

CMM 14b-2023

Conservation and Management Measure for Exploratory Potting Fishery in the SPRFMO Convention Area

(Supersedes CMM 14b-2022)

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 Conservation and Management Measures 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 03-2023 (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;

REVISES and 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:
 - a) “lobster” means both “*Jasus spp*” lobster and “*Projasus spp*” lobster;
 - b) “crab” means “*Chaceon spp*” crab;
 - c) “bottom potting” means standardised strings of traps carefully designed and dedicated to capturing particular species of crustaceans and having minimal adverse impact on the environment as described in the Fisheries Operation Plan reviewed by the 8th meeting of the Scientific Committee;
 - d) “fishing year” means a year of 12 months, from 1 July to 30 June;
 - e) “lobster spawning season” means the season in which it is believed the *Jasus spp* reproduce and spawn, being 1 July to 30 September;
 - f) “FOP” means the relevant Fisheries Operation Plan;
 - g) “TAC” means Total Allowable Catch;
 - h) “trip” means any period commencing with the departure of the vessel from port for the purpose of beginning a fishing trip to such time as any or all fish on board the vessel are unloaded from the vessel, either ashore or transshipment carrier in port.

Application

3. This measure applies to exploratory fishing for lobster and crab as described in the Fisheries Operation Plan adopted by the SPRFMO Commission (COMM10-Report, Annex 4b).
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

5. Fishing for lobster and crab, using the bottom potting method, may be conducted on seamounts or other features within the exploratory fishing boxed areas identified in Table 1 below.



Table 1: The coordinates of the two areas intended for exploratory fishing.

Exploratory area	Latitude	Longitude
Foundation Sea mount chain	31'00 S	100'00 W
	31'00 S	134'00 W
	40'00 S	134'00 W
	40'00 S	100'00 W
Northern seamount	21'00 S	101'00 W
	21'57 S	101'00 W
	23'55 S	94'13 W
	25'06 S	92'50 W
	27'00 S	92'50 W
	27'00 S	84'00 W
	21'00 S	84'00 W

- Notwithstanding paragraph 5, fishing in the Kopernik Valley, coordinates for which are given in Table 2, below depths of 250 metres shall be prohibited.

Table 2: Coordinates for fishing in the Kopernik Valley

Longitude	Latitude	Data point
-116.025	-35.885	1
-116.005	-35.885	2
-116.005	-35.89	3
-116.01	-35.89	4
-116.01	-35.9	5
-116.015	-35.9	6
-116.015	-35.905	7
-116.01	-35.905	8
-116.01	-35.91	9
-116.005	-35.91	10
-116.005	-35.915	11
-116.025	-35.915	12
-116.025	-35.9	13
-116.02	-35.9	14
-116.02	-35.89	15
-116.025	-35.89	16
-116.025	-35.885	17

- The exploratory fishing conducted pursuant to this CMM shall apply for three fishing years, commencing 1 July 2021, and ending on 30 June 2024.
- Each trip shall be limited to setting and hauling no more than five lines of 100 traps per day for lobster, and no more than five lines of 200 traps per day for crab when fishing below 300 m.
- The vessel is authorised to test alternative trap designs to evaluate gear selectivity.



10. A CPUE limit of 4 kg per trap shall be applied for Kopernik Seamount, assessed weekly through a moving 30-day window starting on day 30, and assessed every 7 days thereafter. Should this CPUE limit be reached, the Cook Islands shall close Kopernik Seamount and it shall remain closed to fishing pending the SC's review of the Cook Island's planned ongoing response.
11. A 20-tonne total allowable catch (TAC) for *Jasus caveorum* on Kopernik Seamount per trip will apply.
12. Fishing shall be closed to the vessel during the lobster spawning season from July through to September each year. The vessel is prohibited from retaining lobster on board the vessel while fishing for other target species during this period.
13. The maximum lobster and crab (combined) total allowable catch taken pursuant to this CMM shall not exceed the global TAC of 300 tonnes per fishing year for fishing years commencing in July 2021, July 2022 and July 2023 respectively.
14. The Cook Islands shall ensure that any vessel authorised to conduct the exploratory fishing shall provide weekly reports on its fishing activities to the Cook Islands.
15. Any results will be used to develop proposals for the consideration of the Scientific Committee on the design of any subsequent fishing.
16. Catch and effort shall be monitored on a trap-by-trap basis and fishing operations shall cease in that year once either the effort or catch limit, whichever occurs first, specified in paragraphs 8, 10 and 11 has been reached.
 - a) 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 shall issue a directive to the authorised fishing vessel for exploratory fishing to cease and advise the Commission promptly thereafter.
17. The Cook Islands shall ensure that any fishing vessel authorised to undertake this exploratory fishing shall have experience working within catch limits and use intensive monitoring of all catch. As a catch limit is approached, fewer strings of traps will be set to constrain the retained catch within the limit.
18. Fishing activity undertaken pursuant to this measure shall not be considered a precedent for future allocation decisions.

Authorised vessels

19. Any Cook Islands vessel authorised to undertake fishing shall do so pursuant to this measure. In the event that the authorised vessel becomes unavailable, an alternate fishing vessel of similar capability and capacity may 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.
20. In determining the suitability of an alternate fishing vessel the Cook Islands shall consider, *inter alia*:
 - a) the vessel's ability to conduct the exploratory fishing set out in the approved Fisheries Operation Plan;
 - b) the master and crew's history and experience in comparable research or exploratory fishing;
 - c) the ability of the fishing vessel to provide suitable accommodation, facilities, and operating support for a Cook Islands Government observer;
 - d) the ability of the fishing vessel to maintain rigorous monitoring of the potential for Significant Adverse Impacts on Vulnerable Marine Ecosystems (VMEs).
 - e) 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

21. 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

22. In undertaking fishing pursuant to this measure, any authorised fishing vessel shall collect all the data required by current CMMs and as set out in the Fisheries Operation Plan reviewed by the SPRFMO Commission (COMM10-Report, Annex 4b), and to the extent possible any further data requested by the Scientific Committee (SC) for its annual evaluation and assessment.

23. The vessel shall be fully capable of complying with SPRFMO data standards and reporting.

Marine Mammals, Seabirds, Turtles, and other Species of Concern

24. A vessel fishing pursuant to this measure shall use the following mitigation methods:

- a) there shall be no dumping of offal while lines are being set or while lines are being hauled;
- b) any offal or discards shall be macerated by machine prior to discarding;
- c) 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;
- d) discarding may only take place from the opposite side of the vessel from the hauling position.

25. The following information shall be collected by observers for marine mammals, seabirds, turtles, and other species of concern:

- a) 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);
- b) 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;
- c) all marine mammals, seabirds, turtles, and other species of concern captured shall be identified, and photographs will be taken of as many seabird interactions as possible and all birds released alive;
- d) all dead birds must be retained for formal identification and necropsy;
- e) opportunistic observations, photography and identification of marine mammals may be undertaken in collaboration with the crew.

26. All information specified in CMM 03-2023 (Bottom Fishing) 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

27. A vessel undertaking fishing pursuant to this measure shall carry at least one, and preferably two, observers appointed by the Cook Islands. 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.

28. 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 Islands at the end of the voyage for analysis and storage.



29. The vessel shall also be equipped with tamper proof Automatic Location Communicators that meet SPRFMO standards for VMS reporting (every hour) and can respond to polling at any rate if required consistent with requirements under CMM 06-2023 (Commission VMS).
30. At the 11th meeting of the Scientific Committee the Cook Islands shall present a full and comprehensive amended exploratory fishing proposal which conforms, in full, with SPRFMO CMMs and the Convention, in particular CMM 13-2021 (Exploratory fisheries) and CMM 03-2023 (Bottom Fishing) and take into account the Scientific Committee advice as described in the SC8 report. The proposal shall include the following:
- a) A detailed and specific proposal and Fisheries Operation Plan that includes formal sampling designs and data collection plans for all phases of the proposed exploratory fishery that conform with CMM 13-2021 (Exploratory Fisheries);
 - 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

31. The 11th regular session of the Commission shall, taking into account the advice of the 10th Scientific Committee or inter-sessional Scientific Committee advice, determine the level of TAC for the fishing year 1 July 2023 to 30 June 2024, and whether the exploratory fishing programme may proceed.
32. This CMM shall expire on 30 September 2024.