



**Te Ohu Kaimoana's response to the review of the sustainability measures for the fishing year beginning on 1 April 2022.**



Te Ohu  
**Kaimoana**  


The Te Ohu Kaimoana logo graphic consists of three stylized, wavy lines in shades of teal and light blue, representing waves or water.

## Our preferred approach to the review of the sustainability measures

1. This document provides Te Ohu Kaimoana’s response to the review of the sustainability measures for the fishing year beginning on 1 April 2022. For a full overview of Te Ohu Kaimoana’s policy approach in relation to fisheries management settings please refer to “Te Ohu Kaimoana’s Response to the Review of Sustainability Measures for 1 October 2021”<sup>1</sup>.
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 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 expresses the unique and lasting connection Māori have with the environment. It contains the principles we use to analyse and develop modern fisheries policy.
3. We see a general improvement in the quality of documents supporting the review of sustainability measures. The consideration of habitats of particular significance to fisheries management and the associated deemed value settings sets the scene for a more holistic approach to fisheries management. This better recognises the interconnected nature of our fisheries management settings and represents progress beyond a historical reliance on TAC/TACC settings.
4. A summary table of Te Ohu Kaimoana’s positions is set out below.

Fish stock	FNZ’s Proposal	Our Position	
Kōura (CRA1)	↓	-	We support FNZ working with Iwi to determine an appropriate response
Kōura (CRA7 and CRA8)	↑	↑	We support an increase to the TAC- Option 2
Tipa (SCA1 and SCA CS)	↓	-	We support FNZ working with Iwi to determine an appropriate response
Hāpuka & moeone (HPB7 and 8)	↓	↓	We support a decrease to the TACC- Option 2
Redbait (RBT7)	↓	↓	We support a decrease to the TAC
Southern blue whiting (SBW6B)	↓	-	We support the status quo in the absence of a risk to sustainability

5. 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).

<sup>1</sup> <https://teohu.maori.nz/wp-content/uploads/2021/08/Te-Ohu-Kaimoana-Response-to-the-Review-of-Sustainability-Measures-for-1-October-2021.pdf>

## We are Te Ohu Kaimoana

6. 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).
7. 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 any 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”.
8. 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 Māori Fisheries Act 2004 (the Māori 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.
9. Our statutory purpose, set out in section 32 of the Māori 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.”
10. We work on behalf of 58 MIOs, 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. We have sought feedback from Iwi on this response, and that feedback has been incorporated.

# Inshore Stocks

---

## Kōura (rock lobster) stocks

---

### **Better recreational catch information required to manage this important fishery**

11. Kōura are taonga. They are also a highly valued customary, commercial and recreational fishery. The value of this fishery attracts large investment in annual research and management reviews, making the commercial fishery one of the most closely monitored fisheries in Aotearoa. However, there is concern about the reliability of recreational catch and effort information. Because recreational take is so poorly understood, management focuses on constraining commercial catch rather than understanding total harvest. A more accurate understanding of recreational rock lobster fisheries, including amateur charter vessels, will strengthen the current assessment process and provide a better insight into the health of kōura to support improved management. We encourage the exploration of different methods and initiatives for understanding recreational take in kōura fisheries.
12. Parallel regulatory changes are required for the recreational sector to contribute to a TAC decrease and a corresponding reduction in the recreational allowance. Simply changing the recreational allowance does not constrain the recreational sector. Regulatory changes such as adjustments to bag limits and accumulation limits need to occur alongside TAC adjustments. If kōura fisheries are viewed as shared, both the commercial and recreational sectors must play their part in ensuring sustainability.

### **Reducing and obtaining better estimates of illegal take should be a high priority for kōura.**

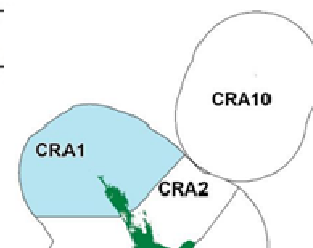
13. There is inadequate information on the size and nature of illegal take for all stocks reviewed. Although this is a difficult task, Te Ohu Kaimoana supports exploring different ways to gather better information on the extent of illegal take and measures to reduce the level of it.
14. Telson clipping is a viable way of ensuring that recreationally caught rock lobsters are not sold to unsuspecting buyers. This measure is a 'tool' in the 'toolbox' for addressing high levels of illegal take in rock lobster fisheries. We support the further implementation of such initiatives, particularly when supported by Iwi.

## Kōura– Northland (CRA1)

### Proposed Options

Table 1: Proposed management options (in tonnes) for CRA 1, 7 and 8 from 1 April 2022. (continued over the page)

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality
CRA 1 Northland	Option 1.1: Status quo	203	110		32	
	Option 1.2: Decrease the TAC by 5%	193 ↓ (5%)	105 ↓ (5%)		27 ↓ (5 t)	
	Option 1.3: Decrease the TAC by 9%	185 ↓ (9%)	99 ↓ (10%)	20	25 ↓ (7 t)	41
	Option 1.4: Decrease the TAC by 12%	179 ↓ (12%)	94 ↓ (15%)		24 ↓ (8 t)	



### Our view

- We encourage Fisheries New Zealand to work with Iwi to determine the appropriate response for the CRA1 fishery.

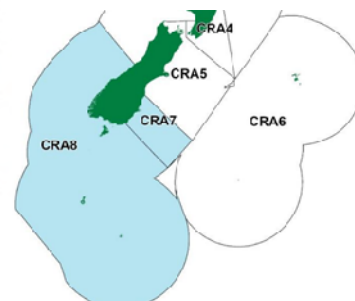
### Rationale

- CRA1 is just above the reference level (and is predicted to continue to increase above this level over the next five years at current catch). We note that the determination of management targets for kōura (CRA1) has been delayed. From our experience, setting the management targets are an integral step to ensure Iwi aspirations inform how the fishery is managed. We see this as a crucial step prior to any adjustments to the TACC/TAC.
- We acknowledge there is no sustainability concern under the current catch (status quo- option 1). This option also enables the fishery to increase above the reference level. While the fishery is at a low level, the stock's trajectory suggests the biomass is increasing. Under the proposed options, the vulnerable biomass is predicted to increase by 10% under status quo (option 1), between 10–20% under option 2, 20% under option 3 and 26% under option 4. We note that Ngāpuhi supports retaining the status quo for CRA1.
- The inclusion of CRA1 in the April 2022 Round was a last-minute decision. Reviewing the CRA1 TAC appears to be a response to the judicial review of the Minister's decision to retain the status quo for the CRA1 (Northland) rock lobster fishery from 1 April 2021. The Environmental Law Initiative initiated the judicial review on behalf of Te Uri o Hīkīhiki Hapū. Making such a last-minute decision to include CRA1 disadvantages Iwi as there is insufficient time to fully engage in the review process. Given the nature of quota management areas encapsulating numerous Iwi rohe, it is essential that each Iwi within CRA1 can work collaboratively to find equitable solutions. Such an opportunity has not been provided for in this instance. Rather than make a hasty decision, Te Ohu Kaimoana recommends a more considered process involving all impacted Iwi.

## Kōura– Otago & Southern (CRA7 & CRA8)

### Proposed Options

Stock	Option	TAC	TACC	Allowances		
				Customary Māori	Recreational	Other mortality
CRA 7 Otago	Option 7.1: Status quo	126.2	106.2			5
	Option 7.2: Increase the TAC by 16%	146.5 ↑ (16%)	111.5 ↑ (5%)	10	5	20 ↑ (15 t)
CRA 8 Southern	Option 8.1: Status quo	1282.7	1191.7			28
	Option 8.2: Increase the TAC by 9%	1394.5 ↑ (9%)	1215.5 ↑ (2%)	30	33	116 ↑ (88 t)
	Option 8.3: Increase the TAC by 11%	1430 ↑ (11%)	1251 ↑ (5%)			



### Our view

19. We support an increase in CRA7 and CRA8. As CRA7 and CRA8 fall solely within the takiwa of Ngāi Tahu, they are best placed to provide feedback on the specific numerical settings.

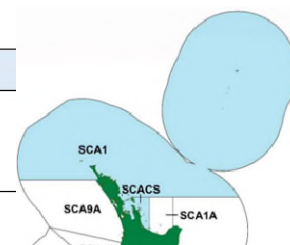
### Rationale

20. The science indicates that there is an opportunity to sustainably increase utilisation. A full stock assessment was undertaken in 2021. The stock assessment model projected that over the next four years, at current catch levels and recent recruitment, vulnerable biomass, total biomass, and spawning biomass for the entire CRA7 and CRA8 areas is projected to increase. We therefore support increased utilisation on the provision that Fisheries New Zealand commits to implementing Ngāi Tahu's aspiration for this fishery.
21. Ngāi Tahu have continually expressed concern over the lack of information and constraints on recreational fishing. As a result, there is an inability to meet their customary needs because it is difficult to find kōura in inshore waters where whānau go fishing. A component of the allowance for customary fishing is intended to ensure that part of the TAC is uncaught to contribute to increasing the overall biomass. However, the growth of the recreational catch without being constrained by the allowance set for this sector serves to undermine the dedicated attempts for increased biomass.

## Tipa (scallops)– Northland & Coromandel (SCA1 & SCACS)

### Proposed Options

SCA 1						
Option	TAC	TACC	Allowances			Management
			Customary Māori	Recreational	Other mortality	
Current settings	30	10	7.5	7.5	5	
Option 1	30	10	7.5	7.5	5	Full closure (s11)
Option 2	9.5 ↓ (20.5 t)	0 ↓ (10 t)	7.5	1 ↓ (6.5 t)	1 ↓ (4 t)	Partial Spatial closure (s11) and TAC, TACC and allowances Recreational dredging prohibited
Option 3	16 ↓ (14 t)	0 ↓ (10 t)	7.5	7.5	1 ↓ (4 t)	TAC, TACC and allowances
SCA CS						
Option	TAC	TACC	Allowances			Management
			Customary Māori	Recreational	Other mortality	
Current settings	81	50	10	10	11	
Option 1	81	50	10	10	11	Full closure (s11)
Option 2	19 ↓ (62 t)	5 ↓ (45 t)	10	3 ↓ (7 t)	1 ↓ (10 t)	Partial Spatial closure (s11) and TAC, TACC and allowances
Option 3	14 ↓ (67 t)	0 ↓ (50 t)	10	3 ↓ (7 t)	1 ↓ (10 t)	TAC, TACC and allowances Recreational dredging prohibited



### Our view:

22. We encourage Fisheries New Zealand to work with Iwi to determine the appropriate response to the decline in the scallop fishery in SCA1 and SCACS.

### Rationale:

#### Iwi are integral to creating successful fisheries management solutions

23. There is a sustainability issue in SCA1 and SCACS that needs to be addressed. Iwi need to be actively involved of any decision making regarding the future of these scallop fisheries. The consultation document itself highlights how Iwi have exercised their rangatiratanga and used customary tools to improve the health of scallop populations. Examples provided include Ngāti Hei implementing a closure of scallops in the East Coromandel coast in February 2021 and Ngāti Pāoa establishing a rāhui around Waiheke Island for scallops as well as other species in December 2021. However, these measures have not led to a recovery of the stock.
24. We encourage Fisheries New Zealand to work with Iwi to find holistic solutions that consider all the impacts scallop populations face. These include land-use practises that introduce additional sediment, nutrients, pollutants, sediment disturbance and disease. This will require committed resources and time to ensure enduring solutions. A simple TAC adjustment is not enough to improve the health of SCA1 and SCACS.

### **Commitment to ongoing dedicated science for scallop fisheries is essential**

25. Throughout Aotearoa, scallop fisheries are experiencing a decline. This decline can be attributed to both fishing and non-fishing related activities leading to a reduction in available scallops. Action is then taken to restrict or eliminate fishing, but the underlying cause is not addressed. The length of 14 and 9 years between biomass surveys in Northland and the Coromandel respectively highlights the lack of commitment to regular research and funding for these fisheries. By committing a long-term research plan to scallop fisheries, some of these issues can be better understood and recovery strategies developed. We strongly encourage such research to be shaped and to draw upon mātauranga of Iwi in these rohe.



## Hāpuka & moeone – West Coast and top of South Island & Central (West) coast North Island (HPB7 & 8)

### Proposed Options

HPB 7							
Option	TAC	TACC	Allowances			Recreational Measures	
			Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	235.5	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	164	110 ↓ (125.5 t)	20	6	28	2 per person	Remove from the combined daily limit of 5 with kingfish and:
Option 2	136	83 ↓ (152.5 t)	20	5	28		-Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3
HPB 8							
Option	TAC	TACC	Allowances			Recreational Measures	
			Customary Māori	Other mortality	Recreational	Daily Limits	Additional regulations
Current settings	N/A	80.1	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	87	65 ↓ (15.1 t)	10	4	8	2 per person	Remove from the combined daily limit of 5 with kingfish and:
Option 2	76	55 ↓ (25.1 t)	10	3	8		-Introduce daily limit of 2 hāpuku/bass -Introduce accumulation limit of 3



### Our view

26. We support option 2 for both HPB7 and HPB8.

### Rationale

#### A reduction in catch is needed to ensure the sustainability of these fisheries

27. There is currently no robust assessment for these stocks. However, there have been ongoing concerns about the health of hāpuka and moeone. We support a significant reduction in catch as a first step in addressing these concerns. Despite targeted efforts, we cannot assess the health of these fisheries. Further work needs to be done to identify an effective approach to monitoring fisheries with high site fidelity and low productivity.

28. We agree that the recreational catch for both HPB7 and HPB8 needs to be reduced, along with the TACC. In previous sustainability reviews, we have set out our concerns with the lack of consideration of a link between a reduction in the recreational allowance with a new management measure that would reflect that allowance. We support sharing the responsibility of rebuilding and maintaining fisheries and therefore support the changes to recreational limits under option two.

#### We support the development and implementation of targeted measures with Iwi to address management concerns

29. We acknowledge that a TAC reduction may not address some of the specific concerns for these fisheries due to the biology and nature of hāpuka and moeone. In particular, it will not address the risk

of localised depletion. Localised depletion affects customary access to hāpuka and moeone in shallow depth fishing grounds and this requires management action to address. The ability for Māori identity to be maintained through customary practice is already being undermined with the current state of the fishery. We encourage Fisheries New Zealand to work with the Iwi in HPB7 and HPB8 rohe to discuss options for managing these effects. We support effective Iwi and community-led initiatives that promote the health of a fishery.

**28N rights reduce settlement holdings when TACCs are increased**

30. We recognise that the preferential allocation (28N) rights associated with HPB7 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, we can anticipate a TACC increase when the fishery is rebuilt in the future. The impact of 28N rights on diluting the percentage of a TACC owned by Iwi needs to be addressed before the fishery rebuilds and consideration is given to a TAC increase.

**We support aligning the deemed values of HPB7 and HPB 8 with HPB2**

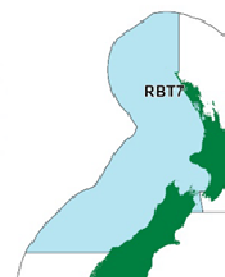
31. The proposed deemed values settings for HPB7 and HPB8 are between ACE and market price. We consider that to be an appropriate range for the deemed value to be set within.

# Deepwater stocks

## Redbait– West coast South Island (RBT7)

### Proposed Options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 ( <i>Status quo</i> )	2,991	2,841	0	0	150
Option 2	842 ↓(2,149 t)	800 ↓(2,041 t)	0	0	42 ↓(108 t)
Option 3	421 ↓(2,570 t)	400 ↓(2,441 t)	0	0	21 ↓(129 t)
Option 4	105 ↓(2,886 t)	100 ↓(2,741 t)	0	0	5 ↓(145 t)



### Our view:

32. We support a decrease to the TAC.

### Rationale:

#### Sustainability concerns should be addressed

33. The patterns being observed in the redbait fishery should be further evaluated. Although there is no clear indication of why catches are decreasing disproportionately to Jack mackerel catches, we agree that it is an area of concern that justifies management intervention. However, a one-off adjustment to the TAC is not the whole answer. We encourage continued monitoring of this fishery to check whether any management action that has been taken is effective.

34. Reducing the RBT7 TAC is unlikely to constrain the Jack mackerel fishery. At current levels of catch, a reduction in RBT7 will allow for full utilisation of that fishery.

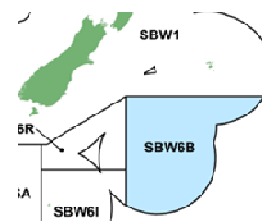
#### We support reviewing the deemed values for RBT7

35. Deemed values are currently set above the market price. This does not create the right incentive for accurate reporting. The deemed values should be set between ACE and market price. Setting the deemed value closer to the market price (but not above) for redbait may be the most appropriate response given that there are sustainability concerns.

## Southern blue whiting– Bounty Platform (SBW6B)

### Proposed Options

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 ( <i>Status quo</i> )	2,888	2,830	0	0	58
Option 2	2,309 ↓ (579 t)	2,264 ↓ (566 t)	0	0	45 ↓ (13 t)
Option 3	2,021 ↓ (867 t)	1,981 ↓ (849 t)	0	0	40 ↓ (18 t)



### Our view:

36. Our view is to support TAC adjustments when they are demonstrably required to ensure sustainability. But we are not convinced that a TAC reduction will change existing fishing patterns.

### Rationale:

#### The developing arrangements for pātaka kai require the setting of an allowance for customary harvest

37. We recommend the allowance for customary non-commercial fishing be set at one tonne. The pātaka system creates more opportunities for the customary take of commercially harvested species. We therefore support setting a customary allowance for SBW6B in order to make provision for customary non-commercial utilisation within a pātaka system.

#### Fisheries management discussions should be made with the best available information

38. There are indications that there is a recruitment pulse entering the fishery. However, the data that supports this view has not been fully assessed yet. We acknowledge that it is best practice to use information that has passed a peer review process to ensure it is robust. For this we rely on the fisheries stock assessment plenary process.
39. Section 11(1) of the Fisheries Act requires the Minister to take into account the effect of fishing on a stock before setting or varying a sustainability measure. In the case of SBW6B, landings have not been above 1,500 tonnes since 2017/18 and there has been no risk to the sustainability of the fishery though that period. This highlights that the collective management actions taken by the quota owners in this fishery are effective in maintaining catches at sustainable levels. This approach has the benefit of creating headroom that can be called upon in the event that recruitment pulses do enter the fishery. If it is confirmed that there is a strong recruitment pulse entering the fishery, the industry would be guided by the recommendations coming out of the fishery assessment process as to the significance of it and the extent to which catches could increase while still remaining within sustainable limits.
40. If the Minister considers that the effects of fishing are being managed through collective action, then the need to select a sustainability measure (such as a TAC reduction) under s 11(3) is greatly reduced. Accordingly, our view is that the current TAC/TACC settings should be retained.

Te Ohu  
**Kaimoana**

