

## ASSESSMENT AND AVOIDANCE OF INCIDENTAL MORTALITY OF ANTARCTIC MARINE LIVING RESOURCES

### Incidental Mortality of Marine Animals during Fishing Operations

5.1 The Commission reviewed the report of the Scientific Committee on the assessment and avoidance of incidental mortality of Antarctic marine living resources (SC-CAMLR-XXII, paragraphs 5.1 to 5.58). It endorsed the report, its conclusions and advice (specifically SC-CAMLR-XXII, paragraphs 5.56 to 5.58), subject to the comments below.

5.2 The Commission noted that, with the exception of the French EEZs in Subarea 58.6 and Division 58.5.1, the levels of seabird by-catch reported in the Convention Area (15 seabirds) had been the lowest ever recorded. This marks a very significant achievement by all concerned and compares very favourably with the situation in 1997 when 6 589 seabirds were reported killed, and when CCAMLR started to implement conservation measures to address the problem.

5.3 In respect of the French EEZs in Subarea 58.6 and Division 58.5.1 the Commission noted with concern:

- (i) failure to submit relevant data in appropriate form for either 2002 or 2003 (CCAMLR-XXI, paragraph 6.10; SC-CAMLR-XXI, paragraph 5.5; SC-CAMLR-XXII, paragraph 5.4);
- (ii) that seabird by-catch levels in these areas in 2002 and 2003 (totalling 25 841 seabirds, mainly white-chinned petrels) were the highest ever recorded in the Convention Area and that by-catch rates, although reduced in 2003, were still amongst the highest ever reported for the Convention Area (SC-CAMLR-XXII, paragraph 5.6).

It endorsed the advice of the Scientific Committee concerning implementation of mitigation measures, trials of additional measures and collaboration amongst CCAMLR Members to address the situation in these areas.

5.4 In response, France:

- (i) greatly regretted failure to submit data, due to administrative and technical difficulties, but indicated that all relevant data would be submitted to the Secretariat within the next few weeks;
- (ii) had enabled a scientist to attend the meeting of ad hoc WG-IMAF in order to present a summary of the French data and of the many efforts France was making to address the problem;
- (iii) had presented a record of its most recent activities in developing and implementing a wide range of seabird by-catch mitigation measures (CCAMLR-XXII/57). This indicated that owners of fishery vessels are determined to implement the required measures and to test further various mitigation techniques;

- (iv) agreed to implement, on an experimental basis, the procedures specified in Conservation Measure 25-02, while taking account of considerations relating to safety of crew and observers;
- (v) had already closed the fishery for one month in 2004 at the height of the breeding season for white-chinned petrels (see also SC-CAMLR-XXII, paragraph 5.8);
- (vi) warmly welcomed the cooperation offered by CCAMLR Members with experience in developing and implementing seabird by-catch mitigation measures, especially in areas where similar seabird by-catch species occur;
- (vii) believed that the measures being used in 2003/04 would result in substantial reductions in by-catch levels and rates compared to 2002/03.

5.5 The Commission welcomed the French statement, encouraged appropriate trials of new mitigation measures and the implementation by France in 2003/04 of mitigation measures at least as comprehensive as those in Conservation Measure 25-02, together with recommended line weighting for autoline vessels and encouraged France to report results in full to CCAMLR next year.

5.6 In respect of its commitment to implementing measures at least as strict as those in Conservation Measure 25-02 and incorporating additional measures in relation to weighting of autolines (SC-CAMLR-XXII, paragraph 5.9), France noted that for 2003/04 it would be operationally constrained as follows:

- (i) the 2003/04 fishing season started on 1 September 2003;
- (ii) integrated weight (IW) longlines would only be available for trial on one autoline vessel starting in January 2004;
- (iii) other autoline vessels may not be able to exceed a weighting regime of 8 kg every 250 m.

France therefore indicated its intention to implement the provisions of Conservation Measure 25-02 for Spanish system vessels and, for 2003/04, to do so as far as operationally possible for autoline vessels.

5.7 The Commission noted further improvements in compliance with Conservation Measure 25-02 and the substantially larger number of vessel adjudged compliance in 2003/04 (48%) compared with last year (14%) (SC-CAMLR-XXII, paragraphs 5.11 and 5.13).

5.8 In respect of SC-CAMLR-XXII, paragraph 5.12, South Africa informed the Commission that it would take appropriate actions in respect of reported non-compliance with offal discharge regulations by the *Southern Princess* and would report on this next year.

5.9 The Commission noted that the Scientific Committee had endorsed the need for a revision of Conservation Measure 25-02, based on an extensive review of current provisions (SC-CAMLR-XXII, paragraph 5.17; SC-CAMLR-XXII, Annex 5, paragraphs 6.92 to 6.108 and Appendix F).

5.10 The Commission welcomed the results of trials with IW longlines resulting from initiatives of Australian scientists, New Zealand fishers and a Norwegian gear manufacturer (SC-CAMLR-XXII, paragraphs 5.14 and 5.15). It endorsed the proposed trials of IW longlines in the Convention Area in 2003/04 and requested Members to investigate the potential use of IW longlines in their fisheries (SC-CAMLR-XXII, paragraphs 5.15 and 5.16).

5.11 The Commission noted the implementation of an improved method for estimating seabird by-catch associated with IUU fishing, the resulting estimates for 2003/04 (SC-CAMLR-XXII, paragraph 5.20(iii)) and the revised historical estimates from 1997 onwards. The Commission endorsed the advice of the Scientific Committee that, although the new method produces consistently lower estimates, such levels of mortality remain entirely unsustainable for the seabird populations involved. This re-emphasises the importance of stringent measures to combat IUU fishing (SC-CAMLR-XXII, paragraphs 5.21 and 5.22).

5.12 The Commission noted that no data were reported this year on incidental mortality of seabirds during longline fisheries outside the Convention Area (SC-CAMLR-XXII, paragraph 5.24) and requested Members to respond to this standing request next year.

5.13 The Commission noted that the Agreement on the Conservation of Albatrosses and Petrels (ACAP) should come into force three months after the imminent fifth ratification by South Africa (paragraph 13.9). Members of CCAMLR who had not yet ratified ACAP were encouraged to do so as soon as possible; those Members attending the first Meeting of Parties for ACAP were asked to ensure that CCAMLR's work in this area receives due support and recognition.

5.14 ASOC welcomed the news on ratification and imminent entry into force of ACAP and the offer extended by New Zealand and Australia to assist French fishers to overcome problems with seabird by-catch. ASOC urged France to consider developing a National Plan of Action on the Reduction of Incidental Catch of Seabirds in Longline Fisheries (NPOA-Seabirds).

5.15 The Commission noted the Scientific Committee's summary of progress with certain NPOA-Seabirds (SC-CAMLR-XXII, paragraphs 5.28 and 5.29); it concurred that progress with implementation was still very slow.

5.16 In respect of the query concerning its NPOA-Seabirds (SC-CAMLR-XXII, paragraph 5.33), the European Community indicated that it had submitted to FAO's Committee on Fisheries (COFI) in 2001 a draft NPOA. The European Community is currently completing its internal assessment in conformity with the International Plan of Action (IPOA), and expects to formally submit its National Plan to COFI in 2005.

5.17 The Commission recollected its desire to collaborate with those Regional Fishery Management Organisations (RFMOs) with responsibilities for areas adjacent to the Convention Area where seabirds from the Convention Area, are, or may be, killed, in order to promote the adoption by these RFMOs of appropriate mitigation measures for the fisheries actually or potentially involved. Last year the Commission noted that contacts with these RFMOs had generally been limited and unsatisfactory (CCAMLR-XXI, paragraph 6.16).

5.18 The Commission welcomed some indication of potential positive interactions with IOTC and the Western and Central Pacific Fisheries Convention (WCPFC) (SC-CAMLR-XXII, paragraphs 5.28(iii) and (v)). It encouraged IATTC to develop observer programs in fisheries in more southerly locations, where interactions with Convention Area seabirds are likely.

5.19 With respect to ICCAT, the Commission welcomed the resolution adopted at its 2002 meeting (SC-CAMLR-XXII, paragraph 5.28(ii)) encouraging collection of information on seabird–fishery interactions, including incidental catches. However it noted that a voluntary activity, lacking a time frame for implementation, was unlikely to quickly produce relevant data. In the meantime it strongly encouraged CCAMLR Members who are also members of ICCAT to adopt mandatory regulations for the use of mitigation measures on all vessels fishing for tuna, swordfish and related species in waters south of 30°S, as was done last year by Spain (CCAMLR-XXI, paragraph 6.12) and as is required by Japan for its fisheries within CCSBT (SC-CAMLR-XXII, paragraph 5.30).

5.20 The Commission noted that in the new and exploratory fisheries which were operational in 2002/03 (Subareas 88.1 and 88.2 and Division 58.4.2), no seabird by-catch was reported (SC-CAMLR-XXII, paragraph 5.34). It also noted that:

- (i) the Scientific Committee had endorsed a revision to the assessment of potential risk of interactions between seabirds and longline fisheries for all statistical areas in the Convention Area (SC-CAMLR-XXII/BG/17);
- (ii) virtually all the issues identified in reviewing the 31 proposals for new and exploratory fisheries for 2003/04 had been satisfactorily resolved from the perspective of seabird by-catch (SC-CAMLR-XXII, paragraphs 5.35 and 5.36).

5.21 The Commission noted reports of incidental mortality of seabirds and marine mammals in fisheries other than longline ones (SC-CAMLR-XXII, paragraphs 5.40 to 5.52). It noted that some actual or potential mortality of fur seals had occurred during krill trawling operations (SC-CAMLR-XXII, paragraphs 5.40(iii) and 5.42). It endorsed the request to Members with experience in avoiding capturing seals in trawl gear or in releasing them from such gear to make this widely available, particularly to Members experiencing problems in this area (SC-CAMLR-XXII, paragraphs 5.42 and 5.43).

5.22 New Zealand indicated its desire to assist in this matter.

5.23 Ukraine reported that no seabird or marine mammal by-catch had been associated with its krill trawl fishery in 2002/03, possibly because of the very short duration of the hauls and the size of the trawls.

5.24 Poland noted that its Report of Members' Activities indicated that no seabirds had been caught during its krill fishing operations in Area 48.

5.25 In respect of the icefish trawl fishery in Subarea 48.3, the Commission noted:

- (i) that the seabird by-catch level in 2003 had been reduced to about 40% of that in 2001, although by-catch rates had shown no clear trend (SC-CAMLR-XXII, paragraph 5.45(iii));

- (ii) that considerable new data and information relating to by-catch mitigation had been acquired from scientific observers (SC-CAMLR-XXII, paragraph 5.45(iv));
- (iii) the recommendations of the Scientific Committee for continued data collection (SC-CAMLR-XXII, paragraph 5.46(i)), revision of Conservation Measure 25-03 (SC-CAMLR-XXII, paragraph 5.46(ii)), potential review of the seabird by-catch limit (SC-CAMLR-XXII, paragraph 5.46(iii)) and review of measures relating to bottom trawl gear (SC-CAMLR-XXII, paragraphs 5.46(iv) and 5.49 to 5.51).

## Marine Debris

5.26 The Commission noted the report prepared by the Secretariat and considered by the Scientific Committee on the current status of national surveys on monitoring marine debris and its impact on marine mammals and seabirds in the Convention Area (SC-CAMLR-XXII/BG/25; SC-CAMLR-XXII, paragraphs 6.1 to 6.16).

5.27 It was noted that Members conduct marine debris programs in accordance with CCAMLR standard methods at 11 sites, all within Area 48. These data are being submitted to the Secretariat and entered into the marine debris database. Currently Members conducting programs with at least three years of data on marine debris and its impact on marine living resources are as follows:

- (i) beached marine debris: Chile (Cape Shirreff, Livingston Island, South Shetland Islands 1993 to 1997), UK (Bird Island, South Georgia 1989 to present, and Signy Island, South Orkney Islands 1991 to present) and Uruguay (King George Island, South Shetland Islands 2001 to present);
- (ii) debris associated with seabird colonies: UK (Bird Island 1993 to present);
- (iii) marine mammal entanglement: UK (Bird Island 1991 to present and Signy Island 1997 to present);
- (iv) hydrocarbon soiling: UK (Bird Island 1993 to present).

5.28 The Commission noted the summary of information on trends (SC-CAMLR-XXII, paragraph 6.3), expressing concern that marine mammal entanglements and presence of debris in seabird colonies are showing recent increases.

5.29 The Commission noted the advice from the Scientific Committee (SC-CAMLR-XXII, paragraph 6.14) that, so far, only a limited number of Members conduct observations and submit data on marine debris using the CCAMLR standard methods and reporting formats. The Commission therefore encouraged all Members to be more actively involved in the conduct of marine debris programs in the Convention Area in order to facilitate the consideration of the status and trends in marine debris by the Scientific Committee. The Commission also reminded Members that any data collected should be submitted to the Secretariat in standard formats.

5.30 The Commission welcomed the advice from Chile that Instituto Antártico Chileno (INACH) and the Universidad de Magallanes have proposed to develop a research and education plan to address issues of marine debris in the Magallanes region following the protocols developed by CCAMLR (SC-CAMLR-XXII, paragraph 6.15).