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28 JUL 2008

Dear Stakeholder

Seabird Mitigation Measures

Over the last two years I have implemented a range of measures to reduce fishing-related mortality of seabirds. In particular, in response to clearly identified risks, I put in place measures requiring 'back-of-boat' mitigation (e.g. tori lines) in both deepwater trawl fisheries and surface longline fisheries. I believe these measures, and improved industry practices, have resulted in reduced mortality of large seabirds.

These measures are a good first step; however, I believe further work is required to ensure there is effective seabird mitigation across New Zealand's fisheries. Therefore earlier this year I began consultation on a seabird standard, which I believe will provide another important mechanism for managing seabird bycatch. I also implemented new measures by Gazette Notice for the bottom longline fishery and for the inshore and deepwater trawl fisheries.

The Gazette Notices for trawl vessels required offal and fish to be retained for specified periods of time, which had the potential to affect the stability and safety of some vessels. In recognition of this issue, the Gazette Notices provided an exemption to the offal management requirements to those vessels where it could be shown that safety would be compromised.

I delayed the implementation of the trawl Gazette Notices specifically to allow time to work through the stability and safety issues. As anticipated, fishers in both the deepwater and inshore fisheries have raised a number of significant safety and practicality concerns. I am advised that there is insufficient time to work through these concerns and to provide industry with sufficient notice of how the exemption process would operate prior to 1 September 2008. I have therefore decided to revoke the following Gazette Notices that were to come into force on 1 September 2008:

- Fisheries (Seabird Sustainability Measures–Trawl vessels 28m+) Notice 2008 (No. F432)
- Fisheries (Seabird Sustainability Measures–Trawl vessels Less Than 28m) Notice (No. 2) 2008 (No. F447)



The measures specified for bottom longline fisheries, where the greatest previously unmanaged risk has been identified, will remain in place. In addition, the new regulations that will enable the Chief Executive to specify measures via Circular will continue to be implemented.

I firmly believe that the best solutions to mitigating seabird mortality will be found through engaging all sectors in the problem-solving process. I am pleased the Ministry is working with stakeholders to investigate workable measures for deepwater trawl fisheries and will soon engage with inshore stakeholders. I commend this initiative and urge stakeholders to work collaboratively to reach solutions as quickly as possible.

In relation to the inshore and deepwater trawl fisheries I want to make the following points as groups begin their work.

Vessels over 28 metres

There are already regulatory minimum seabird mitigation measures in place in the deepwater fisheries and good work has been done in these fisheries to reduce seabird interactions through Vessel Management Plans. It appears that vessels following their Vessel Management Plans have reduced their bycatch of larger seabirds, including albatrosses. I congratulate the industry on this initiative. Vessel Management Plans appear to provide a good foundation for developing further measures.

I am open minded about how further measures could be implemented. I expect Vessel Management Plans will contain effective mitigation measures (particularly around offal management), will cover all vessels in the fleet, and have appropriate auditing and monitoring. Finally, effective measures must also be available to deal with vessels that are not following their Vessel Management Plan.

I have directed the Ministry of Fisheries (MFish) to work with industry and environmental groups to ensure the above issues are addressed by 1 October 2008. In the future I expect this group to develop a process to assess the efficacy of individual Vessel Management Plans.

Vessels less than 28 metres

There are currently no regulatory seabird mitigation measures in place in inshore trawl fisheries. While the nature of the risk posed by these fisheries to protected seabird species is uncertain, there is good information to indicate these fisheries overlap with the range of many protected species. I understand MFish will begin discussions with industry and environmental groups on possible mitigation measures shortly.

I understand industry's preference for vessel-specific measures, and agree that in the longer term they will likely provide a more effective mechanism for achieving reduced seabird mortalities. However, I am concerned about risk to seabirds while vessel-specific measures are developed. Measures are now in place for all other fisheries that pose a risk to seabirds. Despite concerns over the uncertainty in risk, and problems with implementing generic regulations, I believe it is necessary to consider regulatory minimum measures for these vessels now.

There are obvious issues around offal management that may take some time to work through. However, I would like industry, environmental groups and MFish to urgently look at the practicality of implementing 'back-of-boat' measures for the inshore trawl fleet. These measures could be similar to the suite of options allowed for deepwater vessels thereby providing some flexibility in measures depending on vessel characteristics. I would also like the group to define a process to allow a longer term strategy to be developed for mitigating seabird interactions in inshore trawl fisheries. I expect a report on this strategy to be submitted by the end of 2008. The Chief Executive will be able to implement any long term strategy for inshore trawl fisheries by Circular, if required.

I appreciate the commitment given by industry and environmental groups to work on effective solutions to some of the more difficult problems around seabird mitigation. I look forward to seeing the results of the collaborative discussions with officials, industry and environmental organisations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jim Anderton', with a stylized flourish at the end.

Jim Anderton
Minister of Fisheries