

3 August 2012

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INITIAL POSITION PAPER ON SUSTAINABILITY AND MANAGEMENT MEASURES FOR HIGHLY MIGRATORY SPECIES

Introduction

1. Te Ohu Kaimoana Trustee Limited (Te Ohu) welcomes the opportunity to submit on the Ministry for Primary Industries' (MPIs) Initial Position Paper (IPP) on Highly Migratory Species (HMS) dated 29 June 2012.
 2. The purpose of Te Ohu is to advance the interests of iwi individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities. Amongst other things, this purpose is intended to:
 - a. ultimately benefit the members of iwi and Maori generally
 - b. assist the Crown to discharge its obligations under the 1992 Fisheries Deed of Settlement and the Treaty of Waitangi and
 - c. contribute to the achievement of an enduring settlement of the claims and grievances referred to in the 1992 Fisheries Deed of Settlement.
 3. Our principle concern is that fish-stocks are managed in a sustainable manner in order to provide ongoing and sustainable benefits for Iwi/Maori, New Zealand fishers and other international players in the context of HMS.
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Summary of this Submission

4. HMS are a unique challenge for fisheries management because they do not stay within New Zealand fisheries waters and therefore require international cooperation to ensure their sustainability. Te Ohu supports New Zealand delegations being involved in the Regional Fisheries Management Organisations (RFMOs) to protect New Zealand interests in an equitable manner.
5. Te Ohu Kaimoana recommends for the 2012/13 fishing year that:
 - 1) In relation to Southern Bluefin Tuna (STN1) the Total Allowable Catch (TAC) be set to 830 tonnes with provision for the following allowances/allocations within the TAC:
 - i. 1 tonne for customary fishing
 - ii. 8 tonne for recreational fishing
 - iii. 4 tonne for other sources of fishing related mortality and
 - iv. 817 tonne for commercial fishing.
 - 2) In relation to Shortfin Mako Sharks (MAK1) the TAC be reduced to 276 tonnes with provision for the following allowances/allocations within the TAC:
 - i. 10 tonne for customary fishing
 - ii. 30 tonne for recreational fishing
 - iii. 36 tonne for other sources of fishing related mortality and
 - iv. 200 tonne for commercial fishing.
 - 3) In relation to Porbeagle Shark (POS1) the TAC be reduced to 129 tonnes with provision for the following allowances/allocations within the TAC:
 - i. 2 tonne for customary fishing
 - ii. 6 tonne for recreational fishing
 - iii. 11 tonne for other sources of mortality and
 - iv. 110 tonne for commercial fishing.

We are happy to discuss any questions that you may have in relation to this submission.

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Management options for Southern Bluefin Tuna (STN1) for 2012/13

What is the issue?

6. The Convention for the Conservation of Southern Bluefin Tuna (CCSBT) agreed in 2009 and then reconfirmed in 2011:
 - a. A management procedure to increase the spawning stock biomass to 20% of its unfished level by 2035 (with a 70% probability)
 - b. That New Zealand's allocations over a "three year block" will be set at 800 tonne for 2012, 830 tonne at 2013 and 909 tonne at 2014 with a scientific review in 2013 before setting the final allocation for 2014 and
 - c. To provide for a carry-forward of up to 20% of under-fished annual national allocations within three year blocks.

MPI Proposals

7. That the TAC is based on CCSBT decisions and allocations among sectors are included within that amount for the 2012/13 fishing year.

Options	TAC	Customary	Recreational	Other	Commercial
Effective Status quo	800t	1t	8t	4t	787t
MPI proposed option	830t	1t	8t	4t	817t ¹

8. MPI also propose to reinstate domestic provisions for 10% carry-forward of unfished ACE which is discussed further below.

Key Issues for Consideration

Sustainability of the Stock

9. While historically there has been a recorded decline in spawning stock biomass to levels below 5% this concern has been addressed by CCSBT through the development of a management procedure.
10. As stated by MPI at paragraph 23 of the IPP *"The key feature of the management procedure is that it responds adaptively to a range of signals from the fishery; when information indicates fish are more abundant, it allows more catch to be taken, but when signals from the fishery are poor, the procedure is precautionary and acts to limit catches."*
11. Te Ohu is comfortable from recently reported signs in the fishery that the rebuild target is on track. These include increased New Zealand and Japan catch rates along with positive indications from Australian aerial sightings of juvenile southern bluefin tuna.

¹ This represents the TACC as opposed to additional ACE which is included in the effective status quo option.

New Zealand's three year block of allocations

12. In 2011 the CCSBT as part of a package of measures agreed to country allocations in three year blocks. For New Zealand those allocations are set at 800 tonne for 2012, 830 tonne at 2013 and 909 tonne at 2014. However an additional scientific review of the status of the stock will take place in 2013 and before setting the final allocations for 2014.
13. The decision to create three year blocks established a context for New Zealand to set a TACC for the first time that can commence from the beginning of the fishing year. In the past we have had to endure a delay between the CCSBT decisions being made and then being implemented via an in-season increase. This occurred well after the fishing year had commenced which created uncertainty for New Zealand fishers and fishing businesses.
14. Unfortunately because the CCSBT generally meet in October to make decisions which is when our fishing year commences we are likely to find ourselves in the same situation at the end of every three year block. It may also occur if the 2013 scientific review compels the CCSBT to make reductions to the final year allocations of the current three year block.

International and domestic carry forward provisions

15. The CCSBT also agreed to allow for up to 20% of uncaught national allocations to be carried-forward within each three year block. However, New Zealand's domestic legislation only provides for up to 10% of uncaught quota to be carried forward at this time.
16. While we accept the MPI current proposal to implement the maximum allowable 10% carry-forward provisions for the 2012/13 fishing year we consider that a longer term view should be taken to this matter. For example as country allocations are now issued in three year blocks it would make sense to allow up to 20% carry-forward in the first year, 10% in the second year and 0% in the third year or some variation on this type of descending scale carry-forward scheme.

Management options for Shortfin Mako Sharks (MAK1) for 2012/13

What is the issue?

17. Shortfin mako sharks are large slow growing and late maturing sharks with low fecundity resulting in poor productivity and are therefore considered highly vulnerable. They were introduced into the QMS in 2004 along with a range of other HMS taken as target and bycatch of surface longline fisheries. The TAC set at the time of introduction was intended to limit the potential expansion in catch and ensure it remained a bycatch fishery. At that time there were concerns about the declining abundance of shortfin mako sharks in New Zealand's fisheries waters.
18. Seven years after QMS introduction on average only 20% of the TAC/TACC has been caught and the population appears to be bouncing back under reduced fishing pressure. With continuing international and national concern over the vulnerability of this stock MPI are proposing to reduce the TAC and related allowances to a level that reflects recent catches.

MPI Proposals

19. Three options are proposed representing varying degrees of reduction.

Options	TAC	Customary	Recreational	Other	Commercial
Status quo	512t	10t	50t	46t	406t
Option 1	173t	10t	30t	23t	110t
Option 2	189t	10t	30t	25t	124t
Option 3	276t	10t	30t	36t	200t

20. Option 1 is based on the highest reported commercial catch levels since introduction into the QMS in 2004. Option 2 is based on 1 above and an additional amount of 14 tonnes to account for additional effort in the southern bluefin fishery. Option 3 is based on a reduction of around half the current TAC.

Key Issues for Consideration

Sustainability of the Stock

21. The stock status of shortfin mako sharks in New Zealand and the wider Pacific is unknown and there has been no stock assessment either in New Zealand or elsewhere in the world. Data available to assess any trends or declines have been limited although the Western and Central Pacific Fisheries Commission (WCPFC) now require its members to report their catches and the Secretariat of the Pacific Community (SPC) is due to complete a stock assessment in 2013.

Catch information

22. Under-catch of the TACC may be explained by the reduction in the number of tuna longline vessels as a result of the downturn in the economy.
23. Anecdotal reports from both commercial and recreational fishers suggest that there is now an increased abundance of shortfin mako sharks. This information suggests that current catch may be more sustainable than the initial TAC and that this catch level has reversed the indication of a declining trend in abundance prior to QMS entry. Therefore Te Ohu is comfortable with option 3.

Management options for Porbeagle Sharks (POS1) for 2012/13

What is the issue?

24. Porbeagle sharks are slow growing with low fecundity making them vulnerable to overexploitation. They were introduced into the QMS in 2004 with a TAC based on average commercial catches at that time. They are taken in the commercial longline or midwater trawl fisheries. Like the shortfin mako shark the porbeagle shark TACC is considerably under-caught.
25. While there is considerable uncertainty surrounding the status of the stock and information is currently insufficient to complete a stock assessment, there is also considerable international concern over the status of several porbeagle stocks found in other oceans. Taking the above factors into account MPI considers it appropriate to take a more cautious approach to the management of this shark.

MPI Proposals

26. Three options are proposed representing varying degrees of reduction.

Options	TAC	Customary	Recreational	Other	Commercial
Status quo	249t	2t	10t	22t	215t
Option 1	88t	2t	6t	7t	73t
Option 2	106t	2t	6t	9t	89t
Option 3	129t	2t	6t	11t	110t

27. Option 1 represents the highest commercial catch level since porbeagle sharks were introduced into the QMS in 2004. Option 2 represents the same catch level as option 1 with an additional amount of 16 tonne to accommodate potential increased effort in the southern bluefin tuna fishery. The rationale for option 3 is not explained, however it provides for an increase of 37 tonne rather than 16 tonne for the potential increased effort in the southern bluefin tuna fishery.

Key Issues for Consideration

Sustainability of the Stock

28. The stock structure of porbeagle sharks in the Southern Hemisphere is unknown; however tagging studies suggest a single South-west Pacific stock. While there have been no stock assessments to date MPI consider it likely to be below B_{MSY} with reference to the 2011 Porbeagle Plenary Report.

International Concern

29. It is clear from the information provided in the IPP that porbeagle shark stocks in other oceans have been heavily fished resulting in various international measures such as:
- Listing in the International Union for Conservation of Nature (IUCN) Red List of Threatened Species
 - Listing in Appendix II to the Convention for the Conservation of Migratory Stocks (CMS)

- c. It was also proposed for listing in Appendix II of the Convention on International Trade in Endangered Species (CITES) but was opposed for other than scientific reasons.

The Domestic Fishery

30. Porbeagle Shark is primarily taken when it is juvenile as a bycatch in the tuna longline, mid-water and bottom trawl fisheries. While it can be returned to the sea if alive, international concern is growing at the lack of a shark finning ban in New Zealand compared to other jurisdictions. During the 2010/11 fishing year 70% of the processed catch was landed as fins only. MPI propose to address this issue as part of the review of the National Plan of Action for Sharks which is to occur later this year.

31. The lack of information available to determine the status of this stock along with this species high vulnerability to overexploitation is the key driver for the proposed reduction in New Zealands TAC. However, we need to consider the full context for this species as a bycatch in the target tuna fisheries given the proposed measures to increase the TACC for southern bluefin tuna in the 2012/13 fishing year. Te Ohu is comfortable with the need to reduce the overall TAC within manageable levels while providing maximum headroom to accommodate in the likely increase in the target fishery for southern bluefin tuna.