

Our Fishing FUTURE

- a healthy marine environment enjoyed by all
- taking pride in an abundant and healthy marine environment where our community extends manaakitanga over our fisheries and oceans
- unity and inclusion within the recreational fishing community
- equity of access through stakeholder engagement
- understanding and valuing our marine environment and its resources so we can all be responsible for a better future

2016 Fisheries Management System Review: *Submission Framework*

Submission deadline: **5 pm 23 December 2016**, send to: fisheries.review@mpi.govt.nz

Please make sure you include the following information in your submission:

Consultation document: The Future of Our Fisheries, Vol II, Fisheries Management System Review

Submitter's name and title: Geoff Rowling, President

Submission from: Our Fishing Future Inc

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This submission is provided by *Our Fishing Future Inc*. We are an incorporated society whose purpose is to promote responsible management of New Zealand's recreational fisheries. *Our Fishing Future* was formed following a workshop in 2013 in Nelson where interests from commercial, recreational, customary, environmental, science and government (MPI, DOC and MNZ) came together to consider how recreational fishing interests could be better integrated into the fisheries management framework and decision-making processes.

The workshop agreed on a number of areas of 'common ground' and *Our Fishing Future* has carried these forward into our vision:

- a healthy marine environment enjoyed by all
- taking pride in an abundant and healthy marine environment where our community extends manaakitanga over our fisheries and oceans
- unity and inclusion within the recreational fishing community
- equity of access through stakeholder engagement
- understanding and valuing our marine environment and its resources so we can all be responsible for a better future.

As an organisation *Our Fishing Future* is strongly committed to working with other sector interests to achieve our vision, and we endorse collaborative approaches to achieve enduring solutions for fishing in New Zealand.

We made submissions on the 2015 Fisheries Management Review and the 2016 New Marine Protected Areas Act consultation. This submission was followed up with a discussion with policy officials to present some ideas of what the future management of recreational fishing could look like if there was some investment now in recreational fishing capacity. But to get to this point there needs to be some changes in the way key challenges are dealt with. We are pleased to see

that some of our priorities have been picked up and disappointed that two key issues remain unaddressed.

We note the obligation under the State Sector Act for the Chief Executive of the Ministry for Primary Industries to exercise stewardship of the legislation that the Ministry is responsible for. Further to this, we are aware that these obligations have been further developed by Cabinet in terms of “Expectations for Regulatory Stewardship” and that the Minister for Regulatory Reform wrote to the Ministry (as well as to the Ministry for the Environment) in October 2015, to reiterate the importance the Government placed on delivering on stewardship obligations and specifying a range of deliverables.

We were heartened to read the consequential Regulatory Strategy publications produced by the respective Ministry’s in recent months. However we were somewhat concerned to be told by the lack of alignment of messaging at the recent public meetings with the legislative and regulatory stewardship obligations. Embracing a stewardship ethic provides a basis for future proofing our fisheries management system. We encourage MPI to explore the linkages between stewardship and strategy. In our view being a regulatory steward requires the bigger issues to be actively addressed. In the context of inshore fisheries management, this would involve addressing the inadequacies of the regulatory regime that covers recreational fishing and also the inadequacy of management of land-based effects on the marine environment. Both these elements are missing from the strategic proposals.

In terms of the actual proposals, we do so opportunities to bring in the two primary themes referred to above. Accordingly, our submission comes from the angle of integrating those important areas into key proposals.

2016 Fisheries Management System Review: Submission

1. Key points

MPI's Regulatory Stewardship Strategy notes one of the three focus areas for its regulatory work is "Forward-looking regulatory reviews of significant legislation". A number of the proposals in the Fisheries Management System Review document are forward looking. However, it is our view that this review is not forward looking in two key areas:

- Investing in recreational sector capacity
- Investing in managing land-based impacts on the marine environment

In this light, we have singled out the strategic proposals that should or could touch on these areas and our submission focuses on these.

Strategic Proposal 1, Option 3: Maximising the value of our shared fisheries

- ⇒ Endorse managing key fisheries for abundance
- ⇒ Endorse general approach used in SNA 1
- ⇒ Key missing part: accountable organisation structure that can enable the recreational sector to take decisions to:
 - ensure its contribution to rebuilding or maintaining abundance
 - negotiate meaningful spatial and seasonal agreements with the commercial sector
 - invest as needed in information for finer scale management

Strategic Proposal 2: Better Fisheries Information

- ⇒ Endorse need for timely and relevant information
- ⇒ Endorse need for EBFM to ensure a healthy ocean
- ⇒ Endorse need for finer scale management of shared fisheries
- ⇒ Key missing part: Managing land-based impacts, including consideration of the interface between the Fisheries Act and the Resource Management Act.

Strategic Proposal 3: Agile and Responsive Decision-making

- ⇒ Endorse suggestions to support collaborative decision making
- ⇒ Totally oppose establishment of NFAC
- ⇒ Key missing part: a proposal as to how to support collaborative decision making

In evaluating the strategic proposals we make a general point:

- ⇒ little or no detail is provided on how some of the proposals could be implemented. This makes it difficult to fully comprehend what some of these ideas could lead to in the way of improved fisheries management outcomes.

2. Strategic Proposal 1: Option 3: Maximising the value of our shared fisheries

1. *Do you agree with the objective of managing fish stocks for abundance to achieve higher catch rates for all sectors?*

- Yes, but only necessary for shared fisheries – ie fisheries where there is a substantial non-commercial catch. Fisheries that are primarily commercial can be managed for abundance through the actions of the quota owners.
- In our view, maintaining abundance requires investment in the recreational sector to establish capacity and capability to support the sector and make decisions, including agreements with other sector groups.

2. *What principles should guide the decisions on allocating the relative share of the TAC between commercial and non-commercial fishers?*

- Consistent with the ‘common ground’ and Our Fishing Future vision, allocation should be based on equity: fairness.
- For key recreational fisheries that require rebuilding, the allocation model used in SNA 1 is a positive step: identify the eventual shares, make them secure, and then work toward them.
- This comment comes from our 2015 submission on MPAs:

“We consider that the recent SNA 1 decision by the Minister of Fisheries is starting to show the way the Fisheries Act should be applied in shared fisheries. The Minister has set the relative shares for when the fishery rebuilds and once we reach that state, it sets up a basis for the sectors to collectively consider and agree on how to manage ‘beyond sustainability’. That discussion becomes focused on protecting key fishery habitats and building catch rates up to optimum levels. In our assessment the fishery will ‘win’ every time once we move past the allocation debate and build capacity across all sectors.

If the SNA 1 approach is progressively applied to other high profile shared fisheries, then we think the full power of the Fisheries Act 1996 will start to be unleashed. “
- SNA 7 decision is also a positive step and sets the allocation basis for a collaborative approach to maximising the value in this fishery. We have publicly supported this decision and consider there is an opportunity to build cross sector capacity through an appointed management body taking a greater role in active management. We have been in discussion with MPI officials from the fisheries management team about a model for delivering this, however we are unaware of any progress being made. We would be very interested in further discussing our ideas with policy officials.
- We are strongly opposed to a historical catch allocation for fisheries that have been depleted. This would only serve to reward the parties who have benefitted from overfishing. We applaud the decision taken in SNA 7 which actively avoided rewarding historic overfishing.
- We recognise that the value derived by different sectors can change over time and that an allocation framework needs to allow for transfers between the sectors ... but only once a fair allocation has been reached and an entity capable of acting and

negotiating on behalf of the recreational sector has been established. This could be done on a fishery by fishery basis.

Key missing issues from Option 3

- How could we hope to maintain high abundance if the recreational sector is not held accountable for catch? Our proposition is that investment in the recreational sector would benefit all users.
- How to secure other values in shared fisheries such as spatial or seasonal access priority or harvest gear limits? We do not see a future in MPI placing themselves in the middle of these discussions and picking winners. Negotiation will work if all parties are empowered.
- How to protect inshore fisheries from land-based impacts? This area requires interagency collaboration across the Natural Resources Sector but we see little evidence of it occurring. The interface between the Fisheries Act and the Resource Management Act is crucial, yet it is not raised as an issue for the review of the Fisheries Management System. Our Fishing Future provided comment on this area in our submission to the Marine Protected Area proposals.

3. Strategic Proposal 2, Option 2: Gather more information to support decision-making and value-adding

- *Do you agree that MPI should do more to collect information on non-commercial fisheries (for example, undertaking more aerial overflights, boat ramp surveys or reviewing Amateur Charter Vessel reporting)?*
 - We agree that more information should be collected on non-commercial catch, but that the rationale for this would be better led through a discussion within the recreational and customary sectors respectively. We see considerable potential in the mobile App Fish4all and consider this to be an area of discussion that could be led by a body established to represent recreational fishers.
- *What steps could you and other non-commercial fishers take to provide better estimates of harvest for better management of fish stocks?*
 - Promote use of self-reporting through apps such as Fish4All.
 - We wonder about the role that Statistics NZ could play under its newly developed strategy aimed at becoming the Governments data steward.
 - Work with app developers to ensure the information meets standards and specs.
- *Do you agree that monitoring and management of fisheries should take place at a finer geographical scale than the current quota management areas?*
 - We consider that responsible fisheries management can only occur at a fine scale. The role of MPI in administering larger scale areas set out as FMAs and QMAs is understood. But to manage within these areas it is critical that the different sectors develop the capacity to contribute.
- *Who should contribute to the additional costs associated with monitoring and managing at finer geographical scales?*
 - It is essential to monitor and manage at finer geographic scales to maximise the value of certain key fisheries, but it is not essential that Government do this.
 - Just as the commercial sector chooses to manage fisheries such as paua and scallops at a finer scale, the recreational sector should be enabled to make the management decisions and choose whether to invest in the necessary information.
- *Do you agree that MPI should invest in more socioeconomic information?*
 - We consider this question can only be answered with an understanding of the opportunity cost that would go with a shift in resourcing. Our futuristic vision is that the sectors ought to be responsible for collecting relevant socioeconomic information but for the recreational sector to do this requires investment in capacity. The value proposition of the sector is strong enough to envisage a self-funded sector over the short to medium term.

- *How would you describe value for non-commercial fishers and for people who do not fish?*
 - Non fishing values are reflected in the setting of the TAC, together with the way the effects of fishing are avoided, remedied or mitigated.

4. Strategic Proposal 2: Option 3: Invest in ecosystem-based management

- *Do you agree that an ecosystem approach is needed for fisheries management?*
 - Yes, this is a core role for Government. We consider the focus should be on habitat protection and building greater ecosystem resilience rather than social, cultural and economic values
 - The key missing bit is addressed in our MPA submission: The greatest challenge to managing environmental impacts on fisheries seems to be coming from sectors that treat the marine environment, or at least parts of it, as an externality. This is most obviously evidenced by the impacts of land-based development on the coastal marine area.
- *Do you agree that an ecosystem approach is needed for fisheries management?*
 - Yes, and the Fisheries Act provides for this through interdependent stocks and associated and dependant species. The former MFish developed policy definitions around these terms and established a framework for giving them effect. That work should be recovered.
 - We welcome modelling approaches that would show how these provisions could be given greater effect.
- *Who should pay for the additional costs of implementing ecosystem-based management?*
 - We consider there should be progress made towards creating a situation where the sectors are able to meet the costs they are driving. But we reiterate that the missing bit is a focus on managing the effects of land-based management and holding the authorities/sectors accountable for habitat destruction.

5. Strategic Proposal 3: Agile and Responsive Decision-Making

[MPI notes that (emphasis added):

“Areas where the current framework could be improved include: its responsiveness, scale that decisions are made at, **support for collective action**, transparency, administrative efficiency, and opportunities for increased input.”

“Some stakeholders have told us they would like the ways in which management works to better support them to work together to achieve shared goals at different scales. For example, this might involve agreement among commercial fishers to not fish in a particular location. Part of this collective action should involve the ability of groups to make binding collective decisions and to recognise the trade-offs within and between groups to achieve this.”]

- We strongly support this, subject to meeting standards relating to sustainability and transparency.
- Proposals below are conflicting and don't go nearly far enough. Option 3 “flexible decision-making framework” has the right general idea, but a transitional period is needed to develop professional capacity in the recreational sector. Option 2 (NFAC) is in opposition to collaborative approaches.
- The consultation questions do not provide scope to emphasise the importance of investing in the recreational sector.

Option 1: Shift decisions to a level of accountability that reflects the level of risk to achieving clearly identified management objectives

- Suggested delegations from the Minister to DG sound fine, but we are interested in a decision making framework where stakeholders can ‘step up to stewardship’. We acknowledge that in the case of recreational fisheries we are still dependent on regulatory measures because there is public access and any management measures must apply to all members of the public. This needs to change and investment in capability across the sector is a way to do that.

Option 2: Establish a National Fisheries Advisory Council

- We are opposed to the establishment of a NFAC for any matters other than genuinely national decisions.
- The vast majority of fisheries decisions are decisions about stock management or habitat protection and are therefore in essence local or regional decisions.
- This proposal is completely at odds with other proposals suggesting finer scale management etc. (including Option 3 in Strategic Proposal 3) which necessarily must be made with local or regional input.
- Advice on decision rules and management objectives should come from stakeholders in the relevant fisheries and areas not a national body.

Option 3: Develop a more flexible decision-making framework.

[The document states:

“MPI could also help groups to work together to make binding collective decisions, that take account of the trade-offs between groups to achieve fisheries management objectives, which are recognised by the government. Such changes should realise benefits that are more aligned to the expectations of fishers and communities.

In some fisheries, there may be an opportunity to adopt multi-year decision-making on measures like TACCs, spreading ACE across various spatial scales or increasing the minimum harvest size incrementally over a number of years for fisheries. Such an approach would be challenging, but could work in fisheries with well-developed stakeholder sector groups or community organisations.”

- We support collaborative approaches
- Suggestions still seem to be very government-centric, rather than enabling
- We reiterate the need to invest in recreational sector capacity

6. Other proposals that we wish to briefly comment on:

8.1 Address discarding of fish (Strategic Proposal 1, Option 1)

- We have a strong interest in these proposals: the key shared fisheries are QMS fisheries so there is a direct interest for the recreational sector. However we note the proposals are solely aimed at the commercial sector and the challenge is to find a framework that allows the recreational sector to transparently manage the issue of live release and discards. At the present time this happens entirely ‘out of sight’ of the management table. This distance has, in recent times, led to measures like the ‘slot rule’ whereby recreational fishers were required to return takeable fish to the sea – many of which were unlikely to live through handling induced mortality or being taken by predators immediately on release. These sorts of measures have served to alienate the recreational fishing sector from the decision making process on the basis the impact of decisions is poorly understood.

1. *Do you think it should be permissible to release live fish if they are likely to survive?*

Yes

2. *Do you think it should be permissible to discard some dead fish, as long as they are balanced against ACE?*

Yes.

3. *Do you think that adjusting a TACC to take account of discarding would provide an incentive for quota owners to ensure commercial fishers reduce discarding?*

This is a tricky matter. Our understanding is that TACCs have in essence been set to take discarding into account. But the real incentive for improved practice would come from a greater level of ownership of the problem, and a greater stake in stewardship of the resource. Hence our view that we should be heading for a stronger voice at the management table for all stakeholder groups.

4. *Do you think quota owners should be accountable for fishing behaviour?*

Yes

5. *What measures do you think would help in discouraging catches of small fish? Is minimum legal size needed?*

There are cases for and against – so a very fishery specific response is required.

8.2 Implement Integrated Electronic Monitoring and Reporting System (IEMRS) (Strategic Proposal 2, Option 1)

- This proposal is pitched a high level and so issues of practicality are not covered. It is hard to envisage how a mounted camera could work in a marine context, and even where it was operating, what level of information it would provide. It would clearly introduce considerable costs into fisheries management and harvesting. It would seem that a substantive cost benefit analysis is required and that should include the opportunity for fishers to critique the assessment of analysts who may have little regard for or knowledge of the practical implications. The data collection and storage side also needs to be rigorously assessed.

7. Vision and objectives (Conclusion)

Vol 1 of the Future of our Fisheries sets out the following vision and objectives:

Vision: Abundant fisheries and a healthy aquatic environment that provide for all our people, now and in the future

Objective 1: Abundant fisheries in our seas and a healthy aquatic environment

Objective 2: Everyone plays their part in managing New Zealand's shared aquatic resources

Objective 3: Everyone can share fairly in the social, economic, cultural and environmental benefits of our aquatic resources

Objective 4: The fisheries management system is widely trusted in New Zealand and internationally

- These are remarkably similar to the vision and common ground statements of *Our Fishing Future Inc.* This is perhaps not surprising because our common ground statements were agreed on at a multi sector workshop that was well attended by Government officials. Accordingly, we endorse these statements, and note that in respect of objective 2 the aim of *Our Fishing Future Inc* is to establish an organisation that ensures the recreational sector can take part effectively “stepping up to stewardship”
- Extracts from our submission to the Marine Protected Area proposals add to the discussion here:
 - The recreational sector wants to be part of that future and hence the existence of *Our Fishing Future Inc.*
 - The Fisheries Act should be strengthened to enable shared management, and to hold the sectors accountable for delivering on the full requirements of the Fisheries Act.
- Extracts from our submission to the 2015 Fisheries Review are also relevant:

Our Fishing Future believes that an accountable and representative organisation needs to be established to support participation of public fishing interests in fisheries management decision-making processes (both statutory processes and collaborative processes). So far, the public voice has been heard primarily through the efforts of volunteers. This means that knowledge is ephemeral and it is difficult to establish trusting relationships with government and other stakeholder groups. A professional organisation could provide analysis of information to ensure an informed voice for public fishing interests, provide capacity support to local management initiatives, engage along with other stakeholders in the government consultation processes, provide support to national or regional collaborative processes, engage in education and awareness raising to ensure that necessary management measures are put in place to implement decisions agreed to (e.g. changes in seasons or bag limits).

It has proved very difficult to secure funding for the establishment phase of such an organisation. We propose that government commit to a long-term (e.g. 10 years) initiative to build an independent, accountable, professional organisation to give voice to public fishing interests. Such an initiative could take the form of establishing a trust fund that can allocate \$2-3 million per year over 10 years. Other sources of funding could also

contribute to the trust fund in this period. At the end of the establishment period, we believe such an organisation should be self-funding through membership, service provision, sponsorship and grants

We trust that our submission will be recognised as a positive contribution to the discussion that was commenced in 2015 and flows through into these proposals.

Geoff Rowling
President