

AM19-1078



Fisheries New Zealand

Tini a Tangaroa

Aide-memoire:

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Contact: s 9(2)(a) Manager Dolphin Threat Management Plan s 9(2)(a)

To: Hon Stuart Nash
Minister of Fisheries

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Draft Cabinet paper on fisheries measures for Hector's and Māui dolphins

Key Messages

- Attached is a draft Cabinet paper dealing with proposed fisheries measures as part of a revised Hector's and Māui Dolphin Threat Management Plan (Threat Management Plan).
- This paper reflects your comments to date on options to manage the risk to the dolphins from fishing-related mortality. The options have been informed by submissions from tangata whenua, stakeholders and the general public as part of the public consultation process, subsequent advice and information from Fisheries New Zealand (most recently B19-0533, B19-0681 and AM19-1024 refer), and your discussions with the Minister of Conservation.
- Note that the paper, once finalised, still requires consultation with other agencies.
- Note also that aspects of the draft Cabinet paper with financial Budget implications have a level of detail still to be worked through in regards to transitional assistance and camera coverage. We will discuss this further with you.

Key Issues

1. There are several matters to note in the Cabinet paper.

Trawl proposals

2. You are seeking Cabinet’s views on the approaches to reduce the risk of trawl fishing to Māui dolphins. One approach is precautionary and puts in place new trawl closures across larger areas. These closures would be in the core Māui dolphin habitat zone between Maunganui Bluff and New Plymouth and extend offshore to either 4 or 10 nautical miles (nm). These options were consulted on and could be progressed immediately.
3. The other approach proposes regulated trawl gear restrictions. These restrictions would apply in the same area where the trawl closures are being considered (e.g. either 4 or 10 nm offshore) and require trawl fishers to use a maximum headline height of 1 metre, a maximum tow speed of 2.5 knots, and a “move-on” rule (if dolphins are sighted). These measures would require consultation before implementation.
4. For Hector’s dolphins in the South Island the paper also recommends trawl gear restrictions, which would include the same maximum headline height and tow speed as proposed for the Māui habitat zone and would also require further consultation.

Response to fishing-related mortality

5. You are also seeking Cabinet’s approval to consult on:
 - The use of a fishing-related mortality limit of one for Māui or Hector’s dolphins caught in the Māui habitat zone. In the unlikely event of a fishing-related death it is proposed that measures that prohibit set-net and/or trawl, and offshore to 12 nm, would be put in place immediately.
 - A new and responsive management approach to address any fishing-related Hector’s dolphin deaths. This would establish graduated actions to capture events to be applied to individual vessels and at the fishery-wide level; creating an incentive for vessels to reduce captures towards zero across the whole fleet over time. The measures would also ensure that any fishing-related mortality that does occur is never allowed to exceed the levels that would result in a failure to meet the population objective
6. s 9(2)(g)(i) [Redacted]

Set-net proposals

7. The key changes to set net measures from those previously recommended to you (B19-0533 refers) are:
 - Extending the set-net closure in the core Māui dolphin distribution area out to 12 nm offshore (from the current 7 nm offshore boundary). This could be implemented through regulation without further consultation.
 - Closing the “gap” around Banks Peninsula between Pegasus Bay and Canterbury Bight out to 12 nm offshore. This would require consultation, as it was not part of the options consulted on this year.
 - No exemption for butterfish set-netting off the west coast North Island in the southern transition zone. No further consultation required.

Transitional assistance

8. The Budget Bid that has been submitted, “Marine Transition”, includes a package for transitional assistance, which is aimed at supporting affected fishers to adapt and either leave the fishery, or transition to alternative fishing methods. This package would also be used to help alleviate the impact on commercial butterfish set-net fishers from a closure out to at least 4 nautical miles in the southern transition zone.
9. Ideally, it is preferred that announcement of the Threat Management Plan decisions and a transition assistance package occurs at the same time.

US National Oceanic and Atmospheric Administration (NOAA)

10. As you are aware, in July 2019 the US rejected a petition from the US NGO Sea Shepherd that called for a ban on imports of New Zealand fisheries products from fisheries implicated with Māui dolphin bycatch. The US decided not to ban New Zealand imports on the basis that the Threat Management Plan was being reviewed and decisions would be made on new Māui dolphin bycatch mitigation measures s 6(a) s 6(a)

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Next steps

11. We will discuss your views on the draft Cabinet paper at the Tuesday 10th December meeting with officials, and confirm with you how best to incorporate the Minister of Conservation's views (e.g. a separate section in the paper).
12. We will also discuss with you the process required for the paper to be considered at the 16 December Cabinet meeting, if that is your aim, which will include inter-departmental consultation, completion of the Regulatory Impact Analysis, and the communications required pre-Christmas, regardless of whether or not decisions are made on fisheries measures.

Minister / Minister's Office

Seen / Referred

/ / 2019

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