

## 8<sup>TH</sup> MEETING OF THE SPRFMO COMMISSION

*Port Vila, Vanuatu, 14 to 18 February 2020*

### COMM 8 – Prop 08

*New Zealand – Australia*

<input checked="" type="checkbox"/> Amend  <input type="checkbox"/> Create	<b>CMM 03a-2019 on Deepwater Species</b>
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**Submitted by:** NEW ZEALAND and AUSTRALIA

**Summary of the proposal:**

Amendments to update the catch limits for orange roughy within defined areas based on advice and recommendations from Scientific Committee:

- The catch limit for the Louisville Ridge area is proposed to be maintained at 1,140 tonnes for each of the 2020, 2021 and 2022 fishing years;
- The catch limit for the Westpac Bank area is proposed to be set at 258 tonnes in each fishing year.

Amendments are also proposed to improve implementation and management of the catch limits. The current catch limits are low and precautionary based on advice from Scientific Committee. Through domestic implementation catch has been restricted well below the specified limit to ensure the catch limits are not exceeded. To enable Members to better utilise the catch limit they are allocated, a proposal on how to account for over or under catch in the next fishing year is presented.

**Objective of the proposal:**

The objective of this proposal is to:

1. revise the orange roughy catch limits based on recommendations from Scientific Committee, and
2. to enable improved implementation and management of the adopted catch limits for orange roughy.

<b>Has the proposal financial impacts or influence on the Secretariat work?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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*To be filled out by the Secretariat:*

Ref: <b>COMM8-PROPO8</b>	Received on: 25 December 2019
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This document is intended to be one page long only.

## CMM 03a-2020

# Conservation and Management Measure for Deepwater Species in the SPRFMO Convention Area

### The Commission of the South Pacific Regional Fisheries Management Organisation;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Articles 8, 20, 21 and 22 of the Convention:

### Objective

1. The objective of this CMM together with CMM 03-2019 (Bottom Fishing) 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.

### Interpretation

2. For the purposes of this CMM, the definitions applicable in CMM 03-2019 (Bottom Fishing) have the same meaning in this CMM.

### Application

3. All activities conducted under this CMM must be conducted in accordance with CMM 03 -2019 (Bottom Fishing).
4. This CMM together with CMM 03-2019 (Bottom Fishing) are adopted as cautious preliminary conservation and management measures consistent with Article 22(1) of the Convention.

### Catch limits and monitoring for deep sea fish stocks

5. The following precautionary catch limits are set by the Commission on the basis of the advice of the Scientific Committee:
  - a) The total catch of orange roughy (*Hoplostethus atlanticus*) in the Louisville Ridge<sup>1</sup> in the 2020, 2021, 2022 fishing years shall be limited to 1,140 tonnes in each fishing year.
  - b) The total catch of orange roughy in the Tasman Sea<sup>2</sup> in the 2020 fishing year shall be limited to 346 tonnes.

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<sup>1</sup> "Louisville Ridge" means all areas within the Evaluated Area to the east of 178°E.

<sup>2</sup> "Tasman Sea" means all areas within the Evaluated Area to the west of 178°E, excluding the "Westpac Bank" and the "South Tasman Rise".



6. Members and CNCPs agree, having regard to the Scientific Committee's advice, that the total catch of orange roughy throughout its range in the South Tasman Rise<sup>3</sup> should not exceed 0 tonnes.
7. The total catch of orange roughy in the portion of the South Tasman Rise<sup>4</sup> occurring in the Convention Area shall be 0 tonnes, until otherwise decided by the Commission, based on advice from the Scientific Committee.
8. In accordance with the report of the 7<sup>th</sup> meeting of the Scientific Committee, Members and CNCPs acknowledged the estimated annual yield of orange roughy on the Southwest Challenger Plateau was 2,448 tonnes to maintain the stock at or above 40% B<sub>0</sub> for the next five years.
9. The total catch of orange roughy in Westpac Bank<sup>5</sup> shall be limited to 258 tonnes (based on 12.5% of the Southwest Challenger Plateau biomass) in each fishing year but may be reviewed by the Commission following advice from the Scientific Committee based on a stock assessment undertaken by New Zealand and other relevant information.
10. Until the Scientific Committee recommends precautionary catch limits, the catch of all other target and non-target fish species in the Evaluated Area shall be limited to a level that does not exceed the annual average catch levels of that Member or CNCP over the period 1 January 2002 to 31 December 2006 as shown in Table 3.
11. The Scientific Committee will provide regular advice on the status of bottom fishing target species and non-target species to enable the Commission to continue meeting the objectives of the Convention and this CMM. The Scientific Committee may provide advice on the revision or subdivision of the catch limits set out in this section.
12. The Scientific Committee shall review its advice on bottom fishing target species and non-target species no later than every five (5) years, or a shorter period as determined by the Commission.
13. In 2020 Members and CNCPs are to share in the total catch of orange roughy, as specified in paragraphs 5, 7 and 9, in the tonnages set out in Table 1 of this CMM.
14. Without prejudice to Members and CNCPs without an entitlement in Table 1 and the rights and obligations specified in Article 20(4)(c) of the Convention and having regard to paragraphs 5, 7 and 9, the percentages included in Table 2 will be used by the Commission as a basis for the allocation of Member and CNCPs' catch limits from 2020 to 2023 inclusive.

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<sup>3</sup> "South Tasman Rise" means that part of the Australian EEZ and the high seas area adjacent to the Australian EEZ within and bounded by a line beginning at the point of latitude 46°26' 07" S, longitude 146°30 E; and running:

- i. From there east along that meridian to its intersection with the meridian of longitude 150° 00 E;
- ii. from there south along that meridian to its intersection with the parallel of 48°30 S; and
- iii. from there west along that parallel to its intersection with the meridian of longitude 146°30 E; and

from there north along that meridian to the point where the line began.

<sup>4</sup> "the portion of the South Tasman Rise occurring in the Convention Area" means the high seas area adjacent to the Australian EEZ bounded by a line beginning at the intersection of the outer limit of the Australian EEZ with the meridian of longitude 150°00 E; and running:

- (i) from there south along that meridian to its intersection with the parallel of 48°30 S; and
- (ii) from there west along that parallel to its intersection with the meridian of longitude 146°30 E; and
- (iii) from there north along that meridian to the intersection with the outer limit of the Australian EEZ; and
- (iv) from there generally north easterly along that outer limit to the point where the line began.

<sup>5</sup> "Westpac Bank" means the high seas area adjacent to the New Zealand EEZ bounded by a line beginning at the intersection of the outer limit of the New Zealand EEZ at 39° 20S and 168° 34E; and extending:

- (i) from there west to 39° 20S and 166° 30E; and
- (ii) from there south to 40° 30S and 166° 30E; and
- (iii) from there due east to 40° 30S and 167° 24E; and
- (iv) from there generally north east to the point where the line began.



15. By 31 December each year a Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may allocate it on the basis of domestic legislation. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay. Such transfers shall only occur within, and not across, the catch limits and areas defined in paragraphs 5, 7 and 9.
16. If a Member or CNCP orange roughy catch limit is under caught for a defined area, that Member or CNCP may carry forward to the next fishing year up to 10% of their catch limit or the difference between their catch limit and reported catch for that year, whichever is lesser.
17. If a Member or CNCP catches more than their catch limit for orange roughy for a defined area, the excess catch shall deducted from their catch limit for the subsequent fishing year.
18. By 10 December each year Members and CNCPs shall notify the Secretariat whether they intend to carry forward under caught orange roughy catch for a defined area to the next fishing year, and if they have excess orange roughy catch for a defined area to confirm the revised catch limit for the next fishing year.
19. Members and CNCPs shall report on their use of any undercatch and overcatch provisions in their annual reports to the Scientific Committee.
20. If, on the basis of advice from the Scientific Committee, the Commission agrees to reduce the total catch for an area, the undercatch provision in paragraph 16 shall not apply, unless decided otherwise by the Commission. Any overcatch provisions, as specified in paragraph 17 will still apply.
21. If the Commission agrees to reduce the orange roughy catch limit of one or more Members or CNCPs for a defined area, the carry forward provision in paragraph 16 shall not apply unless decided otherwise by the Commission, taking into account the circumstances of the reduction.
22. For the purposes of monitoring catch levels, catches will be attributed to the flag State of the vessels that have undertaken the fishing described in Article 1(1)(g)(i) and (ii) of the Convention.
23. Members and CNCPs shall report, in an electronic format, the monthly catches of their flagged vessels participating in bottom fishing to the Secretariat within 20 days of the end of each month, consistent with the SPRFMO Data submission templates.
24. The Executive Secretary shall circulate monthly catch reports from data provided in accordance with paragraph 17, aggregated by flag State and month, to all Members and CNCPs as soon as possible, once collated.
25. The provisions of this CMM are not necessarily to be considered precedents for future allocation or other decisions in accordance with Article 21 of the Convention relating to participation in bottom fisheries in the Convention Area and adjacent areas of national jurisdiction in the circumstances provided for in Article 20(4)(ii) and (iii) with the consent of the relevant coastal State Member or Members.

## Review



26. Notwithstanding that the Commission may alter the catch limits prescribed in paragraphs 5, 7 and 9, this CMM shall be reviewed no later than the annual meeting of the Commission in 2024.

Table 1: Tonnages of orange roughy in 2020 as referred to in paragraph 13

	Tonnages	
	Australia	New Zealand
Tasman Sea	69	277
Louisville Ridge	114	1 026
Westpac Bank	13	245
Portion of the South Tasman Rise occurring in the Convention Area	0	0



Table 2: percentages referred to in paragraph 14 related to the catches of orange roughy referred to in paragraphs 5, 7 and 9

	Percentages %	
	Australia	New Zealand
Tasman Sea	20	80
Louisville Ridge	10	90
Westpac Bank	5	95
Portion of the South Tasman Rise occurring in the Convention Area	75	25

Table 3: Tonnages of all other target and non-target fish species in the Evaluated Area as referred to in paragraph 10.

All other target and non-target fish species <sup>6</sup>	
Australia	New Zealand
211	762

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<sup>6</sup> Noting that the tonnages in Table 3 correspond to the evaluated area defined in paragraph 4 of CMM03-2019 (Bottom fishing)