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Inshore Fisheries Management  
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## SNAPPER 1 SUBMISSION

1. The Environmental Defence Society (“EDS”) is a not-for-profit national environmental organisation. EDS was established in 1971 with the objective of bringing together the disciplines of law, science and planning in order to promote better environmental outcomes in resource management matters.
2. EDS welcomes the opportunity to comment on the Snapper 1 sustainability and other management controls.

### The Legal Framework

3. The purpose of the Fisheries Act 1996 is to *provide for the utilisation of fisheries resources while ensuring sustainability*.<sup>1</sup> ‘Ensuring sustainability’ is defined to mean *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’ is defined to mean *conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural wellbeing*.
4. All Fisheries Act decision-makers must take into account three environmental principles:<sup>2</sup>
  - a) Associated or dependant species should be maintained above a level that ensure their long-term viability;
  - b) Biological diversity of the aquatic environment should be maintained;
  - c) Habitat of particular significance for fisheries management should be protected.“Associated or dependant species” means any non-harvested species taken or otherwise affected by the taking of any harvested species.
5. All Fisheries Act decision makers must also take into account four information principles:<sup>3</sup>
  - a) Decisions should be based on the best available information;
  - b) Decision makers should consider any uncertainty in the information available in any case;

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<sup>1</sup> Section 8 Fisheries Act

<sup>2</sup> Section 9 Fisheries Act

<sup>3</sup> Section 10 Fisheries Act

- c) Decision makers should be cautious when information is uncertain, unreliable, or inadequate;
  - d) 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.
6. The Fisheries Act requires the Minister to set a total allowable catch that:<sup>4</sup>
- a) Enables the level of any stock whose current level is below that which can produce the maximum sustainable yield to be altered:
    - i. In a way and at a rate that will result in the stock being restored to or above a level that can produce the maximum sustainable yield, having regard to the interdependence of stocks; and
    - ii. Within a period appropriate to the stock, having regard to the biological characteristics of the stock and any environmental conditions affecting the stock.
7. The following sections of the Hauraki Gulf Marine Park Act 2000 (HGMPA) must also be had regard to before a sustainability measure is set or varied:<sup>5</sup>

*Section 7 Recognition of national significance of Hauraki Gulf*

*(1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.*

*(2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—*

*(a) to provide for—*

*(i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and*

*(ii) the social, economic, recreational, and cultural well-being of people and communities:*

*(b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:*

*(c) to maintain the soil, air, water, and ecosystems of the Gulf.*

*Section 8 Management of Hauraki Gulf*

*To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—*

*(a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:*

*(b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:*

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<sup>4</sup> Section 13(2)(b) Fisheries Act

<sup>5</sup> Section 11(2)(c) Fisheries Act

(c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:

(d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:

(e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:

(f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

“Particular regard” must be had to the above provisions when other decisions are made under the Fisheries Act in relation to the Hauraki Gulf.<sup>6</sup>

8. These provisions address a range of matters, including ecological, social, cultural and economic issues. However, section 8 must be interpreted and applied within the context of section 7 which emphasises the importance of sustaining the life-supporting capacity of the Hauraki Gulf.
9. The High Court has previously found<sup>7</sup> that, in considering a decision of the Minister of Fisheries to allocate the total allowable catch of kahawai under the Fisheries Act 1996, the HGMPA placed an obligation on the Minister to “pay particular regard to the social, economic, recreational and cultural well-being of the people of the Hauraki Gulf” and in particular to “maintain and enhance its physical resources in the form of kahawai stock”. The High Court found that the Minister had erred in not paying sufficient regard to this issue and was directed to review his decision.<sup>8</sup>

### Concerns with information

10. EDS has two key concerns with the information presented in the *Review of sustainability and other management controls for snapper 1* (“the Discussion Document”).

#### *The reliance on data from 1994-2004*

11. The Discussion Document places greater weight on the average recruitment in the period 1994-2004 than the full series of recruitment observations covering over 30 years from 1970 to 2004, despite acknowledging that recruitment during 1994-2004 was significantly higher than the long-term average.
12. The Discussion Document refers to the data from the period 1994-2004 as “levels of recent average recruitment”. However, this data is now almost 10 years old and EDS considers that this cannot be considered “recent” – particularly in the context of a document considering short-term management options. Due to the time that has passed since 2004 there is a significant

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<sup>6</sup> Section 13 HGMPA

<sup>7</sup> *NZ Recreational Fishing Council v Minister of Fisheries* (NZCA 163/07, 11 June 2008)

<sup>8</sup> Although part of the High Court’s decision was overturned on appeal to the Court of Appeal the Minister was still found to have erred because he did not pay particular regard to the provisions of HGMPA when setting the total allowable commercial catch.

risk that this data does not reflect current recruitment levels - particularly given the long term average.

13. The Discussion Document states that MPI has a preference for the use of short term projections in developing options for this review as it considers the value of the fishery warrants regular review of management settings to provide greatest utilisation benefits to all sectors. However, EDS considers that where the most recent data is almost ten years out of date the time lag is too great to consider this information sufficient to enable “active management” (in the sense of increasing and decreasing utilisation in line with fluctuations in recruitment).
14. The Fisheries Act requires decisions to be based on the best available information.<sup>9</sup> It is submitted that where up to date information is not available the best available information is the long term trend.
15. The significant risk of placing greater weight on the data from 1994-2004 is demonstrated by the effect on the projections. Utilising the 1994-2004 recruitment average the stock will rebuild slowly under the projections. However, using long term average recruitment levels the projections indicate that the stock will decline. The Fisheries Act requires decision makers to be cautious when information is uncertain, unreliable, or inadequate.<sup>10</sup> EDS submits that based upon the above this requires the utilisation of the long term average recruitment levels.

*The combination of data from the Hauraki Gulf and the Bay of Plenty*

16. The 2013 Stock Assessment states that there are three biological stocks in SNA1: East Northland, Hauraki Gulf and Bay of Plenty. It states that limited mixing occurs between the three areas with the greatest exchange being between the Hauraki Gulf and Bay of Plenty. It is not clear whether the “greatest exchange” of a “limited exchange” is substantial. It is clear that there are significant uncertainties about the movement of fish between the two areas.
17. Despite this the Discussion Document states that “owing to the uncertainty in the relationship between the Hauraki Gulf and Bay of Plenty biological populations, the results for these areas are combined and reported as a single stock”<sup>11</sup> and only sets out data relating to the Hauraki Gulf and Bay of Plenty in combination.
18. EDS considers that this approach is inconsistent with the requirement that decisions be based on the best available information and decision makers should be cautious when information is uncertain, unreliable, or inadequate.<sup>12</sup> There is no evidence presented in the 2013 Stock Assessment that the exchange is significant enough to consider the areas in combination and there are significant uncertainties about the extent of movement. On this basis, EDS suggests that both the assessment of the areas individually and the assessment of the areas combined should be considered before a decision is made.
19. Furthermore, as the Hauraki Gulf has a higher biomass and is less depleted (17-29%  $B_0$ ) the combination of the two areas in the Discussion Document obscures the fact that the Bay of Plenty sub-stock is estimated to be severely depleted and below the hard limit (3-10%  $B_0$ ). The 2013 Stock Assessment identifies that the Bay of Plenty sub-stock as having a 100% likelihood of being below the soft limit and a 99% likelihood of being below the hard limit, but this is not reflected in the Discussion Document. The Harvest Strategy Statement states that where a hard limit is breached closure should be considered for target fisheries and curtailment or closure should be considered for fisheries that incidentally catch the species concerned. On

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<sup>9</sup> Section 10 Fisheries Act

<sup>10</sup> Section 10 Fisheries Act

<sup>11</sup> Discussion Document, [85]

<sup>12</sup> Section 10 Fisheries Act

this basis EDS submits that the Discussion Document does not present the best available information.<sup>13</sup>

20. EDS submits that the status of the Bay of Plenty sub-stock and the uncertainty surrounding the exchange between the Hauraki Gulf and the Bay of Plenty requires further consideration. The 'worst case' outcome is that the Bay of Plenty sub-stock is at only 3%  $B_0$  (at collapse) and there is little exchange between the Bay of Plenty and Hauraki Gulf. There is a clear need for a cautious approach to be taken to ensure the sustainability of this sub-stock. EDS submits that MPI must seriously consider whether the Bay of Plenty sub-stock should be closed to allow recovery.

### Concerns with assessment of effects on the aquatic environment

21. The purpose of the Fisheries Act is *to provide for the utilisation of fisheries resources while ensuring sustainability* this includes *avoiding, remedying, or mitigation any adverse effects of fishing on the aquatic environment*.<sup>14</sup> The Fisheries Act also requires decision makers to take into account the principles that *associated or dependant species should be maintained above a level that ensure their long-term viability and the biological diversity of the aquatic environment should be maintained*.<sup>15</sup>
22. The HGMPA states that the life-supporting capacity of the Hauraki Gulf is a matter of national importance and the objectives of the management of the Hauraki Gulf include the protection and, where appropriate, the enhancement of the life-supporting capacity and the natural resources of the Hauraki Gulf.<sup>16</sup>
23. *Fisheries 2030* the Ministry of Fisheries (now MPI) policy statement sets out a long term goal for the New Zealand fisheries sector: *New Zealanders maximising benefits from the use of fisheries within environmental limits*. This included the following outcome statement:  
*Environment – The capacity and integrity of the aquatic environment, habitats and species are sustained at levels that provide for current and future use, including:*
  - *Biodiversity and the function of ecological systems, including trophic linkages are conserved*
  - *Habitats of special significance to fisheries are protected*
  - *Adverse effects on protected species are reduced or avoided*
  - *Impacts, including cumulative impacts, of activities on land, air or water on aquatic ecosystems are addressed.*
24. There is a clear need for the Discussion Document to carefully consider the effects of the proposed management controls on the life-supporting capacity of the aquatic environment.
25. The Discussion Document states that snapper are one of the most abundant demersal generalist predators found in the inshore waters of Northern New Zealand and are therefore *likely to be an important part of the coastal marine ecosystem* with localised depletion of snapper having *unknown consequences for ecosystem functioning*.<sup>17</sup> In addition, snapper occupy nearly every coastal marine habitat less than 200m deep. As a result there is a large variety of trophic interactions involving snapper. There is evidence to suggest snapper influence the environment they occupy. For example, on rocky reefs within marine reserves the recovery of predators (including snapper) has led to the recovery of algal beds through

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<sup>13</sup> Section 10 Fisheries Act

<sup>14</sup> Section 8 Fisheries Act

<sup>15</sup> Section 9 Fisheries Act

<sup>16</sup> Sections 7 and 8 HGMPA

<sup>17</sup> Discussion Document [30]

predation exerted on herbivorous urchins. In the north-east North Island there has been wide scale habitat changes in coastal reefs due to the removal of large snapper including the disappearance of kelp forest in many areas. This has a significant impact on the function of ecological systems as kelp forests are many times more productive than urchin barrens.

26. The 2013 Stock Assessment discusses the impact of commercial fishing techniques on other marine species. The impact varies depending on fishing method, but it is clear that commercial fishing techniques have significant impacts on seabirds. Snapper bottom longline fisheries have a substantial seabird bycatch, which was estimated to be around 400-600 birds per year between 2003-04 and 2006-07.<sup>1819</sup>
27. The 2013 Stock Assessment states that trawling for snapper is likely to have effects on benthic community structure and function and may impact benthic productivity. Inshore trawling for snapper is well known to destroy seabed structure and diversity, which is important for juvenile fishes such as snapper as well as for a wide range of other marine species.
28. It is clear that the fishing of snapper can have a wide variety of effects on the aquatic ecosystem: from alterations in trophic interactions, to seabird bycatch, to the impacts of trawling on benthic communities.
29. However, the Discussion Document provides only a very brief outline of potential effects and fails to assess the effects of the management controls being considered on the aquatic environment. On this basis, EDS submits that it fails to provide the best available information in relation to the effects on the aquatic environment. EDS considers that this information is an insufficient basis on which to consider whether the management controls being considered are consistent with the purpose and principles of the Fisheries Act, sections 7 and 8 of the HGMPA, and *Fisheries 2030*.

### Setting the target

30. EDS supports setting an interim target level of 40%  $B_0$  based on the Harvest Strategy Standard.
31. The Discussion Document states that the amount of snapper available for harvest could be roughly 12,000 tonnes (160% of the current total allowable catch) if the fishery was rebuilt to 40%  $B_0$ . It is clearly in the interests of all sectors for the fishery to be rebuilt to this level.

### Getting to the target

32. The Harvest Strategy Standard is a Ministry for Primary Industries (MPI) policy statement setting out best practice in relation to the setting of fishery and stock targets and limits for fishstocks in the Quota Management System. While it is not binding, the Harvest Strategy Standard was put in place to help ensure the sustainable use of New Zealand's fisheries resources and to provide greater consistency and transparency in the management of New Zealand's fisheries. If the Standard is not applied these outcomes will be compromised. EDS considers that the policy should be followed except in exceptional circumstances. There are no such exceptional circumstances set out in the Discussion Document.
33. The Harvest Strategy Standard recommends a rebuild timeframe of between one and two times the minimum number of years required to rebuild a stock to the target in the absence of fishing ( $T_{MIN} - 2 \times T_{MIN}$ ). In the absence of fishing the biomass would take approximately eight years for

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<sup>18</sup> This has declined from around 3436 in 2000-01.

<sup>19</sup> 2013 Stock Assessment [4.3.2]

Northland and twelve years for Hauraki Gulf-Bay of Plenty<sup>20</sup> to reach 40%  $B_0$ . Therefore  $2xT_{\min}$  is 16 years for Northland and 24 years for Hauraki Gulf-Bay of Plenty.

34. The Discussion Document states that rebuilding to 40%  $B_0$  within  $2xT_{\min}$  would require “significant reductions” to the current total allowable catch and come “at the expense of short and medium term utilisation opportunities”. The Discussion Document appears to be proposing that ‘short term gain, long term pain’ is to be preferred to ‘short term pain, long term gain’ as the options that have been proposed in the Discussion Document will not achieve the interim target within  $2xT_{\min}$ . In fact, using the long term recruitment average all of the proposed options will result in a decline in snapper stocks.
35. EDS submits that this is inconsistent with the purpose of the Fisheries Act: *to provide for the utilisation of fisheries resources while ensuring sustainability* as it fails to meet *reasonably foreseeable needs of future generations* as well as failing to *enhance[e] and develo[p] fisheries resources to enable people to provide for their social, economic, and cultural wellbeing*.<sup>21</sup>
36. It is also inconsistent with section 13(2)(b) of the Fisheries Act which states that the total allowable catch must enable *the level of any stock whose current level is below that which can produce the maximum sustainable yield to be altered in a way and at a rate that will result in the stock being restored to or above a level that can produce the maximum sustainable yield ... and within a period appropriate to the stock*. A total allowable catch that would result in a decline in snapper stocks will not enable the stock to be restored to a level that can produce the maximum sustainable yield. Crucially in *New Zealand Fishing Industry Association (Inc) v Minister of Fisheries (CA82/97, CA83/97, CA96/97, 22 July 1997)* the Court of Appeal stated that the Fisheries Act imposed on the Minister “a clear obligation to move the stock towards MSY and when deciding upon the timeframe and the ways to achieve that statutory objective the Minister must consider all relevant social, cultural and economic factors”. EDS submits that all three proposals set out in the Discussion Document fail to comply with the “clear obligation” set out in the Fisheries Act to restore the stock to a level that can produce the maximum sustainable yield.
37. As set out in [31] above, rebuilding SNA1 to the target biomass would result in significant benefits for all interests. The rebuild of SNA1 is particularly important in the face of growing populations – both in the Northland/Auckland/Bay of Plenty regions and globally - which will place increasing demands on this resource. If action is taken now to rebuild the stock it will be able to meet a higher proportion of those demands reducing resource conflict in the future.
38. The failure to put in place a rebuild plan is also inconsistent with the Harvest Strategy Statement. The Discussion Document states that combining all the sub-stock estimates suggests that the overall stock status for SNA1 is 20%  $B_0$  or at the ‘soft limit’ below which the requirement for a formal, time-constrained rebuilding plan is triggered. Despite this MPI has not proposed a formal rebuilding plan, considering that this would be “presumptuous” prior to future discussions with stakeholders.<sup>22</sup> However, EDS suggests that in this situation it is *sensible* to follow MPI’s policy statement and doing so would ensure that future discussions are not undermined by allowing further decline in the stock to occur in the interim.
39. EDS understands that a process will begin shortly to develop a final target and management approach. However, in the interim, MPI should put in place management controls to commence the rebuild of the stock toward the interim target as set out in the Harvest Strategy Standard. EDS submits that none of the three management options set out in the Discussion Document

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<sup>20</sup> Individual figures for the Hauraki Gulf and for Bay of Plenty are not provided. Given the %  $B_0$  in those areas it is likely that the time period would be shorter than 12 years in the Hauraki Gulf and longer than 12 years in the Bay of Plenty.

<sup>21</sup> Section 8 Fisheries Act

<sup>22</sup> Discussion Document [157]

achieve this outcome and MPI should put together a further set of proposals that would result in the rebuild of the stock to 40%  $B_0$  based on long term recruitment levels within  $2xT_{MIN}$ .

### Allocation

40. EDS has three key concerns when it comes to allocating the TAC:
- (a) The social, cultural and economic value of different uses
  - (b) The efficiency of different uses
  - (c) The environmental effects of different uses.

#### *The social, cultural and economic value of different uses*

41. The Discussion Document states that the asset quota value for SNA1 was estimated as \$186 million in 2009<sup>23</sup> and the average quota value for SNA1 for the 2011/12 fishing year was \$47049 per tonne.<sup>24</sup> For recreational fishing the total value per recreational snapper trip was estimated at \$136 and the marginal value per kilogram of kept fish was estimated at \$3.50-7.50.<sup>25</sup> These figures are not directly comparable and the Discussion Document simply concludes that the value of commercial and recreational fishing is roughly equal.
42. Auckland Council and the Hauraki Gulf Forum have undertaken an economic analysis of activities in the Hauraki Gulf. This found that commercial fishing added \$41 million of value in 2010 whereas the value of recreational fishing was assessed as \$81 million in 2010. If the snapper value alone is considered, the commercial gross value of the catch is equivalent to 60 per cent of the snapper recreational fishing value.<sup>26</sup> Therefore there is evidence that recreational fishing provides greater value than commercial fishing in the Hauraki Gulf.
43. EDS suggests that consideration should be given to more fundamental adjustments to the TAC allocation, particularly in the inshore areas. MPI should consider the option of buying out the commercial quota in some areas to allow the rebuild to be achieved and to recognise the higher value of the stock for recreational users.

#### *The efficiency of different uses*

44. There is conflicting evidence in the Discussion Document about the incidental mortality rates for commercial and recreational fishing. It states that in the year 2000 incidental mortality rates from long-line fishing were less than 3% and incidental mortality rates for trawl, seine and recreational fisheries were 7-11%.<sup>27</sup> However, it also refers to a 2006/07 study which found that incidental mortality for recreationally caught snapper was 2.7-8.2%.<sup>28</sup> It is unclear whether these figures take into account the wastage that results from dead undersized fish being dumped.
45. EDS considers that the efficiency of uses should be considered when determining how the total allowable catch is to be allocated.

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<sup>23</sup> Discussion Document, [45]

<sup>24</sup> Discussion Document, [46]

<sup>25</sup> Discussion Document, [73]. The study was carried out in 1998 however the values are given in 2010 dollar values.

<sup>26</sup> [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10840993](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10840993)  
<http://www.aucklandcouncil.govt.nz/EN/AboutCouncil/representativesbodies/haurakigulf/forum/Documents/tr2012035towardsaneconomicvaluationoftheaurakigulf.pdf> (pg 88)

<sup>27</sup> Discussion Document, [79].

<sup>28</sup> Discussion Document, [80].

### *The environmental effects of different methods*

46. The commercial fishing techniques used in SNA1 are predominately longline, Danish seine and trawling. Most recreational catch for SNA1 is taken by boat-based fishers using hook and line methods.<sup>29</sup>
47. The environmental effects of these methods vary considerably. However, the Discussion Document contains no discussion of this matter despite the fact that the purpose of the Fisheries Act is *to provide for the utilisation of fisheries resources while ensuring sustainability* which includes *avoiding, remedying, or mitigation any adverse effects of fishing on the aquatic environment* and decision makers must take into account the principle that *the biological diversity of the aquatic environment should be maintained*.<sup>30</sup>
48. In general, recreational fishing techniques have considerably less environmental impact than commercial fishing techniques. In particular, bottom long-line trawling has a significant effect on seabirds and trawling has a significant impact on the benthic environment.
49. EDS considers that the effects of fishing methods on the aquatic environment should be considered when determining how the total allowable catch is to be allocated.

### **Proposals inconsistent with the Hauraki Gulf Marine Park Act**

50. The Discussion Document states that “MPI considers that all of the proposed TAC options ... are consistent with sections 7 and 8 of the HGMPA”.<sup>31</sup> There is no analysis setting out how this conclusion has been reached.
51. EDS submits that none of the proposed total allowable catch options are consistent with sections 7 and 8 of the HGMPA. As stated above, all the options will result in a decline in stocks, assuming the long term recruitment average. A decline in stocks fails to provide for the life-supporting capacity of the Hauraki Gulf in that it fails to maintain the ecosystems of the Hauraki Gulf and fails to provide for the social, economic, recreation, and cultural well-being of the people and communities of the Hauraki Gulf. In addition, none of the options will achieve the biomass target within the timeframe set out in the Harvest Strategy Standard. Rebuilding the stock to the target biomass will have considerable benefits for the social, economic, recreation, and cultural well-being of the people and communities of the Hauraki Gulf as well as the ecosystems of the Hauraki Gulf.

### **Next steps**

52. EDS considers that the best outcomes for the long term will result from community based processes, such as the Hauraki Gulf Marine Spatial Planning exercise, which exercise will allow a suite of management options (beyond those available under the Fisheries Act) to be considered. However, in the interim, it is essential that robust management controls are put in place that will continue the rebuild of SNA1.

### **Conclusion**

53. In conclusion:
  - (a) The full series of recruitment observations should be preferred to the average recruitment in the period 1994-2004.

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<sup>29</sup> Discussion Document, [53]

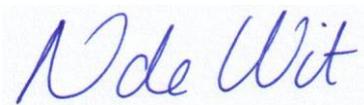
<sup>30</sup> Sections 8 and 9

<sup>31</sup> [132]

- (b) The data should not be combined for Hauraki Gulf and Bay of Plenty and MPI must seriously consider whether the Bay of Plenty sub-stock should be closed to allow for recovery.
- (c) An analysis of the effects of the proposed management controls on the aquatic environment needs to be carried out.
- (d) An interim target level of 40%  $B_0$  is supported.
- (e) The Harvest Strategy Standard should be applied.
- (f) The three options proposed will all result in a decline in the stock inconsistent with the requirement to restore stocks to a level that will produce the maximum sustainable yield.
- (g) Rebuilding the stock to the target level will have significant benefits for all interested parties.
- (h) In considering the allocation of the total allowable catch:
  - (i) The social, cultural and economic value of different uses should be considered. Where the recreational value is higher than the commercial value MPI should consider the option of buying out the commercial quota.
  - (ii) The efficiency of different uses should be taken into account.
  - (iii) The environmental effects of different fishing techniques should be taken into account. In general, recreational fishing techniques have considerably less environmental impact than commercial fishing techniques.
- (i) The three options proposed will all result in a decline in the stock inconsistent with sections 7 and 8 of the HGMPA.

54. As the options set out in the Discussion Document do not meet the requirements of the Fisheries Act or the HGMPA it is likely that any decision made by the Minister will be successfully challenged through litigation. EDS submits that MPI needs to develop a further set of options for the Minister to consider which are legal and robust. These options should put in place an interim position that will ensure the stock continues to rebuild in accordance with the Harvest Strategy Standard while long term management options are developed through a consensus-building marine spatial planning process.<sup>32</sup>
55. EDS is grateful for the opportunity to comment on the Snapper 1 sustainability and other management controls.

Kind regards,



Nicola de Wit  
Legal Advisor  
Environmental Defence Society

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<sup>32</sup> The Hauraki Gulf Marine Spatial Planning process will be launched on 9 September 2013.