



Fisheries New Zealand

Tini a Tangaroa

Approval for the inshore use of a Precision Seafood Harvesting Modular Harvest System Trawl Net under the Fisheries (Commercial Fishing) Regulations 2001

Regulation 71A Approval

12 April 2019

Approval for the inshore use of a Precision Seafood Harvesting Modular Harvest System trawl net under regulation 71A of the Fisheries (Commercial Fishing) Regulations 2001

TITLE

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COMMENCEMENT

This Approval comes into force on 1 July 2019.

ISSUING AUTHORITY

This Approval is issued under regulation 71A of the Fisheries (Commercial Fishing) Regulations 2001.

Dated at Wellington this 12th day of April 2019.



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Introduction

This introduction is not part of the Approval, but is intended to indicate its general effect.

Purpose

This Approval authorises the use of a trawl net that is otherwise restricted by regulation 71 of the Fisheries (Commercial Fishing) Regulations 2001 (the Regulations). This Approval also sets out the terms and conditions for the use of an approved trawl net pursuant to regulation 71A(3)(b) of the Regulations.

Background

Under regulation 71A(1) of the Regulations, the chief executive may, on application by any person, approve the use of a trawl net (A) if the chief executive is satisfied that—

- Net A performs at least as well as a specified net in providing for the utilisation of fisheries resources while ensuring sustainability; and
- The use of net A is consistent with the relevant fisheries plans approved under section 11A of the Fisheries Act 1996. No relevant fisheries plans have been approved for inshore fisheries at the time of this Approval.

Who should read this Approval?

All persons involved in commercial fishing using an approved Precision Seafood Harvesting Modular Harvest System trawl net (**MHS trawl net**).

Why is this important?

Regulation 71 restricts the nature of trawl nets used by commercial fishers. Regulation 71A provides for the approval of trawl nets that would otherwise be restricted by regulation 71.

It is an offence under the Regulations to contravene or fail to comply with the regulation 71 restrictions.

It is also an offence under the Regulations to contravene or fail to comply with the terms and conditions of an approval under regulation 71A.

Other relevant matters

This approval does not preclude responsibilities of operators to comply with existing regulations, and any relevant voluntary measures such as codes of practice (individual Vessel Management Plans (VMPs), and Marine Mammal Operating Plans (MMOPs).

Other information

Copies of all approvals given under regulation 71A of the Regulations are available on the Fisheries New Zealand website: <https://www.mpi.govt.nz/growing-and-harvesting/fisheries/operating-as-a-fisher/innovative-trawl-technology/>.

Part 1: Approval Details

1.1: Definitions

In this Approval:

Cone module means a non-porous flexible membrane module at the front end of the MHS trawl net that enables the other modules to deploy and set correctly and provides hydrodynamic stability during the fishing event.

Configuration means the combination of cone, retention, and lift bag modules of the MHS trawl net.

Fisheries New Zealand is the business unit within the Ministry for Primary Industries that is responsible for administering the Regulations.

Lift bag module means a non-porous flexible membrane module behind the retention modules at the terminal end of the MHS trawl net that allows the catch to remain in water while being hauled on-board, which reduces the physical crush on the catch.

MHS trawl net means a Precision Seafood Harvesting Modular Harvest System (US Patent number WO2014140702) as approved under this Approval.

Net module means cone module, retention module, or lift bag module.

Retention modules means a series of semi-porous modules located behind the cone module. The retention modules allow the MSH trawl net in-trawl environment to be tailored to within the physical tolerances of the target species by reducing the water flow within the MHS trawl net. They also provide for the escape of undersize and incidental catch.

Terminal sections means the lengthener and cod end sections of a traditional mesh trawl net, and the cone, retention, and lift bag modules of the MHS net.

In this Approval, unless the context otherwise requires, all terms used have the same meaning as in the Regulations and the Fisheries Act 1996.

1.2: The Approved Trawl Net

This Approval authorises the use of a MHS trawl net in accordance with the terms and conditions as set out in Part 2.

Part 2: Terms and Conditions

This Approval is subject to the following terms and conditions under regulation 71A(3)(b) of the Regulations.

2.1: Species

The MHS trawl net is only authorised for use when targeting the following species:

Common name	Scientific name	Species code
Snapper	<i>(Chrysophrys auratus)</i>	SNA
Tarakihi	<i>(Nemadactylus macropterus),</i> <i>(Nemadactylus sp.)</i>	TAR
Trevally	<i>(Pseudocaranx dentex)</i>	TRE
Red Gurnard	<i>(Chelidonychthys kumu)</i>	GUR
John dory	<i>(Zeus faber)</i>	JDO

2.2: Fisheries Management Areas

The MHS trawl net is only authorised for use when fishing in Fisheries Management Areas FMA1, FMA2, FMA8, and FMA9, as described in Schedule 1, Part 1 of the Fisheries Act 1996.

2.3: Restrictions in FMA1

When using the MHS trawl net in FMA1:

- (a) The MHS trawl net must not be used in the Auckland Fisheries Area 006 (Hauraki Gulf)¹; and
- (b) The MHS trawl net must not be used in Auckland Fisheries Area 005 south of the latitude 36°09.930'S; being a straight line from Te Arai Point (at 36°09.930'S and 174°39.096'E), past the northern extremity of Te Hauturu-o-Toi / Little Barrier Island and on to the western shore of Great Barrier Island at (36°09.930'S and 175°20.916'E); and
- (c) The MHS trawl net must not be used in waters less than 50 metres of depth within Auckland Fisheries Area 005 north of the latitude 36°09.930'S; being a straight line from Te Arai Point (at 36°09.930'S and 174°39.096'E), past the northern extremity of Te Hauturu-o-Toi / Little Barrier Island and on to the western shore of Great Barrier Island at (36°09.930'S and 175°20.916'E); and

¹ As defined in Schedule 1 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 <http://www.legislation.govt.nz/regulation/public/1986/0216/latest/whole.html#DLM106524>

- (d) The MHS trawl net must not be used in waters less than 50 metres of depth within Statistical Area 008; being the waters inside a line starting at Cape Colville (at 36°28.156'S and 175°20.673'E); then proceeding in a straight line to Cape Barrier on Great Barrier Island (at 36°20.939'S and 175°31.426'E); then in a northerly direction along the mean high-water mark along the eastern side of Great Barrier Island to the northernmost extremity of Great Barrier Island (at 36°02.993'S and 175°23.866'E); then in a straight line to a point at 36°02.000'S and 175°24.267'E; then in a due east direction to a point at 36°02.000'S and 177°01.000'E; then in a due south direction to a point at 36°59.000'S and 177°01.000'E; then in a due west direction to a point on the mean high-water mark north of Tairua on the eastern shore of the Coromandel Peninsula (at 36°59.000'S and 175°51.328'E); then in a northerly direction along the mean high-water mark to the starting point at Cape Colville (at 36°28.156'S and 175°20.673'E).
- (e) The MHS trawl net must not be used within 4 nautical miles of the coastline in Statistical Areas 009 and 010: being the waters lying within a line starting at the mean high-water mark north of Tairua on the eastern shore of the Coromandel Peninsula (at 36°59.000'S and 175°51.328'E); then proceeding due east to a point 4 nautical miles from the mean high-water mark at 36°59.000'S and 175°57.185'E; then following a line every point of which is 4 nautical miles from the mean high-water mark of the shore in a generally south-easterly direction to a point 4 nautical miles north of Cape Runaway (at 37°28.208'S and 177°59.000'E); then proceeding due south to Cape Runaway (at 37°32.300'S and 177°59.000'E); and then proceeding in a generally westerly then northerly direction along the mean high-water mark to the starting point north of Tairua on the eastern shore of the Coromandel Peninsula (at 36°59.000'S and 175°51.328'E).

2.4: Restrictions in FMA8 and FMA9

When using the MHS trawl net in FMA8 or FMA9:

- (a) the MHS trawl net must not be used in the waters lying within an area defined by a line beginning at a point on the mean high-water mark at Maunganui Bluff (at 35°45.540'S and 173°33.304'E); then proceeding in a due west direction for 12 nautical miles to the intersection with the outer limit of the Territorial Sea (at 35°45.540'S and 173°14.440'E); then following the Territorial Sea outer limit in a general southerly direction to a point at 38°53.414'S and 173°51.058'E; then proceeding in a due east direction to Pariokariwa Point (at 38°53.414'S and 174°30.472'E); and then proceeding in a generally northerly direction along the mean high-water mark to the starting point at Maunganui Bluff (at 35°45.540'S and 173°33.304'E).

2.5: Fishing Methods

The MHS trawl net is only authorised for use when fishing using Single Bottom trawl (method code PRB).

2.6: Technical Specifications

The vessel operator must deploy the MHS trawl net in accordance with the specifications set out in the Precision Seafood Harvesting Modular Harvest System Trawl Net – Technical Specifications for Inshore Trawling document dated 25 March 2019 (**the Technical Specifications Document**) held at Fisheries New Zealand. This includes, but is not limited to, the following requirements:

- (a) The MHS trawl net must be deployed in the correct module order; being cone module, retention modules, and lift bag module; and
- (b) Retention modules must be sequenced so that the module with the greatest amount of escape apertures is closest to the lift bag; and
- (c) Each MHS trawl net configuration must contain sufficient aperture dimensions to give the correct escapement area to cone swept area ratio as shown in Table 1 of the Technical Specifications Document.

2.7: Requirements to demonstrate that the trawl net meets the technical specifications

The vessel operator must ensure, and be able to demonstrate to a Fishery Officer on request, that each net module of the MHS trawl net is identifiable by the following:

- (a) A MyTAG radio frequency identification (RFID) tag must be attached to each net module; and
- (b) An indelible, stencilled net module descriptor describing the module's design characteristics, using the format NNNN.LL.NN, must be attached to each net module where:
 - (i) The first four numbers (NNNN) describe the diameter of the net module (the narrow end diameter, in the case of a cone);
 - (ii) LL describes the net module – CO for cone, RE for retention module, and LB for lift bag; and
 - (iii) NN is the model number.

2.8: Vessel Reporting Requirements


(1) Until such time as the permit holder is electronically reporting as required under the Fisheries (Reporting) Regulations 2017, a Vulnerable Species Reporting form (attached to this Approval as Schedule 1) must be completed and provided every time a MHS trawl net is used for fishing.

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- (2) The Vulnerable Species Reporting form must be provided by way of email to RDM.SharedRDM@mpi.govt.nz within one week of the vessel returning to port.
- (3) When using the MHS trawl net, the following reporting code must be used:
Precision bottom trawl (PRB)

2.9: General Conditions

- (1) A copy of this Approval must be retained on board any vessel carrying a MHS trawl net and must be produced immediately on the request of a Fishery Officer.
 - (2) All persons using a MHS trawl net must read, understand, and be fully conversant with all terms and conditions of this Approval.
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 Fisheries New Zealand Tini a Tangaroa		Vulnerable Species Form, Schedule 1 (Reporting form to be completed by those fishers not electronically reporting)							
Vessel Name _____		Shot number (on associated Trawl Catch Effort Return or Trawl Catch Effort and Processing Return) _____		Trawl Catch Effort Return serial number _____		Trawl Catch Effort and Processing Return serial number _____		Call Sign _____	
Vulnerable species code	Vulnerable species code	Vulnerable species code	Vulnerable species code	Vulnerable species code	Vulnerable species code	Vulnerable species code	Vulnerable species code	Vulnerable species code	Vulnerable species code
A	B	C	D	E	F	G	H		
Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg	Estimated greenweight (kg) □,□□□.0 kg
Destination code □□□	Destination code □□□	Destination code □□□	Destination code □□□	Destination code □□□	Destination code □□□	Destination code □□□	Destination code □□□	Destination code □□□	Destination code □□□
life status (please circle appropriate)	life status (please circle appropriate)	life status (please circle appropriate)	life status (please circle appropriate)	life status (please circle appropriate)	life status (please circle appropriate)	life status (please circle appropriate)	life status (please circle appropriate)	life status (please circle appropriate)	life status (please circle appropriate)
<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured	<input type="checkbox"/> Captured alive, un-injured
<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured	<input type="checkbox"/> Captured alive, injured
<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead	<input type="checkbox"/> Captured dead

Important general notes:

- This form must be completed for each tow where vulnerable species were caught and have not been previously specified in either the eight species listed on the Trawl Catch Effort Return, or the five species listed on the Trawl Catch Effort and Processing Return.
- A list of vulnerable species can be found in the Fisheries (Innovative Trawl Technologies) Notice 2017 Schedule 2 – list of vulnerable species (here).
- Subject to condition 2.1(1) of this approval fishers must complete this form and provide it by way of email to: RDH.Share@RDH.govt.nz within one week of returning to port.