

New Zealand Big Game Fishing Council

(Incorporated)

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NZ Big Game Fishing Council Submission on Reviewing the School Shark Commercial and Non-commercial Allowances This submission is endorsed by option4

NZ Big Game Fishing Council

1. The NZ Big Game Fishing Council (NZBGFC) was formed in 1957 to act as an umbrella group for sport fishing clubs and to organise a tournament that would attract anglers from around the world. Club membership has grown steadily and we now represent over 30,000 members in 60 clubs spread throughout NZ. We still run the nation-wide fishing tournament, which has evolved over time and remains successful.
2. NZBGFC compile and publish the New Zealand records for fish caught in saltwater by recreational anglers and are members of the International Game Fish Association (IGFA) who publish catches that qualify as recreational world records.
3. The NZBGFC has a national management structure. The delegates from fishing clubs in each region meet regularly at one of the 8 zone meetings (1 in the South Island 7 in the North Island). Each zone has a representative on the management committee which meets 4 times a year. Over 100 delegates representing 60 clubs attend the AGM.
4. In 1996 the NZBGFC helped establish the NZ Marine Research Foundation, which aims to sponsor research on marine species and fisheries, for the benefit of all New Zealanders, including participants in ocean recreation.
5. Many of our most established fishing clubs have a focus on fishing for large pelagic species such as marlin, tuna, and sharks. In recent years our membership has expanded beyond the traditional deep sea angling clubs to include many local clubs targeting inshore species.

Background

6. MFish has released a discussion document proposing an increase in the commercial quota and the setting of non-commercial allowances for school shark in the top half of the north Island (SCH1). Following the receipt of submissions, MFish will prepare a Final Advice Paper (FAP) for the Minister addressing the proposals and issues raised in submissions. This will include management options for the Minister to consider.
7. MFish propose to either increase the total allowable catch (TAC) by 27 t, or by 78 t, or leave it unchanged. They give 2 options for allocation where an increase is proposed:
 - a proportional allocation based on estimated shares of the fishery; or
 - a non-proportional allocation, giving 100% of the increase to commercial fishers.
8. MFish justify the second option by saying that the size of increases are based on average commercial catches only, and the recreational and customary estimates are being set for the first time in 2007. They also state the opinion that an increase in the recreational allowance of a few tonnes would not “increase the value that non-commercial fishers can obtain from the fishery”.
9. School shark can be found throughout New Zealand. These sharks reach sexual maturity between 12 and 17 years old and reach a maximum age of at least 50 years. Breeding is not annual but probably occurs once either every two or three years. Small females can have 5 - 10 pups while large females can have 40. The pups remain in shallow nursery grounds during their first one or two years. The combination of late maturity, slow growth, and limited birth rate gives a low overall productivity. Tagged school shark have moved all around New Zealand and have crossed the Tasman Sea.
10. For school shark the east and west coast fisheries of northern New Zealand are in one quota management area (SCH1). The commercial quota was set at 560 t in 1986. This increased to 668 t through decisions of the Quota Appeal Authority. In 2004 the Minister agreed to increase commercial quotas in SCH areas 3,5,7,8 by between 5% and 20% under a temporary adaptive management programme (AMP). This increased the national quota from 3,121 t to 3,416 t (9.5%).
11. Commercially caught school shark is mainly targeted with set nets and is a bycatch in trawl and line fisheries. There is probably a single national stock so increases in quota in one region may affect catches elsewhere. The commercial catch in SCH1 has exceeded quota for 9 of the last 10 years by an average of 12% (78 t).
12. Historically, Maori caught many thousands of shark at particular times of the year and preserved them by drying. There are estimates of recreational harvest from the telephone diary surveys. These estimates range from 46 tonnes in 1996 to 66 tonnes per year in 2000. No allowances for recreational or customary Maori fishers have yet been made in SCH1. The Ministry is proposing an allowance of 86 tonnes for recreational and 99 tonnes for customary fishers, based on 150% of the recreational allowance.

NZBGFC Submission

Consultation

13. The submitters object to the lack of provision for tangata whenua to have meaningful “input and participation” as per s12 of the Fisheries Act 1996.
14. Section 12 of the Act requires that the Minister, ‘before doing anything’ – making any decisions on sustainability measures – must provide for the input and participation of tangata whenua (iwi or hapu holding mana whenua over the particular area) having a non-commercial interest in the stock concerned, or an interest in the effects of fishing on the aquatic environment in the area concerned. The Minister must also consult widely with Maori,

environmental, commercial and recreational interests. Before making any decision on a proposed measure it is obligatory on the Minister to ***have particular regard to kaitiakitanga***.

15. The submitters are not aware of any effort by the Minister, through MFish, to initiate any or adequate input and participation into the formulation of the SCH1 proposal or the ensuing consultation process. The submitters strongly recommend that the Crown avoids creating any new grievances by providing for tangata whenua's non-commercial fishing interests in this and further processes regarding school shark.

Non-commercial catch

16. School shark (or tope) appears in NZBGFC club records and our members have an interest in all large shark species and their management. School shark are a recognised IGFA gamefish. Of the 20 line class world records New Zealand holds 17 of them. The other world records were taken in South Africa and Ireland. The all-tackle world record is a 33 kg fish caught in Parengarenga Harbour in 1986.
17. These sharks are caught off the beaches by surfcasters and kite fishers. Some fishers target them in competitions and for many junior anglers they are the largest fish they have caught. There is an amateur bag limit of five school sharks per day in the southern region while in the rest of New Zealand this species is part of the 20 fish per day combined species bag limit. These limits are seldom reached and some school sharks are released.

Commercial catch

18. The commercial allocation (TACC) in SCH1 has been exceeded for 9 of the last 10 years by an average of 12% (78 t). A significant proportion of that catch has come from target fisheries. The chronic use of deeming to allow catch in excess of quota should not be used as a justification for increasing the commercial allocation. This provides the wrong incentives to commercial fishers and is reminiscent of the claims based fisheries management of the past. This was where the fisher or sector that could fish the hardest established the largest catch history then got the lion's share of fishing rights when restrictions were finally introduced to repair the damage they did to the stock.
19. Increases in commercial quotas and non-commercial allowances should be made on the basis of quantifiable proof that the stock has rebuilt. Current information is dated (up to 2001) but shows school shark CPUE indices were flat or declining around the North Island.¹ Also, the estimate of Maximum Constant Yield published by MFish is just 325 t for all areas except SCH4 and SCH5, but the actual current commercial catch is 2420 t and the TACC is 2434 t for this area.¹ The recreational and customary catch is on top of this. Where is the justification in "the best available information" (which the Minister must take into account) for an increase in commercial quotas in SCH1?

Why reward overfishing?

20. As we have stated consistently in other submissions the problem of fishing in excess of quota and chronic deeming won't go away on its own. There must be clear incentives to limit catch to sustainable limits. The submitters support increasing the deemed value for school shark regardless of the TACC decisions.
21. Catch in excess of commercial allocations is a serious management problem at the moment. Fish that are deemed are never replaced or included as part of the total fishing related mortality the following year. If fishers under catch their ACE by up to 10% they can carry that over to the following year. We submit that this should also work the other way, so that fishers who over catch their ACE of an important species such as school shark must provide ACE in the following year to cover it, or the Minister should reduce the TACC to reclaim those fish.

¹ MFish Planery Report on school shark, May 2006

22. We also note that there are no guarantees that the commercial bycatch problem will be solved by increasing the TACC. If more quota is issued, ACE will go to the fishers that value it most, as happened in a number of fisheries like swordfish, SNA2 and TAR2. The companies that want to target school shark will take the increase and the bycatch problem will remain.

Side-stepping the new management processes

23. For some time now MFish have been promoting the concepts of objectives based fisheries management, fisheries plans, and fisheries standards. We fail to see where this proposal fits within this process. MFish should clearly state in the Final Advice Paper to the Minister:
- what the management objective is;
 - how this is supported by the best available information;
 - which fisheries standards will be met;
 - why a better outcome could not be achieved as part of a fisheries plan.
24. In our view this decision is premature given that the inshore fisheries plans are due to be launched this year and research is currently underway to determine more recent trends in relative abundance for school shark with results available later in 2007, but not in time to inform any decision this year.
25. Given that the inshore fisheries plans will be split into east coast and west coast of the North Island and that the new CPUE analysis will be split into east coast and west coast MFish should consider splitting SCH1 into east and west coast stocks. This would have to be raised with quota owners but a more comprehensive review of school shark management is warranted at this time.

Help for large school shark

26. Because of late maturity, slow growth, and limited birth rate school shark have low overall productivity and must be managed conservatively. The MFish Plenary Report¹ states that it is very important that fishing pressure on large mature females should be minimised to maintain the productivity of this species. In line with the precautionary principle and to ensure sustainability the Minister should place school shark on the Sixth Schedule of the Fisheries Act. This allows commercial fishers to return the shark to the sea provided it is likely to survive, and that this is done as soon as practicable after it has been landed. Fishers could then release large females, which are vital to the productivity of the stock and which are also likely to have mercury levels exceeding the permitted limit.

Non-commercial allowances

27. The proposed allowance for amateur fishers of 66 t seems adequate. Our members state that school shark is often caught as by-catch when targeting other species and in these circumstances it is usually released. Some of these have been tagged and the recapture rate (13.1%) is the highest for any species in the MFish cooperative gamefish tagging programme². This indicates a good survival rate following capture on hand held lines and a high exploitation rate. Of the 33 school shark recaptures reported 88% were by commercial fishers and 12% by amateur fishers.
28. The proposed allowance for customary fishers of 99 t seems more than adequate. MFish may want to consider setting this at about the amateur allowance following a review of submissions from customary fishers.

² Holdsworth and Seal 2006, New Zealand hake and gamefish tagging 2004-05, FAP 2006/19

Summary

29. NZBGFC supports cautious management of all shark species. School shark (tope) are an IGFA recognised gamefish species and New Zealand fish hold 17 of the 20 world records.
30. Persistent catch in excess of quota and chronic deeming are not a sufficient justification for increasing the TACC. Doing so provides the wrong incentives to commercial fishers.
31. There is no new or current information on which the Minister can justify an increase in commercial quota which is so urgent that it cannot wait to be included in the Fisheries Planning process and be subject to the new Fisheries Standards. This would also allow the Minister time to meet his obligations under section 12 of the Fisheries Act and provide for the input and participation of non-commercial Maori.
32. An increase in the TACC is premature given that the inshore fisheries plans are due to be launched this year and research is currently underway to determine more recent trends in relative abundance for SCH1 with results available later in 2007. NZBGFC oppose any increase to the TACC at this time.
33. If an increase in the TACC is proposed MFish should clearly state in the Final Advice Paper to the Minister: what the management objective is; how this is supported by the best available information; which fisheries standards will be met, and why a better outcome could not be achieved as part of a fisheries plan.
34. The submitters support increasing the school shark deemed value regardless of the TACC decisions.
35. MFish should consider consulting on a split in the SCH1 quota management area into east and west coast stocks.
36. In line with the precautionary principle and to ensure sustainability the Minister should place school shark on the Sixth Schedule of the Fisheries Act to allow the release of large females if they are likely to survive.
37. The proposed allowance for amateur fishers of 66 t seems adequate. The customary allowance may be too high.

Thank you for the opportunity to respond to the initial position paper on school shark.

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PRESIDENT
NZ Big Game Fishing Council

Endorsed by Trish Rea
On behalf of the option4 team