



Sixth Schedule – add all stocks of Rig
Initial Position Paper June 2011



Introduction

1 This Initial Position Paper (IPP) provides the Ministry of Fisheries (the Ministry's) initial views on proposals relating to Sixth Schedule – add all stocks of rig.

2 The Ministry developed this Initial Position Paper (IPP) for the purpose of consultation as required under the Fisheries Act 1996 (the Act). The Ministry emphasises the views and recommendations outlined in the paper are preliminary and are provided as a basis for consultation with stakeholders.

3 In August 2011, the Ministry will compile the Final Advice Paper (FAP) for the attached proposal. This document will summarise the Ministry's and stakeholder views on the issues being reviewed, and provide final advice and recommendations to the Minister of Fisheries and Aquaculture. A copy of the FAP and subsequently the Minister's letter setting out his final decisions will be posted on the Ministry's website as soon as it becomes available with hard copies available on request.

Deadline for Submissions

4 The Ministry welcomes written submissions on the proposals contained in the IPP. All written submissions on this consultation document must be received by the Ministry no later than 4pm on Friday, 29 July 2011.

Written submissions should be sent directly to:

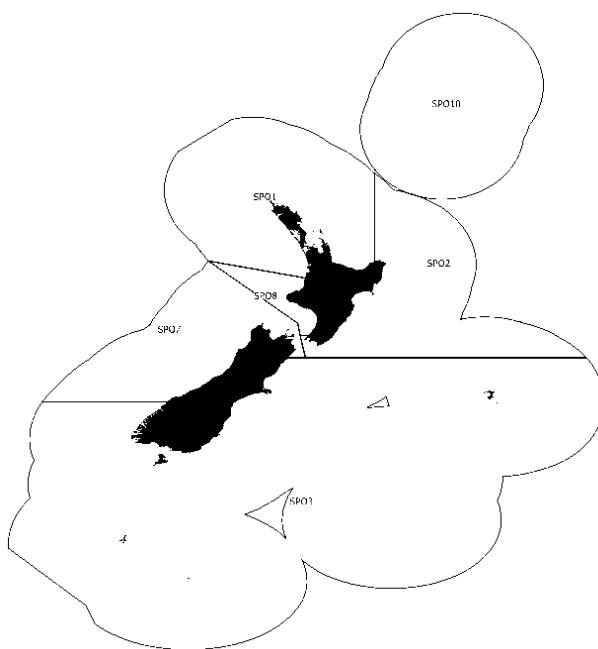
Trudie Macfarlane
Ministry of Fisheries
P O Box 1020
Wellington

or emailed to Trudie.Macfarlane@fish.govt.nz

5 All submissions are subject to the Official Information Act and can be released, if requested, under the Act. If you have specific reasons for wanting to have your submission withheld, please set out your reasons in the submission. The Ministry will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

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Figure 1: Quota Management Areas (QMA) for Rig



Introduction

1 The Ministry of Fisheries (the Ministry) is seeking tangata whenua and stakeholder information and views to a proposal to include rig (species code SPO) in all Quota Management Areas (see figure 1) on the Sixth Schedule of the Fisheries Act 1996.

2 The current management regime for rig has resulted in some commercial fishers incurring additional costs by being required to land all rig. Fishers are required to balance all rig catch with Annual Catch Entitlement (ACE), or pay the associated deemed value.

3 The Sixth Schedule provides a regulatory exemption to allow live rig to be returned to sea, despite this being generally prohibited for QMS species.

Context

The Need to Act

4 Following the introduction of rig into the QMS in 1986, landings declined to less than half those of the previous decade in response to the TACCs. Since 1986–87, landings have generally increased, perhaps in response to increasing availability. The majority of rig caught is bycatch of other target fisheries. Fishers are reporting increasing amounts of overcatch, more marked in SPO2 and SPO7. The costs associated with landing overcatch may be providing an incentive to discard and not report rig catch.

5 Inclusion of species on the Sixth Schedule of the Act is a means to assist with avoiding or reducing the costs associated with landing unwanted rig.

6 This proposal is consistent with actions and objectives in the National Plan of Action for Sharks¹. An action listed in the Plan is to review use of Schedule 6 provision to allow live release of additional shark species. The objectives of the Plan include :

- Minimise waste and discards from shark catches in accordance with article 7.2.2.(g) of the code of Conduct for Responsible Fisheries.
- Facillitate improve species specific catch and landings data and monitoring of shark catches.

Rig biology and fisheries

7 Rig (*Mustelus lenticulatus*) is caught in coastal waters throughout New Zealand (NZ). Five management stocks are recognised in NZ (SPO 1-3, 7 and 8).

8 Rig is relatively long-lived and has low fecundity², meaning it would recover more slowly from a depleted state than more productive species. Mature females breed annually and give birth once each year producing between two and 37 offspring. Sustainability benefits may be achieved by releasing mature females as most will be in pup.

9 Rig is predominantly taken by setnet and trawl. Since its introduction into the QMS, a larger proportion has been taken by trawlers as bycatch, but the exact split by method is unknown (because method data were available only for a portion of the rig catch in the CELR database. The requirement to land all rig has resulted in an economic cost in the form of Deemed Value (DV) payments by some fishers who are unable to avoid it when fishing and do not have the annual catch entitlement (ACE) to cover the catch. In the past five years, commercial stakeholders have reported overcatch of rig ranging from 25 and 55 tonnes and paid total annual deemed values ranging from \$45,200 to \$290,100.

10 A utilisation issue is the potential for wastage. Rig require timely processing at sea to maintain their value. The flesh may be tainted with ammonia if the carcass is not headed, gutted, bloodlines removed (trunked) and iced shortly after capture.

11 The inability of some fishers to cover all their bycatch with ACE and the cost of DV may be creating disincentives to process or land their catch. The actual fishing mortality or wastage might be greater than what is reported. The Ministry has no independent information to verify these claims.

Proposed Measure

12 The Ministry proposes two options as set out below (Table 1).

Table 1: Proposed options for listing all stocks of rig on the Sixth Schedule of the Fisheries Act (1996).

Option 1	Status quo: No specific measures allowing rig to be returned to the sea
Option 2	Rig can be returned to the sea if in a survivable state. Not counted against ACE.

¹ New Zealand National Plan of Action for the Conservation and Management of Sharks October 2008

² The lifespan of rig has not been established but tagging research shows rig live longer than 20 years. Mature female rig breed annually and give birth once each year, producing between two and 37 offspring.

Option 1 (Status Quo)

13 Option 1 is the default setting for QMS stocks.

14 Under Option 1, all mortality associated with commercial fishing of rig will, in theory, be entirely constrained within the TACC as all rig landed are counted against ACE (or attract deemed values). In practice, however, it is likely that substantial unreported (illegal) discarding of rig would occur due to the economic cost of landing unwanted rig, making estimations of total fishing-related mortality difficult.

15 It does not alleviate the economic cost associated with having to hold ACE or pay deemed values on all rig that are caught.

Option 2

16 The Ministry proposes that all rig stocks (SPO1-3, 7 and 8) are added to the Sixth Schedule of the Act to enable commercial fishers to immediately return rig taken as incidental bycatch back to the water, if it is likely to survive on return and if the return takes place as soon as practicable after the rig is taken.

17 There is a risk that rig released under the Sixth Schedule of the Act will not survive. This risk is increased for rig caught and released from set nets having longer soak times. In inshore bottom trawl and set net fisheries, rig are known to survive being caught if they are immediately returned to sea. This has been seen in previous trawl surveys. Several rig that were caught were then tagged, released and recaptured at a later date. For those rigs that are not likely to survive, they will still need to be landed and counted against the fisher's ACE.

18 Commercial fishers inevitably take rig when fishing for their target stocks as a direct consequence of their fishing gear. A requirement to land these catches and balance them with ACE (a default requirement under the QMS) or pay deemed values can impose an unnecessary cost on these fishers. Listing rig on the Sixth Schedule of the Act would allow fishers to return those rig that are likely to survive and, therefore, avoid the cost associated with landing them.

19 There might also be benefits for sustainability, especially if releases include mature females.

20 Some quota owners may be concerned that allowing the release of rig under Sixth Schedule provisions may undermine quota and ACE values. While releasing rig may affect the price of ACE (less demand equals lower price) improvements to the overall management of rig should add to quota value at least in the long term.

21 Option 2 provides a further means for fishers to balance their ACE holdings and avoid making deemed value payments for incidental catches of rig. Such an approach could result in less wastage as fishers have more incentive to value their catch. There might also be better reporting of rig catches by reducing the incentive to illegally discard and not report. It is important that the level of use of the Sixth Schedule provisions for rig be monitored. A separate generic code has been established for Sixth Schedule reporting where there is no requirement for released catch to be reported against ACE.

Conclusions

22 This proposal is consistent with the National Plan of Action for Sharks that the Ministry review use of the Sixth Schedule provision to allow live release of additional shark species. This review suggests the Sixth Schedule can provide important flexibility in managing unavoidable bycatch of rig. The Ministry's initial view is in favour of listing all stocks of rig on the Sixth Schedule of the Act.

23 Because this is a regulatory amendment it will not be in place on 1 October. If the measure is approved, fishers will be formally advised of when the measure comes into effect.

24 Including all rig stocks on the Sixth Schedule of the Act will assist in the reduction of costs associated with landing unwanted rig and allows operators to return rig that are in a survivable state back to the sea. Of importance to the Ministry is that better reporting outcomes may be achieved as inclusion on the schedule as it avoids incentives to discard and not report rig catch. Allowing operators to return rig that are in a survivable state back to the sea also may result in less wastage and confer sustainability benefits.

25 The Ministry invites tangata whenua and stakeholders to provide additional information pertaining to this proposal.