

**Recommendations from the Permanent Advisory Committee to the  
U.S. Section to the Western and Central Pacific Fisheries Commission  
October 2-3, 2023**

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, include provisions for annual review and possible need for adjustments in management with regard to the applicability of a new measure.
4. That the United States continue its initiatives for a strong presence in the Pacific Islands region to use any and all opportunities or venues, such as workshops, U.S. Tuna Treaty negotiations, and to engage on issues pertinent to furthering the position of the United States in the WCPFC.
5. The PAC recommends that the United States government requests a meeting with the FFA leadership and separately with the PNA leadership in Honiara in the margins of the Management Options Consultations or otherwise as necessary to discuss WCPFC20 issues of importance to the U.S. and its Territories.
6. That, in conducting bilateral and other discussions in advance of WCPFC 20 in December, the U.S. Delegation engage with PAC members, industry, and other key stakeholders to use all available channels to build support for outcomes in December that reflect U.S. positions and priorities.
7. General considerations for Tropical Tuna Measure:

- a. That the U.S. support the implementation of the skipjack management procedure, recognizing the output of the management procedure would set the overall level of effort in the purse seine fishery to a level not exceeding 2012, effort in the pole and line fishery to a level not exceeding 2001-04 levels, and the domestic fisheries in assessment region 5 to a level not exceeding the average of 2016-18 levels.
- b. That the U.S. ensure that the interim objectives for bigeye and yellowfin tunas are maintained at or above the average spawning biomass depletion ratio ( $SB/SB_{F=0}$ ) for 2012-2015.
- c. That the U.S. consider any new scientific information or analyses relating to the concerning projections of YFT, particularly in Region 2, and consider appropriate Commission responses to account for the growing effort and impact of these fleets on the resource.
- d. That the U.S. seek to increase observer coverage (human and/or electronic) as part of the tropical tuna measure to meet the SC recommendation, and the need to improve data collection regarding impacts on other species.

*Purse Seine:*

8. The PAC recommends 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. To the extent that any exemptions are allowed, the measures applied to the American Samoa locally based purse seine fleet should be the same as those applied to other SIDS, in particular with respect to the three-month FAD closures, the two-month high seas FAD closure, limit on high seas fishing effort, and/or any modification to such requirements that become part of any final measure.
9. A minority of the PAC expressed concern about the excessive use of exemptions throughout the tropical tuna measure and recommended that the use of exemptions should be minimized as much as possible. In the case of American Samoa, a minority of the PAC supports paragraph 8 but recommends that the exemption should be applied to the number of vessels needed to ensure the economic viability of the tuna industry in American Samoa. In addition, a minority of the PAC supports increasing transparency, including reporting to WCPFC, of the number of vessels using this exemption, as well as distinguishing among tuna delivered to the cannery and tuna that is transshipped or containerized.
10. That, in the absence of the outcome sought in paragraph 8, above, 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, including with respect to the FAD closures and high seas effort limits cited above. 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 in order to reduce the disproportionate burden being carried by American Samoa as a result of the current regulatory treatment being applied to the US flag purse seiners that are an integral part of the American Samoa economy.

11. That the United States use the American Samoa record of purse seiners that regularly land tuna in American Samoa in support of the American Samoa tuna industry to regulate the purse seiners on that record as an integral part of the American Samoa economy with the same rights and privileges as other SIDS' fleet.
12. The PAC recommends that the U.S. support adoption of timelines to transition to the mandatory use of biodegradable and non-entangling FADs as soon as practicable, and no later than the timelines noted in IATTC resolution C-23-04. That the definition of what constitutes "biodegradable material" and "biodegradable FAD", should be consistent between the WCPFC and IATTC.
13. 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.
14. That the U.S. continue to engage with other CCMs and interested organizations on FAD retrieval and recovery projects, including to expand the current Palmyra FAD project to other fleets and to other geographic areas, with a priority to work with French Polynesia and other CCMs where the issue has been identified as a priority. US vessels are cooperating with The Nature Conservancy to voluntarily provide real time buoy position data useful for the detection, tracking and recovery of drifting FADs.

*Longline:*

15. 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. A preference for an interim bigeye tuna management objective consistent with the 2012-2015 biomass depletion levels should be made over 2001-2004 levels.

16. The PAC recommends that the United States achieve an increase in the annual US longline bigeye limit by at least 3,000 mt, noting the following: 1) bigeye stock status projections show significant room for increased longline catch, particularly where the Hawaii longline fishery operates in Region 2 for which the bigeye assessment shows much higher stock biomass levels than in the equatorial Pacific; 2) strong support for the increase in USA longline bigeye catch limits is found in criteria for allocation related to status of stocks, utilization for domestic consumption, historic catch, domestic capacity limits, and contribution towards conservation including accurate data, as indicated in Paragraphs 3(a), 3(b), 3(c), 3(e) in Article 10 of the Convention; and 3) that balancing limits between longline, purse seine, and Indonesia/Philippines/Vietnam fisheries should account for stock impact among fisheries and not simply balancing provisions in previous measures. The PAC acknowledges that any increase in the bigeye tuna limit would reduce the need to allocate bigeye tuna from the U.S. territories to the Hawaii longline fleet.
17. The PAC recognizes that several CCMs including Korea, Taiwan, Chinese Taipei, and members of the PNA identified an interest at the recent tropical tuna workshop in amending Table 3 of the tropical tuna measure; therefore, the PAC recommends that the United States engage with these and other CCMs in bilateral meetings on longline bigeye limits including consideration of submitting joint proposals to WCPFC20.
18. The PAC recommends that the United States ensure that the provisions contained in CMM 2010-01 paragraph 9 are maintained, without any modification, in support of participation of the US Territories within the Commission.
19. The PAC recommends that the United States support proposals that will improve monitoring of longline at-sea transshipment and other MCS measures for WCPO longline fleets including supplementing human observer coverage on longline vessels with electronic monitoring.
20. The PAC recommends that PIFSC immediately evaluate the SPC assumption on bigeye and yellowfin longline catch ratios with respect to yellowfin stock biomass projections and if those assumptions are not plausible to promptly communicate with SPC to provide more realistic scenarios.

## **II. Pacific Bluefin Tuna**

21. 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.

22. 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.
23. At WCPFC20, the PAC recommends adoption of the Northern Committee recommendations as agreed at the 8th JWG meeting.
24. The PAC recommends that the U.S. continue to prioritize development of the comprehensive long-term harvest strategy and urge the ISC to advance MSE analyses as soon as possible and no later than 2025.

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

25. The PAC supports the U.S. commitment to submitting a new or revised conservation and management measure for WCPFC21 based on a new benchmark stock assessment in 2023 that will rebuild NP striped marlin to sustainable levels.
26. The PAC requests the U.S. develop a proposal that would require owners and operators of longline fisheries of the WCPO fishing in a shallow-set or deep-set manner use only circle hooks.
27. The PAC requests the U.S. support development of rebuilding projections by ISC in 2024 based on the benchmark stock assessment. The minority of the PAC would like those projections to incorporate conservation measures such as the mandatory use of circle hooks, modifying longline gear to remove hooks adjacent to floats or increase hook depth, requiring release of all live striped marlin or non-retention of all striped marlin, and establishing a minimum size limit.
28. The PAC requests the U.S. prioritize research on stock structure and life history to inform stock delineation and possible spatial management measures.
29. The PAC requests the U.S. support the development of improved 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.
30. 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 with the IATTC, recognizing that blue marlin is a Pan-Pacific stock and striped marlin biological stock distributions remain equivocal.

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

31. The PAC recommends that CMM 2015-02 be revised to cover the entire range of the stock south of the Equator and 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.
32. 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. The PAC notes that a stock assessment will be provided in 2024 with expected improvements to reconcile limitations and uncertainties in the 2021 assessment, including a retrospective pattern referred to as "the big dip" that is affecting terminal biomass estimates.
33. The PAC recommends that an increase in CPUE for American Samoa as well as Pacific Island Countries and Territories be made a primary objective and performance indicator for evaluating potential TRPs and Harvest Control Rules for the South Pacific albacore stock. The PAC acknowledges that 12 albacore for 1,000 hooks should be a threshold for American Samoa.
34. 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.
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 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.
37. 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. The Intersessional Working Group for South Pacific albacore should consider developing recommendations for the Commission to improve operational data provided to the scientific services provider to better define targeting south Pacific albacore.

## **V. North Pacific swordfish**

38. The PAC recommends the United States support adoption of the NC recommendation to make minor technical changes to CMM 2022-02.
39. The PAC continues to be 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). The PAC recommends that the U.S. develop a plan with other CCMs to ensure that a consistent CMM covering 0 to 20N is considered in 2024.

## **VI. Compliance Monitoring Scheme**

The PAC recommends that:

40. 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. These issues may include 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.
41. 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.

42. 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 the revised and newly endorsed by TCC, audit points, and to encourage the use of the agreed risk based assessment framework tool.
43. The PAC recommends that the U.S. continue to build support for the development of guidelines for observer participation in the Compliance Committee
44. The U.S. advocate for the adoption of terms of reference for the corrective actions working group in 2023.
45. 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.
46. 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 continued effort by TCC to distinguish between minor and major violations in the CMS, with appropriate responses to ensure compliance.
47. 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)".

## **VII. Other**

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

48. The PAC urges the U.S. to:
  - a. Strongly support progress be made under the Electronic Reporting and Electronic Monitoring Working Group to present outputs to the Commission in 2024.
  - b. Emphasize the need for EM to better estimate foreign longline bycatch in the WCPFC Convention Area, including *Endangered, Threatened and Protected*



*Species* (ETP), including those identified under U.S. law like the ESA and MMPA; and the need for EM to reconcile data gaps identified in Project 93.

49. 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**

50. The PAC recommends that NMFS, in conjunction with the Western Pacific Regional Fishery Management Council, hold focused public meetings with fishery stakeholders on WCPFC Harvest Strategies.
51. The PAC also recommends the USG to actively seek consensus support to convene a meeting of the Scientist Manager's Dialogue working group in 2024 and beyond, noting several matters are ripe for the group's input, including harvest strategy development for BET, YFT and SP ALB.
52. 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.
53. 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 is concerned with continued delay in timelines for development of harvest strategies for BET and YFT and recommends that these be prioritized as soon as possible.
54. The PAC recommends the U.S. support agreement on one or more candidate target reference points for south Pacific albacore in 2023 to enable further development of the management procedure for adoption by December 2025.
55. The PAC recommends that the U.S. continue to promote the adoption in 2023 of a management procedure for north Pacific albacore as recommended by the Northern Committee; and any further amendments related to NP ALB catch/effort conversions based on ISC analysis.

56. Further, the PAC recommends that the U.S. seek support for the development of a north Pacific swordfish management procedure.
57. 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.
58. The PAC does not support adoption or consideration of “interim” harvest strategies or trials that undermine comprehensive harvest strategies.

## **IX. Sharks**

59. The US should advocate for all countries who chose alternative methods to fins naturally attached to report the effectiveness of those measures so a legitimate review can be conducted at WCPFC21.
60. The PAC understands that shark data reporting has been impacted by covid-related delays in getting observer coverage back to required levels. However, the PAC is concerned with the SC recommendation to delay analysis of data on CMM 2022-04 until 2027. The PAC recommends that the U.S. request that SC provide this analysis as soon as possible, and ideally by 2025 given the need to update the CMMs across both WCPFC and IATTC.
61. 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**

62. The PAC appreciates the continued leadership of the U.S. to progress the review of at-sea transshipment practices.
63. The PAC supports amendments to the transshipment CMM to strengthen the ability of the Secretariat and scientific services provider to improve the verification

of transshipment information. If a revised CMM is not adopted at WCPFC in 2023, the PAC recommends the U.S. support continuing the transshipment IWG into 2024.

64. The PAC supports strengthening of data sharing with IATTC and NPFC including the finalization of agreement of a data sharing MOU with the NPFC and the renewal of the MOU with SPRFMO, as endorsed by TCC19.
65. 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**

66. The PAC recognizes that the United States has worked 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. The PAC recommends 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.
67. The PAC recommends that NMFS examine existing regulations and statutes to determine what provisions of the proposed labor measure would conflict with, or add to, existing U.S. laws. The PAC further recommends that this analysis be shared with the PAC as soon as possible.

## **XII. Participating Territories**

68. 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.

69. 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. This could be partially achieved by a footnote in Table 2 of CMM 2021-01 to exempt U.S.-flagged vessels operating as an integral part of the American Samoa economy.
70. The PAC recommends that the U.S. define that U.S.-flagged purse seine vessels 'integral to American Samoa' to be those of which have offloaded at least 50% of their catch in American Samoa and have a landings license by American Samoa.
71. 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. North Pacific albacore**

72. The PAC recommends that the U.S. support the NC recommendation to adopt the harvest strategy and MP elements for NP albacore at WCPFC20.