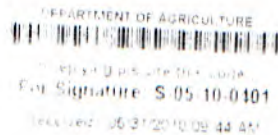




Republic of the Philippines  
**Department of Agriculture**  
Office of the Secretary  
Elliptical Road, Diliman, Quezon City

FISHERIES ADMINISTRATIVE }  
ORDER NO. 236 }  
SERIES OF 2010 }



SUBJECT: Rules and Regulations on the Operations of Purse Seine and Ring Net Vessels Using Fish Aggregating Devices (FADs) locally known as Payaos during the FAD Closure Period as Compatible Measures to WCFPC CMM 2008-01

WHEREAS, the Western and Central Pacific Fisheries Commission (WCPFC) approved Conservation and Management Measure [CMM] 2008-01 entitled "CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE AND YELLOWFIN TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN". Said CMM states in paragraph 8, to wit:

8. The purse seine fishery provisions of this Measure herein apply to the Convention Area bounded by 20°N and 20°S with the objective of achieving over a 3-year period commencing from the date this measure comes into effect in 2009, a 30% reduction in fishing mortality on bigeye tuna in the purse seine fishery in that area and a reduction in the risk of overfishing yellowfin tuna.

WHEREAS, said CMM also states in paragraph 17 thereof that there is a closure on the use of FADs from July 1 to September 30 during 2010 and 2011 for Parties to the Nauru Agreement (PNA) Cooperating Country Members (CCMs). Said paragraph reads as follows:

Measures for 2010-2011

EEZs

Waters under the jurisdiction of PNA members

17. For the members of the FFA who are members of the PNA, this measure will be implemented through their domestic processes and legislation, including:

a. the VDS which limits total days fished in the EEZs of PNA members to no greater than 2004 levels (Attachment C); and

b. the Third Arrangement Implementing the Nauru Agreement of May 2008 which comprises a 3 month FAD closure period in the EEZs of the PNA member countries from 0000 hours on 1 July each year until

2400 hours on 30 September each year; full catch retention and other conditions for the purse seine fleet in national waters.

WHEREAS, paragraph 18 of said CMM allows non-PNA CCMs, of which the Philippines belongs, to determine and implement measures compatible to the prescribed FAD Closure during 2010-2011 to limit the fishing mortality on bigeye tuna in their respective EEZs, to wit:

Waters under the jurisdiction of non-PNA members

18. Other non-PNA CCMs shall implement compatible measures to reduce purse seine fishing mortality on bigeye tuna in their EEZs.

WHEREAS, there are Philippine flagged vessels that fish in the Philippine EEZ using FADs and target skipjack and small pelagic fishes which on occasion also catch an insignificant volume of bigeye tuna;

WHEREAS, it has been observed that with respect to the vertical distribution of tunas in FADs, the bigeye and yellowfin inhabit the deeper portions of the water column;

WHEREAS, recent Philippine studies show that the bigeye tuna catch of ring nets and purse seine comprise only approximately 0.5% of their total catch if the net depths of the ring nets and purse seine are not more than 125 fathoms depth stretched (FDS);

WHEREAS, there is a need to define the measures compatible to the above-mentioned FAD closure period, the purpose of which is to reduce or avoid the by-catch of bigeye tuna, as well as to provide the implementing procedures for the conduct of FAD fishing by purse seine and ring net vessels during said period such as vessel registration and fishing license, reduction in net depth, accreditation, inspection, monitoring and evaluation;

WHEREFORE, in view of these premises, this Order is hereby promulgated for the information, guidance and compliance of all concerned.

Section 1. Definition of Terms. For purposes of this Order, the following words and phrases shall mean:

- a. Convention – Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean
- b. HMFS – Highly Migratory Fish Stocks as listed in Annex I of the 1982 Convention on the Law of the Sea
- c. WCPFC – Western and Central Pacific Fisheries Commission
- d. Ring Net – a surrounding net used for catching pelagic fishes hauled manually or by winch
- e. Purse Seine – a surrounding net used for catching pelagic fishes characterized by a bag or bunt located on one end of the net hauled by puretic power block
- f. FDS – fathoms depth stretched; refers to the depth of the net with all the meshes fully stretched
- g. Maximum Stretched Net Depth – refers to the stretched depth of the net at its deepest portion, from float line to sinker line, which is usually located in the central portion of the net
- h. Catcher Vessel – fishing vessel which carries the fishing net on board and

- i. does the actual fish catching  
BFAR - Bureau of Fisheries and Aquatic Resources

Section 2. This Order shall apply to all duly registered and licensed Philippine flagged commercial purse seine and ring net catcher vessels that conduct FAD fishing in the Philippine EEZ during the period July 1 to September 30 of 2010 and 2011.

Section 3. These purse seine and ring net catcher vessels should be properly accredited by BFAR for authorization to fish on FADs during the said period.

Section 4. The nets of these purse seine and ring net catcher vessels should be modified such that their maximum stretched net depths are reduced by ten (10) fathoms from 125 FDS in order to ensure that there is further reduction in the catch of bigeye tuna.

Section 5. The depth of the fishing net shall be verified by BFAR before the purse seine and ring net catcher vessel can be accredited and authorized to fish on FADs during the said period.

Section 6. In order to continuously improve this compatible measure herein described, all purse seine and ring net catcher vessels fishing on FADs during the said period shall carry on board Monitors who shall gather data and recommend further improvements during the aforementioned period.

Section 7. Non-compliance to any of the above provisions shall be a ground for suspension of fishing operations during the time period, or cancellation/ revocation of the Commercial Fishing Vessel/Gear License (CFVGL).

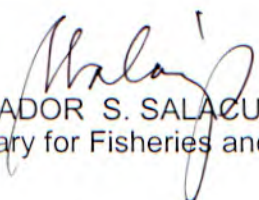
Section 8. Effectivity. This Order shall take effect fifteen (15) days after the publication in the Official Gazette and/or in two (2) newspapers of general circulation and upon registration with the National Administrative Register.

ISSUED this 31<sup>st</sup> day of May, 2010 at Quezon City, Metro Manila, Philippines.

  
BERNIE G. FONDEVILLA  
Secretary

Recommending approval:

  
MALCOLM I. SARMIENTO, JR.  
BFAR Director

  
SALVADOR S. SALACUP  
Undersecretary for Fisheries and Livestock

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