

Snapper 8 (SNA8) West coast North Island fishery

DRAFT SUBMISSION

This submission is not based on complete consultation. Supplementary comments will be forwarded once our consultation process is completed.

Ministry Proposals

Table 1: Current and proposed TACs, allowances and TACCs for SNA 8

	Allowance Approach	TAC tonnes	Customary Allowance tonnes	Recreational Allowance tonnes	Other fishing mortality tonnes	TACC tonnes
CURRENT		2060	50	360	150	1500
Option 1. TAC reduction of 138 tonnes	Proportional	1922	50	335	139	1398
	Non-proportional	1922	50	360	137	1375
Option 2. TAC reduction of 275 tonnes	Proportional	1785	50	311	129	1295
	Non-proportional	1785	50	360	125	1250
Option 3. TAC reduction of 550 tonnes	Proportional	1510	50	261	109	1090
	Non-proportional	1510	50	360	100	1000

option4 submit that:

Consultation Process

The timeframe allowed for consultation by the Ministry of Fisheries is unworkable for many non-commercial stakeholders with an interest in the fisheries being reviewed this year. The time between delivery of the IPP and submission deadline is too short for adequate consultation with the diverse range of non-commercial fishing interests who could be affected by this years proposals.

At the time of writing this submission most non-commercial fishers are still unaware of any proposals to alter the management of fisheries they may have an interest in. Consequently they are being denied the opportunity to have their interests considered in the future management of the fisheries being reviewed this year.

We question whether the Ministry of Fisheries really did want to fulfil their obligation to properly consult with non-commercial interests in fisheries which are of immense importance to them. Local coastal communities and other non-commercial stakeholders will be denied having input under these timeframes.

Less than 10% of non-commercial fishers are members of a fishing club or national body that represents their interests. Most clubs meet monthly or less often. Two months is the minimum time these clubs require to consult with members and refer the outcome in time for their national organisation to compile a submission.

option4 Consultation

option4's consultation process is the most robust consultation network that is available free to the Ministry, but these tight timeframes do not allow for the full use of that network. option4 has managed to get a Stop Press alert to these proposals into the latest issue of the NZ Fishing News magazine. However the magazine comes out at the end of July and the results of this element of our consultation process will not be available until mid August at the earliest. The final outcome of consultation using the option4 network will not, and could not, be known until the end of August under this timeframe for consultation.

The results of valuable consultation that will occur at a hui to be held at Whakamaharatanga Marae, Hokianga from 27th – 29th July 2005 are unlikely to be available in time to meet these deadline

If the Ministry insists on short consultation timeframes and wants a proper consultation process then they should be directed to use advertising in major daily papers, radio and possibly television for any future management proposals that could impact on the ability of non-commercial fishers to access a reasonable daily bag to feed their families. Otherwise, if they wish to use established consultation channels they must give those organisations sufficient time to consult widely and receive feedback.

Taking into account the issues raised above we request the Ministry consider all submissions resulting from our consultation be given due consideration when deciding the future management of these fisheries, even if they arrive after the deadlines imposed by the Ministry.

We also ask that the Ministry be directed to work with non-commercial fishers to develop consultation systems and timeframes that are workable in the future.

Proportional Allocation Decisions

The attached paper on Proportional Allocation of Fisheries Resources in NZ is a major part of this submission and must be read in conjunction with it. We ask that the issues raised in the Proportional Allocation of Fisheries document along with the fishery specific issues raised in this document be addressed by the Ministry in the Final Advice Paper on which the Minister bases his decision.

SNA8 Proposals

There are six proposals for rebuilding the SNA8 fishery. Three of the proposals are for proportional reductions to be applied to both commercial and non-commercial catches. The other three reduce commercial catches only. option4 has grave concerns regarding all of the proportional options as they are based on unfair initial allocations of the proportions and place the recreational allowance at risk of erosion by commercial interests that have been unable to be constrained to their TACC.

Double Jeopardy

Proportional allocations also place the recreational sector in a double jeopardy situation where recreational interests have their catches reduced twice. The first reduction occurs as the biomass falls resulting in recreational fishers catching fewer fish, smaller fish or both. The second occurs when the already reduced recreational catch is further reduced in proportion to the cut applied to commercial fishers.

option4 has created the following list of criteria that need to be addressed before proportional allocations are considered:

1. Consultation with non-commercial fishers is undertaken on whether the proportional allocation model is acceptable.
2. Initial proportions are fairly achieved and set with possibility of judicial review.
3. Reliable scientific information is available on which to base initial allocations
4. Stakeholders have an equal opportunity to catch their allocation.
5. The stakeholders can be constrained to their proportion.
6. All stakeholders share pain or gain equally and simultaneously.
7. Cheating is detectable and avoidable.
8. All stakeholders have equally strong rights.
9. All stakeholders are similarly resourced.
10. There is a way of altering the proportions when they are incorrectly set.
11. There is a way of increasing the non-commercial proportion if the number of non-commercial fishers increases, or decreasing it if less people go fishing.

All proportional management options are completely rejected by recreational fishers until the fundamental issue have been addressed. The attached paper on Proportional Allocation of Fisheries Resources in NZ is part of this submission and must be read in conjunction with it.

SNA8 Fishery

1. The west coast snapper stock is depleted and is well below the target stock level required in the 1996 Fisheries Act and is not rebuilding at an acceptable rate.
2. Excessive commercial fishing has been allowed to deplete the SNA8 fishery and maintain this depletion for so long that it is highly likely that a whole generation of recreational fishers will have been denied access to a healthy fishery. MFish considers that 30 years would generally be the maximum legitimate rebuild period as deduced from s 8(2)(a) considerations involving intergenerational equity issues, unless there are especially relevant factors to be considered as part of s 13(2) and (3) of the Fisheries Act 1996 .”¹
3. The overfishing that has occurred to date is directly attributable to commercial overfishing. Prior to the introduction of the QMS this fishery was raped by pair trawlers down to 5% of the virgin stock size. Subsequent to the introduction of the QMS commercial fishers have fished considerably in excess of TACC’s and have had quotas unfairly inflated by the Quota Appeals Authority and this has prevented the fishery rebuilding at a reasonable rate.
4. Commercial fishers have gained socially and economically from overfishing this resource at the expense of the social and cultural aspirations of other users. Now it is time for commercial interests to pay back those who have been deprived by their excessive activities.

Recreational Catch

5. The recreational catch rate has been adversely affected by the low stock size.
6. The recreational catch has been under estimated and based on poor science and that allocations based on these under estimates be noted by the Minister as being unreliable and subject to review when better estimates are available.

¹ Final Advice Paper 6 August 1998 p.179 pt.46

Part II of the Purpose and Principles section of the Fisheries Act 1996 provides guidance for decision makers. The purpose of the Fisheries Act 1996 is to provide for the utilisation of fisheries resources while ensuring sustainability. Section 8 (2)(a) defines ensuring sustainability as “*maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations*”. Amongst other definitions, the Concise Oxford dictionary defines a generation as “*the average time in which children are ready to take the place of their parents (usually reckoned at about 30 years)*”. In a fishstock context, MFish considers that it is reasonable to assume that for the next future generation that “*reasonably foreseeable needs*” means having access to the fishstock at or above a level that can produce the Bmsy. Accordingly, MFish concludes that 30 years would generally be the maximum legitimate rebuild period as deduced from s 8(2)(a) considerations involving intergenerational equity issues, unless there are especially relevant factors to be considered as part of s 13(2) and (3).

7. The excessive commercial fishing in this important shared fishery has reduced recreational catch and continues to impact on the availability of snapper to recreational and customary fishers.
8. Recreational fishers were promised, in Minister Luxton's 1998 decision, that this fishery would be rebuilt by 2008. Recreational expectations are that this is what is required for this fishery.
9. The Minister takes into account recreational catch has been artificially suppressed by the low stock size that this has resulted in smaller fish, less fish or both for a generation of recreational fishers.
10. The Minister needs to take into account how long recreational fishers have suffered due to the low stock size and act decisively to rebuild this fishery in the shortest timeframe proposed while properly "allowing for" recreational interests and without further adversely affecting recreational catch or interests in this fishery.
11. The Minister takes into account that over and above the diminished access to a healthy fishery recreational fishers voluntarily took bag limit cuts, a size limit increase and accepted a halving of the number of hooks on longlines.
12. These conservation actions were rendered futile by commercial deeming, dumping and Quota Appeal Authority (QAA) issued commercial quota.
13. It is not sufficient to propose proportional reductions to recreational catch without a full explanation to the public and the Minister of how these would be achieved.
14. Reducing the bag limit from 10 to 15 would have negligible benefit for the rate of rebuild snapper 8 stock but would disadvantage recreational fishers who do fish on one of the few days when the recreational fishery is accessible. We ask that MFish calculate the benefit in tonnes per annum of this measure and compare this with inter annual recruitment variability in the FAP.

Commercial Catch

15. The Total Allowable Commercial Catch (TACC) has been exceeded in 14 of the past 17 years through excessive use of the deeming provisions in the Fisheries Act.
16. The Total Allowable Commercial Catch (TACC) originally set at 1330 tonnes has been exceeded for the past 17 years through excessive quota which was issued by the Quota Appeals Authority (QAA) and allowed by the Ministry of Fisheries to be cumulative above their own scientifically assessed safe level of harvest. The original TACC should have formed the upper limit on commercial catches.
17. It is illogical to set a TACC for sustainability and then allow the Quota Appeal Authority to issue quotas that threaten it. Clearly this was never intended to happen, it is just one more example of a Ministry failing to do its job and limit commercial fishers to sustainable catches.
18. The Total Allowable Commercial Catch (TACC) has been exceeded through illegal dumping and high grading. Ministry admits that commercial high grading

and dumping of snapper is more common on the west coast of the North Island than in other areas.

19. The Ministry has failed in its job to manage the fishery at a sustainable level and this mismanagement has been to the exclusive benefit of commercial fishing interests and at the direct expense of non-commercial fishing interests.
20. It is indisputable that the unconstrained rape of this fishery by pair trawlers in the 1970's saw this stock annihilated to a level where around 5% or less of the fish stock remained in the water. Continued excessive commercial fishing since the introduction of the Quota Management System is the major cause of the lack of rebuild.
21. The only real threats to the sustainability of the SNA8 fishery is continued commercial overfishing or corporate fraud.
22. Whatever decision the Minister makes, he has to implement steps to constrain total commercial catches to the TACC. It is unacceptable to have commercial fishers consistently overfishing in a depleted fishery.

The following table shows the effects of the Ministry's attempts at constraining capping or limiting the commercial sector to a TACC since 1987-88. QAA decisions are included as these were not scientifically set and have no regard to sustainability.

Table 2: Commercial catch since 1987 in SNA8

Year	TACC	Catch	Deemed	Non-reporting*	QAA**
1987	1383	1401	18	138.3	53
1988	1508	1526	18	150.8	178
1989	1594	1550	-44	159.4	224
1990	1594	1658	64	159.4	264
1991	1594	1464	-130	159.4	134
1992	1500	1543	43	150	170
1993	1500	1542	42	150	170
1994	1500	1434	-66	150	104
1995	1500	1558	58	150	170
1996	1500	1613	113	150	170
1997	1500	1589	89	150	170
1998	1500	1636	136	150	170
1999	1500	1604	104	150	170
2000	1500	1630	130	150	170
2001	1500	1577	77	150	170
2002	1500	1555	55	150	170

2003	1500	1666	166	150	170
2004	1500	-	-	150	170
2005	1500	-	-	150	170
	TACC	Catch	Deemed	Non-reporting	QAA
Totals	28673	26546	873	2567.3	2827

**Total Over catch
6267.3**

* Amount allowed for dumping, high grading and non-reporting. This number also includes incidental mortality so may overestimate illegal activity.

**Quota Appeals Authority issued quota

Proportional Allocations

23. The proportional allocations as proposed in the Initial Position Papers (IPPs) are grossly unfair to recreational fishers.
24. The proposed proportions have been incorrectly set.
25. There has been no public consultation and no agreed process to set the initial proportional allocations.
26. The proposed proportional allocations make no distinction between those who have conserved and those who have plundered the fishery.
27. Proportional allocations favour commercial fishers who can maintain their catch in a depleted fishery.
28. Proportional allocations further favours commercial fishers by failing to hold them accountable for dumping and deeming to the detriment of the resource and other users.
29. The proposed proportional allocations work against the interests of non-commercial fishers whose catches and initial proportions are reduced in depleted fisheries.
30. The proposed proportional allocations work against the interests of non-commercial fishers by discounting their real conservation efforts.
31. If the Ministry cannot currently constrain the commercial sector to a sustainable TACC then they will not be able to constrain them to a proportion share.

Recreational Conservation

- January 1985 - First bag limit on snapper was 30 per person per day
- October 1993 - Snapper bag limit reduced to 20 per person per day
- October 1994 - Increase in minimum legal size from 25cm to 27 cm recreational fishers only. Commercial size limit left at 25cm.

- October 1995 - Snapper bag limit reduced to 15 per person per day
 - 1995 - Recreational long line hook number reduced from 50 to 25.
32. The increased size limit had an immediate and long-term impact on recreational fishers particularly in the Kaipara and Manukau Harbours. In many parts of these harbours it is now rare for a person to catch a legal sized snapper, therefore the snapper catch of some harbour fishers has been reduced to near zero. Overall it is estimated the increased MLS alone has reduced recreational harvest in SNA8 by around 14.6 – 18.6%.

Voluntary Recreational Conservation Taken Since 1995

Restrictions	Reduction	300 Tonne Current Catch	600 Tonne Current Catch
27cm MLS	16.6%	49.8 Tonne p/a	99.6 Tonne p/a
25 Hook Limit	5%	15 Tonne p/a	30 Tonne p/a
15 Bag Limit	5%	15 Tonne p/a	30 Tonne p/a
Total 1995-2005	26.6%	798 Tonnes	1596 Tonnes

33. The table above estimates the total tonnage of snapper conserved by recreational fishers since 1995 on the two recreational catch scenarios modelled by the Ministry, (We note that neither scenario may be correct). The bag limit and hook limit projections are based on an educated guess, if the Ministry has better information on these items we invite them to produce this information, (what we will not accept is to not account for them at all).
34. No allowance has been made for growth of these fish or their mortality. Obviously the growth of some of the fish conserved up to 10 years ago and their addition to the spawning biomass would have had some beneficial effects to the current stock size above the simple tonnage conserved. It is likely that somewhere between 10-20% of the remaining biomass is made up of fish conserved by recreational fishers since 1995. Earlier reductions to recreational catch are not included in this calculation
35. Recreational fishers have previously demonstrated a ready willingness to voluntarily suggest regulations to conserve in this fishery and the effects can be demonstrated. This goodwill has been completely eroded by a failure to constrain commercial catch to sustainable limits as promised at the inception of the QMS and the proposed proportional reductions in this years IPP.

36. Furthermore, the goodwill of non-commercial fishers to conserve has been betrayed by the failure of fisheries managers to make any effort to account of the benefits accruing from such conservation goodwill. This sends entirely the wrong message to non-commercial fishers who are quietly waiting to see how previous contributions are taken into account. To expect non-commercial fishers to conserve again given this betrayal is naïve. Correct this policy attitude and the potential for non-commercial fishers to voluntarily contribute to an accelerated rebuild is high. Leave the betrayal in place and any hope of further voluntary contributions is seriously eroded.
37. Recreational fishers must have faith that the QMS system is able to constrain commercial catch if their confidence is to be restored. This is a fundamental requirement in the management of recreational fisheries and this must be achieved if future co-operation or conservation from this sector is required. A fair decision at this time could achieve just that. Currently recreational fishers are outraged that fish they have conserved have been used to prop up unsustainable commercial catch. They are adamant that any cuts must now focus on cutting the catch limits of those who have done the damage.

Recommendations

We ask that the Minister:

1. Cuts the TACC to 1000 tonnes to rebuild this fishery to above BMSY in a timeframe that ensures intergenerational equity.
2. Rejects all of the proportional catch reduction options as unfair to recreational fishers.
3. Makes no changes to recreational bag limits, size limits or gear restrictions
4. Sets the recreational allowance at a level sufficient to cover current recreational catch
5. Notes that recreational catch estimates and allowances are uncertain and will be subject to review when better catch information is available.
6. Dismisses commercial fishing interests economic arguments on the basis that commercial fishers have had a huge economic benefit at the direct expense of non-commercial fishing interests, and now it is time to return that which has been unfairly taken from them
7. If points 1, 2 and 3 above are implemented by the Minister it could assist in the rebuild of SNA8. The Minister could then ask non-commercial fishers to devise and implement voluntary conservation measures to assist and accelerate the rebuild.