



6 December 2018

Document Number: B18-0924

## Consultation proposals for April 2019 sustainability round

### Purpose:

To inform you of the proposed timetable and stocks for review as part of the April 2019 fisheries sustainability round.

Minister	Action Required:	Minister's Deadline
Minister of Fisheries	<p><b>Agree</b> that Fisheries New Zealand consults on your behalf on fisheries sustainability measures for rock lobster, sea cucumber, and possibly southern blue whiting, from early January 2019.</p> <p><b>Note</b> that you may wish to inform relevant colleagues before public consultation commences.</p>	By 21 December to enable public consultation to begin early January.

### Comments:

A medium level of public interest is likely for the rock lobster proposals. We expect a low level of interest in the southern blue whiting and sea cucumber proposals.

### Contact for telephone discussion (if required)

	Name	Position	Work	After Hours
Responsible Manager	Stuart Anderson	Director Fisheries Management	04 894 0104	029 894 0104
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## Key Messages

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1. Under the Fisheries Act 1996 (the Act) you are required to provide for the utilisation of fisheries resources while ensuring their sustainability. Fisheries management controls consist of commercial catch limits and a range of measures, including restricting fishing methods that can be used, the times that fish can be taken, the size of fish that can be taken, and daily per-person limits for recreational catch.
2. Changes to the Total Allowable Catch (TAC), allowances for customary Māori fishing, recreational fishing, other mortality caused by fishing, and the Total Allowable Commercial Catch (TACC), can only be made prior to the start of the fishing year for most stocks. There are two main fishing years, one that starts on 1 April (i.e. rock lobster, southern blue whiting, and most shellfish stocks) and one that starts on 1 October (most finfish stocks). The proposals set out in this briefing concern fishstocks that have a fishing year starting on 1 April.
3. Five stocks are proposed for review for 1 April 2019. These include a decrease to the TAC for one rock lobster stock (Gisborne), and increases to the TACs for two lobster stocks (Hawke's Bay/Wellington, and Southland), and one sea cucumber stock (Marlborough). One southern blue whiting stock (Bounty Islands) may be reviewed, depending on new information which will become available in mid-December.
4. Before you can change any sustainability measure (catch setting) under the Act, you are required to consult with fishing interests and other interested parties, and to provide for the input and participation of tangata whenua. Fisheries New Zealand undertakes these engagement and consultation processes on your behalf.
5. The National Rock Lobster Management Group (an advisor to you on rock lobster matters) have requested that Fisheries New Zealand commence consultation earlier than recent years (i.e. from mid-December 2018 to mid-February 2019), to provide their constituents with reasonable time to communicate and consider the proposals. This earlier consultation is supported by Te Ohu Kaimoana, recreational representatives (including LegaSea), and the NZ Rock Lobster Industry Council. Fisheries New Zealand prefers not to consult over the Christmas period when most people are on holiday.
6. For the rock lobster and sea cucumber proposals (and potentially southern blue whiting), Fisheries New Zealand therefore proposes to consult over a period of five weeks from 8 January to 12 February 2019.

7. Our formal consultation and engagement pathways include participating in Iwi Fisheries Forums, meetings with stakeholders, email and social media distribution of material to tangata whenua and fishing interests, and online submission forms to provide simple ways for people to provide their feedback.
8. Changes to TACs, allowances, and TACCs do not require Cabinet's approval prior to public consultation (unlike regulatory proposals). However, you may wish to inform your colleagues of these proposals prior to consultation (i.e. potentially with an oral item at a Cabinet meeting on 17 December). The proposals for each stock are outlined in Appendix One.
9. Following public consultation, we will prepare final advice documents. These documents will summarise the final proposals, provide an analysis of submissions received during consultation, and outline relevant legislative provisions and your obligations under the Act for setting or varying catch limits. These documents will be provided to you in late February 2019, to ensure that your decisions on any catch limit changes can be notified in the *New Zealand Gazette* prior to the start of the 1 April 2019 fishing year.

## Recommendations

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10. Fisheries New Zealand recommends that you:

- a) **Agree** that Fisheries New Zealand consults on your behalf on sustainability measure proposals for rock lobster, sea cucumber, and possibly southern blue whiting, from early January to mid-February 2019.

**Agreed / Not Agreed**

- b) **Note** that you may wish to inform relevant colleagues before public consultation commences.

**Noted**

Dan Bolger  
Head of Fisheries New Zealand  
for Director-General

Hon Stuart Nash  
Minister of Fisheries

/ /2018

## **Background**

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### *Fisheries management controls*

11. Each year, Fisheries New Zealand reviews the best available information to determine whether or not changes are required to management measures to provide for the utilisation of fisheries resources, while ensuring their sustainability. During this process, catch limits and allowances are reviewed for selected fishstocks and adjusted as appropriate according to your decisions, so that the new settings are in place for the start of the coming fishing year.
12. For most stocks, changes to the catch settings, including the Total Allowable Catch (TAC), non-commercial allowances, and the Total Allowable Commercial Catch (TACC), can only be made prior to the start of the fishing year. This review concerns fishstocks that have a fishing year commencing on 1 April 2019 (rock lobster, southern blue whiting, and most shellfish stocks).
13. The primary focus of the sustainability round is to ensure the TAC, allowances, and TACC are set appropriately. You have legal obligations under the Fisheries Act 1996 (the Act) when setting or varying the TAC and TACC.
14. The TAC sets the total quantity that can be sustainably harvested from a stock each year. After setting or varying the TAC for a stock and before setting a TACC, you are required to make allowances for customary fishing, recreational fishing, and all other mortality to that stock caused by fishing (including illegal activity). Allowances should reflect the best available information on likely actual harvest.
15. The TACC is the total amount of fish the commercial sector is allowed to catch from a given stock each year. It is allocated to quota holders as an entitlement to catch a certain amount of fish each year, known as Annual Catch Entitlement (ACE). You have considerable discretion around setting a TACC.

### **Review process and timeline**

16. Before you can change any sustainability measure under the Act, you are required to consult with fishing interests and other interested parties, and to provide for the input and participation of tangata whenua. Fisheries New Zealand undertakes these engagement and consultation processes on your behalf.
17. Changes to catch settings do not require Cabinet's approval prior to statutory consultation (unlike regulatory proposals). However, you may wish to inform your colleagues of the consultation (i.e. at the Cabinet meeting on 17 December). The table attached to this briefing (Appendix One) provides a summary of our proposals.

18. Our formal consultation and engagement pathways with tangata whenua and stakeholders includes discussion at Iwi Fisheries Forums, distribution of material to key stakeholders, and notification via our website and social media channels. We also use online submission forms to provide simple ways for people to provide their feedback.
19. From 8 January to 12 February 2019, we intend to publicly consult for five weeks on a review of TACs, allowances, and TACCs for three rock lobster, one sea cucumber, and possibly one southern blue whiting stock for the fishing year commencing on 1 April 2019.
20. Although a six-week consultation period is preferred it would be challenging for Fisheries New Zealand to provide you with final advice in sufficient time for your consideration and decision making ahead of the start of the 1 April 2019 fishing year. We therefore consider that a five-week consultation is an adequate compromise. We note that consultation options have already been socialised with select stakeholders (e.g. NRLMG representative groups, South Island Iwi Fisheries Forums, and at a recent multi-sector Napier meeting), so there will be some awareness of options prior to the consultation period going live.
21. The timeline we are proposing to follow for all stocks is provided in the table below. Following consultation, we will provide you with final advice in late February 2019, in time for you to make decisions before the start of the next fishing year on 1 April 2019.

<b>Step</b>	<b>Date</b>
Public consultation commences	8 January 2019
Duration of public consultation	5 weeks
Public consultation ends	12 February 2019
Decision paper sent to you for consideration and decision	Late February 2019
<i>Gazette</i> Notices provided to you for approval and signature	14 March 2019
Gazettal of any TAC/TACC changes	21 March 2019 (TBC)
Decisions effective	1 April 2019

22. An earlier start date for consultation of mid-December 2018 has been requested by the multi-sector National Rock Lobster Management Group (an advisor to you on rock lobster management matters). They consider that a longer consultation period would be beneficial, as it would allow more time to consider and develop submissions on the rock lobster proposals.

23. Sector representatives of the National Rock Lobster Management Group do not foresee issues from their constituents with running the consultation over the Christmas period. Consultation on rock lobster proposals used to commence in December each year, however, in recent years, consultation has started in January to avoid consulting when most people are on holiday. You may wish to discuss consultation timing with officials.

#### April 2019 sustainability round proposals

24. As part of the April 2019 sustainability round, the following stocks are being reviewed (or considered, in the case of southern blue whiting):
- *Rock lobster*: CRA 3 (Gisborne); CRA 4 (Wellington/Hawke's Bay); and CRA 8 (Southern); and
  - *Sea cucumber*: SCC 7A (Marlborough); and
  - *Southern blue whiting*: SBW 6B (Bounty Platform).
25. These stocks have been identified for review following analysis of best available information indicating that a sustainability concern, or a utilisation opportunity, exists.
26. The following table provides a summary of the TAC, allowance, and TACC options that we are proposing to release for public consultation for each stock.

Stock	Option	TAC (t)	TACC (t)	Allowances (t)		
				Customary	Recreational	Other mortality
CRA 3	Option 1 ( <i>Status quo</i> )	366.86	237.86	20	20	89
	Option 2	351.9 ↓	222.9 ↓	20	20	89
CRA 4	Option 1 ( <i>Status quo</i> )	513.8	318.8	35	85	75
	Option 2	558 ↑	380 ↑	35	85	58 ↓
CRA 8	Option 1 ( <i>Status quo</i> )	1,161.7	1,070.7	30	33	28
	Option 2	1,197.6 ↑	1,129.6 ↑	30	33	5 ↓
SCC 7A	Option 1 ( <i>Status quo</i> )	8	5	1	2	0
	Option 2	18 ↑	15 ↑	1	2	0
SBW 6B	Option 1 ( <i>Status quo</i> )	3,209	3,145	0	0	64
	Option 2 (TBC)	TBC	TBC	0	0	TBC

Preferred options for the proposals will be determined following the public consultation process and included in final advice to you in late February 2019.

27. Note that, in relation to ongoing discussions regarding section 28N rights and the shelving of annual catch entitlement, section 28N rights do not apply and shelving has not been proposed for the stocks being reviewed for 1 April 2019.

*Rock lobster – CRA 3, 4, and 8*

28. The proposals for rock lobster have been developed by the National Rock Lobster Management Group, with support from Fisheries New Zealand.
29. Full scientific assessments of most rock lobster stocks are carried out every four to five years, and in between these assessments “management procedures” are used to guide the annual setting of TACs for most stocks. Management procedures set out pre-agreed management actions that will be taken in response to changes in commercial catch rates (an indicator of relative rock lobster abundance). Management procedures are designed to set a TAC that maintains the stock at or above a level that can produce the maximum sustainable yield. This is consistent with your obligations under the Act.
30. Based on the operation of the current management procedures, it is proposed that the:
- CRA 3 (Gisborne) TAC is decreased by 15 tonnes (4.1%), from 366.86 tonnes to 351.9 tonnes;
  - CRA 4 (Wellington/Hawke’s Bay) TAC is increased by 28.7 tonnes (5.6%), from 513.8 tonnes to 542.5 tonnes; and
  - CRA 8 (Southern) TAC is increased by 35.9 tonnes (3.1%), from 1,161.7 tonnes to 1,197.6 tonnes.
31. The proposed changes are not expected to pose any sustainability risks to the CRA 3, CRA 4 and CRA 8 stocks, based on recent commercial catch rate information (a relative indicator of rock lobster stock abundance). CRA 3 commercial catch rates have declined by about 30% since the most recent high point in 2014, but is very likely to be at or above its target. CRA 4 commercial catch rates have increased by about 30% since the most recent low point in 2016, and may now be close to its target. The CRA 8 stock is well above its target, with commercial catch rates currently the highest in the observed history of the fishery (since 1979).
32. Decreases to the other mortality allowances are proposed for CRA 4 and CRA 8 to more accurately reflect available (though still uncertain) estimates of illegal take used in the most recent CRA 4 and CRA 8 stock assessments (in 2016 and 2015, respectively). No change is proposed to the CRA 3 other mortality allowance of 89 tonnes at this time. This allowance was set in 2005 based on historical estimates of illegal take. It is still considered that there are moderate to high levels of illegal fishing in CRA 3, however it is difficult to get an accurate estimate of illegal catch given that illegal activity is not easily detected. We are currently working to consider ways to better estimate illegal take. It is hoped that a new estimate will be available in time to inform a new CRA 3 stock assessment later in 2019, and consequently future allowance setting.



33. No changes to customary or recreational allowances are proposed for any stock, because best available information suggests that the current settings allow for current levels of catch.
34. Information on Māori customary catch of rock lobsters indicates that tangata whenua use of customary harvesting rights is minimal to conservative. While the harvest information is likely to be incomplete (particularly for CRA 3 and 4), we consider that the current customary allowances will provide for current and foreseeable levels of customary harvest in the medium term. We note that there may be some customary take of rock lobster in CRA 3 and CRA 4 that occurs under the Fisheries (Amateur Fishing) Regulations 2013 for the purposes of hui and tangi, that is not required to be reported.
35. There is no new information to suggest changes to the recreational allowances or other management controls at this time. Recreational harvest information from the 2017/18 National Panel Survey will be available in 2019, and it is proposed that this information will be considered in future reviews for these stocks.
36. The operation of management procedures in other lobster areas (CRA 1 (Northland), CRA 5 (Canterbury/Marlborough) and CRA 7 (Otago)) have recommended no change to the current catch settings. There is also no new information to suggest that changes to the catch settings are needed for the CRA 2 (Hauraki Gulf/Bay of Plenty), and CRA 9 (Taranaki/Westland) fisheries. A new stock assessment was completed for CRA 6 (Chatham Islands) in 2018, which suggested there were not sustainability concerns for the stock and changes were required to current catch settings.
37. We are, however, currently consulting on a proposed reduction to the CRA 2 recreational daily bag limit from six to three spiny lobsters, to ensure that catch is managed (on average) within the new decreased 34 tonne recreational allowance that you set from 1 April 2018. This proposal further supports a rebuild of the fishery, following reductions you made to the commercial catch from April 2018 (down from 200 to 80 tonnes).

#### *Sea cucumber – SCC 7A*

38. The sea cucumber fishery is a potentially valuable fishery, however, information about the abundance and response to fishing of sea cucumber in New Zealand is limited. Cautious TACs were set on introduction into the Quota Management System in 2004, on the basis that these TACs could be 'proven up' over time, as further scientific information became available.
39. New scientific surveys of sea cucumber in SCC 7A (which extends from D'Urville Island down to the Clarence River, including the Marlborough Sounds; refer Appendix 1) suggest the fishery could support a higher TAC than the 8 tonnes set in 2004. The surveys suggest a minimum biomass of between 485 and 585 tonnes of sea cucumber, even in the small areas of Queen Charlotte Sound and Tory Channel that have been surveyed.

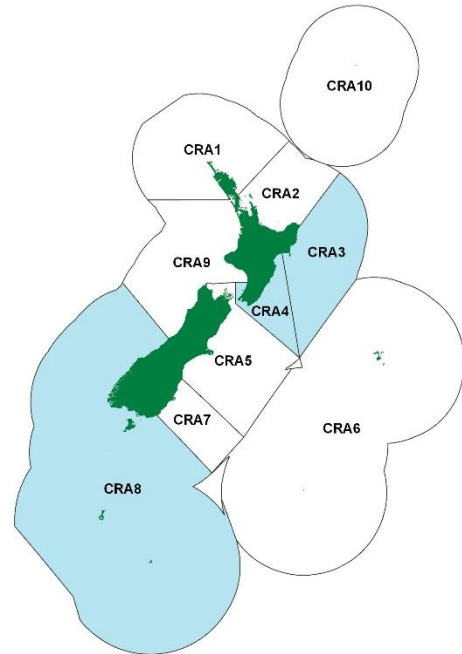
40. We propose to consult on an increase to the TAC for SCC 7A from 8 to 18 tonnes. This is a cautious increase, to ensure that harvest rates remain low and sustainable while we gain a better understanding of the fishery noting that, internationally, some sea cucumber fisheries have collapsed under high harvest levels.
41. SCC 7A is a dive fishery where sea cucumber are selected by hand, and there is no expected environmental impact resulting from the increase. Fisheries New Zealand will work with commercial fishers to ensure catch is spread widely to avoid any localised overfishing.
42. Fisheries New Zealand has discussed the proposed increase with Te Waka a Māui me Ōna Toka (South Island) Iwi Fisheries Forum, which has no objection to public consultation on this proposal. There is believed to be little Māori customary non-commercial harvest of this species. Recreational fishing surveys suggest that sea cucumber are not commonly caught by recreational fishers in the Marlborough area. We are, therefore, not proposing to alter the allowances for either customary or recreational fishing, which are one and two tonnes respectively.

#### *Southern blue whiting (SBW 6B)*

43. The southern blue whiting fishery at the Bounty Platform (SBW 6B) operates when spawning aggregations form during August and September. The fishery has been variable over time. Occasional large recruitment events and subsequent decreases in biomass have occurred, leading to fluctuating annual catches. Since 2015 only one or two vessels have participated in the fishery.
44. The fishstock is managed based on a harvest control rule which estimates the annual sustainable yield based on the biomass estimate from an acoustic survey of the spawning stock in September. The results of the survey will be available in mid-December. The SBW 6B fishery has been certified as sustainable by the Marine Stewardship Council since April 2012.
45. The fishery is purely a commercial fishery, given the distances involved from the South Island and often harsh weather conditions experienced at the Sub-Antarctic fishing grounds. There is no known customary or recreational catch.

**Appendix One: Proposed Fisheries Sustainability Measures for 1 April 2019**

**Rock lobster – Gisborne (CRA 3), Hawke’s Bay/Wellington (CRA 4), and Southern (CRA 8)**

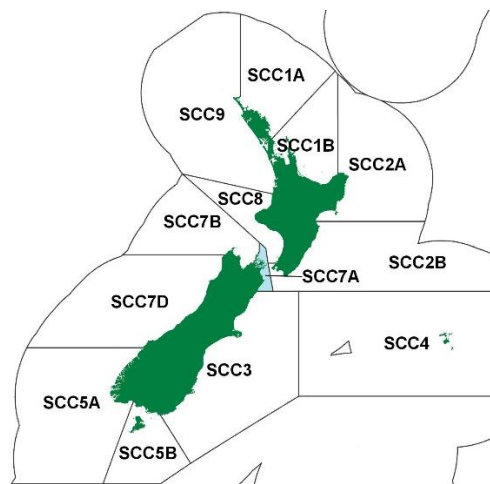


The proposals to change rock lobster Total Allowable Catches (TACs), allowances and Total Allowable Commercial Catches (TACCs) are based on the operation of management procedures (or decision rules). Management procedures are in place for most rock lobster stocks except CRA 2 (Hauraki Gulf/Bay of Plenty), CRA 6 (Chatham Islands) and CRA 9 (Westland/Taranaki). Each procedure is designed to move or maintain stock abundance above agreed reference levels.

The following table provides a summary of proposed changes for rock lobster, which are based on recommendations from the National Rock Lobster Management Group (an advisor on rock lobster management matters) and Fisheries New Zealand. It is proposed that the TACs will decrease for the CRA 3 (Gisborne) rock lobster fishery, and increase for the CRA 4 (Wellington/Hawke’s Bay) and CRA 8 (Southern) rock lobster fisheries. Changes are proposed to the other mortality allowances for CRA 4 and CRA 8 (as shown in the table) to more accurately reflect best available information. No changes are proposed to the current TACs for the CRA 1 (Northland), CRA 2 (Hauraki Gulf/Bay of Plenty), CRA 5 (Canterbury/Marlborough), CRA 6 (Chatham Islands), and CRA 9 (Westland/Taranaki) rock lobster fisheries based on available information, including a new stock assessment for CRA 6 completed in 2018. A formal rebuilding plan is in place for the CRA 2 rock lobster fishery, with consultation currently open on a proposal to reduce the recreational daily bag limit for six to three rock lobsters. This action is proposed to further support the rebuild of the CRA 2 fishery, following significant reductions to the commercial catch from 1 April 2018.

Stock	Option	TAC	TACC	Allowances		
				Customary	Recreational	Other mortality
CRA 3	1 ( <i>status quo</i> )	366.86 t	237.86 t	20 t	20 t	89 t
	2	351.9 t ↓ (4.1%)	222.9 t ↓ (6.3%)	20 t	20 t	89 t
CRA 4	1 ( <i>status quo</i> )	513.8 t	318.8 t	35 t	85 t	75 t
	2	558 t ↑ (8.6%)	380 t ↑ (19.2%)	35 t	85 t	58 t ↓ (22.7%)
CRA 8	1 ( <i>status quo</i> )	1,161.7 t	1,070.7 t	30 t	33 t	28 t
	2	1,197.6 t ↑ (3.1%)	1,129.7 t ↑ (5.5%)	30 t	33 t	5 t ↓ (82.1%)

**Sea cucumber (Marlborough – SCC 7A)**

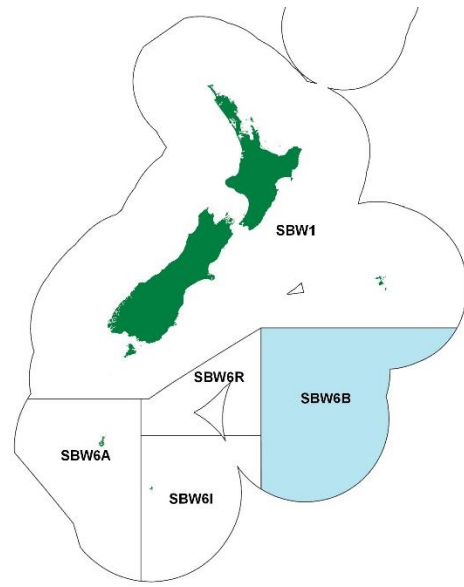


Sea cucumbers are a developing and potentially valuable fishery. Information on sea cucumbers in New Zealand is limited and stocks were given very cautious TACs on introduction into the Quota Management System. New scientific survey information for SCC 7A suggests a minimum biomass of between 485 and 585 tonnes of sea cucumber, even in the small proportion of SCC 7A that has been surveyed. Consequently, an increase in sustainable utilisation could be provided for. Cautious increases to the TAC and TACC are proposed, noting that, internationally, some sea cucumber fisheries have collapsed under high harvest levels.

No changes are proposed to the customary or recreational allowances for SCC 7A because best available information indicates that current allowances provide for current levels of customary and recreational catch (which are low /negligible). No change is proposed to the allowance for other mortality, as it is a selective dive fishery with sea cucumbers harvested by hand.

Stock	Option	TAC	TACC	Allowances		
				Customary	Recreational	Other mortality
SCC 7A	1 ( <i>status quo</i> )	8	5	1	2	0
	2	18 ↑	15 ↑	1	2	0

### Southern blue whiting (Bounty Platform – SBW 6B) - TBC



Information to determine whether a review of southern blue whiting (Bounty Islands) is necessary will be available in mid-December.

SBW 6B (southern blue whiting on the Bounty Platform) is managed based on a harvest control rule which estimates the annual sustainable yield based on the biomass estimate from the survey. When the harvest control rule indicates that there is a utilisation opportunity for SBW 6B, and the TAC and TACC may be increased (or decreased if there is a sustainability concern).

There are unlikely to be any changes proposed to the customary or recreational allowances for SBW 6B, because best available information indicates that current allowances adequately provide for current levels of customary and recreational catch (which are unknown/negligible).

Stock	Option	TAC	TACC	Allowances		
				Customary	Recreational	Other mortality
SBW 6B	1 ( <i>status quo</i> )	3,209	3,145	0	0	64
	2	<i>TBC</i>	<i>TBC</i>	<i>0</i>	<i>0</i>	<i>TBC</i>