

Submission on proposed amendments to commercial fishing regulations

FSubmissions@mpi.govt.nz

STET Limited appreciates the opportunity to provide feedback on the proposed amendments. Our submission prioritizes the principles of sustainability and the precautionary approach where there is uncertainty or risk of increased adverse effects on the marine environment or protected species. We generally support proposals that align regulations with operational realities without compromising conservation and oppose those that introduce or increase environmental risk.

Proposal 1: Limiting applicability of Karekare Beach shellfish closed area to gastropods and bivalves

STET Limited strongly opposes this proposal.

While FNZ suggests this is a "correction" reflecting original intent and is unlikely to result in new commercial activity due to a lack of suitable habitat for species like rock lobster, any intentional or unintentional reduction in a closed area carries a potential risk. Removing a protection measure, even one created unintentionally, reduces the precautionary layer of management.

Furthermore, the lack of rock lobster protection on the West Coast of New Zealand is a significant concern. 30% of the habitat should be protected, but less than 1% is currently protected, leaving the population vulnerable. Given that this is a high recreational use area, there is also recreational value in observing rock lobster without taking them, and the closure provides an amenity value that should be maintained.

Proposal 2: Amendments to the prohibition on the sale of certain non-QMS species taken from the Auckland fishery management area

STET Limited strongly opposes this proposal.

This proposal creates a direct sustainability risk. The current regulation exists specifically to protect these 19 species because they are characterized as long-lived, slow-growing, low-productivity, and often exhibit high site fidelity, making them vulnerable to serial depletion if actively targeted, especially on reef habitats. FNZ explicitly states concern that "if catch does markedly increase... this may present a sustainability risk". While the proposal targets methods that catch these species as bycatch in small volumes, allowing sale creates an economic incentive where none existed, potentially encouraging fishers to maintain or increase effort in areas where this bycatch occurs, or to target the non-QMS species if their commercial value rises. While monitoring is proposed, a proactive environmental approach would retain the prohibition, which provides "a level of ongoing protection to these species from any risk of active target fishing".

Proposal 3: Review of restrictions on trolling around Ngā Motu / Sugar Loaf Islands

No comment.

Proposal 4: Amendment to definition of 'shark'

STET Limited strongly opposes this proposal.

Clearly, the industry wants to fin ghost sharks and elephantfish, which is abhorrent. The key outcome of this proposal is that chimaeras (e.g., ghost sharks and elephantfish) would no longer be subject to shark finning requirements. While FNZ suggests the risk of intentional finning is negligible due to the low value of the fins, the fact remains that the removal of any existing protection that prevents finning of a cartilaginous fish is a regressive step for conservation and animal rights.

Proposal 5: Providing for dead marlin caught by commercial fishers in monitored fisheries to be landed

STET Limited strongly opposes this proposal.

The population of striped marlin in the Southwest Pacific is overfished, with an estimated decline of 25% between 2001 to 2016¹. This concern is further amplified by the fact that all billfish species are declining or data deficient². The current regulation requiring the return of all marlin, dead or alive, serves as a crucial management control to discourage targeting and reduce fishing effort. While retaining dead fish may reduce waste, this economic benefit does not outweigh the sustainability risk for a vulnerable, overfished stock. Allowing the sale of dead fish creates an increased incentive to catch marlin, which FNZ's own analysis acknowledges could lead to significant changes in fishing activity and catch, requiring future management action. The precautionary principle must prevail.

Proposal 6: Clarification of surface float requirements

No comment.

Proposal 7: Exclude fyke nets from restrictions relating to use of nets in narrow waterways

STET Limited strongly opposes this proposal.

The proposal, which would allow fyke nets to extend more than a quarter of the way across narrow waterways, could significantly increase the impact of fyke netting on endangered long-fin eels. Fyke netting is used almost exclusively by eel fishers. Removing the spatial restriction in narrow waterways could allow more complete blockage, increasing catch efficiency, and therefore mortality, for this already vulnerable species. While the proposal aims to clarify the rule for eel fishers, it must be balanced against the conservation status of the long-fin eel.

¹ <https://www.mpi.govt.nz/dmsdocument/60784/direct>

² <https://blog.shaullee.co.nz/untangling-the-conservation-and-ethical-dilemmas-of-big-game-fishing/>

Proposal 8: Review approval process allowing set nets to exceed 3,000 m in length in open waters

STET Limited strongly opposes this proposal.

We oppose this proposal due to the large amounts of bycatch from set-net fisheries. Allowing longer nets (up to 4,500 m) means that fishing gear is left in the water for a longer duration or covers a greater area per deployment, increasing the total potential for non-target species interaction. Longer nets take longer to check, increasing the soak time for non-target species and protected species that become entangled, thereby increasing the mortality of non-target species. This directly conflicts with the objective of enhancing sustainability and managing risks to protected species.

Proposal 9: Review of restrictions on Danish seine use in South Island waters

STET Limited strongly opposes this proposal.

This opens up a significant coastal area to a commercial mobile gear method that was previously excluded. Although Danish seining is generally considered to have a lower impact on seabed fauna and benthic ecosystems compared to trawling, and is considered low risk to protected species, it is not without impact. Allowing the method in previously closed waters increases the total fishing pressure in the coastal zone, risking localized depletion, habitat degradation, and potential increases in bycatch. FNZ acknowledges that there is "little information available about the effects of Danish seining on the benthic environment" relative to other methods, which warrants a precautionary approach rather than a revocation of the prohibition. FNZ's proposal to apply existing trawl-only restrictions to Danish seining for consistency is a positive step, but it does not address the increased overall mobile gear effort.

Proposal 10: Providing for kina to be taken with the use of underwater breathing apparatus

No comment.

Proposal 11: Review of requirements relating to use of UBA for purposes other than commercial harvesting of fish

No comment.

Proposal 12: Clarifications to wording in geospatial position reporting legislation

STET Limited is concerned about the proposed changes.

We are concerned that clarifying the GPR device operation requirements (to not apply during non-commercial use of a commercial vessel) would allow commercial fishers to potentially justify illegal fishing as recreational. While FNZ suggests the clarification is intended for legitimate non-commercial use, the ambiguity creates a loophole. On a trip where a fisher is performing commercial fishing or transportation, continuous GPR operation is required, but if

the vessel is used *only* for a recreational trip, GPR is not required. This gap could be exploited to misreport activity in areas of concern.

Proposal 13: Amendment to ACE register particulars

No comment.

Proposal 14: Prohibiting trawl and Danish seine fishing methods within one nautical mile of the coast in the Canterbury Bight

STET Limited supports this proposal, but the area should be increased.

We support the formal prohibition as it would enhance sustainability by protecting elephantfish egg cases, formalising an existing voluntary measure, and subjecting breaches to penalties. However, the protected area should be significantly increased, particularly to restore the Hector's Dolphin population, which is a nationally endangered species under threat in the Canterbury Bight.

Proposal 15: Standardise set net soak times to 24 hours nationwide

STET Limited strongly opposes this proposal.

Increasing the time that gear is left in the water raises environmental risks. Longer soak times increase the potential for ghost fishing by lost gear, a greater risk of predation and sea lice damage to catch, and, most critically, increased risks to protected species if gear is in the water for longer periods. While a 24-hour cycle is administratively and operationally convenient, the environmental risk assessment should prioritize the impact on non-target and protected species, particularly in sensitive areas like Lakes Ellesmere (Te Waihora) and Forsyth (Wairewa), where the maximum soak time would increase from 12 hours seasonally to 24 hours year-round. There are also bycatch mortality concerns with longer soak times, as non-target species are trapped longer, reducing their chance of survival when the net is retrieved.

Proposal 16: Review of fish container labelling requirements

STET Limited supports FNZ's concerns on labelling changes.

While this will improve internal operational and management provenance for a specific species (pāua), it is a missed opportunity to require a more comprehensive set of environmental data, such as the fishing method, on primary labels to build a stronger chain of environmental provenance to the consumer.

Proposal 17: Review restriction on taking eels from waters of national parks

No comment.

Proposal 18: Amendment to boundaries of commercial spearfishing areas in Wellington and Marlborough regions

STET Limited strongly opposes any option that reduces the current spatial restrictions (Options 2, 3, and 4). We support retaining the Status Quo (Option 1).

Reducing or removing spatial restrictions for commercial spearfishing significantly exacerbates the risks of spatial conflict with recreational fishers and localized depletion in popular areas. Spearfishing is highly selective, but its operation in "hot spots" of high biodiversity and easy access concentrates effort. Unlike other commercial methods, this method allows for fishing in areas that are otherwise difficult to access (e.g., high currents). The potential for cumulative effects of commercial and recreational effort, which could lead to sustainability concerns for inshore finfish species, is a major environmental risk. Removing all restrictions (Option 4) carries the greatest risk of overlap and localized depletion. FNZ also notes that commercial spearfishing can select smaller fish than set nets, which may have implications for the stock's age structure and reproductive capacity.

Additionally, spearfishers can cause significant injuries to species and not land them, an unquantified source of fishing-related mortality. We ask for a scientific study of the method's impact on target and non-target species, including post-injury mortality. Given that recreational spearfishing is increasing in popularity and coastal reef systems are already under stress from factors like climate change, the current precautionary closure must be maintained.

Proposal 19: Review of rock lobster tail-measuring device requirements

No comment.

Shaun Lee
Director
STET Limited
shaun@stet.co.nz
021 555 425