

Recommendations from the Permanent Advisory Committee to the  
U.S. Commissioners for the Western and Central Pacific Fisheries Commission  
Honolulu, Hawaii - October 24-25, 2017

## I. Tropical Tuna Measure

The Permanent Advisory Committee (PAC) acknowledges and appreciates the development of the draft Tropical Tuna Measure proposal by the U.S. government, which includes provisions that would serve to meet the stated conservation objectives while also serving to support the interests of U.S. fisheries. For the final measure to be agreed at the 14th Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC14), the PAC recommends the following:

### General:

1. That the United States ensure that any new measure maximize the opportunities for U.S. fishing vessels to harvest fish stocks on the high seas consistent with scientific advice.
2. The PAC acknowledged that the Ensuring Access to Pacific Fisheries Act, Public Law 114-327, was signed into law on December 9, 2016, and that this law addresses the operations of the PAC and the U.S. posture at the WCPFC.
3. The PAC recognizes that the conservation and management measure (CMM) will include provisions for annual review and possible need for adjustments in management with regard to the applicability of a new measure.

### Purse Seine:

4. The PAC recognizes the need to address capacity in the Convention Area over the long term, but recommends that capacity rules should not be prioritized in the bridging measure. An alternative suggestion could be the designation of a WCPFC workgroup to determine how much progress can be made on this difficult issue.
5. In working towards finding agreement on a new tropical tuna CMM, the United States should not accept a prohibition on fish aggregating device (FAD) sets on the high seas areas within the WCPFC Convention Area, except for a 3-month FAD closure if agreed for the EEZs.
6. If there is to be an overall limit on the number of allowable FAD sets in the Convention Area, this limit should be no lower in 2018, 2019, or 2020 than the (current) 2017 limit and should not be ratcheted down over the duration of the revised measure. Also, the set limits should not apply to sets when the only tuna catch is skipjack tuna for those that can be verified. The PAC requests National Marine Fisheries Service (NMFS) to advise how this might be operationalized.

7. The majority of the PAC agrees that if there is to be a limit on the number of high seas fishing days allowed for U.S. purse seine vessels; this number should be the number of fishing days allocated to the U.S. fleet prior to CMM 2013-01 (approximately 2,500 Effort Limit Area for Purse Seine (ELAPs) fishing days). A minority of the PAC, while agreeing with the feeling that there might be a limit on the number of high seas fishing days allowed for the U.S. fleet, the minority was unable to support a specific number as it might prove to be an obstacle to reaching an agreement.
8. The definition of a FAD should be included in the measure -- for reasons of cohesiveness, transparency, and clarity -- and should be consistent with the one adopted by the Inter-American Tropical Tuna Commission (IATTC), i.e. that, in order to be a FAD, an object must be deployed and/or tracked by a vessel. If the IATTC definition cannot be agreed at WCPFC14, the renewed FAD Intersessional Working Group (IWG) should be tasked with revising the FAD definition for submission to the 2018 meeting, understanding that the current definition would continue.
9. Measures addressing non-entangling and biodegradable FADs should be agreed, but only in the principal tuna conservation and management measure or a FAD specific measure. Measures should be similar to what has been agreed in the IATTC, i.e. not prescriptive regarding FAD design and structure.
10. Nothing should be agreed at the WCPFC annual meeting which would restrict the ability of the United States to modify its regulations relative to the “overlap” area – the geographical jurisdictional area of the WCPFC that overlaps with the area of the IATTC.
11. Given the status of the stocks, there should be no hard catch limits on purse seine catches of yellowfin or skipjack tuna.

#### Longline:

12. The United States should not agree to any high seas longline effort scheme such as the Parties to the Nauru Agreement (PNA) longline vessel day scheme (VDS) which is in effect for exclusive economic zone (EEZ) waters of a small number of WCPFC members.
13. A majority of PAC members agreed that the United States should obtain a U.S. longline bigeye limit of 6,000 metric tonnes (mt), which is slightly less than the amount of bigeye caught in the western and central Pacific Ocean (WCPO) in 2016 by Hawaii longline vessels, including those vessels operating under agreements with the U.S. Participating Territories. A minority of PAC members support formal acceptance of accessing the territorial catches while not supportive of establishing a baseline quota of 6,000 mt for the United States. In addition, that minority supports the recommendation of the Scientific Committee (SC) not to increase fishing mortality of bigeye tuna (BET) in the Convention Area.

14. The transferability of longline limits between Commission Members, Cooperating Non-Members, and Participating Territories (CCMs) that is transparent via timely notification to the Secretariat should also be included in the new measure.
15. There should be full reporting of any transfers of fishing effort or catch limits between members with such limits.
16. Although federal regulations currently allow Hawaii longline vessels to transship at sea, if prohibiting longline transshipment at sea will improve the monitoring of longline catch within the WCPO and can be used to gain concessions or political capital with the Pacific island countries (PIC), then the U.S. should support a longline (bigeye or all species) transshipment ban within the Convention Area.
17. There should not be longline catch limits for yellowfin tuna.

## II. Pacific Bluefin Tuna:

18. The PAC supports the Northern Committee's (NC) and joint meeting's recommendations on Pacific bluefin and recommends adoption at WCPFC14.
19. The PAC recommends that the WCPFC forward a request to the IATTC to adopt consistent measures.
20. The PAC recommends that the United States make statements on the floor noting the important progress that has been made with the outcomes of the Joint Meeting and NC measures, and stresses the importance of strong implementation and 100% compliance by all CCMs to accelerate progress toward the rebuilding goals.
21. Regarding reporting to the Northern Committee, the PAC recommends
  - a. that the United States request all CCMs (not just CCMs that participate in the NC) to provide Pacific bluefin tuna landings annually per the CMM;
  - b. that the Secretariat provide a table for inclusion in the CMM, that clearly identifies the annual catch limits (<30 kg and >30 kg) and landings for each CCM, including any transfers of quota allocation from small fish to large fish; and
  - c. that the ISC provide annually estimates of the probability of rebuilding to the initial and second rebuilding targets by the year specified.

## III. South Pacific Albacore:

22. The PAC acknowledges the difficult economic situation of the U.S. flagged American Samoa longline fishery which has been plagued with low catch rates, stagnant ex-vessel price, high costs, subsidized foreign competitors, and limited fishing grounds.
23. The PAC recommends that the United States formulate a position on a Target Reference Point (TRP) within the range of  $SB/SB_{F=0}$  = 25% to 40% consistent with biological scientific advice in

advance of WCPFC14 and provide information to the United States and U.S. Territory delegation well in advance of WCPFC14 to permit a thorough discussion on potential ramifications of setting a TRP within that range.

24. While the PAC supports the establishment of a TRP for the South Pacific albacore stock it does not support zone based allocation between high seas and EEZs that is not based on science.
25. The PAC recommends that any new CMM on South Pacific albacore be more conservative and have stricter controls on longline catch levels than the existing measure, but that the catch of troll vessels not be subject to any restrictions.
26. In addition to our recognition of the dire situation of U.S. flagged vessels in American Samoa, the PAC supports current and future efforts by the U.S. government in the WCPFC to prevent further demise and provide relief and stability for the U.S. Flagged American Samoa longline fishery.
27. The PAC recognizes the continued growth and presence of foreign longline vessels in neighboring islands surrounding the U.S. EEZ (American Samoa EEZ). The PAC and relevant regulatory agencies must be vigilant in addressing this for the sake of conservation and albacore stock sustainability within our region.

#### IV. Compliance Monitoring Scheme:

28. The PAC recommends that the United States continue to advocate for a stronger WCPFC compliance monitoring structure to enable the Commission to evaluate the fisheries operations of its members. Such a structure should include a transparent system for reporting and documenting possible violations of CMMs (including the PNA as a group of CCMs), calling for investigations, and following up on the status of investigations. The role of the Secretariat in compliance monitoring should continue to be strengthened, including examining observer reports and reporting alleged violations. The PAC notes that that current system relies heavily on CCM self-reporting, which is hampering the credibility of the Commission and encouraging non-compliance. The PAC further recommends that the United States develop proposals to improve the Compliance Monitoring Review (CMR) process that includes mechanisms to identify, in a publicly transparent manner, the number and types of violations, the flags of the vessels committing them, and to appropriately sanction CCM non-compliance.
29. The PAC recommends that the United States continue to support the Commission's Compliance Monitoring Review, and that the review be conducted in open session, so as to provide the highest degree of credibility with the process.
30. The PAC recommends that the United States continue to press that the Observer Trip Monitoring Summary (GEN-3 form) be made available to vessel owners/operators through the flag State on a timely basis.

31. The PAC recommends that the U.S. government, after the Compliance Monitoring Scheme (CMS) review is issued in March 2018, work to develop a long term CMS that is transparent, contains provisions to sanction non-compliance and expanded guidelines for non-governmental observers.
32. In the event that high seas transshipment by longliners is not prohibited, the PAC recommends that the U.S. government urges that the WCPFC strengthen guidelines on high seas transshipment to ensure that all transshipment is monitored, the reports validated and transmitted to the Commission.

## V. Sea Turtles:

33. The PAC does not support the United States tabling of the current draft sea turtle proposal at WCPFC14, pending further scientific support and justification with stakeholders.
34. That the United States prepare for the PAC a report that provides a summary of sea turtle interactions and mortalities by species by area (e.g., by bigeye stock assessment regions) and by gear type (including hook types and sizes); this is necessary to understand the magnitude of the interactions problem and may help in identifying steps to mitigate interactions and mortalities.

## VI. Overlap Area:

35. See recommendation 10 and, that the United States should review, as soon as possible, and modify the current regulation to ensure that U.S. purse seine vessel operations are not unduly impacted by the continuation of the application of WCPFC measures as opposed to IATTC measures in the overlap area. Timely action is needed on this situation or several U.S. purse seine operations could be affected to the point of bankruptcy.

## VII. Electronic Reporting / Electronic Monitoring (ER/EM):

36. The PAC recommends that the U.S. work with other members to ensure that electronic recording standards for observer reporting and high seas transshipment notifications be adopted at WCPFC14.
37. The PAC recommends that the United States work with other members to secure funding for the ER/EM working group meeting in 2018.

## VIII. U.S. Participating Territories:

38. The PAC recognizes the importance of the participation of the U.S. territories within the deliberations of the Commission. All are unique and have development aspirations in line with the PICs. Specifically, American Samoa's economy, like many PICs, is essentially tuna dependent -- it has a tuna fishery which includes the purse seine, longline, and alias that are based there. These fleets require access to the fishing grounds in and around the EEZ around American

Samoa to remain viable and provide employment to the citizens of American Samoa. This includes the high seas, U.S. EEZ's and the EEZ's of adjacent PNA countries and several non-PNA countries. The United States needs to strongly advocate for the tuna fisheries based in American Samoa and developing fisheries of Guam and the Northern Mariana Islands. Therefore, the PAC requests that the U.S. government ensure that the U.S. participating territories, including fishing industry representatives from the territories fully participate, as appropriate, in all relevant deliberations related to their direct interests.

## IX. Harvest Strategies:

39. The PAC recommends that the United States support progress on the development of harvest strategies per the workplan agreed to in 2016. The PAC recommends inclusion of specific measures to advance and align the bridging measure with the harvest strategy elements for tropical tunas.
40. In recognition of the improved stock status of bigeye, the PAC recommends that the United States consider urging the commission to move up its deadline for agreement on a target reference point for bigeye to 2018.

## X. Fish Aggregating Devices:

41. The PAC recommends that the United States advocate for continuation of the FAD working group and appointment of new leadership for the group from the distant water fishing nations and Pacific Islands Forum Fisheries Agency. The group should be tasked with advising on:
  - a revised FAD definition, if a definition is not agreed at WCPFC14
  - recommendations for improved data collection
  - including measures to mark FADs; and
  - if relevant, issues surrounding implementation of FAD set limits.
42. The FAD working group should consider proposals recently adopted by the IATTC to encourage a consistent approach to FAD management across the Pacific.

## XI. Observer Coverage:

43. The PAC recommends that the United States continue to support a 20% observer requirement for all longline fisheries within the jurisdiction of the WCPFC, and urge other CCMs to make measurable progress toward this goal. In addition, the PAC recommends continued attention on the lack of compliance with the current 5% observer coverage rate by many CCMs through the CMS process.

## XII. Other Issues

44. The PAC expressed its continuing interest in the negotiations under United Nations auspices to develop a new, legally binding, implementing arrangement under the United Nations Convention on the Law of the Sea, and recommended that nothing be agreed in these negotiations which would affect the mandate of the WCPFC to manage highly migratory fish stocks throughout their range. A majority of PAC members recommended that the United States strongly oppose any efforts under the BBNJ negotiations that would directly or indirectly support or mandate closure of the high seas to fishing. A minority of PAC members opposed inclusion of the last sentence as outside the remit of this Committee.