205	13,032	21,500	16,756	11,300		
Notes															
1. Covers Drifting FAD, Log and Anchoored FAD sets															
2. Includes archipelagic and high seas															
3. Complete information from Indonesia and Philipines are not available															

Attachment B (Guideline for alternative FAD management)

1. In order to observe the FAD set limit, the flag CCM participating the project shall ensure to take the following measures;

- (1) In order to monitor the number of FAD set in a timely manner, the captain of a purse seine vessel shall transmit a photocopy of its logbook of the previous week to the flag CCM authority every Monday. The photocopy is also provided to the observer onboard.
- (2) The flag CCM shall compile the information and provide biweekly (i) number of FAD set as well as total set and bigeye catch by set by vessel and (ii) accumulated information of (i) of its vessels to the Secretariat.
- (3) After the number of FAD set conducted reaches 80% of the set limit, the CCM shall report the information (2) above weekly to the Secretariat.
- (4) After the number of FAD set conducted reaches 90% of the set limit, the captain shall transmit the photocopy of its logbook daily to the flag CCM authority.
- (5) When the number of FAD set conducted reaches the limit, the CCM shall promptly take necessary measures to ensure that no further set on FADs shall be made by its purse seine vessels during that calendar year and report the measures taken to the Secretariat.
- (6) If a vessel is found by its flag CCM to have conducted a set on FAD after the closure, the CCM shall penalize the vessel in accordance with its domestic laws and regulations and report the results to the Secretariat.

2. A CCM implementing the alternative measure shall report the status of implementation of the project through Part 2 report and to SC as well as TCC. If there is a comment from a Committee, the CCM shall respond within one month through the Secretariat.

Attachment C: High Sea Pocket Picture

Attachment D

1. This CMM shall apply to Philippine traditional fresh/ice chilled fishing vessels operating as a group.

AREA OF APPLICATION

2. This measure shall apply only to High Seas Pocket no. 1 (HSP-1), which is the area of high seas bounded by the Exclusive Economic Zones (EEZs) of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south. For the purposes of this measure, the exact coordinates for the area shall be those used by the WCPFC vessel monitoring system (VMS). A map showing the HSP-1 Special Management Area (SMA) is attached (Attachment 1).

REPORTING

3. Philippines shall require its concerned vessels to submit reports to the Commission at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP-1 SMA. This information may, in turn, be transmitted to the adjacent coastal States/Territories. The report shall be in the following format:

VID/Entry or Exit: Date/Time; Lat/Long

4. Philippines shall ensure that its flagged vessels operating in the HSP-1 SMA report sightings of any fishing vessel to the Commission Secretariat. Such information shall include: vessel type, date, time, position, markings, heading and speed.

OBSERVER

5. The fishing vessels covered by this measure shall employ a WCPFC Regional Observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2007-01.

6. Regional Observers from other CCMs shall be given preference/priority. For this purpose, the Philippines and the Commission Secretariat shall inform the CCMs and the Adjacent Coastal State of the deployment needs and requirements at 60 days prior expected departure. The Secretariat and the CCM that has available qualified regional observer shall inform the Philippines of the readiness and availability of the Regional Observer at least 30 days prior to the deployment date. If none is available, the Philippines is authorized to deploy regional observers from the Philippines.

VESSEL MONITORING SYSTEM (VMS)

7. The covered fishing vessels shall be equipped with and operate an automatic location communicator (ALC) pursuant to CMM 2007-02 or its replacement CMM. The Commission shall provide continuous real-time VMS information to the adjacent coastal States/ Territories for monitoring purposes. Access to VMS and other data related to

HSP-1 SMA shall be in accordance with the Commission's Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes.

VESSEL LIST

8. The Commission shall maintain an updated list of all fishing vessels operating in HSP1 SMA based on the foregoing vessel's entry and exit reports submitted to the Commission. The list will be made available to Commission Members through the WCPFC website.

MONITORING OF PORT LANDINGS

9. The CCMs shall ensure that all port landings of its vessels covered by this decision are monitored and accounted for to make certain that reliable catch data by species are collected for processing and analysis.

COMPLIANCE

10. All vessels conducting their fishing activities pursuant to this CMM shall comply with all other relevant CMMs. Vessels found to be non-compliant with this decision shall be dealt with in accordance with CMM 2010-06 (replaces CMM 2007-03), and any other applicable measure adopted by the Commission.

CATCH LIMIT

11. The total catches of these vessels shall not exceed equivalent to validated vessel days fished in the high seas. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

Attachment E: Longline Catch Limits for Bigeye by Flag under CMM 2012-01

CCMs	CMM 2012-01 limits
AMERICAN SAMOA	
AUSTRALIA	2,000
BELIZE	803
CHINA	10,673
COOK ISLANDS	
EURPEAN UNION	2,000
FIJI	
FRANCE (FRENCH POLYNESIA)	
FRANCE (NEW CALEDONIA)	
FSM	
GUAM	
INDONESIA	5,889
JAPAN	19,670
KIRIBATI	
MARSHAL ISLANDS	
NAURU	
NEWZEALAND	2,000
NIUE	
NORTHERN MARIANA ISLANDS	
PALAU	
PAPUA NEW GUINEA	
PHILIPINES	2,000
REPUBLIC OF KOREA*	15,014
SAMOA	
SOLOMON ISLANDS	
CHINESE TAIPEI*	11,288
TOKELAU	
TONGA	
TUVALU	
USA	3,763
VANUATU	
WALLIS and FUTUNA	

* Korea and Chinese Taipei will voluntarily restrict its catch level at 2% less than the catch limits specified here in 2013.