

Dear Stakeholder

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

This letter outlines final decisions in the review of regulatory measures and other management controls for 1 April 2008.

I have made decisions on a number of regulatory measures that were outlined in an Initial Position Paper (IPP) that was distributed for submissions between June and August this year.

I would like to take the opportunity to acknowledge all submissions received in this year's review. I appreciate the time and effort taken by submitters to prepare submissions on the various proposals. The information within these submissions was valuable in my consideration of each proposal.

In reaching my final decisions for 1 April 2008, I carefully considered the available information from the Ministry of Fisheries (MFish), and all of the issues and information put forward in submissions on each proposal within the review.

I also had careful regard to the relevant legislative provisions for each of the proposals within the review. A summary of the regulatory decisions is attached.

A copy of MFish's Final Advice Paper (FAP) to me is available on MFish's website at www.fish.govt.nz

Stalling of set nets in the Kaipara Harbour

I have decided to prohibit the stalling of set nets in the Kaipara Harbour. Stalling set nets (leaving set nets clear of the water at low tide) is generally prohibited in New Zealand. However, commercial fishers have been able to stall set nets of a particular configuration in the Kaipara Harbour. I consider the stalling of set nets to be a wasteful fishing practice that is inconsistent with achieving the best outcomes for fisheries management.

I am not convinced that there is adequate justification to continue to allow the stalling of set nets in the Kaipara Harbour. Submitters did not provide sufficient information to demonstrate an on-going reliance on this practice within the harbour, or any significant economic impacts of prohibiting the practice.

Amendment to the recreational scallop season in Fisheries Management Area 9

I have decided to align the recreational scallop season on the north-west coast of the North Island (FMA 9) with the season on the north-east coast of the North Island (FMA 1). The current west coast season runs from 15 July to 14 February, while the east coast season runs from 1 September to 31 March.

I was concerned about the potential for the different scallop seasons on the east and west coasts of the northern North Island to cause considerable confusion for fishers and difficulties for compliance. The relatively short distance between the two coasts means that many recreational fishers will harvest scallops on both coasts. I do not believe there is sufficient justification for having different season lengths in place in areas of such close proximity. Once the current season on the north-west coast ends on 14 February 2008, it will not re-open until 1 September 2008, the same time as the north-east coast season. The season on both coasts will then end on 31 March 2009.

I considered carefully those submissions which supported a shorter recreational scallop season in FMA 9. While I recognise their concerns, I do not believe that a shorter scallop season would deliver benefits to the sustainability of the scallop stock.

The recreational size limit of 100mm is well above the size at which scallops reach sexual maturity (60mm), meaning that scallops have the opportunity to spawn at least once before they reach harvestable size. There is also a recreational bag limit of 20 scallops per fisher per day. The size limit and the bag limit are the key methods of ensuring sustainability in the fishery and the Ministry of Fisheries continues to direct compliance effort to enforcing these limits. A shorter season would not provide any sustainability benefits to the stock above those already conferred by well enforced size and bag limits.

Surf Clam Dredge Size

I have decided to amend Regulation 78 of the Fisheries (Commercial Fishing) Regulations to enable commercial fishers targeting surf clams to use a dredge with a bar or bit of any length.

Currently, the regulations specify restrictions on dredge size and design that apply to the majority of dredge fisheries. These restrictions constrain commercial surf clam fishers from maximising harvesting efficiency.

Wider dredges will better enable commercial surf clam fishers to maximise value by minimising operating costs (i.e. making fewer tows). Commercial surf clam fishers also claim that technology they can use more efficiently on wider dredges will better enable fishers to maximise value by increasing the amount of catch per number of tows (catch per unit effort, CPUE). At the same time, I am satisfied the overall environmental effect of wider dredges will be neutral because (i) it is unlikely the area of surf zone swept will increase (ii) it is unlikely that more tows will be necessary to harvest the Total Allowable Commercial Catch (TACC), and (iii) mortality of small, non-marketable, surf clams and non-target species will be reduced.

Review of regulations relating to fishing interactions with sea turtles

I have decided to amend regulations so that uninjured sea turtles caught accidentally by commercial fishers, irrespective of fishing method, may be released immediately to the sea, or in some circumstances released as soon as practical to the sea after being treated on board the fishing vessel.

I have also agreed that all sea turtle captures, whether alive or dead, should be reported under the Fisheries (Reporting Regulations) 2001. Amending these regulations will reflect modern international instruments and agreements and improve the reporting of non-fish bycatch, including sea turtles.

I have also decided to revoke the requirement that injured sea turtles caught in nets must be delivered to approved institutions for care, and that dead sea turtles caught in nets be offered to the Museum of New Zealand Te Papa Tongarewa (Te Papa). The measure requiring injured sea turtles to be brought ashore for treatment no longer reflects best practice, and Te Papa no longer requires sea turtles for its collection.

Container type reporting for Schedule Six returns to sea

I have decided to amend the Fisheries (Reporting) Regulations 2001 to remove the requirement to complete “container type” information for all returns to the sea under the Sixth Schedule of the Act.

Views provided in submissions fully supported this approach. The amendment reflects the fact that many Sixth Schedule species of fish are returned immediately to the waters from which they were taken, and are never placed in a container.

Allowing for paddle crab to be returned to sea

I have agreed to amend the Sixth Schedule of the Fisheries Act 1996 (the Act) to enable fishers to legally return paddle crabs to sea, if the crabs were taken using potting gear and are likely to survive after release. Available information suggests a very high proportion of crabs caught in pots are likely to survive being returned to the sea. This amendment should therefore allow all fishers targeting paddle crab with pots to achieve the maximum value for their annual catch entitlement (ACE), by landing only crabs of an optimum size, without undermining the other management objectives for paddle crab fisheries.

Views provided in submissions to the IPP about the survival rates of paddle crab caught by other methods (e.g. trawl nets, set nets or dredges) varied. I consider that paddle crabs are more likely to suffer damage when taken by these methods and more information is needed about survival rates before considering allowing for their return to the sea.

I have also decided to retain the minimum legal size (MLS) applying to paddle crab in PAD 3, 4, 5 and 6. Stakeholder views were mixed regarding the continuing need for an MLS in these fisheries and I consider it appropriate to allow MFish to undertake further discussions with stakeholders on this issue.

Allowing for deepwater crabs to be returned to sea

I have agreed to amend the Sixth Schedule of the Act to enable fishers to legally return deepwater crabs (CHC, GSC and KIC) to the sea, if the crabs were taken using potting gear and are likely to survive after release. This will allow any non-saleable deepwater crabs caught with potting gear and likely to survive to be returned to the sea.

I considered the increased risk to deepwater crab sustainability from this action and determined that adding deepwater crabs caught with potting gear to the Sixth Schedule provides for increased utilisation with little or no sustainability risk. The addition of deepwater crabs to the Sixth Schedule will assist the development of the deepwater crab fisheries by increasing the value of the target fishery.

My decision was based on available research, which indicates that a significant percentage of pot-caught crabs returned to the sea are likely to survive. The survival rates of deepwater crabs caught with trawl gear could be much lower, however, so I decided to limit the Sixth Schedule addition to crabs caught with potting gear.

I have directed MFish to reconsider trawl-caught deepwater crabs for addition to the Sixth Schedule in the future if information is presented to suggest that a significant percentage of crabs caught in trawl nets are likely to survive.

Amendments to fishing area coordinates to correct errors in current regulations

I have decided to amend Regulation 21 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 and Regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986 to correct two minor and technical errors in fishing area coordinates.

The specification of additional infringement fee methods

I have decided to approve a minor and technical amendment to the Fisheries (Infringement Offences) Regulations 2001 to allow MFish to make administrative changes to infringement and reminder notices in order to specify additional payment methods for infringement fees without making regulatory amendments.

Yours sincerely

Jim Anderton
Minister of Fisheries