



**NOAA FISHERIES**

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# Meeting of the Permanent Advisory Committee to Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission

Web Conference  
October 13-15, 2021

## Meeting Minutes

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**Meeting of the Permanent Advisory Committee  
to Advise the U.S. Commissioners  
to the Western and Central Pacific Fisheries Commission  
Web Conference  
October 13-15, 2021  
Meeting Minutes**

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**Meeting Minutes**

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**Agenda Item I – Opening of the meeting**

**Agenda Item Ia – Welcoming remarks**

1. The meeting was opened by U.S. Federal Commissioner to the Western and Central Pacific Fisheries Commission (WCPFC), Alexa Cole, Director of International Affairs and Seafood Inspections, National Oceanic and Atmospheric Administration (NOAA), at 10:00 am *Hawaii Standard Time* on October 13, 2021. She congratulated Ryan Steen as the re-elected Chair and Jim Sousa as the Vice-Chair. She introduced Dr. Kelly Kryc, NOAA's newly appointed Deputy Assistant Secretary (DAS) for International Fisheries. Dr. Kelly Kryc thanked NOAA and the PAC and noted that climate change is a priority of this administration, so integrating climate resilience into the context of the RFMO is important.

**Agenda Item Ib – Meeting arrangements**

2. The Chair of the PAC, Ryan Steen, and NOAA provided information on meeting arrangements and administrative matters including the schedule, etiquette for the web conference, objectives for each day of the meeting, and discussed when draft recommendations were due to NOAA.
3. NOAA facilitated roll-call and invited attendees to introduce themselves. Twenty-three PAC members, five U.S. Commissioners, officials from NOAA, Department of State (DoS), and the U.S. Coast Guard (USCG), and members of the public attended the meeting (**Attachment 1**).
4. Michael Tosatto, Regional Administrator of the NOAA Fisheries Pacific Islands Regional Office, welcomed the new PAC members and discussed the Statement of Organization, Practice and Procedures (SOPPs) of the PAC. NOAA noted the meetings follow Robert's Rules of Order. He also noted the need for a quorum for recommendations and decisions, and the process for changing anything in the SOPPs.

**Agenda Item Ic – Adoption of the agenda**

5. The Chair introduced the provisional agenda, which was distributed in advance of the meeting, and called for its adoption.
6. PAC members inquired whether there was a place on the agenda to discuss sharks and the WCPFC's science-management dialogue. The Chair noted these can be discussed at the end of Agenda Item IV.
7. The final agenda was adopted (**Attachment 2**).

**Agenda Item II – 2021 Western and Central Pacific Fisheries Commission (WCPFC) developments**

**Agenda Item IIa – A review of the outcomes of the 17th Regular Session of the Scientific Committee**

8. NOAA presented a summary of recommendations and other outcomes from the 17<sup>th</sup> Regular Session of the Scientific Committee (SC).

**Agenda Item IIb – A review of outcomes of the 17th Regular Session of the Technical and Compliance Committee**

9. NOAA presented a summary of the outcomes of the 17th regular session of the Technical and Compliance Committee (TCC17), held via web conference, in September 2021.
10. A member of the PAC thanked NOAA for its summary and asked about the timing for the Transshipment Intersessional Working Group (TSIWG) to recommend data fields for collection by ROP observers during transshipments at sea, which followed from the U.S. proposal to TCC17 on this issue. In particular, the PAC member inquired whether the TSIWG would undertake its review intersessionally before WCPFC18 or whether it would need to wait until next year. NOAA answered that it will cover that topic more fully under Agenda Item IVc.
11. Another member of the PAC asked NOAA to update the PAC on where the high seas limit discussion ended in the compliance monitoring review--particularly whether the United States was found non-compliant for the number of days fished on the high seas and the Effort Limit Area for Purse Seine (ELAPS) issue. NOAA noted that the final compliance monitoring report had not been adopted yet, and it could not discuss the provisional outcomes from the TCC; however, as in past PAC meetings, it would be willing to discuss U.S. compliance issues specifically. Regarding U.S. compliance with the high seas limit, the United States remains committed to resolving these issues. As such, the United States accepted a provisional status of priority non-compliant during TCC17 and will accept a status of priority non-compliant in the final compliance report adopted by the Commission at WCPFC18. NOAA will be seeking to further resolve the larger issue of high seas limits during negotiations for a new tropical tuna measure.

**Agenda Item IIc – A review of outcomes of the 17th Regular Session of the Northern Committee – including a brief overview of the Sixth Joint IATTC/NC Working Group for the management of Pacific bluefin tuna**

12. NOAA presented an overview of the meeting of the Sixth Meeting of the Joint Inter-American Tropical Tuna Convention (IATTC)-Northern Committee (NC) Working Group on the Management of Pacific Bluefin Tuna and the 17th regular session of the NC. The meetings were held via web conference, in July and October 2021, respectively.
13. A PAC member noted an upcoming stock assessment on Pacific bluefin tuna (PBF) and reminded everyone that for the past two years, the United States had a strong stance to oppose an increase in quota. However this year, the United States agreed to a 15 percent increase in PBF catch and asked why there was a sudden change in position. NOAA shared two reasons: (1) an expectation that the stock reached the initial rebuilding target earlier this year, and (2) the United States felt the timing was right to advance its other objective

of adjusting the fishery impact balance between the western and central Pacific Ocean (WCPO) and eastern Pacific Ocean (EPO) during rebuilding.

14. The PAC member thanked NOAA for the explanation and expressed their concern that the United States has agreed to an increase while we are still a year away from the next stock assessment.
15. A member of the PAC noted that concern was expressed by the Cook Islands on behalf of the three Pacific Islands Forum Fisheries Agency (FFA) members of the NC related to the stock assessment and uncertainty about the status of the stock. The PAC member noted that the Cook Islands ultimately chose not to block consensus of the NC's recommendation to increase members' catch limits in accordance with the recommendation of the joint working group. The Cook Islands stated that it would revisit the issue at the Commission meeting. The PAC member asked whether the United States has heard anything further about this issue, recognizing that the Commission can only take a thumbs-up or down on the recommendation from NC. NOAA answered that it has not heard anything further since the NC meeting but expects to engage with the Cook Islands about it. NOAA acknowledged that the WCPFC Scientific Committee has discussed the way that uncertainty is characterized in the stock assessment, which was conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, and noted that the FFA members' concerns with the stock assessment might be related to it being done differently than the assessments conducted recently by the Pacific Community (SPC) as the other scientific services provider to the Commission. The stock assessment was completed last year, endorsed by the SC, and used for management purposes. NOAA stated that it considers that the stock assessment can be used for management and further discussions questioning the assessment should be worked out with SPC and FFA members.
16. A member of the PAC noted the importance of the stock assessment and projections going forward in providing management advice and asked whether there has been any discussion about an external review of the assessment. NOAA answered there has not been discussion of an external review of the stock assessment but there has been discussion of the stock assessment, inputs, and uncertainties.

### **Agenda Item III – Review of the 2020 PAC recommendations**

17. The list of PAC recommendations (64 in 13 categories) from 2020 was presented by NOAA.

### **Agenda Item IV– Discussion of conservation and management measures (CMMs) and issues for PAC advice**

#### **Agenda Item IVa – Tropical tunas**

18. NOAA noted that often the PAC repeats its recommendations from previous years, and while it does not want to discourage members from voicing previous positions, NOAA crafted some specific questions to focus on a few areas that could be helpful for the USG to use in preparation for the upcoming Commission meeting. NOAA explained that the tropical tuna measure will expire in February 2022 and two workshops were held in 2021 to make progress towards agreement on a new measure in December. The workshops were not meant to reach any formal agreements and the Chair's reports of the workshops reflect

her view of what occurred. The Chair also prepared a consultative draft measure on which she is seeking input from members. Initial comments are due soon (October 22), and the United States expects to provide contributions and comments. In addition, the deadline for supplementary agenda item requests and proposals from members for the Commission meeting is October 29. NOAA proceeded with sharing discussion topics, broken down into five sections: (a) management objectives; (b) longline bigeye tuna catch limits; (c) purse seine fishing effort limits; (d) purse seine FAD controls; and (e) FAD materials and designs. For each category, NOAA offered prompting questions to the PAC.

***a. Management objectives:** Q1: How important is pushing for objectives based on risk of breaching the limit reference points (versus using baseline periods)? Q2: Is it important to push for a more relaxed objective for bigeye? Q3: Is it important for the bigeye objective to include a spatial element? Q4: Should we push our preferred bigeye objective as a target reference point?*

19. A member of the PAC congratulated Dr. Kryc as the newly appointed DAS. He stated that the answer to the second question depends on whether it is justified by science. If science can justify a more relaxed objective for bigeye (BET) without jeopardizing the conservation and management of the stock, then the United States should support this, as the status of the BET stock is what is controlling. Fish aggregating device (FAD) closures on the high seas are having an adverse impact on the purse seine fleet and to some extent the longline and other fleets' abilities to operate properly.
20. Another PAC member appreciated the comment made by the PAC member and their reference to science. He asked whether under the existing objectives there is room for increasing catch and fishing mortality or whether the objectives need to be relaxed to achieve the other catch objectives that the United States has going into the Commission meeting. NOAA answered that in the first workshop, the United States proposed a longline BET total allowable catch (TAC) of approximately 120,000 mt based on a "relaxed" BET objective. However, even if the existing objective remains, if the recent purse seine exploitation is maintained as the status quo, there would be room to expand the longline exploitation from the recent level of about 65,000 mt to about 100,000 mt per year.
21. A member of the PAC noted that all of these questions and ideas are interrelated, as relaxing the BET objective is a means of opening discussion with the Parties to the Nauru Agreement (PNA). However, the number one objective in his opinion is to ensure the American Samoa tuna industry survives, and although everything should be based on science, the playing field is not equal. He noted that last year, one of the PAC recommendations was to eliminate exemptions, but that didn't work so it is important to consider all the elements and how they may be modified in a prudent way so that American Samoa will have a tuna fishery in the future.
22. A member of the PAC asked NOAA what the implications or differences are between the objectives and the target reference points (TRP). He noted the objectives could be construed as targets of some kind but asked whether things would change if the objectives were reframed as TRPs. NOAA responded that if you read the objectives in the measure as written now, they are written as thresholds; that is, the Commission is supposed to design the measure so the biomass is kept larger than the specified threshold. A target, in contrast,

is something we would aim to achieve on average (being above or below is equally good or bad), and for that reason, the target should be accompanied with some description of how far away from the target is tolerable or undesirable.

23. A PAC member noted that--while being neutral on the specific objective to put forward, it would be helpful for the United States to submit a proposal for a TRP. He noted that the SPC has made a number of technical improvements to modeling and is waiting for input from managers to further progress harvest strategies, and that providing key inputs such as TRPs could be useful to ensure progress while deadlines for third-party certifications in the tuna industry are looming.
24. A member of the public, speaking on behalf of the Western Pacific Fishery Management Council (WPFMC), noted his appreciation of some comments made previously and underscored the importance of following scientific advice. He commented on Questions 2 and 3, specifically noting that Question 3 is consistent with scientific advice from the WCPFC Scientific Committee (SC), where different fishing areas have different levels of depletion. The SC advice does not point to relaxing the management objective, but it allows for better informed fisheries management.
25. A PAC member added support for this statement, as “relaxed” is not the right word, but science-justified standards for the Hawaii and American Samoa based fleets are important.
26. The Chair noted that regarding the comment on the potential spatial element to be included in management objectives, the PAC has made recommendations on that in the past and there is science that supports spatial elements, and its importance should be discussed.
27. Another PAC member agreed with the Chair’s comment and asked NOAA whether it is important for the BET objective to include a spatial element. He stated it was important for the United States to endorse the idea of spatial management in all tuna species’ objectives, especially in light of recent conversations with Japan and the FFA members. Spatial management is emerging as a way to optimize fisheries, and the United States should be defending that principle more broadly, even though the United States clearly has an interest in certain fisheries.
28. A PAC member noted his agreement with the comments made so far and cautioned that comments on spatial management should focus on the state of science and management and where we need to push to evolve the science so that spatial management becomes more widely accepted.
29. A member of the PAC agreed that it would be prudent for the Commission to expand spatial consideration for all stocks and that spatial elements may not have to be incorporated in management objectives, but rather into other elements of the measure.

***b. Longline bigeye tuna catch limits: Q1: Should we continue to promote a TAC (with limits for all CCMs), and/or increases to individual members’ limits this year?***

30. A member of the PAC asked whether there has been any analysis on the potential impact of a BET TAC on the Hawaii fleet, considering that the United States has a large EEZ in

the region. Would a large EEZ favor having a TAC for the Hawaiian fleet or would it be disadvantageous?

31. Another member of the PAC answered that the TAC would be Convention-wide for longline gear. He noted that the United States argued for this last year but the conversation did not go far. The Hawaii Longline Association (HLA) continues to support individual member limit increases. Since the U.S. limit is lower now than it was in 2009 when BET was overfished, the PAC has continued to recommend an increase in the U.S. BET limit, and it should be recommended again this year, although how we do this should be considered further. He noted that without a larger quota, the fishery is struggling since it is reaching the limit mid-year, even though vessel owners have been utilizing necessary territorial agreements since 2010. NOAA responded that at the second tropical tuna measure workshop, the intervention made by American Samoa on the importance of the agreements with the territories was well said. NOAA understands it would be useful to continue to reiterate these points, and for the Commission to also hear from the other territories as appropriate. It was clear that the PNA members wanted to hear about the impact of these agreements from the territories themselves, so NOAA encouraged engaging in that fashion at the upcoming meeting.
32. The PAC member noted that the United States has been relaying that message for a decade and agrees the message should continue to be repeated, and the PAC member would support and appreciate the territories commenting on this.
33. A Commissioner noted that backing off increases to individual members' limits is not a good option and asked NOAA for its opinion on the net effect of that, as well as how that relates to our relationship with the FFA members. NOAA responded that since the FFA members will not be open to a proposal for a TAC or redoing flag-based limits this year, we can anticipate their reaction to any proposal related to longline fishing. The United States has signaled a desire to increase the limit in the longline sector, understanding this may have implications on the purse seine fishery side, such as the possibility of a shorter FAD closure period. NOAA noted that Korea has been emphasizing the need for a longline increase even if the BET objective does not change, which is helpful for the U.S. position at WCPFC. The Commissioner noted that it will be challenging to anticipate the FFA members' reaction to the proposed increases to the longline limits since they haven't worked before, and suggested thinking about backing off this subject in general.
34. Another PAC member noted the FFA members' proposed alternative paragraph 44 in the recent Chair's consultative draft regarding the high seas allocations carve-out and whether it makes sense for the United States to support this given the uncertainty of the TAC. He suggested drafting language where appropriate in the measure or meeting report to facilitate the interests of the U.S.
35. A PAC member shared his concern that other foreign fleets may also want a catch limit increase, and his hope that any increase in limits could be coupled with the foreign fleets having to improve observer coverage and get closer to the U.S. standard (electronic or in person).



36. Another PAC member asked whether the United States has done any analysis to support a position for a domestic TAC within our own EEZs within the Convention Area. The PNA members developed the purse seine and longline vessel day schemes (VDS), and in theory, the allocation of days on a country basis (Party Allowable Effort or PAE) is a combination of the ability of the biomass to produce and some historical measure. He also asked whether the United States has entertained these negotiations in a meaningful way and were there numbers (mt) or effort in what we would consider a viable number for what would be a domestic equivalent within our own EEZ. NOAA answered that it has not gone deep into any of those analyses yet but would if the United States pursues this approach. NOAA noted the difference in high seas and EEZ interests and how the numbers would be different for the two areas, and the FFA members would likely fight to minimize the high seas limits. Regarding the PAC members' comment on observer coverage, the United States has a general position to increase levels of observer coverage in the longline sector and will start pushing for a realistic increase in observer coverage level. The United States is closely aligned with the FFA members on this issue. NOAA noted that a previously proposed incentive-based approach, in which members would be rewarded with greater catch limits in exchange for more rigorous MCS regarding observers and transshipment was not well received but the concept could still be considered as a potential way forward.
37. A PAC member noted that the FFA members' commented in the Chair's consultative draft that paragraph 40 was redundant, and asked whether the United States has talked to the FFA members about this, as it is important to leave it in and to reward those fleets that are achieving those MCS-related things. NOAA responded it has not discussed it yet but plans to do so. NOAA also provided information regarding the Japanese longline fleets, noting that Japan's distant water fleet is in decline and will probably not rebound. Japan has the largest BET catch limit and there might be a possibility to reallocate a portion of it.
38. Another PAC member noted that the Hawaii longline fleet is not able to fish in 75% of the U.S. EEZ, so the fleet is very restricted in terms of where it can fish in domestic waters.
39. A member of the public, speaking on behalf of the WPFMC, noted that although the FFA members may want to allocate more effort to the longline fleets in other zones, the Hawaii longline fleet does not have the ability to traverse long distances. Our domestic regulations limit vessel length to 100 feet, which is smaller than the vessels of many other Pacific Island countries (PICs). Although the Hawaii longline fleet competes with the fleets of distant water fishing nations, it cannot compete with the PICs' fleets due to a lack of range of our vessels, so the notion of one-approach-fits-all vessels does not apply for the Hawaii fleet. The Hawaii longline fleet does have the most rigorous MCS on the high seas and the nature of the fleet needs to be considered more carefully so it is not prejudiced in the negotiations.
- c. Purse seine fishing effort limits: Q1: How many high seas fishing days are needed?; Q2: Should we consider a downward adjustment in the EEZ limit in exchange for more high seas fishing days?*
40. NOAA noted the importance of being careful with the territories and their status as small island developing States or territories (SIDS). While they are considered SIDS under the Convention, more can be done to assert their rights associated with that status. This is

important to consider when crafting a message and thinking about the questions presented in relation to purse seine fishing effort limits. Understanding what we need in each area and then figuring out how to make a proposal that is palatable to the FFA members is important to keep in mind moving forward in the discussion.

41. A member of the PAC provided a statement on the exemptions available to SIDS fleets and stressed his objection to the exemptions. The number of vessels that are currently exempt from the measures is continuing to grow, including for the high seas limits. He noted he will work with the American Tunaboat Association (ATA) to push to the extent needed the idea that if those existing exemptions are maintained, American Samoa as a SIDS should have those same exemptions, both for the high seas effort limits and for other measures like FAD closures. Continued access to the high seas is increasingly critical. That, coupled with the ability to fish in zone, allows operational flexibility, which is important for efficiency. He was pleased to hear the United States' continued support for ELAPS and hopes that will continue because he thinks the issue will resolve itself organically as we are unlikely to reach the high seas limit this year. He advocated maintaining the longer-term access to the high seas days as negotiations for the Tuna Treaty continue to have uncertainty. He added that his strong preference would be to maintain ELAPS even with the designation of priority non-compliant, and to increase high seas days if that opportunity exists. He said it was important to acknowledge the American Samoa fleet as a SIDS fleet to level the playing field. Regarding Q1 on the number of high seas fishing days needed, the answer is the number needed to ensure that we have operational flexibility. Regarding Q2, if the United States can get the American Samoa fleet acknowledged as a SIDS fleet and operating on the same basis as all other SIDS fleets, the question becomes moot. He commented that if the U.S. fleet operated as a SIDS fleet, it wouldn't have a high seas fishing days limit.
42. Another PAC member added that the American Samoa tuna cannery needs about 5-6 purse seine vessel deliveries a month, but the last purse seine vessel delivery to American Samoa was at the end of August, 2021. No deliveries were scheduled for September or October so American Samoa resorted to bringing in fish by carrier, which costs more and can destroy the economy. He noted that unless we change the way these fisheries are regulated, we won't need high seas days because there will be no purse seine fleet to fish them; instead, they will be in the eastern Pacific Ocean (EPO) and won't be delivering fish to American Samoa. The fleet size has been reduced from 40 down to 14 vessels and the remaining vessels are going to Latin America to deliver, so how they are regulated is of critical importance, and the more high seas days available, the better.
43. A PAC member shared his support with the previous two statements on exemptions and added that the level of exemptions in the current measure makes it difficult for the scientific services provider (SSP) to estimate future impacts of the measure.
44. A member of the PAC welcomed Dr. Kryc to NOAA and added his support to previous PAC members' and NOAA's comments and clarifications about the SIDS status of American Samoa. He acknowledged the PAC for recognizing the importance of the American Samoa fishery. He stated that the United States should continue to stress the importance of granting full privileges under Article 30 of the Convention to American

Samoa. American Samoa continues to carry a disproportionate burden and no action has been taken to fix this, which has resulted in the decline of the fleet and negative impacts to the local economy. He shared that the cannery will be shutting down earlier than expected in November because of a lack of inventory. He appreciated the PAC for recognizing the importance of the American Samoa fishery and that it is struggling to survive.

45. A PAC member noted that a better question to ask could be “how can we maximize the operational flexibility available to the purse seine fleet through a balance between being able to fish on the high seas and in the U.S. EEZ and in the waters under the jurisdiction of the Pacific Island States?” He noted that there are PAC recommendations being drafted with ATA that will touch on this question.

*d. Purse seine FAD controls: Q1: Should we push narrowing the PNA exemption to the 3-month FAD closure (e.g., PNA flags only)?; Q2: Are there viable alternatives to FAD closures we should promote? (Bigeye catch limits, full seasonal closures).*

46. NOAA noted that the United States has been increasingly vocal that FAD measures and other controls that rely on observers are not appropriate at the moment given the difficulty in getting observer reports to CCMs that need them for investigations. In the two tropical tuna workshops, CCMs<sup>1</sup> made it clear that they want to consider alternative durations and areas of application of the FAD closures; the SPC has been looking at different scenarios. In response to the United States advocating for higher longline catch limits, the FFA members signaled they want to see commensurate relaxation of the FAD closures. Relatedly, Korea and the United States have proposed shortening the prohibited distance from a FAD to one half mile during the closures, which FFA members are not thrilled about but have not dismissed. NOAA shared other aspects of this topic, including the treatment of small floating objects, exemption to the 3-month closure, and observer-dependent measures.
47. A member of the PAC shared that last year, the PAC recommended that the United States eliminate all exemptions to the FAD closure because it results in disadvantageous situations for those who cannot fish on the FADs during closures. However, that did not go very far and resulted in tension between the United States and PICs, which should be decreased where possible. He suggested the United States consider noting it understands the exemption, and spend time focusing on making sure the boats participating from American Samoa receive the same exemption. However, a longer term goal would be to eliminate the exemption.
48. Another member of the PAC agreed with the previous statement and noted that regardless of the situation, the American Samoa fleet should be considered a SIDS fleet and be allowed the same exemptions as the PICs. This sentiment will be reflected in the recommendations forthcoming. He also referred to Articles 10 and 30 of the Convention

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<sup>1</sup> Members, Cooperating Non-members, and Participating Territories are collectively referred to as CCMs.

and suggested it is time for another approach since the United States has not made a lot of progress on this in the past.

49. NOAA responded to both comments by noting the need to consider the effect on the bigeye stock of expanding the exemptions to the FAD closure - the broader the exemption and the more vessels that take advantage of it, the lesser the conservation effect of the closures. NOAA expressed interest in PAC members' views on what measures could replace the FAD closures.
50. Both members of the PAC shared similar sentiments: The impact will continue to get worse since those exemptions are not being applied to the American Samoa fleet, and the survival of the tuna industry in American Samoa depends on the fleet. The vessels are being driven away from American Samoa because of this. The Convention says no SIDS should be disproportionately burdened.
51. A PAC member congratulated Dr. Kryc on her DAS appointment and thanked the USG for its hard work. He mentioned that as someone living in American Samoa and who has been involved in the fishery debate for the last decade, hearing proposed solutions and parameters that need to be taken into consideration, he would like to share what another PAC member mentioned: The United States should try to get the PICs to follow the rules so everyone can benefit from the conservation measures that the Commission has put forward. However, the PICs continue to find ways to apply exemptions and the requirement to avoid disproportionate burdens is continuously being ignored. The American Samoa fleet is the U.S. fleet that has suffered the most, and as other PAC members noted, the status of the cannery is poor, as it will be closing down again due to a lack of incoming vessels. He emphasized that it is important to focus on the livelihoods of people in the territory and help preserve the fishery for the future, but PICs that ignore the CMM's intent make it difficult to accomplish this goal. He noted that American Samoa is often ignored and suggested that American Samoa could assist in the development of responses to the 10 questions required under CMM 2013-06 to determine that American Samoa has been disproportionately impacted due to the measures put in place.
52. Another PAC member noted his agitation at the growing number of PNA members' vessels receiving exemptions but also agreed with NOAA's comment regarding conservation offsets if the United States is successful in getting American Samoa the same exemption for the FAD closures. He suggested that the USG looks at BET catch limits or FAD set limits. The latter are hard to set but are a way to keep a close count on what the catch is.
53. A PAC member noting that BET catch limits for the purse seine fishery have been discussed in the past but have not seen any progress in the WCPFC. The IATTC is also discussing BET in relation to an extended closure for a small number of vessels that catch more than a certain amount. He noted that the USG should make a note of what occurs at IATTC, and if it is successful, the USG can propose a similar process in the WCPFC. The PAC member suggested there could be real BET catch limits that could serve as an alternative to the FAD closures. NOAA noted these points and that it has been following the progress in the IATTC closely and although vessel-specific catch limits have been of interest in both RFMOs in the past, the WCPFC did not agree on them because it was

difficult to distinguish between BET and other species. On the possibility of full seasonal closures, the United States never pushed it due to the fact that the FFA members would never agree with this (since they want to sell days) but also because BET was in worse condition than it is now, and the length of the closure would have been very long, something like eight months. However, the status of BET has changed, so the length of a closure would be more modest, making this option somewhat more attractive for consideration.

54. A member of the PAC raised a question about whether the exemption available to PNA members' vessels to the three-month FAD closure applies to PNA-flagged vessels only in their own waters or within all waters of PNA members if they are operating in the Federated States of Micronesia Arrangement for Regional Fisheries Access (FSM Arrangement). He referenced a paper from 2020 that showed over 90 vessels took advantage of the exemption. He noted his concerns with conservation and expressed his support for American Samoa's fisheries and the recent views expressed by them and the ATA. NOAA responded that the exemption in the footnote refers to the Third Arrangement Implementing the Nauru Agreement (Third IA), under which there are two avenues for the exemption, one of which is specific to the party in question's waters. NOAA added that in recent years the PNA members have notified the Commission that the exemption for a given vessel applies in a single EEZ (see TCC17-IP04).
55. A PAC member shared his skepticism about those statements and understands they are applying the exemption more broadly. For example, Kiribati is not only allowing vessels to reflag to Kiribati, but it charters Chinese vessels, and we are unsure what type of constraints are applied to them.
56. A member of the PAC shared a reference to the agreement in the Third IA where there is an exemption for Kiribati, which has three non-contiguous areas of its EEZ. Among the PNA members, Papua New Guinea does not allow its vessels to fish on the high seas, so it is the PNA members' interpretation of the Third IA that allows their vessels to operate in their EEZs and on the high seas.
57. A PAC member agreed with the previous statement and added there is a variety of attitudes and interests among these different PNA member countries in relation to compliance and advocating for their fleets.
58. Another member of the PAC added on to previous statements noting that American Samoa has been trying to get equal treatment, and although everyone agrees conservation is important, there is a burden that is continually carried by the United States. He expressed the need to be mindful of the conservation effect if American Samoa was recognized as a SIDS with the same exemptions that other PICs use.

*e. FAD materials and design: Q1: Should there be any changes to the guidelines from the draft recommended last year?; Q2: When would it be feasible to require non-entangling FAD design?; Q3: Should the new CMM specify when the guidelines should be reviewed again?*

59. NOAA shared information on the guidelines on non-entangling and biodegradable FADs, noting the effort to revise guidelines last year.
60. A member of the PAC noted these were complicated questions, given the uncertainty with the supply chains and availability of materials. The ultimate objective in his view is to move to biodegradable FADs but this depends on being able to make progress in the development of design and materials that can be biodegradable and last long enough to serve their job as a FAD for vessels to fish on them, when needed. He shared a concern that has been expressed in the PAC and through the International Seafood Sustainability Foundation that the time needed to swap out FADs realistically is a minimum of 2 years. He noted that since multiple RFMOs call for non-entangling FADs, but most vessels use lesser-entangling FADs, the United States should monitor progress for development for a biodegradable FAD but leave the non-entangling FAD requirement in place for now to ensure the best approach on biodegradable FADs is taken for the future.
61. Another PAC member shared his full support in moving towards biodegradable FADs, noting it is important to see where progress can be made sooner rather than later. His concern with lesser-entangling FADs is that the bundles of the FAD could be unwound over time, causing more entanglements and damage to coral reefs. Improving on this one aspect of the FADs while working towards a comprehensive biodegradable FAD would be ideal.
62. A PAC member agreed with the previous intervention and stated that at minimum, guidelines should be reviewed whenever the measure expires or sooner.
63. A member of the PAC asked NOAA if the Chair's consultative draft was the only proposal for consideration at the upcoming annual meeting and if that draft requires a disproportionate burden analysis. NOAA answered that it is the Chair's hope (and the United States') that the Commission can work from one proposal that has incorporated all CCMs suggested edits. There was discussion regarding a disproportionate burden analysis, noting that the most recent draft includes draft text from the FFA members that doesn't include an associated disproportionate burden. The United States views this as a collective obligation and that anything adopted should not create disproportionate burden. There will be a disproportionate burden analysis for the tropical tuna measure as a whole (from the Chair) and the USG was preparing documents for American Samoa that may be able to accompany some proposals.
64. The PAC member followed up by asked what the likelihood that the United States will provide an additional proposal to the Chair's draft since the Chair is requesting members to provide any additional proposals by October 21. NOAA responded that the Chair's draft does not incorporate all the comments and ideas that the United States brought up during the two workshops, and it will want to make sure it is better incorporated.
65. Another PAC member stated he did not have any further comments at this point but will provide recommendations to NOAA for the PAC to consider and discuss.
66. A member of the PAC asked if there is an expectation of when the Chair expects a more final draft since the current draft is difficult to interpret based on all of the edits. NOAA

answered that the Chair intends to circulate a revised consultative draft CMM for tropical tunas on November 1.

**Agenda Item IVb – South Pacific albacore**

67. NOAA presented information on the intersessional work and upcoming plans leading into the Commission meeting.
68. A member of the PAC asked NOAA if he could be contacted about the upcoming meeting and asked if it was open to the general public. NOAA answered that when the meeting is formally announced, the Circular from the Secretariat will be distributed by NOAA and subsequent solicitation for interest in participating in the meeting will occur.
69. A Commissioner noted the discussions on certain aspects of the South Pacific albacore measure and asked if moving the boundaries associated with the measure are going to be discussion points for the IWG. NOAA stated that matter was discussed in the spring and noted it would likely be discussed again in future working group meetings.
70. A member of the PAC shared that on behalf of Bumblebee Seafood, it is currently in the process of putting the entire albacore supply chain in the Marine Stewardship Council (MSC) certification which is complicated, given one of the constraints is that harvest control rules have to be adopted by June 2022. He shared his doubt about this occurring and hoped the U.S. will take an active and aggressive role for South Pacific albacore. Bumblebee Seafood is of the belief that a number of interests that could come together to deal with these issues, not unique to them in particular, apply to all companies sourcing albacore in the South and eventually North Pacific.
71. A member of the public, speaking on behalf of the WPFMC, shared that at the WCPFC SC meeting, there was a disconcerting amount of depletion in the region surrounding American Samoa, which included many in-zone EEZ of SIDS, notably concerning for American Samoa who does not have high seas access. Provisions under Article 10 of the Convention recognize states without high seas access and since American Samoa is trapped, there is a lot of fishing around it in which access of South Pacific albacore is being deprived and the provisions under the current CMM is applicable to 20 degrees South, which does not help American Samoa.
72. A Commissioner shared that as a vessel operator in American Samoa, the recent level of catches have been down substantially so looking for options moving forward is necessary.
73. The Chair noted the discussion was productive and should be kept in mind as the PAC develops recommendations.
74. The Commissioner added that something the United States could look at is the designation of the vessels that are targeting albacore and asked how this could be addressed at either the IWG or Commission meeting. NOAA responded that the sense they received from the IWG meeting and extensive discussions at SC and TCC is that there is momentum to move away from vessel levels and move towards catch and effort as a control. There is widespread dissatisfaction with using vessel numbers to control catch and effort of South

Pacific albacore and the United States is working towards a more well-defined metric of control, and expects this discussion to continue at the Commission meeting.

**Agenda Item IVc – At-sea transshipment**

75. NOAA shared a recent update to at-sea transshipment from TCC17 and ongoing work.
76. A member of the PAC asked NOAA to be more specific on the exact nature of the loophole that neither defines minimum observer data standards for transshipment nor requires transshipment observer reports to be submitted to the Commission or its science provider. Further, the PAC member asked what data fields were missing from the WCFPC minimum data standards. In addition, he asked NOAA to clarify if an observer is required to be on the catching or carrier vessel to meet the requirement to transship on the high seas. Finally, he asked if there have been any observer placements on transshipment vessels in the past year since there has been a pause on observer placement since the start of the COVID-19 pandemic. NOAA answered there are currently no minimum standard data fields for transshipment at sea however, there are minimum standards within the regional operating plan (ROP) that already exist but transshipment specific information is not required to be reported to the Secretariat at this point in time. Regarding the observers, the carrier vessel is required to have an observer if the offloading vessel does not. The transshipment observers were the last to be repatriated and it does appear that observers are being placed on carrier vessels, but in very low numbers.
77. A PAC member noted he agreed it is good that the forms are being used by some but the fact that they are not required is indeed a loophole. He shared his appreciation of the United States' continued efforts through the IWG and notes the ideal outcome is that there would be agreement for a recommendation from the IWG at the Commission meeting this year. As a backstop, the United States should try to get agreement at the Commission level that these forms are required since the IWG will continue. He asked NOAA to discuss more about the Phase 3 of the Information Analysis that needs to be funded. NOAA answered that internally, the United States discussed his point about the backstop (i.e. the forms required to be submitted) but the key shortcoming and suboptimal aspect about it is that if the fundamental characteristics of transshipment information are not captured in the minimum standard data fields, the form could be submitted without this information since it is not an obligation. Fundamentally, getting the minimum standard data fields in place would be ideal and either way the conversation is likely to continue past the upcoming Commission meeting.
78. The PAC member thanked NOAA and agreed that getting the minimum standards included as obligations is important but it would also be ideal to progress and have a foundation for the IWG to build on. He restated his question about Phase 3 work for the Information Analysis. NOAA answered that the Secretariat will be doing an analysis and mapping for the Phase 3 report which should be done in the coming months and the consultant will put together the report next summer.
79. A member of the public submitted the following information in a chat: The transshipment observer and LL coverage levels can be found here (see paras 21 and 22):  
<https://meetings.wcpfc.int/node/13059> .



80. A member of the PAC asked NOAA if it knows of any ongoing Electronic Monitoring (EM) projects on transshipment vessels. NOAA noted another PAC member shared some documents with the Co-Chairs of the IWG recently and there are a number of projects. For example, there is a project in the Republic of Marshall Islands where they are using data loggers to quantify certain aspects of transshipment activity. The United States is also engaged with the Chair of the Electronic Reporting and Electronic Monitoring Working Group in the WPCFC, as there is crossover work between the groups. Also, the United States provided voluntary contributions to the Secretariat to undertake an assessment of its capacity to use EM. The Executive Director provided a readout of his report to TCC and although this subject is complex, it is not being ignored.
81. A PAC member shared comments on behalf of the Hawaii Longline Association (HLA), noting that he supports the work led by the United States and others on a transshipment reform to improve the MCS. The HLA vessels are allowed to transship at sea but have not done so for decades because the fishery is ice-chilled so the nature of the operations is to return to port, noting its differences compared to the ultra-freezer operations. He noted he read that 35% of BET caught in the WCPO which seems low. HLA recommends that it hopes the United States will continue to make this a priority issue and to solve some of the loopholes.

#### **Agenda Item IVd – COVID-19**

82. NOAA shared a brief update on COVID-19 and noted the United States is focused on ensuring continued evaluation of extensions of waivers. The U.S. longline vessels are continuing to carry observers and the U.S. purse seine vessels may have IATTC observers on board. The United States is doing better than other fleets, relatively speaking and there is a proposed extension of the WCPFC decisions (suspending transshipment and purse seine observer requirements and temporarily allowing transshipment at sea) until March.
83. A member of the PAC commented on the productive discussion on this topic at TCC and noted the paper has conditions for safe redeployment of observers, including vaccines and negative COVID tests, health and safety requirements, but notably, is missing consideration of logistics around the Pacific with ports and airports closed. This exact issue caused a substantial economic hardship on the fleet during the observer repatriations last year. He urged the United States to highlight these logistical concerns while maintaining its position with respect to timing and redeployment of observers on vessels.
84. Another member of the PAC recognized the importance of protecting human health but was concerned that the current situation only supports EM on longline vessels and asked if there are any steps the United States could take to help support that work and move it along quickly.

#### **Agenda Item IVe – Pacific bluefin tuna**

85. NOAA presented on PBF, including the NC17 recommendations on PBF. NOAA welcomed comments from the PAC on the information presented and input on the performance metrics to be considered next year.
86. A member of the PAC thanked NOAA for their work on PBF, and stated that the joint working group (JWG) has played a key part in helping to get to some decisions made,

noting that Dorothy Lowman has helped to ensure more equitable discussion of EPO interests and greater transparency in her role as Co-Chair of the JWG. In relation to the science, the PAC member stated that it's important to understand where the projections are going, as PBF has one of the most depleted commercial stocks in the world, and as its recovery is tied to assumptions on recruitment, it's important to get adequate oversight and transparency into that process. He stated that it was important to consider the whole package agreed to at NC, and felt that some of the most important pieces were getting the harvest control rules established for the second rebuilding period, the requests to the ISC and the revisions to the NC workplan. He expressed appreciation to the United States for prioritizing rebuilding as the top priority and understood that an important second priority was an equitable balance between the EPO and WCPO. Assuming that the IATTC adopts resolutions incorporating the package agreed to at JWG, he stated that he had no issues with the package going forward.

87. Another member of the PAC thanked everyone for their work but was disappointed to see catch increases go forward in the proposal, and suggested that there needs to be a greater focus on long term management. He commented that he would like to see testing of the harvest strategy, particularly the long term management scenario through an MSE process, and would like to see a focus in the NC workplan to get an MSE up and running. This would also include provisions of support from the United States in terms of analyst and responding to ISC questions related to operational objectives, performance indicators, and East-West framework. He agreed with the previous comment about recruitment and asked if there is a way to get more specificity into the request and how that could work for recruitment scenarios.
88. A PAC member introduced herself and the non-governmental organization she works for and their mission. She thanked the United States for the work it has done to prioritize PBF. She stated that rebuilding the stock is the most important issue to focus on, considering future opportunities of fishing north of the typical areas they are found in California.
89. Another PAC member supported previous interventions and noted that the United States has been a leader on the MSE and harvest strategies in general in other fora where the stocks are in better shape, and more progress can be built despite opposition from Japan. He encouraged the United States to continue to lead in this arena.

#### **Agenda Item IVf – North Pacific striped marlin**

90. NOAA presented on North Pacific striped marlin (NP MLS).
91. A member of the PAC noted that NP MLS was not on the draft WCPFC18 agenda and asked if it will come up in any other agenda item, specifically discussions related to the stock assessment. NOAA answered that the ISC has a request to the WCPFC to further define the rebuilding plan and expects this to come up during the meeting perhaps during a report out from the ISC to the WCPFC. This would likely be an opportunity to comment further on the stock assessment schedule at that time in addition to providing an opinion on a time frame to use in defining a dynamic unfished spawning stock biomass.
92. The PAC member expressed her support for continuing to try to reach the goal established in the rebuilding plan, noting it could be difficult due to the upcoming stock assessment.

She encouraged the United States to support revising the current CMM informed by work from the Pacific Islands Fisheries Science Center (PIFSC) on a phased rebuilding plan. She suggested taking into consideration strategies other than catch limits, such as circle hooks, that could increase survivability.

93. A member of the public, speaking on behalf of the WPFMC, following up on the previous PAC members' statement. He expressed his support for the phased approach and working with the science providers. He hopes that other CCMs can work with the United States on this issue to improve catch reporting to eventually put forth a measure based on improved scientific information in conjunction with a new stock assessment.
94. A PAC member agreed with the previous comments made and stated he was looking forward to the work that ISC is doing on the new assessment and the rebuilding plans that come from that, noting the work from PIFSC and the WPFMC has been leading edge. He agreed that the phased approach was appropriate but would like to see what the new stock assessment shows.
95. A Commissioner noted that even though NP MLS is not as important as PBF, it is a very valuable commodity in the Hawaii longline fleet, despite that the market is limited because of the Billfish Conservation Act. He expressed the seriousness of the issue and how vital the stock is to the fishery.
96. Another PAC member also supported the statements and urged stronger action on this.
97. A PAC member added that NP MLS is often caught in the BET longline fishery, so understanding the impacts of increased longline activity on NP MLS is important in addition to rebuilding NP MLS to ensure we don't see an increase in discards from the longline fleet decrease.
98. A member of the PAC asked if the Commission is looking at MLS as one or two stocks, pointing to an example of tagged MLS in California, Mexico, and Hawaii. NOAA answered it understands there is mixing of stocks but was not sure if the next stock assessment was going to look at this in more detail but could find out and follow up.
99. A member of the public noted that MLS migrate around the Pacific Ocean but the stock assessments treat the stocks as separate units, and IATTC and WCPFC use different models. He suggested looking at species such as MLS, BET, PBF, and sharks on a regional basis for the assessments.

#### **Agenda Item IVg – Compliance Monitoring Scheme**

100. NOAA provided background information on issues related to compliance monitoring scheme (CMS).
101. A member of the PAC thanked NOAA and congratulated Emily Crigler on her first TCC as Vice-Chair. He asked several questions including: 1) Does the annual meeting need to take any action to approve the work plan for the CMS Intersessional Working Group (CMS IWG) is TCC approval sufficient; 2) Is there anything the PAC can do to assist in getting elements of the work plan moving forward. NOAA answered it will be sending an email to the CMS IWG in a few days reminding members to submit comments on a

number of documents by November 1 and encouraged interested PAC members to participate in the CMS IWG. Regarding the CMS IWG workplan, NOAA commented that the CMS IWG has been tasked with progressing the CMS future work as outlined in the current CMS measure (CMM 2019-06, Section IX). NOAA explained that PNA members recently took a stance at TCC that the work plan should be moved outside of the CMM, but it is unclear how that will progress at this point in time.

102. The PAC member expressed his strong support for the eventual move towards a new CMS measure, noting it is an overall weakness of the WCPFC. NOAA clarified that there could be a separate work plan and CMM or they could be combined.

#### **Agenda Item IVh – Marine Mammals**

103. NOAA presented information on progress towards the adoption of WCPFC safe handling guidelines for cetaceans, including recent outcomes from SC and TCC.
104. No comments or discussion were held on this topic.

#### **Agenda Item IVi – Crew labor**

105. NOAA provided background information on the intersessional work to develop a conservation and management measure on crew labor standards and associated updates.
106. A member of the PAC thanked NOAA and asked for clarification on the draft that includes comments that were submitted to TCC. He noted that in general, HLA supports a labor measure and since the issues of crew safety are very complicated, the United States should advocate more for a simple measure on the two priority issues on preventing forced labor and human trafficking. NOAA responded that the latest version of the document (posted on the TCC website) is the version circulated to TCC. So far, limited comments have been shared in the intersessional discussions post TCC, but any additional documents will be circulated to interested stakeholders.
107. A PAC member expressed his support for the previous statement and was pleased with the dialogue between the USG and stakeholders, noting the correct direction is being pursued. He noted his concerns with the focus on details being pursued by the Co-Chairs of the intersessional work, but added the United States has done a good job with moving the conversation towards the bigger picture. He asked how the United States was planning to respond to China if it disagreed on moving the proposal forward during WCPFC18 and if the United States is planning to continue to put forward comments to the Co-Chairs of the intersessional work. NOAA answered that the United States plans to provide additional intersessional input to recommend focusing on the issues that the United States has been noting as the most critical for a binding measure. China may not agree to adoption of a measure at the Commission meeting, but if the measure is focused on safety and human trafficking, it may isolate China in its position. NOAA noted if progress is not made at the upcoming workshop, scheduled for November, it may reach out to the Co-Chairs bilaterally to discuss.

#### **Agenda Item IVj – North Pacific albacore**

108. NOAA provided background information on North Pacific albacore (NP ALB).

109. A member of the WPFMC asked for clarification on the harvest control rules and whether it would address if fisheries would be limited by a TAC or TAE. NOAA answered that the intention of the harvest control rules was to provide a framework for when a management action needs to be taken, and that revising the harvest strategy would eventually lead to changes in the CMM.
110. A member of the PAC asked NOAA if it mentioned organizing domestic stakeholder meetings as part of activities for next year and noted it could be helpful to try to develop a U.S. position and gain a greater understanding of this important issue. NOAA stated it has not decided how to collect further input from stakeholders but did have a stakeholder meeting in June, so would consider a follow up similar to that to get further engagement, however, most of the input will likely come from the PAC and General Advisory Committee (GAC, IATTC).
111. Another PAC member supported the idea of organizing a U.S. stakeholder meeting this year. He noted how the MSE stakeholder meetings have been helpful and educational and seems there is a lingering need for clarifications on this topic.
112. A member of the PAC agreed with the previous statements about stakeholder engagement and noted this year's NP ALB catch is the lowest landing in the past 25 years, so stakeholders are very concerned about management.

**Agenda Item IVk – More Resilient Fisheries and Protected Resources Due to Climate Change**

113. NOAA stated this was a new agenda item and that the agency is taking advantage of opportunities, such as the meeting of the PAC, to collect input on how to make fisheries resilient to climate change. This could include changes in conservation and management measures, and improvement in science, monitoring, and cooperative research.
114. A PAC member shared that the HLA fishes predominantly on the high seas near the archipelago. He noted that since fishing vessels are an incredible sampling platform and due to the high levels of observer coverage in the longline fishery, research money allocated to broad sampling could be used by HLA's fishing vessels to provide a broad platform mainly in the subtropical area.
115. A member of the PAC shared his thoughts on having flexibility in where the purse seine fleet out of American Samoa fishes, as the Territories rely on fish being directly delivered by fishing boats that need to offset the high cost for fuel needed for transiting to and from the high seas, increasing the cost of operating fishing vessels out of American Samoa.
116. A PAC member added that many U.S. vessels are forced to fish on the high seas because over 65% of the waters around the Hawaii EEZ are closed to the U.S. fleet, therefore resilience requires fishing adaptations and fishing grounds to follow the fish. When the U.S. fleets are excluded from EEZs, it makes it more difficult in the face of climate change and shifting stocks. The long term continuity of the U.S. fleet should be considered as we are making our fleet less reliant to climate change if we have less areas to fish.
117. Another member of the PAC stated there is a great amount of uncertainty involving the location of fish stocks and long term impacts of them. In order to be resilient to the change,

the United States should try to reserve as much operational flexibility for the fleet as possible.

118. A PAC member supported the previous statements and added that science is showing that fish are moving towards colder waters but we need more adaptive management to help with this. He stated that moving towards harvest strategies while collecting data on fish movement patterns can help make fisheries more resilient and help figure out the best way to manage them. An example of this is the lobsters that have slowly migrated north from Rhode Island to Canada. Also, tuna fisheries have been moving north on the west coast of the U.S. This is an issue that has not been taken seriously by any of the RFMOs yet although there has been some talk about it on lower levels at times. He commended the brainstorming on this topic at the meeting and suggested the United States could take a leadership role to push this within the RFMOs.
119. A member of the PAC noted that NOAA has made efforts to use fishing vessels as platforms for research and suggested the continuation of this. Modeling and research (e.g., paper by Johann Bell from Conservation International) has shown there have been deflections of tuna stocks to the North and South, and the expansion in the PICs seeking compensation for the climate change and the deflection of tuna stocks outside their EEZs should be a policy discussion where the United States should be well positioned to add to.
120. A member of the public, speaking on behalf of the WPFMC, shared the concern about distributional shifts of fish stocks with increasing El Niño-Southern Oscillation, linked to climate change. Adaptive and dynamic management measures on the spatial side become increasingly important. The WPFMC had a workshop last year and a paper will be published looking at area based management, specifically the distribution of fisheries and adaptive management, noting the need for an improvement in our monitoring capability. He noted this was a common ground that is shared with FFA members. Most of the research to date is in tropical areas, but more research is needed in temperate areas as well, to look at potential distribution changes in the future. Finally, he added that although the impacts of climate change are not immediate, this should not prevent processes from moving forward in the WCPFC, but will allow time to see possible outcomes for fisheries as CMMs continue to be drafted.
121. A PAC member added that if it were appropriate for the PAC to recommend funding for an effort to study climate change jointly with FFA members, it could go a long way.
122. Another PAC member noted he appreciated the conversation on climate change and is glad it's being discussed at the RFMO level. Thinking of this on the international scale is helpful and funding for additional research will be needed to address climate change issues.

#### **Agenda Item IVI – Other Issues/Public Comments**

123. The Chair acknowledged there was a public comment on sharks and offered the floor to EarthJustice.
124. EarthJustice provided a statement summarizing the request provided in the letter to the PAC (previously distributed), noting the following main points: requests the PAC and U.S.

Commissioners to take immediate action to end the overfishing of oceanic whitetip sharks (OCS), as OCS are severely overfished and at risk of extinction; and requests the PAC advise the U.S. Commissioners to propose measures to prohibit wire leaders, reduce trailing gear, and require reporting on wire leaders, noting these are domestic actions the United States is taking and would like them to be applied on an international level. EarthJustice added that the United States actions alone will not solve the problem of overfishing and if the WCPFC were to implement a ban on wire leaders, the OCS mortality would decrease by 30%. They requested the United States seek international measures that align with the domestic United States actions so there is an even playing field for all U.S. fishers. Further recommendations are detailed in the letter.

125. The Chair thanked EarthJustice and noted their letter was circulated to the PAC prior to the meeting.
126. A member of the PAC noted a number of positive domestic developments and suggested the PAC look at the actions that HLA and the WPFMC has taken. He added that most of the fishing mortality on OCS is from foreign longline fleets so he would be supportive of the PAC recommending actions that the United States can take internationally to promote recovery of this species.
127. Another member of the PAC agreed generally with EarthJustice, noting international action is required to rebuild the stock. He was also supportive of the United States developing a WCPFC measure to ban the use of wire leaders, both to even the playing field and to conserve OCS.
128. A member of the public, speaking on behalf of the WPFMC, appreciated the acknowledgement made by the PAC member and noted that in March 2021, the WPFMC made recommendations to satisfy the MSA 304(i) obligations regarding OCS, recommending the WPFMC to work with DoS and NMFS to accomplish the following: (1) support an increase in international observer coverage and/or EM in areas with higher likelihood of OCS capture, noting the need for an increase in coverage to 10% in equatorial waters (waters between 10°S and 10°N); (2) advance the reduction of wire leader usage and use of circle hooks in international longline fisheries to reduce fishing mortality; (3) progress best handling practices of sharks and rays into internationally binding measures to reduce total mortality.
129. A member of the public shared there have been preliminary studies on OCS in Guam, and although there are a lack of encounters specifically with OCS, he asked if there are reports of efficacy of the mitigation measures in place in the WCPFC. He shared his observations of sharks released from purse seine nets and sharks eating schools of tuna. He supports conservation efforts but was unsure if sharks were worth the energy.
130. The Chair stated this is an issue with consensus across groups that often don't agree on things. He noted the HLA put in a lot of effort this year to get the fleet to voluntarily give up the use of wire leaders, so it seemed like a recommendation appropriate for the PAC to consider now. He suggested moving into the conversation on the science manager's dialogue that was requested.

131. A member of the PAC stated the PAC had a recommendation last year (noting this has been an issue for several years) and although there is a terms of reference for the science manager dialogue, there is a need to work through important remaining issues. He hoped the United States could go along with one remaining obstacle of when it could meet (SC or Annual Meeting) and stated if all could agree to meet, they could begin to fill in the gaps they needed.

**Agenda Item V – Participating Territories issues**

132. The Chair opened the floor to the PAC for comments on any Participating Territories issues.
133. A member of the public noted he was a representative of Guam as an obligatory member and had comments regarding the Territories and several concerns. His first concern was the stock assessment: a regional assessment should be fully supported, as “one size fits all” for an assessment is not ideal since the Pacific Ocean is the largest ocean in the world. Fisheries within each of their own regions and how they impact adjacent fisheries should be analyzed. CNMI and Guam are located in the middle of the WCPFC Convention Area and both islands have vast areas of habitat that travels on a North-South gradient that fish pass through. He noted he attended WCPFC approximately a decade ago but issues of BET have not been resolved, nor attention has been given to the other tunas. At that meeting, he shared that purse seine fishers were supposed to shorten their nets to decrease their chance of encountering BET, however, effort reports from the WCPFC are not showing this change to this day. He stressed that no matter how hard one fishes the Pacific, it is not possible to kill all the fish, unlike the Atlantic, since the Pacific has the largest ocean and habitat, much of which includes unfishable habitat by longline and purse seine vessels due to atolls and reefs. He asked if there was a report on the efficacy of small tuna retention in the purse seine fishery and shared his experience with fishing and retaining fish. Another concern is related to shark conservation and whether there are any actions being undertaken in the WCPFC to assess the conservation efforts associated with the species, as sharks are taking up habitat (atolls, reefs, local resources). Regarding climate change, he shared his utmost appreciation for the scientists and fisheries in the Pacific Ocean because they discovered climate change before it became “popular”, noting the importance of el Nino and la Nina. The fisheries in the Pacific have always been concerned about climate change because it affects the movement of the fish. He emphasized his concern about the state of the American Samoa cannery and noted the need to look into better supporting the existing shore-based fisheries. His final concern was related to the high seas closures and suggested the USG needs to consider what will happen to the U.S. fleets based out of Hawaii when the high seas areas are closed.
134. A member of the PAC thanked the member of the public for the statement, as he touched on many issues. He added that the U.S. Territories are impacted the most, which has been reiterated at PAC meetings over the years. He shared he has a proposal to develop an American Samoa based fleet that can be discussed during recommendations and hopefully will have the support of the PAC.
135. The Chair thanked everyone for their comments.



**Agenda Item VI – Review and adoption of the PAC recommendations**

136. PAC members drafted and agreed to the 2021 PAC Recommendations (**Attachment 3**).

**Agenda Item VII – WCPFC18**

137. NOAA noted that a solicitation of interest for participation on the U.S. delegation to WCPFC18 had been circulated, and that further information on delegation logistics would be forthcoming. The meeting will be held virtually between November 29-December 7, 2021.

**Agenda Item VIII – Closing comments, schedule for meeting record, and adjournment**

138. NOAA thanked everyone for their helpful comments and thoughts, noting it hoped the PAC can meet in person next year. NOAA reiterated to send any interest in participating on the U.S. delegation to WCPFC18 to the Executive Secretary and that a draft meeting report would be distributed to the PAC for review likely towards the end of the year.

## **ATTACHMENT 1: Meeting Participants**

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**ATTACHMENT 2: Final Agenda**  
**Meeting of the Permanent Advisory Committee**  
**to Advise the U.S. Commissioners**  
**to the Western and Central Pacific Fisheries Commission**  
*October 13-15, 2021*  
*10 am-1 pm HST*  
*Web Conference*

**Wednesday October 13, 2021**

<b>Agenda Item I: Opening of Meeting</b>		<b>Documents</b>
a. Welcoming remarks.	Welcoming address by Alexa Cole, U.S. Federal Commissioner to the Western and Central Pacific Fisheries Commission	
b. Meeting arrangements	<p>Meeting Arrangements and outline of objectives/agenda, rules, and roles.</p> <p>The National Marine Fisheries Service (NMFS) Pacific Islands Regional Administrator, Michael Tosatto, will discuss the Statement of Organization, Practice and Procedures (SOPPs) of the PAC, and a brief overview of the purpose and role of the PAC.</p>	PAC SOPPs (Attachment)
c. Adoption of the agenda	The PAC Chair, Ryan Steen, will introduce the Provisional Agenda for the PAC meeting that was distributed in accordance with item IV(A)(5) of the SOPPs of the PAC.	

<b>Agenda Item II: 2021 Western and Central Pacific Fisheries Commission (WCPFC) developments</b>		
a. SC17 review	A review of the outcomes of the 17th Regular Session of the Scientific Committee	<a href="#">SC17 Outcomes Document</a>  <a href="#">SC17 Draft Summary Report</a>
b. TCC17 review	A review of outcomes of the 17th Regular Session of the Technical and Compliance Committee	<a href="#">TCC17 Provisional Outcomes Document</a>
c. NC17 review	A review of outcomes of the 16th Regular Session of the Northern Committee - including a brief overview of the Joint IATTC/NC Working Group for the management of Pacific bluefin tuna	<a href="#">JWG6 Summary</a>  <a href="#">NC17 Draft Summary Report</a>
<b>Agenda Item III: Review of 2020 PAC recommendations</b>		2020 PAC Recommendations (Attachment)
<b>Agenda Item IV: Discussion of conservation and management measures (CMMs) and issues for PAC advice</b>		
a. Tropical Tunas  ai. Tropical Tuna Measure Workshops		Chair's consultative draft CMM (Attachment)  <a href="#">Chair's report of TTMW1; Chair's report of TTMW2</a>

Thursday October 14, 2021

Agenda Item IV: Discussion of conservation and management measures (CMMs) and issues for PAC advice (continued)	Documents
b. South Pacific albacore	<a href="#">WCPFC SP Albacore Working Group</a>
c. At-sea transshipment	<a href="#">WCPFC TS-IWG</a>
d. COVID-19	<a href="#">WCPFC COVID Page</a>
(Continuation of Tropical Tunas as needed)	
e. Pacific bluefin tuna	
f. North Pacific striped marlin	
g. Compliance Monitoring Scheme	<a href="#">CMM 2019-06</a> <a href="#">WCPFC CMS-IWG</a>
h. Marine Mammals	<a href="#">TCC17-2021-23</a>
i. Crew labor	
j. North Pacific albacore	
k. More Resilient Fisheries and Protected Resources Due to Climate Change	
l. Other Issues/Public Comments	



**Friday October 15, 2021**

**Documents**

<b>Agenda Item V: Participating Territories issues</b>	
<b>Agenda Item VI: Review and adoption of PAC recommendations</b>	
<b>Agenda Item VII: WCPFC18</b>	
<b>Agenda Item VIII: Closing comments, schedule for meeting record, and adjournment</b>	

## **ATTACHMENT 3: Recommendations from the Permanent Advisory Committee to the U.S. Section to the Western and Central Pacific Fisheries Commission**

### **Web Conference**

**October 13-15, 2021**

The following recommendations are directed to the U.S. Section to the Western and Central Pacific Fisheries Commission (WCPFC or Commission) for the purpose of developing U.S. policies, positions and negotiating strategies with respect to U.S. participation in the WCPFC.

#### **I. Tropical Tuna Measure**

The Permanent Advisory Committee (PAC) recommends the following:

##### *General Principles:*

1. That the United States ensure that any new measure adopted by the Commission maximize the opportunities for U.S. fishing vessels to harvest fish stocks on the high seas consistent with scientific advice.
2. That the Ensuring Access to Pacific Fisheries Act, Public Law 114-327, which was signed into law on December 9, 2016, be used as the basis for the U.S. posture at the WCPFC.
3. That any new conservation and management measure (CMM), as appropriate, will include provisions for annual review and possible need for adjustments in management with regard to the applicability of a new measure.
4. That the Commission develop criteria to prevent fishing capacity in the WCPFC Convention Area from exceeding historical levels.

##### *Purse Seine:*

5. That the United States support efforts by American Samoa to establish a record of purse seiners that regularly land tuna in American Samoa in support of the American

Samoa tuna industry. Such record can then be used by relevant flag states to regulate the purse seiners on that record as an integral part of the American Samoa tuna industry with the same rights and privileges as other SIDS' fleet. This would eliminate the unfair treatment of American Samoa and the locally based purse seiners and help to reduce the disproportionate burden of conservation that is destroying the American Samoa tuna industry.

6. That in adopting future conservation and management measures, the U.S. Delegation shall seek to ensure, to the maximum extent possible, that the same set of rules apply to all Parties and fleets operating under the WCPFC and that, to the extent that any exemptions are allowed, the measures applied to the American Samoa locally based purse seine fleet be the same as those applied to other SIDS fleet including, but not limited to, provisions for the three-month FAD closure, the high seas FAD closure, and high seas effort limits. The U.S. Delegation shall seek to ensure that the use of any exemptions be made publically available and that the effect of those exemptions are taken into account by the SPC science provider and other WCPFC bodies when looking at the impacts on the fishery.

7. That the U.S. Delegation continue to vigorously defend the application of the Effort Limit Area for Purse Seine (ELAPS) as the legitimate basis for managing U.S. purse seine effort limits established under successive WCPFC tropical tuna measures, currently pursuant to CMM 2018-01 and to explore other opportunities to maximize fishing opportunities for the American Samoa locally based fleet, recognizing that previous reductions in U.S. high seas fishing days were in response to tropical tuna stocks that were considered in poor health at the time but whose status has since improved based on the latest stock assessments.

8. That the additional two-month FAD closure applicable on the high seas be eliminated in response to the improved status of the bigeye and yellowfin stocks in the WCPFC Convention Area.

9. That any conservation and management measures adopted by the Commission recognize and accommodate the special needs of American Samoa and, as

appropriate, other U.S. territories in full accordance with, *inter alia*, Article 10 and Article 30 of the Convention.

10. The majority of the PAC agrees that there should not be an overall limit on the number of the allowable FAD sets in the Convention Area. Such a limit has been part of the management program in the past, and has not worked well, in large part because of compliance issues. A minority of the PAC do not agree with this position, and that FAD set limits are an effective tool to reduce the take of juvenile bigeye and the potential to use that tool should be maintained.

11. That the U.S. Delegation advocate for a Pacific-wide definition for FAD set consistent (ideally identical) with the one adopted by the IATTC; i.e., defining a FAD as deployed and/or tracked using a tracking buoy; and, in addition, to amend the current WCPFC definition of FAD set to be any set within one-half mile of a FAD, as opposed to the current specification of one-mile.

12. That in order to reduce the amount of synthetic marine debris, the use of natural or biodegradable materials for drifting FADs should be promoted.

13. The United States should support meaningful vessel capacity limits as part of a WCPFC measure with the inclusion of all fleets (including Pacific island fleets).

14. That the United States should support the establishment of a FAD tracking program by the Commission, wherein the Commission can receive -- with a 60 day time lag -- information directly from FAD buoy providers relevant to the tracking of FADs. Several US vessels are currently cooperating with SPC OFP to voluntarily provide this information -- and we should support Commission-wide expansion of this effort.

15. That the United States should support the continuation of the FAD working group to consider these matters as well as others such as, *inter-alia*, the meaning of FAD deployment, tracking, ownership, accountability, recovery, and active and inactive

FADs. This working group should meet at a time and venue preferably in conjunction the annual WCPFC meeting.

*Longline:*

16. The PAC recommends that the United States submit a proposal for inclusion in the Chair's draft that increases the annual US longline bigeye limit by at least 3,000 mt. To achieve this objective, several options outlined in the Table A (**Attachment 4**) should be considered. Available information suggests that each of these options would: a) not disproportionately burden SIDS and Territories, and b) would not exceed the BET management objective to maintain bigeye tuna spawning biomass at 2012-2015 levels. The PAC further recommends US government officials hold bilateral consultations as soon as possible with China, Japan, Korea, Chinese Taipei, and the FFA on this objective.

17. The PAC recommends that the US work bilaterally with FFA/PNA members to further understand and advance the scientific basis per SC advice for zone-based longline management and it may potentially support mutual interests, while also ensuring that references to zone-based longline management in the measure include considerations of spatial differences in bigeye depletion within the WCPO.

18. The PAC recommends that the United States ensure that the provisions contained in CMM 2020-01 paragraph 9 are maintained in support of participation of the US Territories within the Commission.

19. The PAC also expressed concern that observer coverage on foreign longline fleets falls short of what the United States achieves and recognized the importance of such monitoring to the assessment of the performance of the tropical tuna measure. The PAC recommends the United States support the inclusion of a commitment in the tropical tuna measure to supplement human observer coverage on longline vessels with electronic monitoring to 20% within a specific time period.

## **II. Pacific bluefin tuna**

20. The PAC supports the continued use of the JWG as an appropriate venue to make equitable recommendations on PBF management that can be advanced in the WCPFC and IATTC, as appropriate.

21. The PAC supports the U.S. position to maintain a precautionary approach for PBF, including prioritizing, rebuilding PBF and a secondary priority to establish more equitable balance of allocation among the WCPO and EPO.

22. WCPFC18, the PAC recommends adoption of the Northern Committee recommendations as agreed at the 6th JWG meeting, including a revised CMM, harvest strategy, ISC requests and an updated workplan.

23. The PAC supports continued U.S. efforts to advance PBF rebuilding, transparency and equitable balance, including:

- a. Oversight to ensure scientific integrity, transparency and best available science in the 2022 stock assessment, including review of projections, recruitment assumptions and transfer provisions;
- b. Outreach to IATTC members to align timing for the 2022 meetings; and
- c. Advance harvest strategies, with priority to agree on long-term reference points and harvest control rules with near-term deadlines. In addition, the PAC recommends proceeding with a process that achieves the objectives of the MSE process including stakeholder consultations and workshops in 2022 to identify specific management objectives and associated performance indicators, as requested by ISC21.

### **III. North Pacific striped marlin**

24. The PAC supports the U.S. commitment to submitting a new or revised conservation and management measure that will rebuild NP striped marlin to 20%

SSB<sub>F=0</sub> by 2034 as an interim step to improve management and recovery of the stock to sustainable levels.

25. The PAC supports and requested development of a rebuilding plan by the ISC based on a new benchmark stock assessment in 2022 that is consistent with the analysis conducted by PIFSC utilizing phased total catches.

26. The PAC endorses development of a rebuilding plan based on phased stock projections utilizing catch and effort provided to the ISC (within stock boundaries delineated by waters north of Equator and Convention Area west of 150W) as best scientific information available. These rebuilding plans should reach the adopted rebuilding target by 2034 with at least 60% probability and have over 50% probability of ending overfishing relative to  $F_{MSY}$  in the first phase.

27. The new CMM should specify CCM catch limits for the first phase for North Pacific striped marlin to end overfishing.

28. The PAC supports catch limits by CCM partitioned based on catches of longline fisheries by CCMs as reported to the ISC Billfish Working Group, recognizing these catch histories have the greatest certainty, are scientifically vetted, and these years represent current fishing capacities of CCMs. This should also consider a buffer of catches from other CCMs that incidentally catch striped marlin within North Pacific striped marlin boundaries.

29. The PAC requests that a proposed CMM for North Pacific striped marlin take into consideration practical conservation and management options, such as the required use of circle hooks in all longline fisheries, to increase the likelihood that annual catch limits are not exceeded and to increase survivability of released striped marlin.

30. The PAC requests the U.S. support the development of more stringent measures of species identification, improve catch and discard accounting, and annual reporting of billfishes. This is recognizing uncertainty and untimeliness of catch reporting of billfish and the need for transparent evaluation of billfish catches on a reasonable

basis. The WCPFC and its science providers should also work towards estimating unreported catches.

31. The PAC recommends the U.S. move the WCPFC towards adopting reference points for billfish species with a goal to develop harvest strategies for billfish. This effort should include collaboration between the IATTC, recognizing that blue marlin is a Pan-Pacific stock and striped marlin biological stock distributions remain equivocal.

#### **IV. South Pacific albacore**

32. The PAC recommends that CMM 2015-02 be revised to include reporting and capacity provisions north of 20 degrees South, noting the highest level of regional depletion in waters around American Samoa and north of 20 degrees South, as estimated by the 2021 stock assessment.

33. The PAC recommends that the interim target reference point (TRP) for South Pacific albacore, based on information from the 2021 stock assessment within the WCPFC Convention Area, ensures that available biomass will allow CPUE for the American Samoa longline albacore fishery to return to historical levels prior to 2010.

34. The PAC recommends that a TRP for South Pacific albacore be achieved 'soonest' (less than 20 years) under harvest scenarios brought forth by the SPC, with initial and appreciable incremental annual reductions in catch. The Commission may elect to increase catches of South Pacific albacore immediately after a TRP is achieved to 'minimize overshoot' of the TRP so that the stock can be fully utilized while maintaining the TRP.

35. The PAC recommends that harvest scenarios and strategies implemented to achieve the TRP for South Pacific albacore should include an allocation scheme for CCMs whereas SIDS and Participating Territories are exempt from annual catch reductions to reach the TRP or that SIDS and Participating Territories can maintain catches commensurate with historical optimal levels. The allocation scheme must



take into consideration charter arrangements and allocations should be accounted by the RFV registry, such that conservation benefits are not undermined.

36. The PAC recommends that since the U.S. South Pacific albacore troll fleet, (which is the only troll fleet fishing on the high seas South of 20 degrees South) caught an average of less than 350 metric tons of albacore during 2015-2017, it should be exempt from further catch reductions under harvest scenarios to reach the TRP and under an allocation scheme for South Pacific albacore. When its troll catches exceed 5% of total catch of South Pacific albacore, this could trigger troll fisheries being subject to further reductions.

37. The PAC urges USG to work with other parties to evaluate the efficacy and relevance of CMM 2015-02 in controlling albacore longline fishing effort and supporting the attainment of newly established TRP. If CMM 2015-02 is found to be ineffective, the PAC recommends USG work with other parties to develop and introduce a CMM that does effectively address South Pacific albacore fishing effort and supports the attainment of TRP.

38. The PAC recommends that the United States develop a definition as to what fishing for albacore means precisely and engage other CCMs on that definition for consideration in a revised measure.

## **V. Compliance Monitoring Scheme**

The PAC recommends that:

39. The United States should explore any and all available options to use access to U.S. markets, including under existing U.S. legislation such as the Pelly Amendment to the Fishermen's Protective Act, to compel improved compliance and enforcement, including the assessment of appropriate sanctions and penalties in respect of violations, by WCPFC members including those related to catch and effort limits, limits on vessel numbers and capacity, accurate reporting of catches, minimum levels

of observer coverage, and other activities that diminish the effectiveness of the WCPFC conservation and management regime.

40. The U.S. should make strong statements at the upcoming Commission meeting that the level of non-compliance is alarming, reducing the credibility of the Commission, and undermining the effectiveness of the Convention.

41. The U.S. should continue to advocate for a multi-year compliance regime, and completion of the CMS future workplan in advance of TCC18 that includes development of audit points, completion of risk based assessment framework and through US leadership, the completion of guidelines for observer participation in the Compliance Committee.

42. The U.S. lead the development of penalties for significant noncompliance for inclusion in the CMR in 2021.

43. The U.S. maintain a position to not weaken the WCPFC compliance monitoring structure to enable the Commission to evaluate the fisheries operations of its members. Such a structure should include a transparent system for reporting and documenting possible violations of CMMs (including the PNA as a group of CCMs), calling for investigations, and following up on the status of investigations. The PAC further recommends that the United States develop proposals to improve the Compliance Monitoring Review (CMR) process that includes mechanisms to identify, in a publicly transparent manner, the number and types of violations, the flags of the vessels committing them, and to appropriately sanction CCM non-compliance.

44. The United States continues to negotiate for a permanent CMS that includes the following:

- a. continue to support inclusion of flag state investigations and accountability in the new CMS;
- b. continue to support prioritization of measures to be reviewed at TCC; and

- c. advocate for a distinction between minor and major violations in the CMS, with appropriate responses to ensure compliance.

45. The PAC notes and supports the continuing U.S. efforts at the TCC to ensure that observer reports are transmitted to flag state authorities, however the PAC also urges the USG to raise at this year's annual meeting the issue of lack of full implementation and timely response related to the procedures adopted in the WCPFC12 annual report that reads (at para. 569): "The Commission adopted the pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels and put forward by the IWG-ROP, as amended to include data being provided to the coastal state when an alleged infringement takes place in a coastal state's waters (Attachment U)".

46. In the absence of a strengthened and transparent CMS process, that the United States continue to oppose the adoption of WCPFC conservation and management measures that require observer coverage for compliance and monitoring.

## **VI. Regional Observer Programme**

47. The PAC supports U.S. efforts to improve the effectiveness of the ROP and coordinated efforts through the CMS process to ensure robust compliance by all CCMs.

## **VII. Cetaceans**

48. The PAC recommends that the WCPFC make mandatory reporting of marine mammal interactions to include disposition of the animal, develop proper training on marine mammal handling, and undertake research on efficacy of gear modifications/specifications to reduce marine mammal mortalities.

## **VIII. Other**

### ***Electronic Monitoring:***

49. The PAC urges the U.S. to:

- a. Express disappointment that the EM working group was unable to finalize their work during 2021 and to seek an update from the working group at the 2021 annual meeting;
- b. Support continuation of the EM working group with a mandate to finalize a draft EM CMM in 2022 for submission to TCC and the Commission to establish EM standards for a Commission wide electronic monitoring program in 2022; and
- c. Support the development of an EM system with the goal to significantly increase monitoring, specifically in foreign longline fisheries, recognizing those areas where Project 93 had indicated the largest data gaps exist.

## **IX. Harvest Strategies**

50. The PAC urges the USG to actively seek consensus support for the establishment of a Scientist Manager's Dialogue working group on MSE to meet in conjunction with the Scientific Committee in 2022.

51. The PAC recommends that the United States government stress the urgency of progress on the development of Harvest Strategies, recognizing that work to date is far behind the timing envisioned in the WCPFC agreed workplan. The PAC notes that the WCPFC Harvest Strategy workplan has been revised to account for recent setbacks. The PAC recommends that the U.S. prioritize development of harvest strategies for both the principal tuna species (SKJ, YFT, and BET) as well as to make material progress on North & South PacALB, and PBF in 2022. The PAC recognizes that lack of progress in the development of Harvest Strategies, particularly setting Limit and Target Reference points and harvest control rules, in 2022 increases risk such that WCPO tuna products could lose market recognition by sustainable seafood certification and ratings programs that are increasingly important for global consumers.

## **X. Sharks**

52. The PAC notes the Hawaii Longline Association's voluntary operational changes to remove wire leader and improve handling and release practices for oceanic whitetip sharks in the Hawaii longline deep-set fishery. The PAC further notes the WPFMC's recommended domestic regulations to remove wire leaders in the deep-set fishery and require trailing gear to be removed from oceanic whitetip shark as close as possible to the animal in all US Pacific Island longline fisheries. The PAC also notes WPFMC's Magnuson Stevens Act (MSA) 304(i) international recommendation for application to all WCPO longline fisheries.

53. The PAC recommends the U.S. delegation work bilaterally with other WCPFC members to introduce a binding measure to ban wire leaders in WCPO longline fisheries, promote the use of circle hooks, require safe release procedures for oceanic whitetip sharks, and to further require annual reporting of leader material by fleet as an added accountability measure. Such a measure should be proposed as soon as possible to reduce fishing mortality and expedite recovery of oceanic whitetip sharks in the WCPO.

54. The PAC endorses the WPFMC's MSA 304(i) international recommendation on increasing WCPO longline observer coverage and/or electronic monitoring (EM) on vessels operating between 10°S northward to 10°N, which is an area with high vulnerability of oceanic whitetip shark capture. This recommendation notes that improved monitoring is critical for assessing the rebuilding of oceanic whitetip sharks, evaluating the effectiveness of CMMs for species with non-retention measures in place, and existing analyses that suggest 20% coverage would reduce uncertainty in the estimates of bycatch species including oceanic whitetip shark.

55. The PAC recommends that the United States support a prohibition on the use of wire tracers in U.S. longline fisheries and binding guidelines to safely handle sharks, and increase observer coverage in equatorial waters, including through the use of

electronic monitoring consistent with the Western Pacific Fishery Management Council's recommendations.

## **XI. At-Sea Transshipment**

56. The PAC appreciates the U.S. continued leadership of the IWG and supports hiring a consultant to conduct the transship data analysis to inform the work of the IWG.

57. The PAC supports changes to the ROP rules to require the relevant carrier observer reports and transshipment declarations are sent to the Secretariat by the observer provider.

58. The PAC also urges the US through the IWG to seek endorsement of the changes to the observer forms FC1, FC2, and FC3 that enhance the information that is provided relative to transshipment in time for consideration by the annual meeting in 2021.

59. The PAC supports strengthening of data sharing with IATTC and NPFC including the finalization of agreement of a data sharing MOU with the NPFC.

60. The PAC recommends the U.S. continue to protect the interests of the U.S. South Pacific albacore troll fleet in qualifying under para. 34 and 37 of CMM 2009-06.

61. Although federal regulations currently allow Hawaii longline vessels to transship at sea, if prohibiting longline bigeye transshipment at sea will improve the monitoring of longline bigeye catch within the WCPO and can be used to support positions on other conservation and management measures, then the United States should support a longline (bigeye) transshipment ban or other phased approaches under consideration for the WCPFC area. In the event that high seas transshipment of bigeye by longliners is not prohibited, the PAC recommends that the U.S. government urge that the WCPFC strengthen the measure on high seas transshipment to ensure that all transshipment is monitored, the reports validated and transmitted to the Commission.

## **XII. Labor Standards**

62. The PAC recommends that the United States work with other CCMs to develop a CMM that prevents forced labor on fishing vessels operating in the Convention Area, and further, that issues related to other labor standards not be included due to their complexity and subjectivity.

## **XIII. Participating Territories**

63. The PAC recognizes the importance of the participation of the U.S. territories within the deliberations of the Commission. All are unique and have development aspirations in line with the PICs. Specifically, American Samoa's economy, like many PICs, is essentially tuna dependent -- it has a tuna fishery which includes the purse seine, longline, and alias that are based there. These fleets require access to the fishing grounds in and around the EEZ around American Samoa to remain viable and provide employment to the citizens of American Samoa. This includes the high seas, U.S. EEZ's and the EEZ's of adjacent PNA countries and several non-PNA countries. The United States needs to strongly advocate for the tuna fisheries based in American Samoa and developing fisheries of Guam and the Northern Mariana Islands. Therefore, the PAC requests that the U.S. government ensure that the U.S. Participating Territories, including fishing industry representatives from the territories fully participate, as appropriate, in all relevant deliberations related to their direct interests.

64. The PAC recommends that purse seine vessels operating primarily out of American Samoa be extended full Article 30 privileges under American Samoa's SIDS status, which would ameliorate restrictions of fishing effort in the ELAPS.

65. Understanding that the American Samoa longline albacore fishery is failing, and that this is partly due to the continuously increasing number of seemingly unregulated and highly subsidized non-U.S. longliners and their severe impact on the catch rates of the American Samoa local longline fleet, the PAC recommends a freeze of non-

U.S. distant water fishing nation longline fleets until an effective conservation measure can be fully implemented.

#### **XIV. Observer Coverage**

66. That the U.S. Delegation not support the placement of observers back on board purse seine vessels until transportation routes such as ports and airports are sufficiently open across the region to ensure regular and unimpeded travel by observers to and from their homes and various points of embarkation aboard vessels.

#### **XV. North Pacific albacore**

67. The PAC supports the U.S. efforts to develop a harvest strategy for north Pacific albacore through the adoption of a target reference point in 2022 and adoption of a harvest control rule and threshold reference point in 2023, in accordance with the timeline in the Northern Committee workplan.

68. Prior to those annual meetings of the Northern Committee, the PAC requested that the U.S. hold at least one meeting for domestic stakeholders to discuss inputs into the north Pacific albacore harvest strategy based on MSE results.



## ATTACHMENT 4: Table A

	Status Quo	Option 1	Option 2 (Preferred)	Option 3
<b>Rationale</b>	Current CMM 2020-01 which expires February 2022.	Account for already reported unused catch allocations for Japan and Indonesia from 2019 and 2020, plus a 10% buffer for modest catch limit increases for four states <ul style="list-style-type: none"> <li>Does not remove catch limits for Japan or Indonesia or other states</li> <li>Augments catch limits for Chinese Taipei, Korea, China, USA</li> </ul>	Modest catch increase for states which current limits are consistent with current catches <ul style="list-style-type: none"> <li>3,000 mt increase for Chinese Taipei, Korea, China, USA</li> <li>No change for others</li> </ul>	Increase US catch limit and possibly for others as incentive <ul style="list-style-type: none"> <li>Add 3,000 mt to US catch limit</li> <li>Other states catch limits remain unchanged</li> <li>Room for augmenting catch limits for states that increase observer coverage, reduce/end at-sea transshipment, etc.</li> </ul>
<b>Formulae</b>	Catch limits for longline fisheries prescribed in Table 3 of CMM-2020-01. Average 2019-2020 Catches are:  China: 8,024 mt Indonesia: 1,505 mt Japan: 12,354 mt Korea: 13,134 mt Chinese Taipei: 8,359 mt USA: 3,540 mt	[Japan catch limit minus average Japan 2019 and 2020] + [Indonesia catch limit minus average Indonesia 2019 and 2020 catch]  = 9,796 mt, x 110% = 10,775 mt increase in catch biomass  = 2,694 mt increase for Chinese Taipei, Korea, China, USA	12,000 mt longline catch biomass increase, for four states.  = 3,000 mt increase for Chinese Taipei, Korea, China, USA	3,000 mt total catch biomass, increasing USA catch limit
<b>Catch Limits (Revised CMM 2020-01 Table 3)</b>	China: 8,724 mt Indonesia: 5,889 mt Japan: 17,765 mt Korea: 13,942 mt Chinese Taipei: 10,481 mt USA: 3,554 mt	China: 11,418 mt Indonesia: 5,889 mt Japan: 17,765 mt Korea: 16,636 mt Chinese Taipei: 13,175 mt USA: 6,248 mt	China: 11,724 mt Indonesia: 5,889 mt Japan: 17,765 mt Korea: 16,942 mt Chinese Taipei: 13,481 mt USA: 6,554 mt	China: 8,724 mt Indonesia: 5,889 mt Japan: 17,765 mt Korea: 13,942 mt Chinese Taipei: 10,481 mt USA: 6,554 mt
<b>Future Impact on BET Stock: Projected % SSB<sub>F=0</sub> and LRP risk</b>	60,319 mt “recent” longline catch, 2016-2018  <u>46% SSB<sub>F=0</sub>, 0% LRP risk</u> Pessimistic: 43% SSB <sub>F=0</sub> , 0% LRP risk	71,094 mt total longline catch relative to 2016-2018 catch  <u>43% SSB<sub>F=0</sub>, 0% LRP risk</u> Pessimistic: 41% SSB <sub>F=0</sub> , 0% LRP risk	72,319 mt total longline catch relative to 2016-2018 catch  <u>43% SSB<sub>F=0</sub>, 0% LRP risk</u> Pessimistic: 41% SSB <sub>F=0</sub> , 0% LRP risk	63,319 mt total longline catch relative to 2016-2018 catch  <u>44-45% SSB<sub>F=0</sub>, 0% LRP risk</u> Pessimistic: 42% SSB <sub>F=0</sub> , 0% LRP risk
<b>Future Impact on BET Stock if PS Scalar = 1.25</b>	44% SSB <sub>F=0</sub> , 0% LRP risk, Pessimistic: 41% SSB <sub>F=0</sub> , 0% LRP risk	40% SSB <sub>F=0</sub> , 0% LRP risk Pessimistic: 39% SSB <sub>F=0</sub> , 1% LRP risk	40% SSB <sub>F=0</sub> , 0% LRP risk Pessimistic: 38% SSB <sub>F=0</sub> , 2% LRP risk	44% SSB <sub>F=0</sub> , 0% LRP risk Pessimistic: 41% SSB <sub>F=0</sub> , 0% LRP risk

- “Pessimistic” scenario defined as full utilization of Japan and Indonesia limits, ~10,000 metric tons not realized in recent catches, added to each option
- Projection scenarios based on “recent recruitment” assumption
- Purse seine scalar, under current management, is assumed to be 1.15 relative to 2016-2018 scalars