



**TECHNICAL AND COMPLIANCE COMMITTEE
NINTH REGULAR SESSION**

26 September – 1 October 2013
Pohnpei, Federated States of Micronesia

**UNITED STATES PROPOSAL: CONSERVATION AND MANAGEMENT MEASURE
FOR BIGEYE, YELLOWFIN AND SKIPJACK TUNA IN THE WESTERN AND
CENTRAL PACIFIC OCEAN.**

**WCPFC-TCC9-2013-DP07
23 September 2013**

This proposal was circulated to CCMs on 23 September 2013 (WCPFC Circular 2013/97)

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS AND
PARTICIPATING TERRITORIES**

**Circular No.: 2013/97
Date: 23 September 2013
No. pages: 24**

**Letter from US: Proposal of CMM for Bigeye, Yellowfin and Skipjack Tuna in the
WCPO**

Dear All,

Please find attached a letter from the United States of America (USA) concerning the development of the Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean. The letter is accompanied by a US CMM proposal for Bigeye, Yellowfin and Skipjack tunas that will need to be considered along with the other proposals. The original proposal from the US that was tabled in Tokyo at the Working Group on Tropical Tunas 2013 workshop is also attached.

This letter is circulated as requested by the US.

Thanks

A handwritten signature in black ink, appearing to read "Glenn Hurry".

Professor Glenn Hurry
Executive Director



September 22, 2013

Professor Glenn Hurry, Executive Director
Western and Central Pacific Fisheries Commission
P.O. Box 2356
Kolonia
Pohnpei, Federated States of Micronesia

Glenn
Dear ~~Professor Hurry~~,

Please find attached a proposal from the United States to the Ninth Regular Session of the Technical and Compliance Committee:

- Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean.

This text builds upon a submission made by the United States during the Tropical Tuna Workshop that was held in Tokyo in August 2013. That submission, "Discussion Paper from the United States on Efforts to Develop and Adopt a Conservation and Management Measure for Tropical Tunas (CMM 2013-01)", is also attached for ease of reference.

The United States remains concerned that allowing CCMs to choose whether to implement a FAD closure or a limitation on the number of FAD sets is overly complex and risks encouraging non-compliance. We are further concerned that the total efficacy of the measure may be influenced by which option is chosen by which CCM. We are willing to revisit our position on this issue once 1) the SPC can provide clear guidance on the reduction in FAD sets necessary to achieve the BET objective in combination with other measures being considered; 2) the SPC can provide clear guidance on how to mix FAD closures with reductions in FAD sets, in combination with other measures being considered; and 3) CCMs clearly understand how to manage and enforce compliance with a system where different CCMs will have the option to choose different measures.

In this regard, it will be necessary to hear from the compliance officials regarding their ability to monitor and assess compliance under such a scheme. It will also be necessary to hear from the SC/science provider with regard to their ability to assess the effectiveness of a mix and match approach to the this conservation and management measure. In addition, we believe that this approach would require real time or near real time reporting by all flag states as well as weekly summary reports from the Secretariat, and additional cost.



We do not see concurrence on this type of approach for managing the purse seine fleet unless and until all of these issues are addressed.

We look forward to discussing these matters during the upcoming meeting of the TCC. We request that you make this letter and the attached material available to all delegations to the upcoming meeting of the Technical and Compliance Committee.

Best regards,



Russell F. Smith III

Attachments

cc: Charles Karnella, Chair, Western and Central Pacific Fisheries Commission
Rhea Moss, Chair, Technical and Compliance Committee
William Gibbons-Fly, U.S. Department of State
Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources
Arnold Palacios, Commonwealth of the Northern Mariana Islands
Department of Lands and Resources
Joseph Cameron, Guam Division of Aquatic and Wildlife Resources

Proposal from the United States

DRAFT

**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE,
YELLOWFIN AND SKIPJACK TUNA IN THE WESTERN AND
CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2013-01

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Preamble

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);

Recognizing 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, and a system of zone-based FAD set limits to replace the FAD closure and flag-based FAD set limits in 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

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 points after their adoption.

Skipjack

2. The Fishing Mortality Rate (F) for skipjack will be maintained at a level no greater than F_{msy} , 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 F_{msy} , i.e. $F/F_{msy} \leq 1$. This objective shall be achieved through a step by step approach, by no later than 2017, in accordance with this Measure.

Yellowfin

4. The fishing mortality rate for yellowfin will be maintained at a level no greater than F_{msy} , i.e. $F/F_{msy} \leq 1$.

II. General Rules**Attribution of Charter Arrangements**

5. For the purposes of paragraph 12 and 29 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 attribution 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 F_{msy} 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 ("SIDS") in the Convention Area seeking to develop their domestic fisheries. This paragraph shall not be applied to paragraphs 10-19 and 21-23.

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 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.

III. Tropical Purse Seine Fishery

Effort Management

Coastal States

10. 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. PNA annual limits along with actual number of fishing days expended within their respective EEZs shall be reported in the annual report part 2 for the previous 12-month calendar period.

11. Other coastal States shall limit effort in their EEZs to the levels required under CMM 2008-01 or 2010 levels. These CCMs shall report their quantitative limits and their bases in their annual report part 2 for 2013 and shall annually report fishing days in their annual report part 2 for the previous 12 month calendar period.

High Seas

12. Each CCM shall take measures to limit purse seine fishing effort on the high seas as required under CMM 2008-01. CCMs shall report their quantitative limits and their bases in their annual report part 2 for 2013 and shall annually report fishing days in their annual report part 2 for the previous 12-month calendar period.

FADs Management

Common measures for 2014-2017

13. 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.

Measures for 2014

14. In addition to paragraph 13, for additional reduction of FAD sets in

2014 flag CCMs shall implement a prohibition of setting on FADs in October.

Measures for 2015 and 2016

15. In addition to paragraph 13, for additional reduction of FAD sets in 2015 and 2016 flag CCMs shall implement a prohibition of setting on FADs in February and March.

Measures for 2017

16. In addition to paragraph 13, for additional reduction of FAD sets in 2017 flag CCMs shall implement a prohibition of setting on FADs in February, March and April.

Yellowfin tuna

17. CCMs agree to take measures not to increase catches by their vessels of yellowfin tuna. At its 2015 regular session the Commission will formulate and adopt appropriate limits for CCMs, based on recommendations from the Scientific Committee, and taking into account other measures in this CMM. At its 2015 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

Juvenile Tuna Catch Mitigation Research

18. CCMs and the Commission shall promote and encourage research to identify ways for vessels to avoid the capture of juvenile bigeye and yellowfin tuna during FAD sets, including, inter-alia, the possibility that the depth of the purse seine net is a factor in the amount of juvenile bigeye and yellowfin tuna taken during such sets. Results shall be presented annually, through the Science Committee and the Technical and Compliance Committee, to the Commission.

Catch retention

19. 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. 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.

Comment [1]: The United States remains concerned that allowing CCMs to choose whether to implement a FAD closure or a limitation on the number of FAD sets is overly complex and risks encouraging non-compliance. We are further concerned that the total efficacy of the measure may be influenced by which option is chosen by which CCM. We are willing to revisit our position on this issue once 1) the SPC can provide clear guidance on the reduction in FAD sets necessary to achieve the BET objective in combination with other measures being considered; 2) the SPC can provide clear guidance on how to mix FAD closures with reductions in FAD sets, in combination with other measures being considered; and 3) CCMs clearly understand how to manage and enforce compliance with a system where different CCMs will have the option to choose different measures.

In this regard, it will be necessary to hear from the compliance officials regarding their ability to monitor and assess compliance under such a scheme. It will also be necessary to hear from the SC/science provider with regard to their ability to assess the effectiveness of a mix and match approach to the this conservation and management measure. In addition, we believe that this approach would require real time or near real time reporting by all flag states as well as weekly summary reports from the Secretariat, and additional cost.

We do not see concurrence on this type of approach for managing the purse seine fleet unless and until all of these issues are addressed.

20. Nothing in paragraphs 14, 15, 16 and 19, 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

21. Notwithstanding the VMS SSP, a purse seine vessel shall not operate under manual reporting during the FADs closure periods, but the vessel will not be directed to return to port until the Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions in accordance with the VMS SSPs.

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 shall be made available within 90 days of the completion of the trips on which they report.

IV. Longline Fishery

Capacity Management

24. Other than SIDS, CCMs shall not increase the number of purse seine vessels larger than 24m with freezing capacity between 20N and 20S (hereinafter "LSPSVs¹") above the current level as specified in Attachment C.

25. These CCMs shall ensure that the construction of new LSPSVs, or purchase of LSPSVs previously flying other flags, are only authorized or allowed to replace LSPSVs 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.

26. 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 shall be immediately revoked.

27. CCMs that are not SIDS shall not increase the number of longline

¹ Large Scale Purse Seine Vessels

² Reference Table 2(b), WCPFC9-2012-IP09_rev3

vessels authorized to operate outside waters under their national jurisdiction (“ALLVs”) above the current level as specified in Attachment C.

28. 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. Such a plan should consider, among other options, market based mechanisms for the voluntary transfer or capacity from developed fishing States to SIDS.

Bigeye tuna

Catch limits

29. The total allowable catch for longline bigeye tuna is 75,000 mt per year. Non-SIDS flag CCMs shall ensure that the catches of their fishing vessels do not exceed the limits specified in Attachment D.

Monthly catch report

30. CCMs listed in Attachment D shall report, within 30 days of the end of the each month, the amount of bigeye catch by their vessels to the Secretariat in the previous month. When 90% of the catch limit for a CCM is exceeded, the Secretariat shall notify that to all CCMs.

Yellowfin tuna

31. CCMs agree to take measures not to increase catches by their vessels of yellowfin tuna. At its 2015 regular session the Commission will formulate and adopt appropriate limits for CCMs, based on recommendations from the Scientific Committee, and taking into account other measures in this CMM. At its 2015 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

Spatial Management

32. CCMs will explore spatial approaches to managing the longline fishery for the tropical tuna stocks, particularly bigeye tuna.

V. Other Commercial fisheries

33. 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.

34. 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.

VI. Review of measures

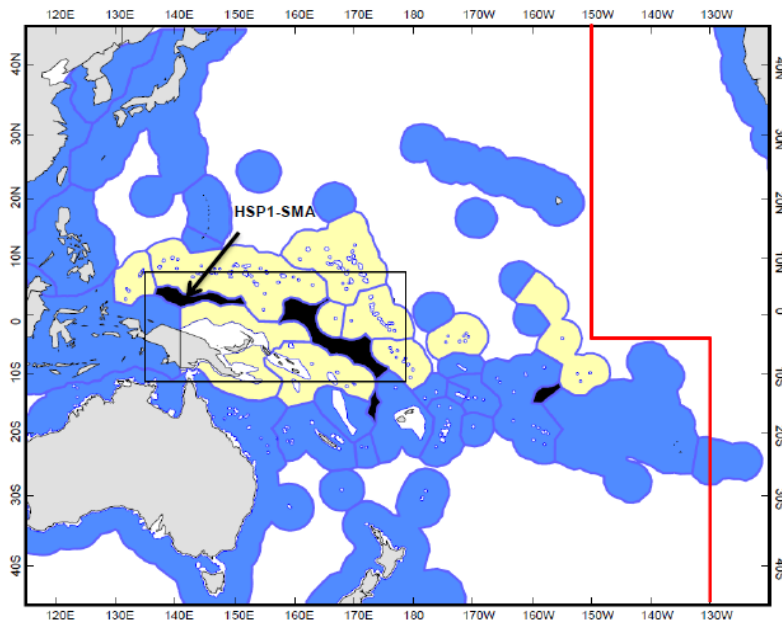
35. The Commission shall review this CMM [annually] [as additional information becomes available] to ensure that the various provisions are having the intended effect(s). It is anticipated that significant new information will enable a comprehensive review in 2015.

VI. Final Clause

36. This measure replaces CMM 2012-01 and shall remain in effect until 31 December 2017.

Attachment A: WCPFC Convention Area

- showing HSP-1 SMA where the arrangements in Attachment B apply



This map displays indicative maritime boundaries only. It is presented without prejudice to any past, current or future claims by any State. It is not intended for use to support any past, current or future claims by any State or territory in the western and central Pacific or east Asian region. Individual States are responsible for maintaining the coordinates for their maritime claims. It is the responsibility of flag States to ensure their vessels are informed of the coordinates of maritime limits within the Convention Area. Coastal States are invited to register the coordinates for their negotiated and agreed maritime areas with the Commission Secretariat.

Attachment B: Measure for Philippines

1. This Attachment of CMM 2013-01 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 may be found in Attachment A.

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 LIST

7. 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

8. The Philippines 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

9. All vessels conducting their fishing activities pursuant to this Attachment to CMM 2012-01 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.

EFFORT LIMIT

10. The total effort of these vessels shall not exceed 4,659² days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

² Reference Table 2(b), WCPFC9-2012-IP09_rev3

Attachment C: Longline Capacity Limits (Number of Vessels) for Developed States by Flag

CCM	Number of LSPSVs	Number of ALLVs
CHINA		
ECUADOR		
EL SALVADOR		
EUROPEAN UNION		
FEDERATED STATES OF MICRONESIA		
INDONESIA		
JAPAN		
KIRIBATI		
REPUBLIC OF KOREA		
MARSHALL ISLANDS		
NEW ZEALAND		
PAPUA NEW GUINEA		
PHILIPPINES (distant-water)		
PHILIPPINES (domestic)		
SOLOMON ISLANDS		
CHINESE TAIPEI		
TUVALU		
UNITED STATES OF AMERICA	40	164
VANUATU		

Attachment D: Bigeye Longline Catch Limits (mt/yr) by Flag¹

	2004	Ave. 2001-04	2012	Reduction taken from baseline	2014 - 2017
AUSTRALIA	892	1,056	482	10% fm 01-04	950
BELIZE	297	803	132	10% fm 01-04	722
CHINA	11,748	6,313	11,324	10% fm 04	10,573
EUROPEAN COMMUNITY	42	11	23	10% fm 04	38
INDONESIA	2,192	1,693	3,681	10% fm 04	1,972
JAPAN	29,248	28,100	12,259	30% fm 01-04	19,670
NEW ZEALAND	177	266	154	10% fm 01-04	240
REPUBLIC OF KOREA	17,941	21,449	18,823	10% fm 01-04	15,014
PHILIPPINES	59	59	0	10% fm 04	53
CHINESE TAIPEI	20,992	16,125	10,994	30% fm 01-04	11,288
USA	4,181	3,653	3,654	10% fm 04	3,763

¹ SIDS and participating territories are accorded a collective limit of 10,717 mt per year within the total allowable catch of 75,000 mt per year. While not, at present, required to limit bigeye tuna catches, if the SIDS/PT limit is exceeded, the Commission will work to appropriately reallocate catch limits to all CCMs.

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
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