

**USA comments and proposals for the next CMM on tropical tunas****For consideration in the Chair's Consultative Draft CMM****October 21, 2021**

Dear Chair,

Thank you for considering these comments and proposals of the United States as you develop the next version of your consultative draft CMM. We offered some of these ideas in our discussion paper to the first of the two workshops this year (TTMW1-2021-DP01). Other comments and proposals are new, and stem in part from the productive discussions in the two workshops.

To assist the Commission in its obligation to ensure that the new CMM does not result in a disproportionate burden of conservation action being transferred onto any developing State Party or territory, we intend to provide you with assessments of our proposals' impacts, using the framework laid out in CMM 2013-06. For the same purpose, we also intend to provide assessments for other elements of the potential CMM – that is, elements that we are not proposing but that we expect other members to promote. We anticipate providing those assessments to you by October 29.

**USA comments and proposals**

Preamble: We have a strong interest in potential revisions to the preamble, but we do not have any specific comments or proposals at this time.

Paragraph 5: This paragraph is in green and indicated as being a “generally agreed provision”, but we are not yet fully supportive of it as written; we see the need for further discussion of which provisions/paragraphs of the measure SIDSs/PTs will be exempt from.

Paragraph 9: We strongly support retention of this paragraph for the same reasons as were articulated during the original negotiation when it was agreed, and which we will be prepared to describe more fully. There could be a way forward that combines the two related paragraphs (8 and 9) in a more agreeable way.

Paragraph 11: We continue to support the language that we provided in TTMW1-2021-DP01. We are open to merging this paragraph with paragraph 1, as proposed by the FFA members.

Paragraph 12: We offered a bigeye tuna objective to the first workshop (TTMW1-2021-DP01) and continue to believe that both the concept (express the objective in terms of the risk of breaching the limit reference point) and the specific suggestion (20% risk of breaching the LRP) have merit and offer advantages over the existing objective. However, based on the responses we heard during the two workshops, we are reluctantly prepared to support continuation of the existing management objective supplemented with the phrase “and excessive spatial unevenness

in spawning biomass depletion is to be avoided to support thriving fisheries throughout the Convention Area.”

Paragraph 13: We propose the objective below for skipjack tuna. Like limit reference points, target reference points should be maintained outside CMMs (e.g., in the harvest strategies) because CMMs are meant to be guided by the reference points, and because CMMs, unlike reference points, are subject to frequent change.

*The spawning biomass is to be maintained, on average, at a level consistent with the target reference point, and excessive spatial unevenness in spawning biomass depletion is to be avoided to support thriving fisheries throughout the Convention Area.*

Paragraph 14: Our position for the yellowfin tuna objective is the same as the objective for bigeye tuna; we are reluctantly prepared to support continuation of the existing management objective supplemented with the phrase “and excessive spatial unevenness in spawning biomass depletion is to be avoided to support thriving fisheries throughout the Convention Area.”

Paragraph 15: We agree that this paragraph should be deleted, and that any review provisions should be included in final paragraphs of the CMM.

Paragraphs 16-17: As offered in our discussion paper to the first of the two workshops, we see the need to keep the bigeye-directed controls in the purse seine fishery very similar in effect to those in CMM 2020-01. However, as we have stated on many occasions, the Commission cannot continue to adopt measures that rely on observers to ensure compliance until the problem with sharing observer reports between ROP Providers and CCMs that need them for investigations is solved. For that reason, we cannot support inclusion of FAD closures or limits on FAD sets, without a clear understanding that progress is being made to resolve the observer report issue.

Paragraphs 16-17: The exemptions from the FAD closures have served their purpose of facilitating the development of certain members’ purse seine fisheries, so it is time to end them. If agreement cannot be reached to remove the exemptions this year, then the Commission must review the impacts of the FAD closures among CCMs and revisit the exemptions to ensure the closures do not result in a disproportionate burden of conservation action on any SIDS or participating territory. In particular, the tuna-dependent economy of American Samoa is being significantly adversely impacted by the closures and their uneven application.

Paragraph 18: The first sentence, with its reference to CMM 2009-02, would be useful to retain, but the remainder of the paragraph should be deleted. In addition, we support revision of paragraph 4 of CMM 2009-02 such that the prohibited distance between a vessel and a FAD during a FAD closure is reduced from one to one-half a nautical mile.

Paragraphs 19-24: We will be prepared to offer positions and/or proposals once the FAD working group has provided its recommendations to the Commission.

Paragraph 25: We support retention of this paragraph, and we anticipate negotiating adjustments to the limits in Table 1 of Attachment 1.

Paragraph 26: We support retention of this paragraph generally, but support adding limits for all CCMs that are not currently limited. We also anticipate negotiating adjustments to the limits in Table 2 of Attachment 1.

Monitoring and Control: Longline Fishery: We propose revising Annex C of CMM 2018-05 to increase the minimum level of observer coverage in all longline fisheries from 5% to 10%, effective January 1, 2023.

Paragraph 38: We support retention of this paragraph. Although it is not a binding obligation on CCMs, it provides an important reminder and prompt for CCMs to identify more efficient methods of controlling mortality of young bigeye and yellowfin tuna in purse seine fisheries.

Paragraph 39: We support retention of the paragraph and support adding limits for all CCMs that are not currently limited. We also propose changes to the existing limits in Table 3 of Attachment 1 as shown below. The proposed changes would constitute an increase of 12,000 mt in the limits collectively, which is close to the recent annual underage in the collective catch limits. Based on the recommendations of the SC and the latest information provided by the Scientific Services Provider, and assuming no substantial changes to other provisions of the CMM that control fishing mortality of bigeye tuna, these revised limits, even if fully used, would be entirely consistent with the existing bigeye tuna objective. Assuming continuing under-use of the catch limits as in the past, future SSB would be about 43% of unfished SSB, well above the 2012-2015 level of 37%, and the risk of breaching the LRP would be about 0%. Even if the revised limits were fully utilized, future SSB would be about 41% of unfished SSB, and the risk of breaching the LRP would still be about 0%.

**Table 3. Bigeye Longline Catch Limits**

Bigeye catch limits by flag	
CCMs	Catch Limits
CHINA	11,224
INDONESIA	5,889*
JAPAN	18,265
KOREA	16,942
CHINESE TAIPEI	13,481
USA	6,554
*Provisional and maybe subject to revision following data analysis and verification	
Japan will make an annual one-off transfer of 500 metric tonnes of its bigeye tuna catch limit to China.	

Paragraph 40: We support retention of the second sentence of this paragraph, which is an important concept that helps incentivize stronger monitoring and control measures in longline fisheries.

Paragraph 44: If WCPFC18 is unable to establish longline bigeye tuna limits for all CCMs (see comments on paragraph 39), we support retention of this paragraph with some adjustments. First, we are open to revisions that recognize the FFA members' desire to incorporate a zone-based aspect into the Commission's management of the longline fishery for bigeye tuna, but the task set forth in this paragraph must not be narrowed to just the high seas. Second, we support revisions that recognize the need to avoid excessive spatial unevenness in spawning biomass depletion (see our proposed management objective for the stock in paragraph 12) and the utility of a spatially tailored management scheme to do so (this concept is not exclusive of the FFA members' desire to shift to a zone-based scheme).

Paragraph 51: Based on the recommendations of SC17 and TCC17, we will be prepared to discuss new language that clarifies the obligations under this paragraph without changing them substantively.