Fisheries New Zealand
Tini a Tangaroa

Review of sustainability measures for Pacific bluefin tuna (TOR 1) for 2025

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Pacific bluefin tuna – *Thunnus orientalis*

Figure 1: Quota Management Area for Pacific bluefin tuna (*Thunnus orientalis*).

Rationale for review

1. Pacific bluefin tuna (**TOR 1**) is internationally managed as a single stock throughout the Pacific Ocean by the Western Central Pacific Fisheries Commission (**WCPFC**) and the Inter-American Tropical Tuna Commission (**IATTC**). New Zealand is a member of the WCPFC, which sets the Global Total Allowable Catch in its convention area based on stock assessments and an agreed harvest strategy. A 2024 stock assessment by WCPFC indicated that spawning stock biomass (**SSB**) of TOR has increased substantially in the last 12 years. FNZ is satisfied that the advice from the Scientific Committee of WCPFC represents the best available information to inform management decisions.
2. The biomass of TOR 1 is rebuilding faster than anticipated and catch in New Zealand has been increasing which represents a utilisation opportunity. Additionally, industry has suggested that TOR is constraining other fisheries which take it as bycatch including southern bluefin tuna (**STN**) and swordfish (**SWO**). At the recent Commission meeting in December 2024, it was agreed by the WCPFC to increase the Pacific bluefin tuna catch limits of member countries that fish for this species in the convention area. New Zealand's commercial allocation was increased by 84 tonnes. The WCPFC catch limit applies to the commercial fishery only. The allowances for customary Māori, recreational, and other sources of mortality are provided for separately within the TAC.
3. To give effect to the WCPFC decision and provide for this utilisation opportunity, FNZ is proposing:
    - an in-season increase to the Total Allowable Catch (**TAC**) of TOR 1, which will apply during the current fishing season (ending 30 September 2025), pursuant to section 14(6) of the Act (**the Act)**.
    - an increase to the TAC of TOR 1 from the next full fishing year (beginning 1 October 2025), pursuant to section 14(3) of the Act. This includes options to increase the recreational and customary allowances, in addition to the Total Allowable Commercial Catch (**TACC**).
4. Industry stakeholders have requested that, should you agree to increase the TAC, the in-season increase comes into effect as soon as possible to provide certainty for fishers as they are planning for the coming season's fishing. Therefore, FNZ is seeking your decisions as soon as practicable.

Proposed options and FNZ's recommendations

5. FNZ is proposing that the TAC of TOR 1 is increased for the remainder of the current fishing year in line with the level of New Zealand's allocation agreed by the WCPFC (Table 1). No change is made to the TACC when implementing an in-season increase. Instead, additional Annual Catch Entitlement (**ACE**) is generated that equals the amount in tonnes by which you would have increased the TACC. This in-season increase, if agreed, would take effect no later than 1 April 2025, or as soon as practicable.

Table 1: Proposed in-season increase (in tonnes) for TOR 1 during the 2024/25 fishing year.

Option	TAC	TACC	Additional ACE[1]	Allowances		
				Customary Māori	Recreational	All other mortality caused by fishing
Current settings	*145*	*116*	-	*0.5*	*25*	*3.5*
Option 1	229 (↑ 84)	116	84	0.5	25	3.5

6. FNZ is also proposing that the TAC of TOR 1 is increased from the full fishing year beginning 1 October 2025. In addition to the 84-tonne increase to the TACC, this would include a 5-tonne increase to the recreational allowance and a 1.5-tonne increase to the customary allowance. These settings are shown in Table 2. The proposed increases to the allowances are to accommodate increased interactions in recreational and customary fisheries as the TOR stock increases in New Zealand waters. The 1.5-tonne increase to the customary allowance was added after consultation based on feedback received from Te Hiku o Te Ika Fisheries Forum.
7. FNZ considers that the current allowance for all other mortality caused by fishing remains appropriate and is not proposing any change to the allowance.

Table 2: Proposed management option (in tonnes) for TOR 1 from 1 October 2025.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	*145*	*116*	*0.5*	*25*	*3.5*
Option 1	234 (↑ 89)	200 (↑ 84)	0.5	30 (↑ 5)	3.5
Option 1b (new)	235.5 (↑ 90.5)	200 (↑ 84)	2 (↑ 1.5)	30 (↑ 5)	3.5

8. Seven submissions for TOR 1 were received during public consultation. Industry and recreational groups all supported Option 1, however the New Zealand Federation of Commercial Fishermen did not support the increase to the recreational allowance. Submissions from individuals generally expressed support for a more cautious approach which limited take of TOR. The New Zealand Royal Society for the Prevention of Cruelty to Animals did not support any catch limit increases. Feedback received during consultation is characterised further under '*Analysis of options*' below. More detail, including other matters raised by submitters, is provided in Part 2 (*Submissions*).
9. New information received from the Te Hiku o Te Ika Forum after consultation indicated an intention to take tuna species, including Pacific bluefin tuna, under customary permits/authorisations. To take into account this new information, FNZ has proposed a customary allowance increase under Option 1b for your consideration.
10. Based on our analysis of these options and incorporating the feedback received, as well as our assessment of the options against legal provisions (see Part 3), FNZ recommends Option 1b. The rationale for this recommendation is set out in Part 5 under '*Conclusions and recommendations*'.

Analysis of options

11. All options proposed for TOR 1 are analysed below with an outline of the key risks and benefits, as well as feedback received during consultation. Additional information on and rationale to support proposed settings within the TAC can be found below in Table 3 under *'Fishery characteristics and settings'*.

[1] During an in-season increase, under section 68 of the Act, 'the Minister shall create an additional amount of Annual Catch Entitlement for the stock that equals the amount by which he or she would have increased the [TACC]', while the TACC remains unchanged.

Status quo

12. The status quo is not recommended in this review. Retaining the current catch settings would not reflect the recent decision by the WCPFC to increase New Zealand's national allocation. Additionally, failing to utilise the increased national allocation would result in forgone economic and social benefits from the potential additional catch and would make managing bycatch of TOR very difficult in the fishery.

Option 1 – 62% TAC increase

13. Under this option, FNZ proposes to increase the TOR 1 TAC by 89 tonnes, an increase of approximately 62%. This would give effect to the recent decision by the WCPFC to increase New Zealand's national allocation. It will allow for an additional five tonnes of recreational catch, and 84 tonnes of commercial catch.

Benefits	14. Increasing the TAC would allow fishers to fully utilise the increased national allocation agreed at WCPFC and realize the economic benefit from increased catch. 15. As TOR is primarily a bycatch species, increasing the TAC will remove the current constraints reported by industry on the fisheries which take TOR as bycatch. These constraints have resulted from insufficient ACE availability as catch has increased as the stock becomes more prolific in New Zealand waters (possibly due to increased abundance of the stock, or possibly due to warming waters which can lead to changes in distribution of the stock). 16. Increasing the recreational allowance by five tonnes will allow for recreational fishers to utilise the additional available catch while the stock is expanding in New Zealand waters.
Risks	17. Since industry has indicated that TOR is currently constraining other target fisheries such as Southern Bluefin Tuna (STN), increasing the TACC could lead to an increase in effort targeting STN, which is also a rebuilding stock. The Commission for the Conservation of Southern Bluefin Tuna (**CCSBT**) management procedure ensures that the STN global catch limit (which includes New Zealand's national allocation of 1,288 tonnes) achieves rebuilding targets. Furthermore, New Zealand's national allocation represents only 6% of the global catch limit. Therefore, FNZ considers the risk of negatively affecting the rebuild of the STN stock to be negligible under this option. In addition, deemed value rates for STN are set at $42.23 which provides sufficient incentive for fishers to balance their catch with ACE. Information to inform the magnitude of any potential change in effort resulting from an increase to the TOR TACC is limited and therefore cannot be accurately estimated. 18. There may be an increased risk to protected species interactions resulting from an increase in effort from surface longline (**SLL**) commercial fisheries. The recent decision to strengthen seabird mitigation rules for the SLL fleet, which came into effect on 1 October 2024, ensures that best practice mitigation to reduce captures of seabirds is used by all SLL fishers, but there are limited mitigation options for other protected species including marine mammals and turtles. However, there is limited data available to inform the magnitude of any potential change in effort that may be caused by an increase in TOR TAC. The SLL fleet has been gradually consolidating in recent years so FNZ considers it unlikely that an increase to the TOR TAC would result in increased SLL effort. 19. The WCPFC stock assessment in 2024 estimated a 75.9% probability that the stock was above the rebuilding reference point. However, the WCPFC Scientific Committee raised concerns that the probability that the biomass was above the reference point may have been overestimated because stock assessment uncertainty was underestimated (particularly recruitment estimates and steepness assumptions). It was noted that the second rebuilding target would not have been met if alternative assumptions had been used in the stock assessment (WCPFC, 2024). Therefore, there is a small risk that increasing the TOR TACC could place strain on the recovery of the stock. FNZ recently changed the rules around landing exceptions for TOR, allowing for fishers to return Pacific bluefin tuna to the sea, when caught by SLL and troll, if it is likely to survive. The ability to release TOR alive will help support the continued rebuild of the stock and support New Zealand to manage the fishery within our WCPFC catch limit.
Feedback received	20. Industry feedback unanimously states that an increase to the TACC for TOR 1 is needed given that it is a bycatch fishery which is currently constraining other target fisheries such as STN and SWO. According to their submissions, fishers are struggling to develop their season's catch plans and fishing with limited effort to avoid over-catching their TOR ACE.

	21. Some industry feedback supported the 5-tonne increase to the recreational allowance, citing the increased occurrence of TOR in New Zealand waters which would benefit recreational fishers as well as commercial fishers. Other industry submissions did not support the increase given that the data indicates that there has been very little take of TOR by recreational fishers in the last five complete fishing years. However, all submissions from industry called for a review of recreational controls for Pacific bluefin tuna. 22. Recreational submissions supported Option 1 including both the commercial and recreational increases, and feedback from non-governmental organisations (**NGO**s) did not support any increase citing the potential impacts on protected seabirds, mammals, turtles, and sharks. Submissions by individuals were mixed - some supported the proposed increases in Option 1, while others called for the TAC to remain unchanged, citing concerns with the historical status of the stock.

Option 1b – 63% TAC increase

23. In response to consultation and the information provided by Te Hiku o Te Ika Forum, FNZ is proposing Option 1b, an approximately 63% TAC increase. It will allow for an additional 1.5 tonnes of customary catch, in addition to increases of five tonnes of recreational catch and 84 tonnes of commercial catch.

Benefits	24. The TAC and TACC would be increased on the same basis as under Option 1. 25. The recreational allowance would be increased on the same basis as under Option 1. 26. The customary allowance would see a small increase in recognition of Te Hiku o Te Ika advice that there is desire to harvest TOR through customary permits/authorisations.
Risks	27. The risks discussed under Option 1 apply to this new option.
Feedback received	28. Relevant feedback is presented below under '*Input and participation of tangata whenua*.'

Who will be affected by the proposed changes?

29. Pacific bluefin tuna is a highly migratory species that is seasonally present in New Zealand waters and is valued by commercial, as well as recreational fishers, and tangata whenua.
30. Commercially, TOR is primarily a valuable bycatch fishery in the SLL fleet, which targets STN and SWO. Commercial interest in this stock includes a number of quota owners, owner/operators, fishers, and Licensed Fish Receivers (**LFR**s). The interests of these groups are represented through organisations such as Seafood New Zealand. Based on the last three fishing years, there have been an average of 108 quota owners (20% of quota shares are settlement quota), providing ACE to 21 permit holders (3% of all permit holders), landing TOR to 8 LFRs (4% of all LFRs). Over the last three fishing years, there were 22-26 vessels landing Pacific bluefin tuna from TOR 1.
31. Seafood New Zealand valued exports of TOR in 2023 at over $1.5 million NZD.[2] Port prices for TOR have declined from a high of $31.31 in 2019/20, to $10.67 in 2023/2024. An increase to the TACC of 84 tonnes could potentially translate to an additional $894,000 value[3] for the fishery, including the allocation for iwi. An increase to the TAC/TACC would have economic value to iwi because of the likely return on ACE or sale/export of TOR.
32. While TOR is considered a valuable recreational fishery, there is little data available on recreational catch. Amateur charter vessel (**ACV**) reports indicate very little take of TOR in the last five complete fishing years, however, the increasing abundance of TOR in New Zealand waters could potentially lead to more interactions with recreational fishers.

Input and participation of tangata whenua

33. FNZ circulated a summary of the stocks proposed for review in this round (including TOR 1) to the Chairs of the relevant Iwi Fisheries Forums. FNZ invited feedback from the forums and offered to provide more detailed information for any stocks upon request.

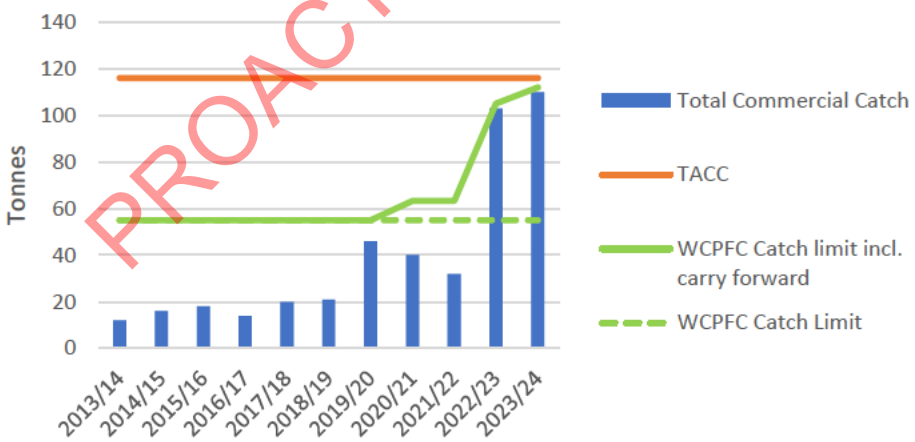
[2] From Seafood New Zealand export statistics https://www.seafood.co.nz/fileadmin/Export_Statistics/2023-12-Species-Final.pdf
[3] Port price is the surveyed average price paid for fish landed to licensed fish receivers and is not necessarily reflective of export value or retail price for a fishery.

34. Feedback was received from Te Hiku o Te Ika Forum and recommended increasing the customary allowance from 0.5 to 2 tonnes. The reason for this is that the increase in bluefin numbers being caught in Te Tai Tokerau, including Te Hiku waters provides an opportunity for customary permits/authorisations to be issued for this species. The Forum recognises that, while the allocation for customary Māori fishing is not a limitation on what can be taken, the current 0.5-tonne allowance could be exceeded, especially if other iwi around the country also issue permits for this species. This would potentially affect the overall TAC. FNZ agrees, and recommends setting this allowance at 2 tonnes under Option 1b.

35. Additional information was requested by Ngā Hapū o Ngāti Porou fisheries forum and subsequently provided to them. FNZ presented on TOR 1 at the December Ngā Hapū o Ngāti Porou forum meeting, but no additional feedback was received.

Fishery characteristics and settings

Table 3: Fishery characteristics and settings for TOR 1.

Commercial (TACC)
36. Pacific bluefin tuna was introduced into the Quota Management System (**QMS**) on 1 October 2004, under a single Quota Management Area, TOR 1, with a TACC of 116 tonnes. 37. Pacific bluefin tuna is primarily caught as bycatch in the commercial SLL fishery which targets STN, and to a lesser extent the SWO fishery, although periodically it is targeted as well. In the 2023/24 fishing year, TOR comprised around 9.5% of the commercial SLL catch by weight. Surface longline effort is distributed along the east coast of the North Island and the south-west coast of the South Island, although effort has recently expanded to the east coast of the South Island as well. The South Island fishery predominantly targets STN, while the North Island fishery predominantly targets SWO. 38. Currently, the domestic TACC is set above New Zealand's national commercial catch limit set by the WCPFC. New Zealand's historical catch of TOR was significantly below the WCPFC limit, however, in the 2022/23 fishing year, catch significantly increased to 103 tonnes, and increased again in 2023/24 to approximately 113 tonnes. This would have exceeded the WCPFC limit for that year if not for TAC carry-forward provisions allowed for under the WCPFC convention, as agreed at WCPFC 21[4] (Figure 2). Because fishing effort decreased over this period, the increase in catch may be due to increased abundance of the stock, changing oceanic conditions, or both (Figure 3).    **Figure 2: Total commercial catch of TOR, in tonnes. Note the 'WCPFC catch limit' (including relevant carry forward provisions) means New Zealand's catch limit plus any allocation carried forward to the following year.**

[4] New Zealand can carry forward up to 35 tonnes per year and 10 tonnes per year, respectively, from 2019, 2020, 2021 and 2022 to 2023 and 2024.

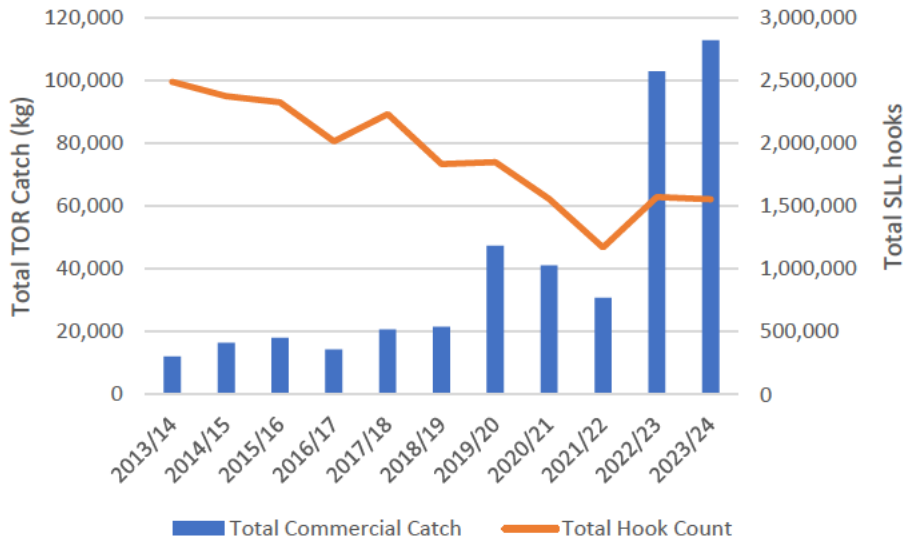


Figure 3: Commercial TOR catch and surface longline hook count in the last ten complete October fishing years.

39. In light of the recent increase in catch, you approved a new commercial exception for the return of TOR to the sea, when caught by SLL or troll, if it is likely to survive. This exception came into effect on 1 March 2024. Regardless of the new provision allowing live release, fishers are reporting increased catch of TOR which are dead and must be landed, often in excess of their ACE. Anecdotal information from fishers is that bycatch of TOR has comprised up to 30% of total catch in some recent trips, and they have been releasing 15-20 live fish per day.

Customary Māori

40. A 0.5-tonne allowance for customary Māori fishing was set in 2004. FNZ currently holds no records of TOR being taken under customary authorisation.

41. Increasing the customary allowance by 1.5 tonnes will accommodate any potential take of TOR under customary permits/authorisations, for which interest has been expressed. FNZ recommends this allowance be increased.

Recreational

42. A recreational allowance of 1 tonne was set in 2004. Pacific bluefin tuna is subject to the combined recreational daily limit for finfish of 20 per fisher per day. There is no minimum legal size.

43. In 2004, a target recreational fishery developed off the west coast of the South Island targeting TOR 1 that feed on spawning aggregations of hoki. Compulsory amateur charter vessel reporting was introduced in 2011, but a small number of private boats are also still active in the fishery.

44. The recreational allowance for TOR 1 was increased from 1 to 25 tonnes in 2011 to recognise the growth in this fishery. There has been a decline in catch rates and recreational fishing effort since 2015, although this may change as the abundance of TOR in New Zealand waters increases (FNZ - Fisheries Assessment Plenary, November 2024).

45. There is limited data available on the recreational harvest of TOR 1 – most data comes from ACV reporting which shows very limited take of TOR. However anecdotal information on changing migratory behaviour suggests TOR are spending longer in New Zealand waters, and the catch has reportedly been increasing. Given the increasing abundance of TOR in New Zealand waters, FNZ recommends an increase of 5 tonnes to the recreational allowance.

Other sources of mortality caused by fishing

46. The allowance for all other sources of mortality caused by fishing is intended to provide for unrecorded mortality of fish associated with fishing activity, including misreporting, predation, and incidental mortality of returned fish. A 3.5-tonne other mortality allowance was set in 2004.

47. In 2024, you decided to allow TOR caught using the SLL and troll fishing methods to be returned to the sea if likely to survive. This provides a mechanism for fishers to manage unavoidable bycatch of TOR. The amount of TOR returned under the new Fisheries (Landing and Discard Exceptions) Notice since it was implemented in

March 2024 is 16.4 tonnes. TOR has a high likelihood of post-release survival when caught by SLL and troll (Moore & Finucci, 2024), however there is still a level of incidental mortality associated with these types of returns that needs to be accounted for.

48. Because post-release survive of TOR is estimated to be high, FNZ considers that the current allowance for other sources of mortality from fishing is likely to appropriately account for potential incidental mortality associated with the returns. FNZ is not aware of any new information that would suggest a change to this allowance is necessary.

Deemed value rates

49. FNZ did not propose any deemed value rate changes for TOR 1 as part of this review. However, in recognition of the fact that deemed value rate and catch limit settings are interlinked (TACC changes can impact deemed values), FNZ welcomed general feedback on the deemed value settings during consultation.
50. No submissions commented on the deemed value rates for TOR 1.
51. FNZ remains of the view that deemed value changes are not needed for TOR 1 at this time. FNZ is satisfied that the current deemed value rates are consistent with section 75(2)(a) of the Act in that they provide sufficient incentive for fishers to balance their catch with ACE. However, FNZ acknowledges that if the TACC of TOR 1 changes as a result of this review, subsequent changes in the ACE market may result in the need for the deemed value rates to be re-evaluated in the future.

International management context

52. Pacific bluefin tuna is internationally managed as a single stock throughout the Pacific Ocean by the WCPFC and IATTC. New Zealand is a member of the WCPFC. As a member of the WCPFC, New Zealand is responsible for ensuring that management measures applied within New Zealand fisheries waters align with those of the Commission's Conservation and Management Measures (**CMM**), and that commercial catches are managed within its national WCPFC commercial catch limit. Customary and recreational allowances are managed outside of the WCPFC context.
53. The TOR 1 stock has a rebuilding plan under WCPFC which was adopted in 2014 (CMM 2014-04). Under the WCPFC Convention, members are responsible for ensuring that total fishing effort by their commercial vessels targeting adult fish (30 kg or larger) shall stay below the 2002-04 average annual levels. Annual catch limits of fish less than 30 kg were reduced to 50% of the 2002-04 annual levels. New Zealand agreed in 2014 to accept a WCPFC limit less than the domestic TACC in order to facilitate agreement on the adoption of the rebuilding plan. It was anticipated that the CMM would result in a rebuilding of the stock and therefore facilitate an opportunity to increase New Zealand's national catch limit for what is currently a minor but valuable domestic bycatch fishery.
54. Starting in 2022, New Zealand's commercial catch of TOR began to increase significantly. In July 2024, New Zealand for the first time attended the Joint Working Group of IATTC and WCPFC's Northern Committee to negotiate an increased allocation for its TOR bycatch fishery, noting that the original CMM was not designed to restrict minor bycatch fisheries. The Northern Committee makes management recommendations to the WCPFC as the decision-making body. The meeting resulted in a recommendation to the WCPFC for New Zealand's national commercial catch limit to increase to 200 tonnes, which was confirmed at the WCPFC Commission meeting in December (WCPFC, 2024). Further, provisions were agreed for NZ to carry forward up to 35 tonnes per year and 10 tonnes per year, respectively, from 2019, 2020, 2021 and 2022 to 2023 and 2024 (see Figure 2).

Stock status

55. A 2024 stock assessment by WCPFC indicated that spawning stock biomass (**SSB**) of TOR has increased substantially in the last 12 years. Biomass increases are likely a result of a decline in fishing mortality, particularly for juvenile fish (aged 0 to 3) over the last decade which likely resulted from restrictions put in place by WCPFC and IATTC. The latest estimate of SSB (from 2022) is estimated to be 23.2% of its unfished biomass (75.9% probability to be above rebuilding reference points). There are no biomass-based limits or target reference points agreed for TOR, but the stock is no longer overfished relative to the biomass-based limit reference point (20% $SSB_{F=0}$)[5] adopted for other tuna species by the IATCC and WCPFC (WCPFC, 2024).

[5] $SSB_{F=0}$ is the expected spawning stock biomass under average recruitment conditions without fishing (WCPFC, 2024).

56. Furthermore, the SSB of TOR reached its initial rebuilding target (SSB_{MED}= 6.3% SSB_0) in 2017, seven years earlier than originally anticipated, and exceeded its second rebuilding target (20% $SSB_{F=0}$) in 2021 (WCPFC, 2024). This is a significant outcome for the fishery, and international fisheries management. However, the WCPFC Scientific Committee identified concerns that the probability that the biomass was above the rebuilding reference point may have been overestimated because stock assessment uncertainty may have been underestimated.

Part 2: Submissions

57. In total, seven submissions were received on the review of TOR 1. Four were from representative organisations, and three from individuals. The submissions and their supported TAC options are summarised below in Table 4. A number of matters beyond the scope of the proposed TAC changes were raised in submissions. These matters have been summarised and responded to below under *'Other matters raised during consultation'*.

58. In addition to the specific submissions on TOR 1, there were several submissions received which did not comment directly in support of specific TAC options or alternatives for TOR 1 but commented generally about catch limits or other aspects of fisheries management. These submissions opposed any increases to commercial catch limits, stating that past catch limit adjustments have negatively affected fish populations and have primarily benefited commercial interests at the expense of recreational fishers.

Table 4: Submissions and responses received in relation to the TAC proposals during consultation.

Submitter	Option supported		Notes
	1	Other	
Organisations			
Seafood New Zealand Inshore Council	✓		Supports Option 1 and request urgent progression of the in-season increase to give fishers more assurance in planning their season's fishing activities. Also suggest that consideration be given to constraining Pacific bluefin recreational catch.
Royal New Zealand Society for the Prevention of Cruelty to Animals		✓	Does not support an increase to the TACC due to the risks of bycatch of seabirds, mammals, sea turtles, and sharks in surface longline fishing. Does not support the increase to the recreational allowance because big game fishing leads to prolonged pain, injury, and distress to fish.
New Zealand Federation of Commercial Fishermen	✓	✓	Supports the TACC increase but does not support the recreational allowance increase.
New Zealand Sport Fishing Council and LegaSea '*the joint recreational submitters*'	✓		Supports Option 1 given the increased TOR abundance in New Zealand waters in recent years.
Individuals			
T. Morgan	✓		Supports TAC increase which gives effect to WCPFC decision.
P. Thompson		✓	Does not support any increase to the TACC as the species is still recovering.
N. Rist		✓	Supports leaving limits as they are.

Other matters raised during consultation

Proposal for additional recreational controls for TOR 1

59. The submissions from Seafood New Zealand and the New Zealand Federation of Commercial Fishermen propose that additional mechanisms to control recreational take of TOR should be implemented, similar to those currently in effect for STN. They note that both stocks are currently at a similar biomass level and should be managed accordingly. FNZ acknowledges these concerns and considers that additional recreational management measures may need to be considered in future.

60. FNZ will continue to monitor recreational catches of TOR with further consideration given in late 2025, once the latest information on recreational take is available. The recent introduction of electronic Amateur Charter Vessel (**ACV**) reporting will improve timeliness and quality of recreational catch data by ACVs which will help contribute to improved monitoring of recreational TOR catch. Additionally, FNZ will explore other avenues for improving our understanding of the recreational fishery.

Mandatory training for turtle handling and release

61. The submission from the Royal New Zealand Society for the Prevention of Cruelty to Animals proposed that all SLL vessel staff should be required to undergo training on safe handling and release practices for turtles, noting the high rates of interaction between SLL vessels and endangered turtles such as leatherbacks.

62. FNZ, in collaboration with the Department of Conservation Liaison Officer Programme, distributes guidance on best practice for handling and release of turtles caught on longlines. Additionally, this Programme distributes 'turtle de-hooking kits' which include line cutters, de-hookers, and bolt cutters for freeing turtles caught or tangled in longlines. Liaison Officers contact fishers whenever a turtle capture is reported to discuss the incident and advise on ways the fisher could improve their practices, including handling and release or changing their fishing location.

63. As noted elsewhere, all SLL vessels are required to operate on-board cameras. Footage of all fisher-reported turtle captures are subsequently reviewed by FNZ to verify that fishers are following safe handling and release guidelines. Feedback from review is then fed back to the fisher through Liaison Officers.

64. FNZ considers that there are sufficient procedures in place to ensure education of commercial fishers on handling and release in the event of turtle captures on longline gear.

Part 3: Assessment against relevant legal provisions

Overview

65. You are being asked to make a decision under section 14 of the Act, to set the TAC for TOR 1. This is a sustainability measure. Before setting or varying a sustainability measure, you must meet the requirements of section 11 of the Act. When making your decision you must also act consistently with the requirements in section 5 (Application of international obligations and Treaty of Waitangi (Fisheries Claims) Settlement Act 1992); Section 8 (Purpose); Section 9 (Environmental principles); and Section 10 (Information principles).

66. Guidance for you on the meaning of sections 5 and 8 and how they should be applied for decision making is provided in Appendix 1 '*Legal overview*'.

67. On the following pages, FNZ has provided:

- a series of tables outlining our assessment of the proposed changes against sections 9, 10, 11, and 14 of the Act. Additional information to support this assessment can be found in Part 4 (*Supporting information*).
- information on kaitiakitanga, which you must have particular regard to under section 12(1)(b), and mātaitai reserves and other customary management tools which are relevant to your decision making under section 21(4).

Assessment of the proposals against section 14 of the Act

68. Table 5 below outlines FNZ's assessment of the proposed options for TOR 1 against section 14 of the Act. This assessment has been informed by the best available information on the status of the stock (summarised in Part 1 under '*Stock Status*'), and by New Zealand's international obligations for the stock (see '*International Management Context*' above in Part 1).

Table 5: Assessment of the TAC proposals for TOR 1 under section 14 of the Act.

Section 14	69. The TAC for TOR 1 is set under section 14 of the Act. This section provides for an alternative TAC to be set for stocks specified in Schedule 3 (including TOR 1) if you are satisfied that the purpose of the Act is better met in this way. In general, TACs are set in accordance with the provisions of section 13(2) of the Act (i.e., in a manner that would maintain, or move the stock towards, a biomass at or above the level that can support the maximum sustainable yield (***MSY***)). This is not possible for TOR in New Zealand alone: being a highly migratory species, it is not possible to calculate MSY for the portion of TOR found within the New Zealand Exclusive Economic Zone (**EEZ**) (section 14(8)(b)(iv)). Setting a TAC under section 14 also recognises that a national allocation for New Zealand has been determined as part of an international agreement (section 14(8)(b)(ii)). 70. Section 14(6) of the Act allows you to change the TACC of TOR 1 during the current fishing year, after considering information about the abundance of the stock. Information on the abundance of the stock comes from the WCPFC stock assessment indicating TOR SSB has increased. In response to this information, the national commercial allocation was increased at the December Commission meeting. This increase is not reflected in the current TAC effective from 1 October 2024 to 30 September 2025. FNZ considers the proposed in-season increase, which would give effect to this allocation increase as soon as possible within the current fishing year, can be made in accordance with section 14(6). 71. Under section 14(7) of the Act, a TAC that has been subject to an in-season increase reverts to its previous level at the end of that fishing year – in this case the TAC of TOR 1 would then revert to 145 tonnes on 30 September 2025. 72. FNZ is therefore proposing changes to the TAC for the full fishing year from 2025/26, as provided for under section 14(3) of the Act. In making your decision on the TAC for the full fishing year, you must consider how to best meet the purpose of the Act as outlined in section 8 – that is, to provide for utilisation whilst ensuring sustainability. 73. FNZ considers that all TAC options proposed for TOR 1 would be consistent with section 14 in that New Zealand's national commercial allocation is determined by WCPFC, and information from the WCPFC stock assessment indicates that the TOR SSB has increased.

Harvest Strategy Standard (HSS) See '*The Harvest Strategy Standard*' in Chapter 1 '*Legal overview*' for more information.	74. The Harvest Strategy Standard (**HSS**) outlines classifications of stocks based on their status in relation to target and limit reference points. For highly migratory species (including TOR), policy guidance outlines where an international organisation or agreement has adopted harvest strategies and rebuilding plans that meet or exceed the minimum standards contained in the HSS, the approach of FNZ to the international organisation or agreement will generally be to support those strategies. This approach has been reflected in the position taken by New Zealand officials at WCPFC when advocating for a precautionary approach in rebuilding the stock. FNZ therefore considers the proposed options to be consistent with the HSS. 75. FNZ is satisfied that the advice from the WCPFC Scientific Committee represents the best available information to inform management decisions.

Kaitiakitanga

76. Information provided by forums, and iwi views on the management of fisheries resources and fish stocks, as set out in Iwi Fisheries Plans, are among the ways that tangata whenua can exercise kaitiakitanga[6] in respect of fish stocks. Iwi Fisheries Plans also set out the values, goals, and objectives of the forum with regard to managing fish stocks to provide for the current and future social, cultural, and economic goals of the Forum.

77. The Mai i Ngā Kuri a Whārei ki Tihirau Fisheries Forum, Te Hiku o Te Ika Fisheries Forum, and Ngā Hapu o Te Uru o Tainui Fisheries Forum all identify TOR (or bluefin tuna generally) as taonga species of significance in their fisheries plans. Table 6 below summarizes the relevant management objectives from iwi fisheries forum plans which are relevant to the TOR 1 TAC proposal.

Table 6: Summary of management objectives from Iwi Fisheries Forum and Iwi fisheries plans, which are relevant to the TAC proposals for TOR 1.

Iwi Fisheries Plan	Relevant Management Objectives
Mai Nga Kuri a Wharei ki Tihirau Fisheries Forum	• Iwi are actively engaged with others to increase their fisheries potential within environmental limits. • The fisheries environment is healthy and supports a sustainable fishery.
Te Hiku o Te Ika Fisheries Forum	• Fish stocks are healthy and support the social, cultural and economic prosperity of Te Hiku iwi and Hapu. • The fisheries environment supports a healthy fishery.
Ngā Hapu o Te Uru o Tainui Fisheries Forum	• Nga Hapu o Te Uru kaitiaki are able to participate in and influence fisheries decision-making. • Relationships and partnerships with key stakeholders, managers and agencies are established and maintained.

78. Information received from Te Hiku o Te Ika Forum after consultation indicated an intention to take tuna species, including Pacific bluefin tuna, under customary permits/authorisations, which is in line with the management objective from their fish plan '*Fish stocks are healthy and support the social, cultural and economic prosperity of Te Hiku iwi and Hapu.*' To take into account this new information, FNZ is proposing an additional 1.5 tonnes to the customary allowance under Option 1b. FNZ considers that this proposed increase would support the economic benefits experienced by iwi from fisheries. Two of the three iwi fisheries plans above include objectives with a commercial component to enable iwi to better achieve cultural, social and economic prosperity and these factors are central to how most iwi consider kaitiakitanga.

Mātaitai reserves and other customary management tools

79. Section 21(4) of the Act requires that, when allowing for Māori customary non-commercial interests, you must take into account any mātaitai reserve that is declared by notice in the Gazette under regulations made for the purpose under section 186, and any area closure or any fishing method restriction or prohibition imposed under section 186A.

80. There are no customary fisheries management tools such as mātaitai, taiāpure, or section 186 temporary closures relevant to this proposal, as TOR 1 are caught offshore. However, TOR are caught recreationally and

[6] The Fisheries Act defines kaitiakitanga to mean "the exercise of guardianship; and, in relation to any fisheries resources, includes the ethic of stewardship based on the nature of the resources, as exercised by the appropriate tangata whenua in accordance with tikanga Māori", where tikanga Māori refers to Māori customary values and practices.

commercially, throughout a number of rohe moana including East Cape, Mid North Northland, Ngā Hapū o Taimai ki Te Marangi, Ngāti Kuta/Patukeha (Te Rawhiti Marae) and Ngāti Takapari, many of which extend out to 200 nautical miles from shore.

81. It is not anticipated that the proposed TAC increases for TOR 1 would negatively impact the availability of this species in these customary areas, given their increasing abundance and the distribution of commercial fishing effort outside these areas.

Assessment of the proposals against section 9 of the Act

82. Table 7 below outlines FNZ's assessment of the proposed options for TOR 1 against the environmental principles in section 9 of the Act which you must take into account when considering the TAC of TOR. This assessment has been informed by our knowledge of the current environmental impact of this fishery, which is discussed under *'Information on environmental impacts'* within Part 4 (*Supporting information*).

Table 7: Assessment of the TAC proposals for TOR 1 under section 9 of the Act.

Associated or dependent species should be maintained above a level that ensures their long-term viability - Section 9 (a) of the Act	83. TOR 1 is not generally a targeted commercial species and is caught as bycatch in the STN and SWO SLL fisheries. Industry has suggested that limited TOR ACE is currently constraining these fisheries. Therefore, FNZ recognises that increasing the TOR 1 TACC may result in increased effort in the STN or SWO target commercial fisheries, and therefore lead to increasing risk of protected species bycatch. However, available data to inform the magnitude of any potential change in effort is insufficient to draw conclusions. 84. The SLL fisheries that catch TOR interact with seabirds, sea turtles, sharks, and marine mammals, including some that are critically endangered such as the Antipodean albatross. Catch of leatherback turtles and fur seals are also known to occur commonly in New Zealand SLL fisheries. Many of these by-caught species are released alive – post-release survival of leatherback turtles is estimated to be about 78% (Finucci et al., 2024), but post-release survival of fur seals is unknown. 85. The most recent iteration of the Seabird Risk Assessment indicates that SLL fisheries impact significantly on some species of albatross and petrels, even posing a threat to the long-term viability of some species' populations. SLL impacts on other protected species groups such as mammals and turtles are not as well understood. 86. Information on protected species and current measures in place to mitigate interactions in the SLL fishery are discussed in Part 4 under '*Supporting information*'.
Biological diversity of the aquatic environment should be maintained - Section 9(b) of the Act	87. It is unknown whether increasing the TOR TAC may impact biological diversity, however, it has been suggested that the decline of large pelagic predatory fish such as tuna has led to 'mesopredator releases' in the pelagic ecosystem (Kitchell et al., 2002, Ferretti et al., 2010). This is a phenomenon in which populations of medium-sized predators rapidly increase in ecosystems due to the removal of apex or large predators (such as TOR), which can result in sudden changes in the structure of ecosystems including reductions in prey species populations. The high bycatch rate of sharks in SLL fisheries could potentially contribute to this phenomenon as well. FNZ considers that the relatively small numbers of TOR taken in New Zealand waters are not sufficient to contribute to this phenomenon. 88. There are no known benthic impacts associated with the surface longline fishery (FNZ – Fisheries Assessment Plenary, November 2024).
Habitat of particular significance for fisheries management should be protected - Section 9(c) of the Act	89. Pacific bluefin tuna are highly migratory, moving between New Zealand's EEZ, the EEZs of other states, and the high seas throughout the Pacific Ocean. The only known spawning ground for TOR is in the Pacific Ocean between Japan and the Philippines in April, May, and June, spreading to the waters off southern Honshu in July and to the Sea of Japan in August (FNZ – Fisheries Assessment Plenary, November 2024). 90. The TOR QMA encompasses all the NZ EEZ. As such, all potential HoPS are within the TOR QMA. 91. SLL gear, which is the method by which the majority of TOR are caught, is set at relatively shallow depths and offshore, well above the seabed. This method is unlikely to present a

	risk of adverse effects on potential HoPS that are within the QMA for TOR for any of the TAC options proposed. 92. A small proportion of the TOR catch is troll caught. This method of fishing does not contact the seafloor and it unlikely to present a risk of adverse effects on potential HoPS. 93. A small proportion of the TOR catch caught as midwater trawl bycatch, when targeting jack mackerel fishery, is caught off the Taranaki coast. This fishing occurs in the water column and includes an area above a potential HoPS (Patea Shoals). This catch of TOR is unlikely to have an adverse effect on this potential HoPS as midwater trawl gear targeting jack mackerel is unlikely to interact with the potential HoPS on the seafloor (mixed biogenic reef, a potential HoPS for juvenile tarakihi and blue cod). 94. In recent years, a very small amount TOR bycatch has been caught by bottom trawl in one statistical area off the Hokitika coast. There is no evidence for potential HoPS in that statistical area. 95. In summary, the TAC option proposed is unlikely to present a risk of adverse effects for potential habitat of particular significance for fisheries management.

Assessment of the proposals against section 11 of the Act

Table 8: Assessment of the TAC proposals for TOR 1 under section 11 of the Act.

You must take into account:	
Effects of fishing on any stock and the aquatic environment – section 11(1)(a)	96. "*Effect*" is defined widely in the Act.[7] The direct effects of fishing for TOR 1 need to be considered, as well as the indirect effects of this fishing on the surrounding ecosystem. 97. Information relevant to the direct effects of fishing on TOR 1 is described throughout this paper, particularly within Part 1 under '*Options and analysis*', '*Fishery characteristics and settings*' and '*Stock status*'. The effects of fishing for interdependent species and the aquatic environment are considered above in Table 7, with more supporting detail and background analysis provided in Part 4, under '*Interdependence of stocks*' and '*Information on environmental impacts*'. As noted above, there are other stocks caught in the same fishery (notably STN and SWO) and TAC changes for TOR 1 have the potential to also affect catches of those species. 98. Some potential indirect effects of fishing for other species, for example, potential impacts of removing TOR 1 on the food chain, are noted above in Table 7, and described further in Part 4 under '*Interdependence of stocks*'. 99. The magnitude of the effects of fishing on this stock, its associated species, and the environment, will vary depending on the TAC. FNZ considers that the proposed TAC options appropriately balance the utilisation opportunity that exists against these potential effects. Greater effects may occur under a higher TAC setting, and this is something you must take into account in your decision.
Existing controls that apply to the stock or area – section 11(1)(b)	100. Pacific bluefin tuna is subject to the combined recreational daily limit for finfish of 20 per fisher per day. 101. There is no minimum legal size for TOR 1.
The natural variability of the stock – section 11(1)(c)	102. Pacific bluefin tuna caught in New Zealand waters are mainly adults (FNZ – Fisheries Assessment Plenary, November 2024). Spawning is believed to take place in waters off of Japan, and juveniles migrate north and east across the Pacific Ocean as 1–2-year-old fish.

[7] Section 2(1) of the Act defines "effect" to mean the direct or indirect effect of fishing, and includes any positive, adverse, temporary, permanent, past, present, or future effect. It also includes any cumulative effect, regardless of the scale, intensity, duration, or frequency of the effect, and includes potential effects.

	103. Although adult TOR of 270 to 300 kg are known to be able to produce about 10 million eggs, there is no information on the frequency of spawning (FNZ – Fisheries Assessment Plenary, November 2024). 104. Increased catch of Pacific bluefin tuna in TOR 1 appears to coincide with increased abundance of the stock, which has been under a rebuild plan since the 1980s. The increased catches may however also be the result of changing oceanographic conditions. There is no scientific data available on the nature and extent each of these mechanisms play in increasing the abundance of TOR 1 in Zealand waters.
Fisheries plans, and conservation and fisheries services – section 11(2A)	105. Domestically, TOR are managed under the National Highly Migratory Species Fisheries Plan 2019. This is an approved fisheries plan under section 11(A) which specifies management and objectives for 5 years. The most relevant objectives to TOR 1 are: • **Management Objective 1:** Support viable and profitable commercial HMS fisheries in New Zealand; • **Management Objective 2**: Maintain and enhance world class game fisheries in New Zealand fisheries waters; • **Management Objective 3**: Māori interests (including customary, commercial, recreational, and environmental) are enhanced; • **Management Objective 4:** Maintain sustainable HMS fisheries within environmental standards; • **Management Objective 5:** Implement an ecosystem approach to fisheries management, taking into account associated and dependent species; • **Management Objective 7:** Maintain an effective fisheries management regime; and • **Management Objective 8:** Recognise and provide for Deed of Settlement obligations. 106. The National Highly Migratory Species Fisheries Plan 2019 must be taken into account when making sustainability decisions. FNZ considers the proposed options for TOR 1 are consistent with the Management Objectives in the plan, including those outlined above. **Fisheries and conservation services:** 107. Fisheries services of relevance to the options in this paper include the research used to monitor stock abundance and tools used to enforce compliance with management controls in the fishery. 108. Since the 2020/21 fishing year, observer coverage has been low in the SLL fishery. This was primarily due to observer deployments not proceeding because of health and safety concerns relating to watchkeeping practices. Onboard cameras have successfully been rolled out to the surface longline fleet and will improve FNZ's ability to monitor any environmental interactions occurring in those fisheries. 109. Besides cameras, Fisheries Compliance monitors the SLL fleet via aerial surveillance and in-port inspections (or similar). 110. FNZ is not aware of any conservation services that specifically relate to this stock, or any decisions not to require conservation services or fisheries services.
You must have regard to:	
Relevant statements, plans, strategies, provisions, and documents - section 11(2)	**Regional plans:** 111. There are 17 regional councils that have coastlines within the boundaries of TOR 1: Northland, Auckland, Waikato, Bay of Plenty, Gisborne, Taranaki, Hawke's Bay, Manawatu-Wanganui, Greater Wellington Region, Marlborough, Nelson, Tasman, West Coast, Canterbury, Otago, Southland, and Chatham islands. 112. Each of these regions have policy statements and plans to manage the coastal and freshwater environments, including terrestrial and coastal linkages, ecosystems, and habitats. The provisions of these various documents are, for the most part, of a general nature and focus mostly on land-based stressors on the marine environment. There are no provisions specific to TOR 1. FNZ has reviewed the documents and the provisions that might be considered relevant. A summary of these can be found in Addendum 1. FNZ

	considers the options in this paper are all consistent with the objectives of these relevant plans.
Non-mandatory relevant considerations	
Other plans and strategies	Te Mana o te Taiao (Aotearoa New Zealand Biodiversity Strategy) 113. FNZ considers that the sustainability measures proposed for TOR 1 are generally consistent with relevant objectives of Te Mana o te Taiao – the Aotearoa New Zealand Biodiversity Strategy. This includes Objective 10, which is to ensure that ecosystems are protected, restored, resilient and connected from mountain tops to ocean depths; and Objective 12, which is to manage natural resources sustainably.

Information principles: section 10 of the Act

114. The best available information relevant to TOR 1 is presented throughout this paper, and uncertainties in the information have been highlighted where relevant. The table below provides an additional summary of the best available information and key areas of uncertainty, unreliability, or inadequacy in that information. As per section 10(c) of the Act, caution is required in decision making where information is uncertain, unreliable, or inadequate. However, as per section 10(d) of the Act, the absence of, or any uncertainty in, any information must also not be used as a reason for postponing or failing to make a decision.

Table 9: Best available information and key areas of uncertainty for TOR 1.

Best available information	Key areas of uncertainty, unreliability, or inadequacy
From the 2024 WCPFC stock assessment - • Spawning stock biomass has increased substantially in the last 12 years. • Biomass increases are likely a result of a decline in fishing mortality, particularly for juvenile fish (aged 0 to 3) over the last decade. • The latest SSB is estimated to be 23.2% of its original size. SSB for TOR reached its initial rebuilding target (6.3% SSB_0) in 2017, seven years earlier than originally anticipated, and has exceeded its second rebuilding target (20% of $SSB_{F=0}$) in 2021, and the stock is no longer considered overfished.	The stock assessment estimated a 75.9% probability to be above the rebuilding reference point. However, the WCPFC Science Committee identified concerns that the probability that the biomass is above the reference point may have been overestimated because stock assessment uncertainty was underestimated (in particular regarding recruitment estimates and steepness assumptions). It was noted that the second rebuilding target would not have been met if alternative assumptions had been used in the stock assessment. The MSY cannot be calculated for the portion of the stock found within the New Zealand EEZ. While the best available information indicates that the TOR stock is recovering, it is also possible that the influx of TOR in New Zealand waters is not due to an increase in the population and is instead due to redistribution of the stock because of warming waters or climate change, or some other unknown variable. It is unknown whether increasing the TOR 1 TAC/TACC will have an impact on fishing effort in the TOR fishery or those fisheries that take TOR as bycatch (STN, SWO). Therefore, the magnitude of potential impacts on protected species such as seabirds, turtles and marine mammals are also unknown as these impacts are largely linked to fishing effort. Additional areas of uncertainty are discussed throughout this paper. In particular, see '*Recreational catch*' and '*Other sources of mortality*' in Part 1, '*Assessment of the proposals against section 9 of the Act*' in Part 3, and '*Environmental conditions affecting the stock*' and '*Protected species*' in Part 4.

Additional figures

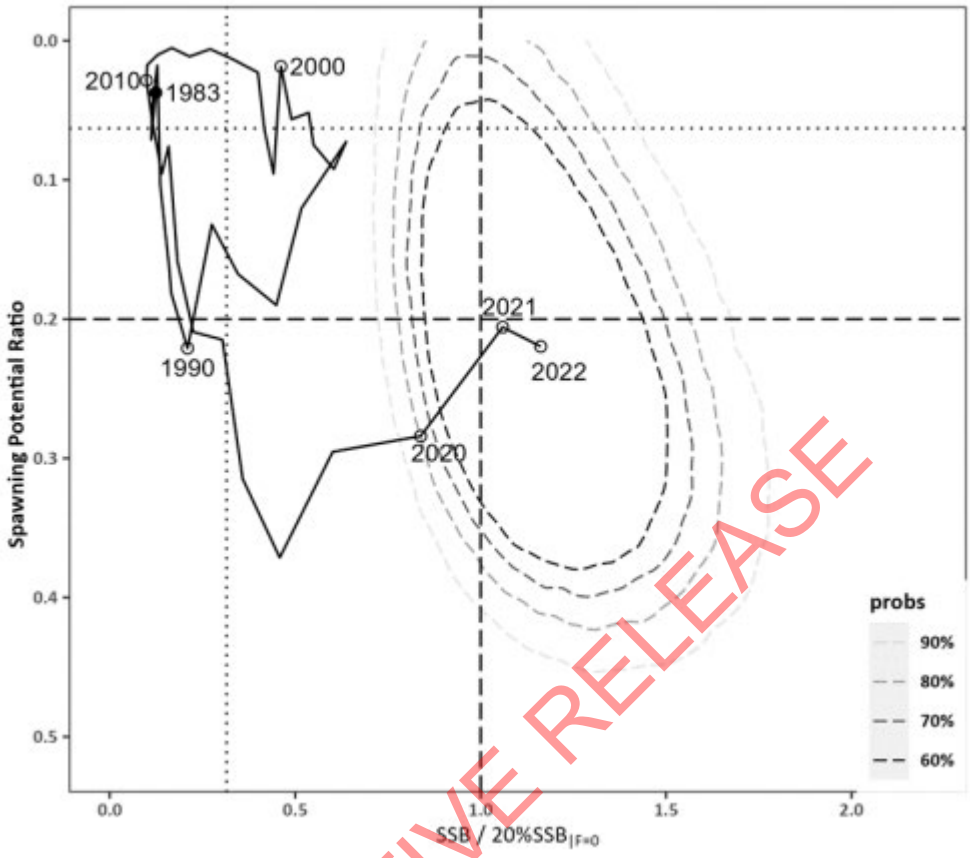


Figure 4: Kobe plot for Pacific bluefin tuna (*Thunnus orientalis*) estimated from the base-case model from 1983 to 2022. The x-axis shows the annual SSB relative to 20%SSB$_{F=0}$ and the y-axis shows the spawning potential ratio (SPR) as a measure of fishing mortality.

Information on biology, interdependence, and environmental factors

115. This information supports FNZ's assessment of the proposals against section 14 of the Act in Part 2 (*Assessment against relevant legal provisions*). Information in this section was derived from the TOR chapters of the November 2024 Fisheries Assessment Plenary and the Aquatic Environment and Biodiversity Annual Review (**AEBAR**), except where cited otherwise.

Interdependence of stocks

116. Pacific bluefin tuna is one of the largest teleost fish species, comprising a single Pacific-wide population whose only known spawning grounds are to the south of Japan, in the coastal area of the Sea of Japan, and likely off the Pacific coast of northeastern Japan (Shiao et al., 2021). They are large pelagic predators, so they are likely to have a 'top down' effect on the fish, crustaceans, hoki, and squid they feed on.

117. Pacific bluefin tuna are also likely predated on by a range of active predators, including toothed whales and certain shark species at different life history stages. However, there is no evidence indicating a dependence on TOR as a key prey species.

Biological characteristics

118. Pacific bluefin tuna are epipelagic (inhabit the uppermost zone of the ocean close to the surface) opportunistic predators of fish, crustaceans, and cephalopods found within the upper few hundred metres of the water column.

119. Adult TOR have been recorded to live up to 15+ years, reaching a maximum size of 550 kilograms and length of 300 centimetres. Maturity is reached relatively early, around 3 - 5 years. Approximately 80% of three-year-old fish, weighing around 30 kg, were found to be mature in the Sea of Japan (Tanaka, 2006; Okochi et al., 2016). Immature juveniles make extensive migrations north and east across the Pacific Ocean as 1-2-year-old fish.

120. Pacific bluefin tuna caught in the southern hemisphere, including those caught in New Zealand waters, are mainly adults.

Environmental conditions affecting the stock

121. Highly migratory species such as TOR and other tunas are expected to be highly influenced by climate change, particularly changes in the location of isotherms and ocean fronts which may show large and rapid shifts in distribution. Marine heatwaves are also likely to impact on the distribution of TOR (Behrens et al, 2024). As noted above, recent increased catch of TOR 1 could be due in part to changing oceanic conditions, however, information on this is uncertain.

Information on environmental impacts

122. This information supports FNZ's assessment of the proposals against section 9 of the Act in Part 2 (*Assessment against relevant legal provisions*).

Protected species

Seabirds

123. Captures on longlines typically occur when seabirds attempt to feed on baited hooks during setting and hauling. Most seabird captures during setting result in mortality, with captures during hauling usually resulting in the seabird being released alive. Information on post-release survival of seabirds caught on SLL gear is limited, however options for assessing survival have been examined (Bell, 2020).

124. The National Plan of Action Seabirds 2020 (**NPOA Seabirds**) guides management of seabird interactions with New Zealand fisheries. The vision of the NPOA Seabirds is 'New Zealanders are working towards zero fishing-related seabird mortalities.' It sets out the framework for managing impacts of fishing on seabirds, including the use of Mitigation Standards which are a mix of regulatory and voluntary measures which guide fishers' operations and help avoid interactions with seabirds.

125. A number of species with 'At Risk' or 'Nationally Critical' conservation status (Department of Conservation New Zealand Threat Classification) are captured in the SLL fishery. These are black petrel, Salvin's albatross, Westland petrel, flesh-footed shearwater, southern Buller's albatross, Antipodean albatross, and Gibson's albatross. According to the most recent FNZ risk assessment (Edwards et al., 2023) the six species with the highest risk ranking all have recorded captures in the SLL fishery.

126. Estimates of seabird captures in the SLL fleet have remained steady for many years (Figure 5). While observer data is limited for the SLL fleet, the best available information suggests that the SLL fishery continues to present a risk to seabirds.

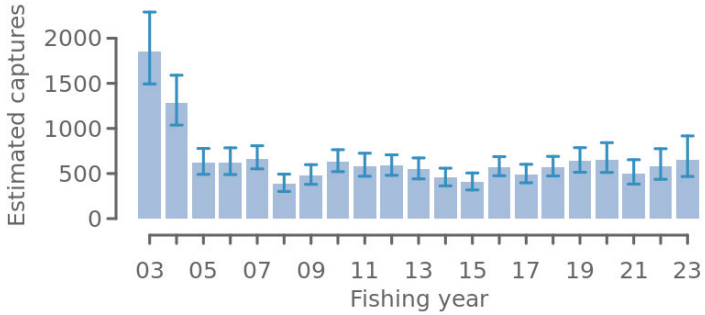


Figure 5: Estimated captures of all seabirds in the SLL fishery from 2003–2023 (including 95% confidence intervals) based on observed captures (note: the decline in captures post 2004 is likely due to an overall reduction in fishing effort).[8]

127. There are mandatory seabird mitigation regulations in place for SLL vessels under the 'Fisheries (Seabird Mitigation Measures - Surface Longlines) Circular'. Following consultation in 2023, Fisheries New Zealand

[8] This information comes from the Protected species bycatch website.

decided to strengthen this circular to introduce additional mitigation measures for SLL fishers that will further reduce the risk to seabirds from fishing. These strengthened measures align with the Agreement for the Conservation of Albatross and Perels (**ACAP**) Best Practice Advice for reducing the impact of SLL fisheries on seabirds (ACAP, 2023).

128. Since 1 October 2024, SLL fishers are required to use hook shielding devices or implement a tori line, line weighting, and night setting simultaneously (known as 'three out of three' mitigation measures). Hook-shielding devices have been shown to reduce seabird captures by up to 30% (Goad & Sullivan, 2017). Additionally, line weighting requirements have been strengthened to maximise their effectiveness.

129. These compulsory mitigation measures combined with the voluntary seabird mitigation standards work together towards reducing risk to seabirds and achieving the vision of the NPOA Seabirds.

Mammals

130. The most commonly captured mammal in SLL fisheries is the New Zealand fur seal. Incidental captures of fur seals on longlines typically occur when fur seals attempt to feed on bait and caught fish during hauling and the soak period. Most New Zealand fur seals are released alive, typically with a short snood or trace still attached. FNZ is not aware of any information on post-release survival of hook-caught fur seals. Captures in SLL fisheries have been reported mostly in waters off the west coast of the South Island but have also been reported in the Bay of Plenty/East Cape area and off the east coast of the South Island. Since the introduction of cameras there has been an increase in reported captures of fur seals, particularly off the east coast of the South Island in FMA 3.

131. The Department of Conservation classifies the New Zealand fur seal population as 'Not Threatened - Least Concern'. The total fur seal population in New Zealand was estimated to be over 200,000 animals in the last survey in 2001 and has been increasing in both abundance and distribution since then.

132. The risk assessment for New Zealand marine mammals estimates New Zealand fur seals as the second most impacted species from commercial fishing (MacKenzie et al., 2022). There were 435 fisher reported fur seal captures by SLL in the five most recent fishing years between 2019/20 and 2023/24. Based on observer information, most fur seals encountered in SLL gear are able to be released alive.

133. There has been very little research assessing mitigation measure effectiveness in SLL fisheries specifically for fur seals. However, there are some mitigation measures available for marine mammals in the SLL fishery, including weaker hooks that open to 90 degrees, and catch protection devices, which may potentially deter fur seal captures (Underwood et al., 2024, in press). In addition, there is an upcoming FNZ project trialling LED mitigation in setnet fisheries to assess the effect on target fish species and protected species, that also has potential utility in deterring fur seal captures in the SLL fishery.

Sea turtles

134. Incidental captures of sea turtles occur relatively commonly in commercial SLL fisheries. Leatherback turtles are the most frequently bycaught sea turtle species in the bigeye (**BIG**) and SWO fishery, off the east coast North Island (FMA 1 & FMA 2) during January to April. The STN fishery has very little overlap with leatherbacks. However, about 75% of BIG catch, 80% of SWO catch, and almost all STN catch were taken outside the known leatherback hotspot (Dunn et al., 2024).

135. Leatherback turtles in New Zealand waters are likely to originate from the Western Pacific population and migrate to foraging grounds in New Zealand (Benson et al., 2011). Leatherback turtles are ranked as critically endangered by the International Union for the Conservation of Nature.[9]

136. Fisher reported data suggests that in the last five fishing years, an average of 19 leatherback turtles were caught annually in the SLL fishery. Leatherback turtles are reported as most often caught in the shoulders, occasionally in the flipper or backbone, and sometimes in the mouth or cheeks. Most leatherbacks bycaught in the SLL fishery are reported as released alive (around 96%). Of those released alive, 78% are estimated to survive post-release (Finucci & Dunn, 2024).

137. To mitigate accidental sea turtle bycatch in surface longline fisheries, FNZ implemented changes to the Fisheries (Commercial Fishing) Amendment Regulations 2023. As of 3 August 2023, it is mandatory for commercial fishers who are surface longlining in New Zealand waters to use circle hooks. Mandating the use of circle hooks is part of a wider cross-agency (FNZ and DOC) programme of work to manage sea turtle interactions in commercial SLL

[9] The IUCN Marine Turtle Red List Assessments are publicly accessible on the Marine Turtle Specialist Group website.

fisheries, including supporting the continued implementation of best practice handling and release methods, and ongoing support from DOC's Protected Species Liaison Programme.

Fish and invertebrate bycatch

138. To give effect to a 2023 decision from CCSBT, you approved an in-season increase for STN from 1 April 2024. In addition, you increased the TAC, the allowance for recreational fishing, and the TACC for STN for the full fishing year starting 1 October 2024. Given that TOR is predominantly caught as bycatch in the STN target fishery, FNZ recognises that if the higher STN catch limits result in increased effort in the STN fishery, there will likely be an increase in TOR catch. However, information to inform the magnitude of any potential change in effort is inconclusive, especially given the decline in effort in the SLL fleet overall.

139. Management of shark species in New Zealand is guided by the National Plan of Action for Sharks (2013). Observer records indicate that a wide range of shark species are caught as bycatch by the New Zealand SLL fleet, including blue shark and porbeagle shark, both of which were introduced into the QMS on 1 October 2004. These species are mostly caught as bycatch in the STN fishery. Since the ban on shark finning in 2015, almost all blue shark and porbeagle shark catches are now discarded or released alive. While there are no sustainability concerns for blue shark, stock status for porbeagle sharks is uncertain. Any increased effort associated with the increased TOR limit proposed is unlikely to put significant pressure on the TACCs for these species.

Part 5: Conclusions and recommendations

140. The recent decision by the WCPFC has created a utilisation opportunity for New Zealand by increasing our national commercial allocation of TOR by 84 tonnes.

141. A status quo option was not specifically proposed as it would not reflect the recent decision by the WCPFC to increase New Zealand's national allocation and realise the resulting utilisation opportunity. In addition, retaining the current TAC for TOR 1 would not reflect the information from the most recent stock assessment indicating that TOR is recovering and has reached its rebuilding targets, nor the information received from the commercial sector of notably increased catches in the fishery.

142. FNZ recommends Option 1b. This would generate an additional 84 tonnes of ACE during the current 2024/25 fishing year. This additional ACE would then be implemented for the full fishing year from 1 October 2025 through an 84-tonne increase to the TACC. The full year catch settings from 1 October would include increasing the customary allowance toto 2 tonnes and increasing the recreational allowance to 30 tonnes, for a TAC of 235.5 tonnes. The increase in allowances will accommodate increased interactions in customary and recreational fisheries as the TOR stock continues to recover.

143. While an increase in effort is not anticipated, there may be an increased risk to protected species such as seabirds, turtles, and marine mammals if there was an increase in effort from SLL fishing. FNZ will continue to monitor any sustainability issues associated with the in-season increase and the 2025/26 fishing year TACC increase and take action where necessary. Additionally, increasing the domestic catch limit to the level of the national allocation for New Zealand best meets our international and domestic obligations under WCPFC.

144. Information on recreational take of Pacific bluefin tuna is limited. FNZ acknowledges that additional recreational management measures may need to be considered in future. Recreational catch of TOR will continue to be monitored and additional consideration given in late 2025, if needed, if needed once the latest information on recreational take is available.

Decision for TOR 1

2024/25 in-season TAC increase

Option 1 *(Fisheries New Zealand preferred option)*

Agree to set the TOR 1 TAC at 229 tonnes and, within the TAC, to:

i. Retain the allowance for Māori customary non-commercial fishing interests at 0.5 tonnes;
ii. Retain the allowance for recreational fishing interests at 25 tonnes;
iii. Retain the allowance for all other sources of mortality to the stock caused by fishing at 3.5 tonnes;
iv. Retain the TOR 1 TACC at 116 tonnes;
v. Increase the TOR 1 commercial annual catch entitlement for 2024/25 by 84 tonnes.

Agreed / Agreed as Amended / Not Agreed

AND

2025/26 fishing year TAC decision

Option 1

Agree to set the TOR 1 TAC at 234 tonnes and, within the TAC, to:

i. Retain the allowance for Māori customary non-commercial fishing interests at 0.5 tonnes;
ii. Increase the allowance for recreational fishing interests from 25 to 30 tonnes;
iii. Retain the allowance for all other sources of mortality to the stock caused by fishing 3.5 tonnes;
iv. Increase the TOR 1 TACC from 116 to 200 tonnes.

Agreed / Agreed as Amended / Not Agreed

OR

Option 1b *(Fisheries New Zealand preferred option)*

Agree to set the TOR 1 TAC at 235.5 tonnes and, within the TAC, to:

i. Increase the allowance for Māori customary non-commercial fishing interests from 0.5 to 2 tonnes;
ii. Increase the allowance for recreational fishing interests from 25 to 30 tonnes;
iii. Retain the allowance for all other sources of mortality to the stock caused by fishing at 3.5 tonnes;
iv. Increase the TOR 1 TACC from 116 to 200 tonnes.

Agreed / Agreed as Amended / Not Agreed

Hon Shane Jones
Minister for Oceans and Fisheries

/ / 2025

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Appendix 1 – Legal overview

Overview of powers and obligations under the Fisheries Act 1996

Decisions Ministers may make in relation to sustainability reviews

145. Provisions of the Fisheries Act 1996 (**the Act**) allow you, as Minister for Oceans and Fisheries, to make decisions on sustainability measures and catch settings.

Part 3: Sustainability measures

- Section 11 sets out various matters that you must take into account or have regard to when setting or varying sustainability measures;
- Section 13 enables you to set or vary a TAC for a quota management stock before the start of a fishing year and sets out the requirements and matters you must have regard to in doing so;
- Section 14 enables you to set or vary an alternative TAC for a quota management stock listed in Schedule 3 of the Act.

Part 4: Quota Management System

- Section 20 enables you to set or vary a TACC for a quota management stock before the start of a fishing year; and
- Section 21 requires that before setting the TACC for any stock, you first make allowances for Māori customary non-commercial fishing interests, recreational interests, and all other mortality to the stock caused by fishing.
- Section 75 enables you to set or vary deemed value rates to provide an incentive for fishers not to exceed the available annual catch entitlement (**ACE**).

146. In making decisions on those matters there are several things you are required to do and take into account. These are outlined below.

Overarching requirements

Application of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 – section 5(b) of the Act

> **5 Application of international obligations and Treaty of Waitangi (Fisheries Claims) Settlement Act 1992**
> This Act shall be interpreted, and all persons exercising or performing functions, duties, or powers conferred or imposed by or under it shall act, in a manner consistent with—
> (a) New Zealand's international obligations relating to fishing; and
> (b) the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

147. You must act in a manner consistent with the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (**the Settlement Act**). Section 5(b) of the Act requires that the Act be interpreted and people making decisions under the Act to do so in a manner that is consistent with the Settlement Act. Section 10 of the Settlement Act provides that non-commercial customary fishing rights continue to be subject to the principles of the Treaty of Waitangi and give rise to Treaty obligations on the Crown.

148. Section 10 of the Settlement Act also requires you to consult and develop policies and programmes to recognise and give effect to the use and management practices of tangata whenua in the exercise of non-commercial fishing. Consistent with this section, FNZ has worked with iwi to develop engagement processes that enable iwi to work together to reach a consensus where possible and to inform FNZ on how tangata whenua wish to exercise kaitiakitanga with respect to fish stocks in which they share rights and interests and how those rights and interests may be affected by sustainability measures proposed.

149. For information on input and participation of tangata whenua, see '*Consultation – sections 12 and 21 of the Act*' below.

Application of international obligations – section 5(a) of the Act

150. You must also act in a manner consistent with New Zealand's international obligations relating to fishing. The international obligations FNZ considers most relevant are the United Nations Convention on the Law of the Sea (**UNCLOS**)[10] and the United Nations Convention on Biological Diversity (**Biodiversity Convention**).[11]

151. UNCLOS provides that States have the sovereign right to exploit their natural resources subject to an overriding duty to protect and preserve the marine environment (articles 192 and 193). Articles 61 and 62 of the UNCLOS are particularly relevant. It was recognised that these articles "drive the focus of the Fisheries Act on exploitation of fishery stocks within sustainability limits" by the Court of Appeal in the Sanford case.[12] The requirements in Article 61, and the general duty to protect and preserve the marine environment in article 192 have the effect of requiring you to consider the effects of fishing on the wider ecosystem. These ecosystem considerations are also acknowledged in the Act (via the requirement for you to consider the interdependence of species under section 13 of the Act when making a decision as to TAC, as well as through sections 9 and 11 of the Act).[13]

152. The Biodiversity Convention is the international legal instrument for "the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources".[14] It sets out a range of obligations on its signatories. Although New Zealand gives effect to this convention in a variety of ways (including under other legislation), the Act specifically recognises the importance of biodiversity in section 9(b) of the Act and the requirement to ensure the sustainability of the aquatic environment (section 8 of the Act).

The purpose of the Act – section 8 of the Act

8 Purpose

(1) The purpose of this Act is to provide for the utilisation of fisheries resources while ensuring sustainability.

(2) In this Act,—

ensuring sustainability means—

(a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and

(b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment

utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural well-being.

153. The Supreme Court has stated that the purpose statement incorporates "the two competing social policies reflected in the Act" and that "both policies are to be accommodated as far as is practicable in the administration of fisheries under the quota management system".[15] It has also stated "in the attribution of due weight to each policy that [the weight] given to utilisation must not be such as to jeopardise sustainability. Fisheries are to be utilised, but sustainability is to be ensured".[16]

154. The practical effect of section 8 is that, when deciding something under a particular section of the Act (such as operating provisions like sections 13 and 20) your powers must be exercised to promote the policy and objectives of the Act. That is, in deciding whether a proposal fits within the scope of the Act, you must keep section 8 in mind and act in a way that promotes the Act's objectives. Subject to this constraint, however, "the nature and scope of [your] powers and the restrictions on them are as is provided for in the operating provisions of the Act".[17]

[10] Convention on the Law of the Sea 1833 UNTS 397 (opened for signature 10 December 1982, came into force 16 November 1994).
[11] Convention on Biological Diversity 1760 UNTS 79 (opened for signature 5 June 1992, came into force 29 December 1993).
[12] *Sanford Ltd v New Zealand Recreational Fishing Council Inc* [2008] NZCA 160 at [25].
[13] As stated in *Environmental Law Initiative v Minister for Oceans and Fisheries* [2022] NZHC 2969 at [16].
[14] Convention on Biological Diversity 1760 UNTS 79 (opened for signature 5 June 1992, came into force 29 December 1993), art 1.
[15] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [39].
[16] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [39].
[17] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [59].

Environmental principles - section 9 of the Act

9 Environmental principles

All persons exercising or performing functions, duties, or powers under this Act, in relation to the utilisation of fisheries resources or ensuring sustainability, shall take into account the following environmental principles:

(a) associated or dependent species should be maintained above a level that ensures their long-term viability:
(b) biological diversity of the aquatic environment should be maintained:
(c) habitat of particular significance for fisheries management should be protected.

155. 'Associated or dependent species' is interpreted in the Act to mean any non-harvested species taken or otherwise affected by the taking of any harvested species. 'Biological diversity' means the variability among living organisms, including diversity within species, between species, and of ecosystems.

156. In 2022, FNZ consulted on draft guidance for identifying a habitat of particular significance for fisheries management (**HoPS**) and the operational proposals to take into account that they should be protected. In this context, FNZ have taken the term 'protect' in the context of HoPS to mean taking necessary measures that would avoid, remedy, or mitigate any adverse effect of fishing that could undermine the particular significance of the habitat in supporting life-history stages of fisheries resources. Work is underway to finalise this guidance.

157. In our advice to you for TOR 1, we have taken section 9(c) into account using the best available information (based on peer-reviewed, published sources) and have undertaken an assessment of potential adverse effects from fishing TOR 1 on potential HoPS (see Chapter 2).

Information principles: Uncertainties and unknowns - section 10 of the Act

10 Information principles

All persons exercising or performing functions, duties, or powers under this Act, in relation to the utilisation of fisheries resources or ensuring sustainability, shall take into account the following information principles:

(a) decisions should be based on the best available information:
(b) decision makers should consider any uncertainty in the information available in any case:
(c) decision makers should be cautious when information is uncertain, unreliable, or inadequate:
(d) the absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of this Act.

158. Section 2(1) of the Act defines "best available information" to mean "the best information that, in the particular circumstances, is available without unreasonable costs, effort, or time."

Consultation – sections 12 and 21 of the Act

Section 12 of the Act

12 Consultation

(1) Before doing anything under any of sections 11(1), 11(4), 11A(1), 13(1), 13(4), 13(7) , 14(1), 14(3), 14(6), 14B(1), 15(1), and 15(2) or recommending the making of an Order in Council under section 13(9) or section 14(8) or section 14A(1), the Minister shall—

(a) consult with such persons or organisations as the Minister considers are representative of those classes of persons having an interest in the stock or the effects of fishing on the aquatic environment in the area concerned, including Māori, environmental, commercial, and recreational interests; and

(b) provide for the input and participation of tangata whenua having—

(i) a non-commercial interest in the stock concerned; or

(ii) an interest in the effects of fishing on the aquatic environment in the area concerned—

and have particular regard to kaitiakitanga.

1. Before making a decision on sustainability measures, you must consult with people or organisations you consider represent those classes of people who have an interest in the stock or the effects of fishing on the aquatic environment in the area concerned, including Māori, environmental, commercial, and recreational interests. After making decisions, you must provide the reasons for your decisions to the people consulted.

Input and participation of tangata whenua

2. Before undertaking any sustainability process, you must provide for the input and participation of tangata whenua who have a non-commercial interest in the stock or an interest in the effects of fishing on the aquatic environment in the area concerned.
3. Input and participation of tangata whenua into the sustainability decision-making process is provided mainly through Iwi Fisheries Forums, which have been established for that purpose. Each Iwi Fisheries Forum can develop an Iwi Fisheries Forum Plan that describes how the iwi in the Forum exercise kaitiakitanga[18] over the fisheries of importance to them, and their objectives for the management of their interest in fisheries. Iwi Fisheries Forums may also be used as entities to consult iwi with an interest in fisheries.[19]
4. The Ministry has worked with iwi to develop engagement processes that enable Iwi to work together to reach a consensus where possible and to inform the Ministry on how tangata whenua wish to exercise kaitiakitanga with respect to fish stocks in which they share rights and interests, and how those rights and interests may be affected by sustainability measures proposed by the Ministry.

Kaitiakitanga

5. In considering the views of tangata whenua, you are required to have particular regard to kaitiakitanga. Information provided by iwi fisheries forums, and iwi views on the management of fisheries resources and fish stocks, as set out in Iwi Fisheries Plans, are ways that tangata whenua can exercise kaitiakitanga in respect of fish stocks.
6. As noted above, section 12(1)(b) of the Act requires that before undertaking any sustainability process you shall provide for the input and participation of tangata whenua who have a non-commercial interest in the stock or an interest in the effects of fishing on the aquatic environment in the area concerned. In considering the views of tangata whenua, you are required to have particular regard to kaitiakitanga.
7. The Court of Appeal discussed the distinction between "have regard" and "have particular regard" in the Kahawai 1 case, and stated:[20]

   One would expect that the term "particular regard" has a meaning that involves a greater obligation on the decision-maker than the requirement to have "regard" to a consideration. Parliament must have intended that the former imported a more onerous obligation than the latter.

8. And that:[21]

   [W]here the decision-maker is required to have particular regard to a number of factors of varying relevance, which are expressed as general purposes rather than specific criteria, the decision-maker must be permitted to discount those which are not relevant and give varying weight to those that are. In those circumstances, the requirement to have particular regard requires the decision-maker to satisfy himself or herself that the decision meets those of the purposes which are of most relevance, to the extent that that can be achieved in harmony with other relevant considerations applying to the decision.

9. Input and participation of tangata whenua into the sustainability decision-making process is provided mainly through Iwi Fisheries Forums, which have been established for that purpose.
10. Each Iwi Fisheries Forum can develop an Iwi Fisheries Forum Plan that describes how the iwi in the Forum exercise kaitiakitanga over the fisheries of importance to them, and their objectives for the management of their interest in fisheries. Iwi Fisheries Forums may also be used as entities to consult iwi with an interest in fisheries.[22]
11. For input and participation into this sustainability round, Iwi Fisheries Forums were invited to have input into the selection of stocks for review and to provide feedback on the various proposals to set or vary sustainability measures.
12. The main pathway used by Iwi Fisheries Forums to provide feedback on proposals is through scheduled hui attended by FNZ representatives. Different Iwi Fisheries Forums have different protocols and schedules for

[18] The Fisheries Act defines kaitiakitanga to mean "the exercise of guardianship; and, in relation to any fisheries resources, includes the ethic of stewardship based on the nature of the resources, as exercised by the appropriate tangata whenua in accordance with tikanga Māori", where tikanga Māori refers to Māori customary values and practices.

[19] However, FNZ also engages directly with Iwi (outside of Forums) on matters that affect their fisheries interests in their takiwā (district) and consults with any affected Mandated Iwi Organisations and Iwi Governance Entities where needed.

[20] *Sanford Ltd v New Zealand Recreational Fishing Council Inc* [2008] NZCA 160 at [99].

[21] *Sanford Ltd v New Zealand Recreational Fishing Council Inc* [2008] NZCA 160 at [99].

[22] However, FNZ also engages directly with Iwi (outside of Forums) on matters that affect their fisheries interests in their takiwā and consults with any affected Mandated Iwi Organisations and Iwi Governance Entities where needed.

meeting.[23] To accommodate this, FNZ endeavours to engage with the forums as early as possible and provide material (via email to the Forum Chairs) prior to the start of public consultation. Iwi Fisheries Forums are then also notified when consultation begins and invited to submit through the public consultation process if desired.

13. Chapter 2 provides specific information about input and participation of tangata whenua and kaitiakitanga in relation to TOR 1, including the feedback provided by Iwi Fisheries Forums on the proposals.

Section 21 of the Act

21 Matters to be taken into account in setting or varying any total allowable commercial catch

(1) In setting or varying any total allowable commercial catch for any quota management stock, the Minister shall have regard to the total allowable catch for that stock and shall allow for—
  (a) the following non-commercial fishing interests in that stock, namely—
    (i) Māori customary non-commercial fishing interests; and
    (ii) recreational interests; and
  (b) all other mortality to that stock caused by fishing.

(2) Before setting or varying a total allowable commercial catch for any quota management stock, the Minister shall consult such persons and organisations as the Minister considers are representative of those classes of persons having an interest in this section, including Māori, environmental, commercial, and recreational interests.

(3) After setting or varying any total allowable commercial catch under section 20, the Minister shall, as soon as practicable, give to the parties consulted under subsection (2) reasons in writing for his or her decision.

(4) When allowing for Māori customary non-commercial interests under subsection (1), the Minister must take into account—
  (a) any mataitai reserve in the relevant quota management area that is declared by the Minister by notice in the Gazette under regulations made for the purpose under section 186:
  (b) any area closure or any fishing method restriction or prohibition in the relevant quota management area that is imposed by the Minister by notice in the Gazette made under section 186A.

(5) When allowing for recreational interests under subsection (1), the Minister shall take into account any regulations that prohibit or restrict fishing in any area for which regulations have been made following a recommendation made by the Minister under section 311.

14. When setting the TACC you must make allowances for Māori customary non-commercial fishing interests, recreational interests, and all other mortality to the stock caused by fishing. Before setting the TACC, you must consult with people and organisations that you consider are representative of those classes of people having an interest in the TACC, including Māori, environmental, commercial, and recreational interests. After making decisions, you must give those consulted the reasons for his or her decisions.

15. The Courts have considered what is involved in making allowances for non-commercial interests. In *Snapper 1*[24] the Court of Appeal said that the recreational allowance is simply the best estimate of what recreational fishers will catch while subject to the controls you decide to impose, such as daily limits and minimum sizes. Having set the TAC, you may apportion it among the relevant interests.[25]

16. The Supreme Court in *Kahawai*[26] endorsed this approach and said that the words 'allow for' require you both to take into account the interests and make provision for them in the calculation of the TACC.[27] The Court further noted that:[28]

> *The sequential nature of the method of allocation provided for in s 21 does not indicate that non-commercial fishing interests are to be given any substantive priority over commercial interests. In particular, the allowance for recreational interests is to be made keeping commercial interests in mind.*

17. Under the customary fishing regulations,[29] customary take is regulated through the authorisation system which requires that all customary fishing is to be undertaken in accordance with tikanga and the overall sustainability of the fishery. This framework was put in place to give effect to legal obligations in the Settlement Act.[30]

18. When allowing for Māori customary non-commercial fishing interests, you must take into account any mātaitai reserves, area closures or fishing method restrictions or prohibitions in the relevant area. The mātaitai reserves

[23] Note that some Iwi Fisheries Forums are still developing and/or do not meet regularly.
[24] *New Zealand Fishing Industry Association Inc v Minister of Fisheries* CA 82/97, 22 July 1997 (Snapper 1).
[25] At [17].
[26] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54, [2009] 3 NZLR 438 (Kahawai)
[27] At [55].
[28] At [61].
[29] Fisheries (South Island Customary Fishing) Regulations 1999 and the Fisheries (Kaimoana Customary Fishing) Regulations 1998
[30] Where the customary regulations don't apply customary fishing is regulated under regulations 50-52 of the Fisheries (Amateur Fishing) Regulations 2013 and a similar authorisation system applies.

and other customary management tools relevant to each review are set out within their respective consultation documents.

19. When allowing for recreational interests you must take into account any regulations that prohibit or restrict fishing under section 311 of the Act.

Judicial guidance on allocation decisions under section 21

20. Relevant judicial findings provide useful guidance in terms of your allocation decisions under section 21 of the Act.

21. In a case relating to kahawai, the Supreme Court said that the wording of the Act sets out a particular order of decisions – after allowing for Māori customary non-commercial fishing interests, recreational fishing interests, and all other sources of fishing-related mortality, the remainder constitutes the TACC.[31] On their ordinary meaning the words "allow for" require you both to take into account those interests, and to make provision for them in the calculation of the TACC.[32] That does not, however, mandate any particular outcome.[33]

22. Importantly, the Act does not confer priority for any interest over the other[34] and does not limit the relative weight which you may give to the interests of competing sectors.[35] It leaves that judgement to you.

23. The Courts have also provided guidance as to the nature of the allowances to be provided. Where there are competing demands exceeding an available resource it could perhaps be said you can "allow for" use by dispensing a lesser allotment than complete satisfaction, creating not a full priority but some degree of shared pain.[36] The requirement to "allow for" the recreational interest can be construed as meaning to "allow for in whole or part".[37] The Supreme Court stated that the Act envisages that the allowance for recreational interest, as well as Māori customary fishing interests and the TACC, will be a reasonable one in all the circumstances.[38]

24. Section 21 is concerned with allocation of a limited resource and that what is allowed for non-commercial fishing interests will impact on the total allowable commercial catch.[39] The consideration of the wellbeing factor (as expressed in section 8 of the Act) requires a balance of competing interests, especially in the case of a shared fishery.[40]

25. In terms of recreational interests, the Supreme Court stated that: [41]

> *Although what the Minister allows for is an estimate of what recreational interests will catch, it is an estimate of a catch which the Minister is able to control. The Minister is, for example, able to impose bag and fish length limits. The allowance accordingly represents what the Minister considers recreational interests should be able to catch but also all that they will be able to catch. The Act envisages that the relevant powers will be exercised as necessary to achieve that goal.*

26. No implied obligation to attain proportionality between commercial and recreational catch arises from the legislation. The imprecise [estimation] of the recreational catch precludes strict proportionality.[42] Further, the Court of Appeal said: [43]

> *We can see no reason why either as his primary purpose or as a consequence of some other purpose the Minister should not be able to vary the ratio between commercial and recreational interests.…*
> *If over time a greater recreational demand arises it would be strange if the Minister was precluded by some proportional rule from giving some extra allowance to cover it, subject always to his obligation to carefully weigh all the competing demands on the TAC before deciding how much should be allocated to each interest group.*

27. The High Court said earlier in that case: [44]

[31] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [53].
[32] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [55].
[33] *Sanford Ltd v New Zealand Recreational Fishing Council Inc* [2008] NZCA 160 at [57].
[34] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [65].
[35] *Sanford Ltd v New Zealand Recreational Fishing Council Inc* [2008] NZCA 160 at [61].
[36] *Roach v Kidd* HC Wellington CP715/91, 12 October 1992 at 16 per McGechan J.
[37] *New Zealand Federation of Commercial Fishermen Inc v Minister of Fisheries* HC Wellington CP237/95, 24 April 1997 at 150 per McGechan J.
[38] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [65].
[39] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [53].
[40] *Sanford Ltd v New Zealand Recreational Fishing Council Inc* [2008] NZCA 160 at [61].
[41] *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54 at [56].
[42] *New Zealand Fishing Industry Association Inc v Minister of Fisheries* CA82/97, 22 July 1997 at 18.
[43] *New Zealand Fishing Industry Association Inc v Minister of Fisheries* CA82/97, 22 July 1997 at 17-18.
[44] *New Zealand Federation of Commercial Fishermen Inc v Minister of Fisheries* HC Wellington CP237/95, 24 April 1997 at 89 per McGechan J.

It is not outside or against the purposes of the Act to allow a preference to non-commercials … to the disadvantage in fact of commercials and their valued ITQ rights, even to the extent of the industry's worst case of a decision designed solely to give recreationalists greater satisfaction. Both are within the Act.

28. The Courts have also emphasised the importance of decisions undertaken for sustainability purposes not being undermined by increased fishing by one or other of the fishing sectors. In the Snapper 1 case the High Court said:[45]

[W]hen Parliament empowered the Minister to reduce the TACC for conservation purposes—not to improve recreational catch rate—it expected the Minister to take any concurrent steps necessary to minimise sabotage by recreational fishing. . . The significant point is that both law and common sense dictate that a Minister should not reduce the TACC for conservation reasons unless able to take, and taking, reasonable steps to avoid the reduction being rendered futile through increased recreational fishing.

29. While this statement relates to reduction of the TACC, the principle equally applies in situations where measures are enacted to rebuild a fishery. Litigation relating to management decisions for kahawai involved this very issue, where the failure to agree to a reduction in the recreational daily limit was found to be unlawful.[46]

30. With respect to quota granted to iwi under the Settlement Act and the Māori Fisheries Act 1989, in the Snapper 1 case the Court of Appeal said:[47]

Under the settlement Māori became holders of quota along with all other holders. Their rights were in our view no more and no less than those of non-Māori quota holders….

Under s5 of the 1996 Act the Minister in making future decisions is obliged to act in a manner consistent with the Settlement Act. The idea that the settlement is any the less just, honourable and durable should Māori quota be reduced, is unpersuasive. An asset which Māori obtained under the settlement had within it the capacity for diminution ... If that capacity is lawfully realised, there cannot be any complaint on the basis that the settlement has been broken or has not proved durable. Something which was liable to happen under the settlement has happened. A reduction in TACC, which is otherwise lawful, cannot be viewed as a decision by the Minister inconsistent with the Settlement Act.

31. While the Court of Appeal was dealing with a TAC/TACC reduction for sustainability purposes, the same principle would apply in terms of an adjustment of the ratio of the TAC allocated to commercial and non-commercial fishing interests.

Statutory considerations relevant to TAC and TACC decisions

32. Below is a summary of your main statutory considerations for varying sustainability measures under the Act. The details relating to these considerations for TOR 1 have been set out later within this document.

[45] *New Zealand Federation of Commercial Fishermen Inc v Minister of Fisheries* HC Wellington CP237/95, 24 April 1997 at 102 per McGechan J.

[46] *New Zealand Recreational Fishing Council Inc v Minister of Fisheries* HC Auckland CIV 2005-404-4495, 21 March 2007 at [110]-[126] per Harrison J.

[47] *New Zealand Fishing Industry Association Inc v Minister of Fisheries* CA82/97, 22 July 1997 at 20-21.

Sustainability measures – section 11 of the Act

11 Sustainability measures

(1) The Minister may, from time to time, set or vary any sustainability measure for 1 or more stocks or areas, after taking into account—

(a) any effects of fishing on any stock and the aquatic environment; and

(b) any existing controls under this Act that apply to the stock or area concerned; and

(c) the natural variability of the stock concerned.

(2) Before setting or varying any sustainability measure under subsection (1), the Minister shall have regard to any provisions of—

(a) any regional policy statement, regional plan, or proposed regional plan under the Resource Management Act 1991; and

(b) any management strategy or management plan under the Conservation Act 1987; and

(c) sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (for the Hauraki Gulf as defined in that Act); and

(ca) regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and

(d) a planning document lodged with the Minister of Fisheries by a customary marine title group under section 91 of the Marine and Coastal Area (Takutai Moana) Act 2011—

that apply to the coastal marine area and are considered by the Minister to be relevant.

(2A) Before setting or varying any sustainability measure under this Part or making any decision or recommendation under this Act to regulate or control fishing, the Minister must take into account—

(a) any conservation services or fisheries services; and

(b) any relevant fisheries plan approved under this Part; and

(c) any decisions not to require conservation services or fisheries services.

(3) Without limiting the generality of subsection (1), sustainability measures may relate to—

(a) the catch limit (including a commercial catch limit) for any stock or, in the case of a quota management stock that is subject to section 13 or section 14, any total allowable catch for that stock:

(b) the size, sex, or biological state of any fish, aquatic life, or seaweed of any stock that may be taken:

(c) the areas from which any fish, aquatic life, or seaweed of any stock may be taken:

(d) the fishing methods by which any fish, aquatic life, or seaweed of any stock may be taken or that may be used in any area:

(e) the fishing season for any stock, area, fishing method, or fishing vessels.

Fisheries Plans – section 11A of the Act

11A Fisheries plans

(1) The Minister may from time to time approve, amend, or revoke a fisheries plan.

(2) A fisheries plan approved under subsection (1) may relate to 1 or more stocks, fishing years, or areas, or any combination of those things.

(3) Without limiting anything in subsection (2), a fisheries plan may include—

(a) fisheries management objectives to support the purpose and principles of the Act:

(b) strategies to achieve fisheries management objectives, which may include—

(i) sustainability measures set or varied under any of sections 11, 13, 14, and 15:

(ii) rules to manage the interaction between different fisheries sectors:

(c) performance criteria to measure the achievement of the objectives and strategies:

(d) conservation services or fisheries services:

(e) contingency strategies to deal with foreseeable variations in circumstances.

33. Under section 11A, you may approve or revoke fisheries plans. To date, national fisheries plans have been approved for inshore, deepwater, and highly migratory species, the Hauraki Gulf fisheries, the Foveaux Strait oyster fishery, PAU 3 (A & B), and PAU 4 (Chatham Islands).

34. The only plan approved under this section which is relevant to the following review of TOR 1 is the National Highly Migratory Species Fisheries Plan (2019). The relevance of this plan to TOR 1 is discussed further within Chapter 2 (Table 8).

35. Other plans and strategies that are not mandatory considerations under section 11 of the Act may be considered relevant to sustainability reviews.

36. **Conservation services** means **outputs** produced in relation to the adverse effects of commercial fishing on protected species, as agreed between the Minister responsible for the administration of the Conservation Act **1987** and the Director-General of the Department of Conservation, including:

37. research relating to those effects on protected species,
38. research on measures to mitigate the adverse effects of commercial fishing on protected species, or
39. the development of population management plans under the Wildlife Act 1953 and Marine Mammals Protection Act 1978.

40. **Outputs** means the **goods** and services that are produced by a department, Crown entity, Office of Parliament, or any other person or body.

41. **Fisheries services** means **outputs** produced for the purpose of this Act as agreed between the Minister and the chief executive; and includes:

- the management of fisheries resources, fishing, and fish farming,
- the enforcement of provisions relating to fisheries resources, fishing, and fish farming,
- research relating to fisheries resources, fishing, and fish farming, including stock assessment and the effects of fishing and fish farming on the aquatic environment.

Total allowable catch – sections 13 and 14 of the Act

42. The TAC sets the total quantity of a stock that can be harvested each year. The TAC is set to ensure that stock abundance is at or above the level that will produce the maximum sustainable yield (***MSY***). In cases where stock abundance is below the level that will produce *MSY*, the TAC is varied in a way that will help move abundance back toward *MSY*. After setting or varying the TAC for a stock, a separate decision arises for allocating the TAC. This involves deciding what portion of the TAC is available for Māori customary non-commercial fishing interests, recreational interests, all other mortality to the stock caused by fishing,[48] and commercial fishing (the TACC).

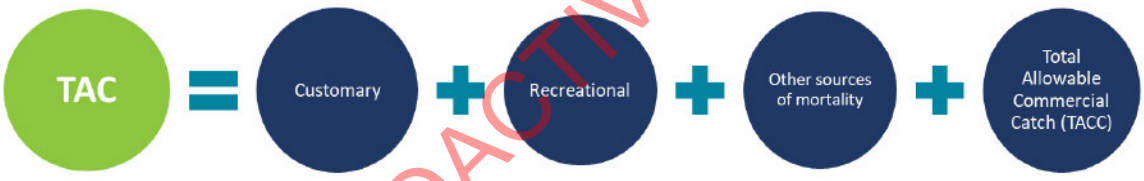

Figure 1: The Total Allowable Catch and components within it.

43. You have considerable discretion in determining the allocation between sector interests (there is no legal priority given to one sector over the other), provided you have considered the relevant factors.

Maximum sustainable yield

44. Section 13 of the Act provides information about when you can vary any TAC, that decisions must be notified in the *Gazette*, and about when decisions come into force. Under section 13, you are required to set a stock's TAC at a level that maintains the stock at or above a level that can produce the maximum sustainable yield (***MSY***).

45. *MSY* is defined under the Act as 'the greatest yield that can be achieved over time while maintaining the stock's productive capacity, having regard to the population dynamics of the stock and any environmental factors that influence the stock'. A number of factors contribute to the determination of a stock's *MSY*, including how fast the species grows, when and how they reproduce, and the pattern of harvesting in the fishery. Typically, *MSY* for a fish stock is also variable over time, because of changes in productivity and environmental factors.

46. Scientific working groups often estimate *MSY*-compatible reference points for stocks based on the best available information, and management working groups can set fishery or stock targets that consider these estimates as an

[48] The allowance for all other sources of mortality to a stock caused by fishing is intended to capture matters such as illegal take, discards, and incidental mortality from fishing gear. This allowance can be difficult to estimate and typically varies depending on the likely level of illegal take and predominant fishing methods used.

input. Where *MSY*-compatible reference points are not available for a stock, FNZ will use the default reference points of the Harvest Strategy Standard (see below).

Alternative TAC for stocks specified in Schedule 3 – section 14 of the Act

47. For stocks listed in Schedule 3 of the Act, you may set a TAC otherwise than in accordance with section 13 if you consider that the purpose of the Act would be better achieved by doing so.
48. Schedule 3 identifies stocks that:
    (i) have biological characteristics that make it impossible to estimate maximum sustainable yield;
    (ii) have had a national allocation for New Zealand determined as part of an international agreement;
    (iii) are managed on a rotational or enhanced basis, or
    (iv) comprise one or more highly migratory species.
49. Pacific bluefin tuna (TOR 1) is listed in Schedule 3 of the Act. Section 14 is therefore relevant to your decisions for this stock.
50. Section 14 provides for an alternative TAC to be set for stocks specified in Schedule 3 (including TOR 1) if you are satisfied that the purpose of the Act is better met in this way. In general, TACs are set in accordance with the provisions of section 13(2) of the Act (i.e., in a manner that would maintain, or move the stock towards, a biomass at or above the level that can support the *MSY*). This is not possible for TOR in New Zealand alone: being a highly migratory species, it is not possible to calculate *MSY* for the portion of TOR found within the New Zealand Exclusive Economic Zone (**EEZ**) (section 14(8)(b)(iv)). Setting a TAC under section 14 also recognises that a national allocation for New Zealand has been determined as part of an international agreement (section 14(8)(b)(ii)).
51. The proposal for changes in catch limits for TOR 1 has been based on the best available information from the Western and Central Pacific Fisheries Commission (**WCPFC**) and are considered to be consistent with the purpose of the Act. Further detail on this is provided in Chapter 2 under '*Assessment of the proposals against section 14 of the Act*'.

The Harvest Strategy Standard

52. The Harvest Strategy Standard (**HSS**) is a policy statement of best practice in relation to the setting of fishery and stock targets and limits for fish stocks in New Zealand's Quota Management System (**QMS**). It is intended to provide guidance as to how fisheries law will be applied in practice, by establishing a consistent and transparent framework for decision-making to achieve the objective of providing for utilisation of New Zealand's QMS species while ensuring sustainability.
53. As a highly migratory species, TOR is managed under section 14 of the Act. This means that the development of management targets and management responses are driven by the international organisation responsible for management of the stock (WCPFC) instead of the domestic HSS. Further detail on the relevance of the HSS is provided in Table 5 in Chapter 2 of this document.

Setting and variation of the total allowable commercial catch (TACC) – section 20 of the Act

20 Setting and variation of total allowable commercial catch

(1) Subject to this section, the Minister shall, by notice in the Gazette, set in respect of the quota management area relating to each quota management stock a total allowable commercial catch for that stock, and that total allowable commercial catch shall continue to apply in each fishing year for that stock unless varied under this section, or until an alteration of the quota management area for that stock takes effect in accordance with sections 25 and 26.

(2) The Minister may from time to time, by notice in the Gazette, vary any total allowable commercial catch set for any quota management stock by increasing or reducing that total allowable commercial catch.

(3) Without limiting the generality of subsections (1) and (2), the Minister may set or vary a total allowable commercial catch at, or to, zero.

(4) Every total allowable commercial catch set or varied under this section shall have effect on and from the first day of the next fishing year for the quota management stock concerned.

(5) A total allowable commercial catch for any quota management stock shall not—

(a) be set unless the total allowable catch for that stock has been set under section 13 or section 14; or

(b) be greater than the total allowable catch set for that stock.

Deemed value rates

54. Deemed values are the charges that commercial fishers must pay for every unprocessed kilogram of QMS fish landed in excess of their ACE holdings ($/kg). By providing incentives for commercial catch to not exceed the available ACE, deemed values are a key component of the catch balancing regime.

55. You have discretion to set or vary deemed value rates for stocks, by Gazette Notice, under section 75 of the Act. Your requirements for consultation on deemed values are outlined under section 75A of the Act.

56. FNZ has not provided guidance on deemed value setting within this chapter because deemed value rate changes are not being proposed for TOR 1. If you are interested in further analysis and advice regarding deemed values, FNZ can provide this separately upon request.

Addendum 1: Table of regional plan provisions and policy statements

FNZ has reviewed the following provisions and policy statements of various regional plans with respect to this review of TOR 1. The provisions are not stock specific, and for the most part, are of a general nature and focus mostly on land-based stressors on the marine environment.

Regional Council	Document	Relevant sections
Northland	Regional Policy Statement for Northland	**2.2 Indigenous ecosystems and biodiversity** The key pressures on Northland's indigenous terrestrial, freshwater, and coastal marine ecosystems and species are: (d) Fragmentation, loss and isolation of populations and communities of indigenous species due to habitat loss, land use changes and vegetation clearance. **4.5.1 Policy – Identification of the coastal environment, outstanding natural features and outstanding natural landscapes and high and outstanding natural character** This policy assists in the implementation of s6. Resource Management Act and the New Zealand Coastal Policy Statement 2010 (NZCPS) by: • Identifying the coastal environment; • Identifying high and outstanding natural character areas (in the coastal environment); and • Identifying outstanding natural features and landscapes
	Proposed Regional Plan for Northland	**Section D.2 General** D.2.18 Managing adverse effects on indigenous biodiversity 1a) avoiding adverse effects on: i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and ii. the values and characteristics of areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation 1b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on: i. areas of predominantly indigenous vegetation, and ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and iii. indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh.
Auckland	Auckland Council Regional Policy Statement	2.4.7 Auckland's coastal environment is a fundamental part of its heritage and is sensitive to the adverse effects of inappropriate subdivision, use and development. It is also essential for the Region's social and economic wellbeing. The Hauraki Gulf and its islands are resources of regional and national significance for navigation and port purposes, fishing, recreation, tourism and settlement. The Hauraki Gulf Marine Park Act 2000 requires the Council maintains the interrelationship between the Hauraki Gulf, its islands and catchments to sustain the life supporting capacity of the environment. Harbours, such as the Mahurangi, sustain a variety of recreational uses as well as commercial shell fisheries. The catchment also contains large tracts of forest and some urbanisation. These potentially conflicting uses must be carefully managed to ensure this diversity of use is sustainable and the resource qualities are maintained. **7 Coastal Environmental**

Regional Council	Document	Relevant sections
		7.3 Objectives 2. To protect outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and significant historic and cultural places and areas in the coastal environment. **7.4.4 Policies: Natural character of the coastal environment** 1. The natural character of the coastal environment shall be preserved, and protected from inappropriate subdivision, use and development by: areas of indigenous vegetation and habitats of indigenous fauna and associated processes; habitat important for preserving the range, abundance and diversity of indigenous and migratory coastal species; (ii) In all other areas, avoiding any adverse effects which result in the significant reduction in habitat important for preserving the range and diversity of indigenous and migratory coastal species within the Auckland Region.
	Auckland Unitary Plan	**Section B6 – Mana Whenua** Section B6.3.2 of the Auckland Unitary Plan states its policy to: "(4) Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that do all of the following: (a) Recognise the holistic nature of the Mana Whenua world view; (b) Recognise any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011; and (c) Restore or enhance the mauri of freshwater and coastal ecosystems." **Section B7 – Natural Resources** Section B7.1 of the Auckland Unitary Plan notes that the combination of urban growth and past land, coastal and freshwater management practices have placed increasing pressure on land and water resources including habitats and biodiversity. Section B7.7 of the Auckland Unitary Plan states that: Coastal and marine ecosystems are also subject to change, damage or destruction from inappropriate subdivision, use and development, as well as natural processes. Areas containing threatened ecosystems and species require effective management to protect them, and enhance their resilience which is important for the long-term viability of indigenous biodiversity and to help respond to the potential effects of climate change. Effectively addressing these issues requires a combination of regulatory and voluntary efforts. Areas of high ecological value have been identified as significant ecological areas using significance factors set out in the schedules of the Unitary Plan. (See Schedule 3 Significant Ecological Areas – Terrestrial Schedule and Schedule 4 Significant Ecological Areas – Marine Schedule.) The coastal marine area has not yet been comprehensively surveyed for the purpose of identifying marine significant ecological areas. Those that have been identified may under-represent the extent of significant marine communities and habitats present in the sub-tidal areas of the region. It is important that both areas be considered together because of the dynamic and interconnected nature of coastal environments and because the classes may change over time as more knowledge is gained and as pressures on receiving environments change. There is evidence that even moderate levels of degradation can result in ecosystem level changes, and it is not yet known how reversible these changes might be. **Section B8 – Coastal Environment** Section B8.3.2 of the Auckland Unitary Plan lists policies for use and development, including: Provide for use and development in the coastal marine area that: (a) Have a functional need which requires the use of the natural and physical resources of the coastal marine area; (b) Are for the public benefit or public recreation that cannot practicably be located outside the coastal marine area; (c) Have an operational need making a location in the coastal marine area appropriate and that cannot practicably be located outside the coastal marine area; or (d) Enable the use of the coastal marine area by Mana Whenua for Māori cultural activities and customary uses.

Regional Council	Document	Relevant sections
		Section B8.5. Managing the Hauraki Gulf/Te Moana Nui o Toi/Tīkapa Moana Section B8.5 lists objectives and policies provide guidance on giving effect to the Hauraki Gulf Marine Park Act. Objectives include: (1) The management of the Hauraki Gulf gives effect to sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000. (2) Use and development supports the social and economic well-being of the resident communities of Waiheke and Great Barrier islands, while maintaining or, where appropriate, enhancing the natural and physical resources of the islands. (3) Economic well-being is enabled from the use of the Hauraki Gulf's natural and physical resources without resulting in further degradation of environmental quality or adversely affecting the life-supporting capacity of marine ecosystems. Policies include: Integrated management (1) Encourage and support the restoration and enhancement of the Hauraki Gulf's ecosystems, its islands and catchments. (2) Require the integrated management of use and development in the catchments, islands, and waters of the Hauraki Gulf to ensure that the ecological values and life-supporting capacity of the Hauraki Gulf are protected, and where appropriate enhanced. (3) Require applications for use and development to be assessed in terms of the cumulative effect on the ecological and amenity values of the Hauraki Gulf, rather than on an area-specific or case-by-case basis. (4) Maintain and enhance the values of the islands in the Hauraki Gulf. (5) Avoid use and development that will compromise the natural character, landscape, conservation and biodiversity values of the islands, particularly in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character. (6) Promote the restoration and rehabilitation of natural character values of the islands of the Hauraki Gulf. (7) Ensure that use and development of the area adjoining conservation islands, regional parks or Department of Conservation land, does not adversely affect their scientific, natural or recreational values. (8) Enhance opportunities for educational and recreational activities on the islands of the Hauraki Gulf if they are consistent with protecting natural and physical resources, particularly in areas where natural and physical resources have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character. (9) Identify and protect areas or habitats, particularly those unique to the Hauraki Gulf, that are: (a) significant to the ecological and biodiversity values of the Hauraki Gulf; and (b) vulnerable to modification; (10) Work with agencies and stakeholders to establish an ecological bottom line, or agreed target, for managing the Hauraki Gulf's natural and physical resources which will do all of the following: (a) provide greater certainty in sustaining the Hauraki Gulf's ongoing life-supporting capacity and ecosystem services; (b) assist in avoiding incremental and ongoing degradation; (c) co-ordinate cross-jurisdictional integrated management and effort to achieve agreed outcomes; (d) better measure the success of protection and enhancement initiatives; (e) assist in establishing a baseline for monitoring changes; (f) enable better evaluation of the social and economic cost-benefits of management; and (g) provide an expanded green-blue network linking restored island and mainland sanctuaries with protected, regenerating marine areas where the ecological health and productivity of the marine area will be enhanced. Providing for the relationship of Mana Whenua with the Hauraki Gulf

Regional Council	Document	Relevant sections
		(11) Work in partnership with Mana Whenua to protect and enhance culturally important environmental resources and values of the Hauraki Gulf that are important to their traditional, cultural and spiritual relationship with the Hauraki Gulf. (12) Incorporate mātauranga Māori with western knowledge in establishing management objectives for the Hauraki Gulf. (13) Require management and decision-making to take into account the historical, cultural and spiritual relationship of Mana Whenua with the Hauraki Gulf, and the ongoing capacity to sustain these relationships. Maintaining and enhancing social, cultural and recreation values (14) Identify and protect the natural and physical resources that have important cultural and historic associations for people and communities in and around the Hauraki Gulf. (15) Identify, maintain, and where appropriate enhance, areas of high recreational use within the Hauraki Gulf by managing water quality, development and potentially conflicting uses so as not to compromise the particular values or qualities of these areas that add to their recreational value. (16) Encourage the strategic provision of infrastructure and facilities to enhance public access and recreational use and enjoyment of the Hauraki Gulf. Providing for the use of natural and physical resources, and for economic activities (17) Provide for commercial activities in the Hauraki Gulf and its catchments while ensuring that the impacts of use, and any future expansion of use and development, do not result in further degradation or net loss of sensitive marine ecosystems. (18) Encourage the strategic provision of infrastructure and facilities that support economic opportunities for the resident communities of Waiheke and Great Barrier islands. (19) Promote economic development opportunities that complement the unique values of the islands and the Hauraki Gulf. **Section B8.6** summarises the reasons of adopting the proposed policies, including: • The coastal environment and the resources of the coastal marine area comprise some of the most important taonga to Mana Whenua, who have a traditional and on-going cultural relationship with the coast. • Auckland's richly varied coastal environment is a finite resource with high environmental, social, economic and cultural values. Its coasts and harbours are among its most highly valued natural features. It is the location of New Zealand's largest commercial port and international airport. The marine industry, transport and aquaculture activities all contribute to social and economic well-being. • The coastal marine area also provides a range of ecosystem services, including providing food, assimilating discharges from land into coastal waters and enabling a range of coastal uses that support the economic well-being of people and communities. • Promoting use and development that provides for social and economic opportunities while avoiding further degradation of the marine environment of the Gulf. **Section D9 – Significant Ecological Areas** Significant Ecological Areas – Marine are identified areas of significant indigenous vegetation or significant habitats of indigenous fauna located in the coastal marine area. Policies for managing these areas include: (12) Manage the adverse effects of use and development on the values of Significant Ecological Areas – Marine, taking into account all of the following: (a) The extent to which existing use and development already, and in combination with any proposal, impacts on the habitat, or impedes the operation of ecological and physical processes; (b) The extent to which there are similar habitat types within other Significant Ecological Areas – Marine in the same harbour or estuary or, where the significant ecological area - marine is located on open coast, within the same vicinity; and

Regional Council	Document	Relevant sections
		(c) Whether the viability of habitats of regionally or nationally threatened plants or animals is adversely affected, including the impact on the species population and location.
Waikato	The Waikato Regional Policy Statement	**3.7 Coastal environment** The coastal environment is managed in an integrated way that: a) preserves natural character and protects natural features and landscape values of the coastal environment; b) avoids conflicts between uses and values; c) recognises the interconnections between marine-based and land-based activities; and d) recognises the dynamic, complex and interdependent nature of natural biological and physical processes in the coastal environment. **15.4.4 Coastal marine area** (c) Marine habitats and ecosystems are protected from significant adverse effects.
	Regional Coastal Plan for Waikato	**Section 3.4 – Protection of Coastal Processes** 3.4.3 Policy – Biodiversity Ensure the protection of biodiversity, the inter-relatedness of coastal ecology, and the natural movement of biota within the coastal marine area. **Section 13.1 – Integrated Management Across Boundaries** 13.1.2 Policy – Coastal Environmental Inter-Relationships When managing the use, development and protection of the coastal environment, provide for: (a) The interconnected nature of the coastal environment; and (b) The inter-relationships between natural and physical resources; and (c) The potential for adverse effects to occur; and (d) The range of social, cultural and economic values within the Region. **Section 17.2 – Natural Character, Habitat and Coastal Processes** 17.2.3 – Consultation with the Ministry of Fisheries Environment Waikato, in conjunction with the Ministry of Fisheries, will advocate management practices to resource users harvesting marine life that: i Do not adversely affect significant or extensive areas of indigenous vegetation and habitat of indigenous fauna; ii Avoid sensitive inshore areas; and iii Ensure marine ecosystems and fish stock are managed sustainably.
Bay of Plenty	Regional Policy Statement	**Part Two (Issues and objectives)** Objective 20 The protection of significant indigenous habitats and ecosystems, having particular regard to their maintenance, restoration and intrinsic values. **Part Three (Policies and methods)** Policy IR 6B: Promoting consistent and integrated management across jurisdictional boundaries Collaboration and information sharing between agencies with different responsibilities in the coastal environment such as fisheries and conservation should be encouraged to promote integrated and efficient resource management.

Regional Council	Document	Relevant sections
	Bay of Plenty Regional Coastal Environmental Plan	**Part 2, Section 2 – Objectives** Objective 1 of this section seeks to "achieve integrated management of the coastal environment" by: (a) Providing a consistent, efficient and integrated management framework; (b) Adopting a whole of catchment approach to management of the coastal environment; (c) Recognising and managing the effects of land uses and freshwater-based activities (including discharges) on the coastal marine area; (d) Enabling the exercise of kaitiakitanga; (e) Planning for and managing: i. cumulative effects; and ii. the effects of climate change; and (f) Promoting the sustainable management of the Bay of Plenty coastal fisheries. **Part 5 Methods, 1.2 Natural Heritage** Method 3A: Support research to identify areas in the Bay of Plenty region where ecosystems and biodiversity values are being, or are likely to be, adversely effected by fishing activities, and investigate the options available to manage such activities for the protection of indigenous biodiversity. Method 19AA: Council will partner with tangata whenua for additional spatial mechanisms for the coastal marine area that identify and protect: (a) Areas or sites of cultural, biodiversity and/or natural character value that may require additional protection and/or restoration; (b) Areas or sites of cultural, biodiversity and/or natural character value that are, or are likely to be, adversely affected by activities (including fishing), and options to manage such activities for the protection of cultural, biodiversity and/or natural character values.
Gisborne	**Gisborne District Council – The Tairāwhiti Resource Management Plan**	**Section C3.6 – Tangata Whenua** Under Policy 7, the Plan notes that: The RMA does not address Fisheries issues which are dealt with under the Fisheries Act or the Marine Reserves Act. Council may, however, advocate for the protection of special areas in the Coastal Marine Area that support traditional fishing or food gathering areas to the responsible agencies on behalf of or in conjunction with Iwi or hapu authorities, This policy is designed to recognise this advocacy role and supports Objective C3.6.2(3), which is to "maintain the integrity of the relationship of Māori with their culture, traditions, ancestral lands, and other resources."
Taranaki	**Taranaki Regional Policy Statement**	**Section 1.2 Purpose** The Regional Policy Statement for Taranaki ('the Regional Policy Statement' or 'Statement') is a statement of policy for the Taranaki region (as constituted under the Local Government (Taranaki Region) Reorganisation Order 1989). Its purpose is to promote the sustainable management of natural and physical resources in the Taranaki region by: • providing an overview of the resource management issues of the Taranaki region • identifying policies and methods to achieve integrated management of the natural and physical resources of the whole region. **Section 8. Coastal Environment** **Objective 1:** To protect the natural character of the coastal environment in the Taranaki region from inappropriate subdivision, use, development and occupation by avoiding, remedying or mitigating the adverse effects of subdivision, use and development in the coastal of subdivision, use and development in the coastal environment. **Objective 2:** To provide for appropriate, subdivision, use, development and occupation of the coastal environment in the Taranaki Region. **Section 9: Indigenous Biodiversity**

Regional Council	Document	Relevant sections
		Objective 1: To maintain and enhance the indigenous biodiversity the indigenous biodiversity of the Taranaki region, with a priority on ecosystems, habitats and areas that have significant indigenous biodiversity values.
	Interim version of the Proposed Coastal Plan for Taranaki	**Section 1.2 Purpose** The purpose of the Plan is to assist the Taranaki Regional Council to carry out its functions under the Resource Management Act 1991 (RMA) to promote the sustainable management of the coastal environment, including the coastal marine area, in the Taranaki region. **Section 4. Objectives** **Objective 2: Use and development** Natural and physical resources of the coastal environment are used efficiently, and activities that have a functional need or an operational need, that depend on the use and development of these resources, are provided for in appropriate locations. **Objective 4: Life-supporting capacity and mouri** The life-supporting capacity and mouri of coastal water, land and air are safeguarded from the adverse effects, including cumulative effects, of use and development of the coastal environment. **Objective 6: Natural character** The natural character of the coastal environment is preserved and protected from inappropriate subdivision, use and development and is restored where appropriate. **Objective 7: Natural features and landscapes** The natural features and landscapes of the coastal environment are protected from inappropriate subdivision, use and development. **Objective 8: Indigenous biodiversity** Indigenous biodiversity in the coastal environment is maintained and enhanced and significant indigenous biodiversity in the coastal environment is protected.
Hawke's Bay	**Hawke's Bay Regional Council Coastal Environmental Plan**	Section 4 – Indigenous species and habitats The Hawke's Bay Regional Council Coastal Environmental Plan includes a policy to "ensure adverse effects on ecological systems (including natural movement of biota, natural biodiversity, productivity and biotic patterns) are avoided, including adverse effects on: (a) fishing grounds; (b) shell fish areas; (c) fish spawning and nursery areas; (d) bird breeding and nursery areas; (e) fish and bird migration; (f) feeding patterns; (g) habitats' importance to the continued survival of any indigenous species; (h) wildlife and indigenous marine biota; (i) dune systems; and (j) the intrinsic values of ecosystems."
Manawatu-Wanganui	**Regional Policy Statement**	**Policy 8-4: Appropriate use and development** Any use or development in the CMA must: (a) avoid, as far as reasonably practicable, any adverse effects on the following important values: iii. the landscape and seascape elements that contribute to the natural character of the CMA iv. areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the maintenance of indigenous biological diversity v. the intrinsic values of ecosystems

Regional Council	Document	Relevant sections
	Horizons Regional Council One Plan (The Horizons One Plan includes the Regional Coastal Plan for the Manawatu-Wanganui region)	**Section 18** of the plan details activities in the coastal marine area. Specifically, it covers; • Occupation; • Structures; • Reclamations and Drainage; • Disturbances, Removal and Deposition; • Water Takes, Uses, Damming and Diversions; • Discharges; • Noise and Discharges into Air; • Exotic and Introduced Plants; and • Other Rules
Greater Wellington Region	**Regional Policy Statement for the Wellington region**	**3.2 Coastal environment** Objective 3 Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development
	Regional Coastal Plan for the Wellington Region	**Section 4 – General Objectives and Policies** The Regional Coastal Plan for the Wellington Region contains the following Environmental Objectives: 1) The intrinsic values of the coastal marine area and its components are preserved and protected from inappropriate use and development; 2) People and communities are able to undertake appropriate uses and developments in the coastal marine area which satisfy the environmental protection policies in the plan, including activities which: a. rely on natural and physical resources of the coastal marine area; or b. require a coastal marine area location; or c. provide essential public services; or d. avoid adverse effects on the environment; or e. have minor adverse effects on the environment, either singly or in combination with other users; or f. remedy or mitigate adverse effects on the environment and provide a net benefit to the environment; 3) The adverse effects that new activities may have on existing legitimate activities in the coastal marine area are avoided, remedied or mitigated as far as is practicable; 4) Land, water and air in the coastal marine area retains its life supporting capacity; 5) The natural character of the coastal marine area is preserved and protected from inappropriate use and development; 6) Important ecosystems and other natural and physical resources in and adjacent to the coastal marine area are protected from inappropriate use and development; 7) Public health is not endangered through the effects of previous, present or future activities in the coastal marine area; 8) Public access along and within the coastal marine area is maintained and enhanced; 9) Amenity values in the coastal marine area are maintained and enhanced. **Section 16 – Principal reasons for Objectives, Policies and Methods** Section 16 of the Plan states that:

Regional Council	Document	Relevant sections
		The objectives and policies acknowledge the need to protect important characteristics and values of the coastal marine area. They also recognise that the coastal marine area is an important location for many activities, some of which are dependent on this particular location. These activities are important for the economic well-being of the Wellington Region, and to enable people to fulfil their social desires to use the coastal marine area. **Appendix 2 – Areas of Significant Conservation Value** • Castlepoint is identified in the Plan as an Area of Significant Conservation Value in the Plan, due to: Scientific, wildlife, geological, scenic, natural and conservation values; • Naturally vegetated and fragile coastal vegetation containing rare plant species (including Brachyglottis compacta); • A habitat for sea mammals and breeding ground for bird species. An internationally significant crayfish (Jasus edwardsi) larvae (puerulus) population; and • Outstanding scenic values and an important physical and geological landscape.
Marlborough	**Regional Policy Statement**	**5.3.10 Objective – Coastal Marine Habitat** The natural species diversity and integrity of marine habitats be maintained or enhanced.
	Appeals Version of The Proposed Marlborough Environment Plan	**Volume 1** **2. Background - Other strategies and plans** Strategies and plans may also be prepared under the Fisheries Act and Council will have regard to these where relevant, such as protecting significant habitats of indigenous fauna in the marine environment. **Volume 1** **8. Indigenous Biodiversity** - Policy 8.3.8 Within vulnerable ecologically significant marine sites, activities that disturb the seabed must be avoided. Some activities use techniques or practices that result in disturbance of the seabed. Depending where this occurs, there is the potential for adverse effects on marine biodiversity. The policy seeks to specifically avoid activities that disturb the seabed to ensure areas identified as having significant biodiversity value in the coastal marine area and which are identified as being vulnerable to such disturbance are protected. This will help to give effect to Policy 11 of the NZCPS. Ecologically Significant Marine Sites evaluated to be vulnerable to seabed disturbance are identified in Appendix 27 of the plan. **Volume 2** **16.6. Discretionary Activities** - Application must be made for a Discretionary Activity for the following…. 16.6.6 Any dredging, bottom trawling, or deposition within the buffer for any Ecologically Significant Marine Site specified in Appendix 27 of the plan.
Nelson	**Nelson Draft Regional Policy Statement**	**1.0 Rationale for the Regional Policy Statement** This draft Regional Policy Statement (RPS) has been prepared by the Nelson City Council, in accordance with the requirements of sections 59 to 62 and Schedule 1 of the Resource Management Act 1991 (RMA). The RPS seeks to achieve the purpose of that Act by providing an overview of the significant resource management issues of the region and the intended responses to those issues, to achieve integrated management of the region's natural and physical resources. **Chapter 8: Biodiversity** **Objective 8.3** Protect Whakatū Nelson's significant freshwater and marine biodiversity values from the effects of sedimentation, discharges of contaminants, reclamation, and structures or works in, on, over or adjacent to the beds of rivers, streams and the coastal marine area. **Chapter 10: Coastal and Marine Environment**

Regional Council	Document	Relevant sections
		Objective 10.1 Recognise and provide for tangata whenua's kaitiaki role in managing coastal resources in accordance with tikanga Māori. **Objective 10.2** Protect the values that contribute to outstanding natural character, outstanding natural landscapes and other significant natural features, and ensure use and development maintains or restores natural values in other areas. **Objective 10.3** Recognise and reconcile the competing social, economic and cultural values that are ascribed to the coastal environment, while providing for uses and development that by their nature must be located in the coastal environment. **Objective 10.4** Maintain or enhance the quality of marine waters to a level that ensures healthy marine ecosystems and safety for people's recreational activities. **Objective 10.5** Protect the integrity, functioning and resilience of coastal physical and ecological processes, from the adverse effects of inappropriate subdivision, use and development.
Tasman	**Tasman Regional Policy Statement**	**Part 1: Introduction, interpretation and glossary** **1.2 Purpose of the Tasman Regional Policy Statement** The purpose of the Tasman Regional Policy Statement as set out in the Act is to promote the sustainable management of natural and physical resources by providing: (i) an overview of the resource management issues of the region; and (ii) policies and methods to achieve integrated resource management. **Section 9: Coastal Environment** **Objective 9.3** A coastal marine area in which adverse effects from activities, including structures, physical modification, or occupation, are avoided, remedied, or mitigated. **Objective 9.4** A fair and efficient process for the allocation of rights to use parts of the coastal marine area, especially where parties are in competition for a limited area. **Objective 9.5** Preservation of the natural character of the coastal environment, including the functioning of natural processes.
West Coast	**West Coast Regional Policy Statement**	**1.1 Role of the Regional Policy Statement – Its Scope and Effect** The role of the Regional Policy Statement (RPS) is to promote the sustainable management of the natural and physical resources of the West Coast. It does this by: • Providing an overview of the resource management issues of the region; and • Identifying policies and methods to achieve integrated management of the West Coast's natural and physical resources. **Chapter 9: Coastal Environment** Objectives (1) Within the coastal environment: a) Protect indigenous biological diversity; b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and c) Protect natural features and natural landscapes from inappropriate subdivision, use and development. (2) Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing.
	Regional coastal plan for the West Coast	**Chairman's foreword** The Regional Coastal Plan will enable Council to sustainably manage activities in the coastal marine area of the region. The coastal area covered by this Plan has important ecological, economic, social and cultural values for local communities and visitors, while also being a dynamic environment subject to natural hazards.

Regional Council	Document	Relevant sections
		This Plan is intended to both enable low impact activities to be carried out as well as managing other uses with greater impacts, by way of regulatory and non-regulatory methods, in order to sustain the values associated with the coastal marine area. **Section 5.1 – Coastal Management** Objectives **5.3.1** To recognise and provide for the West Coast's significant coastal values, when considering the use, development and protection of the coastal marine area. **5.3.2** To avoid, remedy or mitigate adverse effects on the amenity, cultural, heritage, scenic and ecosystem values of the entire coastal marine area.
Canterbury	**Canterbury Regional Policy Statement**	8.**2.4 Preservation, protection and enhancement of the coastal environment** In relation to the coastal environment: 1. Its natural character is preserved and protected from inappropriate subdivision, use and development; and 2. Its natural, ecological, cultural, amenity, recreational and historic heritage values are restored or enhanced.
	Regional Coastal Environment Plan for the Canterbury Region	**1.2 Plan Purpose** The purpose of this Plan is to promote the sustainable management of the natural and physical resources of the Coastal Marine Area and the coastal environment and to promote the integrated management of that environment. In particular, the Plan sets out the issues relating to: i. protection and enhancement of the coast; ii. water quality; iii. controls on activities and structures; and iv. coastal hazards
Otago	**Otago Regional Policy Statement**	**Policy 3.1.9 Ecosystems and indigenous biological diversity** Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to: Maintain or enhance: a) Ecosystem health and indigenous biological diversity including habitats of indigenous i. fauna; ii. Biological diversity where the presence of exotic flora and fauna supports indigenous iii. biological diversity; b) Maintain or enhance as far as practicable: i. Areas of predominantly indigenous vegetation; ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity; iii. Areas buffering or linking ecosystems **Policy 5.4.9 Activities in the Coastal Marine Area** In the coastal marine area minimise adverse effects from activities by all of the following: a) Avoiding activities that do not have a functional need to locate in the coastal marine area; b) When an activity has a functional need to locate in the coastal marine area, giving preference c) to avoiding its location in: i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; ii. Outstanding natural features, landscapes and seascapes; iii. Areas of outstanding natural character; iv. Places or areas containing historic heritage of regional or national significance; v. Areas subject to significant natural hazard risk;

Regional Council	Document	Relevant sections
		d) Where it is not practicable to avoid locating in the areas listed in b) above, because of the functional needs of that activity: i. Avoid adverse effects on the values that contribute to the significant or outstanding nature of b)i.-iii; ii. Avoid significant adverse effects on natural character in all other areas of the coastal environment; iii. Avoid, remedy or mitigate adverse effects on values as necessary to preserve historic heritage of regional or national significance; iv. Minimise any increase in natural hazard risk through mitigation measures; v. avoiding, remedying, or mitigating adverse effects on other values;
	Regional Plan: Coast for Otago	**Section 1.1: Purpose of the Plan** The purpose of this Plan is to provide a framework for the integrated and sustainable management of Otago's coastal marine area. **Section 2.10.2: Fisheries Act 1983** This Regional Plan: Coast for Otago does not contain any provisions relating to the management or allocation of the fishery resource within Otago's coastal marine area. **Objective 5.3.1** To provide for the use and development of Otago's coastal marine area while maintaining or enhancing its natural character, outstanding natural features and landscapes, and its ecosystem, amenity, cultural and historical values.
Southland	**Southland Regional Policy Statement**	**Section 1.1 Introduction** The Southland Regional Policy Statement (RPS) guides resource management policy and practice in Southland. It provides a framework on which to base decisions regarding the management of the region's natural and physical resources, gives an overview of the significant resource management issues facing Southland, including issues of significance to tangata whenua, and includes objectives, policies and methods to resolve any identified issues. Chapter 6: Biodiversity **Objective BIO.1 – Understand and identify** **Understand the extent of loss of indigenous ecosystems and habitats across the Southland Region and identify those at risk to further loss and degradation.** Objective BIO.2 – Maintain and protect **Maintain indigenous biodiversity in Southland and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna for present and future generations.** **Objective BIO.3 – Enhance** Enhance the range, extent and condition of indigenous biodiversity in Southland, with a particular emphasis on those areas most at risk to further loss or degradation. Chapter 7: Coast **Objective COAST.1 – Direction on activities within the coastal environment** **Provide clear direction on appropriate and inappropriate subdivision, use and development activities, the cumulative effect of an activity, and precedent effects of a decision, within the region's coastal environment.** **Objective COAST.2 – Activities in the coastal environment** **Infrastructure, ports, energy projects, aquaculture, mineral extraction activities, subdivision, use and development in the coastal environment are provided for and able to expand, where appropriate, while managing the adverse effects of those activities.** **Objective COAST.3 – Coastal water quality and ecosystems** **Coastal water quality and ecosystems are maintained or enhanced.**

Regional Council	Document	Relevant sections
	The Regional Coastal Plan for Environment Southland	**Section 1.2 – Principal Reasons** The principal reasons for adopting the objectives, policies and methods of implementation in this Plan, are: (i) to promote the sustainable management of the coastal marine area; (ii) to minimise conflicts between the users of the coastal marine area; (iii) to provide for the communities social, economic and cultural wellbeing; and, (iv) to maintain, or enhance the opportunity for future generations to enjoy and utilise the coast. **Section 5.4.1 Ecosystems** **Objective 5.4.1.1 Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna** To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal marine area. **Objective 5.4.1.2 - Protect intrinsic values of ecosystems** To protect the intrinsic values of ecosystems in the coastal marine area. **Section 5.8 Efficient use of natural and physical resources** **Objective 5.8.1 - Efficient use and development of natural and physical resources** To provide for efficient use and development of natural and physical resources in the coastal marine area where adverse effects are avoided, remedied or mitigated **Section 5.10 Social, economic and cultural issues** **Objective 5.10.1 - Social, cultural and economic reliance on the coastal marine area** To recognise the need for social and economic utilisation of the coastal marine area in a manner that enables people and communities to provide for their social, cultural and economic well-being and for their health and safety.
Chatham Islands	**Chatham Islands Resource Management Document**	**1.1 Overview** The Chatham Islands Resource Management Document (referred to as "the document" or "the CIRMD") provides a framework for the integrated management of natural and physical resources of the islands including the sea area out to the 12 nautical mile territorial limit. The CIRMD is a unique one in the New Zealand context, containing aspects of a regional policy statement, a district plan, a coastal plan and regional plans in one document administered by the Chatham Islands Council, rather than separate plans administered by different authorities. **Part 4: Territory wide objectives and policies** **4.1 The Imi/iwi** **4.1.1 Objective – Management of Resources** (i) The management of natural and physical resources that takes into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi and that recognises the relationship, culture and traditions of imi/iwi with their ancestral lands, water, sites, wāhi tapu and other taonga. **4.2 Water Resources** **4.2.4 Objective – Te Whanga** (i) The maintenance and enhancement of Te Whanga as a significant natural ecosystem and community resource in respect of: (a) food gathering and recreation, (b) the functioning of ecosystems, (c) imi/iwi values and relationships.

Regional Council	Document	Relevant sections
		4.3 Coastal Environment **4.3.1 Objective - Natural Character** (i) Preserve the natural character of the Chatham Island's through the control of inappropriate use, development and subdivision where it may adversely affect the natural character of the coastal environment. **Part 5: Zones** **5.6 Coastal Marine Area** **5.6.3 Objective – Life Supporting Capacity** (i) To safeguard the life-supporting capacity of coastal ecosystems. **5.6.4 Objective – Vegetation, Habitat and Natural Features** (i) The protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna and outstanding natural features within the Coastal Marine Area. **5.6.6 Objective – Coastal Processes** (i) Natural coastal processes are not adversely affected by activities on the foreshore or seabed. **5.7 Off Shore Islands Zone** **5.7.2 Objective – Retention of Natural Values** (i) To retain the values associated with the offshore islands including: • landscape features • indigenous vegetation and habitats of fauna • cultural and spiritual values