



Conservation Measure 29/14 on Bottom Fishing Activities and Vulnerable Marine Ecosystems in the SEAFO Convention Area

The Commission hereby adopts the following conservation measure pursuant to articles 6 and 7 of the Convention:

Article 1. Objective

1. The objective of this Conservation Measure is to ensure the implementation by SEAFO of effective measures to prevent significant adverse impacts of bottom fishing activities on vulnerable marine ecosystems that, based on the best available scientific information known or likely to occur in the Convention Area.
2. This Conservation Measure takes into account SEAFO's responsibility as a regional fisheries management organization to adopt measures with regards to bottom fishing activities in the Convention Area which contribute to fulfill the key objectives of the UN General Assembly Resolutions on the protection of vulnerable marine ecosystems.
3. For the purpose of this Conservation Measure, SEAFO will take into account the guidance provided by the FAO in the framework of the Code of Conduct for Responsible Fisheries and any other internationally agreed standards, as appropriate.

Article 2. Use of terms

For the purpose of this Conservation Measure:

- (a) 'bottom fishing activities' means fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations;
- (b) "encounter" means any encounter with a VME indicator species above threshold levels as set out in Annex 6. Any encounter with a VME indicator species or merely detecting its presence is not sufficient to identify a VME. That identification should be made on a case-by-case basis through assessment by the Scientific Committee;
- (c) "existing bottom fishing areas" means the portion of the Convention Area where bottom fishing has historically occurred since 1987 as set out in Article 4;

- (d) “exploratory bottom fishing” means all commercial bottom fishing activities outside area closures and existing bottom fishing areas, or fisheries within existing bottom fishing areas when a new fishing method and/or strategies are attempted to be used;
- (e) “significant adverse impact” has the same meaning and characteristics as those described in paragraphs 17-20 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas;
- (f) “VME indicators” are those species and indicator units included in Annex 6; and
- (g) “vulnerable marine ecosystems”, hereafter VMEs, has the same meaning and characteristics as those contained in paragraph 42 with its Annex and paragraph 43 of the FAO Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

Article 3. Regulation of bottom fishing activities

The Commission shall, taking account of the advice provided by the Scientific Committee, as well as data and information arising from reports pursuant to Article 8 adopts conservation and management measures to prevent significant adverse impacts on VMEs. Such measures may include:

- (a) allowing, prohibiting or restricting bottom fishing activities;
- (b) requiring specific mitigation measures for bottom fishing activities;
- (c) allowing, prohibiting or restricting bottom fishing activities with certain gear types, or changes in gear design and/or deployment; and/or
- (d) any other relevant requirements or restrictions to prevent significant adverse impacts on VMEs.

Article 4. Existing bottom fishing areas

Based on information concerning bottom fishing activities in the period of 1987 to July 2011, there are hereby established existing bottom fishing areas as set out in Annex 1. The Executive Secretary shall update Annex 1 following decisions by the Commission pursuant to Articles 6, paragraph 8.

Article 5. Area closures for the protection of VMEs

1. Fishing activities shall be prohibited in the areas set out and within the coordinates as defined in Annex 2.

2. Within the areas referred to in paragraph 1 Contracting Parties intending to conduct fisheries research and basic marine science activity, which shall exclude exploratory bottom fishing pursuant to Article 6 shall notify the Executive Secretary of their intended research programmes, taking account of Article 206 of the UN Convention on the Law of the Sea, The Executive Secretary shall forward such notifications to all Contracting Parties as well as to the Scientific Committee.

3. In the case where an existing bottom fishing area square overlaps with a closed area, the existing bottom fishing area square is deemed to be closed.

Article 6. Exploratory bottom fishing

1. Prior to undertake exploratory bottom fishing, Contracting Parties shall gather relevant data to facilitate assessments of exploratory bottom fishing by the Scientific Committee. Such data should preferably include data from sea-bed mapping programmes, i.e. data from echosounders, if practicable multi-beam sounders, and/or other data relevant to the preliminary assessment of the risk of significant adverse impacts on VMEs.

2. The relevant Contracting Party shall forward to the Executive Secretary a Notice of Intent to undertake exploratory bottom fishing at least 60 days prior to the proposed start of the fishery. The Notice of Intent shall be accompanied by the following information:

- (a) harvesting plan, which outlines target species, proposed dates and areas and the type of bottom fishing gear to be used. Area and effort restrictions shall be considered to ensure that fishing occur on a gradual basis in a limited geographical area;
- (b) mitigation plan, including measures to prevent significant adverse impact to VMEs that may be encountered during the fishery;
- (c) catch monitoring plan, including recording/reporting of all species caught;
- (d) a sufficient system for recording/reporting of catch, detailed to conduct an assessment of activity, if required;
- (e) data collection plan to facilitate the identification of VMEs in the area fished;

And make every effort to also include the following information:

- (f) fine-scale data collection plan on the distribution of intended tows and sets, to the extent practicable on a tow-by-tow and set-by-set basis;
- (g) plans for monitoring of bottom fishing activities using gear monitoring technology, including cameras if practicable; and
- (h) monitoring data obtained pursuant to paragraph 1 of this Article .

3. The Notice of Intent along with the accompanying information shall be forwarded to the Executive Secretary. Then the Notice of Intent will be evaluated by the Scientific Committee and the Commission during their respective annual meetings. If need be, this process can be done by correspondence allowing Scientific Committee 30 days for scientific evaluation and an additional 30 days for the Commission to approve the proposal.

4. Exploratory bottom fishing shall only commence after having been assessed by the Scientific Committee and approved by the Commission.

5. Preference shall be given by the relevant Contracting Party to exploratory bottom fishing using fishing gear and methods with the least bottom contact, in well-mapped areas

and at times when impacts are likely to have the least adverse impacts on organisms other than the target species.

6. The relevant Contracting Party shall ensure that vessels flying their flag conducting exploratory fishing have a scientific observer on board. Observers shall collect data in accordance with a VME Data Collection Protocol set out in Annex 4.

7. The relevant Contracting Party shall provide promptly a report of the results of such activities to the Executive Secretary for circulation to all Contracting Parties. It shall ensure that the data, which derives from exploratory bottom fishing, will be made available to the Scientific Committee.

8. The Commission shall review the assessments undertaken in accordance with Article 7 and the results of the fishing protocols implemented by the participating fleets. The Commission may decide to authorise new bottom fishing activities based upon the results of exploratory bottom fishing, taking due account of the rules and procedures set out in Annex 5. Areas where such new bottom fishing activities are authorised shall be defined as “existing bottom fishing areas” pursuant to Article 4.

Article 7. Assessment of proposed exploratory bottom fishing activities

1. Each Contracting Party proposing to undertake exploratory bottom fishing shall submit to the Executive Secretary, in addition to the Notice of Intent, a preliminary assessment of the known and anticipated impacts of the proposed bottom fishing activity as described in Annex 3.

2. The Executive Secretary shall promptly forward the assessment to all Contracting Parties and the Scientific Committee. The elaboration of the assessment shall be carried out in accordance with guidance developed by the Scientific Committee, or, in the absence of such guidance, to the best of the Contracting Party’s ability. The Scientific Committee shall, either at its next session or through correspondence, undertake an evaluation, in accordance with the precautionary approach, of the submitted documentation, taking account of the risks of significant adverse impact on VMEs. Such evaluation shall take place no later than 30 days following the date of submission of the Notice of Intent.

3. The Scientific Committee shall undertake an evaluation of the impact assessment, according to procedures and standards it develops, and provide advice to the Commission as to whether the proposed bottom fishing activity would have significant adverse impacts on VMEs and, if so, whether mitigation measures would prevent such impacts. The Scientific Committee may use in its evaluation additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere. The Commission shall, within 30 days of receiving this advice, either give or withhold its approval for the proposed bottom fishing activities.

Article 8. Encounters with possible VMEs

1. Each Contracting Party shall ensure that fishing vessels flying their flag abide by the following rules, where, in the course of bottom fishing activities, evidence of VMEs is encountered:

- (a) fishing vessels shall quantify catch of VME indicators;
 - (b) if the quantity of VME indicators caught in a fishing operation (such as trawl tow or set of a longline) is beyond the thresholds defined in Annex 6, the following shall apply:
 - (i) if an encounter is discovered the vessel master shall cease fishing and move away at least 2 nautical miles from the end point of the trawl tow in the direction least likely to result in further encounters;
 - (ii) if an encounter is discovered in connection with other bottom fishing gears the fishing vessel shall cease fishing and move away at least 1 nautical miles from the position that the evidence suggests is closest to the exact encounter location, defining a buffer area with a 1 nautical mile radius. The master shall use his or her best judgment based on all available sources of information; and
 - (iii) the master shall report the incident, including the “track” or position determined under sub-paragraphs (i) and (ii), without delay to its flag State, which shall forward the information to the Executive Secretary immediately. Contracting Parties may if they so wish also require their vessels to report the incident directly to the Executive Secretary.
2. The Executive Secretary shall immediately inform all Contracting Parties, and archive the information received pursuant to paragraph 1, and shall at the same time implement a temporary closure outside existing fishing areas.
 3. In order to assess accurately the position and the extent of the VME encountered in terms of paragraph 1 of this article, sea bed mapping, preferably, should be carried out using echo-sounders, and if practicable multi-beam sounders. The result of any mapping shall be submitted to the Scientific Committee for its evaluation and advice. This advice shall be forwarded to the Commission and contribute to the basis for a decision by the Commission to reopen or close such areas.
 4. The Scientific Committee shall examine the temporary closure at its next meeting or by correspondence. If the Scientific Committee advises that the area has sufficient evidence of a VME, the Executive Secretary shall request Contracting Parties to maintain the temporary closure until such time that the Commission has acted upon the advice from the Scientific Committee. If the Scientific Committee evaluation does not conclude that the temporary closed area has sufficient evidence of a VME, the Executive Secretary shall inform Contracting Parties which may re-open the area to their fishing vessels.

Article 9. Repeals

Conservation Measures 26/13 and Conservation Measure 18/10 are herewith repealed.

Annex 1 - Existing bottom fishing areas**A. All gears**

Latitude and longitude of the existing bottom fishing areas:

Division A0

Coordinate	Lat	Long
1	-11	-6
2	-11	-5
3	-12	-5
4	-12	-6

1	-9	-6
2	-9	-5
3	-10	-5
4	-10	-6

Division A1

Coordinate	Lat	Long
1	-11	-1
2	-11	0
3	-12	0
4	-12	-1
5	-11.9	-1
6	-11.58	-0.6667
7	-11.257	-1

1	-7	1
2	-8	1
3	-8	0
4	-6	0
5	-6	2
6	-7	2

Division B1

Coordinate	Lat	Long
1	-20	8
2	-20	10
3	-21	10
4	-21	8

1	-27	5
2	-25	5
3	-25	6
4	-24	6
5	-24	8
6	-23	8
7	-23	9
8	-24	9
9	-24	8
10	-25	8
11	-25	7
12	-27	7

Division C0

Coordinate	Lat	Long
1	-32	-3
2	-32	-2
3	-32.3	-2
4	-32.04	-3

Division C1

Coordinate	Lat	Long
1	-33	2
2	-31	2
3	-31	3
4	-30	3
5	-30	4
6	-31	4
7	-31	3
8	-33	3

1	-31	8
2	-31	9
3	-32	9
4	-32	8

Division D0

Coordinate	Lat	Long
1	-48	-14
2	-47	-14
3	-47	-12
4	-48	-12

1	-48	-11
2	-47	-11
3	-47	-9
4	-46	-9
5	-46	-6
6	-47	-6
7	-47	-7
8	-48	-7
9	-48	-9

1	-45	-2
2	-44	-2
3	-44	-3
4	-43	-3
5	-43	-2
6	-42	-2
7	-42	-1
8	-45	-1

1	-44	1
2	-42	1
3	-42	3
4	-44	3

Division D1

Coordinate	Lat	Long
1	-50	5
2	-49	5
3	-49	6
4	-48	6
5	-48	7
6	-46	7
7	-46	11
8	-47	11
9	-47	12
10	-48	12
11	-48	10
12	-49	10
13	-49	9
14	-50	9

B. Set longlines

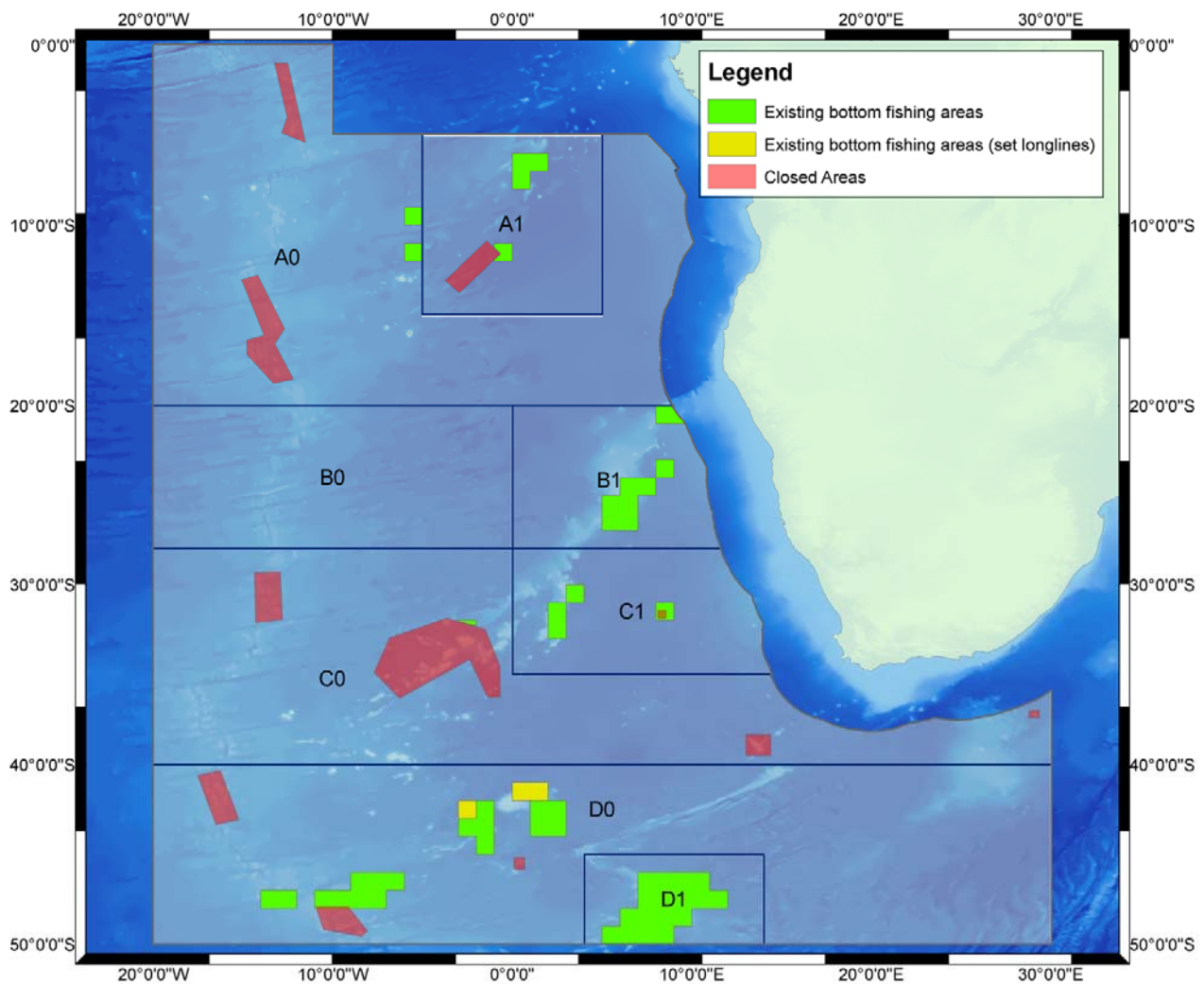
Latitude and longitude of the existing bottom fishing areas for set longlines:

Division D0

Coordinate	Lat	Long
1	-42	-3
2	-42	-2
3	-43	-2
4	-43	-3

1	-41	0
2	-41	2
3	-42	2
4	-42	0

Figure 1 – Composite map of existing bottom fishing areas



Annex 2

Closed areas and their coordinates

SUB-AREA A

- Area: (Kreps seamount), Number 16 on the attached map – considered to be unexploited.

Coordinates: 13°00'S 15°05'W
12°44'S 14°10'W
15°43'S 12°40'W
16°34'S 13°13'W
18°32'S 12°10'W
18°46'S 13°18'W
17°10'S 14°46'W
16°20'S 14°46'W
16°05'S 13°50'W

- Area: (Unnamed seamount), Number 17 on the attached map – considered to be unexploited.

Coordinates: 01°00'S 13°15'W
01°00'S 12°30'W
05°25'S 11°30'W
04°52'S 12°51'W
04°00'S 12°33'W

DIVISION A1

- Area: (Malachit Guyot Seamount), Number 1 on attached map – considered to be unexploited.

Coordinates: 10°51'S 01°25'W
11°35'S 00°40'W
13°44'S 02°57'W
13°03'S 03°45'W

SUB-AREA C

- Area: (Wüst seamount), Number 7 on the attached map – considered to be slightly exploited.

Coordinates: 32°57'S 06°50'W
31°51'S 03°39'W

32°28'S 01°30'W
34°34'S 00°40'W
36°17'S 00°40'W
36°17'S 01°23'W
34°10'S 02°23'W
36°20'S 06°16'W
34°53'S 07°43'W

- Area: (Africana seamount), Number 8 on the attached map – considered to be unexploited.

Coordinates: 37°00'S 28°45'E
37°00'S 29°21'E
37°25'S 29°21'E
37°25'S 28°45'E

- Area: (Schmidt-Ott Seamount), Number 9 on the attached map - considered to be slightly exploited.

Coordinates: 38°20'S 13°00'E
38°20'S 14°24'E
39°32'S 14°24'E
39°32'S 13°00'E

- Area: (Unnamed), Number 15 on the attached map - considered to be unexploited.

Coordinates: 29°19'S 14°22'W
29°17'S 12°54'W
31°57'S 12°47'W
32°08'S 14°18'W

DIVISION C1

- Area: (Vema Seamount), Number 6 on the attached map – considered to be slightly exploited.

Coordinates: 31°27'S 08°06'E
31°27'S 08°35'E
31°53'S 08°35'E
31°53'S 08°06'E

SUB-AREA D

- Area: (Herdman Seamounts), Number 12 on the attached map – considered to be unexploited.

Coordinates: 45°10'S 00°05'E
45°10'S 00°42'E
45°50'S 00°42'E
45°50'S 00°05'E

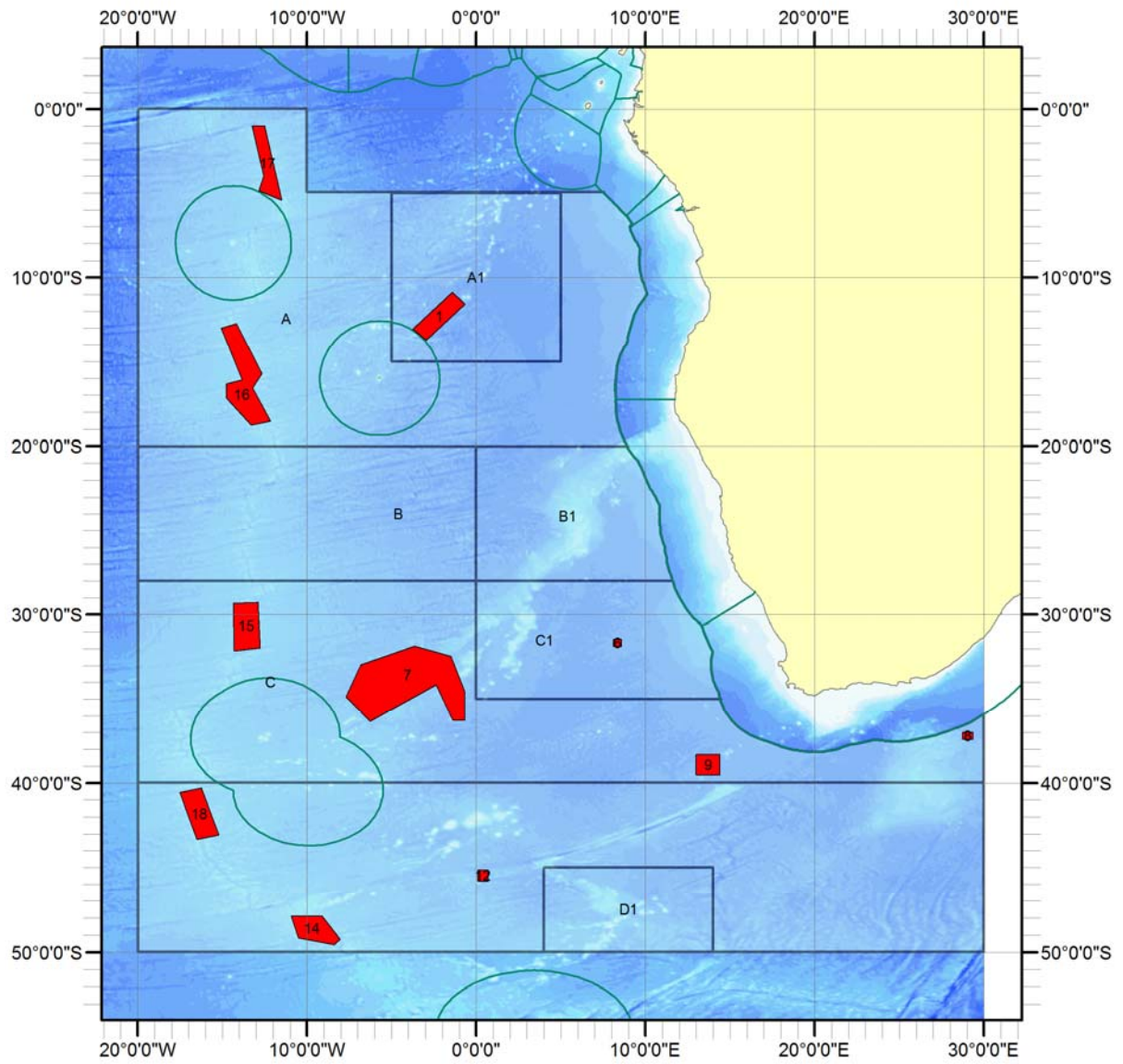
- Area: (Unnamed Seamounts), Number 14 on the attached map – considered to be unexploited.

Coordinates: 47°54'S 10°57'W
47°54'S 09°07'W
49°15'S 08°03'W
49°34'S 08°24'W
49°10'S 10°31'W

- Area: (Unnamed Seamounts), Number 18 on the attached map – considered to be slightly exploited.

Coordinates: 40°35'S 17°32'W
40°18'S 16°15'W
43°04'S 15°12'W
43°20'S 16°30'W

Figure 2 – Area closures



Annex 3

Assessment of Exploratory Bottom Fishing Activities

Assessments should address, *inter alia*:

- (a) type(s) of fishing conducted or contemplated, including vessels and gear types, fishing areas, target and potential by catch species, fishing effort levels and duration of fishing (harvesting plan);
- (b) best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;
- (c) identification, description and mapping (geographical location and extent) of VMEs known or likely to occur in the fishing area;
- (d) identification, description and evaluation of the occurrence, character, scale and duration of likely impacts, including cumulative impacts of the proposed fishery on VMEs in the fishing area;
- (e) data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;
- (f) risk assessment of likely impacts by the fishing operations to determine which impacts on VMEs are likely to be significant adverse impacts; and
- (g) mitigation and management measures to be used to prevent significant adverse impacts on VMEs and the measures to be used to monitor effects of the fishing operations.

Annex 4

VME Data Collection Protocol

Observers on fishing vessels in the SEAFO Convention Area who are deployed pursuant to Article 6, paragraph 7 of this Conservation Measure shall:

1. Monitor any set for evidence of presence of VMEs and the identify coral, sponges and other organisms to the lowest level possible.
2. Record the following information for identification of VMEs: vessel name, gear type, date, position (latitude/longitude), depth, species code, trip-number, set-number, and name of the observer on datasheets.
3. Collect representative biological samples from the entire VME catch. (Biological samples shall be collected and frozen when requested by the scientific authority in a Contracting Party). For some coral species that are under the CITES list this will not be possible and for these species photographs should be taken.
4. Provide samples to the scientific authority of a Contracting Party at the end of the fishing trip.

Annex 5

Rules and procedures for opening of new fishing areas

1. It is required to have exploratory fishing data within a specified area without reaching the VME threshold to open that area for fishing:
 - (a) two years of data within 5 year period for an area (<2000m) adjacent to an existing fishing area;
 - (b) and three-years of data within 5 years for areas (<2000m) not adjacent to an existing fishing area; and
 - (c) existing fishing records/data that contain VME data may be counted as a first year data set.
2. All 1x1° areas within the exploratory area that contain a VME encounter should be excluded from the proposed new fishing area.
3. Exploratory data stations should be set in such a way that it covers the exploratory area representatively above the 2000m depth isobar.

Annex 6

VME indicators and threshold levels

1. Definition of encounter -

An encounter is defined to be, above threshold levels as set out in paragraph 2, with VME indicator species of coral identified as antipatharians, gorgonians, cerianthid anemone fields, *Lophelia*, and sea pen fields or other VME elements.

2. Threshold levels

An encounter with VME indicator species is defined for each of the following fishing gears as follows:

Trawl tow – more than 600 kg of live sponges and/or 60 kg of live coral in existing fishing areas and more than 400 kg of live sponges and/or 60 kg of live coral in new fishing areas.

Longline set – at least 10 VME-indicator units (1 unit = 1kg or 1 litre of live coral and/or live sponge) in one 1200m section of line or 1000 hooks, whichever is the shorter, in both existing and new fishing areas;

Pot set – at least 10 VME-indicator units (1 unit = 1kg or 1 litre of live coral and/or live sponge) in one 1200m section of line in both existing and new fishing areas.

The definition of VME indicator units for bottom longlines and pots is as follows:

The quantity of VME-indicator organisms (i.e. live corals and/or live sponges) recovered during hauling should be reported for each 1200m section of the longline or potline (in the case of longlines - or 1000 hooks whichever is the shorter) as:

- (a) Volume (litre) for VME-indicator organisms which fit into 10-litre container;
- (b) Weight (kg) for VME-indicator organisms which do not fit 10-litre container (e.g. branching species); and
- (c) VME-indicator units which is the combined total of volume of VME-indicator organisms which fit into 10-litre and weight of VME-indicator organisms which do not fit into containers of 10-litre (i.e. unit = volume + weight).
