Fisheries (Seabird Mitigation Measures—Bottom Longlines) Circular (No. 2) 2021 (Notice No. MPI 1375)

This circular is issued by the Chief Executive of the Ministry for Primary Industries under Regulation 58A of the Fisheries (Commercial Fishing) Regulations 2001.

Circular

1. Title

This circular is the Fisheries (Seabird Mitigation Measures—Bottom Longlines) Circular (No. 2) 2021.

2. Commencement and Application

This circular comes into force on **1 October 2021**.

This circular applies to the operator or master of a vessel whose responsibilities for compliance are described in regulation 58B of the Fisheries (Commercial Fishing) Regulations 2001.

3. Interpretation

In this circular, unless the context otherwise requires,—

Act means the Fisheries Act 1996

aerial extent means the section of the streamer line backbone running from the vessel stern to where the backbone of the streamer line enters the water

bottom longline means a line to which 7 or more hooks (whether baited or not) are attached, and is sunk using weights

hauling means the period from when line retrieval commences to when all the hooks are onboard

hauling mitigation device is any device that physically deters or blocks seabirds from flying or swimming directly into the area where lines are being hauled, without causing harm to birds

high risk period means during daylight hours (0.5 hours before nautical dawn and 0.5 hours after nautical dusk) or during a full moon and three days either side of a full moon

nautical dawn means the time at sunrise when the centre of the sun is at a depression angle of 12 degrees below the ideal horizon for the location of fishing

nautical dusk means the time at sunset when the centre of the sun is at a depression angle of 12 degrees below the ideal horizon for the location of fishing

offal means parts of a fish that are usually discarded, including minced parts

set, in relation to a bottom longline, means releasing the bottom longline into the water.

streamer line means a type of seabird-scaring device, also known as a tori line.

For the avoidance of doubt, if a term that is used in this circular is defined in the Act or Fisheries (Commercial Fishing) Regulations 2001, that term carries the same meaning as in those provisions.

4. Streamer Line Required

Any vessel seven metres or greater in overall length using bottom longlines as a method of fishing must—

a. carry a streamer line on board the vessel; and
b. permit inspection of the streamer line at any reasonable time by a fisheries officer or an observer.

Vessels which exclusively use the method of Dahn lining are not required to carry a streamer line.

5. Use of Streamer Line Required During Setting of Bottom Longlines

A streamer line must be used on vessels seven metres or greater in overall length during the setting of bottom longlines, in accordance with clause 6. Vessels using the method of Dahn lining are not required to use a streamer line.

6. Streamer Line Specifications

1. For vessels utilizing automatic baiting machines, and those 20 metres or greater in overall length, the streamer line must meet the following specifications:

a. the streamer line must be attached to the vessel so that when deployed the baits are protected by the streamer line, even in a crosswind; and
b. the streamer line must be a minimum of 150 metres in length; and
c. the streamer line must achieve a minimum aerial extent of 50 metres when fishing during high risk periods; and

d. streamers must be brightly coloured; and
e. streamers must be spaced at a maximum of five metres apart, beginning not more than five metres from the stern of the vessel and extending along the full aerial extent of the line; and
f. when deployed, each of the streamers must reach the sea surface in the absence of wind and swell. Streamer length will therefore vary depending on the height of their attachment point above the water; and
g. despite subclause 1(f), streamers may be shortened along the first 15 metres of the streamer line, however streamers must be maintained at a minimum length of one metre.
h. the streamer line must be suspended from a point on the vessel at least five metres above the water in the absence of swell.

2. For vessels that are seven to 20 metres in overall length, the streamer line must meet the following specifications:

a. the streamer line must be attached to the vessel so that when deployed the baits are protected by the streamer line, even in a crosswind; and
b. the streamer line must achieve a minimum aerial extent of 50 metres when fishing in high risk periods; and
c. streamers must be brightly coloured; and
d. streamers must be spaced at a maximum of five metres apart, beginning not more than five metres from the stern of the vessel and extending along the full aerial extent of the line; and
e. when deployed, each of the streamers must reach the sea surface in the absence of wind and swell. Streamer length will therefore vary depending on the height of their attachment point above the water; and
f. despite subclause 2(e), streamers may be shortened along the first 15 metres of the streamer line, however streamers must be maintained at a minimum length of one metre.
g. the streamer line must be suspended from a point on the vessel at least five metres above the water in the absence of swell.

3. The specifications in subclauses (1) and (2) do not apply to additional or secondary seabird-scaring devices fishers may choose to use (such as a second tori or streamer line).

7. Restrictions on Use of Bottom Longlines

1. A bottom longline must not be set in New Zealand waters to take fish, aquatic life, or seaweed unless line weighting is used in accordance with clause 8.

2. A bottom longline must not be set to take fish, aquatic life, or seaweed between 1 November and 31 May in FMA 6 unless using an integrated weighted line with a lead core of at least 50 grams per metre.

8. Line Weighting

1. Bottom longlines must be weighted such that the slowest sinking hook can be demonstrably shown to reach a depth of five metres within the aerial extent of the streamer line under clause 6.

2. Sink rates must be measured at regular intervals (at least once per calendar month or when gear setup significantly changes) via bottle tests or time-depth recorders and the results documented and retained on the vessel for a minimum of one year. These records must be made available to fisheries officers and observers upon request.

3. Vessels that exclusively use the method of Dahn lining are not required to weight lines in accordance with subclause 1.

9. Restriction on Discharge of Offal or Fish While Setting and Hauling Bottom Longlines

1. Offal or fish must not be discharged during setting of bottom longlines.

2. Offal or fish may be discharged during the hauling of bottom longlines, but only from the side of the vessel that is opposite to the side on which the hauling station is located.

3. Subclause (1) does not apply to—

a. fish that are legally undersize; or
b. fish that are listed in Schedule 6 of the Act and that are likely to survive.

4. Despite subclause (2), during the hauling of bottom longlines, —

a. Patagonian toothfish may be discharged on the side of the vessel on which the hauling station is located; and
b. Any live fish and those whole dead fish greater than 30cm in (fork) length that can legally be discarded may be discharged on the side of the vessel on which the hauling station is located if a hauling mitigation device is

deployed.

10. Revocation

Fisheries (Seabird Mitigation Measures—Bottom Longlines) Circular 2021 (Notice No. MPI 1366) is revoked (*New Zealand Gazette*, 24 June 2021, Notice No. 2021-go2467).

11. Schedule

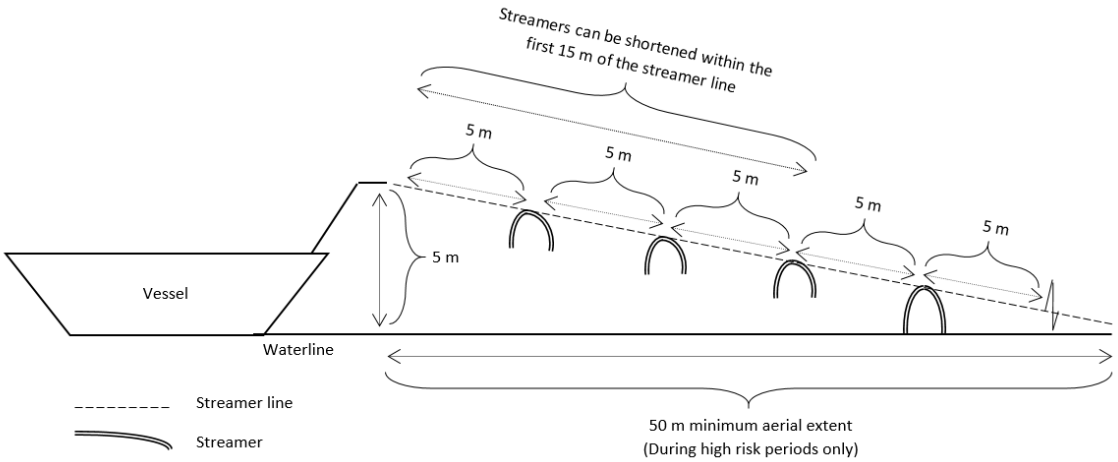
1. The Schedule provides further guidelines on the design and deployment of streamer lines as seabird-scaring devices.

2. The Schedule is not part of the specifications.

3. If there is any inconsistency between the guidelines in the Schedule and the specifications, the specifications prevail.

Schedule

Seabird scaring device (streamer line)
Diagram not to scale
Not all specifications illustrated



1. The streamer line needs to protect baited hooks from seabirds. This means that the streamer line should be positioned in such a way that streamers are flapping in an unpredictable fashion, above the area in which the baited hooks enter the sea, so that seabirds are deterred from attempting to take bait from the hooks. In order to achieve this even during cross-winds, it is expected an operator or master of a vessel will have to make adjustments to the configuration of the streamer line depending on the conditions.

2. It is generally recognised as best practice to maximise the aerial extent of the streamer line, because this maximises the area in which the baited hooks are protected from seabirds. Best practice would be to achieve an aerial extent of 100 metres or more. In order to maximise aerial extent, it is necessary to create tension in the streamer line. This can be achieved by—

- towing an object on the terminal end of the streamer line; or
- towing extra length of streamer line; or
- increasing the diameter of the in-water section of the streamer line.

3. In order to be effective at scaring seabirds away from the line of baited hooks, the streamer lines should not become tangled, either with each other or with the backbone. Each streamer shall be attached to the streamer line in a manner to prevent fouling of individual streamers with the streamer line, and to ensure individual streamers reach the waterline in the absence of wind or swell (except within the first fifteen metres where streamers can be shortened). Swivels or a similar device can be placed in the streamer line in such a way as to prevent streamers being twisted around the streamer line. Each streamer may also have a swivel or other device at its attachment point to the streamer line to prevent fouling of individual streamers.

4. Streamers are to be spaced at five-metre intervals along the aerial extent of the line. The total number of streamers in use will vary depending on how the line is configured. Streamers that are hanging in the water can be prone to tangling. Because the far end of the streamer line will frequently be in the water, it may not be desirable to have streamers the whole way down the line. However, it is important that streamers are present to deter birds from taking baited hooks all along the part of the line that remains above water, as outlined in the specifications.

5. To ensure streamers are visible to birds, they should stand out against the surroundings. Streamers should be made of brightly coloured fluorescent plastic tubing or other material. Bright colours such as red, yellow, orange, or pink are most effective during day setting. For night setting, the streamers should be of a colour that contrasts with the

surroundings. Colours such as blue and green are less likely to be effective, because they are less likely to be highly visible to birds.

6. A complete additional streamer line should be carried as a spare.

Dated at Wellington this 31st day of August 2021.

TIFFANY BOCK, Manager Deepwater Fisheries, Fisheries New Zealand.

Explanatory Note

This note is not part of the circular, but is intended to indicate its general effect.

This circular, which comes into force on 1 October 2021, is made under Regulation 58A of the Fisheries (Commercial Fishing) Regulations 2001 ("Regulations"). It is made by the Manager Deepwater Fisheries, of the Ministry for Primary Industries pursuant to an authority delegated under the Public Service Act 2020.

This circular revokes the Fisheries (Seabird Mitigation Measures—Bottom Longlines) Circular 2021 (Notice No. MPI 1366) and replaces it. The revocation and replacement is to make some minor changes to Clauses 7 and 8 to clarify that line weighting must be used at any time a bottom longline is set, and that line weighting does not apply to vessels that are exclusively fishing by Dahn lining.

This circular sets out mandatory mitigation measures that apply to commercial fishers using the method of bottom longlining. The measures are designed to mitigate the effect of fishing-related seabird mortality. The circular requires that, when setting bottom longlines, commercial fishers—

- use and configure streamer lines in accordance with the specifications prescribed in the circular; and
- weight lines in order to achieve five-metre sink depth within the aerial extent of the streamer line.

Streamer lines meeting the requirements of this circular are approved seabird-scaring devices for the purposes of Regulation 58(1) of the Regulations. The Schedule sets out best practice guidelines for—

- the configuration and use of streamer lines.

The guidelines do not form part of the specifications set under Regulation 58A of the Regulations and do not have the force of law. In the event of any inconsistency with the specifications set out in clauses 6–8, the specifications prevail.

This circular also imposes restrictions on the discharge of offal or fish while setting and hauling bottom longlines.

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