New Zealand proposals for ongoing consideration of Ecologically Related Species

Purpose

This paper outlines New Zealand suggestions for ongoing consideration of ecologically related species by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). Members are invited to consider and decide upon a possible role for the Scientific Committee, as well as the Strategy and Fisheries Management Working Group.

Introduction

The CCSBT established the Working Group on Ecologically Related Species in 1995, and this working group has met eight times since then, most recently in Korea in 2009.

Notwithstanding, the performance to date of CCSBT in managing ecologically related species (ERS) caught in fisheries for southern bluefin tuna (SBT) has been the subject of criticism from within and outside of CCSBT (see appendix 1: performance review comments and appendix 2: CCAMLR comments).

In response to concerns raised in its performance review, the Fifteenth Annual Meeting of the CCSBT adopted a Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna. The Recommendation outlines that, *inter alia*, the Extended Commission and/or its subsidiary bodies as appropriate will undertake an assessment of the risks to ERS posed by fishing for SBT (paragraph 7).

The Eighth Meeting of the Ecologically Related Species Working Group (ERSWG), held in Busan, Korea from the 1st to the 3rd of September 2009, had an agenda that focussed on assessing relevant data on ERS (paragraph 3 of the Recommendation), in order to develop "initial global ERS mortality estimates" (agenda item 5.1.1). For a number of reasons, the ERSWG was not able to fulfil this objective, nor to undertake the type of assessment described at paragraph 7 of the Recommendation.

The ERSWG also discussed the timing of the next meeting of the working group. The meeting agreed to ask the Extended Commission to consider options for future meetings, including delaying a meeting of the ERSWG until the first half of 2012. It was also recommended that progress towards the recommendations agreed at the meeting should be monitored at annual meetings of the Extended Commission and/or subsidiary bodies including the Extended Scientific Committee (ESC) (paragraph 88, page 13).

New Zealand proposals

New Zealand makes the following proposals on the basis that:

- Concerns have been identified about the CCSBT's management of ERS to date;
- The body tasked by the CCSBT with providing advice on ERS has been unable to do so; and
- In any case, it is now proposed for the ERSWG to meet again only in 2012

In this context, New Zealand considers that some additional arrangements need to be made for monitoring the impacts of SBT fishing on ERS, at least until the ERSWG meets again (whether this is in 2012 or earlier). Short term options would include annual monitoring of Members' commitments in relation to ERS at the:

- Compliance Committee; and/or
- the Extended Scientific Committee (ESC); and/or
- the Strategy and Fisheries Management Working Group

Longer term options would include working with other regional fisheries management organisations (RFMOs) and through the joint tuna RFMO process in order to improve coordination and harmonisation amongst RFMOs. For example, in time requirements to provide data to a number of RFMOs could potentially be replaced by a single centralised process. At this stage, other area-based RFMOs in whose waters SBT are fished (e.g. Western and Central Pacific Fisheries Commission, Indian Ocean Tuna Commission) lack the detailed agreements on provision and analysis of ERS data that would make this option viable.

It is also not considered to be a viable option to defer any further consideration of ERS matters to the next meeting of the ERSWG, whether this happens in 2012 or sooner. The reason for this is that the CCSBT has agreed to a Recommendation on ERS in order to help improve on its poor performance as identified in the recent performance review. The Recommendation contains clear ongoing requirements in relation to ERS, including collection and reporting of ERS data; and annual reporting to the Compliance Committee on implementation of the Recommendation.

Compliance Committee

Paragraph 4 of the Recommendation outlines that Members and Cooperating Non-Members will report annually to the Compliance Committee of the Extended Commission on the action they have taken pursuant to paragraphs 1, 2 and 3 of this recommendation. That is, Members and Cooperating Non-Members will report on their implementation of:

- the IPOA–Seabirds, IPOA–Sharks and FAO Guidelines to reduce sea turtle mortality in fishing operations (paragraph 1);
- IOTC measures in relation to ERS (paragraph 2a);
- WCPFC measures in relation to ERS (paragraph 2b); and
- collection and reporting of data on ERS to the Extended Commission and/or its subsidiary bodies (paragraph 3).

Therefore, some reporting on ERS will occur at Compliance Committee meetings from 2009. This is a useful advance so that the CCSBT can assess performance of members and cooperating non-members in relation to agreed arrangements for managing ERS.

However, these provisions alone do not allow the CCSBT to undertake any risk assessment in relation to fishing for SBT (paragraph 7 of the Recommendation). While further information will be available on the mitigation measures members and cooperating non-members are using in their fisheries, this will not allow assessment of whether or not these measures are adequate to mitigate the risks to ERS.

The first step in enabling this type of risk assessment to occur is to examine total catches of ERS. The ERSWG discussed this analysis at its meeting in September 2009, but did not complete it. Concerns were raised about the quality and consistency of the data available to undertake the analysis. New Zealand notes that members and cooperating non-members will need to improve their collection of ERS data before the next ERSWG in order to prevent the same situation arising again at that meeting.

It is unlikely the Compliance Committee would have the available skill sets to perform this analysis, so some additional suggestions and comments are made below.

Extended Scientific Committee

The ESC could be tasked by the CCSBT with annually producing scaled estimates of ERS data from observer figures. Noting the often full agenda of the ESC, the ESC could be requested to limit the time it devoted to this exercise (for example a single half-day session) if necessary.

There is generally some overlap between membership of the ERSWG and the ESC, so at least some ERS experts would likely be available to assist in the exercise. In any case, the exercise of providing scaled ERS estimates is largely mathematical, and particular expertise in ERS may not be required.

This information could be reported to the Commission annually, along with the report from the Compliance Committee on Members' and Cooperating Non-Members' implementation of the Recommendation.

Strategy and Fisheries Management Working Group

The Strategy and Fisheries Management Working Group could potentially also take up a role in relation to monitoring of ERS. The terms of reference of the Strategy and Fisheries Management Working Group include developing a draft Fisheries Management Plan for SBT, comprising management objectives for the SBT stock and ERS consistent with modern standards of international fisheries management. As such, this body is identified as a group that could appropriately discuss management of ERS.

This group might not have the relevant expertise to undertake the type of analysis identified for the ESC, as outlined above. However, if provided with such information, the group could certainly provide further consideration of whether or not

the risks to ERS appeared to be adequately mitigated (given information on both members' and cooperating non-members' implementation of mitigation measures; and on total ERS captures). The group could also review any ecological risk assessments that had been undertaken intersessionally, as recommended by the ERSWG. As such, involving the Strategy and Fisheries Management Working Group would be another step towards fulfilling the Recommendation on ERS agreed at CCSBT 15. The Strategy and Fisheries Management Working Group could also be the correct body to review progress towards fulfilling the recommendations made by the ERSWG (see Appendix 3).

Appendix 1: performance review comments

Comments of the Performance Review Working Group in relation to Ecologically Related Species

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The CCSBT has not done any work on directly assessing the status of ERS species (although it does review papers provided by Members) and there may be good reasons why it would not (e.g. lack of capacity, other priorities, limited expertise). In order to be performing effectively however, the CCSBT needs to at the very least assess and have ongoing monitoring of the risks and impacts of SBT fisheries on ERS species and adopt an appropriate mitigation strategy to address those risks and impacts (either directly of in conjunction with other RFMOs). This work should be prioritised in the future and the CCSBT should work closely with the other relevant RFMOs to harmonise the rules that apply and to agree any necessary data sharing. A strategy for dealing with ERS issues with a clear objective of improving the environmental performance of the fishery will provide transparency to the actions of the CCSBT and improve international perceptions of its effectiveness.

The number of members in CCSBT is much smaller than those in the other RFMOs (IATTC, IOTC, ICCAT, WCPFC and CCAMLR). Also, the CCSBT could deal with ERS in relation with SBT fisheries only, while the other RFMOs can deal with ERS issues in relation to fisheries in their areas of jurisdiction regardless of the target species. However, it needs to be recognised that many SBT fisheries operate at higher latitudes than other tuna fisheries where there are some different ERS issues Therefore, when assessing the status of ERS, the CCSBT should cooperate with the other RFMOs.

Comments of the Independent Expert (Dave Balton) in relation to Ecologically Related Species

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The CCSBT has created an Ecologically Related Species Working Group (ERSWG). That group has not assessed the status of any such species, but has rather limited its activity to reviewing documents from members and observers. The ERSWG similarly has not investigated trends in the status of such species, nor (with one exception) made any recommendations to the Commission regarding the conservation or management of such species.

The one exception is that, as early as 1997, the CCSBT required the mandatory use by its members and non-members of tori lines in all longline SBT fisheries south of 30 degrees south latitude and later adopted a set of Guidelines for Design and Deployment of Tori Lines. But the Commission has not taken any other steps set forth in the FAO International Plan of Action for reducing seabird mortality in longline fisheries. As recently as 2007, the CCSBT could not reach agreement on draft recommendations on data collection, on reducing the bycatch of seabirds, or on the conservation and sustainable utilization of sharks. The CCSBT seems not to have considered, much less adopted, any measures to reduce sea turtle bycatch in fisheries

for SBT, despite the 2004 FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations. The ERSWG has only published educational pamphlets on sharks and seabirds for fisheries involved in SBT fisheries.

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While managing SBT may be the highest priority, the CCSBT cannot ignore its other responsibilities, including those with respect to ecologically related species. In this regard, the Self Assessment recommends that the CCSBT should "develop and implement a strategy to address the impacts of SBT fisheries including the collection and sharing of data between CCSBT members and Secretariats of other RFMOs." This recommendation may be a place to start. However, the CCSBT then must move promptly to reduce the impacts of SBT fisheries on ecologically related species, including sharks, seabirds, sea turtles and other tuna species. Experience has shown that the most effective way to reduce such impacts is through binding measures implemented by all RFMO members and cooperating non-members. Any CCSBT members who may still doubt that the Commission has a mandate to adopt such measures should recall the commitments their governments have made in other fora to use the CCSBT and other RFMOs for just such purposes.

Appendix 2: Comments of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) on the performance of CCSBT in relation to Ecologically Related Species

CCAMLR XXVII

16.26 The Commission noted with considerable concern the report from the Scientific Committee that in 2005 longline fisheries managed by CCSBT could have been taking 10 000 albatrosses per year, many of which are likely to be Convention Area seabirds (SC-CAMLR-XXVII, paragraph 5.16). The Commission agreed that its concern over this figure should be included in any correspondence from CCAMLR to CCSBT.

Scientific Committee CCAMLR XXVII

5.16 The Scientific Committee noted that in areas adjacent to the Convention Area, pelagic longline fisheries continued to pose a serious risk to Convention Area seabirds. The Scientific Committee recalled its advice in 2005 that the longline fisheries managed by CCSBT could be taking 10 000 albatrosses per year (SC-CAMLR-XXIV, Annex 5, Appendix O, paragraph 175) in stark contrast to the near-zero levels of albatross incidental mortality within the CAMLR Convention Area.

Scientific Committee CCAMLR XXIV, annex 5, appendix O

168. In respect of CCSBT, the Working Group noted that the report and tabled papers from the Fifth Meeting of the ERS WG (February 2004 in New Zealand) had been approved by the CCSBT Commission and made available to CCAMLR.

169. The Working Group thanked CCSBT for this and noted that the papers contained valuable data on the timing, area and extent of fishing effort and estimates (from

reports by national observers) of seabird by-catch and on the nature of mitigation methods currently in use.

170. The annual report from the Republic of Korea indicated that no data on seabird by-catch were reported and that there were no mandatory mitigation measures in use, though some vessels voluntarily used streamer lines. Some educational materials with respect to mitigation of by-catch of seabirds and sea turtles were in development.

171. The report from Chinese Taipei indicated that there is currently no reporting of seabird by-catch data, but that use of streamer lines is mandatory on all vessels fishing for southern bluefin tuna south of 30°S. The report also noted the workshop convened jointly with BirdLife International on seabird by-catch and mitigation which was reported to CCAMLR last year (SC-CAMLR-XXIII, Annex 5, paragraph 7.176).

172. The reports from Japan were particularly commended for the provision of data on effort and by-catch and on extensive research to investigate the utility of various mitigation measures, especially dyed bait. The Japanese reports indicated that: (i) use of streamer lines (which may vary in design and detail of use) is mandatory on all vessels fishing for southern bluefin tuna south of 30°S; (ii) all vessels use thawed bait and bait-casting machines; (iii) virtually all vessels experience incidental mortality of seabirds; (iv) enforcement of compliance with mitigation measures involved enforcement vessels observing 637 fishing operations on 31 vessels in 2002; (v) observer coverage in 2001 and 2002 was 5.7–6.8% of cruises, 3.6–3.7% of sets and 2.9–3.2% of hauls.

173. The analysis of the level and rate of seabird by-catch indicates that in 2001 and 2002 respectively the estimated total seabird by-catch levels and rates were 6 516 (95% CI 3 376– 10 378) birds (with an average rate of 0.139 birds/thousand hooks) and 6 869 (95% CI 3 811– 10 213) birds (with an average rate of 0.181 birds/thousand hooks). The report suggested that the levels of by-catch have been broadly stable since 1995 at 6 000–9 000 birds per year with the estimated value of c. 14 000 birds in 2000 probably due to sampling error. Catch rates have varied by season and area and ranged from 0.026 to 0.312 birds/thousand hooks. The main areas fished in 2001 and 2002 were south of 40°S off South Africa (mainly in quarters 2 and 3), south of 40°S east of Australia (mainly in quarter 2) and from 25°S to 45°S west and southwest of Australia (mainly quarters 3 and 4). Seabird by-catch composition, based on a sample of 467 birds from 2001 and 2002 combined, comprised 74.1% albatrosses (amongst those identified to species (n = 281), 45.2% grey-headed albatross, 20.6% black-browed albatross, 10.0% shy albatross, 4.3% wandering albatross), 7.8% giant petrel and 13.7% smaller petrels (at least 50% of which were *Procellaria* species). 483

174. The Working Group expressed concern at the levels and rates of seabird (especially albatross) by-catch in the CCSBT fisheries. Given the low level of observer coverage, and that reports derived from birds brought on board vessels underestimate (sometimes substantially so) the number of birds actually killed, it is perfectly conceivable that if up to at least 9 000 seabirds are killed annually, this could represent 6 670 albatrosses (including c. 3 000 grey-headed albatrosses and 1 370 black-browed albatrosses), 690 giant petrels and at least 600 *Procellaria* petrels. Most of these birds are likely to be from populations breeding in the Convention Area.

175. Noting that the Japanese southern bluefin tuna fleet probably represents about two- thirds of the longline fishing effort in the overall CCSBT fishery, the total annual mortality of seabirds could approach, or even exceed, 13 500 seabirds including about 10 000 albatrosses.

176. The Working Group, while acknowledging the very approximate nature of these estimates and the substantial extrapolations involved, viewed these numbers with substantial concern. It re-emphasised the need for effective mitigation of seabird by-catch, not simply confined to the mandatory use of streamer lines but involving some combination of improved line weighting, night setting and offal management. Evaluation of the effectiveness of the improved mitigation, together with acquiring better estimates of seabird by-catch levels and rates, would require a more extensive and detailed program of data collection by observers.

Appendix 3: Recommendations of the Eighth Meeting of the Ecologically Related Species Working Group

82. The following recommendations were developed by the ERSWG and are presented in no specific order of priority:

- The ERSWG welcomed New Zealand's offer to undertake a preliminary ecological risk assessment for seabirds and sea turtles and that ERSWG members may liaise with New Zealand in order to complete the analysis. Members of the ERSWG are encouraged to examine methodologies for ecological risk assessments, conduct risk assessment individually and/or collaboratively and provide their findings to the next ERSWG. The ERSWG will continue to assess the risks to shark species as appropriate in the future.
- Members and Cooperating Non-Members should include the information shown in Attachment 4, in future national reports to the ERSWG and including both interaction with ERS and mortalities of ERS. This information should also be provided by species (including the scientific name) wherever possible in either the national report or other reports submitted to the ERSWG.
- To obtain improved data, information on species identification should be provided to fishers and observers on an ongoing basis.
- The CCSBT should revise and reprint its seabird and shark pamphlets and develop a pamphlet on sea turtles. Versions of all three should be printed in the language of all Members.
- The ERSWG reminds Members and Cooperating Non-Members of the CCSBT's adoption of a Scientific Research Program incorporating a Scientific Observer Program. The ERSWG further recalls that the Observer Program endorsed by the CCSBT included an observer coverage target of 10% for catch and effort; and that observer coverage shall be representative. The ERSWG recommends that the CCSBT ensures all members and cooperating non-members make strenuous efforts to achieve these minimum targets, improve the quality of data and meet the other requirements outlined in the Observer Program Standards.

- The Secretariat should brief Indonesia on the outcomes of the ERSWG meeting and provide copies of the report to Cooperating Non-Members together with a reminder on the requirements to provide national reports to the ERSWG in the agreed format.
- Members should assess current mitigation methods to determine their relative effectiveness, and other methods such as line weighting and tori line, where appropriate. Members should decide on which measures to assess depending on the circumstances of their particular fishery.
- In order to also improve the methods of estimating total ERS captures, the ERSWG recommends that members clearly describe the methods of estimation they have used to scale up the estimates from the observed data. The ERSWG recommends that over time these methods are improved, taking into account of internationally accepted best practice in ERS estimation and providing support to other Members in estimation if required.