



MP for Napier

Minister of Police

Minister of Fisheries

Minister of Revenue

Minister for Small Business

B19-0123

26 MAR 2019

Dear stakeholder

Changes to fisheries sustainability measures for 1 April 2019

This letter informs you of my final decisions on the review of sustainability measures for four fishstocks that are managed with an April fishing year. My decisions on Total Allowable Catches (TACs), non-commercial allowances, and Total Allowable Commercial Catches (TACCs) come into effect on 1 April 2019.

In reaching my decisions, I have considered submissions received from tangata whenua and stakeholders on initial proposals, final advice from Fisheries New Zealand and the National Rock Lobster Management Group (on rock lobster stocks), and relevant legislative provisions and my obligations under the Fisheries Act 1996 (the Act).

The decisions I have made reflect my desire to increase the benefits obtained from New Zealand's fisheries whilst ensuring sustainability.

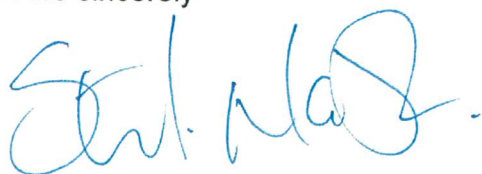
I have decided to increase the TAC and TACC for the Southern (CRA 8) rock lobster fishery to reflect an increase in abundance and the opportunity of more utilisation. For sea cucumber at the top of the South Island (SCC 7A), I have also decided to increase the TAC and TACC to better reflect the abundance of sea cucumber in this area and to support the sustainable development of this fishery.

The best available scientific and management information has shown the need to reduce the TAC and TACC for the Gisborne (CRA 3) rock lobster fishery to ensure continued sustainability of this stock in response to observed decreases in abundance.

For the Wellington/Hawke's Bay (CRA 4) rock lobster fishery, after careful consideration, I have decided to retain the TAC, non-commercial allowances, and TACC for the coming fishing year. I consider this decision to be in the best interests of the long-term sustainability of the CRA 4 fishery.

More detailed rationale for my decisions is attached to this letter and within the Decision Documents, which can be found on the Fisheries New Zealand website at: <https://www.fisheries.govt.nz/news-and-resources/consultations/review-of-sustainability-measures-for-1-april-2019/>

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Stuart Nash', with a stylized flourish at the end.

Hon Stuart Nash
Minister of Fisheries

Rock lobster

My decisions for rock lobster were guided by Fisheries New Zealand and the National Rock Lobster Management Group (NRLMG), which acts as an advisor to me on rock lobster management matters. Each of my decisions was based on the consideration of the results from the operation of management procedures (or decision rules).

My decisions for the three rock lobster stocks that were reviewed as part of the April 2019 sustainability round are provided below.

CRA 3 (Gisborne) rock lobster fishery

Stock		TAC (t)	TACC (t)	Allowances (t)		
				Customary	Recreational	Other mortality
CRA 3	Current	366.86	237.86	20	20	89
	New	351.9 ↓	222.9 ↓	20	20	89

I have decided to decrease the CRA 3 TAC from 366.86 to 351.9 tonnes, and decrease the TACC from 237.86 to 222.9 tonnes based on the use of the current CRA 3 management procedure. No changes will be made to the non-commercial allowances.

No changes will be made to the non-commercial allowances for CRA 3. This is because I consider that the current allowances adequately provide for current levels of non-commercial removals. The CRA 3 stock assessment planned for later this year will provide an opportunity to consider estimates of other mortality, including illegal take, as well as updated estimates of customary and recreational removals. This information will also determine whether any changes are required to the CRA 3 allowances or other management controls from April 2020.

CRA 4 (Wellington/Hawke's Bay) rock lobster fishery

Stock		TAC (t)	TACC (t)	Allowances (t)		
				Customary	Recreational	Other mortality
CRA 4	Current	513.8	318.8	35	85	75

The NRLMG recommended that I increase the CRA 4 TAC from 513.8 to 558 tonnes, and increase the TACC from 318.8 to 380 tonnes, based on the use of the current CRA 4 management procedure. It was also proposed that the allowance for other sources of fishing-related mortality be decreased from 75 to 58 tonnes, to better reflect estimates of illegal take and handling-related mortality.

After careful consideration of the best available information, final advice from the NRLMG, and tangata whenua and stakeholder feedback, I have decided to take a cautious approach and retain the CRA 4 TAC at 513.8 tonnes, and the TACC at 318.8 tonnes. I acknowledge that retaining the current TACC comes at the cost of the

extra revenue commercial fishers would have earned, but I consider that my decision is in the best interest for the long-term sustainable utilisation of the stock.

No changes will be made to the non-commercial allowances for CRA 4. This is because I consider that the current allowances adequately provide for current levels of non-commercial removals. I propose to revisit the other mortality allowance when a TAC variation is next proposed.

I support the use of management procedures in rock lobster fisheries and the benefits of the approach. I am aware that the CRA 4 management procedure has been assessed as scientifically robust, and was put in place in 2017 to ensure the stock is rebuilt to agreed levels within five years. However, I consider it is sensible and prudent to consider all information when making a decision and not simply follow these procedures when other information signals potential risks if the suggested outcome is followed. Accordingly, after careful consideration, I consider there is sufficient reason to not follow the outcome from the CRA 4 management procedure this year.

My reasons for deciding to retain the TAC for CRA 4 include:

- *Uncertainty in commercial CPUE information.* As part of my decisions for April 2018, I noted the significant improvements that were made to the 2017 CRA 2 (Hauraki Gulf/Bay of Plenty) stock assessment and how CPUE was calculated to ensure it reflected an accurate representation of CRA 2 abundance. I would like these findings to be considered for CRA 4 as soon as possible to ensure robust information is available for decision-making. I also note that Fisheries New Zealand expressed concern about whether CPUE in this fishery is correctly reflecting relative abundance, given the substantial increase in the last 2 years.
- *Change in stock behaviour.* I am aware that in recent years the rock lobster industry has expressed concerns that the underlying productivity of the CRA 4 stock may have diminished over time for reasons unknown. I also note that the rock lobster industry reported an unusual second moult of lobsters in December. Given the uncertainty in why this is happening, I consider that a cautious approach to the stock rebuild is warranted while further information on potential underlying causes is looked at.
- *Divergent views of stakeholders.* It is clear from recent stakeholder letters to me, including from members of the NRLMG, that there is no consensus on the current performance of the CRA 4 fishery. Management changes are not always unanimously supported. However, in this case the extent of different views on the status of the fishery and the proposed change added to my view that there was uncertainty in information and I should be cautious.

Management procedures are put in place to provide greater certainty and transparency about how catch settings will be varied each year. They are designed to avoid as much as possible debate around annual catch setting processes. The process has not achieved the desired outcomes in this case. I strongly urge the NRLMG and the stakeholders represented on this group to review the process that has been followed here and consider how to prevent the issues around this process occurring again in future.

CRA 8 (Southern) rock lobster fishery

Stock		TAC (t)	TACC (t)	Allowances (t)		
				Customary	Recreational	Other mortality
CRA 8	Current	1,161.7	1,070.7	30	33	28
	New	1,220.6 ↑	1,129.6 ↑	30	33	28

I have decided to increase the CRA 8 TAC from 1161.7 to 1220.6 tonnes, and increase the TACC from 1070.7 to 1129.6 tonnes. No changes will be made to the non-commercial allowances.

The CRA 8 fishery is one of New Zealand's most productive rock lobster fisheries and is currently experiencing sustained high levels of abundance. My decision is based on the operation of the CRA 8 management procedure, which indicates that an increase is appropriate given a recent increase in stock abundance.

No changes will be made to the non-commercial allowances for CRA 8. This is because I consider that the current allowances adequately provide for current levels of non-commercial removals.

Other matters

Illegal take

The allowances that are made for other sources of fishing-related mortality in CRA 3 and CRA 4 (89 and 75 tonnes respectively) are significant. I understand that these allowances are mainly based on historical (and highly uncertain) illegal take estimates and that future stock assessments will provide an opportunity to revisit the estimates. I strongly encourage all fishers to play a role in helping to minimise illegal take from these fisheries to achieve both greater abundance and utilisation opportunities for tangata whenua and other fishing interests. You can call 0800 4 POACHER (0800 476 224) to report poaching, suspicious or illegal activity.

Membership review

I am supportive of the review of the NRLMG's membership that has been proposed by the Chair. I anticipate receiving advice on the membership of the NRLMG in the next couple of months.

Differential minimum legal sizes

Some submitters (namely NZ Sport Fishing Council, and Forest & Bird) expressed their opposition to the commercial differential minimum legal sizes that apply in the CRA 3 and CRA 8 rock lobster fisheries.

These differential commercial sizes have been reviewed a number of times since their inception, with the most recent review in 2014. In 2019, I would like the NRLMG, with the support of Fisheries New Zealand, to look at the current management controls that apply to the CRA 3 fishery (including the size limit). I am interested in

finding solutions (voluntary or regulatory) to the long standing concerns of some recreational fishers close to Gisborne about the CRA 3 differential size regime. I realise this matter is contentious, and I encourage tangata whenua and stakeholders to work together in good faith on workable solutions.

I do not propose that the CRA 8 differential minimum legal size is re-looked at this time. The CRA 8 fishery continues to experience very high levels of abundance, which provides for good utilisation benefits for all users of the resource.

Sea cucumber

SCC 7A (top of the South Island) sea cucumber fishery

Stock		TAC (t)	TACC (t)	Allowances (t)		
				Customary	Recreational	Other mortality
SCC 7A	Current	8	5	1	2	0
	New	18 ↑	15 ↑	1	2	0

I have decided to increase the SCC 7A TAC from 8 to 18 tonnes, and increase the TACC from 5 to 15 tonnes. No changes will be made to the non-commercial allowances, because I consider that the current allowances adequately provide for non-commercial removals. Other mortality is considered to be negligible in this fishery, given the highly selective hand-gathering method used.

Recent surveys show an increase in the TAC is justified, with a large biomass of sea cucumbers in SCC 7A (up to 585 tonnes alone, in the small part of SCC 7A surveyed).

I appreciate that Marlborough Sounds is a unique environment that has been impacted by human use of both terrestrial and marine resources and that there is concern about any potential increase in those impacts.

In that context, I have carefully considered concerns raised by submitters during consultation regarding the ecological role of sea cucumbers. Based on the best available information, I consider this small increase will not pose a sustainability risk or cause ecological changes.

I have asked Fisheries New Zealand to work with industry, iwi, stakeholders and the Marlborough Sounds community on a catch-spreading plan, and also to ensure harvesting occurs only by the method of hand-gathering. I have also directed that they meet with those submitters concerned about potential impacts during the fishing year to discuss any issues that may arise and ensure they are addressed.