



FISHERIES ADMINISTRATIVE)

ORDER NO. 244 :

Series of 2012)

SUBJECT: National Tuna Fish Aggregating Device (FAD) Management Policy

Pursuant to Section 2 (c), Section 65 (n), (p), (r), and (s) of the Philippine Fisheries Code of 1998 (Republic Act 8550) and in line with the Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fishing, the following fisheries management and conservation measures and guidelines are hereby promulgated to significantly reduce the fishing mortality of juvenile yellowfin and bigeye tunas arising from tuna fishing activities using the Fish Aggregating Devices (FADs):

SECTION 1. Objectives - This management policy and set of guidelines aim to regulate the deployment and number of FADs associated with tuna fishing operations and to impose reportorial requirements on those engaged in its operations, in order to significantly reduce the amount of juvenile yellowfin and bigeye tuna species and ensure the sustainability of their population in the Western and Central Pacific Ocean region.

SECTION 2. Scope - The scope of this policy pertains to the following:

- a) FADs (anchored & drifting) deployed by Philippine registered purse seine and ring net fishing vessels including any of its support vessels licensed to fish in the Philippine EEZ.
- b) FADs (anchored & drifting) deployed by Philippine flagged purse seine and ring net fishing vessels including any of its support vessels as duly registered in the WCPFC roster of vessels allowed to operate in the high seas;
- c) FADs (anchored & drifting) deployed in the Philippine EEZ for the purpose of tuna handline fishing;

SECTION 3. Definition of Terms – As used in these guidelines, the following terms and phrases shall mean:

- a) **BFAR** - refers to the Bureau of Fisheries and Aquatic Resources.
- b) **CATCHER VESSEL** – refers to the mother ship or the vessel that carries sets and retrieves the purse seine net that surrounds the schools of fish. This vessel may or may not have fish hold or cold storage to store the fish.

- c) **CARRIER VESSEL** – Vessel that provides the storage space for the fish caught by the catcher vessel. These vessels need to be registered officially in the Philippines, and if operating in the high seas, must be in the official WCPFC list of registered vessels.
- d) **EEZ** - refers to the Exclusive Economic Zone.
- e) **FAD** – refers to Fish Aggregating Device, locally termed as “*payao or payaw*”. FADs are man-made structures purposely deployed in fishing grounds to attract/lure pelagic fish species, most notably tunas and round scads. Either simply made of bamboo or steel pontoon type used as a standard accessory for tuna fishing operations.
- f) **Fisheries Observer** - are personnel duly authorized by the BFAR Director and/or WCPFC ROP to collect data and other scientific and additional information related to fishing as required by the Bureau and other relevant RFMOs and/or concerned fisheries agencies in the Philippines. .
- g) **Fisheries Representative** - a government designate, sent to board, inspect commercial tuna vessels in order to report actual deployment/ or retrieval of FADs.
- h) **Juvenile tuna – also referred to as small tuna** are immature individuals of tuna species whose gonads have not yet fully developed for reproductive purposes.
- i) **PCG**-Philippine Coast Guard
- j) **SUPPORT VESSELS** – these include carrier boats, light boats, scout or ranger boats and auxiliary boats that are used in the operation of purse seine or ring net to catch tunas.
- k) **Tunas** – are migratory pelagic fishes belonging to the family of Scombridae characterized by their streamline, spindle-shaped bodies which taper to a slender caudal fin and with a series of detached finlets behind the dorsal and anal fins. Within this family, the tunas referred to belong to the three major commercially caught exploited species, namely, yellowfin (*Thunnus albacares*), bigeye (*Thunnus obesus*) and skipjack (*Katsuwonus pelamis*).
- l) **Tuna Purse Seine** – a classification of fishing gear which surrounds school of tuna fish attracted by *payao*, lights and /or from free school or drifting logs using a rectangular net with floats at the upper portion and purse rings at the lower section where the purse rope or cable passes through to close the net bottom during fishing operations. The net is hauled through a mechanical or hydraulic net hauler/power block.
- m) **Ring Net** – “manual hauling; set at limited depth and circumference; carried/set by medium commercial vessel as defined by Section 4 of RA 8550”
- n) **RFMOs** – Regional Fisheries Management Organizations
- o) **UNCLOS** - refers to the United Nations Convention on the Law of the Sea.

p) **WCPFC** - Western and Central Pacific Fisheries Commission, a regional fisheries management body which the Philippines is an active member.

SECTION 4. Limits on the Number of FADs

- A. Purse seine and ring net fishing vessels of Philippine registry and licensed to fish in the Philippine EEZ and the high seas may deploy anchored FADs to catch tuna. The BFAR may allocate to individual fishing companies permits to deploy up to 40 number of FADs for each licensed purse seine catcher or ring net vessel. Provided that there shall be a transition period of two (2) years from the effectivity of this Order, wherein 50 FADs per catcher vessel shall be allowed, during which period a scientific study will be conducted to determine improvement of biomass and the necessity to retain or lower the FAD limit.
- B. Handline fishing vessels of Philippine registry and licensed to fish in the Philippine EEZ and the high seas may deploy FADs of no more than two (2) for every vessel.

SECTION 5. Application process for the deployment of FADs

- A. Existing anchored FADs deployed by the fishing company must have priority over new applications. Should there be conflicts on the coordinates of existing FADs, BFAR shall create conflict mediation committee to settle said disputes at the regional level.
- B. The tuna fishing companies shall register their FADs by submitting prior notice and information to BFAR of their intention to deploy FADs. The information to be provided shall include the following:
 - i. name, registration and appropriate licenses of the tuna fishing company and their respective catcher vessels;
 - ii. proposed FAD location in terms of latitude and longitude, to the nearest second;
 - iii. date of deployment;
 - iv. new or replacement of FAD;
- C. The BFAR shall process the application, verify all the necessary documents, and check the location applied for including compliance with the reportorial requirements in case of renewal or replacement;
- D. The BFAR, upon completion of all the requirements, shall approve the application and issue the required permit with validity of three (3) years coinciding with the term of fishing vessel and gear license. The approved application shall indicate the assigned permanent FAD number which shall be painted on the float in accordance with Section 6. The FAD shall carry the same number when transferred to another location or when replaced.

- E. All FAD deployment and retrieval activities, whether for new or replacement FADs, shall be witnessed by a BFAR representative. In the case where the BFAR representative is not available, FAD deployment and retrieval activities may still be conducted, provided the FAD exact position and coordinates shall be submitted to BFAR for further validation.

SECTION 6. Design, Operation and Maintenance of FADs - The following shall be the minimum design standard for FADs:

- A. FADs shall be constructed such that they can be readily located at their place of deployment. The floater shall be painted with bright orange color.
- B. The assigned number shall be painted in white color conspicuously large enough to be visible from a distance of 100 meters on the float to allow identification of the registry.
- C. The FAD design shall include an appropriate number of counter weights along the synthetic rope to ensure that the rope sinks to the bottom in the event that the floater becomes detached and drifts away. The FAD design shall preferably in accordance with Annex A.
- D. The operation and maintenance of FADs shall be the responsibility of the companies deploying the FADs.

SECTION 7. "No FAD" Areas and Closed Areas

- A. No FADs for commercial tuna fishing shall be deployed within municipal waters unless an appropriate ordinance is enacted by the local government unit concerned permitting the deployment of FADs within the 10.1 to 15 kilometer area from the shoreline subject to the provisions of Chapter II, Article I, section 18 (a) of Republic Act 8550. Local government units shall submit to the BFAR local policies and ordinances stipulating the use of the 10.1-15 km area of their municipal waters for commercial fishing vessel use.
- B. FADs shall not be set at navigational locations with known high volume of sea traffic. The Philippine Coast Guard shall furnish the BFAR location of these areas. The BFAR shall furnish the Philippine Coast Guard the list of the locations of FADs to be published as Notice to Mariners. The BFAR reserves the right to refuse FAD deployment in highly congested navigational routes.
- C. Other areas where no FAD deployment permits shall be issued include marine protected areas, marine reserves, fish reserves, refuge and sanctuaries, military installations, and areas within the buffer zone of oil rigs.

SECTION 8. Reportorial Requirements - As may be required by national and regional agreements, catch certificates and logsheets shall contain the appropriate FAD information.

SECTION 9. Replacement of Lost FADs - In the event of the loss of the FADs, the company concerned shall notify BFAR of such loss before the FADs are replaced. An observer shall be required to witness the replacement of the FADs. Replacement of FADs shall be deployed in the same position, with the same number as the previous one. In the case where the Observer is not available, FAD replacement activities may still be conducted, provided the FAD replacement position and coordinates shall be submitted to BFAR for further validation.

SECTION 10. Access to FAD – All FADs shall be considered property of the deploying company or entity. The consent of the FAD owner must be secured by any person who wants to gain access to the FADs.

SECTION 11. Conflict Resolution in Relation to FADs - Any conflict relating to FADs among operators in the tuna purse seine, ring net and handline fishery, shall be referred to the appropriate Fishing Industry Association in the first instance and elevated to the National Tuna Industry Council for mediation. Should this referral remain unsettled, the matter shall be referred to the BFAR legal office whose decision shall be final.

SECTION 12. Transitory Provision - Persons, associations, cooperatives, partnerships or corporations currently engaged in tuna fishing operation using FADs shall have their FADs registered within six (6) months from the effectivity of this order, after which they shall remove the FADs they use/own and/or lease in excess of the allowed number per catcher as provided in Section 4 above.

SECTION 13. Prohibition - It shall be unlawful for any person, association, cooperative, partnership or corporation to engage in tuna fishing operations using FADs that are not registered with the BFAR and/or whose number exceeds the allowable limit per catcher vessel.

It shall also be unlawful to deploy FADs without the consent of the Bureau and engage in tuna fishing operations using such FADs or use registered FADs not associated with the same fishing company duly registered and licensed by the Bureau.

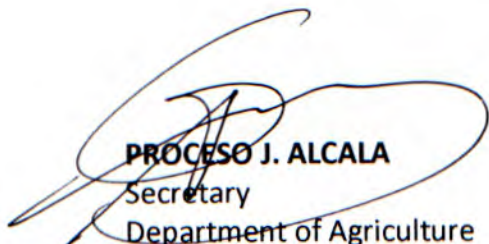
SECTION 14. Penal Clause - Violation of Section 13 of this order shall subject the offender to a minimum administrative fine of **Fifty Thousand Pesos (P50,000.00)**.


In case where the offense is deployment of FADs in excess of the limit as provided in Section 4 hereof, the offender shall be penalized with administrative fine of **Fifty Thousand Pesos (P50,000.00)** per excess FAD and confiscation thereof.

SECTION 15. Repealing Clause - Other existing rules and regulations or parts thereof which are inconsistent with this order are hereby repealed or modified accordingly.

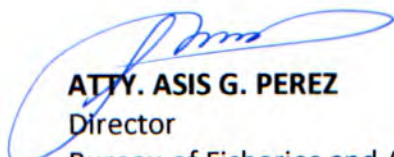
SECTION 16. Effectivity. This Order shall take effect fifteen (15) days after its publication in the official gazette and/or in two (2) newspapers of general circulation.

Issued this 25th day of June at Quezon City, Metro Manila, Philippines.



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DEPARTMENT OF AGRICULTURE

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