

CMM 14b-2019

Conservation and Management Measure for Exploratory Potting Fishery in the SPRFMO Convention Area

(Supersedes CMM 14b-2018)

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 Conservation and Management Measures (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 03-2019 (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;

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



Objectives

1. To provide for exploratory bottom pot fishing for lobster and crab in the Convention Area for the purpose of obtaining scientific data: to allow the evaluation of the long term fishery potential for a lobster and crab 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 pot 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) “lobster” means both “*Jasus spp*” lobster and “*Projasus spp*” lobster;
 - b) “crab” means “*Chaceon spp*” crab;
 - c) “bottom potting” means standardised strings of traps carefully designed and dedicated to capturing particular species of crustaceans and having minimal adverse impact on the environment as described in the Fisheries Operation Plan reviewed by the 6th meeting of the Scientific Committee;
 - d) “fishing year” means a year of 12 months, from July 1st to June 30th;
 - e) “spawning season” means the season in which it is believed the target species reproduce and spawn., being July 1st to September 30th;
 - f) “FOP” means Fisheries Operation Plan;
 - g) “TAC” means Total Allowable Catch.

Application

3. This measure applies to exploratory fishing for lobster and crab as described in the Fisheries Operation Plan reviewed by the 6th meeting of the Scientific Committee.
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 lobster and crab, using the bottom potting method, may be conducted in the exploratory fishing boxed area identified in Table 1 below.

Table 1: Boxed positions for the exploratory fishing.

Exploratory area	Latitude	Longitude
Foundation	31°00 S	100°00 W
Sea mount chain	40°00 S	134°00 W

6. The exploratory fishing will be divided into fishing years of July 1 to June 30:
 - a) The first fishing year started on July 1st, 2018 and will end on June 30th, 2019;
 - b) The second fishing year will start on July 1st, 2019 and end on June 30th, 2020;
 - c) The first year of the exploratory fishery will include two (2) research fishing trips specifically targeting *Jasus* lobster, *Projasus* lobsters and *Chaceon* crab. During each fishing trip, the fishing operations shall take place over no more than 30 consecutive days, setting and hauling no more than four to five lines of 200 traps a day for no more than 60 days per annum. Fishing shall not occur on more



than eight (8) seamounts or other underwater topographical features in total within the defined fishing boxed area

7. Fishing shall be closed to the vessel during spawning season.
8. The maximum lobster and crab (combined) total allowable catch (TAC 1) for the first fishing year taken pursuant to this CMM shall not exceed 600 tonnes of green product. The Commission may revise the TAC based on advice of the Scientific Committee at its annual meeting.
9. The maximum lobster and crab (combined) total allowable catch (TAC 2) for the second fishing year taken pursuant to this CMM shall not exceed 300 tonnes.
10. The vessel authorised to conduct the exploratory fishery will report on fishing weekly to the Cook Islands Ministry of Marine Resources (the Ministry).
11. Any results will be used to develop proposals for the consideration of the Ministry of Marine Resources and the Scientific Committee on the design of any subsequent exploratory fishing.
12. Catch and effort shall be monitored on a trap-by-trap basis and fishing operations will cease in that year once either the effort or catch limit, whichever occurs first, specified in paragraphs 6, 8 and 9 has been reached.
 - a) Because the stock and stock status are not known, if at any time during the exploratory fishing the stock indicators show sustainability concerns the Cook Islands Ministry of Marine Resource shall issue a directive to the authorised fishing vessel for exploratory fishing to cease and advise the Commission promptly thereafter.
13. The company and crew of the fishing vessel authorised to undertake this fishing shall have experience working with catch limits of that size and use intensive monitoring of all catch. As the catch limit is approached, fewer strings of traps will be set to constrain the retained catch within the limit.
14. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.

Authorised vessels

15. The fishing vessel *ALTAR 6* shall be authorised to undertake fishing pursuant to this measure. In the event that *ALTAR 6* becomes unavailable, an alternate fishing vessel of similar capability and capacity shall be authorised to undertake fishing pursuant to this measure only after the replacement fishing vessel has been notified by Cook Islands to the Executive Secretary who will notify all Members and CNCs.
16. In determining the suitability of an alternate fishing vessel Cook Islands shall consider, *inter alia*:
 - a) the vessel's ability to conduct the exploratory fishing set out in the Fisheries Operation Plan reviewed by the 6th meeting of the Scientific Committee and any subsequent version reviewed and approved by the Scientific Committee;
 - b) the master and crew's history and track record in comparable research or exploratory fishing;
 - c) the ability of the fishing vessel to provide suitable accommodation, facilities, and operating support for a Cook Islands Government observer;
 - d) the ability of the fishing vessel to maintain rigorous assessment of the potential for Significant Adverse Impacts on Vulnerable Marine Ecosystems (VMEs);
 - 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

17. Fishing pursuant to this measure shall take place in accordance with this measure or any amendment to the measure adopted by the regular meeting of the Commission.

Data collection

18. In undertaking fishing pursuant to this measure, the fishing vessel shall collect all the data required by current CMMs and as set out in the Fisheries Operation Plan reviewed by the 6th meeting of the Scientific Committee, and, to the extent possible any further data requested by the Scientific Committee (SC) for its annual evaluation and assessment.
19. The vessel shall be fully capable of complying with SPRFMO data standards and reporting.
20. The vessel shall make all efforts to target every one of the eight (8) seamounts selected for each trip.

Marine mammals, seabirds, turtles, and other species of concern

21. A vessel fishing pursuant to this measure shall use the following mitigation methods:
 - a) there shall be no dumping of offal while lines are being set or while lines are being hauled;
 - b) any offal or discards shall be macerated by machine prior to discarding;
 - c) 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;
 - d) discarding may only take place from the opposite side of the vessel from the hauling position.
22. The following information shall be collected for marine mammals, seabirds, turtles, and other species of concern:
 - a) 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);
 - b) the observer shall have a target of observing 10% of pots hauled for marine mammal, seabird and turtle captures, and for comparison with a sample of recorded video observations;
 - c) all marine mammals, seabirds, turtles, and other species of concern captured shall be identified, and photographs will be taken of as many seabird interactions as possible 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.
23. All information specified in CMM 03-2018 (Bottom fishing) and all data necessary to assess encounters with VMEs shall be collected to enable assessment and monitoring of the distribution of vulnerable marine ecosystems in the areas fished.

Monitoring & Data Collection

24. A vessel undertaking fishing pursuant to this measure shall carry a Cook Island 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.



25. 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 pots are observed or recorded on video. All recorded footage must be provided to the Cook Island Government (Ministry of Marine Resources) at the end of the voyage for analysis and storage.
26. The vessel shall also be equipped with tamper proof Automatic Location Communicators that meet SPRFMO standards for VMS reporting (every hour) and can respond to polling at any rate if required consistent with requirements under CMM 06-2018 (Commission VMS).
27. At the 7th meeting of the Scientific Committee the Cook Islands will present a full and comprehensive amended exploratory fishing proposal which conforms, in full, with SPRFMO CMMs and the Convention, in particular CMM 13-2019 (Exploratory fisheries) and CMM 03-2019 (Bottom fishing), and take into account the SC advice as described in the SC6 report. The proposal will include the following:
 - a) A detailed and specific proposal and Fisheries Operation Plan that includes formal sampling designs and data collection plans for all phases of the proposed exploratory fishery that conform with CMM13-2019 (Exploratory fisheries);
 - b) A description of how the proposed fishing meets the requirements of the Convention and relevant CMMs, including a bottom fishing impact assessment;
 - c) Propose measures to ensure the long-term viability of the target species, including reproduction;
 - d) A description of any fishing conducted to date, including effort, catch, and information on measures taken to protect VMEs.

Review

28. The 8th regular session of the Commission shall, taking into account the advice of the 7th SC or inter-sessional SC advice, determine the level of TAC for the second and third fishing year, and whether the exploratory fishing programme may continue.
29. The 9th regular session of the Commission shall, taking into account the advice of the 8th Scientific Committee or inter-sessional SC advice, determine the level of TAC for the third fishing year and whether the final year of the exploratory fishing programme may proceed.
30. This CMM shall expire in September 2021.