

SUMMARY OF RECOMMENDATIONS

Review of Kaipara Harbour Set Net Stalling Regulation

MFish recommends that you:

1 It is recommended that you either:

- a) **Agree** to continue to allow commercial fishers to stall set nets of the prescribed configuration in the Kaipara Harbour (status quo); AND
- b) **Agree** for MFish to work with industry to establish a code of practice for the stalling of such set nets;

OR:

- c) **Agree** to amend regulation 14 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 to require commercial fishers to attend at all times set nets that may be stalled when fishing in the Kaipara Harbour;

OR:

- d) **Agree** to revoke regulation 14 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 with the effect of prohibiting the practice of commercial fishers stalling set nets of the prescribed configuration in the Kaipara Harbour.

Review of Recreational Scallop Season in Fisheries Management Area 9

MFish recommends that you:

- e) **Agree** to make no change to the recreational scallop season in FMA 9

Surf Clam Dredge Size

MFish recommends that you:

- a) **Agree** to retain the existing rules for size and design parameters for dredges in all commercial dredge fisheries (i.e. a standard dredge);

OR:

- b) **Agree** to set a new maximum dredge bar or bit length of 3.4 m for dredges used in the target commercial surf clam fishery;

OR:

- c) **Agree** to enable commercial fishers targeting surf clams to use a dredge with a bar or bit of any length.

(MFish preferred option).

Review of Regulations Relating to Fishing Interactions with Sea Turtles

MFish recommends that you:

1 **Note** that New Zealand has reported to the WCPFC that it intends improving its handling and reporting of sea turtles and that MFish and DOC have agreed to improve reporting arrangements for protected species. Fisheries regulations governing the interaction of turtles will require amending to meet these commitments.

2 And agree to EITHER:

Option 1

- i) Maintain the status quo.

Option 2

- i) Provide an exemption from Regulation 45 (1) (the prohibition on taking and possessing sea turtles) of the Fisheries (Commercial Fishing) Regulations 2001, if sea turtles are taken accidentally irrespective of fishing method (Reg 45(2)(a));
- ii) Allow uninjured sea turtles caught by commercial fishers irrespective of fishing method to be released immediately to the sea (Reg 46 of the Fisheries (Commercial Fishing) Regulations 2001);
- iii) Require that sea turtle captures, whether alive or dead and irrespective of fishing method, be reported in accordance with the standards and specifications of the non-fish/protected species catch return in proposed new fisheries reporting regulations likely to commence on 1 April 2008.

AND

Amend the Fisheries (Reporting) Regulations 2001 to require reporting of sea turtle tags.

AND

Revoke regulations 49 (2), (3) and (4) (relating to requirements imposed on fishers who catch sea turtles in nets) of the Fisheries (Commercial Fishing) Regulations 2001;

- iv) Provide that injured sea turtles caught by commercial fishers irrespective of fishing method must be delivered to approved institutions for care by amending regulation 47 of the Fisheries (Commercial Fishing) Regulations 2001;
- v) Provide that dead turtles caught by commercial fishers irrespective of fishing method must be offered to the Museum of New Zealand Te Papa Tongarewa by amending regulation 48 of the Fisheries (Commercial Fishing) Regulations 2001;

OR

Option 3

- i) As for Option 2 - Provide an exemption from Regulation 45 (1) (the prohibition on taking and possessing sea turtles) of the Fisheries (Commercial Fishing) Regulations 2001, if sea turtles are taken accidentally irrespective of fishing method (Reg 45(2)(a));
- ii) Allow uninjured sea turtles caught by commercial fishers irrespective of fishing method to be either released immediately to the sea (Reg 46 of the Fisheries (Commercial Fishing) Regulations 2001) or in some circumstances to be released as soon as practical to the sea after being treated on board the fishing vessel
- iii) As for Option 2 - Require that sea turtle captures, whether alive or dead and irrespective of fishing method, be reported in accordance with the standards and specifications of the non-fish/protected species catch return in proposed new fisheries reporting regulations likely to commence on 1 April 2008.

AND

Amend the Fisheries (Reporting) Regulations 2001 to require reporting of sea turtle tags.

AND

Revoke regulations 49 (2), (3) and (4) (relating to requirements imposed on fishers who catch sea turtles in nets) of the Fisheries (Commercial Fishing) Regulations 2001;

- iv) Revoke regulation 47 of the Fisheries (Commercial Fishing) Regulations 2001 (the requirement that injured sea turtles caught in nets must be delivered to approved institutions for care); and
- v) Revoke regulation 48 of the Fisheries (Commercial Fishing) Regulations 2001 (the requirement for dead sea turtles caught in nets to be offered to the Museum of New Zealand Te Papa Tongarewa).

(MFish preferred option)

Container Type Reporting for Schedule Six Returns to Sea

MFish recommends that you:

- a) **Agree** that the Fisheries (Reporting) Regulations 2001 be amended in order to remove the requirement to report “container type” information for fish returned to the sea in accordance with the requirements of the Sixth Schedule of the Fisheries Act 1996 and reported against destination type code X.

Paddle Crab: Allowing for Return to the Sea

MFish recommends that you:

- a) **Agree** to amend the Sixth Schedule of the Fisheries Act 1996 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; AND
- b) **Agree** to retain the minimum legal size applying to paddle crab in PAD 3, 4, 5 and 6.

Deepwater Crabs: Allowing for Return to the Sea

MFish recommends that you either:

- a) **Agree** to retain the status quo – deepwater crabs are not included on the Sixth Schedule.

OR:

- b) **Agree** to add deepwater crabs caught by any fishing method to the Sixth Schedule subject to the condition that any crab must be likely to survive after release.

OR:

- c) **Agree** to add deepwater crabs caught with potting gear to the Sixth Schedule subject to the condition that any crab must be likely to survive after release.

(MFish preferred option)

Correction of Errors in Coordinates of Fishing Areas

MFish recommends that you:

- a) **Agree** to amend the incorrect coordinate for the location of the North Cape light mentioned in Regulation 21 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986; AND
- b) **Agree** to amend incorrect coordinates in regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

Specification of Infringement Fee Payment Methods

MFish recommends that you:

- a) **Agree** to amend the Fisheries (Infringement Offences) Regulations 2001 to provide a general requirement that payment methods are to be specified on the infringement and reminder notices; AND

- b) **Note** that this would replace the current wording of the Fisheries (Infringement Offences) Regulations 2001 that includes full payment details; AND;
- c) **Note** that full payment details, however, would remain on the infringement and reminder notices and would include additional payment methods when those methods become available.

Russell Burnard
Manager Regulatory and Information

APPROVED / NOT APPROVED / APPROVED AS AMENDED

Hon Jim Anderton
Minister of Fisheries

/ / 2007