

Hon Rachel Brooking

Minister for Oceans and Fisheries
Minister for Food Safety
Associate Minister for the Environment
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15 September 2023

B23-0596

Tēnā koe,

Changes to fisheries sustainability measures for the 2023 October Round

I write to inform you of the decisions I have made on a range of sustainability measures across several fish stocks.

My decisions relate to Total Allowable Catch (**TAC**) settings, non-commercial allowances, and Total Allowable Commercial Catch (**TACC**) settings for ten fish stocks, and decisions on deemed value rate adjustments for three fish stocks. Attached to this letter are my decisions along with a brief rationale for each of the changes I have decided on.

In making my decisions, I have considered feedback and submissions received from tangata whenua and stakeholders on initial proposals. I also considered final advice from Fisheries New Zealand, relevant legislative provisions, and my obligations under the Fisheries Act 1996 (**the Act**).

Where there were opportunities for increasing utilisation within sustainable limits, I have decided to implement appropriate increases to catch limits to reflect this. On the other hand, where sustainability is at risk, I have taken appropriate management action to protect those fish resources.

This sustainability round included proposed changes for several high value fisheries, including orange roughy on the Chatham Rise and in southern New Zealand (**ORH 3B**). I would like to express my thanks to tangata whenua, stakeholders, and members of the public who took time to provide their views on these fisheries. Your feedback and submissions have been important in helping to inform my decisions on their management.

The changes to sustainability measures outlined in this letter will come into effect at the start of the new fishing year on 1 October 2023.

The decision documents that informed my decisions are available on the Fisheries New Zealand website here: <https://www.mpi.govt.nz/consultations/review-of-sustainability-measures-for-fisheries-october-2023-round/>

Nāku iti noa, nā,

A handwritten signature in blue ink, appearing to read 'R. Brooking'.

Hon Rachel Brooking
Minister for Oceans and Fisheries

Summary report on decisions for the 2023 October sustainability round

Green-lipped mussel / kuku, kutai

GLM 9 - Waikato, West Coast of Auckland and Northland, Te Oneroa a Tōhe/Ninety Mile Beach

To give effect to Parliament's decision to change the fishing year of GLM 9 from an October fishing year to an April fishing year, it was necessary to set a TAC, allowances, and TACC for GLM 9 for the six-month period from 1 October 2023 to 31 March 2024, and for 12-month fishing years following this interim period. I have decided on the following catch settings for the transitional six-month period and that the current annual settings will be reinstated for the new fishing year beginning 1 April 2024.

Settings	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<i>Current annual settings</i>	233	135	59	39	0
New 6-month settings for 1 October 2023 to 31 March 2024	140.5	67.5	44	29	0
Annual settings from 1 April 2024	233	135	59	39	0

Adult green-lipped mussels are an important customary and recreational species, and New Zealand's mussel farming industry is heavily reliant on wild-caught juvenile mussels (mussel spat), which are harvested exclusively from Te Oneroa a Tōhe/Ninety Mile Beach.

There is limited information available regarding the distribution and abundance of adult mussel beds in the region, or quantification of potential spat supply to either wild populations or the aquaculture industry. However, as it is known that the mussel spat harvested for aquaculture is likely to be a very small proportion of the spat present in the waters of Te Tai Tokerau, and because customary and recreational fishers have only limited access to intertidal or subtidal mussel beds, I am confident in the sustainability of both the current full-year catch settings and those I have decided on for the transitional six-month period.

I am also satisfied that potential sustainability issues associated with impacts of spat harvesting, using mechanical loaders, on intertidal shellfish populations have been mitigated by the recent introduction of voluntary management and a Code of Practice for Beach Collecting and Loader Driving.

I consider that the catch settings I have decided on for the six-month transitional period present no sustainability risks, and that they provide for greater utilisation of this resource by the mussel aquaculture sector and will provide greater flexibility for spat harvesters to adjust their fishing effort to accommodate the natural variability in spat availability. In returning to the current annual catch settings following the transitional period, the current full-year catch settings I have decided to retain will provide for ongoing sustainable utilisation by the green-lipped mussel aquaculture sector.

Kina / sea urchin

SUR 1A and SUR 1B - East Northland, Auckland, Hauraki Gulf, and Bay of Plenty

I have decided to increase the TACs, allowances for Customary Māori fishing, and TACCs for SUR 1A and SUR 1B as follows:

Settings	TAC	TACC	Allowances			
			Customary Māori	Recreational	All other mortality caused by fishing	
SUR 1A	Previous	172	40	65	65	2
	New	247 (↑ 75 t)	80 (↑ 40 t)	100 (↑ 35 t)	65	2
SUR 1B	Previous	324	140	90	90	4
	New	509 (↑ 185 t)	280 (↑ 140 t)	135 (↑ 45 t)	90	4

Kina are taonga to Māori and are highly valued by recreational and commercial fishers. They are also an important part of the marine ecosystem, with known links between kina populations, the abundance of predator species, and reef biodiversity.

My decisions for both SUR 1A and SUR 1B take into account valuable input from iwi, fishers, scientists, and other stakeholders, along with available commercial fishing data from electronic reporting (**ER**) and geospatial position reporting (**GPR**). The best available information indicates that abundance of both stocks is high in many areas, and I am confident that the abundance of these stocks will support the increased levels of utilisation I have decided to allow for.

I have decided to increase the TACs of both of SUR 1A and SUR 1B, to provide for increased utilisation. In making my decisions I have considered the level of available information, including the absence of a formal stock assessment, the potential for additional utilisation, and the views of Treaty partners and stakeholders.

For SUR 1A I acknowledge that the reports of high kina abundance within the quota management area (**QMA**) would have supported a higher increase, however I also recognise the ongoing concerns raised by iwi in the region. While a larger increase is likely to be sustainable from a stock perspective in SUR 1A, and there may be some advantages to increased harvest in certain areas, there are ongoing concerns expressed by Māori in the region regarding the significance of kina as taonga and a local source of kaimoana, and the risks additional commercial harvest may pose.

The increase I have decided on for SUR 1A mitigates some of the concerns raised by iwi, while providing for some increased use. My decision provides the ability to monitor how the fishery responds to the changes and to assess overlaps between commercial operations and key customary harvest areas. This approach could provide a platform for further utilisation opportunities in the future.

My decision for SUR 1B, to provide for a larger increase in utilisation, took into account the feedback from local Iwi Fisheries Forums and submissions, which supported the view that kina abundance has significantly increased, and that the sustainability risk of increased kina take is low.

Following the implementation of my decisions, I anticipate Fisheries New Zealand will progress work on a broader suite of measures to manage kina populations, including kina barrens, in collaboration with iwi and stakeholders. I expect this work will include research to improve the level of available information, consideration of wider options such as how predator species like rock lobster and snapper are managed and exploring the potential for targeted removals of kina from barrens through the use of mechanisms such as special permits.

Gemfish / tiikati, maka-taharaki, maka-tikati

SKI 1 and SKI 2 - Northland, Auckland, Waikato, East Cape, Hawke's Bay, and East Coast of Wellington

I have decided to increase the TACs, allowances for other sources of mortality caused by fishing, and TACCs for SKI 1 and SKI 2 as follows:

Settings	TAC	TACC	Allowances			
			Customary Māori	Recreational	All other mortality caused by fishing	
SKI 1	Previous	307	252	3	27	25
	New	418 (↑ 111 t)	353 (↑ 101 t)	3	27	35 (↑ 10 t)
SKI 2	Previous	325	288	3	5	29
	New	451 (↑ 126 t)	403 (↑ 115 t)	3	5	40 (↑ 11 t)

The 2023 stock assessment showed that the biomass of gemfish in SKI 1 and SKI 2 has increased considerably in recent years. Projections have shown that increasing the TACC (from 10% to 80% above the current allowance) is very unlikely to cause these stocks to decline to below the interim target biomass level (40% of the unfished spawning biomass, SB_0) in the next nine years.

The effects of Cyclone Gabrielle on these stocks are expected to be minor, given that gemfish inhabit deeper waters than inshore fish, are highly mobile, and are not dependant on nearshore reef habitat that may have been impacted by the cyclone. While even greater increases could also be sustainable, I have taken a measured approach to setting these limits, acknowledging that, while it is expected to be minor, there is still some uncertainty regarding the impact of Cyclone Gabrielle on these stocks. Fisheries New Zealand will continue to monitor these stocks, and the wider Fisheries Management Area 2, in response to Cyclone Gabrielle.

Given the positive status of this fishery, my decision provides an appropriate utilisation opportunity for the commercial sector by increasing the TACC, in line with increased abundance, while maintaining the stock well above target. I am satisfied that the current customary and recreational allowances are appropriate for this fishery, so have not decided to change these.

Trevally / araara

TRE 2 - East Cape, Hawke's Bay, East Coast of Wellington

I have decided to increase the TAC, allowance for other sources of mortality caused by fishing, and TACC for TRE 2 as follows:

Settings	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Previous	349	241	1	100	7
New	387 (↑ 38 t)	260 (↑ 19 t)	1	100	26 (↑ 19 t)

Trevally is caught commercially as bycatch throughout TRE 2, with the majority caught within the Hawke's Bay and Poverty Bay regions. TRE 2 is considered part of the TRE 1 Bay of Plenty sub-stock, whose spawning biomass is determined to be at 66.4% of unfished spawning biomass (SB_0) in the 2022 stock assessment, well above the target of 40% SB_0 . This increase in abundance is corroborated by commercial fishers who have also reported high abundance of trevally and find it difficult to avoid as bycatch when targeting other inshore species.

Given the positive status of this fishery I wish to provide the commercial sector with a utilisation opportunity by providing a modest increase to the TACC, which better aligns with actual catch levels in the fishery over the last decade, while maintaining the stock above the management target.

I have set the allowance for other sources of mortality caused by fishing at 10% of the TACC, that is consistent with other inshore finfish stocks that are predominantly trawl caught unless there is evidence to suggest an alternative allowance is otherwise suitable.

The stock is expected to have had some resilience to Cyclone Gabrielle, due to the number of year classes in the TRE 2 population and the link with the neighbouring Bay of Plenty TRE 1 stock which is above the management target. While even greater TAC and TACC increases could also be sustainable, I have taken a measured approach to setting these limits, acknowledging that there is some uncertainty regarding the impact of Cyclone Gabrielle on this inshore stock. Fisheries New Zealand will continue to monitor this stock, and the wider Fisheries Management Area 2, in response to Cyclone Gabrielle.

Red gurnard / kumukumu, pūwhaiāu

GUR 3 - East Coast South Island, Chatham Rise, sub-Antarctic, Southland, Rakiura, and Fiordland

I have decided to increase the TAC, allowance for other sources of mortality caused by fishing, and TACC for GUR 3 as follows:

Settings	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Previous	1,695	1,575	3	6	111
New	1,779 (↑ 84 t)	1,654 (↑ 79 t)	3	6	116 (↑ 5 t)

Red gurnard in GUR 3 has been performing well for several years. Recent trawl survey results provide greater confidence in the 2022 stock assessment, suggesting that greater utilisation would be sustainable.

A stock assessment in 2022 concluded that GUR 3 abundance is very likely to remain above the target biomass level over the next five years. The subsequent five percent increase in the TAC in 2022/23 was a cautious response to a trend of increasing abundance. A recent trawl survey indicated red gurnard biomass has continued to increase, suggesting a modest utilisation opportunity exists for GUR 3 in 2023/24.

Based on this information, I have applied modest increases to the TAC and TACC which will allow an appropriate increase in utilisation for the commercial sector, while also maintaining the stock above target.

Te Waka a Māui me Ōna Toka Iwi Forum voiced support for the modest increase I have decided on, with supporting submissions received from two commercial stakeholders during the consultation process.

Monkfish, stargazer / pūwhara

STA 7 - West Coast and top of the South Island

I have decided to decrease the TAC, allowance for other sources of mortality caused by fishing, and TACC for STA 7 as follows:

Settings	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Previous	1,271	1,208	1	4	58
New	1,017 (↓ 254 t)	966 (↓ 242 t)	1	4	46 (↓ 12 t)

The most recent 2022 stock assessment has indicated a sustainability concern, with the stock as likely as not (40-60% probability) to be below the soft limit and overfishing likely (>60% probability) to be occurring. Further, preliminary results from the 2023 trawl survey suggest biomass remains low. I have therefore decided to set a TAC, TACC and allowances for STA 7 that reduce catch below recent levels.

There was little consensus during consultation on the appropriate action for this stock. Tangata whenua supported a 15% TAC reduction and RNZSPCA a 30% reduction, while the commercial fishing industry generally opposed a reduction due to concerns about the trawl survey results used to inform this review. The trawl survey and stock assessment results represent the best available information and therefore the current settings are not appropriate.

The 20% TAC reduction I have decided on represents a more precautionary approach than a 15% reduction. It can be achieved primarily through decreasing commercial STA target fishing (which has recently represented around 20-25% of annual catch) and is unlikely to have broader impacts on the targeting of other species where STA is bycatch. This will minimise immediate economic impacts while providing greater certainty of ensuring the medium to long term sustainability of the stock and associated utilisation opportunities.

Silver warehou

SWA 3 - East Coast South Island

I have decided to increase the TAC, allowance for other sources of mortality caused by fishing, and TACC for SWA 3 as follows:

Settings	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Previous	3,646	3,610	0	0	36
New	4,040 (↑ 394 t)	4,000 (↑ 390 t)	0	0	40 (↑ 4 t)

The biomass of silver warehou appears to have remained at a high level across the Chatham Rise and sub-Antarctic for an extended period. Additionally, there are no sustainability concerns for silver warehou in SWA 3. Based on this information, I have decided to increase the TAC for SWA 3 by just over 10% to 4,040 tonnes. This increase is supported by Te Waka a Māui me Ōna Toka Iwi Forum as well as the majority of submitters who responded during consultation.

The modest increase to the TAC I have decided on will provide the commercial sector with a utilisation opportunity while retaining the ongoing sustainability of the stock.

Orange roughy / nihorota

ORH 3B – Chatham Rise and southern New Zealand

I have decided to decrease the TAC, allowance for other sources of mortality caused by fishing, and TACC for ORH 3B as follows:

Settings	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Previous	8,355	7,967	5	0	383
New	4,995 (↓ 3,360 t)	4,752 (↓ 3,215 t)	5	0	238 (↓ 145 t)

Stock assessment work for the Northwest Chatham Rise (**NWCR**) and the East and South Chatham Rise (**ESCR**) sub-areas within ORH 3B identified issues in the model used to estimate stock status. The current ESCR stock status is now unknown, and the stock assessment for NWCR is considered less robust than originally thought.

The increased uncertainty in our understanding of abundance of ORH 3B, and the flat or declining trends in spawning stock biomass estimates from acoustic surveys in the ESCR sub-area indicate a sustainability concern. The current level of the stock cannot be reliably estimated and there is a concern that the stock is below a level that can produce the maximum sustainable yield (**MSY**).

Given the current concerns about orange roughy abundance and increased uncertainty of whether the ORH 3B biomass is at a level that can ensure its sustainability, I have decided on a precautionary approach to reduce the TAC. In making my decision, I have considered the relative level of certainty of an increase in biomass under each proposed option against the associated reduction in utilisation opportunities.

I have made my decision based on the best available information. The TAC reduction I have decided on acknowledges the need to act cautiously given the lack of information, the high degree of uncertainty in the status of the stock, and the biological characteristics of orange roughy. Of the TAC reduction options consulted on, I have chosen the reduction most likely to increase abundance for ORH 3B at the fastest rate, which is not inconsistent with moving the stock towards or above a level that can produce the MSY.

The TAC setting I have decided on applies to the whole ORH 3B QMA. It does not specifically address the issue of low observed abundance in some areas, such as within the NWCR sub-area. I intend to seek further advice on measures available under the Act to manage the biological sub-stocks within ORH 3B. In the meantime, for the 2023/24 fishing year, I expect that the commercial fishing industry will apply all of the TACC reduction to the ESCR sub-area.

I anticipate additional work to inform an updated stock assessment and management strategy to be completed by 2025, as well as the application of additional work to better inform an assessment of stock status. In the meantime, any changes will be closely monitored by Fisheries New Zealand, including the performance of the fishery and the results of acoustic surveys, as they become available.

Deemed value rate changes

I have decided on deemed value rate adjustments for three fish stocks within this sustainability round. The stocks and adjustments are summarised in the table below, followed by rationale for each of the adjustments.

My decisions on all of these changes are consistent with my statutory obligations for deemed value rate setting under section 75 of the Fisheries Act.

		Previous settings				New settings			
Species	Stock	Interim \$/kg	Annual \$/kg	Annual at maximum excess \$/kg	Differential	Interim \$/kg	Annual \$/kg	Annual at maximum excess \$/kg	Differential
Snapper	SNA 8	4.03	4.48	8.96 (>200% ACE)	Standard	4.68	5.20	10.40 (>200% ACE)	Standard
	SNA 7	5.40	6.00	12.00 (>180% ACE)	Special	4.68	5.20	10.40 (>200% ACE)	Standard
School shark	SCH 5	1.13	1.25	2.50 (>200% ACE)	Standard	3.24	3.60	7.20 (>200% ACE)	Standard

Snapper / tāmure – SNA 8 - West Coast North Island

I have applied a modest increase to the deemed value rates of the SNA 8 stock. This increase better aligns with the stock's recent market value and will help to support continued abundance of the stock through ensuring appropriate incentives for fishers to remain within ACE holdings. I have also applied these rates to the adjacent SNA 7 stock (see below). This recognises that these fish stocks share a similar status and market value. Aligning their deemed value rates may help to reinforce incentives for fishers who fish across these stock boundaries to report accurately.

Snapper / tāmure – SNA 7 - West Coast and top of the South Island

I have reduced the deemed value rates for the SNA 7 stock and have moved the rates to a standard schedule that aligns with SNA 8. I consider that these new rates will provide appropriate incentives for fishers to remain within their ACE holdings for the stock. This change also recognises that the SNA 7 stock has substantially rebuilt since the former rates were set, and like SNA 8, it is currently at a high level of abundance. As noted above, aligning the deemed value rates of the adjacent SNA 8 and SNA 7 stocks may help to reinforce incentives for fishers who fish across these stock boundaries to report accurately.

School shark / tupere, tope, makohuarau – SCH 5 - Southland and Sub-Antarctic

The SCH 5 stock is rebuilding and there is an ongoing need to ensure appropriate incentives for fishers to remain within ACE holdings. I have therefore applied an upward adjustment to the stock's deemed value rates which will help to reinforce incentives for fishers to balance catch with ACE. This change will also help to lower the risk of catches of SCH 5 exceeding the TACC, which should help to prevent any delay to the stock's rebuilding.

I have set the annual deemed value rate of SCH 5 at the same level as SCH 3 (which is part of the same biological stock) to help reinforce incentives for fishers who fish across these stock boundaries to report accurately.