

## COUNCIL RECOMMENDATIONS ON INTERNATIONAL HIGHLY MIGRATORY SPECIES MANAGEMENT

This agenda item covers two general topics: status of the Canada-United States Pacific Albacore Tuna Treaty and the upcoming Eighth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC8), December 5-9, 2011.

### Canada-United States Pacific Albacore Tuna Treaty

At the September 2011 meeting the Council discussed the status of this treaty but was not in a position to make any recommendations since this topic had not been publicly noticed in the meeting agenda. Attachment 1 is the treaty text and annex amendments agreed to in 2009. The Highly Migratory Species Advisory Subpanel raised the question of whether the Council should make a recommendation on treaty termination. The treaty stipulates that the treaty may terminate upon written notice from either party, on December 31 of the calendar year following the date of such notice. Annex B stipulates the U.S. ports where Canadian vessels may land catch (Astoria, Bellingham, Coos Bay, Eureka, Newport, and Westport) and Canadian ports where U.S. vessels may land catch. Annex C limits the number of Canadian vessels fishing for albacore in U.S. waters to 110 annually during a June 15-October 31 fishing season. U.S. vessels may fish in Canadian waters with the “number of vessels reflective of historical levels.”

A Data Working Group (DWG) meeting is scheduled for October 19 with the objective “to evaluate and resolve data gaps for both countries in how each collects and reports their fisheries data at the annual data consultations. The outcomes of the DWG effort should be such that members of both delegations are completely informed and any concerns regarding data transparency are removed” (DWG Terms of Reference). DWG outcomes will be reported to the Council by NMFS. U.S. and Canadian delegations are scheduled to meet November 30-December 1, 2011, to discuss the treaty.

Attachment 2 presents PacFIN data on Canadian and U.S. albacore landings, 2001-2010.

### WCPFC8

The premier issue for the WCPFC this year is adoption of a replacement measure for Conservation and Management Measure (CMM) 2008-01, CMM for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean, which is a 3-year measure, 2009-2011. Attachment 3 is a discussion paper from the WCPFC Chairman about a replacement measure for 2008-01. Attachment 4 is a letter from Japan commenting on this paper.

The WCPFC Technical and Compliance Committee (TCC) met September 28 to October 4, 2011. The principal mission of the TCC is to review the Commission’s monitoring, control, and surveillance (MCS) measures such as the Regional Observer Program, Vessel Monitoring System, and Record of Fishing Vessels. The TCC also makes recommendations on adding / removing vessels from the Commission’s IUU vessel list and on the sufficiency of applications for Cooperating Nonmember status. In addition to these topics the annual TCC meeting has

developed into a preview of many of the issues to be discussed at the Regular Session. Pertinent outcomes of the TCC meeting will be reported to the Council as available.

In addition to adoption of a replacement measure for the management of tropical tunas proposals to address the following issues are likely to be discussed at WCPFC8:

- Purse seine setting on whale sharks and cetaceans
- Vessel chartering arrangements
- Catch documentation
- Port state measures
- Compliance monitoring scheme
- Exclusive Economic Zone (EEZ) entry and exit notification scheme
- Northern Committee work plan for development of precautionary management framework for North Pacific albacore

Those interested in more information on these issues can check the WCPFC website for delegation papers on these topics (<http://www.wcpfc.int/meetings/2011/8th-regular-session-commission>).

### **Council Action:**

- 1. Consider a Recommendation on the status of the Canada-U.S. Albacore Treaty.**
- 2. Make Recommendations to the U.S. Delegation to the Eighth Regular Session of the Western and Central Pacific Fisheries Commission.**

### **Reference Materials:**

1. Agenda Item I.1.a, Attachment 1: Canada-U.S. Treaty on Pacific Albacore Tuna Vessels and Port Privileges, Including Annex Amendments.
2. Agenda Item I.1.a, Attachment 2: Canadian Albacore Landings at Selected U.S. West Coast Ports.
3. Agenda Item I.1.a, Attachment 3: WCPFC Circular 2011-24, Discussion of a Possible Way Forward in the Development of a Conservation and Management Measure for Bigeye, Yellowfin, and Skipjack Tuna in the WCPFC Convention Area.
4. Agenda Item I.1.a, Attachment 4: WCPFC-TCC7-2011-DP/17, Japan's Comments on WCPFC Circular 2011-24.
5. Agenda Item I.1.c, Public Comment: Letter from the Western Fishboat Owners Association.

### **Agenda Order:**

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Consider a Recommendation on the status of the Canada-U.S. Albacore Treaty; Make Recommendations to the U.S. Delegation to the Eighth Regular Session of the Western and Central Pacific Fisheries Commission

PFMC 10/13/11

**FISHERIES**

Treaty between CANADA and the UNITED STATES OF AMERICA  
Washington, May 26, 1981  
In force July 29, 1981

---

**TREATY BETWEEN THE GOVERNMENT OF CANADA AND THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA ON PACIFIC  
COAST ALBACORE TUNA VESSELS AND PORT PRIVILEGES**

The Government of Canada and the Government of the United States of America,

Desiring to cooperate in matters concerning the albacore tuna fishery off the  
Pacific Coast of Canada and the United States,

Desiring to benefit the fishing industries involved in that fishery, and

Taking into account the deliberations of the Third United Nations Conference on  
the Law of the Sea in the field of fisheries,

Have agreed as follows:

**ARTICLE I**

Without prejudice to the respective juridical positions of both Parties regarding  
highly migratory species of tuna, each Party shall:

- a) ensure that all its vessels engaged in fishing for albacore tuna in waters under the  
fisheries jurisdiction of the other Party shall do so in accordance with this Treaty;
- b) permit fishing vessels of the other Party to fish for albacore tuna in waters under  
its fisheries jurisdiction beyond twelve nautical miles of the baselines from which  
the territorial sea is measured, in accordance with Annex "A" to this Treaty and  
subject to other applicable laws and regulations.

**ARTICLE II**

Vessels of the United States of America fishing pursuant to this Treaty shall be  
authorized to enter the Canadian ports listed in Annex "B" to this Treaty and to use  
Canadian facilities and services, subject to compliance with applicable customs,  
navigation, safety, environmental and other laws and regulations pertaining to port  
privileges, and payment of applicable albacore tuna landing fees provided that such fees  
do not discriminate according to nationality, for the following purposes:

1. to land their catches of albacore tuna without the payment of duties and
  - a) tran-ship them in bond under customs supervision to any port of the  
United States of America; or

- b) sell them for export in bond; or
  - c) sell them locally on payment of the applicable customs duty; and
2. to obtain fuel, supplies, repairs and equipment on the same basis as albacore tuna vessels of the other Party.

### **ARTICLE III**

Canadian vessels fishing pursuant to this Treaty shall be authorized to enter the United States ports listed in Annex "B" to this Treaty and to use United States facilities and services, subject to compliance with applicable customs, navigation, safety, environmental, and other laws and regulations pertaining to port privileges, and payment of applicable albacore tuna landing fees provided that such fees do not discriminate according to nationality, for the following purposes;

1. to land their catches of albacore tuna without the payment of duties and
  - a) tran-ship them in bond under customs supervision to any port of Canada;  
or
  - b) sell them for export in bond; or
  - c) sell them locally on payment of the applicable customs duty; and
2. to obtain fuel, supplies, repairs and equipment on the same basis as albacore tuna vessels of the other Party.

### **ARTICLE IV**

Neither Party shall, pursuant to its fisheries legislation, prohibit the importation into its territory of Pacific albacore tuna and products from the other Party as a consequence of a dispute arising in other fisheries.

### **ARTICLE V**

1. Vessels of each Party which are not in compliance with this Treaty are subject to enforcement action by the other Party when engaged in fishing for Pacific albacore tuna in waters under the fisheries jurisdiction of the other Party.
2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.
3. Enforcement actions under this Treaty shall not include imprisonment.

4. In the case of seizure and arrest of a vessel by the authorities of one Party, notification shall be given promptly through diplomatic or consular channels informing the other Party of the action taken and of any penalties subsequently imposed.

#### **ARTICLE VI**

1. Either Party may at any time request consultations on the interpretation or application of this Treaty. Such consultations should commence as soon as practicable but in any case not later than sixty days from the date of receipt of the request for consultations, unless otherwise agreed by the Parties.
2. In the event of a dispute arising between the Parties concerning the interpretation or application of this Treaty, the Parties shall consult with a view to resolving the dispute by negotiation.

#### **ARTICLE VII**

The Annexes may be amended by the Government of Canada and the President of the United States through an Exchange of Notes.

#### **ARTICLE VIII**

This Treaty shall enter into force upon the exchange of instruments of ratification at Ottawa. After two years from the date of entry into force, either Party may give written notice to the other Party to terminate this Treaty. The Treaty shall terminate on December 31 of the calendar year following that in which such notice was received by the other Party.

In WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

Done at Washington in duplicate, in the English and French languages, both versions being equally authentic, this Twenty-sixth day of May, 1981.

PETER TOWE  
*For the Government of  
Canada*

WILLIAM CLARK  
*For the Government of the  
United States of America*

## ANNEX A

1.
  - a. Each Party agrees to provide annually to the other Party a list of its fishing vessels which propose to fish albacore tuna in the Exclusive Economic Zone (EEZ) of the other Party, which is defined in Article I(b) of the Treaty. The list will include (1) vessel name, (2) home port, (3) radio call sign or vessel identification marking that identifies the flag state of the vessel (“Vessel Identification Marking”), (4) fishing vessel registration number, (5) captain or operator’s name, if known, and (6) vessel length. For Canada, the list of vessels will be transmitted to the United States as of June 1. For the United States, a provisional list shall be provided by July 1 and may be revised during the fishing season.
  - b. With regard to the list of Canadian vessels, the list shall remain fixed for the entirety of the fishing season as defined in paragraph 2 of Annex C. No vessels may be added to or replaced on the list during the fishing season except pursuant to paragraph 1(c) below.
  - c. In the event of *force majeure* or other cause for an exceptional request by the captain or owner of a Canadian vessel on the list in 1(a) for replacement of a vessel within a season, an ad hoc review panel will be convened by the Government of Canada to review the request and determine whether the request is warranted. If the finding is positive, the basis for the finding and the information regarding the replacement vessel per paragraph 1(a) above shall be transmitted to the Government of the United States prior to the vessel entering the EEZ of the United States. Any replacement vessel shall not exceed the length overall of the original vessel it is replacing by more than 10 feet. Any subsequent replacements of that first replacement vessel must be of the same size or shorter than the vessel being replaced.
  - d. As soon as possible after receipt of the list of proposed fishing vessels, and subject to paragraph 1(e) below, the receiving Party shall satisfy itself that the list received meets the criteria of paragraph 1(a) and shall so inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.
  - e. Should one Party object to the inclusion of a particular vessel on the list of the other Party, the two Parties shall consult. Such objection may be made on the basis that the vessel in question has been involved in serious or repeated fisheries violations or offenses. In the event of consultations, actions pursuant to paragraph 1(d), with regard to other vessels shall not be delayed. Following consultations, each Party shall notify its respective vessels that both Parties agree shall not be included on the list referred to in paragraph 1(d).

2. If required by either Party, each vessel shall, prior to entering and leaving the EEZ of such Party, so inform the appropriate authorities and provide the vessel name, radio call sign or Vessel Identification Marking, captain or operator's name and the purpose for being in such Party's EEZ.
3. When in the EEZ of the other Party, each vessel shall have its name and radio call sign or Vessel Identification Marking prominently displayed where they will be clearly visible both from the air and from a surface vessel.
4. Vessels of both Parties shall maintain accurate and complete records of catch, effort and other data on report forms provided by their respective governments while fishing pursuant to this Treaty. The Parties shall develop a real-time data reporting protocol to address the objective of achieving reporting of catches by vessels of one Party fishing in the EEZ of the other Party. Any logbooks and related databases maintained by either Party shall be made available to the other Party regularly for verification purposes, subject to the Parties' respective rules on data confidentiality.
5. In order that better information may be obtained concerning the stocks of albacore tuna which migrate off the west coasts of the United States and Canada, each vessel engaged in fishing pursuant to this Treaty shall be required to provide to its government statistics and other scientific information on its operations in the EEZ of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) and a sampling of biological data of albacore tuna caught by its vessels in the EEZ of the other Party. Such information shall be provided on an annual basis and at least 30 days prior to the annual consultations referred to in paragraph 6 of this Annex. Other specific information to be provided, as well as the forms and procedures for providing such information, shall be agreed upon by the Parties.
6. The Parties shall consult annually, *inter alia*, to:
  - a. discuss data and information on albacore tuna fisheries exchanged under paragraph 5 of this Annex; and
  - b. exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.

The Parties shall also notify one another of the conservation and management laws and regulations applicable to vessels fishing in each other's EEZ pursuant to Article 1(b) of this Treaty.

## ANNEX B

1. Fishing vessels of the United States of America shall, pursuant to Article II, be authorized to enter the following ports located in Canada:

Coal Harbour

Port Hardy

Prince Rupert

Victoria

Vancouver

Ucluelet

2. Canadian fishing vessels shall, pursuant to Article III, be authorized to enter the following ports located in the United States of America:

Astoria

Bellingham

Coos Bay

Eureka

Newport

Westport

### Disclaimer.

- The Department of Fisheries and Oceans assumes no responsibility for the accuracy or reliability of any reproduction derived from the legal materials on this site. The legal materials on this site have been prepared for convenience of reference only and have no official sanction.

ANNEX C

1. Each Party agrees to limit fishing by its respective vessels engaged in fishing for albacore tuna in the in the Exclusive Economic Zone (EEZ) of the other Party, which is defined in Article I(b) of the Treaty, in accordance with the limitation regime (the “Regime”) below.
  
2. During the term of the Regime, a “fishing season” shall be defined as a period of fishing commencing on June 15 and ending on October 31. The regime shall begin on the first June 15<sup>th</sup> occurring after the date of entry into force of this Annex and expire on the first December 31 occurring after the third fishing season of the Regime.
  
3.
  - a. 12 months prior to the conclusion of the Regime, the Parties shall consult with a view to negotiating an extension and/or revision of the Regime, as appropriate, for a period of one or more years.
  
  - b. The Parties shall conduct the consultations and negotiations referred to in 2(a) in good faith, including with sufficient time and resources, with an objective to conclude a new reciprocal fishing regime, if in the national interests of both Parties, within the one year period provided in 2(a). Criteria of national interest shall include, inter alia:
    - i. the health of the stock,
  
    - ii. the extent of landings of fish in the ports of each Party pursuant to the Regime, and
  
    - iii. the economic benefits realized by the economies of both Parties as a result of the Regime.
  
  - c. The Parties further agree that they may further extend the period of the Regime for an additional fishing season, by their mutual concurrence in writing, if that would improve the likelihood of concluding a new agreement extending and/or amending the existing Regime.
  
4. In each fishing season of the Regime, the Government of Canada shall limit fishing for albacore tuna by its vessels in the EEZ of the United States to 110 troll vessels. The Government of the United States shall limit fishing for albacore tuna by its vessels in the EEZ of Canada to a number of vessels reflective of historical levels.
  
- 3.

5. If at any point during the term of this regime a Party receives a request for resolution of a matter related to the implementation of this Treaty with specific regard to the Regime, and notwithstanding the consultations contemplated in paragraphs one and two of Article VI of the Treaty, the Parties may establish through an exchange of letters setting out a mutually held understanding on the terms of reference for an ad hoc consultative group consisting of an equal number of experts knowledgeable about the Pacific albacore tuna fishing industry who will serve in their personal capacity for the purpose of examining questions of implementation referred by the Parties.
  - a. The Parties will set out any question or matter of difference between them involving the rights, obligations or interests of either in relation to the other or to the inhabitants of the other.
  - b. Each Party will be responsible for determining the manner in which the travel and other costs associated with the operations of the consultative group for the members of the group that they nominate will be provided, and for the respective shares.
  - c. Each Party will be responsible for determining the manner in which any jointly incurred expenses associated with the operations of the consultative group are funded.
  - d. Any report submitted by the group should represent a consensus of the members appointed, but in the absence of a consensus, two reports, one by a majority of the members and the other by a minority of the members, or a report each should the views of the group be equally divided, may be submitted to the Parties for their further consideration.
6.
  - a. Notwithstanding Article VIII, a Party may only terminate the Regime , by providing written notice to the other Party that:
    - i. an international fisheries management organization with competence over highly migratory species such as the Inter-American Tropical Tuna Commission has adopted a fisheries conservation and management measure for North Pacific Albacore that requires one or both Parties to adopt a domestic management regime, structure or measure that may not be consistent with or may undermine the implementation of the Regime, or
    - ii. as a result of domestic fisheries management requirements, regulation or laws, a Party must put in place measures for managing fisheries on albacore or associated species that may not be consistent with or may undermine the implementation of the Regime.

- b. Upon notification, the Parties shall consult, taking into account the provisions of paragraph 2, to consider re-establishment of a reciprocal fishing regime. The Regime shall terminate on December 31 of the calendar year following that in which such notice was received by the other Party.

Proposed Operative Language regarding future allocations to be included in the exchange of notes concluding the Annex amendments:

In the event that an international fisheries management organization such as the Inter-American Tropical Tuna Commission (IATTC) adopts measures for international management of North Pacific albacore using a national catch allocation system, the Parties agree that the portion of any national allocation received by Canada and the United States attributable to the catch taken in the EEZ of the other country shall be reallocated by each country to the country in whose EEZ that catch was taken, or shall otherwise implement the national allocations in a manner that ensures respective future fishing opportunities under international management reflect total catches in each country's EEZ.

The Parties agree and commit that this provision in respect of future allocations shall be implemented in a cooperative and constructive manner, in good faith, and the potential outcomes of the activities to be undertaken in implementing this provision should not serve as the basis for termination of a reciprocal fishing regime or the Treaty. The Parties further commit to work together with a view toward coordinating positions and objectives within international regional fisheries management organizations such as the IATTC in the development of conservation and management measures for North Pacific Albacore, in particular any such measures related to international or national allocations and the manner and method of calculating such allocations.

ALBACORE LANDINGS BY CANADIAN VESSELS IN U.S. WEST COAST PORTS

PacFIN was queried for data on albacore landings in the six U.S. ports where Canadian vessels are permitted to land their catch (Astoria, Bellingham, Coos Bay, Eureka, Newport, and Westport).<sup>1</sup> The PacFIN database includes a table with state vessel registration records (the sv table). This table includes a column with codes for the vessel identification type, which has a flag for Canadian vessels (sv.idtype = '5'). The information from this table with combined with fish ticket data to distinguish Canadian vessels and their landings for the decade, 2001-2010.<sup>2</sup> Records were filtered for landings with the gear types specified as “surface hook-and-line” in the HMS SAFE (see Table 4-58).

Figure 1 shows annual landings by Canadian and U.S. vessels for this period. During this period albacore landings by Canadian vessels ranged from 55 to 1,002 mt per year, averaging 473 mt per year; for the decade Canadian vessels account for 7 percent of total albacore landings in five ports.

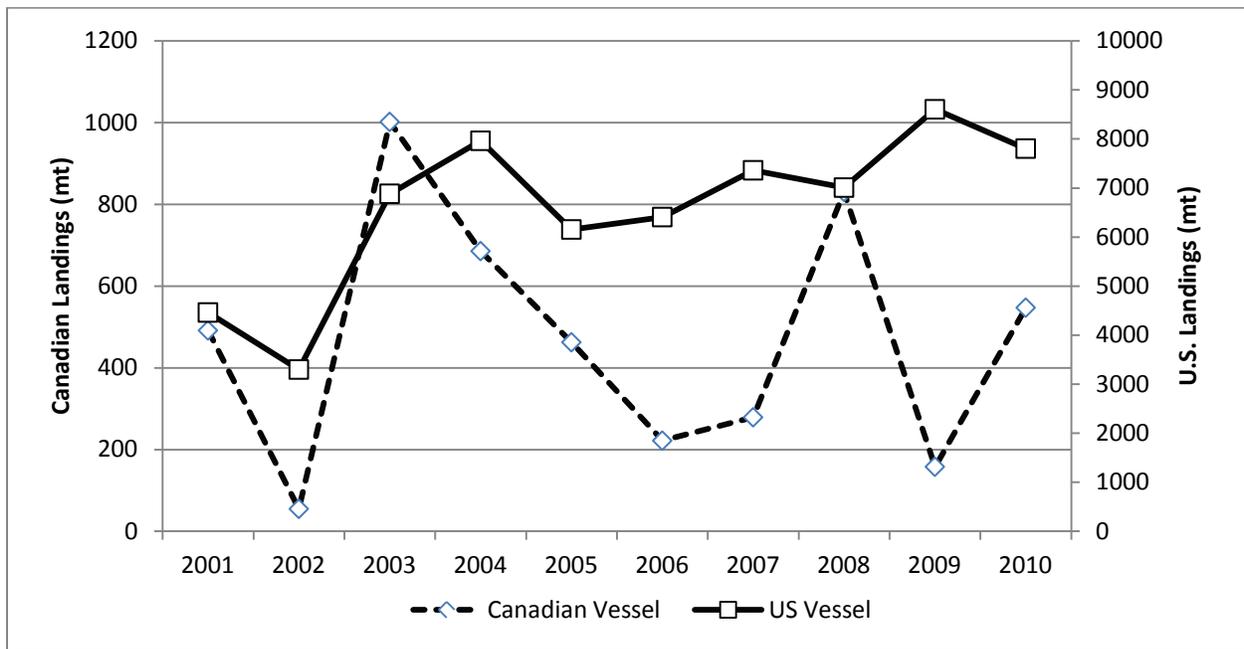


Figure 1. Albacore landings by Canadian vessels (left axis, mt) and U.S. vessels (right axis, mt), 2001-2010.

<sup>1</sup> No albacore vessels made landings in Eureka so this port was excluded from the query.

<sup>2</sup> A few records contained a null value in the idtype column. These records were excluded from the data reported here.

Table 1 shows the number of Canadian and U.S. vessels landing albacore and average annual landings amounts for the 2001-2010 period in the ports permitted under the Canada-U.S. albacore treaty. (Coos Bay and Westport are combined for data confidentiality reasons.) A total of 174 Canadian vessels made albacore landings in U.S. ports during the 10-year period (versus 1,696 U.S. vessels). Bellingham had the largest share of total vessels accounted for by Canadian vessels (one third) but Astoria had the largest absolute number of Canadian vessels making landings (80). The landings distribution tracks with the vessel counts.

**Table 1. Total number of Canadian and U.S. vessels making albacore landings and average annual landings by port, 2001-2010.**

Port	Vessels, # (%)		Average Ann. Landings, mt (%)	
	Canada	U.S.	Canada	U.S.
Bellingham	22 (33.3%)	44 (66.7%)	122 (37.9%)	200 (62.1%)
Astoria	80 (21.8%)	287 (78.2%)	250 (21.0%)	941 (79.0%)
Newport	69 (10.2%)	609 (89.8%)	100 (5.6%)	1,693 (94.4%)
Coos Bay and Westport	3 (0.4%)	756 (99.6%)	1.3 (0.0%)	3,760 (100.0%)

The PacFIN query upon which Table 1 is based counts the number of unique vessels making landings over the entire 10-year period. Counting the number of unique vessels in each year yields the following average annual numbers of Canadian vessels: Bellingham, 7; Astoria 15; Newport, 11; and Coos Bay and Westport, 3.

Table 2 shows these ports in terms of the impact of Canadian vessels on a coastwide basis. Astoria accounted for the largest share of Canadian vessels and landings at 46 percent of the total vessels and 53 percent of total landings during the 10-year period. Newport was second in terms of Canadian vessels at 40 percent but Bellingham was second in terms of the landings at 26 percent.

**Table 2. Ports' share of total number of Canadian vessels making albacore landings and total landings amount, 2001-2010.**

Port	# Vessels	Landings
Astoria	46%	53%
Newport	40%	21%
Bellingham	13%	26%
Coos Bay and Westport	1%	<1%



---

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS and  
PARTICIPATING TERRITORIES**

**Circular No. : 2011-24  
September  
No. of Pages: 16**

All

Please find enclosed the discussion paper on the replacement measure for 2008/01. This paper has been drafted as 2011/01 and includes skipjack bigeye and yellowfin tuna provisions. The paper has been drafted with options included and has hopefully picked up most members thoughts on the measure.

The measure is now yours to work on and to advise Matt and myself of what you would like to see in a final version and other suggestions you have that will strengthen the measure and we look forward to the discussion and suggestions at TCC.

We apologies for the lateness of the document but it has been through a number of iterations to get to this point.



Dr Charles Karnella  
WCPFC Chairman

## **CMM 2011/01**

**(Version 7 Final Thurs Sept 15)**

### **Discussion of a possible way forward in the Development of a Conservation and Management Measure for Bigeye, Yellowfin and Skipjack tuna in the WCPFC Convention Area**

#### **Part 1 INTRODUCTION**

CMM 2008/01 was a management measure to reduce fishing mortality of bigeye and to restrict any further increase in fishing mortality of yellowfin tuna. This new measure CMM 2011/01 is different in that it is a management measure for bigeye, yellowfin and skipjack tuna and its provisions for skipjack will be different from the bycatch strategies for purse seining described in CMM 2008/01.

CMM 2008/01 sought to reduce the fishing mortality on bigeye tuna by 30% and stabilise fishing mortality on yellowfin tuna over a 3 year period by reducing the incidental catch of juvenile bigeye by purse seine and by reducing the longline fishery catches of bigeye tuna by 30% and not increasing the catches of yellowfin during the same period. These reductions were to be achieved by a combination of purse seine measures such as closing the high seas pockets, and implementing restrictions on the use of Fish Aggregating Devices (FADs). In the longline fishery yellowfin catches were not to increase above 2001/04 levels and bigeye catches were to reduce by 30% over a 3 year period. Compatible measures were to be adopted in the high seas by the Commission to compliment measures adopted in the Exclusive Economic Zones (EEZs).

#### **Impact of CMM 2008/01**

The assessment of the impact of catch reductions targeted through CMM 2008/01 along with the 2011 scientific analyses shows a slight improvement in the situation regarding bigeye tuna. The data for 2010 and 2011 is incomplete and it will be necessary to conduct additional analysis once the final data are received.

The reduction in reported longline catch is offset to some degree by the increase in fleet size by some members as a result of a shift of effort out of the Indian Ocean to avoid piracy and for improved fishing. The Scientific Committee (SC) noted...."Uncertainty remains over the longline catch decrease, particularly given that longline vessels were relocating to the Pacific from the Indian Ocean, while it was noted that a reduction in longline catch of 30% doesn't necessarily result in a significant reduction of F, if catch were declining due to declines in stock size".

In relation to the fish stocks covered by CMM 2011/01:

- 1 The 2011 bigeye assessment showed that  $F/F_{msy}$  for the ‘current’ period of 2006-2009 was 1.46. Therefore, the SC7 recommendation was for a 32% reduction in fishing mortality from the 2006-2009 level to bring  $F/F_{msy}$  to 1.0.
  - 2 Yellowfin tuna catch in 2010 was 470,000 tonnes on current data and the SC? assessment shows that overfishing is not occurring and the stock is not overfished. The model on current data inputs demonstrates that yellowfin tuna stock would remain at or above target reference points commonly accepted internationally if fished at this level.
  - 3 The SC provided the following advice in relation to Skipjack tuna for 2010:
  - 4 *“Catches in 2010 were roughly 1.556 million mt, the second highest recorded and below the record high catch of 1.608 million mt in 2009. Equilibrium yield at the current  $F$  is about 1.14 million mt. This is about 76% of the MSY level. The assessment continues to show that the stock is currently only moderately exploited ( $F_{CUR}/F_{MSY} = 0.37$ ) and fishing mortality levels are sustainable. However, there is concern that high catches in the equatorial region could result in range contractions of the stock, thus reducing skipjack availability to higher latitude (e.g. Japan, Australia, New Zealand, and Hawaii) fisheries.*
- 225. If recent fishing patterns continue, catch rate levels are likely to decline and catch should decrease as stock levels are fished down to MSY levels. Due to the rapid change of the fishing mortality and biomass indicators relative to MSY in recent years, increases of fishing effort should be monitored. The Commission should consider developing limits on fishing for skipjack to limit the declines in catch rate associated with further declines in biomass.”*

## HIGH LEVEL OBJECTIVES

### OBJECTIVES

The objectives of CMM 2011/01 are to:

Ensure through the implementation of compatible measures for the high seas and EEZs, for all methods of fishing, that skipjack, bigeye and yellowfin tuna stocks are maintained at levels capable of meeting agreed target reference points and do not fall below their limit reference points for example maximum sustainable yield (MSY) or other agreed reference points.

- Achieve through the implementation of this measure, levels of fishing mortality and biomass that avoid limit reference points with high probability. (See Table 1 for a suggested way forward)
- Consider and adopt interim target reference point using Table 1 as a guide.

**Table 1**

	Limit Reference Point		Target Reference Point
Species	Fishing Mortality	Spawning Biomass	Spawning biomass

Bigeye tuna	Fspr 30%	20% SBo	40% SBo
Skipjack tuna		20% SBo	45% SBo
Yellowfin tuna	Fspr 30%	20% SBo	40% SBo

- Develop and implement by 2012 target and limit reference points and harvest control rules to ensure that these limit reference points are avoided and the targets are achieved. (see attachment A for process)
- Commencing in 2012, reduce BET fishing mortality to a level consistent with agreed interim target reference points and to restore the Spawning Biomass (SSB) to level consistent with the agreed target reference points. Noting the SPC's concern and that of Sibert et al on the impact of 2008/01, given the long time periods that may be involved.
- Ensure from 2012 onwards that there is no increase in fishing mortality for yellowfin tuna beyond levels to achieve the target reference point and maintain the spawning biomass above levels consistent with interim reference points.
- Ensure that the level of fishing mortality on skipjack tuna is at a level so that there is no overfishing on the stock and that the biomass of the stock remains at an agreed target reference point of e.g. 45% of the average unexploited spawning biomass.(SBo).

## **SCOPE OF APPLICATION of CMM 2011/01**

This Measure applies to all forms of commercial fishing, regardless of vessel size, on the stocks of bigeye, yellowfin and skipjack tuna throughout their range within the Convention Area in accordance with Article 3, paragraph 3 of the Convention, reproduced below:

“3. This Convention applies to all stocks of highly migratory fish within the Convention Area except sauries. Conservation and management measures under this Convention shall be applied throughout the range of the stocks, or to specific areas within the Convention Area, as determined by the Commission.”<sup>1</sup> The principles and measures for conservation and management enumerated in article 5 shall be applied by coastal States within areas under national jurisdiction in the Convention Area in the exercise of their sovereign rights for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks.

In giving effect to CMM2009-11, the Commission shall advise non-members to the Convention wishing to acquire Co-operating Non-member (CNM) status that bigeye, yellowfin and skipjack tuna have reached the limit of fishing capacity in the WCPFC Convention Area and that any access will be granted only to vessels through the purchase of licenses and or days from a Commission member. Participatory rights for access to the high seas of the convention area will need to be tightly defined in accordance with the process established in CMM2009-11.

The Commission encourages CCMs to ensure that the effectiveness of these measures is not undermined by a transfer or increase of effort into archipelagic waters and territorial seas.

The measures established under 2011/01 will be set for three year periods. This will mean that stock assessments for these species will be conducted not less than every three years. The implementation of the measure will be reviewed annually and adjusted based on advice provided by the SC and the TCC.

## **Part 2      MANAGEMENT MEASURES**

### **SKIPJACK**

#### **Reference points and indicative TAC**

There are no reference points established by the Commission for skipjack tuna. At the SC meeting in August 2011 there was a discussion of potential limit reference points but none on target reference points and the use of reference points in the Commission is one of the issues to be investigated at Management Options workshop. There is a view that if stock levels are above potential target reference points, effort should be made to set target reference points that allow the stocks to continue to remain above that level and avoiding the possibility of having to rebuild the stock at a later point in time. Table 1 on page 2 provides some thoughts and ideas on what adequate target reference points might be. The SC report includes the discussion on limit reference points and again this information will be discussed at the Management options workshop. However, these will need substantial discussion within the Commission prior to final agreement.

It is suggested that if the Commission is unable to agree on target reference points that it consider Table 1 as the basis for adopting interim reference points until a Harvest Strategy is agreed.

#### **Catch limits**

The catch limits are indicative high levels catch limits only and are not to be seen as an attempt to set a Convention area TAC. The measure puts in place a combination of specific catch and effort limits that are designed to keep the catch within the overall limit. The advice from the SC in 2010 is that the current catch level of around 1.556 million tonnes per annum can be sustained in the long term. The two qualifications on this would be that oceanographic changes and temperature variations can affect stock recruitment levels and the accuracy and timeliness of the data is critical to the accuracy of the assessment.

Therefore and interim catch limit should be no more than the level of catch in 2010 for skipjack of 1.556 million tonnes

#### **Measures**

## **Option 1 – Effort limits PNA EEZs**

- Option 1  
The interim fishing effort limit for the EEZs of the members of the Commission belonging to the PNA in total will be set to the number of days reported to have been fished in 2010. By zone this will be estimated and applied as a day limit in those fisheries managed under the Vessel Day Scheme (VDS).

### *Non-PNAMember EEZs*

- In zones where the VDS is not a management regime members will be required to advise the Commission by 10 February 2012 of the scheme of management that will be applied to manage and monitor the fishing effort in those zones.

### *High Seas*

- The Commission was tasked in 2008/01 to develop a compatible system for the high-seas. This task is still outstanding and in the absence of a compatible measure, CCMs shall take necessary measures to ensure that the level of purse seine fishing effort in days fished by their vessels in areas of the high seas does not exceed 2010 levels. (note this will require a definition of a “day”)

## **Option 2      CATCH LIMITS**

### **PNA Waters**

- The catch in the EEZ's of the PNA members of the Commission will not exceed the 2010 level of 1.1 million metric tonnes..

### **Non PNA EEZ's**

The catch of skipjack tuna in non PNA EEZs shall not exceed catches in 2010.

### **High Seas**

- The catch of skipjack tuna taken on the high seas is not to increase above levels caught in 2010. This catch is available to all parties and as such any vessel purse seining on the high seas must report every two weeks on actual catch to their flag State so the information can be provided to the Commission. (note: if agreed this will require an action to be framed for the situation where the allocated days are used prior to the end of the season)

## **BIGEYE**

### **Reference points and indicative TAC**

SC7 recommended that a minimum reduction in fishing mortality of 32% from the average levels for 2006–2009 is needed to return the fishing mortality rate of bigeye tuna to  $F_{MSY}$ . This recommended level of reduction is equivalent to a minimum 39% reduction of the 2004 level in fishing mortality, and a 28% reduction of the average 2001–2004 levels.

### **Measures**

#### **1 FAD closure**

The Commission instituted a FAD closure under CMM 2008/01. The scientific advice is that the FAD closure has been successful in reducing the amount of juvenile bigeye taken in purse seine sets. FAD usage marking, registrations are described in **CMM xxx** relating to the use of FADs in the WPFC.

(Note the PNA have announced that they will implement a further one month FAD closure for foreign fleets fishing in their EEZ's. The PNA has now moved to impose an additional 1 month closure to non-domestic boats operating in their waters.)

Satellite buoys used on FADs and all FADs must be removed prior to the commencement of the closure period and not re-set until the closure period is over.

#### **FAD measures for 2012 onwards**

##### **Option 1**

- Retain the FAD closure for a 3 month period each year. During this period there will be no fishing on FADs.

##### **Option 2**

- Implement a 3 month FAD closure across the purse seine fishery commencing 2012. The closure will apply in over two separate 3 month periods and fleets can nominate vessels against each closure period. The first period will be from xxx to xxx and the second period from xxx to xxx.

##### **Option 3**

- Implement a 3 month total closure in the purse seine fishery in the Convention Area. The closure will commence on from 0000 hours on the 1<sup>st</sup> of July each year to 2400 hours on the 30<sup>th</sup> September. During these periods no purse seine fishing will occur in the fishery. Every purse seine vessel during the year must observe the closure period.

Landings, transshipments and commercial transactions in tropical tuna species, including their products that have been positively identified as originating from purse seine fishing activities that contravene this CMM shall be prohibited.

- (Note there may be a further option here that combines the elements above)

### **Alternative/complimentary approach to FAD closures**

#### **2 Potential juvenile bigeye limit measures**

- For the purse seine fishery the amount of juvenile tuna allowed in the purse-seine operation by flag will be 2% averaged quarterly. The catch of bigeye in purse seine operations is to be monitored by observers and verified by the production of cannery payment receipts for product at a national level.
- This arrangement on catch by flag provides industry with a direct incentive to fish away from the juvenile fish or if they are unable to then to design methods of avoiding juvenile catches of bigeye in these areas at the rates above to stop fishing.
- For any flag State that is above the allowed level at the end of each accounting period a penalty of \$2,500 per tonnes/ % of bigeye found to be in the purse seine set will be levied. The penalty will be paid to the Commission to offset the cost of research and contribute to capacity building in SIDS.

Note: This may need to be considered as future work

#### **3 Night setting ban**

During the FAD closure period to prevent any illegal activity there will be no purse seine sets during the hours from sunset to sunrise. For the purposes of this measure sunrise and sunset mean the time each shown in the nautical almanac which vessels shall carry on board.

### **Bigeye longline measures**

The longline fisheries provisions of this measure for bigeye tuna will be applied to all longline fisheries within the Convention area.

- The total catch of bigeye tuna by longline fishing gear will be set at the levels reported for 2010.

- This measure will not apply to members and participating territories that caught less than 2,000 tonnes in 2010. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 3 years (2012, 2013 and 2014).
- Each member or cooperating non-Member that caught an average of more than 2,000 tonnes in 2010 of bigeye shall be subject to the following catch reductions from the reported 2010 levels for the years 2012 to 2014 inclusive:
  - 2012: xx% reduction of the catch specified in (tonnes) Attachment;
  - 2013: xx% reduction of the catch specified in (tonnes) Attachment;
  - 2014: xx% reduction of the catch specified in (tonnes) Attachment.
- The limits for bigeye tuna established above, shall not apply to Small Island developing State members and participating territories in the Convention Area undertaking responsible development of their domestic fisheries. Responsible development is considered to be Island owned business development not DWFN catch masked as domestic catch.

#### Fresh Fish Option

- The reductions specified in paragraph 33 of 2008/01 for 2010 and 2011 shall not apply to fleets of members with a total longline bigeye tuna catch limit as stipulated in Attachment F of less than 5,000 tonnes and landing exclusively fresh fish, provided that the details of such fleets and their operational characteristics are registered with the Commission by 31 December 2008 and that the number of licenses authorized in such fisheries does not increase from current levels. In such cases, catch limits specified in Attachment F shall continue to be applied.

#### **Catch reporting**

CCMs are to provide to the Executive Director estimated monthly catches of bigeye tuna, within 30 days of the end of each month. The Executive Director will circulate such estimated monthly catches, aggregated by flag or charter state, to all members and cooperating non-members on a quarterly basis.

#### **YELLOWFIN**

##### **Reference points and indicative TAC**

The SC advice on yellowfin tuna was that it was not over fished and that overfishing was not occurring on this species. The catch for 2010 was 470,000 metric tonnes. This catch is shown in the following table by zone.

## **Table xxx**

### **2010 catch of yellow fin tuna by Zone.**

#### **Measures for 2012 to 2014.**

For the management of yellowfin tuna in all fisheries for 2012 to 2014 throughout its range and fisheries the following measures will apply:

#### Purse seine measures

- The measure seeks to ensure that the level of purse seine effort and catch of yellowfin tuna in the waters in the convention area does not exceed 2010 levels. The specific measures to achieve this are the overall limits on purse seine effort and the FAD closure/total closure options outlined in the bigeye section.

#### Longline

- For longline fishing for yellowfin tuna, members will ensure that there is no increase in the catch of yellowfin tuna beyond the level caught in 2010.
- This measure will not apply to members and participating territories that caught less than 2,000 tonnes in 2010. Each member that caught less than 2,000 tonnes of yellowfin in 2010 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 3 years (2012, 2013 and 2014).

## **ADDITIONAL MEASURES**

### **High seas closures**

#### **Closure of the high seas pockets**

The two western high seas pockets were closed as one on the package of measures in 2008/01. In addition the PNA have closed a large high seas portion to vessels operating pursuant to agreements in their EEZs under the Third implementing Agreement. The pockets were closed for two main reasons, to reduce the opportunities for IUU fishing and to remove effort from the fishery as a conservation measure.

It is hard to quantify how much purse seine activity would have increased in the pockets if they would have remained open.

Advice at the Scientific Committee indicates that although the fishing effort from the pockets has moved in zone and as such the savings are likely less, and perhaps much less, that would have been realised if the effort had not relocated into zones. Having said that,

we cannot rule out that the closures did result in some level of reduction in effort. What impact it has had on IUU fishing and in particular on misreporting is unknown at this point.

The Philippines submission states that they believe that they have been unfairly disadvantaged and forced to carry a disproportionate burden for the protection of bigeye tuna (Article 30 2 ©) with the closure of these pockets and their fishing, canning and processing industries have suffered accordingly. The Philippines estimate that their total domestically based catch is down by some 30% due in part to the closure of the western high seas pocket.

### **Options for Conservation and Management Measures for relating to the High Seas Pockets 2011/01**

#### **Option1:**

The Commission retains the closures of the high seas pockets on the grounds that they act as a buffer against IUU fishing that occurred regularly in these pockets when they were opened. The pocket closures provide a buffer against increased unregulated fishing activity and in removing this threat contribute to the conservation of the stock.

#### **Option 2:**

The Commission retains the closure of the high seas pockets but considers allowing limited access to a small number of registered and licensed Pilipino wet boats with 100% observer coverage and VMS to fish in a specific area of the western pocket to catch a specified amount of tuna.

#### **Option 3**

The Commission retains the high seas pocket closures and extends the closure to include the waters closed by the PNA in its 3<sup>rd</sup> implementing arrangement.

#### **Option 4**

The Commission reopens the high seas pockets as a Special Management Area with strict controls on monitoring and reporting. Purse seine effort in the high seas pockets shall be managed as part of the vessel days scheme to be developed by the Commission for managing purse seine effort on the high seas (as outlined in skipjack section). Allocation of access rights to the high seas will be developed with particular consideration to the rights and aspirations of small island developing State and Territories in the Convention Area.

### **Other Commercial Fisheries**

Other commercial fisheries mainly include pole and line fisheries for skipjack, and yellowfin tuna, and ring net fisheries. The Japanese distant water and offshore fleet and the

Indonesian fleet account for most of the pole and line caught fish. However a number of other members are interested in further developing this style of fishing activity.

Other commercial fisheries are often considered to include vessels under 24 metres in size fishing commercially for tuna. The catch of these vessels should be considered and included in catch by the main commercial fleet and not be considered under this provision.

CCMs shall take necessary measures to ensure that the total capacity of their respective other commercial tuna fisheries for skipjack, bigeye and yellowfin tuna, do not exceed levels declared for 2010. Any increase in the catch of "Other Fisheries" in the Convention area will need to be offset by a reduction in the catch in purse seine and/or longline fisheries.

#### Other Commercial Fisheries

- CCM's shall ensure from 2010 onwards that the catch of yellowfin tuna in other commercial fisheries does not increase above levels of declared catch in 2010. CCMs shall provide the SC with estimates of fishing effort for these other fisheries including proposals for the provision of effort data for these fisheries from 2009 and future years.

## MONITORING AND REPORTING

CCMs have an obligation to provide complete and accurate data under Article 5 paragraph (i):

(i) collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programmes; and

For the purse seine fishery there will be 100% observer coverage on all fleets. The longline fisheries of all fleets from 2012 will have 5% observer coverage and 2014 for fresh fish vessels north of 20N .

CCM's are therefore to provide within the agreed timeframes each year, complete and accurate operational catch and effort data and size composition data for all fleets in the format required by the rules and requirements adopted by WCPFC as "Scientific Data to be provided to the Commission".

The Commission shall take into account the level of compliance by CCMs to the data reporting requirements in implementing any additional reductions in fishing mortality that may be required to give effect to the precautionary approach.

## PORT CONTROLS

Each CCM shall prohibit landings, transshipments and commercial transactions in tuna and tuna products that are positively identified as originating from fishing activities that contravene any element of the Commission's CMMs.

Monitoring shall be conducted at landing and transshipping ports to assess the amount of catch by species. The outcomes shall be reported annually to the Commission.

### **CATCH RETENTION**

All catch (tuna and non-tuna) taken in purse seine and long line fishing activities will be recorded and retained.

### **CAPACITY**

Capacity management in all tRFMOs has been an ongoing concern for a number of years. At WCPFC 7 Japan tabled a potential conservation measure consistent with this approach. The WCPFC should consider the following options in adopting a suitable approach to capacity management.

#### **Option 1**

Kobe III participants recommend that developed fishing members freeze large-scale purse-seine capacity under their flag. Based on the status of the stocks, each tRFMO should consider a scheme for:

- Reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high-seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; and
- Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

#### **Option 2** Well limits to control harvesting capacity.

The Commission considers applying IATTC style hold or well capacity limits to the purse seine and longline fleets in the Pacific as a method of stabilising capacity. In considering Well or hold based limits it should be noted that these limits may not combat effort creep in the fishery.

### **COMPLIANCE AND REPORTING**

All CCMs have an obligation under Article 5 paragraph (j) to implement and enforce the Conservation and management measures of the Commission:

(j) implement and enforce conservation and management measures through effective monitoring, control and surveillance.

All CCMs will report to each regular session of the Technical and Compliance Committee, through their Annual Report Part 2, on the implementation of this Measure for their fishing vessels operating on the high seas and/or in waters under national jurisdiction. The Technical and Compliance Committee will prepare a template for reporting this requirement for the consideration of the Commission.

## FUTURE WORK

The following initiatives should be pursued by the WCPFC as a matter of priority.

- As a matter of priority task SPC to evaluate the impact of catches of smaller sized skipjack, yellowfin and bigeye tuna taken by purse seine vessels using FADs against the increased size of fish taken by purse seine vessels when not using FADS and determine the long term utility of FAD usage in the Convention area.
- The Commission was tasked in 2008/01 to develop compatible measures for the high-seas. In the absence of a scheme being developed the measure applied by the PNA VDS should be applied to the high seas of the Convention area.
- Once high seas VDS is established members with skipjack catches in Non PNA EEZs should develop compatible management measures to the VDS for implementation in 2013. The catch limits from 2012 forward are not to exceed declared catch levels in 2010. (Article 8).
- To monitor a Total Allowable Catch or (TAC) requires real time reporting by observers and by fleets. Most member countries require their distant water and domestic fleets to report on a regular basis. The Scientific Committee and the TCC are tasked with improving catch information flow into the Commission from members to ensure more accurate and timely reporting. A report from the SC should be tabled for discussion in 2013.
- 

## REVIEW OF MEASURES

The measures described above for the purse seine and longline fisheries shall be reviewed annually in conjunction with the advice from the Scientific and technical and Compliance Committees to measure the impact and compliance with the measure.

This review shall consider, inter alia, whether the measures are having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation goals.

The measure shall remain in place beyond 2014 under the conditions that are in effect in 2014 until the Commission adopts alternative measures unless the Commission adopts alternative measures.

**FINAL CLAUSE**

This Measure replaces CMM 2008-01 and CMM xxxx.





**TECHNICAL AND COMPLIANCE COMMITTEE**

**Seventh Regular Session**

28 September - 4 October 2011

Pohnpei, Federated States of Micronesia

---

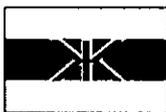
**JAPAN'S COMMENTS ON CIRCULAR NO.2011-24**

---

**WCPFC-TCC7-2011-DP/17**

**28 September 2011**

**Paper prepared by Japan**



**FISHERIES AGENCY**

**MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES, GOVERNMENT OF JAPAN**

1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8907, Japan

September 21, 2011

Dr. Charles Karnella  
Chair, WCPFC  
PO Box 2356  
Kolonias, Pohnpei 96941  
Federated States of Micronesia

Dear Dr. Karnella,

We refer to the circular No. 2011-24, a discussion paper prepared by the Secretariat, on the replacement measure for CMM 2008/01. First of all, we express our sincere appreciation to you and those involved in the effort to compile this difficult document. However, since we have several serious concerns/questions on this document as follows, we have to register our strong reservation to advance the discussion based on this document before solving those issues. Please note that those are preliminary comments and we may make further comments in the future.

We would first point out that our fundamental position on the issue we have conveyed to you in several occasions is not reflected in the document; that is, we need to analyze why CMM 2008/01 had failed to achieve its objective before we discuss the replacement measure. For that purpose, the Commission needs to evaluate the performance of CMM 2008/01 by analyzing data by country, by fishery type and by region. Also, the impact of many exemptions contained in CMM 2008/01 on the conservation effort shall naturally be investigated. Only after such reviews, the replacement measure can be discussed constructively on a fair and equitable basis. Japan has reduced its catch of bigeye by longline as well as purse seine by more than 30% from the 2001-04 level. The conservation efforts by members like Japan to properly implement CMM 2008/01 must be duly taken into account in the consideration of the replacement measure.

The objective of CMM 2008/01 was to reduce the fishing mortality of bigeye by 30% from the annual average during the period of 2001-04 or 2004. According to TCC7-17a, the total annual catch by longliners in 2010 is 62,226t, which is 34% reduction from the reference point of 94,349t. Japan fulfilled its obligation through cooperative efforts by the industry and government, including governmental financial provision to decommission of its vessels. However, there are some countries which have increased its catch in the same period. Further, some countries are exempted from the effort to reduce the catch. It is unfair to request those CCMs having already achieved the objective to reduce their catches further whereas some other CCMs having failed to do so are granted the starting points for their future reduction as their current catch

levels, which are higher than the 2001-04 level or even the 2008 levels.

On the other hand, total purse seine effort between 20N-20S has increased by 6% just from 2008 to 2010. The catch of bigeye by purse seine has increased by 34% from 32,390t in 2004 to 43,389t in 2010, while the overall objective of CMM 2008/01 was to *reduce* the bigeye fishing mortality by purse seine fishery by 30%. This demonstrates that the tools in CMM 2008/01 to manage purse seine activity were insufficient to achieve its objective. In order to avoid the same situation to happen in implementing CMM 2011/01, we need to learn how and why CMM 2008/01 had failed to achieve its objective. Therefore, we need not only the effort data that is presented in TCC7-17a, but also catch data of bigeye by purse seine by country in the 20S-20S area and we request the Secretariat to prepare the information.

We are also concerned with the change of the reference year from 2001-04 or 04 in CMM 2008/01 to 2010 in CMM 2011/01. This is tantamount to ignore the efforts by the fishermen and members to comply with CMM 2008/01 while rewarding those who expanded its fishing activity in spite of CMM 2008/01. CMM 2008/01 requires members to maintain the level of purse seine effort in days fished at 2004 level but in reality, it increased significantly by 2010. It is simply not right to use 2010 level as reference.

There are also several other important aspects of CMM 2008/01 which we need to address before the consideration of the replacement measure. We strongly support the exemption for SIDs' legitimate fishery development but would like to know how much conservation trade-off is needed for such exemption as well as how to incorporate the trade-off in the new CMM to ensure the overall conservation benefit required for achieving the objective. Another question is how we assess and incorporate in the new CMM the fishing activities in internal water/archipelagic water. We would also review the progress of purse seine industry's initiative to technically reduce catches of juvenile bigeye and yellowfin tuna caught in association with FADs as described in paragraph 25 of CMM 2008/01.

We believe that answers to those questions are essential to the fair and constructive discussion on the replacement measure for CMM 2008/01. Japan committed to have a measure that actually achieves the objective and we are looking forward to discussing the issue further with other CCMs.

Regards,



Masanori Miyahara  
Japanese Commissioner to WCPFC

---

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS AND  
PARTICIPATING TERRITORIES**

**4 November 2011  
Circular No.: 2011/30  
No. of Page: 8**

Dear All

**Conservation and Management of Skipjack, Bigeye, and Yellowfin Tuna**

Thank you for your thoughts and comments on the initial paper. We have tried to deal with as many of the comments provided on the initial version at the recent TCC meeting as possible.

However, given the nature of the discussion and the comments it was not possible to find a common or middle ground for several of the issues. We have moved a number of issues into a section called Longer Term Issues. In that section we suggest that the Commission agree to deal with specific issues at specific future meetings. Once dealt with, those issues would provide guidance on any changes needed to the CMM in place at that time.

The document is being provided to serve as a starting point for continuing the discussion of the content of a new CMM for skipjack, yellowfin, and bigeye tuna. Comments are welcome and will be made available to all CCMs as we receive them.

Thank you for your participation in this process and we look forward to further discussion at the Commission meeting.



Dr. Charles Karnella  
Chair  
Western and Central Pacific Fisheries Commission

## Proposed Way Forward

### Conservation and Management of Skipjack, Bigeye, and Yellowfin Tuna

#### High Level Objectives

Ensure through the implementation of compatible measures for the high seas and EEZs, for all methods of fishing, that skipjack, bigeye and yellowfin tuna stocks are maintained at levels capable of meeting any agreed target reference points and do not fall below their limit reference points. Until such reference points are agreed upon, the Commission's adopted effort and/or catch will not compromise the long term health of these stocks throughout the Convention Area.

#### Skipjack

Ensure that limits on effort and/or catch levels will not increase  $F$  beyond the current level, 1.5 million metric tons (the mean catch for 2006-2009), until the Commission has adopted limit and target reference points for Skipjack tuna in the Convention Area.

#### Bigeye

Ensure that the fishing mortality rate ( $F$ ) for bigeye tuna is not greater than that specified in CMM 2008-01 (i.e. 30% lower than the reference year(s) for CMM 2008-01).

#### Yellowfin

Ensure that the fishing mortality rate ( $F$ ) is not greater than that specified in CMM 2008-01 (i.e. that of the reference year(s) in CMM 2008-01

#### Management Measures

##### Purse Seine

##### Effort Level

EEZs – level of effort specified under CMM 2008-01 will continue for 3 year(s);

High Seas – level of effort specified in 2008-01 will continue for 3 year(s).

(Note this CMM applies to all waters in the Convention Area in which purse seining occurs; the Commission must adopt an effort management plan for the high seas that is

compatible with the Vessel Day Scheme (VDS) that the PNA members operate in their waters.)

#### FAD Closure (Option 1)

EEZS and High seas – a 4 month prohibition on setting on FADs will be in place each year from 1 July to 31 October for all purse seine vessels fishing in the Convention Area.

#### Night Setting Ban

During any FAD prohibition season there shall be no purse seine sets made between the hours of sunset and sunrise. For purposes of this measure the hours of sunset and sunrise are those times for the time zone in which the vessel is in as specified in the nautical almanac.

#### FAD Management Plans

CMM 2008-01 (paragraphs 23 and 24) required all CCMs fishing on the high seas to submit Management Plans for use of FADs by their vessels on the high seas. We have not included a requirement for FAD Management Plans in the proposed way forward; however the Commission should discuss this and whether it would be useful to collect basic information on FAD use before revisiting the issue of FAD Management Plans.

The Plans were to include strategies to limit the capture of small bigeye and yellowfin tuna associated with FADs in addition to implementation of the FAD closure. There was no discussion of how these plans would be used or agreement on the content of such plans. There has been limited compliance with this requirement. If this requirement is to be included in the revision of CMM 2008-01, the Commission and CCMs would benefit from additional guidance on the content and purpose of such plans. The Scientific Committee has noted that there are no estimates of the number of FADs used, the number of FAD deployments, or the number of FAD retrievals in the WCPO.

#### High Seas Closures

### High Seas Closures (Option 1)

The Commission retains the closures of the high seas pockets.

### High Seas Closures (Option 2)

The commission retains the closures of the high seas pockets but allows access to a specified number of Philippine wet boats carrying observers and VMS operating in a specific and limited area (i.e. only the area in which such fishing has been documented) of the western pocket to catch a given amount of tuna. The Philippine Government must provide the Commission with a detailed plan of how the activities of these vessels will be monitored to ensure that all fishing and catches occur at the specified levels and in the manner approved by the Commission.

### Catch Retention

All catch taken in purse seines shall be retained and recorded in vessel logbooks and the information provided to the Commission in the required annual reports.

The Commission shall task the Scientific Committed to prepare a report on the likely benefits of releasing individuals that are still alive when brought on board.

### Observers

Purse seine vessels are required to have an ROP observer on board during all fishing operations. Vessels transiting with all fishing gear stowed are not required to carry an observer, provided that they have notified their national fishing authority of the estimated dates and locations of such transit. (This could be moved to the appropriate place in CMM 2007-01)

### Longline

#### Catch Levels

The catch levels for bigeye tuna will remain as given in CMM 2008-01 for all CCMs for an additional 3 year(s), except China for which the catch will be xxxx .

The catch levels for yellowfin tuna will remain at levels specified in CMM 2008-01 for an additional 3 year(s).

#### Observers

Except for vessels fishing for fresh fish north of 20 degrees north, all CCMs shall have a minimum of 5% observer coverage for fishing operations in their longline fisheries no later than June 30, 2012, as specified in CMM 2007-01.

For those fleets fishing for fresh fish north of 20 degrees north CCMs will have a minimum of 5% observer coverage for fishing operations in their longline fleets no later than December 31, 2014 as specified in CMM 2007-01.

#### Catch Retention

All catch taken by longline gear must be retained and recorded in vessel logbooks and the information provided to the Commission in the required annual reports.

The Commission shall task the Scientific Committee to prepare a report on the likely benefits of releasing individual fish that are still alive when brought on board.

#### Other Commercial Fisheries

The effort in other commercial fisheries for skipjack, bigeye and yellow fin tuna will remain at 2006-2009 level.

Each CCM shall conduct an inventory of vessels flying its flag that operate in fisheries that fish for tuna in the Convention area. This inventory shall include a report of the catch and effort of these vessels. The Commission shall agree on the format of such a report based on recommendations made by the SC and TCC at their 2012 meetings. This inventory shall be provided to the Commission by May 1, 2013. The SC and TCC shall review these inventories during their meetings in 2013 and provide the Commission with recommendations on the management of the other fisheries. The Commission shall make initial decisions regarding catch and/or effort limits in the fisheries at its 2013 meeting.

#### Capacity

##### Purse Seine Vessels

The Commission shall develop a capacity management plan for purse seine vessels operating in the Convention Area. This plan shall identify the appropriate level of capacity for the long term health of the affected fish stocks and the fishery (ies) supported by those stocks. The plan must include provision for the attainment of the aspirations of the small island developing States to fish for the tuna resources found in the Convention Area using purse seine vessels. The distant water fishing nations should agree to cap capacity at existing levels until such a plan has been adopted by the Commission. The Commission will adopt such a plan at its 2013 annual meeting.

##### Longline Vessels

The Commission shall develop a capacity management plan for longline vessels operating in the Convention Area. This plan will include provisions for the attainment of the aspirations of the small island developing states to fish for the tuna resources found in the Convention Area. The Commission shall adopt such a plan at its 2014 meeting.

#### Other Vessels

The Commission shall develop a capacity management plan for vessels operating in other fisheries operating in the Convention Area. This plan will include provisions for the attainment of the aspirations of the small island developing states to fish for the tuna resources found in the Convention Area. The Commission shall adopt such a plan at its 2015 meeting.

#### Evaluation of effectiveness

Each year the SC and the TCC shall evaluate the effectiveness of each of the measures in this CMM and provide the Commission with recommendations on how the individual measures and the CMM as a whole can be improved. The Commission shall adjust the individual measures or the entire CMM as necessary to meet the goals established. The Commission shall provide its reason(s) for not adopting any measure recommended by both the SC and the TCC.

## **Longer Term Issues for the Conservation of skipjack, bigeye and yellowfin tuna.**

### Reference Points

The Commission has indicated that the adoption of reference points is a high priority. The process will begin in 2012 with a workshop to begin the analysis of management strategies and the adoption of reference points. The SC discussed this matter at its last meeting and provided Terms of Reference for consideration. The SC has recommended that an independent international expert(s) be invited to provide expert guidance on the use of reference points and other issues relevant to identifying fisheries management objectives. The Secretariat is developing Terms of Reference for this workshop.

No later than its meeting in 2014 the Commission will adopt reference points for bigeye yellowfin, and skipjack tunas . Once adopted the reference points will guide the Commission in amending some or all of the provisions in the CMM for these stocks.

### Allocation of Effort and/or Catch

Several CCMs have pointed out the inequity that may result from basing flag state catch or effort limits on an essentially arbitrary reference year (or span of years). Developing a method of allocating a limited amount of effort or catch (e.g. TAE or TAC), will assist the Commission in developing CMMs that have only an occasional exception, or, ideally, no exceptions. Such an undertaking should ensure that there is an overall equitability or fairness to all CCMs. Obviously this must include consideration of the aspirations of small island developing states as well as the historic participation of distant water fishing nations. This will not be an easy issue to deal with and may require an iterative process. Nonetheless, the Commission and its CCMs will be well served by the development of such a method of allocating the limited amount of effort and/or catch that almost certainly will be the case for the stocks under the Commission's jurisdiction. A major benefit is that each CCM will know the level of impact of the tuna management CMM that will result from changing the level of effort or catch, will know what the impact will be on other CCMs, and most important know what the cost and benefit of the CMM will be.

### Catch Attribution and Charter Vessels

As part of the effort of developing a system for allocation of effort and/or catch, the Commission must deal with the issue of catch attribution and charter vessels. The catches by, or fishing effort of, vessels operating under charter, lease or other similar mechanisms by developing CCMs within their EEZ, shall be counted against the flag of the vessel where flag-based limits apply within this measure, unless the developing CCM has notified the Commission that the vessel is considered to be a vessel of that host island State or territory.

Nothing in this measure, including how catches or fishing effort by a vessel are counted against flag-based limits for the purpose of a specific CMM, shall prejudice the rights of coastal States to have catches and effort history in their EEZs attributed to them for the purposes of establishing future rights and allocations.

## Reporting

CCMs have an obligation under the various reporting requirements to provide, in a timely manner, complete and accurate data on various aspects of their vessels' fishing activities. These reports to a large degree enable the assessment of the effectiveness of the CMMs. The SC, TCC, and the Commission must have these data before their annual meetings. Assessing the effectiveness of a CMM requires not only catch and effort information but information regarding the implementation of and compliance with the measure. As part of the reporting requirements, CCMs will provide along with their annual report information on the steps taken to implement this measure, e.g. the PNA has implemented the purse seine effort limits by a Vessel Day Scheme in its waters, the level of compliance with this measure, the method used to determine the level of compliance, and any issues regarding this measure that has prevented full implementation and compliance.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON COUNCIL  
RECOMMENDATIONS ON INTERNATIONAL HIGHLY MIGRATORY SPECIES  
MANAGEMENT

WCPFC8

The Highly Migratory Species Advisory Subpanel (HMSAS) supports that the Council advise the U.S. delegation that on bigeye, yellowfin and skipjack tuna fisheries, the conservation measures developed for the large purse seine and longline vessels are not appropriate to our smaller scale commercial fisheries (which are similar to what other countries refer to as “artisanal fisheries”). However, the following general recommendations are suggested:

- The Western and Central Pacific Fisheries Commission should work with the Inter-American Tropical Tuna Commission in harmonizing regulations applicable to the overlap area.
- In establishing conservation and management measures, the goal should be to provide uniform implementation that achieves compliance in both Convention Areas.
- Uniform, complete and timely catch data is needed to insure fair and effective management measures.
- Observer requirements for larger U.S. purse seines and longline vessels are not suitable for smaller vessels.
- Support conservation measures that lead to recovery of the managed stocks.

The HMSAS also discussed the North Pacific albacore management framework contained in the Northern Committee workplan. As this framework is further developed, fisheries that do not target albacore but have albacore bycatch (or retained incidental catch) should be subject to the conservation measure.

U.S.-Canada Treaty

The HMSAS had a long discussion with Mr. Dave Hogan from the State Department, representatives from National Marine Fisheries Service, and west coast states government representatives. It is apparent that some of the albacore fishermen wish to have the treaty terminated for a variety of factors, including:

1. While a variety of market and regulatory roadblocks are hindering the U.S. fishery, the Canadians appear to have greater government support to expand their fishery and develop export markets.
2. The fleets are no longer comparable in terms of the composition of the fleet (vessel size, capacity, age, etc.), leaving the U.S. fleet at a competitive disadvantage to the Canadian fleet. This is reflected in the increasing size of Canadian vessels.
3. The aggressive and disruptive behavior of Canadian fishermen on the grounds reduces the catch of U.S. fishermen, in contravention of informal rules of behavior previously agreed to by U.S. and Canadian fishermen.
4. The recent catch histories in the respective Exclusive Economic Zones have strongly favored the Canadian fleet.

5. The Coast Guard is not equitable in its boarding and inspections of Canadian vessels versus U.S. vessels.

These opinions are not shared by all U.S. albacore fishermen.

In addition, it is apparent that U.S. processors and buyers of albacore tuna wish to continue the U.S.-Canada Treaty based on a perceived economic benefit to our coastal communities.

Given the above discussion, there are some points of agreement in the HMSAS and we request the Council to provide the following information to the U.S. delegation:

1. Compare 2011 Canadian fleet capacity and vessel size to what it was in 2001.
2. Determine the amount caught by Canadian vessels in U.S. waters and landed and sold in Canada compared to the U.S. landings from 2001 to 2011.
3. Research tonnage landed and unloaded by Canadian vessels in the U.S. that are actually sold and transported to Canadian buyers.
4. Research potential effects of treaty changes such as for Canadian vessels reducing areas of access in U.S. waters, reducing the length of season, reducing the number of vessels allowed in U.S. waters, and if any or all of these changes are implemented, whether the U.S. fleet would make up the difference in tonnage.
5. As noted above, the HMSAS did not achieve consensus on a Council recommendation to the U.S. Department of State to issue a letter of termination by December 31, 2011.
6. The HMSAS requests the Council task the Enforcement Consultants to report on the number of boardings and scope of inspections of Canadian albacore troll vessels fishing in U.S. waters.

PFMC  
11/7/11

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON COUNCIL  
RECOMMENDATIONS ON INTERNATIONAL HIGHLY MIGRATORY SPECIES  
MANAGEMENT

**Western and Central Pacific Fisheries Commission**

The Highly Migratory Species Management Team (HMSMT) discussed recommendations that the Council could make to the U.S. delegation to the Western and Central Pacific Fisheries Commission (WCPFC). Numerous issues and proposals will be discussed at the WCPFC meeting; however, the HMSMT is only providing recommendations on issues that seemed most relevant to the Council.

**Bigeye Tuna**

In view of the ongoing concern over the stock of bigeye tuna in the Pacific Ocean, the HMSMT recommends that the Council supports strengthening measures above those imposed through the Western and Central Pacific Fisheries Commission (WCPFC) bigeye tuna conservation measure (CMM 2008/01). Specifically, the HMSMT recommends supporting a seasonal purse seine closure of the WCPFC Convention Area similar to what currently exists in the Inter-American Tropical Tuna Commission (IATTC) Convention Area to reduce fishing mortality on bigeye tuna. This recommendation is based upon the presumption that such a closure will be easier to enforce than the current WCPFC seasonal closure of purse seine fishing with fish aggregating devices (FADs). Adoption of a seasonal Convention-wide closure would also promote consistency across Regional Fishery Management Organizations.

The HMSMT further recommends that the bigeye tuna longline catch quotas be maintained at the levels specified in conservation and Conservation and Management Measures 2008/01.

In regards to catch retention, the HMSMT recommends supporting a conservation measure requiring full retention of all tuna caught with purse seine gear, including juvenile bigeye, yellowfin, and skipjack tuna, to discourage the practice of high grading.

**Setting on Cetaceans and Whale Sharks**

There were several proposals submitted to WCPFC7 regarding the take of cetaceans and whale sharks in the purse seine fisheries. It is expected that proposals will again be put forward at WCPFC8 to prohibit intentional setting on cetaceans and/or whale sharks, require logbook and observer reporting of observed interactions with cetaceans and whale sharks, and establish best handling practices to ensure release of live, unharmed cetaceans and/or whale sharks to the extent practicable. The HMSMT recommends that the Council support these proposals to minimize cetacean and whale shark mortality in the WCPFC Convention Area.

**Prohibition on Oceanic Whitetip Shark Retention**

At the 2011 IATTC annual meeting, a resolution prohibiting retention of oceanic whitetip sharks was adopted (C-11-10). Oceanic whitetip sharks are a pan-Pacific shark species which has experienced significant declines. If a similar proposal is discussed at WCPFC8, the HMSMT recommends that the Council support such a measure to protect this vulnerable species across its range.

### Other Relevant Issues

The HMSMT recommends that the Council generally support proposals presented at WCPFC8 that would increase compliance with WCPFC conservation and management measures and provide the WCPFC with a process and mechanisms to censure or sanction members of the WCPFC that are not in compliance. Such proposals may address vessel chartering arrangements, improved catch documentation, port state measures, Exclusive Economic Zone entry and exit notification schemes, or other issues.

The WCPFC Chairman's proposed way forward on conservation and management of skipjack, bigeye and yellowfin tunas (Agenda Item I.1.a, Supplemental Attachment 5) indicates that the development and adoption of appropriate target and limit reference points for management of tropical tunas by 2014 is a high priority. The HMSMT recommends that the Council support efforts to develop and adopt appropriate reference points for all managed stocks in the WCPFC Convention Area by 2014.

The HMSMT also recommends that the Council continue to support the International Scientific Committee of Tuna and Tuna-like Species in the North Pacific Ocean (ISC)'s multi-species biological sampling program to improve stock assessments.

### U.S. – Canada Albacore Tuna Treaty

The HMSMT also discussed the U.S. - Canada Albacore Treaty and provides the following considerations and recommendations to the Council to advise the U.S. delegation to the upcoming treaty re-negotiation meetings.

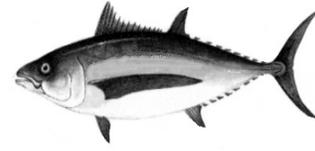
The U.S. – Canada Albacore Treaty was entered into between the United States and Canada in 1981. The treaty establishes the terms for Canadian fisherman to fish for North Pacific albacore in U.S. waters and reciprocal privileges for U.S. fishermen in Canadian waters. On December 31, 2011, reciprocal fishing privileges under the current treaty will expire and four options may be considered for 2012 or beyond:

- a) The United States and Canada do not reach agreement on reciprocal fishing privileges for 2012 and beyond, and the U.S. or Canada sends a notice of termination of the treaty by December 31 to terminate the treaty by 2013;
- b) The United States and Canada do not reach agreement and there would be no reciprocal fishing privileges for 2012 but the treaty would remain and negotiations on reciprocal fishing privileges could continue for subsequent years;
- c) The United States and Canada reach agreement on reciprocal fishing privileges, but either the United States or Canada gives notice by December 31 to terminate the treaty by 2013; or
- d) The United States and Canada reach agreement on reciprocal fishing privileges, and neither country gives notice to terminate the treaty.

Based on available information, it does not appear that the treaty is negatively affecting the sustainability of the North Pacific albacore stock. The HMSMT has inadequate information to evaluate the treaty's ramifications to the U.S. fisheries and coastal communities if reciprocal fishing privileges ended in 2011. The HMSMT notes that it could include consideration of the

treaty in its assignment regarding albacore management strategies. If the Council wishes, the HMSMT could gather further information on the ramifications of terminating or otherwise modifying the treaty.

PFMC  
11/07/11



## **WESTERN FISHBOAT OWNERS ASSOCIATION**

P.O. Box 992723  
Redding, CA 96099

Ph. (530) 229-1097  
Fax (530) 229-0973

wfoa@charter.net  
<http://www.wfoa-tuna.org>

October 13, 2011

Dr. Don McIsaac - Executive Director  
Pacific Fisheries Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

Re: HMS Framework Management

Dear Dr. McIsaac:

Western Fishboat Owners Association (WFOA) submits the following thoughts on the concept of what might be some elements of a "management framework" for albacore tuna. The 2011 stock assessment indicates that the North Pacific albacore resource is near long-term average abundance, and likely to remain there, at current levels of fishing effort. We believe we have adequate time to develop reasonable management framework options that are beneficial to the west coast albacore fishery which take into account the international and highly migratory nature of the albacore. This is an opportunity for the PFMC to work with all the other councils, RFMO's, and industry to implement a plan that is beneficial for the U.S. albacore fisherman and the U.S. consumer.

Over the past decade WFOA has seen the fleet size and effort already significantly decrease because of the aging of the fishermen and their vessels, a decrease of port infrastructure, the timing and markets of other fisheries, and a general lack of interest to pursue albacore tuna by many who had fished in the past. This season is a perfect example. Ex-vessel prices for the product increased by 40% -100% over 2010 due to a weak dollar, earthquakes, and worldwide and domestic demand. However, environmental conditions along the west coast were not conducive for a productive troll fishery in 2011. The net result was that effort was again reduced from 2010 and previous years.

One would think that the higher ex-vessel prices would result in more effort from the coastal U.S. fleet. Remarkably, this was not the case in 2011. At this time without further research, we speculate that the reduced effort may be due partially from the aging fleet and the fact that the albacore fishery is conducted farther offshore in which seasonal wind patterns that make seas rough and fishing difficult for smaller boats much of the time. Older fishermen with older vessels are not willing or able to endure the physical effort required. Other factors influencing the decision to fish albacore are a re-opening of coastal salmon fisheries, improved shrimp harvests, and a good crab season last winter.

All these factors, while not based in science, influence effort in the albacore fishery probably more so than other factors. Thus, any consideration of a future management framework should take those factors into consideration. Economic Surveys such as the one presented to the PFMC in April 2011 by Lisa Wise Consulting can do a lot to fill this informational void and should be thoroughly considered.

Since the 2011 Albacore Stock Assessment looks favorable at least for the next few years. There does not appear to be any reason to rush the development of a management framework. Implementation of drastic and unreasonable measures would only further hamper a fleet already facing new international one size fits all regulations. The international RFMO's with a focus on purse seine issues and the politics of the numerous Pacific Island entities has put in effect (CMM's) that are based on that gear type and vessels 100 times larger than your normal U.S. artisanal albacore troller. We are caught in the middle of issues such as vessel markings and VMS which make it increasingly difficult for the U.S. fishermen to compete with larger foreign vessels fishing the North Pacific Ocean.

The VMS issue alone has severely restricted the U.S. albacore troll fleet from exploring west of 150W longitude in areas that were very productive in the past. The cost, expense, and hassle are not worth it for many of our small family operated vessels. This is a shame, as it leaves a vast area open to IUU fishing with only the occasional overflight observing that effort. The PFMC should support fair and equitable reporting requirements through VMS that take vessel size, capacity, and effect on the stocks into consideration, and recognize that current management practices allow for full reporting of catch, effort, and location of catch.

Some factors that should be considered in the near future keeping in mind that any regulations and management measures placed on the U.S. fleet absolutely needs to be multilateral in nature are;

1. The U.S. could also be the leader in determining biological reference points (BRP's) for North Pacific albacore if countries feel the need to not use the temporary 10 year measure now in effect. The PFMC should work with the international process to develop fair, reasonable, and long term BRP's based on sound science.
2. The HMSAS and HMSMT teams also should be tasked on researching the definition and application of "artisanal" in determining fleet dynamics in the US. If Japan can claim they have an artisanal fleet in the 1000's that could potentially be exempted from a number management measures then it should be equally available for the U.S.
3. Continued vigilance from enforcement and management bodies to identify and enforce IUU fishing and their markets. Even tough the IUU fishing occurs usually far from shore, in the North Pacific the vessels eventually have to unload and market their catch in some port in some country. More effort from enforcement should be directed at the sales, marketing, and consuming of the illegal product as a way to control the harvest.

Also, given the amount of tonnage the Canadian fleet extracts from the U.S. EEZ compared to what the U.S. takes out of the Canadian EEZ, the U.S. /Canada Albacore treaty has potentially reached a point where changes need again be considered. The next round of negotiations begins in December 2011.

Presently;

- Canadians are allowed 110 vessels in US waters during July through October, and have landing privileges in six U.S. ports of Bellingham, Westport, Astoria/Ilwaco, Newport, Coos Bay, and Eureka. U.S. vessels similar access and port privileges in Canada.
- In the past 10 years U.S. effort in Canada has been very little compared to Canadian effort in the U.S.
- A large percentage of Canadian Landings are caught in U.S. waters, and account for more than 1/3 of total North American landings.
- Crowding and aggressive operations on the grounds is a present and growing problem that has not been resolved.
- Almost all Canadian caught albacore in U.S. waters is landed in Canada with little benefit to U.S. ports and businesses. In today's market if 4,000 tons are caught in U.S. waters and delivered in Canada that is a \$20 million outflow that does not benefit U.S. ports or processors.
- Canadian fishermen with the exception of those landing in the U.S. pay no fees directed at research and science, but use the information collected by U.S. research to justify eco-certification, and promotion of their product in North America.

Given that RFMO's such as the Pacific Fisheries Management Council at the Federal Level and the IATTC and WCPFC at the international level are now looking at ways in the future to control, cap, or reduce effort through management framework plans, a place to begin would be to eliminate foreign fishing in the U.S. EEZ for albacore tuna. Therefore, given the above points, the PFMC and its advisory bodies could play a role in collecting data which could be utilized by the U.S. delegation to the Treaty negotiations. Some information, data, and discuss should therefore be but not limited to:

1. Compare 2011 Canadian fleet capacity and vessel size to what it was in 2001.
2. Determine the amount of albacore caught by Canadians in US waters being landed and sold in Canada compared to the US from 2001 - 2011.
3. Research tonnage landed and unloaded by Canadian vessels in the US that are actually sold and transported to Canadian buyers.
4. Research potential effects of treaty changes such as reduced area of the treaty, reduced length of season, reducing the number of vessels allowed in the U.S. waters, and if the U.S. fleet would make up the difference in tonnage.
5. Discuss whether a council recommendation to the U.S. Dept of State to issue a letter of termination by December 31, 2011 would give the U.S. a forceful negotiating tool.

The U.S./Canada albacore treaty was promoted by U.S. albacore fishermen and put into force in 1981. Termination or major changes are very serious issues with many opinions on both sides. It could be a very useful tool in international management and research if the correct approach is

taken. However, more and more U.S. albacore fishermen think they get very little benefit any longer from this agreement as it stands. WFOA recommends the PFMC be involved in a serious discussion about this issue with west coast albacore fishermen.

Thus, in the large picture of international management of HMS, WFOA remains somewhat hesitant to promote the “framework” route but feels many options should be explored. Also, if the next assessment is similar or higher than the 2011 assessment, then does the PFMC or U.S. government find ways to promote its’ own fishery and fishermen? For too long all management bodies have been programmed to react to the “crisis”, but never to react if there are positive developments. For the PFMC, this is a unique opportunity to be ready for any negative issue but also be aware of a clean productive fishery and what can be done to more enhance and promote it for future generations and for the consuming public.

Sincerely,



Wayne Heikkila  
Executive Director

cc: WFOA Board of Directors  
Dave Hogan, U.S. Department of State  
Mark Helvey, NMFS

**Subject:** Fwd: Attn Don Mcisaac Canada Treaty  
**From:** "pfmc.comments" <pfmc.comments@noaa.gov>  
**Date:** 10/17/2011 10:33 AM  
**To:** Kit Dahl <Kit.Dahl@noaa.gov>

----- Original Message -----

**Subject:**Attn Don Mcisaac Canada Treaty  
**Date:**Mon, 17 Oct 2011 10:09:03 -0700  
**From:**Sean <[redled@stratosnet.com](mailto:redled@stratosnet.com)>  
**To:**[pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov)

Attn Don Mcisaac

I am an American fisherman that has been fishing Albacore for the past 20 years. I got your Email address from WFOA asking for comments on the treaty. I have never had a trip in the past 20 years of fishing up there. When the treaty was made there was a big salmon fishery in Canada. Now all of those boats are off the US coast fishing tuna. Alot of changes in technology have happened since then also. Boats didn't have GPS back then so it was Loran. Boats had a limit of about 2-300 mi off shore before they lost signals. There may have been fish all over those years offshore. It may have served a purpose back in the day but does nothing except giving my fishery away now. The treaty is not fair for the American fleet. because there are 2-3 canadian vessels per 1 american boat. The Canadian fleet fishes in such a mob that when they are around it is imposible to work around. When the weather blows up it is tough to get unloaded because they are plugging up the ports. There is supposed to be only 120 canadian vessels out here. You should see on our radars there are about double that number. I wouldn't mind putting a transponder for fishing offshore as inshore if it meant giving up the treaty. I am against the treaty and we need to get the foreign fleets out of our waters. I have a tough time believing that my government is just giving away our industry to foreign countries.

Sean Holt F/V Kathleen

**Subject:** Public Comment on American/Canadian Albacore Treaty  
**From:** "pfmc.comments" <pfmc.comments@noaa.gov>  
**Date:** 10/20/2011 2:12 PM  
**To:** Kit Dahl <Kit.Dahl@noaa.gov>

----- Original Message -----

**Date:** Thu, 20 Oct 2011 13:32:34 -0700 (PDT)  
**From:** Dana Ferguson <[dferg13@yahoo.com](mailto:dferg13@yahoo.com)>  
**Reply-To:** Dana Ferguson <[dferg13@yahoo.com](mailto:dferg13@yahoo.com)>  
**To:** [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov) <[pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov)>

Dear Dr. Mclsaac,

I am sending an email in response to the American/Canadian Albacore Treaty. My name is Dana Ferguson and I manage Westbay, Inc. and Oceanic Logistics, both companies deal heavily with Canadian vessels. We are VERY much in favor of the Treaty. Most of our production comes from the Canadian Fleet. I have unloaded Canadian Vessels for the better part of 20 years and they have always been a major focus of my business plan. I feel it would be very short sighted to abolish this treaty based on a few fishermen's competitive nature on the fishing grounds. This treaty helps support a fishing community here in Astoria. They support our local Fuel Companies, Marine Supply Stores, Grocery Stores, Restaurants, Hotels and most importantly, our work force. To abolish this treaty, would cost Clatsop County many jobs. We use high school and college students to unload vessels. I believe in hiring our younger generation and this would greatly affect them. This day and age it seems there isn't much out there for them to create a cash flow while attending school. I am a fisherman myself and understand the undercurrent behind this group of people trying to put an end to this Treaty. It's the same old thing more for me. It's human nature to regulate everyone but themselves out of the fishery. These Canadians, along with their markets have been beneficial to the US Tuna Fishermen. My estimation, one third of the Albacore landed is blast bled destined to the Canadian Market place. The thought process is, of course we want to keep that. These markets have increased the value of the product in my mind by double. We, the US Buyers and fishermen would be in sad shape today without Canadian participation in this fishery. I went through the 90's with no market place for the Albacore, when we first started developing this Canadian Market. To the best of my knowledge through our company, to close this treaty it would force me to lose 10 local younger people off my workforce. This day and age we need all the work we can get in Astoria. Consequently, the Canadian vessels have been nothing but beneficial to our industry and most importantly to our community.

Thank You Dana Ferguson

Thank you for your consideration,

Dana Ferguson

## CONSIDERATION OF PACIFIC BLUEFIN TUNA OVERFISHING STATUS

On April 7, 2011, the Council was notified by the National Marine Service that it had determined that overfishing is occurring on Pacific bluefin tuna pursuant to Section 304(i) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Attachment 1 provides background information on Pacific bluefin stock status, catches, and current international management measures.

The Council must respond with recommendations to address the relative impact of domestic and international fisheries on the stock by April 7, 2012. According to the Council's "year-at-a-glance" summary (see Agenda Item J.6.a, Attachment 1), the Council would take final action on recommendations at their March 2011 meeting in order to meet the April 7 deadline.

At this meeting the Council could develop preliminary recommendations in order to allow public review and comment before March 2012. The Council should also provide guidance to their Highly Migratory Species Management Team (HMSMT) and Advisory Subpanel on additional information the Council would like to have in order to finalize their recommendations. The advisory bodies could then prepare a report in advance of the March Council meeting. As discussed in Attachment 1, the Western Pacific Fishery Management Council has requested their Pelagics Plan Team confer with the HMSMT on potential recommendations.

### **Council Action:**

#### **Propose Preliminary Recommendations for Responses to International Overfishing of Pacific Bluefin Tuna; Task HMS Advisory Bodies, as Appropriate**

#### **Reference Materials:**

1. Agenda Item I.2.a, Attachment 1: Pacific Bluefin Tuna Overfishing Overview, including annexes.

#### **Agenda Order:**

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Propose Preliminary Recommendations for Addressing the Overfishing Status of Bluefin Tuna

PFMC  
10/13/11

# Pacific Bluefin Tuna Overfishing Overview

## 1. Background

On April 7, 2011, National Marine Fisheries Service sent a letter of notification to the Council that it had determined overfishing is occurring on Pacific bluefin tuna (*Thunnus orientalis*) pursuant to Section 304(i) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (see Annex 1). Section 304(i) applies to stocks where overfishing is the result of excessive international fishing pressure. It requires the Council, within 1 year of the notification, to

- Develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock, and
- Develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stock, taking into account the relative impact of vessels of other nations and vessels of the United States.

The notification letter asks the Pacific Council to work closely with the Western Pacific Fishery Management Council (WPFMC) in developing measures and recommendations. A June 27, 2011, letter from the WPFMC Executive Director (Annex 2) contains a recommendation from the WPFMC calling on the PFMC to address the stock's overfishing status, given the larger domestic catches of Pacific bluefin in the Pacific Council area. However, it also asks that the WPFMC Pelagics Plan Team confer with the PFMC Highly Migratory Species Management Team in developing recommendations.

## 2. Stock Status

The 2010 HMS SAFE document (published September 2011) summarizes the current status of Pacific bluefin tuna:

The last full stock assessment of north Pacific bluefin tuna was conducted by the ISC [International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean] Pacific Bluefin Working Group (PBFWG) in 2008 using fishery data through 2005 and the Stock Synthesis 2 modeling framework (ISC 2008). The assessment was accepted by the ISC Plenary, but the Plenary tasked the PBFWG to examine the cause of some uncertainties in the modeling. Since then an update to the assessment was conducted in 2009 using the same data, a different natural mortality schedule and Stock Synthesis 3 (ISC 2009b). In 2010, another update to the assessment was conducted using Stock Synthesis 3 with fishery data through 2007 and all other modeling assumptions as in the 2009 update (ISC 2010a). A suite of sensitivity runs were also conducted. The analyses provided updates in relative trends in fishing mortality and biomass rather than estimates of absolute levels. Key results of the 2010 update as summarized in the ISC's Tenth Plenary Report (ISC 2010b) are listed below.

“The estimate of spawning biomass in 2008 (at the end of the 2007 fishing year) declined from 2006 and is estimated to be in the range of the 40-60 percentile of the historically observed spawning biomasses.

Average fishing mortality 2004-2006 ( $F_{2004-2006}$ ) had increased from  $F_{2002-2004}$  by 6 percent for age-0, approximately 30 percent for ages 1-4, and 6 percent for ages 5+.

30-year projections predict that at  $F_{2004-2006}$ , median spawning biomass is likely to decline to levels around the 25th percentile of historical spawning biomass, with approximately 5 percent of the projections declining to or below the lowest previously observed spawning biomass. At  $F_{2002-2004}$ , median spawning biomass is likely to decline in subsequent years but recover to levels near the median of the historically observed levels. In contrast to  $F_{2004-2006}$ ,  $F_{2002-2004}$  had no projections (0 percent) declining to the lowest observed spawning biomass. In both projections, long-term average yield is expected to be lower than recent levels.”

Based on the 2009 update when absolute estimates of  $F$ , biomass and spawning biomass were calculated, fishing mortality for 2002-04 ( $F_{2002-04}$ ) was greater than most commonly used biological reference points that may serve, in principle, as potential target reference points.  $F_{MSY}$  is roughly equivalent to  $F_{MAX}$ , given the model assumptions. The recent estimation  $F$ ,  $F_{2002-2004}$  exceeded  $F_{MAX}$  by 46 percent (ISC 2009). Thus, based on the 2009 assessment update and considering  $F_{MAX}$  as a proxy to  $F_{MSY}$ , NMFS determined that overfishing of bluefin tuna was occurring.

Catch of bluefin tuna by U.S. West Coast fisheries constitutes less than one percent of the North Pacific-wide catch.

## References

ISC. 2008. ANNEX 7 (Report of the Pacific Bluefin Tuna Working Group Workshop, May 28 – June 4 2008, Shimizu, Japan and continued July 17 - 18 2008, Takamatsu Japan) Report of the eighth meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, July 22-27, 2008 Takamatsu Japan. ([http://isc.ac.affrc.go.jp/pdf/ISC8pdf/Annex\\_7\\_PBF\\_May08\\_ISC8.pdf](http://isc.ac.affrc.go.jp/pdf/ISC8pdf/Annex_7_PBF_May08_ISC8.pdf)).

ISC. 2009b. ANNEX 10 (Report of the Pacific Bluefin Tuna Working Group Workshop, 10-11 July 2009, Kaoshiung, Taiwan) Report of the ninth meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, July 15-20, 2009 Kaoshiung, Taiwan ([http://isc.ac.affrc.go.jp/pdf/ISC9pdf/Annex\\_10\\_ISC9\\_PBFWG\\_July09.pdf](http://isc.ac.affrc.go.jp/pdf/ISC9pdf/Annex_10_ISC9_PBFWG_July09.pdf)).

ISC. 2010a. ANNEX 7 (Report of the Pacific Bluefin Tuna Working Group Workshop, 6-9 July 2010, Nanaimo, Canada) *of* Report of the tenth meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, 21-26 July 2010, Victoria, B.C. Canada ([http://isc.ac.affrc.go.jp/pdf/ISC10pdf/Annex\\_7\\_ISC10\\_PBFWG\\_Jul10.pdf](http://isc.ac.affrc.go.jp/pdf/ISC10pdf/Annex_7_ISC10_PBFWG_Jul10.pdf)).

The PBFWG met twice in 2011 to begin preparatory work for the next full stock assessment, scheduled for 2012. This included updating catch estimates through 2010. (The catch data presented in the next section incorporates these updates.)

## **3. Catch**

### **3.1. Stock-wide Catch**

Table 1 shows catch of Pacific bluefin by country since 1990.<sup>1</sup> Japan has accounted for the largest share of catch during that period at 73 percent followed by Mexico at 12 percent. The past 5 years, however, show a marked change in the distribution; Japan’s share drops to 67 percent and Mexico’s increases to 21 percent. In addition, there is likely some under-reporting or non-reporting by other countries. For

---

<sup>1</sup> Data reported here are derived from the ISC11 Plenary Report, Table 14-2 (see Annex 3) and the ISC website.

example, at the 2011 meeting of the Western and Central Pacific Fisheries Commission's (WCPFC) Northern Committee Korea reported on the implementation of a 5-year research program and the classification of its commercial fisheries catching Pacific bluefin as part of this program. This is intended to improve catch reporting, suggesting that some level of under-reporting has occurred in the past. China has not provided catch statistics to the ISC for Pacific bluefin.

**Table 1. Catch of Pacific bluefin tuna (mt) by country, 1990-2009 (Source: [http://isc.ac.affrc.go.jp/fisheries\\_statistics/index.html](http://isc.ac.affrc.go.jp/fisheries_statistics/index.html) updated by Table 14-2 ISC11 Plenary Report for 2002-2009).**

Year	Japan	Korea	Chinese-Taipei	United States	Mexico	Non-ISC	Total
1990	6,282	132	653	1,537	50	0	8,653
1991	14,536	265	461	508	9	2	15,781
1992	11,063	288	545	2,099	0	0	13,995
1993	9,310	40	475	981	0	6	10,811
1994	15,186	50	559	1,054	65	2	16,916
1995	27,090	821	337	965	11	2	29,225
1996	14,008	102	956	4,749	3,700	4	23,519
1997	18,852	1,054	1,814	2,530	367	14	24,632
1998	11,179	188	1,910	2,465	1	20	15,763
1999	22,574	256	3,089	809	2,404	21	29,153
2000	24,482	1,976	2,782	1,096	3,118	21	33,475
2001	14,074	978	1,843	696	863	50	18,504
2002	14,006	768	1,527	716	1,710	65	18,792
2003	10,185	2,141	1,884	434	3,254	60	17,958
2004	13,837	636	1,717	60	8,894	77	25,221
2005	21,468	1,318	1,370	287	4,542	27	29,012
2006	13,862	1,012	1,150	98	9,806	24	25,952
2007	14,268	1,281	1,411	58	4,147	0	21,165
2008	17,412	1,866	981	94	4,407	0	24,760
2009	14,470	936	888	591	3,019	0	19,904
% of Total	72.8%	3.8%	6.2%	5.2%	11.9%	0.1%	100.0%
% of Total 2005-09	67.5%	5.3%	4.8%	0.9%	21.5%	0.0%	100.0%

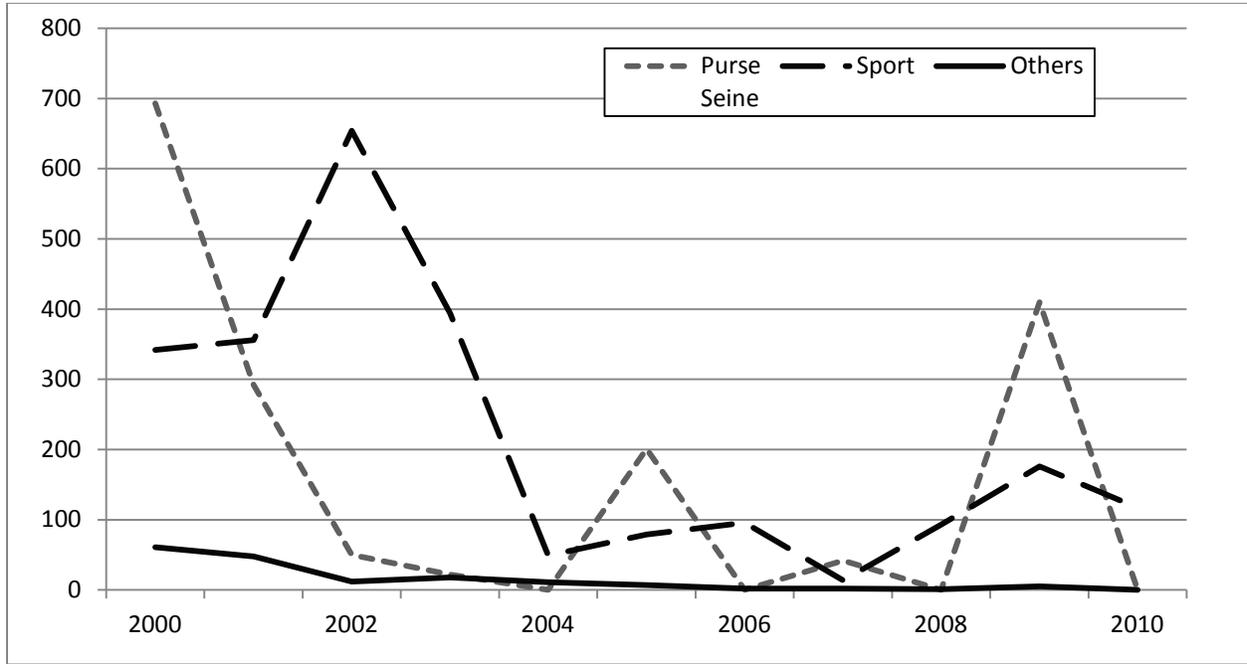
### 3.2. U.S. Catch

U.S. catch has generally declined in the past decade compared to previous decades. As shown in Table 1 while U.S. catch accounted for 5 percent of the total for the period 1990-2009, in the last 5 years it has accounted for less than 1 percent of the total.

Figure 1 shows U.S. catch by fishery since 2000, based on the data in Table 2. Since 1990 purse seine accounted for the largest share at 75 percent of the total. However, in the last decade recreational catch has become more important, accounting for 64 percent of the total (note that U.S. charter recreational

vessels are permitted to fish in Mexican waters while commercial vessels are not). Purse seine and recreational catches are variable year to year.

ISC reports do not differentiate between U.S. west coast and U.S. western Pacific catch (which includes Hawaii), although U.S. purse seine vessels only target Pacific bluefin on the west coast.



**Figure 1.** U.S. catch (mt) of Pacific bluefin tuna by fishery, 2000-2010 (Source: Table 14-2 ISC11 Plenary Report).

**Table 2. U.S. catch (mt) by fishery, 1990-2010 (Source: Table 14-2 ISC11 Plenary Report, other includes catches from gillnet, troll, pole-and-line, and longline). Values in italic are provisional.**

Year	Purse Seine	Sport	Others	Total
1990	1,380	65	92	1,537
1991	410	92	6	508
1992	1,928	110	61	2,099
1993	580	298	103	981
1994	906	89	59	1,054
1995	657	258	49	964
1996	4,639	40	70	4,749
1997	2,240	156	133	2,529
1998	1,771	413	281	2,465
1999	184	441	184	809
2000	693	342	61	1,096
2001	292	356	48	696
2002	50	654	12	716
2003	22	394	18	434
2004		49	11	60
2005	201	79	7	287
2006		96	2	98
2007	42	14	2	58
2008		93	1	94
2009	<i>410</i>	<i>176</i>	5	<i>591</i>
2010		<i>117</i>	0	<i>117</i>
% Total	74.8%	19.7%	5.5%	100.0%
% Total 2001-10	32.3%	64.4%	3.4%	100.0%

## 4. International Conservation Measures

### 4.1. Western and Central Pacific Fisheries Commission

In 2009 the WCPFC adopted CMM 2009-07, a 1-year measure which established an interim management objective for Pacific bluefin tuna “to ensure that the current level of fishing mortality rate [sic] is not increased in the Convention area.” It called on CCMs<sup>2</sup> to take measures necessary to ensure that total fishing effort by their vessels does not increase from the 2002-2004 level and to take into account the need to reduce effort on juveniles (age 0-3) to the 2000-2004 level. The measure included an exemption for “artisanal fisheries” and fisheries in the Korean EEZ.

---

<sup>2</sup> Commission Members, Cooperating Non-Members, and participating Territories.

In 2010 the WCPFC adopted CMM 2010-04 (see Annex 4), a 2-year measure (2011-2012) with the same management objective and fishing effort controls as the previous measure. It added a statement that “Korea shall take necessary measures to regulate the catches of juveniles (age 0-3) by managing [the] Korean fishery in accordance with this CMM.”

At the 2011 of the WCPFC Northern Committee meeting members discussed progress on implementing the measure was (see Annex 5). Japan inserted the exemption for artisanal fisheries in the measure in reference to their small boat fishery. Japan described progress on implementing a registration system and catch monitoring scheme for these artisanal vessels (which they describe as small vessels with one or two man crews using handline or troll). They have registered 5,000 vessels thus far and expect double that amount when the registration process is completed. They have also implemented a prohibition on catch of juvenile Pacific bluefin by purse seiners. Korea reported that they established a prohibition on the catch of juvenile Pacific bluefin (weighing less than 20 kg) but this claim was undercut somewhat when a rather large loophole was disclosed. The prohibition includes exemptions for scientific research and catch by vessels other than large purse seiners. Furthermore, Pacific bluefin caught under the research exemption can be subsequently used commercially. Since large purse seine catch is covered by the “research” exemption, in effect there is no catch prohibition. In addition, Japan presented an analysis of import statistics for Pacific bluefin (which come from Korea) that suggested Korean catch had not been materially reduced in 2011 compared to 2010.

#### **4.2. *Inter-American Tropical Tuna Commission***

At the IATTC 82nd Meeting (July 4-18, 2011) the United States, Canada, the Republic of Korea, China, and Chinese Taipei tabled a proposed resolution for Pacific bluefin (Annex 6). The draft summary minutes of the meeting state:

Mexico disagreed with the proposed measure, and said that it would present an alternative proposal. It did that, but too late for the proposal to be discussed at the plenary session. Some delegations and representatives of non-governmental organizations (NGOs) complained that, because of this situation, no measure on bluefin tuna was adopted at this meeting. Six Members submitted a declaration in this regard, which is included as Annex 4b of these Minutes. Mexico said that it would share information on measures taken at the national level to limit the catches of this species, and added that the precarious situation of this species is due to overfishing in the western Pacific Ocean, rather than in the EPO.

The tabled resolution would have required CPCs<sup>3</sup> to maintain average annual commercial Pacific bluefin catches in 2012 and 2013 below their average annual catch during the 1994-2007 period and would have required that CPCs take measures to prohibit the sale of Pacific bluefin tuna caught by recreational vessels.

### **5. U.S. Domestic Measures**

Catch (or landings) monitoring of Pacific bluefin caught by U.S. vessels in the PFMC and WPFMC areas is achieved through state programs with the data collected in Federally supported data systems (for the west coast, the Pacific Fisheries Information Network, PacFIN, and for Hawaii and other U.S. affiliated islands the Western Pacific Fisheries Information Network, WPacFIN). The U.S. requires logbooks for various fisheries catching Pacific bluefin incidentally and may require observers under domestic arrangements or in conjunction with IATTC and WCPFC measures.

---

<sup>3</sup> IATTC members and cooperating non-members.

On the west coast no management measures are applied specifically to commercial catch of Pacific bluefin (e.g., quota, harvest guideline, seasonal closure) although the general provisions of the HMS Fishery Management Plan (such as legal gear definitions) apply. On the U.S. west coast recreational catch is limited to a 10 fish per day bag limit and the sale of recreationally-caught Pacific bluefin is prohibited.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802- 4213

APR 7 2011 150413SWR2010SF00372:MH

Mr. Mark Cedergreen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220

Dear Chairman Cedergreen:

On behalf of the Secretary of Commerce, NOAA's National Marine Fisheries Service (NMFS) informs the Pacific Fishery Management Council (Council) that overfishing is occurring on Pacific bluefin tuna (*Thunnus orientalis*) in the North Pacific Ocean (NPO). This determination is made pursuant to section 304 (i) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Pacific bluefin is a management unit species in the Council's *Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species* (HMS FMP) and the Western Pacific Fishery Management Council's (WPFMC) *Fishery Ecosystem Plan for Pacific Pelagic Fisheries of the Western Pacific Region* (Pelagics FEP). Mr. Michael Tosatto, NMFS Regional Administrator of the Pacific Islands Region, is similarly informing the WPFMC about this overfishing determination.

In the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean's (ISC's) 2008 stock assessment, as well as updates in 2009 and 2010, it was reported that the fishing mortality rate for Pacific bluefin was greater than many reference points commonly used as limits, including  $F_{max}$ . Consequently, on September 3, 2010, the NMFS Southwest Fisheries Science Center determined that the fishing mortality rate had exceeded the Maximum Fishing Mortality Threshold for at least one year. The determination was based on status determination criteria established by the Council's HMS FMP and the WPFMC's Pelagics FEP.

Pacific bluefin is considered a single North Pacific-wide pelagic stock, conservation and management of which are the responsibility of the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC). The United States is a member of both regional fisheries management organizations. At its 2010 meeting the WCPFC adopted a conservation and management measure that obligates its members to ensure that total fishing effort by their vessels fishing for Pacific bluefin in the WCPF Convention Area north of 20° N. latitude, except artisanal fisheries, stay below the 2002-2004 levels in 2011 and 2012. The measure also requires members,



except Korea, to reduce their catches of juveniles to below the 2002-2004 levels. This measure replaced a similar one adopted in 2009. For the Eastern Pacific Ocean, the IATTC has yet to take action.

Although internationally agreed management measures for Pacific bluefin are in place in the WCPFC Convention Area, international measures are currently inadequate to end overfishing for purposes of the MSA and its implementing regulations. Therefore, while the Council is not required to prepare an amendment to its HMS FMP, it must undertake actions under MSA Section 304(i)(2).

One action is to develop recommendations for domestic regulations addressing the relative impacts of U.S. fishing vessels on the Pacific bluefin stock, and submit such recommendations to NMFS. Based on the Pacific Council's most recent Stock Assessment and Fishery Evaluation report<sup>1</sup>, the average annual fractional catch by both the U. S. West Coast commercial and recreational sectors has amounted to less than one-tenth percent of the catch in the NPO between 2004-2008. Even with this low catch, the Pacific Council took action a few years ago and recommended a 10-fish bag limit in the recreational fishery that NMFS implemented. However, fishing mortality on the stock stems predominantly from non-U.S. fleets in the NPO, and other unilateral management actions to end overfishing by the United States will have a proportionally diminutive effect in terms of reducing fishing mortality and ending overfishing. Nonetheless, the United States is party to both the IATTC and WCPFC and NOAA must implement domestic regulations as appropriate to fulfill its international obligations.

Another action is for the Council to develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing on the stock. These recommendations must take into account the relative impact on the stock of vessels of other nations compared to that of U.S. vessels.

I strongly urge the Pacific Council to work closely and collaboratively with the WPFMC. The Southwest Regional and Pacific Islands Offices will support and provide coordinated assistance to the Councils in crafting and approving a set of unified recommendations to end overfishing of Pacific bluefin tuna. Please let me know if you or the Council staff have any questions.

Sincerely,

  
for Rodney R. McInnis  
Regional Administrator

cc: F – E. Schwaab, S. Rauch

---

<sup>1</sup> Pacific Fishery Management Council. 2010. Status of the U. S. West Coast Fisheries for Highly Migratory Species through 2009: Stock Assessment and Fishery Evaluation. Portland, OR. 148 pp.

F/IA - R. Lent  
F/SF - E. Menashes (Actg)  
F/ST - S. Pooley (Actg)  
NWR - W. Steele  
PIRO - M. Tosatto, C. Karnella  
SWFSC - C. Werner  
PIFSC - M. Seki (Actg)

GCPI - F. Tucher  
GCSW - J. Feder  
DOS - D. Hogan, W. Gibbons-Fly  
IATTC - G. Compean



**Western  
Pacific  
Regional  
Fishery  
Management  
Council**

**RECEIVED**

JUN 30 2011

**PFMC**

June 27, 2011

Dr. Donald McIsaac  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220-1384

Dear Don:

At its recent 151<sup>st</sup> Meeting, the Western Pacific Regional Fishery Management Council made the following recommendation regarding Pacific bluefin tuna stocks:

**The Council recommended the Pacific Fishery Management Council (PFMC) address the stock's overfishing status, given the requirement for the Council to take management action and the disparity in the U.S. fishery catches of Pacific bluefin tuna between the western and eastern Pacific Ocean, with dramatically higher catches in the latter. If appropriate, the Chair and appropriate members of the PPT will confer with the PFMC's Highly Migratory Species Plan Team to develop options that would assist in making recommendations to the Secretary of Commerce for domestic regulations to address the relative impact of U.S. fishing vessels on the stock. Furthermore, the teams could assist in the development of recommendations to the Secretary of State and Congress for international actions that will end overfishing.**

This recommendation notes the great disparity between the catches of Pacific bluefin by fisheries in the Western Pacific which amount to about 1.00 mt and the higher catches of Pacific bluefin in your Council area. Even these more substantial catches, about 190 mt in total between 2004 and 2009, are a minor fraction of the total catch, 90% of which is taken by two countries, Japan and Mexico. Clearly, US action at this point should be confined to asking these two countries to take action to reduce overfishing on this species. As noted in the recommendation, our Council staff and Pelagic Plan Team Chair would be willing to work with their Pacific Council counterparts in developing responses as outlined in the recommendation.

Sincerely,

Kitty M. Simonds  
Executive Director

**Table 14-2. Annual catch of Pacific bluefin tuna (*Thunnus orientalis*) in metric tons for fisheries monitored by ISC for assessments of North Pacific Ocean stocks, 1952-2010.**  
Blank indicates no effort. - indicates data not available. 0 indicates less than 1 metric t

Year	Japan <sup>1</sup>								Korea <sup>3</sup>		
	Purse Seine		Pole and Line	Set Net	Troll <sup>2</sup>	Distant Water & Offshore Longline		Coastal Longline	Others	Purse Seine	Trawl
	Tuna PS	Small PS				NP	SP				
1952	7,680		2,198	2,145	667	2,694	9		1,700		
1953	5,570		3,052	2,335	1,472	3,040	8		160		
1954	5,366		3,044	5,579	1,656	3,088	28		266		
1955	14,016		2,841	3,256	1,507	2,951	17		1,151		
1956	20,979		4,060	4,170	1,763	2,672	238		385		
1957	18,147		1,795	2,822	2,392	1,685	48		414		
1958	8,586		2,337	1,187	1,497	818	25		215		
1959	9,996		586	1,575	736	3,136	565		167		
1960	10,541		600	2,032	1,885	5,910	193		369		
1961	9,124		662	2,710	3,193	6,364	427		599		
1962	10,657		747	2,545	1,683	5,769	413		293		
1963	9,786		1,256	2,797	2,542	6,077	449		294		
1964	8,973		1,037	1,475	2,784	3,140	114		1,884		
1965	11,496		831	2,121	1,963	2,569	194		1,106		
1966	10,082		613	1,261	1,614	1,370	174		129		
1967	6,462		1,210	2,603	3,273	878	44		302		
1968	9,268		983	3,058	1,568	500	7		217		
1969	3,236		721	2,187	2,219	313	20	565	195		
1970	2,907		723	1,779	1,198	181	11	426	224		
1971	3,721		938	1,555	1,492	280	51	417	317		
1972	4,212		944	1,107	842	107	27	405	197		
1973	2,266		526	2,351	2,108	110	63	728	636		
1974	4,106		1,192	6,019	1,656	108	43	1,069	754		
1975	4,491		1,401	2,433	1,031	215	41	846	808		
1976	2,148		1,082	2,996	830	87	83	233	1,237		
1977	5,110		2,256	2,257	2,166	155	23	183	1,052		
1978	10,427		1,154	2,546	4,517	444	7	204	2,276		
1979	13,881		1,250	4,558	2,655	220	35	509	2,429		
1980	11,327		1,392	2,521	1,531	140	40	671	1,953		
1981	25,422		754	2,129	1,777	313	29	277	2,653		
1982	19,234		1,777	1,667	864	206	20	512	1,709	31	
1983	14,774		356	972	2,028	87	8	130	1,117	13	
1984	4,433		587	2,234	1,874	57	22	85	868	4	
1985	4,154		1,817	2,562	1,850	38	9	67	1,175	1	
1986	7,412		1,086	2,914	1,467	30	14	72	719	344	
1987	8,653		1,565	2,198	880	30	33	181	445	89	
1988	3,583	22	907	843	1,124	51	30	106	498	32	
1989	6,077	113	754	748	903	37	32	172	283	71	
1990	2,834	155	536	716	1,250	42	27	267	455	132	
1991	4,336	5,472	286	1,485	2,069	48	20	170	650	265	
1992	4,255	2,907	166	1,208	915	85	16	428	1,081	288	
1993	5,156	1,444	129	848	546	145	10	667	365	40	
1994	7,345	786	162	1,158	4,111	238	20	968	398	50	
1995	5,334	13,575	270	1,859	4,778	107	10	571	586	821	
1996	5,540	2,104	94	1,149	3,640	123	9	778	570	102	
1997	6,137	7,015	34	803	2,740	142	12	1,158	811	1,054	
1998	2,715	2,676	85	874	2,865	169	10	1,086	700	188	
1999	11,619	4,554	35	1,097	3,387	127	17	1,030	709	256	
2000	8,193	8,293	102	1,125	5,121	121	7	832	689	1,976	0
2001	3,139	4,481	180	1,366	3,329	63	6	728	782	968	10
2002	3,922	4,981	99	1,100	2,427	47	5	794	631	767	1
2003	956	4,812	44	839	1,839	85	12	1,152	446	2,141	0
2004	4,934	3,323	132	896	2,182	231	9	1,616	514	636	0
2005	4,061	8,783	549	2,182	3,406	107	14	1,818	548	1,318	
2006	3,644	5,236	108	1,421	1,544	63	11	1,058	777	1,012	
2007	2,965	3,875	236	1,503	2,385	83	8	2,004	1,209	1,281	
2008	3,029	7,192	64	2,358	2,074	19	8	1,476	1,192	1,866	
2009	2,127	5,950	50	2,236	1,875	8	7	1,304	913	936	
2010	1,122	2,620	83	1,047	1,301	(-) <sup>7</sup>	(-) <sup>7</sup>	(806)	918	1,196	

<sup>1</sup> Part of Japanese catch is estimated by the WG from best available source for the stock assessment use.

<sup>2</sup> The troll catch for farming estimating 10 - 20 mt since 2000, is excluded.

<sup>3</sup> Catch statistics of Korea derived from Japanese Import statistics for 1982-1999.

<sup>4</sup> US in 1952-1958 contains catch from other countries - primarily Mexico. Other includes catches from gillnet, troll, pole-and-line, and longline

<sup>5</sup> Catches by NZ are derived from the Ministry of Fisheries, Science Group (Compilers) 2006: Report from the Fishery Assessment Plenary, May 2006: stock assessments and yield estimates. 875 p. (Unpublished report held

<sup>6</sup> Other countries include AUS, Cooks, Palau and so on. Catches derived from Japanese Import Statistics as minimum estimates.

<sup>7</sup> The catch for Japanese coastal longline in 2008 includes that of the distant water and offshore longliners.

<sup>8</sup> Catches in New Zealand and Other countries since 2007 are carry-over of that in 2005

Blue cell indicate the updated from last year (e.g new data and corrected value)

Table 14-2 (continued)

Year	Chinese-Taipei				United States <sup>4</sup>			Mexico		non-ISC members		Grand Total
	Purse Seine	Distant Driftnet	Longline	Others	Purse Seine	Sport	Others	Purse Seine	Others	New Zealand <sup>5</sup>	Others <sup>6</sup>	
1952					2,076	2						19,172
1953					4,433	48						20,117
1954					9,537	11						28,575
1955					6,173	93						32,005
1956					5,727	388						40,383
1957					9,215	73						36,590
1958					13,934	10						28,610
1959					3,506	13	56	171	32			20,539
1960					4,547	1	0					26,079
1961					7,989	23	16	130				31,236
1962					10,769	25	0	294				33,195
1963					11,832	7	28	412				35,481
1964					9,047	7	39	131				28,631
1965			54		6,523	1	77	289				27,224
1966					15,450	20	12	435				31,161
1967			53		5,517	32	0	371				20,745
1968			33		5,773	12	8	195				21,623
1969			23		6,657	15	9	260				16,419
1970					3,873	19	0	92				11,432
1971			1		7,804	8	0	555				17,140
1972			14		11,656	15	45	1,646				21,216
1973			33		9,639	54	21	1,084				19,619
1974			47	15	5,243	58	30	344				20,685
1975			61	5	7,353	34	84	2,145				20,948
1976			17	2	8,652	21	25	1,968				19,381
1977			131	2	3,259	19	13	2,186				18,811
1978			66	2	4,663	5	6	545				26,863
1979			58		5,889	11	6	213				31,715
1980			114	5	2,327	7	24	582				22,634
1981			179		867	9	14	218				34,641
1982		2	207		2,639	11	2	506				29,387
1983	9	2	175		629	33	11	214				20,557
1984	5		477	8	673	49	29	166				11,573
1985	80	11	210		3,320	89	28	676				16,089
1986	16	13	70		4,851	12	57	189				19,266
1987	21	14	365		861	34	20	119				15,507
1988	197	37	108	25	923	6	50	447	1			8,989
1989	259	51	205	3	1,046	112	21	57				10,943
1990	149	299	189	16	1,380	65	92	50				8,653
1991		107	342	12	410	92	6	9		2		15,781
1992	73	3	464	5	1,928	110	61	0		0		13,995
1993	1		471	3	580	298	103				6	10,811
1994			559		906	89	59	63	2		2	16,916
1995			335	2	657	258	49	11			2	29,225
1996			956		4,639	40	70	3,700			4	23,519
1997			1,814		2,240	156	133	367			14	24,632
1998			1,910		1,771	413	281	1	0		20	15,763
1999			3,089		184	441	184	2,369	35		21	29,153
2000			2,780	2	693	342	61	3,019	99		21	33,475
2001			1,839	4	292	356	48	863			50	18,504
2002			1,523	4	50	654	12	1,708	2		55	18,794
2003			1,863	21	22	394	18	3,211	43		41	17,958
2004			1,714	3		49	11	8,880	14		67	25,221
2005			1,368	2	201	79	7	4,542			20	29,013
2006			1,149	1		96	2	9,806			21	25,952
2007			1,401	10	42	14	2	4,147		(21) <sup>8</sup>	(3) <sup>8</sup>	(21,189)
2008			979	2		93	1	4,392	15	(21) <sup>8</sup>	(3) <sup>8</sup>	(24,784)
2009			877	11	(410)	(176)	(5)	3,019		(21) <sup>8</sup>	(3) <sup>8</sup>	(19,928)
2010			(373)			(117)	(0)	(7,745)		(21) <sup>8</sup>	(3) <sup>8</sup>	(17,352)



**SEVENTH REGULAR SESSION**

Honolulu, Hawaii, USA

6-10 December 2010

---

**CONSERVATION AND MANAGEMENT MEASURE FOR  
PACIFIC BLUEFIN TUNA**

---

**Conservation and Management Measure 2010-04<sup>1</sup>**

*The Western and Central Pacific Fisheries Commission (WCPFC):*

*Recognizing* that WCPFC6 adopted Conservation and Management Measure for Pacific bluefin tuna (CMM2009-07);

*Recalling* that the WCPFC6 requested the Northern Committee to develop a new draft CMM applying to the Korean EEZ for consideration at the WCPFC7;

*Taking account of* the conservation advice from the 10<sup>th</sup> meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) on this stock, which highlighted the importance that the level of F is decreased below the 2002-2004 levels, particularly on juvenile age classes;

*Also recognizing* that the trend of spawning stock biomass has been influenced substantially by the annual level of recruitment and that collecting of fisheries data in an accurate and timely manner is critically important for the proper management of this stock, and;

*Further recalling* that paragraph (4), Article 22 of the WCPFC Convention which requires cooperation between the Commission and the IATTC to reach agreement to harmonize CMMs for fish stocks such as Pacific bluefin tuna that occur in the Convention Areas of both organizations;

*Adopts*, in accordance with Article 10 of the WCPFC Convention that:

1. The interim management objective for Pacific bluefin tuna is to ensure that the current level of fishing mortality rate is not increased in the Convention Area. Initially, control over fishing effort will be used to achieve this objective as follows:
2. The Commission Members, Cooperating Non-Members and participating Territories (hereinafter referred to as CCMs) shall take measures necessary to ensure that total fishing effort by their vessels fishing for Pacific bluefin tuna in the area north of the 20 degrees north shall stay below the 2002-2004 levels for 2011 and 2012, except for artisanal fisheries. Such measures shall include those to reduce catches of juveniles (age 0-3) below the 2002-2004 levels, except for Korea. Korea shall take necessary measures to regulate the catches of juveniles (age 0-3) by managing Korean fishery in accordance with this CMM. CCMs shall cooperate for this purpose.

<sup>1</sup> Replaces CMM 2009-07

3. CCMs shall also take measures necessary to strengthen data collecting system for Pacific bluefin tuna fisheries in order to improve the data quality and timeliness of all the data reporting;
4. CCMs shall report to Executive Director by 31 July 2011 and 2012 measures they used to implement paragraphs 2, 3, 6 and 7 of this CMM. The Northern Committee shall annually review reports CCMs submit pursuant to this paragraph;
5. The Northern Committee at its Regular session in 2012 shall review this CMM based on the new ISC stock assessment for Pacific bluefin tuna scheduled in 2012 and take appropriate actions;
6. The WCPFC Executive Director shall communicate this Conservation Management Measure to the IATTC Secretariat and its contracting parties whose fishing vessels engage in fishing for Pacific bluefin tuna and request them to take equivalent measures in conformity with paragraphs 2 and 3 above;
7. To enhance effectiveness of this measure, CCMs are encouraged to communicate with and, if appropriate, work with the concerned IATTC contracting parties bilaterally.
8. The provisions of paragraph 2 shall not prejudice the legitimate rights and obligations under international law of those small island developing State Members and participating territories in the Convention Area whose current fishing activity for Pacific bluefin tuna is limited, but that have a real interest in fishing for the species, that may wish to develop their own fisheries for Pacific bluefin tuna in the future.
9. The provisions of paragraph 8 shall not provide a basis for an increase in fishing effort by fishing vessels owned or operated by interests outside such developing coastal State, particularly Small Island developing State Members or participating territories, unless such fishing is conducted in support of efforts by such Members and territories to develop their own domestic fisheries.

## NC7 Summary Report Excerpt

Excerpted from the Summary Report of the Seventh regular session of Northern Committee Western and Central Pacific Fisheries Commission, 6-9 September 2011, Sapporo Japan, pp. 2-5.

### 2.3.1 Pacific bluefin tuna (CMM-2010-04)

9. The NC reviewed the CCM's implementation of CMM 2010-04, which requires members to report on their implementation of this CMM.

10. The Philippines recalled that past research had indicated catches of PBF in Philippine waters but better data collection is needed to confirm whether any catches are currently occurring. They plan to implement measures to prevent the catch of juvenile PBF.

11. Canada stated that it did not submit a report because it had no recorded catch of PBF in 2010.

12. Japan introduced DP02 on its implementation of CMM 2010-04. Japan highlighted that it introduced (i) a catch limit for juvenile PBF and a voluntary catch limit for adult PBF by purse seine fishery, (ii) an administrative guidance not to increase the number of licenses of set-nets for PBF, (iii) a vessel registration system and mandatory reporting for artisanal fishery operating in the Sea of Japan and Eastern China Sea and (iv) a registration system and mandatory reporting of all PBF aquaculture sites. It explained that more than 5000 artisanal vessels were registered (almost same number of active vessels in WCPFC vessel registration) and this registration is scheduled to expand to vessels operating in pacific coast next year. It also explained the enhanced data collection of PBF import from Korea as well as Mexico. Further, Japan reported on the cooperation with IATTC members, noting that IATTC failed to agree a measure at this year's annual meeting.

13. Korea presented DP-03. It introduced that Korea enacted a Ministerial Directive which aims to initiate, as a first step, monitoring and managing the PBF fisheries in Korean waters, including prohibition of commercial catch of the juvenile PBF that is less than 20 kg. Korea explained that the directive has been established through series of domestic process and effective since May 26, 2011. Regarding the DP01, Korea appreciated Japanese effort for the provision of the statistics and analysis on the Korean PBF catch and expressed its different view on the use of the term "disguised exportation" in DP-01 in reference to PBF exported to Japan labeled as "skipjack." They explained that it might be the result of misidentification by fishermen and the fishery cooperative that handled the landed fish.

14. Japan presented DP-01 (Preliminary Analysis of Pacific Bluefin Tuna Import from Korea in 2011) and concluded that the PBF catch by Korea is not substantially lower than last year, although the new Korean directive came into force only in late May. They also stated that they could use a different term than "disguised exportation" in response to Korean concern. However, they noted that even if the fishermen were unable to identify the fish correctly, the exporter should be able to distinguish between the two species. This leads Japan to wonder whether this was merely a matter of misidentification.

15. In response to a question, Korea confirmed that they considered PBF weighing less than 20 kg as juveniles. The Chair consulted the ISC PBF Working Group Chair who stated that PBF weighs 25-30 kg around May or June of the third year (age-3). This indicates that fish weighing less than 30 kg should be considered juveniles.

16. Korea further noted that the prohibition of the juvenile PBF catch has the following exemptions: 1) The catch under scientific research, 2) The catch for the purpose of stock enhancement, 3) The catch

for fry for the aquaculture, and 4) incidental catch by other than large purse seiners. Korea also noted that the catches under research can be used commercially after the completion of the study on the catches. The study includes collection of the catch data by reporting from the permitted vessels before selling by the weight and number of PBF and by fishing gears, except for the PBF that is less than 20kg, whose data are recorded by boxes.

17. Chinese Taipei asked if Korean vessels also catch PBF outside their EEZ. Korea explained that the Ministerial Directive only applies to fisheries inside the EEZ.

18. The US presented DP-04, which states that the US does not have any vessels fishing for PBF. The NC Chair asked about PBF catch in Hawaiian waters, which are in the Convention Area. The U.S. noted small quantities are caught incidentally in the Hawaii longline fishery.

19. Chinese Taipei reviewed their report, distributed as DP-06, which explained that it set the limit for the number of longline vessels fishing for PBF and that it introduced Catch Documentation Scheme for the species.

20. The NC Chair asked what measures have been implemented to control juvenile catch. Chinese Taipei responded that their fisheries don't catch juveniles so they have not yet implemented management measures. The Chair then asked about how incidental catches are handled under the limited entry system. Chinese Taipei said a longline vessel that catches PBF without proper authorization would be sanctioned.

21. The Philippines presented DP-05. The Chair asked about the location of the closed area established on Tubbataha Reef and its effect on tuna conservation. The Philippines explained its location and noted that it is an important spawning and rearing area for a variety of tuna species, although more research will be needed to determine whether it is an area important to PBF.

## **Discussion**

22. The U.S. complemented Japan and Korea on their efforts to implement CMM 2010-04 domestically and suggested that in a future measure the Committee should remove exemptions for artisanal fisheries and for Korea.

23. Japan stated that the artisanal fishery exemption should, at some point, be reviewed, but stressed that there are a very large number of artisanal vessels, likely in excess of 10,000, whose actual catch of each vessel is very small. This presents logistical difficulties in removing the exemption at this stage.

24. Vanuatu noted they have not recorded any PBF catch but their fisheries are monitored and they will report any catches. In this regard, Vanuatu requested other countries to inform them if they record imports of PBF from Vanuatu.

25. Korea responded to Japan's question by noting that purse seine catches of juvenile PBF (<20 kg) are exempted under the research program and that even though it is research catch it may still be exported. Regarding the Japanese concern, Korea stated that it is easier to identify PBF in the market, especially in the Japanese auction market, than in the local market place. Also they noted that there are various circumstances, including difficulties in species identification of juvenile tunas and quick processes of the trade on the fresh fish that may lead to misidentification of PBF and suggested the need for more cooperation between exporting and importing countries.

26. The Chair asked for further explanation of Korea's regulations for high seas catch of PBF. Korea responded that currently there is no information on purse seine vessels' PBF catch outside the Korean

EEZ.

27. The Chair asked Korea what types of activities are called research under Ministerial Directive. Korea responded that before the Directive was established there was no regulation of PBF fishing; After the Directive came into force anyone wishing to catch PBF has to have permission to catch it and the permission and reporting of the catch is under the auspices of their research program, which collects data relevant to PBF management. All fishermen, including the large purse seine vessels, are allowed to participate in the research program.

28. The Chair sought confirmation that under the research program fishermen only have to report catch and then they are exempted from any further limits on catch. Korea confirmed this situation. Japan asked if it is correct that after the introduction of the Directive the activity by purse seine fleet has not actually changed but rather is now renamed from commercial operation to research activity. Korea said that it is an accurate characterization of their management program and further stated that this is a remarkable turning point towards the monitoring and managing the PBF fisheries in Korea where there has not been any regulations on the PBF fishing.

29. Korea and Japan expressed their intention to strengthen cooperation on monitoring of PBF import-export. Japan asked Korea to establish more effective methods for regulating PBF fisheries by 2012 when CMM 2010-04 will be revised.

30. Korea said that it is their intention to comply with CMM 2010-04 and once complete the research programme they will be in full compliance with the measure. Japan noted that Korea described a 5-year research program while the CMM is due to be revised next year. Korea responded that even before completion of the 5-year research program they could accept the obligation at the same level as other members under the current CMM when sufficient data and information are secured, hopefully next year. They added that 2011 is the second year of 5-year programme.

## INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

**PROPOSAL IATTC-82-01****SUBMITTED BY JAPAN, CANADA, CHINA, CHINESE TAIPEI, KOREA,  
AND THE UNITED STATES****DRAFT RESOLUTION ON THE CONSERVATION AND MANAGEMENT  
MEASURE OF PACIFIC BLUEFIN TUNA IN THE EASTERN PACIFIC  
OCEAN**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Recognizing* the recommendations of the IATTC staff at the 81st and 82<sup>nd</sup> meetings of IATTC that the annual catches of Pacific bluefin tuna in the Convention Area by the commercial vessels of each member shall not exceed the average annual level of such catches during 1994-2007;

*Aware* that the WCPFC at its 7<sup>th</sup> Regular Session adopted Conservation and Management Measure for Pacific bluefin tuna (CMM2010-04) based on the conservation advice of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), which includes measures to reduce catches of juveniles (age 0-3) below the 2002-2004 levels;

*Recognizing* that Pacific bluefin tuna migrate throughout the North Pacific Ocean, for which conservation and management measures should be introduced in the entire North Pacific Ocean in a timely and consistent manner; and

*Recalling* that paragraph 1, Article XXIV of the Antigua Convention requires cooperation between the IATTC and other organizations including the WCPFC with the goal of promoting the achievement of the objective of this Convention, obtaining the best available scientific information;

Resolves as follows:

1. Members of the Commission and cooperating non-Members (hereinafter called "CPCs") shall take measures necessary to ensure that their average annual catches during the period of 2012-2013 of Pacific bluefin tuna in the Convention Area by their-flagged commercial vessels is below their average annual catch during the period '1994-2007.'
2. CPCs shall take measures necessary to prohibit the sale of Pacific bluefin tuna caught by recreational vessels.
3. The Commission shall review this resolution at its 2013 meeting based on recommendations from the 4<sup>th</sup> meeting of the Scientific Advisory Committee and the new ISC stock assessment for Pacific bluefin tuna and take appropriate actions.
4. CPCs shall also take measures necessary to strengthen data collecting systems for Pacific bluefin tuna fisheries in order to improve the data quality and timeliness of all the data reporting.

5. CPCs shall report to the Director by 30 April 2012 and 2013 measures they used to implement paragraphs 1 and 2 of this Resolution.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON  
CONSIDERATION PACIFIC BLUEFIN TUNA OVERFISHING STATUS

The U.S. northern Pacific bluefin tuna fishery is not large enough to significantly impact recovery of the bluefin tuna stock. At this time, the Highly Migratory Species Advisory Subpanel (HMSAS) does not see any need for domestic regulations to be promulgated for the northern Pacific bluefin tuna commercial and recreational fishery. Until international measures are negotiated, it is difficult to recommend specific recommendations. However as advice to our U.S. delegation, the HMSAS recommends the following considerations:

- The basis of the problem is the increase of the harvest of juvenile age classes of bluefin in the western Pacific.
- Since 1990, the U.S. Pacific bluefin fishery has been opportunistic, and landings have varied from a low of 60 tons (2004) to a high of 4749 tons (1996). For the last decade, the U.S. has not been a factor in overfishing the North Pacific bluefin stock.
- More information is needed on the size (age, length, weight) and sex of bluefin tuna in the sectors of the fishery.
- A major portion of the recreational fishery traditionally operates off the Mexican coast and the U.S. recreational fleet needs to maintain that opportunity. Therefore, it is important to continue to work on the cooperative relationship concerning the management of tuna stocks with Mexico.

## HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON CONSIDERATION OF BLUEFIN TUNA OVERFISHING STATUS

The Highly Migratory Species Management Team (HMSMT) considered information on the status of Pacific bluefin tuna, and then discussed current and potential future management measures the Council could take to address Pacific bluefin tuna overfishing. The Council is specifically required to develop recommendations for domestic regulations to address the relative impact of United States vessels on the stock (Magnuson-Stevens Act [MSA] Section 304(i)(2)(A)) and to submit recommendations to the Secretary of State and Congress for international actions to end overfishing and rebuild the stock (MSA Section 304(i)(2)(B)). As outlined in the Situation Summary, the Council must make any such recommendations by April 7, 2012.

### Domestic Fisheries

The HMSMT suggests recommending no additional domestic management measures to those already in effect for Pacific bluefin tuna. The HMSMT considers the current measures in the HMS fishery management plan, including recreational bag limits and logbook reporting requirements, to adequately address the very low impact of U.S. fisheries on the stock of Pacific bluefin tuna. Based on the most recent catch tables of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), Japan, Mexico, Chinese Taipei and Korea have caught an average of 99 percent of the northern bluefin tuna landings in the Pacific Ocean from 2005-2009. For the past five years (i.e., 2005-2009), U.S. domestic fisheries have accounted for a very small portion (less than 1 percent on average) of the total Pacific northern bluefin tuna catch. Thus, the HMSMT recommends that overfishing be addressed at the international level rather than through unilateral domestic measures that are unlikely to result in any significant conservation benefits to Pacific bluefin tuna. Any proposed measures should consider the annual variability in U.S. catch and effort of bluefin in the eastern Pacific Ocean, to enable the U.S. fleet to target bluefin in years when they are available off the U.S. West Coast.

### International Fisheries

The HMSMT recommends that the Council strongly support the adoption of Pacific bluefin tuna measures in the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC) in 2012. The HMSMT considers reduction of the fishing mortality of juvenile age classes a key step to end overfishing. International measures should reflect the relative impact of fisheries on the stock by age.

Currently, the WCPFC has a Pacific bluefin tuna conservation and management measure in place (i.e., Conservation and Management Measure [CMM] 2010-04) to limit fishing effort in 2011-2012 to the 2002-2004 levels and to limit the catch of juveniles (age 0-3) to below the 2002-2004 levels. The measure currently includes an exemption for artisanal fisheries and Korea. As this measure expires at the end of 2012, the HMSMT recommends the Council strongly support adoption of a replacement measure at the 2012 WCPFC meeting, including removing the

exemptions for artisanal fisheries and Korea if they are not well-justified. The HMSMT could provide more detailed recommendations on potential management measures at upcoming 2012 Council meetings, after the next bluefin stock assessment is complete and WCPFC proposed management measures are available to review. The ISC is scheduled to conduct the stock assessment in May 2012, and the ISC plenary will review the stock assessment and provide conservation advice in July 2012.

The HMSMT also encourages the Council to support adoption of IATTC conservation and management measures to reduce fishing mortality on juvenile age classes of Pacific bluefin tuna in the eastern Pacific Ocean. The IATTC considered a bluefin measure in 2011 that was proposed by various members of the IATTC, including the United States, which ultimately was not adopted. The measure would have limited 2012-2013 commercial catch of bluefin tuna in the eastern Pacific Ocean to 1994-2007 levels and would have prohibited the sale of recreational bluefin tuna catch. The HMSMT recommends the Council support similar measures in 2012. The HMSMT could provide detailed recommendations on potential management measures at upcoming 2012 Council meetings, after the next bluefin stock assessment is complete and IATTC proposed management measures are available to review.

PFMC  
11/7/11