

15 May 2006

Dear Stakeholder

REVIEW OF SUSTAINABILITY MEASURES AND OTHER MANAGEMENT CONTROLS FOR THE 2006-07 (1 APRIL) FISHING YEAR

This letter outlines my final decisions on the review of sustainability measures and other management controls for the 2006-07 (1 April) fishing year.

These decisions relate to the management of a number of fishstocks, regulatory proposals and deemed values. All changes to Total Allowable Catches (TACs) and Total Allowable Commercial Catches (TACCs) took effect on 1 April 2006. It is intended that the other regulatory amendments will come into effect before 1 October 2006.

I would like to take this opportunity to acknowledge all the submissions received. I appreciate the time taken by both groups and individuals to prepare and provide submissions on the various proposals. The information within these submissions was very valuable in my consideration of each proposal.

In reaching my final management decisions, I carefully considered the available fishery assessment information, advice from the Ministry of Fisheries (MFish), and all of the issues and information put forward in submissions on each proposal within the review.

I also had careful regard to the relevant legislative and regulatory provisions for each of the proposals considered.

A copy of MFish's Final Advice Paper (FAP) is available on MFish's website at www.fish.govt.nz.

Proposals for Regulatory Amendment

Southern blue whiting – Campbell Island Rise (SBW 6I)

I have decided to reduce the TAC and TACC for the southern blue whiting fishery on the Campbell Island Rise (SBW6I) from 25 000 tonnes to 20 000 tonnes. The reduction took effect from the start of the new southern blue whiting fishing year on 1 April 2006.

I have taken a cautious approach in balancing sustainability considerations against economic gain in this fishery. Scientific advice suggests that southern blue whiting catches must come down if we are to keep the fishery sustainable. Although the scientific information is uncertain, it has been indicating that the biomass is in decline. The fishery is now at a point where I consider action needs to be taken to begin to move the catch towards levels that will ensure the sustainability of the fishery in the long term.

Stakeholders' input is appreciated, and I acknowledge industry's views regarding the uncertainty in the estimation of the current status of the stock. Industry's more optimistic perception of the state of the SBW 6I stock is an important consideration. I believe that I have weighed that consideration appropriately against the best available scientific information in making my decision.

The TAC reduction for 2006 might not move the stock towards its desired level directly, but it will slow the rate of decline. Should the available assessment prove correct, my current decision will represent the start of a rebuild strategy. A new acoustic survey of the fish stock will be completed this year, followed by a new stock assessment. The new information will inform decisions about catch levels for 2007 and beyond.

I also note that MFish is currently working with the industry to develop a fisheries plan for the southern blue whiting fisheries. Fisheries planning provides an exciting opportunity for stakeholders and MFish to work collaboratively in determining how best to balance the costs of scientific research against the economic benefits of the fishery, within a long-term plan to ensure ongoing sustainable harvesting of the fishery.

National Rock Lobster Management Group proposals for Rock Lobster

The National Rock Lobster Management Group (NRLMG) is a stakeholder group comprising representatives of customary, recreational, and commercial fishing, environmental interests and MFish. The NRLMG was set up to advise the Minister of Fisheries on rock lobster fisheries.

The NRLMG provided initial advice on sustainability measures and other management controls for the 2006-07 rock lobster fishing year on 20 December 2005. The NRLMG recommended changes to the TACs and TACCs for CRA 7 and CRA 8. The NRLMG advice was consulted on at the same time as the April Sustainability Round Initial Position Paper, but as a separate document. The NRLMG provided me with final advice on 24 February 2006.

CRA 7 and CRA 8

I have agreed to increase the TACs and TACCs for the CRA 7 (Otago) and CRA 8 (Southland) rock lobster fisheries, as follows:

Table1: TAC and TACC increases for CRA 7 and CRA8

| Stock | Previous Catch Limit | New Catch Limit (as from 1 April 2006) |
|-------|----------------------|---|
| CRA7 | TAC | 114.9 t |
| | TACC | 94.9 t |
| CRA8 | TAC | 690.4 t |
| | TACC | 603.4 t |

The setting of TACs for CRA 7 and CRA 8 is guided by a decision rule agreed to by stakeholders and the Minister of Fisheries in 1996. The goal of the decision rule is to rebuild the fishery to an agreed level by 2014-15. The proposed TACs result from operation of the agreed decision rule for the 2006-07 fishing year. This showed that the fisheries were well-ahead of rebuild targets in both 2003-04 and 2004-05.

I am satisfied that the assumptions of the CRA 7 and CRA8 decision rule continue to be robust, and that there are no reasons the rule should not be used to determine catches for these fisheries in 2006-07. I am pleased that the decision rule appears to be achieving the desired rebuild of the fisheries, and at a faster rate than expected.

Given the importance of rock lobster fisheries to all sectors, I considered the allocation of TACs very carefully. Best available information suggests that existing non-commercial allowances in CRA 7 and CRA 8 are not currently being caught; suggesting increased allowances for recreational, customary and other sources of fishing-related mortality are probably not required at this time. I have therefore decided to retain existing non-commercial allowances and allocate the increases to the TACCs only. In making my decision, I acknowledge that significant catch reductions resulting from operation of the decision rule in 1999 and 2001 were achieved by only reducing the TACC.

New landed state code – skate wings

I have agreed to amend the Fisheries (Reporting) Regulations 2001 to introduce a new principal landed state of wings for skates and rays, with a corresponding landed state code of WRS. This amendment will clarify the reporting of skates and rays in the “wings” landed state and should lead to a decrease in errors on fishing returns.

Deemed values for 1 April 2006 fishstocks

I have agreed to increase deemed values rates by 12.5% for all fishstocks with a fishing year starting on 1 April 2006.

Industry will be aware that this decision arises from the 2005 High Court decision relating to Goods and Services Tax (GST) on deemed values. A 12.5% increase in deemed value rates has previously been applied to stocks with a 1 October 2005 and 1 February 2006 fishing year start date. The deemed value rates for 1 April stocks in the *Gazette* Notice will be made GST exclusive, so that any fisher paying deemed values will be issued with a GST invoice, which has the same effect as increasing the deemed value by 12.5%.

Regulations to allow commercial rock lobster and paddle crab fishing in Moremore Mātaitai Reserve

I have agreed to recommend to Cabinet regulations that allow commercial rock lobster and paddle crab fishing (under certain conditions) in the Moremore Mātaitai Reserve, situated off the Napier coast.

The Fisheries (Kaimoana Customary Fishing) Regulations 1998 prohibit commercial fishing inside all mātaitai reserves. However, the Regulations also provide for the resumption of limited commercial fishing inside a mātaitai reserve at the request of the mātaitai reserve Kaitiaki. Any request must specify the species and quantity or time period that the fish can be taken commercially.

Late last year the Kaitiaki of the Moremore Mātaaitai Reserve requested that I recommend regulations that allow commercial fishers to:

- a) Harvest rock lobster in the Moremore Mātaaitai Reserve from 1 April to 30 September each year; and
- b) Harvest paddle crab in the Moremore Mātaaitai Reserve for a time period of five years.

I am satisfied that the request meets all the statutory and regulatory requirements necessary for me to recommend it be given legal effect. In addition, I do not believe my decision impacts on the fundamental criteria that the previous Minister considered when he approved the Moremore Mātaaitai Reserve application.

Introduction of a Netting Catch Effort Landing Return (NCELR) for passive net fishing

I have agreed to introduce a Netting Catch Effort Landing Return (NCELR) for passive net fishing and amend the Fisheries (Reporting) Regulations 2001 accordingly. The current use of Catch Effort and Landing Returns (CELRs) to record passive net fishing (set netting, inshore drift netting and pair netting) activities is insufficient to ensure that informed and sustainable management can occur in these fisheries. Important information such as catch-per-unit of effort and the positioning of vessels (latitude, longitude) is currently not available to MFish due to this problem.

The Netting Catch Effort Landing Return (NCELR) has been developed for vessels 6m or over who use passive netting methods. The new form will provide a means to collect high quality policy, science, fisheries operations, research and compliance information where this is needed to manage the fisheries successfully.

I am aware that stakeholder views were mixed regarding the larger A3 size of the new form, and the decision to omit vessels smaller than 6m. The input received from stakeholders has been very helpful and constructive in making my final decision. I am satisfied that the design and rigorous testing of the NCELR form has resulted in a format that will ultimately prove to be simpler and more intuitive for fishers, thereby mitigating any concerns they may have in the short-term. I further acknowledge that although the vessel size restriction is not ideal, it is not reasonable in the circumstances to require very small vessels to provide such detailed information about their fishing activities.

Regulation of Non-Fish Incidental Catch Return

I have agreed in principle to amend the Fisheries (Reporting) Regulations 2001 to regulate the reporting of non-fish incidental catch returns.

The Initial Position Paper set out a number of options for the reporting of non-fish incidental catch. MFish's preferred option was to regulate the non-fish incidental catch return and amend the catch effort returns to include a declaration about whether or not non-fish incidental catch occurred.

I welcome the constructive Industry support for this proposal. Regulation of non-fish incidental catch returns will ensure a standard means of reporting catch of non-fish aquatic species and contribute to MFish's understanding of the effects of fishing on the environment.

I have directed my Ministry to work with the Department of Conservation to propose appropriate regulations to give effect to my decisions in principle.

My decision was contingent upon MFish and the Department of Conservation reconciling differing reporting timeframes in their respective legislation, ie, within 48 hours of landing in the case of the Wildlife Act 1953 and the Marine Mammals Protection Act 1978, as opposed to within 15 days from the end of the trip or the 15th day of the month after the fishing occurred for catch effort returns (depending on the return type).

The Department of Conservation separately raised the issue of how fishers should report catch of protected fish species. I understand that MFish has also discussed this matter with Industry representatives. One possible option is to revise the non-fish return to include protected fish species as well. MFish will undertake further consultation with Industry on this matter.

Yours sincerely

Jim Anderton
Minister of Fisheries