

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Fourteenth Coast Guard District

300 Ala Moana Blvd., #9-232
Honolulu, HI 96850
Staff Symbol: dre
Phone: (808) 535-3361
FAX: (808) 535-3369

16210
03 July, 2008

Mr. Andrew Wright
Executive Director, Western and Central Pacific Fisheries Commission
Kaselehlie Street, P.O. Box 2356
Kolonias, Pohnpei State, 96941
Federated States of Micronesia

Dear Mr. Wright:

In accordance with **Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measure (CMM) 2006-08 – High Seas Boarding and Inspection Procedures** and further outlined in **WCPFC Circulars 2008/03 and 2008/09**, the enclosed information is provided to supplement my letter to the Commission dated 07 April, 2008 regarding the Commission's High Seas Boarding and Inspection (HSB&I) Procedures.

Paragraph 13 of the HSB&I Procedures stipulates that a Contracting Party that intends to carry out boarding and inspection activities pursuant to the procedures shall so notify the Commission, through the Executive Director, and inform the Commission that: (1) its inspectors are fully familiar with the fishing activities to be inspected and the provisions of the Convention and conservation and management measures in force; and (2) that the inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.

This letter is to notify you that the U.S. Coast Guard has developed a specific training course curriculum on WCPFC HSB&I Procedures for inspectors who will be conducting high seas boardings pursuant to these procedures and this training course has been provided to the inspectors and crews of U.S. Coast Guard inspection vessels scheduled to conduct patrols in 2008 within the WCPFC Convention Area. The training was specifically designed to ensure U.S. Coast Guard inspectors were fully familiar with the WCPFC fishing activities to be inspected and the provisions of the Convention and conservation and management measures in force.

The additional procedural requirements identified in Paragraphs 14-24 of the HSB&I Procedures have also been incorporated, as appropriate, into U.S. Coast Guard standard operating procedures for executing these high seas boardings and inspections.

Further, the United States understands, as clarified in WCPFC Circular 2008/09, that it was unable to conduct high seas boarding and inspections pursuant to CMM 2006-08 until after the expiry of the 60-day period following the circulation to Members by the Commission of the register of U.S. inspection vessels. The United States notes this 60-day waiting period expired on 08 June, 2008. However, the information provided to the Commission contained within this letter, coupled with the information outlined in our 07 April, 2008 letter to the Commission, now allows the United States to commence high seas boardings pursuant to the Commission's HSB&I Procedures.

16210
03 July, 2008

In a related matter, I note WCPFC Circular 2008/03 regarding the Agreed High Seas Boarding and Inspection Procedures indicated:

“...it would be appreciated if all submissions by CCMs should be made as soon as practicable and in any case prior to 02 May 2008...”

However, as of 02 July 2008, only New Zealand, France, the United States, Canada, Chinese Taipei, Federated States of Micronesia (FSM), and Papua New Guinea (PNG) have supplied the necessary information regarding “Details of Authority or Inspectors.” WCPFC HSB&I Procedures outline the requirement of Contracting Parties to notify the authorities of fishing vessels they intend to board under the following specific circumstances:

- a. Initial notification of intent to board;
- b. Master refusal to facilitate a boarding to seek assistance of flag State to direct a master to accept the boarding and inspection;
- c. Notification of an incident involving the use of force;
- d. Notification of evidence of a serious violation to ascertain flag State desire to complete investigation or allow Contracting Party to complete investigation; and,
- e. Submission of a complete boarding report.

The limited number of Members who have provided information regarding their “Details of Authority or Inspectors” will significantly hamper our ability, as a Contracting Party conducting high seas boardings within the Convention Area, to communicate with the appropriate flag State authorities of fishing vessels as required by the HSB&I Procedures.

As such, I respectfully request the Commission’s assistance to re-solicit Members to provide this critical information to the Commission. In the absence of specific information from Members regarding these details, it is the intent of the United States, during High Seas Boarding and Inspections, to provide the above required notifications both to the Commission itself and the lead participant of each WCPFC Member country who listed their attendance within Attachment A of the Commission’s Meeting Report of the Fourth Regular Session of the Commission. By doing so, we will consider the specific notification requirements outlined by the Commission’s HSB&I Procedures to have been met.

Please contact me if you have any questions regarding this submission.

Sincerely,



M. S. YOUNG
Commander, U. S. Coast Guard
Chief, Enforcement Branch