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**FFA MEMBERS PROPOSED CMM TO PROHIBIT PURSE SEINE FISHING
ASSOCIATED WITH WHALE SHARKS**

WCPFC7-2010-DP/09
7 November 2010

Paper prepared by FFA Members



FFA

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Professor Glenn Hurry
Executive Director
WCPFC Secretariat
KOLONIA, POHNPEI
Federated States of Micronesia

Dear Professor Hurry,

WHALE SHARKS

I write in my capacity as Chair of the Forum Fisheries Committee on behalf of the 17 members of the Forum Fisheries Agency.

Please find attached a draft Conservation and Management Measure prohibiting purse seine fishing activities for schools of tuna associated with whale sharks, which is based on the decision of the Parties to the Nauru Agreement to amend the Third Implementing Arrangement to prevent such activities in PNA EEZs.

If you have any queries, please do not hesitate to contact Mr Wez Norris (wez.norris@ffa.int).

Yours sincerely,

Stanley Arua
Chair
Forum Fisheries Committee

FFA Members' – Proposal on Whale Sharks

Submitted for consideration at WCPFC 7, December 2010

Conservation and Management Measure on Protection of Whale sharks from Purse Seine Fishing Operations

The Commission For The Conservation And Management Of Highly Migratory Fish Stocks In The Western And Central Pacific Ocean:

Noting that the Parties to the Nauru Agreement (PNA) have decided to prohibit the purse seine vessels fishing in PNA Exclusive Economic Zones (EEZs) from conducting sets on or around whale sharks (*Rhincodon typus*);

Recalling that Article 8 of the Convention requires the Commission to introduce conservation and management measures for the high seas that are compatible with those adopted for EEZs;

Concerned about the potential impacts on the sustainability of whale sharks from accidental mortality through purse seine operations intended to catch tuna aggregated to whale sharks ;

Further concerned about the high rate of accidental mortality from purse seine sets on whale sharks;

Adopts, in accordance with Article 10 of the Convention, the following Measure:

1. No purse seine vessel shall engage in fishing or related activity in order to catch tuna associated with whale sharks.

PNA EEZs

2. For fishing activities in PNA EEZs, the prohibition shall be implemented in accordance with the Third Arrangement Implementing the Nauru Agreement as amended on 11 September 2010.

Non-PNA EEZs and High Seas

3. While fishing in non-PNA EEZs or on the high seas in the Convention Area, no purse seine fishing vessel shall conduct any set at any time of the year within one (1) nautical mile of a whale shark.
4. Paragraph 1 applies regardless of whether the whale shark is alive or dead.
5. In the event that a whale shark is inadvertently encircled in the purse seine net, the master must ensure that all reasonable steps are taken to ensure its safe release, including by stopping the net roll and not recommencing fishing operation until the whale shark has been released.

Reporting

6. CCMs shall report on the implementation of this measure in their Part 2 Annual Report.
7. The Secretariat shall include available information on interactions with whale sharks in the Annual Report of the Regional Observer Programme.