

Mark Connor
President
NZ Sport Fishing Council
PO Box 93
Whangarei
secretary@nzsportfishing.org.nz



Inshore Fisheries Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140
FMSubmission@mpi.govt.nz

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NZ Sport Fishing Council submission on the MPI proposal to increase the TACC and review other management controls for Yellowtail kingfish on the West Coast and top of the South Island (KIN 7)

NZ Sport Fishing Council

1. The NZ Sport Fishing Council (NZSFC) formerly NZ Big Game Fishing Council is a national sports organisation. We represent over 32,000 members in 54 clubs spread throughout NZ. We run the NZ Nationals fishing tournament, which has evolved over time and remains successful.
2. NZSFC compile and publish the New Zealand records for fish caught in saltwater by recreational anglers. NZSFC is affiliated to the International Game Fish Association (IGFA) which records and publishes catches that qualify as recreational world records.
3. In 1996 the NZSFC helped establish the NZ Marine Research Foundation, which aims to sponsor research on marine species and fisheries for the benefit of all New Zealanders, including participants in ocean recreation.
4. Many of our most established fishing clubs have a focus on fishing for large pelagic species such as marlin, tuna, and sharks. In recent years our membership has expanded beyond the traditional deep sea angling clubs to include many local clubs targeting other species.
5. For many years Yellowtail kingfish has been highly valued by sport fishers including our members.
6. NZSFC representatives have engaged in the Inshore Working Group Meetings that have reviewed research projects on Jack mackerel catch sampling on the west coast and Kingfish age and growth.

New Zealand Sport Fishing Council Inc.

(Previously New Zealand Big Game Fishing Council Est. 1957)

Patron: J R Chibnall

President: R J Baker

Secretary: R T Nelson

www.nzsportfishing.org.nz

PO Box 93

Whangarei 0140

P: 09 4339648

F: 09 4339640

secretary@nzsportfishing.org.nz

The Proposals

7. The Ministry proposes a 114 % increase (8 tonnes) to the commercial quota (TACC) in KIN 7 to cover the over-catch from the last complete fishing year 2011-12. They also propose a 100% increase (10 tonnes) in the recreational allowance based on an estimate from the national recreational fishing survey also in 2011-12 (Option 2).

Table 1: MPI proposed options for the management of kingfish on the top and west coast of the South Is.

Option	TAC (t)	TACC (t)	Allowances		
			Customary Māori (t)	Recreational (t)	Other sources of fishing-related mortality (t)
Option 1 (Status Quo) This option could include decreasing the recreational daily bag limit from 3 to 2 kingfish per day.	21	7	2	10	2
Option 2	41	15	2	20	4

NZSFC Recommendations

- ⇒ NZSFC supports an alternative option based on average catch, to provide incentives for commercial fishers to avoid kingfish, release them alive, and also better cover expected bycatch of dead fish.
- ⇒ There must be 100% observer coverage on chartered factory trawlers while in New Zealand waters. There is potential for significant under reporting of commercial kingfish catch in KIN 7 as part of the 32,000 tonne (t) Jack mackerel fishery.
- ⇒ Sixth schedule releases need to be monitored and information collected on the survivability of trawl-caught kingfish.
- ⇒ MPI must consider, and the Minister must account for, the impact of an increase in current catch and sixth schedule releases, and make an appropriate allowance for other sources of fishing mortality.
- ⇒ Action must be taken to monitor kingfish abundance in KIN 7.
- ⇒ MPI must identify kingfish “hot spots” to provide vessels with information on how to avoid excessive kingfish catch.
- ⇒ NZSFC's recommended alternative management with our rationale:
 - The Minister sets the TAC at 36 tonnes.
 - The Minister sets the TACC to 10 tonnes, the average of the last 8 year's reported landings, to provide incentives to avoid or release kingfish alive.
 - The Minister makes a technical adjustment to the recreational allowance and increases it to 20 tonnes, the average of the last 8 year's harvest estimates and to allow for our recreational interests.
 - The Minister sets aside 2 tonnes to allow for Maori customary interests.
 - The Minister sets aside 4 tonnes to allow for other, fishing related mortality.
 - MPI to investigate commercial catch and observer records to look for “hot spots” of kingfish bycatch by bottom trawl and Foreign Charter mid-water trawl. Vessels must do more to avoid kingfish “bycatch” in the future.

Conserving our Kingfish

8. Kingfish are an iconic recreational species in New Zealand. If given the chance they grow to be large and strong and smart. They offer a real challenge to recreational anglers whenever they are encountered.
9. Non-commercial fishers have been concerned about the future of the Kingfish fishery for many years. Those concerns include, but are not limited to, the following:
 - It was recreational fishers who insisted on the introduction of a size limit and bag limit in the early 1990s.
 - It was recreational fishers, concerned about set netting over reefs, that instigated the closure of prime headlands and offshore islands to that method in 1993.
 - The bycatch of kingfish by pilchard purse seine boats was seen as a new threat to the fishery in 1997, and this loophole was closed after considerable public concern was expressed.
 - The exemption to the Minimum Legal Size (MLS) for commercial trawlers was finally removed in 2000 after being proposed by recreational representatives in 1998.
 - Recreational groups asked for many years that kingfish be managed as a non-commercial species.
 - Many fishing clubs support NZSFC voluntary catch limits of one metre minimum size and 1 kingfish per person per day for their members and contests.
 - An allowance of 10 t was made for recreational interests and the minimum legal size limit was increased from 65 cm to 75 cm in 2003.
10. Given the above conservation efforts by recreational interests it is highly objectionable that 20 years on we still have a commercial industry over-catching this species without demonstrating any effort to modify their behaviour or gear to avoid unintentional captures.

Yellowtail kingfish

11. The same species of Yellowtail kingfish is present in other southern hemisphere countries, Australia and South Africa. The largest kingfish are predominantly found in the northern half of the North Island and northern South Island but also occur from 29° to 46° S, Kermadec Islands to Foveaux Strait.
12. Kingfish are large predatory fish with adults exceeding one and a half metres in length. They usually occur in schools ranging from a few fish to well over a hundred fish. Kingfish tend to occupy a semi-pelagic existence and occur mainly in open coastal waters, preferring areas of high current or tidal flow adjacent to rocky outcrops, reefs and pinnacles. However, kingfish are not restricted to these habitats and are sometimes caught or observed in open sandy bottom areas and within shallow enclosed bays and harbours.
13. The Ministry is incorrect about the length at maturity of kingfish. It is not 70 to 83 cm. The most recent analysis suggests that the length of 50% maturity is 97 cm in females and 83 cm in males. Half of the fish are larger than this when they first mature.

Purpose and principles of the Act

14. The New Zealand Sport Fishing Council is committed to ensuring that sustainability measures and management controls in Kingfish 7 are designed and implemented to achieve the purpose and principles of the Fisheries Act 1996 (the Act).

15. Pursuant to sections 9 and 10 of the Fisheries Act, a precautionary approach needs to be taken in this highly valued fishery, which is managed using uncertain and incomplete information, and because a healthy kingfish fishery contributes to a thriving coastal ecosystem.
16. The Kingfish 7 fishery must be maintained to meet the reasonably foreseeable needs of future generations, pursuant to s8(2)(a) of the Fisheries Act.

Management concerns

17. The state of the Kingfish 7 stock is unknown. Commercial catch records, mostly from large Ukrainian trawlers targeting schools of Jack mackerel, have prompted this review. However, catch data alone does not indicate what is happening to stock abundance. Catch Per Unit of Effort (CPUE) changes or other abundance indicators over time are needed.
18. NZSFC is concerned about the increased use of large mid-water trawl factory ships fishing the west coast for a high-volume low-value species like Jack mackerel. They are regularly catching in excess of 30,000 t of Jack mackerel a year in JMA 7. These vessels fish a wide area and the bycatch of high value species like kingfish is potentially very large.
19. The public has a deep distrust of these foreign charter vessels operating over the horizon with little or no supervision. Who would ever know if an occasional large catch of kingfish disappeared into the factory or meal plant and was misreported to avoid significant deemed value payments? ***Interestingly, returns of tagged kingfish from these vessels have only been reported when observers have been present on board at the time of catch.*** It is highly possible that when there are no observers, kingfish disappear into the meal plant, whether tagged or not. ***There must be 100% observer coverage on these vessels while in New Zealand waters.***
20. On face value it would seem that some commercial fishers are willing and able to use the provisions of the sixth schedule to release kingfish alive. The IPP states that 21% of the reported catch was released in 2011-12. If the landed catch of 15 t is the remaining 79% that means 4 tonnes (estimated weight) was released alive. This is a benefit to the resource if the kingfish are mostly surviving. However, it could be a significant contributor to additional mortality if the survival rate is moderate or dead fish are dumped to avoid deemed value payments.
21. NZSFC recommends that measures are implemented to monitor sixth schedule releases and collect information on the likely survivability from the vessel/gear types that release most of the fish. We note with concern that the allowance for other sources of fishing mortality was set at 2 t in 2003-04 and was not changed when schedule six releases were introduced in 2005-06. The Minister has a statutory duty to make an allowance for all fishing related mortality including sixth schedule-related deaths.
22. It is time for the Minister to make a lawful allowance for fishing related mortality, given that 4 t was caught last year, mostly in trawl nets and dumped on deck or in a hold, and released at some stage of sorting the catch.

23. NZSFC recommend MPI investigate commercial catch and observer records to look for "hot spots" of kingfish bycatch by bottom trawl and Foreign Charter mid-water trawl. Vessels must do more to avoid kingfish bycatch in the future. Providing them with information on areas to avoid during certain months would be a start.
24. NZSFC recommend measures are implemented to monitor kingfish abundance. Kingfish CPUE trends from observer records in the JMA 7 fishery is one possibility. As stated above, catch rates alone do not monitor abundance.
25. The principle of TACC increases made solely on the basis of commercial over-catch cannot be considered sound fisheries management.
26. It is hard to understand why this KIN 7 proposal is even being considered this year. There has been just one year of high commercial catch out of the last five. Maybe there has been under-reporting in some of those years but that is a different issue, and illegal.
27. There have been several increases in commercial quota in the last two years in response to landings in excess of the TACC. For example, increases in Kingfish Area 8 (9 t), Elephant fish Area 5 (31.5 t), Ghost shark Areas 5 (24 t) and Area 8 (13 t), Gurnard Area 3 (200 t) and Area 7 (26 t), John dory Area 7 (25 t), Porae Area 2 (11 t). MPI need to be careful that they are not providing the wrong incentives to commercial fishers, by rewarding them with extra quota as soon as their catch exceeds the TACC.
28. The Kingfish 7 TACC was exceeded in 2006-07 but not in the next 4 years. Why do MPI believe this won't happen in the 4 years following 2011-12? Catch for the 2012-13 year to date shows that 70% of the Jack Mackerel 7 (JMA 7) quota has been caught with 4 t of kingfish landed in KIN 7 (Blue Book data to the end of March 2013). If commercial catch in Kingfish 7 continues to rise, targeted or not, then there is a sustainability risk for long lived predators like kingfish.
29. MPI suggest if no change to the TAC is made then the recreational bag limit for kingfish may be reduced. The NZSFC opposes any proposals that the TAC be retained and recreational bag limits are decreased from 3 to 2. MPI are well aware that adjusting bag limits will not reduce recreational catch by a substantial amount. Most fishers only keep one kingfish. To reduce the landed catch by recreational fishers from about 20 t to 10 t would need a bag limit of half a fish per day, or one every two days fishing. This is plainly ridiculous and unreasonable.
30. NZSFC believe that an alternative option is needed. The TACC should be set at the average catch from commercial fishers over a period where reasonable information is available to cover dead bycatch. In 2003-04 the reported commercial catch (3 t) looks under reported and should be excluded.
31. NZSFC submit that the Minister sets the TAC at 36 tonnes. The Minister makes a technical adjustment to the recreational allowance and increases it to 20 tonnes (only 1 estimate), to the average of the last 8 year's harvest estimates. That the TACC be set at 10 t, the average of the last 8 year's reported landings, to provide incentives to avoid or release alive kingfish in KIN 7. Also, that 2 tonne is set aside to allow for Maori customary interests, with the ability to review when required. An allowance of 4 tonne be set aside to allow for other sources of fishing related mortality.