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REVIEW OF CMM2018-03 SEABIRD BYCATCH MITIGATION

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Birdlife International

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WCPFC19 Agenda Item 8.2:

Review of CMM2018-03 SEABIRD BYCATCH MITIGATION

19th session of the WCPFC Regular Session, Da Nang, Vietnam

BirdLife International thanks the WCPFC Secretariat and Members for their continued work during ongoing disruptions due to Covid-19. We are excited for the opportunity to meet in person for the Regular Session of the WCPFC and we thank our generous hosts, Vietnam.

BirdLife re-emphasizes the responsibilities of the WCPFC Members to minimise bycatch of seabirds as established under the United Nations Fish Stocks Agreement and committed to in member's National Plans of Actions for Seabirds. It is critically important for the WCPFC to address the ongoing bycatch of threatened and endangered seabird species in the WCPO (Western and Central Pacific Ocean) as a duty under the Convention.

Thus, we are pleased that seabird bycatch mitigation (agenda item 8.2) is included in the first in-person meeting of the WCPFC since the start of the COVID-19 pandemic. We remain very concerned about the ongoing seabird bycatch in WPCFC fisheries. BirdLife International emphasizes that there are several demonstrably effective measures to reduce seabird bycatch in long-line fisheries, and that with fleet-wide implementation and compliance monitoring, seabird bycatch can be dramatically reduced. We look forward to productive discussions in person in Da Nang, Vietnam at WCPFC19 on this important issue.

KEY POINTS

- **BirdLife International strongly encourages the WCPFC to strengthen CMM2018-03 to meet ACAP Best Practice guidance for all areas of the WCPFC as soon as possible.**
- **Observer coverage (human and electronic) of WCPFC long-line fleets should be increased to a minimum of 20% by 2023, increasing to 100% within 5 years.**
- **BirdLife strongly encourages accurate and verified reporting of compliance with CMM2018-03 for all CCMs as the management of the fishery and impacts to ecologically related species relies on accurate data submission to the Secretariat.**
- **Compliance monitoring and the development of corrective actions for non-compliance of CMMs must be prioritised by the WCPFC.**

EVIDENCE-BASED APPROACH

BirdLife International notes that the Agreement for the Conservation of Albatross and Petrels (ACAP) Seabird Bycatch Working Group continually reviews the latest trials of gear appropriate seabird bycatch mitigation tools and provides scientifically rigorous advice to Regional Fisheries Management Organisations globally, including the WCPFC. ACAP Best practice for pelagic long-line fisheries is the simultaneous use of ***bird scaring lines (tori lines), weighted branch lines and night setting OR stand-alone hook shielding devices OR underwater bait setters*** as described below. We remind WCPFC Members that they can choose from these multiple options for meeting the requirements of an amended CMM2018-03 that also meets ACAP Best Practice.

ACAP Best Practice Seabird Mitigation Advice for Pelagic longline fisheries can be found **here.**

✓ Bird-scaring lines (BSL) or Tori-lines

The latest ACAP advice states "Properly designed and deployed BSLs deter birds from sinking baits, dramatically reducing seabird attacks and related mortalities. …. **Brightly coloured streamers hanging from the aerial extent of the line scare birds from flying to and under the line, preventing them from reaching the baited hooks**. …"

ACAP acknowledge, as do BirdLife, that there are operational differences in pelagic longline fisheries due to vessel size and gear type. Thus, ACAP specifies the technical requirements for two vessel-size categories: >35 meters and <35 meters in length. However, no BSL specifications recommend streamer-less options. Full advice on Bird Scaring Lines.

BirdLife International also directs WCPFC Members to additional peer-reviewed research and New Zealand and Australian government trials of BSL that demonstrate designs for different vessel configurations.

✓ Weighted Branch lines

Research demonstrates that weighted hooks have do not have a negative effect on target species catch rates. Research has also demonstrated that branch line weighting where there is more mass closer to the hooks, sink most rapidly and consistently and can dramatically reduce seabird attacks on baits. Minimum standards for line weighting for pelagic long line vessels are:

a) 40 g or greater attached within 0.5 m of the hook; or
b) 60 g or greater attached within 1 m of the hook; or
c) 80 g or greater attached within 2 m of the hook.

✓ Night setting

Night setting is defined as "**the time between the end of nautical dusk and before nautical dawn as set out in the Nautical Almanac tables for relevant latitude, local time and date".** Night setting is very effective at reducing seabird bycatch because many species are not active at night. However, for some species, such as white-chinned petrels, this measure is less effective because they are active at night. Therefore, with mixed assemblages of seabirds, when used in combination, bird scaring lines, weighted branch lines and night setting will dramatically reduce seabird bycatch.

✓ Hook-shielding devices

Hook shielding devices can be used as a stand-alone seabird bycatch mitigation measure. Hook-shielding devices encase the point and barb of baited hooks to prevent seabird bycatch during line setting until a prescribed depth is reached (a minimum of 10 metres), or until after a minimum period of immersion has occurred (a minimum of 10 minutes). This ensures that baited hooks are released beyond the foraging depth of most seabirds. Devices should meet the following requirements:

a) The hook is shielded until a minimum depth of 10m, or immersion of 10 minutes is reached.
b) The device meets the weighting specifications as described above (weighted branch lines).

✓ Underwater bait setters

Underwater Bait Setting devices deploy baited hooks at a pre-determined depth immediately at the stern of the vessel. Specifications include minimum line weighting standards as described above, and the deployment of hooks is at a minimum depth of 5m below the stern of the vessel. There currently one approved bait setting device – Skadia Technologies, but Members are encouraged to develop their own underwater bait setting configurations that meet the ACAP standards.

Currently, CMM2018-03 retains several options that are **not recommended by ACAP**, and evidence suggests that these measures may increase seabird interactions with vessels. Indeed, evidence submitted to the SC18 in

information paper SC18-EB-IP-14 found **neither blue-dyed bait nor offal discharge were effective at reducing albatross interactions**. In fact, offal discharge increased the probability of albatross interactions. This research was also submitted to the SC17 as document SC17-EB-IP-05, by the USA with no updated results since. ACAP's position on these measures is as follows:

Offal Management

In regard to offal and discard discharge management, ACAP best practice advice states: "Offal attracts birds to vessels and where practical **should be eliminated,** or restricted to periods when not setting or hauling. Strategic discharge of offal during line setting (dumping of offal to the side of the vessel to attract them away from baited hooks) **can actually increase interactions between seabirds and baited hooks and should be discouraged**."

Blue-dyed bait

Regarding blue-dyed bait, ACAP best practice advice states "**No experimental evidence of effectiveness in pelagic longline fisheries**." This advice is further supported by the very evidence submitted to SC18 – in paper SC18-EB-IP-14.

Birdlife International strongly encourages the WCPFC19 to amend CMM2018-03 Seabird bycatch mitigation measures to meet ACAP best practice standards in areas of high risk to seabirds, that is South of 25°S and north of 23°N and includes always deploying 3/3 (bird scaring lines/weighted branch lines/night setting) OR hook shielding devices OR underwater bait setters.

WHY IS AMENDING CMM2018-03 TO MEET ACAP BEST PRACTICE IMPORTANT?

The WCPFC has an obligation to review CMM2018-03 as stated in article 5 of the CMM: "The provisions in this section **shall be reviewed no later than 3 years from the implementation date** by the SC, based on the best available scientific information" [1]. The fact that seabird bycatch reported in the WCPFC continues to be concerningly high means that the review and amendment to mitigation that is fit for purpose is critically important. This is particularly true for measures north of 23°N as the current mitigation measures required are misaligned with current knowledge on best practice for both vessels >24m and <24m in length. Albatross bycatch north of 23°N is of serious concern as Members continue to report unacceptable rates of observed seabird bycatch when using blue-dyed bait and offal management (e.g., Black-footed and Laysan albatrosses). At the same time, compliance with the existing mitigation measures were reported as 100% by the USA, in its 2021 annual report. This practical evidence demonstrates that blue-dyed bait and offal management are not fit for purpose.

Figure: An Antipodean Albatross killed by a long-line fishing vessel. Photo supplied by Southern Seabirds Solutions Trust.

IMPLEMENTATION AND COMPLIANCE MONITORING

BirdLife has repeatedly emphasized that there is a divide between Members that demonstrate ability to meet the obligations for seabird bycatch mitigation under CMM 2018-03, and those that do not (Table 1 in WCPFC-TCC18-2022-OP01).

[1] https://www.wcpfc.int/doc/cmm-2018-03/conservation-and-management-measure-mitigate-impact-fishing-highly-migratory-fish

Some Members annual reports included the high use of 2/3 seabird bycatch mitigation measures. This requires further verification given our prior knowledge of seabird bycatch implementation rates among some WCPFC fleets, and from evidence of direct engagement with vessels operating in the WCPO. Port-based engagement carried out by BirdLife International with vessels flagged to some Members who report high compliance in fact identified that some captains are not even aware of the required seabird mitigation measures when fishing south of 25°S in the WCPO. Crew and captains also indicated that the number of bycaught birds is greater than the number of birds reported in these Member's annual reports for all their flagged vessels. This requires urgent attention.

We note that once again Members' 2021 fishing year annual reports highlight worryingly low levels, and poor spatial representation of observer coverage. Several Members reported observer coverage rates lower than in previous years, and we would highlight that Japan reported 0% observer coverage in all areas overlapping with high abundance of seabirds. This is ~50million hooks in the North Pacific (the second highest fishing effort in this area), and >4 million hooks south of 30°S (see Tables 1-3 of BirdLife International's statement to the SC18). Similarly, Chinese Taipei have reduced their observer coverage south of 30°S from 5% in 2020 to just 0.4% in 2021. The areas south of 30°S are highly important areas for seabirds and fishing effort in this area represents the greatest risk to threatened species. North of 23°N, both China (for the second year running) and Japan had no observer coverage, and Chinese Taipei had just 1.4% coverage.

BirdLife notes that the ongoing low levels of observer coverage are undermining the integrity of the WPCFC to demonstrate that Members are fulfilling their obligations. At 5% -- the current observer coverage requirement will not produce the quality or quantity of data necessary to properly manage the fishery and its impacts to non-target species. Indeed, the probability of detecting statistically rare events, such as interactions with seabirds is hampered by ongoing low observer coverage. This lack of data collection highlights the pressing need for the observer programme to be supplemented with electronic monitoring, particularly when human observation is disrupted. This would ensure WCPFC requirements are met, including those related to ERS.

Further, recently published analysis from Global Fishing Watch analysis shows vessels fishing in the WCPO are 'going dark' by turning off AIS. This disregard for compliance and monitoring is undermining the ability of the Commission to verify compliance with all Conservation and Management Measures (CMMs), including CMM2018-03. Without observers or electronic monitoring, there is no way to verify if Members are meeting their obligations to minimise impacts on ecologically related species.

BirdLife International once again reiterates the urgent need for increased observer coverage using human observers and electronic monitoring to improve the accuracy and confidence in estimates of seabird bycatch rates in WCPFC fisheries, and ultimately to demonstrate progress toward responsibilities under the UN Fish Stocks Agreement.

BirdLife INTERNATIONAL | Partnership for nature and people
BirdLife International | Pacific Secretariat
10 McGregor Rd | GPO Box 18332 | Suva | Fiji
Web www.BirdLife.org

Stephanie Borrelle, PhD (she/her)
Marine & Pacific Regional Coordinator
Ko te kaiwhakaahaere ā-Rohe o Te Moananui-ā-Kiwa
Phone +(64)211362531
Email Stephanie.Borrelle@BirdLife.org