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## 7<sup>th</sup> Annual Meeting of the Commission

23-27 January, The Hague, The Netherlands

### COMM7-Report ANNEX 7m CMM on Exploratory Fishing for Toothfish in the SPRFMO Convention Area

(CMM on COMM7-Prop14\_Rev2)

#### 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 13-2016 (Exploratory Fisheries) on the Management of New and Exploratory Fisheries in the SPRFMO Convention Area, CMM 03-2018 (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* the discussions held at the sixth meeting of the Scientific Committee on the proposal from the EU for an exploratory toothfish fishery ([SC6-DW02\\_Rev1](#));

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



## OBJECTIVES

1. To allow for exploratory bottom longline<sup>1</sup> fishing for ~~Patagonian~~ toothfish (*Dissostichus eleginoides* spp.), ~~henceforth referred to as toothfish~~ in the Convention Area on a precautionary and gradual basis according to the best available science to meet the following objectives:
  - a) to further explore the presence and distribution of toothfish in the SPRFMO Convention Area;
  - b) to collect and provide information and data contributing towards the sustainable management of potential toothfish stocks in specific, data-poor zones of the Convention Area;
  - c) to assess the potential for a future sustainable toothfish fishery in specific zones of the Convention Area;
  - d) to provide occurrence information on marine mammals, seabirds, turtles, sharks, skates and rays and other species of concern;
  - e) to better understand patterns of seabirds and marine mammals and their potential for interactions with fishing vessels;
  - f) to evaluate the potential impacts of longlines on ~~en~~ non-target associated or dependent species, and vulnerable marine ecosystems;
  - g) to undertake tagging activities on toothfish to enable future studies on toothfish.

## DEFINITIONS

2. For the purposes of this measure:
  - a) “toothfish” means Patagonian toothfish (*Dissostichus eleginoides*) and Antarctic toothfish (*Dissostichus mawsoni*);
  - b) “bottom longline” means Spanish long-line system as specified in the CCAMLR Gear Library: [WG-FSA-11/53](#).

## APPLICATION

3. This measure applies to exploratory fishing for toothfish as described in ~~COMM7-Prop14.1~~ [COMM7-Prop14.1 Rev1](#) “European Union Proposal for exploratory bottom longlining for ~~Patagonian~~ toothfish in the SPRFMO Convention Area”.
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 research blocks identified in Table 1.

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<sup>1</sup> Also referred to as demersal longline.



**Table 1: corner coordinates research blocks A-E, total fishable area 750-2000m in brackets.**

| Research Block | A (4,454 km <sup>2</sup> ) | B (7,651 km <sup>2</sup> ) | C (9,419 km <sup>2</sup> )       |
|----------------|----------------------------|----------------------------|----------------------------------|
| NW             | 47° 15' S, 146° 30' E      | 47° 15' S, 147° 30' E      | 47° 15' S, 148° 30' E            |
| NE             | 47° 15' S, 147° 30' E      | 47° 15' S, 148° 30' E      | 47° 15' S, 150° 00' E            |
| SE             | 48° 15' S, 147° 30' E      | 48° 15' S, 148° 30' E      | 48° 15' S, 150° 00' E            |
| SW             | 48° 15' S, 146° 30' E      | 48° 15' S, 147° 30' E      | 48° 15' S, 148° 30' E            |
| Research Block | D (4,157 km <sup>2</sup> ) | E (6,337 km <sup>2</sup> ) | A-E total 32,018 km <sup>2</sup> |
| NW             | 48° 15' S, 149° 00' E      | 48° 15' S, 150° 00' E      |                                  |
| NE             | 48° 15' S, 150° 00' E      | 48° 15' S, 151° 00' E      |                                  |
| SE             | 49° 15' S, 150° 00' E      | 49° 30' S, 151° 00' E      |                                  |
| SW             | 49° 15' S, 149° 00' E      | 49° 30' S, 150° 00' E      |                                  |

**DURATION, CATCH AND EFFORT LIMITS**

6. The exploratory fishing shall comprise one exploratory trip of a maximum duration of 21 consecutive days which may occur any time between 1 October and 30 November 2019.
7. The annual toothfish total allowable catch shall not exceed 45 tonnes (greenweight), unless the Commission revises the TAC at its annual meeting based on advice of the Scientific Committee. This was considered a precautionary limit by the SPRFMO SC and supports the need to understand other risks like interactions with seabirds, marine mammals or other organisms. Fish that are tagged and returned alive to the sea shall not be counted against this limit. The catch limit of 45 tonnes will allow the collection of a significant amount of scientific information in accordance with the objectives of paragraph 1.
8. Fishing operations shall further be limited to a maximum of 5000 hooks per set, and with a maximum of 20 sets per research block. Lines shall be set at least 4nm apart from each other, and not set at previous locations long-line locations. Fishing operations shall cease when either the TAC is reached, or if 100 sets have been set and hauled during the 21 consecutive days, whichever is sooner.
9. As the catch limit of 45 tonnes is approached, shorter lines shall be set to ensure that the TAC is not overrun. The company and crew of the proposed vessel shall have experience working to catch limits of 45 tonnes or less and use intensive monitoring of catch retained.



10. Fishing operations shall be limited to depths between 750m and 2000m to avoid any impact on benthic ecosystems in shallower waters.

#### MANAGEMENT MEASURES

11. Fishing pursuant to this measure shall only take place in accordance with [COMM7-Prop14.1](#)[COMM7-Prop14.1 Rev1](#) “European Union Proposal for exploratory bottom longlining for ~~Patagonian~~ toothfish in the SPRFMO Convention Area”.

12. All hooks used will be uniquely marked indicating the vessel and fishing campaign.

~~13. A minimum overlap statistic of at least 60% once 30 or more of *Dissostichus eleginoides* shall apply for tag release.~~

#### AUTHORISED VESSELS

~~14.~~[13.](#) The European Union shall designate the vessel authorised to undertake fishing pursuant to this measure. In the event that vessel is unavailable, an alternative vessel of similar capability and capacity shall be authorised by the European Union to undertake fishing pursuant to this measure only after the replacement vessel has been formally notified to the Executive Secretary who will forward that information to all Members and CNCs.

~~15.~~[14.](#) In determining the suitability of an alternative vessel the European Union shall consider, *inter alia*:

- a) the vessel’s ability to conduct the exploratory fishing proposed in paper [COMM7-Prop14.1](#)[COMM7-Prop14.1 Rev1](#) “European Union Proposal for exploratory bottom longlining for ~~Patagonian~~ toothfish in the SPRFMO Convention Area”;
- 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 observers on-board;
- d) the ability of the vessel to comply with the applicable mitigation measures to seabirds and marine mammals;
- e) any history of Illegal, Unreported or Unregulated (IUU) fishing by the crew or vessel: consistent with CMM 04-2017 a vessel on the SPRFMO IUU list, or the IUU list of another competent organisation dealing with fisheries management, shall not be accepted as an alternate vessel.

#### DATA COLLECTION

~~16.~~[15.](#) In undertaking fishing pursuant to this measure, the vessel shall collect all the data required by current CMMs including CMM 02-2018 (Data Standards) and CMM 03-2018 (Bottom Fishing) and, to the extent possible, all the data as set out in the paper submitted to the Scientific Committee ([SC6-DW02\\_rev1](#)) and subsequently revised and submitted to the Commission



([COMM7-Prop14.1](#)[COMM7-Prop14.1\\_Rev1](#)). The vessel shall also collect, to the extent possible, any further data requested by the Scientific Committee for its annual evaluation.

~~17.16.~~ The vessel shall be fully capable of complying with SPRFMO data standards and reporting and CCAMLR CM 22-07 (2013) for VMEs, and shall be following the CCAMLR Scheme of International Scientific Observation for seabird, marine mammal, and by-catch monitoring to ensure that data collected during this exploratory fishery are compatible with CCAMLR data.

~~18.17.~~ A minimum overlap statistic of at least 60% shall apply for tag release, once 30 or more toothfish have been caught.

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

~~19.18.~~ All marine mammals, seabirds, turtle, sharks, skates and rays shall be released alive where possible. Information about birds colliding with the vessel will be recorded and all birds released alive where possible.

~~20.19.~~ A vessel fishing pursuant to this measure shall use the following mitigation methods:

##### *Seabird mitigation measures, in addition to those set out CMM09-2017:*

- a) the vessel shall release weights before line tension occurs in line with paragraph 4 of CM 25-01 of CCAMLR;
- b) there shall be no dumping of offal while lines are being set or hauled;
- c) any offal or discards shall be macerated by machine prior to discarding;
- d) discarding shall take place only after hauling has been completed 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;
- e) discarding may only take place from the opposite side of the vessel from the hauling position;
- f) two bird scaring devices (tori lines) shall be deployed when setting lines and at least one bird exclusion device (BED) shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;
- g) in the instance of exceeding trigger level of 0.01 birds/1000 hooks of CMM 09-2017, an evaluation of mitigation measures will be made, including ensuring correct deployment of mitigation, and strengthening mitigation where possible (e.g. further reducing daily hours of setting).

##### *Turtle mitigation measures, in addition to those set out in CM09-2017:*

- h) as an additional mitigation measure, if turtles are seen in a fishing area, the vessel shall avoid long periods where the line is left motionless in the water column during setting and hauling. If two or more turtles are caught in any Research Block, then the vessel shall move-on towards more southern locations within the research area to avoid known areas of turtle distribution;
- i) any seal or cetacean bycatch will trigger a re-evaluation of fishing strategy;



*Additional shark, skate, and macrourid bycatch mitigation measures:*

- j) the vessel will move-on to the next research block if more than 4 individuals of any of the following families Somniosidae, Lamnidae, Cetorhinidae, Alopiidae are caught or if more than 2 individuals of any one of these families of sharks are caught;
- k) If the skate and ray, and species of the families Centrophoridae or Squalidae by-catch exceeds 5% of toothfish catch or reaches a maximum of [100]kg in any one haul or set, the vessel will move-on to another location at least 5nm distant;
- l) A move-on to the next unfished research block is triggered after three consecutive instances of paragraph 15 k).
- k)m) As *Macrourus* spp. can be a common by-catch species in other toothfish longline fisheries, as a precaution the vessel will move-on to another location at least 5nm distant if the by-catch of *Macrourus* spp. reaches 150 kg and exceeds 16% of the catch of toothfish in any one haul or set.

**DATA COLLECTION FOR MARINE MAMMALS, SEABIRDS, TURTLES, AND OTHER SPECIES OF CONCERN**

21-20. The following information shall be collected for encountered marine mammals, seabirds, turtles, and other species of concern:

- a) 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) according to the CCAMLR Scheme of International Scientific Observation standards;
- b) the observer shall have a target of observing 25% of hooks hauled for marine mammal, seabird and turtle interactions. Where observations take place they will be recorded and stored for analyses and/or reference;
- c) all marine mammals, seabirds, turtles, sharks, skates and rays and other species of concern accidentally captured dead or moribund shall be identified, and photographs will be taken. Information about birds colliding with the vessel will be recorded and all birds released alive;
- d) all dead birds must be retained for formal identification and necropsy;
- e) opportunistic observations, photography and identification of marine mammals may be undertaken in collaboration with the crew.

22-21. All information specified in CMM 03-2018 (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.

**VME**

23-22. Until the Scientific Committee has developed advice on SPRFMO threshold limits for VME encounters on long-lines, the provisions of CCAMLR CM 22-07 shall be used for the purpose of this CMM. Where evidence of a VME is encountered in the course of fishing activities this shall be reported for review to the Scientific Committee.



## MONITORING

~~24.~~23. A vessel undertaking fishing pursuant to this measure shall carry a scientific observer on-board, 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.

~~25.~~24. The scientific observer record all relevant biological data as outlined in CMM 02-2018 to enable the evaluation of existence of the target species in the research area and evaluate the possible impacts of the exploratory fishery on the target stock, associated or dependent species, and marine ecosystems, as well as recording encounters with VMEs and evaluate the effectiveness of related mitigation measures and as well as the mitigation measures for marine mammals, seabirds, turtles, sharks, skates and rays and other species of concern.

~~26.~~25. The vessel shall also be equipped with several tamperproof Automatic Location Communicators that meet SPRFMO standards for VMS reporting (every hour) and can respond to polling at any rate if required.

~~27.~~26. Electronic Monitoring (CCTV) will be used to monitor all setting and hauling, including monitoring of target and by-catch in the hauling bay.

## ENVIRONMENTAL DATA COLLECTION

~~28.~~27. The vessel shall record additional environmental data including *in situ* imagery of seabed species and habitats, and CTD (conductivity, temperature, depth) sensors deployed on longlines.

## REVIEW

~~29.~~28. This CMM shall expire following the regular meeting of the Commission in ~~October~~ 2020.

~~30.~~29. The exploratory fishery to which this CMM applies may be extended through the development of a new CMM pursuant to CMM 13-2016 (Exploratory Fishing) to be considered by the Commission.

~~31.~~30. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.