



Office of Hon David Carter

Minister for Primary Industries

B12-206

Tēnā koe,

Decisions on sustainability measures and other management controls for 1 October 2012

I write to inform you of the decisions I have made for sustainability measures and other controls for October fishing year stocks reviewed this year. My decisions on Total Allowable Catches (TACs), allowances, Total Allowable Commercial Catches (TACCs) and deemed value rates will come into effect on 1 October 2012. Copies of both the Ministry for Primary Industries' (MPI's) initial position and final advice papers are available on MPI's website (www.mpi.govt.nz).

The decisions I have made reflect my desire to increase the benefits obtained from fisheries while ensuring sustainability. Where I consider there to be opportunities for increased utilisation, I have increased the TACs for stocks. Conversely, I have reduced the TACs for stocks where I consider there are sustainability risks that could jeopardise the long term sustainability of the fishery.

For stocks of highly migratory species the specific proposals were discussed with members of the Fisheries Plan Advisory Group which assisted in the development of the National Fisheries Plan for Highly migratory species. This input was valuable in developing options for further consultation.

For inshore stocks, this year's review of sustainability measures and other controls was the first undertaken under the new draft National Inshore Fisheries Plans process. Through this process, tangata whenua and stakeholders have worked constructively to identify stocks for review, and what options should be considered.

The Plans framework and new engagement model are positive changes in the way inshore fisheries are managed. For the first time, stakeholders have the opportunity to see objectives for fisheries management in inshore fisheries clearly set out, and have a say in how MPI goes about achieving those objectives. For the Plans and the process that delivers them to be most effective, MPI needs cohesive stakeholder input.

I note that for several inshore stocks commercial and recreational stakeholders have not put forward collective views from their respective sectors. Strong, collective voices are a powerful tool to support the aspirations of recreational and commercial

fishers. They are especially important now, as MPI wants to work with stakeholders to determine more details around the management approach for individual stocks, including the setting of management targets. Input to these strategies will primarily come from iwi fisheries forums, recreational forums, and commercial stakeholder organisations.

For recreational fishers, the opportunity to apply to join the recreational forums is now open, with applications and criteria available on MPI's website. I strongly encourage interested recreational fishers to become a part of these forums.

In reaching my decisions I have considered the submissions received on the MPI initial position paper and final advice from MPI, which includes MPI's analysis of tangata whenua and stakeholder submissions. I also considered the relevant legislative provisions and my obligations under the Fisheries Act 1996 (the Act).

The specific decisions for each stock, and my reasons, are detailed in the appendix attached to this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'David Carter', written over a circular blue stamp.

Hon David Carter
Minister for Primary Industries

Appendix: Decisions on sustainability measures and other management controls for 1 October 2012

Bluenose (BNS 1, 2, 3, 7 and 8)

I have decided to reduce the BNS 1, 2, 3, 7 and 8 TACs from a combined total of 1685 tonnes to 1194 tonnes (t). This is the second year of a planned three year staged reduction to allow bluenose to rebuild.

Bluenose is an important species of high commercial value and of increasing interest to the recreational sector. The best available information suggests that bluenose is very likely to be below target stock size.

I consider it is important to continue the rebuilding plan which my predecessor adopted in 2011 to ensure bluenose rebuilds within a reasonable timeframe. The phased reductions under the rebuilding plan are expected to rebuild the stock within 19 - 25 years, which is within the timeframe recommended by the Ministry's Harvest Strategy Standard.

I have decided to set the TACs, allowances and TACCs for each bluenose QMA as below:

Stock	TAC (t)	TACC (t)	Other sources of mortality (t)	Maori customary allowance (t)	Recreational allowance (t)
BNS 1	425	400	8	2	15
BNS 2	474	438	9	2	25
BNS 3	194	171	3	2	18
BNS 7	69	62	2	2	3
BNS 8	33	29	1	1	2

This decision does not fetter my ability to take a different approach in future years if warranted by new information.

Elephant fish (ELE 5)

I have decided to increase the ELE 5 TAC from 157 t to 188.5 t. Information from catch per unit of effort (CPUE) data indicates that ELE 5 is increasing in abundance. ELE 5 is largely taken as bycatch, and the increase will allow fishers to catch more fish without paying deemed values, or constraining other fisheries. The increase is in line with recent catch levels. Using the best available information, the increase is considered unlikely to cause the stock to decline.

Within this TAC, I have decided to set the allowances and TACC as follows:

- Retaining customary Maori allowance of 5 t, and the recreational allowance of 5 t;
- Increasing the allowance for other sources of fishing related mortality to 8.5 t;
- Increasing the TACC to 170 t.

Dark ghost shark (GSH 2, GSH 8)

I have decided to increase the GSH 2 TAC from 66 t to 100t, and the GSH 8 TAC from 22 t to 39 t. Both stocks are largely taken as bycatch, and I do not consider that the increases will lead to an increase in effort in the fishery.

After considering submissions from the recreational sector, I have also decided to set a recreational allowance that reflects there is recreational interest in this species.

I have also decided to adjust the deemed value rates for these stocks to help reduce incentives to take excess catch in these fisheries.

Within these TACs, I have decided to set the allowances and TACCs as follows:

Stock	TAC (t)	TACC (t)	Other sources of mortality (t)	Maori customary allowance (t)	Recreational allowance (t)
GSH 2	100	89	10	0	1
GSH 8	39	34	4	0	1

Red gurnard (GUR 3, GUR 7) and John Dory (JDO 7)

I have decided to increase the TACs for the following stocks:

- For GUR 3 from 953 t to 1163 t;
- For GUR 7 from 759 t to 855 t;
- For JDO 7 from 131 t to 161 t.

Within the TACs for these stocks, I have decided to set the allowances and TACCs as follows:

Stock	TAC (t)	TACC (t)	Other sources of mortality (t)	Maori customary allowance (t)	Recreational allowance (t)
GUR 3	1163	1100	55	3	5
GUR 7	855	785	40	10	20
JDO 7	161	150	8	1	2

The increases in TACs will allow commercial fishers to increase their utilisation of these fisheries. MPI estimates that the value of the TAC increases is worth an additional \$692, 000 per annum in landed value.

The best available information suggests that these increases will be sustainable in the short term. Information from recent trawl surveys indicates that these fisheries are experiencing a period of elevated biomass. The continued use of trawl surveys and up to date CPUE information will show when the current pulse of fish has moved through the fishery, and allow appropriate changes to catch levels to be made to ensure sustainability.

I have considered the submissions from recreational and environmental submitters who are concerned about an increase to the TACs and TACCs for these fisheries. I

do not believe that my decisions will have a significant negative effect on the ability for recreational fishers to also benefit from the increase in elevated biomass in these fisheries.

Mako Sharks (MAK 1)

I have decided to decrease the MAK 1 TAC from 512 t to 276 t, and set allowances as outlined below:

TAC (t)	TACC (t)	Other sources of mortality (t)	Maori customary allowance (t)	Recreational allowance (t)
276	200	36	10	30

I have also decided to apply standard differential deemed value rates to MAK 1.

My decision to decrease the TAC/TACC from the levels set in 2004 is in response to sustainability concerns that mako shark is considered internationally to be at risk of overfishing because of its low productivity. The TAC/TACC level that I have now decided better reflects current fishing effort and lowers the risk of overexploitation of this species without unduly constraining the target fisheries which take mako shark as bycatch.

My decision to decrease the recreational allowance is in response to a significant reduction in the recreational targeting of mako shark and an increase in tag and release in this fishery. This is a commendable response from the recreational sector to both domestic and international concerns over the status of this species.

My decision to increase the allowance for other sources of mortality is to account for a level of mortality likely in the anticipated increase in the legal release of live sharks taken as a commercial bycatch and the increase in tag and release already evident in the recreational fishery. I encourage further work to be done to ensure that the releases from both sectors have the maximum chance of survival

Oceanic whitetip sharks

I have decided to utilise my powers under the Fisheries Act 1996 to prohibit the taking of oceanic whitetip shark by New Zealand flagged vessels operating on the high seas, and to require fishers to report incidental take of oceanic whitetip shark on a non-fish and protected species return.

The Minister of Conservation has separately agreed to prohibit the taking of oceanic whitetip shark in New Zealand fisheries waters (using the Wildlife Act).

My decision is in response to a measure adopted by the Western and Central Pacific Fisheries Commission (WCPFC) in March 2012, to prohibit any landings or sale of oceanic whitetip shark. As a member nation of the WCPFC, New Zealand has an obligation to implement this measure.

Poraē (POR 2)

I have decided to increase the POR 2 TAC from 9 t to 22 t. There is no information to suggest that this increase will have a negative impact on sustainability. POR 2 is largely taken as bycatch, and I do not consider that this increase will lead to an increase in effort in the fishery. Instead, the increase will allow fishers to better utilise this fishery, and reduce the risk of discarding or misreporting.

I have also decided to adjust the deemed value rates and apply standard differential deemed values for POR 2 to help reduce incentives to take excess catch.

When increasing the POR 2 TAC, I have decided to set the allowances and TACCs as below:

- Retaining the customary Maori allowance of 1 t and the recreational allowance of 1 t;
- Increasing the allowance for other sources of fishing related mortality to 2 t;
- Increasing the TACC to 18 t.

Porbeagle Sharks (POS 1)

I have decided to decrease the POS 1 TAC from 249 t to 129 t. I have decided to adjust the allowances and TACC for POS 1 as outlined below:

TAC (t)	TACC (t)	Other sources of mortality (t)	Maori customary allowance (t)	Recreational allowance (t)
129	110	11	2	6

I have also decided to apply standard differential deemed values to the stock to limit the risk of overcatch.

My decision to decrease the TAC/TACC from the levels set in 2004 is in response to sustainability concerns surrounding porbeagle sharks based on the biological characteristics of the species which are slow growing and have low fecundity. This species is particularly vulnerable to overexploitation. My decision on the TAC/TACC level better reflects current fishing effort (commercial catches are well below the current TACC) and lowers the risk of overexploitation while allowing for some expansion of the fishery.

I have decided to lower the recreational allowance to 6 t to more accurately reflect the likely current catch of this species.

School Shark

After careful consideration, I have decided to add all school shark stocks to Schedule 6 of the Fisheries Act 1996.

School shark are a robust species and sustainability benefits can be realised by allowing school shark to be returned to the sea, if they are in a survivable state. This decision is supported by some scientific studies which have shown that sharks may

survive capture and release, particularly if the trauma and injury to the shark during capture is limited.

Including all school shark stocks on Schedule 6 of the Act assists in the reduction of costs to fishers which is associated with landing unwanted school shark. My decision will also assist in better reporting outcomes, as it may provide a disincentive to discard and not report school shark catch.

Because this is a regulatory amendment it will come into effect after 1 October 2012.

Southern Bluefin Tuna (STN 1)

Following on from my decision for an in-season increase to the TAC for STN 1 to 800 t for the 2011-12 fishing season, I have now decided to set the TAC, and Allowances for 2012-13 as outlined below:

TAC (t)	TACC (t)	Other sources of mortality (t)	Maori customary allowance (t)	Recreational allowance (t)
830	817	4	1	8

My decisions on the TAC reflect the outcomes of recent negotiations through the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). The Commission has now adopted a science based management procedure that is designed to respond adaptively to the latest scientific information from the fishery, by setting total allowable catches that will rebuild the stock to an agreed level. Future decision on the global catch limit will be science driven and specifically targeted at rebuilding the southern bluefin tuna stock and I consider it is now appropriate to use the national allocation agreed for New Zealand as a basis for TAC setting.

I have also decided to reinstate carry-forward provisions for unfished southern bluefin tuna ACE to provide an important level of flexibility to industry given the variable nature of the New Zealand fishery. Allowing the carry forward of a limited amount (10%) of under fishing from one year to the next will not only mitigate any risk of over catch in good years but also recognises the annual variability in the abundance of southern bluefin tuna in New Zealand waters and the weather dependant nature of the fishery targeting this species.

This decision will require an Order in Council, so will come into effect after 1 October 2012, to allow the carry forward of under fishing from the 2012-13 fishing year to the 2013-14 fishing year and thereafter.

Deemed Values

I have decided to adjust deemed value rates for several fish stocks (in addition to those listed above) to ensure that an effective incentive is provided for commercial catch to be balanced with ACE.

My decisions are consistent with both my statutory legislative obligations, as well as the deemed value guidelines. For the stocks reviewed, I have especially considered how best to avoid creating incentives to misreport, whilst still ensuring the long term value of the stocks. Table 1 summarises my decisions on deemed value rates.

Table 1: Deemed value rate changes to apply on and from 1 October 2012

Species	Stock	Current deemed value rates /kg			New deemed value rates /kg		
		Interim	Annual	Differential	Interim	Annual	Differential
Alfonsino	BYX 1	\$ 1.44	\$ 1.52	Standard schedule ¹	\$ 1.98	\$ 2.20	Standard schedule
	BYX 2	\$ 1.00	\$ 2.00	Starting at 10% over catch	\$ 1.98	\$ 2.20	Starting at 10% over catch
	BYX 3	\$ 0.75	\$ 1.50	Standard schedule	\$ 1.98	\$ 2.20	Standard schedule
	BYX 3 (CI)	\$ 0.38	\$ 0.75		\$ 0.99	\$ 1.10	
	BYX 7	\$ 0.88	\$ 1.76		\$ 1.98	\$ 2.20	
	BYX 8	\$ 0.63	\$ 1.25		\$ 1.98	\$ 2.20	
	BYX 10	\$ 0.83	\$ 1.66		\$ 1.98	\$ 2.20	
Dark ghost shark	GSH 1	\$ 0.22	\$ 0.43	Standard schedule	\$ 0.32	\$ 0.35	Standard schedule
	GSH 2	\$ 0.19	\$ 0.37		\$ 0.36	\$ 0.40	
	GSH 3	\$ 0.08	\$ 0.15		\$ 0.36	\$ 0.40	
	GSH 4	\$ 0.10	\$ 0.34		\$ 0.36	\$ 0.40	
	GSH 4 (CI)	\$ 0.08	\$ 0.15		\$ 0.18	\$ 0.20	
	GSH 5	\$ 0.17	\$ 0.34		\$ 0.36	\$ 0.40	
	GSH 6	\$ 0.08	\$ 0.15		\$ 0.36	\$ 0.40	
	GSH 7	\$ 0.17	\$ 0.34		\$ 0.36	\$ 0.40	
	GSH 8	\$ 0.23	\$ 0.45		\$ 0.36	\$ 0.40	
	GSH 9	\$ 0.20	\$ 0.39		\$ 0.36	\$ 0.40	
	GSH 10	\$ 0.22	\$ 0.43		\$ 0.36	\$ 0.40	
Blue moki	MOK 1	\$ 0.44	\$ 0.88	Starting at 10% over catch	\$ 0.79	\$ 0.88	Standard schedule
	MOK 3	\$ 0.15	\$ 0.29	Standard schedule	\$ 0.79	\$ 0.88	
	MOK 4	\$ 0.15	\$ 0.29		\$ 0.79	\$ 0.88	
	MOK 5	\$ 0.15	\$ 0.29		\$ 0.79	\$ 0.88	
	MOK 10	\$ 0.44	\$ 0.88		\$ 0.79	\$ 0.88	
Mako shark	MAK1	\$0.08	\$0.15	Do not apply	No change	No change	Standard schedule
Porae	POR 1	\$ 0.68	\$ 1.35	Do not apply	\$ 1.35	\$ 1.50	Standard schedule
	POR 2	\$ 0.68	\$ 1.35		\$ 1.35	\$ 1.50	
	POR 3	\$ 0.68	\$ 1.35		\$ 1.35	\$ 1.50	
	POR 10	\$ 0.68	\$ 1.35		\$ 1.35	\$ 1.50	
Porbeagle shark	POS1	\$0.08	\$0.15	Do not apply	No change	No change	Standard schedule
Snapper	SNA 1	\$ 6.50	\$ 13.00	Standard schedule	\$ 7.20	\$ 8.00	Starting at 5% over catch
	SNA 2	\$ 4.60	\$ 5.60	Starting at 10% over catch	\$ 5.40	\$ 6.00	Starting at 10% over catch
	SNA 3	\$ 0.84	\$ 1.68	Standard schedule	\$ 5.40	\$ 6.00	Standard schedule
	SNA 7	\$ 4.00	\$ 8.00	Starting at 10% over catch	\$ 5.40	\$ 6.00	Starting at 10% over catch
	SNA 8	\$ 4.00	\$ 8.00		\$ 5.40	\$ 6.00	
	SNA 10	\$ 6.50	\$ 13.00	Standard schedule	\$ 7.20	\$ 8.00	Starting at 5% over catch

¹ Under a standard differential deemed value rate schedule (standard schedule) the applicable deemed value rate increases by 20% for every 20% of catch in excess of ACE holdings, up to a maximum 100% increase for all catch 100% or more in excess of ACE holdings.

Trumpeter	TRU 1	\$ 0.25	\$ 0.50		\$ 1.35	\$ 1.50	
	TRU 2	\$ 0.25	\$ 0.50		\$ 1.35	\$ 1.50	
	TRU 3	\$ 0.91	\$ 1.81		\$ 1.35	\$ 1.50	
	TRU 4	\$ 0.25	\$ 0.50		\$ 1.35	\$ 1.50	
	TRU 4 (CI)	\$ 0.24	\$ 0.48		\$ 1.30	\$ 1.44	
	TRU 5	\$ 0.45	\$ 0.90	Do not apply	\$ 1.35	\$ 1.50	Standard schedule
	TRU 6	\$ 0.25	\$ 0.50		\$ 1.35	\$ 1.50	
	TRU 7	\$ 0.25	\$ 0.50		\$ 1.35	\$ 1.50	
	TRU 8	\$ 0.25	\$ 0.50		\$ 1.35	\$ 1.50	
	TRU 9	\$ 0.25	\$ 0.50		\$ 1.35	\$ 1.50	
	TRU 10	\$ 0.25	\$ 0.50		\$ 1.35	\$ 1.50	