

DELEGATION PROPOSALS SUBMITTED FOR WCPFC13

As of November 8, 2016, the following proposals had been submitted for consideration at the Thirteenth Regular Session of the Western and Central Pacific Commission. The five proposals submitted by the United States are attached.

1. WCPFC13-2016-DP01: **Proposal amending CMM 2015-01** - European Union
2. WCPFC13-2016-DP02: **Proposal to amend EHSP CMM** - Cook Islands
3. WCPFC13-2016-DP03: **Proposal for a Conservation and Management Measure on WCPFC Scheme for Minimum Standards for Inspection in Port** - European Union
4. WCPFC13-2016-DP04: **Proposal for an Amendment of the "Scientific Data to be Provided to the Commission"** - European Union
5. WCPFC13-2016-DP05: **Proposal on a CMM on Fisheries and Access Agreement Information** - European Union
6. WCPFC13-2016-DP06: **Proposal for a CMM for Mobula and Manta Rays caught in association with Fisheries managed by WCPFC** - European Union
7. WCPFC13-2016-DP07: **Proposal for a CMM for Sharks caught in association with fisheries managed by WCPFC** - European Union
8. WCPFC13-2016-DP08: **Views on Tropical Tuna CMM** - FFA Member CCMs
9. WCPFC13-2016-DP09: **Proposal for CMM establishing a target reference point for south pacific albacore stock** - FFA Member CCMs
10. WCPFC13-2016-DP10: **Proposal for CMM for Interim Acceptable Levels of Risk of breaching Limit Reference Points** - FFA Member CCMs
11. WCPFC13-2016-DP11: **Views on Observer Safety** - FFA Member CCMs
12. WCPFC13-2016-DP12: **Views on Independent audit of the Compliance Monitoring Scheme** - FFA Member CCMs
13. WCPFC13-2016-DP13: **Consultative draft measure to establish a limit for south Pacific albacore** - FFA Member CCMs
14. WCPFC13-2016-DP14: **Proposal for CMM for the special management of certain high seas areas** - FFA Member CCMs
15. WCPFC13-2016-DP15: **Proposal for CMM on Port based initiatives to prevent, deter and eliminate IUU fishing** - FFA Member CCMs
16. WCPFC13-2016-DP16: **FFA Views on SIDS Checklist** - FFA Member CCMs
17. WCPFC13-2016-DP17: **FFA Proposal to ensure the sustainability of the Special Requirements Fund** - FFA Member CCMs
18. WCPFC13-2016-DP18: **Comments on the WCPFC Strategic Planning Process** - FFA Member CCMs
19. WCPFC13-2016-DP19: **Proposal to amend CMM 2015-03 on seabird interaction mitigation** - FFA Member CCMs
20. WCPFC13-2016-DP20: **Updates and Modifications to the WCPFC12 Agreed List of Obligations to be assessed in 2016-2018 and Frequency of Assessment for Forward Years** - United States of America
21. WCPFC13-2016-DP21: **Proposal for Conservation and Management Measure for the Protection of WCPFC Regional Observer Programme Observers** - United States of America

22. WCPFC13-2016-DP22: **Proposal by the United States on Management Objectives for the WCPO Tropical Purse Seine Fishery (20°N – 20°S)** - United States of America
23. WCPFC13-2016-DP23: **Proposal by the United States to Adopt Interim Acceptable Levels of Risk for Breaching Limit Reference Points** - United States of America
24. WCPFC13-2016-DP24: **Views of the United States on the next Conservation and Management Measure for the Tropical Tunas** - United States of America



**COMMISSION
THIRTEENTH REGULAR SESSION**
Denarau Island, Fiji
5 – 9 December, 2016

**UPDATES AND MODIFICATIONS TO THE WCPFC12 AGREED LIST OF OBLIGATIONS TO
BE ASSESSED IN 2016-2018 AND FREQUENCY OF ASSESSMENT FOR FORWARD YEARS**

**WCPFC13-2016-DP20
5 November 2016**

Proposal from United States of America

UPDATES AND MODIFICATIONS TO THE WCPFC12 AGREED LIST OF OBLIGATIONS TO BE ASSESSED IN 2016 -2018 AND FREQUENCY OF ASSESSMENT FOR FORWARD YEARS

**Proposal by the United States of America to the
Thirteenth Regular Session of the Western and Central Pacific Fisheries Commission**

4 November 2016

Introductory Note

At WCPFC12 the Commission approved a list of Convention provisions and conservation and management measures to be reviewed through the Compliance Monitoring Scheme in 2016-2018 (WCPFC12 Summary Report Attachment O, Tables 2-4) and a frequency of assessment for 2016 and beyond (WCPFC12 Summary Report Attachment O, Table 1). The Commission noted that this list would need to be revised as appropriate in the following years to take into account conservation and management measures that are adopted or revised.

TCC12 considered suggestions and questions from the Secretariat on the list of obligations to be assessed in 2016-2018 (TCC12-10B), and:

TCC12 agreed that CCMs wishing to provide any information or comments on the Secretariat's suggested list of obligations to be assessed, as outlined in Annex I and summarized in Table 2 of WCPFC-TCC12-2016-10B, or to suggest additional obligations to the existing list of obligations to be assessed, as outlined in WCPFC12 Summary Report Attachment O, will provide them to the USA by 21 October 2016. The USA will revise WCPFC-TCC12-2016-10B for distribution by 5 November 2016 for consideration by WCPFC13.

Since TCC12, the United States received and considered comments from three CCMs; – Chinese Taipei, Japan, and New Zealand. Chinese Taipei offered several clarifications to table and paragraph numbering that were incorporated and all other comments were accommodated in this proposal except as described below.

Japan had a suggestion regarding CMM paragraphs that might benefit from further TCC advice and direction (Table 1 in WCPFC-TCC12-2016-10B). That is an issue beyond the scope of this undertaking so we did not address the comment in this proposal. Also, Japan suggested that paragraph 6 of CMM 2010-07, on sharks, be assessed in both 2017 and 2018—that is, assessing that CMM every year rather than every two years. The United States has not proposed that change here but is open to discussing it.

New Zealand recommended that all CMMs that are amended be automatically scheduled for review during the first TCC session that occurs after the amendment. The only such amended CMM relevant for review in 2016-2018 (i.e., those scheduled to be reviewed less often than every year) is the seabird measure, and we have shifted its review schedule in this proposal accordingly. We highlight here New Zealand's broader proposal for the Commission to consider when it updates the assessment schedule for future years.

The United States has questions about the deletions identified in footnote 1. First, the small working group on CNMs is evaluating the applications of non-members not their compliance, so it is not clear why the work of that group would be duplicative of a CMS review. Further, we do not see CMM 2009-09 on vessels without nationality as being redundant with the IUU measure: paragraph 5 is a separate obligation. Similarly, the CMM 2012-03 obligation is not redundant to the main ROP measure: paragraph 2 is a specific obligation. Finally, the IUU measure, CMM 2010-06, does have an obligation under paragraph 22 – it may be not applicable to most CCMs most years, but it is an important obligation when the circumstances come up so we do want to capture it somehow. The United States has inserted these additions to the List of Obligations for these CMMs for further consideration.

This proposal to update the list of obligations to be assessed in 2016-2018 (Tables 2-4) and the frequency of assessment (Table 1) builds on the Secretariat's suggestions in WCPFC-TCC12-2016-10B, which are highlighted in yellow. Subsequent proposed revisions are highlighted as tracked-changes.

Table 1: FREQUENCY OF ASSESSMENT OF CMMs FOR 2016 AND BEYOND¹

| CMM/Obligation | Title | Assessment/Review Frequency (years) |
|------------------------------|---|-------------------------------------|
| Sci Data | 1-3 & 5 (catch est, active vessels, op data, size data) | 1 |
| Art. 23.2 (b) & (c) | Annual Report Part 1 and Part 2 | 1 |
| Art. 25(2) & Art. 23(5) | Alleged FV violations & Control of Nationals – investigations and reports | 1 |
| <u>Art. 24 (3)</u> | <u>Flag State duties</u> | <u>1</u> |
| 2005-03 | NP Albacore | 1 |
| 2007-01 | ROP | 1 |
| 2009-06 | Transshipment | 1 |
| <u>2009-09</u> | <u>Vessels Without Nationality</u> | <u>1</u> |
| 2010-02 | EHSP | 1 |
| <u>2010-05 & 2015-02</u> | <u>SP Albacore</u> | <u>1</u> |
| <u>2010-06 22</u> | <u>List of Vessels: Illegal, Unreported, and Unregulated Fishing</u> | <u>1</u> |
| 2013-05 | Catch and Effort Reporting | 1 |
| <u>2013-03 02</u> | <u>Regional Observer Program: Fresh Fish North of 20°N</u> | <u>1</u> |
| 2013-07 | Special Requirements of SIDS | 1 |
| 2013-10 & 2014-03 | RFV & RFV SSPs | 1 |
| <u>2014-01 & 2015-01</u> | <u>Tropical Tuna</u> | <u>1</u> |
| 2014-02 | VMS | 1 |
| <u>2014-04 & 2015-04</u> | <u>Pacific Bluefin (rebuilding plan)</u> | <u>1</u> |
| <u>2015-07</u> | <u>Compliance Monitoring Scheme</u> | <u>1</u> |
| 2011-04 | Oceanic Whitetip | 2 |
| 2006-08 | HSBI | 2 |
| 2013-08 | Silky Sharks | 2 |
| 2010-07 | Sharks | 2 |
| 2014-05 | Sharks | 2 |
| 2004-03 | FV Marking | 2 |
| 2012-04 | Whale Sharks | 2 |
| 2010-01 | NP Striped Marlin | 2 |
| 2008-03 | Sea Turtles | 3 |
| 2008-04 | Driftnets | 3 |
| 2012-07 | Seabirds | 3 |
| 2009-03 | Swordfish | 3 |
| 2011-03 | Cetaceans | 3 |
| <u>2012-05 & 2015-05</u> | <u>Charter Notification</u> | <u>3</u> |

¹ **Notes:** Some CMMs or other decisions were omitted: SciData 4 – because of recommendation from TCC11; CMM 2013-06 – CMM Art. 30 Criteria - redundant (included in para 2 of 2013-07); CMM 2009-11 – CNMSs – redundant (we already review annually in small working group); CMM 2013-04 – UVI – redundant (included in para 6(s) of CMM 2013-10); 2009-09 – Stateless Vessels – redundant (included in para 3(h) of 2010-06); CMM 2012-03 – ROP N20N- redundant – CMM 2007-01; CMM 2009-02 – FAD Closure – redundant – covered in CMM 2014-01; 2010-06 – IUU – no obligations to be assessed. Others were combined to remove redundancies: Art. 23(5) – Control of Nationals – combined with Art. 25(2); and CMM 2014-03 – RFV SSPs – combined with CMM 2013-10.

| CMM/Obligation | Title | Assessment/Review Frequency (years) |
|----------------|---|-------------------------------------|
| 2006-04 | Striped Marlin in the Southwest Pacific | 3 |
| 2009-05 | Data Buoys | 3 |

| | | | | | |
|---|--|--|------------------------|--|------------------------|
| | Reviewed Annually | | Reviewed Every 2 Years | | Reviewed Every 3 Years |
| Table 2: AGREED LIST OF CMMs TO BE REVIEWED IN COMPLIANCE MONITORING REPORTS PREPARED IN 2016 – COVERING 2015 ACTIVITIES. With Secretariat notes on the individual obligations within a CMM which will be included in draft CMR and the relevant draft CMR section number ² | | | | | |
| Sci Data | 1-3 & 5 (catch est, active vessels, op data, size data) | | | | |
| | SciData 01 | | | | vi |
| | SciData 01 | | | | vii |
| | SciData 02 | | | | vi |
| | SciData 02 | | | | vii |
| | SciData 03 | | | | vi |
| | SciData 03 | | | | vii |
| | SciData 05 | | | | vi |
| | SciData 05 | | | | vii |
| Art. 23.2 (b) & (c) | Annual Report Part 1 and Part 2³ | | | | |
| | Convention Article 23 2 (b) | | | | vii |
| | Convention Article 23 2 (c) | | | | vii |
| Art. 25(2) & Art. 23(5) | Alleged FV violations & Control of Nationals – investigations and reports | | | | |
| | Convention Article 23 (5) | | | | vii |
| | Convention Article 25 (2) | | | | vii |
| 2005-03 | NP Albacore | | | | |
| | CMM 2005-03 02 | | | | i |
| | CMM 2005-03 03 | | | | ii |
| | CMM 2005-03 03 | | | | vii |
| | CMM 2005-03 04 | | | | ii |
| 2007-01 | ROP | | | | |
| | CMM 2007-01 07 | | | | v |
| | CMM 2007-01 10 | | | | v |
| | CMM 2007-01 13 | | | | v |
| | CMM 2007-01 14 (vii) | | | | v |

² CMM 2015-07, paragraph 3: **(i)** catch and effort limits for target species; **(ii)** catch and effort reporting for target species; **(iii)** reporting including with respect to implementation of measures for non-target species; **(iv)** spatial and temporal closures, and restrictions on the use of fish aggregating devices; **(v)** authorizations to fish and the Record of Fishing Vessels, observer, VMS coverage, transshipment and the High Seas Boarding and Inspection Scheme; **(vi)** provision of scientific data through the Part 1 Annual Report (and its addendum) and the Scientific Data to be provided to the Commission; and **(vii)** submission of the Part II Annual Report, including compliance with the obligations in paragraph 22, and compliance with other Commission reporting deadlines.

³ The assessment of the annual reports is to include both submission of the reports and timeliness of the submission with respect to Commission reporting deadlines (United States and Chinese Taipei comments)

| | | |
|------------------------------|--|------------|
| | CMM 2007-01 Attachment K Annex C 06 | v |
| | CMM 2007-01 Attachment K Annex C 06 | vii |
| 2009-06 | <i>Transshipment</i> | |
| | CMM 2009-06 11 | ii |
| | CMM 2009-06 11 | vii |
| | CMM 2009-06 13 | v |
| | CMM 2009-06 29 | i |
| | CMM 2009-06 34 | i |
| | CMM 2009-06 35 a (ii) | ii |
| | CMM 2009-06 35 a (iii) | ii |
| | CMM 2009-06 35 a (iii) | vii |
| | CMM 2009-06 35 a (iv) | ii |
| | CMM 2009-06 35 a (iv) | vii |
| 2010-02 | <i>EHSP</i> | |
| | CMM 2010-02 02 | ii |
| | CMM 2010-02 02 | vii |
| 2010-05 | <i>SP Albacore</i> | |
| | CMM 2010-05 01 | i |
| | CMM 2010-05 04 | ii |
| 2013-05 | <i>Catch and Effort Reporting</i> | |
| | CMM 2013-05 01 | ii |
| | CMM 2013-05 02 | ii |
| 2013-07 | <i>Special Requirements of SIDS</i> | |
| | CMM 2013-07 19 | vii |
| 2013-10 & 2014-03 | <i>RFV & RFV SSPs</i> | |
| | CMM 2013-10 02 | v |
| | CMM 2013-10 03 | v |
| | CMM 2013-10 04 | v |
| | CMM 2013-10 07 | v |
| | CMM 2013-10 07 | vii |
| | CMM 2013-10 09 | v |
| | CMM 2013-10 09 | vii |
| | CMM 2013-10 16 | v |
| | CMM 2013-10 17 | v |
| | CMM 2014-03 02 | v |
| 2014-01 | <i>Tropical Tuna</i> | |
| | CMM 2014-01 14 | iv |
| | CMM 2014-01 16 | iv |
| | CMM 2014-01 16 | vii |
| | CMM 2014-01 16 footnote 3 | vii |
| | CMM 2014-01 19 | ii |
| | CMM 2014-01 20 | i |
| | CMM 2014-01 20 | Collective |

| | | |
|----------------|---|------------|
| | CMM 2014-01 22 | i |
| | CMM 2014-01 23 | vii |
| | CMM 2014-01 24 | ii |
| | CMM 2014-01 24 | vii |
| | CMM 2014-01 24 | Collective |
| | CMM 2014-01 25 | i |
| | CMM 2014-01 30 | i |
| | CMM 2014-01 33 | v |
| | CMM 2014-01 34 | v |
| | CMM 2014-01 37 | iv |
| | CMM 2014-01 37 | vii |
| | CMM 2014-01 40 | i |
| | CMM 2014-01 41 | i |
| | CMM 2014-01 44 | ii |
| | CMM 2014-01 44 | vii |
| | CMM 2014-01 47 | i |
| | CMM 2014-01 48 | ii |
| | CMM 2014-01 49 | i |
| | CMM 2014-01 50 | i |
| | CMM 2014-01 50 | vii |
| | CMM 2014-01 51 | i |
| | CMM 2014-01 52 | i |
| | CMM 2014-01 57 | vii |
| | CMM 2014-01 59 | vii |
| | CMM 2014-01 Att C 03 | ii |
| | CMM 2014-01 Att C 03 | vii |
| | CMM 2014-01 Att C 04 | ii |
| | CMM 2014-01 Att C 05-06 | v |
| | CMM 2014-01 Att C 08 | ii |
| 2014-02 | VMS | |
| | CMM 2014-02 04 | v |
| | CMM 2014-02 9a | v |
| | CMM 2014-02 9a VMS SSPs 2.8 | v |
| | CMM 2014-02 9a VMS SSPs 7.2.2 | v |
| | CMM 2014-02 9a VMS SSPs 7.2.2 | vii |
| 2014-04 | <i>Pacific Bluefin (rebuilding plan)</i> | |
| | CMM 2014-04 03 | i |
| | CMM 2014-04 05 | iii |
| | CMM 2014-04 05 | vii |
| | CMM 2014-04 11 | iii |
| | CMM 2014-04 11 | vii |
| 2011-04 | Oceanic Whitetip | |
| | CMM 2011-04 03 | iii |
| | CMM 2011-04 03 | vii |
| 2006-08 | HSBI | |
| | CMM 2006-08 07 | v |

| | | |
|----------------|-----------------------------|-----------------|
| | CMM 2006-08 30 | v |
| | CMM 2006-08 30 | vii |
| | CMM 2006-08 32 | v |
| | CMM 2006-08 33 and 36 | v |
| | CMM 2006-08 33 and 36 | vii |
| | CMM 2006-08 40 | v |
| | CMM 2006-08 40 | vii |
| | CMM 2006-08 41 | v |
| | CMM 2006-08 41 | vii |
| 2013-08 | Silky Sharks | |
| | CMM 2013-08 01 | i |
| | CMM 2013-08 03 | iii |
| | CMM 2013-08 03 | vii |
| 2010-07 | Sharks | |
| | CMM 2010-07 09 | i |
| | CMM 2010-07 12 | vii |
| 2008-03 | Sea Turtles | |
| | CMM 2008-03 02 | iii |
| | CMM 2008-03 02 | vii |
| | CMM 2008-03 07c | iii |
| | CMM 2008-03 07c | vii |
| 2008-04 | Driftnets | |
| | CMM 2008-04 0502 | iii |
| | CMM 2008-04 05 | viii |
| 2012-07 | Seabirds | |
| | CMM 2012-07 04 | iii |
| | CMM 2012-07 04 | vii |
| | CMM 2012-07 09 | iii |
| | CMM 2012-07 09 | vii |

Table 3: AGREED LIST OF CMMs TO BE REVIEWED IN COMPLIANCE MONITORING REPORTS PREPARED IN 2017 – COVERING 2016 ACTIVITIES. With Secretariat notes on the individual obligations within a CMM which will be included in dCMR and the relevant dCMR section number⁴

| | |
|------------------------------------|--|
| Sci Data | 1-3 & 5 (catch est, active vessels, op data, size data) |
| | SciData 01 vi |
| | SciData 01 vii |
| | SciData 02 vi |
| | SciData 02 vii |
| | SciData 03 vi |
| | SciData 03 vii |
| | SciData 05 vi |
| | SciData 05 vii |
| Art. 23.2 (b) & (c) | Annual Report Part 1 and Part 2 |
| | Convention Article 23 2 (b) vii |
| | Convention Article 23 2 (c) vii |
| Art. 25(2) & Art. 23(5) | Alleged FV violations & Control of Nationals – investigations and reports |
| | Convention Article 23 (5) vii |
| | Convention Article 25 (2) vii |
| Article 24 (3) | Flat State duties – Article 24 (3) |
| | Convention Article 24 (3) v |
| 2005-03 | NP Albacore |
| | CMM 2005-03 02 i |
| | CMM 2005-03 03 ii |
| | CMM 2005-03 03 vii |
| | CMM 2005-03 04 ii |
| 2007-01 | ROP |
| | CMM 2007-01 07 v |
| | CMM 2007-01 10 v |
| | CMM 2007-01 13 v |
| | CMM 2007-01 14 (vii) v |
| | CMM 2007-01 Attachment K Annex C 06 v |
| | CMM 2007-01 Attachment K Annex C 06 vii |
| 2009-06 | Transshipment |
| | CMM 2009-06 11 ii |
| | CMM 2009-06 11 vii |
| | CMM 2009-06 13 v |

⁴ CMM 2015-07, paragraph 3: (i) catch and effort limits for target species; (ii) catch and effort reporting for target species; (iii) reporting including with respect to implementation of measures for non-target species; (iv) spatial and temporal closures, and restrictions on the use of fish aggregating devices; (v) authorizations to fish and the Record of Fishing Vessels, observer, VMS coverage, transshipment and the High Seas Boarding and Inspection Scheme; (vi) provision of scientific data through the Part 1 Annual Report (and its addendum) and the Scientific Data to be provided to the Commission; and (vii) submission of the Part II Annual Report, including compliance with the obligations in paragraph 22, and compliance with other Commission reporting deadlines.

Table 3: AGREED LIST OF CMMs TO BE REVIEWED IN COMPLIANCE MONITORING REPORTS PREPARED IN 2017 – COVERING 2016 ACTIVITIES. With Secretariat notes on the individual obligations within a CMM which will be included in dCMR and the relevant dCMR section number⁴

| | | |
|-------------------------------|--|------------|
| | CMM 2009-06 29 | i |
| | CMM 2009-06 34 | i |
| | CMM 2009-06 35 a (ii) | ii |
| | CMM 2009-06 35 a (iii) | ii |
| | CMM 2009-06 35 a (iii) | vii |
| | CMM 2009-06 35 a (iv) | ii |
| | CMM 2009-06 35 a (iv) | vii |
| <u>2009-09</u> | <u>Vessels Without Nationality</u> | |
| | <u>CMM 2009-09 05</u> | <u>iii</u> |
| | <u>CMM 2009-09 05</u> | <u>vii</u> |
| 2010-02 | <i>EHSP</i> | |
| | CMM 2010-02 02 | ii |
| | CMM 2010-02 02 | vii |
| <u>2010-06 22</u> | <u>List of Vessels: Illegal, Unreported, and Unregulated Fishing</u> | |
| | <u>CMM 2010-06 22</u> | <u>v</u> |
| <u>2010-05-2015-02</u> | <i>SP Albacore</i> | |
| | CMM 2015-02 01 | i |
| | CMM 2015-02 04 | ii |
| <u>2013-03 02</u> | <u>Regional Observer Program: Fresh Fish North of 20°N</u> | |
| | <u>CMM 2013-03 02</u> | <u>i</u> |
| 2013-05 | <i>Catch and Effort Reporting</i> | |
| | CMM 2013-05 01 | ii |
| | CMM 2013-05 02 | ii |
| 2013-07 | <i>Special Requirements of SIDS</i> | |
| | CMM 2013-07 19 | vii |
| 2013-10 & 2014-03 | <i>RFV & RFV SSPs</i> | |
| | CMM 2013-10 02 | v |
| | CMM 2013-10 03 | v |
| | CMM 2013-10 04 | v |
| | CMM 2013-10 07 | v |
| | CMM 2013-10 07 | vii |
| | CMM 2013-10 09 | v |
| | CMM 2013-10 09 | vii |
| | CMM 2013-10 16 | v |
| | CMM 2013-10 17 | v |
| | CMM 2014-03 02 | v |
| <u>2014-01-2015-01</u> | <i>Tropical Tuna</i> | |
| | CMM 2015-01 14 | iv |
| | CMM 2015-01 16 | i |
| | CMM 2015-01 16 | iv |

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| | | |
|----------------|---------------------------|---------------------|
| | CMM 2015-01 16 | vii |
| | CMM 2015-01 16 footnote 3 | vii |
| | CMM 2015-01 19 | ii |
| | CMM 2015-01 20 | <u>collective i</u> |
| | CMM 2015-01 22 | i |
| | CMM 2015-01 23 | i |
| | CMM 2015-02 23 | vii |
| | CMM 2015-01 24 | ii |
| | CMM 2015-01 24 | <u>collective i</u> |
| | CMM 2015-01 24 | vii |
| | CMM 2015-01 25 | i |
| | CMM 2015-01 30 | i |
| | CMM 2015-01 30 | <u>iii</u> |
| | CMM 2015-01 33 | v |
| | CMM 2015-01 34 | v |
| | CMM 2015-01 37 | iv |
| | CMM 2015-01 37 | vii |
| | CMM 2015-01 40 | i |
| | CMM 2015-01 41 | i |
| | CMM 2015-01 44 | ii |
| | CMM 2015-01 44 | vii |
| | CMM 2015-01 47 | i |
| | CMM 2015-01 48 | ii |
| | CMM 2015-01 49 | i |
| | CMM 2015-01 50 | i |
| | CMM 2015-01 49-50 | <u>i</u> |
| | CMM 2015-01 50 | vii |
| | CMM 2015-01 50 | <u>iii</u> |
| | CMM 2015-01 51 | i |
| | CMM 2015-01 51 | <u>i</u> |
| | CMM 2015-01 52 | i |
| | CMM 2015-01 52 | <u>i</u> |
| | CMM 2015-01 57 | vii |
| | CMM 2015-01 57 | <u>iii</u> |
| | CMM 2015-01 59 | vii |
| | CMM 2015-01 59 | <u>iii</u> |
| | CMM 2015-01 Att C 03 | ii |
| | CMM 2015-01 Att C 03 | vii |
| | CMM 2015-01 Att C 04 | ii |
| | CMM 2015-01 Att C 05-06 | v |
| | CMM 2015-01 Att C 08 | ii |
| | CMM 2015-01 Att C 08 | <u>ii</u> |
| 2014-02 | VMS | |
| | CMM 2014-02 04 | v |
| | CMM 2014-02 9a | v |

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| | | |
|------------------------|---|-----|
| | CMM 2014-02 9a VMS SSPs 2.8 | v |
| | CMM 2014-02 9a VMS SSPs 7.2.2 | v |
| | CMM 2014-02 9a VMS SSPs 7.2.2 | vii |
| 2014-04-2015-04 | <i>Pacific Bluefin (rebuilding plan)</i> | |
| | CMM 2015-04 03 | i |
| | <u>CMM 2015-04 04</u> | i |
| | CMM 2015-04 06 | iii |
| | CMM 2015-04 06 | vii |
| | <u>CMM 2015-04 06</u> | ii |
| | CMM 2014-04 11/CMM 2015-04 12 | iii |
| | <u>CMM 2014-04 12</u> | vii |
| | CMM 2014-04 11/CMM 2015-04 12 | vii |
| 2015-07 | <u>Compliance Monitoring Scheme</u> | |
| | CMM 2015-07 36 | iii |
| | CMM 2015-07 36 | vii |
| 2014-05 | <i>Sharks</i> | |
| | CMM 2014-05 02 | vii |
| 2004-03 | <i>FV Marking</i> | |
| | CMM 2004-03 02 | v |
| 2012-04 | <i>Whale Sharks</i> | |
| | <u>CMM 2012-04 01</u> | i |
| | CMM 2012-04 03 | iii |
| | CMM 2012-04 03 | vii |
| | CMM 2012-04 06 | iii |
| | CMM 2012-04 06 | vii |
| 2010-01 | <i>NP Striped Marlin</i> | |
| | CMM 2010-01 05 | i |
| | CMM 2010-01 08 | ii |
| 2009-03 | <i>Swordfish</i> | |
| | CMM 2009-03 01 | i |
| | CMM 2009-03 02 | i |
| | CMM 2009-03 03 | i |
| | CMM 2009-03 08 | ii |
| | CMM 2009-03 08 | vii |
| 2011-03 | <i>Cetaceans</i> | |
| | <u>CMM 2011-03 01</u> | i |
| | CMM 2011-03 05 | iii |
| | CMM 2011-03 05 | vii |
| 2015-05 2012-05 | <i>Charter Notification</i> | |

Table 3: AGREED LIST OF CMMs TO BE REVIEWED IN COMPLIANCE MONITORING REPORTS PREPARED IN 2017 – COVERING 2016 ACTIVITIES. With Secretariat notes on the individual obligations within a CMM which will be included in dCMR and the relevant dCMR section number⁴

| | | |
|-----------------------|------------------------|------------|
| | CMM 2015-05 03 | vii |
| <u>2015-03</u> | <u>Seabirds</u> | |
| | <u>CMM 2014-07 04</u> | <u>lii</u> |
| | <u>CMM 2014-07 04</u> | <u>Vi</u> |
| | <u>CMM 2014-07 09</u> | <u>lii</u> |
| | <u>CMM 2014-07 09</u> | <u>vi</u> |

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| | |
|------------------------------------|--|
| Sci Data | 1-3 & 5 (catch est, active vessels, op data, size data) |
| | SciData 01 vi |
| | SciData 01 vii |
| | SciData 02 vi |
| | SciData 02 vii |
| | SciData 03 vi |
| | SciData 03 vii |
| | SciData 05 vi |
| | SciData 05 vii |
| Art. 23.2 (b) & (c) | Annual Report Part 1 and Part 2 |
| | Convention Article 23 2 (b) vii |
| | Convention Article 23 2 (c) vii |
| Art. 25(2) & Art. 23(5) | Alleged FV violations & Control of Nationals – investigations and reports |
| | Convention Article 23 (5) vii |
| | Convention Article 25 (2) vii |
| Article 24 (3) | Flat State duties – Article 24 (3) |
| | Convention Article 24 (3) v |
| 2005-03 | NP Albacore |
| | CMM 2005-03 02 i |
| | CMM 2005-03 03 ii |
| | CMM 2005-03 03 vii |
| | CMM 2005-03 04 ii |
| 2007-01 | ROP |
| | CMM 2007-01 07 v |
| | CMM 2007-01 10 v |
| | CMM 2007-01 13 v |
| | CMM 2007-01 14 (vii) v |
| | CMM 2007-01 Attachment K Annex C 06 v |
| | CMM 2007-01 Attachment K Annex C 06 vii |
| 2009-06 | Transshipment |
| | CMM 2009-06 11 ii |
| | CMM 2009-06 11 vii |
| | CMM 2009-06 13 v |

⁵ CMM 2015-07, paragraph 3: (i) catch and effort limits for target species; (ii) catch and effort reporting for target species; (iii) reporting including with respect to implementation of measures for non-target species; (iv) spatial and temporal closures, and restrictions on the use of fish aggregating devices; (v) authorizations to fish and the Record of Fishing Vessels, observer, VMS coverage, transshipment and the High Seas Boarding and Inspection Scheme; (vi) provision of scientific data through the Part 1 Annual Report (and its addendum) and the Scientific Data to be provided to the Commission; and (vii) submission of the Part II Annual Report, including compliance with the obligations in paragraph 22, and compliance with other Commission reporting deadlines.

Table 4: AGREED LIST OF CMMs TO BE REVIEWED IN COMPLIANCE MONITORING REPORTS PREPARED IN 2018 – COVERING 2017 ACTIVITIES. With Secretariat notes on the individual obligations within a CMM which were included in dCMR and the relevant dCMR section number⁵

| | | |
|-----------------------------------|--|------------|
| | CMM 2009-06 29 | i |
| | CMM 2009-06 34 | i |
| | CMM 2009-06 35 a (ii) | ii |
| | CMM 2009-06 35 a (iii) | ii |
| | CMM 2009-06 35 a (iii) | vii |
| | CMM 2009-06 35 a (iv) | ii |
| | CMM 2009-06 35 a (iv) | vii |
| <u>2009-09</u> | <u>Vessels Without Nationality</u> | |
| | <u>2009-09-05</u> | <u>iii</u> |
| | <u>2009-09-05</u> | <u>vii</u> |
| 2010-02 | <i>EHSP</i> | |
| | CMM 2010-02 02 | ii |
| | CMM 2010-02 02 | vii |
| <u>2010-06 22</u> | <u>List of Vessels: Illegal, Unreported, and Unregulated Fishing</u> | |
| | <u>CMM 2010-06 22</u> | <u>v</u> |
| 2010-05 2015-02 | <i>SP Albacore</i> | |
| | CMM 2015-02 01 | i |
| | CMM 2015-02 04 | ii |
| <u>2013-03 02</u> | <u>Regional Observer Program: Fresh Fish North of 20°N</u> | |
| | <u>CMM 2013-03 02</u> | <u>i</u> |
| 2013-05 | <i>Catch and Effort Reporting</i> | |
| | CMM 2015-02 01 | ii |
| | CMM 2015-02 04 | ii |
| 2013-07 | <i>Special Requirements of SIDS</i> | |
| | CMM 2013-07 19 | vii |
| 2013-10 & 2014-03 | <i>RFV & RFV SSPs</i> | |
| | CMM 2013-10 02 | v |
| | CMM 2013-10 03 | v |
| | CMM 2013-10 04 | v |
| | CMM 2013-10 07 | v |
| | CMM 2013-10 07 | vii |
| | CMM 2013-10 09 | v |
| | CMM 2013-10 09 | vii |
| | CMM 2013-10 16 | v |
| | CMM 2013-10 17 | v |
| | CMM 2014-03 02 | v |
| 2014-01-2015-01 | <i>Tropical Tuna</i> | |
| | CMM 2015-01 14 | iv |

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| | | |
|----------------|---------------------------|------------|
| | CMM 2015-01 16 | i |
| | CMM 2015-01 16 | iv |
| | CMM 2015-01 16 | vii |
| | CMM 2015-01 16 footnote 3 | vii |
| | CMM 2015-01 19 | ii |
| | CMM 2015-01 20 | collective |
| | CMM 2015-01 22 | i |
| | CMM 2015-01 23 | i |
| | CMM 2015-02 23 | vii |
| | CMM 2015-01 24 | ii |
| | CMM 2015-01 24 | collective |
| | CMM 2015-01 24 | vii |
| | CMM 2015-01 25 | i |
| | CMM 2015-01 30 | i |
| | CMM 2015-01 30 | iii |
| | CMM 2015-01 33 | v |
| | CMM 2015-01 34 | v |
| | CMM 2015-01 37 | iv |
| | CMM 2015-01 37 | vii |
| | CMM 2015-01 40 | i |
| | CMM 2015-01 41 | i |
| | CMM 2015-01 44 | ii |
| | CMM 2015-01 44 | vii |
| | CMM 2015-01 47 | i |
| | CMM 2015-01 48 | ii |
| | CMM 2015-01 49 | i |
| | CMM 2015-01 50 | i |
| | CMM 2015-01 49-50 | |
| | CMM 2015-01 50 | vii |
| | CMM 2015-01 50 | iii |
| | CMM 2015-01 51 | i |
| | CMM 2015-01 51 | i |
| | CMM 2015-01 52 | i |
| | CMM 2015-01 52 | i |
| | CMM 2015-01 57 | vii |
| | CMM 2015-01 57 | iii |
| | CMM 2015-01 59 | vii |
| | CMM 2015-01 59 | iii |
| | CMM 2015-01 Att C 03 | ii |
| | CMM 2015-01 Att C 03 | vii |
| | CMM 2015-01 Att C 04 | ii |
| | CMM 2015-01 Att C 05-06 | v |
| | CMM 2015-01 Att C 08 | ii |
| | CMM 2015-01 Att C 08 | ii |
| 2014-02 | VMS | |

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| | | |
|------------------------|---|----------------|
| | CMM 2014-02 04 | v |
| | CMM 2014-02 9a | v |
| | CMM 2014-02 9a VMS SSPs 2.8 | v |
| | CMM 2014-02 9a VMS SSPs 7.2.2 | v |
| | CMM 2014-02 9a VMS SSPs 7.2.2 | vii |
| 2014-04-2015-04 | <i>Pacific Bluefin (rebuilding plan)</i> | |
| | CMM 2015-04 03 | i |
| | CMM 2015-04 04 | i |
| | CMM 2015-04 06 | iii |
| | CMM 2015-04 06 | vii |
| | CMM 2015-04 06 | ii |
| | CMM 2014-04 11/CMM 2015-04 12 | iii |
| | CMM 2014-04 11/CMM 2015-04 12 | vii |
| 2015-07 | <u>Compliance Monitoring Scheme</u> | |
| | CMM 2015-07 36 | iii |
| | CMM 2015-07 36 | vii |
| 2011-04 | <i>Oceanic Whitetip</i> | |
| | CMM 2011-04 01 | i |
| | CMM 2011-04 03 | iii |
| | CMM 2011-04 03 | vii |
| 2006-08 | <i>HSBI</i> | |
| | CMM 2006-08 07 | v |
| | CMM 2006-08 30 | v |
| | CMM 2006-08 30 | vii |
| | CMM 2006-08 32 | v |
| | CMM 2006-08 33 and 36 | v |
| | CMM 2006-08 33 and 36 | vii |
| | CMM 2006-08 40 | v |
| | CMM 2006-08 40 | vii |
| | CMM 2006-08 41 | v |
| | CMM 2006-08 41 | vii |
| 2013-08 | <i>Silky Sharks</i> | |
| | CMM 2013-08 01 | i |
| | CMM 2013-08 03 | iii |
| | CMM 2013-08 03 | vii |
| 2010-07 | <i>Sharks</i> | |
| | CMM 2010-07 06 | |
| | CMM 2010-07 09 | i |
| | CMM 2010-07 12 | vii |

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| | |
|----------------|--|
| 2006-04 | <i>Striped Marlin in the Southwest Pacific</i> |
| | CMM 2006-04 01 i |
| | CMM 2006-04 04 ii |
| 2009-05 | <i>Data Buoys</i> |
| | <u>CMM 2009-05 01</u> <u>i</u> |
| | <u>CMM 2009-05 03</u> <u>i</u> |
| | <u>CMM 2009-05 05</u> <u>iii</u> |
| | <i>Secretariat needs further guidance on which paragraphs should be included</i> |



**COMMISSION
THIRTEENTH REGULAR SESSION**
Denarau Island, Fiji
5 – 9 December, 2016

**PROPOSAL FOR CONSERVATION AND MANAGEMENT MEASURE FOR THE
PROTECTION OF WCPFC REGIONAL OBSERVER PROGRAMME OBSERVERS**

**WCPFC13-2016-DP21
5 November 2016**

Proposal from United States of America

Proposal by the United States for a Conservation and Management Measure for the Protection of WCPFC Regional Observer Programme Observers

The United States is proposing a Conservation and Management Measure for the protection of WCPFC Regional Observer Programme (ROP) observers. At WCPFC12 the Chair noted that observer safety is a priority for the Commission, and observer safety was discussed at length at TCC11 and IWG-ROP4, and WCPFC12. Many CCMs and ENGOs expressed strong support for protecting observers and urged the Commission to implement mechanisms to enhance observers' safety. The Chair suggested that a CCM take the lead in drafting a CMM strengthening safety protections for ROP observers and giving guidance to flag states in the event of an incident involving an observer. The United States volunteered.

The United States provided the first draft of this CMM to TCC12 for its review. Working groups met in the margins to offer suggestions and comments and the first revision was provided before the close of the meeting. The United States has received many comments in the course of drafting this measure and has incorporated as many comments as possible while keeping the proposal narrowly focused on flag CCM responsibilities, as well as observer health and safety. Several suggestions were not incorporated, such as those about observer insurance, two-way communicators, and personal beacons, as the United States believes that the ROP CMM would be a better place to address these recommendations. The United States is willing to consult with all CCMs on revisions to this measure.

CONSERVATION AND MANAGEMENT MEASURE FOR THE PROTECTION OF WCPFC REGIONAL OBSERVER PROGRAMME OBSERVERS

The Western and Central Pacific Fisheries Commission (WCPFC):

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);

Recalling Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme (ROP);

Further recalling that Annex III, article 3 of the Convention expressly requires that the vessel operator and each member of the crew shall allow and assist any person identified as an observer under the ~~Regional Observer Programme~~ROP to carry out all duties safely and that the operator or any crew member shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with observers in the performance of their duties;

Committing to the implementation of conservation and management measure (CMM) 2007-01, which clearly states the rights of observers shall include, *inter alia*, the freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties;

Recognizing that observers play a critical role in supporting effective management outcomes and therefore it is critical that measures are in place to ensure their ~~independence, impartiality, and safety~~ while undertaking their duties;

Noting that CMM 2007-01 specifies that the responsibilities of vessel operators and captains shall include, *inter alia*, ensuring that ROP observers are not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or attempted to be bribed in the performance of their duties;

Further Recognizing the commitments in Articles 98 and 146 of the United Nations Convention on the Law of the Sea (UNCLOS), to render assistance and protect human life, and the International Convention on Maritime Search and Rescue, as amended and overseen by the International Maritime Organization, which outlines the responsibilities of governments related to search procedures including the organization and coordination of actions, cooperation between States, and operating procedures for vessels operators and crew;

Further Noting the commitment in Article 94(7) of UNCLOS, regarding the duty of a flag State to cause an inquiry to be held into any loss of life or serious injury to nationals of another State which has been caused by a marine casualty or incident of navigation and involved a ship flying its flag, and the United Nations Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), including Article 3, which addresses crimes perpetrated at sea resulting in injury or death for any individuals;

~~**Highlighting** that those commitments must apply to WCPFC ROP-deployed fishery observers;~~

Adopts the following conservation and management measure in accordance with the Article 10 of the Convention:

1. This CMM applies to WCPFC ROP observers on WCPFC ROP fishing trips. ~~[anywhere]~~
~~[in the WCPFC Convention Area].~~
2. Commission Members, Cooperating Non-Members and Participating Territories (CCMs) shall ensure that all fishing vessels flying their flag, when carrying WCPFC ROP observers, abide by all applicable international requirements, procedures and protocols.
3. In the event that ~~a~~ WCPFC ROP observer dies, is missing or presumed fallen overboard, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - a. ~~I~~ immediately ceases all fishing operations;
 - b. immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or as otherwise instructed by the flag CCM;
 - c. immediately notifies the appropriate Maritime Rescue Coordination Centre,¹;
 - d. ~~as soon as possible~~ notifies the flag CCM, the observer provider and the Secretariat of the incident as soon as possible;
 - e. cooperates fully in any search and rescue operation, including alerting other vessels in the vicinity;
 - f. cooperates fully in any and all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
4. In the event that ~~a~~ WCPFC ROP observer suffers from a serious illness or injury that threatens his or her health or safety, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - a. ~~I~~ immediately ceases fishing operations;
 - b. takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel;
 - c. immediately notifies the appropriate Maritime Rescue Coordination Centre;
 - d. ~~as soon as possible~~ notifies the flag CCM, the observer provider and the Secretariat of the situation as soon as possible;
 - e. ~~as appropriate and as soon as practicable~~, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as appropriate and as soon as practicable; and
 - f. ~~cooperates fully in any and all official investigations into the cause of the illness or injury.~~
5. In the event that ~~a~~ WCPFC ROP observer is, or is alleged to have been, assaulted or harassed to such an extent that the observer or the observer provider feel that the health or safety of the observer is endangered and indicates to the CCM to which the fishing vessel is flagged

¹ <http://sarcontacts.info/> [refer to, or attach, list or map of Maritime Rescue Coordination Centres]

that they wish for the observer to be removed from the fishing vessel, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

- a. ~~Immediately~~ takes action to mitigate and resolve the situation on board;
- b. ~~notifies~~~~keeps~~ the flag CCM and the observer provider apprised of the situation, including the status and location of the observer as soon as possible;
- c. facilitates the safe disembarkation of the observer ~~for~~in a manner and place that facilitates access to any needed medical treatment; and
- d. cooperates fully in any and all official investigations into the incident.

6. In the event that a ~~an~~ WCPFC ROP observer is, or is alleged to have been, assaulted or harassed but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

- a. ~~t~~Takes action to mitigate and resolve the situation on board as soon as possible;
- b. notifies the flag CCM of the observer and the observer provider of the situation as soon as possible; and
- c. cooperates fully in any and all official investigations into the incident.

7. If any of the events in paragraphs 2-5 occur, port CCMs, shall, to the extent possible, facilitate entry of the fishing vessel to allow disembarkation of the ROP observer and assist in any investigations if so requested by the flag CCM.

8. In the event that, after disembarkation from a fishing vessel of ~~an~~ WCPFC ROP observer, an observer provider identifies—such as during the course of debriefing the observer—a possible violation involving assault or harassment of the ~~ROP~~ observer while on board the fishing vessel, the observer provider shall notify the flag CCM and the Secretariat, and the flag CCM shall investigate the event and take any appropriate action in response to the results of the investigation. The flag CCM shall notify the observer provider and the Secretariat of the results of its investigation and any actions taken.

~~9. In the event that, while an WCPFC ROP observer is on board a fishing vessel, the flag CCM identifies a possible violation involving assault or harassment of the a ROP observer while the observer is on board a fishing vessel, or if the flag CCM is notified by the Secretariat or another party of a possible violation, the flag CCM shall notify the observer provider and the Secretariat, and the flag CCM shall investigate the event and take appropriate action in response to the results of the investigation. The flag CCM shall notify the observer provider and the Secretariat of the results of its investigation and any actions taken.~~

~~10.9.~~ CCMs shall ensure that ~~any~~ observer providers associated with their national observer program:

- a. Immediately ~~N~~otify the appropriate Maritime Rescue Coordination Centre, the flag State, and the Secretariat as soon as possible in the event that ~~an~~ WCPFC ROP observer dies, is missing or presumed fallen overboard in the course of his or her duties;
- b. cooperate fully in any search and rescue operation;
- c. cooperate fully in any and all official investigations into any incident involving an WCPFC ROP observer;

- d. ~~where appropriate,~~ facilitate the disembarkation and replacement of an WCPFC ROP observer in a situation involving the serious illness or injury of that observer as soon as ~~possible~~practicable;
- e. facilitate the disembarkation ~~and replacement of an~~ WCPFC ROP observer, ~~where appropriate, as soon as possible,~~ in any situation involving the assault or harassment of that observer to such an extent that the observer wishes to be removed from the vessel, as soon as possible;
- f. notify the flag CCM as soon as possible in the event that during debriefing or a review of observer reports an alleged violation involving an observer is identified; and
- g. provide the flag CCM with a copy of the observer report in every event that involves an alleged violation involving an WCPFC ROP observer.

10. CCMs shall ensure that any authorized High Seas Boarding and Inspection vessels flying their flag cooperate, to the greatest extent possible, in any search and rescue operation involving a WCPFC ROP observer. CCMs shall also encourage any other vessels flying their flag to participate, to the greatest extent possible, in any search and rescue operations involving a WCPFC ROP observer.

11. Relevant observer providers, coastal CCMs, or port CCMs shall provide their investigation reports for any incidents indicated in paragraphs 3 through 6 to the flag CCMs to facilitate any investigations.

12. Nothing in this measure will prejudice the rights of coastal States to enforce their laws with respect to the safety of vessel observers.

13. The Technical and Compliance Committee and the Commission will review this conservation and management measure no later than 2019 and periodically thereafter.



**COMMISSION
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5 – 9 December, 2016

**PROPOSAL BY THE UNITED STATES ON MANAGEMENT OBJECTIVES FOR THE WCPO
TROPICAL PURSE SEINE FISHERY (20°N – 20°S)**

**WCPFC13-2016-DP22
5 November 2016**

Proposal from United States of America

Proposal by the United States on Management Objectives for the WCPO Tropical Purse Seine Fishery (20°N – 20°S)

Explanatory note:

The United States has developed a proposal on management objectives for the tropical purse seine fishery, based upon the concepts in the MOW strawman document of 2013 and subsequent discussions at TCC12. Two important aspects of the MOW strawman are that the candidate objectives are oriented around fisheries rather than stocks, and that it documents the connections among the fisheries, including competition and upstream-downstream links. The United States has incorporated both those aspects in a proposed set of objectives for the tropical purse seine fishery, and envisions the Commission would develop similar sets of objectives for the tropical longline fishery and the southern albacore fishery.

At TCC12, the Commission Chair asked CCMs to be prepared to record the objectives listed in the MOW strawman. As described in the harvest strategies work plan, the United States understands that the "recording" of objectives is not meant to constitute agreement or to lock in the recorded objectives. Nonetheless, the United States is hesitant to record a list of objectives that has been subject to very little discussion by the Commission, and which was intended to be a list of "candidate objectives", some of which have little chance of ever being adopted. At least for some fisheries, different CCMs have widely different objectives, and the United States does not expect the Commission to be able to reconcile all those objectives and agree on a set of objectives that goes much beyond those already established in the Convention. For these reasons, the United States favors recording objectives that are consistent with the Convention and the Commission decisions to date. As further evaluations are undertaken and CCMs agree upon more ambitious objectives (such as for the southern albacore fishery), they can be adopted.

Proposal by the United States on Management Objectives for the WCPO Tropical Purse Seine Fishery (20°N – 20°S)

The Western and Central Pacific Fisheries Commission (WCPFC):

Noting the work conducted during the Second Management Objectives Workshop in 2013;

Adopts, in accordance with Article 10 of the Convention, that

the management objectives for the WCPO tropical purse seine fishery between 20°N – 20°S to achieve a thriving tropical purse seine fishery in the Convention Area are as follows:

:

- Maintain fish stock sizes at levels capable of producing maximum sustainable yield;
- Minimize adverse impacts on other fisheries, including:
 - Downstream fisheries like longline fisheries;
 - Competing fisheries like troll, pole-and-line, and non-tropical purse seine fisheries;
- Take into account the special requirements of developing states and territories;
- Minimize adverse impacts on NADSs; and
- Adhere to the other principles and provisions of the Convention.



**COMMISSION
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**PROPOSAL BY THE UNITED STATES TO ADOPT INTERIM ACCEPTABLE LEVELS OF
RISK FOR BREACHING LIMIT REFERENCE POINTS**

**WCPFC13-2016-DP23
5 November 2016**

Proposal from United States of America

Proposal by the United States to Adopt Interim Acceptable Levels of Risk for Breaching Limit Reference Points

Explanatory note:

The United States has developed a proposal on interim acceptable levels of risk for breaching limit reference points (LRP). At the 12th regular session of the WCPFC Scientific Committee, Australia presented a proposal for adopting interim acceptable levels of risk for breaching LRPs of four key tuna species in the WCPO (SC12-WP-MI-03). Australia's proposed risk levels are lower than those in the United States proposal and as encouraged in SC12-WP-MI-03, the United States has put forward an alternative proposal for the risk levels for the key tuna stocks under CMM 2014-06. These risk levels reflect reasonable preferences for achieving sustained yield from these tuna resources while maintaining a risk-averse approach to breaching limit reference points. In particular, this choice of risk levels sets an equal chance of breaching LRPs across the four key tuna stocks while ensuring that the relative odds of not breaching an LRP to breaching an LRP are 80% to 20%. The following constitutes the rationale for the risk levels proposed by the United States.

Rationale #1 – Specifying the acceptable level of risk is a two dimensional issue as it is not simply one numerical value that constitutes “very low”. In other words, the risk level that constitutes a “very low” risk level depends on the context, and particularly on the magnitude of associated LRP; that is, the acceptable level of risk is coupled with the corresponding conservative or liberal aspect of the LRP.

SC12 recommended “that WCPFC13 notes that levels of risk for breaching LRP should be considered coupled with the corresponding conservative or liberal nature of the LRP. For example, the bigeye tuna LRP (20% of unfished spawning biomass) is very close to the depletion expected to occur (21%) if the fishery attained the spawning biomass at MSY. Therefore the bigeye tuna LRP is viewed as conservative and could have associated higher levels of risk for breaching the LRP.”

The term risk can best be framed for decision analysis as the expected loss associated with a decision under uncertainty. This differs from the simpler and less practical usage of risk as “the probability that something bad will happen.” The distinction is important as noted in rationale 1, namely that if one chooses an LRP of 20% of unfished spawning biomass SSB_0 and the bigeye tuna spawning stock biomass at MSY is $SSB_{MSY}=0.21*SSB$ then there is a high chance of breaching the LRP at spawning stock biomasses at the MSY level. This implies that a relatively healthy bigeye tuna stock with spawning stock biomass near SSB_{MSY} would be deemed to be overfished on a frequent basis. In the absence of detailed information regarding the tradeoffs in conserving spawning potential versus the losses in expected yield and its variability with a range of choices of the risk level for breaching an LRP, the U.S. recommends a balanced and conservative approach to setting interim risk levels.

As a comparative example, the IATTC Resolution C-16-02 established a Harvest Control Rule for tropical tuna (yellowfin, bigeye and skipjack) in the eastern Pacific Ocean.

Language from C-16-02 includes:

A limit reference point is a conservation reference point based on a level of spawning biomass (S_{LIMIT}) or fishing mortality (F_{LIMIT}) that should be avoided because going beyond it could

endanger the sustainability of the stock; $F_{0.5R0}$ and $S_{0.5R0}$ assuming steepness $h = 0.75$ were adopted by the 87th meeting of the IATTC as interim limit reference points for tropical tunas in the EPO.

- B. A target reference point is a management objective based on a level of spawning biomass (S_{TARGET}) or a fishing mortality rate (F_{TARGET}) that should be achieved and maintained. S_{MSY} and F_{MSY} were adopted by the 87th meeting of the IATTC as interim target reference points for tropical tunas in the EPO.

The IATTC's adopted interim LRPs as described above correspond to the Spawning Stock Biomass (SSB) size that would be expected to result in a 50% reduction from virgin recruitment. To determine that size, the IATTC has chosen what is generally considered to be a conservative steepness value (0.75) for the Beverton-Holt stock-recruitment relationship. A practical implementation for biomass and fishing mortality LRPs was developed using steepness values for the Beverton-Holt stock-recruitment relationship assuming a conservative value (0.2) of recruitment per spawner. The IATTC's interim LRP corresponds to a depletion LRP of 7.7%. Depletion levels corresponding to alternative steepness assumptions are illustrated in Table 1. The IATTC has not adopted an acceptable level of risk for breaching the LRP of 7.7%, but the LRP is much lower than the WCPFC adopted LRP of 20% of unfished spawning biomass. The WCPFC LRPs clearly can be considered highly conservative, and it follows that the WCPFC can consider accepting a relatively higher risk of breaching them compared to the IATTC, which has less conservative LRPs.

Table 1. The IATTC approach in determining depletion Limit Reference Points (LRPs) for yellowfin, bigeye and skipjack in the eastern Pacific Ocean. Values in bold reflect the adopted IATTC approach for determining interim LRPs.

| Steepness in Stock Recruitment Relationship | Depletion level (S/S_0) |
|---|-----------------------------|
| 0.9 | 2.7% |
| 0.75 | 7.7% |
| 0.6 | 14.2% |
| 0.5 | 20.0% |
| 0.2 | 50.0% |

Rationale #2 – Annex II of the UN Fish Stocks Agreement indicates that: “Limit reference points set boundaries which are intended to constrain harvesting within safe biological limits within which the stocks can produce maximum sustainable yield.” Therefore, the adopted LRPs should provide a buffer between the level of spawning stock biomass at MSY level of spawning stock biomass that will produce recruitment overfishing.

WCPFC stock assessments produce depletion levels of spawning biomass which correspond to MSY under specific assumptions about the stock-recruitment relationship (Table 2). For example, the skipjack tuna basecase run in the 2014 assessment has a depletion of 27% at MSY assuming a steepness of 0.8. The adopted skipjack target reference points (TRPs) of 50% unfished spawning biomass represents a substantial buffer with regard to the LRP (20%) and if the fishery were operating at MSY (27%).

In contrast, the bigeye tuna LRP (20%) is very close to a depletion level of unfished spawning biomass (21%) if the fishery were operating at MSY (Table 2). The south Pacific albacore LRP (20%) is above the depletion if the fishery were operating at MSY. The adopted LRPs of 20% unfished spawning biomass appear rather conservative in relation to biological concerns with regard to reproductive risk and recruitment failure and to fishery concerns with regard to maintaining yields with steady production.

Additionally, the IATTC has adopted TRPs and management objectives based on maintaining a level of spawning biomass at MSY and fishing mortality at MSY. The adopted LRPs by WCPFC again appear conservative with regard to IATTC, as for several species the WCPFC has LRPs that have less depleted stocks than IATTC TRPs.

Table 2. Median levels of spawning biomass depletion (SB/SBF=0) associated with a given risk of exceeding the limit reference point of 0.2SBF=0 for skipjack, yellowfin, bigeye tuna (MOW3 WP-02) and south Pacific albacore (HSW-WP-05). The stock depletion level corresponding to fishing at MSY (steepness assumed at 0.8) is illustrated for comparison with the risk of exceeding the limit reference points (personal communication, Graham Pilling, SPC, August 2016). Values in bold reflect the U.S.A. proposed risk level.

| Acceptable risk | Spawning Biomass Depletion | | | |
|--------------------------------------|----------------------------|---------------------|------------------|------------------------|
| | WCPO skipjack tuna | WCPO yellowfin tuna | WCPO bigeye tuna | South Pacific albacore |
| 5% | 29% | 31% | 28% | 37% |
| 10% | 27% | 28% | 26% | 34% |
| 15% | 26% | 27% | 25% | 33% |
| 20% | 25% | 25% | 24% | 32% |
| | | | | |
| Depletion level corresponding to MSY | 27% | 31% | 21% | 14% |

Proposal by the United States to Adopt Interim Acceptable Levels of Risk for Breaching Limit Reference Points

The Western and Central Pacific Fisheries Commission (WCPFC):

Noting Article 6.1, by reference to Annex II of the UN Fish Stock Agreement, requires that fishery management strategies ensure that the risk of exceeding the limit reference point be "very low";

Noting that Annex II of the UN Fish Stocks Agreement indicates that "Limit reference points set boundaries which are intended to constrain harvesting within safe biological limits within which the stocks can produce maximum sustainable yield";

Adopts, in accordance with Article 10 of the Convention, that

the interim acceptable levels of risk for breaching limit reference points is 20% for WCPO skipjack, WCPO yellowfin, WCPO bigeye and south Pacific albacore.



**COMMISSION
THIRTEENTH REGULAR SESSION**
Denarau Island, Fiji
5 – 9 December, 2016

**VIEWS OF THE UNITED STATES ON THE NEXT CONSERVATION AND MANAGEMENT
MEASURE FOR THE TROPICAL TUNAS**

**WCPFC13-2016-DP24
5 November 2016**

Proposal from United States of America

Views of the United States on the next Conservation and Management Measure for the Tropical Tunas

The following are views of the United States on general principles and content for consideration in the development of the next conservation and management measure for tropical tunas.

General criteria for any conservation and management measure:

1. Must have a measurable and credible conservation benefit
2. The conservation burden must be equitably distributed among CCMs and industry sectors
3. Must be able to be effectively implemented, monitored and enforced by all CCMs
4. Must be able to assess its intended effect on fishing mortality of relevant stocks

General attributes of the next conservation and management measure for the tropical tunas:

1. The CMM should focus on fisheries for the principal tropical tuna stocks in the WCPO - skipjack tuna, yellowfin tuna, and bigeye tuna – and should not address fisheries for South Pacific albacore.
2. The duration of the CMM should be at least three years.
3. The proposal should be as straightforward as possible, with limited exceptions and special provisions.
4. Since the Commission has partially developed harvest strategies for the relevant fisheries, including limit reference points for all three tropical tuna stocks and a target reference point for WCPO skipjack tuna, the CMM should point to those harvest strategies to serve as its objectives.
5. Like the harvest strategies, the CMM would be best structured around fisheries, as in CMM 2015-01, rather than around stocks.
6. The CMM should not include MCS-related requirements such as VMS and observer requirements; such requirements should be included in the CMMs devoted to those tools.
7. The CMM should rely to the extent possible on flag-based limits and requirements so as to cover the range of the stocks as needed and promote compatibility in the application of measures on the high seas and areas under national jurisdiction. This would not preclude coastal CCMs from imposing, for their own purposes, limits and requirements in waters under their jurisdiction.

Specific elements of the next conservation and management measure for the tropical tunas:

1. For the tropical purse seine fishery:
 - a. Flag-based annual limits on fishing effort
 - b. Flag-based limits on numbers of FAD sets
 - c. Limits on vessel numbers, starting with a freeze at current levels, requiring reductions in future years for non-SIDS fleets in a manner similar to that proposed by Japan (WCPFC12-DP14rev1), and allowing reasonable increases in sizes of SIDS fleets

2. For the tropical longline fishery:
 - a. Flag-based annual limits on bigeye tuna catches, focusing on areas of high exploitation
 - b. Limits on vessel numbers