Report on New Zealand's Implementation of Operative Paragraphs 80 and 83-90 of Resolution 61/105

New Zealand has been actively engaged in the development and implementation of measures to avoid adverse impacts on vulnerable marine ecosystems (VMEs), both within its exclusive economic zone (EEZ) and on the high seas, and both at its own initiative, in concert with other members of relevant organisations and in response to the calls of the General Assembly in Resolution 61/105 for States and Regional Fisheries Management Organisations/Arrangements (RFMO/As) to take action to prevent significant adverse impacts of bottom fishing on the high seas on VMEs and to ensure the long term sustainability of deep sea fish stocks.

In particular, New Zealand has implemented a comprehensive system of measures to protect benthic habitat within the New Zealand EEZ and to ensure the sustainability of fishing within the EEZ. It has also taken an active part in the development and implementation of:

(a) Conservation measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to constrain bottom fishing in the CCAMLR area and to avoid significant adverse impacts on VMEs from bottom fishing in the CCAMLR area;

(b) Interim measures adopted by the participants in the negotiations to establish a South Pacific Regional Fisheries Management Organisation (SPRFMO) to limit bottom fishing in the high seas of the South Pacific and to avoid significant adverse impacts on VMEs from bottom fishing in the high seas of the South Pacific.

New Zealand has taken steps to apply those measures to New Zealand flagged vessels fishing in the CCAMLR area and on the high seas of the South Pacific.

This report summarises the measures that have been implemented in the New Zealand EEZ and those that have been adopted by CCAMLR and the participants in the SPRFMO negotiations in response to the relevant paragraphs of Resolution 61/105 and the steps taken by New Zealand to implement those measures.

Operative Paragraph 80

Protection of benthic habitat within the New Zealand EEZ

New Zealand has undertaken two major initiatives within its EEZ to protect VMEs and other benthic habitats.

- In November 2000, New Zealand prohibited all trawling and dredging in 18 areas around seamounts to protect the seafloor environment (c. 81,000 km^2 in the EEZ). These closures protect 25 underwater topographic features, 12 of which are large seamounts that rise more than 1000 m from the seafloor.

- In November 2007, regulations were made under the Fisheries Act 1996 establishing Benthic Protection Areas (BPAs) over 1,134,000 km^2 of New Zealand's waters. In the BPAs, dredging is prohibited and the use of nets restricted to avoid impacts on the seafloor. BPAs are spread relatively evenly by latitude and longitude through the EEZ.

Taken together, the seamount closures and BPAs protect 28% of known underwater topographic features, 52% of known seamounts and 88% of known active hydrothermal vents within the EEZ.

Sustainability of deep sea fishing within the New Zealand EEZ

New Zealand manages all its major deep sea stocks under the Quota Management System (QMS). The QMS limits the total quantity of fish taken by commercial fishers. The total quantity of fish that can be taken for each QMS fishery is known as the Total Allowable Catch (TAC) and is based on the goal of maintaining stocks at or above a level that will support the Maximum Sustainable Yield (B_{MSY}).

For the 2007/08 year, there was sufficient information to characterise stock status (i.e. the size or state of a fish stock relative to maximum sustainable yield benchmarks) for 101 of the 628 stocks in the QMS. This accounted for 66 percent of the total landings by weight and value and represents the main commercial species.[1] Of the 101 stocks or sub-stocks with known status, 72 (71%) are near or above target levels. In most cases, these targets are at or above the biomass associated with maximum sustainable yield, or related levels. For those that are known to be below optimum levels, rebuilding plans or other management controls are in place.

Ownership of quota has resulted in the adoption of a custodial approach to the utilisation of fishery resources and to the active involvement by industry in the sustainable management of these resources.

Management of New Zealand's deep sea fisheries is based on the best available independent science. Biomass surveys from research and industry vessels, and biological sampling data from independent at-sea observers, are used to monitor the health of the fish stocks. Stock assessment reviews are undertaken routinely by New Zealand scientists, often in collaboration with international experts. This process is public, transparent and subject to peer review. The Ministry of Fisheries publishes the outcomes of stock assessments and catch limits are reviewed based on this information.

Operative Paragraph 83

Adoption of CCAMLR Conservation Measures

While the mandate and responsibilities of CCAMLR are not limited to fisheries management, for the purposes of this report CCAMLR is treated as an RFMO to

[1] Excludes squid – which has a life cycle that is not amenable to management relative to maximum sustainable yield benchmarks, and Foveaux Strait dredge oysters – which are recorded in terms of numbers rather than weight.

which Resolution 61/105 applies. On that basis, CCAMLR is the only existing RFMO of which New Zealand is a member and to which Resolution 61/105 is relevant.

CCAMLR's constituent instrument, the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR Convention), applies to the Antarctic marine living resources of the area south of 60° South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem.

The CCAMLR Convention, in particular Article II, embodies the precautionary approach and an ecosystem approach to the management of Antarctic marine living resources.

In recent years, CCAMLR has adopted a number of Conservation Measures (CMs), both at its own initiative and also in response to Resolution 61/105, to prevent potential significant adverse impacts from bottom fishing on the marine environment, including VMEs:

- CM22-04 (2006) prohibits deep-sea gillnetting in the Convention Area, other than for scientific research.

- CM22-05 (2008) restricts the use of bottom trawling gear in the high seas areas of the Convention Area, other than for scientific research, to those areas for which the Commission has adopted conservation measures for the use of bottom trawling gear. As the Commission has not adopted measures for the use of bottom trawling gear, this amounts to a prohibition on bottom trawling in the high seas areas of the Convention Area.

- CM22-06 (2008) implements a comprehensive suite of measures in the high seas areas of the Convention Area to prevent significant adverse impacts of other forms of bottom fishing (e.g. bottom longline fishing) on VMEs by, inter alia:

    - limiting bottom fishing in the 2008-2009 fishing season to those areas in which bottom fishing had been approved for the previous fishing season;

    - requiring Contracting Parties whose vessels intend to engage in bottom fishing activities from 1 December 2008:

        - to implement assessment procedures to enable CCAMLR's Scientific Committee to determine whether such activities would contribute to having significant adverse impacts on VMEs and to ensure that, if it is determined that these activities would make such contributions they are managed to prevent such impacts or are not authorised to proceed;

        - in the absence of site specific or other conservation measures to prevent significant adverse impacts on VMEs, to require their vessels to cease fishing where evidence of a VME is

encountered and to report the encounter to the CCAMLR Secretariat.

- CM22-07 (2008) requires Contracting Parties to implement, in the high seas areas of the Convention Area, specific measures for the monitoring and notification to the CCAMLR Secretariat of encounters with VMEs, which measures require fishing to cease where encounters exceed the thresholds specified in the Conservation Measure. This CM is explained more fully below.

- CMs 41-04, 41-05, 41-06, 41-07, 41-09, 41-10 and 41-11 (2008) prohibit fishing in all depths shallower than 550 meters in all exploratory tooth fish fisheries south of 60^{o} South.

CM22-07, which is principally relevant for bottom long lining, requires a vessel to report and in some instances move-on where certain thresholds of "VME indicators" suggesting a possible encounter with a possible VME are obtained during fishing.

Vessels are required to record the geographic location and quantity of VME indicators taken and to report this data to the CCAMLR Secretariat each month. When certain threshold levels of VME indicators are obtained by the vessel it is required to report this encounter immediately to the CCAMLR Secretariat who will in certain situations inform all vessels that no fishing can occur in that area.

The encounter measure is based on dividing a longline into line segments (approximately 1000 hooks or 1200 metres). For each line segment the vessel records the geographic position at the mid-point of the line segment and the amount of VME indicator units[2] taken from that line segment.

(i) If the number of VME indicator units is 5 or more for any line segment, the vessel then notifies the CCAMLR Secretariat, but continues to fish.

(ii) If the number of VME indicator units is 10 or more for any line segment, the vessel notifies the CCAMLR Secretariat, but also stops fishing within a 1 nautical mile radius of the mid-point for that line segment.

In the situation described in (i), the CCAMLR Secretariat keeps note of the location where 5 or more VME indicator units were recovered. If the CCAMLR Secretariat then receives 5 such notifications within a fine-scale rectangle[3] of each other, they notify the fleet the coordinates of that fine scale rectangle and advise the fleet that a VME may be present in that area.

In the situation described in (ii), the CCAMLR Secretariat notifies the1nm radius fishing closure to all vessels operating in the fishery.

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[2] One VME indicator unit = cumulatively one litre or one kilogram of a species found in a Benthic Invertebrate Classification Guide for Potential Vulnerable Marine Ecosystems distributed to vessels prior to the fishing season.

[3] A fine scale rectangle is defined as an area of 0.5^{o} latitude by 1^{o} longitude with respect to the northwest corner of a statistical area or subdivision. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°

The VME encounter measure was implemented during the 2008-2009 season, with several 1mn radius area fishing closures being activated by the CCAMLR Secretariat.

The encounter clause in CM 22-07 will be reviewed by the Commission in 2009 to evaluate how effective it has been and whether any modifications are necessary.

Work by CCAMLR members, and also by the Scientific Committee and its working groups, continues in order to reduce uncertainty about the impacts of fishing on potential VMEs and to identify and locate VMEs in the Convention area. Given the lack of empirical evidence of the impacts of bottom longlines and the difficulties in getting such information, CCAMLR has endorsed an approach which will focus on developing a risk assessment framework to assess the impacts to VMEs (CCAMLR XXVII, para 5.12(ii)(a)). Further work on identifying VMEs will be undertaken at an expert workshop to be held in the United States in August 2009.

New Zealand Implementation of CCAMLR Conservation Measures

New Zealand has implemented CMs 22-04, 22-05, 22-06, 22-07, 41-04, 41-05, 41-06, 41-07, 41-09, 41-10 and 41-11 through conditions on permits issued to New Zealand flagged vessels intending to fish in the Convention Area pursuant to Part 6A of the Fisheries Act 1996 and the Antarctic Marine Living Resources Act 1981. These conditions require New Zealand vessels to:

- Use only the bottom longline method of fishing
- Fish only in areas for which CCAMLR has approved their participation
- Collect VME indicator data, report that data in accordance with the requirements of CM 22-07, and abide by any fishing area closures that result
- Not fish at depths shallower than 550m in the exploratory toothfish fisheries.

New Zealand submitted a comprehensive preliminary assessment of the impacts of its proposed bottom fishing activities for 2008-2009.

New Zealand also submitted two further papers to the CCAMLR meetings last year on this issue. The first was a paper on a risk assessment methodology for assessing the potential impacts on VMEs by bottom longlines which could be used for other gear types and useful for further assessments. The second was a field guide for observers to help identify VME indicator species. This was subsequently adopted for use in the encounter measure adopted by the Commission.

New Zealand vessels fishing in Subareas 88.1 and 88.2 during the 2008-09 fishing season are required to collect all potential VME taxa returned to the vessel and return them to port. The resulting samples are currently being analysed and the results of this analysis will be presented to the workshop to be held in the United States in August and also used for New Zealand's preliminary assessment for 2009-2010.

New Zealand vessels carry both a CCAMLR Scientific Observer and a national scientific observer.

Operative Paragraph 84

All of the Conservation Measures referred to above are available on the CCAMLR Website: http://www.ccamlr.org.

Operative Paragraph 85

Adoption of SPRFMO Interim Measures

The negotiations to establish a SPRFMO for the conservation and management of the non-highly migratory species of the high seas of the South Pacific began in Wellington in February 2006. Six negotiating rounds have been held to date. A seventh round is to be held in Lima, Peru in May 2009.

At the third meeting held in Reñaca, Chile in April / May 2007, the participants in the negotiations agreed a set of Interim Conservation and Management Measures for fisheries that are the subject of the negotiations (Interim Measures). The Interim Measures included measures to limit bottom fishing in the high seas of the South Pacific and to prevent significant adverse impacts of bottom fishing on VMEs.

The Interim Measures, which are voluntary and are not legally binding under international law, were effective from 30 September 2007. The bottom fishing measures are to apply until the entry into force of the Agreement under negotiation to establish the SPRFMO and the adoption of conservation and management measures pursuant to that Agreement.

The Interim Measures apply to the high seas south of the Equator, north of the CCAMLR Convention Area, east of the area covered by the Southern Indian Ocean Fisheries Agreement (SIOFA) and west of the areas of fisheries jurisdictions of South American States.

Under the Interim Measures relating to bottom fishing, the participants in the negotiations resolved, inter alia, to:

- Limit bottom fishing effort or catch to existing levels (averaged over the period 1 January 2002 to 31 December 2006) and not expand bottom fishing activities into new regions.

- From 2010, before opening new regions or expanding fishing effort or catch beyond existing levels, establish conservation and management measures to prevent significant adverse impacts on VMEs and the long-term sustainability of deep sea fish stocks from bottom fishing.

- Close areas where VMEs are known to occur or are likely to occur, unless, based on an assessment process, conservation and management measures have been established to prevent significant adverse impacts on VMEs and the long-term sustainability of deep sea fish stocks or it has been determined that such bottom fishing will not have significant adverse impacts on VMEs or the long term sustainability of deep sea fish stocks.

- Require bottom fishing activities to cease within five nautical miles of any site where evidence of VMEs is encountered, and report the encounter so that appropriate measures can be adopted in respect of the relevant site.

- Appoint observers to each vessel undertaking or proposing to undertake bottom trawling activities and ensure an appropriate level of observer coverage on vessels undertaking other bottom fishing activities.

- Ensure that all vessels flying their flag and operating in the Area are equipped with an operational vessel monitoring system no later then 31 December 2007.

- Assess whether individual bottom fishing activities would have significant adverse impacts on VMEs and ensure that the activities are managed to prevent such impacts or are not authorized to proceed.

- Implement specified procedures for the assessment of whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, including the proposed management measures to prevent such impacts.

Under the Interim Measures, the interim Scientific Working Group is to review and comment on assessments submitted by participants on the basis of a preliminary interim Standard designed by the interim Scientific Working Group. Pending the interim Standard, submitting participants may provisionally apply their proposed management measures.

The Interim Measures are publicly available on the SPRFMO website.[4]

Participants at the fourth meeting held in Noumea, New Caledonia in August 2007 adopted a SPRFMO Benthic Assessment Framework to guide States undertaking impact assessments as required by the interim measures.[5] This includes a process of review by other Participants. At the seventh meeting to be held in Lima in May 2009 a draft impact assessment Standard is to be discussed by the Science Working Group. Once adopted, this Standard will replace the assessment Framework to provide Participants with more detailed guidance on undertaking impact assessments.

New Zealand Implementation of SPRFMO Interim Measures

New Zealand has taken a step-wise approach to implementing the interim measures, with the highest priority given to bottom trawling. The approach was developed in consultation with representatives of the fishing industry and non-governmental organisations.

The initial steps, taken before the adoption of the assessment Standard, focus on giving effect to the area and effort limitations specified in Interim Measures (1) and

[4] http://www.southpacificrfmo.org/assets/3rd-Meeting-April-2007-Renaca/Plenary-III/SPRFMO-Interim-MeasuresFinal.doc
[5] http://www.southpacificrfmo.org/4th-international-meeting/

(2) and, based on the best available scientific information, limit bottom trawling to those areas that were most likely to have been compromised by previous bottom trawling activities.

These initial steps also proceeded on the basis that the "encounter" provisions in Operative Paragraph 83(d) of Resolution 61/105 and SPRFMO Interim Measure 7 do not require fishing to cease where evidence of a VME is encountered if satisfactory conservation and management measures are in place to avoid significant adverse impacts on VMEs.

Accordingly:

- Based on data reported by New Zealand flagged vessels, a footprint of the high seas of the South Pacific previously trawled was generated, consisting of 20x20 minute blocks, in accordance with the Benthic Assessment Framework adopted at the fourth SPRFMO meeting at Noumea in August 2007.

- A three tier approach was taken in order to constrain bottom trawling to those areas most likely to have been previously impacted by bottom trawling activity. Under this approach, the area of the existing footprint (200 blocks) was divided into:

    - Lightly trawled areas (62 blocks) comprising blocks in which no more than 1-2 tows had been undertaken over 2002-2006.

      These areas were closed to further bottom trawling.

    - Moderately trawled areas (69 blocks) comprising blocks in which between 3 and 50 tows had been undertaken over 2002-2006.

      Much of this area appears to have been the subject of exploratory fishing. There is insufficient information to establish whether VMEs occur in these blocks. Accordingly, vessels fishing in these areas must cease fishing if evidence of a VME is encountered above established levels. In such cases, vessels are required to move 5 nautical miles from the position that hauling of the gear commenced for any particular tow, and must not fish within 5 nautical miles of that position for the remainder of that fishing trip.

      Data generated by trawls encountering evidence of a VME will be reviewed annually together with other observer data on benthic bycatch, and additional closures of moderately trawled 20 x 20 minute blocks will be considered if consistent and significant evidence of VMEs is found within such blocks.

    - Heavily trawled areas (69 blocks) comprising blocks in which over 50 tows had been undertaken over 2002-2006.

      Much of the fishing effort in these heavily trawled blocks, which account for most of the effort and catch over this period, has been targeted on specific features. On the basis of the best available information, it was considered

likely that VMEs in such targeted fishing positions in these areas would have already been significantly impacted. On this basis, the encounter provision has not been applied to these areas.

- In addition, a further 10% of the total footprint (20 blocks) has been closed to protect representative areas in the moderately and heavily trawled areas. The 20 additional block closures were selected on the basis of depth and topography, using detailed bathymetry of the areas, and distributed across the various fishing areas in proportion to the number of blocks in those areas.

- All vessels undertaking bottom trawling in open moderately trawled areas are required to complete a VME Evidence Process form after every tow. This process determines whether "evidence of a VME" has been encountered during a tow. If a vessel does encounter "evidence of a VME" it is required to stop fishing, to notify the location of the encounter, and to move at least 5 nautical miles before resuming fishing. The vessel may not fish within 5 nautical miles of the encounter for the remainder of the trip.

- All vessels undertaking bottom trawling are required to carry a scientific observer and may be required to carry 2 observers if capable of fishing 24 hours a day.

- Observers record and report to the Ministry of Fisheries all benthic bycatch on a tow by tow basis for every tow in all areas. This report is completed in addition to the VME Evidence Process form in the moderately trawled areas.

Rationale for New Zealand bottom trawling controls in SPRFMO area

As summarised in Table 1, 41% of the New Zealand footprint (89,768 km^2) is closed to bottom trawling, 30% (64,960 km^2) is subject to move-on provisions, and the remaining 29% (62,736 km^2) is open to bottom trawling. The total footprint occupies 0.44% of the estimated total SPRFMO Area of ~49,920,000 km^2, and the Open blocks occupy 0.13% of the SPRFMO Area.

Table 1. Summary of the number of Open, Move-On and Closed bottom trawl footprint blocks after implementation of additional spatial closures, and the area these occupy as a percentage of the total New Zealand footprint, and of the total SPRFMO Area.

Status	No. of Blocks	Area (km^2)	% of Footprint	% SPRFMO Area
Closed	82	89,768	41%	0.18%
Move-On	60	64,960	30%	0.13%
Open	58	62,736	29%	0.13%
Total	200	217,463	100%	0.44%

(Total SPRFMO Area ~49,920,000 km^2)

A diagrammatic representation of this three-tier effort classification and management approach is shown in Figure 1, which summarises the number of blocks, and describes effort and past impact characteristics per effort tier.

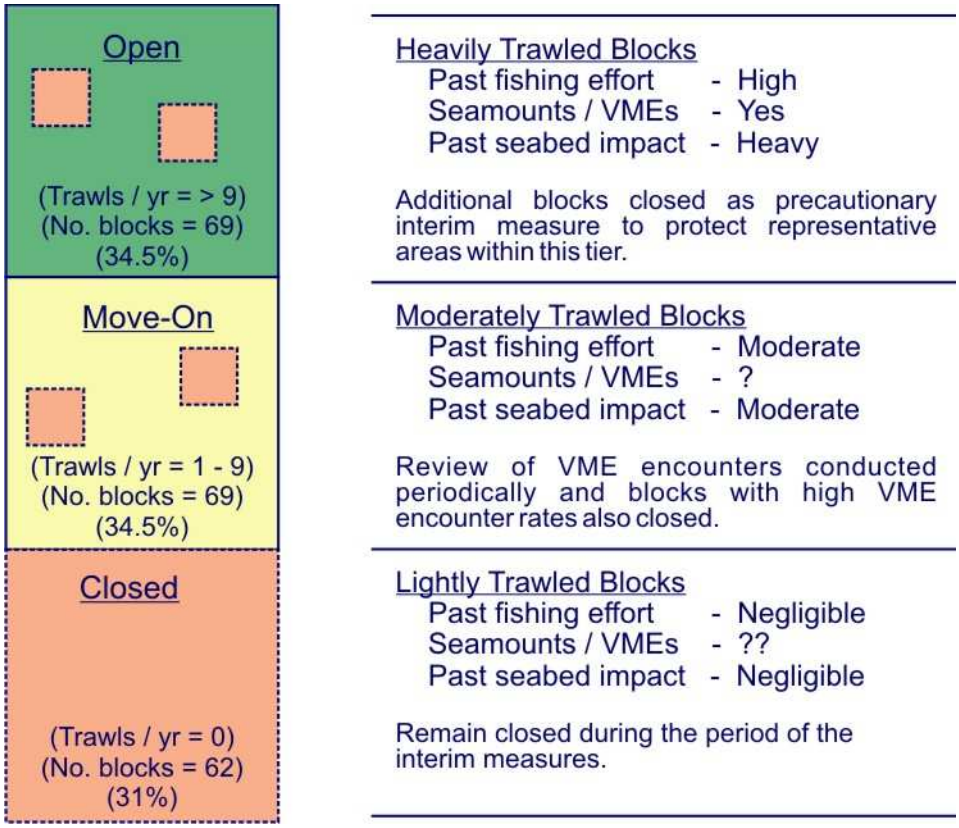

Figure 1. The three-tier past-effort classification system adopted by New Zealand as a basis for management of bottom trawling in the bottom trawl footprint.

The mitigation measures to prevent significant adverse impacts from bottom trawling in the footprint are therefore the combination of closure of all lightly trawled blocks; the application of the move on rule in all moderately trawled blocks with the potential progressive closure of blocks found to contain significant evidence of VMEs; and additional precautionary closures of representative blocks in the moderately and heavily trawled areas.

The clear definition of open and closed areas provides certainty to industry and facilitates compliance. The approach also supports data collection as information on fishing impacts and regeneration rates can be monitored. New Zealand will review its implementation of the interim measures more fully in 2010.

The application of the VME Evidence Process and move on rule in the moderately trawled blocks will provide information on, and future protection to, unknown VMEs in the one-third of the footprint designated as move-on blocks. The move on rule is considered secondary to the closed areas for protecting VMEs due to practical and scientific limitations. In particular, trawls are poor sampling tools of VME evidence, and trawling may have a significant adverse impact on VMEs while providing very little evidence thereof in a specific tow.

New Zealand considers the selection of closures to form part of an adequate and appropriate regime of conservation and management measures that accords with the call in Operative Paragraph 83(c) for bottom fishing activities to proceed where

adequate conservation and management measures to prevent significant adverse impacts on VMEs are in place.

Rationale for VME Evidence Process Form

A full description of New Zealand's approach to the identification of VMEs is contained in the New Zealand Bottom Fishery Impact Assessment: Bottom Fishing Activities by New Zealand Vessels Fishing in the High Seas in the SPRFMO Area during 2008 and 2009 submitted to SPRFMO.[6]

In summary all vessels undertaking bottom trawling in moderately trawled areas are required to complete VME Evidence Process forms recording bycatch of 11 specified taxanomic groups recovered in bottom trawling operations. Threshold weights are specified for each group which, if exceeded, are allocated a "VME indicator score" based on the apparent sensitivity of each group to impact. If the total "VME indicator score" for a tow in a moderately trawled area exceeds a specified level, that is deemed to constitute "evidence of a VME" and the vessel is required to stop fishing, to notify the location, and to move at least 5 nautical miles before resuming fishing.

The VME Evidence Process form contains a checklist of vulnerable categories, organized to quickly categorize bycatch specimens with regard to the possibility that the bycatch provides evidence of a VME. The approach is to use a simple, fast procedure to determine if a particular catch was likely to be from a VME so that the vessel skipper can utilize the information in choosing the next fishing location. A detailed species identification procedure cannot be completed in this timeframe, nor is it necessary, as evidence of a VME is based on the presence of broad taxonomic groupings.

A specific VME Species ID Guide has been prepared to assist observers with rapid identification of the species on the VME Evidence Process form to broad taxonomic level. Additional detailed species identification is done afterwards as part of the normal benthic materials sampling process conducted by scientific observers aboard New Zealand bottom trawling vessels. Determination of actual *existence* of a VME, or of significant adverse impacts on a VME, requires a subsequent, more thorough scientific analysis of all benthic bycatch data collected by observers over all the areas fished, together with other data which might indicate areas likely to support VMEs.

Implementation of New Zealand high seas bottom trawling controls

Since 1 May 2008, the management measures for bottom trawling described above have been implemented as conditions on all high seas fishing permits issued under New Zealand's Fisheries Act 1996. Under that Act, no New Zealand flagged vessel may fish on the high seas unless issued with a high seas permit under Part 6A of the Act.

[6] Available at http://www.southpacificrfmo.org/benthic-impact-assessments/

Traditionally, bottom trawling in the high seas of New Zealand takes in the period May – October. With voluntary agreement, no New Zealand flagged vessels undertook bottom trawling in the period 30 September 2007 – 30 April 2008.

Permits are issued only to applicants meeting certain criteria specified in the Act including the need for the applicant, vessel owner and crew to have a history of compliance with international conservation and management measures. Any person breaching a high seas fishing permit condition is liable to a fine of up to NZ$100,000 and may have the permit suspended or revoked, and may not be issued with a permit in future.

Consultations with industry and other interested stakeholders are currently underway with a view to developing high seas catch limits for deep-sea species such as orange roughy, bass and blue nose.

Development of Bottom Line Management and Mitigation Measures

The impacts of bottom line fishing methods are considered to be low compared to those of bottom trawling. New Zealand has therefore focussed in the first instance on developing management and mitigation measures for bottom trawling. New Zealand is working towards:

- Limitation of bottom line fishing to within the overall bottom fishing footprint.
- Limitation of catches of the main target species, bluenose and häpuku/bass, to the 2002–2006 averages. Further work will be done to establish a basis for determining long-term sustainable catch levels.
- Implementation of at least 10% scientific observer coverage on bottom line trips, with emphasis on bottom longline fishing.

Operative Paragraph 86

The only New Zealand flagged vessels permitted to undertake bottom fishing in areas beyond national jurisdiction are those where conservation and management measures have been adopted and implemented pursuant to paragraphs 83 or 85, i.e. the CCAMLR area and the high seas area that is subject to the SPRFMO interim measures.

Operative Paragraph 87

While the FAO is yet to develop a global vessel register, New Zealand's high seas vessel register records the details of all New Zealand flagged vessels permitted to fish in areas outside of national jurisdiction. This register is publicly available.[7]

New Zealand is also in the process of compiling a list of New Zealand flagged vessels that have been issued high seas permits to undertake bottom fishing in 2008 and 2009, for submission to the FAO.

[7] http://www.fishserve.co.nz/information/registerreports/

Operative Paragraph 88

Not applicable

Operative Paragraph 89

New Zealand was an active participant in the Technical Consultation on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas convened by the FAO and adopted in 2008.

Operative Paragraph 90

While the FAO is yet to develop a global VME database, New Zealand reported seamount maps in the New Zealand SPRFMO Area Bottom Fishery Impact Assessment.[8] Work to refine these maps and gather data on VMEs is ongoing, and is being undertaken through cooperation with its fishing industry and the placement of observers on all bottom trawl vessels.

New Zealand vessels fishing in the exploratory toothfish fisheries in the CCAMLR Convention area report encounters of potential VMEs to the CCAMLR Secretariat in accordance with the CM 22-07 described under the discussion above under OP 83.

There is also provision (and a pro forma) for notifying potential VME encounters not otherwise reported under CM 22-07 to the CCAMLR Secretariat for consideration by the Scientific Committee. That pro forma is found as Annex 22-06/B to CM 22-06 and is intended to capture other situations where CCAMLR Contracting parties discover possible VMEs through other means, for example, camera work during research activity.

[8] Ministry of Fisheries (2008), New Zealand SPRFMO Area Bottom Fishery Impact Assessment, p30-33. available at http://www.southpacificrfmo.org/assets/Science/Benthic-Impact-Assessments/New-Zealand/New-Zealand-Bottom-Fishery-Impact-Assessment-low-res.pdf