



OIA16-0442

19 OCT 2016

Graham Carter
C/- fyi.org.nz

Dear Graham Carter

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request received by the Ministry for Primary Industries (MPI) on 1 August 2016 regarding the following questions:

1. Are salmon part of the Quota Management System?
2. Why are trawlers allowed to catch salmon close into river mouths?
3. What is the distance they are allowed to fish from river mouths?
4. Under what circumstances are wild salmon allowed to be caught and sold by commercial fishers?

I will answer your questions in the order they were submitted in accordance with the Official Information Act 1982 (OIA).

In response to question one, as salmon are considered a 'sports fish' in New Zealand, they are not part of the Quota Management System. Target salmon fishing is managed and licensed by Fish & Game New Zealand. More information on sports fish and licensing can be found on Fish & Game website at the following link: (www.fishandgame.org.nz/licences).

In response to questions two and three, unless there is a legislated restriction in place, there is nothing in fisheries legislation to prevent a commercial fishing vessel from fishing near a river mouth. However, as the main catchment area for salmon fishing is on the South Island, in the *Fisheries (South-East Area Commercial Fishing) Regulations 1986*, there are some prohibitions and exclusion zones on trawl fishing near the mouths of certain rivers that salmon may pass through in transit.

For information on exclusion zones and rules on trawling distances from specific river mouths, follow this link to the *Fisheries (South-East Area Commercial Fishing) Regulations 1986*: (<http://legislation.govt.nz/regulation/public/1986/0219/39.0/whole.html#DLM110348>), and scroll down to find the following clauses:

- **Regulation 4B:** Prohibition on trawling by large vessels in salmon conservation area adjacent to Banks Peninsula.
- **Regulation 5:** Prohibition on trawling in certain areas.

In regard to the circumstances under which wild salmon are allowed to be caught and sold by commercial fishers; Regulation 43 of the *Fisheries (Commercial Fishing) Regulations 2001* states:

43 Taking or possession of salmon prohibited.

- (1) *Commercial fishers must not take or possess salmon.*
- (2) *Despite subclause (1), commercial fishers who take tagged salmon must retain and land the salmon and surrender them to a fishery officer.*
- (3) *Subclause (1) does not apply if-*
 - (a) *a commercial fisher takes salmon as an inevitable consequence of the lawful taking of other fish; and*
 - (b) *the salmon, when taken, are dead or so damaged as to be unlikely to survive being returned to the water; and*
 - (c) *the commercial fisher notifies a fishery officer as soon as practicable of the taking of the salmon; and*
 - (d) *the commercial fisher surrenders ownership of the salmon to the Crown and disposes of the fish in accordance with the directions of a fishery officer.*
- (4) *No person may sell or possess salmon for sale.*

For more information on fishing rules, the *Fisheries (Commercial Fishing) Regulations 2001* can be viewed in full at the following website:

www.legislation.co.nz/regulation/public/2001/0253/43.0/whole.html#DLM1761901).

Yours sincerely



Peter McCarthy
Chief Legal Adviser