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Review of Sustainability Measures
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Ministry of Fisheries
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**SUBMISSION ON REVIEW OF SUSTAINABILITY MEASURES & OTHER
MANAGEMENT CONTROLS FOR 1 OCTOBER FISH STOCKS – PATAGONIAN
TOOTHFISH (PTO1)**

Introduction

1. This submission is from Te Ohu Kaimoana in its role as corporate trustee of Te Ohu Kai Moana Trust (Te Ohu) and responds to the Initial Position Paper (IPP) from the Ministry of Fisheries (MFish) on sustainability measures for Patagonian Toothfish (PTO1/toothfish) for the 2010/11 fishing year, commencing on 1 October.
2. Toothfish is part of the current sustainability round because it will enter the Quota Management System (QMS) on 1 October 2010 and therefore statutory measures must be in place prior to this date. The Fisheries Act 1996 requires that all fish stocks managed under the QMS must have a Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC) and deemed value rates set prior to the start of the fishing year. The IPP relates to the setting of an appropriate TAC and TACC as well as deemed value rates for toothfish.
3. In making this submission Te Ohu does not seek to undermine any submission that you may receive from iwi or their representative organisations.
4. If you have any questions about this submission please contact Maru Samuels in the first instance at maru.samuels@teohu.maori.nz.

Summary

5. In summary our submission supports the benefits that will accrue to iwi from the introduction of toothfish into the QMS. In particular our submission:
 - Supports a TAC of 50 tonnes, a TACC of 49.5 tonnes and a mortality allowance of 0.5 tonnes.
 - Supports nil recreational and customary allowances.

- Opposes the proposed deemed value regime.
- Supports the proposed research options.
- Supports the establishment of compatible management measures with Australia and the CCALMR.

MFish Preliminary Recommendations

6. The initial view of the Ministry is for the Minister to set a TAC of 50 tonnes. Within the TAC MFish proposes a TACC of 49.5 tonnes with an allowance for other sources of fishing-related mortality of 0.5 tonnes. MFish proposes nil customary and recreational allowances.
7. MFish also proposes that the Minister set interim and annual deemed value rates for PTO1. The proposed annual deemed value rate is \$12.50 per kg and the proposed interim rate is \$11.25 per kg. A proposed differential rate of \$20.00 per kg would also apply to catch more than 10% in excess of annual catch entitlement holdings (all rates GST exclusive).

Recreational Allowance

8. Given the location and depth at which toothfish is caught we agree that toothfish is unlikely to be accessible to non-commercial fishers. Therefore we support a nil recreational allowance.

Customary Allowance

9. Again, given the location and depth at which toothfish is caught it is unlikely to be accessible to customary fishers. Furthermore we are unaware of toothfish being a customary target fish for iwi. Therefore, in the absence of information to the contrary, we support the proposed nil customary allowance at this stage.

TACC Options

10. The IPP states that there has been very limited fishing for toothfish to date. Since 1994 less than 50 tonnes in total has been landed. Therefore we support a TAC nominal catch limit of 50 tonnes, a TACC of 49.5 tonnes and an allowance for other sources of fishing-related mortality of 0.5 tonnes.

Other Management Options

11. Because toothfish is likely to form part of a wider straddling and trans-boundary stock encompassing Macquarie Island and the northern waters of the Ross Sea in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Area, we support in principle the establishment of compatible management measures with the Australian Government and CCAMLR to ensure the effective ongoing management of toothfish as a transboundary and straddling fish stock.
12. We also support the two research options to increase the TAC: inclusion of toothfish in the wider 10 year research programme for deepwater fisheries; and the provision of special permits for controlled research. We believe that both options have merit. We also believe it would be appropriate for MFish to consult with quota owners, once known, to identify their preferences concerning these two options.
13. In particular we support the idea of fishers being able to take fish in excess of the TACC for an agreed period under an approved research programme. We would assume that the revenue obtained from toothfish sales would be retained

by the fisher to help recoup the cost of the research.

Deemed Values

14. While we understand the logic behind the Ministry's proposal for setting deemed values, we note SeaFIC's submission that given the large size of toothfish (100-150 kg) it would be very easy for fishers to unintentionally exceed the TACC.
15. We also agree that the proposed deemed value rates are likely to lead to a high ACE price thereby inhibiting the development potential of the fishery. The deemed value rates should not overly penalise fishers during the development phase of the fishery. In particular the standard differential rate should not kick in until a fisher catches in excess of 20% of their ACE allowance.
16. In terms of proposing an alternative deemed value regime we note SeaFIC's submission that a regime consistent with other high value targeted fish species such as Pacific bluefin tuna ought to apply. Their calculations show that the following rates would provide a level of consistency:
 - (i) Annual deemed value rate \$12.50 (excluding GST)
 - (ii) Interim deemed value rate \$6.25 (excluding GST)
 - (iii) Standard differential deemed value rate of 20% rate increase for each 20% increment in the level of over-catch
17. If you have any questions about this submission please contact Maru Samuels in the first instance at maru.samuels@teohu.maori.nz.

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