

INTER-AMERICAN TROPICAL TUNA COMMISSION

97<sup>TH</sup> MEETING (EXTRAORDINARY)

(by videoconference)

07 – 10 June 2021

PROPOSAL IATTC-97 A-3

SUBMITTED BY UNITED STATES

CONSERVATION MEASURES FOR TROPICAL TUNAS IN THE  
EASTERN PACIFIC OCEAN DURING 2022-2024

*The Inter-American Tropical Tuna Commission (IATTC), gathered virtually, on the occasion of its 97th 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;*

*Concerned 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; and*

*Recalling the need to take into account the special circumstances and requirements of the developing countries of the region, particularly the coastal countries, as recognized in the Antigua Convention, in particular in its Preamble and its Article XXIII, paragraph 1;*

*Agrees:*

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

1. These measures are applicable during ~~2018-2022~~ 2022-2024 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, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less), and longline vessels less than 24 meters length overall, are not subject to these measures, except those related to the management of Fish Aggregating Devices (FADs).

MEASURES FOR PURSE-SEINE FLEETS

3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of ~~90~~ 72-days in each year covered by this Resolution. These closures shall be effected in one of two periods, as follows: from 00:00 hours on [~~11~~ 29 July] to 24:00 hours on 8 October, or from 00:00 hours on 9 November to 24:00 hours on [~~6~~ 19 February ~~January~~] of the following year.
4. 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, known as the "corralito", which is illustrated in Figure 1, shall be closed from 00:00 hours on 9 October to 24:00 hours on 8 November of each year.

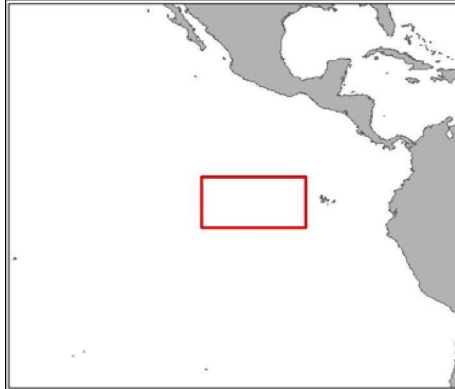


Figure 1. Closure area

5.
  - a. For each one of the closure periods, each CPC shall notify the Director, by 15 July of each year, the names of all the purse-seine vessels that will observe each closure period.
  - b. Every vessel that fishes, 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.
6. ~~a. Notwithstanding the provisions of subparagraphs 5a and 5b, a request by a CPC, on behalf of any of its vessels, for an exemption due to force majeure<sup>1</sup> rendering said vessel unable to proceed to sea outside said closure period during a period of at least 75 continuous days, shall be sent to the Secretariat, at the latest one month after it happens.~~
  - a. If a *force majeure*<sup>1</sup> event renders a vessel<sup>2</sup> unable to proceed to sea outside one of the two closure periods during a period of at least 75 continuous days, a CPC may request an exemption for a reduced closure period as provided in paragraph 3 and subparagraph 5b. If an exemption is granted, the vessel will be required to observe a reduced closure period as outlined below in subparagraph 6e. A request for exemption due to *force majeure* shall be sent by a CPC to the Secretariat within 30 calendar days of the end of the period of inactivity due to *force majeure*. Requests submitted after this time will not be considered.
  - 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 **during said continuous period, which closure period the vessel observed**, and that the facts on which the request for exemption is based were due to *force majeure*.
  - c. **After the timely receipt of both the request and supporting information required in subparagraph b**, 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 receipt of said request, in which case the Director shall immediately notify all CPCs of the objection.
  - e. If the request for exemption is accepted:
    - i. the vessel shall observe a reduced closure period of 40 consecutive days in the same year during which the *force majeure* event occurred, in one of the two periods prescribed in paragraph 3, to be immediately notified to the Director by the CPC, or
    - ii. in the event said vessel has already observed a closure period prescribed in paragraph 3 in the

<sup>1</sup> For the purposes of paragraph 6, only cases of vessels disabled in the course of fishing operations by mechanical and/or structural failure, fire or explosion, shall be considered force majeure.

<sup>2</sup> This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3.

same year during which the *force majeure* event occurred, it shall observe a reduced closure period of 40 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.

- iii. vessels that benefit from the exemption must carry an observer aboard authorized pursuant to the AIDCP.

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

7. Each CPC shall, for 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;
- 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, and/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, except that vessels carrying an observer authorized pursuant to the AIDCP may remain at sea, provided they do not fish in the Convention Area. The only other exception to this provision shall be that vessels carrying an observer authorized pursuant to the AIDCP may leave port during the closure, provided they do not fish in the Convention Area.

**MEASURES FOR THE FISHERY ON FISH-AGGREGATING DEVICES**

8. For the purposes of this Resolution, the following definitions shall apply:

- a. FAD (consistent with Resolution C-19-01): Anchored, drifting, floating or submerged objects deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of aggregating target tuna species for purse-seine fishing operations.
- b. Satellite buoy: A buoy that uses a satellite network service to indicate its geographical position and is compliant with requirements in Resolution C-19-01 to be clearly marked with a unique identification code.
- c. Activation of a satellite buoy: The act of initializing network service for receiving the satellite buoy's position. Activation is done by the buoy supplier company at the request of the vessel owner or manager. Following activation, the vessel owner pays for the communication service. The buoy can be transmitting or not, depending if it has been switched on.
- d. Deactivation of a satellite buoy: The act of cancelling network service for receiving the satellite buoy's position. Deactivation is done by the buoy supplier company at the request of the vessel owner or manager. Following deactivation, the communication service is no longer paid for, and the buoy stops transmitting.
- e. Reactivation of a satellite buoy: The act of re-initializing network service for transmission of a satellite buoy's position after deactivation. The procedure is the same as the one to be followed for activation of a satellite buoy.
- f. Signal loss: The situation in which, without any intervention of the owner/operator/manager, a satellite buoy cannot be located by the owner on a monitoring device. The main causes of signal loss are buoy retrieved by another vessel or person (at-sea or on-shore), FAD sinking and buoy failure.

9. CPCs shall ensure that purse-seine vessels flying their flag have no more than the following number of ~~fish aggregating devices (FADs)~~, as defined in Resolution C-196-01, active at any one time:

Class 6 (1,200 m <sup>3</sup> and greater):	[350] 450 FADs
Class 6 (< 1,200 m <sup>3</sup> ):	[250] 300 FADs
Class 4-5:	[85] 120 FADs
Class 1-3:	[50] 70 FADs

10. A FAD shall be activated exclusively onboard a purse-seine vessel.

11. For the purposes of this Resolution, a FAD is considered active when it:
  - a. is deployed at sea; and
  - b. activation of the satellite buoy has occurred and the satellite buoy is ~~starts~~ transmitting its location and is being tracked by the vessel, its owner, or operator.
12. Deactivation of a satellite buoy attached to a FAD may only be done in the following circumstances: if signal loss, beaching, temporarily during closure periods, or transferred ownership. CPCs shall report, or require their vessels to report, deactivations to the Secretariat using the specific data fields indicated in Annex I.
13. Remote reactivation of a satellite buoy at sea shall only occur in the following circumstances: aid in the recovery of beached FAD, after a temporary deactivation during the closure period, or transfer of ownership while FAD is at sea. CPCs shall report, or require their vessels to report, any remote reactivation to the Secretariat using the specific data fields indicated in Annex II.
14. In order to support the monitoring of compliance with the limitation established in Paragraphs 10-14~~8~~, and the work of the IATTC scientific staff in analyzing the impact of FAD fisheries, while protecting business confidential data, CPCs shall report, or require their vessels to report, daily information on all active FADs to the Secretariat, ~~in accordance with guidance developed under Paragraph 12, with reports at monthly intervals submitted with a time delay of at least 60 days, but no longer than 90 days. The information provided shall be identical in form and content to the raw satellite buoy data provided by the buoy manufacturers to the original users (i.e. vessels and vessel administrators), as specified in the Annex III of this Resolution. Reporting shall occur at monthly intervals and with a time delay of at least 60 days, but no longer than 90 days.~~
- ~~15. The IATTC scientific staff and Ad Hoc Permanent Working Group on FADs shall develop, at the latest by 30 November 2017, guidance on the reporting of FAD data in accordance with Paragraphs 10 and 11 of this resolution, including the format and specific data to be reported.~~
16. Each CPC shall ensure that:
  - a. its purse-seine vessels do not deploy FADs during a period of 15 days prior to the start of the selected closure period;
  - b. all its Class-6 purse-seine vessels recover within 15 days prior to the start of the closure period a number of FADs equal to the number of FADs set upon during that same period.
17. The Scientific Advisory Committee and the *Ad hoc* Permanent Working Group on FADs shall review the progress and results of the implementation of the FAD provisions contained in this Resolution and make recommendations to the Commission, as appropriate.
18. To reduce the entanglement of sharks, sea turtles or any other species, as of 1 January 2019 CPCs shall ensure that the design and deployment of FADs shall be based on the principles set out in paragraphs 1 and 2 of Annex II of Resolution C-19~~6~~-01.

#### MEASURES FOR THE LONGLINE FISHERY

19. China, Japan, Korea, United States, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during ~~2022 2018~~, ~~2023 2019~~, and ~~2024 2020~~ do not exceed 55,131 metric tons, distributed at the following levels:

Metric tons	<del>2022-18</del> - <del>20240</del>
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555
United States	750

20. All other CPCs undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during the years included in this Resolution do not exceed the greater of 500

metric tons or their respective catches of bigeye tuna in 2001<sup>3</sup> <sup>4</sup>. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director.

21. A CPC referenced in paragraph ~~2016~~ may make a single transfer of a portion of its bigeye tuna catch limit each year to other CPCs that also have a bigeye tuna catch limit listed in paragraph ~~2016~~, provided that the total transferred by any CPC in a given year does not exceed 30 percent of its catch limit. These transfers cannot be made to retroactively cover an overage of another CPC's catch limit. Both CPCs involved in a transfer shall, separately or jointly, notify the Director 10 days in advance of the intended transfer. This notification shall specify the tonnage to be transferred and the year in which the transfer will occur. The Director shall promptly notify the Commission of the transfer.
22. The CPC that receives the transfer shall be responsible for management for the transferred catch limit, including monitoring and monthly reporting of catch. A CPC that receives a one-time transfer of bigeye tuna catch limit in a given year shall not retransfer that catch limit to another CPC. The amount of bigeye transferred in any one year shall be considered without prejudice by the Commission for the purposes of establishing any future limits or allocations.

### OTHER PROVISIONS

23. Landings and transshipments of tuna or tuna 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.
24. 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.
25. In order to evaluate progress towards the objectives of these measures, in each year 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.
26. 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.
27. Renew the 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 for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.
28. 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 bases and effectiveness of those measures.
29. In ~~[2022, 2023, and 2024]~~ ~~2018, 2019, and 2020~~ the IATTC scientific staff shall evaluate and present

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<sup>3</sup> 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.

<sup>4</sup> 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.

to the Scientific Advisory Committee any recommendations for additional closure days to limit increases in fishing mortality for tropical tuna beyond status quo levels (2017-2019). In addition, the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the IATTC scientific staff, in consultation with the Scientific Advisory Committee, and based on such evaluation, the Commission shall take further actions including substantial extension of closure days for purse-seine vessels or equivalent measures, such as catch limits.

30. Except in cases of *force majeure* prescribed in paragraph 6, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 5a, nor with regard to the fishing effort of the purse-seine fleets of the respective CPCs.

## **Annex I**

CPCs shall report, or require their vessels to report, any deactivation of a satellite buoy to the Secretariat using the following data fields of the first communication of the buoy after being activated:

- date [YYYY/MM/DD],
- time [hh:mm],
- buoy identifier code,
- latitude [expressed in degrees and minutes in decimal values],
- longitude [expressed in degrees and minutes in decimal values],
- speed [knots], and
- reason of deactivation: signal loss, robbery, recovery, other (specify).

The reports shall be submitted at monthly intervals with a time delay of at least 60 days, but no longer than 90 days after the deactivation.

## **Annex II**

CPCs shall report, or require their vessels to report, any remote reactivation of a satellite buoy to the Secretariat using the following data fields of the last communication of the buoy before being deactivated:

- date [YYYY/MM/DD],
- time [hh:mm],
- buoy identifier code,
- latitude [expressed in degrees and minutes in decimal values],
- longitude [expressed in degrees and minutes in decimal values],
- speed [knots], and
- reason of remote reactivation: recovery of a signal loss, other (specify).

The reports shall be submitted at monthly intervals with a time delay of at least 60 days, but no longer than 90 days after the remote reactivation.



### **Annex III**

CPCs shall provide, or require their vessels to provide, to the IATTC staff satellite buoy data corresponding to, (a) at a minimum Resolution of one position per day, and (b) for any “search window”, when the vessel is communicating more frequently than usual with the buoy in order to locate it.

Data should be received in csv files named “X-YYYY-MM-ZZZZZZZ.csv” where X is the code of the buoy manufacturer (first letter of the brand), YYYY is the year, MM the month, and ZZZZZZZ the purse-seine vessel’s IMO number. Each file should contain the daily records of all the buoys managed by each individual vessel in month MM of year YYYY. The information included in these csv files should be:

- date [YYYY/MM/DD],
- time [hh:mm],
- buoy identifier code,
- latitude [expressed in degrees and minutes in decimal values],
- longitude [expressed in degrees and minutes in decimal values], and
- speed [knots]

The reports shall be submitted at monthly intervals with a time delay of at least 60 days, but no longer than 90 days after the communication with the buoys.