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NAFO

# WWF Position Statement for the 36th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO)

Vigo, Spain, 22-26 September 2014

At NAFO's 2014 Annual Meeting (AM), WWF will be calling for the adoption of scientifically sound conservation and management measures that will contribute to the long-term sustainability of NAFO's managed fisheries resources and associated ecosystems. This is a very important year for the protection of Vulnerable Marine Ecosystems (VMEs) in the NAFO regulatory area due to the expiry of all current VME closures on 31 December 2014 and the upcoming UN review of the implementation of the UN General Assembly Resolutions which request the protection of VMEs. Given the importance of the identified VMEs to the overall health and productivity of the Northwest Atlantic, and in light of the Scientific Council review of these closures using the best available scientific methods, it is expected that NAFO will adopt corresponding measures (see recommendations below) and show its leadership to the world on the implementation of an ecosystem approach to fisheries management.

**To achieve this goal in a comprehensive manner, WWF urges NAFO to consider the four set of priorities below:**

## 1. Minimizing environmental impacts of bottom fishing on Vulnerable Marine Ecosystems and deep sea species

NAFO has adopted important measures to protect VMEs such as cold water corals and sponge fields. This is an important year for NAFO's VME work since all the VME closures will expire in 31 December 2014. In light of the upcoming 2015 UN General Assembly review of the implementation of the UNGA resolutions 61/105, 64/72 and 66/68 on the prevention of bottom fishing impacts on VMEs and deep sea species, WWF urges the Fisheries Commission to:

- a) **Endorse the definition of VMEs,<sup>1</sup> VME indicator species<sup>2</sup> and elements,<sup>3</sup> and higher concentration observation of VME indicator species (significant concentrations)<sup>4</sup> as provided by the Scientific Council** (NAFO SCS Doc. 14/17, pp. 39) through the inclusion of such definitions in the NAFO Conservation and Enforcement Measures (NCEM) so as to complement existing definitions contained in the NCEM Article 15. The Scientific Council definition is in accordance with the FAO Guidelines, and its inclusion in the NAFO Conservation and Enforcement Measures (NCEM) is advised for enhanced consistency.
- b) To ensure efficient use of resources and avoid duplication of efforts by NAFO scientists, **VME closures should be made permanent**, unless new scientific information indicates the need for review on a case by case basis. There is sufficient scientific evidence (especially after the 2014 SC review) about the location of these VMEs.
- c) Extend the area of the following VME closures:
  - (i) **Area 4, Southeastern Flemish Cap**, (in accordance with the delineation of the NAFO Joint Fisheries Commission-Scientific Council Working Group on Ecosystem Approach to Fisheries Management (WG-EAFFM)) to protect sponge and large gorgonian fields, as well as the physical VMEs in the area (steep flanks and canyons), all of which qualify as VMEs;
  - (ii) **30 coral closure** should be extended to the shallower waters (~ 500m isobath) to encompass small gorgonian and sea pen VME areas (see NAFO SCS Doc. 14/17);
  - (iii) **Corner Rise Seamounts and New England Seamount chains** should be extended to encompass the entire chains, including all the shallower peaks, as recommended by the Scientific Council (NAFO SCS Doc. 14/17), and that all seamount closures become a *de facto* closure (see Annex I on the Seamounts factsheet) for bottom trawl as well as mid-water trawl due to the known impacts caused on seamounts and associated benthic and deep-water species.
  - (iv) Consider extending the **northern part of Area 2** to encompass areas of sea pen, large gorgonian and sponges, crinoids and cerianthid (see NAFO SCS Doc.

<sup>1</sup> "Under the structure-forming criterion, a VME is a regional habitat that contains VME indicator species at or above significant concentration levels. These habitats are structurally complex, characterized by higher diversities and/or different benthic communities, and provide a platform for ecosystem functions/processes closely linked to these characteristics." (NAFO SCS Doc. 14/17, pp. 39)

<sup>2</sup> "These are species that met one or more of the FAO Guidelines criteria for possible VMEs. Their simple presence is not an automatic indication of VMEs, but when found in significant aggregations with conspecifics, or other VME indicator species, can constitute a VME. NAFO has approved a list of taxa that qualify as VME indicator species (NCEM Annex I.E. VI)" (NAFO SCS Doc. 14/17, pp. 39)

<sup>3</sup> "These are topographical, hydrophysical or geological features which are associated with VME indicator species in a global context and have the potential to support VMEs. NAFO has approved a list of features that qualify as physical VME indicator elements (NCEM Annex I.E. VII)" (NAFO SCS Doc. 14/17, pp. 39)

<sup>4</sup> "These are specific locations where there are individual records of VME indicator species at densities at or above a threshold value that, for that specific VME indicator species, is associated with the formation of highly aggregated groups of that species." (NAFO SCS Doc. 14/17, pp. 39)

14/17). This is an area of rough terrain and there is no fishing in the area, which indicates the area may be relatively pristine.

- d) Establish the following new closures:
- (i) **Proposed Area 15** (on the Flemish Cap, near the Beothuk Knoll) to protect large gorgonian and sponge VME areas (in accordance with the delineation of the WG-EAFFM).
  - (ii) **Areas 13 and 14 (and the area in between)** combined in one single closure to protect representative sea pen field VME in the Eastern Flemish Cap, as well as sponges and soft corals that occur in the same area (see NAFO SCS Doc. 14/17).

In addition, the Scientific Council (NAFO SCS Doc. 14/17) has indicated the southern area of the tail of the Grand Bank as a priority for management action due to the occurrence of significant concentrations of VME-indicator species (i.e., bryozoans, crinoids and sea squirts). Recognizing that **further research is needed** in the area, and that catchability rates of trawls for these taxa is unknown, **WWF recommends that NAFO and individual contracting parties commit to support *in situ* camera surveys to be conducted to assess the nature of these significant concentrations.**

## 2. Data accuracy and reporting procedures

The discrepancies between different sources of fisheries catch data are the most fundamental barrier to the management and conservation of the fishery resources in the NAFO regulatory area. These discrepancies have led to a lack of confidence in data accuracy. Accurate/verified catch data are critical to the recovery of fish stocks and will ultimately underpin the fishing industry's ability to capitalize on a lucrative sustainable seafood market. The 2011 independent performance review indicated that NAFO's credibility as a responsible fisheries management organization was at risk because of the long-standing issue of catch data underreporting. WWF recognizes the significant steps taken by NAFO last year to improve data accuracy and data-sharing with the Scientific Council, which included sharing daily catch reports with the Scientific Council, as well as the creation of the Joint FC/SC Ad Hoc Working Group on Catch Reporting.

Furthermore, WWF congratulates NAFO for adopting the **standardized observer template** last year and recommends that **a review of its implementation in 2014 be conducted by the NAFO Secretariat and presented at the 2015 Annual Meeting**. In addition, other complementary measures should be put in place as a matter of priority, including:

- a) **Mandatory tow-by-tow reporting (in electronic format) to the Secretariat**, and that this information be made available to the Scientific Council and its working groups for the respective work on stock assessments, bycatch and discards work, and on the Ecosystem Approach to Fisheries Management Roadmap.
- b) **Full (100%) observer (scientific and compliance observers) coverage be implemented even for vessels with electronic monitoring onboard**. Observer reports should be submitted to the Secretariat and shared with the Scientific Council. Corresponding sanctions for non-compliance with this should also be adopted.
- c) **An Independent Scheme for Verification of Catch Data be established**. Verification of catch data constitutes an obligation under the Fish Stocks Agreement (Arts. 10 (e) (f), 14 (c), 18 (3) (f), and Annex I, Art. 6), as it is a fundamental component of fisheries management. Verification serves multiple purposes, such as to ensure increased compliance to existing rules, as well as to reduce uncertainties associated with stock assessments. NAFO should establish a scheme for verification of catch data to enable cross-checking data from different sources such as logbooks, forms, VMS data, port sampling, and sales notes. WWF recommends that this work should be performed by a NAFO Secretariat full-time staff.

### 3. Sustainable Fisheries Management

#### a) Ecosystem Approach

WWF congratulates NAFO for embracing the outstanding work on the **Ecosystem Approach to Fisheries Management Roadmap and strongly encourages NAFO's FC and SC to prioritize the areas highlighted in the 'Work plan and Prioritization of the Roadmap'**, such as external factors including climate change, oil and gas development, bycatch, multispecies interactions, VMEs and assessment of significant adverse impacts. Moving towards an ecosystem approach to fisheries management is consistent with the 2007 Amendment of the NAFO Convention and a number of other international policy and legal instruments (e.g. 1995 UN Fish Stocks Agreement, UN General Assembly Resolutions on Sustainable Fisheries; 1992 Convention on Biological Diversity and its 2010 Aichi Targets; 2012 Rio+20 outcome document - The Future We Want, among others). This will show NAFO's leadership in this field. The implementation of the ecosystem approach will also enable the rebuilding of the Grand Banks and associated ecosystems for a more productive Northwest Atlantic.

#### b) Precautionary management of rebuilding stocks

The recovering of some groundfish stocks such as yellowtail flounder, redfish on the Grand Banks and cod on the Flemish Cap is an encouraging sign of progress. However, early stock recoveries are fragile and depend on smart, science-based management to achieve their potential. Given all the uncertainties in the projections and in light of the Scientific Council advice, WWF recommends the following measures for specific stocks:

- (i) **3M Cod:** WWF expresses concern that fishing mortality in 2013 was high – more than twice  $F_{max}$  (which is not sustainable). Moreover, the unavailability of independently verifiable catch estimates over 2011-2013 introduces an additional element of uncertainty in the Scientific Council's assessment (see Section 2 above on need for catch data improvements). **In line with the precautionary approach, and given the uncertainties related to accurate catch data and to the changing production parameters of the stock, the current TAC should not be set above the reference point for  $F_{msy} = F_{lim} (F_{30\%}) = 0.133$ .**
- (ii) **3NO Witch flounder:** WWF recognizes the fact that this stock has witnessed an increasing trend in the biomass since 1996 and that the stock is above Blim. However given the high uncertainty around the status of this stock there is no scope to allow for an increase in the catch levels at this time. **WWF recommends that a risk based management strategy should be developed and implemented before consideration is given to the re-opening this fishery.**
- (iii) **3LN Redfish:** WWF recognizes the stock is considered at healthy levels, however due to the uncertainties in the assessment, the vulnerable life-history characteristics of the species, and to ensure the stock is maintained at a level above  $B_{msy}$ , **any increases in the TAC should be done in a careful and stepwise manner incorporating the most precautionary risk based management approach defined for this stock. It is also recommended that the status of the stock continues to be monitored, as redfish is prone to sudden changes.**
- (iv) **SA 2 + 3KLMNO Greenland Halibut:** Due to the unavailability of the STACFIS catch estimates in 2011, 2012, and 2013, the Scientific Council has been unable to determine whether recent catches constitute an exceptional circumstance. Although the application of the HCR results in an increase in TAC, the fact that one of the 2013 surveys is below the simulated distributions constitutes an exceptional circumstance and is a conservation concern. **This**

**situation reinforces the call for accurate catch data (section 2 above on catch data).**

c) Bycatch and Discards

Bycatch and discards threaten the long term sustainability of many fisheries. It can delay fisheries recovery, pose direct threats to endangered and vulnerable species and lead to economic losses in future fishing opportunities. Some bycatch is unavoidable but excessive levels are unlikely to be accidental. To ensure that fisheries are managed in a responsible and long-term sustainable manner consistent with an ecosystem approach to fisheries (UNFSA, Art. 5) and the 2011 performance review recommendations, **NAFO should ensure that it is implementing best practices to minimize bycatch, and should also incorporate relevant provisions of the FAO International Guidelines on Bycatch Management and Reduction of Discards and ensure that its bycatch requirements for all fisheries are consistent with these Guidelines.** This includes the adoption of measures to minimize bycatch, such as **spatial and /or temporal measures and modification of fishing gear, and setting bycatch thresholds based on scientific advice and on the biological status of the affected species.**

In addition, discards constitute a wasteful practice that should be avoided. However, caution should be used in establishing measures to minimize discards so that bycatch is not incentivized. With this in mind, we call for the development of a comprehensive strategy to minimize bycatch and discards by NAFO, which could include the following elements:

- (i) Flag state and port state (including transshipping) control through **port inspections** (including for fishing vessels flying the flag of the same state where the port is located), and coordination to **prohibit trade of bycatch species.** An exception to this prohibition could be applied in cases where the catch is below sustainable bycatch limits that could be established for certain stocks, but should be **based on the Scientific Council advice.** Such limits should be reviewed on a regular basis to assess the status of the affected stock.
- (ii) If bycatch limits carryovers are to be allowed, such carryovers (as well as the bycatch limits) should **consider the status of the stocks in question and should never exceed the scientific advice** on the specific threshold.
- (iii) **Any catch in excess (overages) of that limit should be deducted from the following year's catch limit through appropriate management measures.**

WWF also recommends:

- (iv) That the **NAFO Working Group on Bycatch and Discards continues its work** to identify and address the causes of bycatch and discards, with a special focus on Divisions 3LNO and 3M.
- (v) That the **FC requests the NAFO Secretariat to continue its bycatch and discards analysis** to identify areas and species of concern.

With respect to shark species, loopholes continue to exist with regards to the NAFO 5% rule, requiring vessels not to have onboard shark fins that total more than 5% of the weight of sharks. However, requiring sharks to be landed with fins attached is the most straight forward way to ensure finning does not take place and to improve data collection for sharks. The fins naturally attached requirement is also consistent with the UNGA resolutions on sustainable fisheries. **WWF recommends NAFO to implement a shark fins naturally attached policy under Article 12 of the NAFO Conservation and Enforcement Measures, so that no person shall remove the fins from any shark until after the shark is landed.**

#### 4. Addressing other impacts in the context of an ecosystem approach

a) Integrated Oceans Management

The current governance regime for marine areas beyond national jurisdiction is fragmented and requires strong sectoral cooperation in order to achieve long-term sustainability of living resources, biodiversity and protection of critical habitats. WWF strongly supports the negotiations of an implementing agreement to the United Nations convention on the law of the sea on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, where coordination and collaboration mechanisms between sectors can be put in place. However, in the short term and in the absence of such a comprehensive regime, **WWF continues to encourage the NAFO to engage with other competent organizations (e.g. International Seabed Authority, International Maritime Organization, etc.) in the Northwest Atlantic towards an integrated ocean management of the region that leads to the long-term sustainability of the fish stocks in the area and corresponding healthy and resilient marine ecosystems.** In this respect, WWF congratulates the NAFO Secretariat for its engagement with the Canada-Newfoundland and Labrador Offshore Petroleum Board on the Eastern Newfoundland Strategic Environmental Assessment, and seismic issues, and encourages the development of formal arrangements for sharing information, in a timely manner to allow for effective coordination of respective activities and the protection of marine biodiversity.

b) Climate change and ocean acidification

It is well established that ocean acidification is currently occurring at a geologically-unprecedented rate, subjecting marine organisms to an additional, and worsening, environmental stress (CBD, An Updated Synthesis of the Impacts of Ocean Acidification on Marine Biodiversity, 2014). In the context of climate change, STACFEN has recognized that the effects of ocean acidification on marine ecosystem processes (including food webs) of the Northwest Atlantic is one of the biggest gaps in knowledge. However, given the IPCC AR5 assessment that the rate of acidification in surface waters is 50% higher in the northern North Atlantic than in the subtropical Atlantic, it is recommended that **STACFEN investigates ocean acidification effects on marine ecosystems in the NRA and that this work be integrated into the Scientific Council work more broadly – including with respect to the EAF Roadmap (see section 3 (a) above), so that adaptation measures can be identified and implemented.**

## Contact

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## Annex I – Factsheet

### Seamounts in the NAFO Regulatory Area

The Scientific Council (NAFO SCS Doc. 14/17) restated its understanding that the current **seamounts in the NRA are VMEs**, and that they are vulnerable to human impacts including mid-water trawling and bottom trawling. Both type of gears classify as deep-sea fishing gears in accordance with the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, and are covered by the definition of ‘bottom fishing’ by NAFO (NCEM, Article 15 (2)). This interpretation is also substantiated by the Scientific Council’s response (SC 20-24 Sep 2010) to a series of questions by the Fisheries Commission on the potential impacts of pelagic or mid-water trawls on seamounts, indicating that in many cases this gear is used very close to the bottom and even touching the bottom, and in doing so, it can cause damage to VMEs. The Scientific Council also noted the potential impacts of the gear on deep-sea fish species such as alfoncino in light of their life-history traits (FAO Guidelines, Para. 42 (iv)), which make them vulnerable to exploitation. In addition, scientific literature also indicates that with respect to alfoncino fisheries on seamounts, in many cases the gear is most effective when fished very close to or even lightly touching the bottom, causing benthic impacts.

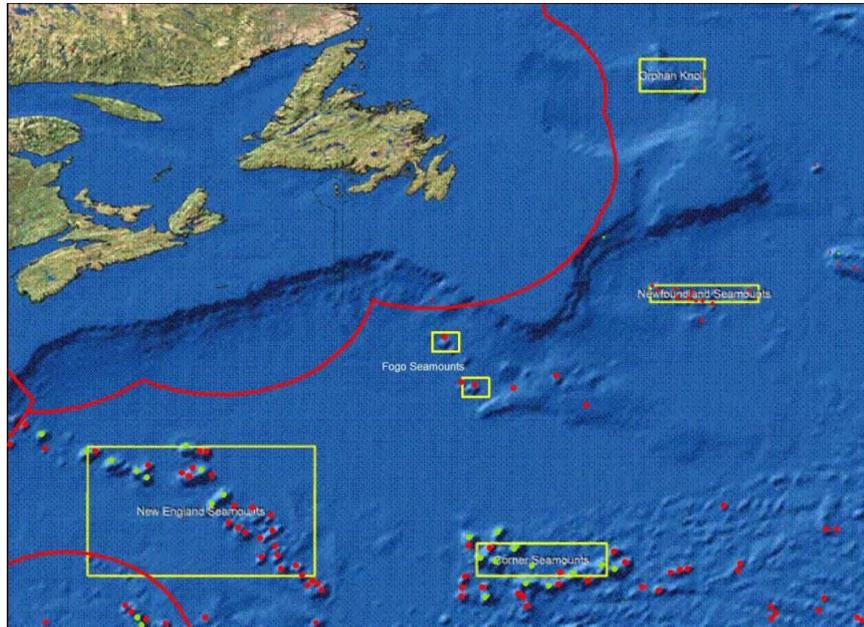
In the NAFO Regulatory Area, seamounts are “closed” (in theory) to **bottom fishing**, but exploratory fishing can occur only if previously authorized by the Fisheries Commission after receiving advice from the Scientific Council on its evaluation of a preliminary impact assessment submitted by the interested Contracting Party (NCEM, Art. 19, and Annex I.E, part V). Exploratory bottom fishing activities may start only after they have been authorized by the Fisheries Commission, which at the same time must also adopt conservation and management measures to prevent significant adverse impacts on VMEs (NCEM, Arts. 18 and 20). Only after this, exploratory fishing can occur and within 3 months of the completion of the fishing trip, the Contracting Party has to submit the Exploratory Bottom Fishing Trip Report to the Secretariat for circulation to the Scientific Council for its evaluation and respective advice to the Fisheries Commission. In WWF’s view, 3 months for the submission of the exploratory fishing report is too long and should be supplemented by electronic catch reporting (see section 2 above) to the NAFO Secretariat on a tow-by-tow basis.

To date, no impact assessment has been submitted to the Scientific Council and only one exploratory protocol has been submitted to the Scientific Council with respect to the Corner Rise Seamounts in 2013. This area, along with the New England Seamounts chain, has been listed by NAFO as a VME indicator element and reaffirmed by the Scientific Council as a VME proper; and is located in the Sargasso Sea – an area that meets the ecologically or biologically significant area (EBSA) criteria as described by the Convention on Biological Diversity (CBD). In 2012, the Fisheries Commission requested the Scientific Council to comment and advise on whether the Sargasso Sea provides forage area or habitat for living marine resources that could be impacted by different types of fishing; and on whether there is a need for any management measure including a closure to protect this ecosystem. The Scientific Council has recommended the extension of the closures of both Corner Rise and New England Seamount chains to include all peaks shallower than 2000 metres (see figure 1 below); that the exploratory protocol be expanded to include all types of fisheries, **including mid-water trawl**; and that precautionary regulations be put in place.

It is important to note, that a relatively small fishery for alfoncino that uses bottom- and mid-water trawls has been occurring in the Corner Rise Seamounts, despite the existing ‘closure’ and the fact that the required impact assessment (in accordance with Article 19 of the NCEM) has never been submitted to the Scientific Council, or approved by the Fisheries Commission. In light of this, fisheries should not be allowed to proceed on the Corner Rise Seamounts, in accordance with NAFO rules, as well as the relevant UNGA resolutions on Sustainable Fisheries (especially UNGA Resolutions 61/105, 64/72 and 66/68 on VMEs) and the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas.

In light of the above, **WWF strongly recommends a complete and *de facto* fisheries closure of the Corner Rise Seamounts and New England Seamounts for the protection of existing VMEs**. This would also propitiate an adaptive response to ocean acidification, as seamounts can provide refugia for cold water corals in a more acidic environment. Furthermore, WWF expresses concern over the fact that this fishery, which has been unregulated, might open the precedent for other fleets to engage in similar activities. Given the vulnerable life-history characteristics of *Alfoncino* and other deep-sea species present in the area

that can be caught as bycatch, precautionary conservation measures should be put in place before any fishery is allowed to occur in accordance with the FAO Guidelines and particularly its paragraphs 21-23. Therefore, establishing a total allowable catch for that stock without knowing the status of that stock would contradict rules of international law.



**Figure 1:** Seamounts peaks shallower than 2000m are indicated in green, and deeper seamounts in red dots. (NAFO SCS Doc. 14/17).



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