



Agreement on the Conservation of Albatrosses and Petrels

Fourth Meeting of Advisory Committee

Cape Town, South Africa, 22 – 25 August 2008

Report on Implementation of the Agreement

Author: Chile

AC4 Doc 32
Agenda Item 7.1

Report on Implementation of the Agreement

Submitted by: Chile

Name of Party, Range State, or Other: CHILE
Designated Point of Contact: VALERIA CARVAJAL
Institution: UNDERSECRETARIAT FOR FISHERIES
Mailing Address: BELLAVISTA 168, 16th FLOOR, VALPARAISO, CHILE
Telephone: 56-32-2502770
Fax: 56-32-5502810
Email: VCO@SUBPESCA.CL

1. Species Conservation

<i>Outline of planned actions for national implementation over the next three years</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
---	------------------------------	------------------------------------	----------------------------

Chile's National Plan of Action to Reduce Incidental Bycatch of Seabirds in Longline Fisheries (PAN-AM Chile) was adopted in February 2008.

Chile's POA includes urgent mitigation measures, such as the compulsory use of streamerlines in all Chilean longline vessels operating in our EEZ as well as in the high seas. Another associated measure includes waste disposal through the opposite side of the vessel to the one where the line is hauled; and disposing of organic waste (heads, viscera, etc) onto sea between settings. In particular, Patagonian toothfish fisheries (*Dissostichus eleginoides*) and swordfish fisheries (*Xiphias gladius*) include the use of weights to increase the speed of line sinks. For other demersal-type fisheries taking place in the south of Chile, there is an obligation to undertake line setting during the night. This POA also includes a monitoring, surveillance and research system. All these measures are aimed at reducing mortality during the first three years by 50% of the values assessed at 2002.

Albatross and petrel species included in Chile's PAN-AM (POA) which are listed in Annex I of the ACAP Agreement are:

- *Diomedea exulans*
- *Diomedea antipodensis*
- *Diomedea epomophora*
- *Diomedea sanfordi*
- *Thalassarche salvini*
- *Thalassarche eremita*
- *Thalassarche bulleri*
- *Thalassarche chrysostomas*
- *Thalassarche melanophris*
- *Macronectes giganteus*
- *Macronectes halli*

- *Procellaria aequinoctialis*

Within the framework of this POA, it is envisaged that as of the second half of 2008, a Management Bureau as well as a Technical Committee will be established in order to address issues pertaining to the POA and, in turn, work on the objectives of ACAP's Plan of Action.

Furthermore, as of 2003, Chile has in place a National Biodiversity Strategy (in Spanish, 'ENB'), which is based on the International Convention on Biological Diversity and constitutes the framework document for the management and protection of ecosystems, species and genetic resources in Chile. The POA implementing our ENB has decided to list the Peruvian tern (*Sterna lorata*) species as 'Endangered' in respect of its conservation status, pursuant to recommended IUCN guidelines and it is anticipated that in the short term the Red knot (*Calidris canutus*), Pink-footed shearwater (*Puffinus creatopus*) and Humboldt penguin (*Spheniscus humboldti*) species will be included.

Measures to eliminate, control or prevent introduction of non-native species to breeding sites	Action Plan Reference	AC Work Programme Reference	Agreement Reference
	1.4	3	III (1) b)

The ENB contemplates the development of a National Control Plan for invasive species and this plan is expected to be fully operational by 2015 and it is anticipated that a Classification Committee and Regulations will be developed in the short term.

In relation to threats to birds listed in Annex I of the Agreement, as yet unverified information assures the presence of common rats.

The Under-Secretariat for Fisheries seeks to undertake, in the short term, documentary research with a view to determining the presence of rats or other invasive species in albatross colonies nesting in Chile.

Report on any exemptions to prohibitions on the taking or harming of albatrosses and petrels	Action Plan Reference	AC Work Programme Reference	Agreement Reference
	1.1.2		III (3)

From 2006 to date, Chile has not granted any exemptions whatsoever to the legislation protecting albatrosses and petrels listed in Annex I of the Agreement.

Use and trade	Action Plan Reference	AC Work Programme Reference	Agreement Reference
	1.1.1, 1.1.2		III (3)

The possession and trade of wildlife, as well as its products and by-products, are regulated in accordance with the Law on Hunting (in application since 1996), as well as pursuant to international agreements signed by Chile, such as the 'Convention on International Trade in Endangered Species of Wild Fauna and Flora' (CITES) and the 'Convention on Migratory Species' (CMS). Pursuant to these, Chile protects all exotic species included in Appendices I, II and III of CITES; all exotic species includes in the CMS and all species listed under the Regulation pursuant to the Law on Hunting.

It should be noted that species protected by the aforementioned Law and also listed in Annex I of the ACAP Agreement are:

- | | |
|---------------------------------|------------------------------|
| • Wandering Albatross | <i>Diomedea exulans</i> |
| • Royal Albatross | <i>Diomedea epomophora</i> |
| • White-chinned Albatross | <i>Diomedea cauta</i> |
| • Buller's Albatross | <i>Diomedea bulleri</i> |
| • Grey-headed Albatross | <i>Diomedea chrysostoma</i> |
| • Black-browed Albatross | <i>Diomedea melanophris</i> |
| • Sooty Albatross | <i>Phoebetria fusca</i> |
| • Light-mantled Sooty Albatross | <i>Phoebetria palpebrata</i> |
| • Southern Giant Petrel | <i>Macronectes giganteus</i> |
| • Northern Giant Petrel | <i>Macronectes halli</i> |

- White-chinned Petrel *Procellaria aequinoctialis*
- Westland Petrel *Procellaria westlandica*
- Grey Petrel *Procellaria cinerea*

Chile has not traded in any of the species, either whole or in part, listed in Annex I of the ACAP Agreement.

Single or multi-species conservation strategies / action plans	Action Plan Reference	AC Work Programme Reference	Agreement Reference
	1.1.3		

Other seabird species (not listed in Annex I of the Agreement), are currently being officially classified for the purpose of better conservation, whereas previously, there were scientific listings not validated by Government and which weakened repair and conservation actions.

Emergency Measures	Action Plan Reference	AC Work Programme Reference	Agreement Reference
	1.2		VIII (11) e)

To date, it has not been necessary to implement any emergency measure. Local albatross populations are stable or increasing as per updated surveys (Moreno, *et al* 2007). Major nesting sites in Chile do not indicate any current anthropic or natural threats. The extent of threat to which the colony at Azopardo Bay is exposed in the XII Region in Chile is currently unknown.

The National Directorate of Maritime Territory (Directemar) has emergency plans for the spillage of hydrocarbons and these include a special clause on the use of dispersants in areas of high sensitivity associated with the nesting sites of seabirds.

Re-establishment schemes	Action Plan Reference	AC Work Programme Reference	Agreement Reference
	1.3		

In light of the above, no re-establishment schemes have been implemented, as these have not been necessary. However, it should be noted that projects or activities likely to cause an environmental impact must comply with the obligation to conform to the Environmental Impact Assessment System (in Spanish 'SEIA'). This system provides for the presentation of Mitigation Plans whenever a project may put wildlife at-risk, as well as Recovery or Compensation Plans.

Any other conservation projects for ACAP species	Action Plan Reference	AC Work Programme Reference	Agreement Reference

Currently, there is a Project Tender which seeks to more accurately assess the state of interaction of seabirds with pelagic longline fisheries in the north of Chile. The aim is to specify levels of interaction of seabirds with fishing operations of pelagic longline vessels (less than 20 vessels in Chile). If results were to point to a level of interaction greater than that detected during 2003, urgent mitigation actions will be elaborated, following the PAN-AM Chile (POA) guidelines and ACAP's Plan of Action.

2. Habitat Conservation

<i>Measures (legal and policy instruments and actions) to implement protection and management of breeding sites including habitat restoration</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	2.1	3	III (1) a)

As per Species Conservation, major Government Agencies responsible for Habitat Conservation are, in order of importance:

a. National Commission for the Environment (CONAMA), which applies the following instruments:

- The National Biodiversity Strategy (the 'ENB')
- The National System of Protected Areas (Art. N° 37 of Law No. 19.300)
- The ENB Plan of Action (2000-2015)

Another instrument arising from the ENB-Convention on Biological Diversity- Convention Pertaining to Wetlands of International Importance (RAMSAR), is the National Strategy for Conservation and Rational Use of Wetlands.

b. Ministry of Defence, through the Under-Secretariat of the Navy and the National Directorate of Maritime Territory (DIRECTEMAR) and its Aquatic Environment Preservation Service (SPMAA). The latter having developed in 1987 a National Research, Surveillance and Control of Aquatic Contamination Plan and is governed by the following agreements:

- Convention on the Prevention of Contamination of the Sea by Discards of Waste and other Matter of 1972, adopted through Law decree N° 1.809 dated 26 May 1977. (London Agreement/1972)
- Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific, S. Decree No. 296, D.O. dated 14 July 1998 (CPPS).
- Protocol for the Conservation and Management of Protected Marine and Coastal Areas in the South-East Pacific, ratified on 10 November 1993 (CPPS)
- Antarctic Treaty signed in Washington on 1 December 1959
- Protocol to the Antarctic Treaty on the Protection of the Environment or Madrid Protocol.

c. Ministry of Agriculture through the National Forestry Commission (CONAF), responsible for the administration of the National System of Government Protected Areas (SNASPE) in relation to land areas.

d. Ministry of Education (MINEDUC), through Law No. 17.288 of 1970, on National Monuments including the denomination of Nature Sanctuary (Title VII, Art. N° 31).

e. Ministry of the Economy (MINECON) through the General Law on Fishing and Aquiculture (Law No. 18.892 of 1991), Title II, Art. N° 3, section 'd'), establishes Marine Reserves and Marine Parks, whose remit falls within the National Fisheries Service (SERNAPESCA).

It should be worth noting that the most significant nesting sites in Chile are located within the National Parks, which aim to preserve natural environments, and cultural and landscape features associated to them; the continuity of evolution processes, and as far as is compatible with the above, the undertaking of educational, research and recreational activities.

<i>Sustainable management of marine living resources which provide food for albatrosses and petrels</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	2.3.1 a)		

In Chile, key food items of the Black-browed Albatross (*Talassarche melanophys*) according to Arata and Xavier, 2003 and Arata *et al.*, 2004, are a group of fishes of the *Macruronus magallanicus* and *Micromesistius australis* species. These species are currently assimilated into hydro-biological resources which are fully exploited and, accordingly, covered by the Full Exploitation Regime, pursuant to the current Fishing Law provisions and the subject of annual catch quotas. These annual fishing quotas have been set on the basis of estimations of the Total Allowable Catch (TAC) thus ensuring the sustainability of fish stocks.

The biomass of species which are of foraging interest to albatrosses are above the point of critical reference.

In the case of the Grey-headed Albatross (*Talassarche chrysostoma*) the main food item is a squid of the *Martialia hyadesi* species which, in turn, is the second most prominent food group after fishes for the Black-browed Albatross. The *Martialia hyadesi* species, in particular, is not currently regulated in Chile and is not, to date, a resource of economic interest to the national fleet and therefore its population is estimated to be at a natural status.

<i>Management and protection of important marine areas for albatrosses and petrels</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	2.3.2, 2.3.3	4	

In respect of this, Chile can indicate that it is a member country of the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), since 13 October 1981, giving full compliance to all conservation measures associated with the conservation of seabirds.

Further, at a national level, the area called Francisco Coloane, in the southernmost part of Chile, has been declared a Protected Marine Coastal Area of Multiple Use (in Spanish 'AMCP-UM'), where the presence of Black-browed Albatrosses is common. This initiative can be an example to be followed in respect of other AMCP-UP (for more information on this area, please visit www.gefmarino.cl).

3. Management of Human Activities

<i>Report on environmental impact statements related to albatrosses and petrels</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	3.1		

To date, there are no projects which may involve a risk for the conservation of albatrosses and petrels listed in Annex I of ACAP.

<i>Measures to reduce or eliminate incidental mortality in fisheries</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	3.2	6	

In light of the official standing of the National Plan of Action for Seabirds in Chile (PAN-AM/Chile) it is now compulsory for all national longline vessels to use Tori lines or streamerlines, as well as the management of discards and night setting. It should be noted that this obligation extends to territorial waters, the EEZ and the high seas.

<i>Measures to combat illegal, unregulated, and unreported (IUU) fishing</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	3.2 4	6	

Since 2004, Chile has a National Plan of Action to Prevent, Discourage and Eliminate IUU (Chile's POA-IUU). This instrument uses the legislation in a highly efficient manner, since 1998 and established the obligation on the part of all industrial vessels operating in Chile, to use an automatic positioning device or a Vessel Monitoring System (VMS), with which it is possible to establish at all times the exact position of national fishing vessels in all maritime spaces of national jurisdiction.

<i>Measures to minimise discharge of pollutants and marine debris (with reference to the International Convention for the Prevention of Pollution from Ships (MARPOL))</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	2.3.1 b), 3.3		

In relation to the MARPOL Convention, this was ratified by Chile in 1994 and approved by Supreme Decree No. 1689 of 1995. However, Chile maintained a reservation to the Voluntary Annex V, with a view to preparing infrastructure and procedures pertaining to its due compliance. In this regard, vessel waste evacuation services are under tender although no firm has yet been awarded the tender for services.

Lastly, the PAN-AM/Chile (POA) establishes amongst its procedures for reducing seabird mortality in longline fishing vessels, the obligation to dispose of fishing waste (fish discards) through the opposite side of the vessel to the one where the line is hauled; and disposing of waste onto sea between settings and the hauling of the fishing gear. Other voluntary measures may be adopted by the vessels through the adoption of clean production protocols.

<i>Measures to minimise disturbance in marine and terrestrial habitats</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	3.4		

The most important nesting sites in Chile are outside national and international tourist circuits, and thus disturbance is minimal or nil.

The 2007 census was aerial and did not involve any disturbance in the breeding season.

At the Francisco Coloane AMCP-UM, where Black-browed Albatrosses can be sighted, the species is protected.

4. Research and Monitoring

<i>Ongoing research programmes relating to the conservation of albatrosses and petrels</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	4.1		

The most salient feature is in relation to the general use of the 'cachalotero' or whale longlines and it corresponds to a modified longline which allows to reduce to zero any seabird and sea mammal interactions and increases the fishing yield and decreases the workload for the fishing crew.

The operation of this fishing gear allows us to ensure a minimum and almost negligible seabird mortality in all species.

It is anticipated that we will set up, in 2008, a project to assess the extent of interaction in this type of vessels with swordfish and shark catches and to identify mitigation measures which are more effective.

<i>Observer programmes to monitor fisheries bycatch of albatrosses and petrels</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	4.2	5.1	

In 2005, Chile developed a program of scientific observers. It should be noted that the main role of an observer is to gather information on fisheries, however, the program also contemplated the collection of data on the interaction with other species, including seabirds. This project did not receive funding in the 2007 season and, accordingly, the observer program is currently suspended. We anticipate that in 2008 the situation will change and we will then be able to continue with the monitoring of fishing activities and their interactions with seabirds.

Without prejudice to the above, there are observers associated with other monitoring projects in the national fisheries and through which it has been possible to gather some basic information.

5. Education and Public Awareness

<i>Dissemination of information / training for 'user audiences' e.g. scientists, fishermen, conservation bodies, and decision-makers</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	6.1		

To date, there has been no direct and concrete action aimed at the dissemination of ACAP, only activities at institutional levels have been acknowledged, aimed at public sector professionals.

<i>Dissemination of information to the general public</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>
	6.2		

In 2006, a public consultation took place in relation to the PAN-AM/Chile (POA), with the aim of seeking the public opinion of our citizens regarding the contents, aims and goals of the POA, with the publication of an insert in a major national newspaper, however responses only came from the institutional sector.

Written information would not appear to be the most viable vehicle to disseminate the objectives of ACAP or of the PAN-AM/Chile (POA).

Chile would be interested to know of smart, low-cost communication strategies, with the support of Government or private initiatives which will enable us to disseminate the objectives of the Agreement.

6. Implementation

<i>Summarise progress to implement decisions of previous Meetings of the Parties</i>	<i>Action Plan Reference</i>	<i>AC Work Programme Reference</i>	<i>Agreement Reference</i>

In respect of decisions taken at the Meetings of the Parties, there have been problems in Chile with the formation of a national working group responsible for the Plan of Action and activities of the Advisory Committee. It is at that instance where we seek to address commitments associated with the compliance of the Plan of Action of the Agreement and decisions arising from the Meetings of the Parties.

One of the obstacles identified in relation to compliance with ACAP is the lack of financial resources or non-monetary motivations. Whilst Chile has experts in seabird issues, there are financial constraints for the execution of coordinated actions and for joint efforts in relation to acquiring greater knowledge of albatross and petrel populations nesting in or travelling through Chile or for the adoption of measures for the conservation of these species. We would appreciate any information regarding the availability of funding to which Chilean researchers could apply with a view to improving knowledge of seabirds entering the national territory.