

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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“WITHOUT PREJUDICE”

Tena koe

1. INTRODUCTION

This submission is made in response to your letter dated 20 December 2002, inviting the Treaty of Waitangi Fisheries Commission (“Te Ohu Kai Moana”) to provide comments on the proposals contained in the document entitled *Consultation Document on Fisheries Services Proposed for 2003/04* (“the consultation document”).

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 – see comments below. As such this response conveys only the views of Te Ohu Kai Moana and does not in any respect comprehend the consultative responsibilities of MFish with tangata whenua specified in section 12(1) of the Fisheries Act 1996 (“the Act”).

2. EFFECTIVENESS OF CONSULTATION

As noted above, the consultation document was issued on or about 20 December 2003, two working days prior to the Christmas/New Year holidays. In fact it was not available in this office until 6 January 2003 when the office reopened after that holiday period.

At the same or very similar time other groups in the Ministry of Fisheries (“MFish”) issued a range of other “consultative” documents on a wide range of subjects, all of which required a response during the January/early February 2003 period. Those documents included –

- The Initial Position Paper for the 1 April 2003 fishing year;
- A discussion paper on the management of tunas and other highly migratory species;
- Consultation on the TAC/TACCs for fishstocks due to enter the QMS from 1 April and 1 October 2004;
- Consultation material for the proposed 1 April 2003 Crown cost recovery Orders; and
- Consultation on SBT charter vessels application.

In addition the Department of Conservation sought submissions on proposed Conservation Services for the 2003/04 year in the same timeframe.

The nature, contents and sheer volume of the material circulated and for which responses were demanded over a period including a holiday period stretched the resources of Te Ohu Kai Moana to the limit, bearing in mind that this organisation has other, statutory, requirements of its own to meet. Inevitably not all of the Crown agencies’ demands could be met to the standard desired. MFish must accept that none of the consultative bodies it uses

have access to the large staff numbers available to MFish itself. For the future we suggest MFish allows a minimum of 40 working days for proper consultation to occur.

In addition, the covering letter for the consultation document specified that responses to enquiries raised on matters covered by the consultation document would be provided at the Wellington Plenary on 5 February 2003. Queries filed by Te Ohu Kai Moana on 28 January were not responded to at the Plenary – in fact the responses did not become available until 15 February.

In Te Ohu Kai Moana's view the processes followed by MFish over the 20 December 2002 to 15 February 2003 period do not meet the consultative standards laid down by the Court of Appeal in the *Wellington Airport* case. Accordingly Te Ohu Kai Moana makes this response on a "Without Prejudice" basis and reserves the right to take such further future action as is considered necessary on the issues.

3. GENERAL COMMENTS

Crown obligations to Maori

Te Ohu Kai Moana notes that the Government has identified, as one of its key goals, the need to uphold the principles of the Treaty of Waitangi. This is a general obligation that applies to all Crown agencies. MFish, in its response to Te Ohu Kai Moana questions concerning fisheries and research services for the 2003/04 fishing year, indicated it interprets this obligation as including a partnership and a duty to act in good faith with Maori in respect to the management of fisheries for customary harvest purposes. The Appeal Court, however, has found the Crown's responsibilities and obligations to be much wider, namely, that the Crown has an ongoing duty to undertake active protection of the Article 2 rights and of Treaty of Waitangi (Fisheries Claims) Settlement Act obligations, with respect to **both** non commercial and commercial fisheries.

MFish in the consultation document also sets out a broad description of its obligations in regard to the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. MFish through its Treaty Strategy seeks to operationalise these obligations by

- introduction of species into the QMS;
- recognising and providing for the usages and management practices of Maori in respect of non commercial fishing; and
- establishing relationship obligations that provide for the input and participation of tangata whenua in fisheries management decisionmaking processes, particularly those that impact on non-commercial fishing interests and/or the aquatic environment in their area.

Te Ohu Kai Moana, following the Courts, has a much wider interpretation of the MFish obligations to Maori. This response is probably not the best place to debate such issues and we accept that progress will be best made in the context of the Treaty Strategy discussions. Accordingly Te Ohu Kai Moana looks forward to a continued role in developing the Treaty Strategy.

4. FUTURE VISION FOR THE FISHERY – pp. 7-8

Te Ohu Kai Moana agrees that people with rights to use fisheries resources also have responsibilities and should be held accountable for the management of those rights within environmental limits and standards set by the Government. We also agree that all right holders, not just commercial industry rights holders, should meet the external environmental costs and infrastructure costs associated with their activities.

Given the Minister's refusal to entertain recreational fishing licences or the associated fees and given the legislative constraints placed on customary and recreational right holders to generate income from fisheries it is difficult to see how the Vision expressed in this section of the consultation document can be met. Non commercial fishers are constrained in their ability to self-manage while they are unable to generate income. This problem is particularly evident with some of the initiatives that are being considered in parts of the country such as Te Tau Ihu (Top of the South Island).

Strategy 1: Te Ohu Kai Moana notes the MFish strategy to protect the health of the aquatic environment. Of particular interest is the intention to develop a new policy with respect to fishers paying for any damage they cause to the environment, and for the full cost of services from which those persons benefit. The latter point, of course, is basic to the current cost recovery regime and has always been supported by Te Ohu Kai Moana.

We are not opposed to this strategy but note the question of existing use rights and what happens to legitimate fishers should they be found to be operating below the standards that will be developed. In this context we would urge MFish, in developing its strategy, to consider the position under the Resource Management Act as that Act includes specific provisions relating to existing user rights. Te Ohu Kai Moana welcomes any opportunity to input to the strategy.

Strategy 2: Te Ohu Kai Moana supports the MFish strategy to enable people to optimise returns from fisheries by better defining and integrating the rights and obligations of commercial, customary, recreational, and other users and allocating those rights and obligations. If our fisheries are to develop, such definition and integration is essential, but we again stress our view that priority of access must be accorded to Maori customary harvest in the strategy development process

Strategy 3: Te Ohu Kai Moana also notes the MFish strategy of enabling New Zealanders to participate effectively in developing frameworks and processes of the fisheries resource. The following comment *....concern has been expressed that stakeholder input to fisheries management is not as effective as it could be and that there should be greater opportunity for the general public to provide input ...* highlights the lack of response to and participation, particularly from non commercial sectors, in many of the sustainability and fisheries management processes and consultations undertaken for the Minister.

That non-participation is of serious concern but also reflects lacks of personnel, funds, time and skills which also will need to be addressed if initiatives under the strategy are to be successful. Te Ohu Kai Moana supports the strategy and encourages the Ministry to work closely with Iwi and other right holders in developing frameworks, processes and participatory abilities. At this stage we reserve judgment on the regional approach initiated as part of the strategy as past experience with regionally-based fisheries management initiatives have been unsatisfactory.

5. WORKING TOGETHER – pp. 11-12

An interesting omission from the text on these two pages is any clear attribution of responsibility for actual management of fisheries. This may be unintentional but, as the consultative document is currently cast, there is a gap which demands to be filled.

Te Ohu Kai Moana agrees that the support and active participation of all those with an interest in fisheries resources and the aquatic environment is vital to the successful pursuit of the planned Vision. We note though -

- no standards for fisheries management plans have yet been finalised and no plans approved;
- from page 35 of the consultative document that MFish planning could result in standards taking a further three years to finalise; and
- the MFish response to our question on that timing suggesting that it *should not prevent stakeholders developing fisheries plans*.

The reality is that a number of CSO fisheries plans, including multi-sector plans, already have been put on hold pending the finalisation of standards and a framework by MFish. A great deal of work is involved in developing a fishery plan as Te Ohu Kai Moana is fully aware, having expended significant resources in assisting Iwi participation, along with recreational and commercial right holders, in developing a plan for the PAU7 fishery, only to be severely disappointed at the lack of support and encouragement by MFish for the work undertaken.

If the fisheries planning concept is to progress as a central concept in the future management of New Zealand's fisheries, as the consultative document implies, certainty as to the Crown requirements will be essential. In our view, the lack of standards and the lack of apparent MFish support for those struggling with the planning concept is behind much of the current lack of enthusiasm amongst rights holder groups for re-engaging with the planning process. We would urge that greater priority be accorded fisheries planning standards and frameworks by MFish, otherwise we would doubt that resources allotted to *evaluate and monitor fisheries plans* will be required.

6. POLICY DIRECTIONS – pp. 15-18

Aquatic environment strategy - New policies to be developed: In its response to a Te Ohu Kai Moana question MFish indicated its *intent to consider using a broader range of tools ... for managing adverse effects on the aquatic environment*. We do not necessarily object to these proposals but do not have the necessary information to reach a decision for or against.

The response provided does not answer our basic questions – the extent of the legislative authority currently available to MFish and the division of responsibilities between MFish and other Crown agencies. We are still unclear if the *broader range of tools* mentioned includes legislative amendment to the Act, scope for MFish to use existing powers in legislation administered by other agencies, some variant of either, or even something else entirely and can reach no conclusion until we do.

Best value strategy – New policies to be developed:

Non-extractive “use”: Te Ohu Kai Moana is aware that MFish for some time has been under pressure from at least one environmental interest to include non-extractive “uses” of fisheries resources in its thinking. We questioned the point and are dissatisfied with the MFish reply.

Like SeaFIC we flatly reject non-extractive approaches as falling within the ambit, scope or purpose of the Act. SeaFIC has adequately canvassed the reasons for that rejection and we see no need to repeat the case SeaFIC has made. Accordingly we will content ourselves with endorsing the SeaFIC call for this new policy proposal to be abandoned. The proposal would seem to be *ultra vires* the Act.

Management of collective decisions: Again Te Ohu Kai Moana is dissatisfied with the MFish answer to our question on this subject.

The industry has already shown – witness the contracts of the Challenger Scallop Enhancement Co, of the South-East Inshore Finfisheries Co and of the Orange Roughy Management Co – that it can design suitable vehicles to enforce voluntary collective

decisions if it so wishes. The Crown also has ample scope through regulatory or Gazette action to impose constraints and penalties if it so wishes. We fail to see the need for further work or investigations by MFish in this area as we are entirely of the view that commercial operators are far more competent than MFish to themselves develop suitable regimes for enforcing collective decisions.

7. THE OUTPUT PLAN – Fisheries Services Proposed for 2003/04 – pp.25-36

Te Ohu Kai Moana agrees with MFish that investing in the capability of all sectors, particularly in the non-commercial area, will enable those parties – both rights holders and other interested groups - to increase their participation and to take on more responsibility for the management of New Zealand's fisheries. We are aware though that the present Government has suspended all discussions on co-management or devolution of management for fisheries.

Bringing about a better understanding of fisheries management processes, ensuring that relevant information can be easily understood, and better facilitation of meetings between and within stakeholder groups will go some way to achieving better input and participation of stakeholders in fisheries management decisions. However, as we stated earlier, non commercial fishers will be constrained in their ability to self-manage until they have an adequate resource base.

A change in attitude by the Government would also seem to be a necessary prerequisite to the achievement of the Output Plan proposed. If such a change is not likely Te Ohu Kai Moana would suggest the scope of the Output Plan may need review.

Environmental Management:

Despite the comments in the MFish response to our question on the priority proposed for marine protected area and marine reserve work, Te Ohu Kai Moana must reiterate our frequently expressed view that to proceed down these paths before an Oceans policy or a Coastal Space Allocation policy have been developed is to put the cart before the horse. We do not support the priority being allotted to this work.

Introduction of species into the QMS:

Te Ohu Kai Moana has made several submissions to MFish on the introduction of new species into the QMS. We do not intend to repeat these but submit that all of what has been stated in the past is still relevant. Clearly commercial reality, information availability and suitable species management regimes are critical factors which need to be dealt with as part of any QMS introduction policies.

International Obligations:

Te Ohu Kai Moana is somewhat surprised to see no mention under this heading of New Zealand's longstanding commitments to and involvement in the Forum Fisheries Agency Agreement and the South Pacific Commission, both of considerable significance in the management of tunas and other highly migratory species in the Southwest Pacific. Both organisations surely still are of significance in the absence of the WCPFC.

Public Awareness:

Te Ohu Kai Moana agrees that a lack of understanding by politicians and the general New Zealand public of this country's fisheries management frameworks has been a major stumbling block over the past 20 years to informed debate on policy proposals. As a consequence misconceptions and misinformation are rife and seriously inhibit sensible policy development. We support any efforts by MFish to address those problems but see little evidence in the consultation document that the educative role is to be accepted.

8. OUTPUT CLASSES**Output Class D3:**

Te Ohu Kai Moana must again record its disappointment that there is still no provision under this output class for initiating a comprehensive review of fisheries regulations. While we acknowledge that a number of regulations have been revised and updated in recent years, there are still many on the books dating back 50 or more years whose present usefulness or appropriateness in a QMS environment must be questionable.

In our view a programmed review of all Regulations, Orders and Gazette notices affecting fisheries resource users – commercial, amateur and customary – is an urgent necessity.

Output Class D5:

We note that, once again, expenditure under this output class is proposed to exceed \$18m for the 2003/04 year. Our concern is that, despite expenditures at the \$16-18m level for many years now, the level of offending is showing no signs of abating and, if the 2002 Summer results are a guide, is in fact steadily increasing. No distinction is made in that comment between commercial, recreational or customary fishing activities.

Accountability for expenditure under this output class has been notoriously poor over the years. What evidence is there that an expenditure level around \$18m pa is having any impact on fisheries offending, on protecting this country's fisheries resources and on educating the New Zealand population in fisheries management requirements?

FISHERIES RESEARCH SERVICES

ORH2003/01: Te Ohu Kai Moana supports this project, provided the work undertaken does not duplicate research commissioned and funded by the Orange Roughy Management Co. That proviso suggests the project should be constrained to the Spawning Box area of the Chatham Rise.

HOK2003/05: As noted in the commentary for *objective 2*, CPUE as an index of relative abundance has steadily decreased in importance in hoki stock assessment work. The low priority accorded CPUE in hoki models suggests that continuation of CPUE standardisation work is of doubtful value.

Te Ohu Kai Moana supports *Objective 1* of this project proceeding and notes that *Objective 2* will only proceed if the resultant analyses are to be used in stock assessment work. We accept that as a realistic stance.

SBW2003/02: MFish, in its Initial Position Paper for the 1 April 2003 fishing year, put forward several proposals for future management of the SBW6 fisheries, including the prospect of an MCY management approach for some or all of the stocks and (possibly) also in-season management. While there has since been a verbal indication from MFish Science staff that the in-season management proposal will not advance, the MCY approach is still on the table.

Depending on the management approach(s) and TAC/TACC levels finally adopted exploitation levels for the SBW6 stocks could be reduced so low as to render the stocks not commercially viable. This has already occurred with the SBW6A stock, is close to occurring for the SBW6R stock and is a possible outcome for the SBW6B stock. If MCY becomes the accepted management approach for SBW6 fisheries this project will not be required.

Until there is some clarity on the future management approaches for the SBW6 fisheries Te Ohu Kai Moana is not prepared to support this project proceeding. We also suggest that consideration be given to collecting and using the acoustic data acquired by commercial vessels, rather than using the expensive *Tangaroa*, if acoustic estimation of SBW stocks biomasses is to continue.

SPO2003/01: Te Ohu Kai Moana is of the view that the SPO1 component of this project needs to be reviewed given the Minister's recent decision to prohibit all set netting within 4 nautical miles of the coast (outside the harbours) from Maunganui Bluff to Pariokariwa Point. The prohibition will also apply to a greater area around the Manukau Harbour entrance.

We would question if the project as presented can be now satisfactorily undertaken. We would also suggest that the Minister's decision calls for a review of the project cost attribution as the fishery now includes a substantial non-commercial component.

COC2003/01: While Te Ohu Kai Moana does not object to this project *per se* we are concerned at the restricted nature of its scope. The QMA established for the COC1A fishery at the time of QMS introduction included the whole of the Whangarei Harbour, not just Snake Bank.

While commercial harvesting of cockles in the Harbour is currently restricted to Snake Bank, there is no information available to evaluate whether or not that restriction should continue. We are aware that some limited work on Macdonald Bank has

indicated there are/were substantial quantities of cockles on that Bank also but no recent work has been undertaken elsewhere in the Harbour on population levels and no evaluation made of whether the present commercial closures continue to be valid.

Assessment of the cockle population only on Snake Bank will give no information on the overall cockle population level in the Harbour and no guidance on whether or not other areas of the Harbour should be made available for commercial harvesting. In our view the scope of this project should be extended to the entire Harbour and costs shared between the Crown and industry in accordance with Rule 6 of the Fisheries (Cost Recovery) Rules Order 2001.

CRA 2003/02: Te Ohu Kai Moana is opposed to this project on the basis that the information gathered from the puerulus collectors is not used in the management of the rock lobster fisheries. As the information from the collectors is not used, continuing to collect it is an unnecessary waste of scarce research funds.

We also express our concern that the project proposal in its current form can be interpreted as having the support of the National Rock Lobster Management Group. That is not correct. The National Rock Lobster Management Group, despite having supported this research work for many years, no longer supports this proposal for the reason stated above.

CRA2003/03: The information sought under this project proposal is significant in considering the suitability of “male only” approaches to rock lobster fishery management. As such Te Ohu Kai Moana would normally support the project.

We note though that, with the removal of the previous seasonal bans in CRA3 on the taking of female rock lobster, New Zealand now no longer has “male only” rock lobster fisheries and we would seriously question the need for this project to proceed.

OYS2003/01: Te Ohu Kai Moana notes that the Bluff Oyster Management Co Ltd is on record as having proposed a 50% reduction in the TACC level in the OYU5 fishery for the 2003/04 year to reflect the impact of *Bonamia* on the population, to reduce fishing pressure on lightly infected locations and to allow, hopefully, the stock to start rebuilding. In view of this proposal we would question –

- Is this project still necessary?
- Can the reduced fishery support the cost of this project under a 50% TACC reduction scenario?

If the answer to either question is “No”, in our view the project should not proceed for the 2003/04 year.

SCA2003/01: Te Ohu Kai Moana has some serious doubts about the scope and suitability of this project.

- (a) The type of SCA dredge used in the SCACS fishery is alleged to cause high mortality of undersized animals. Estimates of the mortality level effects have been incorporated into previous assessments but the data on which those estimates were based is now relatively old.

In our view it is time the dredge mortality estimates were revisited, which could be included as a further objective under this project. In addition we would suggest any such objective be so worded as to require the successful tenderer to produce material which could subsequently be used in an education

programme for fishers – commercial, recreational and customary – on more suitable dredge designs with lower juvenile mortality effects.

- (b) As the SCACS fishery was listed on the Second Schedule to the Fisheries Act 1996 at the time of its introduction into the QMS the fishery can be subject to in-season TAC/TACC increases, depending on the results of abundance surveys like those proposed in this project. Such in-season increases applied for the 2001/02 fishing year but the results of the abundance analysis and the subsequent decisionmaking were so late as to be virtually useless to those involved in the fishery.

If this project is to proceed, the project completion date must be set as to allow effective use of the data resulting for decisionmaking and subsequent fishing.

- (c) The SCACS fishery is very small, having a base TACC (before any in-season increase) of 22mt meatweight of scallops. Te Ohu Kai Moana must question if the fishery can support the cost of such a survey as is proposed in this project.

Te Ohu Kai Moana welcomes any opportunity to be involved in further developing a SCACS project..

SCA2003/02: Again this fishery is listed on the Second Schedule to the Act, suffers from dredge mortality of undersized animals and is very small overall. As such all our comments and questions for project SCA2003/01 also apply to this project proposal.

Te Ohu Kai Moana must admit to some confusion over both projects SCA2003/01 and 02. Both the SCA1 and SCACS stocks are obviously in a depleted state and in need of rebuilding. We cannot see how either of the 2003 year research proposals will advance the future management or stock recovery of either fishery – all that they seem to do is suggest a continuation of the downward spiral both stocks have followed in recent years.

We suspect a far more useful purpose would be served by suspending stock assessment work and applying the resultant freed funds to an intensive analysis of options for restoration and future management of both stocks.

SCI2003/02: This project is supported on a “stake in the ground” basis only.

We agree, however, with the SeaFIC comments that such “stake” projects are undesirable and that a better way to handle such “possibly needed” projects needs to be developed.

AKI2993/01: This project is supported, but as Te Ohu Kai Moana has commented in other submissions to MFish, the same sort of monitoring is required for all Auckland, Northland, Coromandel and Bay of Plenty beaches. It is now clear that, as shellfish stocks are depleted on the beaches covered by this project, effort is being diverted further afield with deleterious effects.

We expect projects covering those other areas to be included in 2004/05 year proposals.

BCO2003/01: This project is too narrow in its scope. As noted in the December 2002 MFish paper proposing regulatory changes to amateur BCO bag limits and minimum sizes in the BCO7 area, BCO in waters of Tasman Bay and Golden Bay exploited by recreational fishers are also coming under increasing pressure, as are the waters

north of D'Urville Island with the expansion of charter vessel activities. In Te Ohu Kai Moana's view this project needs to be expanded to also incorporate those waters.

We note also that, with the proposed BCO amateur regulatory changes, it is desirable to establish base population data for all waters regularly exploited by recreational fishers in the BCO7 area so that the effectiveness or otherwise of any sustainability measures taken can be monitored. Expansion of this project as suggested would generate that baseline data.

BCO2003/02: Te Ohu Kai Moana does not support this project as the proposals by MFish in the 1 April 2003 Regulatory measures document effectively have overridden it.

REC2003/02: On its face this is a worthwhile project but Te Ohu Kai Moana has some doubts that useable results will be achieved. Our reading of the proposal suggests that the recreational fishers recruited to participate are likely to be keener (and probably better informed) fishers whose results will be considerably better than and unrepresentative of the general run of recreational effort.

TOH2003/01: Not supported. We cannot see the sense of conducting such a survey unless there is a determination to have a toheroa open season.

Aquatic Environment Research

There are a number of issues that arise from the proposed projects that Te Ohu Kai Moana would like to see considered in the identification of future aquatic environment projects.

The first relates to the need to balance the quantification of impacts with measures to address those impacts where they occur. Te Ohu Kai Moana notes that one of the strategic objectives for Aquatic Environment Research in the medium term research plan is:

To determine the impacts of fishing on associated or dependent species, protected species and biodiversity and to assess options to avoid, remedy or mitigate any adverse impacts.

In general, the proposed projects favour the quantification of the scale of fishing impacts, rather than developing strategies to avoid, remedy and mitigate impacts, and to measure the success of those strategies through monitoring.

The second issue relates to the public good nature of elements of the research proposals, particularly in the case of research that aims to identify influences at a system scale – in which fishing is only one of a number of those influences. That public good element needs to be identified and the results applied in any cost attribution exercise. If need be the Cost Recovery Rules should be amended to allow such cost sharing to occur.

Brief comments on each project are outlined below.

ENV 2003/01: In this fishery, the last report appears to be outdated but we would like to see more effort placed on avoiding remedying and mitigating the effects of fishing on non-target catches, and a longer term strategy for monitoring the effects of such efforts developed. One issue to consider is the timing of any monitoring that is carried out – how frequently does data from the MFish observer programme and fishing returns need to be scrutinised in order to establish trends in the fishery?

Future research planning in this area should also take into account the work that the Hoki Management Company is to develop and Ecological Risk Assessment, and as a result – to identify priorities for action. Some of those priorities may include research.

ENV 2003/02: The objectives of this project appear very broad and are not limited to fishing effects. While trawl data may be useful in assessing system scale changes in the fisheries concerned, the project does not make it clear how fisheries effects will be isolated from other influences (for example climate, habitat changes etc). *Objective 2* in particular, which aims to develop indicators to assess system scale changes in demersal fish populations over time, is of wider benefit and should attract Crown funding.

ENV 2003/03: Te Ohu Kai Moana considers that while this project is important, it also contains a “public good” share – particularly given the intention to refine methodologies appropriate for the presentation of spatial and temporal fisheries data that can be applied more widely to other New Zealand fisheries (which could for example include recreational fisheries). As such a Crown funding contribution is appropriate. It will be important to link the results of this work to other related initiatives, such as the Ministry for the Environment’s Marine Environment Classification system.

ENV 2003/04: It will be important to link the results of this research with the results of the above project so that site and stock specific impacts can be placed in a wider context. As with project ENV2003/03, we consider that a “public good” contribution should be made to this project.

ENV 2003/05: Again there is a “public good” element to this research, as its results will have benefits not only for fisheries decision makers, but also for those responsible for managing other effects on the same species.

ENV 2003/06: Te Ohu Kai Moana questions the need for this research for a number of reasons. We understand that there is no Danish seining in the proposed research area. Second, we understand that any trawling that takes place within the 4 nautical mile zone occurs at least 3 miles from shore, that the likelihood of interactions is extremely low and does not warrant the costs of this research project. An alternative approach could involve Crown funded research to firmly establish the furthest distance that the dolphins range from shore. It may be possible to work with industry participants and cooperate in the use of fishing vessels and so on.

ANC2003/01 and PIL2003/01: Te Ohu Kai Moana has no objection to these projects *per se* but contends it should be Crown funded as the work should have been commissioned prior to the decision being taken to admit anchovy and pilchard into the QMS.

ALB2003/01: Like project ANC2003/01, the project is acceptable but the cost attribution is not. This project primarily contributes to New Zealand’s international obligations relative to Central, Western and South Pacific tuna and highly migratory species stocks. As such its costs should be either 100% Crown funded or at least include a substantial (75% or better) Crown contribution.

KAH2003/01: Two points arise from this proposal. Firstly all the objective descriptions relate to recreational catches. As such the project should be classed as non-commercial and all costs borne by the Crown.

Secondly, is the project actually feasible ie. Is there sufficient valid data to allow the desired analysis to be achieved? In the same vein if, as Objective 3 suggests, the thought is to use recreational CPUE as an overall KAH abundance measure, how

representative of the overall KAH population is that (small) portion exploited by recreational fishers?

PEL2003/02: Te Ohu Kai Moana is prepared to accept this as another "stake in the ground" project, but that acceptance is subject to the project need being reviewed and a better method of providing for "placeholder" projects developed.

Note that it would seem appropriate to also allocate a share of the costs to KAH, ANC and GAR stocks.

PIL2003/02: This proposal should be in the Low Priority category. The data would be "nice to know" but as no effective management regime has been developed for PIL stocks – QMS entry cannot be classed as management – the data, if obtained, will be of little use until consideration is given to that issue. Te Ohu Kai Moana would suggest that development of a management regime for PIL would not rate highly on MFish's (or anyone else's) priority list at this time.

STN2003/01: Comments as for project ALB 2003/01. Being directed at New Zealand's international obligations under CCSBT, all costs should be borne by the Crown.

SWO2003/01: As for ALB 2003/01 and STN2003/01, this project should be 100% Crown funded.

TUN2003/01: While it is acknowledged that MOO, RBM and SWO are taken as bycatch of the tuna longline fisheries and some analysis of the New Zealand waters catch data is desirable, there are several associated issues of management which also need to be considered. These are largely canvassed in the MFish discussion paper on future management of tunas and other HMS now out for comment.

In Te Ohu Kai Moana's view, this project should be delayed until there is greater clarity on the management path New Zealand will follow for the tunas, other HMS and the bycatches of those fisheries in the future.

AQE2003/01: Te Ohu Kai Moana agrees with concerns expressed by the New Zealand Mussel Industry Council (NZMIC) that the scope of this project needs to be more tightly defined along with the potential costs. Elements of the proposal appear to have benefits for the public and future industry participants (particularly the proposal to include speculative consideration of future species) as well as existing marine farmers and it is therefore not appropriate to apportion all costs to existing permit holders.

AQE2003/02: Again, the scope of this project is broad, potentially expensive, and identifies a wide range of possible users. This, in our view, is a "public good" project which should not be funded by existing permit holders. We note the comment made by the NZMIC that they, as well as many regional councils, have developed information databases which can be communicated to end users by a contact list. We recommend that the basis for this project be reviewed.

AQE2003/03: Te Ohu Kai Moana supports the overall objective of the project but we agree with the NZMIC that the specific objectives should concentrate on developing a methodology for achieving the overall objective.

Kia ora

TE Norris
Manager Fisheries Operations

