



Federated States of Micronesia

Management Plan for the Regulation

of

Fish Aggregating Devices

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1. Scope

This Plan sets out the mechanisms and procedures that the Federated States of Micronesia (FSM) will use to regulate the use of Fish Aggregating Devices (FAD) for various purposes including to limit fishing mortality on vulnerable species such as juvenile bigeye and yellowfin tuna.

Elements of this Plan apply variously to FSM flagged purse seine vessels operating on the high seas and other jurisdictions and all purse seine fishing vessels (FSM flagged vessels and foreign flagged vessels) operating in the FSM Exclusive Economic Zone (EEZ) under licence. Unless otherwise specified, references to fishing or fishing vessels only apply to purse seine fishing vessels, group purse seine fishing vessels and their support vessels.

2. Legal Status

In the first instance, this FAD Management Plan represents the policy of the FSM Government and does not have legal affect in its own right. It is the intention of FSM to institute specific elements of the Plan through various means in the short term, which may include permit conditions and memoranda of understanding.

In the longer term, this Plan will be reviewed according to further developments, such as the work being undertaken by the Secretariat of the Western and Central Pacific Fisheries Commission (WCPFC) under the auspices of Conservation and Management Measure 2008-01¹. Specific Regulations will be introduced to give legal affect to the Plan as amended.

3. Types of Fish Aggregating Device

FSM has adopted a strict definition of a FAD in the *Fishing Licensing Regulations of 2009* (to be adopted) as follows:

“an object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with.”

Nothing in the Plan detracts from or replaces the meaning given to a “FAD” for the purposes of those Regulations, which give legal and operational affect to the Third Arrangement Implementing the Nauru Agreement².

However, this Plan does distinguish between different types of FAD for the purposes of regulating their use by different vessel types in different areas. The following types of FAD are covered in this Plan:

Anchored FAD – An object or group of objects, of any size, that has or has not been deployed, including but not limited to buoys, floats, netting, webbing, plastics, bamboo and logs floating on or near the surface of the water that fish may associate

¹ CMM 2008-01 - Conservation And Management Measure For Bigeye And Yellowfin Tuna In The Western And Central Pacific Ocean

² A Third Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms And Conditions Of Access To The Fisheries Zones Of The Parties

with and that has a mooring line attached to an anchor or other object that ensures the FAD remains in a fixed location.

Deployed Drifting FAD – An object or group of objects, of any size, that has been deployed, including but not limited to buoys, floats, netting, webbing, plastics, bamboo and logs floating on or near the surface of the water that fish may associate with.

Other FAD – Any other object or group of objects that fits the overriding definition of a FAD but is not an anchored FAD or a deployed drifting FAD.

4. Application to Vessel Types and Fishery Areas

4.1. FSM Flagged Vessels Fishing on the High Seas and Other Jurisdictions

This section of the Plan describes the arrangements that will be applied to FSM vessels fishing in the high seas. This has been prepared with due regard to the WCPFC Guidelines for the Preparation of FAD Management Plans, as articulated in Attachment E to CMM 2008-01³.

The provisions below will be enacted via condition(s) of fishing permits issued to relevant vessels until such time as this Plan is reflected in Regulation.

4.1.1. FAD Closure

All FSM flagged vessels fishing in the high seas and any other jurisdictions will be required to observe a 2-month (July-August) FAD Closure in 2009 and a 3-month (July-September) FAD closure each year from 2010 thereafter pursuant to the *Fishing Licensing Regulations of 2009*.

4.1.2. Catch Retention

In order to discourage fishing practices that result in a high level of small fish bycatch, all bigeye, skipjack and yellowfin tuna taken by a fishing vessel shall be retained on board and then landed or transhipped.

This measure shall commence on 1 January 2010 and specific operational guidance regarding this catch retention requirement will be consistent with the relevant provisions of the *Fishing Licensing Regulations of 2009*.

4.1.3. FAD Limits

Each FSM flagged vessel will deploy a total of 100 Deployed Drifting FADs for both the high seas and within FSM EEZ. FSM vessels will not deploy anchored FADs on the high seas and will be subject to the regulations of other States when fishing in their jurisdictions.

³ Noting that decisions taken by the WCPFC from time to time will result in new or revised Conservation and Management Measures, references in this Plan to CMM 2008-01 apply equally (as relevant) to any future CMM adopted by the WCPFC for the Conservation and Management of Bigeye and Yellowfin Tuna.

4.1.4. FAD Marking

Deployed drifting FADs must be clearly marked with the name of the vessel that has deployed it, the date of deployment and the FAD Number. This information shall be contained on a detachable plate such that in the event that FADs are replaced, the plate can be attached to the new FAD.

The information above must be in lettering at least 30cm high and of a color that contrasts with the color of the plate. The plate must be attached to a point on the FAD where it is clearly visible.

The FAD number is to be assigned by the vessel master and shall be the first three letters of the vessel name followed by a two digit number (which shall be sequential according to the number of FADs deployed in the high seas and the EEZ), followed by the letters "HS" to signify deployment in the High Seas. For example, if the fifth FAD deployed by the vessel "Bigeye" is deployed in the high seas, it shall be assigned the number "BIG05HS".

4.1.5. FAD Design and Construction

All deployed man-made FADs must meet the following minimum criteria:

- The FAD must have a section that remains above the water line at all times (the raft section). The raft section must be painted with reflective paint and large enough to be clearly visible from a distance of 1kilometer (km).
- A radar reflector must be attached to the raft section at least 2-meters above the water line to ensure that it is detectable from a reasonable distance.
- FAD materials must be attached to the raft section (or each other) in a way that, as far as possible, prevents parts of the FAD from becoming detached from each other.

4.1.6. Requirements for Deploying FADs

The *Fishing License Regulation 2009* prohibits the deployment of any FADs during the FAD closure periods specified above. At other times, deployment must be conducted in accordance with the requirements below.

Consistent with CMM 2008-01, all FSM vessels operating on the high seas starting 1 January 2010 will be subject to 100% observer coverage under the Regional Observer Programme. Observers will monitor all FAD deployments.

The vessel master must provide the following information in writing to the Executive Director of the FSM National Oceanic Resource Management Authority (the Authority) when deploying a drifting FAD:

- The date of deployment;
- The location (latitude and longitude) recorded in degrees and minutes;
- The FAD number that has been assigned; and

- A declaration that the FAD meets the marking and design requirements contained in sections [4.1.4](#) and [4.1.5](#) respectively.

No FAD shall be deployed without prior authorization from the Authority, which will be contingent on:

- Provision of all of the information above; and
- The number of FADs already deployed by the vessel.

The Authority shall not approve the deployment of a FAD if records indicate that the FAD limit would be exceeded by the relevant vessel.

4.1.7. Requirements for Retrieving FADs

The *Fishing Licensing Regulations of 2009* place specific restrictions on the retrieval of FADs during the FAD closure periods specified above. Those restrictions continue to apply in addition to the requirements listed below.

Consistent with CMM 2008-01, all FSM vessels operating on the high seas from 1 January 2010 will be subject to 100% observer coverage under the Regional Observer Programme. Observers will monitor all FAD retrievals.

The vessel master must provide the following information in writing to the Authority:

- The date of retrieval;
- The location (latitude and longitude) recorded in degrees and minutes of retrieval; and
- The FAD number.

4.2. FSM Flagged and Foreign Vessels fishing in the FSM EEZ

This section of the Plan describes the arrangements that will be applied to FSM flagged vessels and foreign flagged vessels fishing in the FSM EEZ. This has been prepared with due regard to the WCPFC Guidelines for the Preparation of FAD Management Plans, as articulated in Attachment E to CMM 2008-01.

The provisions below will be enacted via condition of fishing permits issued to relevant vessels until such time as this Plan is reflected in Regulation.

4.2.1. FAD Closure

All FSM flagged vessels and foreign flagged vessels fishing in the FSM EEZ will be required to observe a 2-month (July-August) FAD Closure in 2009 and a 3-month (July-September) FAD closure each year from 2010 thereafter pursuant to the *Fishing Licensing Regulations of 2009*.

In accordance with the Third Arrangement Implementing the Nauru Agreement, FSM reserves the right to implement flexible arrangements for domestic vessels through amendments to this FAD Management Plan.

4.2.2. Catch Retention

All FSM flagged and foreign flagged vessels fishing in the FSM EEZ are required to retain all bigeye, yellowfin and skipjack on board in order to discourage wasteful fishing practices that result in a high level of small fish by-catch. All fish taken should be landed and/or transhipped.

This measure shall commence on 1 January 2010 and specific operational guidance, including specific exemptions, regarding this catch retention requirement will be consistent with the relevant provisions of the *Fishing Licensing Regulations of 2009*.

4.2.3. FAD Limits

Each FSM flagged vessel may deploy a combined total of 100 Deployed and Drifting FADs for both the high seas and within FSM EEZ. No FSM vessel shall have more than 100 FADs in the water at any one time including anchored FADs in the EEZ.

The foreign flagged vessels may deploy 50 FADs per year within the FSM EEZ and, consistent with the *Fishing Licensing Regulations of 2009*, shall not deploy or retrieve FADs during the prohibition period. No foreign vessel shall have more than 50 FADs at any one time within the FSM zone.

4.2.4. FAD Marking

Deployed drifting FADs must be clearly marked with the name of the vessel that has deployed it, the date of deployment and the FAD Number. This information shall be contained on a detachable plate such that in the event that FADs are replaced, the plate can be attached to the new FAD.

The information above must be in lettering at least 30cm high and of a color that contrasts with the color of the plate. The plate must be attached to a point on the FAD where it is clearly visible.

The FAD number is to be assigned by the vessel master and shall be the first three letters of the vessel name followed by a two digit number (which shall be sequential according to the number of FADs deployed in the high seas and the EEZ), followed by the letters "EEZ" to signify deployment in the Exclusive Economic Zone. For example, if the sixth FAD deployed by the vessel "Bigeye" is deployed in the EEZ, it shall be assigned the number "BIG06EEZ".

4.2.5. FAD Design and Construction

All deployed man-made FADs must meet the following minimum criteria:

- The FAD must have a section that remains above the water line at all times (the raft section). The raft section must be painted with reflective paint and large enough to be clearly visible from a distance of 1 kilometer (km).
- A radar reflector must be attached to the raft section at least 2 meters above the water line to ensure that it is detectable from a reasonable distance.
- FAD materials must be attached to the raft section (or each other) in a way that, as far as possible, prevents parts of the FAD from becoming detached from each other.

4.2.6. Requirements for Deploying FADs

The *Fishing Licensing Regulations of 2009* prohibit the deployment of any FADs during the FAD closure periods specified above. At other times, deployment must be conducted in accordance with the requirements below.

Consistent with the Third Implementing Arrangement (3IA), all fishing vessels operating in FSM EEZ from 1 January 2010 will be subject to 100% observer coverage from either the national observer programme of another Party to the Nauru Agreement or an existing sub-regional observer programme.. Observers will monitor all FAD deployments.

The vessel master must provide the following information in writing to the Executive Director of the FSM National Oceanic Resource Management Authority (the Authority) when deploying a drifting FAD:

- The date of deployment;
- The location (latitude and longitude) recorded in degrees and minutes;
- The FAD number that has been assigned; and
- A declaration that the FAD meets the marking and design requirements contained in sections [4.2.4](#) and [4.2.5](#) respectively.

No FAD shall be deployed without prior authorization from the Authority, which will be contingent on:

- Provision of all of the information above; and
- The number of FADs already deployed by the vessel.

The Authority shall not approve the deployment of a FAD if records indicate that the FAD limit would be exceeded by the relevant vessel.

4.2.7. Requirements for Retrieving FADs

The *Fishing Licensing Regulations of 2009* place specific restrictions on the retrieval of FADs during the FAD closure periods specified above. Those restrictions continue to apply in addition to the requirements listed below.

Consistent with 3IA, all vessels operating in the FSM EEZ from 1 January 2010 will be subject to 100% observer coverage from either the national observer programme of another Party to the Nauru Agreement or an existing sub-regional observer programme. Observers will monitor all FAD retrievals.

The vessel master must provide the following information in writing to the Authority:

- The date of retrieval;
- The location (latitude and longitude) recorded in degrees and minutes of retrieval; and
- The FAD number.

The *Fishing Licensing Regulations of 2009* detail FAD closure and catch retention requirements that apply to FSM and foreign fishing vessels in the FSM EEZ.

4.2.8. Anchored FADs in the FSM EEZ

Deployment of anchored FADS within the EEZ requires approval by the Authority. The Authority shall establish the number of anchored FADs that can be deployed in the FSM EEZ by each company.

All anchored FADs should meet the FAD marking, FAD design and construction, and requirements for deploying FADs in [4.2.4](#), [4.2.5](#), and [4.2.6](#) above.

Mooring lines attached to anchored FADs must be sufficiently weighted along their length such that if the FAD becomes detached, the line will sink to the sea floor.

Other FAD Management measures will be further developed pending outcomes of work being conducted nationally and at the WCPFC level and this Plan will be amended accordingly.

The Authority shall not approve the deployment of an anchored FAD if the proposed location is within 5 nautical miles of another anchored FAD or a submerged reef.

5. Administration

5.1. FAD Register

The Authority shall keep a register of deployed FADs in order to manage the number of deployed FADs (both drifting and anchored) and to monitor location of anchored FADs. The Authority shall keep the details held on the register confidential, and shall only use the information on the register when reviewing applications to deploy FADs or for research and reporting purposes where commercial confidentiality is not threatened. In addition, the Authority may use information held on the register as part of any investigation into alleged breach of the provisions of this Plan or any other FSM fishery management provision.

5.2. Replacing Lost FADs

A vessel master shall notify the Authority that a FAD has been permanently lost by providing the following information:

- The date of last sighting of the FAD;
- The location (latitude and longitude) recorded in degrees and minutes of last sighting;
- The FAD number; and
- FAD Construction material.

The Authority will review this information and may give approval to deploy a replacement FAD depending on the circumstances.

5.3. FAD Ownership

This Plan does not create any property right over FADs or fish that may aggregate to them. No exclusivity of access is conferred when a particular vessel deploys a FAD in accordance with this Plan.

6. Review

This Plan shall be under continual review and may be amended at any time.