

Interministerial Normative Instruction N° 7, October 30 of 2014

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Establish mitigation measures to reduce seabird incidental capture by fishing vessels operating with superficial horizontal longline South of 20° S.

THE STATE MINISTERS OF THE FISHING AND AQUACULTURE and OF THE ENVIRONMENT, in the use of their attributions, considering the Law n° 10.683, from may 28 of 2003, the Law n° 11.959, from June 29 of 2009, in the Decree n° 6.691, from October 13 of 2009, in the Ministerial Directive MPA/MMA n° 2, from November 13 of 2009, and included in the Process n° 00350.007804/2010-40, resolve:

Art. 1º Establish mitigation measures for seabird incidental capture in vessels authorized to operate in the territorial sea, Economic Exclusive Zone (EEZ) and international waters, south of 20º S, in the modality of surface horizontal longline, for the target species of tuna and swordfish, according to the Interministerial Normative Instruction n° 10 of June 2011.

Chapter 1

General Dispositions

Art. 2º The mitigation measures for the reduction of seabird incidental capture will be presented in two distinct groups, with different applications and effectiveness, to know:

I – Transitory Mitigation Measures; and

II – Permanent Mitigation Measures;

Art. 3º The Transitory Mitigation Measures will be applied and effective for a limited period of six months starting from the publication of this Interministerial Normative Instruction (INI), after this period, it will be active and mandatory the Permanent Mitigation Measures.

Art. 4 º For the purpose of this INI the following definitions are adopted:

I – Toriline: equipment composed by a cable divided in segments, with an aerial portion containing ribbons and a submerge portion for trawl tension. Fixed over the vessel's stern during gear setting, parallel to the longline main line;

II - Night Setting: longline setting done in its totality during the period between the sunset and sunrise, according to Brazil's Navy Marine Almanac data;

III – Weight Regime: standardization between distance and weight of lead swivel ratio to the hook, in the longline secondary line, with the objective of increasing the gear sinking rate;

IV – Safe Lead: longline weight system, in which the weight slides along in the line instead of been fixed to it;

V – Electronic Monitoring: system composed by onboard video cameras, activated during the longline setting and hauling, in order to monitor, control and collect fishing operation data;

VI – Bait Casting Machine: device used onboard of vessel, allowing to position automatically the hooks in the water, during the longline setting;

VII – Line Shooter: device used onboard of vessels, allowing to position automatically the main longline line in the water during the gear setting;

Art. 5º For means of control and inspection;

I – is considered the information included in the vessel fishing permission, of mandatory presence in the vessel;

II – longlines and torilines transported, stored or used in fishing activities that do not have the characteristics defined in this INI is portrayed as irregular fishing with forbidden gear; and

III – it is considered the vessel Gross Tonnage (GT) the one established in the Vessel Register Title, issued by the Maritime Authority;

Art. 6º Vessels with gross tonnage (GT) over 15 (fifteen), authorized to operate in Brazilian waters in the Southeast and South, to the border of the Espírito Santo and Bahia states, in the modality of horizontal surface longline with target species of tuna, swordfish or dolphin fish, are obligated, starting march 1º of 2015, to subscribe and maintain functioning the remote monitoring equipment linked to PREPS (Fishing Vessel Satellite Tracking National Program).

Art. 7º The vessels specified in art. 1º are obligated to emit signal from the remote monitoring equipment, linked to PREPS, in intervals no longer than 20 (twenty) minutes.

Art. 8º The seabird incidental captures must be registered in the Official Logbook , Onboard Observer report and any other ways to register according with the present legislation.

Single Paragraph. The Fishing and Aquaculture Ministry (MPA) remains responsible to supply the Environment Ministry (MMA), access to the Fishing and Aquaculture National Information System data (Sinpesq), or others systems that come to replace it, regarding the mentioned registers in the head of this article.

Art. 9º The Fishing and Aquaculture Ministry or Environment Ministry can determine that vessels owners or charterers, according to this INI, provide accommodations and provisions for people designated for information and data gathering, linked to scientific research that can subside the sustainable fishery resources management and for environmental monitoring.

Art 10° The MPA and MMA can determine that the ship owners or charterers, regarding this IN, supply necessary physical space for research, with the purpose of testing the image electronic monitoring.

Chapter II

Transitory Mitigation Measures

Art. 11° The transitory mitigation measures for the reduction of seabirds to be mandatory adopted by the vessels defined in the Art. 1° are:

I – Toriline;

II – Night Setting; and

III – Weight Regime;

§ 1° The specifications of the mitigation measures to be adopted, established in items I to III of this article are described in the Annex I of this INI.

§ 2° The vessels referenced in the Art. 1° are obliged to carry onboard and make use of the toriline during fishing operations, according to specifications described in the Annex I of this INI.

§ 3° The vessels referenced in the Art. 1° are obliged to transport at least two spare torilines, to replace the equipment in use in case of damage.

Art. 12° The transitory mitigation measures must be applied according with the latitudinal disposition of the fishing operations as follows:

I – to the north of 20°S the use of the mitigation measures will be elective; and

II – to the south of 20°S all vessels referenced in Art. 1° are obliged to use toriline and, additionally, use either the night setting or the weight regime.

Chapter III

Permanent Mitigation Measures

Art. 13° After the duration of the transitory mitigation measures present in Chapter II, the vessels referenced in Art. 1° of this INI must adopt, simultaneously, the following measures:

I – Toriline;

II – Night Setting; and

III – Weight Regime.

§1° The specifications to adopt for the mitigation measures, established in the items I to III of this article, is described in the Annex II of this INI.

§ 2° The vessels with length over 35 (thirty five) meters must, obligatory, use two torilines simultaneously during fishing operations, as well as carry on board four spare torilines, for replacement in case of equipment damage during its use.

§ 3° The vessels with length under 35 (thirty five) meters, must, obligatory, use one toriline during fishing operations, as well as, carry onboard, two spare torilines, for replacement in case of equipment damage during its use.

§ 4° for the means of crew safety, it is authorized the use of Safe Lead System

Chapter IV

Final disposition

Art. 14 The MPA and MMA will promote wide release of the measures established in this INI, especially along the fishing sector and the suppliers company of longline weight in the Southeast and South regions.

Art. 15° It will be considered illegal fishing the non-use or absence in the transportation and onboard storage of the equipment's and fishing gear related to the mitigation measures defined in this INI, from the port of origin to the port of destiny, by vessels entering Territorial Sea, EEZ and adjacent waters, south of 20°S.

Art. 16° The fishing operations carried out by the vessels related in Art. 1°, if in disagreement with the disposition hereby contained in this INI, will be considered illegal fishing according to the Law n° 9.605, of February 12 of 1998, and the Decree n° 6.514, of July 22° of 2008, without the loss of others legal commination.

Art. 17° Starting from the assessment of the pelagic longline fishery, including fishing effort, the use of mitigation measures, and the seabird mortality associated, must be considered as additional management measures, complying with the scientific recommendations and with the purpose of reducing incidental captures.

Art. 18° Revoke the INI n° 4 of April 15 of 2011.

Art. 19° This INI comes in action in the date of its released

ANNEX I

Specifications of the transitory mitigation measures

I – Toriline; must be use during the longline setting operations to avoid that seabirds attack the baits, according to the following:

a) For vessels of 35 (thirty-five) meters of length or larger:

1- Use of at least one toriline. Been it is recommended the use of a second toriline simultaneously, when there is a high abundance of birds;

2- The aerial extension, defined as the portion of the toriline cable between the fixation point in the vessel and the point in which it touches the water must be equal to or higher than 100 (one hundred) meters;

3 - The ribbons that compose the toriline must be of assorted colors and long enough, in way that it touches the sea surface in calm conditions;

4- The toriline ribbons must be fixed in intervals equal to or smaller than 5 (five) meters.

b) For vessels under 35 (thirty-five) meters of length:

1- The toriline must possess at least 130 (one hundred and thirty) meters of length and be composed by three segments united by swivels;

2- The toriline must be fixed over the vessel stern at a height of 8 (eight) meters or more in consideration to the water line;

3- The first segment of the toriline must have 60 (sixty) meters of length and made of monofilament nylon, with diameter ranging from 3 to 4 (three to four) millimeters. There must be fixed, in at 2 (two) meters intervals, beams of six, one meter polypropylene color ribbon (or three ribbons of two meters of length folded in half);

4- The second segment of the toriline, connected to the first through a swivel without aggregated weight, must have a length of 40 (forty) meters and be made of monofilament nylon, with diameter ranging from 2 to 3 (two to three), but always with a diameter inferior to the first segment (so it breaks up in case of entangling with the fishing gear). In this segment also must have fixed every two meters, beams of six, one meter polypropylene colored ribbon (or three ribbons of two meters each, folded in half);

5- The third segment must have 30 (thirty) meters of length and stay underwater. It is a trawling device with the purpose of traction force generation, and this way, maintain the first and second segment above water. It must be composed of twisted synthetic cable, eight millimeters of diameter, with several one meter rigid plastic ribbon, in intervals of 20 (twenty) centimeters;

6- Vessels under 20 (twenty) meters of total length are authorized to append the toriline in minimal height of six meters, relatively to the water line.

II- Night setting: the setting of the longline gear in the water must occur, in its totality, in the periods comprehended between the nautical sunset and sunrise with minimal deck lighting;

III- Weight Regime: The weight used in the secondary line must be installed according to one of the following specifications:

- a) At least 45 (forty five) grams, at no further than one meter away from the hook;
- b) At least 60 (sixty) grams, at no further than 3.5 (three point five) meters away from the hook;
- c) At least 90 (ninety) grams, at no further than 4 (four) meters away from the hook;

ANNEX II

Specifications of the permanent mitigation measures

I – Toriline; must be used during the longline setting operations to avoid that seabirds attack the baits, according to the following:

a) For vessels of 35 (thirty five) meters or longer:

1- The total length of the toriline must be equal to or longer than 200 (two hundreds) meters;

2- During the release of the longline main line, the toriline must always be in parallel position to it;

3- The ribbons that compose these lines must be colored and long enough, starting from 8 (eight) meters of length near the stern of the vessel, and ending in 30 (thirty) centimeters, at least, in the furthest portion, in manner that touches the sea surface in calm conditions;

4- The toriline ribbons must be fixed in intervals equal or inferior to five meters;

5- The toriline must be fixed over the vessel stern at a height of at least eight meters from water line;

6- An adequate towing device must be used, in way to provide the necessary trawl to maximize the toriline aerial extension and keep it directly behind the vessel;

7- The vessels that make use of bait cast machine during the fishing operations must configure it in a way that the longline hooks hit the water surface beneath the cover area of the torilines;

8- The vessels that make use of line shooters during fishing operations must configure it in a way that the longline mainline enters the water outside the turbulence generated by the vessel propeller;

b) Vessels under 35 (thirty five) meters of length:

1- The toriline must have at least 130 (one hundred and thirty) meters of length and composed by three segments united by swivels;

2- During the longline mainline setting, the toriline must always be in parallel position to it;

3- The toriline must be fixed over the vessel stern, in a height of, at least 8 (eight) meters from the water line;

4- The toriline first segment must have 60 (sixty) meters of length and built of monofilament nylon, with diameter ranging from 3 to 4 (three to four) millimeters. Must be fixed, every two meters, colored beams of six ribbons of one meter polypropylene (or three ribbons of two meters long folded in half);

5- The toriline second segment, connected to the first an swivel without weight aggregated, must have 40 (forty) meters long and built of monofilament nylon, of two to three millimeters of diameter, but always with diameter inferior to the first segment (for if it breaks up in case of entangling with the fishing gear). In this segment also must be fixed every two meters, colored beams of six ribbons of one meter polypropylene each (or three, two meters long ribbons folded in half);

6- The third segment must have 30 (thirty) meters long and stay underwater. It is a trawling device intended to generate a traction force and, this way, maintain the first and second segments overwater. It must be built of 8 (eight) millimeters diameter twisted synthetic cable with several one meter long rigid plastic ribbons, every 20 (twenty) centimeters intervals;

7- The vessels that make use of bait cast machine during the fishing operations must configure it in a way that the longline hooks hit the water surface beneath the cover area of the torilines;

8- The vessels that make use of line shooters during fishing operations must configure it in a way that the longline mainline enters the water outside the turbulence generated by the vessel propeller;

9- Vessels under 20 (twenty) meters long are authorized to affix the torilines in a minimal height of six meters from the water line;

II- Night setting: The setting of the longline in the water must occur in its totality in the periods comprehended between the nautical sunset and sunrise with minimal lighting in the deck, according to data from Brazil's Navy Maritime Almanac;

III- Weight Regime:

a) The weight attached to the secondary line must be installed according to one of the following specifications;

1- At least 45 (forty five) grams, at no further than one meter away from the hook ;

2- At least 60 (sixty) grams, at no further than 3.5 (three point five) meters away from the hook;

3- At least 98 (ninety eight) grams, at no further than four meters away from the hook;

b) It is authorized, for a period of 15 (fifteen) months, starting from the publish of this INI, the use of weights of at least 90 (ninety) grams at no further than four meters away from the hook; and

c) The safe lead must comply with the Weight Regime, described in this annex.