

**“IMPORTANT Rev 1”
For discussion Sunday**

DRAFT FROM THE WCPFC CHAIR, modifying the Tokyo meeting draft proposal from PNA, Philippines and Japan and incorporating new additions from other CCMs proposals. And adding the changes from the new Japanese/PNA/Philippines Document (REV 1)

**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 and general rules

Objectives

The objectives of this Measure are to ensure that:

General

1. compatible measures for the high seas and exclusive economic zones (EEZs) are implemented so that bigeye, yellowfin and skipjack tuna stocks are, at a minimum, maintained at levels capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by Article 5 of the Convention. The Commission will amend, or replace the objectives with target reference 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 step by step approach through 2017 in accordance with this Measure.

Yellowfin

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

General Rules

Attribution of Charter Arrangements

5. For the purposes of paragraph 20 and 33, 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 in the Convention Area seeking to develop their domestic fisheries. This paragraph shall not be applied to paragraphs 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27 and 28.

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.

- (i) the effectiveness of measures for south Pacific stocks is not undermined by a transfer of effort in days fished into areas covered by such measures. In order not to undermine the effectiveness of these measures, CCMs shall not transfer longline fishing effort and capacity to areas within the Convention Area south of 20S in ways that would undermine measures of the Commission.
- (ii) the effectiveness of measures for north Pacific stocks is not undermined by a transfer of effort in days fished into areas covered by such measures. In order not to undermine the effectiveness of these measures, CCMs shall not transfer longline fishing effort and capacity to areas within the Convention Area north of 20N in ways that would undermine measures of the Commission.

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.

9bis. Archipelagic States are encouraged to take measures to reduce fishing mortality on juvenile bigeye and yellowfin tuna and shall declare the relevant measures that they will apply in archipelagic waters including longline bigeye catch limits and expected number of FAD sets or bigeye catches from purse seining.

II. Measures for 2014-2017

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

FADs management

[10. The measures in paragraphs 11 to 13 shall be subject to the funding arrangement in paragraph 14.]

FAD Set Management¹²

Common measures for 2014-2017

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

10bis. Except for 2014, the Additional FAD Measures become effective on January 1 of that year.

11. Paragraphs 12, 13, 14 and 15 shall have effect if the WCPFC has the amount of \$15m per additional month of FAD closure in a Fund, for transfer payments to SIDS affected by the FAD closure, by 30 April each year. This amount shall be transferred to SIDS in proportion to the average number of FAD sets in the additional month(s) in each EEZ in the period 2010 to 2012.

Additional FAD Measures for 2014

12. Each CCM must select one of the options listed under the FAD Measures for 2014 and notify the Secretariat of that selection by April 1, 2014.³

12a. The prohibition of setting on FADs shall extended for an additional month, for a total of 4 months (July, August, September, and October).

12b. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2014 to 31.5% of the average number of (total) sets made in 2010, 2011, and 2012 for non-SIDS CCMs and 36.5% of the average number of (total) sets made in 2010, 2011, and 2012 for SIDS CCMs. (See Attachment A-1 or A-2).

12c. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2014 to 31.5% of the average number of (total) sets made in 2010, 2011, and 2012 for non-SIDS CCMs and 8/9 of the average number of FAD sets made by SIDS CCMs in 2010, 2011, and 2012 for SIDS CCMs. (See Attachment A-1 or A-2).

12d. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2014 to a total for all CCMs of 16,500

¹ For members of the PNA, this measure will be implemented through the Third Arrangement Implementing the Nauru Agreement of May 2008. ~~This measure shall not replace pre-existing domestic FAD management plans in force in own waters.~~

² Throughout this section, further consideration is needed on the timing of the FAD closure, including having two separate periods of closure.

³ Purse seine vessels [flagged to a developing coastal state member] smaller than 50 m LOA (13+36=49 vessels currently on the WCPFC Record of Fishing Vessels) are exempted from this reduction requirement described in paragraph 10, 12, 13, 14 and 15. When a SIDS CCM chooses limitation of annual FAD sets stipulated in paragraph 12, 13, 14 and 15, purse seine vessels newly introduced after January 1 2014 are managed outside of the FAD set limit for that CCM for 3 years since introduction of the vessel. Those purse seine vessels exempted or managed outside the FAD set limit shall be notified to the Secretariat by 31 March 2013 or within 15 days of vessels introduced after this date

FAD sets. Of this number 15,500 shall be divided among the CCMs based on the relative proportion of FAD sets made by each CCM on average for the years 2010, 2011, and 2012. The remaining, 1000 FAD sets shall be distributed among the SIDS as determined by FFA. (See Attachment A-1 or A-2)

- (i) prohibition of setting on FADs in October (If a non-SIDS CCM chooses this option, the CCM shall take necessary measures to ensure that its total FAD settings in 2014 shall not increase from its average number of FAD sets in 2010-2012); or
- (ii) non-SIDS flag CCMs shall limit annual FAD sets to 31.5% of the average number of total sets between 2010-2012 for the CCMs, and SIDS CCMs shall limit annual FAD sets to either 36.5% of the 3 years average number of total sets or to 8/9 of the three years average FAD sets (2010-2012) of the SIDS CCM.

Additional FAD Measures for 2015)

13. Each CCM shall select one of the options listed under the FAD Measures for 2015 and notify the Secretariat of that selection by April 1, 2015.

13a. The prohibition of setting on FADs is extended for an additional two (2) months for a total of five (5) months.

13a(1). The prohibition of setting on FADs shall apply to July, August, September, October, and November or

13a(2). The prohibition of setting on FADs shall apply to February, March, July, August, and September.

13b. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2015 to 27.5% of the average number of (total) sets made in 2011, 2012, and 2013 for non-SIDS CCMs and 32.5% of the average number of (total) sets made by SIDS CCMs in 2011, 2012, 2013 for SIDS CCMs.⁴

13c. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2015 to 27.5% of the average number of (total) sets made in 2011, 2012, and 2013 for non-SIDS CCMs and 7/9 of the average number of FAD sets made by SIDS CCMs in 2010, 2011, and 2012 for SIDS CCMs.⁵

13d. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2015 to a total for all CCMs of 15,000 FAD sets. Of this number 14,250 shall be divided among the CCMs based on

⁴ Attachment A-1 / A-2 will be updated once the 2013 number of FAD sets is available [and the revised table will be presented to the WCPFC11 annual meeting in 2014 for adoption.]

⁵ As for footnote 4

the relative proportion of FADs sets made by each CCM on average for the years 2010, 2011, and 2012. The remaining 750 FAD sets will be distributed among the SIDS as determined by the FFA(See Attachment A-1 or A-2).

- (i) prohibition of setting on FADs in the additional two months of January and February (If a non-SIDS CCM chooses this option, the CCM shall take necessary measures to ensure that its total FAD settings in each year shall not increase from its average number of FAD sets in 2010-2012); or
- (ii) non-SIDS flag CCMs shall limit annual FAD sets to 27.5% of the average number of total sets between 2011-2013 in 2015 and 2012-2014 in 2016 for the CCMs, and SIDS CCMs shall limit annual FAD sets to either 32.5% of the 3 years average number of total sets or to 7/9 of the three years average FAD sets (2010-2012) of the SIDS CCM.

Additional FAD Measures for 2016

14. Each CCM shall select one of the options listed under the FAD Measures for 2016 and notify the Secretariat of that selection by April 1, 2016.

14a. The prohibition of setting on FADs is extended for an additional two (2) months for a total of five (5) months.

14a(1). The prohibition of setting on FADs shall apply to July, August, September, October, and November; or

14a(2). The prohibition of setting on FADs shall apply to February, March, August, and September.

14b. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2016 to 27.5% of the average number of (total) sets made in 2012, 2013, and 2014 for non-SIDS CCMs and 32.5% of the average number of (total) sets made in 2012, 2013, 2014 for SIDS CCMs.⁶

14c. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2016 to 27.5% of the average number of (total) sets made in 2012, 2013, and 2014 for non-SIDS CCMs and 7/9 of the average number of FAD sets made by SIDS CCMs in 2010, 2011, and 2012 for SIDS CCMs.⁷

14d. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2016 to a total for all CCMs of 13,500 FAD sets. Of this number 13,000 shall be divided among the CCMs based on the relative proportion of FADs sets made by each CCM on average for the years 2010, 2011, and 2012. The remaining 500 FAD sets will be distributed among the SIDS as determined by the FFA. (See Attachment A-1 or A-2).

⁶ Attachment A-1 / A-2 will be updated once the 2014 number of FAD sets is available [and the revised table will be presented to the WCPFC12 annual meeting in 2015 for adoption.]

⁷ As for footnote 6

Additional FAD Measures for 2017

15. Each CCM shall select one of the options listed under the FAD Measures for 2017 and notify the Secretariat of that selection by April 1, 2017.^{8 9}

15a. The prohibition of setting on FADs is extended for an additional two (2) months for a total of five (5) months.

15(1). The prohibition of setting on FADs shall apply to July, August, September, October, and November and sets on FADS shall be prohibited on the high seas (provision to be made to minimize the disadvantage to Kiribati, which is a SIDS coastal state with a discontinuous EEZ); or

15(2). The prohibition of setting on FADs shall apply to February, March, July, August, and September and sets on FADS shall be prohibited on the high seas (provision to be made to minimize the disadvantage to Kiribati, which is a SIDS coastal state with a discontinuous EEZ).

15b. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2017 to 23% of the average number of (total) sets made in 2013, 2014, and 2015 for non-SIDS CCMs and 28% of the average number of (total) sets made in 2013, 2014, 2015 for SIDS CCMs.¹⁰

15c. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2017 to 23% of the average number of (total) sets made in 2013, 2014, and 2015 for non-SIDS CCMs and 6/9 of the average number of FAD sets made by SIDS CCMs in 2010, 2011, and 2012 for SIDS CCMs.¹¹

15d. The 3-month prohibition of setting on FADs shall be accompanied by limiting the total number of FAD sets in 2017 to a total for all CCMs of 11,000 FAD sets. Of this number 10,500 shall be divided among the CCMs based on the relative proportion of FADs sets made by each CCM on average for the years 2010, 2011, and 2012. The remaining 500 FAD sets will be distributed among the SIDS as determined by the FFA. (See Attachment A-1 or A-2).

15e. the prohibition of setting on FADs is extended for an additional three (3) months for a total of six (6) months and the prohibition of setting on FADs shall apply to February, March April, July, August, and September. **(Note if this option is selected the notification requirement should be moved to January 1, 2017).**

⁸ High seas FAD closure does not apply to Philippine flag vessel fishing in HSP-1.

⁹ Acceptance by Japan assuming it has an equivalent impact of additional 3.4 month FAD closure.

¹⁰ Attachment A-1 / A-2 will be updated once the 2015 number of FAD sets is available [and the revised table will be presented to the WCPFC13 annual meeting in 2016 for adoption.]

¹¹ As for footnote 10

16. CCMs that select an option that limits the number of FAD sets in addition to the 3-month prohibition of FAD sets shall implement the limit on FAD sets in accordance with the following:

- (a) The captain of a purse seine vessel shall weekly report (i) the number of FAD sets, (ii) the number of total sets, and (iii) estimated bigeye catch in the previous week to the flag CCM and the observer on board.
- (b) The flag CCM shall provide information set forth in (16a) every month by its vessels to the Secretariat.
- (c) After the number of FAD set conducted reaches 80% of the set limit, the CCM shall report the information (16b) above weekly to the Secretariat.
- (d) After the number of FAD sets conducted reaches 90% of the set limit, the captain shall report the information daily to the flag CCM authority.
- (e) When the number of FAD set conducted reaches the limit, the CCM shall promptly take necessary measures to ensure that no further sets on FADs shall be made by its purse seine vessels during that calendar year and report the measures taken to the Secretariat.

[NOTE the above language in para 16 is modified from Attachment B in the Tokyo draft and that attachment can be deleted if the language above is agreeable to the Commission]

[14. Paragraphs 11, 12 and 13 shall have effect if the WCPFC has the amount of \$15m per additional month of FAD closure in a Fund, for transfer payments to SIDS affected by the FAD closure, by 30 April each year. This amount shall be transferred to SIDS in proportion to the average number of FAD sets in the additional month(s) in each EEZ in the period 2010 to 2012.]

15. In addition to paragraph 13 for additional reduction of FAD sets, except for those Kiribati flagged vessels fishing in the high seas areas as shown in the map appended as Attachment H to this measure, it shall be prohibited to set on FADs in the high seas¹².

Effort Control

Exclusive Economic Zones

17. 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

¹² High seas FAD closure does not apply to Philippine flag vessels fishing in HSP-1

2 for the previous 12-month calendar period.]

[18. Other coastal States with effort in their EEZs exceeding 1,000 days annually over the period 2006-2010 shall limit effort in their EEZs to 2001-4 average or 2010 levels.

19. Other coastal States **[within the Convention Area]** other than those referred to in paragraph 12 and paragraph 13 shall establish effort limits, or equivalent catch limits for purse seine fisheries within their EEZs that reflect the geographical distributions of skipjack, yellowfin, and bigeye tunas, and are consistent with the objectives for those species. Limits established pursuant to this provision shall be provided to the Commission by the relevant coastal States no later than 16 November 2013.]

[18bis. 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

[20. Effort in the high seas shall be limited to 2,190^{13,14} days. The Executive Director shall notify CCMs when the level of effort in the high seas is estimated to have reached 1,752 days (80%) and at that time, shall notify CCMs that purse seine fishing on the high seas shall close at a date when the 2,190 limit is projected to be reached, based on the best available information¹⁵. CCMs shall ensure that their vessels do not fish in the high seas after the date notified by the Executive Director.]

[20bis. 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.]

20ter. Effort management [(Japan's proposal) Developed Flag CCMs shall take necessary measures to ensure that the total level of purse seine fishing effort in days fished by their vessels in EEZs and High seas does not exceed 2010 levels.¹⁶ (Wording of Japanese version different)

¹³ Ref. Table 2b WCPFC-2013-WG-TT-08

¹⁴ The measures that the Philippines will take is in **Attachment D**

¹⁵ This high seas effort limit arrangement will be replaced with an allocated effort limit when an allocation is agreed.

¹⁶ The measures that the Philippines will take is in **Attachment D**

Yellowfin tuna

[21. CCMs are encouraged to take measures not to increase their catch of yellowfin tuna.]

[21bis. 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.]

Catch retention

22. To create a disincentive to the capture of small fish and to encourage the development of technologies and fishing strategies designed to avoid the capture of small tunas and other fish, CCMs shall require their purse seine vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S to retain on board and then land or transship at port all bigeye, skipjack, yellowfin tuna. (See CMM 2009-02 paragraphs 8-12 for the Commission's rules for catch retention.) The only exceptions to this paragraph shall be:

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

23. Nothing in paragraphs 10, 12, 13, 14, 15 and 22 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

24. 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. The flag State shall be notified when VMS data is not received by the Secretariat at the interval specified in CMM 2011-02 and paragraph 28.

25. CCMs shall ensure that purse seine vessels entitled to fly their flags and fishing within the area bounded by 20° N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing

in waters under the jurisdiction of two or more coastal States, shall carry an observer from the Commission's Regional Observer Program (ROP) (CMM 2007-01).

26. 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.

27. 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.

28. VMS polling frequency shall be increased to every 30 minutes during the FAD closure period. The increased costs associated with the implementation of this paragraph will be borne by the Commission.

FAD Management Plan

29. By 1 July 2014, CCMs fishing on the high seas shall submit to the Commission Management Plans for the use of FADs by their vessels on the high seas, if they have not done so. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs, including implementation of the FAD closure pursuant to paragraphs 10, 12, 13, 14 [and 15] above. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Attachment E).

Note all except a few flag CCMs with purse seine vessels have submitted a FAD Management Plan. It currently isn't clear whether CCMs are expected to provide an updated FAD Management Plan that conforms to the Attachment E requirements.

30. The Commission Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical & Compliance Committee and the Commission in 2014, including:

- a. Marking and identification of FADs;
- b. Electronic monitoring of FADs;
- c. Registration and reporting of position information from FAD-associated buoys; and
- d. Limits to the number of FADs deployed or number of FAD sets made.

Capacity Management

[31. CCMs that are not SIDS shall:

- a. not increase the number of purse seine vessels larger than 24m with freezing capacity actively fishing between 20N and 20S (hereinafter “LSPSVs⁹”) above the current level as specified in Attachment F;
- b. not increase the number of longline vessels [authorized to operate outside their national waters]¹⁰ (hereinafter “ALLVs¹¹”) above the current level as specified in Attachment F.

[31bis. When new LSPSVs or ALLVs are introduced by SIDS CCMs, non-SIDS CCMs shall jointly reduce the equivalent number of LSPSVs or ALLVs with their flag the following year. Such reduction by non-SIDS CCMs shall be shared on a pro-rata basis of the number of LSPSVs and ALLVS flagged to each non-SIDS CCMs.]¹²

[31ter. 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 F.]

31quater. These CCMs (i.e. other than SIDS) 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.

31quinquies. 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.

31sexies. 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 F.

[32. 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.]

⁹ Large Scale Purse Seine Vessels

¹⁰ Further consideration is required to determine an appropriate way to identify the vessels that will be covered actively fishing etc.

¹¹ Authorized LongLine Vessels

¹² RMI is leading further development of this concept. TCC will consider additional proposals.

[32bis. 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.]

Longline fishery

Catch limits

[33. The catch limits in 2014 and thereafter for bigeye tuna shall be as specified in **Attachment G-1** (catch limits are to be 40% reduction from 2001-2004 level or 45% reduction from 2004 level¹³ by 2017). Any overage of the catch limit shall be deducted from catch limit of next year for the CCM.]

[33bis. 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 G-2**.]

[34. CCMs are encouraged to take measures not to increase their catch of yellowfin tuna.]

[34bis. 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.]

Monthly catch report

[35. CCMs listed in **Attachment G-1** shall report monthly the amount of bigeye catch by their flagged vessels to the Secretariat by the end of the following month. When 90% of the catch limit for a CCM is exceeded, the Secretariat shall notify that to all CCMs.]

[35bis. CCMs listed in **Attachment G-2** 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.]

¹³ Only applies to China and USA

Effort limits

[36. There shall be no fishing in the high seas by longline vessels that do not unload their catch in SIDS ports or in ports of their flag or chartering state for the FAD closure periods set out in paragraphs 10, 12, 13, 14 and 15.]

[33 (bis) 37. The Eastern High Seas pocket surrounded by the EEZs of Kiribati, Cook Islands and French Polynesia) shall be closed to fishing.]

Other Commercial fisheries

38. 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.

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

III. Review of measures

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

40bis. 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.

IV. Final Clause

[41. This measure replaces CMM 2012-01 and the measures for 2017 shall continue to apply unless the Commission decides otherwise.]

[41bis. This measure replaces CMM 2012-01 and shall remain in effect until 31 December 2017.]

Attachment A-1: Annual total sets (or total days fished) by flag CMM

CCM	2010	2011	2012	Average (2010-2012)
CHINA				
ECUADOR				
EL SALVADOR				
EUROPEAN UNION				
FEDERATED STATES OF MICRONESIA				
INDONESIA				
JAPAN				
KIRIBATI				
REPUBLIC OF KOREA				
MARSHALL ISLANDS				
NEW ZEALAND				
PAPUA NEW GUINEA				
PHOLIPPINES(distant-water)				
PHOLIPPINES(domestic)				
SOLOMON ISLANDS				
CHINESE TAIPEI				
TUVALU				
UNITED STATES OF AMERICA				
VANUATU				
Total				

Attachment A-1 (Bis) : Annual Total Sets by Flag CCM

2010	2011	2012		Avg 2010-2012
2,790	3,423	1,837	CHINA	2,683
181	474	478	ECUADOR	378
140	188	186	EL SALVADOR	171
1,067	1,267	1,295	FSM	1,210
			INDONESIA	
6,552	7,306	6,511	JAPAN	6,790
727	1,340	1,987	KIRIBATI	1,351
1,904	2,110	2,032	MARSHALL ISLANDS	2,015
580	350	429	NEW ZEALAND	453
6,069	5,543	6,593	PAPUA NEW GUINEA	6,068
			PHILIPPINES (distant-water)	
1,548	1,311	1,539		1,466
			PHILIPPINES (domestic)	
7,460	6,668	7,642	REPUBLIC OF KOREA	7,257
249	195	171	SOLOMON ISLANDS	205
541	517	516	SPAIN	525
7,908	7,645	7,455	CHINESE TAIPEI	7,669
347	323	272	TUVALU	314
8,698	6,319	9,006	USA	8,008
566	672	576	VANUATU	605
47,327	45,651	48,525		

Attachment A-2: Estimated FAD sets undertaken in the tropical purse seine fishery of the WCPFC Convention Area, by flag, 2010-2012 (from WCPFC-2013-WGTT/08 to be updated and figures by CCM for the additional options included)

Table 15. Total sets made in the WCPFC tropical purse seine fishery BY FLAG, 2010 – 2012.

2010	2011	2012		AVG 2010-2012	Reduction to 30%	Reduction to 35%
2,790	3,423	1,837	CHINA	2,683	805	
181	474	478	ECUADOR	378	113	
140	188	186	EL SALVADOR	171	51	
1,067	1,267	1,295	FSM	1,210		423
			INDONESIA			
6,552	7,306	6,511	JAPAN	6,790	2,037	
727	1,340	1,987	KIRIBATI	1,351		473
1,904	2,110	2,032	MARSHALL ISLANDS	2,015		705
580	350	429	NEW ZEALAND	453	136	
6,069	5,543	6,593	PAPUA NEW GUINEA	6,068		2,124
1,548	1,311	1,539	PHILIPPINES (distant-water)	1,466	440	
			PHILIPPINES (domestic)			
7,460	6,668	7,642	REPUBLIC OF KOREA	7,257	2,177	
249	195	171	SOLOMON ISLANDS	205		72
541	517	516	SPAIN	525	157	
7,908	7,645	7,455	CHINESE TAIPEI	7,669	2,301	
347	323	272	TUVALU	314		110
8,698	6,319	9,006	USA	8,008	2,402	
566	672	576	VANUATU	605		212
47,327	45,651	48,525		47,168	10,620	4,119

Notes

1. Estimating the Effort (sets) excluding Archipelagic waters requires operational data which have not been provided for several key fleets. As a consequence, the estimates excluding archipelagic waters should be considered as provisional until such time as complete operational data have been provided for ALL fleets.
2. Covers the WCPFC Convention area between 20N-20S
3. Excludes archipelagic waters. Fleets from Indonesia, Papua New Guinea, Philippines (distant-water), Philippines (domestic) and Solomon Islands in this list are normally the only fleets active in archipelagic waters.
4. Excludes the domestic fisheries of Indonesia, Philippines and Vietnam

Attachment A-2 (Bis): Estimated FAD Sets undertaken in the tropical purse seine fishery of the WCPFC Convention Area, by flag, for 2001-2012 in reference to the paragraphs 12. (ii) and 13. (ii) options)

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	CCM	Avg 2010-2012
15	139	161	513	860	924	826	1,182	1,547	688	2,002	1,126	CHINA	1,272
						96	393	127	156	425	465	ECUADOR	349
10	30	1				53	151	162	137	185	182	EL SALVADOR	168
325	383	491	790	497	282	338	481	734	431	793	814	FEDERATED STATES OF MICRONESIA	679
												INDONESIA	
2,321	2,020	2,263	3,163	2,402	2,612	2,475	2,633	2,565	829	1,320	1,618	JAPAN	1,256
72	62	63	97	104	66	61	68	232	221	548	495	KIRIBATI	421
392	579	877	1,064	934	743	889	459	618	632	1,558	1,280	MARSHALL ISLANDS	1,157
136	398	438	574	196	488	419	440	387	190	185	145	NEW ZEALAND	173
843	1,252	1,034	2,671	2,018	1,932	1,416	1,286	1,751	1,066	1,710	2,392	PAPUA NEW GUINEA	1,723
882	1,007	1,240	1,197	1,131	851	249	537	551	361	190	416	PHILIPPINES (distant-water)	322
												PHILIPPINES (domestic)	
552	1,186	711	2,520	889	2,306	1,865	1,937	2,175	1,085	2,112	1,239	REPUBLIC OF KOREA	1,479
152	118	100	92	110	254	189	301	533	186	150	153	SOLOMON ISLANDS	163
56	62	106	143	77	204	420	614	508	506	487	459	SPAIN	484
1,608	2,649	1,904	3,288	2,733	3,080	2,783	2,241	2,740	1,835	2,970	3,032	CHINESE TAIPEI	2,612
								29	40	55	73	TUVALU	56
2,018	1,763	1,565	2,070	1,326	1,543	1,393	2,764	3,751	2,385	3,378	3,421	UNITED STATES OF AMERICA	3,061
36	139	181	655	528	476	579	227	385	192	393	242	VANUATU	276
9,418	11,787	11,135	18,837	13,805	15,761	14,051	15,714	18,795	10,940	18,461	17,552		

Attachment A-3 (Bis): FAD Set Limits for SIDS Fleets

The Two Options for the FAD Set Limit Alternative for paragraph 12(ii)

	FSM	Kiribati	Marshall Is	PNG	Solomon Is	Tuvalu	Vanuatu
8/9ths of 2010-12 average of FAD sets	604	375	1,028	1,531	145	50	245
36.5% of 2010-12 average of total sets	442	493	736	2,215	75	115	221

The Two Options for the FAD Set Limit Alternative for paragraph 13(ii)

	FSM	Kiribati	Marshall Is	PNG	Solomon Is	Tuvalu	Vanuatu
7/9ths of 2010-12 average of FAD sets	528	328	900	1,340	127	44	214
32.5% of 2010-12 average of total sets	393	439	655	1,972	67	102	221

**[Attachment B: Guideline for Reporting of PS Operations
Relating to FAD sets for paragraph 12. (ii) and 13. (ii) and 15**

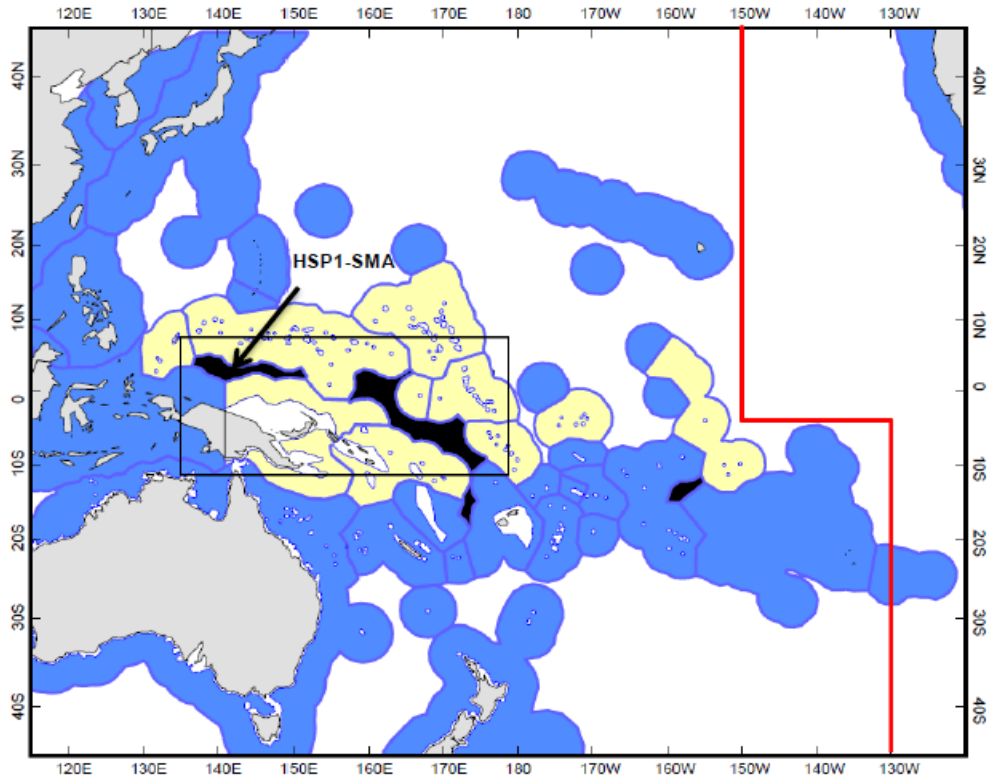
In order to observe the FAD set limit, the flag CCM which choose the option to limit the FAD sets number shall ensure to take at least the following measures, except for the period of original FAD closure (July-September);

- (1) The captain of a purse seine vessel shall provide a weekly report on (i) the number of FAD sets, (ii) the number of total sets, and (iii) estimated bigeye catch in the previous week to the flag CCM and the observer on board.
- (2) The flag CCM shall provide information set forth in (1) every month by set by its vessels to the Secretariat.
- (3) After the number of FAD set conducted reaches 80% of the set limit, the CCM shall report the information (2) above weekly to the Secretariat.
- (4) After the number of FAD set conducted reaches 90% of the set limit, the captain shall report the information daily to the flag CCM authority.
- (5) When the number of FAD set conducted reaches the limit, the CCM shall promptly take necessary measures to ensure that no further set on FADs shall be made by its purse seine vessels during that calendar year and report the measures taken to the Secretariat.]

[to be deleted if para 16 is agreeable to the Commission]

Attachment C: WCPFC Convention Area Related to Attachment D

- showing HSP-1 SMA where the arrangements in Attachment D 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 D: 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 (in Attachment C).

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, and any other applicable measure adopted by the Commission.

EFFORT LIMIT

10. The total effort of these vessels shall not exceed 4,659¹⁴ days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

¹⁴ Reference Table 2(b), WCPFC9-2012-IP09_rev3

Attachment E: Preparation of FAD Management Plans

To support obligations in respect of FADs¹⁵ in CMM-2013-01, the FAD Management Plan (FADMP) for a CCM purse seine fleet to be submitted to the Commission shall include:

- An objective
- Scope:
 - Description of its application with respect to:
 - Vessel-types and support and tender vessels,
 - FAD types [anchored (AFAD) AND drifting (DFAD)],
 - maximum FAD numbers permitted to be deployed [per purse seine or ring net vessel per FAD type],
 - reporting procedures for AFAD and DFAD deployment,
 - catch reporting from FAD sets (consistent with the Commission's Standards for the Provision of Operational Catch and Effort Data),
 - minimum distance between AFADs,
 - incidental by-catch reduction and utilization policy,
 - consideration of interaction with other gear types,
 - statement or policy on "FAD ownership".
 - Institutional arrangements for management of the FAD Management Plans
 - Institutional responsibilities,
 - Application processes for FAD deployment approval,
 - Obligations of vessel owners and masters in respect of FAD deployment and use,
 - FAD replacement policy,
 - Reporting obligations,
 - Observer acceptance obligations,
 - Relationship to Catch Retention Plans,
 - Conflict resolution policy in respect of FADs.
 - FAD construction specifications and requirements
 - FAD design characteristics (a description),
 - FAD markings and identifiers,
 - Lighting requirements,
 - radar reflectors,
 - visible distance,
 - radio buoys [requirement for serial numbers],
 - satellite transceivers [requirement for serial numbers].
- Applicable areas

¹⁵ Fish aggregating devices (FAD) are drifting or anchored floating or submerged objects deployed by vessels for the purpose of aggregating target tuna species for purse seine or ring-net fishing operations

- Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.
- Applicable period for the FAD-MP
- Means for monitoring and reviewing implementation of the FAD-MP.
- Means for reporting to the Commission

Attachment F: Limits on Vessel numbers 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		
VANUATU		

Attachment G-1: Bigeye Longline Catch Limits by Flag

CCMs	Catch					40% reduction from Av. 2001-04	45% reduction from2004	Catch Limits			
	2001	2002	2003	2004	Av. 2001-04			2014	2015	2016	2017 and thereafter
AUSTRALIA	1,307	1,002	1,024	892	1,056						2,000
BELIZE	1,322	812	782	297	803						803
CHINA	2,227	2,312	8,965	11,748	6,313		6,461				6,461
EUROPEAN UNION	0	0	0	42	11						2,000
INDONESIA	942	1,470	2,168	2,192	1,693						5,048
JAPAN	27,466	29,574	26,110	29,248	28,100	16,860					16,860
NEW ZEALAND	481	201	204	177	266						2,000
REPUBLIC OF KOREA	22,172	28,533	17,151	17,941	21,449	12,869					12,869
CHINESE TAIPEI	12,435	16,645	14,429	20,992	16,125	9,675					9,675
USA	2,418	4,396	3,618	4,181	3,653		2,300				2,300

Attachment G-2: Bigeye Longline Catch Limits (mt/yr) by Flag¹⁷

	2004	Av. 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 UNION	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

¹⁷ 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.

Attachment H: WCPFC Convention Area Related to Paragraph 15

- showing High Seas area where the arrangement in paragraph 15 applies.