

BENTHIC

# DEEPWATER TRAWL **BENTHIC** OPERATIONAL PROCEDURES 2022-23



deepwater  
group

Photo credit: NIWA

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## TABLE OF CONTENTS

<b>PART 1: INTRODUCTION.....</b>	<b>3</b>
<b>PART 2: AVOIDANCE AND RESPONSE .....</b>	<b>6</b>
<b>PART 3: REPORTING.....</b>	<b>8</b>

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Wednesday, 21 September 2022

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## PART 1: INTRODUCTION

The following Operational Procedures (OPs) stipulate the management measures for the identification, disposal and reporting of benthic organisms (benthos) incidentally captured during fishing operations. This includes protected species as required by regulation.

These OPs have been agreed upon by Deepwater Group Ltd (DWG) shareholders and are administered by DWG.

Any references to benthos within these OPs refer specifically to sessile (i.e., non-mobile) epi-benthic organisms (i.e., animals that extend upwards from the seabed, including corals, sponges, and bryozoans) that are attached to the seabed and are required to be reported on catch returns. These OPs are not focussed on other invertebrates such as starfish, urchins etc. although guidance is provided on reporting these.

**Disclaimer:** *These OPs do not replace or override any fisheries legislation or other regulations including Health & Safety, Maritime Safety, Animal Welfare or Wildlife Acts. Vessel operators are required to ensure that both they and their crew understand all regulations that are relevant to the fisheries and environment that they are operating in, and that crew and vessel safety must always be considered.*

### Background and rationale for these procedures

There is concern over the incidental capture of epi-benthic organisms by bottom trawling. Many sessile species have by definition no means of escape from a bottom trawl, have low physical resilience to impacts from a trawl and for some species slow growth rates.

Assemblages of sessile epi-benthic species may create habitats for non-sessile organisms. New Zealand has a number of coral orders or families (groups of species) listed as protected Deepwater fisheries interact with some of these.

While incidental impacts on non-target organisms are expressly provided for in the Fisheries Act, we all have the responsibility to ensure the ongoing sustainable management and conservation of our marine environment. This includes the obligation to mitigate, remedy or avoid any adverse effects on the aquatic environment.

Avoiding or mitigating incidental interactions with the benthos should be a part of each vessel operator's and captain's considerations when planning fishing events.

Identification of benthos captures for reporting purposes can be difficult and accurate reporting using the correct codes is required to ensure reported data are useful. Reporting of types of benthic organisms is required (i.e., not required to species level).

### Purpose of these procedures

The purpose of these OPs is to support the mitigation of risks to benthic invertebrate species due to fishing operations.

### Objectives of these procedures

The objectives of these OPs are to:

- Ensure correct reporting of benthos, both protected and non-protected
- Enable avoidance or mitigation of catches of benthos

### Application of these procedures

These OPs apply to all trawlers over 28 m targeting stocks represented by DWG.

## Legislative framework

Key legislation that underpins the management of benthos and protected corals in New Zealand includes:

- **Fisheries Act 1996** provides for the utilisation of fisheries resources while ensuring sustainability, which requires:
  - Maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and avoiding, remedying or mitigating any adverse effects of fishing on the aquatic environment; and that
  - All catch be accurately reported
- **Wildlife Act 1953** states:
  - It is an offence to deliberately take, or attempt to take or retain all or any part of any protected species
  - Protected species captures must be accurately reported

## Protected coral groups or families

Most coral species are protected under the Wildlife Act within one of the orders or family groups as indicated below. It is neither possible nor expected that crew would be able to identify these corals to species level.

It is proposed, for the avoidance of doubt, that vessels treat all and any coral or coral-like bycatch as protected and ensure they meet the straightforward requirements of the Wildlife Act, as noted above.

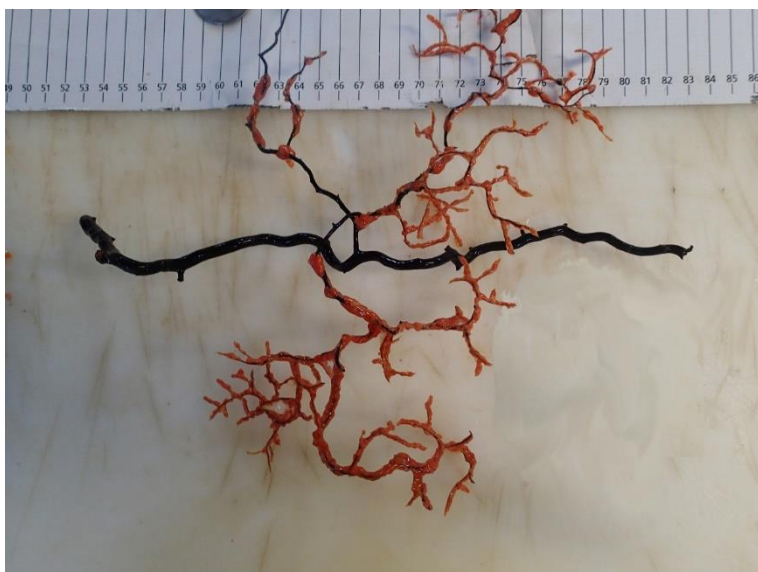
Unless instructed otherwise by a Fisheries New Zealand Observer, all protected corals must be returned to the sea as carefully and as quickly as possible after they have been recorded properly for reporting purposes.

### Corals protected under the Wildlife Act 1953

- Gorgonians – Order Gorgonacea (Figure 1)
- Black corals – Order Antipatharia (Figure 2)
- Stony Corals – Order Scleractinia (Figure 3)
- Hydrocorals – Family Stylasteridae (Figure 4)



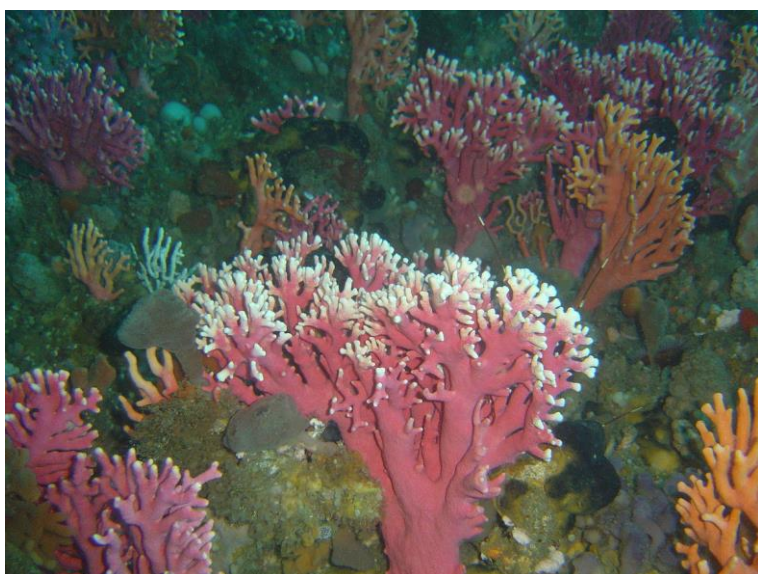
Figure 1: Gorgonians – Order Gorgonacea



**Figure 2: Black corals – Order Antipatharia**



**Figure 3: Stony Corals – Order Scleractinia**



**Figure 4: Hydrocorals – Family Stylasteridae**

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## PART 2: AVOIDANCE AND RESPONSE

The following outlines how to implement these benthic OPs and what is expected of you.

### Vessels

**All vessels will operate in accordance with a principle of avoidance from areas where there may be significant catches of benthos as a result of prior experience or knowledge.**

This strategy includes consideration of the effects of weather and tide on the vessel's operations and the ability to maintain gear on targeted tow lines and not drift or be forced off into areas of significant benthos.

If a significant catch of benthos is encountered, scout the area with an echosounder, and consider how and where to undertake the next fishing event to mitigate the risk of a similar outcome.

### Shore management

Will maintain oversight of any Non-Fish/Protected Species Catch Return (NFPSCR) daily reports, review significant catches of benthos and make relevant operational decisions subsequently.

### Responsibilities of vessel owner, operator or manager

All vessel owners, operators and managers must:

- Ensure the current OPs are on board and easily accessible
- Ensure key crew are briefed on these OPs and fully understand the actions required
- Ensure each vessel has a copy of, and key crew understand, the latest Fisheries New Zealand Electronic Reporting System (ERS) Guidelines and Requirements
- Advise DWG of the need for any Liaison Officer review, refresher or briefing of new captains or managers
- Ensure any handover to new or relief managers or captains includes a refresher on DWG's OPs
- Have oversight of NFPS catch reports
- Respond to Observer audit reports via DWG.

### Responsibilities of captain and crew

The vessel's captain and crew must:

- Ensure the current OPs are on board and easily accessible
- Have been briefed on these OPs and fully understand the actions required
- Adhere to the requirements of these OPs
- Seek support from shore management or DWG when needed.

## Steps to take when benthos capture occurs

- Ensure adequate time is taken to sort into groups (e.g., sponge, coral, bryozoans etc.). See Figures 5 and 6 for examples of sponges and bryozoans.
- Coral rubble – dead coral should be separated for estimation (Figure 7).
- Remove all non-biogenic material (i.e., items which are neither, nor ever have been, alive such as rocks or sediment etc.) and return to the sea (**these do not need to be reported**).
- Ensure that an adequately prepared crew member identifies and carefully estimates the weight of each category (i.e., coral, sponge, bryozoans, coral rubble) to be reported, noting that fractions of a kilogram can and should be used for reporting quantities less than 1 kilogram. For fractions above 1 kilogram, reports can be rounded down to the nearest whole kilogram.
- **If a significant catch of benthos is encountered, consider how and where to undertake the next fishing event to mitigate the risk of a similar outcome.**



Figure 5: Sponge



Figure 6: Bryozoan



Figure 7: Coral rubble

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## PART 3: REPORTING

### Identification and reporting of benthic bycatch

#### Fisheries New Zealand mandatory reporting requirements

It is not illegal to accidentally capture protected species, but it is illegal to fail to report the capture. It is mandatory to report other Non-Fish catch as well.

Quote from Fisheries New Zealand Reporting Guidelines:

*“It is important to note that only three types of benthic (bottom-dwelling) organisms are required to be reported on NFPS reports: corals, sponges and bryozoans. Any other types that are captured should be reported on Disposal reports. Fisheries New Zealand does not require recording of non-biogenic material such as rocks, wood or rubbish. However, we encourage the recording of unusual incidents via the “notes” field of Fish catch or Disposal reports.”*

Report all captures as legally required in your ERS using the correct codes. Fisheries New Zealand provides guidance and information here: [Fisheries New Zealand Reporting Requirements and Guidelines](#)<sup>1</sup> and vessel crews and managers should be aware of updates and ensure the latest information is available and understood.

- **Report** using correct NFPSCR reporting codes (Table 1) in your ERS.
- **AVOID** the use of the generic mixed benthos code CSB (unless it is not possible to separate by group). The use of this code may lead to an overestimation of actually protected coral catch.
- **Notes section:** Make use of the *Notes* section to report coral rubble (dead coral skeleton - see Figure 7) as opposed to live coral.
- **Note** that fractions of a kilogram can and should be used for reporting quantities less than 1 kilogram. For fractions above 1 kilogram, reports can be rounded down to the nearest whole kilogram.
- **Note** vessels operating outside of New Zealand’s EEZ in international waters under SPRFMO High Seas Permits will have additional reporting requirements and will need to be aware of these (see link<sup>1</sup> or your High Seas Permit).

Table 1: NFPSCR reporting codes for protected corals, sponges and bryozoans.

GENERIC NAME	REPORTING CODE
Corals: Black corals – Order Antipatharia Gorgonians – Order Gorgonacea Stony Corals – Order Scleractinia Hydrocorals – Family Stylasteridae	COU
Sponges (Porifera)	ONG
Bryozoans	COZ
Mixed (coral, sponge, bryozoans)	CSB

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<sup>1</sup> <https://www.mpi.govt.nz/fishing-aquaculture/commercial-fishing/fisheries-change-programme/electronic-catch-and-position-reporting/>