



**COMMISSION  
NINTH REGULAR SESSION**

Manila, Philippines  
2-6 December 2012

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**CHAIRMAN'S DRAFT FOR CONSIDERATION:  
CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE, YELLOWFIN  
AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

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**WCPFC9-2012-12  
6 November 2012**



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**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE,  
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PACIFIC OCEAN**

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**Conservation and Management Measure 2012-01**

*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 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” (**Attachment 1**);

**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;

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

## 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. **(Note – ideally the objectives for the 3 species would be based on target reference points (TRPs). However, the Commission has not adopted TRPs for any of the species. The objectives provided below should be viewed as interim objectives. The Commission will amend, or replace the objectives, as appropriate, after the adoption of target reference points.)**

### *Skipjack*

2. the Fishing Mortality Rate (F) for skipjack will be maintained at a level no greater than Fmsy, i.e.  $F/F_{msy} \leq 1$  and the total annual catch of skipjack does not exceed the level of catch for 2010, i.e. 1,610,578 mt until a target reference point is adopted and the Commission reconsiders this objective.

### *Bigeye*

3. the fishing mortality rate for bigeye tuna is returned to a level consistent with the maximum sustainable yield (Fmsy) which requires a 32% percent reduction in the level of fishing mortality rate from average level for 2006-2009. Over the next 5 years F will be reduced so that  $F/F_{msy}$  is less than 1.20 and that the total annual catch of bigeye tuna is reduced from current levels to 120,000 mt (the average catch for 2007-2011 was 140,170 mt). The Commission will make the appropriate adjustments to this objective after it adopts a target reference point for bigeye tuna.

### *Yellowfin*

4. the fishing mortality rate is not greater than Fmsy, i.e.  $F/F_{msy} \leq 1$ , and that the total annual catch of yellowfin tuna does not exceed 538,500 mt.

## **RULES OF GENERAL APPLICATION**

### *Attribution and Charter Arrangements*

5. For the purposes of paragraph 14, 27/28 and 29 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. For the purpose of the in-zone purse seine limits, all catch in the EEZ shall be attributed to the coastal State. 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 if F for bigeye tuna; (b) yellowfin tuna is not being overfished but current F is close to Fmsy 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.

### *Transfer of Effort*

7. 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 other areas in the Convention Area.

### *Small Island Developing States*

8. Unless otherwise stated, nothing in this Measure shall prejudice the rights of those small island developing State Members and Participating Territories in the Convention Area seeking to develop their domestic fisheries.

### *Area of Application*

9. This Measure applies to all areas of high seas and all EEZs in the Convention

Area except where otherwise stated in the Measure.

*Duration of the Measure*

10. This Measure shall remain in force until the Commission decides otherwise or until mm/dd/yyyy.

**PURSE SEINE FISHERY**

*Effort Levels*

EEZs

11. 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, recognizing that consideration may need to be given to how this effort is expended in light of the objectives for bigeye and yellowfin tuna. The provisions of paragraph 8 shall not apply to this limit.

12. Other coastal States within the Convention Area shall establish effort 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. Limits established pursuant to this provision shall be provided to the Commission by the relevant coastal States no later than 16 November 2013. Once established the provisions of paragraph 8 shall not apply to limits established under this paragraph..

High Seas

13. The total level of purse seine effort on the high seas shall be 6,660 vessel days, of which no more than 4,659 (pending verification) shall be made available to the Philippines for use in the western-most high seas pocket shown in **Attachment 2**. The Commission will determine how the remaining high seas vessel days will be used. All effort on the high seas, including that in the high seas pockets, will be counted against this level. Once this level is reached the high seas shall be closed to further fishing.

14. CCMs shall take necessary measures to ensure that total purse seine effort

does not exceed this level by reporting the effort expended by their flagged vessels each month to the Secretariat not later than the 15th day of the next month. The monitoring and counting of a fishing day shall be done in a manner consistent with the definition of a fishing day under the PNA Vessel Day Scheme.

15. The Secretariat will, to the extent possible, verify these reports through the use of any available data or information, for example vessel monitoring system data and/or observer records, and notify CCMs of the date when the total purse seine effort reaches the limit specified above.

16. Upon the issuance of the notice by the Secretariat pursuant to Paragraph 15, the high seas will be closed to further purse seine fishing until January 1, of the following calendar year.

**Discussion Box 1: Development of the High Seas Vessel Day Scheme**

The Commission must consider what framework it will apply to the management of the purse seine fishery on the high seas. The Commissions should include in its deliberation on this matter the following language from paragraph 21 of CMM 2008-01: “The Commission shall consider the development of a high seas vessel day scheme (HS VDS) to be compatible with the PNA VDS to provide a common currency for managing purse seine effort”. Relevant considerations include:

- a) Will high seas pockets ( See **Attachment 2**) be open or closed;
- b) Will the commission allow the provisions of 2011-01 for Philippine effort in the westernmost high seas pocket to continue;
- c) How would any allowable effort be allotted/allocated; equal shares, allocation scheme, will any allotted/allocated effort be free or will there be a payment to the Commission, if there is a payment for fishing on the high seas how is it to be used, etc;
- d) How will the high seas pockets be managed? No fishing, limited fishing, extend the eastern pocket approach to all pockets?; and
- e) Other.

*Fish Aggregating Device (FAD) Closure*

17. A four (4) month prohibition on setting on FADs will be in place each year for all purse seine vessels fishing in EEZs and high seas in the Convention Area

between 20 degrees north and 20 degrees south (see **Attachment 3** paragraphs 3 -7 of CMM 2009-02 for the rules for the FAD closure; *Note also need to deal with the language in paragraph 3 referring to 2008-01*). No setting on FADs will be allowed during the months of July, August, September, and October. The provisions of paragraph 8 shall not apply to the 4 month FAD prohibition.

18.[During the FAD closure no sets shall be made during the time of local sunset and local sunrise with the local times of sunrise and sunset being determined in accordance with the nautical almanac.]

19. CCMs shall report to the Technical and Compliance Committee (TCC) in their Part 2 reports on the steps taken to implement and enforce this measure, including what use was made of observer reports in this effort.

**Discussion Box 2: Alternative to the FAD Closure for further development**

During any calendar year no more than 15,000 purse seine sets shall be made in association with a FAD. Details on how to manage this need to be worked out. **(Note – if this ends up being the preferred way to manage fishing on FADs for the purse seine fishery it may be necessary to continue with a seasonal prohibition on setting on FADs for the next year or 2 so that the details can be worked out e.g. how they get distributed between EEZs and the high seas, how they are allocated, etc.)**

*Observers*

20. 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 Programme (ROP).

21. 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.

22. [CCMs shall require Observer providers to submit observer data from ROP trips to the Commission within 6 weeks of the end of the trip and that proper debriefing of all observers occur before the observer report is forwarded to the Commission for processing to ensure that all fields are accurate and correctly completed].

*Additional Measures*

23. CCMs are encouraged to take additional measures either to reduce the use of FADs by their vessels [to no more than 50% of the total number of purse seine sets in any calendar year] or to develop methods to reduce the catch of juvenile bigeye and yellowfin tuna in purse seine sets associated with FADs, and to report to the Commission whether or not such measures were successful in reducing the catch of juvenile bigeye and yellowfin tuna to the Commission in their Part 2 Annual Reports.

*Catch Retention*

24. 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 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. [CCMs shall also require their purse seine vessels to retain all mahi mahi, rainbow runner, wahoo, and billfish, except where these species are required to be released alive under national law.] (See **Attachment 3**. CMM 2009-02 paragraphs 8-13 for the Commission's rules for catch retention.)

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.

*FAD Management Plans*

25. By July 1, 2013, CCMs shall submit *Management Plans for the use of FADs by their purse seine vessels* to the Commission. These Plans shall include strategies to limit the capture of juvenile bigeye and yellowfin tuna associated with fishing on FADs. The Plans submitted by each CCM to the Commission shall at a minimum meet the Guidelines for Preparation of FAD Management Plans (**Attachment 4**). [Vessels flagged to CCMs that have not submitted Management Plans for the use of FADs by their purse seine vessels by July 1, 2013 shall not be allowed to fish on FADs after that date. Such vessels may fish on FADs only after the Commission has received the aforementioned plan.]

26. [FAD management measures shall not impinge on the sovereign rights of coastal states to decide how FAD management measures will be applied in their waters, including deciding how these measures will be applied to different fleets.]

**LOGLINE FISHERY**

*Catch Levels*

27. The catch levels for bigeye tuna will remain as specified for the year 2011 in CMM 2008-01 for all CCMs (see **Attachment 5**).

**OR**

28. The catch levels for bigeye tuna for CCMs catching over 2000 tonnes as specified for the year 2011 in Attachment F of CMM 2008-01 shall reduce their catches an additional 10% by 2015 (**Attachment 5**).

29. The catch levels for yellowfin tuna will remain at levels specified in **Attachment 6**.

**OTHER COMMERCIAL FISHERIES**

30. 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 2013 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.

31. 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.

32. 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 LIMITATION**

**(Potential to include further text depending on the outcome of any further small group discussions).**

#### **EVALUATION OF EFFECTIVENESS**

33. Each year for the first 3 years after the adoption and implementation of this measure the Scientific Committee (SC) and the Technical and Compliance Committee (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 taking into account the need for adequate time to appropriately assess the impact of measures. Thereafter, the Commission will determine the appropriate time interval for such evaluations.

34. The Commission shall adjust the individual provisions of this CMM or the entire CMM as necessary to meet the goals established. The Commission shall provide its reasons for not adopting any revision or modification recommended by both the SC and the TCC.

#### **FINAL CLAUSE**

35. This Measure replaces CMM 2008-01 and CMM 2011-01.

**List of Attachments**

**Attachment 1:** 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”

**Attachment 2:** Map of High Seas Pockets (Attachment 1 of CMM 2011-01)

**Attachment 3:** Rules for FAD Closure (paragraphs 3 – 7 of CMM 2009-02) and Catch Retention (paragraphs 8-13 of CMM 2009-02)

**Attachment 3:** Guidelines for the preparation of FAD Management Plans (EU proposal for a CMM for the conservation and management of Tropical tunas (bigeye, yellowfin and skipjack) in the WCPFC Convention Area, Attachment 1(WCPFC8-2011-DP24, 31 January 2012)

**Attachment 4:** Longline Catches and catch limits for bigeye tuna under CMM 2008-01 and CMM 2011-01

**Attachment 5:** Longline Catches and catch limits for yellowfin tuna under CMM 2008-01, and for CNMs from WCPFC8

DRAFT

**Attachment 1 – copy of PNA 3IA**

*(pdf file)*

## ANNEX II

### **A THIRD ARRANGEMENT IMPLEMENTING THE NAURU AGREEMENT SETTING FORTH ADDITIONAL TERMS AND CONDITIONS OF ACCESS TO THE FISHERIES ZONES OF THE PARTIES**

**(As amended July 19, 2011)**

Pursuant to Articles I, II, III, and IX of the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest, hereafter referred to as the "Nauru Agreement", wherein the Parties thereto agreed to conclude arrangements to facilitate the implementation of the Nauru Agreement, the Federated States of Micronesia, the Republic of Kiribati, the Republic of the Marshall Islands, the Republic of Nauru, the Republic of Palau, the Independent State of Papua New Guinea, Solomon Islands and Tuvalu,

HAVE AGREED AS FOLLOWS:

#### **ARTICLE I**

##### ***Licensing Terms and Conditions***

In addition to those terms and conditions provided in Article II of An Arrangement Implementing the Nauru Agreement Setting Forth Minimum Terms and Conditions of Access to the Fisheries Zones of the Parties, and Article I of A Second Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms and Conditions of Access to the Fisheries Zones of the Parties, the Parties shall establish the following minimum terms and conditions in all of their subsequent foreign fishing agreements and their licensing requirements for vessels fishing the common stocks of fish within the Fisheries Zones and shall not issue licences unless the minimum terms and conditions are accepted and observed:

#### 1. *Catch Retention*

All bigeye, skipjack and yellowfin tuna taken by a purse seine vessel shall be retained on board and then landed or transhipped, except for:

- (a) fish clearly and demonstrably unfit for human consumption; and
- (b) the final set of a trip when there may be insufficient wellspace to accommodate all fish caught in that set.

The Parties shall adopt appropriate procedures for the implementation of this measure, including reporting.

#### 2. *FAD Closure*

- (1) There shall be no deployment or servicing of Fish Aggregating Devices and associated electronic equipment, or fishing by purse seine vessels on floating objects, between 0001 hours GMT on 1 July and 2359 hours GMT on 30 September each year, except that:

- (a) a Party may exclude all or part of its Fisheries Zone from the closure if it determines that it has suffered a disproportionate burden from application of the closure and advises the depositary accordingly; and
  - (b) a Party may apply appropriate arrangements set out in a Management Plan to meet the requirements of domestic vessels that are highly dependent on fishing on floating objects within the Fisheries Zone; and
- (2) In the event the Parties learn, through consultations with competent regional scientific authorities or bodies, that there is threat to the fish stock and requires further conservation measures, Parties may decide to impose an additional FAD closure to what is provided in sub-paragraph (1), up to the maximum of three months each year.
- (3) The Parties shall adopt appropriate procedures in the implementation of the additional FAD closure in sub-paragraph (2).

#### 2A. *Prohibition of Sets Associated with Whale Sharks*

- (a) No purse seine vessel shall engage in fishing or related activity in order to catch tuna associated with whale sharks (*Rhincodon typus*).

#### 3. *Closure of High Seas Areas*

A vessel shall not fish in the areas listed below during the period of validity of a licence issued by a Party:

- (a) the area of high seas bounded by the national waters of the Federated States of Micronesia, Indonesia, Palau and Papua New Guinea; and
- (b) the area of high seas bounded by the national waters of the Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Solomon Islands and Tuvalu.
- (c) any additional high seas areas located within 10°N and 20°S latitude and 170°E and 150°W longitude.

#### 4. *Monitoring*

- (a) In order to monitor compliance with the catch retention and FAD closure requirements, all foreign purse seine vessels shall carry at all times an observer from either the national observer programme of a Party or an existing sub-regional observer programme; and
- (b) The owner, charterer, operator, master or any other person responsible for the operation of a licensed vessel shall ensure that the Automatic Location Communicator<sup>1</sup> of the vessel is switched on and is operating properly at all times during the period of validity of a licence issued by a Party.

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<sup>1</sup> Automatic Location Communicator is also known as Mobile Transmitting Unit.

## 5. *Minimum Mesh Size*

- (1) No purse seine vessel shall use or have in its possession a purse seine net which is smaller or less than a minimum size of 90 mm (3.5ins) measured from knot to knot in the bunt and 240 mm (9ins) in 70% of the body of each purse seine net.
- (2) The Parties shall adopt appropriate procedures in the implementation of this measure.
- (3) A Party shall ensure that its domestic vessels take appropriate steps to comply with the minimum mesh size within a three year period from the date of coming into effect of this measure.

## **ARTICLE II** ***Review and Implementation***

### *Review*

1. The Parties shall review the implementation of these measures at the annual meeting of the Parties, and decide on the future application of these measures, taking into account:
  - (a) the effectiveness of the measures in reducing fishing mortality, especially on juvenile bigeye and yellowfin tuna; and
  - (b) the extent to which compatible measures are being applied on the high seas and in the waters of other Members of the Western and Central Pacific Fisheries Commission.

### *Implementation*

2. These measures shall be implemented in accordance with a programme adopted by the Parties.

## **ARTICLE III** ***Signature and Effect***

1. This Arrangement shall be open for signature by the Parties to the Nauru Agreement.
2. This Arrangement shall take effect 30 days following the signing of the Arrangement by at least five of the Parties to the Nauru Agreement. Thereafter, it shall take effect for any signing Party 30 days after its signature of the Arrangement.
3. This Arrangement shall be deposited with the Government of the Solomon Islands.
4. Reservations to this Arrangement shall not be permitted.



**ARTICLE IV**  
***Amendment and Withdrawal***

1. Any Party may withdraw from this Arrangement by giving written notice to the Depositary. Withdrawal shall take effect one year after receipt of such notice.
2. Any amendment to this Arrangement proposed by a Party shall be adopted only by unanimous decision of the Parties to this Arrangement.

**ARTICLE V**  
***The Nauru Agreement***

This Arrangement is subordinate to and governed by the Nauru Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments have signed this Agreement.

DONE at Koror, Palau this 16th day of May 2008

Federated States of Micronesia \_\_\_\_\_  
\_\_\_\_\_

Republic of Kiribati \_\_\_\_\_  
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Republic of the Marshall Islands \_\_\_\_\_  
\_\_\_\_\_

Republic of Nauru \_\_\_\_\_  
\_\_\_\_\_

Republic of Palau \_\_\_\_\_  
\_\_\_\_\_

Papua New Guinea \_\_\_\_\_  
\_\_\_\_\_

Solomon Islands \_\_\_\_\_  
\_\_\_\_\_

Tuvalu \_\_\_\_\_  
\_\_\_\_\_

Attachment 2: Map of High Seas Pockets<sup>1</sup>



<sup>1</sup> Attachment 1 to CMM 2011-01 Conservation and Management Measure for Temporary Extension of CMM 2008-01

**RULES FOR FAD CLOSURE**

3. The definition of a FAD [~~in footnote 1 to CMM 2008-01~~]<sup>3</sup> shall be interpreted as including:  
*“any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with”*
4. During the FAD closure period [~~specified in CMM 2008-01~~], no purse seine vessel shall conduct any part of a set within one nautical mile of a FAD. That is, at no time may the vessel or any of its fishing gear or tenders be located within one nautical mile of a FAD while a set is being conducted.
5. The operator of a vessel shall not allow the vessel to be used to aggregate fish, or to move aggregated fish including using underwater lights and chumming.
6. A FAD and/or associated electronic equipment shall not be retrieved by a vessel during the period of a FAD closure unless:
  - a. the FAD and/or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the closure; and
  - b. the vessel does not conduct any set either for a period of seven (7) days after retrieval or within a fifty (50) mile radius of the point of retrieval of any FAD.
7. In addition to paragraph 6, vessels shall not be used to operate in cooperation with each other in order to catch aggregated fish. No vessel shall conduct any set during the prohibition period within one nautical mile of a point where a FAD has been retrieved by another vessel within twenty four (24) hours immediately preceding the set.

**RULES FOR CATCH RETENTION**

8. Where the operator of a vessel determines that fish should not be retained on board for reasons related to the size, marketability, or species composition, the fish shall only be released before the net is fully pursed and one half of the net has been retrieved.
9. Where the operator of a vessel determines that fish should not be retained on board because they are “unfit for human consumption”, the following definitions shall be applied:
  - a. “unfit for human consumption” includes, but is not limited to fish that:
    - i. is meshed or crushed in the purse seine net; or

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<sup>2</sup> From CMM 2009-02, paragraphs 3 – 13

<sup>3</sup> From CMM 2008-01: For the purpose of these measures, the term Fish Aggregating Device (FAD) means any device, or natural floating object, whether anchored or not, that is capable of aggregating fish.

- ii. is damaged due to shark or whale depredation; or
  - iii. has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch and efforts to release the fish alive; and
- b. “unfit for human consumption” does not include fish that:
- i. is considered undesirable in terms of size, marketability, or species composition; or
  - ii. is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.
10. Where the operator of a vessel determines that fish should not be retained on board because it was caught during the final set of a trip when there is insufficient well space to accommodate all fish caught in that set, the fish may only be discarded if:
- a. the vessel master and crew attempt to release the fish alive as soon as possible;
  - b. no further fishing is undertaken after the discard until the fish on board the vessel has been landed or transhipped.
11. Fish shall not be discarded from the vessel until after an observer has estimated the species composition of the fish to be discarded.
12. The operator of the vessel shall submit to the Executive Director a report that includes the following information within forty-eight 48 hours after any discard:
- a. Name, flag and WCPFC Identification Number of the vessel;
  - b. Name and nationality of master;
  - c. Licence number;
  - d. Name of observer on board;
  - e. Date, time and location (latitude/longitude) that discarding occurred;
  - f. Date, time, location (latitude/longitude) and type (drifting FAD, anchored FAD, free school etc) of the shot;
  - g. Reason that fish were discarded (including statement of retrieval status if fish were discarded in accordance with paragraph 6);
  - h. Estimated tonnage and species composition of discarded fish;
  - i. Estimated tonnage and species composition of retained fish from that set;
  - j. If fish were discarded in accordance with paragraph 10, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and
  - k. Any other information deemed relevant by the vessel master.
13. The operator of the vessel shall also provide a hard copy of the information described in para 12 to the WCPFC Observer on board.

**GUIDELINES FOR PREPARATION OF FAD<sup>5</sup> MANAGEMENT PLANS**

To support obligations in respect of FADs [~~in CMM 2008-01~~], the FAD Management Plan (FADMP) for a CCM purse seine fleet to be submitted to the Commission could include, for example:

- An objective
- Scope:
  - 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.
- Applicable period for the FAD-MP

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<sup>4</sup> EU proposal for a CMM for the conservation and management of Tropical tunas (bigeye, yellowfin and skipjack) in the WCPFC Convention Area, Attachment 1(WCPFC8-2011-DP24, 31 January 2012)

<sup>5</sup> 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.

**OR**

From CMM 2008-01: For the purpose of these measures, the term Fish Aggregating Device (FAD) means any device, or natural floating object, whether anchored or not, that is capable of aggregating fish. And from CMM 2009-02: The definition of FAD in footnote 1 to CMM 2008-01 shall be interpreted as including: "any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo., logs, and whale sharks floating on or near the surface of the waters that fish may associate with."

**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	1,176				
AUSTRALIA	726	458	379	2,000	2,000	2,000	2,000
BELIZE	43	89	102	803	803	803	803
CHINA	15,289	13,924	11,139	11,748	11,748	8,224	11,748
CHINESE TAIPEI	13,319	11,552	11,275	14,513	12,900	11,288	11,288
COOK ISLANDS	217	192	961				
EUROPEAN UNION	46	15	10	2,000	2,000	2,000	2,000
FSM	1,395	899	1,269				
FIJI	689	532	604				
FRANCE (FRENCH POLYNESIA)	587	436	607				
FRANCE (NEW CALEDONIA)	51	44	41				
FRANCE (WALLIS AND FUTUNA)	0	0	6				
INDONESIA	4,000	1,221	1,699	2,000	2,000	2,000	2,000
JAPAN	16,650	14,565	14,057	25,290	22,480	19,670	19,670
KIRIBATI	0	3	70				
MARSHALL ISLANDS	381	257	259				
NAURU	0	0	0				
NEW ZEALAND	253	131	174	2,000	2,000	2,000	2,000
NIUE	10	4	0				
PALAU	0	0	0				
PAPUA NEW GUINEA	128	39	59				
PHILIPPINES	59	59	0	2,000	2,000	2,000	2,000
REPUBLIC OF KOREA	15,231	13,862	15,282	19,304	17,159	15,014	15,014
SAMOA	117	108	71				
SENEGAL	0	0	0				
SOLOMON ISLANDS	0	412	481				
TONGA	38	24	18				
TUVALU	0	0	105				
USA	3,741	3,576	3,566	3,763	3,763	3,763	3,763
VANUATU	1,300	2,060	1,809				
<b>Total</b>	<b>74,519</b>	<b>66,250</b>	<b>65,219</b>				
VIETNAM	2,992	2,441	3,424				

<sup>6</sup> Source: Catch and Effort Tables on CMM 2008-01- Prepared by SPC-OFP (WCPFC-TCC8-2012/IP04 AttB\_rev1, 16 September 2012)

**Longline catches and catch limits for yellowfin tuna by flag under CMM 2008-01 and the limits agreed for CNMs at WCPFC8.**

CCM	2001	2004	Ave 2001- 2004	2009 catch	2010 catch	2011 catch	CMM 2008-01 limits / WCPFC8
AMERICAN SAMOA	188	888	515	398	473	437	
AUSTRALIA	2,819	2,356	3,097	1,387	1,359	1,858	3,097
BELIZE	957	208	707	121	28	13	2,000
CHINA	1,919	4,048	2,792	7,958	2,576	4,598	2,792
CHINESE TAIPEI	22,326	22,975	22,361	19,693	19,974	21,321	22,361
COOK ISLANDS	1	506	182	197	319	2,052	
EUROPEAN UNION	0	23	6	7	3	0	2,000
FSM	338	185	241	583	406	636	
FIJI	2,082	4,164	2,689	2,564	2,144	2,516	
FRANCE (FRENCH POLYNESIA)	967	1,066	790	716	418	491	
FRANCE (NEW CALEDONIA)	570	631	632	487	505	585	
FRANCE (WALLIS AND FUTUNA)	0	0	0	0	0	4	
INDONESIA	4,001	9,313	7,192	18,221	14,041	13,750	7,192
JAPAN	18,096	15,209	16,840	13,622	16,872	10,458	16,480
KIRIBATI	2	0	1	0	4	115	
MARSHALL ISLANDS	0	3	1	120	117	99	
NAURU	5	1	4	0	0	0	
NEW ZEALAND	131	36	58	3	6	3	2,000
NIUE	0	0	0	20	8	0	
PALAU	41	28	23	0	0	0	
PAPUA NEW GUINEA	1,812	2,318	1,904	2,714	2,147	2,303	
PHILIPPINES	484	484	484	484	484	0	2,000
REPUBLIC OF KOREA	13,768	10,058	12,864	10,032	7,644	7,881	12,864
SAMOA	470	444	394	412	386	395	
SENEGAL	0	0	0	0	0	0	0
SOLOMON ISLANDS	159	440	315	0	3,834	3,834	
TONGA	259	163	237	109	47	171	
TUVALU	0	0	0	0	0	286	
USA	1,016	694	773	429	462	737	2,000
VANUATU	49	1,322	866	514	788	1,269	
<b>Total</b>	<b>72,460</b>	<b>77,593</b>	<b>75,604</b>	<b>80,791</b>	<b>75,045</b>	<b>75,812</b>	
VIETNAM	8,292	11,122		9,244	9,513	10,576	

<sup>7</sup> Source: Catch and Effort Tables on CMM 2008-01- Prepared by SPC-OFP (WCPFC-TCC8-2012/IP04 AttB\_rev1, 16 September 2012)