



**Fisheries New Zealand**

Tini a Tangaroa

# **Proposed amendments to recreational rules in the Fiordland (Te Moana o Atawhenua) Marine Area**

**Decision Paper**

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# 1 Summary

1. An increase in recreational fishing pressure in the Fiordland (Te Moana o Atawhenua) Marine Area (FMA) has led to concerns around localised depletion of fish stocks in the fiords, which are characterised by lower productivity compared to the outer coast. In response, the Fiordland Marine Guardians (the Guardians) have proposed amendments to recreational fishing rules in the FMA.
2. The key proposals are:
  - (a) shift the fishing line that demarcates differential fishing limits (Fishing Lines) out to fiord headlands; and
  - (b) reduce finfish and shellfish recreational daily limits.
3. Fisheries New Zealand (FNZ), in conjunction with the Guardians, undertook consultation on the proposals from the 19 August to 30 September 2022, including holding five public meetings across Fiordland, Southland and Otago. 114 submissions were received and were split between support and opposition for the recommended changes. Some agreed with the concerns around overfishing within the fiords, while others believed there was a lack of data to justify the changes.
4. Following consultation, the Guardians have finalised their recommendations (Appendix 1). In summary, they recommend shifting the Fishing Line and reducing limits as described above, but with no change to rock lobster limits and with more modest reductions than originally proposed for some other species.
5. As a result of feedback received during consultation the Guardians also recommend boat-based limits on the number of fish and shellfish that can be taken per boat inside the new Fishing Lines, and restrictions on commercial and recreational 'bulk harvesting' methods inside these lines. These additional proposals would require further consultation before decisions are made as they were not part of the original Guardians proposals that were consulted on.
6. Other proposals raised during consultation include voluntary recreational reporting using an app with a longer term aim to make this mandatory, and further regulation and introduction of electronic and global positioning reporting for Amateur Charter Vessels (ACVs).
7. We will continue to work with the Guardians on these two proposals, noting that mandatory recreational reporting, as well as further regulation of ACVs have wider implications beyond the FMA and are not currently part of FNZ's work programme.

# 2 Purpose

8. This decision paper summarises the results of consultation and outlines FNZ's advice and recommendations on the Guardians' proposals for changes to recreational fishing rules in the FMA.

### 3 Background

9. The Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 established the Guardians<sup>1</sup> and put in place a suite of regulations for fishing within the FMA.
10. When the Guardians were formed in 2005, concerns regarding the depletion of fish stocks in the inner fiords guided the principles of 'gifts and gains', and the concept of 'fish for a feed'. As a result, many forms of commercial fishing were prohibited within the internal waters (see Figure 1) of Fiordland. Additionally, Te Rūnanga o Ngāi Tahu administered a lower level of customary authorisations in the internal waters. Consequently, the internal waters/inside the fiords have been harvested mostly by recreational fishers.
11. The highly productive outer coast of the FMA typically acts as the source for many fish populations within the less productive internal waters. The rules put in place in 2005 have encouraged fishers to focus their fishing effort on the more productive habitats at fiord entrances and the open coast through a two-tiered daily limit system with more generous daily limits in these outer areas.
12. There is some evidence that there has been an increase in recreational fishing vessels in the FMA since 2005, including the number of vessels registered as ACVs. ACV reported data since 2010 shows fishing effort and catch for some species has increased as much as three-fold. There is, however, little detailed quantitative information on recreational catches given the remoteness of the area and the difficulty in surveying recreational fishers.
13. The Guardians consider that this increase in recreational fishing effort, coupled with the challenging weather conditions often experienced in the FMA, has led to a decline in fish stocks, particularly in the areas between the headlands and the inner fiords. They have concluded that the current recreational rules for the FMA are no longer fit for purpose and that changes are required to protect these important fisheries. They have, therefore, provided recommendations to amend the recreational fishing rules as provided for under section 13(1)(a)(i) of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.

### 4 Guardians' Proposals

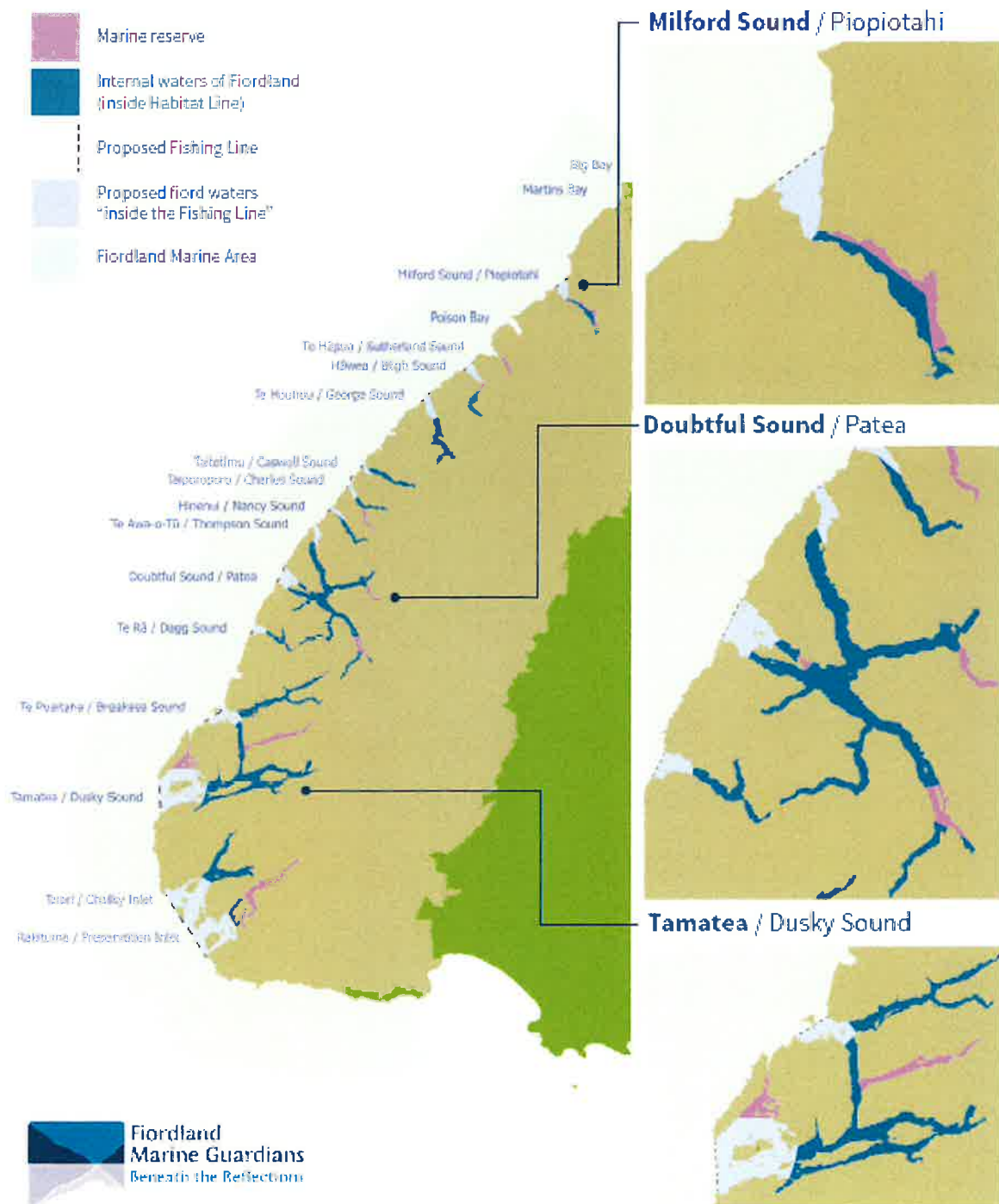
#### 4.1 Fishing Lines (Proposal 1)

14. Currently the 'internal waters of Fiordland' (see Figure 1) demarcate the two-tiered recreational limits of species such as blue cod/rāwaru, groper/hāpuku and rock lobster. In some fiords, however, the internal waters line is many kilometres inside the fiord entrance. The relatively sheltered conditions at the fiord entrances, combined with more generous bag limits, have created areas of high-intensity fishing pressure at the entrance of several fiords.
15. Proposal 1 would move the line demarcating the differential limits ('the Fishing Line') from the "internal waters of Fiordland" to the headland entrances of each fiord<sup>2</sup>. This aims to reduce fishing take inside the fiords and help rebuild finfish and shellfish populations.

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<sup>1</sup> <https://www.fmg.org.nz/guardians/history>

<sup>2</sup> The "habitat line" is defined in the Amateur Regulations and the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 as the 'Internal waters of Fiordland'. Inside the line there are differing limits for species such as blue cod and rock lobster. This line also demarcates where no commercial fishing can occur.



**Figure 1. Map showing the new Fishing Lines and current internal waters of Fjordland (habitat line) of the Fjordland Marine Area where some commercial fishing methods are prohibited.**

## 4.2 Finfish and Shellfish Daily Bag and Species Limits (Proposal 2)

16. Proposal 2 would reduce finfish and shellfish recreational daily limits and further encourage fishing effort to move to the more productive outer coast.
17. The finfish combined daily limit would be reduced from 30 to 20 finfish per person outside fiord entrances (Fishing Lines), and to 10 inside the Fishing Lines. No accumulation of catch (e.g. from multi-day fishing) would be allowed inside the Fishing Lines. Table 2 of Appendix 2 sets out the proposed reductions to specific finfish daily limits.
18. Reduced limits for some shellfish species are also proposed (Table 3, Appendix 2) along with a daily combined bag limit for shellfish of 150. All shellfish species would be included in this combined bag. Additionally, scallop and oyster take would be prohibited from the entire FMA.

## 4.3 Rock Lobster Limits (Proposal 3)

19. Proposal 3 includes changes to the recreational rock lobster fishing limits. The Guardians proposed two options, both of which included reducing the daily limit of crayfish per fisher. Option 1 would set a two-tiered limit based on the current “internal waters of Fiordland” line and Option 2 would base it on the new Fishing Lines.

# 5 Engagement and consultation

## 5.1 Consultation with Te Rūnanga o Ngāi Tahu and Southern Papatipu Rūnanga

20. Te Rūnanga o Ngāi Tahu has been closely involved in the work of the Guardians through their representative, Stewart Bull. FNZ has also shared progress updates via Te Waka a Māui fisheries forum. The Ōraka Aparima Rūnaka tangata tiaki also reviewed the Guardians recommendations and have not raised any concerns.

## 5.2 Consultation and Submissions

21. FNZ and the Guardians undertook public consultation on the proposed amendments from 19 August to 30 September 2022. The consultation process included posting the consultation document on the FNZ website and alerting stakeholders to the consultation through a media release, social media posts and email notifications to FNZ’s extensive network of recreational subscribers.
22. FNZ also commissioned a short video featuring the Guardians explaining their proposals and held five public meetings across Otago and Southland during this period.
23. A total of 114 submissions were received from various organisations, groups, and individuals. A summary of submissions is set out in Tables 1 and 2 and discussed in the following section.

**Table 1: Summary of submissions (number of submissions received) for proposals.**

Proposals and options		Support	Oppose
<b>Overall support for proposals</b>		41	51
<b>Proposal 1 Fishing Lines</b>	Move the demarcation line further out from the current 'internal waters of Fiordland' to "Fishing Lines" that extend across the headland of each fiord	39	49
<b>Proposal 2a Finfish Limits</b>	Changes to recreational daily limits for finfish	45	31
<b>Proposal 2b Shellfish Limits</b>	Changes to recreational daily limits for shellfish	37	21
<b>Proposal 3 Rock Lobster Limits</b>	<b>Option 1</b>	Reduce limits within current internal waters of Fiordland lines	19
	<b>Option 2</b>	Reduce limits within the new Fishing Lines	15
	<b>Overall support</b>	General support or opposition to either option	6

**Table 2 Summary of submissions for additional proposals not part of consultation.**

Additional Proposals and options		Support	Oppose
<b>Proposal 4 Boat Limit</b>	An overall limit on the number of fish or shellfish taken per boat	15	0
<b>Proposal 5 Method Restrictions</b>	Restrictions on commercial and recreational 'bulk' harvesting methods	14	0
<b>Proposal 6 Recreational Reporting</b>	Voluntary recreational reporting, potentially moving to mandatory over time	13	0
<b>Proposal 7 Amateur Charter Vessel</b>	Amateur Charter Vessel electronic position reporting and further regulations	13	0



## 6 Analysis and Recommendations

### 6.1 Fishing Lines (Proposal 1)

24. There was relatively even support both for and against moving fishing demarcation lines. The 39 submissions in support of the proposal included the Pāua industry council (PIC), the NZ Rock Lobster Industry Council (RLIC) and CRA 8 Rock lobster association Inc., Te Rūnanga o Ngāi Tahu, Fish Mainland, the NZ Conservation Authority (NZCA), as well as ACV operators Fiordland Charters and Fiordland Expeditions Ltd.
25. These submitters agreed with the Guardians that better sea conditions and the more generous limits mean that recreational fishers concentrate fishing pressure into a small area between the internal waters of Fiordland (habitat line) and fiord headlands. They recognised that increased pressure in this area may be preventing fish from moving into the inner fiords. They considered that the new Fishing Lines better reflect the differing productivity between the fiords and the outer coast. The boundary would be easier to understand given it is based on the natural headlands.
26. In contrast, 49 submitters opposed shifting the lines, including the NZ Sports Fishing Council (NZSFC) in a joint submission with the NZ Angling and Casting Association and the NZ Underwater Association, as well as an ACV operator, Fiordland Cruises Ltd. Concerns included that this proposal could encourage boats to venture out in unsuitable weather conditions. Many submitters argued that if the fishing lines were to be moved, there should be additional restrictions for commercial fishers within the fiords to exclude the use of many bulk fishing methods such as set and dahn lines. In addition, some submitters suggested ACVs should fish exclusively in external waters.
27. The NZSFC also stated that blanket applications of this restriction were inappropriate for localised depletion issues and suggested further work with stakeholders to identify and manage these areas instead.

#### *Analysis*

28. While there is little quantitative data available, the area between the habitat line and the headlands appears to be subject to high fishing effort, with higher bag limits encouraging fishers to fish in these relatively sheltered areas. Under these circumstances, moving the Fishing Line would reduce fishing pressure and encourage more effort on the more productive outer coast. It would still allow fishers to fish, albeit to reduced limits, within the fiords during adverse weather conditions.
29. In response to the above submissions, the Guardians now propose to also restrict many bulk harvesting methods for both commercial and recreational fishers from within the Fishing Lines (see Proposal 5 below). This would help address the concerns raised by submitters regarding the potential impact of continued extraction of fish by commercial operators from this area. We note this requires further consultation before a decision can be made as it was not part of the package of measures put forward by the Guardians for consultation.
30. Overall, we support the Guardians' recommendation to move the lines that demarcate differential limits from the current 'Internal waters of Fiordland' further out to Fishing Lines based on headlands.

## 6.2 Finfish Daily Bag and Species Limits (Proposal 2a)

31. There were 45 submissions supporting reductions to finfish daily and species limits including from PIC, RLIC, Te Rūnanga o Ngāi Tahu, the NZCA, and ACV operations including Fiordland Charters Ltd., Cruise Fiordland, RealNZ Ltd and Fiordland Expeditions Ltd.
32. These submitters agreed with the Guardian's principle of aligning limits with 'fishing for a feed' and expressed concerns over the depletion of fish stocks within the fiords, increasing fishing pressure and overfishing.
33. Thirty-one submitters did not support the proposed changes to finfish daily limits, including ACV operators Legacy Fishing Charters and Fiordland Cruises Ltd. Many stated that recreational fishers only access Fiordland irregularly, so should not be subject to lower daily limits. Others believed decreases to the limits were not supported by any data, which should be obtained before any changes are made. Some felt that the limits proposed for some species would not constitute 'a feed', however, what reflected a feed differed across submitters.
34. Several submitters expressed concern that a reduction in daily limits could encourage fishers to discard smaller fish when they have caught their limit to maximise their catch ('high-grading').
35. Twenty-four (24) submitters were either undecided, agreed with reductions for some species or suggested different limits for other species. For example, while many submitters agreed with the proposal to decrease the blue cod/rāwaru bag limit in the internal waters to 1, some felt a limit of 2-5 blue cod was more appropriate. The NZSFC supported most reductions in species limits but not the reduction in the combined total finfish bag limit, nor the reduction to limits for bluenose, which they consider are performing well.
36. Around 27 submitters expressed the view that a limit of zero hāpuku in the fiords was too restrictive and suggested a limit of at least 1 given the likelihood of survival of released, accidentally caught fish. Many submitters suggested a ban on recreational bulk harvest methods such as drop lines and setlines as these methods have the potential to accidentally catch multiple hāpuku per boat.
37. While the NZSFC supported the closure of hāpuku fishing in the inner fiords they also suggest a review of the hāpuku commercial fishing management area (HPB5) Total Allowable Commercial Catch (TACC). The NZSFC and other submitters also questioned the proposals for reductions for highly migratory species, such as albacore and bluefin tuna, kahawai and kingfish. They consider these fisheries are in good health and as highly migratory species they are not subject to localised depletion in the FMA.
38. Other submitters suggested a restriction on commercial fishing and ACV's within the area between the current habitat lines and the proposed 'Fishing Lines', rather than the proposals being targeted to recreational fishers. Boat limits and gear restrictions could be used to better restrict take, especially as many believed ACV extraction within the fiords and commercial cod potting in the area between the current 'internal waters' lines and the proposed 'Fishing Lines' were the most significant cause of overfishing.

### *Analysis*

39. FNZ supports most of the Guardians' recommendations to reduce the species daily limits (Table 1, Appendix 2) as a cautious approach to reduce the take of potentially declining fish species. This includes amending the blue cod/rāwaru limit to one inside

the new Fishing Lines and 10 outside the fiords. Following consultation, the Guardians support a daily limit of one hāpuku (rather than zero) to enable fishers to take fish that would otherwise die if caught accidentally.

40. Taking into account the feedback from NZSFC and others we agree that it may not be necessary to reduce the limit for species such as albacore tuna in waters outside the Fishing Lines as much as proposed (eg from 30 to 3). As there are no current sustainability concerns for these stocks and a higher limit would encourage fishers to fish in more productive waters. We also prefer that barracouta remain within the daily combined finfish limit as excluding it will have wider implications beyond the FMA.
41. In relation to the submission from the NZSFC, a review of the total allowable commercial catch and wider settings for hāpuku (HPB5) is scheduled for 2024, depending on the results of scientific assessments currently underway.
42. We note that there will be a further opportunity to finalise and amend specific limits for individual species when the Recreational (Fisheries Management Controls) Notice is drafted and considered by the Minister.

### **6.3 Shellfish Daily Bag and Species Limits (Proposal 2b)**

43. There were 37 submissions supporting the proposed changes to shellfish regulations bag and species limits (Proposal 2b), including Te Rūnanga o Ngāi Tahu, the NZCA, and ACV operators Real NZ and Fiordland Expeditions Ltd. The main reason for support was that the reduced species and daily bag limits will reduce fishing pressure on these species, leading to a substantially lower risk of overfishing.
44. Twenty-one submitters, including Fish Mainland, did not support the proposed changes as they thought that recreational fishers were not accessing Fiordland on a regular basis due to the isolation and adverse weather, and believed there was no data to support these changes.
45. Many submitters agreed with the proposed ban on taking scallops in the FMA, including ACV operators. A small number of submitters suggested that scallop populations could sustain a low bag limit to allow some take, provided there was no dredging. One submitter proposed increasing the minimum legal size for scallops.
46. Only one submitter commented specifically on the proposed ban on recreational oyster fishing and was supportive of this proposal.
47. PIC and PAUMAC5 supported the proposed reductions to pāua limits as they believed these would help to reduce localised depletion while enabling recreational users to still obtain a feed.
48. Eleven submitters, including the NZSFC, suggested alternative limits for pāua as they consider that the proposal of only one from the inner fiords was insufficient for a feed and that weather protected many areas of open coast. Some also noted that recreational users often had tanks onboard vessels, so were unable to harvest pāua (having underwater breathing apparatus onboard while in possession of pāua is prohibited by the Amateur Regulations). The ACV operator Fiordland Discovery suggested a boat limit of 12-20 pāua harvested only by trained divers.
49. The Kina Industry Council (KIC), and several recreational submitters, opposed the reduction of the daily kina bag limit on the basis that kina were an underutilised resource in Fiordland. They believe there is evidence of kina barrens (dense populations of kina) in Fiordland and that recreational harvest could contribute to their effective management.

## *Analysis*

50. Given the level of support for the changes to the recreational shellfish daily and species limits, FNZ generally supports the new limits recommended by the Guardians (Table 3, Appendix 2).
51. Many submitters agreed that there was evidence of significant decline in scallop and oyster numbers. Alternative proposals put forward for scallops by several submitters are unlikely to be effective at reversing this decline and we support with the Guardians' recommendation that there be no take of scallops and oysters in the FMA.
52. As a result of submissions received, the Guardians have amended their proposal for pāua, recommending a daily bag limit of two within the Fishing Lines, rather than one as originally proposed. The limit for the outer coast would still be reduced to 6. This will enable fishers to obtain a feed of pāua but still encourage fishing effort on the more productive outer coast.
53. There were several submissions opposing the proposed decrease in the limit for kina, however, there is little evidence of significant kina barrens in the FMA and we support the Guardians' recommendation to reduce this to 20 to maintain the 'fish for a feed' philosophy for shellfish in the FMA.
54. As for finfish limits, there will be a further opportunity for the Minister to consider specific limits for individual species when the relevant fisheries notice (the Recreational (Fisheries Management Controls) Notice is drafted.

### **6.4 Rock lobster Limits (Proposal 3)**

55. For proposal 3, the Guardians proposed two options for a reduction in the total take of crayfish per recreational fisher. Option 1 was based on the "Internal waters of Fiordland" line for two-tiered limits, while Option 2 was based on the new proposed Fishing Lines.
56. Fifty-one submitters did not support any changes, including Fish Mainland, the NZSFC and the rock lobster industry due to the high productivity of the fishery and plentiful numbers of rock lobster. Many noted there was a lack of data to support any change and considered that a decrease in recreational take was inconsistent with recent increases in the total allowable commercial catch for the Fiordland rock lobster fishery (CRA8).
57. Nineteen submitters including one ACV operator, Legacy Fishing Charters Ltd., supported Option 1 as the most safe and fair option, while noting that crayfish are in high abundance within the inner fiords. Some would only support this option if commercial fishing areas remained the same and others questioned whether commercial operations should be allowed within the area between the proposed 'Fishing Lines' and the current 'Internal waters of Fiordland'.
58. There were 15 submitters who supported Option 2 including Te Rūnanga o Ngāi Tahu and the NZCA. They considered this option would be a conservative approach that aligns with the fish for a feed philosophy, which would preserve the fishery despite its good health. Supporters of this option believed that it would simplify compliance and enforcement as the demarcation lines would be consistent across all species. ACV operator, Fiordland Expeditions Ltd, supported this option if the changes also applied to commercial fishers.

59. A further 4 submitters, including PIC, supported a change but did not state whether Option 1 or 2 was preferred. 10 submitters suggested higher limits than those proposed, were neutral on the proposal, or were content with either option.

### *Analysis*

60. Based on the feedback received during consultation, the Guardians have amended their proposals in terms of rock lobster and now recommend that the limits for rock lobster remain unchanged (status quo). We support this approach which would enable fishers to continue to sustainably utilise the healthy crayfish population in the FMA, while shifting the management focus to the more at-risk species in the FMA.

## **6.5 Additional Proposals Following Consultation**

61. As a result of the information and feedback received during consultation and public meetings, the Guardians have put forward additional recommendations. These are included in the Guardians' final recommendations document (Appendices 1 and 2) and considered below.

### **6.5.1 Recreational Boat Limits (Proposal 4)**

62. Submitters including Te Rūnanga o Ngāi Tahu and the NZCA, have suggested that a boat-based limit may be an effective way to reduce take of key species such as pāua, blue cod/rāwaru and hāpuku. They consider this would be especially effective in terms of ACV's and large syndicate boats<sup>3</sup>, which have the potential to cause localised overfishing due to the number of passengers on board and large numbers of fish taken from relatively small areas. These submitters consider a boat limit may increase the support for many of the other recommended changes, as it will mainly affect larger vessels such as ACVs, that may be disproportionately contributing to localised depletion.
63. The Guardians agree with these submitters and recommend the introduction of boat-based limits for finfish and shellfish. They propose limits on the total number of finfish and shellfish that can be taken inside the Fishing Lines per boat of 4-times the daily species limit and 4-times the daily combined bag limit.

### *Analysis*

64. While we are broadly supportive of exploring this approach and developing options, a boat limit across all recreational vessels was not proposed as part of the Guardians' initial proposals and was not consulted on during the public submission process. Further consultation on this proposal is required and there are a number of enforcement challenges that need to be worked through before decisions can be made on boat-based limits.

### **6.5.2 Fishing Method Restrictions (Proposal 5)**

65. Concerns were raised during consultation regarding commercial fishers continuing to use some harvesting methods inside the proposed Fishing Lines. Many submitters suggested a ban on bulk harvesting methods such as set nets, set lines, dahn (drop) lines, bottom and surface long lines, blue cod pots, and dredges for both commercial and recreational users within the Fishing Lines.

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<sup>3</sup> Syndicate boats are owned by multiple owners (as shares) and take friends and family on trips. Some vessels can take up to 15 guests, rather than typical trailer boat which will have between two and six people on average.

66. As a result of this feedback the Guardians propose limiting these methods. While the Guardians have approached commercial fishers on this matter and they are generally supportive, this proposal was not consulted on during the submission process. No changes are recommended for rock lobster potting due to the abundance of crayfish within the fiords.

#### *Analysis*

67. As fishing method restrictions were not proposed as part of the Guardians' initial proposals and were not consulted on during the public submission process, further consultation and analysis of impacts would be required before making decisions on this matter.

### **6.5.3 Recreational Reporting**

68. During consultation, many submitters pointed to the lack of quantitative recreational fishing information. Several submitters, including Fish Mainland and industry, advocate for the use of recreational reporting apps to report recreational catch to allow data to be obtained, with some suggesting that this should be mandatory (regulated).
69. In response, the Guardians acknowledge the need for recreational catch data to monitor the fishery, noting it is difficult to obtain through recreational fishing surveys due to their cost and the isolated nature of the FMA. Additionally, other methods such as the national panel survey are of limited use for Fiordland due to the absence of a resident population of recreational fishers.
70. The Guardians' therefore support the voluntary use of a recreational reporting app to record recreational fishing data, especially for key species of interest. They consider it would also provide data for reviewing the effectiveness of and compliance with proposed changes and help determine future management decisions.
71. They recommend that the usefulness of the data gained from the voluntary use of this app be assessed by FNZ as a pilot study. This would help to determine if mandatory reporting might be a useful monitoring tool in the future for the FMA.

#### *Analysis*

72. We agree that voluntary recreational reporting can assist in characterising recreational catch within the FMA. MPI through its SFFF fund provided funding to help develop the "Mainland Catch" app and we are open to continuing to assess the usefulness of the data obtained voluntarily as proposed by the Guardians. Mandatory recreational reporting is not currently part of FNZ's work programme.

### **6.5.4 ACVs**

73. Many submitters pointed to ACVs as one of the key reasons for a decline in fish populations within the fiords, due to the potential to take large numbers of fish and shellfish by the large number of passengers. Reporting data suggests ACVs are now a consistent year-round fishing presence in the FMA.
74. Feedback included that any changes should be targeted at ACVs rather than smaller recreational boats. Some submitters, including Te Rūnanga o Ngāi Tahu and the rock lobster industry suggested restrictions including freezing any further ACV registrations, imposing boat limits, or recognising ACVs as a separate subset of the recreational fishery, with their own targeted regulations.

75. An ACV operator, Fiordland Charters Ltd, as well as Te Rūnanga o Ngāi Tahu and the rock lobster industry also suggested that ACVs should be subject to electronic and global positioning reporting to provide more accurate and timely data on their catch.
76. As a consequence, the Guardians consider that a national approach is needed to improve regulation of ACVs including electronic reporting and global positioning recording for the ACV fleet. They consider this would allow for finer scale reporting and collection of data and the ability to better manage the fleets' take of fish species in the FMA.

### *Analysis*

77. FNZ is committed to exploring options to improve reporting and regulations for ACVs on a national scale, while noting further regulation of ACVs has wider implications beyond the FMA and is not currently part of our work programme.

## **7 Process to Implement**

78. If approved, proposals 1 (Fishing Lines) and 2 (finfish and shellfish limits) would be progressed through minor amendments to the Fisheries (Amateur Fishing Regulations) 2013. These would define the new Fishing Lines and authorise the setting of daily and shellfish daily bag and species limits under the appropriate fisheries notice (the Recreational (Fisheries Management Controls) Notice).
79. The timeframe for amending the regulations depends on drafting and cabinet committee priorities. As noted, there will be a further opportunity for the Minister to consider specific limits for individual species when the fisheries notice is drafted.
80. If agreed, further consultation on boat-based recreational limits and fishing method restrictions would occur, potentially in July 2023 (depending on Guardians' availability). The final form of any proposals would determine implementation timeframes, which would likely require amendment to commercial and amateur fishing regulations.

## 8 Decisions

**Note** that Fisheries New Zealand has publicly consulted on the Fiordland Marine Guardians' recommendations to change recreational fishing rules in the Fiordland Marine Area, and that feedback was split between support and opposition for the recommended changes

**Noted**

**Note** that the Guardians have amended some of their final recommendations based on this feedback, particularly in relation to the daily limits that would apply

**Noted**

**Agree** to the Guardians recommendation to shift the "Fishing Line" that demarcates differential daily limits further out to fiord headlands

**Agreed/Not Agreed**

**Agree** to the daily and combined limits for finfish and shellfish species recommended by the Guardians, noting that an opportunity to confirm limits for individual species will be provided during consideration of the new Recreational (Fisheries Management Controls) Notice

**Agreed/Not Agreed**

**Agree** to authorise Parliamentary Counsel Office to draft minor amendments to the Fisheries (Amateur Fishing Regulations) 2013 to define the new Fishing Lines and allow the setting of the new daily and combined limits under the Recreational (Fisheries Management Controls) Notice

**Agreed/Not Agreed**

**Agree** that Fisheries New Zealand carry out further consultation on the Guardians' proposals to introduce boat-based recreational limits and commercial and recreational fishing method restrictions

**Agreed/Not Agreed**

 11 June 2023



# Appendix 1- Fiordland Marine Guardians Recommendations- Full Document

## Appendix 2- Fiordland Marine Guardians Recommendations- Rule Tables and Limits

Table 1. The Guardians recreational fishing recommendations based on public consultation in 2022.

Rule	Status quo	Proposed (2022)	Guardian's final recommendation following public consultation
1. Demarcation line	Differential bag limits for several species based around the Habitat Lines as established in the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.	That the demarcation line be shifted seaward to extend across the natural headland seaward entrances of each fiord ("Fishing Lines")	That the demarcation line for amateur fishers be shifted seaward to extend across the natural headland seaward entrances of each fiord ("Fishing Lines"). The Habitat Line remains as several fishing rules/regulations relate to this boundary.
2. Bulk harvesting methods	<p>It is prohibited to use or set any blue cod pot within the internal waters of Fiordland</p> <p>Set line fishing includes the use of any setline, longline and dahn (drop) line but does not include rod and reel or hand lines. Within the Fiordland Marine Area the following line fishing restrictions apply: • surface floats attached to any line must be legibly and permanently marked with the fisher's initials and surname. A boat name is also useful; • no person may use or possess a line with more than five hooks; • no person may use or be in possession of more than one line (other than a rod and reel line or handline); • where more than one person is using a line from a vessel (other than a rod and reel line or handline), no more than two lines (other than a rod and reel line or handline) may be used or set from or possessed on-board that vessel.</p>	Not proposed in public consultation document	Consult of the prohibition of set nets, dahn (drop) lines, long lines, and blue cod pots from inside the fishing line. Potting for rock lobster should still allowed.

	It is unlawful to use, set or possess any set net within the Fiordland Marine Area. It is also prohibited to use a drift net for fishing in any New Zealand fisheries waters.		
3. Boat limits	No limits on the maximum total take of species or size of bags per vessel additional to the daily limits per fisher.	Not proposed in public consultation document	Introduce boat limits for take of finfish and shellfish that are 4-times the daily species limit and 4-times the daily combined bag limits.
4. Finfish daily bag limits	See Table 2 below	See Table 2 below	See Table 2 below
4.1 . Combined daily finfish bag limit	Combined daily bag limit of 30 finfish per person of any combination of listed species. No accumulation beyond the daily limit.	<ul style="list-style-type: none"> <li>Note the proposed introduction of two-tiered bag limits for a greater number of species than the status quo.</li> </ul> Reduce combined daily bag limit to 10 finfish per person. No accumulation beyond the daily limit.	<ul style="list-style-type: none"> <li>Note the proposed introduction of two-tiered bag limits for a greater number of species than the status quo.</li> </ul> Combined daily bag limit of 10 finfish inside the fishing line and 20 finfish outside of the fishing line.
4.2. Inclusion of species in the combined daily bag limit	Up until 5 May 2022, only listed finfish species were included in the daily combined finfish bag limit. This excluded albacore tuna, southern bluefin tuna, kingfish, and others. .	From 5 May 2022, Fisheries New Zealand has amended the Amateur Fishing Regulations to include all finfish species into the daily combined finfish bag limit as a result of the National Daily Bag Limit review.	Exclude highly migratory species (e.g. albacore, kingfish, Southern bluefin tuna) from the combined bag limit.
4.3. Treatment of baitfish	As of 5 May 2022, Fisheries New Zealand has amended the Amateur Fishing Regulations to now include a new <b>combined baitfish daily bag limit</b> of 50 baitfish. This applies to the	To exclude barracouta from the combined finfish bag limit with its own baitfish species limit of 3 barracouta.	To exclude barracouta from the combined finfish bag limit with its own baitfish species limit of 3 barracouta.

	<p>following 7 species: Anchovy, Jack/Horse/Chilean mackerel, Koheru/Scad, Pilchard, Piper/Garfish, Slender/Stout sprat, and Yellow-eyed mullet. The baitfish bag limit is in addition to the combined finfish bag limit, with no accumulation applying.</p>		
4.4. Groper (hāpuku)/bass	<p>Maximum daily limit per person in the Internal Waters of Fiordland (inside the Habitat Line) is 3 groper (hāpuku)/bass.</p> <p>There is no monitoring of groper (hāpuku)/bass stocks in the FMA.</p>	<p>Close groper (hāpuku)/bass fishing in the Internal Waters of Fiordland (inside the Habitat Line) for all fiords for a period of five years.</p> <p>Fisheries NZ to develop a non-lethal methodology for monitoring groper (hāpuku)/bass abundance, so any decision to re-open the fishery in the future is based on robust information.</p>	<p>Reduce the daily limit for groper (hāpuku)/bass fishing in the Internal Waters of Fiordland (inside the Habitat Line) to 1 for all fiords.</p> <p>Introduce a boat limit for groper (hāpuku)/bass fishing in the Internal Waters of Fiordland (inside the Habitat Line) to 1 for all fiords.</p>
4.5. Monitoring of fish stocks	<p>Fisheries NZ conduct stock assessments for blue cod using an extractive potting method, which places undue pressure on vulnerable inner-fiord fisheries.</p> <p>A citizen science programme is currently under development by Fisheries NZ that will enable Fiordland's fishers to contribute information regarding fish take, gender etc. in a robust manner that complements other sources of scientific information.</p>	<p>Fisheries NZ to develop a non-lethal methodology for monitoring blue cod/rāwaru to re-open closed fisheries (i.e. Milford Sound/Piopiota) and review bag limits in the future is based on robust information.</p>	<p>Fisheries NZ to develop a non-lethal methodology for monitoring blue cod/rāwaru and groper (hāpuku)/bass abundance, so any decision to re-open closed fisheries (i.e. Milford Sound/Piopiota) and review bag limits in the future is based on robust information.</p>
5. Rock lobster bag limits	<p>No tiered bag limits for rock lobster.</p>	<p><b>Option 1</b> Introduce a two-tier bag limit for rock lobster, with demarcation based around the Internal Line that extends across</p>	<p>No change to the status quo for rock lobster. No tiered bag limits for rock lobster.</p>

	Waters of Fiordland/Habitat Line.	the natural headland seaward entrances of each fiord	
5.1 Daily limits	<p>No person may take or possess more than 6 rock lobsters (both spiny and packhorse rock lobster species combined) on any one day within the Fiordland (Te Moana o Atawhenua) Marine Area.</p> <p>Daily rock lobster takes and possession limit for internal waters of Fiordland/inside the Habitat Line (excluding Milford Sound/ Piopiotahi) is 6 (both spiny and packhorse species combined). The daily rock lobster take limit for the external fiord waters (outside the Internal Waters of Fiordland/Habitat Line) is 6 rock lobsters (both spiny and packhorse species combined). The daily rock lobster possession limit for the external waters (outside the Internal Waters of Fiordland/Habitat Line) is 6 rock lobsters (both spiny and packhorse species combined); with a maximum accumulation limit of 10 rock lobsters (both species combined).</p>	<p>The daily rock lobster takes and possession limit for the fiord waters inside the Fishing Line (excluding Milford Sound/ Piopiotahi), is 6 (both spiny and packhorse species combined). The daily rock lobster possession limit for the open coast waters outside the Fishing Line is 6 (both spiny and packhorse species combined); with a maximum accumulation limit of 10 rock lobsters (both species</p>	<p>No change to the status quo for rock lobster: No person may take or possess more than 6 rock lobsters (both spiny and packhorse rock lobster species combined) on any one day within the Fiordland (Te Moana o Atawhenua) Marine Area.</p>
5.2 Daily limits for Milford Sound / Piopiotahi internal waters	<p>No change to current daily bag limit of 3 rock lobsters within the Milford Sound/ Piopiotahi internal waters.</p>	<p>No change to current daily bag limit within the Milford Sound/ Piopiotahi internal waters but move the demarcation line from the Habitat Line to the line that extends across the natural</p>	<p>No change to the status quo for rock lobster: No person may take or possess more than 3 rock lobsters on anyone-day that are taken from within the Milford Sound/ Piopiotahi internal waters of Fiordland. No accumulation applies.</p>

	<p>5.3 Accumulation of rock lobster</p>	<p>Within the Fiordland (Te Moana o Atawhenua) Marine Area, a limited defence provision exists to allow possession of rock lobster taken over 3 or more days in excess of the daily possession limit if:</p> <ul style="list-style-type: none"> <li>o not more than 15 rock lobster are possessed; and</li> <li>o the daily take limit of 6 rock lobster was not exceeded on any day; and</li> <li>o not more than 3 rock lobster were taken from the Milford Sound/ Piopiotahi internal waters of Fiordland; and in the case of rock lobster held on board or landed from a vessel, including rock lobster removed from any holding pot, the rock lobster is held in labelled containers or bags that contain only rock lobster taken on a single day, and labelled to identify the fisher by name, the date caught and number of fish.</li> </ul>	<p>Limited defence provision exists to allow possession of accumulated rock lobster taken over 2 or more days in excess of the daily possession limit if:</p> <ul style="list-style-type: none"> <li>o not more than 10 rock lobster are possessed; and</li> <li>o the daily take limit of 6 rock lobster was not exceeded on any day; and</li> <li>o not more than 6 rock lobster were taken from the internal waters of the Fiordland/ Habitat Line with the balance taken from outside the Habitat Line/internal waters; and</li> <li>o not more than 3 rock lobster were taken from the Milford Sound/ Piopiotahi internal waters of Fiordland; and</li> <li>o in the case of rock lobster held on board or landed from a vessel, including rock lobster removed from any holding pot, the rock lobster is held in labelled containers or bags that contain only rock lobster taken on a single day, and labelled to identify the fisher</li> </ul>	<p>headland seaward entrances of each fiord ("Fishing Line").</p> <p>Limited defence provision exists to allow possession of accumulated rock lobster taken over 2 or more days in excess of the daily possession limit if:</p> <ul style="list-style-type: none"> <li>o not more than 10 rock lobster are possessed; and</li> <li>o the daily take limit of 6 rock lobster was not exceeded on any day; and</li> <li>o not more than 6 rock lobster were taken from the Fiord waters inside the Fishing Line with the balance taken from the open coast outside the Fishing Line; and</li> <li>o not more than 3 rock lobster were taken from the Fiord waters inside the Fishing Line in Milford Sound/ Piopiotahi; and</li> <li>o in the case of rock lobster held on board or landed from a vessel, including rock lobster removed from any holding pot, the rock lobster is held in labelled containers or bags that contain only rock lobster taken on a single day, and labelled to identify the fisher</li> </ul>	<p>No change to the status quo for rock lobster: Within the Fiordland (Te Moana o Atawhenua) Marine Area, a limited defence provision exists to allow possession of accumulated rock lobster taken over 3 or more days in excess of the daily possession limit if:</p> <ul style="list-style-type: none"> <li>o not more than 15 rock lobster are possessed; and</li> <li>o the daily take limit of 6 rock lobster was not exceeded on any day; and</li> <li>o not more than 3 rock lobster were taken from the Milford Sound/ Piopiotahi internal waters of Fiordland; and in the case of rock lobster held on board or landed from a vessel, including rock lobster removed from any holding pot, the rock lobster is held in labelled containers or bags that contain only rock lobster taken on a single day, and labelled to identify the fisher by name, the date caught and number of fish.</li> </ul>
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		<p>contain only rock lobster taken on a single day, and labelled to identify the fisher by name, the date caught and number of fish.</p> <p>No rock lobster accumulation beyond the maximum 10 possession limit.</p>	<p>by name, the date caught and number of fish.</p> <p>No rock lobster accumulation beyond the maximum 10 possession limit.</p>	
6. Shellfish limits	No daily bag limit for shellfish	Introduce a daily bag limit for shellfish of 150. All shellfish to be included in this bag, not just those listed.	Introduce a daily bag limit for shellfish of 150. All shellfish to be included in this bag, not just those listed.	
6.1 Daily species limits	See Table 3 below.	See Table 3 below	See Table 3 below	
		<ul style="list-style-type: none"> <li>Note the proposed introduction of two-tiered bag limits for pāua</li> </ul>	<ul style="list-style-type: none"> <li>Note the proposed introduction of two-tiered bag limits for pāua and slight changes to these limits compared to those proposed</li> </ul>	
6.2 Scallops	Currently max. daily limit of 10.	Ban scallop take from the entire FMA.	Ban scallop take from the entire FMA.	

Table 2. Finfish bag limit table showing status quo, what was consulted on and the Guardians' final recommendations.

Finfish species	Status Quo		Proposed (2022)		Guardians' final recommendation	
	Current Amateur Daily Limit per Fisher		Proposed Amateur Daily Limit per Fisher		Proposed Amateur Daily Limit per Fisher	
	Internal waters (Inside Habitat Line)	External (outside Habitat Line)	Fiord Waters Inside the Fishing Line	Open Coast Outside the Fishing Line	Fiord Waters Inside the Fishing Line	Open Coast Outside the Fishing Line
Albacore tuna	30		3		3	
Barracouta	30		3		3	
Blue cod/rāwaru	3	10	1	10	1	10
Blue cod/rāwaru – Doubtful/Thompson/ Bradshaw internal waters	1		1		1	
Blue moki	15		1	2	1	2
Blue nose	5		1		1	3
Blue shark	1		0		1	1
Bronze shark	1		0		1	1
Butterfish	15		2		2	4
Eels – Shortfin/ Longfin	6		2		2	2
Elephant fish	5		1		1	3
Flatfish (except Sand flounder)	30		2		2	5
Sand flounder	Included in 30 flatfish limit		2		2	5
Gem fish	30		1		1	3
Grey mullet	30		4		4	10
Groper (Hāpuku)/ Bass	3	5	0 (in the Internal Waters of Fiordland/inside the Habitat Line)	1 (in the fiord entrances and outer coast/outside the Habitat Line)	1	3



Hammerhead shark	1	0	1	1	1
Hoki	30	1	1	1	5
Kahawai	15	2	2	2	3
Kingfish	3	2	3	3	3
Lamprey	30	2	10	10	10
Ling	30	0	1	1	3
Mako shark	1	0	1	1	1
Marblefish	30	1	1	1	5
Marlin	1	1	1	1	1
Porbeagle shark	1	1	1	1	1
Quinnat salmon	2	1	1	1	2
Red cod	10	2	2	2	5
Red gurnard	30	2	2	2	5
Red moki	15	1	1	1	2
Rig	5	2	2	2	2
School shark	5	2	2	2	2
Sea perch/ Jock Stewart	10	1	10	1	10
Seven gilled shark	1	1	1	1	1
Skate ray	5	1	1	1	1
Snapper	30	1	1	1	2
Southern bluefin tuna	1	1	1	1	1
Spiny dogfish	15	2	2	2	2
Stargazer	30	2	2	2	5
Tarakihi	15	1	10	1	10
Thresher shark	1	1	1	1	1
Trevally	30	1	1	1	5

Trumpeter	15	1	4	1	5
Warehou	15	1		1	5
Wrasse	30	4		4	10
All other finfish species not listed	30	4		4	10

Table 3. Shellfish bag limit table showing status quo, what was consulted on and the Guardians' final recommendations.

Shellfish species	Status Quo		Proposed Amateur Daily Limit (2022)		Guardians' final recommendations	
	Current Amateur Daily Bag Limit	Inside Fishing Line	Outside Fishing Line	Inside Fishing Line	Outside Fishing Line	
Cockles	150	20		20		
Kina	50	20		20		
Mussels	25	10		10		
Oysters (Flat/ Dredge oyster)	50	0		0		
Pāua - Blackfoot	10	1	6	2*	5	
- Yellow-foot	10	2		2		
Pipi	150	20		20		
Scallops	10	0		0		
Tuatua	150	10		10		
All other shellfish species combined, (whether the same species or different)	50	20		20		
Rock Lobster	6			6		
	3 (Milford)		Opt. 1 6 internal/10 external Opt 2, 6 internal/external	3 (Milford)		