

COMM6-Report Annex 7e: CMM 14b-2018 (Exploratory Potting)*(COMM6-Prop03, Revision 3, Adopted 10:30, 3 February 2018)*

COMM6 – PROP 03_rev3**Conservation and Management Measure for Exploratory Potting Fishery in the
SPRFMO Convention Area****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 (CMMs) 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 CMMs 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 CMMs which will apply to activities anticipated to be undertaken pursuant to this measure, including, *inter alia*, CMM 03-2017 (Bottom Fishing) on the Management of Bottom Fishing in the SPRFMO Convention Area and CMM 09-2017 (Seabirds) 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 CMMs;

ADOPTS the following CMM in accordance with Articles 8, 20 and 22 of the Convention:

OBJECTIVES

1. To provide for exploratory bottom pot fishing for lobster and crab in the Convention Area for the purpose of obtaining scientific data: to allow the evaluation of the long term fishery potential for a lobster and crab 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 that the bottom pot exploratory fishery is developed on a precautionary and gradual basis according to the best available science.

DEFINITIONS

2. For the purposes of this measure:
- “lobster” means both “*Jasus spsp*” lobster and “*Pro-Jiasus spp*” lobster.
 - “crab” means “*Chaceon spp*” crab
 - “bottom potting” means standardised strings of traps carefully designed and dedicated to capturing particular species of crustaceans and have minimal adverse impact on the environment as described in the proposal submitted to the 6th regular session of the Commission Fisheries Operation Plan reviewed by the 6th meeting of the Scientific Committee.

APPLICATION

3. This measure applies to exploratory fishing for lobster and crab as described in the proposal submitted to the 6th regular session of the Commission Fisheries Operation Plan reviewed by the 6th meeting of the Scientific Committee.
- 3.4. None of the obligations in this measure exempt a Member or CNCP from complying with any Convention obligation or any other CMMs adopted by the Commission.

DETAILS AND SPECIFICATION OF EXPLORATORY FISHING ACTIVITIES

- 4.5. Fishing for lobster and crab, using the bottom potting method, may be conducted in the exploratory fishing boxed area identified in Table 1 below.

Table 1: Boxed positions for the exploratory fishing.

Exploratory area	Latitude	longitude
Foundation	31'00 s	100'00 w
Sea mount chain	40'00 s	134'00 w

- 5.6. The exploratory fishing will include three (3) research fishing trips specifically targeting *Jasus* lobster, *Proj-Jasus* lobsters and *Chaceon* crab. During each fishing trip, the fishing operations shall take place over no more than 30 consecutive days, setting and hauling no more than four to five lines of 200 traps a day for no more than 90 days per annum. Fishing shall not occur on more than eight (8) seamounts or other underwater topographical features in total within the defined fishing boxed area.
- 6.7. The maximum annual lobster and crab (combined) total allowable catch taken pursuant to this CMM shall not exceed 1,000 tonnes of green product. The Commission may revise the TAC subject to based on the annual evaluation and assessment advice of the Scientific Committee at its annual meeting.
- 7.8. Any results will be used to develop proposals for the consideration of Cook Islands Ministry of Marine Resources and the Scientific Committee on the design of any subsequent sustainable fishery exploratory fishing.
- 8.9. Catch and effort shall be monitored on a trap-by-trap basis and fishing operations will cease in that year once either the effort or catch limit, whichever occurs first, specified in paragraphs 6 and 7 has been been caught or paragraph 9 applies reached.
- 9.10. Because the stock and stock status are not known, if at any time during the exploratory fishing the stock indicators show sustainability concerns the Cook Islands Ministry of Marine Resource may shall issue a directive to the authorized fishing vessel for exploratory fishing to cease and advise the Commission promptly thereafter.
10. The company and crew of the proposed fishing vessel authorised to undertake this fishing shall have experience working to catch limits of 1,000 tonnes or less and use intensive monitoring of all catch. As the catch limit of 1,000 tonnes is approached, fewer strings of traps will be set the following measures to constrain the retained catch within the limit shall be considered:
- Fewer strings of traps will be set; limit.
 - a) a seawater tank will be maintained on board such that live lobster or crab in good condition can be retained in case they need to be returned to meet the catch limit.
12. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.

Authorised VESSELS

13. The fishing vessel *Great Southern* shall be authorised to undertake fishing pursuant to this measure. In the event that *Great Southern* is unavailable, an alternate fishing vessel of similar capability and capacity shall be authorised to undertake fishing pursuant to this measure only after the replacement fishing vessel has been notified by Cook Islands to the Executive Secretary who will notify all Members and CNCs.
14. In determining the suitability of an alternate fishing vessel Cook Islands shall consider, *inter alia*:
- the vessel's ability to conduct the exploratory fishing set out in ~~the proposal submitted to 6th regular session of the Commission~~ the Fisheries Operation Plan reviewed by the 6th meeting of the Scientific Committee;
 - the master and crew's history and track record in comparable research or exploratory fishing;
 - the ability of the fishing vessel to provide suitable accommodation, facilities, and operating support for a Cook Island Government observer;
 - the ability of the fishing vessel to maintain rigorous aAssessment of the pPotential for Significant Adverse Impacts on Vulnerable Marine Ecosystems (VMEs);
 - 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

15. Fishing pursuant to this measure shall take place in accordance with this measure or any amendment to the measure adopted by the regular meeting of the Commission.

DATA COLLECTION

16. In undertaking fishing pursuant to this measure, the fishing vessel shall, ~~to the extent possible~~, collect all the data required by current CMMs and as set out in the ~~proposal submitted to the 6th regular session of the Commission~~ Fisheries Operation Plan reviewed by the 6th meeting of the Scientific Committee, and, to the extent possible ~~and~~ any further data requested by the Scientific Committee for its annual evaluation and assessment.
17. The vessel shall be fully capable of complying with SPRFMO data standards and reporting.

MARINE MAMMALS, SEABIRDS, TURTLES, AND OTHER SPECIES OF CONCERN

18. A vessel fishing pursuant to this measure shall use the following mitigation methods:
- there shall be no dumping of offal while lines are being set or while lines being hauled;
 - any offal or discards shall be macerated by machine prior to discarding;
 - 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;
 - discarding may only take place from the opposite side of the vessel from the hauling position;
19. The following information shall be collected for marine mammals, seabirds, turtles, and other species of concern:
- 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);
 - the observer shall have a target of observing 10% of pots hauled for marine mammal, seabird and turtle captures, and for comparison with a sample of recorded video observations;
 - 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~~ seabird interactions as possible and all birds released alive;
 - all dead birds must be retained for formal identification and necropsy;
 - opportunistic observations, photography and identification of marine mammals may be undertaken in collaboration with the crew.

20. All information specified in CMM 03-2017 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 vulnerable marine ecosystems in the areas fished.

MONITORING & DATA COLLECTION

21. A vessel undertaking fishing pursuant to this measure shall carry a Cook Island 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. Observer data shall be collected in accordance with the SPRFMO Observer data standard and shall include gear deployment and retrieval data, catch and effort information, biological data collection, and information on marine mammals, seabirds, reptiles and other species of concern.

22. 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 pots are observed or recorded on video. All recorded footage must be provided to the Cook Island Government (MMR) at the end of the voyage for analysis and storage.

23. The vessel shall also be equipped with a tamper proof Automatic Location Communicators that meet SPRFMO standards for VMS reporting (every 2-hours) and can respond to polling at any rate if required consistent with requirements under [the VMS CMM 06-2017].

Review

~~23.~~24. At the 6th meeting of the Scientific Committee the Cook Islands will ~~prepare~~ present a full and comprehensive exploratory fishing proposal which conforms, in full, with SPRFMO CMMs and the Convention, in particular the exploratory fishing CMM ~~(136-2017)~~3 and the bottom fishing CMM ~~(03-2017)~~2, and take into account the SC advice as described in the SC5 report and the SC inter-sessional advice provided in January 2018. The proposal will include the following:

- a) A detailed and specific proposal and fishing Fisheries Operation Plan ~~plan~~ that includes formal sampling designs and data collection plans for all phases of the proposed exploratory fishery that conform with CMM13-2016
- b) A description of how the proposed fishing meets the requirements of the Convention and relevant CMMs, including a bottom fishing impact assessment
- c) Propose measures to ensure the long-term viability of the target species, including reproduction.
- d) A description of any fishing conducted to date, including effort, catch, and information on measures taken to protect VMEs.

REVIEW

25. ~~The 7th regular session of the Committee shall, taking into account the advice of the 6th SC or inter-sessional SC advice, determine whether the exploratory fishing programme may continue.~~

~~24.~~26. The 8th regular session of the Committee shall, taking into account the advice of the 7th Scientific Committee or inter-sessional SC advice, determine whether the full and comprehensive final year of the exploratory fishing program may proceed ~~for the remaining duration of this measure.~~

~~25.~~ This CMM shall expire in October-September 2021, ~~after which the exploratory fishery to which this CMM applies shall be considered an exploratory fishery for the purposes of any CMM the Commission adopts which outlines a framework for the management of exploratory fisheries in the SPRFMO Convention Area.~~

~~26.~~ The exploratory fishery to which this CMM applies may be extended through the development of a new CMM, pursuant to any CMM the Commission adopts which outlines a framework for the management of exploratory fisheries in the SPRFMO Area.

~~27.~~ If the Commission has not adopted such a CMM referred to in paragraph 26 when this CMM expires the Commission, after considering advice from the Scientific Committee and any other relevant matters, may adopt a new CMM that includes the objective of this CMM for a further period not exceeding three years.