



FISHERIES ADMINISTRATIVE

ORDER NO. 245-2:

Series of 2014

SUBJECT: Regulations and Implementing Guidelines on Group Tuna Purse Seine Operations in High Seas Pocket Number 1 as a Special Management Area

WHEREAS, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 5, 2000, which was subsequently ratified by the Senate on 2005;

WHEREAS, the Philippines is a member of the Regional Fisheries Management Organization, the Western and Central Pacific Fisheries Commission (WCPFC);

WHEREAS, in the 8th WCPFC Regular Session in March 2012, CMM 2011-01 for Temporary Extension of CMM 2008-01 was adopted giving Philippines limited access to High Seas Pocket Number 1 (HSP-1) as a Special Management Area (SMA) which has been later incorporated into CMM 2012-01 in the 9th WCPFC Regular Session in December 2012;

WHEREAS, in December 2013, the Commission adopted Conservation and Management Measures (CMM) 2013-01 for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean with the following objectives:

General

1. Compatible measure for the high seas and exclusive economic zones (EEZs) are implemented so that bigeye, yellowfin and skipjack tuna stocks are, at a minimum maintained at levels capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by article 5 of the Convention. The Commission will amend, or replace the objectives with target reference points after their adoption.

Skipjack

2. The Fishing Mortality Rate (F) for skipjack will be maintained at a level no greater than F_{msy} , i.e. $F/F_{msy} \leq 1$.

Bigeye

3. The fishing mortality rate for bigeye tuna will be reduced to a level no greater than F_{msy} , i.e. $F/F_{msy} \leq 1$. This objective shall be achieved through step by step approach through 2017 in accordance with this Measure.

Yellowfin

4. The fishing mortality rate is not greater than F_{msy} , i.e. $F/F_{msy} \leq 1$.

WHEREAS, this policy is designed as a conservation measure primarily to reduce effort in the Philippine waters where juvenile tunas are more likely to be found than in the high seas pocket 1;

WHEREFORE, in view of these premises, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgates the following regulations and implementing guidelines.

Section 1. Definition of Terms. For purposes of this Order, the following terms as used herein shall mean and shall be construed as follows:

1. Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit- a two way automatic tracking device approved by the Bureau to be installed on the fishing vessels that utilizes a satellite navigation and communication system for the purpose of transmitting information concerning the Philippines flagged fishing vessels' positions, fishing activities, and any other activity of the vessels as may be required.
2. Bureau/BFAR- Bureau of Fisheries and Aquatic Resources
3. BFAR Vessel Monitoring System (VMS) - refers to the National Fisheries Monitoring Center established and operated by the Bureau which is used to track and monitor the position, time and course and speed of commercial fishing vessels in the territorial waters, EEZ and the high seas for the purpose of conservation and management of fisheries resources.
4. Commercial of Fishing Vessel/Gear License (CFVGL)- authorization granted by BFAR to the fishing vessel operators to fish within commercial waters (>15 km from the shoreline)of the Philippines pursuant to Sec. 26 of R.A. 8550.
5. Exclusive Economic Zone (EEZ) - an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Sea and their respective existing laws.
6. FAD- Fish Aggregating Devices that shall include drifting logs, other drifting objects and anchored FADs.
7. Fisheries Monitoring Center (FMC) - serves as a land base component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System.
8. Fishing Vessel- any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, transportation and/or processing.
9. Group Seine-purse seine/ring net boats operating as a group, consisting of a catcher boat and its support vessels, such as ice carrier boats, ranger and light boats.

10. High Seas (HS) - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
11. High Seas Fishing Day- this refers to the day when a fishing vessel sets its net with an intention to fish.
12. HSP-1-High Seas Pocket 1 as referred to in CMM 2013-01 (see Attachment B)
13. International Fishing Permit (IFP)- authorization granted by BFAR to licensed Philippine Flagged Vessels to Fish in waters of other Coastal States and high seas where the Philippines has access agreements.
14. Purse Seine/Ring Net- a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from the boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
15. Regional Fisheries Observer- Personnel duly authorized by the Commission's Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the Commission, other RFMOs and by the Bureau's compatible measures.
16. RFMOs- refers to the Regional Fisheries Management Organizations that implements conservation and management measures on tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC in which the Philippines is a member, or the CCSBT (Commission on the Conservation of Southern Bluefin Tuna) in which Philippines is cooperating non-member.
17. SMA- Special Management Area as referred in CMM 2013-01
18. Special Fishing Permit for HSP1- authorization granted by BFAR to the 36 Traditional group seine fishing vessels to conduct fishing operation in High Seas Pocket 1 as Special Management Area.
19. WCPFC- Western and Central Pacific Fisheries Commission

Section 2. Scope and Application

- A. This Administrative Order covers the 36 Philippine registered traditional group seine fishing vessels granted access to the HSP1-SMA, having gross tonnage of not more than 250 GT issued with International Fishing Permits, and listed in the WCPFC record of fishing vessels.

- B. This Administrative Order applies only to HSP-1 SMA, which is the area of the high seas bounded by the EEZs of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south with exact coordinates as used by WCPFC Vessel Monitoring System.

Section 3. Allocation of Fishing Access

Fishing access to operate in HSP1-SMA is granted on the basis of compliance to the following criteria:

1. The fishing operation involves traditional group seine fishing vessel of no more than 250 gross tonnage.
2. The fishing vessel is Philippine-registered with valid Commercial Fishing Vessel and Gear License (CFVGL), licensed with International Fishing Permit and has paid a fee for a Special permit to operate at HSP1 in the amount of USD 1,600 for 2014 subject to annual renewal and additional incremental fee of US\$100 annually thereafter until 2017;
3. The fishing vessel must be SOLAS compliant;
4. The fishing vessel must be Catch Documentary Scheme compliant;
5. The purse seine net shall have mesh size not less than 3.5 inches starting at the mid body to the entire wing while ring net shall have mesh size not less than 3.5 inches at both wings;
6. The fishing vessel has not been convicted in any administrative or criminal offenses for engaging in fishing activities in the Convention Area in violation of any conservation and management measures adopted by the WCPFC;
7. The fishing vessel shall be registered with WCPFC;
8. The catcher fishing vessel and its supporting carriers shall be equipped with two-way Vessel Monitoring System while corresponding lightboats shall also be equipped with at least a one way Automatic Location Communicators. Installation of ALCs to lightboat shall be in a phase manner.
9. Each group tuna purse seine/ring net operation shall avail of the services of accredited Regional Observer preferably fishery graduates;
10. Each group tuna purse seine/ringnet operation shall commit to deploy no more than 40 FADs per catcher vessel;
11. The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operation;
12. The catcher vessel listed to access the high seas shall not fish for tuna in Philippine waters during the validity of their license in the high seas.

However, in the furtherance of national priority the Bureau may allow these vessels to fish in designated areas. The Bureau shall issue a special approval for this purpose.

All fishing vessels that have been qualified and granted special permits to operate in HSP-1 shall retain their rights under FAO 245, 245-1 unless revoked or their licenses and special permits have expired and not renewed.

Section 4. Observer Coverage. All catcher vessels operating HSP1- SMA shall have 100% regional observer coverage in accordance to FAO 240 Series of 2012 on *Rules and Regulations in the Implementation of Fisheries Observer Program in the High Seas*, [and] WCPFC Conservation and Management Measure (CMM) 2007-01 and CMM 2013-01. Priority will be given to fisheries graduate in the deployment of Observers.

Section 5. Vessel Monitoring System. All catcher vessels and their corresponding carrier vessels shall be equipped with and shall operate a two-way Automatic Location Communicator in accordance to FAO 241 Series of 2012 on *Regulations in the Implementation of the Vessel Monitoring System (VMS) in the High Seas*, CMM 2011-02 and CMM 2013-01. Their corresponding lightboats shall also be equipped with at least a single way Automatic Location Communicators. The FMC shall provide continuous real-time VMS information to the adjacent coastal States/Territories for monitoring purposes. Access to VMS and other data related to HSP-1 SMA shall be in accordance with WCPFC's Rules and Procedures for the Protection, Access to and Dissemination of High Seas Non-Public Domain Data and Information Compiled by WCPFC for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and Access to and Dissemination of High Seas VMS for Scientific Purposes.

Section 6. Reporting.

- A. The vessels or the fishing company shall notify BFAR through electronic or any other means at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP-1 SMA. Likewise, this information shall be transmitted to the adjacent coastal States/Territories and WCPFC.
- B. The report should be in the following format: "VID/entry or Exit: Date/Time; Lat/Long."
- C. The vessels operating in HSP-1 SMA should report sightings of any fishing vessel to the BFAR and WCPFC Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 7. Vessel Listing. The Bureau shall maintain an updated list of all fishing vessels operating in the HSP-1 SMA based on the foregoing vessel's entry and exit reports submitted to WCPFC. The list will be submitted to WCPFC and will be made available to WCPFC members and other concerned stakeholders through dedicated website, www.bfar.gov.ph.

Section 8. Monitoring of Port Landings. All landings of vessels operating in HSP-1SMA shall be done at the General Santos , Zamboanga Fishports and other Authorized Ports operated by the Philippine Fisheries Development Authority. Catch Logsheet shall be accomplished and submitted to the Bureau to insure that reliable catch by species are collected for processing and analysis.

Section 9. Catch Limit. The annual total catch per vessel not exceed an equivalent to 273 high seas fishing days in the HSP-1 SMA (4,923 X 2 = 9,846 days, divided by 36).

Section 10. Net Mesh Size. All fishing vessels covered by this Order shall use net mesh size of not less than 3.5 inches starting at the mid body to the entire wing for purse seine, while mesh size of not less than 3.5 inches at both wings for ring net.

Section 11. Use of Fish Aggregating Device (FAD). Each group tuna purse seine/ring net operation shall deploy not more than 40 FADs per catcher vessel. Location coordinates of FADs should be submitted to the Bureau. In compliance with CMM 2013-01, there shall be (3) months (July, August and September) prohibition of setting on FADs for all purse seine vessels in HSP-1 SMA.

Section 12. Nature of Access Right. Any transfer of access right or replacement of vessel covered by this Order shall be subjected to the prior approval of the Bureau and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be considered void.

Section 13. Penalties. Any violations of the provisions of this Fisheries Administrative Order shall be penalized with the following fines and penalties:

1. Sailing from the home port on the way to HSP-1 SMA without an on-board observer as required by Section 4 hereof shall be penalized with an administrative fine of Php 100,000.00 for the first offense, and Php 500,000.00 and revocation of their Special Permit for HSP-1 SMA for the second offense;
2. Intentionally non-reporting of position manually every four hours after having been notified by BFAR FMC that the VMS ALC is not transmitting as required shall be penalized with an administrative fine on Php 500,000.00 for the first offense, an Php 1,000,000.00 with revocation of Special Permit for HSP-1 SMA for the second offense;
3. Failure to report or notify BFAR as required in Section 6 hereof shall be penalized with an administrative fine of Php 500,000.00 for the first offense, and Php 1,000,000.00 for the succeeding offense;
4. Intentional non-submission of catch logsheets as required under Section 8 hereof, shall be penalized with Php 500,000.00 for the first offense, and Php 1,000,000.00 for the succeeding offense;
5. Vessel exceeding HS fishing days as provided in Section 9 hereof, shall be liable to pay Php 1,000,000.00 with revocation of all the Special Permit for HSP-1 SMA issued to the owner of the offending vessel;

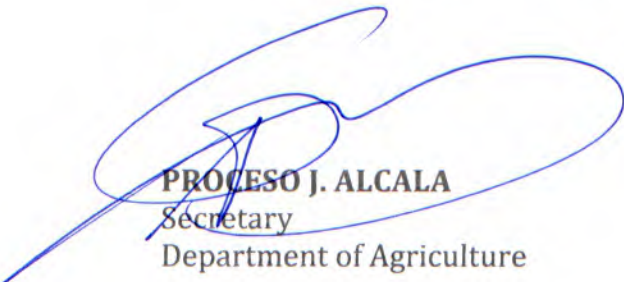
6. Non-compliance with the prescribed mesh size provided under Section 10 shall be penalized with administrative fine on Php 1,000,000.00 for the first offense, and Php 2,000,000.00 with revocation of Special Permit for HSP- 1 SMA for the second offense ;
7. Deployment of FADs in Excess of 40 as provided in Section 11 hereof shall be penalized with administrative fine of Php 50,000.00 per excess FAD and confiscation of the excess FAD;
8. Unauthorized transfer of access right or replacement of vessel as provided under Section 12 hereof shall be penalized with Php 1,000,000.00 at first offense, Php 2,000,000.00 as well as revocation of Special Permit for HSP-1 SMA at second offense.

Section 14. Separability Clause. If any section or provision of Order or part thereof is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 15. Repealing Clause. All existing administrative order, rules and regulations which are inconsistent with the provisions this Order is hereby repealed or modified.

Section 16. Effectivity. This Order shall take effect fifteen (15) days after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Register and shall be deemed coterminous with CMM 2013-01 until 2017.

Issued this 19th day of Feb., 2014 at Quezon City, Metro Manila, Philippines

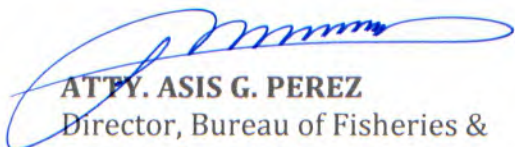


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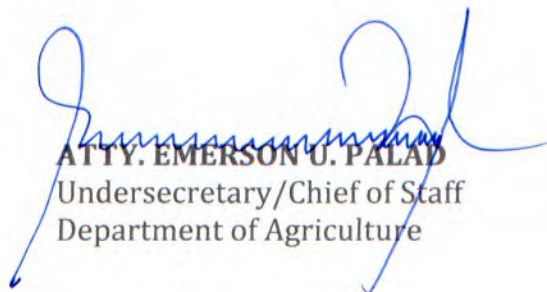
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