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**PROPOSALS ON CONSERVATION AND MANAGEMENT MEASURES ON TROPICAL
TUNAS**

**WCPFC16-2019-DP10
5 November 2019**

SUBMITTED BY THE UNITED STATES OF AMERICA

CONSERVATION AND MANAGEMENT MEASURES ON TROPICAL TUNAS

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

Explanatory note:

This document includes three discrete proposals that relate to the Commission's conservation and management measures for the tropical tuna stocks. All three proposals are aimed at achieving the Commission's objectives for the three principal tropical tuna stocks and associated fisheries, but they may be considered independently.

1. A proposal to establish a plan of work for the Commission to move forward on its task, under paragraph 44 of CMM 2018-01, of agreeing on hard limits for bigeye tuna in the longline fishery. The proposal is self-explanatory.

2. A proposal to establish a plan of work for the Commission to move forward on its task, under paragraph 28 of CMM 2018-01, of agreeing on purse seine fishing effort or catch limits in the high seas of the Convention Area. The proposal is self-explanatory.

3. A proposal to:

- (1) Revise paragraph 18 of CMM 2018-01 with respect to the treatment of floating objects for the purpose of the FAD closures. Paragraph 18 excludes sets on "small amounts of plastic or small garbage that do not have a tracking buoy attached" from the prohibition on setting on FADs during the FAD closures. This exemption is in place for 2019 only, subject to a review of its effects on catches of bigeye and small yellowfin tuna. SC15 reviewed the provision and recommended the following (from the provisional summary report of SC15):

477. The minor adjustments to the CMM 2017-01 text contained in CMM 2018-01, including the inclusion of paragraph 18, were found to not materially affect the management conditions assumed under this evaluation. SC15 noted, however, the difficulty in evaluating the impacts of paragraph 18 because of the need for clearer guidance on the interpretation of "small garbage". SC15 recommends that the Commission revise paragraph 18 to include a more quantifiable and precise definition, so that a more meaningful evaluation of impacts may be undertaken.

Given the SC's finding that the provision does not materially affect the management conditions assumed in the evaluation, this proposal would extend it, and in response to the SC's recommendation to improve the definition of "small garbage," this proposal would more precisely define the types of objects to be excluded from the FAD

restrictions. Specifically, the exclusion would apply to objects, or groups of objects, that do not have a tracking buoy, whose greatest horizontal dimension at the water surface does not exceed 2 meters, and whose area at the water surface does not exceed 1 square meter.

- (2) Revise paragraph 4 of CMM 2009-02 with respect to the distance from FADs that must be maintained during FAD closures. Under this paragraph, during a FAD closure, a purse seine vessel must not conduct any part of a set within one nautical mile of a FAD. Given the difficulty for vessel operators to detect FADs from such a great distance, this proposal would shorten the required distance to one half a nautical mile, which is a more reasonable expectation for vessel operators.
- (3) Request the Science Provider to undertake work to inform consideration by the SC and Commission of narrowing the definition of a FAD to objects with tracking buoys for the purpose of the FAD closures. Given the difficulty for vessel operators to detect small floating objects that they are not tracking, and to avoid setting on or near them during FAD closures, there might be advantages to narrowing the definition of a FAD for the purpose of the FAD closures, as intended under paragraph 18 of CMM 2018-01. With the aim of ensuring enforceability and setting reasonable expectations for vessel operators, as well as better aligning the definition with the types of objects that are of concern in terms of lost and beached FADs and marine debris, and with an eye towards harmonization of definitions across tuna RFMOs, this proposal would have the Commission explore a narrower definition of FAD for the purpose of the FAD closures. Specifically, the proposal would request the Science Provider to evaluate the effects of narrowing the definition to objects with tracking buoys, including the degree to which the FAD closures might have to be adjusted to achieve the desired effects for bigeye tuna.

CMM 2013-06 criteria:

Below are responses to the CMM 2013-06 criteria for the proposal to revise paragraph 18 of CMM 2018-01 (treatment of small untracked objects during FAD closures) and revise paragraph 4 of CMM 2009-02 (prohibited-distance-from-FAD during FAD closures).

a. Who is required to implement the proposal?

All CCMs.

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

In terms of implementation, the proposal would primarily impact CCMs with tuna purse seine fishing vessels. The relative sizes of CCMs' tuna purse seine fishing fleets could be used as an indicator of the distribution of the implementation impact. That information is available in the Record of Fishing Vessels.

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

No linkages have been identified.

d. Does the proposal affect development opportunities for SIDS?

No. The proposal would revise the rules for the treatment of floating objects during FAD closures, but it would not affect the existing FAD closures, and so it would not be expected to have any effect on the developmental opportunities for SIDSs.

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

No. See response to (d), above.

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

No resources would be needed. The proposal would revise the rules for the treatment of floating objects during FAD closures, but it would not affect the existing obligation to implement the FAD closures, and it would not be expected to affect the cost of implementation. For example, it would not raise the need for additional investment in enforcement. The part of the proposal about small untracked objects might benefit from detailed observations by vessel observers as to the size and shape of floating objects near purse seine sets, but the proposal would not require the collection of any additional information, and if additional information were collected, it would be done by ROP Providers, not SIDSs as CCMs.

g. What mitigation measures are included in the proposal?

No measures to mitigate the costs of implementation are included. The purpose of the proposal is to mitigate the adverse impacts on purse seine fishing operations of the difficulties in: (1) detecting and avoiding making sets near small untracked floating objects during FAD closures, and (2) detecting and avoiding making sets near FADs from a distance during FAD closures.

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

None; no disproportionate burden of conservation action on any SIDSs is expected.

1. Proposed WCPFC16 decision on a plan of work to agree on bigeye tuna catch limits in longline fisheries

WCPFC16 adopts the following plan of work with respect to paragraph 44 of CMM 2018-01, which states that “By 2020 the Commission shall agree on hard limits for bigeye and a framework to allocate those limits amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention”:

Between the conclusion of WCPFC16 and WCPFC17, CCMs will cooperate to complete the task under paragraph 44 of CMM 2018-01. CCMs agree that in doing so, there is a need to undertake the following steps:

- (a) Specify a total allowable catch (TAC) of bigeye tuna for the longline sector, which will require:
 - (i) Determining a target or allowable level of exploitation of bigeye tuna for all fishing sectors combined. This should be tied to a target reference point for the stock, or lacking a TRP, be informed by the risk of breaching the LRP.
 - (ii) Determining the portion of the target or allowable level of exploitation that is to be allocated to the longline sector. This allocation decision should use fishery impact on spawning stock biomass as the unit of measurement, and should consider, among other factors, the history of the relative impacts on SSB of the various fishing sectors.
 - (iii) Converting the longline allocation (expressed above as impact on SSB) into the TAC, with periodic adjustments.
- (b) Specify how shares of the longline TAC are allocated among all Members and Participating Territories.
- (c) Specify a scheme that provides for the transfer of TAC shares among Members and Participating Territories.

To help inform these steps, the Science Provider is requested to provide to the Commission as early in 2020 as reasonable, the following:

- For (a)(i), to review the risk of breaching the LRP for bigeye tuna, any updates to SC15-MI-WP01, “minimum target reference points for WCPO yellowfin and bigeye tuna consistent with alternative LRP risk levels, and multispecies implications.”
- For (a)(ii), to review the history of the fisheries’ relative impacts on WCPO bigeye tuna SSB, one or more tables showing as long a time series as possible of fishery impact on WCPO bigeye tuna SSB, by fishery sector (including at a minimum: longline, purse seine associated, purse seine unassociated, pole-and-line, and other).
- For (a)(iii), to convert longline fishery impact-on-SSB to a TAC, one or more tables showing conversions of an appropriate broad range of longline impact-on-SSB allocations to catch per year.

2. Proposed WCPFC16 decision on a plan of work to agree on purse seine fishing effort or catch limits

WCPFC16 adopts the following plan of work with respect to paragraph 28 of CMM 2018-01, which states that “... By 2020 the Commission shall agree on hard effort or catch limits in the high seas of the Convention Area and a framework for the allocation of those limits in the high seas amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention. The Commission shall also consider options as to how CCMs would use their limits.”

Between the conclusion of WCPFC16 and WCPFC17, CCMs will cooperate to complete the task under paragraph 28 of CMM 2018-01. CCMs agree that in doing so, there is a need to undertake the following steps:

- (a) Determine how purse seine limits for the high seas relate to, are integrated into, and/or are combined with, Convention Area-wide limits, which in turn should be tied to the reference points for the tropical tuna stocks, particularly skipjack tuna and yellowfin tuna.
- (b) Specify how purse seine fishing privileges are allocated among all Members and Participating Territories.
- (c) Specify a scheme that provides for the transfer of purse seine limits among Members and Participating Territories.

3. Proposed WCPFC16 decision on the treatment of floating objects for the purpose of FAD closures

1. WCPFC16 agrees to revise paragraph 18 of CMM 2018-01 to read as follows:

18. The provisions of paragraphs 3 to 7 of CMM 2009-02 apply to the high seas FAD closures. In applying the provisions of paragraphs 16 and 17, a set involving only the following type of floating object(s) ~~any set where small amounts of plastic or small garbage that do not have a tracking buoy attached are detected~~ shall not be considered to be a FAD set for the purposes of the FAD closure: a floating object (or group of floating objects) with no tracking buoy attached, whose greatest horizontal dimension at the water surface does not exceed 2 meters, and whose area at the water surface does not exceed 1 square meter. ~~This shall apply in 2019 only and will be reviewed to determine whether it resulted in increased catch of bigeye and small yellowfin tuna.~~

2. WCPFC16 agrees to revise paragraph 4 of CMM 2009-02 to read as follows:

4. During the FAD closure period specified in CMM 2008-01, no purse seine vessel shall conduct any part of a set within one half a 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 half a nautical mile of a FAD while a set is being conducted.

3. WCPFC16 agrees to explore the possibility of revising the meaning of a FAD for the purpose of FAD closures (or limits on numbers of FAD sets) such that only floating objects with tracking buoys attached are subject to the restrictions. To inform this exploration, the Commission requests the Science Provider to evaluate the degree to which the Commission's restrictions on setting on FADs would have to be adjusted to achieve the same outcomes in terms of bigeye and yellowfin mortality if the restrictions did not apply to floating objects without tracking buoys attached, and the changes in fishing patterns that might result from such adjustment. The evaluation should take into account, to the degree possible and among other relevant factors, differences in catch rates between sets on artificial objects and natural objects, temporal and spatial gradients and variability in the density of natural objects, and any increased incentive to fish on, or place, natural objects that might result. This evaluation is to be provided to SC16 for its consideration and recommendations to the Commission.