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9 July 2016

## **NZ Sport Fishing Council submission on the review of management controls for the Bluenose Fishery (BNS 1, 2, 3, 7 & 8) in 2016**

### **Recommendations:**

1. The minimum intervention for Bluenose in 2016/17 is MPI's Option 3, which is the imposition of the Total Allowable Commercial Catch (TACC) reduction abandoned in 2013 –
  - a. The Minister sets the Total Allowable Catch (TAC) at 704 tonnes.
  - b. The Minister sets aside 63 tonnes to allow for recreational fishing interests.
  - c. The Minister sets aside 9 tonnes to allow for Maori customary fishing interests.
  - d. The Minister sets aside 12 tonnes to allow for fishing related mortality.
  - e. The Minister sets the Total Allowable Commercial Catch (TACC) at 620 tonnes.
2. Reduce the commercial catch and impose a rebuild plan for Bluenose, supported by independent monitoring and science.

### **NZ Sport Fishing Council - LEGASEA**

3. The New Zealand Sport Fishing Council and our outreach LegaSea (the submitters) appreciate the opportunity to submit on the review of management controls for the Bluenose fishery (BNS 1, 2, 3, 7 & 8). The Ministry for Primary Industries (MPI) released their Discussion Paper on 10 June 2016 with submissions due by 11 July. Any changes will apply from 1 October 2016.
4. The NZ Sport Fishing Council is a national sports organisation with over 32,000 affiliated members from 57 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](http://www.legasea.co.nz)
5. 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]
6. The submitters continue to object to the Ministry's tight consultation timetable, in this instance, 21 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. This is unacceptable consultation and, in our opinion most likely unlawful as per ss 12 and 13 of the Fisheries Act and as judged by the Court of Appeal<sup>1</sup>.

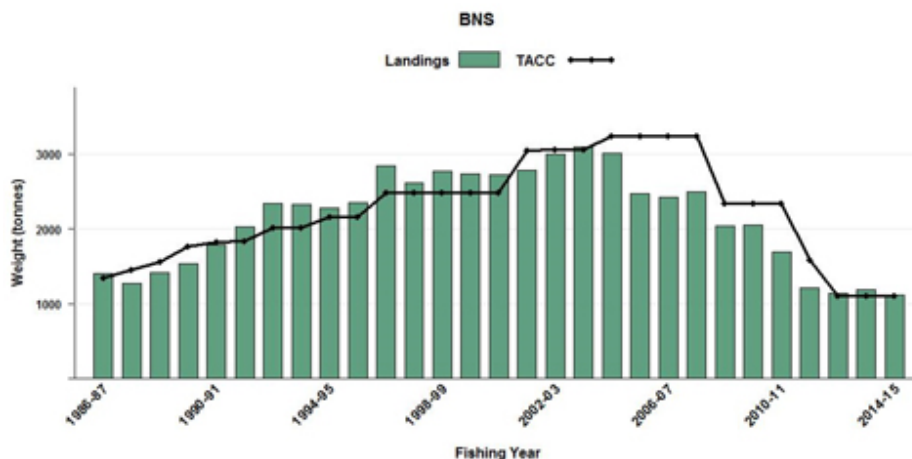
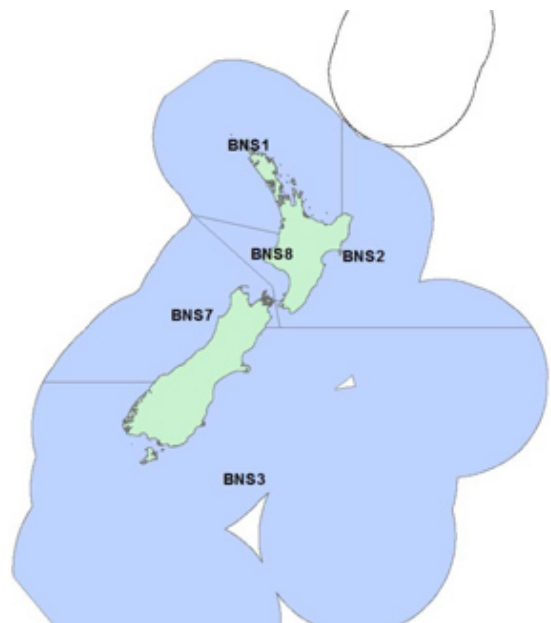
- NZSFC representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Dave Lockwood, secretary@nzsportfishing.org.nz.

## Biology

- Bluenose is a poorly understood species. Spawning locations, nursery areas, migratory patterns, species range, natural age structure, and recruitment strength are all unknown. Bluenose is a long-lived species with late maturity. It is likely that at low abundance levels catches will comprise of mainly smaller, possibly immature fish. Stocks with these characteristics are highly susceptible to growth overfishing and risk stock recruitment relationships depressing productivity.

## Executive Summary

- The combination of poor biological understanding of Bluenose and low stock size place an obligation on the government to rebuild the stock with reference to the Ministry's Harvest Strategy Standard.
- The minimum intervention must be Option 3**, which is the imposition of the Total Allowable Commercial Catch (TACC) reduction abandoned in 2013.
- The stock remains at risk from overfishing due to our poor knowledge of the biological characteristics of Bluenose. In the interests of stimulating a faster and more certain rebuild the government is urged to consider a larger reduction in catch.
- The catch curve of the last 40 years describes a stock passing through the development phase to full exploitation and finally to an overfished state. (Figure 2)



**Figure 2. Total reported landings (t) of bluenose and total TACCs (t) from 1986-87 to 2014-15 for BNS 1, 2, 3, 7 and 8.**

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

## Common Ground

13. An industry funded stock assessment in 2011 found that commercial catch rates in all areas of New Zealand had declined, and concluded that for stock assessment purposes Bluenose can be considered a single stock in NZ's Exclusive Economic Zone. Following a management review the Minister decided on a series of TACC reductions over 3 years (Table 2).

**Table 2: 2011 Rebuild Plan – TACs, TACCs and allowances, by year (all values in tonnes)**

Year	Total Combined TAC	Total Combined TACC	Total Combined Customary Māori Allowances	Total Combined Recreational Allowances	Total Combined other sources of fishing-related mortality
2010/11	2477	2325	42	63	47
2011/12	1685	1580	9	63	33
2012/13 (Current Settings)	1195	1100	9	63	23
2013/14 (Not implemented)	704	620	9	63	12

14. The third stage (2013-14) of the phased TACC reductions was not enacted due to an apparent improvement in catch rates (CPUE) and optimism that the stock was rebuilding faster than anticipated. The current stock assessment no longer supports this hypothesis.
15. The 2016 assessment confirms the 2011 assessment, that the stock is likely as not below the soft limit of 20% of unfished biomass, B20, but very unlikely to be below the hard limit B10. **Still a long way from the default target biomass of 40% of unfished biomass, B40.**
16. The catch reductions made so far have are thought to have either stopped further decline in abundance or increased the stock slightly – there is no clear signal. At current settings there is no confidence of a rebuild, though current catches could be maintained for a while – a state of “sustainable depletion”.
17. MPI is proposing a reduction now and possibly some decision rules that could guide TACCs in the future.
18. MPI only review management when some change is considered necessary. They are consulting on the following options -

**Table 1: Proposed management settings (combined TACs, TACCs, and allowances) for bluenose for 2016/17 (all values in tonnes)**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	Other sources of fishing-related mortality
Option 1 ( <i>Status quo</i> )	1195	1100	9	63	23
Option 2	990	900	9	63	18
Option 3	704	620	9	63	12

## Rebuilding the Stock

19. It is unlikely that Bluenose within the Exclusive Economic Zone comprise a single stock, but not impossible. To date there is no analysis that supports multiple stocks, however very little is known. The default stock target of 40% means policy settings for Bluenose must change, substantially in all areas.
20. It is notable that industry managed to avoid the last of the catch reductions by promoting a theoretical possibility that Ministry accepted hook, line and sinker. The industry's view is encapsulated in their recent newsletter comment, "*After several years of decline CPUE across BNS stocks up until 2011, MPI consulted on reducing the combined BNS TACCs from 1,100 tonnes to 620 tonnes. We have successfully avoided these TACC reductions for several years and maintained the BNS TACCs at 1,100 tonnes*". It can be assumed a similar tactic will arise with this review. It may take the form of more data gathering, inevitably it will hold out hope that better decisions can be made in the future. These are standard industry delay tactics to allow time to generate a case for not having the catch reductions imposed.
21. The rebuild target of B40 in less than Tx2 is a **minimum** standard – it is not a moving target. The Ministry's Harvest Strategy Standard (HSS) does not anticipate accepting risk beyond that outcome and it is in the interests of everyone to get there on or before time. There are so many biological factors that can defeat a prolonged rebuild programme (recruitment or environmental failures) that it behooves government to intervene and restore the stock to comply with the HSS with a high degree of certainty.

## Future Policy Settings

22. **Management Strategy Evaluation.** The MSE is only as good as its input assumptions. Given the paucity of validated data on Bluenose, the model would be almost entirely based on assumptions piled on assumptions. While MPI may be attracted to MSE and Management Procedures as a way of informing catch settings, we are not convinced of their value because current examples only offer support to an industry-preferred view that CPUE is proportional to abundance and modest increases in CPUE should lead to increased TACCs.
23. **Catch sampling.** Setting catch limits without monitoring the relative age structure over time is reckless. Better late than never, but the sampling now is of an overexploited stock and the age composition and initial recruitment of a near virgin stock is unknown.
24. **Monitoring.** It is pointless to monitor Bluenose with the intention to alter catch limits frequently in response to signals of CPUE or age. The long-lived, low productive nature of the stock with an unknown range and season migration mean than reliable signs of increased abundance will take many years to confirm.
25. The submitters do not support the use of MSE for low information stocks, and it follows that Management Procedures to guide catch setting would have to be very coarse to accommodate all the uncertainty and knowledge deficit, and to ensure the precautionary principles of the Fisheries Act are met.

## Principles

26. The environmental and information Principles must be taken into account by anyone exercising functions under the Fisheries Act 1996.
27. In particular s.10 (b) and (c) imports a degree of caution when assessing risk. We know biological information is uncertain and unreliable for Bluenose and the Minister must be fully informed of the risks associated with all the available management options
28. Section 9 (a) also invokes caution as the knowledge of associated and dependent species is virtually zero. Due to the information vacuum a greater degree of caution is expected from decision makers.

## Summary

29. Bluenose has all the characteristics of an overexploited stock in need of rebuilding. Rebuilding long-lived, low productivity stocks is a long game requiring aggressive catch reductions to allow older fish to become more common in the population.
30. Option 3 must be the minimum reduction considering the state of the stock. Government should resist the pleadings of hardship that results from catch reductions. There may well be some hardship, but the catch curve informs us that many millions of dollars have been earned while fishing down the stock and now a strong rebuild plan is required.
31. There must be no acceptance of a 'deal' where catch reductions are exchanged for promises of additional data and hopes for a brighter view. We have had these promises before. Bluenose is in a depleted state *because* of the current level of exploitation. The government must step up and do what it is statutorily obligated to do – reduce the commercial catch and impose a rebuild plan supported by independent monitoring and science. The alternative is many years of sustainable depletion, which is bad for the stock, bad for fishers and New Zealand as whole.