



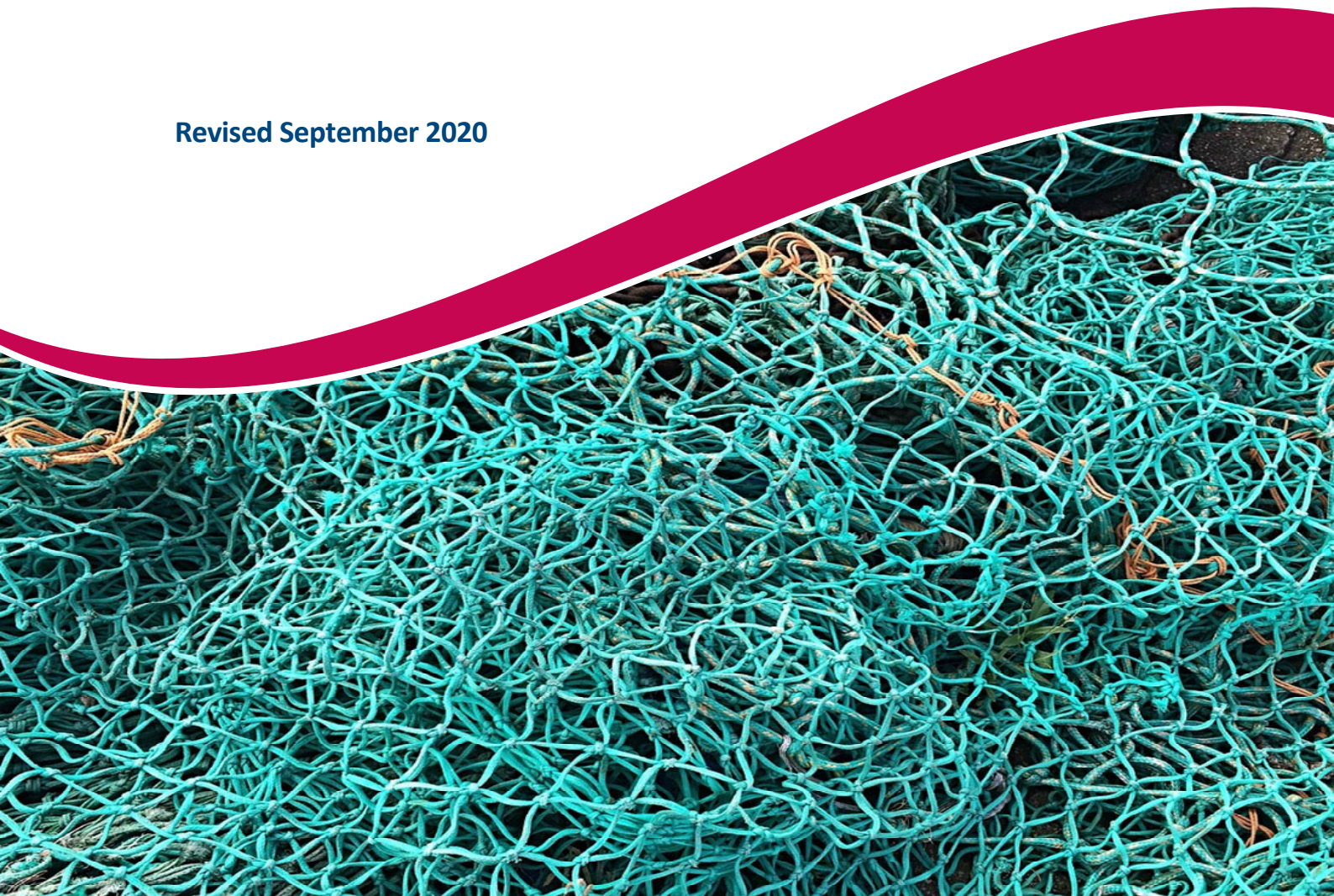
Australian Government

Australian Fisheries Management Authority

Guidelines for the retention of biological material in the Commonwealth Trawl Sector

**Testing mitigation approaches and
applying for exemptions**

Revised September 2020



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Background

Minimising interactions between seabirds and otter trawl fishing operations is recognised as a priority for AFMA and the fishing industry. AFMA's report: *Assessing the Effectiveness of Seabird Mitigation Devices in the Southern and Eastern Scalefish and Shark Fishery of Australia*, found that 600mm warp deflectors (pinkies) reduce heavy interactions between seabirds and warp wires by 75 per cent.

Following on from this work, trials led by the South East Trawl Fishing Industry Association (SETFIA) in 2014/15 demonstrated that bafflers and sprayers both reduced interactions with bare warp wires by over 90 per cent. As a result of this trial, AFMA mandated the use of bird bafflers or sprayers in the CTS and GAB fisheries from the commencement of the 2016/17 fishing season.

While bafflers and sprayers have shown to reduce interactions with seabirds and are considered to be the best form of physical mitigation, there are still instances where vessels interact with seabirds in high risk areas. To ensure interactions with seabirds are minimised, additional management arrangements were introduced during the 2019/20 fishing season that require zero discharge of biological material for otter board trawl vessels when fishing gear is in the water while fishing in high risk areas.

Biological material is defined as whole fish, or any fish based biological material not being retained, traditionally referred to as discards or offal, but does not include small hard parts such as scales, fins or fish oil. Sharks, rays and protected species which are alive and have a reasonable likelihood of post-capture survival are not considered biological material for the purposes of the requirements and should be returned to the water quickly and carefully.

These new arrangements were phased in across two stages to allow industry time to prepare and develop new mitigation approaches. From 1 November 2019, new rules were introduced specifying that all biological material must be retained when fishing gear is in the water south of latitude 39 degrees South and west of longitude 147 degrees East, during daylight hours. Then **from 1 July 2020, these requirements were extended to include south of 38 degrees South**. Daylight hours is defined as the hours of light between the times of nautical dusk and nautical dawn.

AFMA will consider exemptions to these requirements on a case by case basis, if operators can demonstrate mitigation approaches that remove the risk to seabirds interacting with trawl warps. Further guidance on exemptions is provided below, including performance criteria and how to apply.

Given the current situation with the Covid-19 pandemic, if you would like to apply for an exemption please first contact the trawl manager, Dan Corrie, on 0447 019 916, to discuss options available for the purpose of demonstrating mitigation approaches and gaining an exemption.

1.1 What solutions will be considered for exemptions?

In order to qualify for an exemption, operators must be able to demonstrate that they have removed the risk to seabirds interacting with warp wires. This requires that while fishing gear is in the water, seabirds are not attracted to the area where there is a risk of interacting with the warp wires. This area will be referred to as the 'impact zone' throughout this document.

While physical mitigation such as bafflers and sprayers have been shown to reduce interactions with seabirds, it is apparent that under certain conditions, the feeding behaviour of seabirds is such that current physical mitigation devices are not sufficiently reducing the number of interactions.

Exemptions will only be considered where operators can demonstrate that seabirds are not attracted to the impact zone during discharge of biological material, while fishing gear is in the water. This may be achieved by altering the point of discharge so that biological material does not enter the impact zone (for example, installing a discharge chute and using a curtain to hide the point of discharge), or shifting the impact zone (for example, having warps pulled under water). Improvements to existing mitigation approaches will only be considered in conjunction with modified discarding practices as described above.

1.2 Testing mitigation approaches from July 2020

Testing a new mitigation approach generally requires the discharge of biological material, and should be completed during daylight hours when the risk to seabirds is greatest in order to demonstrate whether the approach works. From 1 July 2020, biological material can only be discarded during daylight hours if operators are fishing north of 38 degrees South.

Operators who wish to test mitigation approaches in waters south of 38 degrees South, in order to support their application for an exemption, must apply for a scientific permit. Permit applications must be submitted to AFMA and be approved, prior to testing mitigation approaches south of 38 degrees South.

Ordinarily, an AFMA observer will be deployed to observe the mitigation approach in practice and to determine its effectiveness as part of the application process for an exemption. However, when an AFMA observer is not available, AFMA will require that the operator supplies adequate video footage to demonstrate that the mitigation approach is effective in removing the risk to seabirds.

In the first instance, please contact the trawl manager, Dan Corrie, on 0447 019 916 to discuss how you can meet these requirements and to determine the next steps.

1.3 Applying for a scientific permit for testing

To apply for a scientific permit, complete the application form [available from this link](#) and submit to AFMA via email to: licensing@afma.gov.au. Please allow a minimum of 7 working days for AFMA to assess your application and advise the outcome. Once a scientific permit has been issued, operators are allowed to test their mitigation approach in waters south of 38 degrees South.

During this testing stage, either an AFMA observer will be deployed, or operators will be required to take video footage and photos of the mitigation approach in operation to provide to AFMA to determine its effectiveness and so AFMA can provide guidance on refining the approach.

After this testing phase and based on advice from AFMA, operators are able to apply for an exemption. Further information is provided in the next section and applications can be made using the form at **Appendix A**.

1.4 Applying for an exemption after successful testing

Once the testing phase has demonstrated the effectiveness of the mitigation approach, operators are able to apply for an exemption to the retention requirements by completing the form at **Appendix A** and submitting it to AFMA at bycatchprogram@afma.gov.au.

The form should include a detailed description of how the proposed solution will prevent seabirds being attracted to the impact zone while fishing gear is in the water and should include photos or diagrams.

AFMA will consider the proposed solution and, if it is considered to be viable, AFMA will arrange for an onboard evaluation to be completed. It is important that operators first discuss their exemption application with AFMA prior to lodging an application. AFMA will advise whether onboard verification will be conducted via deployment of an AFMA observer or in the event of Covid restrictions, whether provision of the video footage and photos taken during the testing phase is sufficient, until observers become available.

Please note that if the solution is found to be insufficient, an exemption will not be granted and feedback will be provided. Operators may submit revised applications.

Deployment of AFMA Observers

Ordinarily, an AFMA observer will be deployed on a fishing trip to observe the mitigation approach in practice and to determine its effectiveness as part of the application process for an exemption. However, in light of the Covid-19 pandemic, AFMA may specify alternative methods of verification including video footage.

If an AFMA Observer is deployed, they will monitor whether seabirds are attracted to the impact zone at any time while fishing gear is in the water and to see whether there are still seabird interactions with warp wires. This will help AFMA determine if your mitigation approach has effectively removed the risks to seabirds in the impact zone.

Note however that zero seabird interactions during this trip does not automatically mean your solution is considered sufficient and an exemption granted. If the AFMA observer determines that the risk of interactions still exists, AFMA may not grant an exemption at this time. Operators are encouraged to make modifications during this trip, if practical and safe to do so, if it becomes clear that the proposed solution is not working. The cost of the AFMA observer will be recovered through the levy base for the first trip. Any subsequent coverage will be recovered on a fee-for-service basis.

1.5 AFMA review

When an application for exemption is received, AFMA will convene a review panel consisting of AFMA Fisheries Management staff to consider exemptions on a case by case basis. The key focus of the panel will be whether the operator has demonstrated a mitigation approach that overall removes the risk to seabirds interacting with trawl warps. The panel considers the following points:

- Weather conditions and swell at the time of footage taken.
- Was the boat towing at the time of footage taken and speed of towing and how this affects the visibility of biological material discards.
- How many birds are in the vicinity of the boat at the time of footage taken.
- The location of the trawl warps entering the water and how close birds come to the impact zone.
- The volume of biological material being discarded and whether it is typical for an average fishing trip.
- Where the biological material discards are entering the water and where they are first becoming visible to birds and then surfacing.
- Whether there are any bird interactions with the trawl warps or the boat.
- Whether the boat uses secondary mitigation measures (e.g. bafflers, pinkies or curtain).

- If the trawl warps are being moved or protected (e.g. warps under water) how effective is the approach in protecting or shifting the impact zone away from the bird feeding areas.
- If a modified approach to discarding is used (e.g. discard chute), how effective is the approach at hiding or moving discards away from the impact zone.

After discussing the application in reference to these points, the panel will make a decision on whether to recommend an exemption be granted. The recommendation is formally documented and submitted to the Delegate (Senior Manager, Fisheries Services section) for a decision.

1.6 Notification of outcome

If AFMA determines the solution to be effective, the concession holder will receive written notification providing an exemption based on implementation of the proposed solution. The boat's Seabird Management Plan will also be amended to reflect the exemption. AFMA will periodically review compliance with the approved solution and its continued effectiveness in preventing seabird interactions.

If AFMA determines the solution to be ineffective, an exemption will not be granted. The concession holder will be notified in writing and the requirement to retain all biological material while gear is in the water south of 38 degrees South will remain in place. AFMA will consider additional requests for review of proposed solutions on a case by case basis.

Before applying for a scientific permit or an exemption, operators are encouraged to first contact Dan Corrie, Trawl Manager based in Lakes Entrance on 0447 019 916.

Appendix A

Application for exemption from biological material (offal) retention requirements in the Commonwealth Trawl Sector

Name:

E-mail:

Contact number:

Vessel name(s):

Home port:

Proposed date and location of fishing:

Describe how your proposal will remove the risks to seabirds being attracted to the impact zone:

(provide drawings or photos if available)

Describe how your proposal can be implemented permanently: