

**Recommendations from the Permanent Advisory Committee to the
U.S. Commissioners for the Western and Central Pacific Fisheries Commission
Honolulu, Hawaii - October 11-12, 2018**

I. Tropical Tuna Measure

The Permanent Advisory Committee (PAC) recommends the following:

General Principles:

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. That the Ensuring Access to Pacific Fisheries Act, Public Law 114-327, which was signed into law on December 9, 2016, be used as the basis for the U.S. posture at the WCPFC.
3. That any new conservation and management measure (CMM), as appropriate, will include provisions for annual review and possible need for adjustments in management with regard to the applicability of a new measure.
4. Recognizing the continued growth of the small island developing states (SIDS) fleets, any future CMMs do not include any exemptions from conservation measures for SIDS vessels.

Purse Seine:

5. The majority of the PAC agrees that if there is a limit on the number of high seas fishing days (FDs) allowed for the U.S. purse seine fleet, this amount should be the number of FDs allocated to the U.S. PSF prior to the 2013 WCPFC Tuna CMM, or 2,588 FDs. The allowable U.S. effort was reduced by the 2013 WCPFC Resolution by approximately 700 FDs, at a time when U.S. vessels had virtually unlimited and economically viable fishing access to the same tuna stocks in Pacific island EEZs via the tuna Treaty. The minority opposed the recommendation since it could result in an increase in the mortality of bigeye tuna when the SC advised that current mortality be maintained until a TRP is agreed for bigeye tuna.
6. There should not be a prohibition on FAD sets on the high seas areas within the WCPFC Convention Area, except for a 3-month FAD closure if the same is agreed for all fleets.
7. The majority of the PAC agrees that there should not be an overall limit on the number of allowable FAD sets in the Convention Area. Such a limit has been part of the management program in the past, and has not worked well, in large part because of compliance issues. A

minority of the PAC do not agree with this position, and that FAD set limits are an effective tool to reduce the take of juvenile bigeye and the potential to use that tool should be maintained.

8. A majority of the PAC agrees that the definition of a FAD set should be included in this measure for reasons of cohesiveness, transparency, and clarity. That definition should be consistent (ideally identical) with the one adopted by the IATTC, i.e., defining a FAD as tracked and/or deployed. A minority of the PAC believes that instead of focusing in on the need to adopt the IATTC definition that the U.S. government should support development of an enforcement protocol, that will define unintentional FAD sets to address the “chopsticks issue.”

9. The PAC recommends that the United States should support adopting appropriate guidelines in the WCPFC to require lower entanglement risk FADs, taking into account the IATTC guidelines.

10. The PAC recommends that in order to reduce the amount of synthetic marine debris, the use of natural or biodegradable materials for drifting FADs should be promoted.

11. Nothing shall be agreed in WCPFC which would restrict the ability of the USG to modify its regulations relative to the overlap area – the geographical jurisdictional area of the WCPFC which overlaps with the Inter-Tropical Tuna Commission (IATTC). 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.

12. The United States should support meaningful vessel capacity limits as part of a WCPFC measure with the inclusion of all fleets (including Pacific island fleets).

13. The United States should support the establishment of a FAD tracking program by the Commission, wherein the Commission can receive -- with a 60 day time lag -- information directly from FAD buoy providers relevant to the tracking of FADs.

14. The United States should support the continuation of the FAD working group to consider these matters as well as others such as, inter-alia, the meaning of FAD deployment, tracking, ownership, accountability, recovery, and active and inactive FADs. This working group should meet at a time and venue preferably in conjunction the annual WCPFC meeting.

15. The PAC recommends that no exemptions to conservation measures for any vessels be allowed. However, if exemptions such as those permitted under footnote 2 in paragraph 16 of CMM 2017-01, that all information on exemptions be made publicly available.

Longline:

16. 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.

17. The majority of the PAC recommends that the United States should obtain a U.S. longline bigeye limit of 6,000 metric tons (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. The basis for this increase is that: 1) observer coverage levels in U.S. longline fisheries far exceed the 5% minimum and Hawaii longline vessels do not transship (paragraph 40 of CMM 2017-01); and 2) members' allocations should be adjusted to be fair and equitable, considering the changes in the fisheries since the initial catch limit allocations. It is further noted that the spatial operation of the fishery is in an area of low(est) depletion and the BET stock is healthy, so an increase in the U.S. catch limit would not result in BET overfishing or breaching the limit reference point. The minority of the PAC believes that there are risks to re-opening the measure, but if this effort is successful to raise the limit to 6,000 mt then the existing arrangements referred to in the next recommendation should not be maintained.

18. A majority of the PAC recommends maintaining CMM 2017-01 paragraph 9 as it recognizes agreements between U.S. vessels and the U.S. Participating Territories. Refer to the minority views in the previous recommendation (recommendation 17).

19. 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 support positions on other conservation and management measures, then the United States should support a longline (bigeye or all species) transshipment ban or other phased approaches under consideration for the WCPFC area. In the event that high seas transshipment by longliners is not prohibited, the PAC recommends that the U.S. government urge that the WCPFC strengthen the measure on high seas transshipment to ensure that all transshipment is monitored, the reports validated and transmitted to the Commission.

II. South Pacific Albacore:

20. The PAC acknowledges the difficult economic situation of the U.S. flagged American Samoa longline fishery which has been plagued with low catch rates, low ex-vessel prices, high costs, subsidized foreign competitors, and limited fishing grounds. The PAC recommends that NMFS evaluate potential longline CPUE based Target Reference Points (TRP) with regards to American Samoa longline fleet and the U.S. troll fleet economic performance taking into account recent CPUE levels and variability in fuel costs and fish price and to provide that information to the United States and U.S. Territory delegations in advance of WCPFC15 in writing.

21. The PAC supports the establishment of a TRP for South Pacific Albacore.

22. In addition to recognizing the 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.

23. The PAC recognizes that because of the continued growth and presence of foreign longline vessels in neighboring islands surrounding the U.S. EEZ, that the U.S. government must be vigilant in addressing this for the sake of conservation and albacore stock sustainability within the region.

24. The PAC recommends that NMFS compare the relative merits of, in writing, CPUE and SSB based Target Reference Points (TRP).

25. The PAC recommends that with regard to the South Pacific albacore troll fleets the USG recommend that since they account for less than 3% of the South Pacific albacore catch, that there are no management measures which need to be applied to those fleets at this time.

26. The PAC recommends that the USG urge in the strongest terms possible that the Commission consider enforcement measures to have countries abide by the current South Pacific albacore resolution CMM 2015-02 in view of the reported significant increase in both the number of longline vessels and catch South of 20 degrees South beyond 2005 levels. See document WCPFC-TCC-14-2018/IP-14.

III. Compliance Monitoring Scheme:

27. The PAC recommends that the U.S. maintain a position to not weaken the 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 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.

28. The PAC recommends that the United States

- a. continue to support inclusion of flag state investigations and accountability in the new CMS
- b. advocate for inclusion of NGOs and other observers in the CMS process
- c. advocate for a distinction between minor and major violations in the CMS, with appropriate responses to ensure compliance

29. The PAC urges the USG to raise at this year's annual meeting the issue of lack of full implementation and timely response related to the procedures adopted in the WCPFC12 annual report that reads (at para. 569):“The Commission adopted the pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels and put forward by the IWG-ROP, as amended to include data being provided to the coastal state when an alleged infringement takes place in a coastal state's waters (Attachment U)”.

30. The PAC recommends that the U.S. government negotiate for a permanent CMS that is transparent, contains provisions to sanction non-compliance and expanded guidelines for participation by non-governmental observers.

IV. Sharks

31. The United States should not support a prohibition on the use of wire tracers in U.S. longline fisheries as wire tracers are used in the Hawaii longline fishery in combination with weighted branch lines to reduce snap-back, thus promoting crew safety. The PAC notes that the Hawaii longline fishery uses “weak circle hooks” that likely promotes greater shark post release survivorship in comparison to J hooks.

V. Electronic Reporting / Electronic Monitoring (ER/EM):

32. The United States should work with WCPFC members to reach consensus on how implementation of the WCPFC EM program can supplement the required observer coverage taking into account observer cover obligations, scope of program, cost implications, and national programs.

VI. U.S. Participating Territories:

33. 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.

VII. Harvest Strategies:

34. The U.S. should support establishment of a science and managers dialogue to further the Harvest Strategies process which could meet adjacent to the annual meeting.

35. The PAC recommends that the United States government continue to support progress on the development of Harvest Strategies according to the WCPFC agreed workplan.

36. The PAC recommends that the United States government work with other parties to identify potential Target Reference Points for yellowfin and bigeye tuna, consistent with the agreed WCPFC Harvest Strategy workplan, that could be submitted for adoption at next year's annual meeting, subject to review of the PAC at next year's meeting.

VIII. Striped Marlin

37. The PAC recognizes that a new stock assessment will be conducted for striped marlin in 2019 and issues related to growth, CPUE standardization, and stock structure need to be reconciled. In view of this, the United States should not submit the striped marlin rebuilding plan proposal at WCPFC15 but should continue to discuss the stock status concerns with other CCMs while the Northern Committee recommendations are addressed by the ISC for consideration in 2019.

IX. Bluefin Tuna

38. The PAC supports the U.S. position at Northern Committee to maintain the current CMM and rebuilding plan catch limits, consistent with the IATTC. In order to ensure better accountability and transparency, the United States should continue to advocate to modify the CMM language so that the catch limits are denoted in a table with numerical limits (metric tons), consistent with the IATTC.

39. The PAC recommends the U.S. consult with Japan bilaterally ahead of the annual meeting to ensure that the NC meeting (resumed) occurs without changes to the recommendations forwarded by the recent Joint NC-IATTC Meeting in Fukuoka.

40. When the NC resumes, the PAC recommend that if there is extensive discussion, then the United States consider a statement noting:

- a. the need for precautionary approach to recovery, noting the uncertainties with recruitment;
- b. the need for strong compliance by all parties to ensure continued progress toward the rebuilding targets; and
- c. encouraging the Joint WG to make progress in developing target reference points and harvest control rules to advance the development of the MSE in 2019.

If there is discussion on Pacific Bluefin at WCPFC15, the PAC recommends the United States consider appropriate statements.

X. IMO Numbers

41. The PAC recommends that the United States sponsor the proposal including the IMO language at the annual meeting.

XI. Other Issues

42. The PAC expresses 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 recommends 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.

43. The PAC urges NMFS to work closely with stakeholders, specifically with the purse seine industry, to provide fishery dependent data in raw and aggregate form, as appropriate, in a timely and non-bureaucratic fashion to assist in the development of U.S. positions for various WCPFC meetings/deliberations.

44. The PAC requests that the next annual PAC meeting be held in Hawaii from October 10-11, 2019.