



**COMMISSION
FIFTEENTH REGULAR SESSION**
Honolulu, Hawaii, USA
10 – 14 December 2018

**PROPOSED CHANGES TO CONSERVATION AND MANAGEMENT MEASURE 2009-02 ON
THE APPLICATION OF HIGH SEAS
FAD CLOSURES AND CATCH RETENTION**

**WCPFC15-2018-DP17
14 November 2018**

REPUBLIC OF KOREA

Republic of Korea
Proposed Changes to Conservation and Management Measure 2009-02 on the
Application of High Seas FAD Closures and Catch Retention

Explanatory Note behind the proposed changes

The Republic of Korea would like to propose a change to the definition of a FAD in the Conservation and Management Measure 2009-02 on the Application of High Seas FAD Closures and Catch Retention as follows: “anchored, drifting, floating or submerged objects deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of aggregating target tuna species for purse-seine fishing operations.”

The Current definition of FAD in the CMM 2009-02 indicates that any object or group of objects that has or has not been deployed 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 can be considered as FADs. Thus, under the current CMM, there could be a misunderstanding or different interpretation of FADs between the observer and crew members on board a fishing vessel, and noncompliance issues could be also provoked as any objects floating on or near the surface of the water that fish may associate with, even a little piece of chopsticks, can be interpreted as FADs by observers’ own and subjective judgement.

In addition, as SC14 recommends that *WCPFC15 note the importance of FAD marking and monitoring programs to better identify and follow individual FADs* (paragraph 154 of WCPFC15-2018-SC14-01), it is necessary to refine the definition of FADs to artificial and trackable ones.

Plus, other tuna RFMOs have adopted similar resolutions with FAD marking and identification provisions as follows: In 2013, the IATTC adopted resolution C-13-04, which tasked its Director to develop an identification scheme; IOTC adopted Resolution 13/08, which requires CPCs to mark all artificial FADs according to a marking scheme to be developed by the IOTC; and ICCAT adopted Recommendation 14-01, which requires FADs to be marked.

It is also worth considering ongoing discussions made at the Inter-American Tropical Tuna Commission (IATTC), notably at the third meeting of the Ad Hoc Permanent Working Group on FADs. They also have a common understanding that modified natural objects or artificial floating objects constructed specifically for fishing are commonly referred to as FADs, and distinguish FADs from floating objects and logs. Based on this, it would be better to limit the scope of FADs merely to the floating objects modified with the purpose of fishing rather than including ANY objects floating on or near the water surface, to ensure better monitoring and control of FADs.

Lastly, Article 22 of the WCPFC Convention calls upon the Commission to cooperate with the Inter-American Tropical Tuna Commission (IATTC) and to initiate consultation with the IATTC with a view to reaching agreement on a consistent set of conservation and management measures for fish stocks that occur in the Convention Areas of both organizations. In accordance with Article 22, the Republic of Korea wish to reflect the definition of Fish-Aggregating Device (FAD) described in Resolution C-18-05 of the IATTC to ensure consistency between the measures of IATTC and WCPFC.

Thus, we believe that the meaning of FADs should be limited to man-made objects deployed with intention and/or tracked by vessels for the purpose of aggregating target tuna species for purse-seine fishing operations in order to better meet the purposes of the CMM and help CCMs to improve their compliance with the CMM.

Republic of Korea
Proposed Changes to Conservation and Management Measure 2009-02 on the
Application of High Seas FAD Closures and Catch Retention

Explanatory Note addressing CMM 2013-06 criteria

a. Who is required to implement the proposal?

All fishing vessels deploying FADs in the WCPFC Convention Area

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

All CCMs having vessels deploying FADs in the WCPFC Convention Area. To be specific, all CCMs having purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels fishing in exclusive economic zones and the high seas in the area between 20°N and 20°S

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

Resolution C-18-05 (Amendment of Resolution C-16-01 On the Collection and Analyses of Data on Fish-Aggregating Devices) of the Inter-American Tropical Tuna Commission (IATTC)

d. Does the proposal affect development opportunities for SIDS?

The proposal does not affect development opportunities for SIDS.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

The proposal does not affect SIDS domestic access to resources and development aspirations?

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

No additional resources, including financial and human capacity, are needed by SIDS to implement the proposal.

g. What mitigation measures are included in the proposal?

No mitigation measures are included in the proposal.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

No assistance mechanisms are required.



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**CONSERVATION AND MANAGEMENT MEASURE ON THE APPLICATION OF
HIGH SEAS**

FAD CLOSURES AND CATCH RETENTION

Conservation and Management Measure 2018-XX2009-02

Recalling that CMM 2018-012008-04¹ 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 2018-012008-04 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 2018-012008-04:

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 2018-012008-04 relating to a FAD closure and catch retention.

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

Rules for FAD Closure

3. The definition of a FAD in ~~footnote 1 to~~ CMM ~~2018-01~~~~2008-01~~ shall be interpreted as including:
“anchored, drifting, floating or submerged objects deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of aggregating target tuna species for purse-seine fishing operations.” ~~“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”~~
4. During the FAD closure period specified in CMM ~~2018-01~~~~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 10, 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.