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Review of ICNAF Proposals for Regulation of Topside Chafing Gear
including views regarding their conditional acceptance
by the Secretariat

I. Proposals

A. 1952 - Subarea 5

"iii. (1) No vessel while operating in Sub-area 5 shall use any device by means of which the mesh in any part of a trawl net is obstructed or otherwise in effect diminished.

(2) Notwithstanding the provisions of the foregoing sub-paragraph, it shall not be deemed unlawful to attach to the underside of the cod-end of a trawl net any canvas, netting, or other material, for the purpose of preventing or reducing wear and tear."

(ICNAF Handbook, p.61-62)

Date of entry into force, Subarea 5: 13 June 1953

B. 1955 - Subareas 3, 4 and 5

"III. That the Contracting Governments prohibit the use, by any person to whom this proposal would apply, of any means or device, other than those described in paragraph IV, which would obstruct the meshes of the trawl net.

IV. That the Contracting Governments permit (1) any canvas, netting or other material to be attached to the underside only of the cod-end of a trawl net to reduce and prevent damage and (2) a rectangular piece of netting to be attached to the upper side of the cod-end of the trawl net to reduce and prevent damage so long as such netting conforms to the following conditions:

(a) This netting shall not have a mesh size less than that specified in paragraph I. For the purposes of this sub-paragraph, the 4 1/2 inch or 114 mm. mesh size when measured wet after use shall be taken to be the average of the measurements of twenty consecutive meshes in a series across the netting, such measurements to be made with a like gauge inserted into the meshes as specified in paragraph I hereof.

(b) This netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it and shall not exceed 16 meshes in length counted parallel to the long axis of the cod-end.

(c) The width of this netting shall be at least one and a half times the width of the area of the cod-end which is covered, such widths to be measured at right angles to the long axis of the codend.

The same mesh regulation was recommended for Subarea 4. Basically the same mesh regulation was recommended for Subarea 3, the mesh size here to be only 4 inches or 102 mm. with the necessary consequent changes in the protective netting."

(ICNAF Handbook, p.64-65)



Date of entry into force, Subarea 3: 29 November 1957^{a)}
 " 4: 29 November 1957^{a)}
 " 5: 26 March 1957

a) Para.IV effective 1 January 1958 at request of France

C. 1957 - Subareas 3, 4 and 5

"IV(b)

This netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it, and shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh."

(ICNAF Handbook, p.67)

Date of entry into force, Subarea 3^{*}:
 " 4 : 2 April 1960
 " 5 : 28 September 1958.

*Accepted with reservations for stern trawlers by UK:
 29 April 1959

Accepted with reservations for stern trawlers by USSR:
 26 August 1961

Accepted with reservations for stern trawlers by Poland:
 3 September 1965.

D. 1961 - Subareas 1, 2, 3

"4. The Contracting Governments prohibit the use, by any person to whom this proposal would apply, of any means or device, other than those described in paragraph 5, which would obstruct the meshes of the nets or which would otherwise, in effect, diminish the size of the meshes of the nets.

5. The Contracting Governments permit (1) any canvas, netting, or other material to be attached to the underside only of the cod-end of a net to reduce and prevent damage and (2) a rectangular piece of netting to be attached to the upper side of the cod-end of the net to reduce and prevent damage so long as such netting conforms to the following conditions:

(a) This netting shall not have a mesh size less than that specified in paragraph 1. For the purposes of this sub-paragraph, the 114 mm. or 4 1/2" mesh size when measured wet after use shall be taken to be the average of the measurements of twenty consecutive meshes in a series across the netting, such measurements to be made with a like gauge inserted into the meshes as specified in paragraph 1 hereof.

(b) This netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it and shall be fastened in such a manner that it extends forward of the splitting strap no more than 4 meshes and ends not less than 4 meshes in front of the cod-line mesh.

(c) The width of this netting shall be at least one and a half times the width of the area of the cod-end which is covered, such widths to be measured at right angles to the long axis of the codend.

(ICNAF Handbook, p.69-70)

Date of entry into force, Subarea 1^{*}: _____
 " 2^{*}: _____
 " 3^{*}: _____

*Accepted with reservations for stern trawlers by UK:
 29 January 1962

Accepted with reservations for stern trawlers by Poland:
 3 September 1965.

E. 1961 - Subarea 4

"3. The Contracting Governments prohibit the use, by any person to whom this proposal would apply, of any means or device, other than those described in paragraph 4, which would obstruct the meshes of nets or which would otherwise, in effect, diminish the size of the meshes of the nets.

4. The Contracting Governments permit (1) any canvas, netting, or other material to be attached to the underside only of the cod-end of a net to reduce and prevent damage and (2) a rectangular piece of netting to be attached to the upper side of the cod-end of the net to reduce and prevent damage so long as such netting conforms to the following conditions:

- (a) This netting shall not have a mesh size less than that specified in paragraph 1. For the purposes of this subparagraph, the 114 mm. or 4 1/2" mesh size when measured wet after use shall be taken to be the average of the measurements of twenty consecutive meshes in a series across the netting, such measurements to be made with a like gauge inserted into the meshes as specified in paragraph 1 hereof.
- (b) This netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it and shall be fastened in such a manner that it extends forward of the splitting strap no more than 4 meshes and ends not less than 4 meshes in front of the codline mesh.
- (c) The width of this netting shall be at least one and a half times the width of the area of the cod-end which is covered, such widths to be measured at right angles to the long axis of the cod-end."

(ICNAF Handbook, p.72-73)

Date of entry into force, Subarea 4^{*}: _____

* accepted with reservation for stern trawlers by USSR:
8 May 1964.

F. 1963 - Subareas 1, 2 and 3

"IV. The Contracting Governments prohibit the use, by any person to whom this proposal would apply of any means or device, other than those described in paragraph 5, which would obstruct the meshes of the nets or which would otherwise, in effect, diminish the size of the nets, provided that devices may be attached to the upper side of the cod-end in such a manner that they will not obstruct the meshes of the codend. Any such device must have the approval of the Commission based on scientific advice that the attached devices do not obstruct the meshes or reduce significantly the selectivity of the codend. Any approval so given may be withdrawn at any time on giving not less than twelve months' notice to the contracting government.

"V. The Contracting Governments permit any canvas, netting or other material to be attached to the underside only of the cod-end of a net to reduce and prevent damage."
(ICNAF Handbook, p.73-74)

Date of entry into force, Subarea 1^{*}: _____
" 2^{*}: _____
" 3^{*}: _____

* Accepted with reservation for stern trawlers by USSR:
8 May 1964
Accepted with reservation for stern trawlers by Poland:
3 September 1965.

G. 1963 - Subarea 4

"III. The Contracting Government prohibit the use, by any person to whom this proposal would apply, of any means or device, other than those described in paragraph 4, which would obstruct the meshes of the nets, or which would otherwise, in effect, diminish the size of the meshes of the nets, provided that devices may be attached to the upper side of the codend in such a manner that they will not obstruct the meshes of the codend. Any such device must have the approval of the Commission based on scientific advice that the attached devices do not obstruct the meshes or reduce significantly the selectivity of the codend. Any approval so given may be withdrawn, at any time on giving not less than twelve months' notice to the contracting government.

"IV. The Contracting Governments permit any canvas, netting or other material to be attached to the underside only of the cod-end of a net to reduce and prevent damage."
(ICNAF Handbook, p.74-75)

Date of entry into force, Subarea 4^{*}: _____

^{*} Accepted with reservation for stern trawlers by USSR:
8 May 1964.

H. 1963 - Subarea 5

"III. The Contracting Governments prohibit the use, by any person to whom this proposal would apply, of any means or device, other than those described in paragraph 4, which would otherwise, in effect, diminish the size of the meshes of the nets, provided that devices may be attached to the upper side of the codend in such a manner that they will not obstruct the meshes of the codend. Any such device must have the approval of the Commission based on scientific advice that the attached devices do not obstruct the meshes or reduce significantly the selectivity of the codend. Any approval so given may be withdrawn at any time on giving not less than twelve months' notice to the contracting government.

"IV. The Contracting Governments permit any canvas, netting or other material to be attached to the underside only of the cod-end of a net to reduce and prevent damage."
(ICNAF Handbook, p.75-76)

Date of entry into force, Subarea 5^{*}: _____

^{*} Accepted with reservation for stern trawlers by USSR:
8 May 1964.

II. Views regarding conditional acceptance of proposals re topside chafing gear

The views of the Government of the USA regarding conditional acceptance are contained in a Department of State note of 9 December 1964 circulated to Contracting Governments. The circular note reads, in part, as follows:

"...With respect to the aforementioned conditional acceptance of the proposed trawl fishery regulations for sub-areas 1, 2, 3, 4, and 5 transmitted with the Department of State's circular notes of July 30, 1963 and September 30, 1963, the Government of the United States of America wishes to inform the Governments concerned that it is not prepared to express its views on the conditional acceptance pending receipt of clarification of the intent of the Government of the Union of Soviet Socialist Republics, which clarification has been requested of the Embassy of the Union of Soviet Socialist Republics. The note from the Embassy of the Union of Soviet Socialist Republics states that the Soviet Government accepts

the amendments on condition that the rules set forth therein may be changed correspondingly to apply to Soviet trawlers with stern trawl, as provided for with regard to English trawlers with stern trawl. The United Kingdom has made no reservation in accepting the 1963 proposals; the United Kingdom did, however, accept previous regulations on the condition that the United Kingdom could make such modifications as might be necessary to suit the operation of stern trawlers. Consequently, a question arises as to whether the Soviet conditional acceptance is intended to exempt Soviet stern trawlers completely from Commission decisions on chafing gear."

In addition, a memorandum dated 8 March 1966 to the Commissioners of the International Commission for the Northwest Atlantic Fisheries from the United States Commissioners regarding the status of conservation proposals points out that the topside chafing gear problem has resulted in the failure of the Commission's conservation measures to keep pace with the of the fishery. The memorandum has been circulated as ICNAF Commissioners' Document No. 66-16 for consideration at the 16th Annual Meeting.

The views of the Government of the USSR are expressed in a note from the Embassy of the USSR in Washington, dated 3 May 1965. The note transmits the text of the fishing regulations presently in effect for Soviet vessels fishing in the Convention Area. The regulations contain a description of the topside chafing gear and provide rules for its use on USSR stern trawlers.

The English language translation of the note and regulations, as prepared by the Department of State and circulated to Contracting Governments on 26 October 1965, is as follows:

(Embossed Seal of the USSR)

"Embassy of the Union of
Soviet Socialist Republics

No. 13

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Department of State of the United States of America and, referring to its circular note, dated December 9, 1964, has the honor to transmit, at the request of the competent fisheries organizations of the USSR, the Fishing Regulations presently in effect for Soviet vessels engaged in fishing in the Northwest Atlantic Ocean. These Regulations contain a description of the topside chafing gear of trawl nets (chafers) and provide rules for its use on Soviet stern trawlers.

"Numerous experiments have shown that the use of such chafing gear on Soviet vessels has practically no effect on the coefficient of selectiveness of the cod-end of the trawl net, which, moreover, is thus protected against damage.

"The conditional acceptance by the Soviet side of the Groundfish Trawling Regulations, approved by the International Northwest Atlantic Fisheries Commission, dated June 10, 1961, and amendments thereto, which were adopted by the Commission on June 7, 1963, signifies that Soviet stern trawlers will use topside chafing gear on the cod-ends of trawl nets, the description of which, together with rules for its use, is contained in the above-mentioned Soviet Regulations, until experimental work on finding an improved design of cod-ends, without topside chafing gear, has been completed.
ENCLOSURE: the above mentioned.

Department of State,
United States of America,
Washington, D.C. "

Washington, May 3, 1965 .

"FISHING REGULATIONS

for Soviet vessels operating in the area of application of the International Convention on Northwest Atlantic Fisheries of 1949.

Article 1

These regulations, adopted in accordance with the recommendations of the International Northwest Atlantic Fisheries Commission, apply to the waters of the Northwest Atlantic, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40' west longitude; thence due south to 39°00' north latitude; thence due east to 42°00' west longitude; thence due north to 59°00' north latitude; thence due west to 44°00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10' north latitude; thence southward to a point in 75°00' north latitude and 73°30' west longitude; thence along a rhumb line to a point in 69°00' north latitude and 59°00' west longitude; thence due south to 61°00' north latitude; thence due west to 64°30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

Sub-area 1 lies to the north and east of a rhumb line from a point in 75°00' north latitude and 73°30' west longitude to a point in 69°00' north latitude and 59°00' west longitude; east of 59°00' west longitude; and to the north and east of a rhumb line from a point in 61°00' north latitude and 59°00' west longitude to a point in 52°15' north latitude and 42°00' west longitude;

Sub-area 2 lies south and west of sub-area 1 defined above and to the north of the parallel of 52°15' north latitude;

Sub-area 3 lies south of the parallel of 52°15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30' north latitude, 55°00' west longitude, in the direction of a point in 47°50' north latitude, 60°00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray;

Sub-area 4 lies to the west of Sub-area 3 defined above, and to the east of a line beginning at the terminus of the boundary between the USA and Canada in Grand Manan Channel, at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00' north latitude and up to 65°40' west longitude; thence due south to the parallel of 39°00' north latitude;

Sub-area 5 lies west of the western boundary of sub-area 4 defined above.

Article 2

Fishing for groundfish with trawl nets made of manila twine having a mesh size of less than 114 mm, when measured wet after use, is prohibited (except in cases provided for in Article 3).

Trawl nets made of other netting material used in bottom fishing must be of a selectivity equivalent to that of a 114 mm manila net.

In determining the mesh size of dry nets or of nets which have not been in use, appropriate coefficients shall be applied.

Measurement of the mesh is carried out with a wedge-shaped ICNAF gauge (having a taper of 2 cm in 8 cm and a thickness of 2.3 mm), inserted into the meshes under a pressure of not less than 4.5 kg nor more than 6.8 kg.

Mesh size shall be taken to be:

a) In the cod-end of the net, the average of the measurements of 50 consecutive meshes, running parallel to the long axis of the cod-end, beginning at the after end of the cod-end, and being at least 10 meshes from the lacings.

If the cod-end is less than 50 meshes in length, the average of the measurements of the meshes in any series of consecutive meshes running the full length of the cod-end, parallel to the long axis of the cod-end and at least 10 meshes from the lacings;

b) In any part of the net other than the cod-end, the average of the measurements of any series of 20 consecutive meshes, such series to be at least 10 meshes from the lacings.

Article 3

Twine nets having a mesh size smaller than defined in Article 2 may be used:

a) In Divisions 3N, 3O and 3P of sub-area 3 (said divisions are bounded by a line beginning at Cape St. Mary on the island of Newfoundland and extending to the southwest to a point in 46°00' north latitude and 54°30' west longitude, thence due east along the parallel 46°00' north latitude to 46°30' west longitude, thence due south to 39°00' north latitude and further along the southern and western boundaries of sub-area 3), by vessels fishing primarily for rockfish, so long as such vessels do not have on board cod (together with other species of fish, excepting haddock and rockfish) or haddock (together with other species of fish, excepting cod and rockfish) in amounts in excess of 10% by weight, for each species, of all fish on board;

b) In sub-area 4 by vessels fishing primarily for species other than cod, haddock and flounder, so long as such vessels do not have on board cod, haddock and flounder in amounts in excess of 2265 kg or 10% by weight, for each species, of all fish on board, whichever is greater;

c) In sub-area 5, by vessels engaged in fishing primarily for species other than cod and haddock so long as such vessels do not have on board cod and haddock in amounts in excess of 2265 kg or 10% by weight, for each species, of all fish on board, whichever is greater.

In addition, in sub-area 5, small-mesh trawls may be used so long as a vessel does not catch, in any 12-month period, cod and haddock in amounts in excess of 10% by weight, for each species, of all the trawl-caught fish taken by such vessel in that period.

Article 4

The use of any device by means of which the mesh (of a trawl net) is obstructed or made smaller (such as double cod-ends, topside chafing gear, etc.) is prohibited (except in the cases provided for in Articles 5 and 6).

Article 5

Stern trawlers may use half-cod-ends (?) (netting?) for the purpose of strengthening the cod-end of the trawl net, provided that:

a) The half-cod-end (?) is made of the same material as the cod-end and has the same mesh size and the same number of meshes in width as the cod-end;

b) It is of a length equal to half the length of the cod-end and is placed in the lower part of the cod-end;

c) It is fastened to the cod-end, mesh for mesh, along the forward and lateral edges;

d) In order to prevent displacement in relation to the cod-end, the meshes of both are fastened with a lengthwise line, going through the center and branching out at the ends, or with crosswise lines, placed every two meters; the after ends of the cod-end and half-cod-end are joined and fastened in the usual manner.

Article 6

Canvas, cowhides, netting or other material may be fastened to the underside of the cod-end of a trawl net for the purpose of reducing or preventing damage to the net.

Article 7

The measures for regulating fishing provided by the present Regulations are hereby adopted in accordance with the Provisions for preserving the stocks of fish and regulating fishing in the waters of the USSR, approved by Decree No. 1045 of the Council of Ministers of the USSR, dated September 15, 1958.