9TH MEETING OF THE SPRFMO COMMISSION

Held remotely, 25 January – 3 February 2021

COMM 9 – Obs 02

HSFG Information Paper for SPRFMO Commission Meeting

High Seas Fisheries Group

PO Box 3797, Wellington 6140, New Zealand
P: +64 4 499 9889 – F: +64 4 473 9579 – E: secretariat@sprfmo.int
www.sprfmo.int

Summary HSFG paper:

SPRFMO (Art 2) states that:

"The objective of this Convention is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of fishery resources and, in so doing, to safeguard the marine ecosystems in which these resources occur."

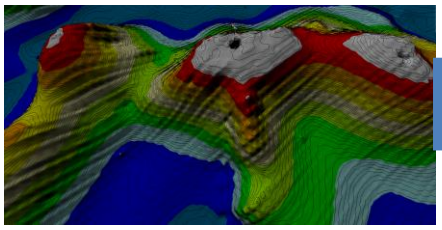
We continue to face a barrage of poorly defined terms such as "ecosystem-based management", "VMEs"; "SAIs" and others that have been manipulated by lobbyists and flag states to be **hyper-precautionary** and to assume effects were significant/adverse if there is no data, minimal data, or if it could be inferred that a fishery lacking data resembled another fishery where there were some data available.

We are also concerned that that some of what we see being done under the banner of science scarcely seems to be useful or robust science. A scientific method simply means that it is based on or characterized by the methods and principles of science. We have seen presentations claiming to show the probabilities of encountering particular types of habitat – no doubt estimated following a scientific method. But because the results presented depend explicitly on an arbitrarily chosen scale, the results have no valid scientific meaning. Change the scale – change the results – this cannot be described as robust science!

Having followed the UNGA and FAO Guidelines to develop a spatial management approach, and after establishing there is low risk of Significant Adverse Impacts to VMEs in SPRFMO with the current bottom trawl fishery, we now have the view being promoted that if the risk is low, then the definition of VMEs needs to be changed to ensure the risk of fishing is seen as higher. Our perception is that this methodology is what appears to be being promoted to this Scientific Committee and should not be accepted.

There is already more than adequate science and data and models showing that a closed area of 99.81% provides more than adequate protection under UNGA resolutions; and that the approach to closures that this commission has taken is hyper precautionary and at odds with the sustainable use of fishery resources on the high seas. Would any Member of SPRFMO close >99% of its EEZ to fishing?

In conclusion,: We say enough is enough! Over 70% of the world's protein comes from the wild fisheries and with a world that is growing in population food security is very important, not only for those privileged few that attend on this sort of delegation but for those that jobs and people whose very existence rely on fishing.



High Seas Fisheries Group Incorporated

Information paper for SPRFMO Commission Meeting Online January/February 2021

21 December 2020

Background

The High Seas Group (HSG) has previously noted its objections to the 2019 bottom fishing CMMs which have restricted access to key fishing areas to a point where the deployment of vessels to fish in the footprint area left available to fishing is risky exercise for numerous reasons.

The HSG attended online at SC 8 and presented a paper SC7 Obs-1 at the meeting in Havana, Cuba in October 2019, noting their concerns around the poorly defined use of terminology, poor science and their concerns around the new proposed BFIAS. The continued attack on bottom fishing has continued into 2020 with unsupported claims disguised as science and with "models" to justify them being put forward by countries and eNGOs that are determined to see bottom trawling banned on the high seas. The content of the BFIAS has not allayed the HSG's fears that the end of bottom fishing in the SPRFMO area is imminent. This is not only due to increasingly onerous restrictions, but due to the agendas of certain countries who wish to be seen on the world stage as the saviours of the seas at the expense of sustainable utilisation.

The misapplication of the precautionary approach has gone too far, as it is being manipulated by entities that are seeking to shut down bottom fishing. This is out of step with the sequence of UN Resolutions which do not demand the extraordinary levels of precaution that is being imposed.

The HSG power point presentation given at Havana, sought to show members in a practical way, the areas that actually remain open to fishing to HSG members. We suggest that the closure of >99.9% of the High Seas area in SPRFMO creates a de facto MPA.

We urge members to consider whether the closure of 99 % of the area is not a clear expression of the precautionary principle, fulfilling the mandates of the various UNGA resolutions. If this is not precautionary, then what is? To add insult to injury, in addition to this defacto MPA, within the <1% left that is open to fishing, less than a third of that area is available to be trawled.

Given the above, a suggestion that this is not a “precautionary” management approach to bottom fishing is unsupported by the clear facts or science. Those members who have no vested interest in this fishery or in bottom fishing should examine their motives for increased regulation and be honest about their ultimate objective. If it is to close the High Seas to bottom fishing they should state this and disclose this.

The purpose of this paper is to build on these concerns expressed through the documents and offer some further context within which to view the manner in which access to fisheries in SPRFMO is managed.

Executive Summary

Blind adherence to biological allocation and management criteria, at the expense of considered opportunity to utilise the stocks sustainably, is neither consistent with provisions established under the UNCLOS, the SPRMO Convention or New Zealand’s expression of these measures under provision of the Fisheries Act 1996 and the Deed of Settlement 1992 within indigenous Maori.

The adoption of this approach creates an unintended bias towards environmental objectives rather than to sustain New Zealand’s position. The HSG asserts that the existing environmental measures leave a flag state, vulnerable to challenge as they are more onerous than New Zealand’s domestic legislation (The Fisheries Act 1996) and the domestic legislation of other flag states.

Analysis

We have previously stated that there is an overt bias that underlies the approaches of New Zealand and Australia towards their management of the High Sea fisheries in SPRFMO that is out of step with domestic management measures. This bias prioritises complete marine protection over rational use under the FA1996.

The HSG is a strong advocate for sustainable fishing. We welcome sensible controls on the High Seas within the overarching framework of UNCLOS and the UNGA resolutions, but we also expect to be able to sustainably harvest resources on the High Seas and not to be excluded from access. This is contemplated within the objective of the proposal by the words “sustainable use”, which repeats the same phrase in the Art 2 of the convention.

The New Zealand and Australian government’s approach has focused in large part on establishing so called science-based measures, including modelling, for management seemingly aimed more at establishing NZ environmental credentials with little consideration given to rational use and utilisation opportunities. This has manifest in several ways as follows:

1. CMMs are developed with limited input from actual resource users (the industry and NZ's indigenous groups) being given proper weight. The HSG is frustrated by so-called "consultation" with our input being ignored and see that policy is instead developed by central government to meet political agendas on the world stage. Consequently, the negotiation process has been captured by political lobbyists, which in NZ include a strong environmental lobby. This was evident with respect to the establishment of the Kermadec Ocean Sanctuary within the NZ 200nm zone. This approach is at odds with NZ government's partnership obligations with its indigenous Maori people guaranteed by Treaty and its obligations under the FA1996 to consult on domestic enactment of CMM measures and properly "provide for the utilisation of fisheries resources while ensuring sustainability" (FA1996 Purpose). It is not proper to interpret this section as being a mandate to protect the environment at all costs.

2. The HSG strongly believe that NZ negotiators are influenced against sustainable use by inclusion of government conservation advocacy in the form of the NZ Department of Conservation (DOC) in negotiations. It should be recognised that DOC was established purposely as a Department (not a Ministry) with the prime purpose of administering the New Zealand conservation estate on land and not at sea. Unfortunately, the original policy considerations in establishing DOC has been lost. The reason that the marine estate was not placed under the jurisdiction of DOC and its advocacy but instead was retained in multiple use under the Fisheries Act 1996 administered by the Ministry of Primary Industry (MPI), and its predecessor the Ministry of Fisheries, is that decisions on access requires balanced (not advocacy based) decision making to give effect to the purposes of the Act.

3. Checks and balances were placed in law to re-enforce this distinction. We are seeing a similar process playing out through SPRFMO. The Convention requires balanced decision making; however we are seeing that these lines have become blurred in the international negotiations process and in the view of the HSG, the effect of this is to give the conservation lobby and the ENGOs a disproportionate voice in these negotiations.

4. NZ government negotiators have a history of operating behind closed doors in concert with other nations (in the case of SPRFMO - Australia) in an effort to exclude the Industry from decisions that are biased towards absolute protection not sustainable use. There is an apparent attitude that manifests itself as a "we know best" as we are government", when in fact in many cases Industry have the knowledge, data and the platforms that collect the data and work at the coalface. We have stated many times that "all best available information" which is a requirement of SPRFMO has not been utilised, and this continues to be the case. The pattern in SPRFMO is not unique as it was also apparent in negotiations for the establishment of a Kermadec MPA (justified at least in part as a step to gain international support for protecting NZ's EEZ rights around the Kermadec Island under mounting pressure from foreign fishing interests) and earlier on in the negotiations for establishing shares in the Southern Bluefin Tuna

fishery (in the latter case NZ agreed to a catch reduction for many years far below its historical share to the objection of the New Zealand industry, when other countries did not take such measures!

5. We believe the NZ government has applied biological and model based and science approaches in the establishment of area access, allocation shares without proper consideration given to economic and cultural (i.e. utilisation) factors as required under UNCLOS, the SPRFMO Convention UNDRIP and the NZ Fisheries Act 1996. The most glaring recent example of this is the failure of the NZ / Australia informal mediation which then allowed SPRFMO to establish a 200 tonne high seas allocation for the Westpac Bank. In the view of the HSG a proper bio-economic analysis of catches on the ORH straddling stock on the Challenger Plateau (a more appropriate approach to determining optimal management as required under UNCLOS) would likely conclude that there is no headroom catch available for high seas allocation in this straddling stock – put simply NZ can and has taken the optimal yield from this biological stock the majority of which is within its EEZ and should therefore argue simply that there is no room for high seas catch if this target is to be met unless it is taken by New Zealand vessel as has been the case over the last 2 decades plus.

6. Lack of any trade-off analysis conducted to balance use with conservation demonstrates little regard given to fishery use in decision making. The NZ modelling and science-based approach to establishing catch limits and other management measures implicitly assumes a 0% discount rate for environmental objectives (e.g. protection of habitat) when setting management rules. This gives infinite value to the objective of protection over use, which simply cannot be the case (and was not intended under the FA1996) and is arguably inconsistent with the legal objectives established (and agreed to) under UNCLOS, the convention which promote optimal use (not non-use). The result will inevitably bias decisions to absolute protection over environmentally sustainable use.

7. The ultra-conservative approach New Zealand has led in SPRFMO is simply wrong and we believe open to challenge at ITLOS if someone should choose to do so. Additionally, the HSG did a presentation to put into perspective the unbalanced approach to management of SPRFMO fisheries (attached on Annex 1). The HSG members are now forced into an area within SPRFMO area which borders on total closure. With regulation in the new CMM which will over the next 3 to 4 years exclude fishing, it is clear that this will realise the aim of some participants.

8. Even if NZ wants to accept that the environment should be given infinite value over use, it is not safe to assume that **all SPRFMO members** have similar discount rates, in fact this is not the case. The US government for example uses a discount rate for environmental protection of between 3 and 8% (the latter being a commercial rate similar to the discount rate of fish quota). Trade-off analysis at 8% discount would give equal value to quota and the environment. This means that measures NZ has

applied to its own industry are far more onerous than other countries would apply in practice. The NZ government should not assume that its aspirations for environmental protection in the SPRFMO area of competence are commonly held and, moreover, it is questionable whether it is legally appropriate for NZ to apply more stringent rules to its own industry than others would. We believe that NZ is in effect tying industry hands in negotiations by taking such an approach.

What are VMEs – Vulnerable Marine Ecosystems?

The "vulnerable marine ecosystem"(VME) has been a concept that at first grew slowly from the considerations of the IMO in the late 1990 and then exploded in the realm of marine conservation when it was referred to in the UN General Assembly resolution that called upon states, in interim, to prohibit so called "destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction (on the High Seas). While many were puzzled as to how these three categories could be conflated, and then only beyond the limit of EEZs, it was going to be another three years before a set of guidelines were negotiated at the FAO[1] as to what was a (significant) adverse impact. And, confusingly, attempted to characterize what a VME is, at least in a deep-sea context.

The Guidelines define 'vulnerability' as the *likelihood'* that a *population, community or habitat* will experience *substantial alternation*, implicitly from fishing. Then follows a jump in logic to the concept of a *marine ecosystem*. No further definition of what is to be understood by this term occurs though it is central to any intelligent assessment of the processes under discussion. The Guidelines then introduce a concept of the *significant adverse impact* (SAI). Unhelpfully, the characteristics that are used to describe a SAI apply equally to any human activity that is involved in the production of food, either on land, where the SAIs are usually greater, or from the sea. Reference is made to spatial extent of the effect relative to the *availability of the habitat type*, but this critical factor is rarely ever referred to when reference is made to the Guidelines. A recovery period of 5 – 20 years is defined as *temporary impact*, though no explanation is made as to the consistency of this concept with that of sustainable fisheries.

How to define a VME provides further difficulty. The Guidelines list six major characteristics that define VMEs but the operational difficulties the present explains to a large extent why the Guidelines have proved so difficult to operationalize. For example, no help is given in how to determine if a species is rare? Endemic? Unique? Endangered? On a particular seamount or deep-sea vent? References to the functional significance of habitat are problematic. Sedentary benthic fauna feed, breed and spawn where they are attached to the sea floor. Wherever they are is *functionally significant.* Certainly, many benthic species are fragile in all senses of the word, but the relative issue is that of the ecosystem, which at least in the South Pacific Ocean is not the same as the area affected by deep-water trawling.

The most problematic issue for the fishing industry has been the development of the trigger or threshold level of benthos – as inevitably as it is unscientific, referred to as VME species. This widespread method determines that if the bycatch of the VME species exceeds a certain threshold, the vessel must move a defined distance (from one to five nautical miles) before resuming fishing. At some subsequent time, in a usually still undefined manner, 'scientists' will decide what action should be taken. What perplexes vessel operators is that other vessels are usually free to fish on the same tow line, unless they too exceed the trigger level of benthic bycatch. Indeed, vessels may be free to return to the same tow line on the next trip or next season.

The inconsistencies and perversity of the responses required when there is *potential vulnerable species groups, communities and habitats* provide a source of *significant adverse frustration to* vessel operators. It is our strong view that benthic fauna must be conserved but the best way to do this is to close areas where there are important populations of benthic fauna and allow fishing elsewhere – the Marine Protected Area concept or spatially-based fisheries management. If we are to accept the flawed concept of localised depletion, then we should cease all land-based food production too.

Allocation

Allocation of rights of access to fish stocks is not something that can be determined by biological/ environmental science alone - calculated for example as the residual share to be allocated after environmental objectives have been met – rather it is a historical, cultural, social and economic issue that requires careful consideration of how rights might be established for High Seas resources. Three strategies for establishing interests in fisheries are in play as follows:

1. Historically the main mechanism used in securing rights of access to previously unowned fisheries resources has been by extension of national boundaries. The establishment of the territorial sea (at the distance of cannon shot) the extension of that right to the 200-mile limit (and potentially the extension of that zone to the edge of the continental shelf of a nation) is part of that conquest. NZ should look to these provisions as a first step in developing a negotiating position of fisheries rights. This, by its nature, provides the most solid foundation for negotiation and this applies to fisheries that straddle or swim through national jurisdiction.

2. Catch history should be taken into account, but within this one must look at the investment in the fishery the science provided, data gathered and protection given to those fishery's that would otherwise not have information on. New Zealand has led the way in some High seas fishery such as CCAMLR and SPRFMO and has provided more information than any other nation. Catch history is however a blunt instrument as an allocation approach, since it is not well tied to a nations' geographic claim to fishery resources and has little real legal standing. It can, as we have seen in SPRFMO, be destructive in application as countries race to establish such history in the hope of

allocation (seemingly contrary to intentions of UNCLOS) an example of this was the South Pacific mackerel fishery. Catch history consequently invites debate about fairness – a factor that Australia used in its mediation with new Zealand and used as leverage.

3. NZ has a direct coastal state interest in these allocations (particularly the Westpac Bank straddling stocks). UNCLOS and the various fisheries Conventions established under the mandate of UNCLOS and the FSA do provide other entry points for this discussion including the need for coherency in policy and application and through a considered understanding of optimal use and its application. In this respect we are not just interested in what is caught but also in catching a sustainable and economically profitable supply of fish which requires very specific regulatory settings such as a QMS. Recent catch history in this context is a demonstration of a commitment to optimal use (which for NZ in the Challenger Plateau is 100%) rather than an arbitrary criterion for allocation.

4. As an aside it should be noted that equity as an allocation criterion is not a consideration provided for under UNCLOS as Australia has now seemingly asserted, except perhaps for the special provisions applying to developing countries or small island states (which has in often times been resisted in application by non-coastal state nations). Adopting such an ill-defined and ill-definable criterion (while perhaps self-serving to Australia) surely offers little leadership to SPRFMO or any other RFMO for that matter. We believe that Australia should be challenged on where such criterion arises and on whether it should also be now be applied to other conventions.

The HSG again expresses their deep concern at measures to introduce additional amendments to CMM 03-2019 to make the bottom fishing framework more precautionary for the protection of VMEs. The discussion held would indicate members may contemplate to lower the weight thresholds for triggering the VME encounter protocol in any one tow for a single VME indicator taxa (Annex 6A). The HSG views the current thresholds expressed in the CMM as hyper precautionary, given that:

1. Unlike other RFMOs, where selected areas are closed to fishing and a much larger open area, in the SPRFMO area in excess of 99% of the Convention area is closed to bottom trawling and mid water trawling; and
2. Within the remaining footprint – despite advice from the Scientific Committee, this commission sought to adopt a more precautionary approach and apply a move on rule to the remaining footprint. And is again going down this same path!
3. The current threshold levels, are set by the commission and are not anchored back to clear science on the actual impact on VMEs;
4. The current thresholds are out of step with thresholds set in other RFMOs.
5. By way of examples:

a. In the North Pacific Fisheries Commission, an encounter is triggered by more than 50 kg of live cold-water corals being encountered in one gear retrieval in the western part of the area;
b. In the Northwest Atlantic Fisheries Organisation, an encounter is triggered by the capture of more than 7 kg of sea pens, and/or 60 kg of "other live corals" (the meaning of which is not clear to us), and/or 300 kg of sponges (Article 22.1, page 36). Captures of other VME indicator taxa do not trigger an encounter.
c. In the North-East Atlantic Fisheries Commission an encounter is triggered more than 30 kg of live coral and/or 400 kg of live sponge "of VME indicators" (the meaning of which is unclear to us) (specified in Article 9a of Rec.19.2014 as amended). Captures of other VME indicator taxa (e.g., sea pens, tube-dwelling anemones, bryozoan patches) do not appear to trigger an encounter;
d. SEAFO, South East Atlantic Fisheries Organisation:
Encounter thresholds An encounter is triggered (as specified in Article 8 and Annex 6.2 of CM30-15) by: • For a trawl tow in an existing fishing area: more than 600 kg of live sponges and/or 60 kg of live coral; • For a trawl tow in a new fishing area: more than 400 kg of live sponges and/or 60 kg of live coral;
e. SIOFA, Southern Indian Ocean Fisheries Agreement:
VME Encounter thresholds An encounter is triggered (as specified in Article 12 of CMM 2019-01) by: • For a trawl tow: more than 60 kg of live coral and 300 kg of live sponges in any one tow;

In their comprehensive review, Bell et al. (2018) concluded that the use of closed areas was the most effective management tool for avoiding significant adverse impacts on VMEs.

Like most other RFMOs, SPRFMO has a VME encounter protocol based on threshold weights, but this was envisaged as a "backstop" to complement the spatial management approach rather than a primary tool.

The HSG has repeatedly noted its objection to the weight thresholds and overzealous application of the move on rule and notes that should the commission adopt the reduced thresholds proposed by the EU (with the support of Australia), this **will** result in the progressive closure of the few remaining areas open to fishing to the point that the operators may no longer take the risk of sending their vessels to these fishing grounds, which may result in vessels being tied up and job losses.

The HSG suggests that this outcome will not achieve the purpose of the convention expressed in Article 2 to ensure the long-term conservation **and** sustainable use of fishery resources in the convention area.

The HSG members have responded to the measures set out in CMM 03–2019 and have adjusted their fishing practises in order *not* to trigger the weight or biodiversity thresholds and to minimise impacts on VMEs. By way of an example on the Louisville Ridge (which is some 900km East of New Zealand) one of our member vessels carried out 37 trawls during the 8 days it fished there. The tow duration ranged from six to twenty two minutes, with an average of thirteen minutes actual fishing time on the bottom. Please consider the actual impact of this very short bottom time. The HSG suggests that it is premature to be proposing to modify the threshold weights, there is substantial work that needs to be done to establish the actual impact including, socio economic impacts.

In conclusion, the effect of the implementation of any additional measures or a lower threshold levels would be to end bottom fishing on the High Seas in the Convention area.
I urge members to consider other high seas fisheries where their vessels operate and ask yourselves, whether your industry would be prepared to accept similar restrictions in those areas.

Conclusions

Enough is enough! Over 70% of the world's protein comes from the wild fisheries and with a world that is growing in population food security is very important, not only for those privileged few that attend on this sort of delegation but for those that jobs and people whose very existence rely on fishing.

This forum has been on this path of increased restriction since 2007 and the NZ HSG has at each step of the way provided options and advice, some of which may have slowed down the inevitable creep towards closure of the SPRFMO high seas to Bottom Fishing.

Blind adherence to biological allocation, flawed modelling and management criteria at the expense of considered opportunity to utilise the stocks sustainably, is neither consistent with provisions established under the UNCLOS, the SPRMO Convention or New Zealand's expression of these measures under provision of the Fisheries Act 1996 and the Deed of Settlement 1992.

There should be intensive economic analysis – conducting some policy (economic) scenario analysis around the various CMM proposals against the UNCLOS objective of optimal use might be fruitful towards informing NZ's position and rebalancing the potentially overzealous and one eyed focus on absolute protection.

The HSG, demand that members jointly arrive at a coherent policy position for high seas management that is not only lead by biological science and modelling but is instead informed by explicit trade-off analysis (what are the costs and benefits at the margin of fishing and what the risks to use and protection of any measure). This will benefit SPRFMO and this needs to be universally applicable and has implications for domestic as well as international fisheries management.

Regards

ANDY SMITH
Chair

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High Seas Fisheries Group Incorporated.

ANNEX 1

SPRFMO SC

"So where has all the Benthos gone "

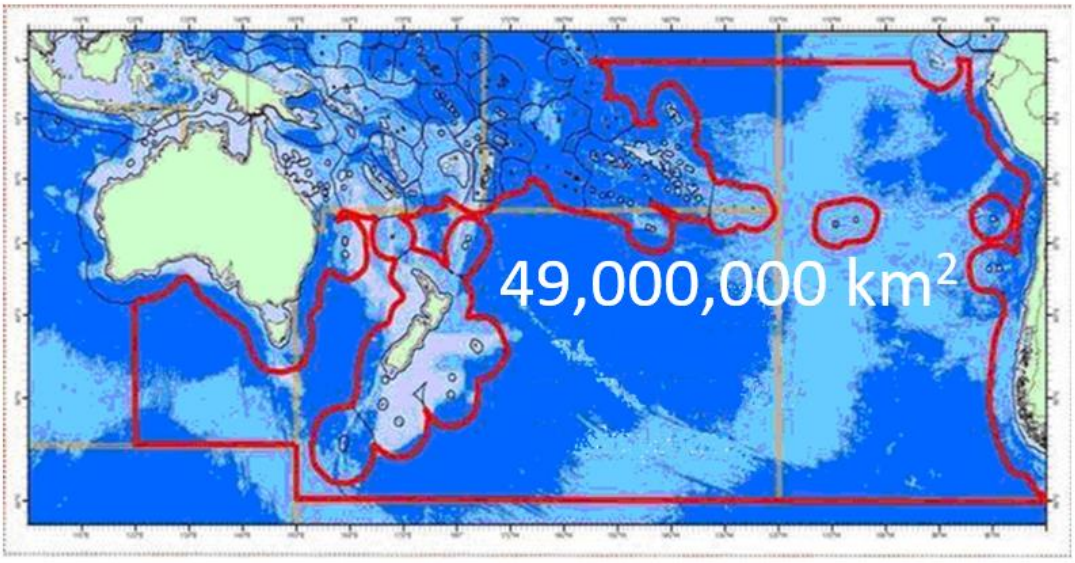
High Seas Fisheries Group

Scale matters

- Total SPRFMO area is 49,000,000 Km^2
- The new Evaluated area within SPRFMO is 12,863,560 Km2 (excluding land mass)
- Within the Evaluated area that is open to bottom trawl (63,745 km^2), **0.50 %** is open **or .13%** of the area under management by SPRFMO
- The area accessible by bottom trawl depth (up to 1500m) is 9452 Km^2 – **0.019 %** of the area under management by SPRFMO - And within this area the trawl tracks represent a small fraction of the **0.019%.**

The effect of the new measures is to close areas to bottom trawling amounting to 99.81 % of the total SPRFMO area. NOTE the remaining 0.19% has been made subject to a move on rule, notwithstanding that the convention provides for the **sustainable use of the fishery resources**.

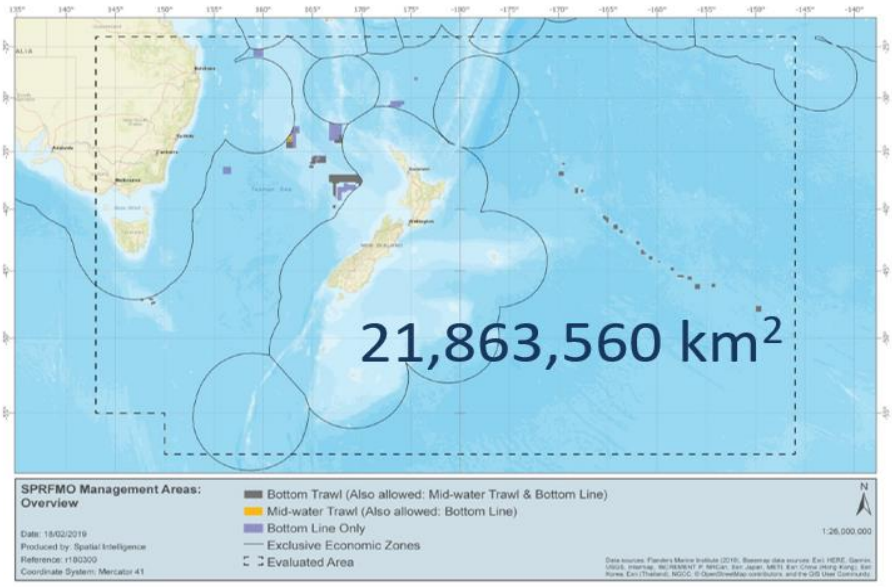
When I compare the area of the 2019 open boxes with the evaluated area (minus the area of NZ and portion of Australia that is within the evaluated area, I conclude that **0.5 %** of the evaluated area is open to fishing and not **5.5 %** as stated by New Zealand in COMM7-Prop 03.1



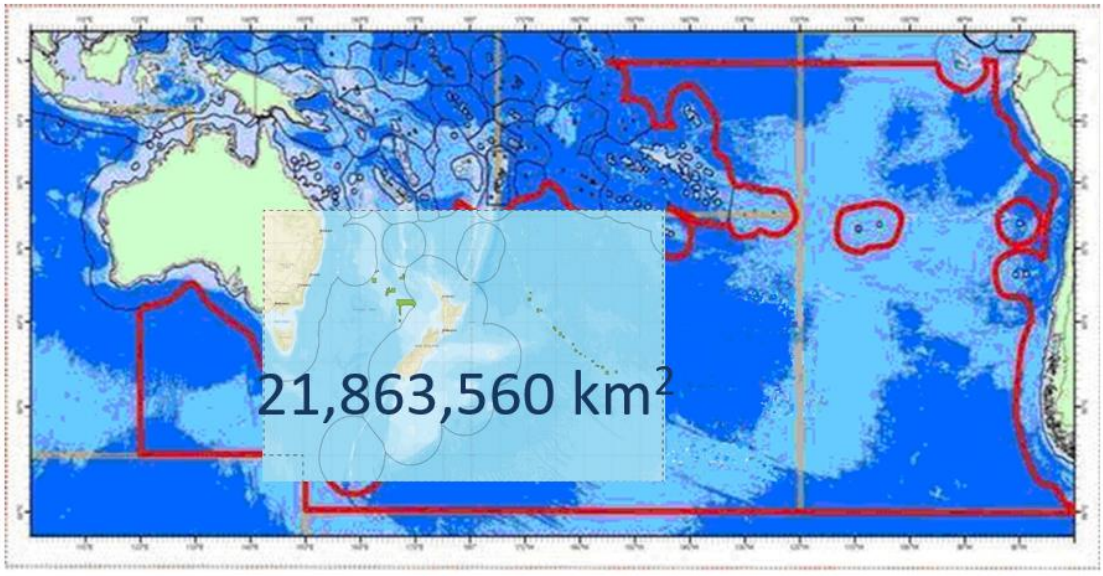
This slide below shows the Evaluated area (defined below) noting that bottom trawling was previously open across the whole of the SPRFMO area is now restricted to this much reduced area.

For the purposes of this CMM, the term "Evaluated Area" means those parts of the Convention Area that are within the area starting at a point of 24°S latitude and 146°W, extending southward to latitude 57° 30S, then eastward to 150°E longitude, northward to 55°S, eastward to 143°E, northward to 24°S and eastward back to point of origin.

ANNEX 1: SPRFMO Bottom Fishing Evaluated Area and Bottom Fishing Management Areas

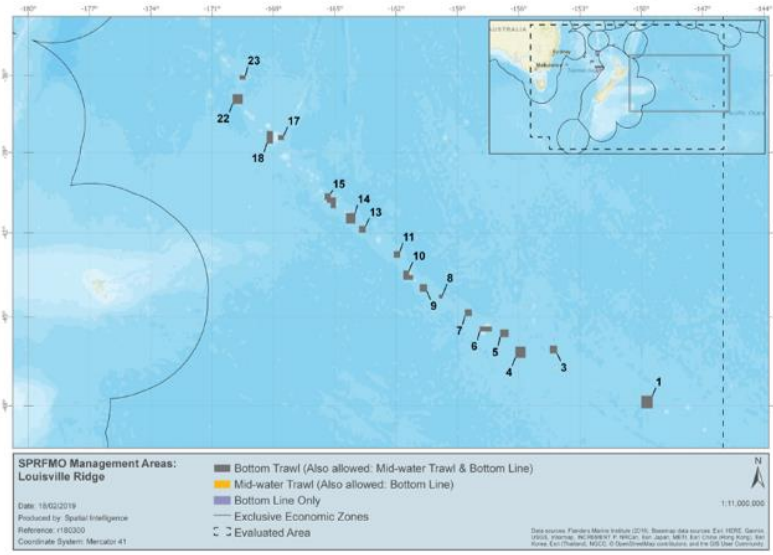


This slide below show the evaluated area against the backdrop of the SPRFMO area. We remind members that inside the evaluated area only a fraction of the area is actually fished. I suggest strongly this is hyper-precautionary and at odds with sustainable use of fishery resources.
The objective of the CMM together with CMM 03a-2019 (Deepwater Species) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of deep sea fishery resources, including target fish stocks as well as non-target or associated and dependent species, and, in doing so, to safeguard the marine ecosystems in which these resources occur, including inter alia the prevention of significant adverse impacts on vulnerable marine ecosystems.



The numbered brown boxes are new open areas and are where we are now permitted to bottom trawl (defined below. New Zealand has stated that these new boxes further reduce the areas that were available to fish under the old CMM to vessels by an additional 50%.
The measure states that "Bottom trawl" is defined as fishing using a trawl net that is designed to be pulled through the water and to come into contact with the seabed.

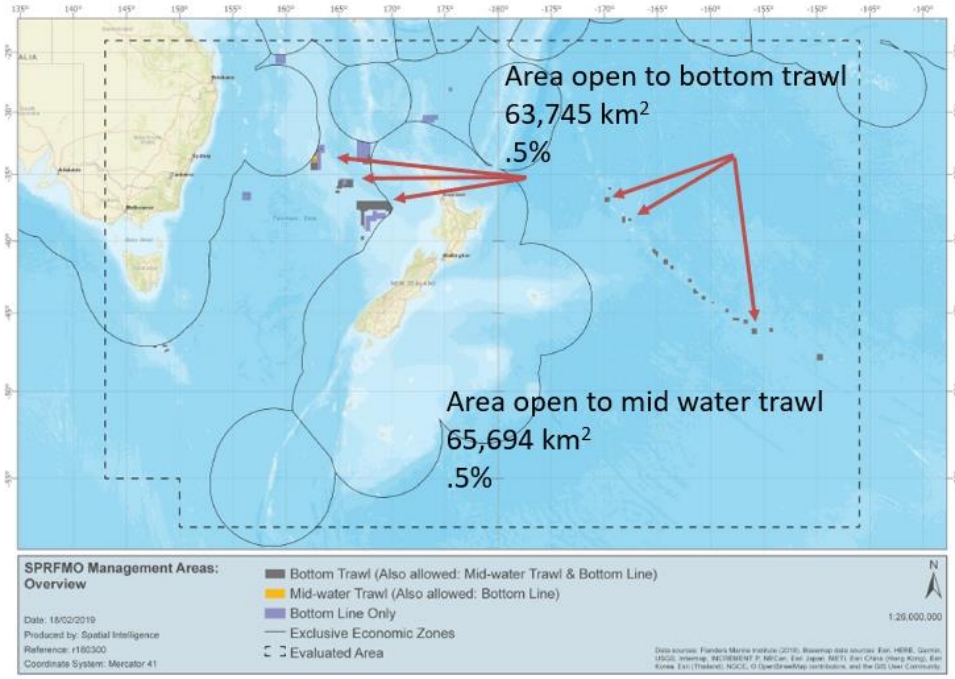
ANNEX 2: SPRFMO Bottom Fishing Management Areas for the Louisville Ridge



The Commission hereby establishes within the Evaluated Area the following Management Areas, the coordinates for which are provided in Annex 4:
a) Bottom trawl Management Area
b) Mid-water trawl Management Area
c) Bottom line Management Area

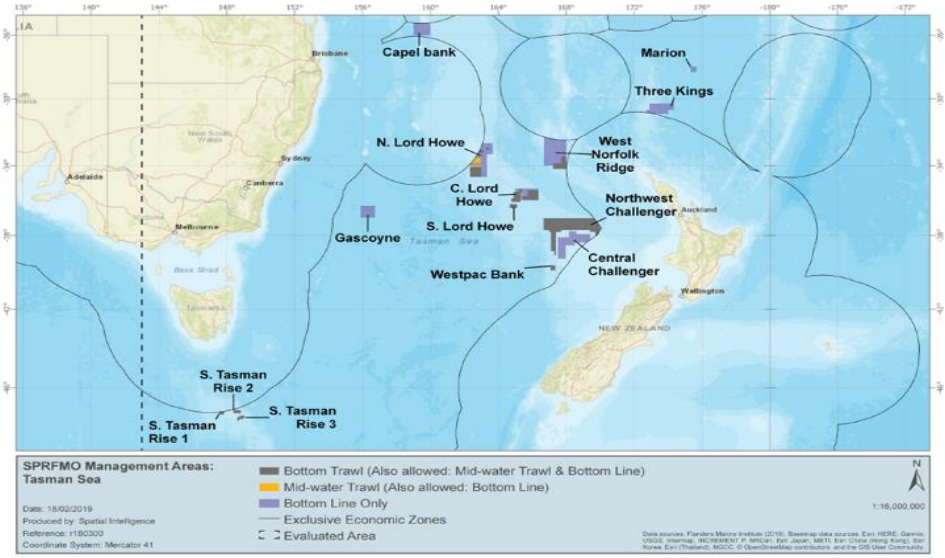
Bottom trawling shall only occur in a bottom trawl Management Area;
b) Midwater trawling shall only occur in a midwater trawl Management Area or a bottom trawl Management Area;

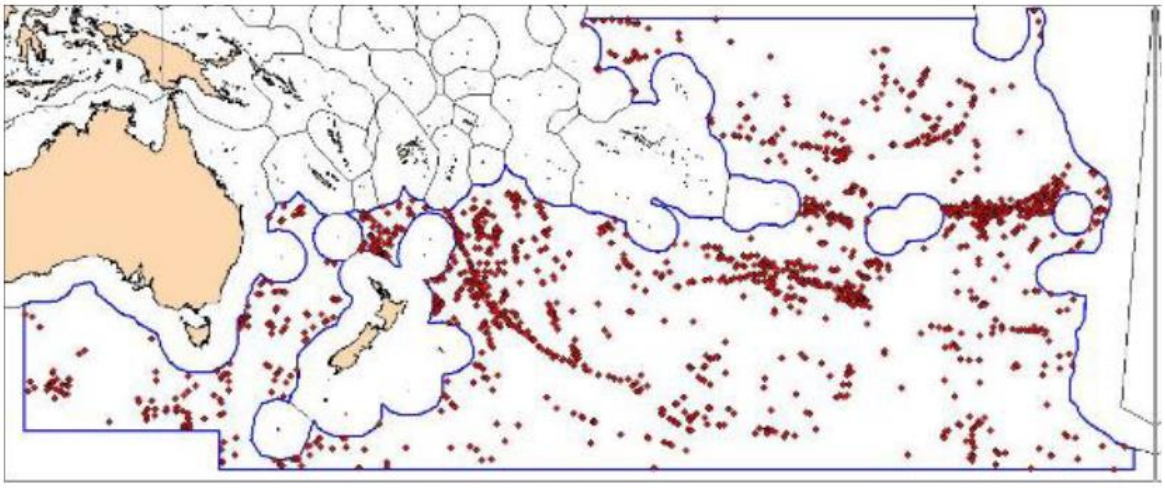
ANNEX 1: SPRFMO Bottom Fishing Evaluated Area and Bottom Fishing Management Areas



b) "Mid-water trawl" which is defined as fishing for bentho-pelagic species using a trawl net that is designed to be pulled through the water near the seabed and designed not to come into extended contact with the seabed.
c) "Bottom line" which is defined as fishing using a line to which a hook or hooks (whether baited or not) are attached and rigged to sink and fish on or near the seabed. This includes, but is not limited to, longlines, hand lines, drop lines, trot lines, and dahn lines.

ANNEX 3: SPRFMO Bottom Fishing Management Areas for the Tasman Sea



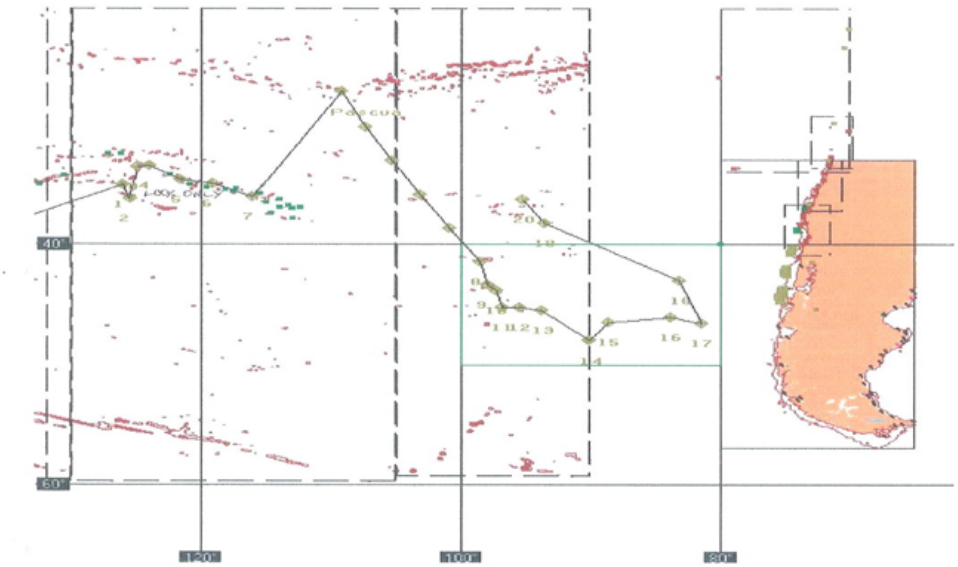


Geographic distribution in the SPRFMO area of **potentially trawlable** seamounts, i.e. seamounts which summit depth is located between 250 and 1500 m depth (stolen from SC7-DW03_Rev2)

Please consider this is a HUGE area, has been fished in the past by many nations , New Zealand / Chile/ Russia / Korea / Japan / to name a few , these are now all closed. So the previous slide says **potentially trawlable** well in fact many have been trawled and data gathered from them.

The chart below shows a NZ vessel track over thousands of square nautical miles of underwater features, This information was not used by New Zealand in determining the original footprint.

The full reach of these features are now closed and represent 100% protection of VMEs – something that is ignored when determining access and protection of VMEs .



..to give the discussion some scale

The entire SPRFMO area encompasses 49,000,000 km²

..the scale of things...

The entire SPRFMO area encompasses 49,000,000 km²

To illustrate this in tangible terms..

Imagine that the whole Havana city block this Hotel sits on.

The new evaluated area in SPRFMO is 12,586,560 km^{2,}

or **25%** of the entire SPRFMO area.

The new evaluated area in SPRFMO is 12,586,560 km^{2,}

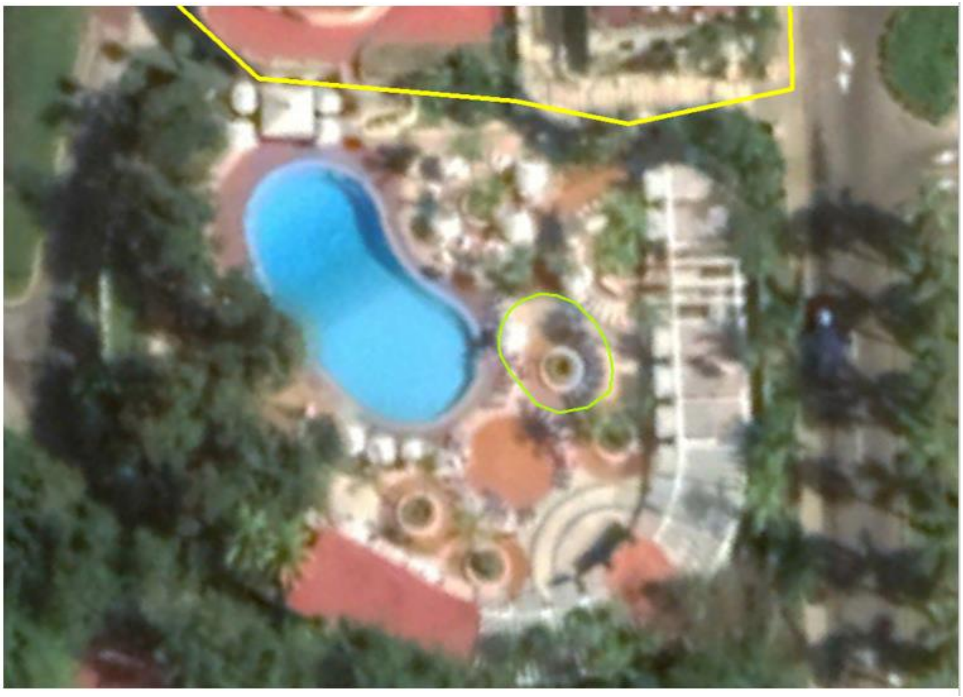
or **25%** of the entire SPRFMO area.

This is **25%** of our Havana city block.

This encompasses the pool area, the tennis court and entry driveway.

In the evaluated area of SPRFMO a very small area is open to bottom trawling.

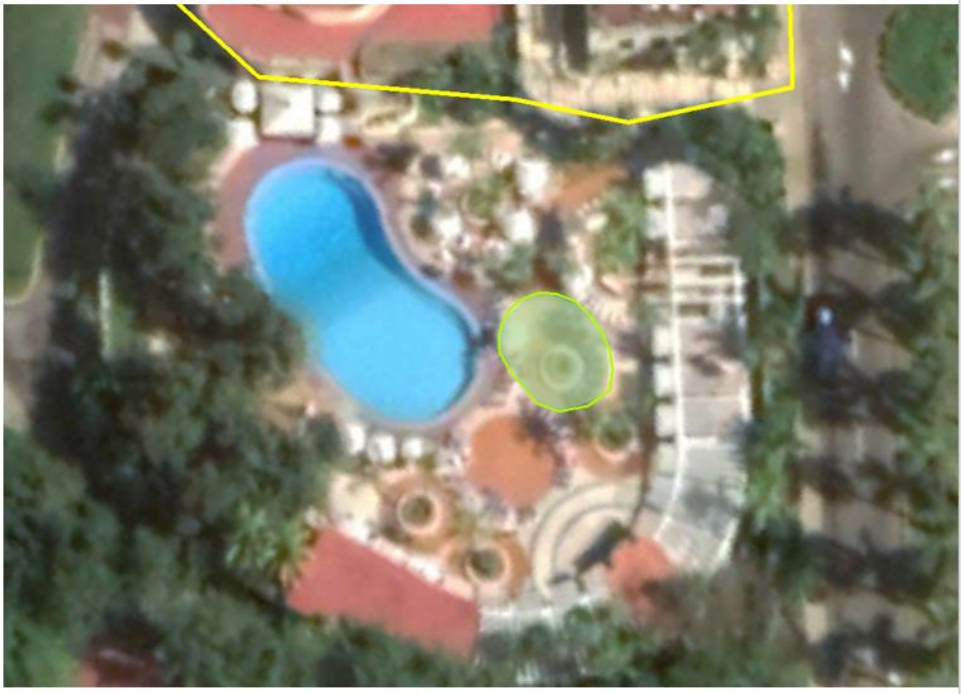
This area accounts for **0.13%** of the whole SPRFMO area.



In the evaluated area of SPRFMO a very small area is open to bottom trawling.

This area accounts for **0.13%** of the whole SPRFMO area.

0.13% in our scale is an area just slightly larger than one of the tiled circles in the hotels pool area.



If you haven't managed to see the hotel's pool area,

here's a better shot.

Trip Advisor says it's very nice!

In the **0.13%** of SPRFMO that is open to bottom trawling,

only some of this area is at workable trawl depths (< 1,500 m).

This actual fishable area accounts for **0.019%** of the whole SPRFMO area.

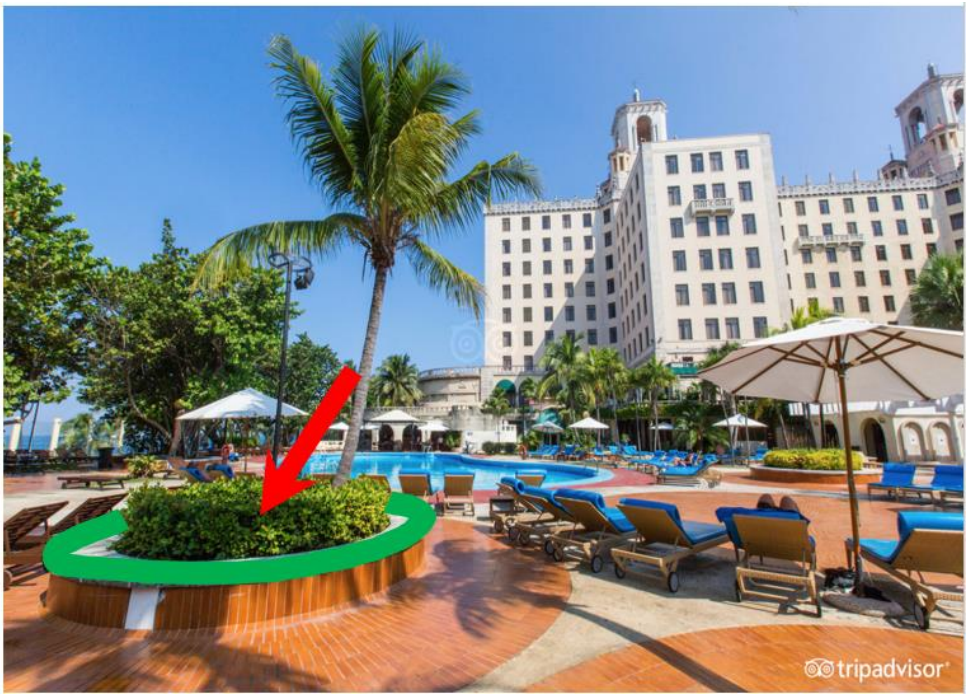
...so here's a better photo..

This garden bed out by the hotel pool represents **0.019%** of the area our city block.

...so here's a better photo..

This garden bed out by the hotel pool represents **0.019%** of the area our city block.

Of this **0.019%**, available to bottom fish, only a fraction is impacted by actual trawling.



Lets get this into perspective..

This cap off a beer bottles covers the equivalent area of this garden bed as the area in SPRFMO that is actually impacted by trawl tracks. And this is not precautionary !

In Summary

The HSG submits that:

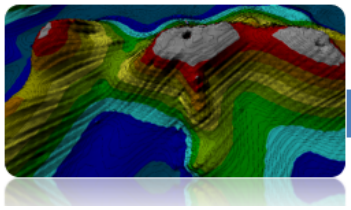
There is already more than adequate science and data and models showing that a closed area of 99.81% provides adequate protection under UNGA resolutions; and that the approach to closures that this commission has taken is hyper precautionary and at odds with the sustainable use of fishery resources on this high seas.

We have tried to show this in this presentation.

The SPRFMO area is huge, but only a tiny % is open through CMM 03-2019 and even a smaller area available to trawl

SUSTAINABLE USE MATTERS

THANK YOU



New Zealand High Seas Group Incorporated