

RECOMMENDATIONS OF THE PERMANENT ADVISORY COMMITTEE  
TO THE UNITED STATES SECTION TO THE WESTERN AND CENTRAL PACIFIC FISHERIES  
COMMISSION

*The Permanent Advisory Committee agreed to the following recommendations at its October 14-15, 2015 meeting in Honolulu, Hawaii*

**Regarding the tropical tuna measure:**

1. The PAC agrees that compliance is a critical issue of the WCPFC. It is widely believed that non-compliance is occurring both on the vessel level and on the country level. While US fisheries are highly monitored with respect to compliance, the same cannot be said about many other fleets operating in the region, which creates an uneven playing field that hurts US flagged vessels and American Samoa. For example, compliance with the seasonal purse seine FAD closure by many fleets is highly questionable, as is compliance by foreign longliners on the high seas with respect to catch limits, VMS, transshipment, sharks, and protected species measures. For example, the United States is the only nation to have provided notice of having reached its bigeye quota for longline vessels, and having closed the WCPO to the Hawaii longline fishery in 2009, 2010, and 2015. In addition, there are some countries that are not providing operational catch information, which is impacting the quality of science available to the Commission and potentially undermining stock assessments and the effective conservation and management of stocks in the region.

Therefore, the PAC agrees that there are serious concerns of an uneven playing field with regards to compliance and monitoring within the WCPFC, recommends that the US significantly increase its efforts to gain improvements in enforcement and monitoring of fisheries of other CCMs to a level that is comparable to the United States. Most of the PAC members agree to urge the US to not agree to any further reductions in effort or catch for US purse seine, US longline, and US troll fisheries until there is a high-level of confidence that other CCMs are enforcing and monitoring their fisheries to same standard as the United States. Other members of the PAC disagree expressing concern of the potential impact of the effort to reduce bigeye mortality.

2. The PAC by consensus agrees that US fisheries operating in the WCP-Convention Area meet or exceed numerous safety, monitoring, reporting, environmental, and protected species standards that are not met by the fisheries of any of the other CCMs. When these US fisheries are excessively restricted or closed, domestic demand is satisfied by foreign fleets that fall far short of the rigorous standards applicable to US fleets.

The PAC recognizes that US purse seine vessels need access to the high seas. The high seas, and especially the Eastern high seas, are an important part of the historical fishing operations of US purse seine vessels. The current CMM limiting high seas days is damaging to the US purse seine fleet and the canneries in American Samoa.

The PAC also recognizes that the Hawaii longline fishery principally supplies the Hawaii domestic seafood market and operates in a region where fishing has a low impact to the bigeye stock.

A majority of the PAC recommends that the US, at WCPFC12, work to restore the bigeye catch limit applicable to the Hawaii longline fishery to the 2009 level, and also, restore the US high seas purse seine effort limit to historical levels of approximately 3,000 days. A minority of the PAC disagreed. With the increase in catch of bigeye between 2009 and 2014, the minority felt that it would cause significant detriment to efforts to end overfishing of bigeye and rebuild its population.

3. The PAC recommends that the US develop, introduce, and strongly advocate for a spatial management proposal regarding bigeye conservation for the longline fishery at WCPFC12.
4. The PAC recommends that the US not support advancing the 2017 high seas FAD closure until an analysis has been completed comparing the conservation benefits of such actions with the potential 5<sup>th</sup> month FAD closure in the current CMM. This recommendation is in regards to anticipating a potential PNA/FFA proposal to move-up the high seas FAD closure to 2016. There have been statements made by the PNA that the high seas FAD closure is equivalent to one month of FAD closure, which is questionable given that high seas FAD effort by the non-PNA fleets, including the US fleet, will shift to within EEZs and that the exemptions provided to some CCMs will continue to expand their catches on the high seas. There is concern that the pending high seas FAD closure is another example of WCPFC management provisions that support economic allocations, with no gain to tuna conservation.
5. The PAC recommends that the US government be proactive regarding the next iteration of the tropical tuna measure, including undertaking consultations with US stakeholders and other WCPFC members during 2016 and well in advance of WCPFC13.
6. The PAC recommends that the US propose that the Commission direct the Scientific Provider to develop a WCPFC Tuna Research Plan to improve science and management. Research needs to support management include, but are not limited to:

- a. Further characterization of the nature of the problem of high incidental catch of juvenile bigeye (ex: net depth and mesh size);
  - b. Increased research on bigeye population dynamics and mixing;
  - c. Additional technological research to improve selectivity (echo sounder buoy ability to discern yellowfin/bigeye from skipjack) of purse seine fishing;
  - d. Improved sampling to reduce uncertainties in the estimated proportion of bigeye in purse seine sets (associated and unassociated);
  - e. Factors determining the association of tuna with FADs (school dynamics, residence times, aggregation times, etc.);
  - f. FAD tracking and monitoring (FAD data, tracking, biomass to characterize hotspots); and
  - g. Movement and residency (to inform spatial management) patterns.
7. The PAC recommends that the US request that the Secretariat notify all WCPFC members, on a monthly basis, and publish on the WCPFC website, the monthly reports required in CMM 2014-01 para 19 by those CCMs that are not applying the 4th month FAD closure, but subject to FAD set limits.
8. The PAC recommends that the US request that the Secretariat notify all WCPFC members, on a monthly basis, and publish on the WCPFC website, the monthly reports required in CMM 2014-01 para 44 regarding the monthly catch of bigeye catch by longline vessels.
9. The PAC recommends that the US support further investigation of individual vessel dynamics and operational characteristics with respect to purse seine bigeye catch, noting between 9 and 14 vessels catch approximately 25% of the purse seine bigeye catch, and that approximately 50% of the bigeye purse seine catch was from 34-43 vessels in an effort to establish a baseline with which to consider future regulatory actions.
10. The PAC acknowledges that there is a growing problem with overcapacity of purse seiners that is not addressed by the current CMM. This is largely due to unwillingness of the developing Pacific Island countries to address vessel number limits as they believe doing so would compromise their development aspirations. The PAC understands this concern and recommends that the US advance efforts to manage capacity firsts by defining capacity metrics and other operative terms in the current CMM. This is a basic building block for identifying existing capacity and to work to require that all CCMs, including SIDS and Indonesia, to measure and regularly report

capacity. Additionally, the PAC recommends that the US work at WCPFC12 to clarify and make operational Paragraphs 49-55 of CMM 2014-01, and notes that any mechanism to transfer fishing capacity from developed nations to SIDS should be voluntary, market based, and include compensation.

### **Regarding South Pacific Albacore**

11. The PAC recommends that the US supports the establishment of an appropriate target reference point for South Pacific Albacore and improve the existing CMM to ensure that the interests of US/AS fisheries are fully protected, including the limited entry longline fishery and the long established US troll fishery.
12. The PAC recommends that, in discussions of a replacement measure of South Pacific albacore, the US consider the following areas of concern:
  - a. The unchecked expansion of the Chinese longline fleet. The lack of data related to this fishery and how it affects the stock assessments and therefore future management is very important.
  - b. Possible loss of access to the high seas. Our South Pacific troll fishery takes place exclusively on the high seas and as shown in WCPFC-2012-IP11 has negligible impact on the albacore population.
  - c. Possible loss of the ability to transship on the high seas. This was a very important part of our albacore fishery at one time and needs to be preserved for the future because of the continually changing nature of this fishery.

### **Regarding the issue of disproportionate conservation burden:**

13. The PAC recommends that the US establish a group of experts to complete economic modeling that can be used to address the claims of SIDS that WCPFC measures are resulting in the transfer of a disproportionate conservation burden (DB) onto SIDS. As identified in the Western Pacific Council's DB workshop (2014), there is a need to establish a process to evaluate the issue of DB that includes independent expert panels and peer review. If the claim of DB is left to the discretion of the SIDS, the United States, and the rest of the Commission, will be unequipped to counter DB claims with rigorous analyses, and will be faced with a constant SIDS argument that proposed conservation and management measures impose a disproportionate burden, making effective Conservation and Management Measures (CMMs) difficult – if not impossible – to achieve.

### **Regarding compliance monitoring:**

14. The PAC recommends that the US continue to advocate for a stronger 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 role of the Secretariat in compliance monitoring should be enhanced, including examining observer reports and reporting alleged violations. The PAC notes that that current system relies heavily on CCM self-reporting, which is hampering the credibility of the Commission and encouraging non-compliance. The PAC further recommends that the US develop proposals to improve the CMR process that includes mechanisms to appropriately sanction CCM non-compliance.
15. The PAC recommends that the US continue to support that the Commission's Compliance Monitoring Review process be conducted in open session and be as transparent as practicable to provide greater credibility with the process.

**Regarding at-sea longline transshipment:**

16. The PAC recommends that the US support WCPFC decisions to ban transshipment of frozen bigeye on the high seas, or at least that the US promote actions to tighten control of at-sea transshipment by longline vessels.

**Regarding data provision:**

17. The PAC recommends that the US continue to support requirements that all CCMs fully comply with operational data requirements in accordance with Commission rules.

**Regarding CCM participation at the Northern Committee:**

18. The PAC recommends that the US emphasize to those nations who take steps to become members of the Northern Committee that their membership is important as well as their commitment to participate in all meetings of the committee. The PAC recommends that the US investigate the procedural steps necessary to revise the NC rules and propose an amendment to allow a simple majority to define a quorum.
19. In discussion of the NC Report, the PAC recommends that the US make a strong statement that this year's resolution from the NC is inadequate to address the PBF problem as required under CMM 14-06, and restate the US position on science-based management/ the need for a meaningful and appropriate plan to rebuild and maintain the stock at sustainable levels (in accordance with all six elements of the harvest strategy).

20. The PAC recommends that the US request to Japan and other NC members for substantive comments on the US proposals for the long-term rebuilding and management framework for PBF, and extend an offer to have intersessional meetings to discuss the US proposals (in Bal, at the Bluefin Futures Symposium or other appropriate venues) so we can reach a meaningful and appropriate agreement in advance of NC12.

**Regarding IWG-ROP:**

21. The PAC supports the IWG-ROP proposal to improve the timeliness of information provided to flag states/fishing companies about alleged infringements, whereby the observer's Gen-3 form reporting incidents (e.g. shark finning, marine pollution, setting on FADs during closure etc.) is provided to the flag state by the observer provider, as soon as the observer has disembarked the vessel and returned to his/her home port. The PAC notes that the report should not include any data fields identifying the observer.

**Regarding FAD Management:**

22. The PAC recommends that the US request that the Commission task the Scientific Committee, at its 2016 meeting, to develop a table of the reduction in FAD set limits by country that would be required to achieve the necessary reductions to end overfishing of bigeye mortality and submit those findings to the Commission prior to the 2016 annual meeting.

**Regarding the Conservation of Sharks:**

23. Recognizing the difficulty of measuring compliance with the 5% fins to carcass ratio, the PAC recommends that the US continue to support a measure requiring fins naturally attached.

**Regarding American Samoa:**

24. The PAC recognizes that American Samoa's economy is tuna dependent and it has a tuna fishery which includes the PS, LL and alias that are based there. Those boats need access to the fishing grounds in and around the AS EEZ. This includes the high seas, US EEZ's and the EEZ's of PNA countries and several non-PNA countries. The US needs to advocate for its tuna fishery based in American Samoa. Therefore, the PAC requests that the US Government ensure that the US/American Samoa fishing industry participates as appropriate in discussions on issues relating to American Samoa.

**Regarding North Pacific Albacore:**

25. Recognizing concerns related to North Pacific albacore, including over burdensome and costly regulatory measures (imposed by one size fits all methodology that could be very detrimental to the US artisanal albacore troll fleet) and subsidized Chinese catch of albacore affecting all US albacore markets, the PAC recommends that the US support continuation of work on the Management Strategy Evaluation (MSE) in an expedited manner. The PAC also recommends that the US support the consideration of market stability in section 6d & f (performance criteria) in the US position discussion paper for the MSE (WCPFC-NC11-2015/DP-01).