Concept note: Management Options for Striped Marlin

Background

During the development of the National Fisheries Plan for Highly Migratory Species both recreational and commercial stakeholders expressed dissatisfaction with the current management arrangements for striped marlin.

Currently all commercially caught striped marlin taken within New Zealand waters must be returned to sea whether alive or dead. Marlin caught on the high seas using a high seas permit can legally be landed in New Zealand. Marlin can also legally be imported into New Zealand from overseas. The regulations which control the commercial catch of marlin are shown in Appendix I.

MPI facilitated discussion on the management of the striped marlin fishery in November 2012 which reinforced the perspectives held by each sector. An outcome of this meeting was agreement that MPI would develop a short discussion paper outlining possible options for alternative management arrangements for marlin as a basis for further discussion.

Issues

Commercial

Commercial operators consider that the return of dead marlin to the sea is wasteful. Fishers are foregoing potential income from the limited levels of marlin bycatch at a time when the economics of fishing are difficult. The commercial preference would be to remove the prohibition on marlin landings and instead limit the level of catch.

Commercial stakeholders estimate that roughly 25t of marlin are now caught each year by the commercial fleet. This number is similar to that derived from observed trips and reported in MPI's most recent plenary report.

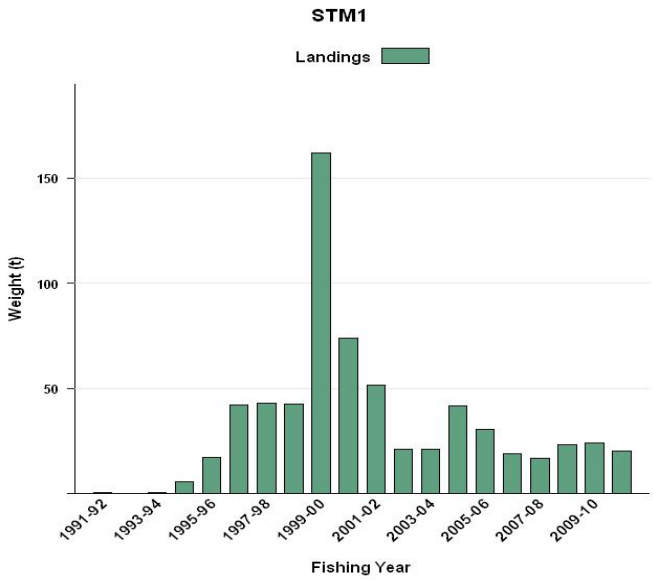

Figure 1: Estimates of total commercial catch (STM1)

Although marlin caught on the high seas may legally be landed for sale, the small quantity of such landings means that information on landing value is limited. Currently, Japan is the main market for marlin landed in New Zealand and prices obtained on that market can vary greatly depending on the quality of the product on offer. Recent landings in New Zealand have attracted prices that can range from $2/kg all the way to $10.50/kg. The sporadic nature of these landings (based on limited high seas trips) and the small volumes involved have made it difficult to sustain a domestic market for marlin. Greater certainty in supply could potentially allow a domestic market to emerge.

Based on the observed survival rates of caught marlin, 25% of the 25t caught annually could potentially be landed were commercial operators allowed to retain marlin that are brought to the boat dead . This would amount to potential income of $12,500 - $65,625 annually across the fleet based on the range of landed prices recently achieved.

Recreational

The recreational sector strongly believes that opening up the commercial fishery will expand the effort to new areas where marlin will be targeted under the guise of accidental bycatch. They also do not believe that operators will behave responsibly or that MPI can effectively monitor any controls placed on the commercial sector.

The sector argues that there is a substantial economic value that is derived from the recreational fishery based on revenue generated by the additional tourism that is attracted to a healthy gamefishery and further argue that this income would be at risk from an increase in commercial pressure.

The recreational sector also takes the view that we should not be considering more flexible management options with marlin stocks approaching an overfished state (additional information on stock status is provided below), rather greater restrictions should be applied to prohibit marlin imports.

There are approximately 100 recreational charter boats that derive part of their income from marlin fishing and a growing number of private vessels participating in the fishery. In 2009-10, 607 striped marlin were landed and weighed at a club (22% of landed fish in NZSFC records) and 764 were tagged and released (38% of tagged fish in NZSFC records).

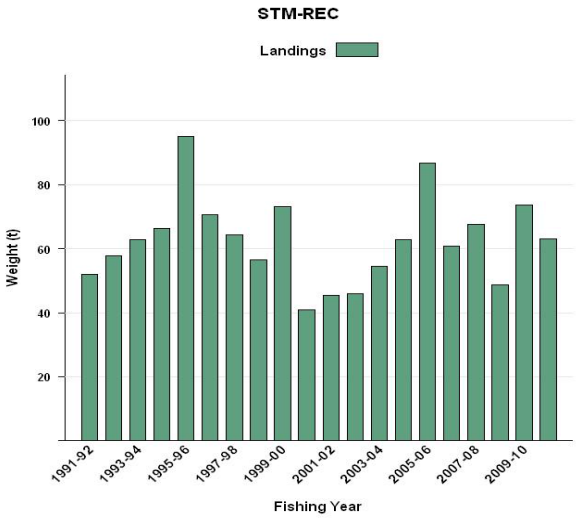

Figure 2: Estimates of recreational landings (STM-REC)

Stock status

The latest south west Pacific stock assessment for striped marlin (2012) estimates the current biomass of marlin at about 6,000 tonnes, overfishing was not thought to be occurring in 2010 but there is evidence that the stock may be overfished (see figure 3 below)[1]. Recent gamefish data suggests that catch rates (average of one marlin every five days fished by charter boats in east Northland) might become untenable for game fishers if marlin biomass is reduced further. Both sectors agreed that the international fleet of 1,350 vessels fishing for southern albacore was the key risk to future levels of marlin biomass.

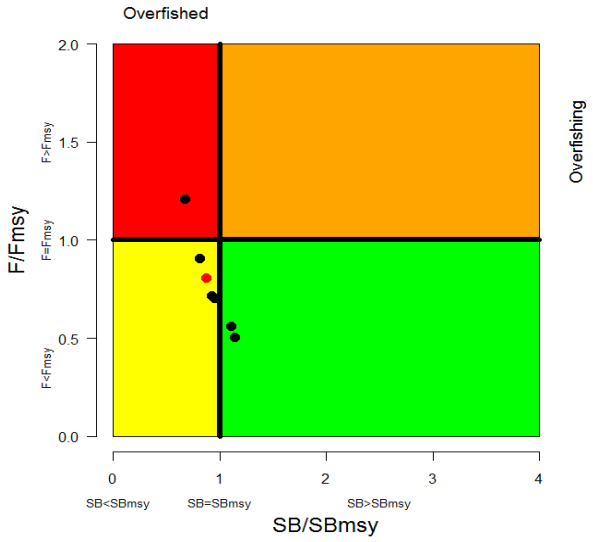

Figure 3:Stock status from most recent WCPFC stock assessment. Ref.case (red circle) and the six plausible key model runs

[1] The full WCPFC report can be found at the following address: http://www.wcpfc.int/system/files/documents/meetings/scientific-committee/8th-regular-session/stock-status-theme/working-papers/SA-WP-05-Stock-Assessment-Striped-Marlin-SWPO.pdf

Options for marlin management

Introduction of striped marlin into the QMS

Providing for limited commercial access to striped marlin (if this is agreed as an objective) can best be achieved by introducing this species into the QMS. Introduction into the QMS would allow MPI to make use of the existing operational framework (e.g. reporting systems, deemed values, monitoring) to address the specific concerns of the recreational sector regarding how commercial catches could be controlled.

Under section 17B of the Fisheries Act, the Minister must make a determination regarding introduction into the QMS if he/she is satisfied that the current management is not ensuring the sustainability of the stock or species or providing for the utilisation of the stock or species. An introduction into the QMS could be based on either the current status of the stock and sustainability concerns that exist or the utilisation issues that have arisen out of the return of dead fish to the sea. However, these factors would need to be further assessed prior to introduction. Should the Minister be satisfied that QMS introduction is necessary, a further decision would be required on the quota management area (QMA) to apply (eg NZ fisheries waters) and the unit of measure (eg greenweight).

If the Minister decided to introduce marlin to the QMS, the Minister would then be required to set a total allowable catch/ total allowable commercial catch (TAC/TACC). The Fisheries Act allows for an alternative total allowable catch to be set for a highly migratory species. In this case a TAC could be set that best meets the purpose of the Act.

The Minister may chose to set a TAC / TACC purely to meet the level of estimated dead bycatch in the fishery or at a level to reflect likely bycatch of this species.

The conservation and management measure for marlin adopted by the Western and Central Pacific Fisheries Commission (WCPFC) would apply (CMM 2006-04) should New Zealand remove the current commercial moratorium. This measure requires members to limit the number of vessels fishing for striped marlin to the number fishing in any one year during the benchmarking period of 2000-2004. The application of this measure would need to be considered as it currently exempts members that apply a commercial moratorium on fishing for striped marlin within their waters.

No catch history would be applicable to this species (unless the QMA includes areas of the high seas) and allocation of any TACC would revert initially to the Crown (80%) and iwi (20%). The Crown would then have the option of disposing of quota subject to whatever conditions it may decide or making annual catch entitlements (ACE) available on an annual basis (again subject to conditions).

Key controls to ensure the integrity of the TAC/TACC would include the use of deemed values along with existing monitoring and enforcement tools. Deemed values could be set at

a high level to ensure that financial incentives are in place to restrict catch levels to those set under the TACC.

Further measures

Further concepts discussed in November 2012 to ensure only marlin that arrive dead at the boat are able to be landed could be considered as part of a regulatory regime. For example landing of marlins could be permitted in cases where an observer is present onboard and the marlin caught is in a state where it is dead. The ban on commercial landing of striped marlin could continue to apply to non-observed fishing trips.

Allowing the retention for sale of striped marlin that would otherwise be discarded dead would have a neutral effect on the population unless fishing practises change to increase the number of striped marlin caught and / or the number that would arrive at the vessel dead. In either event the implementation of a limit on catch and punitive deemed value regime would help address this potential risk. The mechanism to distribute ACE would be important. If landings of marlin were not limited to observed vessels, there could be a risk that all marlin (whether dead or alive) would be landed against ACE until the TACC is reached in a given year. Bycatch after that time could then be discarded. This has the potential to increase the mortality of the fishery.

The potential benefits of additional revenue from marlin landings could create an incentive for commercial operators to carry observers which would have spill-over benefits across the fishery. It would be fairly simple to administer from a compliance point of view since observed trips are known and could easily be reconciled with landing records. Observer records could also be used to validate the quantities reported. The small volumes involved would also provide an opportunity to introduce commercial landings with very little risk to the health of the stock. Income from marlin landing offsets some of the costs of carrying an observer.

Alternative Measures

The following measures have been proposed by the recreational sector to further restrict the landing of marlin based on concerns over the sustainability of the stock and its status as a key recreational species.

Ban landing of commercial caught marlin on the high seas

Current regulations allow marlin taken on the high seas to be landed because regulations refer to marlin taken from New Zealand waters. New Zealand fishers must operate under the authority of a high seas permit. Vessels must also be on the WCPFC register of vessels and report to the WCPFC and New Zealand vessel monitoring systems. Target fishing for marlin on the high seas would not appear to be consistent with the conservation and management measure adopted by the WCPFC, and is a factor that can be taken into account when granting high seas fishing permits (vessel operators must specify methods and target species when

applying for permits). Landings from the high seas by New Zealand fishing vessels have ranged in recent years from zero landings in 2009-10 to 5,890kg in 2011-12.

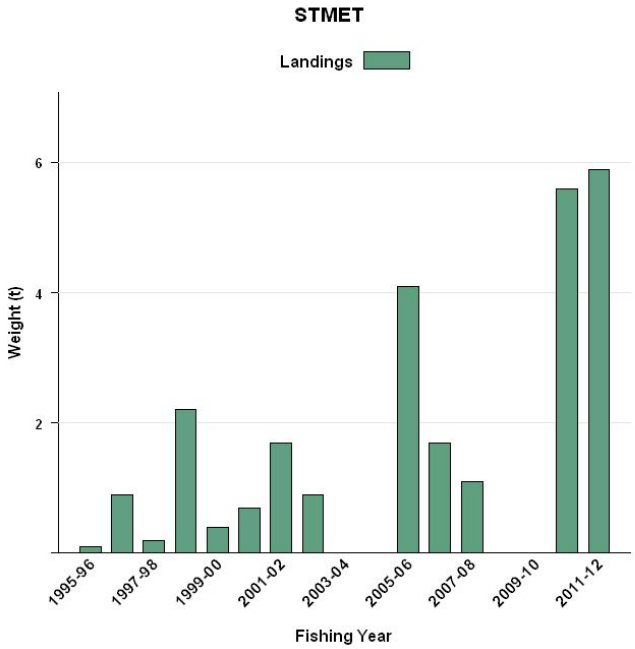

Figure 4: Commercial catch from NZ vessels on high seas

Regulatory amendment would be required to apply the prohibition to New Zealand commercial fishers taking marlin on the high seas. In the short term a high seas permit condition could be considered to give effect to this prohibition.

Such a prohibition would prevent the retention of striped marlin taken on the high seas and would result in live returns to sea. However, it would also result in discarding of dead marlin and similar utilisation issues as those raised for the in-zone fishery.

Import ban on all marlin

Although imports of marlin into New Zealand have been fairly limited in recent times there is an international trend towards more restrictive controls based on the sustainability concerns over the stock. The recreational sector has proposed this initiative to support similar efforts overseas and to mirror the actions of other international recreational fishing bodies.

Industry stakeholders have estimated that 4.5 to 5 tonnes of blue and striped marlin are imported into New Zealand each year, which is made up primarily of small individual shipments of processed loins or steaks.

Any import ban would need to be enforced by the New Zealand Customs Service. A number of legal mechanisms can be used either through the Customs or Fisheries Act to enable this.

The commercial sector has expressed concerns that such a measure could carry potential World Trade Organisation (WTO) implications based on the restrictions to trade. The ban is

also likely to have a negative impact on the choices available to consumers of fish. There is no precedent in New Zealand for this option in a fisheries context.

Review of Existing Measures

Regardless of whether future management of marlin includes or excludes commercial landings of fish caught in New Zealand waters, the current regulatory regime will require review. The changes to regulations proposed as part of the Government's response to the use of foreign charter vessels will require consideration of the rules that apply to large scale longline vessels and the ambiguities of the regulations regarding the release of marlin should be removed. Currently, the restrictions on tuna longlining within the territorial sea and the Auckland FMA are only applied to foreign vessels. The effectiveness of these restrictions could be undermined by an increase in domestic effort or reflagging of foreign vessels.

Next Steps

MPI will be looking for guidance from stakeholders as to which options (if any) discussed in this paper should be progressed as part of development of its annual operational plan.

Management changes that have the support of all stakeholder groups will be prioritised while those that are specific to an individual group could be progressed based on availability of resources, the risk associated and the timing requirements surrounding implementation.

The final decision on any proposal rests solely with the Minister.

Fisheries (Commercial Fishing) Regulations 2001

Regulations 24 and 25 are conditions applying to foreign-owned New Zealand fishing vessels and registered fish carriers

*Regulation 24 **

Areas closed to longliners
(1) This regulation and regulation 25 apply to foreign-owned New Zealand fishing vessels that are used for any tuna longline fishing.
(2) Vessels of the kind referred to in subclause (1) must not—

(a) fish in the New Zealand territorial sea at any time:

(b) fish in the Auckland Fisheries Management Area between 1 October of any year and 31 May of the following year.

Regulations 25:*

The operator, notified user, or master of a vessel used for tuna longline fishing must—

(a) first tag and then release—

- *(i) marlin taken alive in New Zealand fisheries waters; and*
- *(ii) sailfish and spearfish taken alive in the Auckland Fisheries Management Area; and*

(b) provide information on tagged and dead billfish to the chief executive in accordance with the Ministry's tagging programme.

Regulation 30 applies to commercial fishing generally

Regulation 30:

(1) This regulation applies subject to regulation 25.

(2) Except as provided in this regulation, commercial fishers must not possess marlin taken from New Zealand fisheries waters.

(3) No person may sell or possess for sale marlin taken from New Zealand fisheries waters.

(4) Commercial fishers who take marlin—

- *(a) may tag them with a tag supplied by the chief executive, but must return them to the sea; or*
- *(b) if the marlin has been tagged already, may retain and land the marlin, but must surrender them to a fishery officer; or*
- *(c) in other cases, must return them, whether alive or dead, to the sea.*

(5) A fishery officer who receives tagged marlin under subclause (4) must dispose of them as directed by the chief executive

*(note that these regulations are to be removed as part of the legislative amendments to require that only New Zealand flagged vessels operate in New Zealand waters from 2016. Thereafter there will be no restriction on large scale New Zealand flagged vessels).