

Regulatory Impact Statement

Recreational bag limit changes for bluenose and blue cod stocks

Agency Disclosure Statement

1. This Regulatory Impact Statement has been prepared by the Ministry of Agriculture and Forestry (MAF).
2. It provides an analysis of proposed amendments to fisheries regulations to change individual daily bag limits for all bluenose stocks (except for the Kermadec Fishery Management Area), blue cod on the West Coast of the North Island from north Taranaki to Titahi Bay (BCO8) and blue cod in the Southland and Sub-Antarctic area (BCO5), as highlighted in Figure 1.
3. The analysis relies on information held by MAF and/or supplied by tangata whenua and stakeholders.
4. The proposal would not impair private property rights, market competition or the incentives on businesses to innovate and invest.

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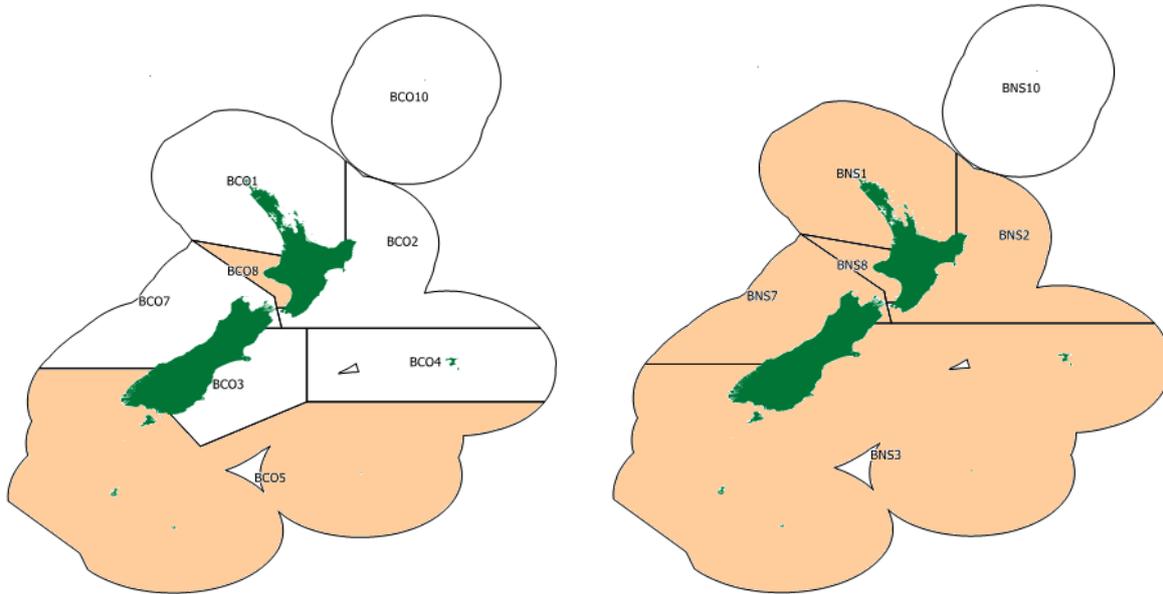
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16 / 2 / 2012

Status quo and problem definition

5. The current recreational daily bag limits for blue cod in BCO5, BCO8 and all bluenose (BNS) stocks (except in the Kermadec Fishery Management Area, BNS10), highlighted in Figure 1, are summarised in the table below.¹

Figure 1 – Blue cod (BCO) and bluenose (BNS) stocks



| Species | Stock | Current Recreational Daily Bag Limit (equal to the mixed finfish bag limit) | Proposed Recreational Daily Bag Limit (within the existing mixed finfish bag limit) |
|----------|-------|---|---|
| Blue cod | BCO5 | 30 | 20 |
| | BCO8 | 20 | 10 |
| Bluenose | BNS1 | 20 | 5 |
| | BNS2 | 20 | 5 |
| | BNS3 | 30 | 5 |
| | BNS7 | 20 | 5 |
| | BNS8 | 20 | 5 |

6. Indicators of the stocks' status, such as commercial landings being below the total allowable commercial catch (TACC), declining catch per unit of fishing effort, and scientific and anecdotal reports, suggest there are sustainability concerns for BCO8 and BCO5. Similarly, bluenose stocks (except BNS10) are currently considered to be below the target levels required in legislation.

7. Management action is being taken to rebuild the stocks. The Minister of Fisheries and Aquaculture (the Minister) set or adjusted total allowable catches (TACs), TACCs and non-commercial fishing allowances to constrain or reduce catch for these stocks.

¹ The current bag limits are the respective area's mixed finfish daily bag limits. For example, on the West Coast of the North Island, the mixed finfish daily bag limit is 20 finfish of determined species. So, the maximum amount of bluenose or blue cod that a recreational fisher could currently take in that area, if he or she does not take any other of the determined species, is 20.

8. Bluenose and blue cod are popular targets for recreational fishers. Recreational fishing effort targeting these stocks has increased over time. Bag limit cuts are necessary in order to give effect to the reduced recreational fishing allowances set by the Minister within the TACs, to support the rebuild of the stocks and to reduce risks to their sustainability.²

Objectives

9. Under Fisheries 2030³, fishery resources are to be used in a manner that provides the greatest overall economic, social, and cultural benefit. A key objective of Fisheries 2030 is to maximise benefits from the use of fishery resources within environmental limits. Environmental limits in this case relate to ensuring the sustainability of stocks, which in turn protects the long term value of the resource for industry and non-commercial users.

10. The specific objective of the proposed changes, the establishment of reduced bag limits (within the respective mixed finfish bag limits) for BCO5, BCO8 and bluenose stocks (except BNS10), are to:

- give effect to the reduced recreational fishing allowances set by the Minister within the TACs for each of the stocks,
- reduce risks to sustainability and support the rebuild of these stocks, and
- ensure the impact of catch limit cuts are shared equitably across fishing sectors.

Regulatory impact analysis

11. Given the specificity of the problem (i.e. pressure from recreational fishing on the stocks), MAF considers there are no alternatives to bag limit reductions to achieve the objectives. Nonetheless, a number of options for different bag limits were identified in a consultation paper. Tangata whenua and stakeholders from the amateur, commercial, and environmental sectors were invited to make written submissions on these options. These are described in more detail in the Consultation section below.

12. The preferred option, endorsed by the Minister, is to establish individual daily bag limits as follows:

- a) BCO5: 20 (within the current 30 mixed finfish bag limit)
- b) BCO8: 10 (within the current 20 mixed finfish bag limit)
- c) All bluenose stocks (except BNS10): 5 (within the current mixed finfish bag limits applicable in each area).

13. These changes may affect businesses associated with recreational fishing (such as fishing shops and recreational charter fishing operators). MAF does not have information to quantify this impact. However, it considers the impact would be small because the proposed bag limits would constrain catch to levels that are consistent with current catches for the majority of recreational fishers (based on recreational survey data). In addition, spending (in terms of fishing gear, boats, etc) is more likely to be determined by factors such as recreational participation levels, rather than by bag limits or catch.

14. Individual recreational fishers can also transfer their effort to other similar species. In the case of blue cod, recreational fishers can target other reef or near reef species such as tarakihi, gurnard or snapper. In the case of bluenose, fishers can target other species such as hāpuku/bass. It is not expected that transferred effort would affect the sustainability of

² The Total Allowable Catch (TAC) set by the Minister is the main tool to protect the sustainability of stocks. Within the TAC, the Minister must set allowances for recreational fishing, customary fishing and other sources of fishing related mortality and must also set a Total Allowable Commercial Catch. Bag limits are intended to give effect to the recreational fishing allowance.

³ *Fisheries 2030* provides the strategic direction for the New Zealand fisheries sector. See www.fish.govt.nz

other species as overall recreational participation levels are unlikely to increase as a result of the proposed changes and bag limits for other species will not change.

15. As the changes are part of a package aimed at increasing the overall abundance of these stocks, the changes would eventually benefit all users of the resource: commercial fishers, recreational fishers and customary fishers.

Consultation

16. Public consultation took place as part of the development of final advice to the Minister. Tangata whenua and stakeholders from the amateur, commercial, and environmental sectors were invited to make written submissions. Numbers of submissions received and key views made are as follows:

- 12 submissions on bluenose: The majority of submitters did not comment on bag limits. Of the three submitters that commented, the commercial fishing industry supported the establishment of reduced individual recreational daily bag limits, while both the NZ Recreational Fishing Council and NZ Sports Fishing Council did not support any change, suggesting that the impact of catch limit reductions should be borne solely by the commercial sector. MAF disagrees with this proposition as it believes that recreational fishing is also putting pressure on the sustainability of bluenose stocks.
- 20 submissions for BCO5: The majority of submitters supported the option that the Minister decided to endorse, which included an individual daily bag limit of 20 blue cod.
- 19 submissions for BCO8: Of the submitters that indicated a preference, the majority supported the option that the Minister decided to endorse, which included an individual daily bag limit of 10 blue cod.

Conclusions and recommendations

17. The setting of individual recreational daily bag limits for blue cod in BCO5, and BCO8 and bluenose (except in BNS10) would help ensure the sustainability of these stocks, which in turn would protect the long term value of these resources for all users. Although there may be some impacts for recreational fishers and associated businesses, MAF believes these would be minor and justified to ensure the sustainability of the fisheries.

18. Other than administrative and communication costs, MAF does not expect increased costs are required to give effect to the proposed changes. Monitoring compliance with the reduced bag limits would continue to occur as part of surveillance services currently being delivered in those fisheries. The proposed changes are business as usual fisheries management decisions, intended to ensure the sustainable use of fisheries in light of best available information.

Implementation

19. It is expected that the proposed amendments would come into effect on 1 May 2012. The Minister has informed tangata whenua and stakeholders of his decision and agreed to recommend the bag limit changes to Cabinet. If Cabinet agrees, the Governor-General would then be recommended to make the necessary Orders in Council to enact the amendments.

20. A communications plan is currently being developed for the notification of measures. The plan would use local newspapers, fishing magazines, posters, leaflets, signage, internet and text messages to publicise the new measures amongst recreational fishers. Further, targeted and detailed information would be provided to affected stakeholders closer to the implementation date.

Monitoring, evaluation and review

21. The performance of all fisheries is monitored on an annual basis using a range of indicators. These include scientific assessments (based on, for example, reported catch and effort information, trawl surveys, recreational fishing surveys, etc.). If these indicators suggest that a change in management measures is required (such as to bag limits), these are prioritised within a fisheries planning framework. Bag limits are generally reviewed every time the Total Allowable Catch for a stock is reviewed and as additional information on the state of fish stocks becomes available. This will continue to be the case for these stocks.