

Number	Sector	Comments on longfin eel options	Comments on shortfin eel options
			increases in overall abundance, it makes more sense to take a precautionary approach with the intent to increase abundance, which then provides an opportunity to study the ecosystem dynamics based on fishing pressure that is low enough for population dynamics to evolve beyond what the science can tell us.
16	General public	No fishing of longfin Eels	No fishing of shortfin eels
17	General public	Moratorium on commercial eel fishing. Total allowable commercial catch of zero.	Moratorium on commercial eel fishing. TACC (total allowable commercial catch) of zero.
18	General public	It's a complete travesty that there is no option 3 giving our native longfin tuna the protection it deserves including halting all commercial fishing of this endangered endemic species. Longfin are a taonga and should have same protected status as other endangered natives like kiwi.	
19	General public		QMA 20,21,22 commercial catch should be reduced by at least 15%
20	General public		I think there should be a reduction in line with long-fin eel catch.

Number	Sector	Comments on longfin eel options	Comments on shortfin eel options
21	Prefer not to specify	<p>I support that commercial fishing of longfin eel be suspended until CLEAR AND ROBUST evidence shows that they have recovered to a sustainable level. Adopt the precautionary principle! DOC has classified longfin eel as 'chronically threatened and in decline'. Most freshwater fish in NZ are threatened or extinct. Do we want the same to happen to the longfin eel? The science behind current levels and catch rates is uncertain and caution should be the watchword, particularly considering the recent report by the PCE recommends that commercial fishing be suspended. Do we have any idea of the size of the 'cultural/recreational' catch? I doubt it. This could also be having a huge impact on eel numbers. The commercial catch is just one factor.</p>	<p>Reduction in catch. The science is weak and the precautionary principle should be applied. How accurate is the above data for cultural and recreational catch?</p>
22	Prefer not to specify		Reduction
23	Prefer not to specify	<p>For <i>Anguilla australis</i> (Short finned eels), I support the status quo. However, for the <i>Anguilla dieffenbachia</i> (Long finned eel) there should be no commercial catch. This is an organism that is listed in the 2017 Department of Conservation's "New Zealand's Threatened Species Strategy," as a "Priority Threatened and at risk species." It is classified as "at risk – declining." As it is a species that needs to live between two ecosystems, both freshwater and marine, it is vulnerable to the pressures of land use changes in the freshwater part of its</p>	

Number	Sector	Comments on longfin eel options	Comments on shortfin eel options
		lifecycle and marine overfishing and pollution in the marine part of its lifecycle. There is no place for a commercial fishery for this organism.	
24	Prefer not to specify		Eel are needed in the ecosystem. Reduction of Total catch is necessary in my opinion.
25	Recreational fishing		Reduction of the TAC as I think we need to let there numbers increase also
26	Recreational fishing		All quota allowances should see a 10% reduction across the board and closure of the fishery during known breeding/spawning months
27	Recreational fishing		reduction

# Appendix 2 – Southern bluefin tuna sustainability round Fisheries New Zealand online survey

Fisheries New Zealand received 164 responses to an online survey for southern bluefin tuna comprising of; 4 responses from tangata whenua, 137 responses from recreational fishers, 2 responses from amateur charter vessel operators, 7 responses from commercial fishermen, 0 responses from environmental organisations, 9 responses from the general public and 5 respondents who preferred not to specify. Those respondents who included further commentary in their submissions have been summaries below.

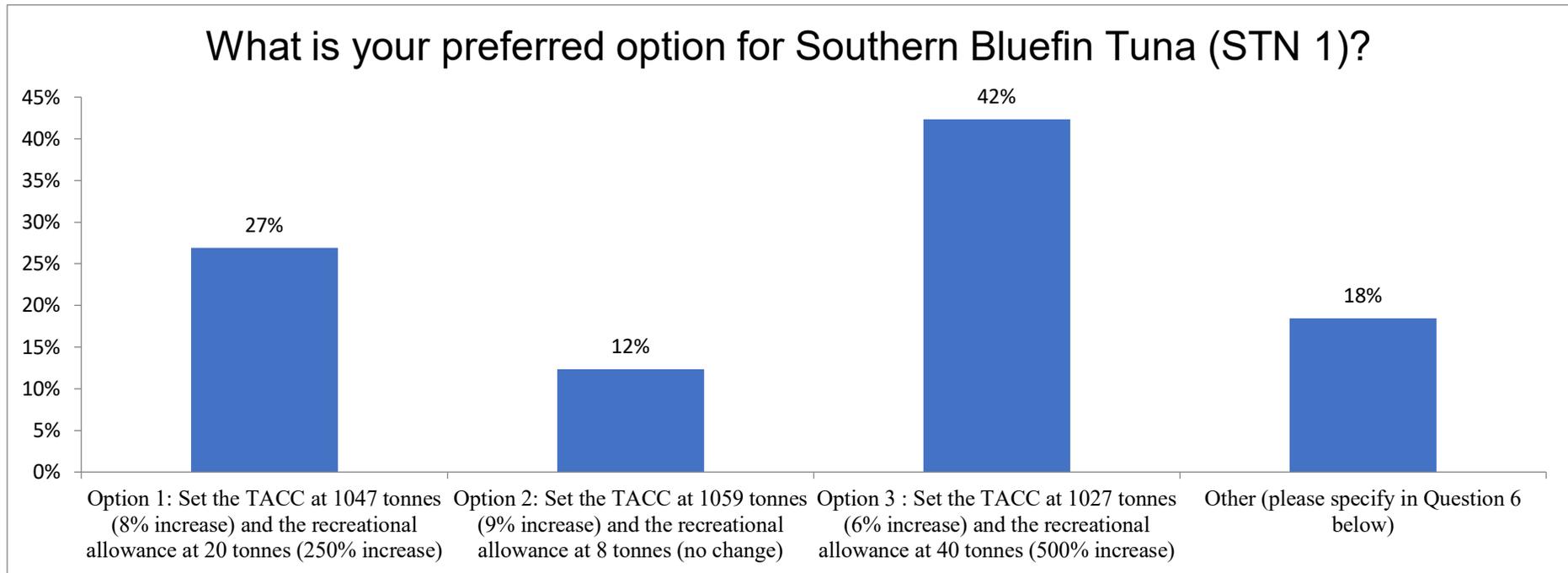


Figure 1 Preferred southern bluefin tuna sustainability round options from Fisheries New Zealand online survey, in percentages.

Table 1 Summary of southern bluefin tuna sustainability round options supported and comments provided for Fisheries New Zealand's online survey.

Number	Sector	Option Supported	Comments
1	Recreational fishing	Other (please specify in Question 6 below)	No increase
2	Commercial fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	With the strict caveat that Rec catch MUST be constrained to 40T and reported as well as being managed. The proposed otolith sampling should also be done at weigh-stations from rec catch.
3	Recreational fishing	Other (please specify in Question 6 below)	Prefer no increase
4	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	To discourage more aggressive Commercial effort. To allow for increasing Recreational effort that has significant local area economic benefit. Even if not caught, an increased Recreational allowance could contribute to a stock rebuild.
5	Recreational fishing	Other (please specify in Question 6 below)	Leave as is, or reduce. I have been catching Bluefin on the West coast Dusky up to Caswell sound for the last 6 years and I have found them to be reducing in numbers (less caught each year none this year).
6	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	I have ticked Option Three to take into account the greater interest in this fish stock from the recreational sector. It needs to come with suitable publicity around the care of this species with regard to personal take and how the fish is treated once on board. I believe the fishery will vary considerably from a rec perspective season on season and what we have seen in 2017 was something of an anomaly due to the tuna's presence in range of rec boats and social media hype.

7	Recreational fishing	Other (please specify in Question 6 below)	Recreational Quota can increase to 10 tonnes , each recreational angler/boat(per day) has to match catch to tag, for example first fish caught can be kept, second fish must be tagged(or if you tag the first fish next 2 can be kept etc). maximum of 3 fish per boat should mean at least 2 fish will be tagged to further research. If it's met for every tonne caught then we should release an equal amount back and can keep better track of the fishery itself I.e. is this actually maintaining the fishery. Commercial quota can increase by 4% which should make the fishery sustainable. Personally would like to see the commercial fishery be Rod and Reel caught fish but that is a hard sell.
8	Recreational fishing	Other (please specify in Question 6 below)	No need to increase any of the comms or rec takes
9	Recreational fishing	Other (please specify in Question 6 below)	Set TACC at 1027 tonnes and recreational allowance only increase slightly or remain the same
10	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	Larger allowance for recreational less likely to actually be caught. Would ultimately prefer the allocated increase to TAC to be retired and not caught by anyone to speed up recovery rate.
11	Recreational fishing	Other (please specify in Question 6 below)	Increase to 40 tonnes if it's not enough you shall allow for recreational use ahead of commercial.
12	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	Adds greatly to retail economy. Recreational fishermen are limited by weather, distance to fish etc. Commercial are not..
13	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the	Option 3 would most likely see less overall take as the rec fishermen are less able to fish the east cape area therefore the lift to rec will most often

		recreational allowance at 40 tonnes (500% increase)	not be achieved. The revenue gained by the region and related businesses would still be a welcome boost. Typical seasons such as this one see the SBF pass the BOP wider than most trailer boats are suited to. The rec catch is therefore climatically controlled.
14	Recreational fishing	Other (please specify in Question 6 below)	Keep the TACC at the current 971, and set the Recreational allowance as the balance (even if it's not used). I know this fishery is new (east cape) to recreational and is still growing, therefore without understanding the total Recreational catch wouldn't we be better to not increase the commercial catch until the Recreational fishery has settled down and some reliable constant numbers for how much impact the Recreational fishers are having on the stock. I know the stocks are rebuilding but if they drop they will take longer to recover, if they are still growing next year and the year after then fine increase the TACC by a larger number than the 1059 tonnes. If an option must be chosen i would opt for #3.
15	Recreational fishing	Other (please specify in Question 6 below)	Nil increase
16	Recreational fishing	Other (please specify in Question 6 below)	Reduce commercial quota
17	Recreational fishing	Other (please specify in Question 6 below)	Reduce the TAC and TACC. One bluefin per BOAT per day at the highest, and reduce the TACC by a few percent - we should not be increasing our SBT take.
18	Recreational fishing	Option 1: Set the TACC at 1047 tonnes (8% increase) and the recreational allowance at 20 tonnes (250% increase)	Recs are always disadvantaged over Comms, and due to the distance involved in travelling and then the great distance off-shore then I believe the recs should be given a fair amount.

19	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	Recreational fishing for STN is the growth area for this fishery. Its economic value per fish is greater than commercial, with recreational value a bonus.
20	Recreational fishing	Other (please specify in Question 6 below)	Do not increase TACC. Regulate recreational catch to equivalent tonnage of 1 fish per person per day
21	Recreational fishing	Other (please specify in Question 6 below)	Commercial allowance stays the same or decreased slightly While the recreational allowance is decreased and more accurately tracked
22	Prefer not to specify	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	The percentage increase for recreational Allowance are wrong. Increase is 12 t and 32 t divided by current allowance
23	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	The recreational fishery is in its infancy in New Zealand, option three would allow growth in the recreational sector. For example, there is a large recreational fishery for southern bluefin tuna in Australia with the State of Victoria recreational take estimated at 240 tonnes in 2011. The growth of recreational sector would also provide increased economic benefit to rural communities where these fish are targeted (e.g. Waihou Bay). Note this is predominantly a winter fishery and outside peak tourist season providing economic benefit in a traditional off-season.
24	Recreational fishing	Other (please specify in Question 6 below)	leave it as they are
25	Prefer not to specify	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	There is an opportunity here for New Zealand to develop and profit hugely from a whole new recreational fishery. I have been watching its development and frankly, anyone who cannot see the advantages of building a winter gamefishing industry needs to re-evaluate. The

			<p>Australian bluefin fishery engages a huge number of passionate sports fishing folk spending large amounts of money pursuing these fish and this now seems to be the trend here. The timing of the fishery extends the gamefishing season by months, giving overseas visitors a whole new reason to come to New Zealand and spend pretty significant amounts of money. In addition to the overseas money, local communities such as Waihou Bay have benefited economically from the influx of visitors at a time when the place is otherwise basically hibernating. Speaking to local business people while we were there, things were looking very rosy - because of the bluefin. True, many anglers choose to tag and release their gamefish, but the bluefin fishery is developing in a different way to others - so much is happening. The important thing now is to signal to recreational anglers (a lot of whom fish commercially as well) that it is actually worth investing in a new range of equipment and possibly boats. Tuna require different rigs to marlin - different lures, different techniques, and, what we have found, greater distances offshore. Is it worth the huge added expense? Absolutely! BUT. The government MUST show leadership and give clear indication that will support the growth of this exciting new recreational fishery!!!</p>
26	Recreational fishing	Other (please specify in Question 6 below)	<p>I do not understand an increase in TAC. Increased proposed fish numbers should be celebration of the fact that the fishery management as it stands <i>*might*</i> be working, not a reason to increase total allowable catch. Surely we want to allow this fishery to continue to increase so that prosperity and enjoyment can continue for years to come. Have we learnt nothing so far?</p>
27	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	<p>The recreational significance of SBT remains demonstrably high this season, and is likely to grow, with huge potential economic benefits for regions such as East Cape from associated tourism. It is critical that the potential of this developing recreational fishery is not stifled at this early stage, and that the value of this fishery to the recreational sector is</p>

			recognised and protected in the interests of a huge number of New Zealanders. The recreational sector has already demonstrated a willingness to respect and protect this fishery in implementing voluntary controls on the number of fish taken. But given the eating quality of this species, over-regulation at this early stage is likely to stifle interest in this fishery. With potential to develop this new fishery into a booming overseas and domestic tourism industry, this would be an absolute travesty, given the recreational value of these fish is likely immensely higher than their value as a commercial export.
28	General public	Other (please specify in Question 6 below)	Why the TACC increase if numbers are still not at an acceptable level? I don't think there should be an increase if the fishery is under pressure. Last year's run of SBT for the fishing public was a one off, as proven this year.
29	Recreational fishing	Other (please specify in Question 6 below)	I don't believe we should increase the quota at all
30	Recreational fishing	Other (please specify in Question 6 below)	No change- just because it seems to be recovering why do we need to exploit it further.
31	Recreational fishing	Other (please specify in Question 6 below)	I would prefer to see the allowances remain at current levels for a longer period of time to allow further regeneration of stocks.
32	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	This is an important, exciting new recreational fishery and has huge local and tourism potential. This must be allowed for.
33	Recreational fishing	Other (please specify in Question 6 below)	No Increase

34	Commercial fishing	Option 1: Set the TACC at 1047 tonnes (8% increase) and the recreational allowance at 20 tonnes (250% increase)	Increase customary catch that will better reflect their development right, as you have proposed for recreational. Develop a solid 'allocation rights' for the 3 user groups, sooner rather than later.
35	Recreational fishing	Other (please specify in Question 6 below)	No increase for recreational or commercial
36	General public	Other (please specify in Question 6 below)	5 year ban on all tuna fishing
37	Recreational fishing	Option 3 : Set the TACC at 1027 tonnes (6% increase) and the recreational allowance at 40 tonnes (500% increase)	Rec catch is increasing. We have had no prior opportunity to establish a reasonable catch allowance as the fishery has been at a low level of abundance. Perhaps now would be a good time to address this.

# Tarakihi (TAR 1 ,2, 3, 7) sustainability round Fisheries New Zealand online survey

Fisheries New Zealand received 58 responses to an online survey for tarakihi.

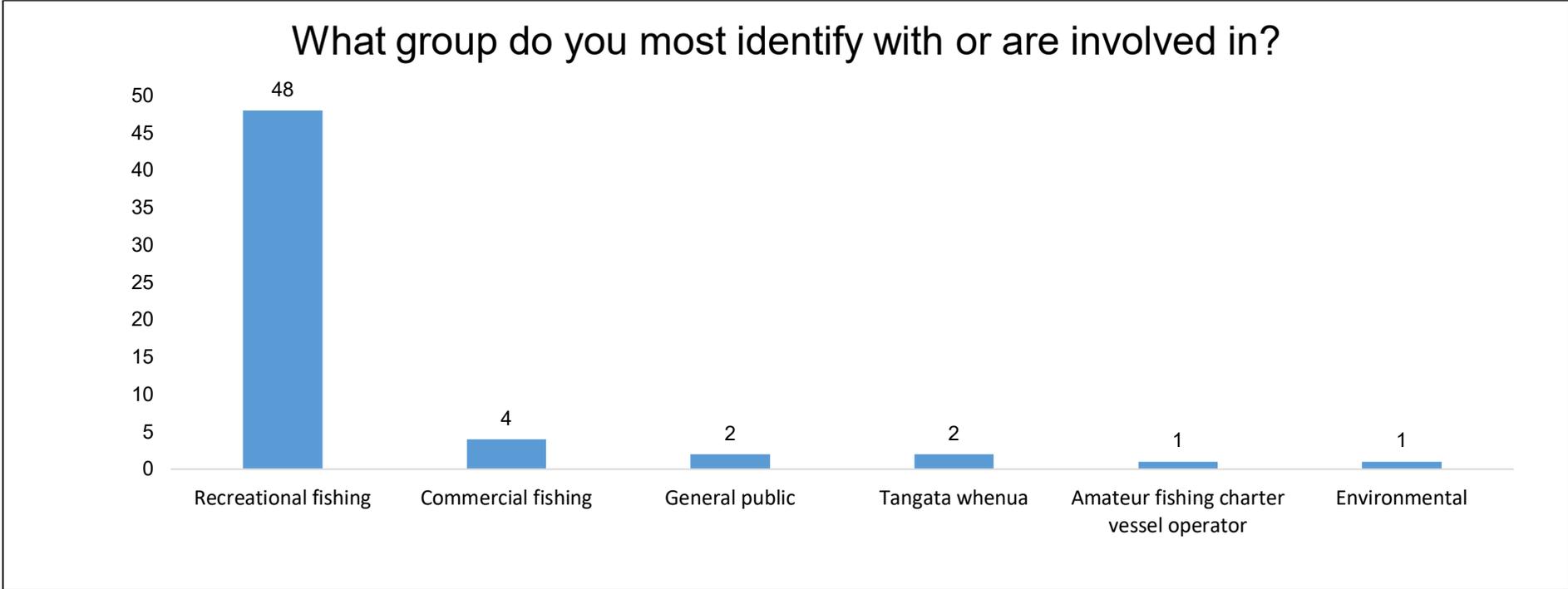


Figure 1: Fishing groups that respondents most identify with.

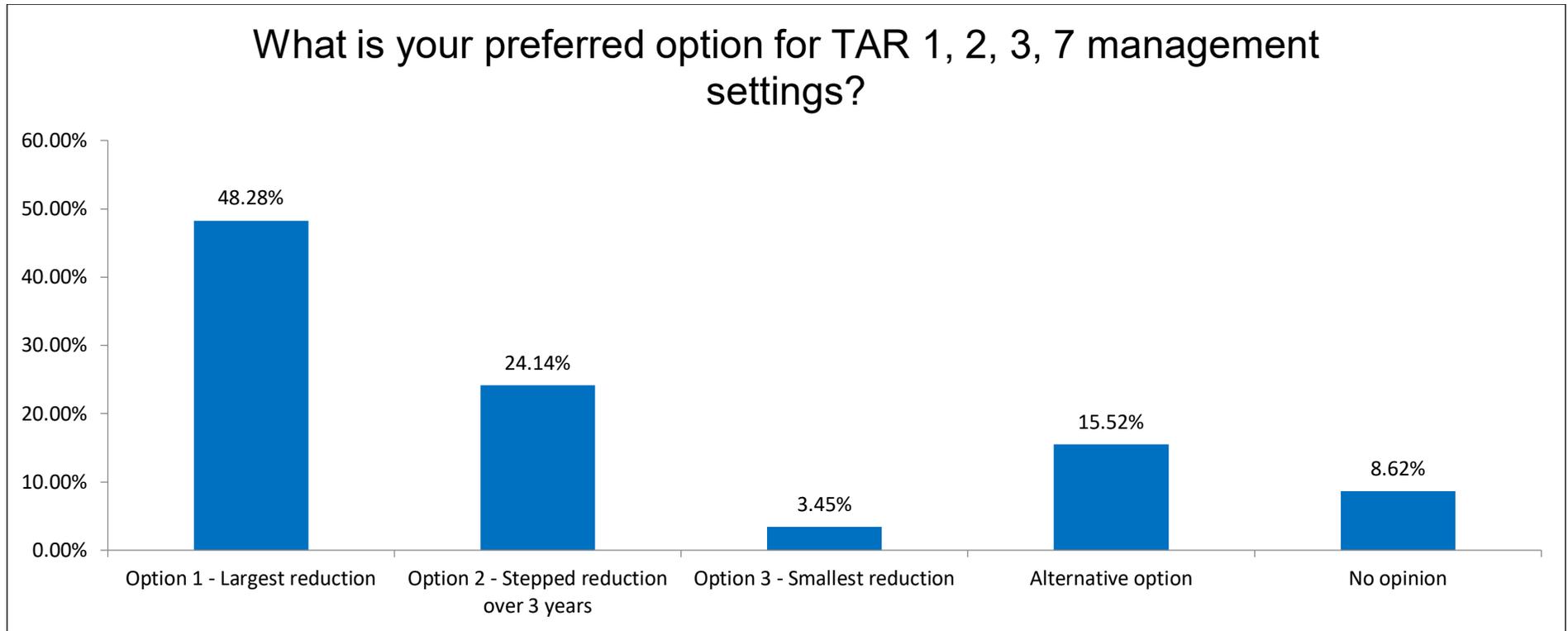


Figure 2: Preferred option for TAR 1, 2, 3, 7 management settings.

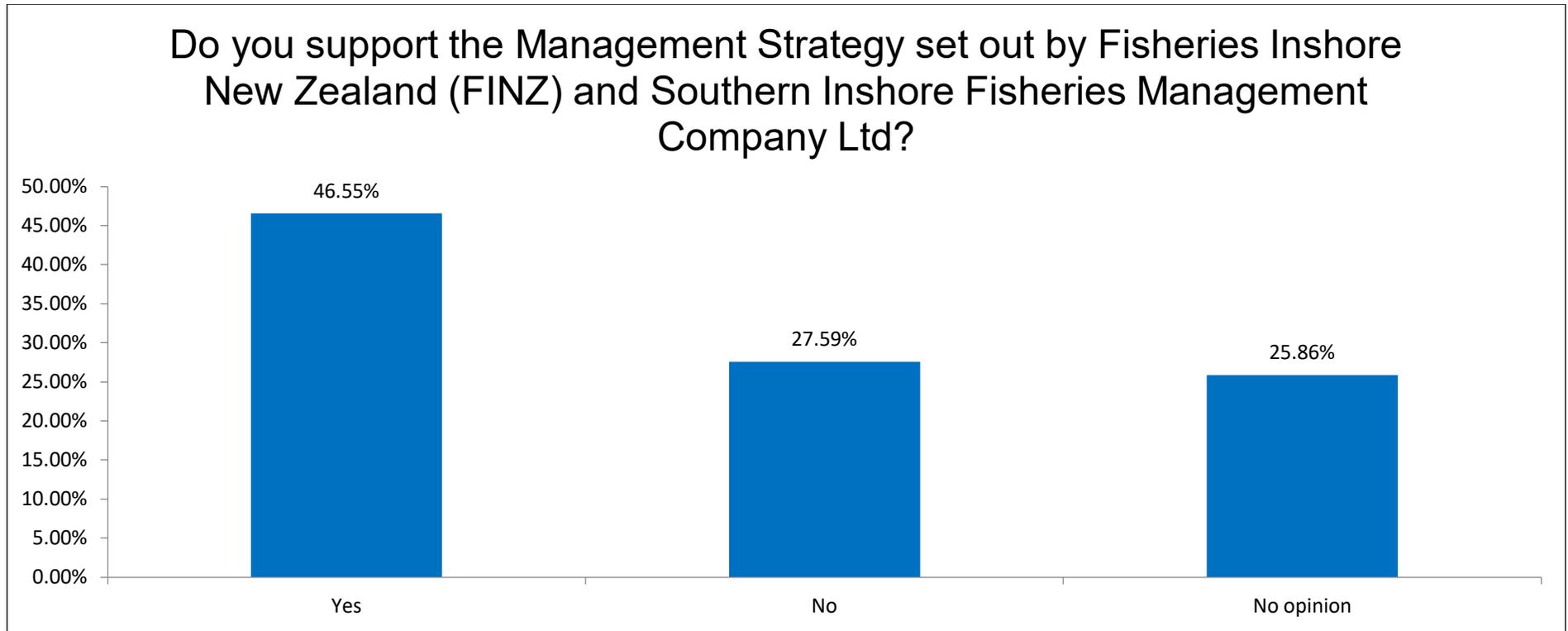


Figure 3: Support for the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd.

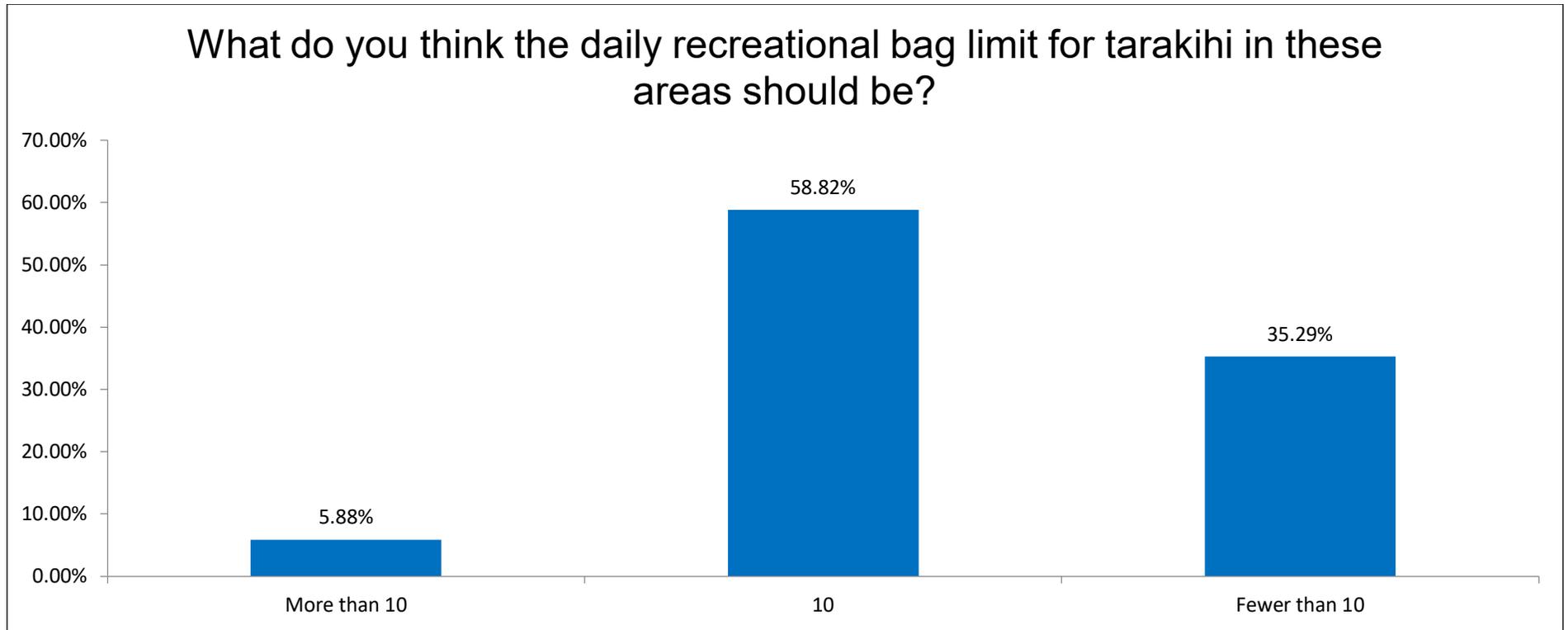


Figure 4: Preference for the daily recreational bag for TAR 1, 2, 3, 7.

## Text comments from Tangata whenua

Number	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
1	If the fishery is 83% below its baseline then adjustments on all TACC sectors has to be considered.	Limit extraction methods of set nets, pair trawling, recreational and customary take.
2	The current rate is 20 and this is far to much	

## Text comments from each sector

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
1	Amateur fishing charter vessel operator	I have fished the areas in Tauranga for the past 18 years as a charter boat skipper. Max pax 6 and the only change I have noted is that for the past four years we have had to fish deeper (approx 75meters) with the previous inshore areas around 30 to 35 meters being not worth it but fish can still be caught in those shallower areas. I do not blame any trawlermen as they seem to always fish the 100 meter areas.	Just hope there is reasonable science to justify this. Also the catch of TACCs for the previous ten years have been able to catch their quota ,so is there a problem ?. I have not got the latest figures though.	Maybe set at 15 included as part of the finfish catch. At present this is twenty (finfish) We usually have our clients stop at approximately 10 tarakihi.	
2	Commercial fishing	Rebuilding the stock s/b the priority. The most effective means of doing so would be to directly move to year 3 settings; not	If industry were genuine in using shelving tactics to help support	Difficult to consider in isolation but, as part of a mix bag fishery where anglers are	Alternative catch methods should be considered and encouraged,

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		<p>stagger. We went through a similar staged reduction with BNS and, given the lead in time, operators have sufficient ability to manage impact on their businesses without the staged approach. Delaying the inevitable simply means delaying the potential for the stock to commence a rebuild. Further, method restrictions should be considered in the future. Potting/fish traps can effectively be utilised to target TAR thereby reducing associated adverse effects on the environment and by-catch with the currently deployed catching methods. Industry MUST be more innovative.</p> <p>Recreational daily bag limits</p>	<p>continued abundance of a fish stock, in this instance TAR, then they would have shelved ACE at the earliest indication that the TAR abundance was experiencing a continued decline. They did not, instead choosing to continue to harvesting at a rate that was continued (indeed drove) unsustainable catches. This short term thinking reflects the behaviour driven by industry</p>	<p>likely catching other species also then a DBL for recreational fishers 4 across all areas would seem appropriate.</p>	<p>as noted above. Month by month catch commercial harvest levels reflect a consistent increase in catch through the spawning period. Harvesting through this period will NOT help rebuild abundance (which is required) and will likely harm a rebuild success.</p>

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		<p>should also be reduced to manage the effect of the ever increasing number of TAR being removed by that sector. The current daily bag limits for TAR DO NOT reflect the number of fish required to "fish for a feed".</p>	<p>across the BNS fishery recently, whereby some industry players very early on highlighted concerns with the stock but larger industry players and CSO's choose to ignore such advice; resulting in a significant decline in that fishery. These examples provide adequate examples of why industry must not be allowed to 'self-manage' fisheries. They are unable to make calls</p>		

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			that result in a reduction of catch early enough to stave off future, more significant, losses in abundance.		
3	Commercial fishing	I struggle with this proposal of such heavy catch cuts, to me it reflects that tacc's have not been anywhere near reached for several years. I suspect this proposal is more likely to reduce overfishing of by catch species like trevally.	Finz has a bad attitude, bit mouthy from what I've read. Its Just a copy of other industry proposals.	Customary annual take of one ton for area 7 is extremely low for 9 tribes, that's like 10kg each per month. No development right in that sort of allocation.	Placement of seasonal closed area spawning reserves managed through taiapouri.
4	Commercial fishing	The Tar2 cook strait fisheries is no way connected to east coast fisheries, fish are different species a lot darker in colour our fisheries			This is not about conservation of tar it's about

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		has improved in the last 30 years not decreased.			money just another TAX
5	Commercial fishing		I dont believe the science of lumping all the fma areas together as no one took into account sea temperature and many other factors area2 could do with an increase as the temperature and conditions suit tarikhi whereas in area1 we catch better during cold years generally the science is very poor guesswork so far		

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6	Environmental	<p>There have been delays reducing catch rates as needed for too many of our fishstocks over the years. I support rebuilding to 40% as quickly as possible for these TAR stocks and for others such as SNA1. ALSO in case I get to the end and there is no "Other comments" box, in your list of which stakeholder group do I belong to you need to include "Divers/snorkellors/underwater tourism operators" as an option as the pursuit and enjoyment of our activities is significantly impacted by fisheries management decisions and the low abundance of fish species around our coasts and at our local reefs.</p>		<p>Ten per day is far too high for a species that is at such low abundance, recreational fishers need to do their bit to rebuild the stock.</p>	

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7	General public	You need to be more pragmatic and listen to fishermen and work with industry to implement the TAR management strategy. your options are limiting and leading the Minister to make a wrong decision	This is a well thought out strategy rather than just set and forget approach that Fisheries NZ are taking. We pay the taxes that also supports this government agency so they should do some management and work with industry rather than the usual set and forget approach	recreational fishing should have them reporting their catch and they need to stop high-grading which is causing more mortality. also, fish for a feed and not greed	Help the fishing industry by increasing TACCs on other low knowledge stocks so that they can be readily available in the fresh fish shops and take the focus on species such as tarakihi, snapper and blue cod etc. Help all species be utilised and reduce waste
8	Recreational fishing	In TAR 3 & 7 reduce the commercial TACC to option2 year	Customary and Recreational fishers	We don't dump tonnes of fish as	Close all spawning areas

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		three but leave recreational the same as the customary take, otherwise you are being racist in your decision making- we are all new zealanders! ! The	need to be considered before all other stake holders as set out in the ministers brief when setting TACC.	waste, so we don't need any controls as we can't catch tonnes of fish in one haul.	to commercial period, this goes for all species. If we are serious about sustainability then stopping the commercial fishing in juvenile or spawning areas is imperative
9	Recreational fishing	They appear realistic in regaining a sustainable fish resource.	It appears realistic in re-establishing a sustainable fishery.	3	-
10	Recreational fishing	The reduction cannot be delayed and needs to be significant.	It cannot be a gradual reduction	Drop the Rec bag limit to 6 in Tar7.	Close the Marlborough Sounds to

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			over three years. The fishery is stuffed now.		commercial fishing and reduce Rec bag limits.
11	Recreational fishing	I don't understand the options well enough so I'm just asking to rebuild in 10 years or preferably less. This by catch issue needs to be dealt with as too young fish are caught and killed in untargeted fishing practices like trawling.	No knowledge of these sorry. I know we need to do something about the situation though, and I would prefer it to be relatively strict in the short term so it can be resolved as quickly as possible.	There is no need for recreational anglers to take more than 10 per person unless they need to feed an extended family or whanau	
12	Recreational fishing	Cease commercial fishing in areas with strong recreational angling pressure	The fish belong to the people of NZ. It is not a shared fishery. Once customary and		A realistic deemed value may work provided the cost

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			rec needs are met a surplus can be commercially harvested after 2025.		to the boat is not ridiculous as it is with snapper. What would work is 7 cameras aboard every boat live streaming and accessible to the public, along with gps positioning in real time
13	Recreational fishing	The fishery is clearly in need of longer term restructuring than provide for with Option 1. Also gives commercial notice that the above is necessary.	See previous comments. This would provide an opportunity to demonstrate if Industry's strategy	The total amount of Recreational's fish caught is relatively insignificant compared to Industry's catch so little if any change is	

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			can indeed contribute to a rebuild.	needed. With regard to the Cook Stait/Marlborough Sounds area, because it is not legal to catch a reasonable daily bag limit of blue cod, the opportunity of a good bag limit for an alternative species should not be lost.	
14	Recreational fishing	I expect a reasonable reduction in take due to constant, un-checked over fishing; but enforcing a 77% decrease in Rec catch allowance vs a max. 35% on commercial is inconceivable. The recreation fishing sector are clearly not responsible for this decline but are	This proposal does not adequately assess the ongoing environmental damage caused by commercial fishing for Tarakihi. Further, Tarakihi is an	Due to weather and general time availability, access to Tarakihi is limited for recreational fishers. reducing the bag form 20 to ten decreases fishers access to a	

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		<p>being asked once again to foot more than their share. "World leading fisheries management" and "We promise" PR spin from industry are once again making a mockery of our inshore/shared fisheries. These fisheries deserve better than ecologically damaging bottom trawling that constantly disrupts and damages the benthos whee these fish spend their lives eating and breeding. Instead of archaic output restrictions, we consider a full rethink of the methodology of extraction be implemented and bottom trawling within the 12 mile limit be phased out entirely. Recreations line fishing causes minimal benthos damage and due</p>	<p>important food source for recreational fishers who's fishing grounds have been decimated by decades of abusive commercial bottom trawling. Forcing these fishers to fish for new species due to a 77% reduction int heir access to this fishery will have a significant cultural and economic effect on Bay of Plenty and HGU communities -</p>	<p>highly prized, but hard to come by fish that will have a detrimental affect on fishers, especially those in Bay of Plenty locations where their fishery is already significantly impacted by commercial over-fishing (eg: SNA1 BOP sub-stocks at or below 10% BZero)</p>	

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
		to weather, fishing methods and stock seasonal movement is a low impact activity. Reducing recreational catch disproportionately is makes a complete farce of this process.	not factored in this report in any way.		
15	Recreational fishing	Fully support. The recreational charter boat annual haul has been in excess of 20000 fish for a single season from one boat operating out of Whangamata		6 per person. Each fisher only needs sufficient tarakihi for two or three feeds of fresh fillet between two persons.	Yes, tarakihi are being hammered by new technology trawl methods over and around structures that tarakihi populate. These structure locations are well known as is the timing the fish used to arrive

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
					late spring early summer.
16	Recreational fishing	The minimum size should be increased to 350mm for recreational fishing and the commercial quotas limits should be further reduced	Appears to be a completely one sided view from commercial interests. Penalises recreational fishing when the commercial sector has over abstracted in the past which has caused the current problems.	Minimum size should be 350mm	
17	Recreational fishing	Previous proposals to reduce TAC/TACC progressively have failed. e.g. blue nose. It is clear the TAR stocks are well below the target level and to start any	As per my comments above. However I must say I find it ironic that industry can promote a split or		Ban bottom trawling within 5 nm of the MLWS

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
		<p>positive rebuild serious reduction in catch must be introduced immediately. So the rebuild can begin and the target biomass of 40% achieved sooner for the benefit of all. I would also like to propose a further review in 3 years as greater reductions in TAC/TACC may be needed as the 90% reduction in TAC and 13% reduction in TACC may not be sufficient.</p>	<p>spread catch regime within a FMA - when for years industry advocates have rallied against any such proposals put forward by other sectors in the case of blue cod and snapper in FMA7. Maybe its time for all sectors to come together to formulate management proposals for the benefit of the fish and not just the benefit of industry. With regard to this proposal I would</p>		

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
			have liked to have see catch history reported in the summary - to give us some idea of head room if any versus the TACC.		
18	Recreational fishing	the minimum size should be increased as well		I think that the minimum take size of fish should be increased which would help to increase the overall size of fish	
19	Recreational fishing		Does not apply to area I am familiar with	5 per person limit for recreational seems adequate although	

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
				tarakihi seem to be a rarity to find now	
20	Recreational fishing	Not sure why Rec and customary catch should go up when everything else goes down in area 7		10 or less. Normally other species caught at the same time or you are in an area that you can target other species which starts to result in way more than the average family needs for a couple of feeds	
21	Recreational fishing	Maori customary should be prepared to take cut as well!		Seven fish of average size is ample for a feed.	

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
22	Recreational fishing	I think the bag limit for Rec fishers should be halved and the size limit be increased to 350mm and the commercial sector reduced heavily		Reduce the bag limit and increase the size limit to 350mm	
23	Recreational fishing	As a B.O.I fisher I have noticed the Tarakihi are getting harder to catch		7 same as Snapper	
24	Recreational fishing			5	
25	Recreational fishing	It's wrong as all sectors need to be reduced evenly including customary			
26	Recreational fishing			8 and then we can set it lower depending on where we are fishing.	

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
27	Recreational fishing			5 as this is still a plentiful amount of fish that would meet most people's needs in terms of providing food for family etc	
28	Recreational fishing	I don't believe commercial and Maori should benefit while you restrict recreational fishers .			
29	Recreational fishing	It appears that the recreation catch has taken a disproportionate impact in the reduction of total quota. My recommendation would be to reduce the recreational catch in line with commercial and reduction and also apply this to the customary catch quota. I am assuming that the current			

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
		calculated tonnage for recreational is in line with the current quota.			
30	Recreational fishing			4	
31	Recreational fishing			5 SHOULD BE THE LIMIT	
32	Recreational fishing			4	
33	Recreational fishing			15	
34	Recreational fishing				Yes I believe the min size should be in line with cod and snapper 33cm

Number	Sector	Provide comment on the proposed management settings here:	Provide comment on the Management Strategy set out by Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company Ltd here:	Provide comment on management controls for recreational fishers here:	If you consider there are other management controls not already consulted on to reduce fishing pressure on tarakihi stocks please provide detail here:
35	Recreational fishing				Increase minimum size limit - 25cm is a very small fish. Depends release mortality as most are caught in water deeper than 20m.

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter  
or contact person:

[REDACTED]

Organisation (if applicable):

Otiria Marae Trustees

Email:

[REDACTED]  
[REDACTED]

Fish stock this submission refers to  
(delete any that don't apply):

- SFE 20  
 LFE 20

Your preferred option as detailed in  
consultation document (write "other"  
if you do not agree with any of the  
options presented):

LFE 20 - We support Option 2: Reduce the TAC (by an average of 15% across all QMAs) and the TACC (by an average of 32% across all QMAs).

Furthermore, we agree that the allowances for LFE 20 customary, recreational fishing remain unchanged.

Regarding SFE 20 – Our preferred option would be to advocate for a reduction of the TACC with no change to customary or recreational take however we do not oppose the current status quo remaining unchanged.

### Official Information Act 1982

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### Submission:<sup>1</sup>

#### Details supporting your views:

<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

Having discussed this in detail we make the following statements:

The consultation process for this tuna review is flawed. We urge the Minister to extend the review and allow more opportunity for hapu and tangata kaitiaki to be heard on this matter.

In the north this review has been directed at MIO's who are the only ones' that have been officially invited to meet/consult. Lack of consultation with hapu/kaitiaki has occurred, which is disappointing as that is where the data you need to inform this review, exists. Not with MIO's

If genuine and meaningful engagement with tangata whenua is the intent of this tuna review and the desired outcome for MPI is gathering accurate information, then we suggest the Minister extends the review period and ensures hapu/kaitiaki are invited to all meetings. Finding out about meetings a day before or on the day of the meeting creates animosity. Where is the reciprocal faith or goodwill shown by MPI? Particularly when it desires customary harvest data and information from our kaitiaki.

For future reference, please include us in any meetings related to freshwater tuna, freshwater tuna reviews and TACs/TACCs. We are the mana whenua voice for our rohe moana and rohe awa and we invite engagement with MPI.

Furthermore, we will encourage our hapu to engage in its own customary research for SF/LF Tuna. We would like to do this in partnership with MPI. The outcome of that would be to inform future reviews with a baseline of actual, quantifiable, culturally sound data for monitoring and reviewing of TACs and TACCs in our rohe.

Also

- Commercial fishers should be required to fish within their respective areas. Furthermore, those areas should be stipulated on their permit: e.g. Waikato commercial fishermen stays within the Waikato boundary, etc.
- Iwi and hapu should be able to view a register of permitted commercial fishermen operating within their boundaries. The register should outline who they are and what their TACC is. We acknowledge that MPI must consider peoples privacy however we maintain that this will encourage mutual management of the stocks, foster a safer working/cohabitating relationship between all parties and ensure sustainability of the resources. An added bonus would be the potential to create educational programs run by commercial and customary fishers for the next generation of responsible fishers.
- As alluded to above, Hapu/MPI co-management is essential. It is hapu kaitiaki who manage the customary resources (tuna) on the ground. The more direct the relationship is between MPI and kaitiaki the better it is for MPI in terms of access to current, accurate and informed customary information. This cannot be done through Te Runanga a Iwi o Ngapuhi as they are not the people actively engaged in tuna fishing and MPI will, most likely be redirect MPI back to kaitiaki anyway. The eye-to-eye (kanohi ki te kanohi) approach is faster, friendlier and more conducive to building a better future model for the management of freshwater tuna for all of Aotearoa.
- There are Moana people and there are Awa people. Consulting with Moana people about freshwater tuna and consulting with freshwater tuna people about flat fish, tarakihi and scallops etc will give an inconsistent result and create unnecessary tension. Particularly when coastal hapu, who do not view freshwater tuna as a taonga species, have an effect on the TACs/TACCs likely to impact the inland people and vice versa.
- Lack of enforcement for those commercial fishers who are found to be in breach of their TACCs. More needs to be done to minimise breaches and to stop the overfishing of our resources.

- Regarding flat fish, John Dory, Tarakihi and scallops we support our coastal relatives and their choices where these species are concern. We understand that their preference for each species is a decrease in TACCs with no change to customary or recreational take.
- Regarding Bluefin Tuna we support a decrease in the TACC amount. Furthermore we insist that the customary amount be increased to match the amount allocated for recreational.

Please continue on a separate sheet if required.

# Our Fishing FUTURE

- a healthy marine environment enjoyed by all
- taking pride in an abundant and healthy marine environment where our community extends manaakitanga over our fisheries and oceans
- unity and inclusion within the recreational fishing community
- equity of access through stakeholder engagement
- understanding and valuing our marine environment and its resources so we can all be responsible for a better future

26 July 2018

## Submission on sustainability measures for east coast Tarakihi

We recognise the difficulties facing the fishery now that it is considered to be a single stock and subject to regionally different fishing operations. We agree the stock level should be increased, but there are real challenges in deciding how to do that.

With the complexities of managing the stock over numerous QMAs, including it often featuring as a “by-catch” species, having poorly defined juvenile/nursery areas, a general lack of science, and the potential for undermining the Treaty Settlement, simply slashing TACCs according to some sort of generic formula may well result in worse outcomes than doing nothing.

While a ‘one size fits all’ approach may be the easiest for Fisheries NZ, we question the outcome. This blunt measure will likely lead to increases in poor fishing practice, wholesale slaughter of sub-legal sized fish, increased dumping and probable trucking. Fisheries NZ needs to accept that a finer scale management solution is preferable to a blunt approach and find ways to make that work under the Fisheries Act. It is simply unacceptable to hide behind the Act and claim the only response available to the Minister is a blunt TACC instrument in this instance.

We note Commercial interests (including iwi) have developed a comprehensive alternative management plan, including additional and much needed science. If it can be refined to ensure we all understand the measures that will be implemented, given teeth, and there are clearly understood implications if not adhered to, then we believe the fishery will benefit.

While we have some reservations about industry “voluntary” measures, if these are backed up with formal and workable commitments, we would prefer to see the industry proposals given an opportunity.

This should occur in the full knowledge that if the industry fails to deliver, tougher measures and more appropriate measures than those presently proposed by Fisheries NZ will be implemented in the future.

Catches have to fall and it is most likely to happen if better behaviour is encouraged.

Given recreational catch is estimated to be such a small proportion of the Tarakihi take we submit there should be no change to our allowance or bag limit at this time. However as a stock rebuild takes place we would encourage a conversation about allowances and bag limits across the wider fishery.



Geoff Rowling  
President  
Our Fishing Future

# Review of sustainability measures MPI Discussion Paper 2018/05 Re Green-Lipped Mussels (GLM 9) (Kaitaia Spat) (GLM 9 Spat)

Email to: FMsubmissions@mpi.govt.nz

## Submission by Pakihi Trading Company Limited (PTC)

26 July 2018

### 1. Summary

PTC supports a change to the spat ration to 25% spat to 75% seaweed, and option 2 leaving the TACC unchanged. Together these measures will provide the opportunity for the harvesting of additional GLM 9 spat when it is available.

The mussel industry is an important stakeholder in this fishery and its views and needs should be given a high weighting in this decision. Additional spat is needed for the continued development of the mussel industry.

There are no issues regarding the sustainability of the fishery. Any issues regarding the effects of harvesting should be dealt with separately to the decision on how much spat can be harvested.

### 2. Introduction

PTC leases water space and operates mussel longlines on a 3800ha Mussel Farm offshore from Opotiki. PTC is wholly owned by the Whakatohea Maori Trust Board.

The review of this fishery by Fisheries New Zealand is appropriate.

PTC supports the submissions of Aquaculture New Zealand. PTC stresses the importance of obtaining additional spat for the continued development of the mussel industry.

The Opotiki farm currently provides direct employment for 13 staff in the Eastern Bay of Plenty and contributes to indirect employment of a number of other people providing services to the farming operation and the businesses operating on the farm.

Commercial development of the farm started in 2014 and the farm is approximately 20% developed.

### **3. Stakeholders**

The GLM 9 spat fishery is unusual in that the product from the fishery is the primary input for a large proportion of the New Zealand Mussel farming industry. Therefore mussel farmers are important stakeholders in this fishery - much more so than in the typical relationship between quota holders and consumers of fish.

It is important that MPI give a high weighting to the views and needs of the mussel industry stakeholders in this fishery.

### **4. PTC need for additional GLM 9 Spat**

The farm site is suitable for catching local Opotiki however like spat catching in other locations, catches are proving highly variable. The use of GLM 9 spat to supplement caught spat is therefore an important part of the farming operation.

For the future successful development of the farm access to additional GLM 9 spat will be essential.

There has been increasing competition for GLM 9 spat due to a number of factors including:

- Occasional mortality of spat in the Hauraki Gulf,
- Development of new areas requiring additional spat,
- Some good growing seasons leading to faster crop turnover,
- A shortage of spat, due to reduced strandings of GLM 9 in some years which has taken the industry some time to catch up from.

Shortage of supply due to the shortage of quota and increasing competition and has made it difficult for the main operator on the PTC farm to obtain all of the spat that it needs and has lead to an increase in the cost of GLM 9 spat.

A significant area of additional mussel farming water space is expected to be available for development in the next few years. To satisfy this demand for PTC and for others it is important that additional GLM 9 spat is made available.

### **5. Sustainability of the Fishery**

The discussion paper confirms that there are no sustainability issues in relation to the GLM 9 spat fishery.

## **6. Potential for environmental damage from seaweed harvesting**

This appears to be a significant concern to some people. PTC acknowledges that concern.

PTC submits though that minimising environmental damage from harvesting is a separate issue from the sustainability of the fishery. As a separate issue it should be dealt with separately to the decision on increasing the amount of spat that can be made available to the mussel farming industry.

That said, PTC supports that industry, spat harvesters, those with concerns and MPI work together to find ways to minimise the potential for environmental damage.

## **7. Proposal to review the spat ratio**

This is supported by research into the facts and is strongly supported by PTC.

## **8. Proposal to review the TACC**

PTC strongly supports option 2 that there is no change to the current TACC of 180 tonnes of spat.

Together these two measures will provide the opportunity for the harvesting of additional GLM 9 spat when it is available.

## **9. Conclusion**

The review by MPI / Fisheries New Zealand is welcomed. Making additional GLM 9 Spat available to the New Zealand Mussel Farming industry will be essential for efficient development of both the Opotiki farm and the industry generally. Continued development of the industry will bring increased economic benefits, particularly to regional New Zealand.

Submission ends

# Submission Form

1 October 2018 Sustainability  
Round Consultation



**Fisheries New Zealand**

Tini a Tangaroa

## Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

**Submissions must be received no later than 5pm, Friday 27 July 2018.**

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

## Submitter details:

Name of submitter or contact person:	PANIA JAMES
Organisation (if applicable):	JAMES MARINE LTD
Email:	<a href="mailto:admin@jamesmarine.co.nz">admin@jamesmarine.co.nz</a>
Fish stock(s) this submission refers to:	GLM9
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	OPTION 2 TO INCREASE THE TACC

## Official Information Act 1982

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GLM9 Review  
Fisheries New Zealand  
PO Box 2526  
Wellington 8140  
& By email to; [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

27<sup>th</sup> July 2018

To whom it may concern

### **GLM9 Review, 2018 Consultation**

Pare Hauraki Kaimoana makes this submission as manu whenua of Tikapa Moana and on behalf of the iwi of Pare Hauraki.

Pare Hauraki have significant consents for growing green lipped mussels in Tikapa Moana. This includes commercial consents going back over twenty years and allocations derived from the iwi aquaculture settlements. These consents and investments rely on a satisfactory supply of mussel spat which must come from areas outside of Tikapa Moana, the majority from the Te Hiku rohe.

We understand that the overall productivity of GLM9 spat is decreasing due to the following factors;

- quality is decreasing in both count per kilo and size of spat
- mortality of spat increasing once seeded onto farms
- fish predation of seed is increasing
- environmental impacts are reducing crop yields.

The impact of this is that the total tonnage of mussels is decreasing for the same GLM9 TACC of 180 tonnes. Therefore the industry needs to increase TACC purely to maintain its annual tonnage.

Pare Hauraki;

1. Support the proposal to retain the current GLM9 TACC at 180 tonnes as per Option 2
2. Support updating the spat to seaweed ratio from 50:50 to 25:75
3. Encourage you to consider changing the fishing year to an April start date to better encompass the reality of catch patterns and to allow better catch balancing within the fishing year
4. Support the submissions of AQNZ and CMFA

Nga Mihi

Harry Mikaere  
Chair Pare Hauraki Kaimoana





North Island Eel Review  
Fisheries New Zealand  
Ministry for Primary Industries  
PO Box 2526  
WELLINGTON 6140

27 July 2018

**Submission on the ‘Review of North Island eel sustainability measures for 1 October 2018’**

I welcome the opportunity to make a submission on the *Review of North Island eel sustainability measures for 1 October 2018*.

I do not intend to make submissions on every consultation on sustainability measures under the Fisheries Act (1996) in my role as the Parliamentary Commissioner for the Environment. However, my predecessor’s 2013 report on the status and plight of the longfin eel contained recommendations that have helped lead to this current review<sup>1</sup>, and consequently I have decided to make a submission in this case.

In her report, Dr Wright highlighted the unique features of this endemic species, and noted the particularly significant cultural value of tuna to Māori. Dr Wright noted that habitat modification, the installation of barriers to up- and downstream passage, and harvesting have all served to significantly reduce the distribution and abundance of longfin eels.

All three of these issues continue to be significant pressures on the species. It was this fact, in combination with the inherent vulnerability of the longfin eel’s life-cycle that led Dr Wright to conclude that the species was on a slow path to extinction, and substantive intervention was required to reverse this decline.

While recognising that harvesting was not the only factor affecting longfin eels, Dr Wright concluded that limiting harvesting was the only policy intervention that could rapidly and significantly reduce pressure on the species. In her report, she also investigated the status of shortfin eels, and concluded this species was not under such pressure or in such need for remedial management actions.

I agree with both these conclusions.

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<sup>1</sup> PCE 2013. *On a pathway to extinction: An investigation into the status of and management of the longfin eel.*

As the current review document notes, Fisheries New Zealand has taken a number of steps aimed at increasing the abundance of longfin eels. These include the splitting of the two species into separate stocks in the South Island, and reductions in the Total Allowable Commercial Catch (TACC) for longfins in a number of areas around the South Island. I also understand that Fisheries New Zealand has refined the methodology for calculating catch-per-unit-effort, and has commissioned new modelling to estimate the proportion of habitat subject to commercial fishing pressure.

The review highlights that longfin eel populations are not showing strong and consistent increases, and that the species is still significantly negatively affected by “habitat destruction, drain clearing, flood and hydro turbines”. The review assesses North Island populations as being above the target level of 40% of the estimated unfished biomass ( $B_0$ ).

However, the  $B_0$  used is based on the theoretical unfished biomass that could be supported by the current remaining habitat. The loss of eel habitat due to dams and other barriers, and forest clearance and habitat loss, means this  $B_0$  biomass will be significantly smaller than the pre-human biomass would have been. It is not clear that this is an appropriate benchmark to assess the sustainability of the harvest given the other pressures the species also faces.

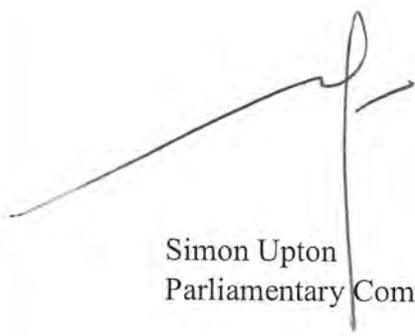
The review proposes two options for the North Island longfin eels stocks. Option 1 proposes no changes to the TACC for any of the Quota Management Areas, while Option 2 proposes a range of reductions to the TACC for longfin eels in all Quota Management Areas. Fisheries New Zealand states that Option 2 is considered more likely to increase the abundance of longfin eels.

Like my predecessor, it is my view that significant and rapid interventions are still needed to increase the abundance and long-term viability of this valuable endemic species. A reduction in harvesting pressure is still the only policy intervention that will rapidly and directly reduce longfin eel mortality. Of the options proposed by Fisheries New Zealand, Option 2 is the more likely to reduce the risk of further decline in the species.

I am concerned however, that this may not be sufficient. The two indicators presented by Fisheries New Zealand do not provide evidence of significant increases in eel numbers, and the other pressures on eels have not substantially reduced. The situation for the species remains dire.

Fisheries New Zealand has not consulted on the option of setting the TACC at zero for longfin eels. Had it done so it would have given the public the chance to submit on my predecessor’s recommendation which was for a moratorium until longfin eel stocks could be shown to have recovered. I regret that this option was not consulted on.

Of course, a reduction of harvesting pressure does not in itself ensure the survival of longfin eels. Significant actions to improve access up and down waterways for the species, and to improve the quality of eel habitats, are required. To this end, Fisheries New Zealand must work with the agencies responsible for managing these other pressures, including the Department of Conservation, the Ministry for the Environment, and local government, to ensure their policy interventions are aligned and effective.



Simon Upton  
Parliamentary Commissioner for the Environment



**PĀUA INDUSTRY COUNCIL Ltd.**  
Level 7, Eagle Technology House  
135 Victoria Street, Te Aro, 6011  
**Wellington, NEW ZEALAND**

**Tel** (04) 3854005    **web** [www.pāua.org.nz](http://www.pāua.org.nz)

**27<sup>th</sup> Jul7 2018**

## **Review of 2018 sustainability measures for PAU 5B**

The Paua Industry Council (PIC) thanks Fisheries New Zealand for the opportunity to submit on the review of sustainability measures for PAU 5B.

PIC is the national umbrella organisation representing the interests of pāua quota and ACE owners and other participants in the New Zealand commercial pāua fisheries.

The organisation provides advocacy, consultation and support services to five regional representative organisations, PauaMACs, with the chair of each also being a director on the PIC Board. Funding is by way of a Commodity Levy paid by pāua quota share owners. There are strict governance and voting rules in place which ensures that decision making is very much “bottom up”, with quota owners and harvest crews providing much of the direction and work streams for the organisations.

PauaMAC5 has submitted in favour of option 3 in the Initial Position Paper being a 20% increase in the TAC and TACC. PIC supports that proposal.

### **The options to increase the TACC**

The best available science, which is presented by Fisheries New Zealand, indicates

- all of the options, status quo, a 10% increase and a 20% increase will result in an estimated biomass of 48% B0 or greater, which is well above the target biomass of 40% B0.
- There is very little difference in estimated biomass (%B0) projections between option 2 and option 3, indicating that an increase of 20% compared to 10% will have a minimal effect on estimated %B0.
- The projected probability that %B0 will drop below the target biomass of 40%B0 is minimal over the next three years.
- The increased economic benefit of option 3 compared to option 2 comes with minimal increased risk of biomass decline.

Importantly the modeled current exploitation rate averaging 9% of the recruited biomass (that biomass available to fish) means there are a very large proportion of spawning adults being left

in the water. This exploitation rate is not modeled for the different scenarios. However the statistical likelihood that increases in catch up to 20% over the next three years will cause the  $B_{current}/B^0$  rate to fall is indicated as unlikely, which in turn points to an ongoing low exploitation rate is a positive sign.

The Initial Position Paper states that a 10% increase is “a conservative response” and “a more cautious approach” than a 20% increase. This is correct, in the sense that status quo is an even more conservative and cautious option. However the decision to be made by the Minister is to balance sustainability with utilisation. PIC believes that in this situation there is a very high likelihood that sustainability is assured under all options. Therefore in this instance the Minister can be comfortable that enabling a modestly higher level of utilisation is in order.

PauaMAC5 has a Harvest Control (HCR) rule in place for the Stewart Island fishery. The settings for the HCR are conservative and carefully reviewed by independent science provider Dr Phillip Neubauer of Dragonfly Science. We also take guidance from FNZ science when the HCR is run. PIC is completely confident that, no matter which option the Minister takes, that should the status of the pāua stock on the Island change in the future, measures will be taken by the PauaMAC and its QSOs to quickly address any problem. And obviously the Minister is able to make TAC alterations if the need arises at any time.

### **Other issues**

PIC commends Fisheries New Zealand for incorporating a policy that as the health of the fishery improves to the point where catch can be sustainably increased, that catch level proportionality is maintained for all sectors. We would expect that should in future there need to be a catch reduction in this or any other pāua fishery that this is equally shared among sectors.

The rebuild of the Stewart Island pāua fishery has been a slow one. But it would have been even slower if industry had not adopted, implemented and enforced an increase in commercial minimum harvest size-currently at 137mm, compared to the Minimum Legal Size of 125mm. The increased harvest size is based on sound science which takes into account the biological characteristics of the pāua population there. PIC recommends that FNZ work towards implementing biologically appropriate minimum legal sizes for Stewart Island for all sectors.

### **28N Rights**

There are .157tonne (157 kg) of 28N Rights held by a single quota share owner in existence in the PAU5B fishery.

PIC is aware that Ngai Tahu and Moana New Zealand can only support a TACC increase at this time if it is done in a way which does not reduce the Quota Share holdings of other quota share owners. They point out that an increase will immediately result in the re allocation of quota shares, including Settlement quota, permanently to the 28N Rights holder. The amounts are small of course, but the principle that individuals should not bear the cost of a Crown liability is supported by the Paua Industry Council.

We wish to point out the absurdity of the situation where if the TACC is not increased in PAU5B due to those 28N rights holders being forced to take legal action to defend their undeniable property right here, the country will lose export earnings every year of around NZ\$900,000. The regional economy will similarly lose out and the possibility of the extra jobs that another 18 tonne of catch might support will also not happen.

This is high price for the country to pay for policy and legal lassitude inside FNZ Wellington. Fisheries New Zealand must take the lead here and work with the fishing industry, their Minister and Cabinet to sort out once and for all the 28N Rights problem. A problem which they created.

Finally, last year in the final advice on PAU4 to its Minister, someone inside MPI made the call that 28N Rights were not an issue for the Minister to consider when altering a TACC.

*“452. MPI notes that the concerns of fishers regarding 28N rights cannot be addressed through the TAC and TACC setting process. As they are outside the scope of this paper, separate advice can be provided to you on this issue.” - Review of Sustainability Controls for the 2017 Fishing Year*

We look forward to seeing the same official reconcile that advice in the PAU5B situation, where a 2001 TACC reduction of 40% in PAU5B has set the scene for a very clear breach of the Settlement if that advice is applied consistently here.

### **Summary**

The Paua Industry Council supports a 20% increase in the TAC and TACC for PAU5B

Yours sincerely



Jeremy Cooper

CEO - Pāua Industry Council Ltd.

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████████████████████



# PauaMac5 Incorporated

Secretary's Office:  
62 Deveron  
Street Private  
Bag 90106 Invercargill  
9840  
NEW ZEALAND  
Phone: 03 2113355  
Fax 03 218 2581

## Review of 2018 sustainability measures for PAU 5B

1. PauaMAC 5 Incorporated appreciates the opportunity to submit on the 2018 review of sustainability measures for PAU 5B. PauaMAC 5 represents the owners of pāua quota and ACE in PAU 5A, PAU 5B and PAU 5C, as well as fishing vessel operators, processors, fish dealers and harvesters who operate in the PAU 5 fisheries. The sustainability round proposals have been discussed by the quota share owners affected at this years Annual General Meeting. There was agreement that there were no sustainability risks for any of the options.
2. PauaMAC 5 therefore supports **Option 3** – i.e., a 20% increase to the PAU 5B TAC, TACC and allowances.
3. This submission addresses:
  - Reasons for supporting a 20% increase;
  - Allocation of the TAC; and
  - The need to urgently resolve issues around section 28N rights.

### Reasons for supporting a 20% increase

4. PAU 5B biomass is well above the management target and trending upwards. Options 2 and 3 are both likely to retain the biomass of PAU 5B above target levels and to ensure the long-term sustainability of the pāua stock. Both options represent a conservative management approach as it is likely that biomass will continue to trend upwards under either scenario. PauaMAC 5 also notes that, for all options, further conservatism is built into the management of the fishery in that the allowances for recreational fishing, customary fishing and other fishing-related mortality are all considered to be well above the level of actual mortality under each of these allocations.<sup>1</sup>
5. Section 10 of the Fisheries Act 1996 requires decision makers to be cautious when information is uncertain and provides that any uncertainty should not be used as a reason for postponing or failing to take any measure to achieve the purpose of the Act. PauaMAC 5 notes that the “caution” required under section 10 relates to achieving the purpose of the Act, which is to *provide for the utilisation of fisheries resources while ensuring sustainability*. The information principles in section 10 should not, as implied in FNZ’s consultation document, be interpreted as

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<sup>1</sup> PauaMAC 5 notes that the actual level of recreational harvest is unknown.

skewing the dual purpose of the Act in one direction or the other.<sup>2</sup> The balance between utilisation and sustainability is provided in the purpose of the Act, not in the application of the Act's information principles.

6. After considering the best available information, PauaMAC 5 considers that Option 3 better meets the purpose of the Fisheries Act than Option 2 – i.e., both options ensure sustainability, but Option 3 makes better provision for utilisation.

## Allocating the TAC

7. PauaMAC 5 supports the proportional allocation approach proposed by Fisheries New Zealand. We look forward to seeing proportional allocation becoming the norm in adjustments to sustainability settings for other pāua stocks.
8. However, we note that Fisheries New Zealand's consultation document contains some illogical and unsupportable statements relating to allocation. In particular:
  - The proposed increases to the allowances for customary and recreational fishing under Options 2 and 3 do not *allow for a likely greater harvest of pāua* by customary or recreational fishers.<sup>3</sup> Increasing the allowances makes no difference to the actual allowed level of customary or recreational harvest (which is determined by customary authorisations and the daily bag limit, respectively);
  - Option 3 will not provide additional utilisation opportunities for non-commercial fishers above those provided for in Option 2<sup>4</sup> – under Option 3 the TACC would be higher than under Option 2 and therefore there would be less additional abundance for non-commercial fishers. In practice, however, all options provide for unconstrained non-commercial catch because neither of the allowances is limiting and the voluntary commercial MHS ensures that non-commercial fishers have exclusive access to pāua between 125mm and 137mm; and
  - It is not clear why the allowance for other mortality to the stock caused by fishing has been set at 3 tonnes when the best available information is that other mortality is around 0.3% of commercial catch – i.e., less than 1 tonne for each option.<sup>5</sup> If the difference relates to an estimate of illegal harvest, then this should have been mentioned in the consultation document.

## Section 28N rights

9. PauaMAC 5 notes that neither Ngai Tahu nor Moana NZ can support TACC increases in stocks such as PAU 5B which have section 28N rights. Under options 2 and 3, the section 28N rights in

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<sup>2</sup> For example, paragraphs 781, 805 and 809.

<sup>3</sup> Paragraph 807.

<sup>4</sup> Paragraph 807.

<sup>5</sup> Paragraph 781.

PAU 5B would trigger a permanent reduction in the quota shares owned by Ngai Tahu and Moana NZ and of course by every other quota owner who does not own section 28N rights.

10. PauaMAC 5 accepts that section 28N rights are protected in section 23 of the Fisheries Act. However, it is becoming increasingly apparent that the ongoing existence of section 28N rights in pāua fisheries is distorting fisheries management incentives and undermining the Fisheries Settlement. We therefore support the urgent development and adoption of a negotiated solution to section 28N rights between the Crown and quota owners (across all stocks).
11. We note that although both options for a TACC increase would trigger section 28N rights, the resultant reallocation of quota shares will be greater under Option 2 than under Option 3.

A handwritten signature in black ink that reads "Storm Stanley". The signature is written in a cursive, slightly slanted style.

Storm Stanley  
**Chairman**

Name of submitter  
or contact person: Peter Bull

Organisation (if applicable): Paddy Bull Ltd

Email [REDACTED]

Fish stock(s) this submission  
refers to: GLM9

Your preferred option as detailed in consultation document

Option 2

**Details supporting your views:**

In the consultation document

Section 2

#535 (new information supports a change to the spat ratio)

Section 4.1

#551 – science states there is an option for change

#552 – science supports revising the ratio to 25% spat and 75% seaweed

Also, in support of option 2 our companies spat gather, "Top Spat", regularly talks of the waste of the spat resource.

- 1) The amount stranded and dying on the beach
- 2) The amount of healthy spat that passes beyond Cape Reianga.

Number 2 above should be looked at due to the restraint of the gathering methods. POWER DRAG NETTING should be a method to gather spat when all other methods are unable to access this resource.

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	Phillip Walters
Organisation (if applicable):	
Email:	Nz.eel@xtra.co.nz
Fish stock this submission refers to (delete any that don't apply):	<input type="checkbox"/> SFE 20 - Option 1 <input type="checkbox"/> SFE 21 - Increase of 10% <input type="checkbox"/> SFE 22 - Option 1 <input type="checkbox"/> SFE 23 - Option 1 <input type="checkbox"/> LFE 20 - Option 1 <input type="checkbox"/> LFE 21 - Option 1 <input type="checkbox"/> LFE 22 - Option 1 <input type="checkbox"/> LFE 23 - Option 1
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	

### Official Information Act 1982

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. Fisheries New Zealand will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

**Submission:<sup>1</sup>**

My name is Phillip Walters (Walt) I have been involved with eels since catching them as a kid over 50 years ago. In 1973 I started work at New Zealand Eel Processing Co Ltd for the Teklenburg family – [REDACTED]. I'm still working at NZ Eel today as factory manager. We have been processing eels continuously over the years and I have seen many changes, mostly detrimental, to the environment. The worst being continual drainage of natural swamps and waterways, willow removal, more stopbanks & flood pumps and poor land use all contributing to deteriorating water quality and available habitat. Pre-QMS overfishing also occurred.

Through all this the eels have survived and because the industry has lobbied long and hard, many changes have happened over the years. Introduction of the quota management system in 2004 alone has been a huge step in rebuilding the fishery. Changes in escapement tube size have helped immensely. The size structure of the fishery is in good shape.

The commercial fishing pressure is much reduced since the introduction of the quota system. This shows with all indicators being very positive: good elver recruitment, CPUE, and size structure. I believe SFE21 could easily support a 10% increase in TACC.

Maori also have a big involvement in the fishery, owning approximately 50% of the quota. We have European and Maori fishermen and half of our staff are Maori and a great crew to work with. Our foreman (Ngati Porou) has been with us over 10 years.

In my view the status quo for both Shortfin and Longfin eels should remain in all North Island Areas, except SFE21 which should be increased. The eels have been, and still are, a massive part of our lives and we as an industry definitely want to see it continue for future generations, commercially, customary and recreationally.

Please continue on a separate sheet if required.

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<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

# Submission Form

1 October 2018 Sustainability  
Round Consultation



**Fisheries New Zealand**

Tini a Tangaroa

## Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

## Submissions must be received no later than **5pm, Friday 27 July 2018.**

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter  
or contact person:

[REDACTED]

Organisation (if applicable):

PIAKO PETES

Email:

[REDACTED]

Fish stock(s) this submission  
refers to:

FLA1

Your preferred option as detailed in  
consultation document (write "other"  
if you do not agree with any of the  
options presented):

OTHER:

OPTION 1 – STATUS QUO FOR HAURAKI GULF/FIRTH OF  
THAMES

### Official Information Act 1982

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Submission:

Details supporting our views:

1. We own a small fishing business in Pipiroa called Piako Petes. We only fish in the Firth of Thames. We own 7,500 kilos of flounder that we catch ourselves each year and sell it direct to our customers. We have been in business for approximately 15 years and have had very little variation in our catches over this period.
2. Our business is sustainable because we own quota and sell direct to our customers.
3. Reducing our quota in any way will completely destroy our livelihood and business. Leasing options become very expensive. Take the Snapper quota for area 1 as an example. The large companies own most of the quota. It is nearly impossible for small operators like us to even lease any snapper and the cost is enormous. Almost \$10 a kilo. If the large companies don't own it, they make sure they get all the lease. We can't operate without this quota but because of the reduction years ago it has now become an extreme luxury. This could potentially happen to flounder too. Kahawai quota too was taken off us many years ago, and for 500 kilos we received a grand sum of \$56.25 as compensation from the Crown. Needless to say, the cheque was never cashed. Both snapper and kahawai stocks are in an abundant state in the Firth of Thames but we have never been offered our quota back or had any extra snapper quota made available. Reduction in flounder quota in our area is not the answer.
4. **Clause 468** refers to long-term decline in Area 1. That comment, we believe, is misleading. Manukau and the Kaipara are declining – the Firth of Thames is not. If, as you state, some years are less than others then the following needs some consideration:-
  - (a) Less fishermen than in the past. The age of the Inshore Dory fishermen is probably 55 years plus. There are very few young people entering into this job due to low wages, long hours and more expense with all the new regulations.
  - (b) The mangroves encroaching on the bays where the flounders traditionally fed coming down the Firth of Thames to the flats where we fish.
  - (c) The influx of so many mussel farms on traditional flounder ground – great for the snapper but the lowly flounder doesn't like to travel under them due to the mussel mess.

(d) We have been remotely involved with the University in Tauranga regarding flounder reproduction in the Firth of Thames. Their studies need to be looked at with a view to getting updated information regarding the flounder in the Firth of Thames.

5. **Clause 475** refers to recreational fishers. In our 21 years fishing in the Firth of Thames there would have only ever been about 8 recreational flounder fishers – and these are the same families each time. So, we do not agree that the commercial sector is taking anything away from the recreational fishers in our area.
6. **Clause 479** refers to the fact that flounder fishing is a low cost venture. Income = cost of venture! It's all relevant.
7. **Clause 485**: With regards to the stock assessment, we believe that there have been no scientific results to back up your statement that the biomass will not be sustained and accordingly there is no proof that reduction in quota in the Firth of Thames will better support the sustainability of the flounder stock.

We believe that the following needs consideration:

- (a) Make the Firth of Thames a separate fishing area.
  - (b) Give permits to those existing fishers who can prove that 90% of their flounder catches for last two fishing seasons have been caught in the Firth of Thames.
  - (c) Issue no new permits for this area until the existing permit holders retire or wish to finish with fishing
  - (d) Even consider that the fishers should actually own, say 5 tonne of flounder quota, to continue fishing. Nothing ensures sustainability more than if you have a vested interest in it.
8. **Clause 491** suggests that the significant decline in flatfish biomass may be having an impact on predator species. Considering there is no scientific information confirming that the flatfish in the Firth of Thames is declining and that the predators – snapper and kahawai are in abundance we believe that this is a mis-leading statement.
  9. **Clause 5.2**. Flounder fishing does not cause any environmental impacts on seabed habitats in the Firth of Thames. Our nets are in the water for 45 minutes, we never leave them. It is the most sustainable way of fishing.

There is no scientific or environmental justification for the reduction of flounder quota in the Firth of Thames.

Other: Option 1 in respect of Firth of Thames/Hauraki Gulf only

We wish to be heard at the hearing.

**R P Holdings Ltd                      Just Mussels Ltd                      Pooley Family  
Golden Bay Marine Farmers Consortium. Tasman Mussels Ltd  
Tawhitinui Greenshell Ltd**

PO Box 183 Nelson 7040 email: [justmussels@gmail.com](mailto:justmussels@gmail.com)

To whom it may concern, please accept this submission from the Pooley Family

**MPI Discussion Paper 2018/05  
Re: Green-Lipped Mussel (GLM9)**

20th July 2018

**Introduction**

We are a small family owned enterprise which has been involved in mussel farming for three generations, since the late 70's

At the invite of the Government of the day encouraged by the then NZ Fishing Industry Board and inspired by local Councils and the Ministry of Agriculture and Fisheries, MAF we invested in the industry, borrowed money from the Rural Bank, moved to Elaine Bay built a home for the family and have suffered every high and low the industry has experienced. More lows than highs.

The name Pooley is synonymous with the development of all aspects of mussels farming, and our modest contribution is acknowledged and respected.

I have served on every industry body over time culminating in 22 years on the executive of the MFA and involved in AQNZ throughout its journey.

We are currently one of a small handful of privately owned family businesses who have maintained the passion to stay active in the industry producing circa 1500-2000 tonnes per annum. We are poised after a 20 year wait to benefit from a heinous process providing a modest opportunity for growth in the region via our equity in Golden Bay Marine Farmers Consortium which coupled with small extensions of our Sounds Farms, will enable us to nearly double our production.

We also provide mentoring and service support for the wider industry as required.

Our businesses support three Pooley Whanau families and we further employ directly another 6 people, further to being the sole suppliers to Cloudy Bay Seafoods with our combined businesses

The Greenshell mussel industry directly employs more than 2,000 people primarily in regional communities, and Maori investment makes up a significant proportion of the current industry as well as its future potential, creating both cultural and economic benefits for Aotearoa. The indirect economic benefits to regional New Zealand are numerous.

Over time every Government<sup>1</sup> has identified aquaculture as a key opportunity for regional growth, and that development in the regions is important for social, economic and cultural wellbeing and for the benefit of New Zealand as a whole. Continued allowance for the sustainable harvest of mussel spat from GLM9 is critical to provide the Greenshell mussel industry with the security of spat supply. And an increased volume is vital for the growth and stability of the industry

This submission is lodged on behalf of the Pooley Family Greenshell Mussel farming businesses, that rely heavily on the unencumbered availability of GLM9 spat. We are quota holders in GLM 9 and have actively sourced and relied on Kaitaia spat as a critical contributor to our spat supply since its discovery in the early 80's

### **Statement of Submission**

The Pooley Family supports and endorses the submissions of Aquaculture NZ and also the MFA. As they complement our submission.

It is difficult to emphasize how critical ongoing access to GLM9 Kaitaia spat is however I would not hesitate to say with out it our industry would be in dire straits. Increasing the actual volume of spat/weed off the beach is the only sensible sustainable provision for growth.

We are happy to attend any hearing and or supply any further information in support if our submission.

### **Background – the Strategic Importance of the GLM9 Fishery for Aquaculture**

Since its discovery Kaitaia Spat (GLM9), has been of strategic importance to the New Zealand Greenshell mussel industry as it is the source of around 75% of the industry's spat and therefore supports the majority of its export earnings and the resulting income for New Zealand.

The GLM9 fishery is unique. The availability of spat attached to beach cast seaweed at 90-Mile Beach arises from the intersection of a variety of biological and physical factors. Because a number of these factors are temporally variable, stranding's of GLM9 spat, while they generally occur within a known season, are largely episodic<sup>2</sup>.

Furthermore, GLM9 spat can be seeded onto farms and held until needed, before being moved into the final grow-out cycle. Careful on farm husbandry and techniques provide us with a natural means of smoothing variability in the availability of spat, thereby enabling a continuous supply of good quality mussels to our processor

Our region (Top of the South) is no different to a number of growing regions throughout NZ, where mussel farmers are effectively limited to using GLM9 spat by biosecurity conditions that preclude other major spat sources. Local spat can also be limited in availability or condition from year to year based on environmental or other

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<sup>1</sup> New Zealand Labour Party and New Zealand First (2017). Coalition Agreement

<sup>2</sup> Alfaro, Andrea (2001). *Ecological Dynamics of the Green-lipped Mussel, Perna canaliculus, at Ninety Mile Beach, Northern New Zealand*. University of Auckland Doctoral Thesis.

factors. In areas where mussel farmers are able to utilise spat from several regions, accessing GLM9 along with other spat types, ensures availability of good quality ready to harvest-condition mussels for most of the year. This is because product ready for harvesting and processing, stems from spat sourced from different regions at different times of the year. This in turn enables the industry to support almost year-round processing so therefore employment in regional New Zealand.

With time industry may be in a position to utilise hatchery spat as an adjunct to all spat supplies however at the moment there is only one company sourcing spat from one hatchery and no tangible plans in place for more.

It is important to note that each source of spat whether it be GLM 9, locally caught spat or spat caught in other regions actually complement each other. Every source of spat may in a given year be the only source of spat. The fortunes of spat supply rely wholly on mother nature, there are no rules.

Having been around the industry for 40 years we have seen years where industry has been totally dependent on Kaitaia spat and in other totally dependent on spat from other sources.

#### Growth and Goals

Current production is around 100,000 tonnes per year with the majority coming from the Marlborough and Waikato regions. A conservative estimate for production increase over the next ten years utilising existing consents is an additional 40,000 tonnes per year. In today's terms the revenue from the production growth might be in the order of \$140 million per year and additional regional jobs could be in the order of 1,200. However, this growth will not be realised in this timeframe without ongoing access to and a sensible proportional increase in GLM9 spat. quota

Furthermore, without sufficient spat the value of the treaty settlement mussel farms may be compromised as would the ability for the Government to deliver on further aquaculture settlement obligations. Without access to sufficient spat, the value of new mussel farms would be significantly diminished.

#### **Background – GLM9 Management**

The Ministry of Fisheries brought GLM9 into the QMS in 2004 '*despite there being no pressing sustainability concerns with the fishery*' in order to '*provide for efficient utilisation and future development*'<sup>3</sup>. Importantly it was brought into the QMS as a s14, schedule 3 stock, in recognition that the purpose of the Act would be better achieved by setting an alternative TACC rather than to Maximum Sustainable Yield. This was in the context of knowledge and research that sustainability of the fishery was not a concern.

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<sup>3</sup> Workman, Martin (2004); *Moving to Rights Based Management: Green-Lipped Mussel Case Study*. IIFET 2004 Japan Proceedings.

There are **no recognised sustainability issues associated with the GLM9 stock** as its harvest on beach-cast seaweed has no impact on further recruitment of the adult mussel population. This is because both spat and seaweed originate from south of Ahipara and drift northwards along 90 Mile Beach and then with the prevailing currents around North Cape. This drift spat does not cycle back into the adult population, south of Ahipara, or to the best of anyones knowledge actually enhance natural beds down the East Coast. The most common view is that it is lost to the aquatic environment.

There are however issues perceived and real we believe relating to the impacts of the actual harvesting activity on the beach, in particular on the sensitive toheroa populations that are so important to the local Iwi, which must be acknowledged. As noted in the discussion paper research was conducted in 2007 that found that ‘there was little difference in the impact between the mechanical harvesting method and hand-gathering methods’. A 2013 literature review<sup>4</sup> of factors affecting the abundance of toheroa highlighted that ‘*natural processes were likely to account for the highest level of mortality and variability in recruitment*’ but that anthropogenic activity such as changing land use and vehicle activity on toheroa beaches may limit the ability of the populations to recover. Importantly though, the scale and location of vehicle activity from the spat fishery is most likely less than minor compared to the substantial tourist traffic in the more sensitive ‘*high intertidal zone*’.

The industry does acknowledge though that it is important to carefully manage the harvesting activity in order to allay any actual or perceived sustainability concerns. At the time of QMS introduction a representative group was formed initially comprising quota owners, fishers and mussel farmers, then in 2009 extending to include representation from each of the five local Iwi as well as from Te Ohu Kai Moana. The purpose of the group was ‘*to manage the GLM9 fishery using best practices that maximises the value New Zealanders obtain through the sustainable use of the Green Lipped Mussel resource while operating in an environmentally sustainable manner.*’

The group developed a ‘GLM9 Management Plan’ which, among other matters, sought to address ‘*activities of the fishers that may impact on other people’s use and values connected with the GLM9 environment. In this respect the importance of Te Oneroa-a-Tōhē to local Iwi and indeed special places of importance to all Iwi within GLM9 are acknowledged*’. The four objectives were to:

- 1) Ensure sustainability
- 2) Support stakeholders to collectively maximise the value they receive from the resource while sharing the resource
- 3) Improve understanding and perceptions of the resource and the fishery
- 4) Apply good management practices

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The plan included a GLM9 Fishers Code of Practice<sup>5</sup> which noted 'it is in the best interests of the fishers that the operation on Te Oneroa-a-Tōhē is conducted in a considered and responsible manner' and included measures to limit vehicle impacts on the beach. A Sustainable Farming Fund grant was also in 2014 to 'improve the sustainable management of the spat resource through the development of robust systems and processes to collect data on spat fall as it occurs'.

However, further implementation broader management plan and the SFF project stalled in 2015 when, through settlement of the Te Hiku o Te Ika Iwi claims in the region, the Te Oneroa-a-Tōhē Board was established as a statutory body to, among other things, '*prepare and approve a beach management plan that identifies the vision, objectives, and desired outcomes for the Te Oneroa-a-Tōhē management area*'. At that time, it was viewed that the Te Hiku o Te Ika beach plan might somehow incorporate and extend the activities and objectives of the GLM9 group. However, although facilitation of the plan was tendered out in 2016 it has not yet been developed and so there have been some barriers to ensuring that the sustainable management objectives of the spat fishery and the broader iwi objectives for the beach are aligned.

Despite this, the industry (mussel farmers and spat harvesters) have an ongoing motivation to make sure that practices on the beach are sustainable and in keeping with the interests of Te Hiku o Te Ika and the purpose of the Te Oneroa-a-Tōhē Board. I note that Aquaculture New Zealand has extended an invitation to the Board to facilitate spat fishery involvement in the plan where and how this is appropriate.

Initiatives that could be revisited either in conjunction with Te Hiku o Te Ika or separately include:

- a) a refresh of the Sustainable Farming Fund project to set up information gathering systems to enhance understanding of the fishing activity
- b) a new Sustainable Farming Fund project to increase understanding of the toheroa population on the beach and appropriate measures to protect it
- c) support for wider research on the broader range of impacts on the beach from the wide range of activities
- d) refreshing the GLM9 Code of Practice to ensure it reflects the best available knowledge and practices to ensure the ongoing sustainability of the fishing activity
- e) working with MPI to regulate elements of the fishing activity in line with the GLM9 Code of Practice

### **Proposal to Review the Spat Ratio**

A challenge for the introduction of GLM9 was '*how to measure and report juvenile mussels when they are harvested attached to seaweed*'. The Ministry overcame this problem by requiring all fishers harvesting seaweed on 90 Mile Beach to report their catch using a set ratio for converting the weight of the material landed into the weight

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<sup>5</sup> Appended

of the juvenile mussels and seaweed. This was based on the '*best estimate of the fishers*' at the time, at 50%.

As early as 2005 research was available<sup>6</sup> that the actual ratio was more in the order of 25%. As noted in the MPI discussion paper, more 'new information' has become available to support the earlier research and there is now sufficient data to support the amendment of the ratio to reflect best information in line with the Fisheries Act s10(a) requirement.

The Pooley Family supports the recommendation that the Head of Fisheries New Zealand (or an official acting under delegated authority) amend the spat to weed ratio from 50:50 to 25:75.

### **Proposal to Review the TACC**

The discussion document highlights that the current combination of the GLM9 TACC, recently increased deemed values and the spat ratio is creating a significant constraint to future growth of the mussel farming industry. This constraint would continue and effectively increase in severity, if the TACC was adjusted down to 'balance' the change in the spat ratio. An inability to grow the industry sustainably effectively means an industry in decline. The resulting consequences for the mussel industry, its export returns to New Zealand, and the kiwis it employs in the regions would indeed be significant.

As outlined above, there are no recognised issues with the sustainability of the GLM9 stock. If this was the only consideration there should be no question that it is most appropriate to leave the TACC as it is and allow the industry some headroom to grow.

We are mindful however that there are concerns, regardless of the available science, that an effective increase in TACC would also mean an effective increase in adverse impacts on the sustainability of Te Oneroa-a-Tōhē. It is imperative that these concerns are allayed, and, as outlined above, the industry is committed to working with Te Hiku o Te Tika and MPI to make sure that practices on the beach are responsible and of the lightest pragmatic impact.

We note also that changing the effective TACC will not necessarily lead to more activity on the beach. The activity on the beach is driven by mussel industry demand for spat and a constraint on the ability to harvest can actually lead to stronger incentives to harvest spat even if there is no current demand or the spat is not in optimum condition. If there was more headroom in the TACC then there would be a greater capability for fishers to manage their catch to better to meet actual demand and more 'space' for them to be able to meet their market requirements without

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<sup>6</sup> Jeffs, A.G.; Sim-Smith, C.; Alfaro, A.C. (2005). *Development of the green-lipped mussel spat resource in northern New Zealand*. NIWA

having to 'race'. Constraining the TACC does not lead to efficient use of the resource.

The Pooley Family strongly supports Option Two - the recommendation that the Minister of Fisheries leave the TACC at its current limit of 180 tonnes.

### **Request to Consider Change to the Fishing Year**

Spat falls on Te Oneroa-a-Tōhē are primarily in the spring and summer months which means that managing the fishery within the 1 October fishing year can be challenging. In some seasons two years' worth of quota could effectively be caught if a fall occurs in early October, another for example in January and then the next some time in September. It might make more sense for the fishing year to be amended to be a 1 April year instead as this would better support the fishers and industry to balance, budget and report the GLM9 catch.

The Pooley Family requests that consideration be given to the fishing year for GLM9 to be changed from 1 October to 1 April.

### Summary

In summary The Pooley Family requests that MPI;

1. Amend the spat to weed ratio from 50:50 to 25:75
2. Retain the current TACC at 180 tonnes as per Option two.
3. Consider a change to the fishing year to 1 April – 31 March

Yours sincerely

Robert F Pooley  
Managing Director  
Pooley Marine farming

## **APPENDIX – GLM 9 Fishers Code of Practice**

### Overview:

It is in the best interests of the fishers that the operation on the beach is conducted in a considered and responsible manner. For the GLM9 Fishery to be sustainable in the long term it is absolutely crucial that there is a minimum impact on the environment.

#### 1.0 SPEED

1.1 Speed on the beach should be kept to a minimum. Excessive speed is more likely to damage shellfish populations.

1.2 Vehicles used in the water adjacent to other workers must travel no faster than a man can wade.

#### 2.0 SEARCH & TRANSPORT

2.1 Toheroa beds are the most sensitive to vehicular travel. The highest density of toheroa is found in the dry sand area below high water mark. This area, and any other area showing signs of Toheroa should be avoided.

2.2 Tuatua beds occasionally rise to the surface and are easily visible. These areas should not be driven over.

2.3 Other wildlife on the beach such as birds, penguin, seals and horses should not be disturbed.

2.4 Use only the minimum number of vehicles necessary to collect orders.

2.5 Use the **time spent on the beach efficiently ... minimizing the time spent traveling** means less damage to the environment.

2.6 Reduce speed when crossing streams.

#### 3.0 OIL & FUEL SPILL

3.1 Do not use any vehicle in or near the water that is leaking oil or fuel. Minimise damage by immediately shifting the vehicle to well above high water mark and if necessary transport back to base.

3.2 Vehicles must be checked for oil or fuel leaks prior to use on the beach. Maintenance of the vehicles in this respect is of high priority.

#### 4.0 SAFE OPERATION OF VEHICLES

4.1 **Refer to 1.0 "SPEED"**

4.2 Machinery operators must be fully conversant with their machines, and able to operate them safely

4.3 Never allow passengers to ride on machinery forward of the axles.

4.4 Treat the beach as a road and obey road rules.

4.5 If driving machinery be aware of workers around you, in front, behind and both sides. (Turning loaders swing a bucket sideways.) It is an offence to injure anyone through careless use of a vehicle anywhere.

4.6 Any vehicle or operational problems must be rectified as soon as practical.

4.7 Fire extinguishers, first aid kits, telephones, and an effective oil spill kit (if one can be found) should be carried in all search and transport vehicles.

#### 5.0 HAND GATHERING

5.1 When working at night wear high visibility vests or clothing

5.2 At night endeavor to remain within a well lit area.

5.3 **Be aware of the danger of cold ... Wet suits are recommended** in cold water temperatures, or at any time when prolonged exposure is likely. The added buoyancy is also a safety factor. Protective clothing suitable to the conditions should always be considered.

5.4 Gumboots are dangerous in surf and must not be used. Suitable lightweight footwear is recommended.

#### 6.0 GENERAL CONSIDERATIONS

6.1 Remove any hazards from the beach such as logs or abandoned vehicles. Council will remove vehicles if they are advised of them. If possible other collectors working at night should be advised of any particular dangers.

6.2 **Be considerate of other operators and users of the beach ...** walk away from confrontations.

6.3 All litter cigarette butts etc must be retained in the vehicles and disposed of appropriately.

6.4 Unlawful activity on the beach should be noted and the appropriate authority advised.

6.5 Use a maximum of 2 tractors per entity.

6.6 Continue the historic practise of not collecting spat from the rocks at The Bluff.

**From:** Mark Mathers [<mailto:info.raglanseafoods@gmail.com>]

**Sent:** Thursday, 26 July 2018 11:10 AM

**Subject:** Fisheries NZ Sustainability measures

To whom it may concern

### **FLA1 & JDO1 quota cuts**

I am a licensed fish receiver primarily landing fish from three Raglan based boats.

As you can see from our catch history below, there is very little change from year to year. What does change is if the boats are targeting JDO we will land a lot more FLA. If the boats are targeting GUR, we will end up with a lot less JDO for the season.

	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>JDO1</b>	13,533kg	13,483kg	12,301kg
<b>FLA1</b>	10,713kg	2,327kg	2,846kg
<b>GUR1</b>	74,826kg	71,955kg	68,210kg

The decision of which species they choose to target is purely made by the sea conditions. They catch GUR a lot easier in rougher weather than JDO.

My knowledge as a businessman and LFR for 24 years, is the fishing in our area is still healthy and if some other fisheries are under threat they should be forced to rest those areas until they have recovered. Not introducing a blanket quota cuts. For example, with all the pressure been put on set fishing for the protection of the Maui Dolphin habitat we now have a large area not fishable. This has created a surplus of SCH & SPO quota which is very similar to FLA & JDO. So does that require a cut too?

If we start making rash decisions it is not going to be long before we have an unbalanced fishery.

So before any cuts are made, your scientists need to take time to consult with all affected people in each port to get the right outcome.

Yours sincerely  
Mark Mathers  
Director

**Raglan Seafoods Limited**  
**Raglan Fish Limited**

536 Wainui Road  
RD 3  
RAGLAN 3297

Ph 0274 935 144 (Mark)

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	Rawiri Richard Smith
Organisation (if applicable):	Kahungunu Ki Wairarapa
Email:	<a href="mailto:ra@kahungunuwairarapa.iwi.nz">ra@kahungunuwairarapa.iwi.nz</a>
Fish stock this submission refers to (delete any that don't apply):	<input type="checkbox"/>
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other

### Official Information Act 1982

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. Fisheries New Zealand will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

### Submission:<sup>1</sup>

#### Details supporting your views:

We must have a total ban on any type of fishing of long fin eel.

<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

## FLA1 Submission

Further to my previous submission concerning the TAC reduction for FLA1 fishstock I would like to make a few more relevant submissions.

Firstly, I don't believe that the East coast FLA fishery is in a decline. As I have stated, the success of the fishstock is almost entirely dependent on the climatic conditions prevalent at the time of spawning. In ideal conditions we get a massive increase in the fishery 2 years later. If the conditions are bad, we get a severe decline in abundance 2 years later. The best thing is, even when there is a bad year it doesn't appear to affect the success or otherwise of the subsequent spawning. It appears to be entirely up to the conditions at spawning. Thus, my conclusion must be that the biomass of this fishery is simply very fluctuating, but in no danger of long term decline.

Secondly, The TACC was always set too high for this fishery. I am at a loss to figure out exactly how this came about. Perhaps because the seiners have left the fishery has contributed to this. I am one of a group of local fisherman that received quota at the start of the QMS and are still fishing. Personally, I have historically caught an average of 82% of my quota. I have on very good years exceeded it. One of our group has caught 100% of his quota for several years. I believe that the quota reductions should be taken from those that don't use it. Take the 18% from me that I rarely use, and I will have to find extra when necessary. Those that historically catch all of their quota, leave it with them. Otherwise the whole fishery process will be altered dramatically. With the cuts as proposed, I will be left with not enough quota to catch and will have to go cap in hand to those with quota, mostly the large companies, which I don't fish for, and they will require me to fish the quota to them which I may not wish to do. The other option I believe that may work to reduce the TACC, is to ask for those quota holders that have quota that is customarily unused to surrender it to the crown. They have to pay resource consent on that quota which is a drain on their pocket so may be an attractive option. I understand that there is no legal process by which either of those two ideas can be achieved so my suggestion is Change The Law.

Thirdly, divide the fishery into east and west coast fisheries. They are not the same fishstock and don't breed in the same grounds. That means the quota should be split as well.

Which leads to my final point. As there is no sustainability problem with the East coast FLA fishery, Leave things as the status quo. Change the Law so that decent and fair ways of reducing the quota can be achieved and stop this hurried approach with little time for consultation or thought. You have already started a rush to obtain FLA1 quota by those that had inside information.

Yours Sincerely, Rex Smith

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter  
or contact person:

ROBERT O'ILVY CLARK

Organisation (if applicable):

Email:

Fish stock this submission refers to  
(delete any that don't apply):

- ~~SFE 20~~
- SFE 21
- ~~SFE 22~~
- ~~SFE 23~~
- ~~LFE 20~~
- LFE 21
- ~~LFE 22~~
- ~~LFE 23~~

Your preferred option as detailed in  
consultation document (write "other"  
if you do not agree with any of the  
options presented):

OTHER SF 21  
OPTION 1 LFE 21

### Official Information Act 1982

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Name: Robert Clark

Organisation: Commercial Eel Fisherman



I am a commercial eel fisherman located in the North Waikato and have fished continually for eels since 1972.

I would like to offer comment on the state of the eel resource in the areas I am familiar with. Since the quota system was introduced on 1 October 2004 I have noticed a steady increase in the availability of Longfin & Shortfin eels, so much so that I now find that I use half the amount of gear that I used to, to catch my quota. This suggests the quota needs to be increased.

Because there is a lot less commercial pressure on the fishery, many of the areas I used to fish, particularly Longfin streams, I no longer bother with because of the extra effort it required to access these areas.

I am very aware of the biomass of eels in our wetlands and particularly of the extremely large biomass of Longfin eels in the large rivers in Area 21 especially the Waikato and Waipa Rivers.

The issue of Longfin eels being threatened in Longfin 21 is actually fake news, and just because uninformed people keep saying they are threatened does not make it true.

Maybe MPI could do some decent scientific research in LFE21 and form some proper conclusion instead of relying on Longfin research from South Island mountain lakes and streams and confusion around reporting correctly from the commercial sector, e.g. destination X and 400gm & 2kg Tainui bylaw in Longfin Area21.

If I had any concerns about the state of the eel fishery in Area 21 I would have no hesitation in supporting a cut in quota.

Yours faithfully,



# Submission Form

1 October 2018 Sustainability  
Round Consultation



**Fisheries New Zealand**

Tini a Tangaroa

## Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

## Submissions must be received no later than **5pm, Friday 27 July 2018**.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	ROBERT WIKINSON
Organisation (if applicable):	JAMES MARINE LTD
Email:	<a href="mailto:admin@jamesmarine.co.nz">admin@jamesmarine.co.nz</a>
Fish stock(s) this submission refers to:	GLM9
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	OPTION 2 TO INCREASE THE TACC

### Official Information Act 1982

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## REVIEW OF SUSTAINABILITY MEASURES FOR OCTOBER 2018

Rod Scott

I am a former commercial fisher and trustee for a family trust , which has Quota shares for QMA 1 species. I would like to comment on the proposed management settings for JDO1 and FLA1

Preferred Option for both stocks - neither.

### JDO 1

Stocks of JDO in the three identified fisheries are very unlikely to be below the soft limit. The indications are that stocks in both east coast fisheries are rebuilding slowly. The overall commercial landings of JDO display a slowly declining trend over the last 20 years but have remained relatively static over the last 8 years.

The commercial landings of JDO over the first ten years of the QMS show an increasing trend probably reflecting fishers' efforts to make JDO a larger proportion of their catch. The increasing availability of SNA in more recent years has forced fishers to modify fishing gear and methods ( e.g. smaller nets, lower headline height, less rope in Danish seining operations etc ) in order to limit catching SNA.

This has had an impact on their ability to catch JDO and may explain, at least in part, the declining trend in commercial landings over the last 20 years.

Considering the above I submit that the present TACC is too high and does present a risk to sustainability because of the substantial headroom above present catch levels. However I suggest that the proposed reductions in the TACC in options 2 and 3 are too severe and possibly unnecessary. I support moving the stock to a level that can produce the MSY but suggest that a smaller reduction in TACC e.g. 30 – 35% will achieve the desired result albeit over a longer time frame. This level of reduction in TACC would allow a small headroom above present landings which could accommodate fluctuations in stock biomass.

### FLA 1

FLA 1 shows a declining trend in CPUE's since the mid 1990's. This trend is much more evident in the two West Coast fisheries – Manukau and Kaipara. The trend in CPUE for the Hauraki Gulf over the same period appears to indicate, at worst , a slightly declining trend. Considering these FLA stocks are not one and the same it would appear that they would be better managed separately . The catch data and some anecdotal evidence does suggest the East Coast fishery is in better health than the West Coast.

An overall reduction in TACC may not address the issue of declining CPUE in the West Coast fisheries. ( e.g. fishers in these fisheries may be able to source a greater proportion of FLA1 ACE – they may simply be prepared to pay more.) A reduction in TACC may in itself not result in a big enough reduction in effort in any particular fishery to address a declining CPUE in that fishery.

Options 2 and 3 would result in serious socio-economic impacts on commercial fishers and their communities. There appears to be a number of independent fishers FLA in the fishery. Under options 2 and 3 these fishers will most likely become uneconomic without sourcing extra ACE. This will most likely be difficult to get.

As FLA 1 is listed on the second schedule of the Act there would be the possibility of an in-season increase in the TACC. However the question has to be asked whether the process of allocating extra ACE is one that would allow fishers to make the most of a season of high abundance. Will the system respond early enough in the fishing year for fishers to benefit ?

It seems very clear that the East and West Coast fisheries should be managed separately and that a move in that direction is possibly more important than an overall large reduction in TACC.

I would submit that the stock be split with a proportionately smaller reduction in the East Coast TACC – reflecting the differing trends in CPUE's.

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	
Organisation (if applicable):	
Email:	
Fish stock this submission refers to (delete any that don't apply):	<input type="checkbox"/> SFE 20 <input type="checkbox"/> SFE 21 <input type="checkbox"/> SFE 22 <input type="checkbox"/> SFE 23 <input type="checkbox"/> LFE 20 <input type="checkbox"/> LFE 21 <input type="checkbox"/> LFE 22 <input type="checkbox"/> LFE 23
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	

### Official Information Act 1982

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**Submission:<sup>1</sup>**

**Details supporting your views:**

My Name is Ruairi O'Connor

My Iwi is Ngati Kahungunu

My Marae is Putahi in Wairoa

I do not agree with commercial fishing of our long fin tuna. I am 32 years old and as a boy I saw healthy numbers of eel in our lakes and rivers. In my short life I have seen the number of eel drop considerably. Our native species of fish are already battling with human pollution, farming and land development and now commercial fishing. These creatures have been existing here far longer than we have, humans have already pushed dozens of unique species to extinction since settling in New Zealand and now the thought of pushing long fin tuna population to the brink of extinction through greed is repulsive and very disappointing. I hope that my children and their children will be able to enjoy seeing these unique creatures, but I think commercial fishing will rob them of that opportunity. Therefore I will never support commercial fishing of not only long fin tuna, but any of our native species.

Please continue on a separate sheet if required.

---

<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.



Submitted by Email: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

26 July, 2018

MPI Discussion Paper 2018/5

## **GREEN-LIPPED MUSSELS (GLM 9)**

This submission represents the view of Sanford Limited. Sanford is a quota owner, aquaculture farmer and owner of Spat New Zealand.

Sanford owns about 20% of GML 9 quota.

Sanford supports the submission lodged by Aquaculture New Zealand.

### **Submission**

1. Amend the spat to weed ration from 50:50 to 25:75
2. Retain the current TACC at 180 tonnes, Option Two
3. Change the fishing year to 01 April to 31 March

### **Reason**

New Zealand aquaculture brings wealth and employment opportunities to rural communities like Coromandel, Stewart Island and Havelock. Greenshell mussels make up about 70% of the aquaculture sectors export earnings.

The mussel farming industry relies on Greenshell mussel spat collected from Ninety Mile Beach, Northland. 75% of New Zealand's spat requirements come from this area.

The availability and continuity of spat and the long term security of water space are the two most constraining challenges facing our industry.

Ninety Mile Beach spat is beach cast seaweed - there is no recognised sustainability issue with GML 9 stock. Beach cast seaweed does not cycle back into the wild population. Weed is historically collected over spring and early summer August to December, the current fishing year ACE allocations are contrary to the pattern of collection and lead to inefficiencies and lost opportunity.

Sanford has supported the research into the weed-spat ratio, we support the use of science to set this ratio rather than the best guess estimate of fishers back in 2004.

Research since 2005 has suggested that the ratio was more likely 25:75. Since then research has further validated and upheld. In line with Fisheries Act s10(a) requirements the Ministry is required to use and reflect best information. Not updating the GML 9 spat to weed ratio is contrary to science.

#### Relief Sought

Sanford submits that the spat to weed ratio be amended from 50:50 to 25:75

Sanford submits to retain the current TACC at 180 tonnes, Option Two

Sanford submits to change the fishing year to 01 April to 31 March.

Sincerely

**Ted Culley**  
GM Aquaculture  
Sanford



27 July 2018

Sustainability Review 2018  
Fisheries Management  
Ministry for Primary Industries  
PO Box 2526  
Wellington 6140

By email: [FMSubmission@mpi.govt.nz](mailto:FMSubmission@mpi.govt.nz)

### **Sealord Submission on MPI Sustainability Reviews 2018-2019**

1. Kia ora and thank you for the opportunity to make a submission on the proposed TACC changes and deemed value rates for 1 October 2018.

#### **Deepwater Stocks**

2. Deepwater Group Limited (DWG) has prepared a submission on behalf of the deep water group fishing quota owners. Sealord Group Ltd as one of the DWG quota owners supports the submission as presented and confirm that for fish stocks owned;

#### **LIN5**

3. Sealord supports option 3 proposed by MPI for a 20% increase in the TACC from 3,955t to 4,746t.

#### **OEO4**

4. Sealord supports option 2 proposed by MPI for a TACC increase from 3,000t to 3,900t while also agreeing with the proposed SSO voluntary catch limit of 2,900t.

#### **ORH3B**

5. Sealord supports option 2 as proposed which would, increase the ORH3B TACC from 5,197t to 7,667t, reduce the sub-area catch limit for Northwest Chatham Rise from 1,250t to 1,150t, and increase the sub-area catch limit for East & South Chatham Rise from 3,100t to 5,670t.

#### **Inshore Stocks**

##### **TAR**

6. Sealord supports the tarakihi management strategy 2018-2021 as prepared by Fisheries Inshore New Zealand and Southern Inshore Fisheries Management Company Limited. This option provides management and research measures to assist the recovery of the eastern tarakihi fish stocks.



### KIN3

7. Sealord vessels have reported a small but consistent increase in KIN3 by-catch over the last five years while target fishing pelagic fish which in our view supports an increase as proposed in option 3 that would move the TACC from 1t to 6t.

### STN1

8. Sealord supports option 1 which effectively is the status quo following the in-season increase for both commercial and recreational fishers that occurred during 2017-18.

### Deemed Values

9. Reviewing deemed values rates within a structured policy framework does not address the anomalies commercial fisher's face from climate change. KIN3 and PIL 7 & 8 are examples within the annual sustainability round review process where oceanographic and climatic conditions have contributed to fluctuations in abundance and has led to unintentional catches in excess of ACE. PIL catches for the 2017-18 fishing year for catch in excess of ACE will result in approximately \$126,000 of deemed value payments. While relief is proposed in the deemed value review paper for the following fishing year, frustratingly \$126,000 will have disappeared into the Consolidated Fund. Sealord would ask two things, one that consideration be given to within season relief much like farmers get for drought relief for stocks such as PIL where it is agreed that they are subject to climatic influence, and secondly that deemed value payments be redirected from the Consolidated Fund into a managed fund that can be drawn on for research purposes for fish stocks.
10. A further concern from the deemed value paper is again the lack of agility within current MPI process for setting or reviewing TACC's to the financial detriment of commercial fishers. The example is SKI3 & 7 where a West Coast South Island trawl survey in 2016 detected a substantially higher biomass of SKI7. Unsurprisingly the higher biomass has led to catch in excess of ACE for the 2016-17 fishing year along with the resultant deemed value payment of \$183,000. Now in the 2017-18 fishing year SKI3 landings have followed a similar pattern to SKI7 where increased abundance has led to catch in excess of ACE with deemed value forecast to be \$179,000. Tinkering with deemed values for the next fishing year (2018-19) may provide some relief, however this will not mitigate the slow process to address the change in abundance driving the over catch of ACE.

Yours sincerely

**SEALORD GROUP LTD**

Doug Paulin

General Manager

Sealord Fishing

**From:** shawn hollings  
**To:** [FMSubmissions](#)  
**Date:** Thursday, 26 July 2018 7:49:57 PM

---

I am a commercial fisherman and have purchased quota as a property right!  
I do not agree with my property right being eroded due to here say.  
Or to appease Maori or any one else who thinks they deserve preferential treatment.  
I agree with the proposed option, status quo no change for all fish stocks.  
There are proven methods already in place, based on fact, figures, science, actual recorded data and such.  
Shawn Hollings

Sent from my iPad

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

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Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	Simon Arnold
Organisation (if applicable):	
Email:	
Fish stock this submission refers to (delete any that don't apply):	<input type="checkbox"/> SFE 20 <input type="checkbox"/> SFE 21 <input type="checkbox"/> SFE 22 <input type="checkbox"/> SFE 23 <input type="checkbox"/> LFE 20 <input type="checkbox"/> LFE 21 <input checked="" type="checkbox"/> LFE 22 <input type="checkbox"/> LFE 23
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Option 2, reduce TACC from 21 to 13 tonnes

### Official Information Act 1982

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. Fisheries New Zealand will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

**Submission:<sup>1</sup>**

**Details supporting your views:**

My primary interest is in the AK ESA where it has a high percentage of its habitats commercially fished and there is little sign that 2008 reductions have had any lasting effect. Some reduction in the commercial quota would be appropriate at least until there are clear signs the fishery is responding.

On a wider front I'd note that across all Longfin CPUE the post 2008 trends have been flat apart from Hawkes Bay (and this is contrary to what is said in Para 149 re AL and contradicted by Para 14&) even if the post 2012/13 periods are discounted. In the case of HB the apparent discontinuity from 2008 to 2012 calls any trend analysis into question.

Overall the conclusions for AK above appear to also apply to the other Longfin fisheries.

Please continue on a separate sheet if required.

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<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

# **Review of sustainability measures MPI Discussion Paper 2018/05 Re Green-Lipped Mussels (GLM 9) (Kaitaia Spat) (GLM 9 Spat)**

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

## **Submission by the SMW Consortium (SMW)**

Contact: John Wilson [REDACTED]

27 July 2018

### **1. Summary**

SMW supports a change to the spat ration to 25% spat to 75% seaweed, and option 2 leaving the TACC unchanged. Together these measures will provide the opportunity for the harvesting of additional GLM 9 spat when it is available.

Additional spat is needed for the continued development of the mussel industry. The interim AMAs in Tasman and Golden Bay are a significant area of new mussel farm water space that is expected to be available for development in the near future.

There are no issues regarding the sustainability of the fishery.

Any issues regarding the effects of harvesting should be dealt with separately to the decision on how much spat can be harvested.

### **2. Introduction**

SMW is a consortium of independent applicants for resource consents for mussel farming in Interim AMA's 2 & 3 in Tasman and Golden Bays.

The total amount of water space zoned for mussel farming in Interim AMAs 1, 2, & 3 in Tasman and Golden Bays is over 2000ha.

Top of the South iwi have an interest in in 20% of the interim AMAs.

It is anticipated that this area will become available for staged development in the near future. Over ten to fifteen years and with sufficient access to spat, the total additional area could produce in the order of 30,000 green weight tonnes of mussels per year.

Those with an interest in the interim AMAs range from long established mussel farming companies to new entrants to the industry.

### **3. Support for Aquaculture New Zealand Submissions.**

SMW supports the submissions of Aquaculture New Zealand.

**4. SMW need for additional GLM 9 Spat**

The interim AMAs will require a substantial amount of additional spat for their development. The most obvious source of this spat is through an increase in the amount of GLM 9 spat that can be harvested and supplied to the industry.

**5. New Entrants**

Access to GLM 9 spat appears to be tightly controlled. Unless the amount of GLM 9 spat is increased, any aspiring new entrant to the industry will have difficulty in obtaining supply.

**6. Sustainability of the Fishery**

The discussion paper confirms that there are no sustainability issues in relation to the GLM 9 spat fishery.

**7. Potential for environmental damage from seaweed harvesting**

This appears to be a significant concern to some people. SMW acknowledges that concern.

SMW submits though that minimising environmental damage from harvesting is a separate issue from the sustainability of the fishery. As a separate issue it should be dealt with separately to the decision on increasing the amount of spat that can be made available to the mussel farming industry.

That said, SMW supports that industry, spat harvesters, those with concerns and MPI work together to find ways to minimise the potential for environmental damage.

**8. Proposal to review the spat ratio**

This is supported by research into the facts and is strongly supported by SMW.

**9. Proposal to review the TACC**

SMW strongly supports option 2 that there is no change to the current TACC of 180 tonnes of spat.

Together these two measures will provide the opportunity for the harvesting of additional GLM 9 spat when it is available.

**10. Conclusion**

The review by MPI / Fisheries New Zealand is welcomed. Making additional GLM 9 Spat available to the New Zealand Mussel Farming industry will be essential for efficient development of both the interim AMAs in Tasman & Golden Bays and the industry generally. Continued development of the industry will bring increased economic benefits, particularly to regional New Zealand.

Submission ends



South Island Eel Industry Association

North Island Eel Review,  
Fisheries New Zealand, Ministry for Primary Industries,  
PO Box 2526,  
WELLINGTON 6140.

27<sup>th</sup> July 2018

**Submission on: Review of North Island eel sustainability measures for 2018/19  
Fisheries New Zealand Discussion Paper No: 2018/04**

This submission is lodged on behalf of the South Island Eel Industry Association Inc (SIEIA). We represent all South Island LFE and SFE quota holders, and all South Island commercial eel fishermen who utilise the eel resource (shortfin and longfin eels) in New Zealand. The address for service is:



SIEIA has read the submissions made by NZ Eel Processing Ltd and the Chairman of the Eel Enhancement Company Ltd. We support and agree with all information provided and points raised in those two submissions. SIEIA has considered the options presented in the Discussion Paper, and can advise as follows:

:

1. **SIEIA SUPPORTS the status quo remaining for all North Island shortfin stocks.**
2. **SIEIA SUPPORTS the status quo (Option 1) for all North Island longfin stocks.**
3. **SIEIA OPPOSES Option 2 for all North Island longfin stocks**

While not directly involved in the management of the North Island eel fishery, we feel compelled to submit on this issue because of its importance to eel fishery management in particular, and wider fishery management in general. The principal reasons why we do not support Option 2 for LFE in the North Island is because it is not supported by the best available information, and other (better) options are available to address the concerns which (supposedly) Option 2 purports to overcome.

Yours faithfully

W.P. (Bill) Chisholm  
For SOUTH ISLAND EEL INDUSTRY ASSOCIATION INC



# SOUTHERN INSHORE FISHERIES

MANAGEMENT COMPANY LIMITED

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Sustainability Review 2018  
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27 July 2018

## SUBMISSION ON

### **Review of Sustainability Controls for Selected Inshore Finfish Stocks and Review of Deemed Value Rates for Selected Finfish Stocks For 1 October 2018**

1. Thank you for this opportunity to submit on the Fisheries New Zealand Review of Sustainability Controls and Deemed Value Rates for Selected Inshore Finfish Stocks
2. Southern Inshore Fisheries (Southern Inshore) represents quota owners for 104 fishstocks throughout the South Island and Taranaki regions (fisheries management areas 3,5,7 & 8) and is a member of Fisheries Inshore New Zealand (FINZ).
3. This submission is made in respect of the inshore finfish stocks represented under the constitution of Southern Inshore (Appendix 1).
4. As an addendum to this submission we attach the summary of requests for stock review sent to MPI South Island managers in November 2017 and updated version in February 2018 (Appendix 2). A meeting was held on 1 March 2018 to discuss them prior to the drafting of the consultation document.
5. This submission does not include reference to the consultation on TAR 1,2,3,7 as our input and concerns are addressed in the collective industry submission of FINZ, Southern Inshore and Te Ohu Kai Moana.

#### **EXECUTIVE SUMMARY**

6. We are pleased to see five of our representative stocks (ELE3, GUR3, JDO7, KIN3 and SPO7) being reviewed for TACC increases this year based on the trawl surveys, CPUE information and anecdotal information from our fishers, which all support our claims of increased abundance.
7. However, given our positive response to the above stock reviews, we are equally disappointed with the lack of attention shown at reviewing other key stocks of importance (SNA7, ELE7, STA7, and KIN7) as well as a number of low knowledge stocks (MOK3, LEA3) and also express

our concern at FNZ's inability to improve the wieldy management framework associated with in-season decision-making in respect of Schedule 2 stocks FLA3 and RCO3.

8. Access to additional, sustainably managed ACE is the optimal outcome for fishers and the revenue return from the proposed TACC increases for ELE3, GUR3, JDO7, KIN3 and SPO 7 (based on the 2016-17 port prices) equates to \$1,091,700. That is a welcome improvement to the balance sheets of quota-owners and fishermen within this area and obviously supports the Government Growth Strategy and their desire to provide greater economic opportunity. However, with this bouquet comes a 'brick-bat'.
9. Legitimate and scientifically supported proposals for TACC review have been presented time after time, over a great many years. Industry pays dearly for the service that FNZ provides and can no longer accept an environment whereby FNZ ignore these proposals because they are more concerned about political imperatives or a supposedly lack of resources.
10. A case in point is SNA7 which underwent a full stock assessment this current fishing year. The science supports an increase in the TACC but FNZ have refused to consult this year and apparently want to run a multi-sector forum process for decision-making. This approach is untenable given that the decision-making process could have been planned much more efficiently. The sector representatives could attend the science working group meetings where the science was presented; have a SNA7 forum meeting (similar to 2016); and, provide a consultation paper within this review for a TACC increase as of 1 October 2018. We are now delayed with a review until 2019 when the 'best available science' is currently available for decision-making this year.
11. The industry is cost-recovered for research and management and should be provided with continued utilisation of stocks where the science provides those positive outcomes for a TACC review within that year. Industry have proposed a 100t increase to the TACC, which is well within the bounds of the biomass estimate for this fishery. The FNZ lack of responsive review (based on political grounds rather than based on 'best available science') will cost fishers initial losses upwardly of \$429,000 (based on the 2016/17 port price \$4.29).
12. Similarly, stocks that are caught as a consequence of the East and West coast trawl surveys could have been prioritised for review. ELE7, LEA3, and STA7 all show increases in abundance indices and could have easily been included for review with a pragmatic and precautionary approach for respective TACC increases.
13. Industry want and deserve, given the money they contribute, to be involved in a seamless, flexible, scientifically supported and robust TACC setting process that occurs each year in a transparent and meaningful way. We want some return on our investment and no longer want to be regarded as 'poor cousins' in an inshore fishery that is blossoming as a result of the management measures that commercial have adopted. We want FNZ to show some leadership and courage and deliver some return on this long-term investment.
14. Southern Inshore and FINZ provided background information for a number of important stocks that are considered low knowledge but are part of our multi-species fisheries. These stocks have been introduced into the QMS since its original 1986 establishment. Most of the stocks that fall within this category have been introduced based on FNZ's desire to manage ALL stocks within the QMS but to also fulfil their political obligations by ensuring that they provide for Maori under the Treaty settlement. Different rationale has applied over a couple of introduction phases and the subsequent outcome is that these stocks receive no priority in terms of management.

15. There has been no consideration given to the development opportunities, increased abundance, alternative catch mixes or changing fishing dynamics. TACCs for these stocks have been set at low levels and in some instances significant deemed values paid. These stocks could be further utilised and need to be addressed as a 'suite of species'. This could be done for all low knowledge stocks quickly and pragmatically without any significant science investment and reduce a major economic impact on Industry. It is imperative that MPI recognise and address the full multi-species complex.
16. Whilst there are some operational challenges and avoidance influencing these stocks, we believe FNZ have been overly cautious and are not looking at the long-term trends in these fisheries and the level of long-term sustained catch. Precautionary increases should have been made for these stocks along with management and monitoring plans.
17. The inconsistent approach with the review of fishstocks needs to be addressed. An undated letter sent by Steve Halley (Inshore Fisheries Manager) outlining the annual sustainability review sets out all stocks being reviewed, some that will not and the rationale for those decisions. We note with interest that in this round in the case of GLM9 (Green-lipped mussel) the rationale for review is; '*overcatch of the TACC has occurred for the past three fishing years.*' The rationale for reviewing GLM9 is entirely based on continued overcatch whilst many finfish species are neglected and continue to accrue deemed values. The position that FNZ have taken in this respect is particularly difficult to swallow when we consider the detailed scientific and thoughtful process that the quota-owners and fishermen go to in presenting meaningful requests. If we had known that the rationale of '*continued and unconstrained catch*' was an acceptable proposition we might have addressed these matters entirely differently? SIF will not step away from their responsible approach and continued justification for incremental increases based on good science but the point needs to be made; it is very frustrating to do that whilst other sustainability measures are being considered based on 'overcatch'. It is not in our opinion an acceptable approach to making management decisions.

### SUMMARY OF RESPONSE TO PROPOSED OPTIONS

FISHSTOCK	OPTION
<b>ELE 3</b>	Agree to OPTION 2 for TACC to be set at 1150 tonnes (increase of 150t)
	Southern Inshore request was for a 150t TACC increase
<b>GUR 3</b>	Agree to OPTION 2 for TACC to be set at 1320 tonnes (increase of 100t) - but request a further review on the basis of increased biomass in this fishery
	Southern Inshore request was for a 230t TACC increase (to 1450t TACC)
<b>JDO 7</b>	Agree to OPTION 3 for TACC to be set at 228 tonnes - but request a further review on the basis of increased biomass in this fishery
	Southern Inshore request was for a 60t TACC increase (to 250t TACC)
<b>KIN 3</b>	Agree to OPTION 3 for TACC to be set at 6 tonnes (increase of 5t)
	Southern Inshore request was for a 5t TACC increase (to 6t TACC)
<b>SPO 7</b>	Agree to OPTION 3 for TACC to be set at 295 tonnes
	Southern Inshore request was for a 104t TACC increase (to 350t TACC)

18. A summary table is included as Appendix 2 detailing the full list of fishstocks requested for review by Southern Inshore to Fisheries New Zealand in December 2017 and updated again in March 2018. Southern Inshore met with FNZ on both occasions to discuss the review potential based on current science projects and present trends in all the fisheries involved. This is an annual process conducted by Southern Inshore.

## STOCKS PROPOSED FOR SUSTAINABILITY REVIEW

### Elephantfish

19. **ELE 3** - Southern Inshore agree with **OPTION 2** to increase the TACC from 1000 tonnes to 1150 tonnes.
20. Southern Inshore shareholders have invested a substantial amount of money for research into this important commercial fishery over many years. We agree with Option 2 which proposes to increase the TACC by 150t for a total TACC of 1150t. Increased abundance has caused fishers to avoid Elephantfish which should have not occurred when the fishery has clearly shown it is not at risk with the CPUE being constrained and catch above the target level.
21. If we were to use the same rationale to review ELE3 as FNZ have for GLM9 (having been overcaught for 3 consecutive years) then ELE3 should have been reviewed at least 5 years ago.

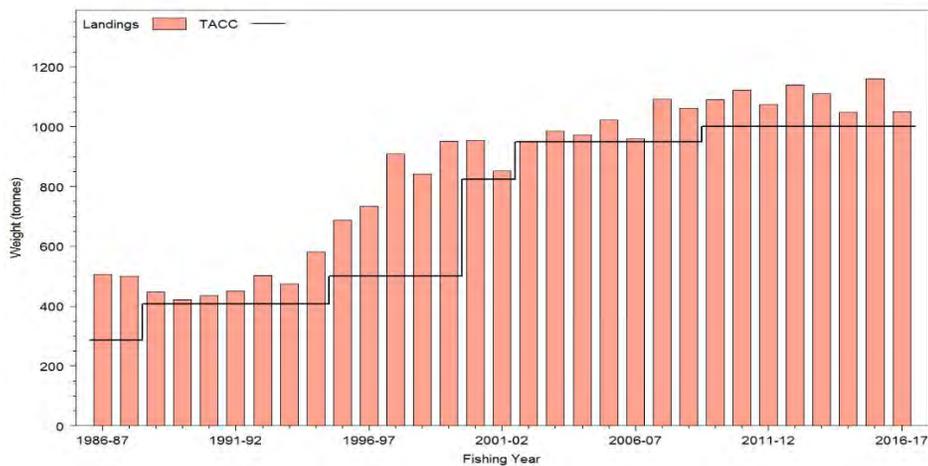


Figure 1. Reported commercial landings and TACC for ELE3 from 1986/87 to 2016/17

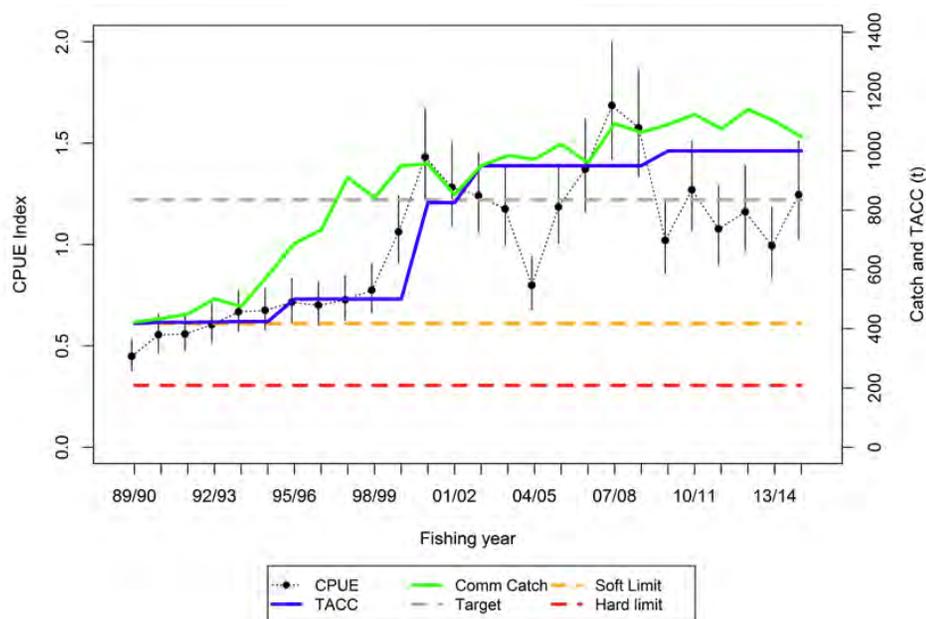


Figure 2. Comparison of the mixed target bottom trawl CPUE series (ELE3(MIX)) with the trajectories of catch and TACCs from 1989-90 to 2014-15. The dashed lines represent the interim target and corresponding soft limit and hard limit.

22. Whilst Southern Inshore have requested a review of the TACC for ELE3 for the last 5 years, the Company has been very conservative in their approach with the level of TACC increase requested. The fishery abundance has steadily increased over the last 20 years and since 2000 Southern Inshore have only asked for moderate increases to remain in step with the increasing abundance. It is not our intention to stress this fishery but to maximise utilisation at appropriate TACC settings associated with regular monitoring and research.
23. To enhance the fishery and as a measure to ensure the survival and viability of ELE egg cases which are laid on sand or mud bottom, often in very shallow areas, the fishers implemented a voluntary closed area in 2000 that extends one nautical mile offshore from the southern side of Banks Peninsula to below Timaru. This positive approach coupled with the Hector dolphin four nautical mile setnet closure along the full extent of the ELE3 QMA has allowed this fishstock to thrive.

### **Red Gurnard**

24. **GUR 3** – In the absence of a more desirable proposal Southern Inshore agree with **OPTION 3** to increase the TACC from 1220 tonnes to 1320 tonnes. We reiterate our request for this stock to be increased to 1450 tonnes (increase TACC by 230 tonnes) on the basis of increased abundance in this fishery.
25. Southern Inshore proposed an increase to 1450 tonnes based on the increasing catch trend and fisher experiences in this fishery. This proposal was drafted prior to the outcome of the east coast South Island winter trawl survey and it is clearly evident from those results that this request is warranted given the increased level of indicative biomass from this survey.
26. The catch to date (as at 11 July 2018 from FishServe) is 90% caught and a projected catch total is likely to be in excess of the TACC yet again. This fishstock has been either caught to the TACC or overcaught since 2004/05 even with two TACC increases over that period. It is evident from these figures that an increase in the TACC to 1350 tonnes is more necessary than the proposed level of 1220 tonnes. When comparing this requested figure with the biomass in this fishery, it is still at a low level and would not unduly risk the sustainability of this fishery. Southern Inshore, through our 5year research plan, closely monitor this stock with regular CPUE updates to the working group.

**Table 1. Total catch vs ACE since the 2001/02 fishing year**

Fishing Year	Total catch (t)	Total ACE (t)	%ACE caught
Oct 2017 - Jul 2018	1135	1261	90%
Oct 2016 - Sep 2017	1279	1238	103%
Oct 2015 - Sep 2016	1348	1242	109%
Oct 2014 - Sep 2015	1150	1114	103%
Oct 2013 - Sep 2014	1222	1127	109%
Oct 2012 - Sep 2013	1168	1125	104%
Oct 2011 - Sep 2012	915	934	98%
Oct 2010 - Sep 2011	929	919	101%
Oct 2009 - Sep 2010	1018	908	112%
Oct 2008 - Sep 2009	939	819	115%
Oct 2007 - Sep 2008	842	804	105%
Oct 2006 - Sep 2007	1004	811	124%
Oct 2005 - Sep 2006	957	843	113%

Oct 2004 - Sep 2005	854	866	99%
Oct 2003 - Sep 2004	725	825	88%
Oct 2002 - Sep 2003	888	800	111%
Oct 2001 - Sep 2002	716	959	75%

27. The CPUE indications suggest that the status of GUR3 in relation to the reference point target (Figure 5) is likely (>60%) to be above the target, and that, as it is a by catch fishery, the current catch is unlikely to pose a risk to fishstock levels and cause overfishing.
28. Indications from fishers are that the limit of this stock is constraining fishing and the need to try and avoid GUR3 given the current positive stock abundance levels is unwarranted. If the level is not set to at least a TACC of 1350 tonnes then deemed value payments would be imposed and that should not be a burden fishers have to bear in such an abundant fishery.

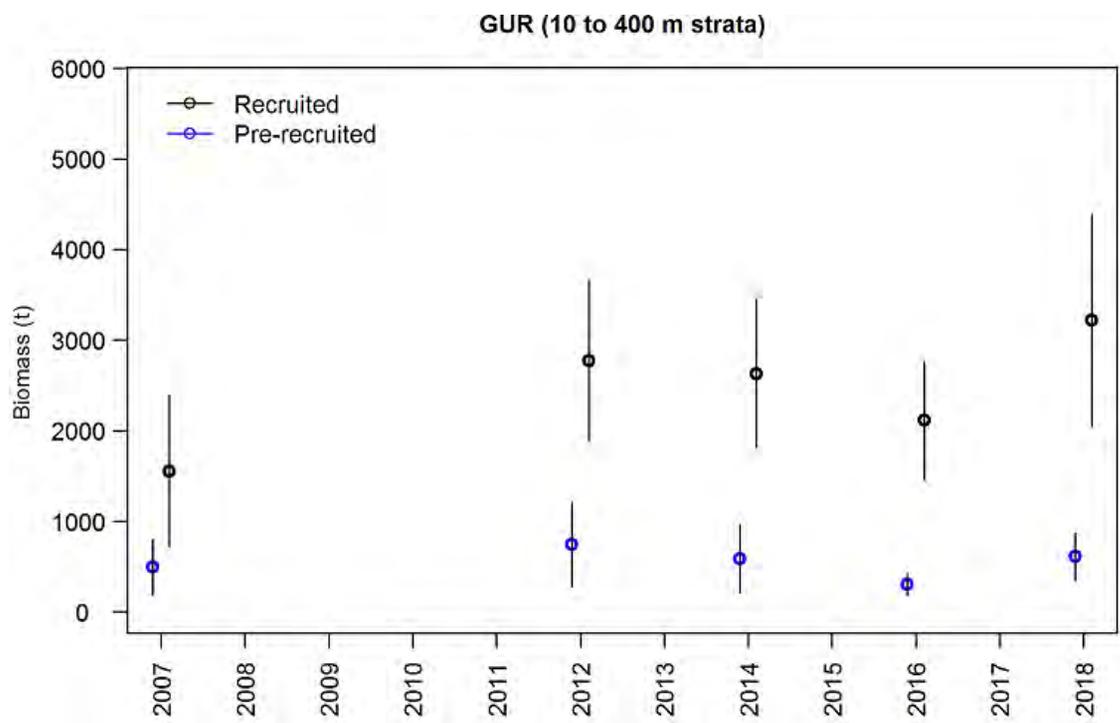


Figure 3. Red gurnard total biomass for all ECSI winter trawl surveys in core plus shallow strata (10-400m)

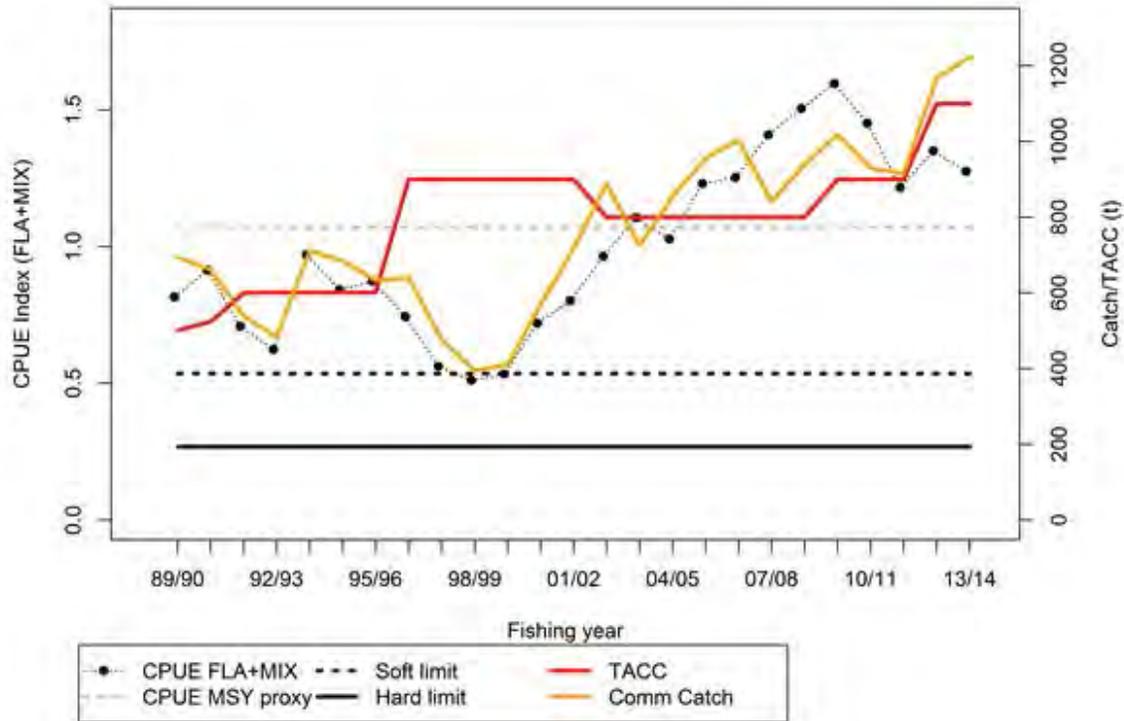


Figure 4. Comparison of east coast South Island winter trawl survey recruited biomass and CPUE indices and the trajectories of catch and TACCs from 1989-90 to 2013-14. The horizontal grey line represents the MSY proxy relative to the CPUE series. The soft and hard limits are indicated by the black dotted and solid lines.

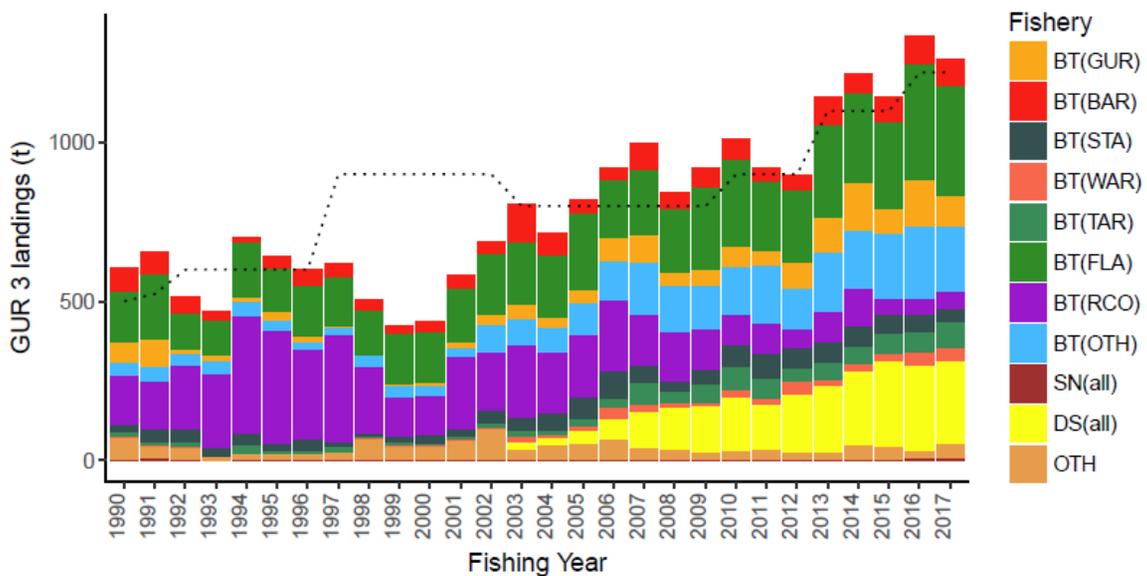


Figure 5. Gurnard landings from the main target trawl fisheries in GUR3 from the 1990-2017 fishing year.

**John dory – JDO7**

29. **JDO 7** - In the absence of a more desirable proposal Southern Inshore agree with **OPTION 3** to increase the TACC from 190 tonnes to 228 tonnes. We have requested an increase of 60 tonnes on the basis of increased biomass in this fishery and therefore propose a total TACC of 250 tonnes. Given the biomass in this fishery (Figure 6) we do not see this as an unwarranted request or that it would put the fishery at any undue risk.

30. The west coast South Island trawl survey shows that the JDO7 stock is currently at a relatively high level, very likely (>90%) to be above the target biomass level and is the second highest biomass level recorded since trawl surveys began in 1992. The high numbers of 1 year (plus) aged fish seen in the length frequency for JDO7 indicates the increase in abundance, stronger in 2017 than in any previous trawl survey in the 25 year time series, suggesting that the biomass will remain high, at least in the short term, as these fish recruit into the fishery in future years.

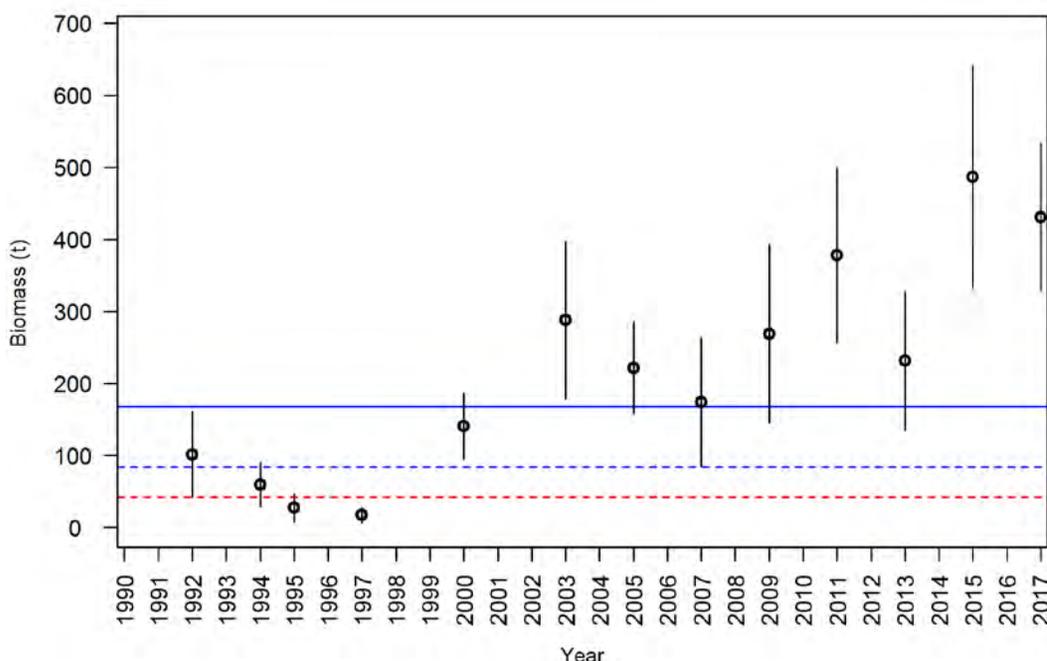


Figure 6. Trends in biomass for JDO7 from west coast South Island inshore research trawl surveys from 1992-2017. The solid blue line represent the interim target and dashed blue and red lines the soft and hard limits, respectively.

31. Given the positive recruitment into the JDO7 fishery it is prudent that forward planning on increasing TACC's are made. We propose that the forecasting of increasing abundance necessitates the review of the JDO7 TACC be set at 250 tonnes. The next west coast South Island trawl survey in 2019 will monitor this increase.

#### **Kingfish – KIN3**

32. Southern Inshore agree with **OPTION 3** to increase the TACC from the nominally set 1 tonne to 6 tonnes to better reflect the abundance in this fishery.
33. We welcome the increase to the TACC for KIN3 and look forward to other low knowledge stocks being reviewed next year.
34. Our preference is Option 3 as this allows for increasing abundance in this fishery whilst Option 2 simply covers the present catch. It would be more cost-effective for management to increase the TACC for KIN3 this year to 6 tonnes rather than have to address the same increasing trend and need for review in the next two years.

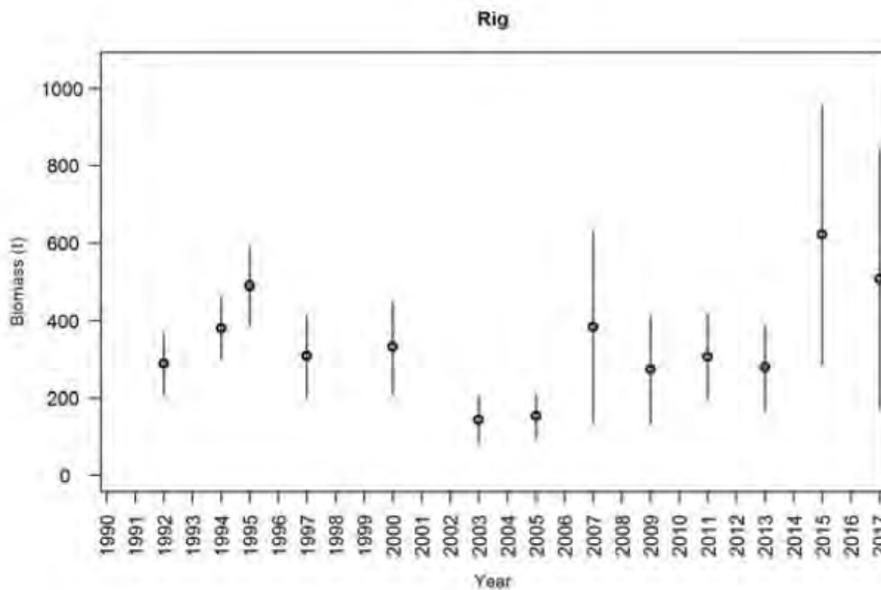
**Table 2. Total catch vs ACE since the 2009/10 fishing year**

Fishing Year	Total Catch(t)	Total ACE (t)	%ACE caught
Oct 2017 - Jul 2018	4.367	1.041	420%
Oct 2016 - Sep 2017	3.527	1.027	343%
Oct 2015 - Sep 2016	2.23	1.023	218%
Oct 2014 - Sep 2015	1.303	1.041	125%
Oct 2013 - Sep 2014	1.063	1.02	104%
Oct 2012 - Sep 2013	1.614	1.08	149%
Oct 2011 - Sep 2012	0.933	1.046	89%
Oct 2010 - Sep 2011	0.893	1.069	84%
Oct 2009 - Sep 2010	0.55	1.091	50%

- 35. Whilst the increased TACC will alleviate the lack of ACE availability for some fishers it is not high enough to allow further utilisation and development of this fishery.
- 36. Schedule 6 of the Fisheries Act allows the return to the sea for live KIN if caught in a trawl but FNZ need to review the same return principle for set net caught KIN. With the advent of increased abundance, it is imperative that set net fishers are not unduly impacted for lack of available ACE to cover catch that could otherwise be returned alive to the sea.

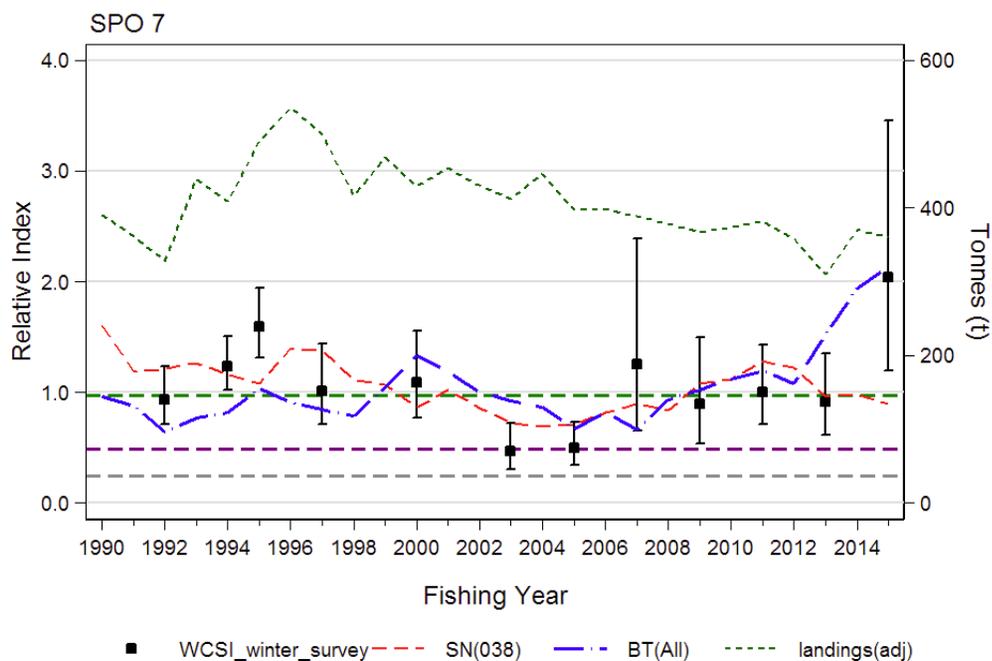
**Rig – SPO 7**

- 37. In the absence of any alternative proposal Southern Inshore agree with **OPTION 3** to increase the TACC from 246 tonnes to 295 tonnes which better reflects the abundance in this fishery. However, Southern Inshore request that this figure be reviewed further and that the TACC is set at 350 tonnes. From 2007 the TACC in this fishery has been fully caught and in the majority of years overcaught. As of 11 July, SPO7 is 86% caught and it is projected to be fully caught by the end of the fishing year. Increasing the TACC to 350 tonnes would allow continued utilisation without incurring deemed values.



**Figure 7. Trends in total biomass for SPO7 from the west coast South Island trawl survey series from 1992-2017.**

38. The west coast South Island trawl survey 2017 estimated biomass for SPO7 of 506t was the second highest for any survey in the series and only down slightly from the time series high in 2015. It is recognised that this survey does not adequately sample the larger females. In the survey series, there were often few females measured greater than 80cm, compared to relatively abundant males up to about 100cm, which may indicate that the survey does not sample adult female rig well.
39. Trends in the bottom trawl CPUE series clearly shows a strong increase in the most recent years and this has been supported by information from fishers. The setnet series for 038 has flattened out after showing an increase from 2006-07 and may be explained by the increase of trawl caught rig and more ACE being made available to them, the set net restrictions introduced in 2008 for Hector dolphin protection and a decreasing trend in the number of set net vessels in this fishery.



**Figure 8. Comparison of the west coast South Island trawl survey and accepted CPUE indices for BT(All) and the SN(038).**

40. Management measures such as set net closures on the West Coast South Island, a voluntary closure at Farewell Spit and inclusion on Schedule 6 of the Fisheries Act have all enabled this stock to rebuild more quickly than expected. With the exception of the regulatory set-net closure these management measures were initiated and requested by industry as part of the SPO7 Fisheries plan.

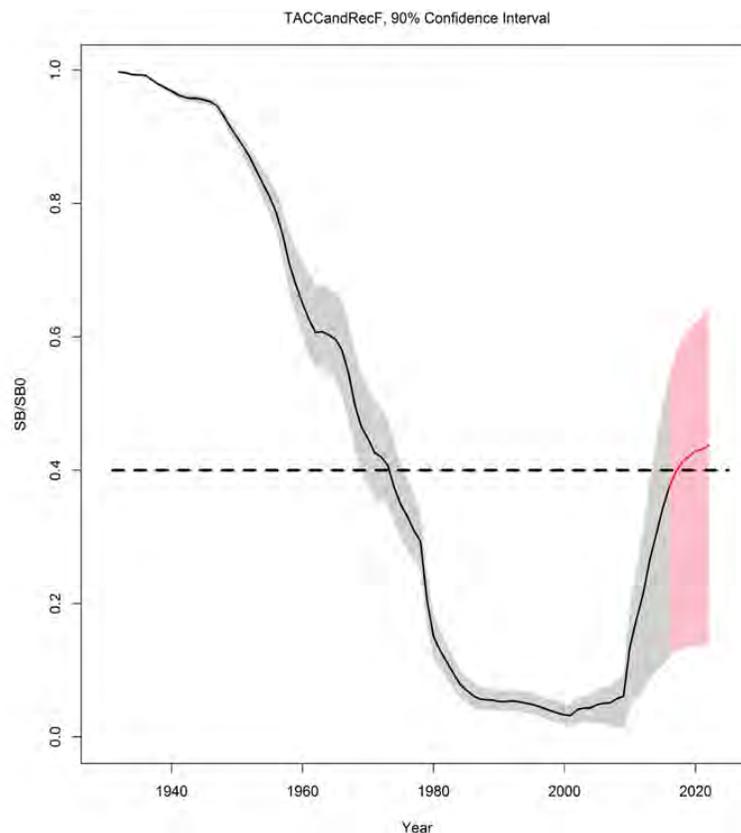
### **STOCKS NOT REVIEWED OR PLANNED FOR FUTURE REVIEW**

41. Fishermen are experiencing positive trends in inshore fisheries abundance throughout the Southern Inshore representative areas. 'Avoiding' fish has become an increasingly regular occurrence and is at odds with both Governments economic strategy and growth agenda. After committing decades to managing fisheries effectively it is simply unacceptable for FNZ to ignore the plight of the fishermen and the quota shareholders by not recognising this. They need to act on the positive trends, supported by science and make meaningful decisions that improve the lives of fishermen, not put them out of business.

42. We note in the FNZ interim summary list of stocks for consideration for review sent out prior to the consultation papers, that FNZ have indicated that some stocks are proposed for review on an extended timetable. These are stocks where all sectors have a direct interest supposedly.
43. We address our concerns for the lack of review of SNA7 and KIN7 below but remain concerned about the lack of rationale for addressing the catch limits or allowances for FLA7 and SCH5. It is imperative that FNZ engage directly with Southern Inshore as these are commercially important stocks and do not warrant management via a multi-sector forum. The dynamics in these fisheries, as with others, are influenced by management and behavioural changes or linkages with other fisheries. They should not be viewed simply via the catch profile but characterised within a suite of stocks in those fisheries.

**Snapper – SNA 7 (Requested for review)**

44. Request by Southern Inshore to increase the TACC from 250 tonnes to 350 tonnes
45. An update to the SNA7 stock assessment was presented to the working group in 2018. The assessment clearly identified that the abundance in this fishery is continuing to increase, and likely to be at the target. The recreational catch estimates from 2015/16 were used in the stock assessment and whilst they are to be updated later in 2018, this should not have limited the timeframe to increase the TACC. The addition of two years of recreational catch would not have altered markedly. In other fish-stocks FNZ have been willing to use data from the national panel survey from 2011/12.



**Figure 8. Annual trend in spawning biomass relative to the 40% SB0 interim target biomass level for the base model. The line represents the median and the shaded area represents the 90% confidence interval. The projection period (2017–2022) is in red. The dashed line represents the interim target level.**

46. Legitimate and scientifically supported proposals for TACC review have been presented time after time, over a great many years. Industry, pays dearly for the service that FNZ provides

and no longer accepts an environment whereby FNZ ignore these proposals because they are concerned about political outfall or supposedly lack resources.

47. A case in point is SNA7 which underwent a full stock assessment this current fishing year. The science supports an increase in the TACC but FNZ have refused to consult this year and apparently want to run a multi-sector forum process for decision-making. This approach is untenable given that the decision-making process could have been planned much more efficiently that would have seen those sector representatives attend the science working group meetings where the science was presented; have a SNA7 one-day forum meeting (similar to 2016); and, provide a consultation paper within this review for a TACC/TAC increase as of 1 October 2018. Now we are delayed with a review until 2019 when the 'best available science' is currently available for decision-making this year.
48. The industry is cost-recovered for research and management and should be provided with continued utilisation of stocks where the science provides those positive outcomes for a TACC review within that year. Industry have proposed a 100t increase to the TACC, which is well within the bounds of the biomass estimate for this fishery. The FNZ lack of responsive review (from a political approach rather than based on 'best available science') can potentially cost fishers initial losses upwardly of \$429,000 (based on the 2016/17 port price \$4.29).
49. This fishery is increasing in abundance and again causing the same issues as previously with the need for avoidance, lack of ACE, necessity for shift of effort, lack of access to grounds for other stocks because of bycatch of SNA7 etc. This situation should not be continuing in a fishery that should provide timely decision making for increasing the TACC/TAC.

**Elephant fish – ELE 7 (Requested for review)**

50. Request by Southern Inshore to increase the TACC from 102 tonnes to 150 tonnes
51. Commercial catch in the ELE7 fishery has fluctuated around the TACC since 2005 and because of avoidance and deemed value effects it has limited utilisation in this fishery and tended to show negative CPUE indices in the most recent years. The CPUE was updated in 2013-14 after remaining high but impacts from deemed values have influenced the trend.
52. The trawl survey biomass trends for this stock are unreliably estimated by the west coast South Island trawl survey. However, recent biomass estimates have been relatively high compared to the long-term average being positive for stock projection. The catch to date (to 16 July 2018) has catch of ACE at 92%, with at least 3 months of the fishing year to go, and it is projected that deemed values will again been an issue. The Plenary outcome is that "Current catches and the current TACC are Unlikely (<40%) to cause overfishing."
53. ELE7 catch is influenced by its capture in the setnet fishery for rig, school shark and spiny dogfish and in bottom trawl as bycatch in flatfish and red cod target fisheries. As a low knowledge stock we would like FNZ to make a pragmatic decision to increase this TACC to 150 tonnes.

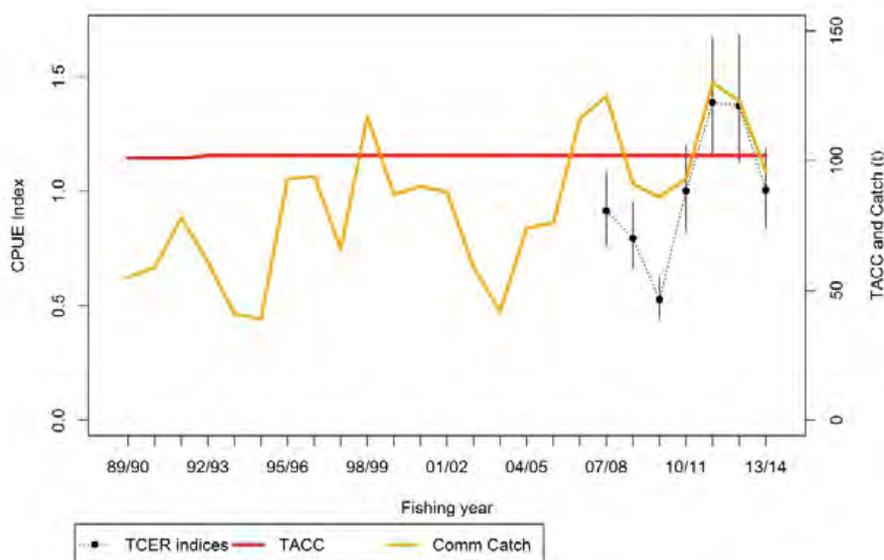


Figure 9. Standardised TCER CPUE index for ELE7, commercial landings and TACC to 2013/14.

**Stargazer – STA7 (Requested for review)**

- 54. Request by Southern Inshore to increase the TACC from 1122 tonnes to 1200 tonnes
- 55. An increase in the TACC will appropriately provide additional utilisation from a fishery that is being constrained by the TACC and observed by fishers to be changing spatially. Fishers are noticing the spatial distributional changes to stargazer as well as a number of other species.
- 56. STA 7 is caught as a bycatch to other target species. The continual avoidance of STA7 in a mixed trawl fishery will see the catch of other stocks in that fishery unduly impacted upon as well. Fear of catching STA7 and not getting ACE or paying deemed values means that fishermen avoid the entire catch mix. This matter needs to be seriously addressed. Not just across STA7 but in many other species complexes as well.

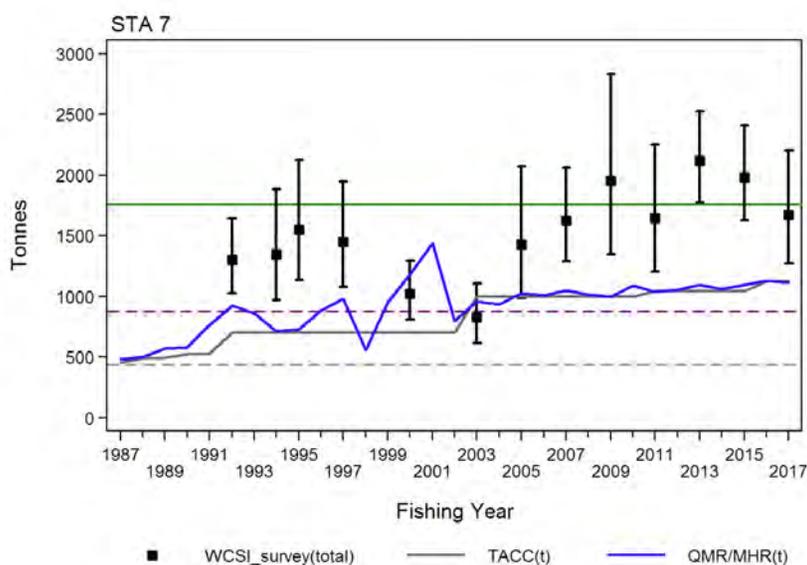
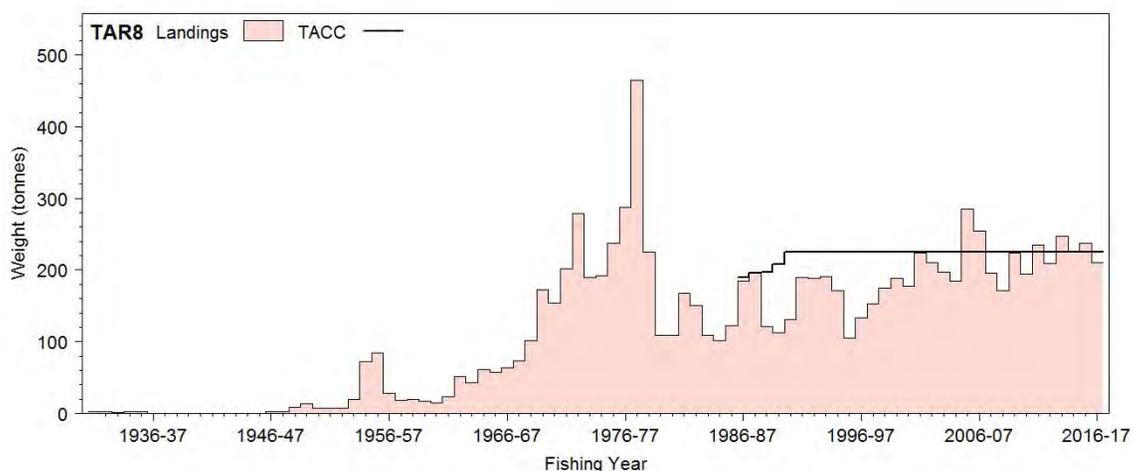


Figure 10. Comparison of the STA WCSI total trawl survey indices with the QMR/MHR landings and TACC for STA 7. The WG agreed BMSY proxy (geometric average: 2005-2017 WCSI winter survey biomass estimates = 1,761t) is shown as the green line; the calculated Soft Limit (=50% BMSY proxy) as the purple line; the calculated Hard Limit (=25% BMSY proxy) is the grey line.

57. The data from the WCSI trawl survey clearly has the biomass in this fishery way above what is currently being taken and on a number of years is above the target level. We do not see how an increase in the TACC would unduly put this fishery at risk when the catching potential is currently constrained by the TACC.
58. Southern Inshore also provide additional research for this stock over and above the WCSI trawl survey and its current Group 6 stock classification under the FNZ (MPI) Fisheries Plan as it is a significant commercial stock. Southern Inshore will continue to ensure this stock is appropriately monitored by the West coast South Island trawl survey and CPUE updates until a more appropriate national fisheries plan is developed by FNZ.

**Tarakihi – TAR8 (Requested for review)**

59. Request by Southern Inshore to increase the TACC from 225 tonnes to 270 tonnes.
60. This fishery is dominated by very few fishers and as a consequence of the need to avoid SNA8 bycatch. These fishers have had to move to deeper offshore areas to fish. By doing so their catch of TAR8 has increased and the current TACC is limiting their utilisation in this fishery. When the SNA8 TACC was cut in 2005/06 this directly impacted the trawl CPUE in TAR8. However, now with the increasing abundance in SNA8 and need to fish offshore it is again impacting the current CPUE.
61. Last year, instead of addressing our same concerns with the level of increasing catch, MPI merely increased the deemed value on the premise of a potentially overcaught TACC. This is not responsible or effective fisheries management and deemed values should not be used in this way. It was also noted then that a decision could not be made on the paucity of science in this fishery.
62. In 2018, Southern Inshore contracted a review of the TAR5,7&8 stocks to enhance and increase the knowledge of TAR fisheries. Neither TAR5 or TAR8 are monitored by a trawl survey. TAR8 was not seen as linked to any other TAR stocks and therefore should not be impacted by management measures being considered in other fisheries.



**Figure 11. Historical landings and TACCs for TAR 8 (Central west)**

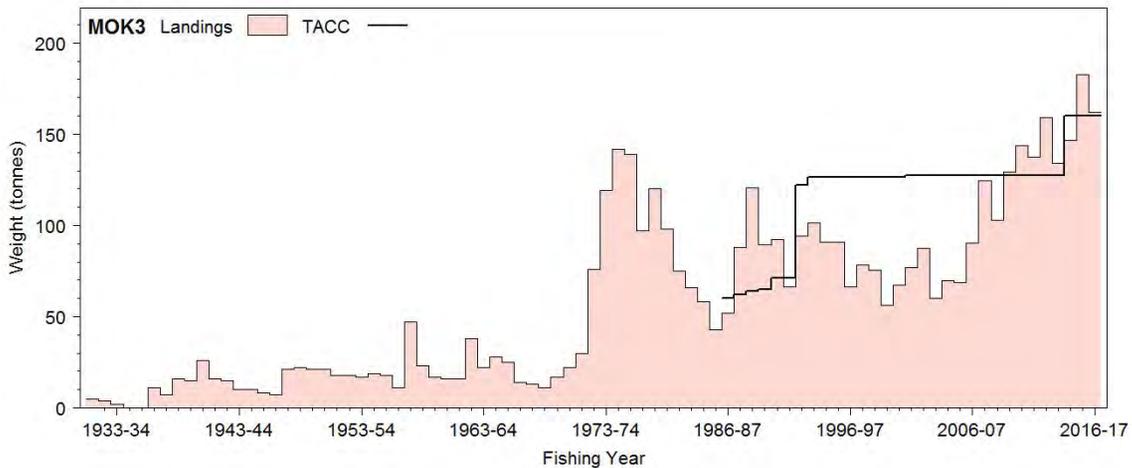
63. The FNZ national inshore fisheries plan has TAR8 as a Group 6 stock whereby it is monitored by annual commercial landings. Given the increased knowledge (and science) in the TAR8

fishery we see no reason why FNZ could not address the need to increase the TACC in this fishery now.

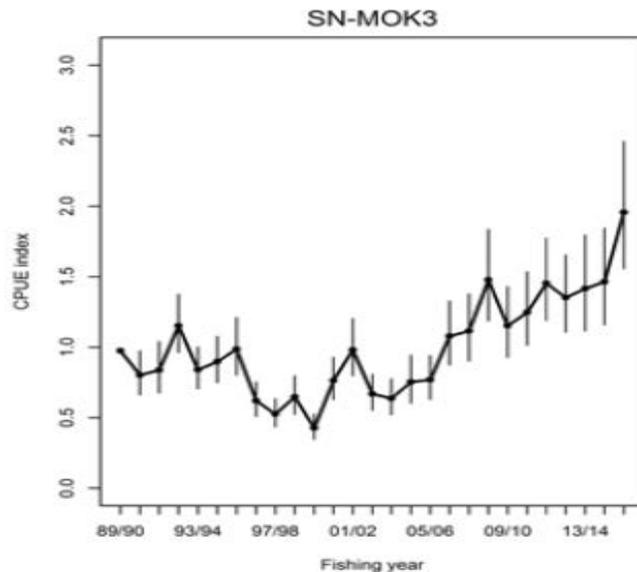
**Moki – MOK3 (Requested for review)**

64. Request by Southern Inshore to increase the TACC from 160 tonnes to 190 tonnes.

65. In 2017, along with MOK1, a summary of the recent trends in catch from the MOK3 fishery (Figure 11) was presented to the working group. A standardised CPUE was conducted for 1989-90 to 2015-16 (Figure 12). The SN-MOK3 CPUE indices increased from a relatively low level in 1996-97 to 1999-2000 to reach the highest level of the time series in 2015-16. The working group agreed that the SN-MOK3 CPUE indices were likely to be broadly indicative of trends in abundance<sup>1</sup>.



**Figure 12. Historical landings and TACCs for MOK 3.**



**Figure 13. CPUE indices and 95% confidence intervals from the MOK3 setnet fishery mainly off Kaikoura.**

66. Given the positive trend in this fishery and the recent science update we see no reason why FNZ could not increase the TACC from 160 tonnes to 190 tonnes. This increase is consistent

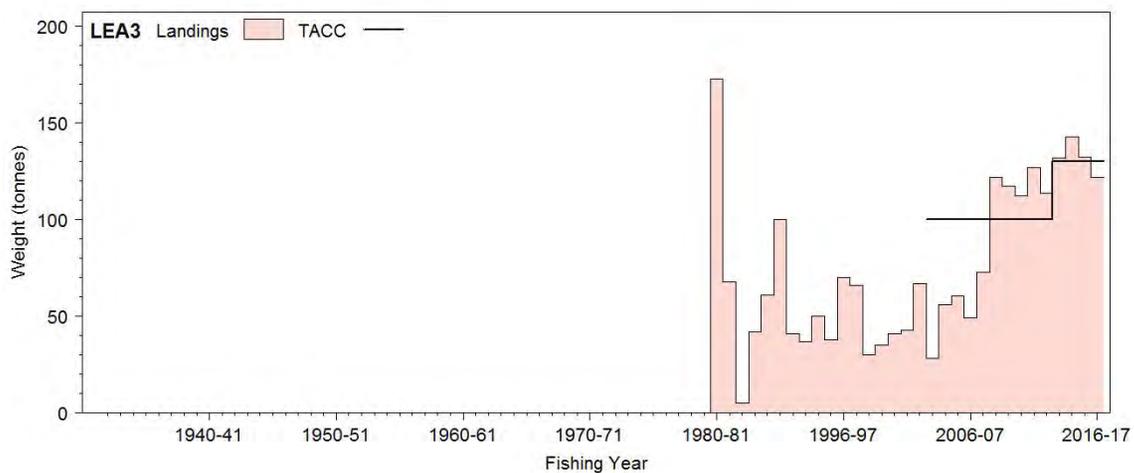
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<sup>1</sup> May Plenary 2018

with the approach by Southern Inshore to request precautionary increases to TACC limits whilst minimising the risk to the fishery.

**Leatherjacket – LEA3 (Requested for review)**

- 67. Request by Southern Inshore to increase the TACC from 130 tonnes to 200 tonnes.
- 68. The TACC for LEA3 has consistently been overcaught or caught to the limit for a number of years. The current TACC is limiting utilisation and continued development of this fishery. LEA3 is caught as a bycatch to the targeted fisheries for RCO, BAR, FLA, ELE, TAR, WAR and GUR but are most commonly caught in FLA, GUR and ELE target bottom trawl sets. The GUR and ELE fisheries abundances are at high levels and the bycatch of LEA3 will become a limiting stock in those fisheries. These low knowledge stocks need to be considered alongside the more predominant fisheries for review.

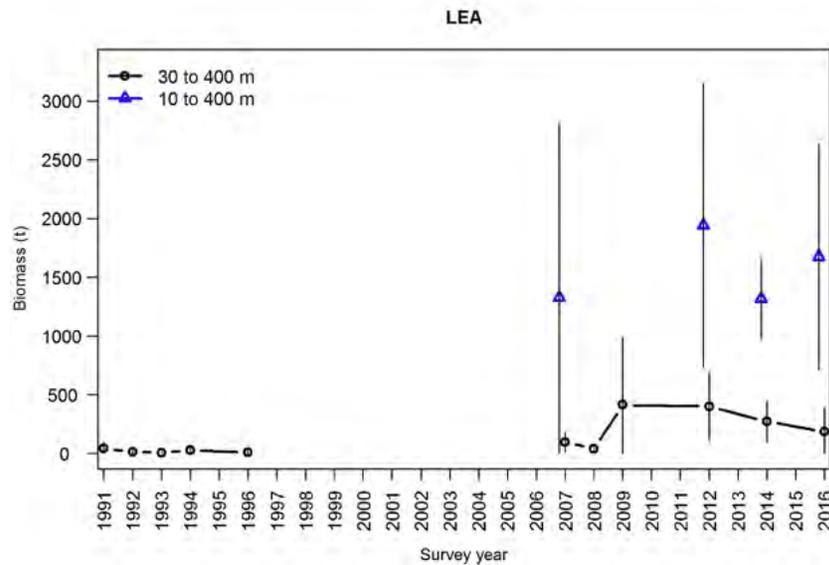


**Figure 14. Historical landings and TACCs for LEA3**

**Table 3. Total catch vs ACE of LEA3 since the 2008/09 fishing year**

Fishing Year	Total catch (t)	Total ACE (t)	%ACE caught
Oct 2017 - Jul 2018	104	140	74%
Oct 2016 - Sep 2017	122	136	90%
Oct 2015 - Sep 2016	133	135	99%
Oct 2014 - Sep 2015	143	133	108%
Oct 2013 - Sep 2014	132	132	100%
Oct 2012 - Sep 2013	114	104	109%
Oct 2011 - Sep 2012	127	104	122%
Oct 2010 - Sep 2011	112	104	108%
Oct 2009 - Sep 2010	117	103	114%
Oct 2008 - Sep 2009	122	107	114%

- 69. Whilst the ECSI trawl survey is not optimised for LEA3 it is however caught within the top 10 stocks in the survey and therefore monitored on a biennial basis (Figure 12). The most recent 2018 survey results are not available but Figure 12 shows that the biomass has remained at a high level for some time.

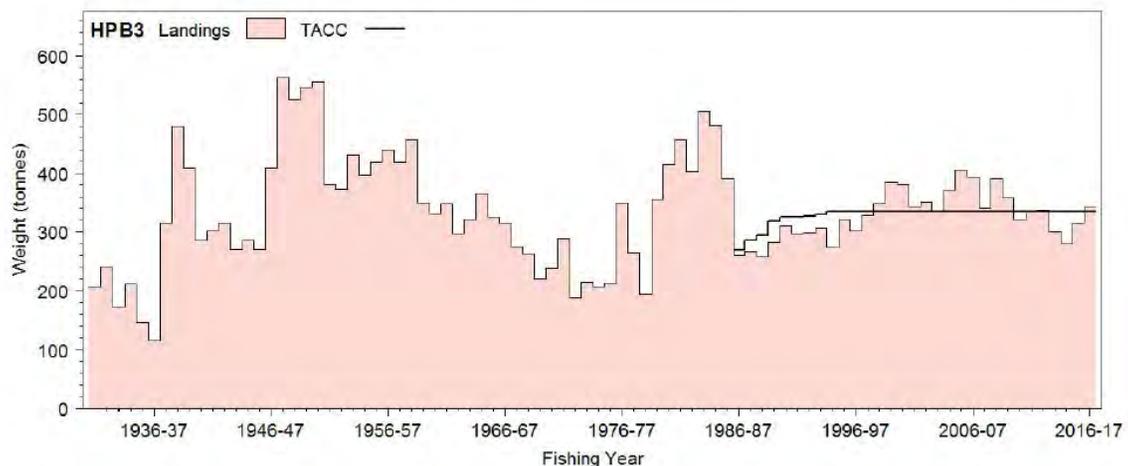


**Figure 15. Biomass and 95% confidence intervals (total biomass only) for leatherjacket caught by the ECSI trawl survey core strata (30–400), and core plus shallow strata (10–400 m).**

70. Southern Inshore request that the TACC be increased. Given the biomass in this fishery we do not see that an increase to 200 tonnes would put this fishery at risk.

**Hapuka/Bass – HPB3 (Requested for review)**

71. Request by Southern Inshore to increase the TACC from 335 tonnes to 360 tonnes.



**Figure 16. Historical landings and TACCs for HPB3**

72. After a previous decline of catch between 1946-1983, they have however remained steady and in a number of years above the TACC since. The current TACC is limiting increased catch potential in this fishery.

73. HPB3 is caught by longline, setnet and trawl. There is a target setnet fishery for HPB3 in Kaikoura generally operating around July/August. Fishers are seeing increased abundance in this fishery and is more prevalent as bycatch to trawl.

74. The request for a TACC increase from 335 tonnes to 360 tonnes is conservative in order to provide increased utilisation but not to adversely put this fishery at risk. WE do not believe that this request is unwarranted as catches have been stable for a number of years.

### **Kingfish – KIN7 (Requested for review)**

75. Request by Southern Inshore to increase the TACC from 15 tonnes to 30 tonnes.
76. We do not understand why FNZ need to conduct additional engagement when it is clear that their proposal is to increase catch limits and/or allowances as per their correspondence earlier this year. That engagement should have happened already as Southern Inshore have been asking for a review of this fishery for a number of years.
77. The KIN7 fishery, because of the increased abundance, is causing bycatch issues in the inshore fisheries similar to those in the JMA fishery. Kingfish are becoming so wide spread that they are being caught in areas not previously seen or not observed for many years. This fishery is not dissimilar to what is being experienced in the KIN3 fishery which is under review.

**Table 4. Total catch vs ACE since the 2013/14 fishing year when the TACC was increased from 7 tonnes.**

Fishing Year	Total Catch(t)	Total ACE (t)	%ACE caught
Oct 2017 - Jul 2018	30	15	201%
Oct 2016 - Sep 2017	27	15	173%
Oct 2015 - Sep 2016	21	15	142%
Oct 2014 - Sep 2015	20	15	131%
Oct 2013 - Sep 2014	26	15	170%

78. The continued delay by FNZ to review this fishery is putting an unnecessary burden on setnet fishers who unlike longline or trawl fishers are unable to return KIN to the sea at all. With the deemed value set at \$8.90/kg, a port price of \$1.47/kg and an average ACE transfer price of \$5.67/kg the decision to not review this stock is untenable.

### **FLATFISH 3 AND RED COD 3 – MANAGEMENT PROCEDURE (IN-SEASON TACC INCREASE) NEED FOR STATIC TACC REVIEW**

#### **Flatfish - FLA3**

79. In the 2007-08 fishing year, the TAC for FLA 3 was cut from 2,893 tonnes to 1,617 tonnes. The then Minister of Fisheries noted that the annual variability of flatfish abundance and that FLA 3 is on Schedule 2 to the Act. He directed that research be undertaken to develop an in-season increase management procedure by which in-season adjustments could be made to the TAC.
80. The FNZ Southern Inshore Working Group (SINS WG) reviews a CPUE analysis intended to inform in-season adjustments to the FLA 3 TACC. This analysis estimated trends for three species (NZ sole, sand flounder and lemon sole) and aggregated catch landed to FLA.
81. These trends are used to evaluate the relative status of these species and to predict in-season abundance of FLA based on early harvest returns to the fishery.
82. The in-season model has been run each year since 2009 and with five increases (see Table 5) to the TACC.

**Table 5. Landings and use of the in-season model for FLA 3**

FLA 3 (FMAs 3,4,5&6)			
Fishing Year	TACC (t)	Actual Landings (t)	In-season model TACC increase amounts (t)
2007-08	1430	1365	
2008-09	1430**	1544	+ 350
2009-10	1430**	1525	+ 333
2010-11	1430	1027	
2011-12	1430	1507	
2012-13	1430**	1512	+ 297
2013-14	1430	1377	
2014-15	1430	1231	
2015-16	1430**	1622	+220
2016-17	1430**	1421	+635

\*\*The TACC was increased in-season under Schedule 2 of the Fisheries Act 1996

83. It was agreed that the in-season model would be reviewed after the first five years and that was completed in 2015 with the decision to maintain the use of the model. This review only included the model and does not relate to the decision-making framework that should support it.

### FLA 3 Fishery

84. Much of the catch in FLA 3 is targeted (between 85% and 97%). Around 95% of targeted FLA 3 landings are taken by bottom trawl, 3% is taken by set net and less than 1% by Danish Seine.

85. Some flatfish species are fast-growing and short-lived, generally only surviving to 3-4 years of age, with very few reaching 5-6 years, others such as brill and turbot are longer lived, reaching a maximum age of 21 years and 16 years, respectively. These figures are approximated and are yet to be validated.

86. Juveniles congregate in sheltered inshore waters, e.g., estuarine areas, shallow mudflats and sandflats, where they remain for up to two years. Juvenile survival is highly variable. Flatfish move offshore for first spawning at 2-3 years of age during winter and spring. Adult mortality is high, with many flatfish spawning only once and few spawning more than two or three times. However, fecundity is high, e.g., from 0.2 million eggs to over 1 million eggs in sand flounders.

### Management Approach and Proposed Sustainability Review

87. Southern Inshore submit that whilst the capacity to obtain in-season increases to TACCs is an appropriate adaptive management approach, there are however problems associated with the current decision-making timeframe by FNZ. Final decisions are made and applied far too late in that current year, missing most of the seasonal access to the fishery and in most years as late as August. As a consequence, the process does not suit the seasonal nature or forward catch planning needs for fishers, processors and markets.

88. The decision-making process does not remain with the FNZ fisheries manager or working group. The process is:

- a. SINS WG review the model run analyses presented by the service provider and approve or reject the decision rule;
- b. FNZ draft and present paper for public consultation;
- c. FNZ summarise submissions and provide final advice paper to the Minister;
- d. Minister submits the paper to Cabinet for final decision;

- e. Gazette notice issued; and
- f. ACE allocated to ACE holders.

89. The extensive decision-making process should not be needed since the in-season model framework has already been signed off by the Minister in the first year. The process uses valuable fisheries management resources that could otherwise be used to assess other fisheries. Any subsequent use of the model should therefore be automatic and signed off by the SINS WG but only if there are changes to the model, otherwise the fisheries managers should simply input information into the model for calculation. Any minor changes to the model (such as the number of months used in the model) should not require the Minister to sign-off the model outcome; it is a technical science decision. The SINS WG is made up of independent or MPI expert fisheries scientists and MPI fisheries managers. If the public are interested in the technical basis for the model then they should come to the meetings.
90. Southern Inshore request that the TACC for FLA 3 be increased to 1600 tonnes (Table 6) with the option of using the in-season model where necessary. This would provide fishers with additional quota in the range that the fishery can sustain but allow for the model to increase the TACC further in those years where abundance is prevalent. This is a short-lived species and very cyclical so the model is still advantageous. There does however need to be better certainty to additional ACE from an increase to the TACC to 1600 tonnes.
91. If the in-season model is to be used continually after this TACC increase then the decision-making process needs to be refined to allow for the increased TACC to be in place at least 2-3 weeks after the SINS WG, not the current 5-6 months. We cannot advise fishers that a TACC increase has been proposed by the SINS WG when it can still be potentially overturned by the Minister/Cabinet. An overcatch and deemed value situation would be very problematic and less than desirable process.

**Table 6. Proposed TAC, TACC and allowance options for FLA 3**

Situation	Allowances				
	TAC (t)	TACC (t)	Customary Maori (t)	Recreational (t)	Other sources of fishing-related mortality (t)
Current	1617	1430	5	150	32
SIF Proposal	1787	1600 static	5	150	32

### **Red Cod - RCO3**

92. The FNZ Southern Inshore Working Group (SINS WG) accepted a CPUE analysis intended to inform in-season adjustments to the RCO 3 TACC.
93. The issues identified from running the in-season model for RCO 3 mirror those noted for FLA3. Table 6 provides the history of the landings since 2007-08, when the TACC was substantially decreased, and the years when the TACC was increased under the in-season model. The delay in notifying the increased TACC for 2014-15 had an influence that year, as did the fishers moving to target other fisheries that were showing up in large abundance. RCO does not offer the same economic returns as GUR etc.
94. The in-season model has been run each year since 2012-13 with two TACC increases (see Table 7). In 2015 the model proposed a TACC level approximately twice the current TACC. By the time the then MPI fisheries managers got around to drafting the gazette notice they

reviewed the total catch to date and surmised that the projected new TACC would not be caught and therefore pulled the decision to apply the increased TACC for that in-season year.

95. The delay in decision making greatly influences the catching profiles by fishers so as not to incur catch overruns for that year. Firstly, increasing the TACC in this manner is not appropriate as the model needs to run the course and where applicable apply the increased TACC, and secondly, the delay in the decision-making process influences fishers decisions on whether there will be additional ACE available for their catch planning purposes or whether they need to target other species for economic returns.

**Table 7. Landings from 2007-08 when the TACC was reduced**

RCO 3 (FMAs 3,4,5&6)			
Fishing Year	TACC (t)	Actual Landings (t)	In-season model TACC increase amounts (t)
2007-08	4600	3236	
2008-09	4600	2542	
2009-10	4600	2994	
2010-11	4600	4567	
2011-12	4600	5389	
2012-13	4600**	5294	+344
2013-14	4600**	4410	+791
2014-15	4600	2171	
2015-16	4600	3837	
2016-17	4600	4543	

\*\*The TACC was increased in-season under Schedule 2 of the Fisheries Act 1996

### RCO3 Fishery

96. Red cod are relatively fast-growing, short-lived species, resulting in highly variable recruitment to the stock. Due to such variable recruitment abundance and catches between years can fluctuate.
97. Red cod enter the fishery at approximately two years of age and few fish older than six years remain in the commercial fishery. This means that pulses of strong recruitment produce periodic bulges of higher biomass moving through the fishery.
98. Most of the catch in RCO 3 is caught as a target catch by trawling and as a bycatch of other target species: barracoota (16%), tarakihi (6%) and flatfish (4%). About 95% of targeted RCO 3 landings is taken by bottom trawl, the remaining 5% is taken by Danish seine, midwater trawl and set net. Peak catches in the trawl fishery occur in summer to early autumn for most of RCO 3.
99. The red cod fishery is characterised by large variations in catches between years, both within and among seasons. Research indicates that this inter-annual variation in catch is due to varied recruitment causing biomass fluctuations rather than a change in catchability.
100. The CPUE index is generally considered to be a good indicator of in-season RCO 3 abundance and which has been increasing since 2000. This is supported by the increasing biomass estimates from the east coast South Island trawl survey.

### Management Approach and Proposed Sustainability Review

101. Southern Inshore submit that whilst the capacity to obtain in-season increases to TACCs is an appropriate adaptive management approach it does not however suit the seasonal nature or

forward catch planning needs of fishers. There are also problems associated with the current decision-making timeframe by MPI. Final decisions are made and applied far too late in the current year, missing most of the seasonal access to the fishery.

102. The decision-making process does not remain with the MPI fisheries manager or working group. The process is:
- g. SINS WG review the model run analyses presented by the service provider and approve or reject the decision rule;
  - h. MPI draft and present paper for public consultation;
  - i. MPI summarise submissions and provide final advice paper to the Minister;
  - j. Minister submits the paper to Cabinet for final decision;
  - k. Gazette notice issued after 28 stand-down period before enacted; and
  - l. ACE allocated to ACE holders.
103. The extensive decision-making process should not be in place since the in-season model framework has already been signed off by the Minister. The process uses valuable fisheries management resources that could otherwise be used to assess other fisheries. Any subsequent use of the model should therefore be automatic and signed off by the SINS WG. Any minor changes to the model (such as the number of months used in the model) should not then require the Minister to sign-off, it is a technical science decision. The SINS WG is made up of independent or MPI expert fisheries scientists and MPI fisheries managers. If the public are interested in the technical basis for the model then they should come to the meetings.
104. Southern Inshore request that the TACC for RCO3 be increased to 5500 tonnes (Table 8) with the option of using the in-season model. This would provide fishers with additional quota in the range that the fishery can sustain but allow for the model to increase the TACC further in those years where abundance is prevalent. This is a short-lived species and very cyclical so the model is still advantageous. There does however need to be better certainty to additional ACE from an increase to the TACC to 5500 tonnes.

**Table 8. Proposed TAC, TACC and allowance options for RCO 3**

Situation	Allowances				
	TAC (t)	TACC (t)	Customary Maori (t)	Recreational (t)	Other sources of fishing-related mortality (t)
<b>Current</b>	4930	4600	5	95	230
<b>SIF Proposal</b>	5830	5500 static	5	95	230

105. If the in-season model is to be used continually after this TACC increase then the decision-making process needs to be refined to allow for the increased TACC to be in place at least 2-3 weeks after the SINS WG, not the current 5-6 months. We cannot advise fishers that a TACC increase has been proposed by the SINS WG when it can still be potentially overturned by the Minister/Cabinet. An overcatch and deemed value situation would be very problematic and less than desirable process.

## DEEMED VALUE PROPOSALS

106. Fisheries New Zealand seeks information and views from tangata whenua and stakeholders to inform a review of deemed value stocks for thirteen stocks managed under the Quota Management system (QMS).
107. Southern Inshore will state for the record that an **IMMEDIATE REVIEW** of the deemed value rates is long overdue but should not be addressed on an ad-hoc basis at particular stocks but more appropriately at the **ENTIRE PROCESS**.
108. Southern Inshore have repeatedly lobbied MAF, MOF, MFish, Ministry for Primary Industries (MPI) and again now with Fisheries New Zealand in respect of deemed values. Our position has been long standing and consistent and we provide examples of this as evidence in this submission. The following extracts from submissions made in the most recent years 2015, 2016 and 2017 clearly show Southern Inshore's continued desire to engage and come up with a more meaningful approach to setting deemed values. FNZ in any of their capacities have continually ignored Industry's requests to address these matters and this can longer continue.

### 2015

109. There needs to be more of a commitment from MPI to conduct a "full" review of deemed values in conjunction with appropriate TACC level setting for all stocks. Deemed values should be a last resort and incurred when all other options are unavailable. In a number of stocks the deemed value levels are causing perverse outcomes, increasing ACE prices and unnecessary discarding when utilisation should be maximised according to stock status.
110. Reviewing deemed values when stocks are having TACC levels adjusted to meet the overcatch in single or mixed species fisheries is simply wrong. Incentives need to be in place to optimise fisheries but deter inappropriate actions. This can only be achieved if the TACC is appropriate to the extraction capacity in the fishery and deemed values at a level that provide management.
111. We note the reference to the use of the "MPI's Deemed Value Guidelines" and the rationale Seafood New Zealand (and previously SeaFIC) has made extension submissions with recommendations on how to improve the deemed value regime, notwithstanding the nine recommendations the Crown-Industry Joint Working Group made to the Minister of Fisheries as far back as 2005.
112. Fisheries Inshore (FINZ) has submitted a joint submission with the Deepwater Group on the 2015/16 review of deemed value rates for selected finfish stocks. This submission also includes a discussion on the necessity for a review of the deemed value regime, how it is current being used inefficiently, and the background and history to previous recommendations. We particularly support this submission and request that full consideration is given by MPI to ensure a review of the deemed value regime and guidelines is completed in consultation with the commercial sector.

### 2016

113. There needs to be more of a commitment from MPI to conduct a "full" review of deemed values in conjunction with appropriate TACC level setting for all stocks. Deemed values should be a last resort and incurred when all other options are unavailable. In a number of fishstocks

the deemed value levels are causing perverse outcomes, increasing ACE prices and unnecessary discarding when utilisation should be maximised according to stock status.

114. Reviewing deemed values when stocks are either only being overcaught by a small percentage, or having TACC levels adjusted to meet the overcatch in single or mixed species fisheries is simply wrong. Incentives need to be in place to optimise fisheries but deter inappropriate actions. This can only be achieved if the TACC is set appropriately and deemed values are set at a level that provide the satisfactory management processes.
115. We note the reference to the use of the “MPI’s Deemed Value Guidelines” and the rationale, and triggers and criteria for review for stocks. We cannot find any reference to these guidelines being consulted externally from MPI. Imposing a set of guidelines without consultation with industry is inappropriate. This gives further cause to the necessity for a full review of the deemed value process and framework.
116. In addition, Seafood New Zealand has made extensive submissions on behalf of industry with recommendations on how to improve the deemed value regime, notwithstanding the nine recommendations the Crown-Industry Joint Working Group made to the Minister of Fisheries as far back as 2005. And yet still no formal review of the regime.

### **Need for Regional Deemed Value Setting**

117. Southern Inshore (and previously as Challenger Finfish Mgmt. Co. Ltd) has for a number of years advocated that deemed values should be set on a regional basis that reflects the port price index within the region, rather than an average index which can be majorly influenced by higher market values from the North Island and beyond.
118. In the absence of incorrectly set TACC’s a more meaningful deemed value system is essential. We are doing the fishers of NZ a major disservice by not treating this matter with more seriousness. We should be providing a system that encourages the landing and recording of all fish and we should be using this information to guide us in making better management decisions. To do otherwise is to just ignore Governments continued claims regarding economic opportunity.
119. We again would like to propose to work with MPI to review the deemed value regime and include the development of a schedule of regional deemed values. It needs to recognise that Industry is not looking for ‘something for nothing’ here. We want to participate in a very important process that sees Industry and MPI develop a far more workable environment.
120. Also within this approach, is the recognition that the differential deemed value regime that is meant to promote obtaining ACE, is problematic when companies within this Industry choose not to release it. Philosophically, no deemed value should be paid on a stock where the TACC has not been caught. All of these matters need to be discussed. We certainly welcome the opportunity.

### **2017**

121. We note that while MPI professes to be unable to process TACC reviews, it continues to unnecessarily tinker with the deemed value regimes. Using one-off instances of catch exceeding TACC’s to review the interim deemed value rates to the new standard (90% of the annual rate) when the existing deemed value regime is operating effectively and efficiently to achieve balancing seems unnecessary and unproductive. Why waste resource on this type of

tinkering when there are more productive activities to undertake. This was most evident in TAR7.

122. SIF maintain the view that FNZ need to seriously consider the relationship between what the Fisheries Act 1996 and their Deemed Value Guidelines provide. Current DV policy leads to inflated Deemed Values (penalties) for fishers that encourage discarding without reporting. The correct policy should be to encourage fishers to land catch ensuring that information that inevitably informs stock assessments and on which the sustainability of a fishery is, is found to be accurate. We believe that the 'incentive to land' (not misreport) is what needs to drive any DV policy.
123. Changing the current DV policy requires no legislative change. Paragraph 1081 of the Deemed Value Rates paper states, 'the Minister has discretion to apply DV rates and differential schedules that provide the right incentives for commercial fishing operations.
124. The Fisheries Act (s75) requires deemed values to be set in a way that incentivises fishermen to acquire ACE. Our current DV policy does exactly the opposite. It discourages fishers from getting ACE (as the regime is itself driving high ACE prices, higher than what is economic for fishermen to pay) and is incentivising them to discard (as the DV's make it uneconomic for them to land). It does not meet the purposes of the Act in any way!
125. The purpose of s75 (2)(a) ie; to 'provide an incentive to acquire ACE to cover individual catch' **is not** as the current DV policy contemplates, for constraining '**overall**' or '**total**' catch. It is for encouraging an individual to balance his/her **individual** catch. The distinction is important but is just part of a far more detailed conversation that is required about the Deemed value setting process.
126. SIF strongly request serious Industry/FNZ engagement on the entire deemed value setting process **AGAIN**. We would support the re-establishment of a joint working group to consider and report back on all DV issues. The work of this group should be completed within a meaningful timeframe (2 -3 months) and it should be responsible for reviewing the current DV policy, recommending a revised policy that should include the creation of a 'forum' that ensures DV setting process is timely and informed and development of catch thresholds to avoid deliberate targeting (using DV's to cover catch).
127. These requests have been made before and FNZ can no longer ignore this.
128. **IMMEDIATE REVIEW OF THE DEEMED VALUE SETTING PROCESS IS ESSENTIAL**, if FNZ want to be serious about maintaining responsible fisheries management outcomes.
129. SIF refrain from making any specific comment in respect of the stocks presented in the Deemed Value Rates paper (BNS3, JDO7, PIL7, PIL8, SKI3, SKI7, TAR3, TAR7) and recommend that FNZ do the same. The more preferable course of action is to reflected in paragraph 115 (above).

## LIST OF REPRESENTATIVE FISHSTOCKS

ANC3	GSH3	POR3	SPE8
ANC7	GSH5	RBT3	SPO3
BAR1	GSH6	RBT7	SPO7
BCO3	GSH7	RBY3	SPO8
BCO5	GSH8	RBY5	SPR3
BCO7	GSP1	RBY7	SPR7
BCO8	GSP5	RCO3	SSK7
BNS3	GSP7	RCO7	STA3
BUT3	GUR3	RIB3	STA5
BUT5	GUR7	RIB5	STA7
BUT7	GUR8	RIB7	STA8
BYX3	HPB3	RIB8	TAR3
BYX7	HPB5	RSK3	TAR5
BYX8	HPB7	RSK7	TAR7
CDL3	HPB8	SCH3	TAR8
CDL8	JDO3	SCH5	TRE3
ELE3	JDO7	SCH7	TRU3
ELE5	KIN3	SCH8	TRU5
ELE7	KIN7	SNA3	TRU7
FLA3	LDO3	SNA7	WAR3
FLA7	LEA2	SPD3	WAR7
GAR3	LEA3	SPD5	WAR8
GAR7	MOK3	SPD7	YEM3
GAR8	MOK5	SPE3	YEM5
GMU3	PIL3	SPE5	YEM7
GMU7	PIL7	SPE7	YEM8

## Summary of request to review the TACC for various stocks for 1 October 2018 and Research Planning for 2018/2019

The following fishstocks are proposed for review for 1 October 2018:

Fishstock	Current TACC(t)	Proposed TACC(t)	Deemed Value Review	Support
<b>ELE 3</b>	1000	1150	No	Shareholders
<b>Justification</b>	Consistent overcatch and continued avoidance by fishers. Believed that TACC constraining utilisation. CPUE updated in 2015 and stock assessment completed in 2016 with conflicting results between the stock assessment and catch by fishers, from possible avoidance to known ELE areas. Standardised CPUE has fluctuated without trend since 2009-10 and remaining near the trend since 2009-10 and remaining near the proposed target. CPUE updates to align with years of ECSI trawl survey. The survey is not optimised for ELE3 and results are not always indicative to what is happening in the commercial fishery. Ageing of ELE pines in 2017/18 to add to the previous stock assessment which has not ageing in it.			
<b>SNA 7</b>	250	350	No	Shareholders
<b>Justification</b>	Consistent overcatch and avoidance by fishers. Trends indicate high potential for consistent overcatch given rebuilding status of the fishery. The additional TACC request is based on a step-wise approach trending with continued increasing abundance. This fishery has been assessed by CPUE analysis, size frequency, analysis from processed product, WCSI trawl survey, catch at age sampling and otolith collection, population simulation model, stock assessment. Recent catch at age results yet to be presented and another update to the stock assessment due for the working group in 2018.			
<b>JDO 7</b>	190	250	No	Shareholders
<b>Justification</b>	Utilisation opportunity. Current TACC may be constraining target in other fisheries where it is caught as a bycatch. Monitored by the WCSI trawl survey as a 'pseudo' target species. The 2017 biomass (down slightly from the 2015 survey) but highest in the times series (431t, 12%), second highest estimate in the time series. Strong 1+ mode (21-32cm) fish coming through the fishery especially in TBGB. This is the strongest this mode has been in any survey in the time series. TACC increase requested which can be assessed against the 2019 WCSI survey.			
<b>GUR 3</b>	1220	1450	No	Shareholders
<b>Justification</b>	Utilisation opportunity. TACC overcaught since 2013 although the TACC was increased in 2015/16. Catch to the end of the first quarter of the 2017/18 fishing year is already at 57% caught, expected overcatch situation again. This fishstock is monitored by the ECSI trawl survey which will be run again in 2017/18. A CPUE update is being presented to the working group in 2018.			
<b>SPO 7</b>	246	350	No	Shareholders
<b>Justification</b>	Utilisation Opportunity. Precautionary incremental increase requested for 2017-18. CPUE update for all SPO stocks completed in 2016 with increasing trend for SPO7 BT(ALL) and WCSI trawl survey abundance indices positive. Farewell Spit closure to pupping females is aiding this enhancement.			
<b>STA 7</b>	1122	1200	No	Shareholders
<b>Justification</b>	Utilisation opportunity. Current TACC may be restricting utilisation of main target fishery where STA is caught as a bycatch. Biomass in this fishery still above the long-term average.			

	WCSI trawl survey results show the biomass is down from 2015 (1674t, 14% CV) but still above the time series mean (1546t)			
<b>ELE 5</b>	170	200	No	Shareholders
<b>Justification</b>	Utilisation opportunity. TACC consistently overcaught in a number of previous years and potentially constraining the utilisation in this fishery. Slightly under-caught in 2015/16 but fishers experiencing increasing abundance and avoidance may occur. CPUE and characterisation presented in 2017 to support this proposal. Precautionary TACC increase proposed. SIF research plan to include regular CPUE updates as this fishstock is not monitored by the ECSI trawl survey.			
<b>TAR 8</b>	225	270	No	Shareholders
<b>Justification</b>	Utilisation opportunity. TACC consistently caught for a number of years. Shift of effort away from SNA8 has caused fishers to operate more offshore and therefore catching more TAR. Request made in 2016/17 for TACC increase but only received increased DV. Better management approach needs to be adopted. TAR8 included in TAR 5,7,8 Characterisation and CPUE update 2018. Precautionary increase in TACC requested. Fishers are being constrained due to the SNA8 fishery and are trying trawl gear mitigation methods to exclude SNA. With lack of SNA ACE fishers are dependent on other fishstocks, one being TAR8.			
<b>FLA 3</b>	1460	1600	No	Shareholders
<b>Justification</b>	Static TACC request to 1,600t with the option of running the in-season model when required. The timing of the in-season review is way beyond the season. To optimise this fishery the TACC needs to be readjusted to 1600t to provide utilisation at the start of the fishing year not post-season.			
<b>RCO 3</b>	4600	5500	No	Shareholders
<b>Justification</b>	Static TACC request to 5,500t with the option of running the in-season model when required. The timing of the in-season review is way beyond the season. To optimise this fishery the TACC needs to be readjusted to 1600t to provide utilisation at the start of the fishing year not post-season.			
<b>Low Knowledge Stocks</b>				
<b>Fishstock</b>	<b>Current TACC(t)</b>	<b>Proposed TACC(t)</b>	<b>Deemed Value Review</b>	<b>Support</b>
<b>MOK 3</b>	160	190	No	Shareholders
<b>Justification</b>	Utilisation opportunity. Increasing catch and abundance in the Kaikoura set net region and by bottom trawl bycatch southern east coast South Island. CPUE update and characterisation with MOK1 completed in 2017 but unable to find a suitable index of abundance from SN fishery. Target catches potentially being constrained due to the bycatch of KIN3 (1t TACC) which when caught by setnet is not allowed to be returned to the sea under Schedule 6 of FA. SIF is promoting that this provision be removed to allow return.  Needs to be withdrawn from the continued MOK 1/3 project in the MPI MTRP as the project cost is not cost effective based on revenue from the fishery and proposed cost recovery project amount. Monitoring/management and assessment options to be discussed with MPI fisheries managers.			

<b>LEA 3</b>	130	200	No	Shareholders
<b>Justification</b>	Utilisation opportunity. TACC consistently overcaught since the 2013 TACC increase. LEA3 is not optimised under the ECSI trawl survey but is monitored via catches. Interim results expected May 2018. Incremental increase requested for 2017-18 fishing year.			
<b>HPB 3</b>	335	360	No	Shareholders
<b>Justification</b>	Utilisation opportunity. Increasing trend in catches, precautionary TACC increase proposed. HPB is caught by line, setnet and trawl. The setnet fishers in Kaikoura target this fishery generally Jul/Aug. The fishery is only slightly undercaught most years because of ACE being held back by some quota holders which does not allow some fishers to optimise the fishery at certain times because of its unavailability and uncertainty of release of ACE. KIN bycatch can be an issue in the HPB3 setnet fishery. Schedule 6 (FA) does not allow for this at present but SIF is promoting the removal of this provision to allow return of live fish.			
<b>ELE 7</b>	102	150	No	Shareholders
<b>Justification</b>	Utilisation opportunity. This fishery fluctuates and in some cases is dependent on the fisher's effort in the mixed trawl fishery and those vessels being absent to that fishery when there are good years for albacore.			
<b>KIN 3</b>	1	6	Reduce DV from \$8.90 Annual to \$5. Port price \$3.62 for 2016/17 (Fishserve), regional DV SIF \$2.50.	Shareholders
<b>Justification</b>	Utilisation opportunity. TACC consistently overcaught since 2013. As of the end of the first quarter of the 2017/18 fishing year it is 64% overcaught. Increasing trend in catches and availability in both KIN 3 & KIN 7. The trend in this fishery through catch landing and fisher observation is that the stock is becoming more prevalent and increasing the TACC will allow for better utilisation. This TACC was arbitrarily set on introduction to the QMS. Request for increased TACC has been proposed for the last 4 years with no action from MPI. Schedule 6 (FA) does not allow for this at present but SIF is promoting the removal of this provision to allow return of live fish.			
<b>KIN 7</b>	15	30	Reduce DV from \$8.9 Annual (plus special) to \$5. Port price \$1.47 for 2016/17 (Fishserve), regional DV SIF \$2.50.	Shareholders
<b>Justification</b>	Utilisation opportunity for both KIN3 and KIN7. Stock being caught in both regions further south than in other years and is a limiting bycatch to other target/mixed species fisheries. Inshore fishers are being disadvantaged by the increased bycatch volume taken by the JMA target vessels. Levels of TACC and DV need to be more reflective and cost effective for inshore operators. As of the end of the first quarter of the 2017/18 fishing year this stock is already 50% caught. Any live setnet caught KIN needs to be allowed to be returned to the sea. Schedule 6 (FA) does not allow for this at present but SIF is promoting the removal of this provision to allow return of live fish from setnet.			

### Research Plan 2018/19

Fishstock	Research Proposal
Mixed species	West Coast South Island Trawl Survey – March-April 2019
STA 5	Characterisation and CPUE update
STA 7	Characterisation and CPUE update
ELE 7	Rapid CPUE update

**IN THE MATTER OF:**

**FISHERIES NEW ZEALAND  
SUSTAINABILITY REVIEW 2018**

**REGARDING STOCKS**

**JDO 1**

**TAR 1, TAR 2, TAR 3**

**KIN 3**



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**SUBMISSION OF SPEARFISHING NEW ZEALAND INCORPORATED**

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## About the Submitter

This is the submission of Spearfishing New Zealand (SNZ). We are an Incorporated Society authorised by our constitution to represent the interests of freedive spearfishers in New Zealand. We are a distinct sub-group of the recreational fishing sector.

SNZ reports directly to approximately 5,639 divers nationwide. The wider freedive spearfishing community is approximated by the 13,129 members of the most active (NZ) social media pages in our sport.

Freedive spearfishers are very active in the **JDO 1 (Hauraki Gulf and Bay of Plenty), & TAR 1 - 3 (all coastal areas)**. Both John Dory and Tarakihi are prized fish for freedive spearfishers due to the challenging depths they are found at (most commonly deeper than 20 metres) and their exceptional eating qualities. For these reasons they are a very important species for us in general recreational diving, where they would potentially be an intended target species on at least 50% of days out, and in all competitive events which are usually specifically held in areas where these species can be found. Changes in fish stock abundance for these species will have a direct impact on our group in terms of sustenance, recreational value, and competitive differentiation.

Our members are a minor participant in **KIN 3**. We are starting to get reports of kingfish speared in the KIN 3 area, and expect this to continue, or likely increase, in line with sea temperatures.

We have read the Review of Sustainability Measures for 2018/2019 (Review Document). Our comments are referenced where necessary to that document.

## JDO1 Consultation

1. We support the introduction of allowances for Customary, Recreational, and Other Mortality.
2. We support the basis of these allowances as effectively 'add-ons' to the TACC as per paragraph 611 of the Review Document.
3. We support the level of allowances recommended by Fisheries New Zealand for the reasons at paragraphs 619-624.
4. We **support Option 3, reducing the JDO1 TACC to 320 tonnes**. We choose this option because it provides the greatest certainty of the stock moving towards the target biomass compared to the other options<sup>1</sup>. Our enjoyment of the fishery for its recreational and sustenance benefits, with increased abundance, will be improved if the biomass increases towards the target level.

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<sup>1</sup> Review Document para 637

5. Regarding a possible Review of QMA Boundaries (para 645), we support reviewing the QMA boundaries. Management of JDO1 as one stock, in the knowledge that it comprises three spatially distinct substocks, risks depleting stocks in one area. Now that finer-grained data on landings is available, it makes sense to manage the substocks at an individual level. Such a differentiation would allow commercial fishers to continue taking higher harvests in substocks which are stronger, such as in Bay of Plenty and potentially West Coast North Island, whilst reducing landings in the Hauraki Gulf substock.

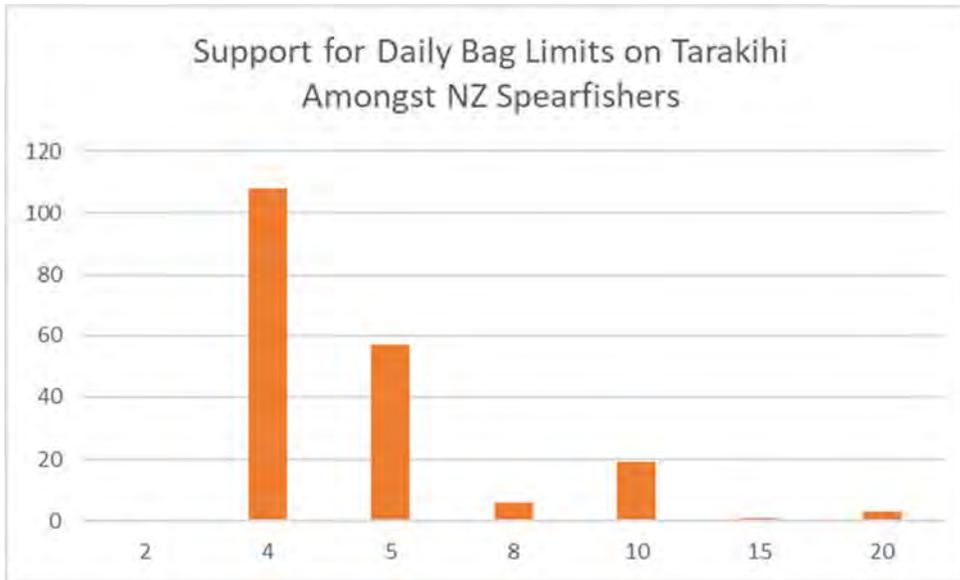
### TAR 1-3

6. We support setting the Recreational, Customary, and other mortality allowances at levels that best represent actual harvest.
7. We support managing the stocks, as grouped by Fisheries NZ, as one stock for the reasons outlined in the Consultation Document at para 979.
8. **We support Option 2**. We support it because the projected outcome is almost indistinguishable from Option 1<sup>2</sup>, it provides a period of time-adjustment for fishers in a rather large inshore fishery, and we support the strategy of targeting 40% B<sub>0</sub> in 10 years.
9. We support the introduction of daily bag limits for TAR. Our main reason for this is that we perceive a risk of localised depletion from recreational fishing. Tarakihi are a schooling fish, and they move around. However, areas where spearfishers take them tend to be the same areas year after year. These areas naturally replenish themselves, but we expect they would be prone to short term depletion if fished heavily at or close to current catch limits by the recreational sector, particularly over summer months. That would impact our enjoyment and availability of the fishery to us. Our secondary reason is that as a group our focus is on responsible catch limits. For example, many spearfishers do not consider it ethical to take the current daily limit of snapper or kingfish.

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<sup>2</sup> As illustrated at Figure 9 para 1006 of the Review Document

10. An indicative survey of members on the NZ Spearos Community Facebook page<sup>3</sup> on 4 July 2018 indicated members' preferences for Recreational Daily Bag Limits on TAR as follows:



11. We believe this is representative of our wider group despite a small sample size. We observe that:
- 56% support a daily bag limit of 4
  - 88% support a daily bag limit of 8 or less
  - 98% support a daily bag limit of 10 or less.
12. As an initial control, a limit of 10 would appear to be supported by 98% of our people. Most would also be happier if it was lower than that.
13. As a group, spearfishers tend to be more selective and take fewer fish than recreational line fishers. We note that our indicative survey relates well to the 2011/2012 recreational harvest estimates whereby a daily limit of 10 would provide for 90% of harvest effort<sup>4</sup>.
14. We do not support any alteration of the MLS limit of 25 cm. Tarakihi are mostly found at depths of 30 metres or more; risk of internal damage from gas expansion when caught by line fishers is likely to be high and discards are unlikely to survive. If the MLS was increased then line fishers would have to catch more fish and discard them to die, in order to land a given number of legal sized fish. A 25 cm Tarakihi is an adequate size for eating.

<sup>3</sup> 194 respondents

<sup>4</sup> Review Document para 1020, table 6

15. We oppose the FINZ/Southern Inshore proposal because
- It involves shelving quota, which is only a useful measure when TACC changes are not being made for some other reason. It has been known that the stock was below the soft limit for many years<sup>5</sup> and the fishers did not shelve quota voluntarily. It seems odd to now suggest shelving when Fisheries NZ is looking at employing the correct statutory management method of adjusting the TACC.
  - Fisheries NZ is intending to use the proper adjustment procedure in the Act, which is adjusting the TACC. We prefer this approach.
  - The industry proposal does not comply with the HSS because it does not set a plan and timeframe for reaching the 40% target biomass.
  - The industry proposal is attempting to delay much-needed cuts while awaiting more refined information. That is inconsistent with section 10 of the Fisheries Act 1996 which specifically warns against such reasoning in subsection (d) and requires decisions to be made based on information presently available.

### **KIN 3**

16. The proposed TAC is tiny compared to the northern stocks, indicating these fish are just a few early arrivals in the area, or possibly seasonal visitors.
17. Recent landings history shows that declared landings of between 1 to 3.5 tonnes are having no impact on landings.
18. At this level of harvest pressure it seems intuitively unlikely to us that a TAC as low as 9 or 17 tonnes would have much impact on the natural change in biomass in this area.
19. We support Option 3, on the grounds that we are doubtful there are sustainability concerns, and kingfish remain an unavoidable bycatch for the commercial sector and we would rather see the caught fish be fully monitored and used. This avoids the sometimes perverse incentives under the QMS where fish may be discarded rather than landed if no ACE is available or if the fish cannot be landed under Schedule 6 of the Act.

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<sup>5</sup> Since the early 2000s, as noted in the Review Document para 981.

We thank MPI for the opportunity to submit on these important issues, and look forward to assisting MPI in future decision making that affects our members.

Kind Regards,

**Reid Quinlan**  
**Secretary**  
**Spearfishing New Zealand**  
**6 July 2018**

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[secretary@spearfishingnz.co.nz](mailto:secretary@spearfishingnz.co.nz)

[REDACTED]

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	Stephen Richard Hutt
Organisation (if applicable):	Ngāti Pākeha
Email:	[REDACTED]
Fish stock this submission refers to (delete any that don't apply):	<input checked="" type="checkbox"/> SFE 20 <input checked="" type="checkbox"/> SFE 21 <input checked="" type="checkbox"/> SFE 22 <input checked="" type="checkbox"/> SFE 23 <input checked="" type="checkbox"/> LFE 20 <input checked="" type="checkbox"/> LFE 21 <input checked="" type="checkbox"/> LFE 22 <input checked="" type="checkbox"/> LFE 23
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	

### Official Information Act 1982

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. Fisheries New Zealand will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

**Submission:<sup>1</sup>**

**Details supporting your views:**

**Indigenous Long Fin Tuna**

This precious 80 million year old Taonga we need to cease the commercial sale of. The Long Fin Tuna is in serious decline across the country, South Wairarapa being one of the worst affected areas. This is due to the historical and continued practise of intensive dairy farming in the area. The waterways in South Wairarapa are in rapid decline, from farming, all functions of fresh water eco-systems are exhausted and in crisis situations across the country.

Regional and Local Councils need to have better considered decision making and monitoring of our precious waterways, that are treated like endless commodity resources.

As Waikato Tainui people are now experiencing, with the establishment of the Waikato River Authority, which co-manages the Kaitiakitanga of the river with government entities, the River quality was very poor as a direct result of historical council consents and decision making. Thus returning a very unhealthy river, and the expectation lwi to foot half the restoration river bill costs to restore the health of our treasured Tupuna Taonga – Te Awa o Waikato. Many parts of the river have seen a massive decline in Tuna population, along the Waikato and its source waterways.

This also highlights where more Indigenous Representation on council boards, to protect and remind councils of their obligations to this Taonga and all other indigenous affairs, which are just as important as the dominant euro-centric values systems which are embedded in the fabric of New Zealand society, especially in decision making like this important issue.

<http://www.longfineel.co.nz/wp-content/uploads/2011/06/Tuna-Kuwharuwharu-Longfin-Eel.pdf> - Take on the findings of what this report which was produced by a peer government department.

Sincere regards,

Stephen Richard Hutt

Ngāti Pākeha

Please continue on a separate sheet if required.

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<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

## Submission on FLA1 Quota.

I am concerned at the way the proposal to decrease the FLA1 quota is to be apportioned. I am a commercial fisherman and have been since October 1974.

Since the introduction of the Quota management scheme [QMS] I have been pretty much solely a flounder fisherman. I have 11 tonnes of FLA1 quota which I received at the start of the QMS. Since then my average yearly catch has been 9072 tonnes. Clearly a reduction of the TACC of 64% is going to be a huge disadvantage to me.

At the introduction of the QMS the FLA1 TAC was set at the highest level of historic catch to allow for that level of harvest in years of abundance, but it also created a false level of catch because much of the quota had never been caught. I know of a number of fishermen who were crewing boats at the time of the QMS introduction who appealed and got similar quota packages as the boat they had been fishing on, thus doubling the Quota issued in those instances.

The difference between years of abundance, and conversely, years of decline in the East coast Flounder fishery is almost certainly created by climatic conditions at spawning time. IE, the fishing years 2014/15 and 2015/16 were relatively poor years, followed by 2016/17 which was a year of huge abundance. Given that most of the fish caught are 2 year old fish this shows that the stock biomass has little to do with the abundance of fish two years later. 95/96 was a dreadful year, but 97/98 was fine, and conversely 93/94 was a year of exceptional abundance, but 2 years later 95/96 as mentioned was a failure.

All my experience has been in the east coast fishery. I believe that the east and west coast fisheries should be kept separate. They are certainly not the same stock. Also they should be managed separately. By that I mean that the reductions in quota should be separated by East and West coast and kept within their boundaries. Bringing quota issued for one place and taking it elsewhere just creates spatial conflict. Manakau and Kaipara fishermen bring their quota established in those harbours and fish it in the East coast, but no

quota from the East coast is ever fished in the West coast harbours. There is also the concern that the weed that is a huge problem for the West coast harbour fisherman could become established in the East coast and make fishing there difficult too.

I have no problem with reducing the FLA1 quota. It has always been too much and has resulted in the companies where most of the quota has ended up, encouraging more fishermen to enter the fishery in an attempt to catch the quota held. This has often led to spatial conflict. I believe that the quota reduction should be where historically it hasn't been caught. In my instance I have caught an average of 9072kg of my 11000kg =82% catch. Reduce my quota by 18%. To take 64% of my quota I will be reduced to 3960kg and will have to find 5000kg extra in an average year from a market that will be much more expensive than now and will be mostly held by companies I don't fish for.

Also, reducing the quota across the board will dramatically change the dynamic of quota held, from those like me, and companies that fish their quota, to quota holders who have rarely had it fished and will suddenly become masters, where we will have to go cap in hand for enough quota to go fishing. I am not alone in this position and while I understand that my proposal will make a more complex equation at least it will be fair.

Yours sincerely Rex Smith

**From:** Rob  
**To:** [FMSubmissions](#)  
**Subject:** Submission on FLA1  
**Date:** Monday, 23 July 2018 8:04:41 AM

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## Submission on FLA1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I am a commercial fisherman and have been since the 1970s & was granted Quota of 12tons at the introduction of quota management system.

I have fished most years since then in the Firth of Thames area (007) & have during most years caught all my allocated quota & usually leased an additional amount up to aprox 6 tons.

I fish as an owner operator on a 4.6 meter dory. I have a wife & 2 children to support.

My fish is sold to a small co-op that holds no quota & most of the fish is exported.

If as you propose to reduce the TACC by 64% it would be a huge reduction to my catch without me having to lease a large amount of additional quota.

The reduction in quota will no doubt increase the price of lease & make it much more difficult or impossible to find.

The stocks of YBF & SFL in the southern part of the Firth of Thames have varied over the years but last years was very good with as many fish as some of the best years I have had. So I feel there is no decline in stocks were I fish.

The fish I catch are 2-3 years old so it would be apparent very quickly if stocks here were declining. Conversely it would recover very quickly.

I feel the need for you to break up the FLA1 fish stock area into smaller management zones as I am sure east & west coast fish are not the same stock.

I do not feel the need for any TACC cut in East coast fishery.

I think part of declining catch in west coast harbors has been due to weed build up reducing fishers ability to catch FLA (however I have not fished the west coast for 20 years & am only repeating what I have heard from other fishers from there). As soon as weed gets into a set net the drag as the tide runs closes the net ie pulls the top rope close to the bottom rope, So fish wont go in & also mesh becomes so tight fish do not tangle & escape out again.

Another side issue here, is fishers transferring weed from one area to another. Boats sometimes come from the west coast with their gear full of weed to clean it out by setting it on east coast.

possible reductions to current catches could be-

1 Restricting fishers to where they currently fish & not allowing new entrants to the FLA1 fishery.

2 Restriction of net set length (I have always used less than 700 meters) although regulations allow 1000m. I feel this is most likely the fairest way to reduce total catch, As everyone has a similar opportunity to make a living. Getting the reduction from those wanting the most profit from the fishery with less regard to the fishery.

If you have a shorter set you can remove any under-size fish while picking up & return them alive, While also having better quality fish because it is on ice & into the chiller faster. Also would put off those wanting to just make a quick profit & move to another area once they clean out an area.

3 Restriction to soft white nylon mesh (termed rag nets by fishers) rather than the mono filament or multi-mono that many fishers now use, This type of mesh tends to be indiscriminate & catching all sizes of fish down to a smaller size than the other mesh with also much more by-catch than the traditional white nylon mesh.

4 removing quota from those that have uncaught quota for multiple years.

If you have any further questions please phone 027 604 7827.

Yours Faithfully

Rob Billings

# **THE NEW ZEALAND FEDERATION OF FRESHWATER ANGLERS (INC)**

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## **Submission on the North Island Eel Review**

To: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)  
**North Island Eel Review, Fisheries New Zealand,  
PO Box 2526, Wellington 6140**

Name of Submitter: **The New Zealand Federation of Freshwater Anglers (Inc.)**

Date: **22 June 2018**

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### **Introduction**

*The New Zealand Federation of Freshwater Anglers (Inc)* is an affiliation of anglers and angling clubs throughout NZ and overseas. It has been in operation since 1974 and is an independent organization that seeks to represent the collective interests of the near 100,000 licence holding anglers who participate in freshwater sports fishing throughout New Zealand. The Federation's strength lies in its independence and the number of anglers it represents.

Constitutionally it is charged to advocate the protection of New Zealand's natural environment and in particular its freshwater ecosystems, their surrounding environment and the recreational angling so afforded. As anglers we see and experience changes to rivers and lakes first-hand and are thus best placed to comment on any proposals that affect freshwater systems and catchment areas.

### **General Comments**

Freshwater eel populations around the world are in steep decline, yet in New Zealand, although longfins are still one of the most common and important freshwater fish, there are concerns about the methods and practices used by commercial fishers. Longfins are easy to catch and overfish.

Over the last decade in New Zealand, eels - especially longfins - have turned from being considered a pest that preyed on newly established exotic trout, into a species that is in "gradual decline".

Eels are highly valued and fished for customary Maori, recreational, or commercial purposes. The longfin eel is only found in New Zealand, while the shortfin is found throughout New Zealand, southeastern Australia, and the Pacific Islands.

Recent initiatives by MPI to support its 'double the export value mandate' have supposedly sought to provide a better basis for managing the sustainable use of shortfin and longfin eel resources, yet with almost no policing commercial fishers can

# **THE NEW ZEALAND FEDERATION OF FRESHWATER ANGLERS (INC)**

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pretty much do what they like. Complaints of malpractices seem to be ignored and like the marine sector few if any prosecutions have followed.

Commercial catch limits for eel were introduced across the country between 2000 and 2004. These limits have allegedly reduced the commercial harvest of both shortfin and longfin eels, and the eel fishing industry rationalised the number of fishers and processors. But this has introduced the greed factor and abhorrence at following the rules much like the problems caused by quotas in the marine industry.

Commercial fisheries in New Zealand are managed under a Quota Management System (QMS), allowing a quota owner continued rights to catch a certain quantity of fish.

A minimum size of 150 gm was introduced in 1981 (this was increased to 220 gm in 1992), with part-time fishers being excluded from the industry in 1984, and a moratorium on the issue of new fishing permits in 1988. A consensus amongst fishers saw the size increased to 300 gm which after a time became mandatory.

Total limits for commercial longfin eel fishing were last reviewed in 2007, resulting in a 60 per cent cut from 193 tonnes to 81 tonnes a year to provide further confidence that the status of shortfin and longfin stocks would improve over the medium term.

Freshwater eels are an important part of the freshwater ecosystem in New Zealand, however wetlands are still being drained, new flood banks, flood gates and pumping stations continue to be installed, and waterway channelisation and bankside vegetation removal is ongoing, all with little concern for the resulting loss of eel habitat.

In 2013 a 7000-signature petition calling for a moratorium on the catching of native longfin eels was presented to Parliament to highlight the plight of the longfin, which is in danger of extinction.

Longfin eels have been classified by the Department of Conservation as "at risk and declining" but not "threatened or endangered. They are a threatened species and they're an endemic species and commercial fishing is just finishing them off.

However the MPI does not classify the eel as threatened, as it is being held to ransom by the commercial fishing industry.

In 2007, a 4 kg maximum limit for freshwater eels was introduced to all commercial fisheries in New Zealand, with the requirement that eels larger than this must be released.

This was designed to protect a proportion of longfin females, as these eels are particularly vulnerable to capture. With the exception of small quantities of eels

# **THE NEW ZEALAND FEDERATION OF FRESHWATER ANGLERS (INC)**

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caught for research purposes, it is not legal in New Zealand to catch glass eels or any eel weighing less than 220gm.

The Eel Enhancement Company represents the interests of North Island eel quota owners and includes individuals, private companies and Maori entities. They catch eelers at Karapiro Dam when they migrate up the Waikato river and release them on other dams up river.

Both male and female longfin are caught in the commercial fishery – but because male shortfin eels are almost always smaller than the minimum commercial size of 220 gm, the shortfin fishery is based almost entirely on female eels.

Many Māori are opposed to the QMS concept of continued (perpetual) ownership, as they regard resources as common rather than private property. Iwi control or hold approx. 50% of North Island eel quota.

Fyke netting is used by most commercial eel fishermen, with 100% of the total catch being caught in this way. These nets are extremely efficient at catching eels, and regulations govern the size of mesh used in nets and the size of escapement tubes placed in nets to allow undersized (<300 gm) eels to escape. But the positioning of these escapement tubes is important as some commercial fishers have discovered that the placement these tubes means less eels are able to escape.

Numerous complaints to the MPI have been ignored with only a few warnings given out. It appears that the MPI are condoning the blocking off of the drains as it allows these crooks to take undersize smaller fish which the factories are accepting.

It also shows that the MPI are not doing their job in policing these fishers. Almost every net our cameraman found was blocking a channel. This means that the fishers are so confident they won't be caught they blatantly block the waterway.

There is a huge high value market for smaller eels throughout Asia which makes this a lucrative business and there are many commercial fishers blatantly breaking the rules by blocking drains and channels with their nets knowing the MPI will do nothing about it.

Commercially, New Zealand has been exporting eel products valued between \$NZ 4.9 and 9.9 million per year (Free On Board values) during the last 15 years (SeaFIC, 2010) to markets in Belgium, Germany, Hong Kong, Italy, Republic of Korea, Netherlands, Taiwan, United States of America and the United Kingdom there is demand for New Zealand eels, which may be processed into various forms, frozen, or sold as live eels.

There is also a domestic market where the eels are sold mainly as a live product in fish shops.

# THE NEW ZEALAND FEDERATION OF FRESHWATER ANGLERS (INC)

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In Japan, freshwater eels are considered a delicacy and importing eels has become increasingly valued in light of declines in Japan's domestic eel catch.

## CONCLUSION

Freshwater eels are an important part of the freshwater ecosystem in New Zealand, however wetlands are still being drained, new flood banks, flood gates and pumping stations continue to be installed, and waterway channelisation and bankside vegetation removal is ongoing, all with little concern for the resulting loss of eel habitat.

Longfin eels have been classified by the Department of Conservation as "at risk and declining" but not "threatened or endangered. They are a threatened species and they're an endemic species and commercial fishing is just finishing them off.

Continued abuse by forestry and industrial development is severely damaging the habitat of both species and it is believed that this damage is in breach of the Treaty of Waitangi under Article 6 and 8 where the Crown must ensure that taonga is protected. Many Māori are opposed to the QMS concept of continued (perpetual) ownership, as they regard resources as common rather than private property. Iwi control or hold approx. 50% of North Island eel quota.

- For this point it is believed that the MPI must remove the shortfin and longfin eel from export quota.
- Eels should only be caught for the domestic market and not exported.
- Annual reviews are conducted on each commercial fisher and the areas where commercial eel fishing is conducted to ensure:
- MPI need to regularly carry out checks on the fishing practices of commercial eeling.
- Increased penalties, i.e.: Any fisher caught blocking channels should be forced to sell his quota and be banned from fishing.
- The positioning of escapement tubes is important and some commercial fishers have discovered that the placement these tubes means less eels are able to escape.

**From:** Pat Nyhon  
**To:** [FMSubmissions](#)  
**Subject:** Submission on sustainability of fishstocks 2018  
**Date:** Monday, 9 July 2018 4:17:40 PM

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Pat Nyhon  
Nyhon Fishing Ltd [REDACTED]  
29 years in Fishing industry  
Owner Operator FV Cressy

I am an owner operator of a 16m Trawler that fishes in the Southern Inshore fishery and also Target LIN5 in the Pusyegur To Stewart Island Area

#### KINGFISH FMA3

I believe the only acceptable option for TAC is option 3

I also believe the deemed value on KIN3 has to be set at 0.00 for a period of 2years

My reasoning behind this is that these fish have not been seen this far south before and no fisherman is going to target them and to get an accurate and setting of the TAC we need accurate data and at the high DV rates that were obviously set in relation to the rest of the country this will not happen.

#### GURNARD FMA3

As a fisher I have spent much of my inshore effort trying to avoid catching GUR3 so my ACE will last the year.

GUR3 in our southern Area is a Bycatch with FLA3 so if you run out of GUR3 ACE this affects your FLA3 catch rates.

More fishers are using larger size Codend mesh to let more GURNARD escape

The only acceptable option is OPTION 2 an increase which I believe to be too small and believe it should be 10%

GUR3 needs a minimum legal size introduced

#### LING FMA3

I Target LIN5 from SEPTEMBER to DECEMBER in depths from 360 to 530metres Bottom Trawl

This fishery has improved each year with less effort and more catch with better Quality fish

With our catches of LIN5 in the last 5 years being anything from 122T to 174T on a 16M vessel I think it is obvious this fishery is very Sustainable

I believe OPTION3 is the only decision for LIN5 TACC increase on a trial basis for 2years

We also have a Vessel Management Plan For Seabird Mitigation Onboard

#### Summary

As I do not fish in other areas relating to this Sustainability round I will not comment on them But as with all increases and decreases I believe that all fish stocks could be better managed under Separate FISH MANAGEMENT PLANS with smaller areas involved

GUR3 is a massive area for example and has different effort and landing in different areas so why should Bluff be considered the same FMA as Timaru or The Chatham's I believe these need to be changed

Weather plays a big part in Inshore Fisheries

A MINIMUM LEGAL SIZE needs to be introduced for all NZ fish species

I welcome any questions you may have  
PAT NYHON

**From:** Jas Herdman  
**To:** [FMSubmissions](#)  
**Subject:** Submission regarding proposed amendments  
**Date:** Wednesday, 4 July 2018 12:20:18 PM

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We Top Spat Ltd [REDACTED], wish to submit our preference of option 2 of the proposed amendment of fishing GLM9. We are one of the largest fishers of Mussel spat in the Far North and don't want to see any mussel spat let to die on the beach when it is available and can be utilised. If it is available then it should be used.

Jason Herdman  
Top Spat Ltd

Sent from [Outlook](#)

**From:** Jonathan Dick  
**To:** [FMSubmissions](#)  
**Cc:** [Ngaio Tiuka](#)  
**Subject:** Submissions from Ngati Kahungunu on Current IPP Consultations  
**Date:** Thursday, 26 July 2018 12:46:06 PM

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Tena koe Tena koutou

The Kahungunu Asset Holding Company (the Company) seeks to make the following submission to Fisheries NZ on a number of the initial position papers currently under consultation. Ngati Kahungunu Iwi Incorporated is the 100% shareholder of the Company and will be filing a separate submission on the sustainability review relating to long fin and short fin eel for Area 22. Ngati Kahungunu Iwi Incorporated is the mandated iwi organisation for Ngati Kahungunu and holds the mana for the tribal rohe from Paritu north of Wairoa to Turakirae in the south Wairarapa. Ngati Kahungunu Iwi Incorporated is responsible for implementing the ***Kahungunu ki Uta, Kahungunu ki Tai, Marine and Freshwater Fisheries Strategic Plan*** (KKUKKT strategy). The Company works collaboratively with Ngati Kahungunu Iwi Incorporated to support the implementation of the KKUKKT strategy. The KKUKKT strategy has the following goals and aspirations for our fisheries:

- A healthy fisheries environment
- An abundant fishery and thriving people
- A sustainable and stable commercial fishery.

The Company supports the options listed below for the following species currently under sustainability review:

1. Ling 5: support option 2 increase TACC by 10%.
2. Long and short fin eel area 22: support for the submission to be filed by Ngati Kahungunu Iwi Incorporated. The Company seeks support from Fisheries NZ to implement a suitable rebuild strategy which places Ngati Kahungunu Iwi in a position of greater management control for this fishery to acknowledge the Kaitiakitanga of Ngati Kahungunu Iwi and Hapu over this taonga species.
3. Oreo 4: support option 2 increase TACC by 30%
4. Orange Roughy 3B: support option 3 staged increase of the TACC
5. Scampi 3: support option 2 increase TACC by 10%
6. Southern Bluefin Tuna 1: support option 2 increase TACC by 9%
7. Tarakihi 2: reject proposed options for Area 2. The proposed options will cause a significant socio-economic impact on Ngati Kahungunu and will cause significant disruption to the commercial fishing interests of Ngati Kahungunu. Ngati Kahungunu contests the use of the virgin biomass standard as an acceptable target given no international research corroborates this as an acceptable standard. The Kahungunu Asset Holding Company supports the Fisheries Inshore NZ submission relating to the voluntary shelving of Kahungunu ACE and has filed documentation with Fishserve to shelve 15,238 kilos of Tarakihi 2 ACE held by the Company. Ngati Kahungunu has criteria in place which requires the leasor of Kahungunu inshore ACE to use suitable trawl innovation measures which contribute to the release of non-target juvenile fish.
8. The deemed value increases associated with Tarakihi 2 are unacceptable to the Kahungunu Asset Holding Company as we consider there to be a lack of available science to corroborate the need for any significant cut to the Tarakihi fishery in Area 2. The Company supports the approach of Fisheries Inshore NZ which provides the opportunity for industry led management measures to rebuild the Area 2 fishery without the need for regulated amendments to the existing TACC.

Heoi ano

**Jonathan Dick**  
**General Manager Kahungunu Asset Holding Company**  
**Taikura House | Level 1 | 304 Fitzroy Ave | PO Box 2406 | Hastings 4153**



W: [www.kahc.co.nz](http://www.kahc.co.nz)

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**From:** Eddie Watts  
**To:** [FMSubmissions](#)  
**Cc:** [Pat Murray](#)  
**Subject:** Submissions from Ngati Whatua Runanga On Long Fin and Short Fin eel TAC/ TACC North Island  
**Date:** Thursday, 21 June 2018 9:26:12 AM

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Kia Ora. Ngati Whatuas views are Option 2 is preferred to the TAC /TACC by a average of 15%/ 32% across QMAS of Long fin and short fin eel fisheries North Island . Our reasoning is that as Kaitiaki of this fishery caution is the order of the day , as the majority of our salt water species are in trouble with overfishing , siltation issues , recreational pressure etc

Eddie Watts. Ngati Whatua Runanga

## **Submission on the Long-Finned Eel (*Anguilla dieffenbachia*) – North Island – Sustainable Wairarapa**

### **Wairarapa Iwi and Hapu and their Relationship to Tuna**

Maori have long considered that the Long-Finned Eel or Tuna to be a gift from the ancient gods, and therefore there is a special place of tuna maintained in Māori culture through the stories contained in tribal histories. A means of illustrating the enduring relationship between man and eel can be found on meeting houses throughout New Zealand. The carvings on meeting houses act as a record of important events, people and animals. That images of eels appear beside tribal ancestors is a mark of their importance to Māori <sup>(1)</sup>.

Maori have traditionally studied eels intensively to determine life cycles, ages, habitat and migration patterns to ensure sustainable harvest. Eeling would occur at special times of the month and year according to a range of environmental indicators e.g. lunar cycles. Once caught, eels were preserved by drying on lines, or smoking over fires <sup>(1)</sup>.

Farming' and 'reseeding' were not uncommon. This meant restocking waterways or holding eels in specially built enclosures. 'Blind trenches' were dug close to migration passages during the migrating season. This tricked the eel into thinking it was entering a normal stream. Once the trenches were filled with eel they were blocked off and the eels harvested. Within the Wairarapa, an annual eel migration occurs at Lake Onoke during autumn of each year. The Wairarapa Moana (lake) is the second to largest eel fishery in New Zealand only being outsized by Canterbury's Lake Ellesmere <sup>(1)</sup>.

For the Tuhirangi Marae, the annual eel migration at Lake Onoke came in three migrations.

1. Hau A small eel about 45 cm in length that didn't need gutting and was grilled whole carefully so the skin was not broken.
2. Riko About double the circumference of the hau, but even so a very clean fish that was stripped from the bone and kept attached by the tail. The bone with the hua still attached was when boiled a gourmet's delight.
3. Paranui A huge eel sometimes almost two metres long <sup>(1)</sup>.

The paranui took a lot of processing because of its size and its oil content so it was either dried or smoked. The riko and the paranui were preserved for barter, but of course they were best fresh <sup>(1)</sup>.

Given the significance of the Wairarapa being second largest eel fishery and the tradition of "farming" by local Iwi/hapu, the sustainability of Long-Finned Eel fishery is essential.

### **The Present Long-Finned Eel Population Status**

The longfin eel (tuna) is now classified by the Department of Conservation as "chronically threatened in gradual decline" <sup>(2)</sup> and is thus in the same category as the Great Spotted Kiwi, NZ Falcon and Kereru. A predicted further decline of 5-30% in the total population is predicted in the next 10 years and that decline is predicted to continue beyond the 10-year timeframe <sup>(3)</sup>.

The declining numbers of Longfin eels is typical of what is happening to populations of freshwater eels worldwide. Eel populations everywhere are collapsing at an alarming rate due to habitat loss and overfishing <sup>(5)</sup>.

Don Jellyman <sup>(4)</sup>, has listed a number of significant negative changes in national status of Longfins and these are:

- reduction of juvenile eel size
- abundance, reduction in size of eels in commercial fishery,
- Catch per unit effort
- reduction in migrating adults
- lack of access up and down hydro dams- 10% of north island rivers and 22% of South Island are above dams and so are lost habitat for longfins
- significant negative local change in sex ratios from commercial fishing

The author goes on to state that;

“Widespread concerns that the endemic longfin eel has been overexploited have led to a recent acknowledgement by fishery managers that current levels of exploitation are not sustainable [Ministry of Fisheries, Science Group (Comps), 2006]. Despite the additional gazetted of reserve areas, it is considered unlikely that such measures will be sufficient to arrest a predicted substantial decline in recruitment of this species” <sup>(4)</sup>.

### **Alarming Evidence of declines**

Trap and transfer operations at some hydro dam sites in recent years have revealed that the number of longfin elvers moving up our rivers nowadays is very low – at least a 75% reduction – in stark contrast to the huge elver runs that were witnessed prior to the 1960s. Commercial catch records reveal a trend of decreasing size of all eels caught, most (in 2007, 96% in the heavily fished Waikato River, 50% nationwide) now being within the lowest size category (220 – 500g). Very few large longfin eels are now seen anywhere. Since the early 1990s the commercial harvest of eels has halved due to this rapidly declining population<sup>(5)</sup>.

There is now concern is that very few mature eels are now making it to reproductive maturity with the result that there are now fewer elver recruits. Regularly fished rivers now show longfin eel ratios of up to 100 males to 1 or 2 females. This will have obvious implications on the number of females present in future spawning populations<sup>(5)</sup>. NIWA has warned that given the long generation times of this species, it may be many years before we know what the full effects of habitat loss and over-fishing are <sup>(4)</sup>.

### **Reasons for the situation**

The two main reasons for this extinction crisis are habitat loss and overfishing. However, there are a variety of factors that enhance the problematic situation.

### **Commercial Take**

Commercial harvesting, predominantly for export, has significantly contributed to species reduction already decimated by habitat loss and degradation for the decline of eels <sup>(6)</sup>. Prompted by concerns regarding declining numbers of eels, in 2000 the South Island eel fishery was drafted into the Quota Management System, followed by the North Island in 2003 and the Chatham Islands in 2004. The commercial fishing of eels commenced in 1960's, with harvesting peaking in the mid 1970's. with about 2500 tonnes caught. Since then, longfin eel catches numbers have continued to decline, and by the 1980s-90s this fell to 1200-1400 tonnes <sup>(8)</sup>.

To further conserve stocks of both species a weight classification was introduced. These included changes to the minimum and maximum commercial size limits for both longfins and shortfins which are now 220 g and 4 kg, respectively throughout New Zealand. North Island quota owners agreed in August 2012 to use 31 mm escapement tubes <sup>(8)</sup>. Quota owners from both islands formally agreed in 1995–96 not to land migratory female longfin eels <sup>(8)</sup>.

However, the problem is that both eel species have to spend up to 30 years in their freshwater habitat to get to achieve breeding and so have to avoid commercial nets for this period of time <sup>(7)</sup>. Given the declining commercial catches the probability of an eel surviving this long in fished waterways is not good.

### **Commercial Eel Fishing in the Wairarapa**

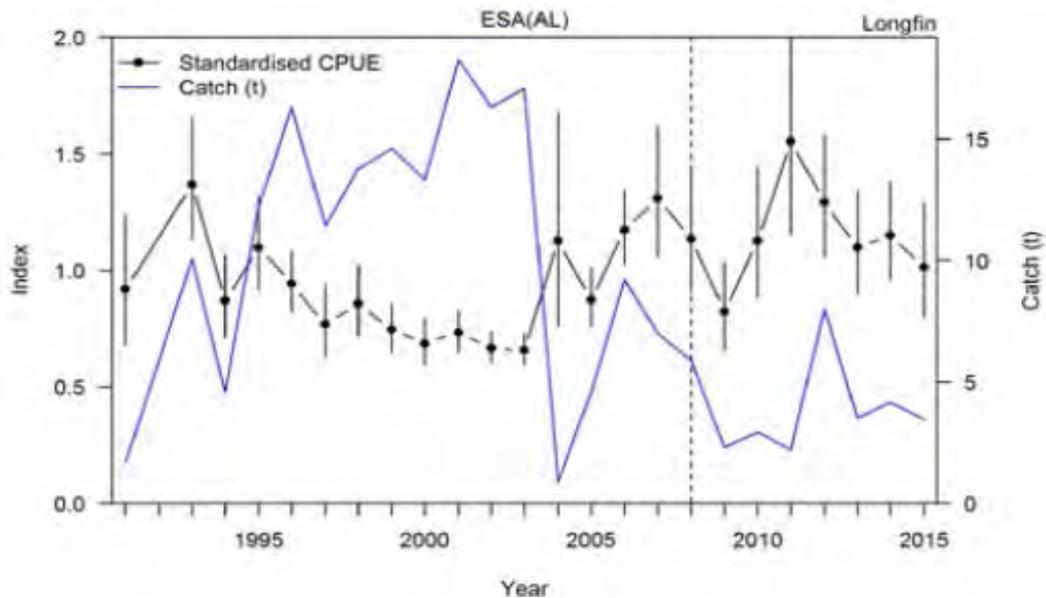
Ministry for Primary Industries (2017) Fisheries Assessment Plenary, May 2017 Report <sup>(8)</sup>, advised the stock assessments and stock status. However, their report has admitted deficiencies. Firstly, as the commercial eel fishery has had a long history (beginning in the late 1960s), and indices of abundance are only available from the early 1990s, it is difficult to infer stock status from recent abundance trends, and these should therefore be interpreted with caution. Other sources of mortality, such as habitat alteration (historical and current) have also reduced abundance prior to the CPUE series <sup>(8)</sup>.

Secondly, the proportion of current longfin habitat in Wairarapa (Statistical Area AL) fished commercially during the period 2009-10 and 2013-14 is estimated at 4% (Beentjes, 2016). The proportion of virgin habitat impacted by hydro dams, commercial fishing and other anthropogenic activity was estimated to be 5% <sup>(8)</sup>.

The report also listed major sources of uncertainty. Standardised CPUE only provides an index of abundance for eels in areas fished by commercial fishers. Other potential issues with the CPUE indices include <sup>(8)</sup>:

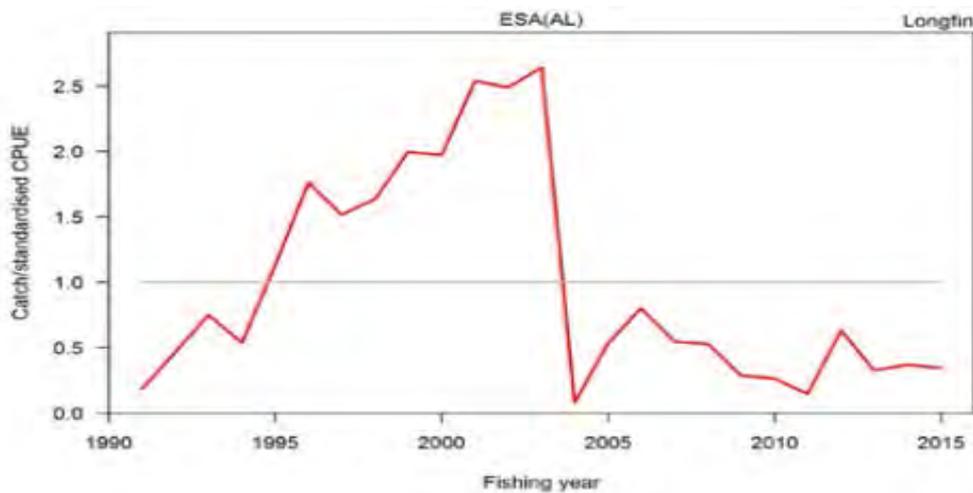
- Low numbers of fishers
- Uncertainty in target species after 2000
- Exclusion of zero catches
- Changes in MLS and retention in early parts of the series and increased escape tube size from 25 mm to 31 mm in 2012–13
- Failure of some fishers to record on ECE returns all legal sized eels caught, not just those retained
- Unrecorded release of > 4kg eels since 2007–08

### **Historical Stock Status Trajectory and Current Status**



Standardised CPUE for longfin eels in Wairarapa (AL) from 1990–91 to 2014–15. Also shown is the total estimated core fisher longfin catch in AL from ECERs. Vertical dashed line indicates when the 4 kg maximum size was introduced in 2007–08 after which longfin eels 4 kg and over are not recorded on ECERs. Error bars are 95% confidence intervals. Before 1999, 33% of the catch was recorded as EEU (unidentified) and these catches are omitted <sup>(8)</sup>.

For the graph below the annual relative exploitation rate for longfin eels in the Wairarapa (AL). Because some catch of longfin was reported as EEU (unidentified) and has not been allocated to species, the exploitation rate is likely to have been higher than shown before 1999 <sup>(8)</sup>.



The annual relative exploitation rate for long-finned eels in the Wairarapa declined dramatically in the early 2000's only to recover in the 2006/07 period. Thereafter it declines to 2012, only to increase in 2013, before decline and stabilisation in 2015. This shows a marked decline in commercial takes from the mid 1990's to 2015, but the reasons are for this remain unclear but overall population decline seems to be the reason <sup>(8)</sup>.

### Maori Commercial Interests

Eel are a very valuable taonga for Maori, and as well as the high cultural value, they also hold a high commercial value for many iwi. However, Maori were excluded from this industry until the early 1990's when under the 'Sealord's deal' 1992, Maori automatically were granted 20% of all fisheries.

Not all Iwi took commercial advantage of this with some Iwi/hapu such as Ngati Raukawa ki te Tonga, concerned with the decline of the species, did not utilise this allowance. In the North Island, commercial fishing has been prohibited from the Taharoa lakes, Whakaki Lagoon, Lake Poukawa and the Pencarrow lakes (Kohangapiripiri and Kohangatera) and associated catchments <sup>(8)</sup>.

Joseph Potangaroa of Rangitane o Wairarapa (Masterton) states that “our people, as with other hapu and iwi, find themselves by necessity being a part of the answer to an obvious problem although they were not a part of creating the problem i.e. the 1960s onwards. Since Sealord’s in the 1990s they have been players but still have pulls in opposite directions. These are some of the complexities of iwi and hapu in this neck of the woods.” <sup>(1)</sup>.

### **Customary non-commercial fisheries**

Iwi/hapu also have customary take rights for occasions such as hui and tangi (this is currently set at 47 tonnes, and 33 tonnes for recreational fishers). Customary non-commercial fishers desire eels of a greater size, i.e. over 750 mm and 1 kg. Currently, there appears to be a substantially lower number of larger eels in the main stems of some major river catchments throughout New Zealand, which may limit customary fishing. Consequently, the access to eels for customary non-commercial purposes has declined over recent decades in many areas. There is no overall assessment of the extent of the current or past customary non-commercial take <sup>(8)</sup>.

### **Recreational fisheries**

Recreational fisheries In October 1994, a recreational individual daily bag limit of six eels was introduced throughout New Zealand. There is no quantitative information on the recreational harvest of freshwater eels. The recreational fishery for eels includes any eels taken by people fishing under the amateur fishing regulations and includes any harvest by Maori not taken under customary provisions. The extent of the recreational fishery is not known although the harvest by Maori might be significant <sup>(8)</sup>.

### **Other sources of mortality**

Although there is no information on the level of fishing-related mortality associated with the eel fishery (i.e., how many eels die while in the nets), it is not considered to be significant given that the fishing methods used are passive and catch eels in a live state <sup>(8)</sup>.

### **Habitat Loss and Land-use Changes**

Another key issue is habitat loss due to land use changes and development, including wetland drainage, the construction of dams, irrigation schemes, river diversions and culverts. Hydro-dams are a problem as they interfere with the migration pathways of eels. One estimate suggests that hydroelectric dams have blocked the longfin eel’s access to the sea in 35% of its habitat. Some dams have special passes, allowing a small number of elvers to get around the massive concrete walls, however unimpeded eel access is still crucial <sup>(9)</sup>.

Ninety percent of pre-European wetlands have now been drained, and around 70% of pre-European forest has been removed, all radically affecting the habitat of the eel. An example of this is serious habitat loss in the Wairarapa <sup>(1)</sup>. “The Wairarapa has historically experienced two examples of significant habitat loss- Lake Wairarapa wetlands being drained and Te Tapere Nui O Whatonga (The seventy-mile bush) being cleared except for Pukaha Mt Bruce. But despite the destruction from the 1870s onwards both still supported healthy eel populations – that is until commercial fishing started. Both Maori and pakeha elders agree upon this. A bit of light at the end of the tunnel is that I know a few farmers around where we live who no longer give commercial fishermen permission to fish

because the farmers themselves have noticed the damage done. Infact nowadays these same people feed remaining eels, some fence off streams or leave the fish in peace”<sup>(1)</sup>.

## **Pollution**

Eel populations are also impacted by pollution. Eutrophication from sewerage and effluent and fertilizer runoff from farms and industry can remove large quantities of oxygen from the water, meaning the eels will either die or move away<sup>(10)</sup>. The removal of willow trees along river and stream banks without suitable replacement destroys eel habitat. Cattle entering streams is a major invasion of an eel habitat and contributes to bank erosion and siltation of streams as well as pollution from faeces. The growth of exotic forest (pine) plantations has led to a rise in tannic acid runoff. Urban impacts on natural waterways have also added to the deterioration of water quality, these impacts include industrial pollution, road runoff, storm water, herbicides, domestic cleaners and fertilisers<sup>(11)</sup>.

## **Ocean Currents**

A less tangible impact involves the role played by ocean currents and the general quality of conditions in the ocean, influencing the survival rates of larval eels and the return rates to freshwater. Climate change influences therefore provides another threat to eels<sup>(11)</sup>.

## **Ineffective Government Policy**

Government policy has provided no active protection for the longfin eel, other than the weight and eel net escape dimensions already referred to in this document<sup>(12)</sup>.

The Ministry of Primary Industries (MPI) has the regulatory responsibility for setting the quota management rules around the catching of our fish. MPI states that it is “committed to ensuring that our use of this (eel) fishery by any sector is sustainable over the longer term<sup>(8)</sup>” and agrees that the number of large eels is declining, but says it is still too early to see the benefits of the quota management system which was introduced in 2004<sup>(8)</sup>.

The Quota Management System (QMS) sets up a Total Allowable Catch (TAC) for eels. This is set up to provide for the sustainable harvest of the species, but so far not a single longfin eel commercial quota, in any area, in any year has ever been obtained. This potentially means that the TACC (Total Allowable Commercial Catch) is set far too high? Also, until recently, both long and shortfin eels in were treated as one species under the QMS, which prevented more effective management of both species but the Long-Finned in particular<sup>(5)</sup>.

There are also significant information gaps regarding eel population status and ecology which create management and policy problems. Total Allowable Catches (TAC) for eels are set under section 14 of the Freshwater Fisheries Act 1996, which allows for quotas to be determined for species for which there is insufficient information available to determine Maximum Sustainable Yield (MSY)<sup>(8)</sup>.

The reason for this is because eels do not spawn until the end of their lives, and therefore they cannot be modelled using existing fisheries models which rely on species spawning every year. Thus, no science was used in the original setting of the quotas nor, in the North Island, quota reductions in 2007 – all quotas were set based on previous catch rates. No data has ever been collected regarding catch levels within the recreational and customary fisheries<sup>(5)</sup>.

## Climate Change

The Wairarapa has historically experienced hot and dry summers especially on the eastern side of the region such as the eastern side of the Ruamahanga catchment and those catchments discharging directly into the Pacific Ocean. Climate change is predicted to produce hotter and longer dry periods that occur more frequently.

### Climate change projections for the Wellington and Wairarapa region

This NIWA report considered regional projections as a range of values from low emissions to a high emissions future. The projected changes are calculated for 2031–2050 (referred to as 2040) and 2081–2100 (2090) compared to the climate of 1986–2005 (1995)<sup>(13)</sup>.

- Compared to 1995, temperatures are likely to be 0.7°C to 1.1°C warmer by 2040 and 0.7°C to 3.0°C warmer by 2090. By 2090, Wellington is projected to have from 6 to 40 extra days per year where maximum temperatures exceed 25 degrees, with around 5 to 13 fewer frosts per year<sup>(13)</sup>.
- By 2090 while Masterton is likely to experience up to 7 per cent less rainfall<sup>(13)</sup>.
- By 2090, the time spent in drought for the Wellington region and the Wairarapa ranges from minimal change through to more than double, depending on the climate model and emissions scenario considered. More frequent droughts are likely to lead to water shortages, increased demand for irrigation and increased risk of wild fires<sup>(13)</sup>.

Climate change will result in increase in freshwater water temperatures, sea levels and flood events. The Department of Conservation considered the vulnerability of freshwater ecosystems and species due to climate change in a 2013 Workshop<sup>(14)</sup>. The workshop concluded that “Many rivers, lakes, estuaries and wetlands in New Zealand may be affected by climate change, and biodiversity values are likely to change as well. Without action, local extinctions of freshwater species and shifts in the distribution of native and exotic taxa are predicted. For example, spread of some exotic species is predicted as conditions become favourable for growth and reproduction across non-typical habitats”<sup>(14)</sup>. Sea level rise will result in saltwater intruding further up coastal rivers and could alter existing ecological parameters. For the Wairarapa, the Ruamahanga River already has salinity incursion as far as Martinborough and this will range further into the catchment if sea levels rise.

Additionally, a number of New Zealand's RAMSAR sites (wetlands of international importance) are susceptible to changes in ecological function and species composition due to the consequences of climate change. There is no national assessment on the vulnerability of freshwater conservation values due to climate change. There are few agencies applying strategic approaches to freshwater conservation management that specifically consider climate change<sup>(14)</sup>.

The implications for the longfin populations in eastern areas such as the Wairarapa are potentially catastrophe. In the summer of 2015/16, many eastern waterways in the Wairarapa lost surface flow for the first time in living memory. Any management system for Longfins in eastern regions must consider the effects of climate change upon those populations. Therefore, the precautionary principle must apply here. The full impact of climate change must be properly understood and until that time a moratorium upon commercial fishing must be imposed.

Some of the research questions to be considered are:

- The survival rates of longfin females in drought affected catchments

- If surface flow is lost successively in catchments, how is the food chain affected given that eels are the apex predator in freshwater systems.
- How will elevated water temperatures affect the food chain given that eels are the apex predator in freshwater systems.
- How will elevated water temperatures affect elver survival rates and adults in general

### **Public Perspective - Eels are not pretty**

The situation is not helped by the physical characteristics of the long-finned eel. They are not regarded as a flagship species like a kiwi. They are regarded mostly as a source of recreational fishing and food. The result is that humans have generally not highly regarded them as a species to protect, often leading to their destruction and undoubtedly compounding their fate<sup>(15)</sup>. They are also very easily caught, with >90% of tuna population at most riverine sites able to be caught in baited traps in a single night<sup>(16)</sup>.

### **Summary**

The long-finned eel has a long and complex breeding biology which means that its rate of population recruitment is susceptible to significant disruption if the species ecology and biology is not fully scientifically understood and all aspects of its quota management measured and duly considered. Clearly, the species is under stress from a variety of sources with commercial fishing imposing the most pressure. The Wairarapa was the second largest eel fishery in New Zealand, but given the significant habitat destruction and modification, long-finned eel numbers have dramatically declined, and the traditional iwi/hapu farming of eels during their migratory phases is no more. **We support a moratorium on commercial fishing as per the Parliamentary Commissioner for the Environment report dated December 2014 – A pathway to extinction? An investigation into the status and management of the Long-Finned Eel<sup>(18)</sup>. We have reiterated the conclusions in this report below to show our strong support for these recommendations.**

- Work has begun aiming at improving the status of the long-finned eel population, but these efforts will need to be followed through.
- The Commissioner noted in her report that it would take the combined efforts of central and local government, iwi, and individuals to set the long-finned eels on a more sustainable path. Following the report, it is clear that greater effort is being put into improving their protection.
- The Local Government and Environment Committee's endorsement of all the Commissioner's recommendations showed support from parties across the political spectrum to take strong action and guarantee the survival of this unique and iconic species.
- The Government's response has been heartening, moving quickly to implement two of the three recommendations and committing to a review of catch limits. This should properly assess the wide range of information available, with special regard to the unique characteristics of such a vulnerable species.
- Under law, the Minister must take a cautious approach to the management of long-finned eels. In the Commissioner's view, this requires the suspension of commercial fishing until it is clear that a recovery is happening, and harvest can sustainably resume.

- Policy work by the Department of Conservation also requires follow through. The protection of habitat and fish passage needs to be incorporated into rules in council plans, and into practical guidance to landowners and developers.
- The Department's report on legal and policy mechanisms to improve the status of eels identified Freshwater Fisheries Management Plans as an immediate and high priority area of work. However, this option was not proposed to the Minister. Instead, continued work on the freshwater reforms under the Resource Management Act was proposed.
- Freshwater Fisheries Management Plans should be pursued in combination with the RMA freshwater reforms to achieve greater protection of eel habitat and consistency across regions.
- There are many voluntary initiatives around the country to conduct research, improve habitat, and assist eel migration, often led by Māori. Some have commercial goals, while for others the goal is primarily to restore eel populations.
- The inaugural Māori Eel Symposium showcasing many of these activities and collaborations was held in June. 2013, this year. One example of community and iwi initiative is the tireless effort of Bill Kerrison trapping and transferring eels past dams in the Bay of Plenty for more than 20 years. Another example is the exercise of traditional management practices by Waikato-Tainui to prohibit or restrict fishing of eels in the Waikato River catchment. The bylaws were approved by the Minister for Primary Industries and took effect in April 2014.
- While there is now considerable momentum on actions to improve the plight of long-finned eels, the main finding of the Commissioner's investigation must not be forgotten. She concluded that the weight of evidence shows that the long-finned eel population is currently in decline.
- The review of catch limits will be a test of the ability of the fisheries management system to gather the best available information and take a cautious approach to ensure the survival of this extraordinary creature.
- The other recommendation is to research the **effects of climate change upon this species especially in eastern regions such as the Wairarapa** where such change is predicted to be most severe. With many smaller rivers in eastern Wairarapa catchments potentially losing surface flow during summer and where surface flow remains, water temperatures will be elevated. **This factor could be more detrimental to longfin populations in the Wairarapa than all the other factors combined?**

We also support conservation measures to act in conjunction with a moratorium to assist the conservation of this species.

### **Conservation Measures**

The longfin eel (tuna) is of great cultural, national and international importance. New Zealand is the only home to this unique species, and it is experiencing significant declines in population numbers due to commercial, customary and recreational and adverse human environmental impacts. The further decline of this species could have unknown wider food chain impacts. Because of its ecological role as a top predator, its removal could result in changes in the structure of fish

communities and wetland food webs<sup>(16)</sup>. “They are also important in preserving natural predator-prey inter-relationships and supporting aquatic biodiversity”<sup>(19)</sup>.

### What Measures Can We Take to Curb the Decline and Protect the Species?

- Stop the commercial take of longfin eels and impose a moratorium on all commercial fishing to fully access the true population status of its population.
- Keep cattle out of wetlands and waterways: they can trample banks, put excrement into the water, and eat the reeds which support the insect species that eels feed on.
- Improvement and construction of new wetlands.
- Opening floodgates at strategic times of the year: helps ensure that migration and breeding cycles of native fish which eels feed on are not interrupted.
- Controlling noxious weeds can help eel populations.
- Remove dams and barriers, or at the very least stop the development of any new projects.
- Stop polluting activities- better management of effects of human activities on waterways.
- For recreational and customary takes let the large female longfins. If the scarce females out of the eel life cycle are removed it will put at risk the survival of the whole species.
- Befriend the eels and learn from them: you’ll find they are intelligent, interesting and gentle animals- and well worth protecting<sup>(8)</sup>,<sup>(1)</sup>,<sup>(12)</sup>.

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**Submission on the Review of Sustainability Measures for 2018/19**

**Fisheries New Zealand Discussion Paper 2018/05**

**Green-Lipped mussel (GLM 9)**

**26 July, 2018**

- Thank-you for this opportunity to submit on the Fisheries New Zealand Review of Sustainability Controls for 1 October, 2018.
- We make this submission on behalf of Talley's Group Limited, Westpac Mussels Limited and Scott Madsen.
- In 2015 we attended meetings arranged by MPI/FNZ to discuss the possibility of altering the ratio associated with the calculation of green-shell mussel spat to seaweed in the GLM9 fishery.
- Subsequent to that meeting quota-owners have had no further engagement regarding the reported science and the affect that changing the ratio might have on this particular fishery.
- The only consultation that has occurred in respect of GLM9 since those meetings was on whether the Deemed Value should be reduced in 2017.
- We submitted at that time that the Deemed Value should be retained at the level it was because 'intentional harvest of GLM9 above the available ACE continued'.
- Fishers chose to land GLM9 spat in excess of ACE holdings and it was not taken as incidental by-catch or overfishing. It was taken entirely deliberately. Harvesters deliberately picked up spat without ACE.
- FNZ 's discussion paper states that there is new information that supports a change to the 'spat ratio' but has provided no opportunity for legitimate quota-owners in this fishery to have been involved in discussions to understand this.
- FNZ's rationale (other than science that quota-holders are yet to see) is that 'given the TACC has been exceeded in the last three years and there is a strong demand for the spat to supply NZ's valuable mussel farming industry there is significant support to enable increased catches'.
- FNZ further state that GLM9 are included in Schedule 3 of the Fisheries Act and that there is no requirement to take into account managing to MSY.

**For the avoidance of any doubt Talley's Group Limited, Westpac Mussels Limited and Scott Madsen do not agree with or support any suggestion that the ratio should be changed.**

- Prior to 2015 there was plenty of ACE available and anyone that wanted to harvest was not constrained. It is only since then that harvesters have blatantly targeted and picked up spat without ACE. The proposal in 2017 to reduce the deemed value was a continuation of this blatant approach.
- Talley's Group Limited, Westpac Mussels Ltd and Scott Madsen are all significant mussel growers. The importance of GLM9 in this respect is not lost on us.

- If the ratio is changed as proposed it has the immediate effect of de-valuing the quota rights that were allocated by FNZ. If the ratio FNZ initially set was wrong then they have a liability to those parties who acquired quota on the basis of that mistaken ratio. That ratio set the trading price for that quota and people entered into transactions based on it. If there was a mistake then FNZ have to make good the financial loss that was caused by that.
- We accept ITQ is a proportional system. We take the increases and decreases in TACC but this proposal is for a change in ratio (not TACC) that has arisen out of an error by FNZ initially. That has compensation issues and they are significant. That distinction is critical and we must stress that if the mistake was made then FNZ must pay.
- Contrary to FNZ's view that GLM9 after being introduced into the QMS, does not need to be managed to MSY and that a satisfactory rationale for ratio change and TAC alteration is that; 'with the strong demand for the spat to supply NZ's valuable mussel farming Industry there is significant support to enable increased catches', we actually believe that there is the need for increased science before this spat hits the beach.
- We don't believe that there is enough known about where the wild stocks are? How big is the area and can it sustain or maintain the current catch?
- There is more research needed in respect of establishing where these stocks are and how they can be best protected. Not just the spat but the property rights associated with it.
- It is not appropriate that FNZ should use demand for the product and science (unseen by all quota-owners) as rationale for a change in spat ratio or TAC change.
- In addition to this we note that local Iwi have expressed major concern with increased use of mechanical harvesting methods and have reported that tractors are being used in a way which is aggressive to the beach environment
- This concern combined with the fact that some of these harvesters have blatantly removed spat without ACE heightens our concern about the management of this fishery. This is not the 'wild west'. FNZ have a responsibility to manage this fishery within the confines of the QMS.
- This initiative is clearly driven by a commercial agenda not a biological or sustainability concern. Those that have not bought quota are now trying to gain access through the backdoor.

**Talley's Group Limited, Westpac Mussels Limited and Scott Madsen reiterate; we do not support a ratio change for GLM9.**

**From:** Tony Orman  
**To:** [FMSubmissions](#)  
**Subject:** Tarakihi management  
**Date:** Tuesday, 24 July 2018 6:29:29 PM

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I am opposed to any reduction in the recreational bag limit for **tarakihi** because it will have no impact in rebuilding stocks.

Recreational take of tarakihi comprises just 5% of the catch. The problem (95%) is the commercial catch.

In the 1970s and into 1980s fishing in the Marlborough Sounds and also near Nelson, tarakihi formed a substantial percentage of the catch, for example 75% or even more. That fell drastically as tarakihi were fished commercially. What is often missed by fisheries managers is that fish migrate. They do not recognise lines on a map as simple as that seems.

There were reports of widespread dumping of tarakihi in Cook Strait.

Commercial caused the problem, the ministry failed to stem the decline and as a result tarakihi became a rarity for recreational fishers.

In essence commercial did the damage, the recreational fishing public suffered the consequences.

Logically I support proposals to reduce the commercial catch which is the cause of the decline in the stocks. The various reasons for the decline, are due to commercial exploitation, wastage and dumping malpractices.

When will the Ministry admit this, reject corporate commercial pressures and act sensibly without penalising the recreational public?

[REDACTED]

[REDACTED]

**From:** Rod Littlefield  
**To:** [FMSubmissions](#)  
**Subject:** Tarakihi submission  
**Date:** Wednesday, 25 July 2018 7:47:20 PM

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I object to any reduction in recreational bag limit for tarakihi. The recreational take is a fraction of those taken by commercial, and as they have cause the problem with low tarakihi numbers, the commercial quota clearly needs to be reduced.

The government bias in favour of commercial fishing over the rights of NZ recreational fishers is of real concern to me. The type and especially quantity of fish available to recreational fishers is because less and less.

Rod Littlefield. 

TE AITANGA A MAHAKI TRUST

PRESS RELEASE

July 20, 2018

## IWI CALLS TO BAN COMMERCIAL EELING IN THE WAIPAPOA RIVER

Gisborne Iwi, Te Aitanga a Mahaki are calling for a ban on commercial eel fishing in the Waipaoa River until catches are back to their 2008 baseline levels.

Fisheries scientist Ian Ruru said “we were alarmed to see a 90% decline in eel numbers after repeating a 2008 stock assessment survey this year. Both our endemic longfins and native shortfin species have suffered big losses. In 2008 we caught 353 longfins but only 12 this year. For shortfins the numbers were 602 now down to 79. The implications for sustaining our 12 marae are huge.”

The research team used the innovative mauricompass.com framework to assess eel numbers and quantify the decline in the mauri (lifeforce) of the Waipaoa and its waterways. “That has been a huge advance in sophistication because we can now measure changes in mauri as required under the Tairāwhiti Resource Management Plan. The effectiveness of remedial action such as a ban on commercial eeling and mauri restoration plans can now be tracked over time” says Mr Ruru.

Ian’s late father Bill Ruru, who led the original 2008 survey, often joked that he was sick of the sight of eels as a child because it was their staple diet growing up in Waituhi. In less than one generation those traditions, tikanga (practices) and matauranga (knowledge) have been lost.

Pene Brown, Te Aitanga a Mahaki Chairman says there is a reciprocal relationship between the iwi and the Waipaoa River. “Eels are our taonga species (ancient treasure) – a talisman for the mauri of our ancestral river. As Kaitiaki (guardians) we need to rebuild the tuna populations by improving habitat and water quality. This in turn increases the ability of the Waipaoa River to sustain important cultural and spiritual practices of Te Aitanga a Mahaki”.

Te Aitanga a Mahaki also holds commercial eel quota but has always volunteered not to catch it nor profit from it. Tama Brown, Te Aitanga a Mahaki Asset Holding Company Director says that “our 12 marae could benefit from the extra commercial eel income but we have chosen to consistently forgo that quota as a matter of principle and until the eel population has recovered to the 2008 baseline”.

Te Aitanga a Mahaki is making a formal submission to Fisheries New Zealand as part of the Review of North Island eel sustainability measures for 2018.

Contact: Ian Ruru: [mahakitrust@gmail.com](mailto:mahakitrust@gmail.com)

Links: [mauricompass.com](http://mauricompass.com) [mahaki.com](http://mahaki.com)



Fisheries Scientist Ian Ruru is shocked to see a 90% decline in eel numbers in the Waipaoa River. A Te Aitanga a Mahaki research team has found numbers of endemic longfin and native shortfin eels have fallen drastically since a 2008 survey of the catchment. The decline of eel numbers is a talisman for the state of the Waipaoa and as Kaitiaki (guardians) the iwi is obligated to restore the mauri (lifeforce) of its ancestral river. Te Aitanga a Mahaki has called for a ban on commercial eel fishing until catches have rebuilt to the baseline level.



GHA Building, Ground Floor, 1108 Fenton Street, Rotorua 3010, Ph: 07 3463915

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Tini a Tangaroa - Fisheries New Zealand  
Ministry for Primary Industries (MPI)  
Review of North Island Eel Sustainability Measures for 2018/19

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TE ARAWA RIVER IWI TRUST (TARIT) ENVIRONMENTAL STRATEGIC GOALS  
Whakamarohitia Nga Wai o Waikato

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INTRODUCTION: TARIT has its genesis in the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010. The Trust represents the three Te Arawa River Iwi; Ngati Tahu-Ngati Whaoa, Ngati Kearoa-Ngati Tuara, Tuhorangi - Ngati Wahiao, who assert manawhenua kaitiakitanga, ahi ka and mana whakahaere over the Waikato River and its tributaries that run through it's rohe.

TARIT is committed to environmental sustainability and strategic goals:

1. Mana Tangata: Enabling our people to participate in the restoration and protection of the Waikato River, tributaries and environs.
2. Mana Taiao: Implementing measures to restore and protect the Waikato tributaries and environs.
3. Mana Matauranga: Upholding tikanga preserving wahi tupuna and enhancing matauranga of Te Arawa River Iwi.

**Statement of Intent:** It has been useful to assess the North Island Eel Sustainability Review against our environmental and fisheries plans and TARIT supports its strategic goals alongside the alignment of our plans which would include further and expected environmental analysis. Therefore, TARIT and our affiliate Iwi are very keen to be involved in the process of consultation including continued hui with other upper Waikato River Iwi on this kaupapa.

TARIT is engaged in the implementation of its customary fishing regulations at the time of this review response status quo Option 1; therefore TARIT will support customary management tools (CMT) in alignment with our own plans ensuring total allowable catch (TAC), total allowable commercial catch (TACC) and catch per unit effort (CPUE), quota management system (QMS) for shortfin eels (SFE) and longfin eels (LFE) in relevant eel statistical areas (ESAs), (TARIT Area B) receive management to reach higher levels of abundance thereby informing an ongoing evaluation of Option 2; acknowledging a % in TAC and TACC as a reducing calculation to improve tuna abundance is promising, but on its own is not an equal equation in that it must take into account freshwater and freshwater habitat destruction impacts to fully align with our TARIT Environmental Plan (EMP-T) and TARIT Fisheries Plan (FP-T).

In addition, TARIT alongside Te Runanga o Ngati Tahu Ngati Whaoa have been working with the Ministry of Primary Industries (MPI) team on the special permit conditions that are required in response to the commercial eel elver release permit at Lake Karapiro. We expect to see the results of that requested information on elver release, in time to inform the decision making process for the granting of the special permit end 2018, and request that MPI incorporate the findings of that research into the sustainability review. Quantitative and qualitative research closing the gaps in the reviews information would be useful to evaluate alongside our own plans.

Lastly, TARIT must be provided with the opportunity to make a further submission/or submissions on areas affecting or influencing our key interest areas (e.g. especially freshwater) pursuant to clause 8 of the schedule 1 of the RMA. We would like to remain updated receiving fair and prior information and the right to request additional information sufficient for the purposes of TARIT decision making on any progress and changes, along with the opportunity to respond (and including giving consent) regarding new, amended or additional information accordingly. If, you have any queries please direct these through to Itania (Itty) Nikolao - Policy Analyst, [policy@tarit.co.nz](mailto:policy@tarit.co.nz), [www.tarit.co.nz](http://www.tarit.co.nz).

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

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### Submitter details:

Name of submitter or contact person:	Mahina-a-rangi Baker
Organisation (if applicable):	Te Āti Awa ki Whakarongotai Charitable Trust
Email:	taiao@teatiawakikapiti.co.nz
Fish stock this submission refers to (delete any that don't apply):	<input checked="" type="checkbox"/> SFE 22 <input checked="" type="checkbox"/> SFE 23 <input checked="" type="checkbox"/> LFE 22 <input checked="" type="checkbox"/> LFE 23
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other

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TAKW are opposed to the options proposed in the 2018 Review of North Island eel sustainability measures. Our recommendation is that Fisheries NZ and MPI NZ immediately close the commercial fishing of eel for both shortfin and longfin eel. Our objection to commercial fishing applies to QMA areas 22 and 23. Our iwi members individually and collectively maintain areas of interest in these two QMA's.

Our objections to commercial fishing for eel for the following reasons:

1. The Quota Management Areas described with the Review document do not recognise Iwi boundaries and therefore compromise the ability of mana whenua to manage customary eel fisheries. An example of this is QMA 22 where numerous iwi reside. Eel quota issued to TAKW could be shelved to help in the regeneration of our local stocks, but other Iwi within QMA22 can legally enter into our local waterways, and exploit the local fishery. This is a transgression of tikanga Māori that is being provided for with the current sustainability review.
2. The TACC undermines the sustainability customary and recreational fishing quota. The current Sustainability Review and quota system allows for the commercial take of eels over 220g and less than 4kg. Section 61 of the review acknowledges that customary fishers prefer a size over 750mm long and 1kg in size. Our experience within our rohe, or region, is that we struggle to catch eels of an appropriate size to support traditional preparation techniques. Our fishing data and experience is that over 90% of the shortfin eel captured do not support traditional preparation. This also applies to recreational catches that mana whenua undertake to feed their guests and family. The use of escape tubes in commercial nets does not remedy the issue that commercial fishing removes significant fish stocks before they get to an appropriate size class for customary and recreational fishers. A series of interviews with customary fishers in our rohe has revealed that a shortfin eel less than 700g is not suitable for traditional preparation techniques such as pawhara or raurekau tuna, our local preparation techniques. In this way, the proposed commercial fishery undermines our customary practices, including knowledge transmission through fishing practice, and the ability to manaaki or host guests with our local eel dishes. It is undermining the practice of Māori culture.
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4. We also find that the data used in the Review to be misleading. An example of this is the use of unfished bio-mass. The use of unfished bio-mass is a poor method to assess Tuna fisheries. This is due to the size class of the 'unfished' biomass (see point 2 above) and the fact that Tuna only breed at the end of their lifecycle. Furthermore, the percentages of unfished bio-mass only provide a 50% probability of achieving sustainable management given the management actions (footnote 2, 3, and 4 of report). The idea that sustainability of our taonga is given a 50:50 chance of being successful is totally unacceptable.

“When reviewing the stock assessments for shortfin and longfin eels, Fisheries New Zealand’s Fisheries Assessment Plenary (the Plenary), which is comprised of a range of experts, agreed for both species that the appropriate interim sustainability target, soft, and hard limits are 40%, 20% and 10% of  $B_0$  (unfished biomass) respectively, as recommended in the Fisheries New Zealand Harvest Strategy Standard. These default targets may be reviewed in the future, given the pre-consultation feedback that showed there is clear interest in managing for higher levels of abundance, particularly in the case of longfin eels.” ( Section 11 Pg 3 2018 Review)

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The use of two elver recruitment monitoring sites on dammed rivers in the North and South Islands also provides no certainty for TAKW. These sites do not represent our local waterways, where we have witnessed a decline in elver numbers emigrating back into our streams and rivers.

The use of CPUE is also acknowledged as flawed in the review document.

There are no records for recreational and customary catches in the review document.

This degree of unreliability of the data renders the conclusions of the Review ill-

informed. We do not believe there is sufficient data or evidence to demonstrate that the quantum of eel proposed to be allocated to the QMS for eel is sustainable.

5. Another important consideration in terms of the QMS for eel is the degraded state of our waterways. The report acknowledges the degradation of the environment in section 12, Pg 3 of their report when they state "...in the case of eels, a large proportion of their habitat has undergone largely irreversible modification, such as drainage of marshland to make way for farmland..." While this effect is not attributable to commercial fishing, it does present a challenge for setting sustainable catch limits. It is simply another pressure that our taonga species must overcome.
6. TAKW are experiencing issues with eel accessibility and size classes. The report states that "...the observation that 78% of available longfin habitat in the North Island is not currently subject to commercial fishing..." and goes on to say that this is due to the land being under the management of DoC and being inaccessible. This area of exclusion results in intense fishing pressure on the 22% of available fishing habitat for TAKW. The combined commercial and recreational fishing pressure on the accessible 22% of fisheries area mean that our local Tuna are small in size, abundance, and quality. The minimum size class for longfin Tuna, and commercial fishing pressure results in culturally appropriate size classes of Tuna becoming increasingly hard to catch. This analysis has also ignored the migratory behavior of eels in that they all at some stage in their life cycle pass through the area where commercial fishing would be permitted, and therefore 100% of the fishery are at significant risk from the permitting of commercial fishing.

In summary, TAKW object to the options presented by the Review for the eel fisheries in the north island, specifically:

Our submission is based on the points made above. We recommend the following:

1. A 10 year moratorium on commercial fishing in QMA's 22 and 23 for both shortfin and longfin eel.
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## Review of North Island Eel Sustainability Measures for 1 October 2018 – 2018/04

### Introduction

1. Fisheries New Zealand (FNZ) is conducting a review of the sustainability measures for shortfin (SFE) and longfin (LFE) eel stocks in the North Island Quota Management Areas (QMAs 20-23). FNZ considers SFE stocks to be stable and therefore only propose maintaining the status quo. For LFE, FNZ is proposing to either retain or decrease the commercial catch limits set in 2008.
2. Eels (tuna) are a taonga species that share whakapapa with Māori and Te Ohu Kaimoana welcomes the opportunity to respond to the “Review of North Island Eel Sustainability Measures for 2018/19” consultation document, released 20 June 2018.
3. In developing this response, we have made our draft available to Mandated Iwi Organisations (MIOs) and Asset Holding Companies (AHCs) for input. Their feedback is reflected in our response. We do not intend for this response to derogate from or override any response or feedback provided independently by iwi, through their MIOs and/or AHCs. Te Ohu Kaimoana recognises that for these species, there is a broad range of views with regards to its management.

### Who We Are

4. Te Ohu Kaimoana was established to implement, protect and advance the Fisheries Settlement. Its purpose, set out in section 32 of the Māori Fisheries Act 2004, is to “advance the interests of iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to;
  - Ultimately benefit the members of iwi and Māori generally; and
  - Further the agreements made in the Deed of Settlement; and
  - Assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi; and
  - Contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.”
5. Te Ohu Kaimoana is the agent of 58 MIOs, who in turn represent all Māori who own the Fisheries Settlement Assets (Individual Transferable Quota and shares in Aotearoa Fisheries Limited which, in turn, owns 50% of Sealord Group).

## Principles

6. This response to the IPP sets out several important matters of principle that should guide the Minister and puts forward our recommendations on the sustainability measures and allocation decisions that should be applied.

### *When adjusting the TAC, the Minister must ensure the integrity of Fisheries Settlement rights is maintained*

7. To protect Māori fisheries settlement rights, the following approach should be taken to adjusting the TAC:
  - All increases to a TAC should be allocated to the commercial sector after providing for non-commercial customary rights
  - The customary allowance is based on customary needs and managed through kaitiaki. If abundance of a stock drops, kaitiaki will respond appropriately
  - The recreational allowance should not be increased above the level it was first set by the Minister when the Total Allowable Catch (TAC) was set for any particular stock
  - If, in order to ensure sustainability, the recreational allowance is subsequently reduced below its initial level, it may be increased back to its initial level but no higher.
8. In our view this approach should be adopted as the default option and apply whether or not the stock is at, above or below the target stock level at the time the TAC is set. Variations on this approach should only be considered by the Minister if all extractive interests reach agreement for an alternative approach. Our rationale for this approach is set out below.
9. When the Interim Fisheries Settlement was agreed between Māori and the Crown in 1988, the Crown undertook to provide Māori with 10% of the quota for all stocks in the QMS at that time. When the Deed of Settlement was finalised, it was agreed that all stocks introduced to the QMS from that time would generate a 20% share for Māori. As part of this agreement, Māori agreed that the QMS was an appropriate regime for managing commercial fisheries. At the time of the Settlement the only proportional interests held were quota owners (who owned a share of the TACC). Allowances for customary and recreational interest were for a fixed amount.
10. This rights-based system formed the basis for the commercial part of the settlement and underpins sound management of commercial fishing, in which rights holders take responsibility for managing their share of the overall TAC. The expectation was that the benefits of good stock management would accrue to those who had a proportionate interest in the fishery, notwithstanding the priority right held by customary interests in the event that needs increased.
11. As part of the Settlement, it was also agreed that the Minister would develop policies to help recognise use and management practices of Māori in the exercise of non-commercial fishing rights and recommend the making of regulations to recognise and provide for customary food gathering by Māori and the special relationship between tangata whenua and those places which are of customary food gathering importance to the extent such food gathering is neither commercial in any way nor for pecuniary gain or trade. Within the customary regulations, kaitiaki take responsibility for managing customary fishing, including issuing authorisations and reporting catch.
12. When agreeing to the provisions of the Deed of Settlement, Māori expected the value and integrity of the Settlement to be retained. After all, the Settlement is full and final: any action the Crown takes to undermine the value of settlement quota or fails to recognize customary non-commercial needs is a matter of bad faith.

13. Thus, when adjusting the TAC, the Minister must ensure the integrity of Māori fishing rights is maintained. This means:
  - Priority should be given to the customary allowance for stocks that iwi and hapū require to meet their customary non-commercial needs
  - The proportion of the TAC that makes up the Total Allowable Catch should not be reduced by reallocations to the recreational sector. This ultimately has the effect of reducing the overall value of settlement quota.
14. Māori view recreational fishing as a privilege which should never be exercised at the expense of Māori commercial and non-commercial fishing rights. The recreational portion of the TAC is derived from article three of the Treaty of Waitangi. However, in recent times the recreational sector has effectively operated within an unconstrained allowance - which provides little incentive for the recreational sector to exercise responsibilities to constrain catch within the recreational limit. Similarly, this provides little incentive for the commercial sector to work collaboratively to increase stock abundance given the likelihood that any benefits of a rebuild will be allocated to the recreational sector. We acknowledge there are input controls such as bag limits; however, there is no effective constraint on total catch.
15. Te Ohu Kaimoana does not support decisions that increase the recreational allowance at the expense of the TACC. These kinds of re-allocations affect the rights of settlement quota holders and reduce the incentives on the commercial sector to take responsibility and invest in good management.
16. We accept that a recreational allowance is set when stocks are introduced into the QMS, and that the courts have ruled that the Minister has discretion to set the allowance up to the level of estimated catch. However, we do not accept any increases in this allowance after this time. From a fisheries management perspective, such decisions encourage a “race for fish” – which is what we are seeing in the case of Southern Bluefin Tuna. This kind of behavior should be what responsible fisheries management aims to avoid.
17. If the recreational sector wishes to see a system in which the allowance can be increased above its initial allocation – a full review of the framework for managing the recreational sector is required. This would require further consideration of options to more tightly managed recreational catch to ensure it stays within the recreational allowance. A system that allows for the recreational sector to increase catches would need to be carefully designed and take explicit account of obligations under the Deed of Settlement.

#### *Duty to Act in a Manner Consistent with the Fisheries Settlement*

18. Section 5 (b) obliges “all persons exercising or performing functions, duties, or powers conferred or imposed by or under it” to “act in a manner consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992”. That Act implements the Deed of Settlement between Māori and the Crown, which represented a full and final settlement of Māori claims to fisheries.
19. It follows that whenever the Minister makes a decision to implement a sustainability measure, he/she must ensure their decision is consistent with, and doesn’t undermine, the Fisheries Settlement. The following matters are particularly relevant.

## North Island Tuna Sustainability Measures: Context

20. In 2018, the stock assessment results for each of the 4-north island QMAs became available. The assessment examined recruitment data and trends, age and size samples, longfin habitat availability, catch data including catch per unit effort (CPUE) analysis, spawning escapement, and enhancement. This information is used to estimate levels of abundance against the reference point of 40%  $B_0$ .  $B_0$  usually refers to the biomass that existed prior to human impacts on the environment. But for tuna, a large proportion of their habitat has undergone extensive and irreversible modification. As such, it is more appropriate to think about it as the biomass that would exist with no fishing given the current amount of unmodified habitat still available.
21. CPUE data for SFE stocks show positive trends, which indicates increasing abundance in the commercially fished areas. This implies that the current catch levels allow for sustainable utilisation while also allowing the abundance of shortfin tuna to increase.
22. The assessment for LFE stocks states there is a 60% probability the fishery in each QMA (within the areas commercially fished) is at or above the harvest strategy standard reference point of 40%  $B_0$ . The assessment is based on there being no negative trends in recruitment and positive or stable CPUE trends across all QMAs. Some individual statistical areas demonstrate a slight downward trend in CPUE. 22% of North Island tuna habitat is actively commercially fished, meaning 78% of available habitat is acting as a refuge from fishing pressure. The assessment states that it is unlikely (less than 40% chance) that current fishing levels will result in a decline in abundance.
23. It is recognised by FNZ that mātauranga Māori is not formally incorporated into the stock assessment process. The concerns raised by iwi during the 2016-2017 consultations points to experiences of localised depletions stemming from a variety of pressures and spatial conflicts. The data used in the stock assessment process only covers areas that are commercially fished. As such, the stock assessment does not cover 78% of North Island freshwater.

## Proposed Options

24. For SFE stocks, FNZ has proposed one option: To maintain the status quo.

Table 1. FNZ's proposed SFE TAC settings in tonnes (t) from 1 October 2018.

	QMA 20	QMA 21	QMA 22	QMA 23
TAC	148	181	121	36
TACC	86	134	94	23
Customary	30	24	14	6
Recreational	28	19	11	5
Other Mortality	4	4	2	2

25. For LFE stocks, FNZ have proposed two options:
  - Option 1: To maintain the status quo
  - Option 2: To cut the TAC and TACC across all QMAs (Average TAC cut of 15%, average TACC cut of 32% across all QMAs)

Table 2. FNZ's proposed LFE TAC settings in tonnes (t) as of 1 October 2018

	QMA 20		QMA 21		QMA 22		QMA 23	
	Option 1	Option 2						
TAC	39	34	60	51	34	26	34	30
TACC	19	14	32	23	21	13	9	5
Customary	10	10	16	16	6	6	14	14
Recreational	8	8	10	10	5	5	9	9
Other Mortality	2	2	2	2	2	2	2	2

26. Option 1 would effectively be maintaining the sustainability measures put in place following the cuts in 2008. FNZ has stated that feedback from tangata whenua calls for managing LFE to a higher reference point than 40% B<sub>0</sub>. As such, they have included Option 2 to reflect this desire and to increase the rate of growth in stocks.

27. FNZ has indicated that they are open to proposals calling for intermediate options between 1 and 2.

## Our Position

### SFE 20-23

28. Te Ohu Kaimoana supports a variation of Option 1: to maintain the current TAC and TACC levels for each QMA.

29. Te Ohu Kaimoana proposes that for SFE 21, 22, and 23, the non-commercial TAC is redistributed, with 80% being customary and 20% being recreational.

Table 3. Proposed TAC settings in tonnes (t) for SFE 20-23

	QMA 20	QMA 21	QMA 22	QMA 23
TAC	148	181	121	36
TACC	86	134	94	23
Customary	30	34	20	9
Recreational	28	9	5	2
Other Mortality	4	4	2	2

### LFE 20-23

30. For all LFE QMAs, we propose adding the following regulations to the recreational sector:

- Setting an upper size limit of 4kg
- Introducing a requirement for all recreational fishers using fyke nets to implement 31mm escapement tubes, effectively introducing a minimum size of 300g

31. Te Ohu Kaimoana does not accept that a blanket cut across all North Island QMAs for longfin is appropriate. As such, we make separate recommendations for each.

### *In relation to LFE 21*

32. Te Ohu Kaimoana supports a variation of Option 1: to maintain the current TAC and TACC levels. However, Te Ohu Kaimoana proposes that the non-commercial TAC be redistributed, with 80% being customary and 20% being recreational.

### *In relation to LFE 20, 22, and 23*

33. For LFE 20, Te Ohu Kaimoana supports Option 2: a cut to the TAC and TACC of 5t, representing a 26% cut to the TACC and a 13% cut to the TAC.
34. For LFE 22, Te Ohu Kaimoana supports Option 2: a cut to the TAC and TACC of 8t, representing a 38% cut to the TACC and a 24% cut to the TAC. Further, Te Ohu Kaimoana proposes that the non-commercial TAC be redistributed, with 80% being customary and 20% being recreational.
35. For LFE 23, Te Ohu Kaimoana supports Option 2: a cut to the TAC and TACC of 4t, representing a 44% cut to the TACC and a 13% cut to the TAC. Further, Te Ohu Kaimoana proposes that the non-commercial TAC be redistributed, with 80% being customary and 20% being recreational.

Table 4. Proposed TAC settings in tonnes (t) for LFE 20-23

	LFE 20	LFE 21	LFE 22	LFE 23
TAC	34	60	26	30
TACC	14	32	13	5
Customary	10	21	9	18
Recreational	8	5	2	5
Other Mortality	2	2	2	2

## Commentary

### General Commentary

36. In late 2016 and early 2017, FNZ consulted iwi and stakeholders about reviewing North Island tuna stocks. Te Ohu Kaimoana attended most of these consultations where iwi raised numerous concerns. From our notes we have summarised the issues that were raised:

- Depleted longfin stocks
- Commercial fishers
- Pollution
- Habitat destruction
- Hydro stations
- Storm water pumps
- Tikanga
- Farming tuna

37. There was clearly concern that longfin tuna stocks were now significantly less than what they used to be, and that action is required. There was strong support for both mātauranga Māori and science driven management. There was also an acknowledgement by a number of attendees that commercial fishers

are not to blame for all the problems confronting tuna. Hydro stations, flood pumps, and habitat destruction were identified as having a devastating effect on tuna abundance.

### SFE Commentary

38. FNZ acknowledges that there is currently no sustainability concern with SFE stocks. The best available scientific data shows that under current catch levels, SFE stocks are increasing. Further, this rate of growth can be enhanced by taking actions to address other sources of mortality for shortfin (i.e. habitat loss, water quality, barriers to migration).
39. We note that the feedback from meetings we attended was generally positive when it came to shortfin.
40. The initiatives discussed below for LFE stocks will also benefit SFE stocks through increased coverage and reliability of data and improved habitats.

### LFE Commentary

41. The sustainability measures and catch limits for all shortfin (SFE) and longfin (LFE) stocks in the North Island were last reviewed in 2008 with the Crown opting for steep cuts to catch limits. The TAC and Total Allowable Commercial Catch (TACC) for the four QMAs were cut. The SFE TACs and TACCs were cut between 10% and 38%, and LFE TACs and TACCs were cut between 35% and 78%. In each QMA, allowances were put in place for customary, recreational, and other mortalities, and a daily bag limit of 6 tuna would apply to recreational fishers. Several voluntary and legislated measures have since been put in place to address sustainability concerns. For example, there is a voluntary commercial ban on harvesting migrating longfin and many commercial fishers avoid targeting longfin. Trap and transfer programs run by iwi, hapū, industry, and some power companies have been instrumental in ensuring elvers are able to restock populations above major barriers and provides a chance for migrating tuna to make it safely to the sea.
42. Public and iwi concern over a decline in longfin populations in subsequent years resulted in the 2013 report by the Parliamentary Commissioner for the Environment on the threats facing longfin. In that report, the Commissioner called on the Minister to close the commercial longfin fishery and to establish a fully independent peer-review panel to assess the full range of scientific information available on the status of longfin. The independent panel concluded in their review that following a decline from the early 1990s to the late 2000s, populations had stabilised and, in some cases, increased.
43. Current management practices have successfully grown the fishery since 2007. Iwi have been voluntarily shelving their longfin ACE since 2013 out of concern for sustainability and this has contributed significantly to the rebuild. Te Ohu Kaimoana's understanding is that iwi will continue to shelve their ACE for the foreseeable future which will continue to be a major factor in growing populations. This has been further enhanced by the voluntary industry initiatives and legislated regulations described above. CPUE analysis across all QMAs shows stable or increasing CPUE and there is a less than 40% chance that current catch levels in fished areas will result in a decline. This information demonstrates that current management practices are resulting in growth for longfin. This suggests that maintaining current catch levels and additional programmes designed to enhance habitat will result in further gains to longfin abundance.
44. Tangata whenua have raised concerns and described low abundance in their areas. Local studies demonstrate that there are areas where populations are not as high as they once were. For example, the Mauri Compass project being trialled by Ian Ruru in the Waipaoa River highlighted concerns with the mauri of the Waipaoa River. The mauricompass.com framework incorporated both mātauranga Māori

and formal stock assessment processes for this specific waterway. The results highlighted the differences between FMA-wide and localised stock assessment views on abundance, specifically noting a 90% decrease in shortfin and longfin numbers since 2008. While these concerns are legitimate, they point to localised depletions rather than large scale sustainability concerns. Further, they highlight the impact of habitat degradation and issues surrounding water quality on the wellbeing of tuna. Localised depletion is concerning for iwi as this diminishes their ability to exercise customary non-commercial rights and recreational fishing activities within their rohe. Te Ohu Kaimoana understands that Te Aitanga a Mahaki are calling on the Minister to close the Waipaoa River to commercial fishing until populations return to the 2008 baseline assessment in response to these observations. Te Ohu Kaimoana supports iwi to make decisions with regards to their rohe.

45. At the 2017 Tuna Conference, it was made clear that iwi and hapū have strong concerns regarding the wellbeing of the longfin tuna. Anthropogenic pressures such as hydroelectric dams, pollution and the introduction of exotic predators such as trout have had adverse effects on longfin populations and these were identified by conference attendees. Those at the conference were concerned that the steady undermining of the status of tuna is akin to undermining Māori whakapapa. The preferred approach is to allow iwi and hapū to make their own decisions regarding this fishery. Collaborative approaches carry a higher chance of success.

#### *Collaborative approach required in addressing localised depletion*

46. Collaborative, fine-scale initiatives between iwi, industry, and other stakeholders are better suited to address the concerns raised by iwi and the public. Efforts between iwi, hapū, industry, the Bay of Plenty Regional Council, in the Rangitaiki River catchment in QMA 21 serve as an example of this. With the support of Te Ohu Kaimoana, they have formed a Rangitaiki Tuna Steering Group that works in conjunction with the Rangitaiki River forum with a goal of developing plans to address and manage habitat related challenges and increase the robustness of stock data. Further, industry, iwi, and hapū have agreed a tuna harvest strategy for the Rangitaiki catchment that will address sectoral conflicts in the fishery and further grow LFE stocks. For more detail on the work in the Rangitaiki, please see Appendix A. Industry, as represented by the Eel Enhancement Company, has already committed to working with iwi, hapū, and communities in other QMAs on challenges and initiatives relating to this fishery. Further, industry has agreed to review areas where CPUE is low and take corrective measures, including fishing different areas, to relieve pressure.
47. TAC and TACC cuts are a recognised tool for addressing sustainability concerns; however, they are a blunt tool that is ill-equipped to address such fine-scale challenges. TAC/TACC cuts do not address habitat challenges and would do nothing to alleviate pressure from other primary threats facing tuna. FNZ would see better results from facilitating the expansion of the Kaimoana Regulations, allowing iwi to exert greater influence over their local fisheries, and providing support to kaitiaki. Further, broad-stroke approaches to sustainability issues neglect specific conditions facing different areas. FNZ needs to be active in working with iwi, hapū, councils, and the Department of Conservation to address habitat concerns.

#### *Māori Participation in Tuna monitoring and evaluation*

48. The discrepancy between on-the-ground accounts and the stock assessment process reiterates the need to fill gaps in current research. Many iwi and hapū around New Zealand have identified that there is a need to expand on the existing biophysical monitoring programmes occurring in their catchments to capture information regarding the state of iwi/hapū values and cultural uses to evaluate the success (or otherwise) of management decision making and restoration actions.

49. FNZ admits that mātauranga Māori is not currently part of the formal process and CPUE data only covers commercially fished areas. That leaves 78% of unfished waterways where accurate data is unavailable. Industry has agreed to work with iwi and hapū to facilitate expanded surveys and research programs. Survey and research programs need to be expanded to unfished areas and FNZ must play a role. Te Ohu Kaimoana urges FNZ to support these initiatives and actively work with iwi, hapū, and Te Ohu Kaimoana to integrate mātauranga Māori and on-the-ground reports into the stock assessment program.

### *General*

50. FNZ has a role to play in ensuring iwi and hapū can fully benefit from their customary allowance. As part of this, Te Ohu Kaimoana argues that FNZ must support the implementation of customary regulations across all North Island freshwater fisheries. This includes providing support for kaitiaki.

51. Our recommendations regarding introducing minimum and maximum sizes for the recreational sector is intended to ensure the recreational fishery does not have any unintended adverse effects on the rebuild.

52. FNZ notes that one of the justifications for proposing Option 2 is that feedback from pre-consultations indicated a desire to manage LFE to a higher reference point than 40%  $B_0$ . In principle, Te Ohu Kaimoana supports managing tuna to a higher reference point given that longfin tuna is a taonga and tuna in general have biological and life-cycle characteristics that pose a challenge to management. However, it is inappropriate to propose new TAC/TACC settings to meet an as-yet undefined reference point. Any formal target needs to be determined by iwi and other quota owners and the implications of managing to a higher reference point need to be fully discussed and understood through the working group process.

53. Te Ohu Kaimoana is supportive of cuts to the TAC and TACC in LFE 20, 22, and 23. The cuts in these areas are not substantial and should not cause significant harm to quota owners. The cuts proposed in these QMAs are representative of feedback received from iwi in conversations and meetings held on this review. However, it should be noted that within each QMA, there was a diversity of views. Iwi in all QMAs have signalled a desire to proceed with iwi-driven plans to address local conditions.

54. As a taonga, efforts need to be taken to ensure that future generations will be able to maintain their connection to tuna. While cuts do not address the primary threats to tuna, they do alleviate some pressure and should not hinder efforts to ensure the long-term sustainable utilisation of tuna.

55. Feedback from Te Kupenga o Maniapoto raised concerns regarding the impact of TAC/TACC cuts on Māori employment. It was noted that 10 iwi members were employed in the tuna industry in some fashion and that a cut could have a negative impact on them.

### *Commentary Regarding the Redistribution of Non-Commercial TAC*

56. When the TAC was initially set for SFE and LFE stocks, actual interests in the fishery were not adequately reflected. As a taonga, the primary non-commercial interests in the fishery were Māori and this remains the case today. Iwi are the most prolific participants in the recreational tuna fishery; however, this is the exercising of customary rights under the amateur regulations. Redistributing along the lines proposed will correct the oversight made when setting the initial TAC and more accurately reflect current take within the fishery.

57. In fact, bringing more of the catch under the customary sector, where efforts are underway to increase the uptake of formalized customary reporting tools, could increase the amount of data available from non-commercial sectors. This carries the possible benefit of an increase in the accuracy of stock

assessments. Further, by expanding the Kaimoana regulations across the entire North Island and assisting iwi and hapū to fully benefit from these regulations, kaitiaki and Māori more broadly will be in a better position to manage their taonga.

58. This proposal was discussed with iwi and it received broad support across QMAs 21, 22, and 23. Iwi in QMA 20 rejected this proposal as many people in Northland rely on fishing under the amateur regulations to put food on the table. As such, Te Ohu Kaimoana does not propose this re-allocation within QMA 20.

Noho ora mai rā,

A handwritten signature in blue ink, appearing to read 'Dion Tuuta', is positioned above the printed name and title.

Dion Tuuta  
**CHIEF EXECUTIVE**

## Appendix A: Rangitaiki River Catchment Harvest Strategy

### Vision and Goals

**Vision:** The Tuna are fat and plentiful in the Rangitaiki River Catchment

**Goal 1:** Develop a harvest strategy for the Rangitaiki River Catchment

**Goal 2:** Put in place the systems and infrastructure to support the implementation of the harvest strategy

Sub-Area TAC Settings in Tonnes (t) for the Rangitaiki Catchment – QMA 21

	Shortfin	Longfin
TAC	16.2	0
TACC	7	0
Customary	7	0
Recreation	2	0
Other fishing related mortality	0.2	0

### Agreements between Rangitaiki River Iwi and Industry

1. A rahui will be placed on the catching of longfin tuna within the Rangitaiki River Catchment, until the next tuna review in 5 yrs.
2. Commercial fishing is to stay within existing fished areas (Below Edgecombe, Matahina and Aniwhenua – farm the lakes)
3. Tikanga/protocols to apply to commercial fishers. Emphasis on local fishers (linked to 4).
4. Kaitiaki/iwi will input to commercial annual harvest plans
5. Support in principle the establishment of mataitai – areas to be identified once iwi have consulted their respective people
6. Supporting trap and transfer programme

### Other proposed measures to support customary

1. Put in place Kaitiaki for the entire Rangitaiki River Catchment. One application to be made in the name of all the iwi.
2. Put in place data base for customary catch, and training – owned by iwi – supported by Te Ohu Kaimoana



Fisheries New Zealand Review of  
Sustainability Measures for 1 October  
2018 – Te Ohu Kaimoana’s Response



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## Introduction

1. Fisheries New Zealand (FNZ) released an Initial Position Paper (IPP) on 2 July 2018 that reviews sustainability measures for the fishing year beginning on 1 October 2018. This document represents the response from Te Ohu Kaimoana. We do not intend for this response to derogate from or override any response or feedback provided independently by Iwi, through their Mandated Iwi Organisations (MIOs) and/or Asset Holding Companies (AHCs).

## Who we are

2. Te Ohu Kaimoana was established to implement and protect the Fisheries Settlement. Its purpose, set out in section 32 of the Māori Fisheries Act 2004, is to “advance the interests of Iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to;
  - ultimately benefit the members of Iwi and Māori generally; and
  - further the agreements made in the Deed of Settlement; and
  - assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi; and
  - contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.
3. Te Ohu Kaimoana works on behalf of 58 MIOs, who in turn represent all Iwi throughout Aotearoa. AHCs hold Fisheries Settlement Assets on behalf of their MIOs. These include Individual Transferable Quota (ITQ) and shares in Aotearoa Fisheries Limited which, in turn, owns 50% of the Sealord Group.
4. Te Ohu Kaimoana works on priorities agreed by MIOs to protect and enhance the Settlement by providing policy advice for Iwi. Iwi have identified the review of sustainability measures as critically important to their long-term relationship with Tangaroa. MIOs have also approved a Māori Fisheries Strategy and three-year strategic plan for Te Ohu Kaimoana, which has as its goal “that MIOs collectively lead the development of Aotearoa’s marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent”.
5. This response to the IPP sets out several important matters of principle that should guide the Minister and puts forward our recommendations on the sustainability measures and allocation decisions that should be applied to each stock.

Noho ora mai rā,



Dion Tuuta  
**CHIEF EXECUTIVE**

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## 1 – Guiding Principles

### 1.1 – Te Hā o Tangaroa ki ora ai tāua

1. Prior to the colonisation of Aotearoa by the British Crown Māori enjoyed complete authority over their fisheries resources. Te Ao Māori's relationship with Tāngaroa, and ability to benefit from that relationship, was and remains underpinned by whakapapa – descent from Ranginui and Papatūānuku and their children.
2. The signing of Te Tiriti o Waitangi in 1840 affirmed Māori tino rangatiratanga over their taonga including fisheries which was an essential affirmation of the traditional Māori world view. This world view endures in the modern day. Te Tiriti o Waitangi and the 1992 Maori Fisheries Settlement are built on a much deeper foundation of Māori whakapapa connection to and relationship with Tangaroa.
3. In the modern context, when considering or developing fisheries-related policy, Te Ohu Kaimoana is guided by the principle of 'Te Hā o Tangaroa kia ora ai tāua' - the breath of Tangaroa sustains us. In this context Tangaroa is the ocean and everything connected to and within, on and by the ocean. This connection also includes humanity, one of Tangaroa's descendants.
4. Ko 'Te hā o Tangaroa kia ora ai tāua', highlights the importance of an interdependent relationship with Tangaroa, including his breath, rhythm and bounty and how those parts individually and collectively sustain humanity. The guiding principles underpinning 'Te hā o Tangaroa kia ora ai tāua' highlight how we ensure that we foster and maintain our relationship with Tangaroa.

#### 1.1.1 – Tangaroa

5. Tangaroa is the God of the Sea and everything that connects to the sea. He is the divinity represented through Hinemoana (the ocean), Kiwa (the guardian of the Pacific), Rona (the controller of the tides – the moon) and the connection with other personified forms of the Great Divine. For some tribes, he is also the overlord for all forms of water, including freshwater and geothermal as well as saltwater.

#### 1.1.2 – Te Hā

6. Te Hā means, breath and to breathe. Te Hā o Tangaroa represents the breath of Tangaroa, including the roar of the ocean, the crashing of waves on the beach and rocks, the voice of the animals in and above the ocean and of the wind as it blows over the ocean, along the coast and the rocks and through the trees that stand along the shoreline. Through our whakapapa to Tangaroa, we as humanity, we as tangata whenua are the human voice for Tangaroa.
7. When Tangaroa breathes it is recognised through the ebb and flow of tide and the magnetism of the moon. This magnetism is recognised as the kaha tuamanomano (the multitudinal rope of the heavens).

Therefore, we must also be mindful of the lunar calendar when working with Tangaroa and his various modes.

### 1.1.3 – Purpose and Policy Principles

8. Te hā o Tangaroa ki ora ai taua provides Te Ohu Kaimoana with guidance on key principles which should underpin our consideration of modern fisheries policy.
  - **Whakapapa:** Maori descend from Tangaroa and have a reciprocal relationship with our tupuna;
  - **Tiaki:** To care for Tangaroa, his breath, rhythm and bounty, for the betterment of Tangaroa in order to care for humanity as relatives;
  - **Hauhake:** To cultivate Tangaroa, including his bounty, for the betterment of Tangaroa (as a means of managing stocks) and for the sustenance of humanity; and
  - **Kai:** To eat, enjoy and maintain the relationship with Tangaroa as humanity.
9. Whakapapa as a principle recognises that when Māori (and Te Ohu Kaimoana as an extension of Iwi Māori) are considering Tangaroa we are considering the wellbeing of our tupuna (ancestor) – rather than a thing or inanimate object. Therefore, the obligation and responsibility of Tiaki – caring for Tangaroa – comes from our descent from our Tupuna. Similarly, the responsibility and obligation of Hauhake (cultivation) is underpinned by our Tiaki obligations to Tangaroa in order to Tiaki humanity.
10. Ultimately, humanity’s right to Kai – to enjoy the benefits of our whakapapa relationship with Tangaroa – are dependent upon our ability to Tiaki and Hauhake and how we uphold the responsibility and obligation in a modern and meaningful way to maintain legitimacy through practicing Tiaki, Hauhake and Kai.
11. These principles were inherent within the Treaty of Waitangi fisheries settlement and – Te Ohu Kaimoana asserts - the quota management system which Māori endorsed as part of that historic settlement. This underscores its ongoing relevance and importance in modern New Zealand fisheries management.

### 1.2 – Duty to act in a manner consistent with the Fisheries Settlement

12. Section 5 (b) of the Fisheries Act 1996 obliges “all persons exercising or performing functions, duties, or powers conferred or imposed by or under it” to “act in a manner consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (TOW(FC)SA)”. The TOW(FC)SA implements the Deed of Settlement between Māori and the Crown, which represented a full and final settlement of Māori claims to fisheries.
13. It follows that whenever a Minister makes a decision to implement a sustainability measure or to provide for utilisation, they must ensure their decision is consistent with, and does not undermine, the Fisheries Settlement. The following matters are particularly relevant.

### 1.2.1 – Allocating the TAC

14. To protect Māori fisheries settlement rights, the following approach should be taken to adjusting the Total Allowable Catch (TAC):
  - a. the recreational allowance should not be increased above the level it was first set by the Minister when the TAC was set for any particular stock; and
  - b. if, in order to ensure sustainability, the TAC, Total Allowable Commercial Catch (TACC) and the recreational allowance is reduced, the allowance can be increased back to its initial level when the stock rebuilds;
  - c. all increases to a TAC should be allocated to the commercial sector after providing for non-commercial customary fishing and other fisheries-related sources of mortality;
  - d. the customary allowance is based on customary needs and managed through kaitiaki. In some instances, customary needs may not be fully identified and there may be insufficient capacity to harvest what is needed. Therefore, there can be expected to be increases to the customary allowance over time as both needs are better identified and capacity to harvest is realised;
  - e. in situations where the abundance of a stock drops, kaitiaki will respond appropriately.
  
15. In our view, this approach should be adopted as the default option and apply whether the stock is at, above or below any target stock level at the time the TAC is set. Variations on this approach should only be considered by the Minister if all extractive interests reach agreement on an alternative approach. Our rationale for this approach is set out below.
  
16. When the Interim Fisheries Settlement was agreed between Māori and the Crown in 1988, the Crown undertook to provide Māori with 10% of the quota for all stocks in the Quota Management System (QMS) at that time. When the Deed of Settlement was finalised, it was agreed that all stocks introduced to the QMS from that time would generate a 20% share for Māori. As part of this agreement, Māori agreed that the QMS was an appropriate regime for managing commercial fisheries. At the time of the Settlement the only proportional interests held were quota owners (who owned a share of the TACC). Allowances for customary and recreational interest were for a fixed amount.
  
17. This rights-based system formed the basis for the commercial part of the settlement and underpins sound management of commercial fishing, in which rights holders take responsibility for managing their share of the overall TAC. The expectation was that the benefits of good stock management would accrue to those who had a proportionate interest in the fishery, notwithstanding the priority right held by customary interests in the event that customary needs increased.
  
18. As part of the Settlement, it was also agreed that the Minister would develop policies to help recognise use and management practices of Māori in the exercise of non-commercial fishing rights. The Minister was also to recommend the making of regulations to recognise and provide for customary food gathering by Māori and the special relationship between tangata whenua and those places which are of customary food

gathering importance to the extent such food gathering is neither commercial in any way nor for pecuniary gain or trade. Within the customary regulations, kaitiaki take responsibility for managing customary fishing, including issuing authorisations and reporting catch.

19. When agreeing to the provisions of the Deed of Settlement, Māori expected the value and integrity of the Settlement to be retained. After all, the Settlement is full and final: any action the Crown takes to undermine the value of settlement quota or fails to recognise customary non-commercial needs is a matter of bad faith.
20. Thus, when adjusting the TAC, the Minister must ensure the integrity of Māori fishing rights is maintained. This means:
  - a. priority should be given to the customary allowance for stocks that Iwi and hapū require to meet their customary non-commercial needs; and
  - b. the proportion of the TACC that makes up the TAC should not be reduced (but can be increased) by reallocations to the recreational sector. Any reallocation to the recreational sector has the effect of reducing the overall value of settlement quota.
21. Te Ohu Kaimoana views recreational fishing as a privilege which should not be exercised at the expense of Māori commercial and non-commercial fishing rights. In recent times the recreational sector has effectively operated within an unconstrained allowance – which provides little incentive for the recreational sector to exercise responsibilities to constrain catch within the recreational limit. Similarly, this provides little incentive for the commercial sector to work collaboratively to increase stock abundance given the likelihood that any benefits of a rebuild will be allocated to the recreational sector. We acknowledge there are input controls such as bag limits; however, there is no effective constraint on total catch.
22. Te Ohu Kaimoana does not support decisions that increase the recreational allowance at the expense of the TACC. These kinds of re-allocations affect the rights of settlement quota holders and reduce the incentives on the commercial sector to take responsibility and invest in good management.
23. Te Ohu Kaimoana considers that the appropriate way of reflecting the recreational share of the fishery is to set an allowance that reflects the catch taken in 1992, when the Deed of Settlement was signed. We note that a recreational allowance did not become part of the TAC until the Fisheries Act 1996 came into effect, and since then it has been the general practice to set allowances when TACCs are varied and TACs are set, or when stocks are introduced into the QMS. We note that the courts have ruled that the Minister has discretion to set the allowance when initially allocating a TAC up to the level of estimated catch. However, we do not accept any increases in this allowance after this time. From a fisheries management perspective, such decisions encourage a “race for fish” – which is what we are seeing in the case of Southern Bluefin Tuna. This kind of behaviour should be what responsible fisheries management aims to avoid.

24. If the recreational sector wishes to see a system in which the allowance can be increased above its initial allocation, a full review of the framework for managing the recreational sector is required. This would require further consideration of options to more tightly manage recreational catch to ensure it stays within the recreational allowance. A system that allows for the recreational sector to increase catches would need to be carefully designed and take explicit account of obligations under the Deed of Settlement.

### 1.2.2 – 28N rights can affect the Fisheries Settlement and this needs to be avoided

25. When the QMS was first introduced, the ITQ for each stock was based on a set tonnage that could be caught by each quota owner. It soon became apparent that the TACC in some fisheries exceeded the sustainable capacity of those fisheries and the Crown acted to reduce the catch.
26. The regime at that time required the Government to buy quota back and retire it. The Government chose to change the law and provide quota owners with the choice of putting a specific amount of their quota “on hold” in the hope that the TACC for the fishery would subsequently be increased. Once the fishery recovered, the ‘quota on hold’ would have priority to the increase. Once ‘refunded’ in this way, that quota is normalised and holds the same rights as other quota. This quota and the associated rights and processes were set out in Section 28N in the Fisheries Act 1983.
27. Many affected quota owners took the latter path of having the amount of their quota the government wanted reduced declared to be subject to 28N conditions. Subsequent to this, the Crown made other changes to the QMS that changed the basis of quota being volume based to proportional shares of the TACC. The effect of this last change, when combined with s 28N rights, means that when a TACC increases for fisheries where some quota owners hold 28N rights, all the increase transfers to those quota owners (until the total of the 28N rights for that fishery is exhausted). Because there is only a fixed number of shares in the fishery, this can only be achieved by increasing the number of shares held by the 28N rights holder and decreasing the shares held by other quota owners.
28. The Deed of Settlement was signed in 1992 and was put into effect through the Fisheries (Treaty of Waitangi Fisheries Claims) Settlement Act 1992. However, the Fisheries Act 1983 was not amended to reflect the settlement obligations, and 28N rights were subsequently carried through into the Fisheries Act 1996.
29. Ultimately, this situation means that where 28N rights are invoked, the share of quota that Iwi hold will be reduced. This undermines the agreement between the Crown and Māori, that Māori would receive 10% of all stocks in the QMS at the time of the interim fisheries settlement (1989).
30. In light of the obligations under s 5(b) of the Fisheries Act, the Minister must ensure that any decisions that trigger 28N rights, are administered by FNZ in such a way that they do not have the effect of diluting the proportional share that Iwi have in the TACC. If FNZ fails to act in this way, it will have the effect of

undermining the Fisheries Settlement. This issue is relevant for a number of fisheries that are being reviewed as part of the 2018 sustainability round. Where the potential for a breach of the Settlement exists because of so called s 28N rights exists, our response points this out and requests that remedial steps be taken to ensure there is no breach of the Settlement.

### 1.2.3 – Appropriate Consultation Period

31. Te Ohu Kaimoana was initially provided 19 working days to respond to the IPP. We note that in more public communications, FNZ have stated that it is standard practice to provide for a six-week consultation period for stakeholders.
32. The statutory and non-statutory mandate that is held by Te Ohu Kaimoana is set out in the introduction to this document. This includes working with, and on behalf of, the 58 MIOs and to assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi. Te Ohu Kaimoana does not consider that being given 19 days to respond to an IPP of this magnitude signals that FNZ understands the obligations it has to work with us as the agent of the Treaty Partner.
33. This lack of time to respond is of particular concern where Te Ohu Kaimoana is not provided with an opportunity to have input into confirming the stocks for review. In this instance, we have been granted an extension that means the response period has been extended to five weeks. Notwithstanding the extension to a five-week response timeframe, we would like to meet with FNZ officials to discuss how Te Ohu Kaimoana can be better positioned to deliver on our statutory and non-statutory obligations in the future.

## 1.3 – Other Matters

### 1.3.1 – Shelving of ACE is a matter for the Minister to take into account

34. The IPP places a primary focus on adjusting TACs and TACCs in response to assessments that indicate a stock's position around relative biomass reference points. This represents a very limited view of the tools provided under the Fisheries Act 1996 to ensure sustainability. Of note is that s 11(3) sets out a range of options that are available to the Minister to ensure sustainability. Only where a catch limit is deemed to be the most appropriate is the Minister referred to setting or varying a TAC under ss 13 or 14 for stocks managed under the QMS.
35. Notwithstanding the broad range of tools available to the Minister to address a sustainability concern, Te Ohu Kaimoana interprets the Fisheries Act to be structured in a way that enables the Minister to give full consideration of the relevant fisheries management regime for a particular stock (or stocks) before considering whether or not a formal sustainability measure should be proposed. We consider that the Act provides for more responsive fisheries management than can be achieved through a blunt TAC/TACC reduction, by recognising the potential for Iwi or industry-led actions to better address sustainability

concerns. This is reflected in the opportunity to “take into account” such actions under s 11(1) before the Minister decides whether or not to propose setting a sustainability measure. Even in situations where the Minister proposes to set a sustainability measure, Te Ohu Kaimoana considers that Iwi or industry can promote an alternative approach in response to consultation under s 12 of the Act.

36. In particular, s 11(1) requires that before proposing to set or vary a sustainability measure for one or more stocks, the Minister must take into account a range of matters, including the effects of fishing on the aquatic environment. The former Ministry of Fisheries developed and consulted on a series of policy definitions on the “Front End” of the Fisheries Act 1996 and in relation to s 11(1)(a), confirmed that it provided for “existing or proposed measures that currently, or potentially, manage any adverse effects of fishing to be taken into account before the need for a sustainability measure to be determined”.
37. This interpretation of s 11(1)(a) was subsequently used to support the use of shelving Annual Catch Entitlement (ACE) as a means of effecting a reduction in the commercial catch in the PAU 7 fishery as part of the decisions made by the Minister of Fisheries in 2003. However, in more recent times the shelving of ACE has not been supported by FNZ, although the rationale for this position has not been given publicly.
38. Te Ohu Kaimoana considers that shelving of ACE is a viable way of reducing the commercial catch and that the Minister of Fisheries is obliged to take this into account in accordance with the provisions of s 11(1)(a). If the Minister is satisfied that the approach will adequately mitigate a risk to sustainability, there is no legislative obligation to choose from the list of statutory sustainability measures set out in s 11(3). This would also mean that the Minister would not be directed to either section 13 or section 14 in order to vary a TAC for one or more stocks.

### 1.3.2 – Managing fish stocks

39. In situations where the Minister decides to set or vary a catch limit under s 11(4) (after choosing that option from the (non-limiting) list of choices in s 11(3)), sections 13 and 14 set out the considerations that apply for a stock managed under the QMS. The provisions of s 13 require that a stock should have a TAC set that maintains the stock at or above a level that can produce the maximum sustainable yield (often summarised as  $B_{MSY}$ ), having regard to the interdependence of stocks. Where the stock is above or below  $B_{MSY}$ , there is discretion over the way and rate the stock rebuilds or is fished down to the level of  $B_{MSY}$ . Importantly, as noted above, there is a range of tools available under s 11(3) (in addition to TACs) to assist with any rebuild process that may be required to ensure sustainability.
40. In considering the obligations set out in s 13, FNZ defers to a ‘Harvest Strategy Standard for New Zealand Fisheries’ (HSS). This document was produced in 2008 by the Ministry of Fisheries. The HSS is described as “a policy statement of best practice regulation to the setting of fishery and stock targets and limits for fishstocks in New Zealand’s QMS.” It was intended to form a core input to the Ministry’s advice to the Minister of Fisheries on the management of fisheries, particularly the setting of TACs under sections 13

and 14. This means the HSS document is now 10 years old and it is difficult to sustain an argument that a non-statutory document of that age could be viewed as promoting best practice regulation.

41. The HSS sets out default management targets for stocks as well as both “soft” and “hard’ Limits. Where the best available information suggests a stock has fallen below the soft limit of 20% B<sub>0</sub>, the HSS triggers a rebuild plan.
42. However, Te Ohu Kaimoana notes that the purpose of the Fisheries Act 1996 sets out an obligation to provide for utilisation, with a focus on enabling people to provide for their own social, cultural and economic wellbeing within limits that ensure sustainability. Employing default target levels and timeframes for fisheries management has the real potential to undermine the purpose of the Act.
43. Target reference points that correspond to levels of biomass and fishing pressure that are considered to provide for ‘optimal’ harvests, implicitly internalise economic considerations and/or the ecological requirements for each stock. Hence the target reference points promoted by FNZ are inherently setting utilisation targets that the Act enables people to consider and take the necessary actions to achieve. In this way the suggested targets have the effect of prescribing rather than enabling management of fisheries beyond the levels required to ensure sustainability.
44. There is considerable discrepancy between the requirements of the Fisheries Act and the implementation of the HSS guidelines. To be consistent with the Fisheries Act, stock rebuild plans should be based on the best available information, have considered all tools available to the Minister, account for relevant social, economic, cultural factors, have regard to the interdependence of stocks and ensure the stock is tracking to level that can produce the maximum sustainable yield.
45. As noted, providing one tool for stock recovery in the form of a reduction to the TAC cannot be best management practice. This “set and forget” approach disregards the range of tools available to rebuild the stock at an optimal rate. Therefore, application of the HSS has the potential to have significant adverse social and economic impacts if applied without careful consideration of the specific circumstances of the fishery and the range of existing mechanisms to promote recovery. In view of this, Te Ohu Kaimoana considers the unique biological and environmental conditions facing each stock and socio-economic implications to be an important explicit consideration when contemplating management targets. The provisions of the Fisheries Act should be the first point of reference when contemplating management decisions and rebuild strategies to reach those targets.
46. We further note that where quota owners are incentivised to act collectively, the evidence suggests that they will adopt strategies that promote the management of stocks at levels above the requirements of section 13. Te Ohu Kaimoana considers it is an appropriate role for FNZ to develop frameworks that encourage collective action. This focus is most particularly needed in shared fisheries, where there are many examples of the recreational sector being rewarded (through an increased allowance) for fishing

beyond the level allowed for by the Minister of Fisheries when the TAC was set. As noted, this practice also offends the Settlement (we refer to our comments on the role of s 5b of the Fisheries Act).

### 1.3.3 – Use of Deemed Values

47. Deemed Values have played an important role in the administration of the QMS since it was introduced in 1986. Commercial fishers who do not balance catch with ACE must make deemed value payments.
48. Section 75 of the Fisheries Act 1996 requires the Minister to set deemed values (both interim and annual) for a stock. In setting a deemed value, the Minister must take into account the need to provide an incentive for every commercial fisher to acquire or maintain sufficient ACE in respect of each fishing year that is not less than the total catch of that stock taken by that commercial fisher. The Minister should have regard to a range of matters that are set out in s 75(2)(b)(i)-(vi), including the market value of the stock and the value of ACE for that stock. There is also scope for the Minister to set differential annual deemed values. These provisions were last amended in 2004.
49. FNZ consider that “the deemed value regime is intended to constrain commercial catch to respective catch limits by encouraging commercial fishers to balance their catch with ACE, while not discouraging them from landing and accurately reporting catch”. To understand the rationale for this purpose, potential respondents to the IPP are referred to “Deemed Value Guidelines” that were released in 2012. Application of the guidelines has resulted in deemed values being set at, or ramped to, levels that are higher than the market value of a stock in some instances. Under this situation the incentive to land and report catch is removed.
50. Te Ohu Kaimoana considers that the overriding purpose of deemed values is to encourage the reporting of catch, while discouraging the catch of stocks that individual fishers cannot cover with ACE. Deemed values were never intended or designed to be a mechanism for ensuring commercial catch did not exceed the TACC. Rather, the key focus was on encouraging transparency across the fisheries management system so that catch was reported, and the information forms an important input to the monitoring of harvesting. Ultimately, the relationship between the TACC and catch reporting is a dynamic one.
51. While deemed values act to discourage fishers from fishing without ACE, TACCs themselves are not always set right and need to be regularly reviewed, based on the best available information. Hence there is a balance to be struck between incentives to fish with ACE (and hence within the TACC) and accurate reporting of catch (whether or not it is covered by ACE), which is fundamental to understanding whether TACCs have been set appropriately. This was the basis for deemed values being introduced and it is notable that s 75 has not been amended since 2004. In contrast the FNZ guidelines were developed in 2012 and we do not believe they are aligned with the purpose of the Act.
52. The discouraging of catch in excess of ACE holdings is achieved by ensuring that the deemed value is set at a level that is above the ACE price. The requirement to ensure that the deemed value system does not

encourage the discarding of fish at sea is achieved by ensuring the deemed value rate does not exceed the market value of the stock. In this way, the key considerations that the Minister should have regard to under 75(2)(b)(ii)-(iii) are met.

53. Te Ohu Kaimoana considers that the deemed value for a particular fish stock can be set at, or scaled up to, a level that removes any profit after harvesting costs are deducted. Under these conditions a fisher is incentivised to both retain catch for which ACE cannot be obtained and to report the catch. Importantly, a fisher has no incentive to target the stock as returns will be maximised where the catch can be covered by ACE. This application of deemed values is consistent with the purpose of the Act and the Settlement and has the real potential to increase the quality of information available to support fisheries management decision-making.
54. The current policy, conversely, has the potential to increase incentives for discarding catch. This, in turn, has led to a misinformed view that cameras should be required on all vessels to detect any discarding of catch at sea. Rather than focus the public debate on the use of cameras, Te Ohu Kaimoana considers a more appropriate response would be to utilise the deemed value provision in the way Parliament and the law intended. Other tools are available to address issues where additional action is required to ensure sustainability.

## 2 – Deepwater Stocks

### 2.1 – Overview

1. FNZ is reviewing its management controls for the following deepwater fisheries:
  - a. Ling (LIN 5)
  - b. Oreo (OEO 4)
  - c. Orange Roughy (ORH 3B)
  - d. Scampi (SCI 3)
  
2. Te Ohu Kaimoana participates in the Deepwater Group Ltd (Deepwater Group) and supports its submission on LIN 5, OEO 4, ORH 3B and SCI 3. The submission supports:
  - a. an increase in the TACC for LIN 5 from 3,955 tonnes to 4,746 tonnes;
  - b. an increase in the TACC for OEO 4 from 3,000 tonnes to 3,900 tonnes, with a catch limit of 2,900 tonnes for smooth oreo;
  - c. an increase in the TACC for ORH 3B from 5,197 tonnes to 7,667 tonnes, a decrease in the sub-area catch limit for Northwest Chatham Rise from 1,250 t to 1,150 t, and an increase in the sub-area catch limit for East & South Chatham Rise from 3,100 t to 5,670 t; and
  - d. an increase in the TACC for SCI 3 from 340 tonnes to 408 tonnes.

### 2.2 – Ling (LIN 5)

#### 2.2.1 – Proposed Options

3. FNZ have proposed 2 options for varying the TACC in LIN 5 (Table 1):

**Table 1: Proposed management settings in tonnes for LIN 5 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Option 1 ( <i>Status quo</i> )	4036	3955	1	1	79
Option 2	4431 ↑ (10%)	4340 ↑ (10%)	1	1	89 ↑ (13%)
Option 3	4834 ↑ (20%)	4735 ↑ (20%)	1	1	97 ↑ (23%)

### 2.2.2 – Context

4. LIN 5 and 6 are assessed as a single stock, as ling found in LIN 5 and LIN 6 (excluding the Bounty platform) is considered the same biological stock.
5. An updated stock assessment for LIN 5 and 6 was undertaken in 2018, which considered catch histories, biomass indices and catch-at-age data from trawl surveys and commercial fisheries. The updated stock assessment estimates that LIN 5 and 6 is at 88-90% of unfished or “virgin” biomass ( $B_0$ ). While estimates of absolute current and virgin stock size are very imprecise, it is very likely that current biomass for LIN 5 and 6 is greater than 70% of  $B_0$ . Accordingly, there is a utilisation opportunity available for the LIN 5 and 6 fisheries.
6. The catch for LIN 5 is consistently at or above the TACC, while LIN 6 is consistently under caught. This is largely because fish are more widely dispersed in LIN 6, which together with factors associated with operating in a remote and challenging environment, means operating costs are higher in LIN 6 than in LIN 5.
7. There is no rationale or interest from stakeholders for increasing the TACC for LIN 6. However, there is significant interest in increasing the TACC for LIN 5.

### 2.2.3 – Our Position

8. Te Ohu Kaimoana recommends that FNZ adopt Option 3 for a 20% increase in the TACC for LIN 5. However, we calculate a 20% increase equates to 4,746 tonnes, rather than 4,735 tonnes.

### 2.2.4 – Commentary

9. Increasing the TACC for LIN 5 from 3,955 tonnes to 4,746 tonnes will not have any impact on the requirements of section 13(2)(e) of the Fisheries Act 1996, as increased catch would not affect the fishery’s ability to produce maximum sustainable yield.
10. In addition, trawl surveys to date have found no evidence of any long-term biomass trend in LIN 5, such as could arise from localised depletion. However, should any changes in biomass trends occur, these will be picked up in the biennial trawl surveys for LIN 5 and 6.

## 2.3 – Oreo (OEO 4)

### 2.3.1 – Proposed Options

11. FNZ have proposed 3 options for varying the TACC in OEO 4 (Table 2).

**Table 2: Proposed management settings in tonnes for OEO 4 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Smooth oreo voluntary limit (t)	Allowances		
				Customary Māori	Recreational	All other mortality to the stock caused by fishing
<b>Current settings</b>	<b>3150</b>	<b>3000</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>150</b>
<b>Option 1</b>	3465 ↑ (10%)	3300 ↑ (10%)	2300	0	0	165 ↑ (10%)
<b>Option 2</b>	4095 ↑ (30%)	3900 ↑ (30%)	2900	0	0	195 ↑ (30%)
<b>Option 3</b>	4515 ↑ (43%)	4300 ↑ (43%)	3300	0	0	215 ↑ (43%)

### 2.3.2 – Context

12. OEO 4 is managed as a species complex comprised of smooth oreo, black oreo, spiky oreo and warty oreo. Fishers are required to report by species on landing returns, however the TAC and TACC settings for OEO 4 do not restrict levels of take of any of the oreo species.
13. In 2014 a stock assessment for smooth oreo in OEO 4 was completed, which estimated the stock was at 27% of  $B_0$ . In response, in 2016 the OEO 4 TACC was reduced from 7,000 tonnes to 3,000 tonnes.
14. A new stock assessment for smooth oreo in OEO 4 was undertaken in 2018, using new age composition data. The results of the stock assessment suggest that the 2015 stock assessment was overly pessimistic and that the current spawning stock biomass is assessed to be at 40%  $B_0$ . Accordingly, this suggests there is a utilisation opportunity available for OEO 4.
15. FNZ is proposing to increase the TACC for OEO 4 and is also proposing to implement a voluntary species-specific catch limit for smooth oreo.

### 2.3.3 – Our Position

16. Te Ohu Kaimoana recommends that FNZ adopt Option 2 and that the TACC for OEO 4 be increased from 3,000 tonnes to 3,900 tonnes, with a catch limit of 2,900 tonnes for smooth oreo.

### 2.3.4 – Commentary

17. Te Ohu Kaimoana supports the proposal to implement a voluntary species-specific catch limit for smooth oreo, as an added measure to ensure good management of the stock.
18. Increasing the TACC for OEO 4 from 3,000 tonnes to 3,900 provides a greater utilisation opportunity than Option 1.
19. One of the sensitivity model runs used for the 2018 stock assessment indicated that the smooth oreo stock in OEO 4 could be 33%  $B_0$ . While projections based on the pessimistic sensitivity model suggest that annual smooth oreo catch of 2,900 tonnes would result in only a 21% probability of the stock being at or above the management target in 2023, these projections nevertheless indicate the stock would continue to increase under these catch levels and that the stock would have only a 4% probability of being below the soft limit in 2023. With the next stock assessment for OEO 4 due to be completed in 2022, Te Ohu Kaimoana considers the utilisation opportunity presented by Option 2 should be taken.

## 2.4 – Orange Roughy (ORH 3B)

### 2.4.1 - Proposed Options

20. FNZ have proposed 2 options for varying the TACC in ORH 3B (Tables 3 and 4):

**Table 3: Proposed options for ORH3B**

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Option 1 ( <i>Status quo</i> )	5470	5197	5	0	268
Option 2	8055 ↑ (47%)	7667 ↑ (47%)	5	0	383 ↑ (43%)
Option 3 (year 1)	6413 ↑ (17%)	6091 ↑ (17%)	5	0	317 ↑ (18%)
(year 2)	7116 ↑ (30%)	6772 ↑ (30%)	5	0	339 ↑ (26%)
(year 3)	8055 ↑ (47%)	7667 ↑ (47%)	5	0	383 ↑ (43%)

**Table 4: Proposed limits for ORH3B Sub-QMA catch limits**

	Option 1 (Status quo)	Option 2	Option 3		
			Year 1	Year 2	Year 3
Northwest Chatham Rise	1250*	1150 ↓	1150 ↓	1150	1150
East & South Chatham Rise	3100	5670 ↑	4095 ↑	4775 ↑	5670 ↑
Puysegur	347	347	347	347	347
Arrow Plateau	0	0	0	0	0
Sub-Antarctic	500	500	500	500	500
<b>TACC</b>	<b>5197</b>	<b>7667 ↑</b>	<b>6091 ↑</b>	<b>6772 ↑</b>	<b>7667 ↑</b>
<b>Allowance for other mortality to the stock caused by fishing</b>	<b>268</b>	<b>383 ↑</b>	<b>317 ↑</b>	<b>339 ↑</b>	<b>383 ↑</b>
<b>Customary Māori allowance</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>TAC</b>	<b>5470</b>	<b>8055 ↑</b>	<b>6413 ↑</b>	<b>7116 ↑</b>	<b>8055 ↑</b>

#### 2.4.2 – Context

21. ORH 3B is a large and spatially-complex fishery that comprises at least five individual sub-stocks including the Northwest Chatham Rise (NWCR) and the East & South Chatham Rise (ESCR). The TAC and TACC for ORH 3B is set as a whole; however, the Deepwater Group – which represents approximately 98% of the ORH 3B quota owners – agrees to catch-limits at a sub-Quota Management Area (QMA) level for the individual sub-stocks.
22. The ORH 3B stock is managed in line with a Harvest Control Rule (HCR) developed on the basis of a Management Strategy Evaluation (MSE).
23. During 2016-17 a stock assessment for ORH 3B NWCR and ESCR was undertaken. The application of the agreed HCR for ORH 3B to the outputs from the stock assessments suggests there should be a small decrease to the NWCR sub-area catch limit and an increase to the ESCR sub-area catch limit.
24. In 2014 an MSE for orange roughy was developed. The MSE recommends a management target range of 30-50%  $B_0$  for orange roughy to ensure the stock is resilient to periodic recruitment pulses and long-term fluctuations in biomass and to provide a high level of confidence that the stock will remain above the soft limit of 20%  $B_0$ . A harvest strategy and HCR for ORH 3B were developed, based on the MSE.
25. The HCR is used to suggest catch limits dependent on the estimated stock status in relation to the management target range. The development of a HCR for ORH 3B involved testing the performance of a

number of potential harvest control rules against simulated stock trajectories over long period of time to allow for uncertainty in the inputs into the HCR. The agreed HCR is estimated to have a greater than 97% probability of maintaining the stock above the lower bound of the management target range under a range of assumptions about stock-recruit relationships and estimates of natural mortality.

26. The stock assessments estimate orange roughy abundance in the NWCR and ESCR is increasing.

#### 2.4.2.1 – NWCR

27. The NWCR stock assessment estimated that the stock was at 38%  $B_0$  and there was a 98% probability that the stock was above the lower bound of the management target range of 30% of  $B_0$  in 2017. The current catch limit for NWCR is 1,250 tonnes and was established before a HCR was developed for this fishery, so industry voluntarily shelved 207 tonnes to achieve a catch limit of 1,043 tonnes as this is the limit that would have been set if the HCR applied. Applying the HCR to the 2016-17 stock assessment outputs results in a suggested catch limit of 1,150 tonnes.

#### 2.4.2.2 – ESCR

28. The ESCR stock assessment estimated that the stock was at 33%  $B_0$  and there was an 86% probability that the stock was above the lower bound of the management target range of 30% of  $B_0$  in 2017. The application of the HCR to the 2016-17 stock assessment outputs for ESCR suggested the catch limit could be increased from 3,100 tonnes to 5,970 tonnes.

#### 2.4.3 – Our Position

29. Te Ohu Kaimoana recommends that FNZ adopt Option 3 for a TACC increase from 5,197 tonnes to 7,667 tonnes, a decrease in the sub-area catch limit for NWCR from 1,250 tonnes to 1,150 tonnes, and an increase in the sub-area catch limit for ESCR from 3,100 tonnes to 5,670 tonnes.

#### 2.4.4 – Commentary

30. Te Ohu Kaimoana considers that there is great merit in the way the ORH 3B stock is managed in line with a HCR developed on the basis of an MSE. This approach – which has been promoted by industry – is consistent with the Fisheries Act, in that it enables “people to provide for their social, economic, and cultural well-being” while “ensuring sustainability”.

#### 2.4.4.1 – NWCR

31. The proposed catch limit for the NWCR sub-area is appropriate and aligns with the HCR. However, Te Ohu Kaimoana understands the Deepwater Group may maintain a lower catch limit in the NWCR. The decision to maintain a lower catch limit in the NWCR relates partly to a desire to support a faster rebuild but is also a

reality of the fishing environment – there is limited effort being applied in the NWCR as it is easier to catch orange roughy elsewhere and there are only a limited number of boats available to catch orange roughy.

#### 2.4.4.2 – ESCR

32. Te Ohu Kaimoana considers it appropriate that the proposed increase in the ESCR sub-area be applied immediately, rather than being staged over three years. The stock assessment indicates that the ESCR sub-area can sustain the proposed increase in catch limit while remaining within the management target range and we therefore consider the catch limit should be increased to 5,670 tonnes now, rather than being adjusted over the next three years. We understand that even with this level of increase, the stock will continue to increase in size towards the midpoint of the target range (40%B<sub>0</sub>), which is set using the HCR developed from the MSE.
33. We note that increasing the catch limit for the ESCR sub-area will likely result in increased catch of smooth oreo and black oreo on the Chatham Rise in OEO 4. If the proposed catch limit increase is fully caught, it is estimated that this would lead to an increase of approximately 75 tonnes in black oreo caught, and approximately 284 tonnes of smooth oreo. The increase in oreo catch from increased ORH 3Bfishing is unlikely to pose a sustainability risk because, as was discussed earlier in this response document, spawning stock biomass for OEO 4 is at 40% B<sub>0</sub> and can support increased utilisation.

## 2.5 – Scampi (SCI 3)

### 2.5.1 – Proposed Options

34. FNZ have proposed 2 options for varying the TACC in SCI 3 (Table 5):

**Table 5: Proposed management settings in tonnes for SCI 3 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Option 1 ( <i>Status quo</i> )	357	340	0	0	17
Option 2	394 ↑ (10%)	375 ↑ (10%)	0	0	19 ↑ (10%)
Option 3	428 ↑ (20%)	408 ↑ (20%)	0	0	20 ↑ (20%)

### 2.5.2 – Context

35. Scampi in SCI 3 are almost entirely caught as part of a target bottom trawl fishery with less than 1% of scampi in SCI 3 taken during tows targeting species other than scampi. Vessels operating within the scampi target fishery are typically dedicated scampi vessels, with 11 vessels being used to target scampi in SCI 3 during the last five years.
36. The management of scampi in SCI 3 is supported by a full quantitative stock assessment, which is undertaken every three years. The latest stock assessment was undertaken in 2018 and was preceded by a dedicated trawl and photographic research survey that was conducted in September and October 2016. The 2018 stock assessment estimates that spawning stock biomass for SCI 3 is at 76%  $B_0$ .
37. Forward biomass projects at the level of current TACC of 340 tonnes, and for increased catch levels of 375 tonnes (Option 2) and 408 tonnes (Option 3) suggest the stock will slowly increase in size and remain well above the default management target of 40%  $B_0$ . Accordingly, there is a utilisation opportunity available for the SCI 3 fishery.

### 2.5.3 – Our Position

38. Te Ohu Kaimoana recommends that FNZ adopt Option 3 and that the TACC for SCI be increased from 340 tonnes to 408 tonnes.

### 2.5.4 – Commentary

39. On the basis of projection outputs for the base case model used for the 2018 stock assessment, it is estimated that the likelihood of  $B_{2021}$  falling below management targets is very low under both options 2 and 3. Therefore, both options 2 and 3 would allow for increase SCI 3 utilisation whilst maintaining scampi spawning stock biomass in SCI 3 above management targets with a high degree of likelihood.
40. An increase in the TACC of SCI 3 will result in an increase in fishing effort targeting scampi in SCI 3. The predicted increase in fishing effort of scampi in SCI 3 could potentially result in changes to the current dynamics of the scampi fleet, i.e. additional vessels reconfiguring to target scampi or existing scampi vessels preferentially targeting scampi in SCI 3 over more distant fishing grounds such as SCI 6A (Auckland Islands).
41. While an increase in fishing effort targeting scampi in SCI 3 may result in increased interactions with seabirds, FNZ notes that seabird interactions with New Zealand's commercial fisheries are co-ordinated under the 2013 National Plan of Action to Reduce the Incidental Captures of Seabirds in New Zealand

Fisheries (NPOA-Seabirds). The most recent update to the risk assessment that underpins the NPOA-Seabirds identified that scampi trawl fisheries contribute 10% of the total risk score for Salvin's albatross and 5% of the risk score for flesh-footed shearwaters. FNZ notes the total risk to both species attributed to scampi fisheries is small as scampi fishing is not the most significant risk for these birds. Further, operators of vessels targeting scampi have developed vessel-specific management plans that set out the on-board practices followed to reduce the risk to seabirds.

42. As a proportion of the total catch, levels of non-target bycatch within the SCI 3 fishery are high compared to other scampi target and deepwater/middle-depth fisheries – scampi comprised approximately 17% of the total catch of all observed tows targeting scampi in SCI between the 2012/13 and 2016/17 fishing years. However, the increased catches of non-target bycatch species that will result from an increase to the TACC for SCI 3 will not pose a risk to any interdependent stocks. Seaperch in SPE 3 and 4 and ghost shark in GSH 3 and 4 are the QMS species most frequently caught as non-target bycatch within the SCI 3 target fishery. Both SPE 3 and 4 and GSH 3 and 4 are consistently under caught. An increase in fishing effort targeting scampi in SCI 3 is very unlikely to impact upon the sustainability of, or availability of ACE for, SPE 3 or 4 and GSH 3 or 4 fish stocks. Further, there are good processes in place to monitor and manage and risks associated with the increase of bycatch in SCI 3 and planned research for 2018/19 will continue the monitoring and quantification time series of bycatch in scampi fisheries.

## 3 – Inshore Stocks

### 3.1 – Overview

1. FNZ is reviewing its management controls for the following inshore fisheries:
  - a. Elephant Fish (ELE 3)
  - b. Flatfish (FLA 1)
  - c. Green Lipped Mussel (GLM 9)
  - d. John dory (JDO 1 & JDO 7)
  - e. Kingfish (KIN 3)
  - f. Pāua (PAU 5B)
  - g. Rig (SPO 7)
  - h. Red Gurnard (GUR 3)
  - i. Tarakihi (TAR 1, 2, 3, & 7)

### 3.2 – Elephant Fish (ELE 3)

#### 3.2.1 – Context

2. The ELE 3 TACC of 1000 tonnes has been consistently exceeded for each of the last five years. The expectation is this over catch of the TACC will continue in the 2018/19 fishing year. Commercial fishers indicate that the increasing biomass makes it difficult to avoid ELE and to stay within the TACC. This impacts on the ability to catch other target species within the mixed trawl, which in turn, is likely having a downward bias effect on abundance indices for catch per unit effort (CPUE). During the last five years deemed values for ELE 3 have averaged \$185,415. Given the stock assessment shows that the current catch levels are sustainable, it represents a loss of economic value to quota owners.
3. The state of the stock in relation to  $B_{MSY}$  is unknown, however, FNZ considers the ELE 3 (MIX) CPUE series to be an index of stock abundance. This suggests that ELE 3 is likely (40-60% probability) to be at, or above their 40%  $B_0$  reference point.
4. While there is some uncertainty in the information from ELE 3 CPUE indices and trawl survey estimates, commercial ELE 3 catches remain consistently higher than the TACC. This suggests that there is an abundance of ELE 3 available to be taken by commercial fishers that is greater than what the current TACC allows for. FNZ considers that there is an opportunity for additional utilisation of ELE 3 that would not pose a risk to the sustainability of the stock in the long-term.

### 3.2.2 – Proposed Options

5. FNZ have proposed two options for varying the TAC in ELE 3 (Table 6):

**Table 6. FNZ's proposed options for ELE 3 management settings in tonnes from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 1 (Status quo)</b>	1060	1000	5	5	50
<b>Option 2</b>	1228 ↑ (16%)	1150 ↑ (15%)	5	15 ↑ (200%)	58 ↑ (16%)

### 3.2.3 – Our Position

6. Te Ohu Kaimoana supports an increase to the TAC, TACC, and other mortalities, but we do not support an increase to the recreational allowance. We support a variation of Option 2 (Option 3, detailed in Table 7) that is consistent with the allocation principles set out in Section 1.2.1 of this response.

**Table 7. Te Ohu Kaimoana's proposed variation to Option 2 (Option 3)**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 3</b>	1228 ↑ (16%)	1160 ↑ (16%)	5	5	58 ↑ (16%)

### 3.2.4 – Commentary

7. The proposed TACC increase under Option 3 will provide further ACE to commercial fishers to cover their increase in bycatch. We do not expect the proposed TAC increase to result in additional targeted fishing effort.
8. An increase in the TACC will provide for improved utilisation consistent with s 8 of the Act and allow fishers to increase the value being derived from the fishery. Biennial trawl surveys will enable responsive interventions to any downward changes in ELE 3 abundance.
9. We note the contradictions made in the IPP at paragraphs 421 and 442 regarding recreational allowances. The first suggests the recreational allowance has been exceeded, and the second suggests catches are within their current allowance. The latter of these paragraphs is likely to be untrue. Any over-catch of the recreational allowance should be reflected in other sources of mortality, and once management measures are in place that align catch to the allowance, the allocation of the TAC should be reviewed and the TACC increased.
10. We do not support the allocation methodology which is applied in the ELE 3 stock review. Our views on allocation are set out in Section 1.2.1 of this document.

## 3.3 – Flatfish (FLA 1)

### 3.3.1 – Context

11. FNZ is reviewing the TAC, allowance for Māori customary fishing, allowance for recreational fishing, allowance for all other mortality to the stock caused by fishing, and the TACC for flatfish in FLA 1 in the upper North Island.
12. The FLA 1 stock complex is composed of eight species of flatfish: yellow-belly flounder, sand flounder, black flounder, greenback flounder, lemon sole, New Zealand sole, brill, and turbot. For management purposes, the commercial landing codes for these species are combined into the flatfish complex code FLA.
13. Flatfish are short-lived with highly variable recruitment levels. As a Schedule 2 species, they are potentially subject to in-season increases in years of high abundance.
14. There is no information to determine whether or not the eight species that make up the FLA 1 stock are individually or collectively at, above, or below the level that would produce  $B_{MSY}$ . In addition, there are no

established alternative stock biomass reference points for management targets associated with the current catch levels for flatfish in FLA 1.

15. Target fishing for flatfish in FLA 1 occurs in three main areas: the Kaipara Harbour, the Manukau Harbour and the Hauraki Gulf and Firth of Thames. A stock assessment was completed in 2018 which found that the CPUE indices for flatfish in the Kaipara and Manukau Harbours are declining, while the CPUE indices for flatfish in the Hauraki Gulf and the Firth of Thames have increased significantly. The stock assessment does not consider any flatfish fishing effort outside of these areas.
16. The 2018 stock assessment also found that there are indications that environmental degradation is negatively impacting the abundance of localised flatfish sub-stocks within the Kaipara and Manukau Harbours.
17. The sand flounder and yellow-belly flounder stocks with the Kaipara and Manukau Harbours exhibit minimal dispersal, effectively isolating them from neighbouring populations. Given that fish in these enclosed waters may be effectively isolated from neighbouring populations, these sub-stocks could be considered separately.
18. Traditionally, flatfish fishing has provided a shallow water source of kaimoana and a customary allowance for pātiki fishing is included in the TAC setting for flatfish in FLA 1. Several Iwi regard flatfish as a taonga.
19. FNZ is also reviewing the interim deemed value for FLA 1. The current average ACE price for 2017/18 is \$0.52/kg and port price \$5.64/kg.

### 3.3.2 – Proposed Options

20. FNZ have proposed three options for varying the TAC in FLA 1 (Table 8):

**Table 8: Proposed management settings in tonnes for FLA 1 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
<b>Option 1</b> ( <i>Status quo</i> )	1762	1187	270	270	35
<b>Option 2</b>	487 ↓ (72%)	423 ↓ (64%)	27 ↓ (90%)	27 ↓ (90%)	10 ↓ (71%)
<b>Option 3</b>	444 ↓ (75%)	381 ↓ (68%)	27 ↓ (90%)	27 ↓ (90%)	9 ↓ (74%)

21. FNZ is considering the following options for deemed values for FLA 1 (Table 9).

**Table 9: Proposed deemed value settings for FLA 1 from 1 October 2018.**

	Interim Rate (\$/kg)	Annual Differential Rates (\$/kg) for excess catch (% of ACE)					
		100-120%	120-140%	140-160%	160-180%	180-200%	200%+
<i>Status quo</i>	0.75						
<b>Proposed</b>	<b>1.35 ↑</b>	1.50	1.80	2.10	2.40	2.70	3.00

### 3.3.3 – Our Position

22. Te Ohu Kaimoana does not consider that any of the options presented by FNZ address the identified spatial management and environmental issues. As such, Te Ohu Kaimoana supports maintaining the existing TAC settings until these challenges are addressed.
23. Te Ohu Kaimoana urges FNZ to commence formal processes with Iwi and other interests in this fishery that will lead to improved management of both the habitat and the flatfish biomass within key harbours within FLA 1. This would include addressing the impacts on fisheries and well as the impacts of fishing.
24. Regarding the proposed changes to the interim deemed value rate, Te Ohu Kaimoana supports increasing the interim rate to \$1.35/kg.

### 3.3.4 – Commentary

#### 3.3.4.1 – Varying the TAC/TACC

25. FNZ’s proposed changes to the management settings for FLA 1 outlined in Option 2 and Option 3 are unsuitable as they do not address crucial management issues within the fishery. Te Ohu Kaimoana recognises that the quota appeals process when FLA was introduced into the QMS resulted in the TACC being set beyond the level of historical catches. Notwithstanding this, indiscriminate cuts to the TACC will only serve to punish owners of small parcels of quota. It is these small operators who catch their full quota and who would be disproportionately impacted by any cuts. In the case of Iwi, who own 10% of quota through the Deed of Settlement, these unjustified cuts would devalue their settlement assets.
26. Te Ohu Kaimoana acknowledges that the degradation of the Kaipara and Manukau Harbours has limited the carrying capacity of these environments. Accordingly, we consider that FNZ should take steps to lead discussions with appropriate regulatory bodies to address these challenges.
27. Te Ohu Kaimoana does not accept that FNZ has adequately considered all available tools under the Act before recommending a blunt TAC/TACC cut to the Minister. These include considering the full range of tools and considerations available under Section 11. Given the localised degradation of the harbours and the differences in CPUE trends between the assessed areas, finer scale management seems more

appropriate than a blunt TAC/TACC cut. Working with quota owners to manage at a finer scale, FNZ will be able to address the identified challenges and work with the land-based activities to improve the quality of the marine habitat.

28. In the absence of information on the level of customary need and the capacity to harvest that level of catch, Te Ohu Kaimoana does not support a reduction to the customary allowance for pātiki fishing in FLA 1. Levels of customary take vary by year and we note that the actual level of catch is managed through the decisions made by appointed kaitiaki.
29. We note FNZ's point that a significant amount of customary take occurs under the recreational catch allowance. This is an artefact of the regulatory framework rather than indicative of Iwi and hapū preferring to exercise the privilege that supports recreational fishing. Iwi and hapū are best placed to decide whether their take – not just in FLA 1 but in all stocks generally – should be attributed to the recreational or customary allowance. This decision is made in the act of applying (or not applying) for a customary authorisation before gathering kaimoana.

#### 3.3.4.2 – Challenges with $B_{MSY}$

30. Currently, there is no defined  $B_{MSY}$  estimate or reference biomass level to manage the FLA 1 sub-stocks. Te Ohu Kaimoana acknowledges there is localised depletion and a decline in CPUE in some areas; however, a reduction of the TACC will not address this issue. We consider that FNZ's proposed options fail to address either spatial concerns or habitat destruction.
31. Biomass fluctuations formed part of the rationale for the initial TAC setting when flatfish were introduced into the QMS. Reducing the TACC to average catch levels as proposed in Options 2 and 3 leaves no headroom in the TACC for years of high abundance. In years of high biomass, the sustainable utilisation of the stock will be restricted. FNZ notes that, as a Schedule 2 species, an in-season increase could address these concerns. However, previous experience with in-season increases in FLA 3 and RCO 2 demonstrate that this process is flawed. The speed at which the increase proceeds results in fishers being unable to benefit from in-season increases, with decisions not being implemented until the final month of the fishing year. This fails to enable sustainable utilisation in accordance with the Act, results in an opportunity loss for fishers, and requires additional levies to inform the assessment that do not deliver.

#### 3.3.4.3 – Spatial Management

32. Spatial management of the sub-stocks is necessary for the scale at which fisheries occur and the dispersal level of the fish in FLA 1. The differences between the west and east coast harbours are a point of focus in the FNZ consultation document. Options 2 and 3 do not reflect these spatial differences and we consider that a substantial TAC/TACC cut is premature when other steps can be taken to resolve this issue. Given that FNZ acknowledges that localised trends in CPUE reflect localised trends in biomass, to propose steep

cuts across the entire QMA without addressing spatial differences is irresponsible and contrary to the purpose and principles of the Act. In our view, FNZ should engage with Iwi and quota holders and consider options for dealing with the local depletion issues at the appropriate scale.

33. Seventy-seven percent of catch in FLA 1 is from the east coast, particularly the Firth of Thames in the Hauraki Gulf<sup>1</sup>. It is highly likely that abundance in this area is increasing, given that CPUE in this area has continued to rise between the 2015 and 2018 stock assessments. Therefore, the cuts proposed under Option 2 or 3 are unlikely to be able to provide for sustainable utilisation in FLA 1 east. This emphasises the need for finer-scale spatial management of the FLA 1 sub-stocks.
34. There was a marked decrease in fishing intensity on the west coast harbours in the 2003/04 fishing year. This decline coincided with the declaration of Māui dolphins as a sub-species. As a result of this, spatial management for set netting and trawl were put in place across the west coast. Considerations of this fishing displacement should be made when analysing the CPUE indices as an estimate of relative biomass. The effects of conservation efforts for this species means that harbour set net species such as flatfish should be managed at a finer scale spatially.

#### 3.3.4.4 – Long Term Trends in CPUE

35. There has been a long-term trend of decline in CPUE in key areas of FLA 1, suggesting decreasing abundance most particularly on the west coast. We acknowledge this trend; however, we consider the need to address habitat degradation to be the primary issues in this fishery at this time.
36. In spite of fluctuations, the CPUE series for the Kaipara and Manukau Harbours show a long-term declining trend and are currently 68% and 65% below the respective peaks in the early to mid-1990s (upper panels, Figure 2). Work by NIWA (McKenzie et al 2013) in the Manukau Harbour has linked the decrease in local CPUE with an increase in eutrophication, suggesting that there may be factors other than fishing contributing to the decline<sup>2</sup>. The Hauraki Gulf CPUE series shows an overall declining trend except for a three-year increase from 2002 to 2005 and a single strong increase in the final 2017 fishing year, which brings the series above the long-term average. We acknowledge that there are issues of localised depletion; however, as they are linked to eutrophication, depletion cannot be solved through a catch reduction at the scale of a QMA. Localised issues require local solutions.
37. The FLA 1 fishery is of key importance to a number of Iwi and to a range of stakeholders. Te Ohu Kaimoana urge FNZ to engage with Iwi and quota owners to outline gaps in the current research program and how these can be addressed.

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<sup>1</sup> Fisheries New Zealand May Plenary 2018

<sup>2</sup> Fisheries New Zealand May Plenary 2018

### 3.3.4.5 - Adjusting the Interim Deemed Value Rate

38. We support the proposed interim deemed value for FLA 1 as it will reduce the prospect of fishers waiting until the end of the year before acquiring ACE. However, we do not support the retention of the differential rates whereby the deemed value would be set at a level above the market value of the catch. This aligns with our position on deemed values outlined in Section 1.3.3 of this document.

## 3.4 – Green Lipped Mussels (GLM 9)

### 3.4.1 – Context

39. Fisheries New Zealand is reviewing certain management controls for green lipped mussels in GLM 9. The extent of this review is limited to the spat ratio, the TAC and the TACC. Te Ohu Kaimoana has consulted with GLM 9 quota-owning MIOs/AHCs in preparing this response.
40. GLM 9 is an important customary, recreational and commercial fishery. Unlike other fisheries, different sectors have demands on the GLM 9 fishery at different stages of its lifecycle; the spat is an important commercial fishery and is the most significant contributor of juvenile mussels to the mussel aquaculture industry. Whereas the harvest of fully grown green lipped mussels is important to customary and recreational fishers in this area. These different interests in GLM 9 are reflected in the TACC (the spat) and in the allowances (adult mussels). Hence the TAC caters for both life stages.
41. FNZ are reviewing the harvest of spat under the TACC. All of the commercially taken GLM 9 spat is harvested from beach-cast spat collected from Te Oneroa a Tōhē (Ninety Mile Beach). Beach-cast seaweed is not managed under the QMS.
42. The Ministry of Fisheries brought GLM 9 into the QMS in 2004 to enable efficient utilisation and development of the spat fishery. Importantly, the spat:seaweed ratio was arbitrarily set at 50:50 rather than being accurately determined. This was because there was not deemed to be a sustainability risk to either the beach-cast seaweed (managed under open access) or the mussel spat (which would die once it was beach-cast if not harvested). However, it was recognised that there needed to be a pragmatic way to differentiate between the seaweed and the mussel spat.
43. The framework for introducing GLM 9 into the QMS was discussed with the Primary Production Select Committee, and introduction was by way of an amendment to the Fisheries Act 1996.

### 3.4.2 – Proposed Options

44. FNZ is considering two options for adjusting the management settings for GLM 9 (Table 10):

- a. Option 1: adjusting the reporting ratio for spat:seaweed to 25:75 and decreasing TACC by 50% to provide for the same amount of seaweed to be collected from Te Oneroa a Tōhē.
- b. Option 2: adjusting the reporting ratio for spat:seaweed to 25:75 and retaining the TAC and TACC at its current level, which would provide for 100% more seaweed to be collected from Te Oneroa a Tōhē.

45. Fisheries New Zealand do not propose changes to either the GLM 9 customary or recreational allowances.

**Table 10: Proposed management settings in tonnes for GLM 9 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Reporting ratio for spat:seaweed taken from Ninety Mile Beach	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Amount of seaweed/spat material that can be harvested	Allowances		
					Customary Māori	Recreational	All other mortality to the stock caused by fishing
Current settings	50:50*	278	180	360 t of seaweed & spat	59	39	0
Option 1	25:75 ↓ (50%)	188 ↓ (32%)	90 ↓ (50%)	360 t of seaweed & spat	59	39	0
Option 2	25:75 ↓ (50%)	278	180	720 t of seaweed & spat	59	39	0

\* Under the current 50:50 ratio, 50% of the weight of the combined seaweed/ spat material taken at Ninety Mile Beach is assumed to be, and recorded as, "GLM 9".

### 3.4.3 – Our Position

46. Te Ohu Kaimoana does not consider the problem or utilisation opportunity has been correctly identified and therefore does not support either Option 1 or Option 2. We favour retaining the current settings.

### 3.4.4 – Commentary

47. Te Ohu Kaimoana notes that at the time this fishery was introduced into the QMS, the key issue was that the way the fishery was operating resulted in a race for catch, with consequential loss of value to the participants and potentially detrimental impacts on the beach due to the level of vehicle activity.
48. Therefore, the primary driver for introducing GLM 9 to the QMS was to realise the benefits of improved utilisation of the fishery. Neither the removal of the beach-cast seaweed nor the mussel spat that had settled on it were considered to pose any sustainability issue. The ratio of spat:seaweed weight was arbitrarily set at 50:50. However, Iwi were concerned about the impact of unregulated harvesting on the beach, and hence the TAC effectively constrained the amount of vessel traffic to a level that had an acceptable impact on the beach ecology.
49. The underlying problem with the fishery at this time would appear to be more related to the lack of co-ordination in harvesting effort than to the ration of spat to beach-cast seaweed in the catch. The incentives for collective action under the QMS were expected to lead to rationalisation in harvesting activity, and therefore a reduced impact on the ecology of the beach. However, it would appear that the harvesters have not been successful in forming a collective and a race for catch is still a feature of the fishery.
50. The FNZ proposal to adjust the ratio to 25:75 will have the effect of increasing the amount of beach traffic, in that twice as much seaweed will be able to be harvested (and twice the amount of spat will be produced). Rather than adjust what both the Select Committee and Parliament agreed were arbitrary ratios, a more correct response to a shortage of spat would be to increase the TACC.
51. The impact of either changing the ratio or increasing the TACC would have the same effect of increasing the amount of seaweed able to be harvested. This would also trigger the concerns from Iwi over the consequential increased harvesting activity. This should only be considered in the context of a harvesting plan which addresses the concerns held by Iwi. Te Ohu Kaimoana notes that at this time no such plan has been finalised. On that basis, Te Ohu Kaimoana supports the status quo, rather than either of the options that are being consulted on.

#### 3.4.4.1 – Retaining the TAC and TACC

52. Te Ohu Kaimoana agrees with the statement in the IPP that there are no sustainability concerns for either green-lipped mussel or beach-cast seaweed resource under the TACC and TAC at current levels. However, we also consider that, even at current levels, the impact of harvesting on the beach needs to be actively managed. We are aware that there is significant and increasing demand by the mussel farming industry for GLM 9 spat.

53. At a recent meeting with Northland Iwi, they expressed their concerns about the effects of GLM 9 harvesting activities on the toheroa and tuatua beds on Te Oneroa a Tōhē. Specifically, the effects of tractors and front-end loaders picking up beach-cast seaweed and the damage they perceived was being done to shellfish beds because of harvesting techniques.
54. As part of the respective Te Hiku (far north) Iwi claims settlement Acts, four Iwi have representation on the Te Oneroa a Tōhē Beach Board which has the ability to make by-laws for the beach. If Iwi perceive that harvesting activities are having destructive effects on shellfish beds, then they have the ability to manage the way harvesting is undertaken through those means.
55. The GLM 9 fishery is unique in that once spat washes up on beach-cast seaweed, it will not go back into the water or contribute to the fishery, effectively meaning that once spat washes up, it will die unless it is harvested. Spat is only collected once it has washed up on the beach, not while it is in the water.
56. There are no issues with proportionality of allowances between sectors, nor are there competing interests for spat from the customary or recreational sectors, as they fish for large mussels in other areas.

#### 3.4.4.2 – Other considerations

57. The start of the current fishing year on 1 October coincides with a period that is known to be busy for beach-cast seaweed washing up on Te Oneroa a Tōhē. Indications from the main users of the resource are that this becomes problematic and that a better time of the year to commence the fishery would be six months later.

### 3.5 – John Dory (JDO 1 & JDO 7)

#### 3.5.1 – JDO 1

##### 3.5.1.1 – Context

39. The most recent stock assessment for JDO 1 indicates that the QMA is comprised of three biological stocks – these are Hauraki Gulf and east Northland, Bay of Plenty and the west coast of the North Island. The stock assessment indicates each of the stocks are unlikely to be below FNZ's Soft Limit and below FNZ's CPUE-based reference point. Two of the three stocks within JDO 1 were shown to be increasing in CPUE, slowly moving towards FNZ's reference point while the third has fluctuated.
40. Mean standardised mixed bottom trawl CPUE for the period of 1994-95 to 2010-11 are used as  $B_{MSY}$ -compatible proxies for all three stocks in JDO 1.

41. Although a TACC for JDO 1 has been set, allowances for recreational, customary and other sources of fishing-related mortality have not been set. A review of the TAC and TACC for JDO 1 has triggered a review of interim deemed value rates as the deemed value guidelines have been updated. The current average ACE price for 2017/18 is \$0.84/kg and port price \$5.64/kg.

### 3.5.1.2 - Proposed Options

42. FNZ have proposed three options for setting the TAC in JDO 1 for 2018/19 (Table 11):

**Table 11: Proposed management settings in tonnes for JDO 1 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Current settings	-	704	-	-	-
Option 1	790	704	15	36	35
Option 2	423 ↓	354 ↓ (50%)	15	36	18 ↓
Option 3	387 ↓	320 ↓ (55%)	15	36	16 ↓

43. FNZ is considering the following options for deemed values for JDO 1 (Table 12):

**Table 12: Proposed deemed value settings for JDO 1 from 1 October 2018.**

	Interim Rate (\$/kg)	Annual Differential Rates (\$/kg) for excess catch (% of ACE)					
		100-120%	120-140%	140-160%	160-180%	180-200%	200%+
Status quo	1.96						
Proposed	3.52 ↑	3.92	4.70	5.49	6.27	7.06	7.84

### 3.5.1.3 – Our Position

44. Te Ohu Kaimoana supports a *variation* of Option One: setting a TAC and allowances for customary, recreational, and other sources of fishing-related mortality while maintaining the TACC at its current level. We propose a 20-tonne allowance to Customary Māori as set out below (Table 13):

**Table 11. Te Ohu Kaimoana’s recommended TAC settings for JDO 1.**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 <i>variation</i>	795	704	20	36	35

45. Te Ohu Kaimoana supports increasing the interim deemed value rate to \$3.52/kg.

### 3.5.1.4 – Commentary

#### 3.5.1.4a – Setting the TAC/Varying the TACC

46. There is no estimation for current customary catch; however, Iwi who attended a FNZ consultation meeting in Whangarei on July 20 considered that the customary allowance should be set at 20 tonnes in order to provide for the estimated need. Therefore, we propose an initial customary allowance of 20 tonnes, subject to an increase should future information demonstrate a higher customary need. For more information on our allocation principles, refer to Section 1.2.1 of this document.

47. FNZ’s initial position paper (IPP) provides inadequate rationale for a TACC reduction of the extent proposed in Options 2 and 3. While it outlines some of the complexities within this stock, it fails to present options which address the fundamental management issues identified by both management discussions and the stock assessment. This includes the way residual 28N rights are proposed to be dealt with, the mixed nature of this fishery and the apparent contradiction that three distinct sub-stocks are managed under one TACC.

48. The standardised CPUE indices for each of the three sub-stocks in JDO 1 present differing trends in relation to the CPUE-based reference point. Two of these (Hauraki Gulf and east Northland, Bay of Plenty) have been tracking upwards since circa 2012. Only the west coast of the North Island has demonstrated a downward trend in CPUE in recent years. However, the stock is projected to fluctuate above the soft limit. As per the 2017 stock assessment for John dory, there is strong evidence for a separation of JDO 1 into north-east and north-west sub-areas. Te Ohu Kaimoana do not agree that there needs to be substantial cuts to the TACC prior to the resolution of spatial complexities of this fishery.

49. The IPP states that the majority of the decline of JDO 1 CPUE occurred in the Hauraki Gulf/east Northland fishery and suggests that the major cause of this decline was a period of low recruitment. Recruitment levels of this species are highly variable due to its life history characteristics. FNZ recognises that they are unable to predict future recruitment of John dory into the stock; however, this does not serve as adequate

rationale to reduce the TAC/TACC. Further, FNZ notes that management measures are required during periods of persistent low recruitment. The recent stock assessment does not indicate current low recruitment, as demonstrated by increases in CPUE towards the reference point in Hauraki Gulf/east Northland and Bay of Plenty sub-stocks.

50. JDO 1 is part of a mixed trawl fishery and as such cannot be considered in isolation. JDO 1 is often caught as bycatch in the Snapper (SNA 1) fishery. Further, John dory are associated with juvenile snapper through a predator-prey relationship. Areas where juvenile snapper are plentiful are intentionally avoided by commercial vessels, resulting in protection for the John dory in those areas. John dory biomass is estimated through a standardised CPUE index. The standardisation method struggles to account for subtle nuances like changes in effort. Therefore, abundance for JDO 1 is likely higher than the estimate provided by CPUE.
51. Further, if the TACC was reduced JDO 1 would become a 'choke species'; meaning the ability of fishers to catch other target species in the area becomes restricted due to the lack of available ACE to cover John dory bycatch. Restricting the utilisation of multiple fisheries without evidence of a sustainability issue would be inconsistent with the purpose of the Fisheries Act 1996. Moreover, after factoring in the spatial complexities outlined above, it is clear cuts to the TACC will punish small-scale fishers in areas where abundance and CPUE for JDO 1 are trending upwards and potentially lead to the payment of deemed values when they cannot avoid catching John dory. Considering this, we do not support either Options 2 or 3.
52. FNZ pose that TACC cuts in JDO 1 will have no implications on the associated 28N rights. Te Ohu Kaimoana considers that reducing a TACC in a fishery where there are 28N rights in play effectively sets up the scenario whereby Settlement rights will eventually be diminished. In this instance we do not consider the science behind the proposed reduction to be sufficiently compelling to justify a risk that Settlement rights be eroded. Please refer to Section 1.2.2 for Te Ohu Kaimoana's position on 28N Rights.
53. The cumulative effect of these issues deems a TACC reduction to be unnecessary at this time. However, we do acknowledge the obligation to set a TAC when a TACC is reviewed and therefore support Option 1 with the initial customary allowance being set at the advised level of 20 tonne. We do not have sufficient information to assess the level of recreational catch at the time of the Settlement. We note the FNZ estimate of a recreational catch of 36 tonne and the recommendation this be reflected as an allowance for future recreational catch.
54. Te Ohu Kaimoana considers that better data is needed for this fishery. As such, we urge FNZ to engage with Iwi and quota owners to outline gaps in the current research program and how these can be addressed.

### 3.5.1.4b – Adjusting the Interim Deemed Value Rate

55. We support the proposed interim deemed value for JDO 1 as it will reduce the prospect of fishers waiting until the end of the year before acquiring ACE. However, we do not support the retention of the differential rates whereby the deemed value would be set at a level above the market value of the catch. This aligns with our position on deemed values outlined in Section 1.3.3 of this document.

## 3.5.2 – JDO 7

### 3.5.2.1 – Context

56. FNZ is reviewing the total allowable catch (TAC), allowance for Māori customary fishing, allowance for recreational fishing, allowance for all other mortality to the stock caused by fishing, and the total allowable commercial catch (TACC) for John dory in JDO 7, which covers the Challenger area and the West Coast of the South Island. FNZ is also recommending increasing the interim deemed value rate for JDO 7.

57. The best available information in 2018 indicates that the abundance of John Dory in JDO 7 has increased since the last assessment in 2015. According to this latest assessment, abundance is currently well above the reference biomass level and likely to remain so with recent strong recruitment. FNZ therefore considers that there is opportunity for increased utilisation of JDO 7 (increase the TAC) while ensuring the sustainability of the stock, consistent with s 8 of the Fisheries Act 1996.

58. The catch limits for John Dory in JDO 7 were last reviewed in 2016 following the 2015 assessment. The best available information from the 2017 west coast South Island (WCSI) trawl survey shows that the JDO 7 stock biomass is currently very likely (>90%) to be above the FNZ reference biomass level and is the second highest biomass level recorded since trawl surveys began in 1992. The JDO 7 stock is very unlikely (< 10%) to be below the soft or hard limits.

59. John Dory in JDO 7 is predominantly caught by bottom trawl targeting flatfish, barracouta and tarakihi. In the 2016/17 year, 19% of JDO 7 catch was from target John Dory fishing.

60. FNZ is proposing to increase the interim deemed value rate for JDO 7 to 90% of the annual rate to be consistent with Principle 7 of the Deemed Value Guidelines. The review of deemed value rates for JDO 7 have not been triggered by landings in excess of the TACC or changes in port prices. Over the five years between 2012-2017, annual deemed value payments have been low, averaging \$524. FNZ does not propose increasing the annual deemed value rate. The current average ACE price for 2017/18 is \$2.04/kg and the port price \$6.50/kg.

### 3.5.2.2 – Proposed Options

61. FNZ have proposed three options for varying the TAC in JDO 7 (Table 14):

**Table 12. FNZ's proposed management settings in tonnes for JDO 7 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 1 (<i>Status quo</i>)</b>	206	190	2	4	10
<b>Option 2</b>	226 ↑ (10%)	209 ↑ (10%)	2	4	11 ↑ (10%)
<b>Option 3</b>	246 ↑ (19%)	228 ↑ (20%)	2	4	12 ↑ (20%)

62. FNZ have proposed two options for changing the deemed value rate for JDO 7 (Table 15):

**Table 13. Current and proposed Standard Deemed Value Rates (\$/kg) for excess catch (% of ACE).**

Options	Interim Rate (\$/kg)	Annual Differential Rates (\$/kg) for excess catch (% of ACE)			
		100-120%	120-130%	130-140%	>140%
<b><i>Status quo</i></b>	2.62				
<b>Proposed</b>	4.73 ↑	5.25	6.00	8.00	10.00

### 3.5.2.3 – Our Position

63. Te Ohu Kaimoana supports Options 2 or 3. We support the allocation of the TAC under both Options 2 and 3 as they align with our allocation principles. For Te Ohu Kaimoana's full position on allocation please refer to Section 1.2.1.

64. Te Ohu Kaimoana supports the proposed change to the interim deemed value rate (Option 1).

### 3.5.2.3 - Commentary

65. Te Ohu Kaimoana supports an increase in the TAC, based upon the best available scientific information which suggests abundance is well above the FNZ reference biomass level and likely to remain so with

recent strong recruitment. Some Iwi prefer the more conservative TAC increase under Option 2 and other Iwi prefer a higher increase under Option 3. Regardless of the extent of the increase, both options are considered to be able to provide for sustainable utilisation. Regular monitoring using the WCSI trawl surveys can inform whether adjustments to catch need to be considered in the future.

66. John dory populations can fluctuate widely due to variances in recruitment. It is expected that the current level of biomass will remain in the fishery for the next two to four years. An increase in TAC/TACC under will mainly cover increased bycatch as a result of increased abundance of John dory in JDO 7. We understand that there will not be additional targeted fishing effort that would arise from an increase. Further, the WCSI trawl surveys will continue to inform responsive management.

#### 3.5.2.4 – Adjusting the Interim Deemed Value Rate

67. We support the proposed interim deemed value for JDO 7 as it will reduce the prospect of fishers waiting until the end of the year before acquiring ACE. However, we do not support the retention of the differential rates whereby the deemed value would be set at a level above the market value of the catch. This aligns with our position on deemed values outlined in Section 1.3.3 of this document.

### 3.6 – Kingfish (KIN 3)

#### 3.6.1 – Context

68. Over the most recent 5-year period, there has been an increase in the commercial catch of kingfish in KIN 3, with no evidence of any increased targeting of kingfish by commercial fishers.

69. The observed increases in sea surface temperatures over recent years is likely spreading kingfish southward, and this may continue if temperatures continue to rise. If this is the case, there is likely to be an increase in kingfish bycatch by commercial fishers.

70. Kingfish was introduced into the QMS in 2003 with allocations initially set to discourage commercial fishers targeting kingfish due to its value to non-commercial fishers. Options are now being proposed to provide for increases in kingfish catch in KIN 3 for all sectors.

#### 3.6.2 – Proposed Options

71. FNZ have proposed two options for varying the TAC in KIN 3 (Table 16):

**Table 14. FNZ's proposed management settings in tonnes for KIN 3 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 1 (<i>Status quo</i>)</b>	3	1	1	1	0
<b>Option 2</b>	9 ↑ (300%)	3 ↑ (300%)	2 ↑ (200%)	3 ↑ (300%)	1 ↑
<b>Option 3</b>	17 ↑ (567%)	6 ↑ (600%)	4 ↑ (400%)	6 ↑ (600%)	1 ↑

### 3.6.3 – Our Position

72. Te Ohu Kaimoana supports a new Option 4 (Table 17). To increase the TAC to 7 tonnes, increase the TACC to 4 tonne, increase other mortalities to 1 tonne, and maintain the customary and recreational allowance at 1 tonne.

**Table 15. Te Ohu Kaimoana's recommended management settings in tonnes for KIN 3.**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 1 (<i>Status quo</i>)</b>	3	1	1	1	0
<b>Option 4</b>	7 ↑	4 ↑	1	1	1 ↑

### 3.6.4 – Commentary

73. Te Ohu Kaimoana supports an increase to the TAC (7 t), TACC (4 t) and other mortality (1 t), and the retention of the 1 tonne recreational and customary allowance under Option 4. The proposed increase in the TACC will allow commercial fishers to have enough ACE to cover bycatch to the levels experienced in 2016-17. If commercial catch continues to increase in the future, we would consider a follow up review of the TAC and TACC to be appropriate. We note that at this point in time customary interests have not

identified an increased need for KIN 3 and hence we support retention of the existing allowance for customary fishing.

74. We do not support the allocation methodology which is applied in the KIN 3 stock review and therefore have recommended an alternative allocation under Option 4. Any increases in the TAC should be allocated to the TACC, customary allowance, and other mortalities as set out in Table 17. For more information on our allocation principles please refer to Section 1.2.1 of this document.

### 3.7 – Pāua (PAU 5B)

#### 3.7.1 – Context

75. FNZ is reviewing the TAC, allowance for Māori customary fishing, allowance for recreational fishing, allowance for all other mortality to the stock caused by fishing, and the TACC for pāua in PAU 5B off the coast of Rakiura/Stewart Island.
76. The TAC of PAU 5B has not been reviewed since it was reduced to 105 tonnes in 2002. Since then the best available information suggests the biomass of the stock has been steadily increasing and is currently above FNZ's reference biomass level of 40%  $B_0$  and trending upwards. Therefore, there is an opportunity for increased utilisation while sustainability is ensured.
77. The 2018 stock assessment estimates spawning stock biomass of PAU 5B to be at 47%  $B_0$  and very unlikely to fall below 40%  $B_0$  at current catch levels. Stock projections suggest that under a 10% increase to the TAC the stock biomass is likely to remain constant. Stock projections further suggest that under a 20% increase to the TAC, the stock biomass has in the worst case a 91% probability of remaining above 40%  $B_0$  and a 59% probability of increasing above the current biomass.
78. Since the reduction in the TAC in 2002, commercial harvest has been constant at about the level of the TACC at 90 tonnes. Customary catch is reported regularly under the Fisheries (South Island Customary Fishing) Regulations 1999. In the past eight months, customary harvest has been conservative, with 1910 individual pāua reported. Current recreational harvest is unknown and was last recorded in the National Panel Survey of Marine Recreational Fishers 2011/12 at 0.82 tonnes. FNZ assumes it has increased since then, but not above the 6 tonnes provided for under their current allowance.
79. The commercial industry in PAU 5B have been implementing management measures to support an increasing biomass in PAU 5B and ensure its sustainability. This includes raising the minimum harvest size to 137mm, establishing a harvest control rule that internalises utilisation trade-offs and managing the fishery at finer spatial scales. This has helped rebuild the fishery to where it is today (47%  $B_0$  and trending upwards).

80. There are 0.157 tonnes of preferential allocation rights (formerly 28N) rights in PAU 5B. If the TACC is increased under Option 2 or 3, these rights will be discharged.

### 3.7.2 – Proposed Options

81. FNZ have proposed three options for varying the TAC in PAU 5B (Table 18):

**Table 16. FNZ's proposed management settings in tonnes for PAU 5B from 1 October 2018, with the percentage change relative to the *status quo* in brackets.**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
<b>Option 1 (<i>Status quo</i>)</b>	105	90	6	6	3
<b>Option 2</b>	115.2 ↑ (10%)	99 ↑ (10%)	6.6 ↑ (10%)	6.6 ↑ (10%)	3
<b>Option 3</b>	125.4 ↑ (19%)	108 ↑ (20%)	7.2 ↑ (20%)	7.2 ↑ (20%)	3

### 3.7.3 – Our Position

82. Te Ohu Kaimoana supports the opportunity to increase the TAC/ TACC but advise this increase should be implemented in a way that does not dilute the proportional share of the TACC held by Ngāi Tahu in the form of Settlement quota.

83. Te Ohu Kaimoana recommends different allocation settings in accordance with our allocation principles and consistent with the Treaty Settlement for fisheries (in accordance with s 5B of the Fisheries Act 1996) as set out in Section 1.2.1 of our response. This is set out as Option 4 (Table 19).

**Table 17. Te Ohu Kaimoana's proposed management settings (Option 4) in tonnes for PAU 5B, with the percentage change relative to the *status quo* in brackets.**

Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 4	123 ↑ (17%)	108 ↑ (20%)	6	6	3

### 3.7.4 – Commentary

84. There are 0.157 tonnes of preferential allocation rights (28N) rights in PAU 5B. If the TACC increases, these rights will be discharged. FNZ need to ensure that they administer 28N rights in a way that does not decrease the proportional rights held by Iwi through Settlement quota consistent with s 5b of the Fisheries Act. We strongly recommend FNZ works to resolve this issue. We note that the broader issue of 28N rights is subject to a working group between FNZ and representatives of parties that have initiated legal proceedings to judicially review the most recent TAC variation decreases in both PAU 4 and PAU 7. FNZ however needs to find a resolution to the preferential allocation rights issue in the short term, whilst the working group develop a more comprehensive option. For our full position on 28N rights, refer to Section 1.2.2 of this response.

85. Te Ohu Kaimoana supports the actions of the PAU 5B industry as a whole and the management steps they have initiated to rebuild the stock to its current status. This is a major achievement for industry and is an example of what can be achieved through collaboration. The PAU 5B stock is currently above 40%  $B_0$  and has a 59% probability of increasing above the current biomass even with a 20% increase in the TAC. We support at TACC increase provided under Option 4 (noting that this is conditional on the resolution of 28N rights).

86. As commercial fishers in PAU 5B have a voluntary minimum harvest size (MHS) which is currently set at 137mm, this means that pāua between 125-137mm are not harvested. In instances where they are, they are returned to the sea by commercial fishers. However, as pāua are not listed in the Sixth Schedule of the Act, we understand that under the proposed reporting requirements it will be an offence to return the legal size (but smaller than industry MHS) pāua back into the sea. This default position needs to be addressed in order to avoid having a landing requirement that does not align with either the reporting system or an industry practice that should be encouraged.

## 3.8 – Rig (SPO 7)

### 3.8.1 – Context

87. The best available information indicates that the abundance of rig (mangō) in SPO7 is continuing to increase, and that the biomass is likely to be at or above the reference point. Therefore, there is an opportunity to increase utilisation (increase the TAC) while ensuring sustainability of rig within SPO 7.
88. The 2017 assessment concludes that it is likely (>40% chance) that biomass is at or above the FNZ reference point and very unlikely (<10% chance) that it is currently at or below the Soft or Hard Limits. CPUE trends and this assessment data show a fishery that is increasing.
89. Biomass of rig declined steeply between 1995 and 2005 (50% decline), prompting concern from industry and the Ministry of Fisheries. Industry, through the Challenger Finfisheries Management Company, drafted a Fisheries Plan which was subsequently approved by the Minister under Section 11A of the Fisheries Act 1996. The Plan was aimed at rebuilding SPO 7 stocks through measures such as shelving of ACE to aid catch reduction and spatial closures to protect key pupping grounds. The subsequent rebuild of the fishery demonstrates the benefits of fine-scale actions developed and implemented by quota owners to address sustainability concerns.
90. Biomass levels remained stable between 2007 and 2013 before spiking in 2015. Trawl surveys indicate that this increase in biomass is supported by strong recruitment in the past several years, meaning that, at least in the short term, population levels should remain stable. SPO 7 is caught during the WCSI Trawl Survey that occurs every two years. While calculating  $B_{MSY}$  for SPO 7 is not possible, a proxy target has been used by FNZ that is based on twice the Soft Limit (the average biomass level from 2003-2005). The 2017 assessment concludes that it is likely (>40% chance) that biomass is at or above that level and very unlikely (<10% chance) that it is currently at or below the Soft or Hard limits.
91. The SPO 7 fishery is primarily a targeted fishery using set nets, typically in waters less than 50m deep and can be caught along with spiny dogfish and school shark. The use of set nets has declined since the introduction of restrictions on set nets in Hector's dolphin habitat. It is also a bycatch species in the mixed species trawl fishery (gurnard, tarakihi, flatfish, red cod). Following a TACC cut in 2006/2007, the stock has been increasing, with commercial landings consistently being at or slightly above the TACC. In 2016/2017, maximum deemed value costs were incurred. The over catch of the TACC in 2016/2017 that resulted in deemed value costs is a strong indicator that abundance has increased.
92. Rig/mangō is a taonga species for Iwi with interests in FMA 7. Rig is listed in the Te Waipounamu Iwi Fisheries Plan and is regarded as an important customary fishery, with fishing areas being easily accessible. Recent estimates place the customary catch well within the current allowances. A taiāpure has been established at Whakapuaka (Tasman Bay) and mātaītai reserves have been established at Okuru/Mussel

Point, Tauperikaka, Mahitahi/Bruce Bay, Manakiaua/Hunts Beach, Okatiro Lagoon, Te Tai Tapu (Anatori) and Te Tai Tapu (Kaihoka). These reserves enable kaitiaki to pass bylaws. FNZ does not feel that these reserves will be impacted by increasing the TAC for SPO 7.

### 3.8.2 – Proposed Options

93. FNZ have proposed three options for varying the TAC in SPO 7 (Table 20):

**Table 20: Proposed management settings in tonnes for SPO 7 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Option 1 ( <i>Status quo</i> )	306	246	15	33	12
Option 2	332 ↑ (8%)	271 ↑ (10%)	15	33	13 ↑ (10%)
Option 3	357 ↑ (17%)	295 ↑ (20%)	15	33	14 ↑ (20%)

94. FNZ is not considering any changes to the deemed values for this stock.

### 3.8.3 – Our Position

95. Te Ohu Kaimoana supports Option 2: a TAC increase of 8%, with the TACC increased by 10% and other sources of fishing related mortality increased by 10%.

### 3.8.4 – Commentary

96. Te Ohu Kaimoana supports Option 2. The best available information indicates that increases under Option 2 are unlikely to pose a threat to the sustainability of the stocks. An increase would reduce the risk of fishers being faced with unnecessary or inappropriate deemed values in the mixed trawl fishery. The frequency of the WCSI trawl survey ensures that abundance data is updated frequently. As such, any changes in abundance resulting from a higher TAC/TACC setting could be acted upon swiftly. This mitigates any long-term risk to sustainability associated with a higher TAC/TACC. The conservative level of increase under Option 2 coupled with the frequency of trawl surveys ensures that management of rig poses less risk to the long-term viability of this fishery than Option 3. A cautious approach is more consistent with the National Plan of Action for Sharks.

97. Te Ohu Kaimoana met with representatives from Te Tau Ihu Iwi on 20 July 2018 and discussed the proposed options with them. At this meeting, Iwi expressed support for Option 2 as they considered it posed less risk to the long-term sustainability of rig than Option 3.
98. Te Ohu Kaimoana rejects Option 1 because it would result in lost value and benefits for Iwi and quota owners generally. Maintaining current limits for SPO 7 when the best available science indicates opportunity for increased sustainable utilisation would effectively diminish the value of quota owned by Iwi.
99. Te Ohu Kaimoana notes that the higher increases under Option 3 are not considered to pose a significant risk to sustainability. However, Option 2 also allows for increased usage while promoting a further increase in stock abundance. Taking an intergenerational approach to management can ensure long-term usage without risking another population crash.

## 3.9 – Red Gurnard (GUR 3)

### 3.9.1 – Context

100. FNZ is reviewing the TAC, allowance for Māori customary fishing, allowance for recreational fishing, allowance for all other mortality to the stock caused by fishing, and the TACC for red gurnard in GUR 3 off the east coast of the South Island.
101. Levels of red gurnard were low in the mid-1990s, but since then stock size has increased substantially. Commercial fishers indicate that they find it difficult to stay within the TACC despite the low level of targeting on this species. The best available information suggests that the stock is above the FNZ reference management level and is likely to remain so in the short term as a result of high recruitment. Consequently, there is an opportunity to increase utilisation while ensuring sustainability.
102. The GUR 3 TAC was last reviewed in 2015. FNZ monitors the state of GUR 3 with CPUE analysis and the biennial east coast South Island (ECSI) inshore trawl survey. CPUE indications suggest that the status of GUR 3 in relation to the FNZ reference biomass level is likely (>60%) to be above the level, and that, as it is a bycatch fishery, the current catch is unlikely to pose a risk to fish stock levels and cause overfishing. The CPUE trend shows a substantial increase in abundance after 2000 and this level of abundance continues to be reflected in the results of the fishery independent ECSI trawl survey as well as the recent reporting landings for the fishery.
103. Red gurnard in GUR 3 are taken primarily in coastal trawl fisheries with a small proportion of the catch taken by Danish Seine. The fish stock is a key bycatch species (around 60% is caught as bycatch) in the south-east flatfish, red cod and barracouta mixed trawl fisheries and in the Foveaux Strait flatfish target trawl fishery. Some gurnard are also taken in the target tarakihi and stargazer bottom trawl fisheries.

About 90% of GUR 3 is taken as a bycatch of the mixed trawl fishery off the east coast South Island. Fishers in GUR 3 are reporting that they are having to avoid red gurnard when fishing for other species as there is insufficient ACE within the fishery to cover the quantity of bycatch.

### 3.9.2 – Proposed Options

104. FNZ have proposed two options for varying the TAC in GUR 3 (Table 21):

**Table 21: Proposed management settings in tonnes for GUR 3 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Option 1 ( <i>Status quo</i> )	1290	1220	3	6	61
Option 2	1395 ↑ (8%)	1320 ↑ (8%)	3	6	66 ↑ (8%)

### 3.9.3 – Our Position

105. Te Ohu Kaimoana supports Option 2, to increase the TAC from 1,290 t to 1,395 t, the TACC from 1,220 t to 1,320 t, other mortality from 61 t to 66 t, and to retain the allowances for customary and recreational at their current settings.

### 3.9.4 – Commentary

106. The best available information suggests that the stock is above the  $B_{MSY}$  and is likely to remain so in the short term as a result of high recruitment. This level of abundance continues to be reflected in the results of the fishery independent east coast South Island (ECSI) trawl survey as well as the recent reporting landings for the fishery. Te Ohu Kaimoana supports Option 2 as it provides for a utilisation opportunity consistent with s 8 of the Fisheries Act and allows fishers to maximise value from GUR 3.

107. Currently, as a result of high abundance levels, red gurnard bycatch can cause a vessel to stop fishing even if they still have quota for other species. The proposed increase under Option 2 is intended to cover the quantity of bycatch by providing further ACE when targeting other fish species. FNZ does not expect additional targeted fishing effort for red gurnard under Option 2 and any additional impacts on bycatch species, protected species, and the benthic environment are unlikely. Te Ohu Kaimoana supports Option 2 as it provides for additional ACE to cover red gurnard bycatch whilst also being consistent with sustainability measures and environmental principles in s 9 and s 11 of the Act.

108. The level of commercial targeting of red gurnard in GUR 3 is low and has averaged less than 10% of landed catch since 1990. Whilst red gurnard is mostly taken by bottom trawl in fisheries targeted at red cod, barracouta and flatfish, some are also taken in the target tarakihi and stargazer bottom trawl fisheries. FNZ are also reviewing sustainability measures for tarakihi in TAR 3 that suggest a reduction in catch is required. Te Ohu Kaimoana notes that the proposed reduction in the TAR 3 catch may result in reduced bycatch and therefore reduced landings of red gurnard due to the interdependence of these stocks. Notwithstanding this possibility, we consider an increase in the GUR 3 should proceed. This will encourage industry to develop fishing practices that can take advantage of the increase in the TACC for GUR 3, while reducing catches of TAR 3.

109. It must be noted that red gurnard populations can fluctuate widely due to variation in recruitment. Therefore, there can be increased utilisation opportunities, however at times management actions may be required when there is persistent low recruitment. The state of GUR 3 is being regularly monitored with CPUE analysis and the biennial ECSI inshore trawl survey. The next ECSI survey is scheduled for 2020. Te Ohu Kaimoana supports Option 2 because the ongoing monitoring of GUR 3 supports responsive management and appropriate adjustments to address any risk to ensuring sustainability or providing for enhanced utilisation.

### 3.10 – Tarakihi (TAR 1, 2, 3, and 7)

#### 3.10.1 – Our Position

110. In accordance with the collective proposal we signed off on and provided on 27 July, Te Ohu Kaimoana does not support the options proposed by Fisheries New Zealand. We consider that the east coast TAR management strategy (The Strategy) developed by industry and Iwi, appropriately reflects the best available information and approaches the management of this fishery in an innovative and proactive manner. Te Ohu Kaimoana therefore fully endorses that Strategy.

#### 3.10.2 – Summary of the Industry TAR Management Strategy

##### **Reduce—Research—Reassess**

111. Te Ohu Kaimoana has been actively engaged in the recent sustainability review for east coast TAR (TAR) stocks. Through our concern with the assessed state of this important inshore stock we formed the Tarakihi Settlement Working Group and collectively worked with industry. The resultant Strategy was provided to FNZ by the close off date for submissions from stakeholders. Te Ohu Kaimoana was a signatory to The Strategy on behalf of all Iwi with Settlement interests in TAR 1,2,3 and 7.

112. The 2018 stock assessment provides the best available information for management decisions for the east coast tarakihi stocks. The Strategy addresses the key concerns and uncertainties identified in the

2018 stock assessment and the subsequent FNZ consultation document. Te Ohu Kaimoana fully supports The Strategy as it provides a comprehensive option to sustain the stock, the fishers and the associated economy. The Strategy implements a cohesive 'Reduce, Research, Reassess' approach.

113. The TAR fishery contains several management challenges, these include both biological and management issues that need to be addressed if we are to implement robust and lasting fisheries management. The Strategy identifies these challenges and addresses them with a range of complementary management and research actions. This is an inter-dependent package of work; the key components are as follows:

- a. Shelving ACE. Industry will set aside 25% of the current TACCs for the eastern component of the four impacted QMAs. This represents a substantial reduction in catch that will rebuild the stock and take it close to  $20\%B_0$  by next stock assessment. Please refer to section 1.3.1 of this document for the rationale for Te Ohu Kaimoana's support for ACE shelving as a legitimate management tool.
- b. Catch spreading. The eastern biological stock of tarakihi (which is subject to the stock assessment), does not align with the management boundaries that are represented by the TAR 1 and TAR 7 QMAs. Part of The Strategy involves formally designating the East and West Coast ACE in both TAR 1 and TAR 7 to allow catch to be spread between areas. FNZ has not proposed any method of achieving this necessary action. Further, FNZ have suggested there may not be any need to apply management measures at all in TAR 7. This would mean the required reduction in catch would have to come from another part of the stock.
- c. Identify the target biomass. A management target for stock management is a matter for people to decide in accordance with the definition of utilisation under the Act. The role of the Minister is to ensure achieving the target level would ensure sustainability. FNZ is seeking to apply a default target of  $40\%B_0$  without identifying the economic and ecological drivers behind this choice of a target level. The Strategy includes conducting a Management Strategy Evaluation (MSE) that will calculate the optimum target for biomass. This target will meet or exceed the statutory target of  $B_{MSY}$ . We consider this is vital in a fishery as socially and economically important as tarakihi. Please refer to section 1.3.2 for Te Ohu Kaimoana's position on  $B_{MSY}$ .
- d. Stock boundaries. There are uncertainties about the biological distribution of the east coast TAR stock, and the biological relationships between areas TAR 1, 2, 3 and 7. The current hypothesis is that the whole east coast fishery is a single stock. The Strategy supports further genetic work to investigate that hypothesis further.
- e. Selectivity. Industry has invested significant time and resource into improving trawl gear to select for larger and more marketable fish. This has occurred in fisheries in all areas. Selectively catching larger fish assists the stock to rebuild faster and further research is ongoing by Fisheries Inshore New Zealand (FINZ) and individual companies.

- f. Juvenile areas. Allied to the previous point, The Strategy will identify areas that are important for juvenile tarakihi. This will allow these smaller fish to on-grow and provide a greater contribution to the stock and the rebuild.
- g. Spawning areas. We understand that the Minister may be interested in discussing the application of finer scale management measures for the two spawning aggregations of tarakihi that occur on the east coast. Our preliminary analysis is that such measures would not impact on stock recovery but could result in significant additional cost. Notwithstanding this, Te Ohu Kaimoana would welcome working with the Minister/FNZ to explore the merit in considering such measures.
- h. Socio-economically responsible. TAR is a very important fishery, it contributes significantly to the inshore sector and is primarily sold in the domestic market (90%). While The Strategy proposes a significant reduction in catch, the socio-economic impact is at a level that can be absorbed by the sector. In this way the Strategy supports a rebuild at a rate that takes social, economic and environmental considerations into account. In contrast, the larger reductions proposed by FNZ in order to meet the 'default' rebuild strategy would compromise many small businesses and put their future at risk.
- i. Does not risk future management. Associated with the previous point, any significant TACC reductions will have adverse economic effects on industry that would likely result in reductions in the fleet, or redeployment of that effort. Given the science underpinning the east coast TAR assessment is heavily reliant on CPUE, any significant change to the industry may compromise the capacity to collect further information to inform fisheries management.
- j. Research reduces uncertainty. The east coast TAR stock assessment contains high levels of uncertainty, particularly the forward projections (biomass could be between 0-40%  $B_0$  in ten years under current catch). The Strategy commits to obtaining the necessary information to reduce that uncertainty and allow for a more informed decision to be made in three years. In the interim, it preserves the economic viability of the fishery, and the information base needed for future management. Part of the research available at the next assessment will identify whether there are linkages to western tarakihi.
- k. Ensures sustainability. The east coast TAR fishery and biomass have been relatively stable for decades. There is no impending sustainability risk now, there is no sustainability risk under The Strategy, as this will provide for the fishery to rebuild to a greater biomass.

114. Te Ohu Kaimoana considers the three options FNZ provided for managing TAR in the light of the latest stock assessment are too narrow and are all based on the default settings from the Harvest Strategy Standard (HSS) guideline. The operational guidelines for the HSS state that the default target (that is 40% $B_0$  for TAR) is the starting point for setting targets. This has led to options that only pose dramatic cuts to the fishery that will have much greater adverse consequences on Iwi, industry and the community than is warranted for this fishery at this time.

115. The HSS guideline notes that it is far better to derive the 'real world'  $B_{MSY}$  for specific species. We support a stock-specific approach that will provide a well informed and iterative approach for recovery. The Strategy proposes to undertake a Management Strategy Evaluation in the first year to do this. By 2019 this evaluation will generate real-world  $B_{MSY}$  for east coast TAR.

116. Once an estimate of the real world  $B_{MSY}$  is available, decisions are needed on the way and rate of recovery to this level. Here the relevant inputs are social, economic, and cultural considerations. Despite the depleted state of the fishery, the stock has been relatively stable for more than 40 years. The model projections show that even with the catch at the same level as the 2016-17 catch for the next 10 years, the biomass would be estimated to only slightly decrease.

117. Iwi and industry jointly acknowledge the need to act to help restore the stock, but in a way and rate that meets the Minister's responsibilities under the Fisheries Act. The 20% reduction in 2016/17 catch (equivalent to a 25% reduction in the combined east coast TACCs) will lead to a significant rise in biomass by the time of the next stock assessment. With the flexibility of shelving, the ongoing monitoring and analysis by industry and Iwi will allow adjustments to be made as necessary to adjust overall and between QMAs to ensure the 2020/21 target is achieved or exceeded. This could be just by changes in catch or in combination with the other measures in the strategy.

118. In summary of key management complexities set out in the IPP and the response under the Strategy are as follows:

- a. **Management complexity:** Lack of a specific management target and an inappropriate reliance on generic policy.

**Strategy solution:** Conduct a management strategy evaluation to calculate the relative biomass that will provide the maximum sustainable yield for tarakihi as the *Fisheries Act* requires.

- b. **Management complexity:** Full reliance on very uncertain stock status projections.

**Strategy solution:** Implement an iterative management response that allows for continued collection of information and a viable commercial fishery.

- c. **Management complexity:** Fishery is east coast only – this requires catch splitting between TAR 1 and TAR 7 but FNZ has no recommended way to achieve it.

**Strategy solution:** Implement the Strategy that includes a robust catch spreading arrangement that would designate east and west ACE in both TAR 1 and TAR 7 and monitor catch against these

- d. **Management complexity:** Existing 28N rights.

**Te Ohu Kaimoana solution:** Choose an option to assist the fishery to recover that will not invoke 28N rights while a more permanent solution is being developed.

119. The Strategy also sets out solutions that will assist in addressing the key scientific uncertainties as summarised below:

- a. **Uncertainty:** “The level of connectivity between sub-populations and the differential fishing pressure may have implications for the rebuilding of the stock.” (Para 961 of consultation document)

**Strategy solution:** Investing in genetic research (See Section 9 of the TAR Strategy which provides research to address this) and differential reductions in catch reflecting abundance.

- b. **Uncertainty:** level of recruitment and catches of undersize TAR

**Strategy solution:** Investing in genetic research (See Section 9 of the TAR Strategy which provides research to address this); early voluntary recording of undersize TAR by area and time, rapid CPUE analyses to check abundance and ability to adjust voluntary catch reductions.

- c. **Uncertainty:** Stock status projections

**Strategy solution:** Manage to an appropriate timeframe to reflect the uncertainty in managing to future projections that have a wide confidence interval.

120. Te Ohu Kaimoana considers the Strategy provides a much more comprehensive, cohesive and responsive set of measures to assist recovery of the east coast tarakihi fishery. It substantially reduces pressure on the fishery and promotes an increase in biomass. It does this in a way that, while significantly impacting industry, Iwi and the wider community, enables the fishery to continue to operate at a reduced level of harvest.

121. The Strategy has been developed by all Iwi and industry. The measures to implement it are well-researched and ready to put in place. These have been circulated to all east coast tarakihi quota owners and fishers and have achieved in two weeks an over-whelming signed response from more than 85% across the country to formally shelve, split catch and implement all parts of the programme. It is expected that this will increase beyond 90% by the end of August.

122. Te Ohu Kaimoana notes that the emphasis of both The Strategy and our response to the IPP is on what the industry can do to improve the biomass of east coast tarakihi. We consider it is FNZ’s responsibility to manage the recreational sector and note that the IPP discusses the potential for bag limit adjustments to assist with the rebuild.

## 4 – Deemed Value Rates

### 4.1 – Overview

1. FNZ is reviewing the deemed value settings for the following stocks:
  - a. Bluenose (BNS 3)
  - b. Gemfish (SKI 3 & SKI 7)
  - c. Pilchard (PIL 7 & PIL 8)
  - d. Tarakihi (TAR 1, 2, 3, and 7)
  - e. Trevally (TRE 1)
2. Te Ohu Kaimoana’s position on the way deemed values support Aotearoa’s fisheries management framework is set out in section 1.2.3 of this document. In particular we support an approach that has an overriding purpose of encouraging the reporting of catch, while discouraging the catch of stocks that individual fishers cannot cover with ACE. We make the point that deemed values were never intended or designed to be a mechanism for ensuring the commercial catch did not exceed the TACC.
3. Our views on how deemed values should be considered for the fish stocks that are having their TAC/TACCs reviewed are set out in the context of our advice on those species. In addition, we have considered the role that deemed values should play in the context of the industry TAR strategy. We consistently make the point that any ramping of deemed values should not result in removal of the incentive to both report and land the catch. The comments below relate to the stocks who are not having their TAC/TACCs reviewed.
4. For Te Ohu Kaimoana’s full position on deemed values please refer to Section 1.3.3.

### 4.2 – Bluenose (BNS 3)

#### 4.2.1 – Context

5. FNZ is proposing to adjust the deemed value rates for bluenose in BNS 3 following catch exceeding available ACE in 2016/17. In addition, the current deemed rates for BNS 3 do not exceed ACE price by transaction costs and are therefore are considered to be inconsistent with Principle 2 of the Deemed Value Guidelines. The current average ACE price for 2017/18 is \$2.97/kg and port price<sup>3</sup> \$4.65/kg.
6. The majority of bluenose in BNS 3 is taken as bycatch in the middle depth trawl or bottom longline fisheries, with a small amount (approximately 10%) targeted through bottom longlining. Landings of BNS 3

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<sup>3</sup> The port price is assumed to be a proxy for the market value of a stock referred to in s 75(2)(iii) of the Fisheries Act 1996.

have consistently exceeded the available ACE over the last six fishing years. The 2016/17 TACC was exceeded by 16 tonnes (11%). This fishery has been the subject of TAC reductions over the past decade or so and hence over-catch of the TACC is of particular concern.

- In 2016 BNS 3 stock biomass was estimated to be between 17-27%  $B_0$ . Biomass has been below FNZ's 40%  $B_0$  reference point since around 2000. The 2016 stock assessment suggested that biomass had either levelled off after 2011 or increased slightly and is projected to continue to increase at current catches. Catches at the level of the 2015/16 TACC were predicted to enable the stock to increase, but not nearly fast enough to attain the biomass target within the rebuild time frame that was set. As a result, the Minister further decreased the TACC to increase the recovery time frame.<sup>4</sup> In more recent years there have been positive signs that the CPUE has been increasing.

#### 4.2.2 – Proposed Options

**Table 22. FNZ's current and proposed deemed value rates (\$/kg) for BNS (exc. BNS 3 landed to the Chatham Islands).**

Stock	Option	Interim deemed value rate	Special annual differential rates (\$/kg) for excess catch (% of ACE)							
			100-105%	105-110%	110-120%	120-130%	130-140%	140-150%	150-160%	>160%
BNS 3	Current	2.70	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00
	Proposed	3.60	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00

- FNZ proposes increasing the interim and annual deemed value rate for BNS 3 (Table 22). The proposed adjustments would be consistent with Principles 2 and 7 of the Guidelines in that the annual deemed value rate would exceed the ACE price by transaction costs and the interim deemed value rate would be set at 90% of the annual rate.
- FNZ proposes retaining the special differential schedule for BNS 3 but adjusting the rate at each step on the schedule so as to provide a strong incentive for catch to not exceed ACE. The proposed changes would make the deemed value rates for BNS 3 consistent with those of BNS 2, as per Principle 3 of the Guidelines (adjacent QMAs should have identical, or very similar deemed value rates, to provide incentives to not misreport).
- FNZ proposes increasing the annual and interim deemed value rates of BNS 3 landed to the Chatham Islands (Table 23). The proposed changes to the interim and annual deemed value rates represent an increase by the same proportion to that proposed for BNS 3 landed elsewhere. FNZ proposes retaining the

<sup>4</sup> Fisheries New Zealand May 2018 Plenary

special differential schedule for BNS 3 landed to Chatham Islands, but adjusting the rate at each step on the schedule so as to continue to provide a strong incentive for catch to not exceed ACE.

**Table 23. FNZ’s current and proposed deemed value rates (\$/kg) for BNS 3 landed to the Chatham Islands.**

Stock	Option	Interim deemed value rate	Special annual differential rates (\$/kg) for excess catch (% of ACE)						
			100-120%	120-130%	130-140%	140-150%	150-160%	160-220%	>220%
BNS 3	Current	0.95	1.05	3.00	4.00	5.00	6.00	7.00	10.00
	Proposed	1.26	1.40	4.00	5.00	6.00	7.00	8.00	11.00

#### 4.2.3 – Our Position

11. Te Ohu Kaimoana supports the proposed interim and annual deemed value rates in BNS 3. We do not support the differential schedule for BNS 3.

#### 4.2.4 – Commentary

12. Te Ohu Kaimoana supports in principle the proposed annual deemed value rates due to increases in ACE price; the proposed rates will set the annual deemed value between the ACE and port price. We support the proposed interim deemed value rates so that fishers are incentivised to acquire ACE throughout the year. We consider this necessary to be able to allow the BNS 3 stock to rebuild.

13. The proposed deemed value rates are set to the same rate as BNS 2. We support this as it provides incentives for fishers to land their catch within the QMA the fish was caught, providing the correct data necessary for management.

14. We note that the proposed deemed value rates for landings to the Chatham Islands are intended to remove an apparent incentive for fishers to temporarily ‘land’ BNS 3 under deemed values to the Chatham Islands in order to benefit from the lower rate. However, we consider that in the long-term deemed values are not the best tool to address the over-catch of the TACC. Instead, a stricter registration regime for Chatham Island-based vessels may be required. There is also the potential for the Minister to establish a separate QMA for the Chatham Island part of the fishery if required to achieve sustainability. This would enable the Chatham Islands community to be able to achieve the development of a longline fishery, without being hindered by the bluenose catch from fishers that are not based on the Chatham Islands.

15. We do not support the differential schedules proposed. This is because the differential schedule values exceed the port price where catch is >105% of available ACE. Considering bluenose is largely caught as bycatch, the TAC is set low relative to availability, and the fishery is rebuilding, it is likely that fishers will continue to catch bluenose as a bycatch without being able to cover all of it with ACE until a TAC review is

conducted. In the meantime, setting a deemed value rate that is higher than the port price can actually work against the purpose of deemed values; it may encourage some fishers to discard due to the punitive rate rather than encouraging fishers to land and report catch.

16. This situation highlights the complexity of fisheries management in situations where it is desirable for the catch to be reduced in a fishery where it can be hard for fishers to avoid. In addition, the history of this fishery and the distribution of ACE means that the Chatham Island-based component of the fishery is particularly restricted by the lack of ACE availability and the higher costs of transporting processed fish. Te Ohu Kaimoana would encourage further discussions with FNZ around how this complex matter could be best resolved. We note that the next stock assessment is set to occur in 2021. However, given the problems with balancing catch with ACE in this fishery, it may be that five years between stock assessments is too long.

### 4.3 – Gemfish (SKI 3 & SKI 7)

#### 4.3.1 – Context

17. FNZ is reviewing the deemed value rates for gemfish in SKI 3 and SKI 7 due to landings in excess of the available ACE in SKI 7 during the 2016/17 fishing year. As of June 2018, 119% of available SKI 3 ACE for the 2017/18 fishing year has been caught. Landings in both stocks have increased in a similar fashion.
18. Gemfish in SKI 3 and SKI 7 are considered one biological stock, with the 2016 West Coast South Island trawl survey detecting a substantially higher biomass of (presumably pre-recruit) gemfish in SKI 7 than previously. As landings of SKI 7 have increased in a similar fashion to those of SKI 3, it is likely that increased abundance of gemfish in SKI 3 is also driving increased landings.
19. Gemfish in SKI 7 are primarily taken as bycatch within the middle-depth trawl fishery, that operates in deeper waters than the WCSI trawl survey, targeting hoki or ling. Smaller quantities are taken in a minor target trawl fishery or as bycatch by vessels targeting inshore species (chiefly tarakihi). Similarly, in SKI 3 approximately 70% of gemfish is caught as bycatch by large trawl vessels targeting squid within the SQU 1T fishery. Large trawl vessels targeting barracouta and silver warehou catch small quantities of gemfish. Negligible target fishing for gemfish occurs in SKI 3.
20. The port price of SKI 3 has decreased over recent years from \$2.42/kg in 2006/07 to \$1.57/kg in 2017/18. The deemed value rates of SKI 3 have remained constant over this time frame. The current average ACE

price for 2017/18 is \$0.35/kg. As a result of the decrease in the port price<sup>5</sup>, FNZ is proposing to decrease the deemed value rates for SKI 3.

21. The situation in SKI 7 is similar to the situation on SKI 3. The port price of SKI 7 has decreased over recent years from \$2.42/kg in 2006/07 to \$1.25/kg<sup>6</sup> in 2017/18, whereas the annual deemed value rate for SKI 7 has remained unchanged since 2001 and currently exceeds the port price. The current average ACE price for 2017/18 is \$0.56/kg. FNZ also proposes decreasing the annual deemed value rate of SKI 7.

#### 4.3.2 – Proposed Options

##### 4.3.2.1 – SKI 3

22. FNZ is consulting on one option for SKI 3: to retain an interim deemed value rate of \$0.65/kg, while decreasing the annual deemed value rate to \$0.72/kg. This option is proposed in order to be consistent with Principles 1, 2 and 7 of the FNZ Guidelines<sup>7</sup>:
- the annual deemed value rate should lie between the ACE price and the port price;
  - exceed the ACE price by transaction costs; and
  - interim deemed values rates must generally be 90% of the annual value rate.

**Table 24. FNZ’s current and proposed deemed value rates (\$/kg) for SKI 3.**

Stock	Option	Interim deemed value rate	Standard annual differential rates (\$/kg) for excess catch (% of ACE)					
			100-120%	120-140%	140-160%	160-180%	180-200%	>200%
SKI 3	Current	0.65	1.29	1.55	1.81	2.06	2.32	2.58
	Proposed	0.65	0.72	0.86	1.01	1.15	1.30	1.44

##### 4.3.2.1 – SKI 7

23. FNZ is consulting on one option for SKI 7: to retain an interim deemed value rate of \$0.65/kg, while decreasing the annual deemed value rate to \$0.72/kg to be consistent with Principles 1, 2 and 7 of the Guidelines:
- the annual deemed value rate should lie between the ACE price and the port price;
  - exceed the ACE price by transaction costs; and

<sup>5</sup> The port price is assumed to be a proxy for the market value of a stock referred to in s 75(2)(iii) of the Fisheries Act 1996.

<sup>6</sup> The reasons for the port price difference between SKI 3 and SKI 7 have not been evaluated.

<sup>7</sup> Te Ohu Kaimoana does not consider the current use of deemed values to be consistent with the purposes of the Fisheries Act 1996 and the Fisheries Settlement. Accordingly, the guidelines should be considered in that light.

- c. interim deemed values rates must generally be 90% of the annual value rate.

**Table 25. FNZ’s current and proposed deemed value rates (\$/kg) for SKI 7.**

Stock	Option	Interim deemed value rate	Standard annual differential rates (\$/kg) for excess catch (% of ACE)					
			100-120%	120-140%	140-160%	160-180%	180-200%	>200%
SKI 7	Current	0.65	1.29	1.55	1.81	2.06	2.32	2.58
	Proposed	0.65	0.72	0.86	1.01	1.15	1.30	1.44

#### 4.3.3 – Our Position

24. Te Ohu Kaimoana supports decreasing the annual deemed value rates for SKI 3. However, we note that where differential deemed value exceeds the market value of the stock, an incentive to discard is created. This equates to a disincentive to report and land. Hence, the appropriate response is to avoid setting deemed values that exceed the market price and instead set deemed values between the ACE price and the market value of the stock<sup>8</sup>. In SKI 3 all the proposed annual differential rates are between the ACE price and the market value of the stock.
25. Te Ohu Kaimoana supports decreasing the annual deemed value rates for SKI 7, however we note that when catch exceeds 180% of ACE, a disincentive to land catch is created. Hence, Te Ohu Kaimoana recommends that these differential rates should be lowered to avoid this. Furthermore, since the best available information suggests SKI 3 and SKI 7 form one biological stock, the same adjustments are recommended to the equivalent proposed differential rates of SKI 3. This would address the risk that differential deemed values become a penalty rather than be set to encourage reporting, while removing any economic incentive to catch SKI without being able to cover catch with ACE.

#### 4.3.4 – Commentary

26. The port prices of both stocks have been decreasing over the past 10 years. Over this time, the deemed value rates of SKI 3 and SKI 7 have remained constant and now exceed the port price. Te Ohu Kaimoana supports FNZ’s proposals to decrease the annual deemed value rates to between the ACE price and the market values of the stocks. We consider the adjustments to be consistent with s 75 of the Fisheries Act, in that an incentive to land the catch is provided. However, in SKI 7, when catch exceeds 180% of ACE, the proposed annual differential rates are exceeding the port price, which means an incentive to discard would be created. Hence, Te Ohu Kaimoana recommends that these differential rates would be lowered to avoid this. The same adjustment is recommended to be done for SKI 3 to encourage accurate reporting in these adjacent QMAs.

<sup>8</sup> This is a generalised view, as deemed values need to be set with the best available knowledge of the industry and to be open to adjustment where set too high or too low.

27. Te Ohu Kaimoana notes that in SKI 3 119% of available ACE for the fishing year 2017/18 fishing year has been caught as of June and in SKI 7 131% of available ACE was caught for the fishing year 2016/2017. Over catch of the TACC can be a signal of increased abundance and this possibility is backed up by the biomass estimates from the 2016 West Coast South Island (WCSI) trawl survey. In light of the over catch and the supporting reasons for this occurring, it appears that the appropriate response in the medium term would be to review the TACC so that an increased utilisation opportunity can be identified and acted on.

## 4.4 – Pilchard (PIL 7 & PIL 8)

### 4.4.1 – Context

28. FNZ is reviewing the deemed value rates for pilchard in PIL 7 and PIL 8 due to landings in excess of the available ACE during the 2017/18 fishing year. FNZ does not consider that landings in excess of available ACE during the 2017/18 year will significantly impact on the sustainability of PIL 7 and PIL 8. The high quantities of landed pilchard are suggestive of a large year class or perhaps of distributional changes which may be attributed to higher sea surface temperatures in the Tasman Sea during the 2017/18 summer. The current average ACE price for 2017/18 is \$0.18/kg and port price<sup>9</sup> is \$0.83/kg.

29. Pilchards are a fast-growing species that are subject to considerable short term and long-term fluctuations. It is considered pilchards comprise abundant but localised populations. When introduced into the QMS, the TACs for pilchard stocks were set conservatively to reflect their importance as a key component of marine food webs and the high level of uncertainty of biomass information to support the estimation of  $B_{MSY}$ .

30. Despite fluctuations in landings of PIL 7 and PIL 8, the current TACCs usually cover landings in most years. No target fishing for PIL 7 or PIL 8 occurs, but it is caught as bycatch in the West Coast jack mackerel trawl fishery (JMA 7). The current level of bycatch is considerably higher than previously experienced.

31. FNZ considers that the current port price of both PIL 7 and PIL 8 (\$0.83/kg) likely highly over-estimates the market value of the stock. The current port prices are set the same as for PIL 1 which has a higher commercial value and is targeted by fishers for use as a bait fish. Target fishing does not occur in PIL 7 and PIL 8, and the bycatch of pilchard is typically in poor condition and processed into a low-value fishmeal product.

32. FNZ acknowledges that catches over the TACC have been infrequent and there is a high level of uncertainty in the data available to estimate both  $B_{MSY}$  and the market value of the stock. FNZ therefore notes that

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<sup>9</sup> The port price is assumed to be a proxy for the market value of a stock referred to in s 75(2)(iii) of the Fisheries Act 1996.

adjustments to deemed value rates may not be the appropriate tool in the medium term and a future review of the TAC or TACC may be required.

#### 4.4.2 – Proposed Options

##### 4.4.2.1 – PIL 7

33. FNZ is consulting on one option for PIL 7 to maintain the interim deemed value rate at \$0.30/kg but adjusting the differential rates to be consistent with Principle 8 of the Deemed Value Guidelines, which addresses low value/low TACC stocks where occasional unintended bycatch may occur.

**Table 26. FNZ’s current and proposed deemed value rates (\$/kg) for PIL 7**

Stock	Option	Interim deemed value rate	Standard annual differential rates (\$/kg) for excess catch (% of ACE)					
			100-120%	120-140%	140-160%	160-180%	180-200%	>200%
PIL 7	Current	0.30	0.60	0.72	0.84	0.96	1.08	1.20
	Proposed	0.30	Special annual differential rates (\$/kg) for excess catch (% of ACE)					
			100-200%	>200%	-	-	-	-
			0.45	0.60	-	-	-	-

##### 4.4.2.2 – PIL 8

34. FNZ is consulting on two options for PIL 8, the first would set an interim deemed value rate consistent with that for PIL 7 and maintain the current differential rates (as per the status quo for PIL 7). The second option would reduce the interim deemed value rate to \$0.30/kg, and adjust the differential rates to be consistent with both Principle 8 of the Deemed Value Guidelines and the proposed option for PIL 7.

**Table 27. FNZ’s current and proposed deemed value rates (\$/kg) for PIL 8**

Stock	Option	Interim deemed value rate	Standard annual differential rates (\$/kg) for excess catch (% of ACE)					
			100-120%	120-140%	140-160%	160-180%	180-200%	>200%
PIL 8	Current	0.56	0.60	0.72	0.84	0.96	1.08	1.20
	Option 1	0.30	0.60	0.72	0.84	0.96	1.08	1.20
	Option 2	0.30	Special annual differential rates (\$/kg) for excess catch (% of ACE)					
100-200%			>200%	-	-	-	-	
			0.45	0.60	-	-	-	-

#### 4.4.3 – Our Position

35. Te Ohu Kaimoana supports FNZ’s proposed deemed values rates for PIL 7 (Table 26).

36. Te Ohu Kaimoana supports Option 2 for proposed deemed value rates for PIL 8 (Table 27).

#### 4.4.4 – Commentary

37. We support the proposed option for PIL 7 and Option 2 for PIL 8 as the primary role of deemed values is to ensure that catch is landed. In addition, >99% of pilchards caught in PIL 7 and PIL 8 are taken as bycatch of a fishery that uses a smaller mesh size and are likely unavoidable. They have low commercial value and over catch of a conservative TACC is likely. Therefore, we support a reduction in the deemed value. If PIL 7 and PIL 8 continue to have landings in excess of available ACE, then a TAC review may be the appropriate response.

### 4.5 – Trevally (TRE 1)

#### 4.5.1 – Context

38. FNZ is reviewing the deemed value rates for trevally in TRE 1 due to a potential over catch of the TACC in 2017/18, underestimates of port price and current deemed value rates being inconsistent with the Deemed Value Guidelines. The average ACE price for 2017/18 is \$0.51/kg and port price<sup>10</sup> \$0.83/kg.

39. As of May 2018, 85% of available TRE 1 ACE for the 2017/18 fishing year has been caught and it is likely that TRE 1 landings will exceed the available ACE for the year. Trevally in TRE 1 is both targeted and caught as bycatch within the inshore bottom trawl and purse seine fisheries.

40. Recent landings from TRE 1 have been higher than any landings of the previous decade. There is no accepted stock assessment, however research is underway that could inform a stock assessment for the 2019/2020 fishing year.

#### 4.5.2 – Proposed Options

41. FNZ is proposing to increase the interim deemed value rate to 90% of the annual rate to be consistent with Principle 7 of the Guidelines, and to incentivise fishers to regularly cover catch with ACE throughout the year. FNZ is also proposing to adjust the differential schedule (Table 28).

42. FNZ considers both proposals will make the deem value rates and differential schedule the same as TRE 2. This is considered consistent with Principle 3 of the Guidelines to discourage misreporting between adjacent QMAs.

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<sup>10</sup> The port price is assumed to be a proxy for the market value of a stock referred to in s 75(2)(iii) of the Fisheries Act 1996.

**Table 28. FNZ’s current and proposed deemed value rates (\$/kg) for TRE1.**

Stock	Option	Interim deemed value rate	Standard annual differential rates (\$/kg) for excess catch (% of ACE)					
			100-120%	120-140%	140-160%	160-180%	180-200%	>200%
TRE 1	Current	0.70	1.25	1.50	1.75	2.00	2.25	2.50
	Proposed	1.13	Special annual differential rates (\$/kg) for excess catch (% of ACE)					
			100-110%	110-120%	>120%	-	-	-
			1.25	3.50	5.00	-	-	-

#### 4.5.3 – Our Position

43. Te Ohu Kaimoana does not support the current or proposed deemed value rates for TRE 1 due to the deemed value rate being higher than port price.

#### 4.5.4 – Commentary

44. Te Ohu Kaimoana does not support the current or proposed deemed value rates for TRE 1 due to the deemed value rate (\$1.25/kg) being higher than the current port price (\$0.83/kg). If deemed values are set higher than the market price of a stock, this penalises the fisher and therefore may not encourage landing and reporting of the catch. Te Ohu Kaimoana does not condone illegal behaviour however we consider that deemed values which penalise fishers do not provide an incentive to report catch and are therefore inconsistent with s 75(2)(a) of the Act. We also note that there is no rationale in the initial position paper to state why the annual deemed value (\$1.25/kg) is set higher than the port price (\$0.83/kg).

45. We note that the port price has decreased since the 2015/16 fishing year. In 2015/16 the port price was \$1.79/kg and therefore the current deemed value price would have been below port price. However, the current port price is now \$0.83/kg. FNZ should have taken this into account when proposing to alter the deemed values.

46. Te Ohu Kaimoana promotes appropriate alignment of deemed values between TRE 1 and TRE 2 to remove any incentive to land fish caught in the adjacent QMA.

## 5 – Southern Bluefin Tuna (STN 1)

### 5.1 – Context

1. FNZ is proposing to adjust the TAC for southern bluefin tuna – STN. The proposal is based on an increased national allocation after the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) increased the Global Total Allowable Catch (GTAC). New Zealand’s national allocation has increased by 88 tonnes to 1088 tonnes.
2. The CCSBT is an intergovernmental organisation that is responsible for the management of southern bluefin tuna. The CCSBT’s objective is to ensure, through appropriate management, conservation and optimum utilisation of southern bluefin tuna. New Zealand is a founding member, and other members include; Australia, Japan, the European Union, the Fishing Entity of Taiwan, Indonesia, the Republic of Korea and South Africa. The CCSBT sets the global total allowable catch (GTAC) for southern bluefin tuna in three-year blocks, with the GTAC allocated to individual member countries.
3. The national allocation for New Zealand is determined as part of an international agreement. Southern bluefin tuna is a highly migratory species, migrating over considerable distances and spending only part of its time in New Zealand waters. Therefore, it is not possible to calculate the maximum sustainable yield (MSY) for the portion of the stock found within New Zealand fisheries waters. Section 14 of the Act provides for alternative TACs to be set for stocks specified in Schedule 3 (which includes southern bluefin tuna) if the Minister considers it appropriate to better achieve the purpose of the Act.
4. For highly migratory species (including southern bluefin tuna), New Zealand will generally rely on international organisations in which we participate to determine the status of the species in question – in this instance the CCSBT. FNZ is satisfied that the advice from the CCSBT’s Science Committee (including an independent panel) represents the best available information to inform management decisions.
5. The Minister approved the use of an in-season increase to the TAC during the 2017-18 fishing year to allow New Zealand to benefit from the first of a three-year allocation block. The changes proposed as part of the 1 October 2018 sustainability round are required to adjust the final two years of the three-year quota block.

### 5.2 – Proposed Options

6. FNZ proposes three options (Table 29). All options include an 88 tonne increase in the current TAC, which reflects the increase in New Zealand’s national allocation that was determined by the CCSBT at the end of 2017. All three options focus on how the increased TAC will be allocated.

**Table 29: Proposed management settings in tonnes for STN 1 from 1 October 2018, with the percentage change relative to the status quo in brackets.**

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
<b>Current settings (as at 1 October 2017)</b>	<b>1000</b>	<b>971</b>	<b>1</b>	<b>8</b>	<b>20</b>
<b>Option 1</b> (2017/18 in-season settings)	1088 ↑ (9%)	1047 ↑ (8%)	1	20 ↑ (150%)	20
<b>Option 2</b>	1088 ↑ (9%)	1059 ↑ (9%)	1	8	20
<b>Option 3</b>	1088 ↑ (9%)	1027 ↑ (6%)	1	40 ↑ (400%)	20

### 5.3 – Our Position

#### 7. Te Ohu Kaimoana make the following recommendations:

- a. Te Ohu Kaimoana recommends that the TAC/TACC decision in STN 1 set the recreational allowance at or close to zero. This would align with the size of the recreational catch of STN 1 at the time of the Deed of Settlement.
- b. Of the three options consulted on, Te Ohu Kaimoana notes that option two is the closest to our recommendation. This increases the TAC from 1000 tonnes to 1088 tonnes, increase the TACC from 971 tonnes to 1059 tonnes, retain the customary allowance of 1 tonne, retain the recreational allowance of 8 tonnes, and retain other sources of mortality at 20 tonnes (Table 29).
- c. Put in place new measures to ensure the recreational catch is managed within the recreational allowance. New measures could include a daily boat limit of one southern bluefin tuna, and a balloting system to enable the recreational catch to remain within the recreational allowance.
- d. We also propose that FNZ review their approach to international negotiations over access to fisheries that have implications for the way in which obligations under the Deed of Settlement are met. In particular, we consider that Te Ohu Kaimoana (as the agent of the Treaty Partner for fisheries matters such as this) should be invited to participate alongside the Treaty partner. In addition provision could also be made for MIOs that wish to participate in both scientific workshop and management negotiations as part of the New Zealand delegation be identified.

## 5.4 – Commentary

### 5.4.1 – Previous Advice

8. Te Ohu Kaimoana provided a comprehensive response to the proposal for an in-season increase to the TAC for the current (2017-18) fishing year. We refer FNZ to that response as background to our position for the more formal review of the TAC that is now being undertaken.
9. That response identified a number of management decisions that have been made in recent years that have had the effect of reducing both the size and proportion of the commercial catch limit/TAC that has been allocated to the TACC. In particular:
  - a. The initial allocation to New Zealand did not reflect the size of the catch taken in New Zealand waters. Rather, much of that catch was allocated to Japan;
  - b. The allocation to New Zealand was initially a commercial catch limit;
  - c. When the fishery was introduced into the QMS in 2004, the TAC was set at the New Zealand allocation of 420 tonnes, but the TACC was set at 413 tonnes after allowing for customary and recreational fishing and other sources of mortality – without evidence to suggest those mortalities were real. In particular, we understand the actual level of recreational catch at that time was at, or close to, zero. The net effect was that Iwi received shares in the fishery below the 20 % agreed in the Deed of Settlement;
  - d. When the New Zealand allowance was increased to 1000 tonnes in 2014, the recreational allowance was increased to eight tonnes, and other sources of mortality was increased to 20 tonnes. This had the effect of further reducing the Iwi share of the New Zealand allowance;
  - e. There is no evidence to suggest New Zealand negotiators pushed for the allowances for other sources of mortality to be added to the commercial catch, rather than be deducted from it. Consequently, it would appear that New Zealand has been the only participating nation to fully account (effectively over account) for non-commercial mortality. It appears that other nations have been incentivised to substantially under report non-commercial catch in order to avoid diluting their commercial allocation;
  - f. The net effect of the way that New Zealand has given effect to the allocation domestically has been driven by International agreements or concessions, rather than Treaty Settlement obligations. However, we note that the Fisheries Act 1996 requires decision-makers to be consistent with both International and Fisheries Treaty Settlement obligations. From a domestic policy perspective Te Ohu Kaimoana considers the Fisheries Treaty Settlement should be afforded a higher level of commitment than International Obligations;
  - g. FNZ and the Minister should begin immediate discussion with Iwi to reconcile the policy issues that are raised in this submission to underpin any future TAC and TACC increase.

#### 5.4.2 – Setting the Customary Allowance

10. Te Ohu Kaimoana understands that New Zealand officials have determined the allowance for customary fishing at an arbitrary level. Further, this allowance has been internalised within the New Zealand TAC. We consider that there are significant implications that arise from treating the customary allowance this way. In particular, we consider determining a customary allowance in an international context without conferring with Iwi to be problematic. This is especially so when it seems that the allowance for recreational fishing has been set at a higher level and beyond estimates of actual take.
11. Notwithstanding these concerns we note that all three options provided assume the customary allowance should remain at one tonne, and that it is only the recreational allowance that can be varied.

#### 5.4.3 – Setting the Recreational Allowance

12. Te Ohu Kaimoana has set out our recommended approach to allocation of a TAC in Section 1.1.1 of this response. In the case of southern bluefin tuna our preference is that the setting of an allowance for recreational fishing should be based on the extent of the recreational catch at the time of the Deed of Settlement. Our understanding is that at that time the recreational catch was at, or close to, zero.
13. Te Ohu Kaimoana notes that FNZ have not provided an option to set the recreational allowance at or close to zero. We note that in considering the in-season increase to the TAC for the current year, FNZ recommended an option to the Minister that was above all options that were consulted on. This option was based on anecdotal information that the recreational catch was higher than the three options provided for. In advancing this option, Te Ohu Kaimoana considers that FNZ placed a greater weight on s 5a (international obligations) than on s 5b (Treaty Settlement obligations).
14. Notwithstanding our preference for setting the recreational allowance at the level of catch that was taken in 1992, if the Minister is limited to considering options that have been consulted on, then option two comes closest to being acceptable. This would have the effect of retaining the existing allowance and ensuring the most recent benefits of the rebuild would flow through to the TACC, consistent with the expectations that arise under the Fisheries Settlement.
15. As noted in Section 1.2.1 of this response, if the recreational sector wishes to see a system in which the allowance can be increased above its initial allocation, a review of the framework for managing the recreational sector is required. An alternative option available to the sector is to purchase ACE to cover catch and, in that way, ensure the integrity of the TAC. This is a viable option in this fishery given that the recreational catch is taken by a combination of charter boats and private launches.
16. Finally, we note that it is entirely possible that the current recreational catch exceeds the recreational allowance. This is a likely consequence of the “race for fish” we have seen during recent years as the sector

has actively sought to fish beyond their allowance and in so doing undermine the integrity of the TAC. If the best available information confirms that the recreational catch is above the allowance set, then Te Ohu Kaimoana considers that the Minister needs to take steps to address this situation. In the interim there is potential for any over-catch of the recreational allowance to be reflected in other sources of fishing mortality. The current level of 20 tonnes set for other sources of fishing mortality should be sufficient to cover the over-catch.

17. Once the new measures to control the over catch of the recreational allowance are addressed, the allowances for other sources of fishing mortality should be returned to the TACC.

#### 5.4.4 – Managing to the Recreational Allowance

18. We are extremely concerned about unconstrained recreational catches in established commercial fisheries. As noted, the allowance for recreational fishing has increased in 2010 and 2018 (in-season), and there is an option that could result in an increase to as high as 40 tonnes under the current review.
19. Of particular concern is that the presentation of an option to increase the allowance to 40 tonnes would appear to be encouraging the sector to continue to increase its catch and therefore continue to undermine the integrity of the TAC. If this behaviour is subsequently rewarded by increasing the allowance this can only come at the expense of the TACC, and by association, undermining of the Fisheries Settlement.
20. In our view New Zealand fisheries management needs to develop a system that will enable the recreational catch to be managed within the allowance set by the Minister. Failure to do this will mean that the integrity of the TAC will continue to be undermined. This will impact negatively on the reputation of New Zealand as a credible manager of fisheries.
21. The use of a ballot system has been successfully used in the red abalone fishery in northern California, and the Western Australian snapper fishery. The total number of tags reflects the recreational allowance. Fishers should be required to tag, measure and weigh southern bluefin tuna, and report back information to FNZ to contribute to the National and CCSBT science programme. A tag would be provided to every ballot holder to attach to any southern bluefin tuna they catch. We invite FNZ to engage with Te Ohu Kaimoana and MIOs to develop a ballot and tag system.

## 6 – Closure of Kaipara Harbour Scallop Fishery (SCA Kaipara)

### 6.1 – Context

1. Surveys have shown significant decline in scallop abundance over time and a reduced spatial distribution throughout the Kaipara Harbour. There are also concerns with recruitment due to the absence of juvenile scallops in the 2017 survey.
2. Surveys over a 10-year period have shown increased sedimentation in the harbour, has contributed to the reduced recruitment of scallops to the Kaipara Harbour. Te Ohu Kaimoana notes that issues concerning habitat loss in the Kaipara Harbour are also relevant to the FLA 1 proposals and have been highlighted in a recent Seafood New Zealand article.

### 6.2 – Proposed Options

3. FNZ have proposed two options:

**Table 30: Proposed management settings for Kaipara Harbour from 1 October 2018.**

Options	
Option 1	<i>Status quo</i> : No changes made to current management
Option 2	Close the Kaipara Harbour to the taking of scallops as a sustainability measure under section 11 of the Fisheries Act 1996.

### 6.3 – Our Position

4. Te Ohu Kaimoana supports Option 2, to close the Kaipara Harbour to the taking of scallops as a sustainability measure under section 11 of the Fisheries Act 1996.
5. Te Ohu Kaimoana considers that the closure option is available to the Minister under s 11(3). It implies the Minister has chosen this option after considering the range of impacts on the fishery and had regard to the matters contained in s 11(2), including the matters able to be dealt with under the Resource Management Act.

### 6.4 – Commentary

6. Te Ohu Kaimoana supports Te Runanga o Ngāti Whātua and their position to close the fishery. Te Runanga o Ngāti Whātua have expressed concern over the health of the Kaipara Scallop beds to the extent that Kaitiaki are currently not issuing customary permits for their harvest.

7. Te Ohu Kaimoana also reinforces the suggestions made in response to the FLA 1 problem definition. This would involve leadership at the agency level from FNZ, working in with the users of both fishing and land-based resources.

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	John Maurice Takarangi MIO Trustee / AHC Director
Organisation (if applicable):	Te Ohu Tiaki o Rangitaane Te Ika a Maui Trust and Rangitaane Te Ika a Maui Limited
Email:	maurice@rangitaane.iwi.nz
Fish stock this submission refers to (delete any that don't apply):	<input checked="" type="checkbox"/> SFE 20 <input checked="" type="checkbox"/> SFE 21 <input checked="" type="checkbox"/> SFE 22 <input checked="" type="checkbox"/> SFE 23 <input checked="" type="checkbox"/> LFE 20 <input checked="" type="checkbox"/> LFE 21 <input checked="" type="checkbox"/> LFE 22 <input checked="" type="checkbox"/> LFE 23
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other

### Official Information Act 1982

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## Submission:<sup>1</sup>

On behalf of the MIO and AHC it is our submission that the decision to not reduce the TACC for Short Fin Eel is not acceptable. This view is based upon the outcomes thus far of what has been dubbed "Project Tuna". This project had its genesis in a grant from MPI Sustainable Farming Fund 1 July 2013. The major other contributor and partner in the Project is Moana New Zealand. MBIE also contributed funding for market driven research.

The objectives of Project Tuna are ones which will apply to all iwi and these are;

- a) **Cultural** – protecting a customary taonga and expressing identity of Maori as kaitiaki;
- b) **Environmental** – improving rivers and revitalising eel stock;
- c) **Farming Tuna** – Quota Trading and Stock Enhancement – extra spawning stock left in the wild;
- d) **Social** – creating jobs, providing opportunities, and empowering communities; and
- e) **Profit** – from the commercial venture.

These outcomes indicate that there is a huge lack of available Short Fin Stock in every area our research covered. We believe therefore, there is a flaw in the MPI approach because it does not address what the desirable stock levels should be. In short therefore, we believe a virtual moratorium on all Short Fin Stock at least until MPI carries out a new and further stock assessment.

In respect of the proposed reductions to Long Fin Eel stocks we recognise the reductions being proposed by MPI but again we believe there should be a moratorium for the period as mention above and for the same reasons.

We have also taken into account the Parliamentary Commissioner for the Environment findings around the threatened state of Long Fin Eels.

We note also that in respect of both Short and Long Fin Stocks that by and large iwi have decided to shelve their respective quota in order to ensure that the future generation will enjoy eels on an ongoing basis.

**It is also our determined believe that the research and development body of work for "Project Tuna" must be continued to its completion and have therefore taken steps to invite other iwi participation in that end objective.**

**This is because after 5yrs we have discovered that "Project Tuna" because of its comprehensive nature as shown above is the only project capable in our opinion of ensuring future availability of eels because it seeks to preserve all adult stock in the wild so that they are capable of returning to the spawning grounds.**

Please continue on a separate sheet if required.

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<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

# Submission Form

1 October 2018 Sustainability  
Round Consultation



**Fisheries New Zealand**

Tini a Tangaroa

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### Submitter details:

Name of submitter or contact person:	John Maurice Takarangi - MIO Trustee & AHC Rangitaane Te Ika a Maui Limited Director
Organisation (if applicable):	Te Ohu Tiaki o Rangitaane Te Ika a Maui Trust & Rangitaane Te Ika a Maui Limited
Email:	<a href="mailto:maurice@rangitaane.iwi.nz">maurice@rangitaane.iwi.nz</a>
Fish stock(s) this submission refers to:	TAR Quota Stock
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other

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**Submission:<sup>1</sup>**

On behalf of our MIO & AHC I should like to make it clear that we support entirely the combined options being proposed by Southern Inshore Fisheries, Te Ohu Kaimoana and Fisheries Inshore New Zealand.

We also understand that this is the position adopted by Moana NZ Ltd.

Please continue on a separate sheet if required.

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Tini a Tangaroa

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### Submitter details:

Name of submitter  
or contact person:

Organisation (if applicable):

Email:

eFish stock this submission refers  
to (delete any that don't apply):

Your preferred option as detailed in  
consultation document (write "other"  
if you do not agree with any of the  
options presented):

Te Runanga o Ngati Hine

- SFE 20  
 LFE 20

LFE 20 - We support Option 2: Reduce the TAC (by an average of 15% across all QMAs) and the TACC (by an average of 32% across all QMAs).

Furthermore, we agree that the allowances for LFE 20 customary, recreational fishing remain unchanged.

Regarding SFE 20 – Our preferred option would be to advocate for a reduction of the TACC with no change to customary or recreational take however we do not oppose the current status quo remaining unchanged.

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### Submission:<sup>1</sup>

#### Details supporting your views:

<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

Having discussed this in detail we make the following statements:

The consultation process for this tuna review is flawed. We urge the Minister to extend the review and allow more opportunity for hapu and tangata kaitiaki to be heard on this matter.

In the north this review has been directed at MIO's who are the only ones' that have been officially invited to meet/consult. Lack of consultation with hapu/kaitiaki has occurred, which is disappointing as that is where the data you need to inform this review, exists. Not with MIO's

If genuine and meaningful engagement with tangata whenua is the intent of this tuna review and the desired outcome for MPI is gathering accurate information, then we suggest the Minister extends the review period and ensures hapu/kaitiaki are invited to all meetings. Finding out about meetings a day before or on the day of the meeting creates animosity. Where is the reciprocal faith or goodwill shown by MPI? Particularly when it desires customary harvest data and information from our kaitiaki.

For future reference, please include us in any meetings related to freshwater tuna, freshwater tuna reviews and TACs/TACCs. We are the mana whenua voice for our rohe moana and rohe awa and we invite engagement with MPI.

Furthermore, we will encourage our hapu to engage in its own customary research for SF/LF Tuna. We would like to do this in partnership with MPI. The outcome of that would be to inform future reviews with a baseline of actual, quantifiable, culturally sound data for monitoring and reviewing of TACs and TACCs in our rohe.

Also

- Commercial fishers should be required to fish within their respective areas. Furthermore, those areas should be stipulated on their permit: e.g. Waikato commercial fishermen stays within the Waikato boundary, etc.
- Iwi and hapu should be able to view a register of permitted commercial fishermen operating within their boundaries. The register should outline who they are and what their TACC is. We acknowledge that MPI must consider peoples privacy however we maintain that this will encourage mutual management of the stocks, foster a safer working/cohabitating relationship between all parties and ensure sustainability of the resources. An added bonus would be the potential to create educational programs run by commercial and customary fishers for the next generation of responsible fishers.
- As alluded to above, Hapu/MPI co-management is essential. It is hapu kaitiaki who manage the customary resources (tuna) on the ground. The more direct the relationship is between MPI and kaitiaki the better it is for MPI in terms of access to current, accurate and informed customary information. This cannot be done through Te Runanga a Iwi o Ngapuhi as they are not the people actively engaged in tuna fishing and MPI will, most likely be redirect MPI back to kaitiaki anyway. The eye-to-eye (kanohi ki te kanohi) approach is faster, friendlier and more conducive to building a better future model for the management of freshwater tuna for all of Aotearoa.
- There are Moana people and there are Awa people. Consulting with Moana people about freshwater tuna and consulting with freshwater tuna people about flat fish, tarakihi and scallops etc will give an inconsistent result and create unnecessary tension. Particularly when coastal hapu, who do not view freshwater tuna as a taonga species, have an effect on the TACs/TACCs likely to impact the inland people and vice versa.
- Lack of enforcement for those commercial fishers who are found to be in breach of their TACCs. More needs to be done to minimise breaches and to stop the overfishing of our resources.

- Regarding flat fish, John Dory, Tarakihi and scallops we support our coastal relatives and their choices where these species are concern. We understand that their preference for each species is a decrease in TACCs with no change to customary or recreational take.
- Regarding Bluefin Tuna we support a decrease in the TACC amount. Furthermore we insist that the customary amount be increased to match the amount allocated for recreational.

Please continue on a separate sheet if required.

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1 October 2018 Sustainability  
Round Consultation



**Fisheries New Zealand**

Tini a Tangaroa

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### Submitter details:

Name of submitter or contact person:	Larry Parr Hayden Turoa Jessica Kereama
Organisation (if applicable):	Te Rūnanga o Raukawa
Email:	jess@raukawa.iwi.nz
Fish stock(s) this submission refers to:	<ul style="list-style-type: none"><li>• shortfin eels (<i>Anguilla australis</i>) in Quota Management Areas SFE 20 to SFE 23</li><li>• longfin eels (<i>Anguilla dieffenbachia</i>) in Quota Management Areas LFE 20 to LFE 23.</li></ul>
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other – total ban on commercial eel fishing

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### **Details supporting your views:**

Te Rūnanga o Raukawa understand that Fisheries New Zealand is seeking feedback from tangata whenua and stakeholders on a review of sustainability settings for North Island freshwater eels:

- shortfin eels (*Anguilla australis*) in Quota Management Areas SFE 20 to SFE 23
- longfin eels (*Anguilla dieffenbachia*) in Quota Management Areas LFE 20 to LFE 23.

Te Rūnanga o Raukawa view is informed by collective submissions and oral histories collected over the last 14 years across 25 hapu.

Our views of the eels, both short and longfin, are informed by our assessment based on:

- feedback from marae on the availability of tuna at marae held events
- the availability of tuna as part of customary fishing activities
- the amount of eel habitat commercially fished

### **Shortfin eels (SFE 20 to SFE 23)**

We do not want shortfin eels harvested, as we our local fisherman are unable to provide kai for elders and gifting to marae in any great quantity. Interviews undertaken provide evidence that eels were abundant some 50 years ago, and this is simply not witnessed in our life time. The current sustainability controls need to ensure shortfin eels increase to the point of abundance and ability to feed our 25 communal marae.

### **Longfin eels (LFE 20 to LFE 23)**

We would like a **total commercial ban on long fin tuna**. If this is done we would support our own people putting a rahui on customary fishing and ensure commercial fishing people were included in that rahui.

Eel boxes once plentiful across this coastline, are no longer in use. The environment is too degraded for the flourishing of eels, especially in the Manawatu river/ estuary.

Hapu values are paramount, and have informed this submission, as they are the first to see the impact of the degradation of eel habitat located in their rivers and streams, and the subsequent decline on kai available for hui.

In 2004, Iwikatea Nicholson, Whatarangi Winiata, Whatahoro Kiriona and Justin Tamihana wrote to the Fisheries Ministry stating the following "*NO COMMERCIAL EEL FISHING WITHIN THE ROHE OF NGATI RAUKAWA KI TE TONGA*". In 2018 we retain that position.

In 2004 Ngati Raukawa identified that the original establishment of the Quota management system by the MoF, failed to properly consult with all Iwi/ Hapû/ Māori on the introduction of a Commercial Eel Fishery in our respective areas. \*  
It was proposed, and this is still maintained that there is a "Failure by the MoF to recognize that as Tangata Whenua, we have exceptional rights to our Taonga and it's future management under our Tikanga, our customs according to the Treaty of Waitangi. We hold this to be true in 2018.

There continues to be a lack of research on the impact of a Commercial fishery on the customary needs of Iwi Māori. As noted above our marae are no longer fed with plentiful tuna (2018).

In 2004 it was identified by our runanga that there was a failure by the MoF in protecting our Taonga, utilize sustainable fishing practices, or to replenish the fishery. It was noted that there was a failure by the MoF to properly manage our Taonga so as to be able to supply customary needs. " We still hold this to be true in 2018.

Our assessment over time has noted the continual decline of eel on our tables, eels for gifting, and eel habitat pollution. The state of our rivers have worsened since 2004, with Rangitikei showing additional degradation from cumulative waste management discharges.

Ngati Raukawa ki te Tonga oppose all commercial activity of eel fishing within our rohe.

Ngati Raukawa ki te Tonga support any Iwi/Hapû/Whanau or individuals whom seek to stand against continued commercial Eeling operations with their respective areas.

Ngati Raukawa ki te Tonga support that Iwi Māori be able to manage their own resources for the betterment of their Iwi/ Hapû/ Whanau, by their customs and Tikanga, without any interference from the MoF or any other Crown Agent.



Te Runanga o Ngati Manawa  
— Tu Ohu Rere —

26 July 2018

Sustainability Review 2018  
Fisheries Management  
Ministry for Primary Industries  
P O Box 2526  
Wellington 6011

By email only: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

Tēnā koe,

## REVIEW OF SUSTAINABILITY MEASURES FOR 1 OCTOBER 2018

### 1. INTRODUCTION

Fisheries New Zealand (Ministry) is seeking feedback on proposed changes to the sustainability measures and other management controls for selected fishstocks for 1 October 2018. Details of the proposals are contained in Ministry consultation documents. Submissions close 27 July although the Iwi Collective Partnership (ICP) has been granted an extension to 3 August.

Te Runanga o Ngati Manawa is the Mandated Iwi Organisation under the Fisheries Act for Ngati Manawa. LFE 21 and SFE 21 encompasses our rohe in the Mataatua/Bay of Plenty region of New Zealand. We are quota owners of the North Island based inshore stocks as part of the allocation framework of the Treaty fisheries settlement. The scope of this submission is limited to the Long finned and short finned tuna stocks that our Iwi Members have ownership interests in.

### 2. TE RUNANGA O NGATI MANAWA VIEWS ON STOCKS

#### (i) Shortfin Eel (SFE 20 – 23)

The current TAC and TACC settings were implemented in 2007 / 2008 when substantial cuts ranging from 10% to 38% were made to the TACC for the various SFE QMAs.

The IPP states that SFE abundance, as measured by CPUE, is increasing across all stocks (para 30), indicating that the TAC and TACC settings are appropriate.

Ngati Manawa's view is to maintain the current TAC and TACC levels across all 4 North Island SFE quota management areas i.e. SFE20 to SFE23.

Retention of the status quo is the only option proposed in the Sustainability Review paper.

Ngati Manawa fully supports this view.

**(ii) Longfin Eel (LFE 20 – 23)**

TOKM does not support a blanket reduction across all LFE QMAs. Instead, they propose separate recommendations for LFE 21 and 23, and LFE 20 and 22.

In relation to LFE 21 and 23, TOKM supports retention of the status quo i.e. to retain the current TAC and TACC settings for both QMAs. This is in effect the Ministry's Option 1.

In relation to LFE 20, TOKM supports a 5 mt cut to the TAC and TACC, representing a 26% cut to the TACC and a 13% cut to the TAC. In relation to LFE 22, TOKM supports a 8 mt cut to the TAC and TACC, representing a 38% cut to the TACC and a 24% cut to the TAC. Both these proposals are in effect the Ministry's Option 2 for LFE 20 and LFE 22.

Ngati Manawa's view is that we seek to ban the taking of LFE in our rohe and are currently working with other iwi and interest groups to facilitate a rahui or mataitai as a solution to restoring the abundance of tuna in our waters. It is a fact that customary and recreational catch for LFE in our customary waterways is at an unsustainable level because our people have been unable to catch LFE on a regular basis for many years. While a commercial catch is allowed to continue, the state of the customary and recreational catch history will continue to decline making our taonga – the tuna disappear from the cultural memory and history handed down by our ancestors. We do not look favourably at facing our failure as kaitiaki by reducing future generations to stories about the tuna only.

Many matters contribute to this situation. Degraded water quality, realignment of river banks, increased water flow for hydro electricity generation, land use practices and the QMA itself to name a few.

In Ngati Manawa history, when the militia took up residence at the local redoubt at Fort Galatea, near Murupara, in the 1800's, our ariki berated them for helping themselves to the tuna in the rivers and for taking them without permission. The QMA repeats this because even though under Article 2 of the Treaty, the long finned tuna is a taonga tuku iho to Ngati Manawa, a kai rangatira – MPI can issue a permit to anyone holding LFE Quota to take tuna from our rohe. No need for permission from the tangata whenua, effectively legalised theft. No requirement to meet cultural tikanga or kawa, and an apparent disregard for the needs and aspirations of the tangata whenua. Here we are, carefully implementing a trap and transfer program to support the egress of tuna through the waterway systems, and someone else can come in and take what they want just by having a piece of paper – a permit. Ngati Manawa views this as a contemporary breach of the Treaty of Waitangi.

We acknowledge that this submission is to be focussed on TAC and TACC limits for SFE and LFE, however, when a system is inherently wrong, we must take every opportunity to address the issues as a Treaty Partner.

**General Comments for SFE and LFE**

We have concerns that we are experiencing issues of localised depletion in the waterways in our rohe. We have a view that while there might be abundance at a QMA level, the fishery could be depleted at a local level. We request for support for the development of local solutions and the application of management tools to regulate such issues as well as the collection of data regarding the customary and recreational take of tuna.

We are supportive of TOKM's views concerning the appropriate setting and adjustment of recreational allocation and relativities to the Fisheries Settlement. We support the notion that customary non-commercial be set at 80% of non-commercial allowance with 20% allocated to recreational catch.

Ngā mihi,

**Maramena Vercoe**  
General Manager  
Te Runanga o Ngati Manawa



DRAFT

# Submission Form

1 October 2018 Sustainability  
Round Consultation



**Fisheries New Zealand**

Tini a Tangaroa

## Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

**Submissions must be received no later than 5pm, Friday 27 July 2018.**

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

## Submitter details:

Name of submitter or contact person:	Ted Howard
Organisation (if applicable):	
Email:	
Fish stock(s) this submission refers to:	FLA1
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	1 – Status Quo

## Official Information Act 1982

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

**Submission: Details supporting your views:**

There is much relevant information and history is missing from the review document, leading to unwarranted conclusions.

457 ..."Fisheries New Zealand proposes reductions to the commercial catch limit, set at levels that reflect the recent or current commercial catches of flatfish in FLA 1, to support the sustainable utilisation of the stock." ... which assumes that the TACC has an impact on catches. It doesn't, and nor was it ever intended to. Flatfish were included in the QMS merely for consistency of reporting and social equity, not for any influence on catch.

Work done by Larry Paul and Adrian Coleman and others clearly established that human take had little or no influence on flatfish abundance. The largest single factor influencing abundance seemed to be temperature at spawning time.

The fact that the flatfish species in FLA1 are very short lived, and very fecund (over 1 million eggs per female at 3 years old), meant that very few adults were required to ensure sufficient eggs were present.

460. Accurately notes that commercial CPUE indicates that stocks are localised to harbours. This was well known in 1980.

In personal discussions with both Duncan MacIntyre and Colin Moyle over the 1980-1986 introduction of the QMS it was acknowledged by all parties (including scientists like Larry and Adrian) that there was no biological reason for the introduction of FLA, it was done largely for reasons of social equity, and management simplicity.

464. Use of Schedule 2 powers to increase - simply adds costs to a process for no demonstrable economic or biological outcome.

468 states "suggesting the abundance of flatfish throughout FLA 1 may be declining, likely due to declining recruitment." But no evidence is presented to suggest that the decline in recruitment is, in any significant measure, linked to the adult spawning biomass. All studies I am familiar with strongly suggested that recruitment is essentially independent of adult spawning biomass.

Thus it is factors like temperature, plankton composition and habitat availability that essentially determine recruitment.

This is acknowledged in 471.

470 and 482. States "It is assumed that the changes in commercial CPUE reveal a proportional change in the abundance of flatfish in FLA 1." which is not an entirely fair assumption. It is an assumption I would call highly questionable.

Flatfish are very short lived.

They are very fecund.

There is a lot of opportunity for selection pressures to have rapid effects.

In the 17 years I fished for FLA1, my catch rates did not alter much, but the gear I used to achieve those catch rates did.

If I set the cotton nets that I started fishing with at the end of the time I was fishing, they would be lucky to catch a fish.

I strongly suspect that we were actively selecting for fish that could avoid fishing gear.

With only a two year generation time, such effects could show up very quickly.  
Constant innovation was the only way we sustained catch rates.

### Management Target

481. "Neither a proxy for the biomass that will produce the MSY (BMSY) nor a target biomass level to manage the stock for sustainability have been determined for FLA 1."

For very good reason - there never has been any intention to manage the stock to any biological target, as it is simply too variable.

Flounder seem to feed on whatever is around, and in the Firth of Thames that was usually either cockle siphons (*Austrovenus* sp.) or mud crabs (*Hemiplax* sp.)

485 assumes that the concept of Bmsy is even sensible for FLA stocks, whereas the evidence suggests that the stock is so variable that the very concept of any sort of steady state Bmsy is a nonsense in this stock. The biology of the fish, short life, very fecund, and very high historical natural variability, does not support any sort of theoretical steady state model.

486 seems to accurately characterise the situation.

I would love to know why 487 is written as it is.

What are the outcomes Fisheries NZ wants to achieve with the proposed change?

It is certainly not the continuance of any independent fishing operations.

Many FLA1 fishers are small scale harbour fishers, who take their quota in most years.

As corporates have bought out individuals, they have found it hard to get their quota caught.

Reducing quota now would have the effect of forcing those remaining independent fishers to have to source quota from one of the corporate entities to continue fishing.

This is not a proposal that has any merit on the basis of sustainable fish-stocks.

This is a proposal to force remaining existing independent fishers into corporate serfdom.

Rather than allowing fishers simply to catch their quota in good years, and not in bad ones, it forces them to trade ACE even in poor years, just to eek out an existence.

This proposal does not examine the social reality of the FLA fishery. As such it fails to meet the purposes to the Fisheries Act S8 ("to enable people to provide for their social, economic, and cultural well-being").

This proposal fails to establish a reasonable case that there is a sustainability issue, or that changing the TACC would have any significant impact on FLA1 recruiting biomass, and thence sustainability.

Given all of these factors, I strongly oppose the MPI call for a reduction and support the continuance of the Status Quo.

And having said that - I suspect that there are many real concerns, most from human induced changes to the environment, like siltation, reclamations, etc. Those things need to be addressed, and that is not something that can be done via altering the TACC.

Those are part of a very much larger discussion about the sorts of pressures we put people in cities under, and the sorts of things they do as a result.

These are very much larger issues than simply fisheries management and go to the heart of the economic systems we currently use. It is a very complex set of issues, many levels deep.

In an age where we have the technical ability to automate the production and delivery of an exponentially expanding set of goods and services, the existing economic mechanisms for allocating those resource become exponentially more prone to failure at ever increasing levels.

This entire proposal can be seen as exactly one of those failure modalities.

**Fisheries New Zealand  
Sustainability Review 2018  
Fisheries Management  
PO Box 2526  
Wellington, 6011**

**FMsubmission@mpi.govt.nz**



**27 July, 2018**

**Submission: Review of Sustainability Measures for 2018/19**

1. The Royal Forest & Bird Protection Society of New Zealand Ltd. (Forest & Bird) appreciates the opportunity to comment on the proposed review of sustainability measures for 2018/19.
2. Forest & Bird is New Zealand's largest independent conservation organization, numbering around 80,000 members and supporters. Our members are people that work to preserve our natural heritage and native species. Forest & Bird is the New Zealand partner of the global BirdLife International network of NGOs with partners in 120 countries.

**General comments:**

3. Fisheries New Zealand needs to take an integrated approach to fisheries management and look at wider ecosystem impacts especially those on protected or threatened species or habitats when setting or adjusting totally allowable catch and distributing quota. Fisheries New Zealand also needs a strong commitment to increase independent fisheries data but rolling out the electronic monitoring alongside at sea monitoring to ensure best practice, good behaviour and accurate reporting is occurring.
4. Forest & Bird supports the roll out of digital monitoring and it's our view that cameras are needed on all commercial vessels.

5. Fisheries New Zealand needs to be working towards an ambitious goal of zero bycatch. While this is an aspirational management goal, this framework has been adopted into legal fisheries management frameworks in the US, EU and the UK. The zero bycatch goal means that while there is always likely to be some bycatch associated with commercial fishing, management efforts should work towards reducing bycatch of protected or threatened species, as much as possible towards zero. We don't want commercial fisheries to be continually rewarded for their poor mitigation, misreporting and bad practices at sea by allocating more of New Zealand's fishing quota to the sector and essentially approving or accepting these high bycatch rates.
6. Fisheries New Zealand needs to show New Zealanders they are managing our resources sustainability and are actively reducing bycatch, particularly threatened and endangered species.

### **Southern Bluefin Tuna (STN1)**

#### **Background:**

7. Southern Bluefin Tuna (SBT) are a highly migratory species found throughout the Southern Hemisphere and are managed by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), of which New Zealand is a founding member. SBT have been historically over exploited down to a low estimated stock of 5.5% of original biomass in 2011. This is well below New Zealand's own domestic hard limit and would have forced a fisheries closure and faster rebuild commitment. As a consequence of historic and continued over fishing throughout the Southern Oceans SBT are listed as Critically Endangered by the IUCN.
8. The 2017 stock assessment by the CCSBT found "that SBT spawning biomass is at 13% of its original biomass", and while this is a higher estimate than the 5.5% original biomass in 2011 and it does indicate rebuilding is slowly occurring, it is still "well below the level that could produce maximum sustainable yield" (CCSBT, 2017). The commission report stated that "there are signs of higher recruitment in recent years and there are some consistent positive trends in the longline CPUE. This suggests that some relatively strong cohorts are moving through the fishery, though have yet to contribute to the spawning stock. The ESC [The CCSBT Extended Scientific Committee] noted that increased recruitment is of itself not necessarily indicative of increased spawning stock biomass". The ESC has reinforced the need for precautionary management while rebuilding SBT abundance.

#### **Forest & Bird Position:**

9. Fisheries New Zealand is proposing three options, all of which include an 88 tonne increase in the TAC, which is based on the allocation for New Zealand by the CCSBT.

Forest & Bird does not support any of these three options and recommends including additional options to the Minister for Primary Industry.

10. There is also biological and cultural value to leaving SBT in our oceans.
11. Reasons for Forest & Bird's position are clear, we want to rebuild this global fishery and help SBT reach a non-threatened status. New Zealand has a chance to be world leading and promote sustainability. Nowhere does it say we have to fish the CCBST allocation, and given the commercial catch history there is no need to allocate more commercial quota. The New Zealand TAC has been regularly under-caught in recent years.
12. SBT only have one known spawning ground near Indonesia and are fished throughout the Southern Oceans. Precautionary fisheries management is essential when a stock has only one known spawning ground as the spawning ground is more susceptible to uncontrollable environmental impacts. New Zealand can't control what happens in Indonesian waters at the spawning ground, nor can we control what happens on the high seas or how other countries use their allocated CCBST catch. SBT's best estimated spawning biomass is at 13%, well below the maximum sustainable yield (MSY) and the CCBST continue to highlight uncertainty in what the true level of catch for the last 10 to 20 years is; "review of SBT data indicated that there may have been substantial under-reporting of SBT catches and surface fishery bias in the previous 10 - 20 year period and there is currently substantial uncertainty regarding the true levels of total SBT catch over this period" (CCBST, 2017).
13. In addition to our concerns regarding stock status uncertainty and length of time to rebuild, we also have concerns over the global and domestic commercial bycatch associated with SBT fisheries. We don't have the ability beside international agreements to reduce global commercial bycatch like in the high seas on sharks and seabirds, but domestically we have an ability to reduce bycatch rates. New Zealand has a National Plan of Action (NPOA) for Seabirds and Sharks. This policy, like the NPOA Seabirds should theoretically be driving seabird bycatch rates down.
14. The domestic surface longline fishery, which catches SBT, has been poorly managed by Fisheries New Zealand in regards to bycatch. In 2015/16 bycatch rates spiked with an estimated 161-315 captures from 78 observed (AEBAR, 2017). One fisherman was prosecuted last year for killing 36 albatrosses while failing to use a tori line. At particular risk are the Westland petrel captures which also spiked that year. These birds are known to also forage at night so 'night setting' is not an effective mitigation measure for this species. Vessels should be using tori poles and lines and line

weighting. Other threatened albatrosses are at risk from this fishery including Gibson's, Buller's and white-capped.

15. Given the domestic surface longline fishery are still capturing protected and at risk seabirds and unwanted migratory sharks, we oppose any commercial increase, even the 6 – 9% being proposed until environmental management meets best practice, and at a minimum three best practice agreed mitigations measures are used.
16. The purpose of the Fisheries Act is to provide for utilisation while ensuring sustainability<sup>1</sup>. SBT is a schedule 3 species and therefore Section 14 allows the Minister to set or vary the TAC “Minister may at any time, set or vary a TAC for that stock that he or she considers appropriate to achieve the purpose of this Act” (Fisheries Act, 1996).
17. Forest & Bird doesn't support the increase in allocated quota by the CCSBT as we don't believe it aligns with rebuilding the species and restoring abundance of the Critically Endangered SBT. Commercial fisheries should not be rewarded for their poor mitigation, misreporting and bad practices at sea by giving them more of New Zealand's allocated catch for SBT.
18. Forest & Bird does not support New Zealand increasing the TAC for SBT or increasing the total allowable commercial catch (TACC), but acknowledges and agrees that changes are needed for the allowable recreational catch.
19. SBT is an important game fish for New Zealanders and the allocated catch of 8t which had to be mid-season increased to 20t for the recreational sector highlights that the allocated recreational take is not sufficient. We don't agree that there is “considerable uncertainty about the likely level of recreational southern Bluefin tuna catches in the 2018 season and beyond” (MPI consultation document, 2018). We are highly likely to continue to see an increase in recreational catch based on discussions with recreational fishers and scientists.
20. Forest & Bird agrees there is a need for phased implementation of recreational management measures. The voluntary measures by fishers are worth nothing, and we support the NZ Sports Fishing Councils goal to encourage recreational fishes to

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<sup>1</sup> ensuring sustainability means— (a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and (b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment  
utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural well-being.

catch and release more SBT. However, we know from anecdotal evidence and discussion with recreational fishers that many want to retain SBT and if there are requirements to report catch many simply won't drop by weigh stations and record their catch.

21. Forest & Bird has discussed bag versus boat limits with recreational fishers and we support a voluntary daily bag limit of one southern Bluefin tuna per person. However, we strongly recommend that reviewing how successful these voluntary measures are after the next years fishing season when there is more catch data will be essential to determine if catches are set at correct quota and New Zealand is meeting its international commitments with CCBST to restore SBT abundance.
22. Based on this significant increase in recreational catch (Figure 1) and likely increasing trend we strongly recommend an increase in the allocated recreational take. There are two options to address this.

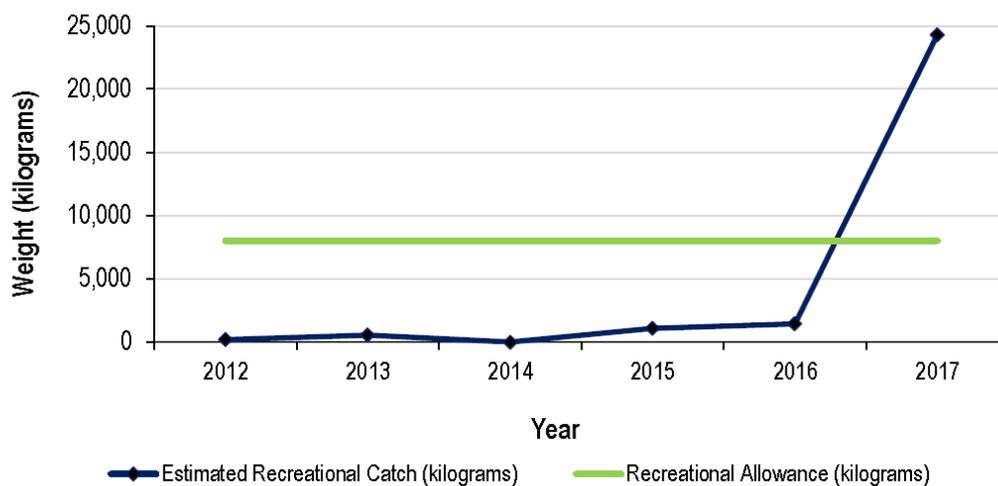


Figure 1: Estimated recreational catch vs. recreational allowance for STN 1 from 2012 to 2017. Source MPI SBT consultation document 2018.

23. Forest & Bird supports the proposed Fisheries New Zealand research aimed at better understanding the level of recreational SBT.
24. According to Fisheries New Zealand current best estimates for other sources of mortality is 20t. Forest and Bird is proposing that any option that goes to the Minister where there is an increase in total TAC, that there is also an increase by the same percentage to other sources of mortality. Fisheries New Zealand is proposing

to increase SBT TAC by the allocated 88t which is 9% of the catch. There is no evidence that estimated mortality from live releases has decreased, nor is there any evidence that potential underreporting has improved. There is also no information on the current or proposed level of observer coverage for the surface long line fisheries in the consultation paper. So it is unclear if this fishery is likely to get better estimates of potential underreporting. Based on this, a 9% increase for the 20t is 1.8t, so we recommend increasing other sources of mortality by 2t. We recommend the 2t comes out of any new allocations to the fishery.

Forest & Bird Recommended Options:

25. Forest & Bird recommends that Fisheries New Zealand presents the Minister with two additional options to reflect the views of all the stakeholders.

26. Option 4 - Leaving the TAC at 1000t and not using the CCSBT allocated 88t and supporting global efforts to restore abundance of this highly migratory Critically Endangered tuna. This would result in adjusting the TACC to reflect the recreational need, which we recommend at a minimum needs to be 40t. As the TAC is not being proposed to increase there is no need to increase other sources of mortality.

Option 4	TAC 1000:	TACC: 939t
		i. Customary: 1t
		ii. TAC Recreational: 40t
		iii. All other mortality: 20t

27. Despite the Critically Endangered threat status for SBT Fisheries New Zealand is unlikely to support Option 4, so Forest & Bird has an alternative minimum acceptable Option to present to the Minister.

28. The commercial sector has not been consistently catching the current allocated TACC and the commercial sector is failing to adequately implement seabird mitigation by continuing to catch and kill protected and at risk seabirds alongside other bycatch species, such as protected marine mammals and sharks. Also given that the current recreational allocation is not sufficient to reflect the recreational fishing need now or in the foreseeable future, Forest & Bird has proposed Option 5.

29. At a minimum, Forest & Bird recommends Option 5 be included in the final advice to the Minister. This option takes the New Zealand allocated 88t (less the 2t increase to other sources of mortality) and allocates this to the recreational fishing sector, alongside proposed phased regulations for the recreational sector such as voluntary



proposal to shelve 20% of quota prior to the next stock assessment, nor do we support the phased reductions proposed in Options 2 (Table 1) or the limited reductions and lengthy 20 year projected rebuild time for Option 3 (Table 1).

34. The Harvest Strategy Standard (HSS) policy guidelines are clear, when a stock reaches this critically low point and drops below the soft limit reference point of 20% unfished biomass “a formal, time-constrained, rebuilding plan be implemented, aimed to rebuild the stock to at least the target level within an appropriate timeframe” and that for this low-productivity species the “target biomass of 40% of the unfished biomass is appropriate” (Harvest Strategy Standard, 2008).

Table 1: Proposed management setting in tonnes for TAR 1,2,3,7 from 1<sup>st</sup> October 2018 with the percentage change relative to the current settings in brackets. Source Fisheries New Zealand Tarakihi consultation paper.

Stock	Option	Total Allowable Catch	Total Allowable Commercial Catch	Allowances		
				Customary Māori	Recreational	All other mortality to the stock caused by fishing
TAR 1 <sup>1</sup>	<b>Current settings</b>	<b>2029</b>	<b>1447</b>	<b>73</b>	<b>487</b>	<b>22</b>
	Option 1	1221 ↓ (40%)	983 ↓ (32%)	73	110 ↓ (77%)	55 ↑ (250%)
	Option 2 (year 1)	1466 ↓ (28%)	1205 ↓ (17%)	73	110 ↓ (77%)	78 ↑ (355%)
	(year 2)	1307 ↓ (36%)	1061 ↓ (27%)	73	110 ↓ (77%)	63 ↑ (286%)
	(year 3)	1181 ↓ (42%)	946 ↓ (35%)	73	110 ↓ (77%)	52 ↑ (236%)
	Option 3	1384 ↓ (32%)	1131 ↓ (22%)	73	110 ↓ (77%)	70 ↑ (318%)
TAR 2	<b>Current settings</b>	<b>2082</b>	<b>1796</b>	<b>100</b>	<b>150</b>	<b>36</b>
	Option 1	1017 ↓ (51%)	735 ↓ (59%)	100	73 ↓ (51%)	109 ↑ (303%)
	Option 2 (year 1)	1556 ↓ (25%)	1225 ↓ (32%)	100	73 ↓ (51%)	158 ↑ (439%)
	(year 2)	1206 ↓ (42%)	906 ↓ (50%)	100	73 ↓ (51%)	127 ↑ (353%)
	(year 3)	926 ↓ (56%)	652 ↓ (64%)	100	73 ↓ (51%)	101 ↑ (281%)
	Option 3	1376 ↓ (34%)	1061 ↓ (41%)	100	73 ↓ (51%)	142 ↑ (394%)
TAR 3	<b>Current settings</b>	<b>1503</b>	<b>1403</b>	<b>15</b>	<b>15</b>	<b>70</b>
	Option 1	725 ↓ (52%)	579 ↓ (59%)	15	3 ↓ (80%)	128 ↑ (183%)
	Option 2 (year 1)	1150 ↓ (23%)	965 ↓ (31%)	15	3 ↓ (80%)	167 ↑ (239%)
	(year 2)	873 ↓ (42%)	714 ↓ (49%)	15	3 ↓ (80%)	141 ↑ (201%)
	(year 3)	653 ↓ (57%)	514 ↓ (63%)	15	3 ↓ (80%)	121 ↑ (173%)
	Option 3	998 ↓ (34%)	837 ↓ (40%)	15	3 ↓ (80%)	143 ↑ (204%)
TAR 7 <sup>2</sup>	<b>Current settings</b>	<b>1088</b>	<b>1088</b>	<b>-</b>	<b>-</b>	<b>-</b>
	Option 1	986 ↓ (9%)	952 ↓ (13%)	1 ↑	23 ↑	10 ↑
	Option 2 (year 1)	1067 ↓ (2%)	1026 ↓ (6%)	1 ↑	23 ↑	17 ↑
	(year 2)	1014 ↓ (7%)	978 ↓ (10%)	1 ↑	23 ↑	12 ↑
	(year 3)	973 ↓ (11%)	940 ↓ (14%)	1 ↑	23 ↑	9 ↑
	Option 3	1041 ↓ (4%)	1002 ↓ (8%)	1 ↑	23 ↑	15 ↑

35. Forest & Bird does not support Option 3 (Table 1) as it does not rebuild the stock to the target of 40% unfished biomass in the next 10 years. In fact the 20 year time

frame adds additional uncertainty that this Option would even rebuild tarakihi in the long term.

36. The phased reduction described in Option 2 will cause a delay in the rebuild of this stock and will have flow on effects. Given this, and in order for Option 2 to still rebuild the stock within 10 years this option is going to require a larger total reduction in TACC. Forest & Bird doesn't support the economic argument put forward by Fisheries New Zealand to justify Option 2. Given how depleted tarakihi has become, immediate, meaningful reductions to the TAC are needed for this coming 2018/2019 fishing year.
37. The industries position to simply shelf quota and examples of how phased reductions have not been fully implemented by Fisheries New Zealand in the past, even when committed to, like the staged bluenose TACC reductions does not give confidence in Option 2. Fisheries New Zealand has not highlighted the risk that Option 2 wouldn't be followed through on and therefore the rebuild of tarakihi would be delayed.
38. Forest & Bird does not support Option 2.
39. More than 80% of the TAC is taken in the commercial bottom trawl fisheries and a targeted set net fishery off Kaikoura (TAR 3). In TAR 3, a high proportion of the bottom trawl catch is composed of immature fish. Given this, and the serious stock status and inadequate proposal by the Fishing Industry Forest & Bird is recommending a temporal closure within the TAR 3 QMA based on the most important juvenile habitats and waters used by immature fish. A temporary closure to these important juvenile grounds would complement TAC reductions and allow the stock to start rebuilding.
40. Forest & Bird is a) requesting that Fisheries New Zealand investigate this proposal further and spatially map areas, b) provide feedback to stakeholders on closure options with maps and c) provide the Minister with spatial options for temporal juvenile tarakihi ground closures to help rebuild tarakihi alongside a meaningful TAC reduction option.
41. A temporal closure would have multiple benefits, especially if set netting is one of the fishing methods restricted which targets tarakihi off Kaikoura and is known to kill the endangered Hector's dolphins and critically endangered hoiho, yellowed-eye penguins and other seabirds.

42. A temporal closure for bottom trawl and set net fisheries operating in identified important juvenile and immature tarakihi areas would also incentivise the fishing industry to use more selective fishing methods that reduced mortality of immature juvenile tarakihi.
43. Forest & Bird does not support fishing methods that destroy inshore benthic habitats, have bycatch of protected or threatened species or don't meet acceptable selectivity of target fish. Fisheries New Zealand should be promoting innovation and encouraging alternative fishing methods by investing in research and supporting existing research projects to reduce bycatch, juvenile mortality and benthic impacts.
44. The 2018 stock assessments highlights that tarakihi have had a continuous decline and have been fished down to a low level. Occasionally there has been good recruitment, like in the 2000's which resulted in the Minister increasing TACC. Good years of recruitment must be taken as opportunities to rebuild the stock. They should not be seen as economic opportunities for new TACC, which would only be a short term economic gain and long term loss as the overall stock will continue to decline, as tarakihi has done. These occasional good recruitments should also not be a reason to abandon good management and commitment to rebuild tarakihi.
45. The latest stock assessment also highlights the importance of robust assessments and long term data. Accurate reporting is essential for stock assessments. Forest & Bird has concerns over the reliability of some of the inshore bottom trawl fishery and set net data supplied by the commercial fishing industry given the seriously inadequate levels of observer coverage.
46. Forest & Bird is disappointed that the consultation paper doesn't highlight the observer coverage fisheries operating in TAR 1,2,3,& 7 have received nor does the document highlight any recommendations by Fisheries New Zealand for some targeted increase in observer coverage for these fisheries for this coming fishing year. Based on numerous ministerial reports such as those produced by the compliance division of the then Ministry of Fisheries in 2012 and beyond even some of the most 'well respected' fisheries are misreporting, underreporting and dumping. Independent verifiable catch data is needed to ensure accurate reporting, especially for a fishery that is below the soft limit and will need to be accurately monitored to determine if predicted recovery occurs.
47. The final advice to the Minister needs to include a statement around the need for additional observer coverage, a combination of at sea monitoring and digital e-

monitoring is appropriate, to ensure that these TACC reductions and deemed values increases doesn't result in an incentive to dump or high grade tarakihi or other fish.

48. Fisheries New Zealand is clearly aware of this concern and stated in the consultation document that “a legislative requirement that all QMS species caught are landed and accounted for with ACE (i.e. insure they acquire sufficient ACE to cover their catch); or pay deemed values. As a result, the reduction in tarakihi ACE may risk discarding of tarakihi, whilst fishers continue to target the other species”. Despite this shared concern there are no compliance measures or minimum monitoring needs highlighted for the next 3 – 5 years for these fisheries.

#### QMAs

49. Fisheries New Zealand is seeking input on considerations for a future review of QMA boundaries for tarakihi to better align with biological stocks. Forest & Bird supports this work. Forest & Bird supports separating TAR1 into east and west coast QMAs immediately as these stocks are clearly different and have different management requirements.
50. Fisheries New Zealand has proposed that the TACC reductions in TAR 7 and TAR 1 be applied by area constrains. In theory this sounds reasonable as it relates to the stock area, but in reality we are concerned that without observers (either in person or digital monitoring) on commercial boats for the 2018/2019 fishing season that enforcing this area based catch constraints will be impossible unless vessels have real time location devices that Fisheries New Zealand can monitor. For the following years of the rebuild and beyond it would be more appropriate to look at changing the QMAs to reflect the stock distribution.

#### Recreational

51. Forest & Bird supports the proposed recreational reductions described in Table 1 as we support that the 2011-12 National Panel Survey estimates for TAR 1,2 & 7 are best estimates. We support the proposed increase in recreational allocation for TAR 7 described in Table 1. Forest & Bird also supports a proposed daily bag limit of 15 tarakihi within the combined finfish bag limit.

#### All other sources of mortality:

52. Forest & Bird supports the proposed increased of the TAC to all sources of mortality. More independent observer data for next year will help Fisheries New Zealand determine if the proposed increase is sufficient.

Customary allocation:

53. Forest & Bird supports not changing the customary allocation and we support adding a customary allowance for TAR 7 of 1t (table 1). We would like to acknowledge that if customary needs increase in TAR 7 that additional consideration is given to increase this 1t allocation.

Summary of commercial recommendations:

54. Given that tarakihi is the third most valuable inshore finfish species and that it is an important fish culturally and recreationally, the east coast stock needs to be rebuilt as fast as possible for long term benefits. Forest & Bird urges the Minister to use the best available scientific information and not stall the rebuild. The commercial fishing sector harvests over 80% of the tarakihi landed, with recreational fishing accounting for less than 5 % of the total harvest, therefore meaningful TACC reductions are required.
55. Forest & Bird supports the recommendations made by the NZ Sports Fishing Council relating to the total TAC and TACC reductions.
56. Forest & Bird agrees with the NZ Sports Fishing Council and Fisheries New Zealand that it is important that when setting the “initial TAC reduction [it] should provide a high level of confidence that it will ensure the start of the stock rebuild” (FNZ tarakihi consultation document, 2018).
57. To achieve an adequate level of confidence (70%) that the target of a 10 year rebuild to 40% is reached will require a TACC reduction of 65% plus and increased allowance for other fishing related mortality based on the Fisheries New Zealand model.
58. Taking into account the Harvest Strategy Standard operational guidelines, along with the commitment to provide a high level of confidence the option put forward will start the stock rebuild, Forest & Bird is recommending a modified version of Option 1. We recommend Fisheries New Zealand puts forward a modified version of Option 1 as the preferred option to the Minister. This modified Option would be based on the best available science and a commitment to rebuild tarakihi, as required under the Fisheries Act and Harvest Strategy Standard.
59. Forest & Bird recommends Option 1a (modified version) for all QMA apply a reduction of 65% to the TACC, reduces recreational allocation as described in table 1, increases other sources of mortality for all QMAs as described in table 1, allocates quota to the customary and recreational sector in TAR 7 as described in table 1.

60. Forest & Bird does not support Options 2 or Options 3 – reasons are stated in above section.
61. Forest & Bird recommends Fisheries New Zealand puts forward a recommended minimum observer coverage (made up of both digital and in person) to ensure there is no negative incentive by the commercial sector to dis-guard or high grade.
62. Forest & Bird supports increasing the deemed value to tarakihi to the highest proposed value listed in the consultation document as the east coast tarakihi stock is in serious trouble and commercial fisherman are going to need to adjust how and where they fish to support the rebuild of this fishery.
63. Forest & Bird recommends Fisheries New Zealand investigate temporal spatial closures of important juvenile nursery and immature tarakihi fish grounds alongside TAC reductions to help the rebuild and put these spatial closure options forward to the Minister.

**Flatfish (FLA1):**

64. Forest & Bird will continue to advocate for better protection of the critically endangered Mauis dolphin and endangered Hector's dolphins that live on the west coast of the North Island and are caught by set nets. Maui's dolphins are New Zealand most threatened marine mammal with an estimated 63 individuals over the age of one years left (Baker et. al, 2016). Fishing direct impacts are still the biggest classified anthropogenic threat for these dolphins (Mauis Threat Management Plan).
65. The Manukau harbour, a main harbour for the flatfish FLA1 set net fishery is a unmanaged risk to these dolphins as there is evidence these dolphins use this harbour. Mauis and Hector's also use other harbours and coastal waters (inside and outside of FLA1) along the west coast North Island between Maunganui Bluff to Whanganui. Commercial and recreational set nets are not restricted within these harbours but are restricted in the coastal waters offshore to 7nm.
66. Forest & Bird does not support commercial set nets in these west coast north island harbours between Maunganui Bluff to Whanganui, which incorporates part of FLA 1. Forest & Bird is strongly advocating for alternative fishing methods.

67. Forest & Bird strongly supports splitting the large FLA 1 area up between east and west coasts. We support the proposed review Fisheries New Zealand mentions in the consultation paper. There are very different impacts for flatfish between east and west including differences in environmental factors affecting flatfish, like sediment and different CPUE.
68. Forest & Bird supports taking this split even further as proposed by the New Zealand Sports Fishing Council and splitting FLA 1 into three to five separate management areas, which could reduce long-standing local commercial flatfish fishers being cut out of the fishery. This could be an important way forward given most FLA 1 quota is held by one or two big fishing companies who don't actually fish the quota themselves.
69. A large proportion of flatfish catch is taken by set net fishers in the Hauraki Gulf. Forest & Bird does not have any immediate concern with these set net fisheries provided planned increase in observer coverage doesn't find they are catching any protected or threatened bycatch, or juvenile fish. This further supports why Forest & Bird would like to see FLA1 split into east and west flatfish fisheries with their own TAC.
70. While there is no quantitative stock assessment that can assess the status of the flatfish stocks, catch per unit effort (CPUE) is the next best estimate.
71. The commercial catch of flatfish species in FLA 1 has shown a long-term decline since the introduction of flatfish into the Quota Management System (QMS), suggesting the abundance of flatfish throughout FLA 1 may be declining, likely due to declining recruitment. This long term trend is supported by the latest 2018 flatfish CPUE assessment which found that "two of the three main areas of targeted fishing for flatfish in FLA 1 (the Kaipara and Manukau Harbours) have continued to decline since the last assessment in 2015" (FNZ Flatfish FLA1 consultation paper).
72. While there may be other environmental factors driving the on-going decline in flatfish in FLA 1, like sediment and sea surface temperature, commercial fishing is the only anthropogenic threat that is currently controllable.
73. The commercial quota, TACC of 1187t hasn't limited the flatfish in FLA1 fishery since it was introduced into the QMS in 1986 as the TACC has never been fully caught. Effectively this fishery has been unrestricted.

74. We agree with Fisheries New Zealand that “the existing TACC appears to be artificially high, given that it has never been fully caught”. The decline of flatfish in FLA1 is most evident in the Manukau and Kaipara Harbours, which are two of the three main areas providing most of the flatfish catch in FLA 1. Based on this, the declining stock trend in FLA1, and the fact that the TACC has never been caught nor restricted the commercial take since 1986, we strongly support the proposed reduction to the TAC and support the proposed Option 3 (Table 2).

Table 2: Proposed management setting in tonnes for FLA 1 from October 2018.  
Source Fisheries New Zealand flatfish 1 consultation document

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Option 1 ( <i>Status quo</i> )	1762	1187	270	270	35
Option 2	487 ↓ (72%)	423 ↓ (64%)	27 ↓ (90%)	27 ↓ (90%)	10 ↓ (71%)
Option 3	444 ↓ (75%)	381 ↓ (68%)	27 ↓ (90%)	27 ↓ (90%)	9 ↓ (74%)

75. Forest & Bird does not support Option 1 (table 2), which is open access free for all fishery for flatfish in FLA1.

76. Forest & Bird does not support Option 2 (table 2), which while theoretically is reducing the TAC, as the TAC has never been caught it is simply reducing the TAC to align with current commercial, recreational and customary catches based on the last 5 years and other surveys and best estimates. The latest CPUE assessment highlights the overall decline in flatfish in FLA1, therefore not reducing the TAC and TACC will not allow flatfish to increase abundance.

77. Forest & Bird agrees with Fisheries New Zealand that Option 1 is “inconsistent with the Minister’s statutory obligation to set a TAC that would move the stock biomass towards a level that would support MSY. Option 1 would have no short term negative effects on commercial fishers, but could have impacts on both commercial and non-commercial fishers if the FLA 1 biomass declines further under current catch limits”. We also believe that this applies to Option 2.

78. We recommend that Options 1 & 2 are not put forward in the final advice to the Minister as they both fail to take into account the declining stock and allow for any rebuild.

79. Forest & Bird supports the TAC and TACC values used in Option 3. We support the concept that further reductions are needed to the TAC and TACC to help rebuild flatfish abundance. We support a “more risk-averse approach to the sustainability of the FLA1 stock” and we also support the “anecdotal information from community groups regarding ongoing FLA 1 sustainability concerns for all fishing sectors”.
80. Forest & Bird does support the proposed reductions to the recreational and customary sectors of 27t. Forest & Bird also supports the proposed adjustment to all other mortality listed in table 2.
81. Forest & Bird recommends taking this precautionary approach to flatfish FLA1 management to support rebuilding flatfish abundance, noting that since FLA 1 is listed on the Second Schedule of the Act, there is provision for an in-season increase to the TAC (under s 13(7)), through the allocation of additional ‘in-season ACE’ under section 68 of the Act, which could allow for increased FLA 1 catch during years of high abundance and potentially mitigate some of the lost opportunity costs.
82. Forest & Bird supports the proposal to increase deemed value rate by 90%.

**John Dory (JDO 1 &7):**

83. Forest & Bird supports Option 3 for JDO 1 and the proposed reductions to the TAC.
84. The John Dory stock in JDO 1 has likely declined since 1986 when it was introduced to the QMS based on the 50% decline reported by commercial catch over the last 5 years. Forest & Bird supports Option 3 for JDO 1 because the proposed 55% reduction for TACC could potentially help the stock start to rebuild, while the Option 2 proposal to reduce by 50% will simply restrict the current catch to what is being caught now.
85. Forest & Bird recommend Fisheries New Zealand commits to a quantitative stock assessment of JDO1 within the next 3 – 5 years to determine how significant the decline is and if additional management measures are needed.
86. Forest & Bird supports Option 2 for JDO 7 and the proposed increase to the TAC.
87. The John dory stock in JDO 7 is likely to have increased in abundance based on the 2018 report therefore we support increasing this TAC by Option 2 provided there is increased monitoring of this fishery through electronic or at sea monitoring to

ensure no protected or threatened seabird or marine mammals are caught and killed and that any best practice mitigation is applied.

**Rig (SPO7):**

88. Forest & Bird does not support the proposed increase to Rig SPO 7 until adequate monitoring has taken place in the set net fishery that operates within SPO 7 through Golden, Tasman and Cloudy bays to provide best estimates of the interactions with endangered Hector's dolphins and seabirds including shags, penguins, petrels and shearwaters, regardless of the stock status of rig.
  
89. Forest & Bird believes the risk this fishery has around Tasman & Golden Bay (and Cloudy Bay to a lesser extent) is potentially significant due to the overlap with Hector's dolphin distribution supported by sightings data. Fisheries New Zealand has failed to highlight this.
  
90. Currently there are no set net restrictions around the top of the South Island in Golden and Tasman Bay where this important population of Hector's dolphins remain at risk.
  
91. The top of the South Island Hector's dolphin population is likely very important to the Hector's sub-species, the critically endangered Maui's dolphin given the connectivity between the Maui's dolphins on the west coast of the North Island. Hector's dolphins have been found, based on genetic sampling, to swim from the top of the South Island across to Maui's habitat on the west coast of the North Island (Hamner et al., 2012; Baker et al., 2016). No survey work has been carried out to determine how important this corridor of water is for the Critically Endangered Maui's dolphins and Endangered Hector's dolphins and what impact set net fisheries like rig SPO 7 at the top of the South Island and other inshore trawl fisheries pose.
  
92. Fisheries New Zealand have failed to highlight the uncertainty or even acknowledge the risk set nets pose at the top of the South Island, particularly in Golden and Tasman Bay which the set net restrictions they mention in the consultation paper do not exist. Instead they have made a bold statement "Fisheries New Zealand considers that the proposed TACs under Option 2 and Option 3 will not result in an increase in set net effort in areas where Hector's dolphin may be found" without risk assessment or evidence to back this up.

93. Forest & Bird acknowledges that along the western side of the South Island within SPO 7 there are restrictions in place out to 2nm offshore for set nets and these are likely to lower the risk to Hector's dolphins, they have not removed the risk given that Hector's have still been killed in these waters.
94. There is very low observer coverage on set nets on the West Coast of the South Island (zero most years), so uncertainties in catch reporting and bycatch reporting remain high. What is disappointing is that nowhere in this consultation document does Fisheries New Zealand propose to increase this to get a better understanding of set net bycatch to ensure SPO 7 meets both the utilization and sustainability purposes of the Fisheries Act.
95. Forest & Bird only supports the existing TAC (Option 1 from Fisheries New Zealand SPO 7 consultation table) along with observer coverage through SPO 7 to better estimate bycatch and provide reliable catch data.
96. Forest & Bird does not support Option 2 or 3 (from Fisheries New Zealand SPO 7 consultation paper) which is proposing to set significantly higher TACC, more than what has been landed in the last 11 years which could potentially give the commercial sector some short term gains but may have longer term impact and significant impacts on protected and endangered dolphins and impact on seabirds.
97. Fisheries New Zealand needs to include better advice to the Minister regarding these environmental impacts.
98. Forest & Bird does not support any increase in any TACC for the deep water fish stocks proposed by Fisheries New Zealand which are orange roughy, ling, oreo and scampi. All four of these fisheries have unacceptable bycatch and environmental impacts that are not being mitigated or reduced or meaningfully managed. We recommend status quo options go to the Minister with plans to address these environmental impacts before any consideration to increase TAC is progressed.
99. Of particular concern in these fisheries is bycatch of protected and threatened seabird, marine mammals and corals, some of which are most at risk. For example Critically Endangered Salvin's albatross is at high risk in the scampi SCI 3 fishery, between 26 and 120 Salvin's albatrosses were estimated captured in 2015-16 (AEBAR, 2017).

100. Forest & Bird wants to highlight how ineffective the NPOA Seabirds has been at reducing bycatch rates which continue to rise in some of these deep water fisheries. In addition best practice mitigation for these deep water fisheries has not been determined by Fisheries New Zealand. Vessels are not required to prepare Seabird Management Plans outlining their proposed mitigation methods including management of offal and seabird trigger levels (i.e. alarm bells ringing requiring stop fishing or move somewhere else, change increase mitigation use). For more information regarding seabird bycatch and Forest and Bird's minimum best practice mitigation and key concerns with these fisheries please contact Karen Baird ([K.Baird@forestandbird.org.nz](mailto:K.Baird@forestandbird.org.nz)), who is also participating in the NPOA Seabirds review and other fisheries working groups.

101. Forest & Bird does not support highly destructive bottom trawl fisheries, like orange roughy which occur in seamounts habitats that are populated by highly vulnerable, structure-forming deep sea corals, many of which are endangered, threatened or protected species. Any level of degradation of these vulnerable marine ecosystems is unsustainable given the importance and relative rarity of these ecosystems and the irreversibility of these bottom trawl impacts. In addition, New Zealand has no adequate protection of these vulnerable deep water marine ecosystems. Forest & Bird will continue to advocate for meaningful protection outside of the territorial sea, beyond 12 nm within out Exclusive Economic Zone.

Unfortunately Forest & Bird was not able to comment on the additional review of sustainability measures 2018 for the other species listed due to time constraints, but we do have a keen interested. If there are additional opportunities please contact us for input.

Thank you for the opportunity to comment. For any questions please contact Katrina Goddard.

Sincerely,

Katrina Goddard  
Marine Conservation Advocate  
Royal Forest & Bird Protection Society of New Zealand  
[K.Goddard@forestandbird.org.nz](mailto:K.Goddard@forestandbird.org.nz)

**Name**

Tim Robinson

**Email**

[REDACTED]

**Page URL**

<https://www.mpi.govt.nz/news-and-resources/consultations/review-of-sustainability-measures-for-1-october-2018/>

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22 Iwa St Mapua Terakihi in Tasman Bay are now very hard to find.

**Karen Wilson**

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**From:** Mary Titaha Smith [REDACTED]  
**Sent:** Friday, 27 July 2018 8:59 AM  
**To:** FMSubmissions  
**Subject:** Support Tuwharetoa Iwi Hapu Tangata

Mary Titaha Smith  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]

Tena Koutou Katoa,  
I support the petition for Tuwharetoa Iwi, Hapu, Tangata.  
Nga Mihi  
Naku Noa  
Mary Titaha Smith

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	Troy Hawai'iroa Douglas
Organisation (if applicable):	Te Kura Kaupapa Maori o Wairarapa
Email:	[REDACTED]
Fish stock this submission refers to (delete any that don't apply):	<input type="checkbox"/> LFE 20 <input type="checkbox"/> LFE 21 <input type="checkbox"/> LFE 22 <input type="checkbox"/> LFE 23
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	

### Official Information Act 1982

All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. Fisheries New Zealand will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

### Submission:<sup>1</sup>

<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

**Details supporting your views:**

I love to eat eels, catch them. I feel as though too much of them are dying before they even get out to sea. That being that we need our waterways to be naturally cleaned and produce more natural trees around them

Please continue on a separate sheet if required.

**SUBMISSION**  
On the Review of North Island eel  
sustainability measures for 2018/19

23<sup>rd</sup> July 2018

**To:** North Island Eel Review  
Fisheries New Zealand  
Ministry for Primary Industries  
PO Box 2526  
WELLINGTON 6140

**This submission is filed by:**

**Taroi Rawiri**  
Manager – Taiao  
Waikato-Tainui  
PO Box 648  
Hamilton 3240

## INTRODUCTION

1. This submission is made on behalf of Te Whakakitenga o Waikato Incorporated (formerly known as Waikato-Tainui Te Kauhanganui Incorporated) to Fisheries New Zealand (FNZ) regarding the Review of the Sustainability Measures for Shortfin (SFE) and Longfin (LFE) Eel Stocks in the North Island Quota Management Areas (QMAs 20-23) (the “**Review**”). FNZ considers SFE stocks to be stable and therefore only propose maintaining the status quo. For LFE, FNZ is proposing to either retain or decrease the commercial catch limits set in 2008.
2. Te Whakakitenga o Waikato Incorporated (**Waikato-Tainui**) is the governing body and mandated iwi organisation for the 68 marae and 33 hapuu of Waikato-Tainui and manages the assets of Waikato-Tainui for the benefit of over 72,000 registered tribal members.
3. Waikato-Tainui makes this submission on behalf of our Marae, Hapuu and Iwi members. The rohe (tribal region) of Waikato-Tainui is bounded by Auckland in the north and Te Rohe Potae (King Country) in the south and extends from the west coast to the mountain ranges of Hapuakohe and Kaimai in the east. Significant landmarks within the rohe of Waikato include the Waikato and Waipaa Rivers, the sacred mountains of Taupiri, Karioi, Pirongia and Maungatautari, and the west coast of Whaaingaroa (Raglan), Manukau, Aotea and Kawhia moana.
4. Waikato Tainui are quota holders of both SFE and LFE in QMA 21.

## OVERVIEW OF WAIKATO-TAINUI POSITION

5. The Fisheries Accord sets out how Waikato-Tainui and the Ministry of Fisheries will undertake co-management of the fisheries resources of the Waikato River. The Accord also recognises the special relationship that Waikato-Tainui have with all aquatic species found within the Waikato River and provides for the exercise of Mana Whakahaere (authority in respect of the river) by Waikato-Tainui. Waikato Raupatu Lands Trust and Ministry of Fisheries (2009) provides details of the intended implementation of the accord.

6. Waikato-Tainui has a range of rights and interests including, but not limited to:  
  
Rights and interests arising under the 1995 Waikato Raupatu Lands Settlement (and the Waikato Raupatu Settlement Act 1995) and the 2008-2009 Waikato River Settlement (and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010);
7. Rights and interests according to tikanga and customary law;
8. Rights and interests arising from the common law (including the common law relating to aboriginal title and customary law); and
9. Rights and interests under the Treaty of Waitangi and its principles.
10. Waikato-Tainui are tangata whenua of the Waikato and Auckland rohe. This includes the West Coast, Manukau, Whaingaroa, Aotea and Kaawhia Harbours, of which Waikato-Tainui are a kaitiaki. Waikato-Tainui exercise Mana Whakahaere over these regions including the marine and coastal areas.
11. Waikato-Tainui has Mana Whakahaere over its lands, waterways, resources and its associated natural environs.
12. Waikato-Tainui acknowledges the Review that aim to seek a view from Waikato-Tainui on a review of sustainability settings for North Island freshwater eels (both short fin and long fin eels) in Quota Management Areas.
13. Tuna is a taonga species and for most river people within Waikato-Tainui, they represent their spiritual manifestation of their taniwha and therefore they are part of our whakapapa.

## **RESPONSE TO CONSULATION DOCUMENT**

14. Waikato Tainui are knowledge holders of traditional knowledge regarding our taonga species SFE & LFE, and have witnessed to decline in the recruitment cycles and mature eels within the Waikato Tainui rohe.
15. Waikato Tainui's historical (pre 1950's) environmental observations, have witnessed the recruitment of glass eels from the Waikato west coast up into our tupuna awa the Waikato river. During the annual whitebait season whanau would stop fishing when the

tunatuna (glass eels) were running. Whanau witnessed a solid dark band **3 to 4 meters wide of tunatuna that would run for over 7 to 14 days straight**. Today no large dark bands of glass eels are seen by the same whanau and the glass eel runs are only a couple of hours either side of the tides.

16. Through inter-generational observations Waikato-Tainui have notice a severe decline of both LFE and SFE within our traditional mahinga kai sites throughout Waikato-Tainui.
17. Waikato-Tainui mahinga kai sites are intentionally in close proximity to our Waikato-Tainui River Marae. These mahinga kai sites are known as our Marae kai cupboards that we depend on to sustain Marae function and exercise our mana whakahaere and manaakitanga to sustain and nourish our manuwhiri that visit our marae, including key events and hui a iwi events on an annual basis.
18. Waikato-Tainui have concerns about the current state and low abundance of taonga species, Waikato Tainui are regularly faced with challenges and the embarrassment of not being able to provide taonga kai and exercise manaakitanga to our manuwhiri. These traditional mahinga kai sites previously held large sustainable populations of taonga species that were plentiful and abundant.
19. Waikato-Tainui Waikato River Kaitiaki, appointed under the Waikato-Tainui (Waikato River Fisheries) Regulations 2011, have witnessed traditional mahinga kai sites, being subject to exploitation and excessive commercial fishing pressure from local and external commercial eel fishers.
20. Waikato River Kaitiaki have seen areas heavily fished by commercial fishers where up to 50 fyke nets have been left in the Opuatia Stream (North of Rangiriri) all year round. Kaitiaki have seen on separate occasions, dead rotting taonga species and pest fish trapped within the commercial fyke nets. (Commercial fyke nets were identified by the commercial numbers on the stakes and escape tubes on the cod end of the nets)
21. Leaving taonga species to die and rot, in the commercial fyke net is a disgraceful way to treat our taonga species and extremely offensive to Waikato Tainui and goes against our tikanga! **This needs to be addressed through this review!**
22. Because of the high rate of commercial eel fishing pressure within Waikato-Tainui traditional mahinga kai sites, Waikato-Tainui requests that MPI urgently conducts an infield assessment that includes Waikato-Tainui Maatauranga to ground truth the

sustainability measures identified by MPI's new scientific stock assessment that was completed in 2017.

23. from 1 October 2018. Until Waikato-Tainui and MPI have met to discuss and agree on the inclusion of Waikato-Tainui Maatauranga to make an accurate assessment that includes localised commercial eel over fishing within Waikato-Tainui traditional Mahinga Kai sites.

## **RECOMMENDATION**

24. Waikato-Tainui is generally in favour for a reduction of LFE TACC in QMA 20-23 and status quo for SFE QMA 20-23, **Waikato Tainui request the following recommendations are considered before full support can be given.**
25. Waikato-Tainui recommends further consultation is required with Waikato-Tainui regarded concerns that the accuracy of a desk top assessment is theoretical and excludes Waikato-Tainui Maatauranga and traditional historical observation of our taonga species namely SFE & LFE and seeks to be engaged to exercise our mana whakahaere to make decisions regarding the sustainability of our tuna taonga species within Waikato-Tainui rohe.
26. Waikato-Tainui recommends that the health and wellbeing of LFE 20-23 needs to be protected and removed from commercial take, or until an accurate infield stock assessment can be undertaken in conjunction Waikato-Tainui Maatauranga, traditional historical knowledge and observation of our taonga species - eel resource.
27. Waikato-Tainui recommends that SFE 20-23 needs to be appropriately assessed through an accurate infield stock assessment in conjunction Waikato-Tainui Maatauranga and traditional historical knowledge and observation of our taonga species - eel resource.
28. An assessment is developed to include mortalities through flood control schemes and flood pumping station during their migratory months.
29. Too often, Waikato-Tainui tribal beneficiaries have seen their tuna being wilfully ill-treated which contributes towards high loss of high volumes of tuna. NZ freshwater Eels is a living animal described in the Animal Welfare Act, 1999. The Animal

Welfare legislation is to protect the wilful ill-treatment of all living animals (e.g., tuna) and should be protected from the ill-treatment for scientific purposes, bad commercial fishing practices and flood control systems which ends with consequences described in section 28:1 and 2 (a) of the Animal Welfare Act, 1999. Tuna is part of our whakapapa and as such, has the right to free access to Waikato-River and its entirety. Waikato-Tainui recommends that if evidence of wilful ill-treatment of tuna stock must activate Section 28:3 of the Animal Welfare Act, 1999.

## **CONCLUSION**

Waikato-Tainui wishes to ensure that:

- (a) the Review of the North Island Eel Sustainability Measures for 2018/19 (the “Review”) does not adversely affect the Health and well-being of the Waikato River and all its entirety;
- (b) The Review will provide the legislative framework and policy tools to increase the numbers of SFE and LFE and to reduce wilful ill-treatment of tuna.
- (c) The Crown demonstrates a greater commitment to working alongside iwi as in the development and negotiation of the Review; and
- (d) Waikato-Tainui is able to work closely with the Crown to ensure that any benefits from the Review are fully realized within the Waikato region.

Accordingly, Waikato-Tainui seeks direct engagement with the Crown and its officials on the ongoing process of ratification and implementation of the Review within the Waikato Tainui rohe of QMA 21, including the particular matters set out in this submission.

Waikato-Tainui wishes to be heard in respect of this submission.

**Taroi Rawiri**  
Taiao (Environment) Manager  
Waikato-Tainui

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

Email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to: North Island Eel Review, Fisheries New Zealand, PO Box 2526, Wellington 6140

### Submissions must be received no later than 5pm 27 July 2018.

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

### Submitter details:

Name of submitter or contact person:	Katarina Kawana
Organisation (if applicable):	Freshwater and Land Solutions Limited of Wairoa and Wairoa Taiwhenua – Ngati Kahungunu, 4-6 Bridge Street, Wairoa 4108
Email:	<a href="mailto:freshwaterlandsolutions@gmail.com">freshwaterlandsolutions@gmail.com</a> <a href="mailto:wairoa.tai.whenua@xtra.co.nz">wairoa.tai.whenua@xtra.co.nz</a>
Fish stock this submission refers to (delete any that don't apply):	<input type="checkbox"/> SFE 22 <input type="checkbox"/> LFE 22
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	OTHER

### Official Information Act 1982

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### Submission:<sup>1</sup>

### Details supporting your views:

<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

Ko Whakapunake te maunga  
 Ko Te Wairoa-hōpūpū-hōnengenenge-matangi-rau te awa  
 Ko Ngāti Kahungunu te iwi  
 Ko Takitimu te waka  
 Ko Kahungunu te tangata

On behalf of tangata whenua o Te Wairoa, we oppose the two options suggested by Fisheries New Zealand. We believe the tuna has a right to exist and be protected by tangata whenua o Te Wairoa.

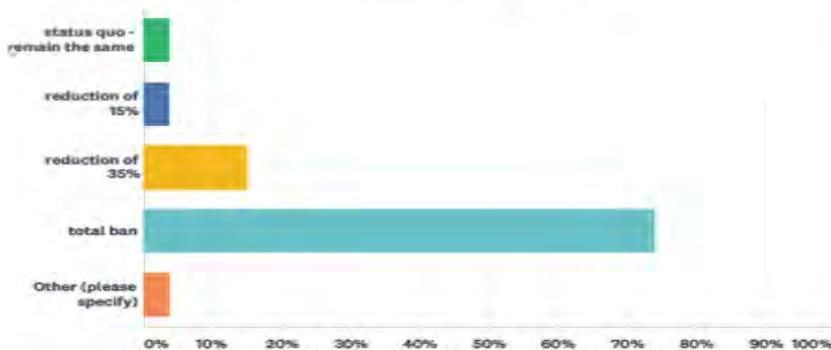
We believe the review last year in 2017 was not conducted with Wairoa tangata whenua support or collaboration, however we did receive a letter of engagement but no engagement happened or was followed through on the Ministry's part.

**We are opposed to the (Anguilla australis) or Short fin eels SFE 22 option based on recent 2014 - 2018 assessments informed by an assessment tool called the Mauri Compass developed by Marine Scientist Ian Ruru and a current survey of the Wairoa River tangata whenua, titled 'Tangata Whenua' – How are the tuna really?**

Tangata Whenua - How are the tuna really? Quick Wairoa Tuna Survey SurveyMonkey

**Q7 As tangata whenua, do you approve of the Ministry of Fisheries to carry on fishing the commercial quota for short fin eels, reduce by 15% or ban?**

Answered: 54 Skipped: 0



ANSWER CHOICES	RESPONSES	COUNT
status quo - remain the same	3.70%	2
reduction of 15%	3.70%	2
reduction of 35%	14.81%	8
total ban	74.07%	40
Other (please specify)	3.70%	2
TOTAL		54

As the findings suggest, 74.07 per cent of the tangata whenua agreed to a total ban of short fin eels from commercial fishing, 14.81% supported a reduction of 35% and 3.70 % supported reduction of 15%.

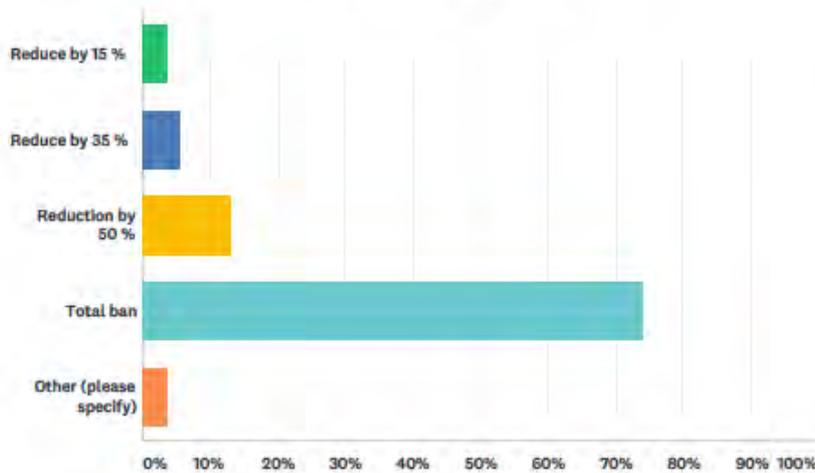
**We also oppose the LFE 22 option of Fisheries NZ and agree on a total ban of commercially fishing the Long fin eel – (anguilla dieffenbachi) until proper engagement, collaborated research and sustainability is reached.**

**Background to consultation**

Fisheries New Zealand is seeking feedback from tangata whenua and stakeholders

**Q9 As tangata whenua, do you approve of the Ministry of Fisheries to carry on fishing the commercial quota for longfin eels, reduce by 15%, reduce by 35% or ban?**

Answered: 54 Skipped: 0



ANSWER CHOICES	RESPONSES	
Reduce by 15 %	3.70%	2
Reduce by 35 %	5.56%	3
Reduction by 50 %	12.96%	7
Total ban	74.07%	40
Other (please specify)	3.70%	2
Total Respondents: 54		

74 per cent of the submitters agree to a total ban of long fin eels being fished commercially in the Wairoa area. A reduction by 50% suggested by 12.96% of the responders, reduction of 35% by 5.56 per cent of responders and 3.70 per cent of the responders chose the reduction by 15%.

When questioned, “Are Tangata whenua going to protect the precious tuna?”

The response was “strongly agree” by **62.96 per cent** and **24.07 per cent agree which makes over 87% support.**

The reasons for the decline in eels are varied from water quality, habitat destruction, forestry run off slash, commercial fishing.

We don’t believe that the best available information has been sought and

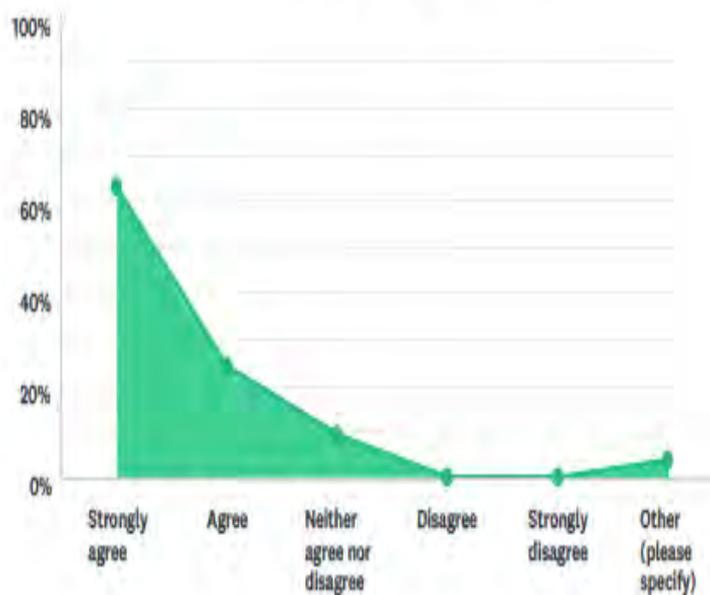
tangata whenua input has not been transparent, neither is the research adequate and Wairoa wishes to make a stand.

Tangata Whenua - How are the tuna really? Quick Wairoa Tuna Survey

SurveyMonkey

## Q2 Are tangata whenua going to protect the our precious tuna?

Answered: 54 Skipped: 0

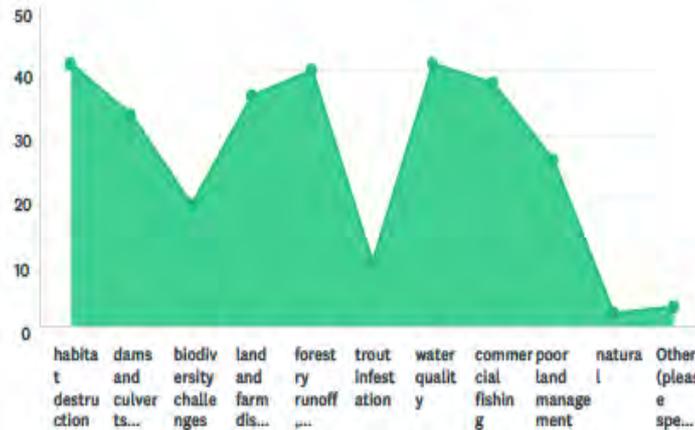


ANSWER CHOICES	RESPONSES
Strongly agree	62.96% 34
Agree	24.07% 13
Neither agree nor disagree	9.26% 5
Disagree	0.00% 0
Strongly disagree	0.00% 0
Other (please specify)	3.70% 2
TOTAL	54

**We submit this submission on behalf of the tangata whenua of Te Wairoa, Hawkes Bay and wish to present this submission in person.**

### Q8 What are the reasons for the decline of eels in the Wairoa River catchment?

Answered: 54 Skipped: 0



ANSWER CHOICES	RESPONSES	
habitat destruction	75.93%	41
dams and culverts blocking entry and exit	61.11%	33
biodiversity challenges	35.19%	19
land and farm discharges	66.67%	36
forestry runoff, slash, sediment	74.07%	40
trout infestation	18.52%	10
water quality	75.93%	41
commercial fishing	70.37%	38
poor land management	48.15%	26
natural	3.70%	2
Other (please specify)	5.56%	3
Total Respondents: 54		

# Submission Form

1 October 2018 Sustainability  
Round Consultation



**Fisheries New Zealand**

Tini a Tangaroa

## Once you have completed this form

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While we prefer email, you can also post your submission to: Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

**Submissions must be received no later than 5pm, Friday 27 July 2018.**

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own but if preparing your own please use the same headings as used in this form.

## Submitter details:

Name of submitter or contact person:	Pita Thomas
Organisation (if applicable):	Waitangi Seafoods
Email:	pitat@waitangiseafoods.co.nz
Fish stock(s) this submission refers to:	BNS3 East Coast And Southern South Island - Deemed Value Rates for the Chatham Islands
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other

## Official Information Act 1982

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**Submission: Details supporting your views:**

Waitangi Seafoods is a Chathams-based LFR and processor, employing up to 20 staff on the island, and exporting up to 90 tonnes per annum of high-quality processed longline seafood to the mainland and overseas.

Waitangi Seafoods OPPOSES any increase in deemed values for bluenose landed to the Chathams. In this regard, we fully support the submission of the Chatham Islands Finfish Association, and ask that the differential deemed value regime for the Island is overhauled. This should include tighter criteria for vessels landing bluenose on the island (perhaps a registration system), lower (not higher) differential deemed values for bluenose and a more comprehensive compliance system.

If we could establish a longline fishery on the Chathams, then our business would be able to employ staff on a more full-time basis (currently many are part-time employed). More staff might also be hired if we can get the fishery established without having to pay excessive deemed values for fish we are not even targeting. Fisheries NZ need to realise that the loss to the Chathams economy because of this problem is massive, as pointed out in the recent MartinJenkins economic report on the Chatham's economy. There are also Treaty – rights issues which have not been resolved. These could all be sorted out if Fisheries NZ was prepared to discuss a more manageable differential deemed value regime, and how it might work specifically for Chatham Islanders, rather than making ineffectual policy-decisions from a desk in Wellington.

Yours faithfully



pp: Pita Thomas

Waitangi Seafoods Ltd, Te Oneroa, Chatham Island

Please continue on a separate sheet if required.

**Review of sustainability measures MPI Discussion Paper 2018/05  
Re Green-Lipped Mussels (GLM 9) (Kaitaia Spat) (GLM 9 Spat)**

Email to: [FMsubmissions@mpi.govt.nz](mailto:FMsubmissions@mpi.govt.nz)

**Submission by Whakatohea Mussels Limited (WMO)**

Contact: Peter Vitasovich [peter.v@openocean.co.nz](mailto:peter.v@openocean.co.nz)

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27 July 2018

**1. Summary**

WMO supports a change to the spat ration to 25% spat to 75% seaweed, and option 2 leaving the TACC unchanged. Together these measures will provide the opportunity for the harvesting of additional GLM 9 spat when it is available.

The mussel industry is an important stakeholder in this fishery and its views and needs should be given a high weighting in this decision. Additional spat is needed for the continued development of the mussel industry.

There are no issues regarding the sustainability of the fishery. Any issues regarding the effects of harvesting should be dealt with separately to the decision on how much spat can be harvested.

**2. Introduction**

WMO is the principal operator of a 3800ha Mussel Farm offshore from Opotiki.

The review of this fishery by Fisheries New Zealand is appropriate and important.

WMO supports the submissions of Aquaculture New Zealand. WMO stresses the importance of obtaining additional spat for the continued development of the mussel industry.

Commercial development of the Opotiki farm started in 2014 and the farm is approximately 20% developed.

The farm currently provides direct employment for 13 staff in the Eastern Bay of Plenty and contributes to indirect employment of a number of other people providing services to the farming operation and the business.

Initial production from the farm will be processed at existing facilities creating additional employment in these facilities. When production increases, WMO will develop a processing facility in Opotiki. This will create additional and much needed employment in the Opotiki region.

### **3. Stakeholders**

The GLM 9 spat fishery is unusual in that the product from the fishery is the primary input for a large proportion of the New Zealand Mussel farming industry. Therefore mussel farmers are important stakeholders in this fishery - much more so than in the typical relationship between quota holders and consumers of fish.

It is important that MPI give a high weighting to the views and needs of the mussel industry stakeholders in this fishery.

### **4. WMO need for additional GLM 9 Spat**

The farm site is suitable for catching local Opotiki however like spat catching in other locations, catches are proving highly variable. The use of GLM 9 spat to supplement caught spat is therefore an important part of the farming operation.

For the future successful development of the remaining 80% of the farm, access to additional GLM 9 spat will be very important.

There has been increasing competition for GLM 9 spat due to a number of factors including:

- Occasional mortality of spat in the Hauraki Gulf,
- Development of new areas requiring additional spat,
- Some good growing seasons leading to faster crop turnover,
- A shortage of spat, due to reduced strandings of GLM 9 in some years which has taken the industry some time to catch up from.

Shortage of supply due to the shortage of quota and increasing competition and has made it difficult for WMO to obtain all of the spat that it needs to efficiently operate the farm. The above has also lead to an increase in the cost of GLM 9 spat.

A significant area of additional mussel farming water space is expected to be available for development in the next few years. To satisfy this demand for WMO and for others it is important that additional GLM 9 spat is made available.

#### **5. New Entrants**

WMO is a relatively new entrant to the mussel industry and as such has had to establish connections to obtain supply of GLM 9 spat. Unless the amount of GLM 9 spat is increased, any aspiring new entrant to the industry will have difficulty in obtaining supply.

#### **6. Sustainability of the Fishery**

The discussion paper confirms that there are no sustainability issues in relation to the GLM 9 spat fishery.

#### **7. Potential for environmental damage from seaweed harvesting**

This appears to be a significant concern to some people. WMO acknowledges that concern.

WMO submits though that minimising environmental damage from harvesting is a separate issue from the sustainability of the fishery. As a separate issue it should be dealt with separately to the decision on increasing the amount of spat that can be made available to the mussel farming industry.

That said, WMO supports that industry, spat harvesters, those with concerns and MPI work together to find ways to minimise the potential for environmental damage.

#### **8. Proposal to review the spat ratio**

This is supported by research into the facts and is strongly supported by WMO.

#### **9. Proposal to review the TACC**

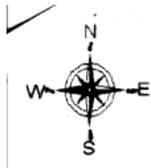
WMO strongly supports option 2 that there is no change to the current TACC of 180 tonnes of spat.

Together these two measures will provide the opportunity for the harvesting of additional GLM 9 spat when it is available.

**10. Conclusion**

The review by MPI / Fisheries New Zealand is welcomed. Making additional GLM 9 Spat available to the New Zealand Mussel Farming industry will be essential for efficient development of both the Opotiki farm and the industry generally. Continued development of the industry will bring increased economic benefits, particularly to regional New Zealand.

Submission ends



**WHITIANGA & COROMANDEL PENINSULA  
COMMERCIAL FISHERMEN'S ASSOCIATION**

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MPI,  
Pastoral House,  
25 The Terrace,  
Wellington.

Submissions regarding 'Review of Sustainability measures fishstocks for 1<sup>st</sup> October, 2018'

This fisherman's association currently has 35 members.  
This submission on the review of fishstock sustainability measures, for 1<sup>st</sup> October 2018 represents their views along with my own.

FLA1.

We are against any TACC reductions because of these reasons.

1-There are big differences in yield apparent in the three main FLA1 areas, namely,  
A-Hauraki Gulf  
B-Manukau Harbour  
C-Kaipara Harbour

2-There probably is a reason for catch variation in these three harbours and this needs to be addressed instead of simply reducing the TACC and ignoring the cause.

Just reducing the TACC because of declining trends in catch is simplistic, FLA1 needs to be broken down into smaller areas so research can be used to look into reasons why issues such as increasing catch levels (Hauraki Gulf 2017-18) against declining catches, Manukau (2014/17 and Kaipara Harbours (2011/17) can be found.

Is it environmental (likely) or poor recruitment or over fishing, we simply don't know.

If research is solely dependent on industry cost recovery (from a low to medium value specie) then the public good (govt) contribution needs to be increased to enable some serious research or spacial catch/area restructuring to be carried out.

Finally fishers need to be forced to report the individual FLA1 species for fine scale data collection in the 'estimates and efforts' section of CELRs, TCERs, and TCEPRs of these fish instead of using just FLA1.

JDO1.

We are against any TACC reductions because of these reasons.

1-It is simplistic to reduce the TACC and not attend to nailing down the reasons for perceived lack of abundance.

2-The Hauraki Gulf used to be the main area for targeting JDO1 mainly by Danish seine. This no longer happens because of the amount of sna that is caught along with the JDO. Trawlers are not as active in the Gulf as they once were and they are the main gatherers of JDO CPUE.

Also a voluntary measure used by the SNA1 Commercial group called the 'move on rule' which triggers when a certain amount of sub MLS sna are caught during a tow or shot forces fishers to move on which didn't happen before 2014/15.

3-Research needs to be conducted to see if there is any relationship between the start of pilchard purse seining in the Hauraki Gulf and a decline in JDO1 abundance.

4-The lack of knowledge that surrounds JDO1 and JDO 2 recruitment.

Again, the cost recovery system is holding back research in this high value but low tonnage fishery.

Simply passing all the research cost onto quota holders is not working (33 million dollars 2016/17 for all the species including DOC levies) is surely enough.

The government needs to put more money into research on these lesser species such as FLA1 and JDO1&2.

TAR1.

The members of this association that catch TAR mainly fish in BOP and East Northland. We agree that a TACC reduction needs to take place in these areas.

Regarding fishing mortality and selectivity.

We would support a regulated move to 125mm diamond mesh or a T90 configuration to 125mm (square mesh) cod ends on trawlers (Danish Seiners use 125mm diamond mesh by regulation) to improve stock rebuild rates.

The reduction in TACC would not need to be so harsh if stock recovery was quicker than allowed for through a reduction in fishing mortality.

The exponential increase in recreational fishing and the targeted associated catch of TAR1 in areas close to deeper water such as Tauranga, Whangamata, Tairua, Mercuary Bay, Great Barrier Island and harbours north of Leigh needs addressing in that the numbers of TAR allowed per person needs reducing.

Thanking you,  
Yours sincerely,  
Phil Clow.  
President.



**WHITIANGA & COROMANDEL PENINSULA  
COMMERCIAL FISHERMEN'S ASSOCIATION**

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25/07/18

Sustainability Review 2018  
Fisheries Management,  
MPI,  
PO BOX 2526  
WELLINGTON.

This addition is to be added to our submission of the same date.

As stated we are against TACC reductions for FLA1 and JDO1.  
We support a TACC reduction for TAR1.

As stated, our reasons for being against the two TACC reductions and issues around the TAR1 reduction is because of the lack of science provided for low value or low tonnage fish stocks such as FLA1, JDO1 and to a certain extent TAR1,2&3.

East Coast North Island inshore trawl surveys need to be recommenced.  
They are used successfully in the South Island and in other overseas countries such as Canada.

Over time these surveys with standardised trawl gear return vital information on abundance which helps with robust decision making when managing demersal fish stocks.

Thanks again,  
Yours Sincerely,  
Phil Clow,  
President,  
Whitianga/Coromandel Peninsular Commercial Fishermans Association.

# Submission Form

Zoe Studd

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

### Once you have completed this form

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### Submitter details:

Name of submitter or contact person:	Zoe Studd
Organisation (if applicable):	
Email:	
Fish stock this submission refers to (delete any that don't apply):	<input type="checkbox"/> SFE 20 <input type="checkbox"/> SFE 21 <input type="checkbox"/> SFE 22 <input type="checkbox"/> SFE 23 <input type="checkbox"/> LFE 20 <input type="checkbox"/> LFE 21 <input type="checkbox"/> LFE 22 <input type="checkbox"/> LFE 23
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Other I support a reduction in short fin commercial take (no provided as an option) Support a reduction in long-fin commercial take (highest reduction possible).

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**Submission:<sup>1</sup>**

**Details supporting your views:**

In brief, I support :

A reduction in size of the commercial fishery for both short-fin and particularly long-fin tuna.

Reduction in maximum size for longfin and shortfin eels to further protect number of males and females who reach sexual maturity and migration.

Temporary closes to protect migrating eels when moving down-stream (and potentially out of areas which are inaccessible to commercial fishing)

Increased education and research to better understand customary, recreational catch

I also recognise:

the massive impact that changes in land-use and the subsequent loss of available habitat has had on eel populations. And that, without addressing these issues we will be unable to sustain healthy populations long term, with enough resilience to withstand changing environmental and climatic conditions.

That New Zealanders have a deep concern about freshwater in general and there is a wide reaching and growing awareness of our taonga freshwater species; and in particular a strong connection to tuna and inanga. The Ministry has been tasked with setting limits that do not put this population at further risk. It is important that these values are protected for future generations.

Support iwi and hapu concerns around the reduction in eel numbers for customary take and 'on the table'. This is a concern heard across areas we work.

Aware that growth rates appear to be diminished in some areas due to changes in the food web in streams impacted by urban and rural activities.

We would welcome a growth in education, research and the enhancement of freshwater habitats so that tuna can thrive. We're keen to see a solid increase in eel numbers and would support a precautionary approach to setting reduced limits so that the populations are resilient to pressure. I believe that all New Zealanders should be able to experience and abundance of these creatures in their local stream and rivers.

Nga mihi!

Please continue on a separate sheet if required.

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<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically we accept the following formats – Microsoft Word, Text, PDF and JPG.

# Submission Form

## North Island eels 2018 Consultation



**Fisheries New Zealand**

Tini a Tangaroa

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### Submitter details:

Name of submitter or contact person:	Charles Barrie
Organisation (if applicable):	
Email:	
Fish stock this submission refers to (delete any that don't apply):	<input type="checkbox"/> SFE 20 <input type="checkbox"/> SFE 21 <input type="checkbox"/> SFE 22 <input type="checkbox"/> SFE 23 <input type="checkbox"/> LFE 20 <input type="checkbox"/> LFE 21 <input type="checkbox"/> LFE 22 <input type="checkbox"/> LFE 23
Your preferred option as detailed in consultation document (write "other" if you do not agree with any of the options presented):	Longfin  Option 2: Reduce the total allowable catch by 15% and the total allowable commercial catch by 32%.

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**Submission:<sup>1</sup>**

**Details supporting your views:**

Longfins are an endemic tāonga and should be respected as such. I would personally like to see even lower quotas, especially if the harvests are primarily for the export market .

Please continue on a separate sheet if required.

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