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Tena koe

INITIAL POSITION PAPER – REVIEW OF SUSTAINABILITY MEASURES AND OTHER MANAGEMENT CONTROLS FOR THE 2005-06 FISHING YEAR.

INTRODUCTION

1. This submission is made in response to your letter dated 30 June 2005, inviting Te Ohu Kai Moana Trustee Ltd (Te Ohu) to provide comments on the proposals contained in the Initial Position Paper entitled: *Review of Sustainability Measures and Other Management Controls for the 2005-06*.
2. MFish will already have received a separate submission from Te Ohu which addressed:
 - the Kaipara Harbour Fishstocks including Flatfish (FLA 1), Grey Mullet (GMU) and Rig (SPO1) ; and
 - *Review of Sustainability Measure and Other Management Controls for Kahawai for the 2005-06 (1 October) Fishing Year*, dated 8 July 2005.
3. This submission is an extension to that submission and addresses specifically:
 - Snapper (SNA 8)
 - Elephant Fish (ELE 3 and ELE 5)
 - Rig (SPO 3)
 - Hoki (HOKI 1)
 - Hake (HAK 7)
4. Te Ohu has not had time to draw the contents of the consultation document to the attention of Iwi. As such, this response conveys only the views of Te Ohu and does not remove the responsibility of MFish to consult with tangata whenua as specified in section 12(1) of the Fisheries Act 1996.

5. This submission supports the submissions made by the Seafood Industry Council, Aotearoa Fisheries Limited and the Hoki Fishery Management Company Limited and is designed to supplement those submissions as well as clearly state Te Ohu Kai Moana's position.

FISH STOCKS FOR REVIEW

SNAPPER (SNA 8)

COMMENTS

Status of stocks

6. Te Ohu notes that in paragraph 6 the 2005 stock assessment estimates the current biomass of the stock is approximately 50% of Bmsy and 8-12% of virgin biomass. Under the current TAC the biomass is expected to increase slowly. We note that this upward trend in stock biomass is consistent with the Ministers responsibility to set a total allowable catch, which in this case, enables the stock to move towards Bmsy.

Stock Rebuild

7. S.13 (2) (i) (ii) of the Fisheries Act requires the Minister, when considering the rate of rebuild, to have regard to the interdependence of stocks, biological characteristics of the stock, and any environmental conditions affecting the stock. S.13 (3) requires the Minister, when considering the rate of rebuild, to have regard to such social, cultural and economic factors as he or she considers relevant.
8. In paragraph 10 of the IPP MFish suggests that the Minister could decide to maintain the current TAC, as this meets his obligations to rebuild stocks that are below Bmsy. It is suggested however, that the timeframe for rebuild may not be best suited to the characteristics of the fishery.
9. To support this point MFish provide a handful of generalised comments and suggests there is benefit in rebuilding the stock with a higher degree of certainty and over a shorter timeframe than what they consider likely under the current TAC. MFish regards 20 years as the maximum timeframe that should be considered to rebuild the stock biomass to Bmsy.
10. In our view, the analysis to support a 20 year timeframe is very poor and in some instances non existent. For example, what is the relevance of snapper being long lived? What is the relevance of low natural mortality? What is the relevance of the many year classes in the population? What are the environmental factors that were considered by MFish in arriving at their conclusion?
11. In terms of the economic analysis set out in table 3, it is grossly understated and misleading. For example no attempt has been made to value the impact of any reductions on related issues such as processing and transport services, nor the impact on coastal communities that are dependent on the inshore fishing industry. Nor has there been any analysis of the economic impacts stemming from associated fisheries that take SNA 8 as bycatch. A reduction in the availability of SNA 8 ACE will result in significant financial implications on these associated fisheries, including forcing operators out of the fishery.

12. Te Ohu also finds it very odd that MFish has placed huge reliance on the 20 year projections set out in table 2. MFish has previously argued in stock working group forums just how unreliable long term projections are. To find MFish now arguing the opposite is perplexing to say the least.
13. In our view, the 20 year projections outlined in table 2 should be omitted from this assessment and more emphasis placed on projections that target a reference point of 60% Bmsy within 5 years.
14. One of the initiatives that should have been considered by MFish prior to this IPP is a meeting of all stakeholders to discuss the issues that have been raised here - a preferred rebuild timeframe and reference point targets. Depending on the outcome of this IPP, this may still be an option.
15. For all the above reasons Te Ohu does not support a more rapid rebuild if it involves a reduction in the TAC or TACC. In our view, the Minister's s.13 obligations are met through stocks continuing to move towards Bmsy. Additionally, MFish has provided no evidence that would justify any of the actions proposed in the IPP, or the resulting economic impacts that will be suffered by industry through a reduced TACC.

Total Allowable Catch

16. Te Ohu does not support any of the proposals set out in the IPP. Te Ohu has a preference to retain the TAC at the current level.

Customary Allowance

17. Te Ohu supports maintaining the customary allowance at 50 tonnes. However, we remain concerned about the accuracy of customary catch figures.
18. In our view, MFish needs to do much more to improve customary estimates. Working through the relevant Iwi forums that have been established under the MFish Treaty Strategy, and/or going directly to each of the Iwi having interests in the SNA 8 area, are good places to start (see also Part One, section 6 of IPP submission).

Total Allowable Commercial Catch

19. The TACC is currently set at 1500 tonnes with 3 MFish proposals to reduce it to various levels depending on whether proportional or non-proportional allowances are made:
 - (1) 1398/1375 tonnes;
 - (2) 1295/1250 tonnes;
 - (3) 1090/1000 tonnes.
20. Te Ohu does not support any of the options set out in the IPP for the reasons set out above. Te Ohu supports maintaining the TACC at 1500 tonnes.

Recreational Allowance

21. The main problem associated with setting allowances for recreation is the lack of reliable catch information. As we note in Part One of our IPP submission, in 2005 the Recreational Technical Working Group considered the recreational allowance and although they did not make any recommendation about what the allowance should be set

at, they did say the harvest estimates from the diary surveys should be used only with the following qualifications:

- a) they are very inaccurate;
- b) the 1996 and earlier surveys contain a methodological error; and
- c) the 2000 and 2001 estimates are implausibly high for many important fisheries. The 2000 estimates put the recreational catch as high as 661 tonnes and in 2001, 1133 tonnes.

22. In 1998 a TAC was set for SNA8 and an allowance for recreation was agreed at 360 tonnes. At that time, MFish considered 360 tonnes was appropriate as it allowed for non-commercial catch at the upper range of previous catch estimates.
23. We note that the 360 tonne has been used as a starting point in each of the recreational allowance options. Te Ohu supports that approach and rejects any higher allowances being applied because of the level of uncertainty with the estimates.
24. If the uncertainties associated with recreational surveys cannot be resolved in the 2006 survey MFish should start exploring alternative approaches for obtaining catch information. That should also include monitoring and constraining catches within the allowances set. MFish cannot continue to ignore this ever growing problem.
25. Te Ohu notes the comments in paragraph 88 of the IPP that suggest the recreational sector has contributed to the attempted rebuild of the fishery, by accepting three bag limit reductions since 1985 as well as an increase in size limits from 25 to 27 cm, which was increased for non-commercial fishers only. This is an interesting view point when you consider the potential for recreational allowance to have been exceeded in recent times. For example, the figures used in table 2 suggest the recreational catch may have risen to as high as 600 tonnes, which in our view, is dangerously high and irresponsible. For this reason alone, MFish needs to consider further bag limits to ensure recreational allowances are not exceeded.
26. Te Ohu does not support any of the options presented in the IPP. Te Ohu's preference is to support the status quo which will retain the recreational allowance at 360 tonnes. The recreational allowance should be capped, as proposed in one of the IPP options, and reviewed in 5 years when MFish undertakes their proposed stock assessment. Depending on the 2006 recreational survey results and their reliability, recreational allowances may need to be reviewed earlier.

Other Sources of Mortality

27. Te Ohu is astounded that the other sources of mortality are estimated to be as high as 150 tonnes or 10% of the TACC. The IPP says that other fishing mortality includes high-grading of catches and illegal catches. This is a serious allegation and actions need to be taken by industry and MFish to clarify and if necessary deal with this problem now.

Management of recreational landings

28. Te Ohu is concerned at the lack of attention by MFish to constraining recreational harvest within the allowance, regardless of whether a proportional or non-proportional system is operated.

29. Minimum legal size limits and bag limits are the principal means used to constrain catches but in our view MFish needs to be prepared to treat recreational the same as commercial when their allowance has been exceeded.
30. One of the issues that drop out of this approach, or any other approach for that matter, is the need for robust monitoring. That information enables managers to take action if and when the recreational allowance is exceeded. Current systems are not designed to allow real-time monitoring of recreational catch. But in the commercial fishery, and to some extent customary, they are.
31. Allowing the recreational catches to exceed their allowance inevitably undermines the TAC setting process and any actions taken by stakeholders and MFish in ensuring the sustainability of the fishery. In particular, it can undermine any rebuild strategy that is agreed for the SNA 8 fishery (see also Part 1, section 1 of IPP submission).

Deemed Values

32. Te Ohu notes that the current deemed value for SNA 8 is not acting as an incentive for fishers to balance their catch against ACE. This is clearly supported by the TACC being exceeded in each of the past 10 years. We agree that any economic incentives for this to continue needs to be removed, however, it is important to strike some balance between removing the incentive and ensuring fishers who catch SNA 8 as bycatch, are not put out of business.

Compensation

33. Te Ohu is concerned about the prospect of there being a reallocation of the TACC in the future to accommodate increases in non-commercial catches. In the event that this occurs, Te Ohu has an expectation that there will be full compensation (see also Part 1, section 1 of IPP submission).

Future Stock Assessment

34. Te Ohu supports a new stock assessment in 2010 and a complete review and analysis of the rebuild strategy.

Submissions

35. **Te Ohu –**
 - rejects the need for a more rapid rebuild strategy if it involves a reduction in the TAC or TACC;
 - rejects all of the proposals which recommend a decrease in TAC;
 - supports the retention of the current TAC;
 - supports the retention of the customary catch at 50 tonnes;
 - recommends that MFish validate the customary estimate through the relevant Iwi forum and/or directly with the relevant Iwi;
 - rejects all the options to decrease the TACC;
 - supports the retention of the current TACC;
 - supports MFish using a maximum upper level of 360 tonnes for the recreational allowance;
 - recommends MFish cap the recreational allowance (the same as industry), and review in 5 years;

- recommends MFish reduces the recreational bag limits to constrain recreational catch within the recreation allowance;
- recommends MFish explore options for monitoring recreational catches;
- recommends MFish explore options for managing recreational catches once monitoring or estimates indicate the recreation allowance has been reached;
- recommends the recreational catch allowance be reviewed in 2006 when new estimates are available;
- recommends MFish clarify the problems, and where possible take action to reduce levels of “Other sources of Mortality”;
- recommends increasing the deemed value for SNA 8 but to a level that does not penalise legitimate participants;
- recommends compensation to quota owners in the event there is any re-allocation in the relative shares of the fishery; and
- supports a stock assessment in 2010.

ELEPHANT FISH (ELE 3 and ELE 5)

PROPOSAL

36. There are 4 key issues that need to be addressed in ELE 3 and ELE 5:
- (1) the sustainability of ELE 3 and ELE 5 stocks;
 - (2) TAC allowance;
 - (3) unreported discards from the ELE 3 and ELE 5 fisheries; and
 - (4) deemed values.

COMMENTS

Sustainability

37. The accepted index of abundance for ELE 3 is based on non-zero catches recorded by the bottom trawl fishery targeted at RCO. Since 1990/91 there has been an upward trend from 0.7 to 1.7 in 2000/01. Between 2000/01 and 2003/04 this trend declined to 1.3.
38. Whether the most recent decline is driven by trends in abundance or by a response to management changes in these fisheries is difficult to say. The 2005 Plenary report points to the voluntary implementation of a considerable closed areas south of Banks Peninsula in 2000 and the avoidance of areas of high ELE 3 abundance (by operators with sufficient ACE) as possibly contributing to the trend. Also, increasing un-standardised and decreasing standardised CPUE trends indicate that there could possibly be a year/vessel (behavioural) interaction.
39. For ELE 5, this was last reviewed in 2003. It is recorded in the Plenary Report there had been a decline in standardised CPUE for statistical areas 021 and 030 since the 1999/2000 fishing year. Industry argued that the decline was due to high deemed values for ELE 5 which had resulted in avoidance or discarding. However, because of the low spatial resolution of effort data it was not possible for the Plenary to gauge the extent to which fisher behaviour was influencing the ELE 5 CPUE data. In the end the Plenary concluded there was no reliable index of abundance for ELE 5.

40. Quite clearly, unless there is a major improvement in the collection of catch information and the issue of discards is dealt with, there will be no reliable information available to enable a robust stock assessment of ELE 3 and ELE 5. It is worth noting that no information is provided in the IPP on exactly how big the discarding problem could be.

Data Collection

41. To help overcome these problems Te Ohu will be taking actions to ensure those Iwi who receive ELE 3 and ELE 5 ACE, as part of their October ACE Round entitlements, make every effort to ensure fishers comply with all the reporting requirements and that fish is not discarded at sea.

42. Te Ohu has also spoken with South East Inshore Finfish Management Company concerning these problems. We have been informed that a number of actions have been initiated:

- The larger fishing companies have agreed to educate their harvesting fleet of the need to comply with relevant reporting requirements and to impose consequences upon those who do not comply;
- The larger fishing companies will strengthen their ACE contracts by including consequences if fishers do not comply with the rules;
- The South East Inshore Finfish Company will be taking action against those who do not comply with reporting requirements.

42. In addition, the South East Inshore Finfish Management Company will continue to impress on industry the importance of these issues through news letters, magazine articles and regular meetings.

43. In the unlikely event that the reporting and discarding problems are not curbed, regulatory interventions will need to be considered.

Total Allowable Catch

44. Te Ohu agrees with MFish that it is unlikely the long-term sustainability of the stocks would be compromised by a moderate increase in catch, particularly if this in turn leads to improved information on which to assess the TAC. In terms of the risks associated with increasing the TACs for each QMA, Te Ohu is satisfied those risks are not excessive and are able to be managed under the current framework. Because AMP stocks are managed with annual or biannual reviews, any sustainability issues requiring a reduction in TAC are able to be responded to quickly.

45. Accordingly, Te Ohu supports an increase in the TAC for the 2005-06 fishing year, in line with the proposal set out in option 2: namely for ELE 3, increase the TAC from 960 tonnes to 1055 tonnes; and, in ELE 5, increase the TAC from 136 tonnes to 142 tonnes.

Customary Allowance

46. Te Ohu supports the retention of the customary allowance at 5 tonnes. However, as with a number of other stocks, we are concerned about the accuracy of that allowance. The source of the estimates is not revealed in the IPP so we can only assume it yet another estimate that has been “plucked out of the sky”.

47. In our view, MFish needs to do much more to ensure we have a more robust customary estimate. The best way of doing this, in this case, is for MFish to speak directly to Ngai Tahu. ELE 3 and ELE 5 cover an area that is substantially within the sole tribal boundary of Ngai Tahu. Because this area is covered by the South Island Customary Regulations, catch data should be available from kaitiaki. We see no reason why this information cannot be obtained from Ngai Tahu quickly and used to inform this sustainability round.

Total Commercial Catch

48. Te Ohu supports option 2: namely for ELE 3, increase the TACC from 950 tonnes to 1045 tonnes, and in ELE 5 increase the TACC from 120 tonnes to 126 tonnes. It is hoped that these increases along with the measures being taken by the South East Inshore Finfish Management Company will go some way to improving information on which to assess the state of stocks.

Recreational Catch

49. Te Ohu is prepared to support proposed allowances for recreation but note that it is very peculiar that ELE 3 is set at zero and ELE 5 at 6 tonnes.

Deemed Values

50. Te Ohu does not support any change to the deemed values for either ELE 3 or ELE 5.

Submission

51. Te Ohu –

- Supports option 2 to increase the TAC for ELE 3 from 960 tonnes to 1055 tonnes; and in ELE 5, increase the TAC from 136 tonnes to 142 tonnes;
- supports the retention of the customary allowance at 5 tonnes; but recommends MFish contact Ngai Tahu to validate the customary allowance with that information being obtained to inform this stock assessment;
- supports option 2 for ELE 3, increasing the TACC from 950 tonnes to 1045 tonnes, and in ELE 5 increasing the TACC from 120 tonnes to 126 tonnes;
- supports the proposed allowances for recreation;and
- rejects any changes to the deemed values.

RIG (SPO3)

COMMENTS

Application to retain SPO 3 in AMP Programme

52. Te Ohu notes that the SPO3 fishery has been within the AMP programme for the past 15 years. There is a requirement to review SPO3 TACC in this current sustainability round as the stock will complete its five year term under the AMP on 30 September 2005. Te Ohu also notes that the South East Finfish Inshore Management Company has made an application to retain the SPO 3 stock within the current AMP with the existing TACC, terms and conditions for a further 5 years. This application has not been evaluated by the AMP Fishery Assessment Working Group and therefore, cannot be instituted in the 2005-06 fishing year. In dealing with this difficulty, MFish has suggested a transitional measure for the 2005-06 fishing year. Te Ohu does not oppose that approach.

Sustainability

53. Te Ohu notes that the last review of SPO 3 was in 2000 and as a result the TACC was increased to 600 tonnes from 1 October 2000.
54. We note that in the most recent stock assessment in 2005, the AMP Working Group *“concluded there was insufficient information upon which to base a robust stock assessment for SPO 3 fishstock to determine its relationship to the maximum sustainable yield (MSY). This was based upon the lack of contrast between indices of abundance.”*
55. Clearly, more information needs to be collected if we are to be in a position to undertake a robust stock assessment. That information may also shed light on whether changing fleet behaviour and the avoidance of closed and sensitive areas, is influencing a downward trend in CPUE.
56. We are mindful that industry intends doing a stock assessment possibly in 2007 and no later than 2009; and that a full review will be done when the information is available.

Total Allowable Catch

57. Te Ohu supports the retention of the current TACC at 600 tonnes for a further 1 year period ending 1 October 2006. This will provide an opportunity for the AMP Working Group to assess the South East Inshore Management Company’s application to keep SPO 3 fishery in the AMP programme and to determine any information requirements and other management measures that may be appropriate. We note and agree with MFish that it is unlikely that this TACC will, in the short-term, cause the stock to collapse.
58. Te Ohu does not support any of the other options presented as potentially they can undermine the confidence and willingness of fishers to continue to participate in the management of the fishery to the extent that they are. Equally important, we do not believe there are any sustainability issues that justify the imposition of either of the other two options.

Customary Allowance

59. Te Ohu supports the retention of the customary allowance at 20 tonnes. However, as with a number of other stocks, we are concerned about the accuracy of that allowance. The source of the estimates is not revealed in the IPP so we can only assume it yet another estimate that has been “plucked out of the sky”.
60. In our view, MFish needs to do much more to ensure we have a robust customary estimate. The best way of doing this, in this case, is for MFish to speak directly to Ngai Tahu. SPO 3 covers an area that is substantially within the sole tribal boundary of Ngai Tahu. Because this area is covered by the South Island Customary Regulations, catch data should be available from kaitiaki. We see no reason why this information cannot be obtained from Ngai Tahu quickly and used to inform this sustainability round.

Recreational Allowance

61. Te Ohu is reluctant to support a 60 tonne allowance for recreational fishers. The estimate is in our view, is so “over the top” that it is not credible, especially when you consider the set netting restrictions along the Canterbury Coast.

Other Sources of mortality

62. MFish has based the “other sources of mortality” allowance on the vulnerability of juvenile rig to incidental trawl capture and their lack of commercial value. MFish assume that the other sources of fishing related mortality is equivalent to 5% of the TAC. As with the customary and recreational allowances, this number appears to be no more than a number “plucked out of the sky”.

Submissions

63. Te Ohu –

- supports a transitional approach to dealing with the SPO 3 AMP programme expiring at 30 September 2005;
- supports the retention of the TACC at 600 tonnes for a further 1 year;
- supports the retention of the customary allowance at 20 tonnes but recommends MFish validate the customary allowance and ensure that information is available for this current assessment;
- rejects the recreational allowance as excessive;
- rejects the Other Sources of Mortality estimate;

HOKI (HOK1)

COMMENTS

64. Te Ohu supports the proposal in the consultation document to leave the current TAC/TACC at the 2004-05 levels of 101,040 tonnes and 100,000 tonnes.
65. Te Ohu support the retention of the East/West split remaining at 60/40, being 60,000 tonnes in the East and 40,000 tonnes in the West.

HAKE (HAK 7)

COMMENTS

66. Te Ohu supports the Option 1, being the proposal to:

- increasing the TAC 7,777 tonnes,
- setting the Maori customary limit to zero
- setting the Recreational limit to zero
- setting an allowance for other mortality at 77 tonnes
- setting the TACC at 7,700 tonnes.

67. The average catch for the last 4 years is slightly below the proposed TAC in option 1.

68. The stock assessment modelling indicates that the current catches appear to be sustainable in the short term and therefore increasing the TAC/TACC to 7,777 and 7,700 tonnes will not have any adverse effect on this stock.
69. Te Ohu understands that the deemed values will remain the same and supports this. The support for current deemed values and the TACC increase is given in anticipation that the TACC increase will result in balancing the current over-catch rather than increasing the total catch.

Noho ora mai

Craig Lawson
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