



**Report by New Zealand on actions
taken pursuant to Operative
Paragraphs 80 and 83-87
of Resolution 61/105 and
Operative Paragraphs 113-117
and 119-127 of Resolution 64/72**

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Introduction

New Zealand continues to be actively engaged in developing, improving and implementing measures to avoid adverse impacts on vulnerable marine ecosystems (VMEs), both in its own EEZ and on the high seas.

Since 2009, New Zealand has:

- played a key role in refining and improving the measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to prevent significant adverse impacts to VMEs in the CCAMLR Area;
- implemented further measures to protect VMEs in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Area.

Further details of New Zealand's actions to implement paragraphs of sustainable fisheries resolutions 61/105 and 64/72 are contained in this report as per the request in UN General Assembly resolution 65/38 paragraph 144. To streamline our response, paragraphs in both resolutions that cover similar subject matter have been grouped together.

Detailed discussion on CCAMLR measures and New Zealand's input to the development and improvement of those measures is provided under OP83. Measures taken by New Zealand in the SPRFMO Area are described below under OP 85 (res 61/105) because the SPRFMO Convention is yet to come into force. The same does not apply in relation to OP119 res 64/72 therefore both CCAMLR and SPRFMO are discussed in that section.

This report updates information provided to the Secretary-General in 2009 titled '*Report on New Zealand's Implementation of Operative paragraphs 80 and 83-90 of resolution 61/105*' (New Zealand's 2009 report) and that report is referenced throughout this document.

Resolution 61/105 Operative Paragraph 80 and Resolution 64/72 Operative Paragraphs 113-117

OPERATIVE PARAGRAPH 80 (RES 61/105)

A summary of measures adopted within New Zealand's EEZ to protect the benthic habitat and to ensure the sustainability of deep-sea fish stocks can be found in New Zealand's 2009 report.

OPERATIVE PARAGRAPHS 113 AND 117 (RES 64/72)

New Zealand was actively involved in developing the FAO International Guidelines for the Management of Deep Sea fisheries in the High Seas (Guidelines) and New Zealand uses them when formulating new, or improvements to existing, bottom fishing measures.

Resolution 61/105 Operative Paragraph 83 and Resolution 64/72 Operative Paragraph 119

OPERATIVE PARAGRAPH 83 (A-D) (RES 61/105)

CCAMLR Conservation Measures for bottom fisheries

The measures adopted by CCAMLR to regulate bottom fisheries in the Convention Area and to address the requirements of OP83(a) to (d) have been described in detail in New Zealand's 2009 report. The relevant Conservation Measures (CMs 22-04 to 22-07) are also publicly available on the CCAMLR website (www.ccamlr.org).

Since New Zealand's 2009 implementation report, CCAMLR has:

1. Approved a standardised method by which impacts on vulnerable benthic habitats can be estimated in a spatially explicit way for all bottom fishing methods.
2. Produced fine-scale, spatially explicit, estimates of cumulative impact on potential VMEs by bottom logline fisheries in the Convention Area.
3. Prioritised the production of impact estimates for all bottom fishing methods, including pots and trawls.
4. Reviewed its VME encounter measure, which will be reviewed again in 2012.
5. Improved the way in which potential VME risk areas are identified during the fishing season and notified to the Commission. These risk areas are protected from further fishing until their status is reviewed.
6. Created a VME Register of known or likely VME areas that are protected from bottom fishing activities.
7. Prohibited bottom fishing in depths shallower than 550m around Antarctica.
8. Developed an agreed scientific glossary of terms and a conceptual diagram illustrating the process by which the impact of bottom fishing activities is assessed and managed.

New Zealand has played a leading role in the scientific work on bottom fishing in the CCAMLR Area. During 2010, New Zealand submitted 11 papers to CCAMLR's Scientific Committee and its working groups on VMEs. This work included:

1. Developing an impact assessment methodology (which was adopted for use by CCAMLR).
2. Developing a spatially explicit impact simulation model for fishery impacts on VMEs
3. Creating a glossary of terms and conceptual framework within which VME impacts will be assessed (this glossary was adopted by CCAMLR).
4. Producing a benthic invertebrate taxa ID guide (which was adopted by CCAMLR and distributed to CCAMLR observers).
5. Developing a new method using VME bycatch on longlines to map benthic habitats within the fished area.
6. Investigating possible spatial overlap between VME taxa and fishing effort
7. Producing a benthic bioregionalisation (environmental classification), to inform spatial management.

New Zealand has implemented all CCAMLR measures related to bottom fishing through conditions on permits issued to New Zealand flagged vessels intending to fish in the CCAMLR Area.

ADDITIONAL EFFECT OF OPERATIVE PARAGRAPH 119 (A-D) (RES 64/72)

No New Zealand flagged vessels are permitted to bottom fish on the high seas outside of the CCAMLR and SPRFMO Convention Areas. Impact assessments and management measures are in place in both these Areas as described in this document and New Zealand's 2009 report.

OPERATIVE PARAGRAPH 119(A) (RES 64/72)

New Zealand has conducted impact assessments of all bottom fishing activities by New Zealand vessels in the CCAMLR and SPRFMO Areas, in accordance with OP119(a) of resolution 64/72.

CCAMLR impact assessments

2008 was the first year impact assessments were required by CCAMLR, and the impact assessments provided by members varied greatly in detail and quality. The Scientific Committee gave a 'scorecard' to these assessments which has improved their quality in successive years. In 2010, on the basis of information provided in these assessments and a risk assessment methodology developed by New Zealand, the Scientific Committee was able to quantitatively estimate the cumulative impact of bottom longline fishing in CCAMLR fisheries in a spatially explicit format (i.e. fine-scale maps of likely impact to date).

For more details on the CCAMLR impact assessment scorecard and also the cumulative impact of bottom longlining see Annex 8, Appendix E of the 2010 CCAMLR Scientific Committee report available through http://www.ccamlr.org/pu/e/e_pubs/sr/drt.htm

SPRFMO impact assessments

In 2008, as required by the SPRFMO Interim Measures for Bottom Fisheries, New Zealand conducted a qualitative risk and impact assessment for their bottom trawl and bottom longline fishing operations in the SPRFMO Area. This assessment was prepared in accordance with the guidelines in the SPRFMO interim Benthic Assessment Framework. New Zealand's assessment was reviewed by the SPRFMO Scientific Working Group and is available on the SPRFMO website (www.southpacificrfmo.org/benthic-impact-assessments). This assessment was used as the basis for the development of a management approach for New Zealand bottom trawling operations in the SPRFMO Area.

This management approach includes definition of a historical bottom trawl fishing footprint over the reference years 2002-2006; development of a VME-Evidence Identification protocol; and a three-tiered system of spatial closures whereby 41% of the footprint area is closed to fishing, 30% is subject to a move-on rule if evidence of VMEs is encountered and 29% of the footprint is open to fishing. The open, move-on and closed areas were stratified between eight fishing areas constituting the total footprint. The representative nature of the areas was evaluated and compared, in terms of occurrence of known seamounts, seabed depth range and seabed topography. Further details of New Zealand's management approach are provided in New Zealand's 2009 report.

OPERATIVE PARAGRAPH 119(B) (RES 64/72)

Marine scientific research in CCAMLR

The output of New Zealand's scientific research in this area has been described under OP83 above. Information collected by the New Zealand vessels participating in the fishery, data collected by observers on the vessels, and information from New Zealand's scientific research voyages to the Antarctic all feed into New Zealand's scientific contribution to CCAMLR on this topic.

Marine scientific research in SPRFMO

Initial work related to identification of areas where VMEs might occur included the analysis of historical VME bycatch weights in bottom trawl operations to develop a definition of what taxa constitute VMEs, and to develop a move-on protocol based on threshold bycatch weights plus an index of biodiversity. This is described in the New Zealand bottom fishery impact assessment, and in Penney et al 2009 - Protection measures implemented by New Zealand for vulnerable marine ecosystems in the South Pacific Ocean, *Mar Ecol Prog Ser*.

New Zealand is currently working on a quantitative risk assessment approach using deepwater coral predictive habitat models to identify areas where coral VMEs are likely to occur. New Zealand has also used a predictive habitat model (a seamounts meta-analysis) to develop first estimates of potential orange roughy biomass on known features within the New Zealand bottom fishing footprint in the SPRFMO Area, as a basis for making recommendations on likely sustainable orange roughy catches in these areas.

OPERATIVE PARAGRAPH 119(C) (RES 64/72)

CCAMLR's VME encounter measure

CCAMLR has adopted a VME encounter measure (CM 22-07) which is described in New Zealand's 2009 report and which will be reviewed again in 2012.

SPRFMO VME Evidence Process

The measure developed by New Zealand to address encounters with VMEs for its vessels fishing in the South Pacific high seas was described in detail in New Zealand's 2009 report.

OPERATIVE PARAGRAPH 119(D) (RES 64/72)

Long term sustainability of CCAMLR deep-sea stocks

The CCAMLR Convention prescribes three principles of conservation (article II paragraph 3) which have resulted in the adoption of precautionary harvest rules for CCAMLR stocks.

Illegal fishing is responsible for the depleted status of some stocks and has resulted in the effective closure of some fisheries in the CCAMLR Area to legal operators. Estimates of illegal fishing significantly declined over time as a consequence of members' Monitoring Control and Surveillance (MCS) activities and the adoption of the CCAMLR Catch Documentation Scheme. However some areas remain vulnerable. New Zealand (alongside other CCAMLR Members) is very concerned that deep-sea gillnets, which are banned in the Convention Area because of their serious detrimental effects on the marine environment, are still used by illegal operators.

New Zealand is a flag state and a port state for some of the CCAMLR toothfish fisheries and undertakes pre and post trip inspections of vessels heading into the Convention Area to ensure operators adhere to CCAMLR's conservation measures.

New Zealand also undertakes aerial patrolling in the Convention Area reporting all sightings of IUU vessels or illegal activities, to the CCAMLR Secretariat which then relays this information to the relevant states.

Long term sustainability of South Pacific deep sea stocks

During 2009 New Zealand commissioned a research project on 'Development of Estimates of Annual Sustainable Catches, and of Sustainable Feature Limits, for Orange Roughy Bottom Trawl Catches in Specific Fishing Sub-Areas in the Proposed Convention Area of the South Pacific RFMO'. A final research report for this project has been provided as an information paper to the 9th SPRFMO Science Working Group (SWG) meeting (Clark et al. 2010, SWG-09-INF-01). A summary of the results of this work has been provided as a paper to the Deepwater Sub-Group (Penney et al. 2010a, SWG-09-DW-02).

As requested by the Second session of the SPRFMO Preparatory Conference held in January 2011, the SWG will develop a draft SWG work program to include methods to assess deepwater species and the provision of advice on their stock status and potential management approaches.

Following New Zealand government consultations on the SPRFMO Interim Measures on Bottom Fishing with stakeholders, the New Zealand industry has voluntarily restrained its catches of orange roughy to within 1,852 tonnes. This figure represents the average catches over the SPRFMO reference period of 2002 – 2006.

Resolution 61/105 Operative Paragraph 84

CCAMLR conservation measures relating to bottom fishing are available on the CCAMLR website (www.ccamlr.org). Discussion of recent developments in this area are also available online in the Scientific Committee report and the report of the Commission.

The SPRFMO interim measures and the interim benthic impact assessment process for preparing and evaluating benthic assessment are available on the SPRFMO website (www.southpacificrfmo.org), along with some States' impact assessments (including New Zealand's).

Resolution 61/105 Operative Paragraph 85-86 and Resolution 64/72 Operative Paragraph 120 & 124

OPERATIVE PARAGRAPH 85 (RES 61/105)

SPRFMO interim measures

New Zealand's implementation of the SPRFMO interim measures are described in detail in New Zealand's 2009 report.

Since New Zealand's 2009 report:

1. The 7th meeting of the Science Working Group concluded that New Zealand's impact assessment and related conservation measures minimised adverse impacts on VMEs.
2. A SPRFMO interim measure prohibiting deepsea gillnetting was adopted in 2009 and has been implemented by New Zealand.
3. New Zealand continues to implement 100% observer coverage on bottom trawl fishing trips in the SPRFMO Area, and has implemented the interim measures' minimum 10% observer coverage requirement for all bottom longline trips in the SPRFMO Area.
4. New Zealand has begun developing a quantitative bottom fishing impact assessment using predictive habitat models to identify areas likely to support VMEs.

OPERATIVE PARAGRAPH 86 (RES 61/105) AND OPERATIVE PARAGRAPH 124 (RES 64/72)

No New Zealand flagged vessels have permission to conduct bottom fishing on the high seas outside the CCAMLR and SPRFMO Areas.

OPERATIVE PARAGRAPH 120 (RES 64/72)

Refer to response about New Zealand's assessment approach provided under OP 119(a).

OPERATIVE PARAGRAPH 87 (RES 61/105)

New Zealand has provided a list to the FAO of New Zealand flagged vessels that have approval to fish on the high seas using bottom fishing methods.

OPERATIVE PARAGRAPHS 121-123 (RES 64/72)

OPERATIVE PARAGRAPH 121 (RES 64/72)

New Zealand recognises the special circumstances and challenges developing States face in fully implementing the relevant paragraphs of these resolutions. New Zealand is particularly

committed to supporting small island developing states in the Pacific in this regard. New Zealand assists Pacific Island countries to maximise the economic and developmental benefits from their offshore fisheries through supporting the sustainable management of these fisheries resources. Priority areas for technical and development assistance include: the promotion of effective fisheries management frameworks at a national, regional and sub-regional level and the implementation of effective fisheries surveillance and enforcement regimes.

OPERATIVE PARAGRAPH 122 (RES 64/72)

OPERATIVE PARAGRAPH 122 (A) (RES 64/72)

In CCAMLR and SPRFMO the regional standards expected to be met by States is provided for in the conservation measures for CCAMLR and in the interim measures and assessment framework for SPRFMO. The Scientific bodies of these RFMOs then assess the performance of members against those standards to ensure that the standards and measures are adhered to.

OPERATIVE PARAGRAPH 122 (B) (RES 64/72)

Both SPRFMO and CCAMLR impact assessments are publicly available at www.southpacificrfmo.org/benthic-impact-assessments/ and at www.ccamlr.org/pu/e/e_pubs/sr/sc29-pre-release.pdf.

OPERATIVE PARAGRAPH 122 (C) (RES 64/72)

Refer to response to OP 87 (res 61/105).

OPERATIVE PARAGRAPH 122 (D) (RES 64/72)

New Zealand conducts aerial patrols in the Pacific and Southern Oceans and supplies detailed information on sightings of any IUU vessels or illegal activities to the relevant RFMO to be shared with other members.

OPERATIVE PARAGRAPH 123 (RES 64/72)

Refer to comments under OPs 83, 84 and 119 above.