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30 June 2015

Joint recreational submission on the Marlborough Sounds Blue cod regulatory review

1. INTRODUCTION

On 2 June 2015 the Ministry for Primary Industries (MPI) issued a consultation document, '*Marlborough Sounds Blue cod regulatory review*', and invited submissions before 30 June. This submission is a joint effort by the New Zealand Sport Fishing Council, LegaSea supporters, the Marlborough Recreational Fishers Association, the Coalition of the Combined Clubs of Wellington and the New Zealand Angling and Casting Association (NZACA), referred to as the 'submitters'.

The New Zealand Sport Fishing Council (NZSFC) is a National Sports Organisation with over 32,000 affiliated members from 59 clubs nationwide and a growing number of contributing supporters to LegaSea, our public outreach initiative. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Roz Nelson, secretary@nzsportfishing.org.nz.

The Marlborough Recreational Fishers Association (MRFA) was formed in 1997. The Association advocates for more conservative fisheries management measures and reasonable public access to fisheries. It also promotes the social, economical and cultural wellbeings of local, regional and other visitors who have an interest in the ongoing management of the fisheries at the top of the South Island.

In May 2013 the Coalition of the Combined Clubs of Wellington (CCCW) was formed to represent the region's recreational fishing and community groups. The group seeks to have the current, unsustainable Blue cod regulations replaced with a management regime that both enables the fishery to rebuild and is supported by recreational fishers. The CCCW member clubs and organisations have a combined affiliated membership of over 20,000 people.

The New Zealand Angling and Casting Association (NZACA) is the representative body for its 35 member clubs throughout the North Island. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.

The submitters acknowledge the Blue Cod Management Group's work to develop the current proposals. The submitters also appreciate the effort the recreational representatives on the Group and the Marlborough

Recreational Fishers Association have made to publicise this issue in March and April, and encourage feedback prior to developing the current management options.

2. RECOMMENDATIONS

- The Minister for Primary Industries takes a precautionary approach in the absence of any stock status information and implements consistent rules between areas, on the proviso that:
 - MPI take urgent steps to research where and when Blue cod spawn
 - MPI take steps to protect and monitor habitat critical to the Blue cod life cycle
 - MPI continues with the fisher independent research to determine relative abundance
 - MPI initiates regular monitoring of at-sea catch and landings of Blue cod
 - All interested parties are included in the future management of Blue cod 7 (BCO7).
- Rules applying to the recreational harvest of Blue cod are consistent between the Challenger East and Marlborough Sounds areas.
- The Minimum Legal Size (MLS) is set at 33cm for recreational and commercial fishers.
- The recreational daily bag limit (DBL) is set at 3 Blue cod per person per day.
- The recreational accumulation limit is set at 2 DBL per person.
- No transport restrictions i.e. remove the transit rule.
- Allow possession of filleted Blue cod with frames kept for proof of length.
- A seasonal closure to apply in the ‘Inner’ Sounds, with amended boundary, prohibiting all fishing between 1 September and 19 December each year.
- Allow year-round fishing in the ‘Outer’ Sounds and Challenger East areas.
- The finfish no-take zone around Maud Island is reduced to exclude part of the mainland, to enable land-based fishing.
- The amended finfish no-take zone around Maud Island applies to all fishing.

3. Marlborough Sounds Blue cod

3.1. Current management

1. Challenger East and the Marlborough Sounds are part of the wider Blue cod 7 (BCO7) Fisheries Management Area (FMA).
2. BCO7 was introduced into the Quota Management System (QMS) in 1986 and the TACC was set at 110 tonnes. The TACC was reduced to 70 t in 1995. Most commercial catch is taken by potting, with little bycatch.
3. In 2003 a 343 tonne (t) TAC was set, the 70 t TACC was retained and allowances were made for recreational and customary interests, and other mortality.
4. A closed season applies to recreational blue cod fishing from 1 September to 19 December each year.

Stock	Recreational allowance (t)	Customary allowance (t)	Other mortality (t)	TACC (t)	TAC (t)
BCO7	177	27	69	70	343

Table 1: Allowances for recreational and customary interests and other mortality, and the Total Allowable Catch (TAC) and Total Allowable Commercial Catch (TACC) applying since 2003 in Blue cod 7 (BCO7), in tonnes (t).

3.2. Sustainability

5. Stock status is unknown in relation to a target or other limits. Target for BCO7 is Bmsy compatible proxy based on the Marlborough Sounds potting survey, yet to be determined.
6. It is unknown if the mortality in 2014 is higher or lower than in 2008.
7. The population sex ratio is strongly skewed in favour of males.
8. It is unknown whether biomass will continue to decline under current management controls.
9. The submitters note the clarification provided by the Supreme Court during the Kahawai Legal Challenge, that the Minister is solely responsible for ensuring sustainability¹.

"Fisheries are to be utilised, but sustainability is to be ensured." [SC, 39]

3.3. Utilisation

10. MPI describe the major sources of uncertainty as: the total removals by recreational fishers, and the distribution of recreational fishing effort is not well estimated in most years. However, the most comprehensive survey of recreational harvest, the 2011-12 National Panel Survey, produced Blue cod recreational harvest estimates of 32.61 tonnes from the Marlborough Sounds and 76.76 t from the wider FMA7 area.
11. It is a concern that the Minister has set aside an allowance of 177 tonnes yet recent recreational catch equates to only 43% of that allowance. If the allowance is to remain at that level then the Minister must manage the fishery to 'allow for' those interests. If the fishery is unable to sustain such catch levels then the TAC needs to be reviewed.
12. The submitters note that commercial landings have averaged 84% of the TACC over the past nine years.
13. While there can be many explanations for current catch levels it is a concern that neither the TACC or allowances are constraining catch. The absence of any TAC review signals there is no major sustainability concerns yet the focus has been mainly on recreational controls.
14. Future management of this important fish stock must be equitable otherwise it will just perpetuate the current feelings of inequity and discrimination against recreational interests and the inevitable compliance issues that arise from having disaffected public fishers.
15. Local fishers already feel marginalised by the set net prohibition that applies only to recreational harvesters. For Blue cod, the finfish no-take zone around Maud Island only applies to recreational fishers. If the closure is to remain the boundaries must be amended and apply to all fishers.

3.4. Area closures

16. The finfish no-take zone around Maud Island needs to be reduced to exclude part of the mainland, to enable land-based fishing. Local fishers advise support for the no-take zone limit to be 80 metres from the mainland.
17. The submitters note that MPI proposes the seasonal closure apply to the 'Inner' Sounds rather than the Marlborough Sounds Area, and that the same closure dates apply to all fishing -
 - a. The submitters support the 1 September – 19 December closure dates.
 - b. The submitters object to the proposed closure area boundary changes and advocate the closed

¹ NEW ZEALAND RECREATIONAL FISHING COUNCIL INC AND ANOR V SANFORD LIMITED AND ORS SC 40/2008 [28 May 2009].

area extends outwards, to the following landmarks:

- i. Pelorus Sound – Harding Point to Culdoff Point (on Forsyth Island) to Alligator Head.
- ii. Queen Charlotte Sound – Cape Jackson to Cape Komaru.
- iii. Tory Channel – East Head to West Head.

18. The submitters do not support the MPI proposed 'Inner' Sounds boundaries because they clearly benefit commercial interests to the detriment of both the rebuild of the fishery and non-commercial interests. Under the MPI proposal commercial fishers will be permitted to fish inside part of the 'Outer' Sounds, creating potentially more conflict with recreational anglers fishing in sheltered waters, and further increasing risk to the vulnerable Blue cod stocks within the Sounds.

3.5. Fine scale reporting

19. The submitters support splitting Statistical Area 017 into sub-areas for commercial catch reporting purposes. This will provide better information on where commercial catch is being taken.
20. The submitters support the ongoing fisher independent potting survey. The information gathered is a valuable source of data to monitor changes in the Blue cod population.

3.6. Minimum size limit

21. The Marlborough Recreational Fishers Association support a Minimum Legal Size (MLS) of 30cm for Blue cod. However, in the interests of working collectively the Association has agreed to support this submission if the recommendations above are implemented as a package.

3.7. Information strategy development

22. The submitters support the development of an information strategy that will enable better monitoring of the stock, incorporation of data from sources other than MPI science, and importantly indicators that can measure the success, or failure, of the new regulations.
23. Any new strategy will require a clear set of objectives and standards that can be monitored, and that are consistent with international best practice ecosystem based management, to enhance the productivity of the Marlborough Sounds marine ecosystem, not just the Blue cod fish stock.

3.8. Management decision process

24. The submitters agree the management framework could be more efficient and responsive. However, this efficiency and responsiveness must not come at the expense of further excluding recreational interests from management processes.
25. The Minister has a statutory obligation to consult with non-commercial interests if considering a sustainability measure. The regulations applying in a fishery have the most direct impact on recreational fishers so it makes sense these interests are included in future management discussions. The Marlborough Recreational Fishers Association has been advocating for recreational fishing interests in the Sounds since 1997 and their members have a wealth of knowledge that could contribute to the ongoing management of Blue cod.

3.9. Small area closures

26. The submitters recommend the Ministry take steps to protect and monitor habitat critical to the Blue cod life cycle. This information is critical to enabling a broader, ecosystem based management regime. It is also important to get public support if it is determined that area closures are required in the future.

4.0. Education campaign

27. The submitters support a targeted education campaign to change the culture, people's attitudes, expectations and behaviours. One of the challenges will be reaching visitors to the region that do not fish from local charter boats. Again, we recommend the inclusion of all interested parties in any projects to develop public awareness information targeted at best practice fishing and handling techniques, reducing mortality of released fish and conserving fish for future generations.
28. People are increasingly aware of the need to rebuild depleted fisheries and are willing to conserve fish for future generations. However, conservation is a challenge if the rules are perceived to be inequitable and discriminatory against public interests and in favour of commercial interests.
29. An education campaign will need to be supported by fair outcomes from this review process for all users of this fishery.

4.1. Recreational fishing parks

30. The submitters consider the spectre of recreational fishing parks to be a distraction to the real issue of managing the Marlborough Sounds Blue cod fishery to a level of abundance rather than depletion.