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Submission: We support the exemption to allow southern bluefin tuna that are caught by surface longline and troll and are in good condition to be released or returned to the sea.

Recommendations

1. Southern bluefin tuna over 90 kg are assessed in the water and the line cut if the fish is to be released, to maximise the chance of the fish's survival.
2. Southern bluefin tuna bleeding from the gills are retained, because fish that are gut or gill hooked have a lower chance of survival on release.

The submitters

3. The New Zealand Sport Fishing Council (**NZSFC**) appreciates the opportunity to submit on the proposed landing exception for Pacific bluefin tuna. Fisheries New Zealand (**FNZ**) advice of consultation was received on 2 February, with submissions due by 1 March 2024.
4. 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'.
5. 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]
6. 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

7. Southern bluefin tuna (**SBT**) are highly migratory species (**HMS**) that traverse throughout high seas and between states' exclusive economic zones in the southern hemisphere. SBT occur in New Zealand seasonally and are highly valued by Māori customary, recreational and commercial interests.
8. Over the last three fishing years, 98% of commercially harvested SBT have been caught by surface longline, with the remaining 2% caught by troll, trawl, set net and bottom longline targeting other species.
9. The 2023 stock assessment concluded that the stock status has improved and is continuing to rebuild since the 2020 stock assessment. However, the stock remains below a level that is estimated to produce maximum sustainable yield. The current rebuilding plan is on track to achieve an objective of reaching 30% of unfished spawning stock biomass by 2035.
10. Commercial landings and live returns of SBT have increased in the last three October fishing years. The increase in live returns is suspected to be a result of larger numbers of smaller fish being present as the fishery rebuilds.
11. Section 72 of the Fisheries Act 1996 required commercial fishers to not return species managed under the Quota Management System (**QMS**) unless there is an exception. Under the current exception for SBT, commercial fishers may return SBT, caught by any method, to the water from which it was taken, if it is likely to survive and the return takes place as soon as practicable.

Proposal

12. Fisheries New Zealand (FNZ) [Discussion Document](#) proposes that an exception is provided under section 72A(2)(a) of the Fisheries Act, to allow commercial fishers to return live Pacific bluefin tuna caught by surface longline and troll to the sea.

Conditions

13. The submitters support the two conditions proposed by FNZ in Table 1 which aim to maximise the likelihood of post-release survival by reducing stress and injury to fish.

Table 1. Fisheries NZ proposed conditions for the permitted return of southern bluefin tuna caught by surface longline and troll.

Conditions		Rationale
1	Fishers must determine that a southern bluefin tuna is 'alive' and without obvious major external injuries immediately prior to return to the water from which it was taken.	Southern bluefin tuna initially assessed as alive, but not returned to the water immediately, may subsequently decline in vitality. Southern bluefin tuna displaying major external injuries (large open wounds, major bleeding, internal organs visible) must not be returned.
2	Southern bluefin tuna may be returned to the waters from which it was taken if the return occurs as soon as practicable after it was taken.	Excessive exposure to air, sunlight and temperature (time out of water) produces physiological stress that reduces post-release survival.

Discussion

14. The purpose of FNZ’s proposal is to allow commercial fishers to return surface longline and troll caught southern bluefin tuna that are small and not economically viable (i.e., less than 90 cm in length). Section 72A(2)(a) 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 has an acceptable likelihood of survival.

15. FNZ’s working definition of “acceptable likelihood of survival” is that “*the expected result of a return is that the stock or species is more likely than not to survive when released.*” However, the acceptability may vary across species and be influenced by the purpose of the return and the management strategy for the species.¹
16. NZSFC has been involved in meetings reviewing the survivability of large pelagic fish if released alive by commercial fishers. The submitters support the conclusion that southern bluefin tuna are considered a relatively hardy species and have a ‘high’ likelihood of post release survival, if they don’t have any major injuries, when caught by surface longline or troll.
17. The physiology of tuna requires the species to swim continuously in order to breathe. FNZ considers the post-release survivability from netting methods such as trawl and set net to be low as swimming is restricted by gear. The survivability of fish caught by bottom longline is unknown.
18. The submitters agree with FNZ’s statement in their Discussion Document that “fishing methods other than surface longline and troll should be required to land all southern bluefin tuna.”²
19. For the April 2024 Sustainability Round, FNZ proposed a 186 t increase to the Total Allowable Catch (**TAC**) which included a 151 t increase to the Total Allowable Commercial Catch (**TACC**) and 35 t increase to the recreational allowance. The submitters supported this proposal. FNZ states that there does not need to be any further changes to the TAC to account for this proposal.
20. FNZ proposes that if fishers are permitted to return live SBT, those returns should be reports under a specific disposal code and surface longline and troll fishers would not be required to cover the returns with Annual Catch Entitlement (**ACE**) or pay deemed values.
21. All dead SBT (including those caught by surface longline and troll) and all live SBT caught by other methods would be required to be landed and catches balanced with ACE or pay deemed values.
22. it is encouraging that there are an increasing number of juvenile southern bluefin tuna. These fish could be bought onboard to assess their condition, confirm the species, and

¹ Commercial landing exception: Southern bluefin tuna. Fisheries New Zealand Discussion Paper No: 2024/01. Fisheries New Zealand. At [26]

² At [51]

remove the hook. To maximise the chance of the fish's survival, **the submitters recommend that SBT over 90 kg are assessed in the water and the line cut if the fish is to be released.**

23. **The submitters recommend that southern bluefin tuna bleeding from the gills are retained.** A fish may have been hooked in the gills but the hook pulled out when the weight came on and then hooked in the jaw. Fish across all species that are gut or gill hooked have a lower chance of survival on release and ought to be retained.
24. **The submitters agree** that southern bluefin tuna that are caught by surface longline or troll and are in good condition are likely to survive if released or returned to sea.