

7th Annual Meeting of the Commission

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COMM7-Prop14

☒ Create	New CMM on Exploratory Fishing for Toothfish in the SPRFMO Convention Area
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Submitted by: EUROPEAN UNION

Summary of the proposal:

The new CMM proposed by the EU seeks to :

- To allow for exploratory bottom longline fishing for Patagonian toothfish (*Dissostichus eleginoides*) in the area known as the South Tasman Rise, an area outside the Australian EEZ straddling FAO Areas 57 and 81 within the SPRFMO Convention Area, on a precautionary and gradual basis according to the best available science.
- To set out the conditions under which this exploratory fishery will take place, in particular a total allowable catch limit of 45 tonnes and an effort limit consisting of one trip of maximum 21 consecutive days in the period from 1 October to 30 November 2019, setting and hauling no more than 120 sets of 5000 hooks per set with a maximum of 20 sets per research block.
- To specify the fishing vessel authorised to undertake the exploratory fishing (F/V Tronio) and the conditions and procedure for authorising an alternate vessel.
- To set out the management measures applicable to the fishery with particular attention to consistency with relevant measures in force in CCAMLR.
- To set out data collection and reporting obligations applicable to the fishery.
- To specify by-catch rules, move-on rules and other mitigation measures in respect of marine mammals, seabirds, turtles and other species of concern including sharks, skates and rays.
- To set out mitigation measures for encounters with VMEs.
- To set out obligations with regard to monitoring and scientific observers.
- To provide for the review of the CMM.

Objective of the proposal:

To allow for exploratory bottom longline fishing for Patagonian toothfish in the Convention Area on a precautionary and gradual basis according to the best available science in order to, inter alia, assess the long term potential for a toothfish fishery in specific zones of the Convention Area for the purpose of providing regular fishery data to the Scientific Committee.

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CMM XX

CMM for Exploratory Fishing for Toothfish in the SPRFMO Convention Area

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 longline¹ fishing for Patagonian toothfish in the Convention Area on a precautionary and gradual basis according to the best available science to meet the following objectives:
 - a) to assess the long term potential for a toothfish fishery in specific zones of the Convention Area for the purpose of providing regular fishery data to the Scientific Committee;
 - b) to evaluate the possible impacts of the fishery on the target stocks, associated or dependent species, and marine ecosystems;
 - c) to evaluate the effectiveness of mitigation measures;
 - d) to provide information on marine mammals, seabirds, turtles, sharks, skates and rays and other species of concern;
 - e) to undertake tagging activities.

DEFINITIONS

2. For the purposes of this measure:
 - a) “toothfish” means Patagonian toothfish (*Dissostichus eleginoides*);
 - 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 [XX] “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 below.

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

Research Block	A (4,454 km ²)	B (7,651 km ²)	C (9,419 km ²)
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

¹ Also referred to as demersal longline.

SW	48° 15' S, 146° 30' E	48° 15' S, 147° 30' E	48° 15' S, 148° 30' E
Research Block	D (4,157 km²)	E (6,337 km²)	A-E total 32,018 km²
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	

6. The exploratory fishing shall comprise one exploratory trip of a maximum duration of 21 days which may occur any time between 1 October and 30 November 2019. During this trip, fishing operations shall take place over no more than 21 consecutive days, setting and hauling no more than 120 sets 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. There will be no fishing in depths above 750m and below 2000m.

TOTAL ALLOWABLE CATCH

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 is a precautionary approach, 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. Additionally it will also allow for an adequate number of tagged fish to be returned to the sea.

MANAGEMENT MEASURES

8. Fishing pursuant to this measure shall only take place in accordance with [XX] “European Union Proposal for exploratory bottom longlining for Patagonian toothfish in the SPRFMO Convention Area”.
9. Catch and effort shall be monitored on a shot-by-shot basis and fishing operations will cease once either the effort or catch limit, whichever occurs first, specified in paragraphs 6 and 7 respectively, has been reached.
10. As the catch limit of 45 tonnes is approached, shorter lines shall be set to constrain the retained catch within the limit and the tagging rate will be progressively increased. 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.

11. A minimum overlap statistic of at least 60% once 30 or more *Dissostichus* of each species shall apply for tag release.

AUTHORISED VESSELS

12. The FV Tronio shall be authorised to undertake fishing pursuant to this measure. In the event that FV Tronio is unavailable, an alternate 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 CNCPs.
13. In determining the suitability of an alternate vessel the European Union shall consider, *inter alia*:
 - a) the vessel's ability to conduct the exploratory fishing proposed in paper [XX] "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 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

14. 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 \(XX\)](#), and [any further data requested by the Scientific Committee](#) for its annual evaluation and assessment.
15. The vessel shall be fully capable of complying with SPRFMO data standards and reporting and CCAMLR CM 22-07 (2013).

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

16. A vessel fishing pursuant to this measure shall use the following mitigation methods:
 - 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 while lines being set or hauled;
 - c) any offal or discards shall be macerated by machine prior to discarding;

- d) 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;
- 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).
- 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;
- 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) the vessel will move-on to another location at least 5nm distant if the skate and ray by-catch exceeds 5% of the *Dissostichus* spp. catch or a maximum of 100kg in any one haul or set, or if the by-catch of *Macrourus* spp. reaches 150 kg and exceeds 16% of the catch of *Dissostichus* spp. in any one haul or set.

17. 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 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 captured 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.

18. 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

19. In accordance with paragraph 8 h) of CMM 03-2017, the flag State shall require FV Tronio to cease bottom fishing activities within five nautical miles of any location where evidence of a VME is encountered in the course of fishing activities, and to report the encounter, so that appropriate conservation measures can be adopted in respect of the relevant site.
20. Until the SC has developed advice on SPRFMO threshold limits, if 10 or more VME indicator units are recovered in one-line segment, the flag state shall require FV Tronio to complete hauling any lines intersecting with the Risk Area without delay and not to set any further lines intersecting with the Risk Area.
21. No move-on rule will be applicable because, under normal fishing operations, all lines will be set at minimum 4nm apart (measured from the mid-point of the line) as part of the Fisheries Operation Plan.

MONITORING

22. 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.
23. The scientific observer shall examine the 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. The scientific observer shall also record 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.
24. 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.

REVIEW

25. This CMM shall expire following the regular meeting of the Commission in October 2020.
26. 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.
27. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.