

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISION INTERAMERICANA DEL ATUN TROPICAL

**PERMANENT WORKING GROUP ON COMPLIANCE
GRUPO DE TRABAJO PERMANENTE SOBRE EL CUMPLIMIENTO**

3RD MEETING

MANZANILLO (MEXICO)

JUNE 25, 2002

CHAIR'S REPORT

After the opening of the meeting and the introduction of delegates, Brian Hallman of the IATTC staff presented a review of the Commission resolutions currently in force to be considered by the Working Group.

These were:

1. Resolution on Bycatch - 66th Meeting, June 2000
2. Resolution on Fish-Aggregating Devices - 67th Meeting, October 2000
3. Resolution on Yellowfin Tuna - 68th Meeting, June 2001
4. Resolution on Bigeye Tuna - 68th Meeting, June 2001

Mr. Hallman then presented the results of the staff's review of compliance with these resolutions by vessels operating under the IATTC program. In doing so, he referred delegates to Document COM-3-00 prepared by the staff as a background paper for the meeting.

1. RESOLUTION ON BYCATCH

The first item discussed was the Resolution on Bycatch. Three elements of the resolution were discussed separately: the release of non-target fish species including sharks, rays, billfishes, mahi-mahi and other non target species; the release of sea turtles; and the requirement for full retention of catches of yellowfin, bigeye and skipjack tuna.

1.1. Release of non-target fish species

On non-target species, the staff noted that the Commission had insufficient information to assess compliance with the Resolution on Bycatch, which calls for these species to be released unharmed to the extent practicable. **The Working Group recommends that the staff, and national authorities managing the national observer programs, ensure that observers include such information in the future** to allow the staff to better assess the implementation of this provision of the Resolution.

1.2. Release of sea turtles

On sea turtles, the staff summarized the information in Document COM-3-00 indicating that, based on available observer data, compliance with the requirement to stop net roll when a sea turtle was entangled in the net was 52%. Staff further noted that of the 85 observed turtle mortalities, 78 (92%) died as a result of going through the power block.

The Working Group expressed its concern with the level of compliance with this requirement and agreed that further efforts should be undertaken to improve it. Some delegations stressed that the goal of the Commission should be to reduce sea turtle mortality as a result of going through the power block to zero, given that this can be achieved through existing procedures already contained in the resolution.

At the request of the delegations, the staff agreed to provide to each flag state a breakdown of compliance with the requirement by its fleet. **The Working Group requested that each flag state investigate the incidents contained in the staff's report and report back to the next meeting of the Working Group the results of those investigations.**

In addition, **the Working Group requested that each flag state send a letter to its Captains**

reminding them of the requirement and reiterating the importance of complying with it.

In addition, the Working Group agreed to recommend to the Commission two modifications to that part of the resolution calling for the deployment of a speedboat to rescue sea turtles. First, to change the first sentence of paragraph 5 of the resolution to read as follows: “Whenever a sea turtle is sighted in the net, all reasonable efforts should be made to rescue the turtle before it becomes entangled in the net, including, if necessary, the deployment of a speedboat.” Second, to change the third requirement of paragraph 5 of the resolution to read as follows: “If a turtle is brought on board the vessel, all appropriate efforts to assist in the recovery of the turtle should be made before returning it to the water.”

The Working Group also discussed the matter of continued mortality of sea turtles by entanglement in webbing below fish aggregating devices (FADs). While noting that this was not currently a compliance issue, the Working Group emphasized that this was an important element of the work of the Bycatch Working Group and that further work should be conducted within that group to look at these issues.

1.3. Requirement for full retention

As noted in Document COM-3-00, the bycatch resolution calls for the implementation of a program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption. Discussion on this issue centered on the difficulty of assessing compliance with this requirement, given the nature of the data available and the complex system required of vessel crews, observers and Commission staff to monitor and evaluate activities of vessels to implement this requirement. Reporting was generally low (48%) and some forms contained incomplete information with respect to the requirement. Although not directly related to the issue of compliance, there was also discussion of the extent to which the requirement had achieved the intended goal of providing an incentive to reduce the capture of small fish.

The Working Group noted that the Bycatch Working Group was recommending to the Commission that the full retention requirement be extended for an additional two years. **The Working Group recommended that that Commission, in considering whether to extend this requirement, consider the logistical complexity of the program and the additional effort that would be required by crews, IATTC and national observer programs, and the Commission staff in order to implement the program and monitor and assess compliance, particularly in light of the uncertain benefits of the requirement.**

2. RESOLUTION ON FISH AGGREGATING DEVICES

The two elements of this resolution relevant to the work of the Working Group are the prohibition of transshipments at sea by purse-seine vessels fishing for tuna in the eastern Pacific Ocean (EPO) and the prohibition on the use of tender vessels operating in support of vessels fishing on FADs in the EPO.

The Working Group welcomed the report by the staff that there had been no observed or reported incidents of transshipments at sea and the last reported sighting of a tender vessel in the EPO was on June 17, 2000.

3. RESOLUTION ON YELLOWFIN TUNA

The Resolution on Yellowfin Tuna resulted in the closure of the fishery for yellowfin tuna in the Commission’s Yellowfin Regulatory Area (CYRA) on October 27, 2001. Vessels fishing for other species in the CYRA were allowed to land up to 15% yellowfin per trip after the date of the closure.

The Working Group discussed the report on compliance with the resolution in Document COM-3-00. Although aggregated for the purposes of the staff’s analysis in the document, reported violations fell into two categories: 1) vessels continuing to target yellowfin tuna after the closure provided in the resolution; and 2) vessels exceeding the 15% limit on catches of yellowfin tuna caught while fishing for other species.

With respect to the first category, some delegates expressed the view that there was no excuse for Class 6 vessels to continue to fish for yellowfin tuna after the closure. With respect to the second category, delegates discussed the difficulty of estimating the percentage of yellowfin caught during a particular set or trip. In addition, some delegations reported that vessels fishing for other species at times made sets in which the majority of the catch was estimated to be yellowfin tuna.

The Working Group discussed the compliance issues raised by the fact that during the closure, some fishing activities were prohibited while others were permitted. In particular, monitoring compliance with the closure was complicated by fishing activities for yellowfin tuna outside the CYRA and for other species within the CYRA which resulted in some catches of yellowfin tuna.

The staff also reviewed a letter received from one Commission member requesting information on actions by each flag state to implement the yellowfin tuna closure. The staff noted that while it has received copies of the legal instruments implementing the closure from some flag states, others had not provided this information. The members of the Working Group noted the importance of efforts by each flag state to implement Commission conservation and management measures within its own national legal framework. In this regard, **the Working Group recommended that the Commission request each flag state that has not yet provided to the Secretariat a copy of its legal instrument implementing the 2001 yellowfin closure to do so as soon as possible.**

4. RESOLUTION ON AT-SEA REPORTING

The staff presented the information in Document COM-3-00 indicating that at-sea reporting by all fleets was approximately 50%. The staff noted that the Resolution on At-Sea Reporting adopted by the Commission at its 68th Meeting did not create a binding obligation with respect to weekly reporting and so failure to provide such a weekly report is not a violation of Commission requirements, but that the Working Group should be aware of the level of compliance with this provision. The members of the Working Group noted the importance of timely at-sea reporting, especially as a tool for implementing measures related to catch quotas. As a result, **the Working Group recommended that the Commission request that each flag state send a letter to the owners and captains of its vessels reiterating the importance of timely at-sea reporting and urging them to provide such reports on a weekly basis as provided in the resolution.**

The members of the Working Group agreed that the discussion and recommendation of the group would not prejudice the position of any country regarding whether the Commission should consider a binding requirement to ensure full and timely at-sea reporting on a weekly basis.

5. GENERAL RECOMMENDATIONS

The Working Group recommended that the Commission request that each flag state investigate reports of alleged violations of the resolutions-in-force and report back to the Working Group at its next meeting on the results of those investigations and the actions taken by the flag state.

In addition, the Working Group recommended that the Commission direct the staff to establish a process for tracking notifications to flag states of possible violations of the resolutions-in-force and the responses received.

6. OTHER ITEMS

6.1. VMS

Due to time limitations, the Working Group agreed that the discussion on vessel monitoring systems should be deferred to the meeting of the Commission.

6.2. MCS Network

Paul Ortiz of the United States National Marine Fisheries Service gave a presentation on the International Network on Monitoring Control and Surveillance.