



# NOAA FISHERIES

## Pacific Islands Regional Office

## Compliance Guide Observer Requirements in Purse Seine Fisheries

June 2016

This guide provides information on how permit holders, owners and operators of U.S. purse seine vessels can comply with regulations implementing observer requirements for U.S. purse seine vessels operating in the western and central Pacific Ocean (WCPO). The final regulations were published in the *Federal Register* on June 24, 2016, and will be available in the *Code of Federal Regulations* at 50 CFR 300.215 and 300.223. The final rule and supporting documents are available on the Federal e-Rulemaking Portal, at [www.regulations.gov](http://www.regulations.gov) (search for Docket ID NOAA-NMFS-2016-0031)

These regulations are subject to change. Any discrepancy between the contents of this guide and regulations will be resolved in favor of regulations published in the *Federal Register* and codified in the *Code of Federal Regulations*.

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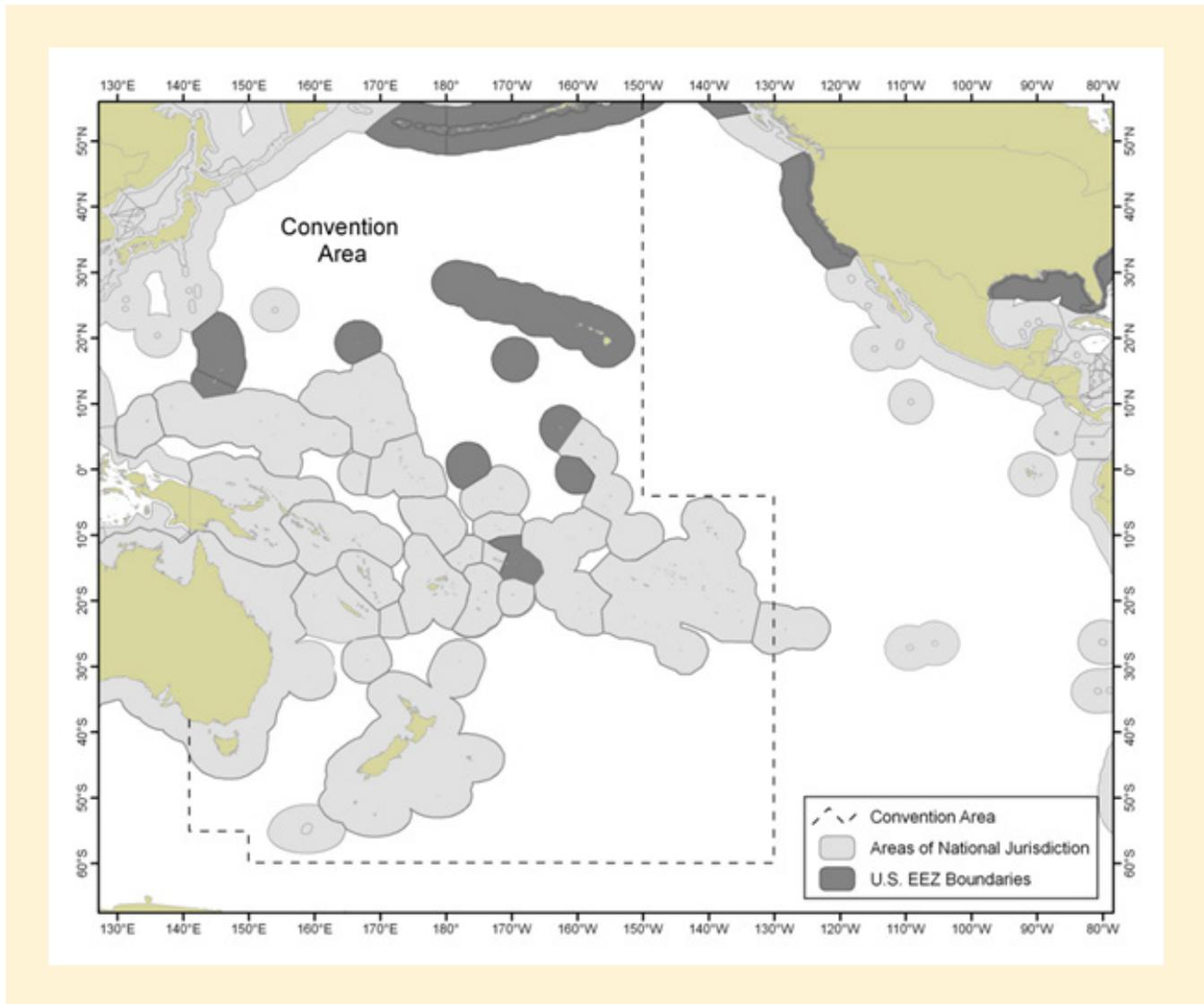
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# Area of Application

The requirements described in this guide apply to the Convention Area, which is depicted in Figure 1.

**Figure 1. The Convention Area: high seas (white); U.S. Exclusive Economic Zone (dark gray); and foreign claimed maritime jurisdictions (light gray).**



# Explanation of the Regulations

A fishing vessel of the United States may not be used to fish with purse seine gear in the Convention Area without a WCPFC observer on board, except as described in the questions and answers below.

## Key Questions and Answers:

### Question 1: What is a WCPFC observer?

**Answer:** A WCPFC observer means a person authorized by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) in accordance with any procedures established by the WCPFC to undertake vessel observer duties as part of the WCPFC's Regional Observer Programme (ROP). As of the writing of this compliance guide, such observers include any observer deployed as part of a NMFS-administered observer program, and any observer deployed as part of the observer program administered by the Pacific Islands Forum Fisheries Agency (FFA).

### Question 2: Is this observer requirement in addition to the observer requirement under the South Pacific Tuna Treaty (SPTT)? How are the two requirements related?

**Answer:** Because FFA-deployed observers are currently authorized as WCPFC observers, carrying an FFA-deployed observer on your vessel will satisfy both this requirement and the observer requirement under the South Pacific Tuna Treaty.

### Question 3: Do I still need to have a WCPFC observer on board if my fishing trip is limited to areas within the U.S. EEZ?

**Answer:** You must have a WCPFC observer on board even if your fishing trip is limited to areas within the U.S. EEZ.

### Question 4: Are there any exceptions to the observer requirements? Do I need to carry a WCPFC observer on all fishing trips?

**Answer:** Generally, you need to carry a WCPFC observer on all fishing trips. However, if no fishing takes place during the fishing trip in the Convention Area in the area between 20° N. latitude and 20° S. latitude, you do not need to carry a WCPFC observer. Also, if the portion of the fishing trip within the Convention Area takes place entirely within areas under the jurisdiction of a single foreign nation, you do not need to carry a WCPFC observer under these regulations. However, in that case it is likely that you will be required by the foreign nation to carry an observer.

### Question 5: What are my responsibilities and obligations with respect to WCPFC observers?

**Answer:** Vessel operators and crew must allow and assist WCPFC observers to do the following: embark at a place and time determined by NMFS or otherwise agreed to by NMFS and the vessel operator; have access to and use of all facilities and equipment on board as necessary; remove samples; disembark at a place and time determined by NMFS or otherwise agreed to by NMFS and the vessel operator; and carry out all duties safely. Vessel operators must provide WCPFC observers with food, accommodation, and medical facilities at no expense to the observer. Vessel operators and crew must not assault, obstruct, resist, delay, refuse boarding to, intimidate, harass or interfere with WCPFC observers in the performance of their duties, or attempt to do any of the same.

**Question 6: Must I carry a WCPFC observer if I am merely transiting, and not fishing?**

**Answer:** No – this requirement only applies to trips during which any fishing takes place. If you are going to transit and you do not want to carry an observer, you are advised (but not required under these regulations) to notify the NMFS American Samoa Field Office and the FFA in advance of the trip. You are also advised to keep your fishing gear stowed during the entire trip. You are required to keep your fishing gear stowed when on the high seas without a valid WCPFC Area Endorsement, in an area under the jurisdiction of a foreign nation without an authorization by that nation to fish in that area, or in an area designated as a Closed Area under the SPTT regulations, pursuant to the regulations at 50 CFR 300.221(c) and 50 CFR 300.36.

