

REGULATORY IMPACT STATEMENT

Standardising Minimum Legal Sizes for Flatfish for Amateur Fishers in Challenger Fisheries Management Area

a. Executive Summary

The Ministry of Fisheries (MFish) proposes to introduce a single minimum legal size (MLS) of 25cm for all flatfish species in the Challenger area.

As both flatfish and sand flounder are caught at the same time by recreational fishers, it is often difficult to distinguish between the different species and fisheries may unintentionally breach the amateur rules. These rules state the flatfish less than 25cm and sea flounder less than 23cm must be returned to the sea.

b. Adequacy Statement

This Regulatory Impact Statement has been approved by the MFish's Regulatory Impact Analysis Review Group and is considered adequate according to the criteria agreed by Cabinet.

c. Status Quo and Problem

Amateur fishers may inadvertently breach the current regulations by mis-identifying one of the other flatfish species (with a MLS of 25cm) as sand flounder (with a MLS of 23cm). For example, if an amateur fisher takes and retains a 24cm black flounder, they are in breach of the regulations even though they mistakenly believe it as a sand flounder.

d. Objectives

The objective that the proposal is measured against are:

- Management of the finfish species is credible.

Specifically, these two objectives from the Challenger Finfish Fish Plan (CIFF) are particularly relevant:

1. Maintain a sustainable, abundant and readily available supply of CIFF mahinga kai in order to:

- Enable tangata whenua in Challenger to exercise their customary fishing rights. This includes sustaining the functions of Iwi, hapu, marae, and the manaaki of manuhiri.
- Ensure good-quality recreational fishing (high likelihood of catching good-sized fish) when fishing for CIFF stocks
- Enhance the long term profitability of commercial CIFF stocks.

and

7. Have a simple, accessible and integrated set of regulations and agreements governing fishing for the CIFF stocks by 1 October 2010.

e. Alternative Options

There is no alternative option other than the status quo.

f. Preferred Option

Summary of key features of the preferred option:

- A reduction in unintentional breaches of amateur fishing regulations (that is, taking flatfish greater than 23cm but less than 25cm);
- Fishers are unlikely to increase effort to catch legal-sized sand flounder with a larger MLS, since sand flounder are but one of a number of flatfish species targeted simultaneously, and therefore a change to the MLS for sand flounder is likely to have little or no impact on the health of the aquatic environment; and
- Increasing the MLS of sand flounder to 25cm will have little or no effect on sustainability. This species is short-lived (generally only three to four years) and fast growing (increasing from around 23cm at age two years to around 31cm at age three years), therefore an increase in MLS of 2cm would only afford around three months extra growth.

The proposed changes are preferred to the status quo because:

- Compliance with mesh size rules would be easier, mitigating against unintentional breaches of amateur fishing regulations. This would enhance credible fisheries management;
- The proposal would facilitate broader involvement of the recreational fishing sector in fisheries management in general, and fish plans in particular;
- Standardising flatfish MLSs will have little or no impact on the health of the aquatic environment; and
- Replacing the two different MLSs applicable to the flatfish complex for amateur fishers with a single MLS will therefore make it simpler to observe the rules and therefore enhance the amateur fishing experience.

Compliance and enforcement costs should be similar to, or reduced, from the present level under the proposed changes because the rules will be simpler and infringements should decline.

There are no costs to the commercial industry as this proposal only affects amateur fishers.

g. Implementation and Review

The changes would take place from 1 October 2009 by way of changes to MFish's Recreational Fisher's Handbook (the current handbook expires in October 2009) and by adding the following to the Fisheries (Challenger Area Amateur Fishing) Regulations 1986:

2E Minimum size for sand flounder in Challenger Area

Despite regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, no person may take from or possess in the Challenger Area any sand flounder that is less than 25 cm in length.

MFish is developing a fishery plan for the Challenger finfish fishery. This sets out management objectives and services (including regulations) in support of these objectives. The plan includes an annual review process of progress towards the objectives. These rules will be considered as part of this review process.

Changes to the regulations would also be communicated via the Top of the South Recreational Forum, letter to fishing clubs and other MFish forums such as the Challenger Finfish Fishplan Advisory Group.

h. Consultation

Reconciling minimum mesh sizes was one of several issues identified by the Top of the South Recreational Forum when they compiled a list of issues to put forward for the recreational regulation review that stalled in early 2008. Standardising flatfish MLS regulations would therefore enhance recreational sector involvement in the Challenger Inshore Finfish Fishplan Advisory Group.

Commercial fishing interests, support this proposal. The proposal creates no additional costs for commercial fishers.