



# Implementation of WCPFC measures on shark conservation

## Decision Document

MPI Decision Paper No: 2015/034.

Prepared for the Minister for Primary Industries  
by the Ministry for Primary Industries

ISBN No: 978-1-77665-003-3 (online)  
ISSN No: 2253-3907 (online)

July 2015



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# 1 Executive Summary

The Ministry for Primary Industries (MPI) is seeking your approval to restrict the use of wire traces and shark lines in the commercial tuna and billfish fishery. This change would reflect the outcomes of the most recent meeting of the Western and Central Pacific Fisheries Commission (WCPFC) where members agreed on additional measures to protect sharks.

MPI is asking that regulations be made under the Fisheries Act 1996 (the Act) prohibiting the use of wire traces and shark lines by vessels targeting tuna and billfish since both these methods have been shown to increase the bycatch of sharks and lower the amount of live releases. In MPI's view, these changes would also align with the recently reviewed National Plan of Action for Sharks (NPOA-Sharks) which lists the minimisation of un-utilised incidental catches of sharks and the promotion of live releases as two of its objectives. Feedback from stakeholders during consultation has indicated that neither method is currently common amongst commercial operators and MPI anticipates that the impact of these restrictions will be limited. For this reason, MPI also believes that enforcement of this measure can be achieved using existing resources and that incidents of non-compliance are likely to be rare.

Finally, these changes are necessary in order to fulfil New Zealand's international commitments as a responsible fishing nation, and could benefit industry by enabling them to provide assurance to key markets such as the United States that New Zealand is complying with its obligations.

## 2 Purpose

New Zealand cooperates with other nations in the international management of highly migratory species through participation in Regional Fisheries Management Organisations (RFMOs). In the case of highly migratory sharks, that cooperation occurs within the Western and Central Pacific Fisheries Commission (WCPFC). As a member of the WCPFC, New Zealand has agreed to give effect to the decisions of that Commission.

The WCPFC has identified fourteen key shark species based on the results of an Ecological Risk Assessment project and other factors including frequency of reported catch and ease of species identification. Of the fourteen key shark species, three are listed as near threatened, nine are listed as vulnerable, and two are listed as endangered under the International Union for Conservation of Nature and Natural Resources (IUCN) Red list.<sup>1</sup> These listings along with other biological characteristics of sharks have driven the WCPFC to take greater action to ensure the long term sustainability of these animals.

As part of its NPOA-Sharks, New Zealand has also conducted a risk assessment where the three main highly migratory shark species (mako, porbeagle and blue sharks) received the lowest risk scores of sharks managed under the quota management system (QMS).

The eleventh meeting of the WCPFC was held in Apia, Samoa in December 2014 (WCPFC11). As part of this meeting, WCPFC members agreed to implement additional measures aimed at minimising the impacts of commercial fishing on sharks. This agreed conservation and management measure (CMM 2014-05) requires that Commission members, territories, and cooperating non-members (CCMs) ensure that their longline vessels targeting tuna or billfish comply with at least one of the following options:

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<sup>1</sup> <http://www.iucnredlist.org/>

- a) do not use or carry wire trace as branch lines or leaders; or
- b) do not use branch lines running directly off the longline floats or drop lines, known as shark lines.

In order to implement CMM 2014-05, MPI proposes that the use of both wire traces and shark lines by tuna longline fishing vessels be banned within New Zealand waters. A copy of CMM 2014-05 in its entirety can be found under attachment 1 of this document. The proposed restrictions could be put in place by making amendments to the Fisheries (Commercial Fishing) Regulations 2001.

The gear restrictions proposed in this paper will minimise the risk of incidental bycatch and improve the ability of fishers to release sharks alive. Both objectives are aligned with New Zealand's NPOA-Sharks 2013 objective of minimising unutilised incidental catches of sharks and promoting live releases.

### 3 Consultation

MPI consulted on your behalf by posting the consultation document on the MPI website and directly contacting a number of key stakeholders in the fishery.

MPI has consulted with the highly migratory species fish plan group which includes representation from tangata whenua along with key iwi quota holders in this fishery.

#### 3.1 SUBMISSIONS RECEIVED

MPI received submissions from the Te Mana o Ngati Rangitihi Trust, Fisheries Inshore New Zealand (FINZ), and Terra Dumont.

#### 3.2 SUMMARY OF SUBMISSIONS

The Te Mana o Ngati Rangitihi Trust supports the banning of both wire traces and shark lines for commercial operators using longline vessels to target tuna or billfish. The Trust believes that such a ban would support the objectives found within their Iwi Environmental Management Plan aimed at "preserving and restoring the fishery".

It is FINZ's understanding that the gear types subject to this proposed ban are not used in New Zealand commercial fisheries. FINZ also makes the point that the Total Allowable Catch set under QMS should be used to address issues of sustainability and that input constraints such as those proposed here are unnecessary and inappropriate. FINZ also believes that these measures may constrain New Zealand's ability to sustainably target and utilise sharks.

However, FINZ also recognises New Zealand's obligations as a member of the WCPFC and supports the introduction of these measures on the basis of those obligations and the understanding that quota holders and fishers are agreeable to the proposal.

Terra Dumont also wished to express her support for the proposed measures. Ms Dumont believes that this measure will enhance New Zealand's international reputation as a responsible fishing nation and reflect its commitments made as part of the NPOA-Sharks.

Note that full copies of submissions are available in Attachment 2.

## 4 Legal Considerations

Regulations restricting the possession or use of certain types of gear can be made under section 297(1)(a)(viii) of the Act. Regulations can also be made to give effect to an agreement to which New Zealand is a signatory under section 297(1)(o). MPI proposes that these powers be used to amend the Fisheries (Commercial Fishing) Regulations 2001.

It is proposed that breaches to these gear restrictions would bring about a fine not exceeding \$20,000 upon conviction. This penalty level is similar to that applied to other gear related offences within these regulations. A third or subsequent breach within 3 consecutive years would lead to a fine not exceeding \$100,000, again in line with similar provisions.

### 4.1 SECTION 5 – APPLICATION OF INTERNATIONAL OBLIGATIONS

All persons exercising or performing functions, duties, or powers conferred or imposed by or under the Act shall act in a manner consistent with New Zealand international obligations relating to fishing. MPI considers that the proposed measures are necessary in order for New Zealand to meet its international obligations as a member of the WCPFC.

## 5 Management Options

MPI consulted on your behalf with two options; the status quo and a ban on both wire traces and shark lines. There are no additional options being considered from those which MPI initially consulted on.

### 5.1 OPTION 1 – STATUS QUO

This option would not meet New Zealand's international commitments to the WCPFC and would significantly harm its reputation within that forum. Retaining the status quo is therefore not seen as a viable option in this case.

### 5.2 OPTION 2 – BANNING WIRE TRACES AND SHARK LINES (MPI PREFERRED OPTION)

MPI proposes that New Zealand implement CMM 2014-05 by banning the use of both wire traces and shark lines by tuna longline fishing vessels. Although the agreed measure only requires that States ban one of these gear types, MPI believes that banning both practices would not only enhance New Zealand's international reputation as a responsible fishing nation but also better reflect the commitments made as part of its domestic NPOA-Sharks 2013. All submissions received by MPI during consultation were in support of this option.

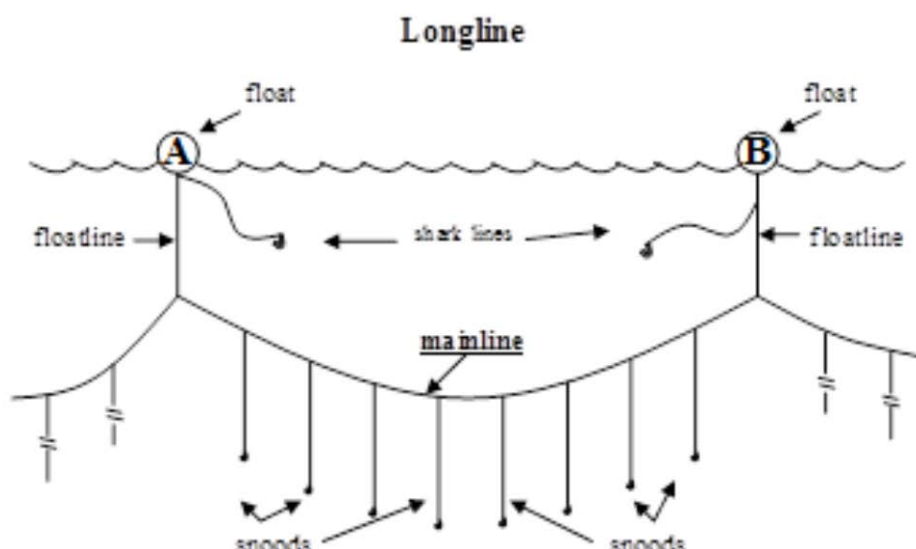
Both shark lines and wire traces are known to have detrimental effects on the level of shark bycatch and the ability of commercial fishers to release accidental catch alive. MPI considers the use of either practice to be contrary to the objectives of the NPOA-Sharks 2013 and accepted best practice in terms of minimising the impacts of commercial fishing on shark populations.

Feedback from industry representatives has indicated that commercial operators in New Zealand do not typically use wire traces or "shark lines". MPI therefore anticipates that the impacts of these proposed changes will be limited.

There are also operational factors related to the New Zealand QMS that would dissuade operators from using the two methods banned under CMM 2014-05. Unlike many other countries in the region, New Zealand sets a catch limit on sharks and commercial fishers need

to either have annual catch entitlement or pay a deemed value payment to cover their catch of sharks.

The setting of a “shark line” would significantly increase a commercial operator’s catch of what is essentially an unwanted bycatch species. Shark lines are usually associated with fisheries in which sharks are specifically targeted. Shark meat in the New Zealand tuna fishery is typically low value and unlikely to bring operators significant returns (based on traits like higher ammonia content in the flesh).



**Figure 1:** Shark line schematic



**Figure 2:** Wire trace with hook

Fishers using nylon traces can also cut the hook off and release the unwanted shark alive. A wire trace can make live releases more difficult and hazardous to the crew. Recent research presented to WCPFC identified the banning of wire traces as one of the key measures necessary to minimise shark catches and improve survival rates.<sup>2</sup>

Wire traces are also unlikely to be used for a similar reason in that they increase the number of sharks caught and make the release of live sharks more difficult. Sharks will often be able to bite through nylon traces and avoid capture. Although the hook remains in the animal, it avoids the stress and harm that comes from additional time on the line and further handling by fishers which all contribute to the survivability.

## 6 Other Matters

### 6.1 COMPLIANCE AND ENFORCEMENT

MPI compliance officers in relevant regions have been consulted to determine the potential impacts of this proposal and their ability to enforce the ban. Feedback from these regional officers has confirmed that both practices described in CMM 2014-05 are not currently in use

<sup>2</sup> Patterson, H, Hansen, S, and Larcombe, J. A Review of Shark Bycatch Mitigation in Tuna Longline Fisheries. Research by the Australian Bureau of Agricultural and Resource Economics, July 2014



by commercial operators and enforcement of this additional requirement could be accommodated within existing resources.

## **6.2 VESSELS OPERATING ON THE HIGH SEAS**

The changes proposed in this paper will apply to all surface longline vessels targeting tuna and billfish within the New Zealand waters. CMM 2014-05 does require that all vessels flying the member's flag be bound by its obligations and New Zealand will therefore also apply these requirements to New Zealand flagged vessels operating beyond the EEZ by amending relevant High Seas Fishing permits.

## **7 Conclusion**

New Zealand has an obligation to implement measures adopted at WCPFC and as such asks that you approve the proposed changes described in this paper. The changes are also aligned with New Zealand's own domestic approach to the management of sharks under the NPOA-Sharks.

## 8 Attachment 1 – WCPFC Measure



**COMMISSION  
ELEVENTH REGULAR SESSION**  
Faleata Sports Complex, Apia, SAMOA  
1 - 5 December 2014

**CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS**  
***Conservation and Management Measure 2014-05***

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;*

*Adopts*, in accordance with Articles 5 and 10 of the Convention, that:

**Measures for longline fisheries targeting tuna and billfish**

1. CCMs shall ensure that their vessels comply with at least one of the following options:
  - a. do not use or carry wire trace as branch lines or leaders; or
  - b. do not use branch lines running directly off the longline floats or drop lines, known as shark lines. See Figure 1 for a schematic diagram of a shark line;

**Measures for longline fisheries targeting sharks**

2. For fisheries that target sharks in association with WCPFC fisheries, CCMs must develop a management plan for that fishery that includes specific authorisations to fish such as a licence and a TAC or other measure to limit the catch of shark to acceptable levels. These management plans must be developed by 1 July 2015, if possible and no later than 1 December 2015 and submitted to the Commission. These plans must explicitly demonstrate how the fisheries aim to avoid or reduce catch and maximises live release of specimens of highly depleted species such as silky and oceanic whitetip sharks caught incidentally. Those management plans submitted by 1 July shall be provided to the SC11 for review, before discussion at WCPFC 12. Plans submitted up to 1 December 2015 shall be reviewed in the subsequent year at SC12 and WCPFC13.

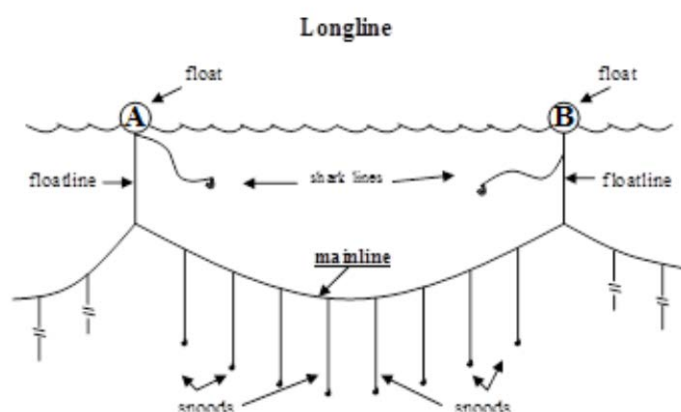
**Review**

3. On the basis of advice from the SC and TCC, the Commission, shall review the implementation and effectiveness of management arrangements provided in this measure including minimum data requirements, after 2 years of its implementation and shall consider

the application of additional measures for the management of shark stocks in the Convention Area, as appropriate.

4. This CMM does not replace or prejudice any other existing shark CMM. This CMM shall come into force on 1 July 2015.<sup>2</sup>

**Figure 1** – Schematic diagram of a shark line



## 9 Attachment 2 – Submissions received

- 1) Te Mana o Ngati Rangitihi Trust
- 2) Fisheries Inshore New Zealand (FINZ)
- 3) Terra Dumont.

## **1) Te Mana o Ngāti Rangitihi Trust**

5 May 2015

Tena koe Dominic

### **RE: IMPLEMENTATION OF WCPFC MEASURES ON SHARK CONSERVATION**

#### **1. INTRODUCTION**

- 1(a) This submission to the Ministry for Primary Industries (MPI) on the Implementation of WCPFC measures on shark conservation has been prepared by the Environmental Officer for Te Mana o Ngāti Rangitihi Trust (TMoNRT).

#### **2. MANDATE AND STRATEGIC OBJECTIVES**

- 2(a) Te Mana o Ngāti Rangitihi Trust is a Post Settlement Governance Entity (PSGE) established as a Common Law Trust to administer assets derived via the Central North Island Collective Settlement (CNI). TMoNRT is governed by elected members onto the Board of Trustees established in September 2009.

- 2(b) The Trust Deed Mandate for TMoNRT (in addition to exercising stewardship over the CNI settlement seeks to ensure that:

- Ngāti Rangitihi is enabled to flourish in perpetuity, supported by their unique self-determining capabilities
- The mana of the iwi is upheld, developed and organised
- The iwi resource are identified and optimised
- The survival and growth of the iwi is enabled (including: cultural, economic, social, spiritual, environmental and political survival and growth)
- The iwi whanau support networks which are developed and maintained; and
- The iwi members capacity to be self-reliant is enhanced

- 2(c) TMoNRT regularly works alongside its neighbour iwi and local, regional and central authorities in social, cultural, environmental and economic matters.

#### **3. IWI ENVIRONMENTAL MANAGEMENT PLAN**

- 3(a) Te Mahere ā Rohe mō Ngāti Rangitihi – Ngāti Rangitihi Iwi Environmental Management Plan (IEMP) was lodged with Whakatāne District Council (9 February 2012), Bay of Plenty Regional Council (23 February 2012), Rotorua District Council (April 2013) and the Western Bay of Plenty District Council (February 2014).

- 3(b) The New Zealand Planning Institute awarded TMoNRT the Nancy Northcroft Planning Practice Award: Supreme Practice Award for TMoNRT – Iwi Environmental Management Plan, May 2013.

- 3(c) TMoNRT was also the recipient of the Best Practice Award: Non-Statutory Planning for the Iwi Environmental Management Plan, May 2013.

- 3(d) The Plan can be viewed at [www.ngatirangitihi.iwi.nz](http://www.ngatirangitihi.iwi.nz)

4. **GENERAL**

- 4(a) Thank you for providing an opportunity for TMoNRT to make a submission to the MPI on the 'Implementation of WCPFC measures on shark conservation'. TMoNRT has read the MPI Discussion Paper No: 2015/10 outlining the international commitments NZ has a responsible fishing nation and the proposal to restrict the use of wire traces and shark lines in the commercial tuna and billfish fishery.

5. **SUBMISSION**

- 5(a) *TMoNRT supports option 2* – Banning wire traces and shark lines which will decrease the bycatch of sharks and increase the amount of live releases.
- 5(b) The Iwi Environmental Management Plan of TMoNRT page 33-34 (Ko Tangaroa me Tutewehiwehi) under our Objectives, Policies and Methods supports the fisheries sector in 'preserving and restoring the fishery'.

6. **CONCLUSION**

TMoNRT supports the MPI in their proposal to restrict the use of wire traces and shark lines in the commercial tuna and billfish fishery.

Please feel free to contact me if you have any questions.

Ngā mihi



Christopher Clarke  
Environmental Officer  
Te Mana o Ngāti Rangitihi Trust  
Matatā

## 2) Fisheries Inshore New Zealand (FINZ)

### Implementation of WCPFC Measures on Shark Conservation MPI Discussion Paper No:2015/10

1. You have asked for comments on the proposal to implement the WCPFC measures on shark conservation.

#### Fisheries Inshore New Zealand

2. Fisheries Inshore Limited (FINZ) represents the inshore finfish, pelagic and tuna fisheries of New Zealand. It was formed in November 2012 as part of the restructuring of industry organisations. Its role is to deal with national issues on behalf of the sector and to work directly with and behalf of its quota owners, fishers and affiliated Commercial Stakeholder Organisations (CSOs). As part of that work it will also work collaboratively with other industry organisations and SREs, Seafood New Zealand, Ministry for Primary Industries (MPI) and Department of Conservation.

3. Its key outputs are the development of, and agreement to appropriate policy frameworks, processes and tools to assist the sector to more effectively manage inshore, pelagic and tuna fishstocks, to minimise their interactions with the associated ecosystems and work positively with other fishers and users of marine space where we carry out our harvesting activities.

4. Fisheries Inshore holds a mandate to represent quota-owners in respect of HMS pelagic tuna and sharks.

#### Proposal

5. The proposal is to implement the WCPFC measure (CMM2015/05) on shark conservation in the New Zealand longline fisheries targeting tuna and swordfish by banning:

- a. the use of wire trace as branch lines or leaders; and
- b. the use of branch lines running directly off long line floats or droplines.

#### Comment

6. We understand that the shark species caught in the tuna longline fishery were considered in the recent Level 1 Risk Assessment of sharks in New Zealand waters and were assessed not to be of high risk of adverse effect from commercial longline fishing. The assessment includes the pelagic shark species – blue shark, mako and porbeagle - and other sharks such as spiny dogfish, rig and school shark which are also caught by the tuna fleet.

7. We understand wire traces are not used in New Zealand commercial fisheries. We also understand that shark lines are not used in the commercial fleet.

8. We note that WCPFC 2014/05 requires vessels to use at least one of the measures, not both as contained in the MPI proposal. The consultation document argues that *“banning both practices would not only enhance New Zealand’s reputation as a responsible fishing nation but would also better reflect the commitments made as part of its domestic NPOA-Sharks 2013”*.

9. New Zealand’s fisheries management regime is based on sustainable utilisation principles with sustainable catch limits being set and monitored. Issues of sustainability are to be managed by adjustment of the Total Allowable Catch. If there are additional shark species with sustainability issues, then they should be managed under the QMS. New Zealand’s reputation as a responsible fishing nation is indisputably based in its fisheries management regime. Unilaterally imposed input constraints on the ability to catch sharks or other species within those sustainable limits are unnecessary and inappropriate in the New Zealand context.

10. Goal 2 of the NPOA Sharks adopted by New Zealand in 2013 is:

*“Encourage the full use of dead sharks, minimise unutilised incidental catches of sharks, and eliminate shark finning in New Zealand”.*

Goal 5 is of the NPOA is:

*“New Zealand actively engages internationally to promote the conservation of sharks, the management of fisheries that impact upon them, and the long-term sustainable utilisation of sharks”.*

11. Where sharks are to be utilised, there is no commitment to:

- a. minimise their incidental by-catch; or
- b. not target sharks,

provided Goal 1 of the NPOA to maintain the biodiversity and long-term viability of shark populations is achieved. Sharks may be targeted where their sustainability is not compromised and they are utilised. Adoption of the proposed CMM 2015/09 measures may unnecessarily constrain New Zealand’s ability to sustainably target and utilise sharks. To that extent, the measures have no place in New Zealand’s fisheries regulations.

12. However we also recognise that New Zealand is a Contracted Convention Member of the WCPFC and, as such, is obligated to implement approved WCPFC conservation measures.

13. On the basis that:

- a. New Zealand is obligated as a CCM to implement the measures; and
- b. quota-holders and fishers are agreeable to the proposals being implemented,

we support the introduction of the MPI proposal but subject to the reservations and views expressed as to the need for and appropriateness of the measures in the context of New Zealand’s fisheries management regime.

Yours sincerely

Tom Clark Policy Manager Fisheries Inshore



**3) Terra Dumont.**

**Re: Implementation of WCPFC measures on shark conservation**

I wish to express my full support of Option 2 where in that New Zealand implements CMM 2014-05 by banning the use of both wire traces and shark lines for tuna longline fishing vessels. This will enhance New Zealand's international reputation as a responsible fishing nation and reflect New Zealand's commitments made as part of its domestic NPOA-Sharks.

Sincerely,

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