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## 13<sup>TH</sup> ANNUAL MEETING OF THE SPRFMO COMMISSION

*Santiago, Chile, 17 to 21 February 2025*

### ANNEX 7i CMM 14h-2025 Exploratory Fishing for Toothfish (NZL)

*(COMM 13 – Prop 12)*



## CMM XX-2025

### CMM for Exploratory Fishing for Toothfish by New Zealand-Flagged Vessels 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 13-2024 (Exploratory Fisheries) CMM 03-2023 (Bottom fishing) and 09-2017 (Seabirds);

*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* that at its previous meetings the SPRFMO Commission approved New Zealand's proposals (2016, 2017, 2019 – 2024; CMM 4.14, CMM 14a-2019, CMM 14a-2022) to conduct exploratory bottom longline fishing from 2016 to 2021 inclusive.

*FURTHER NOTING* that at its 12<sup>th</sup> meeting, the Scientific Committee assessed New Zealand's updated proposal ([SC12-DW01\\_rev2](#)) to conduct additional exploratory bottom longline fishing during 2025, 2026, and 2027 for toothfish, limited to 290 tonnes greenweight retained annually.

In its report, the Scientific Committee:

- a. **noted** the New Zealand proposal and its Fisheries Operation Plan for an exploratory demersal longline fishery for toothfish in the SPRFMO in the area south and south-east of New Zealand;
- b. **recognised** the cautious, exploratory nature of the proposal;



- c. **recognised** the scientific benefits of the proposed data collection, especially for understanding the distribution, movement, spawning dynamics, and stock structure of toothfishes and supporting the CCAMLR stock assessment models for Antarctic toothfish;
- d. **approved** the Data Collection Plan included in the proposal; and
- e. **advised** the Commission that the proposal is acceptable in terms of Articles 2 and 22, CMM 13-2024 (exploratory fisheries), CMM 03-2023 (bottom fisheries) and the BFIAS.

*ADOPTS* the following CMM in accordance with Articles 8, 20 and 22 of the [Convention](#):

## Objectives

1. To provide for exploratory bottom longline fishing for toothfish in the Convention Area for the purpose of obtaining scientific data to support the following objectives:
  - a) Map the bathymetry of the fishable area (shallower than about 2500 m).
  - b) Document the spatial distribution, catch rates, and relative abundance of Antarctic and Patagonian toothfish in likely suitable habitat, by area and depth.
  - c) Characterise the biology, life history and spawning dynamics of both species of toothfish if caught within the target area.
  - d) Tag the appropriate number of toothfish to inform stock linkage and life history studies; and for use in the multi-area CCAMLR stock assessment model.
  - e) Collect information on distribution, relative abundance, and life history of non-target fish species and other associated or dependent species; noting that fishing will be carried out using the appropriate mitigation measures.
  - f) As feasible given availability of equipment, conduct Continuous Plankton Recorder (CPR) tows and/or plankton net tows for planktonic studies and potentially for the sampling of toothfish eggs.
  - g) Collect acoustic data using existing documented procedures as carried out within the CCAMLR Convention area.
  - h) Collect information on marine mammals, seabirds, sharks, skates and rays, and other species of concern to better understand their presence in the region and their potential for interactions with fishing vessels.
  - i) Provide details to annual Scientific Committee meetings on any encounters with VME species.
  - j) Ultimately, to collect and provide information and data contributing towards the sustainable management of potential toothfish stocks in specific, data-poor zones of the Convention Area.

## Definitions

2. For the purposes of this measure:
  - a) “toothfish” means both Patagonian toothfish (*Dissostichus eleginoides*) and Antarctic toothfish (*Dissostichus mawsoni*);
  - b) “bottom longline” means standardised integrated weight bottom longline gear as specified in the [CCAMLR Gear Library](#);
  - c) “observer” means any observer from a national observer programme or service provider accredited according to the provisions of CMM 16-2021 (Observer Programme).



## Application

3. This measure applies to exploratory fishing for toothfish as described in [SC12-DW01\\_rev2](#) “Proposal for exploratory bottom longlining for toothfish by New Zealand vessels 2025-2027: Fisheries Operation Plan, Data Collection Plan, Impact Assessments, and Mitigation Summaries for Non-target, Associated or Dependent Species”.
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

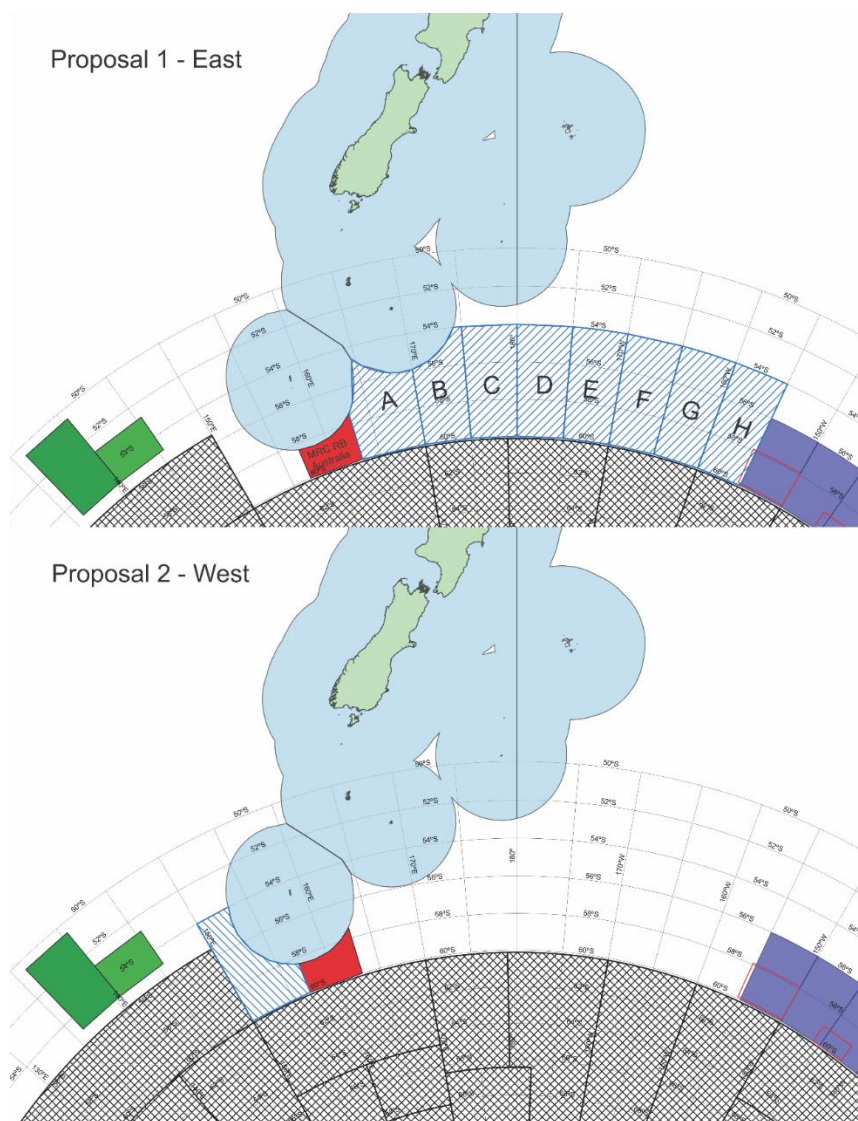
5. Fishing for toothfish, using the bottom longline method, may be conducted in the exploratory fishing research blocks identified in Figure 1 below. The two areas are south of New Zealand, research block (RB) NZSWRB1 and research blocks (RBs) A-H. These areas lie immediately to the west and east, respectively, of the current exploratory fishing by Australia under CMM 14f-2024) and are described in more detail below.

*NZSWRB1*: The first exploratory fishing area NZSWRB1, is positioned between the CCAMLR Convention Area to the south and west, the Macquarie Island EEZ and the current exploratory fishing area by Australia (CMM 14f-2024) to the east. The northern boundary runs from NE corner (54°S 150°E) along the 54°S latitude to the intersection of the Macquarie Island EEZ (54°S and ~153 10.7°E). The eastern border of the area bounds the Macquarie Island EEZ as far east as ~58° 19.5' S at 157°E. The southern border runs along the boundary of the CAMLR Convention area from SW the corner at 60°S and 157°E to the SE corner at 60°S 150°E.

*Research Blocks (RBs) A-H*. The second exploratory fishing area consists of research blocks (A – H). To the south, these extend along the northern boundary of the CCAMLR Convention Area at 60°S (from the SW corner at 163° E to the SE corner 155°W). To the west they follow the eastern margin of the existing exploratory fishery for toothfish by Australia (CMM 14f-2024), the eastern curved margin of the Macquarie Island EEZ, and the southern curved margin of the New Zealand EEZ. To the east the proposed area adjoins the previous New Zealand exploratory fishery area research block L (CMM 14a-2019) with SE corner at 60° S 155' W. The northern boundary runs along the 54 S latitude from the NE corner 54° S 155' W, to the intersection with the New Zealand EEZ at ~56° S 174° 16' E.



**Figure 1:** Boxes show the two proposed areas by New Zealand for the 2025-2027 period, green boxes show the area defined for Exploratory Fishing for Toothfish by European Union (CMM 14e-2024), the red box is the area defined for Exploratory Fishing for Toothfish by Australia (CMM 4f-2024) and the purple boxes show part of the area defined for the previous Exploratory Fishing for Toothfish by New Zealand (CMM 14a-2019, CMM 14a-2022).



6. The exploratory fishery is proposed for three consecutive calendar years, 2025, 2026 and 2027, consistent with CMM 13-2024, which allows a maximum period of three years for exploratory fishery applications. It is proposed that exploratory fishing trips may be associated with routine fishing operations for efficiencies. Fishing could take place at any time during a calendar year but where possible, the timing of trips will be additionally planned to take place both before and after the spawning period believed to be around July and August). Up to three of the three nominated vessels will participate in the exploratory fishery working within the annual catch allocation and Fishery Operation Plan.
7. The Scientific Committee will review results each year at its annual meeting and advise the Commission on progress, including whether any stock indicators show sustainability concerns and what, if any, additional measures might be required to manage bycatch of deepwater sharks or other non-target species.



## Total Allowable Catch

8. The annual toothfish total allowable catch shall not exceed 290 tonnes (greenweight) in each of 2025, 2026, and 2027 unless the Scientific Committee at its 2025 or 2026 meetings advises a lower TAC. Fish that are tagged and returned alive to the sea shall not be counted against this limit. The annual catch limit of 290 tonnes will allow the collection of a significant amount of scientific information, will also allow for an adequate number of tagged fish to be returned to the sea. This catch limit is based on the individual research block catch limits (50 tonnes) per year. This is a precautionary approach. The risks of interactions with seabirds and marine mammals are also incorporated in the programme design and protocols.
9. The catch limit was determined based on an effort spreading approach designed to minimise the chance of localised depletion with the following considerations:
  - a) Clusters composed of multiple IWL lines are allowed with no rules for minimum separation between lines;
  - b) No more than 20,700 hooks may be set in a cluster;
  - c) clusters of lines may be no closer together than 5 nautical miles (measured from the mid-point of the proximate lines of each individual cluster) in any calendar year;
  - d) A cluster may only be fished once during any calendar year by any of the vessels involved;
  - e) Aim to fish at least 3 clusters in each research block surveyed (within the constraints of fishable ground, sea ice, and operating conditions);
  - f) The minimum depth proposed for this research is 600 m to better protect benthic communities. Some sets may be made the deeper end of the expected depth range for toothfish (deeper than 2200 m), contingent on ice and other operating conditions and the risk of the backbone line snagging the bottom;
  - g) A minimum of three research blocks should be surveyed, with a maximum catch limit of 50 t per research block ensuring geographic spread of effort and reducing the risk of localised depletion should catch rates be high in one or more research block;
  - h) A maximum combined annual catch limit of 290 tonnes greenweight; and
  - i) To the extent practical, similar locations to be fished pre- and post-spawning to facilitate separation of spatial and seasonal trends; the spawning period is believed to be around July and August).
10. Catch and effort shall be monitored on a set-by-set basis and fishing operations will cease in that year or that research block once any of the limits in paragraphs 8 and 9 have been caught.
11. The companies and crews of the proposed vessels shall have experience working to restrictive catch limits and use intensive monitoring of catch retained. As any catch limit is approached, any or a combination of the following measures to constrain the retained catch within the relevant limit(s) shall be considered:
  - a) Shorter lines will be set as the catch limit is approached to minimise the chance of an overrun,
  - b) Tagging rates may be progressively increased during hauling as the catch limit is approached, and
  - c) A seawater tank will be maintained on board such that live fish in good condition can be retained in case they need to be tagged and returned alive to stay within the catch limit.
12. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.



## Authorised Vessels

13. Three fishing vessels *San Aspiring*, and *San Aotea II*, owned and operated by Sanford Ltd and *Janas* owned and operated by Tallys Group Limited (TGL) shall be authorised to undertake fishing pursuant to this measure. In the event that either the *San Aspiring*, *San Aotea II*, or *Janas* are unavailable, an alternate vessel of similar capability and capacity shall be authorised to undertake fishing pursuant to this measure only after the vessel has been notified by New Zealand to the Executive Secretary.
14. In determining the suitability of an alternate vessel New Zealand shall consider, *inter alia*:
  - a) the vessel's ability to conduct the exploratory fishing proposed in paper [SC12-DW01\\_rev2](#);
  - 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 an observer;
  - d) the ability of the vessel to maintain rigorous mitigation of risks to seabirds and marine mammals;
  - 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 regional fisheries management organisation or Regional Fisheries Body shall not be accepted as an alternate vessel.

## Management Measures

15. Fishing pursuant to this measure shall only take place in accordance with [SC12-DW01\\_rev2](#) "Proposal for exploratory bottom longlining for toothfish by New Zealand vessels 2025-2027: Fisheries Operation Plan, Data Collection Plan, Impact Assessments, and Mitigation Summaries for Non-target, Associated or Dependent Species".
16. Because of the likelihood of shared stocks of toothfish, fishing pursuant to this measure shall, as far as possible, be conducted consistent with relevant measures in force in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Area, including the following:
  - a) Generally following the approach of historical CCAMLR surveys in adjacent areas, the following rules shall apply:
    - i. clusters of bottom longline sets are allowed, with no rules for minimum separation between sets;
    - ii. no more than 20,700 hooks shall be in a cluster;
    - iii. clusters of lines may be no closer together than 5 nautical miles (measured from the mid-point of the proximate lines of each individual cluster) in any calendar year.
    - iv. A cluster may only be fished once during any calendar year by any of the vessels involved.
  - b) A minimum tagging rate of three fish per greenweight tonne retained for Patagonian toothfish. Consistent with the CCAMLR requirement to the south, a minimum tagging rate of one fish per greenweight tonne for Antarctic toothfish.
  - c) To harmonise with CCAMLR tagging measures, a minimum tagging size overlap statistic of 60% (for each species separately) will be implemented, once 30 toothfish have been successfully released with tags. The overlap statistic is a comparison between the observed length frequency of the biological information collected by the observer, and the size composition of fish returned alive with tags. The statistic shall be calculated using the current version of the CCAMLR tag-overlap statistic calculator which shall be carried on all vessels.



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17. Standardised integrated weight bottom longline gear (IWL, see the [CCAMLR gear library](#)) shall be used for all fishing pursuant to this measure.
18. Although any bycatch of larger sharks is not expected, should the opportunity arise, larger live sharks that are able to be safely brought aboard will be identified and released. Additionally, having regard to crew and observer safety and practicality, larger sharks may be measured, and some may be fitted with pop-up archival transmitting tags. Large sharks that are dead and can be safely brought aboard will be retained for identification ashore, large specimens that cannot be brought aboard will be photographed and discarded.

## Data Collection

19. In undertaking fishing pursuant to this measure the vessel shall, to the extent possible, collect all the data as set out in the paper submitted to the Scientific Committee ([SC12-DW01\\_rev2](#)) and any further data requested by the Scientific Committee for its annual evaluation and assessment.
20. Any vessel authorised to undertake fishing pursuant to this measure shall be fully capable of complying with SPRFMO data standards and reporting as required under CMM 02-2021 (Data Standards) and CMM 03-2023 (Bottom Fishing), and CCAMLR [CM 22-07 \(2013\)](#) related to encounters with potential VMEs. New Zealand will submit all data using the CCAMLR C2 catch and effort form for longline to at least the standard required by [CMM02-2021](#) (Data Standards). In addition, the observer aboard each vessel shall complete, in full, the appropriate CCAMLR observer eLongline forms for (observer) fisheries data and cruise report forms.

## Marine Mammals, Seabirds, Turtles, and other Species of Concern

21. A vessel fishing pursuant to this measure shall use the following mitigation methods:
  - a) the vessel shall use integrated weight line as described in the [CCAMLR gear library](#) with a weighting of 50 g of lead per metre of backbone line;
  - b) tori (streamer) lines shall be deployed above the lines being set;
  - c) all lines shall be set in accordance with CMM09-2017 (Seabirds);
  - d) there shall be no dumping of offal while lines are being set or while lines being hauled;
  - e) any offal or discards shall be macerated by machine prior to discarding;
  - f) 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;
  - g) discarding may only take place from the opposite side of the vessel from the hauling position;
  - h) a bird exclusion device (BED) shall be used to prevent birds entering the hauling area, to the extent allowed by sea ice and prevailing weather;
  - i) other methods such as water spray, movement, et cetera, shall be used as appropriate to deter aggressive feeders from approaching the line.
22. The following information shall be collected for marine mammals, seabirds, turtles, and other species of concern:
  - a) seabird and marine mammal abundance counts should be undertaken by observers where possible during the setting of each line;
  - b) other opportunistic observations, photography and identification of marine mammals shall be undertaken in collaboration with crew;
  - c) the observer shall have a minimum target of observing 10% of hooks hauled for marine mammal, seabird and/or turtle captures;



- d) multi-camera EM systems recording both set and haul operations will be in use;
- e) all marine mammals, seabirds, turtles, and other species of concern caught will be identified and recorded, and photographs will be taken of any live birds released as well as of any birds colliding with the ship that can be recovered without compromising the safety of the crew regarding the current bird flu (H5N1) outbreak. Any dead birds will be photographed and identified as far as possible without comprising the safety of the crew (H5N1), then discarded.

23. All information specified in CMM 03-2023 (Bottom Fishing) relating to bottom fisheries and all data necessary to assess potential encounters with VMEs shall be collected to enable assessment and monitoring of the distribution of marine ecosystem in the areas fished. Benthos will be sampled according to CCAMLR protocols, identified to the lowest possible taxa, weighed to the nearest 10 g using motion-compensated scales and reported as either VME, or as part of the catch. For identification of VME, the following two ID guides are to be used:

- a) Classification Guide for Potentially Vulnerable Invertebrate Taxa in the SPRFMO Area, and
- b) CCAMLR VME Taxa Classification Guide 2023

For reporting jointly to SPRFMO and CCAMLR both FAO and CCAMLR species codes will be used. SPRFMO procedures follow the CCAMLR benthic sampling protocol for bottom longline.

## Monitoring

24. A vessel undertaking fishing pursuant to this measure shall carry an 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 SPRFMO data standards ([CMM 02-2021](#)) 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 lines and hooks are observed or recorded on video. All recorded footage must be provided to the New Zealand Ministry for Primary Industries at the end of the voyage.

26. The vessel shall also be equipped with at least two tamperproof Automatic Location Communicators that meet SPRFMO standards for VMS reporting (as per [CMM06-2020](#), at least once every hour) and can respond to polling at any rate if required.

## Review

27. This CMM shall expire following the regular meeting of the Commission in 2028.