

**Conservation Measure 05/06 on Reducing Incidental By-catch Of Seabirds In The
SEAFO Convention Area**

The Parties to the SEAFO Convention :

RECOGNISING the need to strengthen mechanisms to protect seabirds in the South-East Atlantic Ocean;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organisation (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

ACKNOWLEDGING that to date some Contracting Parties have identified the need for, and have either completed or are near finalising, their National Plan of Action on Seabirds;

RECOGNISING the concern that some species of seabirds, notably albatross and petrels, are threatened with global extinction;

NOTING that the Agreement on the Conservation of Albatrosses and Petrels, done at Canberra on 19 June 2001, has entered into force;

Have agreed as follows :

1. The Commission shall, within a year, develop effective mechanisms to enable Contracting Parties to record and exchange data on seabird interactions, including regular reporting to the Commission, and seek agreement to implement all mechanisms as soon as possible thereafter.
2. Contracting Parties shall collect and provide all available information to the Secretariat on interactions with seabirds, including incidental catches by fishing vessels, fishing for species covered by the SEAFO Convention, flagged to these Contracting Parties.
3. Each Contracting Party shall seek to achieve reductions in levels of seabird by-catch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.

4. All longline vessels fishing south of the parallel of latitude 30 degrees South shall carry and use bird-scaring lines (tori poles):

- Tori poles shall be in accordance with agreed tori pole design and deployment guidelines (provided for in Appendix A);
- Tori poles shall be deployed prior to longlines entering the water at all times south of the parallel of latitude 30 degrees South;
- Where practical, vessels shall be encouraged to use a second tori pole and bird-scaring line at times of high bird abundance or activity;
- Back-up tori lines shall be carried by all vessels and be ready for immediate use.

5. The Commission shall, upon receipt of information from the Scientific Committee, consider, and if necessary, refine, the area of application of the mitigation measures specified in paragraph 4.

6. Longlines shall be set at night only (i.e. during the hours of darkness between the times of nautical twilight¹). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used.

7. The dumping of offal is prohibited while gear is being shot or set. The dumping of offal during the hauling of gear shall be avoided. Any such discharge shall take place, where possible, on the opposite side of the vessel to that where the gear is being hauled. For vessels or fisheries where there is not a requirement to retain offal on board the vessel, a system shall be implemented to remove fish hooks from offal and fish heads prior to discharge. Nets shall be cleaned prior to shooting to remove items that might attract seabirds.

8. Vessels shall adopt shooting and hauling procedures that minimise the time that the net is lying on the surface with the meshes slack. Net maintenance shall, to the extent possible, not be carried out with the net in the water.

9. Each Contracting Party shall encourage their vessels to develop gear configurations that will minimise the chance of birds encountering the part of the net to which they are most vulnerable. This could include increasing the weighting or decreasing the buoyancy of the net so that it sinks faster, or placing coloured streamer or other devices over particular areas of the net where the mesh sizes create a particular danger to birds.

10. Contracting Party shall not authorise vessels to fish in the Convention Area which are so configured that they lack on-board processing facilities or adequate capacity to retain offal on-board, or the ability to discharge offal on the opposite side of the vessel to that where gear is being hauled.

¹ The exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. All times, whether for ship operations or observer reporting, shall be referenced to GMT.

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11. Every effort shall be made to ensure that birds captured alive during fishing operations are released alive and that whenever possible hooks are removed without jeopardising the life of the bird concerned.

12. The Commission shall review this measure at its 2009 Annual Meeting and shall consider adopting additional measures for the mitigation of any incidental catch of seabirds (including those applied and tested by the Commission for the Conservation of Antarctic Marine Living Resources).

Appendix A

Suggested guidelines for Design and Deployment of Tori Lines

Preamble

These guidelines are designed to assist in the preparation and implementation of tori line regulations for longline fishing vessels. While these guidelines are relatively explicit, improvement in tori line effectiveness through experimentation is encouraged. The guidelines take into account environmental and operational variables such as weather conditions, setting speed and ship size, all of which influence tori line performance and design in protecting baits from birds. Tori line design and use may change to take account of these variables provided that line performance is not compromised. Ongoing improvement in tori line design is envisaged and consequently review of these guidelines should be undertaken in the future.

Tori Line Design

1. It is recommended that a tori line 150 m in length be used. The diameter of the section of the line in the water may be greater than that of the line above water. This increases drag and hence reduces the need for greater line length and takes account of setting speeds and length of time taken for baits to sink. The section above water should be a string fine line (e.g. about 3 mm diameter) of a conspicuous colour such as red or orange.
2. The above water section of the line should be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. The line is best attached to the vessel with a robust barrel swivel to reduce tangling of the line.
4. The streamers should be made of material that is conspicuous and produces an unpredictable lively action (e.g. strong fine line sheathed in red polyurethane tubing) suspended from a robust three-way swivel (that again reduces tangles) attached to the tori line, and should hang just clear of the water.
5. There should be a maximum of 5-7 m between each streamer. Ideally each streamer should be paired.
6. Each streamer pair should be detachable by means of a clip so that line stowage is more efficient.
7. The number of streamers should be adjusted for the setting speed of the vessel, with more streamers necessary at slower setting speeds. Three pairs are appropriate for a setting speed of 10 knots.

Deployment of Tori Lines

1. The line should be suspended from a pole affixed to the vessel. The tori pole should be set as high as possible so that the line protects bait a good distance astern of the vessel and will not tangle with the fishing gear. Greater pole height provides greater bait protection. For example, a height of around 6 m above the water line can give about 100 m of bait protection.
2. The tori line should be set so that streamers pass over baited hooks in the water.
3. Deployment of multiple tori lines is encouraged to provide even greater protections of baits from birds.
4. Because there is the potential for line breakage and tangling, spare tori lines should be carried on board to replace damaged lines and to ensure fishing operations can continue uninterrupted.
5. When fishers use a bait casting machine (BCM) they must ensure co-ordination of the tori line and machine by:
 - a) ensuring the BCM throws directly under the tori line protection and
 - b) when using a BCM that allows throwing to port and starboard, ensure that two tori lines are used.
6. Fishers are encouraged to install manual, electric or hydraulic winches to improve ease of deployment and retrieval of tori lines.