



SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
7-11 December 2009

REGIONAL OBSERVER PROGRAMME ISSUES ARISING FROM ROP-IWG3 AND TCC5

WCPFC6-2009/IP09 (Rev.2)¹
24 November 2009

Paper prepared by the Secretariat

Introduction

1. This paper has been prepared to assist CCMs in their consideration of issues relating to the Regional Observer Programme that were specifically recommended by the Third Session of the Intersessional Working Group for the Regional Observer Programme (ROP-IWG3) and the Fifth Regular Session of the Technical and Compliance Committee (TCC5) for consideration by the Commission at WCPFC6.

Observers for Special Situations

2. The ROP-IWG3 supported the use by the Secretariat of a “Cadre of Observers” (observers for special situations) though several CCMs expressed the need for enhanced definition on how this group will be developed. The ROP-IWG3 requested that the scope of the Cadre of Observers be presented to TCC5 for discussion.

3. The ROP-IWG3:

- i. tasked the Secretariat to prepare a scoping document for the cadre of observers, including guidelines, for the consideration of TCC and the Commission; and
- ii. agreed that the Secretariat should use the funds provided for this purpose in 2009 to backstop the Observer Programme Coordinator’s work on interim authorizations.

4. The guidelines and scope for the Cadre of Observers are appended at **Attachment 1**.

FAD Observer Minimum Standards Data Fields

5. The ROP-IWG3 discussed Observer Minimum Standard Data Fields for use during the FAD closure period in August-September 2009. SC5 added four (4) fields and all fields were presented to TCC5 where they were approved. It was noted that national and sub-regional observer programmes may design formats using these fields and add additional fields if they wish for national use, in any format that suits their requirements.

6. TCC5 recommended to the Commission adoption of ‘Minimum Standard Data Fields for Purse Seine FAD monitoring’ as contained in WCPFC-TCC5-2009/28.

¹ This revision relates to the completion of Attachment 5.

7. A list of the minimum data standard fields agreed at ROP-IWG3, SC5 and TCC5 is appended at **Attachment 2**.

Technical and Operational Advisory Group (TOAG)

8. The ROP-IWG3 identified the need to provide the Commission's Observer Programme Coordinator (OPC) with on-going support in the continued development and implementation of the ROP and recommended that a Technical Advisory Group be established for this purpose. Several CCMs noted the importance of establishing Terms of Reference for this group, the need to ensure that it included the appropriate expertise and was of a manageable size.

9. TCC5 reviewed the paper "ROP Technical and Operational Advisory Group-Draft Terms of Reference" (WCPFC-TCC5-2009/38 (Rev. 1) and recommended that the WCPFC Observer Programme Coordinator work on the recommendation from the IWG and make that available to WCPFC6 for its consideration.

10. A revised set of draft Terms of Reference for the Technical and Operational Advisory Group (TOAG) is appended at **Attachment 3**.

11. Comments received by the Secretariat from CCMs on this issue are presented at **Attachment 3**, Appendix A (Chinese Taipei), Appendix B (U.S.), Appendix C (Parties to the Nauru Agreement) and Appendix D (FFA Members).

Regional Observer Programme Data Administration and Management

12. TCC5 reviewed several options for estimated costs of managing observer data presented in "Regional Observer Programme Data Administration and Management" (WCPFC-TCC5-2009/08, Table 6.1).

13. Having narrowed the options to 5.1 and 5.3, the Secretariat was directed by TCC5 to draft budget proposals for both options to be provided to CCMs at WCPFC6. TCC5 agreed that a draft transitional plan for consideration of financial aspects is to be prepared for the WCPFC7 Finance and Administration Committee.

14. Draft budget proposal for options 5.1, 5.3, and a hybrid of 5.1 and 5.3 are presented in WCPFC6-2009/IP05.

Requirement for "FAD Set" from 1 January 2010

15. The ROP-IWG3 agreed that a "FAD Set" for the period August-September 2009, be defined as:

"a set on a FAD is a set with a purse seine net made by a fishing vessel that is a distance of one nautical mile or less from a FAD at the moment in which the skiff is released into the water for the purposes of that set."

16. SC5 considered "Analysis of Purse Seine Set Times for Different School Associations: A Further Tool to Assist in Compliance with Fad Closures", WCPFC-SC5-2009/ST-WP-07. This paper was also presented to TCC5 as an information paper.

17. TCC5 also discussed the paper "Implementing Robust and Compatible Rules for WCPFC FAD Closures and Catch Retention", (WCPFC-TCC5-2009/DP-01).

18. TCC5 agreed, with the Secretariat to coordinate, that CCMs would discuss this paper electronically on an inter-sessional basis (comments to the Secretariat no later than 31 October) and develop a recommendation for a definition of "FAD" and "FAD sets" for consideration by WCPFC6. TCC5 noted that the definitions should be agreed before the next FAD closure.

19. Options for “FAD Sets” are appended at **Attachment 4**.
20. Comments received by the Secretariat from CCMs on this issue are presented at **Attachment 4**, Appendix A (Chinese Taipei), Appendix B (U.S.) and Appendix C (Japan).

Coordinating ROP activities with other RFMOs

21. Paragraph 29 of Conservation and Management Measure 2008-01 states:
“The Secretariat, in conjunction with the Inter-American Tropical Tuna Commission (IATTC), will develop a cross-endorsement arrangement in order to allow vessels operating within IATTC and Commission areas on the same fishing trip to use the same observer.”
22. TCC5 noted the Secretariat paper WCPFC-TCC5-2009/09 on “Cross endorsement of observers between WCPFC and IATTC” and encouraged the Secretariat to continue work to develop this proposal, noting concerns regarding protection of the quality of the WCPFC programme and the investigative, judicial, and administrative use of data obtained. This work will take into account national requirements in PNA waters and existing arrangements.
23. The WCPFC Secretariat and the IATTC Secretariat continue to progress consideration of a cross-endorsement arrangement in order to allow vessels operating within IATTC and Commission areas on the same fishing trip to use the same observer. An update on discussions following a meeting with the IATTC Secretariat on 9 November 2009 is appended at **Attachment 5**.

CMM 2008-01: ROP experience during the August-September 2009 FAD Closure

24. Several incidents or misunderstandings observed or reported to observer providers and the Secretariat by ROP observers deployed during the FAD closure period are listed in WCPFC-TCC5-2009/07, Attachments 4(a) and 4(b). It should be noted that it was not possible to verify these incident reports, as the Secretariat has not received observer data and reports for the FAD closure period. TCC5 recommended development of a report by the Secretariat on FAD closures as soon as possible and in advance of WCPFC6, if possible.

Data Quality Officer

25. Data handling procedures are under development and will require greater attention as the ROP expands its implementation. With 100 per cent purse seine observer coverage commencing January 2010 with an expected 2175 trips to be completed in 2010, there is a need to consider the employment of the WCPFC Data Quality Officer to commence early 2010.
26. The employment of the Data Quality Officer was foreshadowed for 2010 (WCPFC4-2007-FAC1/12 Rev.1). Previously presented TORs for this position are appended at **Attachment 6**.

Conclusion

27. WCPFC6 is invited to consider issues relating to the Regional Observer Programme that were specifically recommended for its consideration by the ROP-IWG3 and TCC5 meetings.



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OBSERVERS FOR SPECIAL SITUATIONS

Introduction

1. The origin of the use of a cadre of specialized observers was contained in an information paper presented to TCC2. There was limited discussion on this issue at TCC2 however the matter was raised further at WCPFC 4 where the meeting adopted CMM 2007-01 which contained a provision for the use of specialized observers (CCM-2007-01, para.12 (ix)).
2. The Executive Director presented WCPFC/ROP-IWG3/2009-09 and provided background for this issue to ROP-IWG3 (refer to the ROP-IWG3 Summary Report).
3. While there was support for the use by the Secretariat of a ‘Cadre of Observers,’ several CCMs expressed the need for enhanced definition on how it will be developed.
4. The ROP-IWG3:
 - i. tasked the Secretariat to prepare a scoping document for the cadre of observers, including guidelines, for the consideration of TCC and the Commission; and
 - ii. agreed that the Secretariat should use the funds provided for this purpose in 2009 to backstop the Observer Programme Coordinator’s work on interim authorizations.

Cadre of Observers

5. A cadre of specialized observers drawn from existing ROP authorised national and sub regional observer programmes will be employed by the Secretariat to address issues of special interest some of which are included in Table 1.

Table 1- Role and Duties of Observers for the Cadre

	Role	Duties
1	<p>Conducting independent observer trips, as part of a review or audit of national and sub regional observer programmes to ensure that the Commission minimum standards are being maintained.</p> <p>Data collected will also play a part in observer data quality control.</p>	<p>Specialized Observers employed for the Cadre will collect data so as it can be used as a guide, to help understand the difficulties that observers may have in collecting some information.</p> <p>The data collected will also be used as a base to assess the quality of data collected by observers from authorised programmes.</p> <p>Observers in the Cadre will also assist in highlighting commission standards that are not being maintained.</p>

2	IUU fishing	Cadre of observers will assist in identifying possible IUU fishing by vessel sightings at sea and also noting vessels in ports when travelling.
3	Transshipment at sea	Cadre of observers may be called onto to carry out at sea monitoring of vessels transshipping catch and to monitor and report on different aspects of the transshipment that will assist to develop a possible transshipment observer programme which will have differing roles to a normal observer programme
4	Implementation of practice and procedures defined in the Commission CMMs, including special scientific and monitoring purposes defined by the Commission	Observers in the Cadre will be used to monitor high seas closures; FAD deployment bans; by catch issues involving all species, but in particular, sharks, seabirds, marine mammals and turtles; Observers will be used to test and report on developments in possible new or improved mitigation measures and will also be asked to carry out special scientific sampling and procedures being developed for observer programmes.
5	New Technologies	Cadre observers will be used to test and evaluate new observer data collection and sampling mediums.

Guidelines

6. The following guidelines and procedures will apply to the ROP Cadre of Observers;
 - i. All ROP observers certified by authorised national and or sub-regional observer programmes are eligible to qualify as an observer for the “Cadre of Observers”.
 - ii. The Secretariat will communicate the requirements for the use of the observers to all authorised observer providers;
 - iii. The national and or sub regional observer providers will chose the best possible available observers and relay this information to the WCPFC Secretariat; Selected observers will continue to be employed by their national and sub-regional observer programmes and may be called on from time to time to carry out specialized work for the Commission.
 - iv. The selection of the observer from the list of chosen observers for specialized situations will be by the WCPFC Secretariat taking into account, experience of observer, area of expertise, locale of work and availability of observer for special situations.
 - v. Salary levels paid by authorised national and or sub-regional observer programmes will act as a minimum guide to be paid to the observer employed. National or sub-regional salary levels paid to an observer will not be a consideration when selecting or employing observers for the ROP cadre of observers.
 - vi. Chosen and approved observers called for duty in special situations as part of the cadre of observers will be contracted and paid by the Secretariat, and will communicate with the Secretariat on the duties and roles to be carried out.
 - vii. The Secretariat will maintain a list of specialized observers available for special ROP work.

- viii. Chosen observers called on for duty as part of the cadre of observers must be available for the duration of the time the cadre requires the services of the selected observer. To ensure there are no interruptions to work being carried out by the national and/or sub-regional observer programmes, the observer's availability for duties as part of the cadre must be confirmed by the observer provider at the time requested.
- ix. The provider of the observer will be kept informed on matters relating to the use of the observer and will assist where possible with travel and other administrative arrangements.
- x. All travel arrangements will be paid for by the Secretary as per the guidelines, procedures and regulations of the Commission.
- xi. Data, images and other information collected by the observer whilst on a special situation ROP trip remains confidential and should be handled in a secure manner. Data handling protocols and procedures as described in the Commission's Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission will be applicable.
- xii. Additional training that may be required for special situations will be funded by the Commission.
- xiii. Briefing and Debriefing of observers for special situations is the responsibility of the Secretariat, including any costs involved.

Funding 2009/ 2010

7. The WCPFC5 allocated US\$30,000 for use by the Secretariat to develop and utilize a cadre of observers in 2009; Because of lateness of programmes being authorised to be part of the ROP, a project for the funds was not considered until late in 2009. Similar funding is being sought for 2010 to continue the use of the Cadre of Observers.

Table 2 Funding for Cadre of Observers 2009/2010

#	Item	Cost	Comment
1	Equipment and development of guidelines, procedures and list of eligible observers	\$4,000	Funds will be required to purchase special equipment required by observers and will also be used to produce formats and manuals for the specialized work, also data base of available observers to be established.
2	Training for selected observers on sampling and audit procedures	\$3,000	Depending on the requirements, there will need to be extra training and briefings for the selected observers.
3	Deployment of observers onto vessels for assisting with the Audit of national and sub-regional, programmes as well as taking part in spill/grab sampling project.	\$23,000	Costs of deployment and travel for observers involved in the Cadre.



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FAD - OBSERVER MINIMUM STANDARDS DATA FIELDS

1. The list of proposed minimum standard data fields as discussed and recommended by ROP-IWG3, SC5 and TCC5 are contained below, these fields will be added to the approved fields currently collected by ROP observers.

Minimum Standards Data Fields for Purse-seine FAD Monitoring

1	NAME OF OBSERVER	Full name of observer -first name first - last name last
2	VESSEL NAME	Full name of vessel including numbers
3	VESSEL IRCS	Vessel Radio Call-sign (If none WIN identification)
4	OBSERVER TRIP NUMBER	Trip number allocated by observer provider
5	PAGE NUMBER	Number pages used
6	DATE FAD SIGHTED	Record date of FAD sighting
7	TIME FAD SIGHTED	Record ships time FAD sighted
8	LATITUDE OF FAD	Record position of FAD using Latitude
9	LONGITUDE OF FAD	Record position of FAD using Longitude
10	HOW FAD IS DETECTED <u>Codes for how FAD is Detected</u> 1 Seen from vessel by crew 2 Helicopter report 3 Found using vessel radio buoy 4 Bird radar 5 Sonar / depth sounder 6 Information from other vessel 7 Anchored (GPS) 8 Marked with GPS buoy 9 Navigation Radar 10 Lights 11 Flock of Birds sighted from vessel 12 Discovered in pursed net 13 Being deployed (so not detected) 14 Other (please specify in comments) 20 Unknown	Record the primary method using codes to locate the FAD
11	FAD ANCHORED OR DRIFTING (circle "Y" for <u>Y</u> es or "N" for <u>N</u> o)	Indicate whether the floating object is an anchored floating object or not.

	Y= Anchored N = Drifting	
12	<p>MATERIALS FAD IS MADE FROM</p> <p><u>Codes for FAD Main Materials</u></p> <ol style="list-style-type: none"> 1 Logs / trees / branches 2 Timber / planks / pallets / spools 3 PVC or plastic tubing 4 Plastic drums 5 Plastic sheeting 6 Metal drums (i.e. 44gal) 7 Philippines design drum FAD 8 Bamboo / cane 9 Floats / corks 10 Floating animal (dead) 11 Floating animal (alive) 20 Unknown (describe in comments) 	Record main components that make up the floating object.
13	<p>ELECTRONICS ASSOCIATED WITH FAD</p> <p><u>Codes for Electronics associated with FAD</u></p> <ol style="list-style-type: none"> 1 Radio buoy (with identification) 2 Radio buoy -unidentified 3 GPS buoy (with identification) 4 GPS buoy - unidentified 5 Sounder buoy (with identification) 6 Sounder buoy - unidentified 7 Light buoy 8 Other (describe) <p>(record all available identification characters)</p> <p>20 Unknown (describe in comments)</p>	Record whether any electronics were associated with the floating object?
14	<p>ORIGIN OF FAD</p> <p><u>Codes for Origin of FAD</u></p> <ol style="list-style-type: none"> 1 Your Vessel 2 Other vessel's - with permission 3 Other vessel's - without permission 4 Drifting and found by your vessel 5 Deployed by FAD auxiliary vessel 6 Other (describe in comments) <p>20 Unknown (describe in comments)</p>	Observer is to try to find out the origin of the object - how did it get to be in the water, etc?
15	<p>FAD ACTIVITY</p> <p><u>Codes for FAD Activity</u></p> <ol style="list-style-type: none"> 1 Setting on FAD 2 Deploying FAD 3 Servicing FAD 	Observer's best describe the activity that the boat is involved with the FAD.

	<p>4 Retrieving FAD</p> <p>5. Vessel drifting beside FAD attracting fish away from FAD before carrying out a Set</p> <p>6. Vessel setting close to FAD specify estimated distance in comments</p> <p>7 Vessel using lights of boat or light boat to attract fish from FAD during night</p> <p>8 Other (Describe)</p> <p>9 Investigate floating object using sonar/sounder</p>	
16	<p>ESTIMATED SIZE OF FAD</p> <p>Simple Diagram to be drawn by observer indicating dimensions.</p>	Record the width, breadth, depth of the main body of the object as found or deployed.
17	Depth of Netting and or other materials hanging from Floating Object (FAD)	Observers are to try and estimate depth and type of materials hanging below floating objects.
18	FAD Markings or numbers	Observers are to record any FAD markings such as Numbers – IRCS- Names - or FAD Tag numbers present on FADs
19	Describe the “Floating Object” when first found by the vessel.	Observers are to describe the condition, attachments if any, and nature of the floating object when first investigated.
20	Describe any changes or additions to the ‘Floating Object’ when vessel departs.	Observers are to describe the condition, and any additional work or electronics attached to refresh the FAD
21	COMMENTS	Observer to record in writing any FAD information not covered by the fields.



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**DRAFT TERMS OF REFERENCE FOR
ROP TECHNICAL AND OPERATIONAL ADVISORY GROUP**

1. The purpose of establishing a Regional Observer Programme (ROP) Technical and Operational Advisory Group (TOAG) is to establish, in a manner consistent with the Convention and CMMs, an informal advisory group to deal with operational and technical issues of the ROP.
2. The TOAG shall consist of one representative each from the WCPFC Secretariat and the Data Service Provider (SPC), plus the sub-regional and national ROP Coordinators from ROP-authorized observer programmes.
3. The TOAG shall report annually on observer technical and operational matters by way of the ‘ROP Annual Report’ to the Technical Compliance Committee (TCC).
4. In addressing observer technical and operational matters the TOAG should consider;
 - i. the rights, duties and responsibilities of observers and fishing vessels, masters and crew;
 - ii. the respective roles of the members of the Commission, including the role of the observer provider and the flag State, in the assignment and placement of observers;
 - iii. the development of minimum standard operational and advisory guidelines for practical implementation of, embarkation, dis-embarkation, and data collection, consistent with Article 28 of the Convention;
 - iv. the development of procedures for collection, storing and transport of approved minimum data standard fields and formats to destinations determined by the Commission;
 - v. technical and operational advice in relation to observer requirements of the Commission’s Conservation and Management Measures (CMMs); and
 - vi. to consider and provide advice on such other observer technical and operational matters as may be referred to it by the Commission and or its subsidiary bodies.
5. The TOAG will advise on the development of a method of work and communications that will enable technical and operational issues to be identified and resolved.
6. In providing advice to the ROP, the TOAG should take into account the need for cost-effectiveness and should where applicable, identify the costs associated with the various mechanisms and processes identified.
7. When communicating or meeting the TOAG shall, where possible, restrict its discussion and advice to ROP technical and operational unless directed otherwise by the Commission or TCC5.



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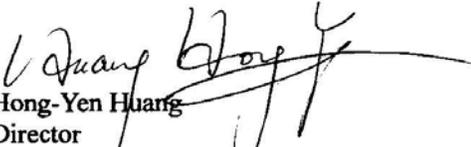
October 26, 2009

Mr. Andrew Wright
Executive Director
Western and Central Pacific Fisheries Commission
P.O. Box 2356, Kolonia, Pohnpei
Federated States of Micronesia

Dear Mr. Wright:

In response to your reminder regarding TCC5 Meeting Outcomes and Requests for Comments from CCMs in WCPFC Circular 2009/18, our preliminary comment is as attached.

Sincerely yours,


Hong-Yen Huang
Director
Deep Sea Fisheries Division

C.c:

Mr. Glen Joseph, Director of Marine Resources Authority of Marshall Islands

Chinese Taipei's Response to TCC5 Meeting Outcomes and Requests for Comments

1. ROP Technical and Operational Advisory Group – Draft Terms of Reference :

- i. For the sake of cost saving, we think the meeting of TOGA shall be operated through electronic means. Therefore, we suggest the paragraph 3 of TOR should be amended as “In providing advice, through the e-mail or other electronic means, the TOAG should take into account the need for cost-effectiveness and should, where applicable, identify costs associated with the various mechanisms and processes identified”.
- ii. Paragraph 2: The members of the TOAG shall consist of a representative from the WCPFC Secretariat, the Data Service Provider, FFA Secretariat, and a representative of the Scientific Committee, plus ~~8-10~~ members and providers who are interested in the affairs and/or have a record of broad experience in all aspects of observer programs.

2. Estimated costs of observer data management options:

Chinese Taipei support Option 5.3 based on their position that the Commission should have a role in observer data management even if the cost is slightly higher.

3. Transshipment Verification Procedures :

The relevant regulations on transshipment applied in those waters beyond the WCPFC Convention Area should be made through cross-endorsement with other RFMOs in order to avoid the difficulties in the future implementation of the regulations.

Paragraph1: The provisions of this Measure shall apply to all transshipment in the Convention Area of all highly migratory fish stocks covered by the Convention ~~in the Convention Area, and will apply to the transshipment outside the Convention Area of highly migratory fish stocks covered by the Convention taken in the Convention Area.~~

**Comments from the United States (Received 27 October 2009)
Re: TCC5 Meeting Outcomes and Requests for Comments from CCMs**

2. ROP Technical and Operational Advisory Group – Draft Terms of Reference

The United States fully supports the ROP Technical and Operational Advisory Group-Draft Terms of Reference” (WCPFC-TCC5-2009/38 (Rev. 1)) and looks forward to the Commission adopting them and participating in the Advisory Group.

3. ROP Data Administration and Management

The United States can support either option 5.1 or 5.3 found on table 6.1 of WCPFC-TCC52009/08 given the key difference appears to be whether observer-collected data are compiled by the Secretariat or the current data service provider. We do note there is a \$240,000 difference in estimated costs between the two options. In general, we have supported the provision of adequate resources such that the Secretariat is allowed to develop its own in-house capabilities. We believe that enabling the Secretariat to process and manage Commission data, including those gathered through the ROP, best serves the purposes of the Commission. However, we also believe that such an undertaking should be done as part of a strategic planning process and with the understanding that adequate resources must be made available to the Secretariat for that purpose. Moreover, we are cognizant of the Executive Director’s response during TCC5 suggesting that in the near term the ability of the Secretariat to handle other than limited data compilation responsibilities may unduly tax their physical and personnel resources.

With regards to both options (5.1 and 5.3) the U.S. has learned through implementing its observer programs that data collected by observers will inevitably contain substantial flaws and errors unless subjected to a robust verification and debriefing process. We believe that data gathered through the observer programs included in the ROP must receive rigorous scrutiny before being incorporated into the Commission’s data base otherwise they may of limited long term use. Therefore, we strongly encourage the Secretariat to conduct independent audits of the programs that received an interim authorization to determine whether or not they are providing adequate resources to this key issue with regard to the data collected

29 October 2009

Mr. Andrew Wright
Executive Director Western and Central Pacific Fisheries Commission
Kolonias, Pohnpei
Federated States of Micronesia
Email: andrew.wright@wcpfc.int

Dear Mr Wright,

I am writing in response to your invitation to CCMs in WCPFC Circular 2009/18 to provide comments on the proposed ROP Technical and Operational Advisory Group.

Please be advised that the eight Commission Members of PNA do not support the establishment of this Group. After consideration, our view is that the outstanding ROP issues need to be resolved at TCC. In addition, we consider that there are a range of opportunities for the WCPFC Observer Coordinator to consult with relevant technical personnel on other technical and operational issues without having to establish additional Commission machinery which will be burdensome to Small Island administrations.

In this respect we would welcome collaboration between the Observer Coordinator and the FFA/SPC Regional Observer Coordinator's Workshop and FFA MCS Working Group.

Yours Sincerely



Kintoba Tearo

Chairman
Parties to the Nauru Agreement and
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November 7th 2009

Mr Andrew Wright
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356
Kolonias, Pohnpei State
Federated States of Micronesia
Andrew.wright@wcpfc.int

Dear Mr Wright,

ROP TECHNICAL AND ADVISORY GROUP

FFA members would like to comment on the WCPFC Circular 2009/18 which requests comments from CCMs on the establishment of a ROP Technical and Advisory Group. FFA members do not support the creation of a ROP Technical and Advisory Group. Instead, TCC and other existing processes should be used to consider outstanding issues in the ROP.

Yours sincerely



Mr Brendon Pasisi
FFC CHAIR

cc. Ambassador Satya Nandan, WCPFC Chair, satya.n.nandan@gmail.com
Dr Lara Manarangi-Trott, WCPFC Coordinator and Policy Advisor, lara.manarangi-trott@ffa.int



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OPTIONS FOR THE DEFINITION OF A “FAD SET”

2009 “FAD Set”

1. The IWG3-ROP defined a “FAD Set” for the FAD Closure (CMM 2008-01) from 1 August 1 to 31 September 2009. The meeting discussed a few options and decided that a definition used earlier by IATTC would be sufficient for the 2009 period. The only change to that definition was to change the 1 kilometre in the original to 1 nautical mile. Therefore a “FAD Set” for the 2009 FAD closure period was defined as:

“A set on a FAD is a set with a purse seine net made by a fishing vessel that is a distance of one nautical mile or less from a FAD at the moment in which the skiff is released into the water for the purposes of that set.”

2010 “FAD Set”

2. Noting that the previous definition is only for the 2009 FAD closure period, there is a need to define a “FAD Set” from 1 January 2010.

3. SC5 agreed that the current definition of a “FAD Set” was not adequate. TCC5 considered a definition of a “FAD Set” presented in WCPFC-TCC5-2009/DP-01, as follows:

“A set on a FAD is a set with a purse seine net made by a fishing vessel when any part of the vessel or its net is within a distance of one nautical mile or less from a FAD for the purposes of that set.”

4. Operational level guidance or rules to ensure robust, compatible application across all fleets and CCMs and other issues revolving around setting on FADS is also included in WCPFC-TCC5-2009/DP-01

Other alternatives for consideration

5. The above definitions of a “FAD Set” assume that non-FAD Sets are more than 1 nautical mile distance from a FAD and therefore constitute an unassociated school when the set is carried out at this distance from the FAD. This assumption has little scientific basis and is almost impossible for an observer to monitor accurately.

6. A paper “Analysis of Purse Seine Set Times for Different School Associations: A Further Tool to Assist in Compliance with FAD Closures” (WCPFC-SC5-2009/ST-WP-07) was presented for information at SC5. This paper was also presented as an information paper for TCC5 for consideration when developing a definition of a “FAD Set” to be used from 2010.

7. The study found that after analysing approximately 50,000 sets since 2003 that 94 per cent of sets on FADs occurred prior to 'official' sunrise, while only 3 per cent of unassociated school sets occurred before sunrise, with the remainder occurring at consistent rates during daylight hours.

8. The paper refers to more work needing to be done regarding the species composition for Time/FAD sets. Anecdotal information given by captains and observers seems to indicate that yellowfin tuna and particularly bigeye tuna may dive deeper after the sunrise and therefore are less likely to be caught in a daylight FAD set. Taking into account the paper WCPFC-SC5-2009/ST-WP-07 a possibly simpler and easier mechanism to monitor FAD Sets would be to ban all sets on floating object before a set time (i.e. 7am) local time based on GMT/UTC. However, as stated in the paper, more work is required on species composition compared to times of sets on FADS.

Chinese Taipei's Response to TCC5 Meeting Outcomes and Requests for Comments

October 30, 2009

1. Definition of "FAD" and "FAD Set"

- i. Definition of FAD set: We suggest to refer to the IWG-ROP3 definition. A FAD set is one in which the purse seine vessel is less than or equal to 1 nautical mile from the FAD when the skiff enters the water. Given the length of nets used on purse seine vessels being less than 2 km, the diameter of its circle nets will be less than 650 meter. If a vessel conducts a set large than 1 nautical mile (1.852 Km) from a FAD, it will create a "buffer zone" which will be more than 1200 meter. We think it is enough to prevent the vessels from catching fish that are aggregated to the FAD. The IWG-ROP3 definition on a FAD set is acceptable.
- ii. Use of Vessels: We suggest that if the distance between a FAD and a vessel is larger than 500 meter from the operation to the end, it is permitted to use vessels to aggregate fish.
- iii. The size of FAD: The dimension of FAD should be allowed at a minimum level. For example, only one of the length, width or depth of the FAD larger than 1 meter is considered as a FAD, not just simply referring "any size". Practically, it is possible for a vessel to circle a small object without discovering it, because it is difficult to discover a small floating object beyond 100 meter on the sea.

Comments from the United States

Re: TCC5 Meeting Outcomes and Requests for Comments from CCMs

October 30, 2009

1. Definition of “FAD” and “FAD Set”

We have reviewed with interest the TCC5 paper “Implementing Robust and Compatible Rules for WCPFC FAD Closures and Catch Retention” (WCPFC-TCC5-2009/DP-01), as well as attended the lunch-time presentation made by FFA staff during TCC5. As indicated during the question and answer portion of the TCC5 presentation, the United States has adopted implementing regulations for 2008-01, and in fact these regulations were in place for the 2009 FAD closure. The regulations are publically available at

http://www.fpir.noaa.gov/IFD/ifd_documents_data.html.

We are encouraged that PNA members are moving toward domestic implementation of relevant portions of 2008-01 and look forward to their documenting these regulations in an open and transparent fashion. We did note during the presentation that several aspects of what was proposed by the PNA lacked scientific justification (e.g. portions related to fishing in an area once a FAD had been removed) or did not reflect other U.S. regulatory measures (e.g. setting on marine mammals – as compared to whale sharks). As such we believe implementing regulations for CMMs are best left to the individual CCMs.

Japan's comments on Definition of FAD Sets

November 5, 2009

Whale sharks and other marine living resources

(Comment)

“Whale sharks and other marine living resources” should not be included in the WCPFC definition of FADs.

(Reason)

- “Marine living resources” include a range of living things in the ocean, from whales, dolphins, tunas or rays to small fish species. According to our fishermen, skipjacks sometimes aggregate under larger sized tunas, which we believe should not be classified FAD associated schools. As such, the scope of FADs would become quite ambiguous once marine living resources are included in the definition of FADs.

Naturally, “marine living resources” swim around swiftly. It is almost impossible to keep certain distance of 1 mile or more between the fishing net and a marine living resource.

Marine living resources are usually swimming under the surface and therefore invisible. This means neither fishermen nor observers can predict whether skipjacks are associated with marine living resources or not.

According to our fishermen, only skipjacks aggregate whale sharks or whales, and small tunas merely aggregate them. Since the objective of the FADs closure is to reduce small tuna catches, restriction on purse seine sets with marine living resources does not have significant conservation benefits.

Service or check-up of electronic devices associated with FADs

(Comment)

Service or check-up of electronic devices associated with FADs should be permitted even during the FADs closure.

(Reason)

It is necessary to periodically change the battery of an electronic device such as radio-buoy to prevent FADs from missing out during the FADs closure. This is essential and legitimate activity in the light of minimizing marine debris.

Such service or check-ups will be monitored by 100% ROP observer boarding. So any concerns from enforcement perspectives will be resolved.



SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
7-11 December 2009

**UPDATE ON DISCUSSIONS RELATING TO THE CROSS-ENDORSEMENT OF
OBSERVERS BETWEEN WCPFC AND IATTC**

Introduction

TCC5 noted the Secretariat paper WCPFC-TCC5-2009/09 on “Cross-endorsement of observers between WCPFC and IATTC” and encouraged the Secretariat to continue work to develop this proposal noting concerns regarding protection of the quality of the WCPFC programme and the investigative, judicial, and administrative use of data obtained. This work will take into account national requirements in PNA waters and existing arrangements.

The WCPFC Secretariat and the IATTC Secretariat continue to progress consideration of a cross-endorsement arrangement in order to allow vessels operating within IATTC and Commission areas on the same fishing trip to use the same observer.

The secretariats of the IATTC, FFA and WCPFC met at La Jolla, USA on 9 November 2009. The principal outcomes of this meeting are as follows.

Data Gaps

The major discussion topic was the handling of various sets of data fields that are required by both organizations, particularly the identification of data gaps and data handling methodology by each organisation’s observers for different data fields. After analyzing the two sets of data fields it was found that the majority of fields are similar, though there are some distinct fields collected by one organisation and not the other. It was decided that because of the small number of distinct fields involved, they could be entered on a supplementary data sheet, thus avoiding the need for observers to carry two different sets of data forms if the vessel has indicated its intention of crossing from one convention area to the other.

Data Use

The IATTC Secretariat stated that the data collected by its observers was not limited to scientific use, and could also be used for monitoring and compliance purposes. The IATTC Secretariat stated that there may have been some misunderstanding on the use of the other log-sheet collected data, and that the recent complaints that data should not be used for compliance purposes referred to past or historical data, and did not refer to data currently collected by observers. Further consultation is required to detail the use of observer data for compliance purposes and how observers operating under cross-endorsement arrangements will function in relation to the compliance requirements of each organization. In this respect the meeting was made aware of the “Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of MCS Activities and Access to and Dissemination of High Seas VMS Data for Scientific Purposes”, developed by the Ad Hoc Task Group [Data] and recommended by the Fifth Regular Session

of the Technical and Compliance Committee to the Sixth Regular Session of the Commission for its consideration.

WCPO observer arrangements

In relation to arrangements for observers in the WCPO, the meeting noted that:

- purse seine fishing vessels operating under the U.S. Multilateral Treaty have existing cross-endorsement provisions dating back to the late 1990s;
- there will 100 per cent observer coverage on all purse seiners fishing in the WCPF Convention Area between 20°N and 20°S commencing on 1 January 2010;
- outside the area between 20°N and 20°S purse seiners have to attain 20 per cent observer coverage whereas longliners have to attain 5 per cent coverage across the WCPF Convention Area before June 2012;
- the WCPFC had a FAD Closure from August to September in 2009 that will extend from July to September in 2010.

The IATTC stated that it has two fishing closures each year and that vessels have to nominate in which closure period they choose to not to fish. There is a high potential for WCPFC-authorized vessels flagged to IATTC members to cross to the WCPO during these IATTC closures.

Transshipment in the IATTC area

Similar to the WCPO, in the IATTC area the transshipment of fish from a purse seiner must occur at a designated port. Transshipment by longliners at sea to fish carriers is permitted, however the transshipment carrier vessel must carry an IATTC transshipment observer.

Observer placement in the IATTC Convention Area

Fifty per cent of purse seine fishing vessels in the IATTC Convention Area have observers placed by the IATTC Secretariat while the other 50 per cent have observers placed by the vessels' flag State. In general, observers are only placed on vessels listed on the IATTC vessel register, although it was noted that there have been some instances in which observers were placed on non-registered vessels that may have been transiting to a port in the IATTC Convention Area. The meeting agreed that cross-endorsement would only apply to vessels carrying authorized IATTC and WCPFC observers.

Summary

The meeting examined a wide range of issues, particularly in relation to how each organization addresses these issues. It was found that in many cases there is a high level of compatibility between the two organizations' observer programmes, despite differences in each programme's objectives.

In brief:

- there is a high degree of compatibility between the data fields collected by observers of both organizations;
- there are some fields collected by each organization that are unique to that organization, e.g. fields collected by IATTC observers in relation to the requirements of the AIDCP dolphin-free coverage;
- data exchange is not identified as a problem by either organization so observer data collected on vessels fishing in both convention areas should be available to both organizations;

- data could be sent electronically to each organization at the end of a designated period; and
- there is a need to develop data exchange protocols, data security, and data confidentiality relating to data transfers.

It was noted that a formal agreement between the two organizations would need to be developed in relation to observer data exchange and that this will require the endorsement of both organizations' membership.



SIXTH REGULAR SESSION

Papeete, Tahiti, French Polynesia

7-11 December 2009

TERMS OF REFERENCE FOR ROP DATA QUALITY OFFICER

Introduction

1. The Second Regular Session of the Technical and Compliance Committee, 28 September to 3 October 2006 at Brisbane, Australia considered a paper prepared by the Marine Resources Assessment Group (MRAG) UK relating to the Regional Observer Programme (ROP) (WCPFC-TCC2-2006/11). The paper proposed the establishment of a post termed Data Quality Officer at the WCPFC Secretariat to assist with the orderly management of information and data that will be generated by the ROP. The position was originally proposed for establishment in 2008 and recruitment in 2009, however because of delayed ROP implementation it is now proposed the position be filled early in 2010. The proposed Terms of Reference for the position are presented below.

TERMS OF REFERENCE

REGIONAL OBSERVER PROGRAMME OBSERVER DATA QUALITY OFFICER

1. Professional Grade: Level “Support”

Reports to: Observer Programme Coordinator (OPC)

Key responsibilities: The Data Quality Officer is responsible for the day-to-day administration and checking for quality of the Commission ROP data collection. He/she maintains the Commission ROP data collection, monitors its quality and provides regular reports to the OPC on these matters.

Duties will include:

- Under the supervision of the Observer Programme Coordinator, (OPC) input current and historical data relating to Regional Observer Programme
- Carefully verify and check for quality all data entries made at the time of input.
- Monitor the day-to-day operations of the ROP data collection;
- Liaise closely with the Commission ICT Manager on technical matters and communicate regularly with the Commission data provider on observer data matters.
- liaise with the Data Entry Assistant on matters relating to the WCPFC Record of Fishing Vessels’ where required;
- Act as a point of contact for all CCM-related Commission ROP data inquiries and for dissemination of relevant information such as Commission ROP data workbooks and guides
- Review ROP data entries at the end of each working week and report the number of entries made to the OPC

- Undertake other duties as directed.

2. Qualifications and Experience

Essential:

- Appropriate qualifications in computing or data communications;
- Experience in data communications, data base entry and related areas;
- Sound experience in clerical, filing, or equivalent office administration duties
- Very good oral and written English communication skills;
- Excellent inter-personal skills.
- Absolute discretion in the handling of confidential information.

Desirable:

- Knowledge of observer programmes and fishery related matters
- Working experience in the maintenance of quality fisheries data.
- Enthusiasm to participate in training programmes
- Demonstrated ability to work unsupervised.