

# COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMISSION

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Agenda Item D.2

7 June 2016 Supplemental Attachment 3

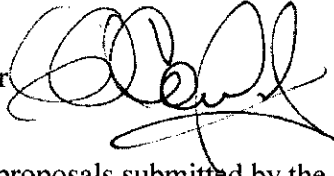
Ref.: 0335-410

June 2016

To: Commissioners

c.c.: Bolivia, Honduras, Indonesia, Liberia

From: Guillermo Compeán, Director



Re: 90<sup>th</sup> meeting of the IATTC – proposals submitted by the United States.

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Please find attached six proposals that have been submitted by the United States for their consideration and discussion by the Commission at its 90<sup>th</sup> meeting.

In compliance with the IATTC Rules of Procedure, these proposals have been “*posted on the Commission website immediately in their original language*”. They will be translated and circulated in Spanish as soon as possible.

**INTER-AMERICAN TROPICAL TUNA COMMISSION**

**90<sup>TH</sup> MEETING**

La Jolla (USA)  
27 June – 1 July 2016

**PROPOSAL IATTC-90 C-5**

**SUBMITTED BY THE UNITED STATES**

**RESOLUTION ON THE MANAGEMENT OF SHARK SPECIES**

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

*NOTING* that sharks are part of the pelagic ecosystems in the IATTC Convention Area and are caught by vessels fishing for tunas and tuna-like species and in fisheries targeting sharks;

*RECALLING* that under the Antigua Convention, “fish stocks covered by this Convention” means stocks of tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention Area, and that under Article VIII, paragraph 1 (c), the Commission shall adopt measures to ensure the long-term conservation and sustainable use of the fish stocks covered by this Convention;

*FURTHER RECALLING* that Article VII, paragraph 1 (f) of the Antigua Convention establishes that the Commission shall adopt, as necessary, conservation and management measures and recommendations for species belonging to the same ecosystem and that are affected by fishing for, or dependent on or associated with, the fish stocks covered by the Convention, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

*RECOGNIZING* that the IATTC Fishery Status Reports show the silky shark (*Carcharhinus falciformis*) and the hammerhead shark (e.g., *Sphyrnida spp.*) as the most frequently caught shark species by purse seine vessels fishing for tuna in the eastern Pacific Ocean,

*FURTHER RECOGNIZING* that the IATTC memorandum (Provision of Data and Reporting Requirements) identifies the silky shark and the hammerhead shark as among the “principle species known to be caught by vessels and gears fishing for species under the purview of the Commission in the Convention Area” (Ref: 0146-410);

*NOTING* commitments that IATTC members have made regarding shark conservation in other IATTC resolutions, including C-11-10 on the conservation of oceanic whitetip sharks and Resolution C-05-03 on the conservation of sharks caught in association with fisheries in the eastern Pacific ocean;

*FURTHER NOTING* the 2016 IATTC Staff Conservation Recommendations for the release of

sharks on purse seine vessels and for prohibiting shark lines on longline vessels;

*Agrees that:*

1. The IATTC scientific staff shall develop a workplan with a timeline to share with the Commission in advance of the 8<sup>th</sup> meeting of the Scientific Advisory Committee for completing full stock assessments for the silky shark (*Carcharhinus falciformis*) and the hammerhead shark (e.g., *Sphyrnida lewini* and *Sphyrnida zygaena*). The workplan shall clearly identify any data requirements needed to complete the stock assessments for these species and the action plan for meeting the timelines in the workplan.
2. CPCs shall require purse seine vessels flying their flag to follow the release requirements described below for all sharks, except those retained aboard the vessel. Any shark (whether live or dead) caught in the IATTC Convention Area that is not retained must be promptly released unharmed, to the extent practicable, as soon as it is seen in the net, on the hook, or on the deck, without compromising the safety of any persons. If a shark is live when caught, the shark must be released by using the procedures described in the following two paragraphs.
  - a. Large sharks must be brailed out of the net by directly releasing the shark from the brailer into the ocean. Large sharks that cannot be released without compromising the safety of persons or the sharks before being landed on deck, must be returned to the water as soon as possible, either utilizing a ramp from the deck connecting to an opening on the side of the boat, or through escape hatches. If ramps or escape hatches are not available, the sharks must be lowered with a sling or net, using a crane if available.
  - b. The use of gaffs, hooks, or similar instruments are prohibited for the handling of sharks. No shark may be lifted by the head, tail, gill slits, spiracles, or by using bind wire against or inserted through the body, and no holes may be punched through the bodies of sharks (e.g., to pass a cable through for lifting the shark). In addition, no shark (e.g., whale shark (*Rhincodon typus*)) may be towed out of a purse seine net, e.g., using towing ropes.
3. CPCs shall prohibit longline vessels flying their flag and targeting tuna or swordfish in the Convention Area from using branch lines running directly off the longline floats or drop lines, known as “shark lines,” that are used to target sharks.
4. This Resolution shall be effective January 1, 2018.

# **INTER-AMERICAN TROPICAL TUNA COMMISSION**

## **90<sup>TH</sup> MEETING**

**La Jolla, California (USA)**

**27 June- 1 July 2016**

### **PROPOSAL IATTC-90 F-1**

#### **SUBMITTED BY THE UNITED STATES**

### **MEASURES FOR THE CONSERVATION AND MANAGEMENT OF PACIFIC BLUEFIN TUNA IN THE EASTERN PACIFIC OCEAN, 2017-2018**

*The Inter-American Tropical Tuna Commission (IATTC) gathered in La Jolla, California (USA), on the occasion of its 90th Meeting:*

*Taking into account that the stock of Pacific bluefin tuna is caught in both the Western and Central Pacific Ocean (WCPO) and the Eastern Pacific Ocean (EPO);*

*Expressing concern that the latest stock assessment of 2016 by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) shows the following:*

- Although the spawning stock biomass appears to have grown slightly in the last few years, it is smaller than estimated in 2014, in both absolute size and relative to its estimated size in the absence of fishing; and,
- Spawning stock biomass remains near the historic low point;

*Noting that the IATTC Scientific Staff recommends extending the current management measures in C-14-06 an additional two years, as well as conserving not only juveniles, but also the spawning population;*

*Recalling that Article VII, paragraph 1(c) of the Antigua Convention provides that the Commission shall “adopt measures that are based on the best scientific evidence available to ensure the long-term conservation and sustainable use of the fish stocks covered by this Convention and to maintain or restore the populations of harvested species at levels of abundance which can produce the maximum sustainable yield...”;*

*Affirming that it is necessary to adopt compatible management measures throughout the range of the Pacific bluefin tuna resource to contribute to the rebuilding of the stock;*

*Putting on record again that greater than 80% of the impact on the spawning stock biomass of Pacific bluefin tuna results from WCPO fisheries, and urging joint action with the Western and Central Pacific Fisheries Commission (WCPFC) to recover the stock;*

*Urging all IATTC Members and Cooperating non-Members (CPCs) involved in this fishery to participate in a fair and equitable manner, and without exceptions, in the discussion and adoption of conservation measures applicable to the stock throughout its entire range;*

*Mindful that these measures are intended as an interim step towards assuring sustainability of the Pacific bluefin tuna resource, consistent with the precautionary approach, and that future conservation measures*

should be based not only on these interim measures, but also on the development of future scientific information and advice of the ISC and the IATTC scientific staff;

*Noting* that the IATTC has adopted mandatory conservation and management measures for bluefin tuna for 2012-2016, and that the measures resulted in reducing catches in the EPO;

*Recalling* that the Commission has adopted interim limit and target reference points for tropical tunas, but not for Pacific bluefin;

*Noting* that the WCPFC has adopted an initial rebuilding target, and a workplan for the adoption of reference points and decisions rules for Pacific bluefin;

*Recognizing* the need for a basin-wide rebuilding plan for Pacific bluefin and a long-term management framework for the stock and associated fisheries;

*Desirous* that combined conservation and management measures by the WCPFC and the IATTC, together with other voluntary measures aimed at controlling fishing mortality, should be implemented to better the condition of the Pacific bluefin tuna stock;

*Resolves as follows:*

#### Long-term Management Framework

1. The Commission shall work to develop a rebuilding plan. The Commission shall do so by adopting catch limits and other necessary management measures that, based on information provided by the IATTC Scientific Staff and the ISC, are expected to achieve the rebuilding plan. Implementation and progress of this plan shall be reviewed at least every two years, and catch limits and other management measures shall be modified, if necessary, based on the review.
2. As part of the future rebuilding plan, no later than the IATTC meeting in 2017, the Commission, with advice from the IATTC Scientific staff and SAC, shall develop candidate long-term management objectives and limit reference points for Pacific bluefin tuna. No later than the IATTC meeting in 2018, the Commission shall select long-term management objectives, and one or more limit reference points, and a list of candidate harvest control rules. The Commission shall select a harvest control rule consistent with a rebuilding plan adopted at the earliest possible date.
3. The Commission should also adopt one or more target reference points for Pacific bluefin tuna at the earliest possible date.
4. The decisions made in respect to Paragraphs 1, 2, and 3 shall be designed so as to conserve and recover the Pacific bluefin tuna stock, and, to the extent feasible, be comparable to those made by the WCPFC. This cooperative process should be informed by the joint IATTC/WCPFC meeting to be held in 2016. Additionally, the decisions made with respect to Paragraphs 1, 2, and 3 shall be evaluated when new stock assessment or management strategy evaluation results become available.
5. To enhance the effectiveness of this resolution and Pacific-wide progress towards rebuilding the Pacific bluefin tuna stock, CPCs are encouraged to coordinate with the concerned WCPFC members bilaterally. Additionally, the IATTC shall coordinate with the WCPFC to reduce catch in regions where Pacific bluefin tuna are known to spawn.
6. CPCs shall continue to cooperate to establish a catch documentation scheme for Pacific bluefin tuna that is, if possible, electronic.

#### Catch Limits and Reporting

7. Each CPC shall report sport fishery catches of Pacific bluefin tuna semi-annually to the Director. CPCs shall continue their current management of sport fisheries.

8. During 2017 and 2018, in the IATTC Convention Area, total commercial catches of Pacific bluefin tuna by all CPCs shall not exceed 6,600 metric tons, for an effective maximum annual catch rate of 3,300 metric tons per year by all CPCs combined. No CPC shall exceed 3,500 metric tons in 2017.
9. Any CPC other than Mexico with historical commercial catches of Pacific bluefin in the Convention Area may catch 600 metric tons of Pacific bluefin in 2017 and 2018, combined. This catch (i.e., 600 metric tons) is included within the catch referenced in paragraph 8.
10. The limits described in paragraphs 8 and 9 apply to Pacific bluefin tuna of all sizes, not only to fish of less than 30 kg.
11. CPCs shall take the necessary measures to ensure that the catch limits specified in paragraphs 8 and 9 are not exceeded in 2017 and 2018.
12. CPCs shall report to the Director when their catch has reached 80%, 90%, and 100% of the limits specified in paragraphs 8 and 9.
13. At the 2017 annual meeting, the Commission shall evaluate the effectiveness of this resolution taking into consideration the results of the ISC's 2016 Pacific bluefin tuna stock assessment, and conservation and management measures for Pacific bluefin tuna adopted by the WCPFC.

# **INTER-AMERICAN TROPICAL TUNA COMMISSION**

## **90<sup>TH</sup> MEETING**

**La Jolla, California (U.S.A.)**

**27 June – 1 July 2016**

### **PROPOSAL IATTC-90 G-1**

#### **SUBMITTED BY THE UNITED STATES**

## **MULTIANNUAL PROGRAM FOR THE CONSERVATION OF TUNA IN THE EASTERN PACIFIC OCEAN DURING 2017-2019**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (U.S.A.), on the occasion of its 90<sup>th</sup> Meeting:

*Aware* of its responsibility for the scientific study of the tunas and tuna-like species in its Convention Area and for formulating recommendations to its Members and Cooperating non-Members (CPCs) with regard to these resources;

*Recognizing* that the potential production from the resource can be reduced if fishing effort is excessive;

*Aware* that the capacity of the purse-seine fleets fishing for tunas in the Convention Area continues to increase;

*Taking into account* the best scientific information available, reflected in the IATTC staff's recommendations, and the precautionary approach;

*Understanding* that those recommendations acknowledge that purse seine capacity has increased by 10 percent since 2014 and include increasing the closure days for large purse-seine vessels to maintain the populations at levels of abundance which can produce the maximum sustainable yield;

*Recognizing* the importance of conservation measures taken by the Western and Central Pacific Fisheries Commission (WCPFC) for the tuna stocks in that region and the stocks of highly migratory tunas in the Pacific Ocean;

**Agrees:**

To apply in the Convention Area the conservation and management measures for yellowfin and bigeye tuna set out below, and requests that the staff of the IATTC monitor the fishing activities of the respective CPC's flag vessels relative to this commitment, and report on such activities at the next meeting of the Commission;

1. These measures are applicable in the years 2017-2019 to all CPCs' purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all their longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the Convention Area.
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less) are not subject to these measures.
3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of 62 days in 2017, 62 days in 2018, and 62 days in 2019. These closures shall be effected in one of two periods in each year as follows:  
2017 – 29 July to 28 September, or from 18 November to 18 January 2018.  
2018 – 29 July to 28 September, or from 18 November to 18 January 2019.

2019 – 29 July to 28 September, or from 18 November to 18 January 2020.

4. Notwithstanding the provisions of paragraph 3, purse-seine vessels of IATTC capacity class 4 (between 182 and 272 metric tons carrying capacity) will be able to make only one single fishing trip of up to 30 days duration during the specified closure periods, provided that any such vessel carries an observer of the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program (AIDCP).
5. The fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 96° and 110°W and between 4°N and 3°S illustrated in Figure 1 shall be closed from 0000 hours on 29 September to 2400 hours on 29 October.

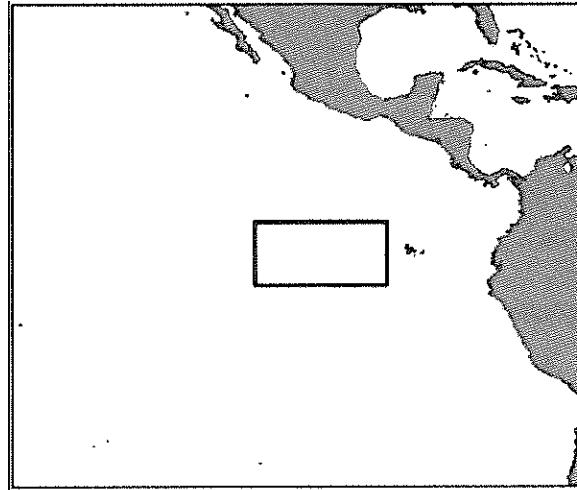


Figure 1. Closure area

6. a. In each one of the years in which these measures are applicable, and for each one of the closure periods, each CPC shall notify the Director, by 15 July, the names of all the purse-seine vessels that will observe each closure period.  
b. Every vessel that fishes during 2017-2019, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the CPC under which it fishes during the year, must observe the closure period to which it was committed.
7. a. Notwithstanding the provision of subparagraph 6a and 6b, a request by a CPC, on behalf of any of its vessels, for an exemption due to *force majeure*<sup>1</sup> rendering said vessel unable to proceed to sea outside said closure period during at least a period equivalent to the closure period prescribed in paragraph 3 above or a vessel that was in port and not fishing for at least 120 consecutive days, shall be sent to the Secretariat.  
b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure* or to being in port and not fishing for at least 120 consecutive days.  
c. The Director shall immediately send the request and the evidence electronically to the other CPCs for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.  
d. The request shall be considered accepted, unless an IATTC Member objects to it formally within 15 calendar days of the receipt of said request, in which case the Director shall immediately notify all CPCs of the objection.  
e. If the request for exemption is accepted,

<sup>1</sup> For the purposes of paragraph 7, only cases of vessels disabled by mechanical and/or structural failure, fire, or explosion shall be considered *force majeure*



- i. the vessel shall observe a reduced closure period of 30 consecutive days in the same year during which the *force majeure* event or at least 120 consecutive days in port and not fishing occurred, in one of the two periods prescribed in paragraph 3, to be immediately notified to the Director by the CPC, or
- ii. in the event said vessel has already observed a closure period prescribed in paragraph 3 in the same year during which the *force majeure* event or at least 120 consecutive days in port and not fishing occurred, it shall observe a reduced closure period of 30 consecutive days the following year, in one of the two periods prescribed in paragraph 3, to be notified to the Director by the CPC no later than 15 July.

This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3.

8. Each CPC shall, for purse-seine fisheries:
  - a. Before the date of entry into force of the closure, take the legal and administrative measures necessary to implement the closure;
  - b. Inform all interested parties in its tuna industry of the closure;
  - c. Inform the Director that these steps have been taken;
  - d. Ensure that at the time a closure period begins, and for the entire duration of that period, all the purse-seine vessels fishing for yellowfin, bigeye, or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, in the Convention Area are in port, except that vessels carrying an observer from the AIDCP On-Board Observer Program may remain at sea, provided they do not fish in the Convention Area. The only other exception to this provision shall be that vessels carrying an observer from the AIDCP On-Board Observer Program may leave port during the closure, provided they do not fish in the Convention Area.
9. China, Japan, Korea, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2017-2019 do not exceed the following levels:

<b>Metric tons</b>	<b>2017-2019</b>
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555

10. For 2018 and 2019, the total annual longline catches of bigeye tuna in the Convention Area shall be adjusted appropriately based on any conservation measures that may be adopted for purse-seine vessels in those years, as ratified or adjusted in accordance with paragraph 19.
11. All other CPCs with historical catch undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2017-2019 do not exceed the greater of 750 metric tons or their respective catches of bigeye tuna in 2001<sup>2,3</sup>. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director for the remainder of that calendar year. For 2018 and 2019, the limits in this paragraph shall remain in effect if the conservation measures for purse-seine vessels are maintained, as ratified or adjusted in accordance with paragraph 19.

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<sup>2</sup> The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the Convention Area.

<sup>3</sup> The Commission acknowledges that Peru, as a coastal State, will develop a tuna longline fleet, which will operate in strict compliance with the rules and provisions of the IATTC and in accordance with the resolutions of the Commission.

12. Overage by a CPC of a bigeye tuna annual catch limit listed in paragraph 9 or 11 shall be deducted from that CPC's annual catch limit the following year.
13. Landings and transshipments of tuna or tuna products that have been positively identified as originating from fishing activities that contravene these measures are prohibited. The Director is requested to provide relevant information to CPCs to assist them in this regard.
14. Each CPC shall submit to the Director, by 15 July of each year, a national report on its updated national compliance scheme and actions taken to implement these measures, including any controls it has imposed on its fleets and any monitoring, control, and compliance measures it has established to ensure compliance with such controls.
15. In order to evaluate progress towards the objectives of these measures, in 2018 and 2019 the IATTC scientific staff will analyze the effects on the stocks of the implementation of these measures, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
16. Subject to the availability of the necessary funding, the Director is requested to continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels that fish on FADs and on unassociated schools, by developing an experimental protocol, including parameters for the materials to be used for the sorting grids, and the methods for their construction, installation, and deployment. The Director shall also specify the methods and format for the collection of scientific data to be used for analysis of the performance of the sorting grids. The foregoing is without prejudice to each CPC carrying out its own experimental programs with sorting grids and presenting its results to the Director.
17. For 2017, renew the program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, with only three minor exceptions that tropical tunas can be discarded when they are:
  - a. considered unfit for human consumption for reasons other than size (i.e. size is not a reason fish are unfit for human consumption and therefore is not a reason for them to be discarded).
  - b. caught in the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.
  - c. When serious malfunction of equipment occurs

At its annual meeting in 2018, the IATTC will review the results of the program, including compliance, and decide whether to continue it.

18. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by the IATTC and WCPFC in their goals and effectiveness, especially in the overlap area, including by frequent consultations with the WCPFC, in order to maintain, and inform their respective members of, a thorough understanding of conservation and management measures directed at bigeye, yellowfin, and other tunas, and the scientific bases and effectiveness of those measures.
19.
  - a. In 2017 the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the IATTC scientific staff, in consultation with the Scientific Advisory Committee, based on such evaluation, the Commission shall adopt conservation and management measures for the sustainable use of tuna and tuna-like species at its meeting in 2017.
  - b. In 2018, the results of these measures shall be evaluated in the context of the results of the stock assessment and of changes in the level of active capacity in the purse seine fleet and, depending on the conclusions reached by the IATTC staff, in consultation with the Scientific Advisory Committee, based on such evaluation, the Commission shall adopt conservation and management measures for the sustainable use of the tunas and tuna-like species at its meeting in 2018.

20. Except in cases of *force majeure* and vessels in port and not fishing for at least 120 consecutive days prescribed in paragraph 7, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 6a, nor with regard to the fishing effort of the purse-seine fleets of the respective CPCs.

# INTER-AMERICAN TROPICAL TUNA COMMISSION

## 90<sup>TH</sup> MEETING

La Jolla (USA)  
27 June – 1 July 2016

### PROPOSAL IATTC-90 H-1

### SUBMITTED BY THE UNITED STATES

## RESOLUTION ON BOARDING AND INSPECTION PROCEDURES

### EXPLANATORY MEMORANDUM

**Rationale:** The Commission relies upon a number of monitoring, control, and surveillance activities to effectively manage fishing vessels in the Convention Area. High Seas Boarding and Inspection (HSBI) schemes are recognized as playing a critical role in ensuring effective enforcement of RFMO resolutions, a level playing field for participants, and sustainable fishing practices. Ensuring compliance with IATTC resolutions and recommendations is essential for the effective functioning of the Commission. The Commission has the opportunity to build upon the precedents and best practices set by other RFMOs that have established HSBI schemes.

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

*Recalling* that Article VIII of the Antigua Convention provides that the Commission shall promote the application of any relevant provision of the Code of Conduct and of other relevant international instruments including, *inter alia*, the International Plans of Action (IPOAs) adopted by the FAO in the framework of the Code of Conduct;

*Recognizing* that paragraph 28.7, among others, of the FAO IPOA to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing provides that States should cooperate in monitoring, control and surveillance, including through international agreements;

*Further Recognizing* paragraph 80.8 in the FAO IPOA IUU, described above, pertains to Regional Fisheries Management Organizations (RFMOs) and recommends that States consider the development within an RFMO, where appropriate, of boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and inspection officers;

*Taking into account* that IUU fishing activities in the Convention Area undermine the effectiveness of IATTC resolutions, and high seas boarding and inspection programs have been recognized by the international community as an important tool for combating IUU fishing;

*Committed* to a level playing field for IATTC Members and Cooperating Non-Members and sustainable fishing practices in the eastern Pacific Ocean;

*Considering* that other regional tuna fisheries organizations and other regional fisheries

management organizations in the Pacific have adopted High Seas Boarding and Inspection schemes, the Commission has the opportunity to build on these efforts;

*Further considering* that two RFMOs that have overlapping Convention Areas with IATTC, the Western and Central Pacific Fisheries Commission (WCPFC) and South Pacific Regional Fisheries Management Organization (SPRFMO), have High Seas Boarding and Inspection schemes;

*Understanding* that consistency between the WCPFC and the IATTC is useful for measures such as High Seas Boarding and Inspection, and that this Resolution strives for consistency with the WCPFC Conservation and Management Measure 2006-08;

*Agrees that:*

## **DEFINITIONS**

1. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
  - a. “Convention” means the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission, and the Convention for the Strengthening of the IATTC Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention).
  - b. “Commission” means the Commission established by the Convention, commonly known as the Inter-American Tropical Tuna Commission (IATTC);
  - c. “Member” means a member of the Commission as defined in Articles I (para. 7) and XXXI (para. 5). With regard to fishing entities that are Members of the Commission, paragraph 5 of this resolution shall apply.
  - d. “Party” means High Contracting Party to the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission, and Party to the Antigua Convention.
  - e. “Authorities of the Inspection Vessel” means the authorities of the Member of the Commission under whose jurisdiction the inspection vessel is operating;
  - f. “Authorities of the Fishing Vessel” means the authorities of the Member of the Commission under whose jurisdiction the fishing vessel is operating;
  - g. “Authorized inspection vessel” means any vessel included in the Commission Register as authorized to engage in boarding and inspection activities pursuant to these procedures;
  - h. “Authorized inspector” means inspectors employed by the authorities responsible for boarding and inspection included in the Commission Register and authorized to conduct boarding and inspection activities pursuant to these procedures.

## **PURPOSE**

2. Boarding and inspection and related activities conducted pursuant to these procedures shall be for the purpose of ensuring compliance with the provisions of the Convention and any resolution adopted by the Commission and in force.

## **AREA OF APPLICATION**

3. These procedures shall apply on the high seas within the Convention Area.

## **GENERAL RIGHTS AND OBLIGATIONS**

4. Each Member of the Commission may, subject to the provisions of these procedures, carry out boarding and inspection on the high seas of fishing vessels engaged in or reported to have engaged in a fishery regulated pursuant to the Convention.
5. Unless otherwise decided by the Commission, these procedures shall also apply in their entirety as between a Party and a Fishing Entity that is a Member of the Commission, subject to a notification to that effect to the Commission from the Party concerned.
6. Each Member of the Commission shall ensure that vessels flying its flag accept boarding and inspection by authorized inspectors in accordance with these procedures. Such authorized inspectors shall comply with these procedures in the conduct of any such activities.

## **GENERAL PRINCIPLES**

7. These procedures shall be implemented in a transparent and non-discriminatory manner, taking into account, *inter alia*:
  - a. such factors as the presence of observers on board a vessel and the frequency and results of past inspections; and
  - b. the full range of measures to monitor compliance with the provisions of the Convention and agreed resolutions, including inspection activities carried out by the authorities of Members of the Commission in respect of their own flag vessels.
8. While not limiting efforts to ensure compliance by all vessels, priority for boarding and inspection efforts pursuant to these procedures may be given to:
  - a. fishing vessels that are not on the IATTC Regional Vessel Register;
  - b. fishing vessels reasonably believed to engage or to have been engaged in any activity in contravention of the Convention or any IATTC resolution adopted thereunder;

- c. fishing vessels whose flag Member does not dispatch patrol vessels to the area of application to monitor its own fishing vessels;
- d. fishing vessels without observers on board;
- e. large-scale tuna fishing vessels;
- f. fishing vessels with a known history of violating any conservation and management measure adopted by international agreement or any country's national laws and regulations.

9. The Commission shall keep the implementation of these procedures under review.

## **PARTICIPATION**

10. The Commission shall maintain a register of all authorized inspection vessels and authorities or inspectors. Only vessels and authorities or inspectors listed on the Commission's register are authorized under these procedures to board and inspect foreign-flagged fishing vessels on the high seas within the Convention Area.

11. Each Member that intends to carry out boarding and inspection activities pursuant to these procedures shall so notify the Commission, through the Executive Director, and shall provide the following:

- a. with respect to each inspection vessel it assigns to boarding and inspection activities under these procedures:
  - i. details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign and communication capability);
  - ii. notification that the inspection vessel is clearly marked and identifiable as being on government service;
  - iii. notification that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.
- b. with respect to inspectors it assigns pursuant to these procedures:
  - i. the names of the authorities responsible for boarding and inspection;
  - ii. notification that such authorities' inspectors are fully familiar with the fishing activities to be inspected and the provisions of the Convention and resolutions in force; and

- iii. notification that such authorities' inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.
12. Where military vessels are used as a platform for the conduct of boarding and inspection, the authorities of the inspection vessel shall ensure that the boarding and inspection is carried out by inspectors fully trained in fisheries enforcement procedures, or duly authorized for this purpose under national laws, and that such inspectors meet the requirements established in these procedures.
  13. Authorized inspection vessels and inspectors notified by Members of the Commission pursuant to paragraph 11 shall be included on the Commission Register once the Executive Director confirms that they meet the requirements of that paragraph.
  14. To enhance the effectiveness of the Commission's boarding and inspection procedures, and to maximize the use of trained inspectors, Members of the Commission may identify opportunities to place authorized inspectors on inspection vessels of another Member of the Commission. Where appropriate, Members of the Commission should seek to conclude bilateral arrangements to this end or otherwise facilitate communication and coordination between them for the purpose of implementing these procedures.
  15. The Executive Director shall ensure that the register of authorized inspection vessels and authorities or inspectors is at all times available to all Members of the Commission and shall immediately circulate any changes therein. Updated lists shall be posted on the Commission website. Each Member of the Commission shall take necessary measures to ensure that these lists are circulated to each of its fishing vessels operating in the Convention Area.

## **PROCEDURES**

16. Authorized inspection vessels shall fly, in clearly visible fashion, the IATTC inspection flag as designed by the Commission.
17. Authorized inspectors shall carry an identity card approved by appropriate authorities of the inspection vessel identifying the inspector as authorized to carry out boarding and inspection procedures under the auspices of the Commission and in accordance with these procedures.
18. An authorized inspection vessel that intends to board and inspect a fishing vessel on the high seas that is engaged in or reported to have engaged in a fishery regulated pursuant to the Convention shall, prior to initiating the boarding and inspection:
  - a. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;



- b. provide the information to identify itself as an authorized inspection vessel - name, registration number, international radio call sign and contact frequency;
  - c. communicate to the master of the vessel its intention to board and inspect the vessel under the authority of the Commission and pursuant to these procedures; and
  - d. initiate notice through the authorities of the inspection vessel of the boarding and inspection to the authorities of the fishing vessel.
19. In carrying out boarding and inspection pursuant to these procedures, the authorized inspection vessel and authorized inspectors shall make their best efforts to communicate with the master of the fishing vessels in a language that the master can understand. If necessary to facilitate communications between the inspectors and the master of the vessel, the inspectors shall use the relevant part of the standardized multi-language questionnaire to be prepared by the Secretariat and circulated to all Members of the Commission with authorized inspection vessels.
20. Authorized inspectors shall have the authority to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the resolutions in force pursuant to the Convention.
21. Boarding and inspection pursuant to these procedures shall:
- a. be carried out in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of fishing vessels and crews;
  - b. be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the fishing vessel;
  - c. take reasonable care to avoid action that would adversely affect the quality of the catch; and
  - d. not be conducted in such manner as to constitute harassment of a fishing vessel, its officers or crew.
22. In the conduct of a boarding and inspection, the authorized inspectors shall:
- a. present their identity card to the master of the vessel and a copy of the text of the relevant measures in force pursuant to the Convention in the relevant area of the high seas;
  - b. not interfere with the master's ability to communicate with the authorities of the fishing vessel;
  - c. complete the inspection of the vessel within 4 (four) hours unless evidence of a serious violation, as defined in paragraph 35 below, is found;

- d. collect and clearly document any evidence they believe indicates a violation of measures in force pursuant to the Convention;
  - e. provide to the master prior to leaving the vessel a copy of an interim report on the boarding and inspection including any objection or statement which the master wishes to include in the report;
  - f. promptly leave the vessel following completion of the inspection; and
  - g. provide a full report on the boarding and inspection to the authorities of the fishing vessel, pursuant to paragraph 28, which shall also include any master's statement.
23. During the conduct of a boarding and inspection, the master of the fishing vessel shall:
- a. follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorized inspection vessels and inspectors;
  - b. accept and facilitate prompt and safe boarding by the authorized inspectors;
  - c. cooperate with and assist in the inspection of the vessel pursuant to these procedures;
  - d. not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties;
  - e. allow the inspectors to communicate with the crew of the inspection vessel, the authorities of the inspection vessel, as well as with the authorities of the fishing vessel being inspected;
  - f. provide them with reasonable facilities, including, where appropriate, food and accommodation; and
  - g. facilitate safe disembarkation by the inspectors.
24. If the master of a fishing vessel refuses to allow an authorized inspector to carry out a boarding and inspection in accordance with these procedures, such master shall offer an explanation of the reason for such refusal. The authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel, as well as the Commission, of the master's refusal and any explanation.
25. The authorities of the fishing vessel, unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, shall direct the master to accept the boarding and inspection. If the master does not comply with such direction, the Member shall suspend the vessel's authorization to

fish and order the vessel to return immediately to port. The Member shall immediately notify the authorities of the inspection vessel and the Commission of the action it has taken in these circumstances.

## **USE OF FORCE**

26. The use of force shall be avoided except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances. Nothing in this paragraph shall inhibit the right of self-defense of inspectors in accordance with the applicable laws and policies of Members.
27. Any incident involving the use of force shall be immediately reported to the authorities of the fishing vessel, as well as to the Commission.

## **INSPECTION REPORTS**

28. Authorized inspectors shall prepare a full report on each boarding and inspection they carry out pursuant to these procedures in accordance with a format that may be specified by the Commission. The authorities of the inspection vessel from which the boarding and inspection was carried out shall transmit a copy of the boarding and inspection report to the authorities of the fishing vessel being inspected, as well as the Commission, within 3 (three) full working days of the completion of the boarding and inspection. Where it is not possible for the authorities of the inspection vessel to provide such report to the authorities of the fishing vessel within this timeframe, the authorities of the inspection vessel shall inform the authorities of the fishing vessel and shall specify the time period within which the report will be provided.
29. Such report shall include the names and authority of the inspectors and clearly identify any observed activity or condition that the authorized inspectors believe to be a violation of the Convention or resolutions in force and indicate the nature of specific factual evidence of such violation.

## **SERIOUS VIOLATIONS**

30. In the case of any boarding and inspection of a fishing vessel during which the authorized inspectors observe an activity or condition that would constitute a serious violation, as defined in paragraph 35, the authorities of the inspection vessels shall immediately notify the authorities of the fishing vessel, directly as well as through the Commission.
31. Upon receipt of a notification under paragraph 30, the authorities of the fishing vessels shall without delay:
  - a. assume their obligation to investigate and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the

authorities of the inspection vessel, as well as the Commission; or

- b. authorize the authorities of the inspection vessel to complete investigation of the possible violation and so notify the Commission.
32. In the case of 31(a) above, the authorities of the inspection vessel shall provide, as soon as practicable, the specific evidence collected by the authorized inspectors to the authorities of the fishing vessel.
  33. In the case of 31(b) above, the authorities of the inspection vessel shall provide the specific evidence collected by the authorized inspectors, along with the results of their investigation, to the authorities of the fishing vessel immediately upon completion of the investigation.
  34. Upon receipt of a notification pursuant to paragraph 30, the authorities of the fishing vessel shall make a best effort to respond without delay and in any case no later than within 3 (three) full working days.
  35. For the purposes of these procedures, a serious violation means the following violations of the provisions of the Convention or resolutions adopted by the Commission:
    - a. fishing without a license, permit or authorization issued by the flag Member, in accordance with Resolution C-14-01;
    - b. failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
    - c. fishing in a closed area;
    - d. fishing during a closed season;
    - e. intentional taking or retention of species in contravention of any applicable resolution adopted by the Commission;
    - f. significant violation of catch limits or quotas in force pursuant to the Convention;
    - g. using prohibited fishing gear;
    - h. falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
    - i. concealing, tampering with or disposing of evidence relating to investigation of a violation;
    - j. multiple violations which taken together constitute a serious disregard of measures in force pursuant to the Commission;

- k. refusal to accept a boarding and inspection, other than as provided in paragraphs 24 and 25;
- l. assaulting, resisting, intimidating, sexually harassing, interfering with, or unduly obstructing or delaying an authorized inspector;
- m. intentionally tampering with or disabling the vessel monitoring system; or
- n. such other violations as may be determined by the Commission, once these are included and circulated in a revised version of these procedures.

### **ENFORCEMENT**

- 36. Any evidence obtained as a result of a boarding and inspection pursuant to these procedures with respect to violation by a fishing vessel of the Convention or resolution adopted by the Commission and in force shall be referred to the authorities of the fishing vessel for action in accordance with Article XVIII and Article XIX of the Antigua Convention as well as Resolution C-11-07.
- 37. For the purposes of these procedures, the authorities of the fishing vessels shall regard interference by their fishing vessels, captains or crew with an authorized inspector or an authorized inspection vessel in the same manner as any such interference occurring within its exclusive jurisdiction.

### **ANNUAL REPORTS**

- 38. Members of the Commission that authorize inspection vessels to operate under these procedures shall report annually to the Commission on the boarding and inspections carried out by its authorized inspection vessels, as well as upon possible violations observed. The reports shall be provided to the Commission at least 30 days prior to the IATTC Annual Meeting.
- 39. Members of the Commission shall include in their annual statement of compliance within their Annual Report to the Commission under Resolution C-11-07 of the Convention action that they have taken in response to boarding and inspections of their fishing vessels that resulted in observation of alleged violations, including any proceedings instituted and sanctions applied.

### **OTHER PROVISIONS**

- 40. Authorized inspection vessels, while carrying out activities to implement these procedures, shall engage in surveillance aimed at identifying fishing vessels of non-Members undertaking fishing activities on the high seas in the Convention area. Any such vessels identified shall be immediately reported to the Commission.

41. The authorized inspection vessel shall attempt to inform any fishing vessel identified pursuant to paragraph 40 that it has been sighted or identified as engaging in fishing activities that are undermining the effectiveness of Convention and that this information will be distributed to the Members of the Commission and the flag state of the vessel in question.
42. If warranted, the authorized inspectors may request permission from the fishing vessel and/or the flag state of the vessel to board a vessel identified pursuant to paragraph 40. If the vessel master or the vessel's flag state consents to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Director. The Executive Director shall distribute this information to all Commission Members as well as to the flag State of the fishing vessel.
43. Any claim submitted for damage, injury, death or loss resulting from an operation carried out under these procedures shall be processed and considered by the Member whose official(s) are asserted by the claimant to be responsible for the acts or omissions out of which the claim arises, in accordance with the domestic laws of that Member.

#### **COMMISSION COORDINATION AND OVERSIGHT**

44. Authorized inspection vessels in the same operational area should seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational information relevant to carrying out their responsibilities under these procedures.
45. The Commission shall keep under continuous review the implementation and operation of these procedures, including review of annual reports relating to these procedures provided by Members. In applying these procedures, Members of the Commission may seek to promote optimum use of the authorized inspection vessels and authorized inspectors by:
  - a. identifying priorities by area and/or by fishery for boarding and inspections pursuant to these procedures;
  - b. ensuring that boarding and inspection on the high seas is fully integrated with the other monitoring, compliance and surveillance tools available pursuant to the Convention;
  - c. ensuring non-discriminatory distribution of boarding and inspections on the high seas among fishing vessels of Members of the Commission without compromising the opportunity of Members of the Commission to investigate possible serious violations; and
  - d. taking into account high seas enforcement resources assigned by Members of the Commission to monitor and ensure compliance by their own fishing vessels, particularly for small boat fisheries whose operations extend onto the high seas in areas adjacent to waters under their jurisdiction.

## **SETTLEMENT OF DISAGREEMENTS**

46. In the event of a disagreement concerning the interpretation, application or implementation of these procedures, the parties concerned shall consult in an attempt to resolve the disagreement.
47. If the disagreement remains unresolved following the consultations, the Executive Director of the Commission shall, at the request of the parties concerned, and with the consent of Commission, refer the disagreement to the Committee for the Review of Implementation of Measures Adopted by the Commission (Compliance Committee). The Compliance Committee shall establish a panel of five representatives, acceptable to the parties to the disagreement, to consider the matter.
48. A report on the disagreement shall be drawn up by the panel and forwarded through the Compliance Committee Chair to the Commission within two months of the Compliance Committee meeting at which the case is reviewed.
49. Upon receipt of such report, the Commission may provide appropriate advice with respect to any such disagreement for the consideration of the Members concerned.
50. Application of these provisions for the settlement of disagreements shall be non-binding. These provisions shall not prejudice the rights of any Member to use the dispute settlement procedures provided in the Convention.
51. This Resolution shall enter into force 1 January 2018.

# INTER-AMERICAN TROPICAL TUNA COMMISSION

## 90<sup>TH</sup> MEETING

La Jolla (USA)  
27 June – 1 July 2016

### PROPOSAL IATTC-90 I-1

### SUBMITTED BY THE UNITED STATES

## RESOLUTION ON IMPROVING OBSERVER SAFETY AT SEA

### EXPLANATORY MEMORANDUM

**Rationale:** Observer programs collect data essential to the functions of the Commission and the safety of observers is critical to their ability to perform their duties. There are no established requirements for safety equipment for IATTC observer programs and there is variability in these requirements for the national observer programs. The Western and Central Pacific Fisheries Commission adopted minimum standards to improve observer safety at sea at its meeting in December 2015.

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

*Taking into account* that observers collect data that is essential to the functions of the Commission and that the safety of observers is critical to their ability to perform their duties;

*Recognizing* that longline, purse seine, and transshipment vessels are required to carry observers under resolutions of the IATTC;

*Concerned* that there are no established safety equipment requirements for IATTC observer programs and there is variability in these requirements in the national observer programs;

*Considering* that consistent safety requirements should apply to all observers operating within the legal and institutional framework of the IATTC;

*Agrees that:*

1. All IATTC observer programs including the IATTC Regional Observer Program for transshipment vessels, the national observer programs for longline vessels, and any future observer program required by the IATTC shall ensure that observers will be provided before any



boarding for a trip with (1) an approved independent two-way communication satellite device, and (2) a waterproof personal lifesaving beacon.<sup>1</sup>

2. All IATTC observer programs must have a designated officer or officers responsible for monitoring the signal from the approved independent two-way satellite communication device at all times.
3. All IATTC observer programs must have an established procedure for a designated officer or other authorized persons to initiate contact with the observer, the vessel, and, if necessary, the appropriate enforcement authority of the member or cooperating non-member with jurisdiction over the vessel; this procedure must clearly describe the steps that must be taken in the event of various emergencies.
4. This Resolution shall go into effect January 1, 2018.

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<sup>1</sup> Noting that this may consist of a single device such as “Satellite Emergency Notification Device” or it may be a combination of an independent satellite-based system such as a Satellite phone plus a portable lifesaving beacon.

# INTER-AMERICAN TROPICAL TUNA COMMISSION

## 90<sup>TH</sup> MEETING

La Jolla, USA  
27 June-1 July 2016

### PROPOSAL IATTC-90 J-1

#### SUBMITTED BY THE UNITED STATES

### AMENDMENT TO RESOLUTION C- 11-02 TO MITIGATE THE IMPACT ON SEABIRDS OF FISHING FOR SPECIES COVERED BY THE IATTC

#### EXPLANATORY MEMORANDUM

**Description and Rationale:** Last year, the United States proposed to revise Resolution C-11-02 (*Resolution to mitigate the impact on seabirds of fishing for species covered by the IATTC*) to implement recommendations from IATTC staff arising from the 2014, 2015, and 2016 meetings of the Scientific Advisory Committee. The United States is presenting an updated proposal for consideration at the 90<sup>th</sup> meeting of the IATTC. This document reflects comments received on the U.S. proposal at the 89<sup>th</sup> meeting of the IATTC, as well as incorporates information presented at the 2016 SAC.

Like the 2015 proposal, this one includes a requirement for Southern Areas to use at least two of the following three mitigation methods in combination, line weighting, night setting, and tori lines, generally consistent with current advice from the Agreement on the Conservation of Albatrosses and Petrels (ACAP) regarding seabird mitigation techniques, as described in document SAC-05 INF-E. For the tori line requirement for vessels  $\geq 35$  m total length for the Southern Areas, we now propose a delay in implementing, until January 1, 2018, the requirement to deploy two tori lines. In the Northern Areas, the proposal retains the two column approach to provide for additional options for bycatch mitigation measures and includes blue-dyed bait, side-setting, deep-setting line shooter, night setting with minimum deck lighting, tori lines, weighted branch lines, and management of offal discharge.

Based on new information, the proposal seeks to apply the mitigation measures at least to all areas north of 23°N. The islands in the areas currently excluded from the area of application of seabird bycatch mitigation measures contain breeding colonies of the Laysan albatross, which is known to range widely across the North Pacific, including coastal-to-oceanic (off the continental shelf) waters throughout the California Current, northward to the Aleutian Islands, and the high seas of the eastern north Pacific in general. The eastern north Pacific, north of 23°N, is also an important foraging area for a great many additional species of seabirds that rely on these waters; these include shearwaters, petrels, Black-footed Albatross, and alcids (see SAC-07 INF-C(b)).

Like the 2015 proposal, this one continues to include the following three annexes: (1) an updated map of where measures to reduce seabird bycatch would be required, (2) updated minimum technical specifications for the mitigation measures that are included in the resolution, and (3) supplemental, voluntary guidelines for the design and deployment of tori lines. The specifications, which are mandatory, and the supplemental guidelines are based on ACAP best practice advice.

*The Inter American Tropical Tuna Commission (IATTC), gathered in the United States on the occasion of its 90<sup>th</sup> Meeting:*

*Concerned that some seabird species, notably albatrosses and petrels, are threatened with global extinction;*

*Recognizing* that some threatened and endangered seabird species are found in the eastern Pacific Ocean (EPO);

*Recalling* that tuna Regional Fisheries Management Organizations responsible for other ocean areas have adopted measures to mitigate the accidental bycatch of seabirds in longline fisheries;

*Noting* advice from the Commission for the Conservation of Antarctic Marine Living Resources that together with illegal, unreported and unregulated fishing, the greatest threat to Southern Ocean seabirds is mortality in longline fisheries in waters adjacent to its Convention Area;

*Taking account of* the work of the IATTC, including the IATTC Technical Meeting on Seabirds held on 11 May 2009, that has shown that combining multiple mitigation measures is more effective than using a single measure in reducing bycatch of seabirds;

*Noting* that scientific research into mitigation of seabird bycatch in longline fisheries has shown that the effectiveness of measures depends on the type of vessel, the season, and the species of seabirds present; and

*Noting* that effective mitigation measures can reduce the loss of bait, reduce time required for removing bycaught seabirds, and therefore increase catches;

Agrees that;

1. Commission Members and cooperating non-Members (CPCs) shall, to the greatest extent practical, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds) if they have not already done so.
2. CPCs shall report to the IATTC on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for reducing incidental catches of seabirds in longline fisheries.

*Southern Areas*

3. CPCs shall require their longline vessels<sup>1</sup> when setting longline gear south of 30°S, plus the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S (see Annex 1), to simultaneously use at least two of these three measures: weighted branch lines, night setting and tori lines. Vessels shall follow the technical specifications for these measures provided in Annex 2. Annex 3 provides supplemental guidelines for the design and deployment of tori lines.

*Northern Areas*

4. CPCs shall require their longline vessels<sup>1</sup> of more than 14 meters length overall that use hydraulic, mechanical, or electrical systems to use at least two of the mitigation measures in Table 1 when

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<sup>1</sup> Vessels propelled by outboard motors are not subject to this resolution.

5. setting gear<sup>2</sup>, including at least one from Column A, in the Convention Area north of 23°N. Vessels shall follow the technical specifications for these measures provided in Annex 2. Annex 3 provides supplemental guidelines for the design and deployment of tori lines.

**Table 1: Mitigation measures**

Column A	Column B
Night setting with minimum deck lighting	<i>Tori line</i> <sup>3</sup>
<i>Tori line</i>	Deep-setting line shooter
Weighted branch lines	Management of offal discharge
Side-setting with bird curtains and weighted branch lines <sup>4</sup>	Blue-dyed bait

6. CPCs are encouraged to undertake and support research and trials aimed at developing and refining mitigation methods for longline fisheries in the North Pacific Ocean that are operationally feasible, demonstrated to significantly reduce seabird interactions, and are cost-effective and to share the results of such work with the Commission. The scientific staff of the IATTC, in coordination with the Scientific Advisory Committee (SAC), shall present to the Commission at its 2018 annual meeting recommendations for whether additional best practice measures, including measures that address bycatch during hauling, should be added to Table 1, and whether any of the current measures should be removed.

*Other Areas*

7. CPCs with longline vessels<sup>1</sup> fishing in the EPO, other than the area mentioned in paragraphs 3 and 4, are encouraged to have their vessels employ at least one of the mitigation measures listed in Column A of Table 1 when setting their gear.

*All Areas*

8. CPCs shall inform the IATTC, by August 1, 2017, using a form to be developed by the IATTC Secretariat, which of the mitigation measures they require their vessels to use, as well as the technical specifications for each of those mitigation measures. Each CPC shall report for subsequent years any changes it has made to its required mitigation measures or technical specifications for those measures.

9. CPCs shall annually provide to the IATTC, using a form to be developed by the IATTC Secretariat all available relevant information on interactions with seabirds, or collected by observers, including mitigation used, observed species-specific seabird bycatch rates and numbers, to enable the SAC to estimate seabird mortality in all fisheries managed by the IATTC.

10. CPCs are encouraged to establish national programs to place observers aboard longline vessels flying their flags or fishing in their waters, for the purpose of, *inter alia*, gathering information on the interactions of seabirds with the longline fisheries.

<sup>2</sup> Management of offal discharge is a mitigation measure employed during gear hauling, as well as gear setting, and shall be employed as described in the Annex 2 Technical Specifications.

<sup>3</sup> For the Northern Areas, if tori line is selected from both Column A and Column B this equates to simultaneously using two (i.e., paired) tori lines.

<sup>4</sup> If using side setting with a bird curtain and weighted branch lines from column A this will be counted as two mitigation measures.

11. CPCs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longline fishing operations are released alive and in the best condition possible, and that, whenever possible, hooks are removed without jeopardizing the life of the seabird. Research into the survival of released seabirds is encouraged.

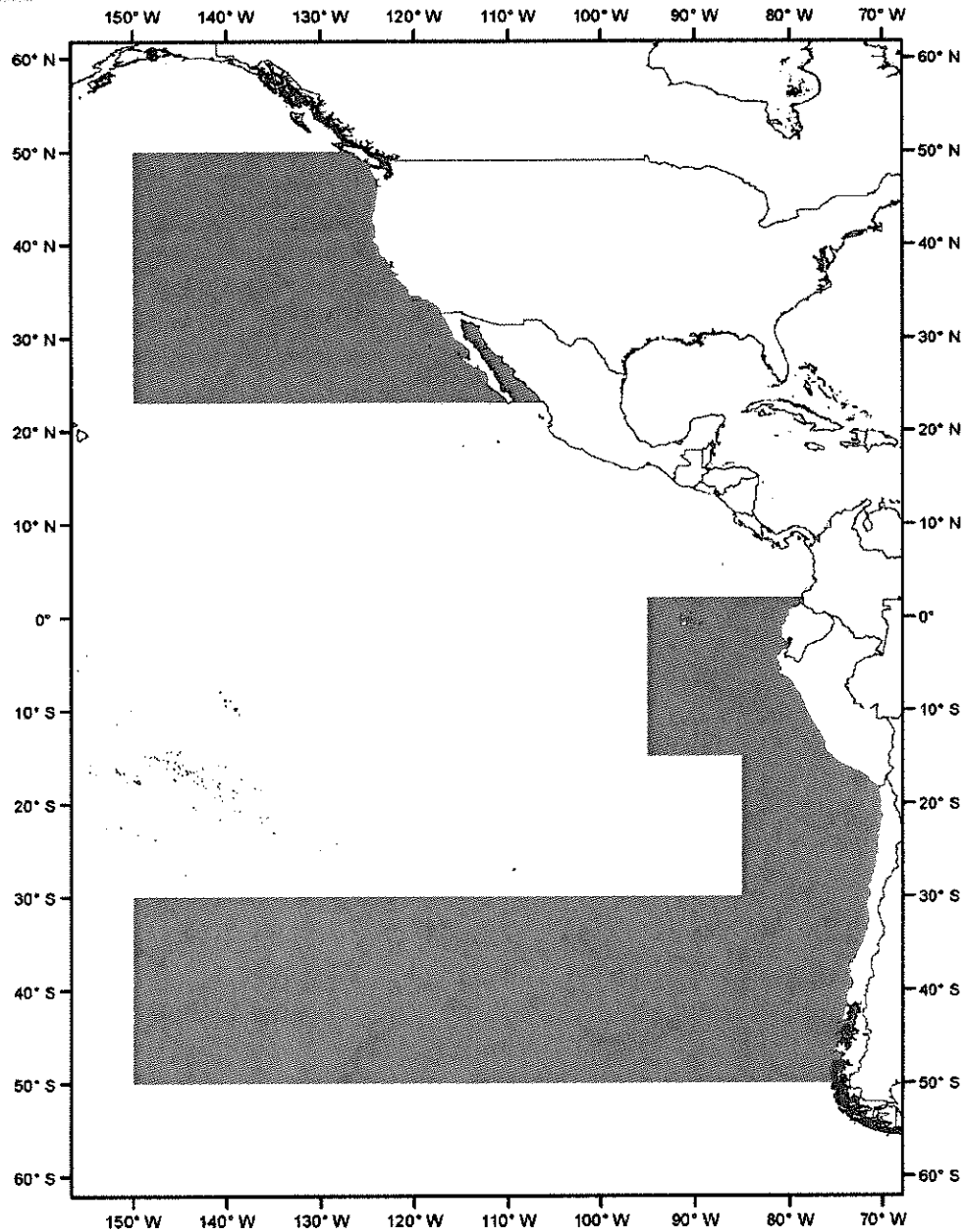
12. CPCs shall implement the provisions of this resolution that differ from those in Resolution C-11-02 no later than August 1, 2017, and until that date, the provisions of C-11-02 shall remain in effect.

13. The effectiveness of this resolution to reduce seabird bycatch in the EPO, including the mitigation measures, the area of application, and the technical specifications adopted pursuant to this resolution, shall be subject to review and possible modification, taking into account the scientific advice from the SAC and the IATTC scientific staff.

14. The SAC will also consider the need to extend this resolution to other fleets operating in the EPO.

15. This resolution replaces IATTC Resolution C-11-02.

**Annex 1**



Areas<sup>5</sup> (shaded) within the EPO in which the use of mitigation measures for reducing seabird bycatch is required as specified in paragraphs 3 and 4: north of 23°N and south of 30°S, plus the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S.

<sup>5</sup> This map is for illustrative purposes only

## **Annex 2**

### **Technical Specifications**

- 1. Night setting**
  - i. No setting between nautical dawn and nautical dusk.
  - ii. Nautical dusk and nautical dawn are defined as set out in the Nautical Almanac tables for relevant latitude, local time and date.
  - iii. Deck lighting is to be kept to a minimum. Minimum deck lighting should not breach minimum standards for safety and navigation.
  
- 2. Weighted branch lines**
  - i. Following minimum weight specifications are required:
    - greater than or equal to a total of 45 grams (g) attached within 1 meter (m) of the hook; or
    - greater than or equal to a total of 60 g attached within 3.5 m of the hook; or
    - greater than or equal to a total of 98 g weight attached within 4 m of the hook.
  
- 3. Tori lines**
  - a. For vessels  $\geq$  35 m total length**
    - i. Vessels shall deploy at least 1 tori line during the entire longline setting to deter birds from approaching the branch line. If vessels only use one tori line, the tori line shall be deployed windward of sinking baits. Without prejudice to subparagraph ii below, the flag State shall encourage vessels to use a second tori line at times of high bird abundance or activity, where practical. If two tori lines are used, they should be deployed simultaneously, one on each side of the line being set, and baited hooks should be deployed within the area bounded by the two tori lines.
    - ii. After January 1, 2018, in the Southern Areas, two tori lines shall be deployed during the entire longline setting. The lines shall be deployed simultaneously, one of each side of the line being set, and baited hooks shall be deployed within the area bounded by the two tori lines.
    - iii. Tori lines with a mix of long and short brightly colored streamers shall be used.
      - a. Long streamers shall be placed at intervals of no more than 5 m, and must be attached to the line with swivels that prevent streamers from wrapping around the line. Long streamers of sufficient length to reach the sea surface in calm conditions must be used.
      - b. Short streamers (greater than 1 m in length) shall be placed no more than 1 m apart.
    - iv. Vessels shall deploy the tori line to achieve a desired aerial extent greater than or equal to 100 m. To achieve this aerial extent the tori line shall have a minimum length of 200 m, and shall be attached to a tori pole  $>$  7 m above the sea surface located as close to the stern as practical.
  - b. For vessels  $<$  35 m total length**
    - i. Vessels shall deploy a single tori line, using either long and short streamers or short streamers only.
    - ii. Streamers shall be brightly colored. Long and/or short (but greater than 1 m in length) streamers must be used and placed at intervals as follows:
      - a. Long streamers placed at intervals of no more than 5 m for the first 55 m of tori line.
      - b. Short streamers placed at intervals of no more than 1 m.
    - iii. Long streamers shall be attached to the line with swivels that prevent streamers from wrapping around the line. All long streamers shall reach the sea-surface in calm conditions.
    - iv. Vessels shall deploy the tori line to achieve a desired aerial extent of 75 m. To achieve

this aerial extent the tori line shall have a minimum length of 100 m, and shall be attached to tori pole > 6 m above the sea surface located as close to the stern as practical. If the tori line is less than 150 m in length, it must have a towed object attached to the end so that the aerial extent is maintained over the sinking baited hooks.

- v. If two tori lines are used, they should be deployed simultaneously, one on each side of the line being set, and baited hooks should be deployed within the area bounded by the two tori lines.

#### **4. Side setting with bird curtain and weighted branch lines**

- i. Mainline must be deployed from port or starboard side as far from stern as practicable (at least 1 m), and if mainline shooter is used, must be mounted at least 1m forward of the stern.
- ii. When seabirds are present ensure the mainline must be deployed slack so that baited hooks remain submerged.
- iii. Bird curtain must be employed:
  - Pole aft of line shooter at least 3 m long;
  - Minimum of 3 main streamers attached to upper 2 m of pole;
  - Main streamer diameter minimum 20 mm;
  - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10 mm.

#### **5. Management of offal discharge**

- i. Either no offal discharge during setting or hauling; or
- ii. Strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.
- iii. All hooks must be removed from the offal prior to discharge.

#### **6. Deep-setting line shooter**

- i. Line shooters must be deployed in a manner such that the hooks are set substantially deeper than they would be lacking the use of the line shooter, and such that the majority of hooks reach depths of at least 100 m.

#### **7. Blue dyed bait**

- i. The IATTC Secretariat shall distribute a standardized color placard.
- ii. All bait must be dyed to the shade shown in the placard.

### **Annex 3**

#### **Supplemental Guidelines for Design and Deployment of Tori Lines**

##### ***Preamble***

Minimum technical standards for deployment of tori lines are found in Annex 2 of this Resolution, and are not repeated here. These supplemental guidelines are designed to assist in preparation and implementation of tori line regulations for longline vessels. While these guidelines are relatively explicit, improvement in tori line effectiveness through experimentation is encouraged, within the requirements of Annex 2 in the Resolution. The guidelines take into account environmental and operational variables such as weather conditions, setting speed and ship size, all of which influence tori line performance and design in protecting baits from birds. Tori line design and use may change to take account of these variables provided that line performance is not compromised. On-going improvement in tori line design is envisaged and consequently review of these guidelines should be undertaken in the future.



### ***Tori line design***

1. An appropriate towed device on the section of the tori line in the water can improve the aerial extension.
2. The above water section of the line should be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. The line is best attached to the vessel with a robust barrel swivel to reduce tangling of the line.
4. The streamers should be made of material that is conspicuous and produces an unpredictable lively action (e.g., strong fine line sheathed in red polyurethane tubing) suspended from a robust three-way swivel (that again reduces tangles) attached to the tori line.
5. Each streamer should consist of two or more strands.
6. Each streamer pair should be detachable by means of a clip so that line stowage is more efficient.

### ***Deployment of tori lines***

1. The line should be suspended from a pole affixed to the vessel. The tori pole should be set as high as possible so that the line protects bait a good distance astern of the vessel and will not tangle with fishing gear. Greater pole height provides greater bait protection. For example, a height of around 7 m above the water line can give about 100 m of bait protection.
2. If vessels use only one tori line it should be set to windward of sinking baits. If baited hooks are set outboard of the wake, the streamer line attachment point to the vessel should be positioned several meters outboard of the side of the vessel that baits are deployed.
3. Deployment of multiple tori lines is encouraged to provide even greater protection of baits from birds. If vessels use two tori lines, baited hooks should be deployed within the area bounded by the two tori lines.
4. Because there is the potential for line breakage and tangling, spare tori lines should be carried onboard to replace damaged lines and to ensure fishing operations can continue uninterrupted. Breakaways can be incorporated into the tori line to minimize safety and operational problems should a longline float foul or tangle with the in-water extent of a streamer line.
5. When fishers use a bait casting machine (BCM), they must ensure coordination of tori line and machine by:
  - a. ensuring the BCM throws directly under the tori line protection, and
  - b. when using a BCM (or multiple BCMs) that allows throwing to both port and starboard, two tori lines should be used.
6. When casting branchline by hand, fishers should ensure that the baited hooks and coiled branchline sections are cast under the tori line protection, avoiding the propeller turbulence which may slow the sink rate.
7. Fishers should be encouraged to install manual, electric or hydraulic winches to improve ease of deployment and retrieval of tori lines.