



Blue cod regulatory review for the Marlborough Sounds and Challenger East areas

Decision Document

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Prepared for the Minister for Primary Industries
by the Blue Cod Management Group and
Ministry for Primary Industries

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1 Executive Summary

This decision document asks you to make a decision on the options outlined in Table 1 for the blue cod fishery in the Marlborough Sounds and Challenger East areas.

Blue cod is one of the most important recreational species in the country, but it is vulnerable to localised depletion and overfishing. The blue cod fishery is iconic, particularly in the Challenger East area, which includes the Marlborough Sounds (Figure 1). There have been concerns about localised depletion in the Marlborough Sounds since the early 1990s.

The recreational blue cod fishery was closed in the ‘inner’ Marlborough Sounds in 2008 (Figure 2), after results from a time series of potting surveys indicated low relative abundance and declining catch rates. The Blue Cod Management Group (BCMG) was established in late-2008 and tasked with leading a review of the recreational rules, to allow reopening of the recreational fishery earlier than its scheduled date in 2012. In 2011, new recreational rules for blue cod fishing were established for the Marlborough Sounds Area (MSA; Figure 2).

New scientific information and feedback from the public has initiated the current review of the blue cod fishery. The 2013 potting survey results indicate that blue cod catch rates have decreased again in some locations to levels similar to the catch rates that were recorded prior to the fishery closure. In addition, there has been considerable negative feedback from the public regarding some of the rules implemented in 2011, particularly the ‘slot rule’ and the ‘transit rule’. Some members of the public also feel that the current rules are not ‘equitable’ between recreational and commercial fishers. In addition, the 2011/12 Recreational National Panel Survey^[1] suggests that fishing pressure is increasing outside of the MSA.

The BCMG was reinvigorated in mid-2014 with a number of recreational members replaced, and a commercial representative and Ministry for Primary Industries (MPI) representative appointed. The Group, with support from MPI, has led the current review of the recreational and commercial regulations that apply to the blue cod fishery in the Challenger East area (including the MSA). Given the strong public displeasure at the current rules, the BCMG undertook a review process that allowed for greater community input prior to drafting options for the fishery. Public drop-in sessions were held before the consultation document was drafted, and the public was also invited to provide feedback by email on potential changes to the rules.

Following this community engagement phase, the BCMG developed two packages of options for proposed changes to the rules, and consulted with the public on these options on your behalf from 2 June to 30 June 2015. Half of the submissions supported some version of the BCMG preferred option (the majority of these submitters suggested modifications to that package of measures). Table 1 provides a summary of the BCMG’s final proposals for your consideration. Option 1 is a revised version of the BCMG preferred option that was proposed in the consultation document.

^[1] Wynne-Jones, J., Heinemann, A., Gray, A., and Hill, L. (2014). National panel survey of marine recreational fishers in 2011–12: harvest estimates. NZ Fisheries Assessment Report 2014/67.

The BCMG's preferred option is Option 1, noting that within this not all members of the Group have reached agreement on the filleting rule, commercial seasonal closure, or the Maud Island no-take finfish zone. Overall, the Group considers that Option 1 strikes the best balance between utilisation and ensuring sustainability, while taking into consideration the feedback received during consultation.

Some risks remain for the fishery under the options proposed, and this document outlines these risks for your consideration. As there was not agreement among recreational members on the filleting rule, and not agreement between recreational members and the commercial member on the seasonal closure and the Maud Island no-take zone, this document also outlines the costs and benefits of the options proposed so that you may make an informed decision regarding these measures.

The BCMG considers that the options presented will not eliminate the need to closely monitor and manage the fishery in the future. There remains some risk of further depletion, and there is a need to invest in additional research and management to supplement the regulatory packages proposed in this decision document. Additional actions will include:

- An improved future management framework, which will include a full review of the current fishery monitoring program and consider new approaches to information collection. This will also look at fine-scale commercial catch reporting and development of a more responsive framework for undertaking management actions.
- Habitat protection. This will include identification of key blue cod habitats and methods for protecting these habitats from fishing impacts, including the possible implementation of further area closures in 2016.
- Increased education and communication campaign to promote stronger stewardship and fisher responsibility for the blue cod fishery.

These additional actions are discussed in section 6.1. The BCMG feels that any changes to regulations this year are only one step in a broader plan to address sustainability concerns for blue cod.

Table 1: Final blue cod regulatory proposals for the Challenger East (CE) area and Marlborough Sounds Area (MSA) (blue shading is a proposed change).

Measures	Current settings		Option 1 (BCMG preferred)	Option 2
Recreational legal size limit	MSA: Minimum size 30 cm, Maximum size 35 cm ('slot rule') CE: Min. size 30 cm, No max. size	A	CE & MSA: Minimum size 33 cm, No maximum size	CE & MSA: Minimum size 30 cm, No maximum size
Recreational daily bag limit /person/day	MSA: 2 blue cod CE: 3 blue cod	B	CE & MSA: Total of 2 blue cod	MSA: 2 blue cod CE: 3 blue cod
Recreational accumulation	MSA: Accumulation of 1 bag limit CE: Accumulation of 2 bag limits	C	CE & MSA: Accumulation of 2 bag limits	MSA: Accumulation of 1 bag limit CE: Accumulation of 2 bag limits
Recreational 'transit rule'	CE & MSA: No transporting of blue cod through the MSA that do not meet the rules of the area	D	CE & MSA: No transport restrictions	
Recreational filleting rule	CE & MSA: Possess blue cod in a whole or gutted state only, unless fish are for immediate personal consumption	E	i) CE & MSA: possess blue cod in a whole or gutted state only, unless fish are for immediate personal consumption; OR	
			ii) CE & MSA: Possess filleted blue cod with frames kept for proof of length	
Seasonal closure	MSA only: Recreational blue cod seasonal closure 1 Sept to 19 Dec No commercial closure	F	i) MSA: recreational and commercial blue cod seasonal closure 1 Sep to 19 Dec; OR	
			ii) 'Inner' sounds: recreational and commercial blue cod seasonal closure 1 Sep to 19 Dec	
Maud Island no take zone	Maud Island: recreational no take of any finfish No commercial restriction	G	Maud Island: recreational and commercial no take of any finfish	
Recreational hook limit	MSA only: Maximum of 2 hooks per line when fishing for any species	H	MSA only: Maximum of 2 hooks per line when fishing for any species	

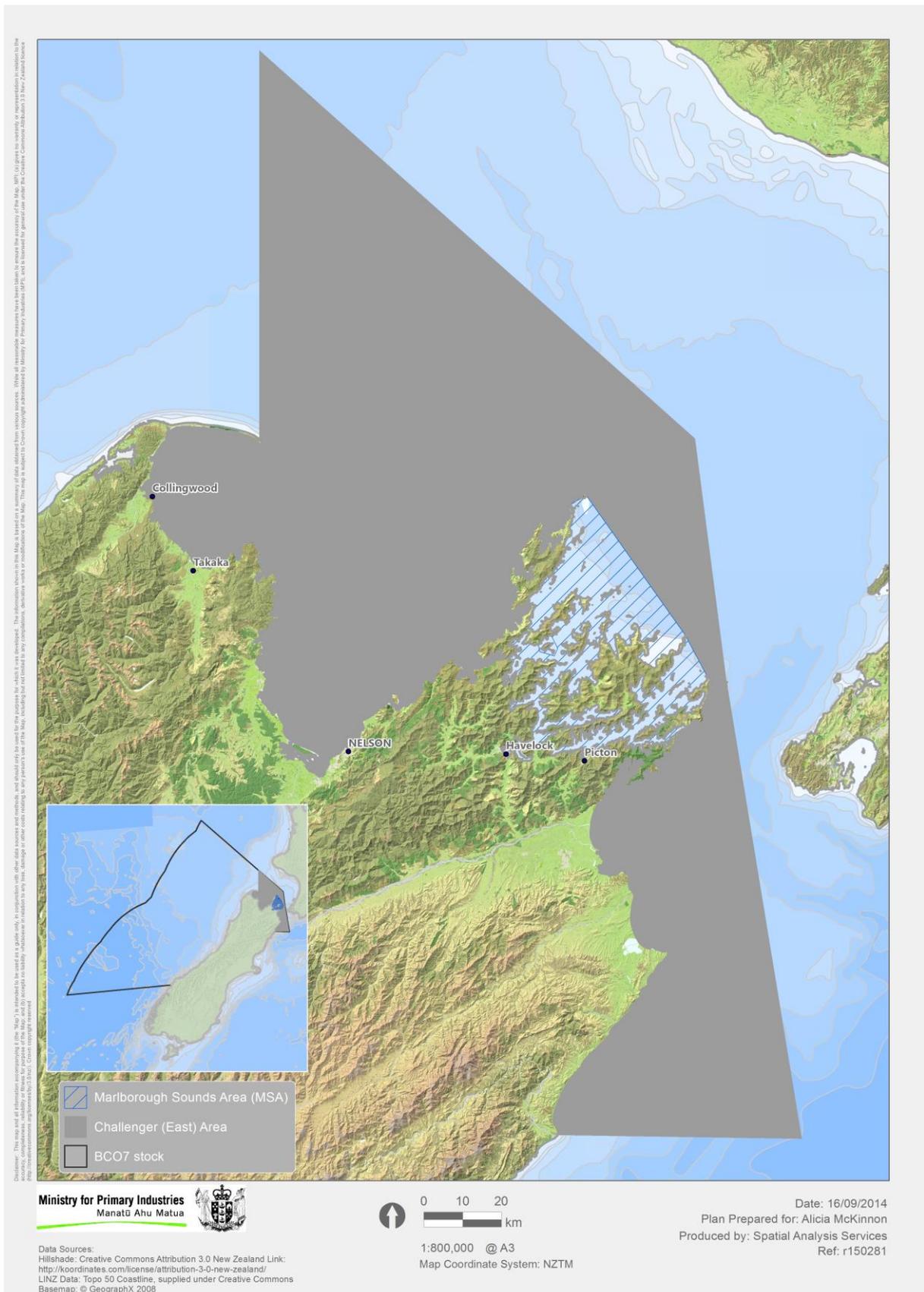


Figure 1: Marlborough Sounds Area (blue diagonal lines), Challenger East area (grey shading), and the quota management area for BC07 (black line in inset image).



Figure 2: Marlborough Sounds Area (grey shading), 'inner' sounds, which were closed in 2008 to recreational blue cod fishing (blue lines), and the Maud Island closure (dark grey).

2 Purpose

2.1 BACKGROUND

Blue cod are one of the most important recreational species in the country. Their biological and ecological traits make them particularly vulnerable to localised depletion and overfishing. Blue cod:

- are localised (reports of blue cod migrating or moving long distances are rare);
- take bait easily;
- are relatively slow-growing and long-lived; and,
- have a unique life cycle in that females can change sex into males.

Blue cod are an iconic species, particularly in the Marlborough Sounds, and a key target species for recreational fishers. There is a considerable amount of recreational fishing effort in the area, which tends to be concentrated in Queen Charlotte and Pelorus Sounds, and around D'Urville Island. This effort is highest over the summer holiday months when there is an influx of visitors, putting extra pressure on the blue cod fishery.

The Marlborough Sounds fishery is part of the wider Challenger East area (Figure 1). Both the Marlborough Sounds and Challenger East areas are part of the BCO 7 quota management area (Figure 1). BCO 7 is managed with a total allowable catch (TAC). The TAC is comprised of a 27 tonne customary allowance, 177 tonne recreational allowance, an allowance of 69 tonnes for other sources of fishing-related mortality and a total allowable commercial catch (TACC) of 70 tonnes. The current BCO 7 TAC and non-commercial allowances were set in 2003 and have remained unchanged.

Commercial catch is constrained within the TACC by setting of deemed values (a monetary penalty) at a level that discourages commercial fishers from fishing in excess of their annual catch entitlement. Recreational take is managed within the allowance primarily through a combination of a daily bag limit and minimum legal size. The allowances for customary and other sources of fishing-related mortality are set at levels that reflect best estimates of removals. Changes to the TAC, allowances, and TACC were outside the scope of this review.

Recent harvest estimates from the Recreational National Panel Survey^[1] indicate that recreational fishers took approximately 77 tonnes of blue cod from BCO 7 in 2011/12. In comparison to the 77 tonne recreational estimate, commercial blue cod landings were 54 tonnes for the same time period throughout the BCO 7 area. Reported customary harvest for blue cod has been minimal over the last five years; however, this information is considered incomplete because there is no requirement to report customary fishing across the majority of the top of the South Island.

Despite no information to suggest a sustainability concern for the BCO 7 stock, there have been concerns about localised depletion of blue cod in the Marlborough Sounds since the early 1990s. A series of recreational management measures have been implemented in the Marlborough Sounds in an attempt to improve blue cod abundance. Serial reductions in the recreational daily bag limit eventually led to a daily bag limit of 3 combined with a minimum legal size of 30 cm being set in 2006, but this did not prevent further depletion. In 2008 the recreational blue cod fishery in the 'inner' sounds (Figure 2) was closed to allow blue cod numbers to recover. The closure was intended to be in place between 2008 and 2012.

^[1] Wynne-Jones, J., Heinemann, A., Gray, A., and Hill, L. (2014). National panel survey of marine recreational fishers in 2011–12: harvest estimates. NZ Fisheries Assessment Report 2014/67.

Experience has shown that changes to the recreational bag limit and minimum legal size on their own have not been sufficient to manage the intense recreational fishing effort and prevent the localised depletion of blue cod in the Marlborough Sounds. This is why further additional controls are necessary to ensure the sustainable utilisation of blue cod in the area.

The Blue Cod Management Group (BCMG) was established in 2008 and comprised solely of recreational fishing representatives. They were tasked with reviewing the recreational fishery and recommending management measures that would lead to reopening the fishery earlier than 2012.

The BCMG, with support from the then Ministry of Fisheries, developed a new set of rules for the Marlborough Sounds Area (MSA; Figure 2). These rules are outlined in Tables 1 and 2. They include the ‘slot rule’, which allows recreational fishers to only land blue cod between 30 and 35 cm, and the ‘transit rule’, which prevents fishers from bringing blue cod into the MSA that do not comply with the rules of the MSA. The fishery was reopened under these rules in 2011 and they have not been changed since.

The BCMG was reinvigorated in 2014 to undertake the current review of the regulations. The revised group includes five recreational representatives, a commercial representative, and a representative from the Ministry for Primary Industries (MPI).

The BCMG considered that this collaborative approach would enable all sectors to input into discussions regarding depletion of blue cod and public perceptions of inequity. Discussions surrounding commercial measures for blue cod in the MSA were challenging. Commercial and recreational representatives on the BCMG hold different opinions about what the primary issues facing the blue cod fishery are, the selectivity of fishing methods, and how to address the issues effectively based on the available information.

2.2 RATIONALE FOR MANAGEMENT INTERVENTION

There are three primary reasons for initiating a review of the blue cod fishery at this time:

1. The most recent potting survey results suggest that the rules may not be preventing a decline in abundance in some of the locations surveyed.
2. There has been strong dissatisfaction from the public about the impact of the current rules on the recreational fishing experience.
3. Public feedback suggests that the rules may not be working to ensure the sustainable utilisation of the fishery.

It is clear from public feedback that some of the current recreational rules are not well supported. Fishers claim that the ‘slot rule’ forces them to throw back a large number of fish that are outside the slot (30 – 35 cm), many of which are either critically injured or immediately eaten by other species. Additionally, fishers feel that the ‘transit rule’ prevents them from accessing better fishing locations outside of the MSA, or from transiting through safe passages in the MSA in bad weather without dumping their catch that does not comply with the MSA rules. These issues are negatively impacting the fishing experience and reducing the level of voluntary compliance with the rules.

Public feedback also suggests that the current rules are not working to maintain blue cod abundance. Fishers claim that high handling mortality and predation associated with the ‘slot rule’ is negatively impacting the abundance of blue cod. They also claim that the ‘transit rule’

concentrates fishing effort in the more fragile and depleted MSA rather than incentivising fishers to fish outside the MSA where abundance is typically higher.

Potting surveys have been carried out approximately every three years since 2001 (with some earlier surveys in parts of the Sounds in 1995 and 1996). Results from these surveys suggest that the fishery was recovering during the period it was closed to recreational blue cod fishing (2008-2011; Figure 3), but has declined since the fishery was reopened. Particular declines have been evident in parts of the Queen Charlotte and Pelorus Sounds to the extent that abundance in those areas could be similar to those recorded before the recreational fishery was closed in 2008 (Figure 3).

Recreational catch rates have remained relatively stable around D’Urville Island. However, the Recreational National Panel Survey indicates that effort has increased in west D’Urville Island, and it is uncertain if this level of take will continue to be sustainable. The potting survey also shows that sex ratios are strongly skewed towards males in most parts of the Marlborough Sounds (Figure 4). This sex ratio skew is concerning as it limits reproductive output and potential future recruitment.

Given the importance of the fishery, it is opportune to review the current rules in light of the updated science information and public feedback.

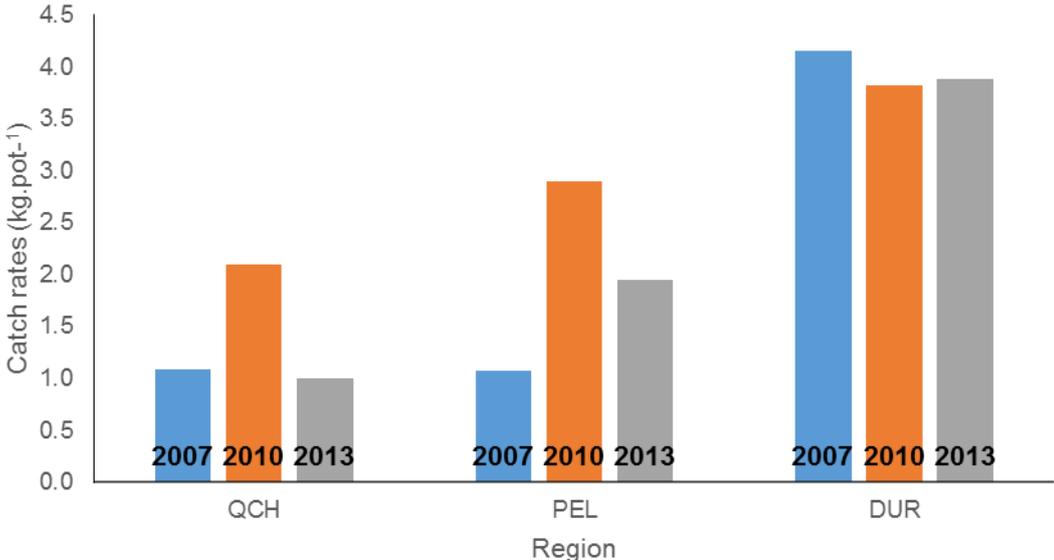


Figure 3: Catch rates (mean kg/pot) in Queen Charlotte Sound (QCH), Pelorus Sound (PEL), and D’Urville (DUR) from the 2007, 2010, and 2013 potting surveys for all size classes of blue cod combined.

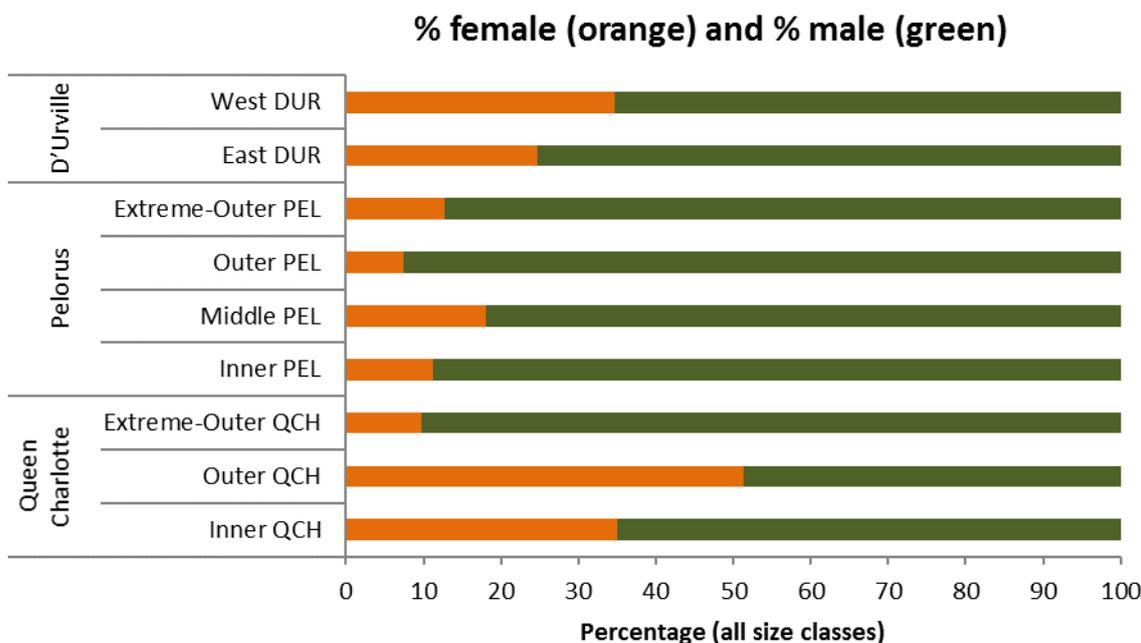


Figure 4: Sex ratios in different parts of the Marlborough Sounds from the 2013 potting survey, including D'Urville Island (DUR), Pelorus Sound (PEL), and Queen Charlotte Sound (QCH). The percentage of males is shown in green, and percentage of females shown in orange.

3 Legal Considerations

Regulations can be made to set sustainability measures for an area under section 298 of the Fisheries Act 1996 (the Act). Relevant sections of the Act are outlined in the following three sections.

3.1 SECTION 8 – PURPOSE OF THE ACT

The purpose of the Act is to provide for the utilisation of fisheries resources while ensuring sustainability. Ensuring sustainability means—

- a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and,
- b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment.

Utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural well-being.

The BCMG considers that the proposals in this decision document align with the purpose of the Act.

3.2 SECTION 9 – ENVIRONMENTAL PRINCIPLES

Section 9 of the Act requires that you take the following environmental principles into account when exercising or performing functions, duties, or powers in relation to the utilisation of fisheries resources or ensuring sustainability:

- a) associated or dependent species should be maintained above a level that ensures their long-term viability;
- b) biological diversity of the aquatic environment should be maintained; and,
- c) habitat of particular of significance for fisheries management should be protected.

MPI considers that all options presented in this paper satisfy your obligations under section 9 of the Act. There is no information to suggest that associated or dependent species are below a level that ensures their long-term viability. Instead, anecdotal reports indicate that some species, such as shags and seals, are in high abundance. As there are no proposals in this decision document to increase blue cod take, the proposals are not expected to negatively impact associated or dependent species, or increase impacts on broader biological diversity of the aquatic environment.

To-date, there has been limited work on protecting habitat of particular significance for fisheries management of blue cod. The BCMG considers protecting habitat of particular significance for blue cod to be a critically important component of reviewing the fishery, and have made recommendations regarding habitat protection under “Additional Actions” (section 6.1). As such, following the recommendations of the BCMG, this review will likely lead to greater protection for habitats of significance. This is also expected to positively affect biological diversity.

3.3 SECTION 10 – INFORMATION PRINCIPLES

Section 10 of the Act requires that you take the following information principles into account:

- a) decisions should be based on the best available information;
- b) decision makers should take into account any uncertainty in the available information;
- c) decision makers should be cautious when information is uncertain, unreliable, or inadequate; and,
- d) the absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of the Act.

The BCMG considers that the best available information has been used as the basis for the recommendations. All science information on which the management options are based has been peer reviewed by one of MPI’s Fisheries Assessment Working Groups and meets the Research and Science Information Standard for New Zealand Fisheries. Where there is uncertainty in specific information used to inform management proposals, it is referred to in the relevant section.

3.4 SECTION 11 – SUSTAINABILITY MEASURES

Under section 11 of the Act, before setting or varying any sustainability measure for one or more stocks or areas, you must:

- a) Section 11(1)(a): take into account any effects of fishing on any stock and the aquatic environment. The majority of BCO 7 commercial take is as target potting (92% over the last five fishing years), handlining (4%), and some bycatch in bottom trawl fisheries (3%). The recreational take of blue cod is predominately taken by rod and line (99% in 2011/12). Commercial cod potting is assumed to have very little direct impact on non-

target species or the aquatic environment, while handlining and rod and line methods can result in bycatch of some species. The majority of the commercial and recreational proposals discussed in this paper are unlikely to significantly change overall fishing effort. Therefore, it is not anticipated that the proposals will increase impacts on other stocks or the aquatic environment.

- b) Section 11(1)(b): take into account any existing controls under the Act that apply to the stock or area concerned. A range of management controls apply to the targeting of blue cod in the MSA and Challenger East area. This includes minimum legal sizes for recreational and commercial, a maximum legal size for recreational in the Marlborough Sounds, daily bag and accumulation limits for recreational fishers, method restrictions, and seasonal and area restrictions for recreational. Proposed changes to some of these existing controls are discussed in this document.
- c) Section 11(1)(c): take into account the natural variability of the stock. Natural variability of blue cod does occur year to year. This is thought to be attributed to a host of factors such as environmental influences (water temperature and weather conditions), and fish biology and behaviour. The BCMG and MPI is not aware of any aspect of blue cod natural variability that would influence your decision.
- d) Section 11(2)(a) requires you to have regard to any provisions of any regional policy statement, regional plan, or proposed regional plan under the Resource Management Act 1991. The Marlborough District Council and Nelson City Council have developed combined plans that include regional coastal plans. Within the plans, conditions are placed on certain activities in the coastal marine area to avoid, remedy or mitigate the adverse effects of use and development of resources on the coastal marine area. The two Councils also have regional policy statements that guide management of the coastal environment. The BCMG and MPI are not aware of any provisions in these plans or statements that would influence your decision.
- e) Section 11(2)(b) requires you to have regard to any provisions of any management strategy or management plan under the Conservation Act 1987 that apply to the coastal marine area and that you consider relevant. The BCMG and MPI is not aware of any such provisions, management strategies or plans that should be taken into account for blue cod in the Marlborough Sounds and Challenger East areas. The Conservation Management Strategy for the Nelson/Marlborough Conservancy has expired.
- f) Section 11(2)(c): have regard to sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 that apply to the coastal marine area and that you consider relevant. The Marlborough Sounds and Challenger East blue cod fishery falls outside the Park boundaries.
- g) Section 11(2)(ca): have regard to regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. These regulations do not affect the lawful taking of wild fish under the Fisheries Act.
- h) Section 11(2)(d): have regard to any planning document lodged by a customary marine title group under section 91 of the Marine and Coastal Area (Takutai Moana) Act 2011. No planning documents applicable to this blue cod fishery have been lodged.
- i) Sections 11(2A)(a) and (c): take into account any decisions not to require conservation or fisheries services. No decisions materially affect proposals for the Marlborough Sounds and Challenger East blue cod fishery as outlined in this document.
- j) Section 11(2A)(b): take into account any relevant fisheries plan approved under section 11A. No plans have been approved.

4 Consultation

Decisions to set or vary sustainability measures are made under section 11 of the Act, therefore the consultation requirements of section 12 apply. This requires consultation with such persons or organisations representative of those classes of persons having an in the stock or the effects of fishing on the aquatic environment in the area concerned, including Maori, environmental, commercial and recreational interests.

The BCMG undertook a period of pre-consultation and community engagement in March 2015, prior to the development of proposed options for the fishery and statutory consultation on those options.

4.1 PRE-CONSULTATION

The purpose of the pre-consultation period was to gather feedback from the public to inform development of the proposed options. Members of the public were invited to drop-in sessions in Nelson and Picton where posters detailing information about the blue cod review were shared. Attendees were encouraged to ask questions and share concerns with MPI officials and members of the BCMG at these sessions. Members of the public were also invited to look at the poster material online and contact the BCMG via email with any feedback or questions.

4.2 STATUTORY CONSULTATION

The BCMG considered the feedback received during pre-consultation and developed a set of options for consultation having regard to this information. The BCMG and MPI consulted on your behalf on the options outlined in Table 2. MPI followed its standard consultation process of posting the consultation document on the MPI website and notifying stakeholders with letters sent to approximately 500 individuals, organisations, and companies, including all those that expressed an interest in being involved in the process during pre-consultation or other processes.

Consultation on the proposed options ran from 2 June to 30 June 2015. During this time, persons with an interest in the blue cod fishery were invited to make a statutory submission on the options proposed. Members of the public were also invited to launch events on 2 June 2015 in Blenheim and Nelson and drop-in sessions in Nelson, Blenheim, and Wellington later in June to receive copies of the consultation material and ask questions.

MPI recognises that information on customary harvest is uncertain and invited iwi and Tangata Tiaki/Kaitiaki to submit information on the proposals. MPI discussed the options proposed in the consultation document with the Te waka a Māui me Ōna Toka Forum on 18 June 2015.

4.3 PRE-CONSULTATION FEEDBACK

4.3.1 Feedback Received

Approximately 200 people attended the public drop-in sessions held in Nelson and Picton in March 2015, where feedback was received verbally. A total of 229 people provided written feedback.

4.3.2 Summary of Feedback

The major feedback received during the drop-in sessions broadly related to the following themes:

- The ‘slot rule’ is harming the fishery. The handling mortality associated with returning fish to the water that are outside the minimum and maximum legal sizes is thought to be high due to predation by shags and as a result of poor handling techniques.
- The ‘transit rule’ concentrates fishing effort in the MSA, which is the most depleted part of the Marlborough Sounds.
- Rules are complicated and unfair. They should be made consistent across the top of the South Island, with a focus on creating rules that are simpler and easier to comply with. The rules should also be made more equitable between commercial and recreational fishers, and between recreational fishers coming from different locations.

The written feedback did not always comment on area, but it was assumed that the comments pertained to the Marlborough Sounds unless otherwise stated. Many people chose only to comment on one or two measures. The major comments received in written feedback are summarised in Table 3.

Table 3: Summary of written feedback received during pre-consultation.

Measure	Percentage in support
Remove ‘slot rule’	64%
Consistent rules	16%
No ‘transit rule’	24%
Support ‘transit rule’	1%
Minimum legal size: 33 cm or higher	24%
32 cm or lower	14%
Daily bag limit: Less than 3 in MSA	18%
2 or 3	5%
3 or higher	24%

Few people commented on the seasonal closure, the accumulation limit, and the filleting rule. The most common comment relating to the seasonal closure was that it should also apply to commercial, or to all sectors (including customary).

Some themes in other comments provided were:

- have more closed areas or marine reserves;
- do more research on spawning and environmental factors;
- impacts of marine farming are concerning;
- the fishery is doing well and there are more big fish than ever; and,
- ban commercial fishing.

4.4 STATUTORY CONSULTATION SUBMISSIONS

The options that were proposed in the consultation document are shown in Table 2. Full copies of submissions received during statutory consultation are available in Appendix 1.

4.4.1 Submissions Received

The BCMG and MPI received 230 submissions during statutory consultation. Of these, 221 were submissions from individuals. Nine submissions were from groups or organisations:

- Cissy Bay Community Association
- Clubs of Marlborough Underwater Section
- Council of Outdoor Recreation Associations of New Zealand (CORANZ)
- Marlborough Anglers and Surfcasters
- Marlborough Recreational Fishers Association (referred to hereafter as part of the NZSFC joint submission below unless their comments differed)
- New Zealand Sport Fishing Council Fisheries Management Committee (representing Combined Coalition Clubs Wellington, LegaSea, New Zealand Sport Fishing Council, the Marlborough Recreational Fishers Association, and New Zealand Angling and Casting Association), hereafter referred to as the NZSFC joint submission
- Pelorus Boating Club Inc
- Southern Inshore Fisheries Management Co. Ltd
- Wellington Recreational Marine Fishers Association.

Table 2: The options proposed in the consultation document for the blue cod fishing rules in the MSA and Challenger East area.

Management measures	Current settings – <i>Status quo</i>		Option 1 (BCMG preferred package) <i>consistent</i> rules between areas		Option 2 (alternative proposal) rules are <i>not</i> consistent between areas	
	MSA	Challenger East	MSA	Challenger East	MSA	Challenger East
Recreational size limits	‘Slot rule’: Minimum legal size 30 cm Maximum legal size 35 cm	Minimum legal size 30 cm No maximum legal size	Minimum legal size 33 cm No maximum legal size		Minimum legal size 30 cm No maximum legal size	
Recreational daily bag limit /person/day	Daily bag limit of 2 blue cod	Daily bag limit of 3 blue cod	Daily bag limit of 2 blue cod		Daily bag limit of 2 blue cod	Daily bag limit of 3 blue cod
Recreational accumulation	Allow accumulation of 1 daily bag limit	Allow accumulation of 2 daily bag limits	Accumulation limit of 2 daily bag limits		Allow accumulation of 1 daily bag limit	Allow accumulation of 2 daily bag limits
Recreational ‘transit rule’	No transporting of blue cod through the MSA that do not meet the rules applied to the area		No transport restrictions		No transport restrictions	
Recreational filleting rule	Must possess blue cod in a whole or gutted state only, unless fish are for immediate personal consumption		Must possess blue cod in a whole or gutted state only, unless fish are for immediate personal consumption		Allow possession of filleted blue cod with frames kept for proof of length	
Seasonal closure	Seasonal closure for recreational blue cod fishing 1 Sep to 19 Dec No commercial closure	N/A	Introduce ‘inner’ sounds recreational & commercial blue cod seasonal closure 1 Sep to 19 Dec Fishing allowed in the ‘outer’ sounds year round	N/A	Recreational blue cod closure 1 Sep to 19 Dec in the MSA Introduce a blue cod seasonal closure for commercial fishers in the MSA (time period to be determined)	N/A
Maud Island no take zone	Recreational fishers must not take any finfish from the Maud Island closed area No commercial restriction	N/A	Recreational fishers must not take any finfish from the Maud Island closed area Introduce a finfish no-take zone for commercial fishers around Maud Island	N/A	Recreational fishers must not take any finfish from the Maud Island closed area Introduce a finfish no-take zone for commercial fishers around Maud Island	N/A
Recreational hook limit	Maximum of 2 hooks per line when fishing for any species	N/A	Maximum of 2 hooks per line when fishing for any species	N/A	Maximum of 2 hooks per line when fishing for any species	N/A

4.4.2 Summary of Submissions

Many submitters chose to comment on specific rules within an option, rather than on the overall option package that was presented. To account for this, the submission summary below pools the support for specific measures provided through their support for an option, or through specific comments made relating to that measure. Where people indicated support for an option in the consultation document, it has been assumed that they support each rule in that option unless they have specifically stated otherwise.

Consistency and Area

The majority of submitters supported consistency in rules between the MSA and the wider Challenger East area, including the Cissy Bay Community Association, CORANZ, Marlborough Anglers and Surfcasters, the Marlborough Recreational Fishers Association, the NZSFC joint submission, and the Pelorus Boating Club. The Clubs of Marlborough Underwater Section did not support consistent rules.

Those submitters that supported consistent rules considered that this change would remove the complications of crossing boundaries between areas and arguments about where fish have been caught. Submitters that did not support consistency considered that the MSA and the rest of the Challenger East area were fundamentally different and would benefit from different rules. Additionally, some submitters felt that the BCMG had exceeded their terms of reference in proposing changes to rules outside of the MSA.

Specific Measures

A) Recreational Size Limits

Many submitters only commented on the recreational size limit that applied to the areas they most frequently fished. Of those that commented on the MSA, the majority supported a minimum legal size of 33 cm. Similarly, of those that commented on the rest of the Challenger East area, the majority supported a minimum legal size of 33 cm. There was a small number of submissions for both areas that suggested minimum legal sizes higher than 33 cm, between 30 and 33 cm, a voluntary minimum legal size, or to have no minimum legal size.

Generally, submitters supported 33 cm because they felt that this would result in the best outcomes for the fishery, including the Cissy Bay Community Association, the NZSFC joint submission (except for the Marlborough Recreational Fishers Association), and Pelorus Boating Club. Some submitters indicated that they already voluntarily fished to a minimum legal size of 33 cm outside of the MSA, and other submitters suggested that a 30 cm fish was too small to produce a decent fillet for eating and may promote an increase in high grading.

CORANZ proposed a voluntary minimum legal size of 33 cm to match commercial fishers, as this would allow fishers to keep a damaged fish smaller than 33 cm and reduce the need for MPI Fishery Officers to worry about small discrepancies.

Submitters that did not support a minimum legal size of 33 cm included the Marlborough Anglers and Surfcasters, Marlborough Recreational Fishers Association, and the Wellington Recreational Marine Fishers Association. Generally, submitters that did not support a minimum legal size felt that:

- in some parts of the Marlborough Sounds it is hard to catch a fish over 33 cm;
- in some locations setting a minimum legal size of 33 cm could mean a large number of fish would be returned to the water;

- returning fish to the water may result in handling mortality; and,
- setting a minimum legal size of 33 cm could prevent shore-based fishers from taking a fish.

B) Recreational Daily Bag Limit

The majority of submitters supported a bag limit of 2 in the Challenger East area, and a larger majority supported a bag limit of 2 in the MSA. Submitters generally supported a bag limit of 2 as an important measure for safe-guarding the future of the fishery resource, including the Cissy Bay Community Association, Marlborough Anglers and Surfcasters, and the Pelorus Boating Club.

Individual submitters that did not support a bag limit of 2 were generally concerned about reducing the daily bag limit in the rest of the Challenger East area. Organisations that did not support a bag limit of two included CORANZ, the Clubs of Marlborough Underwater Section, and Wellington Recreational Marine Fishers Association. The NZSFC joint submission supported a consistent bag limit by setting a daily bag limit of 3 across the whole Challenger East area (including the MSA).

Comments relating to the proposed bag limit of 2 suggested:

- there is no rationale for lowering the bag limit outside of the MSA (i.e. no science to base this on and abundance has not declined in the rest of the Challenger East area).
- the fishery outside of the MSA is self-regulating due to frequent bad weather that prohibits boating.

Additionally, the Clubs of Marlborough Underwater Section suggested that a daily bag limit of 2 should be set in the ‘inner’ sounds where the fishery is more depleted (inner boundary shown in Figure 2), and set at 3 for the ‘outer’ sounds and the rest of the Challenger East area so some consistency could prevail.

C) Recreational Accumulation Limit

Generally there was support for increasing the accumulation limit in the MSA to 2 daily bag limits, including from CORANZ, Marlborough Anglers and Surfcasters, the NZSFC joint submission, the Wellington Recreational Marine Fishers Association, and the Pelorus Boating Club. There were some submitters that felt the fishery would be put at risk if the accumulation limit was raised to 2 in the MSA. These submitters considered that no accumulation should be allowed in the MSA given its fragile state.

D) Recreational ‘Transit’ Rule

Few submissions commented specifically on the ‘transit rule’. Generally, there was widespread support for removing the ‘transit rule’ either through the support given to options proposed in the consultation document, or from specific comments. The Cissy Bay Community Association, CORANZ, Marlborough Anglers and Surfcasters, the NZSFC joint submission, the Wellington Recreational Marine Fishers Association, and the Pelorus Boating Club all supported removing the ‘transit rule’. One submitter felt that that the ‘transit rule’ should be retained and applied across the whole of the Challenger East area.

E) Recreational Filleting Rule

The majority of submitters supported allowing filleting with frames retained, including CORANZ, the NZSFC joint submission, Pelorus Boating Club, and the Wellington Recreational Marine Fishers Association. The Clubs of Marlborough Underwater Section feel

that the filleting rule is totally unnecessary and does nothing to preserve fish or enhance the fishery.

Many submitters supported retaining the no-filleting rule. Submitters that supported this option generally considered that given the vulnerability of blue cod to overfishing, it was necessary to have measures that ensured compliance with the minimum legal size.

A very small number of submitters requested that filleting be allowed without a need for frames to be retained.

If the no-filleting rule was retained, some submitters suggested that provisions should be made to allow filleting for people staying on boats or to allow amateur charter vessel operators to fillet for their clients.

F) Seasonal Closure

The majority of submitters supported changing the boundary of the current seasonal closure. There was also widespread support for including commercial fishers in the seasonal closure.

A number of submitters considered that a different boundary could be set in between the boundaries of the 'inner' Sounds and the MSA. This included the NZSFC joint submission, who were supported by the Pelorus Boating Club. They recommended that the boundary be amended to:

- Pelorus Sound – Harding Point to Culdoff Point (on Forsyth Island) to Alligator Head;
- Queen Charlotte Sound – Cape Jackson to Cape Koamaru; and,
- Tory Channel – East Head to West Head.

The NZSFC joint submission specifically commented that the submitters do not support the MPI proposed 'inner' sounds boundaries because they clearly benefit commercial interests to the detriment of both the rebuild of the fishery and non-commercial interests.

There were also submitters that felt that the current boundary for the closure (the MSA) should be retained considering the fragile nature of the fishery. A small number of submitters felt that the seasonal closure should apply to all of the Challenger East area.

Southern Inshore Fisheries commented they do not support setting a seasonal closure for commercial fishers in the MSA due to the economic impact. They did support the 'inner' sounds boundary. They acknowledge that there are sustainability concerns for BCO 7 and consider that more information should be collected to inform targeted management measures that may have a stronger positive impact on abundance of the fishery than the options presented for consultation. They supported collecting fine-scale commercial information in 2013 and would like to see this progressed. Similarly, they consider more information on handling mortality, the impacts of effort shift, and increasing population and recreational access is required.

CORANZ felt that customary fishers should be encouraged not to fish during the seasonal closure.

The Cissy Bay Community Association felt that the 'inner' sounds brings greater fairness between the recreational and commercial sectors, and encourages fishers to fish further out where abundance is higher.

A number of submitters, including the Wellington Recreational Marine Fishers Association, suggested that the dates of the seasonal closure should be changed. Many submitters felt that urgent research on spawning was necessary, including CORANZ, and that once this information indicated the extent of the spawning season, the closure could be applied to that period.

G) Maud Island No-Take Finfish Zone

There was widespread support for retaining the no-take finfish zone around Maud Island and applying it to commercial fishers. Some submitters felt that the boundary should be changed to exclude the mainland, or part of the mainland. In particular, both CORANZ and the NZSFC joint submission suggested that the closure boundary be amended to exclude the area within 80 metres of the mainland, so as to allow shore-based fishing.

Southern Inshore Fisheries pointed out that there was no baseline research information provided in the consultation document as to why a no-take finfish zone around Maud Island is warranted for sustainability of blue cod. Specifically, they indicated that they do not agree with ad hoc spatial closures that cannot be backed up with peer reviewed research proposals that provide appropriate management and habitat mapping.

H) Recreational Hook Limit

Generally, there was widespread support for retaining the hook limit in the MSA. Some submitters felt it could go further, for example, that only one hook per line should be allowed, or only large or barbless hooks should be allowed. Some submitters felt that longlining should be banned.

5 BCMG Response and Analysis of Options

Given the level of feedback and detailed comments provided, the BCMG feels it is important to give consideration to a revised package of measures (Table 1), rather than limiting consideration to the packages proposed in the consultation document (Table 2). As such, the measures have been analysed individually below, and Option 1 has been revised in the final proposals for your consideration.

5.1 CONSISTENCY AND AREA

Key points

- Providing for consistency in recreational rules across the entire Challenger East area (including the MSA) will allow for rules to be set that are simple, understandable, and easy to comply with, which is likely to increase buy-in and voluntary compliance.
- The basic ecological and biological factors that make blue cod susceptible to overfishing are the same across the whole of the Challenger East area.
- There is science that suggests that fishing pressure is increasing outside of the MSA (Recreational National Panel Survey).

Initial preference and submitter comments

The BCMG's initial preference was to set consistent recreational rules between the MSA and the rest of the Challenger East area.

The majority of submissions supported this approach because it provides for simple and understandable rules that are easy to comply with. The major reasons that some submitters gave for not supporting consistency were that there is no science to suggest that the MSA and

the rest of the Challenger East area need to be managed the same way, and that the BCMG had exceeded their terms of reference.

BCMG response

The BCMG acknowledges that there is limited information to inform an assessment of the sustainability of the blue cod fishery in the Challenger East area. However, information regarding the biology and ecology of blue cod indicates that this species is sensitive to overfishing and vulnerable to localised depletion. Additionally, there is information from the Recreational National Panel Survey to suggest that fishing effort is increasing in the rest of the Challenger East area outside of the MSA.

The Recreational National Panel Survey also suggests that the recreational fishing fleet is highly mobile and contains many vessels capable of accessing multiple locations throughout the whole of the Challenger East area. Results from the survey indicate that in the 2011/12 fishing year, approximately 78% of blue cod taken in BCO 7 were from trailer boats. The BCMG considers that the number of trailer boats is increasing, and it is common for fishers to utilise different fisheries management areas.

Considering the increasing connectivity between areas and increasing effort around D'Urville Island in areas outside the MSA, the BCMG considers it relevant and important that the MSA and the rest of the Challenger East area are managed together with consistent rules.

Despite uncertainty around the level of take that will provide for sustainable utilisation in the rest of the Challenger East area, the BCMG considers that taking a cautious approach to managing this fishery by aligning management measures with the MSA provides an opportunity to prevent serial depletion and the need for strict rules in the future, such as closures. The BCMG note that these issues relate to all blue cod fisheries generally and a blue cod strategy should be considered nationally.

The BCMG agrees with the majority of submissions, which indicated support for consistency in rules, and proposes that the MSA and Challenger East area be managed as one area.

5.2 SPECIFIC MEASURES

5.2.1 Recreational Size Limits

Key points

- The minimum legal size and daily bag limit are the two primary tools used to manage recreational take. They work in combination to constrain recreational take within the level of the recreational allowance.
- Setting a recreational minimum legal size of 33 cm (instead of 30 cm) would protect more females and give fish a greater chance to breed before they are able to be taken in the fishery.
- The estimated length at maturity for blue cod in the Marlborough Sounds is 21 – 26 cm.¹
- The potting survey results and anecdotal reports indicate that the highest ratios of female blue cod are found in smaller size classes (below 30 cm). Given the strong male bias in

¹ Ministry for Primary Industries (2015). Fisheries Assessment Plenary, May 2015: stock assessments and stock status. Compiled by the Fisheries Science Group, Ministry for Primary Industries, Wellington, New Zealand. 1477 p.

sex ratios for many locations in the Marlborough Sounds (Figure 4), it is important to provide greater protection to females, and to increase the opportunity that these fish have to breed.

- There is a risk of high grading and handling mortality under any minimum legal size. Handling mortality may be incidental. High grading occurs when fishers continue to fish despite having taken legal sized fish, and then throw back the fish they have caught so they may keep larger ones.

Initial preference and submitter comments

The BCMG's initial preference was to set a minimum legal size of 33 cm for the recreational blue cod fishery across the whole Challenger East area (including the MSA).

The majority of submissions supported a minimum legal size of 33 cm in the MSA or in the rest of the Challenger East area (submitters tended to comment on either area, but not both). This was seen to provide a reasonable sized fish for eating and protect a larger part of the fishery than a lower minimum legal size (i.e. 30 cm) as it provides an opportunity for fish to grow for longer before they can legally be taken.

Many submitters felt that handling mortality associated with a minimum legal size of 33 cm was a notable risk to the sustainability of the fishery as in some locations in the MSA, many fish will have to be returned to the water in order to catch a fish over 33 cm.

The primary concern of submitters that did not support 33 cm was that it is difficult to catch a fish over 33 cm in some locations, and therefore setting the minimum legal size at 33 cm may result in handling mortality or prevent some fishers from accessing the fishery.

BCMG response

The BCMG (including MPI) considers that setting a recreational minimum legal size of 33 cm will provide the best benefits to the fishery by providing greater protection to breeding female blue cod.

The BCMG note that the risk of high grading is greatest when a small bag limit is combined with a small size limit. A minimum legal size of 33cm may still encourage this behaviour, and this can lead to high mortality. While the risk of high grading is lower under the BCMG preferred option of 33 cm than under a minimum legal size of 30 cm, it remains a high risk to the fishery. The BCMG plans to include strong messaging against high grading as part of the education campaign planned as an Additional Action (section 6.1).

MPI Compliance notes that proposing a higher maximum legal size in the future may be important if there is considerable mortality associated with high grading. A benefit of removing the maximum legal size under the current proposal, however, is that there is strong dissatisfaction with the current 'slot rule', which can lead to low voluntary compliance and potential negative consequences for sustainability. Setting a minimum legal size of 33 cm is expected to lead to the highest level of public buy-in to the rules, and therefore promote stewardship of the resource by fishers.

In relation to concerns about handling mortality, the BCMG considers that information relating to safe handling techniques can be targeted at reducing handling mortality as part of the education campaign. As blue cod do not have swim bladders, and therefore do not suffer from pressure related trauma, survival upon release is expected to be very high if the fish are handled correctly.

Areas with predominantly small fish are considered to be either important juvenile grounds, or are in need of rebuild, and may be candidates for fishery closures as proposed under Additional Actions (section 6.1). The BCMG encourages fishers to move on from these fishing grounds and target other locations where fish are likely to be larger.

The BCMG acknowledges that fishers with small boats, kayaks, fishing from land, or by other methods (approximately 6% of the blue cod fishery in BCO 7) may have difficulty accessing other locations. However, in order to provide the best opportunity for improving the fishery, it remains important that fishing pressure be eased in locations where fish are predominantly small.

The BCMG does not expect a voluntary minimum legal size to be effective as it is important for fishers to be given an incentive to target fish larger than 33 cm.

The BCMG considers that the best outcomes for the fishery will be achieved by setting a minimum legal size of 33 cm for the MSA and Challenger East area.

5.2.2 Recreational Daily Bag Limit

Key points

- The daily bag limit works in concert with the minimum legal size to manage overall recreational take.
- There is no information to suggest that the MSA could sustain an increase in take from the current daily bag limit of 2, particularly given the science information that suggests the fishery is declining in some locations.
- There are risks to ongoing abundance of blue cod in the wider Challenger East area given the biology of blue cod and the mobility and increasing number of recreational fishers.

Initial preference and submitter comments

The BCMG's initial preference was to set a daily bag limit of 2 for the recreational blue cod fishery across the whole Challenger East area (including the MSA).

The majority of submissions supported a bag limit of 2 across the wider area given the vulnerability of blue cod to localised depletion. Those that did not support a bag limit of 2 were primarily concerned by the proposed reduction in the bag limit outside of the MSA from 3. Some submitters also suggested that the bag limit should be increased in the MSA.

BCMG response

Taking into account the biological characteristics of blue cod and increasing recreational fishing pressure, the BCMG (including MPI) considers it appropriate to set a bag limit of 2 across the Challenger East area (including the MSA). However, the Group notes that there is no detailed information available on blue cod abundance and trends outside the MSA. Nonetheless, the BCMG feels that taking a proactive and cautious approach to managing the Challenger East blue cod fishery provides the opportunity to try and avoid the more draconian traditional measures necessary after a stock has declined. Such measures would have a much greater impact on fishers and the fishing experience than the current proposals.

The BCMG also notes that there are other species more available outside the MSA, such as snapper, sea perch, hapuku, and kingfish that fishers can target instead of blue cod. Therefore, a fishers' ability to go fishing and take home food for the table is not likely to be significantly impacted by reducing the daily bag limit for blue cod by one fish.

The BCMG's preferred option is to set a bag limit of 2 for the MSA and Challenger East area.

5.2.3 Recreational Accumulation Limit

Key points

- Setting an accumulation limit of 2 daily bag limits will allow recreational fishers to accumulate 2 days catch if they have fished over two days or more.
- Given that recreational catch is constrained by the daily bag limit, an increase in the accumulation limit from 1 to 2 in the MSA should not lead to increased take, and therefore should not pose a risk to the sustainable utilisation of the fishery.

Initial preference and submitter comments

The BCMG's initial preference was to set a recreational accumulation limit of 2 daily bag limits across the whole Challenger East area (including the MSA).

There was widespread support in submissions for an accumulation limit of 2 in the MSA as it would ease restrictions on fishers. Submitters that did not support this proposal were concerned that allowing for increased accumulation in the MSA may negatively impact blue cod abundance, while other submitters considered that even greater accumulation could be allowed.

BCMG response

The BCMG is concerned that increasing the accumulation limit from 1 to 2 in the MSA may send the wrong message to some fishers as it allows fishers to go fishing another day even if they have stored unused fish. The BCMG does not consider that the MSA is able to sustain a 'freezer fishery', but instead encourages fishers to take only what they need for a meal that day, and to leave the rest for another time. However, the BCMG also considers that when coupled with their other preferred measures, the proposed level of accumulation is a small risk to the fishery.

Setting the accumulation limit at 2 daily bag limits can make it more difficult for Fishery Officers to enforce the daily bag limit. There is a risk under the proposed accumulation limit that fishers may "double-dip". This means taking two daily bag limits in one day, but claiming to have taken them over two days. However, the BCMG considers that through the education campaign greater awareness can be raised around the importance of fisher responsibility (section 6.1). As long as the majority of fishers comply, there is little risk to the fishery by raising the accumulation limit.

The BCMG's preferred option is to set an accumulation limit of 2 daily bag limits for the MSA and Challenger East area.

5.2.4 Recreational ‘Transit Rule’

Key points

- The ‘transit rule’ has the unintended negative consequence of concentrating fishing effort in the more depleted and vulnerable MSA. This is because fishers are not allowed to bring fish in from outside the MSA that do not meet the current requirements of the MSA, and so do not have any incentive to fish outside the MSA.
- Removing the ‘transit rule’ will provide an incentive for fishers to fish outside the MSA where abundance of blue cod has typically been more stable.

Initial preference and submitter comments

The BCMG’s initial preference was to remove the recreational ‘transit rule’ whether or not consistent rules are set between the MSA and the rest of the Challenger East area.

There was widespread support in submissions for removing the ‘transit rule’ because it would create a management framework that is simpler, easier to comply with, and provides incentives for fishers to utilise fishing grounds outside the MSA that are typically more stable. Very few submitters supported retaining the ‘transit rule’, but those that did considered it was important for enabling MPI Fishery Officers to effectively enforce rules.

BCMG response

The BCMG notes that if their preferred approach towards consistency is followed, then the ‘transit rule’ will become unnecessary (Option 1). However, if consistent rules are not set, the BCMG still considers that it is important to remove the ‘transit rule’. This will have the negative consequence of making it difficult for Fishery Officers to enforce rules in the MSA, but it may positively influence abundance of the fishery.

The BCMG’s preferred option is to remove the ‘transit rule’.

5.2.5 Recreational Filleting Rule

Key points

- There is no other fishery or species with no-filleting restrictions.
- Sustainability risks are high for blue cod at the top of the South Island and it is important that fishers comply with the size limit.

Initial preference and submitter comments

The BCMG’s initial preference was to retain the no-filleting rule for recreational fishers, though there were recreational members that felt that an option to allow filleting with frames retained for proof of length should also have been presented as a possibility under the preferred option.

The majority of submitters supported allowing filleting with the frames retained for proof of length. A considerable number of submitters supported retaining the no-filleting rule in order to safeguard the fishery and provide for future generations. Some submitters felt that not allowing filleting was unfair as there is no other species for which filleting is restricted. Some submitters felt that a provision should be made for amateur charter vessel operators, or people staying overnight in the MSA, to be able to fillet fish.

BCMG response

The BCMG has not unanimously agreed on a preferred option for the filleting rule, and note that there are important costs and benefits to consider for either option. Some recreational members of the BCMG agree with submitters that supported the no-filleting rule (discussed under i below), while others agree that filleting should be allowed and frames retained for proof of length (discussed under ii below).

At this time, the BCMG does not consider that it is appropriate to propose different filleting rules for different fishers, such as charter vessel operators and recreational fishers staying on boats, as proposed in submissions. A strong theme in public feedback and submissions was that equity among all fishers was an important component of the review. Introducing new rules that are not equitable between different fishers is unlikely to lead to public buy-in to the rules and stewardship of the resource. However, some recreational members of the BCMG consider that in future it could be possible to investigate allowing charters to fillet if there is scope for setting up an accredited businesses program that highlights responsible businesses.

i) No filleting

Under this option, the *status quo* for the filleting rule would be retained, and fishers would be required to land fish in a whole and measureable state. The primary benefit of this option is that it allows MPI Fishery Officers to effectively enforce the minimum legal size. Although voluntary compliance with the rules is key to the rules being successful, knowing that there is a risk that catch may be investigated by Fishery Officers provides a further incentive for fishers to take legal sized fish.

Given the fragile nature of the fishery in some locations, it is important to have confidence that the minimum legal size is complied with. As a result, some recreational members of the BCMG feel that retaining the no-filleting rule is critical to supporting the package of rules that are implemented and ensuring sustainable utilisation of the fishery. MPI supports this view.

The primary downside is that many submitters do not support the no-filleting rule, meaning that fisher satisfaction may be negatively impacted. This may affect buy-in to the rules.

ii) Allow filleting with frames retained

The second option is to allow filleting but require fish frames to be retained for proof of length. This was the most common modification requested by submitters that supported Option 1 (which as a package proposed no-filleting). The primary benefit is that this rule allows fishers to fillet their fish, and therefore may increase buy-in and enjoyment. However, there are ways around this rule that may make it easier for fishers to not comply. There will be greater room for error in estimating length of a fish from the frame, meaning that fishers may have an incentive to try and keep fish below the minimum legal size, or fishers could retain frames from fish other than those from which they have removed the fillets that they have in their possession.

Non-compliance with the size limit may pose a risk to the sustainable utilisation of the fishery. However, allowing fishers to retain frames for proof of length provides a greater opportunity for enforcing the minimum legal size than just allowing filleting on its own, and this option has been suggested and supported by the public as an alternative to restricting filleting. MPI considers that if there is greater buy-in to the rules, as allowing filleting with frames retained may promote, then there will be higher voluntary compliance, which is likely to lead to the best outcomes for the fishery.

Some recreational members of the BCMG support retaining the no-filleting rule for the Marlborough Sounds and Challenger East areas, while others support allowing filleting with frames retained. MPI supports the no-filleting rule.

5.2.6 Recreational and Commercial Seasonal Closure

Key points

- A recreational seasonal closure from 1 September to 19 December was implemented for the first time in the MSA as part of the package of measures that reopened the recreational blue cod fishery in 2011.
- No commercial closure was implemented in 2011 because that review focused on managing recreational effort only. There are now some concerns that commercial fishing pressure is negatively impacting the fishery.
- The original goal of the seasonal closure was to support reproduction of blue cod by reducing disruption to spawning behaviour. Blue cod have an annual reproductive cycle with an extended spawning season from late winter to late spring.
- When the seasonal closure was proposed, it was noted that there was no quantitative information to inform the level of enhancement that might be provided to the blue cod population if a seasonal closure were implemented over this spawning period.
- The seasonal closure was also originally intended to reduce recreational harvest of blue cod. When the seasonal closure was first proposed, it was expected that recreational harvest of blue cod was highest over the summer months (December and January). However, the seasonal closure was not extended to include the end of December and January due to the large impact this would have had on the recreational fishing experience.

Initial preference and submitter comments

The BCMG's initial preference was to retain the current dates (1 September to 19 December) for the recreational seasonal closure, but move the boundary into the 'inner' sounds (Figure 2) and apply this same closure to commercial fishers. The Group also consulted on retaining the *status quo* for the boundary (the MSA) and applying this closure to commercial fishers.

There was widespread support from submitters for the 'inner' sounds recreational closure proposed in the consultation document as it has the potential to shift recreational catch and effort from the 'inner' sounds (where abundance appears to be declining) to the 'outer' sounds (where abundance has been more stable) during the period of the closed season.

Those that did not agree with the 'inner' sounds recreational proposal felt that the closure of the 'inner' sounds would not provide enough protection to ensure sustainability of the blue cod fishery, that the dates should be made longer or shorter, or that the boundary could be moved somewhere between the two lines that were consulted on. Some submitters felt that further research on spawning should be undertaken, and then a seasonal closure should be set to reflect the precise months that blue cod are shown to spawn.

Some members of the recreational public perceive the current seasonal closure as inequitable as it does not apply to commercial fishers as well as recreational fishers. These submitters supported applying a closure to commercial fishers that matched that of the recreational closure. If there is a sustainability concern for blue cod in the MSA, then the seasonal closure should take into account commercial fishing effort also.

Southern Inshore Fisheries do not support a seasonal closure that has significant impacts on the commercial sector because they consider that commercial take has remained relatively low and constant over recent years, whereas they deem recreational fishing effort to be the main issue for the blue cod fishery. They have requested that more information be collected first and used to inform development of new management measures that may have a more positive impact on abundance than the options proposed in the consultation document.

BCMG response

Closure sectors

In addition to the existing recreational seasonal closure, the BCMG recommends that a closure be introduced for commercial blue cod target fishing to improve the sustainability of the blue cod fishery. It is proposed that blue cod landings from commercial fishing methods that take blue cod as bycatch (i.e. from the target butterfish set net fishery) would still be allowed.

All members of the BCMG consider that recreational take has a strong negative impact on abundance of the blue cod in the MSA. However, recreational members of the BCMG feel that commercial fishing pressure is also negatively impacting the fishery in addition to recreational fishing pressure, and that a seasonal closure for commercial would positively influence abundance. The commercial member supports a commercial closure, but not at the area scale proposed by recreational members as they feel that increasing recreational take is the primary impact on the fishery.

The most robust estimate of blue cod recreational harvest at the top of the South Island (the BCO 7 quota management area) is available from the Recreational National Panel Survey. The survey estimated that 75 tonnes of blue cod were recreationally harvested from BCO 7 in the 2011/12 fishing year, and of this an estimated 32.6 tonnes was caught within the Marlborough Sounds. Based on experiences of members of the BCMG it is considered that recreational fishing effort has increased through time.

Overall commercial fishing catch for BCO 7 is limited by the TACC. The TACC is currently set at 70 tonnes and commercial landings have remained at or below the level of the TACC since 2006/07. At a finer scale, estimated commercial catch is available at the level of statistical area 017, which includes most of the MSA and is larger than the MSA (Figure 5). Annual estimated catches of blue cod in statistical area 017 have shown a generally increased trend between 2001/02 and 2012/13 (Figure 6). In 2013/14, commercial catches from the target blue cod fishery were 31 tonnes.

Estimates of recreational and commercial take suggest they were roughly similar in 2011/12, however, these values are not strictly comparable as they relate to different areas (the Marlborough Sounds and statistical area 017).

It is also clear from submissions that a strong outstanding concern is that of equally applying the closure to recreational and commercial fishers. Many recreational fishers feel that if sustainability concerns are strong enough to warrant a seasonal closure for the recreational sector, then the commercial sector should be subject to the same closure. This view is expressed regardless of the levels of commercial blue cod take.

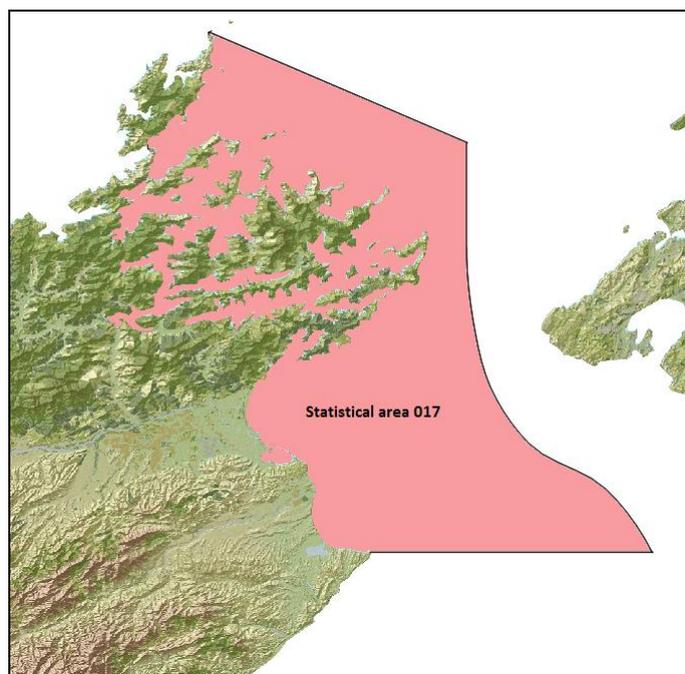


Figure 5: Statistical area 017, which includes most of the Marlborough Sounds Area (excludes a small area at Stephen's Passage to the north-west), part of Cook Strait, and part of the Challenger East area.



Figure 6: Estimated commercial catch of blue cod when targeted in statistical area 017 by October fishing year from 1990/91 to 2014/15 (noting, 2014/15 only includes catches up to July 2015).

Closure timing

The BCMG unanimously supports retaining the current dates (1 September to 19 December) for a recreational and commercial seasonal closure. These dates relate to periods of relatively high fishing effort (Figures 7 and 8), but do not prevent recreational fishers from enjoying access to the fishery over the Christmas and New Year period.

Some recreational members of the BCMG thought that extending the seasonal closure over the summer months would be effective for reducing recreational catch in the fishery given that there is a high level of recreational fishing effort at this time (Figure 7); however, this option was not consulted on. Given the potential impact this would have on recreational fishers, the BCMG agreed to support the current closure dates for the time being.

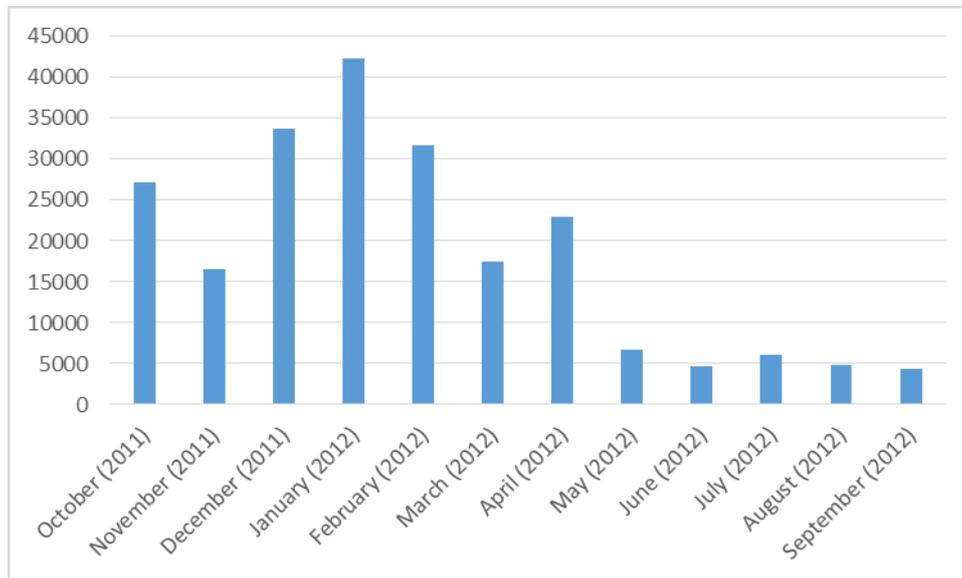


Figure 7: The number of recreational fishing trips in the 2011/12 fishing year by month, estimated by the Recreational National Panel Survey.



Figure 8: Estimated seasonal commercial catch of blue cod when targeted in statistical area 017 from 2010 to 2015 from January (month 1) to December (month 12).

The BCMG considers that there is no quantitative information to inform what level of enhancement may be provided by reducing disruption to spawning blue cod. However, they consider that the seasonal closure remains critically important to the management of the fishery as a means of reducing effort, and therefore should be retained while research needs regarding spawning are considered.

The BCMG does not consider that there is any information to suggest that a shorter seasonal closure would be effective for maintaining abundance.

Closure boundary

The BCMG has not reached consensus on the boundary for the seasonal closure. Two different boundary options are proposed for the recreational and commercial seasonal closures: i) the MSA; and ii) ‘inner’ sounds. The BCMG’s support for each option along with the costs and benefits of each are discussed in turn below.

i) The MSA

Recreational members of the BCMG and MPI prefer to retain the MSA boundary and also close the area to commercial fishers. The commercial member specifically notes Southern Inshore Fisheries do not support this option. The industry considers increasing recreational catch to be the main issue facing the fishery and in that context they do not consider the impacts on commercial reasonable when they are not causing the problem.

A benefit of retaining the MSA for the recreational seasonal closure is that it covers the largest portion of the blue cod fishery of the options presented, and will therefore reduce catch the most. This consequently provides the most benefit in terms of maintaining abundance of blue cod. The MSA area is also already accepted by many recreational fishers.

Another benefit of retaining this boundary is that the public understand the boundaries and therefore continuing to enforce these boundaries will avoid further confusion and will not create a requirement for further fishery education. This is likely to aid voluntary compliance.

A downside of the recreational closure is that fishers can still fish for other species in the MSA during the period the area is closed to taking of blue cod. This means that some mortality of blue cod is likely to occur as a consequence of this continued fishing activity.

The primary negative impact is the effect this closure will have on commercial fishers. Blue cod is targeted with pots and by hand lining and is also taken as a bycatch in trawl and setnet fisheries. The commercial member of the BCMG suggests the MSA closure is likely to have the greatest impacts on fishers that target blue cod with cod pots as they are unable to target other species with cod pots, and it would be costly for them to adopt other fishing methods and acquire access rights (annual catch entitlement).

Closing the MSA to commercial blue cod target fishing will have the highest economic impact on industry of the two boundary options presented. The magnitude of the impact is uncertain because commercial catch information is only available at a larger spatial (statistical area 017). No information to suggest what level of blue cod is taken by commercial fishers in the MSA was provided in submissions during consultation. Similarly, no information to inform analysis surrounding the potential impact of a seasonal closure on commercial fishers was contributed by industry during consultation.

MPI estimates at the statistical area 017 level that prohibiting blue cod target fishing during 1 September to 19 December could equate to a loss of \$32,308 to the commercial sector (based on average commercial catches during the closure period from 2012-2014 and a port price of \$4.33 per kg). This would be the highest possible impact because blue cod catches from the MSA are assumed to be less and blue cod are likely to be taken outside of the MSA during the closure period and during the period when the fishery is open to all users. Based on an economic analysis of the spatial distribution of commercial catches for blue cod at a finer scale than statistical area 017, it is estimated that an average annual catch of 14.5 tonnes was

caught from the MSA between the 2007-08 and 2012-13 fishing years. There is low confidence in this estimate, however, because information other than estimated catch records has been used to narrow down what part of the statistical areas that commercial fishing may have occurred in.

The MSA closure could reduce overall commercial take if fishers are unable to take blue cod in other areas of the BCO 7 fishery. Recreational and MPI members of the BCMG do not consider that the MSA closure would impact on the ability of commercial fishers to catch the TACC. There is other suitable blue cod habitat in BCO 7. However, it is acknowledged that introducing the MSA closure for commercial fishers could increase fishing costs during the closed period (i.e fuel costs to travel to fishing grounds further away).

Some commercial effort may also be displaced to other months or locations with a MSA closure. This means that commercial fishing pressure could increase in west D'Urville Island, or over the months that the blue cod fishery is open, including summer when the recreational fishery is busiest. It is not clear what level of take is sustainable in west D'Urville Island. Concentrating commercial effort in summer months may lead to increased tensions and competition for space between sectors.

ii) 'Inner' sounds

The commercial representative of the BCMG supports the seasonal closure for the 'inner' sounds. This option would have the least impact on commercial fishers because it is understood that minimal blue cod take occurs in the 'inner' sounds area.

A benefit of this option is that it allows utilisation of a larger part of the blue cod fishery than is currently allowed for under the recreational seasonal closure, while still applying the seasonal closure to areas that have showed the greatest decline in abundance. This incentivises fishers to utilise the 'outer' sounds areas where abundance has typically been most stable.

MPI Compliance considers that this option could be easily enforced. It is already known to many recreational fishers as it is the same boundary that was implemented when the recreational fishery was closed in 2008.

Most recreational members of the BCMG agree with submitters that felt the 'inner' sounds may not provide enough protection to maintain abundance of the fishery in the 'outer' sounds. It is considered that there is a strong risk of rapid depletion in the 'outer' sounds if the recreational closed area is reduced in size to the extent proposed, and therefore do not support this option. These members of the BCMG consider that the potting survey results suggest that abundance in areas of the 'outer' sounds have been stable under the protection offered by the current closure area of the MSA, and therefore there is no information to suggest that they will be able to sustain increased fishing pressure if they are left open year-round.

All recreational members of the BCMG and MPI have a preference to retain the current MSA seasonal closure boundary and apply it equally to commercial and recreational during 1 September to 19 December. Commercial has a preference for an 'inner' sounds commercial closure during 1 September to 19 December.

5.2.7 Maud Island No-Take Finfish Zone

Key points

- The Maud Island recreational no-take finfish zone was introduced in 2011 to protect a localised population of spawning blue cod, as there was evidence to suggest that Maud Island had relatively high spawning biomass across multiple years.
- The no-take zone was intended to provide a control area for catch rates, sex ratios, and size composition relative to areas outside the zone to be compared against, so as to assess the relative impact of fishing pressure in the area reopened in 2011 against an area that was not reopened to fishing.
- The no-take zone for finfish was not implemented for commercial fishers in 2011 because that review focused on effectively managing recreational effort only.

Initial preference and submitter comments

The BCMG's initial preference was to retain the Maud Island finfish no-take zone for recreational fishers, and extend the closure to commercial finfishing.

There was widespread support from submitters for the BCMG preferred option as it provides an important protected area for finfish species and may have positive effects on the blue cod fishery outside the no-take zone. Submitters that did not support the no-take zone suggested that the boundary should be amended to allow shore-based fishing from the mainland. The commercial sector was concerned at the lack of information and baseline research to inform the boundaries of the closure and how it would benefit the fishery.

BCMG Response

The commercial representative on the BCMG agrees with Southern Inshore Fisheries, who do not support spatial closures that cannot be backed up with peer reviewed research proposals that provide appropriate management and habitat mapping. Industry considers that research is required before the no-take finfish zone is applied to them.

Recreational members of the BCMG (including MPI) consider that the original rationale for the closure still applies (to protect a localised population of spawning blue cod). If the closure is going to be beneficial, it is critical that it applies to both recreational and commercial fishers.

Catch rates in the Maud Island no-take zone and other areas have not yet been compared since the recreational blue cod fishery was reopened in 2011. MPI notes that there are potting survey sites within the Maud Island no-take zone, and that a comparison between catch rates can be included in a future potting survey. Continuing to allow commercial finfishing around Maud Island means that the area does not provide a 'control' site that is free from all finfishing pressure. However, it is acknowledged that there is considerable uncertainty in the current levels of commercial finfish take in the no-take zone.

Under the proposal, Maud Island would remain open to shellfishing. This means that recreational and commercial dredging is allowed within the no-take zone. The BCMG considers that protecting habitat of particular significance for blue cod is a critical component of this review, and expects a comprehensive review of information to identify significant areas for potential closure in the future under Additional Actions. This may lead to restrictions on shellfishing around Maud Island in the future if evidence supports this approach. In the interim, the majority of the BCMG feels there is merit in retaining the no-take zone around Maud Island.

Although the impact of the no-take zone is uncertain, the BCMG considers that the potential benefits are maximised by including a section of the mainland, and that it is important to retain the current boundaries of the zone.

Recreational and MPI members of the BCMG support retaining the Maud Island no-take recreational finfish zone and applying it to commercial. The commercial member does not support applying the zone to commercial at this time.

5.2.8 Recreational Hook Limit

Key points

- Blue cod take a hook easily and it is not unusual to catch multiple blue cod on a single line with multiple hooks.
- A hook limit can assist to reduce the number of fish hooked at any one time and therefore reduce incidental mortality.

Initial preference and submitter comments

The BCMG's initial preference was to retain the current regulation for the hook limit.

There was widespread support in submissions for retaining the hook limit as a means for reducing handling mortality, as less fish are likely to be caught at the same time. Some submitters felt that the regulation could go further, for example, by regulating larger hooks, barbless hooks, or only allowing 1 hook per line. Some submitters felt that longlines should be banned in the MSA.

BCMG Response

The BCMG (including MPI) proposes to retain the current hook limit of 2 hooks per line when fishing for any species in the MSA.

Setting further regulations on hooks is complicated because of the effect that it has for fishers targeting species other than blue cod. The BCMG considers that these comments can be largely addressed through the education campaign. A focus of the campaign will be to educate fishers about best fishing practice, including the best types of hooks to use when targeting blue cod.

The hook limit does not apply to longlines. The regulation is for a maximum of two hooks per rod and reel line or hand line when fishing for any species. However, the Recreational Panel Survey suggests that less than 0.5% of blue cod take in 2011/12 were taken from long lines, therefore it is not likely that longlines are having a considerable impact on this fishery.

The BCMG preferred option is to maintain the recreational hook limit in the MSA.

6 Other Matters

6.1 ADDITIONAL ACTIONS

There is a risk that over time the rules outlined above may be insufficient to prevent further decline in abundance in some areas of the MSA and Challenger East area. The BCMG considers it imperative that some further work is undertaken. The Group proposes three additional actions at this stage to support any regulatory changes this year, and provide for the ongoing sustainable utilisation of the blue cod fishery. The consultation document outlined these additional actions, and invited stakeholder feedback on the proposals.

6.1.1 Future Management Framework

The BCMG recommends that the framework for managing the blue cod fishery is revised. Specifically, the Group considers that improvements could be made to the information that is used and the process for proposing changes to regulations. They recommend introducing fine-scale reporting for commercial fishers (as proposed by the commercial sector in 2013), developing an information strategy, and improving the process for proposing changes to regulations.

Southern Inshore Finfish submitted that some of the following additional actions should have been part of this review; however, MPI considered it important that new regulations be in place by the end of this year given public concern and the 2013 potting survey results. Work on additional actions will not have been completed by the end of this year.

Fine-scale reporting

Fine-scale reporting would involve splitting the current statistical area 017 into sub-areas for commercial reporting purposes only. This would provide finer resolution on the location and quantity of commercial catch and fishing activity within the area. This information would provide more information for future management and decision making.

Southern Inshore Finfish noted that they had supported fine-scale reporting in 2013 and that work on the reporting framework should have been completed as part of this review. MPI notes that due to resource constraints and other higher priorities within MPI, this work has not been able to be completed. Once higher priority projects are completed, work on developing a fine-scale reporting regime for commercial will likely be progressed in 2015/16 and will involve further consultation with the commercial sector. There is a separate initiative underway in MPI to develop an integrated electronic monitoring and reporting system (IEMRS). Fine-scale reporting would be a temporary measure until IEMRS comes into play.

Development of an information strategy

This action would involve a complete review of the current monitoring program and potting surveys. It would assess what additional scientific surveys could be undertaken and how other sources of information can be taken into account to better manage the fishery. Additionally, it would investigate how the impact of any new regulations could be monitored.

Many submissions commented that further research was needed, specifically on spawning, but also on other impacts that may be affecting the blue cod fishery such as marine farms and sedimentation. The Wellington Recreational Marine Fishers Association felt particularly strongly about the need for greater investment into research, but this was also noted by the NZSFC joint submission. Some submitters, including the Wellington Recreational Marine Fishers Association also felt that improvements could be made to the current potting surveys.

The NZSFC joint submission indicated support for development of an information strategy that will enable better monitoring of the stock, incorporation of data from sources other than MPI science, and indicators that can measure the success or failure of the new regulations.

MPI proposes that work on the information strategy be progressed during 2015/16.

Improvements to how management decisions are made

This action would take a broad look at the framework for managing blue cod and proposing changes to regulations. The BCMG considers that the framework needs to be more efficient and responsive, so that new and appropriate information can be integrated into management actions quickly when necessary.

CORANZ submitted that introducing rules to meet changing circumstances should be sped up. The NZSFC joint submission indicated support but not at the expense of excluding recreational interests from management processes.

6.1.2 Small Area Closures

Small area closures are an important additional action given the potential positive impacts they could have on blue cod abundance. Blue cod are a prime candidate for this type of management because they are localised (they do not typically move over large distances).

Small area closures would create fishing no-take zones for the purposes of protecting habitat of particular significance for blue cod and protecting biomass of spawning blue cod. Protecting habitat and spawner biomass are each expected to promote productivity of blue cod and contribute to recruitment and abundance.

There is a considerable amount of research already available or due to be undertaken regarding habitat and blue cod in the Marlborough Sounds. In considering potential candidate areas for closures, it is proposed that MPI would undertake a comprehensive review of the available information and propose areas where some or all fishing methods are prohibited.

Southern Inshore Finfish submit that habitat assessment should have been part of this review, and that any controls proposed meet the current marine protection standard. MPI notes that considering the amount of work involved in designating further area closures, it was not possible to include the work in this review.

The NZSFC joint submission supports taking steps to protect and monitor habitat critical to the blue cod life cycle. The Marlborough Recreational Fishers Association note that consideration must be given to increasing spatial competition with restricted commercial areas (such as marine farms) when further areas are considered for fisheries closure.

6.1.3 Education Campaign

The BCMG considers that the blue cod population will always be sensitive to localised depletion due to the sheer number of fishers involved in the fishery and the aspects of blue cod biology and ecology that make them vulnerable to overfishing. As a result, fisher responsibility and stewardship is critical to ensuring that any changes to the regulations are a success.

The BCMG proposes that an educational campaign is initiated later in 2015 to help the public understand and accept the message of responsibility, and either start or continue to reflect this in their fishing habits. Key messages will include:

- It is important that everyone in the community and visitors alike take responsibility for the blue cod fishery by setting themselves reasonable expectations and then fishing based on those expectations.
- It is unlikely that the fishery will get to a stage where it is able to sustain all fishers taking home fish to freeze, particularly if the number of fishers continues to increase.

Additionally, minimising incidental mortality of blue cod is important for ensuring the ongoing sustainability of the fishery. The BCMG proposes to use the educational campaign to promote greater awareness of best fishing practices. This will include how to fish for only what you need, how to target fish of the right size and species, and safe handling and release in the event that targeting fails and a smaller fish (or fish of the wrong species) is caught.

CORANZ support educating about use of barbless hooks. The NZSC joint submission also supports an education campaign. The Marlborough Recreational Fishers Association consider that the campaign could be part of a more general discussion on safe fishing and boating, to help reduce risks to fishers' safety on the water. They are happy to contribute their knowledge to the campaign.

The BCMG considers these additional actions to be critical to the success of the review, and propose that work on these actions is begun as soon as possible.

6.2 OTHER ISSUES RAISED IN SUBMISSIONS

Submitters raised a number of other points in submissions that were largely outside the scope of this review.

Southern Inshore Fisheries considered that there was not an adequate amount of time provided to consult with affected parties prior to statutory consultation as they consider that the commercial representative was appointed to the BCMG late in the process. MPI notes that new recreational representatives were appointed at the same time as the commercial and MPI representatives. Further, the options outlined for consultation were only proposals, and all interested parties were encouraged to provide a submission during the consultation period, including commercial fishers.

The NZSFC joint submission suggests that all interested parties be involved in management in the future. They also consider that neither the recreational allowance nor the Total Allowable Commercial Catch are constraining the take of either sector, and as such, these values should either be reviewed, or the fisheries should be managed so that each sector can take their allowance. MPI considers that a Total Allowable Catch review was not within the scope of this regulatory review, but it could be considered for future sustainability rounds.

The NZSFC joint submission also stated that future rules must be equitable, or the recreational public's feelings of inequity and discrimination will be perpetuated. MPI considers that this has been an important component of the current review.

The Marlborough Recreational Fishers Association noted in their individual submission that there should be a more democratic and credible representation in the management structure. MPI considers this comment in relation to the BCMG, and notes that all members of the BCMG are ministerially appointed, but that anybody may be nominated.

The Marlborough Recreational Fishers Association suggests, among other submitters, that recreational fishers could report take also. MPI is currently investigating different ways recreational fishers could provide information on their harvest and fishing activities.

The Wellington Recreational Marine Fishers Association commented that something should be done to control shag and seal populations as they are feeding on the blue cod. MPI considers this comment to be beyond the scope of fisheries management. MPI further notes that seals are protected under the Marine Mammals Protection Act 1987, and fall under the jurisdiction of the Department of Conservation, unless adversely impacted by fishing.

7 Conclusion

This decision document asks you to make a decision regarding regulations for the recreational and commercial blue cod fishery in the MSA and the Challenger East area.

The BCMG has led a review of the regulations and outlined their preferred option as Option 1 (Table 1), with diverging views on the filleting rule, commercial seasonal closure, and the Maud Island commercial no-take zone for finfish.

MPI supports the BCMG's preferred option. For measures where the BCMG preferences have not been unanimous, MPI makes the following recommendations.

MPI supports retaining the no-filleting rule for recreational fishers. Given the current vulnerability and sensitivity of this fishery, it is critical that fishers abide by the minimum legal size and are given an incentive to avoid targeting small fish. By retaining the no-filleting rule, fishers will have stronger incentives to adhere to the rules. Retaining the no-filleting rule also allows MPI Fishery Officers to quickly and effectively enforce the minimum legal size.

MPI supports retaining the current MSA seasonal closure for recreational and applying the same closure to commercial fishers. Despite there being uncertainty in the information regarding impacts of the seasonal closure to commercial fishers, MPI notes that commercial fishers are free to continue their operations in areas outside of the MSA and during the period when the fishery is open to all users. MPI does not consider that the proposed closure would impact on the ability of commercial fishers to catch the TACC. Although the closure to commercial fishers may not reduce the amount of commercial catch coming from the MSA, it does create equity between sectors in relation to measures imposed which will help improve buy in and voluntary compliance with the rules overall.

MPI supports retaining the Maud Island no-take finfish zone and applying the same no-take finfish zone for commercial fishers. This no-take zone is important for protecting biomass of spawning blue cod. It is also an important area to consider in developing proposals regarding protection for habitat of particular significance for fisheries management. Applying the no-take zone to commercial fishers not only achieves equity, but provides greater protection to this area.

The costs and benefits of the different options proposed are outlined in this document so that you can make a fair decision regarding these measures.