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**PROPOSED REVISIONS TO THE CONSERVATION AND MANAGEMENT MEASURE FOR
SHARKS**

**WCPFC18-2021-DP01
1 November 2021**

United States of America

**PROPOSED REVISIONS TO THE
CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS**

**Proposal by the United States of America
to the
Eighteenth Regular Session of the
Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Explanatory note:

Using MSY-based reference points, the WCPO stocks of silky shark (*Carcharhinus falciformis*) and oceanic whitetip shark (*C. longimanus*) are experiencing overfishing (Clarke et al. 2018, Tremblay-Boyer et al. 2019), and the WCPO stock of oceanic whitetip shark is in an overfished state. The Commission has prohibited retention of oceanic whitetip sharks since January 1, 2013, and silky sharks since July 1, 2014, but further action is needed to reduce fishing mortality to these two stocks.

In 2014, WCPFC adopted CMM 2014-05 (later replaced by CMM 2019-04) which required CCMs to ensure that their longline vessels targeting tuna and billfish comply with at least one of the following options: (1) do not use or carry wire trace as branch lines or leaders; or (2) do not use branch lines running directly off the longline flats or drop lines, known as shark lines.

Harley et al. 2015 estimated that prohibitions on the use of shark lines and/or wire trace could result in reductions in fishing mortality for oceanic whitetip shark and silky shark. Under Project 101, Bigelow and Carvalho (2021) updated the Harley et al. 2015 analysis using available WCPFC Regional Observer Programme data from 2010-2018, and presented their results to SC17. In particular, SC17 noted the following:

- *Banning shark lines has the potential to reduce fishing mortality by 2.6% and 5.4% for silky shark and oceanic whitetip shark respectively. These percentages are lower than predicted estimates from Harley et al. (2015) which may be explained by a decrease in use of shark lines in more recent observer data; and*
- *Banning branchline wire leaders has the potential to reduce fishing mortality by 28.2% and 35.8% for silky shark and oceanic whitetip shark, respectively. These percentages are higher than estimates from Harley et al. (2015) and are due to a better representation of wire leader use in distant water fisheries.”*

SC17 also requested some further analysis be undertaken under Project 101 for review at SC18. Although research is ongoing under Project 101, the United States believes that the depleted stock status for oceanic whitetip shark and silky shark warrants immediate action to reduce fishing mortality to these stocks.

This proposal would revise CMM 2019-04 by modifying paragraph 14 to prohibit both the use of wire trace as branch lines and the use of shark lines, and deleting paragraph 15 which requires CCMs to notify the Commission as to which option (wire trace or shark lines) is prohibited on a vessel by vessel or fleet basis. Additionally, the proposal would revise the implementation deadline for the measure if adopted as well as remove a footnote, which delayed implementation of the measure for Indonesia until 2021.

CMM 2013-06 criteria:

- a. *Who is required to implement the proposal?*

All CCMs would be required to implement the proposed revision to the CMM. In particular, the proposed revision would require CCMs to ensure their longline vessels do not use wire trace and shark lines whereas previously the requirement was to prohibit their longline vessels from using at least one of those options.

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

The proposal would impact CCMs with longline fleets that are currently either using shark lines or wire trace as branchlines as part of their operations.

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

IATTC Resolution C-16-05 prohibits longline vessels targeting tunas or billfish in the IATTC Convention Area from the use of shark lines.

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

No, the proposal does not affect development opportunities for SIDS or Participating Territories (hereafter "SIDS"). We are not aware of any active SIDS fisheries targeting sharks, nor any desire to develop targeted fisheries for sharks so this proposal will not inhibit the development of existing or potential fisheries.

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

No. See response to d.

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

CCMs are already required to ensure their fleets do not use either shark lines or wire trace so prohibitions on at least one of the options should already be implemented. SIDS would need to implement the remaining option in their national legislation/licensing conditions or access agreements, and may need resources, financial and human capacity, to implement the provisions. It is our understanding that a majority of SIDS already prohibit the use of shark lines and wire trace through existing national legislation and licensing conditions (SC17 Summary Report, para. 372). For those SIDS already implementing the prohibition, no additional resources would be necessary.

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

The proposal includes prohibitions on the use of wire trace as branchlines and the use of shark lines in longline fisheries.

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

The proposal includes an implementation date of January 1, 2023 to allow CCMs adequate time to implement changes in their national management frameworks.



COMMISSION

~~EIGHTEENTH~~
~~SIXTEENTH~~
REGULAR SESSION

~~Port Moresby, Papua New Guinea~~

~~15 – 14~~ December 2021~~19~~

CONSERVATION AND MANAGEMENT MEASURE FOR
SHARKS

Conservation and Management Measure 20~~2119~~-~~XX~~04

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), in accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);

Recognizing the economic and cultural importance of sharks in the western and central Pacific Ocean (WCPO), the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to fishing pressure, and the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries;

Recognizing the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;

Recognizing further that certain species of sharks and rays, such as basking shark and great white shark, have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Adopts, in accordance with Article 5, 6 and 10 of the Convention, that:

I. Definitions

1. (1) Sharks: All species of sharks, skates, rays and chimaeras (Class Chondrichthyes)
- (2) Full utilization: Retention by the fishing vessel of all parts of the shark excepting head, guts, vertebrae and skins, to the point of first landing or transshipment
- (3) Finning: Removing and retaining all or some of a shark's fins and discarding its carcass at sea

II. Objective and Scope

2. The objective of this Conservation and Management Measure (CMM) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of sharks.
3. This CMM shall apply to: (i) sharks listed in Annex 1 of the 1982 Convention and (ii) any other sharks caught in association with fisheries managed under the WCPF Convention.
4. This measure shall apply to the high seas and exclusive economic zones of the Convention Area.
5. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plan of action for the conservation and management of sharks, within areas under their national jurisdiction. When Commission Members, Cooperating Non-Members, and Participating Territories (CCMs) apply alternative measures, the CCMs shall annually provide to the Commission, in their Part 2 Annual Report, a description of the measures.

III. FAO International Plan of Action for the Conservation and Management of sharks

6. CCMs should implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA). For implementation of the IPOA, each CCM should, as appropriate, include its National Plan of Action for sharks in Part 2 Annual Report.

IV. Full utilization of shark and prohibition of finning

7. CCMs shall take measures necessary to require that all sharks retained on board their vessels are fully utilized. CCMs shall ensure that the practice of finning is prohibited.
8. In order to implement the obligation in paragraph 7, in 2020, 2021 and 2022, CCMs shall require their vessels to land sharks with fins naturally attached to the carcass.
9. Notwithstanding paragraph 8, in 2020, 2021 and 2022, CCMs may take alternative measures as listed below to ensure that individual shark carcasses and their corresponding fins can be easily identified on board the vessel at any time:
 - (1) Each individual shark carcass and its corresponding fins are stored in the same bag, preferably biodegradable one;
 - (2) Each individual shark carcass is bound to the corresponding fins using rope or wire;
 - (3) Identical and uniquely numbered tags are attached to each shark carcass and its corresponding fins in a manner that inspectors can easily identify the matching of the carcass and fins at any time. Both the carcasses and fins shall be stored on board in the same hold. Notwithstanding this requirement, a CCM may allow its fishing vessels to store the carcasses and corresponding fins in different holds if the fishing vessel maintains a record or logbook that shows where the tagged fins and correspondingly

tagged carcasses are stored, in a manner that they are easily identified by inspectors.

10. In case that a CCM wishes to allow its fishing vessels operating on the high seas to use any measure other than the three alternatives in paragraph 9 (1) – (3), it shall present it to TCC. If TCC endorses it, it shall be submitted to the subsequent annual meeting for endorsement.

11. All CCMs shall include in their Part 2 Annual Report information on the implementation of the measures in paragraph 8 or paragraph 9 as applicable for review by TCC. The report by CCMs shall contain a detailed explanation of implementation of paragraph 8 or paragraph 9 as applicable including how compliance has been monitored. CCMs are encouraged to report to TCC any enforcement difficulties that they encountered in the case of the alternative measures and how they have addressed risks such as monitoring at sea, species substitution, etc. The TCC in 2023 shall, taking into account these reports, advise the Commission on the effectiveness of the measures set out in paragraph 9 as alternatives to the obligation contained in paragraph 7, and recommend measures for consideration and possible adoption at the 2023 annual meeting of the Commission.

12. CCMs shall take measures necessary to prevent their fishing vessels from retaining on board (including for crew consumption), transshipping, and landing any fins harvested in contravention of this CMM.

13. CCMs shall take measures necessary to ensure that both carcasses and their corresponding fins are landed or transshipped together, in a manner that allows inspectors to verify the correspondence between an individual carcass and its fins when they are landed or transshipped.

V. Minimizing bycatch and practicing safe release

14. For longline fisheries targeting tuna and billfish, CCMs shall ensure that their vessels comply with ~~at least one of~~ the following ~~options~~:

- (1) do not use or carry wire trace as branch lines or leaders; ~~and/or~~
- (2) do not use branch lines running directly off the longline floats or drop lines, known as shark lines. See **Annex 1** for a schematic diagram of a shark line.

~~15. The implementation of the measures contained in paragraph 14 above shall be on a vessel by vessel or CCM basis. Each CCM shall notify the Commission of its implementation of paragraph 14 by March 31, 2021 and thereafter whenever the selected option is changed.~~

~~16.~~ For longline fisheries targeting sharks, CCMs shall develop and report their management plans in their Part 2 Annual Report.

~~17.~~ The Commission shall adopt and enhance bycatch mitigation measures and develop new or amend, if necessary, existing Shark Safe Release Guidelines¹ to maximize the survival of sharks that are caught and are not to be retained. Where sharks are unwanted bycatch they should be released alive using techniques that result in minimal harm, taking into account the safety of the crew. CCMs should encourage their fishing vessels to use any Commission adopted guidelines for

¹ The Commission adopted at WCPFC15 Best Handling Practices for the Safe Release of Sharks (other than Whale Sharks and Mantas/Mobulids)

the safe release and handling of sharks.

~~18.~~17. CCMs shall ensure that sharks that are caught and are not to be retained, hauled alongside the vessel before being cut free in order to facilitate a species identification. This requirement shall only apply when an observer or electronic monitoring camera is present, and should only be implemented taking into consideration the safety of the crew and observer.

~~19.~~18. Development of new WCPFC guidelines or amendment to existing guidelines for safe release of sharks should take into account the health and safety of the crew.

VI. Species specific requirements

~~20.~~19. Oceanic whitetip shark and silky shark

- (1) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, storing on a fishing vessel or landing any oceanic whitetip shark, or silky shark, in whole or in part, in the fisheries covered by the Convention.
- (2) CCMs shall require all vessels flying their flag and vessels under charter arrangements to the CCM to release any oceanic whitetip shark or silky shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible, following any applicable safe release guidelines for these species.
- (3) Subject to national laws and regulations, and notwithstanding (1) and (2), in the case of oceanic whitetip shark and silky shark that are unintentionally caught and frozen as part of a purse seine vessels' operation, the vessel must surrender the whole oceanic whitetip shark and silky shark to the responsible governmental authorities or discard them at the point of landing or transshipment. Oceanic whitetip shark and silky shark surrendered in this manner may not be sold or bartered but may be donated for purpose of domestic human consumption.
- (4) Observers shall be allowed to collect biological samples from oceanic whitetip sharks and silky shark caught in the Convention Area that are dead on haulback in the WCPO, provided that the samples are part of a research project of that CCM or the SC. In the case that sampling is conducted as a CCM project, that CCM shall report it in their Part 2 Annual Report.

~~21.~~20. Whale shark

- (1) CCMs shall prohibit their flagged vessels from setting a purse seine on a school of tuna associated with a whale shark if the animal is sighted prior to the commencement of the set.
- (2) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, or landing any whale shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.
- (3) For fishing activities in Parties to Nauru Agreement (PNA) exclusive economic zones, the prohibition in paragraph (1) shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.
- (4) Notwithstanding sub-paragraph (1) above, for fishing activities in exclusive economic

zones of CCMs north of 30 N, CCMs shall implement either this measure or compatible measures consistent with the obligations under this measure. When CCMs apply compatible measures, the CCMs shall annually provide to the Commission, in their Part 2 Annual Report, a description of the measure.

- (5) CCMs shall require that, in the event that a whale shark is incidentally encircled in the purse seine net, the master of the vessel shall:
 - (a) ensure that all reasonable steps are taken to ensure its safe release.; and
 - (b) report the incident to the relevant authority of the flag State, including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release.
- (6) In taking steps to ensure the safe release of the whale shark as required under sub-paragraph (5)(a) above, CCMs shall encourage the master of the vessel to follow the WCPFC Guidelines for the Safe Release of Encircled Whale Sharks (WCPFC Key Document SC-10)².
- (7) In applying steps under sub-paragraphs (1), (5)(a) and (6), the safety of the crew shall remain paramount.
- (8) The Secretariat shall report on the implementation of this paragraph on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.

VII. Reporting requirements

~~22-21~~. Each CCM shall submit data on the WCPFC Key Shark Species³ for Data Provision in accordance with Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).

~~23-22~~. CCMs shall advise the Commission (in their Part 2 Annual Report) on implementation of this CMM in accordance with Annex 2.

VIII. Research

~~24-23~~. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and other shark deterrents), safe release guidelines, biology and ecology of sharks, identification of nursery grounds, gear selectivity, assessment methods and other priorities listed under the WCPFC Shark Research Plan.

~~25-24~~. The SC shall periodically provide advice on the stock status of key shark species for assessment and maintain a WCPFC Shark Research Plan for the assessment of the status of these stocks. If possible, this should be done in conjunction with the Inter-American Tropical Tuna

² Originally adopted on 8 December 2015. The title of this decision was amended through the Commission decision at WCPFC13, through adopting the SC12 Summary Report which contains in paragraph 742: “SC12 agreed to change the title of ‘Guidelines for the safe release of encircled animals, including whale sharks’ to ‘Guidelines for the safe release of encircled whale sharks’.”

³ The WCPFC Key Shark Species for Data Provision are designated per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08) and are listed in Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).

Commission.

IX. Capacity building

~~26-25.~~ The Commission should consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.

~~27-26.~~ The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including supplying species identification guides for their fleets and guidelines and training for the safe release of sharks, and including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.

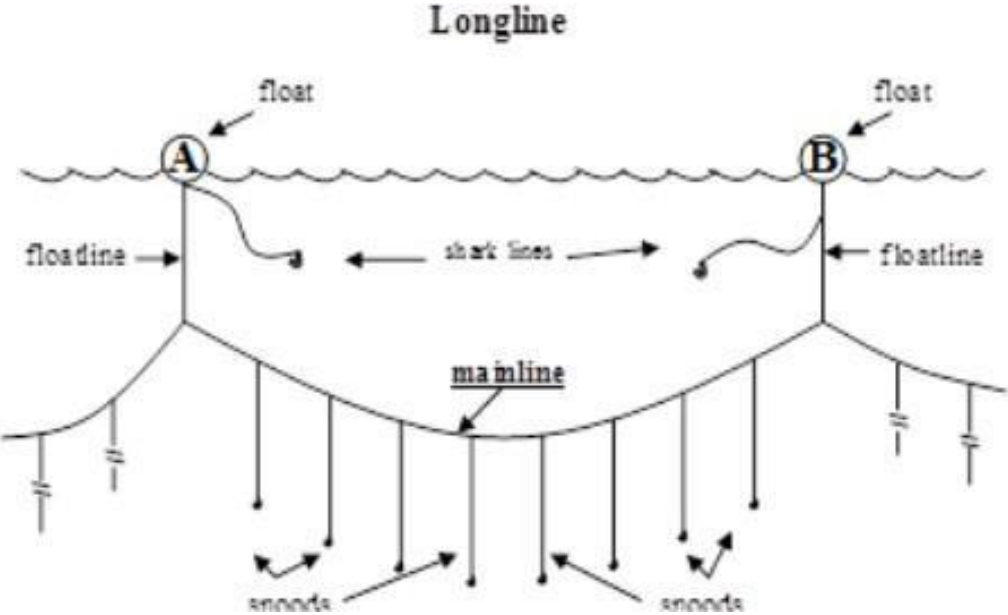
X. Review

~~28-27.~~ On the basis of advice from the SC and/or the TCC, the Commission shall review the implementation and effectiveness of this CMM, including species specific measures, taking into account, *inter alia*, any recommendation from the SC or TCC, in 2023, and amend it as appropriate.

~~29-28.~~ This CMM shall become effective on ~~January~~~~November~~ 1st 202~~30~~³⁰⁴ and shall replace CMM 201~~90-04~~ ~~7~~, 2011-04, 2012-04, 2013-08, and 2014-05 at that time.

⁴This CMM shall not apply to Indonesia before November 1st 2021. Until then, all the existing CMMs related to sharks and rays shall apply to Indonesia.

Annex 1: Schematic diagram of a shark line



Annex 2: Template for reporting implementation of this CMM

Each CCM shall include the following information in Part 2 of its annual report:

1. Description of alternative measures in para 5, if applicable
2. Results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks, as appropriate
3. Details of National Plan of Action, as appropriate, for implementation of IPOA Sharks in para 6 that includes:
 - (1) details of NPOA objectives; and
 - (2) species and fleet covered by NPOA as well as catches thereby
 - (3) measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks;
 - (4) work plan and a review process for NPOA implementation
4. With respect to para 9:
 - (1) Whether sharks or shark parts are retained on board their flag vessels, and if so, how they are handled and stored
 - (2) In case that CCMs retain sharks and choose to apply a requirement for fins to be naturally attached to carcasses
 - Their monitoring and enforcement systems relating to this requirement
 - (3) In case that CCMs retain sharks and choose to apply measures other than a requirement for fins to be naturally attached to carcasses
 - Their monitoring and enforcement systems relating to this requirement
 - A detailed explanation of why the fleet has adopted its fin-handling practice;
5. The management plan in para 16 that includes:
 - (1) specific authorizations to fish such as a license and a TAC or other measure to limit the catch of shark to acceptable levels;
 - (2) measures to avoid or reduce catch and maximize live release of species whose retention is prohibited by the Commission;
6. A report on sampling programs for oceanic whitetip sharks and silky shark as a CCM project as referred to in para 20 (4)
7. Estimated number of releases of oceanic whitetip shark and silky shark caught in the Convention Area, including the status upon release (dead or alive), through data collected from observer programs and other means.
8. Description of compatible measures as referred to in para 21 (4)
9. Any instances in which whale sharks have been encircled by purse seine nets of their flagged vessels, including the details required under para 21 (5)(b).
