



Submission on the draft National Plan of Action for the Conservation and Management of Sharks 2022

To Ministry of Primary Industries

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Introduction

New Zealand's largest and oldest conservation organisation

The Royal Forest & Bird Protection Society (Forest & Bird) is New Zealand's largest and longest-serving independent conservation organisation. Our mission is to be a voice for nature – on land, in the sea, and in our fresh waters. Next year Forest & Bird turns 100 years old.

Forest & Bird's constitutional purpose is to *“take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.”*

Our strategic priorities

In 2019, Forest & Bird adopted a new Strategic Plan with a purpose of protecting and restoring nature in a climate crisis. We have adopted goals in five domains:

- Climate safety – Ensuring our country does everything we can to keep the climate safe for all life on earth. Mitigating the impact of climate change will be at the heart of everything we do.
- Economy that supports nature – Encouraging communities to appreciate nature for its intrinsic and life-giving values. Recognising our long-term economy is dependent on a healthy environment.
- Vibrant landscapes – Advocating for stable healthy ecosystems full of native animals and plants.
- Energised water, rivers, and wetlands – Ensuring our rivers and streams run clean, are healthy, and are teeming with life.
- Oceans alive – protecting and restoring marine life and ecosystems.

Priorities around climate change, a genuinely sustainable economy and a healthy marine environment all mean that the management and regulation of fishing is a core matter for Forest & Bird in giving effect to its constitutional purpose.

Submission on behalf of the entire Society

This submission is on behalf of the Society, including its constituent branches, children's club (KCC) and Youth. A selection of pictures drawn by KCC members celebrating New Zealand's wonderful sharks has been attached to this submission.

Overall points

Forest & Bird welcomes the proposed National Plan of Action

Forest & Bird is pleased that Fisheries New Zealand and the Department of Conservation (DOC) have finally produced an updated National Plan of Action for the Conservation and Management of Sharks

(NPOA-Sharks 2022). The NPOA-Sharks 2022 is the third iteration of a National Plan of Action for Sharks for New Zealand and will replace the NPOA-Sharks 2013 which expired in 2018.

Forest & Bird participated in the multi-stakeholder Shark Advisory Group that supported the development of the revised NPOA-Sharks 2022.

Progress reporting and review must be public

Progress against NPOA objectives will be reviewed periodically. The NPOA-Sharks 2022 will be fully reviewed as required to ensure the ongoing effectiveness of New Zealand's efforts to address the conservation and management of shark species. Forest & Bird seeks a commitment to ensure that regular reporting and review is carried out in an open and transparent manner and that the public is kept informed of progress.

Sharks are vital for ecosystem health

The ocean is integral to life: providing food, climate stability and a home for countless creatures. Among these creatures, sharks play a vital role in keeping ocean ecosystems in balance. More than 100 shark species have been recorded in Aotearoa New Zealand, and our corner of the Pacific is a stronghold for iconic species like great white sharks, mako sharks and blue sharks. These sharks play a critical role in the ecosystem as top predators and nutrient recyclers. Their role of nutrient recycling and transport within the water column is important in helping ensure the primary productivity of the ocean is adequately fertilised and this in turn helps the ocean to store carbon.

Sharks are unnecessarily killed

Some commercial fishers are killing and dumping sharks; killing our magnificent mangō just to save money on fishing hooks, or because they think sharks are pests. The NPOA-Sharks 2022 is our opportunity to stop this cruel slaughter and protect the incredible diversity of sharks found in our waters. The NPOA-Sharks must ban this horrific practice, end wasteful bycatch of sharks, ensure that fishing safeguards the wider ecosystem, and protect important shark habitats.

Reports from official Government observers who accompanied longline fishing vessels on monitoring trips between 2016 and 2021 reveal a number of incidents. It should be noted that most vessels do not carry observers.

Quotes from observer reports:

Trip 1:

"Crew have also become impatient with small blue sharks that come on board alive. Rather than try and unhook them one crew member stabs them to death, removes the hook then throws them back."

"One crew member told off for [unclear] unnecessarily [sic] stabbing sharks to death just to make getting hooks out easier."

"Just to clarify, all small BWS [blue sharks] are hauled on board and there [sic] jaws cut to free hook. There [sic] jaw appears to be hanging off. Observer doubts they will survive."

"Crew member who stabbed sharks needlessly is now swinging them by their tails and throwing them as high as he can."

Trip 2:

"All sharks discarded ~10% brought on board to kill then throw back. Every shark had jaw cut to get hook out."

Trip 3:

"'Animal cruelty act' Note on BWS discards. Crew have been hauling some smaller ones onboard to retrieve the hooks. The handling of these sharks is brutal as they stand on them and cut the jaws through to the gills and guts at times to get the hooks back then discard the dying body. No effort is made to kill them first."

Trip 4:

"The vessel lands on board all BWS and the crew kills them with a spinal cut and retrieves the hook. The skipper, [redacted], says that the owner [redacted] has ACE [annual catch entitlement] to cover these BWS which are then discarded."

"Vessel releases POS [Porbeagle sharks] (usually dead) small MAK [mako sharks] (under approx. 2 metres) and small STN [southern bluefin tuna] (under approx. 25kg). I am unsure if the vessel considers the BWS killed and discarded are 6th Sched. Releases or are covered by the vessels [sic] BWS ACE, I have placed them under 6th Sched. in my paperwork."

Trip 5:

"I heard the skipper, [redacted], tell a crew member that with the quota he leases, he is also allocated BWS quota. He was given the quota and told to use it by killing as many BWS as possible to reduce the population size."

Basically even if a BWS is alive the crew are enticed to kill it and return it to the sea.

Today all 8 dead BWS that were returned to the sea under Schedule 6 were killed deliberately and it was not necessary to do so."

What the National Plan of Action should achieve

The NPOA must:

- Require the live release of protected sharks and sharks that aren't wanted for food.
- Put in place a Zero Bycatch Goal with year-on-year reductions by 2025, aiming to reach negligible bycatch as soon as possible.
- Adopt a precautionary, ecosystem-based approach to managing shark fishing.
- Protect shark habitats, such as coastal nurseries/pupping grounds from pollution and damage.
- Commit to extending cameras to deepwater and highly migratory fisheries.

The Government has committed to greater marine protection, ecosystem-based fisheries management and a zero non-target mortality goal for fisheries in its national biodiversity strategy *Te Mana o Te Taiao*. The NPOA must realise these commitments.

The relationship of the National Plan of Action to Te Mana o te Taiao

There is a direct relationship between the NPOA-Sharks and Te Mana o te Taiao. The finalised plan of action should be explicit that, to the extent it is compatible with the relevant laws, the National Plan of Action is aimed at giving effect to Te Mana o te Taiao.

Te Mana o te Taiao aims to improve the protection and management of all biodiversity in New Zealand, including harvested marine resources. The strategy has specific marine-related objectives, and these objectives dovetail with much of the NPOA-Sharks.

Forest & Bird seeks that a table be included in the NPOA-Sharks that matches the objectives and actions of the NPOA-Sharks with the relevant objectives in *Te Mana o te Taiao* (including the 2025 and 2030 objectives) so that the public can see the relationship. Implementation of Te Mana o te Taiao is a key priority for the Government.

Regulation to maximise live release of sharks

The NPOA-Sharks should result in the adoption of regulations to outlaw the unnecessary killing and discarding of sharks. This could be achieved through a regulation that requires:

- The trace to be cut on long-line vessels where sharks have a reasonable chance of survival and are not wanted for harvest or are protected;
- A general requirement to do no further harm to sharks that are caught but are protected or not wanted for harvest; and
- A general requirement for live release of sharks where they are unwanted for harvest or protected and have a reasonable chance of survival.

Cameras and observers on boats

Putting cameras and government observers on commercial fishing boats is necessary to ensure that fishers implement the NPOA-Sharks. It is from observers on fishing vessels that we know that some fishers are killing, maiming and discarding sharks because they view sharks as pests and because they want to retrieve \$1 fishing hooks.

The Government is currently putting cameras on most fishing vessels that operate within 12 nautical miles of shore (inshore fishing fleet) using a staged approach. This needs to be extended to all fishing in New Zealand's wider exclusive economic zone (EEZ) out to 200 nautical miles and anywhere that long-line fishing vessels catch ocean-going sharks like mako, blue and porbeagle sharks.

Forest & Bird asks that the Government commits to extending the programme of cameras on boats to ensure that all commercial fishing vessels under New Zealand jurisdiction, including the highly migratory fisheries and deepwater fisheries, have either cameras or government observers.

Comments on specific objectives and actions in the NPOA Sharks

Section A: Managing the effects of fishing - goals enabled by the Fisheries Act 1996

1. Maintain the biodiversity and long-term population viability of New Zealand shark populations taking into account their role in marine ecosystems.

Support. *This objective is critical to the purpose of the NPOA. It is important to protect the genetic diversity of sharks, which means taking into account local and sub-populations of sharks and progressively moving to more localised management of inshore and non-pelagic sharks. It is important that the objective retains a requirement to take into account the role of sharks in marine ecosystems because they play a keystone role.*

Objective 1.1 Further develop and implement a risk assessment framework to identify the nature and extent of risks to shark species and populations and their functional role within the ecosystem, and support prioritisation of research and management actions.

Support. *There is presently insufficient information on sharks and the threats to them and this makes it hard to prioritise action to protect them.*

Objective 1.2 Systematically review shark management categories, New Zealand threat classifications and protection status to ensure they are appropriate to the risks facing individual shark species whilst incorporating mātauranga Māori.

Support. *It is important to ensure that all shark species are given the appropriate threat classification to enable effort and resources to be prioritised towards sharks that are at risk and to inform decision making in relation to sharks.*

Objective 1.3 Identify and conserve sites of significance for maintaining the long-term viability and diversity of shark populations.

Support. *The Fisheries Act requires the Government to protect habitats of importance for sharks and there are wider obligations under the Wildlife Act, Marine Reserves Act and the Resource Management Act to protect sharks and their habitats. This work has largely not been done and so delivering on this objective would make significant progress in improving marine management and fully implementing the Fisheries Act.*

Objective 1.4 Taking an ecosystem approach to fisheries management, catch limits for QMS stocks are set appropriately in relation to the maximum sustainable yield (MSY) or accepted management targets and reference points.

Support. *The full objective needs to be retained so that it refers to accepted management targets and reference points. This is because in order to ensure that shark populations can fulfil their ecological functions decision makers may need to consider whether catch limits need to be reduced below those that would deliver MSY so that shark populations are higher than the minimum necessary to maximise harvesting rates.*

Objective 1.5 Mortality of protected sharks from fishing is at or below a level that allows for their long-term viability.

Amend. *The present objective is insufficient as protected shark populations should be as close as possible to natural levels, rather than the bare minimum required to prevent complete extinction. A “level that allows for their long-term viability” may not be sufficient to ensure long-term viability, especially given*

that there is still a lack of science on shark ecology and the marine environment is subject to significant stresses with unpredictable outcomes. Amend to “Mortality of protected sharks from fishing is at or below a level that ensures their long-term viability and is as close as practicable to natural levels.”

2. Encourage the legal full utilisation of retained sharks that are brought on-board dead and maintain the prohibition on shark finning in New Zealand.

Objective 2.1 Ensure no shark finning is occurring in New Zealand fisheries through ongoing compliance monitoring and enforcement.

Support. *Forest & Bird was a key part of the alliance that secured a ban on shark finning as a result of the previous NPOA. The introduction of cameras onto inshore fishing vessels will provide an opportunity to ensure any last remaining non-compliance in the inshore fisheries will be addressed, however once the inshore roll-out is complete cameras will need to be extended to the deepwater and highly migratory species fisheries.*

Objective 2.2 Promote full utilisation of landed shark products, excluding shark fins, by promoting research into new products and markets.

Neutral. *Care will need to be taken to ensure that work to develop new products and markets does not result in markets for undersized fish or create increased pressure on vulnerable stocks.*

3. Encourage behaviour to avoid unwanted shark catch, focusing on protected species in the first instance, and maximising live release when unavoidable catch occurs.

Support *Fishers should only catch food wherever possible and avoid catching sharks that are not wanted as food or are protected. Where catching sharks is unavoidable, they should be released alive as frequently as possible.*

Objective 3.1 Promote behaviour to avoid catching protected and unwanted shark species in all New Zealand commercial fisheries.

Support. *Fishers should only catch food wherever possible and avoid catching sharks that are not wanted as food or are protected. Where catching sharks is unavoidable, they should be released alive as frequently as possible.*

Objective 3.2 Promote behaviour to avoid catching protected and unwanted sharks in all New Zealand non-commercial fisheries.

Support. *Fishers should only catch food wherever possible and avoid catching sharks that are not wanted as food or are protected. Where catching sharks is unavoidable, they should be released alive as frequently as possible.*

Objective 3.3 Maximise live release and minimise harm to protected and unwanted shark species in all New Zealand commercial fisheries.

Amend. *The intent of the objective is supported, but the objective needs strengthening. Add the words “Regulate to” in front of “maximise live release and minimise harm.” The reasons for this are that voluntary measures alone are unlikely to be sufficient given that there are significant attitudinal issues towards sharks amongst some fishers. Present regulations allow the killing and discarding of*

unharvested blue, mako and porbeagle sharks and approximately 161 tonnes are killed and discarded every year. The regulations need amending to require live release of sharks and to prohibit causing further harm to sharks that have been caught, are alive, not wanted for harvest and could be released alive.

Objective 3.4 Encourage compliance with regulations and promote best practice behaviour to minimise harm and maximise live release of protected and unwanted shark species in all New Zealand non-commercial fisheries.

Support. *Recreational fishers should also do their best to reduce unwanted shark captures and mortality.*

Section B: Goals enabled by legislation other than the Fisheries Act 1996

4. Anthropogenic effects other than direct fisheries impacts are not adversely affecting the viability of New Zealand shark populations.

Objective 4.1 Significant and sensitive shark habitats within the Territorial Sea and EEZ are protected through statutory planning and consenting processes.

Support.

Objective 4.2 Adverse effects of marine debris on sharks are minimised.

Support.

Objective 4.3 Biosecurity measures consider the impact of harmful pests and diseases on shark species and are consistent with Biosecurity New Zealand Import Health Standards.

Support.

Objective 4.4 The potential effects of global climate change and ocean acidification on sharks in New Zealand waters are understood and considered in planning and consent processes.

Support.

Section C: Cross-cutting and overarching goals

5. Fisheries New Zealand and the Department of Conservation will continue their engagement with Māori as the Treaty Partner, to ensure that Māori aspirations regarding utilisation and/or protection of shark taonga and aspects of mātauranga Māori are incorporated into the management of sharks.

Objective 5.1 Engagements with Māori will capture the social and cultural significance of sharks to Māori, their perspectives on methods for the sustainable utilisation, and management practices and aspects of mātauranga Māori relating to sharks as taonga species.

Support.

Objective 5.2 Agencies will continue to work with Māori to provide opportunities for input and participation in the development of communication and information sharing strategies that promote the conservation and sustainable management of shark populations.

Support.

6. New Zealand engages internationally to promote the conservation and management of sharks, including through enhanced monitoring, data collection and information sharing.

Objective 6.1 New Zealand advocates internationally for the development, adoption, implementation, and improvement of best-practice shark conservation and management measures.

Support. *Noting that this has to be matched by the implementation of best practice shark conservation and management measures in New Zealand.*

Objective 6.2 New Zealand works to build regional capacity and capability for the conservation and management of sharks.

Support. *Noting that this has to be matched by the implementation of best practice shark conservation and management measures in New Zealand.*

Objective 6.3 New Zealand proactively contributes to and advocates for enhanced monitoring, improved data collection and information sharing of commercial catches and incidental bycatch of protected and unwanted sharks within relevant Regional Fisheries Management Organisations (RFMOs) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Research, Data and Information

Support. *Noting that this has to be matched by the implementation of best practice shark conservation and management measures in New Zealand.*

7. Continuously improve the data available to conserve sharks and manage fisheries that impact on sharks, with prioritisation guided by the Spatially Explicit Fisheries Risk Assessment (SEFRA) framework and conservation threat status.

Objective 7.1 Ensure adequate monitoring and data collection for all sectors (including commercial, recreational, and customary fishers and non-extractive users) to inform management of shark populations.

Support. *Noting that this will require new funds for Vote Fisheries and Vote Conservation.*

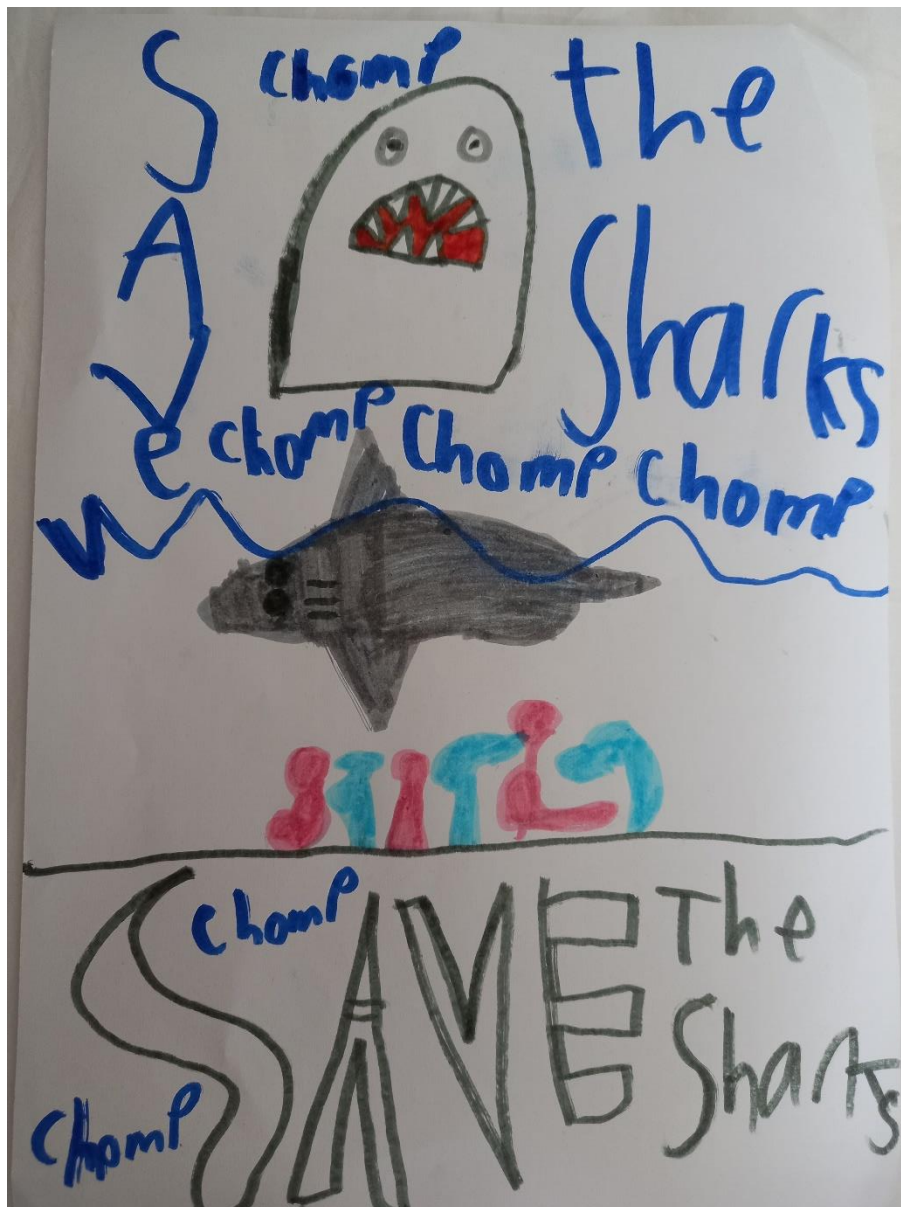
Objective 7.2 Undertake a research programme to increase understanding of shark populations (e.g., biology, stock status, functional role within ecosystems, non-fishing anthropogenic impacts and habitats of particular significance).

Support. *Noting that this will require new funds for Vote Fisheries and Vote Conservation.*

Appendix:

#SaveSharks art by members of the Kiwi Conservation Club





Louis (age 10) "People think sharks are bad but they're not. 100 million sharks are killed each year and only 6 people per year die from shark attacks."



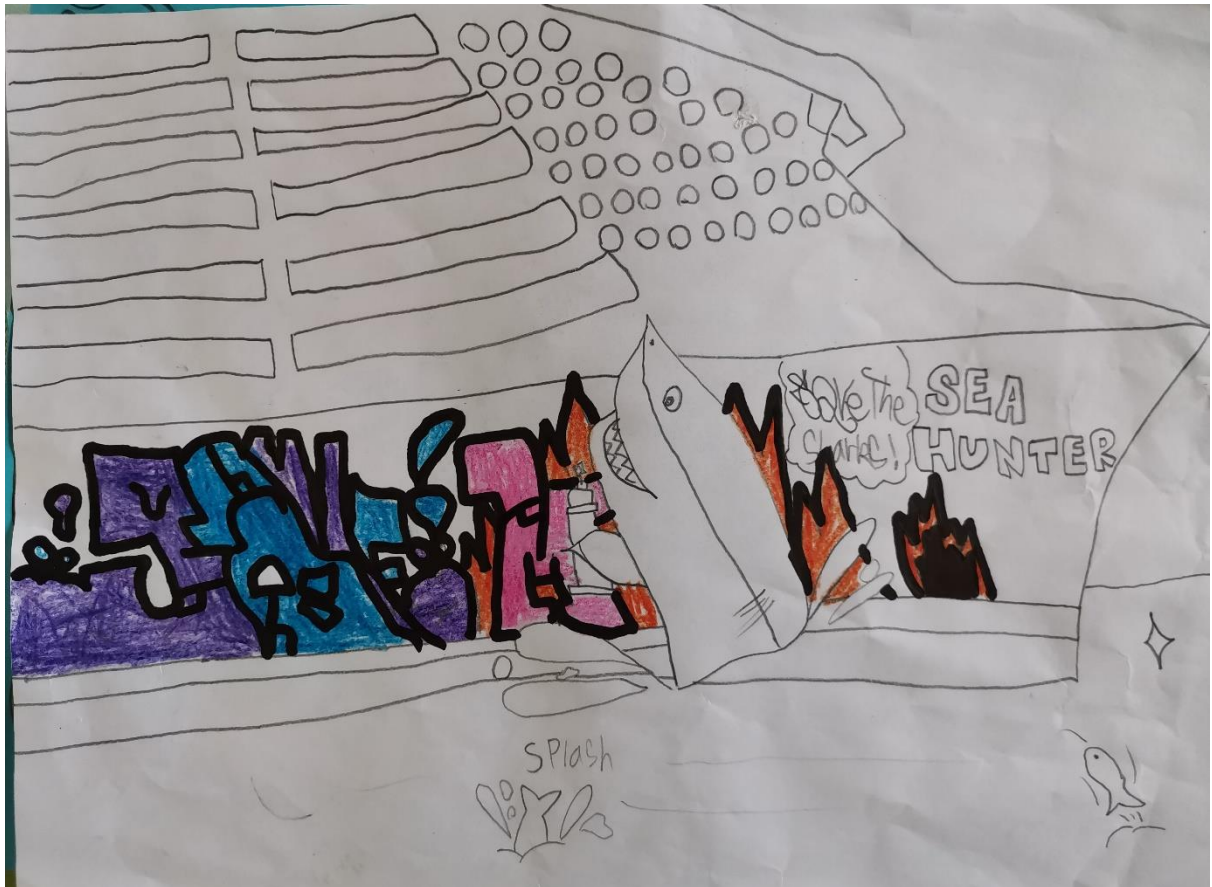
Bill (age 9) from Kāpiti gives fishermen who harm sharks a thumbs down.



Waitaria Bay School



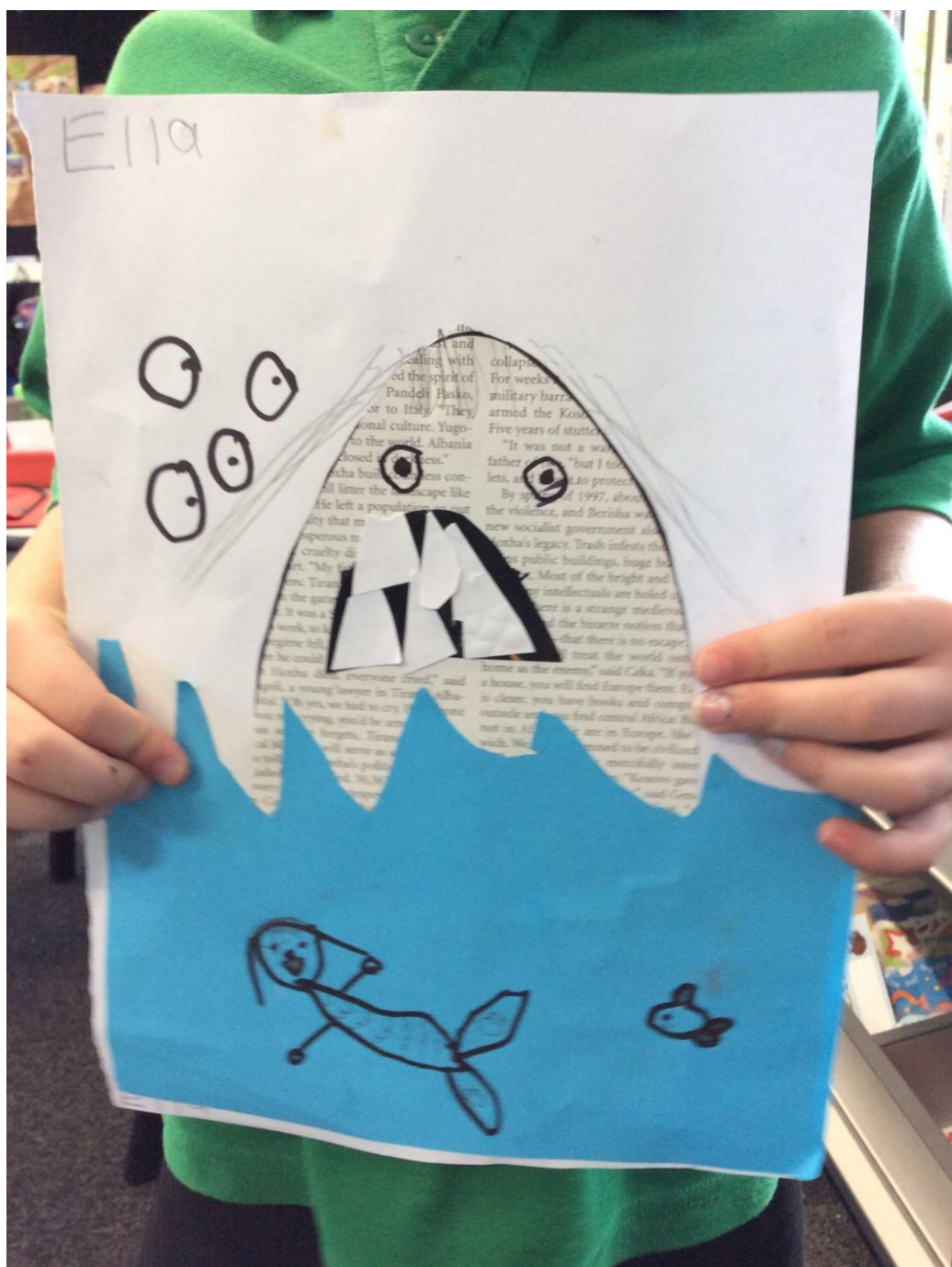
New Entrant Class at Aidanfield Christian School



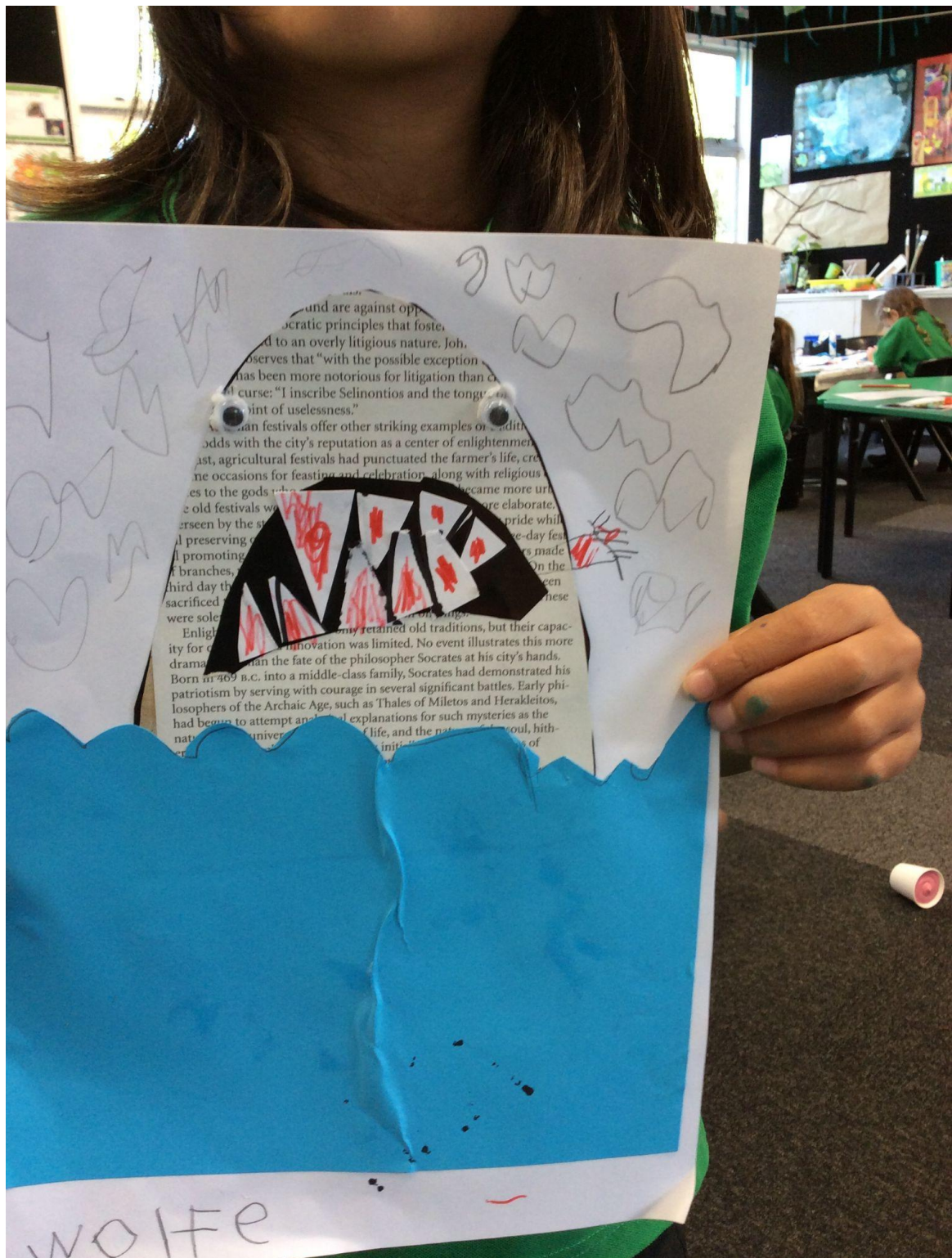
Waitaria Bay School



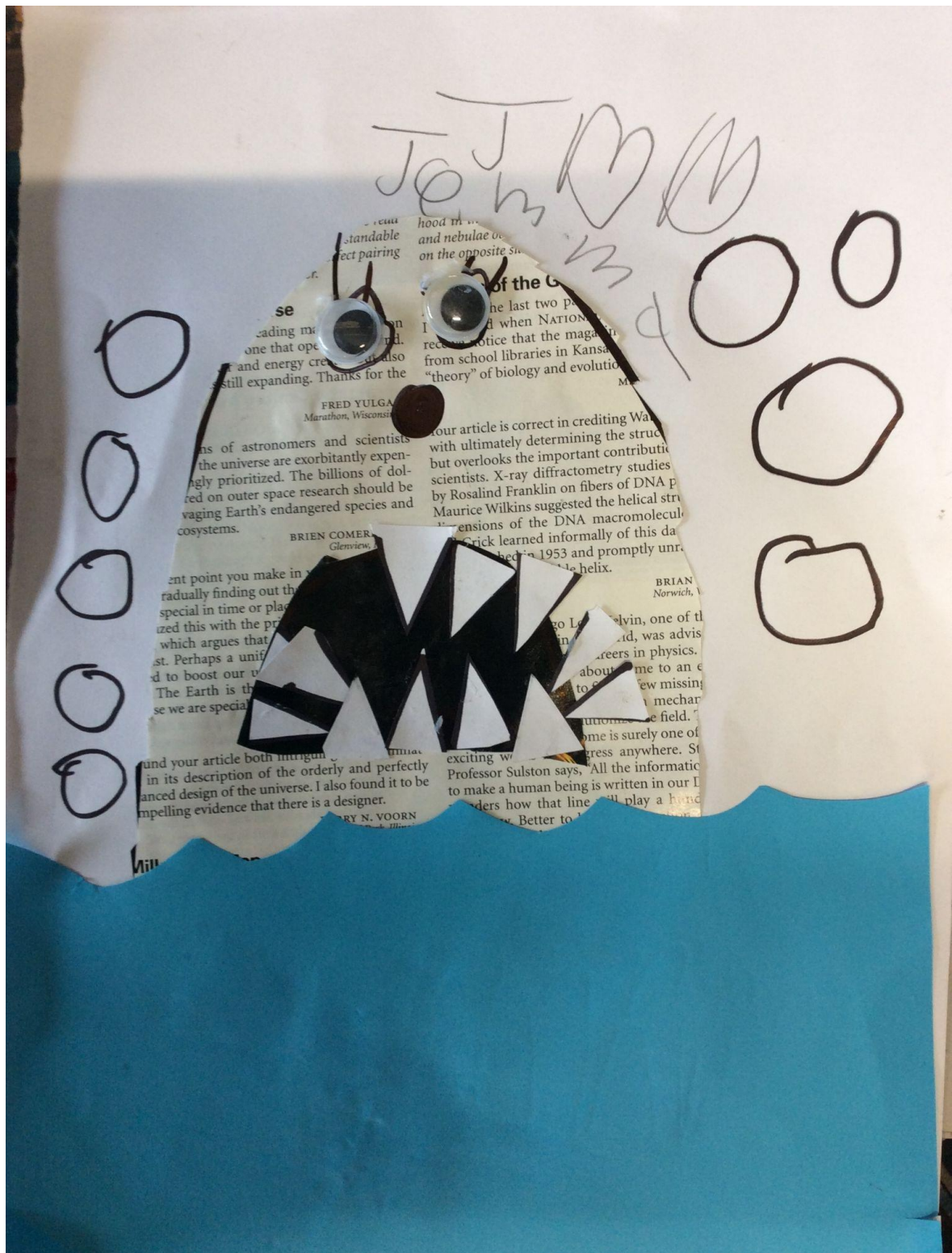
Years 4-6 at St Brendan's (Upper Hutt)



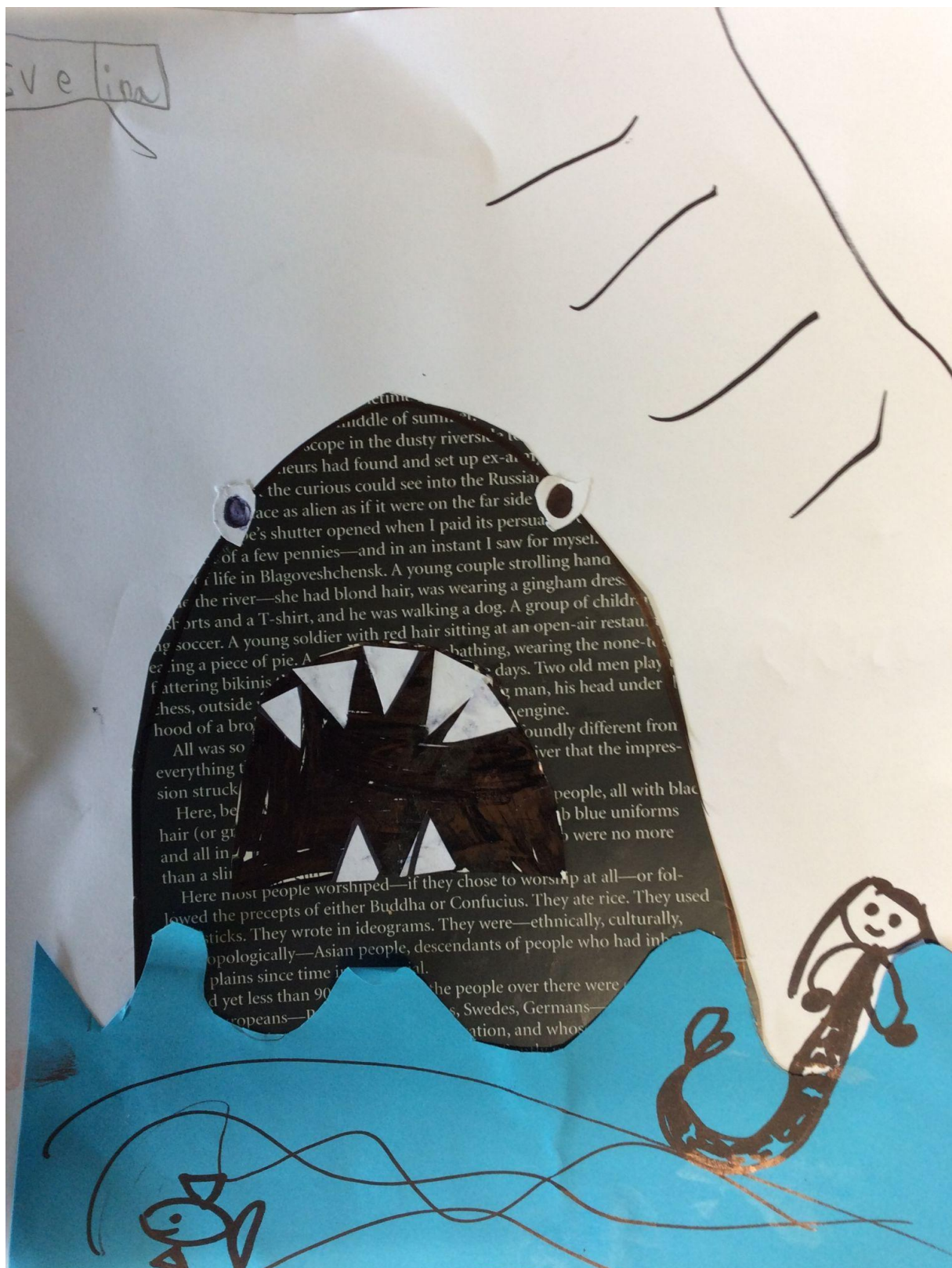
By Room 38 (Year 1) at Silverdale School



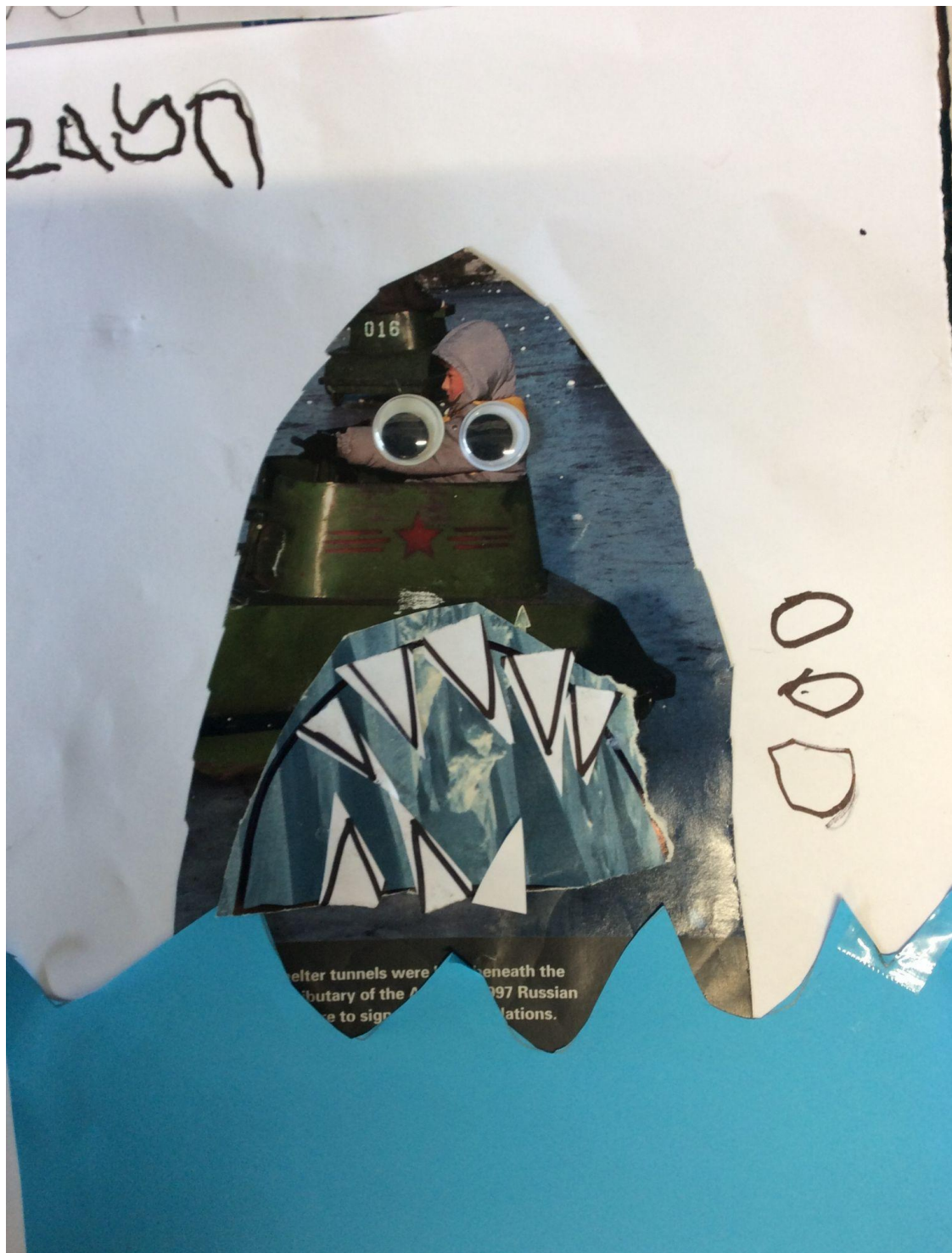
By Room 38 (Year 1) at Silverdale School



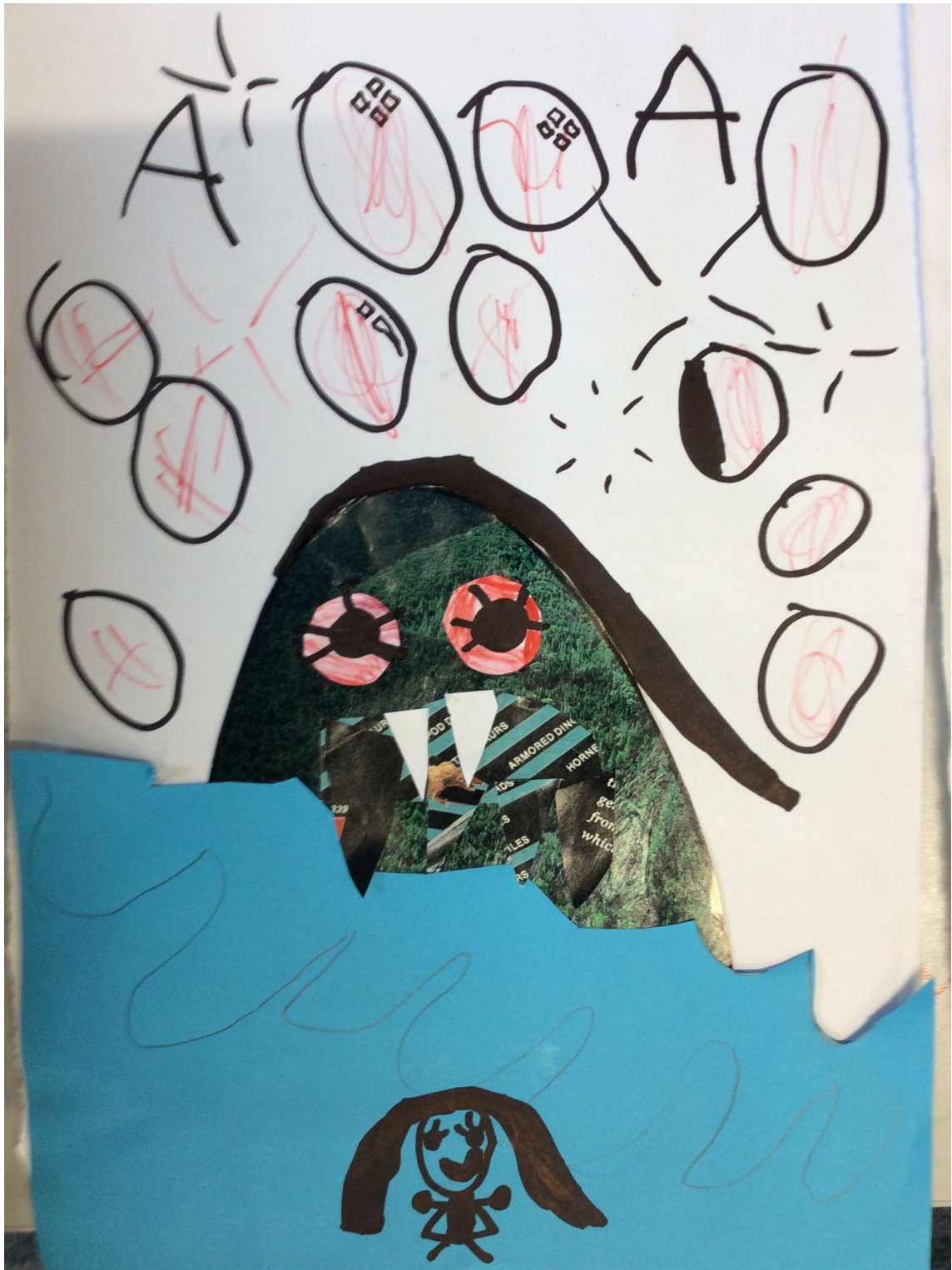
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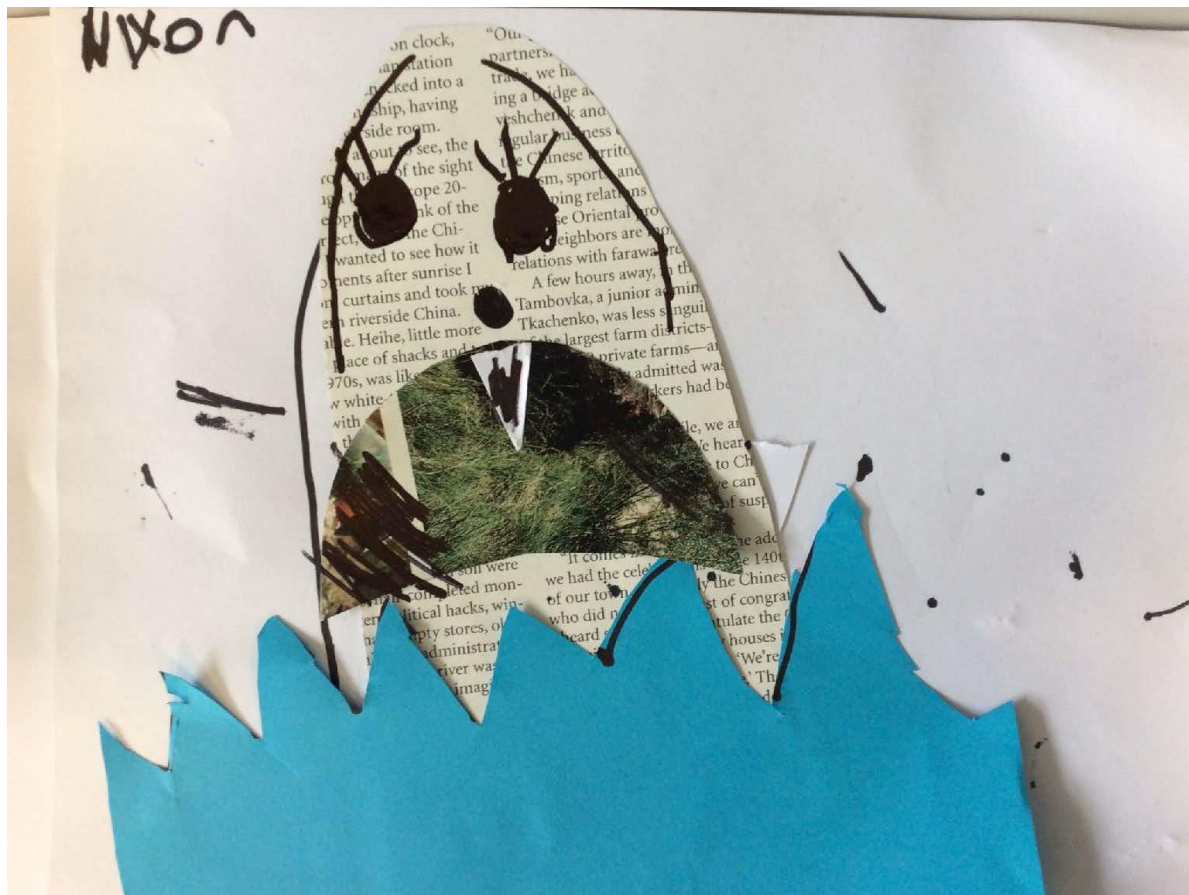
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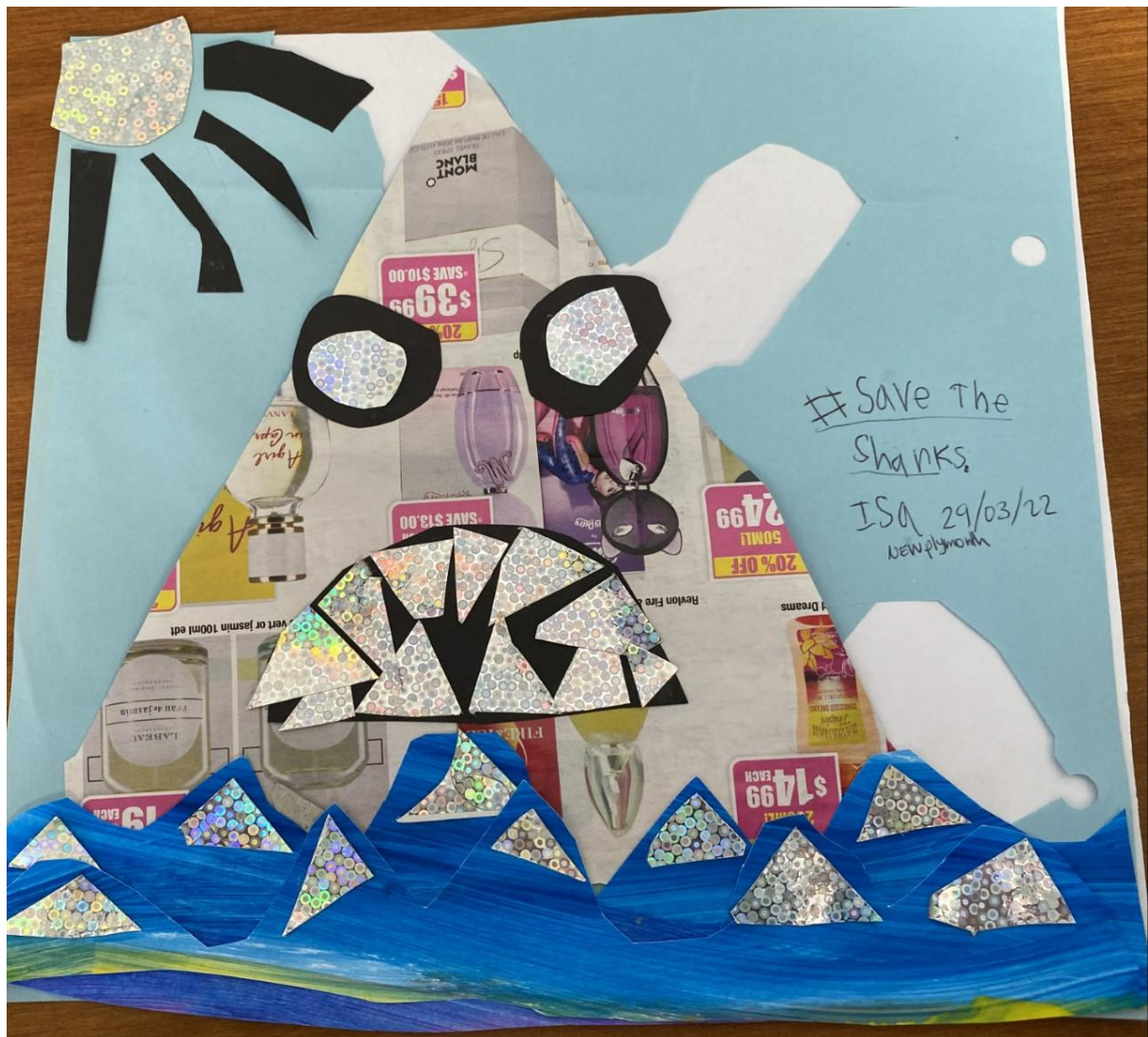
By Room 38 (Year 1) at Silverdale School



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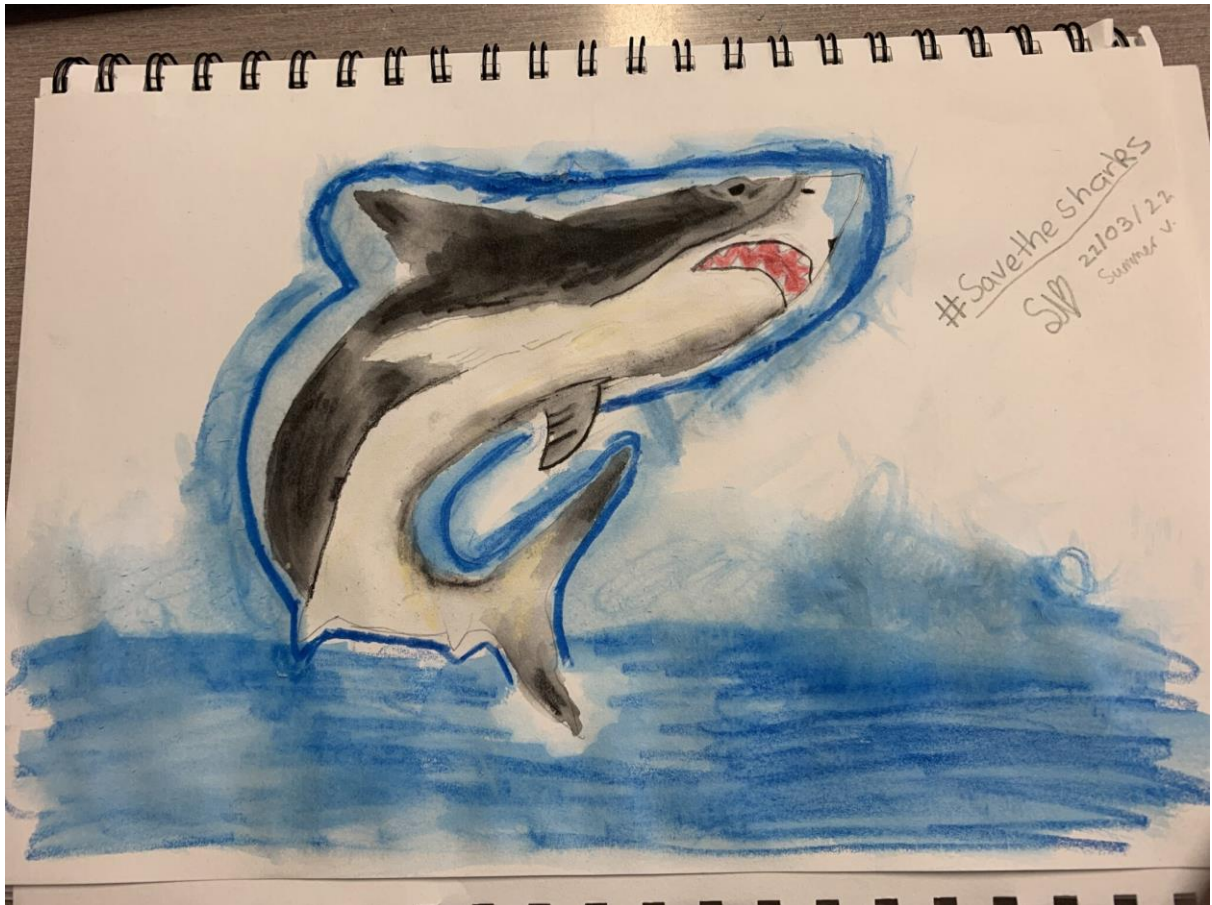
By Room 38 (Year 1) at Silverdale School



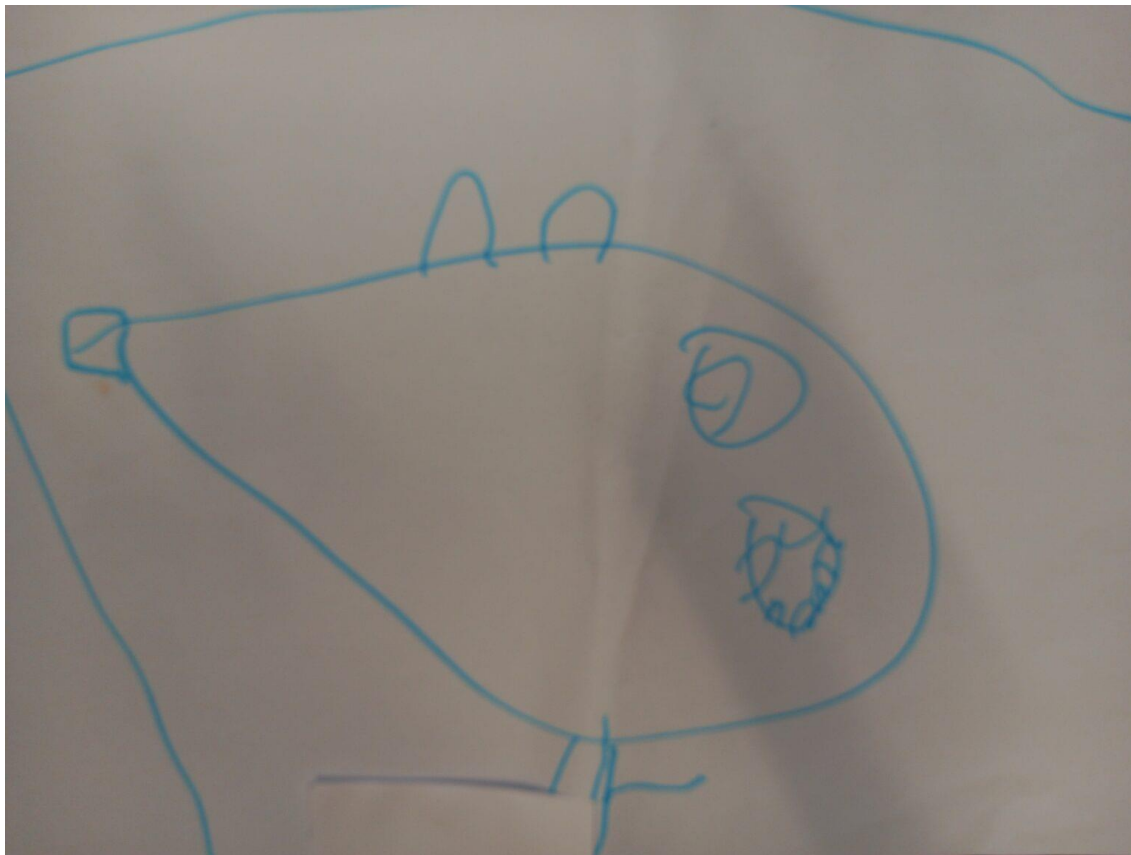
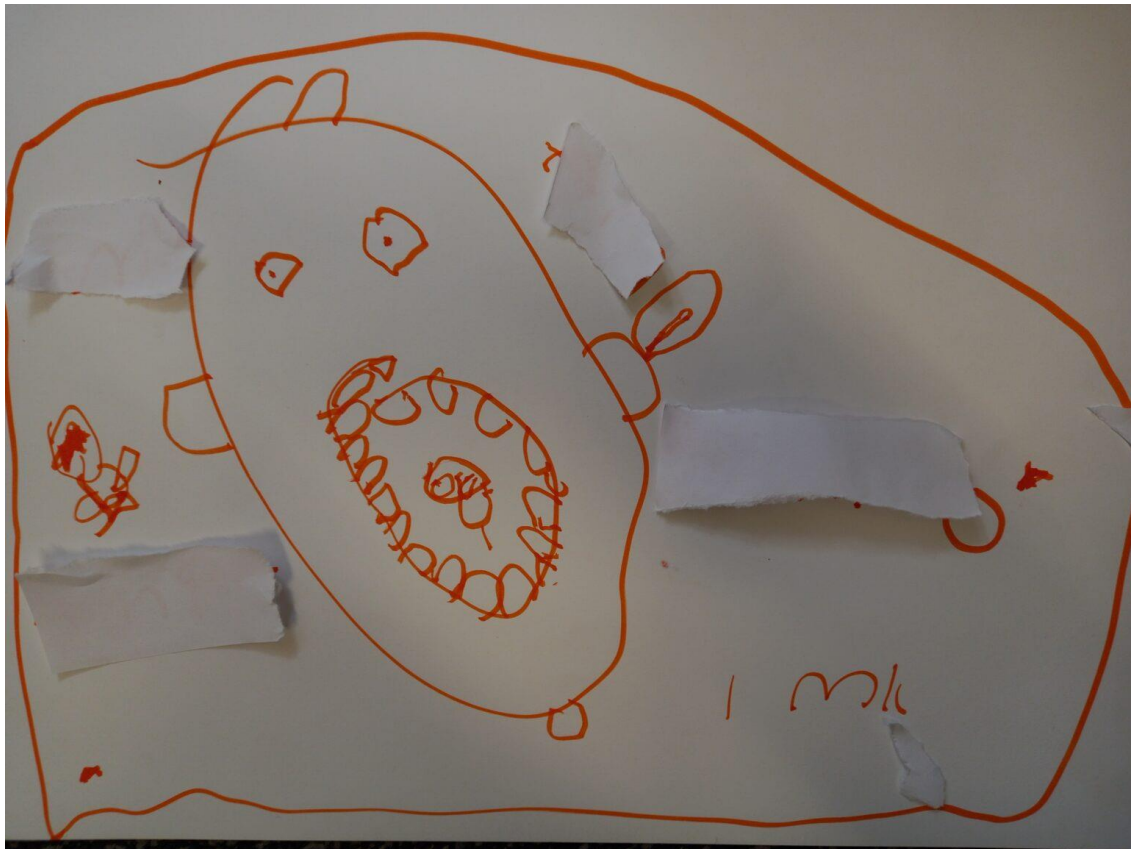
Isabella (age 8)

Ella's shark for #savesharks
@kiwiconservationclub

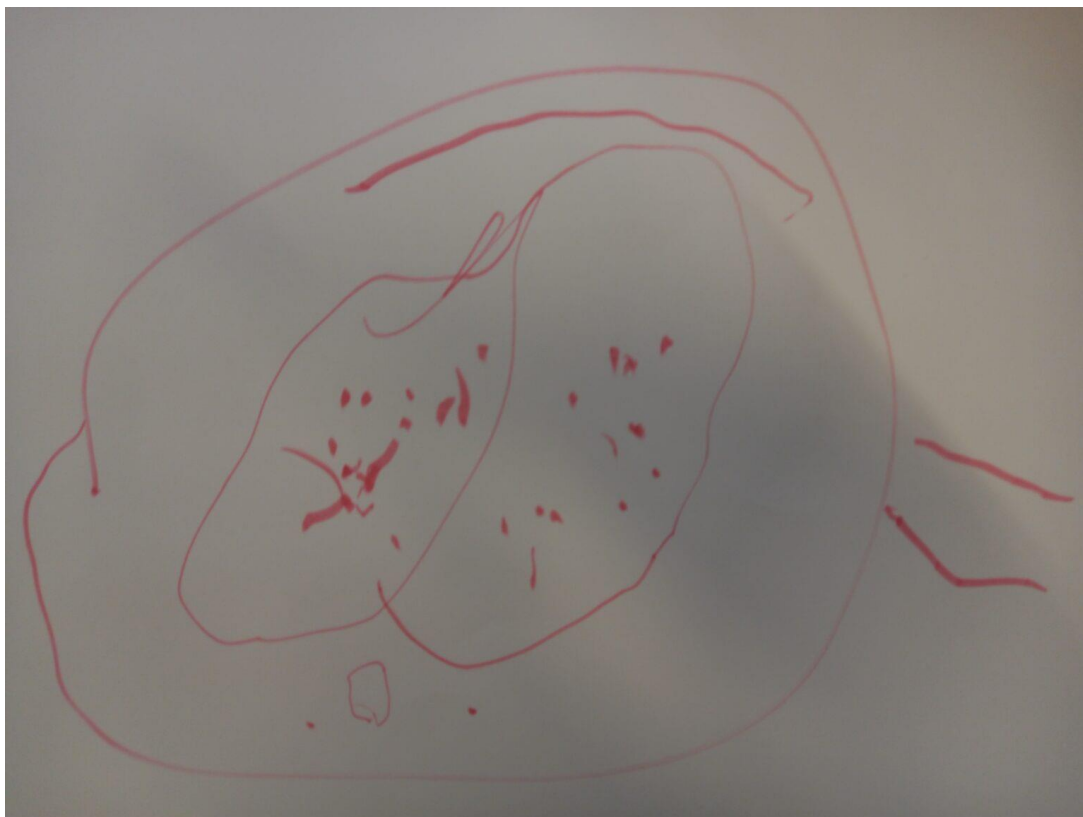




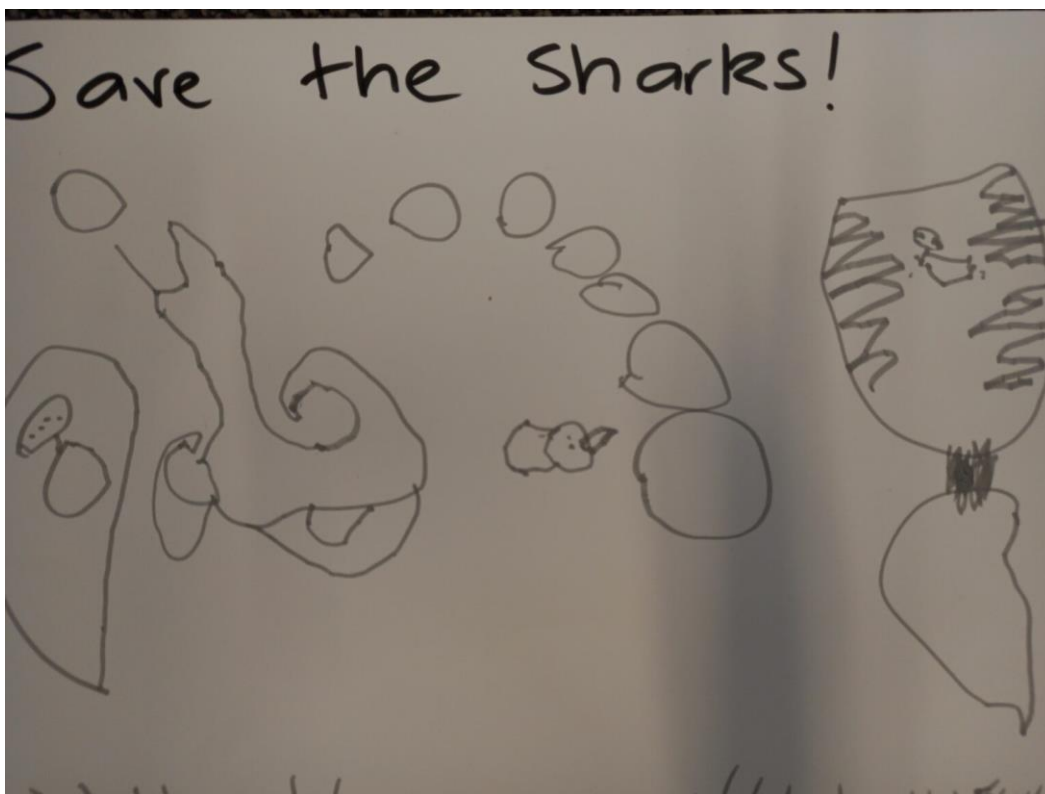
Summer (Year 9)



Moriah Kindergarten in Wellington



Moriah Kindergarten in Wellington



Moriah Kindergarten in Wellington



Kaimai School



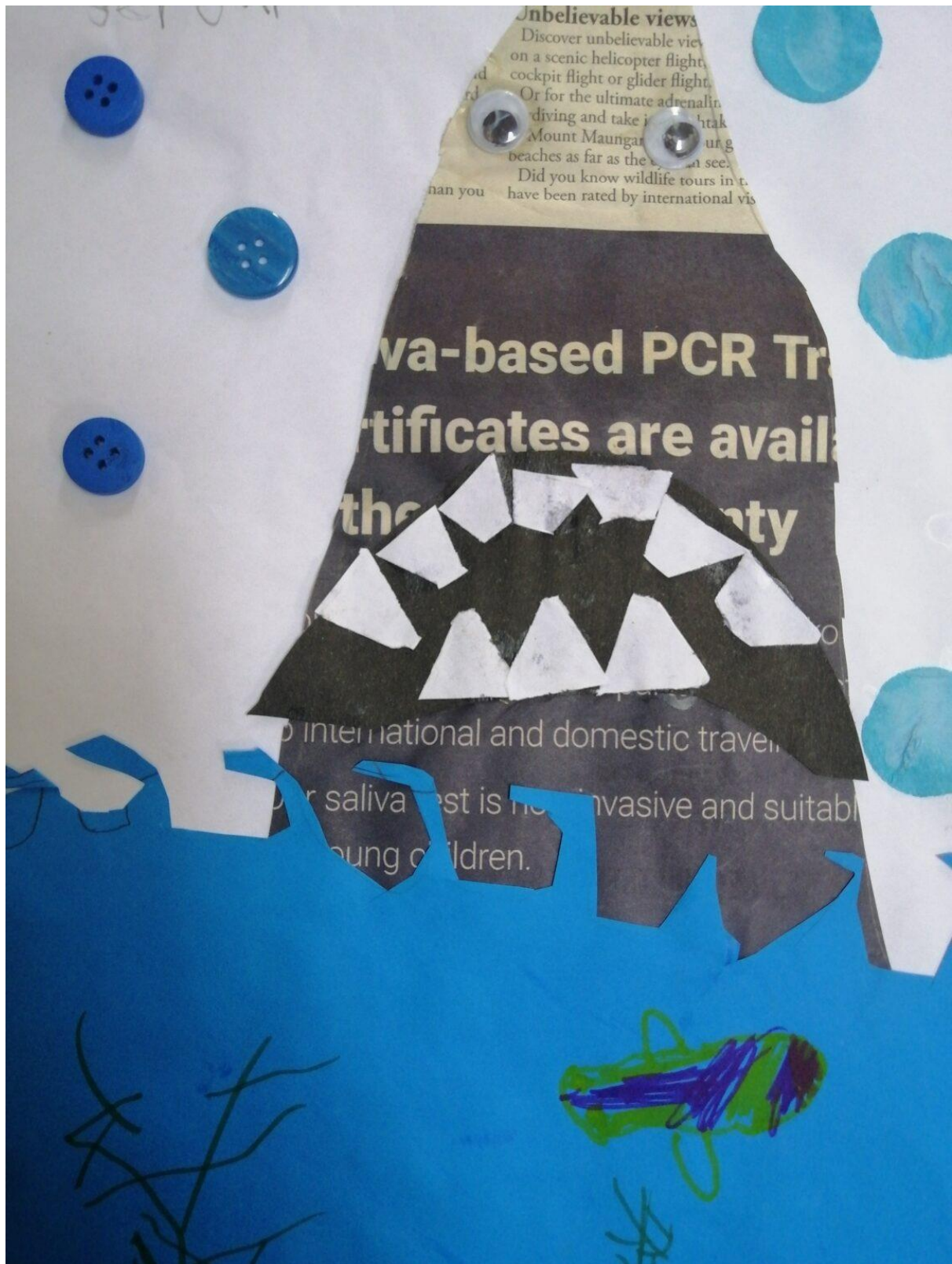
Kaimai School



Kaimai School



Kaimai School



Kaimai School



Kaimai School



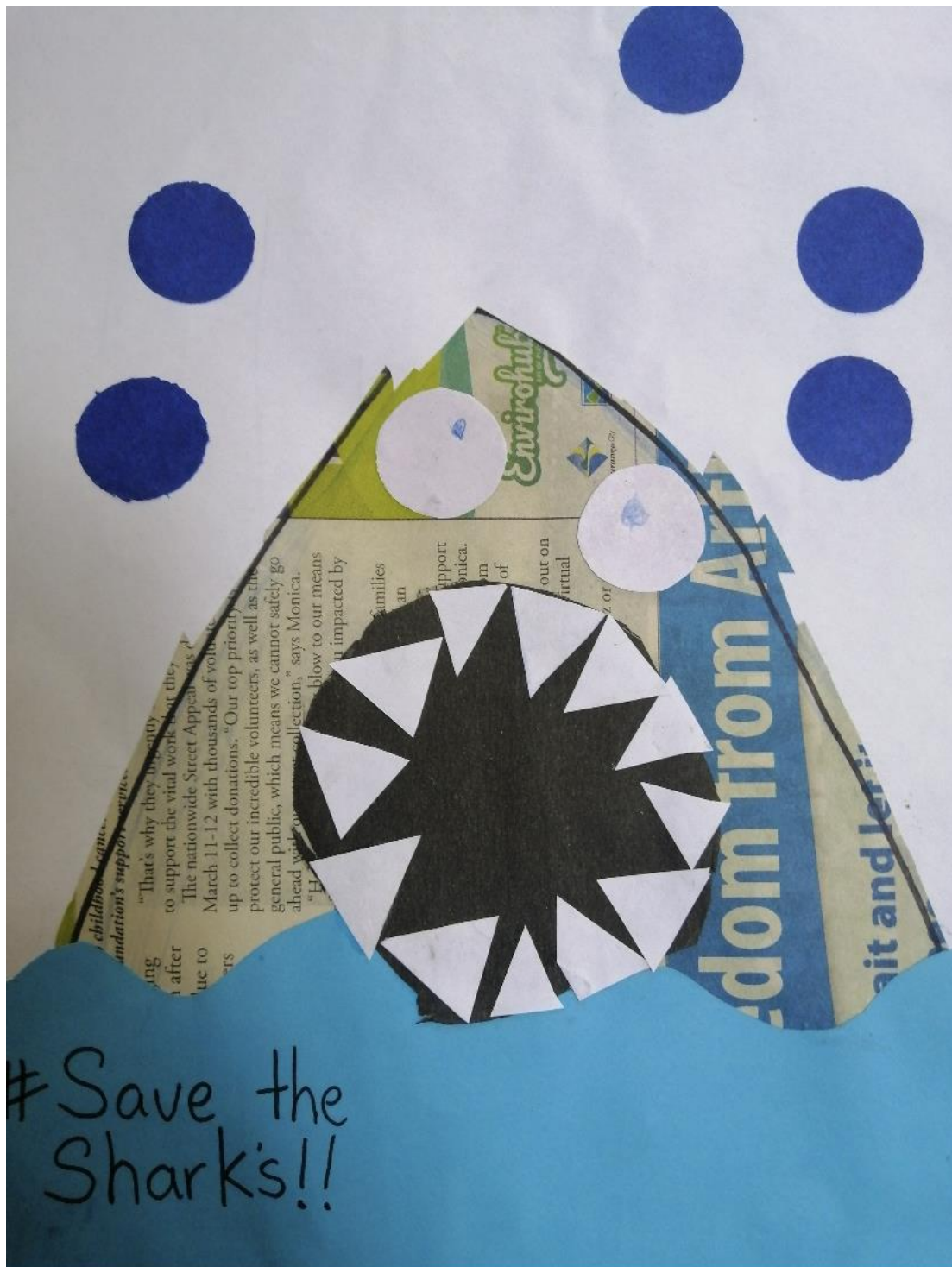
Kaimai School



Kaimai School



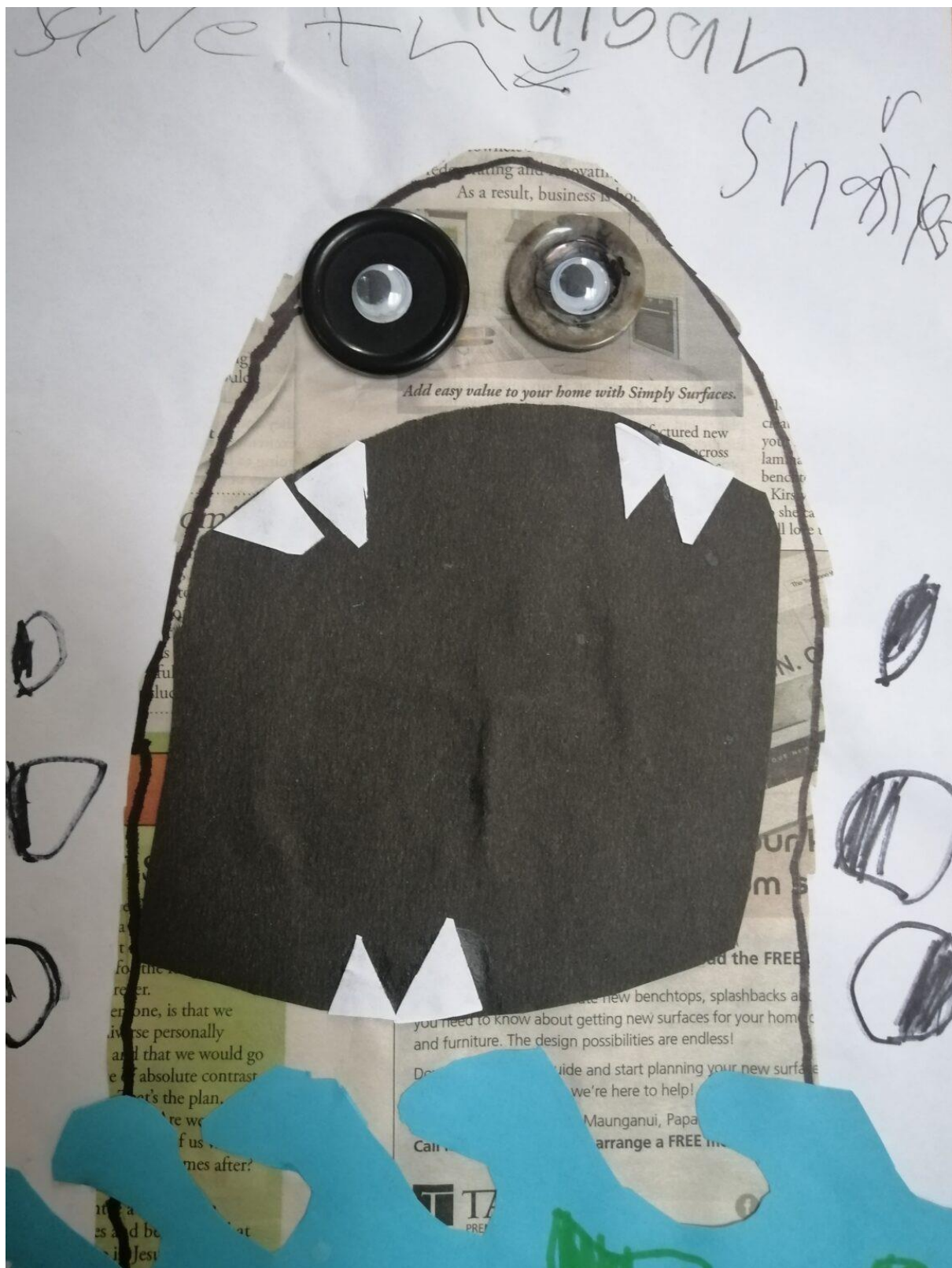
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Kaimai School



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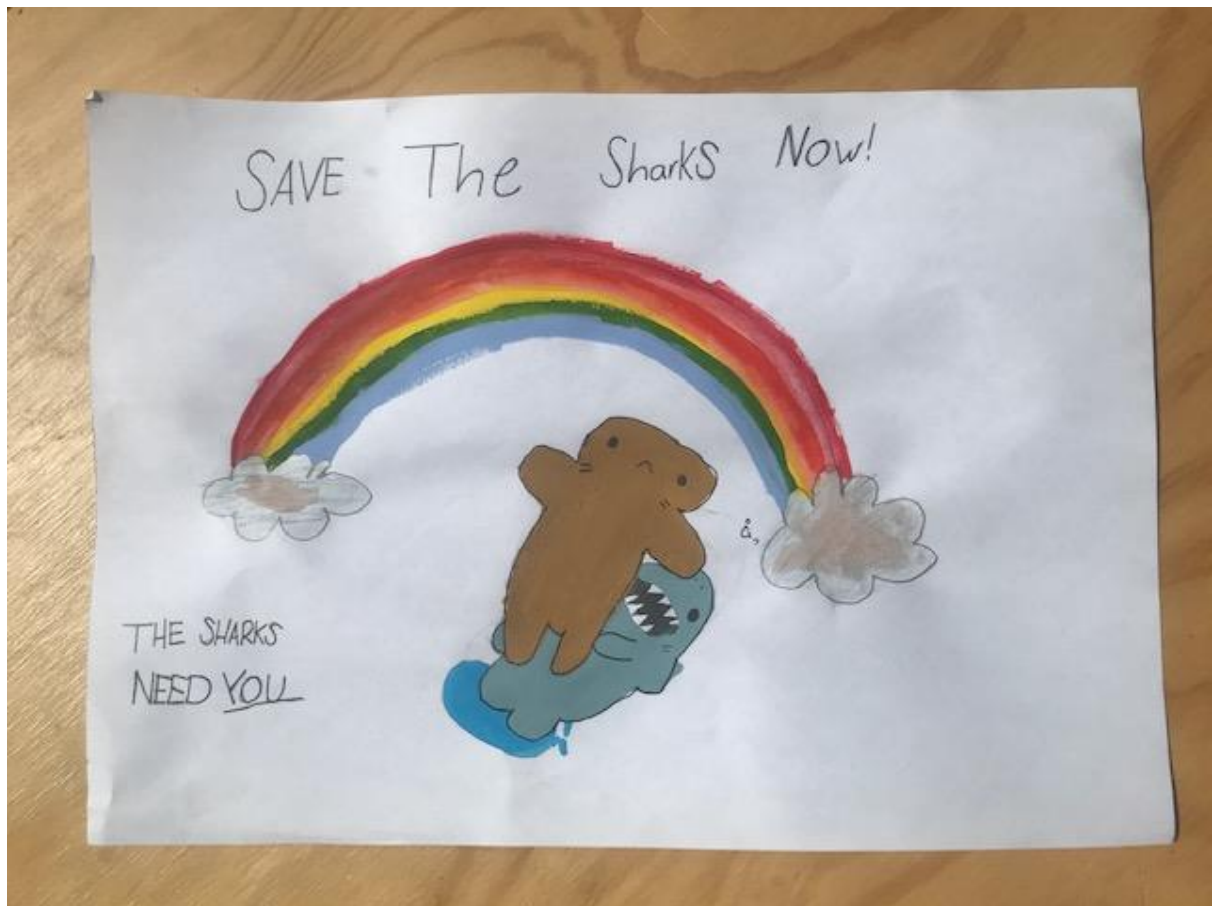
Kaimai School



Kaimai School



Jagger (age 6)

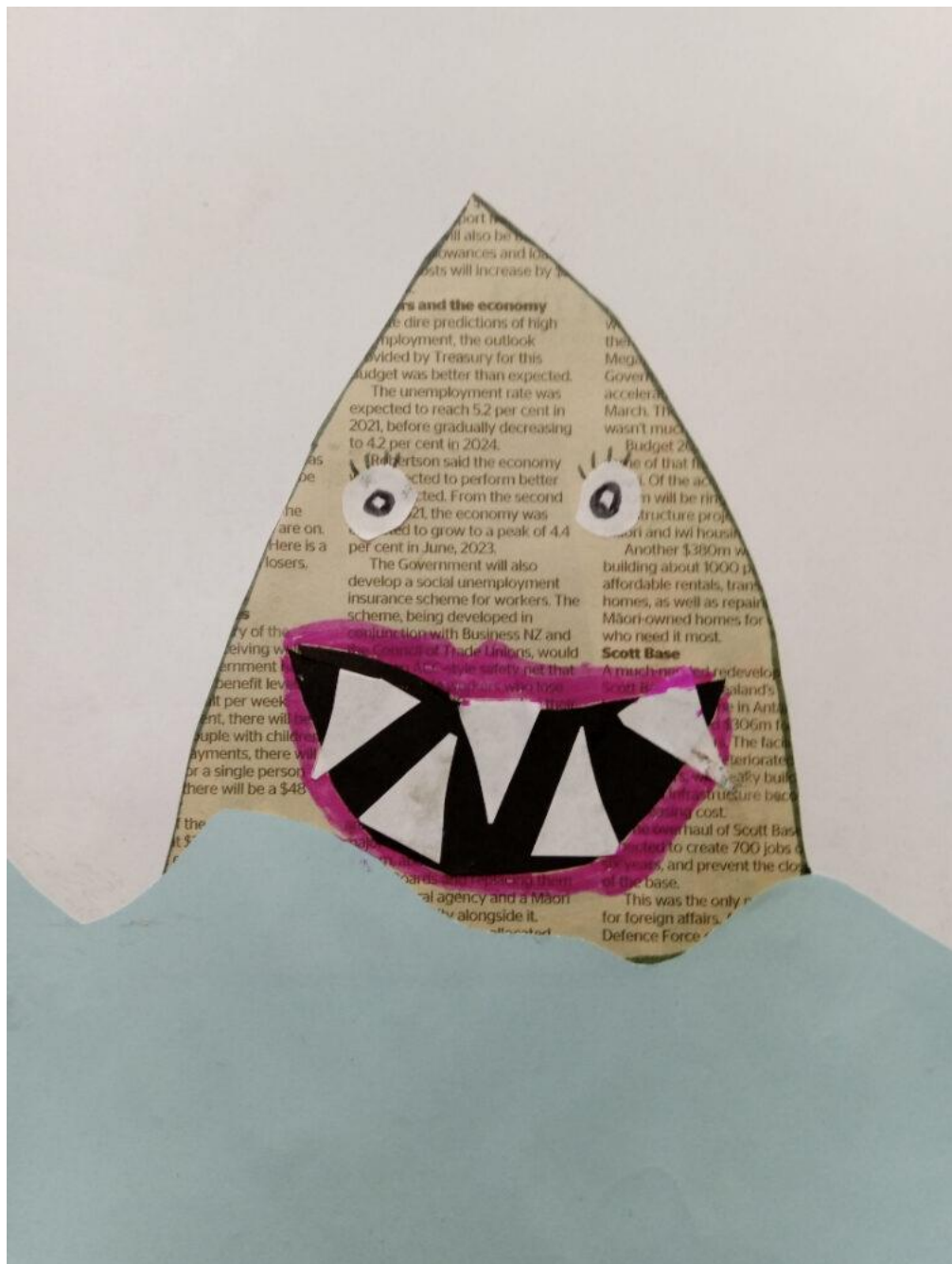


Lily (age 10)



By Conor

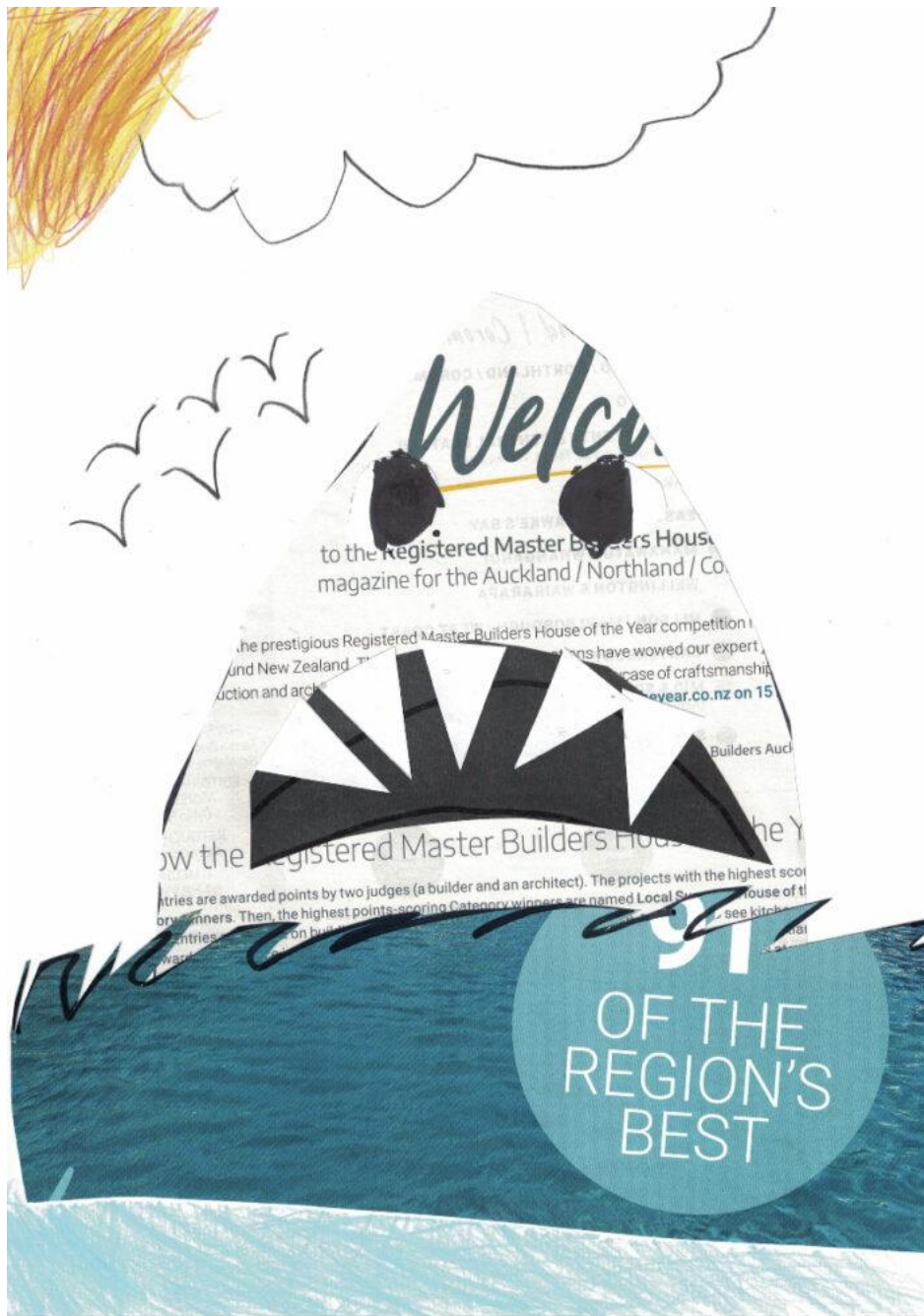
"I made the shark have some red teeth, as it has just eaten and they have blood on them. It also has a white tip on its nose. Save the Sharks!"



Kahu (age 8)



Ahika (age 5)



Lawrence's shark, who jumped out of the water because a giant whale was scaring him.