

STANDARDISING AMATEUR NET MINIMUM MESH SIZES IN CHALLENGER FISHERIES MANAGEMENT AREA - INITIAL POSITION PAPER

Executive Summary

- 1 This Initial Advice Paper (IPP) proposes to standardise the minimum mesh sizes for recreational fishing nets in the Challenger Fisheries Management Area (FMA 7).¹ Anomalies and inconsistencies between minimum mesh sizes for recreational fishing nets add unnecessary complexity to the regulations – there are more minimum mesh sizes than are necessary - but confer no sustainability benefits.
- 2 The best examples of this are (i) the inconsistency between minimum mesh sizes for red and blue moki, where the difference between the two mesh sizes is only 1mm, but the minimum legal size (MLS) is the same (40 cm in both cases); and (ii) the 108mm mesh size net applies to only one species (butterfish). At the same time, a number of stocks are assigned a *default* minimum mesh size; ideally these would be *specified* in any amendment to the appropriate regulation (Regulation 3B of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986) to remove any uncertainty. A comparison between the current minimum sizes and the recommended, new² minimum mesh sizes is given in Appendix 1.

Proposed Change

- 3 Regulation 3B of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986 would be changed to:

3B Minimum net mesh size

Notwithstanding regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, the mesh size of any set net used or possessed by any person in the Challenger Fishery Management Area shall not be less than the appropriate size specified in the following table:

<u>Species of fish</u>	<u>Minimum Set Net Mesh Size (mm)</u>
<i>Bluenose</i>	<i>160</i>
<i>Blue moki</i>	<i>114</i>
<i>Butterfish</i>	<i>100</i>
<i>Grey mullet</i>	<i>100</i>
<i>Hapuku/bass</i>	<i>160</i>
<i>Kahawai</i>	<i>100</i>
<i>Parore</i>	<i>100</i>
<i>Porae</i>	<i>100</i>

¹ Although this issue is likely to apply to other FMAs, there has been no discussion with stakeholders in other quota management areas therefore recommendations in this brief are restricted to FMA 7. Review of minimum mesh sizes in other areas will form part of the wider review of set netting regulations.

² Note that many mesh sizes would be unchanged

<i>Red moki</i>	114
<i>Red snapper</i>	100
<i>School shark</i>	150

Implications of Changing Minimum Mesh Sizes

- 4 The implications of these changes are:
- The number of different mesh sizes in Challenger will be reduced from seven sizes to five sizes (no 108 mm or 115 mm)
 - The minimum mesh size for taking butterfish in Challenger will be reduced from 108 mm to 100 mm. This means that the 108 mm mesh size net will become redundant in Challenger (but may still be used if desired for taking butterfish).
 - The minimum mesh size for taking porae in Challenger will be *specified* as 100 mm to become consistent with Auckland and Central, as opposed to the current minimum mesh size for taking porae in Challenger which is 100 mm by *default*.
 - The minimum mesh size for taking parore will be *specified* as 100 mm for Challenger to become consistent with Auckland. Currently the minimum mesh size for taking parore in Challenger is 100 mm by *default*.
 - The minimum mesh size for taking red snapper will be *specified* as 100 mm for Challenger to become consistent with Auckland. Currently the minimum mesh size for taking red snapper in Challenger is 100 mm by *default*.
 - The minimum mesh size for taking red moki in Challenger will be reduced from 115 mm to 114 mm. This makes the minimum mesh size for taking red moki consistent with blue moki, and means that the 115 mm mesh size net becomes redundant. However the 115 mm mesh size may still be used for taking red moki in Challenger if desired.

Benefits of Changing Minimum Mesh Sizes

- 5 The benefits of standardising the minimum mesh sizes are:
- Compliance with mesh size rules would be easier, and would mitigate against unintentional breaches of amateur fishing regulations. This would enhance credible fisheries management.
 - Recreational fishers are assisted in achieving best value. Given that recreational fishing boats may only carry one set net at a time, standardising minimum mesh sizes will enhance utilisation opportunities.
 - Broader involvement of the recreational fishing sector in fisheries management in general is facilitated, and fish plans in particular.³

³ For example, 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 minimum mesh size regulations would therefore enhance recreational sector involvement in the Challenger Inshore Finfish Fishplan Advisory Group (CIFF FPAG).

- Standardising the minimum mesh size will have little or no impact on the health of the aquatic environment.

Regulatory Impact Analysis Requirements

- 6 This IPP required a Regulatory Impact Statement which was reviewed internally by MFish.
- 7 For more information on the Regulatory Impact Analysis Requirements and the meaning of the word 'significant' with reference to an IPP, please refer to the Treasury website www.treasury.govt.nz.

Recommendation

- 8 Remedying this problem is not urgent, however MFish recommends:
 - Reducing the minimum mesh size for butterfish from 108mm to 100mm for recreational fishers in the Challenger Fisheries Management Area;
 - Reducing the minimum mesh size for red moki from 115mm to 114mm for recreational fishers in the Challenger Fisheries Management Area; and
 - Specifying the minimum mesh size for parore, porae and red snapper at 100mm for recreational fishers in the Challenger Fisheries Management Area
- 9 Stakeholder views are sought on these recommendations for the Challenger Fisheries Management Area.

Appendix 1. Comparison of Current Minimum Mesh Sizes and New Minimum Mesh Sizes

Current Minimum Mesh Sizes:
Challenger

Proposed Minimum
Mesh Sizes: Challenger

Garfish	25	25
Yellow-eyed mullet	25	

Blue cod	100	
Butterfish	108	
Flatfish	100	
Grey mullet	100	
John dory	100	
Kahawai	100	
Kingfish	100	
Parore	100 (by default)	
Porae	100 (by default)	100
Red cod	100	
Red gurnard	100	
Red snapper	100 (by default)	
Snapper	100	
Tarakahi	100	
Trevally	100	
Trumpeter	100	
Other	100	

Blue moki	114	114
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	Current Minimum Mesh Sizes: Challenger	Proposed Mesh Sizes: Challenger	Minimum Challenger
Red moki	115		
Elephant fish	150		
Rig	150		150
School shark	150		
Bluenose	160		
Groper	160		160

REGULATORY IMPACT STATEMENT

Standardising Amateur Net Minimum Mesh Sizes in Challenger

a) Executive summary

The IPP proposes to standardise the minimum mesh sizes for recreational fishing nets in FMA 7 simplifying rules and eliminating these inconsistencies. At the same time, the minimum mesh sizes for some species that are not specified (so are 100mm by default) will be specified at 100mm to add precision.

Inconsistencies between minimum mesh sizes for recreational fishing nets add unnecessary complexity to the regulations, but confer no sustainability benefit. The best example of this is the inconsistency between minimum mesh sizes for red and blue moki, where the difference between the two mesh sizes is only 1mm, but the minimum legal size (MLS) is the same (40 cm in both cases).

b) Adequacy statement

This RIS has been approved by the RIA Review Group, Regulatory Impact Analysis (RIA) Steering Group or Regulatory Impact Analysis Unit (RIAU) (as appropriate) according to criteria agreed by Cabinet.

c) Status quo and Problem

Utilisation for amateur set netters is constrained because they may only possess only one mesh-sized net on their vessels at a time, but there are seven different minimum mesh sizes applicable to amateur fishing in the Challenger area. This also makes the rules unnecessarily complicated. Two of the mesh sizes apply to a single species each, yet these ‘anomalous’ mesh sizes confer little or no sustainability benefit.

Eliminating the two anomalous mesh sizes will reduce the number of minimum mesh sizes applicable to amateur fishers in Challenger from seven sizes to five. This will assist utilisation for amateur fishers since a given mesh size may be used for a greater number of species, and assist in better adherence to the regulations because they are simpler. Although the 108mm mesh and 115mm mesh would become redundant, since the new specified minimum mesh size is smaller than the old minimum mesh size, amateur fishers could continue to use the old nets when targeting butterfish and red moki, respectively, because they are larger than the new minimum mesh sizes.

d) Objectives

In general, the objectives that the proposal is measured against are:

- The sustainable utilisation of the resource;
- The value of the resource is maximised;
- Management of the resource 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

Because both the issue and the solution are straightforward, a single option is given

f) Preferred option

Summary of key features of the preferred option:

- The number of different mesh sizes is reduced from seven sizes to five sizes (no 108 mm or 115 mm);
- Minimum mesh size for butterfish reduced from 108 mm to 100 mm. This means that the 108 mm mesh size net becomes redundant;
- Minimum mesh size for porae *specified* as 100 mm for Challenger to become consistent with Auckland and Central, as opposed to the current minimum mesh size for Challenger is 100 mm by *default*;
- Minimum mesh size for parore *specified* as for Challenger to become consistent with Auckland. Currently minimum mesh size for Challenger is 100 mm by default;
- Minimum mesh size for red snapper *specified* as 100mm for Challenger to become consistent with Auckland. Currently minimum mesh size for Challenger is 100 mm by default; and
- Minimum mesh size for red moki reduced from 115 mm to 114 mm. This makes it consistent with blue moki. The 1 mm difference seems to be an historical error, and means that the 115 mm mesh size net becomes redundant.

The proposed changes are preferred to the status quo because:

- Compliance with mesh size rules is easier, mitigating against unintentional breaches of amateur fishing regulations. This would enhance credible fisheries management;
- Recreational fishers can achieve better value: since recreational fishing boats may only carry one set net at a time, standardising minimum mesh sizes will enhance utilisation opportunities;
- The proposal would facilitate broader involvement of the recreational fishing sector in fisheries management in general, and fish plans in particular; and
- Standardising minimum mesh size does not impact on the health of the aquatic environment

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.

g) Implementation and review

The changes would take place from 1 October 2009 by amendment to Regulation 3B of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, where the words 'Red moki 114' and 'Butterfish 100' would be added.

Changes to the regulations would be communicated via the Top of the South Recreational Forum, and by way of amendments to the *Recreational Fisher's Handbook* (the current handbook expires in October 2009). The regulatory changes make it easier for fishers to comply: if they continue to use the 108mm net for butterfish, and the 115mm net for red moki, they are still compliant. Therefore extensive communication is not as critical as say, if the minimum mesh size was increased and fishers inadvertently became non-compliant.

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 minimum mesh size regulations would therefore enhance recreational sector involvement in the Challenger Inshore Finfish Fishplan Advisory Group (CIFF FPAG). Consultation with two of the larger net manufacturers and suppliers in the Nelson area⁴ indicated the proposed changes would have little or no impact on them.

⁴ Hampidjan, and Motueka Nets

STANDARDISING AMATEUR NET MINIMUM MESH SIZES IN CHALLENGER FISHERIES MANAGEMENT AREA - SUMMARY OF SUBMISSIONS

Summary of submissions

- 10 MFish has received five submissions through consultation on this proposal.
- 11 Te Ohu Kaimoana and the Seafood Industry Council support this proposal.
- 12 The Top of the South Recreational Forum supports this proposal. The Tasman and Sounds Recreational Fishers Association (TASFISH), however, who are members of the Forum have, subsequent to discussions on the IPP, raised the following concerns:

“New Zealand prides itself on an outcomes based fisheries management system but within the amateur set net regulations we find a plethora of mesh sizes allowable for different species. This is nonsense as fish don’t carry rulers and often end up being caught in the wrong sized mesh. This often results in their dying, and even though they are above the minimum legal size fishers are required to return these dead fish above the minimum legal size to the sea.

TASFISH submits that the regulation be revoked and replaced with minimum legal size and bag limit controls, where they don’t already exist.

In addition we propose one size for net mesh for sea setting other than a shorter (10 meter) bait net.

We submit that for other than a bait net and for some specialist estuary setting the minimum legal net mesh size for a marine set net be 108 mm, which is the present butterfish mesh size. All other nets above this size are allowable for any species.

We are aware that many fishers use 160 mm mesh nets for many species and this use should be encouraged but it is impossible to catch butterfish in such nets.

The main control mechanisms should be fish size and bag limits thus ensuring good fish are not wasted but good practice is encouraged.”

- 13 The New Zealand Recreational Fishing Council (NZRFC) supports the TASFISH submission.

MFish Discussion

- 14 TASFISH and the NZRFC support additional changes to the recreational set netting rules than contemplated in the IPP and as put forward initially by the Forum of which TASFISH is part. MFish has not consulted on these additional changes and therefore cannot legally consider these at this time.

- 15 MFish agrees with TASFISH and the NZRFC that the recreational set net rules are complex and a review to simplify these rules would be appropriate. However, this review should be undertaken on a national basis and not just for FMA7. A review of the set net rules, however, may not be given priority for a number of years.
- 16 In the meantime, the proposed change to standardise the minimum mesh size for blue and red moki to 114 m is still sensible and will simplify the current set net rules.
- 17 Regarding the proposal to change the mesh size for butterfish from 108 mm to 100 mm, both TASFISH and NZRFC advocate in their submissions that the 108 mm mesh size used for butterfish should remain and become the minimum mesh size for all marine finfish species. MFish therefore recommends we undertake further discussions with recreational fishers before any change to the butterfish mesh size is contemplated. There are no sustainability concerns of retaining the 108 mm butterfish rule for the time being.
- 18 On the proposal to clarify that the minimum mesh size for red snapper, parore and porae is 100 mm, MFish has discussed whether a change to the regulations is needed or whether the rules could be clarified in our promotional material such as the recreational rules leaflets. There is now agreement that our promotional material is the best way to clarify the rules and a regulatory change is not justified.
- 19 In conclusion, following submissions on the IPP, MFish is only recommending that you agree to standardise the minimum mesh size for blue and red moki to 114 m.