



Ecology  
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Centre

deepsea  
conservationcoalition

## Recommendations to NAFO for the 37<sup>th</sup> Annual Meeting

Halifax Nova Scotia September 21-25, 2015

### Introduction

The World Wildlife Fund (WWF) and the Ecology Action Centre (EAC), both members of the Deep Sea Conservation Coalition (DSCC) respectfully submit this position paper to the 37<sup>th</sup> Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO), which is focused on the following priorities:

1. **Protecting Vulnerable Marine Ecosystems (VMEs)**
2. **Sustaining and rebuilding fish stocks** including:
  - Bycatch and management of unregulated, threatened and endangered as well as deep sea fish populations
  - Ecosystem Road Map
  - Precautionary Reference Points
3. **Inter-agency collaboration**
4. **Additional items:**
  - Climate change
  - New Convention
  - NAFO Performance Review

In light of the upcoming reviews of the United Nations Fish Stocks Agreement (UNFSA) scheduled for 2016,<sup>1</sup> as well as the commitment by States through the United Nations General Assembly (UNGA) Sustainable Fisheries Resolution to reconvene a workshop on the measures taken to implement paragraphs 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68, in 2016,<sup>2</sup> we urge NAFO and its Contracting Parties to use these reviews to ensure that commitments to sustainable fisheries and ecosystem protection are met.

Our specific recommendations and supporting information are detailed below:

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<sup>1</sup> <http://www.un.org/press/en/2015/sea2013.doc.htm>

<sup>2</sup> See paragraphs 161 and 162 of UNGA70 Sustainable Fisheries Resolution Coordinator's Draft as of September 9<sup>th</sup>, 2015.

## 1. Protecting Vulnerable Marine Ecosystems (VMEs)

As in past years, the NAFO's progress on protecting VMEs, such as, but not limited to **cold-water corals and sponges** has been a priority for ENGOs. We recognize that NAFO has adopted significant measures to protect VMEs, however NAFO, through its members, have yet to fulfill the requirements of the UNGA Sustainable Fisheries Resolutions as agreed initially in 61/105 and in subsequent resolutions 64/72 and 66/68. Below we outline areas for additional attention at the 37<sup>th</sup> Annual Meeting.

### a) Protection of known VME Areas

The failure of NAFO to agree to additional VME closures based on scientific advice and as recommended at the 36<sup>th</sup> Annual Meeting is inconsistent with the requirements of UNGA Resolutions 61/105 (2006), 64/72 (2009) and 66/68 (2011) on the protection of vulnerable marine ecosystems and with the obligations contained in the 1995 Fish Stocks Agreement, Art. 5, including with respect to the conservation of marine biodiversity. NAFO completed a closure review in 2014<sup>3</sup> which identified VME areas that are currently not protected from fishing activities. We recommend that NAFO close the following areas based on presence of significant concentrations of VME species:

- i. **30 coral closure** boundaries should be extended to shallower waters (~ 500m isobath) so as to include small gorgonian and sea pen VME areas.
- ii. **VME areas 13 and 14** on the Flemish Cap include significant concentrations of seapens, as indicated in scientific advice and peer reviewed methodology.<sup>4</sup> This is of particular concern as preliminary information from NAFO's significant adverse impact (SAI) assessment indicates that sea pen closures in the NRA are under-represented.<sup>5</sup>
- iii. **All identified and known VME areas** should be closed, as per the UNGA resolution 61/105, regardless of the importance of these areas to fishing activity. The review of VME closures included in the NAFO SC report from 2014, page 85 identifies where additional protection is required.
- iv. With respect to the refinement of **VME boundaries**, we suggest the re-consideration by Scientific Council of the habitat suitability model information as contained in the 2013 WGESA report,<sup>6</sup> as well as any other relevant scientific information, including from research cruises and observer information, so that conservation and management measures to adequately protect VMEs in the NRA can be put in place and completed prior to the UNGA review in 2016.

### b) Protection of Seamounts

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<sup>3</sup> SCS Doc. 14/17.

<sup>4</sup> NAFO SCS Doc. 14/17; Kenchington E, Murillo FJ, Lirette C, Sacau M, Koen-Alonso M, Kenny A, et al. (2014) Kernel Density Surface Modelling as a Means to Identify Significant Concentrations of Vulnerable Marine Ecosystem Indicators. PLoS ONE 9(10): e109365.

<sup>5</sup> 2015 WGEAFFM report – wait for it to come out to properly cite/ check also SCS Doc. 15/12 to see if this statement is there

<sup>6</sup> NAFO SCS Doc. 13/024.

Despite announcing the protection of seamounts within the NRA in 2006,<sup>7</sup> seamounts have in fact been open to fishing. We appreciate efforts by one or more Contracting Parties to call attention to and resolve this issue. The Corner Rise Seamounts and the New England Seamounts have been listed by NAFO as a VME indicator element and reaffirmed by the Scientific Council as a VME proper. Additionally, both the New England and Corner Rise Seamount chains meet the Convention on Biological Diversity (CBD) Ecologically or Biologically Significant Marine Area (EBSA) criteria in two instances, namely as part of the Sargasso Sea EBSA (CBD, Decision XI/17) described at the Wider Caribbean and Western Mid-Atlantic regional workshop, and individually (CBD, Decision XII/22) described at the Northwest Atlantic regional workshop.

In 2014, the Scientific Council (NAFO SCS Doc. 14/17) had already 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 responses from 2015 (SCS doc. 15-12) and 2010 (SC 20-24 Sep 2010) to questions by the Fisheries Commission on the potential impacts of pelagic or mid-water trawls on seamounts and VMEs in general, 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. As noted in the SC response (SCS doc. 15/12) the Scientific Committee of the South Pacific RFMO also concluded that midwater trawl fishery on seamounts for benthic-pelagic species such as alfonsino should be classified as ‘bottom fishery’.

As such, in accordance with the UNGA resolutions and FAO Guidelines, and NAFO CEM provisions, **impact assessments need to be undertaken and authorization should be granted** prior to the commencement of the fishery in question to assess whether or not significant adverse impacts are likely to occur. Therefore, **mid-water trawl fishery should not take place** on NRA seamounts unless a proper impact assessment following the FAO Guidelines criteria (Para. 47) is developed and submitted to the SC followed by an authorization by the FC.

To date, no impact assessment regarding the existing and un-managed seamount fishery for alfonsino has been submitted to the Scientific Council and only in one instance exploratory protocols for bottom trawl and mid-water trawl have been submitted to the Scientific Council with respect to the Corner Rise Seamounts in 2013. As noted in the NAFO 2014 SC report (part e) “Current seamount closures cover most of the shallow seamounts (less than 2000 m deep) in the NRA, but not all.”

The SC has already noted the following impacts associated with mid-water trawl on seamounts: “1.) habitat destruction or direct contact with VMEs by the gear when it is fished near the seafloor and 2.) lost gear that becomes entangled in VMEs. Given the slow growth/reproductive rates that characterize VME-forming species, these impacts to VMEs can cumulatively result in Significant Adverse Impact (SAIs).” (SCS doc 15-12, at 33) Scientific literature also indicates that with respect to alfonsino fisheries on seamounts, in many cases

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<sup>7</sup> See NAFO Press Release September 22<sup>nd</sup>, 2006 “NAFO Reform in Full Swing” (access August 2015 <http://www.nafo.int/about/frames/about.html>)

the gear is most effective when fished very close to or even lightly touching the bottom, causing benthic impacts.

NAFO's **seamounts** require effective protection through 'de facto' closures (instead of 'closures' where exploratory and commercial fishing are allowed to take place) in line with scientific advice that has been reiterated over the past years and most recently at the June Scientific Council meeting (SCS Doc. 15-12). We therefore recommend:

- i. **Corner Rise Seamounts and New England Seamount chains closures** should be extended to encompass the entire chains, including all the shallower peaks, as recommended by the Scientific Council (NAFO SCS Doc. 14/17).
- ii. **All seamount closures become a *de facto* closure** (with no exceptions allowed for exploratory fishery) for bottom trawl as well as mid-water trawl due to the known impacts caused on seamounts and associated benthic and deep-water species (NAFO FC/SC Doc 15/03) through a revision of article 17 of the NCEM. Such a measure would also represent an adaptive response to ocean acidification, as seamounts can provide refugia for cold-water corals in a more acidic environment.
- iii. **If mid-water trawl are to be approved by the FC to continue to operate on seamounts, at a minimum, and only after the analysis and approval by the Scientific Council of a proper impact assessment (following the FAO Guidelines criteria and the NAFO CEM criteria for impact assessments), all midwater trawl gear must be modified** so that all bobbins / rollers are removed and sensors and cameras are attached to the midwater trawl gear to ensure that the gear does not impact the seabed; otherwise the use of such gear on seamounts should not be authorized within the NRA.

### c) Protection of VME Closures from Research Surveys

Another issue that would benefit of attention during the 37<sup>th</sup> Annual Meeting concerns the continued use of trawl surveys inside closed areas. This issue has been raised several times and needs to be resolved. Over 6 metric tons of sponges were caught in closed area 2 in 2014. Destructive research sampling now poses the greatest threat to VME species within the NAFO closed areas. While we understand the reticence of stock assessment scientists to amend their protocols, we strongly urge NAFO to consider amending the RV survey process. Specifically we urge NAFO's Fisheries Commission and/or Scientific Council to:

- i. **Prioritize the impact of removal of trawl surveys** within VMEs to the stock assessment process.
- ii. **Require CPs to submit information on survey locations** that are typically avoided in the stratified random survey design because of past gear losses, hang-ups and removal of data point from analysis, as a result of VME catches. This information should be submitted in a timely manner to the Secretariat and then submitted to the NAFO WG ESA for inclusion in the impact assessment process to be completed in 2016.
- iii. Take a decision, as a matter of urgency, prior to the UNGA review in 2016 to avoid impacts on VMEs by scientific research surveys through **adopting a policy of the use of non-destructive surveys in VME closures.**

## 2. Sustaining and Rebuilding Fish Stocks

With respect to ensuring that NAFO managed stocks reach or remain at productive levels, we are pleased with progress on improving catch reporting improvements. However, there are several issues that require NAFOs attention.

#### **a) Protection of unregulated species / deep sea species**

The Scientific Council (SCS Doc. 14/17 and 15-12) noted the potential impacts of the gear on deep-sea fish species such as alfonsino in light of their life-history traits (FAO Guidelines, Para. 42 (iv)), which make them vulnerable to exploitation. This year, the SC was tasked by the FC to undertake a stock assessment for Alfonsino, which could not be conducted due to “lack of abundance or exploitation data” (SCS doc. 15-12). It also noted that “As a consequence of alfonsino spatial distribution associated with seamounts, their life-history, and their aggregation behaviour, this species are easily overexploited and can only sustain low rates of exploitation.” (SCS doc 15-12, at 34)

Furthermore, we express our concern over the fact that the alfonsino fishery is not a NAFO regulated fishery and a reliable stock assessment could not be conducted. Given the vulnerable life-history characteristics of Alfonsino 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. We recommend

- i. NAFO not permit directed fisheries on unregulated species, and fisheries only be permitted with TAC allocations occurring following a robust stock assessment, impact assessment in keeping with UNGA 61/105 and precautionary reference points and harvest control rules in place.

#### **b) Bycatch**

NAFO has begun to make progress on addressing the impacts of NAFO regulated fisheries on non-target species, particularly with regards to improved data collection. The 2011 FAO Guidelines on Bycatch and Reduction of Discards provides clear advice on governance and technical aspects of bycatch management. While NAFO has made some progress on discussing the need to manage bycatch, significant progress in reducing catch has yet to be made.<sup>8</sup> We are pleased to see the requirement of tow-by-tow data. In order to ensure that progress continues, we recommend:

- i. **Data collection and reporting on a tow by tow basis be expanded to all species**, not simply a minimum of top three species.
- ii. **Fisheries Commission adopt the bycatch action plan** as detailed in the FC/SC Doc 15/06.
- iii. **NAFO take steps to adopt electronic** monitoring and data reporting, and actively explore together with other RFMOs a common software and reporting platform.

#### **c) Ecosystem Road Map**

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<sup>8</sup> International Guidelines on Bycatch and the Reduction of Discards. FAO 2011.  
<http://www.fao.org/docrep/015/ba0022t/ba0022t00.pdf>

We continue to support the innovative work on the ecosystem approach to fisheries management and in particular the work of the WG-ESA on the road map. We look forward to NAFO making progress on adopting an ecosystem approach to stock assessment, in keeping with the productive capacity of the Northwest Atlantic ecosystem, and its subcomponents. We recommend that the impacts of climate change be integrated into this work and that NAFO continue to integrate the work of WG NARS into its stock assessment program. Specifically, we recommend:

- i. **NAFO CPs support the continued work of the EAFM roadmap**, and begin to integrate this work into the particular this will be useful for the work of the bycatch subgroup.
- ii. **NAFO agree to increase use of STACFEN information** and incorporate into the Ecosystem Road map as a means to understanding productivity of NAFO stocks and respective vulnerabilities and ecosystem changes regarding the effects of climate change and ocean acidification.

#### **d) Precautionary Approach Framework**

We remain concerned that the NAFO PA Framework remains inconsistent with the UN Fish Stocks Agreement and that as a result precautionary reference points and associated harvest control rules may not result in stock rebuilding and population maintenance consistent with international law. We recommend that:

- i. **NAFO formally agree to use MSY as a minimum limit of last resort for rebuilding depleted stocks, and not as a target reference point**, consistent with Annex 2 of the UN Fish Stocks Agreement.

### **3. Inter-agency collaboration**

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. As the use of the high seas increases and NAFO fisheries are subject to additional threats aside from the direct impact of fishing, as noted by the NAFO SC June 2015 report, we recommend as we have in past years that NAFO make every effort to explore data and information sharing agreements with other relevant governance organizations. To this end, we support:

- i. **Continued outreach and data sharing** with the Canada-Newfoundland Offshore Petroleum Board, with particular attention to the impacts of oil and gas exploration and drilling activity on VME areas, and with the goal of excluding VME closed areas from drilling activity, as well as avoiding conflict with fishing activities.
- ii. **The recommendation included in NAFO FC/SC 15-03** that the GC instruct the Secretariat to “explore the establishment of mechanisms of dialogue and engagement” with other international organizations with areas of mutual interest.

### **4. Additional Items**

#### **a) Climate change**

In light of the increasing impacts of climate change, particularly on oceanic systems, through temperature increases and ocean acidification, we encourage NAFO to take the issue of climate change seriously. We recommend:

- NAFO adopt a recommendation that climate impacts to NAFO managed species are included in stock assessment projections.
- NAFO should agree to the inclusion of the impacts of climate change and ocean acidification into the work of the Scientific Council stock assessments as well as the Ecosystem Approach to Fisheries Management (EAFM) Road Map.

**b) New Convention**

In line with modernizing NAFO, we:

- Encourage ratification of the NAFO amended Convention by the Contracting Parties that have not done so yet.

**c) Performance Review & Transparency**

NAFO has made significant progress in transparency over the past several years, most notably with the opening of working group meetings to observers. We would like to recommend that:

- i. Future meetings assessing progress on the performance review include allowing observers / and or ENGO participants at related panel sessions and meetings.

Respectfully submitted,

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