



Fisheries (Seabird Mitigation Measures—Bottom Longlines) Circular 2018

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

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Circular

- 1 Title**
This circular is the Fisheries (Seabird Mitigation Measures—Bottom Longlines) Circular 2018.
- 2 Commencement**
This circular comes into force on 1 July 2018.
- 3 Interpretation**
In this circular, unless the context otherwise requires,—

Act means the Fisheries Act 1996

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

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

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

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

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

observer means an observer appointed under section 223 of the Act

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

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

4 Streamer line required

A commercial fisher using bottom longlines as a method of fishing from a vessel 7 metres or greater in overall length must—

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

5 Use of streamer line required during setting of bottom longlines

A streamer line must be used on vessels 7 metres or greater in overall length during the setting of bottom longlines, in accordance with clause 6.

6 Streamer line specifications

- (1) For vessels over 20 metres in overall length, the streamer line must meet the following specifications:
 - (a) the streamer line must be attached to the vessel so that when deployed the baits are protected by the streamer line, even in a crosswind; and
 - (b) the streamer line must be a minimum of 150 metres in length; and
 - (c) the streamer line must achieve a minimum aerial extent of 50 metres; and
 - (d) streamers must be brightly coloured; and

- (e) streamers must be spaced at a maximum of 5 metres apart, beginning not more than 5 metres from the stern of the vessel and extending along the full aerial extent of the line; and
 - (f) when deployed, each of the streamers must reach the sea surface in the absence of wind and swell. Streamer length will therefore vary depending on the height of their attachment point above the water; and
 - (g) the streamer line must be suspended from a point on the vessel at least 5 metres above the water in the absence of swell.
- (2) For vessels 7–20 metres in overall length, the streamer line must meet the following specifications:
- (a) the streamer line must achieve a minimum aerial extent of 50 metres; and
 - (b) streamers must be brightly coloured; and
 - (c) streamers must be spaced at a maximum of 5 metres apart, beginning not more than 5 metres from the stern of the vessel and extending along the full aerial extent of the line; and
 - (d) when deployed, each of the streamers must reach the sea surface in the absence of wind and swell. Streamer length will therefore vary depending on the height of their attachment point above the water; and
 - (e) the streamer line must be suspended from a point on the vessel at least 5 metres above the water in the absence of swell.
- (3) The specifications in subclauses (1) and (2) do not apply to additional or secondary seabird-scaring devices fishers may choose to use (such as a second tori or streamer line).

7 Restrictions on use of bottom longlines

No commercial fisher may set bottom longlines to take fish, aquatic life, or seaweed between 0.5 hours before nautical dawn and 0.5 hours after nautical dusk, unless line weighting is employed in accordance with clause 8.

8 Line weighting

- (1) For the purposes of clause 7, lines must be—
- (a) an integrated weighted line with a lead core of at least 50 g/m; or
 - (b) when externally weighted gear is used and the hook-bearing line is 3.5 millimetres or greater in diameter, every 60 metres of hook-bearing line must have at least 4 kilograms of metal weight or 5 kilograms of non-metal weight attached; or
 - (c) when externally weighted gear is used and the hook-bearing line is less than 3.5 millimetres in diameter, every 60 metres of hook-bearing line must have at least 0.7 kilogram of weight attached.
- (2) Regardless of the type of line weighting used under subclause (1),—

- (a) any rope or line used to attach weights to the hook-bearing line must not be longer than 20 metres; and
- (b) no more than 3 floats (up to 150 millimetres in diameter) may be attached to the hook-bearing line for every 60 metres of line, unless an additional 1 kilogram of weight is added to the line per additional float; and
- (c) floats greater than 150 millimetres in diameter are not permitted to be attached to the hook-bearing line; and
- (d) when a separate rope or line is not used to attach a marker buoy to the hook-bearing line, and a marker buoy is attached directly, no hooks may be attached to the line within 30 metres on either side of the marker buoy.

9 Restriction on discharge of offal or fish while setting and hauling bottom longlines

- (1) No person may discharge offal or fish during setting of bottom longlines.
- (2) Offal or fish may be discharged during the hauling of bottom longlines, but only from the side of the vessel that is opposite to the side on which the hauling station is located.
- (3) Subclause (1) does not apply to—
 - (a) fish that are legally undersize; or
 - (b) fish that are listed in Schedule 6 of the Act and that are likely to survive.
- (4) Despite subclause (2), during the hauling of bottom longlines,—
 - (a) Patagonian toothfish may be discharged on the side of the vessel on which the hauling station is located; and
 - (b) the fishing vessel *Janas* may discharge whole spiny dogfish on the side of the vessel on which the hauling station is located if it complies with the conditions in clause 10.

10 Conditions for fishing vessel *Janas*

From 1 July 2018 to 30 June 2020, the following conditions apply to the fishing vessel *Janas*:

- (a) a bird exclusion device must be deployed during hauling; and
- (b) on at least 1 domestic trip per year where ling is targeted, the vessel must carry an observer.

11 Revocation

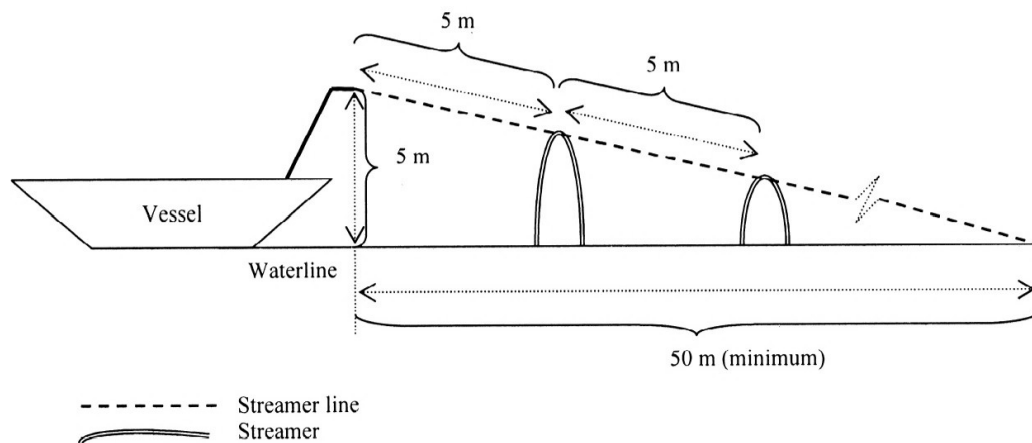
The Fisheries (Seabird Sustainability Measures—Bottom Longlines) Circular 2010 (*Gazette* 2010–go4976) is revoked.

12 Schedule

- (1) The Schedule provides further guidelines on the design and deployment of streamer lines as seabird-scaring devices.
- (2) The Schedule is not part of the specifications.
- (3) If there is any inconsistency between the guidelines in the Schedule and the specifications, the specifications prevail.

Schedule
Seabird-scaring device (streamer line)

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Seabird Scaring Device (Streamer line)*Diagram not to scale**Not all specifications illustrated*

- 1 The streamer line needs to protect baited hooks from seabirds. This means that the streamer line should be positioned in such a way that streamers are flapping in an unpredictable fashion, above the area in which the baited hooks enter the sea, so that seabirds are deterred from attempting to take bait from the hooks. In order to achieve this even during cross-winds, it is expected fishers will have to make adjustments to the configuration of the streamer line depending on the conditions.
- 2 It is generally recognised as best practice to maximise the aerial extent of the streamer line, because this maximises the area in which the baited hooks are protected from seabirds. Best practice would be to achieve an aerial extent of 100 metres or more. In order to maximise aerial extent, it is necessary to create tension in the streamer line. This can be achieved by—
 - towing an object on the terminal end of the streamer line; or
 - towing extra length of streamer line; or
 - increasing the diameter of the in-water section of the streamer line.

- 3 In order to be effective at scaring seabirds away from the line of baited hooks, the streamer lines should not become tangled, either with each other or with the branchline. Each streamer shall be attached to the streamer line in a manner to prevent fouling of individual streamers with the streamer line, and to ensure individual streamers reach the waterline in the absence of wind or swell. Swivels or a similar device can be placed in the streamer line in such a way as to prevent streamers being twisted around the streamer line. Each streamer may also have a swivel or other device at its attachment point to the streamer line to prevent fouling of individual streamers.
- 4 Streamers are to be spaced at 5-metre intervals along the aerial extent of the line. The total number of streamers in use will vary depending on how the line is configured. Streamers that are hanging in the water can be prone to tangling. Because the far end of the streamer line will frequently be in the water, fishers may not wish to have streamers the whole way down the line. However, it is important that streamers are present to deter birds from taking baited hooks all along the part of the line that remains above water, as outlined in the specifications.
- 5 To ensure streamers are visible to birds, they should stand out against the surroundings. Streamers should be made of brightly coloured fluorescent plastic tubing or other material. Bright colours such as red, yellow, orange, or pink are most effective during day setting. For night setting, the streamers should be of a colour that contrasts with the surroundings. Colours such as blue and green are less likely to be effective, because they are less likely to be highly visible to birds.
- 6 A complete additional streamer line should be carried as a spare.
- 7 When externally weighted gear is used, it is not necessary for all the weight specified to be applied at 60 metres intervals along the hook-bearing line. It is equally permissible for multiple weights of smaller sizes to be attached to the hook-bearing line at shorter intervals, as long as the total weight attached along every 60 metres of hook-bearing line meets the relevant weight requirement specified in clause 8. For example, under clause 8(1)(b) of this circular, 4 kilograms of metal weight is required for every 60 metres of line. It is permissible to attach the following combinations, or any other variation that totals 4 kilograms:
 - one 4-kilogram metal weight every 60 metres along the hook-bearing line; or
 - one 2-kilogram metal weight every 30 metres along the hook-bearing line; or
 - one 1-kilogram metal weight every 15 metres along the hook-bearing line.

Dated at Wellington this 29th day of June 2018.

Arthur Hore,
Manager Offshore Fisheries,
Ministry for Primary Industries.

Explanatory note

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

This circular, which comes into force on 1 July 2018, is made under regulation 58A of the Fisheries (Commercial Fishing) Regulations 2001 (the **regulations**). It is made by the Manager, Offshore Fisheries, of the Ministry for Primary Industries pursuant to an authority delegated under section 41 of the State Sector Act 1988.

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

- use and configure streamer lines in accordance with the specifications prescribed in the circular; and
- either set lines at night or weight lines in accordance with the specifications prescribed in the circular.

Streamer lines meeting the requirements of this circular are approved seabird-scaring devices for the purposes of regulation 58(1) of the regulations.

The *Schedule* sets out best practice guidelines for—

- the configuration and use of streamer lines; and
- the weighting of bottom longlines.

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

This circular also imposes restrictions on the discharge of offal or fish while setting and hauling bottom longlines, and specifies conditions that apply to the fishing vessel *Janas* for a 2-year period commencing on 1 July 2018.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 5 July 2018.

This circular is administered by the Ministry for Primary Industries.