

**Recommendations from the Permanent Advisory Committee to the
U.S. Section to the Western and Central Pacific Fisheries Commission
Honolulu, Hawaii - October 10-11, 2019**

The following recommendations are directed to the U.S. Section to the Western and Central Pacific Fisheries Commission (WCPFC or Commission) for the purpose of developing U.S. policies, positions and negotiating strategies with respect to U.S. participation in the WCPFC.

I. Tropical Tuna Measure

The Permanent Advisory Committee (PAC) recommends the following:

General Principles:

1. That the United States ensure that any new measure adopted by the Commission 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 SIDS fleets, that any future CMMs do not include any exemptions from conservation measures for SIDS vessels.
5. That the Commission develop criteria to prevent fishing capacity in the WCPFC Convention Area from exceeding 2019 or historical levels.

Purse Seine:

6. That the U.S. Delegation make a clear and unambiguous statement at the 2019 WCPFC annual meeting that, as part of the renegotiation of the tropical tuna measure in 2020, the United States will look to recover the 750 fishing days voluntarily set aside by the United States as part of its contribution to the conservation of the bigeye stock, in light of the following two considerations:

- a. with the recognized improvement in the status of the bigeye stock, the number of high seas days available to the U.S. fleet must be restored, commensurate with the extent of the recovery of the bigeye stock; and
 - b. the increase in high seas fishing days by purse seine vessels flagged or chartered to Pacific Island States (possibly as high as, or even exceeding, 5,000 days) makes clear that limits on high seas fishing days applied to other fleets have no scientific or conservation basis, but are simply an attempt to reallocate effort among WCPFC members to the detriment of the United States and its territories, to the benefit of States operating under far less stringent monitoring, regulatory, and enforcement constraints than the U.S. fleet, and in a manner wholly inconsistent with the allocation criteria established in Article 10.3 of the WCPFC Convention.
7. Prior to presenting any effort allocation proposal to the WCPFC, the U.S. Delegation should continue to develop and flesh out the proposal for an allocation system for total allowable effort (TAE) in the purse seine fishery, to apply to all WCPFC members on an equitable basis, in accordance with the following: 1) that any such proposal use as a basis for the TAE a total of [XX] combined days for skipjack and yellowfin; 2) that any proposal recognize and accommodate the needs of the PNA under the vessel day scheme; 3) that prior to the introduction of any such proposal, the United States work to build a coalition of other distant water fishing nations in order to present a broadly supported proposal to serve as a counter to any PNA proposal contrary to U.S. interests; and 4) that any effort allocation limits include provisions to ensure orderly implementation and planning by industry.
8. That any allocation effort proposed pursuant to paragraph 7, above, recognize and accommodate the special needs of American Samoa and, as appropriate, other U.S. territories.
9. That 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.
10. 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.
11. That the U.S. Delegation should advocate for a Pacific-wide definition for FAD set consistent (ideally identical) with the one adopted by the IATTC; i.e., defining a FAD as deployed and/or tracked using a tracking buoy. Failing that, the U.S. delegation should, in the interim, seek to ensure the extension of the provision of 2018-01 making clear that the prohibition on FAD sets shall not apply to "... any set where small amounts of plastic or small garbage that do not have a tracking buoy attached are detected"; and, in addition, to

amend the current WCPFC definition of FAD set to be any set within one-half mile of a FAD, as opposed to the current specification of one-mile.

12. That in order to reduce the amount of synthetic marine debris, the use of natural or biodegradable materials for drifting FADs should be promoted.
13. That 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 - several U.S. purse seine vessels have been sold or are in the process of sales, and/or re-flagging – given the current poor economic condition of the fishery and action on this element could offset some impending bankruptcies.
14. That 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).
15. That 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. Several US vessels are currently cooperating with SPC OFP to voluntarily provide this information – and we should support Commission-wide expansion of this effort.
16. That 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.
17. 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:

18. That the US government should begin to work bilaterally with members on the development of new longline bigeye management measures in order to obtain a US bigeye longline limit of at least 6,000 mt, and in recognition of the following: 1) bigeye is the main target species of the Hawaii longline fishery which principally supplies Hawaii and US markets, 2) bigeye is not overfished or subject to overfishing and the US catch limit(s) never matched Hawaii longline fleet capacity, 3) observer coverage levels in the Hawaii longline fishery have for decades far exceeded the 5% minimum, 4) Hawaii longline vessels do not transship and landings are concentrated in one port ensuring high

levels of catch monitoring, 5) the spatial operation of the Hawaii longline fishery occurs in areas of low depletion as compared to equatorial regions, and 6) the Hawaii longline fishery is subject to numerous additional conservation measures (such as weak circle hooks).

19. That the United States should continue to develop the longline bigeye catch limit concept paper by incorporating several TAC scenarios based on reference years, however the United States should not submit the proposal in advance of the December 2019 Commission meeting.
20. In working bilaterally with Commission members, the United States should clearly express that it will 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.
21. That the United States should ensure that the provisions contained in CMM 2018-01 paragraph 9 are maintained in support of participation of the US Territories within the Commission.
22. 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.

III. Compliance Monitoring Scheme:

The PAC recommends that:

23. The United States should explore any and all available options to use access to U.S. markets, including under existing U.S. legislation, to compel improved compliance and enforcement, including the assessment of appropriate sanctions and penalties in respect of violations, by WCPFC members such as China that continue to flout compliance with the Commission's CMMs, including those related to catch and effort limits, limits on vessel numbers and capacity, accurate reporting of catches, minimum levels of observer coverage, and others.
24. The US should make strong statements at the upcoming Commission meeting that the level of non-compliance is alarming, reducing the credibility of the Commission, and undermining the effectiveness of the Convention.

25. The U.S. continue to push for a multi-year compliance regime that has strong flag state investigation provisions and clear audit points for all the CMMs.
26. The U.S. continue to lead on the development of guidelines for observer participation in the Compliance Committee.
27. The U.S. lead the development of penalties for significant noncompliance for inclusion in the CMR in 2020.
28. 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.
29. 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; and
 - c. advocate for a distinction between minor and major violations in the CMS, with appropriate responses to ensure compliance.
30. The PAC notes and supports the US efforts at the TCC to obtain observer reports to flag state authorities, however the PAC also 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)".
31. 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. Pacific Bluefin Tuna

32. The PAC supports the continued use of the JWG as an appropriate venue to make equitable recommendations on PBF management that can be advanced in the WCPFC

and IATTC, as appropriate. In addition, the PAC supports the expanded JWG meeting report as a necessary measure of transparency for all future meetings.

33. The PAC supports the U.S. position at JWG and NC to maintain a precautionary approach and focus on rebuilding PBF, recognizing the uncertainty in recruitment and the need for an equitable balance among the WCPO and EPO. At WCPFC16, the PAC recommends:
 - a. Adoption of the revisions to CMM 2018-02, as agreed at the JWG meeting; and
 - b. Consultation with Japan bilaterally ahead of WCPFC16 to ensure that the NC meeting occurs without additional changes to the JWG recommendations.
34. The PAC supports continued U.S. efforts to advance PBF rebuilding, transparency and equitable balance, including:
 - a. Outreach to IATTC members to align timing for the 2020 meetings;
 - b. Prioritize advancing the MSE process, including U.S. analyst capacity and workshops;
 - c. Continued strong oversight of the compliance process, particularly the non-calendar year reporting, quota transfers (underage/ overage) and progression toward catch limits denoted in a table with clear country allocations for management (consistent with IATTC); and
 - d. Oversight of the upcoming benchmark assessment to ensure best available science and stakeholder engagement.

V. South Pacific Albacore

35. The PAC recommends that the interim target reference point (TRP) for South Pacific albacore also include a target CPUE that will allow American Samoa longline albacore fishery to return to historical levels.
36. The PAC recommends that a TRP for South Pacific albacore be achieved 'soonest' (less than 20 years) under harvest scenarios #4 or #5 brought forth by the SPC, with initial incremental annual reductions of at least 2.75%. The Commission may elect to increase catches of South Pacific albacore immediately after a TRP is achieved to 'minimize overshoot' of the TRP so that the stock can be fully utilized while maintaining the TRP.
37. The PAC recommends that harvest scenarios and strategies implemented to achieve the TRP for South Pacific albacore should include an allocation scheme for CCMs whereas SIDS and Participating Territories are exempt from annual catch reductions to reach the TRP or that SIDS and Participating Territories can maintain catches commensurate with historical optimal levels. The allocation scheme must take into consideration charter arrangements and allocations should be accounted by RFV registry, such that conservation benefits are not undermined.

38. The PAC recommends that since the U.S. South Pacific albacore troll fleet, (which is the only troll fleet fishing on the high seas South of 20 degrees South) caught an average of less than 350 metric tons of albacore during 2015-2017, it should be exempt from catch reductions under harvest scenarios to reach the TRP and under an allocation scheme for South Pacific albacore, until its catches exceed 5% of total catch of South Pacific albacore, which should trigger troll fisheries under their corresponding CCM being subject to reductions.
39. The PAC recommends that the US insist that all future stock assessments for South Pacific albacore, including the assessment scheduled for 2021, be conducted throughout the entire range of the stock, including areas within the IATTC Treaty Area and including the Overlap Area. The TRP can be evaluated under WCPFC Convention Area.
40. The PAC recommends that the US place before the Technical and Compliance Committee the flagrant disregard by certain CCMs of the provisions of both the North Pacific albacore and the South Pacific albacore CMMs and their limitations on effort.
41. PAC urges USG to work with other parties to evaluate the efficacy and relevance of CMM 2015-02 in controlling albacore longline fishing effort and supporting the attainment of newly established TRP. If CMM 2015-02 is deemed effective and relevant to attaining conservation objectives, PAC recommends 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. If CMM 2015-02 is found to not be relevant and effective, PAC recommends USG work with other parties to develop and introduce a CMM that does effectively address SPAC albacore fishing effort and supports the attainment of TRP.

VI. Sharks

42. The PAC recommends that 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.
43. The PAC notes the efforts of Japan to consolidate the shark CCMs and supports continuation of this effort. Although considerable progress has been made, concern remains that the current language for oceanic whitetip and silky sharks may not materially improve their currently overfished state. Science-based operational and handling guidelines and or mitigation measures need to be developed and tested before being implemented in a mandatory manner. Continued research is required on species specific reference points. Also the supremacy of ensuring the health and safety of the vessel crews and observers could be consolidated into an overarching principle of the revised measure. In further developing the comprehensive CMM, further ISC and SC evaluation of the efficacy of existing CMMs to mitigate impacts and improve conservation of sharks is warranted.

44. The PAC supports adoption of the comprehensive sharks CMM at WCPFC16, but notes the need to ensure robust compliance, particularly paragraphs 8 and 9, and suggests consideration of additional scientific review as appropriate for those paragraphs to ensure the efficacy of these new measures.
45. The PAC notes the very low stock status of OWT, and supports consideration of additional measures, such as increased observer coverage, in line with the SC advice.

VII. Harvest Strategies

46. The PAC urges the USG to support the establishment of a Scientist Manager's Dialogue working group on MSE.
47. The PAC recommends that the United States government should continue to support progress on the development of Harvest Strategies according to the WCPFC agreed workplan.

VIII. At-Sea Transshipment:

48. The PAC appreciates the U.S. commitment to provide funding for the IWG transshipment analysis and requests outreach to other CCMs to request additional funding to support these analyses at WCPFC16 and support the work of the IWG of which the U.S. is a co-chair.
49. The PAC supports changes to the ROP rules to require the relevant carrier observer reports and transshipment declarations are sent to the Secretariat by the observer provider.
50. The PAC supports strengthening of data sharing with IATTC and NPFC.
51. The PAC recommends the U.S. continue to protect the interests of the U.S. South Pacific albacore troll fleet in qualifying under para. 34 and 37 of CMM 2009-06.

IX. North Pacific striped marlin

52. The PAC recommends that a rebuilding plan be based on projections assuming long-term recruitment or based on stock projections provided by the ISC once uncertainty in recruitment is reconciled¹.

¹ The PAC notes possible stock assessment model misspecification elucidated from retrospective analyses and uncertainty in contemporaneous biological information (as noted by the ISC Billfish Working Group). The assessment report noted that in retrospective analyses, which cover fishing year's corresponding with 'short term recruitment', that "trajectories of estimated spawning stock biomass and the index of fishing intensity ... showed there was a tendency for the base case model to underestimate spawning biomass in recent years and overestimate fishing intensity."

53. The PAC notes that the Western and Central North Pacific striped marlin is not a 'northern stock' and because most recent tagging, genetic, and biological information suggests alternative spatial stock structure, the PAC recommends that the science provider conduct future stock assessments under alternative stock delineations. This will require cooperation with the Inter-American Tropical Tuna Commission and other science providers.
54. The PAC supports the U.S. proposal to rebuild NP striped marlin to 20% SSB F=0 within 10 years as an interim step to improve management and recovery of the stock to sustainable levels.
55. The PAC recognizes the need to improve understanding of the recruitment scenario for NP Striped Marlin as a matter of priority in 2020, and requests timely consultation with U.S. stakeholders and scientists as appropriate.

X. Marine Mammals

56. The PAC recommends that the WCPFC make mandatory reporting of marine mammal interactions to include disposition of the animal, develop proper training on marine mammal handling, and undertake research on efficacy of gear modifications/specifications to reduce marine mammal mortalities.

XI. Other issues

NC Quorum issue:

57. The PAC recommends that the U.S. work through the NC to recommend an amendment to WCPFC rules of procedure to set the threshold for a quorum of the NC as [50% + 1] of membership or recommend a reinterpretation of the phrase that members of the Committee "include the members situated in such area and those fishing in the area" of Article 11 paragraph 7. The PAC recommends that the U.S. develop and exchange views with other CCMs with intent to revise the ROPs applicable to the NC to address the lack of quorum as soon as possible.

Electronic Monitoring

58. The PAC urges the U.S. to:
 - a. Support the ongoing work of the ER/EM working group, while also noting the work done by the SPC/FFA on EM and the potential for the two sets of work to be combined; and
 - b. Support the development of an EM systems with the goal to significantly increase monitoring, specifically in foreign longline fisheries, recognizing those areas where Project 93 had indicated the largest data gaps exist.

XII. U.S. Participating Territories:

59. 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.
60. The PAC recommends that purse seine vessels operating primarily out of American Samoa be extended full Article 30 privileges under American Samoa's SIDS status which would ameliorate restrictions of fishing effort in the ELAPS.
61. Understanding that the American Samoa longline albacore fishery is failing, and that this is partly due to the continuously increasing number of seemingly unregulated and highly subsidized non-U.S. longliners and their severe impact on the catch rates of the American Samoa local longline fleet, the PAC recommends a freeze of non-U.S. distant water fishing nation longline fleets until an effective conservation measure can be fully implemented.