



# **Agreement on the Conservation of Albatrosses and Petrels**

**Report of the Fifth Meeting  
of the Advisory Committee**

*MAR DEL PLATA, ARGENTINA*

*13 - 17 APRIL 2010*



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## REPORT OF THE FIFTH MEETING OF THE ADVISORY COMMITTEE

### 1. OPENING REMARKS

- 1.1 The Fifth Meeting of the Advisory Committee to the Agreement on the Conservation of Albatrosses and Petrels (ACAP) was held in Mar del Plata, Argentina from 13 – 17 April 2010, with Dr Marco Favero as Chair and Mark Tasker as Vice-chair.
- 1.2 Eleven Parties were represented: Argentina, Australia, Brazil, Chile, Ecuador, France, New Zealand, Peru, South Africa, the United Kingdom (UK) and Uruguay. Spain and Norway notified their apologies for not being able to attend.
- 1.3 In addition two Range States were represented: Canada and the United States of America (USA).
- 1.4 Aves Argentina, BirdLife International, Chinese Wild Bird Federation, Fundacion Vida Silvestre Argentina (FVSA) and Worldwide Fund for Nature (WWF) attended the meeting as Observers. The Humane Society International (HSI) had apologised for not being able to attend.
- 1.5 The list of participants is provided at Annex 1. The list of meeting documents and information papers is provided at Annex 2.
- 1.6 Dr. Homero Máximo Bibiloni, Secretary of the Environment and Sustainable Development, opened the meeting on behalf of the Government of Argentina. In his speech, he remarked upon the importance of ACAP Parties working together, given the migratory nature of albatrosses and petrels. Furthermore, he emphasised the importance of a global approach to addressing the impact of human activities on the environment. It was also important to consider a long time horizon when conserving ecologically sustainable systems for future generations.
- 1.7 Dr. Bibiloni was also pleased to announce the recent approval by the Federal Fisheries Council of Argentina's 'National Plan of Action to Reduce the Interaction of Seabirds with Fisheries'.
- 1.8 Gustavo Pulti, the Mayor of the Municipality of General Pueyrredon, welcomed the members of the Advisory Committee to the City of Mar del Plata and thanked the AC for the opportunity to host the meeting, highlighting the relationship of the city with the marine ecosystem. Furthermore it has been announced that this meeting has been declared to be of interest to the city.
- 1.9 The Chair expressed his sincere appreciation to Dr Bibiloni and Mr Gustavo Pulti for their generous words. He noted that the adoption of the 'National Plan of Action to Reduce the Interaction of Seabirds with Fisheries' by Argentina provided an excellent example of its commitment to improve the conservation status of albatrosses and petrels and expressed his confidence that the outcomes of this meeting would lead to an improvement in the conservation status of albatrosses and petrels.
- 1.10 On behalf of the Advisory Committee the Chair thanked the Government of Argentina for its generous hospitality and support for the work of the Agreement.

### 2. ADOPTION OF THE AGENDA

- 2.1 The revised draft agenda was adopted by the meeting (Annex 3).

### 3. RULES OF PROCEDURE

- 3.1. The Committee reviewed Rule 5 (1) of the Rules of Procedure noting that the existing wording unnecessarily restricted the field of applicants for appointment to official positions. It was agreed to amend this Rule to remove this constraint and that an intersessional group would look at less urgent anomalies in the Rules and bring a paper to AC6. The amended Rules of Procedure are attached at Annex 4.

## **4. REPORT OF THE SECRETARIAT**

### **4.1 Activities Undertaken in 2009 Intersessional Period**

- 4.1.1 The Executive Secretary presented a report (AC5 Doc 6) on the operations of the Secretariat since AC4.
- 4.1.2 Following approval by MoP3 of a budget allocation for a full-time Science Officer a recruitment process was initiated, that concluded with the appointment of Dr Wieslawa Misiak. This appointment has resulted in considerable progress being made on a number of high priority tasks in the Advisory Committee's Work Programme, including completion of the species assessments and development of the ACAP database and web portal.
- 4.1.3 The Secretariat has represented the Agreement at a number of meetings of intergovernmental organisations and Regional Fisheries Management Organisations and successfully advocated the adoption and improvement of seabird conservation measures, as well as negotiating memoranda of understanding with CCAMLR, IOTC and OLDEPESCA.
- 4.1.4 Support was also provided for the Third Session of the Meeting of the Parties and the current meeting of the Advisory Committee, and for workshops on the conservation prioritisation process and bycatch data collection.
- 4.1.5 The Secretariat has continued to coordinate the Agreement's activities with governmental, intergovernmental and non-governmental organisations.
- 4.1.6 The Committee thanked the Secretariat for its excellent work in supporting the Agreement and congratulated Dr Misiak on her appointment.

### **4.2 Financial Report and Agreement Budget**

- 4.2.1 The Executive Secretary presented the financial report for 2009-10 (AC5 Doc 9). It was noted that the report for the General Fund was presented on an accrual basis, while that for the Special Fund was presented on a cash basis in order to provide a clear picture of commitments and expenditure against the Advisory Committee's Work Programme.
- 4.2.2 It was reported that although additional expenditure had been incurred with the development of a new website and from costs associated with the Secretariat relocating to a new office, it was anticipated that these costs would be absorbed with the 2009-10 General Fund budget allocation.
- 4.2.3 It was noted that \$106,000 had been allocated at MoP3 for the Advisory Committee's 2010 Work Programme. Thus, together with a further \$23,329 (balance of funds remaining from Appropriation 4 in 2009), a total of \$129,329 was available for allocation in 2010.
- 4.2.4 Argentina informed the Committee that it had recently paid its 2009 contribution.

### **4.3 Secretariat Work Programme 2010 - 2012**

- 4.3.1 The Executive Secretary reported on progress against the 2010-12 Secretariat Work Programme approved by MoP3. It was noted that this may require further amendment if additional tasks were identified for the Secretariat at this meeting.
- 4.3.2 The Secretariat Work Programme 2010-2012 was subsequently amended to incorporate additional tasks arising from amendments to the Advisory Committee's 2010-12 Work Programme (see Agenda Item 12). The Secretariat's revised work programme is attached in Annex 5.

### **4.4 Implementation of Headquarters Agreement**

- 4.4.1 The Executive Secretary advised the Committee that substantial progress had been made with implementation of the Headquarters Agreement (HQA) between the



Secretariat and the Government of Australia, which entered into force on 2 December 2008.

- 4.4.2 The most significant action has been the making of regulations by the Australian Government under the International Organisations (Privileges and Immunities) Act 1963 giving effect to the privileges and immunities of the HQA and in particular providing a legal personality for the Secretariat within Australia.
- 4.4.3 These regulations also provide privileges and immunities for Parties representatives, advisors and experts while in Australia. The Executive Secretary requested Parties to provide the Secretariat with the itineraries of such persons well in advance of their travel, in order that the Australian Government could be advised in sufficient time to give effect to these provisions.
- 4.4.4 Australia reported that some further action is required to fully implement the HQA. This is in relation to refund of indirect taxes and customs and excise duties. It is expected that the Australian Taxation Office will shortly write to the Secretariat to advise the procedures to be followed to obtain reimbursement of indirect taxes levied on it. Finalisation of customs and excise duty concessions, which have minimal impact on the Secretariat budget, will take longer to finalise as they require amendments to Australian legislation.

#### **4.5 Recruitment of Executive Secretary**

- 4.5.1 The Chair of the Advisory Committee reported on the process followed for the recruitment of the Executive Secretary (refer AC5 Doc 26). A number of recommendations were made to improve the process and provide a greater degree of flexibility in future.
- 4.5.2 The Committee noted the difficulties encountered in interviewing during MoP3. In future it is recommended that any interviewing be conducted either prior to, or following, such meetings. It also noted the need to define recruitment processes that could be followed during the intersessional period that would allow sufficient time in the process for the various steps to be followed and, in particular, to provide sufficient time to allow all Parties to be engaged in the process. The Committee congratulated Mr Papworth on his appointment.
- 4.5.3 It was also noted that there are significant budgetary costs associated with the recruitment process and it was agreed that these costs should be reflected in future appropriations when it is anticipated that recruitment action may be required.

### **5. REPORT OF THE DEPOSITARY**

- 5.1 Australia, as Depositary for the Agreement, tabled its report (AC5 Inf 12) noting that there had been no new accessions to the Agreement since the last meeting.
- 5.2 The Committee noted the report of the Depositary.

### **6. REPORTS FROM ACAP OBSERVERS**

#### **6.1 Reports from ACAP Observers at International Meetings**

- 6.1.1 The Chair noted that ACAP observer reports from some meetings had been discussed in the meeting of the Seabird Bycatch Working Group (SBWG) and discussed in their report (AC5 Doc 14 Rev1). These reports were not discussed further by the Committee.
- 6.1.2 The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) observer thanked the Committee for the opportunity to attend and address AC5. He noted that CCAMLR shared ACAP's commitment to the conservation of albatrosses and petrels, as well as other Southern Ocean seabirds. CCAMLR has been successful in mitigating seabird bycatch in fisheries it manages, such that its WG on Incidental Mortality Associated with Fishing now only meets

biennially. However, CCAMLR remained committed to taking action to improving seabird conservation and the level of co-operation between ACAP and CCAMLR. In this respect, CCAMLR welcomed the recent conclusion of a Memorandum of Understanding between CCAMLR and ACAP as evidence of that shared interest and looked forward to working with ACAP to implement it.

- 6.1.3 CCAMLR was pleased that ACAP had participated at CCAMLR Working Group, Scientific Committee and Commission meetings. CCAMLR would welcome advice from ACAP on how best it could participate in ACAP meetings and help in meeting ACAP's objectives as this would assist in organising CCAMLR's work programme and budget. Advice from ACAP that is relevant to CCAMLR's risk assessment processes, on matters such as population status and changes to the internationally accepted taxonomy, would also be welcomed.
- 6.1.4 CCAMLR would be particularly interested in ACAP's assistance in assessing and exchanging data on the mortality of seabirds that breed and forage inside the CCAMLR Convention Area and are killed in fisheries outside that Convention Area. CCAMLR has encouraged its Parties to submit relevant data to ACAP.
- 6.1.5 The AC thanked the CCAMLR observer and confirmed the need to work with CCAMLR on issues of common interest. The Committee noted that some of the matters raised would be addressed by the WGs, including the SBWG. The AC considered that CCAMLR need only attend relevant meetings of ACAP on an ad-hoc basis as the issues and ACAP work plan required. The Committee shared CCAMLR's desire to constructively interact with RFMOs to promote improved awareness of the need to avoid or mitigate seabird bycatch and improve exchange of data about seabirds and effective bycatch mitigation measures.
- 6.1.6 The Chair thanked the CCAMLR observer for his efforts in progressing the work of the Agreement at this meeting and for providing his report.

## **6.2 Reports from Observers at AC5**

- 6.2.1 WWF thanked ACAP for allowing their participation in AC5 as a formal Observer. WWF congratulated Parties and non-parties engaged in the Agreement on achievements to date ensuring ACAP is formally recognised as the expert body on albatrosses and petrels. WWF sees great opportunity for ACAP to further this role in the future. In particular, the importance of the provision of formal advice from the Agreement to RFMO's cannot be underestimated. WWF also strongly encouraged Parties to commit to developing and implementing effective NPOAs that achieve the objective of the Agreement, and that closely follow the newly released FAO publication of revised 'Best practice guidelines for reducing the incidental catch of seabirds', in their series of Technical Guidelines for the Code of Conduct for Responsible Fisheries (FAO IPOA BPTG). WWF is committed to supporting the Agreement to help further its role in the conservation of albatrosses and petrels. On a global scale, WWF has a number of initiatives that compliment the Agreement and looks forward to more actively participating in the ACAP agenda in future.
- 6.2.2 BirdLife International and its Global Seabird Programme (GSP) expressed its appreciation for the opportunities to participate in the meetings, Working Groups and intersessional work of ACAP. It endorsed the comments of WWF commending the notable work of ACAP to improve the conservation status of ACAP species. Testimony to BirdLife's appreciation of the increasingly important role played by ACAP is provided by: a) the attendance at AC5 of the GSP Global Coordinator, South American Regional Coordinator and Albatross Task Force Coordinator and of the BirdLife Partner organisations Aves Argentinas and Chinese Wild Bird Federation; b) the submission of two Working Documents and four Information Papers for the Advisory Committee and eight papers for the Seabird Bycatch Working Group. BirdLife reaffirmed its commitment to work closely with ACAP, especially in respect of continuing collaboration in relation to RFMO meetings and strategy. It is also committed to continuing (and expanding if possible) the work of

the Albatross Task Force and thanked the ACAP Parties and many individuals for assisting in the implementation of this programme.

- 6.2.3 Chile reported that on 14 November 2009 and after four years of negotiations, the “Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean” was adopted in Auckland, New Zealand. In regards to ACAP interests, the Convention defines a series of measures for the protection of the marine ecosystem and species dependent of regulated fishery resources. For more information, see [www.southpacificrfmo.org](http://www.southpacificrfmo.org).

## **7. REPORT TO THE ADVISORY COMMITTEE ON MEETING OF PARTIES (MOP3)**

- 7.1. The Chair reported upon the main outcomes of the Third Session of the Meeting of the Parties (AC5 Doc 31), focussing his comments on the operation of the Advisory Committee and its work programme.
- 7.2. MoP3 had noted that considerable progress had been made by the AC and its WGs in the implementation of the Agreement since MoP2. The substantial progress made by the Seabird Bycatch Working Group was appreciated but it was considered that much work by Parties is still required, particularly in the diplomatic and political arena.
- 7.3. MoP3 endorsed the AC Work Programme 2010-2012, noting the considerable workload of the AC and the resources necessary for its implementation.
- 7.4. Parties recognised that for the effective implementation of the Agreement, the most important outcomes over the next triennium are: (a) the widespread adoption of bycatch mitigation measures by Parties, Range States and RFMOs; (b) the implementation of a strategy for capacity building; (c) the implementation of the Waved Albatross Action Plan, and (d) further removal of introduced species from breeding sites.
- 7.5. Resolution 3.1 to add the three North Pacific albatrosses (Short-tailed, Black-footed and Laysan albatrosses) to Annex 1 of the Agreement was adopted, and Annex 1 of the Agreement now lists all species of albatross.

## **8. BREEDING SITES**

### **8.1 Report of the Breeding Sites Working Group**

- 8.1.1 The BSWG Convenor introduced the report (AC4 Doc 13), which outlined the work that had taken place during the intersessional period, and discussions that took place at the third BSWG meeting on 10 April 2010. The BSWG meeting was attended by eight members and a number of observers.
- 8.1.2 Substantial progress has been made on the Work Plan agreed at AC4. During the intersessional period, existing management and threats data were reviewed and updated by most Parties, and data were added for breeding sites of southern giant petrel *Macronectes giganteus* by the ACAP Science Officer, based on information presented in Patterson et al. (2008; Marine Ornithology 36, 115-124). Other data from southern giant petrel sites in Antarctica submitted by SCAR members to a workshop in Cambridge in 2008, and further updates, will be solicited from SCAR during the intersessional period.
- 8.1.3 Following recommendations at AC4, new information was added to the database on: (a) the presence of introduced mammals at each site (including year of introduction, past or proposed eradications, method), and; (b) sites from which ACAP species have been extirpated (including year when last recorded, maximum historical count and year, and suspected explanation). The majority of these sites (21 of 26) were in the North Pacific.
- 8.1.4 The ACAP Information Officer is collating records of ACAP species prospecting at new sites, those that have formed a mixed pair with an established species, and

movements of banded birds between island groups. These data will be stored in spreadsheet format, and sites will have the same identity as those in the main database.

- 8.1.5 Considerable efforts were made intersessionally to improve standardisation of stored data, and the functionality and ease-of-use of the online database; the hierarchical relationship between breeding site, island and island group was established for all sites, and there was improved matching of breeding sites with previously submitted data on Status and Trends (which should be complete once the database is modified to cope with data collected from part sites (study areas or colonies). The Committee agreed that these and other changes to the database are integral to the successful development of a suite of breeding site indicators and to the ACAP prioritisation process.
- 8.1.6 The BSWG had discussed the ACAP performance indicators and changes to the national reporting template (AC Agenda 14 and 16). Prior to the WG meeting, a preliminary list of potential breeding site condition indicators had been generated (AC5 Doc 13). This highlighted that a considerable proportion of sites lacked a management plan and statutory protection. The committee agreed that information on breeding site management, including whether a management plan made specific provision for ACAP species, and general levels of monitoring, could be obtained using the new national reporting template. This would be facilitated by the update and extraction of relevant data using standard database queries.
- 8.1.7 The BSWG discussed AC5 Inf 07 on the Important Bird Area (IBA) monitoring framework of BirdLife International, which describes a standardised recording scheme for threats to, condition of, and conservation actions taken at IBAs. The BSWG agreed that although this was a useful reference framework, the development of generic guidelines was not an ACAP priority. Instead, the BSWG may develop an annotated list of basic site characteristics that could be recorded annually or opportunistically.
- 8.1.8 The ACAP prioritisation process may identify specific sites at which monitoring schemes should be enhanced, and threats that require greater research efforts. The BSWG recognized that monitoring before and after an alien species eradication was important, but often limited by availability of funds. The use of remote sensing techniques was also discussed: Chile and Australia were developing schemes to deploy, respectively, web cams and time-lapse still cameras at ACAP breeding sites. The Secretariat offered to collate relevant reports and papers on the use of remote systems to monitor breeding sites, and Parties were encouraged to report on relevant activities.
- 8.1.9 The BSWG Convenor expressed his gratitude to everyone (AC officials, BSWG members and contacts, and the ACAP Science Officer in particular) for contributing intersessionally and to the BSWG meeting and ad hoc prioritisation working group meetings at AC5.

## **8.2 Future Work Programme**

- 8.2.1 Substantial progress has been made against most tasks in the BSWG work programme agreed at AC4. The relevant part of the AC work programme was updated to address the tasks outlined in this report (see Agenda item 12.5).

## **8.3 Application of Criteria for Identifying Internationally Important Breeding Sites**

- 8.3.1 In AC5 Doc 33 (BirdLife International), the Important Bird Area (IBA) criteria were applied to the ACAP database to identify breeding sites where numbers exceed 1%, 2%, 5% and 10% of the global population for each species. The analysis highlighted that data were lacking for 34% of ACAP breeding sites (mainly under the jurisdiction of Antarctica, Disputed Territories, France and New Zealand). It is a priority to acquire good population estimates for these sites. It was also noted that it was

important to harmonise the ACAP database with that of BirdLife International. Updated analyses will be carried out by AC6 that also consider the accuracy of the population data.

#### 8.4 Review of Terms of Reference

- 8.4.1 The existing terms of reference for the BSWG were reviewed; no changes were made.

### 9. SEABIRD BYCATCH

#### 9.1 Report of Working Group

- 9.1.1 The Convenor of the Seabird Bycatch Working Group (SBWG) presented the report of the Third Meeting of the SBWG to the Committee (AC5 Doc 14 Rev 1). The report contained Items relevant to Agenda items 9.2, 9.3, 9.4, 9.5, 14 and 16 and SBWG discussions on these items were deferred until those items were discussed by the Committee.
- 9.1.2 SBWG had reviewed recent developments in seabird bycatch mitigation technologies by its members and others. These developments included updates on hook pods and the underwater setting capsules for pelagic longline gear, and reports on research on bird scaring lines and line weighting. It was impressive to note the level of research being carried out on mitigation, particularly by Australia, the USA (which has been collaborating with the Japanese fishing industry), and by BirdLife's Albatross Task Force, which is working in South America, South Africa and Namibia. The Working Group noted that this research was continuing and it is likely that significant results will be available by the time of the next meeting of the Working Group. The Working Group was also pleased to receive news of the finalisation of Argentina's NPOA-Seabirds, and congratulated the government of Argentina on this achievement.

#### Review of current mitigation for pelagic longline gear

- 9.1.3 A major product of previous SBWG meetings has been a review of information on current mitigation research for pelagic long-line fisheries and the identification of knowledge gaps (AC4 Doc 14 Rev 4, Annex 5). The information in this table was again reviewed and updated, following presentation of a number of papers which dealt comprehensively with design of Bird Scaring Lines, and the impact on line sink rates of line shooters, bait life-status, placement and amount of weight in relation to the hook, and bait thaw status (SBWG-3 Doc 5, 7, 8, 11, 12, 13 Rev1 and 31). The results of this review are attached as Annex 6.
- 9.1.4 These papers highlighted a number of issues relevant to mitigation of seabird bycatch in pelagic longline fisheries and provided, for the first time, information on the effectiveness of mitigation measures that have been advocated for many years, without appropriate empirical evidence.
- 9.1.5 **Bird Scaring Lines**, of either conventional or 'light' design, and used in either single or double configuration, have been shown to be inadequate for reducing seabird bycatch unless used with other mitigation measures. To be effective they must be used with branchline weighting and/or night setting.
- 9.1.6 **Line weighting**. Adding weight to lines to ensure rapid gear sink rates is the most effective method of reducing seabird mortality in longline fisheries. When considering sink rates to target depths it is necessary to recognise the importance of the "initial" (e.g. 0-2 m) and "final" (e.g. 4-6 m, or thereabouts) sink rates. A fast initial sink rate reduces visual cues in the critical shallow depths and a fast final rate maximizes the rate at which baited hooks sink deeper in the water column. Both considerations are likely to be important to seabirds that seize baits at or near the surface (e.g.

albatrosses) and seabirds that hunt deeper in the water column (e.g. *Procellaria* spp. petrels and *Puffinus* spp. shearwaters).

- 9.1.7 In general, the closer the weight is to the hook the faster the initial sink rate, and the heavier the weight the faster the final sink rate. Thus, a heavy weight placed close to the hook will best reduce seabird by-catch, but determining a suitable line weighting regime for pelagic fisheries needs to be cognizant of the needs of fisherman, who are reluctant to place any weight close to the hook.
- 9.1.8 Best practice line weighting will maximize sink rates at the surface without overly compromising sink rates in the second stage of the sink profile (which would be the case if light swivels were used close to hooks). The 60-75 g swivels  $\pm$  4 m from hooks commonly preferred by industry are unlikely to deter seabirds (used with an effective streamer line) in all circumstances. 120 g  $\leq$  2 m from hooks should be the next step in comparative research. The alternative approach is to use smaller amounts of weight (e.g. 40 g) located at the hook.
- 9.1.9 **Mainline tension and line shooters.** Mainlines should be set in the 'surface set tight' configuration. Baited hooks connected to a mainline that is set tight sink faster in surface waters than hooks attached to mainline set loose, as occurs in 'deep setting.' The mainline can be set tight either directly off the drum holding the mainline or with the use of a line shooter. Enough gear should be set at the start of each line to prevent hooks being dragged towards the vessel and being pulled upwards in the water column where they become more accessible to seabirds.
- 9.1.10 **Bait life status.** Research indicates that the use of live bait should be avoided and recommends the use of dead bait only. Many individual live baits remain near the water surface for lengthy periods after deployment, and the use of live bait increases the likelihood that seabirds will be caught.
- 9.1.11 **Bait species and size.** Use of small species of fish bait is preferable to squid bait as larger squid bait sinks considerably more slowly than small fish bait.
- 9.1.12 **Bait thaw status.** Baits need only be thawed to the point where individual baits can be separated from others in blocks of bait and hooks can be inserted by hand without undue effort. Bait thaw status has no effect on the sink rate of baited hooks.
- 9.1.13 **Bait hooking position.** To ensure fast sink rates, hook baits in either the head (fish) or tail (fish and squid), not in the middle of the back or top of the mantle (squid).
- 9.1.14 The Working Group acknowledged that 'best practice' reflects the state of knowledge at any given time and is subject to periodic revision. The advice of the Working Group deals only with methods to mitigate seabird bycatch and does not take into account existing preferences by industry. Some of the measures proposed will require changes to current fishing practices, such as the line weighting regimes needed to reduce the chances of the bait being seized by diving species of seabirds.
- 9.1.15 Taking into account the amount of information provided in the review table, and the need to provide clear advice to fisheries managers, the SBWG recommended that best practice advice be synthesised into an advice statement that can be readily transmitted to target audiences (RFMOs and Parties fisheries managers). This approach should be taken for all gear types for which ACAP has developed advice. The relevant statement for pelagic longline gear is provided at Annex 7.

### **Review of current mitigation for trawl gear**

- 9.1.16 The Working Group reviewed mitigation measures available for both demersal and pelagic trawl gear, based on published literature and expert opinion. The results of this review are attached as Annex 8. The review again highlighted the need to manage effectively the discharge of offal and fish waste, as there is clear link between the amount of offal discharged and levels of seabird bycatch. Recommended mitigation approaches have been extracted from the review and incorporated into a best practice advice statement for trawl gear (Annex 9).

- 9.1.17 The SBWG confirmed the following four research areas still remain the highest priority for further reducing seabird bycatch in trawl fisheries:
- a) offal discharge management, recognising the differences between small and larger vessels may require different approaches;
  - b) methods to reduce seabird entanglements during hauling;
  - c) improving the performance of streamer lines (e.g. towed devices that perform better in cross winds, flexibility in attachment point to account for wind variation); and
  - d) the effectiveness of net binding and net weighting.

The SBWG encourages Parties and others to prioritise these areas of research and to keep the Working Group informed of developments in this area.

#### **Demersal longline bycatch mitigation**

- 9.1.18 The Working Group reviewed information on current mitigation measures for demersal long-line fisheries and the results of this review are attached as Annex 10. A best practice advice statement for demersal longline gear was also developed and is attached as Annex 11.

#### **Bycatch data provision by Parties, with respect to ACAP reporting and indicators**

- 9.1.19 The Working Group assessed intersessional progress on developing a bycatch data reporting system (AC5 Inf 10). The paper noted that the metadata survey on bycatch data collection had been completed successfully and that two Parties had provided a full set of trial data for analysis, as requested. Based on currently available information, the Working Group was advised that it was practical to collect bycatch data from all Parties in a consistent manner. While most members of the Working Group supported this view, others were unconvinced.
- 9.1.20 It was also noted that there was currently a great deal of uncertainty over whether or not the stated aims of the data collection exercise – namely to provide an estimate of the levels and trends of mortalities of ACAP listed species of albatrosses and petrels – could be met, as a methodology for analysing the data had not yet been developed. The Advisory Committee should be cognisant of these potential obstacles when determining whether to proceed with detailed data collection within country reports at this stage.

#### **Revised National Reporting Template**

- 9.1.21 The Working Group reviewed a draft revised template for national reporting by ACAP Parties (AC5 Doc 16), noting its format and contents had been developed in accordance with the guidance of MoP3. The SBWG reviewed the template and the suggested basic performance indicators and endorsed the format and content of those sections of the revised template relevant to the Working Group's terms of reference.

#### **Performance Indicators**

- 9.1.22 The Working Group discussed the development, by ACAP, of indicators relating to seabird bycatch (AC5 Doc 28 and AC5 Inf 8.) The views of the Working Group on this matter were used to compile AC5 Inf 16, and subsequently discussed under Agenda Item 14.

#### **IPOA/ NPOA Seabirds**

- 9.1.23 The SBWG welcomed the recent FAO IPOA BPTG. The work of ACAP and Birdlife International at recent FAO COFI meetings and involvement in the FAO Expert Consultation (September 2008, Bergen, Norway) had been important in this process.

### **Mitigation Fact Sheets**

- 9.1.24 AC4 gratefully accepted the invitation by BirdLife International (SBWG-2 Doc 9) to collaborate on an initiative to distribute and maintain a suite of fact sheets aimed at fisheries managers to assist in reducing bycatch in longline and trawl fisheries (AC4 Doc 14 Rev 5). The Working Group again thanked BirdLife International for the opportunity to collaborate on this important product.
- 9.1.25 It is intended that the Fact Sheets will be co-branded as an ACAP and BirdLife International product, published on the ACAP website and downloadable in pdf format. The fact sheets will need to be translated and the Committee supported the allocation of 2009 grant funds for this purposes. The target languages include, in order of priority; English (already available), Spanish, French, Japanese, Mandarin, Portuguese, and Korean. To minimise costs, translation of individual fact sheets would be based on target fisheries and gear types relevant for each language, and which would assist in the conservation of ACAP listed species. BirdLife International confirmed that the existing funds available would ensure translation of relevant sheets into Spanish, French, Japanese and Mandarin.
- 9.1.26 Discussions on the review and dissemination of the fact sheets series will become a standing agenda item with intersessional work to conduct the required periodic reviews.

### **Global Procellariiform Tracking Database**

- 9.1.27 New data continues to be provided to BirdLife's Global Procellariiform Tracking Database. Key gaps in the tracking data for albatross and petrels were identified and ACAP Parties were encouraged to submit new data sets as part of the on-going work of the Agreement.
- 9.1.28 The WG reviewed a tracking paper prepared by BirdLife for submission by ACAP to the June 2010 meeting of the ICCAT Sub-committee on Ecosystems. Provision of this document finalises work contracted by ACAP to BirdLife. The Working Group thanked BirdLife, specifically Dr Cleo Small, for the completion of the set of five tracking papers that cover the convention areas for all tuna RFMOs (SBWG3 Docs 28 and 29). These documents have been submitted at relevant meetings of the five tuna RFMOs and represent an excellent example of the type of products that ACAP needs to provide to support the work of the Agreement at such meetings.

### **Ingestion of Fishing Gear and Entanglement of Seabirds**

- 9.1.29 Although deliberate dumping of plastics at sea is banned, there is not a uniform prohibition on the discarding of gear (hooks and line) in offal. The SBWG was informed of a study conducted in the South Atlantic that indicated the amount of gear found in association with wandering albatross colonies was an order of magnitude greater than for any other species. Observed rates of foul-hooking (entanglement during line hauling) were much higher in giant petrels and wandering albatross than black-browed albatross, and no grey-headed albatross was affected. Although gear was identified as being from demersal longline fisheries, little could be assigned to a specific fishery. Stomach content analysis showed that many hooks are completely digested by chicks, but the long-term effects of this are entirely unknown. To address this issue, management of fisheries should focus on reducing or eliminating the ingestion of gear by seabirds, improving monitoring schemes, with further research into the possible long-term toxicity of hook digestion desirable.
- 9.1.30 The subsequent move by fishers operating in CCAMLR waters to voluntarily use marked hooks to assign lost gear to specific vessels and fleets gear in the 2010 season is a laudable response to a pressing conservation problem. To demonstrate responsible management practices in relation to this problem, ACAP Parties with jurisdiction of fisheries operating in the South Atlantic basin region and over the



Patagonian shelf are encouraged to adopt a similar programme of fishery (and country)-specific hook identification.

### **Risk Assessment**

- 9.1.31 AC5 Inf 9 reviewed ecological risk assessments (ERAs) for the effects of fishing on seabirds carried out in recent years for fisheries management organisations. The paper highlighted the need for, and purposes of ERAs, which can help identify the seabird species most at risk from bycatch (a minimum requirement), the data gaps and research priorities, and potentially also the key areas, fisheries and seasons in which bycatch occurs. ERA methodologies are still under development and a variety of approaches are possible including those based on expert scoring; semi-quantitative productivity-susceptibility analysis, and more complex models that may incorporate information on demography, overlap between bird distribution and fishing effort, and bycatch rates.
- 9.1.32 The paper highlighted issues with the development of recent ERAs, and the advantages and disadvantages of attempted solutions to common problems that arise mainly from limitations in data availability. This paper is a valuable contribution on the ERA process, and its development and revision for publication as part of the series of ACAP Conservation Guidelines, as well as for wider dissemination in the scientific literature, is encouraged.

### **Development of Performance Indicators**

- 9.1.33 The development of performance indicators was also discussed in some detail by the Working Group. The views of the SBWG were recorded and incorporated into AC5 Inf 16 and discussed under Agenda Item 14.

### **Waved Albatross Action Plan**

- 9.1.34 The Waved Albatross Action Plan was reviewed by the Working Group, and the views of the WG were further discussed under Agenda Item 20.

## **9.2 Future Work Programme**

- 9.2.1 Substantial progress has been made against most tasks in the SBWG work programme agreed at AC4. The work programme was updated to address the tasks outlined in this report.

## **9.3 Engagement with RFMOs and other relevant international organisations**

### **Review of RFMO Coordination and Planning for next 12 months**

- 9.3.1 The Advisory Committee reviewed the draft RFMO engagement strategy adopted at AC4 (SBWG-2 Doc 14 / AC4 Doc 56), drawing upon the discussion held within the SBWG and reported upon in AC5 Doc 14 Rev1, noting also that such engagement will be carried out only by Parties which are members of the relevant RFMOs.
- 9.3.2 It was noted that the RFMO engagement strategy has proven to be effective overall; however, there are two areas that need to be addressed. The first is a capacity issue, and in particular the work-load for the RFMO Coordinators and the amount of time required to undertake this role effectively. The second is the need to improve the transfer of information to ACAP Parties' representatives within fisheries meetings, to ensure they understand and are supportive of the messages and positions being put forward by ACAP.
- 9.3.3 The SBWG had recommended that funding of AU\$30,000 continue to be provided annually for travel costs associated with attending RFMO and other international meetings and that consideration is given to providing additional funding to the Secretariat for use in improving the effectiveness of ACAP in influencing relevant RFMO decisions, subject to the budget deliberations under Agenda Item 12. The

SBWG also encouraged ACAP Parties to improve the participation of their fisheries management agencies in ACAP meetings/work so that they have a better appreciation of the outcomes being sought at RFMO and other international meetings to further the conservation of albatrosses and petrels.

- 9.3.4 The Advisory Committee agreed that ACAP continue to prioritise the RFMO and other international meetings it will attend on the basis of the likelihood of being able to progress the Agreement's agenda within the meeting/RFMO and targeting those whose fishing effort overlaps the greatest number of at-risk populations/species. In regard to action to be taken within specific RFMOs over the next year, and recognising the need to take account of how the Kobe 2 Bycatch Workshop outputs affects work within tuna RFMOs to manage bycatch, the Committee endorsed the ACAP priorities for RFMO and other organisations outlined in AC5 Doc 14 Rev1, Section 9.
- 9.3.5 Concerning ACAP's Engagement Strategy with RFMOs, France stated its support in relation to the suite of RFMOs beyond CCAMLR, particularly tuna organisations in which bycatch may be significant. The progress achieved by French fisheries in the reduction of bycatch may be considered of importance as it promotes the transfer of knowledge and experience acquired in this regard to other RFMOs.
- 9.3.6 Considering the resources needed to enable ACAP's engagement with such organisations, France envisages the possibility of contributing financially to this effect on a voluntary basis, in addition to the participation of a French representative from ACAP at the IOTC meeting in 2009, and which may be subject to renewal.
- 9.3.7 Of note is the difficulty, often of an organisational nature, which ACAP's National Contact Points are faced with in conveying ACAP's message. It is thus vital that they are informed as early as possible.
- 9.3.8 France also wishes to retain the more positive aspects of ACAP's collaboration with RFMOs, as has been the case at the IOTC meeting in 2010 where an amendment to a resolution on bycatch reduction was adopted, the result of a coordinated exercise.
- 9.3.9 South Africa requested the Secretariat to provide information to ACAP Focal Points well in advance of RFMO or other meetings so whole of government responses can be developed within Parties. Peru agreed that this would assist in improving communication between national representatives to ensure continuity of ACAP position across meetings.
- 9.3.10 The UK requested that the work programme for ICCAT should include, as a lower priority, the development of an observer program for ICCAT. The Secretariat confirmed that although not specifically stated on the work programme, the development of observer programmes to collect information on both the stock and ecologically related species was an ongoing ACAP objective for all the tuna RFMOs.
- 9.3.11 WWF supported the SBWG encouragement for all ACAP Parties to improve the participation of fisheries management agencies in ACAP meetings/work and supported the points made regarding briefing of National Contact Points well in advance of meetings. Specifically under recommendations from the SBWG on RFMO engagement priorities for IATTC (point 2), reference is made to the need to improve communications between ACAP Parties to ensure consistent positions are put forward to meetings, WWF recommended this point be considered a priority across all ACAP RFMO engagement approaches. WWF stressed the importance of communication and coordination with non-ACAP Parties and NGOs in forming and sharing ACAP positions, wherever possible.
- 9.3.12 BirdLife expressed its appreciation for the close collaboration with ACAP in respect of practical and strategic aspects of interactions with RFMOs.

#### **Kobe 2 Bycatch Workshop**

- 9.3.13 The United States confirmed that it was co-hosting the upcoming meeting of the five tuna RFMOs to discuss the issue of bycatch, which is to be held 23-25 June in

Brisbane, Australia. The draft agenda for the meeting was available for review and comment on the joint tuna RFMO web site ([www.tuna-org.org](http://www.tuna-org.org)). It was acknowledged that preparations for the meeting and input from others will be challenging in such a short period of time, but ACAP and its Parties were encouraged to attend and participate in the meeting.

- 9.3.14 As the chair of the planning committee, the United States is following the agenda set in the Kobe 2 process. Of particular note, the workshop steering committee had decided to allow non-tuna RFMO and expert IGO input into the preparation of background papers. It was noted that both the Advisory Committee Vice-chair and SBWG Convenor had accepted invitations to provide expert input to the development of several of the background papers based upon their involvement in ICES, ACAP and CMS. It was also noted that other IGOs would be invited to submit discussion papers that would be among the official documents for the meeting.
- 9.3.15 The Advisory Committee endorsed the general points identified by the SBWG for inclusion in an ACAP discussion paper to be provided to the workshop participants. It was suggested that emphasis be placed on point (f), given the reputation of the SBWG as possessing global expertise in seabird bycatch mitigation advice. The points that were endorsed are:
- a) ACAP's objective is to achieve and maintain a favourable conservation status for albatrosses and petrels;
  - b) many populations of albatrosses and petrels are threatened with extinction as a result of being killed or injured in fishing operations managed by tuna RFMOs;
  - c) the FAO Code of Conduct for Responsible Fisheries and, for those tuna RFMO members which are also Parties to the UN Fish Stocks Agreement, the UN Fish Stocks Agreement established the 'Ecosystem Approach' and the 'Precautionary Approach' as key approaches necessary to achieve sustainable management of the world's fisheries, as well as establishing the duty of fishery management to minimise impacts on non-target species such as albatrosses and petrels (e.g. amongst others, Article 5(f) of the UN Fish Stocks Agreement 1 and Article 6.6. of the Code of Conduct for Responsible Fisheries 2);
  - d) Article 5(f) places a binding obligation on fisheries management organisations to maintain biodiversity and to establish conservation and management measures to minimise the catch of non-target species, including impacts on associated or dependent species. Article 5(f) requires States to do this to the extent practicable, and to develop and use environmentally safe and cost-effective fishing gear and techniques;
  - e) ACAP has established a comprehensive database of information on the biology, ecology, status and trends of albatrosses and petrels listed in Annex 1 of the Agreement;
  - f) the ACAP Seabird Bycatch Working Group regularly reviews the scientific literature on seabird bycatch mitigation measures as part of work to identify effective, best practice mitigation measures that do not adversely impact on the survival of other taxa;
  - g) advice is also provided by this Working Group on seabird ecological risk assessment processes, bycatch observer program protocols and data collection requirements;
  - h) recognition that RFMOs are required under UN Fish Stocks Agreement to manage fisheries on an ecosystem approach and the challenges that this presents, particularly in regard to the acquisition of relevant data to inform management decisions; and

- i) ACAP welcomes the opportunity of providing its expertise on seabird bycatch mitigation to the tuna RFMOs and expresses its willingness to do so in any new structure proposed as a result of the discussions held in this Workshop.

- 9.3.16 The Secretariat was tasked with responsibility for developing this paper.
- 9.3.17 The USA congratulated ACAP and BirdLife International for its progress within RFMOs and expressed its appreciation for the collaborative nature of its working relationship with ACAP and BirdLife International at meetings of the RFMOs, even though the USA is not yet a member of ACAP. With regard to the Kobe 2 Bycatch Workshop, the USA noted that this meeting was an ideal opportunity for ACAP Parties to work with key RFMO staff in their own governments to support a concrete ACAP product at a very important international fisheries meeting. The USA also offered to work with ACAP Parties in preparation for the Kobe 2 Bycatch Workshop, not only as a member of the Workshop planning committee, but also as an individual delegation participating in the Workshop.
- 9.3.18 Argentina made a statement regarding ACAP's strategy for engagement with RFMOs, particularly with respect to the United Nations Fish Stock Agreement (Statement 1).

#### **9.4 Terms of Reference**

- 9.4.1 The existing terms of reference for the SBWG were reviewed, and no changes were made.

#### **9.5 National Plans of Action (NPOA)**

- 9.5.1 Argentina announced the recent adoption of the National Plan of Action – Seabirds (NPOA-S) approved by the Federal Fisheries Council (Resolution 03/2010) (<http://www.cfp.gov.ar/resoluciones/res03-10.pdf>). This NPOA-S is framed within the FAO IPOA and follows the objectives of the Agreement.
- 9.5.2 The drafting of the NPOA-S was possible thanks to a number of actions led by the Federal Fisheries Council since 2001, a technical document elaborated by researchers from National universities and the National Research Council, as well as inputs from a number of workshops with the participation of researchers, government and NGOs.
- 9.5.3 The NPOA-S includes information on the legal and institutional framework, a characterisation of Argentine fisheries, the ecology and conservation status of main seabird species, the description of mitigation methods available for different fisheries, as well as the mechanisms for its monitoring and implementation. The Plan includes descriptions of the legal and institutional framework of Argentinean fisheries, of the conservation status of the main seabird species, of ecological aspects and of proposed mitigation measures. Finally it describes the processes by which the plan had been elaborated and how its implementation would be monitored.
- 9.5.4 Peru has begun the process of developing an NPOA Seabirds. A draft document is currently being prepared with assistance from the American Bird Conservancy. The final draft NPOA will be submitted for stakeholder consultation and a validation workshop for final approval. Peru plans to produce a proposal for the next meeting of the AC to seek funding for the project.
- 9.5.5 Chile confirmed that they had ratified their NPOA in February 2008, and it had been published and distributed to stakeholders.
- 9.5.6 BirdLife reported their understanding that Namibia is re-commencing work on developing an NPOA.
- 9.5.7 WWF congratulated those Parties which have prioritised the development of NPOAs. NPOAs are a critical tool in addressing seabird conservation, however unless there is also effective implementation, these plans have little effect. An opportunity exists for all Parties to re-invigorate their commitment and action to implement effective

NPOAs with the recent release of the revised FAO IPOA BPTG. WWF understood action had been taken by some Parties in this regard, and congratulated Argentina in particular on the recent adoption of their NPOA. In New Zealand, WWF and the in-country BirdLife partner (Forest and Bird) have engaged in a collaborative process to review the existing NPOA, adopting an approach informed by the revised FAO IPOA BPTG, and now await the release of a robust and effective formal document for consultation.

- 9.5.8 Following a question from BirdLife International, the Vice-chair reported on progress with the European Union Seabird Plan of Action (EUPOA-Seabirds), indicating that the time frame, processes and contents remain uncertain, especially in relation to covering the operations of the distant-water fleets of EU Members, the aspect of the greatest relevance to ACAP. He was hopeful that there would be progress in 2010.
- 9.5.9 BirdLife International noted the importance of the development of an EUPOA-Seabirds, consistent with the recently published FAO IPOA BPTG, and which includes the distant-water fleet. It encouraged all ACAP Parties which are members of the EU to strongly advocate the prompt development of a comprehensive EUPOA-Seabirds.
- 9.5.10 The Committee noted with satisfaction the considerable progress being made in the development and implementation of NPOAs, and emphasised the importance of effective plans in achieving the objectives of the Agreement. All parties were encouraged to consider, where applicable, expansion of existing NPOAs to incorporate fisheries employing other types of gear, as well as longline gear.
- 9.5.11 The AC congratulated the FAO on the development and publication of the FAO IPOA BPTG (FAO 2009) and thanked them for providing multiple copies for dissemination at the AC meeting. The AC encourages FAO to translate and publish the guidelines in official FAO languages. The Secretariat was asked to write to the FAO on these matters.

## 9.6 Recommendations

- 9.6.1 SBWG recommends that the Advisory Committee:
- a) endorse the review of pelagic longline mitigation measures (Annex 6);
  - b) endorse the best practice advice statement on pelagic longline mitigation (Annex 7);
  - c) endorse the review of trawl mitigation measures (Annex 8);
  - d) endorse the best practice advice statement on trawl mitigation (Annex 9);
  - e) endorse the review of demersal longline mitigation measures (Annex 10);
  - f) endorse the best practice advice statement on demersal longline mitigation (Annex 11);
  - g) continue to provide funding of AU\$30,000 annually for travel costs associated with attending RFMO and other international meetings (see Agenda item 9.3);
  - h) give consideration to providing additional funding for the Technical Officer position within the Secretariat to encourage parties that are members of RFMOs to improve liaison with relevant ACAP Parties on RFMO and other international issues;
  - i) encourage ACAP Parties that are members of RFMOs and other international organisations to improve the participation of their fisheries management agencies in ACAP meetings/work so they have a better appreciation of the outcomes being sought at RFMO or other international meetings to further seabird conservation;
  - j) give a high priority to the completion of products to be used in RFMO and other international meetings, such as RFMO specific engagement strategies, risk assessment recommendations and observer programme protocols;

- k) endorse the proposed priorities for engagement with RFMOs or other organisations for the next 12 months, as outlined in Agenda item 9.3;
- l) support the preparation of a discussion paper for the upcoming Kobe 2 Bycatch Workshop being held to discuss the issue of bycatch, covering the issues outlined in Agenda item 9.3;
- m) encourage all ACAP Parties to utilise the FAO IPOA BPTG, when developing or reviewing their NPOA-Seabirds;
- n) allocate AU\$5,000 a year for the next 5 years for the collaboration between the ACAP and BirdLife to maintain and update the Mitigation Fact Sheet series (paragraph 9.1.25);
- o) provide funding for the translation of Mitigation Fact Sheets into the languages of the Agreement, and into those of important fishing nations, as outlined in paragraph 9.1.25, above;
- p) support revision of the review of ecological risk assessments (AC5 Doc 32) for further development and publication as part of the series of ACAP Conservation Guidelines, noting that an amount of AU\$7,000 for additional GIS expertise would be required for the latter purpose;
- q) encourage ACAP Parties, including those with jurisdiction on fisheries operating in the South Atlantic basin region and over the Patagonian shelf, to reduce levels of hook discarding, and consider using marked hooks to allow lost gear to be assigned to specific fisheries and vessels.

9.2.2 The Working Group also provided the following advice to the Advisory Committee;

- a) in relation to bycatch data provision by Parties for ACAP reporting,
  - i. data collected from two Parties intersessionally indicates that it appears practical to collect this data from all Parties in a consistent manner, although a few members of the Working Group were not of this opinion; and
  - ii. taking into account the levels of observer coverage identified by the metadata survey, the WG noted that it will not be possible to develop robust bycatch estimates for all fisheries from analysis of the data to be provided.
- b) The format and content of those sections of the draft revised template for national reporting by ACAP Parties (AC5 Doc 16) relevant to seabird bycatch is endorsed by the Working Group.

9.2.3 The Advisory Committee endorsed the recommendations of the Seabird Bycatch Working Group, subject to further discussion when the budget of the work programme of the Advisory Committee was reviewed under Agenda Item 12.5.

9.2.4 The Convenor thanked the Advisory Committee for their support of the work of the Seabird Bycatch Working Group. He also thanked all members and observers for their contributions at the meeting and also during the intersessional period. In response to new matters raised during both the SBWG and AC meetings, the agenda for the next meeting of the Working Group would include items on observer programmes, artisanal fisheries, mitigation for gill nets, and a review of mitigation fact sheets.

## 10. STATUS AND TRENDS OF ALBATROSSES AND PETRELS

10.1 The Convenor of the Status and Trends Working Group (STWG) introduced the Group's Report (AC5 Doc 11). The report documented the intersessional work of the group and the discussions at the STWG that was held on 8 April 2010. The meeting was attended by STWG members and observers from Argentina, Australia, France,

- New Zealand, United Kingdom, the United States of America, and BirdLife International; members of the ACAP Secretariat also attended the meeting.
- 10.2 The Committee recognised that considerable progress has been achieved by the STWG since AC4. All 29 species assessments have been finalised and are available on the ACAP website. The Committee recognised the invaluable resource that these assessments now represent as testified by their use in relevant meetings (including CCAMLR, ICCAT and Argentinean outreach programmes) as well as by the thousands of downloads that have occurred since they were posted on the website. Translations into Spanish have been completed for 27 assessments, the remaining two being scheduled for 2010. The priority is now to progress the translations into French. The Committee noted the advice of the WG concerning review and revision of the assessments. Updates of population parameters, conservation status and significant changes at breeding or foraging sites shall be updated in real time, more comprehensive revisions shall occur every 2 years, or as required.
- 10.3 Significant progress has continued in the development, data input and application of the relational database to curate and coordinate data from the ACAP Working Groups. The data portal was also launched as part of the improved ACAP website in 2009. All STWG data holders have been issued with login details and instructions allowing them to review and update data relevant to their jurisdiction. Detailed discussion by the STWG focussed on technical and query details that will assist in the collation and analysis of data relevant to albatrosses and petrels recognising that the functionality of the database is fundamental to the management of information sought by the Agreement.
- 10.4 During the intersessional period, all National Representatives on the STWG (Argentina, Australia, Chile, Ecuador, France, New Zealand, South Africa and the UK) were requested to provide updated population data for all species breeding within their territories. Only Australia, France, South Africa and the UK had provided the information as requested. New Zealand has committed to request recent data from researchers, and Argentina reported that these data will be made available as soon as analyses are complete. These Parties, as well as Chile and Ecuador are encouraged to contribute the data to ACAP as soon as possible to ensure that analyses are accurate and comprehensive.
- 10.5 The Committee noted the 2009 and impending 2010 updates to the IUCN Red List that will result in three changes to the status of ACAP listed species (AC5 Doc 34). In 2009, the status of southern giant petrel was changed from Near Threatened to Least Concern. In May 2010, the Chatham albatross will be listed as Vulnerable and Laysan albatross listed as Near-threatened. Twenty one of the 29 ACAP listed species remain listed as threatened species, with three ranked as Critically Endangered, six ranked as Endangered and 12 species listed as Vulnerable (Annex 12).
- 10.6 The results of population status queries of the ACAP database were summarised and discussed by the STWG. The Committee noted that the 29 ACAP species which comprise 3.05 million breeding pairs each year, breeding at 140 island groups, which in turn comprise 568 populations (population-site combinations, excluding sites with single or mixed pairs). The rarest of the ACAP species remains the Critically Endangered Amsterdam albatross (30 pairs pa) whilst the most abundant is the Vulnerable and declining white-chinned petrel (> 1 million pairs pa). Ten ACAP species continue to decline in numbers, while six species show recent increases in numbers, seven species are currently stable and the global population trend for six species remains unknown (Annex 12). Current understanding of population size and trend varies between ACAP species, with seven species remaining deficient in information on population size across their range, with grey petrel, light-mantled albatross and white-chinned petrels being particularly data deficient. For some species, population data need to be updated, most notably for the New Zealand

- endemic Campbell albatross that has not been surveyed at any site for over 10 years.
- 10.7 The Committee noted that knowledge, derived from studies of survival rates is required to assist in determining the nature and severity of the threats influencing the conservation status of these birds. Currently, there are adult survival rates available for only 8% of all ACAP populations, and no studies of adult survival for four species. There are juvenile survival rates for only 15 ACAP species, these rates being derived from only 4% of all the populations. The Committee noted the deficiencies in the extent of these data. BirdLife International recommended the addition of data relating to age-at-first-breeding be added to the ACAP database given the relevance of this parameter in the determination of important life history statistics.
  - 10.8 The Committee also considered the STWG examination of the level of population status and trend information for populations managed by the different jurisdictions. New Zealand is responsible for the breeding populations of more ACAP species than any other Party, whilst France is responsible for most ACAP populations. There is variation in the extent of data available for populations of ACAP species, with significant gaps resulting from unsurveyed populations and from data that has still to be submitted to the ACAP database. These shortcomings were considered by the Committee which recommended a more comprehensive analysis of data gaps following a renewed call for data to be submitted to ACAP. This will enable identification of populations that could be prioritised for establishment of monitoring programmes. Such an analysis is also vital to monitoring the effectiveness of management actions and the work of the Agreement.
  - 10.9 The Committee reiterated the recommendation for Parties to continue the long term ACAP species monitoring programs where they occur, and for Parties also to prioritise, and implement where required, regional programmes to increase current knowledge of population size, trend and demographic parameters of ACAP species.
  - 10.10 The proposed ACAP data sharing agreement (AC5 Doc 35) was considered by the STWG, in parallel with consideration of the rules of access and STWG data use that were agreed at AC4 (see Agenda item 22). There was in-principle agreement with the intent and need for the more comprehensive data sharing agreement and the Working Group committed to working with the Secretariat to ensure that the specific details relating to STWG data be retained within the new agreement as required. The group also considered the proposed performance indicators relating to status and trends that were detailed in AC5 Doc 28 and AC5 Inf 8. The results of these deliberations were collated for all WGs into AC5 Inf 16 (see AC Agenda Item 14).
  - 10.11 The Committee agreed with the assessment by the STWG in relation to the development of the preliminary integrated indices of the status and trends of albatross populations (STWG 5 Doc 5). The WG concluded that the work had been extremely useful, but given the limited availability of time-series data for ACAP species and the difficulties in extrapolating trends between sites and regions, it agreed that further pursuit of integrated indices at this stage would be premature. The Committee also noted the advice provided by the STWG relating to the national reporting template (AC5 Doc 16) and agreed that this would assist clarity in reporting elements relating to status and trends (see Agenda item 16).
  - 10.12 The Committee noted the advice of the STWG regarding the review of actions identified in the Waved Albatross Action Plan implementation report (AC5 Doc 20, Agenda item 20). The WG recommended a reassessment of the priorities assigned to the actions relating to status and trends so that the priority of actions could be ranked with greater certainty and clarity.
  - 10.13 The Committee reviewed the STWG Terms of Reference (ToR) that were most recently revised and agreed at AC4. No changes to the ToR were recommended.
  - 10.14 The Committee endorsed the STWG's work plan and incorporated it into the Advisory Committee Work Programme. This work plan was updated to recognise the



considerable progress that has been achieved against many of the action items, and also refined and updated to reflect requirements that were identified during the intersessional periods and during the STWG meeting.

- 10.15 The Committee agreed that the STWG continued to achieve exceptional progress in consolidating and synthesising information relating to the status and trends of ACAP species. The Committee thanked the STWG Members, Observers, Vice-Convenor and Convenor for the progress that has been achieved and for their assistance in progressing achievements towards many of the responsibilities identified in the Action Plan of the Agreement. The importance of the Secretariat's work in developing the database that underpins the work of STWG was also acknowledged.

### **Recommendations**

- 10.16 The STWG recommends that:
- a) Spanish translations of Species assessments are completed and translations into French are progressed, with priority given to species breeding in French territories;
  - b) the species assessments are revised with real time updates of population parameters as they become available, with 2 yearly comprehensive revisions of content as required;
  - c) Parties with outstanding status and trends data (Argentina, Chile, Ecuador, New Zealand) submit data as soon as possible to enable accurate and comprehensive analyses;
  - d) age-at-first-breeding field is added to the ACAP database and Parties provide this information where available;
  - e) STWG undertake a comprehensive analysis of data gaps following a renewed call for data to be submitted to ACAP. This will enable identification of populations that could be prioritised for establishment of required monitoring programmes and also vital to monitoring the effectiveness of management actions and the work of the Agreement;
  - f) Parties continue the long term ACAP species monitoring programmes where they occur, and that Parties also prioritise, and implement where required, regional programmes to increase current knowledge of population size, trend and demographic parameters of ACAP species; and
  - g) that the AC accepts the updates and modifications to the work plan that guides future work of the STWG.
- 10.17 The Advisory Committee endorsed the recommendations of the Status and Trends Working Group. The Convenor thanked the Advisory Committee for their support of the work of the Working Group.
- 10.18 France announced that they would be developing a National Action Plan for the Amsterdam albatross, in recognition of their responsibilities under the Agreement, and to implement a national decision to develop such plans for all species assessed as being Critically Endangered and which occur on French territory. It was expected that the Plan would be completed by the end of 2010 and presented to the next meeting of the Advisory Committee.

## **11. TAXONOMY OF ALBATROSSES AND PETRELS**

### **11.1 Taxonomy Working Group Report**

- 11.1.1 The report of the Taxonomy Working Group (TWG, AC5 Doc12) was presented by the Vice Chair. The Group had four main actions to complete in the last intersessional period.
- 11.1.2 A review was undertaken of the taxonomic status of the Tristan and Wandering Albatross species. This group used the agreed criteria for such reviews and found

that these two taxa should be regarded as separate species, thus confirming the current species list in Annex I to the Agreement.

- 11.1.3 A review of five recent publications pertinent to albatross and petrel taxonomy was undertaken. This found that there were two schools of thought relating to the taxonomy generally. One approximately followed the taxonomy that ACAP had adopted, while others 'lumped' species together. The Taxonomy Working Group believes that there is a strong logic to following the current ACAP taxonomy.
- 11.1.4 It was noted that the Convention on Migratory Species (CMS) was considering revising its taxonomy and the Committee agreed that the TWG should draft a letter for the AC Chair to send to the Chair of the Scientific Committee of CMS, recommending adoption of the ACAP taxonomy. The Committee asked that TWG also consider how ACAP could influence the taxonomy of other groups such as the South American Checklist Committee.
- 11.1.5 The TWG continued the establishment of a morphometric and plumage database to facilitate the taxonomic process, the identification of bycatch specimens, and the long-term storage of valuable data. This database will be incorporated in ACAP's main database in the next year. TWG also continued to update the Taxonomy Working Group's web-based bibliographic database.
- 11.1.6 In 2010-11, the TWG will continue to address items in the Advisory Committee Action Plan provided by the Meeting of Parties. In addition, it will respond to the CMS Scientific Committee (see 11.4 above) and will consider ways of influencing other regional/global taxonomy decision committees/groups.

## **11.2 Future Work Programme**

- 11.2.1 The Committee endorsed the Taxonomy Working Group's work plan and noted that no funds had been requested.

## **11.3 Terms of Reference**

- 11.3.1 The Committee reviewed the existing terms of reference for the Taxonomy Working Group and agreed that no changes were made.

## **12. ADVISORY COMMITTEE WORK PROGRAMME**

### **12.1 Review of process for Allocation of Funds to Advisory Committee Work Programme**

- 12.1.1 The Chair provided a review of the process followed to allocate funds to the AC Work Programme during 2009 (AC5 Doc 30) and made some minor recommendations to improve the process in future years.
- 12.1.2 The Advisory Committee agreed that there was a need to identify indicative funding in future rounds but this would not be made public; that external referees are not usually needed to evaluate proposals and that an academic expert could be used if required; and capacity building issues should be discussed further after the prioritisation exercise was complete. While the Committee agreed it was desirable that applications were submitted in English to contain translation costs, applications submitted in any of the other languages of the Agreements would still be considered.

### **12.2 Review of 2008 Project Reports**

- 12.2.1 The Chair briefly discussed the outcomes from seven projects in 2008 (AC5 Inf 1). The Advisory Committee agreed that the projects supported were successful in laying foundations for potential future work that would benefit the Agreement's objectives.
- 12.2.2 Argentina also referred to the capacity building Project between Ecuador, Argentina and BirdLife International, highlighting that objectives were accomplished and that

Argentina hope to keep replicating this experience in South-South cooperation projects. Argentina specially thanked the National Fisheries Institute, the Chair of the Advisory Committee and NGOs Aves Argentinas and BirdLife International for the help and work undertaken.

### **12.3 Summary of Projects Approved in 2009**

- 12.3.1 The Chair introduced AC5 Doc 23 on the projects that were funded by the Advisory Committee in 2009. Several Parties noted with pleasure that projects to improve implementation of ACAP had been funded in their waters.
- 12.3.2 The Chair and the Grants sub-group were thanked for their hard work in ensuring the grants process had a successful outcome.
- 12.3.3 The Advisory Committee noted that Project 09/06 had been approved subject to AC endorsement of the Mitigation Fact Sheets. As this had now occurred, the release of funds to ensure translation of the fact sheets was approved by the Committee.
- 12.3.4 Argentina, on behalf of the other South American Parties to ACAP, reported on progress on project 09-10. The proposed workshop will take place in Buenos Aires during August 2010. Argentina thanked the Chair of the Advisory Committee and BirdLife international for their offer in assisting the process.
- 12.3.5 Peru: thanked ACAP for supporting several Peruvian projects, which had been particularly helpful given that Peru is currently drafting their NPOA-Seabirds. Chile: thanked ACAP for approving project 09/9, Implementation of a Scientific Observer Programme to Evaluate the Interaction of Seabirds with Demersal Fisheries in the South of Chile, noting that excellent progress had been made so far.
- 12.3.6- Australia: welcomed feedback from Parties on this item, and thanked ACAP for approval of project 09/11, which sought to evaluate the effectiveness of a fast sinking line-weighting regime. It noted with satisfaction the excellent progress of the grants sub-committee in administering the project approval process in 2009.

### **12.4 Allocation of Funds to Advisory Committee Work Programme**

- 12.4.1 Following the review of the Work Programme (Agenda Item 12.5), the Advisory Committee considered the items for which funding was sought from Appropriation 4 (the Advisory Committee's appropriation) (Annex 13). It was noted that the current system was not transparent and needed to be more clearly defined. A sub-group was established to consider this and 2010 funding requests.
- 12.4.2 The Executive Secretary informed the sub-group that funding available for allocation under the Advisory Committee's appropriation consisted of budget allocations made by MoP; voluntary contributions; interest earned on the Agreement's funds; and the balance of funds remaining in the appropriation from previous years.
- 12.4.3 The sub-group recommended that funding requests be divided into two categories as follows:
- Core tasks – ad hoc work that is essential to the functioning of the Agreement. Such work would normally be undertaken by the Secretariat, with funding from the Advisory Committee's appropriation.
  - Other tasks - that are to be considered for funding from the Advisory Committee's appropriation through the grants assessment process adopted at AC4.
- 12.4.4 The sub-group noted that although there were benefits in the grants assessment process being undertaken during the Working Group and Advisory Committee meetings, in practice it is necessary to undertake the process after the meetings so that the meeting outcomes can be used to guide allocation of funds. Allocation of funds to core tasks would continue to undertaken at Advisory Committee meetings.

- 12.4.5 The sub-group reviewed tasks in the Advisory Committee's 2010 Work Programme for which funding was being sought. It identified those items which it considered to be core tasks to be undertaken by the Secretariat, and recommended that the remaining tasks be considered through the 2010 grants process.
- 12.4.6 Australia asked that the Grants Sub-Committee be asked to review how it gives consideration to the review of innovative ideas. Perhaps this could be done by including an additional item in its assessment spreadsheet. The Committee thanked the sub-group for its consideration of these issues and agreed to the allocation of funding of \$73,000 to core tasks to be undertaken by the Secretariat.
- 12.4.7 In relation to AC task 4.13, the AC agreed that BirdLife and ACAP, specifically the SBWG, should collaborate to maintain, update and disseminate the Best Practice Mitigation Fact Sheets as an electronic resource and that individual fact sheets would be selected for translation into target languages based on their priority for fisheries which overlap with ACAP listed species (SBWG 3 Doc 14 rev1 Section 11). BirdLife outlined the proposed deliverables from ACAP 09-06 (AC 5 Doc 23), indicating that AUS\$18,216 will be used to provide ACAP with translated copies of targeted Fact Sheet as follows: English (14), Spanish (14), French (10), Japanese (8), Mandarin (8) and Portuguese (8).

## **12.5 Review of Advisory Committee Work Programme 2010-2012**

- 12.5.1 A Work Programme for the triennium 2010-2012 was approved by the Third Session of the Meeting of the Parties (MoP3, Resolution 3.4, AC5 Doc 17). The work programme was reviewed at AC5 (and in its working group meetings) and was amended (Annex 14). Actions that were completed were identified (in lighter grey print) and further actions (numbered with an additional letter) were decided upon. Some actions include further notes or have been amended to better describe the Topic or Task. Some actions in the work programme have a cost indicated against them (in thousands of Australian dollars). These figures are indicative only. The value of work to implement the work programme that is carried out by Parties, Range States, Observer Organisations and the Secretariat, and many scientists on their budgets and in their time is not included.
- 12.5.2 The Grants sub-group had deferred the decision as to whether to fund translations of the Mitigation Fact Sheets produced by BirdLife International for the AC to consider (AC5 Inf4). The Advisory Committee approved this expenditure.
- 12.5.3 The Advisory Committee was grateful to all who had helped move the Work Programme forward so successfully in the past year.

## **13. PROCESS OF IDENTIFYING CONSERVATION PRIORITIES**

- 13.1 New Zealand presented AC5 Doc 15 and gave a Powerpoint presentation ([www.acap.aq](http://www.acap.aq)) to the AC on why a prioritisation framework was beneficial to ACAP, the intersessional work of developing the framework, how it worked, some initial findings and future work.
- 13.2 Several preliminary findings could be used by Parties immediately, even though it would be up to six months before the expert inputs were validated by the relevant seabird and fishery experts. Following this validation process, it would be possible to identify priorities, including species-fishery interactions, at a finer scale. Additionally, the format of the finer scale results was already apparent, meaning that ACAP could anticipate how the outputs could be applied to the national reporting template or the development of performance indicators.
- 13.3 Following considerable discussion about a wide range of aspects, including validating expert inputs and testing the sensitivity of ratings and weightings, the AC:
- noted that there had been substantial progress on developing the framework and congratulated New Zealand and the members of the ad-hoc Working Group for their efforts over the last 18 months;

- noted that during the course of AC5, some members of the BSWG had provided expert input to populate the land-based components of the prioritisation framework. It should be possible to identify preliminary land-based priorities within the next six months;
- agreed that the preliminary findings of the prioritisation framework should be used immediately as a tool to prioritise conservation actions and, as appropriate, other related AC tasks as set out in AC5 Doc 15;
- agreed that, subject to the availability of adequate funding from the AC budget, the further work proposed in the "Next steps" section of AC5 Doc 15 should proceed and encouraged the contributing experts to conclude this work as soon as possible; and
- agreed that, after the above work has been satisfactorily completed, the detailed outputs from the framework, together with other appropriate information, should be used as a key tool to guide the future work of ACAP and Parties to prioritise work consistently and to achieve the objectives of the Agreement in the most effective way.

#### **14. DEVELOPING INDICATORS TO MEASURE THE SUCCESS OF ACAP**

- 14.1 AC5 Inf 16 Rev 1, which summarised the recommendations of the Working Groups relating to performance indicators to measure the effectiveness of the Agreement, was presented to the AC. A summary of information from AC5 Docs 28 and 16, and AC5 Inf 8 was also presented, including a brief outline of previous consideration of performance indicators by the AC and MoP.
- 14.2 The AC discussed the desirable characteristics of performance indicators and agreed:
- a. that indicator categories should, as far as possible, conform with the "State, Pressure Response" (SPR) system, while recognising that some important indicators would relate to monitoring the progressive acquisition of relevant data to enable the development of SPR indicators;
  - b. that some basic indicators (see Annex 15) identified by the working groups, which were readily achievable with data that ACAP already holds, could be adopted immediately and, where necessary, incorporated into the revised national reporting template;
  - c. that some other indicators identified by the working groups require further development intersessionally; and
  - d. it was agreed to form a small ad-hoc group to progress work on the development of indicators. The group comprised the WG Convenors and members from the UK, Australia, New Zealand, South Africa, the USA, BirdLife and any others who wished to join; the UK agreed to lead this group;
- 14.3 Birdlife International noted that the AC is now on track to progress the development of potential candidate indicators for further consideration by the next meeting for the AC and the subsequent Meeting of Parties. However, the existing list of potential indicators does not include any which more directly measure the levels of commitment (e.g. in terms of capacity as set out in AC5 Doc 28 Annex C) by those with Range State responsibility of ACAP species and encouraged the AC to seek the views of MoP4 on suitable indicators.
- 14.4 The AC agreed to add this topic to the work of the intersessional group.

#### **15. DEVELOPING A STRATEGIC PLAN FOR IMPLEMENTATION OF THE ACTION PLAN**

- 15.1 The Executive Secretary presented a proposal (AC5 Doc 22) to develop a strategic plan to provide a longer term temporal reference for implementation of the

Agreement's Action Plan and to assist Parties in making decisions on the allocation of resources.

- 15.2 The Committee decided that, although this proposal may have merit in the future, at the present stage of the Agreement's development and in view of the considerable number of initiatives currently being implemented, it would be inappropriate to proceed with the proposal at this time.

## **16. AMENDED FORMAT FOR PARTIES' REPORTS ON IMPLEMENTATION OF THE AGREEMENT**

- 16.1 AC5 Doc 16 was presented to the AC by Australia. The AC noted that MoP3 had agreed to the recommendation by AC4 to revise the reporting template to allow improved capacity to quantitatively assess actions to implement the Agreement and their effectiveness, to facilitate consolidation of individual Party's replies into a whole-of-Agreement summary and to reduce the workload on Parties by simplifying the process.
- 16.2 The AC noted that the STWG, BSWG and SBWG had all considered and endorsed the format and broad content of the draft reporting template in AC5 Doc 16 and that the SBWG had made recommendations about how to incorporate the output of the ad-hoc intersessional group developing bycatch reporting into the draft template. In addition, the AC noted it had endorsed the recommendations of those working groups on basic performance indicators to measure the effectiveness of the Agreement that could be incorporated into the template.
- 16.3 The AC thanked Australia for its substantial efforts to improve national reporting and discussed several aspects of the proposed template and reporting process. These included whether it would be possible to make more use of existing information Parties submit on bycatch to other organisations such as the FAO and RFMOs, and some possible additional questions relating to protection of breeding sites and performance indicators that could be included in the template. It noted that the template would need to change in the future to accommodate changed information needs of the Agreement and the AC work programme.
- 16.4 New Zealand supported the proposed template for national reporting and the proposal to revise the template to take account of AC decisions on performance indicators and improvements suggested at AC5. New Zealand expressed some concern at the collection of bycatch data when the AC had not yet identified how it could use the proposed data in a meaningful way; nevertheless, it agreed to provide the requested information on a trial basis and to assist with the development of a section in the template relating to priority conservation actions.
- 16.5 The AC requested Australia to revise the draft template to take account of AC5 discussions and agreed:
- a) to request all Parties to use the revised template for reporting prior to AC6;
  - b) to encourage Range States which are not yet Parties to the Agreement to complete the template;
  - c) that the Secretariat should undertake a consolidation of individual Party' replies into a whole-of-Agreement summary and submit both as papers to AC6; and
  - d) to review progress and to further revise the template as necessary at AC6.
- 16.6 Subject to final deliberations under agenda item 12.4 (allocation of funds to the AC work programme), the AC also agreed to support the provision of funds to undertake the further development of the ACAP database to support the revised reporting process.

## **17. CAPACITY BUILDING**

- 17.1 The Chair introduced AC5 Doc 24 on the development of an ACAP strategy on capacity building. The document details key components of the strategy including (a)

- the definition of capacity building, (b) objectives, (c) principles to define priority areas and actions, (d) methods, (e) funding, and (f) governance.
- 17.2 The Chair expressed his concern at the discrepancy between the interest that Parties expressed in MoP on the need to develop the strategy and the subsequent poor response to requests for input to develop the strategy intersessionally.
- 17.3 The Advisory Committee noted the recommendations in AC5 Doc 24 and recommended that the strategy be refined in the intersessional period for further analysis in AC6. The Chair expressed his willingness to steer the development process intersessionally. New Zealand and the Secretariat, co-authors of the document, agreed to support the process.
- 17.4 Several Parties offered comments about how to progress this issue, including making the definition an inclusive rather than an exhaustive listing, and also considering how the collective capacity of the Agreement, the Advisory Committee and its working groups can be improved.
- 17.5 The delegation of Brazil congratulated Peru, Ecuador and the AC for the significant advances made on the implementation of the Waved Albatross Action Plan. Brazil encouraged the AC to be cognisant of the conservation imperative of reducing seabird bycatch in pelagic longline and artisanal fisheries on the eastern seaboard of South America. Specifically in Brazil and Uruguay where fisheries have been demonstrated to be critical for the conservation of Wandering albatross and other ACAP listed species. Brazil requests that the AC Grants Sub-Committee are mindful of this important issue when making future deliberations.
- 17.6 The Delegation of Uruguay reaffirmed this position and supported the request for the AC to be mindful of this issue in future decision making processes.
- 17.7 Chile wished to emphasize the importance of the capacity building strategy for the Agreement and, in particular, for the South American region. In this regard, Chile informed the Advisory Committee that during the 'Improving the recollection of data on seabird bycatch mortality in on board observer programs in South America' regional workshop, to be held in August 2010, a useful exchange of views will take place with regard to the needs in, and supply of, capacity building in the South American region.
- 17.8 The Committee noted that BirdLife International's Albatross Task Force (ATF) had been very effective in building capacity in both the technical and scientific implementation of mitigation work (see SBWG3 Docs 11 and 12). The ATF is an excellent example of capacity building in key ACAP Parties and collaborating countries and represents a major strategic and funding commitment on behalf of BirdLife, and specifically the RSPB.
- 17.9 The primary objective of the Agreement will be supported by the medium and long-term legacy of the ATF through:
- a) a significant contribution to reducing seabird bycatch;
  - b) a cadre of skilled practitioners/instructors in the design, execution and analysis of mitigation research with strong links in key industry agencies and companies; and
  - c) its work with in-country fisheries agencies and strengthened national observer programmes.
- 17.10 BirdLife acknowledged the critical importance of the role of the various non-Birdlife partners that help make the ATF possible: Chile - Centro Ballena Azul and the Universidad Austral de Chile and IFOP; Namibia - Namibian Nature Foundation and the Namibian Ministry of Fisheries & Marine Resources; Brazil - Projeto Albatroz; Uruguay - Proyecto Albatros y Petreles and DINARA; Ecuador - Subsecretaria de Recursos Pesqueros de Ecuador; Argentina – INIDEP; and South Africa – the South African Department of Environmental Affairs.

- 17.11 WWF expressed support for the capacity building recommendations and expressed an interest in assisting to develop the strategy. WWF acknowledged the complimentary capacity building work undertaken by many organisations to achieve ACAP objectives. WWF also noted that they are working with FVSA to investigate the feasibility of using an approach based on the Southern Seabird Solutions model to collaboratively address seabird conservation issues in Argentina.

## 18. LISTING OF NEW SPECIES

- 18.1 The Vice-chair introduced AC5 Inf.15 authored by the Secretariat. He noted that paper indicated that several *Puffinus* shearwaters ranked relatively highly for protection.
- 18.2 The UK stated that whilst it would consider any formal listing proposals as they arise it felt that ACAP is at a crucial stage of its development, becoming more strategic with the development of priorities, performance indicators and better national reporting and that ACAP should, at this point in time, consider a period of consolidation to embed these new initiatives before considering further listings.
- 18.3 Australia understood the desire of the UK to avoid dilution of ACAP's efforts; however it did not support artificially limiting the conservation capacity of the Agreement when a genuine conservation imperative existed. It noted that proposals for new species would be few in number and frequency and should be treated on a case by case basis, considering the needs of the species and the proposing Parties.
- 18.4 France advised the Advisory Committee that it would, in consultation with Spain, give consideration to jointly proposing that the Balearic shearwater *Puffinus mauretanicus* also be added to Annex 1. If such a proposal was desirable, France noted that appropriate supporting documentation would need to be prepared and considered by Advisory Committee members. The Advisory Committee welcomed this advice and looked forward to considering the documentation, noting that a species assessment had been drafted in 2008.

## 19. BIOSECURITY AND QUARANTINE CONSERVATION GUIDELINES

- 19.1 The UK presented AC5 Doc 19, which summarises guidelines on best practice biosecurity management for ACAP breeding sites, and provides a list of useful online resources and further reading on the subject. The approach adopted in the document is to identify the pathways and entry points of potential introductions. Effective barriers need to be established along these pathways to prevent alien organisms from entering and becoming established in new areas. The aim should be to prevent the introduction occurring as far back along the introduction pathway as possible.
- 19.2 The Advisory Committee endorsed the document as a valuable resource for the ACAP community. The Advisory Committee supported the recommendation by the Breeding Sites Working Group that a checklist be appended to the document, before being further reviewed by members of the Breeding Sites Working Group and other experts in the field. Once this process was complete, the document will be made available on the ACAP web-site.
- 19.3 Ecuador reported that they had recently developed biosecurity measures for the Galapagos Islands, and requested that these be reflected in the document.
- 19.4 The UK agreed to incorporate their work into the best practice document.
- 19.5 Argentina noted that AC5 Doc 19 and AC5 Inf 5 made references to the Falkland Islands (Islas Malvinas), South Georgia and the South Sandwich Islands (Islas



Georgias del Sur e Islas Sandwich del Sur)<sup>1</sup> and the surrounding maritime areas and made a statement (Statement 2).

- 19.6 The United Kingdom responded to the intervention by Argentina and made a statement (Statement 3).

## **20. IMPLEMENTATION OF WAVED ALBATROSS ACTION PLAN**

- 20.1 The Chair introduced AC5 Doc 20 which reviewed progress to date in implementation of the Waved Albatross Plan of Action. More extensive information on actions undertaken by Peru is provided in AC5 Inf 3.
- 20.2 Consistent observations were made by the Seabird Bycatch, Status and Trends and Breeding Sites Working Groups, recognising the need to (a) revise the priorities, (b) identify lead organisations for each action, (c) define steps needed to achieve the expected outcomes in the plan, and (d) explore mechanisms to enhance engagement with key stakeholders.
- 20.3 Following these observations, the Committee endorsed the Chair's recommendation to include, in the AC Work Programme for the next triennium, a task to address the review and update of the Plan of Action and the establishment of a steering committee to guide this process.
- 20.4 Peru referred to the commencement of a process for the drafting of the NPOA-Seabirds. Ecuador stated that a process is underway to formally adopt the Waved albatross POA. The Advisory Committee welcomed these initiatives.

## **21. IMPACTS OF GLOBAL CLIMATE CHANGE**

- 21.1 The Chair noted that the potential of global climate change and climate oscillations to impact on the conservation status of albatrosses and petrels had been introduced to discussion at AC4. It was recalled that the meeting considered a relevant publication from Henri Weimerskirch of France and incorporated the topic into the Work Programme of the Advisory Committee.
- 21.2 France reiterated its interest on this topic and announced that it would present an updated publication of Dr Weimerskirch's work at AC6.
- 21.3 BirdLife noted that at the World Seabird Conference, to be held in Victoria, Canada, 7-11 September 2010, a Symposium will be held on Seabirds and Climate Change. The proceedings of this Symposium are to be published and might provide a useful review of the topic to stimulate debate amongst ACAP members on aspects of particular relevance to species covered by the ACAP Agreement.
- 21.4 It was also noted by BirdLife that the effects of climate change are likely to particularly impact those species listed on Annex 1 which breed at low lying islands or elevation, including two of the North Pacific albatrosses. It was suggested that Nations with expertise in such species work together to provide information and advice to the Advisory Committee in the future.

## **22. DEVELOPMENT OF DATA SHARING AGREEMENTS**

- 22.1 The Secretariat presented a policy document (AC5 Doc 35 Rev1) to inform Parties and dataholders about the management of Working Group data in the Secretariat. Although rules of access and use agreed at AC4 are already applied to Status and Trends and Breeding Site data, the increasing volumes of data, recent developments of the ACAP data portal, as well as the signing of MoUs with other organisations and potential for data sharing, have prompted the Secretariat to develop an overarching data policy that will be easily accessible from the ACAP website and data portal. The document was discussed at the both the STWG and BSWG meetings, and both had

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<sup>1</sup> A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Islas Malvinas), "South Georgia and the South Sandwich Islands (Islas Georgias del Sur e Islas Sandwich del Sur) and the surrounding maritime areas.

welcomed this initiative, proposing some refinements to the policy. The Secretariat will work with all Working Groups to ensure any specific needs for data use and access are met. The revised data policy set out in AC5 Doc 35 Rev1 was endorsed by the AC.

### **23. ELECTION AND APPOINTMENT OF OFFICERS**

- 23.1 The Chair reminded the meeting that the term of all AC officials expired at the end of the meeting and that appointments would be required for the next term. These would start at the end of AC5 and continue until the end of AC7. He asked in turn for nominations to all AC positions.
- 23.2 Vice-Convenor of Seabird Bycatch Working Group. South Africa proposed Dr Anton Wolfaardt. There were no other nominations, and Dr Wolfaardt was duly elected.
- 23.3 Convenor, Seabird Bycatch Working Group. Argentina proposed Mr Barry Baker. There were no other nominations, and Mr Baker was duly elected.
- 23.4 Vice-Convenor, Breeding Sites Working Group. There were no nominations, and this post remains vacant.
- 23.5 Convenor, Breeding Sites Working Group. Brazil proposed Dr Richard Phillips. There were no other nominations, and Dr Phillips was duly elected.
- 23.6 Vice-Convenor, Status and Trends Working Group. Australia proposed Dr Henri Weimerskirch. There were no other nominations, so Dr Weimerskirch was duly elected.
- 23.7 Convenor, Status and Trends Working Group. France proposed Dr Rosemary Gales. There were no other nominations, and Dr Gales was duly elected.
- 23.8 Vice-Convenor, Taxonomy Working Group. Chile proposed Dr Diego Montalti. There were no other nominations, and Dr Montalti was duly elected.
- 23.9 Convenor, Taxonomy Working Group. New Zealand proposed Dr Mike Double. There were no other nominations, and Dr Double was duly elected.
- 23.10 Vice-Chair, Advisory Committee. Peru proposed Mr Mark Tasker. There were no other nominations, and Mr Tasker was duly elected.
- 23.11 The Vice-Chair then asked for nominations for the Chair of the Advisory Committee. The United Kingdom proposed Dr Marco Favero. There were no other nominations, and Dr Favero was duly elected.

### **24. FUTURE MEETINGS**

- 24.1 Ecuador offered to host the next meeting of the Advisory Committee. The Committee gratefully accepted this offer. It was suggested the meeting would be held in August 2011. The draft Agenda for the meeting was discussed and agreed (Annex 16).
- 24.2 Peru reaffirmed its offer to host the 4th Session of the Meeting of the Parties.

### **25. OTHER BUSINESS**

- 25.1 MoP3 requested the Advisory Committee to give consideration to other formulae for determining Parties contributions to the Agreement with a view to adopting a revised method at MoP4. The Advisory Committee established an ad hoc working group to give consideration to this issue. The Group coordinated by the UK met in the margins of AC5 to explore some options and will consult widely to progress this task intersessionally. Membership of the Group is open to any Party, together with Range States that were present at AC5 and expressed a desire to participate in the Group. The Secretariat will also be represented on the Group.

**26. CLOSING REMARKS**

- 26.1 The Chair concluded the meeting by thanking all participants for their contributions to the meeting, noting that significant progress had been achieved on a range of issues that were essential for the effective implementation of the Agreement. He extended special thanks to the Vice-chair and to the other delegates who had led components of the meeting and to the Secretariat for its assistance.
- 26.2 Thanks were extended to the Government of Argentina for hosting the meeting. The interpreters, technical staff and staff from Uthgra Sasso Hotel Mar Del Plata were thanked for their excellent support. The Advisory Committee thanked the Chair for his excellent stewardship during the meeting and strong guidance during the past intersessional period.

**27. ADOPTION OF THE REPORT**

- 27.1 The meeting adopted the final report of AC5.

**ANNEXES****ANNEX 1****ANNEX 1: LIST OF PARTICIPANTS**

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## ANNEX 2

## ANNEX 2 LIST OF MEETING DOCUMENTS

<b>WORKING DOCUMENTS</b>		
<b>Paper</b>	<b>Title</b>	<b>Author</b>
AC5 Doc 1 Rev 3	Agenda	Secretariat
AC5 Doc 2 Rev 1	Annotated Agenda	Secretariat
AC5 Doc 3 Rev 1	Schedule	Secretariat
AC5 Doc 4 Rev 2	Participant List	Secretariat
AC5 Doc 5 Rev 5	List of Papers	Secretariat
AC5 Doc 6	Secretariat Report	Secretariat
AC5 Doc 7	Submitted as AC5 Inf 11	
AC5 Doc 8	Submitted as AC5 Inf 12	
AC5 Doc 9	Financial Report	Secretariat
AC5 Doc 10	Rules of Procedure	AC Chair, Secretariat,
AC5 Doc 11 Rev 3	Report of Status and Trends Working Group	Convenor STWG
AC5 Doc 12 Rev 1	Report of Taxonomy Working Group	Convenor Taxonomy WG
AC5 Doc 13 Rev 1	Report of Breeding Sites Working Group	Convenor BSWG
AC5 Doc 14 Rev 1	Report of Seabird Bycatch Working Group	Convenor SBWG
AC5 Doc 15	Process for Identifying ACAP Conservation Priorities	New Zealand
AC5 Doc 16	Amended Format for Parties' Reports on Implementation of the Agreement	Australia
AC5 Doc 17 Rev 1	Advisory Committee Work Programme	AC Chair & Vice-Chair
AC5 Doc 18	Submitted as AC5 Inf 15	
AC5 Doc 19	Conservation guidelines for biosecurity and quarantine measures with application to ACAP breeding sites	UK, BSWG
AC5 Doc 20	Report on Implementation of Waved Albatross Action Plan	Ecuador, Peru, AC Chair,
AC5 Doc 21 Rev 1	Secretariat Work Programme	Secretariat
AC5 Doc 22	Development of a Strategic Plan for Implementation of the Action Plan	AC Chair, Secretariat
AC5 Doc 23	Summary of Projects Supported in 2009	Grants Sub-Committee
AC5 Doc 24	Capacity Building Strategy	AC Chair, NZ
AC5 Doc 25	Agreement Budget 2010-2012	Secretariat
AC5 Doc 26	Report on Recruitment Process for Executive Secretary	Recruitment Sub-Committee, AC Chair
AC5 Doc 27	Not allocated	
AC5 Doc 28	Performance Indicators to Measure Success of Agreement	UK
AC5 Doc 29	Strategy for Engagement with RFMOs	AC Chair, Secretariat, NZ, Convenor SBWG
AC5 Doc 30	Process for Allocation of Funds to AC Work Programme	Grants Sub-Committee,

		Secretariat
AC5 Doc 31	Report on the Outcomes of MoP3	AC Chair
AC5 Doc 32	Submitted as AC5 Inf 9	
AC5 Doc 33	Important Breeding Areas	BirdLife International
AC5 Doc 34	Update of IUCN Red List for ACAP Species	BirdLife International
AC5 Doc 35 Rev 1	ACAP Data Policy	Secretariat
INFORMATION PAPERS		
AC5 Inf 1	Outcomes of projects supported by the Advisory Committee during 2008	AC Chair, Secretariat,
AC5 Inf 2	Updated assessment of albatrosses and giant petrels at the Prince Edward Islands	South Africa
AC5 Inf 3	Reporte de las actividades realizadas por el Perú para la implementación del plan de acción del albatros de Galápagos	Peru
AC5 Inf 4	Bycatch Mitigation Fact Sheets	BirdLife International
AC5 Inf 5	Biosecurity and Quarantine Guidelines – Background information	UK
AC5 Inf 6	Process for Allocation of Funds to AC Work Programme	Grants Sub-Committee, Secretariat
AC5 Inf 7	BirdLife International's Important Bird Area Monitoring Framework	BirdLife International
AC5 Inf 8	ACAP: Indicators for Measuring Success	BirdLife International
AC5 Inf 9	Review of Ecological Risk Assessment Approaches	UK, BirdLife
AC5 Inf 10	Progress Report on Bycatch Data Collection	USA
AC5 Inf 11	Report of Depository	Australia
AC5 Inf 12	Implementation of Headquarters Agreement	Australia, Secretariat
AC5 Inf 13	Contribution for Brazilian Report on the Implementation of the Agreement	Projeto Albatroz Brazil
AC5 Inf 14	American Bird Conservancy Report	American Bird Conservancy
AC5 Inf 15	A Review of the Conservation Status of Shearwaters	Secretariat
AC5 Inf 16 Rev 1	Developing Indicators to Measure the Success of ACAP	Secretariat, WG Convenors

## ANNEX 3 FINAL AGENDA

<b>1. Opening Remarks</b>
<b>2. Adoption of the Agenda</b>
<b>3. Rules of Procedure</b>
<b>4. ACAP Secretariat</b> 4.1 Activities undertaken in 2009 intersessional period 4.2 Financial Report and Agreement Budget 4.3 Secretariat Work Programme 2010-2012 4.4 Report on Implementation of the Headquarters Agreement 4.5 Report on Recruitment of Executive Secretary
<b>5. Report of Depository</b>
<b>6. Reports from ACAP Observers At Other International Meetings</b>
<b>7. Report to the Advisory Committee on MoP3</b>
<b>8. Breeding Sites</b> 8.1 Report of Working Group 8.2 Future Work Programme 8.3 Application of Criteria for Identifying Internationally Important Breeding Sites 8.4 Review of Terms of Reference
<b>9. Seabird Bycatch</b> 9.1 Report of Working Group 9.2 Future Work Programme 9.3 Engagement with RFMOs and other relevant international bodies 9.4 Review of Terms of Reference
<b>10. Status and Trends of Albatrosses and Petrels</b> 10.1 Report of Working Group Meeting 10.2 Future Work Programme 10.3 Review of Terms of Reference
<b>11. Taxonomy of Albatrosses and Petrels</b> 11.1 Report of Working Group Meeting 11.2 Future Work Programme 11.3 Review of Terms of Reference
<b>12. Advisory Committee Work Programme</b> 12.1 Review of Process for Allocation of Funds to AC Work Programme 12.2 Review of 2008 Project Reports 12.3 Summary of Projects Approved in 2009 12.4 Allocation of Funds to AC Work Programme 2010 12.5 Review Work Programme 2010-2012



<b>13. Process for Identifying Conservation Priorities</b>
<b>14. Developing Indicators to Measure the Success of ACAP</b>
<b>15. Development of a Strategic Plan for Implementation of the Action Plan</b>
<b>16. Amended Format for Parties' Reports on Implementation of the Agreement.</b>
<b>17. Capacity Building</b>
<b>18. Listing of New Species</b>
<b>19. Biosecurity and Quarantine Conservation Guidelines</b>
<b>20. Implementation of Waved Albatross Action Plan</b>
<b>21. Impacts of Global Climate Change</b>
<b>22. Development of Data Sharing Agreements</b>
<b>23. Election and appointment of Officers</b>
<b>24. Future Meetings</b> 24.1 AC6 – Timing, Venue and Agenda 24.2 MoP4 – Timing and Venue
<b>25. Other Business</b>
<b>26. Closing remarks</b>
<b>27. Adoption of report</b>

**ANNEX 4 RULES OF PROCEDURE FOR THE ADVISORY COMMITTEE****PART I****MEETINGS, DELEGATES, OBSERVERS, SECRETARIAT****Rule 1: Meetings**

1. The Advisory Committee (hereafter referred to as the 'Committee') shall meet annually, unless decided otherwise by the Committee or instructed by the Meeting of Parties, preferably in association with another event that would reduce the travelling costs of participants.
2. At each Meeting, the Committee shall decide on the date, location and duration of the next Meeting. The Secretariat shall notify Parties of these details not less than 120 days before the next Meeting.

**Rule 2: Delegates**

1. A Party to the Agreement (hereafter referred to as a "Party") shall be entitled to appoint one member to the Committee (hereafter referred to as the Committee Member) and such other Alternative Representatives and Advisers as the Party may deem necessary. Parties shall submit the names of their Committee Member and Alternate Committee Members and Advisers to the Secretariat through their coordinating authorities prior to the start of each Meeting.
2. Subject to the provisions of Rule 13 paragraph 1, the Committee Member shall exercise the voting rights of that Party. In the Committee Member's absence, an Alternate Committee Member of that Party shall act in the Committee Member's place over the full range of functions.
3. The appointed Committee Member or Alternate Committee Member shall be available for consultation between Meetings.

**Rule 3: Observers**

1. All signatories to the Agreement, other States which are not Parties, any member economy of the Asia Pacific Economic Co-operation Forum in respect of Article VIII, paragraph 15 of the Agreement, the United Nations, any specialised Agency of the United Nations, any regional economic integration organisation, any secretariat of a relevant international convention, particularly regional fisheries management organisations, may send observers to Committee meetings, who shall have the right to participate but not vote.
2. Any international scientific, environmental, cultural or technical body concerned with the conservation and management of marine living resources or the conservation of albatrosses and petrels may request admittance to Committee meetings. Such participation may include submitting documents to the Secretariat for distribution at meetings as information documents and addressing the Committee.

3. Written applications for attendance from such international bodies (described in paragraph 2) should be received by the Secretariat at least 90 days before the relevant meeting, and circulated forthwith by the Secretariat to Parties. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 60 days before the meeting. An applicant shall be permitted to attend as a non-voting observer unless one third of the Parties that respond object to their application.
4. Any other scientific, environmental, cultural or technical body concerned with the conservation and management of marine living resources or the conservation of albatrosses and petrels may request admittance to Committee meetings. Such participation may include submitting documents to the Secretariat for distribution to the meeting as information documents and addressing the Committee.
5. Written applications for attendance from such other bodies (described in paragraph 4) should be received by the Secretariat at least 60 days before the relevant meeting, and circulated forthwith by the Secretariat to Parties. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before the meeting. An applicant shall be permitted to attend as a non-voting observer provided no objection is received.
6. Prior to the meeting, the names of representatives of observers shall be submitted to the Secretariat by the State, agency, organisation or body invited to attend.
7. Seating limitations and the financial capacity of the Secretariat may require that no more than two observers from any non-Party State or organisation be present at Meetings.

#### **Rule 4: Secretariat**

1. Unless otherwise instructed by the Parties, the Secretariat shall service the Committee.

## **PART II**

### **OFFICERS**

#### **Rule 5: Chair and other Officers**

1. The Committee shall elect a Chair and a Vice-chair, from among nominations made by Committee Members, in accordance with Rule 12. Nominees shall be nationals of an ACAP Party. Should Committee Members wish to nominate a national of another ACAP Party, such nominations shall be in consultation with that Party.
2. After election, the Chair and Vice-chair of the Committee shall hold office until the end of the first Meeting of the Committee following the next session of the Meeting of Parties.
3. The Chair and Vice-chair may be nominated for re-election at the end of a term of office. The Chair and Vice-chair shall not normally hold office for more than three consecutive terms.
4. In so far as it is applicable, this rule shall apply *mutatis mutandis* to all appointments made by the Advisory Committee.

#### **Rule 6: Presiding Officer**

1. The Chair shall preside at all Meetings of the Committee.
2. If the Chair is absent or is unable to discharge the duties of Presiding Officer, the Vice-chair shall deputise.
3. In the event that both the Chair and the Vice-chair are absent or unable to discharge the duties of Presiding Officer, the appointed members present shall elect a Chair from amongst the Committee Members and their Alternate Committee Members for the duration of that Meeting.
4. If the Presiding Officer is a member of the Committee for whom no alternate has been appointed or an appointed alternate is not present, the Presiding Officer may vote.

### **PART III**

#### **RULES OF ORDER AND DEBATE**

##### **Rule 7: Powers of presiding officer**

1. In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Meetings:
  - a) open and close the Meeting;
  - b) direct the discussions;
  - c) ensure the observance of these Rules;
  - d) accord the right to speak;
  - e) put questions to the vote and announce decisions;
  - f) rule on points of order; and
  - g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
2. The Presiding Officer may, in the course of discussion at a Meeting, propose:
  - a) time limits for speakers;
  - b) limitation of the number of times the members of a delegation or an observer may speak on any question;
  - c) the closure of the list of speakers;
  - d) the adjournment or the closure of the debate on the particular subject or question under discussion;
  - e) the suspension or adjournment of any Meeting; and
  - f) the establishment of discussion and drafting groups on specific issues.

##### **Rule 8: Seating, Quorum**

1. No Committee meetings shall take place in the absence of a quorum. A quorum for Committee meetings shall consist of four Committee Members or one-half of the Committee Members present at the meeting, whichever is the greater.

##### **Rule 9: Right to speak**

1. The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the Committee Members.
2. A Committee Member, advisor or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.

3. A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any participant or observer to request elucidation on a particular point in that speech.

#### **Rule 10: Procedural motions**

1. During the discussion of any matter, a Committee Member may call a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A Committee Member may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling, shall stand unless a majority of the Parties present and voting decides otherwise. A delegate calling a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
  - a) to suspend the Meeting;
  - b) to adjourn the Meeting;
  - c) to adjourn the debate on the particular subject or question under discussion;
  - d) to close the debate on the particular subject or question under discussion.

#### **Rule 11: Arrangements for debate**

1. The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
2. During the course of a debate the Presiding Officer may announce the list of speakers, and, with the consent of the Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
3. During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
4. A Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
5. During the discussion of any matter a Committee Member may move the suspension or the adjournment of the Meeting. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the Meeting.

#### **Rule 12: Taking of Decisions**

1. The Presiding Officer shall put to all Committee Members all questions, proposals and actions requiring decisions. Decisions shall be adopted by consensus or, if consensus cannot be achieved, by voting.

## **PART IV**

### **VOTING**

#### **Rule 13: Voting**

1. Without prejudice to the provisions of Rule 2, Paragraph 2, each Committee Member shall have one vote.
2. Parties which are one year behind in paying their budget contributions on the date of the first day of the Committee meeting shall not be eligible to vote unless the Meeting of Parties have agreed to allow those Parties to exercise their vote in accordance with Rule 20 (paragraph 2) of the Rules of Procedure for the Meeting of Parties.
3. The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote between Meetings, there will be a postal or email ballot. Voting by email or postal voting shall be coordinated by the Secretariat.
4. At the election of officers, any Committee Member may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
5. Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast by Committee Members present and voting.
6. If, during the course of a person being elected to a position, no candidate obtains the support of more than half of the Parties present and voting in the first ballot, a second ballot shall be taken between the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
7. The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by the Secretariat. Voting by email or postal ballot shall be co-ordinated by the Secretariat.
8. After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

#### **Rule 14: Majority and voting procedures on motions and amendments**

1. Decisions, within the limit of the power available to the AC, relating to rules of procedure and financial matters shall be adopted by consensus.

2. Any other decision taken by the AC shall be decided by a two thirds majority of the Committee Members present and voting with the exception of the election of officers which shall be undertaken in accordance with Rule 13.
3. If an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

## **PART V**

### **LANGUAGES AND RECORDS**

#### **Rule 15: Working languages**

1. English, French and Spanish shall be the working languages of any Committee meeting and working groups.
2. If requested by any Party, speeches made in any of the working languages shall, as feasible, be interpreted into another working language.
3. The official documents of the meeting shall be distributed in the working languages. Information papers will not normally be translated.
4. Interpretation services in a working language shall be provided at a Committee meeting where requested by a Party through the submission of a delegate registration form at least one month prior to the commencement of a Committee meeting.

#### **Rule 16: Other languages**

1. A speech may be made in a language other than a working language if the speaker provides for interpretation into a working language. Interpretation by the Secretariat into another working language may be based upon the first interpretation.
2. Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages, this translation being trustworthy.

#### **Rule 17: Documents**

1. The documents for each meeting of the Committee shall be distributed to the Parties in the working languages by the Secretariat at least 30 days before the opening of the Meeting. If documents are to be translated by the Secretariat, they shall be sent to the Secretariat by those submitting them at least 60 days in advance of the Meeting. Information papers will not normally be translated.
2. At the discretion of the Chair, in exceptional circumstances documents may be accepted after these deadlines, but not later than two weeks before the Meeting. Such documents shall be submitted in all working languages.
3. Wherever practicable, documents will be distributed electronically.
4. A draft agenda shall be adopted by the Advisory Committee for the next meeting. This shall be circulated by the Secretariat 120 days prior to the meeting with a request that any new items for the agenda be notified within 30 days. The Secretariat shall circulate the revised draft agenda at least 60 days prior to the

meeting.

**Rule 18: Record of the Meeting**

1. Records of the Meeting shall be circulated to all Parties in the working languages of the Meeting.
2. Once adopted, amendments to the Records of the Meeting shall not be made without the approval of all Parties attending the meeting. Typographical and minor editorial changes may be made by the Secretariat. A record of any changes made must be maintained by the Secretariat.
3. The Committee and working groups shall decide upon the form in which their records shall be prepared.

**PART VI**

**OPENNESS OF DEBATES**

**Rule 19: Committee meetings**

1. Subject to seating availability, all Meetings shall be open to the public unless two thirds of the Parties present and voting at the Meeting decide that a session be closed to the public.

**PART VII**

**WORKING GROUPS**

**Rule 20: Establishment of working groups**

1. The Committee may establish such working groups as may be necessary to enable it to carry out its functions. It shall appoint a Convenor and Vice-Convenor of each working group and define its terms of reference. The Committee shall reconsider appointments at the first Meeting of the Committee following each session of the Meeting of Parties. It may also define the composition of each working group. The Convenor may co-opt members to the working group.
2. As a general rule, meetings of working groups shall be limited to the Committee Members, Alternate Committee Members, their advisors, members appointed by the Committee and to members co-opted by the Convenor of the working group.

**Rule 21: Procedure**

1. Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.



## ANNEX 5

## ANNEX 5 SECRETARIAT'S WORK PROGRAMME 2010 - 2012

The following Work Programme for the Secretariat incorporates new tasks arising from the AC Work Programme adopted at AC5.

Task No.	Topic/Task	MoP or other mandate	Timeframe	Progress Achieved
<b>1</b>	<b>ADVISORY COMMITTEE MEETING 5</b>			
1.1	Undertake meeting arrangements	Article X.a	2010	The venue and other meeting arrangements have been finalised
1.2	Prepare papers to assist the Advisory Committee as required	AC RoP 17 (1)	Within 60 days of meeting	Completed
1.3	Support the attendance of sponsored experts and delegates	Article VII 5		In progress
1.4	Organise the translation and posting of meeting documents and provision of interpretation services	AC RoP 17 (1)	Within 30 days of meeting	In progress
1.5	Prepare meeting report and distribute to all Parties	Article X.a		
<b>2</b>	<b>ADVISORY COMMITTEE MEETING 6</b>			
2.1	Undertake meeting arrangements.	Article X.a	2011	
2.2	Prepare papers to assist the Advisory Committee as required		2011	
2.3	Support the attendance of sponsored experts and delegates	Article VII 5		
2.4	Organise the translation and posting of meeting documents and provision of interpretation services	AC RoP 17 (1)	Within 30 days of meeting	
2.5	Prepare meeting report and distribute to all Parties	Article X.a		
<b>3</b>	<b>ADVISORY COMMITTEE WORKING GROUP MEETINGS</b>			
3.1	Undertake meeting arrangements	Article X.a	As required	The venue and other meeting arrangements have been finalised
3.2	Provide support for conduct of Working Group meetings as required		As required	In progress

<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Progress Achieved</b>
3.3	Support the attendance of sponsored experts and delegates	Article VII 5		In progress
<b>4</b>	<b>MEETING OF PARTIES 4</b>			
4.1	Undertake meeting arrangements	Article X.a	2012	
4.2	Prepare papers to assist the meeting of parties as required		Within 90 days of meeting	
4.3	Support the attendance of sponsored experts and delegates	Article VII 5		
4.4	Organise the translation and posting of meeting documents and provision of interpretation services	MoP RoP 8 (1)	Within 60 days of meeting	
4.5	Prepare meeting report and distribute to all Parties	Article X.a MoP RoP 9(1)	Within 6 weeks of end of meeting	
<b>5</b>	<b>MANAGEMENT OF SECRETARIAT</b>			
5.1	Administer the budget for the Agreement and the Special Fund provided for in Article VII (3) in accordance with the Agreement's Financial Regulations	Article X.g	Ongoing	Refer AC5 Doc 9
5.2	Prepare quarterly financial reports for the information of the Parties and the Chair of the Advisory Committee	AC2, MoP2	March, June, September and December each year	Reports are provided on an ongoing basis
5.3	Provide information to the general public concerning the Agreement and its objectives, and promote the objectives of this Agreement	Article X.h	Ongoing	This information is disseminated primarily through the Agreement's website. New stories are published regularly on the Agreement's work by the Information Officer.
5.5	Update and maintain the ACAP website	Article X.h	Ongoing	Development of the new website is continuing with translation of the French and Spanish sites underway.

<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Progress Achieved</b>
5.6	Report to the 4th session of the Meeting of the Parties on the effectiveness and efficiency of the Secretariat in terms of the performance indicators developed at MoP2	Article X.i	2012	Completed at MoP3.
5.7	Collate as appropriate synthesized information provided by Parties on the implementation and effective functioning of the Agreement with particular reference to the conservation measures undertaken	Article X.j; Article VII (1) c); Article VIII (10)	Ongoing 2011	A web-based reporting system is being developed that will provide Parties with information drawn from the ACAP database. Refer AC5 Doc 16.
5.8	Represent the Agreement at meetings of other intergovernmental agreements, as appropriate to facilitate achievement of the Agreement's objective	Article X.d Article XI	As required	The Secretariat has represented the Agreement at relevant regional fisheries management organisation meetings. Refer AC5 Doc 29.
5.9	Prepare a report on Secretariat activities for AC 5		May 2010	Completed. Refer AC5 Doc 6.
5.10	Prepare a report on Secretariat activities for AC 6		May 2011	
5.11	Prepare a report on Secretariat activities for MoP 4	Article X.f	2012	
5.14	Recruit and manage the Secretariat's staff in accordance with the Staff Regulations and the directions of the Meeting of the Parties	Staff Regulations		In November 2009 a Science Officer was recruited on a four year contract basis. Other staff are engaged on a contract or consultancy basis in accordance with the staff regulations.
<b>6</b>	<b>FACILITATE THE WORK OF THE ADVISORY COMMITTEE</b>			
6.1	Assist the Chair of the Advisory Committee as required to facilitate the work of the Advisory Committee	Article X.k	Ongoing	The Secretariat liaises regularly with the Chair of the Advisory Committee and assists him as required.

<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Progress Achieved</b>
6.2	Assist the Chair of the Advisory Committee in preparing a report to the MoP on the activities of the Advisory Committee	Article IX 6.e)	2011	
6.3	Assist the Chair of the Seabird Bycatch Working Group as required to facilitate the work of the Group	Article X k) AC Work Programme Task 4.5 & 4.12.	Ongoing	The Secretariat liaises regularly with Working Group Convenors and assists them as required.
6.4	Assist the Chair of the Status and Trends Working Group as required to facilitate the work of the Group	Article X k) AC Work Programme Task 2.1, 2.2, 2.4 & 2.6.	Ongoing	Refer above.
6.5	Assist the Chair of the Taxonomy Working Group as required to facilitate the work of the Group	Article X k) AC Work Programme Task 1.3	Ongoing	Refer above.
6.6	Assist the Chair of the Breeding Sites Working Group as required to facilitate the work of the Group	Article X k) AC Work Programme Task 3.1, 3.3, 3.4 & 3.5.	Ongoing	Refer above.
6.7	Develop and maintain database and web portal essential for the work of the Agreement's four working groups	AC Work Programme Task 1.3, 2.1, 2.1a, 2.1b, 2.2, 2.2a, 2.4, 3.1, 3.2, 3.3, 3.4, 3.5, 6.6, 6.6a, 6.7 & 6.8	Ongoing	The web portal is being redeveloped following a virus attack in 2009. The database is also subject to ongoing development, testing, and refinement as required by the four working groups.
6.8	Work with the Advisory Committee to develop and maintain a database of relevant scientific literature	AC Work Programme Task 6.8	Ongoing	A database has been developed and is continually updated.
6.9	Work with the Advisory Committee to develop and maintain a directory of relevant legislation	AC Work Programme Task 6.9. Action Plan 5.1 i)	AC5	Information on relevant legislation was collected during the development of the species assessments.
6.10	Work with the Advisory Committee to develop a list of authorities, research centres, scientists and non-government organisations relevant to ACAP	AC Work Programme Task 6.10. Action Plan 5.1 k)		Links to relevant organisations are provided on the ACAP website.

<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Progress Achieved</b>
6.11	Update online species assessments and manage their translation as needed	AC Work Programme Tasks 2.2, 2.6	Ongoing	The species assessments will be updated as new data becomes available.
6.12	Test and develop bycatch data collection form and incorporate fishing bycatch data in ACAP database and species assessments	AC Work Programme Task 4.10, 4.11.	Ongoing	Decisions on the data to be collected will be taken by the SBWG and AC5.
6.13	Analyse bycatch information from Party reports to determine if it can deliver the products required in evaluating bycatch	AC Work Programme Task 4.11a	By AC6	Awaiting arrival of data
6.14	Provide administrative, scientific and technical support to assist with implementation of the Advisory Committee's Work Programme	AC Work Programme	Ongoing	The Science Officer has been employed on a full-time basis for four years to provide this assistance.
6.15	Assist AC with provision of information on the agreed indicators and national reporting queries	AC Work Programme Task 6.6a	By AC6	
<b>7</b>	<b>IMPLEMENTATION OF THE AGREEMENT</b>			
7.1	Review performance indicators to assist the MoP in conducting prescribed review of the Secretariat's performance in achieving the objectives of this Agreement.	MoP2 Article VIII 14	2009	Review undertaken at MoP3.
7.2	Assist Parties in providing training, technical and financial support to other Parties on a multilateral or bilateral basis to facilitate implementation of the Agreement.	Article VII 4	Ongoing	Assistance has been provided with the organisation of relevant workshop and with the management of funds related to this task.
7.3	Assist the participation of Parties at Agreement meetings	Article VII 5	Ongoing	Support has been provided to assist participation at AC5 and Working Group meetings.
7.4	Promote and coordinate activities under the Agreement, including the Action Plan, in accordance with decisions of the Meeting of the Parties	Article X c)	Ongoing	All decisions of the Meeting of the Parties are implemented to the extent that the Secretariat has the authority to do so.

<b>Task No.</b>	<b>Topic/Task</b>	<b>MoP or other mandate</b>	<b>Timeframe</b>	<b>Progress Achieved</b>
7.5	Liaise with non-Party Range States and regional economic integration organisations to facilitate coordination between Parties and non-Party Range States, and international and national organisations and institutions whose activities are directly or indirectly relevant to the conservation of albatrosses and petrels.	Article X d)	Ongoing	Liaison occurs on an ongoing basis with relevant States and organisations.
7.6	Consult with and enter into arrangements, with the approval of the Meeting of Parties, with other organisations and institutions, and as appropriate exchange information and data.	Article XI 2c), 3 & 4	Ongoing	Since AC4 memorandum of understandings have been entered into with OLDEPESCA and IOTC and a MoU with CCAMLR is currently under consideration by ACAP Parties.
7.7	Facilitate the accession of non-Party Range States to the Agreement			Information has been provided to relevant agencies of the United States to facilitate its accession to the Agreement and liaison continues with other relevant non-Party Range States.
<b>8.</b>	<b>CAPACITY BUILDING</b>			
8.1	Assist the Advisory Committee and Parties with technical cooperation and capacity building	Article IV 2	Ongoing	Assistance is provided on an ongoing basis through the provision of information exchange via the web and with support for workshops and management of financial support.
8.2	Support secondments to the Secretariat to aid capacity building	MoP2	Ongoing	Advice will be sought from AC5 on priority projects that secondees could perform.

## ANNEX 6

## ANNEX 6 REVIEW OF SEABIRD BYCATCH MITIGATION MEASURES FOR PELAGIC LONGLINE FISHERIES.

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>Night setting</b>	Duckworth 1995; Brothers et al. 1999; Gales et al 1998; Klaer & Polacheck 1998; Brothers et al. 1999; McNamara et al. 1999; Gilman et al. 2005; Baker & Wise 2005; Jiménez et al 2009.	Less effective during full moon, under intensive deck lighting or in high latitude fisheries in summer. Less effective on nocturnal foragers e.g. White-chinned Petrels (Brothers et al. 1999; Cherel et al. 1996).	Recommend combination with bird scaring lines and weighted branch lines	Data on current time of sets by WCPFC fisheries. Effect of night sets on target catch for different fisheries.	Night defined as nautical dark to nautical dawn
<b>Side setting</b>	Brothers & Gilman 2006; Yokota & Kiyota 2006.	Only effective if hooks are sufficiently below the surface by the time they reach the stern of the vessel. In Hawaii, side-setting trials were conducted with bird curtain and 45-60g weighted swivels placed within 0.5m of hooks. Japanese research concludes must be used with other measures (Yokota & Kiyota 2006).	Must be combined with other measures. Successful Hawaii trials use bird curtain plus weighted branch lines. In Southern Hemisphere, strongly recommend use with bird scaring lines until side-setting is tested in the region.	Currently untested in the Southern Ocean against seabird assemblages of diving seabirds and albatrosses - urgent need for research.	In Hawaii, side setting is used in conjunction with a bird curtain and 45 weighted swivel within 1m of the baited hook. Clear definition of side setting is required. Hawaiian definition is a minimum of only 1 m forward of the stern, which is likely to reduce effectiveness.

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>Single bird scaring lines - conventional configuration</b>	Imber 1994; Uozomi & Takeuchi 1998; Brothers et al. 1999; Klaer & Polacheck 1998; McNamara et al. 1999; Boggs 2001; CCAMLR 2002; Minami & Kiyota 2004. Melvin 2003.	Effective only when streamers are positioned over sinking baits. Baited hooks are unlikely to sink beyond the diving depths of diving seabirds within the 150 m zone of the bird scaring line, unless combined with line weighting or underwater setting. Entanglement with fishing gear can lead to poor compliance by fishers and design issues need to be addressed. In crosswinds, bird scaring line must be deployed from the windward side to be effective.	Effectiveness increased when combined with other measures e.g. weighted branch lines and night setting	Optimal design for pelagic fisheries under development: refine to minimise tangling, optimise aerial extent and positioning, and ease hauling/retrieval. Two studies in progress developing optimal bird scaring line for pelagic fisheries including Washington Sea Grant and Global Guardian Trust in Japan. Controlled studies demonstrating their effectiveness in pelagic fisheries remain very limited.	Current minimum standards for pelagic fisheries are based on CCAMLR Conservation Measure 25-02
<b>Single bird scaring line - Light configuration</b>	Yokota et al. 2008 considered light lines to be more effective in reducing bait take by Laysan albatrosses than conventional bird scaring lines. A similar study conducted by Brouwer et al. 2008 in New Zealand contained confounding effects and inadequate description of	Evidence for effectiveness in Yokota et al (2008) is unconvincing because of small number of sets (18), no seabirds were caught in one experiment, and although a significant difference was detected in a 2 <sup>nd</sup> experiment, the confidence limits around the mean values of both treatments overlapped extensively.		Thorough comparative experimental assessment of light and conventional bird scaring lines against Southern Ocean seabird assemblages of diving seabirds and albatrosses urgently needed. Research must be based on larger sample sizes and more transparent methodologies.	Use of this measure is not recommended at this time.



Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	methodologies; these concerns preclude confident conclusions to be drawn from this study.				
<b>Paired bird scaring line – conventional configuration</b>	Two streamer lines best in crosswinds to maximise protection of baited hooks (Melvin et al. 2004). Hybrid tori lines (with long and short streamers) were more effective than short tori lines (only short streamers) in deterring diving seabirds (white-chinned petrels) (Melvin et.al., 2010.	Potentially increased likelihood of entanglement - see above. Development of a towed device to prevent tangling with fishing gear essential to improve adoption and compliance.  Diving species increase vulnerability of surface foragers (albatrosses) due to secondary interactions.	Effectiveness increased when combined with other measures. Essential to use with weighted branch lines and night setting	Development and trialling of paired streamer line systems for pelagic fisheries.  Essential research addresses effectiveness with respect to both primary and secondary interactions.	Current minimum standards for pelagic fisheries are based on CCAMLR Conservation Measure 25-02  Research still in progress. Current optimal tori line configuration for Japanese high seas vessels involves mix of short & long streamers to reduce drag needed to maintain a 100 m aerial extent. Long streamers to extend from 10 m to 50 from the stern. A “sweeper” streamer extending to the water on the port tori line forward of the stern protects the area forward of the zone where the baits typically land in the water during line setting.

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>Weighted branch lines</b>	Brothers 1991; Boggs 2001; Sakai et al. 2001; Brothers et al. 2001; Anderson & McArdle 2002; Gilman et al. 2003a, Hu et al. 2005.	Critical measure, essential to use in all pelagic longline fisheries with seabird interactions. Weights will shorten but not eliminate the zone behind the vessel in which birds can be caught. Even in demersal fisheries where weights are much heavier, weights must be combined with other mitigation measures (e.g. CCAMLR Conservation Measure 25-02).	Must be combined with other measures e.g. bird scaring lines and/or night setting	Mass and position of weight both affect sink rate. Further research on weighting regimes needed. Testing of safe-leads in progress. Where possible, effect on target catch as well as seabird bycatch should be evaluated. Factors such as swivel weights, mainline tension, bait hooking position, bait size and life status, deployment position (effect of propeller turbulence) all affect sink rate and need to be quantified.	Global minimum standards not yet established. Requirements now vary by fishery and vessel. Hawaii minimum requirements are 45g less than 1 m from hook. Australia requires 60 or 100g located 3.5 or 4 m from the hook, respectively. Australian requirements currently being re-assessed.
<b>Blue dyed bait</b>	Boggs 2001; Brothers 1991; Gilman et al. 2003a; Minami & Kiyota 2001; Minami & Kiyota 2004; Lydon & Starr 2005. Cocking et al. 2008.	New data suggests only effective with squid bait (Cocking et al. 2008). Onboard dyeing requires labour and is difficult under stormy conditions. Results inconsistent across studies.	Must be combined with bird scaring lines or night setting	Need for tests in Southern Ocean.	Mix to standardized colour placard or specify (e.g. use 'Brilliant Blue' food dye (Colour Index 42090, also known as Food Additive number E133) mixed at 0.5% for minimum 20 minutes)

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>Line shooter and mainline tension</b>	Robertson et al (2010).	Robertson et al (2010).showed that mainline set into propeller turbulence with a line shooter without tension astern (e.g. slack) as in deep setting significantly slows the sink rates of hooks. Use of a line shooter to set gear deep cannot be considered a mitigation measure.			Use of this measure is not recommended as a mitigation measure.
<b>Bait caster</b>	Duckworth 1995; Klaer & Polacheck 1998.	Not a mitigation measure unless casting machines are available with the capability to control the distance at which baits are cast. This is necessary to allow accurate delivery of baits under a bird scaring line. Needs more development. Few commercially-available machines have this capability.	Not recommended as a mitigation measure.		Not recommended as a mitigation measure.
<b>Underwater setting chute</b>	Brothers 1991; Boggs 2001; Gilman et al. 2003a; Gilman et al. 2003b; Sakai et al. 2004; Lawrence et al. 2006.	For pelagic fisheries, existing equipment not yet sturdy enough for large vessels in rough seas. Problems with malfunctions and performance inconsistent (e.g. Gilman et al. 2003a and Australian trials cited in Baker & Wise	Not recommended for general application	Design problems to overcome	Not yet established

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		2005)			
<b>Management of offal discharge</b>	McNamara et al. 1999; Cherel et al. 1996.	Supplementary measure. Definition essential. Offal attracts birds to vessels and where practical should be eliminated or restricted to discharge when not setting or hauling. Strategic discharge during line setting can increase interactions and should be discouraged. Offal retention and/or incineration may be impractical on small vessels.	Must be combined with other measures.	Further information needed on opportunities and constraints in pelagic fisheries (long and short term).	Not yet established for pelagic fisheries. In CCAMLR demersal fisheries, discharge of offal is prohibited during line setting. During line hauling, storage of waste is encouraged, and if discharged must be discharged on the opposite side of the vessel to the hauling bay.
<b>Bait life status</b>	Trebilco et al 2010; Robertson et al (submitted)	Live fish bait sinks significantly slower than dead bait (fish and squid), increasing the exposure of baits to seabirds. Use of live bait is associated with higher seabird bycatch rates.	Live bait is not a mitigation measure.		Use of live bait is not a mitigation measure.
<b>Thawing bait status</b>	Brothers 1991; Duckworth 1995; Klaer & Polacheck; Brothers et al 1999;	Baits cannot be separated from others in frozen blocks of bait, and hooks cannot be inserted in baits, unless	Not a mitigation measure		Not recommended as a mitigation measure.

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	Robertson & van den Hoff 2010.	baits are partially thawed (it is not practical for fishers to use fully frozen baits). Partially thawed baits sink at similar rates to fully thawed baits.			
<b>Area closures</b>	Avoiding fishing at peak areas and during periods of intense foraging activity has been used effectively to reduce bycatch in longline fisheries.	An important and effective management response, especially for high risk areas, and when other measures prove ineffective. There is a risk that temporal/spatial closures could displace fishing effort into neighbouring or other areas which may not be as well regulated, thus leading to increased incidental mortality elsewhere.	Must be combined with other measures, both in the specific areas when the fishing season is opened, and also in adjacent areas to ensure displacement of fishing effort does not merely lead to a spatial shift in the incidental mortality.	Further information about the seasonal variability in patterns of species abundance around fisheries.	No work done but highly recommended

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**ANNEX 7****ANNEX 7 SUMMARY ADVICE STATEMENT FOR REDUCING IMPACT OF PELAGIC LONGLINE GEAR ON SEABIRDS****Summary**

Streamer lines have been widely promoted to deter seabirds in pelagic longline fisheries since the 1990s. However, recent evidence shows that streamer lines of either conventional or 'light' design, used in either single or double configuration, are inadequate for reducing seabird bycatch unless combined with other mitigation measures. To be effective they must be used with branchline weighting and, preferably, night setting.

The most effective measures to reduce incidental take of seabirds in pelagic longline fisheries are:

- use of an appropriate line weighting regime to reduce the time baited hooks are near or on the surface and thus available to birds;
- avoiding peak areas and periods of seabird foraging activity;
- setting at night; and
- actively deterring birds from baited hooks by means of bird scaring lines, in combination with appropriate line weighting.

Responsible management of offal and discards can also assist.

It is important to note that there is no single solution to reduce or avoid incidental mortality of seabirds in pelagic longline fisheries, and that the most effective approach is to use the above measures in combination.

**Introduction**

The incidental mortality of seabirds, mostly albatrosses and petrels, in longline fisheries has been of growing global concern. This was a major reason for the establishment of the Agreement on the Conservation of Albatrosses and Petrels (ACAP). A large number of mitigation methods to reduce and eliminate seabird bycatch has been developed and tested over the last 10 to 15 years, especially for pelagic longline fisheries. Although most mitigation measures will be broadly applicable, the feasibility, design and effectiveness of some measures will be influenced by the type of longlining method and gear configuration used. In particular it should be noted that most scientific literature relates to fleets of larger vessels, with longline usage from artisanal fleets receiving less attention. Some of this advice may need to be modified for smaller vessels. ACAP has comprehensively reviewed the scientific literature dealing with seabird bycatch mitigation in pelagic fisheries and this document is a distillation of the review (Annex 6).

Best practice mitigation measures for pelagic longline fisheries are listed below; the first recommendation is a general measure followed by those for line setting and line hauling.

**Best practice measures - general****Area and seasonal closures**

- The temporary closure of important foraging areas (e.g. areas adjacent to important seabird colonies during the breeding season when large numbers of aggressively feeding seabirds are present) has been very effective in reducing incidental mortality of seabirds in fisheries in those areas.

### **Best practice measures - line setting**

#### **Line weighting**

- Lines should be weighted to get the baited hooks rapidly out of the range of feeding seabirds. Research on line weighting is still in progress and head-to-head comparisons of the effectiveness of line weighting regimes (and associated sink rates) as seabird deterrent are encouraged. Further studies on the effects of line weighting on the economics of fishing (catch rates of target and non target fish taxa) are required.
- Metrics pertaining to sink rates to target depths should recognize the importance of the “initial” (e.g. 0-2 m) and “final” (e.g. 4-6 m, or thereabouts) sink rates. A fast initial sink rate reduces visual cues in the critical shallow depths and a fast final rate maximizes the rate at which baited hooks sink deeper in the water column. Both considerations are likely to be important to seabirds that seize baits at or near the surface (e.g. albatrosses) and seabirds that hunt deeper in the water column (e.g. *Procellaria* spp. petrels and *Puffinus* spp. shearwaters).
- In practice, a trade off exists regarding the relative importance of the initial and final sink rates of baited hooks. In general, the closer the weight is to the hook the faster the initial sink rate. Additionally, the heavier the weight the faster the final sink rate. Thus, a heavy weight placed close to the hook will best reduce seabird by-catch.
- Best practice line weighting will maximize sink rates at the surface without overly compromising sink rates at deeper depths. The 60-75 g swivels  $\pm$  4 m from hooks commonly preferred by industry in coastal state fisheries are unlikely to deter seabirds (used with an effective streamer line) in all circumstances. Future research should be based on weighting regimes that contrast strongly, such a comparison of 120 g  $\leq$  2 m from hooks with a regime similar to that mentioned above. An alternative to the latter regime is to use smaller amounts of weight (e.g. 40 g) located at the hook.
- To improve crew safety issues associated with the use of a point source of weight (e.g. leaded swivels) in pelagic gear, use of the recently developed “safe” leads is encouraged. Safe leads slide away from crew during bite offs or when the line breaks under tension, thereby greatly reducing the incidence of dangerous fly-backs towards the vessel, as can occur with leaded swivels.

#### **Night setting**

- Setting longlines at night, between the times of the end of nautical twilight and before nautical dawn) is effective at reducing incidental mortality of seabirds because the majority of vulnerable seabirds are diurnal foragers.

#### **Bird scaring lines**

- Bird scaring lines are designed to provide a physical deterrent over the area where baited hooks are sinking.
- Two bird scaring lines should be used.
- The design of the bird scaring lines should include the following specifications:

- The attachment height should be at least 7 m above sea level.
- The lines should be at least 150 m long to ensure the maximum possible aerial extent.
- Streamers should be brightly coloured and reach the sea-surface in calm conditions, and placed at intervals of no more than 5 m.
- A suitable towed device should be used to provide drag, maximise aerial extent and maintain the line directly behind the vessel during crosswinds.

### **Mainline tension**

- Mainlines should be set in the 'surface set tight' configuration. Baited hooks connected to mainline set tight sink faster in surface waters than hooks attached to mainline set loose, as in deep setting. Mainline can be set tight either off the drum holding the mainline or with a line shooter. Enough gear should be set at the start of lines to prevent hooks dragging towards the vessel and being pulled up the water column where they are more accessible to seabirds.

### **Bait life status**

- Avoid the use of live bait. Use dead bait only. Many individual live baits remain near the water surface for lengthy periods (e.g. up to 120 seconds) after deployment. The use of live bait increases the likelihood seabirds will be caught

### **Bait species and size**

- Use small species of fish bait (and small individuals) in preference to squid bait. Common fish baits are pilchards, sardines and various species of mackerel (Japanese, blue, yellow-tail). The difference in sink rates between large and small fish baits of the same species is minor. The important point is that large squid bait sinks considerably slower than small fish bait.

### **Bait thaw status**

- Baits need only be thawed to the 'fisherman's thawed' state (i.e. to the point where individual baits can be separated from others in blocks of bait and hooks can be inserted by hand without undue effort). Bait thaw status has either no effect on sink rates (gear with leaded swivels) or an effect that is very minor (gear without leaded swivels). In practical terms the thaw status of baits has no effect on the sink rate of baited hooks.

### **Bait hooking position**

- To ensure fast sink rates, hook baits in either the head (fish) or tail (fish and squid), not in the middle of the back or top of the mantle (squid).

### **Offal and discard discharge management**

- Seabirds are attracted to offal that is discharged from vessels. Ideally offal should be retained onboard but if that is not possible, offal and discards should not be discharged while setting lines.

### **Best practice measures - line hauling**

- During hauling operations birds can accidentally become hooked as gear is retrieved. Best practice line hauling in pelagic longline fisheries is currently unknown.

### **Offal and discard discharge management**

- Ideally offal should be retained onboard, but if that is not possible offal and discards should be either, preferably, retained on board during hauling or released on the opposite side of the vessel to the hauling bay.
- All hooks should be removed and retained on board before discards are discharged from the vessel.

**Further options**

- New technologies such as underwater setting devices and hook pods are currently under development. They show considerable promise and will be reported on in the near future.

The following mitigation options are **not** recommended best practice:

**Hook design and olfactory deterrents** have been insufficiently researched.

**Side setting** has been insufficiently researched and there have been operational difficulties on some vessels.

## ANNEX 8

## ANNEX 8 REVIEW OF SEABIRD BYCATCH MITIGATION MEASURES FOR TRAWL FISHERIES.

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
<b>Nets</b>					
<b>Net binding</b>	Shown to be a highly effective mitigation measure in CCAMLR icefish trawl fishery, reducing seabird bycatch to minimal levels (Sullivan 2010 submitted).	Sisal string has been used to bind the sections of the net which pose the greatest threat seabirds prior to shooting (Sullivan et al. 2004). Bindings are simply tied onto the net to prevent the net from lofting and the mesh opening as the tension created by the vessel speed of between 1-3 knots is lost due to waves and swell action. Once shot-away the net remains bound on the surface until it sinks. Once the trawl doors are paid away and the net has sunk beyond the diving depth of seabirds the force of the water moving the doors apart is sufficient to break the bindings and the net spreads into its standard operational position	Recommend combination with net cleaning and net weights to minimise the time the net is on the surface (Sullivan et al 2010 submitted)		Recommended for reducing bycatch when shooting gear in pelagic gear. 3-ply sisal string (typical breaking strength of c.110 kg), or a similar inorganic material should be applied to the net on the deck, at intervals of approximately 5 m to prevent net from spreading and lofting at the surface. Net binding should be applied to mesh ranging from 120–800 mm as these are known to cause the majority of seabird entanglements (Sullivan et al 2010). When applying string, tie an end to the net to prevent string from slipping down the net

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
					and ensure it can be removed when net is hauled
<b>Net weights</b>	Evidence suggests net weighting on or near the cod end increases the rate of ascent of the net during hauling operations, thus reducing the time the net is on the water's surface. All attempts should be made to retrieve the net as quickly as possible. Good deck practices to minimise the time that the net is on the water's surface have been the key factors in reducing seabird entanglements during hauling in South Atlantic trawl fisheries (Hooper et al 2003; Sullivan 2010 submitted).		Recommend combination with net binding and net cleaning to minimise the time the net is on the water's surface during both setting and hauling (Sullivan 2010 submitted)	Development of minimum standards for amount and placement of weight (cod end, wings, footrope, mouth, belly), to build on work to date in CCAMLR trawl fisheries (Sullivan et al 2010 submitted).	None established.  Recommended for reducing bycatch during both shooting and hauling of gear (Sullivan et al 2010).  Suitable for both Pelagic and Demersal gear.

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
<b>Net cleaning</b>	Removal from nets of all fish 'stickers' and other material is a critical step to reducing net entanglement during shooting (Hooper et al 2003; Sullivan et al 2010 submitted).		Recommend combination with net binding and net weights to minimise the time net is on water's surface during both setting and hauling (Sullivan 2010 submitted)		Remove all stickers from net prior to shooting gear.  Recommended for reducing bycatch during both shooting and hauling of gear.  Suitable for both Pelagic and Demersal gear.
<b>Reduced mesh size</b>	Roe (2005) reported on the use of reduced mesh size from 200 to 140 mm in the pelagic icefish fishery in CCAMLR waters, but did not quantify effectiveness of the measure.	Measure may be impractical. Reduced mesh size was believed to have caused severe damage to the net because of increased water pressure during trawling (Roe 2005), although the use of chain weights in the net may also have been influential.		Thorough testing in a range of fisheries required if measure is practical.	None. Insufficient evidence to recommend this measure, although theoretically should be effective in reducing seabird entanglement in nets.
<b>Net jackets</b>	Free-floating panels of net attached to the most dangerous mesh sizes have been trialled in CCAMLR's icefish trawl fishery, with efficacy uncertain (Sullivan et al 2010 submitted).	Found to cause serious drag and subsequent damage to the net. Drag also slows vessel speed and increases fuel consumption (Sullivan et al 2010 submitted).		Efficacy of measure not quantified.	Not recommended.  Currently detrimental to fishing efficiency and mitigation efficacy uncertain.

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
<b>Acoustics</b>	The use of acoustic 'scaring' devices on nine vessels in CCAMLR trawl fisheries indicated that loud noises (bells and flares/fireworks) had limited effect and birds quickly became habituated to the sound, no longer causing an aversion response (Sullivan et al 2010).	May be a useful back-up measure for circumstances when another measure is needed immediately (Sullivan et al 2010 submitted).			None. Insufficient evidence to recommend this measure.
<b>Cables</b>					
<b>Offal discharge<sup>2</sup> and fish discard management</b>	The most important factor influencing contacts between seabirds and warp cables is the presence of discharge (Bull 2009). Methods used to reduce the attractiveness of vessels to seabirds through management of offal discharge and fish discards include <u>mealing</u> (the conversion of waste into fish meal waste reducing discharge to sump water), <u>mincing</u> waste to a nominal maximum particle size of 25 mm diameter prior to discharge, <u>batching</u> (storage or controlling release of discards / discharge during fishing operations) and <u>full retention</u> of all waster material.				

<sup>2</sup> Offal discharge refers to the disposal at sea of any fish waste resulting from processing, including heads, guts and frames. Fish discards refers to any unwanted whole fish (and or benthic material)



Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
	<p><b>Mealing</b> resulted in significant reduction in the number of seabirds species feeding behind vessels, relevant to the discharge of unprocessed fish waste (Abraham 2009; Wienecke &amp; Robertson 2002) or minced waste (Melvin et al 2010).</p> <p><b>Mincing</b> reduced the number of large albatrosses (<i>Diomedea</i> spp) attending vessels but had no effect on other groups of seabirds (Abraham et al 2009).</p> <p><b>Batching</b> (storage or controlling release of discards / discharge during) has had limited trialling in New Zealand with uncertain results.</p>	<p>Good evidence in global fisheries that fish meal processing and reducing discharge to stick / sump water is highly effective in reducing seabird bycatch.</p>		<p>None</p> <p>At present only effective against large <i>Diomedea</i> spp albatrosses. Efficacy with <i>Thalassarche</i> spp albatrosses needs to be proven before measure can be recommended.</p> <p>Robust trialling needed to support efficacy</p>	<p>Vessels must have alternative mitigation strategies in place in the event of meal plant breakdown.</p> <p>Suitable for both pelagic and demersal trawl gear.</p> <p>None. Insufficient evidence to recommend this measure.</p> <p>None. Insufficient evidence to recommend this measure</p>

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
	<p><b>Full retention</b> – storage of all fish discard and offal, either for processing or for controlled release when cables are not in the water resulted in a significant reduction in attendance of all groups of seabirds (Abraham et al 2009).</p>	<p>Repeated studies have shown in the absence of offal discharge / fish discards seabirds interactions and mortality levels are negligible (Sullivan et al 2006, Watkins et al 2008, Melvin et al 2010 SBWG-3 Doc 14 Rev 1).</p>			<p>Vessels must have alternative mitigation strategies in place in the event of meal plant breakdown.</p> <p>Suitable for both Pelagic and Demersal trawl gear.</p>
<p><b>Bird Scaring Lines (BSL or Streamer lines) for warp cables</b></p>	<p>Attachment of a Bird Scaring Line to both the port and starboard sides of a vessel, above and outside of the warp blocks, greatly reduces the access of birds to the danger zone where warps enter the water (Watkins et al 2006, Reid and Edwards 2005; Melvin et al 2010).</p>	<p>Effectiveness reduced in strong cross winds and rough seas, when BSLs are deflected away from warps (Sullivan and Reid 2003; Crofts 2006a, 2006b). This can be alleviated in part by towing a buoy or cone attached to the end of lines to create tension and keep lines straight (Sullivan et al 2006a).</p>		<p>Further experimentation and assessment of towed devices (cones) to improve BSL tension could be beneficial (Crofts 2006a).</p>	<p>Recommended, even when appropriate offal discharge and fish discard management practices in place (Melvin et al 2010).</p> <p>Suitable for both pelagic and demersal trawl gear.</p>

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
<b>Warp scarers</b>	<p>Warp scarers (weighted devices attached to each warp with clips or hooks, allowing the device to slide up and down the warp freely and stay aligned with each warp) create a protective area around the warp (see Bull 2009, Fig.2; Sullivan et al 2006a).</p> <p>Warp scarers have been shown to reduce contact rates but not to significant levels, and were not as effective as BSLs (Sullivan et al. 2006b, Abraham et al, cited in Bull 2009).</p>	<p>Attachment to the warp eliminates problems associated with crosswinds as they do not behave independently of warps. Warp scarers cannot be deployed while the warp cable is being set, or remain in place during hauling, leaving periods when warps are not protected.</p> <p>Concerns have been raised regarding associated practicality and safety issues (Sullivan et al. 2006a; Abraham et al, cited in Bull 2009).</p>			None. Insufficient evidence to recommend this measure.
<b>Bird bafflers</b>	Bird bafflers comprise two booms attached to both stern quarters of a vessel. Two of these booms extend out from the sides of the vessel and the other two extend	<p>Various designs exist including the Brady Baffler and the Burka.</p> <p>While bafflers were designed to minimise warp interactions, the Brady</p>		The effectiveness of the Burka has not been experimentally tested. Needs to be trialled in a range of fisheries and areas to demonstrate efficacy	None. Insufficient evidence to recommend this measure

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
	<p>backwards from the stern. Dropper lines are attached to the booms, to create a curtain to deter seabirds from the warp–sea interface zone (see Bull 2009, Fig.3; Sullivan et al 2006a).</p> <p>Generally bird bafflers are not regarded as providing as much protection to the warp cables as BSLs or warp scarers (Sullivan et al. 2006a).</p>	<p>Baffler has been used (inappropriately) within CCAMLR Icefish fisheries to mitigate net entanglements where they have been found to be consistently ineffective (Sullivan et al 2010).</p> <p>The great variability in the design and deployment of bird bafflers may influence their effectiveness.</p>			
<b>Cones on warp cables</b>	<p>A plastic cone attached to each warp cable reduced the number of contacts during hauls in the Argentine Hake Trawl Fishery by 89% and no seabirds were killed (Gonzalez-Zevallos et al 2007).</p>			<p>Needs to be trialled in a range of fisheries and areas to demonstrate efficacy.</p>	<p>None. Insufficient evidence to recommend this measure.</p>

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
<b>Snatch block</b>	A snatch block, placed on stern of a vessel to draw the third-wire close to the water to reduce its aerial extent, reduced seabird strikes, although performance varied by vessel (Melvin et al 2010).	Melvin et al (2010) were confident that third-wires can be pulled closer to the water or submerged at the stern to make this measure highly effective, but noted that, as third-wires are fragile and expensive, any snatch block-like system should aim to minimise cable wear.		Needs to be trialled in a range of fisheries and areas to further demonstrate efficacy. Development of technical specification required.	None. Recommended on the basis that shortening aerial extent of monitoring cables will, intuitively, reduce seabird strikes.
<b>General measures</b>					
<b>Area closures</b>	Avoiding fishing at peak areas and during periods of intense foraging activity has been used effectively to reduce bycatch in longline fisheries. The principles are directly transferrable to trawl and other net fisheries.  In some studies, longline-associated mortality has been almost exclusively within the breeding season of seabirds. Several studies have	An important and effective management response, especially for high risk areas, and when other measures prove ineffective. There is a risk that temporal/spatial closures could displace fishing effort into neighbouring or other areas which may not be as well regulated, thus leading to increased incidental mortality elsewhere.	Must be combined with other measures, both in the specific areas when the fishing season is opened, and also in adjacent areas to ensure displacement of fishing effort does not merely lead to a spatial shift in the incidental mortality.	Further information about the seasonal variability in patterns of species abundance around trawl fisheries.	No work done but highly recommended.

Measure	Scientific evidence for effectiveness in pelagic fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards / Recommendation
	<p>also shown that proximity to breeding colonies is an important determinant of seabird bycatch rates (Moreno et al. 1996; Nel et al. 2002) and temporal closures around breeding areas contributed to a substantial reduction in seabird bycatch (Croxall &amp; Nicol 2004).</p>				

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**ANNEX 9****ANNEX 9 SUMMARY ADVICE STATEMENT FOR REDUCING IMPACT OF PELAGIC AND DEMERSAL TRAWL GEAR ON SEABIRDS**

The most effective measure to reduce incidental take of seabirds in trawl fisheries is the effective management of offal discharge and fish discards through full retention of all waste material, or mealing (the conversion of waste into fish meal waste reducing discharge to sump water). In the absence of this it is critical not to discharge offal or fish discards during shooting and hauling.

Other measures shown to be effective are:

**Cable strike**

- actively deterring birds from trawl warps and netsonde monitoring cables (or third wires) during trawling by means of bird scaring lines;
- installation of a snatch block, placed on the stern of a vessel, to draw the third-wire close to the water to reduce its aerial extent;

**Net entanglement**

- cleaning of nets after every shot to remove stickers and other benthic material to discourage bird attendance during shooting of gear;
- minimising the time the net is on the water surface during hauling through proper maintenance of winches, and good deck practices; and
- for pelagic trawl gear, net binding applied to meshes ranging from 120–800 mm, together with a minimum of 400 kg weight incorporated into the net belly.

Further measures include avoiding peak areas and periods of seabird foraging activity. It is important to note that there is no single solution to reduce or avoid incidental mortality of seabirds in trawl fisheries, and that the most effective approach is to use the measures listed above in combination. Avoiding fishing at peak areas and during periods of intense foraging activity has been used effectively to reduce bycatch in longline fisheries, and this principle is directly transferrable to trawl and other net fisheries.

**Background**

In recent years the focus on seabird mortality in longline fisheries has been broadened to include stern trawl fisheries, particularly in the Southern Hemisphere. This is reflected in the recently adopted FAO Best Practice Guidelines for IPOA/NPOA-Seabirds (FAO 2008), which includes trawl fisheries in addition to longline fisheries. The causes of mortality in trawl fisheries are varied and depend on the nature of the fishery (pelagic or demersal) and the species targeted, however, it may be categorised into two broad types: cable-related mortality, including collisions with net monitoring cables, warp cables and paravanes; and net-related mortality, which includes all deaths caused by net entanglement.

Global concern over the extent of seabird bycatch was a major reason for the establishment of the Agreement on the Conservation of Albatrosses and Petrels (ACAP). ACAP has comprehensively reviewed the scientific literature dealing with seabird bycatch mitigation in trawl fisheries and this document is a distillation of the review (Annex 8).

## ANNEX 10 REVIEW OF SEABIRD BYCATCH MITIGATION MEASURES FOR DEMERSAL LONGLINE FISHING

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>Avoiding peak areas and periods of seabird foraging activity</b>					
<b>Night setting</b>	(Ashford et al. 1995; Cherel et al. 1996; Moreno et al. 1996; Barnes et al. 1997; Ashford & Croxall 1998; Weimerskirch et al. 2000; Belda & Sánchez 2001; Nel et al. 2002; Ryan & Watkins 2002; Sánchez & Belda 2003; Reid et al. 2004).	Bright moonlight and decklights reduce the effectiveness of this mitigation measure (Cherel et al. 1996; Klaer & Polacheck 1998). Not as effective for crepuscular/nocturnal foragers such as the white-chinned petrel but even for these species night setting is more effective than setting during the day (Ashford et al. 1995; Gómez Laich et al. 2006; Weimerskirch et al. 2000; Nel et al. 2002). In order to maximise effectiveness of this mitigation measure, decklights should be off or kept to an absolute minimum, and used in combination with additional mitigation measures, especially	Recommend combination with bird scaring lines and weighted lines, especially to reduce incidental mortality of birds that forage at night.	Effect of night setting on catch rates of target species for different fisheries.	Night defined as the period between the times of nautical twilight (nautical dark to nautical dawn).

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		when setting in bright moonlight conditions. Night setting is not a practical option for fisheries operating at high latitudes during summer. Setting should be completed at least 3 hours before sunrise to avoid the predawn activity white-chinned petrels (Barnes et al. 1997).			
<b>Area and seasonal closures</b>	A number of studies have reported marked seasonality in seabird bycatch rates, with the majority of deaths taking place during the breeding season (Moreno et al. 1996; Ryan et al. 1997; Ashford & Croxall 1998; Ryan & Purves 1998; Ryan & Watkins 1999; Ryan & Watkins 2000; Weimerskirch et al. 2000; Kock 2001; Nel et al. 2002;	It is difficult to separate the temporal closure from the increased uptake/ implementation of other mitigation measures, but it is clearly an important and effective management response, especially for high risk areas, and when other measures prove ineffective. There is a risk that temporal/spatial closures could displace fishing effort into neighbouring or other areas which may not be as well regulated, thus leading to increased	Must be combined with other measures, both in the specific areas when the fishing season is opened, and also in adjacent areas to ensure displacement of fishing effort does not lead to a spatial shift in the incidental mortality.	Further information about the seasonal variability in patterns of species abundance, and particularly how these interact with the spatial and temporal characteristics of fishing effort, especially for high risk areas (e.g. adjacent to important breeding colonies). In some studies, incidental mortality has been greatest during the chick-rearing period (Nel et al. 2002; Delord et al. 2005), whereas others have reported highest mortality	Currently, the area around South Georgia (CCAMLR Subarea 48.3) is open from May 1 <sup>st</sup> . to Aug. 31 <sup>st</sup> or till established catch limit is reached, as provided for by CCAMLR Conservation Measures in force. (41-02/2007).

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	<p>Ryan &amp; Watkins 2002; Croxall &amp; Nicol 2004; Reid et al. 2004; Delord et al. 2005). In some studies, mortality has been almost exclusively within the breeding season. Several studies have also shown that proximity to breeding colonies is an important determinant of seabird bycatch rates (Moreno et al. 1996; Nel et al. 2002). The much higher rate of seabird bycatch during the breeding period led to the temporal closure of the fishery in CCAMLR sub-area 48.3 from 1998, which contributed to a ten-fold reduction in seabird bycatch</p>	<p>incidental mortality elsewhere.</p>		<p>during the incubation period (Reid et al. 2004). This difference likely relates to where the birds are foraging in relation to fishing effort at the time, and highlights the importance of understanding this interaction. Research is also required to determine the regional impact of closures on catches of target species.</p>	

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	(Croxall & Nicol 2004). Movement of fishing effort away from the Prince Edward Islands coincided with a reduction in seabird bycatch in the sanctioned Prince Edward Island fishery.				
<b>2. Reducing the time baited hooks are near or on the surface and thus available to birds</b>					
<b>Externally weighted lines</b>	(Agnew et al. 2000; Robertson 2000; Melvin et al. 2001; Moreno et al. 2006).	It is important that tension astern is minimised to optimise the sink rate of the line weighting regime. This can be done by preventing hooks snagging on baskets/boxes and by ensuring that weights are released from the vessel before line tension occurs (Robertson et al. 2008a,b). Various methods are used to ensure smooth flow of hooks and avoid entanglements. On autoliners, this is	Must be combined with other measures, especially bird scaring lines, judicious offal management and/or night setting.	Sink rates and profiles of line weighting regimes may vary according to vessel type, setting speed, how the line is set (relative to the propeller wash for example). It is important that the sink rate relationships of different line weighting regimes are understood for a particular fishery (or fishery method) and that the effectiveness of the line weighting regime and the sink profile in reducing seabird mortality is tested.	Global minimum standards not established. Requirements vary by fishery and vessel type. For example, CCAMLR minimum requirements for vessels using the Spanish method of longline fishing are 8.5kg mass at 40m intervals (if rocks are used), 6kg mass at 20m intervals for traditional (concrete) weights, and 5kg weights at 40m intervals for solid steel weights. For autolines, CCAMLR stipulates an average sink rate of 0.3

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		<p>achieved by ensuring the correct looping of the line on racks and oiling the line. On the Spanish system it is achieved by correct packing of the lines and hooks and using boxes with smooth edges. Externally attached weights must be attached and removed for each set-haul cycle, which is onerous and potentially hazardous for crew members. Weights made up of rocks enclosed in netting bags and concrete blocks deteriorate and require ongoing maintenance/replacement and monitoring to ensure the required mass is made up (Otley 2005); standard mass weights of steel are better in this respect, both from a handling and compliance perspective (Robertson et al. 2008b). Longlines with externally added weights</p>			<p>m/s to 10 m depth, and a minimum 5kg mass at intervals of no more than 40m. It is also required that weights be released before line tension occurs. In the New Zealand fisheries, a minimum of 4kg (metal weight) or 5kg (non-metal weight) be attached every 60m if the hook bearing line is 3.5mm or greater in diameter, and a minimum of 0.7kg of weight every 60m when the line is less than 3.5mm diameter. The New Zealand minimum standards also include requirements relating to the use of floats.</p>

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		sink unevenly, faster at the weights than at the midpoint between weights (Robertson 2000). Gear configuration and setting speed influence the sink profiles of the hook lines (Seco Pon et al. 2007), but the principle determinants of sink rates are the mass of the weights and the distance between weights (Robertson et al. 2008a). See later section on the Chilean longline system.			
<b>Integrated weighting of lines</b>	Apart from the practical advantages of integrated weight (IW) longlines – superior handling qualities and practically inviolable – the IW longlines sink more quickly and uniformly out of reach of most seabirds compared with externally weighted lines. IW	Restricted to autoline vessels. The sink rate of IW longlines can vary depending on vessel type, setting speed and deployment of line relative to propeller wash (Melvin & Wainstein 2006; Dietrich et al. 2008). Setting speed influences the extent of the seabird access window – the area in which most seabirds are still able to access the	Recommended combination with bird scaring lines, judicious offal management and/or night setting.	The relationship between line-weighting regime, setting speed, sink rates/profiles and the seabird access window should be investigated for other fisheries (i.e. those that haven't already been tested –Bering Sea, Alaska, and New Zealand ling fishery) including with additional mitigation measures (particularly bird scaring lines); these investigations would be	Global minimum standards not in place. CCAMLR currently require as a minimum IW lines with a lead core of 50g/m, which is also required in the New Zealand demersal longline fishery. IW must average $\geq 0.24$ m/s to 10 m depth. This average rate is less than that for externally weighted non-IW longlines (see above) because IW lines sink with a linear profile from the surface

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	<p>longlines have been shown to reduce substantially mortality rates of surface foragers and diving seabirds, while not affecting catch rates of target species (Robertson et al. 2002; Robertson et al. 2003; Robertson et al. 2006; Dietrich et al. 2008).</p>	<p>baited hooks in the absence of bird scaring lines (Dietrich et al. 2008). Use of IW lines is likely to increase the portion of the line on the seafloor, and may lead to increases in the bycatch of vulnerable fish, shark and ray species. This may be mitigated by placing a weight and a float on a 10m line at the point of the dropper line attachment, thus ensuring the line sinks rapidly to 10m, out of reach of vulnerable seabirds, but remains off the seabed (Petersen 2008).</p>		<p>useful in determining the necessary aerial extent of the bird scaring lines.</p>	<p>whereas gear with external weights sinks slower between line weights than near the weights.</p>
<b>Side setting</b>	<p>Has not been widely tested in demersal longline fisheries. In trials in the New Zealand ling fishery, side setting appeared to reduce seabird bycatch; however, the results were not convincing and</p>	<p>Practical difficulties, especially in difficult weather/sea conditions. In many cases it may be difficult and expensive converting the vessel's deck design to employ a side setting system.</p>	<p>In pelagic longline fisheries must be used in combination with other mitigation measures, especially the use of a bird curtain (Gilman</p>	<p>Largely untested in the demersal fisheries, especially in the Southern Ocean, where the seabird assemblages include proficient diving seabirds. Research urgently needed.</p>	<p>None. Insufficient evidence to recommend this measure.</p>



Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	there were practical/operational difficulties, with the line becoming entangled in the propeller (Bull 2007). Sullivan (2004) reported that side setting has been used in some demersal fisheries (e.g. shark fisheries) which have experienced negligible incidental mortality.		et al. 2007), and bird scaring lines.		
<b>Underwater setting funnel/chute</b>	An underwater setting funnel has been tested in demersal longline fisheries in Alaska, Norway and South Africa, with all studies showing a reduction in the mortality rate, although the extent of the reduction varied between studies (Løkkeborg 1998, 2001; Melvin	Present design is mainly for a single line system. Results from studies to date have been inconsistent, likely due to the depth at which the device delivers the baited hooks and the diving ability of the seabirds in the fishing area studied. The pitch angles of the vessel, which are influenced by the loading of weight and sea conditions, affect the	Must be used in conjunction with other mitigation measures – bird scaring lines, weighted lines, night setting and judicious offal management.	Need to investigate improvements to the current design to increase the depth at which the line is set, especially during rough seas. Should also be tested with integrated weight lines to determine whether this improves bycatch reduction. Also need to investigate optimal use of device together with other mitigation measures (bird scaring lines and weighted	Not yet established.

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	et al. 2001; Ryan & Watkins 2002).	performance of the funnel (Løkkeborg 2001).		lines).	
<b>Line setter/shooter</b>	Less used in demersal long-line fisheries; variation in the precise method of operation is cause of variation in efficacy. Reduced bycatch of northern fulmars relative to sets with no mitigation measures in trials conducted in Norway, but not significantly (Løkkeborg & Robertson 2002; Løkkeborg 2003). However, seabird bycatch in Alaska increased when a line shooter was used (Melvin et al. 2001).	A significant reduction in seabird bycatch when setting with a line shooter has not been demonstrated. Robertson et al. (2008c) found no significant difference between the sink rates of integrated weight longlines of autoline vessels that were set with and without a line setter in the Ross Sea, and were doubtful that the use of line setters would lead to substantial reductions in interactions between seabirds and longlines. At this stage it should not be seen as a measure.	Currently not considered a mitigation measure.		None. Insufficient evidence to recommend this measure.

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>Thawing bait</b>	See comments for pelagic longline fisheries. In demersal longline fisheries operational considerations ensure baits are thawed to the point where thaw status does not affect sink rates.	No an effective mitigation measure.		There is some evidence that the number of seabirds caught varies according to the species of bait used (Weimerskirch et al. 2000). This should be investigated further.	None. Insufficient evidence to recommend this measure.
<b>3. Actively deterring birds from baited hooks</b>					
<b>Single bird scaring line</b>	The use of a single bird scaring line has been shown to be an effective mitigation measure in a range of demersal longline fisheries, especially when used properly (Moreno et al. 1996; Løkkeborg 1998, 2001; Melvin et al. 2001; Smith 2001; Løkkeborg & Robertson 2002; Løkkeborg 2003; Robertson et al.,	Effective only when streamers are positioned over sinking hooks. Single bird scaring lines can be less effective in strong crosswinds (Løkkeborg 1998; Agnew et al. 2000; Melvin et al. 2001; Melvin et al. 2004). In the event of strong crosswinds, bird scaring lines should be deployed from the windward side. This problem can also be overcome by using paired bird scaring lines (see below).The effectiveness	Effectiveness is increased when used in combination with other measures – e.g. night setting, appropriate weighting of line and judicious offal management.	The use and specifications/performance standards are fairly well established in demersal longline fisheries. However, there is scope to improve further the effectiveness and practical use of bird scaring lines on individual vessels or vessel type.	Current minimum standards vary. CCAMLR was the first conservation body that required all longline vessels in its area of application to use bird scaring lines (Conservation Measure 29/X adopted in 1991). The bird scaring line has gone on to become the most commonly applied mitigation measure in longline fisheries worldwide (Melvin et al. 2004). CCAMLR currently prescribes a range of

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	2008a)	of the bird scaring lines is also dependent on the design, the aerial coverage of the bird scaring line, seabird species present during line setting (proficient divers being more difficult to deter from baits than surface feeding birds) and the proper use of the bird scaring line. The aerial coverage and the position of the bird scaring line relative to the sinking hooks are the most important factors influencing their performance. There have been a few incidents of birds becoming entangled in bird scaring lines (Otley et al. 2007). However it must be stressed that the numbers are minuscule, especially when compared with the number of mortalities recorded in the absence of bird scaring lines. Bird scaring lines remain a			specifications relating to the design and use of bird scaring lines. These include the minimum length of the line (150m), the height of the attachment point on the vessel (7m above the water), and details about streamer lengths and intervals between streamers. Other fisheries have adapted these measures. Some, such as those in New Zealand and Alaska have set explicit standards for the aerial coverage of the bird scaring lines, which varies according to the size of the vessel.

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		highly effective mitigation measure, and efforts should be directed to improving further their design and use so that their effectiveness can be improved further.			
<b>Paired or multiple bird scaring lines</b>	Several studies have shown that the use of two or more streamer lines is more effective at deterring birds from baited hooks than a single streamer line (Melvin et al. 2001; Sullivan & Reid 2002; Melvin 2003; Melvin et al. 2004; Reid et al. 2004). The combination of paired streamer lines and IW longlines is considered the most effective mitigation measure in demersal longline fisheries using autoline systems (Dietrich et al.	Potentially increased likelihood of entanglement with other gear. Use of an effective towed device that keeps lines from crossing surface gear essential to improve adoption and compliance. See also above comment about bird entanglements in bird scaring lines. Manually attached and operated paired or multiple bird scaring lines requires some effort to operate (a 150m double line takes several men to retrieve). One way of overcoming this is to make use of electronic winches.	Effectiveness is increased when used in combination with other measures – e.g. night setting, appropriate weighting of line and judicious offal management.	Further trialling in fisheries which currently only use single streamer lines.	Paired streamer lines required in Alaskan fisheries and encouraged/recommended by CCAMLR, except in the French exclusive economic zone (CCAMLR Subarea 58.6 and Division 58.5.1), where paired streamer lines have been compulsory since 2005. Paired streamer lines have also been required in the Australian longline fisheries off Heard Island since 2003 (Dietrich et al. 2008).

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	2008).				
<b>Haul mitigation</b>	The use of a bird exclusion device (BED) such as a Brickle curtain can effectively reduce the incidence of birds becoming foul hooked when the line is being hauled (Brothers et al. 1999; Sullivan 2004; Otley et al. 2007; Reid et al. submitted, Snell et al. in prep.).	Some species, such as the black-browed albatross and cape petrels, can become habituated to the curtain, so it is important to use it strategically – when there are high densities of birds around the hauling bay (Sullivan 2004).	None known		A BED discourages birds from accessing baits during hauling operations and is required in high risk CCAMLR areas. CCAMLR has not specified the exact design, but a BED must: 1) deter birds from flying into the area where the line is being hauled, and 2) prevents birds that are sitting on the surface from swimming into the hauling bay area. Also required in the Falkland Islands (Islas Malvinas) longline fishery, where the Brickle Curtain is recommended (Snell et al, in prep).
<b>Olfactory deterrents</b>	Dripping shark liver oil on the sea surface behind vessels has been shown to effectively reduce the number of seabirds (restricted to	The shark liver oil did not deter albatrosses, giant petrels, or Cape Petrels from boats (Norden & Pierre 2007). The potential impact of releasing large amounts of concentrated fish oil	Must be used in combination with other mitigation measures – bird scaring lines at setting, line weighting,	Testing should be extended to candidate/suitable species of conservation concern, such as white-chinned petrels and sooty shearwaters. Research is also required to identify	None yet.

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	burrow-nesting birds) attending vessels and diving for bait in New Zealand (Pierre & Norden 2006; Norden & Pierre 2007).	into the marine environment is unknown, as is the potential for contaminating seabirds attending vessels and the potential of seabirds to become habituated to the deterrent (Pierre & Norden 2006).	night setting and judicious offal management – especially until further testing has been conducted.	the key ingredients in the shark oil that are responsible for deterring seabirds, and the mechanism by which the birds are deterred. The potential “pollution” effects also need to be investigated.	
<b>4. Reducing attractiveness and visibility of baited hooks and attractiveness of vessel to birds</b>					
<b>Strategic management of offal discharge</b>	Some studies have shown that dumping homogenised offal (which is generally more easily available and thus attractive to seabirds than bait) during setting attracts birds away from the baited line to the side of the vessel where the offal is being discharged, and thus reduces bycatch of seabirds on the baited hooks (Cherel et al. 1996; Weimerskirch et al.	Although strategic offal discharge has been shown to be effective at reducing seabird bycatch around Kerguelen Island, there are many risks associated with the practice. Offal discharge needs to be continued throughout the setting operation so as to ensure the birds do not move on to the baited hooks. This will only be possible in fisheries where line setting is short, and there is sufficient offal to sustain the line-setting period. This measure also has the potential to foul hook birds if offal is	Not recommended as a mitigation measure at this time. See comments in “Minimum standards”, which are considered best practice approaches to offal management.	Further information needed on opportunities to manage offal more effectively – considering both practical aspects and seabird bycatch mitigation – in the short and long term.	In CCAMLR demersal fisheries, discharge of offal is prohibited during line setting. During line hauling, storage of waste is encouraged, and if discharged must be discharged on the opposite side of the vessel to the hauling bay. A system to remove fish hooks from offal and fish heads prior to discharge is required. Similar requirements are prescribed by other demersal longline fisheries (e.g. Falkland Islands (Islas Malvinas), South Africa and New Zealand).

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	2000).	discharged with hooks. It is crucial, then, that all offal is checked for hooks before being discharged. Given these risks, and the fact that the presence of offal is a critical factor affecting seabird numbers attending vessels, most fisheries management agencies require that no offal can be discharged during line setting, and that if discarding is necessary at other times it should take place on the side of the vessel opposite to where the lines are being hauled.			
<b>Blue-dyed bait</b>	The performance of this measure has only been tested in the pelagic longline fishery (Boggs 2001; Minami & Kiyota 2004; Gilman et al. 2007; Cocking et al. 2008), and with mixed success.	This measure is only effective with squid bait (Cocking et al. 2008). It has not been tested in demersal fisheries, possibly due to the larger number of hooks deployed and thus the need for considerably more bait (Bull 2007). There is no commercially available dye. Onboard	Must be used in combination with other mitigation measures – bird scaring lines. line weighting, night setting and judicious offal management	Need for tests of efficacy and practical feasibility in demersal longline fisheries, especially in the Southern Ocean to determine its effectiveness as a long-term mitigation measure. Research would also need to determine the effect of dyed bait on catches of target species.	Mix to standardized colour placard or specify (e.g. use 'Brilliant Blue' food dye (Colour Index 42090, also known as food additive number E133) mixed at 0.5% for a minimum of 20 minutes).



Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
		dyeing is practically onerous, especially in inclement weather. In the long-term birds may become habituated to blue-dyed bait.			
<b>5. Other</b>					
<b>Hook size and shape</b>	Hook size was found to be an important determinant in seabird bycatch rates of Argentinean and Chilean longline vessels fishing in Subarea 48.3 in the 1995 season, with smaller hooks killing significantly more seabirds than larger hooks (Moreno et al. 1996).	Other than the finding in Moreno et al (1996), little or no work has been conducted to investigate the impact of hood design and shape on seabird bycatch levels.	Unknown, due to insufficient understanding about effectiveness as seabird deterrent.	Further studies required to determine impact on seabird bycatch and on catch of target species	None. Insufficient evidence to recommend this measure.

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
<b>Gear configuration – Chilean method (linked with sink rates)</b>	<p>A new method of demersal longline fishing, called the Chilean longline method, developed from the Chilean artisanal toothfish fishery, has been shown to reduce significantly seabird bycatch as a consequence of rapid sink rates compared with traditional longline systems (Moreno et al. 2006; Moreno et al. 2008; Robertson et al. 2008b). This system makes use of net sleeves or ‘cachaloteras’ which slide down over the hooks and captured fish during hauling and thus protect fish from toothed whales. The advantage of this configuration is that hook-bearing lines</p>	<p>This is a new system and should be monitored and possibly refined further. Concern has been raised about the excessive discard of unwanted hooks that may be associated with this longline system and the ingestion of these hooks – and discarded fish bearing them - by seabirds (Phillips et al. 2010). The solution to this problem is to ban the discarding of hooks as part of the licence conditions, as is already done in many fisheries, and educating fishers, observers and operators to facilitate compliance with such a ban. CCAMLR has produced a weather-proof educational poster on the importance of retaining hooks onboard and distributed the poster to all vessels operating in Convention Area waters.</p>	<p>One of the few techniques that is effective on its own. Preferably use in combination with bird scaring lines.</p>	<p>Test broader applicability to other fisheries, including effects on fish bycatch. In other fisheries the relationship between weight mass, weight type and sink rate (see Robertson et al., 2008a for the Patagonian toothfish fishery) should be investigated to determine the minimum weight requirement. The Chilean system is used primarily to prevent depredation of caught fish by cetaceans, the by-product of which is significantly reduced seabird bycatch. Given the possibility that cetaceans may become habituated to the net sleeves over time, it is important that the efficacy of this system at deterring cetaceans continues to be monitored.</p>	<p>No global standards yet.</p>

Mitigation measure	Scientific evidence for effectiveness in demersal fisheries	Caveats /Notes	Need for combination	Research needs	Minimum standards
	<p>sink vertically (not horizontally) in the water column in the depths assessable to seabirds, and that hooks are located close to heavy line weights (ensures rapid sinking). This system was first tested on large longline vessels in 2005. Because of the effectiveness of the Chilean longline system in reducing impacts of toothed whales, it is currently used in many longline fleets operating in South American waters (Moreno et al. 2008), as well as in the south west Atlantic.</p>				

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## **ANNEX 11: SUMMARY ADVICE STATEMENT FOR REDUCING IMPACT OF DEMERSAL LONGLINES ON SEABIRDS**

### **Summary**

The most effective measures to reduce incidental take of seabirds in demersal longline fisheries are:

- use of an appropriate line weighting regime to reduce the time baited hooks are near or on the surface and thus available to birds,
- actively deterring birds from baited hooks by means of bird scaring lines, and
- setting by night.

Further measures include bird deterrent curtains at the hauling bay, responsible offal management and avoiding peak areas and periods of seabird foraging activity. It is important to note that there is no single solution to reduce or avoid incidental mortality of seabirds in demersal longline fisheries, and that the most effective approach is to use the measures listed above in combination.

### **Introduction**

The incidental mortality of seabirds, mostly albatrosses and petrels, in longline fisheries has been of growing global concern. This was a major reason for the establishment of the Agreement on the Conservation of Albatrosses and Petrels (ACAP). A large number of mitigation methods to reduce and eliminate seabird bycatch has been developed and tested over the last 10 to 15 years, especially for demersal longline fisheries. Within demersal longlining, there are different systems – the autoline system, the Spanish double line system, and more recently the Chilean system. Although most mitigation measures will be broadly applicable, the feasibility, design and effectiveness of some measures will be influenced by the type of longlining method and gear configuration used. In particular it should be noted that most scientific literature relates to fleets of larger vessels, with longline usage from artisanal fleets receiving less attention. Some of this advice may need to be modified for smaller vessels. ACAP has comprehensively reviewed the scientific literature dealing with seabird bycatch mitigation in demersal fisheries and this document is a distillation of the review (available from the ACAP website).

Best practice mitigation measures for demersal longline fisheries are listed below; the first recommendation is a general measure followed by those for line setting and line hauling.

### **Best practice measures - general**

#### **Area and seasonal closures**

- The temporary closure of important foraging areas (e.g. areas adjacent to important seabird colonies during the breeding season when large numbers of aggressively feeding seabirds are present) has been a very effective way to reduce incidental mortality of seabirds in fisheries in those areas.

### **Best practice measures - line setting**

#### **Line weighting**

- Lines should be weighted to get the baited hooks rapidly out of the range of feeding seabirds. Weights should be deployed before line tension occurs to ensure that the line sinks rapidly out of reach of seabirds.



**Weighted lines for Spanish gear**

- Steel weights are considered best practice. The mass should be a minimum of 5kg at 40m intervals.
- Where steel weights are not used, longlines should be set with a minimum of 8.5kg at 40m intervals when using rocks, and a minimum of 6kg at 20m intervals when using concrete weights.

**Weighted lines for autoline gear**

- Integrated weight longlines (IWL) are designed with lead core of 50g/m. Their key characteristic is that they sink with a near-linear profile from the surface (minimal lofting in propeller turbulence) and are effective at sinking quickly out of reach of foraging seabirds. IWL should average  $\geq 0.24$  to 10 m depth.
- Where it is practical to use IWL gear in a fishery, IWL is preferred over externally weighted alternatives because of its linear sink profile from the surface and consistent ability to achieve the minimum sink rate.
- When using external weights on non-IWL autoline gear, the minimum average sink rate should be 0.3 m/s to 10 m depth. A faster sink rate is necessary with this configuration to minimise the lofting of sections of line between line weights in propeller turbulence. The sink rate can be achieved with a minimum of 5kg at no more than 40m intervals.

**Night setting**

- Setting longlines at night (between the times of the end of nautical twilight and before nautical dawn) is effective at reducing incidental mortality of seabirds because the majority of vulnerable seabirds are diurnal foragers.

**Bird scaring lines**

- Bird scaring lines are designed to provide a physical deterrent over the area where baited hooks are sinking.
- Two bird scaring lines should be used.
- The design of the bird scaring lines should include the following specifications:
  - The attachment height should be at least 7m above sea level.
  - The lines should be at least 150m long to ensure the maximum possible aerial extent.
  - Streamers should be brightly coloured and reach the sea-surface in calm conditions, and placed at intervals of no more than 5m.
- A suitable towed device should be used to provide drag, maximise aerial extent and maintain the line directly behind the vessel during crosswinds.

**Offal and discard discharge management**

- Seabirds are attracted to offal that is discharged from vessels. Ideally offal should be retained onboard but if that is not possible, offal and discards should not be discharged while setting lines.

**Best practice measures - line hauling****Bird exclusion device (BED)/Brickle curtain**

- During hauling operations birds can accidentally become hooked as gear is retrieved. A BED consists of a horizontal support several metres above the water that encircles the entire line hauling bay. Vertical streamers are positioned between the support and water surface. The seabird deterrent effectiveness of this streamer line configuration can be increased by deploying a line of floats on the water surface and connecting this

line of floats to the support with downlines. This configuration is the most effective method to prevent birds entering the area around the hauling bay, either by swimming or by flying.

#### **Offal and discard discharge management**

- Ideally offal should be retained onboard, but if that is not possible offal and discards should be either, preferably, retained on board during hauling or released on the opposite side of the vessel to the hauling bay.
- All hooks should be removed and retained on board before discards are discharged from the vessel.

#### **Further options**

##### **Chilean method**

- The Chilean method of longline fishing was designed to prevent toothed whale depredations of fish. Because weights are deployed directly below the hooks, and because hook-bearing lines sink with a vertical profile in the seabird foraging depths (not horizontally, as in the traditional Spanish method), lines sink rapidly, making it an effective method for avoiding bycatch of foraging seabirds.
- To eliminate the ingestion of hooks by seabirds during line hauling operations, care must be taken to retain all hooks onboard and not discard them overboard, either as unwanted hooks or as hooks embedded in discarded fish.

The following mitigation options are **not** recommended best practice:

**Hook design, olfactory deterrents, and underwater setting chutes** have been insufficiently researched. **Side setting** has been insufficiently researched and there have been operational difficulties. **Blue-dyed bait, thawed bait** and the **use of a line setter** are not relevant in demersal longline gear.

## ANNEX 12 SUMMARY OF STATUS OF ACAP ALBATROSS AND PETREL SPECIES

		Population decline	Restricted breeding range	Limited population size	Decline in habitat	Endemic to single country	Country endemic	No of island groups	No of sites		Annual breeding pairs	Breeding Frequency	Current population trend
<b>CRITICALLY ENDANGERED</b>													
1	Amsterdam albatross	*	*	*		*	France	1	1		30	B	stable
2	Waved albatross	*	*		*	*	Ecuador	2	2		9,608	A	declining
3	Tristan albatross	*	*			*	United Kingdom	1	1		1,763	B	declining
<b>ENDANGERED</b>													
4	Northern royal albatross	*	*		*	*	New Zealand	3	6		5,823	B	unknown
5	Black-browed albatross	*						14	66		593,002	A	declining
6	Atlantic yellow-nosed albatross	*	*			*	United Kingdom	2	6		34,050	A	declining
7	Indian yellow-nosed albatross	*						4	6		39,315	A	declining
8	Black-footed albatross							4	13		60,878	A	increasing
9	Sooty albatross	*						6	15		13,260	B	declining
<b>VULNERABLE</b>													
10	Wandering albatross	*						5	30		8,034	B	declining
11	Antipodean albatross	?	*			*	New Zealand	3	5		8,273	B	declining
12	Southern royal albatross		*			*	New Zealand	2	4		7,886	B	stable
13	Salvin's albatross		*			*	New Zealand	3	4		31,953	A	unknown
14	Campbell albatross		*			*	New Zealand	1	2		22,093	A	unknown
15	Grey-headed albatross	*						8	29		97,552	B	declining
16	Chatham albatross		*		*	*	New Zealand	1	1		5,407	A	stable
17	Short-tailed albatross		*	*	*			2	2		470	A	increasing
18	White-chinned petrel	*						8	76		1,161,620	A	declining
19	Spectacled petrel		*			*	United Kingdom	1	1		10,090	A	increasing
20	Black petrel		*			*	New Zealand	1	2		1,458	A	stable?
21	Westland petrel		*			*	New Zealand	1	1		4,000	A	stable?
<b>NEAR-THREATENED</b>													
22	Buller's albatross		*			*	New Zealand	4	10		30,460	A	increasing?
23	White-capped albatross	?	*			*	New Zealand	3	5		97,113	?	unknown
24	Shy albatross	?	*			*	Australia	1	3		12,595	A	stable?
25	Light-mantled albatross	?						9	71		15,449	B	unknown
26	Laysan albatross							5	17		591,247	A	stable?
27	Grey petrel	?						9	17		79,720	A	unknown
<b>LEAST CONCERN</b>													
28	Southern giant petrel							27	121		50,200	A	increasing
29	Northern giant petrel							9	51		11,889	A	increasing

Conservation Status based upon information presented in AC5 Doc 34

Last revised 3 April 2010

**ANNEX 13 SUMMARY OF FUNDING REQUESTS FROM ADVISORY COMMITTEE APPROPRIATION IN 2010.**

Action	Brief description		AU\$ x1000 <sup>3</sup>
2.1b, 2.2a	Data portal developments for Status and Trends work	Core	5
2.6	Translations of Species Assessments to French and Spanish	Core	8
2.7	Add further RFMO boundaries to Species Assessment maps	Defer	(5)
4.2	Funds for attendance at RFMO meetings	Core	25
4.2	Improvement of engagement with RFMOs	Grant	30
4.3	New maps derived from Procellariform tracking database	Defer	(10)
4.4	Analysis of interaction with further RFMOs	Grant	10
4.4	Analyses of interaction with RFMOs for possible updates	Core	5
4.5	Further development of the Ecological Risk Assessment toolkit	Grant	7
4.11a	Analysis of bycatch data from Parties to evaluate sufficiency	Grant	10
4.13	Maintain mitigation fact sheets	Core	5
4.20	Estimates of waved albatross mortality in fisheries	Grant	10
5.2	Improve South American observer schemes	Grant	17
6.1	Development of database for priorities work	Core	10
6.2, 6.3	Develop and implement species conservation strategies	Grant	?
6.6a	Database for reporting	Core	10

<sup>3</sup> Note: costs are indicative from Advisory Committee appropriation for 2010 in AUD \$ x 1000

## ANNEX 14

## ANNEX 14 ADVISORY COMMITTEE WORK PROGRAMME 2010-2012

Actions that have been completed are shown in a lighter grey print and further actions (numbered with an additional letter) were decided upon. Some actions include further notes or have been amended to better describe the Topic or Task. Some actions in the work programme have a cost (in thousands of Australian dollars) indicated that will be spent on core activities from the Advisory Committee's appropriation for 2010.

	Topic/Task	Responsible group	Timeframe	Action detail
1.1	Review the evidence supporting the specific status of the Wandering Albatross complex	TWG led by Convenor	2010	This will conclude the assessment process for all closely related sister taxa listed currently on Annex 1 of the Agreement. Completed 2010.
1.2	Keep the Taxonomy Working Group's bibliographic database updated	TWG led by Convenor	2010-2012	
1.3	Continue the establishment of a morphometric and plumage database	TWG led by Convenor (Secretariat)	2010-2012	This will facilitate the taxonomic process, the identification of bycatch specimens, and the long-term storage of valuable data.
1.4	Consider preparing a paper for peer-reviewed publication on albatross taxonomy	TWG led by Convenor	2011	A scientifically accepted paper would state ACAP's position in the clearest possible way to the scientific community, but other ways might be easier. In particular influencing committees dealing with large parts of the planet such as South American Checklist Committee should be a priority.
1.4a	Respond to queries on ACAP taxonomy	TWG	2011	In early 2010, respond to CMS query.
1.5	Consider additional species for addition to Annex 1 of the Agreement	Parties and AC	2010-2012	Development of papers as required, using species assessment template. Spain to develop document on Balearic shearwater. Draft prepared by Secretariat in 2008.
2.0	To maintain Status and Trends Working Group membership	Parties with assistance of Convenor of STWG	2010-2012	New Zealand, any interested Range States (particularly of North Pacific species).

2.1	Consider gaps in status and trends data submitted to ACAP and request any outstanding data (including from SCAR). Continue to update population data	STWG (Secretariat)	a) End 2009  b) 2010-2012	a) All outstanding existing data to be incorporated into database.  b) Parties to provide new population data.
2.1 a	Ensure population data consistent and accurate with other databases	STWG Convenor, Secretariat and BirdLife International	2011	Work with BirdLife International in particular.
2.1 b	Resolve part-site monitoring data to assist with generation of database queries and revision of analyses of status and trends	STWG, BSWG convenor and Secretariat	Before AC6	Science officer to facilitate modification of database and STWG and BSWG convenor to work with Science officer to ensure appropriate generation of queries. (AUD\$ included at 2.2a).
2.2	Incorporate all feedback received into the species assessments, and incorporate new data and update species assessments	STWG Convenor (with species authors) (Secretariat)	2010-2012	Updating species assessments with reference to conservation status and numbers.
2.2 a	Add data portal improvements relating to ongoing population monitoring and mark-recapture studies	Secretariat and STWG Convenor	2010	Science Officer to facilitate modification of database to include entry of ongoing status of monitoring and mark-recapture studies (AUD\$5).
2.3	Provide advice to CEP regarding census methods for Antarctic southern giant petrels	STWG, (Secretariat)	End 2008	CEP requested review and advice on census methods prior to their 2009 meeting.
2.4	Supply data and validate ACAP database	STWG Convenor and members (with data holders) (Secretariat)	2010-2012	Liaise with Secretariat .
2.5	Finalise Species Assessments for all ACAP species	Species Assessment Coordinating Group, STWG Convenor, (Secretariat)	End 2009	This to include updating population trends with 2008 data and any new species added to Annex 1.
2.6	Translation of Species Assessments into Spanish and French	Secretariat, Spanish and French speaking Parties, STWG	2012	Includes contributions in kind from Spanish and French speaking Parties. All but two Spanish and nearly all French translations completed by AC5 (AUD\$8).
2.6 a	Analyse ACAP population database to determine those that meet threshold criteria based upon proportions of global population size	STWG and Secretariat	2011	Following 2010 provision of population data to the database to provide analyses of locations of ACAP populations that meet various threshold criteria.

2.7	Reconsider selection of RFMOs whose boundaries are included on distribution maps in Species Assessments	SBWG STWG	2011	Further maps, if required, would need to be commissioned from BirdLife.
2.8	Provide and consider annual reports to AC on STWG activities	STWG and AC	2010-2012	
3.0	To maintain Breeding Sites Working Group membership	Parties with assistance of Convenor of BSWG	2010-2012	New Zealand, any interested Range States (particularly of North Pacific species).
3.1	Revise the database lists and structures	BSWG (Secretariat)	2010-2012	This needed to ensure compatibility with other databases and enable update of Species Assessments.
3.2	Complete, review and update data submission from Parties	BSWG	2010-2012	Largely completed (response still required from Chile, New Zealand, Norway and for the north Pacific species). Published data from southern giant petrels breeding sites in Antarctica added to database.
3.3	Compile and help maintain list of introduced mammals and eradications from ACAP breeding sites	BSWG (Secretariat)	2010-2012	This will inform analysis of past and current risks. Largely completed (response still required from Chile, New Zealand, Norway and for the north Pacific species).
3.4	Compile and maintain list of former (recent) breeding sites of ACAP species and their characteristics	BSWG (Secretariat)	2010-2012	This will enable consideration of further mitigation of land-based pressures and potentially restoration of range Largely completed (response still required from Chile, New Zealand, Norway and for the north Pacific species).
3.5	Assess the threats to breeding sites and identify gaps in knowledge	BSWG (Secretariat)	2010-2012	Threats and knowledge gaps are highlighted in Species Assessments. No known substantive change in threats since AC3, hence no formal update carried out.
3.6	Develop, review and update best-practice guidelines to mitigate selected threats to breeding sites, including biosecurity	BSWG Biosecurity lead UK completed 2010	2010-2012	First editions of all best-practice guidelines for species/sites on original Annex 1. Review of needs for North Pacific albatrosses required.
3.7	Review evidence for impacts of pathogens and parasites on ACAP species and effectiveness of mitigation measures	BSWG, lead France, Ecuador, Argentina	2011	Initial colony threats analysis indicates this to be an issue at some colonies.

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
3.8	Consider criteria for prioritisation of internationally important breeding sites	BSWG	2010-2012	BirdLife International to progress analysis of IBAs for later consideration by WG. Update of document on Important Bird Areas for ACAP species provided by BirdLife International for AC5.
3.9	Provide and consider annual reports to AC on BSWG activities	BSWG and AC	2010-2012	
4.1	To maintain Seabird Bycatch Working Group membership	Parties with assistance of Convenor of SBWG	2010-2012	Chile, New Zealand, Brazil, Ecuador, France, Norway, Uruguay to nominate working group members and further interested Range States as observers.
4.2	Continue to develop and implement the interaction plan for ACAP and relevant Parties to engage and assist RFMOs and other relevant international bodies to assess and minimise bycatch of albatrosses and petrels	SBWG and AC  Secretariat	1) End Aug 2008 2) End Mar 2009  3) 4) and 5) 2010-2012	1) Agree initial plan and nominate first RFMO coordinators (AC). 2) Analysis of needs, coordination of work and report back on initial RFMOs (RFMO coordinators intersessionally with SBWG, AC and Parties, as described in AC4 Doc 56). 3) Attendance at selected RFMO meetings (AUD\$25). 4) Review of process and suggest any changes (SBWG). 5) RFMO by RFMO development of strategies for engagement (commenced by AC5).
4.3	Continue to review availability of albatross and petrel tracking/distribution data to ensure representativeness of species/age classes. Prioritise gaps and encourage studies to fill gaps.	SBWG, AC, Parties and BirdLife International	2010-2012	Review status at AC5, AC7, AC9.
4.4	Complete reports on analysis of overlaps of distributions and albatrosses and petrels with fisheries managed by RFMOs	BirdLife / ACAP  Secretariat	1) Oct 2008 2) 2011  3) 2011	1) Complete last of initial five reports (already funded) Completed by AC5 2) Analysis of information for remaining RFMOs including those managing trawl fisheries (by AC6) 3) Review if updated overlap analyses required (AC6) (AUD\$5).



	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
4.5	Develop and keep under review materials (both generic and specific) to assist RFMOs and other relevant international and national bodies in reducing seabird bycatch and to maximise effective participation and consideration of issues relevant to ACAP	NZ / SBWG / UK  UK/BirdLife	1) 2011  2) 2010-2012	1) Observer programme designs including protocols for the collection of seabird bycatch data, with consideration of analytical methods for assessing seabird bycatch to be examined first. Info paper from UK in 2011. 2) Summary of risk assessment methods and key contacts in this area. Priority decided inside the RFMO interaction plan. First draft paper considered at AC5. Further editorial work required to develop ERA toolkit. Ideal for 2010 Brisbane Tuna Commissions meeting
4.6	Review and utilise available information on foraging distribution, fisheries and seabird bycatch to assess and prioritise the risk of fishing operations on ACAP species in waters subject to national jurisdiction.  Linked to broader prioritisation process	SBWG and Parties	1) 2011  2) 2011	1) Commission initial report on knowledge of fisheries, status of any bycatch mitigation, knowledge of relevant seabird distribution for AC5. Note overlap with 4.4. NPOA seabirds also can be used. 2) Assess needs for waters subject to national jurisdiction and any capacity building requirements.
4.7	Define bycatch data requirements from Parties	SBWG (lead USA), [Science Officer]	2009-10	Requires a clear objective statement of purpose, terms of reference and timeline for the collection of bycatch data. Completed by AC5.
4.8	Collate information (metadata) on bycatch monitoring schemes and data held by each Party	SBWG (lead USA), [Science Officer]	2009	Requires development of a metadata survey form. Completed by AC5.
4.9	Develop a prototype bycatch data collection form with comprehensive instructions for completing the form.	SBWG (lead USA), [Science Officer]	2009-10	Completed by AC5.
4.10	Test and develop bycatch data collection form	SBWG (lead USA), [Science Officer]	2009-2010	A sample of Parties to test and evaluate the utility of the form and appropriateness of its questions based on the sample completed forms and revise as necessary. Approaching completion, but no formal evaluation yet.

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
4.11	Incorporate bycatch data collection form into standard Party reports	AC	2009-2010	See also Action 6.6.
4.11 a	Analyse bycatch information from Party reports to determine if it can deliver the products required in evaluating bycatch	SBWG and Secretariat	By AC6 deadlines	Additional resources may be needed for this analysis (AUD\$10).
4.12	Create and maintain a bibliography of relevant bycatch information	BirdLife/SBWG (Secretariat)	2010-2012	BirdLife producing report /database. To include both published and unpublished literature.
4.13	Complete tabular reviews and develop summary advice on mitigation measures for fishing methods known to impact albatrosses and petrels (demersal longline, pelagic longline, and trawl)  Translations of mitigation fact sheets into relevant languages  Maintain tabular reviews, summary advice and individual mitigation fact sheets	Leads: New Zealand (trawl), Australia (Pelagic LL), UK (Demersal LL), BirdLife (individual mitigation measures)  BirdLife/SBWG  Secretariat/BirdLife	2010  2011  2011-2012	Initial versions of each tabular review and summary advice completed by AC5.  Individual mitigation fact sheets completed by AC5.  (AUD\$18 included in 2009 programme)  (AUD\$5 (for ind. fact sheets per year for 5 years))
4.14	Produce report on lessons from mitigation success stories in commercial fisheries	BirdLife/ Australia/ WWF Convenor SBWG	2010-2012	
4.15	Assist in the preparation, adoption and implementation of FAO NPOA-Seabirds or equivalent	SBWG and Parties/ Range States	2010	FAO expert consultation including ACAP input scheduled for September 2008. Completed and published in March 2010.
4.15 a	Review existing NPOA seabirds in light of new FAO Technical guidelines	SBWG, Leads: Convenor SBWG, Ben Sullivan	2011	
4.16	Prepare review of knowledge on deliberate take/killing of ACAP species at sea	Australia/ Brazil/ New Zealand/ Peru/ UK SBWG Needs a clear lead	2011	Review to describe current knowledge (much from unpublished literature) and causes of any deliberate take and to consider possible take reduction strategies.
4.17	Review results of any research funded by ACAP on seabird bycatch issues	SBWG	2010-2012	Draw conclusions and make recommendations to AC as appropriate.

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
4.17 a	Review any other relevant mitigation research	SBWG	2010-12	Draw conclusions and make recommendations to AC as appropriate.
4.18	Maintain review of research needs and priorities for bycatch research and mitigation development	SBWG	2010-2012	Gill-netting to be examined in 2011.
4.19	Provide and consider annual reports to AC on WG activities	SBWG and AC	2010-2012	
4.20	Estimate mortality in previously unobserved fisheries in range of Waved albatross	Ecuador and Peru, BirdLife, AC, American Bird Conservancy	2012	Part of implementation from Waved Albatross Action Plan. Some ACAP-funded work started in 2010 (two projects total value: AUD\$41), original timescale unrealistic.
5.1	Develop strategy for capacity building	AC Chair, New Zealand, Argentina, Ecuador, Chile, UK, WWF	2010	Utilising work on potential projects by Brazil and AC and including potential sources of funding.
5.2	Improve seabird data collection from observer programmes in South America	All South American Parties	2010-2012	Development of a South American seabird bycatch observers course, development of standard methodology (see also 4.5) and exchange of observers between Parties. AUD\$33 total grant in 2009.
5.3	2 <sup>nd</sup> South American Fishers Forum	All South American Parties, Southern Seabird Solutions, WWF	December 2009	Some support would be welcome. Forum did not take place.
5.4	Provide assistance and capacity building to ensure drafting and implementation of NPOA-Seabirds	AC and Parties to consider	2010-2012	Capacity building in accordance with the needs identified by interested Parties in order to encourage implementation, particularly in Argentina, Ecuador France, Peru, South Africa, (Mozambique, Madagascar), Tristan da Cunha (UK), and EC external fisheries.
5.5	Technical Cooperation to train observers and develop an observers programme in Ecuador	Argentina, Ecuador, BirdLife International, American Bird Conservancy	2008 - 09	Part of Waved Albatross Action Plan implementation.
5.6	Development of an observers programme in Peru	Peru, BirdLife International, American Bird Conservancy	2009	Part of Waved Albatross Action Plan implementation.

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
6.1	Identify and prioritise conservation measures required for each species and by each Party to the Agreement	Secretariat, WG Convenors and <i>ad-hoc</i> group, lead New Zealand	2010-2012	An analysis of threats, data/knowledge gaps and population trends will be undertaken (Broadly complete by AC5). By AC6, data validation and finer-scale analysis will occur with integration into ACAP database (AUD\$10).
6.2	Develop and harmonise conservation strategies for particular species or groups of species of albatrosses and petrels	WGs, AC (Secretariat)	2010-2012	Precise definition of what is needed difficult at this range.
6.2 a	Draft the Amsterdam albatross National Action Plan	France (for review by AC)	2010-2011	Draft to be examined intersessionally by group led by Chair of Advisory Committee.
6.3	Implement conservation strategies for particular species or groups of species of albatrosses and petrels	Parties, AC	2010-2012	Precise definition of what needed is difficult at this range.
6.4	Develop a system of indicators for the success of the ACAP Agreement	UK (lead), Australia, South Africa, New Zealand, USA, BirdLife	2011	Drawing on the prioritisation exercise information, considerations within Working Groups and earlier work for the AC, these are required to assess the effectiveness of the Agreement (Completed by 2010). By AC6, test a set of indicators based on available data and further consider high level indicators of gain in capacity/ resources by ACAP.
6.5	Review the effects of climate change on ACAP species	France, UK	2011	This may need updating at regular intervals.
6.6	Improve, in association with the Secretariat, guidance for the provision of information by Parties on the implementation of the Agreement	AC	Initial work by 2010 for agreement in 2011	Information on implementation provided by Parties is currently difficult to assemble and assess, and can prove onerous to Parties to provide. Good progress by 2010, finalisation by late 2010. Some database development required.
6.6 a	Assist Secretariat and AC with provision of information on the agreed indicators and national reporting queries	Secretariat, WGs	Before AC6	Following 2010 data provision and database update, provide the Secretariat and AC with information as required to progress the agreed indicator and national reporting parameters that are relevant to status and trends (AUD\$10).

	<b>Topic/Task</b>	<b>Responsible group</b>	<b>Timeframe</b>	<b>Action detail</b>
6.7	Review information provided by Parties on implementation of the Agreement and provide a report to MoP	AC	2011	This to carry out responsibilities under Article IX 6 d) of the Agreement.
6.8	Support database of relevant scientific literature	AC, lead: Argentina, UK (Secretariat)	2010-2012	Much exists already in various places. Also relevant for several other actions e.g. 4.12, 4.13.
6.9	Develop a directory of relevant legislation	Argentina, UK (Secretariat)	2010-2012	Parties will need to supply information
6.10	Develop a list of authorities, research centres, scientists and non-governmental organisations relevant to ACAP	Argentina, UK (Secretariat)	2010-2012	Requires input from AC and Parties
7.1	Budget matters	AC	2010-2012	Shorter-term advice provided by the AC Chair
7.2	Staff matters	AC	2010-2012	Shorter-term advice provided by the AC Chair
7.4	Oversight, advice and guidance of Secretariat in relation to database, web portal	Convenors, chair and vice-chair	2010-2012	
7.5	Management of Advisory Committee work	Chair, Vice-chair and Convenors	2010-2012	Regular teleconferences and email conversations

**ANNEX 15 INDICATORS****BREEDING SITES****State**

Number and proportion of sites with alien species, including separate sub-indicators for habitat modifiers and known/potential predators

**Pressure**

Number and proportion of sites affected by threats that are Low, Medium, High, Very High

**Response**

Number and proportion of sites with formal Protected Area status;

Number and proportion of sites with formal Management Plans;

*Number and proportion of sites where a biosecurity protocol is in place*

**STATUS AND TRENDS****State**

Proportion of populations (island groups) where numbers have been counted within the last (i) 10 years and (ii) 20 years [reflecting large-scale censuses],

Proportion of populations (island groups) where the trend is known from annual monitoring of whole islands or study plots within the last (i) 10 years and (ii) 20 years [reflecting annual monitoring of population size],

*Total number of ongoing annual monitoring studies (whole island or study colony) of (i) population size and (ii) demography (mark-recapture studies).*

Proportion of populations (islands groups) where the trend is increasing, decreasing, stable or unknown within the last (i) 10 years and (ii) 20 years.

**AT-SEA THREATS****State**

*Knowledge of at-sea range/distribution of ACAP species*

*Indicators to monitor the progressive acquisition of information, reflecting the amount, scope (e.g. in terms of species, seasons, years, life history stages) and quality of data available.*

*Such indicators are potentially available from the tracking data on ACAP species submitted to the BirdLife global tracking database.*

**Pressure**

*Assessment of levels/rates of incidental mortality (bycatch) in fisheries*

*Availability of data*

*Indicators need developing to monitor changes in the amount (e.g. number of data sets, fisheries etc), scope (e.g. coverage in terms of geographical area, proportion of relevant fisheries) and quality (e.g. reliability, statistical properties etc) of available data. Potential indicators might also include those related to the amount, scope and quality of observer programmes.*

**Levels and rates of bycatch**

*Reviewing existing data, not least to establish realistic baselines, where feasible, is a high priority. The WG requested members with appropriate summarised data to make these available to assist in taking this forward intersessionally.*

**Response**

*Implementation of bycatch mitigation*

*Within EEZs:*

*a) extent (e.g. number/proportion of fisheries/vessels etc)*

*b) quality (in relation to ACAP criteria of best practice)*

*c) regulatory effectiveness (e.g. voluntary vs mandatory, oversight through observer programme etc)*

*Interaction with RFMOs*

a) attendance at relevant RFMOs and their WGs

b) advocacy of ACAP recommendations at relevant RFMOs and their WGs

c) submission of papers to relevant RFMOs and their WGs on topics of relevance to bycatch of ACAP species

## ANNEX 16: AC6 DRAFT AGENDA

<b>AC6 - DRAFT AGENDA</b>
<b>1. Opening Remarks</b>
<b>2. Adoption of the Agenda</b>
<b>3. Rules of Procedure</b>
<b>4. ACAP Secretariat</b> 4.1 Activities undertaken in 2010 intersessional period 4.2 Financial Report and Agreement Budget 4.3 Secretariat Work Programme 2010-2012 4.4 Secretariat Work Programme 2013-2015
<b>5. Report of Depository</b>
<b>6. Observer Reports</b> 6.1 Reports from ACAP Observers at International Meetings 6.2 Reports from Observers to AC6
<b>7. Breeding Sites</b> 7.1 Report of Working Group 7.2 Future Work Programme
<b>8. Seabird Bycatch</b> 8.1 Report of Working Group 8.2 Future Work Programme 8.3 Engagement with RFMOs and other relevant international Organisations 8.4 National Plans of Action 8.5 Review of knowledge of deliberate take/ killing at sea
<b>9. Status and Trends of Albatrosses and Petrels</b> 9.1 Report of Working Group 9.2 Future Work Programme
<b>10. Taxonomy of Albatrosses and Petrels</b> 10.1 Report of Working Group 10.2 Future Work Programme
<b>11. Advisory Committee Work Programme</b> 11.1 Review of 2009 Project Reports 11.2 Summary of Projects Approved in 2010 11.3 Allocation of Funds to AC Work Programme 2011 11.4 Review Work Programme 2010-2012 11.5 AC Work Programme 2013-2015
<b>12. Process for Identifying Conservation Priorities</b>
<b>13. Indicators to Measure the Success of ACAP</b>



<b>14. Format for Parties' Reports on Implementation of the Agreement</b> 14.1. Review of trial reporting 14.2. Analysis of Parties and Agreement reports
<b>15. Report on the Implementation of the Agreement based on Parties information</b>
<b>16. Advisory Committee report to the Fourth Meeting of the Parties</b>
<b>17. Capacity Building</b>
<b>18. Listing of Additional Species</b>
<b>19. Conservation Guidelines</b> 19.1 Biosecurity and Conservation Guidelines
<b>20. Species Plan of Action</b>
<b>21. Impacts of Global Climate Change</b>
<b>22. Future Meetings</b> 22.1 MoP4 – Timing, venue and draft agenda 22.2 AC7 – Timing and venue
<b>23. Other Business</b>
<b>24. Election and appointment of AC Officers</b>
<b>25. Closing remarks</b>
<b>26. Adoption of report</b>

**STATEMENTS****STATEMENT 1****STATEMENT 1: STATEMENT BY ARGENTINA ON RFMOs**

La Argentina no es Parte en el Acuerdo de Nueva York de 1995 sobre poblaciones de peces transzonales y poblaciones de peces altamente migratorias. Ninguna de sus disposiciones ni las decisiones, resoluciones o recomendaciones adoptadas en su marco o derivadas de dicho Acuerdo, tiene efecto vinculante o exhortatorio para la República Argentina ni para ningún otro Estado que no es Parte en dicho instrumento.

En relación con las organizaciones regionales de manejo pesquero en general, el Acuerdo de Nueva York de 1995 regula desde entonces, sólo para los Estados Parte en él, la creación y el funcionamiento de tales organizaciones. El establecimiento de OROPs en áreas de alta mar no es un fin en si mismo ni constituyen ellas el único medio existente para la conservación de recursos en alta mar. Además, las OROP enfrentan una limitación inherente a la circunstancia de estar conformadas por un grupo de Estados que no representan a la comunidad internacional en su conjunto ni necesariamente a los intereses de ésta. En efecto, carecen de capacidad para establecer normas en relación con terceros Estados y tampoco pueden arrogarse la representación del resto de la comunidad internacional ni pretender el establecimiento de medidas aplicables erga omnes. Las OROP tienen un mandato claramente definido en razón de la materia de su competencia, que es la conservación y explotación pesquera. Por lo tanto no pueden tener por objeto "la gobernanza" de áreas de alta mar.

La Argentina considera que la cooperación entre ACAP y las RFMOs no debiera apoyarse en el Acuerdo de Nueva York sobre poblaciones de peces transzonales sino en el Derecho del Mar.

Asimismo solicita que quede expresamente indicada la diferencia entre las OROPs y la CCRVMA y ACAP, al ser estas últimas organizaciones dedicadas a la conservación.

**STATEMENT 2**

**STATEMENT 2 –ARGENTINA**

El gobierno argentino rechaza las referencias a las pretendidas autoridades de las Islas Malvinas, Georgias del Sur y Sandwich del Sur en los documentos presentados por el Reino Unido CA 5 Doc 19 y CA5 Inf 5, el que carece de toda validez por referirse a una parte del territorio argentino.

La presencia británica en dichos archipiélagos y sus espacios marítimos circundantes constituye una ocupación ilegítima y es rechazada por la República Argentina al igual que cualquier acto unilateral emanado de aquella.

Se recuerda que la República Argentina rechazó la pretendida extensión territorial hecha por el Reino Unido a los mencionados archipiélagos mediante una declaración específica incluida en su instrumento de ratificación para ACAP, depositado el 29 de agosto de 2006.

La República Argentina reafirma sus derechos de soberanía sobre las Islas Malvinas, Georgias del Sur y Sandwich del Sur y los espacios marítimos circundantes.

Asimismo, se recuerda que todo documento de ACAP se deberá realizar conforme a la Resolución 2.9 incorporando el uso de la doble nomenclatura y la inserción de la nota al pie sobre la disputa de soberanía entre el Gobierno de la República Argentina y el Gobierno del Reino Unido de Gran Bretaña e Irlanda del Norte.

**STATEMENT 3**

**STATEMENT 3 – UNITED KINGDOM**

**Statement from the United Kingdom of Great Britain and Northern Ireland**

The Delegation of the United Kingdom deeply regrets the need to make an intervention following the statement by the distinguished delegate of the Argentine Republic.

The UK delegation does not believe that this is the appropriate forum to raise sovereignty issues of any kind, which are outside the scope and purpose of the Agreement on the Conservation of Albatrosses and Petrels.

The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas.

The principle of self-determination, enshrined in Article 1.2 of the Charter of the United Nations and Article 1 of the International Covenant on Civil and Political Rights, underlies our position on the sovereignty of the Falkland Islands. There can be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The Islanders regularly make it clear that they wish the Falkland Islands to remain under British sovereignty.

The United Kingdom frequently repeats its position on the Falkland Islands within the International Community, including at the United Nations.

The United Kingdom notes that Resolution 2.9 applies only to documents authored by the Secretariat and other organs of the Agreement and therefore requests that the Secretariat does not extend this Resolution to documents authored by others.