

**Recommendations from the Permanent Advisory Committee to the  
U.S. Section to the Western and Central Pacific Fisheries Commission  
Web Conference - October 14-16, 2020**

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 Principals:*

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 historical levels.

*Purse Seine:*

6. That the U.S. Delegation actively oppose the continued proliferation of exemptions to the purse seine FAD closure as provided in footnote 1 to paragraph 16 of CMM 2018-01 (SIDS exemptions), in view of the fact that in 2020 nearly one-third of the purse seine vessels operating in the WCPFC Convention Area now purport to qualify for these exemptions. Many of these vessels are owned and operated by individuals and companies that have tenuous ties at best to the Pacific Island Parties and, most glaringly, a number of them still fly the flag of non-SIDS WCPFC members.

7. That the U.S. Delegation continue to vigorously defend the application of the Effort Limit Area for Purse Seine (ELAPS) as the legitimate basis for managing U.S. purse seine effort limits established under successive WCPFC tropical tuna measures, currently pursuant to CMM 2018-01. Ideally, this position would be formally recognized by the Commission in the same manner as the PNA VDS for the relevant Pacific Island States.
8. That the additional two-month FAD closure applicable on the high seas be eliminated in response to the improved status of the bigeye and yellowfin stocks in the WCPFC Convention Area.
9. That the U.S. Delegation seek to restore the 760 high seas fishing days set aside in 2013, commensurate with the extent of the recovery and the improved status of the bigeye tuna stock.
10. That any allocation system developed by the Commission, to be incorporated in one or more conservation and management measures, recognize and accommodate the special needs of American Samoa and, as appropriate, other U.S. territories.
11. 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 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 Government work to obtain a domestic consensus and 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.
12. That in adopting future conservation and management measures, the U.S. Delegation oppose any measures that continue to include exemptions for specific Parties or groups of Parties, so that the same rules will apply to all Parties and fleets operating under the WCPFC. The extent that any exemptions are allowed, the use of those exemptions shall be made publicly available and the effects of those exemptions must be taken into account by the SPC science provider and other WCPFC bodies when looking at the impacts on the fishery.

13. 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.
14. 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 reinsertion of the previous paragraph 29 of CMM 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.
15. That in order to reduce the amount of synthetic marine debris, the use of natural or biodegradable materials for drifting FADs should be promoted.
16. Despite the opposition from FFA members, 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).
17. 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.
18. 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; noting that the recent "meeting" of the working group did not even include a zoom-like platform to exchange views on the issues cited above.

19. 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:*

20. That the United States submit a proposal to WCPFC17 that: 1) includes a nominal longline bigeye Total Allowable Catch (TAC) level of 100,000 mt that could be used to evaluate total longline catches and if it's shown that the SIDS catch was substantially contributing towards exceeding the TAC, then that would provide rationale to adjust in subsequent years; 2) increases the US longline bigeye limit by 3,000 mt to be 6,554 mt; 3) as means to garner support, provide other CCMs listed in CMM 2018-01 Table 3, except Japan and Indonesia, an additional 3,000 mt to their annual limits; 4) does not limit SIDS/PT longline catches while emphasizing that further work on catch limits for all CCMs should be prioritized by the Commission; 5) the U.S. proposal shall be consistent with scientific advice and reviewed in 2021.
21. 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.
22. 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.

## **II. Pacific bluefin tuna**

23. 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.
24. 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 WCPFC17, the PAC recommends adoption of a rollover of CMM 2019-02, as agreed at the JWG meeting and NC meeting.

25. 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 2021 meetings;
  - b. Prioritize advancing the MSE process, including U.S. analyst capacity and intersessional progress on development of the MSE workplan and related activities in order to ensure progress in 2021;
  - 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 future benchmark assessments to ensure best available science and stakeholder engagement.

### **III. North Pacific striped marlin**

26. The PAC supports the U.S. commitment to submitting a proposed rebuilding plan that will rebuild NP striped marlin to 20% SSB  $F=0$  by 2034 as an interim step to improve management and recovery of the stock to sustainable levels.
27. The PAC endorses projections conducted by PIFSC utilizing phased total catches (for periods 2021-2024, 2025-2028, 2029-2032, and 2033-2034), recognizing these projections utilize catch and effort provided to the ISC (within stock boundaries delineated by waters north of Equator and Convention Area west of 150W) as best scientific information available. These projections reach the adopted rebuilding target by 2034 with at least 60% probability and have over 50% probability of ending overfishing relative to  $F_{MSY}$  from 2021-2024.
28. The PAC requests a conservation and management measure (CMM) be developed for rebuilding the North Pacific striped marlin stock. This CMM should specify CCM catch limits for 2021-2024 with an annual total catch limit of 1,951 mt for North Pacific striped marlin to end overfishing.
29. The PAC supports catch limits by CCM partitioned based catches of longline fisheries by CCMs as reported to the ISC Billfish Working Group from 2015-2019, recognizing these catch histories have the greatest certainty, are scientifically vetted, and these years represent current fishing capacities of CCMs. This should also consider a buffer of 3% catches from other CCMs that incidentally catch striped marlin within North Pacific striped marlin boundaries.

30. The PAC recommends development of a striped marlin rebuilding plan that includes annual catch limits to ensure progress and achievement of the 20% SSB<sub>F=0</sub> rebuilding target. The PAC requests that a proposed CMM for North Pacific striped marlin include provisional annual total catch limits for the time periods 2025-2028, 2029-2032, and 2033-2034. These catch limits are 1,751 mt, 1,551 mt, and 1,351 mt for indicated time periods, respectively. These annual catch limits should be evaluated by SC20 and WCPFC21 with updated information provided by the ISC. Annual catch limits may be adapted for each time period.
31. The PAC requests that a proposed CMM for North Pacific striped marlin take into consideration practical conservation and management options, such as the required use of circle hooks in all longline fisheries, to increase the likelihood that annual catch limits are not exceeded and to increase survivability of released striped marlin.
32. The PAC requests that the WCPFC develop more stringent measures of species identification, improve catch and discard accounting, and annual reporting of billfishes. This is recognizing uncertainty and untimeliness of catch reporting of billfish and the need for transparent evaluation of billfish catches on a reasonable basis.

#### **IV. South Pacific albacore**

33. 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.
34. 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 percent. 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.
35. 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 the RFV registry, such that conservation benefits are not undermined.

36. The PAC recommends that the US confirm and follow through so 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 South Pacific albacore TRP can be evaluated under WCPFC Convention Area data.
37. 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 further catch reductions under harvest scenarios to reach the TRP and under an allocation scheme for South Pacific albacore. When its troll catches exceed 5% of total catch of South Pacific albacore, this could trigger troll fisheries being subject to further reductions.
38. The 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 found to be ineffective, the 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.

## **V. Compliance Monitoring Scheme**

The PAC recommends that:

39. The United States should explore any and all available options to use access to U.S. markets, including under existing U.S. legislation such as the Pelly Amendment to the Fishermen's Protective Act, 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 other activities that diminish the effectiveness of the WCPFC conservation and management regime.
40. The U.S. 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.

41. 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.
42. The U.S. continue to lead on the development of guidelines for observer participation in the Compliance Committee.
43. The U.S. lead the development of penalties for significant noncompliance for inclusion in the CMR in 2021.
44. 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.
45. The United States continues to negotiate for a permanent CMS that includes the following:
  - 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.
46. The PAC notes and supports the U.S. 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)".
47. In the absence of a strengthened and transparent CMS process, that the United States oppose the adoption of WCPFC conservation and management measures that require observer coverage for compliance and monitoring.

## **VI. Regional Observer Programme**

48. The PAC supports U.S. efforts to improve the effectiveness of the ROP and coordinated efforts through the CMS process to ensure robust compliance by all CCMs.

## **VII. Cetaceans**

49. 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.

## **VIII. Other**

### ***Electronic Monitoring:***

50. The PAC urges the U.S. to:
  - a. Support finalization of the EM CMM to establish EM standards for a Commission wide electronic monitoring program. If that work is not finalized, strongly support continuation of the EM working group with direction to finalize the CMM as a matter of urgency; and
  - b. Support the development of an EM system 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.

## **IX. Harvest Strategies**

51. The PAC urges the USG to support the establishment of a Scientist Manager's Dialogue working group on MSE.
52. 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.

## **X. Sharks**

53. 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. A minority of the PAC supports the prohibition on wire tracers but if that is not enacted, urges the WCPFC to fully consider the results of all relevant research that is being done this year at the 2021 meeting.

54. The PAC notes the consolidation of the shark CMMs at the 2019 WCPFC annual meeting. Although this represents progress, 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 implemented in a mandatory manner. Industry has raised concerns as to how NOAA will implement the revised provisions of the measure and noted that the current language in the U.S. implementing regulations is very broad and may not adequately reflect the need to ensure the supremacy of the health and safety of the crew as an overarching principal of the revised measure.
55. The PAC notes the very low stock status of oceanic whitetip sharks, and supports consideration of additional measures, such as increased observer coverage, in line with the SC advice.

## **XI. At-Sea Transshipment**

56. The PAC appreciates the U.S. continued leadership of the IWG and supports finalization of the scope of the work by this year’s annual meeting of the Commission so the consultant can be hired to conduct the transshipment data analysis to inform the work of the IWG during 2021.
57. 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.
58. The PAC supports strengthening of data sharing with IATTC and NPFC.
59. 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.
60. Although federal regulations currently allow Hawaii longline vessels to transship at sea, if prohibiting longline bigeye transshipment at sea will improve the monitoring of longline bigeye 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) transshipment ban or other phased approaches under consideration for the WCPFC area. In the event that high seas transshipment of bigeye 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.

## **XII. Labor Standards**

61. The PAC recommends that the United States work with other CCMs to develop a CMM that prevents forced labor on fishing vessels operating in the Convention Area, and further, that issues related to other labor standards not be included due to their complexity and subjectivity.

## **XIII. Participating Territories**

62. 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.
63. 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.
64. 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.