



5 February 2010

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National Rock Lobster Management Group
C/o Tracey Steel
Ministry of Fisheries
PO Box 19747
WELLINGTON

Tena koe,

REVIEW OF SUSTAINABILITY MEASURES FOR CRA3, CRA4, AND CRA7

INTRODUCTION

1. On 17th December 2009 the National Rock Lobster Management Group (NRLMG) released their Initial Position Paper (IPP) on sustainability measures for CRA3, CRA4, and CRA7. Te Ohu is a member of the NRLMG and supported the positions taken by the group as a whole.
2. Subsequent to the release of the IPP Te Ohu has had discussions with Mandated Iwi Organisations and their Asset Holding Companies to ascertain their support or otherwise for the proposals contained in the IPP. As a result of these discussions Te Ohu has reviewed its initial position on a number of issues. Our response is set out in this submission.

THE PURPOSE OF TE OHU KAI MOANA

3. Te Ohu is a statutory body established under s.31 of the Maori Fisheries Act 2004. The purpose of Te Ohu is to advance the interests of iwi individually and collectively, primarily in the development of fisheries, fishing, and fisheries-related activities, in order to-
 - (a) ultimately benefit the members of iwi and Maori generally
 - (b) further the agreements made in the Deed of Settlement
 - (c) assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi
 - (d) contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement
4. Te Ohu must administer the settlement assets in accordance with its purpose set out in the Act, including but not limited to the following duties:
 - (e) to manage on a transitional basis, collectively or separately as Te Ohu considers appropriate, the settlement assets to be allocated to an iwi, until they are transferred to the Mandated Iwi Organisation of the iwi; and,

- (f) in relation to fisheries, fishing and fishing-related activities, act to protect and enhance the interests of iwi and Maori in those activities
5. The Maori Fisheries Settlement in 1992 set out what was recognized through the courts and agreed at a political level. The process established that Maori customary rights to fishing included both commercial and non-commercial elements. The commercial element was not just historic but also included future development dimensions. The Settlement established the former Treaty of Waitangi Fisheries Commission (now Te Ohu Kai Moana Trustees Ltd – as established through the Maori Fisheries Act 2004) and provided recognition of the commercial dimensions by providing for transfer through Te Ohu of quota, cash and shares in fishing companies to iwi. It provided recognition of the non-commercial dimensions by agreeing to develop regulations to help recognise use and management practices and provide protection for and scope for exercise of rangatiratanga in respect of traditional fisheries including tauranga ika and mahinga mataitai.
6. As noted above Parliament has established Te Ohu and given it responsibility to advance the agreements made in the Deed of Settlement and to assist the Crown to discharge its obligations and do so in a manner that contributes to an enduring settlement.

CONSULTATION

7. Te Ohu has discussed the CRA3 proposals with Mandated Iwi Organisations (MIO) and Asset Holding Companies (AHC) that have an interest in this fishery. CRA3 Iwi include:
- Ngati Porou
 - Rongowhakaata
 - Ngai Tamanuhiri
 - Te Aitanga a Mahaki
 - Ngati Kahungunu
8. CRA4 proposals have been discussed with most MIO and AHCs having an interest in this fishery. The majority of the TAC is caught within the rohe of Ngati Kahungunu, although there are 7 iwi that have interests within the boundaries of CRA4. They include:
- Ngati Kahungunu
 - Te Atiawa
 - Ngati Toa
 - Rangitane
 - Ngati Apa
 - Ngati Raukawa
 - Muaupoko
9. We have not had the opportunity to discuss the CRA7 proposals with Te Runanga O Ngai Tahu, the sole iwi having customary interests in this quota management area. We have however discussed Te Ohu's positions with a representative of Awaraua Runaka. We will be contacting Te Runanga o Ngai Tahu to ensure that they have no concerns with our support for the NRMG's position.

EXECUTIVE SUMMARY

10. Te Ohu:

In relation to the development of a Management Procedure for CRA3

- Support the development of a Management Procedure for CRA3 to guide the Ministers Total Allowable Catch (TAC) setting in the Gisborne rock lobster fishery.
- Note that the CRA3 multi stakeholder group initiated the CRA3 Management Procedure.
- Note that the NRLMG and Rock Lobster Working Group have work-shopped the CRA3 Management Procedures with the CRA multi stakeholder group.

In relation to a TAC adjustment in CRA3

- Reject rules 2a and rule 5 in their current form
- Support the adoption of rule 2a CRA3 Management Procedure subject to sectors agreeing to no TAC increases during the next 3 years. If agreement is not reached Te Ohu will support a modified rule 5.
- Note that there has been considerable debate about the sustainability of the CRA3 fishery since the early 2000s
- Note that the Management Procedure cannot be the sole determinant in any TAC decision making
- Note that “Rule 2a” provides a median rebuild year of 2016.
- Note that “Rule 5” provides a median rebuild year of 2015
- Note that catch estimates for customary non-commercial and recreational catches are unreliable and may need to be adjusted once better information becomes available.

In relation to a TAC adjustment in CRA4

- Reject Option 1 and Option 2
- Support an increase to the TAC of 149 tonnes, which increases the TAC from 461 tonnes to 610 tonnes.
- Support the increase in TAC being assigned to the TACC
- Note the results from applying the CRA4 Management Procedure
- Note that the Management Procedure cannot be the sole determinant in any TAC decision making

- Note that catch estimates for customary non-commercial and recreational catches are unreliable and may need to be adjusted once better information becomes available.
- Note the issues raised by Te Ohu in their 2009 submissions to the NRLMG regarding Kahungunu aspirations and values associated with the CRA4 fishery.
- Note that MFish has not consulted with Ngati Kahungunu over the use of Management Procedures in CRA4.

In relation to a TAC adjustment in CRA7

- Note at this stage we have no information to suggest the NRLMG position should be changed, however we are following up with Ngai Tahu.



CONSULTATION 1 – PROPOSAL TO ADOPT A MANAGEMENT PROCEDURE FOR CRA 3

THE PROPOSAL

11. The NRLMG proposes using a Management Procedure to guide Total Allowable Catch (TAC) setting in the CRA3 rock lobster fishery. Two alternative CRA3 management procedures are proposed to guide CRA3 TAC setting from 1 April 2010. They include:
 - “Rule 2a” CRA3 Management Procedure, and
 - “Rule 5” CRA3 Management Procedure.
12. Both procedures:
 - Use offset year commercial CPUE to drive the procedures
 - Specify the management objective as being to rebuild the stock abundance to an acceptable level at or above the agreed sustainability indicators, while delivering an acceptable annual catch
 - Contain a harvest control rule that calculates a provisional TAC for each fishing year the procedures are operated; this provisional TAC varies with changes in the abundance indicator
 - Contain minimum change, maximum change and initial TAC components
 - Would be used for 5 years to guide TAC setting and would then be reviewed.
13. The distinguishing factors between the two proposed CRA3 Management Procedures are the way and the rate at which they move the stock to the agreed targets, and the social, cultural, and economic impacts associated with TAC changes that may be invoked by each rule over its five year term.

Option 1

14. Under Option 1 the current CRA3 TAC is fixed for the first three years, unless CPUE goes outside the specified upper and lower limits of 1.08 and 0.75kg/potlift respectively.
15. The utilisation value of the fishery will be maintained for three years unless CPUE falls below 0.75kg/potlift or increases above 1.08 kg/potlift. The IPP suggests that the ongoing application of the management procedure will increase sector utilisation values by increasing the stock from its current size.
16. “Rule 2a” also provides responses to observed variations in stock abundance after the initial fixed TAC expires – the rule allows for minimum 5% or maximum 10% adjustments to the TAC in any one year.

Option 2

17. Under Option 2, the CRA3 TAC would be reduced from 293 tonnes to 273 tonnes from April 2010. The TAC is then fixed for two years with no responses proposed to the TAC if CPUE declines or increases in 2010 or 2011. The IPP suggests the utilisation value of the fishery will be reduced under this option because of the proposed reductions to the TAC. We agree it will have a short term impact on utilisation value but in the medium term the biomass should be higher than what it might otherwise be under Option 1. Option two is expected to rebuild the fishery to specific reference points one year ahead of Option 1.

18. The key differences between the rules are the way and the rate at which they move the stock to the agreed target level.

COMMENTS

19. CRA3 iwi and Te Ohu support the development of a Management Procedure for CRA3 to guide the Ministers Total Allowable Catch (TAC) setting in the Gisborne rock lobster fishery. The CRA3 multi stakeholder group has initiated the CRA3 Management Procedure, and work-shopped the Management Procedure with Rock Lobster Working Group members.
20. In providing support iwi are mindful that the Management Procedure will not be the sole determinant in any TAC decision making. While the Management Procedure can be shaped to address many of the concerns and aspirations of all sectors, there is a range of potential issues that sit outside its scope, such as decisions relating to resource and spatial allocation, and local depletion issues. Furthermore, the Minister when making decisions relating to TAC adjustments is required to consult with stakeholders and tangata whenua and to have regard to various customary fishing interests.
21. S21(2) of the Act says that:

“before setting or varying a total allowable commercial catch for any quota management stock, the Minister shall consult such persons and organisations as the Minister considers are representative of those classes of persons having an interest in this section, including Maori, environmental, commercial, and recreational interests.
22. S21(a) of the Act says that the Minister must have regard to :

“.....(i)Maori customary non-commercial fishing interests; and (ii) Recreational interests”
23. Iwi do not support rule 2a or rule 5. Rule 2a in its current form provides for an adjustment in the TAC if upper and lower reference points are exceeded. Iwi agree that corrective measures are needed if the CPUE trends below 0.75 but if the upper limit is exceeded they would rather the fish stay in the water, at least until the 2014 review of the Management Procedure. If an agreement cannot be reached between the stakeholder’s iwi would prefer to support a modified rule 5 that is able to respond to situations where the lower CPUE limits are exceeded.
24. We are mindful that the two rules aim to achieve median rebuild within a year of each other – 2015 and 2016. Iwi agree that there is a continuing improvement in the fishery but they are concerned that the progress being made is not enough. Iwi would like to see more fish left in the water. On this basis rule 5 best achieves this outcome. But given the current economic climate iwi are prepared to support rule 2a but only if sectors agree to no TAC increase over the next 3 years.
25. The catch estimates for customary non-commercial and recreational catches are unreliable and may need to be adjusted once better information becomes available. Te Ohu is currently working with a number of iwi across the country to introduce a new customary permit data collection programme. It involves iwi kaitiaki collating their customary catch data on-line and being able to utilise that information to advance their own interests. Iwi

control all of the information that is collected. Taranaki iwi and Ngati Kahungunu are currently piloting the new system.

26. We would like to acknowledge the CRA3 multi stakeholder working group members. We are fully aware of the amount of energy people have put into developing a pathway forward for the CRA3 rock lobster fishery and they are to be commended. We encourage participants to continue working together to develop management plans that meet peoples needs.

RECOMMENDATIONS

27. Te Ohu:

In relation to the development of a Management Procedure for CRA3

- Support the development of a Management Procedure for CRA3 to guide the Ministers Total Allowable Catch (TAC) setting in the Gisborne rock lobster fishery.
- Note that the CRA3 multi stakeholder group initiated the CRA3 Management Procedure.
- Note that the Rock Lobster Fisheries Assessment Working Group have worked with the CRA3 multi stakeholder group to develop a CRA3 Management Procedure.

In relation to a TAC adjustment in CRA3

- Reject rules 2a and rule 5 in their current form
- Support the adoption of rule 2a CRA3 Management Procedure subject to sectors agreeing to no TAC increases during the next 3 years. If agreement is not reached Te Ohu will support rule 5.
- Note that there has been considerable debate about the sustainability of the CRA3 fishery since the early 2000s
- Note that the Management Procedure cannot be the sole determinant in any TAC decision making
- Note that “Rule 2a” provides a median rebuild year of 2016.
- Note that “Rule 5” provides a median rebuild year of 2015
- Note that catch estimates for customary non commercial and recreational catches are unreliable and may need to be adjusted once better information becomes available.

CONSULTATION 2 – PROPOSAL TO ADJUST TACs IN CRA4, CRA7 AND CRA8

CRA 4 TAC

The proposal

28. There are two proposals. Option 1 varies the CRA 4 TAC based on the operation of the CRA 4 Management Procedure. Under Option 1 the TAC for CRA 4 would increase 200 tonnes, from 461 tonnes to 660.5 tonnes from 1 April 2010. The NRLMG propose to allocate the increase to the TACC and retain the current allowances for customary Maori, amateur and other fishing mortality. Under Option 2, the management approach to CRA 4 TAC setting would need to be revised in 2010.

Comments

29. It is good to see the fishery improving, especially after the significant cuts to the TAC in 2008. Despite these improvements iwi believe it is premature to be increasing the TAC by almost 200 tonne. They believe a 149 tonne increase to the current 461 tonne TAC is more appropriate.
30. We noted in our 2008 submission that Kahungunu ki Uta, Kahunugnu ki Tai, comprising representatives from Ngati Kahungunu Iwi Inc, Ngati Kahungunu Asset Holding Company, and Kahungunu Coastal Hapu Collective, were developing a strategy aimed at integrating, protecting and developing the commercial and non-commercial fishing interests of Ngati Kahungunu iwi. In developing that strategy concerns were raised by hapu which are relevant in this consultation. The consistent messages across a number of Kahungunu marae was stocks were in such a poor state that the needs of marae, hapu and whanau were not able to be met. Our discussions with Ngati Kahungunu representatives are the fishery is showing signs of recovery.
31. Iwi wish to ensure that any increases to the TACC are spread across the fishery. Our understanding is fishing effort in the southern CRA4 region is much better than elsewhere in CRA4. Iwi and Te Ohu do not want to see effort concentrated in this area.
32. In 2008 we requested MFish and the National Rock Lobster Management Group to work with Te Ohu to ensure iwi had an opportunity to be involved in the development of the Management Procedure. We would like MFish and the NRLMG to consider programming a meeting with iwi in this calendar year. As noted in our 2008 submission the greatest results will come from all sectors participating in the development of the Management Procedure, and aligning on the final outcomes. The Minister will need to be satisfied that all stakeholders, particularly iwi, have had input into its making. At this time we cannot give him that assurance.

Recommendations

Te Ohu in relation to a TAC adjustment in CRA4

- Reject Option 1 and Option 2
- Support an increase to the TAC of 149 tonnes, which increases the TAC from 461 tonnes to 610 tonnes.

- Support the increase in TAC being assigned to the TACC
- Note the results from applying the CRA4 Management Procedure
- Note that the Management Procedure cannot be the sole determinant in any TAC decision making
- Note that catch estimates for customary non-commercial and recreational catches are unreliable and may need to be adjusted once better information becomes available.
- Notes Ngati Kahungunu aspirations and values associated with the CRA4 fishery, raised by Te Ohu in their 2008 submissions to the NRLMG..
- Note that MFish has not consulted with Ngati Kahungunu over the use of Management Procedures in CRA4.

CRA 7

Proposals

33. Two options for TAC setting are proposed for CRA7. Option 1 involves varying the CRA 7 TAC based on the operation of the CRA 7 Management Procedure. Under Option 1, the TAC for CRA 7 would reduce from 209 tonnes to 104.5 tonnes from 1 April 2010, as specified by the CRA 7 Management Procedure. The NRLMG proposes the following allocation of the TAC:
- Decrease the TACC from 189 tonnes to 84.5 tonnes; and
 - Retain the current allowances for customary Maori, amateur and other fishing mortality.
34. The CRA 7 Management Procedure was adopted by the Minister in March 2008 to guide TAC setting in CRA 7. It is proposed that the CRA 7 Management Procedure will be reviewed during 2012.
35. The NRLMG notes that the operation of the CRA 7 Management Procedure in 2009 actually delivered a specified TAC of 80.3 tonnes. This represents a decrease of 61.6%. However, since the maximum change allowed under the rule is +/- 50%, the proposed CRA 7 TAC for 2010-11 is 104.5 tonnes.
36. Under Option 2 it is proposed to maintain the current TAC and allowances for CRA 7. Under Option 2, the current CRA 7 TAC and allowances would be retained for the 2010-11 fishing year
37. If the Minister chooses not to use the CRA 7 Management Procedure to guide TAC setting for CRA 7 from 1 April 2010, the NRLMG recommends that the Minister either:
- a) adopt the 104.5 tonne TAC reduction as specified by the CRA 7 Management Procedure; or
 - b) make no change to the CRA 7 TAC for the 2010-11 fishing year; and
 - c) that he request further work to be commissioned during 2010 to support consideration of alternative management measures for CRA 7 for the 2011-12 fishing year.

Comment

38. At the time Te Ohu is not aware of any reason not to support the operation of the CRA7 Management Procedure.

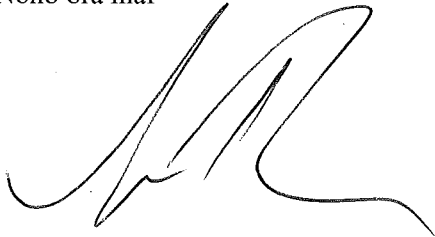
Recommendations

39. Te Ohu in relation to a TAC adjustment in CRA7

- Note at this stage we have no information to suggest the NRLMG position should be changed, however we are following up with Ngai Tahu.

40. Please contact the writer if you have any queries relating to this submission.

Noho ora mai

A handwritten signature in black ink, appearing to be 'AR', with a long horizontal flourish extending to the right.

Alan T Riwaka
Senior Fisheries Management Advisor