



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL



November 18, 2014

Mr. Russell Smith
Deputy Assistant Secretary for International Fisheries, NOAA
Office of International Affairs
National Oceanic and Atmospheric Administration
Herbert C. Hoover Building, Room 6224, MS 5230
14th and Constitution Avenue, NW
Washington, DC 20235

Dear Russell:

On behalf of the Hawaii Longline Association, the American Tunaboat Association, and the Western Pacific Regional Fishery Management Council, we offer the following position with regards to consideration of CMM 2013-01 at WCPFC11.

We know proposals have been introduced to WCPFC11 to "reopen" the measure, which is linked to the 2014 stock assessment for bigeye tuna and the WCPFC Science Committee's (SC) conclusion that bigeye tuna fishing mortality needs to be reduced by 36% from average levels for 2008-2011. The SC, however, did not provide any information about the possible reasons why the current measure, if fully implemented, would not be likely to achieve the desired or intended results.

We note that CMM 2013-01 includes the following provision:

"The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect(s). It is anticipated that significant new information will enable a further review in 2014."

Unfortunately, there appears to be no new information to review this year with respect to the effectiveness of CMM 2013-01. Without new information, it is not possible to determine what, if anything, needs to be fixed in CMM 2013-01 with respect to eliminating bigeye overfishing. Although we believe the seasonal FAD closure is not having its desired effect, we do not know if this is a compliance problem or an implementation problem due to a wide range of options. We acknowledge that the SPC in 2013 did a partial review¹ of the effectiveness of existing tropical tuna measures, but for WCPFC11, it does not appear that a similar analysis has been done.

At the meeting of the Permanent Advisory Committee to Advise the US Commissioners to the WCPFC held last month, it was pointed out that CMM 2013-01 has not been in effect for even a

¹ Pilling, G., P. Williams, J. Hampton, and S. Harley. 2013. Analysis of the implementation and effectiveness of key management measures for tropical tunas. WCPFC-2013. WGTT/10. August 23, 2013.

year, and the effects and effectiveness of the measure have not begun to be analyzed. Without such analysis, any attempts to change the measure are likely to be nothing more than guesses as to the best way to proceed, or proposals reflecting biases. We have no factual basis to say which provisions are or are not contributing to conservation of the bigeye stock. Even though we have information about fishery statistics up to 2013, we do not have any analysis of the extent to which those fishery patterns had been expected or intended when the measure was adopted last year. Also, there is inadequate information on compliance with either the FAD closures or bigeye catch limits.

Therefore, we request that the United States propose that the Commission task the WCPFC science provider or another independent team to provide a systematic and scientific review of the effectiveness of the CMM 2013-01 for consideration at WCPFC12. Please find enclosed: 1) a draft US statement to WCPFC11 on the need for an evaluation of the measure, and 2) draft terms of reference for the review.

Until such a review can be conducted and digested, we are strongly opposed to any additional WCPFC restrictions on US tropical tuna fisheries.

We appreciate your consideration of this proposal and look forward to working with you and the US delegation to WCPFC11.

Sincerely,



Sean Martin
President
HLA

Kitty M. Simonds
Executive Director
WPRFMC

Brian Hallman
Executive Director
ATA

Cc: Hawaii Congressional Delegation
Congressman Duncan Hunter (CA)
Congresswoman-elect Aumua Amata Radewagen (AS)

Enclosure

Draft US Statement to WCPFC11 regarding CMM 2013-01

Members, Cooperating Non-members, and Participating Territories.

The US believes it is critical for a complete and detailed evaluation of the effects of CMM 2013-01 to be conducted to determine what is and is not working. Moreover, we need to know how ineffective actions can be addressed before the Commission agrees to changes in CMM 2013-01. This is consistent with paragraph 56 of the measure, which called for a review of the measure in anticipation of substantial new information this year.

This will require the Commission to obtain a detailed assessment of the manner in which the fisheries operated in 2013 and prior years, in contrast to what was or may have been expected under the CMM and its predecessors. This is something that has not been systematically conducted in the past, but is fundamental to any effort to determine what changes in management are necessary and appropriate.

It is insufficient to simply state, "we need to reduce fishing mortality" by some percentage and leave it to the Commission to assign responsibility to various fleets or nations for reductions in catch and/or effort without analysis of the impacts and their distribution. The US recognizes that longline and purse seine measures are required to reduce impacts to bigeye tuna. Before we are willing to re-open 2013-01 and consider additional or materially modified measures, we need to understand what elements of CMM 2013 are effective and which are not, and to analyze whether the measure is improving the situation, as intended. It also would be useful to know how we arrived at our current circumstances in order to determine why past measures have not been effective in reducing bigeye mortality. Finally, we need a systematic and comprehensive review of compliance issues, and how compliance can be improved.

In sum, these and many more questions need to be answered before the Commission can determine the most appropriate way to proceed. The US is, therefore, not prepared to propose or support any changes to CMM 2013-01 until we have answers to those questions.

The US proposes that the Commission complete an evaluation of CMM 2013-01. In consideration of this evaluation, the US offers the attached terms of reference. It is intended that the Commission should have complete information for use at the annual meeting in 2015.

Attachment 1:

Draft Terms of Reference

Purpose: To evaluate the effectiveness of Conservation and Management Measure 2013-01 in order to achieve objectives

Rationale: The SC has concluded that the fishing mortality on bigeye tuna must be reduced from the average of 2008-2011 levels if the objectives of CMM 2013-01 are to be achieved. The SC made this recommendation based on the 2014 stock assessment and not on an evaluation of the effectiveness of CMM 2013-01.

The evaluation is intended to provide a basis for determining which provisions of CMM 2013-01 are working and which are not. It is also intended to ensure that all CCMs have a common understanding of the reasons for any potential changes in the measure, what those changes could be, and the impacts on the various fleets and CCMs from any changes. The SPC prepared a similar evaluation¹ last year, but information used therein is since outdated.

Scope of Review:

The evaluation shall consider all catches of bigeye occurring in the Convention area and in archipelagic waters. The evaluation shall, among other things, review fishery data (catch, effort, etc.) on an annual basis for each sector and fleet relative to the specified control element of the CMM in effect for that year. This shall include but not be limited to:

- EEZ and high seas purse seine effort limits
- FAD closure
- FAD set limits
- Longline catch limits
- Restrictions on other gear types
- Capacity limits
- Compliance with FAD closures and catch limits

In addition, this evaluation shall also assess issues associated with the area of application (i.e. archipelagic waters and WCPFC/IATTC overlap area) and catch attribution under charter arrangements.

Timing: The evaluation shall be initiated as soon as practicable after January 1, 2015. The Science Provider will assist the consultant to the extent practicable by providing data and/or advice on this evaluation to assist in the compilation and analysis as outlined above. A draft report shall be submitted to the Secretariat by July 15, 2015. The Secretariat shall distribute the draft report to CCMs with a deadline for CCM comment by August 15, 2015. The consultant shall take such comments as have been received and submit a proposed final report to the Secretariat by September 1, 2015, for posting on the WCPFC website by September 7, 2015.

¹ Pilling, G., P. Williams, J. Hampton, and S. Harley. 2013. Analysis of the implementation and effectiveness of key management measures for tropical tunas. WCPFC-2013. WGTT/10. August 23, 2013.