

Appendix 6: Record of the second meeting of the Whitebait Working Group.

Whitebait Working Group: Minutes of Meeting 2

25–26 October 2018

Willeston Conference Centre, Level 11, 15 Willeston Street, Wellington

Attendees: **** (NZCA), **** (NZCA), **** (WRC), **** (West Coast Whitebaiter's Association), ****, **** (Commercial Whitebait fishers, West Coast), **** (DOC), **** (DOC), **** (DOC), **** (F&B), **** (recreational whitebaiter, Southland F&G council), **** (Whitebait Connection, 25th only), **** (Whitebait Connection, 26th only), **** (UoC), **** (via Skype for parts of 25th & 26th), **** (DOC, minutes), Johanna Pierre (facilitator).

Apologies: **** and **** (Fisheries New Zealand), **** (NIWA).

Group member	Whitebait interests
****	New Zealand Conservation Authority (NZCA) member, with diverse interests in research, science and conservation.
****	NZCA member, habitat restoration including a range of activities with Waiau fisheries and habitat trust in Southland, hydrology background.
****	Undertakes broad range of freshwater and whitebait related work as part of role with DOC, including compliance and enforcement.
****	Former president: West Coast Whitebaiter's Association, recreational whitebaiter, long interest in whitebaiting, involved in the West Coast sustainable whitebait fishery project.
****	Freshwater Advocate, Forest & Bird
****	Shareholders in a company with long term familial history of commercial whitebait fishing on the South Islands West Coast. Involved in West Coast Sustainable Wild Whitebait Fishery project.
****	Freshwater ecologist, broad research and management interests in fish (including fish passage, whitebait, noxious species, habitat).
**** ****	Conservation education for schools and communities focused on streams, rivers and wetlands, including whitebait and freshwater fish.
****	Long-term whitebaiter, interested in whitebait fishery, management and habitat.
****	Research biologist with expertise in whitebait especially inanga, recreational whitebaiter from an early age.
****	Technical expert and scientist specialising in freshwater fish.
****	Technical expert and scientist specialising in freshwater fish.
****	Matauranga Māori, long-term whitebaiter, involved in West Coast sustainable whitebait fishery project.

25 October

Introductions, context and purpose

Johanna welcomed everyone and briefly outlined the background and purpose of the Whitebait Working Group (the Group). She explained the advisory process and the intention to capture the diversity of interests and experience in the Group, noting that there is no need to reach consensus, but stressing the importance of gathering and recording all opinions. The Minister of Conservation's purpose in having DOC undertake this work is 'to ensure healthy and restored whitebait populations and provide for a sustainable fishery'. The process and the Group are not focused on decision-making per se but the findings will be combined with feedback from iwi and public engagement and provided to the Minister, who will make a decision on any next steps.

Iwi engagement

To date, iwi engagement has progressed more slowly than anticipated. Engagement is being approached through discussions between local DOC offices and iwi contacts (with whom staff have relationships), to ask iwi if and how they want to be involved. We have received a range of responses so far, including iwi not wanting to be involved right now but wanting to know if anything changes, through to wanting a specific meeting on a marae to discuss within the next 2–3 months.

Stakeholder engagement

The first community drop-in session will be in Nelson next week, to be followed by 11 other sessions around the country. Their purpose is to provide a place where interested people can discuss the issues and provide their thoughts, opinions and views on what should happen in relation to whitebait management. Opinions and comments are also being collected electronically through the online survey¹.

Questions and discussion followed on:

- How will notes be captured at drop-ins? Two DOC staff will attend each session, so that one can take a record of key points while the other is discussing. These notes will be collated to create a record from each session.
- How will the sessions be advertised? Ads in the paper, posts on Facebook and Twitter and information on the DOC website. Local MPs will be informed, local DOC offices know and a leaflet for staff to hand out at offices will be provided. **** suggested distributing leaflets at campgrounds to capture visiting whitebaiters.
- **** noted an issue with the project webpage where inanga are listed as threatened. If information is incorrect there, it may result in people responding inappropriately. Action – DOC will look into this to ensure it is correct². Johanna noted that we are also trying to check and ensure all information across the website is consistent (e.g. legally, whitebait includes six species, the five galaxiids plus common smelt).
- **** questioned the policy around conservation status assessments – in particular, that if there is not enough data, the species will remain at a higher listing in a precautionary approach. Questions arise among whitebaiters about why and how the statuses are assessed. Data-poor qualifiers are used to indicate where there is not

¹ JP note: Input is also welcomed through the whitebait@doc.govt.nz email address.

² The status of inanga is clarified here: <https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztcs24entire.pdf>

much data. This rationale is documented in the criteria for the New Zealand Threat Classification System³.

Meeting aim

This aim of this meeting is to:

- confirm the meeting record from the first working group meeting
- complete the rating of issues affecting whitebait begun at the first meeting
- evaluate management options and packages of options, that may address issues currently affecting whitebait.

Confirmation of meeting record (Working Group 1)

Discussion and clarification regarding comments that the Group had provided on the meeting record from the first meeting. Changes were accepted and adopted. Johanna to circulate final version after this meeting.

Issues for whitebait (confirmation of output from Working Group 1)

There were some gaps in the 'issues' tables from the first meeting (i.e. where groups didn't assign scale, importance or urgency ranking). The Group worked through these to update and complete the record from the first meeting.

Minister's purpose

There was some discussion and feedback at the first meeting that clarifying the Minister's purpose would be useful. For example, what is meant by "healthy" and "restored"?

The Group broke into three subgroups to discuss the purpose, focusing on meanings of the key words (underlined):

'Ensure healthy and restored whitebait populations and provide for a sustainable fishery.'

The following interpretations were made:

Ensure:

- data on population levels and data on whitebait catch is how we ensure, in relation to above / Minister's statement
 - work with whitebaiters on catch data
- remove commercial sale
- reliable, well-planned and funded research
- education and community engagement at local levels to help set the vision
- recognise and honour cultural values and management in respect of Treaty.

Healthy:

- populations not declining (i.e. populations are stable and increasing), fish are in good condition, populations have resilience
- too hard to define in terms of whitebait.

Restored:

- stable or increasing (as assessed by NZ Threat Classification System)
- back to some former state, benchmark at which point in history?

³ Refer: <https://www.doc.govt.nz/about-us/science-publications/conservation-publications/nz-threat-classification-system/nz-threat-classification-system-manual-2008/>

- to current levels, i.e. no further loss (no net loss) of adults or juveniles. Today as a baseline.
- restored habitat, fish passage maximised, water pollution addressed, harvest pressure relieved, pests reduced.

Whitebait populations:

- adult and juvenile migratory Galaxias.

Sustainable fishery:

- precautionary, with regard to minimum resilience, because of species stress resistance or current threat status
- consider all 5 galaxiid species
- will vary regionally (differences in how sustainability is ensured region by region)
- habitat is critical to this, including spawning areas.

One subgroup took a broader approach and proposed a purpose as “provide a wild food source for future generations, within a managed fishery”.

This included:

- continued social, activity/health, and economic benefits for community
- long-term scientifically demonstrated healthy whitebait populations across NZ
- increased knowledge by all New Zealanders about the fishery and its values
- communicate a well-balanced view of the fishery.

After the subgroup session concluded, a point was raised by several people and discussed as a group was about the meaning of ‘whitebait populations’. It was noted that most New Zealanders would think of the young fish i.e. small, white fish caught in whitebait nets. However, the population as a whole would include adults and other life stages. **** noted that her understanding from discussions with the Minister of Conservation was that it means migratory galaxiids in all life stages. The term ‘whitebait’ was possibly chosen because ‘migratory galaxiids’ is not a familiar term for most people.

Q&A on Freshwater Fisheries Bill

**** (DOC Senior Policy Advisor) joined the Group for a discussion on the Conservation (Freshwater Fish) Amendment Bill. Questions and discussion focussed on⁴:

- Why did you not consult first?
 - Have been aware for a long time that there are some problems with fish provisions in the Conservation Act. However, it is very difficult to get bills through the house. An opportunity arose, as the new government had space to put new bills through, but this meant there was a very short timeframe (c. one month to submit the bill to the house). So, narrowed the bill down significantly to remove all aspects that DOC expected may be controversial (and that consultation would therefore be needed on), i.e. to take advantage of the opportunity to tidy up some of the defunct and unutilised sections of the Conservation Act, but without making any major changes.
 - **** commented that this lack of consultation has meant a lot of misinformation. The select committee process for consultation is also quite short. This has created

⁴ Further information and FAQs about the Bill are also available on the DOC website: <https://www.doc.govt.nz/about-us/our-role/legislation/indigenous-freshwater-fish-management-reform/faqs/>

an environment of distrust, and may influence public consultation and engagement relating to whitebait management options etc. and work of the Group.

- **** noted that DOC has had a lot of correspondence about particular areas of concern – notably in relation to what closure of conservation areas would mean for whitebait fishing on the West Coast, and the keeping of native fish by aquarium hobbyists. If there are new issues raised after the submission process closes, DOC is still able to take them to the select committee. The standard select committee process runs for 6 months, but they can ask for an extension. Timeframes are all in the control of parliament now, and we can't influence.
- If changes are very minor, they can go through in a statutes amendment bill, which are put through regularly. Ministers need to bid to make changes for any other legislation. This only happens once a year, and they have to prioritise which legislation to put forward.
- Why should whitebaiters *not* be worried about the amendment bill?
 - Overall, they should be happy with the bill, as it provides for better management of freshwater fish. It fixes a number of mechanisms that will be needed for good whitebait management, e.g. controls around spawning sites, how the fishery can be regulated, licensing and catch data provision.
 - One aspect that whitebaiters may be worried about is restrictions on fishing in conservation areas. DOC will propose to the select committee that changes are made to enable generic approval to be issued to whitebait in conservation areas, so that individual fishers don't need to apply. Any decisions on whether to close any of these areas would be made through a separate consultation process.
- Will this mean there are more reporting requirements?
 - There is nothing in the act or bill that requires reporting of catch. But, there is potential to pass a regulation to say that when fishing you have to report catch. Proposed new provisions would enable this to be done without whitebaiters also being required to have a licence.
- **** noted that the bill does not include any controls around habitat degradation – this is still an issue for freshwater fish. The changes only allow us to control activities that directly kill fish (e.g. sedimentation that changes habitat or indirectly results in fish death is not controlled, deaths in flood pumps etc.). Other issues would be handled under the RMA.
- Would Nationally Critical/Vulnerable fish not on the conservation estate be protected by the amendment bill?
 - All fish will be protected from catching or killing for any purpose other than food. In relation to fish being protected for fishing for food as well, the bill moves provisions about what can be fished and what can't out of the Freshwater Fisheries Regulations and into the Conservation Act. Any changes would require consultation. The current expectation is that next year DOC will consult on a proposal that no adults of the whitebait species can be fished for any purpose without specific permission.
 - The bill revokes regulations 70 and 71 of the Freshwater Fisheries Regulations⁵ as these regulations are unclear. They have been replaced by a simple provision in the bill – if fishing for food you do not need a permission, but if fishing for any other reason, you do. The bill also allows for new regulations to put further restrictions on., but would need to pass a new regulation with consultation to provide further protection, or protection for specific species.

⁵ That is: no killing of indigenous fish (reg 70) and taking of indigenous fish (reg 71).
<http://www.legislation.govt.nz/regulation/public/1983/0277/latest/DLM92492.html>

- Where does it say in the bill that any new regulations have to go through consultation?
 - This is a standing legal requirement for new legislation (regulations have to go through cabinet, the regulations review committee, etc.).
- Closure of fisheries
 - The current provision ([s26ZP](#)) says that the Director-General of DOC can close an area for a day, a week, a month or a year. The amended provision proposes that it can be closed for the length of time that is required to achieve the purpose of the closure, up to a maximum period of five years, and that the purpose must be stated. If someone disagrees with purpose (e.g. it's not necessary to close this area for x length of time for that purpose), they can challenge it.
 - But does this put cost on the person disagreeing? This is no different to what is currently provided for – the bill has not altered the process, instead still allows it to be closed but requires the purpose of the closure to be stated, and allows for it to be closed for three weeks, three months, etc.
- Spawning sites – what do the changes mean for regional councils and drain management?
 - The current provision on this is [s26ZJ](#). The bill does the opposite of what people think it does – amendments have added that it is an offence to disturb or damage spawning grounds *without authorisation*, as well as a new authorisation provision.
 - Another section has also been clarified to ensure that inanga and other fish spawning sites are captured (i.e. spawning that occurs on banks, not just in-stream).
 - The National Environmental Standards for Plantation Forestry have a spawning site indicator tool. We are planning to look at this to see if it could be used to inform the spawning site provision.
 - The changes will give DOC the ability to properly look at the spawning site issue and produce a more nuanced regulatory control. Currently a key issue is lack of enforcement. We need something that's more enforceable.
- The bill controls different aspects of fishing and activities, not different fish. It has clarified some of the overlapping jurisdictions between DOC and MPI e.g. a special permit issued by MPI could allow fishing in a closed area, but a set bag limit wouldn't override the closed area provisions. The Fisheries and Conservation Acts have similar scope and it could be possible for some recommendations to be implemented as part of the Fisheries Act, but legislative change may be needed if this was to happen.
- How will the amendments affect work done by volunteers or community groups locating and restoring spawning sites?
 - The current provisions say that if you disturb or damage a spawning site you are committing an offence. Under the proposed amendments in the Bill, DOC will have the ability to say that particular types of work on a spawning site are not considered damage and can be undertaken (e.g. mowing outside of spawning season, restoration planting). It will also enable new regulations to be made that include more specific and understandable controls (e.g. gravel extraction in these locations during these months is okay).
 - Under the current act, it is not possible to issue a consent or permission to enable disturbance or damage to a spawning site. DOC's current options are to ignore or to prosecute. The amendments would provide two more options: could issue a consent or issue a regulation that states what is damage/what isn't, and what type of damage is acceptable/is not.
- Will catch and release of fish for education survey purposes without a licence be allowed?

- The key provision is [s26ZM](#) – the bill introduces one minor change. S26ZM currently talks about location and site. DOC and MPI collectively decided to remove the term ‘site’ to make it clearer when a permit is required, i.e. if you move fish a significant distance or into a new waterbody.
- Would also be good to add something that allows moving stranded fish from a drying pool into the main river adjacent, and possibly about moving elvers above dams without 26ZM permission. But, we need to consider further what transfers are of concern – do want to keep control over movements, as there are risks. S26ZM also has to work for exotic species, so beneficial spread of natives has to be balanced with controlling risk with exotics.
- Catching fish to look at on the side of the stream, then returning them immediately to the stream would be permitted under the amendments.
- Does the bill allow for the removal of bycatch that are pest species (killing and leaving pest fish caught on the bank, as they shouldn’t be put back)?
 - There are current regulations about noxious fish – if you catch it, you have to kill it, and you can’t move it around live. These provisions haven’t been altered. The intention is that next year DOC will consult on alterations to reverse this presumption so that “any introduced fish that is naturalised, and not a sports fish, is noxious”. This would make species like gambusia noxious, allowing better control. Presume that the ‘can’t leave fish on the bank’ provision was to prevent offal, etc. being left on the banks by fisherman.
- Why would trout fishermen not be worried about this bill?

Because there is nothing in the bill that in and of itself has a negative effect on trout fishing. Fish & Game have raised various concerns:

- One was that the amendments would allow a native fish management plan to trump a sports fish plan. Native fish management plans can be written under the current act and already have priority – the problem was that the act says there cannot be a conflict between a native fish plan and a sports fish plan. So, if DOC wrote a native fish plan, and there ended up being a conflict with part of a sports fish plan, the sports fish plan may cease to have effect. The provision was put in to enable the sports fish plan to continue if this happened (i.e. only the specific part with a conflict would cease to have effect, not the whole plan).
- Another concern related to fisheries provisions in treaty settlement legislation, and potential impacts of this on trout (s26ZG amendments). There is already a clause in the act that says Māori fishing rights aren’t affected. At the moment there are no treaty settlements that pass indigenous freshwater fish management to iwi. [Question about Ngāi Tahu settlement and control of harvest.] Hasn’t given them control of non-customary freshwater harvest, but has given them the ability to control non-customary pakeha fishing of marine fish. Control over non-customary fishing of freshwater fish could be given, but the amendments don’t change the status quo – parliament would have to agree to that through treaty settlement.
- DOC’s opinion is that these amendments don’t have any effect on Fish & Game. However, West Coast whitebaiters and the Aquarium Society have raised some legitimate issues. Will likely include a provision so that whitebaiting (but no other fishing) can occur in conservation areas, and possibly reserves **** also noted that fishing in reserves may currently be breaching the Reserves Act).
- Comments that the whitebaiting community would likely respond better if it was done the other way around i.e. allow whitebaiting in the act (not prevent it) and then pass specific regulations to prevent it.

- What was the Aquarium Society concerned about?
 - Taking small numbers of fish to keep in aquaria. According to the s26ZHB amendment, if take temporarily and return quite quickly to the water, doesn't need a permission. But it would if you take fish and put them in an aquarium. To address this, likely to allow small numbers of common species to be taken and kept in aquaria, as long as they are kept in captivity/not put back.
- Taking freshwater species

NZ freshwater fish include species that transit between freshwater and sea water, and are often fished for in saltwater (i.e. near river mouths and on the beach). MPI requested that the bill clarify the distinction between fresh and seawater. Amendments clarify that a freshwater fish has to live at some point of its life in freshwater, and this doesn't include estuary areas or occasional wanderers upstream. MPI were concerned that Conservation Act picked up kahawai, mullet, etc. so the amendments make clear that species like this (that only come into freshwater sometimes but don't have to be there as part of their lifecycle) are not freshwater fish, so are not captured by the Conservation Act/under DOC jurisdiction. Discussion followed around the acts that fish fall under depending on where they are (in an estuary, still under Conservation Act (DOC), but if in the sea, Fisheries Act (MPI). E.g. fishing of eels at sea. Is there anything in the regs that prohibits the catching of whitebait (or eels) offshore? Don't think so.
- Comment that society cannot rely on human behaviour as protection for our fish, as behaviour can change. We proactively need to decide what needs to be protected.
- Have there been any examples of overlaps with marine reserves, which can sometimes come up a river to mean high water?
 - If there was overlap with a marine reserve, it's likely that it would be more specific, and would trump other legislation. **** noted an example of a marine reserve on the West Coast that has boundaries set based on shoreline, as mean high water springs would have prevented whitebaiting. Anything inside a marine reserve is totally protected, regardless of other legislation. General rule is that more recent legislation trumps older legislation, and more specific legislation trumps general legislation.

Identification and evaluation of management options

The group broke into two subgroups to work through potential management options – those identified at the first working group meeting and from other sources (e.g. previous consultation regarding whitebait, reports on whitebait management). Any additional measures were added, and the groups then reviewed and added information on:

- how each management tool may work
- strengths, weaknesses and risks of each tool
- whether the tool would be stand-alone, or need to be used in conjunction with other methods
- likely efficacy
- timeframe for implementation
- resources required.

Individually, group members then indicated the level of support for each measure. Discussions were captured on large printed tables and are tabulated below as recorded.

Description of management tool/measure	How it is intended to work	Strengths/pros	Weaknesses/cons	Risks	Standalone, or needs to be coupled with other methods?	Likely efficacy <i>Unknown</i> <i>Could be effective</i> <i>Should be effective</i> <i>Will be effective</i> <i>Zero</i>	Timeframe for implementation (and why, e.g. 5 years, because must do X first) <i>Short: 0 – 1 y</i> <i>Medium: 1 – 5 y</i> <i>Longer: > 5 y</i>	Resources (capacity, capability, cost)	Level of support <i>High</i> <i>Medium</i> <i>Low</i> <i>No</i>
Fishery: controls on timing of fishing (i.e. when and for how long you can fish)									
Reduce length of fishing season	Change start/end dates of whitebaiting season, and have single, consistent season throughout all of NZ. Increase escapement of rarer kōkopu and kōaro that migrate later in the year, and of larger/older īnanga.	Allows subadult īnanga to grow to maturity. Earlier end positive for fishery (end October) Consistent season would reduce illegal sale, easier to police. Prevents coast swapping sales. Fresh whitebait: 5 day limit at end of season.	Buy-in? Compliance with altered regs.	Non-compliance	Stand-alone or could be combined	Should be effective	Short	Low	7 H 4 M
Introduce 'stand-down' periods within the season and for a season	Stand-down periods are set to encompass 2 2-week periods across spring tides within Aug–Nov fishing season. Increase escapement of different cohorts of īnanga, especially larger īnanga migrating earlier in the season. Reduce fishing pressure on kōkopu and kōaro migrating at different times through the season. Spring tides: whitebait could be mid-river.	Greater escapement	Timing of stand-down varies year to year, dependent on spring tides. Spring tides are not necessarily peak times for migration, so may not achieve intended aims. Enforcement? Economic impact on local business e.g. caravan parks	Whitebaiter push back Increased non-compliance	Combined with other methods	Won't consistently work	Could be short	Medium – high	1 H 8 N
Restrict daily fishing hours	Whitebait thought to migrate primarily during daylight hours, so restricting fishing time may allow greater escapement than current set hours.	Greater escapement. Gain beyond existing regulations unclear?	Scientific evidence to support this lacking, therefore uncertain about effectiveness.	Buy-in	Either	Unclear	Short	Low – medium	7 L 3 N
River specific timing	Exploit differences between rivers to improve escapement.	Greater escapement	Variability and lack of evidence	Difficult to enforce	Either	Unclear	Short	High	2 M 1 L 2 N

Related to hydrograph, i.e. tides, freshes	Target periods known to increase catches.	Greater escapement	Difficult to define and police – hydrology stations on each river		Either	Could be	Short	High	2 M 2 L 1 N
Fishery: controls on harvesting (i.e. how and how much you can catch)									
Introduce quota system and/or catch limit	Weight or daily bag limit that restricts allowable whitebait catch. Could apply to daily catch, total seasonal catch, and/or possession of whitebait.	Adaptive management possible, with quota adjusted with fishery. Accurate information setting base commercial harvest.	Quota: not enough info currently to set quota? Enforcement challenging/not possible with current resources. Buy-in by whitebaiters. Shift enforcement to MPI. - Māori settlement - Property right	Quota set too high to reduce pressure on whitebait populations. Enforcement. Buy-in by whitebaiters.	Could be used along with catch diaries or licencing system.	Should be	Short – medium	High	7 H 2 M 1 L
Restrict gear and/or fishing methods	Restrictions on gear increase whitebait escapement and reduce harvesting impacts. E.g. to reduce impacts of set nets. Examples include: reductions in allowable net size/circumference; restrictions on use of screens, nets and other guidance tools; changes to net types that can be used (e.g. ban use of sock nets); restriction on distance a set net may protrude into the river; certain types of fishing gear/methods only allowed in certain reaches of the river.	Can only work on a regional rules basis. Use existing West Coast model.	May introduce bias against some fishers (e.g. bans on set nets may mean elderly or others unable to work scoop nets are unable to fish). DOC can't look after the rules at the moment. Cost to fishers to re-gear.	Push-back through tradition. Compliance	Either	Should be	Short	Low	5 H 2 M 1 N
Some specific gear restrictions that have been suggested include: • ban use of sock nets • ban use of traps • remove use of screens • reduce screen size • only scoop nets, not set nets • prevent fishing from boats ⁶	High impact/highly efficient methods of capture are not able to be used, increasing escapement and reducing harvesting impacts. Could include additional and/or alternate restrictions.	Can only work on a regional rules basis. Use existing West Coast model.	Cost to fishers to re-gear	Compliance	Either	Should be	Short	Low	5 H 2 M 1 L 1 N

⁶ Identified by CRESA 1998 and Baker et al. 2018. Fishing from boats/vessels is currently prohibited under both sets of Regulations, unless a person is disabled, or holds a current authorisation from the Director-General (Regs 14 & 20 for West Coast; Regs 11 & 17 for rest of NZ), may not be a big issue? Note that Baker et al. recommendation related to people using a boat to follow whitebait runs up the river in some regions, but fishing from banks – i.e. within regs, getting multiple hits at a whitebait run.

Implement licencing system Licence nets	Whitebaiters require a licence to fish. Enables collection of information on number of fishers and variability between seasons/over years. Would enable other management options (e.g. diaries, quotas, gear restrictions) to be enforced. Licence fees put back into research, management and restoration of fishery. Maybe a differential licence fee or system for recreational cf. commercial fishers? (e.g. commercial licence costs more, licence needed for commercial fishing but not recreational).	Money, funding stream and data for research (catches etc.)	Buy-in from fishers Getting real data records	Compliance Enforcement	Could be used along with quota system and catch diaries. Differential licencing between recreational and commercial fishers may need to be used along with regulations around sale (e.g. only to registered sellers)?	Will be	Medium	Low – medium	10 H 2 M
Divide fishery into commercial, recreational, customary	Clear distinctions are established between the different types of fishing, with different regulations for each. Can only sell commercial catch to registered sellers.	Stops undeclared income If only sell catch to registered sellers, is a clear distinction between sectors	Potential for black market (back door selling to commercial operators) Rec, customary actually being commercial	Administration and monitoring costs	Coupled with licence system	Could be effective if differences made clear (tags etc.)	Medium	Medium – high	5 H 2 M 1 L
Ban commercial sale of whitebait	Whitebait only able to be caught recreationally and cannot be sold. Reduce pressure on whitebait fishery by reducing catch.	Reduces harvest Lowers DOC time Reduces negative behaviours Reduces overharvest	Impact on local economy, tourism industry? Unclear differentiation between commercial whitebaiters and recreational who sell small amounts of their catch? People can't get whitebait unless they know a fisher	Upset user group of national resources Reduced availability -> possible underground market	Could be	Could be - zero	Medium	Medium	5 H 1 M 1 L 5 N
Moratorium on fishing	Whitebait fishery closed to fishing for a set time period, to allow information to be gathered and informed management options to be implemented. May require a well-defined, short-term objective to be most effective?	Greater escapement	No benefit if one year lifecycle Regional economic impacts	Reduced availability -> possible underground market Compliance	Would be	Would be - zero	Short	High (compliance)	1 H 3 L 8 N
Stop black market	Registered buyers and sellers only (commercial licenses) Quota / cap for registered licensees	Traceability and information science / data Tax Price	Enforcement challenge	Price me Rise in commercial harvesting	Could be	Would be effective (depending on system)	Medium	Medium – high	5 H 2 M 1 L

Retailers document whitebait									
Fishery: spatial controls on fishing (i.e. where you can fish)									
Reduce areas of rivers that can be fished	Area that is allowed to be fished in a given river is restricted (e.g. area of tidal influence only, back-pegging of rivers as with West Coast regulations, 'closing' alternate sides of a river to fishing each year).	Escapement	Congested fishing Use West Coast South Island as a possible model						5 H 3 M
Restrict fishing to tidal influence only	Similar to above, but reduce fishing area specifically by restricting whitebaiting to areas of tidal influence only (i.e. as with West Coast regulations). Increase chance of escapement as fish are unable to be caught once past tidal reaches of rivers.	As above	As above						5 H 3 M 1 N
Restrict fishing around structures and areas where whitebait aggregate	Restrict fishing in areas where whitebait aggregate in large numbers and may be more easily caught or caught in large numbers. E.g. close set sections of river downstream of weirs or include defined distance from weirs, culverts etc. that you can fish in regulations.	Existing regulation but no enforcement	Doesn't cover natural resources Use West Coast as a possible model						9 H 1 M
Increase required distance between fishers	Increasing distance between fishers would effectively reduce the area able to be fished and may reduce numbers of fishers in areas with current high fishing pressure.		Displacement leading to conflict Use West Coast as a possible model		Would need to be/could be used in conjunction with reduction in fishable area (e.g. restriction to tidal influence only)				4 M 2 L 3 N
Rotational harvesting OR temporary closed rivers/rāhui	Some rivers, or parts of rivers, are closed each year with yearly rotation so that each river is closed some years but there are always rivers open each year. Information about which rivers are open/closed is made available each season.		Lack of data to support						2 H 1 M 1 L 5 N

Closed rivers	Permanent closure of some rivers to whitebait fishing (i.e. as with West Coast regs). Reduces pressure on specific populations. May increase whitebait numbers if closed river populations contribute to whitebait runs in wider rivers. Requires determination of which rivers would be best to close to achieve conservation benefit.	Lack of data to support	Use West Coast as a possible model		Needs to be in conjunction with good compliance and enforcement of regs.				7 H 1 M 1 N
Stands – change rules about whitebait stands	E.g. limits, licensing, change/increase distance between stands, change how stands are allocated Illegal stands closed	West Coast model exists. Improves health and safety for river stands. Reduces stand values	Unenforceable. Under RMA Councils have no/different rules	Compliance Political will \$\$?	1 net, 1 licence per stand Would be	Would be	Medium	Medium	3 H 5 M 3 N
Fishery: compliance and monitoring									
Require catch diaries to be kept	Fishers are required to record length of time spent fishing each day and total catch in that time.	Enables data to be collected on fishing effort and whitebait catch, allowing analysis of change in whitebait caught over time. Could provide data to inform establishment of a quota system and/or set appropriate catch limits. Data Some history Templates Palatable	Reliability of data dependent on honesty of fishers. Coverage – even, regular.	Need for resources on compliance. Govt. will to continue funding could disappear. False conclusions and action.	Need to be used with licencing system. Could be used with quota system.	Effective, but depends on implementation and messaging. Could be	Short – medium Immediate data needed Participant accountability needed	Low \$ Staff Database and technical expertise Could be funded by licence etc	6 H 2 M 2 L 2 N
Introduce some other method of monitoring catch and/or whitebait runs	E.g. fishers provide data to a survey, or..? As with catch diaries, enables data to be collected on whitebait runs and catch. Could provide data to inform quota system or catch limits. Could be confidential to scientists	Could be simple, high-tech solution e.g. GPS and weight scale New technology Instream fish counting More buy-in - confidentiality - specific rigour	Data reliability Barriers to access (\$) Implementation challenges Unknown added value? Coverage?	Hack into high tech system System breakdown -> gaps in data Time to wait for development \$ wasted if not workable Backlash	Could be used with quota system or catch limits.	Uncertain (depends) Maybe	Medium – longer (5 – 10 years)	Medium R&D	4 H 4 M 1 L
Require nets to be named	Nets and other equipment must be labelled with fisher's name/licence number. Enables compliance and law enforcement (CLE) staff to more effectively check compliance regarding equipment, distance from net, etc.	More information on who is fishing year to year Enables rapid compliance	Administration difficulties	False identity	Could be used in conjunction with a licencing system.	High – very high	Immediate – Short	Low Staff System Implementation plan Low	7 H 3 M

Compliance	Increase number of CLE staff and/or change who does compliance (e.g. MPI fisheries officers instead of DOC staff). Improve compliance enforcement/policing. Increase in funding needed to support compliance. Increase outreach and use social peer networks to build cooperation – could include honorary rangers, river rangers.	Reduces ability for illegal activities to become common practice. Greater visibility. Seen to be doing something – more efficient. Allows skilled and trained staff.	Costs Resourcing Alienate champions and allies if over-police or over-zealous	Fear of harm	Licensing system could help to fund increased CLE capacity and better enforce compliance with regs. Compliance must increase irrespective of other changes. Stand-alone.	Very effective, depending on training, funding and support	Immediate – medium	Medium Need more and better funding for warranted officers Training programme Public campaigns for support	11 H 1 M
Honorary rangers, river rangers		Fishery buy-in, support Empowerment of local fishers Social diffusion	Limited enforcement Patchy buy-in depending on river and personalities	Health and safety Lack of support Vigilantes	With other tools and follow-up support	Should be	Medium	Low	2 H 3 L 1 N
Licence and net linked (link to above row on requiring nets to be named)									1 H 2 M
Licence + net + catch record									1 H 2 M
Fisher and fishery monitoring (drones)		More data on fishing effort	Privacy	Health and safety Annoying fishers	Done alongside other tools Officer support Groundwork	Should be	Short	Low	1 H 4 M

Citizen science eDNA e.g. marine gut?	Adding to data gaps	Increases data, information Gets people involved	Science maybe not robust	Low	Alongside scientific monitoring	Should be	Short	Low – medium	3 H 3 M
Multi-agency management and overlapping jurisdictions i.e. who manages the fishery									
Better collective management, including iwi, DOC and regional councils	Improve connectivity among agencies and initiatives to ensure coordination and consistent freshwater management. Cohesive management of all pressures, rather than current overlapping responsibilities and focus of different agencies (e.g. DOC manages fishery, regional councils manages whitebaiting stands).	Better fish populations Compliance Cleaner and more habitat Coordinated approach Compliance working together Better use of resources	Difficult to implement Consistency Time Political will missing	Difficult to implement Consistency Time Political will missing Period of uncertainty – people not sure who does what	Tools already exist With other tools	Uncertain Will be	ASAP (short)	Low Shared resources across agencies and support for iwi participation	7 H
Co-management/iwi management	Joint management of fishery by DOC and iwi. Primary management transferred to iwi.	Better fish populations Compliance Cleaner and more habitat	Difficult to implement Consistency Time Political will missing Difficult to implement Consistency Time Political will missing	Huge job Different views among iwi	Other tools needed	Medium – low			4 H 3 M
Transfer management to a different agency e.g. Fisheries New Zealand	Management and compliance enforcement transferred to MPI/Fisheries NZ who are perceived to be better resourced to undertake CLE.	Trained compliance officers at MPI Systems in place for licensing	Reworking regulations and legislation	Reduction of focus on conservation	Other tools needed	Medium Needs improved \$ compared to marine	Medium (3–5 years)	Increase staff \$ New territory on freshwater	3 H 4 L 3 N
Transfer fishery management to Fish & Game NZ	Fish & Game NZ manage the fishery	Have prior knowledge							1 L 4 N

Combination of DOC, MPI manage fishery	DOC continues conservation work MPI contributes compliance staff, expertise and data management, and license of quota system	Shared resources and expertise Better outcomes	Coordination between agencies	Duties fall through the cracks	Other tools needed	Potentially high efficacy	ASAP or Medium (less than 3 years)	Shared or transferred	3 H 2 M 1 L
Fish licence	Licence river or region for fishing								3 H 1 M 1 L 1 N
Conservation, management and restoration of habitat and/or whitebait populations									
Mitigate barriers to fish passage	Barriers preventing movement of fish (juvenile, adult, spawning-related) within rivers and access to upstream habitat are removed or mitigated. This enables fish to access available habitat and move freely within waterways to complete their lifecycle.	More habitat available	Pest fish access isolated populations	Costly in \$ and time Not an exact science	With other tools	Very effective	Medium (2–5) years nationwide Immediate: no new structures	\$ time	7 H
Habitat protection and restoration of spawning and/or juvenile and/or adult habitat	Improved habitat means greater survival and increased abundance of adult whitebait species. Restoration of adult habitat could include fencing of inanga spawning habitat. Could target some or all life stages.	National Policy Statement for Freshwater Management (Freshwater NPS) will change in 2019 Improved conditions for strength of fish and reproduction conditions improved, increased	Difficult with lots of time, political will and changes to economy, agricultural practices	Reluctance to end land-use changes or revert or change practices	With other tools	Very effective but difficult	ASAP But takes time and commitment to revert practices and stop further loss and degradation	Money and political will	7 H 1 M

<p>Manage key pressures on whitebait species and habitat – eg including:</p> <ul style="list-style-type: none"> • predation/ competition from pest species • habitat loss and degradation • degraded water quality • decreased water flows • climate change 	<p>Linked to habitat restoration above, but focus on mitigating and reducing key pressures on whitebait populations to increase population numbers. May not just be habitat related. Focus on spawning, juvenile and adult life stages, as well as habitat. E.g. improve habitat by riparian fencing and planting, reduce pollution/ improve water quality, manage instream activities, reduce competition through pest fish management. Improve national regulations and limits (e.g. Freshwater NPS, National Objectives Framework (NOF)) to require fish and habitat viability. Barriers to fish passage identified separately.</p>	<p>Enhancing whitebait populations</p>	<p>Large scale catchments, many agencies, conflicting values</p>	<p>Getting priorities right</p>	<p>With other tools</p>	<p>High if management actions can be implemented, enforced</p>	<p>Longer</p>	<p>\$ People</p>	<p>11 H</p>
<p>Science research to fill knowledge gaps</p>	<p>Funding stream (e.g. from licencing system) enables coordinated and strategic research to gather more data and fill knowledge gaps, to inform better management of species populations and fishery.</p>	<p>Better understanding of fishery Fact based management</p>	<p>Uncoordinated research is ineffective Funding required Long term patterns vs. short term research (e.g. weather)</p>	<p>Time needed to fill gap is too long Funding (lack of)</p>	<p>With other tools</p>	<p>Depends on research questions Could range low - high</p>	<p>Longer</p>	<p>Lot \$ People</p>	<p>10 H 1 M</p>
<p>Create reserves/ closed areas</p>	<p>Same as the spatial controls on fishery 'closed areas' option. Permanent closure of some rivers to whitebait fishing (as with West Coast regs) to create reserves in areas with high value or key whitebait populations. Needs to be rivers that are important for each of the five species (good habitat, good population of adult fish, high recruitment into the system etc.). Could include identified conservation areas (e.g. scenic reserves) but rivers would need to be selected based on species' population, so may or may not link to conservation areas.</p>	<p>Impacts on smaller proportion of whitebaiters i.e. only the rivers you close</p>	<p>Shifts fishing pressure to other rivers</p>	<p>Not closing in right places for right purposes</p>	<p>Reserve – other tools Closed areas – stand-alone Could combine with other tools</p>	<p>Need to pick places with good spawning, adult habitat and dispersal</p>	<p>Start ASAP Medium (less than 5 years)</p>	<p>Desktop and ground truth</p>	<p>7 H 1 M 1 L</p>
<p>Legal protection of adult fish</p>	<p>Reduce pressures and increase protection for adult fish (life stages that are not part of the whitebait fishery). Include in: - fisheries plans - fisheries regs under bill - Wildlife Act</p>	<p>Greater recognition, status Securing future generations because reproducing adults protected</p>		<p>Legislation not effective or enforced</p>	<p>With other tools</p>	<p>High</p>	<p>Medium (less than 5 years)</p>	<p>Desktop Policy, legal, technical</p>	<p>4 H 4 M</p>

Legal protection of all life stages	Reduce pressures and increase protection for adult fish (i.e. life stages that do not form part of the whitebait fishery). - Fisheries plans - Fisheries regs under Bill - Add to Wildlife Act	Greater recognition, status Securing future generations because reproducing adults protected	No fishing Little support	Little support	With other tools				2 M 1 L 1 N
Sedimentation – a major stressor									3 M
Regulations									
Review/amend regulations to make consistent NZ wide	Variation between regulations is removed. Possibly use West Coast regulations as a model for revised regulations? More closely aligned regulations Addresses black market reduction – i.e. catches from the West Coast being sold on the East Coast as the season is still going there.	Less conflict More clarity Fewer questions about differences Fewer excuses	More CLE required because more rules Doesn't take local variation into account Less fishing push-back from rest of New Zealand	Doesn't fix, enhance fishing or populations Lack of support	With other tools	Low – Medium depending on how / what is changed	Short – medium (3 – 5 years)	\$ People	3 H 5 M 2 N
Regular review of regulations	Regulations are reviewed and updated regularly to ensure those in place reflect and achieve desired outcomes for whitebait populations	Responsive to new knowledge	Public perception about tinkering constantly	Over-regulating and making changes constantly	With other tools	Medium - High	Indefinite	\$ People	4 H 1 M 2 L
New/amended regulations with specific rules for recreational, commercial and customary fishers	Harvest is better managed and monitored, different rules are set for different fishing types e.g. catch limits/quota, licencing costs. Create commercial - a % goes to iwi	Better fit regulations to each purpose	Defining what commercial is Hard to define recreational versus commercial	People move between the rules	With other tools	Medium - High	Short – medium (3–5 years)	\$ People	2 H 3 M 2 L
Different regs for different rivers or river environments	Local conditions and variations between rivers are recognised and management is based on these local conditions. E.g. area that can be fished, catch limits per river or river system.	Better targeted regulations, management	Complex CLE harder	Getting it right without the right knowledge	With other tools	Low – High depending on making the right changes	Longer (5–10 years)	\$ People	4 H 5 M

Create new legislation to address sale of whitebait, including food safety	Include source, date of catch, fresh or frozen. Require a licence to sell?	More control Maybe more \$ to do more research	Might need new agency involved Enforcement required	Complex User buy-in Black market	With other tools	Medium in conjunction with other tools	Longer (5 – 10 years)	\$ People	6 H 4 M 1 L
Regulations for regions: Schedules									3 H 1 M 1 L

26th October

Introduction to Day 2

Evaluation of management options: Part 2

Johanna noted that the Group's evaluation of management measures showed broad concordance on what was more and less supported. Nine measures with inconsistent evaluations were highlighted for further evaluation, to determine whether the sources of the differences could be identified. Group members were asked to provide their views under the headings below:

1. Catch diaries

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
Support: <ul style="list-style-type: none"> diaries will yield some useful data on changes over time data should be provided confidentially and used for analysis of trends information on overall trends should be provided to whitebaiters to involve them in the process providing catch data should be a condition of getting a licence. 	No alternative
Support: <ul style="list-style-type: none"> need good data must be linked to recreational licence must be part of any reporting requirements of any commercial system. 	No alternative
Support, as long as catch diaries are:	

<ul style="list-style-type: none"> • across commercial and recreational fishers • on a voluntary basis for recreational and compulsory for commercial. 	
<p>Partially support:</p> <ul style="list-style-type: none"> • could give a good idea of catch (amount, composition) • information is unlikely to be accurate, which will make its effective use difficult. 	Alternative: Resource is allocated to an officer to take subsamples and estimate catch on the ground.
<p>Support:</p> <ul style="list-style-type: none"> • use catch diaries for research • need to be voluntary not regulated • involve whitebaiters for best results • pressure on those who don't return info (negative responses). 	
<p>Support:</p> <ul style="list-style-type: none"> • if could get fishers to tell the truth • tried on the Waikato – the few returns had no value. 	
<p>Support if can enforce and get good data (not sure how to do this, as people have said they've tried and data / info not good, accurate, or made-up).</p>	If not implemented, or even if it is, catch limits
<p>Strongly support:</p> <ul style="list-style-type: none"> • can be successful if organised and implemented in a way that is easily accessible and transparent with ownership and accountability built in • because this data is needed to know and quantify fishing as an existing pressure and create a system of participation. 	
<p>Strongly support:</p> <ul style="list-style-type: none"> • because catch diaries provide longitudinal data required to manage the fishery. Each diary on its own will be unreliable but a large number of diaries will allow correlative analysis to look for widespread patterns • would require connection to licence to 'encourage' completion • would need standardised forms, books to be available. 	
<p>Support as will provide information to help understand population, migration patterns, number of people fishing (pressure).</p>	Intensive funded research into population numbers, migration, fishing pressure, catch amounts – but how long do you give for this before taking action? Don't want species to go extinct while collecting data!
<p>Support because of multiple benefits (data and engagement and extras).</p>	
<p>Do not support:</p> <ul style="list-style-type: none"> • there is no clear purpose for the information gathered • no way of knowing if info is accurate • on its own does not improve fishery. 	Voluntary catch diaries from reliable sources at a wide selection of rivers could provide some data to begin to understand the fishery
<p>Do not support:</p> <ul style="list-style-type: none"> • information probably won't be accurate • variable over years. 	Need to be anonymous for science, long-term, two parts – stands and recreational

2. Licences allocated to a river or region

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
Support in part: may be easier to police but admin and tracking would be difficult to manage well if lots of areas (compare Fish & Game and trout fishing licence).	Support recreational licence – National and generic for rec Separate commercial take + rec take and call it different names
Support but specifics to be ironed out (scale, revenue, entitlement).	
Support specific licence for a specific river for commercial.	Support national full season's licence for recreational fishers
Support: <ul style="list-style-type: none"> • Commercial licences should be specifically allocated to a particular region or river. They should be more expensive. • Recreational licences could cover all rivers (as for trout). These should be cheap. • Licence holders must provide catch data before getting another licence next season. 	
Support: key to control access or limit access in certain areas. This would allow structured management and could be a way of running partial river closures or sabbaticals. River A could be rested if surveys revealed a drop in adult numbers. Also allows for better data in terms of who is fishing where or when – data on regional processes.	
Support by region; do not support by river (medium support) This could allow for a locally organised and implemented system which has money going back locally to restoration work. Could create a sense of pride, only valuable if national oversight exists with consistency and accountability between regions.	
Do not support.	Support national licences because we need money for research data (not compliance) to make informed decisions because: <ul style="list-style-type: none"> ○ Nationwide licences allow movement between rivers, regions, and they are cheaper and easier to manage.
Do not support [there does not appear to be a clear reason]	
Do not support (better to have national)	National licence but stipulate which rivers you fish – option to add others if needed. Mostly to understand where people fish in general.
Do not support. In theory, could be used in the short-term to collect data and easier to police if in a small area. BUT fishers would probably just avoid these and in the meantime, not helping to achieve the end goal – a sustainable whitebait population and fishery.	Generic licence for the whole country. Different licences for recreational and commercial?
Do not support: <ul style="list-style-type: none"> • whitebaiters move between rivers and regions • would create administration work and cause confusion. 	Simple licence for all system. Easy to understand and administer.
Do not support: <ul style="list-style-type: none"> • logistical nightmare where people fish multiple rivers with different rules • people struggle with the correct regulations now so I don't think they could handle the changes. 	

3. Banning commercial sale

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
<p>Support:</p> <ul style="list-style-type: none"> believe many of the current issues (violence, offending etc. compliance) would be largely dealt with if sale was banned. also likely to be greater escapement much easier to police black market issues would largely be a non-issue. 	<p>Have a meaningful catch limit that is enforced, but many other issues note in support of ban would likely still exist. Would need to be licensed as DOC underfunded to do this properly at present.</p>
<p>Support banning UNCONTROLLED commercial sale:</p> <ul style="list-style-type: none"> realistically, commercial sale will continue. it should require a specific commercial licence for a particular river or region black market needs to be stopped and sale should only be by licensees. 	
<p>Support:</p> <ul style="list-style-type: none"> total ban on any sale of whitebait. we are data deficient to take the risk of continuing this practice we need to start protecting the resource for the sake of our grandchildren. 	
<p>Support, but realistically not going to happen</p>	<p>West Coast only Separate commercial quota system Licensed fishers / licensed sellers only Quota for region / rivers Quota = pool, so leased but not owned No export</p>
<p>Support, but prefer a moratorium. The idea is to re-establish a thriving population and alleviate other pressure before returning to a profit system.</p>	
<p>Partially support</p> <ul style="list-style-type: none"> I think commercial sales should be licensed/registered so that they can be monitored, and tax collected on them to fund research and habitat restoration. I think we should ban individuals selling whitebait, unless registered. 	<p>Licensing system for commercial sale Monitoring and data collected from all commercial sales but difficult to police</p>
<p>Very much dependent on the package of options chosen</p> <p>Support:</p> <ul style="list-style-type: none"> If nothing changes with catch limits, licenses, reserves then should consider a ban or temporary ban. 	
<p>Do not support:</p> <ul style="list-style-type: none"> Because I'm not sure how it would be policed. I would need to see data on how many people actually sell their catch before I am convinced it is a problem. Before this was implemented, I would like to see a characterisation of whitebaiters, a definition of a 'commercial whitebaiter' and data on what quantity was being bought and sold. 	

Do not support	I believe we should identify sustainable commercial fisheries and licence the existing operators through a structured process of quota management. Could nurture and manipulate the terms and conditions of the commercial licence. I would propose then banning the sale of whitebait from all other rivers namely the recreational rivers that currently have a commercial harvest. The result is a reduced harvest and wiping out black market fish.
Do not support: <ul style="list-style-type: none"> destroys an industry and people's lives for little or no gain. Commercial whitebaiters are responsible for a very small portion of the catch. They run responsible operations and are being unfairly targeted. 	
Do not support. Illegal black market sales are the issue, not legitimate business.	
Do not support. I believe it is a sustainable wild fishery similar to other NZ delicacies and should be able to be bought and sold in NZ.	Commercial sales to retailers / wholesalers should be more tightly documented so info can be gathered and informed decisions made.
Do not support. This will further the black market sales.	Could develop a commercial licence sale of whitebait system to better control this aspect of the fishery.

4. Moratorium on all whitebait fishing

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
Support having the ability to have moratoria on fishing for particular rivers for specific periods of time.	
Support moratoria on specific rivers needing rebuilding of stocks and restoration of habitat for specific timeframes, reviewed regularly.	
Strongly support: <ul style="list-style-type: none"> Fishing is one pressure that can be easily managed. It can allow some time to alleviate other pressures and sort a good system for managing the for-profit whitebait fishery. It should only be lifted once we have a healthy stock of each fish species in all life phases distributed around the country, and other pressures are lifted. 	
Support, if no other changes are made, need to consider this.	If not this, then need to ensure licensing, catch limits, reserve network nationally.
Do not support Because parts of NZ have a sustainable fishery operating.	I believe more rivers outside the West Coast should be closed to enhance the fishery
Do not support: This will not achieve a restored or healthy fishery.	Put effort into restoring habitat DOC should be provided with funds to purchase desirable wetland / breeding areas, etc.
Do not support. Think this is an overreaction and will incite massive public backlash. This will destroy any dialogue that is currently happening.	Support a more staged approach quantifying and qualifying the fishery to determine if there is an actual problem. Let's start with the more palatable approach: licences, modified regulations, more closed rivers, before we go to extremes. There is no evidence of imminent collapse.
Do not support: <ul style="list-style-type: none"> unforeseen consequences diverts attention from other potentially more positive measures i.e. protection, spawning, grounds, habitat. 	Temporary local rāhui – local driven measures may be more effective.

Do not support: <ul style="list-style-type: none"> • Because it would create a lot of strife and disruption for what gain? The impact on many small businesses will be severe. • What value in leaving fish to move into conditions that are adverse to breeding and growth? • Fix the basics. 	
Do not support. If we stop selling whitebait then I believe we will have fish for the future. However, need to look at all forms of habitat to achieve this.	
Do not support. Mainly because rural/coastal communities rely on tourism/income + people should be able to harvest 'a feed' if the resource is managed well.	
Do not support. This is too contentious. In an ideal world, this would great. <u>But</u> , we need to have everyone's buy-in for a positive outcome. Any action also has to facilitate habitat restoration and protection and this needs everyone onboard.	Increased and immediate research into whitebait population numbers and dynamics, which could inform a moratorium in future IF NECESSARY.
Do not support. There is no need for this.	Implement other management measures e.g. catch limits.

5. Specific gear restrictions

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
Support: <ul style="list-style-type: none"> • a ban on screens • fish with a net only • these two measures would go a long way to letting fish pass up-river • go back to a scoop net would stop a lot of overfishing. 	
Limited support. Apply West Coast regulations nationally.	
Medium – Low support. This is not a silver bullet solution. It will only be helpful in combination with a daily and seasonal catch limit. The details of these restrictions should be determined by whitebaiters and regional councils and public.	
Support. If data indicate particular gear types are taking disproportionate numbers of fish...but if there was a meaningful daily or seasonal limit then I'm OK with any gear type.	
Support gear restrictions: <ul style="list-style-type: none"> • ban screens • scoop nets only. 	
Support. Ban screens.	
Support if river users deem it prudent.	

Support: <ul style="list-style-type: none"> mechanism by which locals can exercise their aspirations for fished river the regulations are old and being worked around. 	
Support on a fine scale. Banning certain gears in certain areas or rivers. A global ban would be inappropriate in most/all cases. This would need to be coupled with increased compliance work until it became self-policing.	
Do not support (because the country is so diverse) unless consultation over individual rivers, schedules for different rivers / flows etc. Do support basic restrictions of screen length, net size, bank edge for setting, back marker as per West Coast regulations.	
Do not support specific gear regulations as proposed, as we have not had the opportunity to discuss them.	Catch limits would cover any gear restrictions.
Do not support as different rivers require different methods.	
Unsure: maybe if catch limits not needed.	
Unsure due to lack of knowledge on fishing methods. Support anything that will mean an increased number of fish escape but there has to be a balance.	Reduce length of fishing season – allow early and late migrant unimpeded access into adult habitat

6. Shift management to a different agency (e.g. Fisheries New Zealand / MPI)

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
Support MPI taking over the management of any future regulations. <ul style="list-style-type: none"> Greater regulatory presence to the fishing community able to reduce the harvest by controlling the sale of whitebait. Commercial: yes. Recreational: no. DOC can't handle the existing regulations. 	
Do not support.	
Support a <u>joint approach</u> by MPI and DOC. <u>Both agencies</u> should have compliance and enforcement responsibilities and powers.	
Do not support.	
Support a joint approach between DOC and MPI. A joint approach would put more compliance staff on rivers. Neither organisation currently has enough compliance staff to be efficient.	
Do not support. Keep responsibility with one agency but provide more funding for research, management and policing.	More funding for DOC to implement regulations and manage the habitat
Support to MPI for licence, quota, database, regulations, compliance and enforcement.	
Do not support transfer of overall conservation – habitat protection and enhancement. Should remain with DOC.	

Do not support. Take a joint approach: good coordination between the two agencies is essential.	
Do not support: <ul style="list-style-type: none"> • lack of continuity, knowledge, relationships • lack of trust for 'other' agency. 	
Do not support as nothing will be achieved.	Could contract the compliance to another agency that does similar
Do not support because expertise and energy has already been established.	
Do not support. Continuity of management etc. between juvenile and adults and habitat is needed. Don't separate them like eels.	Put more funding, effort, people, training into DOC's current compliance law enforcement
Limited support. Only if it provides additional resources/expertise that DOC cannot provide.	
Support: <ul style="list-style-type: none"> • DOC not currently doing a good job and not really experienced at doing this. • MPI and Fish and Game do this routinely and so are better placed to improve management of fishery. 	1: DOC could do it if resourced properly + or may be much easier if commercial aspect banned <ul style="list-style-type: none"> • -> Possible mixed model with MPI - commercial, DOC – rec 2: Licence commercial operators with valid tax returns + ban rest similar to crayfish (freshwater) licences <ul style="list-style-type: none"> • Easier to manage, police
Support compliance going to MPI as they are better trained. MPI could be contracted by DOC.	
Support shifting compliance to MPI. I believe they are capable of delivering better compliance and that this is a necessary first step in dealing with any perceived problem. It will remove any conflicts of interest within DOC and allow them to become stronger advocates for conservation work with adult populations. I believe this will improve DOC's relationship with the whitebaiters.	
Undecided. It would depend on the details of which agency, if the resources / responsibilities are shared and how that changes the acts and regulations.	

7. Rotational harvest / temporary closures (within a season or for a whole season or seasons)

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
Support: I support rotational harvest for part seasons only.	
Support: Rotational harvesting or closures should be linked to a targeted <u>research</u> programme, yielding information on whether or not stopping all harvesting for a while has any effect on whitebait populations.	
Support: <ul style="list-style-type: none"> • As required and based on catch data. • Regulations need to be flexible to enable these measures to be put in place as required and in a timely manner. 	
Support if supported by data.	
Support this and believe it could be managed with region / river specific licences. It would not need to be complete closures but limited licences could be offered for some rivers in some years to shift pressures.	

<p>Strong support:</p> <ul style="list-style-type: none"> • This allows for genetic diversity as well as mid-season migration of runs to flood upstream. • This important also for allowing more diversity in which species make it up (they migrate at different times). 	
<p>Support in part:</p> <ul style="list-style-type: none"> • Will only work if we know population structure and dynamics of each system. Could work if have a river of high importance – close to all fishing? • Requires better policing. 	Catch limits
Do not support: Would only work for more numerous short-lived species e.g. īnanga, if was a good recruitment year.	
Do not support: Hard to manage compliance and law enforcement.	Could have reserves / closed areas instead
<p>Do not support:</p> <ul style="list-style-type: none"> • Compliance is difficult enough now, a split season would put a huge amount of pressure on compliance staff. • The disruption of time would be unacceptable to most people. 	
Do not support: Unworkable, little achieved as life cycle of species too different.	
<p>Do not support:</p> <ul style="list-style-type: none"> • too complex • difficult for region's economy. 	
<p>Do not support:</p> <ul style="list-style-type: none"> • would create disruption, confusion • impact on business and communities for questionable gains. 	

8. Rules around stands

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
<p>Support:</p> <ul style="list-style-type: none"> • Regional council role but regional councils should consider the state of fishery in river when dealing with renewal / granting of consents. • Shorter terms on consents to enable whitebait management to be flexible and more reactive (5–10 years max). 	
Support: Support a nationwide standard here rather than a regional or river by river approach. It is a source of conflict / anxiety and needs to be cleaned up. The inconsistencies need to be removed.	
<p>Support:</p> <ul style="list-style-type: none"> • consistent rules need to apply, including spacing of stands • illegal structures need to be removed • consents for stands should be shorter-term (e.g. 5–10 years) • occupying as seasonal 'homes' should be carefully monitored and discouraged. 	

Support nationwide consistency around stands as per West Coast regulations.	
Support	
Support: apply West Coast model.	
Support as works very well on West Coast South Island. Needs to be river-specific.	
Support: <ul style="list-style-type: none"> specifics to be determined tension between local / river specific rules versus simple yes or no stands rule. 	
Medium / low support though this is not a silver bullet solution. It will only be helpful in combination with a daily and seasonal catch limit. The details of these restrictions should be determined by whitebaiters and regional councils and public.	
Possibly support: <ul style="list-style-type: none"> be good to take down stands at the end of the season good to know how many and where. 	As long as alternatives are put in place to do with licensing, I think this is more important and urgent.
Do not support: <ul style="list-style-type: none"> because rules around stands are outside our scope stands are under regional councils and most regional councils don't care about fishery values our regional council has made whitebait stands a permitted activity. 	
Do not support: <ul style="list-style-type: none"> RMA issue outside DOC's jurisdiction unenforceable whitebaiter "pushback". 	

9. Restricting fishing hours

I support / do not support because...	If not chosen for implementation, what other measure(s) might achieve the same or a similar outcome to what you expect this measure will deliver?
I agree with this but understand that there is not enough scientific evidence to support set hours, and depends on tides.	Catch limits
Support: only need to fish on the incoming tide.	
Support: if fishing hours are reasonable and there is good scientific reason to change.	
I weakly support this: I think it is an easily policed way of reducing fishing pressures, but I'm not sure that it's the sensible place to start. Again, it would require higher levels of compliance work initially, until it became self-policing.	

<p>Low / no support:</p> <ul style="list-style-type: none"> • this is a tool which can only be marginally helpful is there isn't a catch limit • the fishing is already limited by the incoming tide times • reducing fishing hours won't accomplish much. 	
<p>Possibly: if no catch limits, change hours.</p>	<p>Catch limits if not change hours</p>
<p>Do not support: keep as it is.</p>	
<p>Do not support: too complex.</p>	
<p>Do not support restriction of days of fishing within the season:</p> <ul style="list-style-type: none"> • because it affects regions economically • compliance issues. 	
<p>Do not support: wouldn't make much difference and would be difficult to enforce.</p>	
<p>Do not support: better alternatives exist.</p>	<p>Daily, seasonal catch limits</p>
<p>Do not support: existing hours are adequate.</p>	
<p>Do not support:</p> <ul style="list-style-type: none"> • no gain • difficult to police • fishing / tide times are important to whitebaiters • unnecessary disruption. 	
<p>Do not support:</p> <ul style="list-style-type: none"> • existing rules are in place • once again, compliance issues, rules for the sake of rules are never good rules • only a few very honest people would comply. 	

FINAL 12 Feb 2019

Evaluation of management options: Part 3

Current Regulations

Evaluation of current regulations and changes that could be made

The Group broke into two, to evaluate the current whitebait fishing regulations. First, those with expertise from the West Coast focused on the West Coast regulations. Those with expertise from the rest of New Zealand focused on the regulations applicable to that area. Each group considered if sections of the regulations were fit for purpose and why or why not, and (if not fit for purpose) what needed to change. Groups then subdivided and mixed (i.e. two groups with some West Coast and some rest-of-New-Zealand participants), to evaluate how the current regulations from each region would fit the other (i.e. if the West Coast regulations would effectively apply to the rest of New Zealand, and vice versa). Results were written on enlarged versions of the table below.

Group members recognised that any potential regulatory changes required further consideration (and an appropriate time taken) to get right. As well as the content of the actual regulations, broader issues to consider include social and economic impacts of changes, and timing for introducing any changes. One member suggested that the working group could develop principles for experts on regulation to use as a basis for developing any proposed regulatory changes. If regulatory review is progressed, a regulatory review group involving whitebait fishers (i.e. those experienced in using the current regulations), compliance personnel, and legal experts could usefully work together to refine proposals for updating the current regulations, and help ensure any new regulations were workable, practical, readable and concise.

Whitebait Fishing (West Coast) Regulations 1994

Regulations	Fit for purpose? (Y / N)	What needs to change?	Why?	Could apply to rest of NZ?
3 Application These regulations shall apply to all waters and places on the West Coast of the South Island from Heaphy Bluff (at 40°59'S and 172°06'E) to Puysegur Point (at 46°09'S and 166°36'E).	N	Farewell Spit, top end	Natural breakpoint	
4 Closed season No person shall fish for whitebait in any waters or places to which these regulations apply during the period commencing on 15 November in any year and ending with the close of 31 August in the next year or be in possession of any whitebait taken from any of those waters or places during that period.	N	Start 14 August Finish 31 October	Science	
5 Closed areas No person shall fish for whitebait in any of the areas specified in Schedule 1 or be in possession of any whitebait or fishing gear in any of those areas.	Y			Good for rest of NZ; need to be strategic
Hours of fishing No person shall fish for whitebait,— (a) if the fishing occurs during any period for the time being prescribed by Order in Council under section 4(1) of the Time Act 1974 when the time for general purposes in New Zealand is 1 hour in advance of New Zealand standard time, between the hours of 9 pm on any day and 6 am on the next day; (b) in any other case, between the hours of 8 pm on any day and 5 am on the next day.	N	5:30 am – 8:30 pm	Overfishing	
7 Whitebait nets (1) No person shall use, set, or possess, in or adjacent to any river, stream, estuary, or channel, any whitebait net that— (a) has a net mouth in excess of 4.5 m in circumference or perimeter measured around the inside of the net frame; or	Y			7 (3) Need in rest of NZ regulations

<p>(b) has an overall length exceeding 3.5 m; or (c) has any framing material that exceeds 120 mm in width. (2) No person shall use 2 or more whitebait nets at the same time. (3) No person shall use a whitebait net from any licensed structure while another whitebait net is being used (whether by that person or any other person) from that licensed structure.</p>				
<p>8 Use of screens and diversions (1) No person shall— (a) place on the side of the net furthest from the water’s edge any screen or other item that may divert whitebait into any net; or (b) place any net in such a manner that it may divert whitebait into any other net; or (ba) use a screen or screens whose total length exceeds 3 m in fishing for whitebait otherwise than from a licensed structure; or (c) use a screen or screens in fishing for whitebait otherwise than from the water’s edge at the site being fished. (2) No person shall— (a) fish for whitebait within 20 m of any tide gate, flood gate, confluence, or culvert; or (b) use anywhere or have on or adjacent to any net or screen in place in the water any device, contrivance, wing, or deflector that may be used to prevent or divert the movement of whitebait up or down stream, other than a screen that complies with and used in accordance with these regulations; or (c) fish for whitebait within 20 m of any unlawful diversion constructed by any person from the bank or in the bed of a river, stream, estuary, or channel whereby whitebait may be diverted into a net.</p>	<p>1 (a) Y (b) Y (c) Y</p> <p>2 (a) N (b) Y (c) Y</p>	<p>(a) Add weir bridge abutments, “manmade structure”</p>		<p>1 (a) Rest of NZ regs (ba) Not supported for East Coast. KC: No, think 6 m rule works; CA: yes allows escapement (d) Group divided – river by river reg?</p> <p>2(b) Similar but different wording</p>
<p>9 Fishing gear (1) Except as provided in subclause (2), no person shall set or use any fishing gear that exceeds more than one-third of the width of the river, stream, estuary, or channel at that place at that time. (2) Nothing in subclause (1) shall apply in respect of any licensed structure so long as the other fishing gear used on or from the structure complies with that subclause. (3) No person shall set or use any fishing gear that, in conjunction with any fishing gear set or used by any other person, will exceed more than one-third of the width of any river, stream, estuary, or channel at that place at that time. (4) Every person fishing for whitebait on 1 or more occasions on any day shall remove all his or her fishing gear (other than a licensed structure) from the water— (a) at the cessation of fishing on each occasion; or (b) not later than 8 pm (or not later than 9 pm during any period referred to in regulation 6(a)) on the same day,— whichever is the earlier.</p>	<p>Y (all except 4b)</p>	<p>4(b) Time as per hours of fishing</p>		
<p>10 Fishing from bridge prohibited No person shall fish for whitebait from any bridge.</p>	<p>Y</p>			
<p>11 Persons to remain in vicinity of net or structure (1) Every person who sets or uses a whitebait net shall remain within 10 m of any such net. (2) Every person who sets or uses a whitebait net from a licensed structure shall remain within 10 m of that licensed structure.</p>	<p>Y</p>			

<p>12 Fishing for whitebait from or near structures (1) No person fishing for whitebait in any river shall— (a) fish for whitebait from any unlicensed structure; or (b) place or use any net on or from any licensed structure unless the net is placed or used in a straight line, either from the up stream or down stream edge of the licensed structure; or (c) set any screen beyond the outer edges of any licensed structure. (2) No person fishing for whitebait in any river specified in Schedule 2 (other than the Mokihinui River) shall fish within 40 m of any licensed structure from which any other person is fishing, whether on the same or opposite bank as that licensed structure. (3) No person fishing for whitebait in the Mokihinui River may fish within 40 m of any licensed structure from which any other person is fishing, whether on the same or opposite bank as the licensed structure, unless the person is fishing from another licensed structure.</p>	Y	1(b) insert “set”: <i>place or use any SET net on</i>	Scooping off stand structure “Mokihinui”	1(c) Not fair on east coast as our stand length is regulated by regional council to 8 m. On the Coast they can be unlimited and only regulated by the river. Note of correction: West Coast stands all have limited lengths which are measured (at times) by Compliance Officers.
<p>13 Fishing upstream from back-pegs or in non-tidal waters prohibited (1) No person shall fish for whitebait at any place upstream from any back-peg by the side of any river specified in Schedule 3. (2) No person shall fish for whitebait outside the tidal portion of any river, stream, estuary, or channel not specified in Schedule 3.</p>	(1) N (2) Y	Add all rivers of West Coast to Schedule 3 particularly smaller rivers / creeks.	Improve efficacy	Nationwide but might need some regional thought / variation
<p>14 Fishing for whitebait from vessels prohibited No person shall use any vessel to fish for whitebait.</p>	Y			
<p>15 Prohibition on possession of whitebait in conjunction with unlawful net No person shall be in possession of any whitebait together with any whitebait net that the person is not permitted to set or use by these regulations, whether or not that net is being used in fishing.</p>	Y			
<p>16 Returning of unlawfully taken fish Any person engaged in fishing for whitebait shall, taking all reasonable care to ensure their survival, immediately return any fish that are unlawfully taken back into the waters from which the fish were taken.</p>	Y			
<p>17 Dumping of other fish prohibited No person shall discard or dump on shore any fish taken when fishing for whitebait.</p>	Y			
<p>18 Rivers, etc, not to be altered Nothing in these regulations shall be construed so as to permit any person fishing for whitebait to interfere with, alter, or modify the natural bed or banks of any river, stream, estuary, or channel.</p>	Y			
<p>19 Offences Every person commits an offence and is liable on conviction to a fine not exceeding \$5,000 who— (a) contravenes, or fails to comply with, any of regulations 4 to 17; or (b) removes any back-peg placed pursuant to these regulations; or (c) takes whitebait otherwise than in accordance with any conditions imposed by the Director-General under regulation 20(3).</p>	?	Specify offences and penalties in more detail – guide for judiciary. Fishing outside the season or times greatest fines.		
<p>20 Exemptions (1) Notwithstanding regulations 13 and 14, any person may fish in any place where fishing would otherwise be prohibited by regulation 13 or fish from a vessel, if he or she—</p>	Y			

<p>(a) is a disabled person, or suffers from an infirmity or chronic disability, and is unable to fish at another place or by any other means; and</p> <p>(b) holds a current authorisation issued by the Director-General under subclause (3).</p> <p>(2) Notwithstanding any other provision in these regulations, any person who wishes to take whitebait for the purposes of management, research, or scientific study or to take whitebait by any particular method for any such purpose, but is otherwise prevented from doing so by any provision of these regulations, may take whitebait for any such purpose or by any such method if he or she holds a current authorisation issued by the Director-General under subclause (3).</p> <p>(3) If—</p> <p>(a) an application for an authorisation referred to in subclause (1) or subclause (2) is in accordance with that subclause; and</p> <p>(b) the Director-General is satisfied that the grant of an authorisation in that case will not adversely affect the overall conservation and management of the fishery,— the Director-General shall grant the authorisation; and he or she may make the authorisation subject to such conditions as he or she considers necessary for the overall conservation and management of the fishery.</p> <p>(4) Every authorisation granted under subclause (3) shall have effect according to its tenor and may be amended or revoked, as the case may require, to reflect changed circumstances.</p>				
<p>Schedule 1 Areas where whitebait fishing prohibited</p> <p>(a) the area of about 2.428 hectares known as Kongahu Swamp located north of Granite Creek to the east of the main road to Karamea township and approximately 6.5 km south of that township:</p> <p>(b) the Mahinapua Creek to the south side of the Hokitika River and any tributary of the Mahinapua Creek; including Lake Mahinapua and any stream running into that lake:</p> <p>(c) the south bank of the Hokitika River from a point 500 m down stream from the State highway 6 bridge to the sea:</p> <p>(d) the area known as the Hapuka River (including any tributary stream of the Hapuka River) that extends to the sea on the south bank and to the Okuru lagoon on the north bank:</p> <p>(f) any tributary stream of the Waiatoto River and the waters of the Waiatoto River above the mean high-water mark:</p> <p>(g) the north bank of the Cascade River between a point 20 m upstream from Old Man Creek to the sea:</p> <p>(h) Old Man Creek:</p> <p>(i) Barn Creek that enters the Cascade River, and any tributary stream of Barn Creek:</p> <p>(j) the Awarua River above the Department of Conservation swing bridge:</p> <p>(k) all rivers, streams, and tributaries in Fiordland between Yates Point in the north and Puysegur Point in the south:</p> <p>(l) Baker Creek (a tributary of the Karamea River estuary):</p> <p>(m) Blackwater Creek (to within 200 m of the tide gate at Kongahu Swamp):</p> <p>(n) Bradshaws (Martins) Creek (a tributary of the Buller River):</p> <p>(o) Bullock Creek (a tributary of the Porarari River):</p> <p>(p) all tributaries of the Punakaiki River:</p> <p>(q) Ounatai Lagoon (a tributary of the Waitaha River):</p>	Y but...	...present as a map.	Easier to see and find.	Add to rest of New Zealand – closed areas – strategically.

(r) Oneone Creek (a tributary of the Wanganui River): (s) Hikimutu Lagoon (a tributary of the Poerua River): (t) Crikey Creek (a tributary of the Haast River): (u) Nolans Creek (a tributary of the Okuru River): (v) Collier Creek (a tributary of the Turnbull River).				
Schedule 2 Rivers where special conditions apply Mokihinui, Orowaiti, Taramakau, Hokitika (proper), Waitaha, Wanganui, Poerua, Waitangi-Taona, Jacobs, Karangarua, Paringa, Moeraki (Blue), Okuru, Haast, Turnbull, Waitatoto, Arawhata, Cascade, Awarua, Ohinemaka, and Hollyford Rivers. It should be noted that in parts of some of these rivers fishing for whitebait is totally prohibited. See Schedule 1.	N	Distance between stands / nets. All rivers with stands not just these rivers (don't get 40 m; free water)		
Schedule 3 Rivers on which back-pegs are to be located Awarua, Hollyford, Smoothwater, Cascade, Arawhata, Waitatoto, Okuru, Turnbull, Haast, Waita, Moeraki, Paringa, Mahitahi, Jacobs, Manakaiaua, Hunts, Karangarua, Omoeroa, Waitangitaona, Whataroa, Poerua, Wanganui, Waitaha, Mikonui, Totara, Hokitika, Arahura, Houhou, Waimea, Serpentine, Taramakau, New River, Grey, Punakaiki, Pororari, Fox, Okari, Nile, Buller, Orowaiti, Mokihinui, Little Wanganui, Granite Creek, Karamea, Oparara, Kohaihai, and Heaphy Rivers.	N	All rivers need back markers in place. In some cases not always tidal influence.		

Other notes:

Interpretation section: Reference to Harbours Act is redundant and should be removed.

Hui / tangi: Standardise between West Coast and New Zealand

Whitebait Fishing Regulations 1994

Regulations	Fit for purpose? (Y/N)	What needs to change?	Why?	Could apply to West Coast?
4 Closed season (1) No person shall fish for whitebait in any waters or places in the North Island or the South Island during the period commencing on 1 December in any year and ending with the close of 14 August in the next year, or be in possession of any whitebait taken from any of those waters or places during that period. (2) No person shall fish for whitebait in any waters or places in the Chatham Islands during the period commencing on 1 March in any year and ending with the close of 30 November in the same year, or be in possession of any whitebait taken from any of those waters or places during that period.	(1) N (2) ?	Options: <ul style="list-style-type: none"> all November half November none of November regional schedules. Shorter season and rotational (season changes year by year across whole country, specified date)	NI large galaxiid peaks Maximise escapement Peaks may differ nationally Regional schedule could work if supported by data Genetic diversity and increase in population	Apply hours of fishing nationwide Aug – Oct 31
5 Hours of fishing No person shall fish for whitebait,— (a) if the fishing occurs during any period for the time being prescribed by Order in Council under section 4(1) of the Time Act 1974 when the time for general purposes in New Zealand is 1 hour in advance of New Zealand standard time, between the hours of 9 pm on any day and 6 am on the next day: (b) in any other case, between the hours of 8 pm on any day and 5 am on the next day.	Y		Tides are key factor – doesn't change outcome (time)	Change to 5:30 – 8:30

<p>6 Whitebait nets and fishing gear (1) No person shall use, set, or possess in or adjacent to any river, stream, estuary, or channel any whitebait net that— (a) has a net mouth in excess of 4.5 m in circumference or perimeter measured around the inside of the net frame; or (b) has an overall length exceeding 3.5 m; or (c) has any framing material that exceeds 120 mm in width. (2) No person shall set or use any fishing gear that— (a) exceeds more than one-third of the width of any river, stream, estuary, or channel at that place at that time; or (b) in conjunction with any fishing gear set or used by any other person, will exceed more than one-third of the width of the river, stream, estuary, or channel at that place at that time; or (c) exceeds 6 m in total length. (3) No person shall set or use more than 1 whitebait net at any time. (4) Every person who sets or uses a whitebait net shall remain within 10 m of any such net.</p>	Y (except 2(c))	Nets OK Have restrictions on screens (#, size, placement, etc.) Reduce screen length to 3 m Don't ban screens----- --→ Use catch limits 2(c) Ban screens----- --→ Allow fish to pass		Reduce screen length to 3 m over all NZ
<p>7 Drag nets (1) No person shall use, set, or possess in or adjacent to any river, stream, estuary, or channel any drag net having netting that— (a) exceeds 3.5 m in length; or (b) exceeds 1 m in height; or (c) is not flat or contains pockets, bags, funnels, or traps when laid out on a flat surface. (2) No person shall use, set, or possess in or adjacent to any river, stream, estuary, or channel any drag net that has an overall length exceeding 6 m when laid out on a flat surface.</p>	N	Needs clarification	Drag nets vs scoop nets	Health and Safety: Not West Coast: revoke / ban
<p>8 Net setting No person shall— (a) fish for whitebait within 20 m of any tide gate, flood gate, confluence, or culvert; or (b) fish for whitebait from any bridge.</p>	N	Needs more enforcement	Needs to say no in-stream barrier Change wording	West Coast 8.1(c) Screens from a bank
<p>10 Removal of fishing gear Every person fishing for whitebait on 1 or more occasions on any day shall remove all his or her fishing gear from the water— (a) at the cessation of fishing on each occasion; or (b) not later than 8 pm (or not later than 9 pm during any period referred to in regulation 5(a)) on the same day, whichever is the earlier.</p>	Y	Yes but needs more enforcement		
<p>11 Fishing for whitebait from vessels prohibited No person shall use any vessel to fish for whitebait.</p>	Y			
<p>12 Prohibition on possession of whitebait in conjunction with unlawful net No person shall be in possession of any whitebait together with any whitebait net that the person is not permitted to set or use by these regulations, whether or not that net is being used in fishing.</p>	Y			
<p>13 Returning of unlawfully taken fish Any person engaged in fishing for whitebait shall, taking all reasonable care to ensure their survival, immediately return any fish that are unlawfully taken back into the waters from which the fish were taken.</p>	Y			
<p>14 Dumping of other fish prohibited No person shall discard or dump on shore any fish taken when fishing for whitebait.</p>	Y			
<p>15 Rivers, etc, not to be altered Nothing in these regulations shall be construed so as to permit any person fishing for whitebait to interfere with, alter, or modify the natural bed or banks of any river, stream, estuary, or channel.</p>	Y			
<p>16 Offences Every person commits an offence and is liable on conviction to a fine not exceeding \$5,000 who— (a) contravenes, or fails to comply with, any of regulations 4 to 14; or</p>	N (a – c(ii)) Y	Needs to be bigger fines than \$4,000 + licence revoked??		

<p>(b) takes whitebait otherwise than in accordance with conditions imposed under regulation 17(3); or (c) takes whitebait for a hui or tangi— (i) without giving the notification required by regulation 18(b); or (ii) otherwise than in accordance with any conditions imposed by the Director-General under regulation 18(c).</p>				
<p>17 Exemptions (1) Notwithstanding regulation 11, any person may fish from a vessel if he or she— (a) is a disabled person, or suffers from an infirmity or chronic disability, and is unable to fish by any other means; and (b) holds a current authorisation issued by the Director-General under subclause (3). (2) Notwithstanding any other provision in these regulations, any person who wishes to take whitebait for the purposes of management, research, or scientific study or to take whitebait by any particular method for any such purpose, but is otherwise prevented from doing so by any provision of these regulations, may take whitebait for any such purpose or by any such method if he or she holds a current authorisation issued by the Director-General under subclause (3). (3) If— (a) an application for an authorisation referred to in subclause (1) or subclause (2) is in accordance with that subclause; and (b) the Director-General is satisfied that the grant of an authorisation in that case will not adversely affect the overall conservation and management of the fishery,— the Director-General shall grant the authorisation; and he or she may make the authorisation subject to such conditions as he or she considers necessary for the overall conservation and management of the fishery. (4) Every authorisation granted under subclause (3) shall have effect according to its tenor and may be amended or revoked, as the case may require, to reflect changed circumstances.</p>	Y	Check with Legal, Policy		
<p>18 Whitebait taken for hui or tangi Nothing in these regulations imposing any restriction on the taking of whitebait shall apply where— (a) the whitebait are taken for the purposes of a hui or tangi; and (b) the intention to take the whitebait has been notified to a warranted officer by or on behalf of a council or committee representing any Maori community before the whitebait are taken; and (c) the whitebait are taken in accordance with any conditions relating to the quantity or methods of taking the whitebait, the areas where the whitebait may be taken, or the persons who may take the whitebait, being conditions that are imposed by the Director-General and considered by the Director-General to be necessary for the overall conservation and management of the fishery.</p>	Y	Does this happen consistently at the moment? - Yes Waikato – rest of country?		Revoked on West Coast?

Other notes:

If there is a ban on sale and a meaningful limit on take, none of these rules need to apply. Season limit and hours of fishing needed. For those commercial operators operating legally (i.e. paying tax), enable them to continue: with limits but cap at existing operations (freshwater fish licensing).

Closed Areas e.g. like West Coast: add and implement

Back pegs like West Coast: add and implement

Design of a green-fields management regime for whitebait

The Group was split in two, and each subgroup was asked to design green-fields management regimes for whitebait, to deliver on the objective “to ensure healthy and restored whitebait populations and provide for a sustainable fishery”, or another (specified) objective of their choosing. Subgroups were asked to consider regimes at both ends of the management spectrum:

- a ‘bare bones’ approach including the minimum suite of measures required to manage for the stated objective
- their ‘Rolls Royce’ of management regimes, i.e. the ideal combination of measures unconstrained by resourcing.

Subgroups then presented their regimes to each other.

Regimes developed by each group are presented below, as recorded.

Subgroup 1:

Objective as stated above.

Habitat:

1. Habitat protection / restoration for all life stages
DOC, Regional Councils, Restoration groups etc
Integrated Catchment Management Plans (whole of catchment management)
Good water quality, reduce sediment, etc.
2. Better research data on recruitment / dispersal etc.
3. More funding to undertake research on fishery / populations and implement habitat protection
Increase temporal and spatial information

Fish harvest:

1. Distinguish fishery: recreational, commercial, customary
2. Licencing (Different terms, conditions for A / B)
Catch diary
Catch limits
A: Rec licence – intent for personal use only (no sale)
B: Commercial – intent to sell
3. No export
4. Commercial harvest should have a catch limit / quota:
 - Commercial licence restricted regionally
 - Seasonal
 - Can only sell to network of licensed/registered fish receivers (offence to buy or sell whitebait from someone without a commercial licence e.g. firearms licence)
 - Quota set regionally and seasonally
 - Licence fee pays for research to establish sustainable quota

Regulation:

1. National regs
Dates and times consistent across the country with agreed season length reduction
Back peg -> spatial confinement control of activity
2. Regional regs

3. Catchment Regs
4. Sale of whitebait regs
Consider options for controlling / managing / regulating / buying / selling (****: To create a commercial fishery sale programme based on the responsibility to furnish tax records for the commercial buyer to the IRD)

Increased compliance / policing / enforcement:

1. Appropriate fines to discourage offending

Subgroup 2:

Overarching principles: Adaptive management, 5-year 'trial', data collection focus, iterative approach may be needed if results from first attempt are not ideal.

Bare bones management model:

1. Licence to fish
 - Science, research, restoration
 - Compliance, management
2. Closed rivers
3. Regulations in line with each other (nationwide)
4. Shorten season
5. Back peg

Agreed components of a more complex management system (L = licence funds support this):

1. Licence: cost escalates with increasing access to places to fish
Commercial (most expensive licence), recreational (least expensive licence) and customary access delineated including in regulation
Nets named for identification
2. River-appropriate schedules
Back pegs
Gear
Stands
3. Uniform season length nationwide
4. Closed rivers if scientifically validated for species
5. Adult fish legally protected, populations enhanced (L)
6. Habitat protection and enhancement (L)
Including: Wetland quality, access, fish barriers
7. Targeted research (L)
Monitoring
Closed areas
Species management
Diaries
8. Better compliance (L?)
Engage more skilled people
9. Education (L)
NZ-wide shared understanding of activity, habitat, CLE, species

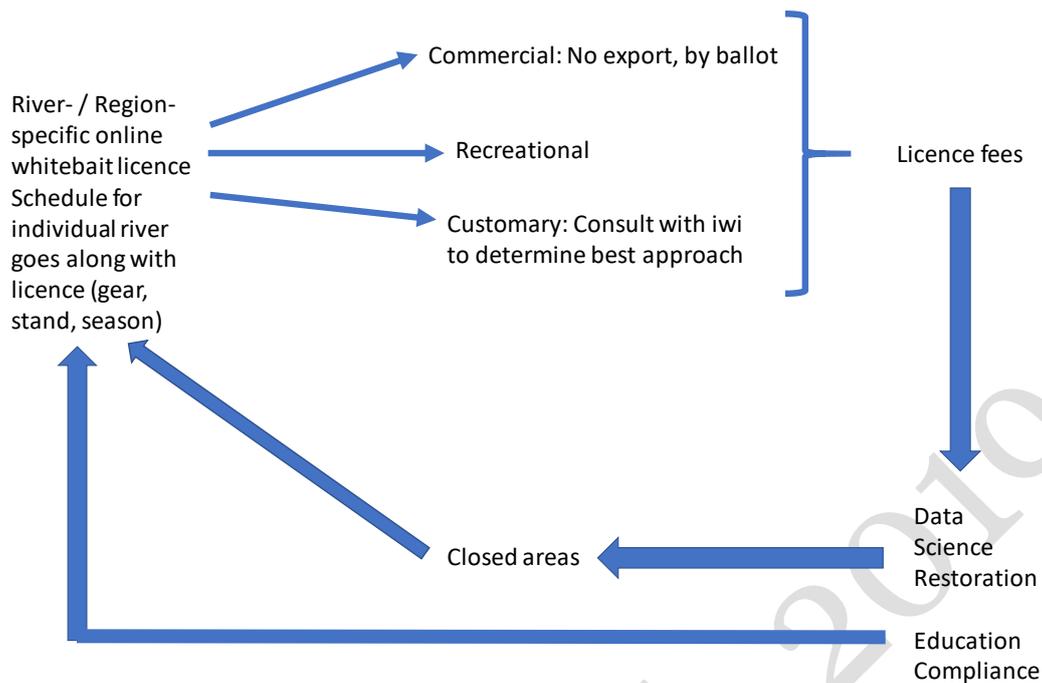
Detailed characterisation of licensing and options

- Licenses uniquely numbered

- Recreational:
 - No sale
 - Annual, \$50 - \$150 / season?, or,
 - \$10 / river / week?
 - Limit catch
 - Daily limit
 - Seasonal limit
 - E.g. Tasmanian fishery
- Commercial:
 - Have to show fishing licence to retail
 - Ballot system with holders the previous year having preference if they have met requirements (including supplying catch record)
 - Right of renewal?
 - High fee c.f. recreational
 - e.g. \$2,000 commercial / year for 5 years (then review / adapt after 5 years)
 - Collect data that may be used to inform catch limits
 - Quota / limit per management unit / catchment
 - Limit commercial catch per river
 - Pay per kg to put back into management?
 - Total allowable catch?
 - Stepped cost of licence per kg and number of days e.g. first 20 kg more expensive per kg?
- Licensed buyers
 - Track amount sold from licensed whitebait fishers (e.g. marine fishery model)
 - Date, license, amount sold
- App to record data / catches
- Are licenses transferable?
 - Non-transferable between individuals?

The dream for a Massive Wild fishery

The group then set out their approach starting with the diagram below.



Consensus within this subgroup was not reached on:

- moratorium on sale of whitebait
- stand down period for conservation of genetic diversity – close for 2 weeks in middle of season
- no change
- re-introductions (re-seeding populations).

Next steps

Location, objectives and timing of next meeting

The Group discussed whether physically meeting again would be required or beneficial, to conclude its work. Views were mixed, with some considering that another meeting would not add value when points of agreement and disagreement had been given thorough airings at the two sessions to date, and issues and management options had been well traversed. Others considered that agreeing on text would be problematic electronically where there were differences in opinion on content. To progress this, two checkpoints were identified:

- Agreement on the meeting record:
 - If participants found the need for only minor amendments to the meeting record, the Group could be more confident that another meeting was unlikely to be needed.
- Draft text circulation
 - As sections of the Issues and Options paper are circulated for group members to review, the collective level of comfort with the text would be another indication of whether the Group’s work would be facilitated by meeting again in person.

Johanna undertook to progress these items as quickly as possible after the meeting concluded. The proposed date of 6 December was tabled for a one-day meeting in Christchurch, if required.

**** raised the point that any management changes proposed must include consideration of economic issues associated with them. Johanna clarified that if regulatory or legislative changes were proposed, considering economic impacts would be required as part of standard legislative process.

The Group then discussed media opportunities, given high levels of media interest in whitebait. Pros and cons of members initiating media releases relating to the Group's work and process were identified and discussed. Johanna confirmed that for now the Terms of Reference would remain in place, and that these specify that Group members will not make public statements on the Group or its work (though members may publicly identify themselves as such if they choose to). Further, any public commentary about the Group and its work will be conducted and managed by DOC.

Johanna noted that if any changes to these Terms were to be made, they would need to be discussed and approved within DOC in the first instance, and then socialised with Group members.

**** closed the meeting with a karakia.

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Pre-circulated attachments:

- 1) Whitebait Working Group 2 agenda
- 2) Whitebait Working Group Terms of Reference
- 3) Whitebait Fishing Regulations 1994
- 4) Whitebait Fishing (West Coast) Regulations 1994
- 5) Draft – potential whitebait management options

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