

# 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

08 DEC 2006

Dear Stakeholder

I am writing to inform you of my decision relating to proposals for the introduction of emergency measures to manage the incidental catch of seabirds in surface longline fisheries and to seek your views on the introduction of measures under Section 11 of the Fisheries Act 1996 (The Act).

On 27<sup>th</sup> November I wrote to you to seek your views on measures to mitigate against seabird bycatch in the swordfish fishery, following reports by a Ministry of Fisheries observer of a significant amount of seabird bycatch by a vessel targeting swordfish and tuna in the Kermadec Fisheries Management Area.

Of importance, photographs taken by the observer showed that the majority of these birds were likely to be Antipodean Albatross (*Diomedea antipodensis*) – a species listed by the IUCN as Vulnerable. The Auckland Islands and Antipodes Islands populations contain over 99% of the global population of this species.

I was particularly concerned that the problem appeared to be caused by the nature of the fishing method. Surface longlines were set during the day and the lines were set at very shallow depths. The absence of effective mitigation measures and the location of the fishery is likely to have contributed to this bycatch.

I considered that the continuation of this fishing method was likely to lead to the subsequent bycatch of significant numbers of albatross, with potentially significant consequences for their long term viability. It was my initial view that the nature and extent of bycatch occurring in this fishery was significant enough to warrant the introduction of emergency measures under Section 16 of the Act.

The emergency measures provisions in the Act are very specific in application and do not allow me to act unless I am satisfied that one or more of the criteria set out in the Act are met. Following feedback from stakeholders, and following further detailed analysis by officials from the Ministry of Fisheries, I do not now consider that the information before me is sufficient to warrant the use of emergency measures at this stage.

However, I have already heard reports from a Ministry of Fisheries observer that several more Antipodean albatross have been killed by another vessel setting surface longlines during daylight hours. Should the unacceptable level of bycatch continue in this fishery, I may be forced to reconsider my decision on using emergency measures.



Regardless, this further incident and the fact that several other vessels are likely to use the same methods in the near future has convinced me that this is not an isolated event concerning one vessel but likely to be an ongoing problem that needs addressing.

Therefore, as an alternative to the use of emergency measures I am proposing to require the setting of surface longlines at night by way of Gazette Notice under Section 11 of the Act.

From consultation to date I appreciate that this option is not without detrimental effect on some fisheries, particularly the swordfish fishery and some tuna fishermen. However, on the information I have before me, it is my initial view that this is the best possible interim measure that can be adopted to reduce albatross bycatch.

I have already consulted and received submissions on the impacts such a measure would have but appreciate that further detail may have been received had a longer time been provided. Therefore I am consulting for an additional two weeks on this option.

I also propose to clarify in the same Gazette that streamer lines of approved specifications must be used when surface longlining regardless of whether tuna or swordfish is the prime target. I attach a copy of the current specifications for your information and propose to replicate these requirements in the Gazette Notice to remove any uncertainties about whether vessels targeting swordfish are required to use an approved streamer line.

Finally, I am proposing to require fishers intending to target fish for tuna or swordfish using shallow set longlines to notify the MFish observer programme of their intention and also provide at least five days notice of departure on a fishing trip.

To summarise, I am proposing to introduce by way of a section 11 Gazette notice the following measures:

*Commercial fishers shall set surface longlines in New Zealand's Exclusive Economic Zone only at night (0.5 hours after nautical dusk to 0.5 hours before nautical dawn<sup>1</sup>);*

*Commercial fishers using the method of surface longlining in New Zealand's Exclusive Economic Zone must deploy a streamer line at all times whilst setting;*

*Commercial fishers intending to use the method of surface longlining in New Zealand's Exclusive Economic Zone must provide at least five days notice of departure on a fishing trip to the Ministry of Fisheries.*

I am proposing these steps as interim measures to best mitigate against further high levels of bycatch in the short term. I appreciate that the issue is complex and that it is very difficult in practice to differentiate between fishers targeting swordfish and fishers targeting tuna species. Further work is needed to more effectively target

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<sup>1</sup> Nautical dusk" means the time in the evening when the sun is 12 degrees below the horizon  
"Nautical dawn" means the time in the morning when the sun is 12 degrees below the horizon

measures at those causing the problem and these issues will take time to resolve satisfactorily.

I therefore welcome Industry's offer to work with the Ministry on the development of more comprehensive measures early in the New Year so that we can find a satisfactory longer term solution to the problem. The focus of this work should also include consideration of appropriate line weighting for use in the swordfish fishery.

I also welcome commitments by Industry to introduce voluntary measures to mitigate against further bycatch incidents in the immediate future.

I want to make a decision on proposals to Gazette measures in time to ensure that any interim measures are in place as early in the New Year as possible, should I decide to proceed with them following consultation.

Please therefore send further submissions to Arthur Hore:

Address: P.O. Box 19747, 608 Rosebank Road, Avondale, Auckland  
E-mail: [horea@fish.govt.nz](mailto:horea@fish.govt.nz)  
Phone: 09 820 7686  
Fax: 09 820 1980

Submissions need to be received by Thursday 21 December and can be oral or in writing.

I appreciate that I am asking you to treat this situation as a matter of some urgency. However, from submissions to date I know the majority of you share my concerns about what is happening in the surface longline fishery and my initial view is that some quick action is required to ensure all vessels are fishing in a responsible manner.

Yours sincerely



Hon Jim Anderton  
Minister of Fisheries