

## Annex 1

### **Exploratory Fishery Protocol in the North Pacific Ocean**

1. From 1 January 2009, all bottom fishing activities in new fishing areas or with bottom gear not previously used in the existing fishing areas, are to be considered as “exploratory fisheries” and to be conducted in accordance with this protocol.

2. Precautionary conservation and management measures, including catch and effort controls, are essential during the exploratory phase of deep sea fisheries. Implementation of a precautionary approach to sustainable exploitation of deep sea fisheries will include the following measures:

- i. precautionary effort limits, particularly where reliable assessments of sustainable exploitation rates of target and main by-catch species are not available;
- ii. precautionary measures, including precautionary spatial catch limits where appropriate, to prevent serial depletion of low-productivity stocks;
- iii. regular review of appropriate indices of stock status and revision downwards of the limits listed above when significant declines are detected;
- iv. measures to prevent significant adverse impacts on vulnerable marine ecosystems; and
- v. comprehensive monitoring of all fishing effort, capture of all species and interactions with VMEs.

3.. When a Participating State would like to conduct exploratory fisheries, it is to follow the following procedure:

(1) Prior to the commencement of fishing, the Participating State is to circulate the information and assessment in Appendix 1 to the members of the Scientific Working Group (SWG) for review and to all Participating States for information, together with the impact assessment. Such information is to be provided to the other members at least 30 days in advance of the meeting at which the information will be reviewed.

(2) The assessment in (1) above is to be conducted in accordance with the procedure set forth in “Science-based Standards and Criteria for Identification of VMEs and Assessment of Significant Adverse Impacts on VMEs and Marine Species (Annex 1 to the Interim Measures)”, with the understanding that particular care will be taken in the evaluation of risks of the significant adverse impact on vulnerable marine ecosystems, in line with the precautionary approach.

(3) The SWG is to review the information and the assessment submitted in (1) above in accordance with “SWG Assessment Review Procedures for Bottom Fishing Activities (Annex 2 to the Interim Measures).”

(4) The exploratory fisheries are to be permitted only where the assessment concludes that they would not have significant adverse impacts (SAIs) on marine species or any VME and on the basis of comments and recommendations of SWG. Any determinations, by any Participating State or the SWG, that the exploratory fishing activities would not have SAIs on marine species or any VME, will be made publicly available through the NWPBFO website.

4. The Participating State is to ensure that all vessels flying its flag conducting exploratory fisheries are equipped with a satellite monitoring device and have an observer on board at all times.

5. Within 3 months of the end of the exploratory fishing activities or within 12 months of the commencement of fishing, whichever occurs first, the Participating State is to provide a report of the results of such activities to the members of the SWG and all Participating States. If the SWG meets prior to the end of this 12 month period, the Participating State is to provide an interim report 30 days in advance of the SWG meeting. The information to be included in the report is Appendix 2.

6. The SWG is to review the report in 4 above, and decide whether the exploratory fishing activities had SAIs on marine species or any VME. The SWG then is to send its recommendations to the Inter-governmental Meeting on whether the exploratory fisheries can continue and whether additional management measures will be required if they are to continue. The Inter-governmental Meeting is to strive to adopt conservation and management measures to prevent SAIs on marine species or any VME. If the Inter-Governmental Meeting is not able to reach consensus on any such measures, each Participating fishing State is to adopt measures to avoid any SAIs on VMEs.

7. Participating States will only authorize continuation of exploratory fishing activity, or commencement of commercial fishing activity, under this protocol on the basis of comments and recommendations of the SWG.

## **Appendix 1**

### **Information to be provided before exploratory fisheries start**

1. A harvesting plan
  - Name of vessel
  - Flag state of vessel
  - Description of area to be fished (location and depth)
  - Fishing dates
  - Anticipated effort
  - Target species
  - Bottom fishing gear-type used
  - Area and effort restrictions to ensure that fisheries occur on a gradual basis in a limited geographical area.
2. A mitigation plan
  - Measures to prevent SAIs to VMEs that may be encountered during the fishery
3. A catch monitoring plan
  - Recording/reporting of all species brought onboard to the lowest possible taxonomic level
  - 100% satellite monitoring
  - 100% observer coverage
4. A data collection plan
  - Data is to be collected in accordance with “Type and Format of Scientific Observer Data to be Collected” (Annex 4 to the Interim Measures)

## **Appendix 2**

### **Information to be included in the report**

- Name of vessel

- Flag state of vessel
- Description of area fished (location and depth)
- Fishing dates
- Total effort
- Bottom fishing gear-type used
- List of VME encountered (the amount of VME indicator species for each encounter specifying the location: longitude and latitude)
- Mitigation measures taken in response to the encounter of VME
- List of all organisms brought onboard
- List of VME indicator species brought onboard by location: longitude and latitude