



**TECHNICAL AND COMPLIANCE COMMITTEE**

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Pohnpei, Federated States of Micronesia

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**The World Wide Fund for Nature Statement to TCC13**

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**WCPFC-TCC13-2017-OP04**

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**Paper submitted by WWF**



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POSITION

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## Global Oceans Practice

### WWF POSITION

13<sup>th</sup> Regular Session of the Technical and Compliance Committee (TCC) of the Western Central Pacific Fisheries Commission (WCPFC): Pohnpei, Federated States of Micronesia – September 27-October 3, 2017

#### Introduction

The World Wide Fund for Nature (WWF) would like to again thank the Western and Central Pacific Fisheries Commission (WCPFC) Technical and Compliance Committee (TCC) for the opportunity to address the 13th Regular Session of the TCC (TCC13) as an observer and to address the critically important role that it plays in the proper management of the (Western Central Pacific Ocean) WCPO fisheries. The conservation and management of these important resources is dependent on the TCC's ability to consider, implement, assess, and monitor Conservation and Management Measures (CMMs). WWF supports the efforts of the TCC to forward recommendations for CMMs for consideration by the WCPFC as well as its role in ensuring compliance by member states with those measures.

WWF would like to offer the following position and recommendations to the TCC regarding significant management and compliance issues that WWF deems important. WWF wishes to reiterate its position offered in Nadi, Fiji, in December 2016 (WCPFC13) and, taking into account the WCPFC-related meetings held since, offer the recommendations listed below.

#### Reference Points, Harvest Control Rules, and Harvest Strategies

WWF remains supportive of the work of the WCPFC and subsidiary bodies in pursuing the implementation of a Harvest Strategy (HS) approach as agreed under CMM 2014-06 and Supplementary Information on Workplan (workplan) for the adoption of Harvest Strategies under CMM 2014-06. Consistent with previous WWF position statements and recommendations, WWF continues to encourage TCC13 to further endorse and support the adoption of explicit Limit and Target Reference Points (LRP/TRP), Harvest Control Rules (HCRs), and HSs for all WCPO fishery stocks under WCPFC authority. WWF notes that some of the deadlines proposed under the workplan are beginning to slip.

WWF further notes the importance of and strong support for these important management measures, specifically the adoption of TRPs and HCRs for the key target species, particularly from industry participants with Marine Stewardship Council (MSC) certification and many end market representatives. Therefore, WWF encourages TCC13 to maintain momentum on implementation of HS elements, and, where necessary, take steps to recover timelines under the workplan.

**WWF recommends that the TCC:**

- **Support and endorse further implementation of CMM 2014-06 on Establishing a Harvest Strategy for Key Tuna Species in the WCPO consistent with proposed timelines;**
- **Endorse further HCR development and implementation for the skipjack (SKJ) purse seine (PS) fishery;**
- **Further progress toward a TRP proposal for the South Pacific albacore (SP ALB) longline (LL) fishery;**
- **Support the continued development and implementation of LRPs and TRPs as a priority for proper management of *all stocks*, including sharks; and**
- **Support implementation of interim precautionary TRPs for BET and YFT.**

## Sharks and Rays

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Many shark and ray species in the WCPO remain subject to high levels of fishing mortality that current stock assessment trends suggest could be unsustainable.<sup>1</sup> Sharks play a critical role in the WCPO marine ecosystem as apex predators and indicators of ecosystem health.<sup>2</sup> WWF is concerned with shark conservation and sustainability in the WCPFC region as a whole and considers responsible management, trade, and consumption where shark mortality occurs in all fishing activities, not just in circumstances where tuna fishing is occurring. Therefore, WCPFC must also recognise the needs of coastal States in the WCPFC region to manage their shark populations.

WWF supports the previous actions taken by the WCPFC in *CMM 2014-05 Conservation and Management Measure for Sharks*<sup>3</sup>. WWF fully supports recommendations made by SC13 regarding a proposed comprehensive and integrated shark CMM.<sup>4</sup> WCPFC is tasked with managing associated non-target species in tuna fisheries. As such, WWF supports the adoption of the recent risk-based methodology for assessing shark bycatch, and echoes SC13's concerns of overfishing of bigeye thresher sharks. WWF calls for the development of Limit Reference Points for sharks associated with tuna fisheries in the Commission waters. By way of reference, we again endorse the recommendations contained in sections 4.1 and 4.2 of the paper previously presented by Dr. Shelley Clarke in addition to measures recommended below.<sup>5</sup>

Furthermore, WWF endorses the recent report presented by the Common Oceans ABNJ project to SC13 to support best practices for safe handling and release manta rays. WWF calls on the TCC to support the inclusion of manta and mobula rays as Key Shark Species by the WCPFC.

## WWF recommends the TCC:

- **Develop, endorse, and recommend adoption of a Comprehensive Shark CMM that includes efforts to:**
  - **Mandate bycatch best practices consistent with those found in the Compendium of Best Practice of Conservation and Management Measures (CMMs) for the of Species Bycatch in Tuna RFMOs, including adoption of safe release guidelines for manta and mobula rays as presented to SC13;**
  - **Implement the recommendations for bycatch that were endorsed at Kobe III and adopt an annually updated report card system against these recommendations for all of the WCPFC fisheries;**
  - **Require, through data collected from observer programs and other means, estimation of the number of captures and releases of all sharks and rays, including the status upon release (dead or alive), and reporting of this information to the WCPFC; and**
  - **Require, through observer programs, recording what gear is used in longline activities including the use of wire traces and any multi-monofilament traces in order to avoid bite-off by sharks;**
- **Encourage the development of reference points and management for non-target species, including all shark and ray species, as envisaged under Articles 5 and 10 of the WCPF Convention;**
- **Encourage CCM's to report all shark and ray catches from domestic fleets operating in territorial and archipelagic waters.**

## Sea Turtles

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WWF is very encouraged that the WCPFC indicates renewed interest in addressing the effectiveness of *CMM 2008-03 for the Conservation and Management of Sea Turtles*. We acknowledge the outcomes of the first workshop on Joint Analysis of Sea Turtle Mitigation Effectiveness in Longline Fisheries, held in Honolulu, Hawaii, USA, from 16-19 February 2016, and in particular the conclusions drawn from analysis of mitigation scenarios on the four threatened sea turtle species, as presented in the Final Report.<sup>1</sup>

However, while further analysis is important, there remains no new evidence that CMM 2008-03 has demonstrably reduced bycatch impacts on threatened and endangered sea turtles in the region, and thus, WWF maintains that this CMM must be revised immediately with interim measures.

We note with interest the commentary in the WCPFC-SPC report following the Hawaii workshop that “*most of the evidence suggests that circle hooks, particularly those which have large minimum widths and are large relative to mouth size of susceptible sea turtles, can reduce hooking interactions or mortality or both. Use of finfish bait, rather than squid bait, is also a promising mitigation technique*”. While we acknowledge that an optimal strategy for reducing bycatch impacts on sea turtles may vary depending on the individual fishery, its location and characteristics, we find it unacceptable that the majority of CCMs

have not fully reported on compliance with CMM 2008-03, and that only a small fraction of member countries have conducted dedicated research on sea turtle mitigation techniques. Likewise, we remain concerned that current observer coverage falls well below the recommended level for effectively determining optimal mitigation approaches (i.e. 10% coverage over 3 years).

Accordingly, WWF proposes a revision/replacement of CMM 2008-03 in order to:

- (1) ensure requirements for the determination of optimal bycatch mitigation packages (i.e. circle hooks and/or other measures, such as finfish bait) are undertaken for individual fisheries;
- (2) improve the definition of the desired outcomes of the CMM and reduce ambiguity in language; and
- (3) ensure that the WCPFC and member states will suitably monitor the CMM for effectiveness, including addressing what has previously been described (by the Scientific Committee) as “excessive room for creative compliance” within the CMM.<sup>6</sup>

WWF urges TCC to support the revision/replacement of CMM 2008-03, to include stronger and clearer requirements for adoption of mitigation measures and their specifications. We also note the lack of inclusion in the scientific data standards of any data related to sea turtle encounters, despite the scope of CMM 2015-07 includes “reporting...with respect to implementation of measures for non-target species” and given the major gaps in annual reporting against CMM 2008-03. We suggest that such information should be specifically included in assessment criteria and in data standards, including where appropriate data on sea turtle encounters, including data on hook rates, type etc. comparative to hook type and bait.

**WWF recommends the TCC:**

- **Endorse revising or replacing CMM 2008-03, including interim measures that would require members to determine optimum bycatch mitigation via use/testing of alternative hooks and/or bait, and to report on these results, as well as reducing the technical vagueness and ambiguous language, related to the desired outcomes of the CMM;**
- **Encourage member state involvement and participation in the research conducted under the analysis of sea turtle mitigation measure effectiveness in pelagic longline fisheries described previously in EB-WP-05 and further proposed in the Workshop on Joint Analysis of Sea Turtle Mitigation Effectiveness; and**
- **Support the inclusion of sea turtle data in monitoring scheme assessment criteria and related data standards.**

### Regional Observer Programme

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Information collected as part of an appropriate observer programme is critically important to the proper management of a fishery. Data collected by observers plays a central role in informing fisheries scientists on everything ranging from stock assessments to non-target species impacts. Furthermore, observers play an indispensable role in monitoring and enforcing very important CMMs in the WCPO. Indeed, observers represent the vanguard of fisheries management through the science and service that they provide. Consequently,

observer safety and security as well as appropriate observer coverage must be considered a top priority and greater support must be provided to the relevant authority to see that the capacity of the WCPFC Regional Observer Programme (ROP) is strengthened.

### Observer Safety and Security

WWF commends the WCPFC's swift and decisive action to address issues with observer safety and security through the adoption of the observer safety and security provisions during WCPFC12 and the flag and coastal state requirements at WCPFC13. However, WWF continues to strongly believe that more needs to be done to fully address observer safety and security. This need is underscored by two recent events. Since WCPFC13 two observers have gone overboard at sea. One observer, James Numbaru, will never come home. Unconfirmed reports suggest that another observer was recovered alive after a search and rescue effort.

These incidents reinforce the need for further efforts to ensure observer safety and security through the full and transparent documentation and catalogue of observer incidents. One of the outstanding gaps in observer safety and security is represented by the lack of information available to address observer incidents through proper followup and documentation. A requirement for full reporting will allow for identification and understanding of potentially dangerous situations for future observers. Until the WCPFC can fully understand the circumstances surrounding these incidents, it cannot expect to properly address them.

The ROP Annual Report as it currently exists does not provide the necessary level of detail to properly address these issues. Thus, WWF recommends establishing a required comprehensive and transparent reporting procedure for observers and observer programmes to report instances of threats, harrasment, intimidation, assault, or death that national programmes and the ROP could then use to determine solutions to prevent future instances. This procedure must include an annual, publicly available, consolidated, detailed, and fully transparent report of all infractions against observers.

### Observer Coverage on Longline Vessels

WWF notes that observer coverage on longline vessels operating in the WCPO, regardless of the metrics used to calculate it, remains substantially less than 5% region-wide. Moreover, WWF once again emphasises that the 5% observer coverage value identified by the WCPFC represents an arbitrary benchmark that was never intended to represent an "end goal," but rather a minimum starting point toward appropriate observer coverage. Even a consistently applied level of 5% coverage is statistically and practically useless for most management or monitoring, control, and surveillance (MCS) purposes. Therefore, WWF supports efforts to improve the observer coverage of all longline fisheries in the WCPO. As such, WWF supports calculating observer coverage according to the proposed hierarchy of four metrics for assessing observer coverage, but notes that best practice would be to use "number of hooks deployed" as an appropriate metric. If other metrics for calculating coverage are used, terms must be very clearly defined in advance and each metric must be calculated in a way to be comparable to the other metrics.

WWF also notes that different levels of observer coverage may be required for management or compliance purposes, depending on specific identified objectives, and recommends that appropriate analyses be conducted to determine each of those levels respectively in the context of identified objectives.



**WWF recommends the TCC:**

- **Endorse further observer safety and security measures, including fully transparent documentation and catalogue of observer incidents and persons involved; and**
- **Endorse an analysis of levels of observer coverage required to achieve management or compliance purposes while ensuring that the metrics and methodologies used support development of appropriate comparative analyses that meet the needs of the Scientific Services Provider and any MCS objectives;**

**Data Provision and Data Gaps**

WWF commends the recent submission of operational data by some member states. However, some countries continue to withhold historic operational data. WWF continues to view the provision of historic and current operational data as critically important for the proper management of the WCPO fisheries. Thus, WWF believes that all member states should provide their historic operational data as well as their current or recent operational data.

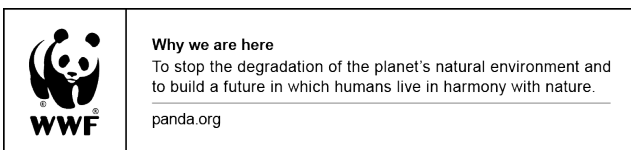
WWF again invites the TCC to review the legal analysis presented at WCPFC12 on the Provision of Operational Data by Japan and Korea. This analysis has since undergone peer review in a prominent legal journal and is available as WCPFC12-2015-OP14 on the Commission website.<sup>7</sup> The conclusions of this analysis very clearly indicate that no domestic legal constraint existed. Therefore, Japan and Korea must be required to provide their historic operational data to the WCPFC consistent with several prior agreed CMMs dating back to 2005.

**WWF recommends the TCC:**

- **Review the conclusions of WCPFC12-2015-OP14; and**
- **Request the submission of all historic operational data by all members who have not submitted that data.**

## References

- <sup>1</sup> Clarke, Shelley C., *et al.* (2013). Population Trends in Pacific Oceanic Sharks and the Utility of Regulations on Shark Finning. *Conservation Biology*, Volume 27, Issue , pages 197–209, February.
- <sup>2</sup> *See* Stevenson, C., *et al.* (2007). High apex predator biomass on remote Pacific islands. *Coral Reefs* 26: 47-51; *See also* Friedlander, A.M. and DeMartini, E.E. (2002). Contrasts on density, size, and biomass of reef fishes between the northwestern and the main Hawaiian islands: the effects of fishing down apex predators. *Marine Ecology Progress Series* 230: 253-264.
- <sup>3</sup> WCPFC (2014) Summary Report of the Eleventh Regular Session of the Western Central Pacific Fisheries Commission (Adopted version) – 29 July 2015, WCPFC, Apia, Samoa, 1-5 December 2014. Attachment S. p.262.
- <sup>4</sup> Clarke, Shelley C. (2013). Towards an Integrated Shark Conservation and Management Measure for the Western and Central Pacific Ocean. WCPFC-SC9-2013/ EB-WP-08. WCPFC-SC, Pohnpei, Federated States of Micronesia, 6-14 August 2013.
- <sup>5</sup> *Id* at 24-27.
- <sup>6</sup> WCPFC Scientific Committee (2009) Monitoring the Effectiveness of Conservation and Management Measures for Bycatch, EB-WP-09, Port Vila, Vanuatu, 10-21 August 2009.
- <sup>7</sup> WCPFC (2014) Provision of Operational Data by Japan and Korea, WCPFC12-2015-OP14, WCPFC, Bali, Indonesia, 2-6 December 2015.



### For more information

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