



North Pacific Fisheries Commission

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Submitted by the United States of America and the Republic of Korea

Proposal for a new CMM on Scientific Research Activities

Abstract

This working paper proposes a new Conservation and Management Measure to consider scientific research activities separately from commercial fishing activities, clarify related procedures around information sharing and the application of CMMs, and help promote scientific research in the Convention Area while ensuring those activities do not undermine the objectives of the Convention and CMMs.

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PROPOSAL FOR A CONSERVATION AND MANAGEMENT MEASURE ON THE APPLICATION OF NPFC CONSERVATION AND MANAGEMENT MEASURES TO SCIENTIFIC RESEARCH ACTIVITIES

Submitted by the United States and the Republic of Korea

Explanatory Note

The NPFC Convention broadly defines “fishing activities” and “fishing vessel.” The Convention and NPFC measures generally make no exception for, or mention of, research vessels. Absent further clarification, a wide range of scientific sampling and fisheries research could be interpreted as falling under the definitions of fishing vessels and fishing activities, potentially triggering obligations on Members and their research vessels that were only intended to cover relevant commercial fishing activities. Other Members have also noted challenges around this potential issue of interpretation in previous meetings.

The United States believes there are significant differences in the objectives and operations of commercial fishing vessels and fisheries research vessels. NPFC CMMs should not control or regulate scientific research on the high seas in a manner inconsistent with the domestic laws of Members or applicable international law. At the same time, scientific research that harvests fisheries resources managed by NPFC and that could affect the marine ecosystem in the NPFC Convention Area should be managed consistently with the Convention and a common understanding among Members of relevant measures and procedures.

The United States believes that scientific research activities in the NPFC Convention Area should be considered separately from commercial fishing activities. This proposal would ensure that true research activities are not impeded by measures that should not apply to them, while ensuring Members have the opportunity to comment on research activities and improving the transparency and information sharing around scientific research of interest to NPFC.

The North Pacific Fisheries Commission (NPFC),

Recognizing the necessity to collect scientific data in order to understand marine biodiversity and ecology in the region and to assess the impacts of fisheries on marine species and vulnerable marine ecosystems;

Strongly supporting protection of vulnerable marine ecosystems (VMEs) and sustainable management of fish stocks based on the best scientific information available;

Recognizing Articles 3 (b) and (f) of the Convention, which call on the Commission to adopt measures and prevent overfishing based on the best available scientific information;

Recognizing further Article 7, paragraph 3 (d) of the Convention, which calls on the Commission to establish the terms and conditions for any scientific activities in the Convention Area;

Re-affirming NPFC's commitment to the precautionary approach and to implementing an ecosystem approach to fisheries management;

Adopts the following Conservation and Management Measure:

Definitions:

1. This measure shall be interpreted in accordance with the Convention.
2. "Fisheries-related scientific research activities" means an activity that results in the systematic collection of data for the sole purpose of contributing to science through a planned methodology. For the purposes of this CMM, fisheries-related scientific research activities relate to fisheries science, marine biology, marine ecology, oceanography, or other scientific research activities that may result in the intentional or unintentional catch, take, or harvest of NPFC fisheries resources. Scientific research activity includes, but is not limited to, sampling, collecting, or surveying fish or fishery resources.
3. "Research vessel" means any vessel used or intended for use for the purpose of engaging in fisheries-related scientific research activities.
4. "Other scientific research activities" means engaging in scientific research activities performed by other vessels in the Convention Area that have no reasonable potential to result in catch, take, or harvest of NPFC fisheries resources.

General Application:

5. This CMM applies to Member and CNCP research vessels conducting fisheries-related scientific research activities in the NPFC Convention Area.
6. Unless otherwise provided, research vessels as defined in paragraph 3 shall not be restricted by NPFC conservation and management measures (CMMs) pertaining to

fishing activities in the Convention Area. Notwithstanding the foregoing, Members and CNCPs shall ensure research vessels operate consistently with the obligations of the following NPFC CMMs: CMM For Bottom Fisheries and Protection of VMEs in the NW Pacific Ocean and CMM For Bottom Fisheries and Protection of VMEs in the NE Pacific Ocean.

7. Members or CNCPs with a research vessel taking less than [one] ton of NPFC fishery resources in a calendar year for the purpose of conducting fisheries-related scientific research activities, which will not market catch and will not impact any benthic habitats or vulnerable marine ecosystems, shall notify the Executive Secretary according to Annex 1 no less than 30 days prior to commencing such research. The Executive Secretary will share the information with Members and CNCPs as soon as possible.
8. Members or CNCPs with research vessels taking more than [one] ton of NPFC fisheries resources in a calendar year for the purpose of fisheries-related scientific research, or which will market the catch, or conduct fisheries-related scientific research activities that could impact any benthic habitats or vulnerable marine ecosystems, shall prepare and submit a research plan to the Executive Secretary according to Annex 2 and paragraphs 9-10.

Research Plan Review Process:

9. Any Member or CNCP with research vessels that intend to conduct research according to paragraph 8 must provide a research plan (Annex 2) to the Executive Secretary, for distribution to Members and CNCPs, at least [150] days prior to the commencement of such scientific research activities.
10. The research plan shall be subject to review and comment by Members and CNCPs.
 - a. Members and CNCPs may provide comments on the research plan or recommend the application of relevant CMM obligations to the activities of research vessels no later than [120] days prior to the commencement of such scientific research activities. Members may object to the proposed research activities, or may object to those activities occurring unless changes are made to the vessel's research plan and the research vessel commits to comply with certain CMM obligations beyond those set forth in paragraph 6.
 - b. Members or CNCPs that have submitted a research plan under paragraph 9 shall forward any comments, recommendations, and objections received under paragraph 10(a) to the researchers responsible for conducting the fisheries-related scientific research activities described in the research plan.
 - c. If comments or recommendations are received, Members or CNCPs that have submitted a research plan shall circulate an updated research plan or provide a written response to comments and recommendations received, as soon as possible, but no later than [90] days prior to the commencement of the scientific research activities.

- d. If no objections are received under paragraph 10(a) or within [15] days of the circulation of a revised plan in 10(c), the research activities can proceed as designed and shall be considered approved under paragraph 11.
- e. If a Member objects under paragraph 10(a) or within [15] days of the circulation of a revised plan in 10(c), the research plan shall be considered for approval by intersessional decision-making consistent with the Rules of Procedure and may not proceed until such approval is obtained.

Requirements for Research Vessels with Approved Research Plans:

- 11. Members and CNCPs may allow research vessels conducting fisheries-related scientific research activities with approved research plans, or those research vessels excluded from the need to submit research plans and other vessels conducting other scientific research activities, to not comply with the obligations that apply to fishing vessels under NPFC CMMs, unless such obligations are stipulated in the original research plan or included in the research plan as revised and approved in response to comments from Members and CNCPs. Members and CNCPs shall ensure research vessels operate consistently with the obligations of the following NPFC CMMs: CMM For Bottom Fisheries and Protection of VMEs in the NW Pacific Ocean and CMM For Bottom Fisheries and Protection of VMEs in the NE Pacific Ocean.
- 12. Members and CNCPs shall report all catches, takes, and/or harvests of NPFC fisheries resources taken under an approved research plan under paragraph 10 as part of its annual report.
- 13. NPFC fisheries resources taken in accordance with approved research plans shall apply towards any applicable catch limits for that fishery resource and Member or CNCP, unless otherwise indicated in the CMMs managing such fishing activities.
- 14. Members and CNCPs shall ensure that its research vessels keep on board a copy of the research plan and any changes thereto in the English language at all times.
- 15. Members and CNCPs that conduct scientific research activities shall report to the Secretariat within 90 days information on the number and types of operations and activities conducted under the research plan and total amount of NPFC fisheries resources taken. Members and CNCPs shall report, within one year, details on the samples and catch and bycatch of any marine organisms that occurred in the course of conducting the activities.
- 16. Members and CNCPs are encouraged to share information about other scientific research activities that do not result in significant harvest of NPFC fisheries resources but may be of interest to Members and CNCPs and its Scientific Committee.

Annex 1:

Notification of research vessel activity

Notification of research vessel activity in accordance with paragraph [X] of NPFC Conservation Measure [X]

Purpose of research _____

Summary of scientific methods or procedures _____

Name of Principal Investigator _____

Name of research institute or authority responsible for planning and coordinating the research _____

Target Species _____

Total estimated research catch of target species _____

Vessel Identification _____

Location in which research is to be carried out _____

Estimated dates of entering and leaving NPFC Convention Area _____

Fishing equipment to be used:

Bottom trawl _____

Midwater trawl _____

Longline _____

Crab pots _____

Other fishing gear (specify) _____

Annex 2:

Notification of research plan

**Notification of research vessel activity in accordance with paragraph [X] NPFC
Conservation Measure [X]**

Purpose of research _____

Summary of scientific methods or procedures _____

Name of Principal Investigator _____

Name of research institute or authority responsible for planning and coordinating the
research _____

Target Species _____

Total estimated research catch of target species _____

Whether an observer with sufficient scientific expertise will be on
board _____

Data collection: Types and sample size or quantities of catch, effort and related
biological (including taxonomic resolution), ecological, and environmental data
(e.g. sample size by location/haul) _____

Vessel name _____

Vessel owner _____

Vessel type (research or commercial vessel) _____

Port of registration and registration number _____

Radio call sign _____

Overall length and tonnage _____

Equipment used for determining position _____

Fishing capacity _____

Fishing processing and storage capacity _____

Location in which research is to be carried out _____

Estimated dates of entering and leaving NPFC Convention Area _____

NPFC CMMs that will be adhered to as a condition of conducting research (including as stipulated by NPFC Members in accordance with paragraph 10(a)) _____

Fishing equipment to be used:

Bottom trawl _____

Midwater trawl _____

Longline _____

Crab pots _____

Other fishing gear (specify) _____

State whether any catches retained on board will be marketed _____

Information on when the research results will be provided to the Secretariat or presented to the Scientific Committee _____