

SUBMISSION ON CONSULTATION DOCUMENT ON FISHERIES RESEARCH SERVICES PROPOSED FOR 2004/05 AND 2004/08 STATEMENT OF INTENT INCLUDING OUTPUT PLAN FOR 2004/05

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Peter Boon
Manager Corporate Planning and Services
Ministry of Fisheries
PO Box 1020
WELLINGTON

Tena koe

INTRODUCTION

1. This submission is made in response to your letter dated 18 December 2003. In this letter you invited the Treaty of Waitangi Fisheries Commission ("Te Ohu Kai Moana") to provide comments on the proposals contained in the documents entitled *Consultation Document on Fisheries Services Proposed for 2004/05* and *Fisheries and Research Services proposed for 2004/05*.
2. While Te Ohu Kai Moana has drawn the contents of the consultation document to the attention of Iwi we have not had the time or opportunity to discuss its contents with Iwi. As such this response conveys only the views of Te Ohu Kai Moana and does not in any respect satisfy the consultative responsibilities of MFish with tangata whenua specified in section 12(1) of the Fisheries Act 1996 ("the Act").

GENERAL COMMENTS

2003/04 Business Plan

3. Te Ohu Kai Moana continues to have concerns with the front part of the Fisheries Services document. In a number of instances much of the text is a repeat of what was covered in the 2003/04 business plan. Rather than traverse these issues again we have attached a copy of last year's submissions and urge you to also fully consider those submissions in relation to the 2004/05 year.

New Fisheries Management Approach

4. We are seriously concerned at the "blank cheque" approach of the SOI and the lack of detail from which consultees can form a valid assessment of the pros and cons of the path MFish proposes to follow. That issue is canvassed in some detail in the SeaFIC submission, which we have sighted. We share the concerns and views expressed by SeaFIC and, rather than repeat their arguments, will content ourselves with endorsing the comments SeaFIC makes.
5. We are also extremely concerned at the complete lack of awareness demonstrated in the SOI of the financial plight of the commercial fishing industry as a result of depressed market prices, substantially increased input costs and an ever worsening currency position. These are critical matters which must be taken into account by MFish in its planning but no evidence of which appears in the SOI.

6. Before embarking on the grandiose developments foreshadowed in the SOI, MFish needs to ask itself –
 - Will the changes proposed advance the purpose of fisheries management in New Zealand?
 - Will the changes better achieve the purpose of the Fisheries Act than present arrangements?
 - Are we window-dressing or are there real gains in prospect?
 - Can the changes be achieved, at least, without additional cost to the commercial sector or, at best, with savings to the commercial sector?
 - Are the changes proposed within present law?
 - Do they fit within the responsibilities of MFish?
7. Unless the answers in all cases are “Yes”, Te Ohu Kai Moana would suggest the actions be deferred until a more favourable financial climate prevails.

Fisheries Management Plans

8. Te Ohu Kai Moana supports the development of fisheries management plans to provide for greater stakeholder input and participation in fisheries management. However experience to date has revealed a less than sincere commitment by many MFish staff to the concept of fisheries planning and a major lack of capability for the development of plans within the user sectors. The development of a fisheries management plan will require facilitation and stakeholder financial commitment.

Standards and Stock Strategies

9. We note the intention of MFish to develop standards and stock strategies as part of managing fisheries. It is our view that these need to be developed by MFish in consultation with relevant stakeholders.
10. It would also be helpful if MFish can provide a schedule showing the time frames for developing standards and stock strategies for each fishery.
11. We also note the comment that standards will be “enabling” in nature rather than documenting prescriptive requirements. This is an important statement that we wholeheartedly support.

Measuring Progress

12. Qualitative as well as quantitative measures should be developed to give the reporting component more structure and context. There is a danger that the measures such as the number of Marine Protected areas established or the number of Marine Reserves established will skew the objective of any risk management based stock strategy or fisheries plan. This is the current situation with reporting on the number of Marine Reserves. Surely we should be more interested in the risks that have been managed than the particular tool that has been implemented to address the risk. There is a need for more context to accompany any statistical reporting. For example a more meaningful measurement would be “% of each habitat type protected against identified/prioritised risk”. This would require the risks to be identified first, a risk threshold to be identified, then a prioritisation exercise so that the best mitigation measure is utilised at the least cost (refer to Te Ohu Kai Moana’s Marine Reserves Submission, page 25, for more explanation).

THE MINISTRY’S OUTPUTS

FISHERIES INFORMATION AND MONITORING

Output 21: Stakeholder consultation and support required

13. Te Ohu Kai Moana is concerned with the number of projects that are being considered in the SOI process without any prior consultation or support coming from relevant stakeholders and working groups. We insist MFish follows its own formal processes to stop this problem recurring. To do otherwise is hardly conducive to the Ministry's Vision of building confidence and respect with stakeholders.
14. We would appreciate it if MFish can make available a schedule of "actual costs" of projects undertaken in order to provide readers with a better understanding of research cost structures.

Output 22: Biodiversity of New Zealand's marine environment estimated

15. Te Ohu Kai Moana is concerned that in some situations MFish is going "over the top" in dealing with biodiversity issues. To illustrate this point we refer to the imposition of testing requirements in relation to the industry driven paua reseeded initiatives. As "biodiversity" is a Government field, no costs associated with it should fall to the commercial fishing sector.

REGULATORY MANAGEMENT

Output 31: Utilisation and sustainability reported

16. Once again we record our disappointment that there is still no provision under this output class for initiating a comprehensive review of fisheries regulations.

Output 33: Customary applications processed

17. Te Ohu Kai Moana is far from satisfied with MFish's commitment and performance relating to the development and implementation of customary fishing regulations. Quite clearly, greater attention is required to provide incentive for Maori to operate under the Kai Moana regulations. In addition, much better information and dialogue should be undertaken by MFish with Maori when proposals for Maitaitai and Taiapure are being developed.

ENFORCEMENT OF FISHERIES POLICIES

Output Class 5:

18. It is difficult for Te Ohu Kai Moana to have input into compliance related issues because there is a complete lack of information from which to undertake any meaningful analysis. This has been requested, and sometimes promised, for years now but has never been forthcoming.
19. As a result of the lack of information our perceptions are by and large measured against media reports and the scant material provided in the SOI. Accordingly, Te Ohu Kai Moana's perception of MFish's handling of compliance, and one that is increasingly shared by industry, is "very poor". We can see no justification in the document for an industry cost of \$7 million to be levied.

Output 52: Customary fishing rules enforced

20. A major reduction in the 2004/05 fishing year budget leads us to believe the level of illegal activity in this area, particularly the issuing of fishing authorisations, is much less

than was originally thought. However, we are mindful that some recipients of customary authorisations may be flouting the law.

21. Te Ohu Kai Moana would like to see MFish working more closely with Kaitiaki, particularly where Iwi/Kaitiaki collectives exist, to improve awareness of compliance matters and the implications of these on the sustainable management of fisheries. It is important for Iwi/Kaitiaki to know how to detect and deal with illegal activity.
22. We also note the increasing number of people who have been apprehended for fishing without authorisations but have been let off after they have managed to acquire one later.
23. The retrospective issuing of customary authorisations "is illegal" and we do not understand why MFish do not follow through with prosecutions in such cases. Having said this, there is absolutely no reason, whatsoever, why a person cannot obtain either an oral or written authorisation prior to taking fish outside recreation limits

Output 55: Poaching and black market activities deterred

24. To illustrate our level of concern, and indeed the size of the poaching problem, we note the comments made to the media in 2003 by the Chief Executive of MFish, that 800 tonnes of paua is being poached annually. The capital value of this tonnage is in excess of \$240 million and the quantity is 253 tonnes short of the national TACC for paua. We also note MFish's response to a question from the PAU2 Industry Association as part of the 2004 SOI consultation. Here the Ministry states the illegal catch is 965 tonnes. Not only is this number different from the above, but it demonstrates just how little MFish knows of this major attack on an important and valuable resource.
25. The equally important point to be made is that legitimate users of the resource are being deprived of access to these resources. As an outcome measure we need a clear indication (% or mt) of the extent to which illegal activity has been reduced for the year, not the number of prosecutions.

Stakeholder input to compliance

26. We note MFish's intention to provide for all stakeholder input into compliance issues at the SOI annual consultation. We register our dissatisfaction at this "sole" approach. If additional consultation adds value to outcomes then this should be built into the programme development processes. Te Ohu Kai Moana encourages MFish to develop working relationships with industry groups where compliance gains can be made.

FISHERIES RESEARCH SERVICES

DEEPWATER FISHERIES

27. **OEO2004/01:** While Te Ohu Kai Moana agrees that an update acoustic survey of black and smooth oreo stocks in FMA4 is warranted, the estimated cost of \$1-1.5 million cannot be justified. The latest port price survey, as used in the April 2004 cost recovery levy Order calculations, gives a port price for OEO of \$1300/mt. Inclusion of this survey raises the levy cost to \$214/mt or 17% of port price.

28. This project should be withdrawn from Required Services and discussions entered into with the ORMC for the survey to be conducted by (collaborated) Simrad ES60 – equipped commercial vessels during the processing phase of normal fishing activities.
29. **ORH2004/02:** There have been major differences in recent years between acoustic survey – derived assessments and those derived from standardised (or unstandardised) CPUE – the latter usually yielding substantially lower stock level results. The differences have recently been explored by Alan Hicks of UOW and corrective factors suggested. Unless these factors are to be applied in future CPUE based work, we would recommend deletion of objective 1 from this project.
30. Objective 2 is also problematic in the Observer Programme coverage of ORH fisheries is patchy, both seasonally and geographically. It would make more sense to delete entirely the OP work and concentrate solely on industry-sources observer data.
31. **OBS2004/01:** See comments above for project ORH2004/02 about the appropriateness of OP work in ORH (and OEO) fisheries. We contend much more comprehension data will result from industry at-sea sampling work, provided this is extended to also recovering otoliths as required.

HOKI AND MIDDLE DEPTHS FISHERIES

32. **HOK2004/03:** The successful industry vessel acoustic surveys conducted in 2003 in Pegasus Bay, Conway Trench and Hokitika Canyon suggest that part at least of the proposed Cook Strait survey should be conducted by an industry commercial vessel equipped with a (calibrated) Simrad ES60 sounder. Such a participation would offer scope for
 - Reducing survey costs
 - Extending the survey period
 - Increasing the snapshot coverage
33. **MDT2004/01:** Te Ohu Kai Moana is concerned that the Western-Substock stock assessment results for Hoki in recent times have been substantially more optimistic than the reality being found on the water. The assessment draws heavily on the southern trench survey results for input data which inevitably casts doubt on the value of the trawl survey itself.
34. The question really is – “Does the survey provide value for money?” We are unable to answer but suggest the value of the survey needs close consultation by MFish before this project proceeds.
35. **OBS2004/03:** While there is a substantial increase in industry-sourced data collection, we would question the need for the number of Observer Programme – sourced observer days proposed for HOK and middle depths fisheries. Certainly there is a problem with otolith numbers from industry sources, but that could easily and simply be addressed by discussion with the Hoki Fishery Management Co. and vessel operators.

INSHORE FINFISH & FRESHWATER EEL FISHERIE

36. **EEL 2004/01:** The cost for this project should be funded by both Industry and the Crown to reflect the text appearing in the project notes, “*This project can be attributed to the requirement for the assessment of recruitment for the sustainable utilisation of both customary and commercial eel fisheries.*”

37. We also note that the South Island Eel working group requested a West Coast site be included in this project.
38. **EEL2004/02:** Our understanding of the Research Co-ordinating Committee decisions on this project is it would be put on hold pending evaluation of project 2002/04.
39. **EEL2004/03:** We express our concern that science providers are driving this customary research projects, not Iwi. We also express our concern that no evidence has been provided to demonstrate this project is supported by the Wairewa Runanga.
40. **EEL2004/04:** While the South Island Working Group agreed to the project being undertaken, that agreement was on the understanding it was a small first step and the cost for the project would be low. We note that nowhere in the world is there a stock assessment model.
41. **INS2004/01:** This is a method development study and is not specific to BNS/RBY. If the project does proceed the cost should be spread more widely.
42. **SNA2004/06:** Survey design is only the first step. There will be an ongoing survey cost thereafter. We question if the predictive power warrants the ongoing cost?

SHELLFISH FISHERIES

43. **COC2004/01:** We question whether operating under a CAY strategy requiring “annual” surveys can be justified. The COC fishery has low economic value, only 25% of the TACC was caught in the 2002-03 fishing year and export markets are saturated.
44. An alternative **MCY** strategy would do away with the need to conduct very expensive annual surveys.
45. We also note that some of the information covered under the heading “General” is inaccurate. The last sentence in paragraph 1 is no longer appropriate and recent catches have not ranged between 400 and 450t, certainly not the TACC. The second paragraph makes reference to a TAC of 400t.
46. We also raise the question of how useful the growth data will be if they are based upon a declining biomass. This trend would suggest there is little if any growth at all. We are mindful that since 1995/96 commercial harvesting, at very low levels, has only occurred in the most recent 2 fishing years.
47. **COC2004/02:** Again we question the rationale of operating this fishery under a CAY strategy requiring “annual” surveys, opposed to MCY. We also note our surprise that in COC3, CAY surveys are done on a 2 to 3 yearly basis rather than annually.
48. **COC2004/03:** All share holders in this fishery have agreed to this project proceeding. However, we still express the same comments as for other COC fisheries regarding CAY and MCY strategies.
49. We also note that the estimated costs for the survey are excessive and well above “actual” survey costs in previous years. Industry is currently paying in the order of \$15,000 to undertake this survey work, significantly lower than the estimated \$50,000 - \$100,000.

50. **CRA2004/01:** This is a desk top project and does not justify the estimated \$100,000 - \$150,000 cost. Unless these costs can be significantly reduced we object to this project going forward.
51. **CRA2004/02:** We are yet to be convinced of the value in proceeding with this project. The advice received to date suggests the data collected over the past several years has contributed nothing to assessing CRA stocks in New Zealand. This is despite the success of similar methods in other countries.
52. If the project is to succeed we feel it would be a more effective programme if suitably trained locals did the work. We also note the need to significantly reduce the cost of the project.
53. **GEN2004/01:** Based upon the information contained in the proposal the project appears to be worth while. If there is a good likelihood of the project being successful we would support the project receiving a higher ranking.
54. **OCT2004/01:** Lack of this information is inhibiting QMS entry **but** it does not deal with the large percentage of OCT catch discarded at sea, which must confound any landings analysis results.
55. **PAU2004/01:** We support the project proceeding but urge science providers to work closely with the PAU7 stake holders.
56. We also express concern at the estimated \$150,000-\$200,000 cost involved in doing the project. We find no justification for these costs. We also note the reservations we expressed about the model in the last stock assessment of PAU7 and PAU5D.
57. **PPI2004/01:** We are somewhat surprised by the statement "There is no available information that establishes whether or not there are sustainability concerns about this fishery at present". Surely, consultation with stakeholders would provide at least anecdotal evidence on the sustainability of stocks.
58. We also note the references to there being no available information on the quantities of fish taken by customary harvesters. Why have Iwi not been approached for this information?
59. Given the small size of the commercial fishery we have to ask whether the cost of the project can be sustained.
60. **SCA2004/01:** Te Ohu Kai Moana is supportive of the project but questions the upper end of the estimated cost of \$50,000. There is not a lot of time and effort required to collect data, a model already exists, data entry is not huge, and reports contain much information from previous years.
61. **SCI2004/01:** In view of the variable results achieved to date, can further photographic survey work be justified?
62. **SUR2004/01:** Given the importance of Tory Channel to Iwi and the large proportion of commercial catch taken from this area since the early 1980s, we support the project being given a higher priority.
63. We also note discussions at the RCC that this project may sit better with customary projects.

NON COMMERCIAL FISHERIES

64. **AKI2004/01:** We register our concern that this project is being advocated from within the Ministry with no clear evidence of stakeholder support. We also note the ad-hoc way in which the proposal has been progressed. In the future we would like to see all relevant information made available to the shellfish working group, particularly that held by the Hauraki Gulf Forum.
65. **PAU2004/03:** Te Ohu Kai Moana is concerned that this project has been able to bypass the Shellfish Research Working Group and RCC. We are equally concerned that MFish are proposing to set a lower MLS between Tirua Point and Patea River, Taranaki, and intend to prohibit commercial fishing in this area.
66. Te Ohu Kai Moana is of the view industry need to be consulted in relation to any spatial and allocation issues arising from this project. We also note the lack of any reference to Iwi/customary support for the project.
67. **REC2003/07:** We note with some interest that the current recreational reform of recreational fishing policy includes the concept of a “reasonable daily bag limit”. It will almost certainly become necessary to define “reasonable”.
68. **REC2004/08:** May be a little early to extend the REC2002/02 work into another area. Might it not be better to wait until that project is completed and analysed results are available?

AQUATIC ENVIRONMENT

69. **ENV2004/04:** It's about time an “ad hoc” approach to collecting data was abandoned in this area but practicality and conflict with DOC is a concern.
70. **ENV2004/05:** This is a complete repetition of the CSP projects for seabirds since 1994. We strongly oppose this project. We also note that MFish is charging ahead without being able to take account of the NPOA, as it is (still) not available.
71. **ENV2004/06:** As virtually all waters where interactions might occur have been closed to set netting and there are substantive closures to trawling, this project should be Crown funded. Interactions are primarily with non commercial fishers.
72. **ENV2004/07:** This project is not acceptable until such time as the international definition of a seamount, i.e. 1000m above surrounding seafloor, is adopted.
73. **OBS2004/04:** Until SLEDS are recognised, the Breen model is applied and MALFIRMS dropped, we do not support this project.

PELAGIC FISHERIES

74. **EMA2004/01:** Blue Mackerel are a low economic value fishery. This will need to be carefully considered when evaluating tenders for the project.
75. **JMA2004/02:** How can this be limited to the 2 New Zealand species when *T.s.murphyi* is known to also occur in JMA1 area?

76. **STN2004/01:** The project is opposed on the basis that it: (1) has not been subject to proper discussion in the working group process; (2) is required by CCSBT ie. is part of NZ International obligations. (3) is of no benefit to New Zealand; and (4) is not warranted – cost vs. benefit.
77. **OBS2004/05:** Items 5, 8 and 10 are outside the scope of observers. They do not have the information or necessary training to “characterise” a fishery.

Noho ora mai

Alan. T. Riwaka
Analyst, Fisheries Management