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

WCPFC11-2014-DP11
1 November 2014

Paper by PNA Members, and Tokelau



31 October 2014

Dr SungKwon Soh
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356 Kolonia
Federated States of Micronesia

Dear SungKwon,

Proposal for a Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean, and Explanatory Note

I am writing in my capacity as Chair of the Parties to the Nauru Agreement, on behalf of the 8 members of the PNA, and Tokelau.

Please find attached a PNA and Tokelau proposal for a revised Tropical Tuna CMM for distribution to other CCMs as a Delegation Paper for WCPFC11.

Also attached is a separate Explanatory Note on the proposal, to meet the requirements of CMM 2013-06.

We look forward to the discussions on the proposal and the resulting outcome and decisions.

Yours Sincerely,

Mr. Sam Finikaso
Chairman
Parties to the Nauru Agreement

**PNA AND TOKELAU EXPLANATORY NOTE ON A REVISED
CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE, YELLOWFIN AND
SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

Purpose

The purpose of this note is to provide information for the Commission to meet the requirements of CMM 2013-06 in respect of the draft revised CMM for Bigeye, Yellowfin and Skipjack Tuna in the WCPO. Among other things, CMM 2013-06 requires the Commission to apply the questions addressed below to determine the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area in considering any new proposal. In this respect, it should be noted that for the purpose of this analysis:

- a) the Draft revised CMM is not a new CMM but it does include revisions to the CMM that constitute a new proposal, and CMM 2013-06 is applicable on that basis;
- b) There are several elements to the revisions proposed which are intended as a balanced package, and the revisions are therefore considered as a single proposal on that basis.

a. Who is required to implement the proposal?

All CCMs engaged in the tropical tuna fisheries will be required to implement elements of the new proposal.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

The largest impacts from this proposal will fall on:

- i) CCMs with fleets engaged in the tropical distant water longline fishery because the highest priority in the proposed revisions is to address the shortfalls in the effectiveness of measures to reduce fishing mortality from longlining, and in particular the continuing compliance and control failures in those fleets, especially in the high seas. These fleets will also be the major beneficiaries of all the measures being taken, including by the purse seine fisheries because they will harvest the benefits of improvements in the bigeye stock, and so should be substantial net beneficiaries of the measures being proposed. If these fleets are not substantial net beneficiaries, then bigeye conservation is not economically beneficial;
- ii) CCMs in whose waters the additional FAD closures would apply and CCMs with fleets engaged in the tropical purse seine fishery that will be required to apply the additional measures to improve the effectiveness of the existing measures to reduce FAD use and juvenile bigeye fishing mortality. The impacts of the measures to reduce FAD use will in particular cause economic and financial losses to many SIDS in terms of foregone government revenue and reduced viability of domestic fleets. SIDS will also benefit from some of the elements including benefits from bigeye conservation, but these benefits will be relatively small in relation to costs, creating a potential disproportionate burden on SIDS.

- c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?**

No

- d. Does the proposal affect development opportunities for SIDS?**

The existing CMM already adversely affects the development opportunities of some SIDS with domestic fleets and processing facilities because domestic purse seine vessels are generally smaller and often associated with local unloading and processing facilities, so they have less capability to roam to locate free schools during the FAD closure period. This outcome transfers a substantial disproportionate burden of action for the conservation of bigeye on to SIDS. The proposed pre-dawn set ban will add to that disproportionate burden. On the other hand, the proposed revision includes some proposals that would promote the use of SIDS ports by longline vessels, and may also promote SIDS domestic longline development.

- e. Does the proposal affect SIDS domestic access to resources and development aspirations?**

The existing CMM severely adversely affects SIDS domestic access to resources and development aspirations, particularly because of the substantial reduction in the value of the purse seine fisheries in SIDS waters resulting from the measures to reduce FAD use. Without appropriate mitigation arrangements, extension of these arrangements would increase that disproportionate burden.

- f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?**

The impacts of the proposal on SIDS relate to the economic costs of elements of the proposal rather than the additional capacities needed to implement the proposal. There is a range of additional requirements on SIDS to implement the proposal, including the additional reporting requirements on coastal state SIDS with archipelagic waters, and the additional measures required for the few SIDS flag states affected by the ban on high seas transshipment of frozen bigeye and the other longline control measures that are proposed. Additional resources are not expected to be needed for SIDS to implement these requirements.

- g. What mitigation measures are included in the proposal?**

A number of elements in the proposal can contribute to mitigating the potential disproportionate burden transferred to SIDS by the measures to reduce FAD use. These elements include the ban on transshipment of bigeye at sea, the high seas longline closure and the proposed high seas purse seine effort limit. These measures will mitigate the

burden transferred to SIDS because they will both reduce the measures required to be taken by SIDS fleets and in SIDS waters, and they will increase use of SIDS ports, promote SIDS domestic longline development and increase the value of access to SIDS waters.

In addition, PNA Members and Tokelau set out last year in WCPFC10-2013-DP33 other options for mitigation measures including the key options of a transfer of rights in the tropical longline fishery to SIDS, and a cash transfer. PNA Members and Tokelau consider those options to be still under consideration in respect of the arrangements referred to in para 15 of CMM 2013-01.

In addition, noting the lack of progress within the WCPFC process on the development of arrangements to avoid the transfer of a disproportionate burden, PNA Members and Tokelau have worked to identify alternative measures to reduce FAD use in their waters that impose less economic burden than the FAD closures and FAD set limits in the current CMM. Building on the success of applying fees as a means of managing catches, effort and fleet sizes in their waters, PNA Members and Tokelau are planning to extend the application of economic instruments of this kind to FAD use management. In particular, PNA Members and Tokelau are evaluating the use of:

- i) Charges for FAD use, probably in the form of a premium on the vessel day charge for a day in which a FAD set is made; and
- ii) A charge for FAD registration or deployment.

These charges would come into force as voluntary measures with the intention of reducing FAD use and, in time, replacing the current FAD closures. There would still be economic losses to the SIDS involved because the fleets are not being able to use the most efficient methods for catching skipjack, in order to conserve bigeye largely for the benefit of high seas-based longliners. Potential rents are also reduced for SIDS. However, using charging mechanisms would not only be more efficient, leaving more choice to fleets on when to make FAD sets and eliminating vessels that use FADs inefficiently, but would also generate a partially compensatory revenue stream for the SIDS involved.

g. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

This proposal provides for a range of additional measures as noted above that would:

- i) create beneficial development opportunities for SIDS or
- ii) compensate SIDS; or
- iii) implement alternative means of achieving conservation and management objectives that would avoid a disproportionate burden being transferred to SIDS, rather than provide assistance mechanisms.

DRAFT FROM
**The Federated States of Micronesia, Kiribati, Marshall Islands, Nauru,
Palau, Papua New Guinea, Solomon Islands, Tokelau and Tuvalu**

**(Without prejudice to future positions of PNA Members and Tokelau
individually and collectively**

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

Conservation and Management Measure 2014-xx

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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 paragraphs 9, 10, 16-18, 25, 28, 40, 43, 49, 50, 51, and 52, 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 14 - 24, 30 and 32 - 37.

8. In giving effect to this CMM, the Commission shall pay attention to the geographical situation of a small island developing State which is made up of non-contiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas.

Transfer of effort

9. 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.

10. CCMs shall ensure that the effectiveness of other measures of the Commission is not undermined by a transfer of **longline** fishing effort or capacity to other areas within the Convention Area.

Area of Application

11. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.

12. Coastal States are encouraged to take measures to reduce fishing mortality on juvenile bigeye and yellowfin tuna in archipelagic waters and territorial seas and to notify/inform the WCPFC Secretariat of the relevant measures that they will apply in these waters.

Overlap Area

13. The catch and effort limits in paragraphs 16 - 18 (FAD sets), paragraph 25 (high seas purse seine effort limits), paragraph 40 (bigeye longline catch), and paragraphs 28 and 43 (yellowfin purse seine effort and longline catch) shall be calculated from the relevant historical levels within the Convention Area except for those Member flag States who, consistent with the WCPFC9 decision (paragraph 80 of WCPFC9 Summary Report), notify of their choice to implement IATTC measures in the overlap area. For those Member flag States who choose to implement IATTC measures in the overlap area, the calculation of their limits for the Convention Area (excluding the overlap area) shall exclude historical catch or effort within the overlap area. Notwithstanding decisions on application of catch and/or effort limits, all other provisions of this measure apply to all vessels fishing in the overlap area.

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

FAD Set Management¹

Common measures for ~~2014~~2015-2017

14. A three (3) months ~~(July, August and September)~~ prohibition of setting on FADs shall be in place between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels fishing in EEZs and high seas and all tender vessels, and any other vessels operating in support of purse seine vessels. (see paragraphs 3 -7 of CMM 2009-02 for the rules for the FAD closure in the high seas).

15. (SHIFT TO 17BIS)

16. Each CCM must select one of the following options listed below and notify the Secretariat of that selection by April 1, ~~2014~~2015.²

a. The prohibition of setting on FADs shall be extended for an additional month, for a total of 4 months between 0001 hours UTC on 1 ~~(July, August, September,~~ and 2359 hours UTC on 31 October each year) OR

b. In addition to the 3-month prohibition of setting on FADs the CCM shall limit the total number of FAD sets by its vessels to the number listed in column A in Attachment A.³

Additional FAD Measure for 2015

17. Each CCM must select one of the following options listed below and notify the Secretariat of that selection by December 31 of the previous year.

a. The prohibition of setting on FADs shall be extended for an additional two (2) months, for a total of 5 months (January, February, July, August, September). If a non-SIDS CCM chooses this option, the CCM shall take necessary measures to ensure that its total FAD sets in 2015 and 2016 shall not

¹ For members of the PNA, this measure will be implemented through the Third Arrangement Implementing the Nauru Agreement of May 2008.

² 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 paragraphs 16 - 18. When a SIDS CCM chooses limitation of annual FAD sets stipulated in paragraphs 16 - 18, purse seine vessels newly introduced after January 1 2010 are managed outside of the FAD set limit for that CCM for 3 years following their introduction. After 3 years the FAD sets/total sets by those vessels shall be incorporated into the calculation of the baseline figure for that CCM. Those purse seine vessels exempted or managed outside the FAD set limit and not already notified to the Secretariat shall be notified to the Secretariat by 31 March ~~2014~~2015 or within 15 days of vessels introduced after this date

³ Throughout this measure, in the case of small purse seine fleets, of five vessels or less, the baseline level of effort used to determine a limit shall be the maximum effort in any period and not the average.

increase from its average number of FAD sets in 2010-2012, as listed in column D in Attachment A

b. In addition to the 3-month prohibition of setting on FADs the CCM shall limit the total number of FAD sets by its vessels to the number listed in column B in Attachment A.

17bis. The Commission shall at WCPFC11 adopt arrangements to ensure that this CMM, consistent with the Convention Article 30 2(c), does not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS. The fifth month FAD closure and alternative FAD set limit in paragraph 17 shall only take effect when these arrangements are agreed. In case the Commission fails to agree to those arrangements, then in addition to the measures in paragraphs 14 and 16, CCMs shall take voluntary measures to reduce FADs use and to reduce juvenile bigeye fishing mortality further and report to the Commission. The Scientific Committee and the TCC shall evaluate the effectiveness of the voluntary measures reported by CCMs.

17ter. CCMs shall ensure no more than [100] FADs shall be deployed per year for each purse seine vessel flying their flag

Additional FAD Measures for ~~2017~~ 2016

18. In addition to the FAD measures for 2015 ~~and 2016~~, except for those Kiribati flagged vessels fishing in the ~~adjacent~~ high seas adjacent to the Kiribati exclusive economic zone, it shall be prohibited to set on FADs in the high seas from January 1, ~~2017~~2016, unless the Commission decides on other alternative measures at its 2015 annual meeting.⁴

Reporting for FAD set limit option

19. CCMs that select an option that limits the number of FAD sets in addition to the 3-month prohibition of FAD sets (paragraph 16b, 17b) 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 (19a) every month by its vessels to the Secretariat.
- (c) After the number of FAD set conducted reaches 80% of the set limit, the

⁴ The high seas FAD closure in paragraph 18 does not apply to a CCM that has achieved a verifiable reduction in bigeye catches by its purse seine vessels to 55% from current levels (2010-2012), to be reviewed on the basis of the advice of the Scientific Committee. The measures that the Philippines will take are in Attachment C

CCM shall report the information (19a) 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.

Purse Seine Effort Control

Exclusive Economic Zones⁵

20. CCMs 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 to no more than the levels set out in Attachment A bis.~~

21. CCMs shall support the ongoing development and strengthening of the PNA VDS including implementation and compliance with the requirements of the VDS as appropriate.

22. ~~Other coastal States within the Convention Area with effort in their EEZs exceeding 1,500 days annually over the period 2006-2010 shall limit effort in their EEZs to 2001-2004 average or 2010 levels.~~

23. ~~Other coastal States within the Convention Area other than those referred to in paragraph 20 and paragraph 22 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. Those coastal States that have already notified limits to the Commission shall restrict purse seine effort and/or catch within their EEZs in accordance with those limits. Those coastal State CCMs that have yet to notify limits to the Commission shall do so by 30 June 2014.~~

Reporting against EEZ Limits

24. PNA shall report to the Commission against its collective annual limit by 1 July for the previous 12-month calendar period. ~~Other~~ CCMs subject to limits in paragraph 20 ~~and 23 shall report their quantitative limits and their bases in their Annual Report Part 2 for 2013 and~~ shall annually report fishing days or catch as appropriate in their

⁵~~The requirement in this section to establish coastal State effort and/or catch limits shall apply to all coastal States within the Convention Area, including those north of 20N and south of 20S.~~

Annual Report Part 2 for the previous 12 month calendar period.

High Seas purse seine effort limits

25. ~~For 2014, The Commission shall review these limits at its meeting in 2014 and agree on high seas purse seine effort limits to apply after 2014.~~ Effort in the high seas shall be limited to 531 days quarterly, with any unused days from one quarter carried into the next quarter. The Executive Director shall notify CCMs when the level of effort in the high seas is estimated to have reached 80% of the quarterly limit, and at that time, shall notify CCMs that purse seine fishing on the high seas shall close at a date when the quarterly limit has been reached, based on the best available information. CCMs shall ensure that their vessels do not fish in the high seas after the date notified by the Executive Director. Kiribati flagged vessels shall be exempt from the high seas purse seine limits in the high seas areas adjacent to the Kiribati exclusive economic zone.⁶

26. Notwithstanding any agreement that may be reached at its annual meetings in ~~2014,~~ 2015 and 2016 on high seas purse seine effort limits the total effort level for non-SIDS CCMs shall not exceed the total level of effort in Attachment D.⁷

27. The limits in paragraph 25 and 26 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

Yellowfin tuna purse seine catch

28. CCMs agree to take measures not to increase catches by their vessels of yellowfin tuna. At its 2014 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 2014 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

29. ~~The Scientific Committee at its 2014 regular session will provide advice to the Commission on the relative impact on fishing mortality for yellowfin, of FAD set measures and any increases of yellowfin purse seine catch in unassociated schools.~~

Catch retention

30. 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

⁶ The measures that the Philippines will take are in Attachment C.

⁷ The limits in paragraph 25 are without prejudice to the positions of CCMs concerned about whether the effort on which the limits are based was compliant with CMMs

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 in the high seas.) 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.

31. Nothing in paragraph 14-18 and 30 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

32. 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 36.

33. Each 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) sourced from either the national observer programs of other Members or from existing sub-regional programs.

33 bis. Each CCM shall ensure that tender vessels, and any other vessels operating in support of purse seine vessels, entitled to fly their flag 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 fishing in waters under the jurisdiction of two or more coastal States, shall not deploy FADs unless they carry an observer from the Commission's Regional Observer Program (ROP) sourced from either the national observer programs of other Members or from existing sub-regional programs.

CMM 2009-02 ALSO NEEDS TO BE REVISED TO BAN SETTING OF FADS IN THE FAD CLOSURE PERIOD BY SUPPORT VESSELS

34. 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.

35. 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.

36. 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.

36bis. CCMs shall ensure that no vessel commences a set between the time of midnight (local nautical time) and (sunrise) during the periods of FAD closure applying to their vessels. The time of sunrise shall be determined in accordance with the nautical almanac. A purse seine set shall be considered to have commenced when the skiff is released from the vessel.

FAD Management Plan

37. 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 14 – 18. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Attachment E).

~~38. 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;~~
- ~~e) Registration and reporting of position information from FAD-associated buoys; and~~
- ~~d)a) Limits to the number of FADs deployed or number of FAD sets made. (Depends what is decided on the proposals in Circular 2014/60)~~

Juvenile Tuna Catch Mitigation Research

39. 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.

Longline fishery

Bigeye Catch limits

40. The catch limits in 2014–2015 and thereafter for bigeye tuna shall be as specified in Attachment F. Any overage of the catch limit by a CCM shall be deducted from the catch limit for the following year for that CCM.

41. Paragraph 40 does not apply to members that caught less than 2,000 tonnes in 2004. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 43 years (2014–2015, 2016 and 2017). Consistent with paragraph 6, opportunities for non-members will be decided by the Commission on a case by case basis.

42. The limits in paragraphs 40 and 41 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

Longline Effort Limits

42bis. There shall be no fishing in the high seas from 2015 during the FAD closure periods set out in paragraphs 14 and 16 by longline vessels for which operational data has not been provided as Commission data or which have not unloaded their catch in the previous 6 months of that year in SIDS' ports or in ports of their flag or chartering state.

Yellowfin measures

43. CCMs agree to take measures not to increase catches by their longline vessels of yellowfin tuna. At its 2014 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 2014 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

Monitoring and Control Monthly Bigeye Catch Report

44. CCMs listed in Attachment F, and CMMs required by paragraph 41 to ensure that their annual bigeye catch does not exceed 2,000 tonnes, 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.

44bis. There shall be no transshipment of frozen bigeye tuna at sea from longline vessels.

44ter. Notwithstanding the VMS SSP, a longline freezer vessel that has caught more than 20 tonnes of bigeye in the previous year shall not operate under manual reporting in the area between (30/20)N and 20S, 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.

44quater. Each CCM shall achieve a coverage level of at least 5% on longline fleets fishing within the area bounded by 30° 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 fishing in waters under the jurisdiction of two or more coastal States, by observers from the ROP sourced from either the national observer programs of other Members or from existing sub-regional programs. For fleets for which operational catch and effort data has not been provided under the “Rules for Scientific Data to be Provided to the Commission” as Commission data, a coverage level of 20% shall be achieved

Provision of Operational Catch and Effort Data

44quinquies. Operational level catch and effort data relating to all fishing in EEZs and high seas subject to this CMM except for artisanal small-scale vessels in certain sectors of the fisheries of Indonesia, the Philippines and small island developing states, shall be provided to the Commission in accordance with the Standards for the Provision of Operational Level Catch and Effort Data attached to the Rules for Scientific Data to be Provided to the Commission.

Spatial Management

45. CCMs will explore spatial approaches to managing the tropical tuna stocks, particularly bigeye tuna, including zone-based longline management measures and FAD set limits in the purse seine fishery.

Other Commercial fisheries

46. To assist the Commission in the further development of provisions to manage the catch of bigeye, yellowfin, and skipjack tunas the Scientific and Technical and Compliance Committees during their meetings in 2014 will provide advice to the Commission on which fisheries should be included in this effort and what information is

needed to develop appropriate management measures for those fisheries.

47. 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. ([put into a table](#))

48. 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.

Capacity Management

Purse Seine vessels

49. Other than SIDS and Indonesia, CCMs shall not increase the number of purse seine vessels flying their flag larger than 24m with freezing capacity between 20N and 20S (hereinafter “LSPSVs”) above the current level.⁸

50. The concerned CCMs [other than SIDS and Indonesia](#) 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, or shall not increase the catch or effort in the Convention Area from the level of the vessels being replaced. In such case, the authorization of the replaced vessel shall be immediately revoked. Notwithstanding the first sentence in this paragraph, for those vessels for which building approval has already been granted and notified to the Commission before 1 March 2014, the construction of those vessels will be in accordance with existing regulations of the concerned CCMs.

Longline vessels

51. Other than SIDS and Indonesia⁹, CCMs shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the current level.

52. Other than SIDS and Indonesia, CCMs shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish, above the current level or above the current number of licenses under established

⁸ China shall limit its number of flagged purse seine vessels to 20 vessels to accommodate vessels moving back under its flag from the flags of other CCMs.

⁹ This paragraph shall not create a precedent to respect to application of exemptions non-SIDS CCMs.

limited entry programmes.¹⁰

Capacity management work plan

53. The Commission shall develop a scheme for:

- a) Reduction of overcapacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal states, in particular small island developing States, territories, and States with small and vulnerable economies; and
- b) Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate, including market-based mechanisms for the voluntary transfer.

54. CCMs, other than SIDS, shall jointly develop a scheme to jointly reduce the capacity of LSPSVs to the level of 31 December 2012 and submit it to WCPFC11.

55. Nothing in this measure shall restrict the ability of SIDS to construct or purchase vessels from other CCMs for their domestic fleets. [CCMs shall not require any action by the WCPFC Secretariat or WCPFC Members for the construction or purchase of vessels for SIDS. The Executive Director shall inform the CCMs involved of any actions that do not comply with this provision.](#)¹¹

Review of measures

55. The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect(s). ~~It is anticipated that significant new information will enable a further review in 2014.~~

Final Clause

56. This measure replaces CMM 2013-01 and shall remain in effect until 31 December 2017.

¹⁰ The provisions of this paragraph do not apply to those CCMs who apply domestic individual transferable quotas within a legislated/regulated management framework

¹¹ [For the avoidance of doubt, this clause reiterates equivalent provisions contained in previous CMMs, including CMM 2005-01 \(para 6\), CMM 2008-01 \(para 6\), CMM 2012-01 \(para 7\) and CMM 2013-01 \(para 55\).](#)

Attachment A: FAD set limits tables (2014 – 2016)

	Column A		Column B		Column D
	2014 FAD set limit	2014 Rule (baseline period is 2010 - 2012)	2015 and 2016 FAD set limit	2015 and 2016 Rule (baseline period is 2010 - 2012)	Baseline for FAD set limits (2010-12 average except for fleets of five or fewer vessel who have the maximum for 2010-12)
CHINA	845	31.5% of average total sets	738	27.5% of average total sets	1,272
ECUADOR	119	31.5% of average total sets	104	27.5% of average total sets	349
EL SALVADOR	59	31.5% of maximum total sets (small fleet)	52	27.5% of maximum total sets (small fleet)	185
FSM	604	8/9 average FAD sets	528	7/9 average FAD sets	679
JAPAN	2,139	31.5% of average total sets	1,867	27.5% of average total sets	1,256
KIRIBATI	493	36.5% of average total sets	439	32.5% of average total sets	421
MARSHALL ISLANDS	1,028	8/9 average FAD sets	900	7/9 average FAD sets	1,157
NEW ZEALAND	183	31.5% of maximum total sets (small fleet)	160	27.5% of maximum total sets (small fleet)	190
PAPUA NEW GUINEA	2,215	36.5% of average total sets	1,972	32.5% of average total sets	1,723
PHILIPPINES (distant-water)	462	31.5% of average total sets	403	27.5% of average total sets	322
REPUBLIC OF KOREA	2,286	31.5% of average total sets	1,996	27.5% of average total sets	1,479
SOLOMON ISLANDS	165	8/9 maximum FAD sets (small fleet)	145	7/9 maximum FAD sets (small fleet)	186
EUROPEAN UNION	170	31.5% of maximum total sets (small fleet)	149	27.5% of maximum total sets (small fleet)	506
CHINESE TAIPEI	2,416	31.5% of average total sets	2,109	27.5% of average total sets	2,612
TUVALU	127	36.5% of maximum total sets (small fleet)	113	32.5% of maximum total sets (small fleet)	73
USA	2,522	31.5% of average total sets	2,202	27.5% of average total sets	3,061
VANUATU	349	8/9 maximum FAD sets (small fleet)	306	7/9 maximum FAD sets (small fleet)	393
TOTAL	16,183		14,181		15,864

Attachment A bis: Annual EEZ Purse Seine Effort Limits

<u>CCMS</u>	<u>EFFORT LIMIT (DAYS)</u>	<u>SOURCES</u>
<u>PNA(a)</u>	<u>44,033</u>	<u>Para 20, CMM 2013-01</u> <u>WCPFC10-2013-12, Table 1</u>
<u>Indonesia</u>	<u>3,373</u>	<u>Para 22, CMM 2013-01</u> <u>WCPFC10-2013-12, Table 1</u>
<u>Philippines</u>	<u>4,623</u>	<u>Para 22, CMM 2013-01</u> <u>WCPFC10-2013-12, Table 1</u>
<u>Australia</u>	<u>30,000 tonnes skipjack</u> <u>600 tonnes bigeye & yellowfin</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP19</u>
<u>Cook Islands (b)</u>	<u>1,250</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP20</u>
<u>Fiji (b)</u>	<u>300</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP21</u>
<u>Japan</u>	<u>0 (for EEZ area between 20N</u> <u>and 20S)</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP26</u>
<u>New Zealand (b)</u>	<u>40,000 tonnes of skipjack</u>	<u>Para 23, CMM 2013-01</u> <u>Letter of 22 July 2014 to WCPFC</u>
<u>Niue (b)</u>	<u>200</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP25</u>
<u>Samoa (b)</u>	<u>150</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP22</u>
<u>Tokelau (a)</u>	<u>1,000</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP28</u>
<u>Tonga (b)</u>	<u>250</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP27</u>
<u>United States</u>	<u>2,588</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP23</u>
<u>Vanuatu (b)</u>	<u>200</u>	<u>Para 23, CMM 2013-01</u> <u>WCPFC10-2013-DP24</u>

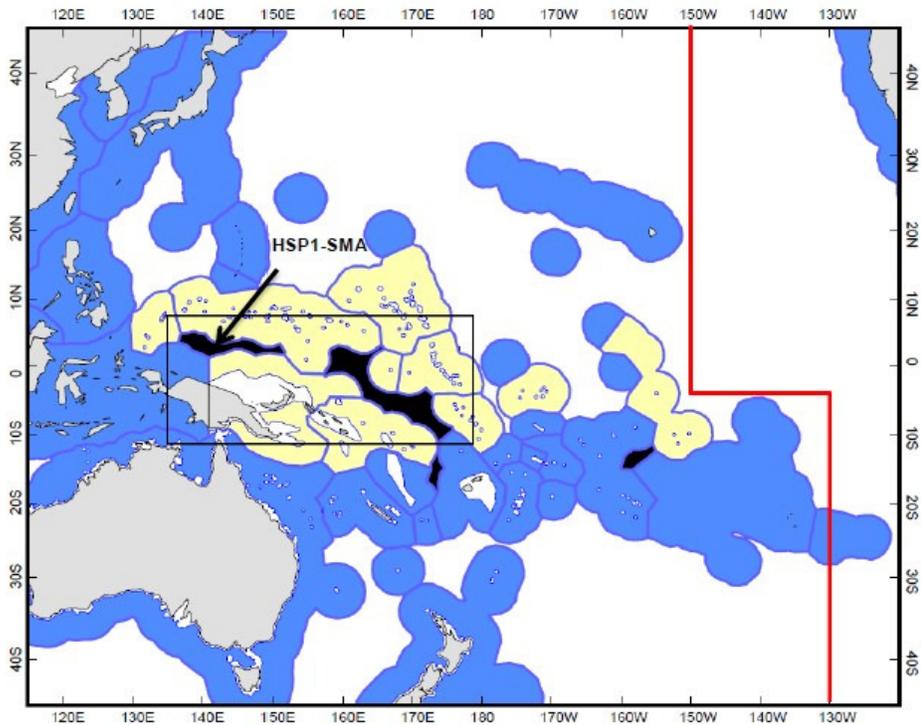
(a) collective limit to be implemented through the Palau Arrangement Vessel Day Scheme

(b) CCMS have a collective obligation under the Treaty with the US, The collective limits of these CCMS not to be exceeded as a result of this obligation.

(c) In the event that other countries join the VDS, the effort limit days attributed to that country will be added to the pool of PNA effort limit days as in the case of Tokelau.

Attachment B: WCPFC Convention Area Related to Attachment C

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

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-compliant 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 D. High Seas Purse Seine Effort Limits (days)

CCM	EFFORT LIMIT (DAYS)
CHINA	26
ECUADOR	**
EL SALVADOR	**
EUROPEAN UNION	403
INDONESIA	(0)
JAPAN	121
NEW ZEALAND	160
PHILIPPINES	#
REPUBLIC OF KOREA	207
CHINESE TAIPEI	95
USA	1270

** subject to CNM on participatory rights, in accordance with paragraph 6 of this CMM

The measures that the Philippines will take are in Attachment C

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
 - Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.

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

- Applicable period for the FAD-MP
- Means for monitoring and reviewing implementation of the FAD-MP.
- Means for reporting to the Commission

Attachment F: Bigeye Longline Catch Limits by Flag

CCMs	Catch Limits**		
	2015	2016	2017
CHINA	8,224	8,224	7,049
INDONESIA	5,889	5,889*	5,889*
JAPAN	18,265	18,265	16,860
REPUBLIC OF KOREA	13,942	13,942	12,869
CHINESE TAIPEI	10,481	10,481	9,675
USA	3,554	3,554	3,345

*Provisional and may be subject to revision following data analysis and verification

**[Catch Limits of CCMs failing to provide operational catch and effort data in accordance with para 31bis shall be reduced by 10% below those set out in the table above.](#)

[NOTE: The 2017 limits need to be reduced to be the equivalent of an overall reduction of 30% from 2012 levels.](#)