

16 April 2010

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## REGULATORY PROPOSALS RELATING TO THE INTRODUCTION OF PATAGONIAN TOOTHFISH INTO THE QMS ON 1 OCTOBER 2010

### Introduction

1. This submission is from Te Ohu Kai Moana Trustee Ltd (Te Ohu Kaimoana) in its role as corporate trustee of Te Ohu Kai Moana Trust and from Aotearoa Fisheries Limited (AFL). The submission responds to the above consultation document. This submission does not remove the responsibility for the Ministry of Fisheries to consult with iwi/Maori and other stakeholders in the appropriate manner. Nor does it seek to undermine any submission that you may receive from individual iwi or iwi collectives.

### The proposals

2. MFish proposes the following measures to support the introduction of Toothfish into the QMS:
  - a. That the Fisheries (Reporting) Regulations 2001 be amended to include the reporting code "PTO1" when completing returns
  - b. That toothfish be added to Schedule 5 of the Fisheries Act 1996 (the Act) to allow a person to own quota up to the equivalent of 45% of the combined TACCs for toothfish stocks
  - c. That toothfish be added to the Sixth Schedule of the Act to enable the species to be returned to the sea with the associated requirements that only longline-caught fish can be returned to the sea, that fish are likely to survive on return, and that the return takes place as soon as practicable after the fish is taken, and
  - d. That a Gazette notice be issued to enable tagged toothfish to be returned to the sea during hauling from the same side of the vessel on which the hauling station is located. Discharging during hauling is currently prohibited on the same side of the vessel where the hauling station is located because of the risk of seabird interactions. This proposal will enable tagged fish to be more easily returned to the sea.

## **Our responses**

3. Te Ohu:
  - a. Supports the use of PTO1 as the reporting code for toothfish
  - b. Has no objection to the addition of toothfish to Schedule 5 of the Fisheries Act 1996 to enable a person to own quota up to the equivalent of 45% of the combined TACCs for toothfish stocks. Given the substantial investment required to develop this fishery, and the small number of players likely to be involved this appears appropriate
  - c. Supports the addition of toothfish to Schedule 6 of the Fisheries Act 1996 to enable toothfish to be returned to the sea subject to the following:
    - i. Only fish that are likely to survive can be returned to the sea; and
    - ii. The return takes place as soon as practicable after the fish is taken.

## **Conditions on Sixth Schedule listing**

4. We understand that in some jurisdictions, fishers are applying other methods to fishing for toothfish, such as potting, and it seems appropriate that when using other methods, and where toothfish are likely to survive, they should also be allowed to be returned to the sea.

## **Modification to seabird sustainability measures notice**

5. The proposal to enable tagged toothfish that are likely to survive to be returned to the sea from the same side of the boat as the hauling station seems a sensible way of increasing the chances of the fish surviving once returned to the sea. As the IPP notes, "*tagged fish need to be returned to the sea as quickly as possible and MFish understands that the vessels likely to be involved in the fishery can only return fish to the sea from the same side of the vessel on which the hauling station is located*". This statement suggests that not only tagged fish – but any fish returned to the sea - will need to be returned from the same side of the boat as the hauling station if they are to survive. In saying this, we note also that the proposal for listing on Schedule 6 will enable to return of any toothfish to the sea where they are likely to survive.
6. In their submission, SeaFIC proposes that any fish listed on Schedule 6 (that are likely to survive) be able to be returned to the sea from the same side of the vessel as the hauling station during the hauling of bottom longlines. We consider this proposal has merit. In addition, the idea of repealing the current Gazette notice and issuing a circular under regulation 58A of the Fisheries (Commercial Fishing) Regulations 2001 with the proposed amendment incorporated also appears to be a more effective way of providing for the adaption of measures to mitigate seabird interactions with bottom longline vessels as new information becomes available.

7. We note that MFish has yet to release an IPP on proposed TAC/TACCs for toothfish. We suggest that as these options are not included in the current IPP – decisions on these measures could be delayed, and included as part of a wider set of options in a new IPP (perhaps as part of the impending IPP on TACs).

Naku noa, na

A handwritten signature in black ink, appearing to read 'Kirsty Woods', written in a cursive style.

Kirsty Woods  
Manager, Fisheries Leadership