



## Compliance Information Sheet

# Requirements for correct use of seabird mitigation devices

The Ministry of Fisheries Field Operations group has developed an operating model that emphasises the concept of “informed and assisted” compliance to support the principles of enforcement. In practical terms this means that, where possible, the Ministry of Fisheries will bring to the attention of industry matters that are of direct interest and concern to the Ministry.

The purpose of this information sheet is to describe the current requirements for the deployment of seabird scaring devices by trawlers 28 metres or more in length overall.

As a responsible operator it is important you view these as baseline mandatory measures to avoid the impacts of fishing on protected seabird species.

The Ministry monitors performance against the requirement to use seabird scaring devices through the MFish Observer programme and patrol vessel or aerial surveillance.

### The risk to seabirds

New Zealand waters host the greatest variety of albatross and petrel species in the world and are an important breeding ground for around eighty of these species. Albatross and petrel species are typically long-lived and produce few offspring. If a breeding adult dies, the chick almost always dies too, and the remaining partner may take several years to start nesting again. Mortality from fishing can therefore pose a significant threat to some species' survival if not managed.

Albatrosses and petrels forage widely and are attracted to the fish, offal and discards they often find around fishing vessels. In trawl fisheries, the birds risk getting struck or fouled by trawl warps as they chase offal and discards behind a vessel or risk drowning in the net as they try to take fish from it.

In the absence of mitigation measures, some trawl fisheries, squid in particular, are known to carry some of the highest risk to seabirds of all New Zealand's deepwater fisheries. However, with good management, this risk can be mitigated. Since the introduction of mandatory seabird scaring devices, and with increased awareness of how to manage offal

discharge, seabird captures by deepwater vessels have reduced significantly.

Almost all seabirds are protected species so it is important that we continue to take action to conserve them. The purpose of the legislation requiring the use of seabird scaring devices is to reduce seabird deaths.

### Current regulations

All vessels 28 metres or greater in overall length that use a trawl net are required to deploy one of three types of “seabird scaring device” from the stern of the vessel.

The three approved types of seabird scaring device are:

- paired streamer (tori) lines
- a bird baffler, or
- a warp deflector.





The most commonly used seabird scaring devices are paired streamer lines and bird bafflers.

Trawl gear can pose a risk to seabirds during the entire process of shooting, fishing and hauling. In order to reduce that risk a seabird scaring device must be deployed as soon as practicable after shooting the net and for as long as practicable before bringing the net back on board the vessel.

The use of the word “practicable” in the legislation allows for the operational realities of deploying these devices.

Shooting the net begins when the net leaves the deck of the vessel and continues until it reaches its fishing depth. The process then becomes fishing. In the Ministry’s view, for the purpose of these regulations, it is necessary for seabird scaring devices to be deployed during the time it takes the net to get to fishing depth. Ideally, it should also continue to be deployed until the net is hauled from its fishing depth and the cod end is back on board the vessel.

The Ministry recognises that it may not be practicable for paired streamer lines and warp deflectors to remain deployed at all stages of the hauling process; however they should remain deployed during hauling for as long as practicable.

It is important that all seabird scaring devices are well maintained and meet the relevant specifications at all times. Sufficient spare parts and equipment should be kept in order to ensure that a device can continue to meet the specifications during a voyage. However, the Ministry expects that a backup device is carried

in the event of one device being lost or damaged. A backup device can also be deployed together with the primary device at times of heightened risk (for example failure of offal control systems).

To summarise, in complying with these regulations the overriding consideration is the purpose of the devices, which is to avoid or mitigate the adverse effects of fishing on seabirds. Delaying or

avoiding use of the device chosen will contravene the overriding obligation within the regulations that the device be used whenever the trawl net is in the water.

Full details and specifications of the seabird scaring devices described above are contained in the Seabird Scaring Devices Circular 2010, available on the Ministry of Fisheries website ([www.fish.govt.nz](http://www.fish.govt.nz)) or by contacting a Fishery Officer.

### Other Management Measures

Mandatory use of seabird scaring devices is one component of the management regime in place to avoid or mitigate fishing-related seabird mortality.

The non-regulatory measures contained in Vessel Management Plans (VMPs) are another equally-important component of that regime. The Ministry reminds vessel operators of the importance of adhering to each vessel’s VMP in order to further reduce interactions between seabirds and trawlers.

Ministry Observers also audit vessel performance against its VMP and this information is forwarded to the DeepWater Group Limited for discussion with vessel operators. For more information on VMPs please contact the DeepWater Group Limited.

A handwritten signature in black ink, appearing to read 'Andrew Coleman'.

**Andrew Coleman**  
Acting Chief Executive

### Disclaimer

Nothing in this information sheet should be read to preclude obligations for all current requirements. The purpose of this information sheet is to achieve informed and assisted compliance.