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SEABIRD INTERACTION MITIGATION: AMENDMENT OF CMM 2017-06

**WCPFC15-2018-DP16
13 November 2018**

NEW ZEALAND



9 November 2018

Feleti Teo
Executive Director
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Dear Feleti,

Seabird interaction mitigation: Amendment of CMM 2017-06

The area covered by WCPFC forms an important component of the foraging range of many of the New Zealand seabirds most at risk from fisheries bycatch. A number of these species have very small population sizes and are known to be in significant decline. These seabirds, particularly Antipodean albatross, are some of the most threatened bird species globally. This highlights the urgent need to ensure adequate measures are in place to mitigate bycatch.

Recognising the risk of bycatch to seabirds north of 30°S, and the effectiveness of hook-shielding devices as a new option to mitigation seabird bycatch, this proposal seeks to:

1. provide for the optional use of hook-shielding devices as an alternative, stand-alone, measure to mitigate seabird bycatch;
2. change the southern boundary of required use of mitigation from 30°S to 25°S, to enhance the conservation of seabirds; and
3. make minor amendments to Annex 2 (the guidelines for reporting templates for Part 1 reports).
These proposed changes, removing references to specific years and inserting requirements to report against fishing between 25°S and 30°S, are intended to provide greater clarity of reporting requirements under this CMM.

This proposal to strengthen the measure is supported by the SC12, SC14 and TCC14 recommendations to consider a revision to the southern area of application of the seabird bycatch mitigation measure, and that the measure should be revised to add the use of hook-shielding devices, as an optional stand-alone seabird bycatch mitigation measure.

Hook-shielding devices

Hook-shielding devices are a novel seabird bycatch mitigation measure which encase the point and barb of baited hooks to prevent seabird attacks during line setting. This proposed revision to the measure includes hook shielding devices, specifically Hookpods, as an optional stand-alone seabird bycatch mitigation measure in order to provide more choices and greater flexibility to the fishing industry to mitigate seabird bycatch in their fishing operations.

Southern boundary

TCC14 recommended that, when considering revising the boundary, WCPFC15 take into account the low fishing effort in EEZs, and the implementation impact of extending the boundary on SIDS and Participating Territories, while noting the importance of ensuring fairness and effectiveness in implementing seabird mitigation measures.

The proposal for the boundary change has incorporated feedback from discussions with members at, and following, TCC14. The proposed changes to the southern boundary of required mitigation use now incorporate the following elements:

1. An exemption for the EEZs of those CCMs with less than 15% of their EEZ in the area south of 25°S.
2. The requirement for use of only one mitigation measure in the area 25°S-30°S, rather than the combined use of two measures as required south of 30°S.

In making this proposal New Zealand has sought to identify an approach that would avoid imposing a disproportionate conservation burden on SIDS and Territories. This proposal reflects the very low effort in the area south of 25°S in these EEZs, and hence the low risk posed to seabirds. In proposing this option New Zealand recognises the disproportionate burden of conservation action that would be required by these SIDS and Territories to regulate, administer, monitor and enforce compliance with mitigation use in the very small area of their EEZs below 25°S, when the majority of their domestic longline fishery operates above 25°S.

In contrast, the fishing effort on the high seas in the area between 25°S and 30°S is orders of magnitude higher than in EEZs. Requiring bycatch mitigation in this area would apply conservation effort in the area it is most needed.

We look forward to discussion of this proposal at WCPFC15 and would greatly appreciate if you could make this letter and the CMM proposal available to other CCMs please.

Yours sincerely



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Consideration of CMM 2013-06

- 1) *CCMs shall develop, interpret and apply conservation and management measures in the context of and in a manner consistent with the 1982 Convention and Articles 24, 25 and 26 of the Agreement. To this end, CCMs shall cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.*

This proposal recognises that there is a low level of overlap of fishing effort with Antipodean Albatross distribution in the area below 25°S in the EEZs of SIDS and Territories (New Caledonia, Mathew and Hunter, Fiji, Tonga, Cook Islands and French Polynesia). It recognises that requiring the application of mitigation measures in these EEZ overlap areas would result in administrative and regulatory burdens for fisheries that have very little, if at all any, interactions with seabirds. As such, not applying the measure within these EEZs would avoid a disproportionate burden of conservation effort for these SIDS.

This proposal would not impact on the in-zone fisheries development opportunities for the domestic fleets of SIDS and Territories. This proposal would have an impact on SIDS and Territories flagged longline vessels fishing south of 25°S, particularly those vessels that do not currently fish south of 30°S. Longline vessels fishing between 25°S and 30°S on the high seas would be required to use one seabird bycatch mitigation measure in this area. Longline vessels fishing south of 30°S would continue to be required to use two seabird bycatch mitigation devices, both on the high seas and in EEZs.

The inclusion of hook shielding devices as a stand-alone measure to mitigate seabird bycatch would provide an alternative option to SIDS and Territories. It would not place an additional burden on SIDS and Territories.

- 2) *The Commission shall ensure that any conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories.*

This revision to the CMM to mitigate the impact of fishing for highly migratory fish stocks on seabirds would not transfer a disproportionate burden of conservation action on SIDS and Territories. The focus of the conservation action would be on the high seas, reflecting the greater associated risk the high fishing effort poses to seabirds.

- 3) In considering any new proposal the Commission shall apply the following questions to determine the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area:

- a) *Who is required to implement the proposal?*

This proposal applies to all CCMs with longline vessels fishing south of 25°S unless they qualify for an exemption.

- b) *Which CCMs would this proposal impact and in what way(s) and what proportion?*

This proposal would require any CCM with longline vessels fishing in the area south of 25°S to require the use of prescribed seabird bycatch mitigation in that area. This area effects EEZ's through which the 25°S latitude line passes.

However, for CCMs with less than 15% of their EEZ in the area south of 25°S there would not be a requirement to require the use of prescribed seabird bycatch mitigation on vessels fishing in those EEZs.

- c) *Are there linkages with other proposals or instruments in other regional fisheries management organisations or international organisations that reduce the burden of implementation?*

No, there are no linkages to other proposals/instruments that would reduce the burden of implementation.

- d) *Does the proposal affect development opportunities for SIDS?*

This proposal would not create any loss of opportunity to fish and access resources in the EEZs of SIDS and Territories as domestic fleets fishing in these EEZs would not be required to use mitigation.

There would not be an administrative burden on the Governments of SIDS and Territories to implement this measure for their vessels fishing in their EEZs.

There would be a requirement for SIDS and Territories to apply the measure to their fleets operating on the high seas south of 25°S. This could be a disincentive for the flagged vessels of SIDS and Territories to fish in this area where they may previously have fished without being required to use seabird bycatch mitigation.

- e) *Does the proposal affect SIDS domestic access to resources and development aspirations?*

No, this proposal would not affect access to fisheries resources in zone and therefore would not impact development aspirations for fleets fishing in the EEZs of SIDS and Territories.

- f) *What resources, including financial and human capacity, are needed by SIDS to implement the proposal?*

This proposal would not require SIDS and Territories to source any additional resources to implement this measure in their zones.

SIDS and Territories with flag vessels fishing on the high seas south of 25°S would need to incorporate this requirement into the authorisation they provide to their flagged vessels. This would require amending their current method of authorisation for their vessels operating in this area on the high seas. SIDS and Territories with vessels fishing in this area on the high seas would need to implement mechanisms to ensure industry complies with the proposal.

Communication material could be necessary to support communicating these additional requirements to their longline flagged vessels fishing on the high seas to foster compliance.

These proposal could therefore result in SIDS and Territories needing additional legal, communications and monitoring, control and surveillance capacity building and resource to implement these requirements in the high seas.

- g) *What mitigation measures are included in the proposal?*

This proposal does not place a disproportionate burden of conservation being placed on SIDS and Territories as it would not require the use of seabirds bycatch mitigation in these EEZs.

The proposal incorporates a delayed implementation date, 1 January 2020, to allow time for SIDS and Territories to implement the measure for their flagged vessels operating south of 25°S on the high seas.

h) *What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?*

This measure has been designed to avoid imposing a high administrative, monitoring and enforcement burden by not requiring application of the bycatch mitigation in the zones of SIDS and Territories.

Funding available to SIDS and Territories through the Special Requirements Fund could be utilised to support the implementation of the measure for their flagged longline vessels operating on the high seas.

A number of resources are available to support implementation of this measure, e.g. expert advice from New Zealand, educational resources prepared by Birdlife International.



**COMMISSION FOURTEENTH
REGULAR SESSION**

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**CONSERVATION AND MANAGEMENT MEASURE TO MITIGATE THE
IMPACT OF FISHING FOR HIGHLY MIGRATORY FISH STOCKS ON
SEABIRDS**

Conservation and Management Measure ~~2018-XX17-06~~¹

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

Concerned that some seabird species, notably albatrosses and petrels, are threatened with global extinction;

Noting advice from the Commission for the Conservation of Antarctic Marine Living Resources that together with illegal, unreported and unregulated fishing, the greatest threat to Southern Ocean seabirds is mortality in longline fisheries in waters adjacent to its Convention Area;

Noting scientific research into mitigation of seabird bycatch in surface longline fisheries has showed that the effectiveness of various measures varies greatly depending on the vessel type, season, and seabird species assemblage present; ~~and~~

Noting the advice of the Scientific Committee that combinations of mitigation measures are essential for effective reduction of seabird bycatch;

Recognising the sovereign rights of coastal states for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction; and

Further recognising Article 30 of the Convention and the need to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions.

¹ This version issued on 16 March 2018, includes an editorial correction to Annex 2 Table Y (the one instance of “TP” was corrected to be “TL”)

Resolves as follows:

1. Commission Members, Cooperating Non-members and participating Territories (CCMs) ~~shall~~should, to the greatest extent practical, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds) if they have not already done so.
2. CCMs ~~shall~~should report to the Commission on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries.

Adopts, in accordance with Article 5 (e) and 10 (1)(c) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean the following measures to address seabird bycatch:

South of 30° South

1. CCMs shall require their longline vessels fishing south of 30°S, to use either
 - a) at least two of these three measures:
 - i). weighted branch lines;
 - ii). night setting;
 - iii). ~~and~~ tori lines; or
 - b) hook-shielding devices.

Table 1 does not apply south of 30° South. See Annex 1 for specifications of these measures.

25° South -30° South

2. CCMs shall require their longline vessels fishing in the area 25°S-30°S to use one of the following mitigation measures:
 - i) weighted branch lines;
 - ii) tori lines; or
 - iii) hook-shielding devices.

Table 1 does not apply in the area 25°S-30°. See Annex 1 for specifications of these measures.

3. The extension of the scope of application of seabird mitigation measures from 30°S to 25°S shall not come into effect until 1 January 2020.

4. The requirements of paragraph 2 shall not apply in the EEZs of those CCMs with less than 15% of their EEZ in the area 25°S (namely French Polynesia, New Caledonia, Tonga, Cook Islands and Fiji)².

² SIDS and Territories ~~which~~ that have vessels operating below 25° South may [consider] trialling [and implementing where possible] seabird mitigation measures.

5. The requirements in paragraphs 2 and 3 shall be reviewed no later than 3 years from the implementation date, based on the best available scientific information.

North of 23° North

26. CCMs shall require their large-scale longline vessels of 24 meters or more in overall length fishing north of 23°N, to use at least two of the mitigation measures in Table 1, including at least one from Column A. CCMs also shall require their small-scale longline vessels less than 24 meters in overall length fishing north of 23°N, to use at least one of the mitigation measures from Column A in Table 1. See Annex 1 for specifications of these measures.

Table 1: Mitigation measures

<i>Column A</i>	<i>Column B</i>
<i>Side setting with a bird curtain and weighted branch lines³</i>	<i>Tori line⁴</i>
<i>Night setting with minimum deck lighting</i>	<i>Blue-dyed bait</i>
<i>Tori line</i>	<i>Deep setting line shooter</i>
<i>Weighted branch lines</i>	<i>Management of offal discharge</i>
<u><i>Hook-shielding devices⁵</i></u>	

Other Areas

37. In other areas (between 3025°S and 23°N), where necessary, CCMs are encouraged to have their longline vessels employ one or more of the seabird mitigation measures listed in Table 1.

General Principles

48. For research and reporting purposes, each CCM with longline vessels that fish in the Convention Area south of 3025°S or north of 23°N shall submit to the Commission in part 2 of its annual report information describing which of the mitigation measures they require their vessels to use, as well as the technical specifications for each of those mitigation measures. Each such CCM shall also include in its annual reports for subsequent years any changes it has made to its required mitigation measures or technical specifications for those measures.

59. CCMs are encouraged to undertake research to further develop and refine measures to mitigate seabird bycatch including mitigation measures for use during the setting and hauling process and should submit to the Secretariat for the use by the SC and the TCC any information derived from such efforts. Research should be undertaken in the fisheries and areas to which the measure will be used.

³ If using side setting with a bird curtain and weighted branch lines from Column A, this will be counted as two mitigation measures.

⁴ If a tori line is selected from both Column A and Column B, this equates to simultaneously using two (i.e. paired) tori lines.

⁵ Hook-shielding devices can be used as a stand-alone measure.

~~6~~10. The SC and TCC will annually review any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes. Where necessary, an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for areas of application will then be provided to the Commission for its consideration and review as appropriate.

~~7~~11. CCMs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longlining are released alive and in as good condition as possible and that wherever possible hooks are removed without jeopardizing the life of the seabird concerned. Research into the survival of released seabirds is encouraged.

~~8~~12. The intersessional working group for the regional observer programme (IWG-ROP) will take into account the need to obtain detailed information on seabird interactions to allow analysis of the effects of fisheries on seabirds and evaluation of the effectiveness of bycatch mitigation measures.

~~9~~13. CCMs shall annually provide to the Commission, in Part 1 of their annual reports, all available information on interactions with seabirds reported or collected by observers to enable the estimation of seabird mortality in all fisheries to which the Convention applies. (see Annex 2 for Part 1 reporting template guideline).. These reports shall include information on:

- a) the proportion of observed effort with specific mitigation measures used; and
- b) observed and reported species specific seabird bycatch rates and numbers or statistically rigorous estimates of species- specific seabird interaction rates (for longline, interactions per 1,000 hooks) and total numbers.

~~10~~14. This Conservation and Management measure replaces CMM 201~~75~~-~~063~~, which is hereby repealed.

Annex 1. Specifications

1. Tori lines (South of ~~2530~~²⁵³⁰° South)

1a) For vessels ≥ 35 m total length

- i. Deploy at least 1 tori line. Where practical, vessels are encouraged to use a second tori line at times of high bird abundance or activity; both tori lines shall be deployed simultaneously, one on each side of the line being set. If two tori lines are used baited hooks shall be deployed within the area bounded by the two tori lines.
- ii. A tori line using long and short streamers shall be used. Streamers shall be: brightly coloured, a mix of long and short streamers.
 - a. Long streamers shall be placed at intervals of no more than 5 m, and long streamers must be attached to the line with swivels that prevent streamers from wrapping around the line. Long streamers of sufficient length to reach the sea surface in calm conditions must be used.
 - b. Short streamers (greater than 1m in length) shall be placed no more than 1m apart.
- iii. Vessels shall deploy the tori line to achieve a desired aerial extent greater than or equal to 100 m. To achieve this aerial extent the tori line shall have a minimum length of 200m, and shall be attached to a tori pole >7 m above the sea surface located as close to the stern as practical.
- iv. If vessels use only one tori line, the tori line shall be deployed windward of sinking baits.

1b) For vessels < 35 m total length

- i. A single tori line using either long and short streamers, or short streamers only shall be used.
- ii. Streamers shall be: brightly coloured long and/or short (but greater than 1m in length) streamers must be used and placed at intervals as follows:
 - a. Long streamers placed at intervals of no more than 5m for the first 75 m of tori line.
 - b. Short streamers placed at intervals of no more than 1m.
- iii. Long streamers should be attached to the line in a way that prevent streamers from wrapping around the line. All long streamers shall reach the sea-surface in calm conditions. Streamers may be modified over the first 15 m to avoid tangling.
- iv. Vessels shall deploy the tori line to achieve a minimum aerial extent of 75 m. To achieve this aerial extent the tori line shall be attached to a tori pole >6 m above the sea surface located as close to the stern as practical. Sufficient drag must be created to maximise aerial extent and maintain the line directly behind the vessel during crosswinds. To avoid tangling, this is best achieved using a long in-water section of rope or monofilament.
- v. If two tori lines are used, the two lines must be deployed on opposing sides of the main line.

2. Tori lines (North of 23° North)

2a) Long Streamer

- i. Minimum length: 100 m
- ii. Must be attached to the vessel such that it is suspended from a point a minimum of 5m above the water at the stern on the windward side of the point where the hookline enters the water.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 5m apart, be using swivels and long enough so that they are as close to the water as possible.
- v. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

2b) Short Streamer (For vessels ≥ 24 m total length)

- i. Must be attached to the vessel such that it is suspended from a point a minimum of 5m above the water at the stern on the windward side of a point where the hookline enters the water.
- ii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iii. Streamers must be less than 1m apart and be 30 cm minimum length.
- iv. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

2c) Short Streamer (For vessels < 24 m total length)

This design shall be reviewed no later than 3 years from the implementation date based on scientific data.

- i. Must be attached to the vessel such that it is suspended from a point a minimum of 5m above the water at the stern on the windward side of a point where the hookline enters the water.
- ii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iii. If streamers are used, it is encouraged to use the streamers designed to be less than 1m apart and be 30cm minimum length.
- iv. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the mainline.

3. Side setting with bird curtain and weighted branch lines

- i. Mainline deployed from port or starboard side as far from stern as practicable (at least 1m), and if mainline shooter is used, must be mounted at least 1m forward of the stern.
- ii. When seabirds are present the gear must ensure mainline is deployed slack so that baited hooks remain submerged.
- iii. Bird curtain must be employed:
 - Pole aft of line shooter at least 3m long;
 - Minimum of 3 main streamers attached to upper 2m of pole;
 - Main streamer diameter minimum 20mm;
 - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10mm.

4. Night setting

- i. No setting between nautical dawn and before nautical dusk.
- ii. Nautical dusk and nautical dawn are defined as set out in the Nautical Almanac tables for relevant latitude, local time and date.
- iii. Deck lighting to be kept to a minimum. Minimum deck lighting should not breach minimum standards for safety and navigation.

5. Weighted branch lines

- i. Following minimum weight specifications are required:
 - a) one weight greater than or equal to 40g within 50cm of the hook; or
 - b) greater than or equal to a total of 45g attached to within 1 m of the hook; or
 - c) greater than or equal to a total of 60 g attached to within 3.5 m of the hook; or
 - d) greater than or equal to a total of 98 g weight attached to within 4 m of the hook.

6. Hook-shielding devices

Hook-shielding devices encase the point and barb of baited hooks to prevent seabird attacks during line setting. The following devices have been approved for use in WCPFC fisheries:

1. Hookpods, which comply with the following performance characteristics⁶

- a) the device encases the point and barb of the hook until it reaches a depth of at least 10 metres or has been immersed for at least 10 minutes;
- b) the device meets current minimum standards for branch line weighting as specified in this Annex; and
- c) the device is designed to be retained on the fishing gear rather than being lost.

76. Management of offal discharge

- i. Either no offal discharge during setting or hauling;
- ii. Or strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.

87. Blue-dyed bait

- i. If using blue-dyed bait it must be fully thawed when dyed.
- ii. The Commission Secretariat shall distribute a standardized colour placard.
- iii. All bait must be dyed to the shade shown in the placard.

⁶ Noted by SC14.

| **98. Deep setting line shooter**

- i. Line shooters must be deployed in a manner such that the hooks are set substantially deeper than they would be lacking the use of the line shooter, and such that the majority of hooks reach depths of at least 100 m.

Annex 2. Guidelines for reporting templates for annual Part 1 reports

The following tables should be included in the annual Part 1 country reports, summarising the most recent five years.

Table x: Effort, observed and estimated seabird captures by fishing year for [CCM] [South of 30°S; 25°S-30°S; North of 23°N; or 23°N – 30°S¹25°S¹]. For each year, the table gives the total number of hooks; the number of observed hooks; observer coverage (the percentage of hooks that were observed); the number of observed captures (both dead and alive); and the capture rate (captures per thousand hooks).

Year	Fishing effort				Observed seabird captures	
	Number of vessels	Number of hooks	Observed hooks	% hooks observed	Number	Rate ²
<u>[year]</u> 2013						
<u>[year]</u> 2014						
<u>[year]</u> 2015						
<u>[previous year e.g. 2017]</u> 2016						
<u>[current year e.g. 2018]</u> 2017						
2018						

¹ State-Insert ‘North of 23°N’, ‘South of 30°S’, ‘25°S-30°S’ or ‘23°N – 2530°S’. F, for CCMs fishing in all areas, provide separate tables for each area.
~~for each;~~ ² Provide data as captures per one thousand hooks.

Table y: Proportion of mitigation types¹ used by the fleet in [year].

	Combination of Mitigation Measures	Proportion of observed effort using mitigation measures					
		<u>South of 25</u> 30°S2013	<u>25°S-30°S</u> 2014	<u>25°S to 23°N</u> 2015	<u>North of 23°N</u> 2016	2017	2018
	No mitigation measures						
<u>Options required south of 25°S</u>	TL + NS						
	TL + WB						
	NS + WB						
	TL + WB + NS						
	<u>HS</u>						
<u>Other options 25°S-30°S</u>	<u>WB</u>						
	TL						
<u>Other options north of 23°N</u>	SS/BC/WB/DSLS						
	SS/BC/WB/(MOD or BDB)						
Provide <u>any</u> other combination of mitigation measures here							
	Totals (must equal 100%)						

¹ TL = tori line, NS = night setting, WB = weighted branch lines, SS = side setting, BC = bird curtain, BDB = blue dyed bait, DSLS = deep setting line shooter, MOD = management of offal discharge, **HS = hook-shielding device.**

Table z: Number of observed seabird captures in [CCM] longline fisheries, 2012, by species and area.

Species	South of 30°S	25°S-30°S	North of 23°N	23°N –25°S	Total
E.g. Antipodean albatross					
[species name]E.g. Gibson's albatross					
[species name]E.g. Unidentified					
[species name]E.g. Flesh footed					
[species name]E.g. Great					
[species name]E.g. White					
[species name]E.g.					
Total					