

CITES Notification No. 2015/027

**Request for new information on fishery management measures for sharks:**

**New Zealand**

CITES Notification 2015/027 requested Parties to supply new information on shark fishery management measures, with particular emphasis on the shark species and manta rays that were included in Appendix II at CoP16, with an effective date of 14 September 2014.

**a. Available scientific data, such as stock assessment results:**

101 studies of New Zealand chondrichthyan species were undertaken between 2008 and 2012. A summary of this research is available in *Summary of: Review of research and monitoring studies on New Zealand sharks, skates, rays and chimaeras, 2008–2012*.

(<http://www.fish.govt.nz/NR/rdonlyres/4ED5B5E3-40D3-4719-9C76-D03DE087FE0E/0/201321SummaryofReviewofresearchandmonitoringstudiesonNZsharks.pdf>).

The complete details are available in Francis, M. P., Lyon, W. (2012). *Review of research and monitoring studies on New Zealand sharks, skates, rays and chimaeras, 2008–2012*. New Zealand Aquatic Environment and Biodiversity Report No. 102. 74 p.

(<http://fs.fish.govt.nz/Page.aspx?pk=113&dk=23093>).

CITES-listed species

No new stock assessments have been carried out in New Zealand for CITES-listed shark or rays species (porbeagle sharks and smooth hammerhead sharks)<sup>1</sup>.

Porbeagle (*Lamna nasus*)

Four new reports pertinent to porbeagle fisheries in New Zealand have become available in recent years:

- In 2013, Malcolm Francis reviewed the commercial catch composition of highly migratory elasmobranchs caught in New Zealand waters (<http://fs.fish.govt.nz/Page.aspx?pk=113&dk=23489>)
- In 2014, Francis estimated fin ratios and dressed weight conversion factors for selected shark species, including porbeagle (<http://fs.fish.govt.nz/Page.aspx?pk=113&dk=23717>) and Francis *et al.* provided an indicator-based analysis of the status of New Zealand blue, mako and porbeagle sharks (<http://fs.fish.govt.nz/Page.aspx?pk=113&dk=23745>).
- In 2015, Francis published new information on the size, maturity and age composition of porbeagle sharks observed in New Zealand tuna longline fisheries (<http://fs.fish.govt.nz/Page.aspx?pk=113&dk=23785>).

**b. Methodologies providing guidance for the making of non-detriment findings:**

New Zealand's CITES Scientific Authority has prepared its pre-emptive non-detriment finding (NDF) for porbeagle shark (*Lamna nasus*) and smooth hammerhead shark (*Sphyrna zygaena*) following the German/ IUCN TRAFFIC model for making NDFs for sharks.

The NDFs review (i) porbeagle and smooth hammerhead shark ecology including distribution, spatial distribution within New Zealand waters, habitat and food, biological characteristics, global conservation status and population status in New Zealand; (ii) fishing and trade pressures on porbeagle and smooth hammerheads; and (iii) existing management measures (e.g. New Zealand's National Plan of Action for Sharks (NPOA-Sharks) and Quota Management System (QMS), relevant legislation, regional fisheries management organisations and context). For both

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<sup>1</sup> However, the Western and Central Pacific Fisheries Commission (WCPFC) has called recently for expressions of interest for a 'Southern Hemisphere Porbeagle Shark Stock Status Assessment' with a draft assessment due by 30 June 2016.

species, a modest level of exports and introductions from the seas is permitted where these species are taken as by-catch only.

The New Zealand Government has also collaborated with the Australian Government to provide advice to, and plan a NDF workshop for, Pacific Island colleagues on making NDFs for sharks, and on the development of a possible regional approach to making NDFs for certain shark species.

**c. Challenges faced by Parties in implementing the new listings:**

There have been difficulties in identification of imported dried shark fins where the skin has been removed.

**d. Progress made to address such challenges:**

Shark experts are able to assist with shark identification but identifying small quantities of imported skinned shark fins is still challenging.

**e. Progress towards the adoption and implementation of National Plans of Action for Sharks, or other new information on trade in sharks and related matters; and**

There have been significant developments in New Zealand that aim to promote the conservation and sustainable use of shark populations.

A joint review of the NPOA-Sharks in 2008 was undertaken by the Ministry for Primary Industries, Department of Conservation and Ministry of Foreign Affairs and Trade, in collaboration with environmental and industry stakeholders, and with input via a public consultation process. The review highlighted that New Zealand has strong systems in place to conserve and manage sharks, including a number of fully protected shark species, and the majority (90%) of commercial catches managed under the QMS with catch limits and robust reporting and monitoring systems. However, opportunities for improvements were also identified, including in relation to improving the utilisation of shark species that are caught.

A new NPOA-Sharks 2013 was adopted in January 2014: <http://www.mpi.govt.nz/document-vault/1138>

The purpose of the NPOA-Sharks 2013 is to maintain the biodiversity and the long-term viability of all New Zealand shark populations by recognising their role in marine ecosystems, ensuring that any utilisation of sharks is sustainable, and that New Zealand receives positive recognition internationally for its efforts in shark conservation and management. The overall approach is to use a science-based risk assessment framework to identify and appropriately manage risks to shark populations. The NPOA-Sharks 2013 contains goals and objectives covering:

- Biodiversity and long term viability of shark populations - establishes a risk assessment approach, reviews of species characteristics and stock status to ensure that appropriate management and protection are applied to shark species; this may include catch limits and/or other controls on fishing under the Fisheries Act 1996, absolute protection under the Wildlife Act 1953, and/or protection of critical habitats.
- Domestic engagement and partnerships - information sharing between all stakeholders on the conservation and management of sharks, and to capture and reflect the social and cultural significance of sharks, including their customary significance to Maori.
- Non-fishing threats - measures to advance understanding and, where appropriate, management of threats to shark species which come from sources other than fishing.
- International engagement - measures to guide New Zealand's international engagement to promote conservation, protection and management of sharks.
- Research and information - measures to improve the information available to conserve and manage New Zealand's shark populations, including the development of recovery plans for protected shark species where necessary. Research objectives in this section are based on independent advice from a review of shark research undertaken since 2008.
- Utilisation, waste reduction and the elimination of shark finning - measures to promote live release of sharks, encourage the full use of dead sharks, and to eliminate shark finning in New Zealand fisheries.

Elimination of shark finning

The finning of live sharks has been outlawed in New Zealand waters or by New Zealand vessels on the high seas under the Animal Welfare Act 1999, but the NPOA-Sharks 2013 aims to improve the use and minimise waste in New Zealand shark fisheries by developing and implementing best practice guidelines for the avoidance of bycatch, promoting the live release of bycaught shark species, developing and implementing best practice guidelines for the handling and release of live sharks, and by eliminating shark finning, which is defined in the NPOA-Sharks 2013 as “*the removal of the fins from a shark and the disposal of the remainder of the shark at sea*”.

Since 1 October 2014 it has been illegal for a commercial fisher to remove the fins from any shark and discard the body of the shark at sea in New Zealand. The ban requires all shark fins to be landed attached to the body of the shark for all non-QMS species (i.e. including smooth hammerhead shark) and two QMS species (blue shark<sup>2</sup> and spiny dogfish). In most cases, limited processing is allowed (e.g. removal of the head) but the fins will still need to be attached to the body through some portion of uncut skin.

For seven QMS species (including porbeagle shark) fishers are able to land shark fins separately to the body of the shark but only in accordance with a gazetted fin to greenweight ratio. The ratio means that the weight of fins for a species of shark landed for a trip will be compared to the greenweight (whole weight) of that species of shark landed for that trip. For example, if sharks are landed that weigh a total of 100 kgs and the gazetted ratio is 3.50, the fins of that species landed must not weigh more than 3.5 kgs. There is now a legal requirement that fins are separately stored and landed by species rather than in mixed-species lots.

Amendments have also been made to allow fishers to return dead, unwanted sharks to the sea, while ensuring that they are reported and counted against the total allowable catch for the species and against a fisher’s annual catch entitlement.

As a likely result of the changes described above, little porbeagle shark is now being landed in New Zealand (approximately five tonne of porbeagle shark were landed over the last eight months). No applications for the export of porbeagle shark or smooth hammerhead shark products from New Zealand have been received since the species became listed on Appendix II<sup>3</sup>.

The NPOA-Sharks 2013 will be fully reviewed again in 2017, with the intention of issuing a revised NPOA in 2018.

**f. New legislation concerning the conservation and management of sharks and rays.**

To support the NPOA-Sharks 2013, and especially the elimination of shark finning, the New Zealand Government made amendments to the Fisheries (Commercial Fishing) Regulations 2001, the Fisheries (Reporting) Regulations 2001 and Schedule 6 of the Fisheries Act 1996. It also issued the Fisheries (Shark fin to greenweight ratio) Circular 2014 (Notice No. MPI 391) to provide allowable ratios between landed fin weight to landed greenweight for seven shark species (including porbeagle shark) with definition of which fins are to be included in the calculation, and the Fisheries (Conversion Factors) Notice 2014 (Notice No. MPI 392), which gives definitions and greenweight conversions for different levels of dressing of fish, including sharks.

The legislative amendments that gave effect to the New Zealand shark finning ban are listed below:

Legislation	Change
Fisheries Act 1996	Changes to Schedule 6 to allow for return of dead blue, mako and porbeagle sharks to the sea
Fisheries (Commercial Fishing) Regulations 2001	<ul style="list-style-type: none"> <li>• Interpretation section: Define ‘shark’ and ‘fins naturally attached’</li> <li>• Create new regulation prohibiting shark finning</li> <li>• Part 3: Regulate requirement to separate fins by species</li> <li>• Part 6: Define offence level of finning regulation</li> </ul>

<sup>2</sup> For blue sharks, fishers are allowed to remove the fins during processing but the fins must be stored and landed attached to the body of the shark (e.g. by being tied or sewn on). This will allow the small fishery for blue shark meat to continue. If fishers had to land blue sharks with fins naturally attached this would likely lead to all blue sharks being discarded (which would increase rather than decrease wastage, the latter being a key goal of prohibiting shark finning).

<sup>3</sup> There have been some historical exports of porbeagle products to Australia and then on to Asia, but Australia’s zero export level has effectively closed off that export route, and perhaps traders have not invested in opening new trade routes.

Fisheries (Reporting) Regulations 2001	<ul style="list-style-type: none"> <li>• Remove 'dried fins', 'dried fins by-product' (DSB), 'wet fins', 'wet fins by-product' (WSB) definitions</li> <li>• Update 'shark fins' (as by-product) definition (SHF)</li> <li>• Provide 'FNA' state code definition</li> <li>• Add new destination type code 'Z' (for reporting of dead mako, porbeagle and blue shark, with returns to be recorded against ACE) and amend destination type code 'X' to clarify only covers live returns and is not counted against ACE</li> <li>• Add new Part 6B to allow for the return of dead sharks of particular species</li> </ul>
Conversion Factor Notice	<ul style="list-style-type: none"> <li>• Remove 'fins' conversion factor and specific fin conversion factors for blue shark, mako shark and porbeagle shark.</li> <li>• Add in FNA conversion factor/s</li> </ul>
Shark Finning Circular (new)	<ul style="list-style-type: none"> <li>• List species for which a ratio is provided</li> <li>• Specify ratios for species/species groups</li> </ul>

Elimination of shark finning in New Zealand fisheries Consequential amendments to fisheries regulations – initial position paper MPI Discussion Paper No: 2014/15 (<http://www.mpi.govt.nz/news-resources/publications.aspx>)

In March 2012, the Western and Central Pacific Fisheries Commission adopted a prohibition on the taking of oceanic whitetip sharks. The New Zealand Government responded by passing the Wildlife (Oceanic Whitetip Shark) Order 2012, which amended Schedule 7A of the Wildlife Act (1953) to give oceanic whitetip sharks absolute protection throughout New Zealand fisheries waters.

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