

Ian Steele
President
NZ Sport Fishing Council
PO Box 54242, The
Marina, Half Moon Bay
Auckland 2144
secretary@nzsportfishing.org.nz



Fisheries New Zealand
FMSubmissions@mpi.govt.nz

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Submission: Commercial landing exception: Predated fish in surface longline

Recommendations

1. **The Minister supports the exemption** for the return of leftover parts of highly migratory species that are subject to the Quota Management System, caught by surface longline, when predation leaves them unfit for human consumption, provided that Condition 1 and 2 proposed by Fisheries New Zealand can be met.

The submitters

2. The New Zealand Sport Fishing Council (**NZSFC**) appreciates the opportunity to submit on the proposed landing exception for predated fish in surface longline. Fisheries New Zealand (**FNZ**) advice of consultation was received on 2 February, with submissions due by 1 March 2024.
3. The New Zealand Sport Fishing Council is a recognised national sports organisation of 50 affiliated clubs with over 36,700 members nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education, and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz. Together we are *'the submitters'*.
4. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996]
5. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Background

6. Highly migratory species (**HMS**) are species of fish that swim large distances and go beyond New Zealand waters on a seasonal basis. There are five HMS managed under the Quota Management System (**QMS**): bigeye tuna, yellowfin tuna, southern bluefin tuna, Pacific bluefin tuna and swordfish. In New Zealand, these species are primarily taken by surface longline vessels.
7. Predation events of HMS by toothed cetaceans (whales and dolphins), sharks and large cephalopods (squid) which leaves fish unfit for human consumption are hard to predict and avoid. Predation in the surface longline fishery is a common problem globally and results in economic costs to the fishing industry.
8. Currently, section 72 of the Fisheries Act (the Act) requires commercial fishers to retain, land and report the weight of any predated QMS fish under the landing code 'PF' (predated fish). Total of weight of reported fish is then balanced with annual catch entitlements (**ACE**) or incur deemed values.
9. Due to the loss of revenue incurred with retaining predated fish, it is possible that fishers are likely avoiding landing these fish and either return fish to sea under observer authorisation when an observer is present or use the fish onboard the vessel (crew eating edible parts). FNZ state in their [Discussion Document](#) that information on the frequency of predation events and the volume of predated fish caught is limited [At 16].
10. Over the last ten years there has only been one fisher reporting predated tuna under the 'PF' landing code. Observers are also permitted to authorise returns of damaged fish to sea. Of the five HMS, observers have authorised 3.4 tonnes of fish to be returned to the sea since the 2016/17 fishing year.

Proposal

11. FNZ proposes an exemption to allow commercial fishers to return surface longline caught bigeye tuna, yellowfin tuna, southern bluefin tuna, Pacific bluefin tuna and swordfish damaged by predation leaving them unfit for human consumption.

Conditions

12. **The submitters support** two conditions proposed by FNZ in Table 1 which aim to monitor the accuracy of reporting and minimise predation and seabird interactions when predated fish is disposed of.

Table 1: Fisheries NZ proposed conditions for the permitted return of predated HMS caught by surface longline.

Condition		Details
1	Each predated fish being returned must be brought on to the deck and displayed to the on-board camera prior to being binned.	To ensure predated fish are accurately reported and accounted for within the TAC of the stocks, fishers are required to display predated fish to the camera prior to being returned to the sea. Detailed guidance on how to display predated fish to on-board cameras would be described in the Fisheries (Electronic Monitoring of Vessels) Circular 2022.
2	Predated fish must be binned and returned so as not to attract seabirds or predators.	Predated fish must be held (e.g., in bins), alongside offal, for as long as practicable, and must be batch discharged when fishers are permitted to discharge offal. Fishers cannot dispose of predated fish immediately before or during setting.

Discussion

13. The purpose of FNZ's proposal is to allow commercial fishers to return surface longline caught HMS damaged by predation. Section 72A(a)(b)(ii) of the Fisheries Act permits -

a stock or species to be returned to or abandoned in the sea or other waters from which it was taken if the Minister is satisfied that the stock or species is damaged as a result of unavoidable circumstances.

14. The submitters accept that until effective predation mitigation methods are put in place, damage as a result of predation is an unavoidable circumstance.
15. Methods to mitigate predation in the surface longline fishery have been tested globally, including changing fisher behaviour, modified gear, acoustic deterrents and physical barriers. However, the effectiveness and economic viability of these methods is yet to be demonstrated. Without effective mitigation methods in places to avoid predation events it is vital to have a better understanding of the frequency and rate of events.
16. Under the exemption FNZ are proposing for commercial fishers to report an estimated greenweight of the entire fish prior to predation under a new landing code to allow for better accounting of mortality. The weight of predated fish would then be accounted for as 'Other sources of mortality' within the Total Allowable Catch (**TAC**) and would not be required to be balanced with ACE.
17. FNZ have proposed in the Discussion Document that if the exemption is approved, the reported weight of predated fish will be accounted for under the current settings put aside for 'Other sources of mortality' within the TAC [At 46]. **The submitters support the current settings and acknowledge that a review may be necessary when more information is available.**
18. The submitters agree with FNZ that putting in place this landing exception and reporting process will improve the understanding of frequency and volume of predated fish caught in the surface longline fishery for these five HMS.
19. Condition 1 proposed by FNZ will require surface longline vessels to have on-board cameras installed for fishers to display predated fish prior to being binned. Meeting this condition will only be possible if there has been a successful roll out of cameras on surface longline vessels. Surface longline vessels fishing in all Quota Management Areas (QMAs) are 'Priority Group 4' and have been required to have on-board cameras operating from 16 January 2024. It is unclear what proportion of the surface longline fleet is currently operating with on-board cameras.
20. **The Minister must request and make available information regarding the proportion of surface longline vessels with on-board cameras in operation.**
21. **We insist the Minister retains the current reporting and landing processes for individual vessels who have not yet installed on-board cameras. We support a transition to the proposed process for vessels who can meet FNZ's conditions.**
22. **We recommend the Minister supports the landing exception using section 72A(a)(b)(ii), permitting surface longline fishers to release predated HMS managed under the QMS when both conditions proposed by FNZ can be met.**