FINAL DRAFT REPORT OF THE 16th ANNUAL CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF POLLOCK RESOURCES IN THE CENTRAL BERING SEA 22 September - 4 November 2011

FINAL Draft 4 November 2011

1. Opening of the Conference

Mr. Shingo Ota (Japan) opened the 16th Annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea on 22 September 2011. It is the Second Annual Conference to be conducted via electronic mail (e-mail).

The description of the "virtual" Annual Conference process can be found at: http://www.afsc.noaa.gov/REFM//CBS/16th_annual_conference.htm

2. Opening Statements

Japan and Poland submitted an opening statement (Appendix 1)

3. Elections

3.1 Mr. Shingo Ota, Senior Fisheries Negotiator, International Affairs Division, Resource Management Department, Fisheries Agency of Japan (FAJ), Japan, was elected as Chair of the Annual Conference. Mr. Jun Hirono (Japan) served as Rapporteur. Dr. Yoshiaki Hiyama (Japan) served as the Chair of the Scientific and Technical Committee Meeting.

3.2 The following individuals served as the "voice" from each Party for e-mail exchanges: China (Xiaobing Liu), Japan (Jun Hirono), Republic of Korea (Jeongseok Park), Poland (Aleksandra Kordecka), Russia (Alexander Glubokov), United States (Nicole Ricci and Paul Niemeier).

3.2 A list of the Annual Conference participants is provided in Appendix 2.

4. Adoption of the Agenda

The Agenda, as adopted, is provided in Appendix 3.

5. Report of the Scientific and Technical Committee

5.1 The Report of the 16th Scientific and Technical (S&T) Committee Meeting is provided in Appendix 4. The final Report was distributed to the Parties on 22 September 2011.

5.2 Documents submitted for the S&T meeting can be found at the following website: http://www.afsc.noaa.gov/REFM//CBS/16th_annual_conference.htm

6. Action Items

6.1. The review of scientific data and conservation measures of the Coastal States related to pollock fishing in the Bering Sea.

6.1.1 Poland requested the United States and Russia to provide (for inclusion in the report) a brief description on the status of the pollock stocks in their exclusive economic zones. A possible explanation concerning the recent reported significant increase of the pollock biomass in these zones should also be included, alongside with the implications this increase may have for the Aleutian Basin stock. Poland was of the view that while the report of the S&T Committee touches on these issues by referring to information presented during the meeting, this important development would require further consideration and discussion.

6.1.2 Russia reported that the present abundance of pollock in the Russian Exclusive Economic zone will not allow it to extend into the enclave. The pollock TAC for 2011 in the Western Bering sea zone (inside Russian EEZ) is 353.8 thousand metric tons. This magnitude is one of the lowest (second from the bottom) during last seventeen years.

The United States acknowledged that the report of the Science and Technical Committee did not discuss the status of the pollock stocks in EEZ waters adjacent to the central Bering Sea Convention Area. Information on the assessment of the eastern Bering Sea (EBS) pollock stock was provided in the status of stocks document submitted by the United States to the S&T virtual meeting. A more detailed stock assessment can be found at the following website:

http://www.afsc.noaa.gov/REFM/docs/2010/EBSpollock.pdf.

In general, the recruitment of EBS pollock was poor and below average strength for 4 consecutive year classes (2002-2005). As a result, the biomass for 2008 was the lowest since 1980. The recruitment from the 2006 and 2008 year classes was better and above average strength. This resulted in some projected rebuilding of the EBS pollock biomass. The exploitable biomass of EBS pollock was projected to increase from 6.2 million metric tons (mmt) in 2009 to 9.6 mmt in 2011. The 2011 biomass forecast includes the anticipated above average recruitment of the 2008 year class that will enter the exploitable biomass for the first time as age 3 fish. The strength of this year class is still uncertain and more data will be needed to confirm its strength over time. Nevertheless, the 2011 biomass forecast is still considerably lower than historical levels, when 16+ mmt of exploitable biomass were noted. As in past meetings, there was insufficient scientific data to evaluate what effect catches of the distinctively different pollock stocks in the Bering Sea would have on the central Bering Sea stock.

6.1.3 The United States and Russia provided fisheries catch statistics and research cruise results. These were included in the S&T Committee Report.

6.2. Establishment of a Plan of Work for the Scientific and Technical Committee

6.2.1 There were no recommendations for a Plan of Work for the Scientific and Technical Committee.

6.3. Establishment of the Allowable Harvest Level (AHL)

6.3.1 There was no consensus among the Parties on how to set the AHL. Therefore, the process prescribed by Article VII and Part 1 of the Annex to the Convention was followed. Consequently, the Parties agreed that the AHL for 2012 be set at zero. However, Korea expressed its desire to set the AHL from 2013 even though it might be a minimum level. Japan also stated that the AHL should be established as soon as possible and for this purpose cooperation on data collection and sharing among Members would be important.

6.4. Establishment of the Individual National Quotas

6.4.1 Since AHL was set at zero, no individual national quotas could be established. Japan stressed the necessity of adopting procedures to allocate individual quotas if the AHL is adopted. Korea concurred with Japan's idea of creating procedures for allocating individual quotas, highlighting that this is a significant element in this framework. Korea also expressed its concern that no progress had been made in this framework since the decision on the 1993 moratorium.

6.5. Adoption of appropriate conservation and management measures based upon the advice of the Scientific and Technical Committee

6.5.1 There was no action on this item. Conservation and management measures will remain at status quo at this time.

6.6 Establishment of the Terms and Conditions for Trial Fishing in 2012

6.6.1 The Parties agreed to adopt the same terms and conditions for trial fishing in 2012 as agreed to at the 2010 Annual Meeting.

6.6.2 As at past Annual Conferences, the Parties recommended that countries planning to conduct trial fishing give at least one month lead time prior to fishing in order to facilitate enforcement efforts.

6.7 Trial Fishing Plans in 2012

6.7.1 Korea has no trial fishing plan in 2012 at this moment, but it will inform all Parties of its trial fishing plan when it becomes available, at least one month prior to such fishing. China, Japan, Poland, Russian Federation and the United States have no plans to conduct trial fishing in 2012.

6.8. Measures taken to investigate and penalize violations of the Convention.

6.8.1 The U.S. Coast Guard continues to monitor the Central Bering Sea for violations and requests for research as resources permit. No violations, apparent fishing, or trial fishing were observed or conducted in 2011.

6.9. Consideration of matters related to the conservation and management of living marine resources other than pollock in the Convention Area

6.9.1 Japan informed that the negotiation had been completed on the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, which exclude the Bering High Seas from its Convention area and stressed that this framework is responsible for conservation and management of resources other than pollock in the Bering High Seas.

6.10. Meeting Observers

No observer attended.

7. Future Annual Conferences

7.1 Consideration of virtual meetings

7.1.1 Korea expressed its concern about effectiveness and progress of this virtual meeting while acknowledging the benefit from this virtual meeting in terms of the cost saving. Korea asked other Parties whether they still prefer this virtual meeting rather than a face-to-face meeting. Japan, Poland, and Russian Federation supported continuation of virtual meetings.

7.1.2 The United States also supported continuation of the virtual meeting process. Given that no new information on the status of the pollock stocks in the Convention Area was presented, no trial fishing is planned for next year by any Party, and the effective manner in which the virtual process has allowed all Parties to annually participate in the science and plenary meetings, the United States believes that Convention and Parties would be best served through the continuation of this process. Nevertheless, in accordance with the rules of procedure for the virtual process, the United States would be willing to meet in-person should any Party request and offer to host such a meeting. The United States believes that Annual Conferences should be conducted in a manner that allows for all the signatories to the Convention to attend and/or participate in the decisions of the meeting.

7.1.3 Accordingly, Korea expressed that it will host the next meetings in the virtual meeting format next year in accordance with the principle of rotation.

7.1.4 Poland maintains its position that the scientific information should be distributed at least 45 days in advance of the Annual Conference to enable sufficient time for consideration of the S&T report.

7.2 17th Annual Conference

7.2.1. Korea will host the 17th Annual Conference and the Scientific and Technical Committee Meeting in the virtual meeting format in 2012.

7.3 Election of the Chair and Vice Chair

7.3.1 According to the Rule 2 of the Annual Conference Rules of Procedure, the Chair of the next Annual Conference shall be from the host Party and the Parties shall elect a Vice-Chair, if necessary. The Parties shall also elect a Chairperson of the Scientific and Technical Committee. A vacancy shall be filled by a nominee of the same Party, subject to the approval of the other Parties. Korea will inform the Parties of the names of the Chair of the S&T Committee Meeting and the 17th Annual Conference in advance of the meetings.

8. Other Issues

8.1 In response to the opening statement of the Delegation of Poland and the European Union, regarding the European Union's intention to become a party to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, the United States stated that it negotiated the Convention with Poland, the People's Republic of China, Japan, the Republic of Korea, and the Russian Federation. The United States views those States as the only Parties to this Agreement. In that regard, the United States is opposed to any negotiations aimed at expanding membership beyond the original signatories.

8.2 In response to the US statement, Poland/the EU informed the Parties that pursuant to the Article 6 (9), paragraph 1, of the Act concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the Adjustment to the Treaties on which the European Union is founded, as from the date of accession fisheries agreements concluded by the new Member States with third countries, such as the Conservation and Management of Pollock Resources in the Central Bering Sea, shall be managed by the European Union. The accession of the EU to the Convention in lieu of Poland stems therefore from the EU internal law.

Poland/the EU would like to draw the attention of the Parties that such an arrangement already exists in all Regional Fisheries Management Organisations (RFMOs), to which the EU, US and other Parties to this Convention are Contracting Parties, in line with the distribution of competences agreed within the EU. Poland/the EU would also like to

remind the Parties that the interest for EU's accession to the Convention has been previously expressed on numerous occasions and hopes that the US and other Parties will not attempt to influence internal matters of the EU.

8.3 Given the difference of opinion between US and Poland, the Chair advised that members should continue discussion on this issue at the 17th annual Conference to find mutually acceptable solutions.

9. Closing Statements

9.1 The United States expressed its appreciation to Japan for successfully conducting the 16th Annual Conference of the Parties to the Convention on the Conservation and Management of the Pollock Resources in the Central Bering Sea. With Japan's smooth execution of the virtual meeting process, the United States believes that the virtual meeting concept is now a proven success. The U.S. delegation looks forward to participating in the virtual 17th Annual Conference hosted by Korea in 2012. Korea kindly requested that the United States assist Korea to arrange the next virtual meeting and to conduct it successfully.

Appendices

- 1. Opening Statements
- 2. Delegation Lists.
- 3. Plenary Agenda.
- 4. Report of the Scientific and Technical Committee.

16th ANNUAL CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF POLLOCK RESOURCES IN THE CENTRAL BERING SEA

Virtual Meeting hosted by Japan 2011

Opening Statements

Opening Statement of the Delegation of Japan October 2011

Mr. Chairman, distinguished delegates, ladies and gentlemen.

It has been an honor and privilege for Japan to host the 16th Annual Conference of the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, as the second virtual meeting.

As you recall, the proposal to change the Rules of Procedure was adopted at the 14th annual meeting and the first virtual meeting was held with a view to saving cost of holding the annual meeting and exchanging information efficiently. This new process helped Japan to make many officials and researchers concerned participate in the annual meeting easily and effectively with a sufficient time for consideration. Japan supports the continuation of the virtual meeting and hopes that other members feel the same way.

Turning to the substance, Japan would like to reaffirm the basic position concerning the conservation and management of the Pollock resource.

About 20 years have already passed since the moratorium on commercial fishing was introduced as the conservation measure of the pollock resources in the Central Bering Sea, where more than 1.4 million tons of Pollock was once harvested at its best season. It is regrettable that we have not yet found any sign of recovery of the pollock resources in the area despite such a strong measure.

The objective of the convention is to establish an international regime for conservation, management and optimum utilization of Pollock resources in the Convention Area, but regrettably this objective is not achieved under the current situation. Our fishermen are increasingly posing a doubt about the meaning of the Convention. In this regard, Japan would like to urge other members to seriously consider the following two points.

Firstly, the member countries should adopt the AHL on a rational scientific basis even with a small amount in order to get back to the original objective of the Convention. For this purpose, it is important for member countries to continue to cooperate to the utmost extent to gather and share scientific information, which is vital for the establishment of AHL.

Secondly, it is necessary to establish procedures to resume fishing promptly in case of recognizing recovery of pollock resources.

We hope that this meeting will be productive.

Thank you for your attention.

Opening Statement of the Delegation of Poland and the European Union **October 2011**

Mr Chairman, Distinguished Delegates, ladies and gentlemen

It is an honour and a great pleasure for Poland and the European Union to participate in the Bering Sea Convention Annual Conference in this unusual setting. Following the positive experience of last year, we are convinced that this virtual meeting will be successful and productive and ensure a wide participation of Contracting Parties while limiting unnecessary travel.

As you are well aware, following the accession of Poland to the European Union in 2004, the competence for conservation and management of international fisheries resources has been transferred to the European Union. As we have informed you in the past years, the Union will be seeking to become a party to this Convention in due time.

The European Union is committed to RFMOs and the key role they play in the long term conservation and sustainable use of stocks and the importance of strengthening and modernising these organisations. We are equally committed to using the latest scientific advice on the status of stocks as a basis for responsible resource management.

We look forward to participating in this meeting and hope it will be a productive and successful one.

Thank you

Appendix 2

16th ANNUAL CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF POLLOCK RESOURCES IN THE CENTRAL BERING SEA

Virtual Meeting hosted by Japan 2011

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Appendix 3

Agenda for the 16th Annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea

Virtual Meeting hosted by Japan 2011

- 1. Opening of the Conference
- 2. Opening Statements of the Delegates
- 3. Elections (Chair, Vice-Chair, Chair of Scientific & Technical Committee, and Rapporteur)
- 4. Adoption of the Agenda
- 5. Report of the Scientific & Technical Committee
- 6. Action Items

6.1 Review of scientific data and conservation measures of the Coastal States related to pollock fishing in the Bering Sea

- 6.2 Establishment of a Plan of Work for the Scientific and Technical Committee
- 6.3 Establishment of the Allowable Harvest Level
- 6.4 Establishment of Individual National Quotas
- 6.5 Adoption of appropriate conservation and management measures based upon
- the advice of the Scientific and Technical Committee
- 6.6 Establishment of the Terms and Conditions for Trial Fishing
- 6.7 Trial Fishing Plans for the following year
- 6.8 Measures taken to investigate and penalize violations of the Convention
- 6.9 Consideration of matters related to the conservation and management of

living marines resources other than Pollock in the Convention Area

- 6.10 Meeting observers
- 7. Future Annual Conferences
 - 7.1 Consideration of virtual meetings.
 - 7.2 17th Annual Conference (virtual meeting)
 - 7.3 Election of Chair and Vice-Chair
- 8. Other Issues
- 9. Closing Statements

16th ANNUAL CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF POLLOCK RESOURCES IN THE CENTRAL BERING SEA

REPORT OF THE MEETING OF THE SCIENTIFIC AND TECHNICAL COMMITTEE

22 August - 14 September 2011 Virtual Process Meeting

Final Version 14 September 2011

1. Opening of the Meeting

Yoshiaki Hiyama (Japan) served as the Chair of the Scientific and Technical Committee Meeting. A list of the participants is provided in Attachment 1.

2. Appointment of Rapporteur

Orio Yamamura (Japan) served as rapporteur to compile the S&T report. The following individuals served as the contact point from each party for email exchange – the Republic of Korea (Kyu-Jin Seok), Poland (Jerzy Janusz), the Russian Federation (Alexander Glubokov) and the United States (Pat Livingston), Japan (Orio Yamamura). The People's Republic of China did not participate in the email exchanges.

A copy of the 2010 S&T report can be downloaded from: http://www.afsc.noaa.gov/REFM//CBS/Docs/15th Annual Conference/ST Report 2010-25AugFINAL.pdf

3. Adoption of Agenda

3.1: The agenda (Attachment 2) was adopted.

4. Discussion of Science Issues

4.1. Update catch and effort statistics

4.1.1. The United States and Russian Federation provided updated pollock catch statistics and stock status for the Bering Sea, by region (See Table 1. in http://pckiren5.hnf.affrc.go.jp/16meeting/htdocs/?page_id=15)

4.1.2. No pollock fishery was conducted in 2011 in the central Bering Sea Convention Area.

4.2. Review results of trial fishing

4.2.1. There was no trial fishing reported by the Parties for 2010.

4.3. Review results of research cruises

4.3.1. Russian Federation submitted a report on 3 research cruises: (a) cruise aboard RTMK-S *Vasiliy Kalenov* to the Northwestern Bering Sea in October - November 2010, and (b) cruise aboard SRTM *ARCTIC LEADER* to the Northwestern Bering Sea in August - September 2010, and (c) cruise aboard R/V PROFESSOR KAGANOVSKIY in the northwestern Bering Sea in July-October, and results of KamchatNIRO research of the pollock, salmon and marine mammals in 2010-2011. (available at <u>http://pckiren5.hnf.affrc.go.jp/16meeting/htdocs/?page_id=15</u>).

4.3.2. The United States did not conduct a pollock research cruise in the Bogoslof area in 2011 due to vessel repairs and lack of funding.

4.3.3. Japan did not submit a report on pollock bycatch at the salmon research cruise in the central Bering Sea, due to change in cruise date.

4.4. Review the status of Aleutian Basin pollock stocks

4.4.1. No new information was provided.

4.5. Factors affecting recovery of the stock

4.5.1. No new information was provided.

4.6. The effects of the moratorium and its continuation

4.6.1. No new information was provided.

4.7. Methodologies to determine Allowable Biological Catch (ABC) and Allowable Harvest Level (AHL)

4.7.1. No new information was provided.

4.7.2. Japan further supported its position at the 13th Annual Conference for setting ABC in the Convention Area.

[http://www.afsc.noaa.gov/REFM//CBS/Docs/13th%20Annual%20Conference/Report%2013th%20Conference%209-2008.pdf]

4.8. Recommendation on AHL

4.8.1. No new information was provided.

4.8.2. Japan reiterated their position that the Parties should set an AHL, even if it is small.

4.8.3. The United States reminded that without new data, the Scientific and Technical Committee report from the 15th Annual Conference in 2010 stated that "Using the indirect method described in the Convention Annex Part I (b), the extrapolated biomass for the Convention area is 183,333 t. This is not large enough to trigger an AHL as determined by the Convention Annex Part I (c)".

4.8.4. There was no consensus among the Parties on how to set AHL and therefore the process must follow that established in the Annex of the Convention.

4.9. Research Plans

4.9.1. The United States plans to conduct the next Bogoslof Island pollock survey in 2012

5. Discussion of Enforcement and Management Issues

- 5.1. Violations of the Convention
- 5.1.1. No new information was provided.

5.2. Trial fishing terms and conditions for 2011

5.2.1. No new information was provided.

6. Other Issues and Recommendations

6.1. Future Meetings of the Scientific and Technical Committee

6.1.1. The 2012 meeting of the Committee will be held via email exchanges as in 2010 and 2011. The 2012 meeting will be chaired by the Republic of Korea.

7. Report to the Annual Conference

7.1. The Chair of the Scientific and Technical Committee will convey the Scientific and Technical Meeting Report to the Annual Conference.

8. Closing Remarks

8.1. The Chair thanked all for participating in the virtual meeting process.

8.2. The participants thanked the Chair of the Scientific and Technical Committee for leading the meeting.

Attachment 1. List of Participants

<u>China</u>

No one from China participated in the S&T exchange.

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Attachment 2. Agenda for the Scientific and Technical Committee Meeting

16th Annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea

Virtual Meeting hosted by the Japanese Party 22 August - 14 September 2011

- 1. Opening of the Conference
- 2. Appointment of the Rapporteur (Japan will undertake this task)
- 3. Adoption of the Agenda
- 4. Discussion of Science Issues
 - 4.1 Update catch and effort statistics
 - 4.2 Review results of trial fishing
 - 4.3 Review results of research cruises
 - 4.4 Review the status of Aleutian Basin pollock stocks
 - 4.5 Factors affecting recovery of the stocks
 - 4.6 The effects of the moratorium and its continuation
 - 4.7 Methodologies to determine Allowable Biological Catch (ABC) and Allowable Harvest Level (AHL)
 - 4.8 Recommendation on AHL
 - 4.9 Research plans
- 5. Discussion of Enforcement and Management Issues
 - 5.1 Violations of the Convention
 - 5.2 Terms and Conditions for Trial Fishing for the following year
- 6. Other Issues and Recommendations
- 7. Report to the Annual Conference
- 8. Closing Remarks