



10TH MEETING OF THE SPRFMO COMMISSION

Held virtually, 24 to 28 January 2022 (NZDT)

COMM 10 – Report ANNEX 4c Intersessional Work Plan for Reviewing CMM 03 Bottom Fishing *(COMM 10 – WP 10_rev2)*



COMM 10 – WP 10_rev~~21~~ **Adopted**

Intersessional Work Plan for Reviewing CMM 03-2021

Paragraph 43 of CMM 03-2021, *Conservation and Management Measure for Bottom Fishing in the SPRFMO Convention Area*, calls for the Commission’s review of the CMM in 2022.

According to paragraph 43:

The Commission shall review this CMM in 2022 and at least every 3 years thereafter, and in doing so, take appropriate action to meet the objectives of this CMM and the Convention, in view of the advice and recommendations of the Scientific Committee. Each such review shall consider the protocol for encounters with VME indicator taxa and the appropriateness of applied management measures. The Commission shall also review this CMM in 2023, taking into account relevant technical information from the United Nations bottom fishing review scheduled for 2022, and any related resolutions adopted by the United Nations General Assembly. The Commission shall make any modification to the CMM as is required to meet its objective.

Additionally, paragraph 18 of CMM 03-2021 states:

No later than at its 2022 annual meeting, the Commission shall decide on the level of protection required to prevent significant adverse impacts on VMEs, taking into account the advice and recommendations of the Scientific Committee.

Background

Due to the online format and limited time available to discuss this CMM at the 2022 Commission meeting, the Commission has decided to reschedule the planned 2022 review to the 2023 Commission meeting, following intersessional work, to allow adequate time for consideration of all of the issues involved prior to the rescheduled review in 2023.

The United National General Assembly (UNGA) bottom fishing review should also inform the evaluation of CMM 03-2021; however, this review is scheduled for November 2022 and the Scientific Committee (SC) will not be able to consider its findings at SC10 to inform the Commission in 2023. Therefore, an additional review of CMM 03-2021 to take into consideration the UNGA report may be appropriate at the 2024 Commission meeting.

Decisions on key bottom fishing issues (see below) should be considered collectively as part of the rescheduled review, rather than individually, given their interlinkages and the precedents they set for interpretation and application of CMM 03-2021. The five key issues identified as important to the 2023 review are:

1) *The appropriate scale of management to assess and prevent significant adverse impacts on VMEs* – This is an overarching issue with broad implications for the management of bottom fishing in the SPRFMO area. In its evaluation of the ongoing appropriateness of CMM 03-2021, the SC stated that the “spatial scale should be relevant to the life-history traits of component VME species that limit recovery, the spatial extent of VME habitat type and connectivity between populations to ensure viable VME



populations at a given spatial scale” (SC09 Report). However, little information is available to inform the spatial scale that would be required to meet these objectives. In its deliberations, the SC has noted that the scale of the Fishery Management Area is likely to be more appropriate than broader spatial scales.

2) *Spatial management (i.e., protection) scenarios* – The [proportion fraction](#) of VME abundance that should be protected at a given spatial scale is the second component of the spatial management approach. At COMM09, the SC was tasked with developing spatial management scenarios to evaluate protection levels from 70-95% for modeled VME taxa while accounting for various uncertainties in model predictions (SC09-DW06). The SC noted that there is limited guidance from other RFMOs or elsewhere on the proportion of a VME that should be protected to prevent significant adverse impacts – largely because other RFMOs use a different spatial management approach to prevent significant adverse impacts on VMEs (but see SC09-DW06). The SC also noted in its SC09 report and deliberations that the estimate of the fraction of total VME abundance protected depends on the ability of the current habitat suitability models to infer abundance.

3) *The move-on rule (i.e., weight thresholds and move-on distance)* - The move-on rule provides weight thresholds that trigger the encounter protocol, including the requirement to cease bottom fishing within an encounter area of one nautical mile.

The move-on distance was evaluated using available information for stony coral on the Central Louisville Seamount Chain (SC9-DW07), and the SC noted the tradeoff between encounter avoidance and allowable fished area as the move-on distance increased from 1-5 nm (SC09 Report).

The SC also evaluated the most recent benthic bycatch data and updated candidate encounter thresholds for VME taxa in the SPRFMO area (SC09-DW10), and recommended that these be used to inform any future refinement of the VME indicator taxa thresholds included in Annex 6A and 6B of CMM03-2021.

4) *The 2020 VME encounter* – The SC noted that at the scale of the North Lord Howe Rise FMA (where the encounter occurred), the current modeling approach indicates that 82.8% of suitable habitat for the encountered taxa (*Gorgonian Alcyonacea*) is protected through the spatial management regime. However, the SC also agreed that a high-density area of *Gorgonian Alcyonacea* is likely to persist at the site of the encounter. Therefore, the SC agreed that the risk of significant adverse impacts (SAI) resulting from reopening the encounter area was high at the spatial scale of the encounter area but low at the spatial scale of the FMA (SC09 Report).

5) *The encounter review process* – SC9 adopted an interim protocol for the review of encounters with potential VMEs under CMM 03-2021. However, the SC also agreed that this protocol be further developed intersessionally and as science advances or to reflect changes to the CMM.

Intersessional Work

To support a review of CMM 03-2021 in 2023, an intersessional working group (Bottom Fishing IWG) has been established. The Bottom Fishing IWG will conduct its work as follows:

- a. Conduct its work primarily by electronic correspondence but include at least one online workshops in the first half of 2022.



- b. Include ~~both~~ managers, policymakers, and scientists to facilitate communication and ensure that any suggested research tasks are useful for management decisions.
- c. Be chaired by [Kerrie Robertson \(Cook Islands\)](#) (TBD).
- d. Address at least the following questions. In addressing all questions below [Membersparties](#) should consider whether the approach and outcome is consistent with all relevant international legal obligations, UNGA resolutions and international best practice regarding the application of the precautionary approach and an ecosystem approach to fisheries management and safeguarding marine ecosystems while taking management practicality into consideration.
 1. What is the appropriate spatial scale for assessing significant adverse impacts on VME?
 2. What are the costs/benefits of managing at broad vs small scales?
 3. What is the level of protection that should be afforded to VME taxa?
 4. What weight thresholds should be used to trigger the encounter protocol?
 5. How should management decisions in relation to the encounter protocol be made in relation to the spatial scale of impacts on VMEs, and how should this be applied to a specific decisions on reopening the 2020 encounter area?
 6. How can the encounter review process be strengthened to provide greater benefits in assessing significant adverse impacts on VMEs and identifying management options?
- e. Prepare a report that summarizes findings and recommendations for the Commission's consideration in 2023, after ~~briefing~~ reporting to the Scientific Committee on the IWG's progress at SC10.