



Office of Hon Phil Heatley

MP for Whangarei

Minister of Fisheries and Aquaculture

Minister of Housing

H1098

Dear Stakeholder

This letter informs you of final decisions on sustainability measures and other management controls for spiny and packhorse rock lobster stocks to apply from the 2011-12 fishing year beginning 1 April 2011.

In reaching my final decisions on the proposals I have considered the submissions received on the National Rock Lobster Management Group's (NRLMG's) initial advice, final advice provided by the NRLMG, and stock assessment information. I also considered the relevant legislative provisions and my obligations under the Fisheries Act 1996 (the Act).

You can find copies of the NRLMG's advice papers on the Ministry of Fisheries website at www.fish.govt.nz/en-nz/Consultations/Archive

The specific decisions for each rock lobster stock are outlined below.

CRA 4 (Wellington/Hawkes Bay) Spiny Rock Lobster

I have decided to increase the CRA 4 Total Allowable Catch (TAC) from 610.625 to 661.9 tonnes, and increase the CRA 4 Total Allowable Commercial Catch (TACC) from 415.625 to 466.9 tonnes.

The setting of the TAC for CRA 4 is guided by a management procedure I indicated support for in March 2009. I note a number of stakeholders, including some industry participants, suggested I take a cautious approach and retain the current TAC for the 2011-12 fishing year. However, I am confident the ongoing application of the CRA 4 Management Procedure will maintain an average stock size well above the target level and consequently provide utilisation benefits for all fishery participants.

The allowances for customary Maori (35 tonnes), recreational interests (85 tonnes) and other sources of fishing-related mortality (75 tonnes) will remain unchanged at this time because best available information suggests the current allowances adequately allow for these interests.

I note the management procedure will be reviewed during 2011. I encourage tangata whenua and stakeholders to engage with their NRLMG representatives during the review.

CRA 5 (Canterbury/Marlborough) Spiny Rock Lobster

I have decided to retain the current CRA 5 TAC of 467 tonnes and retain the current allowances for the 2011-12 fishing year.

Best available information on CRA 5 stock status indicates the current stock is well above the statutory target level; therefore, retaining the current TAC does not pose any risk to stock sustainability.

I note that, during 2010, management procedures to guide TAC setting were investigated and a procedure agreed to by NRLMG members was consulted on. Consultation showed a widespread lack of support from tangata whenua and the commercial sector for the management procedure proposed. I find this situation concerning as it shows insufficient engagement in the collaborative approach used to develop the procedure.

While the proposed CRA 5 management procedure meets my statutory obligations under the Act, there is little reason to use this tool to guide my TAC setting decision for the new fishing year when:

- it is not widely supported by stakeholders;
- the variations to the allowances that result from operation of the procedure would not alter the current ability of any sector to harvest rock lobster in CRA 5; and
- there is no sustainability concern to address.

I recommend that sector representatives discuss and resolve their differences regarding a proposed CRA 5 management procedure. I hope that an agreed CRA 5 management procedure proposal is presented for consideration later in the year.

CRA 7 (Otago) Spiny Rock Lobster

I have decided to decrease the CRA 7 TAC from 104.5 to 95.7 tonnes, and decrease the CRA 7 TACC from 84.5 to 75.7 tonnes.

I note the NRLMG proposed a revised management procedure for CRA 7 and that application of the new procedure would have resulted in no change to the catch limits for the 2011-12 fishing year. I wish, however, to take a conservative approach given the history of apparent large fluctuations in stock size. I believe reducing the TAC for the 2011-12 fishing year will more quickly assist the stock to a stable situation that provides greater and more consistent utilisation benefits for all fishery participants. I note the TAC decrease I have adopted is consistent with application of the current CRA 7 Management Procedure.

The allowances for customary Maori (10 tonnes), recreational interests (5 tonnes) and other sources of fishing-related mortality (5 tonnes) will remain unchanged at this time because best available information suggests the current allowances adequately allow for these interests.

I agree to use the revised CRA 7 management procedure to guide TAC setting decisions in CRA 7 from the 2012-13 fishing year. I am confident that, in the medium-long term, application of the revised CRA 7 Management Procedure will maintain an average stock size well above the target level with a greater probability than the current CRA 7 Management Procedure. I also expect that the revised management procedure will provide greater stability in the fishery which will provide benefits for the commercial sector in particular.

CRA 8 (Southern) Spiny Rock Lobster

I have decided to decrease the CRA 8 TAC from 1110 to 1053 tonnes, and decrease the CRA 8 TACC from 1019 to 962 tonnes.

The setting of the TAC for CRA 8 is guided by a management procedure. I am confident the ongoing application of the CRA 8 management procedure will, as expected, maintain an average stock size well above the target level. I acknowledge that the decrease in TAC is due to the conservative nature of the management procedure and is not due to sustainability concerns in the fishery.

The allowances for customary Maori (30 tonnes), recreational interests (33 tonnes) and other sources of fishing-related mortality (28 tonnes) will remain unchanged at this time because best available information suggests the current allowances adequately allow for these interests.

Deemed Value Rates for All Spiny and Packhorse Rock Lobster Stocks

Setting correct deemed value rates are as important to the sustainability and utilisation of a fishery as setting a TAC and allowances. My goal is to ensure that every commercial fisher has an incentive to acquire or maintain Annual Catch Entitlement (ACE) that matches the fisher's catch of each stock, as per section 75(2)(a) of the Act. I have therefore decided to adjust deemed value rates for all spiny (CRA 1 to 9 inclusive) and packhorse (PHC 1) rock lobster stocks to ensure catch is balanced with a fisher's ACE.

I have decided to increase the annual deemed value rate for all rock lobster stocks to \$110.00 per kilogram. This decision continues the strategy of setting the annual deemed value rate at least twice the port price for high value species. I also acknowledge the efforts made by the NZ Rock Lobster Industry Council in providing up-to-date price information to assist in determining appropriate deemed values for all rock lobster stocks.

I have decided to set the interim deemed value rate at \$99.00 per kilogram (90% of the annual deemed value rate) for all lobster stocks to encourage fishers to balance their catch with ACE regularly instead of paying interim deemed values.

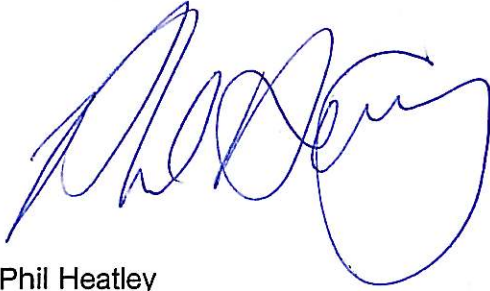
As a result of the increase to the annual deemed value rate, the differential deemed value rates for the rock lobster stocks will also increase from 1 April 2011 as outlined in Table 1.

2010-11 Differential Rates		2011-12 Differential Rates	
Catch in excess of ACE holdings	Current deemed value rate	Catch in excess of ACE holdings	Proposed deemed value rate
0-20 %	\$ 100.00 per kg	0-20 %	\$ 110.00 per kg
> 20 %	\$ 120.00 per kg	> 20 %	\$ 132.00 per kg
> 40 %	\$ 140.00 per kg	> 40 %	\$ 154.00 per kg
> 60 %	\$ 160.00 per kg	> 60 %	\$ 176.00 per kg
> 80 %	\$ 180.00 per kg	> 80 %	\$ 198.00 per kg
> 100 %	\$ 200.00 per kg	> 100 %	\$ 220.00 per kg

Table 1: *Differential deemed value rates for CRA 1 – 9 and PHC 1 rock lobster stocks*

Finally, I would like to take the opportunity to acknowledge all submissions received in this year's review and I thank tangata whenua and stakeholders for the time and effort taken to contribute to this process.

Kind regards

A handwritten signature in blue ink, appearing to read 'Phil Heatley', with a large, stylized flourish at the end.

Hon Phil Heatley
Minister of Fisheries and Aquaculture