

REVIEW OF SUSTAINABILITY MEASURES AND OTHER MANAGEMENT CONTROLS FOR SEA PERCH (SPE 1)

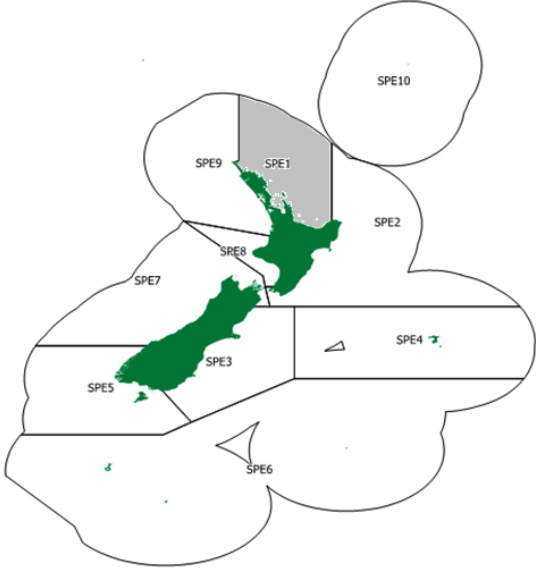


Figure 1: Quota Management Areas (QMAs) for Sea Perch.

EXECUTIVE SUMMARY

74 The Ministry for Primary Industries (MPI) proposes the following two options for the total allowable catch (TAC), total allowable commercial catch (TACC) and allowances for SPE 1:

Table 1: Final Proposals - TACs, TACCs and allowances for SPE 1

Option	Allowances				
	TAC (t)	TACC (t)	Customary Māori (t)	Recreational(t)	Other sources of fishing related mortality (t)
Option 1 (Modified Status Quo)	37	33	1	1	2
Option 2	58	53	1	1	3

75 Any variation to the TAC for SPE1 can be done under section 13(4) and section 13(2A) of the Fisheries Act 1996 (the Act). Variations to the TACC can be done under section 20(2) after making the allowances provided for in section 21.

KEY CONSIDERATIONS

Need to Act

76 The SPE 1 TAC is small – only 35 tonnes – with a TACC of 33 tonnes. Since the introduction of SPE 1 to the Quota Management System (QMS) in 1998, the fishery has developed further (or is better reported) and the commercial catch has substantially exceeded the TACC for 11 of the 14 fishing years. This has occurred despite increased deemed values and an increase to the TAC in 2006.

77 As fishing pressure on SPE 1 is relatively low, the general approach is to minimise management costs by using catch trends as the key monitoring tool for the stock. Catches have fluctuated around an increasing trend and landings have been often in excess of the TACC. These factors have been used to trigger further investigation and consideration of review.

78 Although there is uncertainty (stock status is unknown) available information suggests that neither management option proposed is likely to affect the long term sustainability of the stock. If current catch is sustainable, then the current TAC is imposing unnecessary costs on the commercial sector.

Relevant Fishery Information

79 Sea Perch was introduced into the QMS on 1 October 1998. At that time, no specific management target was set.

80 In addition to the TAC, TACC, and allowances, sea perch are subject to the catch balancing regime supported by differential deemed values. SPE 1 is not subject to a recreational daily bag limit or a minimum legal size.

81 The current TAC and TACC for SPE 1 were reviewed last in 2006. Commercial landings had exceeded the TACC apart from one year and the TACC was increased to the average of the previous 7 years plus an additional 10%.

82 Sea perch are managed as an assemblage of species in one genus (*Helicolenus* spp). A recent characterisation has found evidence of three species of sea perch within this genus in NZ waters.³⁶

83 Sea Perch are bottom dwelling fish that occur on the continental shelf, seamounts and ridges. The depth distribution of sea perch catches suggests that these species are separated by depth and/or geography.

³⁶ Bentley, N., Kendrick, T.H. MacGibbon, D.J. (2013), Fishery characterisation and catch-per-unit-effort analyses for sea perch (*Helicolenus* spp.) in New Zealand 1989/90 to 2009/10. NZ Fisheries Assessment Report 2013

84 SPE 1 most likely is the 'H sp. A' species because depths from 250-700 with a peak abundance around 300m are preferred and these depths coincide with the fishery.

85 While little is known of the specific biology of H sp. A, sea perch growth in general is relatively slow with a maximum age of 59 years and maximum sizes of 56 cm. Sea perch are viviparous, extruding small larvae in floating jelly-masses during an extended spawning season. They are opportunistic feeders and prey on a variety of animals close to the sea floor.

SPE 1 Stock Status

86 SPE 1 is a low knowledge stock. There is limited information available to monitor the fishery and assess fishery performance. The best available information on stock status for SPE 1 is trends in catch. Reported landings from SPE 1 have not exceeded 53 tonnes since reliable records have been available (1983-84). Since introduction into the QMS, landings per fishing year have ranged from 19 to 53 tonnes. Given the wide distribution of SPE 1, the absence of target fishing, the low volume of previous catches and assuming a low exploitation rate it is likely that the SPE 1 biomass is currently at or above that required to support the MSY. MPI acknowledges that the assumption of low exploitation rate is highly uncertain in the absence of an index of abundance.

Commercial

87 Figure 2 shows commercial landings of SPE 1 from 1996 to 2012.

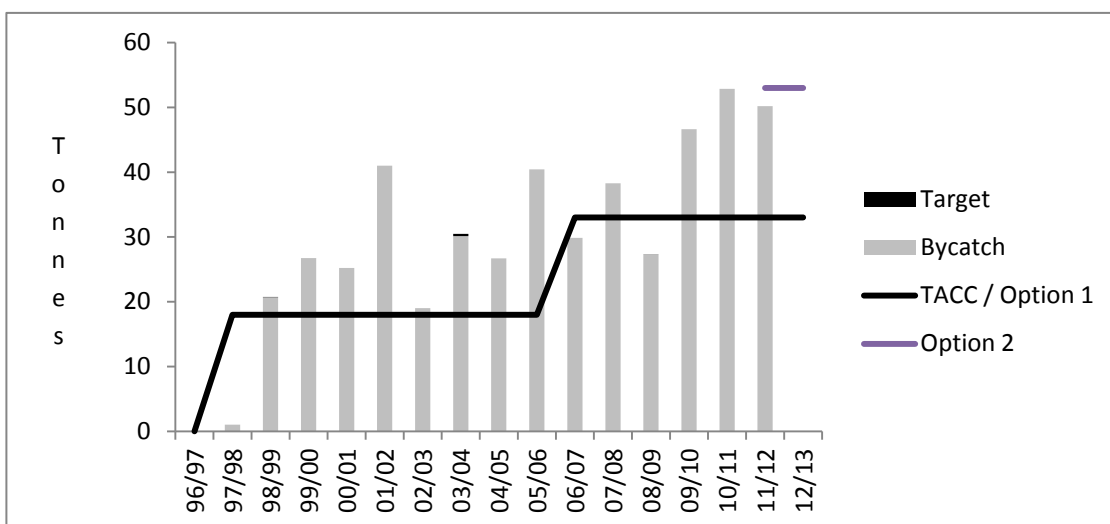


Figure 2: Commercial catch limits (TACC), proposed TACC options, and landings for SPE 1 1996-2012

88 Sea perch is currently a low value commercial fishery and little target fishing is reported. Despite this the fishery has fluctuated around an increasing trend over the past 14 years.

89 Since the introduction of sea perch into the QMS, almost 100% of SPE 1 taken commercially has been reported as by catch. Bottom trawl accounts for 85% of the SPE 1 catch and 80% of the total catch comes from the Bay of Plenty – fisheries statistical area 8, and 9. Sea perch in SPE 1 are taken predominantly when trawl fishing for scampi. Because scampi trawl nets have fine mesh bycatch such as sea perch is difficult to avoid. Lesser amounts of sea perch are taken in the ling, bluenose and snapper longline fisheries.

90 Table 2 shows payments of deemed values.

Table 2: Commercial catch limits (TACC), deemed value rate and deemed value payments from 2001/02 to 2011/12.

Fishing Year	TACC (t)	DV rate	Deemed Value Payments
2001-02	18	\$0.10	\$2,694
2002-03	18	\$0.10	\$661
2003-04	18	\$0.10	1,530
2004-05	18	\$0.10	\$1,062
2005-2006	33	\$0.10	\$2,333
2006-2007	33	\$0.45	\$346
2007-2008	33	\$0.45	\$3,118
2008-2009	33	\$0.45	\$214
2009-2010	33	\$0.45	\$5,743
2010-2011	33	\$0.45	\$10,043
2011-2012	33	\$1.25-\$2.50*	\$32,559

* *Differential deemed value payments introduced*³⁷

Recreational

91 Sea perch is not an important recreational target fishery in SPE 1 probably because H spp A occurs only in deep water. The FMA 1 & 9 Recreational Forum characterised sea perch as a welcome bycatch for recreational fishers and was concerned that catches may be exceeding the recreational allowance.

92 The 2011-12 national panel survey has provided a clearer picture of the magnitude of recreational fishing. The estimated recreational catch of SPE 1 in 2011-2012 from the national panel survey is less than one tonne and hence recent recreational catches are probably well within the current allowance.

Māori Customary

93 There is no new information since the last review of SPE 1 in 2006. No fishing for sea perch is reported in the Māori customary database.

³⁷ Deemed values may be placed on a ramped differential deemed values schedule. Under this schedule, fishers face higher deemed value rates the further they exceed their ACE holdings.

Other Sources of Fishing Related Mortality

94 Discards reported for SPE 1 range from 6–26% of the catch. Reported discards are accounted for in landings however, unreported fishing related mortality of unwanted and unmarketable sea perch may also be occurring. Likewise a small amount of other sources of fishing related mortality of sea perch might be attributed to recreational fishers.

CONSULTATION

95 Your decision to adjust the TAC for SPE1 is a decision under section 13 of the Act and therefore the consultation requirements of section 12 and section 21(2) apply. Consultation on the initial position paper (IPP) was undertaken with such persons or organisations 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.

96 The Ministry followed its standard consultation process for IPPs; this involved posting all IPPs on the Ministry website and alerting stakeholders to this through a letter sent to approximately 200 companies, organisations and individuals.

97 There is also an obligation to provide for input and participation of tangata whenua and have particular regard to kaitiakitanga. The Ministry recognises that information on customary harvest is uncertain and invited iwi, Tangata Tiaki/Kaitaiki, and customary permit holders to submit information. However, no additional information was submitted during the consultation process. The Ministry will continue to work with tangata whenua to improve reporting and information on customary non-commercial catches.

98 The Ministry consulted on the two options that are set out in Table 1.

Submissions

99 Stakeholders submitted four submissions on proposed measures in the SPE 1 IPP:

- Sanford Limited (Sanford)
- Iwi Collective Partnership (ICP) - a collective of 12 central North Island Iwi
- NZ Recreational Fishing Council (NZRFC)
- NZ Sport Fishing Council (NZSFC)

100 Two submissions support Option 2: to increase the TAC and TACC. Two submitters support the status quo or a slightly modified version of that option (Option 1).

Stakeholder Views

101 The NZRFC supports maintaining the current TAC (Option 1). It submits additional utilisation only be considered when the stock is known to be at or above BMSY. The NZRFC is concerned that greater utilisation will lead to additional benthic impacts since 85% of the catch is taken by trawl.

102 The NZSFC support maintaining the current TACC (Option 1) but submits increasing both the recreational and fishing related mortality allowances by setting each at 3 tonnes. It submits additional utilisation be considered only when supported by scientific rationale. The NZSFC is also concerned that greater utilisation will lead to additional benthic impacts and also draws your attention to other statutory considerations. It submits support for the proposal to set an allowance for other sources of fishing related mortality but requests greater observer coverage to monitor catch against this allowance. It submits an identification guide is required to monitor species specific landings.

103 Sanford and the ICP support an increase to the TACC (Option 2). They submit the proposed increase reflects better the level of incidental bycatch. Further the ICP submits that the SPE 1 fishery is healthy.

104 Copies of all submissions are bundled together in a separate attachment for your reference.

MPI response

105 Although there is uncertainty (stock status is unknown) available information suggests that neither management option proposed is likely to affect the long term sustainability of the stock. The proposed increase to the TAC as proposed by Option 2 reflects current commercial catch levels. There is no independent information to indicate that these catch levels are impacting on the sustainability of the fishery. Given the wide distribution of SPE 1, the absence of target fishing, the low volume of previous catches and assuming a low exploitation rate it is likely that the SPE 1 biomass is currently at or above that required to support the MSY. MPI acknowledges that the assumption of low exploitation rate is highly uncertain in the absence of an index of abundance.

106 Sea perch stocks are managed under the Draft National Fisheries Plan for Inshore Finfish (the Finfish Plan)³⁸. It sets out management objectives for inshore finfish stocks, including SPE 1. Within the Finfish Plan stocks are grouped, with management approaches and objectives tailored accordingly for each group.

³⁸ The Fisheries Plan has not been formally approved under the Act.

107 SPE 1 is in Group 6 in the Finfish Plan. The management approach for SPE 1 is to ensure that costs reflect benefits. It recognises this stock is subject to less fishing pressure than some other stocks and that less comprehensive information for management is therefore required. The general approach is to minimise management costs by using catch trends as the key monitoring tool for each stock. As for SPE 1, landings in excess of the TACC are used as a trigger for further investigation and consideration of review.

108 You could take a cautious approach and maintain the current TAC and TACC (Option 1) and take further steps to try and constrain commercial catches within the TACC. Regardless of the decision made on catch limits, MPI is also reviewing SPE 1 deemed value rates to provide further incentive for fishers to manage catch within the TAC. However if this catch is unavoidable, then a decision not to increase the TAC will simply increase industry costs and incentives to discard.

109 MPI proposes that under Option 2 any increase of the TAC is allocated to the TACC. You have considerable discretion under section 21 of the Act to allocate the catch as you consider reasonable to achieve the purpose of the Act. The intention of the proposed increase is to reflect current catch levels and that provides greatest overall economic, social and cultural benefits to commercial users. Without allocating this increase to the commercial sector there is a likelihood, if the current level of catch is unavoidable, that fishers will continue to catch in excess of the TACC and pay deemed values.

110 There is no information to suggest that the recreational catch is exceeding the allowance or any other information to suggest that the recreational allowance should be adjusted as proposed in submissions. The 2011-12 national panel survey harvest estimate of 0.67 tonne is well within the current recreational allowance of one tonne.

111 Information on Māori customary catch levels is limited and uncertain. Most customary fishing is likely to be undertaken under amateur fishing rules. MPI received no submissions to indicate the catch of this sector has increased above the current allowance.

112 MPI agrees with the NZSFC of the need to clarify speciation and to develop and distribute a species guides to fishers. Also in terms of fishery performance, an improved understanding of discarding would be beneficial.

113 The concerns expressed in submissions about environment impacts and other statutory considerations are addressed below in the section on assessment against statutory obligations.

OPTIONS

114 MPI proposes a slight change to Option 1 from that proposed in the IPP for your consideration. The revised Option 1 increases the TAC from 35 to 37 tonnes and includes an allowance for other sources of fishing related mortality of two tonnes (see Table 1).

115 Before a TAC can be varied having regard to the matters specified in section 13(2) of the Act an assessment of B_{CURRENT} ³⁹ and B_{MSY} ⁴⁰ is required. The available information on SPE 1 is insufficient to enable estimates of B_{CURRENT} or B_{MSY} .

116 Where estimates of B_{CURRENT} or B_{MSY} cannot be reliably estimated, section 13(2A) of the Act enables you to use the best available information to set a TAC that is not inconsistent with maintaining the stock at or above B_{MSY} , or moving the stock towards or above, B_{MSY} .

117 Although there is uncertainty (stock status is unknown) available information suggests that neither management option proposed is likely to affect the long term sustainability of the stock. Option 1 can be interpreted as being more cautious but will limit utilisation. In contrast, increasing the TAC under Option 2, will allow for more value to be achieved from existing levels of utilisation.

ADDITIONAL MANAGEMENT CONTROLS

118 MPI is reviewing the schedule of differential deemed value rates for SPE 1. The proposals are evaluated in a separate paper Final Advice Paper - Review of Deemed Value Rates for Inshore and Deepwater Stocks – 1 October 2013.

119 SPE 1 is not sought by recreational fishers and the catch is negligible, hence MPI assesses there is no need to consider management controls on recreational fishing such as a daily bag limit.

³⁹ B_{CURRENT} is the current biomass (usually a mid-year biomass)

⁴⁰ B_{MSY} is the average stock biomass that results from taking an average catch of the maximum sustainable yield (MSY) under various types of harvest strategies.

ASSESSMENT AGAINST STATUTORY OBLIGATIONS

Purpose of the Act

120 Section 8 of the Act says that the purpose of the Act is to provide for the utilisation of fisheries resources while ensuring sustainability. Ensuring sustainability means maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and 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.

121 MPI considers that all options presented in this paper satisfy the purpose of the Act in that they provide for utilisation in the SPE 1 fishery while ensuring sustainability. Available information suggests neither management option proposed is likely to affect the long term sustainability of the stock. Option 1 is more cautious but is likely to limit utilisation opportunities. In contrast, increasing the TACC from 33 tonnes to 53 tonnes under Option 2, will allow for increased value to be obtained from existing utilisation levels.

General Obligations

122 In setting or varying sustainability measures, you must also act in a manner consistent with New Zealand's international obligations to fishing and the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

123 A wide range of international obligations relate to fishing, including use and sustainability of fish stocks; and maintaining biodiversity (s 5(a)). MPI considers that the management options for SPE 1 are consistent with these international obligations.

124 MPI also considers the proposed management options to be consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (s 5 (b)). Ongoing work is being done within the area covered by SPE 1 to promote policies that help to recognise customary use and management practices including, but not limited to, supporting tangata whenua to gazette their rohe moana, to establish iwi forums and to develop Iwi Fisheries Plans.

125 MPI has an obligation to provide for input and participation of tangata whenua and have particular regard to kaitiakitanga (under s 12). MPI sought input from and provided an opportunity for participation from iwi listed under schedule 3 of the Māori Fisheries Act 2004, MPI's Iwi Forums (via the forum chairs) and tangata whenua groups with a Fisheries Protocol. This opportunity was provided in writing prior to the development of the IPP. MPI

did not receive any input on kaitiakitanga and customary interest in SPE 1 during this time although MPI acknowledges timeframes for input were short due to the development process. MPI is looking at ways to provide for more effective input and participation by tangata whenua in the future.

126 In addition to an opportunity to input and participate in the development of the IPP MPI also consulted (as defined in section 12 of the Act) with the above tangata whenua groups and with tangata whenua who have registered an interest in SPE 1, on the options developed through the IPP. In particular, due to the uncertainty of the information MPI currently holds on customary permit fulfilment, MPI sought information from tangata whenua on levels of customary harvest. No additional information was received by this initiative regarding the current utilisation of sea perch for customary purposes. MPI will continue to work with tangata whenua to improve reporting and information on customary non-commercial catches.

TAC

127 Section 13(2A) requires you must set a TAC that is “not inconsistent” with the objective of maintaining the stock at or above, or moving the stock to a level at or above B_{MSY} , in a way and rate considered appropriate for the stock. In doing so, you must have regard to the interdependence of stocks, the biological characteristics of the stock, and any environmental conditions affecting the stock, and set a TAC using the best available information. You must not use the absence of, or uncertainty in, the best available information as a reason for postponing or failing to take action necessary to achieve the purpose of the Act.

128 In considering the way in which and rate at which a stock is moved towards or above B_{MSY} , you must have regard to such social, cultural, and economic factors that you consider relevant. There is no statutory guidance on what an appropriate ‘way and rate’ might be in any given case – it is a matter for you to determine having regard to social, cultural and economic factors. Relevant social, economic and cultural information is set out in the paper.

129 The TAC options presented in this FAP take into account the requirements of section 13, and offer differing approaches to managing the fishery that reflect the uncertainty in available information-see “Section 10-Information principles” below.

Environmental Principles

130 Section 9 requires you to take into account the following environmental principles: associated or dependent species be maintained at or above a level that ensures their long-term viability the biological diversity of the aquatic environment should be maintained habitat of particular significance for fisheries management should be protected.

131 As SPE 1 is almost exclusively a bycatch fishery, MPI does not have any information on key environmental issues associated specifically with the SPE 1 fishery. The proposed changes to the SPE 1 TAC reflect existing catch levels. There is no information to indicate there will be impacts upon the matters noted in section 9 of the Act.

MPI considers that all options presented in this paper satisfy your obligations under section 9 of the Act.

Section 10 - Information principles

132 Section 10 says you must take into account the following information principles when exercising or performing functions, duties or powers under the Act in relation to the utilisation of fisheries resources or ensuring sustainability:

- decisions should be based on the best available information
- decision makers should take into account any uncertainty in the available information,
- decision makers should be cautious when information is uncertain, unreliable, or inadequate, and
- 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 the Act.

Section 11 considerations

133 In making your decision on sustainability measures for SPE 1 you must also satisfy the requirements of section 11 of the Act.

134 Section 11(1) (a) requires you to take into account the effects of fishing on the stock and aquatic environment. A significant amount of SPE 1 is caught by bottom trawl, which does impact on the benthic environment. These effects have been taken into account for current management measures (Option 1). The effects are unlikely to change under Option 2 on account of SPE 1 being almost exclusively a bycatch fishery, and fishing operations not being expected to change because of the increase in the TACC. As a result, MPI does not consider that fishing for SPE 1 has any additional impact on biological diversity of the aquatic environment. The proposed catch limits reflect the existing catch levels for the SPE 1 fishery.

135 Section 11(1) (b) requires that you take into account any existing controls that apply to the stock or area concerned. For SPE 1, the current TAC of 33 tonnes is the key control under consideration for change. MPI considers that other existing controls are being applied appropriately.

136 MPI has previously reviewed the deemed value rates for SPE 1, and has increased them in order to better achieve the objectives for the SPE 1 fishery, and the purpose of the Act. MPI also proposes that you review the current deemed values for SPE 1. This approach creates further economic incentives for fishers to act appropriately and balance any catch against ACE, if ACE is available.

137 Section 11(1) (c) requires you to take into account the natural variability of the stock before setting or varying any sustainability measure. Both of the options presented in this paper take into account the natural variability of the stock.

138 Section 11(2)(a and b) require you to have regard to any regional policy statement, regional plan, or proposed regional plan under the Resource Management Act 1991, and any management strategy or management plan under the Conservation Act 1987 that applies to the coastal marine area and which you consider relevant, before setting or varying any sustainability measure. There are no such relevant provisions applicable to the varying of the TAC for the SPE 1 stock.

139 Section 11(2)(c) requires you to have regard to the provisions of sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 when dealing with a stock in the area of the Hauraki Gulf Marine Park (HGMP). Section 7 recognises the national significance of the Hauraki Gulf, including its capacity to provide for the relationship of tangata whenua with the Gulf and the social, economic, recreational and cultural well-being of people and communities. Section 8 sets out objectives for the management of the Hauraki Gulf. Objectives of relevance include; the protection and enhancement of the natural, historic, and physical resources of the

Hauraki Gulf; the protection and enhancement of those resources of the Hauraki Gulf with which tangata whenua have an historic, traditional, cultural and spiritual relationship; and the maintenance and enhancement of the contribution of the resources of the Hauraki Gulf to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand. Resources of the Hauraki Gulf would include sea perch although very little catch of sea perch is reported from the Hauraki Gulf. Providing for a small increase in utilisation of SPE 1 is consistent with these objectives.

140 Section 11(2) (d) requires you to have regard to any planning document lodged by a customary marine title group under section 91 of the Marine and Coastal Area (Takutai Moana) Act 2011. No planning documents applicable to SPE 1 have been lodged.

141 Section 11(2A)(b) requires you to take into account any relevant fisheries plan approved under section 11A before setting or varying any sustainability measure. There is no relevant plan that has been approved under section 11(2A)(b) that you need to take into account.

142 Section 11(2A)(a and c) require you to take into account any relevant conservation services or fisheries services or decisions not to require such services. There are no-such relevant services.

Setting Allowances

143 When setting any TACC, section 21 of the Act requires you to allow for Māori customary non-commercial interests, recreational fishing interests, and for any other sources of fishing related mortality, when setting or varying the TACC. The Act does not provide an explicit statutory mechanism to apportion available catch between sector groups either in terms of a quantitative measure or prioritisation of allocation. Accordingly, you have the discretion to make allowances for various sectors based on the best available information.

144 Option 2 proposes an increase to the TACC from 33 to 53 tonnes, which more closely reflects the current commercial catch levels. By increasing the TACC, fishers are more likely to be able to cover any catch with ACE and, therefore, will less likely incur deemed value payments. MPI considers it reasonable to consider increasing the TACC for the SPE 1 fishery because fishing information since 1997 indicates that almost all the reported catch is unavoidable bycatch.

145 MPI has no new information on customary or recreational fishing interests that would change the current allowances for these sectors. No submissions identified any new information that would support a change to the current non-commercial allowances.

146 MPI considers the Māori customary and recreational allowances are appropriate, and do not recommend any changes to the current provisions.

147 Section 13 of the HGMPA requires you to have particular regard to sections 7 and 8 of the HGMP Act when making TACC decisions for a stock in the area of the Hauraki Gulf. These sections are discussed above under “Section 11 considerations”. In MPI’s view providing for a small increase in the TACC is consistent with the objectives of the HGMP Act.

148 Discards reported for SPE 1 range from 6–26% of the commercial catch. This suggests a high quality of reporting because reported discards are counted against ACE (or deemed value payments made). However, some additional fishing related mortality of unwanted/unmarketable sea perch may be occurring. Likewise a small amount of other sources of fishing related mortality of sea perch might be attributed to recreational fishers. MPI considers it prudent to set an allowance for other sources of fishing related mortality; however, only at the nominal level of 2 tonnes for Option 1 or 3 tonnes for Option 2 (based on 5% of the TAC).

CONCLUSIONS

149 MPI considers that either option could be adopted without impacting on sustainability. There has been no apparent adverse change to the performance of the fishery as a result of current catches. The status quo TACC is constraining catches and in some years fishers are incurring substantial deemed value payments.

150 Management settings for SPE 1 have already been altered since sea perch was introduced into the Quota Management System (QMS) on 1 October 1998. In 2006 the TACC was increased from the initial level of 18 tonnes to 33 tonnes. In 2006 and in 2011, deemed value rates were increased. Despite these adjustments to management settings the reported annual commercial catch has continued to exceed the TACC.

151 MPI received four submissions on the IPP, including one from the commercial sector, one from the customary sector, and two from recreational groups. Stakeholder support for the options is mixed. Two submissions support an increase to the TACC (Option 2), and two submission support the status quo (Option 1) or a slightly modified version.

152 Option 1 is the cautious approach, reflecting the uncertainty in information about the SPE 1 stock status. This option proposes retaining the current TAC, TACC and allowances apart from setting a new allowance of two tonnes for fishing-related incidental mortality. Maintaining the SPE 1 catch within the TAC and existing allowances would require more

stringent constraints to be introduced. These include reviewing deemed value rates with a view to further increasing incentives to avoid sea perch commercial over catch.

153 Option 2 proposes changes to the TAC to accommodate what is currently taken as commercial bycatch. This approach reflects current catch levels and provides greatest overall economic, social and cultural benefits to commercial users.

RECOMMENDATIONS

MPI recommends that for the SPE 1 fishery you either:

Option 1

YES / NO

Agree to vary the TAC, TACC and allowances for SPE 1 as follows:

- i) **set** the TAC at 37 t,
- ii) **retain** an allowance for customary fishing of 1 tonne,
- iii) **retain** an allowance for recreational fishing of 1 tonne,
- iv) **set** an allowance for other sources of fishing related mortality of 2 tonnes,
- v) **retain** the TACC of 33 tonnes.

OR

Option 2

YES / NO

(MPI preferred)

Agree to vary the TAC, TACC and allowances for SPE 1 as follows:

- i) **set** the TAC at 58t,
- ii) **retain** an allowance for customary fishing of 1 tonne,
- iii) **retain** an allowance for recreational fishing of 1 tonne,
- iv) **set** an allowance for other sources of fishing related mortality of 3 tonnes,
- v) **increase** the TACC from 33 tonnes to 53 tonnes.

AGREED / AGREED AS AMENDED / NOT AGREED

James Stevenson-Wallace
Director Fisheries Management

Hon Nathan Guy
Minister for Primary Industries

/ / 2013