



17 September, 2011

Mr Andrew Penney
Chair, Scientific Working Group
South Pacific Regional Management Fisheries Organisation
Wellington

Via email: Andrew.Penney@fish.govt.nz

Dear Andrew,

Re: Comments on the Revised Draft Bottom Fishery Impact Assessment Standard SWG-10-DW-03

INTRODUCTION

These are the comments by the Deep Sea Conservation Coalition (DSCC) on the Revised Draft Bottom Fishery Impact Assessment Standard SWG-10-DW-03 “BFIAS”. They update the comments made in our submission of 11 July 2011.

We will not repeat all of our previous comments. DSCC is pleased that this matter will be discussed at the 10th Science Working Group meeting in Port Vila, Vanuatu from 19-23 September. We also note that we have made comments on the Australian assessment. That can be found as SWG-10-INF-03 at

<http://www.southpacificrfmo.org/assets/10th-SWG-and-9th-DIWG-meetings-Vanuatu/SWG-10/SWG-10-INF-03-DSCC-Comments-on-Australian-SPRFMO-assessment.pdf>.

Our overall concerns, in addition to the earlier concerns, are:

1. The BFIAS would allow for bottom fishing prior to completing a full impact assessment, which should be carried out consistent with the FAO Guidelines.
2. The BFIAS only requires an assessment of the impact on target and “main” bycatch species. It should require an assessment of the impact of bottom fishing on all species potentially impacted, including rare and vulnerable species, consistent with the FAO Guidelines (para 42).
3. The BFIAS allows for exploratory fishing as a means of identifying VMEs and determining whether significant adverse impacts will occur, such fisheries will be managed primarily through a move-on rule. This goes against the latest scientific advice from the joint NAFO/ICES Working Group on Deep-Sea Ecology (WGDEC).¹

FISHING MUST NOT BE PERMITTED PRIOR TO AN ASSESSMENT

For example in section 6.2:

6.2 Mapping of Known or Likely VMEs

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“Procedures for mapping known or likely VMEs are described in Appendix A. This mapping is likely to rely on the use of predictors to evaluate the likelihood of occurrence of VMEs.” To this should be added “No fishing should be permitted in any area until such mapping has been carried out and the results subjected to scientific analysis to determine where VMEs are known or likely to occur.

This is recognizing that mapping is essential to carrying out an assessment, as reflected in criteria in paragraph 47.ii and .iii of the FAO Guidelines, and that the UNGA resolution 64/72 paragraph 119(a) calls on States and RFMOs to *“Conduct the assessments called for in paragraph 83 (a) of its resolution 61/105, consistent with the Guidelines, and to ensure that vessels do not engage in bottom fishing until such assessments have been carried out;”*

7.1.2. Mapping and Description of Proposed Fishing Areas

Currently reads: *“Maps of the proposed fishing areas in relation to available information on VMEs and seabed bathymetry should be presented including:”*

This should read

“Maps of the proposed fishing areas in relation to available information on VMEs and seabed bathymetry shall be presented to the SPRFMO Secretariat for analysis and review by the Science Working Group prior to the commencement of fishing. The maps shall include:”

This is to make it clear that the mapping occurs prior to fishing.

We attach a suggested redline text, where we make these and some other suggested changes, as we did with the earlier July redline.

WGDEC GUIDANCE ON MANAGEMENT

WGDEC noted that: *“Reactionary management strategies such as the “encounter clauses” and “move-on rules” are of limited benefit to prevent significant adverse impacts because they still allow damage to occur which will gradually degrade ecosystems over time. We recommend that these strategies only be applied under very specific circumstances within a wider suite of predictive management plans that identify areas of high risk to VMEs. In order to ensure longer term sustainability of VMEs, a more informed approach needs to be adopted, one which uses knowledge of previous fishing effort, biogeography, and habitat suitability modelling predictions for the distribution of vulnerable species.”*²

The Working Group instead recommended as follows:³

“After much discussion, the WGDEC decided that because the current encounter and move-on rules would still permit pervasive and cumulative destruction of VMEs in the NAFO and NEAFC management areas, a new management strategy needs to be developed. This new approach is based on the following principles:

- 1) Bottom habitats at fishable depths within the North Atlantic are not inhabited by one fauna that ranges over the whole region, thus there can be no uniform “rule”;*
- 2) exploratory fishing with bottom contact gear in the deep sea is unacceptable because of the long-term damage such gear does to bottom habitats;*
- 3) exploratory fishing with bottom contact gear is unnecessary because modern data management tools and computer modelling techniques can provide a mechanism for making predictions about where vulnerable marine ecosystems are likely to be present; and*

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4) the burden of proof regarding whether any particular area of the seabed can be fished with bottom contact gear without causing damage to VMEs must reside with the entity proposing to do the fishing.”

These principles put fishing on a more equal footing with other industries who extract resources from the ocean and whose activities might have adverse or harmful effects on resident organisms.”

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OTHER COMMENTS

Some overall comments:

- The draft standard is not sufficiently precautionary in approach as required by para 65 of the FAO guidelines. The proposals focus on thresholds for a move-on rule while in the appendices the focus for identification of VMEs is on multiple encounters, without considering the impact of those encounters on a VME. In contrast, CCAMLR uses a two level trigger notification and trigger interim closure mechanism which closes areas until a review has taken place through their Scientific Committee.
- Existing fisheries that move into new areas or biogeographic zones should be treated with the same level of precaution as a new and exploratory fishery.
- The threshold quantities should take into account the fact that nets are not designed to retain benthic taxa and that significant amounts of taxa will fall through the net or be crushed under the net. The proposed method for deriving threshold weights is logically flawed, since it is based on the median of the cumulative distribution of observed bycatch weights. This is not correlated with actual VMEs, and simply relies on a statistical formulation based on past fishing data, as opposed to data of VMEs. The exercise is to identify VMEs, not to facilitate a certain amount of fishing.
- The threshold should be based on prior assessments, including an assessment of each biogeographic region to identify VMEs and vulnerable fish species, such as sharks, including rare and endemic species. The assessments should use (ii) *“best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared”* in the (iii) *“identification, description and mapping of VMEs known or likely to occur in the fishing area.”* (From FAO Guidelines para 47).
- Move-on distance: There is a legitimate concern that moving fishing activity after an encounter could expand the footprint of VME encounters and hence increase, rather than reduce, harm to VMEs. A key factor to be considered is if the area has been subject to significant levels of historical fishing effort or not. In new areas, it is much more likely that moving from one VME encounter could precipitate another such encounter in the local area. To reduce such a likelihood, for new and exploratory fisheries, and for fisheries in new areas, a longer move-on distance is suggested: 10 nautical miles rather than the current 5 nm standard for existing areas. We have made a suggestion that an approach be considered whereby a 5 NM exclusion zone be drawn around the start and end points of the tow. This should be achievable using GPS coordinates.
- Paragraph 119(a) of resolution 64/72 calls on States to *“ensure that vessels do not engage in bottom fishing until such [impact] assessments have been carried out”*. This needs to be noted.
- The requirement to undertake an assessment should apply to research activity to ensure research is not used as a proxy for commercial activity. The CCAMLR protocol and review process for research set out in CM24-01

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should be a good basis for ensuring that the proposal is research and not commercial activity.

- UNGA resolution 64/72 makes it very clear that if the required assessments are not carried out, then fishing must not take place. In part 6 (Detection of Vulnerable Marine Ecosystems), it should be made clear that if the assessments have not been carried out, then no fishing must take place.
- All likely by-catch must be assessed, not just 'main'.

Yours sincerely



Duncan Currie

For DSCC

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¹ ICES (2010), Report of the ICES/NAFO Joint Working Group on Deep-water Ecology (WGDEC).
Available at: www.ices.dk/reports/ACOM/2010/WGDEC/wgdec_final_2010.pdf

² WGDEC, page 52.

³ WGDEC, page 52.