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

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**WCPFC8-2011-46 (Rev1)**

**CHAIR'S WORKING DRAFT – Revision 1**

**Conservation and Management Measure 2011-01**

*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, 30<sup>th</sup> August- 5 September 2000, p.29).

**Recognising** that the Scientific Committee has determined that there is a high probability 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;

**Noting further** that Article 30(2)(c) of the Convention requires the Commission to ensure 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 and possessions;

**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);

**Adopts**, in accordance with Article 10 of the Convention, the following Measure with respect to bigeye, yellowfin and skipjack tuna, in particular.

## **OBJECTIVES**

1. The objectives of this Measure are to ensure:
  - through the implementation of compatible measures for the high seas and EEZs, over a three year period, that bigeye, yellowfin and skipjack tuna stocks are 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.

### **Skipjack**

- that recent annual catches (approximately 1.5 million metric tons) of skipjack are not exceeded until the Commission has adopted limit and target reference points, and harvest control rules consistent with those reference points, for skipjack tuna in the Convention Area.

**Bigeye**

- that the fishing mortality rate (F) for bigeye tuna is returned to a level consistent with the maximum sustainable yield (Fmsy) which requires a 28 percent reduction in the level of fishing mortality from average 2001-2004 levels or a 39 percent reduction from the 2004 level.

**Yellowfin**

- that the fishing mortality rate (F) is not greater than 2001-2004 or 2004 levels.

**RULES OF GENERAL APPLICATION**

2. For the purposes of attribution of catch and effort under this Measure, vessels operated under charter, lease or other similar mechanisms by developing islands States and participating territories, as an integral part of their domestic fleet, shall be considered to be vessels of the host island State or territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known illegal, unreported and unregulated (IUU) vessels. This paragraph is without prejudice to the rights and obligations of flag States under international law.

3. In giving effect to CMM 2009-11 the Commission shall advise non-Parties to the Convention wishing to acquire Co-operating Non Member (CNM) status that there is a high probability that overfishing is currently taking place in respect of bigeye tuna; yellowfin tuna is at Bmsy, and scientific advice recommends no further increases in skipjack effort in the Convention Area. 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.

4. Members, Cooperating Non-Members and Participating Territories (CCMs) shall ensure that the effectiveness of this Measure is not undermined by a transfer of effort into archipelagic waters and territorial seas.

5. Unless otherwise stated, nothing in this measure shall prejudice the legitimate rights and obligations of those small island developing State Members and participating territories in the Convention Area seeking to develop their own domestic fisheries.

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

7. This Measure shall remain in force for at least three years from the date it comes into effect. Thereafter, this Measure shall remain in force until the Commission decides otherwise.

**PURSE SEINE FISHERY**

8. In order to not undermine the effectiveness of these measures for the purse seine fishery, CCMs shall not transfer fishing effort into high seas areas within the Convention Area south of 20 degrees south and north of 20 degrees north.

## **Effort Levels**

### EEZs

9. PNA members will restrict the level of purse seine effort in their EEZs to 2010 levels. The provisions of paragraph 5 shall not apply to this limit.

10. Other coastal States within the Convention Area will establish catch or effort limits for purse seine fisheries within their EEZs that reflect the geographical distribution of skipjack. Coastal States shall notify the Commission of these limits before 16 November 2012.

### High Seas

11. CCMs shall take necessary measures to ensure that the level of purse seine fishing effort in days fished by their vessels in areas of the high seas does not exceed 2004 levels or the average of 2001-2004 (as specified in paragraph 10 of CMM2008-01).

## **FAD<sup>1</sup> Closure**

12. A three (3) month prohibition on setting on FADs will be in place each year from 1 July to 30 September for all purse seine vessels fishing in EEZs and high seas in the Convention Area between 20 degrees north and 20 degrees south. The provisions of paragraph 5 shall not apply to this measure.

13. All purse seine vessels fishing in EEZs or the high seas in the Convention Area between 20 degrees north and 20 degrees south shall carry an observer during the FAD closure period and provide relevant data to the Commission. In the case of vessels operating exclusively within waters under the national jurisdiction of the flag State, the observer may come from their national programme.

14. CCMs are encouraged to take additional measures to reduce the use of FADs by their vessels and within their EEZs and to report on such measures annually to the Commission in their Part 2 Annual Reports.

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<sup>1</sup> See definition in paragraph 3 of CMM2009-02.

### **Western High Seas Pockets**

15. The two western high seas pockets shall be designated as Special Management Areas.

[The same provisions that apply to the Eastern Highs Sea Pocket Special Management Area, as in CMM 2010-02, to be inserted here.]

### **Catch Retention**

16. 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 all bigeye, skipjack and yellowfin tuna. The only exceptions 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.

### **FAD Management Plans**

17. By 1 July 2012, CCMs shall submit to the Commission Management Plans for the use of FADs by their purse seine vessels. These Plans shall include strategies to limit the capture of juvenile bigeye and yellowfin tuna associated with fishing on FADs. The Plans shall at a minimum meet the Guidelines for Preparation of FAD Management Plans for each CCM (Attachment 1).

18. The Commission Secretariat shall maintain a live list of CCMs' FAD Management Plans, including date of submission and applicable period.

19. CCMs shall report on the implementation of their FAD Management Plans in their Annual Report, including on measures to strengthen implementation where necessary.

## **LOONGLINE FISHERY**

### **Catch Levels**

20. The catch levels for bigeye tuna will remain as specified in CMM 2008-01 for all CCMs for an additional 3 years as per Attachment 2.

21. The catch levels for yellowfin tuna will remain at levels specified in CMM 2008-01 for an additional 3 years.

### **Catch Retention**

22. All catch taken by longline gear must be recorded in vessel logbooks and the information provided to the Commission in the required annual reports.

23. The Commission shall task the Scientific Committee to prepare a report on the likely benefits of releasing individual fish that are still alive when brought on board and best practice handling and release methods.

## **OTHER COMMERCIAL FISHERIES**

24. CCMs shall take necessary measures to ensure that the total capacity and effort of their respective other commercial tuna fisheries for bigeye and yellowfin tuna, including purse seining that occurs north of 20°N or south of 20°S, but excluding artisanal fisheries and those fisheries taking less than 2,000 tonnes of bigeye and yellowfin, shall not exceed the average level for the period 2001-2004 or 2004. CCMs shall provide the SC with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2012 and future years.

## **CAPACITY**

(Potential to include further text depending on outcomes of the small group discussions).

## **EVALUATION OF EFFECTIVENESS**

25. Each year the SC and the TCC shall evaluate the effectiveness of each of the measures in this CMM and provide the Commission with recommendations on how the individual measures and the CMM as a whole can be improved. The Commission shall adjust the individual measures or the entire CMM as necessary to meet the goals established. The

Commission shall provide its reason(s) for not adopting any measure recommended by both the SC and the TCC.

**FINAL CLAUSES**

26. [This Measure replaces CMM2008-01.]

## ATTACHMENT 1

### GUIDELINES FOR PREPARATION OF FAD MANAGEMENT PLANS

To support obligations in respect of FADs in CMM-2011-01, the FAD Management Plan (FADMP) for a CCM purse seine fleet to be submitted to the Commission could include, for example:

- An objective
- Scope:
  - o 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
  - o Institutional responsibilities,
  - o application processes for FAD deployment approval,
  - o Obligations of vessel owners and masters in respect of FAD deployment and use,
  - o FAD replacement policy,
  - o reporting obligations,
  - o observer acceptance obligations,
  - o relationship to Catch Retention Plans,
  - o conflict resolution policy in respect of FADs.



- FAD construction specifications and requirements
  - o FAD design characteristics (a description),
  - o FAD markings and identifiers,
  - o Lighting requirements,
  - o radar reflectors,
  - o visible distance,
  - o radio buoys [requirement for serial numbers],
  - o satellite transceivers [requirement for serial numbers].
- Applicable areas
  - o Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.
- Applicable period for the FAD-MP

## DRAFT

## ATTACHMENT 2. Longline catches and catch limits for bigeye tuna by flag under CMM 2008-01 and the limits agreed under CMM 2011-01.

CCM	2009 catch	2010 catch	2011 catch	CMM 2008-01 2009 limits	CMM 2008-01 2010 limits	CMM 2008-01 2011 limits	CMM 2011-01 limits
AMERICAN SAMOA	249	491					
AUSTRALIA	726	458		2,000	2,000	2,000	2,000
BELIZE	43	89		803	803	803	803
CHINA	15,289	13,924		11,748	11,748	8,224	8,224
CHINESE TAIPEI	13,319	11,552		14,513	12,900	11,288	11,288
COOK ISLANDS	217	192					
EUROPEAN UNION	46	15		2,000	2,000	2,000	2,000
FSM	1,395	899					
FIJI	689	532					
FRANCE (FRENCH POLYNESIA)	587	436					
FRANCE (NEW CALEDONIA)	51	44					
INDONESIA	4,000	1,221		2,000	2,000	2,000	2,000
JAPAN	16,650	14,565		25,290	22,480	19,670	19,670
KIRIBATI	0	3					
MARSHALL ISLANDS	381	257					
NAURU	0	0					
NEW ZEALAND	253	131		2,000	2,000	2,000	2,000
NIUE	10	4					
PALAU	0	0					
PAPUA NEW GUINEA	128	39					
PHILIPPINES	59	59		2,000	2,000	2,000	2,000
REPUBLIC OF KOREA	15,231	13,862		19,304	17,159	15,014	15,014
SAMOA	117	108					
SENEGAL	0	0					
SOLOMON ISLANDS	0	412					
TONGA	38	24					
USA	3,741	3,576		3,763	3,763	3,763	3,763
VANUATU	1,300	2,060					
VIETNAM		2,441					
Total	74,519	67,394					