

Section 3

Setting the Total Allowable Catch

The Total Allowable Catch, which is described in tonnes, controls harvest and is the main means of affecting fish stock levels. Each stock has its own Total Allowable Catch and this tonnage is the pool from which allocations of catch for the customary, amateur and commercial sectors are made. Over time, setting the Total Allowable Catch at different levels influences the size of the stock and therefore the yield, abundance and size of the fish available to be caught.

There are different views about what fish stock levels should be. The standard practice (of MFish) for many fisheries has been to manage stocks at the level that provides Maximum Sustainable Yield. [42] This lets fishers catch the greatest amount of fish, year after year, in a sustainable way, and often suits commercial fishers well. [43] Amateur and customary fishers, on the other hand, often regard fish size and abundance as important. Both size and abundance can be improved by letting the stock level increase, but this means that a smaller amount of fish can be taken sustainably each year. [44]

Footnote introduction

Minister's Cabinet letter – 'managing stocks at higher levels is difficult under the current provisions of the FA as this is not strictly necessary for sustainability reasons alone...and a significant disadvantage to the commercial sector';

Section 13 requirements – 'standard practice' referred to in the discussion paper?

Query this statement – compare with fisheries management in accordance with the full and proper use of the FA purpose of sustainable use (reasonably foreseeable needs of future generations, and to enable people to provide for their social, economic and cultural well-being; FA environmental and information principles; FA management tools and mechanisms

Determination of so-called 'values' – see section 5, Proposal B

[42] So why has this not been done, and why do we still have fisheries managed below MSY after 20 years of management under the QMS? The obvious answer is QAA increases and deeming. In spite of all the posturing by the Ministry and industry that the QMS is the best management system in the world, the management regime cannot constrain the fishery within sustainable limits.

[43] This skirts the real issues and current management practices. It is not standard practice as we have insufficient information to determine what MSY is, in most fisheries.

'...lets fishers ...' – commercial, or recreational or customary fishers....?

'Often' suits... or 'always' suits commercial fishers? Commercial fishers value economic return – profit.

[44] Most recreational concerns are in fisheries that are and have been below MSY for three decades. Getting those fisheries to a biomass at or above MSY without further punishing recreational fishers who have endured multiple controls such as bag limit cuts, size limit increases and gear restrictions, while the commercial sector has

inflated their quotas through the Quota Appeals Authority and deeming in excess of their already increased quotas.

“Often’ regards...” or “‘always’ regards...” Amateur and customary fishers value size and abundance.

There are two proposals in this paper that could provide greater flexibility in setting the Total Allowable Catch for shared fisheries and so better recognise the importance of amateur and customary values. These are not “either/or” options – both proposals could be implemented.

Proposal A: Setting the Total Allowable Catch for a stock target level above that which achieves Maximum Sustainable Yield

This would provide for Total Allowable Catches in shared fisheries to be set in a way that brought about an increase in a stock to a level above that which allows Maximum Sustainable Yield. Managing the resource at this higher level would mean a smaller overall quantity of fish could be taken each year, [45] but the fish would be larger on average and more abundant, and so possibly easier to catch. This approach would be taken only where such a target would be likely to lead to an increase in overall value from the fishery. [46]

This proposal would almost certainly involve a trade-off between commercial demand for greater yield and amateur and customary values for bigger fish and higher catch rates. All sectors might need to forego some of the total catch to build and maintain a higher stock level.

Footnote introduction

‘Probably’ easier to catch for amateur fishers (and commercial fishers?) rather than ‘possibly’ by managing our fisheries above MSY.

“...forgo some of the total catch to build and maintain a higher stock level.”

Reduction of the TAC or cuts?

[45] In fisheries currently below MSY this would mean the same amount, or more, fish could be taken.

[46] Is there anything wrong with ALWAYS at or above MSY for all shared fisheries? The FA says that is the target. Why must fisheries be managed so far above MSY that overall yield is unduly affected?

Risk & Benefit Analysis for Proposal A - Recreational fishers risk analysis

CRITICAL POINT

In proposal A MFish imply that managing fisheries above MSY will **always** result in less yield. It is important to note that this would only occur when fisheries are managed **significantly above MSY**. It also assumes that less yield means less value (i.e. that value can only be assessed by the total catch), but recreational fishers may be happy to trade off yield for a higher catch rate and catching fewer but larger fish.

Questions to contributors:

Would non-commercial fishers be happy if ALL shared fisheries were managed to ALWAYS be at or above the level that can produce MSY, as described in the current Fisheries Act?

This would not require changes to fisheries legislation.

Or: Is fishing to the maximum sustainable yield a commercial management objective?

Do non-commercial fishers accept that there are benefits to non-commercial fishers of management of fisheries **significantly above** the level that can produce MSY?

This would most likely require changes to the FA to clarify the Minister's obligation to consider this option.

How to manage a fishery at or above MSY?

A buffer above MSY is required because science and decision making lag behind reality, sometimes by many years. Having a buffer above MSY would mean a fishery could actually be managed as the FA specifies, always at or above the biomass level that would the Maximum Sustainable Yield.

If agreement can be reached that the above is the objective there will be plenty of room for effective solutions that will minimise the possibility of compensation claims by commercial fishers to any cuts in quota. If this agreement can be reached then the concerns expressed by MFish in the discussion paper and MFish's solutions expressed as proposals and options would not be necessary.

For example, Kahawai is a species that would meet the value criteria to be run significantly above MSY? If so, then the risk of pulling back to always at or above MSY from the higher goal, which is a level significantly above MSY, will cause fewer problems for researchers, reduces the Government's exposure to compensation claims by commercial fishers and achieves what the amateur fishers public want in most fisheries.

Your views please on other fisheries examples that need to be managed significantly above MSY? Please advise and provide reasons for your suggestion.

Table to be completed after feedback received.

Proposal	Risks	Benefits	Available under current Fisheries Act	Compared to current right
A Management above MSY				

Proposal B: Setting the Total Allowable Catch in depleted fisheries to allow faster rebuild times

In fisheries where stock levels are below management targets, a stock rebuild strategy is needed. Rebuild generally requires cuts in current catches to take pressure off stocks. The bigger the cut, the faster the stock is likely to rebuild. Reduced catch means reduced incomes for commercial fishers. Longer rebuild times are often favoured by the commercial sector to reduce this impact. But, in shared fisheries, a

longer rebuild time may mean that the value available to customary and amateur fishers is lower for longer. For important shared fisheries, a constraint on target rebuild times may help to increase overall value from the fishery.

This proposal is based on the idea of setting a Total Allowable Catch that would allow a depleted fishery to rebuild more quickly to target levels, within a specified maximum number of years. Rebuild times would vary from species to species and would depend on the biology of the species and the state of the fishery.

The proposals above would be applied on a case-by-case basis if doing so would produce an increase in value obtained from the shared fishery. [47]

Footnote introduction

Management target levels?

Cuts by whom, and how?

Target rebuild times?

Target levels?

‘Value’ assessment – what, how much and to whom?

[47] Managing fisheries below MSY for extended periods of time gives absolute preference to the commercial sector while ignoring the social and cultural aspirations of non-commercial users.

Low stock sizes also diminish recreational access and catch.

These are core issues central to shared fisheries that have to be seen to be addressed fairly.

Why does MFish allow fisheries to be run below this level under the current FA? Proposals A and B seem to suggest what is currently available in the FA.

Management of any fishery below MSY for an extended period is not as intended by the FA which requires that fisheries must be managed at or above MSY while allowing for social, economic and cultural well-being of New Zealanders.

Why are these proposals suggested only in fisheries where they would produce an increase in ‘value’?

Clear, fair and easily understood rules for rebuilding depleted fisheries are overdue, and may be all that is required from the discussion paper process to rebuild our depleted fisheries.

Any solution to the management issues in shared fisheries must be able to address or otherwise allow for the actual cause of the depletion. Failure to do so undermines any incentive to conserve.

If one million fishers don't believe the system is fair, compliance will be threatened. For example recreational fishers should not receive bag limit cuts because the fishing industry is chronically deeming in excess of the TACC or because the fishing industry has too much quota (flounder mullet gurnard) or in fisheries where the QAA has issued quota

It is essential to determine the cause of the depleted state of the stock.

Commercial Fishing (have we missed anything?)

- Does the TACC constrain the commercial catch and if not why not?
- Was the TACC inflated by the QAA?
- Has the TACC been increased?
- Is there an Adaptive Management Programme (AMP) in place?
- Is dumping and high-grading occurring?
- Are commercial fishers reporting all catch?
- Is chronic deeming occurring and causing the TACC to be exceeded?
- Is fishing related mortality higher than allowed for?
- Other?

Recreational Fishing (have we missed anything?)

- Has the participation level demonstrably increased, if so what prevents the Minister from allowing for it? Compensation? [Tipping J (HC) in Snapper 1 "it would be strange....."]
- Has there been a demonstrable increase in catch?
- Has the allowance been set correctly i.e., no allowance?
- Was the allowance set in a depleted fishery?
- Was the allowance set accurately?
- Are bag or size limits being ignored?

Customary Fishing (have we missed anything?)

- Has kaitiaki management been supported adequately?
- Has the participation level or catch demonstrably increased?
- Is there a decline in customary catch? What is the reason?

Risk & Benefit Analysis for Proposal B - Recreational fishers risk analysis

Proposal	Risks	Benefits	Available under current Fisheries Act	Compared to current right
B Faster rebuilds	Recreational catch will be reduced proportionately even in fisheries where there have been previous bag	Depleted fisheries maybe rebuilt. Reduced	Yes	Much less certain. Under a value-based system,

	<p>limit cuts, size increases and gear restrictions. This is because commercial fishers have been over-allocated in the fishery and/or deemed excessively. Moreover, the Quota Appeals Authority decisions have inflated quotas to unsustainable levels and the practice of dumping may continue. Value-based assessments ignore historical issues and in doing so, will potentially create conflict and reduce incentives to conserve.</p>	<p>catching costs.</p> <p>Less juvenile mortality.</p> <p>Greater access for non-commercial fishers.</p>		<p>significant risk associated with this option.</p> <p>Much more certain. If the proposed (MCG and MAG) participation rates criteria were implemented instead of the value-based model.</p>
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