



FISHERIES ADMINISTRATIVE)

ORDER NO. 245-1 :

Series 2013)

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, the WCPFC within its framework has developed resolutions and conservation and management measures relevant to fishing operations in the High Seas;

WHEREAS, in December 2012, the Commission adopted Conservation and Management Measure (CMM) 2012-01 for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean with the following objectives:

General

1. compatible measures 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 Fmsy, 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 Fmsy, 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 Fmsy, i.e. $F/F_{msy} \leq 1$.

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

Published : Aug 15, 2013

- PDI
- PS

been incorporated into CMM 2012-01;

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 number 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 Philippine 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. Exclusive Economic Zone (EEZ) – an area beyond and adjacent to the territorial sea of a country as defined under the United National Convention on the Law of the Seas and their respective existing laws.
4. High Seas (HS) - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
5. Fisheries Monitoring Center (FMC) - serves as a land base component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System.
6. 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.
7. 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 a 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.
8. 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.
9. RFMOs – refers to the Regional Fisheries Management Organizations that implements conservation and management measures on tuna such as IOTC, ICCAT, and WCPFC in which the Philippines is a member, or the CCSBT in which Philippines is a cooperating

non-member.

10. 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.

11. CFVGL – Commercial Fishing Vessel/Gear License

12. IFP – International Fishing Permit

13. FAD – Fish Aggregating Devices that shall include drifting logs, other drifting objects and anchored FADs.

14. WCPFC – Western and Central Pacific Fisheries Commission

15. IOTC – Indian Ocean Tuna Commission

16. ICCAT – International Commission for the Conservation of Atlantic Tuna

17. CCSBT – Commission on the Conservation of Southern Bluefin Tuna

18. 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.

19. HSP-1 – High Seas Pocket 1 as referred to in CMM 2011-01 (see Annex A)

20. SMA – Special Management Area as referred to in CMM 2011-01

21. High Seas Fishing Day – This refers to the day when a fishing vessel sets its net with an intention to fish.

Section 2. Scope and Application

A. This Administrative Order covers the 36 Philippine registered traditional fresh/ice chilled catcher 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.

B. This Administrative Order applies only to HSP-1SMA, 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.

A. Criteria in Qualifying for Fishing Access. Any person, corporation or entity who signifies intent to engage in group tuna purse seine operations in HSP-1SMA shall be

prequalified based on the following criteria:

1. The traditional fresh/ice chilled catcher fishing vessels shall be no more than 250 GRT;
2. The fishing vessels are Philippine-registered, with valid Commercial Fishing Vessel and Gear License (CFVGL), and licensed with International Fishing Permit;
3. The fishing vessels must be SOLAS compliant;
4. The fishing vessels 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 vessels have 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 vessels shall be registered with WCPFC;
8. The fishing vessels shall be equipped with two-way Vessel Monitoring System;
9. The fishing vessels shall avail of the services of accredited Regional Observer preferably fishery graduates;
10. Each group tuna purse seine/ring net 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 operations;
12. The 36 catcher fishing 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.

B. Procedure in the Allocation of Fishing Access.

1. Letter of Intent. All interested persons, corporations or entities shall submit a formal Letter of Intent (LOI) addressed to the Director of the Bureau not later than 15 days from effectivity of this FAO indicating the vessel details such as registered name, gross tonnage, and gear. No two or more corporation or partnerships shall be allowed to participate as separate entities where they have more than 50% common stockholdings or ownership. These shall be considered as one entity. All fishing vessels that have been qualified and granted special permits to operate in HSP#1 shall retain their rights under FAO 245 and 245-1 unless revoked or their licenses and special permits have expired and not renewed. All persons, corporations, or entities which have previously submitted their LOIs shall still qualify and be included in the Preliminary List hereafter described unless disqualified.

2. Preliminary List. The Bureau shall draw a preliminary list from those that submitted LOI. Subsequently, those in the list will be evaluated on the basis of their compliance to the criteria and their history of fishing operations in the High Seas prior to 2010.

3. Allocation. Each person, corporation or entity in the preliminary list will be allocated one (1) slot. If there are still remaining slots out of the thirty-six available slots, these will be raffled off among the persons, corporations or entities in the preliminary list.

The companies given slots shall comply within a period of one year from the time of being notified of being granted an allocation with all the requirements before given the final confirmation of the access allocation. Failure to comply with the all the criteria shall result to revocation of the slot thus making the slot available for raffle to others in the preliminary list.

Section 4. Observer Coverage. All catcher vessels operating in HSP-1 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 Management Measure (CMM) 2007-01 and CMM 2012-01. Priority will be given to fisheries graduates 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. Their corresponding lights boats shall also be equipped with at least a single-way Automatic Location Communicators. The fisheries monitoring center 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-1SMA 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 the HSP-1 SMA shall be made at the General Santos Fishport, Zamboanga City Fishport , and/or other designated ports operated by the Philippine Fisheries Development Authority. Catch logsheet shall be accomplished and submitted to the Bureau to make certain that reliable catch data by species are collected for processing and analysis (see Annex B).

Section 9. Catch Limit. The annual total catch per vessel shall not exceed an equivalent to 273 high seas fishing days in the HSP-1 SMA ($4,923 \times 2 = 9846$ 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 2012-01, there shall be a four (4) months (July, August, September and October) prohibition of setting on FADs for all purse seine vessels fishing 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 subject 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 of Php 500,000.00 for the first offense, and 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 for the succeeding offenses;
4. Intentional non-submission of catch logsheets as required under Section 8 hereof, shall be penalized with Php 500,000 for the first offense, and Php 1,000,000 for the succeeding offenses;
5. Vessel exceeding HS fishing days as provided in Section 9 hereof, shall be liable to pay Php1,000,000 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 of Php 1,000,000 for the first offense, and Php2,000,000 with revocation of Special Permit for HSP-1 SMA for the second offense;

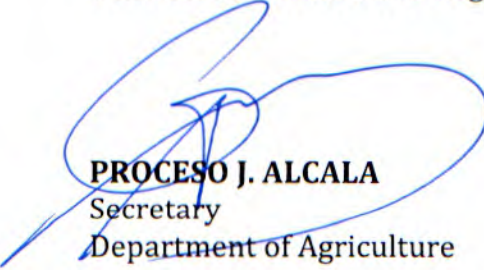
7. Deployment of FADs in excess of 40 as provided in Section 11 hereof shall be penalized with administrative fine of Php 50,000 per excess FAD and confiscation of the excess FADS;

8. Unauthorized transfer of access right or replacement of vessel as provided under Section 12 hereof shall be penalized with Php1,000,000 at first offense, Php 2,000,000 as well as revocation of Special Permit for HSP-1 SMA at second offense.

Section 15. 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 16. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified.

Section 17. 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 2012-01.

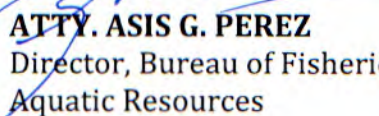


PROCESO J. ALCALA
Secretary
Department of Agriculture

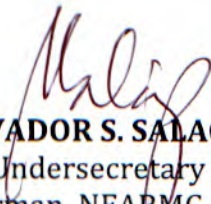
DEPARTMENT OF AGRICULTURE

In replying pls cite this code :
For Signature: S-07-13-0338
Received : 07/22/2013 09:21 AM

Recommending Approval:



ATTY. ASIS G. PEREZ
Director, Bureau of Fisheries &
Aquatic Resources



SALVADOR S. SALACUP
OIC-Undersecretary for Fisheries
Chairman, NFARMC

Published: Aug. 15, 2013
Phil. Daily Inquirer
Phil Star
Sept. 4, 2013
WP Law Center - ONAR