SUBMISSION

Fisheries New Zealand: Review of sustainability measures for 1 October 2019

Fisheries management team: FMSubmissions@mpi.govt.nz

23 July 2019

The Deep Sea Conservation Coalition (DSCC) is an alliance of over 80 international organisations working to promote the conservation of biodiversity on the high seas. The DSCC represents a number of organisations in New Zealand, including Greenpeace, WWF-NZ, Forest and Bird and Environment and Conservation Organisations of Aotearoa New Zealand (ECO, itself an umbrella organisation of about 45 groups). These groups are seeking an end to deep sea bottom trawling of seamounts and similar deep-sea features by the New Zealand fishing industry, and since May 2019 over 35,000 people have supported our petitions against this devastating and out-dated form of fishing.

The ancient coral forests found on seamounts and similar deep-sea features are the kauri of our ocean. Living to hundreds of years old these fragile forests can be wiped out by bottom trawling, and recent studies show that they take decades to even begin to recover.

The DSCC calls on the New Zealand Government to protect all seamounts in New Zealand's Exclusive Economic Zone (EEZ), and to stop issuing high seas permits to bottom trawl vessels, which almost exclusively target seamounts and similar deep-sea features when they fish in international waters of the South Pacific and Tasman Sea regulated by the South Pacific Regional Fisheries Management Organisation (SPRFMO).

Limited protection of some areas does not exonerate continued devastation elsewhere

We strongly reject the argument that, having protected some seamounts (including through seamount closures and the so-called benthic protected areas), it is acceptable to continue to destroy other seamount ecosystems with bottom trawl fishing. This is central to the justifications set out by Fisheries New Zealand in its proposed "sustainability" measures, which are anything but sustainable.

"*In the New Zealand EEZ, the impacts of fishing on the benthic environment are primarily managed through the closure of over 30% of the EEZ to bottom trawling through Seamount Closures (implemented in 2001), and Benthic Protected Areas (implemented in 2007).*" (MPI ORH 7A proposal)

Further such arguments are made in both the ORH 3B and ORH 7A proposals:

Benthic Impacts (ORH 3B): *"Bottom trawling interacts with the seabed and benthic environment. Management measures have focused on avoiding these effects through closing areas to bottom trawling, starting with 17 seamount closures in 2001. Five of the seamount closures are within the ESCR and NWCR ORH 3B sub-areas – Pinnie, the Morgue and Pyre/Gothic group, Diamond Head and Seamount 328. In addition, the implementation of Benthic Protection Areas in 2007 effectively closed*

approximately 30% of the New Zealand EEZ to bottom trawling. Three of the Benthic Protection Areas are within the ESCR and NWCR ORH 3B subareas – Mid Chatham Rise, East Chatham Rise and Blink. The New Zealand trawl footprint, measured from 1989/90 to 2015/16, is estimated to cover roughly 8% (335,812 km2) of the EEZ. The orange roughy footprint in ORH 3B is estimated to have contacted 11% (4,942 km2) of the seabed in the ESCR sub-QMA, and 8% (1,867 km2) of the seabed in the NWCR sub-QMA, between 800-1600m depths from 2008-2017. Most fishing occurs within areas that have been fished for a number of years, and it is estimated that there is very little 'new' area trawled each year."

Benthic Impacts (ORH 7A): *"The New Zealand deepwater trawl footprint, measured from 1989/90 to 2015/16, is estimated to cover roughly 8% (335,812 km2) of the EEZ. The orange roughy footprint in ORH 7A is estimated to have contacted 3% (2,551 km2) of the seabed in the ORH 7A QMA, and 0.5% (65 km2) of the Westpac Bank Area between 800-1600m depths from 2008-2017 (Figure 4). Note that the fishery was closed from 2000 to 2010, so this is likely an underestimate of total historical contact in these areas. Most fishing occurs within areas that have been fished for a number of years, and it is estimated that there is very little 'new' area trawled each year."*

These arguments suggest that the biodiversity loss that bottom trawling entails – destruction of deepwater corals, sponges and other deep-sea life – can somehow be justified by the existence of the Benthic Protection Areas (BPAs). This is akin to arguing that any number of kauri trees can be felled since there are already some kauri in national parks. This is entirely without scientific basis.

This argument is scientifically unjustifiable and morally bankrupt. It suggests that by protecting 30% of the EEZ (and leaving aside the invalidity of the 2001 closures discussed below) the other 70% can be destroyed, even without prior impact assessments to establish what is down there, so species can be driven to extinction before they are even discovered.

Conservation Minister Eugenie Sage has already confirmed that the BPAs do not count as marine protected areas. Indeed they must not be. The BPAs were not scientifically derived or developed through proper process, but were instead selected by the fishing industry and presented as a done deal with only perfunctory public consultation after they were announced. Data analysis by scientist John Leathwick, showed that the BPAs were especially poor at protecting biodiversity, particularly endemic species (Leathwick *et al* 2008). The use of BPAs to justify destroying marine life elsewhere is completely unacceptable.

NIWA scientists have just this year found little evidence of benthic community resilience to bottom trawling after 15 years, and that the nature of recovery in biotic communities after disturbance is uncertain (Clark *et al.* 2019). This confirmed an earlier paper (Williams *et al.* 2010) which showed no change in the megafaunal assemblage consistent with recovery over a 5 to 10 year timeframe on seamounts where trawling had ceased.

New Zealand still hasn't defined the "habitat of particular significance for fisheries management [that] should be protected" a principle under the Fisheries Act 1996. This is happening when negotiations in New York are underway for a new international agreement for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, underlining international concern and alarm at the many threats to marine biological diversity.

It is entirely unacceptable for New Zealand to be destroying marine biological diversity in its EEZ and on the high seas through bottom trawling on seamounts, at the same time as recognising the need to protect it internationally.

New Zealand EEZ lacks equivalent measures to those agreed under SPRFMO

The South Pacific RFMO Convention in Article 4 requires that national measures be compatible with high seas measures, as does the UN Fish Stocks Agreement in Article 7. There is no consideration of this requirement in the discussion paper.

On benthic impacts (ORH 7A): *"In the Westpac Bank Area, fishing vessels must comply with the SPRFMO Bottom Fishing Conservation and Management Measure which specifies where fishing may take place, and implements an 'encounter protocol', which closes a specified tow path to all fishing if benthic organism bycatch thresholds are reached."*

Science tells us that a single trawl is capable of doing long-term damage to such ancient ecosystems, and proactive scientific investigation can identify where those deep sea features occur in order to protect them before such damage is done. The government must combine and strengthen these approaches to ensure that any areas known to contain seamounts or found to harbour deep water coral and sponge communities are immediately and fully protected from bottom trawling and other seabed damage.

The government must strengthen the "encounter protocol" and "move-on rule" adopted by SPRFMO, and apply it within NZ waters.

Bycatch limits under the weak SPRFMO rules (which New Zealand was responsible for proposing) allow a vessel to bring up as much as 249 kg of stony corals and 59 kg of true soft corals, 308 kg in total, in a single trawl without having to move their fishing spot.[1]

These bycatch thresholds are far too high, and in fact much higher than the limits New Zealand proposed to SPRFMO in 2018 (but withdrew after threats from the New Zealand fishing industry). The weaker bycatch rules New Zealand proposed in 2019, which were adopted by SPRFMO, reflect a cave-in to industry pressure.

The Government must adopt bycatch limits and move-on rules stronger than the weak ones applied by SPRFMO, to ensure that they protect deep sea coral forests from further damage. Deep sea coral forests are biodiversity hotspots, and only a small fraction of what is destroyed on the seabed comes up in the net. It must then apply stronger protection measures to all bottom fisheries in the New Zealand EEZ, in combination with the proactive closure of all known seamounts and similar seabed features to bottom fishing and seabed mining.

[1] These thresholds are set out in Annex 6A of the SPRFMO bottom fishing measure. Different weight limits apply to different taxonomic groups or combinations of taxa, and it is important to note that significantly more damage is likely to occur on the seabed than what comes up in the net.

We are facing an extinction crisis

The recent IPBES Summary for Policy-Makers sounded the alarm about the existential threat to biodiversity in its 2019 report. In marine ecosystems, fishing has had the largest relative impact, having had a large and widespread impact on the world's oceans. IPBES warned that around one million species face extinction, many within decades, unless action is taken to reduce the intensity of drivers of biodiversity loss. *"Without such action there will be a further acceleration in the global rate of species extinction, which is already at least tens to hundreds of times higher than it has averaged over the past 10 million years,"* warned the authors.

The lack of recovery, together with the need to exercise the precautionary principle and use an ecosystem approach, means that it is time to stop bottom trawling on seamounts, as Watling and Auster found that *"Mounting evidence of the effects of fishing in the deep sea, such as the destruction of deep sea coral communities at sites around the globe, and the slow growth, time to maturity and tremendous age reached by some species of deep sea fish, caused many to consider the sustainability of common fishing practices."*

The authors noted that *"all seamounts that have so far been surveyed by cameras, either towed or mounted on maneuverable submersible vehicles, have been found to have abundant VME [vulnerable marine ecosystem] indicator species (including xenophyophores on sandy areas) distributed on their sides and summits"* and the distribution of VME indicator species is far more extensive than fishery bycatch data would suggest. (Watling and Auster 2017)

In 2010 a global study (Bradshaw *et al.* 2010) found that New Zealand has the highest proportion of threatened indigenous species in the world, and this year the New Zealand Ministry for the Environment's report *Environment Aotearoa* warned that the extinction risk has worsened overall in the last 10-15 years.

The *Environment Aotearoa* report noted *"Trawling the sea floor with large nets or dredges to catch fish and species like scallops and oysters are the most destructive fishing methods and cause damage to the seabed. The area trawled and the number of tows have decreased over the past 15 to 20 years, but still cover a large area, and some areas have been trawled every year for the past 27 years. Between 1990 and 2016 trawling occurred over approximately 28 percent of the seabed where the water depth was less than 200 meters, and 40 percent where depth was 200–400 meters. Why is it like this? Fishing vessels are now larger and more powerful, and use wider trawls and longer lines than when trawling first started more than 100 years ago. A small number of boats today can have the same impact as a larger fleet would have had in previous decades."*

Finally, the United Nations 1st World Ocean Assessment in 2016 stated that: *"Deep-sea ecosystems associated with seamounts, ridges, and other topographic features are now and will increasingly be subjected to multiple stressors from habitat disturbance, pollutants, climate change, acidification and deoxygenation. The scientific understanding of how these stressors may interact to affect marine ecosystems remains particularly poorly developed. For example, the widespread destruction of deep-water benthic communities due to trawling has presumably reduced their ecological and evolutionary resilience as a result of reduced reproductive potential and loss of genetic diversity and ecological connectivity."* The WOA went on to conclude that "*The extent of benthic impacts has been described for local fishing grounds but has not been assessed globally; however, if the impacts of these regional studies are generalized, we can extrapolate that fishing, and in particular deepwater*

trawling, has caused severe, widespread, long-term destruction of these [seamount] *environments globally."*

Failing to meet United Nations commitments

Since the United Nations General Assembly (UNGA) adopted resolution 61/105 in December 2006, nations that authorise their vessels to engage in bottom fisheries on the high seas have been committed to protect deep sea fish stocks and vulnerable marine ecosystems (VMEs) by:

- Undertaking environmental impact assessments of each high seas bottom trawl fishery or prohibiting fishing in the absence of such an assessment,
- closing areas of the high seas to bottom fishing where VMEs are known or likely to occur unless significant adverse impacts on VMEs can be prevented,
- requiring bottom fishing vessels to move out of an area of the high seas where encounters with VMEs occur, and
- ensuring the long-term sustainability of deep-sea fish stocks.

In the 13 years since the resolution was unanimously agreed, New Zealand has neither conducted environmental impact assessments (EIAs) for each of the fisheries (including the Challenger Plateau, part of ORH7A) nor prohibited its vessels from high seas fishing where EIAs have not been undertaken.

Furthermore, rather than preventing significant adverse impacts on VMEs, New Zealand has attempted to re-interpret the UNGA resolution to introduce the idea of acceptable levels of impact and threat which are inconsistent with the resolutions. The UNGA resolution 61/105, later strengthened in resolution 64/72, are far from being properly implemented and New Zealand is among the small number of countries still bottom trawling on seamounts in international waters, impeding its implementation. These resolutions must be urgently and fully implemented to prevent further damage to VMEs and start to tackle the extinction crisis we are facing.

New Zealand is dragging the chain globally

It is a sad environmental legacy that New Zealand was at the forefront of expanding destructive bottom trawl fishing into deeper and distant waters and targeting seamounts and other biodiversity hotspots with this devastating fishing method.

Now, New Zealand remains one of a small number of countries globally that still allow their industrial fishing fleets to drag bottom trawl nets across seamounts on the high seas (Japan, the Republic of Korea, Spain, Australia the Cook Islands and the Faroe Islands being the others). It is the equivalent of clear felling kauri forest - something that sadly happened on a wide scale in New Zealand, but is now quite rightly banned.

But what is banned on land remains out of sight and out of mind in the ocean, and deep sea coral and sponge communities continue to be destroyed by bottom trawling. Only two countries still fish in this way in the South Pacific, and having led the charge in, New Zealand must now take the lead in ending this practice once and for all. Bottom trawling on seamounts is not fishing, it is extinction.

In summary, the Deep Sea Conservation Coalition, its New Zealand members organisations and the 35,000 people that have signed our petitions collectively call on the New Zealand Government to do much better than what is proposed in the "Sustainability Measures for 1 October 2019".

We call for the government to:

- End bottom trawl fishing on seamounts and similar deep sea benthic features wherever they are known to occur,
- fully protect all known seamounts and similar features and close any areas where deep sea coral and sponge species are found, and undertake prior impact assessments before any bottom trawling to identify any such areas; and
- stop issuing high seas fishing permits to New Zealand bottom trawl vessels to fish in international waters.

In relation to the proposed increases in orange roughy catch limits, the DSCC opposes both increases:

- ORH7A catch limits should not be adjusted until the science and proposals have been reviewed by the SPRFMO Scientific Committee and Commission.
- There should be no increase in the Chatham Rise catch limits until comprehensive measures are in place to protect habitats of significance to fisheries management including seamounts and similar features.

Grossly inadequate response to illegal fishing

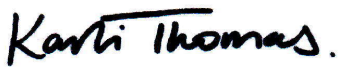
In addition to the above, we wish to express our deep concern at the New Zealand Government's lax response to IUU fishing in a closed area of international waters by the *Amaltal Apollo,* a bottom trawl fishing vessel owned by Nelson-based Talley's Group and operated by Amaltal Fishing Company. In particular we are concerned that:

- New Zealand officials advocated for the vessel not to be placed on the SPRFMO IUU blacklist, undermining important precedents such as the SPRFMO blacklisting of the *Vladivostok 2000* (formerly *Lafayette* and *Damanzaihao*) in addition to its national-level prosecution.
- A New Zealand Cabinet Minister publicly dismissed the case as "a mere technical issue" even before the court case got underway, prejudicing its outcome and undermining the claim that New Zealand was taking the matter seriously.
- While the court case has now been postponed until October 2019, the vessel continues to fish for a second fishing season since the IUU incident (which occurred in the first month of last year's high seas fishing season), without justice being done.
- The company made potentially false or misleading claims in its applications for high seas fishing permits in the 2019/20 season, answering "no" to two questions relating to whether the vessel owner, operator or master, or the vessel itself had *"breached the fisheries law in any jurisdiction, including the high seas, in the last 10 years"*.

- Despite knowledge of the pending IUU case against one of Talley's Group / Amaltal Fishing Company vessels, and clear provision under the Fisheries Act (Section 113H) to consider the offending history of a vessel's owner and operators, Fisheries New Zealand has issued high seas fishing permits to two other vessels in the fleet (*Amaltal Mariner* and *Amaltal Explorer*) and has allowed the *Amaltal Apollo* to continue fishing in New Zealand waters.

We ask that the above issues be addressed as a matter of urgency.

Yours sincerely,



Karli Thomas
On behalf of the Deep Sea Conservation Coalition and its member organisations

References

Clark, M. R.; Bowden, D. A.; Rowden, A. A. and Stewart, R. (2019) Little Evidence of Benthic Community Resilience to Bottom Trawling on Seamounts After 15 Years. Frontiers in Marine Science. 26 February 2019 www.frontiersin.org/articles/10.3389/fmars.2019.00063/full

Bradshaw, C. J. A.; Giam, X. and Sodhi, N. S. (2010) Evaluating the Relative Environmental Impact of Countries. PLoS ONE 5(5): e10440. https://doi.org/10.1371/journal.pone.0010440
New Zealand Ministry for the Environment (2019) Environment Aotearoa 2019 Summary. www.mfe.govt.nz/environment-aotearoa-2019-summary

Diaz, S. *et al* (2019) Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) May 2019. www.ipbes.net/news/ipbes-global-assessment-summary-policymakers-pdf

Leathwick, J.R., Moilanen, A., Francis, M., Elith, J., Taylor, P., Julian, K., Hastie, T., Duffy, C. (2008). Novel methods for the design and evaluation of marine protected areas in offshore waters. Conservation Letters 1: 91–102. https://onlinelibrary.wiley.com/doi/full/10.1111/j.1755-263X.2008.00012.x

New Zealand (2018) A proposal for a revised Bottom Fishing Conservation and Management Measure for SPRFMO. COMM 7 – Prop 03.1. Submission of New Zealand, 7th Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation, The Hague, The Netherlands, 23 to 27 January 2019. https:/www.sprfmo.int/assets/0-2019-Annual-Meeting/COMM-7/Prop/COMM7-Prop03.1-Background-paper-to-COMM7-Prop03-NZ.pdf

First Global Integrated Marine Assessment (First World Ocean Assessment), United Nations (2016). Chapter 51 - Biological Communities on Seamounts and Other Submarine Features Potentially Threatened by Disturbance. https://www.un.org/Depts/los/global_reporting/WOA_RegProcess.htm

Vance, A (2019) Conservationists win battle over Government's 'fishing whoppers'. Stuff, 4 April 2019. www.stuff.co.nz/national/politics/111766497/conservationists-win-battle-over-governments-fishing-whoppers

Watling, L. and Auster, P. J. (2017) Seamounts on the High Seas Should Be Managed as Vulnerable Marine Ecosystems. Frontiers in Marine Science. 25 January 2017. www.frontiersin.org/articles/10.3389/fmars.2017.00014/full

Williams, A. *et al*. (2010) Seamount megabenthic assemblages fail to recover from trawling impacts. Mar. Ecol. 31, 183–199. https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1439-0485.2010.00385.x