

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:

<i>Species of fish</i>	<i>Minimum Set Net Mesh Size (mm)</i>
<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>

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>Hapuku/bass</i>	160
<i>Kahawai</i>	100
<i>Parore</i>	100
<i>Porae</i>	100
<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
- 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.

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).

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	
Yellow-eyed mullet	25	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
Red moki	115	
Elephant fish	150	
Rig	150	150
School shark	150	
Bluenose	160	160
Groper	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

