

## **CMM 4.09**

### **Conservation and Management Measure for minimising bycatch of seabirds in the SPRFMO Convention Area**

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The Commission of the South Pacific Regional Fisheries Management Organisation;

*CONCERNED* that some species of albatrosses and petrels are threatened with global extinction;

*RECOGNISING* the need to strengthen mechanisms to protect seabirds in the Pacific Ocean;

*NOTING* the overlap in the distribution of albatrosses and petrels with fishing effort in the Convention Area as shown in SWG-11-INF-02 (rev 1) and SWG-11-INF-02a;

*FURTHER RECOGNISING* that Article 3 (1) of the Convention requires, in giving effect to its objective, that the conservation and management of fishery resources shall take into account best international practices, that fishing shall take into account the impacts on non-target and associated or dependent species, and shall apply the Precautionary Approach;

*TAKING INTO ACCOUNT* the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

*FURTHER TAKING INTO ACCOUNT* the FAO Technical Guidelines for Responsible Fisheries concerning best practices to reduce incidental catch of seabirds in capture fisheries;

*NOTING* the Agreement on the Conservation of Albatrosses and Petrels (ACAP) has established best practice seabird bycatch mitigation measures for trawl and demersal longline fisheries;

*NOTING* that best practice seabird mitigation is supported by ongoing research and improvements;

*FURTHER NOTING* that the Scientific Committee endorsed the ACAP best practice guidance;

*ADOPTS* in accordance with Article 8 and 20 of the Convention, the following Conservation and Management Measure (CMM):

1. Members and Cooperating non-Contracting Parties (CNCs) shall require vessels flying their flag and using demersal longlines, to implement seabird mitigation measures, as described in Annex 1.
2. Subject to paragraph 3, Members and CNCs shall require vessels flying their flag and using trawl gear to implement seabird mitigation measures, as described in Annex 2.
3. Vessels using trawl gear that discharge no biological material shall be exempt from applying the seabird mitigation measures described in Annex 2. This provision shall be subject to periodic review or review when new information is available.
4. Use of mitigation measures detailed in this CMM are subject to safety considerations for vessels and crew in accordance with international law.

5. Members and CNCPs shall implement this CMM by July 31<sup>st</sup> 2015 unless decided otherwise by the Commission based on the results of the Scientific Committee's consideration of the issue at its 2014 meeting.
6. Members and CNCPs are encouraged to adopt measures aimed at ensuring that seabirds captured or entangled alive during any fishing operations in the Convention Area are released alive and in as good condition as possible. Research into the survival of released seabirds is encouraged.
7. Members and CNCPs shall record data on all interactions with seabirds in accordance with CMM 4.02 (Data Standards; 2016), and record seabird bycatch data through existing observer programmes. Members and CNCPs shall report these data annually to the Secretariat.
8. In their annual national science reports to the Scientific Committee, Members and CNCPs shall report annually, on the seabird mitigation measures used by each vessel flying their flag and fishing in the Convention Area, as well as any observed seabird interaction data and the level of observer coverage focussed on recording seabird bycatch.
9. The Scientific Committee will report on the number and location of seabird interactions annually and provide advice and recommendations to the Commission on possible improvements to further mitigate seabird interactions, including *inter alia*, the potential use of trigger limits to manage the incidental catch of seabirds in the SPRFMO Convention Area. Further, the Scientific Committee shall consider any relevant advice from the ACAP Advisory Committee.
10. Nothing in this measure shall affect the rights of Members and CNCPs to apply additional or more stringent compatible measures to their flagged vessels conducting demersal longline or trawl fishing in the Convention Area.
11. Nothing in this measure shall affect the rights of Members and CNCPs to apply higher levels of observer coverage to monitor the effectiveness of mitigation measures or collect data on seabird interactions, including mortality rates.
12. The Scientific Committee will annually review any new information on new or existing mitigation measures and on seabird interactions from observer programmes or other research and provide advice to the Commission on the need to implement particular measures for specific gear types or fisheries, or make other amendments to this Measure.
13. Members and CNCPs are encouraged to extend during 2014 their observer programmes as specified in CMM 2.02 (Data Standards; 2014) and record data on seabird observations and all interactions with seabirds and report this information to the Scientific Committee in their National Reports.
14. The Scientific Committee shall evaluate at its 2014 meeting all information from observer programmes on seabird data and interactions specifically with trawl fishing and advise the Commission on the need to implement mitigation measures as described in Annex 2 or other CMMs.

**Annex 1.**

**Seabird mitigation specifications for demersal longline fishing**

1. To minimise incidental interactions with seabirds in demersal longlines, demersal longline vessels shall:
  - a) Prohibit discharge of any biological material during shooting and hauling, where possible<sup>1</sup>, to avoid attracting seabirds to the vessel, and
  - b) Either:
    - i. Implement the combined use of the following measures:
      - a. a line weighting regime, as specified in paragraph 6. Noting the objective of this measure is to maximise hook sink rates close to vessel sterns to reduce the availability of baits to seabirds;
      - b. bird scaring lines, as specified in paragraph 7. Noting the objective of this measure is to actively deter birds from baited hooks;
      - c. setting at night, between the times of nautical dark and nautical dawn.
    - Or:
      - ii. Where a Member or CNCP has maintained spatially and temporally appropriate observer coverage for the previous 5 consecutive years at levels greater than 10% and recorded a seabird mortality rate less than 0.01 birds/ 1000 hooks, that Member may choose to:
        - a. require its vessels to apply only one of the three measures specified in paragraph 1; and
        - b. ensure a minimum of 10% observer coverage that is adequately representative of the spatial and temporal distribution of the fishing fleet.
2. Should a flagged vessel of Member or CNCP applying paragraph 1(b) exceed a seabird mortality rate of 0.01 birds/ 1000 hooks, they will be required to:
  - a) apply at least one additional measure detailed in paragraph 1 for at least one year from the time of the mortality;
  - b) report details of the event to the Secretariat within seven days; and
  - c) report details of the event in their national report.

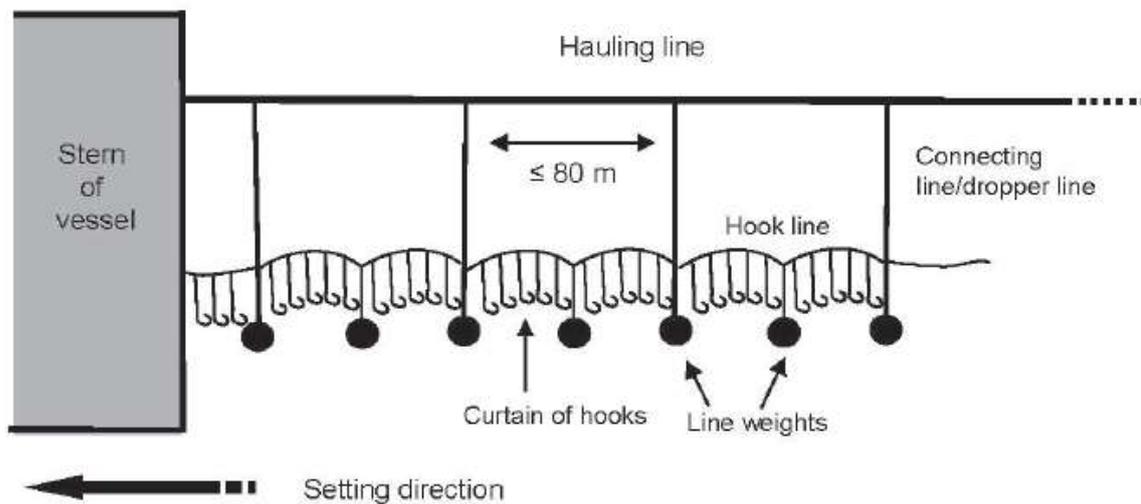
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<sup>1</sup> Where it is necessary to discharge biological waste due to operational safety concerns, vessels should batch waste for two hours or longer.

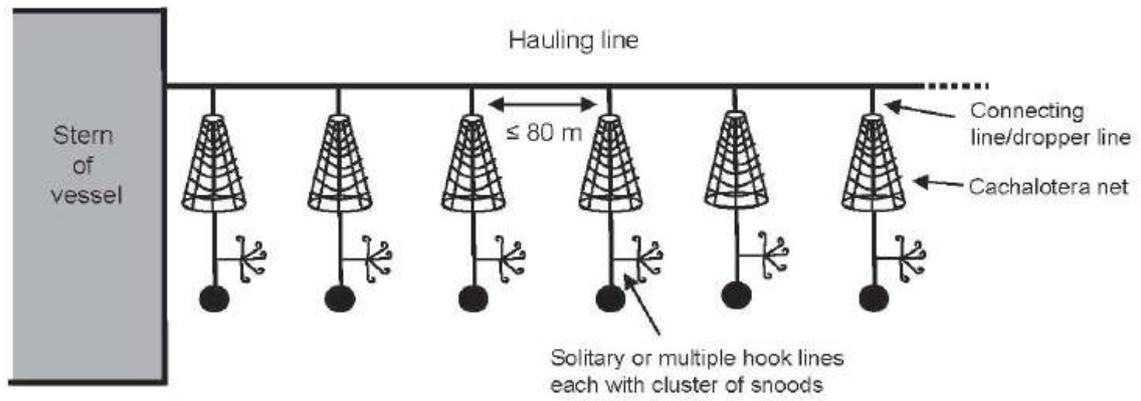
3. Should any Member or CNCP applying paragraph 1(b) exceed a seabird mortality rate of 0.01 birds/ 1000 hooks on any of its vessels, the Scientific Committee should review all seabird bycatch observer data for that fishery and make recommendations on any necessary amendments to this measure.
4. Further measures that may be implemented include:
  - a) bird deterrent curtains at the hauling bay as specified in paragraph 8, responsible offal management, and avoiding peak areas and periods of seabird foraging activity; and
  - b) any other experimental measure to reduce seabird bycatch, provided the required measures in paragraph 1 are still implemented.
5. Where trot lines are used, the use of cachalotera nets is considered to be best practice mitigation, although global minimum standards are not yet developed. Members are encouraged to report details of gear configuration used to the Scientific Committee.
6. Line weighting regimes deployed in accordance with paragraph 1(b)(i)(a) of this Annex shall be in accordance with the following specifications: Line weighting must meet or exceed the minimum standards listed here for each type of bottom line gear. Vessels must use a longline weighting regime that achieves a demonstrable minimum longline sink rate of 0.3 metre/second to 15 metre depth for gear. Specifically:
  - a) External weighted lines in Spanish system and trot lines must use a minimum of 8.5 kg mass at intervals of no more than 40 m if rocks are used, 6kg mass at intervals of no more than 20 m for concrete weights, and 5 kg weights at intervals of no more than 40 m for solid metal weights.
  - b) External weighted lines in autoline must use a minimum 5 kg mass at intervals no more than 40 m, which must be released from vessels in a manner that avoids tension astern (tension astern may lift sections of the longline already deployed out of the water).
  - c) Internal weighted lines must have a lead core of at least 50 g/m.
7. Bird scaring lines deployed in accordance with paragraph 1(b)(i)(b) of this annex shall be in accordance with the following specifications:
  - a) One or more bird scaring lines must be carried at all times and must be deployed whenever fishing gear is being set from the vessel;
  - b) The bird scaring line must be attached to the vessel so that when deployed the baits are protected by the streamer line, even in cross winds;
  - c) The bird scaring line shall use brightly coloured streamers long enough to reach the sea-surface in calm conditions ("long streamers") placed at intervals of no more than 5 m for at least the first 55 m of streamer line and shall be attached to the line with swivels that prevent streamers from wrapping around the line;

- d) The bird scaring line may also use streamers a minimum of 1 m in length (“short streamers”) placed at intervals of no more than 1m.
  - e) If the bird scaring line that is in use breaks or is damaged, it must be repaired or replaced so that the vessel meets these specifications before any further hooks enter the water.
  - f) The bird scaring line shall be deployed so that:
    - i. it remains above the water surface to a distance where the hooks have sunk to a depth of 15 m, or
    - ii. be of a minimum length of 150 m extent and suspended from a point on the vessel at least 7 m above the water in the absence of swell.
8. Bird deterrent curtains deployed in accordance with paragraph 4(a) of this annex shall be in accordance with the following specifications: these devices must be constructed in order to achieve the following operational characteristics:
- a) deterrence of birds flying directly into the area where the line is being hauled;
  - b) prevention of birds that are sitting on the water surface from swimming into the hauling bay area.

Typical configuration of Spanish system



Typical configuration of trotline method



## Annex 2.

### Seabird mitigation specifications for trawl fishing.

1. To minimise the incidental mortality of seabirds associated with trawl fishing the following measures shall be used in combination:
  - a) Deploy, while fishing, bird scaring devices to deter birds away from warp cables and net monitoring cable as follows:
    - i. Two bird scaring lines, as specified in paragraph 3, or,
    - ii. where operational practices prevent the effective deployment of bird scaring lines, such as deep-water trawls targeting bathymetric features, a bird baffler, as specified in paragraph 4, may be used instead.
  - b) Use responsible discharge management to avoid attracting seabirds to the vessel:
    - i. Where possible, prohibit discharge of any biological material during shooting and hauling.
    - ii. Where possible and appropriate, convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge / sump water to reduce the number of birds attracted to a minimum. Where this is not feasible, vessels should batch waste for two hours or longer.

The use of the following measures is also encouraged where possible:

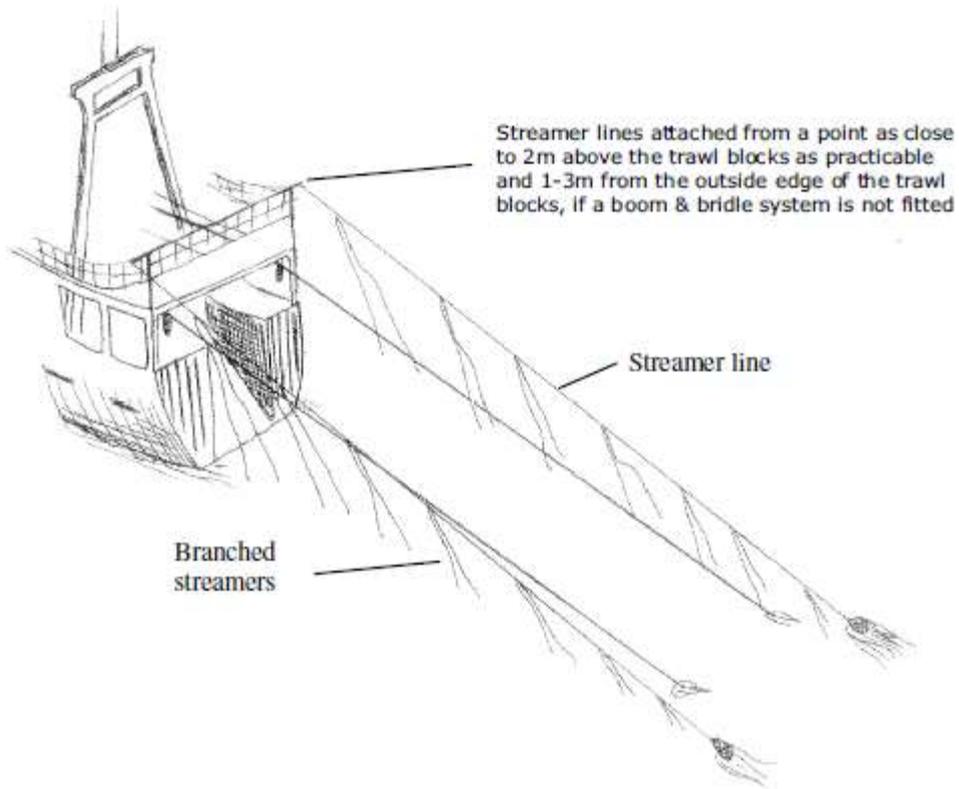
- c) Clean nets after every shot to remove entangled fish (“stickers”) and benthic material to discourage bird attendance during gear shooting.
  - d) Minimise the time the net is on the water surface during hauling through proper maintenance of winches and good deck practices.
2. Where a Member or CNCP has maintained 100% observer coverage of a fishery<sup>2</sup> for the previous 5 consecutive years with less than one recorded mortality per vessel per year, the measures detailed in paragraph 1 will not be required to be applied on its flagged trawl vessels in that fishery. Should a mortality event occur, the Member or CNCP will require the vessel that recorded the mortality to apply mitigation measures in accordance with paragraph 1 for at least one year from the recorded mortality.
3. Bird scaring lines deployed in accordance with paragraph 1(a)(i) of this annex shall be in accordance with the following specifications:
  - a) Two bird scaring lines must be carried at all times and must be deployed whenever the trawl net is in the water.

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<sup>2</sup> Where a fishery is defined by gear type and geographical location.

- b) Bird scaring lines must be attached to both the port and starboard sides of a vessel, above and outside of the warp blocks.
  - c) To avoid deflection of bird scaring lines away from cables in strong cross winds, the bird scaring lines must tow a buoy or cone attached to the end of line to create tension and keep the line straight. It is recommended that for every metre of block height 1.2 kg of terminal object drag weight be used.
  - d) The bird scaring line must be long enough to extend beyond the point at which warp and net monitoring cables reach the water surface. It is recommended that for every metre of block height 5 m of backbone be deployed.
  - e) The bird scaring line must have brightly coloured streamers long enough to reach the sea-surface in calm conditions. These must be placed at intervals of no more than 5 m apart, preferably at 3 m apart.
4. Bird bafflers deployed in accordance with paragraph 1(a)(ii) of this annex shall be in accordance with the following specifications: A bird baffler consists of two or more booms attached to the stern quarter of the vessel, with at least one boom attached to the starboard stern quarter and at least one boom attached to the port stern quarter;
- a) Each boom shall extend outwards not less than four metres from the side or stern of the vessel;
  - b) Dropper lines, shall be attached to the booms no more than 2 metres apart;
  - c) Plastic cones, rods or other brightly coloured and durable material shall be attached to the ends of the dropper lines, so that the bottom of the cone, rod or material is not more than 500 millimetres above the water, in the absence of wind and swell; and
  - d) Lines or webbing may be attached between the dropper lines to prevent tangling.

“Bird scaring lines”



“Bird baffler”

