WWF-New Zealand Submission to Fisheries New Zealand on the Review of Fisheries (Seabird Mitigation Measures – Surface Longlines) Circular 2019, May 2023

As one of the leading environmental Non-Governmental Organisations (eNGOs) in New Zealand, World Wide Fund for Nature – New Zealand (WWF-New Zealand) would like to thank Fisheries New Zealand (FNZ) for the opportunity to provide input on proposed seabird mitigation measures for the surface longline fleets.

WWF-New Zealand supports science-based, pragmatic solutions that can deliver a future where humanity lives in harmony with nature. We further consider that reducing human-induced extinctions, in line with Target 4 of the Kunming-Montreal Global Biodiversity Framework, should be a priority for New Zealand. To this end, we are an active member of the Seabird Advisory Group, Toroa Working Group, Protected Species Aquatic Environments Working Group (AEWG) and the Black Petrel Working Group. The Chief Executive of WWF-New Zealand is a Trustee and I myself am part of the Management Committee of Southern Seabirds Solutions Trust.

WWF-New Zealand is pleased that improvements to seabird bycatch mitigation measures are being proposed in the surface longline fishery (SLL) here in New Zealand. The best practice measures recommended by the Agreement for the Conservation of Albatrosses and Petrels (ACAP) are encompassed in some of the options above and this is supported by WWF-New Zealand.

In August 2022, WWF-New Zealand held a campaign for the Antipodean Albatross calling for uptake of "Option 4" mitigation measures. Our Acting CEO (Lou Sanson) met with the Minister of Oceans and Fisheries to discuss the issue of seabird bycatch and to present our views. In this submission we reiterate our firm view that New Zealand should adopt ACAP best practice of making all three mitigation measures mandatory for commercial SLL fleets, which pose the greatest threat to seabirds like the Antipodean Albatross.

Seabirds continue to be vulnerable to incidental bycatch in fisheries. Albatrosses are particularly vulnerable, as thirteen of the twenty-two species of albatross worldwide breed in New Zealand. Improving bycatch mitigation measures is a critical intervention required to preserve these threatened taonga species and prevent more extreme conservation measures having to be taken in the future.

Moreover, so far as New Zealand is seeking for other countries to protect threatened seabird species through the uptake of mitigation measures, adopting ACAP best practice domestically is critical to enabling New Zealand to do this credibly.

WWF-New Zealand strongly supports Option 4 and Option 2 as the proposed amendments to the Seabird Mitigation Measures- Surface Longlines Circular 2019. At the rate that seabirds are being caught, we consider that New Zealand cannot afford to settle for Options 1 and 3. These options are not sufficient to prevent further decline of our many seabirds already threatened or at risk of extinction.

Option 1: Status quo

WWF-New Zealand strongly opposes Option 1.

Evidence provided in the discussion document shows that SLL continues to capture seabirds with an estimate of 692 birds with a 95% CI in the 2019/20 fishing year. New Zealand has made commitments to reduce seabird bycatch rates under the National Plan of Action – Seabirds 2020 (NPOA-S), and Te Mana o te Taiao – Aotearoa New Zealand Biodiversity, under the United Nations International Plan of Action – Seabirds (IPOA). With the 4th largest EEZ globally, we also have obligations to reduce incidental seabird bycatch under the United Nations Convention on the Law of the Sea (UNCLOS) 1982. Preserving the status quo would jeopardise New Zealand's commitments under these instruments.

In the 20/21 fishing year the SLL fleets had a 25% compliance rate of the voluntary standard of using either hook shielding devices, or 3/3 tori line and hooks set at night and weighted in accordance with ACAP minimum standards, which is unacceptable.[1]

The Draft Protected Species Liaison Project Report 2022 showed a 13% decline in compliance with meeting the voluntary minimum mitigation standards in accordance with ACAP best practice.[2]

In recent years the level of observer coverage in the surface longline fleet has varied between 5% and 20%, so it is difficult to know accurate levels of bycatch or compliance with the current mitigation standards.[3] The low observer coverage of SLL fleets is discouraging. Further, of those that had observer coverage, it was reported that only 34.5% of observed vessels used 3/3 mitigation standards. Three observed audits for the 21/22 year recorded that none of these vessels were fully compliant with the mitigation devices in their Protected Species Risk Management Plans (PSRMPs) and that two of these three audits had large seabird capture events.[4]

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[1] https://www.mpi.govt.nz/dmsdocument/52396-National-plan-of-action-Seabirds-2020-Seabird-annual-report202021

[2] https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/marine-conservationservices/reports/202021-annual-plan/mit2020-02-liaison-programme-2020-21-final-report.pdf

[3] 3. Mitigation Standards to Reduce the Incidental Captures of Seabirds in New Zealand Commercial Fisheries - Surface longline 2019

[4] https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/marine-conservationservices/reports/202122-annual-plan/mit2021-01-protected-species-liaison-project-draft-annual-report-2021-22.pdf

The status quo is clearly not working and does not enable ecosystem-based fisheries management. The vast majority of our seabirds are experiencing decline and listed as "threatened", "at risk", or "nationally vulnerable".[5] The continuing decline of seabird populations and poor compliance shows that voluntary mitigation standards are not sufficient and more mandatory mitigation measures are needed in order to prevent further declines.

Option 2: Additional Mitigation Measures

WWF-New Zealand supports the four additional mitigation measures in combination with 3/3 best practice in Option 4.

These mitigations measures are already expected to be used as they are crucial for reducing seabird bycatch in the NPOA-S; however, compliance is poor, mostly due to these measures currently being voluntary and undermanaged.

Discharge Management: According to ACAP best practice, offal discharges attracts birds to vessels and should be eliminated or restricted to periods when not setting or hauling, due to high interactions with seabirds.[6] Fishers are not implementing best practice for discharge management, with only 33% of PSRMP audits adhering to best practice discharge management for the 2021/22 fishing year.[7] Making discharge management mandatory and robust would help ensure adherence to best practice and reduce seabird bycatch as a result.

Mandating tori-line position over bait entry point: Mandating tori line position is needed to ensure that tori lines are being deployed correctly and will be most effective. This is long overdue to be implemented as a normal standard operating practice on all SLL vessels.

Clarifying streamer specifications for colour and durability of materials: This is important so that all SLL vessels are standardised and using the best materials available that will be effective at reducing seabird bycatch, but also durable which will reduce replacement costs in the long run.

The costs of repositioning the tori line and replacing streamers with recommended best practice specifications would be minor considering what an important tool they are in reducing seabird bycatch.

Aligning line weighting specifications with the Mitigation Standard: Currently the line weighting used does not meet ACAP best practice. There are health and safety concerns regarding snap-back injuries which may have hindered adherence to a certain degree,

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[5] https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztcs36entire.pdf

[6] https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/marine-conservationservices/reports/pre-2019-annual-plans/mit2018-02-hauling-mitigation-for-small-longline-vessels-final-report.pdf

[7] Liaison Program Annual Reports for 2021-22 Fishing Year

however there is advice provided by ACAP to reduce this risk, such as sliding weights or use of a standalone hook shielding device. Line weighting is reported being used in at least 20% of the SLL fleet, suggesting that there are ways to implement this practice safely.[8] Therefore, implementing line weighting so that it meets the mitigation standard should be feasible.

Option 3: Spatial/Temporal Mandated 'three out of three'

WWF-New Zealand opposes Option 3.

With limited observer data, option 3 is not a viable option. Relying on the limited observer coverage (less than 25% since 2014) and self-reported captures is unreliable in determining high risk times and areas. Data from trials using cameras also suggest that fishers may be under-reporting bycatch rates by as much as nine times less than the actual catch rates.[9]

The variability and changes in seabird foraging areas needs to be considered as well for this to be a reasonable option. Sea temperature changes, shifting currents and climate change impacts will cause shifts in these foraging areas as these impact fish stock distribution and foraging preferences of seabirds.[10] [11] Besides shifts in foraging areas of seabirds, it is expected that these changes will also cause shifts in the spatial distribution of fishing efforts, with New Zealand fisheries already moving into new areas. Without more reliable data and further seabird tracking data to understand how climate change will affect the distribution of seabirds and fisheries, Option 3 is not a sound option.

Option 4: Mandated 'three out of three' at all times

WWF-New Zealand strongly supports Option 4.

Urgent action is required to address the severe declines of New Zealand seabird species.

WWF-New Zealand considers that mandating three out of three at all times would result in the highest reduction of seabird bycatch and help us meet the objectives of the NPOA-S. Halfway through its implementation period, seabirds are still being captured at

[8] https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/marine-conservation-services/reports/202122-annual-plan/mit2021-01-protected-species-liaison-project-draft-annual-report-2021-22.pdf

[9] Tremblay-Boyer l., & Abraham E. (2020) Increased fisher reporting of seabird captures during an electronic -monitoring trial. AEBR No. 238.

[10] Bell et al. (2021) Pathways to sustaining tuna-dependent Pacific Island economies during climate change. https://www.nature.com/articles/s41893-021-00745-z

[11] Carpenter-Kling et al. (2020). Foraging in a dynamic environment: Response of four sympatric sub-Antarctic albatross species to interannual environmental variability https://onlinelibrary.wiley.com/doi/full/10.1002/ece3.6766

alarming rates with achieving the goal of "zero fishing-related seabird mortalities" looking increasingly improbable.

In the consultation document there are several arguments made as to what is preventing implementation of stronger mandatory requirements, one of which is additional costs. WWF-New Zealand acknowledges that there may be additional costs for fishers but considers the benefits of reducing seabird bycatch and incidental death far outweigh these costs. Tori-lines are already mandatory and should not present any additional costs to fishers, and night setting should inflict no costs as well. As for the costs of weighting, it is tough to see this as a significant barrier. DOC have provided hookpods to some vessels in the past at no cost, which suggests that there are options out there that could help reduce costs for those fishers particularly vulnerable.

There are also concerns with disrupting fishing operations when implementing mitigation measures. WWF-New Zealand would agree that it is New Zealand's obligation, both regionally and internationally to do all that we can to prevent bycatch of protected species. Any disruptions would be counteracted by a reduction in time spent removing seabirds from the lines, reporting times to FNZ, and reattaching bait that is lost due to seabird interference. There needs to be accountability on fishers to do the right thing regardless of any disruptions. WWF-New Zealand further notes that some fishers are unaware that there are additional recommendations that are considered ACAP 'best practice' for SLL operations outside of the legal requirements of the SLL Circular (paragraph 55). This leads us to question whether fishers would oppose adding additional measures or have concerns about disruptions if they had more knowledge of the issue and ACAP advice.

We further consider that failing to address our shortcomings domestically poses an increasingly significant reputational risk for New Zealand internationally. New Zealand is currently engaging internationally to encourage other nation members of the Western and Central Pacific Fisheries Commission (WCPFC) to adopt stronger bycatch mitigation measures. However, New Zealand cannot credibly advocate for this important outcome if we are not requiring it of our own fishing fleets.

The bycatch rates in New Zealand are shockingly high compared to other nations. We need to adequately address our bycatch rates and strengthen our legislation to drive a reduction of our domestic bycatch rates. The SLL Seabird Mitigation Measures Circular should be updated to meet ACAP best practice standards so that the New Zealand government can advocate for strengthening measures to members in the WCPFC with some credibility.

WWF-New Zealand does want to express our appreciation that New Zealand is keen to take steps to strengthen the legislative framework to reduce seabird bycatch in its domestic surface longline fleet. The ongoing seabird bycatch issues in New Zealand's surface longline fleet cannot be overlooked any longer, as species such as Antipodean Albatross are facing extinction. This is an urgent issue that needs to be addressed as soon as possible.