

## REPORT ON INTERNATIONAL HMS ACTIVITIES OF INTEREST TO THE PACIFIC COUNCIL

### Introduction

This report provides an overview of participation by the Pacific Fishery Management Council in the U.S. delegation to the Seventh Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) in December 2009, meeting results, and international HMS activities of interest to the Council in 2010.

### Council Participation at WCPFC6

Council member Marija Vojkovich, Executive Director Don McIsaac, and Staff Officer Kit Dahl attended the December 6-11, 2009, Seventh Regular Session of the WCPFC in Papeete, French Polynesia. Ms. Vojkovich is currently serving as an alternate U.S. Commissioner to the WCPFC, pending appointment as a regular Commissioner. They were part of a U.S. delegation representing NOAA Fisheries, Department of State, U.S. Coast Guard, Western Pacific Fishery Management Council, the fishing industry, and environmental advocacy organizations. Outcomes of the meeting are summarized below, emphasizing issues of particular interest to the Pacific Council.

#### *Revisions to Conservation and Management Measure (CMM) 2008-01, Conservation of Bigeye and Yellowfin Tuna*

CMM 2008-01, a 3-year measure adopted in December 2008, seeks to reduce fishing mortality on bigeye tuna by 30 percent from the 2001-2004 average level and limit yellowfin tuna fishing mortality to its 2001-2004 level, in order to maintain stocks at levels capable of producing the maximum sustainable yield (MSY). A presentation at the meeting (previously presented to the Science Committee at their August 2009 meeting) indicates that it is highly unlikely that this objective will be achieved (WCPFC6-2009/IP17).<sup>1</sup> Potential amendments to the conservation measure, activities relating to national level implementation, and related conservation measures were discussed at length. Much attention was focused on proposals to close additional fully enclosed high seas areas (“high seas pockets”) to purse seine fishing. Papua New Guinea tabled a more ambitious conservation measure that would have closed all high seas areas east of 170° E longitude and between 10° N and 20° S latitude to purse seine fishing beginning in 2010. **It was not adopted.**

#### *Proposed Revision of CMM 2005-03 (North Pacific Albacore)*

This revision was adopted as a recommendation by the Northern Committee (see WCPFC6-2009/DP-06). It would have changed the current language about not increasing fishing effort on the stock “beyond current levels” to not increase “beyond the 2002-2004 average level.” It also clarified and expanded various reporting requirements. The proposed base period for “current effort” is at odds with what the Council had proposed for “current effort,” based on advice from the Highly Migratory Species Management Team (HMSMT), which was a 10-year period, 1996-2005. The Federated States of Micronesia (FSM) asked that the conservation measure be modified so that it only apply north of 20° N latitude, the area of competence for the Northern Committee (NC). Because of the decision process, any

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<sup>1</sup> Referenced papers are available from the WCPFC website at <http://www.wcpfc.int/meetings/2009/6th-regular-session-commission>

change to the measure requires consensus by NC members. Several meetings of NC members were held on the margins to see if an agreement could be reached on this issue but this was not achieved. As a result **the measure was not adopted**. The head of the Japanese delegation, in his capacity as Chair of the NC, invited FSM to attend the next Northern Committee meeting, where the measure will be reconsidered.

### *Regulation of Transshipment (CMM 2009-06)*

In November 2009 the Pacific Council recommended that the U.S. delegation seek changes in the Marshall Islands Draft Conservation and Management Measure on Regulation of Transshipment so that observers are only required on the carrier vessel and not on the fishing vessel for albacore troll vessels. **This measure was adopted** after negotiation and modification during the meeting. The main sticking point was in relation to vessels catching fish in the Convention Area but transshipping elsewhere. This situation mainly pertains to vessels that would transit into the Inter-American Tropical Tuna Commission (IATTC) Convention Area to continue fishing there. Since an agreement has not been reached on the cross-endorsement of observers from the two Commissions there was a concern that provisions requiring WCPFC observers outside the Convention Area could cause logistical problems. With respect to the U.S. troll fishery, Paragraph 13(b) states that for transshipments “involving only troll caught or pole and line caught fish, 100% observer coverage [is required] starting 1 January 2013, with the observer(s) deployed on the receiving vessel.” This language is consistent with the Council’s recommendation, which was “seek changes in the Marshall Islands Draft Conservation and Management Measure on Regulation of Transshipment so that observers are only required on the carrier vessel and not on the fishing vessel.”

### *North Pacific Bluefin Tuna (CMM 2009-07)*

In November 2009 the Pacific Council recommended that the U.S. delegation support the adoption of complementary measures between the WCPFC and the IATTC to address fishing effort on bluefin tuna. The NC recommended a conservation measure (see WCPFC6-2009/DP-07), **which was adopted**.<sup>2</sup> (The proposed conservation measure was included in Council briefing materials for the November 2009 meeting.) On January 15, 2010 Masanori Miyahara, Chair of the NC, circulated a letter to the IATTC Executive Director proposing a joint working group between the NC and IATTC, immediately after the September 8-11, 2010, NC meeting to discuss North Pacific bluefin tuna conservation and management measures. The letter emphasizes the importance of Mexico’s participation in a successful outcome, because Mexico accounts for the bulk of bluefin tuna landings in the Eastern Pacific.

### *Discretionary Fund to Support ISC Work*

In November 2009 the Pacific Council recommended that the U.S. delegation seek WCPFC support for the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific (ISC) Albacore Working Group proposal for a Biological Sampling Plan for North Pacific albacore to refine the vital rates for North Pacific albacore, improve the quality of stock assessments, and proceed to secure necessary funding. The WCPFC agreed to establish a fund under the Secretariat capable of accepting contributions outside of regular assessments to support work related to NC objectives. Since the ISC is the science adviser for the Northern Committee the establishment of this fund presents an opportunity for the U.S. to support the aforementioned project.

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<sup>2</sup> Adopted conservation and management measures are available on the WCPFC website at <http://www.wcpfc.int/conservation-and-management-measures>

## *Other Adopted Conservation and Management Measures*

The following conservation and management measures were also adopted:

- CMM 2009-01, revising CMM 2004-01, Record of Fishing Vessels and Authorization to Fish: the record will now include carrier and bunker vessels.
- CMM 2009-02, Application of High Seas FAD Closures and Catch Retention: Harmonizes the definitions for sets on fish aggregating devices (FADS) and catch retention between those which apply within EEZs and on the high seas.
- CMM 2009-03, amending CMM 2008-05; Conservation and Management of Swordfish: Amendments primarily apply to swordfish fisheries in the South Pacific.
- CMM 2009-04, amending to CMM 2008-06; Conservation and Management of Sharks: Inclusion of Silky Sharks: Adds silky sharks to footnote 2, list of key shark species.
- CMM 2009-05, Damage to Data Buoys by Fishing Vessels: U.S. proposal that prohibits fishing within 1 mile of “floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities.”
- CMM 2009-08, Charter Notification Scheme: Sets out reporting and other requirements for vessels chartered by members.
- CMM 2009-09, Vessels without Nationality: Encourages CCMs to take all necessary measures, including enacting domestic legislation if appropriate, to prevent vessels without nationality from undermining conservation and management measures adopted by the Commission.
- CMM 2009-10, Monitor Landings of Purse Seine Vessels at Ports so as to Ensure Reliable Catch Data by Species: This measure was put forward by Japan in support of the “High Seas Alternative to Paragraph 13” in CMM 2008-01. CMM 2009-10 promotes arrangements for data collection by non-CCMs (i.e., countries that are not members of the Commission). Specifically, Japan lands purse seine caught fish in Thailand and wants to promote port monitoring there consistent with the “High Seas Alternative.”
- CMM 2009-11, Cooperating Nonmembers: Sets out procedures for granting cooperating nonmember (CNM) status.

## *Other Issues*

The Striped Marlin Ad-hoc Management Working Group, formed at the meeting pursuant to a Northern Committee recommendation, tabled a conservation and management measure for striped marlin north of the equator. The measure proposed a limit on catch to the level during the 2001-2003 period. **The measure was referred to the next Technical and Compliance Committee meeting (TCC6) in October 2010. This is an issue the Council may want to track in 2010, because striped marlin is a management unit species in the HMS FMP.**

There was much discussion and debate surrounding applications for Cooperating Nonmember (CNM) status. CNMs are bound by the rules of the Commission but their activities in the Convention Area have greater legitimacy within the international framework. From the U.S. perspective the most contentious application was from Ecuador. Vessels from this country have entered into agreements to fish in the waters of the Republic of Kiribati, but the U.S. documented an Ecuadorian vessel illegally fishing in the U.S. Pacific Remote Island Area Exclusive Economic Zone (EEZ). In U.S. eyes the Government of Ecuador has not been forthcoming with information necessary to pursue a case against the vessel as well as other violations. This situation shaped the U.S. position with respect to granting Ecuador CNM status.

In the end Ecuador, along with Belize, El Salvador, Mexico, Senegal, and Vietnam were granted CNM status.

Another significant issue was clarification about how and when the Secretariat was to add selected vessels to the WCPFC IUU list (vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Convention Area). The list, processes for adding vessels to the list, and member obligations with respect to listed vessels are described in CMM 2007-03. On January 11, 2010, NMFS published a proposed rule to implement obligations to restrict entry into any port or place of the United States and access to port services by vessels on the IUU vessel lists of Regional Fishery Management Organization (RFMOs) and prohibit the provision by persons and business entities subject to U.S. jurisdiction of certain services to, and commercial transactions with, such vessels.

## **Council Participation in International HMS Management during the Coming Year**

### *2010 RFMO Meetings*

The WCPFC holds four major meetings in the second half of each year, culminating in the annual meeting of the Commission each December. Meeting dates and briefing materials for meetings, as they become available, are posted on the WCPFC website at <http://www.wcpfc.int/> (select the Meetings link). In 2010 the particulars of these meetings are:

- Scientific Committee, August 9-20, Nukualofa, Tonga (SC6): This meeting is akin to a cross between the Council's SSC and a management team meeting in that it is a forum for vetting scientific products (e.g., stock assessments) but has considerable involvement by more policy oriented representatives. The principal science body for the WCPFC is the South Pacific Commission, Oceanic Fisheries Program.
- Northern Committee, September 7 – 10, Fukuoka, Japan (NC6): This committee deals with stocks found principally north of 20° N latitude, currently identified as albacore tuna, bluefin tuna, and swordfish (and bycatch species). **For that reason, the activities of this committee are of particular interest to the Pacific Council.** Although not formally designated a Northern Committee species, the committee also takes an interest in striped marlin. In 2010 a 1-day workshop is proposed on biological reference points, immediately preceding NC6 (September 6), and the joint working group on Pacific bluefin tuna with the IATTC immediately following (on September 10 at the conclusion of the NC meeting), as mentioned above. As noted above, the ISC is the principal scientific advisor to the Northern Committee. The ISC will hold their annual meeting (ISC10) July 20-26, in Victoria, British Columbia, Canada. (The recently redesigned ISC website is at <http://isc.ac.affrc.go.jp/>.)
- Technical and Compliance Committee, October 1-6, Pohnpei, Federated States of Micronesia (TCC6): Although the principal charge of this committee has been to help set up the monitoring and control systems for the Commission, such as the regional observer program and Vessel Monitoring System, TCC meetings also function as preparatory forums for the following Commission meeting. Frequently at these meetings preliminary, but well developed, versions of proposed CMMs are discussed, along with other issues that are then brought to the Commission's plenary meeting in December. **The Pacific Council may want to keep this date in mind when developing and discussing potential recommendations for CMMs to the US representatives.**
- Regular Session, December 6-11, Pohnpei, Federated States of Micronesia (WCPFC7)

The Antigua Convention, the new charter for the IATTC, enters into force 15 months after deposit of the seventh instrument of ratification. Costa Rica was the seventh member to ratify with a depositary date of

May 27, 2009; therefore the treaty will come into force on August 27, 2010. Reflecting this change, the IATTC, which typically held its annual meeting in June, moved the dates of their annual meeting to September 23-30 in 2010, to be held in Antigua, Guatemala. The Antigua Convention creates a Scientific Advisory Committee, which is scheduled to hold its first meeting August 31-September 2, in La Jolla, California. The Scientific Advisory Committee will replace the function of the Stock Assessment Review Meeting that has been held in May of each year. **The Pacific Council may wish to explore ways in which members of its committees (such as the SSC, HMSMT, and HMSAS) could participate in this meeting.**

In 2009 the IATTC adopted Resolution C-09-01 and Recommendation C-09-02 on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean in 2009-2011. In the Eastern Pacific, the IATTC adopted a 3-year Resolution (C-09-01) for tuna conservation covering 2009-2011. The measures are similar to the last measure of this type, applicable in 2007: closure of the purse seine fishery for 59, 62, and 73 days in each year respectively; a 1-month closure of a rectangular area west of the Galapagos Islands each year; and national bigeye tuna TACs for longline fleets specified for China, Japan, Korea, and Chinese Taipei (Taiwan) and a 500 mt limit for all other national longline fleets. The measure is to be evaluated in 2011. **The Council may wish to monitor progress towards achieving management objectives and make recommendations on modifications to the measure for consideration at the 2010 IATTC meeting.**

### *Council Process and International HMS Management*

In relation to the WCPFC, attention to and involvement in the series of meetings leading up the December plenary session is important, because issues that eventually emerge for discussion in December are usually first considered in the preceding meetings. The Northern Committee is the most important of these, given that the stocks under their purview are of greatest relevance to west coast fisheries. This is especially true this year given the two ancillary meetings mentioned above, covering biological reference points and bluefin tuna management. Unfortunately, the timing of Council meetings does not mesh well, because the Northern Committee meets the week before the September Council meeting. In 2009 the Council developed recommendations to the delegation at the June meeting. This is far from ideal, because crucial information supporting Northern Committee decision-making, principally ISC recommendations, is unavailable at that time.

#### **Recommendations:**

- 1) With respect to the Northern Committee meeting, the Council may wish to develop preliminary recommendations in June and authorize an ad-hoc committee composed of Council members to meet with the HMS advisory bodies (or selected representatives) in August to further refine recommendations for the delegation at a time when more information becomes available.**
- 2) With the IATTC annual meeting being held in late September and the WCPFC annual meeting held in December, the Council can more efficiently consider international HMS management issues at the September and November meetings.**

International HMS management issues of interest to the Council in 2010 include:

- **Bigeye and yellowfin tuna conservation and management:** As noted, CMM 2008-01 is a 3-year conservation measure, 2009-2011. On the other hand, the WCPFC science advisors have concluded that it is unlikely to achieve its objective of a 30 percent reduction in bigeye tuna fishing mortality. This may spur efforts at WCPFC7 to adopt additional conservation measures related to this objective. The IATTC also has conservation and management measures in place, to be reevaluated in 2010. **The Council may wish to continue tracking progress toward**

**meeting the WCPFC CMM's objective and prepare recommendations for any replacement measure, which would be adopted in December 2011. Likewise, as mentioned above, the Council may wish to monitor the IATTC resolution.**

- Biological reference points, especially for albacore tuna: As noted, the Northern Committee will sponsor a workshop on reference points. Although a new stock assessment for albacore will not be completed by the ISC until 2011, workshop results could presage future action to more explicitly manage fisheries in relation to target or limit reference points. The Northern Committee has adopted an interim reference point for North Pacific albacore,  $F_{SSB-ATHL}=0.75$ , although there is disagreement as to whether this is a target or limit reference point. **The Council may wish to develop recommendations on the appropriateness of the interim reference point and proposed alternatives.**
- Albacore tuna conservation and management: The U.S. proposal to revise CMM 2005-03 was not adopted at WCPFC6 and has been referred to NC6. **The Council may wish to develop recommendations for further modifications of this CMM, especially with respect to the base period used to measure "current effort."**
- Bluefin tuna conservation and management: WCPFC6 adopted a bluefin tuna conservation measure and a 1-day workshop following NC6 has been proposed to coordinate management with the IATTC. **The Council may wish to monitor the outcome of that workshop, and make recommendations on any replacement measure that may be proposed at NC6 and adopted at WCPFC7.**
- Striped marlin conservation management: An ad-hoc working group tabled a conservation and management measure for striped marlin at WCPFC6, which was not adopted and referred to TCC6. **The Council may wish to make recommendations on the content of this measure.**
- WCPFC discretionary fund for Northern Committee research priorities: The Council may wish to pursue U.S. support for ISC-related research activities (funds and/or in-kind support) consistent with recommendation made in November 2009. **The Council may wish to renew encouragement for the U.S. to support gathering North Pacific albacore biological data through this vehicle and in-kind support.**

Council recommendations are communicated to U.S. delegations. Such recommendations can also be emphasized by Council staff and Commissioner Vojkovich when participating in delegations and delegation meetings.

### *U.S. WCPFC Advisory Committee*

Domestic legislation established a Permanent Advisory Committee to the U.S. National Section to the WCPFC, similar in function to the General Advisory Committee for the IATTC delegation. In 2008 the committee was established and appointments made; however, conflict of interest rules have prevented the committee from proffering advice. A legislative fix is currently working its way through Congress. Members of the HMSAS, in their private capacity, have been appointed to the committee. In addition, the Council-Department of Commerce-Department of State MOU on Council participation in delegations has been signed; it specifies an ex-officio position on the WCPFC advisory committee for Council staff.

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3/23/10