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Potential Revisions to

CMM 2008-03 Conservation and Management of Sea Turtles

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Paper by the United States of America

**Potential Revisions to
CMM 2008-03, Conservation and Management of Sea Turtles**

**Discussion Paper Prepared by the United States of America
for the
Fourteenth Regular Session of the Technical and Compliance Committee**

As noted in paragraph 362 of the WCPFC14 Summary Report, “*The Commission tasks SC14 and TCC14 to evaluate the expected effects of several potential sea turtle management scenarios, including, but not limited to, ones in which vessels in all longline fisheries in the Convention Area are required to: (1) use either large circle hooks or whole finfish for bait; (2) use large circle hooks and whole finfish for bait; or (3) use any other combination of mitigation methods identified by the SC as being potentially effective. The SC may consider a range of specifications for large circle hooks. SC’s evaluation should focus on expected effects on sea turtle interactions and mortalities on target and bycatch species catch rates. TCC’s evaluation should focus on implementation and compliance implications, as well as SIDS implementation considerations. Based on the evaluations, SC12 and TCC14 will provide any appropriate advice or recommendations to WCPFC with respect to improving CMM 2008-03*”.

To help inform this task at TCC14, the United States offers the following information and analysis.

There is evidence to suggest that the effectiveness of CMM 2008-03 as a sea turtle conservation measure has been substantially diminished due to ambiguity in the scope of applicability of the measure. In 2016, the WCPFC convened two workshops that were funded by the ABNJ (Common Oceans) Tuna project to analyze the effectiveness of sea turtle mitigation in Pacific longline fisheries with respect to interaction and mortality. The report¹ from the workshops identified that while 20% of the longline fishing effort in the western and central Pacific Ocean (WCPO) is in shallow sets, less than 1% of WCPO longline fishing effort is currently subject to mitigation. Paragraph 7 of CMM 2008-03, which includes the CMM’s core provisions for longline vessels, applies specifically to “longline vessels that fish for swordfish in a shallow-set manner”. It was revealed through review of CCM compliance with obligations under CMM 2008-03 during TCC12 that members did not have the same interpretations of the terms “fish for” and “shallow-set manner”. The footnote in paragraph 7 specifies that “‘Shallow-set’ fisheries are generally to be considered those in which the majority of hooks fish at a depth shallower than 100 meters; however, pursuant to paragraph 7 (c) CCMs are to establish and enforce their own operational definitions”. In their annual reports to the Commission in 2016, most members reported zero longline vessels fishing for swordfish in a shallow-set manner, and as such the obligations included in paragraph 7 were considered by the reporting members to be “not applicable”. As a result, as identified in the workshop report, sea turtle mitigation measures are being applied in longline fisheries in very few instances. In the

¹ See workshop final report presented at SC13: <https://www.wcpfc.int/system/files/EB-WP-10%20Sea%20Turtle%20Mitigation.pdf>

2016 Final Compliance Monitoring Report, paragraph 17², it was noted that, “For CMM 2008-03, para 7, there were extensive discussions on the specific requirement of this paragraph and several issues were raised that would benefit from further discussion and/or proposals for consideration at WCPFC13: (a) what is the difference, if any, between to “fish for” and to “target” a species?; (b) there was discussion regarding the broad definition of “shallow-setting” contained in the measure; and (c) it was noted that this measure is fairly old and suggested that consideration should be given as to whether the measure should be updated”. Reducing ambiguity in the application of the measure would address these issues and greatly improve the effectiveness of CMM 2008-03.

In addition, as highlighted in the ABNJ report, expanding mitigation to deep-set longlines would deliver stronger reductions in interaction rates, due to significantly greater effort in deep set longline fisheries, as well as stronger reductions in at-vessel mortality due to a higher probability of asphyxiation in deep sets.

Revising CMM 2008-03 so that it applies to all longline fisheries in the WCPO would be a practical and effective solution to both of the above issues. Expanding the mitigation requirements to include all longline fisheries would not only eliminate ambiguity in the applicability of the current measure and thereby reduce sea turtle interaction rates in shallow-set fisheries, but also reduce interaction rates in deep-set fisheries. Clarifying the measure’s scope of application would provide for better enforcement and allow the Commission to take a more meaningful and effective assessment of CCMs’ compliance with the obligations of the measure.

CMM 2008-03 paragraph 10 authorizes the Secretariat to obligate SRF resources towards implementing FAO Guidelines to Reduce Sea Turtle Mortality, and paragraph 11 encourages CCM contributions to the SRF in support of eligible members’ efforts to implement the measure. Expanding the applicability of the measure could have specific implications for Small Island Developing States. A number of potential additional assistance mechanisms were suggested during initial consultations between the United States and FFA Secretariat last year, including phased implementation of the new requirements to allow for legislative changes and potential assistance through SPC to develop outreach materials to fishing vessels, observers, and compliance officers.

The United States will consider submitting proposed revisions to CMM 2008-03 to WCPFC15, taking into account the deliberations of SC14 and TCC14.

² WCPFC13 Summary Report, Attachment U – 2016 Final Compliance Monitoring Report, para 17: <https://www.wcpfc.int/meetings/13th-regular-session-commission>