

EAST COAST HAWKE'S BAY CONSERVATION BOARD TE POARI ATAWHAI O TE TAIRAWHITI KI HERETAUNGA

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22 January 2008

Ministry of Fisheries
P.O. Box 1020
WELLINGTON
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Dear Sir/Madam

NPOA-SHARKS CONSULTATION DOCUMENT

The East Coast Hawke's Bay Conservation Board submits the following comments on the Draft National Plan of Action for the Conservation and Management of Sharks (NPOA-SHARKS).

1. We strongly support IPOA Sharks and the development of a New Zealand NPOA Sharks.
2. The following comments relate mainly to these two paragraphs:

paragraph 194: *"7% of the total (NZ) shark catch is reported as being landed as fin only."*

paragraph 155: *"The Ministry of Fisheries considers that there is a risk in regulating to avoid waste in that such regulations may merely transfer the disposal site from the sea to the land (i.e. unwanted product is landed and discarded in land dumps). New Zealand has therefore taken an alternative approach that better fits with its fisheries management regime. This approach focuses on ensuring that sustainable catch limits are set for major target and bycatch shark stocks managed under the QMS, and that catch is accurately recorded and analysed to ensure that shark catch is constrained within these sustainable limits."*

- A. The implication that sharks caught as bycatch in longline fisheries may be finned and that the trunks may be disposed of at sea as waste seems to us to be a betrayal of both the letter and the spirit of IPOA Sharks, which states countries should: *"Minimize waste and discards from shark catches in accordance with article 7.2.2.(g) of the Code of Conduct for Responsible Fisheries (for example, requiring the retention of sharks from which fins are removed)"*.
- B. It is clear that it is the lucrative trade in fins that is the factor driving the excessive worldwide slaughter of sharks and their consequent dramatic decline in numbers.
- C. We think that the best way to stop this decline is to take a very robust stand by pushing for a **complete international ban on finning** (where finning is defined as the retention of fins and discarding of carcasses at sea) as well as seeking **the establishment of an International Fin Certification System** to identify and

market fins which are **sourced only from sharks taken in sustainable fisheries.**

- D. To that end, we think that **finning** (where finning is defined as the retention of fins and discarding of carcasses at sea) **should be banned in New Zealand** and we suggest that a **New Zealand Shark Fin Certification Scheme** should be established to identify and authorise for export only those fins which are sourced from **sustainably managed shark fisheries** in New Zealand (where a MSY can be determined).
- E. By banning finning and by permitting the export of only those fins certified as being from a sustainable fishery, New Zealand would **send a clear signal internationally that the wasteful practice of finning is unacceptable within a sustainable fisheries management system.** Furthermore, the adoption of these measures would give **NZ Fisheries Negotiators the credibility required to promote an international ban on finning and the establishment of an International Fin Certification System within international forums¹.**
- F. In the tuna longline fishery, **Commercial Catch Limits are being set for highly migratory species of shark** (Mako 406t, Blue 1860t, Porbeagle 215t) **for which it appears that there is little data on regional population status.** Despite the exceptions prescribed under section 14 of the Fisheries Act (which allows for the setting of a catch limit other than through an assessment of MSY) we cannot see how MoF can justify any catch allowance without first targeting research (independently or as part of RFMOs) to ascertain such parameters as shark distribution, abundance, migratory patterns, habitat utilization, and productivity for all species of shark killed as bycatch in NZ waters. **We think that until such data is collected, risk assessments made and MSY determined, catch limits should be set at zero.**
- G. We think that **research efforts need to be targeted towards investigating techniques which would reduce incidental catch of sharks** in the tuna longline fleet. Methods might include gear modification (e.g., circle hooks, nylon-monofilament tracers), change in bait type (e.g. mackerel instead of squid), chemical deterrents, limited soak time and avoidance.
- H. The banning of finning and the imposition of MSY-based catch limits would **put shark conservation at a level closer to that of marine mammal conservation in New Zealand.** We think this is appropriate because the biological characteristics of sharks (the length of time many shark species take to reach sexual maturity, the long gestation period and the small size of litters produced in

¹ Examples include the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Western and Central Pacific Fisheries Commission (WCPFC), the South India Ocean Fisheries Agreement (SIOFA), the North-East Atlantic Fisheries Commission (NEAFC), the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and, once established, the South Pacific RFMO.

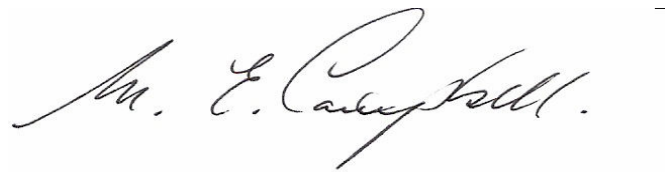
many species) make them **particularly vulnerable to overexploitation** as they do not recover from the depredations of human fishing effort as readily as do most species of bony fish. Like many marine mammals they are important to healthy ecosystem functioning owing to their position as apex predators at the top of the food chain.

- I. Despite the assurance in the draft NPOA Sharks (paragraph 206 g) that the Ministry of Fisheries will “*ensure fishers are aware that live finning of sharks constitutes ill-treatment and is an offence under the Animal Welfare Act*”, we think that under the proposed system some **live finning will almost inevitably occur** unless observers are present on all tuna longline vessels to police this law. We think that **sharks should be landed intact with their fins attached**.
 - J. This would also ensure that “*inherent difficulties in setting and applying ... conversion factors*” to obtain greenweight data are avoided and also that difficulties in identifying the species of shark from which fins come are avoided.
 - K. The requirement to land sharks intact would also act as an incentive for the live release of sharks caught on longlines because of the cost of onboard storage.
3. The high rate of **discard of unwanted bycatch of Spiny Dogfish** in inshore fisheries (paragraph 78) is a grave concern, as is the inclusion of this species on the sixth schedule which allows for this disposal as long as the amount discarded is accurately reported.
 - A. We think that this contravenes the principles of the Code of Conduct for Responsible Fisheries. “*Minimize waste and discards from shark catches in accordance with article 7.2.2*”.
 - B. Measures to mitigate against the large bycatch of this species in both deepwater and inshore fisheries should be imposed. It would seem from the experiences in Otago fisheries that reduction of towing times and headline heights, and leaving the area altogether can reduce the bycatch of this species. Other measures to reduce overfishing might include reduction of harvest levels or effort, use of alternative gears, implementation of minimum sizes and establishment of time-area closures.
 - C. We think that **all dead sharks caught as bycatch should be landed and utilised** in some appropriate manner rather than being discarded as waste at sea. Regarding the species as “*of low economic value*” is insufficient reason to discard an animal as waste when fishing effort has resulted in its death. For example, we can see no reason why these dead sharks cannot be “*packed whole but most(ly).. trunked and exported to markets in Asia and Europe*” as is much of the bycatch from deepwater trawling, or utilised in the production of fishmeal.
 4. The NPOA does not contain risk assessments for any species, particularly non-target non-QMS species, taken in New Zealand waters. This is reflected in the lack of specific research needs, or management questions/issues being identified. This lack needs to be addressed, and all species of shark need to be managed in a sustainable manner.

5. Finally, the draft **NPOA Sharks** gives **insufficient attention to the non-extractive uses of sharks** (e.g. tag and release fisheries; shark cage operations.) Such uses are of high economic value. They are dependent on healthy shark populations and are therefore vulnerable when shark populations decline due to incidental bycatch in fisheries.

Thank you for the opportunity to comment on this important draft document.

Yours sincerely

A handwritten signature in black ink, reading "M. E. Campbell." The signature is written in a cursive style with a horizontal line extending to the right.

Mary Campbell
Chairperson

EAST COAST HAWKE'S BAY CONSERVATION BOARD