Fisheries New Zealand
Tini a Tangaroa

Public Submissions Received for the 2021 October Sustainability Round

Part 1 of 4: Multi-stock submissions from large representative bodies and organisations.

August 2021

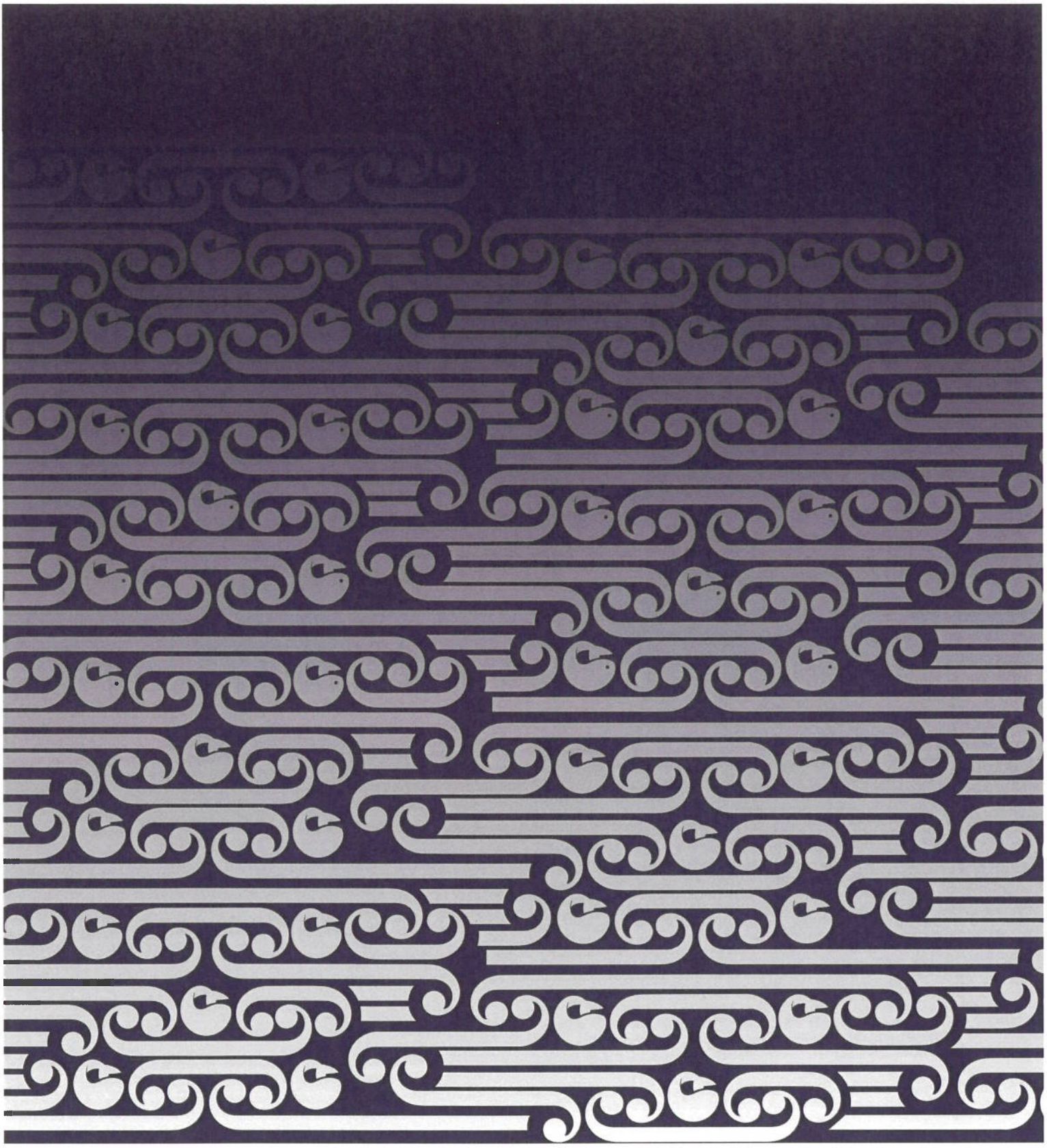
New Zealand Government

List of Submissions & Responses for the 2021 October sustainability round

Part 1 of 4: Multi-stock submissions from large representative bodies and organisations.

Other parts not included here:
Part 2 of 4: More multi-stock submissions and submissions on the deemed values paper and southern bluefin tuna (STN 1).
Part 3 of 4: Submissions on SNA 8 and GUR 1 proposals.
Part 4 of 4: Submissions on all other stock proposals, and LegaSea form submissions.

Name/Organisation	Relevant stock proposals
Te Ohu Kaimoana	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
LegaSea joint submission with NZ Sports Fishing Council (NZSFC), NZ Underwater Association (NZUA) and NZ Angling and Casting Association (NZACA)	DV paper, SNA 8, HPB 1 & 2, GUR 1, BCO 3
The Iwi Collective Partnership (ICP)	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Royal Forest & Bird Protection Society (Forest and Bird NZ)	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5
Environment and Conservation Organisations of NZ (ECO)	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Our Seas Our Future	HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8
Fisheries Inshore NZ (FINZ)	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Deepwater Group Ltd.	HOK 1, LIN 5, SKI 3 & 7, CDL 1
Southern Inshore Fisheries (SIF)	DV paper, SKI 3 & 7, GUR 7, BCO 3, SCH 5
Sealord Group Ltd.	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, SNA 8
Sanford Ltd.	HOK 1, LIN 5, SKI 3 & 7, CDL 1, SNA 8, HPB 1 & 2, GUR 1
Maruehi Fisheries Limited	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Ngātiwai Trust Board	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Ngāti Mutunga o Wharekauri Asset Holding Company Ltd	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
NZ Recreational Fishing Council (NZRFC)	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Tama Asset Holding Company Limited (TAHCL)	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Taranaki Iwi Fisheries Ltd	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Te Kupenga o Maniapoto	DV paper, HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5, PAU 3
Society for the Prevention of Cruelty to Animals (SPCA)	HOK 1, LIN 5, SKI 3 & 7, CDL 1, STN 1, SNA 8, HPB 1 & 2, GUR 1, GUR 7, BCO 3, SCH 5
Environmental Defense Society (EDS)	HPB 1 & 2, GUR 1
Environmental Law Initiative	STN 1, SNA 8
Counties Sports Fishing Club	STN 1, SNA 8, HPB 1 & 2, GUR 1
Fish Mainland	GUR 7, BCO 3, PAU 3
Ocean Fisheries Ltd.	SKI 3 & 7, BCO 3



Te Ohu Kaimoana's Response to the Review of Sustainability Measures for the 1 October 2021/2022 fishing year

Te Ohu Kaimoana

Contents

Executive Summary

1. E te Minita, tēnei te mihi ki a koe i tēnei ahuatanga o te wā. This document provides Te Ohu Kaimoana's advice for your review of the sustainability measures for October 2021/22.

2. Our role in this review process arises from our responsibility to protect the rights and interests of Iwi/Māori under Te Tiriti o Waitangi and the Fisheries Deed of Settlement[1] in a manner consistent with Te Hā o Tangaroa kia ora ai tāua. Te Hā o Tangaroa kia ora ai tāua translates to the 'breath of Tangaroa sustains us'. It is an expression of the unique and lasting connection Māori have with the environment. It contains the principles we use to analyse and develop modern fisheries policy.

3. Our response is structured as follows:
    1. First, we set out who we are and the reasons for our interest in the October review of the sustainability measures.
    2. Second, we describe *Te Hā o Tangaroa kia ora ai tāua,* the principal foundation of our fisheries management advice.
    3. Third, we outline areas for strengthening fisheries management and our Treaty partnership.
    4. Fourth, we set out our preferred approach to managing the fish stocks under review based on the above.
    5. Fifth, we provide advice in appendices to supplement our positions.

4. A summary table of Te Ohu Kaimoana's positions can be found below.

Fish stock	**FNZ's Proposal**	**Our Position**	
Rāwaru (BCO3)	↓	↓	We support a decrease to the TAC – Option 2
Kumukumu/pūwhaiau (GUR1)	↓	↓	We support a decrease to the TAC – Option 2
Kumukumu/pūwhaiau (GUR7)	↑	↑	We support an increase to the TAC – Option 2
Hāpuku & moeone (HPB1)	↓	↓	We support a decrease to the TAC – Option 3
Hāpuku & moeone (HPB2)	↓	↓	We support a decrease to the TAC – Option 2
Pāua (PAU3A AND PAU3B)	-	-	We support setting a TAC for PAU3A and 3B We support the settings of Option 2 for PAU3A and Option 1 for PAU3B
Makohuarau (SCH5)	↓	↓	We support a decrease to the TAC – Option 2
Tāmure/kourea (SNA8)	↑	↑	We support an increase to the TAC – we have proposed an alternative option

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

Back cardinalfish (CDL1)	↓	↓	We support a decrease to the TAC – we have proposed an alternative option
Maka-tikati/tīkati (SKI3)	↑	↑	We support an increase to the TAC – Option 3
Maka-tikati/tīkati (SKI7)	↑	↑	We support an increase to the TAC – Option 3
Hoki (HOK1)	↓	-	We support no change to the TAC – Option 1
Rari/hoka/hokarari (LIN5)	↑	↑	We support an increase to the TAC – Option 2
Southern bluefin tuna (STN1)	↑	↑	We support an increase to the TAC – we have proposed an alternative option

This is our response to this year's sustainability review

5. This paper contains our response to Fisheries New Zealand's proposals to review sustainability measures and deemed values for the October 2021/22 fishing year. We invite Fisheries New Zealand to discuss the contents of this response with us, kanohi ki te kanohi.

6. We do not intend for our response to conflict with or override any response provided independently by iwi, through their Mandated Iwi Organisations (MIOs) or Asset Holding Companies (AHCs).

7. In developing our response, we sought input from MIOs, iwi AHCs and, collaborated with the Māori owned fishing entities Sealord Group and Moana New Zealand. Our draft advice was also made available to industry Sector Representative Entity groups (SREs), including the Paua Industry Council, Deepwater Group and Fisheries Inshore New Zealand.

We are Te Ohu Kaimoana

8. Te Tiriti o Waitangi (Te Tiriti) guaranteed Māori tino rangatiratanga over our taonga, including fisheries. Tino rangatiratanga is about Māori acting with authority and independence over our affairs. It is practiced by living according to tikanga and mātauranga Māori and striving to ensure that the land and resources (including fisheries) are protected for future generations. This view endures today and is embodied within our framework Te Hā o Tangaroa kia ora ai tāua (the breath of Tangaroa sustains us).

9. The obligations under Te Tiriti and the Māori Fisheries Deed of Settlement (the Fisheries Deed of Settlement) apply to the Crown whether there is an explicit reference to Te Tiriti in governing statute, in this case, the Fisheries Act 1996 (the Fisheries Act). These obligations are also confirmed in the Public Service Act 2020, section 14 (1) "the role of the public service includes supporting the Crown in its relationships with Māori under the Treaty of Waitangi".

10. Te Ohu Kai Moana Trustee Ltd (Te Ohu Kaimoana) was established to protect and enhance Te Tiriti and the Fisheries Deed of Settlement. The Fisheries Deed of Settlement and the Maori Fisheries Act 2004 (the Maori Fisheries Act) that followed it are expressions of the Crown's legal obligation to uphold Te Tiriti, particularly the guarantee that Māori would maintain tino rangatiratanga over our fisheries resources.

11. Our statutory purpose, set out in section 32 of the Maori Fisheries Act is to "advance the interests of iwi, individually and collectively, primarily in the development of fisheries, fishing, and fisheries-related activities, to:
    a) ultimately benefit the members of iwi and Māori generally,
    b) further the agreements made in the Fisheries Deed of Settlement,
    c) assist the Crown to discharge its obligations under the Fisheries Deed of Settlement and the Treaty of Waitangi and,
    d) contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Fisheries Deed of Settlement."

12. We work on behalf of 58 MIOs[2] who represent iwi throughout Aotearoa. AHCs hold Māori Fisheries Settlement Assets on behalf of their MIOs. Those assets include Individual Transferable Quota (ITQ) and shares in Aotearoa Fisheries Limited (trading as Moana New Zealand), which owns 50% of Sealord Group Limited.

13. Our role in this review process arises from our responsibility to protect the rights and interests of iwi/Māori under Te Tiriti and in accordance with the Fisheries Deed of Settlement. Māori rights in fisheries are not just a right to harvest but also to use the resource in a way that provides for social, cultural and economic wellbeing now, and for future generations. Te Hā o Tangaroa kia ora ai tāua, the basis for our advice, does not mean that Māori have a right to use fisheries resources to the detriment of other children of Tangaroa: rights are an extension of responsibility.

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

14. The reciprocal relationship that Māori have with Tangaroa is underpinned by whakapapa. Protection of this relationship with Tangaroa is an inherent part of our identity as Māori. There are multiple facets to the relationship with Tangaroa, all of which are inherent parts of Māori identity. In a contemporary context, the management and protection of fisheries resources, as a facet of the relationship with Tangaroa, is expressed through the Fisheries Deed of Settlement.

15. Te Hā o Tangaroa kia ora ai tāua is an expression of the unique and lasting connection Māori have with the environment. It contains the principles we use to analyse and develop modern fisheries policy and other policies that may affect the rights of iwi under the Fisheries Deed of Settlement. In essence, Te Hā o Tangaroa kia ora ai tāua highlights the importance of our interdependent relationship with Tangaroa to ensure our mutual health and wellbeing.

16. In accordance with this view, "conservation" is part of "sustainable use", it is carried out to sustainably use resources for the benefit of current and future generations. The Fisheries Act's purpose is "to provide for the utilisation of fisheries resources while ensuring sustainability." The purpose and principles of the Act echo Te Hā o Tangaroa kia ora ai tāua.

The Four Pou

17. The concept of Te Hā o Tangaroa is underpinned by four pou; whakapapa, tiaki, hauhake and kai. The four pou are interconnected and form the approach we take to deliver outcomes for iwi.

    Whakapapa – Māori descend from Tangaroa and have a reciprocal relationship with our tipuna. Whakapapa recognises that when considering policy affecting Tangaroa, we are considering matters that affect our tipuna.

    Tiaki – Māori care for Tangaroa, his breath, his rhythm and bounty, for the betterment of Tangaroa and the benefit of humanity.

[2] MIO as defined 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.

We recognise that as descendants of Tangaroa, we have the responsibility to tiaki our tipuna so that Tangaroa may continue to care and provide for us.

Hauhake – Māori have a right and obligation to cultivate Tangaroa, including his bounty, to better Tangaroa and support Tangaroa's circle of life.
This right and obligation of hauhake is underpinned by our tiaki responsibilities to Tangaroa.

Kai – Māori have a right to enjoy our whakapapa relationship with Tangaroa through the wise and sustainable use of the benefits Tangaroa provides to us.
Ultimately our right to kai, to enjoy the benefits of our living relationship with Tangaroa, and its contribution to Māori identity depends on our ability to tiaki Tangaroa.

The outcomes we seek

- Whakapapa connections are recognised and enable Māori tino rangatiratanga and mana motuhake through bottom-up approaches.
- Healthy fisheries maintain and support Māori culture and identity.
- Intergenerational knowledge held by our whanau/hapū/iwi is respected, so that future generations inherit a healthy taiao.
- Our knowledge of fisheries is maintained through the continuation of our relationship with Tangaroa – where to fish, how to fish and how to prepare fish for our people.
- Healthy kai comes from a healthy environment – pollutant free kai supports the health of our people.
- Fisheries are developed in a way that supports an ongoing relationship with Tangaroa.
- Tangaroa provides us kaimoana so we can manaaki our people – sustenance supports livelihoods.
- Tino rangatiratanga of self and body through healthy kaimoana.
- Holistic protection of Tangaroa so that he may provide for all his tamariki.

Strengthening fisheries management and the Treaty Partnership

We seek constructive working relationships

18. The Fisheries Act requires those performing functions under it to act consistently with the Fisheries Deed of Settlement, which recognises the principles of Te Tiriti[3]. As signatories to this Settlement, it is both Māori and the Crown's responsibility to ensure that this agreement is upheld. Under the Fisheries Deed of Settlement, it is paramount that the Crown and Māori work constructively on fisheries management matters to uphold our respective obligations. The sustainability review is essential because our fisheries management system relies heavily on the various sustainability tools and associated Quota Management System (QMS) levers being set

[3] Specifically, section 5 (b) of the Fisheries Act 1996 states "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)". Once an allocation formula was agreed the TOW(FC)SA was essentially replaced by the Māori Fisheries Act 2004. Together, these acts give effect to the legal aspects arising from the Māori Fisheries Settlement.

to incentivise a stewardship ethic. These needs must be met in order to care for Tangaroa. We consider that a constructive relationship between Te Ohu Kaimoana and Fisheries New Zealand is an essential prerequisite to developing pathways that enable the holistic management of fisheries.

19. We acknowledge Fisheries New Zealand officials for their progression towards a partnership approach. Specifically, the early engagement and ongoing communication through the sustainability round process has been a constructive development. We are confident that a genuine investment in partnership will produce positive benefits for the sustainable utilisation of Aotearoa's fisheries. This will be even more effective if there is engagement at the problem definition stage rather than when proposals are already developed.

Mai te maunga ki te moana

20. There is growing awareness and concern over the impacts that human land-based activities have on our marine ecosystem. The connectivity between the land and sea means that onshore activities have flow-on effects on freshwater and marine environments—negative impacts such as nutrification and sedimentation affect the ability of Māori to maintain their relationship with Tangaroa. The principles of Te Hā o Tangaroa require a reciprocal relationship with the moana and aquatic life. Degradation of the marine ecosystem directly reduces people's ability to sustain their economic, cultural, and social wellbeing from the marine environment.

21. Te Ohu Kaimoana has serious concerns for the health of the marine environment and the consequential impact on the relationship between Māori and Tangaroa. As Minister of an expanded portfolio incorporating Oceans and Fisheries, we understand that you share these concerns particularly over the impact of landbased activities on the marine environment. We support initiatives that apply solutions to the source of this issue, and welcome opportunities to collaborate with others who also share those concerns. We emphasise that while the Fisheries Act is the appropriate way to manage the effects **of** fishing, other legislative frameworks are required to manage the effects **on** fishing. We also support greater integration between governing agencies, industries, stakeholders, and iwi/Māori so that we may collectively arrest the decline in the quality of the marine environment.

Shared fisheries require shared management and shared responsibility

Improved management of shared fisheries is required

22. Te Ohu Kaimoana has advised successive Ministers on the need to ensure that any allocation of the Total Allowable Catch (TAC) to recreational fishers does not result in the commitments given by the Crown under the Fisheries Deed of Settlement being undermined. Our view is that once an allowance for recreational fishing is set under a TAC, it should not be increased without agreement with iwi/Māori. This is because any reallocation to the recreational sector has the effect of reducing the overall value of the Fisheries Deed of Settlement. However,

despite this advice, we see a pattern of allowances being increased as the population grows, more people go recreational fishing, and the technology available to recreational fishers improves.

23. We consider there is a lack of a principled approach to the allocation of the TAC in the advice from Fisheries New Zealand. Instead, the recommendations from Fisheries New Zealand on recreational allowances seem to be based on the best estimate of the current catch, and in some disturbing situations even higher than the catch. This approach is increasingly becoming a problem for the management of shared fisheries. Recreational fishing effort and catch in some fisheries has significantly increased, and there is no sign of it decreasing. The current approach to manage this increase in catch is to recommend that a greater proportion of the TAC be allocated to the recreational sector. We do not consider a fisheries management system that provides increased utilisation to the recreational sector with no visible upper limit as sustainable. Further, we see this approach as being contradictory to the agreement reached under the Fisheries Deed of Settlement.

24. The QMS provides incentives for sustainable fisheries practices by providing Annual Catch Entitlement (ACE) directly linked to the Total Allowable Commercial Catch (TACC). This means the TACC directly limits the amounts of fish that can be commercially caught. However, in contrast, the recreational sector in the same fishery will not be affected by a change in the allowance. The management controls for recreational fishing sits with daily limits, minimum legal size etc. The disconnect between the management settings and management controls for recreational fishing is a long-standing issue for fisheries management. It reflects poorly on the way our fisheries are administered.

25. We support the review of the sustainability measures to be expanded to include adjustments to the recreational management controls for all stocks undergoing a TAC review at that time. This would include daily catch limits, accumulation limits, size limits or area closures. We note that elements of this approach are in play for the current review of HPB1 and HPB2, and we see this as progress.

The lack of a principled approach to allocating the TAC detracts from our fisheries management system

26. Without a clear framework for managing shared fisheries, we have encountered delays in sustainability review timeliness. Delays in reviews can have unnecessary negative economic impacts on commercial sectors because of deemed value settings and consequential changes in fishing operations to avoid certain catch. Deferring or delaying a review seems to be a common response in the face of different perspectives over how a stock should be allocated. Accordingly, there has been no consistent approach to the allocation of the TAC. This, in turn, generates uncertainty for rights holders and interested parties alike. Effective shared fisheries management needs to work towards reducing this divide and putting the fishery first. To achieve this fisheries management decision making should be less politicised and more principle based.

27. We have long held a view that a full review of how the recreational sector is managed is critical, including implementing better processes for monitoring catch. This would help increase our overall understanding of the quantity of fish being taken and the kinds of strategies needed to manage our fisheries. Implementing better processes to manage recreational fishing would greatly benefit local communities that can rely on, and regularly partake in, recreational fishing activities.

Amateur Charter Vessels are creating increasing pressure on fisheries

28. Amateur Charter Vessels are commercial tourism operators that catch fish under the recreational regulations and generate a profit from this activity. Charter trips are a popular attraction for New Zealanders and international tourists alike. Increasingly, we hear concerns about the Amateur Charter fleet regarding effort, localised depletion, and lack of monitoring/management. These concerns come from commercial fishers, kaitiaki and subsistence recreational fishers. We support further attention being given to the regulatory regime that Amateur Charter Vessels are subject to so that this sector can better contribute to fisheries management and to the sustainability of our fisheries.

The Fisheries Act enables a flexible approach to managing catch

29. It is often assumed that adjusting TACs (and TACCs) is the best way to respond to stock assessments that show a stock has declined. We note that the Fisheries Act 1996 provides a range of sustainability measures to address these situations and enable rangatiratanga[4].

Collective action better achieves the purpose of the Fisheries Act

30. We would like to see Fisheries New Zealand do more to encourage collective action when looking to manage fisheries. 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[5] of the Act.

31. Te Ohu Kaimoana has published an international review of Aotearoa's fisheries management systems' effectiveness in achieving conservation objectives. This study has concluded that top-down approaches are inconsistent with modern incentive-based systems. In contrast, the most effective fishery/ecological management systems are bottom-up and stakeholder developed.[6]

32. Fisheries Plans approved under s11A of the Fisheries Act are a key tool available to support collective action. Fisheries Plans provide the framework for a more customised and cooperative approach to the sustainable management of our fisheries as they enable fine-scale management of fisheries resources. Importantly, to be effective, they should be developed by the parties who can be held accountable for their commitments.

33. Where led by iwi, Fisheries Plans provide an appropriate framework for iwi to exercise rangatiratanga in managing their relationship with Tangaroa. For instance, they could provide:
    a. An opportunity for iwi to work more closely with their hapū to identify local fisheries management problems and solutions that affect customary non-commercial and commercial fishing,
    b. Specify the objectives for management and associated services required to manage the fishery, which iwi and other quota owners could purchase directly, rather than through cost recovered services provided by the Crown.

Section 11 of the Fisheries Act provides a multitude of options for ensuring sustainability.

34. In recent years there has been an increasing trend for quota owners to become actively involved in fisheries management. This reflects the strong stewardship ethic that comes with owning Individual Transferable

[4] Section 11 (3) of the Fisheries Act 1996 sets out a range of options that are available to the Minister to ensure sustainability.

[5] Where a catch limit for a stock managed under the Quota Management System is decreased to the most appropriate sustainability measure, section 13 sets out the specific requirements for determining the TAC.

[6] See Libecap, G, Arbuckle, M, and Lindley, C. An analysis of the impact on Māori Property Rights in Fisheries of Marine Protected Areas and Fishing Outside the Quota Management System. The link to the report can be found here, as can a seminar discussing the findings of the study can be viewed here.

Quota (ITQ) or ACE leading to collective action. We see s11 of the Fisheries Act as supporting this level of action, which is most obviously evidenced by the provision for Fisheries Plans to be approved under s11A. However, we also see the provisions of s11 as supporting collective action that is not set out in a Fisheries Plan.

35. By way of example, the shelving of ACE is a viable way of reducing commercial catch. The Minister can take such shelving arrangements into account following section 11 (1) (a) of the Fisheries Act. If the Minister is satisfied that the arrangements will adequately mitigate 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 section 13 or section 14 to vary a TAC.

36. We support a greater focus being placed on the provisions of s11. We consider that bottom-up approaches would help enable fine-scale management and enhance the potential for iwi/Māori to fulfil their tiaki and hauhake responsibilities.

Our preferred approach to managing the fish stocks under review

37. We see a general improvement in the Sustainability Review consultation document. The inclusion of considerations of habitats of particular significance to fisheries management and the associated deemed value settings sets the scene for a more holistic approach. This better recognises the interconnected nature of our fisheries management settings and has the potential to reduce the historical reliance on TAC settings.

38. In our response, we have only commented on deemed value settings if the current settings are no longer aligned with the guidance provided by the Deemed Values Working Group.

Inshore Stocks

Rāwaru – blue cod (BCO3)

Our view

- We support Option two.
- We do not support the proposed changes to deemed values.

Proposed Options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings (*status quo*)	-	162.732	-	-	-
Option 1 (*Set a TAC & allowances*)	277.732	162.732	20	83	12
Option 2	243 ↓	130 ↓ (32.732 t)	20	83	10 ↓

Our approach

We support setting a customary allowance

39. We support the advice provided by Ngāi Tahu to set a customary allowance of 20 tonnes. The proposed customary allowance allows for tiaki of this taonga to take place under the guidance of Ngāi Tahu Tangata Tiaki.

We support decreasing the TAC with ongoing monitoring

40. The stock status in relation to the management target and the extent of overfishing is unknown. However, there are concerns that there is local depletion occurring. Due to this uncertainty, we support a reduction to the TAC at this time. The upcoming stock assessment has the potential to further inform the management of this fishery.

41. The most recent information from the 2017/18 National Panel Survey estimates recreational catch to be 99 tonnes with an additional five tonnes from s111[7] take. The recreational allowance proposed in the consultation document is less than this estimate. There has been a recent reduction in the daily limit and an increase in minimum legal size. Both measures are expected to reduce recreational catch. We support further and more precise monitoring to better estimate the actual reduction that will have been achieved, especially in the areas where localized depletion is occurring.

42. Potting surveys are generally undertaken every four years and are primarily designed to monitor the recreational fishery. The results to date show a general decline in relative abundance across all areas surveyed

[7] Section 111 of the Fisheries Act 1996 enables commercial fishers to take a recreational catch for their own consumption.[8] We recommend the minimum legal size for BCO3 be set at 35cm.

in BCO3 (up to 50% in some areas). When considering the potting survey results, we stress the need for ongoing review and monitoring of the recreational catch to ensure the sustainability of this taonga[8].

43. The other sources of fishing-related mortality allowance are proposed to be set at 5% of the total TACC and recreational allowance. This reflects the uncertainty of survival of blue cod being returned to sea. We endorse this approach.

Deemed values should be set to incentivise accurate reporting

44. Deemed values should be set between the ACE price of $3.71 and the market value of fish (which is approximated by the port price of $7.36). If there is a sustainability concern, setting deemed values closer to market price is more appropriate. We do not support the proposed ramping of the BCO3 deemed values.

Kumukumu/pūwhaiau – red gurnard (GUR1)

GUR1 – Our view

- We support an alternative option for the GUR1 TAC (Option four).
- Our Option four is the same as the proposed Option two with a reduction in the recreational allowance (and hence a lower TAC).
- This approach strikes the right balance of our tiaki and hauhake responsibilities in order to continue our whakapapa relationship with this tamariki of Tangaroa.

	TAC	TACC	Customary	Recreational	OSFM
Option 4 (t)	1300	1100	40	83	77

Proposed Options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	N/A	2,288	N/A	N/A	N/A
Option 1	2,328	2,045↓ (243 t)	40	100	143
Option 2	1,317	1,100 ↓ (1,188 t)	40	100	77
Option 3	996	800 ↓ (1,488 t)	40	100	56

Our approach

The setting of the customary allowance is reasonable

45. When adjusting and allocating the TAC, the Minister has a constitutional and legal obligation to ensure the integrity of The Fisheries Deed of Settlement is maintained. In our view s 21 of the Fisheries Act requires the

Minister, when allocating the TAC to give priority to the customary allowance for stocks that iwi and hapū require to meet their customary non-commercial needs. We note that the consultation paper includes an option for a reasonable customary allowance of 40 tonnes for GUR1. There is at least one Pātaka Kai (Te

[8] We recommend the minimum legal size for BCO3 be set at 35cm.

Kupenga) operating within the GUR1 QMA. It is essential that current and future Pātaka Kai are provided for within the proposed customary allowance settings.

The TACC should ensure sustainability

46. The most recent stock assessment in 2017 was able to assess each of the three major GUR1 fisheries, which include the west-coast sub stock (GUR1W), the East Northland and Hauraki sub-stock (GUR1E) and the Bay of Plenty sub-stock (GUR1BP). The assessment showed that the western sub-stock was faring better than the two eastern stocks. Although this assessment did not indicate any sustainability concerns with current catch levels, it still concluded that if the full TACC were to be caught, the risk to sustainability would be unknown.

47. The commercial catch limit has been consistently under caught, and landings appear to be declining despite suggestions of increased targeting, but reasons for this are unknown. A plausible explanation could be that the reduction in catch is a consequence of fishers actively avoiding snapper (and therefore catching less gurnard). Nonetheless, we support a reduction in the TACC as a first step in addressing concerns.

Recreational allowances for fisheries with sustainability concerns

48. Recreational allowances should be set at or below the best estimate of catch, especially when there are sustainability concerns. We do not see the rationale for 'rounding up' the estimated recreational catch to 100 tonnes as a fair and principled approach. The most recent National Panel Survey estimates recreational catch to be 86 tonnes (±13). We view a rounding approach to be contradictory to building good, shared fisheries management systems. We would prefer to see the recreational allowance set at the best estimate of catch (or 'rounded down' to reflect a more precautionary approach) that leaves more of Tangaroa's tamariki and mokopuna in his care. Importantly, follow up action by way of adjustments to daily limits would be needed to give effect to any reduction in allowance.

The interdependence of GUR1 and SNA8

49. SNA8 is also being reviewed, with proposals looking to increase the TAC. Approximately 80-90% of the red gurnard catch is taken as part of the FMA9 mixed trawl fishery, including snapper, trevally, and John dory. The SNA8 stock assessment has identified that operators fishing in FMA9 mixed trawl have modified their gear and trawl speeds to reduce their focus on snapper. This is primarily due to a lack of SNA8 ACE availability.

50. An increase of SNA8 ACE availability may reduce some of the GUR1 target catch. However, there is the potential that it may lead to more GUR1 catch overall. Detecting changes in relative catch mix for the inshore trawl fishery will be necessary as part of actively monitoring the fishery status.

Other mortality caused by fishing allowance should be consistent for FMA9 mixed trawl fisheries

51. In 2018, the Minister indicated a desire for the allowance for other mortality caused by fishing to be set at 10% of the TACC for all inshore fish stocks taken by the method of bottom trawl, unless there was evidence to suggest otherwise. The proposed option sets the allowance for other mortality caused by fishing at 7% of the TACC. The rationale provided for the lower allowance includes enhanced monitoring on the west coast of the North Island

fishery - which provides greater confidence in the catch and effort reported for the FMA9 fishery. In addition, more selective fishing methods are also used: bottom longlining and Danish seining that are less likely to cause incidental mortality. This rationale supports the allowance for other sources of fishing mortality being set at the proposed level. However, we note an inconsistency with SNA8, the proposed allowance for other sources of mortality is 9-10% of the TACC, despite this SNA8 being subject to these same factors.

28N rights will have the effect of reducing settlement holdings when the TACC is increased

52. We recognise that the preferential allocation (known as 28N) rights associated with GUR1 will not be activated due to the TACC decrease. We do, however, note that decreasing the TACC could lead to greater abundance in the fishery, and therefore the TACC can be expected to increase at some point in the future. Appendix one sets out our narrative on 28N rights.

Kumukumu/pūwhaiau – red gurnard (GUR7)

GUR7 – Our view

- We support Option two.

Proposed Options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	1 294.65	1 180	15	38	61.65
Option 2	1 422 ↑ (127 t)	1 298 ↑ (118 t)	17 ↑ (2 t)	42 ↑ (4 t)	65 ↑ (3.35 t)

Our approach

Sustainable utilisation opportunity for GUR7

53. The continued increase in biomass with the current settings will mean that the GUR7 catch will be unnecessarily constrained. Accordingly, we support Option two to better provide for utilisation. The abundance of gurnard in GUR7 appears to reflect a healthy fishery which can support people's livelihoods and wellbeing.

Customary allowances should be provided for through engagement

54. We recognise that the level of the proposed customary allowance is arbitrary and based on the assumption that customary catch has increased with abundance. We consider that Fisheries New Zealand should base the allowance on its engagement with iwi and kaitiaki.

Management measures necessary to constrain increasing recreational catch

55. We recognise that recreational catch can be expected to increase as abundance increases; however, gurnard fisheries are thought to exhibit high recruitment pulses. Recreational interests were provided for when the fishery was deemed to be at target in the review in 2020. Any more to increase the recreational allowance beyond this impacts te tino rangatiratanga (set out in Appendix 3). To avoid these impacts, we support management measures that constrain recreational catch to the allowance that is set.

Hāpuku & moeone – hapuku & bass – (HPB1 & 2)

Our view

- We support Option three for HPB1.
- We support Option two for HPB2.
- We support additional measures being implemented by commercial and recreational operators to address specific sustainability concerns for these fisheries.

Proposed Options

HPB 1

Option	TAC	TACC	Allowances			Recreational Measures	
			Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	480.8	N/A	N/A	N/A	5 per person	Included in the combined daily limit of 5 with kingfish with a maximum of 3 kingfish
Option 1	379	280 ↓ (200.8 t)	10	14	75	3 per person	Remain in the combined daily limit of 5 with kingfish, but include a maximum of 3 hāpuku/bass
Option 2	289	210 ↓ (270.8 t)	10	11	58	2 per person	Remove from the combined daily limit of 5 with kingfish and: -Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3
Option 3	215	140 ↓ (340.8 t)	10	7	58		

HPB 2

Option	TAC	TACC	Allowances			Recreational Measures	
			Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	266.2	N/A	N/A	N/A	5 per person	Included in the combined daily limit of 5 with kingfish with a maximum of 3 kingfish
Option 1	233	160 ↓ (106.2 t)	10	8	55	3 per person	Remain in the combined daily limit of 5 with kingfish, but include a maximum of 3 hāpuku/bass
Option 2	174	120 ↓ (146.2 t)	10	6	38	2 per person	Remove from the combined daily limit of 5 with kingfish and: -Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3
Option 3	132	80 ↓ (186.2 t)	10	4	38		

Our approach

A reduction in catch is needed to ensure the sustainability of these fisheries for future generations

56. There is currently no robust assessment for these stocks, but there have been ongoing concerns about their health. We support a significant reduction in catch as a first step in addressing these concerns. We base this on our obligation to tiaki our tupuna so that future generations can benefit from a healthy fishery.

57. We support Option three for HPB1 and Option two for HPB2, which reflects the differences in these two fisheries. In HPB1, hāpuku returns a lower price than bass in and therefore effort is focussed more so on bass. There is less fishing effort in HPB2 and hāpuku is a predominant target. Therefore, there is less pressure on this fishery. We consider that a reduction of 25% catch, under Option two, would be sufficient to address sustainability concerns of the TACC in HPB2.

Appropriate management controls are required in order to ensure the integrity of the TAC

58. We agree that the recreational catch for both HPB1 and HPB2 needs to be reduced, along with the TACC. As already noted in this response, we are concerned over the lack of a link between a reduction in the recreational allowance, and a new management measure that would affect that allowance. We support all sectors sharing the responsibility to rebuild and maintain fisheries and therefore support the changes to recreational limits under Option three for HPB1 and Option two for HPB2.

We support fishers addressing management concerns through targeted measures

59. We acknowledge that a TAC reduction may not address some of the specific concerns for these fisheries. In particular, it will not address the risk of localised depletion. Multi-stakeholder meetings have been held to discuss options for managing these effects. From these meetings, commitment to exploring options for protecting specific features have been discussed as well as support for a range of additional measures to manage recreational catch. We support effective stakeholder-led initiatives that promote tiaki and hauhake responsibilities.

Localised depletion inhibits customary access

60. Concerns raised by kaitiaki about the inability to access hāpuku and moeone in shallow depth fishing grounds suggestions further management action is required. The ability for Māori identity to be maintained through customary practice is already being undermined with the current state of the fishery.

The ability to monitor and assess these fisheries is lacking

61. Despite targeted efforts, we are unable to assess the health of these fisheries. The change to reporting requirements that splits hāpuku and bass will assist our understanding in the future, but management action is required now. Further work needs to be done to identify an innovative approach to monitoring fisheries that exhibit high site fidelity and low productivity.

28N rights reduce settlement holdings when TACCs are increased

62. We recognise that the preferential allocation (28N) rights associated with both HPB1 and 2 will not be discharged due to the TACC decrease. We do, however, note that decreasing the TACC and additional measures to tiaki these fisheries is intended to result in a rebuild of the fisheries. Hence, at some future date, we can anticipate a TACC increase when the fishery has rebuilt. Please see appendix one for our narrative on 28N rights.

Pāua – (PAU3A & PAU3B)

Our view

- We support setting a TAC for PAU3A and PAU3B.
- We support Option two for PAU3A.

- We support Option one for PAU3B, with a customary allowance that reflects pre-earthquake customary non-commercial utilisation.

Proposed Options PAU3A

Kaikōura:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1	40.5	23	7.5	5	5
Option 2	24.5	12	7.5	2.5	2.5

PAU3B Canterbury:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1	80	46	15	9	10

Our approach

Recognising community leadership

63. The 2016 Kaikōura earthquake had devastating effects on pāua habitat, negatively impacting the abundance of pāua along the coastline. The restoration of pāua habitat and the subsequent increasing abundance of pāua is attributed to the community's collective effort, including Te Korowai o te Tai o Marokura, the Papatipu Runanga, Kaikōura Marine Guardians and PauaMAC3. The community has shown leadership through many initiatives, including the pāua hatchery, the pāua school program, translocation of pāua, and habitat restoration of kelp beds. As noted in the Kaikōura community hui in 2020, the initiatives mentioned were opportunities to give "Tangaroa a helping hand" while passing on local knowledge to the next generation. This is an example of what can be achieved when communities play an active role in fisheries management, and Fisheries New Zealand provides leadership through supporting these initiatives.

Cohesive approach required across fisheries management initiatives in PAU3A and PAU3B

64. The PAU3 Fisheries Plan (developed by PauaMAC3) approved by the Minister in April 2021, sets out the overarching management framework for PAU3A and PAU3B, which the setting of the TAC is required as a result of the subdivision approved by the Minister of Oceans and Fisheries (as a result of the PAU3 Fisheries Plan). Te Ohu Kaimoana supports the Fisheries Plan and the subdivision because it was endorsed by iwi and enables fine-scale management; therefore, we support setting a TAC for each of the subdivided areas (PAU3A and PAU3B).

65. In parallel to this consultation, the Minister of Ocean and Fisheries is consulting on the reopening of the Kaikōura marine area to pāua fishing. A key concern from the community is recreational fishing and its effect on the area if management measures are not established. The Kaikōura Marine Guardians proposed a suite of management measures for recreational pāua fishing, including a reduced bag limit and an increased minimum legal size. This must be top of mind when setting a TAC for PAU3A.

Precautionary approach supported

66. We support Option two for PAU3A and Option one of PAU3B, which provides a more precautionary approach. If the status of the fishery in PAU3A and PAU3B is subsequently assessed above target level (based on evidence, science and mātauranga), then Fisheries New Zealand can initiate a further review of the TAC to determine the appropriate response.

67. There is a numerical error in the consultation document for PAU3B. Paua Industry Council's submission provides the technical rationale on the calculations for the customary allowance. Both an allowance of 15 and 7.5 tonnes allows for the customary harvest of pāua under the guidance of Ngāi Tahu Tangata Tiaki. Due to the error in the consultation document, it is appropriate that Fisheries New Zealand engage directly with Ngāi Tahu to set an appropriate customary allowance.

Makohuarau – school shark (SCH5)

Our view

- We support Option two for SCH5.
- We support retention of the current deemed values.

Proposed options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	794	743	7	7	37
Option 2	558 ↓ (236 t)	520 ↓ (223 t)	7	5 ↓ (2 t)	26 ↓ (11 t)

Our approach

We support a decrease in order to tiaki and hauhake this fishery

68. The best available information suggests that overfishing is likely to be occurring in SCH5, and the stock is unlikely to be at, or above the reference level set out in the Fisheries Act. Some fishers have raised concern that greater effort is now required to catch their ACE. For these reasons, we support a decrease in the TAC and TACC set out in Option two. We acknowledge that this proposed decrease to the TACC for SCH5 would have a substantial economic impact on fishers and the community that rely on the catch of SCH5.

Tāmure/kourea – snapper (SNA8)

Our view

- We note that all options propose a 400% increase in the recreational allowance.
- We support an alternative option for the SNA8 TAC (Option five).
- Our Option five is the same as the proposed Option three with a reduction in the allowance for other sources of fishing-related mortality (and hence a lower TAC).
- We support Option two for the setting of deemed values in SNA8.

	TAC	TACC	Customary	Recreational	OSFM
Option 5 (t)	3740	2275	100	1205	160

Proposed options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	1,785	1,300	43	312	130
Option 1	3,065 ↑ (1280 t)	1,600 ↑ (300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	160 ↑ (30 t)
Option 2	3,437 ↑ (1652 t)	1,950 ↑ (650 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	182 ↑ (52 t)
Option 3	3,794 ↑ (2009 t)	2,275 ↑ (975 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	214 ↑ (84 t)
Option 4	4,152 ↑ (2367 t)	2,600 ↑ (1300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	247 ↑ (117 t)

Our approach

Estimates of current and future state enable increased utilisation

69. The current and future predicted state of the SNA8 fishery provides a significant utilisation opportunity. Under all options, the SNA8 biomass is predicted to remain above 50% in five years. This level of biomass enables greater utilisation for all sectors while ensuring sustainability. The rebuild of this fishery has generated significant abundance, and we support ongoing hauhake and tiaki of this fishery.

Providing for customary use

70. We support the consideration of an option that provides for increased customary use in line with the aspirations of kaitiaki to increase the use of Pātaka kai in their rohe.

Responsive management is required for rebuilding fisheries

71. The last review of SNA8 was 16 years ago; the lack of responsive management to changes in the fishery during this time means that we are now dealing with consequential issues throughout West Coast North Island fisheries. The decrease in management settings from 2004 was necessary to rebuild this fishery; however, as the biomass has increased, the management settings have become increasingly inappropriate for the stock. This has created cumulative operational issues. The increasing abundance of snapper relative to ACE availability has unnecessarily constrained many fisheries in this area and created inhibiting economic symptoms. The consequential issues include:

- ACE price significantly exceeding the market price of fish (because it is driven by the deemed value settings) – negative economic returns from catching and landing snapper.
- CPUE skewed due to fishers actively avoiding snapper– affects the quality of information available to support the management of the fishery,
- Inability to access other fisheries because of the difficulties with avoiding snapper catch.

These issues are symptoms of inappropriate constraints on utilisation driven by current management settings. This has come about due to the inattention given to this fishery. The pressures on the commercial sector have become more acute under an increasingly inappropriate TACC backed up by ramped deemed values. The current deemed values setting in this fishery are not consistent with the guidance provided by the Deemed Value Working Group. This highlights the need to actively manage a rebuilding fishery rather than adopt a set and forget approach. We support another review of the settings in this fishery within five years.

Increased availability of SNA8 ACE will support fishers to transition away from areas/methods that risk capture of Māui dolphins

72. The abundant SNA8 fishery provides an opportunity to assist fishers as they transition their operations to further reduce risk to Māui dolphins. Te Ohu Kaimoana have engaged with the transition programme working alongside industry and Fisheries New Zealand. It remains clear that a significant barrier to enabling a successful long-term transition is the availability of affordable SNA8 ACE. Currently, fishers in the transition programme have been provided SNA8 ACE under a special permit for the current year. This arrangement is not a long-term solution. Providing a substantive increase to the TACC has the potential to improve the wellbeing of these fishing communities as there will be additional ACE available for purchase.

Significant increase required to support all fishers and fisheries on the West Coast

73. The current settings for SNA8 are inhibiting the sustainable use of fisheries resources. Given that we can ensure sustainability because of the confidence in the stock assessment, we support increasing the TACC to at least 2275 tonnes. We note that a TACC under Option four is also sustainable and would provide for even greater utilisation.

Recreational allowance set when fishery was depleted

74. We recognise that the recreational allowance was set when the fishery was depleted. The TAC for SNA8 was set in 2004 when the fishery was estimated to be 9% of the original spawning biomass. This depleted state occurred prior to the introduction of the QMS (1986) and the signing of the Fisheries Deed of Settlement (1992). As the fishery has recovered under QMS management, so has the recreational catch been allowed to increase well beyond the set allowance. This means the integrity of the TAC has been undermined for an extended period. The recovery of the fishery now provides an opportunity to revisit the allowances under an increased TAC. We note that all of the options being presented provide for the recreational allowance to increase to the level of predicted catch based on catch estimates and biomass increase. If this is to be the case, we consider that the future management regime focuses on ensuring the integrity of the TAC under the new settings.

28N rights affect the proportional share of quota holders

75. There are 932.4 tonnes of preferential allocation (28N) rights, of which two quota owners effectively hold 96%. The result is that most quota owners will see a reduction in quota (as a proportion of the TACC) while providing a substantive proportionate increase to the two owners. Our view is that any reduction of the Settlement quota as a proportion of the TACC would breach the Fisheries Deed of Settlement. Hence if the 28N rights are to be applied, it will need to be done in a way that does not result in a diminishment of Settlement rights. Te Ohu

Kaimoana will work with the Crown and the parties who hold 28N rights to find a solution that is consistent with the Fisheries Deed of Settlement.

Lowering the allowance for other sources of mortality caused by fishing

76. In 2018, the Minister indicated a desire for all the allowances for other mortality caused by fishing to be set at 10% of their respective TACC for all inshore fish stocks taken by trawl, unless there was evidence to suggest otherwise. The proposed option sets the allowance for other mortality caused by fishing to 9-10% of the TACC, placing weight on the uncertainty of unreported catch. We note that this is inconsistent with the rationale provided for GUR1, which suggests 7% due to enhanced monitoring on the west coast North Island, meaning greater confidence in the catch and effort reported for the western sub-stock. We consider that the allowance for other sources of fishing-related mortality should be consistent for FMA9 mixed trawl fisheries, given the factors outlined above. Hence, we support an alternative option; Option five, that achieves this consistency.

We support a change to the SNA8 deemed value rates

77. We are supportive of adjusting the deemed values for SNA8 in line with Option two proposed in the consultation document as an interim measure until we have more information on how the SNA8 TACC increase will affect the economics of this fishery. The current deemed value rates in SNA8 are having unnecessary economic impacts on fishers. The high payment of deemed values is indicative of a need to increase the TACC due to an increase in SNA8 abundance. Therefore, setting a suitable TACC is the first step to ensure appropriate management in the SNA8 fishery.

78. Secondly deemed values need to be set 'about right' to incentivise accurate reporting, as the information available to set deemed values appropriately is imperfect. Once a TACC is enacted, there will be an increase in availability of SNA8 ACE and the impact this will have on ACE and market price needs to be considered as these are the prices at which deemed values should be set between. If there is concern of a particular party overfishing the TACC and abusing the deemed values setting, section 77 of the Fisheries Act 1996 can be used to address this.

79. We support a further review of the deemed values in SNA8 within the next two years. This will enable more precise setting once the impacts of a TACC increase on the ACE price and market value can be determined. Ongoing review of the deemed values setting in SNA8 is essential to ensure the fishery management settings are appropriate. As a TACC increase will trigger more snapper on the market across Aotearoa, the ACE price and market value of snapper are likely to experience downward pressure. These values should be monitored across all snapper fisheries to indicate if further deemed value reviews are necessary.

Deepwater stocks

Akiwa - black cardinalfish (CDL1)

Our view

- We support setting a TAC for CDL1 that enables for increased utilisation in order to ensure sustainability.
- We support an alternative option for the CDL1 TAC (Option four).
- We do not support the proposed changes to the deemed values.

	TAC	TACC	Customary	Recreational	OSFM		
Option 4 (t)			0	0	20	420	400

Proposed Options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	1320	1200	0	0	120
Option 2	176 ↓ (1144 t)	160 ↓ (1040 t)	0	0	16 ↓ (104 t)
Option 3	44 ↓ (1276 t)	40 ↓ (1160 t)	0	0	4 ↓ (116 t)

Our approach

We support setting a TAC that allows for fisheries development

80. There is substantial headroom between the TACC and current commercial catch of CDL1. As there is an intention to develop the ORH fishery in the CDL1 QMA, the future development of such a fishery would require sufficient CDL1 ACE to be caught alongside ORH. Therefore, the current headroom that is available between the TACC and CDL1 catch will be necessary.

81. Between 2018-2020, there was an increased number of ORH and CDL targeted tows within CDL1. Despite this, CDL catch did not increase in proportion. On this basis, we agree that there is a case for the TACC to be reduced. However, we recommend that it only be reduced to a level which would allow for sustainable development of the ORH fishery.

82. We support deemed values being set between ACE and the market price of fish. The current deemed values rate already do this. It may be appropriate to set the deemed rates values closer to the market price if there is an indication that catch is not being balanced with ACE.

Maka-tikati/tīkati – gemfish (SKI3 & 7)

Our view • We support Option three for both SKI3 & 7.

- We do not support the proposed changes to the deemed values.

Proposed Options for the TAC

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality caused by fishing
SKI 3	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7↑ (1 t)
	Option 3	848↑ (242 t)	839↑ (240 t)	1	0	8↑ (2 t)
SKI 7	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7↑ (1 t)
	Option 3	848↑ (242 t)	839↑ (240 t)	1	0	8↑ (2 t)

Proposed Options for Deemed Values

SKI 7	*Status quo*		100%	200%	220%	240%	260%	280%	300%
		$0.44	$0.49	$0.72	$0.86	$1.01	$1.15	$1.30	$1.44
	Option 1↑		100%	120%	140%	160%	180	200%	
		$0.65	$0.72	$0.86	$1.01	$1.15	$1.30	1.44	

Our approach

We support a sustainable utilisation opportunity

83. The best available information suggests a utilisation opportunity for SKI3 and SKI7 due to an increase in stock abundance. In 2019, the TACC for both SKI3 & 7 was increased by the then Minister of Fisheries; however, the abundance of gemfish has continued to increase, and as a consequence the catch is still exceeding the TACC.

Unavoidable gemfish catch has generated high deemed value payments

84. Gemfish is caught predominantly as a non-target species in mid and bottom water trawls. Its increasing abundance relative to ACE availability inhibits the utilization of other stocks it is associated with. In the 2019/20 fishing year, deemed value payments for SKI7 alone were above $388,000, as gemfish catch was unavoidable in both the squid and hoki fisheries.

85. Gemfish is considered a low to medium knowledge stock, but based on the best available information, it appears that the current catch is sustainable. Hence there is a strong case for the respective TACCs to be increased. The proposed Option three for SKI3 would cover catch from the previous 2019/20 fishing year. However, SKI3 catch this year is substantially greater than previous years, and the proposed Option three TACC increase will not cover this year's catch. For SKI7, catch and effort is generally higher in the winter months, so we cannot accurately assess how catch will balance against the proposed TACC increase under Option three. However, early projections indicate that SKI7 catch will also exceed the proposed increase in Option three in the current year.

86. We acknowledge and support the views provided by Sealord Group Limited in their submission. Their analysis indicates that catches for both stocks will exceed the proposed options meaning that gemfish ACE will continue

to restrict fisheries operations. Gemfish is a non-target catch in important fisheries, and so we support Sealord's proposal for an adaptive management approach to enable better utilisation of fisheries resources.

Deemed values are not intended to defend the TACC

87. We support the deemed value rate to remain at status quo for SKI7. We believe the deemed value should be closer to the ACE price than the market price of fish (approximated by the port price) where there is no sustainability concern. Deemed values are not designed to be a mechanism for ensuring the commercial catch does not exceed the TACC; rather, they should primarily be set to encourage catch to be balanced by ACE.

Hoki (HOK1)

Our view

- We support Option one.

Proposed Options

Option	TAC	TACC	Non-regulatory catch split arrangement		Allowances		
			Western stock limit	Eastern stock limit	Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	116,190	115,000	55,000	60,000	20	20	1,150
Option 2 *(Modified status quo)*	116,190	115,000	50,000 ↓ (5,000)	65,000 ↑ (5,000)	20	20	1,150
Option 3 *(West ↓ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	50,000 ↓ (5,000)	60,000	20	20	1,100 ↓ (50)
Option 4 *(West ↓ 10,000, East ↑ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	45,000 ↓ (10,000)	65,000 ↑ (5,000)	20	20	1,100 ↓ (50)
Option 5 *(West ↓ 10,000)*	106,090 ↓ (10,100)	105,000 ↓ (10,000)	45,000 ↓ (10,000)	60,000	20	20	1,050 ↓ (100)

Our approach

Iwi have significant interests in the hoki fishery

88. Hoki are a taonga for iwi/Māori who hold significant rights and interests in the hoki fishery, collectively owning or having ownership interest in 44% of the hoki quota. Iwi hoki quota holders have come together and worked with Te Ohu Kaimoana to agree on the most appropriate settings within this fishery. That view has informed the wider industry agreement that is currently in place. This gives us confidence that responsibilities to tiaki and hauhake this fishery are being upheld.

Quota holders and industry are effectively managing the sustainability of HOK1

89. The commercial sector's current management arrangements for HOK1 reflect the high level of scrutiny they give to this fishery. It involves a package of catch level agreements, protection of juvenile and spawning hoki that go

well beyond what is put in place by the Crown. Te Ohu Kaimoana continues to carry the MIO voice into these negotiations, and we consider that the package in place is in line with MIO expectations. However, notwithstanding our comfort with existing industry arrangements, the statutory settings in this fishery are being reviewed. This means that resources are consequently being redirected to this issue even though the quota owning interests in this fishery are actively taking action to manage the harvest well within statutory limits. In doing so they are developing a range of measures that extend beyond the blunt TAC/TACC tools. As noted earlier in this response (refer to paragraph 35-37) these actions must be taken into account under section 11 (1) (a) before deciding to vary the TAC.

90. Te Ohu Kaimoana has met frequently with iwi quota holders to collectively assess the best approach to hoki management. Te Ohu Kaimoana also met with non-iwi HOK1 quota owners where there is general support for Option one, maintaining the status quo.

The status of hoki

91. HOK1 is managed as two individual stocks: an Eastern and a Western stock, due to biological characteristics. However, preliminary results of a genetic study funded through Seafood Innovation Limited does not support the two-stock assumption. While our understanding of this is evolving, this stock split will be managed through an agreement between Fisheries New Zealand and quota holders. Each stock is intended to be managed to a target range of 35-50% of what the unfished mature biomass has been estimated to be.

92. The best available information indicates that the eastern stock is towards the upper limit of this range (48%), whereas the Western stock is predicted to be at the lower end (35%). Under the single stock assumption model, the predicted unfished mature biomass for HOK1 is 40%, and is projected to increase at current catch rates. Taking the best scientific information into consideration and noting the industries proven ability to effectively manage this fishery, HOK1 does not require a reduction to the TACC.

93. Te Ohu Kaimoana considers that Fisheries New Zealand should work more collaboratively with industry and iwi hoki quota holders and support bottom-up management approaches. This ensures the full buy-in from the sector. This narrative is continuously ignored in the initial position papers that are subject to consultation. There is an opportunity to empower collective leadership from the bottom up. In our view, supporting the industry with Option one would be an opportunity to demonstrate this and would pose no risk to ensuring sustainability.

Rari/hoka/hokarari – Ling (LIN5)

Our view

- We support Option 2.

Proposed Options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	4,834	4,735	1	1	97
Option 2	5,314↑ (480 t)	5,208↑ (473 t)	1	1	104↑ (7 t)
Option 3	5,798↑ (964 t)	5,682↑ (947 t)	1	1	114↑ (17 t)

Our approach

There is a sustainable utilisation opportunity in LIN5

94. A stock assessment was undertaken this year; it estimated the stock status of LIN5 and LIN6 (which are considered to form one biological stock) to be between 63% and 80% of unfished biomass. The stock assessment also projected that under the current catch, LIN5 would remain above the reference level required by the Act in five years. This indicates there is an opportunity for increased utilisation of the fishery.

Localised depletion a potential risk

95. The options in the consultation document do not threaten the sustainability of the LIN5 and LIN6 stock. However, there is the potential for localised depletion within LIN5 as more catch is taken from one part of the biological stock. Therefore, we support the more conservative increase set out in Option two.

Highly Migratory Species

Southern bluefin tuna (STN1)

Our view

- We support a reset of the TAC to better recognise the status of customary (non-commercial) rights in this fishery.
- We consider Option one to be the only Te Tiriti and Fisheries Deed of Settlement compliant option that has been put forward in the consultation document.

Table 3: Summary of current and proposed catch settings for STN 1 from 1 October 2021. Figures are all in tonnes.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Status Quo	1,088	1,046	2	20	20
Option 1	1,102 ↑ (14 t)	1060 ↑ (14 t)	2	20	20
Option 2	1,102 ↑ (14 t)	1,046	2	34 ↑ (14 t)	20

Our approach

Southern bluefin tuna are a taonga species

96. The migratory nature of Southern bluefin tuna within Te Moana-nui-a-Kiwa guided our tohunga on their journey to Aotearoa through observation of their migratory patterns and provided a valuable food source during early Polynesian voyages. There are accounts within Tainui that Southern bluefin tuna was known as Te Ika Matua (the Great fish) and considered kaitiaki. For these reasons, we view Southern bluefin tuna as taonga, which bonds us to our whakapapa in the Pacific.

A significant role in CCSBT

97. For the first time in October 2020, Te Ohu Kaimoana was accepted onto the New Zealand delegation to partake in the 27th Meeting of the CCSBT (via Zoom). Our role was as an "Observer" on the New Zealand delegation and the Crown officials participated in the multilateral negotiations. It is important that iwi have a direct say in the policy and negotiations that impact their rights in fisheries at an international and domestic level and to be well resourced to do so. However, even in the absence of an iwi voice, it is not open to the Crown to negotiate away iwi interests unilaterally or constrain the exercise of rangatiratanga in fisheries without explicit and considered engagement and agreement with iwi. Though we are involved in discussions with Officials within the delegation, we continue to advocate for a more significant role as the agent of MIOs to carry the voice of iwi into these critical international discussions.

Our previous advice on the management of southern bluefin tuna

98. We refer Fisheries New Zealand to our previous responses[1], as a background to our position on the current review of the TAC. Those responses identified several management decisions that have been made in recent

[1] Fisheries New Zealand Review of Sustainability Measures for 1 October 2018 – Te Ohu Kaimoana's response: https://teohu.maori.nz/wpcontent/uploads/2018/08/FINAL-Response-to-FNZ-IPPs.pdf

years that have had the effect of reducing the TACC proportion of the international allocation. It also outlines background on our position for the domestic setting of the TAC.

An approach to the setting of the customary (non-commercial) allowance

99. Aotearoa has previously been allocated 1088 tonnes of Southern bluefin tuna from the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). Despite customary non-commercial catch not being considered in this international allocation, Aotearoa has set a TAC at 1088 including the customary allowance (other nations do not manage their international allocation this way). This is something we have advised against in previous responses. We consider that there are significant implications that arise from treating the customary allowance this way. We also consider determining a customary allowance in an international context without conferring with iwi to be inconsistent with both Te Tiriti and the Fisheries Deed of Settlement.

100. Unless there is more information on total customary non-commercial catch for all members of CCSBT and formal agreement within CCSBT on adjusting the attribution policy to account for customary non-commercial catch, we do not consider it appropriate that the customary non-commercial allowance should sit within an international allocation determined by CCSBT. We consider that the customary allowance should be added to the CCSBT allocation to make up the TAC. The current review provides an opportunity to do this and also to, reconsider what allowance is appropriate for customary non-commercial fishing. This should be determined by iwi and kaitiaki. The TACC as well as the allowances for recreational and other sources of mortality should continue to be derived from the national allocation.

101. Of the two options presented in the consultation document only option one approximates compliance with Te Tiriti and the Fisheries Deed of Settlement. Option one is closest to recognising and respecting the rangatiratanga of iwi over this traditional fishery. This would have the effect of retaining the existing recreational allowance and ensuring the benefits of the regional rebuild would flow through to the TACC, consistent with the expectations that flow from the Fisheries Deed of Settlement.

Managing the recreational allowance

102. On 1 June 2019, the Minister introduced a bag limit of one Southern bluefin tuna per person per day. While this was a step in the right direction, this has proved to be ineffective at constraining the total recreational catch because of increasing recreational fishing effort, with the latest 2020 estimate for recreational catch being 48.9 tonnes (28.9 tonnes over the current allowance of 20 tonnes). The recreational access to this fishery is the result of the additional yield made available from the international rebuild and influenced by increased availability due to recent decreases in commercial targeting because of Covid-19 impacted export markets.

103. Option two offends against the rangatiratanga of iwi over this fishery and when carefully considered, is also contrary to international and domestic policy (namely the United Nations Law of the Sea, the CCSBT principles

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and the Fisheries Act). Option two rewards uncontrolled or poor fishing practices through the adoption of an attribution policy that accounts for unmanaged and uncontrolled increases in recreational and other types of fishing related mortality. A decision to retain the allocation to recreational at 20 tonnes will have no material effect on the sustainability of the fishery. The only reason to adopt such a change would be to meet political commitments made at CCSBT to review the New Zealand allowance declared under the attribution policy. New Zealand's proper response should be to enforce the existing allowance, not reward any expansion of effort that serves to undermine the integrity of the TAC.

104. We consider that providing an international catch allocation to a sector that is over-catching its allowance is irresponsible and risks New Zealand's reputation within CCSBT. Our view is that more active management is needed to ensure that an allowance to the recreational sector reflects the Crown's obligations under the Fisheries Deed of Settlement. Subsequently, steps must be taken to ensure the sector does not exceed the allowance. We note that as part of the Minister's decision in 2018 to increase the recreational allowance (from 8 tonnes to 20 tonnes) and to introduce a bag and/or boat limit for the 2019 fishing year, that he was 'interested in exploring more robust recreational management measures in the near future to ensure New Zealand complies with its international obligation to manage within its national allocation'[2]. We are unsure why Fisheries New Zealand has not followed up on The Minister's direction[3]Until such measures[4] are put in place, we consider any additional allocation from CCSBT should go to the TACC as there is a robust management system in place to ensure catch is managed within the TACC.

Endorsement of other sources of mortality caused by fishing

105. The current allowance for other mortality caused by fishing is set at 20 tonnes to account for limited and occasional reports of incidental catches in trawl and troll fisheries as well as discarding and loss in the longline fishery. Noting that Southern bluefin tuna is listed in Schedule 6 of the Fisheries Act, we accept the evidence on incidental mortality rate, particularly from the observed longline data, presented in the November 2020 Plenary report[5] for Southern bluefin tuna. We endorse the existing allowance that has been set for other sources of mortality as the best estimate based on best available information. However, we do encourage further analysis of this allowance due to a growing concern from longline fishers of the significant impact of shark and orca damage before fish are landed.

Deemed Values

106. Our fisheries management system contains a variety of management settings that can be adjusted to achieve the desired results for a fishery. It is important to note that the components of the system are interrelated, and

[2] Minister of Fisheries decision on 2018 sustainability rounds: https://www.mpi.govt.nz/dmsdocument/30846-2018-Octobersustainability-round-decision-letter-signed

[3] In another situation we are aware of Fisheries New Zealand following up on Ministerial direction to review the MLS in CRA3, despite being aware of MIO's hesitation with their approach. We see this is an example of inconsistency in approach to following Ministerial directions.

[4] We support suggested measures listed in Fisheries Inshore New Zealand's response on the 2021 sustainability rounds.

[5] November Plenary Report 2020: https://www.mpi.govt.nz/dmsdocument/43321

therefore altering one component in isolation may be fraught. In our view, an analysis of all management settings should be conducted before generating options for changing a particular component.

The deemed value system is designed to provide incentives to balance catch against ACE

107. In the report from the Deemed Values Working Group[14], it was recommended that the statement of purpose for the deemed values regime needed review and recommended that it be revised as follows:

"The primary purpose of the deemed values regime is to provide incentives for individual fishers to acquire or maintain sufficient ACE to cover catch taken in the year, while:

i) Allowing flexibility in the timing of balancing; and

ii) Promoting efficiency; and iii) Encouraging accurate catch reporting".

108. Deemed values are not a mechanism for enforcing hard TACCs. Our view is that increased deemed value payments signal the need for a management response, rather than a doubling down of regulatory action.

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

109. Deemed values can be used as a tool to identify problems that need to be addressed in a fishery and should not be set arbitrarily. There are many potential causes for catches being greater than the TACC - all of which generate different responses:

- The TACC is too low – the 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 and,
- A recruitment pulse with a consequential (perhaps temporary) increase in biomass – ensure the incentive to balance catch with ACE is maintained while not creating a disincentive to report.

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

Deemed values should be set between ACE and market price

111. 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, then there is no disincentive to report the catch and land it. This approach is consistent with the Fisheries Act and the Fisheries Deed of Settlement. It has the real potential to increase the quality of information available to support decision-making if it is administered that way. There is a balance to be struck between incentives to fish with ACE and accurate reporting of catch.

[14] https://www.mpi.govt.nz/dmsdocument/40253-deemed-values-working-group-final-report

112. Discouraging catch in excess of ACE holdings is achieved by ensuring deemed values are 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 stock's market value (see figure 1).

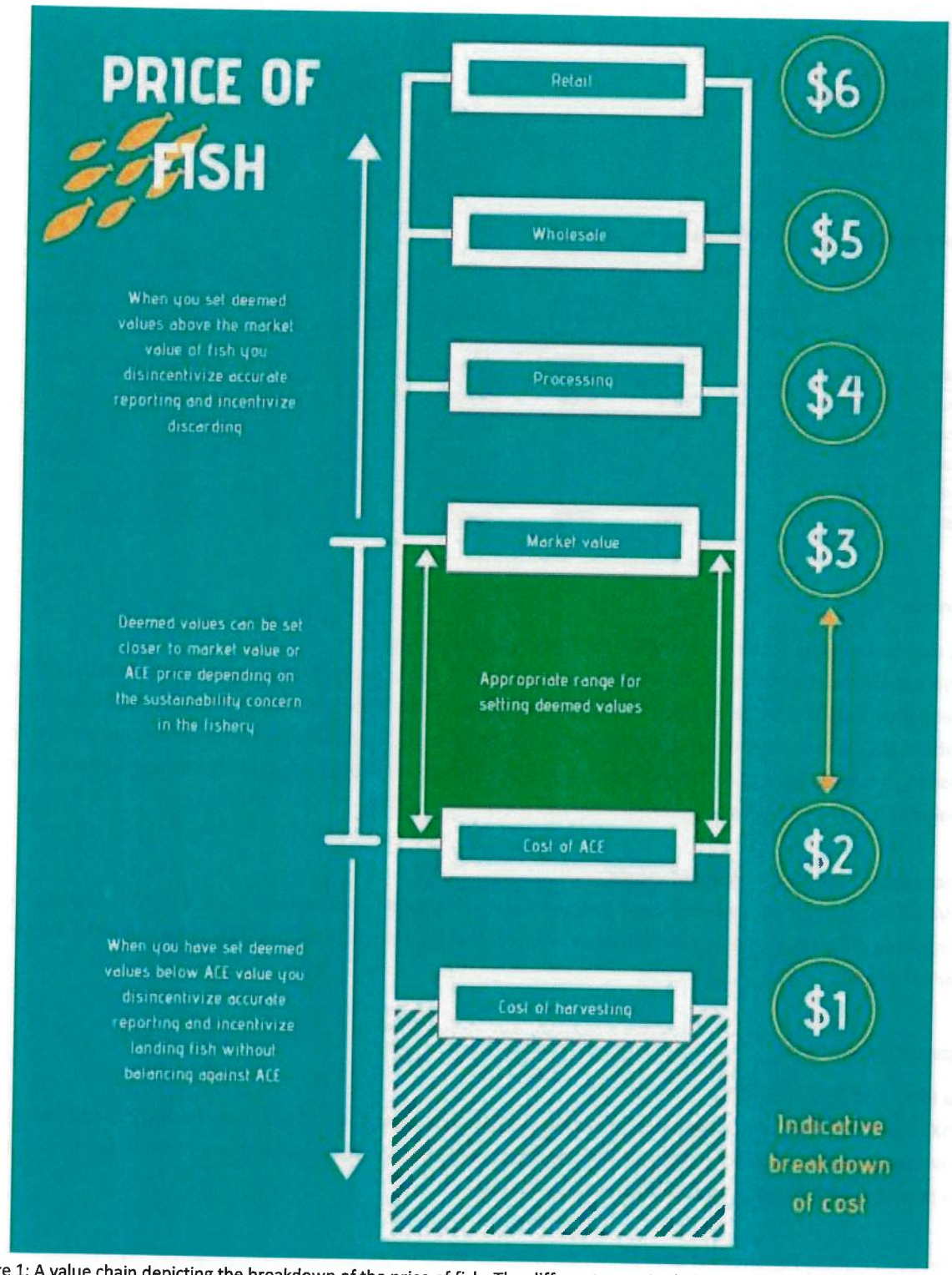

Figure 1: A value chain depicting the breakdown of the price of fish. The different steps in the value chain help to inform a range which deemed values should be set between.

113. Fisheries New Zealand is specifically reviewing the deemed values for the following stocks:

- Alfonsino (BYX2)

- Blue cod (BCO7)
- Bluenose (BNS2)
- Gemfish (SKI1)
- Gemfish (SKI2)
- Kingfish (KIN8)

Proposed options for deemed values:

		Current				Proposed			
Species	Stock	Interim $/kg	Annual $/kg	Annual at maximum excess $/kg	Differential	Interim $/kg	Annual $/kg	Annual at maximum excess $/kg	Differential
Alfonsino	BYX 2	1.98	2.20	4.40	Special	2.16	2.40	4.80	Special
Blue cod	BCO 7	1.21	1.34	2.68	Standard	4.05	4.50	8.25	Special
Bluenose	BNS 2	3.60	4.00	11.00	Special	4.05	4.50	11.50	Special
Gemfish	SKI 1	1.58	1.75	3.50	Standard	1.35	1.50	3.00	Standard
Gemfish	SKI 2	1.35	1.50	3.00	Standard	0.90	1.00	2.70	Special
Kingfish	KIN 8	8.00	8.90	17.80	Special	4.00	4.45	8.90	Standard

Our approach

Deemed values should be set correctly to incentivise accurate reporting

114. We support deemed values being primarily used as a utilisation tool, and therefore they should not usually be set higher than the market value of fish. The deemed values should be set close to the ACE price in situations where TACC is over caught, and there are no sustainability concerns. If there are sustainability concerns in the fishery, it is reasonable to set the deemed values at the higher end of the scale within the bounds of the market value of fish and the ACE price.

We do not support ramping of deemed values

115. We do not support the ramping up of deemed values proposed in the special annual differential rates. The proposed differential rates exceed the most recent port price and are therefore likely to be above the market price of fish.

Stock specific commentary

Alfonsino BXY2 and Blue nose BNS2

116. BXY2 and BNS2 are caught together. There are sustainability concerns in BNS2, whereas BXY2 is consistently overcaught, which would signal that a TACC review would be appropriate. Given this contrast between stocks, a joint approach to these two stocks should be considered.

117. Section 77 of the Fisheries Act 1996 allows the Minister to constrain parties who are significantly over catching their entitlement. If these circumstances are present in these fisheries, the Fisheries Act should be used to hold the responsible party accountable.

Blue cod BCO7:

118. The consultation document rationale for BCO7 is to align the deemed values rates with BCO3. This would disincentivise the landing in a different QMA to pay less deemed values. As the port price (used as a proxy for the market price) is similar in BCO3 and BCO7[6], aligning the deemed value rates is appropriate.

Gemfish SKI1 and SKI2:

Deemed values are a diagnostic tool that could help to inform the setting of a TAC and TACC

119. Both SKI1 and SKI2 deemed values were reviewed last year. Payments of deemed values in both these fisheries indicate that a TACC review is required rather than annual deemed value adjustments. We note that the issue of 28N rights for SKI2 in the paragraph below.

We oppose measures that have the potential to reduce settlement quota as a proportion of the TACC while acknowledging there is a utilisation opportunity present in SKI2

120. If 28N rights are given effect in SKI2 through a TACC increase, Māori settlement quota will be diminished. As a result, Te Ohu Kaimoana has taken legal action to protect the integrity of the Fisheries Deed of Settlement. However, in the lead up to the Court considering the legitimacy over how the Crown intended to give effect to the TACC increase, it is clear that there is sustainably available SKI2 catch over the current TACC. We can see that the deemed value regime needs to be adjusted to reflect the absence of a risk to sustainability. Our view is that this means deemed values should be set close to the price of ACE.

Kingfish KIN8

121. There are differing market prices between kingfish caught inshore and landed fresh, and kingfish caught in deep water and landed frozen. This needs to be taken into consideration when setting the deemed value rates. We support reducing the deemed values and continued monitoring to see if further adjustments are required.

[6] Port price obtained form FishServe is $7.36in BCO3 and $6.93 in BCO7.

Appendix one

The effect of "28N Rights" on the Māori Fisheries Settlement must be addressed

1. The existence of 28N rights is a dilemma because it creates a contradiction within the Act. 28N rights hinder sustainable TACC increases as they undermine the Fisheries Deed of Settlement. We argue that the application of 28N rights is inconsistent with the Fisheries Deed of Settlement.

2. For the 32 fish stocks that currently have outstanding 28N rights, any increase in the TACC will effectively reduce the proportion of quota shares iwi received through the Fisheries Deed of Settlement. To date, Iwi quota shares valued at approximately $14 million have been reallocated to 28N rights holders after a TACC increase.

3. In the 2018 and 2019 decision letters for the review of sustainability measures, the (then) Minister of Fisheries expressed intent to resolve the 28N rights issue. We have been actively involved in developing solutions to the 28N rights issue. We've provided options to Fisheries New Zealand and the previous Minister on how to achieve this.

4. We look forward to an agreement being reached that removes this obstacle to appropriately implementing the Act. In the meantime, the issues associated with 28N rights need to be addressed each time a stock with latent 28N rights is reviewed as part of the sustainability round. In each case, we request that remedial steps prevent a proportionate reduction in settlement quota.

5. In situations where fisheries management decisions would result in dilution of settlement quota as a proportion of the total shares, Te Ohu Kaimoana is obliged to legally challenge the decision as a matter of principle. There are currently proceedings before the Court concerning PAU5B and SKI2.

6. This year's sustainability review includes SNA8, GUR1 and HPB1 & 2, all of which have associated 28N rights.

The history of 28N Rights

1. When the Quota Management System (QMS) was first introduced in 1986, the quota was in tonnes, not shares – each quota owner owned a particular tonnage for the fishery they were involved in. Any changes from year to year were to be made through the marketplace. Participants in each fishery were allocated quota from catch histories; however, for many fisheries, the amount allocated by this system exceeded what was deemed to be the sustainable limit for the fishery at the time. That meant future effort needed to be reduced for a number of stocks. To do this, the Government offered the industry two options:

    - industry sell (some of) the quota back to the Government through a tendered 'buy-back' scheme where quota owners nominated the price for an amount and Government accepted those starting from the lowest price; or;

- some of the quota from each owner was 'put on hold'. This quota formed 28N rights, and quota owners could not fish that quota until the fish stock recovered sufficiently to allow additional tonnage to be made available. In that circumstance, holders of 28N rights had the first right to receive a proportion of the additional tonnage equal to what they had 'put on hold'. If the amount of additional tonnage exceeded 28N rights, the Government could then sell it to the market.

2. In 1989 however, the Government was faced with what would have been considerable liabilities to buy quota from the industry for a number of fish stocks whose TACC required a reduction. Therefore, the Government, through legislation, changed quota from being individual tonnages to being proportional shares. The introduction of proportional quota shares was a vast improvement for fisheries management in Aotearoa and created better incentives for each commercial participant to promote long-term sustainability.

3. However, changing the QMS to a proportional share system also changed how 28N rights were delivered to those rights holders. The legislation requires that whenever there is an increase to the TACC for a fishery with 28N rights, a TACC increase is applied first to 28N rights holders until all 28N rights are satisfied. In the QMS, the only way a TACC increase can be achieved is by transferring shares from other quota owners (both normal quota and settlement quota) to 28N rights holders. These shares are transferred to 28N rights holders.

Appendix two

Allocating the TAC and Maintaining Rangatiratanga

1. When negotiating the terms of the Fisheries Deed of Settlement, the Crown recognised its duty is to develop policies to provide protection and scope for the exercise of rangatiratanga in respect of traditional fisheries[16]. Consequently, the Minister must ensure the integrity of Māori fishing rights is maintained when adjusting and allocating the TAC. This means acknowledging two things:
    - Continual reallocation of the TAC to the recreational sector has the effect of reducing the value that iwi can generate from settlement quota
    - The continual increase of the recreational portion of the TAC decreases the ability for Māori to exercise rangatiratanga over their fisheries

2. The following approach could be taken to allocating the TAC in a way that doesn't undermine the rangatiratanga of Māori,
    - The customary allowance is based on customary needs and is managed through kaitiaki; a TAC should allow for the catch as determined by kaitiaki.
    - In the absence of an agreement between mandated bodies, the recreational allowance should not be increased above the level it was first set by the Minister when a TAC was set, for any particular stock.
    - If the recreational allowance was set when the stock size was below the level that can support MSY, there would be a case to consider increasing the initial allowance if this was done with MIO involvement.
    - If to ensure sustainability, the TAC, TACC and the recreational allowance are reduced, the allowance can be increased back to its initial level when the stock rebuilds.
    - Otherwise, all increases to a TAC should be allocated to the TACC after providing for customary noncommercial fishing and other fisheries-related sources of mortality.

3. In our view, this approach should be adopted as the default. As the Minister, you should only consider variations on this approach if all interests agree on an alternative approach.

[16] Her Majesty the Queen and Māori, Deed of Settlement, Preamble, page 3, paragraph K, signed by negotiators on 23.09.1992

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27 July 2021

Submission: Review of fisheries management measures for 1 October 2021

Contents

The submitters

1. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the review of fisheries management measures for 1 October 2021. Fisheries New Zealand (FNZ) advice of consultation was received on 23 June 2021, with submissions due by 27 July 2021.

2. The NZ Sport Fishing Council is a recognised national sports organisation of 55 affiliated clubs with over 36,200 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.

3. 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.

4. The New Zealand Underwater Association is comprised of three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.

5. Collectively we are *'the submitters'*. The joint 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].

6. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Governance framework

7. On 26 June 2021 the Hon. David Parker, the Minister of Oceans and Fisheries, announced the Government had adopted an oceans vision, objectives and principles for the Oceans and Fisheries portfolio[1], as follows –

> ***Vision***
>
> *Ensuring the long-term health and resilience of ocean and coastal ecosystems, including the role of fisheries.*
>
> ***Objectives***
>
> - *Promote an ecosystem-based approach to research, monitoring and management*
> - *Establish a spatial planning framework that optimises the protection and use of marine space and resources*
> - *Support the development of a high-value marine economy that provides equitable wellbeing benefits*

[1] https://www.beehive.govt.nz/release/government-adopts-oceans-vision

Principles

- *Precautionary approach and adaptive management*
- *Equitable allocation of costs and benefits*
- *Give effect to the principles of Te Tiriti o Waitangi/Treaty of Waitangi, including through fisheries and aquaculture settlements and other legislation*
- *Decision-making based on sound science and traditional knowledge*
- *Consistency with international commitments*
- *Transparent, inclusive and effective public participation processes.*

8. The Minister also referred to the Prime Minister's Chief Science Advisor's (PMCSA) report, as follows-

> *The Prime Minister's Chief Science Advisor's report The Future of Commercial Fishing in Aotearoa New Zealand, released in March 2021, envisaged an ambitious, innovative future for the commercial fishing sector, operating with minimal environmental impacts. The report recommended taking immediate, evidence-based action.*
>
> *While the full Government response to the report is being prepared, work is underway on some of the report's recommendations, including innovation in fishing, protecting habitats of particular significance, and increasing the availability of fisheries information.*

9. On 22 March 2021 the Prime Minister's Chief Science Advisor, Professor Dame Juliet Gerrard, released 'The Future of Commercial Fishing in Aotearoa New Zealand' report, making the following comments [foreword] –

> *Over the course of this work, many stakeholders identified the parts of the Fisheries Act 1996 that are under- used. These can enable protection of special marine habitats and an ecosystem approach to fisheries management (EAFM). The most striking example is perhaps Section 9(c), which enables the protection of habitats of particular significance for fisheries management – but has never been used. These provisions can be used in the short term and enable immediate action. We challenge the Minister and the regulator to strengthen their arm and use these provisions to catalyse change.*
>
> *The inherent uncertainty in fisheries management is very easily manipulated to support a particular narrative. From an agreed percentage of how many of our stocks have been assessed, to the size of the original non-fished biomass, to a percentage of this biomass that can be sustainably harvested, to whether our trawling footprint is increasing or decreasing – the very basis of our fisheries management is often fiercely contested.*[2]

10. On 28 May 2009 the Supreme Court issued its judgment in regards to the appeal taken by recreational interests involved in the Kahawai Legal Challenge[3]. In the minority decision of Elias CJ the Court found –

> *Sustainability is a principal purpose of the Act. The measures contained in Part 3 of the Act are designed to achieve the sustainability of* ***all species****. Importantly, sustainability measures include catch limits as s 11(3) makes clear.*
>
> *Conceivably, where a species is of particular importance to one interest group (perhaps Māori or recreational) or* ***where interdependence of stock prompts environmental concern, limitation of the commercial catch may be a necessary tool for sustainability reasons which are independent of the maintenance of the stock at or above maximum sustainable yield.***

[2] https://cpb-ap-se2.wpmucdn.com/blogs.auckland.ac.nz/dist/f/688/files/2020/01/Fish-report-Full-report-11March21.pdf

[3] http://www.option4.co.nz/kahawai/documents/KLC_SC_decision_28_05_09.pdf

11. In the Court of Appeal judgment by McKay J, McGechan J was quoted from the High Court decision in Air New Zealand and others v Wellington International Airport Limited and others, CP 403-91, Jan 6, 1992, in part as follows –

> *Consultation must allow sufficient time, and a genuine effort must be made. It is a reality not a charade. The concept is grasped most clearly by an approach in principle. To "consult" is not merely to tell or present. Nor, at the other extreme is it to agree.*
>
> *Implicit in the concept is a requirement that the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses. It is also implicit that the party obliged to consult, while quite entitled to have a working plan already in mind, must keep its mind open and be ready to change and even start afresh.*[4]

12. It is with these comments in mind that we make these submissions.

[4] Wellington International Airport Limited and others v Air New Zealand [1993] 1 NZLR 671, at p. 675.

Submission – Snapper 8 (SNA 8)

Consultation

13. We acknowledge and appreciate the process that Fisheries New Zealand conducted to discuss potential issues and management options for Snapper 8. We were assured during the two multi-stakeholder meetings that a lengthier submission process would be available given the significance of the SNA 8 fishery to so many people. We note the submission period was not extended.

14. Given our broad representative base we again object to the 24-working day window of opportunity to respond to a varied range of proposals that have significant management implications for important fish stocks that could impact on our members and supporters nationwide. As non-profit, non-commercial organisations this limited timeframe is a challenge as we complete due process to firstly analyse the raft of proposals, share our views with our member base and interested supporters, then take their feedback into account before we submit a formal response.

15. Historically, truncated timeframes have been used as a weapon against the public to limit analysis, campaigning and feedback. This tactic is tiresome and demonstrates a lack of goodwill on behalf of Fisheries New Zealand (FNZ). We caution the Minister of Oceans and Fisheries (the Minister) against such short timeframes in future as it merely exposes the Minister and FNZ to accusations of bias and contempt of the Court of Appeal decision clarifying that "consultation is an intermediate situation involving meaningful discussion"[5].

Ensuring sustainability

16. The Fisheries Act 1996 has a purpose of enabling utilisation while ensuring sustainability. The Minister may provide for utilisation at his or her discretion however, sustainability must be **ensured;** demanding the highest available threshold to bring certainty of sustainability.

17. Ensuring sustainability is imperfectly defined in the Fisheries Act;

    ensuring sustainability means—
    (a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and
    (b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment

18. It isn't possible to determine a point estimate of what level of abundance and diversity will meet the reasonable foreseeable needs of future generations and thus comply with the Fisheries Act. At a high level we can assume that maintaining functioning and resilient ecosystems is a bottom line. Catch settings must import the consideration of the environmental and information principles alongside any science advice to ensure that more vulnerable species are not sacrificed in the pursuit of the most productive.

19. The requirement to avoid, remedy, or mitigate adverse effects of fishing is a non-discretionary

power. It requires that when considering catch limits to ensure sustainability the Minister must enquire into the adverse effects of fishing and take action to avoid, remedy, or mitigate any identified effects.

Trawling, the practice of dragging chains across the seabed, is an adverse effect of fishing and places an obligation on the Minister to establish what these effects are and take appropriate steps to avoid, remedy, or mitigate these effects.

20. Further to seabed damage, the section also encompasses bycatch.

Bycatch must be fully measured and considered before permitting trawling to occur, particularly in inshore waters where biodiversity and juvenile habitat drives fishery production.

21. Traditional models and analyses also do not generally consider the non-market costs associated with fisheries production, such as habitat damage and bycatch, with an overwhelming reliance on technical measures (e.g. regulated hook types or bycatch reduction devices) or spatial closures to limit bycatch and habitat damage (Hall and Mainprize, 2005). However, Beaumont et al. (2008) found that marine biodiversity does indeed have considerable value to the broader community, and reductions of such result in a loss of benefits to society as a whole. Squires and Vestergaard (2016) also developed a theoretical model demonstrating that **taking into consideration non-market benefits associated with ecosystem services generated within fisheries systems resulted in a higher "optimal" stock level than if these benefits were ignored** (Sean Pascoea, 2017).

Principled, ecosystem based management

22. As noted by the Prime Minister's Chief Science Advisor (PMCSA), there are many parts of the Fisheries Act that remain under-used and this submission advocates for better use of sections 9 and 10 of the Fisheries Act 1996. Full use of the these principles will take government along the path to more ecosystem based and precautionary decision making, meeting the objectives and principles of the Oceans and Fisheries portfolio. We apply sections 9 and 10 to this process to ensure that matters of uncertainty, precaution, and the obligation to following generations are given full weight.

23. The move from single species stock assessments for a limited number of species determining catch settings to an ecosystem considered process for setting catch limits is supported by both the Minister and the PMCSA. To meet this ecosystem based approach we have, to the extent available in such a short consultation window, grouped three overlapping stocks together so that the Minister can meet both his statutory obligations and policy objectives, by considering appropriate catch settings for each stock and applying a precautionary approach.

24. It is impractical to attempt to maximise catches in a mixed specie fishery when the availability and productivity of the species are dissimilar. In these circumstances it will always be necessary to leave a dominant species more abundant to protect the more vulnerable from depletion. In the Fisheries Management Area 1 (FMA 1) and SNA 8 (FMA 8 & 9) the affected species are snapper, trevally, gurnard, john dory, and tarakihi. Juvenile hāpuku are also caught in this mixed specie fishery, although catches have declined in recent years.

25. Snapper, gurnard, hāpuku and tarakihi (subject to potential challenge) in FMA 9 and/or FMA 1 are

having catch settings reviewed this year, and in the interests of incorporating a more ecosystem considered decision we must examine the relationships between abundance, range, and catches of these species. We note from the FNZ large scale heat maps that, regardless of the stated target species, trawling mostly occurs on the same grounds.

26. Managing catches and discards of mixed species fisheries, particularly trawl fisheries, has proved problematic in most jurisdictions. The government has chosen a 100% camera coverage of inshore vessels with an obligation to land all catch as the preferred strategy to detect discards and alter incentives. However, there is limited ability for fishers to select catch and we anticipate that historical catch mixes will largely continue.

27. Another concern is that areas that have been lightly fished until now will suffer the impacts of increased trawling if the SNA 8 TACC is increased. This means more benthic disturbance and increased risk to vulnerable species such as māui dolphin.

28. We submit that the SNA 8 commercial catch cannot be increased without also increasing the catch of trevally, john dory, and gurnard due to most of the catch being taken by single trawl. These associated and potentially interdependent species are not in a similar state of abundance as snapper. Moreover, recent catch and anecdotal data suggest these interdependent species need to be rebuilt. In a mixed specie fishery where trawl fishing techniques, with limited selectivity ability, are deployed it is not possible to exploit the most resilient at maximum sustainable rates due to the Minister's inability to **ensure sustainability** of the associated species, as required by the Fisheries Act.

29. Modifying catches to enable a more natural mix of species and age classes would help to improve the predator/prey relationship amongst and between species. Before increasing catch settings for snapper, the most resilient and productive species, consideration must first be made as to what catch setting will ensure the sustainability of all species likely to be taken. With gurnard, tarakihi and john dory all showing signs of overexploitation, and trevally uncertain, **now is not the time to blithely increase fishing effort in the FMA 8 & 9 on the basis of a single species stock assessment.**

30. If the Minister is to invoke the precautionary principle then he will resist the pressure to increase the SNA 8 TACC and demand a much wider examination of all the species that will be affected by any such increase.

31. To meet the standard of ecosystem based management the submitters consider that –

    a. Maximum Economic Yield (MEY) occurs at 60% of the unfished biomass;
    b. Maximum Sustainable Yield (MSY) occurs at 50%;
    c. 40% is the appropriate soft limit; and
    d. 20% is the appropriate hard limit[6].

This approach closely aligns with some Australian harvest strategies and incorporates strong ecosystem management and precautionary principles. In meeting these standards, the strategy

[6] Rainer Froese, Henning Winker, Didier Gascuel, U Rashid Sumaila, Daniel Pauly (2015). Minimizing the impact of fishing. Fish and Fisheries. 7 December 2015.
Review of selected stocks. Recreational submission. 27 July 2021.

avoids the boom/bust cycles experienced in New Zealand by not defending stocks when they pass through the 40% status when being overexploited.

32. Not many fish stocks can be successfully managed by catch limits alone. Ancillary regulations concerning gear type, areas, seasons, size limits etc are used to allow catch limits to achieve their goal of maintaining stock abundance. Fishing intensity needs to be regulated by both input and output limits working in tandem. Defending hāpuku will bring this need into clear focus and the submitters note that for many reef species (hāpuku is one) regulations other than catch limits will be key to restoring abundance to inshore reefs.

Recommendations for SNA 8

33. The submitters support the Minister taking an ecosystem based approach to managing SNA 8 by increasing the Total Allowable Catch by 950 tonnes, to 2735 t on the basis that –

    a. There is no increase to the Total Allowable Commercial Catch (TACC).
    b. The tonnage set aside to allow for Maori customary fishing interests is increased by 57 tonnes, to 100 t.
    c. The tonnage set aside to allow for recreational fishing interests is increased by 893 tonnes, to 1205 t.
    d. The tonnage set aside to allow for other fishing related mortality is retained at 130 tonnes or 10% of the TACC.
    e. A review in 3 years time with an updated stock assessment and potential for greater utilisation.
    f. The trawl exclusion zone is extended to 4 nm from Maunganui Bluff to Tiriparepa/Scott Point.

34. The submitters support the Government's shift towards more holistic management of our oceans based on a set of principles including taking a precautionary approach to achieve the objective of promoting "an ecosystem-based approach to research, monitoring and management"[7].

35. The submitters support regular assessment of stocks and management reviews for key fisheries such as Snapper 8. Fisheries New Zealand has proposed that a review occurs in 3 years time under their option 1. Given the significance of SNA 8 to a broad spectrum of species and people, we believe a 3-year review cycle is appropriate at this stage.

36. SNA 8 was last assessed and reviewed 16 years ago, when there were signs that snapper abundance had started to increase, and the commercial sector were expecting an increase in the TACC. In fact, the stock was at just 10% of the unfished biomass and all catch settings were reduced proportionally, by 13%.

37. There has clearly been an increase in SNA 8 abundance since 2005, and the 2021 stock assessment shows that many more young fish have been reaching maturity over recent years. It is important to maintain productivity and allow some of the young fish to grow. The stock assessment estimates the current SNA 8 biomass is between B39 and B66 with a median of 54% of unfished spawning stock biomass (B54). The uncertainty in the stock assessment must be taken into account. Snapper

[7] https://www.beehive.govt.nz/release/government-adopts-oceans-vision

catches as high as 3000 t a year were last taken in the early 1980s when the SNA 8 stock was in step decline (Figure 1).

38. Snapper make up a larger proportion of catch for customary, recreational and commercial fishers in many areas in New Zealand yet assessments and reviews are infrequent. In SNA 1 there was a review in 2000, then 2013 and the next will probably be in 2023. In SNA 2 there was an assessment in 2002 followed by a failed assessment in 2010 and a CPUE index in 2018. In SNA7 the stock was desperately low for a long time, with an assessment in 2010 that also failed, and no useable stock assessment until 2017. The last SNA 8 assessment was in 2004 with only limited baseline monitoring until the trawl surveys were restarted in 2018.

39. For species like snapper there must be some fishery independent data collected because commercial Catch Per Unit of Effort (CPUE) is no longer a reliable index of stock abundance. Changes in the way catch is recorded under the new Electronic Reporting system using different platforms has been problematic. Fishers have been actively avoiding snapper in a number of areas and then the new PVC cod ends used in precision seafood harvesting project will have changed the selectivity of trawl gear. If land all catch is adopted this will also change retention rates and CPUE.

40. All of Fisheries New Zealand's projections are for the SNA 8 stock to be maintained or increase over time irrespective of the new proposed settings. We urge caution. If there has truly been a rebuild of the magnitude described in the models then there is no rush. It's not like these fish are leaving due to the travel bubble with other countries. These large numbers of young fish will grow and most will be available in future.

41. Applying the environmental and information principles within the Fisheries Act 1996 means that the impact on interdependent species, particularly gurnard, trevally, tarakihi, and john dory, of any increase in commercial fishing effort arising from increasing the snapper TACC must be fully measured and taken into account.

42. Taking a precautionary approach could mean stepped, moderate increases to the TAC and TACC over time. That is, applying a series of moderate increases after regular reviews to ensure no adverse impacts on associated species or the benthic environment.

Stock management target

43. In alignment with the Government's ecosystem-based policy, the submitters support the Snapper 8 (SNA 8) stock being managed to a minimum target level of 50% of unfished biomass, that is B50.

44. B50 is accepted by many international scientists as being the level where fish populations are more able to fulfil their ecosystem functions as prey and predator while supporting productive fisheries[8].

45. While the Snapper 8 stock is considered to be around B54, there is no known status of the associated species caught in the trawl fishery, namely red gurnard, trevally, john dory and tarakihi. There is widespread concern that any increase in trawling effort from increases in the snapper TACC will have a detrimental and undetected effect on these species.

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[8] Rainer Froese, Henning Winker, Didier Gascuel, U Rashid Sumaila, Daniel Pauly (2015). Minimizing the impact of fishing. Fish and Fisheries. 7 December 2015.
Review of selected stocks. Recreational submission. 27 July 2021.

46. There is no agreed management target for SNA 8. We submit that now is the time for the Minister to support a management target for SNA 8 at a minimum of B50. This is a feasible approach to take. For example, Queensland, Australia, has committed to managing their prime fish stocks to achieve B60 while setting management thresholds for the low information species.

47. The Ministry's Harvest Strategy Standard (HSS) developed in 2008 has a target of B40 for snapper. In a single species management system that approach may work. Science has moved on since 2008 and now international opinion supports B50 as the minimum management target. Having a higher target, say B60 as in Australia, offers economic benefits and greater certainty that the stock will not fall below B50 given natural fluctuations.

48. By 1988 the SNA 8 stock had plummeted to an all-time low of around 7% of unfished biomass. It has taken 33 years to rebuild SNA 8 to its current estimated level. We submit the Minister needs to act cautiously, and applying a series of moderate increases and institute regular monitoring to ensure SNA 8 does not drop below B50 and so the more vulnerable species can rebuild to at least B50. Otherwise, we risk losing the benefits of restoration.

49. As the Supreme Court noted in 2009, while there is discretion how fisheries can be used and by whom, the Minister has a statutory obligation to ensure sustainability[9]. We must not jeopardise sustainability in the race to satisfy commercial demands for higher snapper catches.

Impacts of trawling

50. We submit there are several factors that have contributed to the rebuild of Snapper 8, these include the māui dolphin trawl exclusion zone, several good recruitment years (2006 & 2016), and warming waters. The impacts of each factor is difficult to measure, but cannot be ignored.

51. The submitters support increasing the trawl exclusion zone to 4 nautical miles from Maunganui Bluff to Tiriparepa/Scott Point to ensure Māori customary and recreational fishers in the Far North benefit from the rebuild of Snapper 8 in their area.

52. Ideally, the 4 nm exclusion zone would apply to all of SNA 8, on the basis that it has been a contributing factor to rebuilding the SNA 8 stock, enabling more successful fishing for shore based and harbour fishers. Extending the exclusion zone would also help provide for the needs of Māori customary and recreational fishers in the area from South Taranaki Bight down to Kapiti.

53. There is widespread concern that a TACC increase will lead to more trawling with unknown impacts on other fish species, māui dolphins, the benthic environment and our climate. Currently all these environmental costs are externalised leading to unbridled demand for increases in commercial catches.

54. The concern is that any increase in trawling effort will have a detrimental and undetected effect on other species. Associated species caught in the trawl fishery include red gurnard, trevally, john dory and tarakihi. There is so much concern for gurnard that FNZ has proposed significant TACC

[9] New Zealand Recreational Fishing Council Inc And Anor V Sanford Limited And Ors SC 40/2008 [28 May 2009]. Para 39.

decreases for GUR 1 this year. Also, the Court has ordered the Minister to review management settings for tarakihi because the process to develop the previous rebuild plan was ruled unlawful (subject to potential challenge). It is also concerning that tarakihi targeted fishing effort has moved from the east coast to the west coast in TAR 1 and TAR 7.

55. In taking a precautionary approach the Minister must factor in the reality that Snapper 8 has been hammered by commercial fishing for almost a century. From the mid-1960s to mid-70s there was an unknown amount of catch taken by Japanese trawlers. Pair trawling was prolific between 1970 and the early 2000s, and single trawling ramped up in the 1950s and continues today (Figure 1).

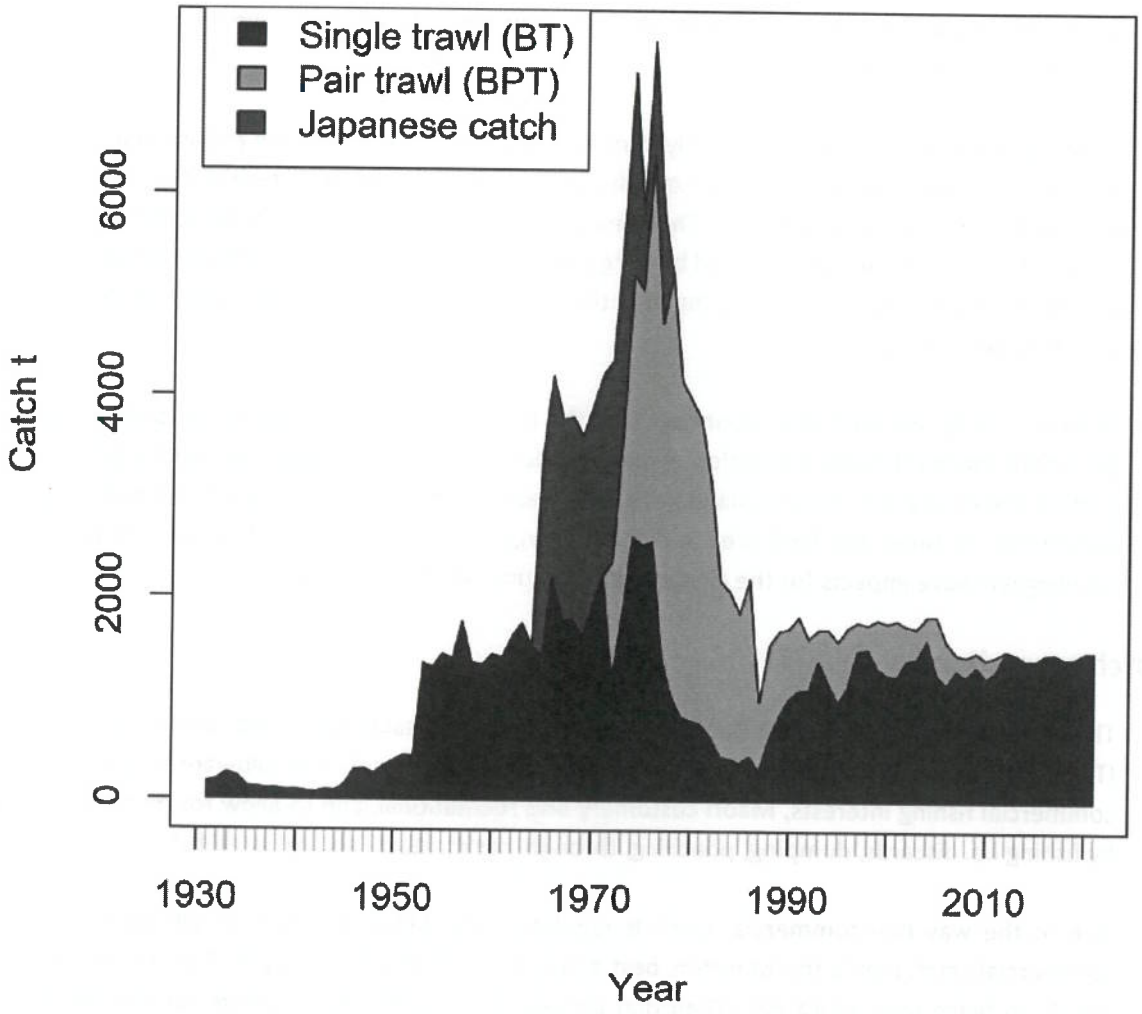


Figure 1: Snapper 8 commercial catch by bottom trawl, 1931 to 2020. Source: Fisheries New Zealand.

56. After all the legal wrangles over implementing the Māui Dolphin Threat Management Plan we cannot ignore the threats posed to the survival of the remaining 62 māui dolphin if more trawling occurs in their habitat. With so few animals left New Zealand has an international obligation to protect this species from extinction.

57. Moreover, Sea Shepherd has asked the US Court of International Trade to ban the importation of New Zealand seafood based on the fishing threats to māui dolphin[10]. US trade due to fish caught in the māui habitat which has been reported to be worth as much as $20 million per annum, while a NZ-wide seafood ban could be worth as much as $200 million.

58. The west coast is a dynamic environment with habitats of significance that sustain a wide variety of species. We must protect the benthic environment that naturally sustains so many fish.

    Any increase in trawl effort must be treated as a threat to biodiversity that must be well monitored and managed.

    Replacing the trawl effort with methods that can accurately target species would permit a more nuanced harvest strategy.

59. *Nature* is a leading international weekly journal of science. In March *Nature* published a paper that identifies bottom trawling as a major contributor to climate change by disturbing the carbon stored over millennia in seabed sediment[11]. The released carbon makes the water more acidic and less able to absorb the carbon dioxide released by our global activities. It is estimated that around one gigaton of carbon is released per annum, as much as the aviation industry worldwide. Again, these costs are currently externalised.

60. The same study also says that "countries with the highest potential to contribute to the mitigation of climate change through protection of carbon stocks are those with large EEZs and large industrial bottom trawl fisheries". New Zealand has a large Exclusive Economic Zone (EEZ) of 4 million square kilometres, 15 times our land area and the 4th largest EEZ in the world. Any increase in bottom trawling will have impacts for the climate, which ultimately impacts all of us.

Catch spreading

61. The Minister has a statutory obligation to account for all mortality within the Total Allowable Catch (TAC). The statutory process is that the Minister firstly sets aside the allowances both for non-commercial fishing interests, Māori customary and recreational, and to allow for mortality caused by fishing i.e. discards, dumping, poaching, through-net mortality and released fish.

62. Due to the way non-commercial catch is regulated, the Minister makes an allowance for non-commercial catch that is the Ministers best estimate of what will be caught. This is to protect the TAC from being over allocated. When that process is complete the remainder of the TAC can be allocated to commercial interests as the Total Allowable Commercial Catch (TACC). There are financial and other penalties for exceeding the TACC, there are no equivalent penalties applied if the overall recreational or Māori customary allowance is exceeded, although individual recreational fishers have species specific daily bag and minimum size limits.

63. The Minister also has a broader obligation to 'allow for' not just catch but non-commercial fishing ***interests***. Both Māori customary and recreational interests are served by having fish in the water and available. In 2009 the Supreme Court confirmed that "people providing for their wellbeing,

[10] https://www.rnz.co.nz/news/national/446165/maui-dolphins-protest-us-trade-court-asked-to-ban-new-zealand-seafood-imports

[11] Review of selected stocks. Recreational submission. 27 July 2021.

particularly their social wellbeing, is an important element of recreational interests"[12]. We submit this analysis applies equally to Māori customary fishing interests and wellbeing.

64. It is a concern that between 2011 and 2020 50% of commercial SNA 8 catch was taken from 90 Mile Beach, Te Oneroa-a-Tōhē (stat area 047) and between the Kaipara and Manukau Harbours (stat area 045). This is an example of the localised depletion that occurs when large QMAs are used to set catch limits. If there is to be a TACC increase that must come with a commitment to take that extra tonnage from the other stat areas and monitor catches to ensure there is no increase effort in stat areas 047 & 045.

Recreational allowance and interests

65. The submitters support the proposed recreational allowance of 1205 t per annum. We acknowledge that actual catch will likely be less in some years and may exceed the allowance in other years.

66. Best available information on recreational harvest is the two National Panel Surveys conducted in 2011-12 and 2017-18. Estimated recreational catch in 2012 was 630 t (±), and in 2018 the estimated harvest was 892 t (±).

67. Recreational harvest in SNA 8 has followed trends in abundance, if the stock is increasing so does catch. When the Snapper 8 stock was low, recreational catch levels were also low. Commercial catch on the other hand can be maintained even when a stock is low due to the use of large scale bulk harvesting methods.

68. This year, all proposals put forward by Fisheries New Zealand change the tonnage set aside to allow for the mortality caused by recreational fishing. The proposed increase to 1205 tonnes represents an additional 893 t from the existing allowance of 312 t. While a 286% increase may seem large, an allowance of 1205 tonnes reflects the estimated recreational catch during 2021-22, with no changes to bag or size limits.

69. A contributing factor has been an increase in the number of east coast fishers choosing to fish on the west coast because catches are better than in SNA 1. Over the last several years there's been a steady increase of fishers choosing to access SNA 8 through Raglan and other west coast points to take advantage of better fishing.

70. The unpredictable and adverse weather acts is a natural limiting factor for SNA 8 for small non-commercial vessels. It isn't reasonable to expect the increased participation of the last decade will continue for the next 10 years. The best defence against further increases in recreational catch is to improve the state of the east coast fisheries to more resemble west coast abundance.

71. Another factor is that in 2005 when SNA 8 was last reviewed, recreational representatives advocated for a more realistic recreational allowance of around 600 tonnes. Because even in 2005 it was clear that recreational harvest was much more than the proposed 312 tonne allowance. Those pleas were ignored.

[12] New Zealand Recreational Fishing Council Inc And Anor V Sanford Limited And Ors SC 40/2008 [28 May 2009]. Para 54.

72. In 2005 the Ministry recommended the Minister make a 312 t recreational allowance because that meant a proportional cut of 13% could be applied to the commercial allocation and the non-commercial allowances, thus protecting commercial interests from greater reductions to the TACC. The Minister followed his Ministry's advice.

73. FNZ advise 25% of current recreational harvest is estimated to come from fishing within the west coast harbours of the Kaipara, Manukau and Raglan. We agree with FNZ that fishing for food is common within the harbours and that these catches support local communities.

74. The current level of abundance is providing for an increase in the average sized snapper inside the west coast harbours and shore based coastal fishers are now able to catch a reasonable bag of snapper for their efforts. Trailer boat fishers off the coast are also enjoying the ability to catch several decent size fish to share with family and friends.

75. After a long period of low abundance and depletion the Snapper 8 fishery is starting to provide for the social, economic and cultural wellbeing of thousands of people living between North Cape and Kapiti. We must not jeopardise these wellbeings by increasing the TACC too quickly.

Māori customary allowance and interests

76. The submitters support the proposed increased Māori customary allowance of 100 t per annum. The current overall allowance is 43 t and Fisheries New Zealand propose to increase the allowance by 57 t, an increase of 133%.

77. We acknowledge that actual catch is likely to be much less than 100 t, FNZ advise it could be around six tonnes per annum. FNZ assume that some snapper is taken within the recreational bag limit of 10 per person, per day, rather than a customary permit. However, the Minister has a statutory obligation to set aside an adequate amount to provide for Māori customary catch and broader interests in Snapper 8.

78. We note there is some interest by iwi in extending the Pātaka Kai system currently used by Te Atiawa iwi around Taranaki to provide kaimoana to whānau/ngā uri o Taranaki Iwi for tangihanga. Other iwi within SNA 8 are now considering a similar model.

79. The submitters support iwi and hapu having access to kaimoana for important cultural occasions especially tangihanga. Our concern is that the system is open to abuse by commercial fishers. We have had reports that the system is being used to cover catch for which commercial fishers have no ACE; that is commercial fishers catch the fish, realise they have no ACE for that species, then call up requesting a customary permit which is granted in retrospect. This is not how we understand the customary regulations ought to be applied.

80. As above, the submitters support the proposed 100 t allowance to provide for Māori customary interests in SNA 8, we do not support any attempts to deplete the fishery and avoid deemed value payments under the guise of customary fishing.

28N rights

81. When the QMS was introduced in 1986 commercial catches in SNA 8 needed to be reduced. Some commercial fishers took Government compensation to reduce their catch levels, others chose to retain their interests by being first in line to receive future catch increases. It has taken 33 years for SNA 8 to rebuild sufficiently to consider a TAC increase. Over that time the public has been denied access to a healthy fishery, and trawling effort has increased, creating adverse impacts on the benthic environment and bycatch species.

82. In a legal environment the Crown has the authority to seize property or assets that have been obtained due to criminal activity. While commercial fishing is a lawful activity, the Minister needs to give due consideration to the unreasonable rebuild timeframe and the impacts on the public and marine environment caused by more than three decades of depletion. In these terms, we do not consider that 28N rights are legitimate nor that the Government has any moral obligation to meet what we now understand as overfishing and environmental damage.

83. The submitters share the concerns of iwi forums in regards to the impact of fulfilling outstanding 28N rights. A total of 16 quota holders have a share in the 932.4 tonnes of these preferential rights, with Sanford Ltd and one other entity holding 96% of those rights. Any TACC increase will first be given to the holders of 28N rights. This means all fishers will only benefit if the Minister increases the TACC by more than 932.4 tonnes.

84. Fisheries New Zealand advise that the existence of 28N rights *"is not a reason for or against setting or varying the TAC, TACC, and allowances"*. [para 152]. Really? This statement cannot easily wipe away the inevitable pressure on the Minister to ignore Fisheries New Zealand's options 1 and 2, and only choose from options 3 or 4 as they are the only two options that increase the TACC by more than 932 tonnes, and represents a $50M windfall for the recipients.

85. The existence of a $50 million winners pool arising from any increase in the TACC is not moot. It cannot be swept aside as somehow divorced from the review process, or not to have any influence on the stock assessment or positions advocates have taken.

86. 28N rights in SNA 8 were generated by the reckless pair trawling during the 1980s, the 'catch history years'. These catches were never sustainable and would never have occurred if there had been effective government oversight.

87. With hindsight, 28N rights are visible for what they are, a future right extracted from government in the heat of introducing Individual Transferable Quotas (ITQs) in a fishery on the verge of collapse. Those fish that were taken beyond the sustainable threshold should never generate future catch entitlements – it's simply a transfer of wealth from incumbents to past entities, on the basis of environmental destruction. It is illogical, morally unjust, and inequitable.

88. Today's government, with the benefit of hindsight, must simply cancel these so called 'rights' and start with a clean slate. **For SNA 8 to have a bright future it is essential that 28N rights are cancelled and a precautionary, principle based harvest strategy implemented.**

89. Even if all the outstanding 28N rights are met with a TACC increase, we agree with the iwi forums that smaller scale fishers are unlikely to have sufficient access to the ACE they need to continue fishing. We submit these small scale fishers are the very people that need to have access to any increased ACE (Annual Catch Entitlement) because unlike corporate fishers, they do not have sufficient capacity or flexibility to alter their fishing patterns to deliver fish to order.

90. Moreover, it is untenable that existing quota holders including Māori commercial interests, will lose market share as Sanford and other 28N rights holders increase their share in the SNA 8 fishery if the TACC is increased.

91. To eliminate the unseen, undue pressures on the Minister to increase the TACC, the most elegant solution is for the Minister to relegate 28N rights to history and start with a clean slate so all catches and inputs into his decisions are in plain view of the public.

Submission - Gurnard 1 (GUR 1)

Recommendations for GUR 1

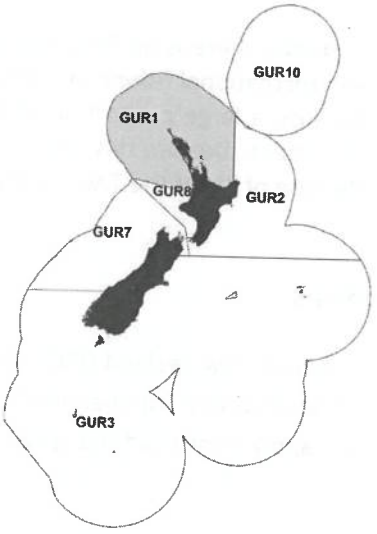
92. The Minister takes an ecosystem based approach to managing Gurnard 1 and in doing so sets a Total Allowable Commercial Catch (TACC) to actively constrain commercial harvest, while also setting aside adequate tonnages to allow for the expected mortality caused by non-commercial fishing, both Māori customary and recreational. He must also set aside an adequate allowance for fishing related mortality based on 10% of the TACC. All to be reviewed within 5 years.

93. The submitters support the Minister to set a conservative Total Allowable Catch and reduce the Total Allowable Commercial Catch by 74%, from 2288 tonnes to 600 t on the basis that the new TACC represents the average of 5 year's commercial catch, less 25% –

    a. The Total Allowable Catch (TAC) is set at 800 tonnes.
    b. The Total Allowable Commercial Catch (TACC) is set at 600 tonnes.
    c. The Minister sets aside an allowance for Māori customary fishing interests of 40 tonnes.
    d. The Minister sets aside an allowance for recreational fishing interests of 100 tonnes.
    e. The Minister sets aside an allowance for other fishing related mortality of 60 tonnes.
    f. A review of GUR 1 within 5 years.
    g. The māui dolphin trawl exclusion zone is extended to 4 nm off the coast, from Maunganui Bluff to Tiriparepa/Scott Point.
    h. The Minister divides GUR 1 at North Cape into two separate management areas, one spanning the east coast down to Cape Runaway, the other from North Cape to Tirua Point, south Waikato.

Background

94. Red gurnard was introduced into the Quota Management System (QMS) in 1986. In Gurnard 1 (GUR 1) the Total Allowable Commercial Catch (TACC) was initially set at 2010 tonnes (t), this increased to 2284 t by 1990, and by 2010 it was 2288 t.



95. The TACC has never been caught. GUR 1 annual landings averaged around 50% of the TACC between 1986 and 2015, and 35% of the TACC between 2016 and 2020. (Figure 2)

96. Red gurnard have a fast growth rate and relatively short lifespan. Fluctuations in recruitment may result in large fluctuations in stock biomass. Current stock status is unknown. There were no North Island inshore trawl surveys for 19 years. Recent inshore trawl surveys have been used to produce relative biomass estimates for each GUR 1 sub-stock area.

97. Between 60-70% of the total GUR 1 commercial catch is taken from the west coast sub-stock (GUR 1W). The remaining harvest is evenly split between East Northland and Hauraki Gulf (GUR 1E), and Bay of Plenty (GUR 1BP) sub-stocks.

98. On the west coast (GUR 1W) around 80-90% of catch is taken by bottom trawl. Fisheries New Zealand advise that despite increased targeting, the largest declines in commercial catch are seen in GUR 1W, potentially signalling poor recruitment over recent years and in the future.

99. FNZ advise the sustainability of the full TACC is unknown as there is no estimate of biomass or Maximum Sustainable Yield (MSY) for GUR 1. Also, that the current TACC could pose a sustainability risk if fully caught, particularly given the variability in gurnard recruitment. It should be noted that gurnard have never been subject to any catch constraint, ever. The catch profile over the last 40 years demonstrates the consequence of not constraining catch – the stock is reduced step by step until there is recognition that a stock crisis exists.

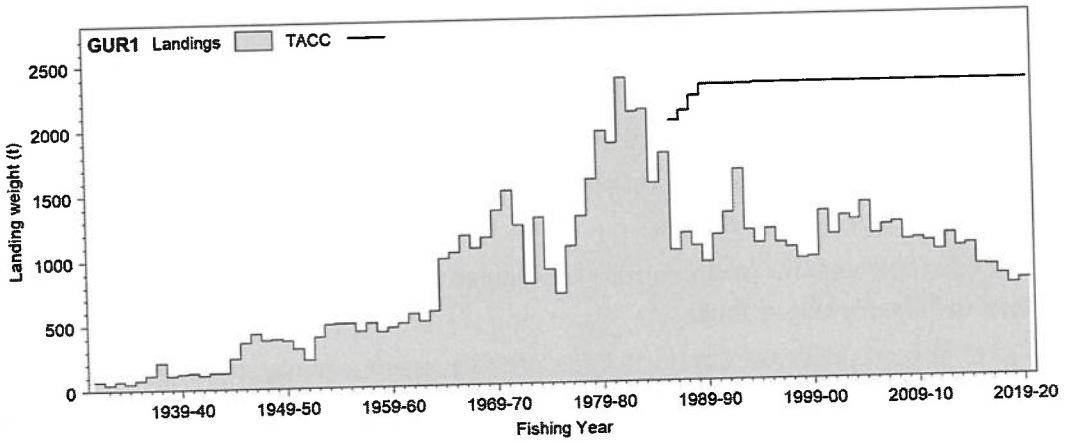


Figure 2: Commercial landings of GUR 1 against the Total Allowable Commercial Catch.

100. Currently there is no Total Allowable Catch (TAC) or allowances set aside for Māori customary and recreational fishing interests or fishing related mortality. Fisheries New Zealand advise that because a large proportion of the catch is taken by bottom trawl, unseen mortality could be significant. Despite this, they propose the Minister set aside an allowance for other mortality at the rate of 7% of the TACC, a diversion from the standard 10% in predominantly trawl fisheries.

Proposals

101. Fisheries New Zealand (FNZ) propose the following options for the Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC), and associated allowances for Gurnard 1. Any changes will apply from 1 October 2021. (Table 1)

Table 1: Current and proposed TACs, TACCs and allowances for Gurnard 1 in tonnes. Figures in brackets indicate the change from current settings.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	N/A	2,288	N/A	N/A	N/A
Option 1	2,328	2,045↓ (243 t)	40	100	143
Option 2	1,317	1,100 ↓ (1,188 t)	40	100	77
Option 3	996	800 ↓ (1,488 t)	40	100	56

102. The level of Māori customary harvest in Gurnard 1 is unknown.

103. The best available information on recreational harvest from Gurnard 1 is the two most recent National Panel Surveys. In 2012 estimated recreational harvest was 103 tonnes, and in 2018 the estimate was 86 t.

Ecosystem based management

104. The submitters are concerned that GUR 1 is showing signs of stress and the TACC needs to be reduced. There has never been a period in the exploitation of gurnard where a catch limit has constrained commercial catch. It has only ever been availability and economics that have controlled catches in GUR 1.

105. The submitters do not agree with Fisheries New Zealand that "it may be prudent to refrain from making significant changes to the management settings of GUR 1" until the effects of changes in Snapper 8 are better understood. **The opposite is true:**

    a. The Minister needs to act in a precautionary manner now by both reducing the TACC and substantially reducing removals, before reviewing the TAC in several years time when more information is available; and
    b. This precautionary approach is consistent with the Environmental and Information Principles of the Fisheries Act 1996 [sections 9 & 10].

106. GUR 1 W aligns with the upper portion of Snapper 8, called FMA 9. In recent years west coast commercial fishers have stated that they have modified their gear and trawl speeds to increase targeting of gurnard due to a lack of availability of Snapper 8 ACE. We are concerned that any change to the TACC in SNA 8 will have an impact on gurnard catch and future productivity.

Impacts of trawling

107. Snapper 8 is currently under review and any significant increase in catch limits will make more SNA 8 ACE available. While the targeting of gurnard may decrease, targeting a higher SNA 8 TACC will likely increase trawl effort and the trawl footprint.

108. Gurnard 1 is a mixed fishery. We are concerned that increased trawl effort and a bigger trawl footprint will have an unknown and unmeasured detrimental effect on the benthic environment. FNZ has put limited resources into measuring benthic impacts of trawling despite the widespread

and long-term use of bottom trawling to catch fish in New Zealand waters; and despite the need to avoid, remedy, or mitigate the effects of fishing on the aquatic environment as defined in the *Purpose* of the Fisheries Act. Adopting a more precautionary and ecosystem based decision will conform to the Purpose.

109. More bottom trawling for snapper will likely mean an increase in the catch of associated species such as trevally, john dory, tarakihi and gurnard.

110. We submit that if the Government is to fulfil its commitment to ecosystem based management (EBM), now is the opportune time to give effect to that commitment by considering both snapper and gurnard catches simultaneously, as it is not possible to perfectly control removals to maintain the optimum species mix in a mixed trawl fishery.

111. Taking a EBM approach in the mixed trawl fishery on the west coast of the North Island it is inevitable that some species will become more abundant as we protect the more vulnerable species, and the lower or inconsistent productivity species, from depletion. Applying ecosystem based management means the Minister must consider how existing or increased trawl effort will remove these species at different rates, because using indiscriminate bottom trawl gear means the ability to target specific species while avoiding others is limited.

112. Under EBM, as gurnard, john dory and trevally become over-exploited they act as the limiting species for catches of more successful species such as snapper. It may be that a large increase in the SNA 8 TACC cannot be allowed in an ecosystem based harvest plan. Taking an ecosystem based approach means defending the species with lower productivity or inconsistent productivity from over-exploitation, while targeting the more productive species such as snapper.

113. We submit that adjusting the TACC of one species in a mixed fishery demands an analysis of catch of all the species. Adjusting Gurnard 1 catches down to a level that defends the stock and allows for a rebuild to 50% of unfished biomass will require that john dory and trevally TACCs are also effectively reduced, and then the SNA 8 TACC adjusted so there is no overcatch of the associated species. This is basic ecosystem consideration 101; if the Government cannot embrace this entry level practice of considering the ecosystem then we cannot envisage any genuine intention of following through with their recently announced commitment to ecosystem based management[13].

Stock target

114. We do not agree with FNZ that their option 3 TACC of 800 tonnes "***greatly*** reduces the potential sustainability risk associated with current management settings". There is no evidence to support this claim. We are concerned that a 800 t TACC will not arrest the apparent and ongoing decline in GUR 1, particularly on the west coast (GUR 1W).

115. FNZ's option 3 proposal for a 800 t TACC represents the average of the past 5 years commercial catch from a fishery that has been targeted and in decline. It is time to let this fishery rebuild and

[13] https://www.beehive.govt.nz/release/government-adopts-oceans-vision

the fastest way to achieve a rebuild is to set a TACC that will constrain actual catch, that is after all the purpose of a TACC within the Quota Management System. We recommend a TACC of 600 tonnes.

116. The submitters advocate that inshore fish stocks ought to be managed in a way that enables a depleted stock to rebuild to a biomass equivalent to 50 percent of its unfished, natural level, that is B50.

117. While there is some variation in standardised commercial catch rates (CPUE), it is dangerous to set an interim management target level based on long-term average CPUE in a fishery where gear modifications designed to catch more gurnard are not adequately taken into account. Efficiency gains and effort creep are well known issues that mask declines in stock abundance. The trawl survey data shows very low gurnard abundance in the Hauraki Gulf, a once productive area, and significant declines on the west coast of the North Island.

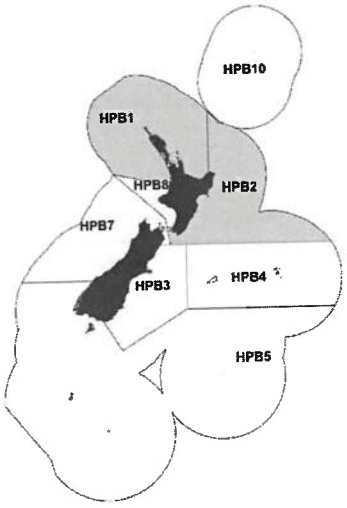
118. Given that the FMA 9 fishery is a mixed trawl fishery we advocate that all associated species which are depleted or are of unknown status are rebuilt to B50 or an equivalent abundance level. This includes GUR 1, Trevally 7, John dory 1 and Tarakihi 1.

Management areas

119. With improved technology, reporting and monitoring systems it is no longer necessary to manage inshore fish stocks in such large areas. For example, GUR 1, Trevally 7, John dory 1 and Tarakihi 1 all include waters on both east and west coasts of the North Island. The Minister must initiate work to consider reducing these large Quota Management Areas that straddle both coasts. Having smaller management areas will enable improved data collection, stock monitoring and management, and faster rebuild timeframes.

Submission - Hāpuku Bass 1 & 2 (HPB 1 & HPB 2)

Recommendations for HPB 1 & 2



120. The Minister sets a Total Allowable Catch (TAC) for HPB 1 & 2 for the first time, reduces the TACC applying in each area and sets aside a recreational allowance to ensure hāpuku and bass are taken as bycatch only in the commercial and non-commercial fisheries. A package of reforms is required to accompany the catch reductions.

121. The revised NZSFC hāpuku and bass policy at the end of this submission sets out the most urgent reforms. Taking account of these additional management changes we recommend the Minister approve the following settings in this sustainability round –

a. Hāpuku/Bass 1 (HPB 1) FNZ Option 3 -

i. The Total Allowable Catch (TAC) is set at 215 tonnes.

ii. The Total Allowable Commercial Catch (TACC) is set at 140 tonnes.

i. The Minister sets aside an allowance for Māori customary fishing interests of 10 tonnes.

ii. The Minister sets aside an allowance for recreational fishing interests of 58 tonnes.

iii. The Minister sets aside an allowance for other fishing related mortality of 7 tonnes.

b. Hāpuku/Bass 1 (HPB 2) FNZ Option 3 –

i. The Total Allowable Catch (TAC) is set at 132 tonnes.

ii. The Total Allowable Commercial Catch (TACC) is set at 80 tonnes.

iii. The Minister sets aside an allowance for Māori customary fishing interests of 10 tonnes.

iv. The Minister sets aside an allowance for recreational fishing interests of 38 tonnes.

v. The Minister sets aside an allowance for other fishing related mortality of 4 tonnes.

The submitters are concerned that in FNZ's Option 3 for HPB 1 a TACC of 140 t is still too high to ensure a bycatch only commercial fishery. FNZ must monitor and report catches and effort by stat area to ensure no targeting, an adequate spread of ACE, and that appropriate deemed value rates apply.

Background

122. There have been concerns about the state of the hāpuku and bass stocks for a long time. Significant changes were observed in the hāpuku fishery as commercial fishing activity grew in the early 1930s. Issues of concern even in those earlier days of fishery development were the diminishing numbers of groper in most accessible inshore areas and a decline in their average size Graham (1953).

123. On the east coast of the North Island average annual catch in the early 1980s was about 1100 tonnes. When the Quota Management System was introduced in 1986 the combined quota for HPB 1 and HBP 2 was intended to reduce catch to 570 t due to sustainability concerns. However quota appeals, often based on claims of unreported catch in the early 1980s, boosted the TACC to 745 t (Table 2) and they have not been reviewed since.

124. **Table 2: Hāpuku and bass catch and TACCs set in the 1980s and 1990s and the commercial and recreational catch at the time of the last National Panel Survey.**

	Year	HPB 1 tonnes	HPB 2 tonnes
Average Catch 1983-84 to 1985-86		728	384
TACC set at the start of the QMS	1986-87	360	210
TACC after quota appeals	1994-95	481	264
Percent increase from appeals		34%	26%
Commercial catch in 2017-18	2017-18	276	159
Percent of TACC caught in 2017-18	2017-18	57%	60%
Recreational catch Panel Survey	2017-18	73	55

125. Large Quota Management Areas (QMAs) areas and increased efficiency due to the advent of high resolution sounders and GPS has enabled catches of hāpuku to be maintained despite obvious overfishing. Vessels move from fishing ground to fishing ground, causing serial depletion of hāpuku and bass populations as they go. Shifting effort to maintain the catch rate makes catch per unit effort (CPUE) unreliable as a way of monitoring changes in abundance (Paul 2005).

126. What is obvious is the continued reduction in range for hāpuku which were often caught in depths of 50 metres or less. Now their range is nearly always over 80 m. Most targeted commercial longline fishing effort is in water from 100 and 250 m deep, while bass are mainly targeted between 250 m and 450 m (Figure 3). For longline fishing events where HPB is used as the target species the depth range is in between (Middleton 2021).

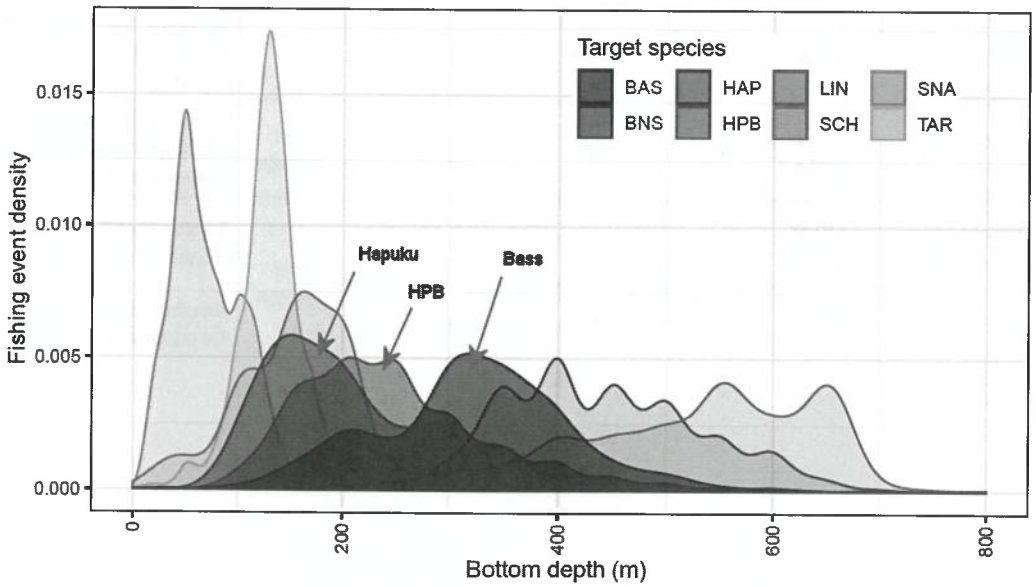


Figure 3: The distribution bottom longline fishing effort in HPB 1 by target species from trips landing hāpuku or bass. HPB is unspecified catch of hāpuku or bass. Other species targeted BNS bluenose; LIN ling; SCH school shark; SNA snapper; TAR tarakihi.

127. Hāpuku and bass in HPB 1 and HPB 2 are mainly caught via bottom longline and Dahn line (approximately 90% targeted catch). In the last four fishing years, setnets have accounted for approximately 10% of the targeted catch in HPB 2.

128. Fisheries New Zealand has undertaken initial consultation with stakeholders and tangata whenua. They propose three management options for HPB 1 and HPB 2, changes to the TAC, TACC and allowances for customary Māori, recreational and all other sources of mortality caused by fishing (Table 3). The options for HPB 1 and HPB 2 are grouped together as the same rationale applies to both stocks.

129. Fisheries New Zealand is not recommending the status quo as an option because initial stakeholder feedback suggests this is inappropriate given the level of concern regarding the sustainability of the fishery. For stocks which do not already have a TAC or allowances set, it is Fisheries New Zealand's policy to propose to the Minister to set these upon review of a stock.

130. TACC options are based on current annual commercial catch calculated as the average annual catch for the past five fishing years with the 2019/20 fishing year data excluded due to the unknown effects of COVID-19 on fishing. Fisheries NZ are proposing to link the recreational measures to each option for reduction in the TACC as in the table below. (Table 3)

Proposals

Table 3: Proposed management options (in tonnes) for HPB 1 and HPB 2 with current and proposed amateur fishing regulations.

HPB 1							
			Allowances			Recreational Measures	
Option	TAC	TACC	Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	480.8	N/A	N/A	N/A	5 per person	Included in the combined daily limit of 5 with kingfish with a maximum of 3 kingfish
Option 1	379	280 ↓ (200.8 t)	10	14	75	3 per person	Remain in the combined daily limit of 5 with kingfish, but include a maximum of 3 hāpuku/bass
Option 2	289	210 ↓ (270.8 t)	10	11	58	2 per person	Remove from the combined daily limit of 5 with kingfish and: -Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3
Option 3	215	140 ↓ (340.8 t)	10	7	58		

HPB 2							
Option	TAC	TACC	Allowances			Recreational Measures	
			Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	266.2	N/A	N/A	N/A	5 per person	Included in the combined daily limit of 5 with kingfish with a maximum of 3 kingfish
Option 1	233	160 ↓ (106.2 t)	10	8	55	3 per person	Remain in the combined daily limit of 5 with kingfish, but include a maximum of 3 hāpuku/bass
Option 2	174	120 ↓ (146.2 t)	10	6	38	2 per person	Remove from the combined daily limit of 5 with kingfish and: -Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3
Option 3	132	80 ↓ (186.2 t)	10	4	38		

A holistic approach

131. The submitters support a more holistic management approach for our oceans based on a set of principles including taking a precautionary approach as described in the first section of this submission.

132. After several meetings to discuss management, there is cross-sector agreement that the current status of hāpuku and bass stocks is very low and declining in HPB 1 and HPB 2. Significant cuts to the TAC and TACC and a reduction in the bag limit for recreational fishers are needed. There is also an acknowledgement that serial depletion of accessible reefs and other structure has been a problem so there is a willingness to support some temporary spatial closures to assist the stocks to rebuild.

133. Hāpuku and bass tend to be voracious feeders, bordering on suicidal when baits or jigs are presented to them. The advent of high resolution sounders and GPS and improvements fishing gear used by commercial and non-commercial fishers has increased catchability and fishing efficiency. Having catch records for the two species combined (before and after introduction to the QMS) and the way fishing effort has shifted to maintain the catch rates makes catch per unit effort (CPUE) unreliable as a way of monitoring changes in abundance for hāpuku and bass either separately or in combination (Paul 2005). What is obvious to everyone is the reduction in range for hāpuku in HPB 1 and HPB 2, which were once caught in depths of 50 meters or less.

134. Hāpuku was a major target species with large catches taken for sale in the 1920s and 1930s. These fish are not fully captured in the recorded catch history. Now the fish are rare on most accessible reefs and it's easily forgotten how prolific they once were. If biomass estimates were available now it is certain that current hāpuku and bass biomass along the east coast of the North Island would be below the soft limit. And in the submitters' view it is clear that hāpuku is below the hard limit.

135. The appropriate management response to the current state of depletion in HPB 1 and HPB 2 is to set TACCs and allowances that effectively make hāpuku bycatch-only species. Given the risk

to sustainability of hāpuku and bass we recommend significant catch reductions for commercial and recreational fishers and closing some reefs to bottom fishing during the rebuild period. The submitters are concerned that in FNZ's Option 3 for HPB 1 a TACC of 140 t is still too high to ensure a bycatch only commercial fishery. FNZ must monitor and report catches and effort by stat area to ensure no targeting, an adequate spread of ACE, and that appropriate deemed value rates apply.

136. To enable effective future monitoring and management there must be full species separation in reporting commercial catch and in recreational harvest surveys.

137. Reductions in the TAC will not be enough to rebuild HPB base within a reasonable time frame or to maintain stock size in the future. These fish are susceptible to serial depletion and the reefs they school on are easily found on charts or plotters. Where the QMS fails to maintain stock size at or above the hard limit the fishery must be closed, a difficult prospect in a future for a species with high release mortality and land-all-catch regulations. The only alternative is a new management approach with effort controls.

138. In addition, the review of the Fisheries Act 1996 must include provisions for removing vulnerable species from the QMS and the introduction of alternative management controls that limit fishing effort to levels appropriate for the fishery. HPB must be treated as a high value niche commercial, customary and recreational fishery that maintains stock levels and ecosystem functions.

139. In the meantime, the submitters ask that the Minister and FNZ support a package of measures to prohibit bottom fishing on well-defined areas of reef or structure to preserve the remaining mature hāpuku and bass, and to provide pathways for immature fish to repopulate reef systems. These measures would also help to protect tarakihi and many long lived semi resident reef species such as pink maomao and golden snapper.

140. As part of the spatial management process, FNZ must consider subdivision of the large Quota Management Areas, as well as catch or effort spreading. For example, commercial and recreational fishers could be encouraged to fish in depths of 250 m or more when fishing for bluenose and gemfish until stocks recover. This would largely avoid hāpuku catch and reduce recreational fishing effort in their preferred depth range (Figure 3).

141. Bulk harvesting methods such as trawling and set netting on deep reefs and similar features must be banned. These methods are indiscriminate and damage a range of protected and rare species. Lost set nets keep killing as they ghost fish on reefs for months and increase plastic waste in sensitive marine envionments.

142. FNZ must help develop a method of monitoring changes in relative abundance and age structure of hāpuku and bass. Having closed areas for comparison would help assist in assessing the relative status of open areas, especially if compliance with area closures from all sectors was high. A mix of extractive and non-extractive sampling could be used.

143. In an effort to contribute to restoring long lived low productivity hāpuku and bass populations to 50% of the estimated unfished biomass (B50) the New Zealand Sport Fishing Council (NZSFC) has

proposed the following policy for ratification at this year's AGM. It is deliberately wide ranging to encompass foreseeable issues and must be considered. The NZSFC is available to discuss this policy package with the Minister and FNZ prior to the Council's September AGM if there is interest in engaging with the recreational sector on collaborative restorative measures.

NZSFC Hāpuku and Bass Policy (in part) - DRAFT

144. **Urgent actions for HPB 1 & 2 only**
    a. The Minister reduces the TACC in HPB 1 & 2 below current catch levels and prohibits any targeting to ensure hāpuku and bass are taken as bycatch in commercial and non-commercial fisheries.
    b. Reduce the daily bag limit for recreational fishers to one or two (TBC) per person, per day, during the rebuild phase and two per person in the future.
    c. Limit the number of hooks used by recreational fishers, to two hooks per line.
    d. Set an accumulation limit per fisher on charter boats and private vessels to four fish per multi-day trip.
    e. Close large areas of reef to all bottom fishing for 10 years where local depletion has or is occurring.
        i. Full rāhui or closure under regulation would help compliance.
        ii. Select the most useful closures, not the least fished areas, and encourage high levels of support and compliance.
        iii. NZSFC club committees and Zone representatives to recommend suitable areas to be closed to all bottom fishing.
    f. Start a series of monitoring projects:
        i. Collect length and location (approx.) of catch by commercial and charter boats.
        ii. FNZ initiated longline survey on fixed sites and age catch. Repeat to show trends.
        iii. Set lines with breakaway hook tags (fish not brought to the surface) to track movement.
        iv. Determine baselines and relative management objectives.

145. Implementing this package of measures will help to restore and maintain robust breeding populations of hāpuku and bass in their preferred habitats. Rebuilding the hāpuku and bass populations will also help the development and maintenance of a high value niche fishery for commercial, recreational and customary fishers.

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NZ Sport Fishing Council PO

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27 July 2021

Submission: Review of management measures for Blue cod 3 (BCO 3) for 2021/22

Recommendations

1. The Minister takes a precautionary approach when considering the inadequate information available to improve the management of Blue cod 3 for the benefit of future generations.
2. The Minister directs Fisheries New Zealand to establish regular reviews of catch levels in BCO 3, gathers fisheries independent data on catches and release mortality, and takes into account the impacts on the benthic environment due to fishing.
3. The Minister makes the following decisions for the future management of BCO 3 –
    a. Sets the Total Allowable Catch (TAC) at 243 tonnes.
    b. Sets aside an allowance for Maori customary fishing interests of 20 tonnes.
    c. Sets aside an allowance for recreational interests of 104 tonnes.
    d. Sets aside an allowance to account for other mortality caused by fishing of 9 tonnes.
    e. Sets the TACC at 110 tonnes.
    f. Removes bottom trawling from inshore waters.
    g. An immediate review of the traffic light system applying varying catch limits to coastline areas.

The submitters

4. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the review of management measures for Blue cod 3 (BCO 3) for 2021/22. Fisheries New Zealand (FNZ) advice of consultation was received on 23 June 2021, with submissions due by 27 July 2021.
5. The NZ Sport Fishing Council is a recognised national sports organisation of 55 affiliated clubs with over 36,200 members nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment.

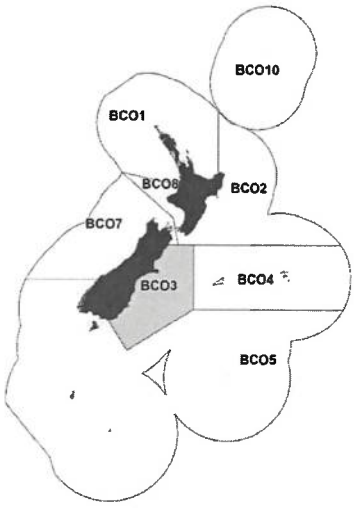
Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz.

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. The New Zealand Underwater Association is comprised of three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks including blue cod has impacted on the marine environment and the wellbeing of many of our members.

8. Collectively we are *'the submitters'*. The joint 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].

9. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.



Background

10. Blue cod (rāwaru) were introduced into the Quota Management System in 1986. The Total Allowable Commercial Catch (TACC) has not proven to be a successful constraint on commercial catch, the TACC has been exceeded in 16 of the last 20 years. Fisheries New Zealand now propose the Minister sets a Total Allowable Catch (TAC), reduces the TACC, and makes allowances for non-commercial fishing interests, Māori customary and recreational, and other fishing related mortality.

11. Blue cod (rāwaru) are a taonga species for tangata whenua in the South Island iwi fisheries forum. They are important ecologically and are a highly prized catch for their eating qualities. For generations they have been the target species for recreational and traditional fishers along the east coast of the South Island. There is an estimated 35,000 recreational fishers with access to BCO 3.

12. Nationwide around 293 tonnes of blue cod is harvested by recreational fishers annually. Nearly 80% of all recreational harvest is taken from three Quota Management Areas: BCO 3, 5 & 7. In 2018 recreational harvest of blue cod in BCO 3 was estimated to be around 99 tonnes. Another 5 tonnes was recorded by commercial fishers landing blue cod as recreational catch under section 111 of the Fisheries Act 1996.

13. A National Blue Cod Strategy was published by Fisheries New Zealand (FNZ) in 2018. FNZ has no immediate plans to protect important spawning or benthic habitats, those measures will be addressed later, while wider habitat and ecosystem impacts will be addressed in the longer term

plan. An outcome from the planning process was the development of a traffic light system and regulation changes to manage recreational fishing in BCO 3. During 2019-20 FNZ managed a Technical Working Group process to develop the traffic light system and discuss regulatory changes. Local New Zealand Sport Fishing Council (NZSFC) club representatives and fishers contributed time and resources to the Working Group process.

14. Local representatives were expecting further consultation with FNZ on proposed regulatory measures, this did not occur and what has emerged from that process is unsatisfactory. The outcomes do not align with earlier agreements and there are serious concerns of non-compliance by recreational fishers due to the widespread perception that the traffic light system and regulations are unfair and complex.

FNZ Proposals

Details for blue cod in BCO 3

15. Fisheries New Zealand (FNZ) propose the following options for the Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC) and allowances (Table 1).

Table 1: Fisheries New Zealand proposed TAC, TACC and allowances for blue cod in BCO 3. In tonnes.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings (*status quo*)	-	162.732	-	-	-
Option 1 *(Set a TAC & allowances)*	277.732	162.732	20	83	12
Option 2	243 ↓	130 ↓ (32.732 t)	20	83	10 ↓

FNZ rationale for setting the TAC

16. Fisheries New Zealand (FNZ) rationale for reviewing Blue cod 3 includes:

- Concerned about localised overfishing.
- The stock has not been reviewed since introduction to the Quota Management System in 1986.
- No known status in relation to target stock size.
- Deemed value rates need adjustment.
- Commercial landings: 67% caught by target cod potting, 22% is bycatch from the flatfish, red cod and tarakihi bottom trawl fisheries in FMA 3.
- Estimated recreational harvest is 104 tonnes per annum.

Submission

17. In the words of the famous tennis player John McEnroe, "you cannot be serious".

18. Commercial catch has exceeded the Total Allowable Commercial Catch (TACC) in 16 of the last 20 years, strict regulations now limit recreational catch and so Fisheries New Zealand propose that

the Minister sets a Total Allowable Catch (TAC) and makes a proportional 20% cut to the TACC and recreational allowance. In doing so, FNZ propose the Minister sets aside an allowance that is less than current estimated recreational harvest, and an allowance for other mortality that may not capture all fishing related mortality in Blue cod 3 (BCO 3).

19. In the absence of any reliable information to inform current biomass, and to meet the Minister's statutory obligation to ***ensure sustainability***, the Minister must make a precautionary decision by setting a conservative TAC under s13 of the Fisheries Act 1996, setting aside sufficient allowances to account for mortality caused by non-commercial fishing and other fishing activities, and then allocating the remainder as the TACC.

Ensuring sustainability

20. The Fisheries Act 1996 has a purpose of enabling utilisation while ensuring sustainability. The Minister may provide for utilisation at his or her discretion however, sustainability must be **ensured;** demanding the highest available threshold to bring certainty of sustainability.

21. Ensuring sustainability is imperfectly defined in the Fisheries Act, section 8;

ensuring sustainability means—

(a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and

(b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment

22. It isn't possible to determine a point estimate of what level of abundance and diversity will meet the reasonable foreseeable needs of future generations and thus comply with the Fisheries Act. At a high level we can assume that maintaining functioning and resilient ecosystems is a bottom line. Catch settings must import the consideration of the environmental and information principles alongside any science advice to ensure that vulnerable species are protected.

23. The requirement to avoid, remedy, or mitigate adverse effects of fishing is a non-discretionary power. It requires that when considering catch limits to ensure sustainability the Minister must enquire into the adverse effects of fishing and take action to avoid, remedy, or mitigate any identified effects.

24. Trawling, the practice of dragging chains across the seabed, is an adverse effect of fishing and places an obligation on the Minister to establish what these effects are and take appropriate steps to avoid, remedy or mitigate these effects. Blue cod prefer habitats with hard sea bed or structure which also supports complex 3-dimensional biodiversity of invertebrates and fish - until they are repeatably trawled.

25. Around 22% of BCO 3 catch is taken as bycatch from the flatfish, red cod and tarakihi bottom trawl fisheries operating in Quota Management Area 3 (QMA 3). FNZ advise that "any environmental interactions from trawl bycatch vessels is most appropriately discussed under those target fisheries. The changes proposed in this paper will not increase any environmental interactions arising from the BCO 3 fishery". However, they also note that, "Blue Cod catch and productivity may also be affected by the disturbance of the benthic habitat". FNZ cannot dismiss concerns about the environmental impacts so easily.

26. We submit that making a statement of this nature does not abrogate the Minister from his statutory obligation to firstly enquire into the adverse effects and then to take action to avoid, remedy or mitigate those effects.

27. We have seen over recent months that inaction by FNZ to protect biodiversity will lead to a raft of proposals for regional councils to protect indigenous biodiversity under the Resource Management Act (RMA). It is the failure to apply the Environmental Principles of the Fisheries Act that has led people to resort to the RMA for remedy. However, fisheries activity needs to remain under the direct management of the Fisheries Act 1996 therefore in the absence of any immediate moves to avoid, remedy or mitigate the effects of fishing we submit that bottom trawling needs to be banned from inshore waters, within 12 nautical miles of the coast.

28. Banning bottom trawling (and dredging) from inshore waters is a key element of the Rescue Fish policy[1], an alternative to the Quota Management System, developed by the New Zealand Sport Fishing Council and promoted by LegaSea. Rescue Fish is a holistic solution to remedy depleted fish stocks and address environmental damage by restoring abundance and biodiversity.

29. There are further fishing effects to consider. MPI Compliance reports identify "significant illegal dumping and high grading in the South Island's south-eastern inshore commercial fishery"[2]. And express concerns that "commercial catch limits, the TACCs, are being set on the basis of incorrect and misleading catch information"[3]. We are not aware of any substantial changes to effectively monitor or account for this catch when South Island fish stocks have been reviewed in the years since these reports. In fact, in this process, FNZ suggest the Minister sets aside a lesser than normal percentage of the TAC to account for 'fishing related mortality'. The direction that FNZ is taking this conversation is at odds with Government policy and direction.

30. On 26 June 2021 the Hon. David Parker, the Minister of Oceans and Fisheries, announced the Government had adopted an oceans vision and principles based on taking a precautionary approach when managing fish stocks.

31. The Minister ensures sustainability by setting the Total Allowable Catch (TAC) at a level that will maintain a fish stock above or at Maximum Sustainable Yield (MSY)[4]. The Ministry's Harvest Strategy Standard default management target for a low productivity fish such as blue cod is 40% of unfished biomass, B40. To meet the standard of ecosystem based management the submitters consider that –

    a. Maximum Economic Yield (MEY) occurs at 60% of the unfished biomass;
    b. Maximum Sustainable Yield (MSY) occurs at 50%;
    c. 40% is the appropriate soft limit; and
    d. 20% is the appropriate hard limit[5].

32. We acknowledge that not many fish stocks can be successfully managed by catch limits alone. Fishing intensity needs to be regulated by both input and output limits working in tandem. Over time in BCO 3 there have been an increase in the cod pot mesh size (from 48mm to 54mm), and changes to recreational controls, bag and size limits.

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[1] https://rescuefish.co.nz/

[2] Operation Hippocamp. Ministry for Primary Industries. 2012.

[3] Operation Achilles. Ministry for Primary Industries. 2013.

[4] New Zealand Recreational Fishing Council Inc And Anor V Sanford Limited And Ors SC 40/2008 [28 May 2009]. Para 43.

[5] Rainer Froese, Henning Winker, Didier Gascuel, U Rashid Sumaila, Daniel Pauly (2015). Minimizing the impact of fishing. Fish and Fisheries. 7 December 2015.

33. However, as the Supreme Court has identified, responsibility for ensuring sustainability rests with the Minister and that is achieved by the TAC setting process as per s13 of the Fisheries Act 1996. Following that, the Minister apportions the available catch as allowances, as per sections 20 & 21 of the Act, taking a range of factors into account. The remainder can be allocated as the Total Allowable Commercial Catch (TACC). The Supreme Court confirmed the Minister can set the TACC at zero. The equation being:

TAC – allowances (Māori customary, recreational, other mortality) = TACC.

Utilisation of available catch

34. Under the scheme of the Fisheries Act once sustainability has been ensured, the Minister must apply section 21 to set aside a tonnage of fish to allow for the following non-commercial fishing interests –

    a. Māori customary non-commercial fishing interests; and
    b. Recreational interests; and

    All other mortality to that stock caused by fishing.

35. The Supreme Court has also confirmed that while the Minister has discretion on how the TAC is apportioned, "The Act envisages that the allowance for recreational interests will be a reasonable one in all the circumstances. It also envisages that will be the case for the allowance for Māori customary fishing interests. The position is the same for the total allowable commercial catch, although the Act recognises that in some circumstances it may be reasonable to fix the commercial catch at zero"[6].

Māori customary harvest

36. In terms of the Māori customary allowance, there is unknown catch taken as per provisions of the Fisheries (South Island Customary Fishing) Regulations 1999. Ngai Tahu advised FNZ to consult on an allowance of 20 tonnes. FNZ advise that some previous customary harvest may have been taken under the amateur regulations when the daily bag limit (DBL) was 30 per person, per day. Now that the DBL is 15/10/2 depending on the area fished under the traffic light system, customary catch may increase from 2021 onwards.

37. The submitters support the Minister in setting aside a 20 t allowance to allow for Māori customary fishing interests in BCO 3.

Recreational harvest

38. Recreational fishing for blue cod is mainly line fishing with some set netting, potting and spear fishing. The main controls are daily bag limits and size limits. In 2020 the recreational minimum legal size (MLS) for blue cod increased from 30cm to 33cm.

39. The National Panel Survey estimates of blue cod harvest by recreational fishers was 119 tonnes in 2012, and 99 tonnes in 2018 plus another 5 t taken by commercial fishers under section 111 of the Fisheries Act.

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[6] SC 40/2008. [At 65]

40. FNZ propose that the Minister when making an allowance for annual recreational fishing mortality, sets aside 83 tonnes. This represents a 20% reduction on the combined 2018 recreational harvest estimate of 99 t and the 5 t of s111 removals. FNZ propose the Minister agrees with this reduction on the basis that "the recreational limits introduced in 2020 are expected to have reduced recreational catch".

41. The Minister has a statutory obligation to 'allow for' our ***recreational interests*** not just our catch. In providing for our 'recreational interests' as per s21 of the Act the Court has confirmed that "people providing for their wellbeing, particularly their social wellbeing, is an important element of recreational interests"[7]. So the Minister has to both set aside an allowance that covers the expected mortality from recreational fishing, while also ensuring that the allowance, and abundance, provides sufficient opportunity for people to provide for their wellbeing.

42. Recreational fishers do not accept the process to introduce the traffic light system as legitimate. There are now 4 different daily bag limits (DBLs) over 5 separate management areas, and a 2-DBL within the 4 taiāpure within BCO 3.

43. On the east coast of the South Island recreational fishing is not for the faint-hearted, a simple fishing trip takes planning and often has to be cancelled due to adverse weather or sea conditions. The traffic light system certainly does not provide for people's wellbeing when considering the reality that in some red zones people have to travel over 60kms offshore to blue cod fishable areas and are only permitted to return with 2 fish per person. For many people this is not a safe, practical nor reasonable expectation. It is also significantly increasing the pressure on adjacent areas, like Kaikoura and Moeraki.

44. The Minister in making his decision for BCO 3 cannot consider it reasonable that the inshore red zones around Canterbury are now pseudo-commercial zones, available to unbridled bottom trawling effort yet recreational fishers are limited to 2 blue cod each. This is effectively a reallocation of the blue cod catch in the area unless there are increased controls on commercial methods that take blue cod. **The red areas need to be red for commercial fishers as well.**

45. The objective is to rebuild the stock and move to better management arrangements as soon as possible. There must be a clear threshold for when this will happen and an effective monitoring system of blue cod abundance to support it.

46. Local fishers highly object to the process FNZ undertook to implementing the National Blue Cod Strategy, and, the resultant 'Traffic Light System", (TLS). FNZ implemented the TLS without discussing the significant changes with the Technical Working Group or engaging in the last stakeholders consultation process advised earlier by FNZ. Where there was general agreement to reduce daily bag limits around Canterbury, from 30 to 6 in an orange zone, that zone is now red meaning a 2-DBL applies.

47. All the goodwill developed during the Working Group process has been incinerated and now there are serious concerns about non-compliance by recreational fishers due to the widespread perception that the traffic light system and regulations are unfair and complex.

48. Moreover, after decades of trawling, BCO 3 been depleted to a level where it does not provide sufficient abundance so we can provide for our wellbeing even when we do go fishing.

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[7] New Zealand Recreational Fishing Council Inc And Anor V Sanford Limited And Ors SC 40/2008 [28 May 2009]. Para 54.

49. We submit that the proposed 83 t recreational allowance is unreasonable and contrary to the Minister's statutory obligation to provide for our recreational fishing interests. We do not accept a proportional reduction to the allowance. Further to this, the TLS severely restricts the ability of recreational fishers even being able to land the nominated 83 t due to the significantly reduced bag limits.

50. We submit that FNZ are proposing the 83 t recreational allowance because it minimises the reductions that need to be applied to the TACC. This is unacceptable. The TACC is the merely the remainder of what is left after the TAC has been set and reasonable allowances have been made for the expected mortality caused by fishing.

51. Moreover, the blue cod catch of 5 tonnes taken by commercial fishers under s111 approvals need explanation. Using the National Panel Survey estimate of 0.5kg per fish that is 10,000 blue cod per annum –

    a. Where is this catch being taken from?
    b. How many fishers are claiming these fish?
    c. Are these fish being caught on hook and line, or are they harvested using commercial methods?
    d. How does FNZ monitor s111 catch? Only a daily, weekly or monthly basis?
    e. What are the trends in s111 catch over time?

52. We submit that at this rate this catch is not recreational and it must be classed as commercial harvest.

Other mortality

53. FNZ propose the Minister sets aside either 12 or 10 tonnes to allow for the mortality caused by fishing. This represents around 5% of the combined recreational allowance and the TACC, and is similar to the settings in BCO 4.

54. Clearly FNZ is assuming that the TACC is set before this allowance can be set aside. Notwithstanding that, we remind the Minister that around 22% of commercial catch is taken by bottom trawling. Historically, an allowance of 10% of the TACC is set aside to allow for mortality in trawl fisheries.

55. Also, given the unfair nature of the traffic light system, and that high grading by recreational fishers has increased as people strive to make the most of their limited time out fishing we recommend an allowance for fishing related mortality of 9 tonnes. This represents around 8% of the TACC and takes into account the relative proportions of trawling versus potting in the commercial fishery.

56. High grading, where smaller fish are discarded if a larger or more desirable fish is caught, is wasteful. If high grading occurs in deeper waters mortality rates could be much higher than previous years.

57. Given the lack of available data on release mortality and extent of post release predation, along with the suggestion to combine the mortality associated with commercial and recreational fishing, we submit that an allowance of 8% of the TACC is the absolute minimum that the Minister must set aside if he is to meet his statutory obligation to account for all mortality within the TAC.

Total Allowable Commercial Catch (TACC)

58. FNZ propose the Minister sets the TACC at the existing level of 163 tonnes (option 1) or reduce the TACC by 20%, to 130 t (option 2).

59. Option 1 is proposed on the basis that the "commercial fishery is stable at the current level of fishing and that the current TACC is appropriate". We disagree, on the basis that the stock status in relation to the management target is unknown, it is unknown if overfishing is occurring, and the available information is highly uncertain.

60. Option 2, a 20% TACC reduction, is meaningless unless the deemed value rates are adjusted to an effective level, and if commercial effort is controlled to ensure overfishing does not occur. In 16 of the last 20 years the TACC has been overcaught, what's more, the TACC has never constrained commercial catch or effort since 1986. This level of fishing has had impacts on the productivity of the marine environment and the blue cod fishery. Now FNZ propose to constrain recreational catch to ensure minimal cuts are applied to the TACC. This is not acceptable.

61. Under the Fisheries Act 1996 environmental and information principles the Minister must take a precautionary approach if information is uncertain, unreliable or inadequate. We strongly agree.

62. FNZ report that 22% of Blue cod 3 catch is taken as bycatch in the red cod, flatfish and tarakihi bottom trawl fisheries. Red cod catch and effort is also unconstrained by a meaningful TACC. The FLA 3 TACC was only 70% caught last year and commercial interests have already admitted to not complying with the tarakihi rebuild plan agreed in 2019. So there is no real constraints on trawl catch for BCO 3. This raises serious sustainability concerns so the Minister has no choice but to act in a precautionary manner and set a conservative TACC.

63. In red areas, trawling must be moved off important blue cod habitat and away from areas where Hectors dolphin congregate.

64. Taking a precautionary approach could mean stepped, moderate increases to the TAC and TACC in the future. However, that will require regular reviews informed by fisheries independent monitoring of blue cod abundance.

65. We submit the information available to properly manage BCO 3 is inadequate, therefore we recommend the Minister makes the following decisions for the management of BCO 3 from 1 October 2021 –

    a. Sets the TAC at 243 tonnes.
    b. Sets aside an allowance for Maori customary fishing interests of 20 tonnes.
    c. Sets aside an allowance for recreational interests of 104 tonnes.
    d. Sets aside an allowance to account for other mortality caused by fishing of 9 tonnes.
    e. Sets the TACC at 110 tonnes.
    f. Regular reviews of catch levels, release mortality and impacts on the benthic environment due to fishing.
    g. Removes bottom trawling from inshore waters.
    h. An immediate review of the traffic light system applying varying catch limits to coastline areas.

Bob Gutsell

Sustainability Review 2021
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27 July 2021

Submission: Review of deemed value rates for selected stocks for 2021-22

Recommendations

1. The Minister acknowledges that the deemed value regime is a failure as it has consistently failed to constrain commercial catch to the statutory limits set by previous Ministers.
2. The Minister directs Fisheries New Zealand to develop a more flexible mechanism that will remove the incentive for fishers to exceed the Total Allowable Commercial Catch year after year in anticipation of a TACC increase in the future.
3. The Minister insists on electronic monitoring including cameras on vessels to monitor discards and fish released under Schedule 6 of the Fisheries Act 1996.
4. The Minister retains the current deemed value rates applying in Kingfish 8 to ensure that strong incentives remain to both release live kingfish and innovate to avoid large over runs of the TACC.

The submitters

5. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the review of deemed value rates for six stocks including Blue cod 7, Bluenose 2, and Kingfish 8. Fisheries New Zealand (FNZ) advice of consultation was received on 23 June 2021, with submissions due by 27 July 2021.
6. The NZ Sport Fishing Council is a recognised national sports organisation of 55 affiliated clubs with over 36,200 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.

7. 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.

8. The New Zealand Underwater Association is comprised of three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.

9. Collectively we are *'the submitters'*. The joint 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].

10. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Background

11. Commercial fishers who do not balance catch with Annual Catch Entitlement (ACE) must pay a financial penalty, a deemed value payment. Deemed values are charged for each kilo of overcatch not covered by ACE. The per kilo cost may ramp up on a sliding scale, depending on the species and catch area.

12. The New Zealand Sport Fishing Council has made substantive submissions on the deemed value regime for more than a decade. Many of the issues raised previously still exist today.

13. We know that not all deemed value invoices are paid by the offender. MPI has offered several reasons for this non-payment in the past. Our concern has always been that the costs of overfishing is not attributed to the fishers responsible, the cost is externalised, paid by the fishery and other stakeholders.

14. The deemed value system continues to incentivise either overfishing or dumping, depending on the landed and export price of the species. It has also driven up ACE prices for some species. In the case of kingfish, Schedule 6 enables commercial fishers to release fish that are likely to survive.

15. Historically, ongoing excess catch has become a justification for increasing the TACC for a number of low information stocks which has been supported by the Ministry, and approved by earlier Ministers. Commercial catch on its own is a very poor measure of stock abundance and sustainability. The submitters continue to object to TACC increases on basis of excess catch.

FNZ Proposals

Kingfish 8 (KIN 8)

16. Fisheries New Zealand (FNZ) propose the following deemed value rates to apply in KIN 8 from 1 October 2021. (Table 1).

Table 1: Current and proposed deemed value rates for Kingfish 8. Dollar ($) per kilo of catch in excess of the TACC.

Stock	Option	Interim	Annual 100-120%	Differential rates ($/kg) for excess catch (% of ACE)				
				120-140%	140-150%	150-160%	160-170%	>170%
KIN 8	Current	8.00	8.90	10.68	12.46	14.24	16.02	17.80
	Proposed	4.00	4.45	5.34	6.23	7.12	8.01	8.90

FNZ rationale for deemed value rate changes

17. Fisheries New Zealand (FNZ) rationale for reviewing KIN 8 deemed value rates includes:
    - A significant amount of catch is taken during tows that straddle KIN 7 & 8. Concerned about misreporting of KIN 8 catch as being taken in KIN 7.
    - KIN 7 deemed value rate was lowered from 8.90 to 4.45 from October 2020, reflecting the low value returns on frozen kingfish, around $2.00 per kilo.
    - The deemed value rate in KIN 8 needs to match the lower rate applying in KIN 7.
    - Biomass in KIN 7 & 8 has increased.
    - KIN 8 catch over the past two years has been double the available ACE.
    - ACE price for KIN 8 reflects the deemed value rates rather than the product value (60-70% is frozen kingfish).

Response to proposals

18. The deemed value regime is not working.

19. The deemed value rates currently applying in Kingfish 8 (KIN 8) need to be retained. They are not the problem.

20. The problem in KIN 8 is corporate fishing interests who want to reduce the maximum differential deemed value rate from $17.80 down to $8.90 so they can continue to catch more of the other west coast species and merely treat kingfish as a low value bycatch.

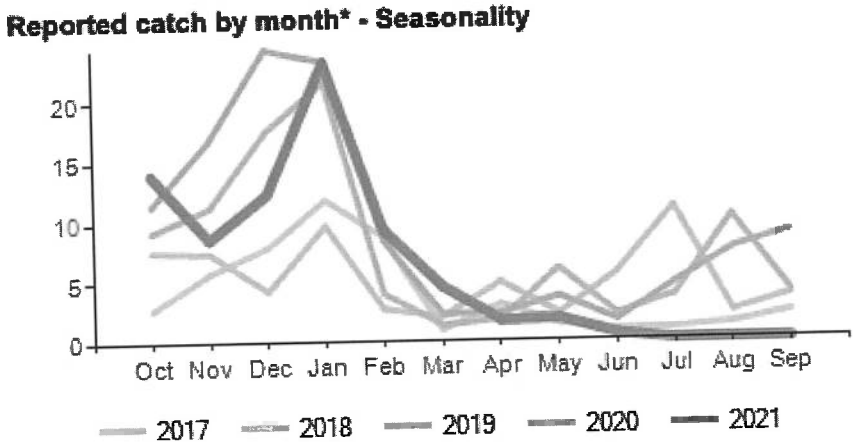
21. Kingfish is a high value fish coveted by sushi and sashimi consumers worldwide. To treat the fish as a low value frozen commodity costs New Zealand export revenue when international markets are undersupplied for fresh product. The cost of this lost value should not be externalised to the NZ public, and retaining high deemed values is one way of recovering some of the lost value by using inappropriate fishing methods.

22. The Total Allowable Commercial Catches (TACCs) set to limit commercial catch has failed to constrain landings in both KIN 7 & 8:

    a. In KIN 7 annual landings have averaged 170% in excess of the TACC in the past five years.
    b. In KIN 8 annual landings have averaged 70% in excess of the TACC in the past five years.
    c. In KIN 8 up to July 1st 96% of ACE has already been caught.

23. We note from the FNZ graph (Fig 1) that there can be a lot of catch between July and September, so clearly the catch in KIN 8 for this fishing year up to 30 September will once again exceed the statutory limit set by the Minister. It seems incredible that the statutory process can be treated with such contempt, usually by the same operators year after year.

Figure 1: Reported catch in Kingfish 8, by month. Source: Fisheries New Zealand.



*All amounts are shown in thousands of kgs.

24. In terms of excessive catch there are several corporates who repeatedly catch way beyond what any reasonable person would consider as unavoidable 'bycatch'. See Table 2.

Table 2: Catch in excess of available ACE by corporate commercial fishing interests during the past full fishing years 2017-18 to 2019-20. Catch in kilograms (kgs).

		Fishing year		
Stock	**Company name**	**2017-18**	**2018-19**	**2019-20**
Kingfish 8	Sanford Ltd	8550	18734	29103
	Sealord Group	0	9344	20004
	Maruha NZ Corp	7011	5452	8761
	Sealord Charters	4618	15346	14041
	Independent Fisheries Ltd	109	4960	3277

		Fishing year		
Stock	**Company name**	**2017-18**	**2018-19**	**2019-20**
Kingfish 7	Sanford Ltd	1171	1408	3753
	Sealord Group	389	5837	0
	Maruha NZ Corp	10807	2967	3082
	Sealord Charters	13932	27396	14469
	Independent Fisheries Ltd	8593	8510	10238

25. This ongoing level of excessive catch goes largely unpunished. We can only assume that deemed value invoices are issued. We know from past experience that not all of those invoices are paid by the offending company. MPI has offered a range of reasons in the past for non-payment.

26. The submitters take no comfort from FNZ's assurance that they will "continue to monitor deemed value settings for KIN 8. If evidence suggests that the deemed value rates are not providing the appropriate incentive for fishers to remain within their ACE holding, they will be reviewed". What more evidence does FNZ need?

27. In the past three full fishing years in KIN 8 there has been overcatch of 154,843 kgs just by the top 10 companies. In KIN 7 excess catch by the top 10 companies for the same years is 115,488 kgs.

28. We submit that the deemed value penalties, even at the top rate of $17.80, are insufficient to deter overcatch in the kingfish fisheries. Therefore FNZ nor the Minister can justify reducing the deemed value rates that currently apply in KIN 8. The proposal is merely an effort to reduce the costs of fishing for the offending corporates.

29. Moreover, lower deemed values reduce the incentives to innovate to avoid large catches of kingfish. This could be shifting the areas fished in December and January when kingfish catch is high or installing exclusion devices for large kingfish and marine mammals.

Schedule 6 releases

30. Under Schedule 6 of the Fisheries Act 1996 commercial fishers can release kingfish back to the water provided they are likely to survive, are returned as soon as possible, and not taken by set netting.

31. We note that in KIN 8 the amount of kingfish released under Schedule 6 equates to the amount of kingfish currently being landed.

32. Without adequate electronic monitoring or observer coverage we have no idea if the kingfish released by commercial fishers under Schedule 6 survive the experience.

33. We are concerned that despite repeated requests from the submitters and the high value of kingfish to recreational interests, Fisheries New Zealand (FNZ) has not instituted any measures to monitor release mortality over time.

34. We submit the Minister must direct FNZ to develop effective methodology to measure release mortality from the range of fishing techniques used in the kingfish fisheries.

Value of catch

35. Kingfish are highly valued by non-commercial interests, both Māori customary and recreational fishing interests so it is disturbing that FNZ has done so little to protect the kingfish stocks from exploitation.

36. The submitters acknowledge that there are small-scale commercial fishers who actively avoid kingfish, use Schedule 6 appropriately, and yet there is still potential for some overcatch due to the variable nature of fishing.

37. We have received assurances in the past that Kingfish 7 & 8 are bycatch only fisheries, mainly taken as bycatch by the large trawlers targeting jack mackerel and barracouta off the west coast of the North Island.

38. When fishers cannot avoid catch that they hold no ACE to cover they need to be prevented from fishing in those areas. Bycatch isn't inevitable and can be largely avoided by selecting different fishing grounds. The magnitude of overcatch suggests that some areas need further protection to defend kingfish.

39. What's even more disturbing is that the factory trawlers and other crews are freezing the kingfish and only earning $2 to $2.50 per kilo. At this pittance rate of return these precious fish ought to stay in the water.

Land all catch

40. In June the Hon David Parker, Minister of Oceans and Fisheries, confirmed the Government was seeking to introduce a land all catch strategy[1]. He mentioned there would be limited exceptions such as spiny dogs.

41. In the past 50 years the New Zealand Sport Fishing Council, the NZ Marine Research Foundation and others have committed time, resources and hundreds of thousands of dollars in an effort to educate its members and the public on the benefits of conserving kingfish for future generations. A land all catch strategy that includes kingfish would fly in the face of these conservation efforts and potentially discourage the public from any future marine conservation programme.

42. We submit that fundamental reforms are required before a land all catch strategy would be effective at incentivising more targeted fishing.

43. The New Zealand Sport Fishing Council's reform package Rescue Fish includes a land all catch strategy with some exclusions to provide for high value, low impact fishing enterprises for specific species such as kingfish. We are confident that New Zealand can benefit from higher value returns from fishing while implementing comprehensive monitoring of fishing and catches.

44. We submit that the Rescue Fish reforms would restore the abundance and diversity of our marine estate for the benefit of all New Zealanders. Earning $2.50 for a frozen kingfish just doesn't add up to any benefit equation.

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[1] https://www.rnz.co.nz/national/programmes/ninetonoon/audio/2018800308/fish-dumping-ban-biggest-change-to-management-in-100-years

2 August 2021

IWI COLLECTIVE
PARTNERSHIP

2021 Sustainability Review
Fisheries Management, Fisheries New Zealand
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Tēnā koe,

REVIEW OF SUSTAINABILITY MEASURES FOR 1 OCTOBER 2021

1. Background
Fisheries New Zealand seeks feedback from tāngata whenua and stakeholders on proposed changes to the sustainability measures for various selected fish stocks or stock groupings from 1 October 2021. Submissions close 5pm, 27 July 2021, however, ICP has obtained an extension to 2 August.

The Iwi Collective Partnership (ICP) administers collective Annual Catch Entitlements (ACE) fishing entitlements derived from the Settlement Quota of 19 iwi members. 9 of the stocks that are subject to the Sustainability Review are stocks that are administered by ICP and owned by our iwi members.

• Hoki	HOK 1
• Ling	LIN 5
• Gemfish	SKI 3
• Black Cardinalfish	CDL 1
• Southern bluefin tuna	STN1
• Snapper	SNA 8
• Hāpuku/Bass	HPB 1 & HPB 2
• Red gurnard	GUR 1

List 1: List of ICP Interest Stocks under Review

2. Iwi Collective Partnership
ICP is a limited partnership of Iwi fisheries entities representing mana moana, mana whenua in various rohe throughout Te Ika a Māui but with deepwater fishing rights extending throughout Aotearoa. ICP is a collaboration of the Iwi fisheries interests recognised in Te Tiriti o Waitangi and reaffirmed in the Fisheries Treaty Settlement and Deed of Settlement between Iwi Māori and the Crown. ICP is mandated to represent the interests of 19 iwi listed in **Table 1** below.

ICP works closely with Te Ohu Kaimoana and acknowledges its support in the development of whakaaro and views expressed in this submission. ICP is fully supportive of the submission by Te Ohu Kaimoana. ICP also collaborated with Fisheries Inshore New Zealand and Deepwater Group to understand the perspectives and views of other quota owners and industry organisations. We acknowledge and support the submissions of our individual iwi members.

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3. Submission

In this section we set out our views.

ICP Iwi	Iwi Quota Owning Entity
Ngati Porou	Ngati Porou Seafoods Limited
Te Arawa	Te Arawa Fisheries Holding Company Limited
Ngai Te Rangi	Ngai Te Rangi Fisheries AHC Limited
Ngati Awa	Ngati Awa Asset Holdings Limited
Whakatohea	Whakatohea Fisheries Asset Holding Company Limited
Taranaki Iwi	Taranaki Iwi Fisheries Limited
Ngati Tuwharetoa	Ngati Tuwharetoa Fisheries Holdings Limited
Ngaitai	Te Kumukumu Limited
Nga Rauru Kiitahi	Te Pataka o Tangaroa Limited
Ngati Ruanui	Ngati Ruanui Fishing Limited
Ngati Whare	Ngati Whare Holdings Limited
Te Rarawa	Te Waka Pupuri Putea Limited
Rangitaane	Rangitane o te Ika a Maui Limited
Ngati Ranginui	Ngati Ranginui Fisheries Holding Company Limited
Rongowhakaata	Rongowhakaata Iwi Asset Holding Company Limited
Te Aitanga a Mahaki	Te Aitanga a Mahaki Trust Asset Holding Company Limited
Ngati Maru (Taranaki)	Ngati Maru (Taranaki) Fishing Company Limited
Ngati Manawa	Ngati Manawa Tokowaru Asset Holding Company Limited
Tapuika	Tapuika Holdings Limited

Table 1: ICP Iwi Members & Associates

3.1 Hoki (HOK 1)

The IPP sets out 5 options. Considering the status of the fishery, the IPP notes that the East stock is at the top end of the target range of 35-50% of unfished biomass while the West stock is at the bottom end.

ICP supports a continuation of the self-management approach applied by Hoki quota owners over recent years. Quota owners have demonstrated responsibility and have voluntarily implemented restrictive measures to protect and rebuild the fishery. These measures are having a positive effect and there is no need for formal intervention. Therefore, ICP supports Option 1, which is a TACC of 115,000 mt to be supported by voluntary shelving of 20,000 mt making an effective TACC of 95,000 mt, split into 45,000 West and 50,000 East. Quota owners have collectively agreed to continue the shelving of ACE supported by an administrative separation of East and West limits and other management measures. For clarity, ICP and its 19 iwi Hoki quota owners are fully supportive of these measures.

3.2 Snapper (SNA 8)

We acknowledge the IPP science and fisher evidence confirming that SNA8 has rebuilt to a significantly healthy fishery. With an unfished biomass of over 50%, well above the 40% default target, a significant TAC / TACC increase is well justified. However, the impact of s28N rights on the relative proportions of Settlement Quota remain unaddressed. Therefore, we reserve our final submission pending a satisfactory resolution of this matter.

Should s28N rights be resolved in an equitable and just manner to the satisfaction of our SNA8 iwi quota owners and Te Ohu Kaimoana, our view would be in support of either of Option 3 or Option 4. The reasons for our view include:

- Biomass modelling confirms that all options, including Option 4, would maintain the biomass above 50%. However, a reservation concerns the noted biomass decline within a set period acknowledging that it would remain above the default target. A precautionary approach would suggest the next best option being Option 3.
- Concerns expressed in the north of the fishery regarding localised depletion. We understand that any TAC / TACC increase would encourage a wider distribution of catch effort than under a constrained fishery.
- Both Option 3 and Option 4 involve significant TACC increases of 975 mt and 1,300 mt respectively. These are extreme increases that should be approached with a level of caution.

Therefore, we support both Option 3 and Option 4 pending satisfactory resolution of s28N matters in a manner that maintains the integrity of the Treaty Settlement.

Deemed Values

We also note and support Te Ohu Kaimoana's views on deemed values, notably support for an adjustment of deemed values in line with Option 2 proposed in the consultation document as an interim measure, with a further review within the next 2 years. We agree that due to the volume of increase in SNA8, it may also be necessary to review deemed values of other snapper fisheries.

3.3 Ling (LIN 5)

The IPP notes that the status of LIN5 is very healthy at higher than 63% of unfished biomass. The stock assessment also projects that under the current catch, LIN5 would remain above the reference level required by the Act in five years. Therefore, ICP supports greater utilisation under either of Option 2 or Option 3 - that is a TACC increase to 5,208 and 5,682 mt respectively.

3.4 Gemfish (SKI 3)

ICP has interests in SKI3 but not SKI7. We support Option 3, which is a 240 mt increase to the TACC. We note the high level of abundance which is reflected in the increasing bycatch levels. As a non-target and low value species, we support a reset of the TACC to restrain what could be argued as the unfair application of deemed values.

3.5 Black Cardinalfish (CDL 1)

ICP notes the submission of Te Ohu Kaimoana and their support for a new Option 4 that has a TAC of 420 mt and a TACC of 400 mt – see immediately below. We agree with Te Ohu Kaimoana's rationale that there is no evidence of sustainability concerns. The TAC and TACC ought to be maintained at a sufficient level as this is important not to constrain unnecessarily development of the ORH fishery.

	TAC	*TACC*	*Customary*	*Recreational*	*OSFM*
Option 4 (mt)	420	400	0	0	20

3.6 Southern bluefin tuna (STN1)

ICP supports an option that shares the TAC increase of 14 mt across both the TACC and Recreational Catch. We note issues with constraining the recreational catch within catch limits, however, acknowledge that current allocation is less than 2% of the TAC.

Noting that the 2 options in the IPP allocate exclusive to either the TACC or Recreational Catch, we propose an alternative option which shares the TAC increase 50/50 – 7 mt to the TACC and 7 mt to the Recreational catch, which we refer to as Option 1A:

	TAC	*TACC*	*Customary*	*Recreational*	*OSFM*
Option 1A (mt)	1,102	1,053	2	27	20

3.7 Hāpuku/Bass (HPB 1 & HPB 2)

ICP notes the submission of Te Ohu Kaimoana, and their support for Option 3 in terms of HPB 1, and Option 2 in terms of HPB2, as well as additional measures. In particular, we note the concerns of some tangata whenua regarding localised depletion. Therefore, we confirm support for the same options as Te Ohu Kaimoana. As well as removing commercial pressure from the fishery, the TAC reductions should go some way to resolving the localised depletion issue.

3.8 Red gurnard (GUR 1)

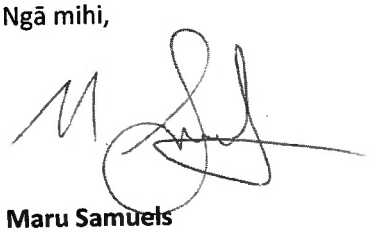
ICP notes the submission of Te Ohu Kaimoana which proposes a new Option 4, that uses Option 2 in the IPP as a base, with an additional 17 mt reduction to the recreational catch resulting in a lower TAC of 1,300 mt. We support the rationale in Te Ohu Kaimoana's submission and therefore support their proposed Option 4, as set out below.

	TAC	**TACC**	**Customary**	**Recreational**	**OSFM**
Option 4 (mt)	1,300	1,100	40	83	77

4. Deemed Values

ICP supports the submission of Te Ohu Kaimoana with respect to Deemed Values.

Ngā mihi,



Maru Samuels
CEO
Mob:
DDI:
Em:

Name of submitter or contact person: Geoff Keey. Strategic Advisor	
Organisation (if applicable):	Royal Forest & Bird Protection Society
Email:	[redacted]
Fish stock(s) this submission refers to:	HOK1; LIN5; SKI3; SKI7; CDL1; STN1; HPBE1; HPBE2; GUR 1; GUR 7; BCO3; SCH5
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	HOK1 Option 5 with phase out of bottom trawling LIN5 Option 1 with phase out of bottom trawling SKI3 & SKI7 Option 1 with phase out of bottom trawling CDL 50% of Option 3 with phase out of bottom trawling STN1 100% observer coverage HPBE1 HPBE2 modified Option 3 GUR1 Option 3 GUR7 Option 1 BCO3 Option 2 SCH5 Option 2

Reasons for Submission

Introduction

Forest & Bird has the constitutional objective of taking all reasonable means to protect the native plants and animals and natural features of New Zealand. This includes in the marine environment. Key marine priorities for Forest & Bird include seeking a transition to ecosystem-based management and zero bycatch.

Forest & Bird notes that zero non-target mortality and ecosystem-based management are also Government priorities under Te Mana o Te Taiao, the Aotearoa New Zealand Biodiversity Strategy.

This submission is in two parts. In the first part Forest & Bird has considered whether the approach taken for the stocks under consideration in this round is sufficient to deliver the Government's goals of transitioning to ecosystem-based fisheries management and eliminating non target mortality, in the context of sustainable management of fisheries under the Fisheries Act. In the second part Forest & Bird has recommendations in relation to particular stocks under consideration.

PART I: Factors to take into consideration when making decisions on sustainability measures

Environmental principles (s9)

With the transition to ecosystem-based management, the environmental principles in section 9 of the Fisheries Act need to be a central focus of fisheries decisions. For the Minister to meet the Fisheries Act requirement to take into account that associated or dependent species (non-harvested species taken or affected by the taking of a harvested species) should be maintained above a level that ensures their long-term viability (9a) and the biological diversity of the aquatic environment should be maintained (9b) there must be sufficient information for the Minister to:

- List ***each*** species that is associated or dependent
- The level of TAC that will meet the requirements of section 9 for each associated or dependent species
- Whether any measures beyond a TAC will meet the requirements of section 9, such as altering where, when or by what method the stock is caught
- Whether the level of uncertainty is such that this information is unknown for any associated or dependent species
- Whether the level of uncertainty is such that it is unknown what species are associated or dependent
- Whether there is significant uncertainty over risks to the maintenance of biological diversity

Where there is significant uncertainty in relation to associated or dependent species or risks to the maintenance of biological diversity the Minister must take a precautionary approach and set a lower TAC or put in place controls on where, when and by what method the stock is caught in order to minimise risk in an environment of scientific uncertainty.

Assessments relating to associated or dependent species and the maintenance of biological diversity should consider both direct impacts on other species and biodiversity, such as through bycatch, and also indirect impacts such as the populations and size of large predators needed to avoid trophic cascades that cause kina barrens, or other ecosystem impacts.

In general, the consultation documents do not provide a level of information sufficient to enable the Minister to make an informed decision on the environmental principles, largely because of a lack of information on what species are associated or dependent and insufficient information on the risks to wider biological diversity of the marine environment. In this situation the Minister must take the most precautionary decision consistent with the Fisheries Act.

Information principles s10

The Minister should be provided with the best possible information. Where there is inadequate or no information, the Minister should take a highly precautionary approach.

The baseline for stocks where there is limited or no information about status of the stock, a lack of information about associated and dependent species or impact of the fishing method should be that the stock be no less than 50% of the original biomass.

Implementing the High Court's decision

Forest & Bird seeks that where a stock's current level is below that which can produce the maximum sustainable yield, a TAC/TACC is set which allows it to be altered within a period appropriate to the stock. The period should be set in accordance with the High Court's decision in Royal Forest and Bird Protection Society of New Zealand Inc v Minister of Fisheries [2021] NZHC 1427, in that:

- The period is to be determined by reference to the stock's biological characteristics, having regard to environmental conditions affecting the stock
- The Harvest Strategy Standard is "best available information" in relation to acceptable probability levels as well as for other matters relevant to interpretation of s 13

Giving effect to Te Mana o te Taiao

To the extent that decisions are consistent with the Fisheries Act, MPI should give effect to the objectives outlined within Te Mana o te Taiao. The nature of Te Mana o te Taiao is such that it should be considered a mandatory consideration. Forest & Bird therefore welcomes MPI's consideration of Te Mana o te Taiao in the discussion documents.

The Minister will need to take into account the more granular 2025, 2030 and 2050 objectives within Te Mana o te Taiao, as well as the more high-level objectives identified in consultation documents. The objectives the Minister should give particular regard to include:

> 10.5.1 A framework has been established to promote ecosystem-based management, protect and enhance the health of marine and coastal ecosystems, and manage them within clear environmental limits by 2025
>
> 12.1.1 Environmental limits for the sustainable use of resources from marine ecosystems have been agreed on and are being implemented by 2025
>
> 12.1.2 Marine fisheries are being managed within sustainable limits using an ecosystem-based approach by 2030
>
> 12.1.3 Marine fisheries resources are abundant, resilient and managed sustainably to preserve ecosystem integrity by 2050
>
> 12.2.1 The number of fishing-related deaths of protected marine species is decreasing towards zero for all species by 2025
>
> 12.2.2 The direct effects of fishing do not threaten protected marine species populations or their recovery by 2030
>
> 12.2.3 The mortality of non-target species from marine fisheries has been reduced to zero by 2050

These objectives are consistent with the Fisheries Act and so Ministerial decisions that comply with the Fisheries Act should also be able to place stocks on trajectories that deliver these outcomes. For example:

- The preservation of ecosystem integrity is achieved by delivering on the section 9 environmental principles of the Fisheries Act as well as the general section 8 purpose of ensuring sustainability

- Reducing the number of fishing related deaths of protected marine species towards zero is achieved by giving proper attention to the direct impact of fishing on associated and dependent species under section 9(a), the wider requirement to maintain the biological diversity of the marine environment in section 9(b) and managing the impact of fishing on the marine environment in section 8.

The consultation documents provide an inadequate level of information for submitters to assess whether the proposed TACs are suitable to achieve the objectives outlined above. For each management option proposed MPI should demonstrate whether the measure is sufficient to deliver on the objective. It is unclear whether this is from a lack of information or a lack of disclosure.

In relation to Te Mana o te Taiao objectives:

> 10.5.1: the consultation document should show where the stock is located within the trophic structure of the ecosystem along with any spatial and temporal distribution and what the wider ecosystem limits are, including limits where changes in stock abundance may cause systemic changes (such as system changes caused by the removal of too many upper trophic level predators)
>
> 12.1.1; 12.1.2; 12.1.3; 12.2.1; 12.2.2; 12.2.3: The consultation document should disclose which management options will achieve these milestones
>
> 12.1.1; 12.1.2; 12.1.3; 12.2.1; 12.2.2; 12.2.3: The decision of the Minister should show how management of the stock will achieve these milestones.

Providing adequate information to submitters and to enable a sound Ministerial decision

To give proper regard to the environmental principles of the Fisheries Act, the information provided to submitters and the Minister should enable submitters and the Minister to assess whether the measures proposed in the sustainability round are adequate to ensure the requirements of the Act are met. As a bare minimum, this should include:

- A description of the environment within which the fishing will occur. For example, where benthic fishing is likely to result from the TAC, the benthos should be described to the extent possible with current information. This would involve identifying the distribution or endangered, threatened and protected benthic species, their ecological role and function and the sensitivity of the substrate to disturbance.
- A list of identified associated and dependent species. MPI should note that these species may include species more than one step removed in the trophic structure (such as kelp-dependent species when considering snapper and crayfish catches), the nature of the association or dependency and the level of risk posed to those species from the options that will be put in front of the minister. The consultation documents should explicitly explain how those impacts will be avoided, remedied or mitigated.
- The habitats of particular significance for fisheries management should be identified and the impact of the proposed fishing on those habitats assessed. The consultation documents should explicitly explain how those impacts will be avoided, remedied or mitigated.
- Where there are interdependent stocks, the potential impact of catches of one stock on the other stock should be assessed. The consultation documents should explicitly explain how those impacts will be avoided, remedied or mitigated.
- Likewise, when there are non-target species, or ecologically related species interactions, such as threatened seabirds, cetaceans, and marine mammals, the impact on those

populations should be assessed. The consultation document should explicitly outline mitigation measures to avoid or minimise interactions, including compliance monitoring and surveillance.

- As well as taking into account non-fisheries threats when setting TAC, MPI should also outline other actions it will take to minimise non-fisheries threats to stocks, including seeking objectives, policies and rules that protect coastal waters via Resource Management Act 1991 statutory processes.
- As well as fisheries information, MPI should also draw on the information used for the threat classification/redlisting of protected, endangered and threatened species to help identify fishing related risks, including risks from competition for food.
- Climate change risks should be addressed

Sustainability reviews require information on monitoring

Observer and camera coverage should be disclosed for each stock so that submitters can understand the quality of information on bycatch and other environmental impacts of fishing. Self-reported data from fishers should be considered unreliable given the discrepancies between fisher reported and projected bycatch. Disincentives for non-compliance of threat/risk mitigation requirements should be implemented along with expanded training and support to implement mitigation measures.

Appropriate baseline for assessing impacts

The appropriate baseline for comparing proposed TAC for the purpose of avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment should be a zero TAC, rather than the status quo. The reason for this is that it is total impacts that are to be avoided remedied or mitigated under the Fisheries Act, not the impact of the difference between the current TAC and a proposed variation to the TAC.

Relying on the status quo as the primary reference point will result in decisions that are unlikely to achieve the purpose of the Act, for example by allowing the persistence of an unacceptably high bycatch rate or preventing recovery from benthic damage where the status quo allows these impacts.

Measuring the impact of a proposed TAC on the bottom trawling footprint by comparing the footprint of trawling under currently set TAC against a new TAC fails to consider that current trawling is preventing recovery of seabed biodiversity.

Bottom trawling

Bottom trawling is a particularly damaging method of fishing because of the damage it does to seafloor life and the substrate. Recovery from the damage is very slow, but does occur. In practice it is not generally possible to mitigate the damage of bottom trawling because near complete destruction of the seafloor life occurs between one and ten tows.

Further, trawl cables are responsible for considerable numbers of seabird deaths (https://protectedspeciescaptures.nz/PSCv5a/released/birds/trawl/all-vessels/eez/2018-19/), the current netsonde ban is proposed to end, which would result in increases in seabird mortality in trawl fisheries.

The damage from bottom trawling can only be remedied by removing bottom trawling in perpetuity (slow recovery is seen after decades). In order to maintain the corals and other species associated with bottom trawled fisheries, to maintain the biological diversity of the seafloor environment and to avoid remedy or mitigate impacts, the sustainability measure for all stocks partially or fully bottom trawled should be subject to conditions that:

- Use spatial controls to prevent any expansion of the bottom trawl footprint into untrawled areas and to protect all seamounts and similar features within the Fisheries Management Areas within which the stock occurs
- Establish a move-on rule
- Establish an end date after which bottom contact is no longer permitted, in line with the joint NGO letter to the Minister of Oceans and Fisheries

Set-netting

Set netting faces particular challenges because it occurs inshore in the foraging zones of a range of threatened, endangered and protected species, is relatively indiscriminate and is historically very difficult to monitor. Observer coverage is so low that it is not possible to adequately estimate actual rates of bycatch. Technological methods (such as pingers) to minimise risks to some protected species have generally been unsuccessful.

Decisions on every TAC/TACC that is caught partly or solely via set netting should explicitly consider:

- The presence and potential presence of non-target species within the range of the stock
- The potential to have a temporal and spatial separation between set netting and the foraging zones of non-target species
- The opportunity to transition fishers to more targeted methods of fishing

It is Forest & Bird's view that set netting should be progressively phased out. Consideration should be given to prioritising for phase out set net vessels under 8m that are unable to take cameras for monitoring.

Climate change

Sustainability measures should consider climate change and ocean acidification for two reasons:

- Unavoidable climate change and ocean acidification are likely to alter the abundance and distribution of stocks
- Fishing generates greenhouse gas emissions that contribute to climate change and (from the release of CO2) ocean acidification
- It should be noted that release of methane into the atmosphere ultimately contributes to ocean acidification because carbon dioxide is an oxidation product of methane
- A particular concern is the release of seafloor carbon stocks from bottom fishing

Climate change and ocean acidification are relevant considerations under the Fisheries Act because they are:

- adverse effects of fishing on the environment and therefore needs to be managed in accordance with section 8
- risks to the maintenance of the biological diversity of the aquatic environment (section 9)

- adversely harm habitats of particular significance for fisheries management

Each sustainability measure should have a climate change section. For bottom trawled stocks, a phase out of bottom trawling and an immediate ban on trawling new areas should be introduced to prevent further loss of seabed carbon stocks. See: Sala, E., et al. (2021) Protecting the global ocean for biodiversity, food and climate.

Part 2 Fisheries

Hoki HOK1

Forest & Bird is concerned at the risks to the western hoki stock and supports the most conservative option (Option 5).

Forest & Bird notes that MPI has not identified whether the options proposed for the sustainability measure will achieve the objectives of Te Mana o te Taiao. The Minister's decision should demonstrate how the measure will achieve the objectives of Te Mana o te Taiao.

Forest & Bird remains concerned at the ongoing catch of fur seals. The Minister's decision needs to show whether current management is sufficient to place the hoki fishery on track to zero-non target mortality, and if not should propose additional measures to deliver a pathway to zero non-target mortality.

Forest & Bird welcomes the information on risks to seabirds provided by MPI in the discussion document and remains concerned at the high level of risk posed by the hoki fishery. The Minister's decision should show whether the fishery is on a pathway to zero bycatch and if not, should propose further measures to get the fishery on track.

Forest & Bird notes that hoki is caught with bottom trawling. The sustainability measure should adopt regulate a foot print freeze, protection of all seamounts and associated features in the FMAs covered by the stock, a move-on rule and phase out of bottom trawling. These is needed to manage the environmental impact of bottom trawling, including the damage it causes to sea floor ecosystems and the contribution of bottom trawling to climate change and ocean acidification.

Ling LIN5

Forest & Bird notes that ling is caught with bottom trawling. The sustainability measure should adopt regulate a foot print freeze, protection of all seamounts and associated features in the FMAs covered by the stock, a move-on rule and phase out of bottom trawling. These is needed to manage the environmental impact of bottom trawling, including the damage it causes to sea floor ecosystems and the contribution of bottom trawling to climate change and ocean acidification. Forest & Bird notes that the soft sediments that are bottom trawled for ling are sediments that are likely to store carbon and so bottom trawling for ling is likely to release greenhouse gases.

Forest & Bird supports option 1 in combination with a measures proposed above to phase out of bottom trawling because this option is most consistent with minimising the environmental impact of bottom trawling, including the climate change impact.

Forest & Bird would support a reconsideration of the TAC once bottom trawling is phased out.

Gemfish SKI3 & SKI7

CPUE carries significant levels of uncertainty and Forest & Bird notes that it is unknown whether catch levels at or above that of the 2019/20 fishing year will cause biomass to remain below or to decline below soft limits. This level of uncertainty means that it would be inconsistent with the purpose of the Fisheries Act to increase the TAC. Forest & Bird therefore supports Option 1.

Increasing the TACC may cause an increase in fishing effort in fisheries where it is a bycatch species because of the lower risk to fishers of having to pay deemed values. It could therefore cause an increase in bottom trawling.

The sustainability measure should adopt regulate a foot print freeze, protection of all seamounts and associated features in the FMAs covered by the stock, a move-on rule and phase out of bottom trawling. These is needed to manage the environmental impact of bottom trawling, including the damage it causes to sea floor ecosystems and the contribution of bottom trawling to climate change and ocean acidification.

Black cardinal fish CDL1

Current catches of cardinal fish in CDL1 are approximately 1.5% of TACC. The fishery appears severely overfished. None of the options proposed are likely to significantly constrain catches and therefore are not likely to result in a rebuild of the fishery.

Forest & Bird notes that there is no reference to the Harvest Strategy Standard in the discussion document and the proposed options are not assessed in light of the Harvest Strategy Standard. The Harvest Strategy Standard is a mandatory consideration.

Forest & Bird proposes that the TAC and TAC be set 50% of the level of Option 3 with a commitment to review the stock again next year to set a TACC at a level that enables a rebuild of the stock consistent with the Harvest Strategy Standard. By setting a TAC of 50% of the level of Option 3 there would be some constraint on the fishery to send a signal to fishers that a rebuild is required.

Forest & Bird notes that cardinal fish is caught with bottom trawling. The sustainability measure should adopt regulate a foot print freeze, protection of all seamounts and associated features in the FMA covered by the stock, a move-on rule and phase out of bottom trawling. These is needed to manage the environmental impact of bottom trawling, including the damage it causes to sea floor ecosystems and the contribution of bottom trawling to climate change and ocean acidification.

Southern bluefin tuna STN1

The surface long line fishery poses significant risks to seabirds, including some of New Zealand's most endangered seabirds. Forest & Bird is also concerned by poor levels of self-reporting in the commercial highly migratory fishery, low observer coverage (<10%), and periods of poor compliance with regulations.

Irrespective of whether option A or B is chosen, the Minister should require 100% observer coverage, utilising both electronic monitoring tools and human observers, in the commercial southern Bluefin tuna fishery to ensure that fishers are complying with seabird mitigation procedures.

Forest & Bird has no view in relation to either option A or B.

Snapper SNA8

Forest & Bird is concerned that an increase in catches of snapper in the SNA8 commercial fishery are likely to lead to increased catches of trevally, john dory, and gurnard due to most of the catch being taken by single trawl. These associated species are in a less healthy state than snapper in SNA8.

Forest & Bird is also concerned at the potentially increased footprint

Hapuku/bass HPB1 HPB2

Forest & Bird notes that fishes have been unable to catch the full TACC in HPB1 and HPB2 for more than a decade. Forest & Bird also notes that the fishery is highly vulnerable to local depletion. Little or no information is provided about the ecological impact of local depletions of such significant reef-based predators. For these reasons a highly precautionary approach should be taken.

Forest & Bird notes that the fishery has not been assessed against the Harvest Strategy Standard. MPI should commission research to obtain the information needed to set a TAC and TACC at a level that enables the fishery to rebuild at a rate and in a time period consistent with the Harvest Strategy Standard.

Forest & Bird supports either option 3 for both HPB1 and HPB2.

In addition, Forest & Bird seeks:

- A commitment to research to enable an appropriate TAC and TACC to be set in the context of the Harvest Strategy Standard
- A commitment to research into the ecological impacts of local depletion
- Development of spatial controls to manage local depletion using digital monitoring.

Red gurnard GUR1

FNZ's option 3 proposal for 800 t TACC represents the average of the past 5 years' commercial catch from a fishery that is in decline. Forest & Bird supports the proposal by Legasea for a TACC of 600 tonnes given the decline in catches in recent years and the high levels of uncertainty about the causes of this decline. Until the causes of decline are known and addressed catches should be actively constrained, not managed at the level of average catches in a declining fishery.

Forest & Bird notes that red gurnard is caught by bottom trawling. The sustainability measure should adopt regulate a foot print freeze, protection of all seamounts and associated features in the FMA covered by the stock, a move-on rule and phase out of bottom trawling. These are needed to manage the environmental impact of bottom trawling, including the damage it causes to sea floor ecosystems and the contribution of bottom trawling to climate change and ocean acidification.

Red gurnard GUR3

Forest & Bird notes that red gurnard is caught by bottom trawling. The sustainability measure should adopt regulate a foot print freeze, protection of all seamounts and associated features in the FMA covered by the stock, a move-on rule and phase out of bottom trawling. These are needed to

manage the environmental impact of bottom trawling, including the damage it causes to sea floor ecosystems and the contribution of bottom trawling to climate change and ocean acidification.

On a precautionary basis the TAC for GUR 3 should not be increased until bottom trawling is phased out. Forest & Bird supports Option 1.

Blue cod BCO3

Forest & Bird supports option 2 because a precautionary approach is warranted given:

- The lower potting catch rate and the unreliability of CPUE as a method of estimating stock size.
- Its biological characteristics of a long lived, slow growing species that is vulnerable to localised depletion (and therefore to serial depletion of the fishery)
- The ecological role of blue cod is not described, nor is its position within the trophic structure of the ecosystem.

School shark SCH5

Forest & Bird supports option 2 for the reasons outlined in the discussion paper.

Forest & Bird notes that QMA 5 is a particularly significant centre of marine biodiversity and so extra care needs to be taken within management of fisheries in this region. Forest & Bird supports ongoing high observer coverage of fishing for school shark in light of the risks.

Deemed values

Deemed values across all stocks should be set at a level that acts as a sufficiently effective constraint on fishing so that commercial catches do not exceed the TACC.

From: Barry Weeber
Sent: Wednesday, 28 July 2021 12:30 AM
To: FMSubmissions
Subject: Summary Submission on Sustainability Review 2021

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25 July 2021

Sustainability Review 2021: Summary Submission

The Environment and Conservation Organisations of NZ (ECO) is the national alliance of 48 groups with a concern for the environment. We welcome this opportunity to make a submission on the ECO has been involved in issues of marine and fisheries policy since its formation 49 years ago. This submission has been prepared by members of the ECO Executive and the marine and fisheries working group. It is in line with ECO Policy that was developed in consultation with ECO member bodies and endorsed by our AGM.

1. Introduction

ECO has supported measures to protect threatened species and to sustainably manage fisheries for the present and the future generations.

ECOs key reasons for making these recommendations include:

1. The need to take a precautionary approach to fisheries management;
2. For the shark species greater precautionary is needed. We note the NPOA on Sharks states: *"Management targets for shark species should be reviewed and catch limits set at appropriate levels. The absence of stock assessments introduces risk and uncertainty to management. Quantitative assessments are best practice and should be applied for all species in the QMS, especially those identified as high risk. For those species where adequate information can be obtained within the period of the plan, quantitative stock assessments will be undertaken."*
3. The absence of observers or cameras currently on inshore vessels undermines the management and monitoring regime in place.
4. Multiple species quota stocks (eg Hapuku/Bass) should be divided into individual quota species to appropriately manage the risk of the fishery to individual species;
5. The Ministry after 25 years has yet to fully implement key provisions of the Fisheries Act:
    1. Benthic impacts of bottom trawl fishing when there is no strategy to avoid, remedy or mitigate the impacts of bottom fishing;
    2. Habitat of particular significance for fisheries management have not been identified.
    3. Maintenance of biological diversity has not been given the effect to.

2. Summary Submissions

Below is a summary of ECO Submission on the Sustainability Review July 2021.

Catch limit changes proposed

Deepwater stocks

Hoki HOK 1 All New Zealand (excludes Kermadec)

ECO supports Option 5 with a TACC of 105,000 tonnes which involves a 10,000 tonnes reduction in the TACC and a 10,000 tonnes reduction in the Western stock limit. ECO notes this is still greater than the catch in 2021.

Ling LIN 5 Southland, Sub-Antarctic
ECO supports option 1, the status quo catch. ECO notes that the justification for an increase in LIN5 does not apply to LIN6 which is mostly the same stock. An increase in LIN5 is likely to increase the impact of bottom fishing on the marine environment.
Gemfish - SKI 3 & 7 Entire South Island, Chatham Rise, and West Coast off Taranaki and Wellington
ECO supports option 1, the status quo. ECO consider a full stock assessment should be carried out in SKI3 and 7 before any increase is considered.
Black cardinalfish CDL 1 East Coast of Northland and Auckland
ECO supports a reduction in the catch limit to option 3. This catch level will not constrain the current catch and further research into the stock or stocks covered by this QMA.
Highly migratory stocks
Southern bluefin tuna STN 1 All New Zealand and Extra Territorial waters
ECO does not support an increase in the catch limit for Southern Bluefin Tuna. ECO is concerned at the state of the stock, the bycatch of seabirds in the longline fishery.
Inshore stocks
Snapper SNA 8 West Coast of Northland, Auckland, Taranaki and Wellington
ECO would prefer option 0 of a status quo catch while the implications of an increase on the habitats and threatened species. As an alternative the lowest increase in Option 1 is best of the options suggested by MPI.
Hāpuku/Bass HPB 1 & 2 Northland, Bay of Plenty and East Coast North Island
ECO support a reduction in the catch limit for HBP1 and 2. ECO considers the **Hāpuku/Bass** limit should be divided into the two species caught. Of the options suggested by MPI ECO supports option 3 for both HPB1 and HPB2.
GUR 1 East and West Coasts of Auckland and Northland, Bay of Plenty
ECO supports the reductions proposed in option 2 of the options suggested.
GUR 7 West Coast and Top of South Island
ECO supports option 1 and supports a full stock assessment being undertaken with the next trawl survey information.
Pāua PAU 3A & PAU 3B Kaikoura, Canterbury
ECO supports the proposal to split the PAU3 fishery into two new quota areas and enable much more fine scale management of paua. For PAU3A we support option1, if the fishery is opened, which is more cautious and acknowledges the ongoing impact of the gravel movement reducing paua habitat and burying paua.
On Paua 3B we support option 1 proposed. This new area will need to have its own stock assessment.
Blue cod BCO 3 Kaikoura, Canterbury, Otago
ECO supports options 2 which recognise the decline in the potting surveys. ECO supports greater monitoring of blue cod fisheries.
School shark SCH 5 Southland and Sub-Antarctic
ECO supports a reduction in the catch limit to option 2 and further research into the stock or stocks covered by this QMA. Given the lower productivity of shark species a cautious approach is essential in their management.
Deemed values changes
ECO does not support the decreases in deemed values proposed:

1. Gemfish SKI 1 Northern East and West Coasts North Island
2. SKI 2 East Cape, Hawke's Bay, Wellington
3. Kingfish KIN 8 West Coast of Northland, Auckland, Taranaki and Wellington

3.0 Conclusions

If you require further information could you please contact the ECO office on 385-7545 or contact me on

Yours sincerely,
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OUR SEAS OUR FUTURE
www.osof.org

Submission: Review of sustainability measures – 2021 October round

General Introduction

1. Our Seas Our Future ("OSOF") is a not-for-profit- organisation that aims to protect New Zealand's coastal and marine ecosystems through advocacy, education, and environmental stewardship, ensuring that they are managed sustainably and protected for future generations.

2. OSOF supports the Government's review of sustainability measures in relation to catch limits for selected stocks. We support the Ministry's aims to complete this assessment based on best available information, including the latest scientific information on the status of the stocks and tangata whenua and stakeholder input.

3. OSOF welcomes the opportunity to comment on the Ministry for Primary Industries submission on the review of sustainability measures.

Our Submission

Stocks proposed to have their catch limits, allowances, and deemed values reviewed as part of the 1 October 2021 sustainability round:

a) **Hoki**

Which option do you support for revising the TAC, catch split arrangement and allowances? Why?

Option 5.

Option 5 is likely to produce the best five year projection for the western stock which had unacceptably low results for Options 1 – 4. The five year projection for the eastern stock is acceptable for Option 5.

The TACC has been under-caught by more than 10,000 tonnes in HOK 1 from 2015/16-2018/19 (Figure 3 of the consultation document). This is the result of non-regulated 'shelving' arrangements implemented by the fishing industry (refer to Section 3.2 of the consultation document) and in part reflects operational decisions to not take the full catch limit and divert effort to other fisheries in the west coast South Island spawning fishery (e.g. squid) when hoki catch rates are low.

The largest fishery for HOK 1 is the west coast South Island spawning fishery, which operates seasonally from May-September. A smaller amount of hoki is taken in spawning fisheries in the Cook Strait and off the east coast of the South Island.

• **If you do not support any of the options listed, what alternative(s) should be considered? Why?**

N/A

• **Are the allowances for customary Māori, recreational and other sources of mortality appropriate? Why?**

Yes.

The current annual customary allowance for HOK 1 is set at 20 tonnes. The review document states that over the past 15 fishing years the total reported customary catch of hoki in HOK 1 has been 20 kg which was caught between January and March 2008.

The past recreational catch for HOK1 is nominal, so an allowance of 20 tonnes per year is OK for recreational fishers.

There is an allocation of 1,050 tonnes for all other mortality caused by fishing, equivalent to 10% of the TACC. It is likely that large catches within this fishery have resulted in burst bags, loss of catch, and some mortality.

- **Do you think these options adequately provide for social, economic, and cultural wellbeing?**

Yes.

Option 5 would result in a potential reduction of $23.5 million in export revenue from the 10,000 tonne reduction in the HOK 1 TACC. The catch in the 2019/20 fishing year was approximately 3,000 tonnes more than the TACC proposed under this option, so the potential reduction in export value compared to the 2019/20 fishing year is estimated to be $7.1 million. However, the 2020/21 catch is expected to be below this proposed TACC due to shelving, so this option should not result in an economic impact compared to the previous fishing year.

- **Do you have any concerns about potential impacts of the proposed options on the aquatic environment?**

Not for Option 5.

b) **Ling**

Which option do you support for revising the TAC and allowances? Why?

Option 2.

Annual landings of ling from LIN 5 are usually close to, and occasionally exceed the TACC.

Biomass appears to have changed little in recent years and fishing pressure is estimated to have been low with little change. Consequently, a utilisation opportunity is available.

Option 2 increases the TACC by 480 tonnes to 5,314 tonnes for the 2021/22 fishing year. The TACC increases by 10% to 5,208 tonnes.

Projections over five years indicate that with a 10% increase to the LIN 5 TACC, the probability of being below the management target of 40% B0 is less than 2% (Figure 4) and the probability of being below the soft limit (20% B0) is zero.

This option represents a cautious approach to the management of the stock given the status of the stock. It would result in a utilisation opportunity.

On the basis of the export value of frozen ling fillets during the 2020 calendar year, a 10% increase in catch (473 tonnes) could be worth approximately $1.43 M in additional export revenue.

Although ling are taken year-round, the majority of the catch (around 80%) is taken by trawl and bottom longline targeting ling during the spawning season from September to December each year on the Stewart Snares Shelf and Puysegur Bank, with catches peaking in October.

Care needs to be taken by fishers so that they do not interfere with the LIN 5 spawning season. Spawning grounds are on the Stewart-Snares Shelf and Puysegur Bank (September -

December). Potentially due to current/circulation patterns and oceanographic features however this is speculative at present.

Spawning is of critical importance in supporting the productivity of fish stocks.

It is currently unknown what conditions make habitat favourable for ling spawning, so it is also unknown to what extent commercial fishing activity impacts these habitats.

• If you do not support any of the options listed, what alternative(s) should be considered? Why?

N/A.

• Are the allowances for customary Māori, recreational and other sources of mortality appropriate? Why?

Yes.

The level of Māori customary non-commercial take of ling is low. The customary allowance for LIN 5 is currently set at one tonne.

The recreational allowance for LIN 5 is currently set at one tonne. The National Panel Survey of Marine Recreational Fishers (NPS) in 2017/18 did not record any recreational catch from LIN 5. The total nationwide recreational ling catch in 2017/18 from other ling QMAs was estimated at 320 fish. This estimate was imprecise and contained a wide margin of error. There has been no other data provided since then.

The allowance for 'all other mortality caused by fishing' is set at approximately 2% of the TACC. This allowance is to provide for unrecorded mortality of ling such as fish escaping through trawl net mesh and subsequently dying from injuries, accidental loss from lost or ripped trawl net codends, predation and loss of fish on bottom longlines, and unreported discarding. Discards of ling from the ling target trawl and bottom longline fisheries are estimated to be low (Anderson et al 2019, Finucci et al 2020)

• Do you think these options adequately provide for social, economic, and cultural wellbeing?

Yes.

• Do you have any concerns about potential impacts of the proposed options on the aquatic environment?

Yes.

The MPI consultation paper contains conflicting statements regarding seabirds. OSOF might need to ask for the correct data from MPI before commenting further regarding seabirds.

The review document states: "Seabird captures are relatively low in ling target trawl and bottom longline fisheries. In the five years from 2013/14 to 2017/18 an average of five

seabirds per year were observed as incidental captures in target ling trawl fisheries on the Stewart-Snares Shelf and an average of one seabird per year from ling bottom longline. Over this period an average of 38% of tows and 6% of hooks were observed annually."

The review document states: "Based on the observed captures it is estimated (using methods outlined by Abraham et al 2016) that an average of 66 seabirds are caught in total each year in ling target trawl and bottom longline fisheries on the Stewart-Snares Shelf."

The impact of ling target tows on the benthic environment (the trawl footprint) is mitigated by the spatial concentration of the fishery where vessels typically trawl along previously trawled tow lines. If the LIN 5 TAC is increased the trawl footprint may also increase.

c) **Gemfish (SKI 3 & 7)**

Which option do you support for revising the TAC and allowances? Why?

Option 2.

By retaining the status quo, there is likely to be a missed opportunity for utilisation.

Option 2 proposes a TACC which is below current catch levels. As such, it is unlikely to affect the export value of gemfish from SKI 3.

The gemfish landings have been mostly bycatch of other fisheries with over 98% of estimated catch in recent years having been reported from hoki and squid target effort. Gemfish are predominantly a bycatch species of the hoki target fishery on the west coast of the South Island (SKI 7), squid trawl fishery off the Stewart/Snares shelf (SKI 3) and mixed trawl fishery off the east coast of the south island.

Management of SKI 3 and SKI 7 is guided by the default of the Harvest Strategy Standard (target 40% B0, soft limit 20% B0, Hard Limit 10% B0). The status of either SKI 3 or SKI 7 in relation to the management target or to the soft limit, is unknown.

SKI 3 and SKI 7 are both low-medium knowledge stocks. The main monitoring/assessment tools used to manage the stocks are catch per unit effort (CPUE) indices derived from hoki target trawls in SKI 7 and mixed target trawls on the Stewart/ Snares Shelf, as well as observer data and fishery-independent trawl surveys.

On 1 October 2019, TACCs were increased in both areas to 599 tonnes, however in the 2019/20 fishing year catch in SKI 7 was already in excess of the new TACC with total annual landings at 938 tonnes. Additionally, current year landings of gemfish in SKI 3 have exceeded the TACC by an estimated 330 tonnes as of May 2021.

The Working Group considered there was sufficient information available from the trawl surveys and commercial fisheries data to conclude that there had been a considerable increase in stock abundance in recent years due to strong cohorts from the 2014, 2015, and 2016 year classes. All CPUE series show a sharp increase beginning in 2017/18, differing only in magnitude.

The Working Group concluded that given recent recruitments, SKI 3 and SKI 7 stock size is likely to increase over the short term (one to three years) and that it is unlikely that current catch levels will cause biomass to decline below hard limits (< 40% probability). However, it is unknown whether catch levels at or above that of the 2019/20 fishing year will cause biomass to remain below or to decline below soft limits.

The increase for Option 2 is 20% on top of the TACC, which will increase the opportunity for utilisation and increase available ACE. Deemed value costs are likely to reduce under Option 2 as a result. Export earnings are not likely to be directly impacted as a result of the proposed changes.

While the CPUE and trawl survey biomass indices show that stock abundance has increased considerably since 2016/17, the absolute magnitude of the recent biomass increase (in relation to historical levels) is difficult to calculate. Whilst the increase in stock abundance has only been evident in recent years, recent strong recruitment suggests that stock size is likely to continue to increase over the next one to three years.

Additionally, catches from gemfish stocks both in New Zealand and Australia have shown a similar pattern over time; high biomass followed by a rapid decline after which biomass remained low and relatively stable. Such historical patterns suggest that some aspect of gemfish biology may lead to occasional large recruitment pulses, which result in increased catches.

Spawning is critically important in supporting the productivity and recruitment of a fish stock. Observer data and research trawl surveys have suggested that the southern gemfish stock (SKI 3 and SKI 7) migrate to spawn off the west coast of the South Island during August. There may be other spawning grounds for the southern gemfish biological stock, however the WCSI spawning ground appears to be the most important.

• If you do not support any of the options listed, what alternative(s) should be considered? Why?

N/A.

• Are the allowances for customary Māori, recreational and other sources of mortality appropriate? Why?

Yes.

As there is no information suggesting any customary or recreational harvest of gemfish in SKI 3 or SKI 7, no changes are proposed to the customary Māori or recreational allowance of the stock. However, information is sought from tangata whenua and stakeholders regarding any customary or recreational take of gemfish in SKI 3 or SKI 7.

There has been no recorded customary harvest of gemfish in SKI 3 or SKI 7. However, a one tonne allowance was introduced in the 2019/20 fishing year to provide for gemfish taken under a pātaka arrangement, whereby fish (including gemfish) for the use of tangata whenua may be caught by commercial trawlers under a customary permit.

Although gemfish are often caught by recreational fishers in SKI 1, SKI 2 and SKI 9, there has been negligible reported catch in SKI 3 and SKI 7. The National Panel Survey of Marine Recreational Fishers (2017/18) reported 27 individual gemfish were caught by recreational fishers in SKI 7 in the 2017/18 fishing year and nil reported catch in SKI 3 for the same year. The negligible level of reported recreational catch for these stocks is reflected in their recreational allowances, which are currently both set at zero.

The allowance for all other mortality caused by fishing is set at approximately 1% of the TACC. This allowance is to provide for unrecorded mortality of gemfish, such as fish escaping through the trawl net and subsequently dying from injuries, accidental loss from ripped trawl nets and unreported discarding. There is no information available to quantify all other mortality to the stock caused by fishing. As such, the current and proposed changes are based off the best available information. For all options, the allowance for all other mortality caused by fishing is proposed to be maintained at a level that is equivalent to 1% of the TACC as there is no new evidence to suggest this needs to be reviewed.

- **Do you think these options adequately provide for social, economic, and cultural wellbeing?**

Yes.

- **Do you have any concerns about potential impacts of the proposed options on the aquatic environment?**

Yes.

Some seabird species are reported as being captured by the main fisheries that catch gemfish as by catch.

It is unlikely that the proposed options will result in increased commercial target of gemfish in both areas. Likewise, the amount of trawl effort targeting other fish species is not expected to increase as a consequence of the proposed options.

Seabird species that overlap with the main fisheries that catch gemfish include the Westland petrel, white-chin petrel, sooty shearwaters, white-capped albatross and southern Buller's albatross are periodically caught by trawl vessels in these areas. Statistical models have been developed to estimate total annual captures of seabirds from fishing events. In 2017-18 (the most recent data) there were an estimated 38 seabird captures by large trawl vessels on the WCSI and 272 captures on the Stewart-Snares Shelf. Despite this, there have been no reported seabird captures from vessels targeting gemfish in SKI 3 or 7.

The gemfish stocks are not targeted, so do not have associated bycatch species. Their main associated species are those associated with their main target fisheries (hoki and squid).

Because these stocks are not targeted, the proposed options are not expected to increase benthic impacts for the fisheries involved.

There is a risk that West Coast South Island- gemfish are caught when spawning off the west coast of the South Island during August by the hoki target fishery. Spawning is critically

important in supporting the productivity and recruitment of a fish stock. Observer data and research trawl surveys have suggested that the southern gemfish stock (SKI 3 and SKI 7) migrate to spawn off the west coast of the South Island during August. SKI 7 West Coast South Island- gemfish are mainly caught in the winter (May-September) hoki target fishery. Equating to an estimated 60% of catch from the southern gemfish stocks.

d) Black cardinalfish

Which option do you support for revising the TAC and allowances? Why?

Option 3.

Black cardinalfish were introduced to the Quota Management System (QMS) on 1 October 1999 and the TAC was set at 1,320 tonnes. It has not been reviewed since it was set. Catch in CDL 1 has never been at the level of the TACC since it was introduced to the QMS in 1999 and it has been well below the TACC for over a decade.

The catch of black cardinalfish in CDL 1 peaked between 1994/95-1999/2000 with average annual landings of 1,100 tonnes, mostly from targeted effort. Since this peak, catches have declined in line with a reduction in targeted effort. The average annual landings over the past five fishing years has been 18 tonnes.

No stock assessment has been produced for CDL 1. As stated in the 2021 Fisheries Assessment Plenary, CDL 1 is a low knowledge stock, and there is little information with which to reliably estimate stock status. As such, the stock status of CDL 1 is unknown.

The stock boundaries and number of black cardinalfish stocks in New Zealand are unknown. Their biology is also poorly understood; however, they are known to be a long-lived species. Spawning areas have been identified in CDL 1, CDL 2, CDL 7, CDL 9 and on the northern Challenger Plateau, Lord Howe Rise, and West Norfolk Ridge, but their precise location is unknown. The stock status and sustainability of CDL 1 remains unknown, and there is no stock assessment for CDL 1.

The CDL 1 TAC is based on historical catch. This proposal seeks to decrease the TAC, which would decrease both the allowance for other sources of mortality caused by fishing, and the Total Allowable Commercial Catch (TACC) based upon recent catch data. This is to address the potential sustainability risk for this stock if catch increased to the current TAC and TACC.

This proposed TACC (40 tonnes) represents the highest catch of black cardinalfish in the past five fishing years. This option is unlikely to actively constrain commercial catch.

Option 3 would significantly reduce the potential sustainability risk associated with current management settings. Whilst it is still unknown whether catch at this TAC would be sustainable or not, this option is considered a cautious management approach. This proposed TACC represents the highest catch of black cardinalfish in the past five fishing years.

Black cardinalfish have been reported caught since 1981 by research and commercial vessels, initially as a bycatch of target trawling for other high value species such as orange roughy.

Between the 1993/94 and 1994/95 fishing years there was a sharp increase in the black cardinalfish targeted catch in CDL 1 from 0.4 tonnes to 1,000 tonnes. Since the 1999/2000 fishing year this has slowly trended down with the average annual black cardinalfish targeted catch in CDL 1 over the past five fishing years being 15 tonnes.

Estimated non-target catch of black cardinalfish in CDL 1 has followed a similar trend with a peak in the 1996/97 fishing year of 1,073 tonnes (almost entirely from orange roughy target tows) to an average of 1.5 tonnes annually over the past five fishing years.

Orange roughy and black cardinalfish targeted tows have caught an average of 97.7% of the estimated annual catch of black cardinalfish in CDL 1 since 2000/01. The fishing effort targeting both of these species in CDL 1 has declined significantly over the past 20 years.

Option 3 is not likely to constrain commercial catch in CDL 1 based on fishing effort from the past five fishing years. However, this option may constrain commercial catch in CDL 1 if fishing effort increased for species where black cardinalfish are taken as non-target catch (e.g. orange roughy).

The only stock assessment conducted for black cardinalfish estimated that the biomass of the population in the adjacent CDL 2-4 region was 11.9% B0, which is below soft limit of 20% B0. Significant TAC reductions were implemented for CDL 2-4 to rebuild the stock.

There is currently no evidence to suggest that the CDL 1 stock is biologically distinct from CDL 2-4. Therefore, there may be a sustainability risk for this stock if catch levels increase to the current TAC and TACC. However, there is also no evidence to suggest that CDL 1 and CDL 2-4 are the same stock.

The average annual landings of black cardinalfish in CDL 1 over the past five years has been 1.5% of the current TACC. Therefore, there is a large scope to reduce the CDL 1 TAC without constraining the current black cardinalfish targeted commercial catch or the current commercial catch of species where black cardinalfish are taken as non-target species.

• If you do not support any of the options listed, what alternative(s) should be considered? Why?

N/A.

• Are the allowances for customary Māori, recreational and other sources of mortality appropriate? Why?

Yes.

There is no known customary catch of black cardinalfish in CDL 1. It is not proposed to increase the customary allowance at this time. Even though the customary allowance for this stock is set at zero, this does not preclude take of fish for customary purposes.

There is no information to suggest there is recreational catch in CDL 1. The current recreational allowance is set at zero tonnes, and it is not proposed to increase it at this time.

The current allowance for other mortality caused by fishing (120 tonnes) was set based on a history of catch overruns (unreported catch) from loss of fish through burst nets, and discarding at sea. This allowance is equivalent to 10% of the TACC. For all options, this

allowance is proposed to be maintained at approximately 10% of the TACC as there is no new evidence to suggest this needs to be reviewed.

- **Do you think these options adequately provide for social, economic, and cultural wellbeing?**

Yes.

- **Do you have any concerns about potential impacts of the proposed options on the aquatic environment?**

No apart from concerns about the effects of damage to spawning locations.

Black cardinalfish in CDL 1 is predominantly taken by targeted bottom trawling and is also taken as bycatch in other target fisheries. The proposed decrease to the TAC for CDL 1 is unlikely to result in any change to the total amount of fishing effort. As a result, Fisheries New Zealand does not foresee significant changes in fishing interactions with marine mammals, fish bycatch, seabirds or the benthic environment from these proposals.

Effects of damage to spawning locations might not be apparent in the population for many years due to the species being long lived (most of the commercial catch is 35 - 55 years old).

Trawl fishing can contact the seafloor, impacting benthic habitats. It is currently unknown what conditions make these areas favourable for spawning for black cardinalfish, so it is also unknown to what extent this fishing activity impacts these habitats.

e) **Southern bluefin tuna**

Which option do you support for revising the TAC, TACC and allowances? Why?

None of the options proposed by Fisheries New Zealand.

- **If you do not support any of the options listed, what alternative(s) should be considered? Why?**

Our Seas Our Future prefers the option of maintaining the status quo.

This is despite the international body of the Commission for the Conservation of Bluefin Tuna (CCSBT), of which New Zealand was a founding member, recently resulting in an increase in New Zealand's national allocation for STN 1 of 14 tonnes.

As STN 1 is a highly migratory species, migrating over considerable distances and spending only part of its time in New Zealand waters, it is not possible to calculate the Maximum Sustainable Yield (MSY) for the portion of the stock found within New Zealand fisheries waters.

The best available information on the global stock status of southern bluefin tuna is provided by the CCSBT stock assessment that was conducted in 2020 (November 2020 Fisheries Assessment Plenary). The relative Total Reproductive Output is estimated to be 20%. The stock remains below the level estimated to produce maximum sustainable yield. However, there has been improvement since previous stock assessments conducted in 2017 which indicated the stock was at 13% of initial biomass.

The current estimated trends indicate that the stock has been rebuilding by approximately 5% per year since the low point in 2009. The Management Procedure based rebuilding plan for southern bluefin tuna appears to be on track to achieving the objective of reaching 30% of unfished spawning stock biomass by 2035 (with 50% certainty).

The policy guidance in the national Harvest Strategy Standard states that, where an international organisation or agreement has adopted harvest strategies and rebuilding plans that meet or exceed the minimum standards contained in the Standard, the approach of the Ministry and Ministry representatives to the international organisation or agreement will generally be to support those strategies. This approach has been reflected in the position taken by New Zealand officials at CCSBT when advocating for a precautionary approach in rebuilding the stock.

The present status of the Southern Bluefin Tuna stock is not high enough to warrant increasing New Zealand's take of the stock by 14 tonnes. The CCSBT target of achieving the objective of reaching 30% of unfished spawning stock biomass by 2035 is a lower target than the default reference points that are set out in New Zealand's Harvest Strategy Standard (Target 40% B0, Soft Limit 20% B0, Hard Limit 10% B0).

At present the Total Reproductive Output of STN 1 is estimated to be 20%. It would be best to wait until STN 1 reaches 40% B0 before the CCSBT increases any country's allowance of STN 1 above the status quo.

• Are the allowances for customary Māori, recreational and other sources of mortality appropriate? Why?

No.

The allowances for customary Maori, recreational and other sources of mortality ought to be kept at the status quo levels until the STN 1 stock reaches 40% B0.

That is because the current percentage of the STN 1 unfished biomass is at too low a level for New Zealand to justify being granted a 14 tonne increase to the recreational catch as is outlined in Option 2.

• Do you think these options adequately provide for social, economic, and cultural wellbeing?

Maintaining the status quo will adequately provide for social, economic, and cultural wellbeing.

• Do you have any concerns about potential impacts of the proposed options on the aquatic environment?

Yes.

The STN 1 surface longline fishery is known to interact with seabirds.

Captures on longlines typically occur when the seabirds attempt to feed on the baited hooks during setting and hauling. Most seabird captures result in mortality, with the bird having

been hooked or tangled during the setting of gear. Seabirds captured on the haul are usually able to be released alive, however there is the possibility of subsequent unseen mortality.

The 'National Plan of Action Seabirds 2020' guides management of seabird interactions with New Zealand fisheries. It employs a systematic risk assessment that identifies seabird species and fisheries associated with the highest risk and monitors changes in risk status over time.

The Department of Conservation's New Zealand Threat Classification System has ranked species according to the threat of extinction. A number of species with the highest ranking 'Threatened – Nationally Critical' are captured in the surface longline fishery (black petrel, Salvin's albatross, Westland petrel, flesh-footed shearwater, southern Buller's albatross and Gibson's albatross).

Fisheries New Zealand monitors seabird bycatch as part of its at-sea observer programme. Observations are used to calculate total estimated captures. This information is further used to model risk from fishing to each seabird species. According to the most recent Fisheries New Zealand risk assessment, the six species with the highest risk ranking all have recorded captures in the southern bluefin surface longline fishery. A recreational survey conducted at Waihau Bay reported no interactions with seabirds. However, there is uncertainty in this, given that the Waihau Bay survey does not cover the whole area of recreational fishing effort for southern bluefin tuna.

f) Snapper

Which option do you support for revising the TAC and allowances? Why?

Option 1.

Option 1 takes a cautious approach while allowing for use for both customary and recreational interests. This option gives weight to uncertainty of how the fishery and the habitat that supports it may respond to increases in catch. This option provides for a low level of utilisation despite information indicating greater increases would be sustainable.

SNA 8 is a valuable core species in the west coast inshore trawl fishery and is the predominant species within the inshore environment. It is taken both as target species and as bycatch alongside trevally, gurnard, tarakihi, John dory, and school shark.

SNA 8 is the second largest snapper fishery in New Zealand and is highly valued by tangata whenua, and stakeholders. The fishery was overfished and heavily depleted in the 1960s and 1970s, prior to its introduction into the Quota Management System (QMS), and the stock remained low through the mid-2000s. An assessment of the stock in 2005 showed it was likely at 8-12% of the unfished biomass (B0), well below the management target. In response, a series of management measures were introduced to support a rebuild of the fishery. This primarily involved significant cuts to the Total Allowable Commercial Catch (TACC) and a reduction in the recreational bag limit. In 2007, a stringent deemed value regime was also introduced to ensure the commercial fishery was constrained at the catch limits set.

The trend in stock biomass produced by the 2021 assessment is consistent with the previous stock assessments. The SNA 8 stock is estimated to have been heavily depleted, reaching a minimum in 1987 at about 6% of the unfished biomass level. The spawning biomass (the biomass of sexually mature snapper) increased slightly in the late 1980s, following the recruitment of strong year classes in 1985 and 1986, and then remained at about 9% of the unfished biomass level throughout the 1990s. The more recent data sets, specifically the recent CPUE indices and age compositions, provided a consistent signal that stock abundance has increased considerably from 2009, primarily due to an increase in recruitment of young snapper into the population from the mid-2000s, and also supported by the TAC, and bag limit reductions in 2005

The rebuild of the SNA 8 fishery has been monitored over time using tools such as trawl surveys, catch per unit effort (CPUE) analysis of commercial fishing data, and biological sampling of landed catch. There have also been periodic surveys of recreational fishing activity and catch. These sources of information have been used to complete an updated stock assessment in 2021. The scientific stock assessment working group reviewed the results and rated the assessment as high quality. This indicates there is high confidence in the outputs from the stock assessment model.

The results of the stock assessment demonstrate that SNA 8 has rebuilt from historical low levels and is now very likely to be above the Harvest Strategy Standard management target of 40% of unfished biomass. This is the default target that is expected to achieve the maximum sustainable yield from the SNA 8 stock.

The success of this rebuild is likely a result of the management measures introduced following the 2005 stock assessment and strong recruitment to the population over the last 10 years. Reports from commercial and recreational fishers support the findings that the biomass of SNA 8 has increased.

Stock status in the current fishing year (2020–21) was determined relative to the estimated unfished spawning biomass SB0. The spawning biomass is believed to have increased considerably over the last 10 years. Current spawning biomass was estimated at 54% of the unfished level with a 97% probability of being above the default target (40% adult spawning biomass SB0) biomass level. The probability of the stock being below the hard (10% SB0) and soft (20% SB0) limits is negligible. The fishing mortality (the proportion of the available biomass taken by fishing) has declined over the last 10 years, which corresponds to the relatively stable catch and the increase in spawning biomass. Current (2021) fishing mortality is estimated to be below the rate that would produce the target biomass level.

The current spawning biomass of 54% of SB0 is a much better situation than the default target of 40% of adult spawning biomass. This makes Option 1 a good option for SNA 8.

Under Option 1, projections using long term average recruitment indicate that the SNA 8 biomass is likely to increase from 54% B0 to above 60% B0 over the next five years. Option 1 was not projected using the stock assessment model, the catch settings in Option 1 are anticipated to result in a biomass between Projections 1 and 2.

Ten-year stock projections (to the 2030–31 fishing year) were conducted using the Base Case model assuming average recruitment (the average across the full series of recruitment data) after 2022.

While the TACC has been slightly exceeded six times in the last ten fishing years, catch is typically constrained closely to the TACC due to the stringent deemed value settings implemented to support the rebuild of the fishery.

• If you do not support any of the options listed, what alternative(s) should be considered? Why?

N/A.

• Are the allowances for customary Māori, recreational and other sources of mortality appropriate? Why?

Yes for Option 1.

Customary Maori allowance

Under all options Fisheries New Zealand is proposing a 57 tonne increase to the customary allowance. This equates to an increase of 133%. Information on current levels of customary catch are uncertain, however Fisheries New Zealand considers the proposed increase is appropriate considering feedback through engagement with Iwi Fisheries Forums within SNA 8, and acknowledging the new status of the stock.

There were no reliable estimates of annual customary catches from SNA 8 available for inclusion in the assessment model, although recent information indicates that the level of customary catch was relatively low (less than six tonnes per annum). A component of the customary catch is considered to be included within the time series of recreational catch estimates and no additional estimate for customary catch was included in the assessment model.

The allowance for customary fishing is currently 43 tonnes. This was reduced from 50 tonnes in 2005. At the time, it was acknowledged that information on customary fishing in SNA 8 was uncertain. The number of customary permits issued for SNA 8 is relatively low, with an average of 19 permits issued per year in the last ten years.

The information on Māori customary harvest is limited. It is likely that Māori customary fishers utilise the provisions under recreational fishing regulations.` A significant part of the QMA is not under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (Figure 7). Customary fishing authorisations in some parts of the SNA 8 QMA, if issued, would be under the Fisheries (Amateur Fishing) Regulations 2013, where there is no requirement to report on catch. As such customary harvest records held by Fisheries New Zealand are likely incomplete.

The customary regulations provide a mechanism to enable the use of Pātaka Kai. This is where customary fishers store and distribute fish taken under a customary authorisation. Fishing for the purposes of a Pātaka Kai can be undertaken by commercial fishing vessels, under authorisation from a kaitiaki of the area.

Since 2014, Te Atiawa (Taranaki) iwi have operated a Pātaka Kai system for the purpose of providing kaimoana to whānau/ngā uri o Taranaki Iwi for tangihanga. Fisheries New Zealand is aware that other iwi within SNA 8 are exploring whether a form of Pātaka Kai meets their needs and should be considered. As snapper are one of the most abundant species on the west coast of the North Island, it is likely that if more Pātaka Kai are to be utilised within SNA 8, then the amount of snapper taken under the customary allowance will increase.

Recreational allowance

Fisheries New Zealand is proposing to increase the recreational allowance from 312 tonnes to 1205 tonnes for all options. This is a 286% increase of 893 tonnes. This proposal recognises the high value that recreational fishers place on SNA 8. The proposed allowance is the projected recreational catch for 2022 from the stock assessment. Modelling from the stock assessment shows that, under all proposed options, catch would increase slightly above the proposed allowance and then decrease back down as more fish are taken from the fishery. Based on how the stock is predicted to respond to the options, this projection is expected to provide for current and future recreational catch.

SNA 8 is the second largest snapper fishery and one of the most popular recreational fisheries in New Zealand. Reports from fishing club and recreational representatives have reported that catch rates were impacted by the low stock size when the fishery was below the management target but have recognised the improvement in the fishery as the stock recovered.

There is no information available on levels of recreational catch prior to 1990.

The best available information Fisheries New Zealand has on recreational catch is from the National Panel Survey of Marine Recreational Fishers (NPS). The most recent estimate of recreational harvest from the 2017-18 NPS showed a harvest of 892 tonnes. This was an increase from the 2011-12 NPS, which showed a harvest of 612 tonnes in SNA 8.

Other sources of mortality

Fisheries New Zealand proposes an increase to the allowance for all other mortality caused by fishing for all four options. The increases proposed are approximately 9 -10% of the TACC. This is a cautious approach that places weight on the uncertainty in estimates of unreported catch.

- **Do you support the creation of a SNA 8 monitoring plan and/or advisory group? What monitoring would you like to see in the fishery?**

SNA 8 has been successfully rebuilt with the help of monitoring and with the help of a scientific stock assessment working group. The creation of an up-to-date monitoring plan would be very helpful. But an advisory group for SNA 8 does not need to be created. The help of a stock assessment working group is sufficient.

That is because time has shown that monitoring of the SNA 8 rebuild has contributed to enabling SNA 8 to successfully be rebuilt to a current spawning biomass of 54% of SB0 which is greater than the default biomass target of 40% B0. The rebuild of the SNA 8 fishery has

been monitored over time using tools such as trawl surveys, catch per unit effort (CPUE) analysis of commercial fishing data, and biological sampling of landed catch. There have also been periodic surveys of recreational fishing activity and catch. These sources of information have been used to complete an updated stock assessment in 2021. The scientific stock assessment working group reviewed the results and rated the assessment as high quality. This indicates there is high confidence in the outputs from the stock assessment model.

- **Do the current recreational controls provide for recreational catch?**

Yes.

The options outlined in this paper do not propose any new controls on recreational fishing that would constrain current catch. The current status of the stock is above the default target biomass and the current estimated recreational catch is considered by Fisheries New Zealand to be sustainable.

The MLS limit for recreationally caught snapper in SNA 8 is 27 cm. The daily bag limit is 10 per person per day. It was noted during pre-engagement that the current bag limit and size limit in SNA 8 were important to allow for subsistence fishing, which supports local communities.

Various fishing method restrictions are also in place in SNA 8. These include closed areas for set netting consistent with those for commercial fishers. Outside these areas, a minimum net mesh size of 125 mm for set nets applies. For line fishing (long line, contiki and dahn lines) there is a maximum number of 25 hooks that can be used on a line.

- **Do you support the current default target biomass of 40% B0 for the fishery? If not, what should be considered when setting an alternative target?**

Yes.

- **Do you think these options adequately provide for social, economic, and cultural wellbeing?**

Yes.

- **Do you have any concerns about potential impacts of the proposed options on the aquatic environment?**

Yes.

<u>Marine Mammals</u>

SNA 8 includes the only habitat that Māui dolphins are found in. The Hector's and Māui dolphin Threat Management Plan (TMP) guides management approaches for addressing both nonfishing and fishing-related impacts on Hector's and Māui dolphins. Extensive set netting and trawl prohibitions are in place to manage the risks of commercial and recreational fishing to Māui dolphins along the west coast North Island (Cape Reinga to Wellington).

In October 2020, as part of a revised TMP, the previous Minister of Fisheries implemented extensive new measures to further reduce fishing-related threats to Māui dolphins. The new measures provide a high degree of certainty that the current risk fishing has to Māui dolphin mortality is close to zero.

New regulations also include a fishing-related mortality limit (FRML) of one dolphin (Cephalorhynchus spp.) within the Māui dolphin habitat zone that extends from Cape Reinga to Cape Egmont. To support this, on-board cameras or observers are used to monitor potential interactions with commercial trawl or set net vessels operating in the coastal area.

Any increase to the TACC for SNA 8 will need to be closely monitored to assess changes in fishing effort (number of events and distribution) by methods that pose a risk to Māui dolphins.

Sea Birds

The management of seabird interactions with New Zealand's commercial fisheries is guided by the National Plan of Action to Reduce the Incidental Captures of Seabirds in New Zealand Fisheries (NPOA-Seabirds).

Seabirds can accidentally get caught during commercial fishing. Commercial fishers must file daily reports about what they have caught. Fisheries New Zealand is now releasing these reports quarterly (from the 2019/20 fishing year).

Approximately 21 seabirds per year have been reported captured in the fisheries associated with SNA 8 since 2010. Approximately 52% of those captures occurred in the trawl fishery

All options proposed include an increase to the TACC. It is likely that if fishing effort increases in SNA 8 as a result of an increased TACC, then incidental capture of seabirds will also increase. Fisheries New Zealand will monitor the impacts of any changes to the SNA 8 fishery as a result of this review.

Fish Bycatch

Snapper is predominately taken in a 'mixed' multispecies inshore trawl fishery. The core associated species are trevally, gurnard, tarakihi and John dory. All options propose increases to the settings and allowances. The increased ability to utilise SNA 8 may lead to increased fishing effort in SNA 8. Industry has indicated that it is unlikely to see a significant increase in effort as changes in gear configuration to avoid snapper would be reverted back so snapper catch rates would go up with similar effort, however, this is uncertain.

GUR 1 is being reviewed as part of this sustainability round. GUR 1 and SNA 8 are both part of the west coast North Island mixed species trawl fishery. Proposed options for GUR 1 are to decrease the TACC and set a TAC and allowances for the first time. A lower TACC for GUR 1 could lead to the stock constraining commercial fishers' ability to catch SNA 8. 125. Future reviews of west coast fishery could consider a multi stock management approach.

Benthic impacts

Fisheries New Zealand considers that the proposed options may result in increased impacts on the benthic environment. However, Fisheries New Zealand will continue to monitor changes in the fishery (including trawl footprints) that occur as a result of this review.

SNA 8 is mainly caught by trawl, which is known to have a negative impact on benthic habitat. All options propose an increase to settings and allowances.

One outcome of a significant increase to the TACC could be an increase in the trawl footprint. This may lead to new areas being fished, or intensification of fishing in areas that have traditionally had less effort. Industry has reported that the trawl footprint is unlikely to grow and that increased SNA 8 catch can largely be taken in the same locations vessels currently operate.

During pre-engagement, it was noted that some commercial trawlers have changed fishing behaviour and gear set up to actively avoid snapper and target gurnard. The resulting lowered headline and concerted effort to keep the net on the benthos to actively target gurnard may result in greater levels of bottom contact.

Recreational fishing representatives have reported better recreational snapper fishing in areas where trawlers are prohibited; this was attributed to better seabed habitat to support snapper, and snapper food sources.

Trawlers are currently prohibited from significant areas within SNA 8. This includes harbours and estuaries, and Māui dolphin habitat protected under the Hector's and Māui dolphin Threat Management Plan. This protects large areas of inshore marine space from impacts from trawling.

Habitats of particular significance

Snapper are one of the most abundant demersal generalist predators found in the inshore waters of northern New Zealand and occupy nearly every coastal marine habitat less than 200 m deep.

Habitats of particular significance for fisheries management include areas likely to be important for snapper spawning. This includes the coastal areas adjacent to harbour mouths on the west coast throughout SNA 8, particularly the Manukau and Kaipara Harbours.

Fisheries New Zealand considers that the options proposed are unlikely to pose a threat to the areas identified as potential habitats of significance. This is because of the existing measures that protect the harbour and estuary benthic habitats.

FISHERIES
INSHORE NEW ZEALAND

3 August 2021

Fisheries New Zealand
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Comments on review of sustainability measures 2021 October round

1. Fisheries New Zealand (FNZ) has invited submissions on the proposed Sustainability Controls for 1 October 2021 stocks. This submission is presented on behalf of Fisheries Inshore New Zealand Ltd (FINZ).

2. Fisheries Inshore New Zealand (FINZ) 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 fish stocks 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. FINZ provides management services through regional committees to the quota owners, fishers and Licensed Fish Receivers of fish stocks in FMA1, 2, 8 and 9. FINZ has a species committee for HMS fish stocks and has a close relationship with Southern Inshore Fisheries Management Company Limited, which is also a member of FINZ and provides management services to the quota owners of stocks in FMAs 3, 5 and 7 (and some FMA 8 stocks).

4. We note that companies and other quota-holders may also make their own submissions on the proposals.

5. In this submission, we provide general comments on aspects of the consultation documents and process. Following this we provide comments on the stock specific proposals.

Data requirements should reflect how a fish stock is monitored and managed in line with the information principles of the Act

6. The consultation papers repeatedly refer to management unknowns such as the fact that for some stocks their status is unknown, and there is a general lack of evidence-based information to base sound management decisions on. S10 and s13(2A) of the Act identify that stocks must be managed with best

available information.[1] If a stock only has catch data, then that is the best available information that is used to inform management.

7. Appropriate fisheries management should reflect the optimum position to achieve a trade-off between the desire to manage that stock with the greatest level of certainty possible consistent with any sustainability risks, and the affordability of services.

8. We are encouraged by FNZ's recent work to review the process associated with the sustainability round. We reiterate our view that this should be the culmination of well-planned management and research work leading to consideration of a TAC change.

TAC/TACC REVIEWS OF INSHORE SPECIES

9. Our submissions are provided based on assessments of the available science and taking scientific evidence based objective management decisions. In circumstances where there is a lack of science, we provide our views based on the best available information.

10. We support increased research to underpin management and recognise when the science is sound it will help to guide appropriate management decisions that make changes to management settings (either for increases or decreases). Where management is appropriate and commensurate with the issue, we will support it.

11. We are concerned that there is an increasing tendency for debates both in the public arena and during stakeholder meetings about fisheries management and associated decisions on sustainability to be based on pre-conceived biases and perceptions. Noting this we both address the available science for our mandated stocks and address misconceptions/misunderstandings regarding the operational nature of the fishing industry.

12. We would support FNZ being more active in countering misinformation and disinformation regarding New Zealand's fisheries. We recognise FNZ has limited resources but would support FNZ actively educating and informing the broader public about the current state of stocks and the extent of scientific research and monitoring that is conducted to support management for inshore stocks.

FINZ mandated stocks

SNA 8

Our position

13. SNA 8 is a good news story as to how fish stocks can recover.

14. It is an example of how good fisheries management through the QMS provides for sustainable management. The successful rebuild of this stock should be recognised and promoted as good fisheries management.

15. As an industry we are proud of where SNA 8 is now and recognise the leadership and hard work of our members and particularly the work of fishers on the water to make operational changes that has enabled this rebuild.

16. We support Option 4 for SNA 8.

17. Recognition of the science will be a welcome relief for commercial fishers, as SNA 8 has placed the whole WCNI fishery under stress. Fishers have had to adjust their fishing practices to avoid SNA 8 catches, notwithstanding its improving abundance, particularly in the last decade.

18. An increase in TACC will allow fishers to return to more balanced fishing, not actively seeking to avoid SNA 8 but being able to fish for SNA 8.

[1] The information principles which s 10 of the Act requires those exercising functions in relation to utilisation of fishing resources or ensuring sustainability to take into account are: (a) Decisions should be based on the best available information; (b) Decision makers should consider any uncertainty in the information available in any case; (c) Decision makers should be cautious when information is uncertain, unreliable, or inadequate; (d) The absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of this Act

19. An increase in TACC won't mean greater effort or heavier impact on by-catch stocks – it will just allow fishers to focus more on SNA and take pressure off other stocks that have sustained them through the last two decades of fishing.

Proposed options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	1,785	1,300	43	312	130
Option 1	3,065 ↑ (1280 t)	1,600 ↑ (300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	160 ↑ (30 t)
Option 2	3,437 ↑ (1652 t)	1,950 ↑ (650 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	182 ↑ (52 t)
Option 3	3,794 ↑ (2009 t)	2,275 ↑ (975 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	214 ↑ (84 t)
Option 4	4,152 ↑ (2367 t)	2,600 ↑ (1300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	247 ↑ (117 t)

Our rationale

Recognition of this good news story

20. This stock has seen a 46% increase in abundance in 16 years. It now stands at an estimated 54% of the unfished biomass.

21. This has been achieved through management action in 2005 that has rebuilt the fishery. This is a demonstration of what good fisheries management can achieve.

22. Management action was taken in 2005 to reduce the TAC/TACC to rebuild the stock. The latest stock assessment shows this has been successful.

23. Furthermore, the stock is projected to continue to increase under all management options. Even Option 4 shows the stock continues to increase in abundance by 3% over the next 5 years when subject to the new proposed catch limits.

24. Industry has remained committed to rebuilding this stock by making operational changes to limit bycatch as abundance increases such as: towing slower, using very low lift nets, fishing at night, fishing in deeper water. This is demonstrated in the latest stock assessment that shows the extent to which fishers on the WCNI have made operational changes to support the rebuild (Figure 1), the result of which is the current significant increase in SNA abundance.

25. Industry has also completed, contributed to and funded both direct funding research and cost recovered research which has included; Catch sampling, WCNI trawl survey, direct funded CPUE analysis to inform managers during the period that no stock assessment was completed and the completion of stock assessments.

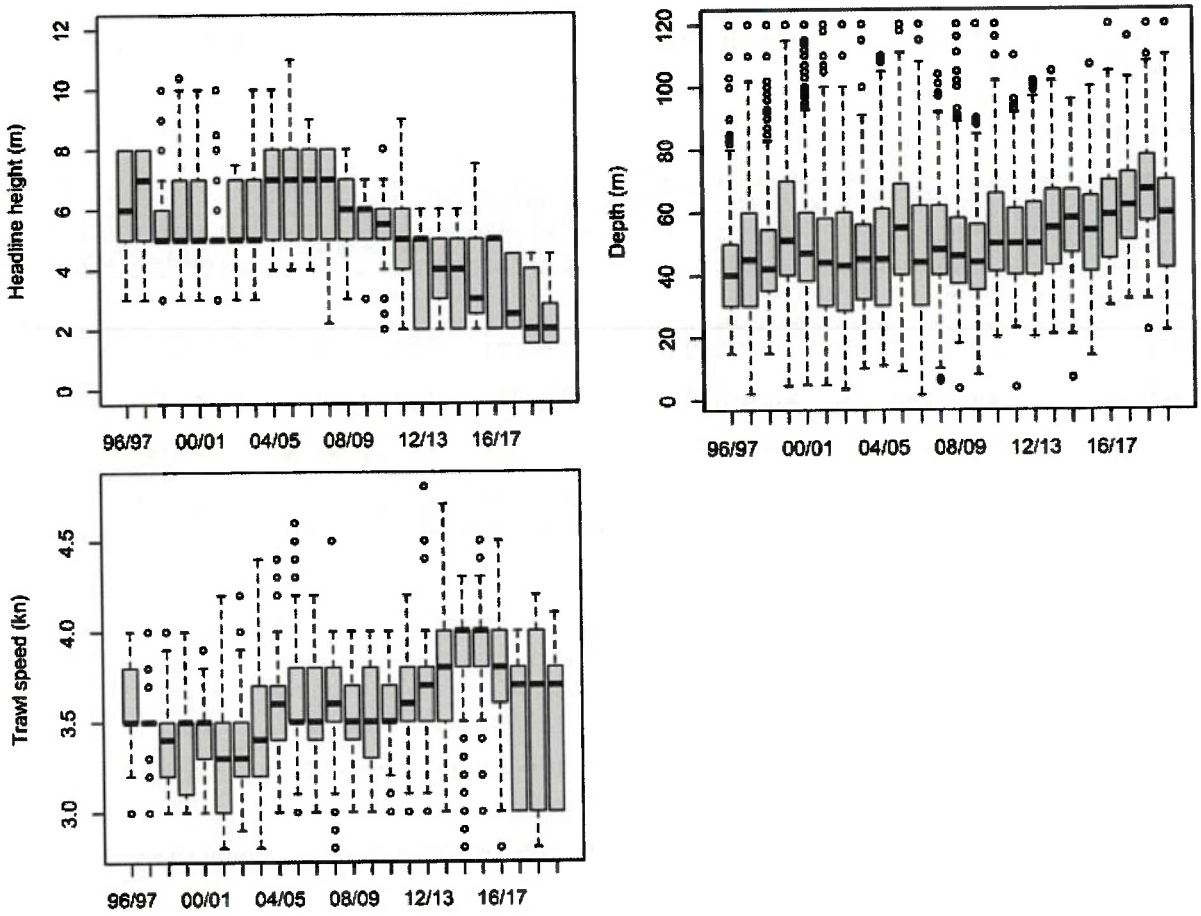

Figure 1. Annual distributions (bean or box plots) of the main continuous variables included in the core vessel data set that demonstrate operational avoidance behaviour to assist the SNA 8 rebuild.

Status of the stock

26. The consultation paper acknowledges that all options allow for increased utilisation whilst ensuring that the stock remains above the default target of 40%.

27. The quality of the projections, the associated % probabilities of being about the default management targets has been rated by FNZ scientists and peers to be of high quality. Paragraph 9 of the IPP[2] identifies that all options are supported by robust recognised peer review science and all options exceed the default management target over the next 5 years.

28. Projections for Option 4 show that even with a significant lift in utilisation levels, the fishery will still be 17% above the default target in 5 years, with 98% probability of being above target. Even the 10-year projections for Option 4 demonstrate that the fishery will be above the default target.

29. The consultation paper recognises the conservative nature inherent in the stock assessment and associated projections. Noting conservatism is already incorporated into the scientific projections, claims of needing to be cautious are overstated and misrepresent the data inputs into the model and projections. The following inherent conservatism is inherent in the model:

    - Recent CPUE has been underestimated
    - Long term recruitment is used instead of recent recruitment
    - Other sources of mortality has been set at 10% for projections

[2] Note that when paragraphs are commented on, these are all paragraphs in the IPP

Recent CPUE has been underestimated

30. Paragraph 76 identifies that CPUE indices used to inform the model are likely underestimating abundance during recent years.

31. The statement from the peer-reviewed science states:

> *it is considered that the CPUE indices are likely to under-estimate the relative abundance of snapper in recent years.'*

The reason for this is explained as being a result of proactive operational changes by fishers to avoid SNA due to its abundance:

> *'the CPUE model does not adequately account for the marked change in fishing operation by one of the main vessels. The vessel operator stated that their trawl net had been redesigned specifically to reduce the catch of snapper, and changes in hauling practice were introduced to allow the escapement of snapper from the trawl gear.'*

Long term recruitment is used instead of recent recruitment

32. The management options are based on long term average recruitment, which as paragraph 68 identifies, is a conservative approach and done to mitigate against changes in recruitment by removing the highs and lows in recruitment when developing the projections. Recent recruitment projections provide more optimistic biomass trajectories (paragraph 86).

33. Specifically, the following statement from the SNA 8 assessment emphasises the conservative nature of using long-term recruitment compared to recent recruitment, which is arguably indicative of prevailing environmental conditions

> *'average recruitment from the recent period (2005–2017) is estimated to be about 65% higher than the equilibrium recruitment level (R0). If that level of recruitment were to persist, the long-term equilibrium, unexploited biomass would be at a correspondingly higher level.'*

34. Francis (1993) observed that recruitment in SNA 1 is known to be strongly positively correlated with sea surface temperature just after the time of spawning and given the prevailing environmental conditions it strongly suggests that SNA will continue to favour current conditions. The higher recent recruitment estimates for SNA 8 support this, and are consistent with the information from SNA 1, which has seen a 139% and 87% increase in SNA pre-recruits in its recent surveys for the Hauraki Gulf and Bay of Plenty respectively (Figures 2 and 3) 3. Whilst the most recent SNA 7 catch sampling work reported a continuing rebuild with an improving fishery supported by 'a consistent broadening in the proportions of young to moderate age classes.4

[3] https://www.mpi.govt.nz/dmsdocument/44368-FAR-202108-Trawl-surveys-of-the-Hauraki-Gulf-and-Bay-of-Plenty-in-2019-and-2020-to-estimate-the-abundance-of-juvenile-snapper

[4]

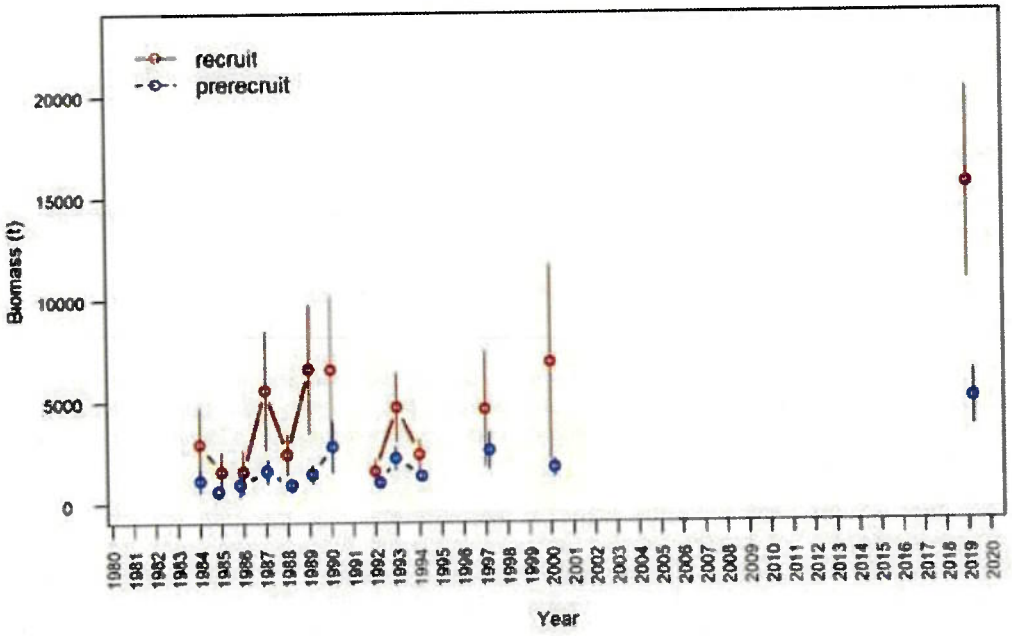

Figure 2. SNA 1 Hauraki Gulf biomass trends with 95% confidence intervals for pre-recruit (dashed blue line) and recruited (solid red line) fish for the most common QMS species (all sexes combined).

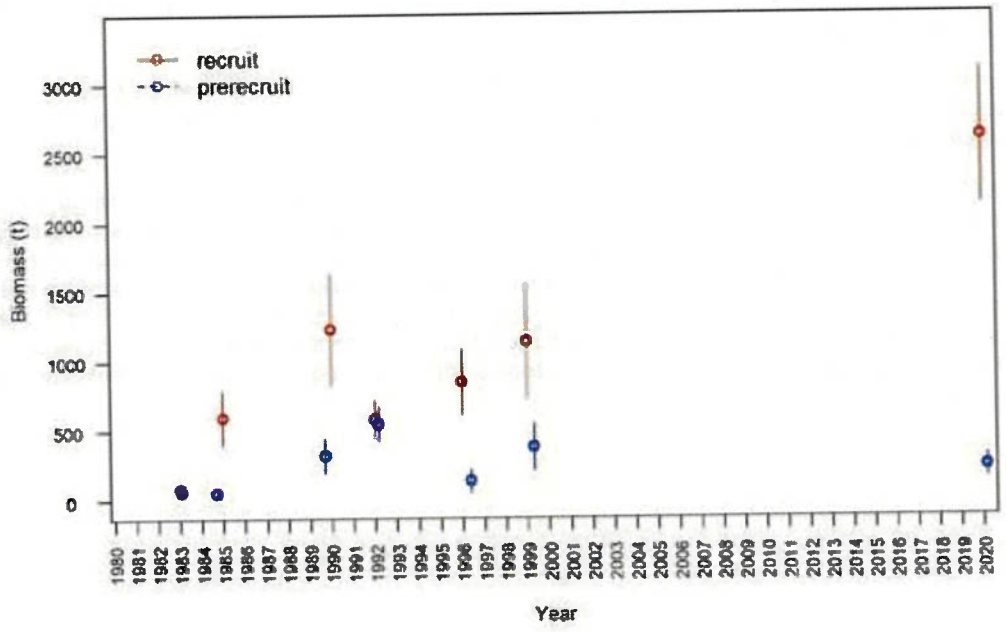

Figure 3. SNA 1 Bay of Plenty biomass trends with 95% confidence intervals for pre-recruit (dashed blue line) and recruited (solid red line) fish for the most common QMS species (all sexes combined).

Other sources of fishing related mortality (OSFRM) has been set at 10% for projections

35. The catch history and projections for SNA 8 have used an arbitrary 10% for OSFRM. Use of a 10% OSFRM for historical catch (20% prior to the introduction of the QMS)[5] may be appropriate when there were less controls on the fishery, and it did not have the level of extensive monitoring it does now.

36. 10% is an arbitrary number based on a 2018 statement from the then Minister of Fisheries indicating a preference to use a default 10% for inshore stocks predominantly caught by trawl in the absence of

[5] https://www.mpi.govt.nz/dmsdocument/45931-FAR-202138-Stock-assessment-of-snapper-in-SNA-8-for-2021

information to suggest an alternative approach is more appropriate. This number does not reflect the specific nature of this fishery or the level of information available to inform the parameter.

37. The changes in the level of monitoring and the different proportions of fishing methods ion the fishery means that the OSFRM figure should be refined to reflect this. The fact that the projections do not do this is conservative and overstate the commercial removals from the fishery, thereby underestimating what the stock status is.

38. In paragraph 63 of the GUR 1 consultation paper, FNZ propose the allowance for OSFRM be set at approximately 7% of the TACC for GUR 1, across all options. The reasoning identified in paragraph 64 is due to:

    a. *Enhanced monitoring on the WCNI meaning FNZ has greater confidence in the catch and effort reported for the GUR 1W sub-stock – this reason is directly attributable to SNA 8 as they are primarily caught together in the FMA 9 mixed trawl fishery.*

    b. *A substantial portion (~20-30%) of GUR 1 is taken by more selective methods of bottom longlining and Danish seining, which are less likely to cause incidental mortality.*

39. Given the information outlined above we believe that the OSFRM should be set at 7% consistent with the rationale provided by FNZ in the GUR 1 paper. Further research also needs to be conducted to analyse all the available observer reports and EM footage from the WCNI to provide for a more accurate OSFRM number.

40. The result of this for the current management decision would be to reduce the overall TAC down to reflect the lower OSFRM meaning that the current stock status would be higher and the associated projections will have biomass estimates higher than currently projected.

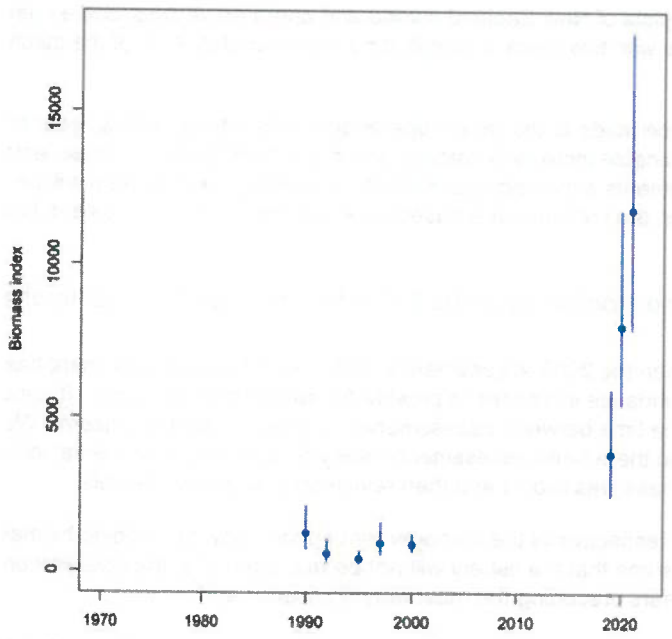

Figure 4. The time series of *Kaharoa* trawl survey biomass indices (assigned to model years). The error bars represent 95% confidence intervals

Deemed values

41. The current deemed value regime is based on a special deemed value regime that is used for a stock in rebuild. As per the scientific evidence this stock is now above target and projected to continue to increase and as such the deemed value regime needs to reflect this.

42. We support Option 2 as it reinstates the standard deemed value regime for SNA 8.

Addressing the concerns of other stakeholders

43. Concern for a dramatic decline in the fishery for the levels of utilisation proposed is based on pre-determined prejudices and is not objectively reviewing the data or reading the peer reviewed Fisheries Assessment Reports on the SNA 8 stock assessment.

44. These concerns are not supported by the science that shows that the stock is projected to continue to increase in biomass under all management options. Furthermore, paragraph 90 states that the scientific evidence is that after 10 years at the highest catch scenario the stock would still be above the default target with 90% probability. As noted in the points above this is a conservative probability.

45. Consistent with the good faith engagement we have taken at the FNZ hosted multi-stakeholder meetings, we seek to provide context on the following aspects of the SNA 8 fishery to address concerns of other stakeholders and allay their concerns through the emphasising the detail of available information and education on operational practices:

Addressing concerns regarding a perceived Increase in effort and a subsequent decline in the fishery associated with any TACC increases

46. The composition, characteristics and scale of the fishery are not comparable to the fishery that contributed to the decline in the fishery. Catch levels associated with the decline in the fishery were based on pair trawling and Japanese fishing operations (paragraph 27). As outlined in the consultation paper, post recent SNA stock assessments these were the dominant fishing methods accounting for 75% of the annual catch between 1976 – 1989.[6] Neither of these are present in the fishery now. Figure 11 of the consultation paper shows that increase in effort was not based on the domestic single trawl fleet.

47. The concern of numerous new foreign vessels increasing fishing effort is unfounded and practically impossible following the introduction of *the Fisheries (Foreign Charter Vessels and Other Matters) Amendment Act 2014.* There is no ability for foreign owned vessels to begin fishing SNA 8 again.

48. The current fishery consists of New Zealand owned and operated vessels, and as per paragraph 61 is a fleet consisting of 13 vessels with two vessels contributing approximately 40% of the catch. This is not a fishery with lots of latent effort.

49. We expect changes to be made to the recent operational adaptations such as gear changes and these will reduce avoidance and enable increased catches within the current effort. These factors need to be reflected when considering statements about increased effort. We recognise that there will be some increase in SNA targeting effort however, the concerns are based on assumptions that the scale of increased effort are unfounded.

Recognising the improved monitoring of the SNA 8 fishery as part of a comprehensive monitoring and management approach

50. The 15-year gap between the 2005 assessment and the most recent assessment has led to now making decisions on larger abundance increases to provide for sustainable utilisation. It appears that the scale of the increase, because of the time between assessments, is what is causing concern. We believe this would not have been the case had there been assessments every 5 years with incremental increases being made as soon as the target biomass was rebuilt and then reviewed at 5-yearly intervals.

51. All 5-year projections irrespective of the management option show an ongoing biomass increase. This concern appears to assume that the fishery will not be managed post the consultation round driven by lack of stock assessment in years preceding the most recent assessment.

52. The next stock assessment is scheduled in 5 years. Industry is committed to supporting this and does not want to see the gap in assessments that were seen following the start of the rebuild plan. This assessment will provide an update of the stock status in relation to the proposed projections – which state the status will have continued to increase.

53. FNZ's own paper acknowledges the need for more regular monitoring and paragraph 154 identifies the intent to establish a monitoring plan for SNA 8. This is consistent with industry's view and will create a monitoring and management structure that will enable managers to adjust management settings as appropriate (see our section on our continued commitment).

54. Furthermore, vessels are now monitored through ER and GPR which provides an increased level of granularity and detail associated with monitoring catches. This fishery is already monitored through the

[6] https://www.mpi.govt.nz/dmsdocument/45931-FAR-202138-Stock-assessment-of-snapper-in-SNA-8-for-2021

Government's WCNI EM programme, and the scale of this monitoring will only expand with the future roll out of EM across 300 inshore vessels.

Addressing concerns raised about localised effort

55. Concerns raised about localised effort appear to be premised on the concern of localised depletion. SNA 8 is managed at a much larger scale and abundance is well over target. Localised concerns are one of perception in this context and relate to commercial vessels targeting particular areas. This is not a sustainability concern.

56. An increased availability to SNA ACE and a reduction of the choke nature of the fishery will enable commercial fishers to spread their effort to catch other species as part of the mixed species nature of the fishery and address the factors identified in paragraph 62 that have resulted in fishing pressure being increasingly focused on the northern region of the fishery.

Addressing concerns raised about a perceived increased benthic footprint / ecological impact

57. Other stakeholders have stated concerns about an increased benthic footprint and associated ecological impact, which as described in earlier sections is based on a misunderstanding of the fishery.

58. Concerns regarding changes in benthic footprints are also overstated when considering paragraph 130 states that there are already large areas that are not currently trawled and that the annual footprint for SNA 8 has decreased from 1,157.1 km^2 in 2008 to 370.3 km^2.[7]

59. This concern also focusses on the misconception that trawl effort is targeting hard substrates. As Figure 5 shows, the overlap of the SNA 8 fishery with biogenic habitat on the west coast is limited as the majority of commercial effort targeting SNA is on sandy and muddy substrate.

60. Future monitoring will provide finer scale data through ER will give better information about the scale and location of bottom contact.

Increased risk to Marine Mammals

61. This concern is premised on the assumption that a 100% increase will lead to a significant increase in effort.

62. When assessing such concerns, it must be recognised is that the overlap of fishing effort with the Maui dolphin is addressed through the Hector's and Maui dolphin Threat Management Plan. Paragraph 115 identifies that there are already extensive commercial fishing prohibitions to protect Maui dolphins.

63. Any potential increase in effort will therefore occur outside the Maui dolphin habitat and will not change the current position highlighted by paragraph 116 which states that current measures *'provide a high degree of certainty that the current risk fishing has to Maui dolphin mortality is close to zero.'*

64. Industry continues to invest in gear modifications and operational changes to mitigate risk to marine mammals. The change to the SNA TACC does not change this commitment. Industry is committed to the Hector's and Maui Dolphin Threat Management Plan and continuing to innovate as part of this commitment. For example, Precision Seafood Harvesting (PSH) are actively working on an innovation that would release marine mammals at depth and are currently awaiting approval for use and regulatory change. In the highly unlikely event of marine mammal captures this innovation would virtually eliminate any risk of harm from this type of gear that will be fitted to the two boats with the greatest catch in the fishery.

[7] https://www.mpi.govt.nz/dmsdocument/44968-AEBR-259-Extent-of-bottom-contact-by-commercial-fishing-activity-in-New-Zealand-waters-for-198990-to-201718.

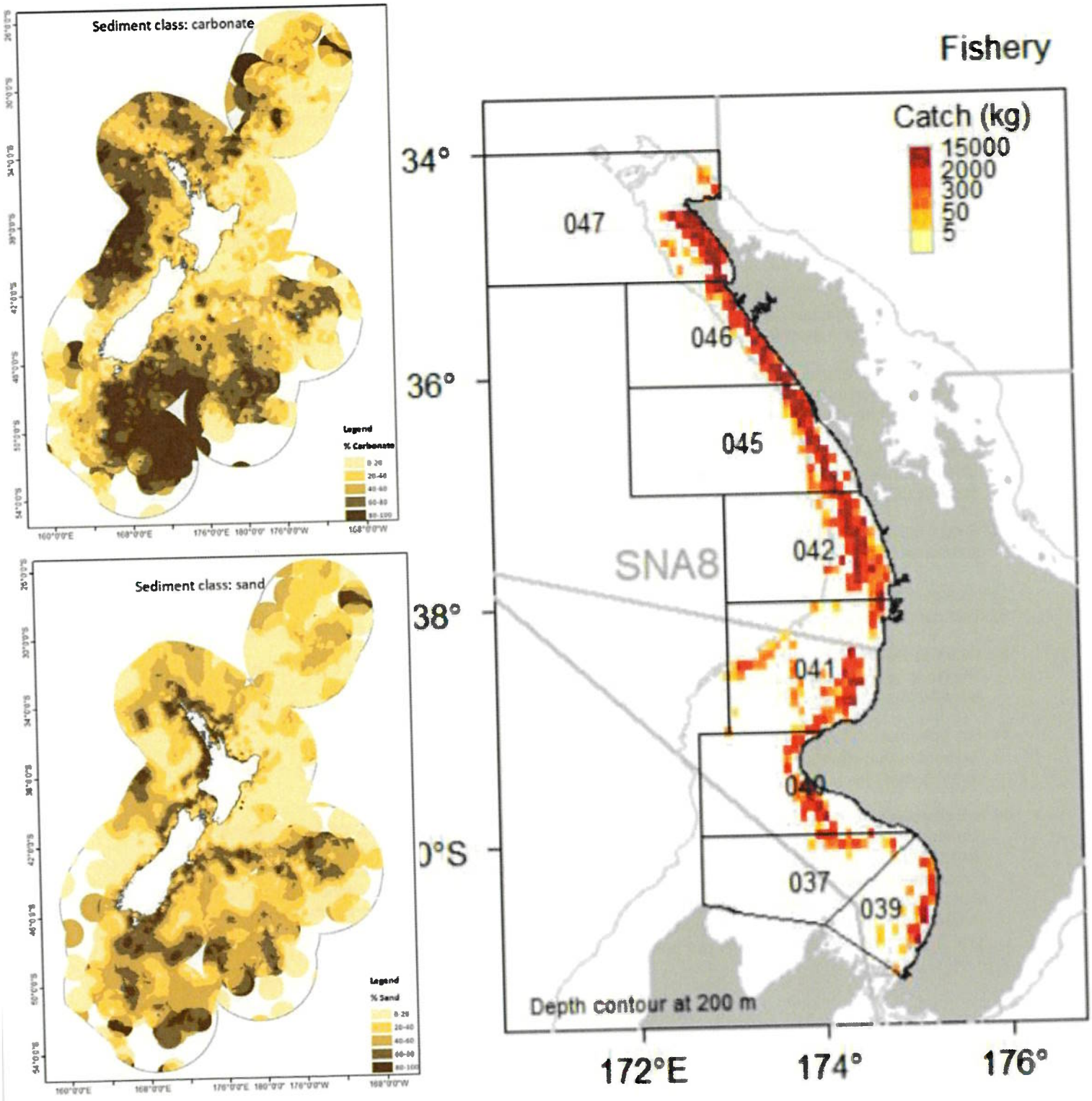

Figure 5 Comparison of the spatial distribution of the bottom trawl catch and the sampled component for the SNA 8 stock in 2018–19 (right)[8] and the interpolated distribution (%) of carbonate and sand based on the NZ SEABED database (left two panels)[9]

[8] https://www.mpi.govt.nz/dmsdocument/38834-FAR-201973-Length-and-age-composition-of-commercial-snapper-landings-in-SNA-8-201819

[9] https://www.mpi.govt.nz/dmsdocument/44968-AEBR-259-Extent-of-bottom-contact-by-commercial-fishing-activity-in-New-Zealand-waters-for-198990-to-201718.

Our continued commitment

65. We are committed to a management process that ensures appropriate monitoring and management to support sustainable utilisation.

66. Point in time decisions without long-term consideration lead to unintended consequences that undermine good long-term management. SNA 8 has been an example of this whereby lack of regular management reviews has meant that abundance has increased with fishers having changed their practices to avoid SNA as it became a choke species, and this necessary avoidance has undermined the recent years of the CPUE time series.

67. We note that there are currently two FNZ research projects:

    1) a feasibility review of the WCNI survey,

    2) SNA2019-03b - projected to evaluate current model assumptions[10].

68. We support this work being undertaken and recommend that the results of the research are presented to a newly established group (see below) that will be responsible for advising the Minister on an appropriate long-term SNA 8 monitoring programme.

69. We support the setting up of a directed stakeholder group to discuss the ongoing monitoring plan – including but not limited to:

    - assess the scientific recommendations provided in the last assessment,
    - a review of the feasibility on the WCNI trawl survey - the results of which will determine the long-time viability of its current format
    - consideration of alternative monitoring approaches e.g. genetic tagging
    - review of CPUE as a monitoring tool – noting that the scale and distribution of a new TACC may or may not mitigate recent behavioural changes seen by core fishing vessels to avoid SNA
    - continued catch sampling but utilisation of technology to make this more cost effective (noting industry is already committing to technological advancements that would support this – Al Chute)

70. The continued lack or reporting from recreational fishers undermines the management system and the tacit approval in paragraph 11 of recreational fishers being allowed to catch beyond their allocation identifies the need to ensure that the management framework ensures shared responsibility for what is considered a shared fishery.

71. The setting of a new TAC and the establishment of a monitoring plan provides that opportunity to address monitoring for all involved in the fishery. Industry support taking a future-focussed approach to this fishery. It must be recognised that management decisions need to be science-based and fisheries management requires increased reporting (including time of catch and location) and the implementation of monitoring across all sectors. The setting of a new TAC and the establishment of a monitoring plan provides that opportunity to address monitoring for all involved in the fishery.

10

HPB 1 & 2

Our position

72. We support Option 3 for HPB 1.

73. We support Option 2 for HPB 2.

74. HPB is an important fishery for all New Zealanders. The HPB fishery deserves an active and informed rebuild plan that uses the most effective combination of measures to sustain the biological, social, economic and cultural factors associated with it. We support establishing management processes and working with other stakeholders to establish and support enduring management action and not just a point in time management decisions.

75. NZSFC and FINZ held bilateral meetings in July 2021 following the recent FNZ multi-stakeholder meetings on HPB 1 and HPB 2. The purpose of these meetings was to progress a collaborative model to managing the HPB 1 and HPB 2 fisheries. These positive meetings highlighted that both parties are supportive of TAC reductions (our respective positions are provided in our respective submissions) but recognise that a wider package to address long-term management is required. This wider package of measures is in addition to the proposed TAC reductions as part of the current sustainability round consultation,

76. NZSFC and FINZ want ongoing management processes and measures established beyond just the 1 October 2021 TAC decisions. To advance this collaborative model there is support for a pilot approach between LegaSea Hawkes Bay and the Area 2 Committee of FINZ to be instigated for the Lachlan Banks in HPB 2 to support spatial management of this area. The intent is to establish this from 1 October 2021 and then use this approach as a template for further discussions and regionalised management approaches across HPB 1 and 2. NZSFC, LegaSea Hawkes Bay and FINZ will work together to establish a work plan and timeline for both the Lachlan Banks and how this will then be used to inform regional discussions elsewhere in HPB 1 and 2.

77. The collaborative approach promoted by both organisations recognises the unique nature of this fishery and the pressures on it. Fostering collaborative approaches recognising the need for joint responsibility and good communication between stakeholders is the best long-term approach to achieve increased abundance for everyone.

Proposed Options

HPB 1

Option	TAC	TACC	Allowances			Recreational Measures	
			Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	480.8	N/A	N/A	N/A	5 per person	Included in the combined daily limit of 5 with kingfish with a maximum of 3 kingfish
Option 1	379	280 ↓ (200.8 t)	10	14	75	3 per person	Remain in the combined daily limit of 5 with kingfish, but include a maximum of 3 hāpuku/bass
Option 2	289	210 ↓ (270.8 t)	10	11	58	2 per person	Remove from the combined daily limit of 5 with kingfish and: -Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3
Option 3	215	140 ↓ (340.8 t)	10	7	58		

HPB 2

Option	TAC	TACC	Allowances			Recreational Measures	
			Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	266.2	N/A	N/A	N/A	5 per person	Included in the combined daily limit of 5 with kingfish with a maximum of 3 kingfish
Option 1	233	160 ↓ (106.2 t)	10	8	55	3 per person	Remain in the combined daily limit of 5 with kingfish, but include a maximum of 3 hāpuku/bass
Option 2	174	120 ↓ (146.2 t)	10	6	38	2 per person	Remove from the combined daily limit of 5 with kingfish and: -Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3
Option 3	132	80 ↓ (186.2 t)	10	4	38		

Supporting rationale

Rationalising the different positions taken between HPB 1 and HPB 2

78. Commercial, recreational and customary fishers are all reporting a decline in HPB 1 catch and there is wide concern about the sustainability of the stock. While the drivers for these changes are complex and interpreting them is difficult, all stakeholders agree it is important to make a change in management and in particular take proactive precautionary action to ensure the long-term viability of the fishery.

79. Historically, there has been difficulty collecting data to inform management decisions for these stocks, and previous attempts to develop an effective scientific monitoring regime for HPB 1 have been unsuccessful. Thus, there is currently no agreed stock status.

80. Our position is based on recognising these concerns. The reason for the differing positions for HPB 1 and HPB 2 is to recognise the differences in these fisheries and hence why we believe a 25% reduction in TAC / TACC is appropriate in HPB 2 but more is required in HPB 1.

81. The nature of commercial operations for HPB 2 is considered to be different to HPB 1, evident by the fact that HPB 2 has not seen the same extent of increased targeted catch compared to HPB 1. Furthermore, the scale of recreational pressure in HPB 1 compared to HPB 2 is much higher, a reflection of the size of population and the number of fishers in boats able to target inshore features. The extent of spatial overlap in HPB 2 is less pronounced between sectors meaning there is considerably less cumulative pressure on features.

82. Where there is a recognised overlap in HPB 2 such as the Lachlan Banks, industry has signalled its willingness to continue engagement with LegaSea Hawkes Bay to look at pilot spatial management tools that can be used as an exemplar for other areas. This builds on the positive relationship built through the establishment of the Springs Box.

Managing beyond just a TAC change

83. A shared solution to a shared problem is required to manage beyond the 1 October Sustainability round decision.

84. We are actively working with others to establish management processes to support enduring management action and not 'a point in time' management decisions. We do not believe that a cut in the TAC will be sufficient to address our concerns with the fishery and consider it imperative that a broad suite of measures is introduced. In the first instance we intend to progress these in a collaborative nature with other willing stakeholders to promote responsible voluntary management measures in addition to the TAC cuts proposes.

85. Our intent is to establish a cross stakeholder management and monitoring plan and intend to reach out to other stakeholders including iwi, NZSFC and ACV operators. The key objectives being:

    a. Improve the knowledge about the fishery to inform the development of an agreed abundance index to inform the management of the fishery. A defined research plan will be collaboratively developed to reduce uncertainties, better inform the stock structure assumptions, fine tune management measures to ensure their effectiveness, and allow more informed management decisions in future.

    b. Review and agree on appropriate non-regulated and regulated management measures to support the long-term management of the fishery.

    c. Review and agree on non-regulated regionally focussed cross stakeholder agreements on management measures specifically targeted at protecting habitats of particular significance for this fishery.

    d. Review the potential for future management procedures and harvest control rules informed by improved knowledge of the fishery addressed in (a).

86. We agree with FNZ's assessment that this fishery has been hard to monitor given the nature of the fishery and it is why we are committed to providing grade data to support scientists to understand the fishery in addition to promoting a research plan as part of a cross stakeholder management and monitoring plan.

GUR 1

Our position

87. We support Option 1.

88. Recognising FNZ's need to introduce recreational, customary allowances for management of those sectors and an allowance for other sources of fishing related mortality, we support the current settings as proposed in Option 1. We note that the way these allocations are provided for is through a reallocation of the current TACC.

89. We do not support Option 2 as the appropriate setting at this point in time. An updated CPUE analysis is due for 2022 and that should inform the setting of an appropriate TAC/TACC level.

90. We are concerned that Option 3 is a conservative approach that may not provide a sustainable utilisation opportunity in GUR 1 and risk introducing deemed value issues if it coincides with the anticipated increase in SNA 8 TACC.

Proposed options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	N/A	2,288	N/A	N/A	N/A
Option 1	2,328	2,045↓ (243 t)	40	100	143
Option 2	1,317	1,100 ↓ (1,188 t)	40	100	77
Option 3	996	800 ↓ (1,488 t)	40	100	56

Supporting Rationale

91. The assertion that the entire GUR 1 stock is subject to a sustainability concern has been over-stated and is not supported by any scientific evidence. The premise for the consultation paper is stated in paragraph 3 to be to address 'potential sustainability concerns', the use of 'potential' being key as it emphasises that FNZ has decided to review a stock under the sustainability round without knowing if it is a sustainability concern.

92. Paragraph 5 and 42 both note the reason for recent declines in GUR 1 landings and abundance are unknown and may be due to multiple factors, including below average recruitment and interspecies competition for food with SNA 8, which has seen a large increase in biomass. Whilst paragraph 51 and 55 both note that based on the best available information from the latest CPUE and trawl surveys, FNZ is unable to draw conclusions on recent trends in GUR 1 landings and relative biomass.

93. If paragraphs 51 and 55 note no conclusions on trends, how can paragraphs 5 and 42 assert a drop in abundance?

94. Paragraph 94 states that based on the best available information, FNZ is unable to determine whether there is even a sustainability risk associated with GUR 1.

95. FNZ has misleadingly emphasised the premise of this review as being a sustainability issue. In reality, the purpose of the review is to reduce headroom in the TACC and introduce allowances for other sectors as a means to manage those sectors. Option 3 appears to be the only option that addresses a sustainability issue and there is no evidence to support that concern.

Misrepresentation of best available information

96. GUR 1 is a Group 2 stock as stated in the Draft National Inshore Finfish Fisheries Plan, meaning it is to be managed using a partial quantitative stock assessment, based on a relative index of abundance *'to provide an indication of stock status in relation to Bmsy proxies and associated target and limit reference points.'*[11]

[11] https://www.mpi.govt.nz/dmsdocument/38045-National-Inshore-Finfish-Fisheries-Plan-Draft

97. Paragraph 55 notes the biomass estimate for GUR 1E and GUR 1BP from the reinstated North Island East Coast trawl surveys need more data to draw conclusions on recent trends of these sub-stocks. Further, although the WCNI trawl survey shows a downward trend, the most recent CPUE (2015/16 fishing year) showed the GUR 1W sub-stock was still at or above the target management level.

98. Figures 3 – 5 show that all three GUR 1 sub-stocks at the time of the last CPUE analysis were at or above target with the relative exploitation rate for all below target (the recognised appropriate management approach for this stock consistent with the Draft National Inshore Finfish Fisheries Plan and the Medium-term Research Plan Inshore Finfish). In paragraph 50 the consultation paper correctly states that this information only goes up until 2015-16, clearly showing that an updated CPUE analysis is required.

99. What is not clear is why a review has been conducted prior to the completion of a more recent CPUE analysis?

100. To provide objective science-based management decisions it is important that a new CPUE analysis is conducted. It is notable that FNZ management has not deemed this priority enough to be included in the 2021-22 research round.[12]

Understanding the multifactorial drivers for undercatch

101. FNZ's analysis of recent catch levels and trends identified a decline in catches but acknowledges the reason for such a decline is not known. This statement applies to the whole of GUR 1. There is no scientific information to suggest that current catches and fishing pressure are impacting the sustainability of the stock.

102. The premise of the concerns is based on changes in landings and the assumption that a change in landings is directly correlated to abundance. The simplistic nature of this assumption is recognised in paragraph 51, which acknowledges that changes in landings could be a result of a multitude of factors. The impact of market drivers, including the availability of ACE for choke species on both the east and west coasts of GUR 1 is another factor.

103. In Paragraph 95 FNZ acknowledge that the review of SNA 8 could have implications for the GUR 1W sub-stock.

104. Feedback from fishers suggests there have been changes in fisher behaviour when targeting all sub-stocks of GUR 1 due to several reasons. Due to marketplace demands around better returns for better sized snapper, a significant number of trawl and Danish seine fishers in area 1 have shifted to using 6-inch square mesh cod ends and is arranged so that it is towed through the water "on the square". The benefit of this change in selectivity is that smaller round fish such as gurnard pass through this mesh along with improved amounts of sub-MLS snapper. Reduced catches of gurnard are now being experienced in the SNA 1 trawl and Danish seine fisheries.

105. Further, where the GUR 1W sub-stock overlaps with SNA 8 fishers have modified both fishing gear and behaviour to actively target GUR due to being constrained by the available SNA 8 ACE.

106. These factors need to be considered and addressed preferably before but potentially at the same time as progressing with changing the GUR 1 TACC. For example, with the increase in SNA 8 biomass and associated changes in fisher behaviour, the catch of GUR 1W can be expected to change. Regardless of current management settings, GUR 1W will need a further review in the future to parallel the anticipated SNA 8 increase.

Misrepresentation of undercatch as a sustainability risk

107. The consultation paper for GUR 1 is proposed based on unsupported perceptions of the fishery without an evidence-based decision-making process. It is an oversimplified approach and not one supported by any scientific evidence, as acknowledged by FNZ in paragraph 51, 55 and 94.

108. When considering management decisions, s10(a) of The Fisheries Act provides for the use of best available information – statements such as "unable to draw conclusions on recent trends" and "may indicate that biomass is declining" are not consistent with this legal requirement.

109. Changing the TACC would address a headroom perception issue. What is missing is management decisions to address the current management needs such as addressing underlying issues such as

[12] https://www.mpi.govt.nz/dmsdocument/38045-National-Inshore-Finfish-Fisheries-Plan-Draft

environmental impacts, choke species that limit utilisation, changes in statutory closures that are impacting on the GUR 1 fishery.

110. Within the consultation paper, there is a cursory comment to the management needs to address terrestrial impacts on the fishery. We note that FNZ has recently set up a group within fisheries management to focus on environmental impacts on fisheries – we support this. However, more needs to be done to increase the level of collaborative management for inshore finfish fisheries, including acknowledging additional required action from regional councils.

111. While FINZ understands that for a number of years the TACC has not been fully caught, it is our submission that whether or not a fishery is fully utilised is dependent on many factors that are not sustainability related. These can include but are not limited to changes to other target fisheries, the targeting of the same species in other locations, or the lack of a viable market for the species. DWG submits that decisions that support changes to a TACC, cannot be based on 'a use it or lose it' approach, rather they are required to be based on the best available information – noting that decision makers should be cautious when information is inadequate.

Recreational Allowance

112. Paragraph 60 states the premise of the introduced recreational allowance is based on an estimate "rounded up for simplicity."

113. The absence of using a scientific and evidence-based approach to setting the recreational catch allowance for GUR 1 indicates an inconsistent and inequitable approach between sectors.

114. We support the introduction of a recreational allowance into the GUR 1 TAC but we strongly oppose the 'rounding up' of this recreational allowance from 86 to 100 tonnes.

STN 1

Our position

115. Fisheries Inshore New Zealand supports Option Two to allocate the 14 tonne increase to recreational allowance **contingent** on Fisheries New Zealand introducing management controls to ensure the recreational catch is managed within the recreational allowance. This would include daily recreational reporting and closing the recreational fishery once the recreational allocation has been reached.

116. If additional recreational management controls are not introduced to manage catch within the recreational allowance, we consider Option Two is not a credible option and the additional 14 tonne should be allocated to the TACC where appropriate controls are in place to manage catch within New Zealand's international allocation.

Proposed options

Table 3: Summary of current and proposed catch settings for STN 1 from 1 October 2021. Figures are all in tonnes.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Status Quo	1,088	1,046	2	20	20
Option 1	1,102 ↑ (14 t)	1060 ↑ (14 t)	2	20	20
Option 2	1,102 ↑ (14 t)	1,046	2	34 ↑ (14 t)	20

Supporting Rationale

117. The New Zealand Government places considerable importance on up-holding the international rules-based system for managing highly migratory fish stocks. As a member of several Regional Fisheries Management Organisations, New Zealand's status and reputation rests on having robust measures in place domestically to meet and deliver on its international obligations.

118. The absence of effective domestic measures to manage the recreational catch for STN within limits poses a risk to the reputation of the New Zealand Government given the increasing likelihood that New Zealand will exceed its CCSBT national annual allocation in the near future.

119. New Zealand has avoided an annual over-catch for the 2020-21 fishing year due to the under-catch in the commercial fishery because of Covid-19 impacted export markets. When export markets improve and New Zealand's commercial catch returns to the limit of TACC, we can expect New Zealand will exceed its national allocation due to an increasing recreational catch beyond the recreational allocation.

120. In addition to the risk to the New Zealand government's reputation and participation within CCSBT, an over-catch by the recreational sector will have a negative economic impact on the commercial sector as New Zealand's annual allocation for the following year will be reduced as a consequence.

121. While the measures introduced by Fisheries New Zealand in 2020 were a step in the right direction, they have proved to be ineffective at constraining the total recreational catch due to increasing recreational fishing effort.

122. The time has come for Fisheries New Zealand to take an active management role for the recreational fishery rather than assume the passive hands-off retrospective approach which is resulting in an ever-increasing recreational catch at the expense of commercial and customary interests.

123. The Minster of Oceans and Fisheries has recently committed to a number of fisheries management reforms, including agile decision making and actions in the Hauraki Gulf to strengthen reporting of recreational catch and more active management, not dis-similar to the measures required in the STN fishery.

124. Fisheries New Zealand should utilise the opportunity to develop innovative solutions to better manage the recreational STN fishery including:

- Daily electronic reporting by recreational fishers and ACV operators.
- Closure of the recreational fishery when the recreational allocation is reached.
- Explore the use of a system to allocate catching rights for recreational fishers.

Other industry body mandated stocks

HOK1, LIN5, SKI3 & 7, CDL1

125. FINZ endorses Deepwater Group's response on these stocks.

PAU 3A & PAU 3B

126. FINZ endorses Paua Industry Council's response on these stocks

BCO3 and SCH5

127. FINZ endorses Southern Inshore Fisheries response on these stocks.

DEEMED VALUE PROPOSALS

128. Deemed values should be used as a fisheries management tool, and in a manner that is appropriate for the stock to which they apply. Fisheries management considerations in setting deemed values might include consideration of, 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 science.

129. Deemed values are not a substitute for TACC setting and attempts to use the deemed value regime to 'defend' an inappropriate TACC generated perverse incentives such as discouragement of accurate catch reporting. This has been recognised by the Deemed Values Working Group that identified:

> *"The primary purpose of the deemed values regime is to provide incentives for individual fishers to acquire or maintain sufficient ACE to cover catch taken in the course of the year, while:*
>
> *i. allowing flexibility in the timing of balancing;*
> *ii. promoting efficiency; and*
> *iii. encouraging accurate catch reporting"*

130. It is against that background that we comment on the FNZ deemed value proposals for 2021/22.

The deemed value guidelines

131. Section 75(2), of the Fisheries Act 1996 requires the Minister when setting interim, annual and differential deemed values to provide an incentive for every commercial fisher to balance their catch with ACE. However:

132. Where the deemed value, annual or differential, exceeds the price the fisher is likely to receive for his or her catch and the price of available ACE is higher than the deemed value, the deemed value is no longer an incentive to balance catch with ACE but is instead an incentive to misreport the catch.

133. Reporting catch where the cost of landing the catch, in terms of ACE or deemed values, is higher than the revenue received for the catch results in a negative nett price or loss to the fisher for those fish. The greater the loss, the less likely the fisher is to land the fish. This is particularly so when there is insufficient ACE available in the market to cover additional catch.

FINZ mandated stocks

BNS2

134. We do not support any of the proposed options.

135. We propose keeping the interim and annual deemed values the same, while increasing the special ramping for differential rates.

136. Paragraph 42 in the consultation paper acknowledges that the majority of the BNS 2 has historically been targeted, however in recent years from within the rebuild phase, targeted effort has decreased coinciding with an increase in targeting of BYX 2.

137. We support keeping the interim and annual deemed values the same as an acknowledgement that the level of overcatch is not currently abnormal for any bycatch. As the fishery is within a rebuild period aiming for fisheries management targets set to be achieved in the mid-2020s, we understand a change in the TACC may risk compromising the rebuild plan.

138. Although the recent changes in port price have not been reflected through catch (2018 = 248,674 t, 2019= 247,224 t, 2020 = 247,575 t), it is important to keep fisher incentives true to the rebuild plan, hence our support to increase the special ramping for differential rates for deemed values to disincentivise targeting of BNS.

139. We support this more nuanced alternative approach that does not punish fishers that are catching BNS as bycatch, whilst ensuring the correct disincentives are in place to stop fishers changing operations in a manner that will put pressure on the continued rebuild of the BNS fishery.

BYX2

140. We do not support the change to the deemed value.

141. We support the status quo (option 1).

SKI1

142. We support the proposed deemed value change.

143. The increase in TACC in 2020 was not enough to allow for utilisation of the stock.

144. The rationale provided by FNZ in the consultation paper acknowledges the increase in port price in 2020, that the increase in deemed value was partially based on, and subsequential decrease in port price during 2021.

145. Given the increasing gemfish biomass and good expected recruitment in coming years we support the proposed decrease in deemed value for SKI 1.

146. Our support for the proposed deemed value change is premised on the basis that there is no TACC review for SKI 1 in this year's sustainability round. As identified earlier in our response, we stress that deemed value changes are not a substitute for a lack of management action to correctly set TAC/TACCs.

SKI2

147. We support the proposed deemed value change.

148. While we acknowledge deemed values are not a substitute for TACC setting, the rationale provided by FNZ offers a pragmatic solution to allow for sustainable utilisation of this stock, given the Ministers' decision to increase the TACC for SKI 2 was injuncted due to the associated preferential allocation rights.

KIN8

149. We support removing the stringent differential schedule currently used.

150. We support the proposed standard schedule.

151. In the 2020 Sustainability Round FNZ anticipated KIN 8 biomass would increase at the catch levels.

152. We previously acknowledged the proposed TACC of 80t would not allow for utilisation of the stock in line with the Act and we proposed an alternative option to FNZ increasing the TACC to 100t.

153. Our support for the proposed change in deemed value is based on the premise that the increase in TACC in 2020 was not enough to allow for utilisation, and until management changes catch up with changes in fish stocks, fishers should not be punished unnecessarily, and also need to be correctively incentivised to do the right thing.

154. The rationale provided by FNZ acknowledges KIN 8 is caught as non-target catch in the JMA 7 fishery and that deemed value should be closely aligned with KIN 7 to reduce the risk of misreporting. Given the recent increase in KIN 8 catches, in principle, we agree with this rationale.

Other industry body mandated stocks

155. Fisheries Inshore endorses Southern Inshore Fisheries submission on the deemed value review for BCO7.

Further Engagement

156. FINZ and our shareholders would be happy to engage in further discussions with FNZ on any matters pertaining to this submission before FNZ finalise their final advice on the sustainable management of these fisheries.

157. We invite FNZ to work collaboratively with both NZSFC and FINZ as we continue to work together to develop management and monitoring plans for HPB 1 and 2.

Kind regards,

Laws Lawson

Executive Chair

Fisheries Inshore New Zealand

deepwater group

COMMITTED TO
HEALTHY OCEANS
SUSTAINABLE FISHERIES

26 July 2021

2021 Sustainability Review
Fisheries New Zealand
PO Box 2526
Wellington 6140

By email: FMSubmissions@mpi.govt.nz,

DWG's Submission on the Review of Sustainability Measures for October 2021

Summary

HOK1

- DWG submits in support of FNZ's proposed Option 1, that there is no need to change the HOK 1 TACC for 2021-22. Given that the best available scientific information on hoki biology is from genetics, which demonstrates that hoki is a single panmictic stock, quota owners support the fishery being managed on the basis of model run 2021C. This assessment run estimates the stock size to be 38% B_0. On this basis and after consideration of the estimated stock size under constant catch projections there is no need the change the HOK 1 TACC for 2021-22. Quota owners will continue to separately manage catches from eastern and western fisheries within agreed catch limits.

LIN 5

- DWG submits in support of FNZ's proposed Option 3, to increase the LIN 5 TACC from 4,735 t to 5,682 t for 2021-22.

CDL 1

- DWG submits in support of FNZ's proposed Option 1, to retain the CDL 1 TACC at 1,200 t for 2021-22.

SKI 3 & 7

- DWG submits in support of Southern Inshore Fisheries Management Company's submission, a proposed alternative Option 4, that would increase the TACCs for both SKI 3 and SKI 7 to 1,200 t.

Introduction

1. Thank you for the opportunity to submit on FNZ's Review of Sustainability Measures for deepwater fisheries for 2021-22.
2. DWG represents the owners of the majority of deepwater fishing quota. Our role is to act on behalf of deepwater quota owners and, working collaboratively with Government and others, to ensure New Zealand's deepwater fisheries continue to be managed sustainably for the benefit of New Zealand.
3. DWG has engaged with Te Ohu Kaimoana, Fisheries Inshore New Zealand (FINZ) and Southern Inshore Fisheries Management Company (SIFMC) in developing and aligning our positions on the management of these fish stocks.

deepwater group

HOK 1

4. DWG submits that the best available scientific information is that there is a single panmictic genetic stock and that, therefore, the most appropriate model run is 2021C which estimates the current stock size to be 38% B_0. The best management option is FNZ's Option 1, for the single HOK 1 TACC to remain unchanged for 2021-22.

5. This doesn't exclude the option of industry continuing to manage catches within designated sub-areas under a single HOK1 TACC. Quota owners will continue to separately manage catches from eastern and western fisheries. As in past years, a final decision on the level of catch from the western grounds will be made in August after a review of the performance of the WCSI fishery during the 2021 season.

6. As was the case in previous years, the 2021 hoki stock assessment is based upon the same unvalidated assumptions of two hoki stocks and their assumed migration patterns. While there is some indirect circumstantial evidence in support of the assumed stock and migration hypothesis used in the assessment model, there is no direct empirical evidence. These stock and migration assumptions are fundamental in the model and, should they be proven to be invalid, then the assessment model will continue to provide an invalid assessment of hoki stock status. There are four geographic locations where spawning hoki are known to occur, the biomass from only one of these has been routinely and directly monitored and only two of these spawning events are factored into the 2021 stock assessment.

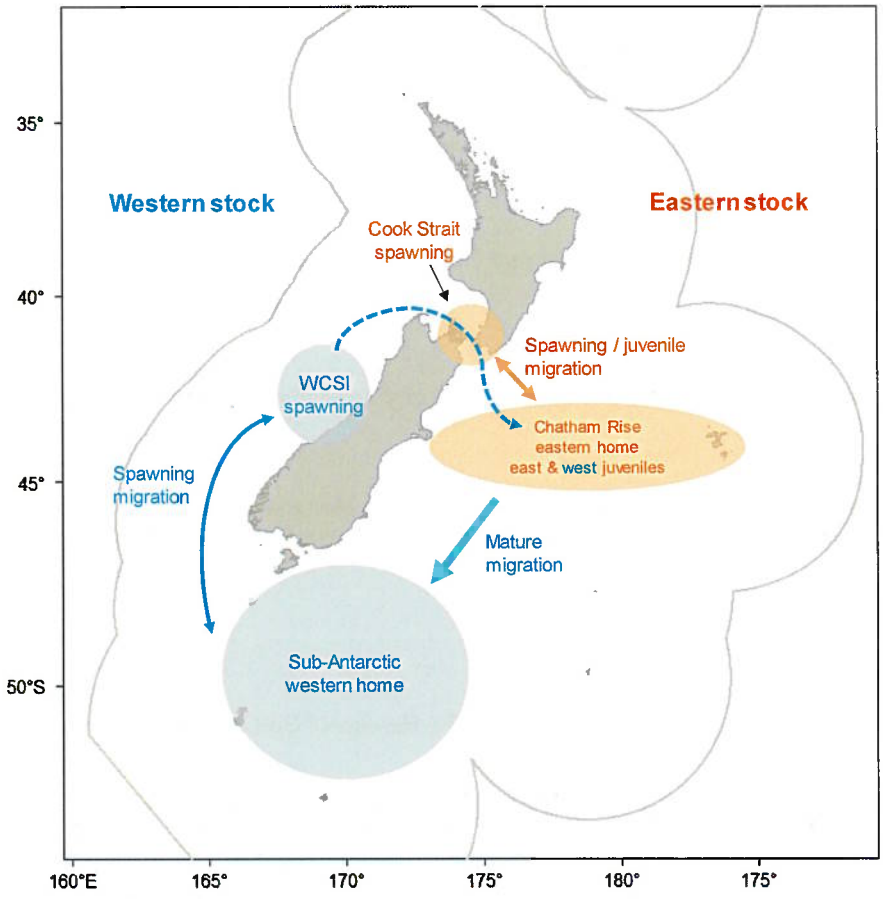

Figure 1: Assumed hoki stocks and their migration routes, as assumed in the 2021 stock assessment (From 2021 DWWG report, Fig. 3)

deepwater group

7. Concerned with this, hoki quota owners invested in a genetics study during 2021, the results of which demonstrate New Zealand hoki is a single panmictic genetic stock. The preliminary results have been presented and considered by FNZ's DWWG and final report has been provided to FNZ.

8. DWG submits that the above disparate observations need to be rigorously worked through, validated and incorporated into a new model before the results assuming two stocks from the 2021 stock assessment can be considered to be the best available information.

9. There are several further scientific analyses and assessments that quota owners consider need to be undertaken in order to better inform 2022 hoki stock assessment. DWG seeks to discuss these with FNZ at the earliest opportunity with the intent these be undertaken ASAP.

10. The median estimates of hoki spawning biomass from the 2021 stock assessment are shown in Table 1.

Table 1: Median estimates of spawning biomass in mid-2021 from 2021 stock assessment runs (Based on Table 22, 2021 DWWG report).

Model	B_0 (,000 t)			B_{2021} (,000 t)			B_{2021}/B_0		
	E	W	T	E	W	T	E	W	T
2021A	661	1,218	1,880	320	426	749	48%	35%	40%
2021B	661	1,208	1,870	323	381	707	49%	32%	38%
2021C			1,891			715			38%

11. We note that these estimates of spawning biomass differ from the sizes of the recruited biomass (i.e., hoki vulnerable to the commercial fisheries) as younger pre-spawning hoki make up a considerable proportion of our commercial harvest by numbers in some fishing grounds and in some years. The proportion of pre-spawning hoki in the fisheries varies by year, dependent upon the annual year class strengths of 2-year-olds, when they first enter the fisheries.

12. The very high levels of inter-annual recruitment variability, due to environmental factors, comprise the main driver of hoki stock size. The year class strengths as estimated in the 2021 model are shown in Figure 2.

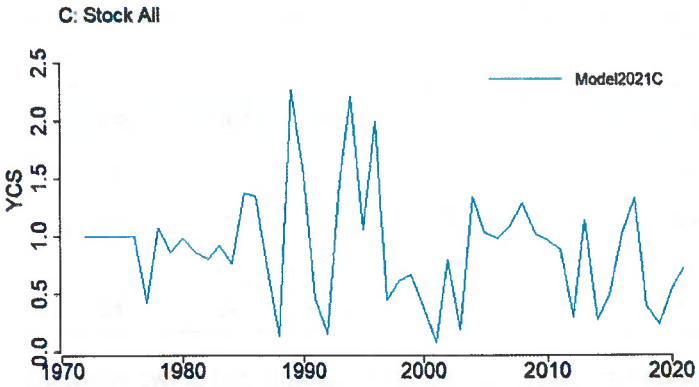

Figure 2: Median year class strengths (YCS) for single stock from models 2021C. Years are model years (i.e., 1990 = 1989–90). From 2021 Plenary report, Fig. 4.

13. The Fisheries Act 1996 obliges managers to ensure the stock status of spawning hoki remains at or above a level that supports the MSY. The results of the 2021 stock assessment estimate this to be the case. Sustainable management also requires the stock size to remain within the management target range of 35% to 50% B_0, as well as factoring in information on optimising the economics from New Zealand's hoki resource. This economic information includes consideration of hoki sizes and catch rates in each of the main fishing grounds. Quota owners remain committed to undertake a second

Management Strategy Evaluation to further refine estimates of optimum economic performance and to assess the levels of fishing mortality to support stocks at the desired management targets. However, this work has been deferred until 2022, by when further necessary work on the stock assessment model will hopefully be completed.

Given the genetic results, the best estimate of stock status from the 2021 stock assessment is that from run 2021C, which estimates the current spawning biomass of hoki to be around 38% B_0 and to be increasing in size, having increased from the lowest size of around 30% B_0 during the period 2004-05 (Figure 3).

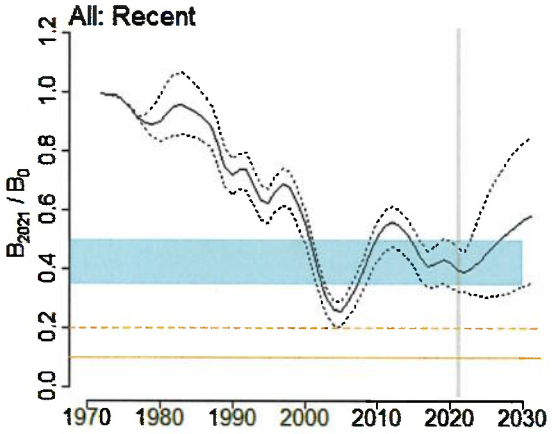

Figure 3: Assessed and projected spawning biomass of hoki (as %B_0) from the base model (2021A) assuming recruitment remains at recent levels (2008-17). The shaded blue region is the target management range of 35% to 50% B_0, the solid orange line is 10% B_0 and the dashed orange line is 20% B_0. From 2021 Plenary report, Fig. 6.

14. A summary of the estimated future biomass sizes (expressed as % of B_0) under different levels of catch is shown in Table 2. Under each of the assumed catch levels, 95,000 t, 105,000 t and 115,000 t, the results of this estimation procedure are for the hoki stock to slowly increase in size over the next five years.

Table 2: Projections of current biomass as a percentage of unfished biomass (%B_0) using the 'recent' recruitment scenario from Model Run 2021A (see Figure 3).

Total catch	West catch	East catch	2021	2022	2023	2024	2025	2026
115,000	55,000	60,000	40	38	38	39	39	39
105,000	45,000	60,000	40	39	39	40	40	40
105,000	55,000	50,000	40	39	39	40	40	41
95,000	45,000	50,000	40	39	40	41	42	42

15. Notwithstanding that the 2021 stock assessment analyses rely upon assumptions of two spawning events and particular migration patterns (including those in run 2021C), for the reasons outlined above, we consider the 'two stock' runs (i.e. 2021A and 2021B) to be less reliable than the 'single stock' run (2021C). At this time, the only information we have that assesses hoki as a single stock is from run 2021C. Until such time that work on the assumption that there may be two (or more) hoki stocks is completed, validated, and incorporated into a stock assessment, this must be considered to be the best available information.

16. On this basis, the best available scientific information provides no evidence to suggest that the current status of the hoki fishery requires the implementation of any sustainability measures for 2021-22, or indeed any further variations to the sustainability measures that were implemented last year.

17. **DWG supports FNZ's assessment of the environmental considerations of this fishery**, including to protected species, to interdependent stocks, and to habitats. DWG shareholders remain committed to the continued management and monitoring of these interactions.

LIN 5

18. DWG submits in support of FNZ's proposed Option 3 to increase the TACC from 4,735 t to 5,682 t.
19. The best available science and current catches indicate the stock can sustain a 20% increase in the TACC.
20. DWG agrees that given that LIN 5 & 6 both comprise one biological Sub-Antarctic ling stock, a TACC that not only reflects the straddling nature of this stock over two QMAs, but also the stock status is in the interest of the fishery. DWG notes that not only has fishing pressure been consistently low, but the biomass trend has also been consistent with the estimated status never falling below 60% B_0 (B_{2021} was estimated to be 71% B_0).
21. The LIN 5 TACC has been fully utilised in recent years, while the LIN 6 TACC has been significantly under-caught (Table 3). The increase will only apply to the LIN 5 TACC.

Table 3: Recent TACCs and catches for LIN 5 and LIN 6

Year	LIN 5		LIN 6		Combined	
	TACC	Catch	TACC	Catch	TACC	Catch
2012-13	3,595	3,610	8,505	3,102	12,100	6,712
2013-14	3,955	3,935	8,505	3,221	12,100	7,156
2014-15	3,955	3,924	8,505	3,115	12,100	7,039
2015-16	3,955	3,868	8,505	2,222	12,100	6,090
2016-17	3,955	4,050	8,505	3,322	12,100	7,372
2017-18	3,955	4,034	8,505	4,845	12,460	8,879
2018-19	4,735	4,596	8,505	3,706	13,240	8,302
2019-20	4,735	4,662	8,505	3,967	13,240	8,629

22. Not only is it is estimated that LIN5/6 stock status is unlikely to change over the next 5 years at recent average catch levels (7,690 t) or at the level of the TACC (13,240 t), catch scenarios that simulate that a 10% increase and a 20% increase, project neither increase to result in stock status going below the management target of 40% B_0.
23. These forward biomass projections were undertaken for two scenarios combining the catches of LIN 5 and LIN 6:
    - 23.1 **Average Catch** (7,690 t) – assumed average catch of 6320 t for trawl and 1370 t for longline between 2016 and 2020
    - 23.2 **TACC** (13,240 t) – split between trawl (10,860 t (82%)) and longline 92 380 t (18%)) which reflects the average proportion of catches between the two fisheries between 2016 and 2020
24. Both scenarios estimated that the stock will remain above the target biomass level with B_{2026} (%B_0) estimated to be 68% B_0 for the *Average Catch* scenario and 58% B_0 for the *TACC* Scenario. Given this,

Option 3 (which proposes a 20% increase from 4,735 t to 5,682 t) provides a better sustainable utilisation opportunity in LIN 5.

25. **DWG submits in support of FNZ's proposed Option 3**, to increase the LIN 5 TACC from 4,735 t to 5,682 t for 2021-22.

26. **DWG supports FNZ's assessment of the environmental considerations of this fishery** arising from this increase in LIN 5, including to protected species, to interdependent stocks, and to habitats. DWG shareholders remain committed to the continued management and monitoring of these interactions.

CDL 1

27. DWG submits in support of FNZ's proposed Option 1 to maintain the status quo at 1,200 t.

28. DWG acknowledges that given the lack of biological information as to the stock structure and status of CDL, the TACC, which that has been set at 1,200 t since 1999-2000, is both nominal and arbitrary. Given this, The DWG submits that quota owners and FNZ work together to design and implement a project to monitor this stock and to assess its sustainable yield **and that, in the interim, the TACC remains as it is (1,200 t).**

29. DWG notes the annual catch over recent years has fluctuated, ranging from 6 to 93 t, and that there is no reason for sustainability concerns for catches at the higher end of this range given catches of up to 80 t have been taken inadvertently as bycatch (there is no targeting of this stock).

30. Over the last decide the operational dynamics within this fishery have changed, with the targeting of other species (to which cardinal fish is a bycatch species) changing to other areas, to better meet fishing operations. This is coupled with a very limited market for cardinal fish.

31. **Table 2: Recent TACCs and catches for CDL 4**

Year	CDL 1		
	TACC	Catch	Uncaught
1988-89	-	305	-
1989-90	-	613	-
1990-91	-	233	-
1991-92	-	7	-
1992-93	-	23	-
1993-94	-	364	-
1994-95	-	1,162	-
1995-96	-	1,418	-
1996-97	-	2,001	-
1997-98	-	955	-
1998-99	-	24	-
1999-00	1,200	980	220
2000-01	1,200	294	906
2001-02	1,200	455	745
2002-03	1,200	583	617
2003-04	1,200	481	719
2004-05	1,200	267	933
2005-06	1,200	643	557
2006-07	1,200	415	785

2007-08	1,200	202	998
2008-09	1,200	197	1,003
2009-10	1,200	49	1,151
2010-11	1,200	84	1,116
2011-12	1,200	148	1,052
2012-13	1,200	35	1,165
2013-14	1,200	160	1,040
2014-15	1,200	21	1,179
2015-16	1,200	35	1,165
2016-17	1,200	12	1,188
2017-18	1,200	2	1,198
2018-19	1,200	40	1,160
2019-20	1,200	2	1,198

32. Since the setting of the TACC for CDL1 in 1999-2000, catch has exceeded 500t three times; 1999-2000 (980 t), 2002-03 (583 t), and 2005-06 (643 t) (see Table 4 above). What is more while the average catch between 1999-2010 was 430 t and 2011-2020 was 54 t, two occasions where catches 148 t and 160 t, (which are present among other years where catches range between 40 to 2 t) are very much indicative of a bycatch fishery.

33. While DWG understands that for a number of years the TACC has not been fully caught, it is our submission that whether or not a fishery is fully utilised is dependent on many factors that are not sustainability related, these can include and not limited to changes to other target fisheries (e.g., ORH), the targeting of the same species in other locations, or the lack of a viable market for the species. DWG submits that decisions that support changes to a TACC, cannot be based on 'a use it or lose it' approach, rather they are required to be based on the best available information – noting that decision makers should be cautious when information is inadequate.

34. The 2021 Plenary report (at p 115) advises that:

> "*The stock boundaries and number of black cardinalfish stocks in New Zealand are unknown. There are no data on genetics or known movements of black cardinalfish which indicate possible stock boundaries.*"

35. This is buttressed in FNZ Discussion Paper 2021/07 at para 41 where it is acknowledged that:

> "*There is currently no evidence to suggest that CDL 1 stock is biologically distinct from CDL 2-4. Therefore, there may be a sustainability risk for this stock if catch levels increases to the current TAC and TACC. However, there is also no evidence to suggest that CDL 1 and CDL 2-4 are the same stock.*"

36. Notwithstanding, what is written in paragraph 41, with respect to the possibility of a sustainability risk, it would follow, that given the lack of fishery/stock specific information, CDL 1 is just as likely to be subject to a sustainability risk as it is not.

37. On this basis, other than low catches, there is little evidence that suggests there is a sustainability issue or the risk of a sustainability issue that warrants any adjustment to the CDL1 TACC for 2021-22, particularly significant adjustments as proposed (86% or 1,040 t) (Option 2) and 96% or 1,160 t) (Option 3)).

38. **DWG submits in support of FNZ's proposed status quo option (Option 3)**, with no change to the TACC of 1,200 t for CDL1 in 2021-22.

39. **DWG supports FNZ's assessment of the environmental considerations of these fisheries**. DWG shareholders remain committed to minimising and managing interactions with other species.

SKI 3 & 7

40. DWG submits in support of Southern Inshore Fisheries Management Company who propose an Option 4 (to increase the SKI 3 TACC from 599 t to 1,200 t and to increase the SKI 7 TACC from 599 t to 1,200 t).
41. SKI 3 and SKI 7 quota owners are formally represented by Southern Inshore Fisheries Management Company Ltd (SIFMC). However, SKI 3 and SKI 7 is predominantly caught as bycatch in DWG-represented target fisheries such as in the hoki West Coast South Island fishery and in the squid, Stewart Snares Shelf fishery.
42. The increase in TACC is supported by the considerable increase in stock abundance in recent years (likely driven by the relatively strong 2014, 2015- and 2016-year classes recruiting into the fishery) which have been recorded both within the fishery and in fishery-independent datasets. SIFMC submits that:

    > *"Catches within SKI3 and SKI7 are far in excess of the current TACC settings on a within season basis and projected to be well overcaught by end of the fishing year. It is clear that the settings made last year were an underestimation of the projected abundance in these fisheries. Fisheries New Zealand should be acting to set the TACCs for such fisheries in excess of the current catch (where supported by the science, as is the case here) so as not to incur exorbitant deemed value effects but allow for sufficient headroom for a further review in the following year(s)."*

43. DWG supports SIFMC's position that increasing the SKI 3 and SKI 7 TACCs to a level that supports current stock status in the context of the current fishery will do a lot to provide for sustainable utilisation without incurring unnecessarily high and punitive deemed values.
44. DWG notes that consistent with the increase in stock abundance catches from both stocks have increased since 2016-17 and with landings exceeding the available ACE, fishers targeting other stocks (e.g., hoki) are liable for significant deemed values payments in excess of proposed options for both stocks.

Deemed Values

With respect to the proposed decreases in deemed values for SKI 1 and SKI 2, DWG supports the submissions made by FINZ in their submission.

With respect to the proposed increases in deemed value increase for SKI 7 and the retention of the current deemed value for SKI 3, DWG supports the submissions made by SIFMC in their submission.

Further Engagement

DWG and our shareholders would be happy to engage in further discussions with FNZ on any matters pertaining to this submission before FNZ finalise their final advice on the sustainable management of these fisheries.

Regards,

Aaron Irving
Deputy Chief Executive
Deepwater Group Ltd

SOUTHERN INSHORE FISHERIES
MANAGEMENT COMPANY LIMITED

Sustainability Review 2021
Fisheries Management, Fisheries New Zealand
Email: FMsubmissions@mpi.govt.nz

27 July 2021

Review of Sustainability Measures for 1 October 2021

1. Thank you for this opportunity to comment on the review of sustainability measures for a number of fishstocks for 1st October 2021.

2. Southern Inshore Fisheries Management Co. (Southern Inshore) represents 104 inshore fishstocks throughout the Fisheries Management Areas 3,5,7 & 8. In addition to representation and advocacy for shareholders the Company also invests in annual research projects, for additional monitoring of key stocks, over and above the cost recovery process.

3. Southern Inshore is a member of Fisheries Inshore New Zealand (FINZ) which is our sector representative entity (SRE) to Seafood New Zealand (SNZ).

4. With our regional advocacy role for shareholders in the South Island we are appreciative of the continued collaboration with the fisheries management personnel in both Nelson and Dunedin, as well as input into national issues directly with Wellington staff. We are however disappointed with the lack of South Island fishstocks included in the October round. Significant investment in research services and cost recovery for trawl surveys has resulted in a high-level of information on our fishstocks. This October round should have been more extensive and included more stocks that are ultimately supported by science, and an inclusion of low knowledge stocks where positive catch trends support their review.

5. The contact for this submission is Carol Scott.

Lack of fishstock review and strategic approach

6. The annual process for Southern Inshore is the promotion of fishstocks for TACC reviews (up or down) and/or deemed value review on the basis of ongoing catch trends, science analyses and trawl survey output.

7. With around 670 fishstocks in the quota management system, something drastic has to happen within fisheries management to ensure that there are more timely reviews and responsive management across all of our fishstocks, including low knowledge stocks. SIF are pleased that over recent months a very productive conversation about how that might happen has begun with FNZ which should pave the way for continued improvement. Whilst disappointing that very few stocks are being reviewed, we request that FNZ seriously take on board what is being proposed overall recognising that a mutual improvement in the management process is essential moving forward.

8. Access to additional, sustainably managed ACE is the optimal outcome for fishers. Improved revenue from legitimate TACC increases for quota-owners and fishermen within this area obviously supports the Government Growth Strategy and their desire to provide greater economic opportunity.

9. Industry want and deserve, given the money they contribute, to be involved in a seamless, flexible, scientifically supported and robust TACC setting process that occurs each year in a transparent and meaningful way. We want some return on our investment and no longer want to be regarded as 'poor cousins' in an inshore fishery that is blossoming as a result of the management measures that commercial have adopted. We encourage FNZ to show the leadership and courage required to deliver some return on this long-term investment.

REVIEW OF BLUE COD (BCO3)

10. Southern Inshore **agree** with **Option 1**.

11. Option 1 proposes setting a TAC that retains the current TACC and sets allowances.

12. We agree that the TACC should not be reduced as the stock status relative to the management target is unknown, the commercial fishery is stable at the current level of fishing and that the current TACC is appropriate.

13. Figure 1 shows the analyses of catch based on 6mths of the current fishing year. Another plot will be available for end of July period but not available for this submission. The projection shows the potential increasing catch and is in direct comparison to the current recorded catch to end of June 2021.

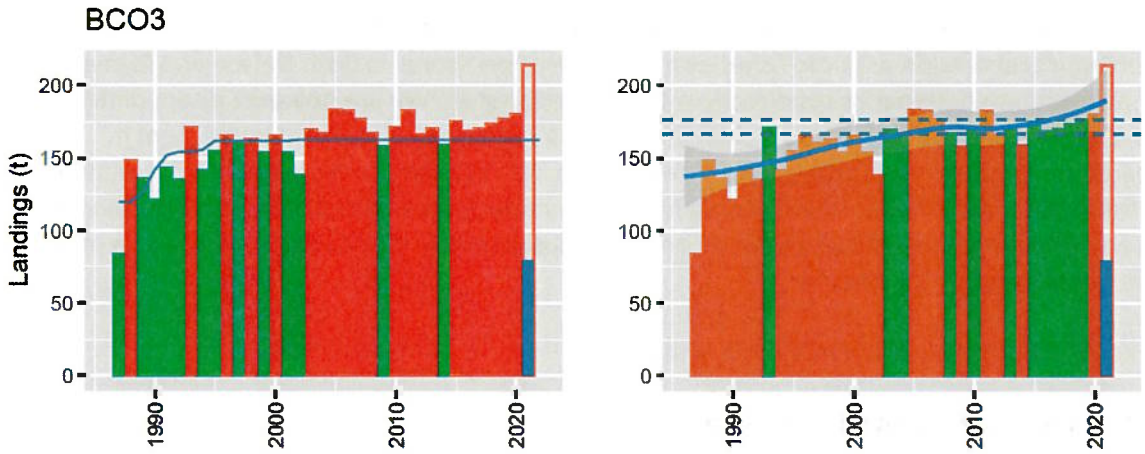

Figure 1. Catches of BCO3 in the current (in progress) fishing year. Blue bar shows cumulative landings to end of March 2021 while the projected catch for the full year is shown as an open bar. The left plot displays the annual landings in relation to the TACC (blue line). Green bars are landings less than or equal to the prevailing TACC, and red if the TACC is exceeded. The right plot shows catch variability. The dashed blue line illustrates the 25% and 75% quartiles of catch during the period of the current TACC.

14. In 2019, the Inshore Working Group accepted the mean CPUE from the target BCO cod potting series for the period 1994-95 to 2003-04 as the B_{MSY} compatible proxy for BCO3, but in 2021 it was revisited and the working group determined it no longer had confidence in the consistency of the CPUE series due to an increase in the regulated mesh size of the pots in 2009.

15. The working group have recommended a number of future research needs for the next assessment of BCO3. The research includes, including the change in selectivity in CPUE analyses and looking at the appropriate time series and reference period; overlap of BCO potting surveys

with commercial potting catch data and finer spatial resolution; analyses to better estimate the number of survey years and if re-ageing of otoliths across more years are needed; and obtaining survey-specific estimates of size or age at maturity and refining other biological parameters should be considered.

16. Given that more data is required to reduce the uncertainties from the most recent analyses, the decision should be that the TACC remain as it is until more analyses is done and presented to the working group.

REVIEW OF BLUE COD DEEMED VALUE (BCO7)

17. Southern Inshore **do not agree** to increase the deemed value for BCO7.

18. The blue cod fishery in BCO7 has been extensively impacted by the current seasonal closure and spatial pressures on the commercial sector and extraction by the recreational sector.

19. To increase the deemed value for BCO7 based on the proposed increase to the BCO3 deemed value is inappropriate. There are varying factors influencing fishing in both these regions. The fishery in BCO7 is mainly potting, whereas in BCO3 it is a mixture of potting and trawling with an increase in trawl caught BCO.

20. The port price for BCO7 reduced from $8.96 in 2018/19 to $6.93 in 2019/20, whereas the port price in BCO3 has increased from $7.09 to $7.36 for the same timeframe.

21. To align all BCO stocks to have the same deemed value is inappropriate when it is caught by various methods at varying degrees.

REVIEW OF RED GURNARD (GUR7)

22. Southern Inshore **agree** with **Option 2**.

23. Option 2 provides a further incremental increase to the TACC, however given current catch trends there is an expectation that the proposed TACC of 1,298t may be exceeded. An increase of at least 15% making the TACC at 1,357t would be more appropriate.

24. Southern Inshore have adopted the precautionary approach to sustainability reviews in that requests are made at levels where trawl survey results and current catch trends provide the guidance stepwise level requests so that the fishery can be appropriately monitored.

25. Whilst GUR7 did have an increase to the TACC in 2020, it is clear that the setting of that level was below the expected catch trend and biomass in the fishery. The 2021 trawl survey result shows that the increased TACC last year has not jeopardised the biomass and justifies our request for a further precautionary increase to the TACC of 15%.

26. The provisional indicative CV for GUR7 from the 2021 WCSI trawl survey is 17.5% which is only slightly higher than the 2019 figure of 16.3%, but below the target CV of 20%. The 2021 biomass is 2,019t and 2019 biomass was 1,642t. It is encouraging to see the continued improvement in the abundance in GUR7. The biomass increases have been consistent with the trend in recruitment to the fishery.

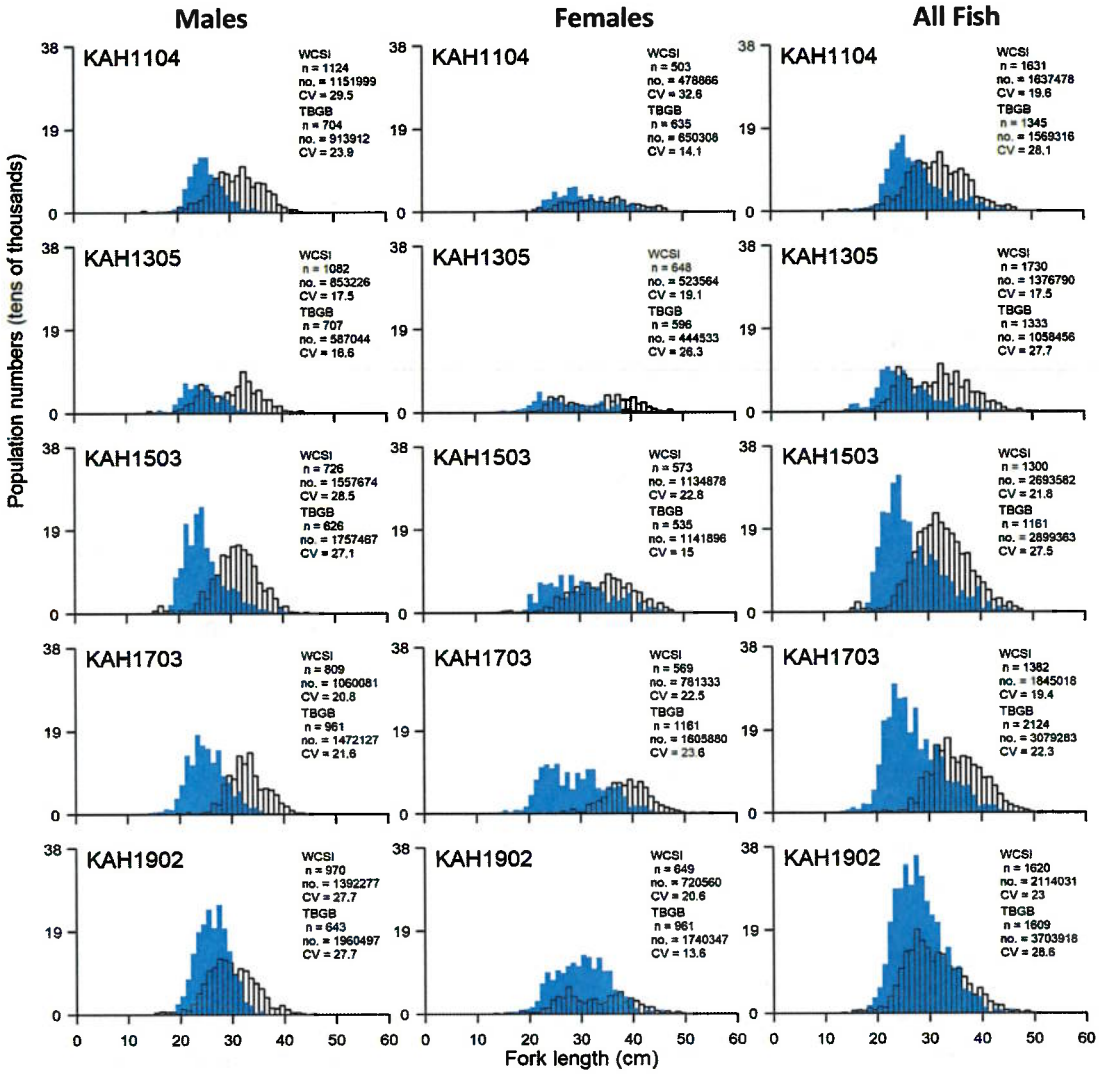

Figure 2. Comparative scaled length frequency distributions for GUR7 with Tasman and Golden Bays (blue bars) and west coast South Island (black bars).

27. We would like to see Fisheries NZ using the projections from previous surveys to allow for the TACC to be altered in line with the biomass and recruitment pulses coming into the fishery and not just look to set it at the present catch level. By making a management decision that allows for a certain level of headroom between catch and the new TACC would allow fishers to be less impacted by deemed values.

28. We agree that OSFRM should remain at 5% of the TACC given the commercial fishing selectivity changes that have been made and continued focus on such measures withing the mixed trawl fishery.

REVIEW OF SCHOOL SHARK (SCH5)

29. Southern Inshore **disagree** with **Option 2** in the first instance.

30. Option 2 proposes to reduce the TACC by 30% which is far in excess of the average catch against TACC for the past 10 yrs that is around 92%. The TACC to June 2021 is already 95% caught. Reducing the TACC by 30% would have financial implications on fishers from access to ACE and accrual of deemed value. An added concern is the effect on fishers also targeting rig as part of their setnet catch plan. To balance economic returns from their fishery, the immediate reduction of SCH5 by 30% is wider than just for SCH.

31. SCH5 is predominantly targeted by setnet fishers with minor bycatches taken in the longline and trawl fisheries in the region. The use of setnet has been hugely affected by closures to setnetting to protect Hector's dolphin in 2008 and further closures more recently throughout the South Island.

32. We observe that there has been a decline in the CPUE for SCH5 in last year's assessment, and that a fisher has expressed concern on declining catches. We challenge the fisher declining catch issue given the current level of catch to June, but agree that the current overall catch levels may be influencing the stock projection to remain below the target.

33. Southern Inshore propose a third option. **Option 3** proposes that the TACC be reduced by 15% to 632t and the similarly the TAC set at 675t. The next CPUE update due in 2022/23 would inform the performance of the fishery to the target level against another year of catch for 2021/22 and another ECSI trawl survey in 2022. The TACC can then be further reviewed if required.

34. The ECSI trawl survey biomass index has been relatively stable and will be updated with the latest 2021 survey result. Whilst the survey does not cover the southern end of the South Island it does monitor sub-adult fish.

35. FNZ have noted that there may be an uncertainty as to whether the fishery may have been at a depleted state at the beginning of the time series in which case the state of SCH5 may be in a relatively better than currently thought. Such a statement raises concern when such an impact may be experienced from the proposed 30% decrease to the TACC and impact on quota owners and fishers.

36. Should FNZ disagree with the proposed Option 3 then Southern Inshore support Option 1 status quo until further information is gathered from the next 2022 trawl survey and CPUE update.

37. We **agree** that the **deemed value** should be maintained at the current level.

REVIEW OF GEMFISH (SKI3 and SKI7)

38. Southern Inshore agree that the TACCs for both SKI3 and SKI7 must be increased, but do not agree that the Options provided by Fisheries New Zealand are set high enough to provide for the assessed increasing abundance, and further to prevent unpenalized access to their associated fisheries.

39. Southern Inshore propose that an **OPTION 4** be considered and accepted that would see the **TACC for SKI3 set at 1,200 tonnes and SKI7 set at 1,200 tonnes**. Fisheries New Zealand have under-estimated the utilisation potential in these fisheries and must not continue to set TACC proposals at current catch but look to the data and analyses provided and be more forward planning for upcoming recruitment pulses.

40. Gemfish (SKI) is predominantly caught as a bycatch of the WCSI hoki fishery (SKI7) and the Stewart-Snares and Puysegur squid trawl fishery (SKI3). There is also a catch of gemfish taken by the WCSI and ECSI inshore mixed trawl fisheries but not to the degree as caught in the note deepwater fisheries.

41. Gemfish grow rapidly, attaining a length of approximately 30cm at the end of the first year. The length compositions from the recent East and West Coast South Island *Kaharoa* trawl surveys revealed three consecutive year classes that have started to recruit to the commercial fishery. Recent length frequencies from the commercial fishery indicate one or two additional year classes have begun recruiting to the fishery in 2019 and 2020.

42. The available observer length frequency data (the fisheries responsible for most of the landings from catch are highly observed) for SKI3 and SKI7 show clear progressions of length modes in all observer regions where SKI occur for both bottom trawl and midwater trawl (See Plenary Vol 1, Figure 11). Both capture methods in the Challenger region show a broadening of the length frequency distributions in 2019 and particularly in 2020 with fish smaller than 30cm seen, which indicates that additional new recruitment has been entering these fisheries.

43. The current catches within SKI3 and SKI7 are far in excess of the current TACC settings on a within season basis and projected to be well overcaught by end of the fishing year. It is clear that the settings made last year were an underestimation of the projected abundance in these fisheries. Fisheries New Zealand should be acting to set the TACCs for such fisheries in excess of the current catch (where supported by the science, as is the case here) so as not to incur exorbitant deemed value effects but allow for sufficient headroom for a further review in the following year(s).

44. Historically, catches of both SKI3 and SKI7 have far in excess of current settings and whilst those catches decreased in the 1990s the current catches are showing to be exponential due to increasing abundance from the recruitment pulses. Whilst it is unclear how many further recruitment pulses may enter the fisheries (but continued monitoring will inform this in due course) it is clear that the biomass in these fisheries will continue to grow in the medium-term from weight growth alone. What is also unclear is whether there is influence of recruitment coming in from outside the known survey and commercial fishing areas. Should this be the case then it will compound the effects on these fisheries from the imbalance of the TACCs and deemed values.

45. SKI3 and SKI7 are monitored using independent-trawl surveys, observer data and commercial catch per unit effort (CPUE) data. Whilst it may be designated by FNZ as a low-medium knowledge stock it clearly has a higher level of data assessment than other fisheries. The following figure shows the continued rise in standardised CPUE.

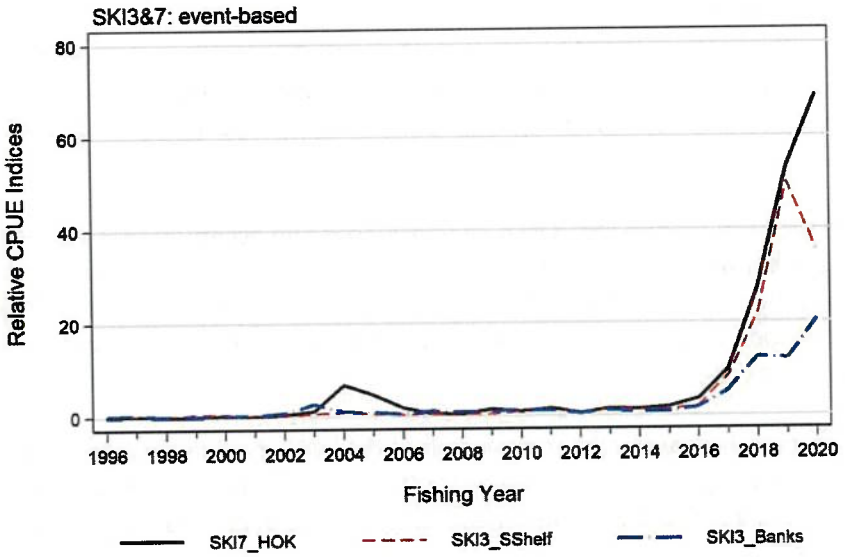

Figure 3. Standardised CPUE indices of event-based data from SKI7 hoki trawl, SKI3 Stewart/Snares Shelf trawl and SKI3 Banks trawl

46. The Working Group concluded that there had been a considerable increase in stock abundance from recent recruitment and that it was unlikely (<40%) that current catch will cause biomass to decline below the hard limit.

47. Currently there are a number of inshore and deepwater fisheries that are showing increasing levels and rates of catch and hence abundance that cannot be fully explained and may be beyond the design area of the trawl surveys. This uncertainty should not be a factor in Fisheries New Zealand not addressing the issues but enhancing them by allowing for continued access to all these fisheries, including SKI, to enhance commercial catch data. Fishers having to avoid areas with high species abundance, especially where it is solely bycatch due to lack of available ACE is simply inappropriate management.

48. SKI is not a target species and in the last 5 years there have been a very minimal number of logbook entries noted as target. The reason for noting target is unclear but on occasion the species with the largest amount of catch has been known to be recorded as target even when the fishing operation can clearly be seen to be in the region for the target squid or hoki fisheries. With the seasonal movement of SKI, it is not a reliant species to target on a seasonal basis. The following figures show the extent of non-target tows to target tows and catch for SKI3 and SKI7 for the past 5 years. It is clear that targeting of SKI is not being undertaken to any great degree, and nor should it, given the abundance in the fishery and level of available ACE.

Table 1. Indicative catch of SKI in deepwater fisheries for target and non-target tows (Source FNZ 2021)

SKI 3	2015/16	2016/17	2017/18	2018/19	2019/20
Target tow (No.)	0	5	1	0	1
Target tow SKI catch (T)	0	0.4	0.3	0	0.8
Non-target tow with SKI Catch (No.)	58	437	817	1478	1883
Non-target tow SKI catch (T)	57	111	198	240	254
Total Landings (T)	80	248.2	466	576.6	513.6
SKI 7					
Target tow (No.)	39	18	11	5	2
Target tow SKI catch (T)	18	13	10	1.6	11.5
Non-target tow with SKI Catch (No.)	688	1435	2001	2484	2663
Non-target tow SKI catch (T)	70	207	243	458	504
Total Landings (T)	186	431	583.2	937.2	937.5

49. Should FNZ not agree with the proposed Option 4, Southern Inshore request that the TACC be increased under Option 3.

SKI7 Deemed Value proposal

50. Southern Inshore **do not agree** with the proposal to increase the deemed value for SKI7 back to the original figure set last year to accommodate the projected injunction for the TACC increase from the relinquishment of 28N rights. Whilst this matter has been concluded it is not clear why FNZ wish to increase the deemed value for this fishery when the port price is set so low and that this is not a target nor recreational fishery. At current catch levels the availability of ACE is minimal, to nil, and if the TACC is not set at an appropriate level then deemed values at the higher proposed level will incur undue impact on the commercial sector. The industry should not be paying deemed values on fisheries that are assessed with such abundance. The commercial value has also been significantly impacted, especially for the smaller fillets. See Table 2 for FOB price variance by fillet size.

51. It could also be argued that the deemed value for SKI3 should not be at the higher level on the same basis and will take the opportunity to discuss and present a proposal to FNZ for the next round.

52. Not only are quota owners and fishers being impacted by exorbitant deemed value accrual but the return on export value has taken a massive hit. The following table shows the NZ FOB fillet prices received comparing 2018 to 2020. It shows huge reductions in economic returns which make it hard to effectively have the equity to pay the deemed values.

Table 2. Comparative value decrease of NZ FOB fillet prices for SKI due to Covid-19

Grade (FLTS)	2018	2020	% Reduction
400g-1kg	$ 4.10	$ 2.20	-46%
1kg+	$ 4.85	$ 3.10	-36%

SKI DRE Conversion Factor proposal

53. After the start of the consultation phase for the Review of Sustainability Measures a further consultation paper has been issued: *Review of conversion factor for gemfish processed to dressed state, July 2021.*

54. The proposal is to reduce the conversion factor for gemfish processed to a dressed state from 1.55 to 1.50 based on robust data collected by Government fisheries scientific observers. The current conversion factor of 1.55 for dressed gemfish has not been reviewed since prior to the start of the 1991/92 fishing year.

55. Whilst most gemfish are taken by deepwater fleet and dressed at sea, the factors around ensuring that conversion factors are appropriate remains of concern to the inshore commercial fishers as well.

56. Southern Inshore **agree** that the conversion factor for dressed gemfish should be decreased from 1.55 to 1.50.

We look forward to the continued development of a management framework that will be more reactive and inclusive of additional fishstocks for review. Spreading resources by consulting within the April and October rounds should allow for more fishstocks to be reviewed and this process needs to be maximised.

Contact: Carol Scott

27 July 2021

2021 Sustainability Review
Fisheries Management
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Sealord Submission on Fisheries New Zealand Sustainability Review 2021

1. Kia ora and thank you for the opportunity to make a submission on the proposed TACC changes and deemed value rates for 1 October 2021.
2. Sealord is half owned by the Maori people of New Zealand, through Moana New Zealand (Aotearoa Fisheries Ltd), and half owned by global seafood company Nippon Suisan Kaisha, Ltd (Nissui).
3. One of the largest quota holders in New Zealand, Sealord manages all aspects of our deep-water operations from harvest to sale. Sealord operates eight deep water vessels in New Zealand waters. For more information on Sealord please refer to www.sealord.com.

Deepwater Stocks

HOK1

4. Sealord supports option 1 proposed by Fisheries New Zealand (FNZ), maintaining the status quo.
5. The best information available indicates that HOK1 is a single biological stock (see par 7 below). The 2021 stock assessment estimates that HOK1 spawning population is at 40% of the unfished biomass, which is within the management target range.
6. The current TACC of 115,000 tonnes is a level of harvest that will ensure hoki population biomass growth. The catch history of hoki can be characterised by an inititial fish down period, from the start through to the year 2000, culminating in a period of overfishing. Overfishing was recognised in 2003 by the near collapse of both the East and West hoki fisheries, including biomass depletion in the juvenile feeding grounds on the western Chatham Rise. The TACC was cut from 180,000 tonnes to 100,000 for the 2004 fishing year and the fishery recovered to the top of the management target range over a five-year period.
7. Deepwater Group commissioned a genomic analysis of each of the disparate areas where hoki are found,

around New Zealand and Tasmania. It was found that New Zealand and Australian hoki are genetically differentiated but there is no difference between the various locations around New Zealand. The authors conclude that HOK1 conforms to genomic panmixia[1] and is therefore a single biological stock. Other evidence for the single stock hypothesis includes:

a. The only place juvenile hoki are found is on the Chatham Rise.
b. As the genomic analysis eliminated natal fidelity to the east and west hoki spawning sites, other explanations are more likely. Such as density dependent migration or environmental factors like ocean currents or water temperature.

8. Hoki quota owners have chosen to catch below the TACC, through mandatory ACE shelving arrangements, since the 2017/18 fishing year. Initially this was because our experience in the fishery indicated (correctly) that the stock assessment models were not representing the biomass changes. This practice will be continued into the 2021 year with the intention of lifting HOK1 biomass beyond the upper bound of the management range. It is expected that 1) hoki will be able to be caught more efficiently at a higher CPUE and 2) we can avoid volatility in the TACC and thereby improve domestic employee recruitment, fleet modernisation planning and consistent market access.
9. The current stock assessment modelling indicates that in 2003 HOK1 was at 27% of virgin biomass (B_0), it is now assessed at 40%B_0. Average HOK1 catch through the 2000s rebuild were 98,000 tonnes, this is consistent with the level of catch hoki quota owners have agreed in order to lift hoki abundance above the management target range.
10. Over the last two years the hoki stock assessment model has been updated with a thorough revision of the underlying assumptions. It has been noted that the key driver of HOK1 biomass growth is the level of recruitment to the adult population. Hoki quota owners have committed to continue the suite of measures to protect the juvenile population on the Chatham Rise.

[1] A panmictic population is one where all individuals are potential partners. This assumes that there are no mating restrictions, neither genetic nor behavioural, upon the population and that therefore all recombination is possible. Wikipedia

LIN5

11. Sealord supports option 2 proposed by FNZ for a 10% increase in the TACC from 4,735 to 5,208 MT.
12. The assessment of the LIN5 and 6 biological stock indicates abundance well above the management target of 40%B0 and our experience in the fishery is aligned with this finding.
13. Sealord notes that the LIN6 portion of the stock is widely dispersed and tends to remain unfished for commercial reasons. Much of this catch is associated with hoki target tows which are highly unlikely to increase in intensity over the next five years.
14. Sealord's preference for option 2 over option 3 is due to an abundance of caution. We recognise that the stock assessment indicates that a 20% increase is likely to be sustainable. In our opinion a staged increase in the TACC will highlight any unforeseen consequences to the commercial viability of the fishery.

SKI3 & 7

15. For both stocks, Sealord supports an increase beyond the proposed FNZ option 3.
16. Sealord propose an increase in the SKI3 TACC to 1,200 tonnes and in SKI7 to 1,400 tonnes.
17. Gemfish is an unavoidable bycatch in the SQU1 (SKI3) and HOK1 (West Coast) (SKI7) fisheries. An increase in the SKI3&7 TACC will not affect the level of fishing effort on these stocks.
18. Extrapolating from the year-on-year increase in annual gemfish bycatch (2015-2020), expected catches next year are likely to be well above 1,000 tonnes in each fishery.
19. The figure below from the Fishserve portal illustrates the increasing annual catch for SKI7 under decreasing effort in the WCSI hoki spawn fishery. Indications are SKI7 catches this year will be even greater.

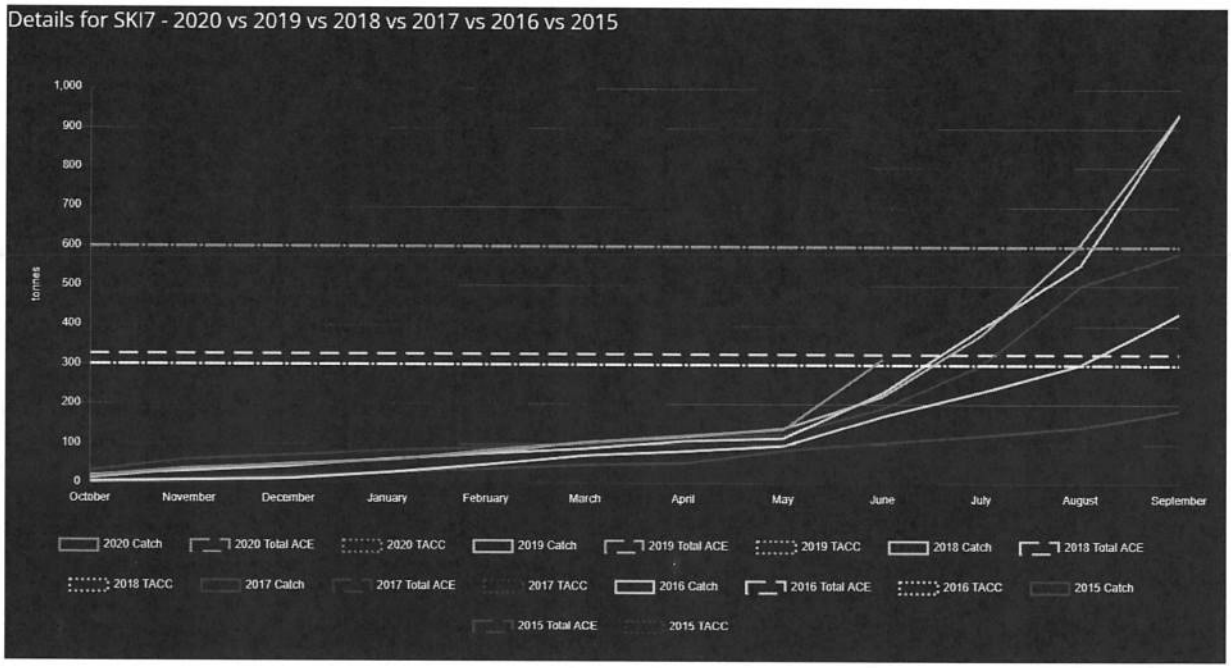


Figure 1: Whole of industry SKI7 catch and TACC 2015-2020

20. The single southern gemfish biological population that is comprised of SKI3 and SKI7 has undergone a tenfold increase since 2015 according to relative CPUE indices in both fisheries. This despite year on year increases in catch since 2014.
21. The length compositions from the recent East and West Coast South Island Kaharoa trawl surveys revealed three consecutive year classes that have started to recruit to the commercial fishery. Recent length frequencies from the commercial fishery indicate one or two additional year classes have begun recruiting to the fishery in 2019 and 2020 (2021 Fisheries Assessment Plenary).
22. The Kaharoa West Coast inshore trawl survey has recorded increasing gemfish biomass since 2011. The inshore trawl survey records younger gemfish than encountered as bycatch in the WCSI hoki fishery, so the inshore biomass increase is consistent with the increase in the hoki target CPUE based abundance index. All indications are that the southern gemfish population is undergoing a long-term sustained period of growth.
23. Sealord notes that the October 2019 TACC increases did not raise the catch limit to the level of catch in the preceding year, and that the proposed Option 3 TACC increase is likely to repeat the same failure to account for the growth in the population.
24. The inability of the sustainability round process as described has resulted in the permit holders paying

deeded value for catch exceeding ACE with $2.566 million paid in SKI3 and SKI7 over the last four fishing years.

25. Managing species where there are rapid biomass increases need to be approached differently rather than through the traditional sustainability processes. Gemfish is a fast growing and short-lived species. Annual recruitment is variable but can be tracked by the WCSI inshore trawl survey. It is a commercially important species (not for the value of the catch but due to it being a choke species for squid and hoki) that is unlikely to fit a standard stock assessment paradigm. Sealord propose that southern gemfish TACCs should be set using an adaptive management strategy, wherein the catch limits for the following year should be automatically adjusted relative to a predetermined fishery metric; for example, the CPUE model from each major target fishery.
26. Sealord does not support the proposal to increase the deemed value under option 1 and would submit that there is no clear reason why the deemed value rate would be increased given the TACC has not been set at the appropriate level.

CDL1

27. Sealord does not support any of the options proposed by FNZ. However, we do appreciate the intention of options 2 and 3; to safeguard the stock in the event that fishers in the future attempt to catch at the level of the current TACC.
28. Sealord propose to decrease the TACC by 67% to 400 tonnes.
29. Cardinal is primarily caught while targeting orange roughy, either as a low level of bycatch or occasionally in larger volumes either targeted or when a cardinal aggregation is mistaken for roughy.
30. We disagree with the approach of setting a TACC at a level just above current catch. This may unnecessarily constrain the ORH1 fishery and become more problematic when cardinal abundance increases. As a low value species, it will not be economically viable to carry out a stock assessment to the level of certainty required to increase the TACC. Thus, leaving deemed value penalties as the only (unsuitable) tool to manage catch and effort.
31. Sealord believes that a TAC of 400mt achieves the intention of preventing future overexploitation of CDL1. Whilst at the same time providing some headroom in the case of cardinal biomass increase, allowing time to develop appropriate measures to index abundance and provide stock assessment guidance.

Inshore Stocks

SNA8

32. Sealord supports option 3 proposed by FNZ for a 75% increase in the TACC to 2,275 tonnes.
33. Sealord deepwater vessels encounter snapper as an unintended and unavoidable bycatch in the jack mackerel fishery. Over the last five years we have noticed increasing abundance and expansion southward of the snapper population off the west coast of the New Zealand (SNA7&8). This is a year-on-year increase of 3.5mt against an average annual catch of 28.3mt, over the five-year period our catches have nearly doubled (185%).

Review of Demed Value Rates

34. Reviewing deemed values rates within a structured policy framework does not address the anomalies commercial fisher's face from mixed species fisheries, interannual variability in distribution and abundance, and climate change. The stated purpose of the deemed value framework is to encourage fishers to balance catch with ACE. Sealord views the practice of increasing deemed value after a single year excess or failing to recognise increasing relative abundance in a mixed fishery as incorrect applications of the framework that are not intended to lead to behavioural change.

KIN8

35. Sealord supports a reduction in the deemed value rate for KIN8 which will see alignment with the KIN7 deemed value rates.
36. With the reduction however remains the misalignment between frozen at sea return for kingfish (net sales price of $1.70 - $2.00kg) and the deemed value rate proposed that rises from $4.45/kg at 100 – 120% over-catch to $8.90/kg for catch > 170%.
37. Sealord would also submit that the ACE price should not be considered as a comparator as the average ACE price quoted in the review documents is simply a distortion of the previous ramped deemed value rates and bore no resemblance to actual returns.
38. Sealord strongly suggest that a TACC increase is warranted for this species that continues to become more abundant and harder to 'not-catch' in FMAs 7 and 8.
39. Kingfish is caught by Sealord as a bycatch species in the jack mackerel fishery (JMA7). Like the snapper bycatch in this fishery, increasing abundance of kingfish has resulted in skyrocketing deemed value payments which peaked for fishing year 2019-20 at $1.098 million.

40.

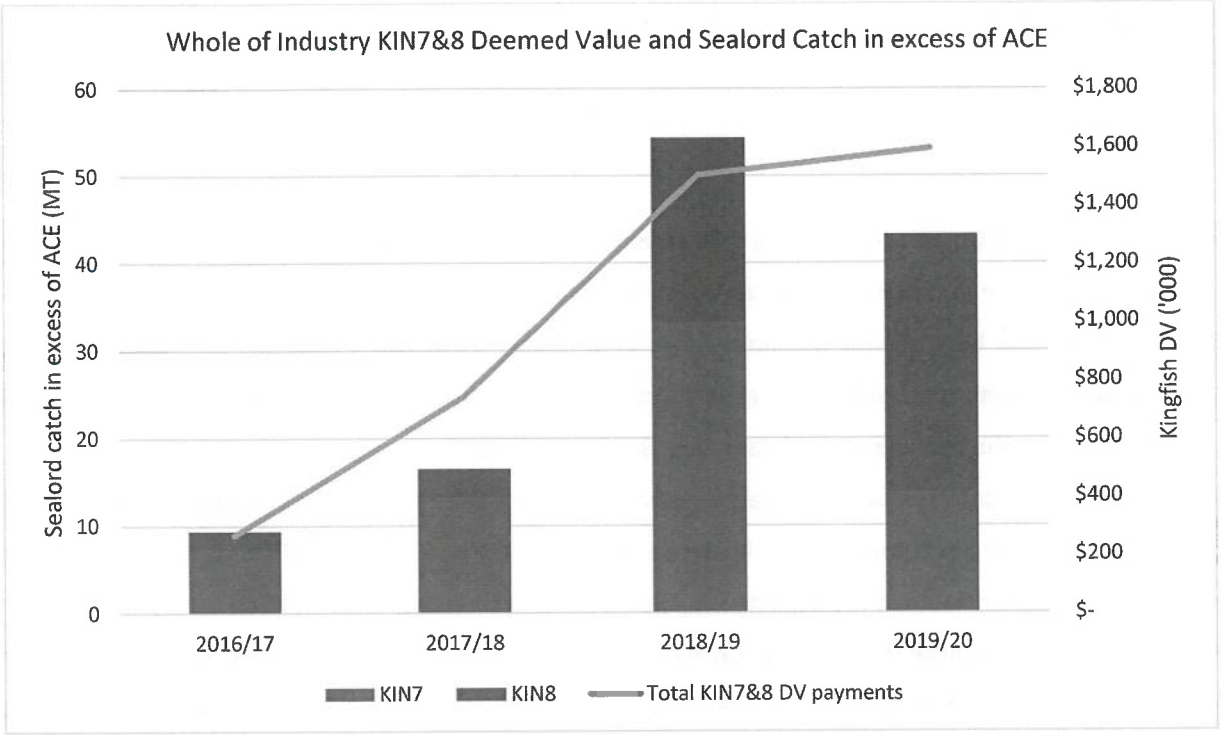


Figure 2: Catches and deemed value payments for KIN7 and KIN8. Catches remain high despite efforts to avoid. Deemed value payments, primarily from JMA fishers rise year on year.

41. Kingfish bycatch rate is in the order of 0.08% relative to JMA, it is highly stochastic with a handful of large kingfish catches (>1,000kg) each year lifting the catch above ACE holdings. Sealord has geofenced 'hotspot' regions, with the highest likelihood of catching kingfish, and prohibited fishing effort within. These hotspots coincide with areas of highest JMA catch rate, so this somewhat effective kingfish avoidance measure (figure 2) comes with significant operational costs.
42. This fishing year (2020) Sealord has invested in additional chart plotting software that allows vessel management to push out to vessels temporary ring-fenced areas of fishing prohibition. This will be done in rapid response to high kinfish catches reported by other vessels.
43. In 2020, Sealord instigated a project to innovate bycatch reduction measures. With co-funding from Seafood Innovations Ltd (SIL), an independent scientist project manager and collaboration with JMA7 quota owners the three-year project has completed its first year. The first phase involved literature review, cross sectoral stakeholder interviews and video data collection.
44. Sealord is tagging kingfish released under schedule 6 to assist in understanding kingfish migration, stock structure and survival of the fish.
45. Methods to avoid kingfish by-catch as described to minimise deemed value payment does however distort

the CPUE data and can lead to an underestimation of the projected abundance for this stock.

BNS2

46. Sealord does not support the increase in deemed value where the proposed change appears to address the actions of a single permit holder, not dissimilar to what happened in BNS3.
47. A low TACC has been set for bluenose while undergoing rebuilding. Indications are that abundance is increasing. Despite this Sealord has reduced our bluenose catch through a contraction of the alfonsino fishery and careful management of gear type and fishing time.
48. The bluenose bycatch reduction project (Sealord, Westfleet and Sanford with co-funding from SIL) is in its second year. We have developed a bluenose bycatch reduction device (BRD) and further trials in the upcoming alfonsino season are expected to allow bluenose to escape the trawl net.
49. Sealord would also note that like kingfish avoidance tactics outlined above, avoiding bluenose by-catch by changing gear type, fishing time and location will distort CPUE data and projected abundance of this stock and the main target specie, alfonsino.

SKI2

50. Sealord supports a deemed value reduction but not at the rates proposed by FNZ. It would be inappropriate in Sealord's view for the industry to incur deemed values at the higher level proposed when the TACC has not addressed the spike in abundance occurring in this stock.
51. Sealord would submit the appropriate rate for SKI2 is $0.44/kg for the interim rate, $0.49/kg for 100 – 200% and $0.72 for catch more than 200%.

Yours sincerely

SEALORD GROUP LTD

Doug Paulin

General Manager
Group Operations
Sealord

27 July 2021

Sanford Limited Submission on the IPP SNAPPER 8 – 2021

Thank you for the opportunity to comment on the Fisheries New Zealand Initial Position Paper – snapper 8.

This submission represents the view of Sanford Limited (***Sanford***). Sanford supports Option Four, which is a Total Allowable Catch (***TAC***) to 4,152 tonnes. Option 4 provides for an extensive increase in commercial catch and increased use for both customary and recreational interests. Sanford also supports Option 1 for deemed value change.

For transparency, Sanford has an interest in snapper 8 that is greater than the general public. Sanford is a significant quota owner of snapper 8 stock, has two fishing vessels working on the west coast of the North Island catching snapper 8, and is the largest holder of 28 N Rights.

- an increase in TACC means an increase in Annual Catching Entitlements ***ACE*** that will enable vessels to catch more efficiently and no longer require them to actively avoid snapper
- an increase in TACC will lower the price of snapper 8 ACE and ensure that fishers have a better return for their effort
- an increase in TACC will increase the sales opportunity and mean that more fish can be processed and sold
- an increase in TACC will mean more jobs, economic growth and spread wealth
- reducing the deem value penalty to 10% over-catch recognises that the fishery is no longer in rebuild while still providing some caution to individual vessel catch rates.

The four-fold exponential increase of the snapper 8 biomass since 2005, and the fact that the fishery has surpassed its Harvest Strategy Standard biological rebuild target by 16% is a good news story that all west coast North Island fishers can be proud to have contributed to.

The West Coast North Island snapper biomass is growing exponentially - we note that the environmental conditions seem ideal for snapper, and snapper stocks across the North Island stocks are growing exponentially.

Science, including a three-year trawl survey (2018-2019-2020) has consistently shown a strong snapper 8 stock rebuild. The recent stock assessment estimates that the west coast snapper 8 fishery has been above its target biomass since at least 2019 when the CPUE was updated. The TAC increase is overdue, the rebuild is complete.

What influences the amount of snapper in the sea - recruitment to the fishery (how many small snapper transition into older larger fish) appears to be strongly influenced by environmental conditions. Warm temperatures are closely associated with successful recruitment. Strong year classes in the population correspond to warm years.

The west coast North Island snapper fishery is in good health because of multiple strong year classes and catching restrictions on the TAC for all sectors since 2005 as part of the rebuild programme. Under all the proposed Fisheries New Zealand management options for TAC catch increases the snapper 8 biomass is modelled to continue to grow. Option 4 provides the largest utilisation opportunity, is biologically sustainable and in Sanford's view provides the greatest flexibility for all fishers to manage their catch effort.

How certain can we be that the snapper science is correct - snapper are the most well understood of all New Zealand close-to-shore fin fish stocks. A lot of science effort has been invested in understanding this fishery. The stock assessment has 97% probability that the snapper 8 stock is above the target population size of 40% of unfished biomass. It is extremely unlikely that there would be any surprises.

The snapper fishery was overfished in the 1980s could this happen again - no. In the 1960s significant amounts of snapper were caught by Japanese vessels. Then in the 1970s and 1980s catch by New Zealand owned commercial vessels peaked. Back at that time snapper were being caught using pair trawlers (two boats pulling one net) – this method of fishing is no longer used. In the 1980s the fishery showed strong signs of being overfished. With the introduction of the Quota Management System (***QMS***) in 1986, a total allowable catch regulated the amount of snapper that can be caught each year across the three sectors (customary, recreational, and commercial).

The commercial sector has tightly regulated catch reporting and has stayed within its total catch allocation. A substantial level of pain was endured across the commercial sector since the 2005 TACC cut to ensure that catch limits did not exceed available Annual Catching Entitlements[1] (***ACE***). For the last 15 years commercial fishers have had to actively avoid catching snapper 8 and have:

- moved away from traditional fishing grounds
- reduced catching time at sea (including vessels leaving the fishery, and tying up vessels before the end of the fishing year because they could not secure sufficient snapper ACE to cover their catch)
- vessels decreasing their headline height to avoid catching snapper
- forced to pay high prices for snapper 8 ACE as demand outstripped availability

All measures have financially cost commercial fishers in lost efficiency and less effective catching on the water.

It is with great pride that Sanford supports the Option 4 TACC increase with the knowledge that our efforts have contributed to rebuilding this fishery.

[1] On the first day of each fishing year a quota share in snapper 8 generates an annual right to catch a specified kilo weight of snapper. This catching right is known as an 'Annual Catching Entitlement' (**ACE**). The amount of ACE generated (in kilograms) may vary up or down depending on TACC increases or decreases. The quota owner can either catch the fish themselves (as Sanford does with its two vessels) or lease out their ACE (which Sanford also does to contract fishers). Every kilo of snapper commercially caught must be covered by ACE or a kilo deemed value paid (a monetary penalty). The high price of snapper 8 ACE and deemed value reflects its scarcity

What assurance is there that the snapper fishery will not be overfished again - the Government under the QMS has an annual process of setting a Total Allowable Catch (TAC) for each fish stock, which is the total amount of catch across all sectors (customary, recreational, and commercial) that can be taken out of a fishery to ensure its long-term sustainability.

This process of setting a TAC is supported by science and includes a round of government led public consultation. The historic overfishing in the snapper 8 fishery occurred prior to the QMS, and in fact overfishing is one of the reasons the QMS was introduced.

The QMS and subsequent government policy is well developed for the commercial catching sector, including recent move to electronic catch reporting and e-cameras. Sanford is supportive of both.

The next challenge for government is to work collaboratively with the recreational fishers to develop an easy and efficient catch reporting system for the recreational sector.

Sanford reinforces that in a shared fishery there are shared responsibilities and obligations – catch reporting is not difficult and should be a basic premise for holding the right to fish. While boat ramp surveys backed up by telephone surveys contribute good recreational catch data, they should not abrogate individual responsibility. We all have a role to play when we go fishing.

The TAC as a reflection of the Harvest Strategy Standard biological needs - since 2008 the Government has used the Harvest Strategy Standard (***HSS***) to establish a 'biological biomass' target for each fish stock relative to its unfished population. The target and the rate of a fish stock rebuild is influenced by factors such as how old fish species can live. We note that Fisheries New Zealand used to estimate snapper stocks based on deterministic methods (that is scientists assumed the known average rates with no random deviations) but then moved to real world estimates, which in the case of snapper was based on very detailed simulations done firstly by Chris Francis and then Vivian Haiste. This lead to increases in Bmsy from around 23% Bo to 40%Bo.

For snapper 8 the HSS target is 40% of its unfished biomass. The HSS is one of the key inputs into the setting of the TAC, as it ensures that government decisions on science are transparent and consistent for each fish stock, over time. The HSS has inbuilt conservative estimates (proxies) that have the effect of reducing the risk of over-estimating the biological status of the rebuild.

The best available science estimates that snapper 8 is 14% above the its HSS target and is projected to continue to grow under all IPP management options. This means that on biological considerations there is no justification for not choosing Option 4.

What are the TAC options this year for snapper 8 - the government has proposed four options to increase the TAC and to share this between the three catching sectors, all options are consistent with the HSS standard and meet the goal of biological sustainability. Option one is the most conservative increase and option four is the boldest increase. Under all four options proposed by Fisheries New Zealand the west coast snapper population is projected to continue to track upwards.

Sanford supports Option 4.

Sanford recognises that ongoing monitoring of the stock is required to ensure that the TAC increase has no unintended consequences. The QMS fully anticipates that a stock will fluctuate around its HSS 40% B_0 target and monitoring ensures that these movements are picked up and reported. Sanford accepts that another stock assessment will be required by 2025.

Sanford supports the establishment of a snapper working group to, among other things, consider the possibilities of adopting a continuous data collection process whereby fish caught by all sectors is reported and recorded. It is our view that this could include:

- sampling recreational catch at boat ramps
- requiring recreational fishers to report their catch
- requiring commercial charter vessels to report their catch
- sampling on commercial vessels and in processing plants
- electronic catch reporting and spatial overlap of catch and effort
- an adjusted CPUE that is calibrated to take into account changes in fishing effort

Resolution of 28 N Rights - when the QMS was set up in 1986 quota was allocated to commercial fishers based on their commercial catch (the best two years of their three year catch history). In some stocks, like snapper 8, initial allocations of quota were more than the total catch allocation (TAC) so a rebalancing was required. The government offered to buy back quota, and those fishers who decided not to sell their quota could bank it (these became 28 N Rights) which the law said would be restored into catch allocation when the TACC next increased. Since 1986 the snapper 8 TACC has not increased sufficiently to resolve all 28 N Rights.

Sanford is one of the largest holders of 28N Rights because the company decided not to take the cash compensation from government and banked our rights from 35 years ago. The law requires that 28 N Rights holders are the first receivers from a TACC increase.

Option four provides for all 28 N Rights in SNA8 to be resolved and provides additional catching entitlements to existing quota owners and customary and recreational fishers.

Iwi are concerned that their Treaty Fisheries Settlement is diluted by the 28 N Rights – Maori were granted 10% of all commercial fish stocks managed by the QMS, this is called Settlement Quota. In allocating Settlement Quota the government did not account for the 'banked 28N Rights'. In a TACC change iwi are concerned that their proportional share of either the cut or the increase will be diluted.

Sanford recognises this and is in discussions with TOKM as to how 28 N Rights could be resolved while simultaneously ensuring the Settlement Quota is not diluted.

At the time that Sanford leaders decided to accept 28 N Rights and bank their snapper 8 quota it was never envisioned that it would take 35 years for a TACC increase to eventuate. Between then and now, the 28N Rights have held back good fisheries management, affected 'rebuild' decisions and clouded the pitch when quota owners came together.

Sincerely

Colin Williams, GM Fishing
FOR
Clement Chia, COO
Sanford Limited

For questions on this submission please contact Alison Undorf-Lay |

Sanford has the view that all quota owners benefit that the outstanding 28 N Rights being resolved, and all move forward as equal partners in the commercial fishery.

Why is Sanford supporting Option 4 - Sanford supports

- Decision making made using the best available science
- Consistent and transparent application of government policy across all fish stocks
- Resolution of 28N Rights, and all quota owners sharing equally in future TACC changes

Who is likely to catch Sanford's extra fish that come into the TACC and would there be more trawling – there will be some increase in catching effort but we are not expecting it to be significant. For the last 15 years fishers have been forced to move away from traditional fishing grounds to avoid catching snapper. The increase in snapper 8 ACE supply will simply mean that fishers can catch more effectively, target their effort and trawl less while catching more snapper.

Sanford commits to sharing the extra catching rights (ACE) that comes from the TACC increase with existing west coast North Island fishers. Snapper fishers will be able to fish smarter, use less effort and catch more snapper.

Sanford will distribute the additional ACE from any TACC increase to its existing fishers who work for the many companies that fish for us, it will also use some ACE to encourage other fishers into dolphin safe fishing. As part of Sanford's commitment to the Maui Dolphin Protection Plan in 2017 Sanford has already helped fishers' transition from set netting to long lining and trawl, Sanford will continue to meet this commitment. Some of the additional ACE will also be allocated to our own two vessels so that they too can fish more effectively.

Extra catching rights (ACE) does not mean more vessels in the fishery, it just means that fishers will have more flexibility and can fish more effectively and closer to home. This means they do not need to only fish in areas where snapper is less abundant.

We heard of concern being expressed at a Fisheries Inshore regional meeting of possible localised depletion along 90 Mile Beach – localised depletion is where a concentration of fishers (or vessels) is catching too many fish from a too small area in too short of time. We think low recreational and customary catches along 90 Mile Beach is very unlikely to be a symptom of localised depletion as the commercial catch effort in this area is not concentrated. Notwithstanding, this illustrates there is a role for Fisheries New Zealand to provide information (and catch and spatial data) that can inform these discussions and alleviate concerns. Sanford notes that our fishing vessels will sometimes overnight and shelter close by Ahipara to dodge bad weather.

Conclusion – Sanford supports the TACC increase for Option 4 and the Option 1 Deem value change. Option 4 offers the most opportunity to commercial fishers, is sustainable and is consistent with the Harvest Strategy Standard. Option 4 is good for the New Zealand economy and for regional community.

26 July 2021

Sanford Limited Submission on the IPP
FIN FISH STOCKS OTHER THAN SNAPPER 8 AND EAST COAST NORTH ISAND TARAKIHI 2021 - 2023

Thank you for the opportunity to comment on the Fisheries New Zealand Initial Position Papers for fin fish stocks included in the 2021-2022 Sustainability Round. This submission represents Sanford's views on stocks that the Company holds quota for, other than snapper 8 and east coast North Island tarakihi. The Sanford submission on snapper 8 and tarakihi east coast are submitted as two separate documents.

This submission represents the view of Sanford Limited (***Sanford***).

For transparency, Sanford has an interest in these stocks that is greater than the general public. Sanford is a quota owner, fisher and fish processor. Sanford supplies fish onto the New Zealand domestic market and into export sales. Sanford has been involved in the seafood industry for more than 150 years and has been publicly listed since 1924. Sanford is a member of the Deepwater Group, Fisheries Inshore New Zealand and Southern Inshore New Zealand.

Hoki 1

Sanford supports Option 1 as outlined in the Deepwater Group submission.

Ling 5

Sanford supports Option 3.

Gemfish

Gemfish 3 - Sanford supports Option 4 as proposed by Southern Inshore New Zealand.

Gemfish 7 - Sanford supports Option 4 as proposed by Southern Inshore New Zealand.

Black Cardinalfish 1

Sanford supports Option 1

Hapuku / Bass

Hapuku Bass 1 - Sanford supports Option 3

Hapuku Bass 2 - Sanford supports Option 2

Red Gurnard

Red Gurnard 1 - Sanford supports Option 1

Sincerely

Colin Williams,GM Fishing Sanford Limited

For questions on this submission please contact Alison Undorf-Lay |

Maruehi Fisheries Limited

27 July 2021
Fisheries New Zealand
Fisheries Management Team
By email: fmsubmissions@mpi.govt.nz

Review of Sustainability Measures for October 2021-22 Fishing Year

Tēnā koe,

Maruehi is fully committed to the sustainable management of its fisheries and ensuring their protection and continued productivity for future generations to come.

Maruehi fully supports Te Ohu Kaimoana's submission regarding the sustainability measures for the October 2021-22 fishing year. Those fish stocks relevant to Maruehi and its position with respect to each is set out in the table below.

Hoki (HOK1)

Fisheries NZ (FNZ) proposed options:

Hoki (HOK1)

Fisheries NZ (*FNZ*) proposed options:

Option	TAC	TACC	Non-regulatory catch split arrangement		Allowances		
			Western stock limit	Eastern stock limit	Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	116,190	115,000	55,000	60,000	20	20	1,150
Option 2 *(Modified status quo)*	116,190	115,000	50,000 ↓ (5,000)	65,000 ↑ (5,000)	20	20	1,150
Option 3 *(West ↓ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	50,000 ↓ (5,000)	60,000	20	20	1,100 ↓ (50)
Option 4 *(West ↓ 10,000, East ↑ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	45,000 ↓ (10,000)	65,000 ↑ (5,000)	20	20	1,100 ↓ (50)
Option 5 *(West ↓ 10,000)*	106,090 ↓ (10,100)	105,000 ↓ (10,000)	45,000 ↓ (10,000)	60,000	20	20	1,050 ↓ (100)

Maruehi supports a decrease to catch via ongoing industry shelving. Maruehi therefore supports **Option 1** – Status Quo.

Ling (LIN5)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	4,834	4,735	1	1	97
Option 2	5,314↑ (480 t)	5,208↑ (473 t)	1	1	104↑ (7 t)
Option 3	5,798↑ (964 t)	5,682↑ (947 t)	1	1	114↑ (17 t)

Maruehi supports **Option 2** – a 480mt TAC increase with 473mt increase to the TACC and 7mt increase to other mortalities.

Gemfish (SKI7)

FNZ proposed options:

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality caused by fishing
SKI 3	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7↑ (1 t)
	Option 3	848↑ (242 t)	839↑ (240 t)	1	0	8↑ (2 t)
SKI 7	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7↑ (1 t)
	Option 3	848↑ (242 t)	839↑ (240 t)	1	0	8↑ (2 t)

Maruehi supports an alternative **Option 3** – setting the TAC at 848mt (242mt increase) with the TACC at 839mt (240mt increase) and other mortalities at 8mt (2mt increase).

Southern Bluefin Tuna (STN1)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Status Quo	1,088	1,046	2	20	20
Option 1	1,102 ↑ (14 t)	1060 ↑ (14 t)	2	20	20
Option 2	1,102 ↑ (14 t)	1,046	2	34 ↑ (14 t)	20

Maruehi supports a reset of the TAC to better recognise the status of customary harvest. In the absence of this alternative approach, Maruehi would prefer **Option 1** – setting the TAC at 1,102mt

(14mt increase) with the TACC at 1,060mt (14mt increase). Maruehi does not support an increase to the recreational allowance.

Snapper (SNA8)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	1,785	1,300	43	312	130
Option 1	3,065 ↑ (1280 t)	1,600 ↑ (300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	160 ↑ (30 t)
Option 2	3,437 ↑ (1652 t)	1,950 ↑ (650 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	182 ↑ (52 t)
Option 3	3,794 ↑ (2009 t)	2,275 ↑ (975 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	214 ↑ (84 t)
Option 4	4,152 ↑ (2367 t)	2,600 ↑ (1300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	247 ↑ (117 t)

Maruehi supports an alternative **Option 5** as follows:

	TAC	TACC	Customary	Recreational	OSFM
Option 5 (t)	3740	2275	100	1205	160

This is a modified Option 3 but with a lower allowance for other mortalities.

Maruehi notes that a TACC increase will be first used to settle outstanding S28N rights which would then result in iwi quota settlement rights (based on 10% of the TACC) being eroded and breach the Māori Fisheries Settlement. Maruehi strongly oppose any settlement breach. Should FNZ implement a TACC increase, it must be done in a way that fully maintains iwi quota settlement rights. Maruehi understands that Te Ohu Kaimoana is working with the Crown and S28N rightsholders to ensure this occurs.

Red Gurnard (GUR7)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	1 294.65	1 180	15	38	61.65
Option 2	1 422 ↑ (127 t)	1 298 ↑ (118 t)	17 ↑ (2 t)	42 ↑ (4 t)	65 ↑ (3.35 t)

Maruehi supports a modified **Option 2** – setting the TAC at 1,422mt (127mt increase) with the TACC at 1,298mt (118mt increase), customary allowance at 17mt (2mt increase), recreational allowance at 42mt (4mt increase) and other mortalities at 65mt (3.35mt increase).

Nāku noa, nā,

Tom McClurg,
Director

Ngātiwai Trust Board

129 Port Road, Whangarei 0110

27 July 2021

Fisheries New Zealand
Fisheries Management Team
By email: fmsubmissions@mpi.govt.nz

Review of Sustainability Measures for October 2021-22 Fishing Year

Tēnā koe,

Ngātiwai Holdings Limited (QRN 9791875) and Ngātiwai Fishing Limited (QRN 9210001), hereafter referred to as Ngātiwai Group, are both fully owned subsidiaries of Ngātiwai Trust Board. All are fully committed to the sustainable management of its fisheries and ensuring their protection and continued productivity for future Ngātiwai generations to come.

The Ngātiwai Group fully support Te Ohu Kaimoana's submission regarding the sustainability measures for the October 2021-22 fishing year. Those fish stocks relevant to the Ngātiwai Group and its position with respect to each is set out in the table below.

Hoki (HOK1)

Fisheries NZ (*FNZ*) proposed options:

Option	TAC	TACC	Non-regulatory catch split arrangement		Allowances		
			Western stock limit	Eastern stock limit	Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	116,190	115,000	55,000	60,000	20	20	1,150
Option 2 *(Modified status quo)*	116,190	115,000	50,000 ↓ (5,000)	65,000 ↑ (5,000)	20	20	1,150
Option 3 *(West ↓ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	50,000 ↓ (5,000)	60,000	20	20	1,100 ↓ (50)
Option 4 *(West ↓ 10,000, East ↑ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	45,000 ↓ (10,000)	65,000 ↑ (5,000)	20	20	1,100 ↓ (50)
Option 5 *(West ↓ 10,000)*	106,090 ↓ (10,100)	105,000 ↓ (10,000)	45,000 ↓ (10,000)	60,000	20	20	1,050 ↓ (100)

Ngātiwai Group supports a decrease to catch via ongoing industry shelving. Ngātiwai Group therefore supports **Option 1** – Status Quo.

Ling (LIN5)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	4,834	4,735	1	1	97
Option 2	5,314↑ (480 t)	5,208↑ (473 t)	1	1	104↑ (7 t)
Option 3	5,798↑ (964 t)	5,682↑ (947 t)	1	1	114↑ (17 t)

Ngātiwai Group supports **Option 2** – a 480mt TAC increase with 473mt increase to the TACC and 7mt increase to other mortalities.

Black Cardinalfish (CDL1)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	1320	1200	0	0	120
Option 2	176 ↓ (1144 t)	160 ↓ (1040 t)	0	0	16 ↓ (104 t)
Option 3	44 ↓ (1276 t)	40 ↓ (1160 t)	0	0	4 ↓ (116 t)

Ngātiwai Group supports an alternative **Option 4** – setting the TAC at 420mt (900mt decrease) with the TACC at 400mt (800mt decrease) and other mortalities at 20mt (100mt decrease). This alternative option will allow future development of the orange roughy fishery in the CDL1 QMA.

Southern Bluefin Tuna (STN1)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Status Quo	1,088	1,046	2	20	20
Option 1	1,102 ↑ (14 t)	1060 ↑ (14 t)	2	20	20
Option 2	1,102 ↑ (14 t)	1,046	2	34 ↑ (14 t)	20

Ngātiwai Group supports a reset of the TAC to better recognise the status of customary harvest. In the absence of this alternative approach, Ngātiwai Group would prefer **Option 1** – setting the TAC at 1,102mt (14mt increase) with the TACC at 1,060mt (14mt increase). Ngātiwai Group does not support an increase to the recreational allowance.

Snapper (SNA8)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	1,785	1,300	43	312	130
Option 1	3,065 ↑ (1280 t)	1,600 ↑ (300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	160 ↑ (30 t)
Option 2	3,437 ↑ (1652 t)	1,950 ↑ (650 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	182 ↑ (52 t)
Option 3	3,794 ↑ (2009 t)	2,275 ↑ (975 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	214 ↑ (84 t)
Option 4	4,152 ↑ (2367 t)	2,600 ↑ (1300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	247 ↑ (117 t)

Ngātiwai Group supports an alternative **Option 5** as follows:

	TAC	TACC	Customary	Recreational	OSFM
Option 5 (t)	3740	2275	100	1205	160

This is a modified Option 3 but with a lower allowance for other mortalities.

Ngātiwai Group notes that a TACC increase will be first used to settle outstanding S28N rights which would then result in iwi quota settlement rights (based on 10% of the TACC) being eroded and breach the Māori Fisheries Settlement. Ngātiwai Group strongly oppose any settlement breach. Should FNZ implement a TACC increase, it must be done in a way that fully maintains iwi quota settlement rights. Ngātiwai Group understands that Te Ohu Kaimoana is working with the Crown and S28N rightsholders to ensure this occurs.

Hapuku / Bass (HPB1)

FNZ proposed options:

HPB 1							
Option	TAC	TACC	Allowances			Recreational Measures	
			Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	480.8	N/A	N/A	N/A	5 per person	Included in the combined daily limit of 5 with kingfish with a maximum of 3 kingfish
Option 1	379	280 ↓ (200.8 t)	10	14	75	3 per person	Remain in the combined daily limit of 5 with kingfish, but include a maximum of 3 hāpuku/bass
Option 2	289	210 ↓ (270.8 t)	10	11	58	2 per person	Remove from the combined daily limit of 5 with kingfish and: -Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3
Option 3	215	140 ↓ (340.8 t)	10	7	58		

Ngātiwai Group supports a modified **Option 3** – the setting of a TAC at 215mt with the TACC set at 140mt (340.8mt decrease), customary set at 10mt, other mortalities at 7mt and recreational at 58mt but with a daily limit of 1.

Red Gurnard (GUR1)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	N/A	2,288	N/A	N/A	N/A
Option 1	2,328	2,045↓ (243 t)	40	100	143
Option 2	1,317	1,100 ↓ (1,188 t)	40	100	77
Option 3	996	800 ↓ (1,488 t)	40	100	56

Ngātiwai Group supports a modified **Option 2** – the setting of a TAC at 1,317mt with the TACC set at 1,100mt (1,188mt decrease), customary set at 40mt, recreational at 100mt and other mortalities at 77mt.

Nāku noa, nā,

For Ngātiwai Holdings Limited & Ngātiwai Fishing Limited

Ngati Mutunga O Wharekauri Asset Holding Co Ltd

PO Box 50
Waitangi
Chatham Islands

Emai..

Inshore Fisheries Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140

27 July 2021

REVIEW OF SUSTAINABLITY MEASURES OCTOBER 2021 FISHING YEAR

By email: FMSubmissions@mpi.govt.nz

Tēnā koe,

Ngāti Mutunga o Wharekauri Asset Holding Company Ltd (*NMOWAHC*) is the fully owned subsidiary of Ngāti Mutunga o Wharekauri iwi Trust. The NMOWIT and NMOWAHC are fully committed to the sustainable management of its fisheries and ensuring their protection and continued productivity for future NMOW and Wharekauri generations to come. This is paramount to NMOW's and the Island's own sustainability and economic viability.

NMOWAHC fully supports Te Ohu Kaimoana's submission regarding the sustainability measures for the October 2021-22 fishing year. Those fish stocks relevant to the NMOWAHC and its position with respect to each is set out in the table below.

Hoki (HOK1)

Fisheries NZ (*FNZ*) proposed options:

Option	TAC	TACC	Non-regulatory catch split arrangement		Allowances		
			Western stock limit	Eastern stock limit	Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	116,190	115,000	55,000	60,000	20	20	1,150
Option 2 *(Modified status quo)*	116,190	115,000	50,000 ↓ (5,000)	65,000 ↑ (5,000)	20	20	1,150
Option 3 *(West ↓ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	50,000 ↓ (5,000)	60,000	20	20	1,100 ↓ (50)
Option 4 *(West ↓ 10,000, East ↑ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	45,000 ↓ (10,000)	65,000 ↑ (5,000)	20	20	1,100 ↓ (50)
Option 5 *(West ↓ 10,000)*	106,090 ↓ (10,100)	105,000 ↓ (10,000)	45,000 ↓ (10,000)	60,000	20	20	1,050 ↓ (100)

NMOWAHC supports a decrease to catch via ongoing industry shelving. NMOWAHC therefore supports **Option 1** – Status Quo.

Ling (LIN5)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	4,834	4,735	1	1	97
Option 2	5,314↑ (480 t)	5,208↑ (473 t)	1	1	104↑ (7 t)
Option 3	5,798↑ (964 t)	5,682↑ (947 t)	1	1	114↑ (17 t)

NMOWAHC supports **Option 2** – a 480mt TAC increase with 473mt increase to the TACC and 7mt increase to other mortalities.

Gemfish (SKI3)

FNZ proposed options:

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality caused by fishing
SKI 3	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7 ↑ (1 t)
	Option 3	848↑ (242 t)	839↑ (240 t)	1	0	8↑ (2 t)
SKI 7	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7↑ (1 t)
	Option 3	848↑ (242 t)	839↑ (240 t)	1	0	8↑ (2 t)

NMOWAHC supports an alternative **Option 3** – setting the TAC at 848mt (242mt increase) with the TACC at 839mt (240mt increase) and other mortalities at 8mt (2mt increase).

Black Cardinalfish (CDL1)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	1320	1200	0	0	120
Option 2	176 ↓ (1144 t)	160 ↓ (1040 t)	0	0	16 ↓ (104 t)
Option 3	44 ↓ (1276 t)	40 ↓ (1160 t)	0	0	4 ↓ (116 t)

NMOWAHC supports an alternative **Option 4** – setting the TAC at 420mt (900mt decrease) with the TACC at 400mt (800mt decrease) and other mortalities at 20mt (100mt decrease). This alternative option will allow future development of the orange roughy fishery in the CDL1 QMA.

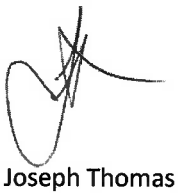
Southern Bluefin Tuna (STN1)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Status Quo	1,088	1,046	2	20	20
Option 1	1,102 ↑ (14 t)	1060 ↑ (14 t)	2	20	20
Option 2	1,102 ↑ (14 t)	1,046	2	34 ↑ (14 t)	20

NMOWAHC supports a reset of the TAC to better recognise the status of customary harvest. In the absence of this alternative approach, NMOWAHC would prefer **Option 1** – setting the TAC at 1,102mt (14mt increase) with the TACC at 1,060mt (14mt increase). NMOWAHC does not support an increase to the recreational allowance.

Ngā mihi nui



Joseph Thomas
Chair
Ngati Mutunga o Wharekauri Asset Holding Company Limited

N Z RECREATIONAL FISHING COUNCIL

NZ Recreational Fishing Council
PO Box 54025 The Marina,
Half Moon Bay Auckland 2144
P: 0064 9 577 4222
M: 027 4818 360

Compiled by: Keith Ingram

15 July 2021

NEW ZEALAND RECREATIONAL FISHING COUNCIL ADVISORY GROUP

Submission to MPI Re: Sustainability Measures Proposed for Oct 2021

https://www.mpi.govt.nz/consultations/review-of-sustainability-measures-2021-october-round

The Council and its Representation

The organisations represented by this body are NZ Marine Transport Association, NZ Charter Boat Assn. As well as our member clubs and individual membership, we have many pub fishing clubs including RSA's and Workingmen's Clubs included.

The Council maintains close contact with a number of Iwi representatives. While every effort is made to consult, we do not suggest that we are representative of their views unless otherwise stated.

This Council represents recreational and sustenance amateur fishers. In addition, by default we represent the public interest in the fishery and those amateur fishers who are non-members of any national representative organisation or club. We say by default because we are the only constituted representative body that has been recognised by Government and the Courts of doing so. The Council has been recognised in three court cases as representing the recreational and amateur fishers of New Zealand.

The Council Management Executive includes a Recreational Fisheries Management Advisory Group of members selected by their expertise in local recreational fisheries matters.

The Council consults with its members and the public using various means available to it.

We are pleased to be able to make the following comments in regard to the various species covered by this sustainability round.

Our Submission covers:

1. Red gurnard (GUR 1) for 2021/22

This is recognised bonus target species for recreational fishers with only an occasional bi-catch recorded by fishers. We note there is no recorded TAC nor recreational allowance, and while there is a recreational MLS of 25cm the bag limit is contained within the multi-species bag limit and never recorded as being reached.

It is widely believed that gurnard are in decline and as such support management measures to stop this decline and in doing so support a rebuild.

We also note that huge statistical area covering both east and west coast of the northern North Island with Gurnard being more prevalent in recreational landing from the west coast harbours.

We also note that there is no mention of section 111 landings, or any allowance for crew consumption on the fishing vessels and therefore deduce that this catch is captured in the TACC and held against quota allowances for each stock.

We submit:

That if we are to believe the science and the proposed options given the size of this stat area we support Option 3 sets the TAC at 996 tonnes and the TACC at 800 tonnes for Red gurnard (GUR 1) for 2021.

This option we believe presents a more precautionary management approach that responds to the recent decline in GUR 1 landings over the past five years, during which the average landings has been 792 tonnes, and the concerning signals from the recent trawl surveys. Based on recent trends in landings, a TACC of 800 tonnes would actively constrain catch in some years.

We also support the proposed allowances being set for Customary, Recreational and other mortality.

2. Red gurnard (GUR 7) for 2021/22

Red gurnard is a popular recreational fish species and the recreational allowance is currently set at 38 tonnes, which we believe is currently being exceeded as recreational fishers choose to target gurnard, especially in the Tasman - Golden Bay region. (*The latest National Panel Survey of Marine Recreational Fishers (NPS) (2017/18) results estimate red gurnard harvest in GUR 7 has increased approximately 200% since the previous survey in 2011/12*).

Industry representatives have advised, during engagement on stocks for review, that commercial fishers find it difficult to avoid catching red gurnard in GUR 7 and that its abundance has increased significantly over the last few years.

While acknowledging this statement we have asked what are they doing to avoid taking excess gurnard?

We accept that this fishery is indicating a rebuild and yes the recreational allowance needs to be increased, not by 4tonne as promoted in option 2 but 7tonne.

However we remain concerned about the level of increased proposed in the TACV/TACC and suggest that this maybe too high and may lead to overfishing in a vulnerable fishery that has only just indicating a recovery.

We would ask the Ministry to reconsider the allowances by reducing the commercial TACC increase to 70 tonnes while recognising the recreational allowance must be increased.

Failing this we would have to support Option 1 in keeping with our precautionary approach to fisheries management TAC increases. This option also takes into account the preliminary nature of the trawl survey biomass estimates.

We Submit:
In noting our comments above, unless the level of TACC increase can be adjusted down in Option 2 we must support Option 1 the status quo.

3. Black cardinalfish (CDL 1) for 2021/22

While there is no information to suggest there is a recreational catch in CDL 1. We do understand that it is taken occasionally as a limited bi-catch of an undeterminable number of kilos. The current recreational allowance is set at zero tonnes, and it is not proposed to increase it at this time. The National Panel Survey of Marine Recreational Fishers (NPS) report in 2017/18 did not list black cardinalfish as a separate species for reporting catch data.

This said we share MPI's concerns about the future sustainability of the stock.

We submit:
We support Option 3 to reduce the TAC by 1,276 tonnes to 44 tonnes, reduces the TACC by 1,160 tonnes to 40 tonnes and reduces the allowance for other mortality caused by fishing by 116 tonnes to four tonnes. Making this specie a limited bi-catch specie only.

4. Southern bluefin tuna (STN 1) for 2021/22

At present, there are two distinct recreational fisheries for southern bluefin tuna in New Zealand. One, off the west coast of the South Island from February to July and a second fishery that started in 2017 off the east coast of the North Island, mainly in June and July.
Recreational catch is estimated at much higher levels than those previously seen in this fishery around the East Cape. The increase in recreational fishing effort directly targeting southern bluefin tuna is due, in part, to favourable weather conditions, exposure to the fishery on social media and the relative proximity of the fish to shore.

Previously the Minister has increased the recreational allowance to acknowledge and in response to the increased accessibility to this fishery.

Likewise feedback from compliance officers has been that fishers have been complying with the bag limits. Recreational fishers have also contributed greatly to the collection of otoliths that are used by the CCSBT for population aging data. This is important and encouraged so it is essential that the recreational sector be supported by an increase in allowance so it is not accused of over fishing.

We note that there are potential international reputational risks to New Zealand in not recognising the increased recreational activity in this fishery within its domestic allocation mechanisms. Failing to recognise the increased recreational catch domestically also puts New Zealand at higher risk of exceeding its national allocation under CCSBT, which could lead to a reduction in TAC in future years.

We would also add that each fish landed is a treasured catch which is shared respectfully between the anglers families and friends, so that they might all enjoy a rare feed of one of our oceans prized bounties.

We submit:
We support Option 2 which proposes to increase the TAC by 14 tonnes, and then, increase the recreational allowance by 14 tonnes. As in Option 1, increasing the TAC ensures that New Zealand is reflecting our international allocation through our domestic fisheries management regime. Increasing the recreational allowance would better reflect the new information available on catch estimates in this fishery, while noting that catch rates tend to vary between years due in part to seasonal and local climatic conditions.

5. Snapper (SNA 8) for 2021/22

SNA 8 is the second largest snapper fishery and one of the most popular recreational fisheries in New Zealand. Reports received from west coast fishing clubs and recreational representatives have reported that catch rates were impacted when commercial fished the fishery down below the management target but we recognised there has been a significant improvement in the fishery as the stock has recovered.

While acknowledging the current trawl restrictions we remain concerned that any increase in the TACC will increase the trawl footprint in SNA 8.

Recreational fishers are of the view to maintain a precautionary approach and fear the alternative proposed changes to the TAC are too large and could lead to another decline in the fishery.

In support we would like to add further comment from one of our learned members and ask that you consider these with due respect.

Section 11.5 #133 makes the comment that suggest there has been no research in SNA 8. But there has been in SNA 7 but that is totally different fishery.

We note that the current recreational MLS and bag limits are constraining catches and that recreational fishers prefer to target medium to larger size fish rather than forcing the bag limit. We also note that the inclement west coast weather remains a significant constraint on recreational fishing activity from small craft.

Fish stock estimate is based on what has been caught today, it does not follow that snapper stocks are capable of sustaining this increase in catch tonnage as we know fishing biomass varies over 10 to 12 yearly cycles.

We are entering a changing climate with weather patterns about to go down the east coast that will cause fish stocks to be quite different in five years' time.

We are also experiencing warmer oceans and bigger storms, but this is not able to be measured as a fishing tool as the science has not caught up. Fish eggs that get caught in harbour floods will wash out to sea and in strong onshore winds arrive on the beaches that or rocky shorelines where they become smashed or they are eaten by sea birds and rats. We have witnessed this in summer on beaches after a southerly and the beach becomes covered in fish eggs.

On the west coast kahawai, mackerel and yellow eyed mullet stocks are declining and that will impact on snapper as these fish are their major food source

What we fear and are seeing is a paper promoting best fisheries management, one that the results decisions today will only be revealed in later years. From what we have read, if they 'the Ministry' have this wrong and in a few years' time snapper stocks may well be in trouble. What is not very well understood is how weather patterns change fish stock.

Summation.
We support Option 1. Because this option is in keeping with our precautionary approach. One that allows for a modest increase in the TACC while giving weight to uncertainty of how the fishery and the habitat that supports it may respond to increases in commercial catch. It also recognises the increasing level of catch by both recreational and customary fishers.

In supporting Option 1 in allowing for an increase in the TACC we question if this triggers 28N privileges?

In reference to the above question we have been advised *"There are approximately 962 tonnes of SNA 8 preferential allocation rights, referred to as 28N rights (from section 28N of the Fisheries Act 1983) held by quota holders. Preferential allocation is triggered when the TACC is increased. Options 1 and 2 would see increases only to holders of preferential allocation rights as the increases to the TACC are 300 t and 650 t respectively. Options 3 and 4 would see the 28N rights discharged completely with the remainder being allocated to quota holders who do not have 28N rights"*.

We acknowledge the desire to extinguish these rights as soon as practical but we do not believe it to be a justifiable reason to support Option 3 or 4.

Having witnessed the years of fishing down and near total destruction of this fishery we still retain a strong view to support a precautionary approach.

Likewise we remain mindful of the Judges recent decision in the *tarakihi* case where he was critical of the commercial fishing sectors influence over fisheries decisions by political lobbying.

While we recognise the commercial industry will be pushing for a greater increase in the TACC, we are of the strong view, considering our above comments, that until we see better commercial fishing behaviour - cameras on all vessels - improved fishing practices using short tows with the PSH nets and the removal of the commercial MLS off all finfish species, (in that all fish taken is landed) in the trawl and danish seine SNA8 fishery, the Minister is duty bound to maintain a precautionary approach.

We Submit:
We support Option 1 with the above comments.

6. Hāpuku and Bass (HPB 1 & HPB 2) for 2021/22

HPB 1 and HPB 2 are shared fisheries which are highly valued by recreational, fishers. As a deep water species they are targeted mainly by fishers on charter boats or when the weather allows reasonable access to the fishery.

Since the early 2000s we have voiced our concerns about falling stocks due to commercial over fishing with many reports from anglers of declining abundance in areas where hāpuku and bass are commonly targeted.
We have expressed concerns about the health of these stocks and reported declining abundance in areas where they were commonly targeted by charter boats and anglers.

Both Hapuku and Bass have been a part of the recreational deep water species multi-finfish bag limit of five along with kingfish for many years and this is both supported and working.

We note in both HPB 1 and HPB 2 Option 1 only legitimises the existing catch levels and to make a meaningful step toward a sustainable rebuild greater steps are needed.

We submit:
Therefore we support HPB 1 and HPB 2 Option 3 and note the significant cut to the bag limit.

We would add that once these two fisheries have rebuilt to warrant a sustainable increase in the TAC that as any TACC increase is applied, the bag limit is increased to 3 per person. This will then allow for the increase of 'Rat' Hapuku/Bass being taken to prevent anglers from releasing these fish when their survival from barotrauma is suspect at best.

7. Blue cod (BCO 3) for 2021/22

Blue cod is the third most common recreational species caught in New Zealand.
We accept that the most reliable estimate of recreational harvest comes from 2017/18 National Panel Survey, which estimated that 99 tonnes were taken across BCO 3 between 1 October 2017 and 30 October 2018.

Since the 2017/18 National Panel Survey was carried out the controversial traffic light system has definitely reduced the recreational daily limit across BCO 3. Further, the recreational minimum size limit has been increased in some areas from 30 cm to 33 cm. This too has made a significant reduction in recreational landings.

We would further like to raise the inconsistency and poor management decisions leading to disharmony and is creating a significant impact on Otago recreational fishers associated with the traffic light system.

Fishers who choose to fish off the Otago peninsular can take 15 blue cod, but because of the poor placement of boundary's cannot return into the Otago harbour where the greater population of recreational fishers are domiciled. These fishers for safety prefer to use the safe launch ramps within the harbour and must pass through the Otago harbour where the bag limit is 10 blue cod.

To remove this inconsistency we have requested that the boundary from Taiora Head to the Otago Harbour breakwater be shifted 500m to create an access no stop corridor for returning fishermen.

We would also like to request that the Minister instructs commercial landings to be spread over all the stat areas and not just focus on Stat Areas 024 – 026. In support we concur with Fisheries NZ who note the sex ratio for north and south Otago was 87% male and 68% male respectively. A preponderance of males is thought to indicate high fishing intensity.

By way of a solution to the male dominance in this fishery, on behalf of Otago recreational fishers we support increasing the blue cod MLS for both commercial and recreational fishers to 35cm which will give some needed respite to the smaller breeding females by leaving these fish in the water.

We are also concerned about the increase in commercial blue cod by-catch being taken by using ling pots in the Otago blue cod fishery.

This must be urgently stopped and commercial ling potting vessels not be allowed to land blue cod by-catch taken in ling pots or be allowed to multi-fish on the same voyage by using both blue cod and ling pots on the same fishing trip.

We once again request that our above concerns and request for action receive urgent action by Fisheries NZ staff.

We submit:
We support Option 2 as a more cautious approach.

8. Pāua (PAU 3A & PAU 3B) for 2021/22

In supporting Option 2, this option proposes that the TAC is set at 24.5 tonnes and is based on limiting overall catch in the area to 30% of that taken from the Kaikōura coastline prior to the 2016 earthquakes. This is the more cautious of the two options and assumes the fishery can now sustain only a very small catch. Fisheries New Zealand notes that while this option provides greater certainty for the pāua fishery to rebuild, it may unnecessarily restrict use as biomass increases.

We Submit:

We support Option 2, although we recognised that recreational landings will need to be monitored.

8.a PAU 3B (Canterbury)

We support this Option as it is the only (Option 1) given for the reasons offered by Fisheries NZ in that it considers this stock can continue to sustain this harvest level under the proposed TAC and that this will achieve the purpose of the Act.

We note the existing reduction in the recreational bag limit and would like to reiterate our position in supporting the Minister in that this fishery be manage at or above 40% B0 (40% of the unfished biomass, B0) If and when there is a justified TAC – TACC increase we would expect a corresponding increase be reflected in the bag limit.

9. School shark (SCH 5) for 2021/22

Recreational fishing surveys suggest amateur take of school shark appears to be declining nationwide. Amateur take in FMA 5 is significantly less than most other regions. Fishers can take up to five school shark as part of their combined daily bag limit in the Southland area.
Although school shark is a listed gamefish and is regularly caught by recreational fishers, it is not considered to be a particularly desirable target species.

Option 2 proposes to decrease the TAC (30%), the recreational allowance (28% reflecting the most recent recreational catch estimates), and the TACC (by 30%). It also decreases the other mortality allowance to maintain it at 5% of the TACC, which we consider is appropriate for this setnet fishery given the large mesh size and its size selectively.

This option places weight on the sustainability concerns for this fishery and school shark's vulnerability to overfishing. It takes into account that the stock is about as likely as not to be below the soft limit and addresses the concerns raised by some commercial fishers about increased effort is required to catch ACE.

We submit:

We support Option 2. Given that school shark are considered to be a New Zealand wide population and tend, in this area, to consist of the highest proportions of larger individuals, Option 2 measures should be taken to move this management unit back toward sustainable targets may also benefit school shark in other areas outside SCH 5.

10. Gemfish (SKI 3 & SKI 7) for 2021/22

Gemfish nationally are now recognised as a good deep water eating fish especially when smoked by recreational fishers.

While there is no significant recreational catch recorded in these two fisheries that should not be an excuse to justify not having a recreational allowance.
Recreational fishers do not have a requirement to catch their allowance, but setting a recognised allowance removes the risk of over fishing the TAC and recognises the fact that recreational fishers have a developing by-catch interest in this fishery.

Our first reaction was to support the status quo, but after discussion and the realisation that there is a growing utilisation for this species in the north, we are of the view an allowance must be made for future utilisation by recreational fishers. Even if not caught these fish will be happy to remain in the water.

We Submit:
We recognise Option 1 is conservative, but if Fisheries NZ remain confident that the fishery will sustain a modest increase as proposed in Option 2. Then we support Option 2 with the proviso that an allowance of 2tonne be made for recreational non-commercial utilisation.
That an allowance for recreational fishing utilisation be set at 2tonne.

11. Ling (LIN 5) for 2021/22
While not a recognised recreational fishery with a 1tonne recreational allowance we understand that there is some incidental by-catch in LIN 5 mainly from larger recreational vessels from Fiordland, Riverton, Bluff and Oban.

We also remain concerned about any seabird interaction and don't subscribe to the notion that an average of 66 birds taken annually is acceptable.

We equally remain concerned about the prospect of any fishery falling below 40% *B0*. Even if this prospect remains low. So we ask Fisheries NZ to maintain best efforts in monitoring this fishery or any fishery for that matter.

We submit:
That in supporting Option 2 to allow for better commercial utilisation of this fishery we ask that Fisheries NZ monitor this fishery to ensure that it does not dip below 40% *B0*

12. Hoki (HOK 1) for 2021/22
Hoki is an important and valuable fishery to the New Zealand economy and one that is promoted as being managed sustainable and certified MSC. This is an important status to retain. Because to lose it would put all our other MSC fisheries into question.
We not that the industry in being responsible have shelved ACE to ensure these fisheries remains sustainable.

We also note the key environmental interactions within this fishery, which must be taken into account when considering sustainability measures, concern marine mammals, seabirds, fish and invertebrate bycatch, trophic interactions, benthic impacts and habitats of particular significance.

In reading the document and in supporting the industries desire to ensure this fishery maintains its current MSC status, remains sustainable and in doing so enjoys its high market value we support maintaining a precautionary approach.
We Submit:

We support Option 5 to reduce the HOK 1 TAC by 10,100 tonnes and reduces the TACC by 10,000 tonnes. The western stock catch limit decreases by 10,000 tonnes with no change to the eastern stock.

13. Review of Deemed Value Rates for Selected Stocks for 2021/22

The subject of deemed values when talking with local fishermen is nothing short of a dogs breakfast. Yes everyone sees the need for a system to manage the potential for over fishing in key valued species. The recreational sector predominantly understands the rational for the need for 'Deemed Values', but raises some concerns.

It is of significant concern for many to learn that commercial fishers no longer have to own quota and that these fishermen are at best contract fishermen fishing for ACE with no skin in the game. Clearly the introduction of the QMS and ITQ system has been good for the corporate fishing companies, but it has seriously failed the small fishermen fishing from local coastal communities. Our traditional inshore fleet has been decimated and is only a shadow of its former diverse nature.

Sadly the result of this is that small contract fishermen are being kept poor by the quota owners and deemed values is just one of the tools they currently use to make this so.

We note that when deemed values are artificially high these are used by quota owners to drive up ACE prices which impacts on the ability for contract fishermen to make a fair return, resulting in indiscriminate creative dumping.

Conversely when values are low, assists in encouraging fishers to intentionally fish to the deemed values which may cause overfishing in some vulnerable stocks.

In reading the document and noting the 'Rational for review' only emphasises the fact that the MPI process is not nimble enough for modern day fisheries management.

Therefore we submit that as a part of the review processes for deemed values, that MPI reviews the process and explore options that will give the ability to adjust values up or down, by moving the process out of regulation and into a MPI circular notification system. Thereby allowing MPI to be more nimble on its feet when dealing with fishing practices that will trigger deemed values.

It will also remove the ability for Quota owners to use deemed values to artificially inflate ACE prices. This last point is vitally important because not only is the fisherman impacted, ultimately it is reflected in the end price the consumer (public) has to pay.

We Submit:

In supporting the principle and need for deemed values we ask that MPI investigates a better process for implementing 'deemed values' deliverables, one that can remain robust in achieving the objective while being flexible to combat potential ACE holder abuse, by removing the process of changing values out of regulation and into a circular notification process.

Conclusion:

We would like to thank Fisheries New Zealand for the opportunity to submit to the sustainability measures for the various species contained in this document. We would acknowledge the extra time given to allow us to consult with our member groups. We also acknowledge the support from Fisheries NZ staff we have received in preparing this submission.

While every care has been taken in preparing this submission based on our members and recreational fishers views, including the opinions from some respected commercial fishers, we apologises for any errors or omissions (gremlins) that may have occurred.

For any questions regarding this submission on the species included please do not hesitate to contact the author.

Thank you

Keith Ingram. MNZM. JP
President NZRFC

TAMA
ASSET HOLDING COMPANY

27 July 2021

Fisheries New Zealand
Fisheries Management Team
By email: fmsubmissions@mpi.govt.nz

Review of Sustainability Measures for October 2021-22 Fishing Year

Tēnā koe,

Tama Asset Holding Company Limited (TAHCL) is fully committed to the sustainable management of its fisheries and ensuring their protection and continued productivity for future TAHCL generations to come.

TAHCL fully supports Te Ohu Kaimoana's submission regarding the sustainability measures for the October 2021-22 fishing year. Those fish stocks relevant to the TAHCL and its position with respect to each is set out in the table below.

Hoki (HOK1)

Fisheries NZ (*FNZ*) proposed options:

Option	TAC	TACC	Non-regulatory catch split arrangement		Allowances		
			Western stock limit	Eastern stock limit	Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	116,190	115,000	55,000	60,000	20	20	1,150
Option 2 *(Modified status quo)*	116,190	115,000	50,000 ↓ (5,000)	65,000 ↑ (5,000)	20	20	1,150
Option 3 *(West ↓ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	50,000 ↓ (5,000)	60,000	20	20	1,100 ↓ (50)
Option 4 *(West ↓ 10,000, East ↑ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	45,000 ↓ (10,000)	65,000 ↑ (5,000)	20	20	1,100 ↓ (50)
Option 5 *(West ↓ 10,000)*	106,090 ↓ (10,100)	105,000 ↓ (10,000)	45,000 ↓ (10,000)	60,000	20	20	1,050 ↓ (100)

TAHCL supports a decrease to catch via ongoing industry shelving. TAHCL therefore supports **Option 1** – Status Quo.

Ling (LIN5)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	4,834	4,735	1	1	97
Option 2	5,314↑ (480 t)	5,208↑ (473 t)	1	1	104↑ (7 t)
Option 3	5,798↑ (964 t)	5,682↑ (947 t)	1	1	114↑ (17 t)

TAHCL supports **Option 2** – a 480mt TAC increase with 473mt increase to the TACC and 7mt increase to other mortalities.

Gemfish (SKI7)

FNZ proposed options:

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality caused by fishing
SKI 3	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7↑ (1 t)
	Option 3	848↑ (242 t)	839↑ (240 t)	1	0	8↑ (2 t)
SKI 7	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7↑ (1 t)
	Option 3	848↑ (242 t)	839↑ (240 t)	1	0	8↑ (2 t)

TAHCL supports an alternative **Option 3** – setting the TAC at 848mt (242mt increase) with the TACC at 839mt (240mt increase) and other mortalities at 8mt (2mt increase).

Southern Bluefin Tuna (STN1)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Status Quo	1,088	1,046	2	20	20
Option 1	1,102 ↑ (14 t)	1060 ↑ (14 t)	2	20	20
Option 2	1,102 ↑ (14 t)	1,046	2	34 ↑ (14 t)	20

TAHCL supports a reset of the TAC to better recognise the status of customary harvest. In the absence of this alternative approach, TAHCL would prefer **Option 1** – setting the TAC at 1,102mt (14mt

increase) with the TACC at 1,060mt (14mt increase). TAHCL does not support an increase to the recreational allowance.

Red Gurnard (GUR7)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	1 294.65	1 180	15	38	61.65
Option 2	1 422 ↑ (127 t)	1 298 ↑ (118 t)	17 ↑ (2 t)	42 ↑ (4 t)	65 ↑ (3.35 t)

TAHCL supports a modified **Option 2** – setting the TAC at 1,422mt (127mt increase) with the TACC at 1,298mt (118mt increase), customary allowance at 17mt (2mt increase), recreational allowance at 42mt (4mt increase) and other mortalities at 65mt (3.35mt increase).

Nāku noa, nā,

Director
TAHCL

1 Young Street, New Plymouth | P O Box 929, Taranaki Mail Centre
NEW PLYMOUTH 4310

Taranaki Iwi
me tōngai hārakeke

27 July 2021

Fisheries New Zealand
Fisheries Management Team
By email: fmsubmissions@mpi.govt.nz

Review of Sustainability Measures for October 2021-22 Fishing Year

Tēnā koe,

Taranaki Iwi Fisheries Ltd is fully committed to the sustainable management of its fisheries and ensuring their protection and continued productivity for future Taranaki Iwi Fisheries Ltd generations to come.

Taranaki Iwi Fisheries Ltd fully supports Te Ohu Kaimoana's submission regarding the sustainability measures for the October 2021-22 fishing year. Those fish stocks relevant to the Taranaki Iwi Fisheries Ltd and its position with respect to each is set out in the table below.

Hoki (HOK1)

Fisheries NZ (*FNZ*) proposed options:

Option	TAC	TACC	Non-regulatory catch split arrangement		Allowances		
			Western stock limit	Eastern stock limit	Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	116,190	115,000	55,000	60,000	20	20	1,150
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Option 4 *(West ↓ 10,000, East ↑ 5,000)*	111,140 ↓ (5,050)	110,000 ↓ (5,000)	45,000 ↓ (10,000)	65,000 ↑ (5,000)	20	20	1,100 ↓ (50)
Option 5 *(West ↓ 10,000)*	106,090 ↓ (10,100)	105,000 ↓ (10,000)	45,000 ↓ (10,000)	60,000	20	20	1,050 ↓ (100)

Taranaki Iwi Fisheries Ltd supports a decrease to catch via ongoing industry shelving. Taranaki Iwi Fisheries Ltd therefore supports **Option 1** – Status Quo.

Ling (LIN5)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	4,834	4,735	1	1	97
Option 2	5,314↑ (480 t)	5,208↑ (473 t)	1	1	104↑ (7 t)
Option 3	5,798↑ (964 t)	5,682↑ (947 t)	1	1	114↑ (17 t)

Taranaki Iwi Fisheries Ltd supports **Option 2** – a 480mt TAC increase with 473mt increase to the TACC and 7mt increase to other mortalities.

Gemfish (SKI7)

FNZ proposed options:

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality caused by fishing
SKI 3	Option 1 *(Status quo)*	606	599	1	0	6
	Option 2	727↑ (121 t)	719↑ (120 t)	1	0	7↑ (1 t)
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Taranaki Iwi Fisheries Ltd supports an alternative **Option 3** – setting the TAC at 848mt (242mt increase) with the TACC at 839mt (240mt increase) and other mortalities at 8mt (2mt increase).

Southern Bluefin Tuna (STN1)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Status Quo	1,088	1,046	2	20	20
Option 1	1,102 ↑ (14 t)	1060 ↑ (14 t)	2	20	20
Option 2	1,102 ↑ (14 t)	1,046	2	34 ↑ (14 t)	20

Taranaki Iwi Fisheries Ltd supports a reset of the TAC to better recognise the status of customary harvest. In the absence of this alternative approach, Taranaki Iwi Fisheries Ltd would prefer **Option 1** – setting the TAC at 1,102mt (14mt increase) with the TACC at 1,060mt (14mt increase). Taranaki Iwi Fisheries Ltd does not support an increase to the recreational allowance.

Snapper (SNA8)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	1,785	1,300	43	312	130
Option 1	3,065 ↑ (1280 t)	1,600 ↑ (300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	160 ↑ (30 t)
Option 2	3,437 ↑ (1652 t)	1,950 ↑ (650 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	182 ↑ (52 t)
Option 3	3,794 ↑ (2009 t)	2,275 ↑ (975 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	214 ↑ (84 t)
Option 4	4,152 ↑ (2367 t)	2,600 ↑ (1300 t)	100 ↑ (57 t)	1,205 ↑ (893 t)	247 ↑ (117 t)

Taranaki Iwi Fisheries Ltd supports an alternative **Option 5** as follows:

	TAC	TACC	Customary	Recreational	OSFM
Option 5 (t)	3740	2275	100	1205	160

This is a modified Option 3 but with a lower allowance for other mortalities.

Taranaki Iwi Fisheries Ltd notes that a TACC increase will be first used to settle outstanding S28N rights which would then result in iwi quota settlement rights (based on 10% of the TACC) being eroded and breach the Māori Fisheries Settlement. Taranaki Iwi Fisheries Ltd strongly oppose any settlement breach. Should FNZ implement a TACC increase, it must be done in a way that fully maintains iwi quota settlement rights. Taranaki Iwi Fisheries Ltd understands that Te Ohu Kaimoana is working with the Crown and S28N rightsholders to ensure this occurs.

Red Gurnard (GUR7)

FNZ proposed options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 *(Status quo)*	1 294.65	1 180	15	38	61.65
Option 2	1 422 ↑ (127 t)	1 298 ↑ (118 t)	17 ↑ (2 t)	42 ↑ (4 t)	65 ↑ (3.35 t)

Taranaki Iwi

Taranaki Iwi Fisheries Ltd supports a modified **Option 2** – setting the TAC at 1,422mt (127mt increase) with the TACC at 1,298mt (118mt increase), customary allowance at 17mt (2mt increase), recreational allowance at 42mt (4mt increase) and other mortalities at 65mt (3.35mt increase).

Nāku noa, nā,

Investment manager

Director
Taranaki Iwi Fisheries Ltd

Te Kupenga o Maniapoto

27 July 2021

The Manager
Sustainability Review 2021
Fisheries New Zealand
P.O. Box 2526
WELLINGTON 6140

By e-mail to: FMsubmissions@mpi.govt.nz

Sustainability Review 2021

Tena koe,

Nga mihi nui ki roto te wa o Matariki

Te Kupenga o Maniapoto Limited (Te Kupenga) is pleased to contribute to your Sustainability Review of 2021. Te Kupenga is Maniapoto iwi's Asset Holding Company under the provisions of the Māori Fisheries Act 2004. It holds and manages Maniapoto iwi's "settlement" quota and has also purchased and utilises "normal" quota in its core business activities.

Te Kupenga and our Maniapoto iwi representatives participate in key industry fora to foster the sustainable management and harvesting of fisheries resources within New Zealand's EEZ and inland waters. We take a long-term view of the industry and consider our seafood resources as heritage assets that we are entrusted to manage and utilise on an intergenerational basis.

We acknowledge the efforts of Te Ohu Kaimoana in providing a forum for comprehensive discussions and providing advice on behalf of iwi in relation to the 2021 Sustainability Review. Our representatives have considered Te Ohu Kaimoana's response to the review and endorse it in all respects. We thank you for the opportunity made available to us to contribute to the 2021 Sustainability Review proceedings.

Heoi ano ra nga mihi mahana ki a koutou

Te Kupenga o Maniapoto Limited

Tony Magner
General Manager

Submission by the

Royal New Zealand Society for the

Prevention of Cruelty to Animals Inc.

On Review of Sustainability Measures for 1 October 2021

27 July 2021

Contents

Introduction

The following submission is made on behalf of The Royal New Zealand Society for the Prevention of Cruelty to Animals (trading as SPCA).

SPCA is the preeminent animal welfare and advocacy organisation in New Zealand. The Society has been in existence for over 140 years with a supporter base representing many tens of thousands of New Zealanders across the nation.

The organisation includes 35 Animal Welfare Centres across New Zealand and approximately 60 inspectors appointed under the Animal Welfare Act 1999.

SPCA welcomes the opportunity to make a submission on the review of sustainability measures for 1 October 2021.

Submission

Animal Welfare in Fisheries Management

SPCA supports Fisheries New Zealand's efforts to prioritise sustainability in our fishing industry. The review of environmental interactions in the discussion papers provided, take into consideration the impact of fishing gear and fishing behaviour on marine mammals, seabirds, fish and invertebrate bycatch, benthic environments and habitats. In addition to protecting populations of these animals and their ecosystems, steps taken to protect the environment are likely to improve the well-being of individual fishes (Huntingford et al., 2009). Fish welfare should be a distinct (rather than subsumed) component of environmental sustainability, food security and economic development and thereby, recognised in policy and regulatory decision making (Buller et al., 2018). We advocate that Fisheries New Zealand more explicitly include animal welfare into their fisheries management.

Fish feel pain and are recognised as sentient under the Animal Welfare Act (1999), which requires their welfare to be considered and safeguarded (Brown, 2015; Sneddon et al., 2018). Fish welfare is

increasingly acknowledged as an important societal issue. This is reflected in the growing consideration of fish welfare by the aquaculture industry. However, compared to aquaculture, very few studies have addressed fish welfare in the context of commercial fisheries. Contrary to aquaculture, the welfare of fish in the context of fisheries (commercial and recreational) is most negatively impacted during their final life stage. Despite this, there are no humane slaughter requirements for wild-caught fish. Consequentially, fish are subjected to highly stressful and inhumane harvesting methods. Commercial fisheries management stand to benefit from the extensive information aquaculture research has collected on fish welfare during crowding and slaughter. Additionally, technologies developed for aquaculture, especially innovations in humane slaughter, may be applicable in commercial fisheries (Huntingford et al., 2009).

Improving Fish Welfare in Fisheries

SPCA is concerned that the following 'sustainability' reviews do not address the systemic issue inherent in the Quota Management System (QMS), which sets catch limits for individual species, yet permits the use of destructive bulk fishing methods, such as trawling and gillnetting, which catch many species at once. The impact of the capture process on fish welfare may differ between gear types, fishing depths and durations. A recent review on fish welfare in capture fisheries demonstrated that greater capture depths and longer fishing durations were associated with more external injuries and higher mortality across multiple gear types (Veldhuizen et al., 2018). The authors concluded that such injuries and mortality could be reduced by reducing fishing duration or by bringing gear to the surface slowly to facilitate a more gradual change in depth pressure (to reduce pressure injuries). Mortality is generally higher in trawls, purse seines and seines than in gillnets, hooks and traps. Higher morality was also associated with a decreasing fish length and certain fish species. Therefore, continued size and species selectivity may contribute to improving fish welfare in capture fisheries. Mortality may also be reduced by decreasing duration of air exposure and by decreasing density in fishing nets e.g. reducing catch weight (Veldhuizen et al., 2018).

Fish welfare in fisheries may also be improved through a change in fishing behaviour (e.g. changes in areas fished and/or gear configurations) to increase selectivity of target species and decrease bycatch of non-target species. Fish discarding is a systemic failure of the QMS and results in the mass dumping of dead or injured fish into the ocean, largely due to 'high grading', catching undersized fish or over quota catching. The impacts of discarding in different fisheries depends on the survival rates of discards, which is linked to the species and the fishing gear (Davis, 2002). Although, progress has been made in reducing discards through changes in fishing behaviour, improvements in fishing gear selectivity and allowing bycatch to escape through grids, panels or increased mesh sizes, there remains large gaps in knowledge of the fate of these animals once they escape gear or are discarded after landing on deck. Several countries, including Norway, Iceland, Chile and New Zealand, have established discard bans in differing levels (Guillen et al., 2018). In Norway, the idea of banning discards centred on the fact that discarded fish have negligible chance of survival and therefore, it is better from a management perspective that bycatch is included in the fishing induced mortality figures on which allowable catch estimates are based (Clucas, 1997).

SPCA advocates that a broader assessment must be taken when deliberating catch limits, which includes both an evaluation of the effects on ecosystems and the welfare of target and non-target species. Our Society applauds Fisheries New Zealand in focusing on ecosystem-based objectives in the recent draft National Inshore Finfish Fisheries Plan and challenges them to broaden this plan further to encompass animal welfare-based objectives.

Fisheries Data Reporting

SPCA is very concerned with the lack of scientific data available to run the Quota Management System (QMS). A large proportion of the stock assessments presented in these papers relied on catch/effort data provided by the industry, rather than fisheries-independent surveys. This is problematic, given that in New Zealand widespread illegal dumping and misreporting has been identified as having distorted catch statistic for decades (Simmons et al., 2016; Slooten et al., 2017).

There is a critical need for more funding of robust stock assessments of all species under the QMS. For example:

- Hāpuku and Bass have "no reliable estimates of biomass or yield",
- the current status of Red Gurnard stock is uncertain,
- for Blue cod "the stock status relative to the management target is unknown", and
- for black cardinalfish the stock status is unknown, due to "little information with which to reliably estimate stock status".

It is essential for fisheries management and sustainability that we improve the transparency and reliability of fisheries data reporting of target and non-target animals (Simmons et al., 2016). Compounding this issue is the low level of on board observer coverage and lack of effective enforcement (Simmons et al., 2017). For some fisheries, annual estimates of non-target catch and discards rely on data collected from the observed fraction of the industry and therefore are dependent on the level and spread of observer coverage and the quality of the collected data (Finucci et al., 2020). Under the current fisheries management system, the only way to ensure accurate reporting and to control and enforce catch limits is through 100% observer coverage. Considering the impracticalities of full observer coverage, fisheries may benefit from increased reliance on electronic monitoring (EM) systems. EM systems, which incorporate sensor and video data, have been shown to efficiently document fishing events in considerable detail. Furthermore, the costs of implementing and operating EM systems are low compared with traditional observer programmes (Kindt-Larsen et al., 2011).

SPCA supports MPI's efforts to increase the number of on-board cameras on commercial fishing vessels. However, this does not negate the need for a fundamental rethink of the fisheries management system, which incentivises both discarding at sea and misreporting. The deemed value system imposes financial penalties on catch that is not covered by quota; theoretically this approach is meant to incentivise individual fishers to remain within their total available Annual Catch Entitlement (ACE), promote efficiency and encourage accurate catch reporting. However, in practice the system has created a disincentive for fisheries to report and land all their catch. SPCA would like to see further emphasise placed on addressing the under-reporting problems, which have long been

evident and should be a cause of concern for fisheries management and sustainability (Simmons et al., 2016).

Preferred options as detailed in the discussion papers

SPCA advocates for decreasing catch limits when concerns over fish stocks, particular species or the marine environment emerge. Furthermore, it is essential that the indication of certain fish stocks increasing does not automatically result in increased catch limits and that the status of known non-target species bycatch is considered. The preferred options (out of the limited options provided by Fisheries New Zealand) selected below represent a precautionary approach to fisheries management. This precautionary approach gives weight to the uncertainty of how the fishery and the habitat that it supports may respond to increases in catch/fishing efforts. In addition, it acknowledges the lack of consideration of fish welfare in the review process and the limitations of the available data, which informed the proposed catch limits.

1. Hoki (HOK 1)

The preferred option for HOK 1 is 'Option 5', which reduces both the Total Allowable Catch (TAC) and Total Allowable Commercial Catch (TACC) by the most of the five options proposed.

2. Ling (LIN 5)

The preferred option for LIN 5 is 'Option 1', which maintains the *status quo* and therefore the TAC is not increased as proposed in the two other options. A recent report released by MPI states that spiny dog fish is the most commonly caught non-target catch species of the Ling longline fishery, with almost 70% discarded since October 2002 (Finucci et al., 2020). Schedule 6 of the Fisheries Act 1996 permits commercial fishers to discard spiny dogfish dead or alive. Therefore, the welfare of spiny dogfish, as well as Ling, could be significantly negatively impacted if increasing the quota for Ling lead to increased fishing efforts. It would be irresponsible of Fisheries New Zealand to increase catch limits of LIN 5, without addressing the issues of unselective fishing methods and limited incentives to reduce bycatch.

3. Gemfish (SKI 3 & SKI 7)

The preferred options for SKI 3 & 7 is 'Option 1' (*Status Quo*). This option results in the lowest risk to the stock, associated species and habitats, as the other two options for bot SKI 3 & 7 propose an increase to both the TAC and TACC. Gemfish stocks are not targeted, they are predominantly a bycatch species of the hoki and squid target fishery. SPCA acknowledges the likelihood of exceeding the annual catch entitlement (ACE) proposed with Option 1. However, the reduction of the TACC in HOK 1, as proposed above may lead to reduced fishing efforts and thereby, reduced bycatch of gemfish. In addition, this simply highlights the challenges and inefficacy of the QMS in managing multi-species fisheries and should not be used as justification for increasing catch limits. Increasing the TAC and TACC of SKI 3 & 7 to meet or exceed current catch levels will be detrimental in creating incentives for fishers to modify their fishing methods/gear selectivity to reduce bycatch.

4. Black cardinalfish (CDL 1)

The preferred option for CDL 1 is 'Option 3', as this option reduces both the TAC and TACC the most out of the three options. Considering the stock status and sustainability of CDL 1 is currently unknown, it would be remiss not to attempt to reduce the sustainability risk, until more information is available.

5. Southern bluefin tuna (STN 1)

The preferred option for STN 1 is "other", to maintain the *status quo*. The two options proposed would see an increase in the TAC and an increase in the TACC or recreational catch allowance. Southern bluefin tuna stocks are highly vulnerable to exploitation, which poses a serious threat to the balance of marine ecosystems due to their key role as apex predators.

They are a highly migratory species and therefore their stocks are regionally managed through the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), which sets the global total allowable catch for southern bluefin tuna for three-year periods. The CCSBT has allocated an additional 14 tonnes of catch allowance to New Zealand, due to a change in how non-member catch is incorporated into the management procedure, not because of an increase in the global total

allowable catch. The Society rejects this as an argument to support increasing our domestic catch allowances. It would be a rash decision to increase recreational catch allowance, given the inability to account for all sources of mortality under our current fisheries management system and the uncertainty of the total recreational catch estimates. Moreover, SPCA opposes big game fishing for sport due to the prolonged pain, injury and distress on the fish involved.

6. Snapper (SNA 8)

The preferred option for SNA 8 is "Option one", this option increases the TAC and all other allowances by the least amount compared to the other options. SPCA acknowledges the extensive stock assessment conducted on SNA 8 and the value of the fishery to tangata whenua and stakeholders. However, due to uncertainties expressed by Fisheries New Zealand in the current stock assessment, the preference of option one is conditional on the development and implementation of a robust stock monitoring plan, to determine how the fishery and the habitat is responding to the increases in catch. As snapper is part of a mixed species fishery, concern was raised regarding the impact of the outcome of the GUR 1 review on the ability to fish SNA 8. This once again highlights the limitations in the current fisheries management system and emphasises the need to move towards a more holistic approach to fisheries management, which incorporates the welfare of multiple species involved in the fishery and the environment that supports it. Furthermore, concerns regarding the high snapper abundance making it difficult for trawlers to stay within their available ACE, should be used as an incentive to change fishing behaviour and gear configurations/selectivity and not as a reason to further increase catch allowances.

7. Hāpuku and Bass (HPB 1, HPB 2)

The preferred options for HPB 1 and HPB 2 are "Option 3", which sets the lowest TAC, lowers the TACC by the most of the three options and sets the lowest daily limit for recreational catch. The large knowledge gaps concerning these species and fishery is concerning. Due to the unavailability of scientific data, Fisheries New Zealand expressed that they are not aware that the limits proposed will be sustainable. Therefore, option 3 is the preferred option with the condition that further research is

funded into a thorough stock assessment of both Hāpuku and Bass and catch allowances are reviewed as new information becomes available. We support the decision to separate the codes for reporting Hāpuku and Bass catches, thereby providing species-specific estimated catch data. It is also concerning that in recent years, observer coverage of this fishery has been less than 5%, which emphasises the urgent need for electronic monitoring on fishing vessels.

8. Red gurnard (GUR 1)

The preferred option for GUR 1 is "Option 3", which reduces the TACC by the most and gives weight to the recent decline in GUR 1 landings over the past five years. GUR 1 is a low knowledge stock, therefore further research into the GUR 1 stock is needed to determine the severity of the sustainability risks of GUR 1 and update catch allowances accordingly. Reducing the TACC may further promote fishers modifying their fishing behaviour, including their gear and trawl speeds, to increase targeting of GUR 1 and reduce bycatch.

9. Red gurnard (GUR 7)

The preferred option for GUR 7 is "Option 1", which maintains the status quo and does not increase all other catch settings. In 2020, both the TAC and TACC were increased for GUR 7 and therefore, the impacts of the increase may not have been realised yet. SPCA supports the gear technology developments in the GUR 7 and mixed trawl fishery in QMA 7, which continue to improve selectivity and may reduce negative impacts of fishing practices on animal welfare and the environment.

10. Blue cod (BCO 3)

The preferred option for BCO 3 is "Option 2". This option decreases the TAC and TACC, which is the responsible approach considering that the stock status in relation to the management target and whether overfishing is occurring are both unknown. In 2020, the minimum mesh size for blue cod pots in BCO 3 was increased, which was shown to reduce the capture portion of undersized blue cod and is anticipated to increase survivorship of undersized cod and improve the productivity of the fishery.

However, these results have not been realised yet and does not justify increasing the TAC. SPCA advocates that animal welfare objectives are included in the National Blue Cod Strategy. Seeing that Blue cod is the third most common recreational species caught in New Zealand, efforts to increase the survivorship of undersized cod through research and public education on appropriate fish handling and use of gear types that reduce mortalities, will have a positive impact on the fishery.

11. School shark (SCH 5)

The preferred option for SCH 5 is "Option 2". This option decreases the TAC, TACC and recreational allowances, which acknowledges the current status of the stock and the 90% likelihood that overfishing is occurring in this fishery. Despite being considered an undesirable target species by recreational fishers, school shark is a listed gamefish. As mentioned previously, SPCA opposes big game fishing for sport due to the prolonged pain, injury and distress on the fish involved.

Conclusion

Fish are recognised as sentient beings, with the ability to feel pain and suffer and also experience positive welfare states. They should be awarded the same level of consideration and protection that we give to other vertebrate animals. Currently, fishers are given allowances for catching species, with minimal regulations around how they are caught and no regulations around how they are slaughtered. Furthermore, the current fisheries management system incentivises mass dumping of unwanted catch and under-reporting bycatch, which consequentially distorts the catch statistics on which allowable catch estimates are based in the first place. SPCA supports the move towards an ecosystem-based approach to fisheries management and advocates that animal welfare must be identified as a distinct component of societal, economic and environmental sustainability of fisheries.

We appreciate the opportunity to contribute to the review of sustainability measures for 1 October 2021 and would welcome further engagement on this issue. If any further information is required, the Society is happy to discuss this matter further.

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SPCA®

Submission Form

Review of sustainability measures for 1 October 2021

Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

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

2021 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

Submissions must be received no later than 5pm on Tuesday 27 July 2021.

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:	Tracey Turner
Organisation (if applicable):	Environmental Defence Society
Email:	
Fish stocks this submission refers to:	• Hāpuku / bass (HPB 1 and HPB 2); and • Red gurnard (GUR 1).
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Preferred options for specific fish stocks are specified in the submission.

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.

1. Introduction

1.1. This is a submission on the review of fisheries sustainability measures for 1 October 2021. Based on consultation documents released by Fisheries New Zealand for public feedback,[1] it specifically addresses the proposed changes to sustainability measures for the following fish stocks or stock groupings:

(a) Hāpuku / bass (HPB 1 and HPB 2); and

(b) Red gurnard (GUR 1).

1.2. The Environmental Defence Society (**EDS**) is an independent not-for-profit organisation conducting interdisciplinary policy research and litigation. It was established in 1971 with the purpose of improving environmental outcomes in Aotearoa New Zealand. EDS has a special interest in coastal and marine ecosystems and is currently leading research on future options for oceans system reform. The findings of this research will be available in a Final Report to be finalised in December 2021, following the release of a Working Paper in August.

1.3. In 2018, EDS published findings from an in-depth study of the fisheries management system. The report, entitled "*Voices from the Sea: Managing New Zealand's Fisheries*"[2] evaluates the extent to which current management approaches are sufficient to support thriving fisheries and communities. More recently, EDS has prepared several submissions in support of proposals to temporarily close fishery areas to the harvest of taonga species that are under pressure from unsustainable exploitation practices.[3]

1.4. This submission considers the proposed fisheries sustainability measures in the context of current legislative requirements, with a focus on the Fisheries Act 1996 (**the Act**), the Harvest Strategy Standard for New Zealand Fisheries 2008 (**HSS**),[4] and the Operational Guidelines for New Zealand's Harvest Strategy Standard 2011 (**Operational Guidelines**).[5] Where relevant, the submission also reflects on the findings and recommendations of the report "*The Future of Commercial Fishing in Aotearoa New Zealand*" published by the Office of the Prime Minister's Chief Science Advisor in February 2021 (**the Report**).[6]

2. Summary of submission

Hāpuku / bass (HPB 1 and HPB 2)

2.1. In regard to the proposed sustainability measures for hāpuku and bass (HPB 1 and HPB 2), EDS requests:

(a) The removal of Option 1 as a proposed sustainability measure for HPB stocks. The proposal would accommodate current catch rates, despite anecdotal evidence of declines in HPB stocks at important reef sites, and is not consistent with the purpose or principles of the Act; or the requirements of s 13(2A)(ii).

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[1] Fisheries New Zealand released thirteen stock specific consultation documents, with proposed catch limits, for public feedback.
[2] Peart, R. (2018) "*Voices from the Sea: Managing New Zealand's Fisheries*", EDS, Auckland, New Zealand.
[3] Copies of recent submissions prepared by EDS on proposed temporary closure areas are available at: https://www.eds.org.nz/our-work/publications/submissions/
[4] Ministry for Primary Industries (2008) "*Harvest Strategy for New Zealand Fisheries: Ministry of Fisheries – October 2008*", pp 27.
[5] Ministry for Primary Industries (2011) "*Operational Guidelines for New Zealand's Harvest Strategy Standard Revision 1: Ministry of Fisheries – June 2011*", pp 78.
[6] Office of the Prime Minister's Chief Science Advisor (2021) "*The Future of Commercial Fishing in Aotearoa New Zealand: A report from the Office of the Prime Minister's Chief Science Advisor, Kaitohutohu, Mātanga Pūtaiao Matua ki te Pirimia*" February 2021, pp. 363.

(b) That Fisheries New Zealand undertake an urgent stock assessment of HBP 1 and HBP 2 to enable estimates of important biological indices, including: stock biomass, an MSY compatible stock target, and soft and hard limits to be generated. These will ensure the future management of the stock is responsive to changes in stock characteristics, which is of critical importance in the context of future environmental change.

(c) That Option 3 is adopted as an interim measure for HPB 1 and HPB 2 stocks, subject to prompt review following a stock assessment. EDS considers a conservative approach is required to ensure sustainability of the stocks.

(d) That Fisheries New Zealand includes additional sustainability measures for ministerial consideration. Section 11(3)(c) and s 9(c) of the Act provide the Minister with powers to set area-specific measures to protect habitat of particular significance for fisheries management. EDS submits that, as a minimum, areas of important reef habitat within the Hauraki Gulf require protection to achieve the purpose of the Act.

Red gurnard (GUR 1)

2.2. In regard to the proposed sustainability measures for red gurnard (GUR 1), EDS requests:

(a) The removal of Option 1 as a proposed sustainability measure for GUR 1 stocks. Option 1 would preserve the potential for fishing efforts to land significantly higher numbers of red gurnard than presently achieved, despite evidence of declines in commercial catches and stock biomass. It is not consistent with the principles and purpose of the Act; and would lead to an unsustainable outcome.

(b) The removal of Option 2 as a proposed sustainability measure for GUR 1 stocks. Option 2 is not sufficiently cautious for ensuring sustainability and is therefore not consistent with the purpose and principles of the Act.

(c) That Option 3 is adopted as an interim measure for GUR 1 stocks, subject to review following the 2023 stock assessment. Option 3 represents a cautious approach to ensuring sustainability of the GUR 1 stock in accordance with the information principles set out in s 10 of the Act.

(d) That a comprehensive review of the available scientific literature on actual and potential bottom trawling impacts is provided to the Minister for consideration, to ensure his decision can be based on the best available information in accordance with the requirements of s 10.

(e) That Fisheries New Zealand include an additional proposal to prohibit the use of bottom trawl fishing methods to target fish stocks within the 100m depth contour. A prohibition is necessary to ensure adverse effects from past, current and future trawl efforts can be adequately avoided, mitigated and remedied in accordance with the purpose of the Act.

Proposed sustainability measures for hāpuku and bass (HPB 1 and HPB 2)

2.3. The proposed sustainability measures for hāpuku and bass stocks HPB 1 and HPB 2 seek to:

- set a TAC with allowances for recreational, customary, and 'other mortality' fishing activities;
- reduce the existing TACC; and

- maintain (Option 1) or adjust (Options 2 and 3) the existing recreational daily limit.

2.4. The Fisheries New Zealand Consultation Document for HPB 1 and HPB 2 (**Consultation Document**) includes three options for the Minister's consideration.[7] Each option includes different TAC's and TACC's; and one of two approaches for setting the recreational daily limit. The rationale underpinning the three options is consistent for both HPB 1 and HPB 2 stocks, though the quantitative limits proposed for each management area differ. This submission focuses on the rationale for setting the proposed measures, and therefore applies to both HPB 1 and HPB 2.

2.5. Option 1 proposes to set a TAC and TACC based on "*best estimates of current removals from the fishery*".[8] The best estimates reflect:[9]

(a) the current annual commercial catch rate (calculated as the average annual catch for the past five years excluding 2019/20);

(b) current recreational catch rates obtained from the 2017/18 National Panel Survey of Marine Recreational Fishers (**NPS**) and amateur charter vessel returns;

(c) incomplete information in relation to customary harvest levels (a consistent value of 10t is proposed for all three options, but it is not clear where this value derives from); and

(d) an estimate of the removal from other sources of fishing mortality (this is arbitrarily set at 5% of the TACC for all three options).

The TACC equates to the current annual commercial catch rate (calculated as '(a)' above), and represents a reduction from the current TACC because the limit has not been met for several years.

2.6. Option 2 proposes to set a TAC and TACC based on a 25% reduction in the current annual commercial catch; and a 23% to 31% reduction in the current recreational catch.[10] The reduced recreational allowance reflects the introduction of a new daily limit of 2 hāpuku and bass; and an accumulation limit of 3 hāpuku and bass.[11]

2.7. Option 3 proposes to set a TAC and TACC based on a 50% reduction in the current annual commercial catch rate; and a 23 to 31% reduction in the current recreational catch rate which is consistent with Option 2.[12]

Compliance with legislative requirements

2.8. In setting a TAC for a stock, the Minister must comply with the requirements of s 13 of the Act. The essence of s 13 is to ensure a TAC will maintain a stock at or above a level that can produce the Maximum Sustainable Yield (**MSY**) and to rebuild the stock if it falls below this level. The High Court recently held that the HSS is an implied mandatory relevant consideration for the Minister in setting a TAC under s 13; and is "best available information" in the context of decision-making under the Act.[13]

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[7] Fisheries New Zealand (July 2021) Review of Sustainability Measures for Hapuku and Bass HPB 1 and HPB 2 for October 2021. Consultation Document available at the Ministry for Primary Industries website: https://www.mpi.govt.nz/consultations/review-of-sustainability-measures-2021-october-round/

[8] Fisheries New Zealand, above n 7, at [63].

[9] Fisheries New Zealand, above n 7.

[10] Ibid.

[11] Ibid.

[12] Ibid.

[13] *Royal Forest and Bird Protection Society of New Zealand Inc v Minister of Fisheries* [2021] NZHC 1427 at [152] - [153].

2.9. The HSS consists of three core elements:[14]

(i) A specified target stock size, about which a fishery or stock should fluctuate. To satisfy the HSS, the target should be set at the level of MSY-compatible reference points or better, with at least a 50% probability of achieving the target. The HSS requires that the productivity of the stock is taken into account in setting the target.

(ii) A soft limit that triggers a requirement for a formal, time-constrained rebuilding plan (the probability of breaching the soft limit should not exceed 10%); and

(iii) A hard limit that triggers a requirement for consideration of a fisheries closure to enable a stock to rebuild to the target level (the probability of breaching the hard limit should not exceed 2%).

The Operational Guidelines contain default options for estimating MSY-compatible reference points depending on the type and quality of data available for a stock. The purpose of the HSS and Operational Guidelines is to standardise approaches to ensure a stock's TAC is set in accordance with best practice.

2.10. The Consultation Document recognises that hāpuku and bass are "*low knowledge stocks with no reliable estimates of biomass or yield*".[15] The 2021 Fisheries Assessment Plenary states that it is not known if current catches or the TACC's are sustainable or at levels to allow stocks to move towards a size that will support the Maximum Sustainable Yield (**MSY**).[16] Despite research efforts, there is a paucity of information on important biological stock characteristics including: age-structure, population structure, and migration patterns.[17]

2.11. Section 13(2A) of the Act applies if the Minister considers that the current level of the stock or the level of the stock that can produce the MSY is not able to be estimated reliably using the best available information. In these circumstances, the Minister must set a TAC:[18]

(i) Using the best available information; and

(ii) That is not inconsistent with the objective of maintaining the stock at or above, or moving the stock towards or above, a level that can produce the MSY.

2.12. The Consultation Document does not explicitly refer to the HSS or Operational Guidelines. This reflects the fact that there are no estimates of stock biomass, so any estimates of MSY-compatible stock targets would not assist with the determination of the TAC / TACC or limits to trigger management actions to rebuild the stocks. EDS requests that an urgent stock assessment be undertaken for HPB stocks to enable the setting of stock targets, and management limits (soft and hard) in accordance with international best practice as set out in the HSS and Operational Guidelines. A stock assessment is particularly important for hāpuku and bass stocks because they exhibit highly aggregated distributions over reef habitat. This behaviour limits the application of common proxies for determining MSY (for example, Catch Per Unit Effort (CPUE)).[19]

Analysis of proposed options

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[14] Ministry for Primary Industries, above n 4, pages 7-9.
[15] Fisheries New Zealand, above n 7, page 8.
[16] Fisheries New Zealand (2021) Fisheries Assessment Plenary, May 2021, Stock Assessments and Stock Status, Volume 1: Introductory section and Alfonsino to Hake. Compiled by the Fisheries Science Team, Fisheries New Zealand, Wellington, New Zealand. p.1782.
[17] Ibid.
[18] Fisheries Act 1996, s 13(2A)(c).
[19] Paul, L.J. (2005) CPUE indices for groper, *Polyprionn spp.*, when targeted as a bycatch in four New Zealand fisheries, 1990-2003, *New Zealand Fisheries Assessment Report 2005/51.* 29 p. At page 4.

2.13. In the context of extremely limited information, EDS does not support the inclusion of Option 1 as a potential sustainability measure for HPB 1 and HPB 2 stocks. The adoption of Option 1 would result in TAC and TACC limits that accommodate, rather than constrain, current catches; and anecdotal reports of declining catches suggest this outcome would not be consistent with the principles or purpose of the Act.

2.14. The Consultation Document acknowledges that fishers of HPB 1 and HPB 2 stocks have expressed concerns about declining catches from areas that are commonly targeted for hāpuku and bass.[20] These concerns echo observations of commercial fishers operating in the Hauraki Gulf, who have witnessed persistent declines in hāpuku stocks at reefs that historically supported catches.[21] It is clear that the species is particularly vulnerable to localised depletion, having been virtually eradicated from inshore habitats. EDS submits that removing the potential for stocks to be caught above current levels would not adequately recognise the sustainability risk facing HPB stocks and is therefore not consistent with the purpose and principles of the Act. In short, it does not provide an effective 'cap' on harvest to ensure sustainability of the stock.

2.15. The purpose of the Act is to "*provide for the utilisation of fisheries resources while ensuring sustainability*".[22] The terms "*ensuring sustainability*" and "*utilisation*" are defined in s 8(2) as follows:

> *Ensuring sustainability means –*
>
> *(a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and*
>
> *(b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment.*
>
> *Utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural well-being.*

2.16. The Supreme Court has acknowledged that the purpose contains two competing social policies, and provided guidance on how it should be interpreted:[23]

> "*s 8(1) requires that in the attribution of due weight to each policy, that given to utilisation must not be such as to jeopardise sustainability. Fisheries are to be utilised, but sustainability is to be ensured.*"

2.17. In exercising powers under the Act, the Minister is also required to consider the information principles listed in s 10 of the Act. Section 10(c) states "*decision makers should be cautious when information is uncertain, unreliable, or inadequate*".

2.18. EDS submits that a cautious approach would require the Minister to set a more conservative limit than the current catch level to ensure sustainability of HPB stocks in accordance with s 8. Further, it is submitted that a cautious approach is also required to ensure decision-making is consistent with the objective of maintaining stocks at or above the MSY, and therefore Option 1 would not meet the requirements of s 13(2A)(ii).

2.19. For the same reasons as outlined above, EDS supports the adoption of Option 3 as an interim cautious measure for managing HPB 1 and HPB 2 stocks, until a stock assessment can provide information to enable the setting of an MSY-compatible stock target, with hard and soft limits to support the longevity of stocks (and their associated fisheries) in accordance with the HSS and Operational Guidelines. Option 3 gives HPB

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[20] Fisheries New Zealand, above n 7, at page 1.
[21] Peart, R. (2017) "The Story of the Hauraki Gulf: Discovery, Transformation, Restoration", EDS, New Zealand, p. 368.
[22] Fisheries Act 1996, s 8(1).
[23] *New Zealand Recreational Fishing Council v Sanford Ltd* [2009] NZSC 54, [2009] 2 NZLR 438 at [39]; and subsequently affirmed in the *Royal Forest and Bird Protection Society of New Zealand Inc v Minister of* Fisheries]2-21] NZHC 1427.

stocks the greatest opportunity to rebuild if historic catch levels have been unsustainable in order to achieve sustainability in accordance with the purpose of the Act.

Area-specific habitat protection measures

2.20. Based on available information, it is understood that HPB stocks aggregate on reef habitats; with a relatively small proportion of fish caught over open seafloor habitat.[24] It is also widely accepted that rocky habitats including pinnacles, reefs, and ledges can be rapidly fished down and take a long time to recover.[25] This is particularly the case with modern GPS systems which enable even remote reefs and pinnacles to be reliably located time and time again by both commercial and recreational fishers.

2.21. To address declines in the abundance of hāpuku and bass stocks at significant fishery sites, EDS requests that Fisheries New Zealand include proposals for area-specific protection measures aimed at protecting reef habitat of historic and present importance for hāpuku and bass stocks.

2.22. Area-specific sustainability measures are within the scope of s 11(3), which provides the Minister with the power to set or vary measures relating to "*the areas from which any fish, aquatic life, or seaweed of any stock may be taken or that may be used in any area*". Area-specific protection measures are also consistent with s 9(c) of the Act, which requires all persons exercising powers in relation to the utilisation of fisheries resources or ensuring sustainability to consider the environmental principle that "*habitat of particular significance for fisheries management should be protected*".

2.23. The term "habitat of particular significance" is not defined by the Act, and to date no sustainability measures have been specifically adopted to give effect to this principle.[26]

2.24. EDS submits that locations of reef habitat that historically supported commercial, recreational and customary hāpuku and bass catches are of particular significance for the HPB fishery and therefore should be protected by area-specific sustainability measures. Previous research conducted by EDS includes anecdotal reports by commercial fishers which identify specific reefs of historical significance for the fishery.[27] EDS submits that these sites are candidates for spatial protection measures, because they have been identified as sites that historically supported significant commercial catches; and at which hāpuku stocks have exhibited significant declines in abundance. These sites include:

- Flat Rock, Kawau Island;
- Anchorite Rock;
- Wellington Reef and Shearers Rock, near Tiri Tiri Matangi Island;
- Centre Reef, Channel Island, near Cape Colville;
- Nor West Reef; and
- Leigh Reef.

2.25. Additional sites of significance that could be investigated include parts of the Cook Strait, which have been identified as potential spawning grounds, with connectivity to

[24] Paul (2005), above n 19, at page 4.
[25] Fisheries New Zealand (2021), above n 16 at page 546.
[26] Office of the Prime Minister's Chief Science Advisor (2021), above n 6, at page 113.
[27] Peart, R. (2017), above n 21.

northern HPB fishery areas.[28] Other vulnerable areas around the coast should also be investigated and included in such spatial protections.

2.26. EDS submits that the inclusion of habitat protection measures would support the potential of HPB stocks to meet the reasonably foreseeable needs of future generations; and would seek to remedy adverse effects of fishing on the aquatic environment. The definition of "*effect*" includes "*direct and indirect effects of fishing*" and "*any past, present, or future effect*".[29] Consequently, measures undertaken to remedy historic adverse effects resulting from targeted fishing efforts are consistent with the purpose of the Act. EDS submits that habitat protection measures can be developed to ensure due consideration is given to the policy of "*utilisation*" because they are site-selective and will not undermine the ability of people to provide for their social, economic, and cultural well-being.

2.27. The inclusion of habitat-related protection measures would also be consistent with the future direction of commercial fishing policy, which promotes an ecosystem-based approach to fisheries management.[30] Indeed, in addressing the potential for s 9(c) of the Act to be used to promote ecosystem-based outcomes; a recent report released by the Office of the Prime Minister's Chief Science Advisor challenged the Minister to "*strengthen their arm and use these provisions to catalyse change*".

3. Proposed sustainability measures for red gurnard (GUR 1)

3.1. The proposed sustainability measures for the red gurnard sub-stocks located off the east and west coasts of the northern North Island (comprising GUR 1) seek to:

- set a TAC with allowances for recreational, customary, and 'other mortality' fishing activities; and
- reduce the existing TACC to differing degrees.

The proposed sustainability measures will not result in any changes to the current recreational daily bag limit of 20 red gurnard per day per person, nor the minimum recreational size limit.

3.2. The Fisheries New Zealand Consultation Document for GUR 1 (**Consultation Document**) includes three options for the Minister's consideration.[31] The proposed options include different TAC and TACC limits, with consistent allowances for customary fishing (40t), recreational fishing (100t), and other fishing related mortality (7% of the proposed TACC).[32]

3.3. Option 1 proposes to preserve the potential catch level afforded by current management practices. It would set a TAC of 2,328t based on a slight reduction in the current TACC (from 2,288t to 2,045t), and the inclusion of allowances for customary, recreational, and other fishing mortality.

3.4. Option 2 proposes to set a TAC of 1,317t based on a significant reduction in the current TACC (from 2,288t to 1,100t), and the inclusion of allowances for customary, recreational, and other fishing mortality. The proposed TACC limit aligns with average annual landings of red gurnard between 1986-2020 (1,072t); and the most recent peak in landings (1,103t) from the 2012/13 fishing year.[33] This option is based on current

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[28] Refer Fisheries New Zealand, above n 7 for further information about the significance of the Cook Strait for spawning and migration behaviours.
[29] Refer Fisheries Act 1996, s 2.
[30] Office of the Prime Minister's Chief Science Advisor (2021), above n 6, at page 20.
[31] Fisheries New Zealand (July 2021) Review of Sustainability Measures for red gurnard (GUR 1) for October 2021. Consultation Document available at the Ministry for Primary Industries website: https://www.mpi.govt.nz/consultations/review-of-sustainability-measures-2021-october-round/
[32] Fisheries New Zealand, above n 31, at page 11.
[33] Fisheries New Zealand, above n 31, at page 12, para [68].

commercial catch rates and the most recent stock assessment (derived from CPUE updates in 2016).

3.5. Option 3 proposes to set a TAC of 996t based on a significant reduction in the current TACC (from 2,288t to 800t). The proposed TACC limit aligns with average annual landings of red gurnard over the past 5 years (792t); a period in which significant declines in commercial catches have been reported for GUR 1.

Preferred option for setting of limits

3.6. EDS does not support the inclusion of Option 1 as a potential sustainability measure for GUR 1 stocks. Commercial catches of GUR 1 stocks have consistently been under caught since their introduction to the QMS in 1986; and the TACC has never been met, which is highly suggestive of a stock in trouble.[34] Recent catch trends are of significant concern, with annual commercial catches declining consistently since 2009; and more substantially since 2016.[35]

3.7. By preserving the potential for fishing efforts to land higher numbers of red gurnard than presently achieved, Option 1 would maintain an effectively unconstrained GUR 1 fishery. This outcome would fail to recognise the significant declines in commercial catch being reported in GUR 1; and the serious sustainability risk confronting GUR 1 stocks. In addition, Option 1 is not consistent with the information principles listed in s 10 of the Act, which mandates a cautious approach when information is uncertain, unreliable, or inadequate. The Consultation Document acknowledges that the sustainability of the current TACC limit is not known because no estimate of stock biomass or MSY has been calculated for GUR. EDS submits that a cautious approach requires an immediate and significant reduction to the existing TACC, until a stock assessment (proposed to occur in 2023) has been completed.

3.8. EDS does not support the adoption of Option 2 as a potential sustainability measure for GUR 1. The proposed TACC exceeds the 2016-2020 average annual commercial catch by 308t, and is based on information that predated the recent downward trends in commercial catches. There have been significant declines in commercial catches since 2016, and recent trawl surveys have found substantial reductions in the biomass of the west coast GUR 1 sub-stock.[36] EDS submits that the adoption of Option 2 is not sufficiently cautious for ensuring sustainability and is therefore not consistent with the purpose and principles of the Act.

3.9. EDS supports the adoption of Option 3, which proposes to set the TACC based on current commercial and recreational catch levels. This support acknowledges the findings of a recent stock assessment in 2017, which did not raise concerns about the status of the stock despite long-term declines in commercial catches. It also recognises that Fisheries New Zealand aims to undertake an updated stock assessment in 2023. EDS requests that the catch limits for GUR 1 are reviewed following the completion of that update to ensure they are responsive to changes in the GUR 1 biomass.

Obligations under the Act

3.10. The Consultation Document does not adequately address the Minister's environmental obligations under ss 8 and 9 of the Act; and therefore, does not provide the Minister with the best available information on which to consider these matters as required under s 10(a) of the Act.

3.11. Although the Consultation Document identifies potential "environmental interactions" including marine mammals, seabirds, bycatch, and benthic impacts, these matters are addressed arbitrarily and do not include adequate information on the potential adverse effects associated with bottom trawling fishing methods. For example, in regard to benthic

[34] Fisheries New Zealand, above n 31, at page 5.
[35] Ibid.
[36] Fisheries New Zealand, above n 31, at page 9.

impacts, the Consultation Document advises that "*the options proposed in this paper are not expected to increase benthic impacts within GUR 1*". It does not identify the types of benthic impacts that might result from bottom trawling, their extent, or their magnitude. Nor does it account for cumulative effects from prolonged multi-species trawl efforts within the GUR 1 fishery area. Simply maintaining the status quo in regards to harvest methods, without assessing their impacts and ensuring that these are sustainable, is not sufficient to meet the requirements under the Act.

3.12. Bottom trawling is the dominant fishing method used to target red gurnard on the west coast, and accounts for 80-90% of the commercial catch in the west coast GUR 1 sub-stock.[37] Bottom trawling also occurs on the east coast, though it accounts for a smaller proportion of the catch in the eastern sub-stock. It comprises an important method within GUR 1 and therefore the Minister needs sufficient information to consider the impacts of bottom trawling on:[38]

a) Biological diversity of the aquatic environment; and

b) Habitat of particular significance for fisheries management.

3.13. The purpose of the Act also requires the Minister to more broadly consider whether a proposal will avoid, remedy or mitigate any adverse effects of fishing on the aquatic environment.[39] The definition of "*effect*" includes, *inter alia,* permanent effects; past, present or future effects; and any cumulative effect which arises over time or in combination with other effects.[40]

3.14. The scientific literature identifies a wide range of actual and potential impacts associated with bottom trawl methods, and these are summarised in the publication "Aquatic Environment and Biodiversity Annual Review 2019-20, Compiled by the Fisheries Science Team, Ministry for Primary Industries, Wellington, New Zealand" (**AEBAR**). Some of the key effects identified include:[41]

- loss of biodiversity;
- loss of benthic productivity;
- modification of important breeding or juvenile fish habitat leading to reduced fish recruitment;
- an altered seafloor structure (with reduced structural complexity and damage to or a reduction in structural biota) and
- cumulative effects and interactions with other stressors (including existing effects, especially in the coastal zone, and climate change).

3.15. The AEBAR summary recognises that the effects of bottom trawling on benthic habitats are not uniform; and depend on the type of trawl equipment used, and the physical and biological characteristics of the seabed habitats within the trawl area. It presents summaries of studies with reported effects including: resuspension of sediment, altered sedimentary characteristics, altered benthic communities, declines in the abundance of invertebrates, reduced total biomass of benthic species, and increased predation by scavengers.[42] While it is generally accepted that the most significant effects are likely to occur in sheltered areas with high structural complexity (e.g., reef and epifaunal habitats), studies have demonstrated that sand and silt dominated sedimentary systems are also

[37] Ibid.
[38] Fisheries Act 1996, s 9.
[39] Fisheries Act 1996, s 8(2).
[40] Fisheries Act 1996, s 2.
[41] Fisheries New Zealand (2020) "Aquatic Environment and Biodiversity Annual Review 2019-20, Compiled by the Fisheries Management Science Team, MPI, Wellington, NZ", at page 401.
[42] Fisheries New Zealand (2020), above n 41, at page 400.

susceptible to the effects of bottom trawling.[43] This is particularly important to consideration of the effects of bottom trawling within GUR 1, because red gurnard are most commonly found on sandy and muddy substrates.[44]

3.16. Studies investigating the recovery of trawled areas are rare, but initial research indicates that a time period of at least several years is required to return a site to a pre-disturbance state.[45] As recovery dynamics present an emerging area of scientific study, some investigations have not observed any recovery (for example five years after trawling activity on seamounts). This suggests that trawling can generate permanent effects on benthic habitat and the wider marine ecosystem.

3.17. The information contained in the Consultation Document does not identify or evaluate the potential magnitude or permanence of benthic impacts from bottom trawling in GUR 1. EDS requests that a comprehensive review of available scientific literature is provided to the Minister for consideration, to ensure his decision can be based on the best available information in accordance with the Act.

Prohibition on inshore trawling

3.18. EDS requests that Fisheries New Zealand include an additional proposal to prohibit the use of bottom trawl fishing methods to target fish stocks in shallow (<100m depth) coastal habitats. A prohibition is necessary to ensure adverse effects from past, current and future trawl efforts can be adequately avoided, mitigated and remedied in accordance with the purpose of the Act. It is also necessary to extend the scope of the prohibition to include other fish stocks and stock groupings that are targeted by bottom trawl methods. For example, red gurnard is caught by trawls targeting other inshore species including flatfish, red cod, snapper, and tarakihi. A species-specific prohibition would not drive the changes in fishing method and behaviour required to maintain biological diversity and ensure sustainability in accordance with the environmental principles and purpose of the Act.

3.19. The literature demonstrates that bottom trawl fishing methods can generate significant and permanent adverse effects on marine ecosystems. While available scientific information does not make it possible to quantify the full impact of historic and present bottom trawl fishing methods on benthic habitats and marine species, it casts sufficient doubt on the sustainability of regulatory measures that enable this fishing method to be used in the coastal environment.

3.20. The effects of historic trawling efforts are not well understood, though research has been undertaken to map the extent of commercial trawl fishing conducted on or near the seafloor inside the Exclusive Economic Zone (EEZ) and Territorial Sea. The AEBAR report includes estimates of the spatial coverage of trawl efforts for inshore and deepwater fishstocks in Aotearoa New Zealand waters. In regard to coastal environments, the research indicates that over a five-year period (2008-2012), 113,800 km^2 of seabed shallower than 250 m was contacted by trawl; with a greater impact across shallower areas (<100m depth) where 60% of the total seabed was contacted by trawl.[46]

3.21. The spatial extent of historic trawl activity in coastal waters is of particular concern because bottom trawling has the potential to generate permanent changes to the seafloor and wider marine ecosystem. Further, best information suggests that extended time periods of respite (i.e., no trawling) are required to provide an opportunity for previously trawled areas to recover.

3.22. Climate change is anticipated to place additional pressures on marine biota and ecosystems, through *inter alia* rising sea temperatures and changes in ocean chemistry. It

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[43] Ibid.
[44] Fisheries New Zealand, above n 31.
[45] Fisheries New Zealand (2020), above n 41, at 400.
[46] Baird, S.J.; Hewitt, J.E.; Wood, B.A. (2015). Benthic habitat classes and trawl fishing disturbance in New Zealand waters shallower than 250 m. New Zealand Aquatic Environment and Biodiversity Report No. 144. 184 p. (This information was cited in Peart, R. (2018) "Voices from the Sea: Managing New Zealand's Fisheries", EDS, New Zealand, 168 p, at page 70).

may also impact physical processes occurring in the nearshore environment, through changes in weather patterns, local wave characteristics, and changes in relative sea level. It is unclear how climate change will impact individual fish stocks, but the protection of remaining habitats of particular significance for fisheries, and habitats that exhibit high biodiversity will enhance the resilience of fish stocks to future environmental change.

3.23. Bottom trawling in the nearshore coastal environment must be prohibited to ensure the sustainability of Aotearoa New Zealand's fisheries, and the important ecosystems they rely on.

Environmental Law Initiative
Tiakina te mauri o te taiao

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27 July 2021

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Submission on sustainability measures for October 2021

Introduction to the Environmental Law Initiative

1. The Environmental Law Initiative (ELI) is a trust whose mission is to ensure the effective protection of New Zealand's natural resources. We are advised by a small team of experts in environmental law, policy, science, ecology and management.

2. ELI is concerned about the disparity in many fisheries decisions between the consideration of and advice being given on "providing for utilisation" when compared with that given on "ensuring sustainability".

3. ELI is also concerned that in many cases New Zealand's fisheries are being managed at levels that are too low for both the harvested stock and other species in the ecosystem.

4. ELI has chosen to focus on two of the sustainability measures papers in this October 2021 sustainability round—Southern Bluefin Tuna (STN 1) and west-coast Snapper (SNA 8).

General comments

MPI's description of its role

5. At the front of the SBT and the Snapper sustainability round papers, there is a general section headed Te Mana o te Taiao. One of the paragraphs under that heading describes MPI's role as being *"required by the Fisheries Act to manage fisheries to balance use and sustainability, including the requirement to avoid, remedy or mitigate adverse effects on the aquatic environment".*

6. This does not represent an accurate understanding of the New Zealand Courts' view of the Fisheries Act 'requirements' relating to MPIs role. During litigation on kahawai in 2009, the Supreme Court clearly identified the tension between utilisation and ensuring sustainability. However, the Supreme Court also emphasised that TAC setting is a sustainability measure, and has held that ensuring sustainability is all but a bottom-line. It said *"s 8(1) requires that in the attribution of due weight to each policy that given to utilisation must not be such as to jeopardise sustainability. Fisheries are to be utilised, but sustainability is to be ensured."* [1]

Southern bluefin tuna (STN 1)

The options proposed in FNZ's paper

7. ELI supports neither of the two options proposed. Both assume that the only option available to the Minister is to use the additional 14-tonne allocation from the Commission for the Conservation of Southern Bluefin Meeting in October 2020 (CCSBT 27), to increase either the domestic commercial or recreational catch for SBT. In reality, translating the 14-tonne allocation into an increased total allowable catch (TAC) domestically is neither required, nor without further information, justified.

8. **ELI seeks that MPI include a third option for the Minister proposing that no increase to the TAC would occur. Under this option, the 14 tonnes allocated to New Zealand at CCSBT 27 would simply remain in the water to contribute to the**

[1] See *New Zealand Recreational Fishing Council Inc & Ors v Sanford Limited & Ors* [2009] NZSC 54 at [6]-[14] per Elias CJ; and [39]-[40] per McGrath J.

stock rebuild. Without the additional information outlined below, it is also likely that the Minister would be required to take this option.

Further information needed about the CCSBT 27 decision

9. The CCSBT 27 meeting report doesn't appear to explain how the global TAC for Southern Bluefin Tuna for 2021-2023 can remain exactly the same as it was for 2018-2020, yet result in a windfall of surplus tonnage to Commission members. Specifically, it does not explain how the global TAC does not change despite the non-member tonnage allowance that replaces the former 306-tonne allowance increasing to "up to 1,000t small, 1,000t large, 20% surface fishery".

10. ELI is not questioning the CCSBT Management Procedure nor the allocation resolution. Neither do we say that the technical details of every stock assessment need to be thoroughly explained when setting a TAC. Here, though, the missing detail leaves obvious room for questions, especially when coupled with SBTs conservation status and previous management failures. There is mention of the 306-tonne block in the FNZ paper, but no further explanation.

11. ELI considers this obvious and otherwise unexplained issue in the FNZ paper needs explaining in order to increase the TAC. Merely 'rolling over' a CCSBT decision[2], is not sufficient for sections 8, 10 and 14 for a stock, that while rebuilding, is still well below a sustainable level.

Further information needed on how the CCSBT rebuild compares to NZs HSS requirements

12. In paragraph 50 of the FNZ paper there is a discussion of the harvest strategy standard (HSS) and a statement that NZ will support rebuild strategies that meet or exceed the minimum standards contained in the HSS. Recent caselaw[3] has commented on the status and role of the HSS in decisions by the Minister.

13. The FNZ paper does not discuss or compare the CCSBT rebuild strategy to the rebuild requirements domestically in the HSS. Does reaching 30% of unfished biomass by 2035 (with 50% certainty) satisfy the minimum standards in the HSS? If it doesn't, then this analysis should be before the Minister when making TAC decisions for SBT.

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[2] There is nothing in the Convention for the Conservation of Southern Bluefin Tuna requiring Party states to allocate all of CCSBT's allocation at domestic law, nor any apparent risk of a state choosing not to catch its entire allocation while a stock is rebuilding. We are aware of past TAC decisions dismissing the idea of allowing a lesser TAC than New Zealand's allocation on the basis of only small sustainability gains to the overall stock, but these misapply section 8 and 14.

[3] See *Royal Forest & Bird Protection Society of NZ Inc v Minister of Fisheries* [2021 NZHC 1427].

14. ELI accepts that both CCSBT's rebuild strategy and the current allocation resolution were made before the outcome of the HC *Tarakihi* case, but this decision will not be. The points raised in this submission are important analysis for the Minister have in front of him when faced with options to increase New Zealand's TAC while the stock is rebuilding.

15. In addition to the further information described above, there are other reasons why it is important that the Minister be provided with an option of not increasing the TAC. These are described below.

Other reasons why New Zealand should not increase the SBT TAC

16. There are other reasons supporting a decision to leave the 14 tonnes of SBT in the water:
    i. The SBT stock is assessed as between 16-22% of its original biomass. While an improvement from its last assessment, it is still well below a sustainable level.
    ii. The SBT stock is in the early stages of recovering from dangerously low biomass levels, known to impose additional vulnerabilities on fish stock populations as they rebuild.
    iii. Despite the stock assessment indicating a rebuilding stock, there is still significant uncertainty and not all stock indicators consistently tell a positive story.
    iv. The rebuild strategy set by CCSBT is unambitious and there may be an opportunity to rebuild the stock more quickly than first agreed without requiring further reductions in allocations. Having more fish in the water, earlier, is clearly the best management approach to take given the multiple stressors on marine life simultaneously occurring at the moment.

West coast snapper (SNA 8)

17. For the reasons outlined below, ELI believes FNZ should postpone its proposal to increase the TAC for SNA 8 until the work necessary to address and monitor the issues raised in pre-consultation have been completed and can be consulted on in tandem.

18. **ELI seeks that a further option be included for the Minister to consider. That is, retain the current TAC and instruct officials to consider more fully the concerns identified by stakeholders during the consultation process with the aim of consulting on the SNA 8 TAC and other SNA 8 sustainability measures and monitoring plan concurrently.**

19. The recovery of the Snapper 8 stock from 8-12% in 2005 to an estimated 54% in 2021, is welcome news. As are reports of associated improvements to ecosystem health from the recovered stock.

20. The proposal to increase the SNA 8 TAC is linked to the "provide for utilisation" component of the Fisheries Act's purpose. ELI is concerned that the "ensuring sustainability" component, aside from considerations of snapper stock biomass, is missing from FNZ paper. It appears to have been relegated to a secondary role despite apparently strong and specific feedback on sustainability issues during the pre-consultation process, and despite its legal primacy.

21. Several concerns about the sustainability of increased fishing pressure on SNA 8 have been raised by stakeholders. These include potential impacts of:
    i. Reduced abundance of snapper in a fishery where stakeholders support a target biomass higher than the current default as most appropriate
    ii. Adverse impacts on customary fishing rights
    iii. Concentration of SNA 8 fishing effort in some areas, resulting in localised stock depletions
    iv. Increases to the bottom trawl footprint and damage to benthic substrate which support ecosystem health
    v. Overfishing of other species commonly caught with snapper
    vi. Greater risk to Maui Dolphins

22. A proper application of sections 8 and 10 of the Act would see FNZ investigate these impacts further and take steps to address them. It is telling that a monitoring plan to collect the information necessary to detect or respond to some of these concerns has not been devised yet, but FNZ is nonetheless proposing that the TAC be increased.

Fisheries New Zealand
Tini a Tangaroa

Submission Form

Review of sustainability measures for 1 October 2021

Once you have completed this form

Email to: FMsubmissions@mpi.govt.nz

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

2021 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

Submissions must be received no later than 5pm on Tuesday 27 July 2021.

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

Submitter details:

Name of submitter or contact person: Stephen Harper	
Organisation (if applicable):	Counties Sports Fishing Club
Email:	
Fish stock(s) this submission refers to:	(STN 1)
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.

Fisheries New Zealand
Tini a Tangaroa

Submission:[1]

Details supporting your views:

We are a family-friendly West coast club based in Waiuku, just south of Auckland.

With around 700 members, Trailer boats make up the majority of our fleet.

Celebrating fishing of all kinds, from the humble Gurnard to the mighty Broadbill.

Club waters span from Raglan nth Head to Kaipara sth head and include the Manukau harbour and Waikato river.

On the 30th of June we had a club meeting inviting the community and iwi this was our Biggers ever meeting with everyone concerned about the fishery. We talked about SNA8 and GUR1 on our west coast. With a big trailer boat fleet our members and fishing all over NZ and in the winter months chasing SBT we discussed the options in this Review and the value this fishery is giving to the small rural communities and the rest of nz. This Sports Fisherie could be huge for NZ when the boarder opens up. Therefore we see the increase would be valuable to the rec sector. Also discussed angler and boat limits.

Looking forward to some sensible outcomes come 1st October

Counties Sports Fishing Club Delegate

Stephen Harper

[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.

Fisheries New Zealand
Tini a Tangaroa

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Submitter details:

Name of submitter or contact person:	**Stephen Harper**
Organisation (if applicable):	Counties Sports Fishing Club
Email:	
Fish stock(s) this submission refers to:	SNA8
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Option 1

Official Information Act 1982

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On the 30th of June we had a club meeting inviting the community and iwi this was our Biggers ever meeting with everyone concerned about the fishery everyone was worried about any increase.

Recreational fishing is by far the most common activity hosted in the marine environment; it puts food on the table and brings people to coastal towns to relax and enjoy the great outdoors. Recreational fishing pumps more money & jobs into the New Zealand economy than the total exports of commercial fishing interests. The significant contribution of recreational fishing to the social cultural and economic wellbeing of the people and communities should be recognised in the review of SNA8

Option 1 only can be implemented because there has been no scientific studies done on why the snapper have come back . Trawl surveys may tell you there are a lot of snapper returned after 40years but by catch that is effected in this fishery also has not been accessed to a level that gives anybody confidence in this process . 2NM trawl bans at minimum should be placed the length of west coast (SNA8) Effort to accurately asse recreational catch needs to be still implemented All SNA8 inshore fin fish should be allocated into SNA8 boundary and assed 50%original bio mass should be imposed , hard line. Our members can not fathom any management that is looking to fish down the fishery..

The future plans associated with SNA8 should enhance this fishery to level where all stake holders can extract there sustainable share , removing damaging seabed trawling practices , looking for suitable replacement solution to monitor the health of this ecosystem . Setting lower TAC levels allows this fishery to strengthen its position as a holistic dominated ecosystem that doesn't require huge areas put in no take reserves

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Option 1 a 25% increase is the only option of any increase we can see. Any other increase 50% 75% 100% could have devastating consequences on the fishery seeing it decline of all spices. Even 25% is not a couscous approach.

Any increase to the TACC should come with the understanding that the bottom disturbance dose not increase due to extra trawl effort by moving the bad practice of the devastating bio something ecosystem to more eco friendly and selective commercial fishing practices.

Any increase in the TACC consideration must be made to all the other mixed trawl species

. RGN1 review is great timing for snapper 8 is paints the bigger issue the fishery has

Many of our club members could tell you their experience from seeing these nets being pulled from the ocean floor the trail of destruction spilling through the nets and sadly the undersized 100mm150mm red gurnard floating behind

We should be looking and SNA8 and see how far we can improve it and look at why it's improving. Not fishing it back down.

Counties Sports Fishing Club

Delegate

Stephen Harper

Fisheries New Zealand
Tini a Tangaroa

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Submitter details:

Name of submitter or contact person: Stephen Harper	
Organisation (if applicable):	Counties Sports Fishing Club
Email:	[redacted]
Fish stock(s) this submission refers to:	HPB 1 and HPB 2
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Option 3 / Option 3

Official Information Act 1982

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Club waters span from Raglan nth Head to Kaipara sth head and include the Manukau harbour and Waikato river.

On the 30th of June we had a club meeting inviting the community and iwi this was our Biggers ever meeting with everyone concerned about the fishery. We talked about HPB1 - HPB2 and with discussions on the fisheries document everyone agreed to option 3 for both Fisheries that our members fish in. It's is a slow growing late meturuing species that has been getting hammered. We also discussed a boat limit that we would be happy to look into..

Looking forward to some sensible outcomes come 1st October

Counties Sports Fishing Club Delegate

Stephen Harper

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Fisheries New Zealand
Tini a Tangaroa

Submission Form

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Submitter details:

Name of submitter or contact person: Stephen Harper	
Organisation (if applicable):	Counties Sports Fishing Club
Email:	
Fish stock(s) this submission refers to:	RGN1
Your preferred option as detailed in the discussion paper (write "other" if you do not agree with any of the options presented):	Option 3

Official Information Act 1982

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On the 30th of June we had a club meeting inviting the community and iwi this was our Biggers ever meeting with everyone concerned about the fishery. We talked about SNA8 and GUR1 on our west coast. Going though this document if the minister is serious about looking after the red gurnard their should be only one option and this could not be going far enough. Option 1 shouldn't be an option and option 2 they haven't caught that since 2013. Option 3 is a step to try recover this fishery. The biggest issue GUR1 will have is if and extra effort is put into SNA8. SNA8 MUST NOT INCREASE if the minister is serious about improving GUR1..

Looking forward to some sensible outcomes come 1st October

Counties Sports Fishing Club Delegate

Stephen Harper

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FISH MAINLAND
Roopu Ika ki Te Waipounamu
Recreational fishers. Your voice
fishmainland.nz

27 July 2021

Inshore Fisheries Management
Fisheries New Zealand
FMSubmissions@mpi.govt.nz

Submission: Review of sustainability measures for BCO3 for 2021/22

Introduction

Fish Mainland is an incorporated not-for-profit organisation whose purpose is to coordinate and assist the South Island marine fishing community in restoring and sustaining fisheries resources for the benefit of all who fish in South Island waters.

Fish Mainland is a member-based organisation. The Members have democratic control over the organisation through the power to nominate, elect and remove Regional Directors of the Board. Also, the South Island Mandated Iwi Organisations can appoint and remove two other Directors. The Board appoints two more Directors and an independent Chair of the Board. Elected and appointed Directors of the Board demonstrate Fish Mainland's mandate to represent recreational fishers.

Submission

Fish Mainland supports Fisheries New Zealand in proposing options for setting a TAC and allowances (customary, recreational and other sources of mortality caused by fishing) for this important South Island shared fishery.

Considering the limited available information and the unknown status of the stock, we support the more conservative Option 2 in setting the TAC at 243 tonnes, Māori customary non-commercial fishing allowance at 20 tonnes, recreational fishing allowance at 83 tonnes, allowance for other sources of mortality at 10 tonnes and reducing the TACC to 130 tonnes.

However, we oppose Option 2 reducing the recreational allowance after the Blue Cod Strategy's recent implementation imposed traffic-light colours on specific areas (without consultation) and associated reductions in daily bag limits, which already reduced the recreational allowance.

Finally, we submit that deemed values should increase to reduce the incentive commercial fishers would have to use them to balance over catching.

Thank you for the opportunity to provide input into these important and significant decisions.

Yours sincerely,

James Crossland
Chair of the Board

27 July 2021

FISH MAINLAND
Roopu Ika ki Te Waipounamu
Recreational fishers. Your voice
fishmainland.nz

Inshore Fisheries Management
Fisheries New Zealand
FMSubmissions@mpi.govt.nz

Submission: Review of sustainability measures for GUR7 for 2021/22

Introduction

Fish Mainland is an incorporated not-for-profit organisation whose purpose is to coordinate and assist the South Island marine fishing community in restoring and sustaining fisheries resources for the benefit of all who fish in South Island waters.

Fish Mainland is a member-based organisation. The Members have democratic control over the organisation through the power to nominate, elect and remove Regional Directors of the Board. Also, the South Island Mandated Iwi Organisations can appoint and remove two other Directors. The Board appoints two more Directors and an independent Chair of the Board. Elected and appointed Directors of the Board demonstrate Fish Mainland's mandate to represent recreational fishers.

Submission

Fish Mainland supports Option 1 (status quo) for GUR7 since the recreational allowance is inadequate and should be increased to account for the current and future level of recreational effort. Any future increase in the recreational allowance would be more difficult to obtain if the TACC is further increased (Option 2).

Option 1 is considered reasonable given the preliminary nature of the trawl survey biomass estimates and the importance of increasing the recreational allowance and by more than what Option 2 would provide.

Thank you for the opportunity to provide input into these important and significant decisions.

Yours sincerely,

James Crossland
Chair of the Board

FISH MAINLAND
Roopu Ika ki Te Waipounamu
Recreational fishers. Your voice
fishmainland.nz

27 July 2021

Inshore Fisheries Management
Fisheries New Zealand
FMSubmissions@mpi.govt.nz

Submission: Review of sustainability measures for PAU3A & 3B for 2021/22

Introduction

Fish Mainland is an incorporated not-for-profit organisation whose purpose is to coordinate and assist the South Island marine fishing community in restoring and sustaining fisheries resources for the benefit of all who fish in South Island waters.

Fish Mainland is a member-based organisation. The Members have democratic control over the organisation through the power to nominate, elect and remove Regional Directors of the Board. Also, the South Island Mandated Iwi Organisations can appoint and remove two other Directors. The Board appoints two more Directors and an independent Chair of the Board. Elected and appointed Directors of the Board demonstrate Fish Mainland's mandate to represent recreational fishers.

Fish Mainland supports the work that Te Korowai and the Kaikōura Marine Guardians undertake to ensure the Kaikōura Marine Area and surrounding areas are sustainably managed for current and future generations.

Submission

Fish Mainland agrees with the Kaikōura Marine Guardians who advised that a precautionary and adaptive management approach would need to be taken to reopen the pāua fishery, and that was the strong message that Te Korowai received from the local community (e.g., constrain the level of fishing effort and catch, gather information, monitor the fishery carefully and effectively, and regularly review and adjust management settings).

Regarding PAU3A, Option 2 is more aligned with this approach and trialling a much-preferred shortened opening in 2021/22. We strongly support this option. We also support Option 1 for PAU3B.

Thank you for the opportunity to provide input into these important and significant decisions.

Yours sincerely,

James Crossland
Chair of the Board

OCEAN FISHERIES LTD

26/06/2021

Sustainability Review 2019
Fisheries New Zealand
Ministry for Primary Industries
PO Box 2526
Wellington 6140

Email : FMSubmissions@mpi.govt.nz

Dear Sir / Madam,

Re: FNZ – Review of Sustainability Measures Gemfish (SKI3).

This submission is made by Andrew Stark, Chief Executive, on behalf of :

Ocean Fisheries Ltd (QRN # : 8471824)
PO Box 144
Lyttelton

AND

Ocean Fisheries Quota Holding Company Ltd (QRN # : 9160046)
PO Box 144
Lyttelton

Back Ground :

Ocean Fisheries Quota Holding Company Ltd is as the name suggests our quota holding company.

Ocean Fisheries Ltd currently operate 3 Inshore Trawlers, the FT Frontier, the FT Endeavour, the FT Legacy, all of which are based from the Port of Lyttelton.

Ocean Fisheries Ltd has been fishing inshore waters from the Port of Lyttelton since 1967.

Our submission is as follows :

We have received and considered the document " Review of Sustainability Measures for Gemfish (SKI3) for 2021 / 22.

SKI3 specific background and submission.

- Ocean Fisheries Ltd operates from the Port of Lyttelton and as such only SKI3 is within our area of concern.

We have over recent years experienced an increase in SKI3 as an unavoidable by-catch of our trawl operations.

We therefore support :

Option 3 - to increase the TACs of both SKI 3 and SKI 7 from 606 tonnes to 848 tonnes. This includes a 40% increase for the TACCs and an additional four tonnes to the allowances for other sources of mortality causes by fishing.

Should you wish to discuss any of our comments in more detail please do not hesitate to contact the undersigned.

Yours faithfully

Andrew Stark.
Chief Executive.

Ref: mpi0058

OCEAN FISHERIES LTD

11 Cyrus Williams Quay
PO Box 144
Lyttelton
New Zealand

Phone: (03) 328 8550 Fax: (03) 328 8791

26/06/2021

Sustainability Review 2019
Fisheries New Zealand
Ministry for Primary Industries
PO Box 2526
Wellington 6140

Email : **FMSubmissions@mpi.govt.nz**

Dear Sir / Madam,

Re: FNZ – Review of Sustainability Measures Blue Cod (BCO3).

This submission is made by Andrew Stark, Chief Executive, on behalf of :

Ocean Fisheries Ltd (QRN # : 8471824)
PO Box 144
Lyttelton

AND

Ocean Fisheries Quota Holding Company Ltd (QRN # : 9160046)
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Lyttelton

Back Ground :

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Ocean Fisheries Ltd has been fishing inshore waters from the Port of Lyttelton since 1967.

Our submission is as follows :

We have received and considered the document " Review of Sustainability Measures for Blue Cod (BCO3) for 2021 / 22.

BCO3 specific background and submission.

- Ocean Fisheries Ltd operates from the Port of Lyttelton and as such BCO3 is within our area of concern.

We note in your summary that you confirm the BCO3 fishery has not been formally reviewed since inception into the QMS in 1986, making our observations all the more important.

- In our trawl operations we have no way of targeting BCO3, it is an unavoidable by-catch.

- In the past 5 years we have noted a significant increase in the catch of BCO3 compared to the 4 years prior that we track.

- The only substantial difference in the past 5 years that could explain the increased catch of BCO3 is we spend more time in further offshore in deeper water, mostly to the North of Banks Peninsula.

  We use 5" cod ends more often in the past 5 years than the previous 4 years, and still we catch increasing amounts of BCO3.

  We do not track water temperatures in our fishing operation so we cannot comment, however the increased catch rate is indisputable – with our 3 boats catching between 10% - 14% of the TACC for BCO3 each year for the past 5 years, compared to between 4% and 8.5% for the 4 years prior to that.

  So our catch rates increase while you suggest the stock is declining – please explain.

- The historical TACC has been consistently exceeded and ACE is difficult at best to obtain, therefore Deemed Value for by-catch is inevitable, so any increase in Deem Value is wrong.

  This is simply not equitable for fair.

We therefore suggest that it is not fair or reasonable to consider decreasing the TACC , so we have no other option but to support (as a default due to the fact there is currently no option to increase the TACC) :

Option 1- for the TACC to remain at 162.732 tonnes.

However we suggest as per above there may well be an argument that the fishery is in very good health and it is more a matter of where the species is now distributed – perhaps due to temperature / land based pollution / etc.

Therefore we contend that the TAC and TACC should actually be considered for an increase.

Deemed Value Rates :

The document states that the Deemed value regime for BCO3 is also proposed to be changed to better reflect the current nature of the Fishery –

Therefore to be clear, since the document states no formal review of BCO3 has taken place – and

- our By-catch rates have significantly improved over the past 5 years, and
- the TACC has consistently been exceeded –
- yet the TACC is not proposed to increase – therefore
- ACE will continue to be impossible to obtain to cover all by-catch.

So unless you are proposing a decrease in Deemed Value rates, any increase will simply exacerbate the often held belief that DV rates are not set on any basis of improving sustainability – they are simply a revenue gathering tool.

Should you wish to discuss any of our comments in more detail please do not hesitate to contact the undersigned.

Yours faithfully

Andrew Stark.
Chief Executive.

Ref: mpi0059