

REGULATORY IMPACT STATEMENT

Minimum trawl net mesh size in the PRK target fishery

Executive summary

Prawn killer (*Ibacus alticrenatus*) will be introduced to the Quota Management System (QMS) on 1 October 2007.

An effective target trawl fishery for prawn killer is likely to rely on a smaller net mesh size than is currently allowed under regulation. An exemption has been provided for scampi and a similar exemption is contemplated for prawn killer.

There is some concern that the use of small mesh in the prawn killer fishery may adversely affect juvenile finfish and scampi. The finfish and scampi bycatch should be evaluated as the fishery develops. If a substantive prawn killer fishery develops observer coverage required to address this issue may need to be considered.

The scampi and prawn killer target fisheries are likely to be concentrated in similar areas and to be caught by the same vessels. Allowing the same net mesh size to be used in both fisheries will simplify compliance arrangements.

The preferred option to resolve this problem is to amend the regulations to allow the use of a smaller net mesh size in the target prawn killer fishery.

This Regulatory Impact Statement (RIS) has addressed all relevant aspects of the RIS requirements contained in Cabinet Office Circular CO (07) 3. Where a requirement has not been addressed it is considered to be not relevant to this proposal.

Adequacy statement

This Regulatory Impact Statement has been reviewed by the Ministry of Fisheries' (MFish) Regulatory Impact Analysis Review Committee and is considered adequate according to the criteria agreed by Cabinet.

Status quo and problem

Regulation 71(3)(d) of the Fisheries (Commercial Fishing) Regulations 2001 prescribes a general minimum trawl net mesh of 100 mm. Regulation 71(5)(a) provides an exception, allowing a mesh of 80 mm in the body of the net and not less than 55 mm in the cod end for the scampi fishery.

Prawn killer will be introduced to the QMS on 1 October 2007. MFish considers that a targeted trawl fishery for prawn killer is likely to require similar trawl gear to that used in the scampi fishery. Regulations will therefore need to be amended to allow the use of a small net mesh size in trawl gear used to target prawn killer.

Concerns have been raised by inshore trawl operators that a target fishery for prawn killer could adversely affect finfish stocks by catching juveniles of these species in the fine mesh trawl nets.

There has been no detailed examination of existing data to address these concerns. However, data from the scampi fishery may provide some guidance as the proposed smaller mesh size is used in that fishery and the areas in which these two fisheries will operate will largely overlap. The size structure of QMS finfish bycatch in scampi trawls is not thought to be substantially different from that taken in trawls targeting other species in similar areas. One exception to this is ling in area 6 (SCI 1 and PRK 1) where those taken in the scampi fishery tend to be small. Commercially important bycatch species taken in the scampi fishery are likely to also form part of the bycatch of targeted trawling for prawn killer. Those species (such as hoki, ling, sea perch, and tarakihi) are managed within the QMS, which provides mechanisms for ensuring their sustainability.

It is likely that vessels that target prawn killer will also target scampi. Providing the same mesh size provisions for the two fisheries will simplify compliance arrangements.

Objectives

To provide for the use of appropriate gear to enable effective utilisation of the prawn killer target fishery.

Alternative options

There are no other alternative options to the status quo or the preferred option. The status quo is not the preferred option as it would restrict the efficiency, and therefore the development, of a target trawl fishery for prawn killer.

Preferred option

The preferred option is to amend the regulations to provide an exception to allow a net mesh size of 80 mm in the body of the net and not less than 55 mm in the cod end. Such an exception would be consistent with regulatory arrangements currently in place for scampi.

This option is preferred as it enables development of a target prawn killer fishery consistent with the introducing of this species into the QMS. Without the amendment it is unlikely that such a fishery would be able to develop.

MFish considers that the possibility of an impact of prawn killer fishing on juvenile finfish cannot be discounted at this time although we note that the prawn killer fishery would have significant areas of overlap with the scampi fishery where smaller mesh size is already allowed. The finfish bycatch should be evaluated as the fishery develops. Such an evaluation should also consider the potential for a target prawn killer fishery to take a bycatch of small, immature scampi. If a substantive prawn killer fishery develops observer coverage required to address this issue may need to be considered.

The proposal will not make any existing rules redundant, although some consequential changes to the Fisheries (Commercial Fishing) regulations 2001 will be necessary to take account of the revised situation.

Implementation and review

The proposed amendment to the regulations should be in place when prawn killer enters the QMS on 1 October 2007.

Quota owners will be notified following Cabinet approval of the amendment.

Consultation

MFish carried out a consultation process in accordance with section 12 of the Fisheries Act 1996. Section 12 requires the Minister to consult the persons and organisations considered by the Minister to be representative of those classes of persons having an interest in the stock or the effects of fishing on the aquatic environment in the area concerned including Maori, recreational, commercial and environmental interests.

Most submissions supported the proposal, although some concern was raised over the potential impact on juveniles of finfish stocks as discussed above.