



## **N Z RECREATIONAL FISHING COUNCIL**

---

10 Smith Street,  
RAGLAN.

Phone 07 8258867  
Cell Phone 021943018  
Email [nzrfcsheryl@actrix.gen.nz](mailto:nzrfcsheryl@actrix.gen.nz)  
Web Site [www.recfish.co.nz](http://www.recfish.co.nz)

19 April 2013

## **NEW ZEALAND RECREATIONAL FISHING COUNCIL**

### **Submission on**

# **Amendments to Commercial Freshwater Eel Fishing Regulations**

## **Review of Commercial Access Restrictions in the PAU 5D Fishery**

## **Use of Underwater Breathing Apparatus (UBA) in Selected Shellfish Fisheries**

## **Proposed Recreational Harvest Regulations for the Maketu Taiapure**

## **The Council and its Representation**

**1:** The national organisations represented by this body are N.Z. Angling & Casting Association, N.Z. Trailer Boat Federation, N.Z. Marine Transport Association, N.Z. Sports Industry Association and N.Z. Underwater Association. We also support the Ministry led and funded recreational forums of which many of these regional members are now members as individuals.

**2:** The Council maintains close contact with a number of Iwi representatives. While every effort has been made to consult we do not suggest that this submission is representative of their views.

**3:** This Council represents over 76,000 recreational and sustenance amateur fishers. In addition by default we represent the public interest in the fishery and those amateur fishers who are non-members. We say by default because we are the only constituted representative body that has been recognised by Government and the Courts of doing so.

**4:** Over one million people or by recent Ministry of Fisheries figures 20% of New Zealanders fish for sport or sustenance. This does not include those elderly or infirmed amateur fishers who can no longer actively participate in catching seafood for the table. The 1996 research to provide estimates of Recreational and Sustenance Harvest Estimates found that there are approx 1.35 million and increasing recreational and sustenance amateur fishers in New Zealand and therefore we effectively, through our associated member groups, and lack of any other democratically elected or statutory recognised group represent this number also.

**5:** The Council has been recognised in three court cases as representing the recreational and amateur fishers of New Zealand. The Council was attached to two of these cases without its prior knowledge and the court papers show it was ordered, “to represent the recreational fishing public of New Zealand”. The first of these was the order of attachment to the High Court Action on the Manukau, Taiapure application. The second relates to the SNA1 challenge of the Minister’s decision that was heard by the High Court. The Council also holds “Approved Party Status” for consultations with the Ministry of Fisheries and is recognised by them and the Minister of Fisheries as a stakeholder group. In the third case this Council along with the NZ Big Game Fishing Council were the applicants in the recent Kahawai case.

**6:** The Council has a Board of democratically elected officers and members. The Council consults with its members and the public using various means. These include newsletters, both written and electronic, its web site and various press releases. In addition it consults through the various fishing media and meetings it holds and receives input through those forums.

**7:** This submission has been prepared and presented after consultation via email and our web site to our members and board members.

**8:** As previously stated, we are aware that many of our National Affiliates and Regional Members are submitting their own submissions and in most cases we have seen and support these submissions where they are not in direct conflict with this submissions intent or requested outcome.

**9:** In the submission we talk of both recreational and amateur fishers as these two descriptions are so intertwined. For sake of some clarity recreational fishers referred to are generally those who have an interest in supporting recreational fishing interests while amateur refers to all fishers who exercise their rights to fish under the amateur fishing regulations.

## **10: Introduction**

The following IPP's are going to show how MPI are failing in their duty to consult with recreational fishers. The IPP for the review of commercial access in Paua 5D were out on the 11 March 2013, with the South of the South recreational forum meeting being held on the 16<sup>th</sup> and none of the issues concerning the South Island were raised. This is making a fast of the forums and of the consultation process from MPI with recreational fishers.

## **11: Amendments to Commercial Freshwater Eel Fishing Regulations**

The South Island Eel fishery is in decline and the NZRFC find that this will take both Short Fin and to a greater extent Long Fin Eel to the brink of extinction.

**12:** Both these species are long lived and breed once. This combined with the huge change in land use in the South Island with more intense farming practises and land use changes in the last 10 years that are yet to impact on the species. This information does not seem to be built into this document. A total reassessment of the sustainability of South Island Eels needs to be done before this reduction in quota holding can even be considered. There has not be a stock assessment done to our knowledge in the last 10 years. This needs to be done and quota readjusted before we could even consider making changes to a reduction in the amount of quota that needs to be held to enter the fishery.

**13:** Now that Fisheries is merged with land based industries under MPI the opportunity exists for a much more streamlined integrated management plan to be developed. We all know that changes in land use practices over the years have degraded significant large areas of eel habitat and to simply continue to set catch limits as if nothing has changed, is at best foolish.

**14:** It is time to relate the stock assessment of eels to the available habitat and take a precautionary approach. Given decisions made today will have implications for over 50 years we are overdue to make some sensible changes.

**15:** We would also suggest the separation of the two species as it is in the North Island within the quota management system as Long Fin Eel occupies to upper reaches and Short Fin Eels are closer to the sea.

## **16: The NZRFC supports**

**Option A1(current situation)** make no change Schedule 8 of the Act, leaving the current minimum ACE holding requirement for South Island Eel stocks at four tonnes;

**17:** And, in relation to the North Island and Chatham Islands minimum legal diameter for fyke net escape tubes, we agree that anything that can help this fishery return to its former glory is of benefit.

## **18: The NZRFC supports**

**Option B2 – (preferred option)** amend the Fisheries (Commercial Fishing) Regulations 2001 to increase the minimum legal diameter for fyke net escape tubes in the North Island and the Chatham Islands from 25 mm to 31 mm, aligning this with the requirement currently applicable in the South Island.

### **19: Review of Commercial Access Restrictions in the PAU 5D Fishery**

Paua are a taonga (treasure) for recreational fishers and the feeling is very intense with Otago and Southland recreational fishers that to open of this presently recreational only fishery would be sacrilege. MPI has not taken the value that recreational fishers place on this species into consideration at all.

**20:** We understand that despite the IPP being available it was withheld from the Southern Recreational forum. The NZRFC continues to be frustrated by MPI only talking to recreational fishers via the consultation on an IPP process. We all know the only real time to have any influence on decisions is at the IPP development phase. Recreational fishers were not involved in any IPP discussions on this issue despite the fact we are going to be directly affected by any changes. If the reverse was to occur with either commercial or Maori interests, all hell would break loose.

**21:** The NZRFC continues to be extremely disappointed in the offhand and dismissive way in which fisheries issues pertaining to the public interest are dealt with. This IPP is a classic example and like commercial legal action may be the only way to challenge any decision.

**22:** Recreational fishers were promised recreational only areas by the national government. However, these have failed to happen because commercial fishers have insisted on having their rights acknowledged and threats of compensation having to be paid, and for other political reasons. The Government has failed to deliver one promised recreational only area and yet here when some exist by regulation they are under threat of removal. These areas presently provide for the social, economic, and cultural wellbeing of recreational fishers and the loss of them will be sorely felt.

**23:** MPI by their own admission is committed to actively seeking opportunities to improve benefits and sustainable use opportunities as noted in the National Fisheries Plan. Yet without any research being done on the subject they are prepared to open up 25 km of coastline presently closed to commercial fishers around the Otago and Southland coastline because they have overfished some 500 km of coastline open to them. There is no consideration to the outcomes or consequences of the effect on recreational fishers to the opening this fishery to commercial harvest.

**24:** The last plenary document done on the Paua 5D fishery was in 2006 and this indicated that the stock was depleted with a high exploration rate and that catch rates were not sustainable. A new plenary document is due in May 2013. It is important to wait for all the information to be available. The evidence shows that commercial fishers either cannot or will not manage the areas they currently have access to sustainably and we see no reason why we should have to forgo our access to good fishing to help them.

**25:** We note that commercial don't seek an increase in TACC at this point but we all know that as soon as a new stock assessment is done, the TACC will be set over the revised area. We submit it is less than honest to say there will be no increase in take.

**26:** There seems to be confusion as to where the actual boundaries are. This is just more evidence that this IPP has been put together in an ad hoc way without adequate research to the detriment of the fishery. Recreational fishers are constantly told things cannot be done without research (note the problems surrounding the re-opening of the Marlborough Sounds Blue Cod Fishery) and yet here we seem to have an IPP that is just an idea to fill the pockets of a few at the expense of the public.

**27:** The NZRFC is extremely concerned at the way MPI is locking in concession access for commercial in crayfish, Blue Cod and scallops, while diminishing access for public fishers. Denying access to blue cod for recreational fishers by way of the slot rule, but allowing commercial to increase their take by over 40%, locking in concession sizes in rock lobster fisheries for commercial while public fishers are shut out are unacceptable decisions and if this decision adds to that tensions will reach breaking point. All this while Maori can simply step around the rules by using Customary permits thus creating enhanced access for those two sectors while public access declines, is leading to widespread discontent.

**28:** The main reason for closure from the start seems to be a food safety issue. To show that this is all about commercial fishing there have never been restrictions on the harvest of Paua by recreational fishers. Are we that unimportant? Or was the real issue way back then one of sustainability and the closure was one way of providing for the social, economic and cultural well-being of recreational fishers something that does not seem to count now.

**29:** Recreational fishers enjoy good access to other stocks in the south via areas closed to commercial fishing. We refer to the CRA8 fishery where significant areas are closed to commercial fishing and this is not only providing good access but may well be helping to provide stability for the overall catch. The closed area system works and MPI should accept that and leave the Paua fishery as it is.

**30:** Paua 5 D has served as a nursery area now for many years and the recreational fishers in the area have watched availability diminish because of the commercial pressure in the bordering areas. This has gone from a recreational harvest in slippers fishery to a full wet suit. MPI by their own admission have no idea of the importance of this fishery to recreational fishers and no idea of the recreational harvest, what are the effects going to be with opening this fishery? They are unknown. We suggest the minister acts with extreme care and maintains the status quo.

**31: The NZRFC supports Option 1 (*status quo*) Retain the existing commercial Paua harvest prohibitions as specified in:**

- **regulation 10 in the Fisheries (South-East Area Commercial Fishing) Regulations 1986, and**
- **regulation 14 in the Fisheries (Southland and Sub Antarctic Areas Commercial**
- **Fishing) Regulations 1986**

**32: Use of Underwater Breathing Apparatus (UBA) in Selected Shellfish Fisheries**

Once again recreational fishers are not being kept informed or had the opportunity for input into this proposal. This smacks of yet another concession to commercial fisher. Why wasn't recreational fisher's access to the same method included in the IPP to start with? We could have had valuable input.

**33:** Once again the consultation process on this document is flawed. There is no science available to back this proposal so it cannot proceed at this point. The results of the science project carried out on the Chatham Island is not available to examine. Why are we not waiting until this information is available?

**34: The NZRFC supports Option 1 (*status quo*)**

Maintain the current regulation, 76 of the Fisheries (Commercial Fishing) Regulation 2001, restricting the use of underwater breathing apparatus for the commercial harvest of shellfish species.

**35:** However if an IPP can be put together with the following stipulations we could consider consultation with the interested parties.

- If UBA is to be used it is by all users. As stipulated in the IPP harvest controls are by quota for commercial and bag limit for recreational fishers.
- UBA is only to be used in fisheries where abundance of that shellfish is increasing, and proven by stock assessments that are current
- There is a size increase to 130 ml for Paua for all commercial harvest using UBA.
- All commercial divers using UBA to gather shellfish are fitted with Data Loggers (Turtle packs) to gather fine scale management data.

**36: Proposed recreational harvest regulations for the Maketu Taiapure**

Once again MPI have failed to consult with local recreational fishers and the recreational forums on the Maketu Taiapure IPP. We find this unacceptable. How can you get reasoned answers when things like this hit you out of the blue? There appears to have been little consultation with any recreational fishers in the area.

**37:** We accept the limited data available from studies done by the BOP Polytechnic. However this needs to be ongoing as the data is in conflict with what is actually being seen on the ground. Having now talked with a few of the affected parties, there appears to be sufficient mussels in the area for most to get a feed with little problem.

**38:** Making a size limit for mussels at 90mm is far in excess of the size of mussels at maturity which is 27mm. At this size you would find mussels dying of old age before they were able to be harvested.

**39:** There does however appear to be a problem with compliance and this needs to be addressed. There appears to be a heavy gang presence in Maketu and these people take what they like with little consideration for anyone else.

**40:** Also customary permits appear to be written for the area without consultation with the Taiapure committee. Surely if local management is needed. It does start with sorting out the locals.

**41:** As for Paua it would appear that these are stunted stocks much like those in the Taranaki area and this should be investigated before any rules are put in place.

**42:** Seasonal closures would appear not to be necessary to collecting because of the Paralytic shellfish toxin poisoning and the recommendation that the take of shellfish be banned until the toxin levels return to a safe standard for human consumption.

**43:** The NZRFC share the concerns of the Taiapure committee in the levels of spiny starfish who inhabit the area. This could be a project adopted of cause and effect.

**44: The NZRFC supports**

**Option 1 (*current situation*)**

Maintain the existing recreational fishing regulations for green-lipped mussels and Paua within the Taiapure. This existing regulations provide for a daily bag limit of 50 mussels and there is no seasonal closure on the recreational harvest of these two fish stocks. The current regulations were set under the Fisheries (Amateur Fishing) Regulations 1986.

**45:** The NZRFC appreciates the opportunity to submit on the review of the above IPP's. We are available to discuss this submission in more detail if needed. We look forward to Mfish addressing our concerns and would like to be kept informed of any future developments.

Yours faithfully,  
NEW ZEALAND RECREATIONAL FISHING COUNCIL

Sheryl Hart  
Vice President