



Fisheries New Zealand

Tini a Tangaroa

Review of Blue Cod fishing regulations

Proposed amendments to current blue cod regulations from the National Blue Cod Strategy

Fisheries New Zealand Discussion Paper No: 2019/01

Prepared by Fisheries New Zealand

ISBN No: 978-1-98-857191-1 (online)

ISSN No: 2624-0165 (online)

January 2019



DISCLAIMER

While every effort has been made to ensure the information in this publication is accurate, the Fisheries New Zealand does not accept any responsibility or liability for error of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information.

Requests for further copies should be directed to:

Publications Logistics Officer
Ministry for Primary Industries
PO Box 2526
WELLINGTON 6140

Email: brand@mpi.govt.nz
Telephone: 0800 00 83 33
Facsimile: 04-894 0300

This publication is also available on the Fisheries New Zealand website at <https://www.fisheries.govt.nz/bluecod>

© Crown Copyright – Fisheries New Zealand

1	Executive summary	4
2	Submission information	6
3	Purpose	7
4	Problem definition	8
5	Objectives	9
6	Background	10
6.1	Biological characteristics of blue cod	10
6.2	Blue cod Fishery	10
7	Pre-engagement; developing the Strategy	13
7.1	Input and participation of tangata whenua	13
7.2	The National Blue Cod Strategy	13
8	Proposed Options	15
8.1	Pot mesh size of 54mm	15
8.2	Minimum Legal Size for recreational fishing	15
8.3	Recreationally caught Blue cod to be landed in a measurable state	16
8.4	Two-day accumulation limit	17
8.5	Traffic light system as basis for changes to daily bag limits	18
9	Next steps	21

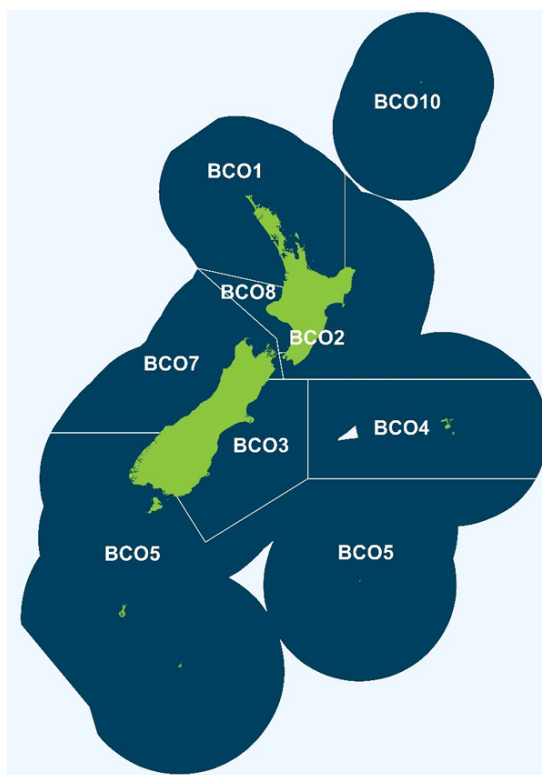


Figure 1. Map of blue cod Quota Management Areas (QMAs).

1 Executive summary

1. Fisheries New Zealand welcomes feedback on proposed changes to the blue cod fishing rules (regulations). The changes are one outcome of the National Blue Cod Strategy¹ which is a guiding document to manage blue cod in New Zealand.
2. We are seeking your feedback on the following proposed changes. In all cases we are also consulting on retaining the status quo as an option (i.e. there may be no change to these regulations):
 1. require all fishers to have a minimum cod pot² mesh size of 54mm;
 2. standardise the Minimum Legal Size (MLS)³ for recreational fishing at 33cm;
 3. require all recreational fishers to land blue cod in a measurable state;
 4. set a two-day accumulation limit for recreational fishing; and
 5. change the recreational daily bag limits for some blue cod stocks, according to a 'traffic light' system.
3. The 'traffic light' system assigns a colour rating to each area; the rating can be changed as available information suggests stock health is improving or declining. In addition to the *status quo*, bag limits proposed for green areas (healthy) are 15 or 10, orange (rebuilding/ declining) are 10 or 5, and red (in trouble) are 5 or 2.

¹ www.fisheries.govt.nz/bluecod

² A cod pot is a baited fishing trap, lined with mesh, used by fishers to target blue cod.

³ Minimum Legal Size (MLS) is the minimum size that a fish can be legally kept or sold at. The MLS for commercial fishers is already 33cm.

4. The proposals aim to:
 1. reduce the immediate risks of further depletion of populations in some areas;
 2. retain larger, breeding females in the population for longer to encourage population growth; and
 3. standardise management measures across the country, to allow for easier compliance and enforcement.

5. The majority of proposals had significant levels of support, and are based on feedback gained from tangata whenua and stakeholders during development of the National Blue Cod Strategy.

6. The proposals described in this paper are only one component of the Strategy. Fisheries New Zealand will be implementing the other outcomes⁴ of the Strategy in a staged approach. For more information on the broader Strategy and how we plan to implement it, please read the Strategy and Implementation Timeline at www.fisheries.govt.nz/bluecod

⁴ Other outcomes of the Strategy include reviews of Total Allowable Catches and allowances for key blue cod stocks, a broad plan of research, and a package of voluntary and education initiatives. We are not consulting on these measures in this paper, but will be consulting on these in the future.

2 Submission information

Fisheries New Zealand welcomes submissions to inform the review and the proposals contained in this Discussion Document. All written submissions must be received by Fisheries New Zealand no later than 5pm on 26 March 2019.

Written submissions should be sent directly to:

Inshore Fisheries Management

Fisheries New Zealand

PO BOX 2526

Wellington 6011

Or emailed to: FMSubmissions@mpi.govt.nz

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitters) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. Fisheries New Zealand will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

3 Purpose

7. The purpose of this paper is to initiate formal consultation on behalf of the Minister of Fisheries on a package of proposed changes to blue cod fisheries regulations. We acknowledge that you may have already provided feedback on some of the regulatory proposals outlined in this paper during development of the National Blue Cod Strategy. We want to ensure that you have had a say in any changes that are made, as these may impact the way in which you fish for blue cod.
8. The proposed changes will address Objective 4 of the National Blue Cod Strategy⁵ (the Strategy); “set the right rules”. This objective looks at the current rules in place for blue cod and makes changes where appropriate to make sure they’re effective, understood and consistent.
9. Tangata whenua and all stakeholders with an interest in the blue cod fishery are encouraged to provide their views and any other information relevant to the review. Submitters’ views will be included in the final advice provided to the Minister of Fisheries by Fisheries New Zealand.

⁵ www.fisheries.govt.nz/bluecod

4 Problem definition

10. Blue cod's popularity as a target fishery and its unique biology have led to overfishing and localised depletion in some areas. Blue cod research potting surveys indicate that, in some areas with high recreational fishing pressure, blue cod stocks are at low and declining levels of abundance.
11. Previous attempts to manage the impacts of overfishing have been implemented in specific areas as they arise. This approach has resulted in a patchwork of different blue cod fishing regulations (particularly daily bag limits and minimum legal sizes) across New Zealand, which in turn has meant that fishing effort has shifted to adjacent fisheries, contributing to localised depletion. This has created difficulties for compliance and enforcement, and additional costs.
12. This management framework is no longer effective at managing the impacts of localised overfishing in some parts of the South Island. We are concerned that if the issue is not addressed, the fishery, particularly in areas experiencing high utilisation, will remain depleted.

Discussion question:

- Do you agree with how we have defined the problem? If not, why not?

5 Objectives

13. In response to growing sustainability concerns, Fisheries New Zealand, with input from tangata whenua, stakeholders and a blue cod expert group⁶ developed the Strategy; a guiding framework that provides for utilisation while improving and ensuring sustainability of the blue cod fishery. The development of the Strategy included engagement with tangata whenua and stakeholders to identify key fisheries issues, and the most pressing management priorities.
14. The Strategy has five objectives, which are to:
 1. get the right information;
 2. make the right decisions;
 3. set and manage to the right targets;
 4. set the right rules; and
 5. get buy-in.
15. The proposals in this document relate to 'Objective 4' of the Strategy ("Set the right rules"), which was identified as a priority through the pre-engagement process. The amendments are intended to:
 1. reduce the immediate risks of further depletion of stocks in some areas;
 2. retain larger, breeding females in the population for longer to encourage population growth; and
 3. standardise management measures across the country, to make them easier to comply with and enforce.
16. Other outcomes of the Strategy include setting appropriate Total Allowable Catches, Total Allowable Commercial Catches and allowances for key blue cod stocks, a broad plan of research, and a package of voluntary and education initiatives. We are not consulting on these measures in this paper, but will be implementing and, where appropriate, consulting on these in the future.
17. For more information on how we plan to implement the broader objectives of the Strategy, please read the Strategy and the Implementation Timeline at www.fisheries.govt.nz/bluecod.

⁶ The Expert Group was formed to support development of the Strategy. It consists of iwi representatives from Ngai Tahu, Ngati Koata, the Te Waka a Maui me ona Toka Iwi Fisheries Forum and the Te Tau Ihu Fisheries Forum, as well as individuals from the recreational and commercial fishing sectors, the Department of Conservation, and Fisheries New Zealand.

6 Background

6.1 BIOLOGICAL CHARACTERISTICS OF BLUE COD

18. Blue cod are found throughout New Zealand waters, but are most abundant in southern and western New Zealand and at the Chatham Islands. They occur at depths up to 150 m and tend to group into localised populations. They are susceptible to the effects of localised overfishing due to the following characteristics:
- a) they are relatively slow growing and long lived, reaching a maximum recorded age of 32 years;
 - b) they tend to be highly localised, generally moving only within a 1 km home range⁷;
 - c) populations appear to be isolated from one another, with multiple distinct populations existing within a single management area;
 - d) they take bait easily; and
 - e) if the number of dominant large males present in a local population is low, females can change sex. This can affect recruitment by decreasing female numbers.

6.2 BLUE COD FISHERY

19. Blue cod (rāwaru) is an important, iconic fishery for iwi. Blue cod has been traditionally and customarily fished for generations, sustaining whānau and marae and enhancing the mana of iwi.
20. Commercially, more than 2,100 tonnes of blue cod is taken annually from New Zealand waters. The majority of this commercial catch is taken by cod potting in Southland and the Chatham Islands.
21. Blue cod is the most popular recreational finfish species in the South Island, and the third most popular in New Zealand. The best available information⁸ suggests that recreationally, approximately 333 tonnes of blue cod is taken annually. Sixty percent of this catch is taken from BCO7 (Marlborough Sounds and West Coast South Island) and BCO3 (East Coast South Island). In some areas of the South Island the estimated recreational harvest is considerably higher than the commercial catch.
22. Recreational fishers are not required to report the quantities of blue cod they catch (other than reporting by amateur charter vessels). In recent years, levels of blue cod recreational harvest have been determined through specific onsite surveys and periodic National Panel Surveys.

⁷ Some recent studies have shown larger movement of individual blue cod (up to 150 km).

⁸ Fisheries New Zealand commissioned a survey of recreational fishers; the 2011/2012 National Panel Survey.

Table 1. TAC (Total Allowable Catch), TACC (Total Allowable Commercial Catch) and actual commercial catch for fishing year 2016/17. Some blue cod Quota Management Areas do not have a TAC, only a TACC, and do not have a recreational or customary allowance. These are denoted by a dash (-) in the following table.

Fishstock	TAC	TACC	Actual Comm. Catch	Rec. Allowance	Cust. Allowance	Other Mortality
BCO 1	–	46	12	–	–	–
BCO 2	–	10	10	–	–	–
BCO 3	–	162	170	–	–	–
BCO 4	–	759	741	–	–	–
BCO 5	1452	1239	1151	2	191	20
BCO 7	343	70	65	27	177	69
BCO 8	226	34	5	2	188	2
BCO 10	–	10	0	–	–	–

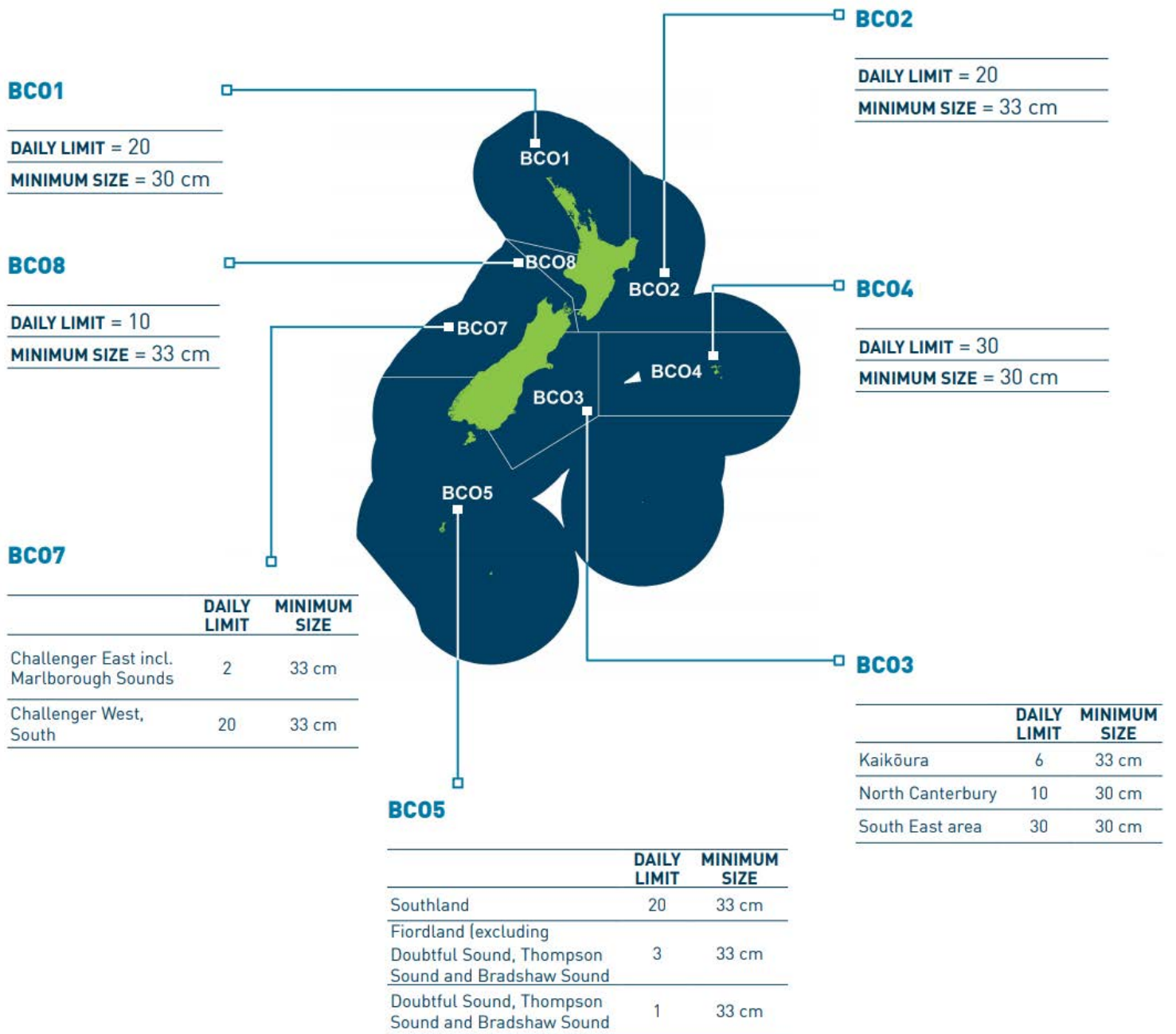


Figure 2: Current recreational fishing rules and regulations for blue cod across all Quota Management Areas.

7 Pre-engagement; developing the Strategy

23. There is high public interest in the sustainability of the blue cod fishery, particularly in the South Island. In response to increasing concerns from tangata whenua and local communities about localised depletion of blue cod populations, Fisheries New Zealand, in partnership with the Te Waka a Maui me ona Toka Iwi Fisheries Forum, initiated development of the Strategy.
24. To support development of the Strategy, blue cod expert group workshops, online surveys and public information sessions were held in 2017 and 2018. There were 480 attendees to the 18 public information sessions, and 2,297 online-survey responses, providing direct input into the Strategy. Four blue cod expert group workshops were held. Feedback from this pre-engagement has been taken into account when developing the options presented for consultation in this paper.

7.1 INPUT AND PARTICIPATION OF TANGATA WHENUA

25. Representatives from Ngai Tahu and Te Tau Ihu iwi have been on the blue cod expert group and have helped to develop the Strategy. There have also been regular updates to the Te Waka a Maui me ona Toka Iwi Fisheries Forum and to Chatham Island iwi on the progress of the Strategy.
26. We have not engaged widely with North Island iwi at this stage, as most of the proposals are focused on the South Island and Chatham Islands. We welcome input as part of this consultation process.

7.2 THE NATIONAL BLUE COD STRATEGY

27. Following the intensive engagement process during the Strategy development, the Minister of Fisheries has endorsed the Strategy (as an overarching guiding document designed to address the sustainability issues surrounding this fishery).
28. The Strategy's five broad objectives (**Figure 3**) will be implemented by Fisheries New Zealand in a staged approach. The proposals in this document relate to 'Objective 4' of the Strategy ("Set the right rules"), which was identified as a priority through the pre-engagement process.



Figure 3. Objectives of the National Blue Cod Strategy.

8 Proposed Options

29. We are proposing to change regulations that would apply to the commercial and recreational sectors. We are seeking your views on the following proposed options. In all cases we are also consulting on the *status quo*; that is, that no change to occur to the current regulations.

8.1 POT MESH SIZE OF 54MM

30. At the moment, the minimum pot mesh size for the commercial sector is 48mm across the country, except for in BCO5⁹. This mesh size does not allow all small fish to escape, and there is evidence that increasing mesh size to 54 mm can promote blue cod recruitment¹⁰. There is currently no minimum pot mesh size for the recreational sector.
31. Setting the pot mesh size to a minimum of 54mm for all sectors will mean fishers, both commercial and recreational, can only retain blue cod when they have a pot mesh size of 54 mm or greater. This will allow more sub-MLS fish to escape, and complement the increased MLS (to 33cm) by ensuring only fish above the MLS are retained in pots.
32. Fisheries New Zealand notes that this change may have an impact on some commercial blue cod fishers, outside of BCO5. For the commercial sector, this will likely impact approximately 30 individual fishers who fish other areas. Generally, commercial blue cod pots are re-meshed annually. If this change were approved, Fisheries New Zealand would bring this regulation into effect at the start of the new fishing season (when fishers typically replace their mesh) to minimise the impact of increasing the mesh size on commercial fishers.
33. Fisheries New Zealand notes that most recreational fishers will not be impacted by this proposal, because the majority of recreational fishers do not fish for blue cod with pots.

8.2 MINIMUM LEGAL SIZE FOR RECREATIONALLY CAUGHT BLUE COD

34. The objective of this measure is to improve the productivity of blue cod populations. Currently, the Minimum Legal Size (MLS) in some areas is 30cm (BCO1, 3 & 4). We are proposing to increase this to 33cm nationwide to protect more females, giving them a greater chance to breed. 33cm is already the MLS in place for commercial fishers. As part of the education component of the Strategy, we will also be encouraging fishers to use bigger hooks and target larger fish.

⁹ Commercial fishers based in BCO5 are already required to use 54mm mesh. The main New Zealand mesh supplier only sells 54mm mesh and this means that most of the re-meshed cod pots in the commercial fleet are likely 54mm already. BCO4 (Chatham Islands) also already has 100% voluntarily adopted 54mm mesh size.

¹⁰ In 2017, pot mesh size of 54mm was introduced in BCO5 following the results of research, which concluded that increasing mesh size to 54 mm would reduce the catch of undersized blue cod and promote blue cod recruitment.

35. Standardising the MLS makes it easier to comply with and enforce. However, there are concerns that this rule may inadvertently result in some increased handling and return of undersized fish. If the proposed MLS increase is agreed, we will address this with specific education that focuses on how to avoid catching small fish, and that encourages good fish handling and returning procedures.

8.3 RECREATIONALLY CAUGHT BLUE COD TO BE LANDED IN A MEASURABLE STATE

36. Currently, besides Challenger East (which includes the Marlborough Sounds Area), there are no regulations that control what state blue cod can be landed or possessed in. This creates compliance issues, because it is difficult to ascertain whether a fillet has come from a legal sized fish.
37. Introducing regulations that require blue cod to be landed in a measureable state means that the MLS is easy to enforce and comply with, as blue cod can easily be measured. This would complement the size and daily limit rules to support a rebuild of blue cod populations. With fishers able to produce whole fish or gutted fish, Fishery Officers are quickly able to establish whether or not the fish is of a legal size.
38. Fisheries New Zealand estimates that approximately 70% of recreational fishers sometimes fillet at sea rather than ashore.
39. Feedback from pre-engagement suggests some concern that prohibiting filleting at sea for blue cod could result in waste and offal accumulating around wharfs and landing points. Some stakeholders also consider that it may not be necessary in areas where larger fish are generally caught, such as in South Otago.
40. Fisheries New Zealand is seeking feedback on the costs and benefits of this proposal on recreational fishers. Allowing filleting at sea but requiring frames (the fish head and skeleton left after filleting) to be landed as well may be an acceptable alternative, and we would like feedback on this.
41. Fisheries New Zealand estimates that less than 9% of commercial blue cod catch is landed as fillets, and all of this occurs in BCO5, which is a potting fishery. Given the pot mesh size in BCO5 is already 54mm and catching undersize fish rare, Fisheries New Zealand does not propose applying this rule to commercial fishing.

8.4 TWO-DAY ACCUMULATION LIMIT FOR RECREATIONALLY CAUGHT BLUE COD

42. A two-day accumulation limit means that recreational fishers can have, in their possession, an amount of fish that is twice the maximum bag limit.
43. This could apply nationally or could be area-specific. If it were to apply nationally, then no matter where you are in New Zealand, you could have 2 times the highest daily bag limit in your possession (except for Challenger East). For example, if the highest daily bag limit in New Zealand is 15 blue cod per person, then you may have a maximum of 30 blue cod in your possession.
44. If the accumulation limit were to be area-specific, then you could have twice the daily bag limit in your area in your possession. This is the approach currently used in Challenger East, where a two-day accumulation limit applies. The daily bag limit is 2 blue cod in Challenger East, which means you can only have a maximum of 4 blue cod in your possession. However, this approach is more complex to implement and enforce.
45. There is no accumulation limit constraining blue cod catch in New Zealand at present, aside from Challenger East (which includes the Marlborough Sounds Area). This means that fishers on multi-day fishing trips are able to take their daily bag limit each day over multiple days, potentially accumulating large quantities of blue cod.
46. This has the potential to exacerbate localised depletion, as fishers may be targeting the same areas each day and continuing to take their full bag limit. A two-day accumulation limit (that would apply only to the recreational sector) would help prevent localised depletion.
47. Fisheries New Zealand anticipates that this rule will likely have a relatively low impact on most recreational fishers.

Discussion questions:

- Do you agree that these changes would result in the benefits/ costs described?
- Do you agree with the impacts described?
- What do you think the impacts (costs, benefits, risks) of the proposals would be? Please provide comment and evidence to support this.
- Do you see the need for any changes to the proposals? Are there other options that could be considered?
- Do you think there could be any unintended consequences?

8.5 TRAFFIC LIGHT SYSTEM AS BASIS FOR CHANGES TO DAILY BAG LIMITS

- 48. Early engagement and recreational potting surveys identified that, in many areas, recreational fishing pressure is a key contributor to localised depletion. To address the issue, we are proposing to change a number of recreational bag limits for several areas in the South Island. These proposed changes would align with a ‘traffic light’ system, which is a key component of the Strategy.
- 49. The traffic light system assigns a colour rating to each area that can be changed as available information suggests stock health is improving or declining; green (healthy), orange (rebuilding/declining) and red (in trouble). Daily bag limits proposed for each colour are outlined in **Table 2**. These ratings are based on scientific surveys, as well as online stakeholder surveys, tangata whenua input and other engagement.

Table 2. Proposed daily bag limits options (number of blue cod per person, per day) by ‘traffic light’ colour.

	Option 1; Status quo	Option 2	Option 3
Green	2-30	15	10
Orange		10	5
Red		5	2

- 50. The traffic light system is an adaptive way of managing blue cod stocks at a local-scale, in a way that is tailored to the unique biology of blue cod. We are proposing to implement this system in the South Island in the first instance, as this is the area that is experiencing the most intense fishing pressure, and which has the greatest sustainability challenges. We are proposing that areas be rated as outlined in Figure 4.

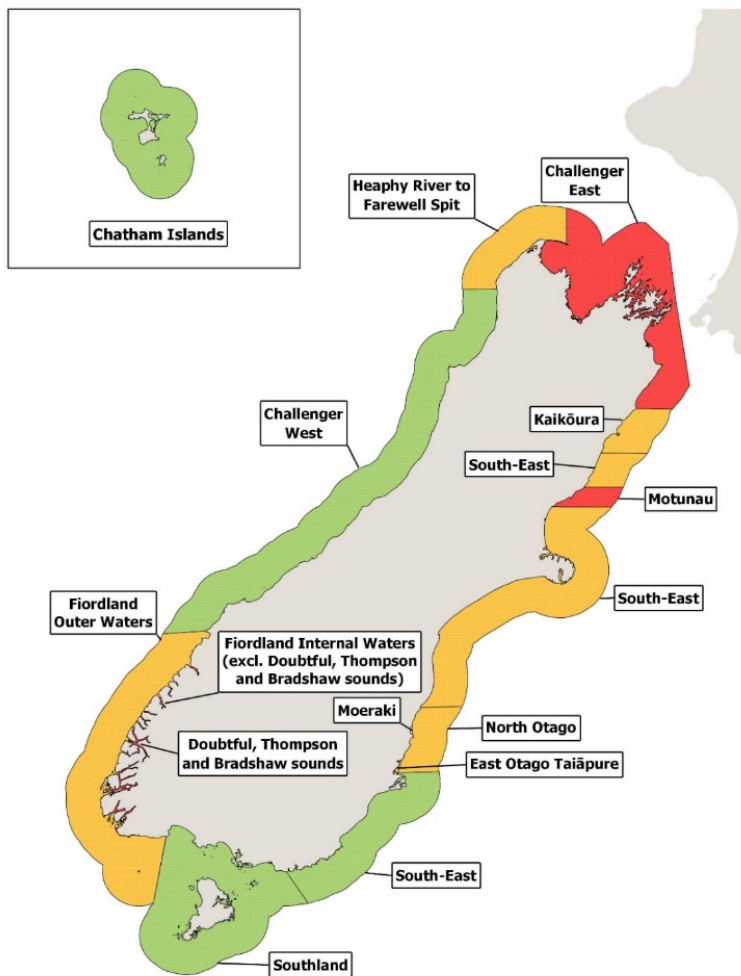


Figure 4. Proposed ‘traffic-light’ rating for different areas in the South Island of New Zealand.

51. Given that there is only limited quantitative information on total recreational catch and bag frequencies (the amount of fish taken per fisher per day), a range of bag limit options is proposed for each ‘traffic light’ area. Better information on recreational catch is a focus of the new research strategy, which is being developed as an outcome of the Strategy.

Analysis of Options

Option One – Retain the Status Quo

52. Fisheries New Zealand considers that the status quo provides for greater utilisation of the fishery, at least in the short term, but does not ensure localised sustainability nor address the concerns of localised overfishing, particularly in areas that are experiencing high recreational fishing pressure. The exception is in areas such as Challenger East and parts of Fiordland where measures have already been put in place to address this.
53. We note that the large differences in daily bag limits between areas in the South Island make it more difficult for recreational fishers to comply with the rules. Assigning bag

limits using a traffic light system may make these different rules easier to comply with, as they are readily identifiable.

54. The benefit of maintaining the status quo is that it provides for greater utilisation of the fishery (but only in the short-term).

Option Two

55. For all areas Option Two has higher bag limits and provides for more utilisation than Option Three. It also places weight on the uncertainty associated with recreational catch in some areas. However, additional sustainability measures may be needed to support stocks under Option Two, as this level of bag limit reduction may not be enough to ensure future sustainability.

Option Three

56. For all areas Option Three has the lowest bag limits and provides for the least utilisation. This option is likely to be the most effective at addressing sustainability concerns that have arisen due to the high and increasing recreational fishing pressure in the South Island.
57. This option would have the greatest impact on recreational use in the short term, however, pre-engagement during development of the Strategy showed that this option had the greatest support in most areas compared to other daily bag limit options.

Discussion questions:

- Do you agree that the traffic light options and associated daily bag limits are the correct options to consider? If not, why not?
- What options should we consider to solve the problem (either as identified in this document or as you identify the problem)?
- Do you agree with the colour ratings assigned to the areas of the South Island? If so/not, why?
- Do you agree that the changes to the daily bag limits would result in the benefits/ costs described?

9 Next steps

58. We welcome your feedback on each of the options described in this document. Following consultation, Fisheries New Zealand will develop a Decision Document for the Minister of Fisheries, who will make a decision on which, if any, options will be progressed. Subject to Cabinet approval, any changes to the regulations would be implemented in mid-2019.
59. The Minister of Fisheries' decisions on the proposals will be posted on the Fisheries New Zealand website and social media pages, and submitters will be notified directly of the decisions.
60. The performance of blue cod fisheries will be monitored and reviewed in discussion with the Blue Cod Expert Working Group, tangata whenua and other stakeholders.
61. The proposed regulatory amendments are only one component of the Strategy. Fisheries New Zealand will be implementing the other components of the Strategy in a staged approach, with consultation on potential changes to TACs in blue cod QMAs also occurring in 2019. For more information on the wider Strategy and how we plan to implement its objectives please read the Strategy, and the Implementation Timeline at www.fisheries.govt.nz/bluecod.
62. Where appropriate we will seek your involvement and feedback at each stage of the Strategy's ongoing implementation. We look forward to engaging with you further to improve the way we manage this important fishery.