



Review of the recreational blue cod fishery closure in Doubtful Sound, Fiordland

Consultation Document

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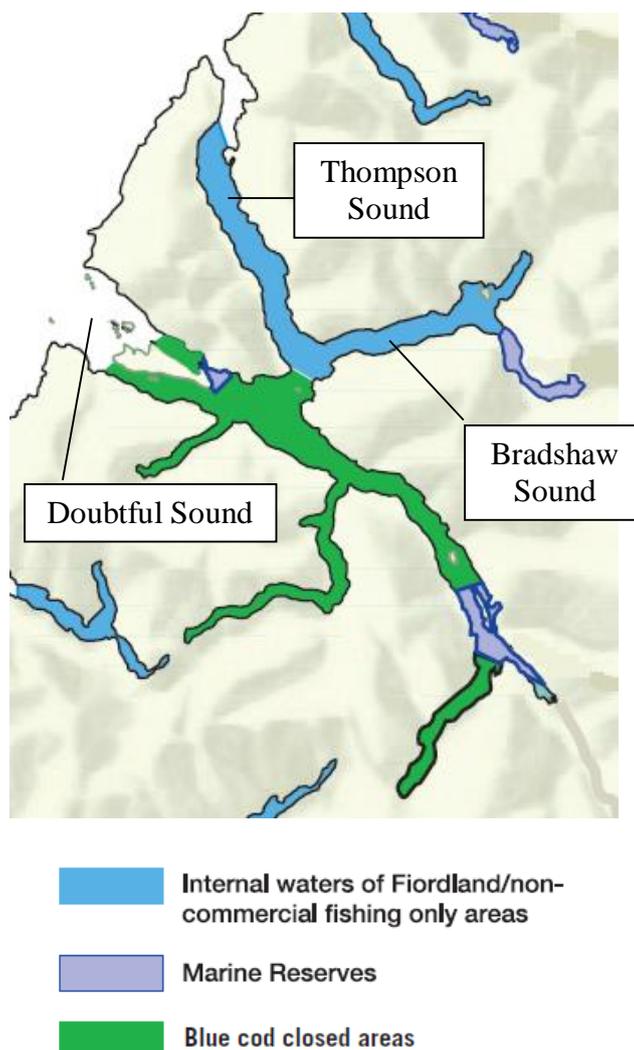


Figure 1: Doubtful, Thompson, and Bradshaw Sounds. The blue cod closure is shown in green, while the internal waters open to recreational blue cod fishing are shown in blue. Marine reserves are also shown (purple).

1 Executive Summary

The Ministry for Primary Industries is seeking stakeholder views on a proposal to reopen the recreational blue cod fishery in Doubtful Sound, and to review the bag limit that applies to the internal waters of Doubtful Sound, and Thompson and Bradshaw Sounds.

There are four options proposed (Table 1):

Table 1: Proposed options for consultation on the recreational blue cod fishery in Doubtful Sound

Option 1 (<i>Status quo</i>)	Retain existing regulations as specified in the Fisheries (Amateur Fishing) Regulations 2013 (the Amateur Regulations).
Option 2	Amend Schedule 18 of the Amateur Regulations to remove Doubtful Sound from the blue cod closure area, allowing for recreational blue cod fishing in Doubtful Sound; and, amend regulation 147 of the Amateur Regulations to set a maximum daily bag limit of 1 blue cod for Doubtful, Thompson, and Bradshaw Sounds.

Option 3	Amend Schedule 18 of the Amateur Regulations to remove Doubtful Sound from the blue cod closure area, allowing for recreational blue cod fishing in Doubtful Sound; and, amend regulation 147 of the Amateur Regulations to set a maximum daily bag limit of 2 blue cod for Doubtful, Thompson, and Bradshaw Sounds.
Option 4	Amend Schedule 18 of the Amateur Regulations to remove Doubtful Sound from the blue cod closure area, allowing for recreational blue cod fishing in Doubtful Sound as specified under existing regulations for the internal waters of Fiordland (the maximum daily bag limit would be 3 blue cod).

1.1 CONSULTATION

Tangata whenua, the recreational sector, and other stakeholders are encouraged to provide their views and any additional information relevant to these proposals.

Input and participation of Ngai Tahu in the development of the proposals has been provided for through their inclusion in the Fiordland Marine Guardians.

Submitters' points will be included in final advice to the Minister for Primary Industries (the Minister) on these issues.

All written submissions must be received by MPI no later than 5 pm on 18 May 2015, and should be directed to:

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

1.2 OFFICIAL INFORMATION ACT 1982

All submissions are subject to the Official Information Act 1982 (OIA) and can be released (along with the personal details of the submitter) under the OIA. If you have specific reasons for wanting to have (any part of) your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment under the OIA.

2 Purpose

This consultation document sets out four options for the future management of the recreational blue cod fishery in Doubtful, Thompson, and Bradshaw Sounds, and asks for stakeholder feedback on the proposals.

Specifically, this document outlines a recommendation from the Fiordland Marine Guardians (the Guardians) to first, reopen the recreational blue cod fishery in Doubtful Sound, and second, to reduce the bag limit that applies to the internal waters of Doubtful Sound, and Thompson and Bradshaw Sounds (Options 2 and 3). This document provides the Ministry for Primary Industries' (MPI) views on this recommendation and compares it to other options of

retaining the status quo (Option 1) or lifting the closure but not changing daily bag limits (Option 4).

The views and recommendations outlined in this paper are preliminary, and are provided for the purpose of consultation with tangata whenua, recreational fishers, and other stakeholders.

3 Background Information

3.1 INTRODUCTION

The internal waters of Doubtful Sound¹ have been closed to recreational fishing since June 2005. The original goal of the Guardians with this closure was to restore the blue cod population and allow reopening of the fishery in the future, while also providing an opportunity to study the blue cod population in the absence fishing pressure.

This review considers whether to amend Schedule 18(1)(1) of the Fisheries (Amateur Fishing) Regulations 2013 (the Amateur Regulations) to remove Doubtful Sound from the blue cod closure area and allow recreational fishers to take blue cod in Doubtful Sound. It also considers whether to amend regulation 147 to provide for a daily bag limit in Doubtful, Thompson and Bradshaw Sounds that is lower than three (the current daily bag limit for the internal waters of Fiordland).

The Guardians were established by the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 (the Fiordland Act). Their functions (section 13 of the Fiordland Act) include providing advice and recommendations in regard to the effectiveness of management measures in the Fiordland (Te Moana o Atawehnuua) Marine Area. When exercising functions such as making decisions about fishing rules for Fiordland, Ministers and agencies must take the advice and recommendations of the Guardians into account (section 26 of the Fiordland Act).

The Amateur Regulations that apply to the recreational blue cod closure are shown in Appendix One.

3.2 STATUS QUO AND PROBLEM DEFINITION

Blue cod are vulnerable to localised depletion. They are relatively slow growing and long-lived, they take bait easily, and they form highly localised populations (reports of migrations or long distance movement are rare). Additionally, blue cod can change sex from female to male.

Concerns regarding localised depletion of blue cod in Fiordland led to more conservative rules being put in place in 2005, including the current closures. These rules complemented a wider management framework targeted at a range of species, fisheries and ecosystems for Fiordland. The wider management framework was introduced by the Guardians in 2005 in response to growing concerns over depletion inside the fiords and a need for localised management.

The rules for blue cod were changed to a bag limit of 3 in the internal waters of Fiordland, and a prohibition on possessing, on any day, more than the daily limit of blue cod (no “accumulation”). Commercial fishing in the internal waters of Fiordland was banned entirely (and remains prohibited).

¹ The internal waters of Fiordland are defined in Schedule 18 to the Fisheries (Amateur) Fishing Regulations 2013.

The recreational blue cod closures were an additional measure implemented in 2005 as Doubtful Sound and Milford Sound were identified as being more depleted than other locations (these are the only two fiords with road access). The closures prohibited recreational take of blue cod in the internal waters of Doubtful Sound and Milford Sound.

The Guardians intended to be able to lift the closures eventually. The closures were viewed as an interim measure to allow the blue cod populations to recover, as well as provide an opportunity to research the populations in the absence of fishing pressure.

Scientific surveys, conducted since the closures were implemented, indicate that blue cod numbers have remained low in the inner fiord habitats of Doubtful and Milford Sound, regardless of closures or marine reserves. This is because the habitat preferred by blue cod is limited within these locations. The fish that live in these locations appear to originate from the open coast, and there is very little reproduction in these steep inner fiord environments. Given the results of the surveys, it is unlikely that the fisheries in Doubtful and Milford Sounds will ever be able to sustain high recreational fishing pressure over the long term.

Information from compliance records and anecdotal information suggests that as a result of the closure in Doubtful Sound, recreational fishing effort for blue cod has been displaced to Thompson and Bradshaw Sounds. Thompson and Bradshaw Sounds are connected by internal waters to Doubtful Sound (Figure 1),² and are therefore more accessible than other fiords, particularly for fishers with small boats that cannot access the open coast. There are no other fiords connected by internal waters to Milford Sound.

Anecdotal information from fishers suggests that displaced fishing effort is having an adverse impact on the blue cod populations in Thompson and Bradshaw Sounds. If the closure in Doubtful Sound continues, these blue cod populations may become depleted, which could ultimately lead to the closure of blue cod fishery in Thompson and Bradshaw Sounds.

While the number of fishers involved in this fishery may be lower than more populated areas in New Zealand, for the fishers involved, closing Thompson and Bradshaw Sounds would have a considerable impact given that these are the only blue cod fishing locations accessible from Doubtful Sound without navigating the open coast. The effect on charter vessels is likely to be small, as most, if not all, charter vessels take clients to fish for blue cod outside the internal waters of Fiordland where the daily bag limit is higher.

While the impact on Thompson and Bradshaw Sounds from fishing displaced from Doubtful Sound is uncertain, there is enough concern for it to have become a key issue for the Guardians.

Additionally, MPI compliance records indicate that there is some confusion currently around the boundaries of the closure in Doubtful Sound, and where it is legal to take fish in Thompson and Bradshaw Sounds, although this appears to be a minor issue.

Management on a fiord by fiord basis is problematic due to unintended consequences such as displaced fishing effort that can lead to higher impacts on nearby areas. Therefore, a revised management framework for Doubtful, Thompson, and Bradshaw Sounds will be most effective if it looks at management for all these areas collectively.

² Doubtful, Thompson, and Bradshaw Sounds are connected by internal waters, meaning that each of these sounds is accessible from the other without having to pass by the open coast.

3.3 OBJECTIVE

MPI is committed to fisheries management regimes that achieve the purpose of the Fisheries Act 1996: to provide for utilisation while ensuring sustainability. Additionally, MPI recognises the special role the Guardians play in providing important local knowledge and advice surrounding fisheries management in Fiordland. The objective of this review is to ensure the sustainable utilisation of the blue cod fishery in the internal waters of Doubtful, Thompson and Bradshaw Sounds.

4 Proposed Options

4.1 OPTION 1

Option 1 is the *status quo*. Option 1 would retain the current closures and make no amendments to bag limits. The following sections provide MPI's analysis of Option 1. MPI welcomes feedback from stakeholders.

4.1.1 Impacts and Benefits

The primary negative impact is the effect on the blue cod fisheries in Thompson and Bradshaw Sounds, as they will continue to be subject to elevated levels of fishing pressure resulting from effort displaced from Doubtful Sound. These levels have been deemed by the Guardians to be having an adverse impact in Thompson and Bradshaw Sounds, and may be leading to depletion.

A negative impact on recreational fishermen is that they will still be unable to fish for blue cod in Doubtful Sound, and will continue to have to travel further to take blue cod; however, this impact may be minimal as the current regulation has been in place for ten years, and fishers have had time to adapt to this situation.

Additionally, there is some confusion for recreational fishers regarding the boundaries of the closure in Doubtful Sound, and where it is legal to take blue cod in Thompson and Bradshaw Sounds. Under Option 1, this will not be addressed, although MPI and the Guardians will continue to inform and educate fishers on the rules and boundaries.

A benefit under the *status quo* is that there will be no risk of localised depletion in Doubtful Sound as the recreational blue cod fishery in Doubtful Sound will remain closed. However, as the fish in Doubtful Sound are thought to originate from the outer coast, protecting individuals in Doubtful Sound is not likely to benefit blue cod fisheries outside of Doubtful Sound that are open to recreational fishing.

Additionally, this option is easy to implement; there will be no additional costs to retain the *status quo*.

4.2 OPTION 2 – REOPEN DOUBTFUL SOUND AND SET A MAXIMUM DAILY BAG LIMIT OF 1 BLUE COD FOR THE INTERNAL WATERS OF DOUBTFUL, THOMPSON, AND BRADSHAW SOUNDS

Option 2 is to reopen Doubtful Sound to recreational blue cod fishing, and set a maximum daily bag limit of one blue cod for Doubtful, Thompson, and Bradshaw Sounds, to form part of the daily bag limit for the internal waters of Fiordland. The Guardians support a reduction in the daily bag limit that would apply to the internal waters of Doubtful, Thompson, and Bradshaw Sounds. The following sections outline MPI's analysis of Option 2. MPI welcomes feedback from stakeholders.

4.2.1 Impacts and Benefits

The primary negative impact of Option 2 is the potential risk that the blue cod fishery in Doubtful Sound will become locally depleted. MPI considers this risk is reduced to acceptable levels by setting the bag limit lower than the current bag limit for the internal waters of Fiordland.

Under Option 2, the bag limit in Thompson and Bradshaw Sounds would also be lowered from the current three to a new daily bag limit of one. This may be perceived as an impact to some fishers, particularly if they do not consider there to be any risk of localised depletion in these sounds. MPI considers that given the information available anecdotally and from MPI compliance, it is important to address any concerns of potential localised depletion before a full closure is required, and therefore considers a lower bag limit for these sounds is warranted.

A bag limit of one may be perceived as a negative impact by recreational fishers as it restricts take more than a bag limit of two or three.

MPI does not consider there to be any additional compliance costs associated with enforcing a different bag limit in the Doubtful, Thompson, and Bradshaw Sounds than is allowed in other internal waters of Fiordland.

Under Option 2, fishing effort will be distributed more broadly across Doubtful, Thompson, and Bradshaw Sounds. In conjunction with the lower daily bag limit, this will ease fishing pressure on Thompson and Bradshaw Sounds that has increased due to displaced fishing effort from Doubtful Sound.

There is no information to determine whether a bag limit of one would be significantly more beneficial than a bag limit of two or three as proposed under Options 3 and 4. It is possible that a bag limit of one would confer the highest benefits to sustainability of the fishery. If so, this may confer the highest long-term benefits to utilisation as it is most likely to prevent full closure of the recreational fishery due to localised depletion in the future.

An additional benefit is the rules that apply to the blue cod fishery will be uniform across all three fiords. This will eliminate any confusion relating to the current rules and aid compliance.

4.3 OPTION 3 – REOPEN DOUBTFUL SOUND AND SET A MAXIMUM DAILY BAG LIMIT OF 2 BLUE COD FOR THE INTERNAL WATERS OF DOUBTFUL, THOMPSON, AND BRADSHAW SOUNDS

Option 3 is to reopen Doubtful Sound to recreational blue cod fishing, and set a bag limit of two for Doubtful, Thompson, and Bradshaw Sounds, to form part of the daily bag limit for the internal waters of Fiordland. The Guardians support a reduction in the daily bag limit (from three) that would apply to the internal waters of Doubtful, Thompson, and Bradshaw Sounds. The following sections outline MPI's analysis of Option 3. MPI welcomes feedback from stakeholders.

4.3.1 Impacts and Benefits

The impacts of Option 3 are similar to those of Option 2. The biggest difference is that slightly higher take will be allowed (a maximum daily bag limit of two as opposed to one).

A reduction in the bag limit in Thompson and Bradshaw Sound from the current daily bag limit of three blue cod may be perceived as a negative impact by some fishers, particularly if they do not consider there to be any risk of localised depletion in these areas. MPI considers that given the information available anecdotally and from MPI compliance, it is important to address any concerns of potential localised depletion before a full closure is required, and therefore considers a daily bag limit lower than is set for other internal waters of Fiordland for these sounds is warranted.

Option 3 provides for slightly higher take than Option 2. It is unclear whether a bag limit of two will be sustainable in Doubtful, Thompson and Bradshaw Sounds over the long-term. Under this option, there is a slightly higher risk of localised depletion than under Option 2, which may lead to further closures in the future if necessary.

MPI does not consider there to be any additional compliance costs associated with enforcing a different bag limit in the Doubtful, Thompson, and Bradshaw Sounds than is allowed in other internal waters of Fiordland.

Similarly to Option 2, a benefit of Option 3 is that fishing effort will be distributed more broadly across Doubtful, Thompson, and Bradshaw Sounds, easing fishing pressure on Thompson and Bradshaw Sounds.

Option 3 may be perceived as more beneficial to recreational fishers as it provides for higher take than Option 2; however, the short-term benefit to utilisation may be counter-acted by a long-term negative impact if a higher bag limit leads to localised depletion long-term.

An additional benefit is the rules that apply to the blue cod fishery will be uniform across all three fiords. This will eliminate any confusion relating to the current rules and aid compliance.

4.4 OPTION 4 – REOPEN DOUBTFUL SOUND TO RECREATIONAL BLUE COD FISHING (BAG LIMIT WOULD BE SET BY THE CURRENT REGULATION OF 3 FOR THE INTERNAL WATERS OF FIORDLAND)

Option 4 is to reopen Doubtful Sound with no concurrent review of the daily bag limit. This means that Doubtful Sound (as well as Thompson and Bradshaw Sounds) would be managed with a maximum daily bag limit of three. The following sections outline MPI's analysis of Option 3. MPI welcomes stakeholder feedback.

4.4.1 Impacts and Benefits

The primary impact of Option 4 (compared to Options 2 and 3), is that there will be a higher risk of localised depletion in Doubtful Sound. This risk is supported by scientific results that suggest this fishery is unlikely to sustain high recreational fishing pressure in the long term. It is not certain to what extent a bag limit of three (compared to either one or two as proposed under Options 2 and 3) increases this risk.

The primary benefit of this option is that the rules regarding the recreational blue cod fishery would be uniform across the internal waters of Fiordland (except for the closure retained in Milford Sound). While MPI does not consider this to be a significant benefit, it makes the rules easier for fishers to remember, and minimises non-compliance resulting from confusion.

5 Other Matters

5.1 MILFORD SOUND

The blue cod fishery in Milford Sound is not being considered for reopening at this time. The survey results similarly indicate that abundance has not increased in this location. Unlike Doubtful Sound, there are no other sounds connected by internal waters to Milford Sound, and therefore no other easily accessible areas for blue cod fishing. As a result, if the fishery were reopened fishing effort would be concentrated in Milford Sound. Additionally, roughly half of Milford Sound is a marine reserve, meaning that fishing effort, if it were reopened, would be concentrated in a small area. For these reasons, it is unlikely that Milford Sound could sustain even low recreational fishing pressure.

5.2 IMPLEMENTATION, MONITORING, AND REVIEW

Following consultation, MPI will develop a Decision Document for the Minister, who will make a decision on the future management of this fishery. Any changes to regulations if required will come into effect later this year.

MPI monitors and reviews the effectiveness of regulations through an annual fisheries planning process. This involves assessing performance measures across all stocks to ensure they are meeting objectives. The performance of the wider BCO 5 stock, of which the Fiordland Marine Area is a part, and the performance of the regulations applying to these fisheries would be discussed with stakeholders as part of the annual fisheries planning process.

Additionally, the blue cod fisheries in Doubtful, Thompson, and Bradshaw Sounds have the added guardianship of the Fiordland Marine Guardians, who will continue to monitor these fisheries, fishers' concerns, and any other available information to provide advice to the Minister.

Based on the information that becomes available, MPI will consider whether a further review of the regulations is warranted in the future.

6 Conclusion

MPI is seeking stakeholder feedback on a proposal to reopen Doubtful Sound to recreational blue cod fishing (it has been closed since 2005). In addition, MPI seeks stakeholder feedback on whether or not the bag limit that applies to Doubtful, Thompson, and Bradshaw Sounds should be reviewed and set lower than the current bag limit of three, if Doubtful Sound is reopened. This paper sets out four options and asks for stakeholder feedback to support development of final proposals.

7 Appendix One

The following regulations outline the recreational blue cod closure:

Fisheries (Amateur Fishing) Regulations 2013

- 149 Prohibition on taking or possessing blue cod from Fiordland blue cod closures area
 - (1) A person must not—
 - (a) take any blue cod from the Fiordland blue cod closure area; or
 - (b) possess any blue cod taken from within the Fiordland blue cod closure area
 - (2) A person who contravenes subclause (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.

- Schedule 18; 1 Areas defined
 - (1) In Part 7, unless the context otherwise requires,—

Fiordland blue cod closure area means—

 - (a) all those waters of Milford Sound (Piopiotahi) extending east of a straight line—
 - i. commencing at Dale Point (at 44°35.99'S and 167°49.12'E); then
 - ii. proceeding to a point at 44°36.33'S and 167°48.71'E; and
 - (b) all those waters of Doubtful Sound (Patea) extending east and south of lines—
 - i. commencing at a point (at 45°17.56'S and 166°52.68'E); then
 - ii. proceeding to a point at Jamieson Head on Bauza Island (at 45°17.15'S and 166°53.01'E); and
 - iii. commencing at a point on Bauza Island (at 45°16.81'S and 166°54.61'E); then
 - iv. proceeding to a point on Secretary Island (at 45°16.59'S and 166°55.21'E); and
 - v. commencing at a point at Common Head on Secretary Island (at 45°17.87'S and 167°00.18'E); then
 - vi. proceeding to a point at Pack Point (at 45°18.21'S and 167°01.02'E)

The following regulations outline the daily bag limit for the internal waters of Fiordland, which applies to Thompson and Bradshaw Sounds, and would apply to Doubtful Sound if it were reopened:

Fisheries (Amateur Fishing) Regulations 2013

- 147 Daily limits in internal waters of Fiordland
 - (1) A person must not, on any day –
 - (a) Take more than the limit for a species of fish or shellfish in the table in Schedule 13 (the **daily limit for a species of fish or shellfish** from the internal waters of Fiordland; or
 - (b) Possess more than the daily limit for a species of fish or shellfish taken from within the internal waters of Fiordland.

- (1A) The maximum daily limit for rock lobster specified in the second column of Schedule 13 does not apply within the waters of Milford Sound (as described in the definition of the internal waters of Fiordland in Schedule 18), where the maximum daily limit of rock lobsters that may be taken or possessed is 3.
- (2) The maximum daily limit for blue cod specified in the second column of the table in Schedule 13 is subject to the prohibition specified in regulation 149.
- (3) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for a species of fish or shellfish, but not more than 3 times that daily limit.
- (4) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit for a species of fish or shellfish.
- (5) A person who contravenes –
- (a) Subclause (3) commits an offence and is liable on conviction to a fine not exceeding \$10,000:
 - (b) Subclause (4) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

- Schedule 13 Southland and Sub-Antarctic FMA: limits in internal waters of Fiordland

Species	Daily limit in internal waters of Fiordland (per person)
Blue cod	3
Hapuku/bass	3
Paua	10
Rock lobster	6
Scallop	10
Sea perch	10