



**TECHNICAL AND COMPLIANCE COMMITTEE
NINTH REGULAR SESSION**

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Pohnpei, Federated States of Micronesia

WWF Position paper to TCC9

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Smart Fishing Initiative

WWF POSITION

9th Regular Session of the Technical and Compliance Committee (TCC) of the Western Central Pacific Fisheries Commission (WCPFC): Pohnpei, Federated States of Micronesia – September 26-October 2, 2013

Introduction and Summary

The World Wide Fund for Nature (WWF) would like to thank the Western and Central Pacific Fisheries Commission (WCPFC) Technical and Compliance Committee (TCC) for the opportunity to attend the 9th Regular Session of the TCC (TCC9) as an observer and to address the critically important role that it plays in the proper management of the (Western Central Pacific Ocean) WCPO fisheries. Conservation and management of these ecologically and socio-economically important fishery resources ultimately depends on the timely and efficient collection, assessment, and analysis of fisheries data and information provided through the Scientific Committee (SC). However, the conservation and management of these important resources is also no less dependent on the TCC's ability to consider, implement, assess, and monitor Conservation and Management Measures (CMMs) based on that scientific advice. Therefore, TCC plays a vital role in ensuring the development and implementation of appropriate and effective CMMs. WWF supports the efforts of the TCC to forward recommendations for CMMs for consideration by the WCPFC as well as its role in ensuring compliance by member states with those measures.

WWF would like to offer the following position and recommendations to the TCC regarding significant management and compliance issues that WWF deems important. WWF wishes to reiterate its position offered in Manila in December 2012 (WCPFC9) and, taking into account the WCPFC-related meetings held since, offer the recommendations listed in bullets below. For additional background and justification on each position, please reference the associated Appendix for this document.

Reference Points, Harvest Control Rules, and Harvest Strategies

WWF recommends that the TCC:

- Support the designation of Limit and Target Reference Points as a priority for proper management of stocks under WCPFC authority;
- Recommend precautionary B-based Limit Reference Points (preferably based on Spawning Biomass) for all WCPO fish stocks under its authority;

- Endorse adoption of supplementary and precautionary F-based Limit Reference Points to attempt to control the exploitation rate for all WCPO fish stocks under its authority;
- Recommend interim precautionary Target Reference Points as a benchmark for further consideration by the MOW and WCPFC in 2013; and
- Consider the probability of breaching the Limit Reference Points and limiting this to a risk level of 10% or less as a precautionary measure.

Tropical Tunas

WWF recommends that the TCC:

- Endorse further research and monitoring of FADs.
- Engage in an open and transparent deliberative process based on the best available scientific information to determine the level of reductions in BET catch necessary to achieve meaningful BET conservation.

South Pacific Albacore Tuna

WWF recommends that the TCC:

- Determine and recommend effective capacity and effort controls for management of the South Pacific ALB stock in zone and on the high seas; and
- Encourage domestic fisheries managers to implement Tuna Management Plans that freeze licenses for ALB at current levels and seek to reduce that number to a level that achieves, at minimum, MSY, but strives to achieve MEY.

Sharks

WWF recommends the TCC:

- Encourage and endorse precautionary mitigation measures including efforts to:
 - Mandate bycatch best practices consistent with those found in the Compendium of Best Practice of Conservation and Management Measures (CMMs) for the of Species Bycatch in Tuna RFMOs ;
 - Implement the recommendations for Bycatch that were endorsed at Kobe III and adopt an annually updated report card system against these recommendations for all of the WCPFC fisheries;
 - Require, through data collected from observer programs and other means, estimation of the number of captures and releases of blue sharks, including the status upon release (dead or alive), and reporting of this information to the WCPFC; and
 - Require, through observers programs, recording what gear is used in longline activities including the use of wire traces and any multi- monofilament traces in order to avoid bite-off by sharks.
- Encourage the development of reference points and management for non-target species, including blue sharks, as envisaged under Articles 5 and 10 of the WCPF Convention.¶

Silky Sharks

With respect to silky sharks WWF recommends the TCC:

- Endorse additional mitigation measures and maintain existing measures in an effort to improve the status of the WCPO silky shark stock including:
 - mandate bycatch best practices consistent with those found in the Compendium of Best Practice of Conservation and Management Measures (CMMs) for the of Species Bycatch in Tuna RFMOs;
 - prohibit the retention, transshipment, storage, onboard-on-board sale, and landing of silky sharks in all fisheries managed by the WCPFC;

- mandate the prompt and careful release of any captured silky sharks; and
- require, through data collected from observer programs and other means, estimation of the number of releases of silky sharks, including the status upon release (dead or alive), and reporting of this information to the WCPFC.
- Encourage the development of reference points and management for non-target species, including silky sharks, as envisaged under Articles 5 and 10 of the WCPF Convention.¶

Turtles

With respect to sea turtles, WWF recommends the TCC:

- Support improvements in observer coverage throughout the WCPO;
- Revive efforts to ensure the appropriate monitoring and documentation of compliance with CMM 2008-03, ensuring that member countries are meeting identified minimum data collection and surveillance requirements; and
- Endorse the consideration of CMM revisions aimed at:
 - reducing the ambiguity in language, strengthening key language and reducing the vagueness in desired outcomes of the CMM, thereby enabling better monitoring of CMM effectiveness.
 - introducing new binding measures, including stronger measures for conducting research on mitigation techniques and reporting on sea turtle impacts, to be implemented on an interim basis pending the determination of optimal mitigation packages.
 - setting an appropriate interim catch rate that would trigger move-on provisions.

Regional Observer Program

With respect to the ROP, WWF recommends:

- Further implementation of a binding, consistent, and consolidated set of standards for the ROP;
- Developing an analysis of the observer programme in the context of proper management, including an analysis of different funding models;
- Reconstituting the Data Consultative Committee (DCC) to address current data issues in the ROP, including consideration of:
 - Revisions of data fields for non-target species to include detailed entries for seabirds, turtles, and sharks, broken out by species, in all observer reporting submissions; and
 - Developing and implementing a comprehensive analysis and design plan for spatially and temporally representative observer coverage of each fishery operating in the WCPFC CA., including thorough consideration and assessment of EM as a component of full observer coverage.

Catch Documentation Scheme

As part of the CDS WG discussions, WWF requests that the TCC consider certain key features of a good CDS system, including:

- A requirement for documentation to accompany all catch harvested, landed, transhipped, traded domestically, exported, processed, imported and re-exported and which relies on electronic documentation.
- Complementary measures to maximize the effectiveness of the CDS through:
 - ensuring that transhipment at sea does not compromise the effectiveness of the CDS;
 - adopting Port State Measures implemented simultaneously with the CDS; and

- adopting trade restriction measures against flag States with vessels on the IUU list.
- Parameters that include all species of tunas, billfish, and sharks managed by the WCPFC;
- A commitment to continuous improvement of the CDS by investigating the benefits and feasibility of verification systems such as electronic tagging and the use of biotechnology;
- Establishment of a capacity development fund to provide a cost-sharing mechanism that enables progressive cost sharing among member states; and
- Maximizing retailer and public access to data through modern electronic tools.

Conclusion

WWF calls on the TCC9 to continue to address technical, monitoring, and compliance issues in the WCPFC CA with a goal of ensuring the proper conservation and management of fisheries resources in the region. With respect to each of the agenda items addressed at the TCC9 meeting, we call on the TCC members to carefully and genuinely address each issue.


The WCPFC shares the distinction as both the youngest RFMO and also, arguably, the most effective. However, we all must constantly guard against the complacency that leads to poor decision making resulting in a lack of management action and a risk of collapsing fish stocks occurring in other regions. Unfortunately, with some stocks in the WCPO, including bigeye tuna and oceanic whitetip sharks, we are treading dangerously down a path leading to trouble.

The WCPFC currently maintains the ability and opportunity to chart the course towards sustainable fishery resources, especially tuna, in the WCPO. The TCC plays an extremely important role in the WCPFC process through the proper development and implementation of CMMs. The WCPFC and its subsidiary bodies must continually promote and adopt strong and effective conservation and management action to maintain and rebuild tuna stocks, implement appropriate monitoring and enforcement measures, promote a viable tuna industry, and support vibrant coastal communities throughout the South Pacific.

Our Smart Fishing Vision and Goals:

Vision: The world’s oceans are healthy, well-managed and full of life, providing valuable resources for the welfare of humanity.

2020 Goals: The responsible management and trade of four key fishery populations results in recovering and resilient marine eco-systems, improved livelihoods for coastal communities and strengthened food security for the Planet.

 <p>WWF</p>	<p>Why we are here To stop the degradation of the planet’s natural environment and to build a future in which humans live in harmony with nature.</p> <p>panda.org</p>
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Appendix: WWF Position Discussion

9th Regular Session of the Technical and Compliance Committee (TCC) of the Western Central Pacific Fisheries Commission (WCPFC): Pohnpei, Federated States of Micronesia – September 26-October 2, 2013

Reference Points, Harvest Control Rules, and Harvest Strategies

WWF remains supportive of the work of the WCPFC and subsidiary bodies in pursuing the implementation of Reference Points (RP), Harvest Control Rules (HCR), and Harvest Strategies (HS). WWF encourages TCC9 to further endorse and support the adoption of explicit Limit and Target Reference Points (LRP/TRP) for all WCPO fishery stocks under WCPFC authority.

Reference points provide management decision-makers an objective tool to determine whether a fish stock size is becoming too small or fishing pressure is becoming too great. WWF notes that the WCPFC has discussed and considered RP's since 2006 and that, while the SC and TCC have made several recommendations to the WCPFC on appropriate RP's, the WCPFC has failed to adopt formal explicit RP's. Furthermore, while stock assessments conducted by SPC use B_{MSY} and F_{MSY} as implicit LRP's and provide advice to the WCPFC, these proxies do not represent limits consistent with the recommendations of the United Nations Fish Stocks Agreement (UNFSA) and more refined RP's are justified based on the available scientific information.¹

The TCC should strongly recommend the implementation of RP's and HCR's as a priority for the sustainable management of the fishery resources in the WCPO. Existing science supports the implementation of well-defined and precautionary biologically-based LRP's and WWF generally supports the previous recommendations of the SC. Therefore, WWF supports the recommendations of SC8 and SC9 that LRPs for bigeye tuna (BET), yellowfin tuna (YFT) and South Pacific albacore (ALB) be set at Level 2 with regard to the biomass-based LRP of $20\%SB_{recent, F=0}$, with the application of a sufficiently precautionary value of X% in the Level 2 fishing mortality-based LRP of $F_{x\%SPR}$.² Furthermore, WWF suggests that the TCC should acknowledge and recommend that LRPs are predominantly scientific in nature and may be set completely independently of and without relationship to TRPs.

At the SC9 meeting in Pohnpei, most Members, Cooperating Non-members, and Participating Territories (CCMs) reiterated a preference for establishing biomass (B-based) LRPs. While the assumptions, uncertainties, and substantial amounts of information associated with biomass (B-based) LRPs make them a less attractive option to some stakeholders, they constitute a critical tool to ensure that stock sustainability is maintained. F-based LRP's are important and useful, but not as critical as a B-based limit because a B-based limit ensures a biological floor that the fishery cannot go below. Reference points that specify a minimum biomass level for the stock, below which the fishery is curtailed or, in the extreme case, closed, have the advantages that:

1. Biomass is more directly linked to recruitment than is the fishing mortality rate;
2. Minimum biomass levels provide a guide for management of stocks that are already depleted by setting a standard for rebuilding; and
3. During periods of adverse environmental conditions, a minimum biomass level provides a seed stock for eventual recovery when conditions are more favourable.

In 2012, WCPFC9 requested the SC9 develop appropriate time-windows for analyzing and calculating unfished biomass levels. WWF supports the recommendation of SC9 that the time-window to be used in the LRP $20\%SB_{F=0, t1-t2}$ satisfies the following criteria:

1. have a length of 10 years,
2. be based on the years $t1=y_{last}-10$ to $t2=y_{last}-1$ where y_{last} is the last year used in the assessment, and
3. the approach used for calculating the unfished biomass levels be based on scaled estimates of recruitment according to the stock recruitment relationship.

WWF generally supports the implementation of any Management Strategy Evaluation (MSE) measures that serve to improve the understanding of the impacts of particular management measures. Thus, consistent with SC9 advice, WWF endorses the recommendation that this time-window be subject to periodic review to ensure this approach is appropriately representing future conditions for the individual stocks.

While WWF continues to hold that the establishment of B-based limits are more important because they ensure a biological floor that the fishery cannot go below, we nonetheless believe that F-based LRPs also represent useful tools to control fishing capacity or, in other words, the rate at which the harvest influences the stock size. WWF supports some CCMs recommendation of the 'matching' approach to determining F-based limit reference points that are equivalent to the spawning biomass limit reference points. Consequently, WWF supports the recommendation of SC9 that the identification of the appropriate values of X for each species in the LRP $F_{X\%SPR0}$ be based on an iterative search to 'match' the $F_{X\%SPR0}$ with $20\%SB_{F=0, t1-t2}$ as described by SPC.

This methodology, in part, relies on the ability of managers to identify what level of acceptable risk should be applied to breaching a LRP. WWF recommends that an acceptable precautionary risk level of exceeding a LRP is represented by a value of 10% or less. Once this level of risk has been identified, WWF supports the SC9 recommendation that the appropriate values of X for each species in the LRP $F_{X\%SPR0}$ be calculated using updated assessments.

WWF acknowledges the complexity of establishing TRPs, given the multiple factors that go into their consideration. However, while TRP's require additional consideration of socio-economic considerations, current understanding of the biological and socio-economic

conditions does not prevent the implementation of sufficiently precautionary interim TRP at this time. WWF encourages the TCC to consider and recommend a precautionary interim TRP. The interim TRP would serve as an advisory benchmark under which a more refined TRP could be established. Most significantly, all the necessary information to implement such a benchmark TRP currently exists.

Lastly, WWF supports the SC9 recommendation that the WCPFC consider associated early warning or 'trigger' reference points (TrRP) which would alert the WCPFC that a stock could be approaching a LRP and that appropriate management action may be required.

WWF continues to strongly urge the WCPFC and subsidiary bodies to formally endorse and adopt LRP, TRP, and TrRPs. The adoption of explicitly determined LRP and TRP for at least the four key tuna species, namely SKJ, ALB, YFT, and BET, must be considered an absolute priority for the sustainable management of these important resources in the WCPO.

WWF recommends that the TCC:

- Support the designation of Limit and Target Reference Points as a priority for proper management of stocks under WCPFC authority;
- Recommend precautionary B-based Limit Reference Points³ (preferably based on Spawning Biomass)⁴ for all WCPO fish stocks under its authority;
- Endorse adoption of supplementary and precautionary F-based Limit Reference Points to attempt to control the exploitation rate for all WCPO fish stocks under its authority;⁵
- Recommend interim precautionary Target Reference Points as a benchmark for further consideration by the MOW and WCPFC in 2013; and
- Consider the probability of breaching the Limit Reference Points and limiting this to a risk level of 10% or less as a precautionary measure.⁶

Tropical Tunas

In December 2012, WCPFC9 adopted CMM 2012-01 in an attempt to address continuing conservation challenges involving bigeye tuna (BET).⁷ The WCP-CA bigeye catch for 2012 (161,679 mt) represents the highest since 2004. The high bigeye catch in 2012 coincides with the second highest number of associated sets, albeit a 15-20% reduction on the record high in 2011. Furthermore, the number of purse seine vessels in the tropical fishery reached an all-time high (294 vessels) and effort (both in terms of days fishing and number of sets) was the second highest. Even the most optimistic interpretation of these results may be characterised by the word "failure." Therefore, a significant reduction in fishing mortality on BET remains elusive and requires additional measures to reduce the fishing mortality on BET.

While WWF maintains that the policy choices made by WCPFC9 fail to achieve meaningful conservation of BET, we believe that there could be substantial improvements to the understanding of the impact of Fish Aggregating Devices (FADs) if the SC recommends the aggressive pursuit of improved monitoring, surveillance, and general research involving FADs. While there are ongoing efforts within the SPC and PNA to pursue greater understanding of FAD dynamics, we believe that the TCC should endorse a strong recommendation in support of FAD research aided by monitoring and surveillance

mechanisms which could, for instance, improve the understanding of the impacts on species composition resulting from:

- FAD type/size
- Geographic location
- Drift patterns and prevailing currents
- Ocean depth and depth of FAD materials
- Proximity to benthic relief/hydrogeographic features

While WWF supports precautionary measures to protect vulnerable stocks like BET, WWF also believes that a better understanding of FAD dynamics would help inform the “additional and alternative targeted measures” that the FFA seeks to implement.

Lastly, WWF strongly supports the efforts of the SPC to analyse the impacts of different levels of reductions in the various fishing sectors. WWF encourages all CCMs to carefully review the information and analysis provided by the SPC, particularly that contained in Tables 2 and 3 of MI-WP-01,⁸ as they engage in an open and transparent deliberative process to determine where reductions in BET catch must be made. The WCPFC absolutely must make effective and enforceable reductions of the catch in all sectors to achieve a meaningful conservation impact for BET.

WWF recommends that the TCC:

- Endorse further research and monitoring of FADs.
- Engage in an open and transparent deliberative process based on the best available scientific information to determine the level of reductions in BET catch necessary to achieve meaningful BET conservation.

South Pacific Albacore Tuna

The SC7 noted in 2011 that harvest levels of the exploitable biomass has increased sharply in recent years, raising concerns of potential overfishing in the near future and the need for additional restrictions of fishing mortality. WWF remains concerned about the recent rapid and uncontrolled growth in the longline fleet throughout the WCPO. WWF also believes that this growth is fostered by uncompetitive fuel subsidies in some DWFN that would make those sectors uneconomic but for their existence.⁹ Particularly, this growth appears to be contributing to several adverse impacts to Southern ALB tuna and possible localised depletion of the adult stock in some areas. Additionally, verifiable increased effort, primarily from the longline sector, south of 20°S on the juvenile migrating stock appears to be contributing to a reduction in biomass, which is also resulting in the stock rapidly approaching MSY.

The SC9 confirmed that the WCP–CA albacore longline catch (98,854 mt) for 2012 was the third highest on record, although 4,000 mt lower than the record catch of 103,364 mt taken in 2010. Some CCMs noted that the highest catch of southern ALB was taken in 2012, with a 24% increase over 2011 and a 22% increase over the 2007-11 average, specifically pointing out that the longline catch had increased 25% over 2011 and 22% over 2007-11 as a result of a significant increase in longline CPUE of the major longline fleets of Korea, China and Chinese Taipei in 2012 relative to 2011 and 2007-11. Meanwhile, all fleets are reportedly currently experiencing significant reductions in catch per unit effort (CPUE) in response to the increase in adult fishing mortality, thereby providing a strong indication of a drop in biomass.¹⁰ Therefore, the effectiveness of the WCPFC CMM 2005-02, as amended in 2010, to conserve the Southern ALB stock, remains questionable. While the current state of the

Southern ALB stock remains within biological limits, the goal should be to keep it there rather than to allow a continued trend of decline in the fishery. Furthermore, WWF maintains substantial concerns that the persistent increase in ALB effort will also significantly impact other target species facing conservation concerns such as BET and YFT as well as sharks.

WWF continues to support the efforts of SPC, FFA, Te Vaka Moana (TVM), the PNA, the Melanesian Spearhead Group (MSG), other Pacific Island Countries (PICs) with target ALB fisheries, the Pacific Islands Tuna Industry Association (PITIA) and other non-aligned parties to strengthen the management strategy for the ALB longline fishery and to address the related species interaction issues. WWF would specifically like to reemphasize the concerns expressed by the FFA at SC8 regarding the doubling of catch since 2000, declining CPUE, and increase in effort (including influx of vessels from the Indian Ocean, increase in domestic fleet size, and more high seas fishing) for South Pacific ALB.¹¹ WWF would also like to recognise Te Vaka Moana's impassioned plea at the WCPFC9 meeting in support of a WCPFC-CA TAC for ALB.¹² We also note FFA and PNA's continued concern with increasing catches of BET and YFT as well as the continued high levels of catches of southern ALB and the expansion in effort observed recently in the southern ALB longline fishery.¹³ These CCMs note that these increases in catch and effort continue despite the CMMs being in place, undermining efforts to maintain profitable and sustainable fisheries. Measures aimed at introducing effective capacity limits and effort management must be urgently addressed by WCPFC and the region's domestic fisheries managers. The following recommendations are consistent with the policy paper commissioned by WWF regarding South Pacific ALB tuna that was submitted to the WCPFC in March 2012.¹⁴

WWF recommends that the TCC:

- Determine and recommend effective capacity and effort controls for management of the South Pacific ALB stock in zone and on the high seas; and
- Encourage domestic fisheries managers to implement Tuna Management Plans that freeze licenses for ALB at current levels and seek to reduce that number to a level that achieves, at minimum, MSY, but strives to achieve MEY.

Sharks

Many shark species in the WCPO, including blue sharks, remain subject to high levels of fishing mortality that current stock assessment trends suggest could be unsustainable.¹⁵ Sharks play a critical role in the WCPO marine ecosystem as apex predators and indicators of ecosystem health.¹⁶ We encourage the TCC to consider additional measures proposed during SC9 to ensure that sharks generally are not being adversely impacted in the region, but also ensuring that some key shark species are not being substantially depleted. Therefore, we encourage the TCC to promote precautionary measures to reduce fishing mortality consistent with recommendations made at SC9 drawn from the discussion regarding a proposed integrated shark CMM.¹⁷ By way of reference, we endorse the recommendations contained in sections 4.1 and 4.2 of the paper presented by Dr. Shelley Clarke at SC9 in addition to measures recommended below.¹⁸

WWF recommends the TCC:

- Encourage and endorse precautionary mitigation measures including efforts to:

- Mandate bycatch best practices consistent with those found in the Compendium of Best Practice of Conservation and Management Measures (CMMs) for the of Species Bycatch in Tuna RFMOs ;
 - Implement the recommendations for Bycatch that were endorsed at Kobe III and adopt an annually updated report card system against these recommendations for all of the WCPFC fisheries;¹⁹
 - Require, through data collected from observer programs and other means, estimation of the number of captures and releases of blue sharks, including the status upon release (dead or alive), and reporting of this information to the WCPFC; and
 - Require, through observers programs, recording what gear is used in longline activities including the use of wire traces and any multi-monofilament traces in order to avoid bite-off by sharks.
- Encourage the development of reference points and management for non-target species, including blue sharks, as envisaged under Articles 5 and 10 of the WCPF Convention.[¶]

Silky Sharks

At SC8 in Busan, Korea, the Scientific Services Provider offered strong scientific evidence that silky sharks are currently overfished and subject to overfishing.²⁰ Based on a previous SC recommendation, the WCPFC subsequently executed efforts to rebuild spawning biomass of oceanic whitetip sharks by adopting CMM 2011-04. However, SC8 recommended additional analysis for silky sharks due to concerns over data conflict and potential biases in the stock assessment despite basic fishery indicators indicating substantial declines in recent years. An updated assessment of silky sharks presented to the SC9 strongly confirmed the previous conclusion that *overfishing* is occurring and the stock is *overfished*.²¹ Thus, the current science strongly suggests that additional mitigation measures to avoid capture and mortality of silky sharks is warranted.²² The WCPFC must take supplementary measures to specifically address the continued adverse impacts on silky sharks in addition to general call for improvements in shark management overall.

With respect to silky sharks WWF recommends the TCC:

- Endorse additional mitigation measures and maintain existing measures in an effort to improve the status of the WCPO silky shark stock including:
 - mandate bycatch best practices consistent with those found in the Compendium of Best Practice of Conservation and Management Measures (CMMs) for the of Species Bycatch in Tuna RFMOs;²³
 - prohibit the retention, transshipment, storage, onboard-on-board sale, and landing of silky sharks in all fisheries managed by the WCPFC;
 - mandate the prompt and careful release of any captured silky sharks; and
 - require, through data collected from observer programs and other means, estimation of the number of releases of silky sharks, including the status upon release (dead or alive), and reporting of this information to the WCPFC.

- Encourage the development of reference points and management for non-target species, including silky sharks, as envisaged under Articles 5 and 10 of the WCPF Convention.[¶]

Turtles

WWF continues to believe that CMM 2008-03 for the Conservation and Management of Sea Turtles has not demonstrably reduced bycatch impacts on threatened and endangered sea turtles in the region, and that the cumulative impact of longline vessels in the WCPO on sea turtles remains problematic. Furthermore, evidence suggests that the WCPFC and member states have not suitably monitored the CMM for effectiveness with some parts of the CMM distinguished as providing “excessive room for creative compliance.”²⁴

Although CMM 2008-03 requires all longline vessels to carry turtle de-hookers and line cutters, and to foster the animal's recovery according to WCPFC handling and mitigation guidelines, WCPFC has provided no documentation of the effectiveness of (or compliance with) this requirement, despite the explicit identification of data collection and minimum surveillance resources.²⁵ Indeed, as recently as 2010 over three quarters of CCMs either did not report on compliance with CMM 2008-03 or did not meet all the CMM measures. Furthermore, only a small fraction of member countries have conducted dedicated research on sea turtle mitigation techniques, and current observer coverage falls well below the recommended level for effectively determining optimal mitigation approaches (i.e. 10% coverage over 3 years).

The precautionary principle requires that all CCMs must determine optimal bycatch mitigation strategies based on research and sound science. Recent studies in the Eastern Pacific Ocean further confirm the positive impact of turtle bycatch mitigation using circle hooks, thereby indicating a need for further consideration and adoption of circle hooks in the WCPO longline fisheries.²⁶ With little or no evidence of CMM 2008-03 having slowed or reversed negative trends on threatened and endangered sea turtle populations, the burden of proof remains on the WCPFC and the CCMs to demonstrate that bycatch impacts in longline operations are being minimized.

The best way to improve substantive compliance with the CMM is to revise the CMM to not only ensure more suitable requirements for the determination of optimal bycatch mitigation packages for individual fisheries, but also to reduce the ambiguity in language and improve the definition of the desired outcomes of the CMM.

With respect to sea turtles, WWF recommends the TCC:

- Support improvements in observer coverage throughout the WCPO;
- Revive efforts to ensure the appropriate monitoring and documentation of compliance with CMM 2008-03, ensuring that member countries are meeting identified minimum data collection and surveillance requirements; and
- Endorse the consideration of CMM revisions aimed at:
 - reducing the ambiguity in language, strengthening key language and reducing the vagueness in desired outcomes of the CMM, thereby enabling better monitoring of CMM effectiveness.
 - introducing new binding measures, including stronger measures for conducting research on mitigation techniques and reporting on

sea turtle impacts, to be implemented on an interim basis pending the determination of optimal mitigation packages.

- o setting an appropriate interim catch rate that would trigger move-on provisions.

Regional Observer Program

Information collected as part of an appropriate observer programme is critically important to the proper management of a fishery. Data collected by observers plays a central role in informing fisheries scientists on everything ranging from stock assessments to non-target species impacts. Furthermore, observers play an indispensable role in monitoring and enforcing very important conservation and management measures in the WCPO. Indeed, observers represent the vanguard of fisheries management through the science and service that they provide. Consequently, observer coverage must be considered a top priority and greater support must be provided to the relevant authority to see that the capacity of the ROP is strengthened.

The WCPFC must ensure, through appropriate guidance, that national observer programmes administered under the ROP are fully resourced in terms of human and financial capital as well as governed under appropriate administrative and management structures. Within that consideration, the TCC should endorse an analysis that considers and presents not only a cost-benefit analysis of the observer programme in the context of proper management, but also different funding models that CCMs could consider for ensuring proper administration and management of the observer program at a national level. In any event, more attention must be given to the development and full funding of minimum standards that ensure a national programme can perform to ROP standards, including such efforts as annual reviews of the national programs under pre-agreed performance standards.

Additionally, WWF continues to maintain significant concerns regarding the independence of onboard observers from the perspective of data integrity. The independence and the security of the observer must be paramount to ensure data integrity. Therefore, WWF recommends that any observer funding model considered must avoid even the perception of conflict of interest. This means establishing a 3rd party payment system that insulates the observer from direct payment by the vessel owner or operator, which constitutes an unequivocal financial conflict of interest. Specifically, WWF believes that a "Pre-payment Model" that would require funding observer placement through an independent 3rd party agent (like an escrow account) could potentially provide the necessary insulation from undue influence by the vessel owner or operator while also ensuring that the observer is properly paid and transported to their home of record at the conclusion of their service. Thus, WWF recommends that the TCC support efforts to research funding models that ensure that observer providers can provide timely and secure payments to observers without having those payments made directly to the observer by the vessel owner or operator.

WWF generally supports current efforts throughout the WCPO in pursuit of Electronic Monitoring (EM). Other fisheries around the world have demonstrated varying levels of success using EM in limited circumstances, depending on the goal of the observation and data collection program. Therefore, each application of EM is contextual and must be subject to thorough analysis, comprehensive testing, and careful monitoring to ensure the technology and program is functioning as designed. WWF would like to acknowledge the important role that EM could potentially play in ensuring observer coverage throughout the WCPFC CA, possibly even at a reduced cost, but noting that there will always be a need for human observers to perform certain analytical tasks that a camera, sensor, or computer

simply cannot accomplish. WWF recommends that the TCC endorse a peer review process for the various EM programs in progress or currently planned for implementation in the WCPO.

With respect to the ROP, WWF recommends:

- Further implementation of a binding, consistent, and consolidated set of standards for the ROP;
- Developing an analysis of the observer programme in the context of proper management, including an analysis of different funding models;
- Reconstituting the Data Consultative Committee (DCC) to address current data issues in the ROP, including consideration of:
 - Revisions of data fields for non-target species to include detailed entries for seabirds, turtles, and sharks, broken out by species, in all observer reporting submissions; and
 - Developing and implementing a comprehensive analysis and design plan for spatially and temporally representative observer coverage of each fishery operating in the WCPFC CA., including thorough consideration and assessment of EM as a component of full observer coverage.

Catch Documentation Scheme

WWF maintains that an efficient and comprehensive catch documentation scheme (CDS) is a necessary part of a well-managed fishery. Good catch documentation is essential to proper fisheries management, providing the data necessary for analyses as basic as stock assessments to the product traceability that seafood markets are increasingly demanding. WWF supports the development and implementation of a comprehensive CDS and encourages the long overdue review and finalization of the Terms of Reference for the CDS working group at the TCC9 meeting.

Overall, WWF wishes to note that any CDS considered by the CDS working group must be fully comprehensive to be effective, including documentation of all catches, landings, transfers, and trade. Other RFMOs provide relevant examples of CDS schemes that were not robust enough to provide adequate documentation. For instance, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) switched from a purely trade-based scheme to a more comprehensive CDS because the initial program allowed for substantial overharvest by one of its members resulting from the trade-based scheme not being inclusive of all catches, landings and trade. Thus, any CDS considered by the CDS working group must include all catches, landings, transfers, or trade part of the framework for the documentation schemes, not just the trade-based information.

As part of the CDS WG discussions, WWF requests that the TCC consider certain key features of a good CDS system, including:

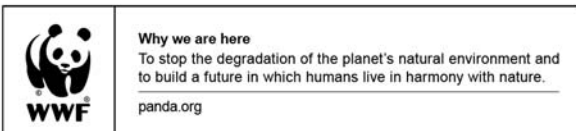
- A requirement for documentation to accompany all catch harvested, landed, transhipped, traded domestically, exported, processed, imported and re-exported and which relies on electronic documentation.
- Complementary measures to maximize the effectiveness of the CDS through:

- ensuring that transshipment at sea does not compromise the effectiveness of the CDS;
 - adopting Port State Measures implemented simultaneously with the CDS; and
 - adopting trade restriction measures against flag States with vessels on the IUU list.
- Parameters that include all species of tunas, billfish, and sharks managed by the WCPFC;
 - A commitment to continuous improvement of the CDS by investigating the benefits and feasibility of verification systems such as electronic tagging and the use of biotechnology;
 - Establishment of a capacity development fund to provide a cost-sharing mechanism that enables progressive cost sharing among member states; and
 - Maximizing retailer and public access to data through modern electronic tools.

Our Smart Fishing Vision and Goals:

Vision: The world's oceans are healthy, well-managed and full of life, providing valuable resources for the welfare of humanity.

2020 Goals: The responsible management and trade of four key fishery populations results in recovering and resilient marine eco-systems, improved livelihoods for coastal communities and strengthened food security for the Planet.



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- ³ Norris, W. (2009). The Application of Reference Point Management in WCPO Tuna Fisheries: An Introduction to Theory and Concepts. WCPFC-SC5-2005/ME-WP-01. (Biomass (B) represents the weight of all fish in the water.)
- ⁴ *Id.* (Spawning biomass (SB or SSB) is the weight of all mature [reproductive and generally female] fish in the water, or [preferably] the reproductive potential of the population. Gives a better indication than B of the reproductive capacity of the stock, and tends to be more stable.)
- ⁵ *Id.* (Fishing Mortality (F) relates to the proportional impact of fishing on the total deaths in a stock during a given period.)
- ⁶ United Nations Fish Stocks Agreement, 34 ILM 1542 (1995); 2167 UNTS 88. (Fishery management strategies shall ensure that the risk of exceeding limit reference points is very low. If a stock falls below a limit reference point or is at risk of falling below such a reference point, conservation and management action should be initiated to facilitate stock recovery. Fishery management strategies shall ensure that target reference points are not exceeded on average. (Annex II UNFSA 1995)).
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