



**TECHNICAL AND COMPLIANCE COMMITTEE
FOURTH REGULAR SESSION**

2-7 October 2008

Pohnpei, Federated States of Micronesia

REQUIREMENTS FOR CATCH RETENTION AND FAD CLOSURE

**WCPFC-TCC4-2008/DP-04
30 September 2008**

Paper submitted by Nauru



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27 September 2008

Mr. Andrew Wright
Executive Director
P O Box 2356
Kolonias, Pohnpei
Federated States of Micronesia

Dear Mr. Wright,

Please find attached a delegation paper for TCC4 on Requirements for Catch Retention and FAD Closure.

Yours sincerely,

Charleston Deiy
Chairman
Parties to the Nauru Agreement

REQUIREMENTS FOR CATCH RETENTION AND FAD CLOSURE

Paper Submitted by the Parties to the Nauru Agreement
(Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New
Guinea, Solomon Islands, Tuvalu)

1. The Parties to the Nauru Agreement have adopted a Third Implementing Arrangement to the Nauru Agreement. Under that Arrangement, the Parties have committed to apply in their Exclusive Economic Zones a package of fishery conservation and management measures including:
 - a) Catch Retention
 - b) FAD Closure
 - c) Closure of High Seas Areas
 - d) Monitoring
2. The Parties are in the process of finalizing a set of harmonized Regulations to include the measures in the Third Implementing Arrangement in national laws. Those Regulations include requirements for catch retention and FAD closure.
3. In order to promote compatibility with any requirements that the Commission might adopt, the Parties would welcome discussion on the draft requirements attached by Commission Members at the Fourth Session of the WCPFC Technical & Compliance Committee, particularly suggestions that might improve the effectiveness of the requirements.

Draft

**REQUIREMENTS TO BE ADOPTED BY THE PARTIES TO
THE NAURU AGREEMENT FOR IMPLEMENTATION OF
THE CATCH RETENTION AND FAD CLOSURE
PROVISIONS OF THE 3RD IMPLEMENTING
ARRANGEMENT TO THE NAURU AGREEMENT**

Definitions:

“Associated electronic equipment” means any device or system that can be used by any vessel to locate, track or otherwise monitor a Fish Aggregating Device;

“Deployment” means the introduction into the sea of a FAD or associated electronic equipment;

“Fish Aggregating Device” or “FAD” means an object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with;

“Related activities” in relation to fishing means:

- i. refuelling or supplying fishing boats, selling or supplying fishing equipment or performing other activities in support of fishing including the deployment and servicing of FADs;
- ii. on-shore storing, buying or processing of fish or fish products from the time they are first landed; or
- iii. storing, buying, transshipping, processing or transporting fish or fish products taken from the Arrangement Area up to the time such fish or fish products are first landed;

“Retrieval” or “retrieved” in relation to fish aggregating devices or associated electronic equipment means the collection or removal from the water of any fish aggregating device or associated electronic equipment by a vessel;

“Servicing” means the cleaning, maintenance, repair, enhancement, movement and any other related activity, of fish aggregating devices or associated electronic equipment;

“Taken” in relation to catch retention means the capture of fish but does not include the release or discard of fish;

Requirement for Catch Retention

1. (a) All bigeye, skipjack and yellowfin tuna taken by any purse seine vessel shall be retained on board and then landed or transhipped.
(b) Where the operator of a purse seine vessel determines that fish should not be retained on board for reasons related to the size, marketability, or species composition, the said fish shall only be released before the net is fully pursed and one half of the net has been retrieved.
2. Subject to paragraphs 3, 4 and 5, the requirements in paragraph 1(a) shall not apply to:
 - (a) fish clearly and demonstrably unfit for human consumption; and
 - (b) fish caught during the final set of a trip when there may be insufficient well space to accommodate all fish caught in that set.
3. For the purposes of paragraph 2(a), fish clearly and demonstrably unfit for human consumption:-
 - (a) includes, but is not limited to fish that:
 - i. is meshed or crushed in the purse seine net; or
 - ii. is damaged due to shark or whale depredation; or
 - iii. has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch and efforts to release the fish alive; and
 - (b) does not include fish that:
 - i. is considered undesirable in terms of size, marketability, or species composition; or
 - ii. is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.
4. Where the operator of a vessel determines that fish is clearly and demonstrably unfit for human consumption in accordance with paragraph 3, that fish shall not be discarded from the vessel until after an observer has estimated the species composition of the fish to be discarded.
5. For the purposes of paragraph 2(b), any excess fish that cannot be accommodated in the fishing vessel may only be discarded if:
 - (a) the vessel master and crew attempt to release the fish alive as soon as possible;

(b) an observer has estimated the species composition of the fish to be discarded;
and

(c) no further fishing is undertaken after the discard until the fish on board the vessel has been landed or transhipped.

6. The operator of the vessel shall submit a report to the national authorities in the form set out in Schedule 1 within 48 hours after any discard.

Requirement for FAD Closure

1. The deployment or servicing of a fish aggregating device and/or any associated electronic equipment between 0001 hours GMT on 1 July and 2359 hours GMT on 30 September each year is prohibited.
2. A fish aggregating device and/or associated electronic equipment shall not be retrieved by a vessel licensed to fish during the prohibition period in paragraph 1 unless:-
 - (a) the operator has given 48 hours notice to the relevant national authority in the form required
 - (b) the fish aggregating device and/or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the prohibition; and
 - (c) the vessel does not conduct any set either for a period of seven (7) days after retrieval or within a (x) mile radius of the point of retrieval.
3. No purse seine fishing vessel shall conduct any set within (x) nautical miles of a FAD or of a point where a FAD has been retrieved by another vessel.
4. The operator of a vessel shall not allow the vessel to be used to aggregate fish.

3IA DISCARD REPORTING FORM OUTLINE

The report must at the very least include the following information:

1. Name, flag and WCPFC Identification Number of the vessel;
2. Name and nationality of master;
3. Licence number;
4. Date, time and location (latitude/longitude) that discarding occurred;
5. Date, time, location (latitude/longitude) and type (drifting FAD, anchored FAD, free school etc) of the shot;
6. Reason that fish were discarded (including statement of retrieval status if fish were discarded according to Regulation 6, sub-Regulation 1, b) above);
7. Estimated tonnage and species composition of discarded fish;
8. Estimated tonnage and species composition of retained fish from that set;
9. If fish were discarded according to Regulation 6, sub-Regulation 2. b) above, a statement that no further fishing will be undertaken until the catch on board has been unloaded;
10. Name of observer on board; and
11. Any other information deemed relevant by the vessel master.