

## Conservation and Management Measure for Exploratory Fishing for Toothfish in the SPRFMO Convention Area

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### **The Commission of the South Pacific Regional Fisheries Management Organisation;**

*RECALLING* Article 22 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the [Convention](#)) which provides that a fishery that has not been subject to fishing or has not been subject to fishing with a particular gear type or technique for ten years or more shall be opened as a fishery or opened to fishing with such gear type or technique only when the Commission has adopted cautious preliminary Conservation and Management Measures (CMMs) in respect of that fishery and, as appropriate, non-target and associated or dependent species, and appropriate measures to protect the marine ecosystem in which that fishery occurs from adverse impacts of fishing activities;

*RECOGNISING* Articles 3(1)(a)(i) and (ii) of the Convention, which call on the Commission, in giving effect to the objectives of the Convention, to adopt CMMs that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance;

*FURTHER RECOGNISING* Articles 3(1)(b) and (2) of the Convention which call on the Commission to apply the precautionary approach and an ecosystem based approach to fishery resources under the mandate of the Convention;

*NOTING* the conservation value of relevant SPRFMO CMMs which will apply to activities anticipated to be undertaken pursuant to this measure, including, *inter alia*, CMM 03-2017 (Bottom Fishing) on the Management of Bottom Fishing in the SPRFMO Convention Area and CMM 09-2017 (Seabirds) on Minimising Bycatch of Seabirds in the SPRFMO Convention Area;

*AGREEING* that new and exploratory fisheries should not be permitted to expand faster than the acquisition of information necessary to ensure that the fishery can and will be developed in accordance with the principles set out in Article 3 of the Convention;

*RECOGNISING* Article 22(2) of the Convention, which calls on the Commission to adopt preliminary measures that ensure that any new fishery resource is developed on a precautionary and gradual basis until sufficient information is acquired to enable the Commission to adopt appropriately detailed CMMs;

*NOTING* that at its third meeting the Scientific Committee assessed New Zealand's proposal ([SC-03-DW-01 rev2](#)) to conduct exploratory bottom longline fishing during 2016 and 2017 for toothfish, limited to 30 tonnes per year, and that, in its [report](#), the Scientific Committee:

1. *confirmed* that the proposal is acceptable under Article 22 (CMM 2.03) and the Bottom Fishery Impact Assessment Standard (BFIAS);
2. *recognised* the cautious, exploratory nature of the proposal and the scientific benefits of the proposed data collection, including the understanding of the distribution, movement and stock structure of toothfishes;
3. *emphasised* the importance of implementing stringent seabird mitigation measures throughout the surveys, including integrated weighted lines, bird scaring lines when setting gear and strict offal management;
4. *suggested* that, in addition to being reviewed by New Zealand's domestic working group and the SPRFMO SC, data and analyses from the surveys should be shared with CCAMLR;
5. *stressed* that their evaluation did not indicate any commitment to extending this survey beyond 2017 or to extending New Zealand's footprint if a toothfish fishery is eventually proved in this area;

*ADOPTS* the following CMM in accordance with Articles 8, 20 and 22 of the Convention:

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<sup>1</sup> CMM 14-2016 (Exploratory Toothfish Fishing) supersedes CMM 4.14 (reference change only)

**OBJECTIVES**

1. To provide for exploratory bottom longline<sup>2</sup> fishing for toothfish in the Convention Area for the purpose of obtaining scientific data: to allow the evaluation of the long term fishery potential for a toothfish fishery in the Convention Area; to evaluate the possible impacts on the target stocks, associated or dependent species, and marine ecosystems; to evaluate the effectiveness of mitigation measures; and to ensure that the bottom longline exploratory fishery is developed on a precautionary and gradual basis according to the best available science.

**DEFINITIONS**

2. For the purposes of this measure:
  - a) “toothfish” means both Patagonian toothfish (*Dissostichus eleginoides*) and Antarctic toothfish (*Dissostichus mawsoni*);
  - b) “bottom longline” means standardised integrated weight bottom longline gear as specified in the CCAMLR Gear Library. <http://www.ccamlr.org/en/system/files/fsa-08-60.pdf>

**APPLICATION**

3. This measure applies to exploratory fishing for toothfish as described in SC-03-DW-01\_rev2 “Proposal for exploratory bottom longlining for toothfish by New Zealand vessels outside the bottom lining footprint during 2016 and 2017: Description of proposed activities and impact assessment”.
4. None of the obligations in this measure exempt a Member or CNCP from complying with any Convention obligation or any other CMMs adopted by the Commission.

**DETAILS AND SPECIFICATION OF EXPLORATORY FISHING ACTIVITIES**

5. Fishing for toothfish, using the bottom longline method, may be conducted in the exploratory fishing boxes identified in Table 1 below.

**Table 1: Corner positions for the two exploratory fishing blocks.**

Exploratory fishing area	Latitude	Longitude
<b>A</b>	57° 54.0' S	155° 20.0' W
	59° 54.0' S	155° 20.0' W
	59° 54.0' S	150° 00.0' W
	57° 54.0' S	150° 00.0' W
<b>B</b>	59° 00.0' S	142° 10.0' W
	60° 00.0' S	142° 10.0' W
	60° 00.0' S	145° 50.0' W
	59° 00.0' S	145° 50.0' W

6. The first exploratory trip may occur any time between 1 July and 30 September 2016. During this first trip, fishing operations shall take place over no more than 10 consecutive days, setting and hauling no more than five lines a day.
7. Any results will be used to develop proposals for the consideration of New Zealand’s domestic technical working group and (depending on timing) the Scientific Committee on the design of subsequent trips and fishing.

**TOTAL ALLOWABLE CATCH**

8. The annual toothfish total allowable catch shall not exceed 30 tonnes (greenweight) in each of 2016 and 2017, unless the Scientific Committee at its 2016 meeting advises for a lower TAC for the year 2017. Fish that are tagged and returned alive to the sea shall not be counted against this limit. The annual catch limit

<sup>2</sup> Also referred to as demersal longline.

of 30 tonnes will allow the collection of a significant amount of scientific information, will also allow for an adequate number of tagged fish to be returned to the sea and aligns with the 50 tonnes per vessel catch limit used in nearby CCAMLR exploratory fisheries. This is a precautionary approach, and supports the need to understand other risks like interactions with seabirds and marine mammals.

9. Catch and effort shall be monitored on a shot-by-shot basis and fishing operations will cease in that year once the limit has been caught or paragraph 6 applies.
10. Because the stock and stock status are not known, if during the exploratory fishing, the stock indicators show sustainability concerns, the exploratory fishing should cease.
11. The company and crew of the proposed vessel shall have experience working to catch limits of 30 tonnes or less and use intensive monitoring of catch retained. As the catch limit of 30 tonnes is approached, the following measures to constrain the retained catch within the limit shall be considered:
  - a) shorter lines will be set;
  - b) a seawater tank will be maintained on board such that live fish in good condition can be retained in case they need to be tagged and returned to meet the catch limit;
  - c) the tagging rate will be progressively increased.
12. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.

#### **AUTHORISED VESSELS**

13. The vessel *San Aspiring* shall be authorised to undertake fishing pursuant to this measure. In the event that *San Aspiring* is unavailable, an alternate vessel of similar capability and capacity shall be authorised to undertake fishing pursuant to this measure only after the vessel has been notified by New Zealand to the Executive Secretary.
14. In determining the suitability of an alternate vessel New Zealand shall consider, *inter alia*:
  - a) the vessel's ability to conduct the exploratory fishing proposed in paper [SC-03-DW-01\\_rev2](#);
  - b) the master and crew's history and track record in comparable research or exploratory fishing;
  - c) the ability of the vessel to provide suitable accommodation, facilities, and operating support for a New Zealand observer;
  - d) the ability of the vessel to maintain rigorous mitigation of risks to seabirds and marine mammals;
  - e) any history of Illegal, Unreported or Unregulated (IUU) fishing by the vessel. A vessel on the SPRFMO IUU list or the IUU list of another competent regional fisheries management organisation shall not be accepted as an alternate vessel.

#### **MANAGEMENT MEASURES**

15. Fishing pursuant to this measure shall only take place in accordance with SC-03-DW-01\_rev2 "Proposal for exploratory bottom longlining for toothfish by New Zealand vessels outside the bottom lining footprint during 2016 and 2017: Description of proposed activities and impact assessment".
16. Because of the likelihood of shared stocks of toothfish, fishing pursuant to this measure shall, as far as possible, be conducted consistent with relevant measures in force in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Area, including the following:
  - a) CCAMLR's protocol for research longline fishing on small, isolated features (see [CM 41-10](#), 2014). For consistency with CCAMLR surveys in adjacent areas, the following rules shall apply:
    - i. clusters of IWL lines are allowed with no rules for minimum separation between lines;
    - ii. no more than 6,900 hooks shall be set in a line;
    - iii. no more than 17,250 hooks shall be set in a cluster;
    - iv. clusters of lines shall be no closer together than 10 nautical miles (measured from the proximate lines of each individual cluster).

- b) A minimum tagging rate of three fish of each *Dissostichus* species per greenweight tonne shall be implemented. The rules applied by CCAMLR in the immediately adjacent 88.1 A&B North region, where tagged fish were released in early 2015, shall be applied (CM 41-01 Annex C). These rules require a minimum overlap statistic (that is comparison between the observed length frequency from vessel biological information and the size composition of fish returned alive with tags) of at least 60% once 30 or more *Dissostichus* of each species have been successfully released with tags.

17. Standardised integrated weight bottom longline gear (IWL, see the [CCAMLR gear library](#) ) shall be used for all fishing pursuant to this measure.

#### DATA COLLECTION

18. In undertaking fishing pursuant to this measure the vessel shall, to the extent possible, collect all the data as set out in the paper submitted to the Scientific Committee ([SC-03-DW-01 rev2](#)) and any further data requested by the Scientific Committee for its annual evaluation and assessment.
19. The vessel shall be fully capable of complying with SPRFMO data standards and reporting and CCAMLR CM 22-07 (2013). New Zealand will submit all data at least to the standard required by CMM 02-2017 (Data Standards).

#### MARINE MAMMALS, SEABIRDS, TURTLES, AND OTHER SPECIES OF CONCERN

20. A vessel fishing pursuant to this measure shall use the following mitigation methods:
- the vessel shall use integrated weight line as described in the [CCAMLR gear library](#) with a weighting of 50 g of lead per metre of backbone line;
  - there shall be no dumping of offal while lines are being set or while lines being hauled;
  - any offal or discards shall be macerated by machine prior to discarding;
  - discarding shall take place only at the end of a haul or while steaming; and no biological material shall be discarded for at least 30 minutes before the start of any set or during any set;
  - discarding may only take place from the opposite side of the vessel from the hauling position;
  - a bird exclusion device (BED) shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;
  - other methods such as water spray, movement, et cetera, shall be used as appropriate to deter aggressive feeders from approaching the line.
21. The following information shall be collected for marine mammals, seabirds, turtles, and other species of concern:
- standardised seabird and marine mammal abundance counts shall be made at the rear of the vessel at the start, middle, end of each event (from set to haul);
  - the observer shall have a target of observing 10% of hooks hauled for marine mammal, seabird and turtle captures, and for comparison with a sample of recorded video observations;
  - at least 50% of hooks hauled shall be viewed on recorded video after the voyage;
  - all marine mammals, seabirds, turtles, and other species of concern captured shall be identified, and photographs will be taken of as many birds colliding with the ship as possible and all birds released alive;
  - all dead birds must be retained for formal identification and necropsy;
  - opportunistic observations, photography and identification of marine mammals may be undertaken in collaboration with the crew.
22. All information specified in CMM 03-2017 (Bottom Fishing) relating to bottom fisheries and all data necessary to assess encounters with VMEs shall be collected to enable assessment and monitoring of the distribution of marine ecosystem in the areas fished.

#### MONITORING

23. A vessel undertaking fishing pursuant to this measure shall carry a New Zealand Government observer, as well as a dedicated assistant experienced in at-sea scientific data collection to assist the observer with biological measurement and data collection. Observer data shall be collected in accordance with the SPRFMO Observer data standard and shall include gear deployment and retrieval data, catch and effort

information, biological data collection, and information on marine mammals, seabirds, reptiles and other species of concern.

24. In addition to carrying an observer, a vessel undertaking fishing pursuant to this measure shall be equipped with a video monitoring and recording system to be located over the hauling position to ensure that all hauled lines and hooks are observed or recorded on video. All recorded footage must be provided to the New Zealand Ministry for Primary Industries at the end of the voyage for analysis and storage.
25. The vessel shall also be equipped with several tamperproof Automatic Location Communicators that meet SPRFMO standards for VMS reporting (every 2 hours) and can respond to polling at any rate if required.

#### **REVIEW**

26. This CMM shall expire following the regular meeting of the Commission in 2018 after which the exploratory fishery to which this CMM applies shall be considered an exploratory fishery for the purposes of any CMM the Commission adopts which outlines a framework for the management of exploratory fisheries in the SPRFMO Convention Area.
27. The exploratory fishery to which this CMM applies may be extended through the development of a new CMM, pursuant to any CMM the Commission adopts which outlines a framework for the management of exploratory fisheries in the SPRFMO Area.
28. If the Commission has not adopted such a CMM referred to in paragraph 26 when this CMM expires the Commission, after considering advice from the Scientific Committee and any other relevant matters, may adopt a new CMM that includes the objective of this CMM for a further period not exceeding three years.