

**Kaipara District Fishery Sub-Committee
C/- 48 Cullen Street
Mangawhai 0505**

27 AUG 2007

24 August 2007

Mr Ian Ferguson
Ministry of Fisheries
PO Box 19 747
Avondale
Auckland

Dear Sir

Review of Stalling of Nets in the Kaipara Harbour

I am pleased to advise that the Kaipara District Fishery Sub-Committee supports Options 2 as set out in the Regulatory Impact Statement; part of the paper entitled Review of the Regulation that Permits Stalling of Nets in the Kaipara Harbour.

Yours faithfully



Mark C Farnsworth
Secretary
Kaipara District Fishery Sub-Committee



N Z RECREATIONAL FISHING COUNCIL

P.O. Box 238,
RAGLAN

Phone 07 8258867
Cell Phone 021943018
Email nzrfcsheryl@actrix.gen.nz

3 September 2007

NEW ZEALAND RECREATIONAL FISHING COUNCIL

Submission on

The Ministry of Fisheries Review Regulatory Measures and other Management Controls for 1 April 2008

Desired Outcome

Healthy Fisheries

Fairly Shared

With more fish in the water

Contents

Introduction	3
The Council and its Representation	3
Review of the regulation that permits stalling of nets in the Kaipara Harbour	4
Amendment to the Recreational Scallop Fishing Season in Fisheries Management Area 9	5
Surf Clam Dredge Size	5
Review of regulations relating fishing interactions with marine turtles	6
Container Type Reporting for Schedule Six Discards	6
Paddle Crab: Allowing for return to sea	6
Deepwater Crab: Proposal to list on Schedule Six of the Fisheries Act 1996	6

Introduction

10: The New Zealand Recreational Fishing Council would like to thank the Minister of Fisheries for this opportunity to present our submission on the review of regulatory Measures and other management controls for 1 April 2008

The Council and its Representation

1: The national organisations represented by this body are N.Z. Angling & Casting Association, N.Z. Big Game Fishing Council, 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 also has some Maori groups as members with Te Runanga o Ngai Tahu as a regional association. We also maintain 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 100,000 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 the Council along with one of our respected affiliates the NZ Big Game Fishing Council was the applicant in the recently successful kahawai case.

6: The Council has a Board of 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.

Review of the regulation that permits stalling of nets in the Kaipara Harbour

10: Fishing practises in the Kaipara Harbour have long been a contentious issue. With all resident stakeholders trying to implement a multi stakeholder fisheries management plan for some years, with little success. The fact that the Kaipara is the only area in New Zealand where this archaic method of allowing the stalling of nets is permitted and this only by commercial fishers gives us a little understanding of the problems faced by this group.

11: It has long been recognised that harbours and estuaries contain high levels of juvenile fish these need protection, which this method of fishing does not give. The minister when setting the TACC does not allow for this mortality, which given the probable high juvenile death rate must be significant. Information on the level of the use of stalling is also unknown.

12: It is time MFish addressed the real issues facing the fishermen of the Kaipara Harbour. That is how many fish are taken from this fishery and what is sustainable. New Zealand prides itself in having a world leading output control fishery management system buy it pays scant regard to the productivity of relatively discrete areas such as the Kaipara Harbour. It is simply lumped in with the whole top half of the North Island and significant over fishing is the result. While it may reduce juvenile mortality prohibiting the stalling of nets may not change the amount of fish landed. Commercial fishing takes place in the harbour, mainly for Flounder and Mullet. The Quota Management area for Flounder 1 is huge and needs to be divided into areas that can produce fine scale local area management. If this were to be instigated we could have recreational only areas within this harbour. This would go some way towards stopping the conflict that presently occurs.

13: The Kaipara is a large harbour with vast areas of tidal mudflats and stalling was permitted because fishermen were unable to retrieve their nets on the tide. This practise was allowed when commercial fisherman had slow fishing launches towing flat bottom rowing punts. Technology has come a long way with faster launches and dories making it now possible to access your net during the tide. This coupled with the fact that the nets used then were multi strand web nets which when full of weed and jelly had to be walked at low tide to clean. This is no longer the case with the multi filament nets that are now used.

14: Stalling encourages wasteful fish practises with significant amounts of fish caught in the stalled nets fish being unfit for sale and human consumption due to lice attacking the fish. Stalling also encourages night setting when we find a lot of other illegal set net practises take place under the cover of darkness.

15: MFish proposes three options:

- a) Retain the status quo.
- b) Require attendance at stalled nets in the Kaipara Harbour.
- c) Prohibit stalling in the Kaipara Harbour.

16: Retaining the status quo is unacceptable to recreational fishers and we would have to question its appropriateness in today's age.

17: Attendance of a stalled net is ridiculous to say the least, who is going to stay with their net waist high in mud or sit in their dory while it goes dry for the time of a tide. They better have a good book. To allow a net to go dry while sitting there and watching it is just criminal.

18: We do however ask that the minister consider compulsory **attendance** of all commercial set netting within the Kaipara Harbour and lessen the likelihood of marine mammal entrapment. This could be implemented along with Vessel Monitoring Systems that are now relatively inexpensive to install. This measure will lessen the cost of compliance. The installation of Pingers on all commercial set nets within the Kaipara Harbour will also help prevent Marine mammal deaths. This is something that we would encourage MFish to consider.

19: The only sensible answer to this review of regulatory measures is to prohibit the stalling of nets in the Kaipara Harbour and we ask for all commercial fishermen to be in **attendance** of their nets at all times.

20: To help improve relationships between stakeholders on the Kaipara we ask the Minister to give serious consideration to the use of fine scale area management allowing locals to be more involved in their fishery.

Amendment to the Recreational Scallop Fishing Season in Fisheries Management Area 9

21: As the fisheries management area (FMA) 9 for Scallops is really only confined to the West Coast harbours and does not support a commercial fishery. It is therefore a recreational fishery only.

22: At meetings attended by members of the NZRFC suggestions were made to bring the West Coast scallop season into line with the East Coast season, given that we are not competing with the commercial sector for the same scallops. This we do support. We were surprised to read the information supplied to us by the ministry.

23: We support the (FMA) 9 scallop season being:

- 1st September to 31st March the following year (inclusive), to align with FMA 1 scallop season.

24: The document highlights that at the end of the season small scallops are being taken. This is a compliance issue and should be treated as such. This is no reason to shorten the season and deny recreational fishers access to a food source.

25: MFish have had little or no consultation with the recreational sector on these rule changes. MFish openly comments within the document that it does not have information on

recreational scallop fishing in all areas of FMA 9. We suggest that MFish gathers this information before any change can be made to the recreational scallop season. We are aware of the issue of night dredging, we would like MFish to consult widely on this issue, as with our initial investigation there appears to be some support for this method of control on illegal take. Other issues raised when this question was put, was the issue of safety at sea.

26: MFish proposes options that would:

- a) Maintain the status quo.
- b) Open the recreational scallop season later.
- c) Close the scallop season earlier each year in FMA 9.

27: The NZRFC submits its support for maintaining the status quo. The lack of information from both MFish and the recreational sector, give no other choices so, until investigation by MFish is carried out and the results circulated for comment to those who have an interest in this fishery no changes can be made.

Surf Clam Dredge Size

28: The NZRFC is amazed at how many times in various reviews done by the ministry where lack of information does not stop a regulation to be reviewed for change. Surf clams live in an area where any change is going to have a significant impact on the environment both onshore and in the near shore area.

29: We are now asked to consider the changing of the dredge size for surf clams where no scientific investigation has been carried out to support such a change. Far be it for us to put in place a research project, but this is what is required before any consideration could possibly be given to such changes.

30: This research project would need to start with a full benthic survey done in an area where Dredging for surf clams takes place. We could then consider a trial over a period of say 5 years of the longer dredge bar. Set control stations would need to be nearby that has been identified as being similar in the initial survey. All these stations would need to be resurveyed on an annual basis to identify any changes to the biodiversity of the sea floor. Only after this information has been gathered and assessed by an independent body could we consider any longer term changes to the length of dredge bar for surf clams.

31: We submit that no change in size of dredge bar is allowed when fishing for surf clams, unless it is for a limited trial period with independent research/benthic monitoring being carried out concurrently.

Review of regulations relating to fishing interactions with marine turtles

32: The NZRFC supports the amendments to the Fisheries (Commercial Fishing regulations) 2001, in relation to marine turtles.

Container type reporting for schedule six discards

33: The NZRFC supports the addressing the fixing of this technical problem by removing the requirement to complete “container type” information. Any requirement to keep the fish out of the water for longer than is necessary is not good for the fish.

34: However the commercial fishers must give full information to MFish on the quantities of fish and their condition that are returned to the sea. We also require independent research to be carried out on a regular basis to quantify the information supplied by the commercial sector.

Paddle Crab: Allowing for return to sea

35: The NZRFC supports the allowing of paddle crab caught using the pot method to be added to the sixth schedule. However until more research is carried out we cannot allow any other method of catching paddle crabs to be included. As suggested within the MFish document little is known on the condition of crabs caught by other methods and for this reason we cannot support the total inclusion of all methods.

Deepwater Crab: Proposal to list on Schedule Six of the Fisheries Act 1996

36: The total disregard for any science based information before considering any changes to regulations defies belief.

37: The NZRFC cannot support any changes to the taking of Deep water Crab until such time as research information comes to hand on the ability to take a species from very deep water and return it to that environment unharmed. Also no mentions of what fishing methods are used to take deep-water crab are listed. It appears to be a by-catch fishery rather than a targeted one and therefore the methods at present appear to have no research as to what condition the crabs are in that are planned to be returned.

38: We submit that we cannot support any change until this vital information comes to hand.

39: We thank MFish for this opportunity to submit on the above regulatory measures and other management controls for 1 April 2008.

Compiled by: Sheryl Hart
New Zealand Recreational Fishing Council
Secretary

Lee Mitchell
P0 Box 12034
Napier

20 September 2007

OCMS International Investments Limited
C10 La Hood Van Aart Law
P0 Box 8038
Glengarry
Invercargill

Dear Madam,

RE: Paddle Crab Submission

After reading the Paddle Crab submission we were horrified to read that the Ministry were considering removing the MLS of 75mm in the PAD southern zones. Our industry in PAD5 is completely different from PAD Areas in the north island. Our paddle crabs are much smaller down here so we would like the MLS to stay in as we don't want to see everything landed as the market only really wants crabs bigger than 90mm across.

We do believe however should the markets change we could look at this down the track at a later stage.

We believe paddle crab fishermen who catch their crabs in pots should be able to "high grade" so they take the big crabs and throw the small ones back, so they can grow and can catch when they have reached the take able size etc.

This would enable them to run a more profitable business.

Crabs taken in a pot are not damaged so therefore have a very high survival rate. Trawlers, set netters and other fishers who catch paddle crabs as a bycatch should land all crabs above 75mm and dead crabs that wouldn't survive being thrown back in etc and balance with ace etc.

We hope you leave the MLS in down in PAD5 as we believe by doing this we will have a sustainable fishery for the next generation.

Thank you.

Yours Faithfully

Dominic J Preece

Lee Mitchell
P0 Box 12034
Napier

21 September 2007

The Reliance Fishing Company Limited
P0 Box 494
Invercargill

Dear Sir/Madam,

RE: Paddle Crab Submission: Allowing For Return To Sea

In reply to The Ministry Of Fisheries paper regarding "Paddle Crabs "- Allowing for returns to Sea , we believe that the MLS should be left at 75mm to ensure sustainability of the paddle crabs in the fisheries PAD3, PAD4, PAD5 and PAD6 as all areas are different especially in the southern regions.

Commercial Fishers targeting paddle crabs using the potting method, should be able to" high grade "to maximize their economic return to run a profitable business operation. Paddle crabs caught as a bycatch in the inshore trawl , set net and dredge fisheries usually have a low survival rate.

We believe these fisheries should have to record all their catches of paddle crabs (under 75mm), that are thrown back so we can get a better picture of how much is getting caught as a bycatch and thrown back over the side.

All dead crabs and crabs over 75mm should be landed and will need ice to cover them. We believe if commercial fishers are made to land all crabs caught (under 75mm) you will wipe out the entire crab fishery within the next 10 years.

We have an invested interest in the Paddle Crab industry in PAD5 and are getting set up to catch crabs and we would like it to be governed by the quota holders for sustainability for today's and the next generation of paddle crab fishermen.

We hope you consider our points before making a decision that would affect the potential of the Paddle Crab industry as we believe it has a very bright future with the right marketing in place.

Yours Sincerely

Lindsay Turner
Director