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Submission: We support a modified version of the FNZ proposed option 3 for John dory 1 (JDO 1).

Recommendations

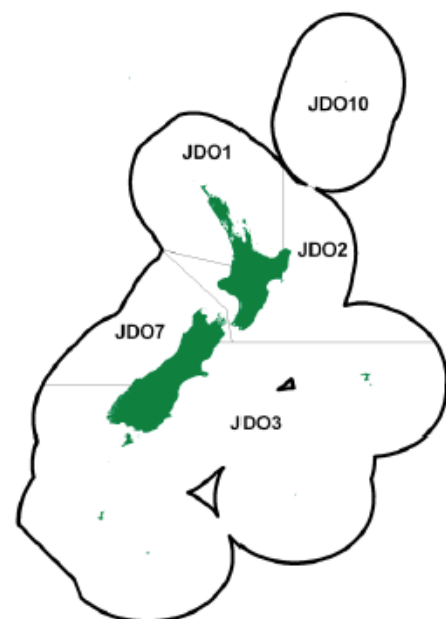
1. The Minister removes the headroom from overallocated Total Allowable Commercial Catches, including JDO 1, that fail to manage commercial harvest in any effective way. Fisheries New Zealand must include in their Final Advice Paper to the Minister a recommendation to achieve this outcome.
2. That FNZ Advice to the Minister notes that trawl CPUE may not be a true reflection of relative John dory abundance in JDO 1 or in any fisheries that have had no effective limit on commercial catch and that have been fished relatively hard for 30 years.
3. In making his decision for the future management of JDO 1 the Minister gives effective consideration to the wider impacts of fishing on the ecosystem.
4. The Minister decides to split the JDO 1 Quota Management Area (QMA) into separate west and east coast stocks.
5. The Minister sets a recreational allowance based on best available information.
6. Until there is both an agreement to split the QMA and transparent advice to the Minister as to why FNZ propose the allowance for fishing related mortality is set at 5% of the TACC rather than 10% as in most other inshore mixed trawl fisheries, the Minister makes the following decision (Option 3A) for the future management of JDO 1, reflecting in part FNZ option 3–
 - a. Sets the Total Allowable Catch at 403 tonnes.
 - b. Sets the Total Allowable Commercial Catch at 320 tonnes.
 - c. Sets aside an allowance of 15 tonnes for Maori customary interests.
 - d. Sets aside an allowance of 36 tonnes for recreational interests.
 - e. Sets aside an allowance of 32 t for fishing related mortality based on the standard 10% applied to most species in mixed trawl fisheries.
7. Fisheries New Zealand must develop a coherent policy on setting allowances for other fishing related mortality.

The submitters

8. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the proposals for the future management of John dory 1 (JDO 1). Fisheries New Zealand (FNZ) advice of consultation was received on 4 July, with submissions due by 27 July 2018.
9. The New Zealand 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'.
10. 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]
11. 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.
12. 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

13. John dory 1 (JDO 1) is a large Quota Management Area (QMA) spanning the east and west coasts of the top half of the North Island. Most of the catch is taken by bottom trawl and Danish seine methods on the east coast, and bottom trawl on the west coast. Most of the catch is taken when fishers are targeting snapper or tarakihi, but there is also a target fishery over summer.
14. John dory was introduced to the Quota Management System in 1986 with a TACC of 510 t, which increased to 704 t (38%) following Quota Appeal Authority hearings. The current TACC for the four QMAs is higher than that in any fishing year prior to 1986 and has only been fully caught once in the last 31 years. The landed commercial catch was 721 t in 1994-95 and there has been a long-term decline in commercial catches since then.



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

FNZ Proposals

15. FNZ propose significant cuts for the commercial Total Allowable Commercial Catch (TACC) to reduce harvest to estimates of current catch over the last 5 years in Option 2, or in Option 3 to reduce the TACC 10% below the average catch for the last five years (Table 1).

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

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Current settings	-	704	-	-	-
Option 1	790	704	15	36	35
Option 2	423 ↓	354 ↓ (50%)	15	36	18 ↓
Option 3	387 ↓	320 ↓ (55%)	15	36	16 ↓

Option 3A	403	320	15	36	32
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Submission

16. The submitters support removing the headroom from over allocated TACCs, including the existing JDO 1 TACC, that fail to manage commercial harvest in any effective way. John dory is not the only species that was assumed to have highly variable abundance and had excessive quota tonnages set in the 1980s.
17. There has been an increase in targeting of John dory and other (mixed) species as the snapper stocks in SNA 1 and SNA 8 have recovered from historically low levels, and as fishers have changed to spread the available snapper catch across the whole season. NZSFC has been told that the practice of fishing companies providing skippers with a “shopping list” of the species and quantity of catch for each trip has ended. We believe this practice contributed to discarding and dumping of snapper and also dumping of fish smaller than the market preferred for species such as gurnard and tarakihi.
18. There are areas and times of year where John dory aggregate on forage species or for spawning, when they can be, and are, effectively targeted by trawl and Danish seine methods. It follows that John dory is not just an unavoidable “bycatch”, but total landings can be managed by avoiding some areas at certain times of the year.
19. For the QMS to be an effective management regime and for us to achieve meaningful stock rebuilds the QMS needs to be capable of limiting commercial catch, particularly when there have been long-term declines in stocks.
20. There is currently no quantitative stock assessment that can assess the status of the John dory stocks. FNZ need to be cautious if using trawl Catch Per Unit of Effort (CPUE) and average CPUE as proxy for a biomass target. In fisheries that have had no effective catch limit and have been fished relatively hard for 30 years trawl CPUE may not be a true reflection of relative abundance. The eastern tarakihi stock is a case in point where, even though catch was limited,

an integrated stock assessment has revealed a state of long-term depletion rather than a gradual decline from average CPUE in the 1990s.

21. The JDO 1 fishery is a fairly minor component of the mixed trawl / Danish seine fishery in FMA 1 and FMA 9. The TACCs are much higher for these related stocks; for SNA 1 the TACC is 4,500 t, FMA 9 represents most of SNA 8 which has a TACC of 1,300 t, TAR 1 (E & W) is 1,447 t, TRE 1 TACC is 1,507, GUR 1 is 2,288 and BAR 1 is 11,000 t.
22. While FNZ propose to reduce the TACC in Options 2 and 3, the overall mixed species of landed commercial catch will hardly change.
23. Concerns have been raised about declines in productivity in northern inshore stocks and the need for the Minister to give effect to the wider ecosystem when making management decisions. Snapper appear to be rebuilding but growth rates are slowing, tarakihi is below the soft limit, John dory and gurnard catch is down. The major threats to the inshore ecosystem have been identified as increased sedimentation, climate change and bottom contact fishing gear². The Minister needs to act in a precautionary manner because single species fisheries management does not address the wider issues of lost productivity or ecosystem function.
24. There seem to be at least three separate stocks in JDO 1 and the large size of this Quota Management Area (QMA) is another barrier to effective management. As with other species like snapper, the boundary between Hauraki Gulf and the Bay of Plenty may not be well defined. The submitters support a split of the JDO 1 QMA into east and west coast areas, along with Tarakihi 1, Flatfish 1 and potentially other inshore species. The TACC could be split based on appropriate catch history years.
25. The submitters support setting the recreational allowance based on the best available information. It is unfortunate that the National Panel Survey underway now was delayed for a year, as a consequence there is no updated recreational harvest estimates to inform this review process.
26. The submitters support a modified Option 3, our Option 3A, with a 403 t TAC, 320 t TACC, 15 t customary allowance and a 36 t recreational allowance until there is agreement to split JDO 1 and set separate east and west coast TACCs.
27. In the Final Advice Paper FNZ must provide the Minister with more information about why the Ministry are proposing he set the allowance for other sources of fishing mortality at 5% of the TACC. The standard allowance for most species in mixed trawl fisheries is 10%. 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 current proposed TAC. If the TACC needs to be reduced to accommodate the allowance for fishing related mortality within the TAC, so be it - that is the Minister's statutory duty. The submitters support a 32 t allowance for other sources of fishing related mortality.

² MacDiarmid, A.; McKenzie, A.; Sturman, J.; Beaumont, J.; Mikaloff-Fletcher, S.; Dunne, J. (2012). Assessment of anthropogenic threats to New Zealand marine habitats. New Zealand Aquatic Environment and Biodiversity Report No. 93. 255 p.