

# OFFICE OF HON **Jim Anderton**

Minister of Agriculture, Minister for Biosecurity, Minister of Fisheries, Minister of Forestry,  
Associate Minister of Health, Associate Minister for Tertiary Education, Minister responsible for Public Trust

Dear Stakeholder

This letter serves as a formal invitation, pursuant to Section 16(2) of the Fisheries Act 1996 (the Act), to participate in consultation over proposals for the introduction of emergency measures to manage the incidental catch of seabirds in surface longline fisheries. I am seeking your views by no later than 5pm this Wednesday 29<sup>th</sup> November.

I have directed the Ministry of Fisheries to develop these proposals following recent reports by a Ministry of Fisheries observer of a significant amount of seabird bycatch by a vessel targeting swordfish in the Kermadec Fisheries Management Area. Photographs taken by the observer show a number of these birds to be Antipodean Albatross.

Although I am aware that the level of bycatch of seabirds in this fishery has shown variation between trips, I am advised that the nature of the target fishing method and the absence of effective mitigation measures contributed to this bycatch. Surface longlines were set during the day and the lines were set at very shallow depths. The location of the swordfish fishery may also have contributed to the high incidence of seabird bycatch of this species.

Under Section 8 of the Fisheries Act 1996 I am required to avoid, remedy or mitigate the adverse effects of fishing on the aquatic environment. I have considered the range of options available to me under the Act including the measures available to me under sections 11, 15 and 16 of the Act relating to sustainability measures and the impact of fishing on protected species.

It is my initial view that the nature and extent of bycatch occurring in this fishery is significant enough to warrant the introduction of emergency measures under Section 16 of the Fisheries Act 1996, to ensure that I meet my obligations to avoid, remedy or mitigate the adverse effects of fishing on the aquatic environment, including seabirds.

I consider that the continuation of this target fishing method is likely to lead to the subsequent bycatch of significant numbers of albatross, with potentially significant consequences for their long term viability.

I am therefore proposing the following emergency measures under Section 16(7) of the Fisheries Act 1996:



*Area closure*

I propose to close the Kermadec FMA (FMA 10) to the method of surface longlining. Whilst I am aware that albatross species forage wider than this area of the ocean I consider that the recent concentration of Antipodean albatross in the Kermadec area provides me with sufficient reason to prevent all surface longline fishing in this area.

*Night setting*

I also propose to restrict surface longlining in the whole of the New Zealand EEZ to the hours of darkness.

I consider that the setting of hooks during the hours of darkness will significantly reduce the risk of seabird bycatch as albatross species typically forage during daylight hours.

I also note that vessels targeting tuna by the method of surface longlining will need to comply with these emergency measures. I would also like to use this opportunity to confirm the requirements which apply to all vessels taking tuna issued under regulation 58 of the Fisheries (Commercial Fishing) Regulations 1986 to properly deploy a tori line.

I emphasise that these are my initial views on the need for emergency measures and that I will consider all views and relevant information before making my final decisions on the proposals.

Due to the need to implement any emergency measures quickly, I am seeking your views by no later than 5pm this Wednesday 29<sup>th</sup> November. Following this consultation period, should I consider it necessary, I intend to introduce these measures with immediate effect through the publication of a special Gazette Notice.

Yours sincerely



Hon Jim Anderton  
Minister of Fisheries