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

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**WCPFC10-2013-DP04**  
**5 November 2013**

**Proposal from the United States**

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**DRAFT**

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

**Conservation and Management Measure 2013-01**

## Table of Contents

Preamble .....	1
<b>I. Objectives .....</b>	<b>2</b>
General .....	2
Skipjack .....	3
Bigeye.....	3
Yellowfin .....	3
<b>II. General Rules .....</b>	<b>3</b>
Attribution of Charter Arrangements .....	3
Non-Parties.....	3
Small-island Developing States .....	3
Area of Application .....	4
<b>III. Tropical Purse Seine Fishery (20° N to 20° S).....</b>	<b>4</b>
Effort Management .....	4
FADs Management .....	4
Yellowfin tuna.....	5
Juvenile Tuna Catch Mitigation Research.....	5
Catch retention.....	5
Monitoring and control.....	6
<b>IV. Capacity Management.....</b>	<b>6</b>
<b>V. Longline Fishery.....</b>	<b>7</b>
Bigeye tuna.....	7
Yellowfin tuna.....	7
Spatial Management .....	7
<b>VI. Other Commercial fisheries.....</b>	<b>8</b>
<b>VII. Review of measures .....</b>	<b>8</b>
<b>VIII. Final Clause .....</b>	<b>8</b>
<b>Attachment A: WCPFC Convention Area .....</b>	<b>9</b>
<b>Attachment B: Measure for Philippines .....</b>	<b>10</b>
<b>Attachment C: Longline Capacity Limits (Number of Vessels) for Developed States by Flag .....</b>	<b>12</b>
<b>Attachment D: Bigeye Longline Catch Limits (mt/yr) by Flag<sup>1</sup> .....</b>	<b>13</b>

## 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.

## **Area of Application**

8. 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 (20° N to 20° S)**

### **Effort Management**

#### ***Coastal States***

9. 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.

10. 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***

11. Each CCM shall limit purse seine fishing effort on the high seas as required under CMM 2008-01 or to the 2010 level. 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.

#### ***Transfer of effort***

12. 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.

### **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 Scientific 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.

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. 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 "LSPSVs<sup>1</sup>") 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.

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<sup>1</sup> Large Scale Purse Seine Vessels

27. CCMs that are not SIDS shall not increase the number of longline 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 of capacity from developed fishing States to SIDS.

## V. Longline Fishery

### **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 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.

## VI. 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.

## VII. Review of measures

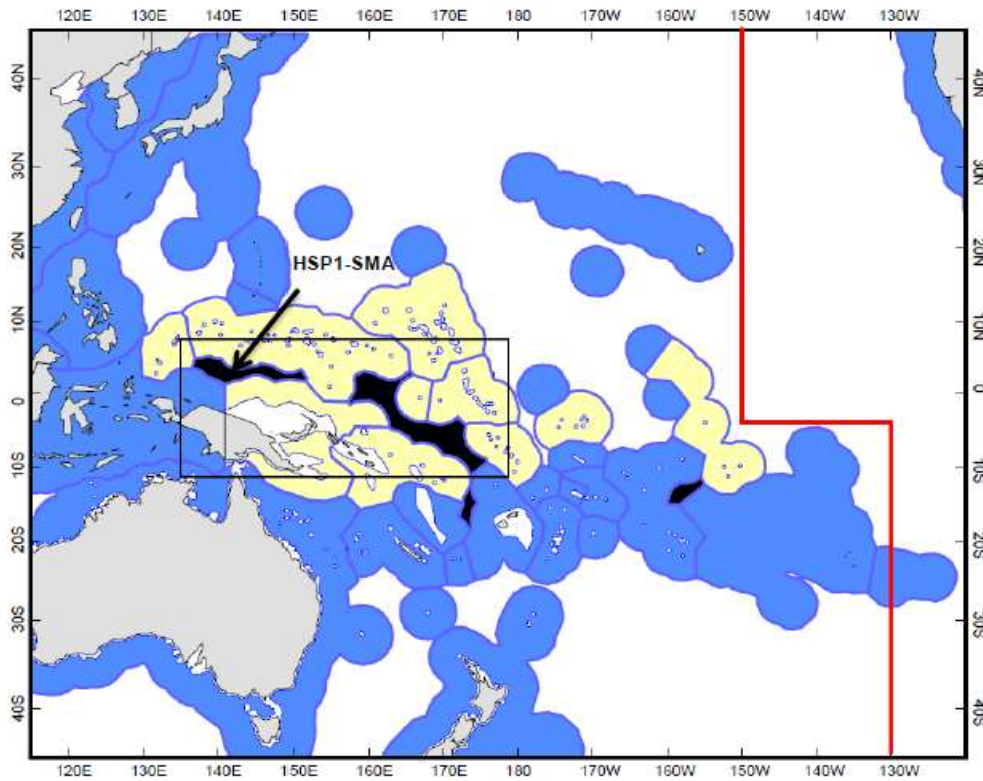
35. The Commission shall review this CMM [annually] [as additional information becomes available] to ensure that the various provisions are having the intended effect(s). It is anticipated that significant new information will enable a comprehensive review in 2015.

## VIII. 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 2013-01 shall comply with all other relevant CMMs. Vessels found to be non-complaint 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 4,659<sup>2</sup> days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

## FAD DATA

11. Information on FADs, and in addition, on anchored FADs, shall be collected and submitted to the Commission in accordance with the CMM for the Collection and Analyses of Data on Fish Aggregating Devices (if adopted).

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<sup>2</sup> 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 Flag<sup>1</sup>**

	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	30% 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

<sup>1</sup> 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.