

NSW Ocean Trap and Line Fishery

Code of Practice for Reducing Whale Entanglements

Best Practice Operations for NSW OTL Fishers

NSW OTL fishers are encouraged to adopt the following measures to reduce the risk of whale entanglement:

1. Be aware of increased whale numbers between May and October.
2. Alert other fishers in the area if whales are observed near fishing grounds.
3. Remove traps from the water when not actively fishing.
4. Trial the practicality of gear and techniques that have the potential to reduce whale entanglements.
5. Provide assistance to further refine this Code of Practice.

Fishing Gear

Trials of the practicality of modified fishing gears that have the potential to reduce whale entanglements are scheduled to commence in early 2020.

Current NSW OTL management regulations require fish traps and spanner crab trot lines to be marked with a buoy of minimum 150 mm diameter at the surface. The following advice identifies best practice fishing gear which complies with current management arrangements for the NSW OTL Fishery.

Demersal trap

1. Limit slack rope in the water column.
2. Avoid excessive knots on ropes.
3. Use rope of a colour contrasting to the water column.

Spanner Crab

1. Limit slack rope in the water column.
2. Avoid excessive knots on ropes.
3. Use rope of a colour contrasting to the water column.
4. Minimise the number of buoy lines during whale season.
5. Minimise distance between dillies during whale season.

Course of Action when Encountering an Entangled Whale

The safety of fishing vessels and crew is the highest priority. Do not attempt to disentangle whales.

Immediately report entangled whales to NPWS on 1300072757.

Rapid reporting ensures the NSW Government Large Whale Disentanglement Team has the best opportunity to successfully disentangle whales.

Provide details including:

- Location.
- Type of entanglement.
- Location of entanglement on the whale.
- Speed and direction of travel.

Stand by and monitor an entangled whale from a minimum 100m for an adult or 300m if a calf is present.

Assist the disentanglement team to rapidly locate an entangled whale.

Provide assistance to disentanglement teams when requested.

Reporting Requirements for Interactions with Threatened, Endangered and Protected (TEP) Species

All whales In Australian waters are protected under the Environment Protection and Biodiversity Conservation Act 1999.

All interactions with protected species must be reported via Fisher Mobile reporting app or DPI logbook. An interaction with a protected species means any physical contact between the protected species, and a fisher, their vessel or fishing gear.

It is not an offence to interact with a protected species if fishers are working in accordance with management regulations.

Adding to the Knowledge Base Concerning Whale Migrations in NSW Waters

Real-time reporting of whale sightings supports researchers in better understanding the paths of migrating whales and contributes important information to long-term monitoring. NSW OTL fishers can assist through reporting whale sightings via the Wild about Whales app.

Background

1. About this Code of Practice

The Professional Fisherman's Association (PFA) has developed the NSW Ocean Trap and Line Fishery Code of Practice for Reducing Whale Entanglements (NSW OTL Whale CoP) in association with OceanWatch Australia. The NSW OTL Whale CoP provides detailed information specific to the entanglement of whales in NSW Ocean Trap and Line (NSW OTL) fishing gear, and is a supplement to the existing NSW Ocean Trap and Line Fishery Code of Practice (NSW OTL CoP), previously developed by OceanWatch Australia and adopted by

NSW OTL fishers through the OceanWatch Master Fishermen training and assessment program.

The NSW OTL Whale CoP is designed to assist Demersal Fish Trap, and Spanner Crab Northern and Southern Zone endorsement holders to reduce the incidence of, and risks associated with, whale entanglements in fishing gear. The NSW OTL Whale CoP has four key elements.

Documenting whale specific best practice fishing operations for NSW OTL fishers:

1. including gear modifications that minimise the potential for whale interactions.
2. including conservation measures to assist in protecting whales from entanglement.
3. to minimise damage to or loss of fishing gear and catch due to whale entanglements.
4. to demonstrate fisher's capacity to be proactive in response to emerging environmental issues.

Providing information on the appropriate course of action when encountering an entangled whale, including:

1. appropriate and safe work practices for NSW OTL crews in the event of a whale entanglement.
2. rapid reporting of incidents to enable the disentanglement process to begin.
3. assisting whale disentanglement response teams.

Highlighting reporting requirements for interactions with Threatened, Endangered and Protected (TEP) species.

Relevant to the Commonwealth EPBC Act and NSW Biodiversity Conservation Act.

Highlighting opportunities for NSW OTL fishers to add to the knowledge base concerning whale migrations in NSW waters.

The NSW OTL Whale CoP has been developed with funding support from the Australian Government Department of Agriculture and Water Resources and the Australian Government Department of Environment and Energy.

2. Scope of the Entanglement Issue

Humpback Whales can be present in NSW waters throughout the year. They are often transiting rapidly through NSW, with a high percentage of the population found between 1nm to 5nm offshore. There are distinctive migration peaks in June/July (north bound) and September/October (south bound).

Southern Right Whales generally have a shorter season than Humpback Whales in NSW waters, typically between June and September. Their migration may extend north to Forster or Port Macquarie, but generally most records of sightings occur south of Sydney. Southern Right Whales spend approximately 90% of their time in waters less than 10m depth.

As Humpback whale populations in the southern hemisphere recover from past commercial whaling, the likelihood of interactions between whales and commercial fishing operations is

now increasing in NSW. The incidence of whale entanglement has increased consistent with whale population trends, with most entanglements occurring since 2006.

The most frequent entanglement incidents involve Humpback whales, which are listed as a Vulnerable species within the Commonwealth EPBC Act and NSW Biodiversity Conservation Act 2016.

Humpback whales are particularly vulnerable to entanglement with NSW OTL fishing gear due to their body shape, habitat use, distribution and behaviours. Unique to Humpback whales are wart like round protuberances (bumps or tubercles) that occur on the head forward of the blowhole and on the edges of the flippers, increasing the potential for entanglement with set fishing gear.

The population of Humpback whales has risen from an estimated 2,000 individuals to 35,000 over the 25 year period from 1994 to the present. Over the same period there have been 259 whale entanglements recorded in NSW waters. Humpback whales comprise 255 of these entanglement incidents, with two entanglements attributed to Southern Right whales.

Entanglement of Southern Right Whales is of particular conservation interest due to their low population levels of around 300 individuals, leading to their listing as an Endangered species within the Commonwealth EPBC Act and NSW Biodiversity Conservation Act 2016.

Preliminary analysis of 73 observed interactions between whales and marine debris, including rope, floats and mesh indicate that the level of interaction between the NSW demersal fish trap sector and whales, is greater than the combined interactions from the NSW spanner crab, demersal setline and lobster fisheries. Other sources of interaction included; shark mitigation gear (NSW and QLD), set fishing gear interstate and surface longline gear. Following the collection of entanglement data over the current whale migration season more detailed analyses will be completed to determine the source of observed interactions (i.e. % entanglement by source).

Whale entanglements are complex and often dangerous incidents to respond to. Due to the size of whales, disentanglement operations require staff to have specialist training and skills. To date, 46 whales have been successfully disentangled. While disentanglement provides a means for dealing with incidents as they arise, the optimum solution to the problem involves reducing the risk of the entanglement.

In the NSW OTL Fishery, potential exists for entanglements to occur when whales inadvertently make contact with the buoy lines that extend from set demersal fish traps to identifying head gear. Potential also exists within the Spanner Crab component of the NSW OTL Fishery for whales to become entangled in the trot line to which multiple crab “dillies” are attached.

Contact with buoy lines may result in rope and attached fishing gear becoming lodged or wrapped around the tail, body, fins or jaw of the whale. A whale’s ability to swim, feed and breathe can be compromised to the point where death may result, should it not be able to free itself.

Synthetic ropes can also cause physical injuries cutting through both skin and blubber as they tighten around the tail and fins. These injuries can lead to serious infections and amputations (flippers or tail flukes), both potentially resulting in death over a prolonged period.

Recent recovery of the population of Humpback whales has led to increasing community interest and economic activity associated with observing whale migrations. This has led to heightened public concern when entanglement incidents occur.

3. The NSW OTL Fishery

A comprehensive Fishery Management Strategy (FMS) has been prepared for the NSW OTL Fishery and was approved by the Minister for Primary Industries in November 2006. Prior to finalisation, the FMS was subjected to a comprehensive Environmental Impact Assessment process under the NSW Environmental Planning and Assessment Act 1979.

Current NSW OTL management regulations require fish traps and spanner crab trot lines to be marked with a buoy of minimum 150 mm diameter at the surface. This regulation prohibits the use of technologies currently in use in the NSW Lobster Fishery that remove ropes from the water column through the use of “sunken head gear”.

Demersal Fish Trap

A demersal fish trap endorsement authorises the holder to take fish from ocean waters by means of a fish trap set on the sea bed. Demersal fish traps are permitted in all NSW waters excluding Marine Parks.

Demersal fish trapping is managed through input controls which limit the fishing capacity of fishers, indirectly controlling the amount of fish caught. These controls include restrictions on the number of endorsements, the amount, design and dimensions of fishing gear.

There are strong regional differences in catch and effort. On average approximately 40% of the total value of the fishery is landed between July and September.

Spanner Crab - Northern Zone and Southern Zone

A Spanner Crab Northern Zone or Southern Zone endorsement authorises the holder to use a spanner crab net, commonly referred to as a dilly, to take spanner crabs from ocean waters.

The fishery is managed through a Total Allowable Catch, set for each fiscal year. Seasonal closures are in place to protect spawning females between 21st October and 20th January the following year, and males between 21st November and 20th December.

The fishery operates from Hat Head to the NSW/Queensland border.

Fishers are restricted to operating a maximum of 40 dillies, with generally 10 dillies attached to each trot line.

On average, over 40% of the total value of the fishery is landed between July and September.