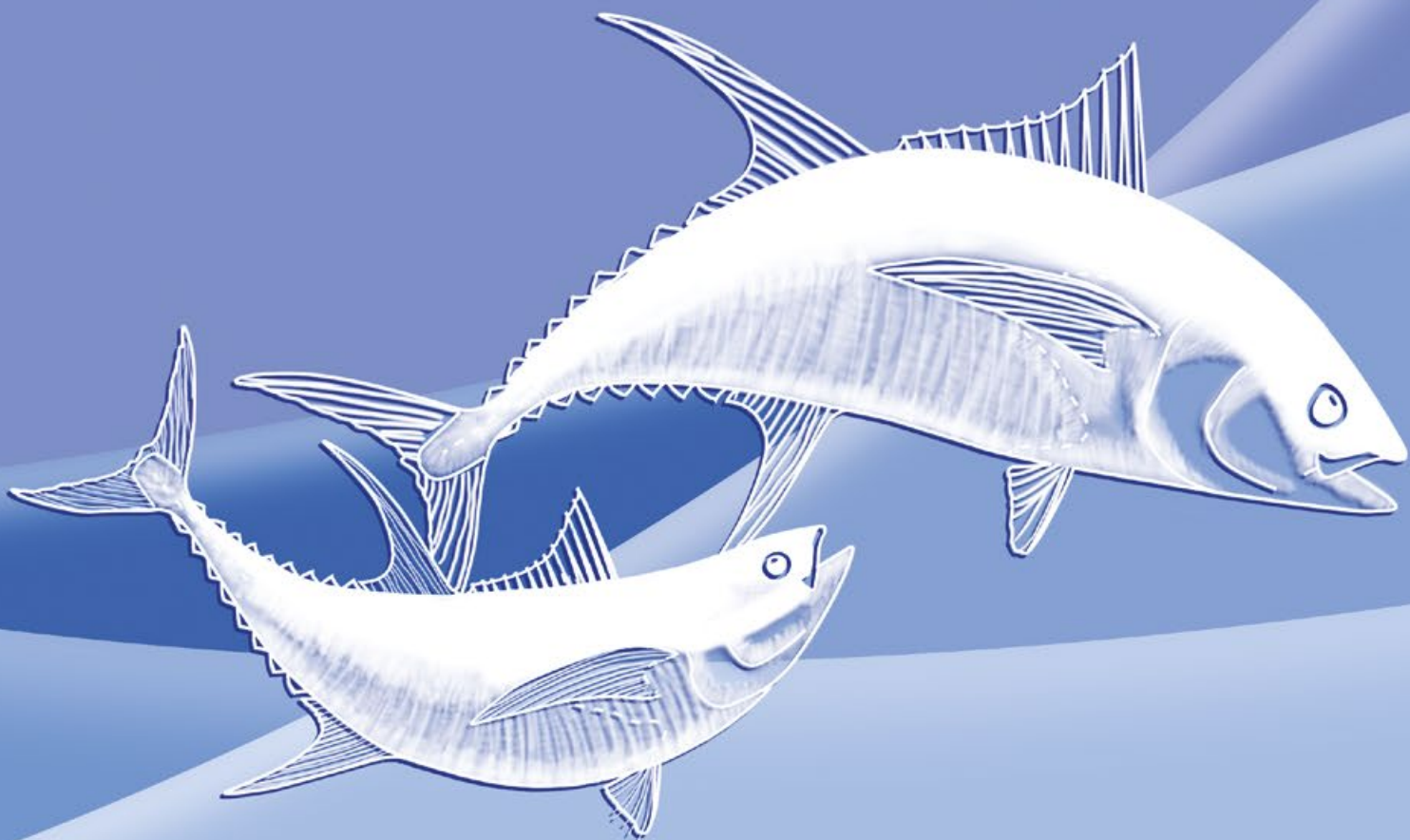


MANAGEMENT PLAN ON TUNA FISHERIES FOR THE FEDERATED STATES OF MICRONESIA



FFA

2015





Management Plan on Tuna Fisheries for the Federated States of Micronesia



FFA

Jointly prepared and funded by the
National Oceanic Resource Management Authority (NORMA),
and the Pacific Islands Forum Fisheries Agency (FFA)

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Message from the Chairman

I have the pleasure of presenting to you on behalf of the Board of Directors and Management of the National Oceanic Resource Management Authority, the FSM Tuna Management Plan (TMP). The Authority is especially pleased that the President's Steering Committee on the Tuna Management Plan chaired by H.E. President Mori adopted the Plan on April 17, 2015. This was significant given the context in which this document had been developed and now ready for implementation.

The Plan was originally developed back in early 2011 followed by a stakeholder consultation in Palikir, Pohnpei in October 2011. The objective of the consultations, following earlier workshops on the Ecosystems Approach to Fisheries Management, was to update the Plan For the Management of Tuna in the FSM adopted in 2000 and consider its associated amendments to the Marine Resources Act of 2002. I must acknowledge, therefore, the valuable support of the Forum Fisheries Agency (FFA), without which this TMP would not have been completed. I extend our sincerest appreciation to the Director General of FFA and his able staff for their relentless support, patience and commitment to seeing this plan through to its completion.

Today, the TMP will serve as a guide to NORMA and especially all FSM tuna stakeholders in our collective effort to manage, sustain, and develop these finite tuna resources which we are so blessed to have. With the increasing catches of tuna in the WCPO as well as increasing pressure of fishing on certain fish stocks and in particular by-catch species such as sharks, turtles, mahi-mahi and wahoo to name a few, this TMP was developed embracing the Ecosystems Approach to Fisheries Management (EAFM). The EAFM is the new regional standard for fisheries management that takes into consideration the growing importance of mitigating by-catch on other species in the ecosystem by industrial fishing practices that fish end up in global markets where environmental concerns are dictating consumer demands and expectations on the fishing industry. The FSM is proud to have embraced the EAFM in its TMP and will endeavor to ensure that its implementation is effective through appropriate legislative changes to its enabling legislation.

Again, I wish to thank all those who worked closely with NORMA, in particular our counterparts in the four FSM states, the FSM fishing industry, NGO's and IGO's and most especially the state and national government departments and agencies that were involved in culmination of this final Tuna Management Plan.

Jackson T. Soram

Chairman of the Board of Directors
National Oceanic Resource Management Authority



VISION

- Sustainable exploitation of tuna resources;
- Maximum and sustainable economic benefits from tuna resources; and
- Maximum economic security through exploitation of tuna resources.

MISSION

- Ensure tuna catches and fishing efforts do not exceed sustainable levels;
- Obtain national revenues from foreign fishing licensing agreements;
- Support development of FSM-owned and/or foreign FSM-based fishing enterprises through robust models of partnership arrangements;
- Encourage investment in enterprises related to tuna fisheries;
- Promote and expand employment opportunities in tuna fisheries; and
- Enhance international relationships and ensuring compliance with obligations

OUTCOME

Towards ecosystem-based, sustainable and economically efficient national and domestic tuna fisheries, and consistent with NORMA's mandate that:

"... ensure the sustainable development, conservation and use of the marine resources in the exclusive economic zone by promoting development of, and investment in, fishing and related activities in the context of effective stewardship."

APPROACH

Common Theme	NORMA adds value by:
1. Determine allowable level of fishing & impose access fees	<p>Ensuring that the tuna catch does not exceed sustainable levels (catch limits) and that fishing effort (effort and capacity limits) are strictly controlled and managed;</p> <p>Developing/ adopting catch and effort controls by fishing gear and target species (incl. dependent spp.) under right-based management regime incl. PNA VDS for purse seine & longline fisheries;</p> <p>Obtaining national revenue from foreign vessel access agreements and related partnership arrangements equitable to catch values in FSM EEZ;</p>
2. Promote economic benefits from fisheries development	<p>Supporting development of FSM-owned and/or foreign FSM-based fishing enterprises;</p> <p>Encouraging foreign and national investment in tuna fisheries related enterprises;</p> <p>Developing & implementing an investment strategy thereby creating an attractive environment for potential investors;</p> <p>Promoting and expanding employment opportunities in tuna fisheries;</p>
3. Economic benefits deriving from outside the fishery	<p>Enhancing fisheries relationships that are beneficial to FSM;</p> <p>Fostering support for robust and coherent policies that underpin fisheries</p> <p>Establishing linkages, transformational changes and networking with other key sectors including due consideration of climate change threats in tuna fisheries</p>

ACRONYMS

DWFN – distant-water fishing nations

EAFM – ecosystem approach to fisheries management

EEZ – exclusive economic zone

FAD – fish aggregating device

FFA – Pacific Islands Forum Fisheries Agency

HACCP – hazard analysis and critical control points

IUU – illegal, unreported and unregulated

MCS – monitoring, control and surveillance

MSC – Marine Stewardship Council

NFC - National Fisheries Corporation

NORMA – National Oceanic Resource Management Authority

NPOA – National Plan of Action

NTSA – Niue Treaty Multilateral Subsidiary Agreement

PAE – Party allowable effort

PNA - Parties to the Nauru Agreement

R&D – Department of Resources and Development

RFMO – Regional Fisheries Management Organization

SPC – Pacific Community

SPRFMO – South Pacific Regional Fisheries Management Organization

TAE – total allowable effort

TAC – total allowable catch

TC&I – Transportation, Communication and Infrastructure

UNCLOS – United Nations Convention on Law of the Sea

UNFSA – United Nations Fish Stock Agreement

VDS – vessel day scheme

WCPFC – Western and Central Pacific Fisheries Commission

WCPO – Western and Central Pacific Ocean



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1. BACKGROUND

1.1 Purpose

This Plan is FSM's high-level fisheries policy and "living document" that contains the mandate of NORMA to deliver services with regard to the effective and sustainable conservation, management, exploitation and development of tuna fisheries in the country. It also ensures the necessary MCS and enforcement measures support domestic development aspirations and deter IUU activities in FSM's fisheries waters. This plan is part of the overall FSM Fisheries Policy.

The Plan provides NORMA with guidance that clearly sets out how it will pursue its legislative objectives and requirements under its mandate to undertake sustainable tuna management and development under the ecosystem-approach to fisheries management framework. The Plan specifies performance indicators by which achievement can be measured, addresses strategic directions set under NORMA's Corporate Plan, and that it provides relevant frameworks for better planning, monitoring, evaluation and reporting.

1.2 Our top priorities

Our top priority in NORMA is to meet the expectations of our Board of Directors, States and Federal Governments and general community in the country of a "sustainably managed and profitable tuna industry". We will also deliver on our key outcomes and outputs highlighted in the preamble. This Plan further highlights the medium-high priorities, which stemmed out largely from a series of stakeholders' consultations and is consistent with the country's priorities and aspirations. The strategic interventions and actions identified under this Plan therefore address these priority issues.

Our primary goal is to pursue NORMA's legislative objectives and requirements, and deliver on priority outcomes of stakeholders' consultations. NORMA's strategies and performance in pursuit of that goal will be reported in our Annual report. In the life of this Plan NORMA will add value by continuing to respond to each of the common themes of fisheries management and its overall mission, and deliver progress on the Priority Issues as identified by stakeholders. These medium and high priorities areas are: retained species, non-retained species; ecosystem/ general environment; community wellbeing, and administration/ governance.

1.3 Scope

This Plan focuses on all fishing activities in FSM's EEZ and by FSM flag vessels fishing in the high seas and other EEZs. This includes longline, purse seine and pole-and-line fisheries. It also recognises connectivity between oceanic and coastal fisheries through distribution patterns of tunas & billfish, availability of food sources, and switch fishing practices incl. implications amongst commercial and artisanal type fisheries. The plan specifically focuses on tuna species of skipjack, yellowfin, bigeye, albacore and billfish recognizing the last two are not targeted by any gear or specific fisheries. The impacts of fishing on target tunas, bycatch and dependent species, as well as the general marine environment are also covered under this Plan.

The Plan will specifically concentrate on areas where NORMA has direct control, which is primarily the use of FSM's EEZ by "commercial" fishing for tuna and tuna-like species. However, it is recognized that tuna resources in the zone are also of immense value to artisanal and subsistence fisheries, and to a lesser extent to commercial

recreational or “sport” fishing¹. There is a general lack of current, detailed information on the level of use of tuna in subsistence and artisanal fisheries. Commercial recreational, or “sport” fishing, is not common in FSM EEZ, although there is the potential for further development in line with growth in the tourism sector.

Important additional points to note:

- (i) This Plan and the activities of the NORMA in relation to tuna apply to all waters of FSM; recognizing waters within 12 nm fall under States Administrations;
- (ii) Title 18 of the Federated States of Micronesia Code establishes a territorial sea twelve nautical miles in breadth from an island baseline. FSM also has a 200-nautical mile EEZ, the outer limit of which is measured from the same baseline;
- (iii) Under the FSM Constitution the National Government has powers over fisheries in waters beyond 12 miles from island baselines, while States governments have responsibilities within the territorial sea; and to regulate the ownership, exploration, and exploitation of natural resources within the marine space of the FSM beyond 12 miles from island baselines;
- (iv) National law recognises that States may want the National Government to have a role within the territorial sea for purposes of licensing and collecting fees.

1.4 Legal Context

The overarching legal basis of this plan is Title 24 of the FSM Code where NORMA is mandated “to monitor and control tuna fisheries in the waters of FSM’s EEZ.” It clearly supports the fundamental components in any fisheries management plan. If there are new policy directions in the revised plan that contradict existing provisions in legislation, then there would be a need to amend the legislation.

This TMP compliments the Marine Resources Act, 2002 (MRA) in providing specific guidelines for NORMA to apply in carrying out its duties and responsibilities for effective oceanic and tuna fisheries management.

NORMA’s Mandate:

The MRA 2002 (Title 24) establishes NORMA, with the following mandate:

“ . . . to ensure the sustainable development, conservation and use of the marine resources in the exclusive economic zone by promoting development of, and investment in, fishing and related activities in the context of effective stewardship.”

Title 24 grants NORMA specific powers to:

- (i) Adopt regulations for the conservation, management, and exploitation of fish in the EEZ;
- (ii) Conclude fishing agreements with foreign and domestic-based entities;
- (iii) Establish fees and other forms of compensation for the right to exploit marine resources within the EEZ;
- (iv) Enter into agreements or arrangements with other governments that give effect to the terms of regional, bilateral, or multilateral fisheries treaties, agreements or arrangements;

¹ NORMA will make qualitative (and quantitative) assessments on the potential impact any management measures might have on these activities. NORMA will also consider carefully the consequences of wider management measures for these interests and work with States fisheries authorities to better understand these tuna fishing activities and use or exploitation levels.



- (v) Issue fishing permits to foreign, domestic-based, and domestic entities;
- (vi) Determine the total allowable level of fishing within the EEZ;
- (vii) Provide technical assistance in the delimitation of the EEZ;
- (viii) Issue permits for fishing in the Territorial Sea or internal waters of a State where so authorized by that State; and
- (ix) Participate in the planning and execution of programs relating to fisheries, or fishing in the EEZ in which there is investment or other proprietary interest by a state government, or any agency or subdivision of the national government.

Key Relevant Agencies:

FSM's main national fisheries bodies established by the above Code are:

- (i) National Oceanic Resources Management Authority (NORMA) is the National Government's regulatory and management arm, established to control the use of and manage and conserve the resources within FSM's 200-mile EEZ;
- (ii) National Fisheries Fishing Corporation (NFC) is responsible for promoting the development of pelagic fisheries and related industries;
- (iii) Department of Resource & Development (R&D) provides national and state governments with technical services and support for development and management of marine resources, including non-living resources. R&D is also responsible for administration of the National Aquaculture Centre (NAC) in Kosrae, established in 1991 as a focal point for aquaculture demonstration, training and advisory services;
- (iv) Department of Justice is responsible for surveillance and enforcement. It operates three patrol boats provided under grant-aid by Australia.
- (v) Department of Transportation, Communication and Infrastructure administers the FSM Shipping Registry.

Furthermore, this Plan recognizes the roles of the Congress, Environment Protection Agency, Customs & Immigration, Pohnpei Ports Authority, and relevant State Agencies with respect to ensuring holistic approach to sustainably develop, manage and conserve FSM tuna fisheries. Moreover, there are other various government departments, semi-government agencies and civil society are involved in marine resource use and management at the state level, including:

- (i) Pohnpei Office of Fisheries and Aquaculture;
- (ii) Kosrae Marine Resources Division;
- (iii) Chuuk Department of Marine Resources;
- (iv) Yap State Department of Resources & Development
- (v) Yap Fishing Authority;
- (vi) Civil Societies incl. domestic fishing companies², conservation groups, and other NGOs.

² Includes 100% locally owned & based; jointly owned by foreign/ locals but locally based; and, 100% foreign owned but locally based

Categories of Fishing Vessels:

Licensing of all fishing vessels by the FSM differs by gears and by fishing categories, such that:

- (i) Under Title 24 section 102(18) domestic fishing is defined as “any fishing by a local fishing vessel longer than 27 ft in overall length, but not including commercial pilot fishing, **and ‘domestic fishing’ shall have a corresponding meaning.**
- (ii) Under Title 24 section 102(43) local fishing vessel means any fishing vessel wholly owned and controlled by:
 - (a) FSM government, any State government or any subdivision thereof;
 - (b) One or more natural persons who are citizens of the FSM
 - (c) Any corporation, company, society, or other association of persons incorporated or established under the laws of the FSM or of any State and which is wholly owned and controlled by one or more of the entities or persons described in para. (a) or (b) of this subdivision; and
 - (d) Any combination of persons or entities described in paras. (a) through (c) of this subsection.
- (iii) Under Title 24 section 102 (35) ‘flag fishing vessel’ means any foreign fishing that is registered in the FSM pursuant to T18 of the Code of the FSM and any domestic fishing vessel.

The above definitions, inter alia, provide the basis to better inform the determination, application and management of measures and limits, incl. allocation of ‘rights’ under national fisheries management regimes such as VDS.

1.5 Evaluation, Planning & Reporting Framework

Monitoring & Evaluation:

This Plan will be reviewed at least every two years, if necessary, to factor in priority policy changes on tuna fisheries in consideration of new information and decisions taken by the Board of Directors, including decisions emerging from subregional, regional and international management agreements where FSM is a signatory.

In achieving our key Outcome, NORMA will deliver its services to our stakeholders on behalf of its Board of Directors in the form of key strategic outputs covering fisheries policy & planning, governance and administration, compliance, target and dependent species and ecosystem issues.

Planning & Reporting:

NORMA’s performance planning reporting framework links our legislative objectives to our outcome of ecosystem-based, sustainable and economically efficient national tuna fisheries and NORMA’s outputs. This framework will be underpinned by performance information and supported by an integrated planning and reporting process incorporating a Corporate Plan, an Annual Operational/ Work Plan, strategic and business plan, a budget and NORMA’s Annual Report.

NORMA will also prepare an annual implementation progress report to its Board with respect to the state of key priority activities identified under the Plan. The progress of implementation and measure on performance will be reported by the Executive Director in NORMA’s Annual Report. A mid-term review and audit of the Plan shall be carried out at an appropriate time.



Measuring Success:

NORMA will measure its success in delivering on top priorities through checklist of implementing key projects and activities (details in Attachment 1), and also progress on the overall achievement of outcomes as outlined below. NORMA will also measure its success on delivering on key outcome of ‘ecosystem-based, sustainable and economically efficient national tuna fisheries’, through effective actions that address ecological and human/ economic pressures and stakeholder expectations, as outlined below.

Effective indicators – overall achievement of Outcome (recognizing highly migratory nature of stocks including through FSM EEZ)

VALUE	OBJECTIVES
Species sustainability	FSM EEZ’s contribution to: (i) keeping biomass levels above limit reference points throughout range of stocks; (ii) continue to promote sustainable fishing in FSM EEZ; (iii) collect accurate/ timely data from all tuna fisheries in FSM (incl. bycatch); and, (iv) fewer fish species/ stocks are assessed as being subject to overfishing
Species viability	To avoid extinction for a species (i.e. $B_{CURRENT} < B_{MSY} > B_{EXTINCT}$);
Ecosystem & general environment	Ecosystem & biodiversity maintenance; waste minimization; reduction in the quantity of bycatch; collect accurate data from all tuna fisheries in FSM (incl. bycatch, etc.)
Economic Outcomes	To optimize economic benefits to the community; promote private sector/ domestic development; provide export-oriented income; promote domestic development aspirations (incl. gradual reduction of foreign fishing access); positive contribution by NORMA to productivity trends in FSM tuna fisheries
Social Outcomes	To optimize social benefits to the community; employment & income generating opportunities; ensure consistency/ compatibility of all FSM fisheries developments with local legislations/ international agreements
Administration/Governance	Cost effective regulation of the fishing industry; control of IUU fishing in FSM national waters
Food Security	To Maintain Access to Sufficient Resources to Enable Survival; Ensure sufficient food consumption

NORMA’s achievement of its high-level and operational objectives will be measured against Priority Areas and Key Performance Indicators; these will be reported in NORMA’s Annual report and progress reporting of implementing the Plan to the Board of Directors. The Chairman of the Authority shall present a written report annually on its activities to the President of the FSM, the Speaker of the Congress of the FSM, and each FSM State Governor by December 1st of each year, in accordance with Title 24 section 211.

1.6 Preparing the Plan

The Plan draws largely from the stakeholders’ consultations during the 2008 FSM EAFM process, States stakeholders’ consultations of the EAFM report and current consultations under the TMP review process. Recent changes and priorities have also been reflected in this Plan. The outcomes formed the basis of identifying high-medium priority issues and challenges that require urgent strategic management and

policy, development, and MCS related interventions. As well, the outcomes point to the need for NORMA to deliver relevant outcomes under the revised Plan. Consequently the Plan outlines high-level management interventions and actions that will be progressed annually into the future towards addressing these key priority areas. The Plan outlines specific agreed deliverables (outputs) of NORMA's Board of Directors that the Authority is expected to execute.



2. WHAT NORMA INTENDS TO DELIVER

2.1 Performance & Deliveries:

Assessing performance is about measuring how effectively and efficiently NORMA achieves what it sets out to do. NORMA does this by identifying and collecting appropriate performance information. It also uses the outcomes of the prioritization process that generated medium-high priority issues identified by stakeholders during the EAFM consultative meetings.

Within the framework of this Plan, it will support annual activities and actions, which in turn, will assist in the delivery of **NORMA's outcome** of ecosystem-based, sustainable and economically efficient national tuna fisheries. The performance information NORMA has developed for assessing effectiveness in delivering its outcome is noted in the "approach" provided in the preamble.

NORMA's outputs reflect the Authority's commitment of pursuing ecosystem-based, sustainable and economically efficient national tuna fisheries. These outputs are consistent with NORMA's legislative objectives and are delivered in partnership with the fishing industry, Government agencies and others with an interest in sustainable fisheries management.

Appendix 2 & 3 provide the relevant information on strategies chosen to deliver on NORMA's outcome and outputs under this Plan. It also lists the performance information, in terms of quantity, quality, timeliness and cost indicators that NORMA will use to assess the level of its achievement in delivering outputs during the year. Achievement of planned performance will be reported in NORMA's 2016 Annual Report.

2.2 Guiding Principles

The guiding principles for developing strategic interventions against each high level objective incl. medium-high priority issues are provided for under the old plan and also covered under the FSM EAFM report.

- The tuna resource is shared with other countries in the region and is finite.
- The precautionary approach to fisheries management is most appropriate.
- Management measures will promote the objective of optimum utilization.
- Effective management requires participation in, and compliance with, regional and international measures.
- Surveillance and enforcement are important tools of management.
- Surveillance of state waters is important to resource management and should be supported.
- Tuna stock assessment is not exact and there may be differing scientific opinions on the status of resources.
- Special attention should be given to bigeye resources.
- Principles guiding tuna fisheries management are generally applicable to non-target species affected by tuna fishing.

2.3 Key Issues & Constraints

The key issues and challenges in FSM tuna fisheries are broad ranging and covering those associated with target and dependent species, general ecosystem, governance and administration.

Retained Species:

- (i) Multi-species and multi-gear nature of tropical tuna fisheries incl. effective trade-offs;
- (ii) Hard management limits shall be clearly stated in the TMP, examples:
 - a. FSM purse seine fishery uses effort control through the PNA VDS with FSM PAE or fishing days allocated for each calendar year;
 - b. FSM longline fishery will be managed by PNA LL VDS with FSM PAE allocated for each calendar year; and
 - c. FSM pole-and-line fishery is not subject to any hard limits but encourage its small scale operations and expansion.
- (iii) Aspects of high seas management limits and implications on domestic vessels, especially with respect to the impacts of closures and increase in fuel consumption.

Ecosystem & Bycatch:

- (i) States' requirements for regulating of ballast and related discharges from fishing and support vessels and onshore facilities into the marine environment both in port and at sea;
- (ii) Maximize benefits of non-target and bycatch species in the purse seine fishery, recognizing food security and significant benefits to the general community;
- (iii) Bycatch mitigation measures;
- (iv) Potential implications of the growing commercial operations on small-scale local fishers with respect to landing of bycatch
- (v) Include bycatch initiatives in the TMP such as through license conditions recognizing broader link to food security and community use;
- (vi) The issue of high grading and discarding as well as catch retention requirements; need for flexibility including relaxing requirement specific to the ability to share catch during the last set; and
- (vii) Removals of fishing vessel wrecks, fishing debris resulted from gear loss.

Governance & Administration:

- (i) Interaction between the management of fisheries in the EEZ and in the territorial seas;
- (i) Respective roles of the NORMA and the State governments in managing fisheries resources;
- (ii) Equitable sharing of benefits including sharing of licence fees;
- (iii) Forms of assistance to States for instance, concession arrangements with domestic vessels and domestic basing of foreign vessels;
- (iv) Assistance with MCS including basing a patrol boat in each of the States;



- (v) Public awareness on pertinent issues related to tuna fisheries which may be cross-cutting;
- (vi) Advocate transparency on information dissemination incl. fisheries regulations and requirements to the fishing industry and vessel operators;
- (vii) Watching brief over implementing outcomes of the UST renegotiation and implications;
- (viii) Emphasis on clear role of the TMP Steering Committee, roles and responsibilities of key agencies incl. areas of competency such as territorial waters in order to address port regulation and related matters; and
- (ix) TMP should be part or harmonized with other related plans and policies, holistic taking a whole of government approach and, practical in the context of actual implementation.

MCS & Reporting:

- (i) Detecting breaches of management policy & implementation system of penalties to deter non-compliance;
- (ii) Shifting roles of observers to include scientific monitoring, compliance monitoring and related monitoring;
- (iii) Incentives to deter bribery of observers by fishing operators;
- (iv) Maintaining reputation and commitment of FSM national observers to ensure continuity of employment opportunities with operators;
- (v) Greater understanding and awareness of WCPFC CMMs by national observers; and
- (vi) The issue of limited financial and skilled human resources cut through all the above MCS initiatives.

Community wellbeing:

- (i) Growing concern over diseases on crews and observers such as STDs on fishing vessels – may address this through legislations and conditions of employment contracts;
- (ii) No written plan in place for the expansion of the Pohnpei Port; need for consistent practice in all ports across the four States;
- (iii) Congestion of Pohnpei Port recognizing prospect to rehabilitate facilities in all States' Ports in the pipeline. ADB has recently completed technical assistance for port expansion;
- (iv) Fishing vessels sunk in port as well related wrecks around inshore areas; and
- (v) Associated risks to workers and officers in the port during clearance of fishing vessels.

2.4 Strategic Operational Objectives & Interventions

Further to the high-level and broad objectives outlined in the preamble, the FSM TMP aspires to give effect to the ecosystem-based principles and best practices to managing tuna fisheries. Broadly these specific principles and objectives are also provided for under the FSM EAFM Report, Title 24 of the FSM Code, National Fisheries Policy, 1999 Ocean Policy.

In addition, the following key strategic objectives and interventions were raised and discussed at the States consultations and were generally supported by stakeholders of the TMP consultations:

Long-term for the purse seine & longline fisheries (policy & management):

- (i) Harvest at the optimum sustainable level; including all WCPFC management limits and measures covering target species, time and area closures, and FAD closures; as well, all PNA hard limits including FSM PAEs under the PNA VDS
- (ii) Further increase industry's level of participation in the management of tuna resources to benefit FSM citizens;
- (iii) Maintain the long-term viability of domestic fleets;
- (iv) Minimize any adverse environmental effects of the fishing methods and gears used on the marine environment;
- (v) Promote effective management, conservation and sustainability of fish stocks and the marine environment;
- (vi) Ensure best value is gained from tuna fisheries under subregional, regional and international conventions, treaties and declarations in which FSM is a signatory; and
- (vii) Consider support for an **endowment fund** through MCT with a proposal to transfer portion of licensing fees to support coastal fisheries initiatives; recognizing alternative funding already available under other sources.

General Governance/ Administration:

- (i) Ensure clarity in the roles, functions and mandates of relevant agencies with respect to tuna fisheries;
- (ii) Ensure correct and quality information is used in the overall planning and management of FSM domestic tuna fisheries;
- (iii) Promote generation of national revenue incl. through establishment and preservation of beneficial bilateral relations through fisheries access agreements;
- (iv) To minimize negative impacts of foreign fleets on the domestic fishing industry;
- (v) Establish linkages and synergies between Federal and States fisheries policies/ legislations and related legal mechanism;
- (vi) Ensure change in legal mechanisms identify in (v) above reflects the shift in sharing benefits. For example Pohnpei State jurisdiction over ports and regulations only support big businesses taking advantage of agent services but not small operators;
- (vii) Ensure practical and realistic measures in the Plan corresponds well with available resources and the political support to implement;
- (viii) Aspects of the regional fisheries approach and the ability of individual member country to implement regional and subregional decisions. For example, are the Parties to the Nauru Agreement implementing the same plans/ measures in their respective zone?
- (ix) Aspects of over-regulating tuna fisheries and implication on the fishing industry sustainability; and
- (x) Equitable distribution of funds from tuna resources activities to States governments for fisheries related projects. It also recognizes the possibility where some States may be subsidizing others.



General Development:

- (i) Promote economic development and employment opportunities;
- (ii) Maximize net national revenue from foreign fishing vessel access arrangements;
- (iii) Ensure the level of tuna fishing is not in excess of that which could be supported by the tuna resources and thereby assures stocks sustainability;
- (iv) Support the development of FSM-based or FSM-owned fishing enterprises and increase domestic participation;
- (v) Encourage foreign and domestic investment in economic activity supporting fishing in FSM;
- (vi) Ensure industrial/ commercial fishing at sea and in port does not have an adverse impact on small-scale tuna or other fisheries, as well general ecosystem and marine environment;
- (vii) Support for domestic tuna fisheries operators and companies through, among others, substantial improvement to basic onshore fisheries infrastructures; this way, the 100% domestication, "islandization" and restructuring program of DWFNs fleets would be realized;
- (viii) Support for the fishery rehabilitation project that respond to domestication aspirations. Congress has approved agreement for 120 vessels across all States, and its operation is expected to be managed under the PNA longline VDS; recognizing stocks and economic sustainability implications;
- (ix) Promote States participation in fisheries investments, partnership arrangements and employment generating opportunities relative to tuna fisheries, recognizing Federal and States regulations and controls pertaining to territorial seas and ports;
- (x) Establish a national crewing program that reflects on the PNA's crewing standards. The national program must establish clear and specific minimum wage, conditions and terms of contracts in accordance to FSM laws. The setting of crew wages must be transparent and include all relevant stakeholders incl. representatives from relevant agencies of federal & states governments and fishing industry;
- (xi) Domestic development arrangements:
 - a. Requirements for joint venture arrangements;
 - b. Requirements for charter of foreign fishing vessels; and
 - c. Participation in fisheries on the high seas.

General Ecosystem & Bycatch:

- (i) Minimize the impacts of tuna fishing on non-target species and diverse environmental impacts of activities relating to tuna fishing;
- (ii) Ensure compliance with bycatch specific requirements under WCPFC measures on sharks, sea turtles and seabirds
- (iii) No discarding and high grading is permitted as conditions required under fishing license and permits of the FSM. This applies to areas both in port and at sea during fishing, transshipment, fuelling and provisioning and other operations.
- (iv) Ensure mandatory landing in FSM ports of all bycatch species including damaged fish, small-sized fish, and fish not fit for human consumption;

- (v) Support for environmental assessments on major developments in ports and generally within territorial seas. This includes EPA regular assessments on the impacts of ports activities such as transshipments and others; and
- (vi) Draft legislative text to distinguish transshipment and net sharing because there is merit in allowing for net sharing especially in the last set where the vessel fills its wells, shares remaining catch with another sister vessel and then heads directly to port

Community Wellbeing:

- (i) Ensure equitable flow of benefits to general communities through direct financial support of community projects, used to leverage external and matching funds, and others. It equally recognizes past experiences in appropriation of license fees funds to communities and Maritime Wing.
- (ii) Support the need for basic port facilities (e.g. repair shop, machines shop, electrical shops) to service repairs; and maintenance of fishing boats particularly during transshipment or landing of catches.

MCS & Reporting:

- (i) Develop and implement FSM MCS Strategy through this TMP process.
- (ii) Number of local observers and coverage exceeds WCPFC requirements recognizing need for ongoing training in the event observers leave the national observer program;
- (iii) Recognize VMS coverage and other FSM MCS tools include its ship rider agreements
- (iv) Recognize Title 24 allows for the role of Fisheries Management and Surveillance Working Group, and as a useful mechanism for coordinating and implementing FSM MCS initiatives – NORMA to convene;



3. TUNA FISHERIES SECTOR

3.1 Overview

Tuna fisheries within FSM's EEZ range from limited subsistence and small-scale commercial fishing in coastal areas and territorial waters, to large-scale industrial purse seine, longline, and pole-and-line fishing in the off-shore water beyond 12nm territorial sea. These fisheries target three main tuna species of skipjack, yellowfin and bigeye. Albacore are also taken incidentally by longline in small quantity.

Total catches in FSM's EEZ have increased rapidly post 1980 and peak at approximately 277,000 mt in 1995. This constituted 17% of the WCPO total target tuna catch. Since that period, total catches have fluctuated very significantly on an annual basis largely due to fluctuations in purse seine catches in-zone, which are dependent on prevailing climatic and oceanographic conditions. Since 1995 FSM catch of tuna has constituted between 3-11% of annual WCPO tuna production, which is a marked reduction from that in 1995.

In 2013, current provisions logsheets catch estimate in the FSM EEZ is estimated to be 199,588mt, an increase in catch by all gear types. Purse seine accounted for 189,301mt followed by longliners 2,182mt with 8,105mt catch by the pole and line vessels. Japan had the highest volume of catch by flag for both longliners and purse seiners, and also for pole and line (Japan is the only fleet conducting pole and line fishing in the FSM EEZ). Specific catch trends by gear in FSM EEZ are as follows:-.

- (i) Purse seine - total catch decreased by about 30,000mt from 2012 recognizing catch within FSM EEZ has fluctuated between 50,000 to 200,000mt over the past 15-years. There is a lower volume of catch by Japan vessels from Chinese Taipei and FSMA fleet. All purse seine vessels concentrated their fishing efforts mostly at the Southern part of FSM EEZ;
- (ii) Longline - total longline catch targeting yellowfin and bigeye tuna is largely taken by major fishing fleets of Japan, China, FSM, and Chinese Taipei, totaling to 2,182mt. Catch by flag, Japan-Guam based accounted for 97% (1,280 mt) of the total catch while the Pohnpei based Chinese longline fleet did not fish due to no license. Catch of domestic-based Chinese Taipei vessels accounted for 2.8% (768mt) while FSM vessels accounted for 1% (134mt). TUFMAN record indicates most of the fishing effort by the Japan and Chinese Taipei fleet is within the eastern areas of FSM EEZ. While the FSM flagged longline vessels based in Marshall Islands and the Cook Islands fished South East.
- (iii) Pole-and-line - catch within the FSM EEZ for 2013 indicates a total of 8,105mt of tuna species. Break-down of current catch record of the three target species, (BET 7mt, YFT 11mt, and SKJ 8,087mt). Pole and line fishing effort is mainly focused South of the FSM'EEZ.

The above trends and estimates may assist NORMA in guiding future gear specific limits, which are set on harvest levels within the FSM EEZ.

3.2 Current state of FSM Tuna Fisheries

Purse seine fishery accounts for nearly all the reported skipjack catch, which has varied markedly between 60,000 mt and 210,000 mt in the past years. The proportion of the total annual WCPO skipjack catch taken in FSM varies between 4–16%:

- (i) Skipjack tuna are an extremely important target species for the purse seine fishery (and also the much smaller scale pole and line fishery) operating in FSM, with catches of skipjack taken in the FSM EEZ comprising a variable but very significant component of the overall WCPO skipjack catch (4-16% per year since 1995);
- (ii) Current skipjack catches believed to be sustainable at recent levels, there would appear to be little risk to the skipjack stock from FSM or the wider WCPO fishery;
- (iii) However, the skipjack targeted purse seine fishery does impact on the bigeye and yellowfin tuna stocks through removal of juveniles taken in FAD-associated sets compare to that of free schools. The impact of purse seining on the bigeye stock is currently of significant concern and should be minimized in waters of the FSM and the wider WCPO. Catch of skipjack is currently managed under effort limits of the PNA VDS and Commission measures.

Bigeye is predominantly taken by longline gear, but a significant proportion has also been caught by purse seine gear since the development of that fishery. Total bigeye catch decline from the peak years partly due to a decline in longline fishing effort within the FSM EEZ. FSM has accounted for between 4-9% of total WCPO bigeye catch in recent years, while accounting for greater than 15% in the mid-1990s.

- (i) An analysis of indicative (sustainable) yields for bigeye taken in the FSM EEZ indicated that purse seine catch of bigeye tuna in FSM to be 86-130% above what is sustainable in-zone, while the longline catch is estimated to be to be 32-38% above what is sustainable in-zone;
- (ii) Bigeye tunas are extremely important target species for both the domestic longline and foreign longline fisheries operating within FSM, and are taken as significant bycatch in the purse seine fishery on FAD associated sets;
- (iii) It is recommended that FSM considers significant reduction or avoid catches of bigeye tuna in the purse seine fishery operating in its waters. This is particularly important if FSM wishes to ensure the sustainability of catches by the longline component of its fishery, which should also be restricted to less than indicative catch level of 2625 mt.

Yellowfin tuna is a target species in the longline fisheries; however since the development of the purse seine fishery, the majority of yellowfin catch has been taken in that fishery. Total catch of yellowfin peaked in the mid-1990s (>60 000mt from 1993-5) but has been substantially lower since, with fluctuations driven primarily but fluctuations in purse seine catch. FSM has accounted for between 4-11% of total WCPO yellowfin catch in recent years, while accounting for greater than 20% in the mid-1990s.

- (i) An analysis of indicative (sustainable) yields for yellowfin tuna taken in the FSM EEZ indicated that the recent average annual purse seine catch of yellowfin tuna in FSM is approximately 32-53% above what is sustainable in-zone (based on two plausible catch estimates), while the average annual longline catch does not exceed that which could be taken on a sustainable basis. These results are consistent with the current regional stock assessment which indicates that the impacts (reduction in biomass) on the yellowfin stock by longline fishing in the WCPO is estimated to be relatively small (less than 5%), compared to larger impacts by purse seining.

Billfishes that are commonly caught in FSM waters during tuna fishing include blue marlin (*Makaira mazara*), striped marlin (*Tetrapturus audax*), and swordfish (*Xiphias gladius*). Catches of billfishes by the longline method fisheries of the WCPFC were dominated by blue marlin and swordfish, with lesser amounts of striped marlin. Other species were captured in much lower amounts



Of the bycatch and dependent species caught in FSM, only blue marlin, northern Pacific striped marlin and north Pacific blue shark have had formal assessments undertaken.

- (i) Blue shark is a common bycatch in FSM and catch and size trends should be closely monitored in the FSM EEZ for this and other shark species. At least 18 different species of shark and 2 species of ray are captured incidentally in FSM longline and purse seine fisheries for tuna;
- (ii) Blue marlin is a common bycatch in both FSM longline and purse seine fisheries and FSM should take note of further assessments for this species as they are completed.
- (iii) Northern Pacific striped marlin is considered limited in abundance in its area of concentration and the FSM zone. FSM should monitor its catches of this species and ensure they remain at a minimal level.
- (iv) Sea turtles and sea birds did not appear significant issues following recent reports from logsheets and observers.

3.3 The Tuna Fishing Industry

Catch in FSM EEZ:

FSM's EEZ total catch in 2013 by all gear types is a little over 200,000mt, slight increase from recent years and largely consist of purse seine catches. Longline catches is about half in 2013 than previous year and accounted for close to 2,000mt. Pole and line catches also decreased slightly. Purse seine catches also increased slightly in 2013 to 217,804mt. Japan had the highest volume of catch by flag for both longliners and purse seiners in FSM EEZ. Japan is the only fleet conducting pole and line fishing in the FSM EEZ. The current estimate of the total catch by FSM-flagged and national fleet within the WCPFC Convention Area for the year 2013 is 26,318mt (skipjack 20,793mt, yellowfin 3,223mt, bigeye 1,599mt, and other species 703mt).

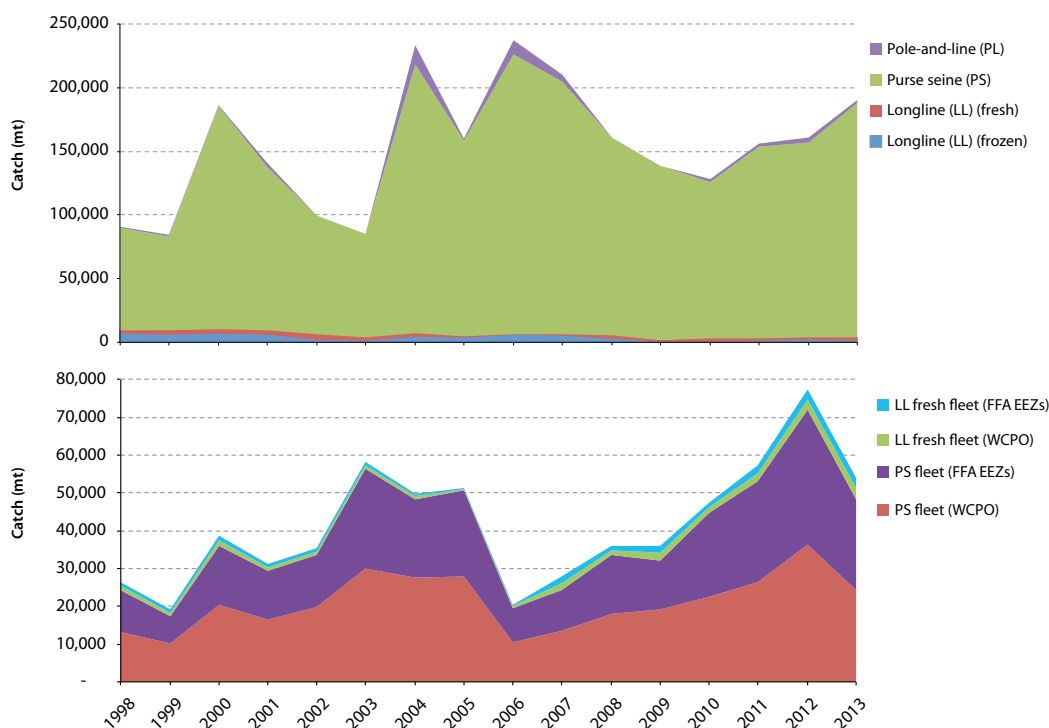


Figure 1. Catch trends in FSM EEZ by gear (top) and catch trends by FSM fleets in FFA EEZs and other WCPFO waters (bottom) – (Annual catch estimates, July 2013).

Fleet Structure:

In 2013, FSM authorized 30 fishing vessels to fish in the WCPFC area. These vessels were considered as FSM-flagged and national fleet, which covers 10-purse seiners and 20-longline vessels. Also in 2013, a few FSM flagged longline vessels operated and based out of the Marshall Islands and the Cook Islands had the catch attributed to FSM. Most of the FSM-flagged longline vessels are iced-operated, and can only stay out for a fishing period of two weeks before returning to port for unloading. In June 2011, the majority of the FSM longline vessels switched from ice-operated to frozen operations.

In 2013, there were 310 longline, pole and line and purse-seine fishing vessels licensed to fish in the FSM EEZ, which are predominantly foreign fishing vessels. Longliners accounted for 77, pole and line 22, and purse seiners 211, and with the composition by fleet as follows:-

- (i) Longliners - Japan accounted for 51 followed by Chinese Taipei with 23, and FSM with 3 vessels;
- (ii) Purse seiners – USA accounted for a majority of 40-licensed purse seiners; Japan with 33, Chinese Taipei with 35; South Korea with 28 and the balance is made up of other FSMA fleet flags; and
- (iii) Pole-and-liners - Japan was the only country employing the pole and line gear with 22 licensed vessels in 2013.

In August 2013, 25-FSM flag vessels³ were registered under the FFA Vessel Register and all on good standing. FSM currently ranks amongst top four FFA countries with the high number of flag vessels but well below the highest (80). It requires close attention by FSM with respect to flag states responsibilities. These statistics remain relatively low compare to that of non-FFA members active in FFA waters. The fleet structure trends signals slow progress in the restructuring program of distant water fleets that replaces with FSM and FFA flags or domestically based vessels and operations. It also indicates progress in the implementation of rights-based management initiatives, including PNA vessel day scheme and direct licensing. FSM is currently implementing the PNA purse seine VDS as well usual bilateral access arrangements with foreign partners.

3.4 Role of Tuna Resources in the National Economy

Tuna resources and related operations rank relatively high with respect to its contribution to FSM's GDP and national economy. These benefits come in the form of direct and indirect financial inputs through catching, processing & value-adding, and marketing sectors. In the catching sector, FSM continues to access financial benefits and employment opportunities through its bilateral and related arrangements incl. partnership arrangements.

In the processing sector, FSM continues to exercise close monitoring of its current onshore based plants on Pohnpei. It is also looking into expanding and re-opening similar small-scale plants in the other States. Discussion into this prospect is still underway with the expectation of concluding in the near future. The availability of sustaining financial resources, stocks sustainability and market trends along with political support are central to these undertakings. Moreover, the importance of basic infrastructures and onshore facilities, and reliable links to potential markets cannot be overstated.

With the growing consumer demand through many potential markets such as Japan, US and EU, which require import products comply with certification standards and related measures, signals the need to establish competent authority and appropriate facilities in the country. NORMA supports these undertakings and will look into providing the necessary inputs into ensuring a competent authority is established and supporting policies

³ 1 bunker, 1 fish carrier, 17 longliners, 6 single purse seiners (FFA Vessel Register, August 2013)



and regulations are in place. These will no doubt go a long way into fostering flow of financial and employment opportunities from tuna resources into the country.

Catch values & value of exports:

Tuna fishery in FSM waters is currently value at close to USD450 million dollars; 5-7% of this value is taken by FSM fleets in recent years. It is not possible to estimate revenues directly flowing into the country from tuna but would cover largely fishing licenses, VDS days, exports, taxes, fees on port activities (transshipment, provisioning, port charges)

Value of tuna catches vary significantly by year, noting the best years 2005–2008 and steep increase 2009–2012 then stable in 2013. However there are notable troughs of very bad years in 2002, 2004 and 2009. In the FSM EEZ, catch values from all licensed, flag and national flag vessels increased steeply from 2009 to 2013 with highest record of close to half a billion US dollars in 2012; with a slight drop by about USD4,000 in 2013. Flag and national fleet are more active in other FFA waters and therefore generate far more revenues from catches in those waters than in non-FFA waters, which include the high seas. This equates to the highest record of over USD120 million in 2012 for FSM domestic fleets in all zones; which is more than double compare to 2009 levels. This is mainly cause by a significant increase in revenues from FSM fleet active in other FFA waters. There was a small increase in revenues for FSM fleet in FSM EEZ while revenues generated in non-FFA waters remain steady in 2012 compared to the previous two years. These trends signal FSM fleets that are foreign based were fishing predominantly in FFA waters than in the high seas.

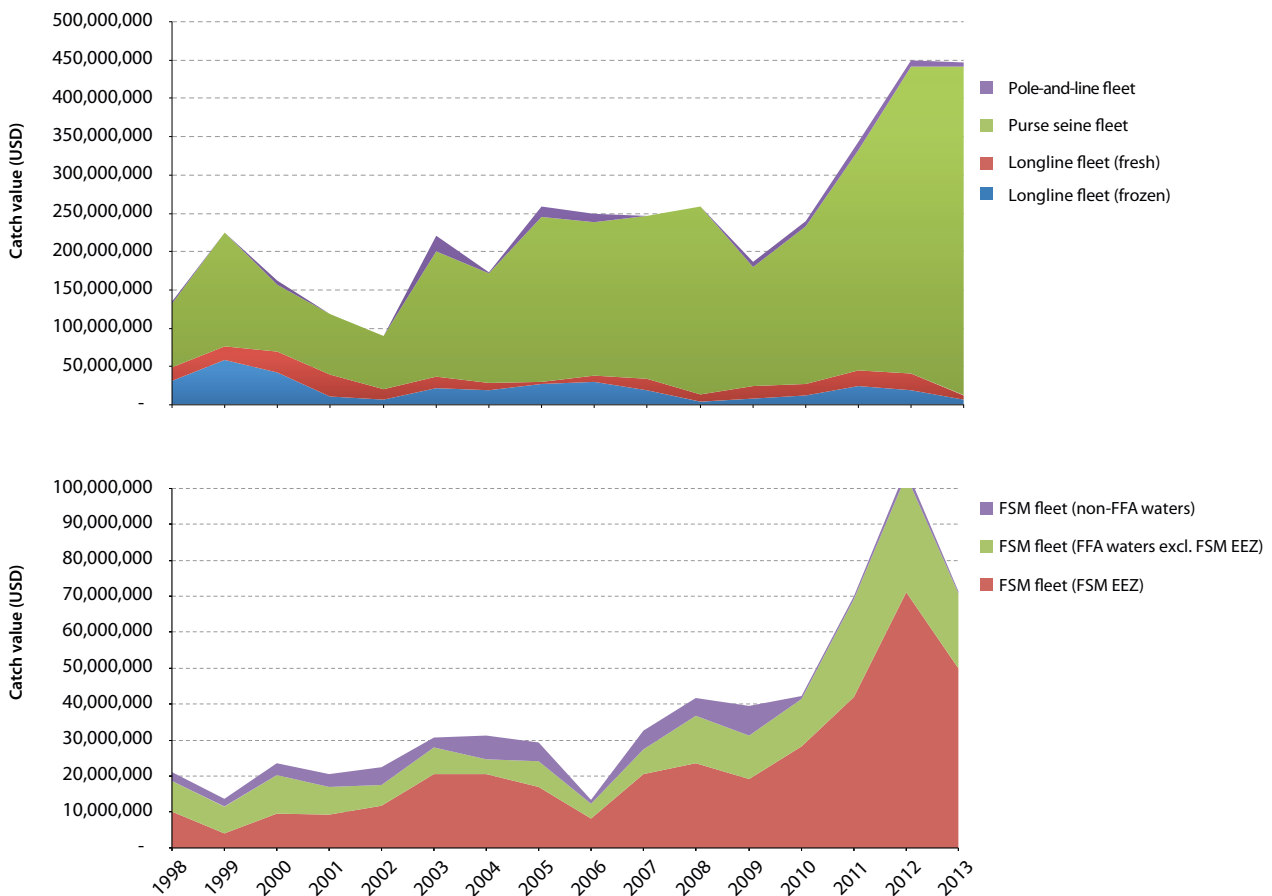


Figure 2. Estimated tuna catch value trends in FSM EEZ (top), and tuna catch value trends of FSM fleets in WCP0 waters (bottom), 1998–2013 (Source: FFA, August 2014).

4. TUNA RESOURCES MANAGEMENT

4.1 Approach to Tuna Resources Management

This section describes the management measures that will deliver the most efficient and cost-effective results for FSM tuna fishery. The Plan includes the specific responsibilities for implementation, contingency strategies (where necessary), performance measures, and monitoring of the fishery.

Approach:

NORMA has completed a significant proportion of FSM obligations on the use of ecosystem principles and robust best practices to manage tuna resources. For FSM purse seine and longline fisheries the focus under this Plan will be on achieving long term ecosystem based fisheries and rights based management outcomes through sustainable fishing, ensuring economic efficiency and minimizing fishing impacts on bycatch the marine environment.

Other focus strategic areas of NORMA cover partnership arrangements including joint ventures, charters and direct licensing arrangements through the vessel day scheme, promoting domestication policies, as well as, addressing broader environmental impacts of fishing. Furthermore, NORMA will continue to build on current management arrangements but moving towards developing zone-based limits and orderly restructuring of foreign fishing in its EEZ.

From the time when the TMP came into effect, several subregional and regional initiatives, regimes, and measures and resolutions had come into play. On the one hand there were initiatives like the PNA Vessel Day Scheme, which are technical in nature but nonetheless, have policy implications. On the other hand, the FFA Ecosystem Approach to Fisheries Management (EAFM) Framework is a policy document; it has a top-down approach where it narrows in on what performances are most likely to achieve outcomes. There are other measures, which may be technical but have legal implications, like conservation and management measure, and binds members of the Commission to implement it.

With annual updates of scientific advice on state of tunas incl. migratory pattern of the tuna stock so must the policies, plans, regulations, rules and laws that govern and manage the activities impacting on the tuna stock. This Plan aims to respond to these changes and will endeavour to provide strategic policies including effective management limits, controls and guidelines that assist in the overall management of FSM tuna fisheries into the future.

Licensing:

NORMA may receive future requests for new licenses for either purse seine or longline fisheries. The granting of a new licence(s) will be guided by several key factors including: management objectives governing this Plan, stocks status and uncertainty surrounding recruitment and data issues, the long-term sustainability of the fishery and the effects of additional production on pricing in this presently unique market.

In addition to issuing fishing licenses pursuant to access agreements, NORMA intends to adopt a new direct licensing regime. This includes the ongoing granting of days specific to purse seine vessels to fish FSM PAE under



the PNA VDS. This means that FSM licensing system will also change to correspond to fishing rights to access FSM EEZ for purposes of fishing, and that the latter is managed under the VDS. NORMA will ensure no fishing vessel is licensed to fish or issued with participatory rights unless they have been allocated with fishing days.

However, if a scientifically based TAE or TAC is established which may exceed current self-imposed limits (incl. effort limits through VDS), then quota or allocation will be re-considered and advice made available for the Executive Director to grant a licence to a new entrant at his or her discretion. In that event:

- (i) At the time of entry, any new licensees shall be viewed as having the same reporting, monitoring, and joint research responsibilities as earlier entrants, thus establishing parity of all licensees.
- (ii) If future TAEs or TACs are revised due to new scientific advice, such future revisions of allowable limits will be shared on pro rata basis among all licence holders.
- (iii) All new licensees shall immediately conform with all of the requirements mandatory under this Plan; and
- (iv) Sanctions and penalties for non-compliance such as revoking of fishing licenses when right or license holders exceeds their allocations and allowable fishing days under the VDS.

4.2 Tuna & Billfish Fisheries

FSM purse seine fishery is managed under the PNA vessel day scheme and administered by NORMA in conjunction with the PNA Office. This management scheme currently provides FSM with an annual PAE that changes every year. This PAE is subject to future changes as a result of discussion for the setting and determination of TAE by PNA. Specific details of the management regime for this fishery include, inter alia:

- (i) All domestic and foreign operators and companies interested to participate in the FSM purse seine fishery must purchase fishing days in order to have their license applications considered and if successful granted;
- (ii) FSM's PAE will be allocated according to strict guidelines that include an allocation formula, transferability of days, price and use of a fishing day, valid period, application details, and other relevant terms and conditions or "business rules";
- (iii) Fees structure under the scheme includes minimum price of USD8,000 per fishing day, and subject to periodic reviews and updates. The fees and allocation of fishing days guarantee participatory right and engage in actual fishing. Other standard fees additional to a set fishing price include access fees, observer & VMS fees, application processing & issuance fees, etc.;
- (iv) Application from domestic operators would be considered priority, and due consideration from traditional partners would be also considered fairly;
- (v) The scheme will ensure the primary objectives of maximising economic benefits and ensuring stock sustainability are achieved.

The allocation of access and participatory rights is provided in Title 24, s502 (6), recognizing implications on onshore investments such as processing plants as a result of inconsistent supply of fish because fishing days have been used up.

The first priority shall be given to domestic and locally based fishing vessels and companies;

- (i) The second priority shall be given to FSM fishing management agreements or partnership agreements; and
- (ii) Allocate remaining balance to foreign fishing vessels.

Purse seine fishing in FSM waters are also subject to PNA 3IA and related binding decisions of the PNA, as well relevant provisions of the WCPFC CMM on tropical tunas.

Equally, the FSM longline fishery will be managed under a vessel day scheme and administered in conjunction with the PNA Office. The scheme is currently opened for signature, five of which are needed to allow the scheme come into force. This number of signatures has been achieved in December 2014. FSM PAE under the scheme, is currently the highest, and will be subject to future changes as a result of discussion for the setting and determination of the longline TAE.

Similar to the purse seine VDS, FSM's longline PAE will be allocated appropriately in accordance to policy guidelines on allocations and requirements outline above. Specific details of the FSM longline VDS incl. fees structure and "business rules" would be developed during its implementation phase. Further development of longline fishing within sustainable limits in FSM waters needs to be supported using innovations such as VDS framework.

The FSM pole-and-line fishery is not under specific management regime considering relatively low operations. This Plan encourages expansion of this fishery initially as small scale operation.

There are no caps or hard limits on bunkers and carriers flag to FSM into the future. There will be consideration to reduce fishing capacity and thereby putting a cap on bunkers and carriers.

Technical limits:

FSM will implement technical limits for purposes of managing tuna fisheries, which include, inter alia:

- (i) Commercial' tuna fishing is prohibited in territorial areas unless States indicate otherwise;
- (ii) Other prohibited areas declared by States and Federal governments; and
- (iii) Full compliance on all measures specified under the PNA 3IA and related initiatives incl. time and area closures, catch retention and FAD closures.

Others:

In addition, this Plan identifies a number of on-going tasks and monitoring with respect to administration and governance strategic interventions, including:

- (i) Regular audits of the performance of FSM tuna fisheries with respect licensed fishing vessels, fishing companies or agencies;
- (ii) Develop a specific domestic compliance strategy;
- (iii) Maintain a watching brief on domestic tuna industry development;
- (iv) Develop regular strategies for input into international compliance regimes for WCPFC;
- (v) Adapt and implement, as appropriate, into domestic policies and laws all WCPFC CMMs and resolutions;
- (vi) Review compliance on reporting requirements and regulations in FSM EEZ and fishing vessels flag to FSM fishing in the high seas and other EEZs;
- (vii) Ongoing stakeholder consultations and reviewing management of tuna resources;
- (viii) Annually update for the public on tuna management (including bycatch mitigation);
- (ix) Strategic actions to improve cost recovery of FSM fisheries licensing & management arrangements;



- (x) Regular review domestic catch and effort limits and other international catch and /or effort controls as required;
- (xi) Establish a process to identify and manage any areas of inter-sector conflict as required (including identifying areas of special significance to the recreational fishery);
- (xii) Bio-economic assessment of FSM purse seine and longline domestic fisheries;
- (xiii) Review as required non-commercial allowances;
- (xiv) Annually review FSM bilateral licensing arrangements (Code of Practice)
- (xv) Briefings and debriefings with fisheries stakeholders before and after tuna Commission and subsidiary meetings;
- (xvi) Prepare and attend WCPFC and subsidiary meetings;
- (xvii) All vessels licensed to fish in FSM EEZ and flag to FSM must be registered and in good standing with FSM fishing vessels, FFA regional register, PNA register, and must meet the requirements of an FSM license or permit, as well minimum terms and conditions under the Niue Treaty; Pursuance to the PNA VDS, the boat will be allocated fixed number of fishing days and shall meet reporting and compliance requirements; and
- (xviii) The licence holder shall be the vessel owner, operator (which includes charterer).
- (xix) Observers cost recovery, e-reporting and e-monitoring, port state measures

4.3 Bycatch (Sharks, Sea Turtles and Sea Birds)

This Plan requires that licensed fishing vessels comply and implement WCPFC conservation and management measures and resolution on sharks, sea turtles and sea birds in FSM EEZ.

NORMA will undertake the following ongoing tasks and monitoring for retained non-target or bycatch species.

- (i) Annual monitoring of shark catches, including available observer data (e.g. size composition; discard rates), target fishery catches, and landed states
- (ii) Monitoring of seabird and turtle bycatch (including comparison of observer and fisher reports of non-fish bycatch)
- (iii) Modifying high seas permit conditions so the shark finning provisions also cover vessels less than 24m in length
- (iv) Action for managing/preventing discarding of dead sharks
- (v) Regular reviews of mitigation requirements and specifications to ensure effective measures are in place. This includes reviewing and amending specifications for seabird mitigation measures as necessary
- (vi) Providing for the trial and use of alternative seabird mitigation strategies, as appropriate
- (vii) Distributing turtle mitigation equipment and educate fishers in its use
- (viii) Monitoring records of bycatch and interaction rates. If trigger for management review is reached (if CPUE drops below long term mean for 3-consecutive years), further action would be required
- (ix) Monitoring the landed state of sharks caught by licensed fishing vessels incl. those taken by FSM flag vessels on the high seas & other zones (i.e. fin on or off)

FSM is committed to manage and protect sharks consistent with its obligations under subregional, regional and international instruments. All FSM States have enacted shark laws. Also, the national government has enacted an amendment to Title 24 to manage and protect sharks, as of February 2015. In the past a decision to explore the potential for the protection of sharks was adopted by the Micronesia Chief Executive Summit.

4.4 International Obligations

FSM will comply with its obligations under international law of the sea, WCPFC CMMs, and PNA 3IA and related binding decisions. FSM also manages its flag vessels appropriately in accordance to domestic legislations and policies, and other relevant provisions under the WCPFC and international law. Several FSM flag vessels are authorised to fish in the high seas and, also fishing in other EEZs for bilateral access licensing. Monitoring of flag vessels is an important component and strict controls and penalties are reflected appropriately as condition of chartering, reflagging to FSM and fishing licenses consistent with domestic laws and policies. As required FSM reports to WCPFC and FAO on compliance levels against binding elements of WCPFC CMMs including those related to flag states responsibilities.



5. DEVELOPMENT OF TUNA RESOURCES SECTOR

5.1 Overview

This section of the Plan outlines specific undertakings that underpin strategic development policy interventions for FSM tuna fisheries. In addition, a separate tuna industry development policy will be finalized and approved by the Department of Resources and Development. .

5.2 Role of Foreign Enterprises

Foreign fishing enterprises have played significant role in support of domestic development aspirations. This continues in the present time and is expected to contribute significantly in this role into the future. In this context, foreign fishing enterprises must conform with domestic investment arrangements which include:

- (i) Requirements for foreign investors;
- (ii) Onshore infrastructure development; and
- (iii) Employment of FSM nationals.

5.3 State of Participation and Support

FSM will actively participate in the catching, processing & value-adding and marketing of its tuna resources. NORMA will measure the achievements that will emerge under this goal. It is no secret the impact of conservation and management measures (CMMs), coupled with PNA and FSM's own initiatives are having influence on the state of operation of DWFN fleets in its EEZs. This includes an emerging trend of DWFNs seeking to localize their operations in Pacific Island countries and territories (PICTs). FSM intends to seize the opportunity and enter into partnership arrangements to advance its active participation and promote development aspirations.

FSM partnership arrangements or agreements⁴ and their associated fleet of fishing vessels must be evaluated against a set of policy guidelines and criteria prior to issuance of registration of fishing vessels and fishing licenses. The purpose of the criteria are to establish clear and robust policy guidelines that ensures net flow of benefits from overseas companies or entities intending to register fishing vessels. The criteria further provide a safeguard against foreign entities intending to reflag for convenience with no genuine contribution to legitimate development aspirations and national economy.

In promoting the development of the marine resources in the FSM, to a large extent, depend on the capacity and capability of the private sector, including foreign investors, in complying with stipulated development objectives of the fishing sector. To further these objectives, NORMA would continue facilitating the establishment of support mechanisms to assist and encourage new locally owned and locally-based companies as new entrants. This Plan also encourages the role of States in onshore fisheries development.

⁴ Defined as charters, lease, reflagging, joint-venture or other similar mechanisms for the purpose of conducting fishing operations in FSM's national waters, high seas and other EEZs as an integral part of FSM's domestic fleet.

NORMA will not, except as a last resort, become involved in the actual operational aspects of all commercial fisheries developments. Instead NORMA will perform its regulatory role and ensure fair and transparent operation of tuna fishing and fisheries operations in the country. Any company in which the State has a direct interest would be expected to compete with other companies on a normal commercial basis. Special concessions may be provided under this Plan. Moreover, all relevant agencies and line ministries will facilitate the provision of fisheries related information to support prospects for commercial developments upon request.

5.4 Rights Based Management System

Tuna and offshore fishery remains a common property under open access regimes. This Plan implements right based management for the FSM tuna fisheries with appropriate allocation of fishing and participatory rights to key stakeholders and entities including nationals, domestic entities, locally-based and foreign based entities. The total allowable efforts and catches will be set by NORMA including its Board of Directors supported by expert biological and economic advice. As explained above FSM tuna fisheries are managed largely by effort controls through allocation of fishing days from its annual PAE.

FSM supports the private sector entering into partnership arrangements in order to increase catching capacity of right holders over the short term. The charter arrangements may be developed with the intention of entering into bare boat or demise charters. Similarly the vessels under joint ventures can be purchased, leased or chartered for a certain period of time. Under these partnership arrangements NORMA will ensure that rights holders fully utilize their allocation or quota of fishing days - which depends largely on fishing conditions and vessels being fully operational through the year. This issue can be addressed if all days are pre-sold. All contractual arrangements will be reviewed and vetted succinctly by NORMA in collaboration with the Attorney General's Office. This will be done in accordance to relevant domestic legislations and policies.

NORMA will ensure national development aspirations under right management systems are properly reflected, and that commercial contracts are in order and consistent with national and international standards. The process would also allow support for robust and transparent processes throughout the course of development, negotiation and management of contracts. This is particularly crucial with regard to partnership arrangements between the government or private local companies and entities, and foreign interests. Enabling legislation that supports effective rights-based fisheries governance and management will be developed under Title 24.

NORMA will carry out an annual process of monitoring and evaluation of all fisheries contractual arrangements consistent with domestic regulations and policies. Rights based systems strengthen transparency in the exercise of NORMA's role to determine and allocate access and participatory rights. The policy guideline and criteria will minimize and avoid potential abuse of power and corruption in the carrying out of this function of processing applications, determining, setting or allocations of shares, and issuance of fishing licenses, permits and rights. It is for this reason that this policy should be publicized and a small committee established to determine whether an application for registration satisfies the criteria. Having this safeguard will strengthen transparency and accountability.

5.5 Climate Change, Sea Level Rise & Small Scale Fisheries

The impact of climate change on fishing, fisheries and food security is becoming a major concern to many PICs including the FSM. The SPC regularly provides trends of such impacts through Seapodym modelling work and other related researches. There are already signs of this occurring with respect to some level of correlations between oceanography and fishing, including east-west movement of skipjack in tropical region as influenced by water temperature.



Moreover, climate change and sea level rise may also impact on FSM maritime jurisdictions. This Plan encourages completing technical work on baselines, which have to be declared and deposited to the United Nations. Support for completing work on FSM boundary delimitation and continental shelf.

Period of relatively low productivity and fishing activities in FSM waters would impact on revenue streams and food security. This plan encourages small scale fisheries through surface trolling and pole and line fishing on free schools and around anchored FADs in territorial waters of the States. To increase resilience against impact of climate change this Plan supports small scale fisheries and, artisanal and semi commercial fishermen and operators may be needed from the Department of Resources and Development, FFA and SPC Coastal Fisheries Programme.

There may be further opportunity for small scale operators to extend small scale fishing further offshore once work on continental shelf is concluded. Fishing for pelagic, semi-pelagic and demersal species could be further explored.

5.6 Competent Authority

The need for a Competent Authority is becoming a pressing requirement to ensure unimpeded market access, particularly to the EU. NORMA has been working with the FFA Secretariat to ensure the Competent Authority is established and performs its functions satisfactorily and meeting standards required by overseas markets for export of tuna and tuna products. Export to the EU would also require compliance with the IUU Regulation, and export to the US would require compliance with HACCP standards. Other traditional markets of FSM would also require fish products to be properly certified to meet the required certification standards.

The FFA Secretariat is working to establish a centralised Regional Support Unit to accommodate certification needs of FSM and other FFA members.

The above efforts and active involvement of the FSM and its four States are amongst the essential ingredients to satisfying the global value chain of the tuna industry

5.7 Eco-labelling & Certification Processes

Potential for accessing potential markets such as the EU and US require strict controls of standards in the fishing and processing sectors. NORMA will seek assistance from the FFA with regard to certification processes that may be required to access overseas markets.

NORMA has completed one MSC pre-assessments for its domestic longline fishery.

5.8 Potential Markets

NORMA continues to explore potential markets that are easily accessible and provide good returns to exporters. The results of market studies by the FFA and other organisations will continue to be used by NORMA to revise market information available to stakeholders in the country.

6. MCS STRATEGIES

6.1 Overview

NORMA will undertake the following ongoing tasks and monitoring with respect to MCS and enforcement of all tuna fishing activities in FSM national waters.

- (i) Licenses will only be issued to vessels in accordance with Title 24. For example the vessels shall meet the following conditions:
 - a. Listed on the WCPFC Record of Fishing Vessels
 - b. Listed on the FFA Regional Register of Good Standing
 - c. Completed application received by NORMA
 - d. Payment of required fees received by NORMA
 - e. The vessel is covered under an access agreement with the FSM Government
- (ii) Unless authorised by a State no commercial⁵ fishing is permitted in its territorial waters;
- (iii) Licence conditions require 100% retention of all species. Bycatch data in logs must be reported by species and weight or number. Bycatch conservation requirements, if any, will be monitored according to the restrictions stipulated in the licence conditions;
- (iv) Fishing gears used while fishing must be described in a licence. A license is only awarded for one particular fishing gear, incl. purse seining, longline and pole-and-line;
- (v) Transshipping at sea or receiving of catches to or from other vessels is prohibited in FSM waters.
- (vi) Net sharing is currently prohibited in FSM EEZ. Efforts to amend Title 24 to allow net sharing is ongoing along the lines of the last set by a purse seine vessel licensed to fish and heading directly to port;
- (vii) Licence holders must complete the information required of them in the SPC Regional Logsheet, which will serve as the required record of catches;
- (viii) If appropriate and subject to resources availability, regular dockside monitoring is required for purposes of ensuring compliance with license terms and conditions; the aim is not necessary to inspect every licensed vessel; and
- (ix) All FSM licensed vessels must comply with observers & VMS requirements in accordance with domestic policies and laws.

⁵ 24 FSMC 102 (16)



6.2 Enforcement Strategies

NORMA deals with licensing and therefore collaborates with Sea Patrol, to monitor compliance with all regulatory and licence requirements through aerial surveillance, patrol vessels, observer coverage, dockside checks and data audits. Sea Patrol enforcement staff will investigate infractions of regulations and licence requirements and take court action where necessary. NORMA collects and provides all necessary data to the Department of Justice/ Attorney General's Office to help with investigations and alleged infringements.

NORMA may seek Departmental administrative sanctions against licence holders pending the outcome of several challenges to the sanctions process as they appear before the Federal Court of FSM. NORMA will impose administrative actions for minor infractions in accordance with the Administrative Penalties Regulations.

6.3 Observers

All vessels fishing in FSM's EEZ and vessels flag to FSM fishing in the high seas and other EEZs must carry certified observers for the purpose of performing observer duties. The National Observer Operational Manual provides all the relevant details on the FSM National Observer Program, which includes amongst other things:

- i. 100% observer coverage for purse seining, and min. 5% for longlining
- ii. Certified observers
- iii. Hybrid approach to observer program
- iv. Observer conduct

6.4 Niue Treaty Multilateral Subsidiary Agreement (NTSA)

The NTSA is a useful MCS tool as it allows for the sharing of information for purposes of maritime enforcement. FSM is encouraged to use the elements in the NTSA to compliment and strengthen current MCS activities in the country. FSM is encouraged to ratify the NTSA.

ATTACHMENT 1: IMPLEMENTATION SCHEDULE

Below is a summary table describing specific details in terms of who is doing what, resources and training needs etc., plus timelines against management actions, strategies and projects identified in this Plan for at least in the next five years 2015-2019.

Projects/Activities	Current resources?	Current status?	Regulations/Notices/ Fines/Conditions	New activity	Additional Resources?	Training?	2015	2016	2017	2018	2019
RETAINED SPECIES											
Limits on bigeye tuna (purse seine & longline)	NORMA; Maritime Wing; fishing Operators,	Managed under the PS VDS & WCPC tropical tuna CMM, and in accordance to harvest rules and limit (20%SB0) and target reference points	FSM is signatory to PNA hence legal application of VDS (effort limits) Conditions of purse seine fishing licenses	Active contribution to the regular review of determination & allocation of TAE Collaborate with PNA Office on regular updates and reports of remaining fishing days Monitor CPUes & catch levels Sus: Develop MEY/MSY for domestic longline fishery Monitor CPUes & catch levels, size structure Econ: boats tied up: number of licenses	Continued support of the FSM VMS Officer & support for NORMAs participation in PNA meetings	NA	✓	✓	✓	✓	✓
Limits on yellowfin (purse seine & longline)	NORMA & Board; Operators	Managed under the PS VDS & WCPC tropical tuna CMM, and in accordance to harvest rules and limit (20%SB0) and target reference points	FSM is signatory to PNA hence legal application of VDS Conditions of purse seine fishing licenses	Sus: Develop MEY/MSY for domestic longline fishery Monitor CPUes & catch levels, size structure Econ: boats tied up: number of licenses	Continued support of the FSM VMS Officer & support for NORMAs participation in PNA meetings	NA	✓	✓	✓	✓	✓
Limits on skipjack (purse seine)	NORMA & Board; Operators	Managed under the PS VDS & WCPC tropical tuna CMM, and in accordance to harvest rules and limit (20%SB0) and target reference points	FSM is signatory to PNA hence legal application of VDS Conditions of purse seine fishing licenses	Sus: regional & subregional total catch, CPUe Econ: license number, revenues;	Continued support of the FSM VMS Officer & support for NORMAs participation in PNA meetings	NA	✓	✓	✓	✓	✓
Catch/ effort reduction	NORMA	Managed under the PNA VDS and tropical tuna CMM	FSM is signatory to PNA hence legal application of VDS Conditions of purse seine fishing licenses	Ensure catch/effort reduction not affect FSM fishing arrangements and revenue earnings	Ensure harvest levels are managed in accordance to limit and target reference points	To be determined as needed	✓	✓	✓	✓	✓



NON-RETAINED SPP.									
100% retention (purse seine)	NORMA observers; operators & skippers of licensed vessels	Implemented	31A regulation effected through subregional agreement clause(s); s404(4)(d)	Ensure enforcement & compliance Consider raising the standards to include all other target and non-targeted species	Validation of observers reports and logsheets	Observer training (scientific & compliance)	✓	✓	✓
ECOSYSTEM & BYCATCH									
Discards & high grading	NORMA observers; operators & skippers of licensed vessels	No discards allowed High grading	31A regulation effected through subregional agreement clause(s); s404(4)(d)	Ensure enforcement & compliance against no discards and high grading	Validation of observers reports and logsheets	Observer training (scientific & compliance)	✓	✓	✓
Waste disposal & oil spill (fishing vessels)	EPA; NORMA; R&D; Port; States; fishing operators/ companies	Environment assessments Fisheries agreements	Environment related regulations & policies	Improve compliance and awareness of adverse impacts of improper waste disposal Reduce/ avoid oil spill Environmental standards & limits Regular assessments of activities by fishing vessels in port (with respect to waste disposal & oil spill) Ensure actions such as suspension/ revoke of licenses, penalties As above	Consult appropriately with EPA and provide necessary data and information for environmental assessments	Outside of NORMA's mandate	✓	✓	✓
Water quality (as impacted by activities of fishing vessels & onshore processing)	EPA, NORMA	Environment assessments; Fisheries agreements	Environment related regulations & policies	As above	As above	As above	✓	✓	✓
FAD fishing	NORMA, fishing companies/ operators	Managed under 31A & tropical tuna CMM	31A & tropical tuna fisheries agreements	Continue monitoring of FAD use and during FAD closure Monitor catches of juvenile tunas from FAD fishing in FSM EEZ and by FSM flag vessels	More observers and financial support for FSM national observer program	Ongoing training of observers/ debriefers	✓	✓	✓

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Implementation Schedule (contd.)

Projects/Activities	Current resources?	Current status?	Regulations/Notices/ Fines/Conditions	New activity	Additional Resources?	Training?	2015	2016	2017	2018	2019
ADMINISTRATION/ GOVERNANCE/ MANAGEMENT											
Legislations & regulations	NORMA/FFA/ AG's Office	Review in progress	NA	NA	NA	Legal attachments/ fellowships; FFA legal unit is currently working with NORMA on this review	✓	✓	✓	✓	✓
Institutional strengthening (IS)	NORMA, NORMA Board of Directors	Limited to regional & international meetings participated; IS work completed and report available for implementation	NA	support for implementing key recommendations in the IS report	Financial and technical support to implement the IS recommendations	Training can be part of the TA work	✓	✓	✓	✓	✓
Capacity building (all aspects)	NORMA staffs	Ongoing	NA	Identify training needs; Develop training framework Partnering with national educational institutions	Financial support	Attachments/ fellowships to other counterpart agencies	✓	✓	✓	✓	✓
Collaboration (regional/international/RFMOs)	NORMA Foreign Affairs R&D	Could improve	NA	Estab, or improve networking; inter-sessional groups; advisory Committees; etc Active participation	Need of resources and support (e.g. equipment	NA	✓	✓	✓	✓	✓
MONITORING, CONTROL & SURVEILLANCE											
FSM National IMCS Strategy	NORMA, Maritime Wing	None	Policy Legal IMCS	Develop & implement the MCS Strategy	Seek funding support & TA if appropriate	Pending final strategy	✓	✓	✓	✓	✓
Compliance, monitoring & reporting	AG's Office; Maritime Wing; NORMA (observers, VMS)	Fuel costs hinder sea patrol efforts Established surveillance revolving fund; can increase observer numbers;	3IAs as amended Sanctions/ penalties in place for non-compliance	Amendments to enable ED to implement administrative penalty reg.; dockside inspection to carry out tasks as per licensing requirement	Additional staffs incl. observers/ debriefers; port samplers; Docksides inspection	Observers/ de-briefers training; Ongoing prosecution & docksides boarding	✓	✓	✓	✓	✓



COMMUNITY WELLBEING:										
Employment & income (generating opportunities in catching, processing and marketing sectors)	NORMA; Fishing companies & agencies	PNA 10% crewing requirement 2012	Licensing conditions; company permits	Consider additional incentives or other measures to induce investment; Review development strategies; Encourage locally based/onshore development; Develop strategies & incentives through partnership arrangements e.g. charter, fees Prepare a policy to create jobs and opportunities in fisheries with attractive & fair packages (e.g. wages, living standards,	Sufficient resources within NORMA to undertake the work	Training on fisheries development and marketing	✓	✓	✓	✓
Infrastructure Development (supporting fisheries) - insufficient space of fishing port	R&D; NORMA; States; TC&I	Current plans to improve basic onshore infrastructure incl. port, water, energy, and processing facilities	NA	Collaborate with States on how Fishing partners can participate in the infrastructure development in the States Feasibility studies and address related issues incl. land space Seek funding support	Seek technical inputs (e.g. TAs) Seek financial support to fund infrastructure related facilities	NA	✓	✓	✓	✓
Manage fishing activities to ensure food security (e.g. provisioning, fuelling)	NORMA licensing as mgt. tool	Bartering of bycatch/ undersized tuna in exchange for local produce – no monitoring	Pohnpei State laws & policies	Monitoring to ensure no wastage of catch; no influx of catch into the local markets; Monitor for quality and prices Encourage local provisioning & fuelling, etc.			✓	✓	✓	✓
Family support/ culture	NORMA; States; Fishing companies & operators	Briefing and updates with observers; continued liaison with fishing companies & operators	Observers reports License MTCs; fishing agreements	Ensure family & community support for tuna policies & dev Integrate social issues in to sustainable development- Monitor indicators through political dialogue, public hearing and media coverage	Ensure sufficient resources to enable effective communication with observers & nationals on boats at sea	NA	✓	✓	✓	✓

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Implementation Schedule (contd.)

Projects/Activities	Current resources?	Current status?	Regulations/Notices/ Fines/Conditions	New activity	Additional Resources?	Training?	2015	2016	2017	2018	2019
ECONOMIC & DEVELOPMENT											
Competent Authority (seafood) ¹	None	Project underway	Competent authority reg (seafood) in draft; amendments to T41	Establish the office of CA; recruitment of personnel carry out routine works	FFA (DevFish 2) initial funding Dept Health & Social Affairs; Dept RD; (NORMA)	Competent authority regulation (health & food safety) Funding post DevFish 2 - set up flag state notification	✓	✓	✓	✓	✓
Competent Authority (IUU) ²	None	Project underway with implementation under-way October 2011	Competent authority reg (IUU) in draft & supplemented in the proposed regulation; amendments to T24	Need for certification scheme to be in place (NORMA)	FFA (Devfish 2) initial funding RD; NORMA	Competent authority regulation (IUU) Funding post DevFish 2 - set up flag state notification	✓	✓			
MSC certified fisheries	NORMA	Project underway	One MSC pre-assessment completed on domestic longline fishery	Need full MSC assessment	OMFP II, NORMA	OFMP II, NORMA					
Allocation (distribution of benefits)	Congress	Policy decisions?	NA	NA							
Allocation (limits, rights, shares of allowable efforts & catches)	NORMA & Board of Directors	A decision whether or not to legislate the limits and allocation of rights, or remain as Policy	Analyses & reporting Regular review of allocation criteria & formula	Need of technical and financial support	Technical inputs incl. support from FFA, SPC, PNA Office	Training through attachments/fellowships	✓	✓	✓	✓	✓
Foreign investment	R&D; NORMA; States govts; private sector	Current foreign investment policy	Develop fisheries investment strategy (currently underway with FFA support) Promote private sector investment through stable/transparent foreign investment policy Indicator — increase in number of foreign-locally based fishing companies	Technical assistance	FFA technical support into the development of strategy	NA	✓ (in- derway '11)				
Certification and marketing	NORMA; R&D	Limited accessibility and marketability of tuna into non-traditional markets, e.g. EU	Export permits Marketing Policy	Collect and analyse financial and economic information	Additional support for data collection & marketing studies	Additional training	✓	✓	✓	✓	✓
Small scale fisheries	States Govts; R&D	Surface trolling by local fishermen largely in areas close to land	Fishing in territorial waters are managed by States governments	Collaborate with States Governments for purpose of collection catch data	Support for workshops and practical fishing with assistance of R&D and SPC	Additional funding may be required	✓				✓

¹ Request that DEVFISH-2 provides funding support for the initial work in 2012 and Federal Government picks this up in 2013

² As above



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