



Fisheries New Zealand

Tini a Tangaroa

Review of Sustainability Measures for selected stocks for 1 April 2020

Appendix 2: Submissions received on the Discussion Document

March 2020

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Submission Form

Review of sustainability measures for 1 April 2020

Once you have completed this form

Email to: FMSubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to:

2020 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

Submissions must be received no later than 5pm on Wednesday 5 February 2020.

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: Mike Currie	
Organisation (if applicable):	
Email:	██████████
Fishstock this submission refers to:	Deemed Value Rates for Selected Stocks
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	I support with increase of the interim deemed value rates of the 454 stocks listed in the appendix to 90% of the annual rate.

Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.



In the interests of wildlife conservation and biodiversity sustainability, and as stated in the conclusion, *“The proposed changes would contribute towards ensuring catch remains within the available ACE by reducing the incentive for fishers to delay acquiring ACE, and removing the risk that an operator may fish excessively on interim deemed values before entering liquidation once annual rates are due.”*

Please continue on a separate sheet if required.



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Submitter details:

Name of submitter or contact person: Mike Currie	
Organisation (if applicable):	
Email:	██████████
Fishstock this submission refers to:	Northland scallops (SCA 1)
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Option 1 – status quo

Official Information Act 1982

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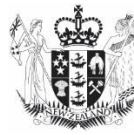


Submission:¹

Details supporting your views:

In the interests of wildlife conservation and biodiversity sustainability I support decreases preferably in all recreational allowances, or at minimum retain the status quo.

¹ 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.



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Submitter details:

Name of submitter or contact person: Mike Currie	
Organisation (if applicable):	
Email:	██████████
Fishstock this submission refers to:	Selected stocks with a zero tonne TACC
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	All stock options RBY 5, RBY 6, TRU 6, TRU 9, WWA 9 and YEM 6: Current setting (0)

Official Information Act 1982

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Submission:¹

Details supporting your views:

In the interests of wildlife conservation and biodiversity sustainability I support decreases preferably in all recreational allowances, or at minimum retain the status quo.

¹ 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.

3 February 2020

Sustainability Review 2020
Fisheries Management
Fisheries New Zealand
PO Box 2526
Wellington 6140

By email to: FMSubmissions@mpi.govt.nz

Submission on the review of sustainability measures SBW 6B for 1 April 2020

The Deepwater Group Ltd (DWG) provides this submission to Fisheries New Zealand (FNZ) on behalf of the quota owners of SBW 6B, 87.9% of which is owned by our shareholders.

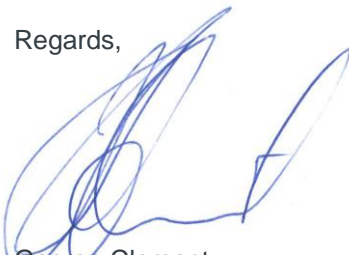
DWG is a non-profit organisation that works in partnership with MPI and others to ensure deep water fishing is sustainable and that New Zealand gains the maximum long-term benefits from these fisheries resources.

Our vision is to be trusted as the best managed deep water fisheries in the world.

SBW 6B Quota Owners support FNZ's proposed Option 1

DWG Shareholders who own quota for SBW 6B unanimously support FNZ's Option 1, which provides for the TACC to be decreased by 10% from 3,145 tonnes to 2,830 tonnes.

Regards,



George Clement
Chief Executive
Deepwater Group Ltd

[REDACTED]

From: Joseph Dragicevich [REDACTED]
Sent: Friday, 13 December 2019 3:36 PM
To: FMSubmissions
Subject: SFE20 and LFE20

The deemed value is a financial impediment meant to negate any value attained from selling fish without holding ACE. The market value of both SFE20 and LFE20 over the last 5 years has been significantly lower than the proposed \$7.20 interim deemed value. I do not think that the proposed deemed value reflects any semblance of the market position. This would be true for all freshwater eel stocks but I can only speak to those that I fish in.

Regards,

Joseph Dragicevich

[REDACTED]

[REDACTED]

[REDACTED]

Sent from my iPhone

REVIEW OF SUSTAINABILITY MEASURES FOR NORTHLAND SCALLOPS (SCA 1) FOR 2020/21

SUBMITTER DETAILS

FULL NAME: Environmental Defence Society Incorporated
ADDRESS FOR SERVICE: PO Box 91736, Victoria Street West, Auckland 1142
CONTACT: Cordelia Woodhouse
TELEPHONE: [REDACTED]
EMAIL: [REDACTED]
DATE: 31 January 2020

1. Introduction

- 1.1. This is a submission on the Review of the Sustainability Measures for Northland scallops (SCA 1) for 2020/21 as set out in the Fisheries New Zealand (**Fisheries NZ**) Discussion Paper No: 2019/21 (**Discussion Paper**).
- 1.2. EDS is a not-for-profit, non-government national environmental organisation. It was established in 1971 with the objective of bringing together the disciplines of law, science, and planning in order to promote better environmental outcomes in resource management. EDS recently undertook an in-depth study into the operation of the fisheries management system, with a focus on inshore stocks. The study included 60 interviews with people directly involved with fisheries management in New Zealand and was published in 2018 under the title: "Voices from the Sea: Managing New Zealand's Fisheries".

2. Summary of submission

- 2.1. EDS seeks:
 - a) That Option 2 as proposed in the Discussion Paper be adopted.
 - b) That dredging be banned as method that can be used to harvest scallops.

3. Discussion Paper Proposals

- 3.1. The Discussion Paper puts forward two options for the Total Allowable Catch (**TAC**) and Total Allowable Commercial Catch (**TACC**) allowances for SCA 1.
 - **Option 1** is the status quo of 75 tonnes TAC and 40 tonnes TACC.
 - **Option 2** proposes to reduce the TAC from 75 tonnes to 30 tonnes, and reduce the TACC from 40 tonnes to 10 tonnes.
- 3.2. EDS supports the proposal in Option 2. This will result in a 60% reduction in TAC and a 75% reduction in TACC and would better address sustainability risks of the stock.

4. Obligations under the Fisheries Act 1996

- 4.1. When considering the setting of sustainability measures for a fish stock the Minister's decision-making power is subject to specific and directive statutory requirements under the Fisheries Act.
- 4.2. Under s 9 the Minister is required to identify whether there are any adverse effects of fishing to the aquatic environment and if there are, he is required to avoid, remedy and mitigate them. This is addressed in section 12 of the Discussion Paper: Environmental Interactions.
- 4.3. The Discussion Paper seeks to address the key environmental interactions with the fishery that must be taken into account when varying the TAC, including effects on:
 - Marine mammals, fish by catch and seabirds
 - Benthic impacts (or "Biological diversity")
 - Habitats of significance
- 4.4. Of particular relevance to SCA 1 stock are the benthic effects. The Discussion Paper contains minimal information about the adverse effects of the use of mobile contact gear, such as dredges, on the benthic environment.
- 4.5. There is strong scientific evidence that dredging as a harvest method is particularly damaging. These effects were summarised in the publication "Ministry for Primary Industries (2017). Aquatic Environment and Biodiversity Annual Review 2017. Compiled by the Fisheries Management Science Team, Ministry for Primary Industries, Wellington, New Zealand" (**AEBAR**) which included a chapter on the benthic impacts of fishing activity.
- 4.6. AEBAR summarises the international scientific findings of the benthic impacts of dredging including that:¹

the effects on habitats of mobile bottom fishing gears were that they can:

- *Damage or reduce structural biota (all reviews, strong evidence or support).*
- *Damage or reduce habitat complexity (all reviews, variable evidence or support).*
- *Reduce or remove major habitat features such as boulders (some reviews, strong evidence or support).*
- *Alter seafloor structure (some reviews, conflicting evidence for benefits or harm).*

Other emergent conclusions on habitat effects included:

- *There is a gradient of effects, with greatest effects on hard, complex bottoms and least effect on sandy bottoms (all reviews, strong support, with qualifications).*

¹ Page 368

- *There is a gradient of effects, with greatest effects on low energy environments and least (often negligible) effect on high-energy environments (all reviews, strong support).*
- *Trawls and mobile dredges are the most damaging of the gears considered (three of the reviews considered other gears; all drew this conclusion, often with qualifications).*

4.7. AEBAR concludes at page 369 that *“The international literature is, therefore, clear that bottom (demersal) trawling and shellfish dredging are likely to have largely predictable and sometimes substantial effects on benthic community structure and function.”*

4.8. EDS submits that the recommendations contained in the Discussion Paper have not been put forward on the basis of the best available information (as required by s 10 of the Fisheries Act) and as a result the Minister is unable to make an informed decision on the proposals. In order for the Minister to meet his statutory obligations, this information must be considered.

5. Conclusion

5.1. EDS supports the proposal to reduce the TAC for SCA 1 (Option 2).

5.2. EDS reiterates its disappointment at the failure of Fisheries NZ to include the best available information on the environmental effects of fishing activity. It is required that this information be provided to the Minister to enable him to make an informed decision on the proposals.



PO Box 297
Wellington 6140
New Zealand
www.inshore.co.nz

7 February 2020

Mr D Bolger
Fisheries New Zealand
Ministry for Primary Industries
PO Box 10420
Wellington

Dear Dan,

Sustainability round consultation FNZ Discussion Paper 2019/22 & 2019/23

1. Fisheries New Zealand (FNZ) has invited submissions on their proposed Sustainability Controls for 1 October 2020 stocks. This submission is presented on behalf of Fisheries Inshore New Zealand Ltd (FINZ).
2. Fisheries Inshore is the Sector Representative Entity for inshore finfish, pelagic and tuna fisheries in New Zealand. Its role is to deal with national issues on behalf of the sector and to work directly with, and behalf of, its quota owners, fishers and affiliated sector representative organisations. Its key outputs are:
 - developing appropriate policy frameworks, processes and tools to assist the sector to manage inshore, pelagic and tuna fishstocks more effectively;
 - minimising fishing interactions with protected species and the associated ecosystems; and
 - working positively with other fishers and users of marine space where we carry out our harvesting activities.
3. Responsibility for the implementation of these policies, processes and tools falls naturally on quota owners, fishers and Commercial Fishery Stakeholders (CSOs) who collectively choose the best ways to deal with issues in their regions. CSOs will generally deal with all matters pertaining to fishstocks in their region.
4. Fisheries Inshore provides management services through regional committees to the quota owners of stocks in FMA1,2, 8 and 9 and has a close relationship with Southern Inshore Fisheries Management Limited, who are also a member of FINZ.
5. We note that companies and other quota-holders may also make their own submissions on the proposals.

INTRODUCTORY COMMENTS

6. We have long advocated that FNZ needs to establish a process to review the TAC/TACCs of many stocks and emphasised this as part of our involvement with the Sustainability Round review recently commissioned by FNZ. Of 192 inshore finfish stocks, most have not been reviewed since they were introduced into the QMS with no accepted fisheries management approaches to the management of low information and low value stocks.¹
7. It is positive to see FNZ addressing 1 October sustainability round decisions early in the year, acknowledging that for the stocks in question no further information is required and so management decisions can be made well in advance of 1 October.
8. We support progressing early decisions on October stocks where appropriate and view this development as the first step towards developing a more effective and timely sustainability round process that can incorporate early reviews. Benefits to this approach will include:
 - increasing efficiencies for FNZ,
 - Reducing workload bottle necks towards the end of the year for 1 October stocks
 - Increase certainty for commercial stakeholders and enable them to manage their businesses more effectively (TAC/TACC decisions made at the end of September do not allow for companies to develop fish plans taking into account the decisions for the upcoming fishing year)

¹ Excluding the Kermadec stocks and those with zero TACCs

- We welcome the opportunity to further engage with FNZ to develop a more considered and cost-effective approach to sustainability round reviews.

Review of sustainability measures for selected stocks with a zero tonne TACC

- We agree that TACCs need to be set for all stocks that currently have a zero TACC level.
- The Minister must set a Total Allowable Catch (TAC) for each quota management stock. Based on Table 1 of discussion paper 2019/22 it is clear that with the exception of YEM5 the Minister and his predecessors has not fulfilled his legal obligation under Section 13 (22) and 20 of the Act to set a TAC and associated TACC.
- Additionally, the presence of zero TACCs within the QMS for species that have had reported catches since their introduction yet have not been reviewed since their QMS introduction in 1998 raises the question as to how these zero TACCs achieve the purpose of the Act (s 8) to provide for sustainable utilisation.
- Furthermore, having a zero tonne TACC is contrary to providing incentives for commercial catch to not exceed the available ACE, as there is no ability to balance catch with ACE. This is contrary to the rationale of deemed values providing an incentive for catch reporting.

TRU9

- We support Option 1 to provide a nominal TACC of 2t.
- We support FNZ's assessment that the conservative TAC/TACC proposed are unlikely to cause any sustainability concerns for the relevant stocks.
- TRU9 is a stock that managed by catch levels to enable utilisation while monitoring trends in catch in order to provide opportunities for stakeholders to develop the potential of these fisheries to achieve greater benefits, while minimising costs.² As TRU9 is subject to less fishing pressure than some other stocks, a less cautious approach is appropriate.
- A review of the catch trends show that they have increased since 2000 and that since 2014 the catch trends have been above the average for the timeseries. Interpreting Figure 1 below shows that the current TACC is constraining catch contrary to FNZ's management of group 6 stocks and the sustainable utilisation purpose of the act. There is no information to suggest that a management review will impact the long-term health of these fisheries.

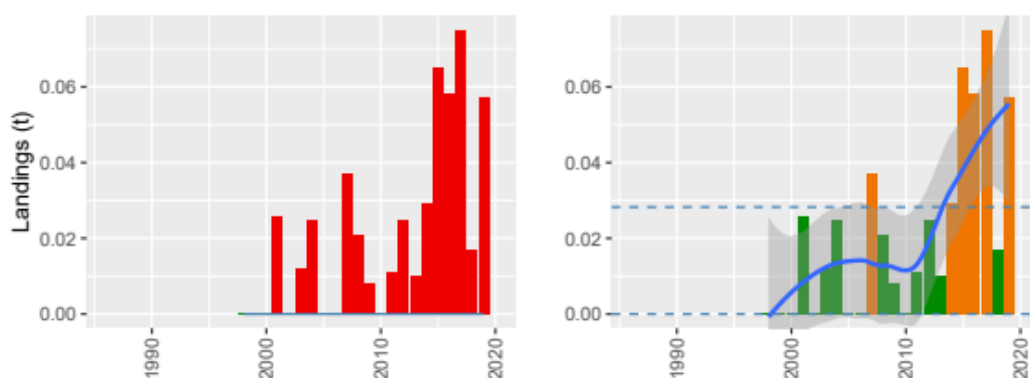


Figure 1. Management trigger analysis conducted for TRU9. Left hand graph shows landings (bars) compared to TACC (blue line). The bars are in red when they exceed the TACC (0t). Right hand graph shows the catch trends related to the expected variation of catches based on the current TACC setting. The blue dashed lines provide the 95% confidence intervals for catch variability. Orange bars represent catches that are outside of the expected variation of catches, green bars are within expected variance. The blue line is the average catch trend in the fishery.

² A Group 6 stock under the draft Inshore Research plan and a Group 3 stock in the National Inshore Finfish Fisheries Plan (August 2019) currently out for consultation.

RBYS & YEM5

18. Fisheries Inshore endorses Southern Inshore's submission on these stocks.

WWA9

19. Fisheries Inshore endorses Deepwater Group's submission on these stocks.

TRU6 & RBY6

20. Fisheries Inshore has no mandate to represent this stock but would see no reason why the stocks should not be treated consistently with other stocks having a zero TAC/TACC.

Review of deemed value rates for selected stock

21. FINZ as a member of the Deemed Values Working Group, supports the proposed increase of interim deemed value rates of all stocks to the recommended 90% of the annual rate.
22. FINZ continues to actively support the review of the deemed values regime conducted by the Deemed Values Working Group and welcome the public release of the full recommendations in due course.
23. In advance of seeing the Deemed Value Working Group report, we remind FNZ that deemed values are not an independent process. Fisheries management considerations must be taken into account when setting deemed values. For example: increasing deemed values when TACs are set close to biological limits to protect those limits, decreasing deemed values when they have previously been set high to reduce over-catch; reducing deemed values to encourage accurate reporting of catch and improved stock science on take.
24. Rather than achieve sound fisheries management, inappropriately set deemed values will engender poor fisheries management practices and impede the performance of the management framework. We have repeatedly reminded FNZ that where the TACCs are significantly out of balance with stock abundance, deemed values are incapable of constraining catch to TACC. There are simply too many drivers and motives to allow deemed values to operate effectively in those circumstances.
25. It is therefore pleasing to see that the discussion paper acknowledges the importance of the QMS as 'the backbone of the New Zealand fisheries management regime' and the intent of deemed values as part of the QMS to protect the long-term value of stocks. This statement commensurate with previous industry submissions that have emphasised the need for deemed values to be used as a fisheries management tool in a manner that is appropriate to the stock to which they apply.
26. FINZ continues to actively support the review of the deemed values regime conducted by the Deemed Values Working Group and welcome the public release of the full recommendations in due course. We trusts that the report will adequately recognise that deemed values are not a substitute for poorly set TACCs but are an important part of the success of the QMS.

Yours sincerely

Oliver Wilson
Programmes Manager
Fisheries Inshore New Zealand Ltd



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Submitter details:

Name of submitter or contact person:	Thomas HUNT [REDACTED]
Organisation (if applicable):	[REDACTED]
Email:	[REDACTED]
Fishstock this submission refers to:	SCA 1
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Option 1

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Submission SCA1

Option 2 seems to be based on hearsay and not scientific data.

To carry out this option without the scientific data from a proper survey of the main area 1 Scallop beds is unscientific and brings into question the stewardship of Fisheries Management.

Option 1 is self managing in the sense that commercial fishers don't fish when there is no return on the cost of participation.

If a survey was carried out and it was deemed the biomass was shown not to support the TAC at its present level then any percentage reduction should be applied equally to all stakeholders in the fishery. It would seem morally abhorrent and legally unjust to force this punitive measure on One sector of the stakeholders group.

Past data has shown scallops live in a boom bust cycle and there are many other ways to cope with a variable fishery rather than making one stakeholders group unviable.

There should first be a proper discussion rather than an arbitrary decision as being suggested for this fishery.

Bob Gutsell
President
NZ Sport Fishing Council
PO Box 54242, The Marina
Half Moon Bay, Auckland 2144



Fisheries Management Team
Ministry for Primary
Industries
PO Box 2526
Wellington 6140
FMSubmissions@mpi.govt.nz



5 February 2020

Joint recreational submission to the review of catch levels for Northland scallops (SCA 1) for 2020/21

Submission summary

1. We submit in support of the Minister reducing the Total Allowable Catch (TAC) by 60% and Total Allowable Commercial Catch (TACC) by 75% on the basis that commercial dredging in inshore waters is reviewed and that commercial hand gathering and other low impact methods of harvesting scallops is permitted in selected areas.
2. We submit that managing the scallop fishery by output controls such as a TACC is inappropriate, and that a mix of input controls such as effort, area and catch limits is more appropriate.
3. We submit in support of the FNZ proposal to retain the allowances currently set aside for Maori customary and recreational fishing interests.

The submitters

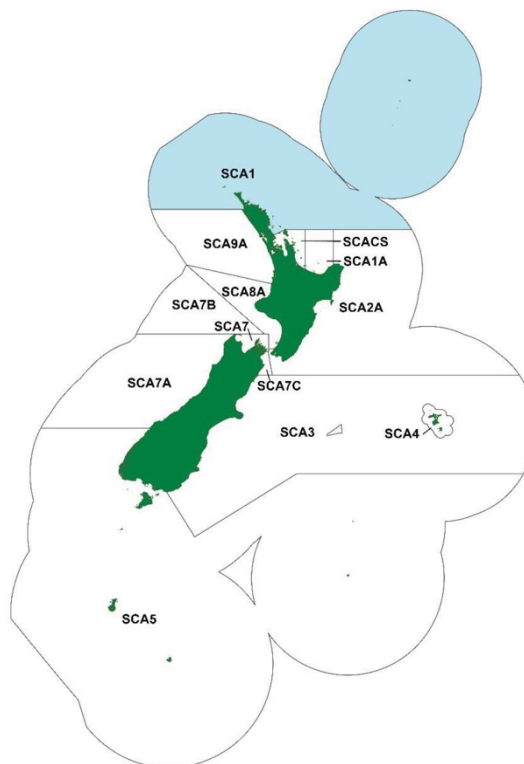
4. The submitters appreciate the opportunity to submit on the review of catch levels for Northland scallops (SCA 1) for 2020-21. Fisheries New Zealand (FNZ) advice of consultation was received on 13 December 2019, with submissions due by 5 February 2020.
5. The NZ Sport Fishing Council (NZSFC) is a recognised national sports organisation of 55 member clubs with over 36,200 affiliated members nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz.
6. The New Zealand Angling and Casting Association (NZACA) is the representative body for its 35 member clubs throughout the country. The Association promotes recreational fishing and

the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.

7. Collectively we are '*the submitters*'. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
8. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz

Background

9. There is little information on the growth and natural mortality of scallops in SCA 1. A few tag returns from Northland indicate that growth rates in Bream Bay are similar to those in the Coromandel fishery (SCA CS).
10. All commercial scalloping in SCA 1 is by box dredge. Scallops in box dredge fisheries have shown modest reductions in growth rates compared to scallops collected by divers, and relatively high (20-30%) mortality rates for scallops returned to the water. The Total Allowable Commercial Catch (TACC) for SCA 1 is 40 tonnes (t) and the allowance set aside for mortality caused by fishing is 20 t.
11. The Northland commercial scallop season runs from 15 July to 14 February. The commercial minimum legal size is 100mm. Recreational fishers target scallops by diving or dredging. Since 2007 the recreational scallop season extends from 1 September to 31 March. Fishers can take up to 20 scallops per person, 100mm or bigger. Divers may take a daily limit for up to two safety persons aboard their fishing vessel. The most recent survey estimates recreational harvest is around 2.5 t annually. There is limited data available on the level of customary harvest. Known harvest is likely to be an underestimate of customary interests in the scallop fishery.
12. Between 1981 and 2010 commercial landings varied more than 10-fold, from 80 t to over 1600 t greenweight. There was a gradual decline in landings from 68 t meatweight in 2006 to only 1 and 2 t in 2011 and 2012. There was no fishing in 2013 and only 2 t of meatweight was landed in 2015. Over the last 4 years annual landings have been 16, 7, 6 and 8 tonnes. Commercial effort is mainly focused on beds off Bream Bay, East Northland.
13. SCA 1 is on the Second Schedule of the Fisheries Act 1996 which means a base Total Allowable Commercial Catch (TACC) of 40 t is set, with in-season increases provided for by increasing the available Annual Catch Entitlement (ACE). The last ACE increases occurred in 2006 and 2007, supported by estimates of biomass derived from annual surveys. The last comprehensive stock survey was undertaken in 2007.



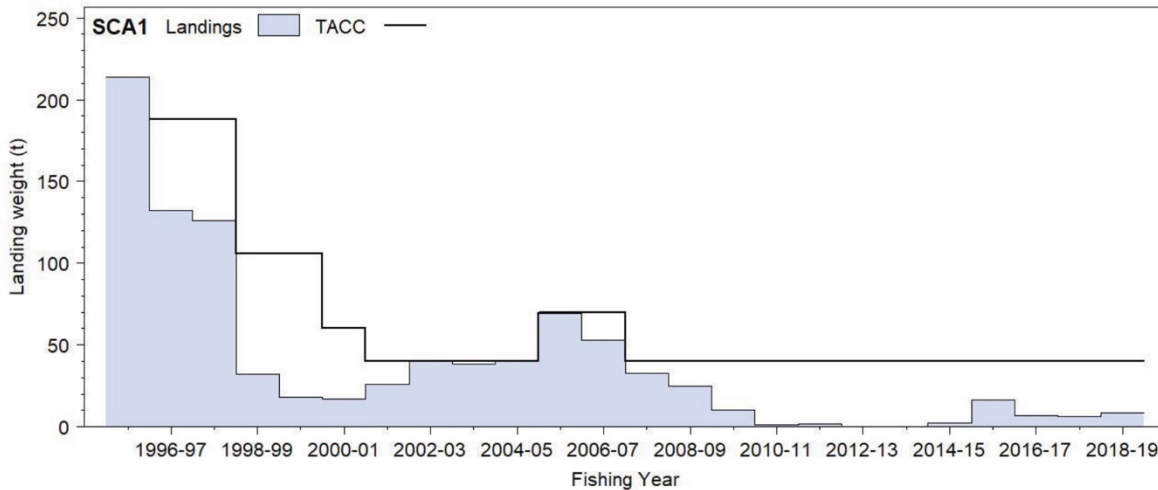


Figure 1: Reported commercial landings and catch limits for SCA 1 (Northland) since 1995-96.

Submission

14. Since 2017 the New Zealand Sport Fishing Council and LegaSea have promoted a [Fisheries Manifesto](#) which outlines the policies required to restore inshore fisheries to abundant levels and return the marine environment to a more productive ecosystem. One of the five policies is to “Remove industrial fishing methods such as trawling, seining and dredging from the inshore zone”. This submission is guided by this policy.

Scallop dredging

15. Scallops are a valuable species for fishing, environmental and cultural reasons. They are a taonga [treasure] for Maori. Yet we continue to allow dredges to be used to gather the remaining remnants of a once-prolific fishery. Shameful management of this taonga.
16. Now Fisheries New Zealand (FNZ) propose to reduce the Total Allowable Catch (TAC) by 60% and the Total Allowable Commercial Catch (TACC) by 75%, to “better reflect the current state of the fishery and provide for closer management to address sustainability risks”. What does this actually mean? Stock status in SCA 1 is unknown. Catches in the last three years are less than 5% of what they were in the 1990s, and the proposed reductions will not constrain commercial effort.
17. We submit that if FNZ are serious about reflecting “the current state of the fishery” they would be advocating for either a total closure to commercial harvest, or to reduce the sustainability risks by banning the use of dredges from some inshore areas. There are areas on the northeast coast that are not suitable for dredging on an industrial scale therefore we advocate that FNZ ought to permit the hand gathering of harvesting scallops for commercial purposes in specified areas.
18. The submitters recognise that dredging has been the default harvesting method for many years however, as we learn more about the stressors affecting the marine environment we must consider how we can mitigate the impacts from bottom contact fishing methods. The NZSFC will be discussing a specific policy around dredging at the September 2020 Annual General Meeting.

19. We note that mana whenua in Northland have expressed concerns about the impacts of dredges on scallop beds. These concerns have been known yet not addressed for many years.
20. The commercial scallop fishery has a history of serial depletion, as one bed is exhausted fishers move on, find another, exploit that then move again. Over time those beds become less productive even when left fallow for a time.
21. Another risk factor to take into account is the cumulative effects of the change to the recreational harvest season for scallops. Since 1973 the season for commercial and recreational scallop harvesting in SCA 1 was 15 July to 14 February. In 2006 the New Zealand Recreational Fishing Council successfully lobbied to have the recreational season changed to 1 September to 31 March inclusive. The submitters objected at the time, asking for a more nuanced approach and that more consultation was required.
22. We submit that given the available information to inform this process, now is the appropriate time for the Minister to review the use of dredges to target scallops, with a view to limiting their use to selected deeper water areas that are suitable for dredging.
23. We submit the Minister ought to encourage and permit the commercial hand gathering and other low impact methods of harvesting scallops in selected areas because it would deliver a higher quality product attracting premium prices, while protecting the environment from ongoing damage. A rebuild of benthic communities would help enhance overall productivity of the area.
24. There seems to be only one economically viable bed now available to commercial harvesters, in Bream Bay, East Northland. This would be a prime area to test the viability of hand gathering, and to monitor any changes to the benthic environment. This would require regular monitoring with costs shared between quota shareholders and the Crown.
- 25. We submit in support of the Minister reducing the TAC by 60% and TACC by 75%** on the basis that commercial dredging in inshore waters is reviewed and that commercial hand gathering and other low impact methods of harvesting scallops is permitted in selected areas only, to avoid any potential spatial conflicts.

Stock management

26. Virgin biomass (Bo), and the biomass that will support the maximum sustainable yield (BMSY) is unknown in SCA 1. The level of fishing mortality in recent years is unknown because of the lack of surveys to estimate biomass. There is no known stock-recruitment relationship for SCA 1. The submitters accept that managing highly variable stocks is complex. However, the uncertainties surrounding the management of scallops demands more conservative management than has historically and currently being applied in SCA 1.
27. The submitters agree that Catch Per Unit of Effort (CPUE) is not a reliable index of abundance for scallop fisheries. Changes in dredge efficiency and the targeting of different areas clearly disqualifies trends in CPUE over time as a reasonable measure of availability and abundance in SCA 1.
28. The November 2019 Plenary report notes that there has been an increase in abundance of pre-recruit size scallops (< 100 mm) since 2013, “but this has not resulted in substantive

increases in recruited scallops (100 mm or larger), suggesting relatively slow growth and/or high mortality of these scallops has occurred in recent years. The relatively high commercial landings in 2015 (16t meatweight, about 36% of the estimated total recruited biomass) in particular may explain why the recruited biomass at the time of the surveys has not increased markedly in response to increasing recruitment. Incidental mortality of undersized scallops caused by dredging may have also contributed”¹.

29. The boom and bust cycle in scallop fisheries is not new, we only have to look at the Coromandel (SCA CS) and SCA 7 (Golden, Tasman Bays) scenarios to see the outcome of over exploitation. An exploitation rate of 36% in 2015 from SCA 1, a fishery that had only been closed to fishing two years earlier, is sheer folly.
30. We submit that the TACC is not an effective management tool, and that a mix of input controls such as effort, area and catch limits is more appropriate.
31. Significant declines in scallop abundance over the years has been noted in areas not targeted by commercial fishers. The causes are unknown but suspected to be a result of environmental changes, the effects of land run-off affecting water quality, and variable recruitment.
32. Anecdotal reports suggest there is currently an abundance of scallops within the Whangarei Harbour. Locals are enjoying access to good quality scallops. Residents of harbours further north are not so lucky, including those in the Bay of Islands and Whangaroa.
33. **We submit in support of the FNZ proposal to retain the allowances currently set aside for Maori customary and recreational fishing interests.** Scallop abundance can be highly variable so in good years people harvest scallops and in poor years few are taken.
34. SCA 1 is another important fishery that is dependent on commercial fishers to conduct stock surveys. If there is no money to be made from harvesting scallops then no resources are made available to support a comprehensive survey. Innovative fisheries independent surveys of the main scallop areas are required if we are to reduce the risks of over-exploitation and reach world class standards of modern management.

¹ Fisheries New Zealand (2019). Fisheries Assessment Plenary, November 2019: stock assessments and stock status. Compiled by the Fisheries Science and Information Group, Fisheries New Zealand, Wellington, New Zealand. 579pp.

New Zealand Underwater Association



www.NZUnderwater.org.nz



Fisheries Management Team
Ministry for Primary
Industries
PO Box 2526
Wellington 6140
FMSubmissions@mpi.govt.nz



29 January 2020

Submission to the review of catch levels for Northland scallops (SCA 1) for 2020/21

Submission summary

1. We submit in support of the Minister reducing the TAC by 60% and TACC by 75% on the basis that all dredging is banned from inshore waters and that commercial hand gathering and other low impact methods of harvesting scallops is permitted.
2. We submit in support of the FNZ proposal to retain the allowances currently set aside for Maori customary and recreational fishing interests.

The submitters

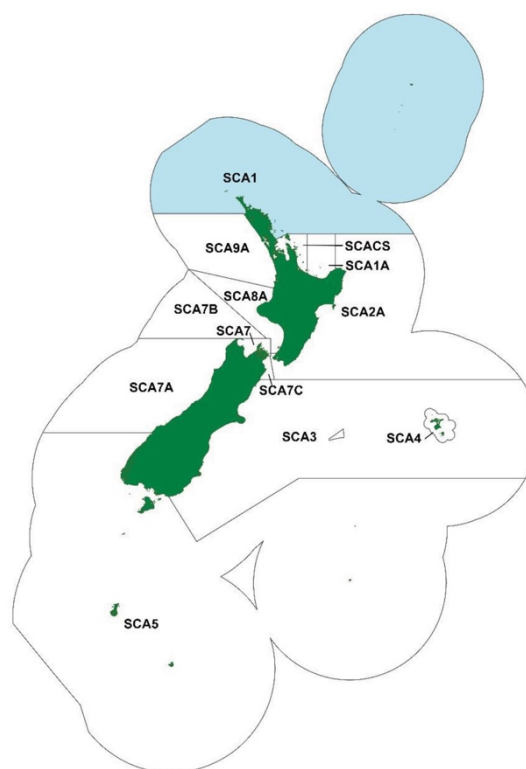
3. The submitters appreciate the opportunity to submit on the review of catch levels for Northland scallops (SCA 1) for 2020-21 by Fisheries New Zealand (FNZ) with submissions due by 5 February 2020.
4. The New Zealand Underwater Association (NZUA) was established in 1953, and currently represents Scuba Diving, Spearfishing and Underwater Hockey Clubs. We are the country's recognised leading not-for-profit organisation promoting and advocating safe and enjoyable underwater activities and a healthy marine environment. <https://www.nzunderwater.org.nz/>
5. Spearfishing New Zealand (SNZ) is an Incorporated Society elected by the spearfishing clubs to represent the spearfishing community in New Zealand, which is estimated at circa 20,000 participants. We report directly to over 7,000 people. We administer competition rules, national records, national competition events, and national teams for the sport in this country.

The SNZ committee is authorised to make submissions to government agencies regarding the interests of our members. Our members frequently harvest scallops by hand whilst freediving, and the scallop beds in SCA1 are important to our members both in terms of providing sustenance and recreational enjoyment.

6. Collectively we are '*the submitters*'. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
7. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contacts are Andrea McFarlane, [REDACTED] and Reid Quinlan secretary@spearfishingnz.co.nz

Background

8. There is little information on the growth and natural mortality of scallops in SCA 1. A few tag returns from Northland indicate that growth rates in Bream Bay are similar to those in the Coromandel fishery (SCA CS).
9. All commercial scalloping in SCA 1 is by box dredge. Scallops in box dredge fisheries have shown modest reductions in growth rates compared to scallops collected by divers, and relatively high (20-30%) mortality rates for scallops returned to the water. The Total Allowable Commercial Catch (TACC) for SCA 1 is 40 tonnes (t) and the allowance set aside for mortality caused by fishing is 20 t.
10. The Northland commercial scallop season runs from 15 July to 14 February. The commercial minimum legal size is 100mm. Recreational fishers target scallops by diving or dredging. Since 2007 the recreational scallop season extends from 1 September to 31 March. Fishers can take up to 20 scallops per person, 100mm or bigger. Divers may take a daily limit for up to two safety persons aboard their fishing vessel. The most recent survey estimates recreational harvest is around 2.5 t annually. There is limited data available on the level of customary harvest. Known harvest is likely to be an underestimate of customary interests in the scallop fishery.
11. Between 1981 and 2010 commercial landings varied more than 10-fold, from 80 t to over 1600 t greenweight. There was a gradual decline in landings from 68 t meatweight in 2006 to only 1 and 2 t in 2011 and 2012. There was no fishing in 2013 and only 2 t of meatweight was landed in 2015. Over the last 4 years annual landings have been 16, 7, 6 and 8 tonnes. Commercial effort is mainly focused on beds off Bream Bay, East Northland.
12. SCA 1 is on the Second Schedule of the Fisheries Act 1996 which means a base Total Allowable



Commercial Catch (TACC) of 40 t is set with in-season increases provided for by increasing the available Annual Catch Entitlement (ACE). The last ACE increases occurred in 2006 and 2007, supported by estimates of biomass derived from annual surveys. The last comprehensive stock survey was undertaken in 2007.

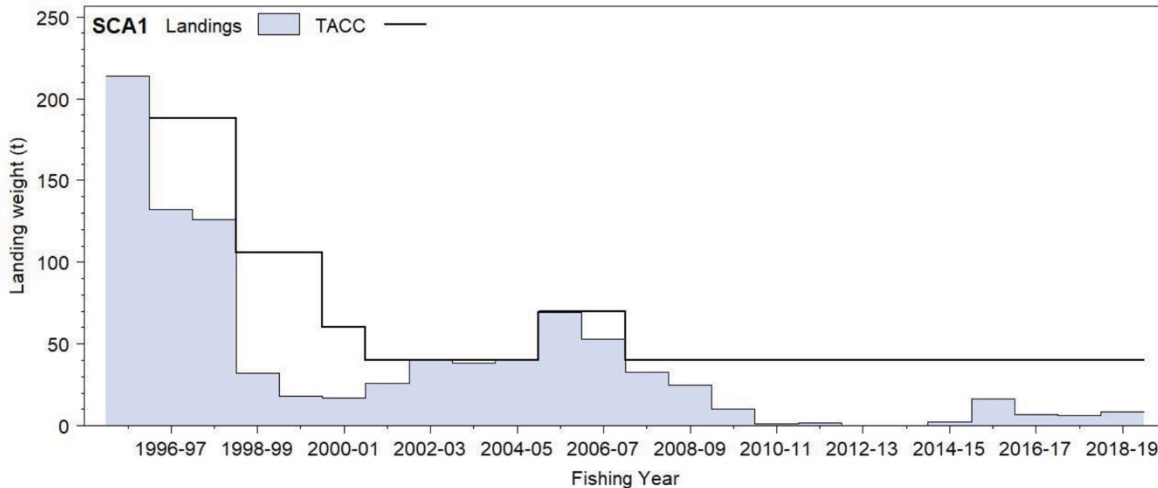


Figure 1: Reported commercial landings and catch limits for SCA 1 (Northland) since 1995-96.

Scallop dredging

13. Scallops are a valuable species for fishing, environmental and cultural reasons. They are a taonga [treasure] for Maori. Yet we continue to allow dredges to be used to gather the remaining remnants of a once-prolific fishery. Shameful management of this taonga.
14. Now Fisheries New Zealand (FNZ) propose to reduce the Total Allowable Catch (TAC) by 60% and the Total Allowable Commercial Catch (TACC) by 75%, to “better reflect the current state of the fishery and provide for closer management to address sustainability risks”. What does this actually mean? Stock status in SCA 1 is unknown. Catches in the last three years are less than 5% of what they were in the 1990s, and the proposed reductions will not constrain commercial effort.
15. We submit that if FNZ are serious about reflecting “the current state of the fishery” they would be advocating for either a total closure to commercial harvest, or to reduce the sustainability risks by banning the use of dredges inshore while permitting hand gathering and other low impact methods of harvesting scallops.
16. Under the Fisheries Act 1996 the Minister has a statutory duty to ensure sustainability. In exercising his/her functions section 9 states, in part, that the Minister shall take into account the following environmental principles:
 - a. Associated or dependent species should be maintained above a level that ensures their long-term viability:
 - b. biological diversity of the aquatic environment should be maintained:
 - c. habitat of particular significance for fisheries management should be protected.
17. FNZ note in para 65 of the proposal that “*the effects of scallop dredging on the benthos are well-studied, with New Zealand studies (including in SCA 1) showing that will increasing fishing intensity there are decreases in the density and diversity of benthic communities and, especially, the density of emergent epifauna that provide structured habitat for other fauna*”. This includes nursery habitat for other important inshore fish stocks.
18. In para 55 FNZ also note that “*field experiments and modelling suggest that dredging reduces*

habitat heterogeneity and increases juvenile mortality”.

19. We submit that permitting the use of dredges to gather scallops contravenes the Fisheries Act 1996 principles, specifically the environmental principles as set out in section 9 (a to c).
20. The effects of dredges used by recreational fishers is less clear. However, the overwhelming feedback from experienced divers is that dredges smash up too many scallops and ruin the natural ecosystem, probably to the extent of removing the crusty substrate that provides suitable areas for spat to settle on in the future. So, dredges not only cause immediate damage to the benthic environment, they reduce productivity over time, potentially for many species not just scallops.
21. Moreover, the commercial scallop fishery has a history of serial depletion, as one bed is exhausted fishers move on, find another, exploit that then move again. Over time those beds become less productive even when left fallow for a time.
22. The submitters note that mana whenua in Northland have expressed concerns about the impacts of dredges on scallop beds. These concerns have been known yet not addressed for many years.
23. The submitters recognise that dredging has been an acceptable harvesting method for many years. We acknowledge that there will likely be opposition to any ban on dredging, both commercial and recreational, and that some people will lose access to gather scallops for themselves and will need to rely on others to hand-gather scallops for them. The broader concern has to be for the marine environment, which is under attack from multiple stressors. Some of those risk factors, such as climate change and warming waters, cannot be easily addressed locally. However, there are issues we can deal with closer to home, including better managing land run-off and human induced seabed damage due to fishing.
24. We submit that given the available information to inform this process, now is the appropriate time for the Minister review and prohibit the use of dredges in inshore waters to target scallops.
25. We submit the Minister ought to encourage and permit the commercial hand gathering and other low impact methods of harvesting scallops because it would deliver a higher quality product attracting premium prices, while protecting the environment from ongoing damage. A rebuild of the surrounding environment would help enhance overall productivity of the area.
26. There seems to be only one economically viable bed now available to commercial harvesters, in Bream Bay, East Northland. This would be a prime area to test the viability of hand gathering, and to monitor any changes to the benthic environment. This would require regular monitoring with costs shared between quota shareholders and the Crown.
- 27. We submit in support of the Minister reducing the TAC by 60% and TACC by 75%** on the basis that all dredging is banned from inshore waters and that commercial hand gathering and other low impact methods of harvesting scallops is permitted.
28. If dredging is not prohibited then SCA 1 ought to be closed until abundance is restored to the target: Fishing mortality at or below F0.1.

Stock management

29. Virgin biomass (Bo), and the biomass that will support the maximum sustainable yield (BMSY) is unknown in SCA 1. The level of fishing mortality in recent years is unknown because of the lack of surveys to estimate biomass. There is no known stock-recruitment relationship for SCA 1. The submitters accept that managing highly variable stocks is complex. However, the uncertainties surrounding the management of scallops demands more conservative management than has historically and currently being applied in SCA 1.
30. The submitters agree that Catch Per Unit of Effort (CPUE) is not a reliable index of abundance for scallop fisheries. Changes in dredge efficiency and the targeting of different areas clearly disqualifies trends in CPUE over time as a reasonable measure of availability and abundance in SCA 1.
31. The November 2019 Plenary report notes that there has been an increase in abundance of pre-recruit size scallops (< 100 mm) since 2013, “but this has not resulted in substantive increases in recruited scallops (100 mm or larger), suggesting relatively slow growth and/or high mortality of these scallops has occurred in recent years. The relatively high commercial landings in 2015 (16t meatweight, about 36% of the estimated total recruited biomass) in particular may explain why the recruited biomass at the time of the surveys has not increased markedly in response to increasing recruitment. Incidental mortality of undersized scallops caused by dredging may have also contributed”¹.
32. The boom and bust cycle in scallop fisheries is not new, we only have to look at the Coromandel (SCA CS) and SCA 7 (Golden, Tasman Bays) scenarios to see the outcome of over exploitation. An exploitation rate of 36% in 2015 from SCA 1, a fishery that had only been closed to fishing two years earlier, is sheer folly.
33. Significant declines in scallop abundance over the years has been noted in areas not targeted by commercial fishers. The causes are unknown but suspected to be a result of environmental changes, the effects of land run-off affecting water quality and variable recruitment.
34. Anecdotal reports suggest there is currently an abundance of scallops within the Whangarei Harbour. Locals are enjoying access to good quality scallops. Residents of harbours further north are not so lucky, including those in the Bay of Islands and Whangaroa.
35. **We submit in support of the FNZ proposal to retain the allowances currently set aside for Maori customary and recreational fishing interests.** Scallop abundance can be highly variable so in good years people harvest scallops and in poor years few are taken.
36. SCA 1 is another important fishery that is dependent on commercial fishers to conduct stock surveys. If there is no money to be made from harvesting scallops then no resources are made available to support a comprehensive survey. Innovative fisheries independent surveys of the main scallop areas are required if we are to reduce the risks of over-exploitation and reach world class standards of modern management.

Acknowledgement

37. The Submitters are grateful for the assistance from The NZ Sport Fishing Council (NZSFC) with the preparation of this submission.

¹ Fisheries New Zealand (2019). Fisheries Assessment Plenary, November 2019: stock assessments and stock status. Compiled by the Fisheries Science and Information Group, Fisheries New Zealand, Wellington, New Zealand. 579pp.

Northland Scallop Enhancement Co. Ltd.

5 February 2020

Review of SCA1 FINZ No 2019/21
Ministry for Primary Industries
Wellington
FMSubmissions@mpi.govt.nz

Dear Sir/Madam

Review of SCA1, FINZ Paper No 2019/21

The Northland Scallop Enhancement Company (NSEC) was established decades ago to represent the commercial fishery resource of the upper North Island Scallop, and in particular represents the interests of Scallop Quota Holders in the SCA1 fishery. We make this submission to MPI on Discussion paper 2019/21 as follows.

This paper is factually well written and with good supporting information, apart from the points we raise in 1.1 to 1.3 below.

Largely we only differ from the Paper re its part 10 Options as to what should be done re the TAC & TACC and we address this in our part 2.

1.0 / Our Comments on Factual Matters in the Discussion Paper

The additions to matters of fact in the paper that we offer are;

1.1 / Further Conservation Measures; The commercial fishery has a range of (voluntary) controls, which we are absolutely confident are being honoured, that further complement the formal fisheries conservation measures. These measures are;

- Recovery-rate > 10%.
- Catch rate > 60 kg (1.5 bin) per hour.
- Max. 16 bins per day (or 32 bins for a trip of two or more days)
- Reduced fishing season by > 3 months (stopping by Christmas and usually not starting until August)
- ACE sharing/pooling options at times, per bed.
- Also we note the requirement now for Biotoxin monitoring and the costs and administration of this further constrain effort to areas of higher catch rates/abundance.
- Also, Regulated measures (re #9 on p7) include;
 - QMS controls with ACE and permit only fishing
 - 7 month fishing season, (but in practice ~ 4 mo. Max)
 - 100mm commercial MLS
 - Many and large spatial restrictions/closures
 - 6am to 6pm fishing only
 - 3T+ ACE.
 - dredge 2.5m max. size.

Quota is held by 27 different quota owning entities plus 20% of the quota is Settlement Quota that has been allocated among northern Iwi.

1.2 / Drivers of the Fishery Stocks

We submit that the generally low current state of Scallop One Stocks is not primarily driven by fishing but by environmental factors such as siltation and low recruitment. Information in support of this are the erratic patterns of abundance across both commercial and recreational Scallop beds that have little correlation with fishing activity.

1.3 / Value of the Fishery

We disagree with the low \$ figures in #59. The reduction of revenue from a 30T loss of quota at a port price of \$20+gst/kg is a \$600,000 +gst annual loss of primary income (ie 75% loss of income) and as much of the quota ownership and processing and retail is vertically integrated then at \$50+gst/kg is a \$1.5M annual income loss to this fishery. The residual annual primary value and catching income, if in future from 10T of Quota/ACE is \$200K+gst (down by \$600K, from \$800K). At that rate, \$200K would only support 2 to 3 vessels and make largely uneconomic the continued dedication of the rest of the fleet to be geared for Scallop. Thus Vessels won't be there should any in-season Schedule 2 increase come along.

Also not mentioned is the very substantial loss of financial capital inherent in option 2, that would run into the \$millions.

Also, what the Discussion Paper has not mentioned is the cost of their much-favoured full blown stock assessments. The last time one of these was done for Northland the cost was over \$70K with Industry paying ½. Costs have likely risen substantially since then with, inflation and new H& S rules requiring shorter days and more personnel. The upcoming cost for the top of the South Sca survey is ~ \$100K. Northland is extensive and coverage by survey involves steaming very large and expensive distances. It will in future be very hard, if not impossible, to justify an in-season survey cost to industry of > \$35K from a total ACE income of \$200K.

2.0/ Options; In Summary, We submit that;

- **the fishery is well protected in practice**
- **Also the Option 2 would render the fishery largely uneconomic with little option to improve financially**
- **Option 2 will not protect the fishery any better with its 10T limit than what we propose as follows.**

2.1 / We submit that the Minister should;

- **maintain the current 40T TACC** following the FLA1 model where the Minister allowed a TACC which would take advantage of the good years as does our 40T TACC
- **Have a 10T limit per each of 4 “beds”** (Spirits, Rangaunu, Bream-Pakiri-Mangawhai, Other) and which would require a survey to allow this to be exceeded in-season. That exceedance to be from firstly existing quota, then from a Sched 2 increase, should more ACE be shown to be viable.
- We note that such bed limits as we propose above would likely be required anyway under Option 2 should that option allow an in-season increase and which would likely/sensibly be tied to particular beds.
- We seek a time extension to reply to MPI by 13 Feb. as to what rule should apply to ensure a catch (eg 10T) limit per bed (& which rule will be needed in any event re in-season increases) ie to be allocated per quota owner at 25% of ACE or rather simply as a catch limit per bed.
- We seek no changes to allocations nor other changes to management controls.

We welcome any further dialogue, thank you.

Yours faithfully
Brad Leggott
Brad Leggott
Chair, NSECo

Submission Form

Review of sustainability measures for 1 April 2020

Once you have completed this form

Email to: FMSubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to:

2020 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

Submissions must be received no later than 5pm on Wednesday 5 February 2020.

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: Hilton James Leith	
Organisation (if applicable):	Oceans Family Trust
Email:	[REDACTED]
Fishstock this submission refers to:	CRA1, SCA1
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Opton 3 for CRA1, Option 1 for SCA!

Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Submission:

I support Option 3 for CRA1.

Option 3 is the shelving of 16% of the CRA1 TACC.

I am agreeing to this, not because I see the need for a reduction in most of CRA1, but because of the elephant in the room. That is, the unsustainable pressure now coming from recreational fishers from North Cape right down the east coast through CRA2 to East Cape.

This is the result of the exponential growth in the wealth of the NZ middle class who now can afford an expensive launch or run about. CRA1 came into the quota system in 1990. In those days I felt like I needed my passport to go to an east coast offshore island. Not now! Sometimes you have difficulty finding somewhere uncrowded to anchor up.

The reductions already made by the Minister in CRA2, along with any reductions that occur in CRA1, will be wasted unless there is serious consideration given to amateur catch. I have talked to many divers in the North who would now applaud draconian measures being introduced to preserve the remaining stocks of Rock Lobster.

For this reason, I further ask for the recreational catch for Rock Lobster be reduced from 6 lobsters per person per day down to 1 Lobster per person per day. This to apply from North Cape to East Cape.

An important component of overfishing aggregation limits. They have slipped through the system for far too long. No concerned recreational fisherman needs to fill up their freezer any longer. They catch what they can eat and leave the rest in the ocean.

I further request that any aggregation limits be removed. No recreational fisher can have on themselves, or in their fridge or freezer any Rock Lobster, Paua, shell fish or wetfish in excess of the daily limit. Imagine how easy the Fishery Officer's job would be?

I support of Option 1 for the SCA1 TACC.

I am a shareholder in the Northland Scallop Enhancement Company (NSEC) but I make this submission in my own right.

Currently the Northland Scallop Enhancement Company (NSEC) oversees the commercial harvest of scallops in Northland. NSEC have instigated various measures to limit the impacts of dredging on the environment and best preserve the juvenile stocks to ensure an adequate breeding biomass.

For example, if more than 50% by number of a tow is undersized scallops, then the fishing vessels move on from that bed. This is to minimize fishing related mortality on juvenile stocks. Also, if the meat weight drops below 10% of the green weight, then fishing ceases. This ensures the least

number of scallops taken, for the greatest recovery. Also, we have agreed that no dredging activity takes place in the New Year, so that we do not disturb the settlement of spawning scallops in January. Usually the last spawning event of the season. So, commercial scallop dredging ceases at Xmas. Recreational fishing for scallops continues until the end of March, so it would be wise to cease all scallop fishing (Recreational, traditional and commercial) at the New Year.

Reports on scallop fishing from all over the world consistently report on highly volatile stocks. It is not an easy fishery to manage with a TACC. That is why NSEC have brought in these external management regimes.

Reducing the SCA1 TACC to 10 tonnes will have no effect on the current commercial fishing activity. The commercial take has been constrained below 10 tonnes for most of the previous 10 years with a TACC of 40 tonnes, and many seasons have seen as few as 4 commercial vessels operating.

However, a reduction to 10T TACC will have a detrimental effect on the fishery by not allowing NSEC to be an economic entity in the better seasons. SCA1 fishers, processors and quota owners have agreed to pay a \$1/kg plus GST levy to operate NSEC. With declining catches this has been increased to \$2/kg in the 2019 fishing year to prevent NSEC from becoming insolvent. \$2/kg is not economically sustainable for fishers but currently NSEC have had no choice but to endorse the levy. Even with the \$2/kg levy, there are not enough funds for NSEC to carry out surveys or invest in research. Our records are available to be scrutinized if the Minister wishes to investigate.

NSEC needs a TACC of 40 tonnes to operate effectively, have regular surveys, invest in research and pay for the normal costs of running a management company. The levy needs to be brought back to \$1/kg and if 40T TACC is caught, that achieves \$40,000 per annum to operate NSEC. That is sustainable.

Now I know the obvious question you will be asking. Why should the TACC be left at 40T just for NSEC to operate viably? The reason I give is that to reduce it to 10T, as I have previously stated, has no effect on the commercial harvest, but it does undermine the ability of the management company to fund itself in the good seasons.

An important consideration is the state of the recreational scallop fishery at Whangaroa and the Bay of Islands. As recorded in the Sustainability Review these scallop fisheries are in dire straits. In the case of Whangaroa I would put it down to runoff and silt blanketing the harbour bottom. At the Bay of Islands, the beds have been decimated by recreational fishing. However, down the coast at Whangarei Harbour the recreational scallop fishery has survived phenomenal recreational pressure, and, although not sustainable long term, it has coped remarkably well over the past decade. No recording of recreational scallop catch in the Whangarei harbour is undertaken, but over the 6-month season thousands of boats and tens of thousands of divers would take their limit of 20 scallops per day.

What doesn't make sense is that the Bream Bay commercial scallop fishery is tied to the Whangarei Harbour recreational fishery by the same body of water. Why is the Whangarei harbour so prolific at the same time as Bream Bay is struggling? It seems to come back to food. The Harbour has access to nutrients that are too diluted by the time they reach Bream Bay.

Three seasons ago SCA1 fishers discovered huge beds of scallops running from Bream Bay past Mangawhai down to Pakiri. They pulled them up by the dredge full. I still have a short video clip one of the fishers sent me. Fishermen were estimating there were hundreds of tonnes green weight of scallops. The only problem was that 90% of these scallops were 2-5mm undersize. Our rules of NSEC preclude fishing in such beds because more than 50% were undersize. So, we left the scallops with an air of excitement about the following season. Next season we would easily catch our 40 tonnes. In fact, there seemed enough scallops to easily catch the TACC for the next 10 years. So, we would be able to fund NSEC and recommence our annual surveys. We all knew how easily scallops could grow 2-5mm in a year.....BUT we were wrong! The boats headed out the following year to find the scallops had not grown! They were still undersize, and the beds seemed smaller!

This year has been similar. For some reason the scallops in Bream Bay are not growing. And yet, right alongside, recreational fishermen are having yet another boom year inside the Whangarei harbour!!

So, there are commercial quantities of undersize scallops out there in Bream Bay and Mangawhai. They have not been overfished by commercial fishers, but they have not grown to legal size either. At some stage the remaining scallops will access a food source to reach legal size and when that happens, commercial fishers will be able to access a sustainable 40 tonnes.

The Crown introduced SCA1 into the Quota Management System with a TACC of 188 tonnes. Since then it has been cut to 106, 60 and then 40 tonnes. These reductions have done nothing to constrain commercial harvesting. The reductions have rather followed the downward spiral of the biomass. When the next set of bumper seasons occurs, then the catch at 40 tonnes is constrained enough to ensure sustainability and an adequate breeding biomass.

Ideally, 20 tonnes are caught at Bream Bay and 20 tonnes at Houhora.

I SUPPORT OPTION ONE WITH THE SCA1 TACC REMAINING AT 40 TONNES. I FURTHER REQUEST THE CLOSING OF ALL SCALLOP HARVESTING IN NORTHLAND FROM NEW YEAR FOR RECREATIONAL AND COMMERCIAL. THIS WOULD EXTEND THE CLOSED SEASON FROM 1ST JANUARY TO 14TH JULY FOR COMMERCIAL, AND 1ST JANUARY TO 1ST SEPTEMBER FOR RECREATIONAL.

Please continue on a separate sheet if required.

Submission Form

Review of sustainability measures for 1 April 2020

Once you have completed this form

Email to: FMSubmissions@mpi.govt.nz

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Submitter details:

Name of submitter or contact person: Taryn Shirkey (Patuharakeke)	
Organisation (if applicable):	Patuharakeke Te Iwi Trust Board (PTB)
Email:	[REDACTED]
Fishstock this submission refers to:	SCA1
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Option 2

Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Submission:¹

The Patuharakeke Mana Moana Roopu, as Kaitiaki gazetted in May 2009 under the Kaimoana Fisheries Regulations 1998, hereby make this submission on behalf of the Patuharakeke Te Iwi Trust Board and the hapū of Patuharakeke.

We strongly support the proposal to significantly reduce the Total Allowable Catch (TAC) and Total Allowable Commercial Catch (TACC) for Northland Scallops (SCA1). As stated in the discussion paper, there are no current biomass estimates and limited information on the current status of the stock – therefore, we support action to update of this information and review these TAC and TACC to accurately reflect the sustainable capacity of this SCA1 fishery.

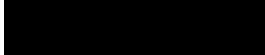
Lowering these catch limits is a suitable decision to temporarily address sustainability risks of the fishery. This fishery is under immense pressure within Whangārei Harbour and the wider Te Akau, Bream Bay areas. While we support this proposal, we believe further discussion and action should be taken to action appropriate restrictions (fishing season and method) to achieve tighter sustainable regulation and support for this fishery.

As our community utilise the recreational catch to feed their whānau, we offer this approach to continue the vitality of this fishery to allow the majority of our people to continue to put kaimoana on the table. As always, but even more so in these difficult economic times, whanau are dependent on kaimoana to supplement their low incomes and provide their tamariki and our elders with healthy kai. This also has inherent impacts on our mana as we are unable to manaaki our guests by providing them the seafood we were once renowned for in our area.

Kaitiakitanga is an environmental responsibility passed down from our tupuna (ancestors) to honour and sustain our taonga tuku iho for our mokopuna. As kaitiaki we are resolute in our desire to conserve kaimoana for the future, and we have continually demonstrated this by the careful management (including rāhui over pipi beds) of our rohe moana. Tipa are a historically valued taonga species and concern arises when current fisheries models have not successfully protected our mahinga kai and taonga species in the past. Consequently, we propose to see the inclusion of tangata whenua led/mana moana frameworks to allow local scale control and guardianship of this taonga in the near future.

Nāku noa, nā
Taryn Shirkey

¹ 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.



From: Herb [Redacted]
Sent: Thursday, 19 December 2019 11:57 AM
To: FMSubmissions
Subject: Submission on Deemed Values

Submission Form

Review of sustainability measures for 1 April 2020

Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to:

2020 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

Submissions must be received no later than 5pm on Wednesday 5 February 2020.

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 us this form.

Submitter details:

Name of submitter Herb or contact person:	
Organisation (if applicable):	
[Redacted]	[Redacted]
Fishstock this submission refers to:	Deemed Values
Your preferred option as detailed in the discussion paper	Other

(write "other" if you do not agree with any of the options presented):

Hi... I think this is going to go to 90% anyway. Just the way things progress in MPI!!

My submission is, Can the Value before permit is cancelled be raised? Personally, I would like to see \$5,000, at present \$1,000. This gives time to sort the issue a bit longer but does have a significant impact \$ wise on those that have 'slipped' over. Of course, 120%, and 200% breaks should be a lot more serve.

Thanks,

Herb



Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Submission:^[1]

^[1] 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.

[REDACTED]

From: Re. [REDACTED]
Sent: Sunday, 2 February 2020 2:01 PM
To: FMSubmissions
Subject: [No Subject]
Attachments: mullet 3.odt

Please find a submission on Area 3 mullet quota. I realize that is not done for discussion this year, but it is something that needs to be addressed

Clem Smith

From: [REDACTED]
Sent: Monday, 16 December 2019 2:06 PM
To: FMSubmissions
Subject: RE: Have your say on sustainability measures for 1 April 2020

As director of quota resources I am in favour of dropping the TACC of the sca1

From: FMSubmissions <FMSubmissions@mpi.govt.nz>
Sent: Friday, 13 December 2019 12:40 PM
Subject: Have your say on sustainability measures for 1 April 2020



Fisheries New Zealand
Tiri a Tangaroa

Dear Stakeholder

Fisheries New Zealand is seeking feedback from tangata whenua and stakeholders on proposed changes to the sustainability measures for a number of selected fish stocks, including:

- 5 rock lobster (crayfish) stocks
- 1 scallop stock
- 6 finfish stocks (2 rubyfish, 2 trumpeter, 1 white warehou, and 1 yellow-eyed mullet stock)
- deemed value rate changes for a large number of stocks.

The consultation will run from 13 December 2019 until 5 February 2020.

Learn more about the proposals and how to make a submission at:

[Review of sustainability measures for 1 April 2020](#)

5 February 2020

Fisheries New Zealand
Ministry for Primary Industries
PO Box 2526
Wellington 6011
Email: FMSubmissions@mpi.govt.nz

Submission on Review of Deemed Value Rates for Selected Stocks
Discussion Paper No: 2019/23
December 2019

1. This submission is made on behalf of shareholders of Southern Inshore Fisheries Management Company (Southern Inshore).
2. Southern Inshore represents 110 inshore fishstocks (41 species) throughout the Fisheries Management Areas 3,5,7 & 8, and provides representation and advocacy for the property rights of shareholders. In addition, Southern Inshore is a member of Fisheries Inshore New Zealand (FINZ) that represents national inshore commercial fisheries interests.
3. This submission relates to the deemed value proposals for a number of inshore finfish stocks under our Constitution (see Appendix 1).
4. Whilst the proposed approach in this paper to reset the interim deemed value rate at 90% of the annual rate was supported by the Deemed Values Working Group, it is a valuable use of resources that could have otherwise been used to review the TACC levels for a number of these stocks beforehand and then review deemed values once the outcome of the Working Group is presented. The changes to the interim values could have then been a part of a wider deemed value review inline with appropriately set sustainability measures.
5. The presentation of this paper early in the fishing year is commendable but it still forms part of an ad hoc process. Resources could have been better used to address more stocks that need TACCs reviewed and that are not reliant on the outcome of the current research to the working groups and plenary timeframe.
6. The focus of the current policy approach for deemed values as a penalty regime and not as an incentive regime is still very problematic for fishers. The Fisheries Act (s75) requires deemed values to be set in a way that incentivises a fisher to acquire ACE. The current deemed value regime is itself driving high ACE prices making it uneconomic for some fishers to source ACE at reasonable prices. A lot of ACE is held to the end of the fishing year so that market forces can be used to seek a higher price by ACE holders.
7. Fishers having to pay up front the increased interim deemed value, just 10% lower than the annual deemed value can and will be hindered and excluded from sourcing ACE because of the higher prices later in the year.

8. The paper fails to include an evaluation of the deemed values against port prices and ACE prices. The port prices however should also be reviewed and presented by a regional deemed value approach as there can be a substantial variance of port prices between various markets in the North and South Islands, whether via an auction process or direct payment to fishers.
9. Southern Inshore would prefer to see the proposed adjustment to the deemed values for our representative stocks (Appendix 1) altered once the Deemed Value Working Group have presented their final recommendations and that there is agreement on the settings for all TACCs as well as the inclusion of all stocks under the management framework of a National Inshore Fisheries Plan which is currently out for consultation. It should be noted that there is also a consultation paper on the review of selected stocks with a zero tonne TACC which should also have been brought under this same consideration. Valuable management resources have been used to develop these ad hoc papers where these resources should have been used on stocks needing review of TACC settings.
10. All fisheries management factors need to be considered together whereby the economic considerations of the deemed value regime are reviewed alongside sustainability and management measures as a whole, and not under the current policy processes whereby separate entities within Fisheries New Zealand are not cooperating fully to develop a much wider all-encompassing process for fisheries management.

Contact: Carol Scott
Chief Executive

LIST OF REPRESENTATIVE FISHSTOCKS

Highlighted stocks relate to the consultation and submission above

ANC3	GMU7	RBT3	SPO3
ANC7	GSH3	RBT7	SPO7
BAR1	GSH5	RBY3	SPO8
BAR7	GSH6	RBY5	SPR3
BCO3	GSH7	RBY7	SPR7
BCO5	GSH8	RCO3	SSK3
BCO7	GSP1	RCO7	SSK7
BCO8	GSP5	RIB3	STA3
BNS3	GSP7	RIB5	STA5
BNS7	GUR3*	RIB7	STA7
BNS8	GUR7	RIB8	STA8
BUT3	GUR8	RSK3	TAR3
BUT5	HPB3	RSK7	TAR5
BUT7	HPB5	SCH3	TAR7
BYX3	HPB7	SCH5	TAR8
BYX7	HPB8	SCH7	TRE3
BYX8	JDO3	SCH8	TRU3
CDL3	JDO7	SKI3	TRU5
CDL8	KIN3	SKI7	TRU7
ELE3	KIN7	SNA3	WAR3
ELE5	LDO3	SNA7	WAR7
ELE7	LEA2	SPD3	WAR8
FLA3**	LEA3	SPD5	YEM3
FLA7	MOK3	SPD7	YEM5
GAR3	MOK5	SPE3	YEM7
GAR7	PIL3	SPE5	YEM8
GAR8	PIL7	SPE7	
GMU3	POR3	SPE8	

Total number of fishstocks = 110

Total number of species = 41

* Relates to proposed change to fish only landed to Chatham Island licenced fish receivers

** Relates to separate proposed changes to the main FLA3 stock and a variance to fish landed to Chatham island licenced fish receivers

5 February 2020

Fisheries New Zealand
Ministry for Primary Industries
PO Box 2526
Wellington 6011
Email: FMSubmissions@mpi.govt.nz

**Submission on Review of Sustainability Measures for Selected Stocks with a Zero
TACC**
Discussion Paper No: 2019/22
December 2019

1. This submission is made on behalf of shareholders of Southern Inshore Fisheries Management Company (Southern Inshore).
2. Southern Inshore represents 110 inshore fishstocks (41 species) throughout the Fisheries Management Areas 3,5,7 & 8, and provides representation and advocacy for the property rights of shareholders. In addition, Southern Inshore is a member of Fisheries Inshore New Zealand (FINZ) that represents national inshore commercial fisheries interests.
3. This submission relates to the review of TACC proposals specifically for RBY5 and YEM5 being two inshore finfish stocks under our Constitution (see Appendix 1).
4. Whilst it is appropriate that all stocks should have a TACC allowance and it is timely to review stocks with a zero TACC, especially when deemed values are being accrued because no ACE can be generated to cover the catch.
5. It is however disappointing that these stocks could not have been part of a wider consultation to review other stocks requiring review and not reliant on the working group and plenary outcomes later in the year. These stocks could have been brought forward to this same consultation timeframe to allow for better management of resources.
6. We agree that TACCs need to be set for all stocks that currently have a zero TACC level and especially for our representative stocks, RBY5 and YEM5.

RBY5

7. Rubyfish have been reported as intermittent bycatch with barracoota, jack mackerel, bluenose, black cardinalfish, orange rough, silver warehou, trevally and scampi. With the diversity of fisheries that rubyfish has been caught in we prefer that the TACC is set at a level that would allow for fluctuations in catch. Whilst the catches have been low over a number of years it is evident that the species has been able to be at levels up to 1400kg.

8. In addition to the evidential catch potential we observe the climatic changes that have seen increased catches of warmer water species to the Southland regions of the South Island (FMA5), eg. KIN. Rubyfish are caught in greater numbers in the North Island in more subtropical temperate waters but with the increasing water temperatures in the southern climes we would expect additional catches of rubyfish to become more evident.
9. In light of the expectation of additional movement and potential increases in catch of rubyfish in RBY5 we propose that the TACC should be set at 2500kg (2.5T).

YEM5

10. Yellow-eyed mullet are generally caught in estuaries and in lower river systems, with juveniles sometimes observed in freshwater and mainly targeting through the use of set netting. Because of the prevalence of YEM in the extreme inshore areas any potential increase in targeting of YEM5 has been limited by the setnet closures introduced in 2008.
11. We note that the majority of recent catches have been made since 2013/14, but levels have not been above 245kg which was taken in 2016/17.
12. We agree that the TACC for YEM5 should be set at 1000kg (1T).

Contact: Carol Scott
Chief Executive

LIST OF REPRESENTATIVE FISHSTOCKS

Highlighted stocks relate to the consultation and submission above

ANC3	GMU7	RBT3	SPO3
ANC7	GSH3	RBT7	SPO7
BAR1	GSH5	RBY3	SPO8
BAR7	GSH6	RBY5	SPR3
BCO3	GSH7	RBY7	SPR7
BCO5	GSH8	RCO3	SSK3
BCO7	GSP1	RCO7	SSK7
BCO8	GSP5	RIB3	STA3
BNS3	GSP7	RIB5	STA5
BNS7	GUR3	RIB7	STA7
BNS8	GUR7	RIB8	STA8
BUT3	GUR8	RSK3	TAR3
BUT5	HPB3	RSK7	TAR5
BUT7	HPB5	SCH3	TAR7
BYX3	HPB7	SCH5	TAR8
BYX7	HPB8	SCH7	TRE3
BYX8	JDO3	SCH8	TRU3
CDL3	JDO7	SKI3	TRU5
CDL8	KIN3	SKI7	TRU7
ELE3	KIN7	SNA3	WAR3
ELE5	LDO3	SNA7	WAR7
ELE7	LEA2	SPD3	WAR8
FLA3	LEA3	SPD5	YEM3
FLA7	MOK3	SPD7	YEM5
GAR3	MOK5	SPE3	YEM7
GAR7	PIL3	SPE5	YEM8
GAR8	PIL7	SPE7	
GMU3	POR3	SPE8	

Total number of fishstocks = 110

Total number of species = 41



**Te Ohu Kaimoana's response to
Fisheries New Zealand's review of
sustainability measures for 1 April
2020**



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This is our response to this year's 1 April 2020 sustainability review

1. This paper contains our response to Fisheries New Zealand's proposals on the review of sustainability measures for the 2020/21 April fishing year. Fisheries New Zealand released its Initial Position Paper on 13 December 2019. Responses are due on 5 February 2020.
2. Our response is structured as follows:
 - First, we set out who we are and the reasons for our interest in the Initial Position Paper.
 - Second, we describe *Te Hā o Tangaroa kia ora ai tāua* as the foundation of our fisheries management principles.
 - Third, we identify how fisheries management should be consistent with the Māori Fisheries Deed of Settlement¹.
 - Fourth, based on the above, we set out our preferred approach to managing the fish stocks under review.
3. We do not intend our response to conflict with or override any response provided independently by Iwi, through their Mandated Iwi Organisations (MIOs) and/or Asset Holding Companies (AHCs).

We are Te Ohu Kaimoana

4. Te Ohu Kai Moana Trustee Ltd (Te Ohu Kaimoana) was established to protect and enhance the Deed of Settlement. Our 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
 - further the agreements made in the Deed of Settlement
 - assist the Crown to discharge its obligations under the Māori Fisheries Deed of Settlement and Te Tiriti o Waitangi
 - contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.

¹ Māori Fisheries Deed of Settlement 1992. The Deed is given effect to by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, and the Māori Fisheries Act 2004.

5. It is critically important that the Crown, in its review of sustainability measures, is cognisant of and recognises the Deed of Settlement, as given effect by the Maori Fisheries Act 2004. The Deed of Settlement and the Maori Fisheries Act are expressions of the Crown's legal obligation to uphold the Treaty of Waitangi. We note that the obligations under Te Tiriti o Waitangi apply to the Crown generally, whether or not there is an explicit reference to the Treaty in the governing statute, in this case the Fisheries Act 1996. Of particular note are the comments in the *Barton-Prescott* case, that "since the Treaty of Waitangi was designed to have general application, that general application must colour all matters to which it has relevance, whether public or private and...whether or not there is a reference to the treaty in the statute" (*Barton-Prescott v Director-General of Social Welfare*[1997] 3 NZLR 179, 184).
6. We work on behalf of 58 mandated Iwi organisations (MIOs)², who represent Iwi throughout Aotearoa. Asset holding companies (AHCs) hold Māori Fisheries Settlement Assets³ on behalf of their MIOs. The assets include individual transferable quota (ITQ) and shares in Aotearoa Fisheries Limited which, in turn, owns 50% of the Sealord Group.
7. In consulting a draft National Inshore Finfish Fisheries Plan, we note that Fisheries New Zealand states that "Te Ohu Kaimoana is the representative of Iwi commercial interests and may represent Iwi for other purposes." This view considerably undervalues the role that Te Ohu Kaimoana has under the Maori Fisheries Act 2004.
8. In addition to our statutory mandate, MIOs have approved our Māori Fisheries Strategy and three-year strategic plan, 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". We play a key role in assisting MIOs to achieve that goal.
9. MIOs expect us to protect and enhance the Māori Fisheries Settlement by providing them with policy advice on fisheries-related issues. Iwi have identified advice engaged in the six-monthly review of sustainability measures as critically important to their long-term relationship with Tangaroa.

² MIO as referred to in The Maori Fisheries Act 2004: in relation to an Iwi, means an organisation recognised by Te Ohu Kai Moana Trustee Limited under section 13(1) as the representative organisation of that Iwi under this Act, and a reference to a mandated Iwi organisation includes a reference to a recognised Iwi organisation to the extent provided for by section 27

³ Māori Fisheries Settlement Assets consistent with the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Māori Fisheries Act 2004

Te Hā o Tangaroa kia ora ai tāua is the foundation of our fisheries management principles

The significance of Tangaroa to Te Ao Māori

10. Before colonisation by the Crown, Māori enjoyed full exclusive, undisturbed possession and tino rangatiratanga of their fisheries. The relationship Māori have with Tangaroa is intrinsic, and the ability to benefit from that relationship was and continues to be underpinned by whakapapa. Tangaroa is the son of Papatūānuku, the earth mother, and Ranginui, the sky father. When Papatūānuku and Ranginui were separated, Tangaroa went to live in the world that was created and has existed as a tipuna to Māori ever since⁴.
11. Te Tiriti o Waitangi guaranteed Māori tino rangatiratanga over their taonga, including fisheries. Tino rangatiratanga is about Māori acting with authority and independence over their own affairs and is practiced through living according to tikanga and mātauranga Māori, and striving wherever possible to ensure that the homes, land, and resources (including fisheries) guaranteed to Māori under Te Tiriti o Waitangi are protected for the use and enjoyment of future generations. This view endures today and *Te Hā o Tangaroa kia ora ai tāua* is an expression of this.

We base our advice on 'Te Hā o Tangaroa kia ora ai tāua'

12. *Te Hā o Tangaroa kia ora ai tāua* (the breath of Tangaroa sustains us) is an expression of a Māori World View. It contains the principles we use to analyse modern fisheries policy, and other policies that may affect the rights of Iwi under the Māori Fisheries Settlement.
13. In essence, *Te Hā o Tangaroa kia ora ai tāua* highlights the importance of an interdependent relationship with Tangaroa, including his breath, rhythm and bounty, and the way those aspects work together to sustain both Tangaroa and humanity in an enduring way.
14. Protection of the reciprocal relationship with Tangaroa is an inherent part of the Māori Fisheries Settlement agreed by Māori and the Crown in 1992. The Māori Fisheries Settlement is an important and relevant part of modern fisheries management for Aotearoa.

⁴ Waitangi Tribunal. "Ko Aotearoa tēnei: A report into claims concerning New Zealand law and policy affecting Māori culture and identity." Te taumata tuatahi (2011).

Fisheries management should be consistent with the Deed of Settlement

15. The Fisheries Act 1996 obliges those performing functions under it to act consistently with the Treaty of Waitangi (Fisheries Claims) Settlement Act, which partially delivers on a full and final settlement of Māori claims to fisheries⁵. An equally important legislative provision to be consistent with is the provisions of the Māori Fisheries Act 2004 which replaced key components of the 1992 Act and sets out the Settlement entities (including Te Ohu Kaimoana). This means whenever a Minister decides to implement a sustainability measure or to provide for utilisation, they must ensure their decision is consistent with, and does not undermine, the Māori Fisheries Settlement. Our assessment of the stocks being reviewed identifies the following key policy matters:

- a constructive relationship with Fisheries New Zealand
- allocating the TAC appropriately
- options for reducing catch
- determining target stock levels and rebuild rates
- application of Deemed Values.

We seek a constructive working relationship with Fisheries New Zealand

16. Section 12 of the Fisheries Act 1996 requires the Minister to provide for the input and participation of tangata whenua, and Fisheries New Zealand seeks to meet that obligation on behalf of the Minister through the regional fisheries forums it supports. However, as noted the Fisheries Settlement obligations were subsequently re-expressed in the Maori Fisheries Act 2004. This Act sets out the agreed structure and process for the ongoing treaty relationship between Iwi and the crown over fisheries matters. Our view is that Fisheries New Zealand needs to invest further in the relationship with Te Ohu Kaimoana as the mandated agent of Iwi.

Changes to the TAC should not undermine the Māori Fisheries Settlement

17. When settling their fisheries claims, 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 should not undermine the value of Māori Fisheries Settlement assets or customary non-commercial needs. Consequently, the Minister must ensure the integrity of Māori fishing rights is maintained when adjusting the TAC. This means two things:

- a) Priority should be given to the customary allowance for stocks that Iwi and hapū require to meet their customary non-commercial needs.

⁵ Specifically, 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)”.

- 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 Māori Fisheries Settlement quota.
18. We cannot support increases in the recreational allowance at the expense of the TACC. Such re-allocation affects the rights of settlement quota holders and reduces the incentives on the commercial sector to take responsibility and invest in good management.

The Fisheries Act enables a flexible approach to managing catch

19. The Initial Position Paper assumes changes in TACs and TACCs are the best way to respond to stock assessments that show a stock has declined. This approach is very limited as the Fisheries Act 1996 enables a variety of approaches to ensure sustainability⁶. The Minister should only consider setting or varying a TACC where it is the most appropriate option.
20. In our view, the Fisheries Act enables the Minister to consider the way a fishery is managed before deciding whether a formal sustainability measure should be proposed. The Fisheries Act provides for more responsive fisheries management than can be achieved through a blunt TAC/TACC reduction, by recognising the potential for Iwi and/or industry-led actions to better address sustainability concerns. This is reflected in the opportunity to “take into account” such actions under section 11(1) of the Fisheries Act before deciding whether to propose a sustainability measure. Even in situations where the Minister proposes to set a sustainability measure, Iwi and/or industry can promote an alternative approach in response to consultation under section 12 of the Fisheries Act.
21. 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 environment⁷. The former Ministry of Fisheries developed and consulted on a series of policy definitions on the “Front End” of the Fisheries Act 1996. It confirmed that section 11(1)(a) of the Fisheries Act provides 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”.

ACE shelving is an appropriate option

22. Shelving ACE is a viable way of reducing the commercial catch. The Minister is obliged to take such shelving arrangements into account in accordance with section 11(1)(a) of the Fisheries Act. If the Minister is satisfied that the arrangements will adequately mitigate a risk to sustainability, there is no legislative obligation to choose from the list of statutory sustainability measures set out in section 11(3) of the Fisheries Act. In such cases, the Minister would not be directed to either section 13 or section 14.

⁶ Note that section 11(3) of the Fisheries Act 1996 sets out a range of options that are available to the Minister to ensure sustainability.

⁷ See section 11(1) of the Fisheries Act 1996

There isn't a "one fits all" approach to setting target stock levels and rebuild rates

23. If the Minister decides to set or vary a catch limit⁸, he or she must consider those matters relevant to a stock managed under the QMS⁹. Under section 13 of the Fisheries Act, a stock should have a TAC 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. The Fisheries Act enables discretion over the way and rate the stock rebuilds or is fished down to the level of B_{MSY} . Importantly, as noted above, the Fisheries Act¹⁰ provides a range of tools - in addition to TACs to assist with any necessary rebuild process.
24. In considering the obligations set out in section 13, Fisheries New Zealand defers to a 'Harvest Strategy Standard for New Zealand Fisheries' (HSS), produced by the Ministry of Fisheries in 2008. The HSS is described as "a policy statement of best practice regulation to the setting of fishery and stock targets and limits for fish stocks in Aotearoa'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. However, the HSS document is now 12 years old. It is difficult to sustain an argument that a non-statutory document of that age could be viewed as promoting best practice regulation.

Default targets and timeframes do not mirror the full purpose of the Fisheries Act

25. The purpose of the Fisheries Act 1996 includes 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. 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_0 , the HSS triggers a rebuild plan. Employing default target levels and timeframes for fisheries management has real potential to undermine the purpose of the Fisheries Act.
26. 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 Fisheries New Zealand avoid explicit consideration of utilisation objectives despite explicit provision for them in the Fisheries Act – and the necessary actions to achieve them. In this way, the targets suggested by the HSS have the effect of prescribing rather than enabling management of fisheries beyond the levels required to ensure sustainability.

⁸ See section 11(4) of the Fisheries Act 1996

⁹ Sections 13 and 14 of the Fisheries Act 1996 set out the considerations that apply to a stock managed under the QMS

¹⁰ See section 11 (3) of the Fisheries Act 1996

27. 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
 - consider all tools available to the Minister
 - account for relevant social, economic, cultural factors
 - have regard to the interdependence of stocks
 - ensure the stock is tracking to level that can produce the maximum sustainable yield.

These considerations cannot be delivered through a prescriptive rule-based approach.

28. 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. As we have already pointed out, it is hard to accept that only one tool for stock recovery in the form of a reduction to the TAC is best management practice. This “set and forget” approach disregards the range of tools available to rebuild the stock at an optimal rate.
29. The unique biological and environmental conditions facing each stock, as well as socio-economic implications, are all important matters to consider when contemplating management targets. The provisions of the Fisheries Act (rather than the HSS) should be the first point of reference when contemplating management decisions and rebuild strategies to reach those targets.

Collective action will better achieve the purpose of the Fisheries Act

30. Fisheries New Zealand should do more to encourage collective action. Where quota owners are incentivised to act collectively, the evidence suggests they will adopt strategies to promote the management of stocks at levels above the requirements of section 13. Collective action is particularly necessary in shared fisheries, where there are many examples of the recreational sector being rewarded (through an increased allowance) for fishing beyond the allowance made by the Minister when the TAC was first set. As noted, this practice also offends Māori Fisheries Settlement (we refer to our evaluation of the role of s 5b of the Fisheries Act).
31. Te Ohu Kaimoana commissioned an international review of the effectiveness of fisheries management systems in achieving conservation objectives. This study concluded that top-down approaches (of which the HSS guidelines are an example) are inconsistent with modern incentive-based systems. In contrast, the most effective fishery/ecological management systems are bottom up. Aotearoa is ideally placed to benefit from these findings and become a world leader in marine conservation¹¹.

¹¹ See Libecap, G, Arbuckle, M, and Lindley, C. (In prep). An analysis of the impact on Māori Property Rights in Fisheries of Marine Protected Areas and Fishing Outside the Quota Management System. A seminar discussing the findings of the study can be [viewed here](#).

Deemed Values aim to encourage reporting and discourage harvesting without ACE

32. Commercial fishers who do not balance catch with ACE must make deemed value payments. These payments play an important role in making the QMS work effectively. They are intended to:
- encourage accurate catch reporting
 - discourage fishers from harvesting stocks without ACE.
33. The Minister sets “interim” and “annual” deemed values for each stock¹². In doing so, the Minister must take into account the incentive needed for every commercial fisher to have enough ACE to cover their catch for each fishing year. Amongst other things, the Minister should have regard to the market value of the stock and the relevant ACE value.
34. We do not consider that the Deemed Value guidelines¹³, used by Fisheries New Zealand, are aligned with the purpose of the Fisheries Act. Fisheries New Zealand’s approach to deemed values is to ensure commercial catch does not exceed the TACC. This approach has the potential to increase incentives for fishers to discard catch. In our view, deemed values are not intended to only ensure commercial catch does not exceed the TACC. Rather, a key purpose is to encourage transparency across the fisheries management system so that catch is 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.

Balance incentives to fish with ACE and accurate reporting of catch

35. It is important to avoid any disincentive to record catch. There is a balance to be struck between incentives to harvest with ACE (within the TACC) and accurate reporting of catch.
36. The deemed value for a particular stock can be set at or scaled up to a level that removes any profit after harvesting costs are deducted. These conditions create an incentive for fishers to cover their catch with ACE. If they are unable to do so, having the deemed value set correctly means that there is no disincentive to report the catch and land it. This approach is consistent with the Fisheries Act and the Māori Fisheries Settlement and has the real potential to increase the quality of information available to support decision-making if it is administered that way.

¹² See section 75 of the Fisheries Act 1996.

¹³ “Deemed Value Guidelines” 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.

37. Discouraging catch in excess of ACE holdings is achieved by ensuring the deemed value is set 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. This implies that deemed values should always be set with the range set by the market value of fish and the value of ACE for that stock.

38. Accurate reporting is vital if we are to understand whether TACCs have been set appropriately. If TACCs are set incorrectly, varying levels of deemed value payments can show there is a need to review the TACC. TACCs themselves are not always set right and need to be regularly reviewed, based on the best available information. This was the basis for the introduction of deemed values.

39. The Minister established a working group to provide advice on the appropriate use of deemed values. The working group concluded that deemed values are primarily a utilisation tool and should not be set higher than the market value of fish unless necessary to ensure sustainability. The recommendations of the working group have been accepted by the Minister and we understand that step one (aligning the interim deemed values to 90% of the annual deemed value) is to be achieved as a first step.

Payment of deemed values can indicate there is a fisheries management issue to be addressed

40. Deemed values can be used as a tool to identify problems that need to be addressed in a fishery. They should not be set arbitrarily. There are many potential causes for catches being greater than the TACC which generate different responses, for example:
 - The TACC is too low – optimum response is to increase the TACC
 - Deliberate over catch by one or two parties – respond by setting an overfishing threshold
 - The deemed value is too low – respond by increasing the deemed value
 - A recruitment pulse with a temporary increase in biomass – to remove the incentive to fish what is balanced with ACE

41. We acknowledge that the information available to set deemed values appropriately is imperfect. The key inputs of market value of fish and ACE price are all confounded by the way that quota owners are structured. Hence the setting of deemed values becomes a pragmatic exercise. It needs to find the balance between incentivising catching with the available ACE and accurately reporting all catch, irrespective of what can be balanced with ACE.

Our preferred approach to managing the fish stocks under review

Overview of Spiny (red) rock lobster (Rock Lobster) stocks

42. Considering the outbreak of the Coronavirus, we acknowledge the difficulties being faced by all parties involved in the fishing industry. There is much work that needs to be done to find acceptable resolutions to the challenges the Coronavirus has brought to light. We look forward to working with officials and the New Zealand Rock Lobster Industry Council to develop options for mitigating the impact on the rock lobster fishery.
43. Nevertheless, Fisheries New Zealand are consulting on five rock lobster stocks in the 2020/21 April Sustainability Round. Fisheries New Zealand and the National Rock Lobster Management Group (NRLMG) developed options for consultation following a full stock assessment for CRA1 and CRA3, and the application of “management procedures” for CRA4, CRA7 and CRA8. No new management procedures have been developed for CRA1 and CRA3 following this year’s stock assessment. Management procedures guide catch limit proposals for the upcoming April fishing year.
44. There will not be enough data to run a new management procedure due to the transition from paper to electronically reported data (from CELR to EDW reporting) at the end of a current management procedure. It will take around four to five years to be able to generate a time series of catch per unit effort (CPUE) data from electronic reporting to run a new management procedure confidently. The consultation document noted that the Rock Lobster Fisheries Assessment Working Group are considering alternative assessment approaches to use as the basis for advice to the Minister on TAC changes beyond April 2020.
45. We note the concerns of Iwi raised in this April Sustainability Rounds regarding the effects of climate change on Māori rights in fisheries. Māori rights in fisheries can be viewed as a share of the productive potential of all aquatic life in Aotearoa’s waters. These rights do not just involve a right to harvest. They also include using aquatic resources in a way that provides for their social, cultural and economic wellbeing. Iwi have directed us to lead development of national and regional fisheries policy based on Māori values and principles in light of their rights. We are working on how we can best assist Iwi to achieve these objectives in the context of climate change.

Rock Lobster (CRA1)

Our view:

46. We support a decrease to the TAC, and allowances for recreational fishing and other sources of mortality.
47. We support a third option requiring the shelving of 21 tonnes of ACE as a means of reducing the commercial catch (as set out in Table 2).

Proposed options

Table 1: Proposed management settings in tonnes for CRA1 from 1 April 2020, with the percentage change relative to the status quo in brackets.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	Other mortality
Option 1.1: <i>Status quo</i>	273.062	131.062	20	50	72
Option 1.2: Based on the new CRA 1 stock assessment	203 ↓ (26%)	110 ↓ (16%)		32 ↓ (36%)	41 ↓ (43%)

Table 2: Option 3 for CRA1 involving voluntary shelving with the percentage change relative to the status quo in brackets.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	Other mortality
Option 3	224.062 ↓ (18%)	131.062*	20	32 ↓ (36%)	41 ↓ (43%)

* 21 tonnes of ACE will be shelved by industry, therefore 110 tonnes of the TACC will be available to be caught.

Our approach:

48. We support an approach that reverses the projected decline in biomass. At present, there is no agreed reference point for CRA1 (a suggested percentage at which the vulnerable biomass should be managed to). Until a robust reference point for this stock can be identified, Te Ohu Kaimoana is supportive of a management approach that halts the projected decline in biomass. At the current catch, the vulnerable biomass of CRA1 is projected to decrease, therefore a reduction in extractions is necessary.
49. We note that there is uncertainty as to whether packhorse rock lobsters are displacing the spiny red rock lobsters. We are supportive of a stock assessment for packhorse rock lobsters and sequential management recommendations that will be pursued this year.

ACE shelving is an appropriate option

50. Option 3 involves shelving 21 tonnes of ACE for the 2020/21 fishing year and likely for several years into the future. Shelving of ACE is a legitimate way of reducing the commercial catch for CRA1¹⁴ and will allow for adaptive management of this fishery. This is of high importance given the implications on the loss of the ability to run management procedures following the change from paper to electronic data reporting. This action highlights fisher's commitment to actively maintain a healthy and sustainable fishery at their own expense.
51. We note that some Iwi do not think option 3 provides enough of a reduction for to ensure future sustainability of the CRA1 fishery. These Iwi would like to see a larger volume of ACE shelved for a set number of years. Shelving of ACE was their preferred mechanism to achieve catch reductions.

The proposed change to recreational catch is superficial

52. The current proposed changes to the recreational allowance in option 3 is an administrative exercise to reflect the best estimate of recreational catch. To make a meaningful contribution to the fishery, recreational extractions need to be managed through reductions to bag limits and active monitoring of the catch.

Increased compliance required to address uncertainty in the estimated figure for other sources of mortality and to reduce any level of illegal take

53. The current proposed changes to the other sources of mortality allowance in option 3 is an administrative exercise to reflect a more accurate indication of other sources of mortality. The proposed allowance of 41 tonnes suggests high levels of illegal take which is concerning to all parties in this fishery.

¹⁴ For Te Ohu Kaimoana's approach on Shelving of ACE please refer to paragraph 22.

Rock Lobster (CRA3)

Our view:

54. We support option 2 to decrease the TAC, TACC, recreational and other sources of mortality allowances.

Proposed options

Table 3: Proposed management settings in tonnes for CRA3 from 1 April 2020, with the percentage change relative to the status quo in brackets.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	Other mortality
Option 3.1: <i>Status quo</i>	351.9	222.9		20	89
Option 3.2: Based on the new CRA 3 stock assessment	303 ↓ (14%)	195 ↓ (13%)	20	13 ↓ (35%)	75 ↓ (16%)

Our approach:

55. We support an approach that reverses the projected decline in biomass. At present, there is no agreed reference point for the CRA3 fishery (a suggested percentage at which the vulnerable biomass should be managed to). Until a robust reference point for this stock can be identified, Te Ohu Kaimoana is supportive of a management approach that halts the projected decline in biomass. At the current catch the vulnerable biomass of CRA3 is projected to decrease, therefore a reduction in extractions is necessary.

The proposed change to recreational catch is superficial

56. The current proposed changes to the recreational allowance in option 2 is an administrative exercise to reflect the best estimate of recreational catch. To make a meaningful contribution to the fishery, recreational extractions need to be managed through reductions to bag limits and active monitoring of the catch.

Increased compliance activity required to address uncertainty in the estimated figure for other sources of mortality and reduce any level of illegal take

57. The current proposed changes to the other sources of mortality allowance in option 2 is an administrative exercise to reflect a more accurate indication of other sources of mortality. The proposed allowance of 75 tonnes suggests seriously high levels of illegal take and which is concerning to all parties in this fishery.

Rock Lobster (CRA4)

Our view:

58. We support the status quo for the CRA4 fishery.

Proposed options

Table 4: Proposed management settings in tonnes for CRA4 from 1 April 2020, with the percentage change relative to the status quo in brackets.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	Other mortality
Option 4.1: <i>Status quo</i>	513.8	318.8			
Option 4.2: Based on the CRA 4 management procedure	552.4 ↑ (8%)	374.4 ↑ (17%)	35	85	75

Our approach:

59. The CPUE data from CRA4 fishery suggests that an increase is not appropriate. Off-set year CPUE has been consistent for the last two fishing years, 0.9012 kg per pot lift in 2018 and 0.8961 kg per pot lift in 2019. The offset CPUE data triggered the management procedure to output a proposed 17% increase to the TACC for the 2020/21 fishing year. The management procedure also triggered a proposed TAC and TACC increase in 2019/20 fishing year which was not applied. The Minister provided the rationale of retaining the current TAC and TACC as being the best decision for the interest in the long-term sustainability of CRA4. This decision was preferred by some Iwi who raised concerns over the impact that climate change is having on this fishery.
60. Given the similarity in CPUE between the two fishing years (2018/19 and 2019/20) with the same TACC, our view is that the best course of action would be status quo for the CRA4 fishery. CRA4 is scheduled for a stock assessment this year. The information from this should provide better information on which to consider the future management of CRA4.

CRA4 is a volatile fishery

61. The TACC has had many adjustments over the past eight fishing years (Figure 1). The unstable nature of the TACC does not lend itself to long term future thinking, given the uncertainty with each fishing year and each TACC adjustment. We support retaining the current TACC and close monitoring of the fishery. A review of CRA4 management settings in 2021 April Sustainability Rounds is likely given there will be a new stock assessment.

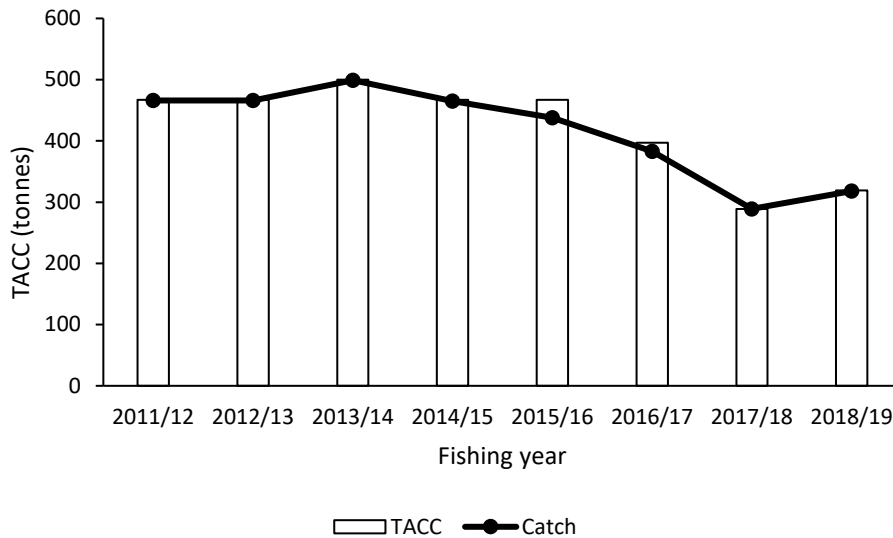


Figure 1. The TACC and catch for the CRA4 fishery across 8 fishing years.

Data on TACC and catch sourced from “New Zealand commercial fisheries: The atlas of area codes and TACCs 2019/2020”, published by Clement and Associated Limited.

Rock Lobster (CRA7)

Our view:

62. We support option 2, an increase in the TAC and TACC.

Proposed options

Table 5: Proposed management settings in tonnes for CRA7 from 1 April 2020, with the percentage change relative to the status quo in brackets.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	Other mortality
Option 7.1: Status quo	117	97			
Option 7.2: Based on the CRA 7 management procedure	146.9 ↑ (26%)	126.9 ↑ (31%)	10	5	5

Our approach:

63. The CRA7 management procedure suggests a TAC and TACC increase for the 2020/21 fishing year. We note that Ngāi Tahu supports the use and outcome of management procedures in their rohe moana. The CPUE in CRA7 has increased from 2.595 kg per pot lift in 2018 to 3.217 kg per pot lift in 2019. Overall, the CRA7 fishery CPUE has performed well over the past five years.

64. The last stock assessment for CRA7 was undertaken in 2015. The best available information for CRA7 suggests that the vulnerable biomass is likely to be at or above the agreed reference point.

Rock Lobster (CRA8)

Our view

65. We support option 2, an increase in the TAC and TACC.

Proposed options

Table 6: Proposed management settings in tonnes for CRA8 from 1 April 2020, with the percentage change relative to the status quo in brackets.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	Other mortality
Option 8.1: Status quo	1220.6	1129.6			
Option 8.2: Based on the CRA 8 management procedure	1282.7 ↑ (5%)	1191.7 ↑ (5%)	30	33	28

Our approach

66. The CRA8 management procedure suggests a TAC and TACC increase for the 2020/21 fishing year. We note that Ngāi Tahu supports the use and outcome of management procedures in their rohe moana. The catch per unit effort (CPUE) CRA8 has increased from 4.2481 kg per pot lift in 2018 to 4.8743 kg per pot lift in 2019. Overall, the CRA8 fishery CPUE has increased each year for the past five years.

67. The last stock assessment for CRA8 was undertaken in 2015. The best available information for CRA8 suggests that the vulnerable biomass is highly likely to be at or above the agreed reference point.

Scallops (SCA1)

Our view

68. We support option 2, a decrease in the TAC, TACC and the allowance for other sources of mortality.

Proposed options

Table 7: Proposed management settings in tonnes for SCA1 from 1 April 2020, with the percentage change relative to the status quo in brackets.

Stock	Option	Total Allowable Catch (tonnes)	Total Allowable Commercial Catch (tonnes)	Allowances		
				Customary Māori (tonnes)	Recreational (tonnes)	All other mortality to the stock caused by fishing (tonnes)
SCA 1	Option 1 (Status quo)	75	40	7.5	7.5	20
	Option 2	30 ↓ (60%)	10 ↓ (75%)	7.5	7.5	5 ↓ (75%)

Our approach

69. A decrease to SCA1 catch is necessary as there is a sustainability risk to this fishery. Anecdotal information indicates there has been a decline of biomass in SCA1. It is noted in the consultation document that the Far and Mid-North lwi have raised their concerns for a number of years over the status of this stock.

Improving knowledge of the SCA1 fishery in partnership with lwi should be made a priority

70. The best available information for this fishery is now outdated, with the last comprehensive fisheries independent biomass survey being undertaken in 2007. It is important that this knowledge gap is filled to ensure this fishery is being managed appropriately. Fisheries New Zealand stated in their consultation document that they will continue to monitor and review SCA1 in the short and medium term. This needs to be done in partnership with lwi.

71. We note that the measures proposed apply to the commercial stock only and question whether additional steps should be taken to manage recreational extractions.

Southern Blue Whiting (SBW6B)

Our view

72. Our preference of the two options is a decrease in the TAC/TACC for SBW6B of 10%. However, best fisheries management will come from increased industry engagement with the fishery.

Proposed options

Table 8: Proposed management settings in tonnes for SCA1 from 1 April 2020, with the percentage change relative to the status quo in brackets.

Stock	Option	Total Allowable Catch (tonnes)	Total Allowable Commercial Catch (tonnes)	Allowances		
				Customary Māori (tonnes)	Recreational (tonnes)	All other mortality to the stock caused by fishing (tonnes)
	Current Setting	3,209	3,145	0	0	64
SBW 6B	Option 1	2,888 ↓ (10%)	2,830 ↓ (10%)	0	0	58 ↓
	Option 2	2,567 ↓ (20%)	2,516 ↓ (20%)	0	0	51 ↓

Our approach

73. SBW6B is a variable fishery, the level of recruitment to this fishery fluctuates. Changes in level of catch against the TAC/TACC in part reflects this variability and hence there is no compelling reason to suggest that an adjustment of the settings will make a difference. Information used to inform catch limits is obtained through regular acoustic surveys – carried out by one of the operators who fishes in the area – and catch sampling by observers on fishing vessels. Observer sampling helps understand the status of a stock by looking at the composition of the catch and assessing the strength of the different year classes within it.
74. SBW6B is targeted during spawning, which usually occurs from mid-August to September. Fish form large aggregations which are targeted with mid water trawl gear. Acoustic surveys are also carried when these large aggregations occur.
75. Low catch rates in SBW6B are likely to be influenced by timing and economics. Despite a TACC of 3145 tonnes, only around 788 tonnes has been caught this season. The timing of spawning in SWB6B (which is on the Eastern corner of the EEZ) overlaps with the hoki fishery on the West Coast. For this reason, few operators have fished the area in recent years. Instead some have been content to fish in SBW6B because it is closer to the West Coast and spawns slightly later.
76. The level of current biomass is uncertain as annual acoustic surveys have not been completed in 2018 and 2019 for practical reasons. Acoustic surveys focus on spawning aggregations. We understand the timing of the surveys attempted has not coincided with the spawning aggregations being present.
77. There are signs that recruitment has been poor in this fishery in recent years. Catch sampling by observers provides some information but it is not clear whether sampling was adequate, given a limited number of tows. Hence the information gathered by observers may not be representative of the fishery as a whole.

Collective action by quota owners will better achieve the purpose of the Act than TAC/TACC adjustments

78. Fisheries New Zealand is aware of our view on their harvest strategy standard and the benefits of collective action¹⁵. Default targets and timeframes do not mirror the full purpose of the Fisheries Act, which enables a variety of tools to address a substantiality issue—not just adjustments to the TAC/TACC. The level of catch in comparison to the TACC is not, in itself, an indicator of stock abundance.
79. Ideally, quota owners would take more responsibility for managing this fishery collectively. However, as there is no proposal for collective action on the table, the default seems to be management through the TAC/TACC settings.

¹⁵ For Te Ohu Kaimoana’s approach on harvest strategy standard please refer to paragraph 23-31.

80. Our understanding is that the circumstances of the fishery mean that industry would support a TAC/TACC decrease of 10%. Such action would have the appearance of doing something while still being economic for the main operator to undertake a voyage this coming fishing year. This will mean the industry will be able to continue to gather further information through catch sampling by observers and carry out another acoustic survey. This operator carries out an acoustic survey each year at no cost to the other quota holders (we understand it would cost quota owners several million dollars for the Tangaroa to carry out a similar survey). Depending on the level of information gathered, the situation could be reviewed again for the April 2021 fishing year.

Review of sustainability measures for selected stocks with a zero tonne TACC

Our view

81. We support assessing the management settings for selected stocks with a zero TACC. However, we do not support the options proposed for selected stocks. Rather, we support reducing the deemed values for selected stocks to \$0.00 in order to more accurately assess the commercial catch before varying the TAC.

Proposed options

Table 9: Proposed management settings in tonnes for selected stocks with a zero TACC from 1 October 2020.

Stock	Option	Total Allowable Catch (tonnes)	Total Allowable Commercial Catch (tonnes)	Allowances		
				Customary Māori (tonnes)	Recreational (tonnes)	All other mortality to the stock caused by fishing (tonnes)
RBY 5	Current setting	0	0	0	0	n/a
	Option 1	2 ↑	2 ↑	0	0	0
RBY 6	Current setting	0	0	0	0	n/a
	Option 1	1 ↑	1 ↑	0	0	0
TRU 6	Current setting	0	0	0	0	n/a
	Option 1	1 ↑	1 ↑	0	0	0
TRU 9	Current setting	0	0	0	0	n/a
	Option 1	4 ↑	2 ↑	1 ↑	1 ↑	0
WWA9	Current setting	0	0	0	0	n/a
	Option 1	1 ↑	1 ↑	0	0	0
YEM 5	Current setting	2	0	1	1	n/a
	Option 1	3 ↑ (50%)	1	1	1	0

Our approach

82. We acknowledge the initiative taken to review the stocks with a zero tonne TACC. We support in principle setting a TACC above zero for stocks in circumstances where catch is reported by fishers. Setting a positive TACC allows for fishers to balance their catch with ACE rather than immediately incur deemed values which are paid to the Crown. However, a more robust assessment on the commercial catch on each stock should be conducted prior to setting a TACC.
83. We assume that the basis for introducing these stocks into the Quota Management System and setting a TACC of zero related to the desire to allocate proportional rights in the TACC and allow each fishery to be proved up. This approach has merit where there is flexibility in the way TACCs are altered in response to information collected from the fishery. Since this time, Fisheries New Zealand have adopted a more prescriptive approach to advising the Minister on TAC/TACC setting considerations, including using a Harvest Strategy Standard.

Setting TACC in current environment will trigger cost recovery levies for Iwi where stocks may not be economically viable

84. Our assessment is that there will be financial implications for Iwi in setting TACCs above zero for these stocks. Cost recovery levies will be payable and there may be a net cost for Iwi holding quota in these fisheries. Further, there is little indication that fishery-dependent information will be able to be used to prove up the TAC/TACC in these fisheries in the way that it was envisaged at the time they were introduced into the Quota Management System.
85. We are not confident that the proposed options (as they stand) for the selected stocks will warrant the levies Iwi will be required to pay for the selected stocks, given the low port prices in 2018/19 and the low quantities of commercial catch as noted Table 10. Imposing costs that are above levels of return is inconsistent with the Deed of Settlement.

Commercial catch data to date not sufficient to inform the setting of a TAC for the selected stocks

86. There has been minimal commercial catch reported in the selected stocks since 1998, as stated in the Fisheries New Zealand Initial Position Paper and the 2018/19 fishing year (see Table 10). This could be the result of inaccurate reporting because fishers are unable to balance catch against ACE. We support further assessment of the commercial catch by adjusting the management settings to incentivise accurate reporting.

Table 10: Recorded commercial catch, deemed values and port price for selected stocks with a zero TACC in the 2018/2019 fishing year

	Commercial catch* (kg)	Deemed values* (per kg)	Port price* (per kg)
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RBY5	158	\$ 0.28	\$ 0.07
RBY6	1	\$ 0.28	\$ 1.54
TRU6	2	\$ 1.50	\$ 2.07
TRU9	57	\$ 1.50	\$ 2.56
WWA9	19	\$ 0.54	\$ 1.50
YEM5	160	\$ 0.33	\$ 3.62

*Data on catch and port price are sourced from FishServe. Data on deemed values is sourced from the “New Zealand Commercial fisheries: The Atlas of Area Codes and TACCs 2019/2020”

Deemed values are a diagnostic tool that could help to inform the setting of a TAC for the selected stocks

87. There is an opportunity to test an alternative approach given the selected stocks are consistently reported to be caught at a sustainable level. We advise adjusting the deemed values for the selected stocks to \$0.00. This will remove any impediment to reporting catch and instead provide the means for an accurate assessment of the commercial catch and encourage greater accuracy in reporting by fishers. The catch data collected will then provide a stronger foundation for setting a TAC and TACC for the selected stocks.

Review of Deemed Value Rates for Selected Stocks

Our view: Te Ohu Kaimoana supports the recommendations made by the 2019 Deemed Values Working Group

88. We support Fisheries New Zealand’s proposal to implement one of the recommendations from the Deemed Value Working Group. The rationale for setting the interim deemed value rate at 90% of the annual deemed value rate is to incentivise fishers to balance their catch with ACE. If the interim deemed value rate is set much lower than the annual rate it may increase the incentive to delay balancing, leading to a ‘race for ACE’ at the end of the fishing year. This would increase the risk that fishers will be unable to balance their catch with ACE. In addition, setting lower interim rates than annual rates creates a risk that fishers may not be able to cover the cost of annual rates by the end of the fishing year.

Proposed options

89. Fisheries New Zealand is proposing to increase the interim value of 454 stocks to 90% of the annual rate¹⁶. Changing the interim deemed values was one of seven recommendations made by the Deemed Values Working Group convened in 2019. This recommendation is also present in the Deemed Values Guidelines 2012. Until now a 90% interim deemed value rate has only been applied to stocks which received a TAC review from 2012 onwards.

¹⁶ See Appendix 1 for list of stocks being reviewed.

90. However, we consider that this is but a first step in implementing the recommendations and that there is no indication that annual deemed value rates are set appropriately. We expect the other recommendations made by the Working Group to be implemented.

Appendix 1- Selected stocks for deemed values review

Friiled venus shell (BYA1-9)	Knobbed whelk (KWH1-9)
Spiny (red) rock lobster (CRA10)	Lookdown dory (LDO3, LDO10)
Ringed dosinia (DAN1-9)	Leatherjacket (LEA10)
Silky dosinia (DSU1-9)	Long-finned freshwater eel (LFE20-23)
Horse mussel (HOR1-10)	Ling (LIN1-6, LIN10)
Trough shell (MDI1-9)	Mako shark (MAK1)
Large trough shell (MMI1-9)	Moonfish (MOO1)
Deepwater tuatua (PDO1-9)	Oreo (OEO1, OEO3A, OEO6, OEO19)
Triangle shell (SAE1-9)	Orange roughy (1-3, ORH7A & 7B, ORH10)
Scallop (SCA1-9, SCA CS)	Dredge oysters (OYO1-5, OYO7-9)
Sea cucumber (SCC1-10)	Paddle crab (PAD1-10)
Anchovy (ANC1-8, ANC10)	Parore (PAR1, PAR2, PAR9, PAR10)
Barracouta (BAR1, BAR4, BAR5, BAR7, BAR10)	Paua (PAU1-7, PAU10)
Blue cod (BCO1, BCO2, BCO4, BCO5, BCO7, BCO8, BCO10)	Pilchard (PIL1-4, PIL7, PIL8, PIL10)
Bigeye tuna (BIG1)	Porbeagle shark (POS1)
Bluenose (BNS10)	Pipi (PPI1-5, PPI7-9)
Butterfish (BUT1-7, BUT10)	Prawn killer (PRK1-10)
Blue shark (BWS1)	Deepwater clam (geoduck) (PZL1-9)
Black cardinal fish (CDL1-10)	Jack mackerel (JMA1, JMA10)
Cockle (COC1-5, COC7-9)	Kahawai (KAH1-4, KAH10)
Elephant fish (ELE10)	Bladder kelp (KBB4G, KBB5G)
Blue (English) mackerel (EMA1-3, EMA7, EMA10)	Kingfish (KIN10)
Flatfish (FLA2, FLA3, FLA7, FLA10)	Knobbed whelk (KWH1-9)
Frostfish (FRO13, FRO5-7, FRO10)	Lookdown dory (LDO3, LDO10)
Garfish (GAR1-4, GAR7, GAR8, GAR10)	Stargazer (STA10)
Green-lipped mussels (GLM1-3, GLM7A & 7B, GLM8, GLM10)	Southern bluefin tuna (STN1)
Grey mullet (GMU2, GMU3, GMU7, GMU10)	Kina (SUR1-10)

Pale ghost shark (GSP1, GSP5, GSP7)

Gurnard (GUR1, GUR2, GUR8, GUR10)

Hake (HAK1, HAK4, HAK7, HAK10)

Hoki (HOK1, HOK10)

Hapuku & Bass (HPU1-8, HPU10)

John dory (JDO2, JDO3, JDO10)

Jack mackerel (JMA1, JMA10)

Kahawai (KAH1-4, KAH10)

Bladder kelp (KBB4G, KBB5G)

Kingfish (KIN10)

Silver warehou (SWA1, SWA10)

Swordfish (SWO1)

Tarakihi (TAR5, TAR10)

Pacific bluefin tuna (TOR1)

Trevally (TR3, TRE7, TRE10)

Tuatua (TUA1-5, TUA7-9)

Blue warehou (WAR1-3, WAR7, WAR8, WAR10)

White warehou (WWA1-5, WWA7-10)

Yellow-eyed mullet (YEM1-10)

Yellowfin tuna (YFN1)





Submission Form

Review of sustainability measures for 1 April 2020

Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

While we prefer email, you can also post your submission to:

2020 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

Submissions must be received no later than 5pm on Wednesday 5 February 2020.

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 Whangamata Seafoods & Quota resources
or contact person:

Organisation (if applicable):

As above.

Email:



Fishstock this submission refers to:

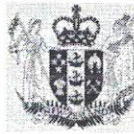
Sca1

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

Yes I am in favour of lowering the tacc of the sca1 if the fishery was managed under strict CPUE like scacs I would say no but as a significate share holder in this fishery I am in favour to lower the TACE

Official Information Act 1982

Note, that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.



I am in favour of lowering the tacc of the sca1 if the fishery was managed under strict CPUE like
cs I would say no but as a significate share holder in this fishery I am in favour to lower the TACE

Please continue on a separate sheet if required.