

Preliminary view of Fisheries Change proposals 2019

NZSFC Fisheries Management Committee



A. Context

Raising the issue of senseless waste and dumping by commercial fishers to avoid using up their annual catch entitlement for Snapper 1 (SNA 1) was a major mover of public and political attitudes in the New Zealand Sport Fishing Council / LegaSea [Save our Snapper campaign](#) in 2013.

In 2014 the Minister of Fisheries instituted a [range of measures](#) including phasing in 100% observer coverage on SNA 1 trawlers and the reporting of the weight of undersized snapper discarded (SNX). In August 2015 Nathan Guy asked for input into an [operational review of the Quota Management System \(QMS\)](#).

A year later the [Future of Our Fisheries \(FOOF\) documents](#) were released for consultation. Since then the Ministry of Primary Industries (MPI) has started phasing in the Integrated Electronic and Reporting System (IEMRS) on all commercial vessels.

In February 2019 Stuart Nash released the Fisheries Change Programme *Your fisheries – your say* discussion paper. The documents Fisheries Change documents and dates for public meetings are on the MPI website [here](#). **Submissions are due with MPI by 17 March.**

This process continues down the track of the FOOF proposals selected by MPI policy staff. It is an attempt to use market economics as an agent of change within the Quota Management System. An example of this is the proposal to remove minimum size limits and institute land-all catch on commercial vessels. In theory, small fish will be worth less so commercial fishers will change their gear and behaviour to avoid them in favour of landing market sized fish.

B. Fisheries Change Programme proposals for reducing discards and dumping

The *Your fisheries – your say* discussion paper contains proposals to “simplify” the regulations on discarding fish from commercial vessels, reduce the penalties for dumping Quota Management System (QMS) species, and speed up administrative processes when setting Total Allowable Commercial Catches (TACCs) and making regulatory changes. These measures will require changes to the Fisheries Act in 2020, the first substantive changes since 2008.

There are three rather open-ended options around the rules for landings (fish brought to port) and returns (discards, fish that can be returned to the sea) from commercial catch -

- Option 1:** Tighten the rules for returning fish to the sea. Remove the Minimum Legal Size for finfish taken commercially. This option tightly limits the fish that can be returned to the sea, as well as allowing live returns under specified conditions.
- Option 2:** Increase the flexibility around and the range of fish that can be returned to the sea. This option allows for dead fish to be returned to the sea based on biological and economic grounds, as well as allowing live returns under specified conditions.
- Option 3:** Retain current rules (status quo). This option makes no change to the current rules for landing and returning fish.

New Zealand Sport Fishing Council (NZSFC) representatives have attended Ministry information meetings and LegaSea continues to monitor comments in the media. While the roll out of cameras is not part of the current process there is a clear expectation that increased monitoring of discards using cameras will follow this review. A quote from Minister of Fisheries Stuart Nash:

“There is a process to follow before on-board cameras can be considered and I need to first ensure the regulations are practical to implement, the technology is operationally ready to go, the systems are in place, and the fisheries management framework is clearly understood,”

It is worth recapping on some statements from the [Joint recreational interests’ submission](#) on FOOF, 23 December 2016:

There is an initial attraction to nil discards given that it is simpler to monitor and detect non-compliance. Any discarding will be illegal. However, we are concerned that this will significantly increase the fishing mortality of high value species such as kingfish and southern bluefin tuna.

The MLS needs supporting by gear regulations to establish a standard and area closures to protect juvenile areas. All trawl technologies should comply with a simple and transparent standard that speak to the matters of species selection, size selection and benthic impact.

The minimum legal sizes applying to commercially caught fish, and the species that can be released alive listed on Schedule 6 need to be reviewed to ensure they are working to increase productivity.

There are some statements in MPI’s Option 1 that reflect the views expressed in our 2016 submission, and others where MPI contradict themselves. For example, the Ministry propose to allow “live healthy fish to be returned to the sea when they have a good chance of survival”, then in the next section propose to use live release “only for those fish that have low or negative economic value”.

The economic value has nothing to do with the chances of survival on release.

C. NZSFC Preliminary view

1. Incentives

Removing minimum size limits **does not** change the incentive to sort catch for the best economic return **nor does it** alter the list of other failures and poor incentives inherent in the Quota Management System.

The Ministry has acknowledged that the Quota Management System (QMS) incentivises commercial fishers to dump fish that are either less valuable (small or damaged) or when they don’t have enough ACE (Annual Catch Entitlement) to cover the landings.

MPI is also concerned there are insufficient incentives for commercial fishers to avoid catching small fish that they can legally discard, or to innovate to use more selective fishing methods. The major innovation in the last few years is the Government (public) and industry investment in new fishing gear, Precision Seafood Harvesting. PSH gear is actually catching more small fish than conventional trawl nets.

Installing cameras may aid detection of fish discarding but it is far from fool proof. There are 19 species of vulnerable reef fish that are listed as non-commercial and required to be discarded if caught. There are also non-QMS species that are unmarketable such as puffer fish and carpet sharks. In addition, there is an issue with trawl gear wastage, particularly with larger mesh sizes, of fish slipping through the mesh when the weight comes off and the mesh opens at the back of the boat.

Discards and losses at sea will continue with or without cameras.

Recommendations for submissions

- 1.1 Submitters highlight to the Minister that the failures and poor incentives inherent in the QMS will not be addressed by any of the proposals from FEOF or Fisheries Change Programme.
- 1.2 Submitters outline some of the real solutions that are possible from a comprehensive review of the fisheries management system.
- 1.3 Submitters advocate for the removal of all bottom contact mobile fishing methods from the Territorial Sea, inside the 12 nautical mile limit, as the best approach to reducing juvenile mortality and restoring healthy, productive ecosystems.

2. Size limits

It is clear that there will be a review of commercial minimum sizes and fish of legal size that can be released under Schedule 6. See Table 1 for current species.

Our concern is that MPI policy will be pushing for land-all catch to minimise discards and assist enforcement using camera footage rather than instituting a proper assessment of what helps increase productivity.

The way to reduce waste from catching and releasing undersize fish is to not catch them in the first place.

The main culprit is inshore bottom trawling permitted to operate in known nursery grounds.

Recommendations for submissions

- 2.1 The Minister does not impose land-all catch where this would significantly increase fishing mortality.
- 2.2 The Minister does not impose land-all catch until bottom trawling is removed from the inshore zone, within 12nm of the coast.
- 2.3 There must be proper process and discussion on the impacts of changes on individual species and the areas of known abundance of juvenile fish.

3. Catch records

Commercial catch and effort records are widely used to calculate changes in catch per unit effort (CPUE) and estimate changes in abundance for fish stocks. Fisheries management and stock assessments will require fishers to report catch that matches the size limits that currently exist. Detailed information on the times and areas where juvenile fish are caught is critical to monitoring the impact on stocks, and for setting standards for commercial fishing

methods. As often quoted by commercial fishers – you can't manage what you can't measure.

If size limits are removed from a species then commercial fishers must, in future, be required to sort their catch into under and over the current size limit and record the weight for each tow or shot.

This is critical information for interpreting changes in CPUE and in monitoring the impact of fishing methods on juvenile fish in an area. The lack of detailed reporting of undersized crayfish captured using the concession in three rock lobster management areas CRA 3 (Gisborne), 7 (Otago) and 8 (Southland) has raised serious, ongoing doubts around the management, monitoring and analysis of changes in rock lobster abundance.

Recommendation for submissions

- 3.1 If size limits are removed from a species then commercial fishers must be required to sort their catch into under and over the current size limit and record the weight for each tow or shot.

4. Changes to TACCs

The clear expectation from commercial quota holders is that there will be increases in the Total Allowable Commercial Catch (TACC) if size limits are removed and live releases prohibited. The estimates of current discards are poor and no doubt commercial fishing interests will try to claim as much as they can.

Within the Total Allowable Catch (TAC) and before the TACC is set or varied, an allowance is set aside to account for other sources of fishing related mortality. This allowance ought to cover black market sales, under reporting, mortality from legal and illegal discards and dumping, and mortality associated with non-commercial Maori customary and recreational fishing. If the TACC is to increase then that increase is a proportion of the allowance set aside for fishing related mortality.

Recommendations for submissions

- 4.1 That there is no increase in the TAC if a species has the size limit removed.
- 4.2 The TACC may be increased by the best estimate of undersized catch being transferred from the allowance for other sources of fishing related mortality.
- 4.3 There must be no increase in the TACC for a reduction in wasteful illegal dumping of fish.

5. Unanswered questions

Will removing some size limits be better for the fish and productivity of the stock?

Only if fishers can avoid catching small fish in the first place. MPI will have to take into account an increase in through-net mortality if net size changes. Some species have good release survival from capture on longlines and the new Precision Seafood Harvesting method. Changes will increase fishing mortality.

Will removing some size limits stop discarding and dumping?

No. There have been land-all catch rules introduced in some fisheries in Europe and North America, their management systems are quite different but our research shows the discarding and dumping continues. The economic incentives remain and enforcement at sea is problematic whichever system is used.

Will removing some size limits be better for fishers?

Not all. There seems to be enthusiastic support from large quota owners who clearly expect TACC increases for some species. Commercial fishers on the water will have some hard choices about where and how to fish, what to do if they catch large quantities of small fish, and how to make a profit when the port prices come down. The cost of cameras and penalties for any infringements will fall on the boat owner and fisher, not the quota owner. This will again make it harder for the small, independent fisher and favour the large companies.

6. Finfish size limits

Table 1: Minimum size limits applying to commercial and recreational fishing.

Species of fish	Commercial minimum legal fish length (cm)	Recreational minimum legal fish length (cm)
Blue cod	33	30 to 33
Blue moki	40	40
Butterfish	35	35
Flatfishes	23 to 25	23 to 25
Kingfish	65	75
Red cod	25	25
Red gurnard	none	25
Red moki	40	40
Snapper SNA1	25	30
Snapper other areas	25	25 to 27
Tarakihi	25	25
Trevally	25	25
Trumpeter	none	35

7. Legal size finfish that can be released alive

Schedule 6 of the Fisheries Act lists the legal sized finfish that can currently be released alive. The weight of these should be recorded but they are not counted against quota (ACE).

Species that can be released under Schedule 6 are:

Kingfish, Southern bluefin tuna, Swordfish smaller than 125 cm lower jaw fork length and Toothfish. Also, a number of shark and ray species: Mako, Porbeagle, Blue, Rig, Spiny dogfish, School shark and Rough skate.

D. Your feedback

The New Zealand Sport Fishing Council will be developing a submission in response to these proposals by the deadline, 17 March 2019. Your feedback is most welcome. Please email John@bluewatermarine.co.nz.