

Summary of the Review of Regulatory and other Management Controls for 1 April 2008

The Ministry of Fisheries (MFish) is currently consulting on a number of management measures with the intention of implementing any changes on 1st April 2008. Submissions are due by 24th August 2007.

The three proposals of particular interest to non-commercial fishers are:

- the review of stalling of set nets in the Kaipara Harbour; and
- review of the west coast scallop season (issues summary under development); and
- surf clam dredge size.

The surf clam issue would only be of interest if there was an environmental risk. At this stage it is unknown whether there are any additional environmental impacts of increasing the dredge size. MFish do not believe there is any added risk and have proposed three options including the status quo. More information is online at MFish <http://www.fish.govt.nz/en-nz/Consultations/default.htm>

Stalling Nets in Kaipara Harbour

Stalling is where the net is used to catch fish and these are left stranded by the falling tide or where there is insufficient water above or below the net for fish to escape.

The Kaipara Harbour is the only area in New Zealand where stalling of commercial nets is permitted. Non-commercial fishers are not permitted to stall nets anywhere in the harbour. MFish believe there is no obvious reason why stalling should be permitted in the Kaipara and not elsewhere.

Stalling causes a significant amount of wastage, although this amount cannot be quantified. If fish are left out of the water for too long they deteriorate and are unfit for sale. These are usually discarded and not reported. Wastage was a major issue raised during the 2005 consultation on the TACC reviews of flounder (FLA1) and grey mullet (GMU1).

Catch

Stalled nets are regularly used to catch flatfish (flounder), grey mullet and rig. By-catch includes snapper, trevally, school shark and kahawai, which are all important non-commercial fisheries.

There are currently 50 commercial fishers using set nets in the Kaipara. It is unknown how much of their catch is taken by stalled nets.

Management

Up to 1983 minimum mesh size was 108mm, stalling was then banned for three years and resumed in 1986 with a reduced minimum mesh of 100mm. Maximum net length is 540m with a minimum of 90m between nets.

The main commercial offences committed in the harbour are net related offences including breaching the maximum soak time of 18 hours.

Having an 18-hour soak time allows set nets to stall more than once before fish have to be removed.

Stalling causes wastage, dumping of fish and has been the source of conflict between different harbour users.

In September 2005 the Minister of Fisheries decided against reducing the total allowable commercial catches for flatfish, grey mullet and rig. David Benson-Pope's justification was that TACC reductions would not address localised depletion issues. He also directed MFish to provide advice on management options to address the issues raised during the consultation round¹. This review of stalling nets is one of those measures.

MFish Proposals

Proposal	MFish comment	Management implications identified by MFish	Initial commentary
1. Status quo	There is no clear evidence to suggest that stalling affects sustainability of fish stocks in the Kaipara. Valid option.	No change to current fishing practices. Will not address the problems of wastage, dumping and conflict amongst different interest groups.	Doesn't address long-standing community access and sustainability concerns. Reduce soak time to reduce unnecessary waste.
2. Require attendance at stalled nets at all times	Stranded fish can be cleared immediately Avoids wastage Will improve quality of catches.	Direct cost to commercial fishers due to required attendance Unknown economic impact. Difficult to enforce.	Addresses some long-standing community access and sustainability concerns. Reduce soak time to reduce unnecessary waste.
3. Prohibit stalling of nets	Will improve quality of catches. Fish availability should increase benefiting both fishing sectors	Reduce income of commercial fishers if stalling is effective fishing method. Unknown economic impact Easier to enforce than option 2.	Addresses tangata whenua's sustainability concerns. Reduce soak time to reduce unnecessary waste.

Issue to address in submission

While stalling is the subject of this MFish review there are other issues that affect the Kaipara Harbour such as:

- The large-scale quota management area (QMA) for flatfish, grey mullet and rig, which stretches from Tirua Point, Taranaki to Cape Runaway on the East Cape. The failure to sub-divide such a large QMA prevents sustainable quotas being allocated in the Kaipara Harbour
- The unrealistically high TACCs for flatfish and grey mullet which have not constrained commercial catch in fisheries of social and cultural importance
- An increase in mesh size for commercial fishers would increase the biomass (numbers of fish) within a fairly short space of time, particularly for flatfish. It would also reduce the capture of under-sized by-catch species such as snapper, trevally and gurnard.
- No mention of section 12 obligations to provide for the input and participation of tangata whenua in this process and no reference to the Minister's statutory obligation to have

¹ http://www.option4.co.nz/Fisheries_Mgmt/qmslmnr905.htm

particular regard to kaitiakitanga. Certainly no kaitiakitanga in leaving fish to die a slow death in the beating sun or being eaten by lice.

- A review of the Set Net Taskforce Report and recommendations including the set net code of practice
- If attendance is made a mandatory requirement for commercial nets then it could also be applied to non-commercial set nets

Your views

MFish advise the Kaipara Harbour Sustainable Fisheries Management Group (commercial, recreational and customary fishers and Kaipara community representatives) has recommended that stalling be permitted only when the fisher is in attendance and actively working their net.

MFish also advise that Te Uri o Hau and Nga Rima (hapu of the Kaipara) support prohibiting stalling, as it would prevent wastage. And that tangata whenua in general support attendance at nets and customary permits in the Kaipara require attendance at nets to check when the target quantity of fish is caught.

We would like to hear your views on the stalling issue and any other matters that you think are relevant and should be raised with MFish.

If non-commercial fishers agree a submission is worthwhile then a draft can be developed and distributed for initial comment. Submission deadline is 24th August so a first draft should be available by Wednesday 8th August with subsequent drafts including feedback from you and your community.

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