

NEW AND EXPLORATORY FISHERIES

New and exploratory fisheries in the 2004/05 season

10.1 At CCAMLR-XXIII, the Commission agreed seven exploratory longline fisheries for *Dissostichus* spp. in the 2004/05 season (Conservation Measures 41-04, 41-05, 41-06, 41-07, 41-09, 41-10 and 41-11). For the first time, fishing had occurred in respect of all of these exploratory fisheries (SC-CAMLR-XXIV, paragraphs 4.123 to 4.133).

10.2 The Commission noted that the Scientific Committee had completed its first assessments of yield for the *Dissostichus* spp. exploratory fisheries in the Ross Sea (Subarea 88.1 and SSRUs 882A, 882B and 882E).

10.3 However, the Commission noted that the Scientific Committee had not been able to provide advice on other exploratory fisheries in other areas. The Scientific Committee reiterated the urgent need to develop a means for estimating abundance and providing assessments of stock status. In this context, the Commission noted that with the continuing tagging programs in all areas, in the next year or two it may be possible to obtain mark-recapture estimates of abundance, provided that sufficient tags are deployed each year.

Notifications for new and exploratory fisheries in the 2006/07 season

10.4 The Commission noted that 12 Members had submitted notifications in accordance with its rules for exploratory *Dissostichus* spp. fisheries in Subareas 48.6, 88.1, 88.2 and Divisions 58.4.1, 58.4.2, 58.4.3a and 58.4.3b (SC-CAMLR-XXIV, paragraphs 4.143, 4.145, 4.169 to 4.171; SC-CAMLR-XXIV/BG/5). No notifications had been received from Members for exploratory fisheries in closed areas, and no notifications had been made for new fisheries.

10.5 The Commission noted that two Members had submitted notifications after the deadline of 24 July 2005, however all payments were received by the deadline of 24 August 2005. The Scientific Committee had not attempted to determine whether the notifications for exploratory fisheries satisfied the requirements of Conservation Measure 21-02 (paragraphs 4, 5 and 7).

10.6 As last year, the Commission noted that there had been a large number of notifications for exploratory fisheries in Subareas 48.6, 88.1 and 88.2 and Divisions 58.4.1, 58.4.2 and 58.4.3b. Depending on the size of the precautionary catch limits, this implied that if all vessels operated simultaneously, the available catch per vessel could be lower than that required for economic viability, especially for those vessels operating in high latitudes where fishing imposes considerable operational difficulties. There may also be additional administrative difficulties in determining closure dates for fishing in SSRUs when many vessels are fishing simultaneously in an adjacent subarea or division.

10.7 The Commission endorsed the Scientific Committee's general advice on exploratory fisheries (SC-CAMLR-XXIV, paragraphs 4.167 to 4.172), including:

- (i) over-runs, such as the five occasions in SSRUs in Subarea 88.1 in 2004/05 (three catch limits for *Dissostichus* spp. and two catch limits for *Macrourus* spp.), and

under-runs of SSRU catch limits were inevitable. However, provided that these over-runs and under-runs were more or less balanced over the season within subareas or divisions, then the over-runs did not pose a conservation threat to the stocks;

- (ii) in order to facilitate analyses of tagging data, vessels are requested to record a unique identifier on the C2 data forms for every set made, and scientific observers are requested to ensure that this identifier is also recorded on their data forms;
- (iii) where individual vessels notified for more than one subarea or division, the notification should include an indicative fishing plan including projected timings for fishing in different areas;
- (iv) all vessels participating in exploratory fisheries must complete the research and tagging requirements of Conservation Measure 41-01.

10.8 The Commission noted that Spain had informed the Scientific Committee that due to lower survival, problems were encountered with the release of tagged large-sized toothfish in the exploratory fishery in Division 58.4.3b (SC-CAMLR-XXIV, paragraph 4.28). Other Members had experienced similar difficulties.

10.9 The Commission also noted that some Members had been unable to complete the required number of research hauls due to some SSRU or fishery closures.

10.10 The Commission recognised the value of the scientific data acquired during fishery-based research, and urged the Scientific Committee to further develop the research and tagging requirements of Conservation Measure 41-01 to take account of the difficulties reported by Members.

10.11 The Commission endorsed the Scientific Committee's advice on the exploratory fisheries for *Dissostichus* spp. in Subareas 88.1 and 88.2 (SC-CAMLR-XXIV, paragraphs 4.173 to 4.176) in regard to:

- (i) the requirement to carry out specific research sets as defined in Conservation Measure 41-01 within Subareas 88.1 and 88.2 should be replaced by a requirement that all fish of each *Dissostichus* spp. in a haul (up to a maximum of 35 fish) be measured and randomly sampled for biological studies from all lines hauled within Subareas 88.1 and 88.2;
- (ii) the catch limit for SSRU 882E for 2005/06 should be 273 tonnes;
- (iii) the catch of *Dissostichus* spp. be limited to 2 964 tonnes in the area comprising Subarea 88.1 and the SSRUs A and B in Subarea 88.2;
- (iv) the SSRU boundaries in Subarea 88.1 be retained but that the catch limits for SSRUs B, C and G be combined and managed as a single area – 'northern area', and that the catch limits for SSRUs H, I and K be combined and managed as a single area – 'slope area';

(v) the catch limits for *Dissostichus* spp. in each SSRU be limited to:

88.1 SSRUs B, C and G combined (northern area) – 348 tonnes total

88.1 SSRUs H, I and K combined (slope area) – 1 893 tonnes total

88.1 SSRU J – 551 tonnes

88.1 SSRU L – 172 tonnes

88.1 SSRUs A, D, E, F – 0 tonnes total

88.2 SSRUs A, B – 0 tonnes total.

10.12 The Commission noted that the Scientific Committee was unable to provide advice on suitable catch limits for SSRUs 882C, D, F and G, and on catch limits for *Dissostichus* spp. taken in the other exploratory fisheries. No new advice was available on catch limits for any by-catch species in any of the exploratory fisheries.

10.13 The Commission discussed the merit of allowing some limited fishing in all SSRUs in exploratory fisheries. This issue had been raised at the Scientific Committee meeting (SC-CAMLR-XXIV, paragraph 4.177). Some Members argued that no SSRU should have a zero catch limit because:

- (i) it was important to obtain catch statistics from all areas in the SSRUs to assess the status of the stocks in these areas;
- (ii) the variability in ice cover means that all SSRUs should be open for fishing;
- (iii) concentrated fishing in some SSRUs may result in adverse impacts on the population;
- (iv) fish should be tagged in all SSRUs to improve population estimates and information on distribution and abundance.

10.14 Some Members proposed setting a minimum catch limit of 10 tonnes of *Dissostichus* spp. in each SSRU to address the points in paragraphs 10.13(i) to (iv). A similar approach had been agreed in relation to the mark–recapture experiment proposed in Subarea 48.4 (paragraph 4.48).

10.15 The Commission noted, however, that the advice from the Scientific Committee on yield for Subarea 88.1 and SSRUs 882A and 882B was for the whole area and not just part of the area. As such, the restriction of the catch to a subset of SSRUs to improve the mark–recapture program resulted in no penalty to the fishery and did not imply that those SSRUs with zero catch limit are unassessed.

10.16 The Commission requested the Scientific Committee to consider these issues and review the allocation on catch limits in SSRUs at its next meeting.

10.17 The Commission endorsed the Scientific Committee's advice on incidental mortality of seabirds and marine mammals in relation to exploratory fisheries notified for 2005/06 (see section 4).

10.18 The Commission considered two general matters related to new and exploratory fisheries:

- (i) Should the new krill fishing technique (SC-CAMLR-XXIV, paragraph 4.8 to 4.10) be considered a new or exploratory fishery?
- (ii) When does an exploratory fishery cease to be considered 'exploratory' and become an assessed fishery?

10.19 On the first matter, the Commission recalled the Scientific Committee's advice that this new technology would not be considered a 'new and exploratory fishery'. The Scientific Committee agreed that this new technology would not be considered a 'new and exploratory fishery' if there is an adequate description of the selectivity of the method for krill, a characterisation of the haul (or catch rate) and information on the location of krill catches. In particular, because haul duration can extend for several days, there existed the potential for single hauls to occur in several different SSMUs. The Secretariat needs to revise the format for reporting data to accommodate the information arising from the new fishing method (SC-CAMLR-XXIV, paragraphs 4.8 to 4.10).

10.20 The second matter had been considered at the Valdivia Symposium (CCAMLR-XXIV/BG/30, session 4). The Commission noted that the symposium had raised concerns regarding the lack of an agreed process for the transition of a fishery from exploratory to assessed.

10.21 The Commission requested the Scientific Committee to further develop CCAMLR's Regulatory Framework (e.g. CCAMLR-XXI, paragraph 12.1) and define the steps required for moving from new and exploratory to assessed fisheries.

10.22 The Commission considered the need to develop a policy on destructive fishing practices, including consideration of the benthic impacts of bottom trawling. This issue had also been raised at the Valdivia Symposium (CCAMLR-XXIV/38 and BG/30).

10.23 The Commission requested the Scientific Committee to begin considering this matter by identifying vulnerable deep-sea habitats, including deep-sea corals, which may require protection from fishing.

10.24 In considering notifications of Members' intentions to participate in exploratory fisheries, the Commission reviewed vessel information submitted in accordance with Conservation Measure 21-02, paragraph 4.

10.25 New Zealand pointed out that one vessel, the Spanish-flagged *Galaecia*, was owned by Vidal Armadores, and the contact point was Mr Antonio Vidal Pego, currently indicted by the USA for importing and conspiring to sell illegally possessed toothfish into the USA (Annex 5, paragraph 3.6). New Zealand further noted that Mr Vidal was also the owner of other vessels, such as the *Carran* and the *Viarsa I*, which were included on the IUU Vessel Lists. New Zealand stated that, in its view, the *Galaecia* should not be considered for participation in a CCAMLR exploratory fishery.

10.26 Spain noted that, until the present, the *Galaecia* had been operating as a legal vessel under the control of Spanish authorities. Despite approval of the Commission for the vessel to participate in exploratory fisheries in 2002 and 2003, Spain gave full consideration of

specific compliance issues related to the vessel and did not grant it a licence to fish inside the Convention Area in 2002 and 2003. These decisions taken by Spanish authorities are currently subject to legal proceedings in Spain. However, as the vessel had no recorded breaches of compliance against it and had complied with CCAMLR conservation measures, Spain had no reason not to present a notification for the *Galaecia* to participate in an exploratory fishery. Spain further noted that it did not possess any legal evidence against the vessel which would justify taking measures against it, as suggested by New Zealand.

10.27 Australia noted that other vessels reportedly owned by Mr Vidal were now included on the IUU Vessel Lists. Australia advised that IUU operators had established a network whereby legal and IUU vessels cooperated and supported each other, and reiterated that vessels which could be linked to other IUU vessels, owners or operators should not be permitted to fish inside the Convention Area. Australia believed that neither *Galaecia* nor *Paloma V* should be permitted to fish inside the Convention Area. Many Members agreed with this position.

10.28 Uruguay advised that *Paloma V* had already participated in exploratory fisheries in the Convention Area and there had been no breaches of compliance recorded against it. Therefore, there was no reason to preclude it from participating in exploratory fisheries in the 2005/06 season. Uruguay advised that the owner of *Paloma V* was Mabenal S.A. and that it is a publicly listed company under Uruguayan law, and its owners are its shareholders. It could therefore not be assumed that Mr Vidal was an owner or part-owner of *Paloma V*.

10.29 The European Community underlined that it took the issue raised by Australia and New Zealand very seriously and that it will thoroughly investigate the matter together with the concerned European Community Member State. The European Community also ensured that it is fully committed to combat IUU fishing and to conservation and sustainable management of fish stocks in the CAMLR Convention Area.