



Implementation of WCPFC measures on shark conservation

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1 Executive Summary

The Ministry for Primary Industries (MPI) is seeking feedback on a proposal to restrict the use of wire traces and shark lines in the commercial tuna and billfish fishery. This change reflects 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 proposing that the use of wire traces and shark lines by commercial fishers be banned by amending the Fisheries (Commercial Fishing) Regulations 2001 since both these methods have been shown to increase the bycatch of sharks and lower the amount of live releases. These changes would also align with the recently reviewed National Plan of Actions for Sharks (NPOA-Sharks) which lists the minimisation of unutilised incidental catches of sharks and the promotion of live releases as two of its objectives.

Feedback to date 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 also be achieved using existing resources and that non-compliance will be rare.

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, the decisions of that Commission are binding upon New Zealand.

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.¹ 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.

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:

- 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, New Zealand must amend the Fisheries (Commercial Fishing) Regulations 2001 to place additional controls on vessels operating within its Exclusive Economic Zone (EEZ). A copy of CMM 2014-05 in its entirety can be found under attachment 1 of this document.

The Ministry for Primary Industries (MPI) is seeking feedback from stakeholders on the potential impacts associated with the implementation of this decision.

2.1 DEADLINE FOR SUBMISSIONS

MPI welcomes written submissions on the proposals contained in this paper. All written submissions must be received by MPI no later than **18 May 2015**.

Written submissions should be sent directly to:
Highly Migratory Species Team
Ministry for Primary Industries
P O Box 2526 Wellington 6011

or emailed to dominic.vallieres@mpi.govt.nz

All submissions are subject to the Official Information Act and can be released, if requested, under the Act. If you have specific reasons for wanting to have your submission withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

¹ <http://www.iucnredlist.org/>

3 Background Information

3.1 MANAGEMENT SETTING

Sharks can play important roles in maintaining healthy ocean ecosystems. Sharks also share biological characteristics that can make them susceptible to over-fishing. Recognition of these characteristics led to global initiatives to improve the conservation and management of sharks, culminating in the United Nations Food and Agriculture Organisation (FAO)'s International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks).

Under the IPOA-Sharks, States should “strive to cooperate through regional and subregional fisheries organizations or arrangements, and other forms of cooperation, with a view to ensuring the sustainability of shark stocks, including, where appropriate, the development of subregional or regional shark plans”. CMM 2014-05 forms part of the regional commitment to the sustainability of shark stocks and a cooperative approach to regional management of highly migratory shark species.

The IPOA-Sharks also calls on members to develop a national plan of action for the conservation and management of sharks. MPI has produced an updated National Plan of Action for Sharks 2013 (NPOA-Sharks 2013)² to continue to document New Zealand's planned actions for the conservation and management of sharks, consistent with the overarching goal of the IPOA-Sharks.

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.

Previous discussions with industry representatives have 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 Quota Management System (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).

² <http://www.mpi.govt.nz/document-vault/1138>

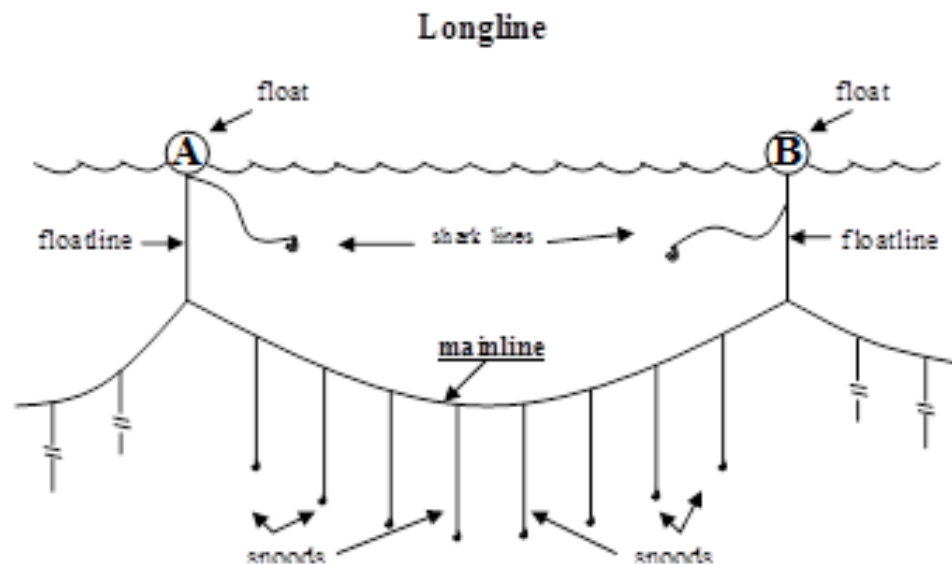


Figure 1: Shark line schematic



Figure 2: Wire trace with hook

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.

Fishers using nylon traces can also cut the hook off and release the unwanted shark alive (thereby avoiding the need to land the fish and acquire annual catch entitlement). 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.³

³ 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

4 Legal Considerations

4.1 REGULATORY CHANGES

Regulations restricting the possession or use of certain types of gear can be made under section 297(1)(viii) of the Fisheries Act 1996. MPI proposes that the powers found under this section of the Fisheries Act 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.

5 Proposed Options

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.

Option 2 – Banning wire traces and shark lines

MPI proposes that New Zealand implement CMM 2014-05 by banning the use of both wire traces and shark lines for 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.

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.

Neither the use of shark lines nor wire traces is prevalent amongst the New Zealand fleet and MPI considers that the impact on commercial fishers from banning both is likely to be limited.

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 by 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 within the New Zealand EEZ. 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 has proposed the 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. MPI is seeking feedback from stakeholders on the potential impacts of this implementation and any operational factors that should be considered when amending the relevant legislation.

Attachment 1



**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 2015.2

Figure 1 – Schematic diagram of a shark line

