



Office of Hon Phil Heatley

MP for Whangarei

Minister of Fisheries

Minister of Housing

H0570

Dear Stakeholder

This letter sets out the management measures I intend to implement in accordance with section 15(2) of the Fisheries Act 1996 (the Act). These measures apply to the southern squid trawl fishery (SQU6T) for the 2009-10 fishing year.

The purpose of these measures is to mitigate the effect that vessels operating in the SQU6T fishery have on the Auckland Islands sea lion population. These measures will be implemented through the SQU6T Operational Plan that is attached to this letter. The key features of the Operational Plan include:

- A limit on the number of sea lion deaths attributable to vessels operating in the SQU6T fishery – the fishing-related mortality limit (FRML);
- The strike rate and Sea Lion Exclusion Device (SLED) discount rate for vessels operating in the SQU6T fishery;
- Procedures to monitor the incidental capture of sea lions against the FRML;
- Reporting requirements for vessels operators in the SQU6T fishery; and
- A process to close the fishery if this limit is reached.

I have carefully considered the results of the Breen-Fu-Gilbert model (population model) and the uncertainty associated with the model. I was also mindful of the most recent sea lion population information and the available information on the efficacy of SLEDs.

I have also given careful consideration to my obligations under the Act, particularly my obligations to manage the fishing-related mortality of protected species (section 15), the environmental and information principles (sections 9 and 10) and the purpose of the Act (section 8). I also considered the important contribution that the squid fishery makes to the New Zealand economy by way of the export revenue the fishery generates.

In reaching my decision I have also taken into account the views of the Minister of Conservation, advice from the Ministry of Fisheries, and views provided by stakeholders.

Fishing-related mortality limit (FRML)

I have decided to set an FRML for the 2009-10 fishing year of 76 sea lions which is based on Rule 316. I note that this will allow for 2,069 tows in the SQU6T fishery for the 2009-10 season assuming all vessels qualify for the 35% SLED discount rate. Although this is less

than the 2,587 tows that were available last season, it is slightly higher than the 1,916 tows that were actually conducted in the 2008-09 fishing year.

In making my decision I considered carefully the results of the population model which has been revised this year to further address some areas of uncertainty. I recognise that although considerable information is available to inform this decision, there are still uncertainties around the sea lion population and interactions between squid trawlers and sea lions. Comprehensive information on the source and extent of this uncertainty, and the effect this uncertainty has on the rules that meet the management criteria, was provided to me in the advice paper from the Ministry of Fisheries and I carefully considered this when making my decision.

I was particularly mindful of the recent decline in the pup numbers from the Auckland Islands and while noting that this decline is accounted for in the population model, I considered that this was one factor that weighed against selecting an FRML from the upper end of the range available to me and that a reduction in the FRML was necessary. Until the sea lion pup numbers stabilise or increase I believe exercising caution when setting the FRML is warranted.

I consider setting the FRML at 76 sea lions is the measure that is necessary—in the context of section 15(2) of the Fisheries Act 1996—to avoid, remedy or mitigate the effect of fishing on the sea lion population. In my judgement, anything higher than this may have posed an unacceptable risk to the sea lion population.

Predetermined strike rate

I have decided to retain the current strike rate of 5.65% for the 2009-10 SQU6T season. This strike rate will be used to monitor sea lion mortalities against the FRML. This means that for every 100 tows undertaken by SQU6T vessels, 5.65 sea lions will be assumed killed and counted towards the FRML. There was no new information available to suggest that the strike rate should be altered for the coming season.

The use of a predetermined strike rate effectively imposes a maximum number of tows that can take place in the fishery before the FRML is reached and the fishery is considered for closure. Vessel operators are required to provide information on all tows undertaken to the Deepwater Group Ltd (DWG), as set out in the Operational Plan. Vessel operators must continue to provide accurate and timely information to the DWG to ensure effective monitoring of the FRML in the 2009-10 fishing season.

Sea lion exclusion device (SLED) discount rate

Vessels in the SQU6T fishery that deploy an approved SLED, and meet the monitoring and reporting requirements set out in the Operational Plan, are eligible for a discount on the strike rate. This discount rate recognises that if SLEDs are manufactured and deployed correctly, they mitigate the risk to sea lions from squid trawl vessels.

I have decided to retain the current discount rate of 35% as I am satisfied that SLEDs make a significant contribution to sea lion survivability. In making this decision I primarily considered the peer reviewed science from 2001, subsequent improvements to SLED design and industry performance against the Operational Plan. I am suitably persuaded that, irrespective of the continued uncertainty, SLEDs facilitate sea lion escapes from trawl gear

and contribute to their survivability. A discount rate of 35% will provide an effective strike rate of 3.67% for any qualifying tow. As in previous fishing years, vessel operators must strictly comply with the conditions set out in the Operational Plan to receive this discount.

I also note that new information is available in preliminary form, and further information will soon become available, that relates to the efficacy of SLEDs. This information includes information about the effects that freezing has on sea lions and a review of previous sea lion necropsies on the basis of this new information. I expect this information to be available next year and should help to reduce some of the uncertainty associated with sea lion survivability following interaction with SLEDs. I have directed officials to ensure that this science information is finalised and peer reviewed in time for the start of the SQU6T Operational Plan advice process in June 2010. On the basis of all of the available science and management information, I will undertake to review the SLED discount rate for the 2010-11 fishing year.

Vessel operator performance during the 2009-10 SQU6T season

I note that concerns have been raised in the past with regard to the accuracy of reporting of sea lion captures from non-observed vessels in the fleet. I am encouraged that this year two of the four reported captures were from vessels without a Ministry of Fisheries Observer onboard. I continue to expect that all vessel operators will ensure their vessel crew fully understand their reporting obligations. I remind all concerned that failing to report a capture is an offence under the Marine Mammals Protection Act 1978.

I am also pleased that compliance with the other reporting requirements of the Operational Plan has continued to be very high. I look forward to this level of performance continuing and even improving over the coming season.

Operational Plan

The details necessary for adopting these measures can be found in the 2009-10 SQU6T Operational Plan that accompanies this letter. Vessel operators should fully comply with all elements of the Operational Plan.

Copies of the Operational Plan and the Final Advice Paper provided to me by Ministry of Fisheries will also be available on the Ministry of Fisheries website at www.fish.govt.nz. For further information on the Operational Plan, please contact either Aoife Martin on (04) 819 4675 or Jeremy Helson (04) 819 4643 at the Ministry of Fisheries.

Kind regards



Hon Phil Heatley
Minister of Fisheries