



DRAFT IUU VESSEL LIST FOR 2016

**Circulated to CCMs by July 30 2015, in accordance with paragraph 6 of
CMM 2010-06**

**Revised 26 August 2015_to include an attachments that was omitted in
Secretariats circular**

SUPPORTING DOCUMENTATION ATTACHMENT 4:

**Case 2015_C-F_rev1: Letter from Acting Executive Director, National Oceanic
Resources Management Authority to Philippines,**

received by WCPFC on 14 July 2015

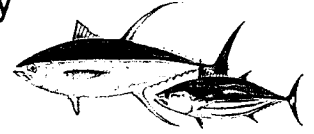


National Oceanic Resource Management Authority

FSM NATIONAL GOVERNMENT

P.O. BOX PS122

PALIKIR, POHNPEI, FEDERATED STATES OF MICRONESIA 96941



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July 14, 2015

Executive Director
Western and Central Pacific Fisheries Commission
Kolonias, Pohnpei

Dear Executive Director

Illegal Fishing and Illegal Transshipment in FSM EEZ by the following Phillipine flagged vessels:

- 1.** Lady Evelyn-8
- 2.** F/B El Nino
- 3.** F/B TS 2004
- 4.** F/B TS 2012-C
- 5.** Super Salorru
- 6.** Gene 03
- 7.** F/V Master Rustin-2
- 8.** Lady Evelyn-38
- 9.** F/V Master Rustin-4
- 10.** F/V Lady Gelaine-18

Pursuant to CMM_2010-06, the Federated States of Micronesia, (FSM) hereby transmits a list of vessels presumed to be carrying out IUU activities in the Convention Area in 2014 and 2015 – refer to Table 1. A case package for each vessel is also attached. These illegal activities have been ongoing since 2013, therefore the FSM is also including the illegal activities of some of these vessels for 2013.

In addition, the FSM would like to state that on April 24, 2015, a letter had been sent to the Director, and the Assistant Director of Bureau of Fisheries and Aquatic Resources in Phillipines advising them of the alleged illegal activities of their fishing vessels and requesting them to investigate the activities and report to the FSM within two months. To date, no response has been received. A copy of the letter is attached as Annex G.

Table 1.

	Vessel Name	Type	IRCS	WCPF RFV	IUU activity in FSM	Date of IUU activity	Reference
1	Lady Evelyn-8	Purse Seine fishing vessel	DUL-6657	Active	Illegal fishing Illegal transshipment with F/B TS 2012-C	30/10/2013 11:00 p.m	See Annex A for details
2	F/B TS 2012-C	Fish Carrier	DUM-2810	Active	Illegal transshipment	30/10/2013 11:00 a.m	See Annex A for details
3	F/B TS 2004	Purse Seine fishing vessel	DUM-6237	Active	Illegal fishing Illegal transshipment	30/10/2013 11:00 p.m	See Annex A for details
4	F/B El Nino	Fish Carrier	DUM-6579	Active	Illegal transshipment	30/10/2013 9:00 p.m	See Annex A for details
5	F/B Super Salorru	Purse Seine fishing vessel	DUL-6104	Active	Illegal transshipment with carrier F/B Gene-03	27/11/2013 9:00 p.m 28/11/2013 9:00 p.m	See Annex B for details
6	F/B Gene-03	Fish Carrier	DUM-2698	Active	Illegal transshipment with Purse Seine fishing vessel F/B Super Salorru	27/11/2013 10:00 p.m 28/11/2013 9:00 p.m	See Annex B for details
7	F/B Master Rustin-2	Fish Carrier	DUM-2832	Active	Illegal transshipment with Purse Seine fishing vessel Lady Evelyn-8	1/12/2013 11:00 p.m	See Annex C for details
8	Lady Evelyn-8	Purse Seine Fishing Vessel	DUL-6657	Active	Illegal fishing, Illegal transshipment with Master Rustin-2	1/12/2013 11:00 p.m	See Annex C for details
9	F/B Master Rustin-4	Fish Carrier	DUM-2834	Active	Illegal transshipment with Purse	14/5/2014	See Annex D for details

					Seine Fishing Vessel Lady Evelyn-38		
10	Lady Evelyn-38	Purse Seine Fishing Vessel	DUM-2828	Active	Illegal transshipment with Master Rustin-4	14/5/2014	See Annex D for details
11	Lady Evelyn-8	Purse Seine Fishing Vessel	DUL-6657	Active	Illegal transshipment with Lady Gelaine-18	31/1/2015	See Annex E for details
12	Lady Gelaine-18	Fish Carrier	DUM-2830	Active	Illegal transshipment with Lady Evelyn-8	31/1/2015	See Annex E for details
13	Lady Gelaine-18	Fish Carrier	DUM-2830	Active	Illegal transshipment with Lady Evelyn-8	2/2/2015	See Annex F for details
14	Lady Evelyn-8	Purse Seine Fishing Vessel	DUL-6657	Active	Illegal transshipment with Lady Gelaine-18	2/2/2015	See Annex F for details

Attached as Annex A - F is a consolidated package, which sets out the details of the IUU activities and a snapshot of the illegal fishing and transshipment taking place within the FSM exclusive economic zone. The Annexes are referenced in table 1 above.

From our investigation of this matter, the following vessels have violated the following FSM laws:

1. IUU activities of Lady Evelyn-8

Violation 1.

Illegal fishing on October 30, 2013, in the FSM EEZ, which is supported from her vms track in the FSM EEZ, refer to ANNEX A. Lady Evelyn-8 does not have a licence to fish in the FSM EEZ, so this vessel is in violation of section 907 of the Marine Resources Act of 2002, (hereinafter, Title 24).

The fishing master and operators of the vessel in contravening section 907 of Title 24, are each separately liable for a penalty for fishing without a valid and applicable permit in the FSM EEZ on October 30, 2013, to a fine of not less than \$100,000, and not more than \$1,000,000.

Violation 2

Illegal transshipment on October 30, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX A. In the snapshot, Lady Evelyn-8 and F/B TS 2012-C, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.
- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.
- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

Violation 3

Illegal fishing on December 1, 2013, in the FSM EEZ, which is supported from her vms track in the FSM EEZ, refer to ANNEX C. Lady Evelyn-8 does not have a licence to fish in the FSM EEZ, so this vessel is in violation of section 907 of the Marine Resources Act of 2002, (hereinafter, Title 24).

The fishing master and operators of the vessel in contravening section 907 of Title 24, are each separately liable for a penalty for fishing without a valid and applicable permit in the FSM EEZ on December 1, 2013, to a fine of not less than \$100,000, and not more than \$1,000,000.

Violation 4

Illegal transshipment on December 1, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX C. In the snapshot, Lady Evelyn-8 and F/V Master Rustin-2, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.
- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.
- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

Violation 5

Illegal transshipment on January 31, 2015, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX E. In the snapshot, Lady Evelyn-8 and F/V Lady Gelaine-18, a fish carrier

were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

Violation 6

Illegal transshipment on February 2, 2015, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX F. In the snapshot, Lady Evelyn-8 and F/V Lady Gelaine-18, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and

(d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

(2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

(3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

2. IUU activities of F/B TS 2012-C

Violation 1.

Illegal transshipment on October 30, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX A. In the snapshot, Lady Evelyn-8 and F/B TS 2012-C, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

3. IUU activities of F/B TS 2004

Violation 1.

Illegal fishing on October 30, 2013, in the FSM EEZ, which is supported from her vms track in the FSM EEZ, refer to ANNEX A. F/B TS 2004 does not have a licence to fish in the FSM EEZ, so this vessel is in violation of section 907 of the Marine Resources Act of 2002, (hereinafter, Title 24).

The fishing master and operators of the vessel in contravening section 907 of Title 24, are each separately liable for a penalty for fishing without a valid and applicable permit in the FSM EEZ on October 30, 2013, to a fine of not less than \$100,000, and not more than \$1,000,000.

Violation 2

Illegal transshipment on October 30, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX A. In the snapshot, F/B TS 2004 and F/B El Nino, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.
- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.
- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

4. IUU activities of F/B El Nino

Violation 1.

Illegal transshipment on October 30, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX A. In the snapshot, F/B TS 2004 and F/B El Nino, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

5. IUU activities of F/B Super Salorru

Violation 1.

Illegal transshipment on November 27, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX B. In the snapshot, F/B Super Salorru and F/B Gene-03, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.
- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.
- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

Violation 2.

Illegal transshipment on November 28, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX B. In the snapshot, F/B Super Salorru and F/B Gene-03, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:

- (a) Not transship at sea under any circumstances;
- (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
- (c) Only transship at the time and port authorized for transshipment; and
- (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

(2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

(3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

6. IUU activities of F/B Gene-03

Violation 1.

Illegal transshipment on November 27, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX B. In the snapshot, F/B Super Salorru and F/B Gene-03, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

Violation 2.

Illegal transshipment on November 28, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX B. In the snapshot, F/B Super Salorru and F/B Gene-03, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

7. IUU activities of F/V Master Rustin-2

Violation 1.

Illegal transshipment on December 1, 2013, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX C. In the snapshot, Lady Evelyn-8 and F/V Master Rustin-2, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

8. IUU activities of F/B Master Rustin-4

Violation 1

Illegal transshipment on May 14, 2014, in the FSM EEZ, which is supported from the vms snapshot – refer to **ANNEX D**. In the snapshot, Lady Evelyn-38, a purse-seine fishing vessel and F/V Master Rustin-4, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

9. IUU activities of Lady Evelyn-38

Violation 1

Illegal transshipment on May 14, 2014, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX D. In the snapshot, Lady Evelyn-38, a purse-seine fishing vessel and F/V Master Rustin-4, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

10.IUU activities of F/V Lady Gelaine-18

Violation 1.

Illegal transshipment on January 31, 2015, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX E. In the snapshot, Lady Evelyn-8, a purse-seine fishing vessel and F/V Lady Gelaine-18, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

Violation 2

Illegal transshipment on February 2, 2015, in the FSM EEZ, which is supported from the vms snapshot – refer to ANNEX F. In the snapshot, Lady Evelyn-8, a purse-seine fishing vessel and F/V Lady Gelaine-18, a fish carrier were close together, conducting illegal transshipment. This is a violation of section 407 of the Title 24, which provides as follows:

Section 407. Related activities – transshipment

- (1) The operator of a foreign fishing vessel shall:
 - (a) Not transship at sea under any circumstances;
 - (b) Provide seventy-two (72) hour notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia;
 - (c) Only transship at the time and port authorized for transshipment; and
 - (d) Submit full reports on transshipping on such forms as may be required by the Authority or prescribed by regulation.

- (2) During transshipment in the Federated States of Micronesia the foreign party and operator of each vessel shall comply with all applicable National and State laws and regulations in the Federated States of Micronesia relating to protection of the environment, including without limitation, sewage holding tank requirements.

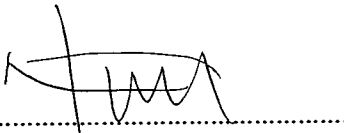
- (3) Any person who violates subsection (1)(a), (1)(c), (1)(d) or (2) of this section shall be subject to a civil penalty of not less than \$75,000 and not more than \$275,000.

The fishing master and operators of the vessel in contravening section 407 of Title 24, are each separately liable to a fine of not less than \$75,000, and not more than \$275,000.

In addition to the above actions, FSM would like to emphasize that the actions of the vessel fishing master and operators have undermined the effectiveness of WCPFC conservation and management measures, and that the vessel has engaged in IUU fishing as defined in CMM 2010-06 paragraph 3(b) by conducting fishing activities within the national jurisdiction of the FSM without appropriate permission, and in contravention of FSM's national laws and regulations.

Hence, in accordance with CMM 2010-06 (Conservation and Management Measure to Establish a List of Vessels Presumed to have carried out Illegal, Unreported and Unregulated fishing activities in the WCPO), FSM asks that the vessels be placed on the draft IUU List.

Yours sincerely,



Limanaman Helgenberger
Acting Executive Director
National Oceanic Resources Management Authority

CC: Phillipine authorities

Attachments:

- Annex A** – vms snapshot October 30, 2013
- Annex B** – vms snapshot November 27 & 28, 2013
- Annex C** – vms snapshot December 1, 2013
- Annex D** – vms snapshot May 14, 2014
- Annex E** – vms snapshot January 31, 2015
- Annex F** – vms snapshot February 2015
- Annex G** – FSM letter to Phillipines dated April 24, 2015

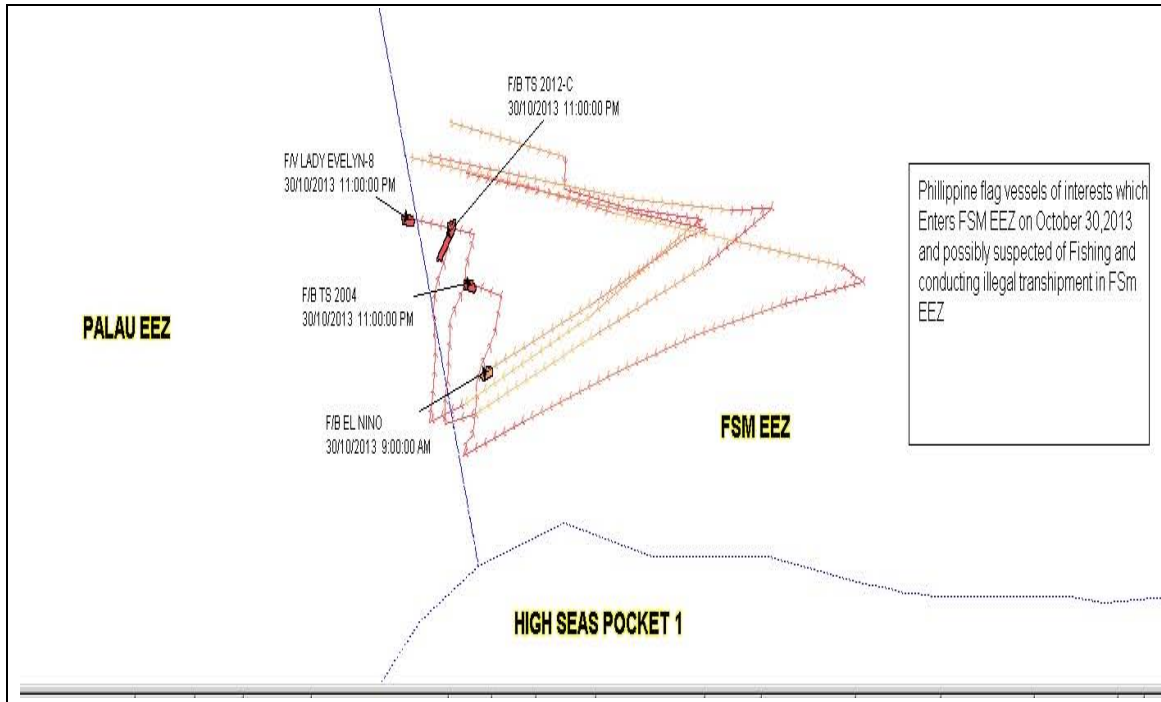
INCIDENT 1

The following Philippine flag vessels entered FSM EEZ on 30 October 2013 and suspected of possible fishing and illegal transshipment in FSM EEZ.

Vessels

Name	Type	IRCS	WCPFC RFV
F/V Lady Evelyn-8	Purse Seine	DUL-6657	Active
F/B TS 2012-C	Fish Carrier	DUM-2810	Active
F/B TS 2004	Purse Seine	DUM-6237	Active
F/B El Nimo	Fish Carrier	DUM-6579	Active

Snapshot from WCPFC VMS



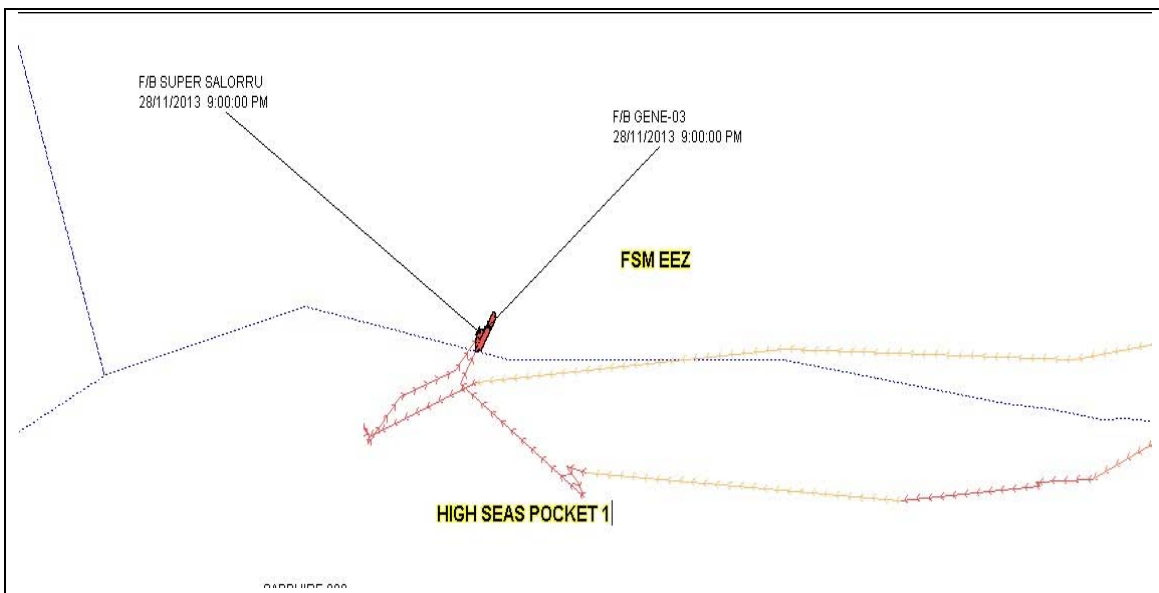
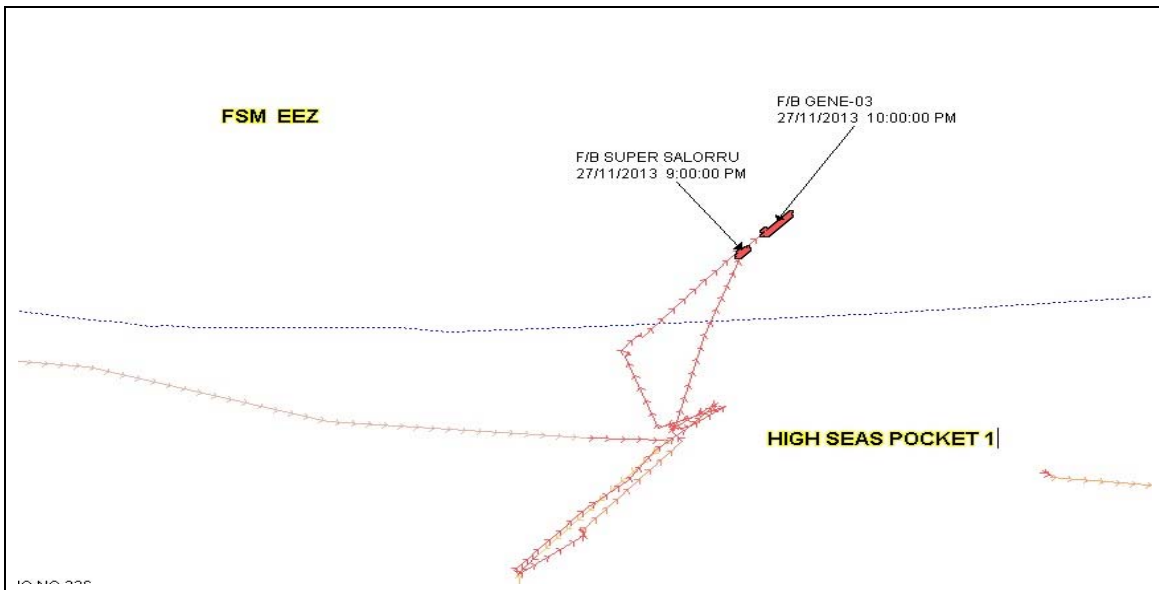
INCIDENT 2

The following Philippine flag vessels entered FSM EEZ on or about 27 and 28 November 2013 and suspected of possible fishing and illegal transshipment in FSM EEZ.

Vessels

Name	Type	IRCS	WCPFC RFV
F/B Super Salorru	Purse Seine	DUL-6104	Active
F/B Gene-03	Fish Carrier	DUM-2698	Active

Snapshot from WCPFC VMS



IRCS	NAME OF VESSEL	DATE	TIME (GMT)	LAT	LONG	SPEED	COURSE	PORTING STATUS
DUL-6104	F/B SUPER SALORRU	27/11/2013	8:00:00 PM	4° 59.8260' N	137° 37.4939' E	0 km/hr	44.59	11 Normal
DUL-6104	F/B SUPER SALORRU	27/11/2013	9:00:00 PM	5° 00.9839' N	137° 38.6400' E	0 km/hr	51.53	11 Normal
DUL-6104	F/B SUPER SALORRU	27/11/2013	10:00:00 PM	5° 02.0100' N	137° 39.9360' E	0 km/hr	269.27	11 Normal
DUL-6104	F/B SUPER SALORRU	27/11/2013	11:00:00 PM	5° 01.9800' N	137° 37.5660' E	0 km/hr	258.71	11 Normal
DUL-6104	F/B SUPER SALORRU	28/11/2013	12:00:00 AM	5° 00.8820' N	137° 32.0459' E	0 km/hr	260.96	11 Normal
DUL-6104	F/B SUPER SALORRU	28/11/2013	1:00:00 AM	4° 59.8800' N	137° 25.7220' E	0 km/hr	261.67	11 Normal
DUL-6104	F/B SUPER SALORRU	28/11/2013	2:00:00 AM	4° 58.9440' N	137° 19.3079' E	0 km/hr	271.58	11 Normal
DUL-6104	F/B SUPER SALORRU	28/11/2013	3:00:00 AM	4° 59.1060' N	137° 13.4280' E	0 km/hr	265.25	11 Normal
DUL-6104	F/B SUPER SALORRU	28/11/2013	9:00:00 PM	4° 59.3460' N	137° 07.2839' E	0 km/hr	53.03	11 Normal
DUL-6104	F/B SUPER SALORRU	28/11/2013	10:00:00 PM	4° 59.9400' N	137° 08.0760' E	0 km/hr	50.09	11 Normal
DUL-6104	F/B SUPER SALORRU	28/11/2013	11:00:00 PM	5° 00.6600' N	137° 08.9400' E	0 km/hr	50.09	11 Normal
DUM-2698	F/B GENE-03	27/11/2013	9:00:00 PM	5° 01.0079' N	137° 38.7180' E	0 km/hr	45.05	11 Normal
DUM-2698	F/B GENE-03	27/11/2013	10:00:00 PM	5° 02.0579' N	137° 39.7740' E	0 km/hr	278.69	11 Normal
DUM-2698	F/B GENE-03	27/11/2013	11:00:00 PM	5° 02.5199' N	137° 36.7380' E	0 km/hr	258.94	11 Normal
DUM-2698	F/B GENE-03	28/11/2013	12:00:00 AM	5° 01.6680' N	137° 32.3640' E	0 km/hr	252.66	11 Normal
DUM-2698	F/B GENE-03	28/11/2013	1:00:00 AM	5° 00.2999' N	137° 27.9660' E	0 km/hr	251.82	11 Normal
DUM-2698	F/B GENE-03	28/11/2013	2:00:00 AM	4° 58.9080' N	137° 23.7120' E	0 km/hr	246.01	11 Normal
DUM-2698	F/B GENE-03	28/11/2013	9:00:00 PM	4° 59.4240' N	137° 07.4160' E	0 km/hr	51.23	11 Normal
DUM-2698	F/B GENE-03	28/11/2013	10:00:00 PM	4° 59.9520' N	137° 08.0760' E	0 km/hr	50.28	11 Normal
DUM-2698	F/B GENE-03	28/11/2013	11:00:00 PM	5° 00.6720' N	137° 08.9460' E	0 km/hr	50.28	11 Normal

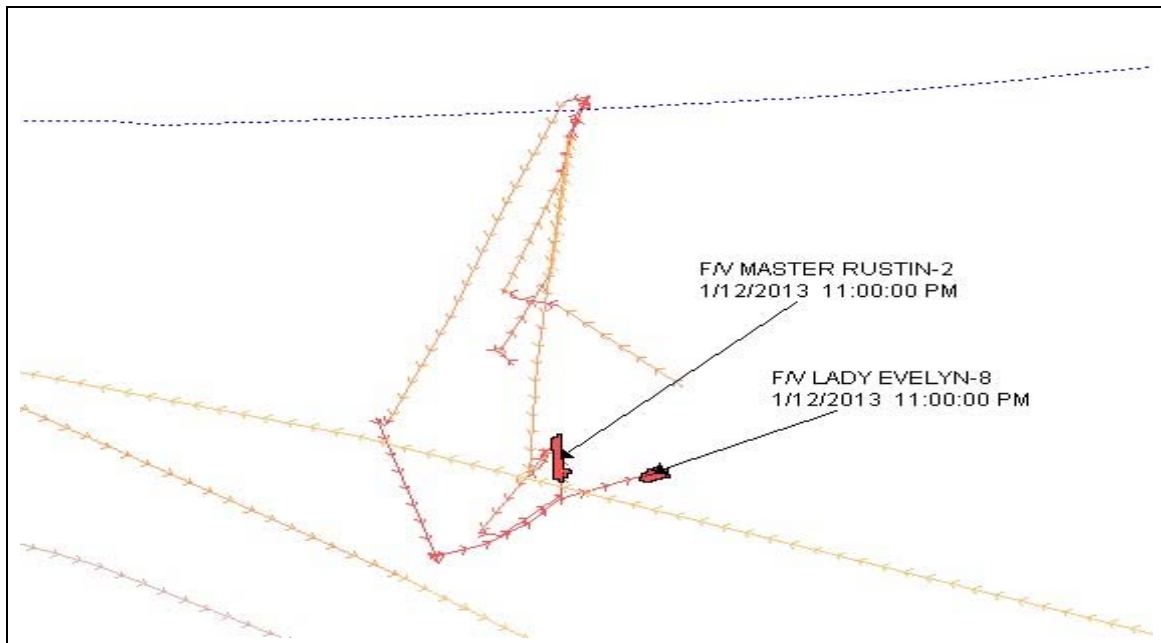
INCIDENT 3

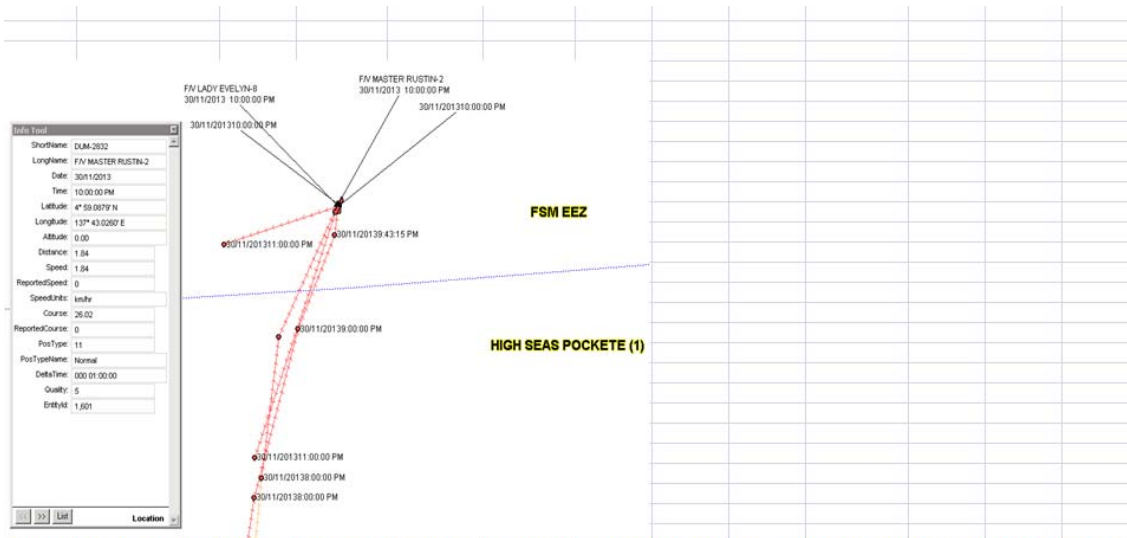
The following Philippine flag vessels entered FSM EEZ on or about 01 December 2013 and suspected of possible fishing and illegal transshipment in FSM EEZ.

Vessels

Name	Type	IRCS	WCPFC RFV
F/B Master Rustin-2	FC	DUM-2832	Active
F/V Lady Evelyn-8	PS	DUL-6657	Active

Snapshot from WCPFC VMS





ANNEX C. SNAPSHOTS AND COORDINATES SUPPORTING FSM'S ALLEGATION OF ILLEGAL FISHING AND TRANSHIPMENTS BY F/V LADY EVELYN-8 AND F/V MASTER RUSTIN-2 ON 30 NOV 2013

IRCS	NAME OF VESSEL	DATE	TIME (GMT)	LAT	LONG	SPEED	COURSE	MTU REPORTING
DUL-6657	F/V LADY EVELYN-8	30/11/2013	9:43:15 PM	4° 58.8839' N	137° 43.0020' E	0 km/hr	7.1	64 Power On
DUL-6657	F/V LADY EVELYN-8	30/11/2013	10:00:00 PM	4° 59.0760' N	137° 43.0260' E	0 km/hr	252.87	11 Normal
DUL-6657	F/V LADY EVELYN-8	30/11/2013	11:00:00 PM	4° 58.8180' N	137° 42.1860' E	0 km/hr	202.04	11 Normal
DUM-2832	F/V MASTER RUSTIN-2	30/11/2013	10:00:00 PM	4° 59.0879' N	137° 43.0260' E	0 km/hr	199.69	11 Normal

INCIDENT 4

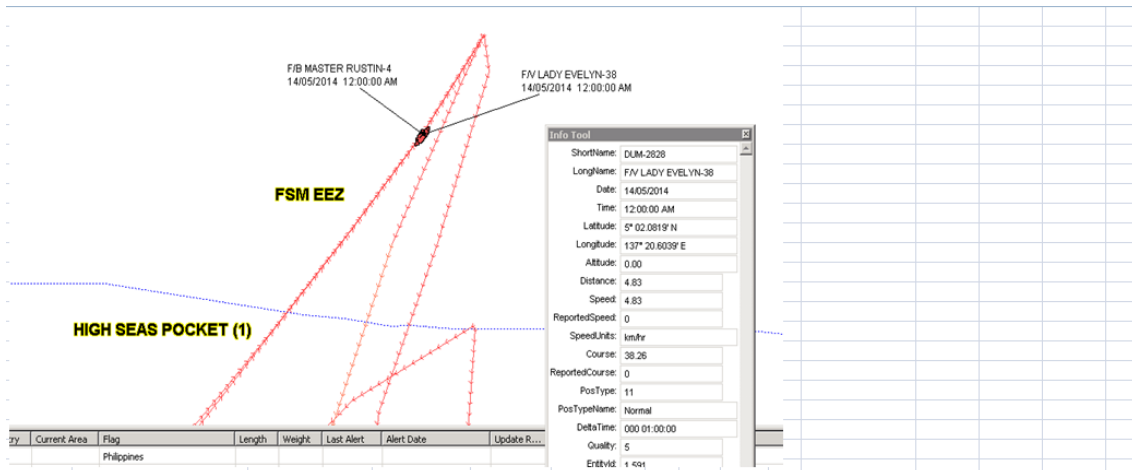
The following Philippine flag vessels entered FSM EEZ on or about 14 May 2014 and suspected of possible fishing and illegal transshipment in FSM EEZ.

Vessels

Name	Type	IRCS	WCPFC RFV
F/V Lady Evelyn-38	Purse Seine	DUM-2828	Active
F/B Master Rustin-4	Fish Carrier	DUM-2834	Active

Snapshot from FFA Regional Surveillance Picture (RSP)





ANNEX F. SNAPSHOTS AND COORDINATES SUPPORTING FSM'S ALLEGATION OF ILLEGAL FISHING AND TRANSHIPMENTS BY F/V LADY EVELYN-38 AND F/V MASTER RUSTIN-4 ON 14 MAY 2014

IRCS	NAME OF VESSEL	DATE	TIME	LAT	LONG	SPEED	COURSE	MTU REPORTING
DUM-2834	F/B MASTER RUSTIN-4	13/05/2014	11:00:00 PM	5° 00.0540' N	137° 18.9840' E	4.8 km/hr	38.53	11 Normal
DUM-2834	F/B MASTER RUSTIN-4	14/05/2014	12:00:00 AM	5° 02.0880' N	137° 20.6100' E	4.7 km/hr	33.66	11 Normal
DUM-2834	F/B MASTER RUSTIN-4	14/05/2014	1:00:00 AM	5° 04.1879' N	137° 22.0140' E	1.9 km/hr	206.9	11 Normal
DUM-2834	F/B MASTER RUSTIN-4	14/05/2014	2:00:00 AM	5° 03.2820' N	137° 21.5520' E	7.2 km/hr	204.9	11 Normal
DUM-2828	F/V LADY EVELYN-38	13/05/2014	11:00:00 PM	5° 00.0360' N	137° 18.9840' E	4.8 km/hr	38.26	11 Normal
DUM-2828	F/V LADY EVELYN-38	14/05/2014	12:00:00 AM	5° 02.0819' N	137° 20.6040' E	4.7 km/hr	33.74	11 Normal
DUM-2828	F/V LADY EVELYN-38	14/05/2014	1:00:00 AM	5° 04.1760' N	137° 22.0080' E	1.5 km/hr	172.1	11 Normal
DUM-2828	F/V LADY EVELYN-38	14/05/2014	2:00:00 AM	5° 03.4020' N	137° 22.1160' E	7 km/hr	197.8	11 Normal

Snapshot from the WCPFC VMS

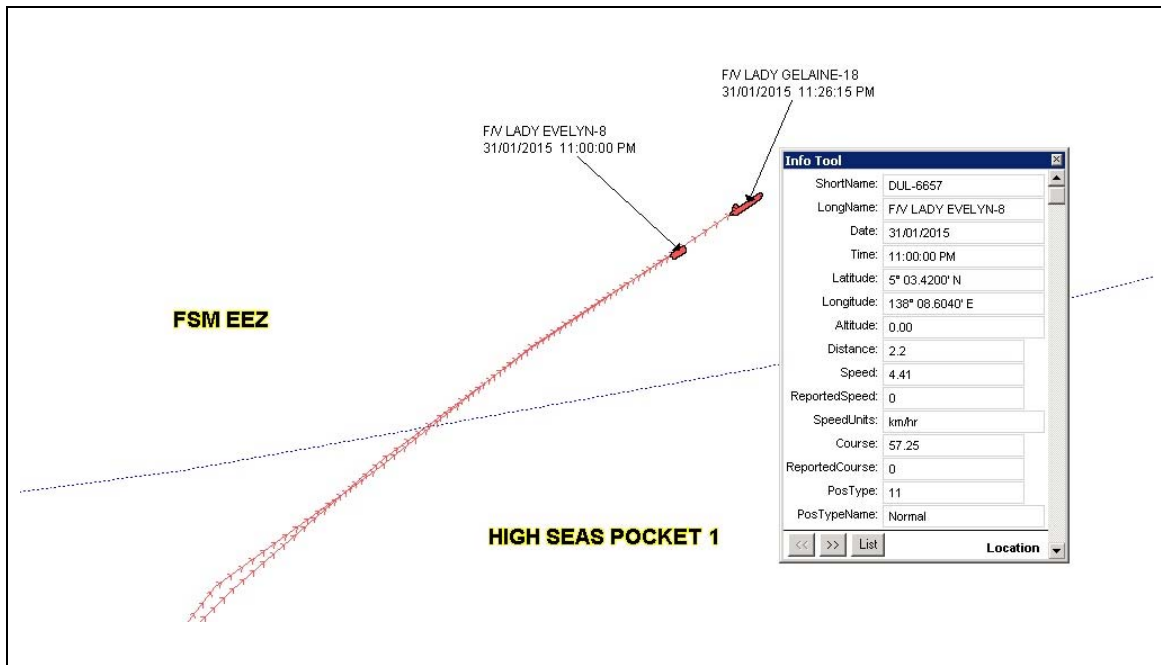
INCIDENT 5

The following Philippine flag vessels entered FSM EEZ on or about 31 January 2015 and suspected of possible fishing and illegal transshipment in FSM EEZ.

Vessels

Name	Type	IRCS	WCPFC RFV
F/V Lady Evelyn-8	Purse Seiner	DUL-6657	Active
F/V Lady Gelaine-18	Fish Carrier	DUM-2830	Active

Snapshot from WCPFC VMS



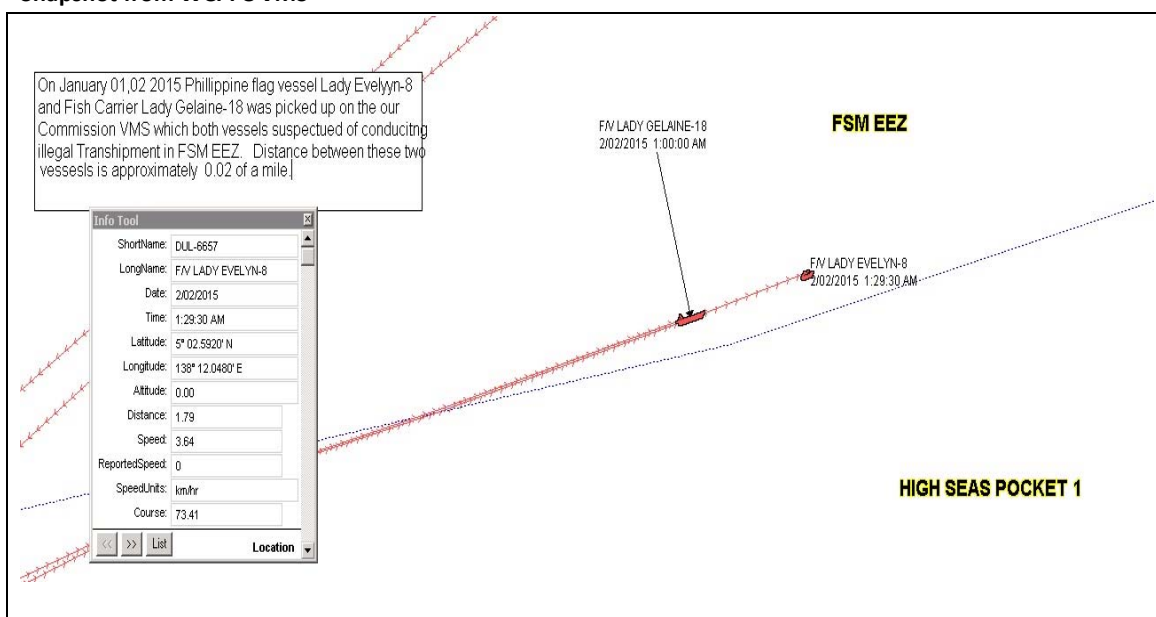
INCIDENT 6

The following Philippine flag vessels entered FSM EEZ on or about 01 and 02 February 2015 and suspected of possible fishing and illegal transshipment in FSM EEZ.

Vessels

Name	Type	IRCS	WCPFC RFV
F/V Lady Galaine-18	FC	DUM-2830	Active
F/V Lady Evelyn-8	PS	DUL-6657	Active

Snapshot from WCPFC VMS



IRCS	NAME	DATE	TIME	LAT	LONG	SPEED	COURSE	TU REPORTING STATUS
DUM-2830	F/V LADY GELAINE-18	2/2/2015	1:00:00 AM	5° 02.3280	138° 11.11	3.47 km/hr	71.5	11 Normal
DUM-2830	F/V LADY GELAINE-18	2/2/2015	2:00:00 AM	5° 02.9220	138° 12.90	2.77 km/hr	75.58	11 Normal
DUM-2830	F/V LADY GELAINE-18	2/2/2015	3:00:00 AM	5° 03.2939	138° 14.35	2.46 km/hr	70.76	11 Normal
DUM-2830	F/V LADY GELAINE-18	2/2/2015	5:00:00 AM	5° 03.1020	138° 13.57	6.79 km/hr	259.05	11 Normal
DUM-2830	F/V LADY GELAINE-18	2/2/2015	6:00:00 AM	5° 02.4059	138° 09.95	6.95 km/hr	253.35	11 Normal
DUL-6657	F/V LADY EVELYN-8	2/2/2015	1:00:00 AM	5° 02.3160	138° 11.11	3.64 km/hr	73.41	11 Normal
DUL-6657	F/V LADY EVELYN-8	2/2/2015	1:29:30 AM	5° 02.5920	138° 12.04	3.32 km/hr	69.59	64 Power On
DUL-6657	F/V LADY EVELYN-8	2/2/2015	2:00:00 AM	5° 02.9100	138° 12.90	2.77 km/hr	75.58	11 Normal
DUL-6657	F/V LADY EVELYN-8	2/2/2015	3:00:00 AM	5° 03.2820	138° 14.35	2.44 km/hr	86.61	11 Normal
DUL-6657	F/V LADY EVELYN-8	2/2/2015	4:00:00 AM	5° 03.3600	138° 15.67	4.41 km/hr	231.52	11 Normal



National Oceanic Resource Management Authority

FSM NATIONAL GOVERNMENT

P.O. Box PS122

PALIKIR, POHNPEI, FEDERATED STATES OF MICRONESIA 96941



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April 24, 2015

Atty. Asis G. Perez

Director

Bureau of Fisheries and Aquatic Resources

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REF: Alleged Illegal Activities in FSM EEZ

Dear Director Perez:

Over the past couple of years and more recently, the FSM has observed approximately eight activities of the Philippine flag vessels operating in the western high seas pocket entering the FSM EEZ and remaining within the FSM EEZ for a period of time. The FSM views these activities as suspicious activities and may be operating in contravention of FSM laws and regulations and in contravention of agreed measures by the WCPFC for the Philippine flag vessels to operate in the western high seas pockets. The alleged activities may include illegal fishing and illegal transshipments in the FSM EEZ among others.

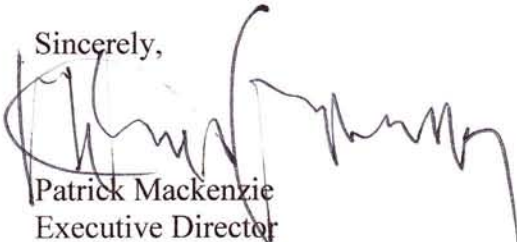
A detailed summary of each of these eight alleged illegal activities, with supporting evidence are attached and form part of this letter. The FSM views these activities with very serious concerns and will take measures to investigate these activities with the view of taking legal action against those that violate our national laws and regulations.

The FSM draws to your attention Article 24 (Duty of Flag States) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) to ensure vessels flying your flag do not conduct activities that undermine conservation and management measures adopted by the Commission and do not conduct unauthorized fishing in areas under the national jurisdiction of another Commission Member.

Pursuant to Article 25 (2) of the Convention, the FSM request that the Philippine Government fully investigate these activities and report to the FSM within two months the progress of the investigations including details of any action taken or proposed to be taken in relation to the alleged violations by your fishing vessels.

Thank you for your time and attention to this important request. We are requesting the WCPFC Secretariat to circulate this communication to all commission members.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Mackenzie', is written over a rectangular box. The signature is fluid and cursive.

Patrick Mackenzie
Executive Director
National Oceanic Resource Management Authority

CC: Executive Director, WCPFC

Attachments

ALLEGATION 1: ILLEGAL FISHING AND POSSIBLE ILLEGAL TRANSSHIPMENT, OCTOBER 30, 2013

F/B EL-NINO (MOTHER SHIP) & LADY EVELYN 8 (PURSE-SEINER)

F/B TS-2004 (PURSE-SEINER) & F/B LB EBS-4 (CARRIER)

FACTS AND EVIDENCE SUPPORTING ALLEGATIONS – EL-NINO & LADY EVELYN

1. On or about October 30, 2013, at 03'00 GMT, Lady Evelyn 8 with IRCS DUL - 6657 and F/B El-Nino with IRCS DUM - 6579 were in the Federated States of Micronesia (FSM) exclusive economic zone (EEZ).
2. Both vessels were 2.03 km away from the border between FSM and Palau. At 03'00 GMT, both vessels were 3.23 km apart from each other.
3. From the vessel's vms signature, both vessels were moving in a zig zag pattern consistent with fishing, while in the FSM EEZ and were in the FSM EEZ for approximately 24 hours.
4. The vessels are not licensed to fish in the FSM EEZ.
5. The vms track illustrated in Annex A supports these allegations.

FACTS AND EVIDENCE SUPPORTING ALLEGATIONS – TS-2004 & LB EBS-4

1. On or about October 30, 2013, F/B TS-2004 with IRCS DUM-6237 (purse-seiner) and F/B LB EBS-4 with IRCS DUM-2810 (carrier) were in the FSM EEZ.
2. On October 30, 2013, at 2.00 (GMT), 05 degrees, 08.5920' N (lat), 136 degrees, 56.4539' E at a speed of 10 knots, F/B TS-2004 (purse-seiner) entered the FSM EEZ at the border between Palau and FSM.
3. F/B LB EBS-4 (carrier) entered the FSM EEZ on October 30, 2013, at 2.00 GMT at coordinates at 05 degrees, 09.4439' N (lat) 136 degrees, 58.326'E (long) with a speed of 10 knots.
4. The distance between F/B TS-2004 and F/B LB EBS-4 when they entered the FSM EEZ was about 3.8 km apart.
5. From the vms track of the two vessels, both vessels were zigzagging in the FSM EEZ, consistent with fishing. Both vessels were in the FSM EEZ for approximately more than 24 hours. While in the FSM EEZ, both vessels moved approximately 40 km in zone into the FSM EEZ, before heading out.
6. The vessels are not licensed to fish in the FSM EEZ.
7. The snapshot and the coordinates as set out in Annex A form part of these allegations concerning these 4 vessels and support the above allegations.

ALLEGATION 2: ILLEGAL FISHING AND ILLEGAL TRANSSHIPMENT, NOVEMBER 28, 2013,

F/B SUPER SALORUU (PURSE-SEINER) & F/B GENE-03 (CARRIER)

FACTS:

On or about November 28, 2013, (GMT, at around 09:00), F/B Super Saloruu, a Philippine flagged purse-seiner with International Radio Call Sign (IRCS), DUL-6104 and F/B Gene-03, IRCS DUM 2698, a Philippine flagged fish carrier entered the FSM EEZ and are alleged to have been involved in illegal transshipment.

EVIDENCE SUPPORTING ALLEGATION:

1. On or about November 28, 2013, around 09:00 GMT both vessels entered the FSM EEZ.
2. Coordinates for Super Saloruu when entering the FSM EEZ - 04 degrees 59.34 .N (Lat), 137 degrees 07.28 E. (Long)
3. Coordinates for Gene 03 when entering the FSM EEZ - 04 degrees 59.42 N (Lat), 137 degree 07.41 E, (Long)
4. At this time, Gene 03's speed was 1.56 knots, while Super Saloruu's speed was 1.83 knots.
5. The two vessels on or about 09:00 (GMT) were about 0.283 km. apart.
6. On or about 10:00 (GMT), an hour later, both vessels were about 0.0237 km apart.
7. At this time, 10:00 (GMT), on or about November 28, 2013, both vessels were inside the FSM EEZ, approximately 4.26 km inside the FSM EEZ from the border where they entered.
8. Both vessels were together for about two hours until 12:00 (GMT). At 12:00 hours both vessels were about 6.49 km in the FSM EEZ.
9. The likely inference that can be drawn from such activities is that both vessels were transshipping.
10. Both vessels are not licensed to fish in FSM.
11. After coming together, both vessels went back out into the high seas.
12. The snapshot and the coordinates as set out in Annex B form part of this allegation and support the above allegations.
13. The picture arising from the snapshot and the coordinates support the FSM's allegation that both vessels were involved in illegal fishing and transshipment – ANNEX B.

ALLEGATION 3: ILLEGAL FISHING AND TRANSSHIPMENT, NOVEMBER 30, 2013

MASTER RUSTIN-2 (CARRIER) & LADY EVELYN 8 (PURSE-SEINER)

FACTS:

On or about November 30, 2013, at 09:30 GMT, F/B Master Rustin (Philippine flagged carrier) – 2 was located at 04 degrees, 58.6409’N, (lat), 137 degrees, 42.8070’ E with a speed of 1.84 knots. This placed Master Rustin – 2, about 0.29 km. inside the FSM EEZ. On or about November 30, 2013, at 9:30 GMT, F/V Lady Evelyn-8 (Philippine flagged purse-seiner) was located at 04 degrees, 58.68’N (lat), 137 degrees, 42.91’E with a speed of 1.78 knots. This placed this vessel about 0.36 km inside the FSM EEZ. On this date, both vessels are alleged to have been engaged in illegal fishing and illegal transshipment.

EVIDENCE SUPPORTING ALLEGATION:

1. After entering the FSM EEZ, at 9:30 GMT, both vessels were 0.22 km apart. Both vessels kept travelling together until half an hour later.
2. At 10:00 GMT, Master Rustin-2 was 04 degrees, 59.0879’N (lat), 137 degrees, 43.0260’ E, with a speed of 3.35 knots.
3. At 10:00 GMT, Lady Evelyn 8 was 04 degrees, 59.06’N (lat), 137 degrees, 43.0260’E, with a speed of 1.62 knots.
4. Their distance apart at 10:00 GMT was 0.0219 km and both vessels were approximately 1.18 km inside the FSM from the border of the high seas pocket 1. Both vessels were at this location for about 2 hours and were both travelling closely together. The most likely inference that can be drawn is that they were illegally fishing and transshipping.
5. Both vessels are not licensed to fish in the FSM EEZ.
6. Both vessels remained in the FSM EEZ at these coordinates for approximately 3 hours, after being together; both vessels went back into the high seas.
7. The pictures and the snapshot support FSM’s allegation of illegal fishing and illegal transshipment of the two vessels – ANNEX C

ALLEGATION 4: – ILLEGAL FISHING AND TRANSSHIPMENT MAY 7, 2014

MASTER RUSTIN-3 (CARRIER) & LADY EVELYN 8 (PURSE-SEINER)

FACTS:

Master Rustin-3 (Philippine flagged carrier) and Lady Evelyn-8 (Philippine flagged purse-seiner) are alleged to have been involved in illegal fishing and transshipment while in the FSM EEZ, on or about May 7, 2014, between the hours of 10:00 GMT time and 11:00 GMT time.

EVIDENCE SUPPORTING ALLEGATION:

1. Master Rustin-3 entered the FSM EEZ on May 7, 2014, at 10:00 GMT, at 04 degrees, 58.8780'N, (lat), 137 degrees, 48.2339' E with a speed of 2.1 knots.
2. On May 7, 2014, at 10:00 GMT, Lady Evelyn 8, entered the FSM EEZ at 04 degrees, 58.8660'N (lat), 137 degrees, 48.2339, with a speed of 1.86 knots.
3. These two vessels were 0.02 km apart when they entered the FSM EEZ and travelled at this distance apart for an hour until they separated and went back into the high seas.
4. Before the vessels separated from each other, they had been in the FSM for about an hour and had moved approximately 2.060 km into the FSM EEZ.
5. The likely inference that can be drawn is that both vessels were illegally fishing and transshipping. Both vessels remained in the FSM EEZ at these coordinates for approximately 1 hour; after being together, both vessels went back into the high seas.
6. Both vessels are not licensed to fish in the FSM EEZ.
7. The pictures and the snapshot support FSM's allegation of illegal fishing and illegal tranship of the two vessels – ANNEX D.

ALLEGATION 5: – ILLEGAL FISHING AND TRANSSHIPMENT MAY 8, 2014

MASTER RUSTIN-3 (CARRIER) & LADY EVELYN 8 (PURSE-SEINER)

FACTS:

Master Rustin-3 (Philippine flagged carrier) and Lady Evelyn-8 (Philippine flagged purse-seiner) are alleged to have been involved in illegal fishing and transshipment while in the FSM EEZ, on or about May 8, 2014, at approximately 11:00 GMT time.

EVIDENCE SUPPORTING ALLEGATION:

1. On May 7, 2014, both Master Rustin-3 and Lady Evelyn-8 entered the FSM EEZ and exited the FSM EEZ on May 8, 2014. After exiting the FSM EEZ, both vessels still together, re-entered the FSM on May 8, 2014, and at 11:00 GMT, they were still together at the following coordinates. Master Rustin 3 was at 04 degrees, 59.9700'N, (lat), 137 degrees, 52.1460' E with a speed of 2.7 knots. On May 8, 2014, at 11:00 GMT, Lady Evelyn was at 04 degrees, 59.9520' N, (lat), 137 degrees, 52.1460' E with a speed of 2.8 knots.
2. Upon entry into the FSM EEZ, up until they separated, these two vessels were 0.0228 km apart. Both vessels were 1.65 km inside the FSM EEZ, from the border of the high seas pocket 1 and spent about 2 hours together in the FSM EEZ until they separated and went back into the high seas.
3. The likely inference that can be drawn is that both vessels were illegally fishing and transshipping. Both vessels remained in the FSM EEZ at these coordinates for approximately 2 hours; after being together, both vessels went back into the high seas.
4. Both vessels are not licensed to fish in the FSM EEZ.
5. The pictures and the snapshot support FSM's allegation of illegal fishing and illegal transshipment of the two vessels – ANNEX E.

ALLEGATION 6: – ILLEGAL FISHING AND TRANSSHIPMENT MAY 13, 2014

MASTER RUSTIN-4 (CARRIER) & LADY EVELYN 38 (PURSE-SEINER)

FACTS:

Master Rustin-4 (Philippine flagged carrier) and Lady Evelyn 38 (Philippine flagged purse-seiner) are alleged to have been involved in illegal fishing and transshipment while in the FSM EEZ, on or about May 13, 2014, GMT time.

EVIDENCE SUPPORTING ALLEGATION:

1. On or about May 13, 2014, at 11:00 GMT, F/B Master Rustin-4 (Philippine flagged carrier) was located at 05 degrees, 00.05'N, (lat), 137 degrees, 18.98' E with a speed of 4.8 knots. This placed Master Rustin-4, about 4.14 km. inside the FSM EEZ. On or about May 13, 2014, at 11:00 GMT, F/V Lady Evelyn-38 (Philippine flagged purse-seiner) was located at 05 degrees, 00.03''N (lat), 137 degrees, 18.98'E with a speed of 4.8 knots. This placed this vessel about 4.10 km inside the FSM EEZ.
2. At 11:00 GMT, both vessels were 0.03 km apart. Since both vessels entered the FSM EEZ on or about May 13, 2014, both vessels kept travelling together at this distance of approximately 0.03 km apart for approximately 3 hours.
3. The likely inference that can be drawn is that both vessels were illegally fishing and transshipping. Both vessels remained in the FSM EEZ at these coordinates for approximately 3 hours, after being together; both vessels went back into the high seas.
4. Both vessels are not licensed to fish in the FSM EEZ.
5. The pictures and the snapshot support FSM's allegation of illegal fishing and illegal transshipment of the two vessels – ANNEX F.

ALLEGATION 7: – ILLEGAL FISHING AND TRANSSHIPMENT JAN 31, 2015

LADY GALAINE 18 (CARRIER) & LADY EVELYN 8 (PURSE-SEINER)

FACTS:

Lady Galaine 18 with IRCS DUM 2830 (Philippine flagged carrier) and Lady Evelyn 8 (Philippine flagged purse-seiner) are alleged to have been involved in illegal fishing and transshipment on or about January 31, 2015, GMT time.

EVIDENCE SUPPORTING ALLEGATIONS:

1. On or about 9:00 GMT, January 31, 2015, both vessels, Lady Galaine 18 and Lady Evelyn 8 entered the FSM EEZ at approximately 05 degrees, 01.831'N, (lat), 138 degrees, 05.311' E with a speed of 4.3 knots.
2. Both vessels both entered the FSM EEZ and were approximately 0.088 km apart.
3. Both vessels maintained the same distance apart and proceeded into the FSM EEZ for approximately 14 hours.
4. This meant that both vessels travelled into the FSM EEZ together for approximately 14 hours and proceeded 14.4 km into the FSM EEZ.
5. After 14 hours, both vessels came out together from the FSM EEZ into the high seas. From their track, the likely inference is that both vessels were transshipping.
6. Both vessels are not licensed to fish in the FSM EEZ.
7. The pictures and the snapshot support FSM's allegation of illegal fishing and illegal transshipment of the two vessels – ANNEX G.

ALLEGATION 8: – ILLEGAL FISHING AND TRANSSHIPMENT FEB 1, 2, 2015

LADY GALAINE 18 (CARRIER) & LADY EVELYN 8 (PURSE-SEINER)

FACTS:

Lady Galaine 18 with IRCS DUM 2830 (Philippine flagged carrier) and Lady Evelyn 38 (Philippine flagged purse-seiner) are alleged to have been involved in illegal fishing and transshipment on or about February 2, 2015, GMT time.

EVIDENCE SUPPORTING ALLEGATIONS:

1. On or about 12:00 GMT, February 2, 2015, Lady Galaine entered the FSM EEZ at 05 degrees, 01.7700'N, (lat), 138 degrees, 09.1379" E with a speed of 3.8 knots.
2. On or about 12:00 GMT, February 2, 2015, Lady Evelyn-8 (Philippine flagged purse-seiner) entered the FSM EEZ at 05 degrees, 01.7580"N (lat), 138 degrees, 09.379'E with a speed of 3.8 knots.
3. When entering the FSM EEZ, both vessels were 0.0219 km apart.
4. Both vessels both entered the FSM EEZ and maintained the same distance apart until 4:00 GMT.
5. This meant that both vessels travelled into the FSM EEZ together for approximately 4 hours.
6. When they separated after travelling for 4 hours, Lady Evelyn continued into the high seas pocket while the carrier remained in zone.
7. From their track, the likely inference is that both vessels were transshipping.
8. Both vessels are not licensed to fish in the FSM EEZ.
9. The pictures and the snapshot support FSM's allegation of illegal fishing and illegal transshipment of the two vessels – ANNEX H.