

**Recommendations from the Permanent Advisory Committee to the
U.S. Section to the Western and Central Pacific Fisheries Commission
October 21-23, 2024**

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

Although formal discussions on a new tropical tuna measure are not on the WCPFC agenda until 2026, the Permanent Advisory Committee (PAC) recommends that the following considerations continue to guide the US position for the purpose of intersessional and information discussions among WCPFC members to guide the development of any future measure or amendments to the current measure:

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 continues 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 meetings with the FFA, PNA or other parties as necessary to discuss WCPFC21 issues of importance to the U.S. and its Territories, especially the implications of tuna management measures on the American Samoa tuna-dependent economy.

6. That in conducting bilateral and other discussions in advance of WCPFC 21 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.

General considerations for Tropical Tuna Measure:

Purse Seine:

7. The PAC recommends that in adopting future conservation and management measures, 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 FAD closures, limits on high seas fishing effort, and/or any modification to such requirements that become part of any final measure.
8. 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.
9. That, in the absence of the outcome sought in paragraph 7, above, the U.S. Government take immediate steps to initiate 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.
10. 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.
11. The PAC recommends that the U.S. support adoption of timelines to transition to the

mandatory use of biodegradable] 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.

12. 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.
13. 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:

14. 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, taking into account spatial differences in bigeye tuna depletion within the convention area.

II. Pacific Bluefin Tuna

15. 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.
16. At WCPFC21, the PAC recommends adoption of the Northern Committee recommendations as agreed at the 9th JWG meeting.
17. The PAC recommends that the U.S. continue to prioritize development of a precautionary and comprehensive long-term harvest strategy and urge the ISC to complete MSE analyses as scheduled in 2025.
18. The PAC supports an intersessional meeting of the Joint IATTC-WCPFC NC PBF

Working Group in early 2025 to review the progress of the MSE and provide feedback on preliminary results, with the purpose of assisting the working group in recommending a management procedure for adoption by each of the RFMOs at their annual meetings in 2025.

19. The PAC recommends that the US support the revision of the bluefin CMM to increase catch limits by 50%.
20. The PAC notes that substantially raising catch limits can cause market competition between US fisheries and foreign fisheries importing into the USA seafood market.

III. North Pacific striped marlin

21. The PAC supports the U.S. commitment to submitting a new or revised conservation and management measure for WCPFC21 that will rebuild NP striped marlin to sustainable levels consistent with the 2019 Interim Rebuilding Plan adopted at WCPFC16.
22. The PAC recommends that any management measure must count all catch, including live and dead discards. The overall effectiveness of any measures taken to rebuild striped marlin will not be measurable unless more complete catch statistics are collected and transmitted to WCPFC.
23. The PAC supports the evaluation of supplemental conservation measures for longline vessels that reduce catch and help avoid exceeding the annual quota, including the use of circle hooks or elimination of J hooks, modifying longline gear to increase hook depth or protecting striped marlin through spatial management.
24. The majority of the PAC expresses supports for Scenario 1 in the USA draft CMM for striped marlin.
25. The PAC recommends that if a phased approach is included then a proposed CMM indicate catch limits in the first phase be based on 2018-2020 levels and that catch limits in the subsequent phases may be reviewed and adjusted as appropriate in 2027 and in 2032 when the ISC Billfish Working Group provides new scientific information. The proposed CMM should include a provision that it be evaluated and modified as appropriate in 2034 or as soon as the stock has reached the rebuilding target.
26. The PAC recommends that the U.S. develop a proposal that requiring owners and

operators of longline vessels in the WCPO to use only circle hooks.

27. The PAC recommends that the U.S. prioritize research on stock structure and life history to inform stock delineation and possible spatial management measures.
28. The PAC recommends that the U.S. support the development of improved species identification, improved catch and discard accounting, annual reporting of billfishes, and methods for estimating unreported catches in longline fisheries within the Convention Area. This recommendation recognizes the uncertainty and untimeliness of catch reporting of non-US caught billfish and the need for transparent evaluation of billfish catches on a reasonable basis. This should also include verification that caught striped marlin are not misreported as blue marlin, especially if catch limits are developed for striped marlin.
29. 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

30. 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.
31. The PAC recommends that the U.S. support an agreement at the Commission in 2024 on a management procedure for South Pacific albacore that follows recommendations from the Science Manager Dialogue and the Intersessional Working Group for South Pacific albacore to ensure that, American Samoa's longline albacore fishery returns to fishery performance prior to 2010.
32. 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.
33. 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.

34. 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 transferability and charter arrangements, and allocations should be accounted by the RFV registry such that conservation benefits are not undermined.
35. Cooperate with IATTC in order to ensure that South Pacific Albacore is managed consistently throughout its range. Operationalize this by supporting the development of a Joint Working Group between the IATTC & WCPFC in a manner similar to that for N Pac Bluefin. Include participation of all stakeholders including but not limited to commercial and industry interests.
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 support establishment of a joint working group between the IATTC and WCPFC to establish consistent and comparable conservation measures for South Pacific albacore tuna. The new JWG should provide recommendations to IATTC and WCPFC on all of the relevant cross-Pacific issues, such as conservation measures/ harvest strategies, allocation, monitoring and compliance.
38. The PAC recommends that the U.S. approach the negotiations over the TRP and MPs carefully and consider the need for conservative MPs that can achieve stability for U.S. West Coast fleets that access these fisheries seasonally. The PAC recommends further consultation ahead of WCPFC21 with West Coast fisheries participants that may be impacted by the harvest strategy.

V. North Pacific swordfish

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 at NC21 to ensure that a consistent CMM covering 0 to 20N is considered in 2025.

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 2024.
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)".

48. Other

Electronic Monitoring:

49. The PAC notes the progress of intersessional discussions on policies related to the use of Electronic Monitoring (EM) and urges the U.S. to strongly support the adoption of proposed definitions, technical standards and minimum data fields by the Commission in 2024. The PAC recommends the U.S. oppose adoption of interim EM program reporting requirements that would allow CCMs who do not meet all of the 'MUST' requirements in the EM standards to submit EM data for the purposes of satisfying WCPFC monitoring requirements.
50. The PAC also urges the U.S. to:
- a. Support the adoption of a work plan that includes the development of a draft CMM for a WCPFC EM Program for submission to the Commission in 2025.
 - 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.
51. The PAC recommends that the U.S. support proposals that will align provisions to recently the recently adopted IATTC EM minimum standards to encourage consistency between the RFMOs.
52. That the U.S. Government support the continued development of 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.

VII. Harvest Strategies

53. The PAC recommends the U.S. support adoption of a monitoring strategy for skipjack tuna at the Commission in 2024.
54. 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.
55. The PAC also recommends the USG to actively seek consensus support to convene a meeting of the Scientist Manager's Dialogue working group in 2025 and beyond, noting several matters are ripe for the group's input, including harvest strategy development for BET, YFT and SP ALB.
56. 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.
57. 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 the United States work with other delegations to finalize the BET and YFT TRPs in 2024 without further delay.
58. The PAC recommends that the U.S. work toward agreement in 2025 to convert fishing intensity, which is the output of the north Pacific albacore harvest control rule, into catch and/or effort to ensure the management procedure can be implemented.
59. The PAC recommends that the U.S. seek support for the development of a north Pacific swordfish management procedure pending the 2025 guidance from the ISC.

60. 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.
61. The PAC does not support adoption or consideration of “interim” harvest strategies or trials that undermine comprehensive harvest strategies.

VIII. Sharks

62. The PAC notes that the IATTC has adopted shark finning provisions with sunset provisions that are intended to revisit their measures after WCPFC21. The PAC is concerned with the TCC analysis that indicates that the “alternative measures” for shark finning lacks clear guidance to enable effective compliance. The PAC recommends that the United States work with other delegations to develop a proposal for WCPFC21 that encourages fins naturally attached and further implementation guidance such that the “alternative measures” can be adequately assessed for their effectiveness as soon as possible.
63. 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.

IX. At-Sea Transshipment

64. The PAC appreciates the continued leadership of the U.S. to progress the review of at-sea transshipment practices.
65. 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 2024, the PAC recommends the U.S. support continuing the transshipment IWG into 2025.
66. 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.

67. 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.
68. The PAC recommends that the U.S. support revisions to CMM 2009-06 to strengthen the regulation of at-sea transshipment, including but not limited to requiring:
- that all transshipment activities, including those that don't include fish, to be reported to the Secretariat in near real-time electronic reporting (not longer than 24 hours after the event) for all transshipment activity, using minimum standard data fields, including IMO numbers
 - the use of AIS and that VMS data are reported for all transshipments of WCPF
 - gradually increase the observer coverage on the unloading vessels involved in transshipment and the provision of observer data to WCPFC.
 - establishing practical criteria for authorization of at-sea transshipment.

V. Labor Standards

69. 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.
70. 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

71. 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.

72. 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. With the U.S. proposal for a footnote in Table 2 of the tropical tuna measure being denied, the United States should proceed as reflected in Paragraph 8 above.
73. 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. Climate Change

74. The PAC recognizes that changing ocean conditions will impact target and non-target stocks and their habitats. The PAC supports the adoption of a Climate Work Plan that includes the Terms of Reference for Assessment of CMMs and their susceptibility to climate change. The PAC expects this qualitative assessment of climate vulnerability will help inform future discussions and decisions of how we can better incorporate climate information into CMMs.

XIV. Seabirds

75. The PAC recommends that the USA not support New Zealand's proposal to modify seabird mitigation requirements for fisheries operating North of 23 degrees N because: 1) existing domestic regulations are effective and reflective of the seabirds species that occur in the North Pacific Ocean, 2) increasing line weighting will imperil the safety of crew, and 3) the proposed modifications to tori line specifications are impractical and unnecessary based on applied research and trials in the Hawaii deep-set longline fishery.

76. The PAC recommends that the U.S. continue to work with New Zealand and other

delegations to advance a proposal at WCPFC21 that will update seabird mitigation measures to make them consistent with the latest research and best available science.