



TECHNICAL AND COMPLIANCE COMMITTEE
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**IMPACT OF PURSE SEINE FISHING ACTIVITY ON WHALE SHARKS
AND CETACEANS**

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Paper prepared by Australia

Australia is deeply concerned about the potential impacts of purse seine fishing activities on populations of whale sharks and cetaceans in the Western and Central Pacific Ocean (WCPO).

Whale sharks are listed on Annex 1 of the *United Nations Convention on the Law of the Sea* and as such are a highly migratory fish species which must be conserved and managed by WCPFC (Articles 2 and 5(a) of the WCPFC Convention).

Baleen whales and toothed cetaceans are incidentally caught in purse seine fisheries in the WCPO and so must be managed by WCPFC as non-target and associated or dependent species (Article 5(d) of the WCPFC Convention).

Whale sharks and many cetaceans are listed in either Appendix I or II to the *Convention for International Trade in Endangered Species of Wild Fauna and Flora* (CITES), Appendix I or II to the *Convention for Migratory Species of Wild Animals* and Annex I (Highly Migratory Species) of the *United Nations Convention on the Law of the Sea*.

Whale sharks and cetaceans are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around whale sharks and baleen whales, or for toothed cetaceans to be attracted to the same prey as tunas.

A paper by SPC-OFP on whale shark and cetacean interactions in the purse seine fishery of the WCPO was presented to WCPFC7 (WCPFC7-2010-IP/01). This paper presents 2007-2009 data from logsheets and from observers that show associations and interactions of purse seine sets with whale sharks, baleen whales, false killer whales, pilot whales and a number of other cetaceans.

Observers have recorded that 3.2% of purse seine sets are intentionally set on cetaceans or whale sharks, while logsheets only record such targeting as 0.2%. Observer data also demonstrate that all other set types can encircle whale sharks and cetaceans unintentionally, with 60% of observed whale shark interactions occurring in sets classified as 'unassociated' (i.e. as free schools of tuna) and 38% of toothed cetacean interactions occurring around anchored FADs.

The paper concludes that: "It is clear that purse seine sets on whale sharks are a combination of both targeted sets and inadvertent capture. Interactions with toothed whales appear to be mainly incidental, rather than the result of sets specifically targeted at these animals. On the other hand, most sets on baleen whales do appear to be targeting a specific interaction, even if temporary, between the whales and tuna."

For some species, the mortality rates following these interactions are high: 66% of observed interactions with toothed cetaceans and 12% of interactions with whale sharks resulted in mortality. For 2009, it is estimated that there were 1,323 toothed cetacean deaths and 60 whale shark deaths due to encirclement by purse seine nets.

At WCPFC7, two draft Conservation and Management Measures (CMMs) were proposed to address this issue: a CMM to mitigate purse seine fishing impacts on cetaceans (WCPFC7-2010-DP/17); and a CMM to ban the setting of purse seine nets on whale sharks (WCPFC7-2010-DP/09). Neither measure was adopted, however WCPFC7 agreed to address the issues raised by these draft measures at SC7, TCC7 and WCPFC8. The Commission further agreed to develop best practice guidelines for the safe release and handling of encircled animals for consideration by WCPFC8.

At SC7, CCMs agreed on the following recommendations to the Commission (SC7 Summary Report, paragraph 443):

- a. "SC7 supports avoiding any mortality of whale sharks and cetaceans by fishing activities.
- b. SC7 supports the development of best practice guidelines for release of encircled whale sharks without injury while considering the safety of the crew.
- c. SC7 supports the development of best practice guidelines for release of encircled cetaceans without injury while considering the safety of the crew.
- d. SC7 recommends that the guidelines mentioned in b. and c. above be developed by an electronic discussion group led by the convener of the Ecosystem and Bycatch Theme. The results from this group should be forwarded from SC to the TCC7 for further consideration by WCPFC8."

Australia welcomes these recommendations and, along with other CCMs, industry associations and individual experts, has been participating in the electronic discussion group led by the convener of the SC Ecosystem and Bycatch Mitigation Theme to develop the best practice guidelines envisaged. These guidelines will be presented to TCC7 for consideration before being presented to WCPFC8 for adoption.

At WCPFC8 Australia, with interested parties, intends to present two draft CMMs: one to prohibit setting of purse seine nets around cetaceans (and to mitigate the impact of inadvertent encirclement); and one to prohibit the setting of purse seine nets around whale sharks (and to mitigate the impact of inadvertent encirclement). It is intended that both measures will include requirements for logbook and observer reporting of all interactions, both to the flag State and to the Commission. These draft CMMs will also incorporate, as appropriate, the best practice guidelines for safe release of encircled animals developed by the electronic discussion group established by SC7.

Australia seeks the comments and views of all CCMs to guide the drafting of these measures. We would welcome discussion on this matter at TCC7 and will be available in the margins of the meeting for more detailed discussion. Written suggestions and comments can also be made to Terri McGrath by email at terri.mcgrath@daff.gov.au.

We request that this paper be circulated as a delegation paper in advance of TCC7.