

21 December 2015

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Dear Tiff

### **Comments on Draft NPOA Sharks Implementation Plan**

1. You have asked for comments on the draft NPOA Sharks Implementation Plan. This submission reflects the view of Fisheries Inshore New Zealand Ltd. This submission was prepared by Tom Clark of Fisheries Inshore. Deepwater Group Ltd has reviewed this draft and broadly supports its contents where relevant to them. If there are any queries, please contact Tom Clark.

#### NPOA Objectives– Not Determinative of Operational Needs

2. Our primary concern with the draft plan is the apparent fundamental belief that inclusion of objectives in the NPOA of itself validates the need for research and implementation initiatives.
3. We cannot ascribe to that interpretation – the fulfilment of NPOA objectives and, in particular, undertaking research, needs to be considered in the context of a limited MPI budget for research, the priorities for those funds and the underlying management needs for the research. Research and other initiatives included in the NPOA need not be implemented as a priority without considering the relative risk that research seeks to address and should only be implemented when wider fisheries management considerations are taken into account.
4. We have seen no statement of the management needs for the proposed implementation plan and, in particular, no prioritisation of the proposed measures. There is currently no aquatic environmental strategic plan and the sector fish plans and Annual Operating Plans treat the NPOA Shark objectives as a given requirement. We expected that the NPOA implementation plan would seek to prioritise actions. We comment on the priorities later in this submission.

#### Level 1 Risk Assessment Outcome

5. Consideration of research needs to take into account the outcome of the qualitative risk assessment of commercial fishing on sharks completed in 2015.<sup>1</sup> That expert assessment indicated that commercial fishing was not currently causing, or in the near future could cause, serious unsustainable impacts. For those sharks with the higher risk scores, notwithstanding that information on some species was limited, the expert panel was able to come to a consensus view on those scores.

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<sup>1</sup> Ford, R.B.; Galland, A.; Clark, M.R.; Crozier, P.; Duffy, C.A.J.; Dunn, M.R.; Francis, M.P., Wells, R. (2015). Qualitative (Level 1) Risk Assessment of the impact of commercial fishing on New Zealand Chondrichthyans. *New Zealand Aquatic Environment and Biodiversity Report No. 157*

6. We note that while the assessment contains scoring for intensity and consequence and provides an aggregate score, the assessment does not provide any indication as to how the scores should be interpreted. Notwithstanding that, stakeholders are seeking to interpret the scores in terms of risk classes, e.g. extreme, high, medium, low and negligible. It is useful that those interpretations of the scores be provided.
7. The Hobday/Fletcher classification of risk cannot be applied to the shark risk assessment since the shark assessment has an intensity definition that is significantly different to that of the Hobday/Fletcher frameworks. While the risk assessment intensity scores are comparable to the Marine Stewardship Council (MSC) scoring, the consequences scores differ significantly. The MSC certification does not seek to assign a level of risk to the aggregate score.

*Assessment of Relative Risk*

8. We have compared the shark risk assessments with the Plenary assessments for QMS species to obtain some indication of the interpretation of the scores. That comparison indicates that:
  - a. Skates have risk assessment scores of 21 for rough skate and 20 for smooth skate. ECSI trawl surveys and catch levels indicate stable to increasing abundance. No harvest strategy or assessments are available. However, no sustainability issues are perceived.
  - b. Dark ghost sharks have a risk assessment score of 18. No harvest strategy or assessments are available. Trawl survey results have shown a stable to increasing abundance. No sustainability issues are perceived.
  - c. Elephantfish have a risk assessment aggregate score of 18. Elephantfish are considered by the Plenary to be at or above their soft limits and to have no sustainability issues.
  - d. Rig have an aggregate risk assessment of 18. Plenary assessments indicate the stock has stable to increasing abundance and no sustainability concerns.
  - e. School shark have an aggregate risk assessment of 18. The 2014 stock assessment indicated no sustainability concerns.
9. We note that the risk scores compiled by the expert group are summarised as follows:

<b>Risk Bands</b>	<b>QMS Species</b>	<b>Non-QMS Species</b>	<b>Number of taxa in each risk band</b>
31-36	0	0	0
26-30	0	0	0
21-25	1	1	2
16-20	6	10	16
11-15	4	26	30
6-10	0	10	10
0-5	0	27	27
<b>Total</b>	<b>11</b>	<b>74</b>	<b>85</b>

10. As MPI's data indicate, those QMS species that scored between 18-21 in the expert risk assessment have no associated sustainability concerns expressed in the Plenary summaries. It therefore stands to reason that similar and lower scores for non-QMS species must also reflect a lack of sustainability concerns, noting that data and consensus scores are similar for both QMS and non-QMS stocks and the expert panel reviewed the relativities of all species.
11. For the purpose of the NPOA and the classification of sharks at risk, we should be able to assume that no sharks in the assessment can be classified at a high or extreme risk from commercial fishing. While those scores are predicated on the information provided to the

assessment, the scores of the experts also take into account their wider knowledge and experience and are underpinned by the Plenary estimates for the QMS stocks.

12. Simply put, highest risk does not mean high risk.

#### No Need for Level 2 Risk Assessment

13. Given the absence of sharks assessed to have high or extreme risk levels and the high degree of data confidence and expert consensus, there is no management need to undertake a general Level 2 quantitative risk assessment related to commercial fishing. Higher level risk assessments should only be undertaken where a lower level risk assessment indicates serious risks exist. For the above reasons, we cannot support a Level 2 risk assessment of the impact of commercial fishing being considered for any shark species without there being an explicit management need.
14. In that respect, we recognise the Deep Water Group Ltd may have a requirement for a Level 2 risk assessment for deepwater sharks. That potential requirement arises as a consequence of MSC certification for deepwater fisheries. To achieve certification, the Deepwater Group needs to establish that commercial fishing does not pose a serious and unsustainable impact on deepwater sharks. A Level 2 risk assessment is seen as potentially satisfying that need.
15. The Level 2 semi-quantitative Marine Mammal Risk Assessment project has indicated the folly of attempting a risk assessment without adequate information being available to inform the assessment. In that project, the risk assessment has for the bulk of species reverted to using expert opinion to provide species demographic, abundance, distribution and vulnerability rates for many species. A quantitative risk assessment that results in wide confidence intervals as a consequence of poor information can become in itself an advocate for further unnecessary research and observer coverage.
16. We are concerned with the quality of information on the abundance and distribution of sharks needed to underpin a spatial based quantitative model. While the level of information provided was of sufficient quality on which to base a Level 1 risk assessment and was specifically rated by the expert group, a Level 2 spatially based quantitative risk assessment requires having robust spatial estimates of abundance available for the species. This needs to be derived independently of the commercial fishing interactions since a reliance on fishing interactions will only lead to a bias against fishing.
17. In the absence of reliable information on the spatial distribution of sharks, we understand that the spatial distribution of sharks would be derived from an environmental modelling approach with abundance estimates informed by trawl surveys and fishing activity. Should that be the case, we consider that the AEWG should review the feasibility of that approach before any quantitative risk assessment is commenced.

#### Research Needs to Address Management Needs

18. We cannot support undertaking any fishing related research for shark species simply based on their relative ranking within the risk assessment. For example, research into the 10 species that have the highest risk scores cannot be justified simply because they are the highest ranking. If the sharks are not assessed as being at risk (see paragraphs 8-12), then decisions to initiate research for those species are wasteful at best.
19. The absence of risk is exacerbated by the absence of any management statement as to the need for further research from a strategic perspective. References to NPOA activities in Fisheries

Plans are gratuitous at best and are not underpinned by a strategic assessment of the need for action.

20. MPI has indicated it will initiate further research on critical habitats with prioritisation based on the risk assessment. The risk assessment does not indicate that such research is required.
21. Notwithstanding the above comments, we consider there is merit in considering a wider threat assessment for sharks. The focus of MPI activity to date has been limited to commercial fishing risks. Sharks also face threats from other than the commercial fishing sector, e.g. recreational fishing, habitat impacts and pollution. We consider it would be appropriate for a wider threat analysis to be undertaken. That would assist to inform the need for research or any initiatives under Objectives 1.5 and 4.1, before any precipitative research is initiated.
22. We are aware that NIWA has proposed additional research for pelagic shark species for consideration in 2016/17 under the HMS research plan. We oppose the NIWA proposals on the grounds that the research is not required for management of NZ shark species and furthermore cannot provide robust information for the wider management of pelagic shark species.

#### Amendment of the Shark Finning Regime

23. We are aware of calls to adopt a “Fins Naturally Attached” policy for New Zealand. In contrast to most other fishing nations, where such a policy has been widely adopted, New Zealand sharks are managed under a sustainable utilisation framework that protects the viability of shark species. Accordingly, draconian approaches such as Fins Naturally Attached are not necessary to address shark viability concerns. We believe there is no justification to amend the shark-finning policy as currently implemented by MPI.
24. FINZ is however concerned with the setting of the fin to greenweight ratio that is used in the current policy. Analyses of the first year of implementation have shown that approximately 10% of the landings have a fin to greenweight ratio that exceeds the regulated ratio. The analysis shows that 95% of those cases relate to rig and school shark landings, those species constituting the majority of shark landings. The analysis of the cases also indicates that many of the sharks with excess ratios have relatively small excesses.
25. We note that MPI fisheries managers have indicated to MPI compliance that a 10% tolerance should be applied to the determined ratios. FINZ is concerned that the current provisions unreasonably expose fishers to inappropriate compliance actions. The MPI circular makes no reference to any tolerance and the 10% tolerance is an operational policy without legal standing. Furthermore the ratios were set without robust science based on empirical evidence. That however does not reduce the legal standing of the declared ratios, they are the ratios. FINZ proposes that the Ministry review the ratios based on the information available and declares new ratios that reasonably reflect the 95% confidence range of fin to greenweight ratios for New Zealand species.



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