

CONSERVATION MEASURE 33-03 (2009)^{1,2}
Limitation of by-catch in new and exploratory fisheries
in the 2009/10 season

Species	by-catch
Area	various
Season	2009/10
Gear	all

1. This conservation measure applies to new and exploratory fisheries in all areas containing small-scale research units (SSRUs) in the 2009/10 season, except where specific by-catch limits apply.
2. The catch limits for all by-catch species are set out in Annex 33-03/A. Within these catch limits, the total catch³ of by-catch species in any SSRU or combination of SSRUs as defined in relevant conservation measures shall not exceed the following limits:
 - skates and rays 5% of the catch limit of *Dissostichus* spp. or 50 tonnes, whichever is greater;
 - *Macrourus* spp. 16% of the catch limit for *Dissostichus* spp. or 20 tonnes, whichever is greater;
 - all other species combined 20 tonnes.
3. For the purposes of this measure ‘*Macrourus* spp.’ and ‘skates and rays’ should each be counted as a single species.
4. Unless otherwise requested by scientific observers, vessels, where possible, should release skates and rays alive from the line by cutting snoods, and when practical, removing the hooks.
5. If the by-catch of any one species is equal to, or greater than, 1 tonne in any one haul or set, then the fishing vessel shall move to another location at least 5 n miles⁴ distant. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch exceeded 1 tonne for a period of at least five days⁵. The location where the by-catch exceeded 1 tonne is defined as the path⁶ followed by the fishing vessel.
6. If the catch of *Macrourus* spp. taken by a single vessel in any two 10-day periods⁷ in a single SSRU exceeds 1 500 kg in each 10-day period and exceeds 16% of the catch of *Dissostichus* spp. by that vessel in that SSRU in those periods, the vessel shall cease fishing in that SSRU for the remainder of the season.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

³ Total green weight caught, excluding individuals released alive

⁴ This provision concerning the minimum distance separating fishing locations is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

⁵ The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23-01, pending the adoption of a more appropriate period by the Commission.

⁶ For a trawl, the path is defined from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel. For a longline, the path is defined from the point at which the first anchor of a set was deployed to the point at which the last anchor of that set was deployed.

⁷ A 10-day period is defined as day 1 to day 10, day 11 to day 20, or day 21 to the last day of the month.

Table 1: By-catch catch limits for new and exploratory fisheries in 2009/10.

Subarea/ division	Region	<i>Dissostichus</i> spp. catch limit (tonnes per region)	By-catch catch limit		
			Skates and rays (tonnes per region)	<i>Macrourus</i> spp. (tonnes per region)	Other species (tonnes per SSRU)
48.6	North of 60°S	200	50	32	20
	South of 60°S	200	50	32	20
58.4.1	Whole division	210	50	33	20
58.4.2	Whole division	70	50	20	20
58.4.3a	Whole division	86	50	26	20
58.4.3b	North of 60°S	72 ¹	50	80	20
88.1	Whole subarea	2850	142	430	20
88.2	South of 65°S	575	50	92	20

Region: As defined in column 2 of this table.

Rules for catch limits for by-catch species:

Skates and rays: 5% of the catch limit for *Dissostichus* spp. or 50 tonnes, whichever is greatest (SC-CAMLR-XXI, paragraph 5.76).

Macrourus spp.: 16% of the catch limit for *Dissostichus* spp. or 20 tonnes whichever is greatest, except in Statistical Divisions 58.4.3a and 58.4.3b (SC-CAMLR-XXII, paragraph 4.207), and Statistical Subarea 88.1 (SC-CAMLR-XXVII, paragraph 4.162).

Other species: 20 tonnes per SSRU.

¹ Catch limit for scientific research.