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Ministry of Fisheries
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AUCKLAND

Tena koe Sarah,

INITIAL POSITION PAPER - PROPOSAL TO AMEND ASPECTS OF THE AMATEUR FISHING REGULATIONS

INTRODUCTION

1. This submission is made in response to your letter dated 4 July 2005, inviting Te Ohu Kai Moana Trustee Ltd (Te Ohu) to provide comments on the proposal contained in the Initial Position Paper entitled *Proposal to amend aspects of the Amateur Regulations*.
2. Te Ohu has not had the time to draw the contents of the consultation document to the attention of Iwi. As such, this response conveys only the views of Te Ohu and does not remove the responsibility of MFish to consult with tangata whenua as specified in section 12(1) of the Fisheries Act 1996.
3. As a general comment, Te Ohu is disappointed with the lack of credible and relevant analysis to support any of the proposals included in this IPP. The Ministry has allowed a much lower standard to be applied in this IPP than what might normally be demanded if the proposals were from industry.

EXECUTIVE SUMMARY

4. Te Ohu
 - reject the proposal to amend regulation 19 of the Fisheries (Amateur Fishing) Regulations 1986;
 - supports the preliminary MFish recommendations relating to counting and measuring scallops and dredge oysters at the first reasonable opportunity;
 - supports the proposal to amend regulation 25 of the Fisheries (Amateur Fishing) Regulations 1986 to permit the use of bob ring pots for catching rock lobster;
 - supports the proposal to amend regulation 25 of the Fisheries (Amateur Fishing) Regulations 1986 to permit the use of scoop nets for securing rock lobster;
 - rejects any proposal at this time to use lassoes but encourages MFish to resubmit the proposal once more information is available to assess the potential to cause damage to fish;
 - rejects the proposal to increase the recreational bag limit for the SCA CS
 - supports the proposal to remove reference to mussels from regulation 21 of the Fisheries (Amateur Fishing) Regulations 1986
 - supports the retention of the prohibition on possessing paua and UBA together.
 - reject the proposal to amend regulation 27 of the Fishing (Amateur Fishing) Regulations 1996, to allow the possession of shucked scallop and dredge oyster on board recreational fishing vessels while at sea.

PRIMARY TAKER

5. Te Ohu supports none of the MFish recommendations to amend regulation 19 of the Fisheries (Amateur Fishing) Regulations 1986. There are 3 key issues.
6. Firstly, we believe it is misleading to suggest that the primary taker regime encourages dredging as a fishing method. Our observations suggest there are a variety of reasons why fishers use dredges. For some, dredging may be the only means available to harvest scallops and oysters. Dredging may also be preferred over diving because beds are too deep to dive or the weather may render diving dangerous. Using a dredge may also be more cost effective and efficient.
7. We also find it perplexing that Council representatives claim dredging is not a preferred method for catching, yet it is also said dredging catches more fish than is usually required. These are ridiculous statements to make. So too is the assumption that any increase in recreational catch resulting from divers being able to harvest for one or two safety person on a boat, will be offset by a decline in the number of people using dredges. In fact it is claimed there may be a decline in the overall recreational catches as a result of primary taker rules being relaxed.
8. The second key issue relates to there being no analysis of the potential impacts to sustainability arising from an increase in the recreational catch.
9. The third issue we have relates to the lack of recreational controls. Currently, the management of amateur fishing is fraught with difficulties. There is considerable uncertainty around the level of recreational harvest, there are no constraints (other than bag limits) placed on amateur fishing to ensure that the recreational allowance is not exceeded, and there is no monitoring of recreational harvest.

COUNTING AND MEASURING SCALLOPS AND DREDGE OYSTERS AT THE FIRST REASONABLE OPPORTUNITY

10. Te Ohu supports the MFish recommendation to:
 - Educate and raise the awareness of recreational fishers on counting and measuring scallops and dredge oysters at the first reasonable opportunity
 - Investigate the possibility of developing a code of practice with recreational fishers that will provide recreational fishers with greater clarity on what activities are considered reasonable.

ROCK LOBSTER CATCH METHODS

11. Te Ohu would have preferred this proposal to have followed the normal process for seeking regulatory amendments relating to rock lobster. That is the proposal should be tabled with the National Rock Lobster Management Group (NRLMG) whose primary role is to provide advice to the Minister. That would have been an appropriate direction given the membership of that group consists of representatives from the 3 main stakeholders including recreation.
12. Nevertheless, Te Ohu has considered the proposals and is prepared to support an amendment to regulation 25 of the Fisheries (Amateur Fishing) Regulations 1986, to permit the use of bob ring pots for catching rock lobster provided they meet minimum mesh sizes.
13. Te Ohu is also prepared to support the use of scoop nets provided they are not used as the primary method for taking rock lobster and they are only used to secure a rock lobster on board a vessel.
14. The circumstances in which a scoop net might be used to capture rock lobster, is in our view, likely to encourage indiscriminate taking of rock lobsters by divers, especially when fishing in large crevices and caves (where this method is more likely to be used). This indiscriminate

harvesting is likely to result in damage to rock lobster, therefore reducing the survival of any fish that must be returned to the sea because it is undersized or berried.

15. Te Ohu does not support the use of hand held lassoes as there is currently a lack of information available to assess the potential for this method to cause damage to fish. MFish are encouraged to resubmit the proposal once more information is available to assess the potential to cause damage to fish;

COROMANDEL SCALLOP AMEATURE DAILY BAG LIMIT

16. Te Ohu is reluctant to support the proposal to increase the recreational catch for SCA CS. There are 2 key issues.
17. The first issue is the proposal to increase the daily bag limit is not supported by stock surveys that have been undertaken within any of the recreational beds. Instead the proposal relies upon annual survey work that is carried out by industry to determine the state of stocks within the commercial beds which for all intense purposes are spatially separated. MFish argue that the condition of stocks within the commercial beds is similar to those in the recreation beds. Te Ohu does not agree with this assumption as there is no supporting evidence.
18. The second issue is that increasing the daily bag limit may worsen the problems we already have with recreational fishing.
 - Recreational catch estimates are unreliable and it is not known whether the current recreational allowance is sustainable.
 - Unlike industry and to some extent customary, there is no system that enables recreational fishing to be monitored.
 - MFish has no effective policies in place to constrain the recreational allowance if it is exceeded.

POSSESSION OF MUSSELS AND PAUA WITH UBA

Mussels

19. Te Ohu supports the removal of any reference to mussels in regulations 21 of the Amateur (Recreational Fishing) Regulations on the basis that the primary problems relating to sustainability no longer exist. We note however that there continues to be localised depletion problems. These problems though are able to be taken care of through other more appropriate interventions.

Paua

20. Te Ohu does not support the proposal to remove the prohibition on possessing UBA and paua together.
21. The main issue for Te Ohu relates to sustainability of the resource:
 - There is likely to be a significant increase in the recreational catch as a result of fishers being able to possess UBA and paua together.
 - There is no ability to monitor recreational catches.
 - The government has no policy in place to ensure recreational allowances are not exceeded. The principal means of managing catch is through bag limits, size limits and method controls.
 - Illegal fishing is likely to increase because of the lack of ability to detect whether a persons catch has been taken by legal means.
 - The paua fishery is unable to handle further increases in catch.

22. Until these issues are able to be resolved Te Ohu opposes any proposal to allow possession of UBA and paua together.

SHUCKING OF SCALLOPS AND DREDGE OYSTERS AT SEA

23. Te Ohu does not support the proposal to amend regulation 27 of the Fishing (Amateur Fishing) Regulations 1996, to allow the possession of shucked scallop and dredge oysters on board recreational fishing vessels while at sea.

CONCLUSION

24. Please contact Alan Riwaka at the above address should you have any enquiries.

Noho ora mai

Craig Lawson
General Manager Policy