

CMM 03a-2021

Conservation and Management Measure for Deepwater Species in the SPRFMO Convention Area

(Supersedes CMM 03a-2020)

The Commission of the South Pacific Regional Fisheries Management Organisation;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Articles 8, 20, 21 and 22 of the Convention:

Objective

1. The objective of this CMM together with CMM 03-2022 (Bottom Fishing) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of deep sea fishery resources, including target fish stocks as well as non-target or associated and dependent species, and, in doing so, to safeguard the marine ecosystems in which these resources occur, including inter alia the prevention of significant adverse impacts on vulnerable marine ecosystems.

Interpretation

2. For the purposes of this CMM, the definitions applicable in CMM 03-2022 (Bottom Fishing) have the same meaning in this CMM.

Application

3. All activities conducted under this CMM must be conducted in accordance with CMM 03-2022 (Bottom Fishing).
4. This CMM together with CMM 03-2022 (Bottom Fishing) are adopted as cautious preliminary conservation and management measures consistent with Article 22(1) of the Convention.

Catch Limits and Monitoring for Deep Sea Fish Stocks

5. The following precautionary catch limits are set by the Commission on the basis of the advice of the Scientific Committee:
 - a) The total catch of orange roughy (*Hoplostethus atlanticus*) in the Louisville Ridge¹ in the 2020, 2021, 2022 fishing years shall be limited to 1,140 tonnes in each fishing year.

¹ "Louisville Ridge" means all areas within the Evaluated Area to the east of 178°E.



- b) The total catch of orange roughy in the Tasman Sea² in the 2021 and 2022 fishing years shall be limited to 711 tonnes in each fishing year as follows.
- i. 396 tonnes for the Northwest Challenger stock³;
 - ii. 261 tonnes for the Lord Howe Rise stock⁴;
 - iii. 54 tonnes for the West Norfolk Ridge stock⁵.
6. Members and CNCPs agree, having regard to the Scientific Committee's advice, that the total catch of orange roughy throughout its range in the South Tasman Rise⁶ should not exceed 0 tonnes.
7. The total catch of orange roughy in the portion of the South Tasman Rise⁷ occurring in the Convention Area shall be 0 tonnes, until otherwise decided by the Commission, based on advice from the Scientific Committee.
8. Consistent with the report of the 7th meeting of the Scientific Committee, Members and CNCPs acknowledged that to maintain the Southwest Challenger Plateau orange roughy stock at or above 40% B₀ for the next five years, the estimated annual yield was calculated to be 2,448 tonnes.
9. The total catch of orange roughy in Westpac Bank⁸ shall be limited to 258 tonnes (based on the assumption that 12.5% of the Southwest Challenger Plateau biomass resides in the Westpac Bank area) in each of the, 2021, 2022, 2023 fishing years but may be reviewed by the Commission following advice from the Scientific Committee based on a stock assessment undertaken by New Zealand and other relevant information.
10. Until the Scientific Committee recommends precautionary catch limits, the catch of all other target and non-target fish species in the Evaluated Area shall be limited to a level that does not exceed the annual average catch levels of that Member or CNCP over the period 1 January 2002 to 31 December 2006 as shown in Table 3.
11. The Scientific Committee should provide regular advice on the status of bottom fishing target species and non-target species to enable the Commission to continue meeting the objectives of the Convention and this CMM. The Scientific Committee may provide advice on the revision or subdivision of the catch limits set out in this section.

² "Tasman Sea" means all areas within the Evaluated Area to the west of 178°E, excluding the "Westpac Bank" and the "South Tasman Rise".

³ "Northwest Challenger stock" means the stock that is located in the "Northwest Challenger" locality, as specified in Annex 4 of CMM 03-2022.

⁴ "Lord Howe Rise stock" means the stock that is located in the "N. Lord Howe", "C. Lord Howe", and "S. Lord Howe" localities, as specified in Annex 4 of CMM 03-2022.

⁵ "West Norfolk Ridge stock" means the stock that is located in the "West Norfolk Ridge" locality, as specified in Annex 4 of CMM 03-2022.

⁶ "South Tasman Rise" means that part of the Australian EEZ and the high seas area adjacent to the Australian EEZ within and bounded by a line beginning at the point of latitude 46°26' 07" S, longitude 146°30 E; and running:

- (i) from there east along that meridian to its intersection with the meridian of longitude 150° 00 E;
- (ii) from there south along that meridian to its intersection with the parallel of 48°30 S; and
- (iii) from there west along that parallel to its intersection with the meridian of longitude 146°30 E; and
- (iv) from there north along that meridian to the point where the line began.

⁷ "the portion of the South Tasman Rise occurring in the Convention Area" means the high seas area adjacent to the Australian EEZ bounded by a line beginning at the intersection of the outer limit of the Australian EEZ with the meridian of longitude 150°00 E; and running:

- (i) from there south along that meridian to its intersection with the parallel of 48°30 S; and
- (ii) from there west along that parallel to its intersection with the meridian of longitude 146°30 E; and
- (iii) from there north along that meridian to the intersection with the outer limit of the Australian EEZ; and
- (iv) from there generally north easterly along that outer limit to the point where the line began.

⁸ "Westpac Bank" means the high seas area adjacent to the New Zealand EEZ bounded by a line beginning at the intersection of the outer limit of the New Zealand EEZ at 39° 20S and 168° 34E; and extending:

- (i) from there west to 39° 20S and 166° 30E; and
- (ii) from there south to 40° 30S and 166° 30E; and
- (iii) from there due east to 40° 30S and 167° 24E; and
- (iv) from there generally north east to the point where the line began.



12. The Scientific Committee shall review its advice on bottom fishing target species and non-target species no later than every five (5) years, or a shorter period as determined by the Commission. The advice on bottom fishing target species and non-target species, or elements of the advice, may be reviewed together or separately, as determined by the Commission.
13. In 2021 and 2022 Members and CNCPs are to share in the total catch of orange roughy, as specified in paragraphs 5, 7 and 9, in the tonnages set out in Table 1 of this CMM.
14. Without prejudice to Members and CNCPs without an entitlement in Table 1 and the rights and obligations specified in Article 20(4)(c) of the Convention and having regard to paragraphs 5, 7 and 9, the percentages included in Table 2 shall be used by the Commission as a basis for the allocation of Member and CNCPs' catch limits from 2021 to 2023 inclusive.
15. By 31 December each year, a Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may allocate it on the basis of domestic legislation. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay. Such transfers shall only occur within, and not across, the catch limits and areas defined in paragraphs 5, 7 and 9.
16. Where a Member or CNCP has reached 70% of their limit set out in Table 1, that Member or CNCP shall monitor catch daily and ensure there is no further fishing effort⁹ by fishing vessels flying its flag once the catch limit has been reached. Members and CNCPs shall notify the Secretariat as soon as practicable of the catch limit being reached.
17. For the stocks referred to in paragraph 5(b)(i) and paragraph 5(b)(ii), in addition to the requirements of paragraph 16:
 - a) Members and CNCPs shall monitor and report catch weekly to the Secretariat. Such reporting shall specify catch per stock;
 - b) Where 50% of the catch limit of either of those stocks has been reached, the Secretariat shall notify all Members and CNCPs as soon as practicable and Members and CNCPs shall monitor and report catch daily to the Secretariat for the stock concerned;
 - c) Where 65% of the catch limit for either of those stocks has been reached, the Secretariat shall notify all Members and CNCPs as soon as practicable and Members and CNCPs shall ensure that within 24 hours of receiving notification there is no further fishing effort by fishing vessels flying its flag for that stock for the remainder of the fishing year;
 - d) Where 90% of the catch limit of either of those stocks has been reached prior to the 24 hour notification to cease effort, Members and CNCPs shall ensure that within 4 hours of receiving notification there is no further fishing effort by fishing vessels flying its flag for that stock for the remainder of the fishing year.
18. For the stock referred to in paragraph 5(b)(iii), in addition to the requirements of paragraph 16:
 - a) Members and CNCPs shall monitor and report catch daily to the Secretariat;
 - b) Where 50% of the catch limit for that stock has been reached, the Secretariat shall notify Members and CNCPs as soon as practicable, and Members and CNCPs shall ensure that within 24 hours of receiving notification there is no further fishing effort by fishing vessels flying its flag for that stock for the remainder of the fishing year;

⁹ No tows will begin after the catch limit is reached.



- c) Where 65% of the catch limit of that stock has been reached prior to the 24 hour notification to cease effort, Members and CNCPs shall ensure that within 4 hours of receiving notification there is no further fishing effort by fishing vessels flying its flag for that stock for the remainder of the fishing year.
19. If a Member or CNCP's catch is below their allocated¹⁰ or revised¹¹ catch limit for orange roughy in an area for which a catch limit has been set in a given year, that Member or CNCP may carry forward the undercatch amount¹². The total carry forward amount shall not exceed 10% of their allocated catch limit for the year from which the amount is being carried forward. This carry-forward shall only be added to their allocated catch limit for the following fishing year. This paragraph does not apply to the Tasman Sea area.
20. If a Member or CNCP has exceeded their allocated or revised catch limit for orange roughy in an area for which a catch limit has been set in a given year, the full amount of their catch above the allocated or revised catch limit (whichever results in a greater deduction) shall be deducted from their allocated catch limit for the following fishing year.
21. By 10 December each year Members and CNCPs shall notify the Secretariat whether they intend to carry forward under caught orange roughy catch for a defined area to the next fishing year, and if they have excess orange roughy catch for a defined area to confirm the revised catch limit for the next fishing year.
22. As soon as practicable following the annual meeting of the Commission, Members and CNCPs shall notify the Secretariat of any revised catch limits. The Secretariat shall circulate notifications to all Members and CNCPs, and reflect revised catch limits in monthly catch reports.
23. If, on the basis of advice from the Scientific Committee, the Commission agrees to reduce the total catch for an area, the carry-forward provision in paragraph 19 shall not apply, unless decided otherwise by the Commission. The overcatch provision, specified in paragraph 20, shall still apply.
24. If the Commission agrees to reduce the orange roughy catch limit of one or more Members or CNCPs for an area for which a catch limit has been set, the carry forward provision in paragraph 19 shall not apply unless decided otherwise by the Commission, taking into account the circumstances of the reduction. The overcatch provision, specified in paragraph 20, shall still apply.
25. For the purposes of monitoring catch levels, catches shall be attributed to the flag State of the vessels that have undertaken the fishing described in Article 1(1)(g)(i) and (ii) of the Convention.
26. Members and CNCPs shall notify the Secretariat no less than 72 hours in advance of commencing fishing activities if their flagged vessels intend to fish in the Tasman Sea or Westpac Bank areas.
27. Members and CNCPs shall report, in an electronic format, the monthly catches of their flagged vessels participating in bottom fishing to the Secretariat within 20 days of the end of each month, consistent with the SPRFMO Data submission templates.
28. For the stocks referred to in paragraph 5(b)(i) and paragraph 5(b)(ii), Members and CNCPs shall report, in an electronic format, the weekly catches¹³ of their flagged vessels participating in bottom fishing to the Secretariat by 1pm Monday (NZST) each week that catch is recorded, consistent with the SPRFMO Data submission templates. Following notification by the Secretariat that 65% of the catch limit for a stock has been reached, Members and CNCPs shall report, in an electronic format, the daily catches¹⁴ of their flagged vessels participating in bottom fishing to the Secretariat by 1pm (NZST) each day that catch is recorded, consistent with the SPRFMO Data submission templates.

¹⁰ The allocated catch limit is the limit specified in Table 1.

¹¹ The revised catch limit is the limit determined following the application of the carry forward provision in this paragraph or the overcatch provision in paragraph 20, as applicable.

¹² The undercatch amount is defined as the difference between actual catch and the allocated or revised catch limit (whichever results in lesser carry forward).

¹³ Weekly catch is catch taken from 0000hrs Monday New Zealand standard time (NZST) to 2359hrs Sunday (NZST).

¹⁴ Daily catch is catch taken from 0000hr to 2359hrs each day (NZST).



29. For the stock referred to in paragraph 5(b)(iii) Members and CNCPs shall report, in an electronic format, the daily catches of their flagged vessels participating in bottom fishing to the Secretariat by 1pm (NZST) each day that catch is recorded, consistent with the SPRFMO Data submission templates.
30. The Executive Secretary shall circulate monthly catch reports from data provided in accordance with paragraphs 27, 28 and 29, aggregated by flag State and month, to all Members and CNCPs as soon as possible, once collated.
31. The provisions of this CMM are not necessarily to be considered precedents for future allocation or other decisions in accordance with Article 21 of the Convention relating to participation in bottom fisheries in the Convention Area and adjacent areas of national jurisdiction in the circumstances provided for in Article 20(4)(ii) and (iii) with the consent of the relevant coastal State Member or Members.

Review

32. Notwithstanding that the Commission may alter the catch limits prescribed in paragraphs 5, 7 and 9, this CMM shall be reviewed no later than the annual meeting of the Commission in 2024.

Table 1: Tonnages of orange roughy in 2021 and 2022 as referred to in paragraph 13.

	Tonnages	
	Australia	New Zealand
Tasman Sea	142	569
Louisville Ridge	114	1 026
Westpac Bank	13	245
Portion of the South Tasman Rise occurring in the Convention Area	0	0

Table 2: Percentages referred to in paragraph 14 related to the catches of orange roughy referred to in paragraphs 5, 7 and 9

	Percentages %	
	Australia	New Zealand
Tasman Sea	20	80
Louisville Ridge	10	90
Westpac Bank	5	95
Portion of the South Tasman Rise occurring in the Convention Area	75	25



Table 3: Tonnages of all other target and non-target fish species in the Evaluated Area as referred to in paragraph 10.

All other target and non-target fish species ¹⁵	
Australia	New Zealand
211	762

¹⁵ Noting that the tonnages in Table 3 correspond to the evaluated area defined in paragraph 4 of CMM 03-2022 (Bottom fishing).