

STANDARDISING AMATEUR NET MINIMUM MESH SIZES IN THE CHALLENGER FISHERIES MANAGEMENT AREA – FINAL ADVICE

The issue

This paper seeks your approval to simplify some of the rules governing the minimum mesh sizes of amateur set nets in the Challenger Fisheries Management Area (FMA7). The proposed changes suggested in the initial position paper (IPP) were:

- **Standardise the minimum mesh size for blue and red moki at 114mm.**
The minimum mesh size for red moki is 115mm and blue moki is 114mm. There is no biological reason for the 1mm difference. Standardising the mesh size for both species of moki to 114mm is sensible.
- **Decrease the minimum mesh size for butterfish from 108 to 100 mm.**
This will remove one category of minimum mesh size (butterfish is the only species in FMA7 that requires a 108mm mesh) and standardise the butterfish minimum mesh size with the majority of other finfish species.
- **Clarify the mesh size for red snapper, parore and porae is 100 mm.**
The national and regional amateur fishing regulations specify a minimum mesh size of 100mm for all species unless otherwise specified (ie, “default” rule). Some fishers find this “default rule” confusing and the proposal is to actually state in the rules the minimum mesh size is 100 m for these species.

A comparison between the current minimum mesh sizes and the proposed new minimum mesh sizes is given in Appendix 1.

The Top of the South Island Recreational Forum¹ (‘the Forum’) requested MFish change the mesh size rules as set out above. MFish agreed these changes were a good idea and consistent with our aim of simplifying recreational rules. Our scientific advice is that there are no sustainability concerns with this proposal.

MFish discussed and agreed these proposed changes with the Forum before consultation on the IPP.

MFish notes the proposed changes will make it easier for recreational set netters to understand and comply with the minimum mesh size rules in FMA7. However, even with the proposed changes there are still a lot of different mesh size requirements for different species in FMA7 and nationally. A more comprehensive review of the national set net rules is needed in future to ensure they are as simple as possible.

Summary of submissions

MFish has received five submissions through consultation on this proposal.

¹ The Top of the South Island Recreational Forum includes recreational fishing clubs from Marlborough, Tasman and Golden Bays, and the West Coast.

Te Ohu Kaimoana and the Seafood Industry Council support this proposal.

The Top of the South Recreational Forum supports this proposal. The Tasman and Sounds Recreational Fishers Association (TASFISH), however, who are members of the Forum have, subsequent to discussions on the IPP, raised the following concerns:

“New Zealand prides itself on an outcomes based fisheries management system but within the amateur set net regulations we find a plethora of mesh sizes allowable for different species. This is nonsense as fish don’t carry rulers and often end up being caught in the wrong sized mesh. This often results in their dying, and even though they are above the minimum legal size fishers are required to return these dead fish above the minimum legal size to the sea.

TASFISH submits that the regulation be revoked and replaced with minimum legal size and bag limit controls, where they don’t already exist.

In addition we propose one size for net mesh for sea setting other than a shorter (10 meter) bait net.

We submit that for other than a bait net and for some specialist estuary setting the minimum legal net mesh size for a marine set net be 108 mm, which is the present butterfish mesh size. All other nets above this size are allowable for any species.

We are aware that many fishers use 160 mm mesh nets for many species and this use should be encouraged but it is impossible to catch butterfish in such nets.

The main control mechanisms should be fish size and bag limits thus ensuring good fish are not wasted but good practice is encouraged.”

The New Zealand Recreational Fishing Council (NZRFC) supports the TASFISH submission.

MFish Discussion

TASFISH and the NZRFC support additional changes to the recreational set netting rules than contemplated in the IPP and as put forward initially by the Forum of which TASFISH is part. MFish has not consulted on these additional changes and therefore cannot legally consider these at this time.

MFish agrees with TASFISH and the NZRFC that the recreational set net rules are complex and a review to simplify these rules would be appropriate. However, this review should be undertaken on a national basis and not just for FMA7. A review of the set net rules, however, may not be given priority for a number of years.

In the meantime, the proposed change to standardise the minimum mesh size for blue and red moki to 114 m is still sensible and will simplify the current set net rules.

Regarding the proposal to change the mesh size for butterfish from 108 mm to 100 mm, both TASFISH and NZRFC advocate in their submissions that the 108 mm mesh size used for butterfish should remain and become the minimum mesh size for all marine finfish species. MFish therefore recommends we undertake further discussions

with recreational fishers before any change to the butterfish mesh size is contemplated. There are no sustainability concerns of retaining the 108 mm butterfish rule for the time being.

On the proposal to clarify that the minimum mesh size for red snapper, parore and porae is 100 mm, MFish has discussed whether a change to the regulations is needed or whether the rules could be clarified in our promotional material such as the recreational rules leaflets. There is now agreement that our promotional material is the best way to clarify the rules and a regulatory change is not justified.

In conclusion, following submissions on the IPP, MFish is only recommending that you agree to standardise the minimum mesh size for blue and red moki to 114 m.

Statutory considerations

Section 8 sets out the purpose of the Act to provide for the utilisation of fisheries resources while ensuring sustainability. MFish is of the view the proposed changes to standardise the minimum mesh size for blue and red moki to 114 m and to clarify the minimum mesh size for red snapper, porae, and parore will both improve and simplify the current set net rules.

Section 9 requires decisions take into account the effects of any management action on associate and dependent species, biological diversity, and habitats of particular significance for fisheries management. MFish is of the view the proposed changes will not result in additional impacts on associate and dependent species, biological diversity or important habitats.

Section 10 requires that decisions are based on the best available information, taking into account any uncertainty in that information, and applying caution when information is uncertain unreliable, or inadequate. MFish is of the view this proposal meets the requirements of section 10 and is based on the best information available.

Section 297(1) of the Act allows the Governor-General by Order in Council to make regulations for the purpose of regulating or prohibiting any method of fishing. MFish is of the view the proposed changes to standardise the minimum mesh size for blue and red moki to 114 m and to clarify the minimum mesh size for red snapper, porae, and parore fit within the relevant provisions of section 297.

Recommendation

MFish recommends you agree to:

- (i) Set the minimum mesh size for red moki at 114mm in regulation 3B of the Challenger (Amateur Fishing) Regulations 1986.
- (ii) Retain the minimum mesh size for butterfish at 108 mm for the time being.
- (iii) Clarify the minimum mesh size for red snapper, parore and porae in MFish promotion material rather than through changes to regulation.

Appendix 1. Comparison of current Minimum Mesh Sizes and proposed new Minimum Mesh Sizes

	Current Minimum Mesh Sizes: Challenger	Proposed Minimum Mesh Sizes: Challenger
Garfish	25	25
Yellow-eyed mullet	25	
Blue cod	100	100
Flatfish	100	
Grey mullet	100	
John dory	100	
Kahawai	100	
Kingfish	100	
Parore	100 (by default)	
Porae	100 (by default)	
Red cod	100	
Red gurnard	100	
Red snapper	100 (by default)	
Snapper	100	
Tarakahi	100	
Trevally	100	
Trumpeter	100	
Other	100	
Butterfish	108	108 (recommending no change)
Blue moki	114	114
Red moki	115	
Elephant fish	150	150
Rig	150	
School shark	150	
Bluenose	160	160
Groper	160	