



Recreational bag limits and minimum legal size in the Auckland (East) snapper (SNA 1) fishery

Regulatory Impact Statement

ISBN No: 978-0-478-42369-3 (online)

March 2014

| Contents | Page |
|---|-------------|
| Agency Disclosure Statement | 1 |
| Executive summary | 3 |
| Status quo | 5 |
| Problem definition | 7 |
| Objectives | 7 |
| Options and impact analysis | 8 |
| Option 1 – Status quo | 8 |
| Consultation | 12 |
| Stakeholder summary | 12 |
| Legasea submissions | 12 |
| Individual submissions | 14 |
| Stakeholder concerns | 14 |
| MPI response | 15 |
| Conclusions and recommendations | 16 |
| Implementation plan | 16 |
| Monitoring, evaluation, and review | 17 |

Agency Disclosure Statement

This Regulatory Impact Statement has been prepared by the Ministry for Primary Industries (MPI). It provides an analysis of options for constraining recreational take in the Auckland (East) snapper fishery (SNA 1). Recreational catch has averaged 3366 tonnes over the past five years, while the recreational allowance was 2600 tonnes for each year, out of a Total Allowable Catch (TAC) of 7550 tonnes. The current take poses a risk to the rebuild and sustainability of the fish stock.

MPI has implemented the Minister for Primary Industries' (the Minister) decision to increase the recreational fishing allowance to 3050 t, within the TAC set for that stock, effective 1 October 2013. However, best available information suggests that recreational take will continue to exceed the new allowance. Therefore, the Minister has recommended regulatory changes to recreational management controls, designed to constrain recreational take of snapper in SNA 1 to the new allowance, and to promote the continuing rebuild of the SNA 1 stock to the target biomass level. The changes proposed are a reduction in the daily bag limit from 9 to 7 and an increase in minimum legal size from 27 cm to 30 cm.

There are some uncertainties associated with the best available information that was used to recommend these regulatory changes, specifically in estimates of recreational catch. Estimates of recreational catch were derived using two comprehensive methods in 2011/12, with close alignment in the results from each method. The 2011/12 results provide confidence in estimates from 2004/05, which were made using the aerial access method. While direct estimates are only available for these two years, boat ramps were surveyed in a number of the years in between.

Recreational catch is expected to vary each year as it is influenced by prevailing weather conditions, recreational fishing effort, and the localised availability of snapper. Recreational catch is therefore managed on average over time to account for uncertainties arising from these fluctuations.

A major source of uncertainty remaining is recreational catch off charter boats. Recreational catch off charter boats was not included in the aerial access estimates. The national panel survey provided an estimate of 200 tonnes for recreational catch off charter boats, which is included in the estimate for recreational catch for the 2011/12 fishing year of 3950. However, this 200 tonnes estimate is not considered to be robust. Anecdotal information suggests that it may be underestimated, which would further support the need for a change to management controls. Additional sources of uncertainty include recreational release mortality and recreational illegal catch.

There are also uncertainties associated with stock status. The four most important sources of uncertainty in the results of the stock assessment are: 1) stock structure and degree of exchange between sub-stocks in SNA 1; 2) an apparent conflict between the information on snapper age structure collected from the fishery and the information about stock biomass from previous tagging surveys; 3) whether or not the standardised long-line catch-per-unit-effort index reliably indicates the abundance of snapper in the Hauraki Gulf as the methodology may not account for perceived changes in fishing behaviour; and 4) changes in growth rate of snapper over time. The model used to derive estimates of stock status addresses each of these concerns in part, and is considered to be reliable.

The Minister has based his decision to recommend decreasing the recreational daily bag limit and increasing the minimum legal size based on best available information. Despite uncertainties, the research used to estimate recreational catch was subject to the standard MPI scientific review process, as well as independent international peer review, and MPI is confident in the results.

If the Minister's decision is approved, changes to the recreational daily bag limit and minimum legal size would be implemented on 1 April 2014. This implementation can occur without further work by MPI, except for communication and education of the new rules. The proposals do not override any fundamental common law principles, impair property rights, or impose additional costs on the industry or other businesses.

James Stevenson-Wallace, Director Fisheries Management

/ /2014

Executive summary

The SNA 1 fishery has been subject to a rebuild plan since 1997. In 1997, the biomass was estimated to be at approximately 15% of unfished biomass (B_0), far from its target biomass level of 23% B_0 . Accordingly, the TAC was decreased and the stock became subject to a rebuild plan.

SNA 1 was reviewed in 2013 for the first time since 1997 following the completion of new scientific information. This information suggests that the rebuild has so far been successful, but still has some way to go. Importantly, it suggested that the target biomass accepted in 1997 (23% B_0) could no longer be considered appropriate following advancements in our information and scientific understanding. In addition, the new information suggests that recreational take is exceeding the recreational allowance provided for in the TAC for the stock. MPI has recently implemented the Minister's decision to increase the recreational allowance from 2600 to 3050 tonnes, out of a total TAC of 8050 tonnes. However, the best available information indicates that this new allowance is still likely to be overcaught by the recreational sector, which threatens the rebuild plan and long term sustainability of the SNA 1 stock.

Changes to management controls may therefore be necessary to constrain recreational take to the allowance and ensure that the stock continues to rebuild. This can be achieved through adjustments to the recreational daily bag limit and minimum legal size. Model iterations indicate that reducing the recreational daily bag limit and increasing the minimum legal size will act in concert to limit recreational take to the allowance. This will allow for the stock to rebuild, and will maximise long term benefits relating to utilisation and sustainability of the SNA 1 stock. All options for attempting to restrain recreational take are outlined in Table 1. The Minister has announced his decision to recommend Option 5 – reduce the recreational daily bag limit to 7 (from 9) while increasing the recreational minimum legal size (MLS) to 30 cm (from 27 cm).

Table 1: Analysis of options against objectives¹

| Summary of Options | Objective 1: Stock Sustainability Constrain recreational catch to the recreational fishing allowance set in the TAC | Objective 2: Use Maximise the overall social, economic, and cultural benefit obtained from each stock (to the amateur sector) |
|--|--|---|
| Option 1 – <i>Status quo</i> | <p style="text-align: center;">×</p> <p>A decision not to change the recreational fishing rules may result in a recreational catch higher than the recreational fishing allowance. This may compromise rebuild of the stock.</p> | <p style="text-align: center;">×</p> <p>While the rules relating to use would remain the same, potential impacts on the rebuild of the stock may compromise long term benefits (e.g. an increasing average take of snapper).</p> |
| Option 2 – Non-regulatory option: voluntary decrease to daily bag limit and increase in minimum legal size | <p style="text-align: center;">×</p> <p>Unlikely to work effectively due to the nature of the recreational sector, i.e. the sector is largely unorganised and disunited. Same impact as <i>status quo</i></p> | <p style="text-align: center;">×</p> <p>Unlikely to work effectively due to the nature of the recreational sector, i.e. the sector is largely unorganised and disunited. Same impact as <i>status quo</i></p> |
| Option 3 – regulated decrease in daily bag limit | <p style="text-align: center;">?</p> <p>More extreme cuts to the bag limit will be needed to meet the sustainability objective if the bag limit is changed alone. This may have unintended negative impacts due to high-grading and handling mortality.</p> | <p style="text-align: center;">?</p> <p>An extreme change to the bag limit alone is likely to have a higher impact on the recreational sector compared to a smaller change alongside an adjustment to the minimum legal size.</p> |
| Option 4 – regulated increase in minimum legal size | <p style="text-align: center;">?</p> <p>More extreme increases to the minimum legal size will be needed to meet the sustainability objective if this management control is changed alone. This could have unintended negative impacts due to high-grading and handling mortality.</p> | <p style="text-align: center;">?</p> <p>An extreme change to the minimum legal size alone is likely to have a higher impact on the recreational sector compared to a smaller change alongside an adjustment to the bag limit.</p> |
| Option 5 – regulated decrease in daily bag limit to 7 and increase in minimum legal size to 30 cm | <p style="text-align: center;">✓</p> <p>Combination of moderate bag limit cut and moderate increase in the minimum legal size is likely to achieve the sustainability objective with an expected lower likelihood of incidental mortality from high-grading than under options 3 or 4.</p> | <p style="text-align: center;">✓</p> <p>Combination of moderate bag limit cut and moderate increase in the minimum legal size is likely to result in relatively low social, cultural, and economic impacts for the recreational sector. Also, impacts on use in the short term may be countered by greater benefits in the long term.</p> |

¹ Key: × = the objective is not likely to be met; ? = the outcome is unknown; ✓ = objective is likely to be met

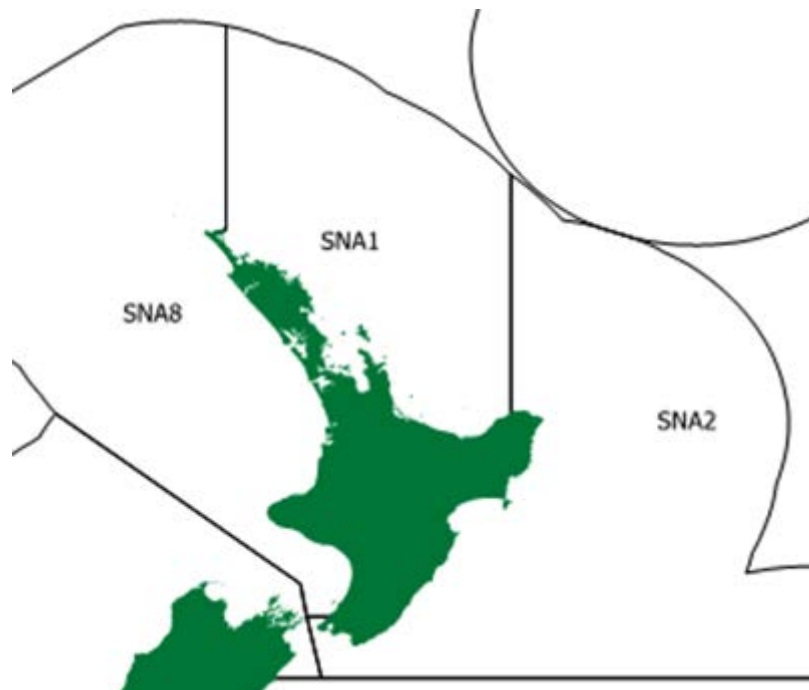
Status quo

The SNA 1 fishery is New Zealand's most valuable inshore finfish fishery. It extends from the eastern Bay of Plenty to east Northland (Figure 1), and is within close proximity of a large proportion of the New Zealand population, with over two million people estimated to be living near its boundaries.

In the 2011/12 fishing year, there were an estimated 218,300 recreational fishers in the Hauraki Gulf Marine Park alone, many of whom target snapper. According to fisher surveys, snapper made up 80% of recreational take in the inner Hauraki Gulf in 2011/12. While there are no direct estimates of the value of the recreational fishery in SNA 1, it is assumed to be roughly equivalent to that of its commercial counterpart.

Recreational take is managed with a recreational allowance, which is set as part of the TAC for a stock. The TAC also includes the Total Allowable Commercial Catch (TACC), an allowance for Māori customary take, and an allowance for other sources of fishing related mortality.

Figure 1: Boundaries for the SNA 1 Quota Management Area, shown between SNA 8 and SNA 2



The Minister is required under the Fisheries Act 1996 (the Act) to set a TAC that provides for utilisation of fisheries stocks while ensuring sustainability. Specifically, the Act states that the Minister shall set a TAC that:

- maintains the stock at or above a level that can produce the maximum sustainable yield, having regard to interdependence of stocks; or
- enables the level of any stock whose current level is below that which can produce the maximum sustainable yield to be altered –

- in a way and at a rate that will result in the stock being restored to or above a level that can produce the maximum sustainable yield, having regard to the interdependence of stocks; and
- within a period appropriate to the stock, having regard to the biological characteristics of the stock and any environmental conditions affecting the stock; or
- enables the level of any stock whose current level is above that which can produce maximum sustainable yield to be altered in a way and at a rate that will result in the stock moving towards or above a level that can produce the maximum sustainable yield, having regard to the interdependence of stocks.

Maximum sustainable yield, in relation to any stock, means the greatest yield that can be achieved over time while maintaining the stock's productive capacity, having regard to the population dynamics of the stock and any environmental factors that influence the stock. The level that can produce the maximum sustainable yield is known as B_{MSY} . When estimates of B_{MSY} are not available, interim biomass targets are used as a target for stock biomass. These are typically expressed as a percentage of the virgin or unfished biomass of a stock.

In 1997, SNA 1 was assessed as being at a low level of 15% unfished biomass (B_0). An interim biomass target of 23% B_0 was set, and the TAC was decreased to allow for the stock to rebuild, in conjunction with the requirements of the Act. These management actions were effective. A recently completed 2013 stock assessment shows that stock has increased to broadly achieve the 1997 target.

In the 2013 assessment, the 1997 biomass target has been superseded by better information on how to manage fish stocks such as snapper (in particular, the 1997 assessment did not allow for natural variability of the stock). MPI officials proposed a biomass target level of 40% B_0 as an interim reference point for the assessment; this was adopted by the fisheries science working group responsible for undertaking the 2013 assessment. The SNA 1 stock is therefore still subject to a rebuild program, in order to achieve the interim biomass target.

In 2013, management measures were reviewed with an eye for achieving the management target of 40% B_0 . The Minister announced his decision to recommend a package of changes to management controls, designed to best achieve the purpose of the Act (to promote utilisation while ensuring sustainability). This included a decision to increase the TAC by 500 tonnes, which has been allocated to the recreational sector, therefore increasing the recreational allowance from 2600 to 3050 tonnes (a customary allowance of 50 tonne was set by the Minister and separated from the recreational allowance).

The recreational daily bag limit and MLS are management controls that are designed to work in tandem to constrain recreational catch to the level of the recreational allowance. These are currently set at a daily bag limit of 9 snapper, and a MLS of 27 cm.

Problem definition

New information used for the 2013 stock assessment indicates that the recreational fishery is overcatching their allowance. Recreational catch is estimated to have been 3366 tonnes on average over the last five years, and up to 3950 tonnes in the 2011/12 fishing year, while the allowance recently announced by the Minister is only 3050 tonnes.

If the recreational sector continually over catches this allowance, it could pose a risk to the rebuild and the long term sustainability of SNA 1. In order to give effect to the TAC and ensure sustainable utilisation of the SNA 1 stock, management controls must be used to align recreational take with the recreational allowance.

Based on fisher surveys, roughly 15% of fishers in the Hauraki Gulf take their bag limit. This number is closer to 5% in each the Bay of Plenty and east Northland. Model iterations using data from fisher surveys offered insight in the 2013 stock review as to how the bag limit and MLS could be altered to constrain take to the level of the recreational allowance. The Minister has made his decision based on information provided by this analysis. His decision is to recommend decreasing the recreational daily bag limit from 9 to 7, and increasing the recreational MLS from 27 cm to 30 cm.

Objectives

MPI has analysed the options proposed in this RIS against the following objectives, which are aligned with the purpose of the Act (to provide for utilisation while ensuring sustainability):

- Objective 1: Stock sustainability
 - Constrain recreational catch to the recreational fishing allowance.
- Objective 2: Use
 - Maximise the overall social, economic, and cultural benefit obtained from each stock.

Options and impact analysis

OPTION 1 – STATUS QUO

Objective 1

Retaining the *status quo* takes no action to further constrain the recreational catch to the level of the recreational allowance. As such, it poses a risk to meeting the sustainability objective under Objective 1.

The sustainability objective is to constrain recreational take to the level of the allowance, so as to ensure sustainability of the SNA 1 stock, and allow for the continued rebuilding of this stock. The biomass target used for the purpose of the 2013 stock assessment was 40% of virgin (unfished) biomass. The stock assessment estimated SNA 1 to currently be at 24% and 19% in the east Northland and Hauraki Gulf–Bay of Plenty sub-stocks respectively. MPI considers there is a need to ensure that the recreational catch does not exceed the allowance, so as to support the continued rebuild of SNA 1 to the target biomass. Option 1 poses a risk to achieving this.

Objective 2

It could be argued that retaining the *Status quo* will provide for social, economic, and cultural benefits to the recreational sector, as their catch will not be further constrained. However, this does not necessarily achieve Objective 2, which is to *maximise* the benefits obtained from the stock. The rebuild toward the target biomass aims to increase productivity and therefore provide for more benefits from the stock. It is estimated that at the target biomass the TAC could be increased to 12,000 tonnes, approximately 4,000 tonnes higher than the current TAC. This would allow for greater take by all sectors. However, if recreational catch continues to exceed the allowance under the *Status quo*, it could pose a risk to the rebuild.

Other impacts

Retaining the *Status quo* is unlikely to have any immediate economic, compliance, social, or cultural impacts. However, if it results in excess catch of the recreational allowance there may be grounds for another review of management in the near future to ensure the continued rebuild of the SNA 1 stock.

Option 2 – voluntary change to bag limit and minimum legal size

Option 2 is to implement non-regulatory voluntary changes to the recreational bag limit and MLS. This option proposes to impose recommendations to a sector that is largely disunited, and not cohesively organised. The recreational sector differs from the commercial sector, where codes of practice may be implemented with greater success, in that it involves many people with varying backgrounds, motivations, and views on fisheries management. As such, it is highly unlikely that voluntary measures will be implemented at an effective level, and therefore Option 2 runs the same risks as the *Status quo*. This means that Option 2 is unlikely to meet the sustainability objective or the use objective. Furthermore, this option is likely to require a review of management controls for SNA 1 in the near future to ensure the continued rebuild of the SNA 1 stock.

Option 3 – decrease the bag limit only

Objective 1

Option 3 is to implement a regulated decrease to the recreational daily bag limit. Decreasing the recreational bag limit to a low enough level would constrain recreational catch to the allowance and aid a rebuild of the SNA 1 stock to the target biomass. On the face of it, this would appear to achieve the sustainability objective set out in Objective 1. However, there are risks associated with this approach that can affect this outcome.

When a change to the daily bag limit is implemented alone, the change needed to the bag limit will be more extreme than if it is implemented in tandem with a change to the MLS. For the SNA 1 review, to achieve the goal of reducing recreational take to the recreational allowance, available information suggests a bag limit of 4 – 6 fish will need to be implemented if there is no change to the MLS (current bag limit is 9).

The primary risk associated with an extreme change to the bag limit is increased high grading. High grading occurs when a fisher continues to fish despite catching their bag limit, with the intention of keeping any larger fish they catch and throwing back smaller ones they no longer want.

Another risk is handling mortality. Handling mortality occurs because fishers will catch and release undersized or small fish as they continue to fish for legal-sized fish or larger fish to make up the bag limit. The released fish can suffer mortality from being handled and returned to the water. Some studies estimate mortality can be between 3% and 8% for small fish.

Together, these practices lead to increased mortality and in the most extreme cases can negate the potential positive effects of changes to the management control. The effect on sustainability that an increase in these practices would have is unknown.

Objective 2

Option 3 will support long term benefits to the amateur sector associated with a rebuild of the SNA 1 stock. At the same time, submissions have suggested that extreme cuts to bag limits could have other impacts such as restricting the ability of fishers to feed their families, or majorly impacting businesses supported by recreational fishing if interest in fishing wanes. Objective 2 is unlikely to be met if the immediate impact on the social, economic, and cultural wellbeing of fishers outweighs the benefit of a future rebuild in the stock.

Other impacts

Option 3 is expected have positive environmental impacts, as its purpose is to support the rebuild of the SNA 1 stock. It is unknown how this would be affected by factors such as high grading and handling mortality. Option 3 could lead to an increase in compliance costs in the form of greater education and enforcement efforts that may be required to communicate and monitor a drastic reduction in the bag limit.

Economic impacts specific to recreational fishing are difficult to identify and estimate. Commonly-collected economic data (such as sales data based on GST reports or income data from income tax information) is too aggregated to distinguish recreational fishing services. A large portion of the funds spent to go fishing are for fuel, lodging, and food, and are therefore buried in data for those large sectors. One approach is to collect sales and income data from obvious fishing-related businesses, such as sporting goods stores and charter boat operators.

But even for this subset, fishing is often only a fraction of the activities of any given firm. For example, even fishing charter operators often take non-fishing dive trips, provide sight-seeing tours, and run water taxi services.

It is also difficult to determine whether these types of incomes would decline if there was a reduction in fishing or if they would be transferred to other areas/activities. Any economic impact that may occur is likely to be exacerbated if a change to the management control is extreme.

Option 4 – increase the minimum legal size only

Objective 1

Option 4 is to implement a regulated increase to the MLS. This option would constrain recreational catch to the level of the allowance and aid a rebuild of the SNA 1 stock to the target biomass, in the same manner as Option 3. On the face of it, this would appear to achieve the sustainability objective set out in Objective 1. However, there are similar risks associated with this option as there are for Option 3.

When a change to the MLS is implemented alone then the change needed will be more extreme than if it were implemented in tandem with a change to the daily bag limit. For the SNA 1 review, to achieve the goal of reducing recreational take to the recreational allowance, available information suggests a MLS of 31 – 34 cm will need to be implemented if there is no change to the bag limit. This means an increase of 4 – 7 cm to the MLS (currently 27 cm).

The primary risk associated with an extreme change to the MLS is increased handling mortality, as outlined in Option 3. The higher the MLS, the more small fish may be handled and released. An extreme increase to the MLS will exacerbate this problem, with unknown effects on sustainability.

Objective 2

Option 4 runs the same risks for the use objective as Option 3 does. Notably, many submitters indicated that large snapper were rare in their area and they would be excluded from the recreational fishery if the MLS were raised too high. This is particularly important for fishers constrained to fishing from land, kayaks, or small boats. It is likely that extreme changes to one management control alone will have greater economic, social, and cultural impacts than minimal changes to both together.

Other impacts

Difficulties associated with quantifying economic impacts are outlined under Option 3. It is preferable to implement the least extreme changes possible to mitigate any potential economic impacts.

Option 4 is expected to have positive environmental impacts, as its purpose is to support the rebuild of the SNA 1 stock. It is unknown how this would be affected by factors such as high grading and handling mortality. Option 4 could lead to increase in compliance costs, for the same reasons outlined in Option 3.

Option 5 – decrease the bag limit to 7 and increase the minimum legal size to 30 cm

Option 5 is to decrease the daily bag limit to 7 alongside an increase to the MLS to 30 cm. A range of other combinations could also be used to do this.

Assuming catch would otherwise continue at the level of the 2011/12 estimate, best available information² suggests the allowance would be met under a:

- Daily bag limit of 6 and an MLS of 32;
- Daily bag limit of 7 and MLS of 33; or a
- Daily bag limit of 8 and MLS of 34.

However, if catch would otherwise fluctuate around the 5 year average level, best available information suggests the allowance would be met under a:

- Daily bag limit of 7 and MLS of 29; or a
- Daily bag limit of 8 and MLS of 31.

On balance, a bag limit of 7 with an MLS of 30 has been recommended by the Minister. He has recommended a daily bag limit of 7, despite support in submissions for a bag limit of 6, as he feels it will better provide for use by the recreational sector at this time. The indicative range of MLSs necessary to constrain catch to the recreational allowance on average with a bag limit of 7 is between 29 and 33 cm. The Minister announced his decision to recommend 30 cm, as it would provide the best certainty of managing recreational catch on average while not increasing handling mortality unacceptably, and allowing recreational fishers an opportunity to take a reasonable number of snapper.

This option (bag limit 7 and MLS 30 cm) makes a moderate adjustment to each control to help constrain the overall catch of the recreational sector, and is assessed against the objectives in the following sections.

Objective 1

This option supports the sustainability objective by seeking to constrain recreational catch to the recreational allowance to support the rebuild of the SNA 1 stock. While high grading and handling mortality may still occur, their impact will be minimal compared with more extreme changes to either of these management controls alone, and they are unlikely to impact greatly on the sustainability of the stock.

Objective 2

Option 5 provides the best opportunity for maximising the benefits obtained from the stock for the amateur sector under Objective 2. This option supports the rebuild of the stock to a level where take for all sectors may be able to be increased. It also minimises changes to each management control alone, thereby mitigating the immediate impacts on the social, economic, and cultural well being of the amateur sector.

Other impacts

Difficulties associated with quantifying economic impacts are outlined under Option 3. Any potential economic impacts are expected to be exacerbated by extreme changes to either the daily bag limit or MLS alone.

Option 5 is expected to have positive environmental impacts as its purpose is to support the rebuild of the SNA 1 stock. Changes to recreational limits will create some costs for compliance in terms of signage and education. However, this is not expected to be over and above regular ongoing costs for compliance.

² Best available information refers to the research undertaken and used for the 2013 stock assessment. For more detail on this information, see the Initial Position Paper for the 2013 SNA 1 Review on the MPI website – www.mpi.govt.nz

Consultation

MPI used the input of the FMA 1 recreational and iwi fisheries forums during pre-consultation processes when developing the SNA 1 initial position paper (IPP). MPI also met with commercial representatives. Views on the review from forums or representatives were incorporated into an Initial Position Paper (IPP). The IPP included options of a range of recreational allowances and associated daily bag limits and MLS. Daily bag limits ranged between 3 and 9 snapper and MLS ranged between 27 and 38cm.

The IPP was released for consultation on 12 July 2013. The consultation period was for six weeks, during which time stakeholders were invited to make submissions on the review. The consultation period formally ended on 23 August 2013.

In addition to the normal consultation process, MPI undertook a series of public information sessions on the SNA 1 review. The purpose of these was to inform interested parties on the SNA 1 IPP. Sessions presented posters outlining key facts on the fishery, options proposed, and rationale. MPI officials were present to answer questions. These sessions were held in Auckland, Whangarei, and Tauranga in late July and early August. Most sessions had considerable numbers of attendees, with 200 – 300 people estimated to have attended each of the Auckland and Whangarei sessions.

In total, 47,709 submissions were received from stakeholders.

STAKEHOLDER SUMMARY

The following provides a summary of stakeholders who made a submission on the SNA 1 review for October 2013.

- 46,059 Legasea form submissions (Legasea is a recreational fisher peak body); 6,219 were amended to some extent. Those that were significantly amended were counted as individual submissions rather than as Legasea form submissions.
- 1,650 individual submissions, including:
 - 21 submissions from Amateur Charter Vessel (ACV) operators and ACV associations;
 - 28 submissions from fishing and recreational clubs;
 - 23 submissions from commercial fishing associations and stakeholders;
 - 6 submissions from environmental organisations and stakeholders;
 - 2 submissions from District Councils, and one from the Hauraki Gulf Forum;
 - 17 submissions from iwi groups and stakeholders;
 - 9 submissions that contained petitions with multiple signatures;
 - 33 submissions from commercial stakeholders associated with the recreational fishing industry.

Every submission was read and assessed by MPI officials. For both amended Legasea petitions and individual submissions, key points identified were highlighted and aggregated. The following summary does not include responses to other aspects of the IPP including the TAC, TACC, and customary allowances as these are beyond the scope of this RIS.

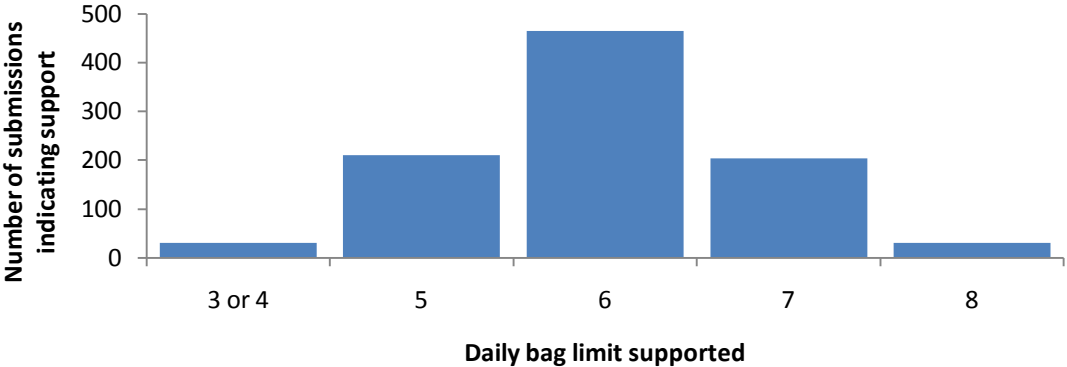
LEGASEA SUBMISSIONS

The Legasea group provided a pre-written submission for stakeholders to submit to MPI (form submissions). Of these form submissions, 39,840 were unaltered. The form submissions stated “I strongly disagree with the proposals to cut the recreational bag limits or increase the

MLS for snapper in area 1, without an agreed strategy in place”. As such, unamended form submissions did not support any change to the recreational daily bag limit or MLS.

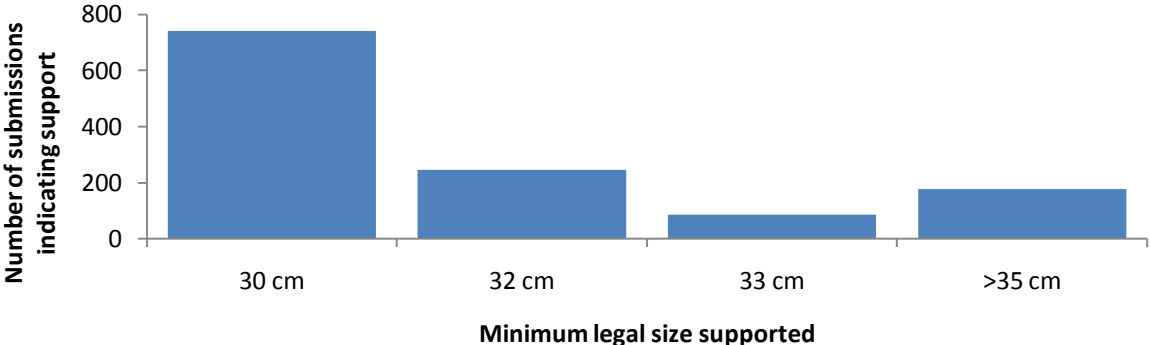
A considerable number of the amended Form submissions (referring only to amended Form submissions that were not amended significantly enough to be considered individual submissions) stated support for some reduction to bag limits, although not all of these offered a specific number that they would support, and very few supported a bag limit of three snapper. Of the submissions that did provide support for a specific bag limit, the most common bag limit supported was for six snapper (Figure 2).

Figure 2: Support for different bag limits from amended Form submissions



Again, a considerable number of amended Form submissions stated support for some increase to the MLS, though not all offered a specific MLS that they would support. Of those that did state a specific MLS that they supported, the most common MLS supported was an increase to 30 cm (Figure 3).

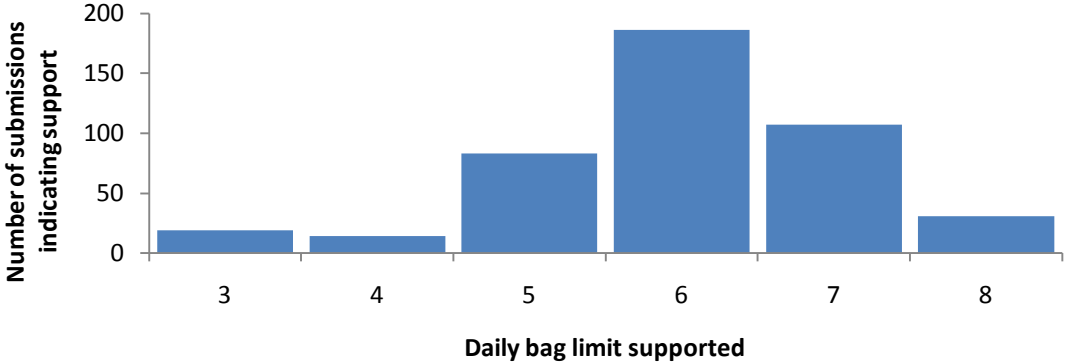
Figure 3: Support for different minimum legal size limits from amended form submissions



INDIVIDUAL SUBMISSIONS

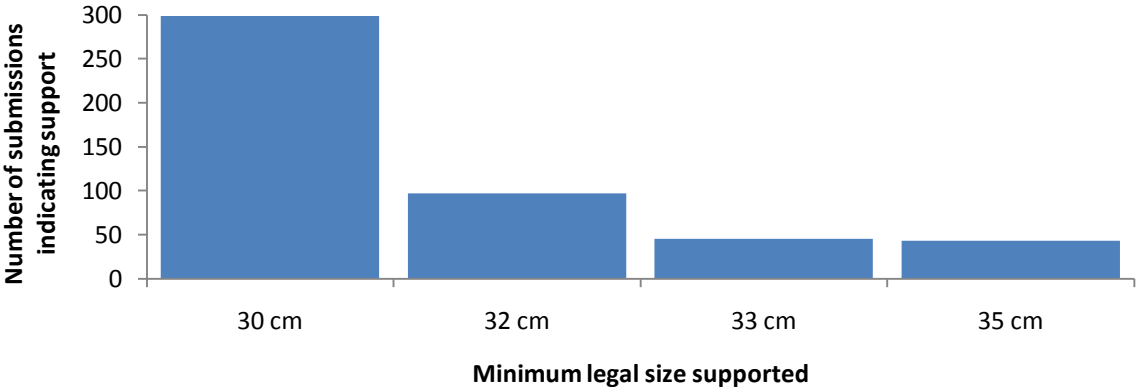
Approximately 27% of individual submissions stated support for some reduction to bag limits. The most common bag limit supported was for 6 snapper (Figure 4).

Figure 4: Support for different bag limits changes from individual submissions



Approximately 29% of individual submissions stated support for some increase to the MLS. The most common MLS supported was an increase to 30 cm (Figure 5).

Figure 5: Support for different minimum legal size limits from individual submissions



STAKEHOLDER CONCERNS

Generally, submitters raised a wide range of issues relating to the SNA 1 fishery and review. Concerns relating specifically to changes in the bag limit and MLS included:

- a) Effects on recreational fishing from changes to management controls (fishing not worth it, pressure on other species or stocks, dangerous practices).
- b) Effectiveness of changes to management controls (non-compliance, high grading and handling mortality, changing recreational controls will not have desired effect).
- c) Economic benefits associated with recreational fishing (impacts on businesses supported by recreational fishing and economy in general, value underestimated).
- d) Subsistence fishing (changes will affect ability of fishers to feed their families).

MPI RESPONSE

The majority of submissions supported no change to the current controls. Of those that did support changes, the most commonly supported recreational daily bag limit was 6 snapper and most commonly supported MLS was 30 cm. Despite the suggestion from many that 6 snapper would be a reasonable daily bag limit, the Minister has recommended 7 snapper as it better provides for use at this time. In combination with this, the Minister has recommended a MLS of 30 cm, as suggested by a number of submissions, as this would provide the best certainty of managing recreational catch on average while not increasing handling mortality unacceptably and still allowing recreational fishers an opportunity to take a reasonable number of snapper.

Many submitters raised concerns over the effect that any decrease in recreational catch would have on the recreational sector. An underlying current in many submissions was the belief that a reduction in daily bag limit to 3 fish was a Ministry preferred option, or the only option available. This may have exacerbated concerns. MPI believes that employing a combination of minimal changes to the recreational daily bag limit and MLS will have minimal impact on the recreational fishing sector, including associated social and economic benefits

Submitters recommended a variety of other options for MPI to consider for promoting sustainability. These included: area and/or seasonal closures, recreational only areas, marine reserves or no-take zones, implementing a maximum size, different management controls for different sub-stocks, and managing other practices e.g. hook size and number, recreational nets, licensing, aggregated limits, competitions, or limits on boats, months, or weeks.

These management controls fall outside the scope of the 2013 Review. MPI has a preference for managing output controls for stocks (the TAC and the associated TACC and allowances). The review highlighted that the recreational sector was overcatching their allowance, and that changes to the recreational daily bag limit and MLS would be useful for constraining recreational take. Given the complexities in analysing the cost-benefits of the alternative approaches mentioned in submissions, MPI recommends that they are explored over the longer term. A suitable avenue for these is to be included in the development of a long term strategy for SNA 1, which the Minister has asked to be developed by a SNA 1 Action Group made up of stakeholders. In the interim, the daily bag limit and MLS are well understood controls that can be given effect to within the next year.

Conclusions and recommendations

The Minister has decided to recommend changes to the recreational daily bag limit and MLS. The combination he is recommending is a bag limit of 7 with a MLS of 30 cm.

The proposed new bag and size limits for SNA 1 are intended to give effect to the recreational allowance made by the Minister within the TAC for SNA 1. Changes to these management controls are the most effective option for ensuring that catch is constrained to a level that allows for the continued rebuild of the stock. While there is some uncertainty in what future catch levels will be, this option is preferred because it aims to manage catch within the recreational allowance while minimising the impacts and consequences of extreme changes to either management control alone. Overall, this supports the objectives for promoting sustainability and maximising the social, cultural, and economic benefits to the recreational sector.

Implementation plan

MPI has already started campaigning fishers to raise awareness of bag limits and MLSs generally. This includes reminding fishers to keep up to date on bag limits and MLSs in their area, and where to find information on these regulations. Once the changes to the SNA 1 bag limit and MLS are approved, MPI will also undertake a targeted communication programme to inform affected fishers in the area of the new requirements, prior to them coming into force on 1 April 2014. This is expected to start in late-February 2014, and will include updates to MPI recreational fishing material (pamphlets, website, signage, smart phone apps, etc.).

There will also be ongoing education and engagement as Fishery Officers will be available to remind recreational fishers of the new requirement, focussing initially on providing information. From 1 April 2014, Fishery Officers would start checking adherence with the requirements and, where necessary, enforcing them, as part of existing activities occurring in the snapper fishery (e.g. inspection of fishing activities).

The current bag limit and MLS are imposed by the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986. As part of a process to amalgamate amateur fishing regulations, this set of regulations will be revoked and replaced by the Fisheries (Amateur Fishing) Regulations 2013 with effect from 1 February 2014. A change to the bag limit and MLS for SNA 1 would be imposed by amending the Fisheries (Amateur Fishing) Regulations 2013. The intended commencement date for such amendment would be 1 April 2014.

Bag limits and MLS are the main regulations used to control recreational fishing around the country in most fisheries. Like in this case, these regulations are amended from time to time as new information becomes available. Consequently, MPI is confident that the transition to the new requirements would not result in any implementation risks or unforeseen implications.

Monitoring, evaluation, and review

Through the annual fisheries planning process³, MPI monitors and reviews the effectiveness of regulations in supporting management objectives. The performance of the fishery and of the regulations proposed in this paper would be monitored and reviewed in discussion with tangata whenua, the recreational fishing sector, the industry, and other stakeholders as part of this process. The need to review the TAC, and consequently the recreational bag limit and MLS, in this case was a result of new information considered as part of this process. If additional information becomes available in the future that suggests that a further review of these measures is necessary, that would occur as part of this yearly process as well.

In addition, The Minister has indicated his support for the development of a long term strategy for the SNA 1 fishery. He has directed MPI to develop a SNA 1 action group, which will involve tangata whenua, commercial, and recreational stakeholders of the SNA 1 fishery. This group will be tasked with working constructively to develop solutions for the complicated issues surrounding SNA 1. SNA 1 is expected to be reviewed again in the next 5 – 7 years, following the development of this multi-sector group.

Compliance rates with bag and size limits are monitored as part of existing compliance activities (e.g. inspection of fishing activities) occurring within the fishery. These could be compared over time. Because monitoring would occur as part of existing compliance activities, no additional monitoring costs are expected. Compliance rates would be an indicator of performance of the proposed rules.

³ MPI's fisheries planning process is the main mechanisms to guide and prioritise fisheries management interventions for deepwater, highly migratory species, inshore finfish, inshore shellfish and freshwater fisheries based on an objectives-based framework. The process is based on National Plans for each of the fishery groupings. The Plans define management objectives and performance measures. Each year an assessment of fishery performance against the management objectives, based on the performance measures, is carried out. Annual Operational Plans for each of the fishery groupings, specifying services and interventions, are developed to address identified gaps in performance or to enable identified opportunities. This is done in close discussion with tangata whenua, the fishing industry and other stakeholders. For more information please refer to the [MPI Fisheries website](#).