

 <p>Agreement on the Conservation of Albatrosses and Petrels</p>	<p><b>Ninth Meeting of the Seabird Bycatch Working Group</b> <i>Florianópolis, Brazil, 6 - 8 May 2019</i></p> <p><b>Status of branch line weighting within RFMOs as a mitigation measure in pelagic longline fisheries</b></p> <p><b><i>Nigel Brothers, Graham Robertson</i></b></p>
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### **SUMMARY**

Under current management arrangements the fishing vessels of flag States and fishing entities operating in the area of competence of relevant Regional Fisheries Management Organisations (RFMOs) are required to adopt two of the three seabird bycatch mitigation measures recommended by ACAP as best practice. Efforts to date to arrest the ongoing serious decline in threatened albatross and petrel species are proving ineffective because adoption levels are inadequate, non-compliance is widespread, monitoring of compliance is either non-existent or inadequate and incentives are lacking to encourage compliance. Absent independent monitoring, non-adherence with branch line weighting requirements appear less likely than non-adherence with requirements concerning night setting and use of bird scaring lines during setting. The application of branch line weighting as a primary mitigation measure is consistent with a precautionary approach, as branch line weighting is a measure that is most likely to be complied with, and hardest to violate. Any non-compliance with RFMO seabird conservation measures by a flag-State or fishing entity fishing vessel operator authorised to fish within the Area of Competence of a RFMO represents a form of illegal, unreported and unregulated (IUU) fishing. Action to address such problems requires collaborative efforts to ensure effective compliance action by the flag State, fishing entity and RFMO.

### **RECOMMENDATION**

1. The SBWG recommends that ACAP best practice branch line weighting of pelagic longlines be adopted in all pelagic longline fisheries under the jurisdiction of RFMOs as the backbone of any mitigation requirement.
2. The SBWG recommends that ACAP Parties collaborate in pursuing recognition within relevant Regional Fisheries Management Organisations that non-compliance with required seabird mitigation measures constitutes Illegal, Unreported and Unregulated (IUU) fishing, and for appropriate penalties to be applied consistently by the flag States, fishing entities and RFMOs concerned.

## **Estado del lastrado de brazoladas en las OROP como medida de mitigación en pesquerías de palangre pelágico**

### **RESUMEN**

De conformidad con las disposiciones actuales en materia de ordenación, los buques pesqueros de los Estados de pabellón y las entidades pesqueras que operan en la zona de competencia de las Organizaciones Regionales de Ordenación Pesquera (OROP) tienen la obligación de adoptar dos de las tres medidas para mitigar la captura secundaria de aves marinas recomendadas por el ACAP como mejores prácticas. Los esfuerzos realizados hasta la fecha por frenar la grave disminución de especies de albatros y petreles en peligro han demostrado ser ineficaces porque los niveles de adopción son inadecuados, el incumplimiento es generalizado, la supervisión del cumplimiento es o bien inexistente, o bien inadecuada y faltan incentivos para alentar el cumplimiento. Ante la falta de supervisión independiente, la no adhesión a los requerimientos del lastrado de brazoladas parece ser menos probable que la no adhesión a los requerimientos relativos al calado nocturno y al uso de líneas espantapájaros durante el calado. El uso de lastrado de brazoladas como medida de mitigación primaria se condice con un enfoque precautorio, dado que ese tipo de lastrado constituye una medida que es muy probable que se cumpla y que no es fácil de infringir. Cualquier tipo de incumplimiento de las medidas de conservación de aves marinas de las OROP por parte de un buque pesquero, un Estado de pabellón o una entidad pesquera con autorización para pescar dentro del área de competencia de una OROP constituye una forma de pesca ilegal, no declarada y no reglamentada (INDNR). La labor para abordar esos problemas requiere esfuerzos colaborativos destinados a garantizar las acciones de cumplimiento efectivo por parte de cada Estado de pabellón, entidad pesquera y OROP.

### **RECOMENDACIÓN**

1. El GdTCS recomienda que se adopten las mejores prácticas del ACAP para el lastrado de brazoladas de palangre pelágico en todas las pesquerías con palangre pelágico que están bajo la jurisdicción de las OROP, y que esas medidas sean la columna vertebral de cualquier requerimiento de mitigación.
2. El GdTCS recomienda que las Partes del ACAP colaboren para lograr que quienes forman parte de las Organizaciones Regionales de Ordenación Pesquera pertinentes reconozcan que el incumplimiento de las medidas para mitigar la captura secundaria de aves marinas constituye una forma de pesca ilegal, no declarada y no reglamentada (INDNR), y que los Estados de pabellón, las entidades pesqueras y las OROP apliquen las sanciones correspondientes.

## **Statut du lestage des lignes secondaires au sein des ORGP comme mesure d'atténuation dans les pêcheries palangrières pélagiques**

### **RÉSUMÉ**

En vertu des modalités de gestion actuelles, les navires de pêche portant un État pavillon et les entités de pêche qui opèrent dans la zone de compétence des Organisations régionales de gestion de pêche (ORGP) concernée doivent adopter deux des trois mesures d'atténuation des captures accessoires d'oiseaux marins recommandées dans les bonnes pratiques de l'ACAP. Les efforts déployés à ce jour pour arrêter le déclin continu et préoccupant que connaissent les espèces menacées d'albatros et de pétrels sont inefficaces car les mesures ne sont pas adoptées comme il se doit, le non-respect des mesures est répandu, la vérification de la conformité est soit inexistante soit inadaptée et il n'existe pas d'incitants pour pousser à se conformer aux normes. L'absence d'un suivi indépendant et la non-conformité avec les obligations en matière de lestage de lignes secondaires semblent moins probables que le non-respect des obligations régissant la pose nocturne des filets et l'utilisation des lignes d'effarouchement au cours de la mise à l'eau. L'utilisation du lestage des lignes secondaires en tant que principale mesure d'atténuation est en adéquation avec une approche préventive, puisque le lestage des lignes secondaires est l'une des mesures qui devraient générer le plus haut taux de conformité, et qui sont les plus compliquées à violer. Tout non-respect des mesures de conservation des oiseaux de mer par un État pavillon ou entité de pêche ou opérateur de navire de pêche autorisé à pêcher au sein de la zone de compétence d'une ORGP représente une forme de pêche illégale, non signalée et non réglementée. Pour remédier à ce type de problèmes, il convient de déployer des efforts collaboratifs afin de garantir la conformité par l'État pavillon, l'entité de pêche et l'ORGP.

### **RECOMMANDATION**

1. Le GTCA recommande que les bonnes pratiques de l'ACAP relatives au lestage des lignes secondaires des palangres pélagiques soient adoptées dans toutes les pêcheries palangrières pélagiques dans la juridiction des ORGP et qu'elles constituent la colonne vertébrale de toute exigence en matière d'atténuation.
2. Le GTCA recommande que les Parties à l'ACAP collaborent afin de continuer à faire savoir, au sein des Organisations régionales de gestion de pêche, que la non-conformité avec les mesures d'atténuation requises constitue une pêche illégale, non signalée et non réglementée, et à faire en sorte que des sanctions adaptées soient appliquées de manière cohérente par les États pavillon, les entités de pêche et les ORGP concernées.

## 1. INTRODUCTION

The ACAP summary advice for reducing the impact of pelagic longline fisheries on seabirds provides a range of best practice advice concerning pelagic longline fisheries and recommends, among other things, that three best practice measures: branch line weighting, night setting and bird scaring lines, are applied simultaneously. Within relevant regional fisheries management organisations (RFMOs) ACAP continues to encourage adoption of binding conservation and management measures implementing these best practices. Despite continued efforts, the three best practices have not been adopted, with the preponderance of RFMOs only requiring pelagic longline fishing vessels to employ at least two of the three best practice measures.

Recent advocacy within the Seabird Bycatch Working Group ([SBWG8 Doc 15](#)) has sought to elevate the status of branch line weighting in ACAP's Best Practice advice for reducing the impact of pelagic longlines on seabirds. The paper highlighted that many RFMOs were only requiring pelagic longline fishing vessels to employ at most two out of three of ACAP's Best Practice mitigation measures. [SBWG8 Doc 15](#) recommended that the best practice advice for reducing the impact of pelagic longlines on seabirds be updated to make branch line weighting a primary mitigation measure in circumstances where all three measures are not employed.

SBWG8 recognised that line weighting had some benefits over bird scaring lines and night setting in terms of more consistent implementation and ability to monitor compliance, including possibilities for port-based compliance (although it was also noted that the position or inclusion of fixed weights could be changed during a fishing trip). SBWG8 recommended that the ACAP summary advice for reducing the impact of pelagic longline fisheries on seabirds be modified to include a sentence in the advice to highlight the advantages of line weighting, as follows: *Line weighting is integral to the fishing gear and, compared to bird scaring lines and night setting, has the advantage of being more consistently implemented, hence facilitating compliance and port monitoring.* The Tenth meeting of the Advisory Committee endorsed SBWG8's recommendation ([AC11 Report](#), paragraphs 13.1.2, 13.1.7(ii)).

## 2. MONITORING AND COMPLIANCE

Some 95 per cent of high seas pelagic longline fisheries operations under the jurisdiction of RFMOs lack independent monitoring. Seabird populations, particularly albatrosses and petrels in higher latitudes continue to be bycaught during pelagic longline fishing operations at levels that threaten the species long-term conservation in nature. Despite considerable investment in developing seabird bycatch mitigation measures, ineffective implementation of these measures by flag States, fishing entities and RFMOs represents an ongoing conservation crisis. Attention needs to shift away from providing flexibility to fishing operators about whether and to what extent seabird bycatch mitigation measures are implemented towards reducing this flexibility by requiring demonstrably effective implementation of seabird mitigation measures and robust monitoring of adherence to these measures. Any non-compliance with RFMO seabird conservation measures by a flag-State or fishing entity fishing vessel operator authorised to fish within the Area of Competence of a RFMO represents a form of illegal, unreported and unregulated (IUU) fishing. Action to address such problems requires effective compliance action by the flag State, fishing entity and RFMO.

An analysis of logbook reports and images of pelagic longline fishing vessels taken by observers monitoring transshipment at sea in the Indian Ocean suggests that, at best, only one third of high seas pelagic longline fishing vessels operating southwards of the parallel of 25°S were consistently using the minimum Indian Ocean Tuna Commission requirement of two seabird mitigation measures (Augustyn & Wanless 2018). This research considered use of night setting and bird scaring lines, based on the available information. Augustyn & Wanless (2018) estimated that only a third of fishing vessels had tori poles that could support an effective bird scaring line, and only 11 per cent of vessels consistently use night setting as a mitigation measure. The Indian Ocean Tuna Commission Working Party on Ecosystems and Bycatch noted that the degree of use (and non-use) of bycatch mitigation measures in high risk areas will influence the rates of bycatch measured (WPEB 2018). The research contributes to understanding the degree to which uptake of mitigation measures is occurring.

Self-reporting by fishing operators about use of seabird mitigation measures does not necessarily represent the true picture of what is occurring at-sea. During recent research involving interviews with 45 pelagic longline fishing vessel fishing operators it was clear that initial responses about the use of seabird mitigation measures was not confirmed through more in-depth interviewing: (a) bird scaring lines—initial response 93% reported use, after interview only 11% confirmed, night setting—initial response 84% use, after interview only 20% able to be substantiated, (c) branch line weighting—initial response 69% use, after interview only 27% confirmed (Wanless in litt.). The findings signal that there may actually be little or insufficient adherence with the requirements on the high seas under the purview of relevant RFMOs.

### **3. BENEFIT OF MANDATORY BRANCH LINE WEIGHTING**

Absent independent monitoring, non-adherence with branch line weighting requirements appear less likely than non-adherence with requirements concerning night setting and use of bird scaring lines during setting. The crew of the fishing vessel would need to leave port with the fishing gear properly configured, alter the position or inclusion of fixed weights during the fishing trip, and be prepared to reconfigure the branch line weighting ahead of any at-sea boarding and inspection, any transshipment at sea, and any return to port. Adherence with night-setting and bird scaring lines will remain an issue in the absence of independent monitoring, as there is otherwise minimal prospect of detection. There is also the issue of poorly configured and maintained scaring lines, the effectiveness of which is likely greatly reduced.

There is a growing body of work supporting ACAP's recommended minimum standards for branch line weighting during pelagic longline operations. Recent research in Uruguayan and Brazilian waters highlighted the benefits of branch line weighting of 60 g or greater attached within 1 m of the hook including no negative affect on the catch of target species (Jiménez et al. 2017; Claudino dos Santos et al. 2019) with the Brazilian research concluding that night setting and the previous recommended minimum branch line weighting standard of 60 g or greater attached within 3.5 m of the hook in combination with night setting was not enough to reduce seabird bycatch in the southwest Atlantic Ocean to negligible levels (Ibid).

Branch line weighting should be considered as a safeguard against any non-adherence with night setting and bird scaring lines use (Robertson 2013). The efficacy of all current mitigation options improves if branch line weighting is employed. Branch line weighting is integral to the 'shrink and defend' model for seabird bycatch mitigation (Melvin et al. 2010). It reduces (shrinks) the time that baited hooks are available to opportunistic foraging by

seabirds following fishing vessels. If ACAP's minimum standards for branch line weighting are adhered to: (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, then baited hooks will have significantly reduced lag times and will sink quickly beyond the range of diving seabirds. ACAP already also stipulates that if a hook-shielding device is employed it must meet current recommended minimum standards for ACAP best practice branch line weighting.

ACAP consistently recommends that best practice seabird bycatch mitigation in pelagic longline fisheries requires using branch line weighting, bird scaring lines and night setting in combination. However, RFMOs have not yet implemented these best practices, and a preponderance only require that two out three of the minimum standards are employed, and in some instances, only one of the minimum standards is required. This latter situation urgently needs to be addressed within affected RFMOs.

There is likely high levels of non-adherence with seabird mitigation measures by flag State and fishing entity fishing vessels operating within RFMOs. Available information indicates that seabird bycatch during pelagic longline fishing operations remains a significant global conservation concern, particularly for threatened albatrosses and petrels (Anderson et al. 2011). Despite a range of technologies and techniques becoming available that allow for seabird bycatch to be avoided or minimised, there remains clear evidence that many fisheries are not using the recommended best practices (FAO 2008, Wanless in litt.). This is occurring despite evidence that fishing operators are aware of the requirements of the applicable seabird mitigation measures (Wanless in litt). It is legitimate to question whether flag States, fishing entities and RFMOs engaged in pelagic longline fishing should be allowed ongoing flexibility in applying seabird mitigation measures that insufficiently address this conservation threat to seabirds. Seen in this light, the application of branch line weighting as a primary mitigation measure is consistent with a precautionary approach, as it would require introduction of a measure that is most likely to be complied with, and which is hardest to violate but has no known detrimental consequence to fishing operations (or viability).

Finally branch line weighting presently includes fixed weights and sliding weights. Adherence to ACAPs recommended minimum standards for branch line weighting where sliding weights are used may be enhanced by attaching a crimp or small swivel to the branch line at the recommended distance from the hook (Robertson 2014). This would also ensure there was no potential for the sliding weight to move along the branch line over time, and prevent repositioning of the sliding weights further from the hook (Santos et al. 2019; Robertson 2014). This also greatly facilitates port-based inspection of the branch line weighting regime (Robertson et al. 2013; Robertson 2013; Santos et al. 2019).

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<sup>1</sup> IOTC-2018-WPEB-44\_Rev1 is no longer available on the IOTC website.