

TE OHU
KAIMOANA



MĀORI FISHERIES TRUST

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Tena koe

**MEASURES TO SUPPORT REOPENING OF THE MARLBOROUGH SOUNDS
AMATEUR BLUE COD FISHERY**

This submission, which responds to the Ministry of Fisheries' (MFish) Initial Position Paper (IPP) dated 23 August 2010, is from Te Ohu Kai Moana Trustee Limited (Te Ohu Kaimoana). Te Ohu Kaimoana is the corporate trustee for Te Ohu Kaimoana Trust, which was established under s.31 of the Maori Fisheries Act 2004.

The purpose of Te Ohu Kaimoana is to advance the interests of iwi individually and collectively, primarily in the development of fisheries, fishing and fisheries related activities, in order to:

- Ultimately benefit the members of iwi and Maori generally,
- Further the agreements made in the Deed of Settlement and to assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi, and
- Contribute to the achievements of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.

This submission does not remove the responsibility for MFish to consult with iwi (and their hapu) and other stakeholders in the appropriate manner. Nor does it seek to undermine any submission that you may receive from iwi. We note that all South Island iwi have interests in BCO 7 and propose that direct contact is made with these iwi in respect of these proposals.

We are happy to discuss any questions that you may have in relation to this submission.

Kirsty Woods
Manager, Fisheries Leadership

Executive Summary

1. In general Te Ohu Kaimoana is:
 - disappointed that neither the management plan nor the MFish review of the management plan proposes any form of amateur catch reporting as required by the Minister at the outset of the planning process
 - supportive of the need to address local area depletion within the Marlborough Sounds and in the context of BOC7 but
 - does not support the exclusion of commercial fishing when it is recreational fishing that requires constraint and active management
 - surprised with the lack of any analysis comparing:
 - the sustainability situation prior to the closure with the situation now or
 - the anticipated sustainability improvements expected at 1 April 2011 compared with that anticipated at the end of the four year closure period (i.e. 30 September 2012).

2. More specifically, should the ban be lifted, Te Ohu Kaimoana:
 - does not agree with the proposal to extend the 'Marlborough Sounds Area' boundaries to further exclude commercial fishers
 - has reservations about the effectiveness of the input controls although we recommend that if implemented (individually or in combination), they are accompanied by a regulatory ban on "high-grading"
 - recommends that MFish explore and consider an alternative management proposal based on a catch-spreading plan supported by a track and trace catch documentation system to be established by an independent administrative body (possibly FishServe) and funded in the future on a user pays basis.

Background and Problem Definition

3. In 2008 the then Minister of Fisheries Hon. Jim Anderton closed the fishery for a four year period (from 1 October 2008 to 30 September 2012) to address localised depletion of blue cod principally caused by the recreational sector's lack of constraint or active management.

4. In March 2009 the now Minister of Fisheries Hon. Phil Heatley decided to convene a recreational management group known as the Blue Cod Management Group (BCMG) to develop a management plan to support the reopening of the fishery. As part of the process to develop the plan the Minister of Fisheries and the BCMG agreed on the terms that would need to be met to enable the fishery to be opened earlier (i.e. on 1 April 2011).

5. The agreement required that the plan:
 - Would see the fishery opening in advance of the four-year closure, either wholly or partially;
 - Would be easy for fishers to understand and practical for them to use;
 - Would be straightforward for MFish officers to police; and
 - Would require some form of amateur catch reporting (emphasis added).

General Policy Issues

Catch Reporting

6. Te Ohu Kaimoana is disappointed that both the BCMG and MFish have chosen to disregard the Minister's requirements for the review in this area. Not only is this an unfortunate omission on the part of both parties but it is a significant lost opportunity given the effort and resources required to fund the work of the management group to date.

Local Area Depletion

7. Te Ohu agrees with the need to address local area depletion within the wider context of BOC7. However we do not agree that this should be done by expanding the recreational fishing area in Marlborough Sounds at the exclusion of commercial fishers when it is the recreational sector that requires constraint. Rather we suggest that any recreational sector constraints (which are clearly needed) are applied in a way that manages the risk of displaced effort into the outer sounds potentially resulting in serial depletion of the BOC fishery.
8. Te Ohu Kaimoana is aware of a management system implemented in Canada for fisheries off the coast of British Columbia. The system involves establishment of small scale management areas within which extractions of different stocks are tracked. We the approach is worth considering and further developing in the context of BCO7. It could involve the following components:
- A catch-spreading plan be developed at the local level whereby:
 - small scale grids of local areas are established throughout the Marlborough Sounds recreational area particularly focused on known blue cod habitat (i.e. reef areas)
 - each local area is assigned a total number of fish (based on sustainability estimates) that may be extracted within a set time-frame (such as a month) after which no more fish may be caught within that area (i.e. it is closed until the next month).
 - A track and trace catch documentation system is developed to support the catch spreading plan whereby:
 - catch must be authorised prior to fishing taking place thereby protecting local population sustainability
 - this authorisation must be held by the fisher prior to and upon landing the fish and should be (?) simple to enforce
 - The size (i.e. length) of each fish caught against the authorised number of fish is to be reported to help improve sustainable management of the fishery at the local level.
 - MFish could implement this system by:
 - contracting an independent administrative body (possibly FishServe) to design and test the feasibility of running the scheme as efficiently and effectively as possible.
 - enabling funding mechanisms for the recreational sector to maintain ongoing administration of the system (funded on a user pays basis).

MFish IPP Evaluation Approach

9. Te Ohu Kaimoana is particularly surprised at MFish's approach to analysing the feasibility of the various options they propose. In our view the options should include:
- the status quo – i.e. what are the costs/benefits of maintaining the closure for the full four year period and what will this mean for sustainability?
 - what are the costs/benefits of opening the fishery early and what will this mean for sustainability?
10. Instead it appears that MFish has only analysed the costs and benefits to fishers of opening the fishery early in the absence of any sustainability information or evaluation. For example the IPP:
- compares the regulatory situation before the closure with the situation if the fishery opened early (i.e. on 1 April 2011) and the proposed plan measures are implemented
 - does not compare the situation now (i.e. no fishing) or before the closure with the situation in the future (i.e. 30 September 2011) when the four year closure is due to expire.
11. This raises some important questions about why the previous Minister closed the fishery for four years in the first instance (i.e. what policy and scientific advice had he been provided with to agree to the four year closure)? How has the situation changed (i.e. what new information is available to suggest that the fishery is stable enough to open it sooner than the original four year closure period)?

Recommendations

12. Te Ohu Kaimoana:

- Does not agree with the proposal to extend the 'Marlborough Sounds Area' boundaries to further exclude commercial fishers
- Has reservations about the effectiveness of the following proposals:
 - limiting the number of hooks per line to two
 - the maximum daily bag limit of two blue cod per person per day
 - the maximum daily boat limit of ten blue cod for all vessels
 - the maximum personal accumulation limit of two days catch
 - the minimum and maximum legal size
 - the prescribed fishing season
 - the requirement to land blue cod whole or gutted.
 - the no-take zone for all finfish around Maud Island.

We are concerned that that these measures may encourage high-grading and therefore recommend that if any or all of these measures are implemented they are accompanied with a regulatory ban on "high-grading".

13. For your consideration we recommend an alternative management proposal be developed which includes:

- a catch-spreading plan for recreational fishing in BCO 7
- a reporting system to track catch levels within any specific management areas that are designated, and to allow monitoring and review of the catch spreading plan and overall catch levels
- management by an independent body to design and test the feasibility of running such a scheme as efficiently as possible
- funding contributions from the recreational sector.

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