COMMISSION
THIRTEENTH REGULAR SESSION
Denarau Island, Fiji
5 – 9 December, 2016

PROPOSAL TO AMEND CMM 2015-03 ON SEABIRD INTERACTION MITIGATION

WCPFC13-2016-DP19
4 November 2016

Proposal from FFA Member CCMs

4 November 2016

Feleti P. Teo OBE
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
Federated States of Micronesia

Dear Feleti,

Seabird interaction mitigation: Amendment of CMM 2015-03

I write on behalf of the 17 members of the Forum Fisheries Agency in my capacity as the Chair of the Forum Fisheries Committee.

Based on several scientific papers (e.g. WCPFC-SC12-2016/EB-WP-09 and WCPFC-SC11-2015/EB-WP-09), SC12 requested that TCC consider reviewing the benefits of moving the 30°S boundary of CMM 2015-03 further north. In response to this, options for reviewing this boundary were discussed with CCMs in the margins of TCC12. The amendment attached to this letter recognises the risk of bycatch of seabirds north of 30° South, and proposes a change the southern boundary below which the use of mitigation methods to enhance the survival of seabirds is required.

The proposal does not include any changes to the range or specification of the mitigation methods to be used. It also seeks to avoid shifting a disproportionate burden of conservation action onto SIDS and territories.

The proposal seeks to move the current 30° S boundary for the use of seabird bycatch mitigation measures to 26.30° S. A southern boundary at 26.30° S would substantially reduce the risk to seabirds from longline vessels, encompassing the majority of the additional seabird range recognized by the SC.

The proposal takes on board concerns raised by a number of the SIDS and identifies a boundary of 26.30° S which restricts the affected EEZs to Australia, New Zealand and French Polynesia. Other CCMs (Distant Water Nations) are already required to implement mitigation in their vessels fishing south of 30° S. These CCMs are likely to already be carrying the required mitigation as they move north.

We look forward to discussion of this proposal at WCPFC13 and would greatly appreciate if you could make this letter and the CMM proposal available to other CCMs please. We look forward to further dialogue at WCPFC13.

Yours Sincerely

Christopher Arthur
Chair, Forum Fisheries Committee

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 replacement CMM to mitigate the impact of fishing for highly migratory fish stocks on seabirds will provide for greater protection of seabirds at risk from fisheries bycatch and of conservation concern. The measure will not prohibit the development of fisheries, rather it will allow states to demonstrate the environmental sustainability of their fisheries.

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.*
   A boundary at 26.3^0 S was considered to be the best option to provide greater protection for vulnerable seabirds whilst minimising any disproportionate burden on SIDS and territories. A boundary of 26.3^0 S intersects the territories of French Polynesia and the Pitcairn Islands (France/UK). We understand that Picairn has been or will be declared a non fishing area. French Polynesia's EEZ is already intersected by the current 30^0 S boundary and they are seeking funding to trial seabird bycatch mitigation for potential fisheries development in the southern part of their EEZ.

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 flag longline vessels fishing south of 26.3^0 S.
   b) *Which CCMs would this proposal impact and in what way(s) and what proportion?* This proposal would require any CMM with flag longline vessels fishing in the area south of 26.3^0 S to require the use of prescribed seabird bycatch mitigation. This area effects EEZ's in which there is an existing requirement to use seabird bycatch mitigation measures i.e. New Zealand, Australia and French Polynesia. A larger proportion of each of these EEZ's would be included by the proposed measure, than currently exists. Australia already require seabird bycatch mitigation measures south of 25^0 S in their EEZ. The territory of French Polynesia is seeking funding to undertake trials of seabird bycatch mitigation in their fisheries.
   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.
   d) *Does the proposal affect development opportunities for SIDS?* If French Polynesia wish to develop new fisheries in the southern part of their EEZ, then current mitigation requirements would require vessels to carry mitigation if they would fish south of 30^0 S. This new proposal will raise that boundary to 26.3^0 S, potentially affecting more vessels. However, this does not prohibit development opportunities. Implementation of this measure aids the development of environmentally responsible fisheries.
   e) *Does the proposal affect SIDS domestic access to resources and development aspirations?* No, this proposal does not affect access to resources and development aspirations. Implementation of this measure aids the development of environmentally responsible fisheries.
   f) *What resources, including financial and human capacity, are needed by SIDS to implement the proposal?* There is no extra cost to most nations affected as the required mitigation should already be in use on vessels. Vessels fishing south of 26.3^0 S, but not south of 30^0 S, may be affected by the proposal in that they will be required to use mitigation. French Polynesia is already seeking funding to undertake trials of seabird bycatch mitigation for use in new fisheries. A number of resources are also already available to support implementation of this measure, e.g. expert advice, educational resources.

FFA members, as proponents of this measure will support French Polynesia's efforts to obtain funding through or outside of the Commission.

g) *What mitigation measures are included in the proposal?* The proposal is for the use (or extended use) of seabird mitigation measures in the current CMM.

h) *What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?* We believe the impact of this proposal on SIDS and territories in the Convention Area are minimal. French Polynesia is the only territory that is looking to implement seabird bycatch mitigation for the first time. They are already in the process of seeking funding to do this. There is potential to include a delay in when this measure will take effect in the EEZ of French Polynesia to provide time for their implementation of the measure in their waters.

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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 2016 xx

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;

Resolves as follows:
1. Commission Members, Cooperating Non-members and participating Territories (CCMs) shall, 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 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.

[1] This conservation and management measure will replaces CMM 2015-03 and will come into effect on XXX 2017; until then all the provisions of CMM 2015-03 will remain in effect.

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 26.3^{o} South

1. CCMs shall require their longline vessels fishing south of 26.3^{o}S, to use at least two of these three measures: weighted branch lines, night setting and tori lines. Table 1 does not apply south of 26.3^{o} South. See Annex 1 for specifications of these measures.

North of 23^{o} North

2. CCMs shall require their large-scale longline vessels of 24 meters or more in overall length fishing north of 23^{o}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^{o}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

Column A	*Column B*
Side setting with a bird curtain and weighted branch lines[2]	*Tori line*[3]
Night setting with minimum deck lighting	*Blue-dyed bait*
Tori line	*Deep setting line shooter*
Weighted branch lines	*Management of offal discharge*

Other Areas

3. In other areas (between 26.3^{o}S and 23^{o}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

4. For research and reporting purposes, each CCM with longline vessels that fish in the Convention Area south of 26.3°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.

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

[3] 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. 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.

6. 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. 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. 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. 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, including mitigation used, observed and reported species specific seabird bycatch rates and numbers, to enable the Scientific Committee to estimate seabird mortality in all fisheries to which the Convention applies. (see Annex 2 for Part 1 reporting template guideline). Alternatively, statistically rigorous estimates of species- specific seabird interaction rates (for longline, interactions per 1,000 hooks) and total numbers should be reported.

10. This Conservation and Management measure replaces CMM 2015-03, which is hereby repealed.

Annex 1. Specifications

1. Tori lines (South of 26.3° 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 >7m 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 55 m of tori line. b.

   Short streamers placed at intervals of no more than 1m.

iii. Long streamers shall be attached to the line with swivels that prevent streamers from wrapping around the line. All long streamers shall reach the sea-surface in calm conditions.

iv. Vessels shall deploy the tori line to achieve a desired aerial extent of 75 m. To achieve this aerial extent the tori line shall have a minimum length of 100m, and shall be attached to a tori pole >6m above the sea surface located as close to the stern as practical. If the tori line is less than 150 m in length, it must have a towed object attached to the end so that the aerial extent is maintained over the sinking baited hooks.

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:
    - one weight greater than or equal to 40g within 50cm of the hook; or
    - greater than or equal to a total of 45g attached to within 1 m of the hook; or
    - greater than or equal to a total of 60 g attached to within 3.5 m of the hook; or
    - greater than or equal to a total of 98 g weight attached to within 4 m of the hook.

6. 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.

7. 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.

8. 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 Part 1 report

The following tables should be included in the 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 26.3°S; North of 23°N; or 23°N – 26.3°S[1]]. 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); the capture rate (captures per thousand hooks) and mitigation types used by the fleet.

Year	Fishing effort				Observed seabird captures	
	Number of vessels	Number of hooks	Observed hooks	% hooks observed	Number	Rate [2]
2006						
2007						
2008						
2009						
2010						
2011						
2012						

[1] State North of 23°N, South of 26.3°S or 23°N – 26.3°S, for CCMs fishing in all areas provide separate tables for each; [2] Provide as captures per one thousand hooks.

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

Species	**South of 26.3°S**	**North of 23°N**	**23°N – 26.3°S**	**Total**
E.g. Antipodean albatross				
E.g. Gibson's albatross				
E.g. Unidentified albatross				
E.g. Flesh footed shearwater				
E.g. Great winged petrel				
E.g. White chinned petrel				
E.g. Unidentified				
Total				