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Submission: We support a modified version of FNZ's Option 2 for Red Gurnard 3, our Option 2A.

Recommendations

1. The Minister applies option 2A, to increase the Total Allowable Catch in Red Gurnard 3 (GUR 3), and on the basis that the proposed allowance for fishing related mortality is set at 10% of the new TACC, not at FNZ's proposed 5% :
 - a. No further TACC increases are given until systems are in place to increase compliance;
 - b. No further TACC increases are given until research is carried out to better understand the extent and effects of dumping and misreporting in this fishery.
 - c. A review of the recreational allowance is conducted when the new recreational harvest estimates are obtained from the current National Panel Survey.
2. The Minister regulates against the use of unselective commercial fishing methods in the inshore zone, to protect our valuable fish stocks and to meet the statutory obligation to provide for the foreseeable needs of future generations.
3. Fisheries New Zealand must develop a coherent policy on setting allowances for other fishing related mortality.

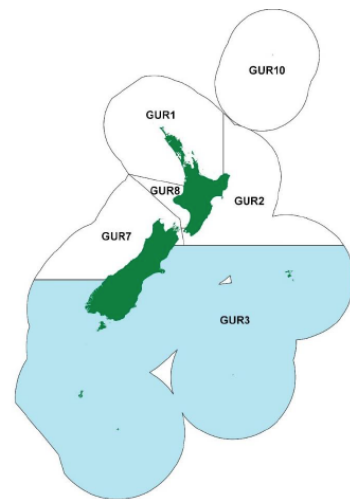
The submitters

4. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the proposals for the future management of Red gurnard 3 (GUR 3). Fisheries New Zealand (FNZ) advice of consultation was received on 4 July, with submissions due by 27 July 2018.
5. The NZ Sport Fishing Council is a recognised national sports organisation with over 34,000 affiliated members from 56 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz. Together we are '*the submitters*'.

6. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including “maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations...” [s8(2)(a) Fisheries Act 1996]
7. The submitter’s continue to object to FNZ’s truncated consultation timetables. It has been impossible for us to consult with our constituents on the 17 various proposal papers issued by FNZ, and respond within 18 working days. In our view this timeframe does not allow for adequate consultation. It is particularly offensive for non-commercial organisations such as ours that need to consult with a range of interests and volunteers nationwide. This is unacceptable consultation and, in our opinion, most likely unlawful as per ss12 & 13 of the Fisheries Act 1996 and as judged by the Court of Appeal¹.
8. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Background

9. Red Gurnard 3 (GUR 3) represents a large Quota Management Area (QMA) spanning the east and west coasts of the South Island. Most of the catch is taken by coastal trawlers, with a small proportion of the catch harvested by Danish seiners. Around 90% of the GUR 3 catch is taken by the mixed trawl fishery targeting other species.
10. Red Gurnard was introduced into the Quota Management System in 1986. Under the Adaptive Management Programme (AMP) the GUR 3 TACC was increased in 1992 by 14%, to 600 tonnes (t). The TACC was increased again, from 600 t to 900 t, for the 1996-97 fishing year under the AMP, but decreased to 800 t in 2002-03. The TACC increased in 2009-10, from 800 t to 900 t, and allowances were made for non-commercial fishing interests and fishing related mortality. All AMPs ended in September 2009.
11. The TACC has been consistently over-caught since 2012. There is a known history of high grading, at-sea dumping and misreporting in the South Island mixed trawl fisheries including GUR 3.



FNZ proposals

12. Fisheries New Zealand (FNZ) has proposed an increase to the Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC) and the allowance for all other mortality to the stock caused by fishing.
13. FNZ advise that an 8% increase to the TACC is proposed because the stock is above the management target, and is likely to remain so in the short-term.

¹ International Airport Ltd and Air New Zealand (CA 23/92, 73/92[1993] 1 NZLR 671).

14. FNZ propose to increase the allowance for all other mortality to the stock caused by fishing to bring it in line with other stocks mainly taken by trawling (Table 1).

Table 1: Proposed management settings in tonnes for GUR 3 from 1 October 2018, with the percentage change relative to the status quo in brackets.

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Maori (t)	Recreational (t)	All other mortality to the stock caused by fishing. (t)
FNZ option 1 (status quo)	1290	1220	3	6	61
FNZ option 2	1395 (+8%)	1320 (+8%)	3	6	66 (+8%)
Submitters option 2A	1461 (+13%)	1320 (+8%)	3	6	132 (+116%)

Submission

15. The submitters support **Option 2A**, which is FNZ's Option 2 with conditions:
- No further TACC increases are given until systems are in place to increase compliance.
 - No further TACC increases are given until research is carried out to better understand the extent and effects of dumping and misreporting in this fishery.
 - The recreational allowance is reviewed when the new recreational harvest estimates are obtained from the current National Panel Survey.
16. Ministry reports such as [Operation Achilles & Hippocamp](#) have revealed evidence of large-scale dumping, high grading and misreporting of substantial quantities of gurnard on vessels operating within GUR 3. Between 20% to 100% of some quota fish were discarded during every haul. Ministry did not prosecute the offenders. This is a major concern to the submitters.
17. One report author noted: *"While this behaviour is alarming it is also not surprising as previous research and observations have indicated that the dumping/non-reporting has been occurring in this fishery for many years"*
18. [Operation Hippocamp](#) reported that between one and two thirds of gurnard, by number, were illegally dumped. The Ministry also found significant differences between the samples of gurnard measured and counted at sea, and what was landed to the Licensed Fish Receiver (LFRs). Upon investigation, the LFRs were found to be paying more for larger fish over 32cm and there was no specific price for gurnard smaller than 28cm. It was noted that this price differential was an incentive for fishers to high grade, dump smaller fish for larger one.
19. This ongoing behaviour and the blatant disregard for the future viability of the stock undermines the credibility of the Catch Per Unit Effort (CPUE) data used to support the proposed TACC increase.
20. It is possible that the current sustained CPUE is due to an increase in compliance and reporting therefore increasing landing while masking the true decline in CPUE.

21. This theory could be supported by the increases trend in GUR 3 average port price (Fig 1), therefore making landing gurnard more economically feasible and discarding less appealing.

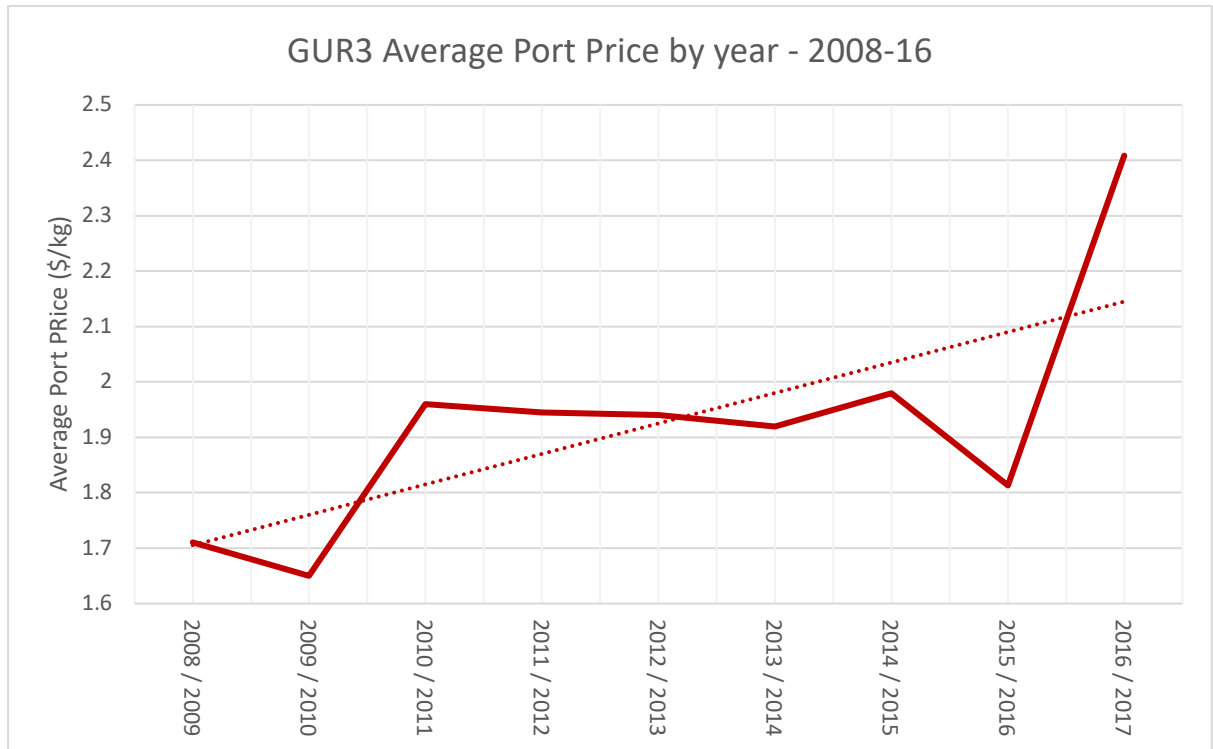


Figure 1: GUR3 Average port price by year - Sourced from FishServe

22. The East Coast South Island Trawl Survey shows no real change in GUR 3 indicating that current catch levels are sustainable for the short-term. However, without a true measure of fleet-wide CPUE we cannot determine if this survey is a true reflection of stock abundance.
23. The submitters agree with FNZ that it is likely that this fishery is performing well and could sustain the increased harvest, but in order to be confident of the long-term viability of GUR 3 more information is required.
24. Upon release of the recreational harvest estimates from the National Panel Survey, currently underway, we submit the Minister conducts a review of the recreational allowance in order to align the allowance with best available data.
25. We note there has been three TACC increases since 2006, largely made on the basis that the gurnard are unavoidable and with little supporting science aside from self-reported CPUE. This is a concern on its own.
26. Of equal or greater concern is the apparent inability of commercial fishers to avoid red gurnard which has led to consistently exceeding the TACC. This surely is, at the very least, a symptom of the unselective harvest methods that are allowed to operate in our marine environment. In northern waters fishers use 125mm trawl mesh in mixed fisheries, there is no reasonable explanation for the ongoing use of 100mm mesh in southern mixed trawl fisheries.

27. The use of wasteful, non-selective fishing methods must be removed from our inshore zone if we are to protect these valuable fish stocks and for the Minister to meet his statutory obligation to provide for the foreseeable needs of future generations.
28. In the Final Advice Paper FNZ must provide the Minister with more information about what is known about the levels of incidental mortality, discarding and dumping in this fishery We submit that an allowance of 10% of the TACC, as is standard in most other inshore mixed trawl fisheries, is required. It is not good enough to simply reduce the allowance for expected, and relatively well known, mortality just so the sum fits nicely within the proposed TAC.
29. Fisheries New Zealand must develop a coherent policy on setting allowances for other fishing related mortality.