

Republic of the Philippines
Department of Agriculture
Elliptical Road, Diliman, Quezon City

FISHERIES ADMINISTRATIVE
ORDER NO. 237
Series of 2010

SUBJECT: Regulations Requiring the Installment of Juvenile and Trashfish Excluder Device (JTED) in Trawls in Philippine Waters

WHEREAS, there is an international growing concern on the capture of bycatches which have a significant ecological impact and cause mortality amongst fin-fish (particularly the juveniles of commercial fish species), as well as amongst benthic invertebrates, marine mammals, turtles and birds;

WHEREAS, bycatches which consist of juveniles of commercially valuable species and food-fish, also have an economic impact on the fishery resources and constitute a threat to food security and sustainable resources;

WHEREAS, the Food and Agriculture Organization on the United Nations (FAO) with the financial support from the Global Environment Facility (GEF) of the United Nations Environment Program (UNEP) initiated the project entitled "Reduction of Environmental Impact from Tropical Shrimp Trawling through the Introduction of Bycatch Reduction Technologies and Change of Management" to address issues on bycatch and reduce the negative impact resulting from the capture and the discard of unwanted catch and bycatch from shrimp trawl fisheries of which the Philippines is one of the twelve (12) participating countries;

WHEREAS, tropical shrimp trawling including the Philippine based fishery has been in focus considering the high incidence of bycatches and discards it generates than other types of fishery;

WHEREAS, the trawl fishery in the Philippines is a major industry contributing a significant portion of the fish production and provides food, livelihood and income to fishermen and other sectors of society;

WHEREAS, there is a need to reduce the incidence of bycatch including juveniles and other species (trashfish) to reduce ecological impact and promote sustainable use of resources and maintain biodiversity.

WHEREAS, devices to reduce the catch of juveniles and other non-target catch (discards/rejects) from the target commercial species are available and studies on the juvenile and trashfish excluder device (JTED) have identified practicable designs that reduce (38- 42%) juveniles/reject fish caught;

WHEREAS, trawl fisheries exist in major trawl fishing grounds of the country especially Lingayen Gulf, Manila Bay, San Miguel Bay, Visayan Sea, and Samar Sea, without any regulatory measures to reduce the capture of juveniles and other bycatch;

NOW THEREFORE, for and in consideration of the foregoing premises and pursuant to Sections 2(c), 29, 86 and 107 of Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998, this Order requiring the installation of Juvenile and Trashfish Excluder Device (JTED) for trawls in

Philippine waters is hereby promulgated for the information, guidance and compliance of all concerned.

SECTION 1. Scope and Coverage. - This Order shall cover all commercial trawls in Philippine waters.

Section 2. Definition. - The terms used in this order shall be construed as follows:

a. Bycatch - part of the catch taken incidentally with the target species toward which fishing effort is directed. It includes all non-target animals and nonliving material, including those that escape from the fishing gear during fishing operation and or not landed onboard. Some or all of the landed bycatch may be returned to the sea as discards, usually dead or dying

b. Bycatch reduction device (BRD) - a general term for all types of device to reduce the incidence (catch) of bycatch in fishing operations

c. Commercial fishing - the taking of fishery species by passive or active gears for trade, business or profit beyond subsistence or sport fishing, to be further classified as:

a. Small-scale commercial fishing - fishing with passive or active gears utilizing vessels of 3.1 to 20.0 GT

b. Medium-scale commercial fishing - fishing utilizing active gears and vessels of 20.1 to 150.0 GT; and

c. Large-scale commercial fishing - fishing utilizing active gears and vessels more than one hundred fifty (150) GT.

d. Commercial trawls - fishing boats more than three (3) gross tons using trawl or trawl net as defined in this Order.

e. Gonado-somatic index (GSI) - the ratio of the gonad and body weights of a fish.

f. Juvenile fish - small sized and sexually immature fish (or within maturity stages I & II or $GSI < 4$)

g. Juvenile and Trashfish Excluder Device (JTED) - a type of BRD designed to exclude or reduce catching of small fish - usually juveniles of commercially important species and trashfish - and other trash from the trawl.

a. V12 - is a rigid sorting grid JTED design with vertical bar of 12mm distance/spacing between bars.

b. H15 - is a rigid sorting grid JTED design with horizontal bar of 15 mm distance/spacing between bars.

h. Municipal fishing - refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels

i. Person - natural or juridical entities such as individuals, associations, partnership, cooperatives or corporations.

j. Philippine waters - include all bodies of water within the Philippine territory such as lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities, and barangays and the waters around between and connecting the islands of the archipelago regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all other waters

over which the Philippines has sovereignty and jurisdiction including the 200-nautical miles Exclusive Economic Zone and the continental shelf.

k. Trashfish - Usually small-sized fish with little or no commercial value that are either used as food-fish in aquaculture or thrown away or discarded aboard.

l. Trawl, trawl net - an active fishing gear consisting of a conical bag-shaped net with or without otter boards to open its opening which dragged or towed along the bottom through the water column to catch fishery species by straining them from the water, including all variations and modifications of trawls (bottom, mid-water, tow nets and baby trawls).

SECTION 3. Prohibition. - It shall be unlawful for any person to operate fishing boats using trawl nets, including all variations and modification of trawls without V12 or H15 JTEDs in Philippine waters. The construction and installation specifications are indicated in the attached device assembly technical data sheets are made an integral part hereof and shall be a requirement for the issuance of Commercial Fishing Vessel Gear License (CFVGL).

SECTION 4. Requisition of JTEDs. - Persons, associations, cooperatives, partnerships or corporations engaged in trawl fishing shall be given a grace period of three (3) months from the effectivity of this Order within which to conform and/or comply with this Order.

SECTION 5. Penal Clause. - The operator, boat captain or three (3) highest officers of the boat who violates this Order shall upon conviction be punished by a fine equivalent to the value of catch or Ten Thousand Pesos (P10,000.00) whichever is higher, and imprisonment of six (6) months, confiscation of catch and fishing gears, and automatic revocation of license.

SECTION 6. Repealing Clause. - All orders, rules and regulations or parts thereof including relevant provisions of FAO 198, which are inconsistent with this Order are hereby repealed or amended accordingly.

SECTION 7. 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 and fifteen (15) days after registration with the office of the National Administrative Register.

Issued this 29th day of October 2010 in Quezon City, Metro Manila, Philippines.

SIGNED

PROCESO J. ALCALA

Secretary

Recommending Approval:

SIGNED

MALCOLM I. SARMIENTO, JR.

BFAR Director

SIGNED

SALVADOR S. SALACUP

Chairman, NFARMC

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