

INTER-AMERICAN TROPICAL TUNA COMMISSION

91ST MEETING

La Jolla, California (USA)

7-10 February 2017

PROPOSAL IATTC-91 G-1C

SUBMITTED BY THE UNITED STATES

**MULTIANNUAL PROGRAM FOR THE CONSERVATION OF
TUNA IN THE EASTERN PACIFIC OCEAN DURING 2017-2020**

The Inter-American Tropical Tuna Commission (IATTC) gathered in La Jolla, California (USA), on the occasion of its 91st Extraordinary Meeting:

Aware of its responsibility for the scientific study of the tunas and tuna-like species in its Convention Area and for formulating recommendations to its Members and Cooperating non-Members (CPCs) with regard to these resources;

Recognizing that the potential production from the resource can be reduced if fishing effort is excessive;

Aware that the capacity of the purse-seine fleets fishing for tunas in the Convention Area continues to increase;

Taking into account the best scientific information available, reflected in the IATTC staff's recommendations, and the precautionary approach;

Understanding that those include extending the closure, or other equivalent measures, for large purse-seine vessels to maintain or restore the populations at levels of abundance which can produce the maximum sustainable yield (MSY); and

Recognizing the importance of conservation measures taken by the Western and Central Pacific Fisheries Commission (WCPFC) for the tuna stocks in that region and the stocks of highly migratory tunas in the Pacific Ocean;

Agrees:

To apply in the Convention Area the conservation and management measures for yellowfin and bigeye tuna set out below, and requests that the staff of the IATTC monitor the fishing activities of the respective CPC's flag vessels relative to this commitment, and report on such activities at the next meeting of the Commission;

1. These measures are applicable in the years 2017-2020 (with the exception of paragraphs 5 and 6 that are not applicable in 2017) to all CPCs' purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all their longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the Convention Area.
2. Pole-and-line, troll, sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less) are not subject to these measures.
3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of 87 days in 2017, 62 days in 2018, 62 days in 2019, and 62 days in 2020. These closures shall be effected in one of two periods in each year as follows:

2017 – 3 July to 28 September, or from 30 October 2017 to 18 January 2018.

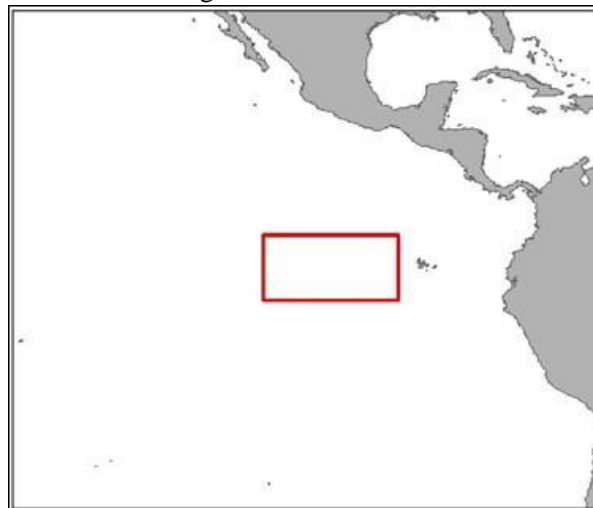
2018 – 29 July to 28 September, or from 18 November 2018 to 18 January 2019.

2019 – 29 July to 28 September, or from 18 November 2019 to 18 January 2020.

2020 – 29 July to 28 September, or from 18 November 2020 to 18 January 2021.

4. Applicable in each of 2018, 2019, and 2020, all purse seine vessels of class 6 that target adult yellowfin tuna (that have dolphin mortality limits (DMLs)) must stop fishing in the Convention Area for an additional 8 days contiguous with the closure periods of paragraph 3.
5. Applicable in each of 2018, 2019, and 2020, each purse seine vessel of class 6 shall be subject to a limit on the combined retained catches of bigeye and yellowfin tuna from sets on floating objects and from non-associated sets. The annual limit is [1.0 mt/m³] of vessel capacity (as recorded on the IATTC Regional Vessel Register as of January 1, 2017). The IATTC scientific staff shall annually review and recommend any necessary adjustments to the catch limit in the context of the stock assessments and fishing capacity to ensure fishing mortality is not exceeding MSY. Based on the recommendations of the IATTC scientific staff, the Commission shall consider these adjustments for adoption. The IATTC staff shall provide updates of the catch data by trip to the CPCs and the CPCs shall make these estimates available to vessel owners or operators for tracking purposes. Once a vessel reaches [80%] of its limit, the owner or operator shall monitor the catch by set and may use estimates from the weekly catch reports by observers to ensure the limit is not exceeded. CPCs shall take the necessary measures to ensure that vessels flying their flag do not exceed their annual limit. CPCs shall report to the IATTC any overage in accordance with the compliance process under Resolution C-11-07. For compliance purposes, the finalized catch data provided by the IATTC staff will be used to compare to the catch limit for each vessel. Any overage of an annual limit by a vessel shall be deducted from that vessel's limit the following year. Underages (i.e., any portion of the annual limit not caught in a calendar year) may not be carried forward to the following year and are not transferrable.
6. Notwithstanding the provisions of paragraph 3, purse-seine vessels of IATTC capacity class 4 (between 182 and 272 metric tons carrying capacity) may make a single fishing trip of up to 30 days duration during the specified closure periods, provided that any such vessel carries an observer authorized pursuant to the Agreement on the International Dolphin Conservation Program (AIDCP).
7. The fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 96° and 110°W and between 4°N and 3°S illustrated in Figure 1 shall be closed from 0000 hours on 29 September to 2400 hours on 29 October in each of 2017, 2018, 2019, and 2020.

Figure 1. Closure area



8.
 - a. In each year in which these measures are applicable, and for each one of the closure periods, each CPC shall notify the Director, by 19 June for 2017 and 15 July for 2018-2020, the names of all the purse-seine vessels that will observe each closure period.
 - b. Every vessel that fishes during 2017-2020, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the CPC under which it fishes during the year, must observe

the closure period to which it was committed.

9. a. Notwithstanding the provisions of subparagraphs 8a and 8b, a request by a CPC, on behalf of any of its vessels for an exemption for either of the following shall be sent to the Secretariat: (i) due to *force majeure*¹ rendering said vessel unable to proceed to sea outside said closure period during at least a period equivalent to the closure period prescribed in paragraph 3 above, or (ii) due to a vessel that was in port without conducting fishing activities ~~not fishing~~ for at least 120 consecutive days.
- b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to force majeure or to being in port without conducting fishing activities for at least 120 consecutive days.
- c. The Director shall review the request to ensure all relevant information was submitted to complete the request and shall consider the request incomplete until all the relevant information is submitted. The relevant information shall include valid documents to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure* or to being in port without conducting fishing activities for at least 120 consecutive days. Once the Director confirms the request is complete, the Director shall immediately send the request and the evidence electronically to the other CPCs for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.
- d. The request shall be considered accepted, unless an IATTC Member objects to it formally within 15 calendar days of the circulation of the request to all CPCs, in which case the Director shall immediately notify all CPCs of the objection.
- e. If a IATTC Member objects to the request:
 - i. The CPC who submitted the request will have 15 days from the date the objection was circulated to respond. The Director will circulate this response to CPCs.
 - ii. IATTC Members will again have 15 days to respond.
 - iii. If the request is again objected to by a Member, the request will not be considered accepted and the Director will notify the CPC of this result.
- f. If the request for exemption is accepted:
 - i. The CPC shall immediately notify the Director if the vessel will observe a reduced closure period of 30 consecutive days in one of the two periods prescribed in paragraph 3 in the same year during which the *force majeure* event occurred, or the vessel stayed in port during at least 120 consecutive days, or
 - ii. In the event said vessel has already observed a closure period prescribed in paragraph 3 in the same year during which the *force majeure* event or vessel was in port for at least 120 consecutive days without conducting fishing activities, it shall observe a reduced closure period of 30 consecutive days the following year, in one of the two periods prescribed in paragraph 3, to be notified to the Director by the CPC no later than 15 July.

This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3.

10. Each CPC shall, for its purse-seine fisheries:

- a. Before the date of entry into force of the closure, take the legal and administrative measures necessary to implement the closure;

¹ For the purposes of paragraph 9, only cases of vessels disabled by mechanical and/or structural failure, fire, or explosion shall be considered *force majeure*.

- b. Inform all interested parties in its tuna industry of the closure;
 - c. Inform the Director that these steps have been taken;
 - d. Ensure that at the time a closure period begins, and for the entire duration of that period, all the purse-seine vessels fishing for yellowfin, bigeye, or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, in the Convention Area are in port. The only exceptions to this provision shall be that vessels carrying an observer authorized pursuant to the AIDCP may remain at sea or leave port during the closure, provided they do not make a set in the Convention Area.
11. China, Japan, Korea, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2017-2020~~19~~ do not exceed the following levels:

2017-2020	Metric tons
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555

12. For 2018, 2019, and 2020, the total annual longline catch limits in paragraph 11 for bigeye tuna in the Convention Area shall be adjusted appropriately based on any conservation measures that may be adopted for purse-seine vessels in those years, as adjusted in accordance with paragraph 22.
13. All other CPCs with historical catch shall undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area in each of 2017, 2018, 2019, and 2020 do not exceed the greater of 750 metric tons or their respective catches of bigeye tuna in 2001.^{2,3} CPCs whose annual catches have exceeded 750 metric tons for a calendar year shall provide monthly catch reports to the Director for the remainder of that calendar year. If the conservation measures for purse-seine vessels are maintained, the limits in this paragraph shall remain in effect, unless adjusted in accordance with paragraph 22.
14. Overage by a CPC of a bigeye tuna annual catch limit listed in paragraph 11 or 13 shall be deducted from that CPC's annual catch limit the following year.
15. a. A CPC with an annual catch limit of bigeye tuna under paragraph 11 or 13 may transfer part of that limit to one or more CPCs within a calendar year, provided that the CPC that receives the transfer also has an applicable catch limit under paragraphs 11 or 13, and that the total tonnage transferred by a CPC during a year does not exceed 15 percent of that CPC's annual catch limit. Both CPCs involved in a transfer shall, separately or jointly, notify the Director [10 days] in advance of the intended transfer, specifying the tonnage to be transferred, the estimated amount (in weight and year-to-date) of bigeye tuna caught by longline vessels greater than 24 meters length overall of the CPC receiving the transfer at the time of the transfer, and the year in which the transfer will occur. The Director shall promptly notify all CPCs of the transfer. The CPC that receives the transferred catch limit shall be responsible for its management, including monitoring and monthly reporting of catch, and may not retransfer any of the transferred catch limit to another CPC.
- b. Such transfers may not be used to retroactively offset an overage of its catch limit by a-CPC.
 - c. The amount of bigeye tuna transferred in any one year shall be considered without prejudice by the

² The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the Convention Area.

³ The Commission acknowledges that Peru, as a coastal State, will develop a tuna longline fleet, which will operate in strict compliance with the rules and provisions of the IATTC and in accordance with the resolutions of the Commission.

Commission for the purposes of establishing any future limits or allocations.

16. Landings and transshipments of tuna or tuna-like products that have been positively identified as originating from fishing activities that contravene these measures are prohibited. The Director is requested to provide relevant information to CPCs to assist them in this regard.
17. Each CPC shall submit to the Director, by 15 July of each year, a national report on its updated national compliance scheme and actions taken to implement these measures, including any controls it has imposed on its fleets and any monitoring, control, and compliance measures it has established to ensure compliance with such controls.
18. In order to evaluate progress towards the objectives of these measures, in each of 2017, 2018, 2019, and 2020 the IATTC scientific staff will analyze the effects on the stocks of the implementation of these measures, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
19. Subject to the availability of the necessary funding, the Director is requested to continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels that fish on FADs and on unassociated schools, by developing an experimental protocol, including parameters for the materials to be used for the sorting grids, and the methods for their construction, installation, and deployment. The Director shall also specify the methods and format for the collection of scientific data to be used for analysis of the performance of the sorting grids. The foregoing is without prejudice to each CPC carrying out its own experimental programs with sorting grids and presenting its results to the Director.
20. CPCs shall require purse seine vessels flying their flag to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, with the following two exceptions:
 - a. they are considered unfit for human consumption for reasons other than size (i.e., fish may not be discarded simply because they are small and may therefore be of lower commercial value. Size is not a reason fish are unfit for human consumption and therefore is not an acceptable reason to allow discards).
 - b. they are caught in the final set of a trip, when there is insufficient well space remaining to accommodate all the tuna caught in that set.

At its annual meeting in 2020, the IATTC will review the results of the program, including compliance, and decide whether to continue it.
21. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by the IATTC and WCPFC in their goals and effectiveness, especially in the overlap area, including by frequent consultations with the WCPFC, in order to maintain, and inform their respective members of, a thorough understanding of conservation and management measures directed at bigeye, yellowfin, and other tunas, and the scientific basis and effectiveness of those measures.
22. In 2017, 2018, 2019, and 2020 the IATTC scientific staff shall evaluate the results of these measures, including paragraph 4, in the context of the results of the stock assessment and of changes in the level of active capacity in the purse-seine fleet. Based on the conclusions reached by the IATTC staff, in consultation with the Scientific Advisory Committee, the Commission shall adopt conservation and management measures, at its annual meetings in 2018, 2019, and 2020, to modify this Resolution, as appropriate, to ensure the sustainable use of the tunas and tuna-like species (e.g., to ensure stocks are maintained or restored at levels of abundance which can produce MSY).
23. Except in cases of force majeure and vessels in port without conducting fishing activities for at least 120 consecutive days prescribed in paragraph 9, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 8a.