

But all good



01 Aug 2019

Document Number: B19-0287

Proposed changes to the blue cod fishing regulations

Purpose:

This briefing seeks your decision on proposed regulatory changes to blue cod fishing rules, as an immediate outcome of the National Blue Cod Strategy.

Minister	Action Required:	Minister's Deadline
Minister of Fisheries	<p>Note the contents of this briefing.</p> <p>Agree to make the decisions outlined in this briefing.</p> <p>Note that, if you agree to the proposed regulatory changes, Fisheries New Zealand will prepare the necessary papers for submission to the Cabinet Economic Development Committee.</p>	12 August 2019.

Comments:

The National Blue Cod Strategy and its implementation has a high level of interest from all sectors and some media, particularly in the South Island. Fisheries New Zealand has consulted widely when developing the proposed regulatory changes. We have involved a group with substantial experience in blue cod from customary, commercial and recreational fishing sectors (the Blue Cod Technical Group) to support development of the strategy and regulatory options.

Contact for telephone discussion (if required)

	Name	Position	Work	After Hours
Responsible Director	Stuart Anderson	Director Fisheries Management	9(2)(a)	
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Key Messages

1. In December 2018 you endorsed the National Blue Cod Strategy (the strategy). Fisheries New Zealand developed the strategy in partnership with tangata whenua and representatives from all fishing sectors. The strategy identified that changes to the blue cod fishing regulations were required to ensure that areas that have been depleted of blue cod by localised overfishing, particularly in the South Island, are rebuilt.
2. In January 2019 Fisheries New Zealand consulted on your behalf on potential changes to the blue cod fisheries regulations, to:
 - a. require all fishers (commercial and recreational) to have a minimum mesh size on blue cod pots of 54mm;
 - b. standardise the minimum legal size for recreational fishing of blue cod at 33cm nationwide (33cm already applies to commercial fishing);
 - c. require recreational fishers to land blue cod in a measurable state (e.g. whole or gutted);
 - d. set a two-day accumulation limit for recreational fishers; and
 - e. change the recreational daily bag limits for some blue cod stocks, based on a 'traffic light' system to address concerns about localised depletion.
3. Fisheries New Zealand received over 900 submissions on these proposals. There was widespread support for proposals a, b and d above. However, mixed feedback was received on proposal c, and on the level to which the recreational daily bag limits for some blue cod stocks in the South Island should be lowered (proposal e).
4. Fisheries New Zealand consulted the Blue Cod Technical Group to discuss options, and has included the group's feedback in this paper.
5. After considering the submissions and feedback received, we recommend that you agree to progress the above proposals, noting that there are options for you to consider in terms of how proposals c) and e) are implemented. With regards to c), our preferred approach is that blue cod be landed in a measurable state across all areas.
6. With regards to e), our preference is that recreational daily bag limits be set at two, 10 and 15 (for red, orange and green areas, respectively) blue cod per person. However, bag limit options within this range could be considered.
7. If you approve, Fisheries New Zealand will provide you with a paper for consideration at an Economic Development Cabinet Committee meeting in September 2019. If approved by Cabinet the changes would be announced before the summer season, when most recreational blue cod fishing occurs. ✓

Recommendations

8. Fisheries New Zealand recommends that you:

- a) **Agree** to require recreational and commercial fishers to use a minimum cod pot mesh size of 54mm
Agreed / Not Agreed
- b) **Agree** to standardise the minimum legal size to 33cm for recreationally caught blue cod nationwide
Agreed / Not Agreed
- c) **Agree** that traffic light system colours be assigned to areas of the South Island as set out in this paper
Agreed / Not Agreed
- d) **Either**
Agree to require recreational fishers to land blue cod in a measurable state nationwide (preferred)
Agreed / Not Agreed
Or
Agree to require recreational fishers to land blue cod in a measurable state only in 'red' and 'orange' areas specified in the 'traffic light' system
Agreed / Not Agreed
- e) **Agree** that a two-day accumulation limit apply to recreational fishers
Agreed / Not Agreed
- f) **Agree** to amend the recreational daily bag limits in the South Island to two, 10 and 15 (for red, orange and green areas, respectively) blue cod per person per day, according to the 'traffic light' system
Agreed / Not Agreed
- g) **Agree** that Fisheries New Zealand prepare papers for submission to the Cabinet Economic Development Committee to progress your decisions
Agreed / Not Agreed



Dan Bolger
Deputy Director General
Fisheries New Zealand



Hon Stuart Nash
Minister of Fisheries
01 / 08 / 2019

Background

9. The National Blue Cod Strategy (the strategy, **Appendix One**), which you endorsed in 2018 (**B18-0471 refers**), was developed in response to concerns of declining blue cod abundance. Fisheries New Zealand developed the strategy in 2017-18 in partnership with the Te Waka a Māui me Ōna Toka Iwi Forum and the Blue Cod Technical Group¹.
10. The strategy identifies that blue cod's popularity as a target species and unique biology have led to overfishing and localised depletion in some areas. Blue cod research, including a long running series of potting surveys, and information collected during engagement on the strategy, suggests blue cod abundance is low or declining, particularly in some areas of high recreational fishing pressure.
11. The proposals outlined in this briefing are focused on changes to fishing regulations. In addition to these regulatory changes the strategy identifies a number of other initiatives to improve the sustainable utilisation of blue cod, including; reviews of the total allowable catch, total allowable commercial catch and allowances for key blue cod stocks², and an integrated education and research programme.

Problem definition

12. Previous attempts to manage the impacts of overfishing of blue cod have been implemented in specific areas as they arise. This approach has resulted in a patchwork of complex blue cod fishing regulations that are difficult for fishers to comply with and difficult for Fishery Officers to enforce. Given the large range of recreational bag limits that apply (two to 30 blue cod per person per day), recreational fishers travel considerable distances to fish in high-limit areas, with evidence of serial depletion and declining abundance in these areas.
13. This management framework is no longer effective at managing the impacts of localised overfishing in some parts of the South Island. Fisheries New Zealand is concerned that the fishery, particularly in areas experiencing high utilisation, will remain or become depleted if this issue is not addressed.

Consultation

14. Fisheries New Zealand publicly consulted on your behalf on the options in **Table 1** for eight weeks, from 29 January to 26 March 2019. Submitters were able to engage through Fisheries New Zealand's regional Iwi Forums, face to face engagement with recreational fishing clubs, an online survey, and email.

¹ The Te Waka a Māui Fisheries Forum is the Iwi Forum that covers all of the South Island. The Blue Cod Technical Group is comprised of representatives from the Iwi Forum, recreational and commercial fishing sectors, and the environmental sector.

² Most blue cod stocks only have a total allowable commercial catch set (not a total allowable catch or allowances), as their settings have not been changed since they were included in the quota management system.

Table 1. Summary of the proposed regulatory changes and options that were consulted on in January – March 2019.

Proposed change	Option 1 (status quo)	Option 2	Option 3	Fishing sector that regulations will apply to
Pot mesh size	Minimum cod pot mesh size of 48mm for commercial only	Minimum of 54mm for commercial and recreational	-	Recreational and commercial
Minimum legal size (MLS)	Mixed MLS of 30cm and 33cm	Standardise MLS to 33cm nationwide	-	Recreational
Measurable state	Landed in any state ³	All landed in a measurable state	-	Recreational
Accumulation limit	Fishers can possess multiple daily bag limits ⁴	Fishers can possess a maximum of two times the highest national daily bag limit	Fishers can possess a maximum of two times the daily bag limit in the area they are fishing in and/or land in	Recreational
Daily bag limit	Mix of daily bag limits around the country (ranging between one to 30 blue cod per person per day)	Five to 15 blue cod per person per day	Two to 10 blue cod per person per day	Recreational

³ Except for in Challenger East (Marlborough Sounds Area) where fishers are required to land blue cod in a measurable state; whole or gutted.

⁴ Except Challenger East (Marlborough Sounds Area) where fishers are only allowed to possess a maximum of 2 daily bag limits in their possession.

Summary of Submissions

15. Fisheries New Zealand received 887 submissions through the online survey, and 41 submissions by email, including from the following organisations and Iwi:
 - a. BCO Association Inc.⁵
 - b. Chatham Islands Finfish Association Inc.⁶
 - c. Specialty and Emerging Fisheries⁷
 - d. The Fiordland Marine Guardians
 - e. The Kaikoura Marine Guardians
 - f. Guardians of the Sounds⁸
 - g. Southern Inshore Fisheries Management Co. Ltd⁹
 - h. Te Rūnanga o Ngāi Tahu¹⁰
 - i. Forest and Bird
 - j. New Zealand Sports Fishing Council
 - k. Marlborough Recreational Fishers Association¹¹
 - l. Rakiura Marine Guardians¹².
16. Individuals participated in the online survey from across New Zealand. Recreational fishers were the largest group of participants (91% of online submissions). The areas with the highest participation were BCO 3 (275 submitters) and BCO 7 (234 submitters), followed by BCO 5 (58 submitters) and BCO 2 (57 submitters). Very few submitted from BCO 1, 4 and 8. A summary map that sets out the submissions received by region is attached (**Appendix Two**).

Views of tangata whenua

17. In late 2016, a more consistent and comprehensive management approach to blue cod fisheries was requested by tangata whenua through the Te Waka a Māui me Ōna Toka Iwi Forum (the Iwi Fisheries Forum that covers all of the South Island). Fisheries New Zealand, in partnership with the Forum, established the Blue Cod Technical Group (which included 3 representatives from the Te Waka a Māui Forum) to support development of the strategy. Regular updates of the strategy's progress have been made by Fisheries New Zealand officials and Forum representatives at Forum meetings.
18. Chatham Islands Iwi/Iwi have been fully consulted throughout development of the strategy and this consultation process, and support the proposals consulted on for BCO 4.

⁵ Represents all BCO 5 commercial fishers.

⁶ Represents most BCO 4 commercial fishers.

⁷ A collective of associations operating niche fisheries and markets, including in BCO 4 and BCO 5.

⁸ A community group based in the Marlborough Sounds.

⁹ Represents 110 inshore fishstocks throughout FMAs 3,5,7 & 8.

¹⁰ Collated as one submission from Ngāi Tahu Customary Fisheries Managers (Tangata Tiaki/Kaitiaki and Customary Protection Area Managers).

¹¹ Represents the interests of recreational fishers in the Marlborough Sounds.

¹² Established in 2017/18 to advocate for sustainable use of Stewart Island's marine environment.

19. Engagement with North Island Iwi has not yet occurred to the same extent as it has in the South Island and Chatham Islands. Few changes are proposed to the North Island blue cod fishing regulations, partly because of this, but also because the key target fisheries for blue cod are primarily in the South Island.
20. Fisheries New Zealand received 12 responses to the online survey from those who identified themselves as tangata whenua. In addition we received an email submission from Ngāi Tahu Customary Fisheries Managers (Tangata Tiaki / Kaitiaki and Customary Protection Area Managers), which is attached as **Appendix Three**.
21. In summary, Ngāi Tahu Customary Fisheries Managers (Tangata Tiaka/Kaitiaki and Customary Protection Area Managers) supported:
 - a. increasing the cod pot mesh size to 54mm;
 - b. standardising the minimum legal size to 33cm for recreationally caught blue cod;
 - c. requiring recreationally caught blue cod to be landed in a measurable state¹³; and
 - d. a two-day accumulation limit for recreationally caught blue cod.
22. The traffic light system was also supported, with the majority of managers supporting bag limits that align with Option 3 (two to 10 blue cod per person per day). Additional feedback on how colours should be assigned to areas through the traffic light system was also provided, including specific bag limit recommendations for inside some customary management areas. This feedback has been given consideration in the following analysis of options.
23. The Customary Fisheries Managers also supported the implementation of a daily vessel limit to address the impacts of charter fishing on blue cod stocks. In addition, the Arai te Uru Mahinga Kai Forum¹⁴ requested that a bag limit be set for sea perch to offset the increased pressure on this species from lower rāwaru (blue cod) bag limits. We note that these options were not consulted on, and therefore are unable to be progressed as part of this process. However, we meet regularly with Customary Fisheries Managers and the Mahinga Kai Forum, and will discuss these proposals at these hui.

Analysis of Options

24. Following consultation, we also sought further feedback from the Blue Cod Technical Group that supported development of the Strategy. This feedback has been included in the analysis of options in this paper.

¹³ Some managers supported fish being landed gilled and gutted but not filleted, whereas others supported filleting at sea with the retention of frames for measuring.

¹⁴ One of Ngai Tahu's regional fisheries forums.

Pot mesh size of 54mm for commercial and recreational fishers

Overview of what was consulted on

25. Fisheries New Zealand consulted on increasing the minimum blue cod pot mesh size to 54mm for commercial fishers, and requiring recreational fishers to have a minimum cod pot mesh size of 54mm. Currently, the minimum cod pot mesh size for the commercial sector is 48mm across the country, except for in BCO 5 where it was increased to 54mm in 2017¹⁵. The recreational sector does not have a minimum cod pot mesh size.
26. A mesh size of 48mm does not allow all fish under the Minimum Legal Size (MLS) to escape. Setting the pot mesh size to a minimum of 54mm for all sectors would complement the proposed increase to the MLS (to 33cm for all recreational fishers) by ensuring that only fish above the MLS are retained in pots.

Outcomes of consultation

27. We received 862 submissions on whether or not to increase the cod pot mesh size to 54mm. There was widespread support (84%¹⁶ of those who submitted on this question) to require all blue cod fishers to have a minimum cod pot mesh size of 54mm (**Table 2**).

Table 2. Summary of support (% of total submissions received for this question) for each option.

Proposed options	Support (%)
Option 1: status quo – minimum cod pot mesh size of 48mm for commercial only	7
Option 2: minimum cod pot mesh size of 54mm for commercial and recreational	84
Option 3: other, please specify	9

28. The Southern Inshore Fisheries Management Company Ltd raised concerns that fishers may not be provided the opportunity to adopt a 54mm mesh size through a phased approach, should all regulation changes come into force at once.
29. The BCO5 Association Inc. and Chatham Islands Finfish Association Inc. noted that a drop in commercial catch per unit effort may occur during the transition to the 54mm mesh, biasing stock assessment data. Fisheries New Zealand acknowledges this possibility and will take it into account during future stock assessments.

¹⁵ The main New Zealand mesh supplier now only sells 54mm mesh, and most cod pots in the commercial fleet are now at 54mm already. BCO4 (Chatham Islands) also has 100% voluntarily adopted 54mm mesh size.

¹⁶ Note organisations counted as '1' when calculating percentages

30. Of the 9 who submitted 'Option 3: other', several of these requested that potting for blue cod be banned, or that potting be restricted to the commercial sector, which is outside the scope of what was consulted on.

Analysis of costs and benefits of options

31. Increasing the mesh size to 54mm is expected to have an impact on approximately 30 individual commercial fishers. Fisheries New Zealand has discussed the proposal with these fishers. Noting that, generally, commercial blue cod pots are re-meshed annually, this regulatory change should have a relatively low economic impact on these fishers.
32. To reduce this impact further we will work with fishers to manage the transition.
33. Few recreational fishers will be impacted by this proposal, as the majority of recreational fishers do not fish for blue cod with pots¹⁷.

Recommendation

34. Fisheries New Zealand recommends that you agree to require commercial and recreational fishers to have a minimum blue cod pot mesh size of 54mm, with a phased implementation over the first blue cod season for commercial fishers.

Standardise Minimum Legal Size to 33cm for recreational fishers

Overview of what was consulted on

35. Fisheries New Zealand consulted on whether to standardise the recreational minimum legal size (MLS) nationally to 33cm¹⁸. Currently, the MLS in some areas is 30cm (BCO 1, 3 & 4). The MLS is 33cm in the remaining blue cod quota management areas (QMAs).
36. The objective of a 33cm MLS is to improve the productivity of blue cod populations by protecting larger females, giving them a greater chance to breed. Standardising the MLS makes this measure easier to comply with and enforce.

Outcomes of consultation

37. We received a total of 886 submissions on this consultation question. The majority of submitters (81%) supported Option 2, to standardise the MLS to 33cm nationwide (**Table 3**).

¹⁷ It is estimated that 0.3% of the total recreational BCO catch is taken by potting (National Panel Survey of Recreational Fishers, 2017-18).

¹⁸ Commercial blue cod fishers are already constrained by a 33cm MLS.

Table 3. Summary of support (% of total submissions received for this question) for each option.

Proposed options	Support (%)
Option 1: status quo – Mixed MLS of 30cm and 33cm across New Zealand	11
Option 2: increase / standardise MLS to 33cm nationwide	81
Option 3: other, please specify	8

Analysis of costs and benefits of options

38. BCO 1, 3 and 4 do not currently have an MLS of 33cm and would be affected by this proposal. Fishers in BCO 3 would be the most affected, given the large number of recreational fishers targeting blue cod in this area. However, an MLS of 33cm is already in place in some parts of BCO 3 and there was high support from submitters who fish in BCO 3 for increasing the MLS to 33cm (76%).
39. We note that there is a risk of increased mortality by increasing the MLS to 33cm as this can result in greater handling of fish which are below the MLS. As part of the strategy, we are mitigating this risk through an education programme that encourages good fish handling and returning procedures (including making appropriate hooks readily available and the use of return tubes¹⁹).

Recommendation

40. Fisheries New Zealand recommends that you standardise the MLS for blue cod to 33cm nationwide, noting that there was high support for this option from submitters.

Recreationally caught blue cod to be landed in a measurable state

Overview of what was consulted on

41. Fisheries New Zealand consulted on requiring recreational fishers to land blue cod in a measurable state. During consultation we did not define 'measurable state', to encourage participants to submit their views on what a 'measurable state' could be.
42. The only area in New Zealand that currently requires blue cod to be landed in a measurable state is the Challenger East Area (which includes Marlborough Sounds). In this area, a measurable state means that blue cod must be landed whole or gutted.

¹⁹ A return tube is a device which can be used to put fish back into the ocean below the surface, which reduces their risk of predation, particularly by seabirds.

43. Requiring blue cod to be landed in a measurable state means the MLS is easier to enforce, as blue cod can be measured upon inspection. This complements the size and daily limit rules to support a rebuild of blue cod populations by discouraging fishers from landing undersize blue cod. With fishers able to produce whole fish or gutted fish, Fishery Officers are quickly able to establish whether or not the fish/frame is of a legal size.
44. Requiring blue cod to be landed in a measurable state may also incentivise fishers to use more of the fish (e.g. cook with the frame or head), and reduce waste.

Outcomes of consultation

45. We received a total of 870 submissions on this proposal. The majority of submitters (61%) agreed with Option 2: that blue cod should be landed in a measurable state (Table 4).
46. The level of support for Option 2 varied, however, across the country. Most fishers in BCO 7 and BCO 2 supported Option 2 (78% and 81% respectively), while BCO 3 fishers were evenly divided in their support for Option 2 and the status quo. The majority of fishers (63%) in BCO 5 supported the status quo.

Table 4. Summary of support (% of total submissions received for this question) for each option.

Proposed options	Support (%)
Option 1: status quo – recreationally caught blue cod can be landed in any state ²⁰	32
Option 2: all landed in measurable state (gutted or whole)	61
Option 3: other, please specify	7

47. Submitters made the following comments on requiring recreational fishers to land blue cod in a measurable state:
 - a. This measure would affect their ability to exercise traditional fishing practices: preparing blue cod at sea;
 - b. This measure would negatively impact those on multi-day fishing trips (where they don't return to shore);
 - c. Filleting at shore would increase the waste that was generated (and that subsequently needed to be processed) onshore;
 - d. Fish filleting should be allowed if frames are kept to prove size;
 - e. ACV operators on the Chatham Islands were concerned about the impacts on their customer expectations because filleting on the wharf is not practical; and
 - f. Restricting filleting at sea would remove the waste fish as a food source for other species.

²⁰ Except for in Challenger-East (which includes the Marlborough Sounds), where fishers are already required to land blue cod in a measurable state; whole or gutted.

48. The Chatham Islands Finfish Association Inc. recommended that Chatham Island-based Amateur Charter Vessel (ACV) operators be consulted further prior to progressing any regulatory changes that might require blue cod to be landed in a measurable state, to ensure they are not unduly affected by this measure. This is because many blue cod leave the Chatham Islands as fillets (including those landed on ACVs).
49. The Fiordland Marine Guardians initially submitted that they did not support this measure being implemented in BCO 5. However, in subsequent discussions with the Guardians they indicated they were more supportive, particularly if this measure was implemented in areas where populations are primarily of blue cod at, or lower than, the MLS.

Analysis of costs and benefits of options

50. We note that there was mixed support for this proposal.
51. Information from fishers suggests that the majority of recreational blue cod fishers currently fillet at sea rather than ashore. However, the number of recreational fishers landing blue cod as fillets differs between areas. For example, Fishery Officers have noted that most blue cod are landed filleted in Southland/Otago (BCO 5), but that those fishing in Canterbury/Westland (BCO 3) tend to land blue cod whole or gutted, unless caught aboard an ACV operation (where it is generally landed as fillets). Therefore, requiring recreational fishers to land blue cod in a measurable state would likely have a high impact on recreational fishers in areas such as Southland and Otago, where there will likely be some opposition to this measure being implemented.
52. Should the status quo be retained, however, Fishery Officers will remain unable to determine (to a standard of proof accepted by the Court) if a blue cod fillet has come from a legal size blue cod or not. This makes it difficult to enforce the MLS during compliance inspections, and could encourage non-compliance.
53. We have therefore considered options to implement this measure that also mitigate its impact as set out below.
54. The definition of a measurable state could be expanded from only whole or gutted (as applies to the Challenger-East area), to also include 'gilled' and 'headed and gutted' to reduce the impact on fishers.
55. In the Challenger-East area, the current regulations also allow 'a person to possess blue cod in another state if it is to be immediately eaten on the fishing vessel from which it was taken'. Applying this regulation nationally, should you agree to proceed with Option 2, would reduce the impact further for those on multi-day fishing trips or living aboard boats.

56. Despite these mitigations, there will still be an impact on recreational fishers due to the need to dispose of offal on land and the additional handling required. This is particularly so in the southern part of BCO 3 and in BCO 5, where most blue cod are landed filleted, and where we received the most support for retaining the status quo.
57. These areas are considered healthy and rated as 'green' under the traffic light system (refer **Figure 1, pg.17**). Many fishers in these areas report that the blue cod they encounter are significantly larger than the MLS, that non-compliance with the MLS is unlikely and, given the relatively healthy state of blue cod in these areas, the MLS is of less importance as a sustainability measure.
58. While our preferred approach is that all recreationally-caught blue cod be landed in a measurable state nationwide, there is an alternative option to exempt 'green' areas under the traffic light system from this requirement. Under this approach recreational fishers would be required to land blue cod in a measurable state only in 'red' and 'orange' areas specified in the 'traffic light' system.
59. Fisheries New Zealand notes that while this would reduce the impacts in BCO 3 and BCO 5, there is no quantitative information on the size frequency of recreationally caught blue cod, and uncertainty regarding the importance of the recreational MLS in these areas. Fishery Officers report they have noted a general decline in the average size of fish landed by recreational fishers in BCO 3 and 5.
60. In addition, 'exempting' green areas would add confusion and complexity to the system of regulatory controls for blue cod, and may make it more difficult for Fishery Officers to enforce the MLS across all areas.

Recommendation

61. After considering the submissions and feedback received, our preferred approach is that blue cod be landed in a measurable state (whole, gutted, gilled, or headed and gutted) across all areas.
62. We recommend that, should you agree to proceed with Option 2 (all blue cod to be landed in a measurable state across all QMAs), that you agree to apply the Challenger-East area regulation (i.e. eating on board) nationally.

Two-day accumulation limit for recreationally caught blue cod

Overview of what was consulted on

63. Fisheries New Zealand consulted on whether a two-day accumulation limit should apply to recreational fishers. This would mean that fishers could have, in their possession, an amount of fish that is twice the maximum daily bag limit. It would prevent fishers on multi-day fishing trips from taking their daily bag limit each day over multiple days, during which time large quantities of blue cod can potentially be accumulated, which can exacerbate localised depletion.
64. We also consulted on whether a two-day accumulation limit should apply nationally, or if it should be area-specific. If it were to apply nationally then no matter where a fisher was in New Zealand, a recreational fisher could have two times the highest daily bag limit in their possession. If the highest daily bag limit in New Zealand is 15 blue cod per person (as recommended in this paper), then a fisher could possess a maximum of 30 blue cod, irrespective of the bag limit in their area.
65. If the accumulation limit were to be area-specific, then a fisher could possess twice the daily bag limit for the area fished. For example, if a daily bag limit of five applies in the area fished, they may possess a maximum of 10 blue cod. This is the approach used in the Challenger-East area, where a daily bag limit of two blue cod applies and a recreational fisher may possess a maximum of four blue cod.

Outcomes of consultation

66. Fisheries New Zealand received 854 submissions on whether a two-day accumulation limit should apply to blue cod. The option with the highest support from submitters was Option 3 (46% support, **Table 5**).
67. There did not appear to be a significant difference in support for Option 3 between most QMAs, however, in BCO 3 support was relatively evenly split between Option 2 and Option 3.

Table 5. Summary of support (% total submissions received) for each option.²¹

Proposed options	Support (%)
Option 1: fishers can accumulate their catch i.e. they can possess an unlimited number of daily bag limits provided they do not exceed their daily bag limit in a single day.	19
Option 2: fishers can possess a maximum of two times the highest national daily bag limit	27
Option 3: fishers can possess a maximum of two times the daily bag limit in their area	46
Option 4: other, please specify	7

²¹ Seven email submitters (0.8% of submissions) supported a two-day accumulation limit but did not specify which option (2 or 3) and are not included in the table.

68. Of those who selected the 'Other' category, we received the following comments relevant to this question:
- a. Two-day accumulation limit is too high, have either a one day or 1½ day accumulation limit;
 - b. Four day accumulation limit;
 - c. Boat limit of 30 blue cod; and
 - d. Support accumulation limits generally, but want the one day accumulation limit to remain in Fiordland.

Analysis of costs and benefits of options

69. There is currently no accumulation limit for blue cod, aside from in the Challenger-East Area (which includes the Marlborough Sounds) and parts of Fiordland. Should you retain the status quo, fishers on multi-day fishing trips could continue to take their daily bag limit each day over multiple days, accumulating large quantities of blue cod. 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.
70. A two-day accumulation limit would be easier to enforce at a national scale (Option 2), however, it would be less effective at reducing the risk of localised overfishing (e.g. in an area rated as red or orange in the traffic light system), than an area-based limit (Option 3). There are some challenges with enforcing an area-specific limit under Option 3²² which could be managed through education and ensuring that the fishing rules are communicated clearly through the relevant channels.

Recommendation

71. Fisheries New Zealand's preferred option is Option 3, a two-day accumulation limit that is applied at the area-scale. Under this option fishers could have twice the daily bag limit applying to the area they took the fish in their possession.

Traffic light system as a basis for changes to daily bag limits


Overview of what was consulted on

72. Engagement during development of the strategy, recreational potting surveys and other monitoring identifies that, in many areas, recreational fishing pressure is a key contributor to localised depletion. To address this issue, we consulted on changing the recreational daily bag limits for the South Island, based on a 'traffic light' system, which is a key component of the strategy.

²² Some fishers travel outside of their area of residence to fish. For example, if the recreational daily bag limit in Christchurch is 10 blue cod, and a fisher travels to Challenger-East Area where the daily bag limit is two, the fisher could only take four blue cod back to Christchurch (twice the daily bag limit of the area fished). This means that the onus is on the fisher to prove where the fish were caught.

73. 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). **Table 7** summarises the daily bag limit options that were consulted on, and the support that we received for each.
74. The goal of the traffic light system is to make management changes more responsive to changes in stock health, underpinned by a regular scientific monitoring programme, and biannual on-line surveys to seek local information on stock health from fishers. Colour ratings for areas will change in response to this information. Combined with proposals under the Fisheries Change Programme, fisheries settings for blue cod will become more timely when information suggests a sustainability concern or utilisation opportunity. While this paper focuses on the regulations, particularly the daily bag limits, that apply under the traffic light system, the system has implications across the broad range of Fisheries New Zealand’s management and monitoring activities as set out in **Table 6**.

Table 6. Blue cod fisheries management in relation to the traffic light system.

	Measures specific to each colour rating	Measures that apply across all colour ratings
	<p>GREEN Highest daily bag limit.</p>	<p>Blue cod to be landed in a measurable state.</p> <p>Increase Minimum Legal Size to 33cm.</p>
	<p>ORANGE Intermediate daily bag limit. Priority for Total Allowable Catch reviews. Focus for monitoring and enforcement.</p>	<p>Pot mesh size of 54mm.</p> <p>Two day accumulation limit.</p> <p>Monitoring of stocks and effort through fine-scale electronic catch and position reporting.</p>
	<p>RED Lowest daily bag limit. Highest priority for Total Allowable Catch reviews. Highest focus for monitoring and enforcement. Potential seasonal and area closures.</p>	<p>Bi-annual on-line stakeholder surveys.</p> <p>Periodic Total Allowable Commercial Catch reviews.</p> <p>Education programme.</p> <p>Four-year research plan.</p>

75. Fisheries New Zealand consulted on two initial options for the traffic light system:
- Option 1: Agree with the colour ratings for the South Island in **Figure 1**.
 - Option 2: Do not agree, and specify a reason.

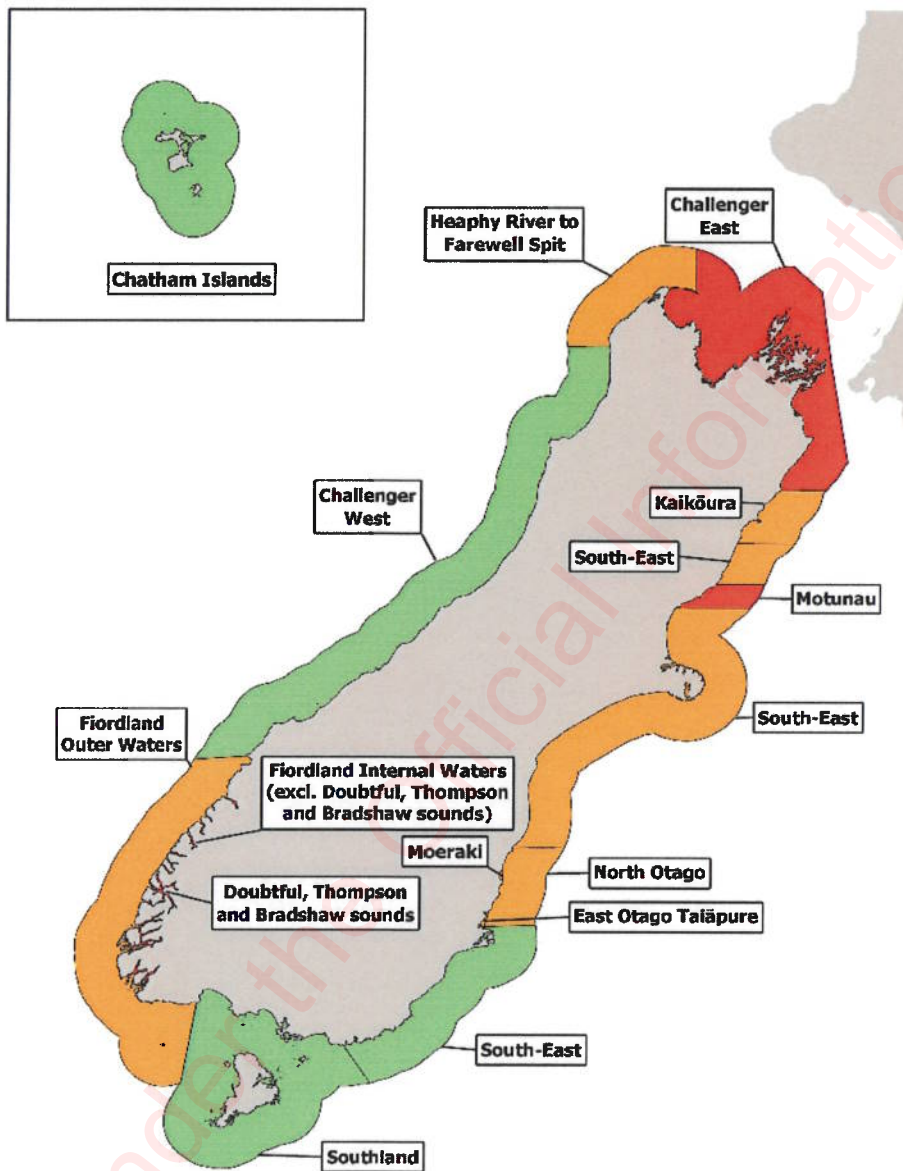


Figure 1. Proposed 'traffic-light' rating for areas in the South Island, as consulted on.

Outcomes of consultation

76. Fisheries New Zealand received 794 submissions on this proposal. 80% of respondents agreed with how traffic light colours had been assigned to areas of the South Island (Option 1) as shown in Figure 1. Of those who did not agree, 4% suggested changes to the colours or boundaries of areas. Fisheries New Zealand's response to each suggested change is attached as **Appendix Four**.

Analysis of costs and benefits of options

77. Fisheries New Zealand, in consultation with the Blue Cod Technical Group, recommends making the following changes to the colours of the traffic light map to incorporate feedback received during consultation²³:
- a. Extending the 'red' area southwards from Motunau to the Southern side of Banks Peninsula. Feedback suggests that this area is under increasing pressure, and this is confirmed by the results of the most recent blue cod potting survey which concluded that the area is overfished; and
 - b. Extending the orange area northwards from the Fiordland Marine Area to Haast to incorporate Jackson Bay. Submitters have raised concerns with the number of recreational fishers targeting blue cod in Jackson Bay, and Fisheries Compliance staff have confirmed concerns of localised depletion while working in the Jackson Bay area. Fisheries New Zealand will be carrying out a stock assessment of this area in 2020, which will help to inform if this rating is appropriate.

²³ This feedback was also cross-referenced with the best available information (blue cod surveys, fishery compliance reports and anecdotal information).

Recommendation

78. Fisheries New Zealand recommends that you agree to the revised traffic light map shown in **Figure 2**.

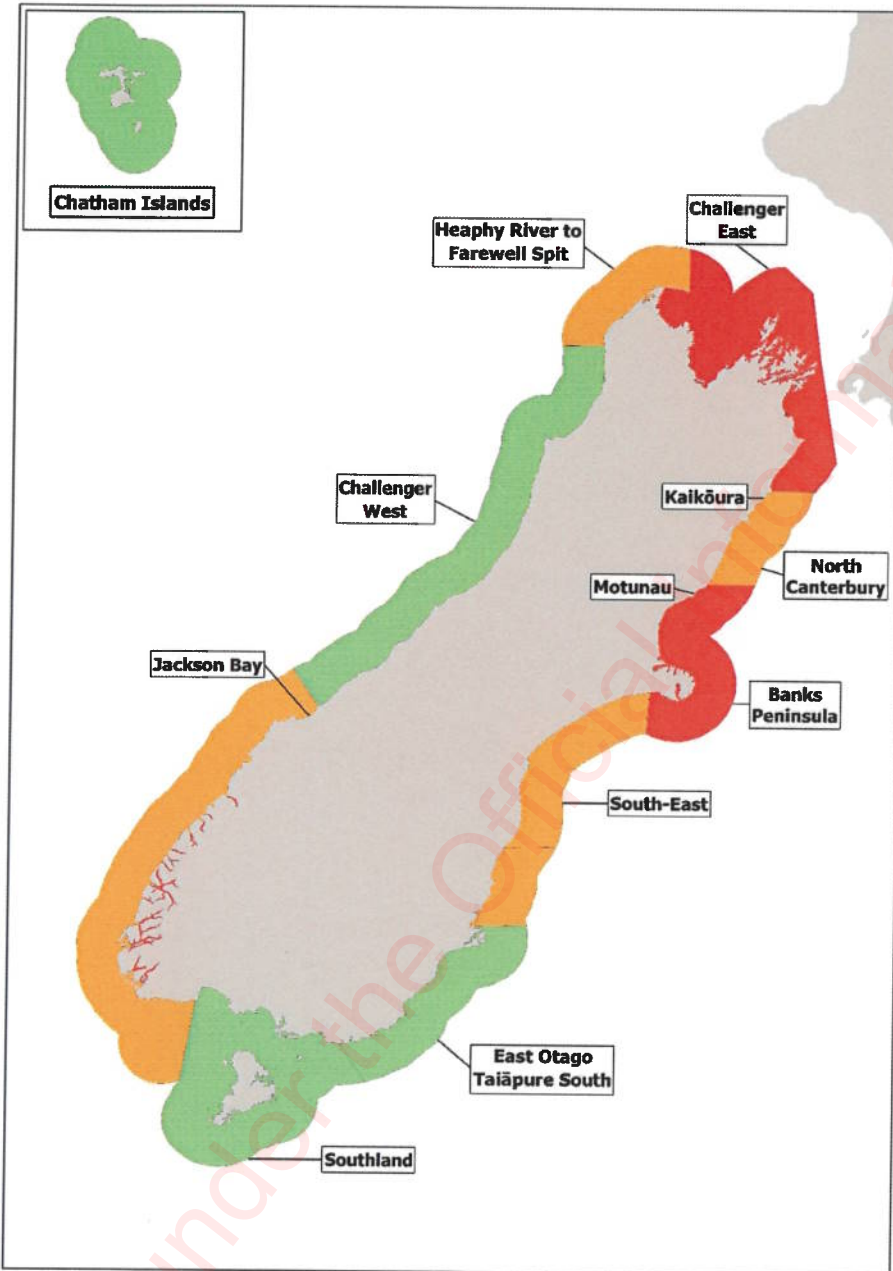


Figure 2. Revised traffic light map following consultation.

79. We note many of those who commented on the traffic light system felt that consideration needs to be given to how it will be enforced, monitored, and how the traffic light colours will be changed. The National Blue Cod Strategy sets out a research and monitoring strategy, including ongoing potting surveys and bi-annual on-line fisher surveys to gauge whether the health of the blue cod stock in an area has changed.

Recreational daily bag limits

Overview of what was consulted on

- 80. Early engagement and recreational potting surveys identified that, particularly in the South Island, recreational fishing pressure is a key contributor to localised depletion. To address this issue, we proposed to lower the recreational daily bag limits for several areas in the South Island.
- 81. We consulted on three options for daily bag limits that would apply to recreationally caught blue cod, based on the traffic light system rating (**Table 7**). These options were:
 - a. Option 1: Status quo
 - b. Option 2: Five, 10 and 15 blue cod per person per day (for red, orange and green areas respectively)
 - c. Option 3: Two, five and 10 blue cod per person per day (for red, orange and green areas respectively).

Outcomes of Consultation

- 82. We received 841 responses to the proposed daily bag limit options, with mixed support for the options. Overall, Option 3 had the highest support (41%, **Table 7**).
- 83. Most BCO 2 and BCO 7 fishers supported Option 3, some supported Option 2 and there was least support for retaining the status quo (Option 1). Support for all three options was evenly spread for BCO 5 fishers. 46% of BCO 3 fishers supported Option 2, with mixed support for Options 1 and 3 (20 and 24% respectively).

Table 7. Proposed daily bag limits (number of blue cod per person, per day) by 'traffic light' colour, and the support (%) received for each option.

	Option 1; Status quo	Support (%)	Option 2	Support (%)	Option 3	Support (%)
Green	2-30	18	15	33	10	41
Orange			10		5	
Red			5		2	

84. The majority of Ngāi Tahu Customary Fisheries Managers supported bag limits which aligned with Option 3. Te Rūnanga o Ngāi Tahu also requested specific daily limits for the following customary areas:
- a. The East Otago Taiāpure Committee support a daily blue cod limit of 2 inside the taiāpure, aligning with a red designation under Option 3²⁴;
 - b. Should you support Option 3, the daily bag limits inside the Akaroa Taiāpure will need to be lowered from 3 blue cod to two;
 - c. The Oaro-Haumuri Taiāpure Committee (Kaikoura) have recommended a blue cod limit inside the taiāpure of two; and
 - d. Te Taumanu o Te Waka a Māui Taiāpure Committee (Kaikoura) have recommended a blue cod limit inside the taiāpure of two.
85. Chatham Island Iwi/Imi support a reduced bag limit, with a preference for 10 blue cod per person (i.e. Option 3).
86. The New Zealand Sports Fishing Council did not support Option 3 on the grounds that it 'imposes an unjustified loss of utilisation benefit in most areas of the South Island and Chatham Islands'.
87. Fishers in southern parts of BCO 3 and in BCO 5 noted that recreational catch of blue cod is limited by the exposed weather, which means opportunities to fish are limited. On this basis, most consider a higher bag limit (e.g. Options 1 or 2) to be justified.

Analysis of costs and benefits of options

88. Changes to the daily bag limits, based on the revised traffic light system are set out in **Table 8**.

²⁴ The committee notes Te Tiaki Mahinga Kai rāwaru surveys in 2013, 2016, 2017 and 2018 show a steady decline in median size of fish inside the taiāpure, with only 4.6% of rāwaru in the taiāpure above 33cm in 2018.

Table 8. Proposed daily bag limits for blue cod in each area of the traffic light system. Figures in brackets show the percent decrease relative to the status quo.²⁵

Area	Traffic light area	Option 1 (status quo)	Option 2	Option 3
BCO 3	North Canterbury	10	No change	5 (50%)
	Kaikōura	6	No change	5 (17%)
	Motunau	10	5 (↓50%)	2 (↓80%)
	South East	30	10 (↓67%)	5 (↓83%)
	Banks Peninsula	30	5 (↓83%)	2 (↓93%)
	East Otago Taiāpure South	30	15 (↓50%)	10 (↓67%)
BCO 4	Chatham Islands	30	15 (↓50%)	10 (↓67%)
BCO 5	Southland	20	15 (↓25%)	10 (↓50%)
BCO 7	Heaphy River to Farewell Spit	20	10 (↓50%)	5 (↓75%)
	Challenger West	20	15 (↓25%)	10 (↓50%)
	Jackson Bay	20	10 (↓50%)	5 (↓75%)

89. Option 1 (status quo) provides for greater utilisation of the fishery, at least in the short term, but does not address the concerns of localised overfishing in areas that are experiencing high recreational fishing pressure, nor prevent this occurring in areas that are currently healthy. An exception is in areas such as Challenger-East and parts of Fiordland where lower bag limits have already been put in place to address this.
90. Option 2 is more likely to address concerns of localised overfishing in areas experiencing high recreational fishing pressure than Option 1, while providing a higher level of recreational utilisation than Option 3. This option had most support in southern New Zealand, where areas are rated as 'green' in the traffic light system and a bag limit of 15 would apply. However, many submitters, and most members of the Blue Cod Technical Group, considered that this option may not reduce the bag limits enough to sufficiently address sustainability concerns, especially in areas rated 'red' in the traffic light system. Specifically, we note that a bag limit of five is unlikely to support blue cod populations to rebuild in red areas.

²⁵ Inner and outer Fiordland and Challenger East Area are not included in the table as we are not recommending that their daily bag limits be changed (they are already at, or lower than, what they would be designated under their proposed traffic light rating).

91. The results of shore-based compliance inspections and the National Panel Survey of Recreational Fishers suggest that the majority of fishers affected by Option 2 would be in BCO 3 and BCO 5. We estimate that approximately 13-50% of fishers in BCO 3 and 15% of fishers in BCO 5 and would be affected under Option 2, because they currently take more than the proposed bag limits. The impact is higher for BCO 3 because some areas within BCO 3 are rated as red and orange in the traffic light system, whereas the whole of BCO 5 is rated as green (**Figure 2**). We note that there is uncertainty in these estimates due to the lack of information on recreational catch.
92. Option 3 is likely to be the most effective at addressing the sustainability concerns regarding high and increasing recreational fishing pressure. For example, the daily bag limit of two that applies to the Marlborough Sounds is generally understood to have contributed to the recovery of the blue cod population in this area.
93. Generally, Option 3 was supported by the majority of fishers based in the areas rated red and orange in the traffic light system, as well as the majority of Ngāi Tahu customary fisheries managers. This option would, however, have the greatest impact on recreational use in the short-term and provides for the least utilisation. Based on shore-based compliance inspections and the National Panel Survey of Recreational Fishers, approximately 50% of fishers in BCO 3 and 20-40% of fishers in BCO 5 would be affected under Option 3.
94. In practical terms there are also challenges associated with implementing the lower daily bag limits proposed under Option 3, including less buy-in and voluntary compliance with the new bag limits, high demand on enforcement and compliance capacity across the South Island and, potentially, increased fishing effort on species which currently have no bag limit such as sea perch.

Recommendation

95. Fisheries New Zealand recommends a bag limit of two blue cod per person per day under a 'red' traffic light colour (which aligns with Option 3). We do not consider a bag limit of five to be sufficient to support blue cod populations to rebuild in red areas.
96. While a daily bag limit of either five or 10 for the 'orange' traffic light colour is appropriate, on balance, our preference is 10. This takes into account the extension of red areas (to Banks Peninsula and South Westland) proposed as a result of consultation, and the desirability of providing sufficient incentive to encourage fishers to move away from red areas.
97. Similarly, we consider a daily bag limit of either 10 or 15 to be appropriate for the 'green' traffic light colour. On balance our preference is 15. In combination with the introduction of an accumulation limit, the requirement to land in a measurable state, and the wider voluntary and sustainability measures in the National Blue Cod Strategy, a limit of 15 will maintain these healthy areas (subject to continued monitoring and adjustment).

98. We recommend that the status quo be maintained in any areas which have bag limits lower than the colour they would be designated by the traffic light system (e.g. in Fiordland and Kaikoura where the daily bag limit is currently one and six respectively). We also recommend that you agree to the proposed changes to the daily limits for rāwaru, as proposed by Ngāi Tahu Customary Fisheries Managers. These areas are set aside as areas of customary significance and are, in most cases, accessible areas subject to high recreational fishing pressure.
99. No changes to the daily bag limits for the North Island have been recommended at this time. The bag limits for blue cod are already lower in the North Island, with the key target fisheries for blue cod primarily in the South Island. In addition, engagement with North Island Iwi and recreational fishers has not yet occurred to the same extent as it has in the South Island and the Chatham Islands.

General feedback received during consultation

100. Submissions received via email are attached as **Appendix Five**, and a summary of the feedback received through the online survey is attached as **Appendix Six**. A brief overview of the general feedback received during consultation is below.
101. The Fiordland Marine Guardians noted that the need for effective recreational catch and ACV reporting was not addressed during this consultation, and that ACV management changes indicated in the strategy have not been initiated in this round. Fisheries New Zealand is facilitating a series of workshops with the Fiordland and Kaikoura Marine Guardians and ACV operators in August and September, as one of the broader objectives of the strategy.
102. Some submitted that a boat limit for ACVs would minimise the impacts of ACV fishing activity on blue cod stocks. We note that a boat limit was not one of the measures that was included in the proposals that were consulted on. We will consider this suggestion in the future as part of ongoing reviews of the strategy.
103. Some submitted that the proposed changes were not directed at the commercial sector. We note that the best available information suggests that high recreational fishing pressure is contributing to the decline in blue cod numbers seen in some areas (noting there is no commercial fishing in many of these areas). The changes that were consulted on were identified as priorities in the strategy to immediately address these issues, but are only one outcome of the strategy. The following measures that relate specifically to the commercial sector are also being progressed:
- Regulations requiring a larger pot mesh size (as described in this paper);
 - Reviews of the Total Allowable Commercial Catch (BCO 3, 4 and 5 are identified as a priority in the strategy and are scheduled for review in 2020);
 - New Digital Monitoring requirements in place this year; and
 - Review of the rules relating to returning fish to sea and other matters as part of the 'Your Fisheries, Your Say' programme.

104. Some submitters noted that changes to fishing and handling procedures, such as using appropriate hooks and investigating options for return tubes (downpipe devices), are useful to reduce the mortality of returned fish. We agree, and are progressing better fish handling and returning procedures through the other objectives of the strategy, which includes an education pamphlet, as well as provision of hooks and return tubes.
105. Concerns were raised through submissions about the additional fishing pressure that is placed on the Marlborough Sounds during the Christmas / New Year period. Some felt that the fishery should remain closed until late January or early February. This was not included in the proposals that were consulted on, however, we are aware of these concerns and will consider them in the future as part of ongoing implementation of the strategy.
106. Several submitters suggested removing the MLS due to the high mortality of returned fish. We note that a proposal to remove the MLS was not consulted on through this process. As part of the strategy, better fish handling and returning procedures, an education pamphlet, provision of appropriate hooks and return tubes, are all being considered to reduce fish mortality.
107. A question was raised through submissions about whether the impacts of large urban areas on blue cod (in terms of pollution and habitat degradation) has been investigated through this process. This and blue cod habitat quality is an area of research focus identified in the strategy.
108. The BCO5 Association Inc. suggested other changes that could be implemented in the future, including not allowing cod pots in the water overnight and not allowing the use of blue cod for bait. We have noted these issues and will discuss them as part of ongoing implementation of the strategy.
109. A need for better information on recreational catch was also raised in submissions. While this falls outside of the immediate scope of this regulatory process, it is captured under the broader objectives of the strategy.
110. Some submitters suggested reducing the daily bag limit for other fish species such as the Hapuku / Bass fishery in the Cook Strait and Marlborough Sounds. We note that this is out of scope for consideration in this process.
111. The submission by Forest and Bird suggested that mortality rates of returned fish should be monitored and a different approach should be taken if mortality rates of returned fish do not decline. Fisheries New Zealand agrees, and will discuss this with the expert group as part of the research and monitoring programme in the strategy.
112. A submission from the Marlborough Recreational Fishers Association highlighted that there is a need for more research on the factors determining sex change in blue cod, spawning season and more effort to educate fishers on sustainable fishing practices. We will also consider this suggestion as part of the research monitoring and education programmes in the strategy.

Fisheries Compliance Operational and Enforcement Implications

113. Fisheries Compliance notes that finfish inspections are currently a lower priority in some districts in the South Island due to the high daily bag limits in place for many species and the difficulty associated with enforcing the MLS (given fishers are able to fillet at sea).
114. An increase in inspections will be required to ensure compliance with the proposed new rules for blue cod, reducing Fishery Officer's ability to maintain their current level of inspections in other recreational fisheries (e.g. shellfish)²⁶. The likelihood of increased 'friction' during inspections, associated with a requirement to land blue cod in a measurable state and the lower daily bag limits could increase potential for officer safety incidents associated with disaffected fishers.
115. Resourcing requirements will be managed within existing baselines through reprioritisation as necessary, and working to identify areas of concern that impact on the sustainability of blue cod.

Next steps: Implementation, monitoring and review

116. If you approve, Fisheries New Zealand will provide you with a paper for consideration at an Economic Development Cabinet Committee (DEV) meeting in September 2019. If approved by Cabinet, any changes would take effect in November 2019, at the start of summer immediately prior to when most recreational blue cod fishing occurs.
117. Stakeholders and all submitters would be notified of the changes through publication of this Decision Document and a Decision Letter on the Fisheries New Zealand website in mid-late 2019, and through email. New brochures and signs including updated bag limit information will be published and circulated, along with changes to the NZ Fishing Rules app and the Fisheries New Zealand webpage.
118. Additionally a publicity plan for print, TV, radio and online media (eg: announcement, explanatory articles, advertisements and social media posts) will be developed for the public. This will be integrated with an education campaign which is also underway to improve blue cod fishing practices to increase the survivability of fish when returned to the sea.

²⁶ Fisheries Compliance teams vary from approximately two to five officers (per location) in the South Island (compared with approximately three to 10 in the North Island), and there are approximately 30 volunteer Honorary Fishery Officers in the South Island.

119. The proposed next steps, including Cabinet Committee stages and estimated timings are:

Activity	Date
Minister's Decisions	August 2019
DEV Committee	September 2019
Decisions announced	September 2019
Drafting of the amendments by Parliamentary Council Office	September 2019
LEG Committee	October 2019
Cabinet and regulations gazetted	October 2019
Expected implementation date (28 days after gazetting)	November 2019

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