

REGULATORY IMPACT STATEMENT

Standardising Amateur Net Minimum Mesh Sizes in Challenger

a. Executive Summary

The Ministry of Fisheries (MFish) proposes to standardise the minimum mesh sizes for recreational fishing nets in Fisheries Management Area 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.

Variations between minimum mesh sizes for recreational fishing nets used to target different species in the same waters adds unnecessary complexity to the regulations, but confers no sustainability benefit. The best example of this is the variation between minimum mesh sizes is in the moki fishery, where red moki the size limit is 115mm and blue moki it is 114mm, but the minimum legal size is the same (40cm in both cases).

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

Utilisation for amateur set netters is constrained because they may 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:

- 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

There is no alternative option other than the status quo.

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 108mm or 115mm);
- Minimum mesh size for butterfish reduced from 108mm to 100mm. This means that the 108mm mesh size net becomes redundant;
- Minimum mesh size for porae specified as 100mm for Challenger to become consistent with Auckland and Central, as opposed to the current minimum mesh size for Challenger is 100mm by default;
- Minimum mesh size for parore specified as for Challenger to become consistent with Auckland. Currently minimum mesh size for Challenger is 100mm 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 100mm by default; and
- Minimum mesh size for red moki reduced from 115mm to 114mm. This makes it consistent with blue moki. The 1mm difference seems to be an historical error, and means that the 115mm 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.

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 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 MFish's 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.

MFish is developing a fishery plan for the Challenger finfish fishery. This will outline 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.

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. Consultation with two of the larger net manufacturers and suppliers in the Nelson area¹ indicated the proposed changes would have little or no impact on them.

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

¹ Hampidjan, and Motueka Nets