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## 9<sup>TH</sup> MEETING OF THE SPRFMO COMMISSION

*Held virtually, 26 January to 05 February 2021 (NZDT)*

### COMM 9 – Report ANNEX 8d Statement of the Deep Sea Conservation Coalition



## DSCC Interventions on measures CMM 03-2020 Bottom Fishing and 03a-2020 Deepwater Species

### CMM 03-2020 Bottom Fishing

#### First Intervention

Thank you Mr Chair

We want to thank the 3 proponents for their explanations.

Mr Chair, since this issue will primarily be discussed in the margins, we would like to be able to join those discussions.

Very briefly, delegates will have seen our briefing. In light of the news of the encounter which came to light yesterday, we would like to add a recommendation to amend paragraph 30 in two ways:

Firstly to provide for notification of encounters on the website within 3 days of the encounter. Encounters are a matter of public interest.

Secondly to provide that the notification should include the reason for the encounter notification including the taxa recorded.

Thirdly, we have taken note of the compilation measure posted in the files section. We want to highlight 3 key issues:

Firstly, on the proposed 17bis, we have concerns with the term ‘level of protection’: the UNGA resolutions make it very clear that all significant adverse impacts on VMEs must be prevented, and there should be no implication that a lower level of protection is envisaged. This is a policy matter and clear instructions must be given to the Scientific Committee.

We suggest this issue could be addressed by replacing the words “level of protection” with the word “steps” or “measures” to prevent SAIs on VMEs.

Secondly, on paragraph 33, relating to encounters, the bracketed words “[**the extent to which encounters are consistent or inconsistent with VME habitat suitability model predictions, and therefore unexpected**]” should be deleted. The task of the Scientific Committee is to recommend closing the area to prevent SAIs on VMEs.

On the issue of nautical miles, we suggest this needs to be science driven. We are aware that some features in the Louisville Ridge are far greater than 1 NM. Other relevant issues concern the length of the tows and the net. 5 NM is used by many other RFMOs and is precautionary.

Finally, on thresholds, it is not clear how the proposed changed levels in Annex 6A were derived. The concerns with the model are not limited to Louisville or NW Challenger, and we believe the VME taxa levels should be reduced across the board pending the review. We suggest reducing them to the 80th percentile, pending SC advice on what levels signify an encounter with a VME, which is the correct test. We would also note that the thresholds only apply to taxa and not to individual VME indicator species within each taxa whose range of distribution may be different from that of the taxa overall nor to other species associated with VMEs potentially vulnerable to adverse impacts from bottom fishing, for example rare species. In fact, in spite of high percentages of rare species New Zealand has reported found in many of the areas where trawling is permitted under CMM - 03, no specific measures are in place to protect these species from SAIs.

Again however as we mentioned in our intervention yesterday our view is that the bottom trawl fishery on seamounts and other underwater features as permitted in CMM - 03 should be suspended as the BFIA submitted by Australia and New Zealand indicates a considerable level and range of uncertainties on the distribution of VME indicator species, connectivity, rare species and their habitats and other issues and clearly cannot demonstrate that the fishery can be managed to prevent SAIs on VMEs as has been repeatedly called for by the UN General Assembly.



Thank you.

## Second Intervention

We have some specific suggestions on CMM 03 rev3

Para 17bis Suggest delete “the level of protection” and replace with “measures”. Setting a level of protection other than the prevention of significant adverse impacts would be inconsistent with UNGA resolutions.

Para 28: We see that 1 NM is still the move on distance. We believe this is an easy and obvious matter to change to 5 NM. It is crucial that the area containing the VME is closed and the fishing vessel moves well away from it.

Para 30: We are pleased to see notification expanded to all members and CNCPs but suggest this includes observers. This is an important point of transparency.

Para 33: we suggest deleting “the extent to which encounters are consistent or inconsistent with VME habitat suitability model predictions”. The test must be whether the vessel has encountered a VME. Consistency or inconsistency with the model is not a matter for assessing the encounter - the UNGA resolutions are clear that the encounter triggers closure unless SAI can be otherwise prevented. Moreover this provision highlights the fundamental flaw in CMM-03 which is that it allows trawling on deepwater coral habitats and other VMEs in the first place. This needs to be corrected in the review of CMM-03 scheduled in 2022.

In 33(d) suggest delete bioregion. This seems a hangover from previous text. Seems to be agreement that the relevant consideration is the fisheries management area.

In 34 we welcome the inclusion of consideration of closing some areas. All areas where VMEs are known or likely to occur should be closed to bottom fishing unless the management of the fishery in the area can be managed to prevent SAIs consistent with the commitments made by Members through the UNGA resolutions. We welcome the review requirements in para 44.

On Annex 6A while there are some improvements, including the lower sponge threshold, the level of bycatch allowed is still high, especially in light of the estimates by CSIRO scientists of the very high level of impact even relatively small amounts of bycatch represent on the seabed

## CMM 03a-2020 Deepwater Species

Thank you Mr Chair

We have been puzzling over this and whether there is 1, 3 or 4 TACs for the Tasman sea.

We suggest that the 3 Tasman Sea stocks be set as 3 separate TACs in para 5(b) and reference to the 711 TAC is deleted. This would be consistent with the SC advice.

Accordingly the specific allocations should be placed in para 5b.

We believe this would solve a lot of confusion.