

**Recommendations from the Permanent Advisory Committee to the
U.S. Section to the Western and Central Pacific Fisheries Commission
October 27-28, 2022**

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. The PAC recommends that at least two executive session meetings of the PAC be held, pursuant to SOPP Sect. IV.B.1, in March and August of 2023, in addition to the October PAC meeting. The purpose of the executive session meetings would be to discuss the U.S. negotiation position regarding the Tropical Tuna CMM and other issues as appropriate.
5. That the United States use any and all opportunities or venues, such as workshops and U.S. Tuna Treaty negotiations, to engage on issues pertinent to furthering the position of the United States in the WCPFC.

Purse Seine:

6. Consistent with recommendations [1 and 2], that NMFS not move forward to publish any final rule to separate the combined limit for fishing days on the high seas and in the U.S. EEZ into two separate limits, and further, 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 and to explore other opportunities to maximize fishing opportunities for the American Samoa locally based fleet.

7. That the U.S. Government take immediate steps to initiate (or perhaps reinstate) a regulatory process to designate the American Samoa based tuna purse seine fleet as a SIDS fleet under the WCPFC Convention. This would be a domestic regulatory matter, rather than a negotiation within the WCPFC. Such action by the United States would be fully consistent with the provisions of Article 30 of the Convention.
8. That as part of the regulatory process identified above, the designation as a SIDS fleet ensures that the fleet is exempt from the following requirements, in the same manner as other SIDS fleets:
 - a. The three-month FAD closure;
 - b. The two-month high seas FAD closure; and
 - c. Limits on high seas fishing effort.
9. That the United States support efforts by American Samoa to establish a record of purse seiners that regularly land tuna in American Samoa in support of the American Samoa tuna industry. Such record can then be used by relevant flag states to regulate the purse seiners on that record as an integral part of the American Samoa tuna industry with the same rights and privileges as other SIDS' fleet. This would eliminate the unfair treatment of American Samoa and the locally based purse seiners and help to reduce the disproportionate burden of conservation that is destroying the American Samoa tuna industry.
10. That in adopting future conservation and management measures, the U.S. Delegation shall seek to ensure, to the maximum extent possible, that the same set of rules apply to all Parties and fleets operating under the WCPFC and that, to the extent that any exemptions are allowed, the measures applied to the American Samoa locally based purse seine fleet be the same as those applied to other SIDS fleet including, but not limited to, provisions for the three-month FAD closure, the high seas FAD closure, and high seas effort limits. The U.S. Delegation shall seek to ensure that the use of any exemptions be made publicly available and that the effect of those exemptions are taken into account by the SPC science provider and other WCPFC bodies when looking at the impacts on the fishery.

11. That the United States use any and all opportunities or venues, such as workshops and U.S. Tuna Treaty negotiations, to engage on issues pertinent to furthering the position of the United States in the WCPFC.
12. That the U.S. Delegation 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; 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.
13. That in order to reduce the amount of synthetic marine debris, the use of natural or biodegradable materials for drifting FADs should be promoted. The definition of what constitutes “biodegradable material” and biodegradable FAD” should also be consistent between the WCPFC and IATTC.
14. 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.
15. 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 with the annual WCPFC meeting.

Longline:

16. The PAC recommends that the US position on candidate bigeye tuna target reference points (TRPs) should be in support of viable catch rates and long-term continuity of the Hawaii longline fishery including consideration of spatial differences in bigeye depletion within the convention area.
17. The PAC recommends that the United States collaborate with other CCMs in 2022 and early in 2023 in developing a proposal to increase the annual US longline bigeye limit by at least 3,000 mt. To achieve this objective, several options outlined in the Table A (attached) should be considered. Available information suggests that each of these options would: a) not disproportionately burden SIDS and Territories, and b) would not exceed the BET management objective to maintain bigeye tuna spawning biomass at 2012-2015 levels and c) ensure compatibility between EEZs and high seas with respect to

zone-based management. The PAC further recommends that the US government support a series of workshops and meetings in 2023 to accomplish this objective.

18. The PAC recommends that the United States ensure that the provisions contained in CMM 2020-01 paragraph 9 are maintained in support of participation of the US Territories within the Commission.
19. The PAC also expressed concern that observer coverage on foreign longline fleets falls short of what the United States achieves and recognized the importance of such monitoring to the assessment of the performance of the tropical tuna measure. The PAC recommends the United States support the inclusion of a commitment in the tropical tuna measure to supplement human observer coverage on longline vessels with electronic monitoring to 20% within a specific time period.

II. Pacific bluefin tuna

20. The PAC supports the continued use of the JWG as an appropriate venue to make equitable recommendations on PBF management, including any changes to conservation measures, that can be advanced in the WCPFC and IATTC, as appropriate.
21. The PAC supports the U.S. position to maintain a precautionary approach for PBF to the second rebuilding target, including prioritizing, rebuilding PBF and a secondary priority to establish more equitable balance of allocation among the WCPO and EPO.
22. At WCPFC19, the PAC recommends adoption of the Northern Committee recommendations as agreed at the 7th JWG meeting.
23. The PAC recommends that the U.S. prioritize development of comprehensive long-term harvest strategies (management objectives, performance indicators, reference points and HCRs) in parallel to interim HCRs. The PAC recommends the U.S. encourage other CCMs to work with their stakeholders to come prepared for substantive work on long-term harvest strategies at JWG8. In addition, the PAC supports continued emphasis on the need to advance the MSE as quickly as possible.
24. Recognizing that the candidate operational management objectives include “Maintain a proportional fishery impact between the WCPO and EPO [similar to the average proportional fishery impact from 1971-1994]”, the US should

continue to advocate for reasonable allocation of harvest opportunity between the WCPO and EPO when catch limit measures are adopted in the interim before a management strategy evaluation is completed and a permanent harvest strategy is adopted. This will help establish a precedent for any allocations memorialized in a future harvest strategy.

III. North Pacific striped marlin

25. The PAC supports the U.S. commitment to submitting a new or revised conservation and management measure 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.
26. The PAC supports and requests development of a rebuilding plan based on a new benchmark stock assessment in 2023.
27. The PAC requests the U.S. support the development of improved improve species identification, improve catch and discard accounting, and annual reporting of billfishes. This is recognizing uncertainty and untimeliness of catch reporting of non-US caught billfish and the need for transparent evaluation of billfish catches on a reasonable basis. The WCPFC and its science providers should also work towards estimating unreported catches.
28. The PAC recommends the U.S. move the WCPFC towards adopting reference points for billfish species with a goal to develop harvest strategies for billfish. This effort should include collaboration between the IATTC, recognizing that blue marlin is a Pan-Pacific stock and striped marlin biological stock distributions remain equivocal.

IV. South Pacific albacore

29. The PAC recommends that CMM 2015-02 be revised to include reporting and capacity provisions north of 20 degrees South, noting the highest level of regional depletion in waters around American Samoa and north of 20 degrees South, as estimated by the 2021 stock assessment.
30. The PAC recommends that any interim target reference point (TRP) and management procedures for South Pacific albacore that follow recommendations from the Science Manager Dialogue and the Intersessional Working Group for South Pacific albacore ensure that, American Samoa's longline albacore fishery returns to fishery performance prior to 2010.

31. The PAC recommends that a TRP for South Pacific albacore be achieved 'soonest' (less than 20 years) under harvest scenarios brought forth by the SPC, with initial and appreciable incremental annual reductions in catch. 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.
32. 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.
33. 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.
34. The PAC recommends that the United States develop a definition as to what fishing for albacore means precisely and engage other CCMs on that definition for consideration in a revised measure.

V. North Pacific swordfish

35. The PAC supports the Northern Committee recommended proposal on North Pacific Swordfish, as it will provide a precautionary management regime for the portion of the healthy swordfish stock occurring north of 20 degrees North so long as the US ensures that the proposal, if adopted, will maintain full access to the entire swordfish stock at levels commensurate with the full capacity of the Hawaii limited-entry permit deep-set and shallow-set longline fleets.
36. The PAC is concerned with the lack of a swordfish CMM that covers 0 to 20N and has identified scientific and governance concerns, particularly that management is most effectively applied throughout the range of the stock (statement attached in meeting record). The PAC recommends that the U.S. express concern at WCPFC19 and develop a

plan with other CCMs to ensure that a consistent CMM covering 0 to 20N is adopted in 2023.

VI. Compliance Monitoring Scheme

The PAC recommends that:

37. 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 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.
38. The U.S. should make strong statements at the upcoming Commission meeting that the level of non-compliance reduces the credibility of the Commission undermines the effectiveness of the Convention.
39. The U.S. should continue to advocate for a multi-year compliance regime, and to support adoption of the report from TCC which included agreements on audit points and to encourage the use of the agreed risk based assessment framework tool. The PAC is disappointed that, in spite of strong US leadership of the Vice Chair, the completion of guidelines for observer participation in the Compliance Committee was not agreed. The USG is urged to continue to build support for completion of the guidelines.
40. The U.S. lead the development of corrective actions, including sanctions, as the next priority for action under the future work plan with hopes that it can be included in the CMR renewal in 2023.
41. The U.S. maintain a position to strengthen the WCPFC compliance monitoring structure to enable the Commission to evaluate the fisheries operations of its members and insist on accountability from countries whose fleets are found to be in violation.
42. 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 of those flag states in the new CMS;
 - b. continue to support prioritization of measures to be reviewed at TCC; and

- c. advocate for a distinction between minor and major violations in the CMS, with appropriate responses to ensure compliance.
43. The PAC notes and supports the continuing U.S. efforts at the TCC to ensure that observer reports are transmitted 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)”.
44. In the absence of a strengthened and transparent CMS process, that the United States continue to oppose the adoption of WCPFC conservation and management measures that require observer coverage for compliance and monitoring.

VII. Other

Electronic Monitoring:

45. The PAC urges the U.S. to:
- a. Strongly support continuation of the EM working group with a mandate to finalize a draft EM CMM during 2023 for submission to TCC and the Commission to establish EM standards for a Commission wide Electronic monitoring program in 2023.
 - b. Support the EM working group Chair’s effort to find a chair of the working sub group to develop those standards.
 - c. 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.
46. That the U.S. Government support the continued development of electronic monitoring (EM), with prioritization of efforts directed towards those fleets that currently lack alternative methods of independent verification. Implementation of EM should focus on the desired outputs from electronic monitoring, rather than the technical aspects of installing EM systems onboard vessels.

VIII. Harvest Strategies

47. The PAC urges the USG to actively seek consensus support to convene a meeting of the Scientist Manager's Dialogue working group in 2023 and beyond, noting several matters are ripe for the group's input, including development of an exceptional circumstances protocol for skipjack and continued work on south Pacific albacore.
48. The PAC recognized the adoption of Harvest Strategies has emerged as a high priority for a wide spectrum of stakeholders with a material interest in the long-term sustainable management of the tuna resources of the WCPO. Further, the PAC urged the United States to continue to be seen as a strong advocate for action and promote the need for consensus as required.
49. The PAC recommends that the United States government stress the urgency of progress on the development of Harvest Strategies, recognizing that work to date is far behind the timing envisioned in the WCPFC agreed workplan. The PAC noted the candidate management procedures tested for skipjack have little risk of breaching the limit reference point. The PAC recommends that the U.S. be flexible in its approach and prioritize agreement of a skipjack management procedure in 2022 and advocate for its implementation without delay. The PAC also recommended the U.S. prioritize development of harvest strategies for the other tropical tuna species (YFT and BET), make material progress on South PacALB and PBF, and finalize the HCR for North PacAlb in 2023. The PAC recognizes that lack of progress in the development of Harvest Strategies, particularly setting Limit and Target Reference points and harvest control rules increases risk such that WCPO tuna products could lose market recognition by sustainable seafood certification and ratings programs that are increasingly important for global consumers.
50. Adoption of SKJ TRP and HCR in 2022 appears to be the minimum progress in what was an overly ambitious workplan for the calendar year – expectations for 2023 should be adjusted accordingly by the Commission.
51. The PAC does not support adoption or consideration of “interim” harvest strategies or trials that undermine comprehensive harvest strategies.

IX. Sharks

52. The PAC notes the Hawaii Longline Association's voluntary operational changes to remove wire leader and improve handling and release practices for oceanic whitetip sharks in the Hawaii longline deep-set fishery. The PAC further notes the WPFMC's recommended domestic regulations to remove wire leaders in the

deep-set fishery and require trailing gear to be removed from oceanic whitetip shark as close as possible to the animal in all US Pacific Island longline fisheries. The PAC also notes WPFMC's MSA 304(i) international recommendation for application to all WCPO longline fisheries.

53. The PAC strongly supports the U.S. efforts to amend the comprehensive shark measure to ban wire leaders in WCPO longline fisheries and require safe release procedures to reduce fishing mortality and expedite recovery of oceanic whitetip sharks in the WCPO. The PAC urges the U.S. in advance of the WCPFC meeting to build support for these amendments among WCPFC members and reach out to members whose fleets would be affected.
54. The PAC endorses the WPFMC's MSA 304(i) international recommendation on increasing WCPO longline observer coverage and/or electronic monitoring (EM) on vessels operating between 10°S northward to 10°N, which is an area with high vulnerability of oceanic whitetip shark capture. This recommendation notes that improved monitoring is critical for assessing the rebuilding of oceanic whitetip sharks, evaluating the effectiveness of CMMs for species with non-retention measures in place, and existing analyses that suggest 20% coverage would reduce uncertainty in the estimates of bycatch species including oceanic whitetip shark.

X. At-Sea Transshipment

55. The PAC appreciates the U.S. continued leadership of the IWG and supports adoption of the proposed IWG workplan, as envisioned in the US proposal, for 2023.
56. 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.
57. The PAC also urges the US through the IWG to support the proposed recommendation from TCC to endorse the IWG's proposed changes to the observer forms FC1, FC2, and FC3 that enhance the information that is provided relative to transshipment.
58. The PAC urges the IWG as a priority, seek agreement on a consistent method for determining catch so that this too can be added as a mandatory field to these forms.

59. The PAC supports strengthening of data sharing with IATTC and NPFC including the finalization of agreement of a data sharing MOU with the NPFC.
60. 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.

XI. Labor Standards

61. The PAC recommends that the United States work with other CCMs to refocus the proposed CMM on labor standards to address exclusively the core issues of forced or slave labor; child labor; and unsafe, unhealthy, or inhumane working conditions and to avoid issues related to other labor standards and practices due to their complexity and subjectivity. In addition, the adoption of any such CMM should ensure a mechanism for compliance beyond observer reports and high seas boarding and inspection, noting that coverage of both these is minimal for the international distant water longline fleets where this problem appears to be most acute.

XII. 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.

XIII. Observer Deployments

65. That, as observers are redeployed on purse seine vessels in the next few months, the sheer complexity of placing hundreds of observers back on-board purse seine vessels be recognized and taken into consideration in the implementation of this requirement. In cases where, for reasons completely outside the vessel's control, an observer is not available in a timely fashion, that vessels not be held in port for an undue or unreasonable period of time.

XIV. North Pacific albacore

66. The PAC recommends that the U.S. support the NC recommendation to adopt harvest strategy elements for NP albacore at WCPFC19 and supports NOAA's intent to hold early consultations with U.S. stakeholders in early 2023 to ensure adoption of HCRs at next year's IATTC and WCPFC meetings.