



Office of Hon Nathan Guy

MP for Otaki

Minister for Primary Industries

Minister for Racing

B12-891

Dear Stakeholder

This letter outlines my final decisions on a review of regulatory controls for finfish, shellfish and freshwater fisheries across New Zealand. The new measures will come into effect from 1 October 2013.

The review was guided by an annual planning process that supports the Ministry for Primary Industries (MPI) National Fisheries Plans. This process provides tangata whenua, stakeholders and MPI with opportunities to work together to identify priority management initiatives.

My decisions aim to reduce regulatory costs and increase the benefits obtained from fisheries, while maintaining sustainability and upholding kaitiakitanga.

In reaching my decisions I considered the submissions received from tangata whenua and stakeholders during consultation on the proposals, advice from MPI and the National Rock Lobster Management Group, and relevant legislative provisions and my obligations under the Fisheries Act 1996 (the Act).

Copies of the final advice papers for each of my decisions can be found on MPI's website at: www.fish.govt.nz/en-nz/Consultations/Archive/default.htm

My decisions are detailed below along with my reasons.

Review of CRA 3 (Gisborne), CRA 7 (Otago) and CRA 8 (Southern) rock lobster regulatory controls

I have decided to amend various commercial fisheries regulations that control the taking, landing, transport, processing and sale of rock lobsters in the CRA 3, CRA 7 and CRA 8 rock lobster fisheries.

The changes are aimed at reducing unnecessary regulatory constraints and providing the rock lobster industry with increased opportunities to maximise benefits from the fishery. Many of the regulatory requirements are additional to existing industry reporting and recordkeeping regulations and are no longer required to maintain the integrity of the quota management system for rock lobster.

The table below provides a summary of my specific decisions:

Regulation type	Regulatory change
Closed seasons	Remove the CRA 3 commercial closure during May of each year, from 2014 Remove the CRA 7 commercial closure during the period 20 November to 31 May, from 1 October 2013
Closed area	Remove the CRA 7 commercial fishing prohibition for the 'Otago Concession Buffer Zone', from 1 October 2013
Vessel requirements	Remove the CRA 7 vessel requirements for rock lobsters between the CRA 7 commercial minimum legal size (MLS) and 54/60 mm tail width, from 1 October 2013
Landing requirements	Amend the CRA 7 landing requirements for rock lobsters between the CRA 7 commercial MLS and 54/60 mm tail width, from 1 October 2013 Amend the CRA 8 landing requirements for female rock lobsters between the CRA 8 commercial MLS and 60 mm tail width, from 1 October 2013
Domestic sales	Allow domestic sale and purchase of CRA 3 male rock lobsters between the winter CRA 3 commercial MLS and 54 mm tail width, during 1 June to 30 September of any year without any mandatory product identification, from 1 October 2013 Allow domestic sales of CRA 7 rock lobsters between the CRA 7 commercial MLS and 54/60 mm tail width subject to new product identification requirements, from 1 October 2013 Allow domestic sales of CRA 8 female rock lobsters between the CRA 8 commercial MLS and 60 mm tail width without any mandatory product identification, from 1 October 2013
Container/packaging requirements	Remove the CRA 3 export container requirements for male rock lobsters between the winter CRA 3 commercial MLS and 54 mm tail width when intended for export, but require these rock lobsters to be held in containers marked 'CRA 3 rock lobsters' when intended for domestic sale, from 1 October 2013 Remove the CRA 7 export packaging requirements for CRA 7 rock lobsters between the CRA 7 commercial MLS and 54/60 mm tail width, from 1 October 2013 Remove the 'Southland concession pack' requirements for CRA 8 female rock lobsters between the CRA 8 commercial MLS and 60 mm tail width, but require these rock lobsters to be held in containers marked 'CRA 8 rock lobsters' when intended for domestic sale, from 1 October 2013
Export requirements	Amend the CRA 3 export requirements for male rock lobsters, between the winter CRA 3 commercial MLS and 54 mm tail width, to allow delivery to an export transshipment point subject to prior approval and conditions, from 1 October 2013 Amend the CRA 7 export requirements for rock lobsters, between the CRA 7 commercial MLS and 54/60 mm tail width, to allow delivery to an export transshipment point subject to prior approval and conditions, from 1 October 2013
Export notifications/records	Remove the CRA 7 export notification requirements for rock lobsters between the CRA 7 commercial MLS and 54/60 mm tail width, from 1 October 2013 Remove the CRA 8 export notification/record requirements for CRA 8 female rock lobsters between the CRA 8 commercial MLS and 60 mm tail width, from 1 October 2013

I have decided against allowing amateur fishers to take rock lobsters at the same minimum legal size (MLS) that applies to commercial fishers in the CRA 3, CRA 7 and CRA 8 rock lobster fisheries.

I recognise that a change in amateur MLS would address perceptions of unfairness that are held by some amateur fishery participants. However, the costs to MPI of a different amateur MLS regime for rock lobster are significant and cannot be justified under the Government's current agenda to support initiatives that encourage business growth.

I note that the success of amateur fishing for rock lobster is primarily related to available abundance in an area. I encourage amateur fishers to participate in initiatives that aim to rebuild and maintain rock lobster abundance at levels that provide benefits for all sectors.

Review of amateur regulations relating to rock lobster in the Fiordland (Te Moana o Atawhenua) Marine Area

As a result of recommendations from the Fiordland Marine Guardians, I have decided to amend several amateur regulations relating to rock lobster in the Fiordland Marine Area. The changes are aimed at allowing for greater utilisation opportunities for amateur fishers, addressing a compliance issue in relation to catch identification when holding pots are used by multiple fishers to store rock lobsters, and protecting marine life and habitat diversity.

The specific changes to the amateur regulations include:

- Increasing the maximum daily number of rock lobsters that may be taken or possessed by amateur fishers from three to six per day in the internal waters of Fiordland, except for Milford Sound which is to remain at three;
- Allowing an accumulation of up to 15 rock lobsters in the internal waters of Fiordland, except for Milford Sound which is to remain at three;
- Amending the rock lobster accumulation defence provision conditions to require amateur fishers to maintain a written record of all rock lobsters stored and removed from holding pots in the Fiordland Marine Area;
- Prohibiting the use of amateur rock lobster pots in the internal waters of Fiordland adjacent to Seymour Island in Pendulo Reach, Doubtful Sound.

Review of commercial access restrictions in the PAU 5D (Southland and Otago) pua fishery

I have decided that fishery participants (customary, recreational and commercial) should be given a further opportunity to engage and reach an agreement on any changes to the commercial access restrictions that apply in the PAU 5D fishery. I have instructed MPI officials to organise a process for cross sector engagement, and to provide me with final recommendations in the next few months.

I acknowledge that the original reasons for the commercial access restrictions in PAU 5D are now redundant and are no longer required for food safety reasons, but note that the closed areas confer benefits to non-commercial fishers. Greater understanding of these benefits is required before changes to the regulations are made.

Therefore my final decision regarding the PAU 5D fishery will be made later this year, once further engagement has occurred and further information has been gathered and analysed.

Review of the commercial prohibition to use underwater breathing apparatus in selected shellfish fisheries

I have decided to allow the use of commercial underwater breathing apparatus (UBA) in all sea cucumber (SCC 1A-9) and horse mussel (HOR 1-9) fisheries, and in the Chatham Islands kina (SUR 4) and paua (PAU 4) fisheries.

Allowing the use of UBA in the sea cucumber and horse mussel fisheries will promote development of these under-utilised fisheries and increase economic benefits to the industry. The use of UBA in Chatham Islands kina and paua fisheries will increase diver safety in terms of interactions with sharks.

I recognise that the use of UBA in the North and South Island kina fisheries would provide the industry with increased utilisation benefits. However, given the importance of kina to tangata whenua I have decided to defer my decision on the use of UBA in these kina fisheries. This will allow discussions to occur between tangata whenua and commercial stakeholders on appropriate harvest strategies and to address any potential impacts on customary Māori fishing for kina.

Review of commercial freshwater eel fishing regulations

I have decided to increase the minimum diameter for escape tubes required in commercial fyke nets that are used to take eels in the North and Chatham Islands. This change will make the escape tube requirement consistent with what currently applies in the South Island. It will also support sustainability of the fisheries and uphold kaitiakitanga by enabling undersized and smaller eels to escape capture and grow to a larger more valuable size.

I am mindful that the escape tube change may result in some costs to commercial fishers who operate in poor habitat areas that hold stunted shortfin eels. To mitigate against some of these costs, I encourage affected fishers to explore opportunities to enhance wild eel fisheries in accordance with the Act.

I have decided to defer my decision on a change to the minimum Annual Catch Entitlement holding requirement for South Island eel stocks. The Parliamentary Commissioner for the Environment has recently released a report on the status and management of longfin eels. I consider it appropriate to wait for the recommendations of this report to be fully assessed before making any changes to these requirements.

Amateur harvest regulations for the Maketu Taiāpure

I have decided to approve the Maketu Taiāpure (Bay of Plenty) Management Committee's recommendation to decrease the amateur daily bag limit for green-lipped mussel harvest from 50 to 25 per person per day. This decrease will help to encourage the recovery of the green-lipped mussel population and address concerns about the negative impacts of amateur fishing pressure on the species.

I have decided that MPI should work further with the Committee on two other recommendations that they put forward, because approving these as they currently stand would result in unreasonable implementation costs and impacts on amateur fishing.

New commercial reporting destination type code

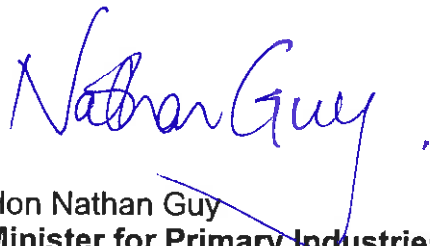
I have decided to introduce a new destination type code for commercial fishers to use when completing statutory fishing returns. New destination type code 'J' is to be used for all fish returned to the sea under the authorisation of an MPI Fishery Officer or Observer in accordance with section 72 (5)(c) of the Act. These returns to sea are generally known as observer authorised discards.

The use of destination type 'J' will allow MPI to monitor the use of the observer authorised discard provision and to get a more accurate picture of the fate of fish caught in New Zealand fisheries waters. At present, these fish are reported under the same code that is used for fish accidentally lost at sea (i.e. burst bags or fish dumped for safety reasons) which is unhelpful for management purposes.

The reporting change is minor and will not have any substantial impacts on the fishing industry.

Thank you for taking the time to participate in a review of fisheries regulatory controls for October 2013.

Yours sincerely

A handwritten signature in blue ink that reads "Nathan Guy". The signature is written in a cursive style and is positioned above the printed name and title.

Hon Nathan Guy
Minister for Primary Industries