



Andrew Penny
Chair
Scientific Working Group
South Pacific RFMO

30 October 2009

Dear Andrew,

Re: Paper [SP-08-SWG-DW-02](#) EC preliminary assessment of the risk of causing serious damage to VMEs and protocol of actions.

<http://www.southpacificrfmo.org/assets/8th-Meeting-November-2009-New-Zealand/SWG-VIII/SP-08-SWG-DW-02-EC-Bottom-fishing-assessment-ENG.pdf>

While TRAFFIC has not been engaged in the SPRFMO processes the last few years, browsing the papers for next weeks meeting I was alarmed when I read the paper provided by Spain on the two vessels which are gillnetting at depths between 400 and 2000m in the areas Lord Howe, Challenger Plateau, West Norfolk and Three Kings ridge.

TRAFFIC is concerned by this for a number of reasons:

1. Under the interim measures agreed in 2007 by the participants to negotiations to establish a SPRFMO, the participants agreed to restrict fishing to existing levels of fishing which is stated to mean "Existing levels of fishing effort or catch means the average annual levels over the period 1 January 2002 to 31 December 2006". The fishing activities by these two gillnetters is clearly a new fishery and therefore not respecting the interim measures and should be closed immediately;
2. The paper lists target species only, despite pointing out the fishery is 100% observed by scientific observers. There is no provision of actual catch and effort data;
3. The species in the target list does not include the full range of species of Chondrichthyans (sharks, rays and chimaeras, referred to from here as sharks) that would be caught when fishing in these areas;
4. There are species such as the school shark or tope (*Galeorhinus galeus*) which have been shown to migrate between New Zealand and Australia possibly in the areas of this

fishery. This is a species which is commercially exploited, under quota in both countries and has been seriously over exploited in Australia and management is in place to recover the population. The species has also been noted by the CITES Animals Committee Shark working group as a species of concern that may warrant listing on the appendices of CITES in the future. This is an example of a heavily exploited species being caught in the area of which this is probably one of many;

5. Due to the nature of the fishing and position on the continental slope these fishing activities will be directly impacting on straddling stocks from within the EEZ's of Australia and New Zealand and hence consideration needs to be given to the extensive management measures already in place for species being caught;

6. There is no doubt this fishery will be directly impacting on some populations of sharks such as the deepwater dogfish which are particularly sensitive to over exploitation and there is evidence from the region showing fishing has caused the serious depletion of dogfish stocks resulting in Australia banning the retention of some dogfish species and looking to mitigate their take. The Norfolk and Three Kings area these vessels are fishing in were recently highlighted in a paper by Clinton Duffy as an area where *Centrophorus harrissoni* occurs. This species has been extirpated from about half of its range off Australia. A single deep set gillnet operator had a major impact in a single year, the potential impact of two gillnetters undertaking an undisclosed amount of effort is distressing when this species is considered against the IUCN red list criteria as critically endangered.

TRAFFIC believes the fishery should be closed and is acting in contravention of what has been agreed at SPRFMO in capping effort. Secondly the fishery is acting in a way that will be targeting and depleting species of Chondrichthyans such as deepwater dogfish which are particularly susceptible to overexploitation. Thirdly the fishing activity in this geographical area will be catching species which are straddling and migratory stocks of Australia and New Zealand which are currently under management arrangements and no fishing should have commenced prior to discussions with those countries on the potential impact this new fishery may cause.

In addition TRAFFIC is currently looking in to reviewing the activities of similar gillnetting vessels which are not just restricted to the purview of the SPRFMO. CCAMLR listed vessels are also undertaking gillnetting, we assume not in the CCAMLR area as that is banned, and reviewing some of the catches of these vessels when entering South African ports they are carrying large catches of Kitefin shark, Dogfish and nurse shark and as an example one vessel in 2008 when inspected was carrying 56,000 litres of kitefin shark oil. We question Flag State control over these fishing activities to ensure they are in fact controlled and sustainable and will be looking to all relevant RFMO's to control these fishing activities to levels that are demonstrated to be sustainable.

Please feel free to contact me if you would like me to further explain my concerns. I have copied this mail to relevant authorities, NGO's and IUCN Shark Specialist Group members.

Yours sincerely

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