



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

**DRAFT CMM ON APPLICATION OF HIGH SEAS
FAD CLOSURES AND CATCH RETENTION**

WCPFC6-2009/DP14
7th November 2009

Proposal by PNA Members



29 October 2009

Mr. Andrew Wright
Executive Director
Western and Central Pacific Fisheries Commission
Kolonja, Pohnpei
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Email: andrew.wright@wcpfc.int

Dear Mr Wright,

The Parties to the Nauru Agreement (PNA) submit herewith a draft CMM on Application of High Seas FAD Closures and Catch Retention in response to the outcome of TCC5 discussions on the PNA paper "Implementing Robust and Compatible Rules for WCPFC FAD Closures and Catch Retention" (WCPFC-TCC5-2009/DP-01) for comments to be provided to the Secretariat.

It will be very much appreciated if the attached draft CMM on Application of High Seas FAD Closures and Catch Retention is included for consideration by WCPFC6 under the appropriate agenda item for this meeting.

Thank you for your assistance on the matter.

Yours sincerely

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**PROPOSAL BY THE PARTIES TO THE NAURU AGREEMENT (PNA)
FOR A DRAFT CMM FOR HIGH SEAS FAD CLOSURE AND CATCH RETENTION**

Conservation and Management Measure on Application of High Seas FAD Closures and Catch Retention

Recalling that CMM 2008-01¹ provides for a FAD closure and catch retention by purse seine vessels in the area bounded by 20°N and 20°S;

Concerned to ensure clear rules for the application of the provisions relating to the FAD closure and catch retention;

Concerned to ensure compatibility of measures established for the high seas with those already adopted for areas under national jurisdiction in accordance with Article 8 (1);

Conscious that incomplete or inconsistent application of the elements of CMM 2008-01 will undermine the effectiveness of the Measure;

Recalling that the PNA have developed detailed Regulations for the implementation of FAD closures and catch retention in their EEZs;

Concerned at reports by the WCPFC Secretariat and Members about cases of inconsistent application of the two month FAD closure in the high seas in 2009;

Adopts, in accordance with Article 10 of the Convention, the following Measure to be read as a part of CMM 2008-01:

OBJECTIVES

1. The objectives of this Measure are:
 - a. to ensure consistent and robust application of FAD closures and catch retention in the high seas between 20°S and 20°N through the specification of minimum standards.
 - b. to apply high standards to the application of the FAD closure and catch retention in order to remove any possibility for the targeting of aggregated fish, or the discard of small fish.
2. Each CCM shall take the necessary measures to ensure that purse seine vessels flying its flag on the high seas comply with these rules in the application of the provisions of CMM 2008-01 relating to a FAD closure and catch retention.

Rules for FAD Closure

3. The definition of a FAD in footnote 1 to CMM 2008-01 shall be interpreted as including any 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.

¹ Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean

4. During the FAD closure period specified in CMM 2008-01, no purse seine vessel shall conduct any part of a set within one nautical mile of a FAD. That is, at no time may the vessel or any of its fishing gear or tenders be located within one nautical mile of a FAD while a set is being conducted.
5. The operator of a vessel shall not allow the vessel to be used to aggregate fish, or to move aggregated fish including using underwater lights and chumming.
6. A FAD and/or associated electronic equipment shall not be retrieved by a vessel during the period of a FAD closure unless:
 - a. the FAD and/or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the closure; and
 - b. the vessel does not conduct any set either for a period of seven (7) days after retrieval or within a fifty (50) mile radius of the point of retrieval of any FAD.
7. In addition to paragraph 6, vessels shall not be used to operate in cooperation with each other in order to catch aggregated fish. No vessel shall conduct any set during the prohibition period within one nautical mile of a point where a FAD has been retrieved by another vessel within twenty four (24) hours immediately preceding the set.

Rules for Catch Retention

8. Where the operator of a vessel determines that fish should not be retained on board for reasons related to the size, marketability, or species composition, the fish shall only be released before the net is fully pursed and one half of the net has been retrieved.
9. Where the operator of a vessel determines that fish should not be retained on board because they are "unfit for human consumption", the following definitions shall be applied:
 - a. "unfit for human consumption" 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. "unfit for human consumption" 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.
10. Where the operator of a vessel determines that fish should not be retained on board because it was caught during the final set of a trip when there is insufficient well space to accommodate all fish caught in that set, the fish may only be discarded if:
 - a. the vessel master and crew attempt to release the fish alive as soon as possible;
 - b. no further fishing is undertaken after the discard until the fish on board the vessel has been landed or transhipped.

11. Fish shall not be discarded from the vessel until after an observer has estimated the species composition of the fish to be discarded.
12. The operator of the vessel shall submit[to the Executive Director a report that includes the following information within forty-eight (48) hours after any discard:
 - a. Name, flag and WCPFC Identification Number of the vessel;
 - b. Name and nationality of master;
 - c. Licence number;
 - d. Name of observer on board;
 - e. Date, time and location (latitude/longitude) that discarding occurred;
 - f. Date, time, location (latitude/longitude) and type (drifting FAD, anchored FAD, free school etc) of the shot;
 - g. Reason that fish were discarded (including statement of retrieval status if fish were discarded in accordance with paragraph 6);
 - h. Estimated tonnage and species composition of discarded fish;
 - i. Estimated tonnage and species composition of retained fish from that set;
 - j. If fish were discarded in accordance with paragraph 8, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and
 - k. Any other information deemed relevant by the vessel master.
13. The operator of the vessel shall also provide a hard copy of the information described in para 12 to the WCPFC Observer on board.