



Working Group on Tropical Tunas
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US Discussion Paper on Tropical Tunas

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30 August 2013

Discussion Paper from the United States on Efforts to Develop and Adopt a Conservation and Management Measure for Tropical Tunas (CMM 2013-01)

August 29, 2013

The United States appreciates the efforts by the PNA and Japan to prepare their joint proposal for CMM 2013-01. We view Thursday's discussion on the proposal in the Working Group as productive and do see significant areas of convergence that move us forward. We fully intend to participate constructively in further discussions with a view to adopting a CMM that meets our collective goals.

During the discussions on Wednesday and Thursday (8/28-29), the United States offered a number of comments on areas of the proposal that we believe warrant further consideration or that, in some cases, continue to be problematic. This paper outlines those issues and offers some ideas for a way forward, based on the discussion to date and the comments of various delegations around the table. In some cases, we present here specific proposals on compromise text. In other cases, we offer more general comments and will be working, in cooperation with other delegations, to prepare additional specific proposals in advance of the upcoming TCC.

Among the issues that warrant further consideration are the following:

- The FAD closure period;
- Effort limits for the high seas and non-PNA EEZs;
- Capacity limits for purse seine vessels and longline vessels; and
- Catch limits for longline vessels.

The above list is without prejudice to other issues that may also be subject to further consideration.

FAD Closure Period

The United States believes that good progress has been made on this issue, but some difficult issues remain to be resolved. In particular, we understand that the current position of the Pacific Island States is that any FAD closure beyond three months should be accompanied by a transfer payment. In our view, this issue will be among the most difficult to resolve, including determining the appropriate level of any such compensation and the basis for the calculations to this effect. Moreover, significant questions remain about the funding sources for such a fund. The United States can make no commitment to such a fund. The following comments are without prejudice to the outcome of this particular point.

Notwithstanding the difficulties cited above, the United States is prepared to engage constructively to achieve a consensus outcome on the FAD closure period. This includes, in principle, a four-month FAD closure in 2014, a five-month closure in 2015 and 2016, and a six-month FAD closure in 2017. To achieve this goal, we seek agreement that any FAD closure of four months or longer will be divided in specified periods during the course of the year. That is, a four-month closure would consist of two periods of two months each; a five-month closure would consist of two periods of three months and two months; and a six-month closure would consist of three periods of two months each. This separation is required to mitigate the risk regarding the availability of free-swimming school during any single period during the year. Those CCMs electing alternative measures to any closure beyond three months should be subject to a single three-month closure, presumably in July, August and September.

In our view, the FAD closures should apply to all CCMs on an equal basis. They have been demonstrated to work, while the efficacy of the proposed alternative measures is less clear. We note that at least one CCM that adopted this alternative approach for 2013 has not provided any reporting with respect to its implementation as required under CCM 2012-01. If such alternative measures are to be considered, they will require a great deal more transparency in implementation and monitoring.

Effort limits for the high seas and non-PNA EEZs

As noted in the discussion in the working group, the United States does not support an olympic system for limiting effort on the high seas. Likewise, we do not support the proposal that each CCM limit fishing effort on the high seas by its fleet to 2010 levels. As noted during the discussion in Manila, fishing effort on the high seas is highly variable from year to year. In any given year the effort of some fleets may be higher than average and some fleets effort may be well below average. Thus, to base high seas efforts on any given year creates arbitrary limits that benefit some fleets and hurt others.

The United States has established, through domestic regulations, a limit on fishing effort on the high seas and in our own EEZ based on the levels authorized under CMM 2008-01. We're not aware that any other CCM has established a similar limit for its fleet. We are prepared to continue discussions, with the aim of agreeing on fair and equitable science-based limits for all CCMs' fleets.

Capacity limits for purse seine vessels and longline vessels

The United States has long supported the idea of a freeze in purse seine fishing capacity for the fleets of non-SIDS CCMs. We can agree to include such a freeze in the measure under discussion, along the lines suggested in paragraph 31 of the PNA/Japan proposal.

At the same time, it is important to modify this proposal to include at least two key points contained in the joint proposal previously presented by the United States, Japan and the EU. First, the measure should specify that purse seine vessels transferred from a non-SIDS CCM to a SIDS CCM will not be replaced by the developed CCM, as doing so would add to the overall capacity in the region. Second, the measure should specify that a replacement for any purse seine vessel that is removed from the fleet of a non-SIDS CCM will not have a carrying capacity or total well volume larger than the vessel being replaced.

The United States also supports the development of a regional capacity management plan to ensure that as SIDS CCMs develop their domestic fisheries, the overall capacity does not exceed levels commensurate with allowable fishing opportunities for the tuna stocks. Such a plan should include market-based mechanisms for the voluntary transfer of capacity from developed fishing States to small-island developing States.

The issue of reductions in the fleets of non-SIDS CCMs to accommodate growth in SIDS domestic fleets is one that requires careful consideration as part of any regional capacity management plan. For this reason, the United States cannot support current paragraph 31bis of Japan's proposal, which would commit non-SIDS CCMs to reductions in their fleets without any details as to how such reductions would be addressed and where the reductions would come from. However, we agree that SIDS CCMs should be the ones to determine which fleets will be authorized to fish in waters under their jurisdiction and at what levels. We are open to discussions in this regard as part of deliberate, considered process to address the need for any capacity reductions among non-SIDS fleets.

With respect to capacity limits on non-SIDS longline fleets, the United States supports such an effort in principle. However, the United States' 20-year limited-entry program for the Hawaii longline fleet presents some special circumstances that must be taken into account in this regard.

A specific proposal, reflecting the comments above, is attached to this discussion paper.

Catch limits for longline vessels

The United States cannot accept the proposed reduction specified for the Hawaii-based longline fleet contained in the current proposal. In adopting CMM 2008-01, the Commission recognized the special circumstances of the locally based Hawaii fleet, which has no freezer capacity and delivers only fresh fish to supply a local domestic market. This is completely distinct from the distant water longline fleets of other CCMs, with large scale longline vessels with freezer capacity that fish across the Pacific to supply international markets. This distinction must be recognized in considering how any further reductions in longline catches are to be distributed among the affected fleets. Among other things, the Hawaii-based fleet operates

primarily north of 20 degrees North and outside the tropical area where the vast majority of the fishing mortality occurs. Recognizing that an estimated 88% of bigeye tuna fishing mortality occurs between 20 degrees North and 20 degrees South, and in accordance with the recommendations of SC7, we believe that consideration should be given to spatial management of the longline fisheries.

Draft Proposal for CMM 2013-01

Capacity Provisions

1. Commission Members and Cooperating Non-Members (CCMs) that are not small-island developing States or participating territories (SIDS) will not increase the number of large-scale purse seine vessels (larger than 24 meters with freezing capacity, hereinafter “LSPSVs”) actively fishing between 20 degrees N and 20 degrees S above current levels, as specified in attachment F.
2. These CCMs shall ensure that the construction of new purse seine vessels, or purchase of purse seine vessels previously flying other flags, will only be authorized or allowed to replace purse seine vessels that have sunk or that have been removed from the fleet and have not reflagged or are not otherwise operating in the WCPFC Convention Area under the jurisdiction of another flag State.
3. The concerned CCMs shall ensure that any new LSPSV constructed or purchased to replace a previous vessel or vessels, shall have a carrying capacity or well volume no larger than the vessel(s) being replaced. In such case, the authorization of the replaced vessel(s) shall be revoked immediately.
4. CCMs that are not SIDS shall not increase the number of longline vessels authorized to operate outside their national waters (“ALLVs”) above the current level as specified in Attachment F.
5. The Commission will work to develop a regional capacity management plan to ensure that as SIDS CCMs develop their domestic fisheries, the overall capacity of the LSPSVs and ALLVs does not exceed levels commensurate with allowable fishing opportunities for the tuna stocks, with a view to achieving sustainable level in light of allowable fishing opportunities by 2020. Such a plan should consider, among other options, market based mechanisms for the voluntary transfer of capacity from developed fishing States to small-island developing States.

Attachment F

Purse Seine

China
European Union
Japan
Korea
Philippines
Chinese Taipei
United States 40

Longline

China
European Union
Japan
Korea
Philippines
Chinese Taipei
United States 164