

11th MEETING OF THE SCIENTIFIC COMMITTEE

11 to 16 September 2023, Panama City, Panama

SC11 – Inf02

SPRFMO Interim Measures discussion paper and High Seas Group proposed alternative Management Proposal.

High Seas Fishing Group

Attached is a letter that HSFG sent to ALL Members back in 2012 after 4 years of frustration arguing with New Zealand (MPI).

The information and argument we submitted in 2012 and before are still valid, we have found mistakes and procedural flaws in models and decisions now and HSFG wants SC members to be very clear that we have been consistent in our attempting to work with SPRFMO, but they have not listened and continue to advise commission with information that is simply incorrect. If this was to be reviewed it would not stand up to absolute scrutiny.

We have as you know because of the recent decision at Commission and advise from SC ended fishing on the high seas for Deepwater fish and as a result 50 fisherman positions at sea have been lost. HSFG want SC members to have a chance to correct this situation and we are still prepared to help.

10 January 2012

Dear SPRFMO members

RE: SPRFMO INTERIM MEASURES DISCUSSION PAPER AND HIGH SEAS GROUP PROPOSED ALTERNATIVE MANAGEMENT PROPOSAL

Introduction

The New Zealand High Seas Group Incorporated (NZHSG) is a body representing all New Zealand fishing companies that have an interest in and actively fish on the high seas in the SPRFMO area. NZHSG members have extensive deepwater and international fishing and management expertise and New Zealand companies and New Zealanders have been at the forefront of many new and exploratory fisheries developed over the last 20 years in all oceans of the world.

Over the past 4 years the NZHSG has actively engaged the NZ Ministry of Fisheries (MFISH) on the management of SPRFMO and have repeatedly voiced their objections to the SPRFMO Interim Measures on (amongst others) the following grounds:

1. The proposed implementation of the particular catch limits on the High Seas in the SPRFMO area;
2. The manner and policy direction in which NZ has been driving the implementation of the interim measures;
3. The continued reliance on ill-defined concepts that are scientifically weak and essentially impossible to operationalize in a rational manner (VMEs and SAIs);
4. The continued management of the High Seas fishery on the basis of science that has been based on selective information and modelling whose assumptions have not reflected the actual history of the fishery;
5. The use of spacial constraints (i.e. area closures) (the 2002 – 2006 footprint) as an effective method of mitigating adverse impacts. This is widely seen as a blunt measure; it is not based on any science but is a product of political compromise;
6. The categorisation of certain areas as heavily, moderately and lightly trawled and the rationale of the “move-on” rule;
7. The thresholds for bottom fauna and what constitutes ‘vulnerable bottom fauna’ (VME indicator scores);

Members of the NZHSG have consulted with MFISH who have acknowledged that current SPRFMO management measures are *interim* and *voluntary*.

NZHSG has proposed on various occasions that New Zealand inform SPRFMO that MFISH would review their (then) current conservation and management measures to prevent significant adverse impacts on VME’s based upon (amongst others) the following:

1. Comprehensive review of the current bottom fishery impact assessment; and
2. The introduction of new and more comprehensive management measures based upon *all* data; and
3. The introduction of agreed catch limits; and

4. Review of the validity of the VME concept as it is currently being interpreted.

In late 2010, the NZHSG proposed an alternative management measure for the SPRFMO area. In brief, the conservation measures proposed contemplated specific feature-based management and suggested the establishment of “open” and “closed” areas defined for specific seamounts. In effect, the New Zealand industry would commit to limit fishing effort to specific and explicitly defined areas on the particular features both within and outside the current New Zealand footprint. In so doing, the management of this fishery will be simplified and it was proposed that there be a departure from the existing blunt and unscientific “light, medium and heavily trawled” categorisation of fishing areas and the associated “move on” rules.

A detailed paper entitled *“Management of Deepwater Fisheries by Seafloor feature in the South Pacific Ocean”* authored by Ross Shotton was submitted to the NZ government in November 2010.

Despite considerable consultation amongst stakeholders and several meetings with the New Zealand Government officials, we are very disappointed to see no changes in the most recent management proposal put forward by the New Zealand officials for the management of SPRFMO.

The alternative management regime proposed provides for greater use, without compromising sustainability of a fishery resource. We believe that this fishery is not fully exploited nor appropriately managed and we are firmly of the view that that there remains significant room for improvement in the use of the relevant high seas resources without compromising their sustainability.

New Zealand officials did not support our request that the NZHSG Proposal be submitted to the Prep Con 2 meeting.

The purpose of this open letter is to:

1. Inform you of the issues that NZHSG have been grappling with over the last four years; and
2. To seek your support to table our Management Proposal for consideration at Prep Con 3; and
3. Emphasize the need for a joint approach to the management of SPRFMO that includes both industry and governments - to ensure the development of a sustainable and commercially viable fishery through implementation of sensible management regimes in SPRFMO.

NZ’s proposal for the management of SPRFMO fisheries.

By way of summary, the current New Zealand proposal for the management of SPRFMO;

1. Consists of management through the 20' X 20' boxes that comprise the New Zealand footprint. We have noted our objections to this on several occasions, and reiterate, in addition to our other objections, that spatial management in this form is extremely cumbersome to manage and does not recognise variations and elevations in the seafloor and seamount features; and
2. Is based on flawed computer modelling covering a limited time period and of the seafloor in general and not specific to the area covered by the footprint; and
3. Does not present a coherent management model of sustainable use that should be at the core of a good fishery management system and

4. Does not give recognition to all SPRFMO member countries' historical fishing efforts on seamount features since 1978, when the New Zealand 200 nm EEZ was implemented (We have proposed the year 1986 as that was the start of the NZ Quota Management System).

Our analysis of the SPRFMO interim measures, which are imposed on NZHSG members through the conditioning of High Seas permits, indicates that these conditions, imposed on NZHSG members, exceed NZ's obligations under SPRFMO and related international instruments. These conditions are well in excess of those imposed on any other SPRFMO member country.

There are varying applications of the Interim Measures by other SPRFMO members. One example of this is the difference between Australia and New Zealand of the move-on-rule and thresholds levels for benthic bycatch. Self-evidently, there should be consistent and uniform compliance with the Interim Measures by all participants across all SPRFMO fisheries.

The NZHSG has requested that until such time as comprehensive and final decisions on management measures are agreed and implemented by SPRFMO, (in conjunction and in consultation with other SPRFMO members) no further changes should be made to the New Zealand High Seas Permit conditions.

We note that NZHSG members have, under protest, restricted their fishing effort over the past four years whereas other countries have showed no such restraint, particularly in the high-seas jack mackerel fishery outside the Chilean EEZ. SPRFMO's ineffective interim management measures in that fishery have made a mockery of the SPRFMO process. New Zealand industry and Government officials predicted the collapse of the South Pacific mackerel fishery two years before the event and sadly this is what happened.

Comment on Bottom Impact Assessment Paper

NZHSG has previously commented on the discussion paper (Bottom Impact Assessment 2008 and 2009) and would summarise our objections as follows:

NZHSG objects to:

1. The use of the 2002-2006 catch years as the operative period for determining the New Zealand footprint not least because New Zealand vessels have been fishing the high-seas adjacent to the New Zealand EEZ since 1986.
2. The conditioning of the high seas permits in their current form;
3. The manner of New Zealand's implementation of the interim measures;
4. Any proposed implementation of catch limits on the high seas that are not the result of satisfactory analysis and consultation ;
5. The term "significant adverse impact" being used when it is not defined scientifically and is proving problematic in functionally operationalizing (and not only in the South Pacific).
6. The use of the term "VME" (vulnerable marine ecosystem) as it is unscientific and creates in the mind of the public and academics that there must be a problem if an object is classed as "vulnerable". SPRFMO records show there is little information on the benthos so it is assumed that faunal elements are either rare or occur everywhere! However, recent scientific papers show that cold water corals and similar benthos occur rarely over extensive areas that have been examined. Insufficient analysis or consideration has been undertaken of the results of these scientific papers.

NZHSG have proposed:

1. That a comprehensive review of the current bottom fisheries impact assessment be undertaken jointly with those involved – the fishing industry; and
2. The introduction of the new and more comprehensive management regime for this fishery as proposed in our discussion paper.

This proposal has been ignored.

NZHSG Proposal for management by Sea Floor Feature

NZHSG's detailed paper "*Management of Deepwater Fisheries by Sea Floor Feature in the South Pacific Ocean*" contains a carefully-considered review of the current conservation and management measures and proposed a well-structured alternative management regime proposal (drafted by a highly regarded international fisheries scientist) that pointed out the flaws in the current regime. This proposal is consistent with New Zealand's international obligations on the High Seas.

In paragraph 5 of that paper the author noted that the use of the period 2002-2006 as the baseline period for setting catch limits is arbitrary and irrational. The author further proposed that the treatment of catch limits should cover the entire period, together with recognition of all features that have been fished in the past including those to the east of New Zealand across the entire Pacific to the western seaboard of North and South America. This has not been addressed by the New Zealand Government in the proposed permit conditions.

We note that, notwithstanding NZHSG's efforts to engage with the New Zealand Government on this subject, no recognition has been given to our carefully developed management proposals in the discussion document tabled by the NZ Government, nor reflected in the proposed permit conditions.

Some three months after the NZHSG proposal was sent to the New Zealand Government and on the eve of the issue of High Seas permits in March 2011, NZHSG members were presented with a set of proposed High Seas Permit conditions that:

1. Included detailed catch limits as reflected in Table 1 of the New Zealand Government's August 2010 discussion paper;
2. Signalled restrictive quotas on individual features, as set out in Table 2;
3. Relied upon "Key Principles" that are not supported scientifically.

NZHSG is firmly of the view that any commitments made to a regime of restrictions and management rules require further careful consideration that must involve open and meaningful consultation with NZHSG. This did not occur.

SPRFMO members have endorsed many of these restrictions (which we note do not affect many of the participating states) and have supported measures that are not based on sound science. Neither has the process of formulation of these rules had regard to the best available scientific information that is available.

At each stage of the consultation process in regard to SPRFMO and the conditioning of High Seas permits, the NZHSG has signalled its objections to the methodology used by New Zealand officials and the Ministry of Agriculture and Fisheries (MAF) to support closures and further restrictions to our permits. We have, *with scientific support* repeatedly questioned the arbitrary basis on which the interim measures and permit conditions have been applied.

We require that the NZHSG Management Proposal be formally considered and its recommendations be incorporated, with appropriate amendments if required, into the proposed final SPRFMO management measures to be negotiated through Prep Con 3.

Conclusion

The NZHSG:

- Emphatically supports and endorses sustainable fishing within the bounds of conservation of fish stocks and biodiversity.
- Supports feature-based management.
- Wishes to work with all officials to arrive at a sensible and workable management regime that can be applied on the high seas
- Asks that the term 'significant adverse impact' (SAI) is defined in an operationally sensible and useable manner;
- Does not consider that the word "vulnerable" should form part of the scientific language in any RFMO and proposes that the term marine ecosystem (ME) is more appropriate or alternatively, to use the name of the specific faunal group of concern, e.g. coldwater corals;
- Asks that industry is permitted to table ALL of their data once confidentiality rules are in place so this information can be considered;
- Does not support closing off significant areas of ocean that have in the past been fished successfully based on assumptions that certain benthic fauna, as yet to be determined, is present;
- Does not support using unverified computer models to predict what may or may not be in an area and which rely on either on the little information that is available or disregards existing information.
- Requests that the years that define the footprint when fishing was carried out on the high seas in the SPRFMO area are changed to the period 1986 to 2006 as this was the period in which the fishery developed

Summary

We look forward to your support in tabling our Management Proposal for consideration at Prep Con 3 in Santiago on 30 January 2012.

For ease of reference, I **attach** NZHSG's paper entitled "*Management of Deepwater Fisheries by Sea Floor Feature in the South Pacific Ocean*" dated November 2010.

I will attend SPRFMO Prep Con 3 in Santiago and would be happy to clarify or discuss with any members the issues we have identified in our letter as well as details of our alternative management proposal.

Kind Regards

Andy Smith
Chairman
NZHSG

Talley's Group Limited, Sealord Group Ltd, Richardson Fishing Limited, Endurance Fishing Limited, Pescatore Fishing Limited and Anton's Trawling Limited.

Encl.