

**3rd Meeting of the Compliance and Technical Committee
Valdivia, Chile, 21-23 January 2016**

CTC-03-09

**PROPOSAL: Conservation and Management Measure for Exploratory Fishing for
Toothfish in the SPRFMO Convention Area**

New Zealand

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 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 conservation and management measures 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 conservation and management measures (CMMs) which will apply to activities anticipated to be undertaken pursuant to this measure, including, *inter alia*, CMM [2.03](#) on the Management of Bottom Fishing in the SPRFMO Convention Area and CMM 2.04 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 conservation and management measures;

Noting that at its third meeting the Scientific Committee assessed New Zealand's proposal ([SC-03-DW-01_rev2](#)) to conduct exploratory demersal longline fishing during 2016 and 2017 for toothfish, limited to 30 tonnes per year, and that, in its [report](#), the Scientific Committee:

1. *confirmed* that the proposal is acceptable under Article 22 (CMM 2.03) and the Bottom Fishery Impact Assessment Standard (BFIAS);
2. *recognised* the cautious, exploratory nature of the proposal and the scientific benefits of the proposed data collection, including the understanding of the distribution, movement and stock structure of toothfishes;
3. *emphasised* the importance of implementing stringent seabird mitigation measures throughout the surveys, including integrated weighted lines, bird scaring lines when setting gear and strict offal management;
4. *suggested* that, in addition to being reviewed by New Zealand's domestic working group and the SPRFMO SC, data and analyses from the surveys should be shared with CCAMLR;

5. *stressed* that their evaluation did not indicate any commitment to extending this survey beyond 2017 or to extending New Zealand's footprint if a toothfish fishery is eventually proved in this area;

Adopts the following conservation and management measure in accordance with Articles 8, 20 and 22 of the Convention:

Objectives

1. To provide for exploratory demersal long line fishing for toothfish in the Convention Area for the purpose of obtaining scientific data: to allow the evaluation of the long term fishery potential for a toothfish fishery in the Convention Area; to evaluate the possible impacts on the target stocks, associated or dependent species, and marine ecosystems; to evaluate the effectiveness of mitigation measures; and to ensure the exploratory fishery is developed on a precautionary and gradual basis.

Definitions

2. For the purposes of this measure:
 - a. “toothfish” means both Patagonian toothfish (*Dissostichus eleginoides*) and Antarctic toothfish (*Dissostichus mawsoni*).

Application

3. This measure applies to exploratory demersal longline fishing for toothfish in the Convention Area.
4. None of the obligations in this measure exempt a Member or CNCP from complying with any Convention obligation or any other conservation and management measures adopted by the Commission.

Details and specification of exploratory fishing activities

5. Fishing for toothfish, using the demersal long line method, may be conducted in the exploratory fishing boxes identified in Table 1 below.

Table 1: Corner positions for the two exploratory fishing blocks.

Exploratory fishing area	Latitude	Longitude
A	57° 54.0' S	155° 20.0' W
	59° 54.0' S	155° 20.0' W
	59° 54.0' S	150° 00.0' W
	57° 54.0' S	150° 00.0' W
B	59° 00.0' S	142° 10.0' W
	60° 00.0' S	142° 10.0' W
	60° 00.0' S	145° 50.0' W
	59° 00.0' S	145° 50.0' W

Total Allowable Catch

6. The annual toothfish total allowable catch shall not exceed 30 tonnes. Fish that are tagged and returned alive to the sea shall not be counted against this limit.
7. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.

Authorised Vessels

8. The vessel *San Aspiring* or, in the event of its unavailability, an alternate vessel of similar capability and capacity notified by New Zealand to the Executive Secretary, shall be authorised to undertake fishing pursuant to this measure.
9. 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 [SC-03-DW-01_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 a New Zealand 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 competent regional fisheries management organisation shall not be accepted as an alternate vessel.

Management measures

10. 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. CCAMLR's protocol for research longline fishing on small, isolated features (see [CM 41-10](#), 2014). For consistency with CCAMLR surveys in adjacent areas, the following rules shall apply:
 - clusters of IWL lines are allowed with no rules for minimum separation between lines;
 - no more than 6,900 hooks shall be set in a line;
 - no more than 17,250 hooks shall be set in a cluster;
 - clusters of lines shall be no closer together than 10 nautical miles (measured from the proximate lines of each individual cluster).
 - b. A minimum of three fish of each *Dissostichus* species per greenweight tonne shall be tagged applying the CCAMLR rules in force in the areas 88.1 A&B North region ([CM 41-01](#) Annex C), including a minimum tag overlap statistic of 60% once 30 or more *Dissostichus* of a species has been successfully released with tags.
11. Standardised integrated weight demersal longline gear (IWL, see the [CCAMLR gear library](#)) shall be used for all fishing pursuant to this measure.

Data Collection

12. 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 ([SC-03-DW-01_rev2](#)) and any further data requested by the Scientific Committee.

Marine mammals, seabirds, turtles, and other species of concern

13. 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. There shall be no dumping of offal while lines are being set or while lines being 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. A bird exclusion device (BED) shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;
 - g. Other methods such as water spray, movement, et cetera, shall be used as appropriate to deter aggressive feeders from approaching the line.
14. 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 captures, and for comparison with a sample of recorded video observations
 - c. At least 50% of hooks hauled shall be viewed on recorded video after the voyage
 - d. All marine mammals, seabirds, turtles, and other species of concern captured shall be identified, and photographs will be taken of as many birds colliding with the ship as possible and all birds released alive
 - e. All dead birds must be retained for formal identification and necropsy
 - f. Opportunistic observations, photography and identification of marine mammals may be undertaken in collaboration with the crew
15. All information specified in CMM 2.03 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.

Observers

16. A vessel undertaking fishing pursuant to this measure shall carry a New Zealand Government observer, as well as a dedicated assistant experienced in at-sea scientific data collection to assist the observer with biological measurement and data collection.
17. 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 for analysis and storage.

Review

18. This CMM shall be reviewed at the regular meeting of the Commission in 2018 and, after considering advice from the Scientific Committee and any other relevant matters, may be extended by the Commission for a further period not exceeding three years.