



SEAS AT RISK



MARINE CONSERVATION
SOCIETY

Mr. Johan Williams
Ministry of Fisheries
PO Box 8118 Dep
N-0032 Oslo

November 3rd 2005

Dear Mr. Williams,

24th Annual Meeting of NEAFC - Deep-sea fisheries and vulnerable habitats

Seas At Risk and the Marine Conservation Society would like to draw your attention to the recent ICES advice on deep-sea fisheries and vulnerable habitats¹, which clearly indicates the need for more stringent measures to be taken by NEAFC. We hope that Norway will act on this advice accordingly at the upcoming meeting.

As you know, ICES considers most exploited deep-sea species to be harvested outside safe biological limits (ICES ACFM report 2000, 2002, 2004, 2005). It advises in this year's ACFM report that fishing pressure should be reduced considerably to "low levels", and should only be allowed to expand again very slowly until reliable assessments indicate that increased harvests are sustainable. Moreover, it states that new fisheries on deep-sea species should only be permitted when they are accompanied by programmes to collect data and should expand very slowly until it can be demonstrated that they, too, can be sustainable. Finally, it says that stocks of the deepwater shark species Portuguese dogfish (*Centroscymnus coelolepis*) and leafscale gulper shark (*Centrophorus squamosus*) are already so depleted that a zero catch is advised. Because deepwater sharks are mostly caught in mixed fisheries, effort in these fisheries will have to be reduced as well to the lowest possible level, unless methods can be developed to avoid by-catch of deepwater sharks.

Thus far NEAFC has failed to pay sufficient attention to ICES advice. In its meeting last April, the NEAFC Working Group on Deep-sea species recommended to continue the current NEAFC management measure calling for an effort limit of 70% of the highest level ever achieved in deep-sea fisheries in previous years. It is recommended that this be maintained until Contracting Parties provide information (in the first quarter of 2006 at the latest) to enable the Working Group to propose appropriate measures for distinct deep-sea fisheries in the Regulatory Area. However, given that reference periods for the establishment of the effort limit vary for the different Contracting Parties and can go back to 1970, when some deep-sea fisheries fleets were much larger, in practice effort will hardly be required to be reduced and can even expand.

¹ <http://www.ices.dk/committe/acfm/comwork/report/asp/advice.asp?Region=-1&Adv>

Clearly the 70% effort limit is not consistent with ICES advice, in particular the latest advice on deep-water sharks. We therefore urge you to ensure that NEAFC adopts measures to reduce effort to a level sufficient to ensure the sustainability of these fisheries. In addition, all deep-sea shark species must be added to the list of deep-sea species managed by NEAFC, which currently only includes two shark species.

We would also like to raise concerns about bottom trawling in the NEAFC area. Last year NEAFC decided to temporarily close four seamount areas and a small section of the mid-Atlantic Ridge to bottom trawling and fishing with static gear. While this is a welcome first step to protect vulnerable bottom habitats from fishing, there is a problem with this case-by-case approach. As noted in the 2005 report of the ICES Working Group on Deepwater Ecology, on which ICES advice on the protection of vulnerable deep-water habitats in the NEAFC Convention area is based:

*“The summary given here must be put in context of the paucity of information available on the distribution of seabed habitats in the NEAFC area. Without a concerted effort to map the distribution of seabed habitats, the available information is at best patchy, for instance in the context of collated records of cold-water corals, or virtually non-existent in the case of other significant habitat types, such as sponge fields. The Working Group stress the danger of relying on such incomplete datasets since **decisions to close areas to bottom trawling may inadvertently divert trawling to similarly sensitive habitats that are currently unmapped.** Naturally all responses need to be reviewed in light on new data on the distribution of vulnerable habitats in the NEAFC area.” (Emphasis added.)*

With regard to the two additional closures proposed by Norway which were not adopted last year, ICES has now advised NEAFC to permanently close up to five areas on the Rockall Bank and has confirmed the presence of sizeable cold water coral reefs on the Hatton Bank. It is possible that the closures NEAFC agreed to last year have caused displacement of effort to, for example, Rockall and Hatton Banks, both of which have turned out to have similarly sensitive habitats. The implications of this are clear.

All Contracting Parties to NEAFC are Parties to the 1995 UN Fish Stocks Agreement, of which Articles 5 and 6 require the protection of biodiversity and the management of fisheries on a precautionary and ecosystem basis. Likewise the 2004 UN General Assembly Resolution on Sustainable Fisheries calls on States in paragraph 66:

*“... either by themselves or through regional fisheries management organizations or arrangements, where these are competent to do so, to take action urgently, and consider on a case-by-case basis and on a scientific basis, including the **application of the precautionary approach**, the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law;” (Emphasis added)*

Given the potential consequences of diverting trawling from closed areas to other vulnerable but unmapped habitats, the application of the precautionary approach would require the closing of all areas deeper than 200m (deep-sea areas by ICES definition) in the NEAFC Regulatory Area for bottom trawling, except for those areas where it is scientifically established that bottom trawling will not impact vulnerable

deep sea habitats. We therefore request you to fulfill your legal obligation to apply the precautionary approach in this case.

The need to close to bottom trawlers the areas identified by ICES on the Rockall and Hatton Banks goes without saying.

Yours sincerely,

Dr. Monica Verbeek
Policy Officer (Fisheries, species & habitats)
Seas At Risk

Dr. Bryce Beukers Stewart
Fisheries Policy Officer
Marine Conservation Society
(Member of Seas At Risk)