

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



B21-0149

Tēnā koe

Changes to fisheries sustainability measures for the 2021 April Round

I write to inform you of the decisions I have made to ensure New Zealand maintains sustainable fisheries for our cultural, social and economic wellbeing.

In this round I have made decisions on catch limits and allowances for eight stocks with an April fishing year, and six stocks with an October fishing year. I also decided to implement a year-round closure to the harvest of shellfish in Cockle Bay (Hauraki Gulf Coast, Auckland). Attached to this letter are my decisions along with a brief rationale for each of the changes I have decided on.

Where there were opportunities for increasing utilisation within sustainable limits, I have decided to implement appropriate increases to catch limits to reflect this. On the other hand, where sustainability is at risk, I have looked hard at management action to ensure the sustainability of our fish resources.

In making my decisions, I have considered feedback and submissions received from tangata whenua and stakeholders on initial proposals, final advice from Fisheries New Zealand and the National Rock Lobster Management Group (for rock lobster stocks), and relevant legislative provisions and my obligations under the Fisheries Act 1996 (the Act).

The changes to sustainability measures outlined in this letter will come into effect at the start of the new fishing years (1 April 2021 for April year stocks, and 1 October 2021 for October year stocks). The Cockle Bay closure will come into effect on 1 May 2021.

The Decision Document that informed my decisions is available on the Fisheries New Zealand website below:

www.mpi.govt.nz/consultations/review-of-sustainability-measures-2021-april-round

Nāku iti noa, nā

A handwritten signature in blue ink, appearing to read 'David Parker'.

Hon David Parker
Minister for Oceans and Fisheries

April 2021 Sustainability Round: summary of changes

| Stock(s) | Change | Rationale |
|--|--------|--|
| April fishing year stocks: Implementation on 1 April 2021 | | |
| Giant spider crab - GSC 3 & 5 Chatham Rise, South East Coast, | ↑ | Observed catch rates for GSC 3 and 5 have increased over the past decade or so. Moderate increases to catch limits will provide for current and anticipated future catches of giant spider crabs in these areas. |
| Giant spider crab – GSC 6A Southland & Southern Offshore Islands | ↑ | Observed catch rates of GSC 6A have increased substantially in recent years, and an increase to the catch limit will reflect the increased abundance of the stock and provide for current catch of giant spider crab in the area. |
| Red rock lobster – CRA 1 Northland | ■ | The most recent stock assessment update for CRA 1 suggests that current catches are sustainable, and the stock is projected to increase in abundance in the next four years. As such, its current catch settings remain appropriate for the upcoming fishing year. |
| Red rock lobster – CRA 3 Gisborne | ↓ | Catch limits for CRA 3 and CRA 4 were reviewed in March 2020 and not changed at that time. However, updated information indicates that moderate Total Allowance Catch (TAC) and Total Allowable Commercial Catch (TACC) reductions are appropriate to ensure these stocks remain above sustainable levels. |
| Red rock lobster – CRA 4 Wellington / Hawke's Bay | ↓ | |
| Red rock lobster – CRA 5 Canterbury / Marlborough | ■ | While CRA 5 biomass is projected to decline, it is expected to stay well above sustainable levels. The current catch settings will therefore be retained for the upcoming fishing year. |
| Packhorse rock lobster PHC 1, NZ wide | ↑ | The first stock assessment for packhorse rock lobster, completed in 2020, suggests that the stock has increased in productivity or abundance, and is close to the unfished biomass level. A TAC and allowances have been set for the first time, including a moderate increase to the TACC that will allow fishers an opportunity for better utilisation of the stock. |
| October fishing year stocks: Implementation on 1 October 2021 | | |
| Blue cod – BCO 4 Chatham Islands | ■ | A TAC and allowances have been set for this stock for the first time to account for commercial, customary Māori, and recreational catch, as well as all other mortality caused by fishing. The current TACC for BCO 4 is considered to be set at an appropriate level and has been retained. |
| Elephantfish – ELE 7 West Coast and Top of the South Island | ■ | After considering best available information and the views received during consultation, it was considered appropriate to retain current sustainability measures for ELE 7 until a new assessment of the stock's status is available. |
| Flatfish - FLA 2 East Cape, Hawke's Bay, Wellington and Taranaki | ↓ | There is concern that current commercial catch settings for FLA 2 will not be sustainable if fully utilised. A substantial decrease to the TACC will help to ensure that future catches of FLA 2 remain sustainable. |
| Dark ghost Shark - GSH 1 East Coast of Northland and Auckland, Bay of Plenty | ↑ | GSH 1 appears to have recently increased in abundance, with an increase in landings over the past five years. A modest increase to the TACC will allow fishers to better utilise the stock. |
| Giant stargazer - STA 1 Waikato, Auckland and Northland, Bay of Plenty | ■ | Although catches of STA 1 have increased in recent years, a cautious approach is needed until more information is available. As such, a TAC and allowances will be set for this stock, but the TACC will be retained for the upcoming fishing year. |
| Yellow-eyed mullet - YEM 9 Waikato, West Coast of Auckland and Northland | ↓ | There is concern that current commercial catch settings for YEM 9 will not be sustainable if fully utilised. A substantial decrease to the TAC and TACC of YEM 9 should prevent expansion in this fishery and ensure catches remain sustainable until more information on the stock is available. |
| Cockle Bay/Tuwakamana year-round closure to shellfish harvests: Implementation on 1 May 2021 | | |
| Best available information has suggested a sustainability risk to the cockle population at Cockle Bay, despite the current seasonal closure. A year-round closure to intertidal shellfish harvesting for the area will aid in recovery for cockle populations while monitoring continues. The closure will be reviewed after three years of its implementation to determine whether the beach can be reopened for utilisation. | | |

Summary Report on the 2021 April Sustainability Round Decisions

April year stocks – Rock Lobster

My decisions for red and packhorse rock lobster stocks were guided by Fisheries New Zealand and the National Rock Lobster Management Group (NRLMG), which acts as an advisor to me on rock lobster management matters. Each of my decisions were based on the consideration of the results of full quantitative stock assessments, or updates to those stock assessments.

In making my decisions on red rock lobster stocks, I considered best available information and submissions from tangata whenua and interested parties. In addition, I have considered accepted research on B_{MSY} reference levels (the biomass, or weight of fish, which produces the maximum sustainable yield (MSY)), which became available following consultation. These new B_{MSY} reference levels have been calculated for CRA 1, CRA 3, CRA 4 and CRA 5, and are tailored to the biological and fishery characteristics of each red rock lobster stock. They represent an interim management target. I understand that the NRLMG intends to commence work in 2021 to confirm management targets for all rock lobster stocks.

My decisions for the four red rock lobster stocks and one packhorse rock lobster stock that were reviewed as part of the April 2021 sustainability round are provided below.

Red rock lobster

CRA 1 – Northland

I have decided to retain the TAC, allowances, and TACC for the CRA 1 fishery as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|-------------------------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Settings to be retained | 203 | 110 | 20 | 32 | 41 |

An updated rapid assessment for CRA 1 indicates that the decrease to catch settings (the TAC, allowances, and TACC) implemented by the previous Minister of Fisheries on 1 April 2020 has successfully halted the decline in biomass that was predicted by the full CRA 1 stock assessment in 2019. I note that vulnerable biomass was above the B_{MSY} reference level in 2020, and that both vulnerable and spawning biomass are now projected to increase by 2024 under the status quo according to the 2020 rapid assessment update. Given this, I have decided to retain the status quo.

It is important to me that regular monitoring of this stock is undertaken. I note that a rapid assessment update for CRA 1 is expected in 2021, which will provide an opportunity to continue to monitor the effects of the 2020 decreases to catch settings, and to inform a review of catch settings for April 2022 if required.

Red rock lobster

CRA 3 – Gisborne

I have decided to decrease the TAC, recreational and other mortality allowances, and TACC for the CRA 3 fishery as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Old | 351.9 | 222.9 | 20 | 20 | 89 |
| New | 302 ↓ | 195 ↓ | 20 | 12 ↓ | 75 ↓ |

An updated rapid assessment for CRA 3 indicates vulnerable biomass was above the B_{MSY} reference level in 2020 and is projected to stay stable or decline slightly over the next four years at 2020 catch levels, while spawning biomass is projected to decline slightly, but stay above the soft limit. I consider that it is important to act to ensure that CRA 3 biomass stays above the B_{MSY} reference level, and have decided that a decrease in catch settings is required to ensure this.

In making my decision, I acknowledge feedback from tangata whenua and a number of stakeholders that catch settings for CRA 3 should be reduced to enable biomass to increase. The decrease to the catch settings is expected to increase stock biomass.

The decreases to the recreational and other mortality allowances were made to reflect the updated estimates used in the stock assessment. I have maintained the allowance for Māori customary harvest, as I believe it adequately provides for current levels of customary catch.

It is important to me that regular monitoring of this stock is undertaken. I note that a rapid assessment update for CRA 3 is expected in 2021, which will provide an opportunity to inform a review of catch settings for April 2022 if required.

Red rock lobster

CRA 4 – Wellington/Hawke's Bay

I have decided to decrease the TAC, recreational and other mortality allowances, and TACC for the CRA 4 fishery as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Old | 513.8 | 318.8 | 35 | 85 | 75 |
| New | 388 ↓ | 280 ↓ | 35 | 40 ↓ | 33 ↓ |

The results of the new 2020 CRA 4 stock assessment suggest that vulnerable biomass is above the B_{MSY} reference level, but is projected to decline just below this reference level over the next four years. Spawning stock biomass is projected to decline, while remaining well above the soft limit. I take the status of stocks seriously and believe that action should be taken to prevent CRA 4 vulnerable biomass from declining below the B_{MSY} reference level. I believe a decrease in catch settings is required to achieve this. The decrease to the catch settings I have made is expected to prevent the predicted decline in biomass, maintain vulnerable biomass above the B_{MSY} reference level, and start a trajectory of increasing biomass.

The decreases to the recreational and other mortality allowances were made to reflect the updated estimates used in the stock assessment. I have maintained the allowance for Māori customary harvest, as I believe it adequately provides for current levels of customary catch.

I believe that the decreases I have made strike the right balance of halting the decline in biomass and keeping the stock above the B_{MSY} reference level, while also taking into account the socio-economic impacts of catch reductions to associated businesses and communities.

It is important to me that regular monitoring of this stock is undertaken. I note that a rapid assessment update for CRA 4 is expected in 2021, which will provide an opportunity to inform a review of catch settings for April 2022 if required.

Red rock lobster

CRA 5 – Canterbury/Marlborough

I have decided to retain the TAC, allowances, and TACC for the CRA 5 fishery as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------------------------------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Settings to be retained | 514 | 350 | 40 | 87 | 37 |

The results of the new 2020 stock assessment for CRA 5 suggest that vulnerable and spawning biomass are both projected to decline, with vulnerable biomass staying above the B_{MSY} reference level, and spawning biomass staying well above the soft limit. While CRA 5 biomass is projected to decline, it is expected to stay at relatively high levels, and I do not consider that a decrease in catch settings is needed at this time.

In making my decision, I acknowledge previous actions by the CRA 5 commercial rock lobster industry to manage the stock conservatively, contributing to relatively high biomass levels in this fishery that I believe can sustain the decreases in biomass projected at this time.

It is important to me that regular monitoring of this stock is undertaken. I note that a rapid assessment update for CRA 5 is expected in 2021, which will provide an opportunity to inform a review of catch settings for April 2022 if required.

Packhorse rock lobster

PHC 1 – New Zealand wide

I have decided to set a TAC and allowances, and increase the TACC for PHC 1 as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Old | N/A | 40.3 | N/A | N/A | N/A |
| New | 79.3 | 49.3 ↑ | 10 | 15 | 5 |

The first stock assessment for packhorse rock lobster, completed in 2020, suggests that the stock has increased in productivity or abundance, is close to the unfished biomass level, and is projected to stay at the current level under current catches.

I have decided to set a TAC and allowances for PHC 1 for the first time, and to increase the TACC. These catch settings reflect both scientific and anecdotal information which suggests that packhorse rock lobster has been increasing in abundance since the 1970s. I have set customary Māori, recreational, and other mortality allowances to reflect estimates that, while uncertain in some cases, are best available estimates of customary harvest, recreational harvest, and other sources of mortality to the stock caused by fishing. A moderate increase to the TACC is also being made to take advantage of this utilisation opportunity.

April year stocks - Other

Giant spider crab

GSC 3, 5 and 6A – Chatham Rise, South East Coast, Southland and Southern Offshore Islands

I have decided to increase the TACs, allowances, and TACCs for GSC 3, 5 and 6A as follows:

| Stock | Settings | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|----------|---------|----------|----------------|--------------|-----------------|
| | | | | Customary | Recreational | Other mortality |
| GSC 3 | Old | 15 | 14 | 0 | 0 | 1 |
| | New | 21 ↑ | 19 ↑ | 0 | 0 | 2 ↑ |
| GSC 5 | Old | 20 | 19 | 0 | 0 | 1 |
| | New | 96 ↑ | 86 ↑ | 0 | 0 | 10 ↑ |
| GSC 6A | Old | 165 | 148 | 0 | 0 | 17 |
| | New | 187 ↑ | 170 ↑ | 0 | 0 | 17 |

Evidence from observer collected CPUE data collected since 2004 has led to my decision to increase the TACs and TACCs in GSC 3, 5 and 6A. These data suggest that stocks of giant spider crab have increased over recent years in the three areas.

As all giant spider crab in GSC 3, 5 and 6A are taken as bycatch, I do not expect catches of giant spider crab to increase above existing levels as a consequence of the changes. I also consider it unlikely that the risk to associated or dependent species, or the benthic habitat, will increase as a result of these changes.

October year stocks

Blue cod

BCO 4 – Chatham Islands

I have decided to set a TAC and allowances for BCO 4 as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Old | N/A | 759.339 | N/A | N/A | N/A |
| New | 829.339 | 759.339 | 10 | 20 | 40 |

Prior to my decision, there was no TAC or allowances set for this important blue cod fishery (only a TACC was in place). My decision accounts for all removals from the fishery, including commercial catch, customary Māori catch, recreational catch and all other mortality caused by fishing as a basis for setting a sustainable TAC.

The current TACC has been retained as the fishery appears to have remained stable over the last ten years. Feedback and submissions during consultation suggested a range of allowance options, particularly in terms of the recreational allowance. Increasing tourist-based fishing activity on the Chatham Islands is prompting interest in a review of recreational limits on the islands more generally. Fisheries New Zealand is discussing this with the Chatham Island community. In the interim I have set a recreational allowance for BCO 4 that is equivalent to the estimated current level of recreational blue cod catch.

Elephantfish

ELE 7 – West Coast South Island, Top of the South

I have decided to retain the TAC, allowances, and TACC for the ELE 7 fishery as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|-------------------------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Settings to be retained | 127 | 102 | 5 | 10 | 10 |

In making my decision I note that there has been two further years of fully or over-caught commercial catch reported since the 2019 review and the stock is currently estimated to be at or above the target level. However, elephant fish are vulnerable to overfishing, and overfishing is about as likely as not to be occurring in the fishery.

After considering best available information and the views received during consultation, I have taken a cautious approach and decided to retain current sustainability measures for this stock until a new assessment of the stock's status is available.

Flatfish

FLA 2 – East Cape, Hawke's Bay, Wellington & Taranaki

I have decided to set a TAC and allowances, and decrease the TACC of FLA 2 as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Old | N/A | 726 | N/A | N/A | N/A |
| New | 178 | 150 ↓ | 10 | 10 | 8 |

Prior to my decision, there was no TAC or allowances set for FLA 2 (only a TACC was in place). In setting the allowances for customary Māori, recreational and all other mortality caused by fishing, I have considered best available estimates of these removals, while noting associated uncertainties.

The TACC of FLA 2 has remained unchanged since introduction into the Quota Management System in 1989. Since then, this level of commercial catch has not been reached and there is uncertainty whether catch at the level of the TACC would be sustainable. For this reason, I have decided to reduce the TACC.

Best available information indicates that FLA 2 has fluctuated around the management target under current catch levels, indicating that the stock is currently performing at sustainable levels. I took this into account when deciding on the level at which to reduce the TACC. I also took into account concerns raised relating to environmental factors that may affect recruitment of flatfish (e.g. sedimentation, water temperature).

As a result, I agreed to an option put forward by iwi and Māori representatives through consultation, who highlighted an option that promotes continued moderate utilisation in the commercial fishery, while allowing for natural fluctuations in the stock.

Dark ghost shark

GSH 1 – East Coast of Northland and Auckland, Bay of Plenty

I have decided to set a TAC and allowances, and increase the TACC of GSH 1 as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Old | N/A | 22 | N/A | N/A | N/A |
| New | 35 | 30 ↑ | 1 | 1 | 3 |

The best available information for GSH 1 comes from commercial landings, which have increased over recent years. This suggests that abundance may have increased and as such I have decided to set a TAC for the first time and implement a modest increase to the TACC to provide for utilisation.

In setting the allowances for customary Māori, recreational and all other mortality caused by fishing, I have considered best available estimates of these removals, while noting associated uncertainties.

I acknowledge that GSH 1 is a low knowledge stock and therefore a cautious approach is needed. In making my decision for a modest increase, I note that dark ghost shark is caught as bycatch, and an increase to the TACC is unlikely to change fishing behaviour to target GSH 1.

Giant stargazer

STA 1 – Waikato, East and West Coasts of Auckland and Northland, Bay of Plenty

I have decided to set a TAC and allowances, and retain the TACC of STA 1 as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Old | N/A | 21 | N/A | N/A | N/A |
| New | 24 | 21 | 1 | 1 | 1 |

In making my decision, I note that commercial landings of STA 1 have increased over the recent years and the TAC and allowances have not been set since the introduction of giant stargazer to the QMS.

After considering best available information, and the views received during consultation, I have taken a cautious approach to setting sustainability measures for this stock until further information on the status of the stock is available. In doing so, I have decided to retain the current TACC and set allowances for customary Māori, recreational and all other mortality caused by fishing based on best available estimates of these removals, while noting associated uncertainties.

Yellow-eyed mullet

YEM 9 – Waikato, West Coast of Auckland and Northland

I have decided to decrease the TAC and TACC and set an allowance for other mortality caused by fishing as follows:

| Option | TAC (t) | TACC (t) | Allowances (t) | | |
|--------|---------|----------|----------------|--------------|-----------------|
| | | | Customary | Recreational | Other mortality |
| Old | 38 | 30 | 4 | 4 | N/A |
| New | 26 | 17 ↓ | 4 | 4 | 1 |

In making my decision, I note that the commercial landings of YEM 9 have fluctuated without trend at a level well below the TACC, and that there is concern that a potential sustainability risk may arise if the TACC were to be fully utilised. This concern is heightened by the potential impact of environmental degradation on YEM 9 productivity and the important role YEM 9 play as forage for other organisms in the ecosystem.

After considering best available information and the views received during consultation, I have taken a cautious approach in setting sustainability measures for this stock. These changes should prevent expansion in this fishery and ensure catches remain sustainable until more information on the stock is available.

Other measures

Cockle Bay/Tuwakamana year-round closure to shellfish harvests

I have decided to apply a year-round closure to intertidal shellfish harvesting in Cockle Bay/Tuwakamana as follows:

Decision on the management for the taking of intertidal shellfish at Cockle Bay

Revoke the existing *Gazette* notice for the seasonal closure at Cockle Bay/Tuwakamana and replace it with a new *Gazette* notice fully closing the beach to the recreational taking of intertidal shellfish as a sustainability measure under section 11 of the Fisheries Act 1996.

The closure will take effect May 1, 2021, which is when the beach would have previously opened under the seasonal closure.

I have made this decision using best available information, which suggests there is a potential sustainability risk to the cockle population at Cockle Bay/Tuwakamana.

In particular, the Northern Intertidal Shellfish Survey has shown a recent decline in the number of large cockles in the cockle beds at Cockle Bay/Tuwakamana. I note that, while there are other factors likely contributing to this decline, removing recreational harvest pressure will improve the likelihood of a recovery in large cockle abundance.

In making my decision, I took into consideration the concerns expressed by the local community and the overwhelming public support for the proposed closure.

Importantly, Fisheries New Zealand will continue to survey this area periodically to monitor trends in cockle abundance and size distribution. This closure will be reviewed after three years to determine whether removing harvest pressure has had the desired effect and whether a return to some level of utilisation may be appropriate.