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## **2005/08 STATEMENT OF INTENT and PROPOSED 2005/06 FISHERIES SERVICES**

### **INTRODUCTION**

This document comprises the response of Te Ohu Kai Moana Trustee Ltd ("Te Ohu") to the consultation documents issued by the Ministry of Fisheries ("MFish") on 10 December 2004. The response does not include the views of Iwi, as it is the responsibility of MFish itself to seek those views.

### **GENERAL COMMENTS**

The Statement of Intent ("SOI") is presented by MFish as one of a suite of documents comprising –

- The Statement of Intent 2005/08;
- Fisheries Services proposed for 2005/06
- Fisheries Research proposed for 2005/06; and
- The Stock Strategies discussion paper.

To this list though Te Ohu would add several more, such as -

- The Marine Protected Areas consultation document;
- The Department of Conservation's Draft Conservation Services Plan 2005/06;
- The Memorandum of Understanding between MFish and DoC on their respective roles, responsibilities and work areas in the fields of protected species and the aquatic environment; and
- The Fisheries (Cost Recovery) Rules 2001.

While Te Ohu is preparing, or has prepared, separate responses on many of these documents, we have found it both inappropriate and impossible to separate them entirely as all impact now, or could impact, on the future roles responsibilities and interactions of MFish, DoC, Central Government as a whole, the industry and other fisheries resource users. Many of the

documents also affect the inter-relationships between some of those users, in particular the industry (including Maori), recreational fishers and customary harvesters.

It is to be regretted that neither the SOI complex of papers nor the Stock Strategies document has been cast in a form which considers these wider aspects of interdepartmental and user effects.

Nowhere is this more apparent in the SOI complex than in the research proposals and other comments relating to the aquatic environment, where there is both duplication of DoC-proposed work and a lack of clarity of purposes. We will comment further on those matters later in this response.

## **STATEMENT OF INTENT COMPLEX**

### **Fisheries Services Proposed for 2005/06**

#### ***Why Fisheries Must be Managed (pp. 5-7)***

In general Te Ohu would accord with the remarks in these pages, after the necessary discounting of the departmental and political "spin". The only particular comment warranted is on the seriously misleading nature of the remarks under the *Public cost* subheading.

In our view, while the 2.3% Crown contribution may or may not be correct in terms of "public cost", it is entirely misleading in a public document to omit any comment on the contributions by industry to fisheries management costs in this country when making comparisons with the positions in other OECD nations. It is also misleading to omit any acknowledgement that New Zealand is the only OECD member country where the fishing industry is required to make such contributions or to omit that elsewhere all such costs are centrally funded.

#### ***New Zealand Fisheries Management- Continued Innovation (pp. 8-9)***

The "feel good" nature of the remarks in these pages does little to indicate what is actually intended or how those intentions will be put into practice. Like SeaFIC, Te Ohu would welcome clarification of the intents and timeframes contemplated. In particular we request expansion on the statements -

- *The Ministry needs to extend its policy frameworks to encourage sustainable utilisation, and promote economic growth and non-commercial values*
- *Challenges include the need to improve the environmental performance of the fisheries sector, individual and collective responsibility for fisheries management, stakeholder and cross-government involvement to enhance the health of fisheries resources and their value*
- *Allocating rights.*

None of the subjects canvassed on p. 8 appear to be discussed in detail elsewhere in the SOI documents complex although some, for example definition of recreational rights, regulatory overhaul and improved participation, have appeared regularly in previous SOI and Annual Plans. Advances though have been largely undiscernible.

There needs especially to be clearer direction on what is meant by *improved environmental performance of the fishing sector*. While MFish has a general objective of "improving performance", what is the framework for identifying where particular problems exist? This

area of work lacks strategic direction. For example there is no framework for determining what level of effect is acceptable. We must assume that some level of effect is acceptable, otherwise fishing could not occur. The question is "What is the scale and intensity of that acceptable effect?"

Also, like SeaFIC, Te Ohu is concerned at the implications in these pages that the rights already vested by legislation in quota owners are to be further eroded and that MFish will, contrary to the will of Parliament, continue to promote non-extractive "uses" of fisheries resources. As both SeaFIC and we have said before, promotion of non-extractive "uses" is not a legitimate function of MFish under the Fisheries Act 1996.

***Elements of the Fisheries Management Approach (pp.10-14)***

*Fisheries Outcomes/Policy:* MFish is separately consulting on a proposal to move to a minimalist Stock Strategies approach to discharging its (and the Minister's) responsibilities under the Fisheries Act, with any active management initiatives for fisheries being the responsibility of users via fisheries plans. Te Ohu is responding separately to that proposal and will now limit its comments to stating that, while the principles espoused in the relevant consultation document may be acceptable, the approach outlined has major gaps and conflicts both with existing QMS rights and with the Crown's responsibility to promote resource utilisation in a sustainable way.

Our concerns are underscored by the absence of any framework for linking stock strategies and fisheries plans or for assisting the industry to make the transition from the former approach to the latter.

As such, Te Ohu in no way accepts the *fait accompli* implied in this section. A lot more discussion is required.

*Fisheries Management:* Te Ohu rejects the statement that *Fisheries management is about implementing government fisheries outcomes and policy*. That statement entirely ignores the rights, objectives and desired outcomes of all users of our fisheries resources, both marine and freshwater. It also ignores the pending debates over the allocation and use of coastal land and water space, none of which have yet occurred, let alone been settled, and the basic questions of which services are required and which can or should be dispensed with.

*Rights Frameworks and Operational Standards:* Clarification of rights for non-industry users of fisheries resources has been a perennial component of past SOIs and Annual Plans. Regrettably, performance under those SOIs and Plans on the rights clarification issue essentially has been nil and there is nothing specific in the 2005/06 Output Plan to suggest that position will be improved during the forthcoming year.

We have now reached the stage when words are not enough. Action is essential if fisheries management advances and the good things specified in the first sentence of the section are to happen. The 2005/06 work programme needs clear provision for these long-standing gaps to be filled during the next 12 months.

Exactly the same non-performance comments apply to the *Operational Standards* section as are set out above for *Fisheries Management*. Words and promises are no longer enough, action is long overdue.

*Fisheries Plans, Stock Strategies and Risk and Value Framework:* See our response under the Stock Strategies consultation.

More collaboration with industry and others on fisheries plans is required. Given the contribution made by industry to the costs of management, the aim should not be to build an MFish empire but to find the best mix of management responses to different fisheries in light of the range of stakeholders, the value of the fisheries concerned and the availability of management skills - within MFish, the industry and elsewhere.

It is to be regretted, however, that the text suggests the pre-eminent approach in all cases will be that of Central Government stock strategies and any fisheries plans will be limited to the periphery of such strategies. The lack of progress by user sectors on fisheries plans stems not only from the unclear path for developing a successful plan, but also from the likely lack of fisheries waters access which will follow from already announced (and pending) Crown objectives in areas such as marine protected areas and coastal space allocation, biodiversity and environmental protection.

*Cost recovery:* MFish agreed two years ago that the *Fisheries (Cost Recovery) Rules 2001* did not accurately reflect the provisions of s.262 of the Fisheries Act 1996. An industry/Crown working party to review the Rules was agreed to at that time but has never progressed.

No mention of this working party commencing operations is included in either the SOI or the 2005/06 Annual Plan. The work is now of extreme priority and should take precedence over many of the more esoteric actions covered in those documents.

The worthwhile work undertaken by MFish over the last two years in refining cost recovery processes is acknowledged but there are a number of issues affecting cost allocation which cannot be settled until the Rules review occurs.

One matter which that review must address is the failure to implement s.262(b) -public interest costs - as the absence seriously impacts both on MFish's own aquatic environment research proposals and those of DoC under its Conservation Services Programme. Until the Rules are corrected the industry will continue to be faced with demands for Crown levies on public interest activities, a situation which can no longer be tolerated.

*Improved stakeholder participation:* Te Ohu notes that obtaining the participation of suitably skilled stakeholder representatives in fisheries management processes has been an ongoing problem since the QMS was introduced in 1986. The processes are frequently technical in nature, time consuming and demanding and few industry people have the necessary skills, experience, finance and time to participate. Despite efforts over the last 10 years by the Treaty of Waitangi Fisheries Commission, the position is even worse for Iwi participation. Less than optimal management decisions have resulted from the minimal participation.

While Te Ohu applauds the proposals to assist Iwi participation in such processes - which we assume (although not stated in the SOI) covers Maori interests in commercial, recreational and customary fisheries - we would urge similar attention be accorded also to other sectors of the New Zealand community. The informed debate which would then ensue can only be of benefit to overall fisheries management outcomes.

Te Ohu, though, supports the idea of MFish applying a more strategic approach to working with Iwi, based on regional groupings. In our view, the most practical and sensible approach would be for MFish to build on the groupings that have been formed for the purpose of establishing electoral colleges under the Maori Fisheries Act 2004 (MFA). In many cases, those groupings of Iwi are already working together on issues of common concern, including fisheries management.

In addition, we wish to reiterate a point we have made in many previous submissions, that it is important the Crown communicates and works with Iwi in a consistent manner, across all Crown agencies. With that in mind, we recommend that the Iwi organisations recognised under the MFA for fisheries purposes, and their consultative groupings in that Act, are the most appropriate place for MFish to start.

We do not suggest that, in taking such an approach, the interests of hapu and whanau should be overlooked. Rather, Iwi organisations should be responsible for ensuring that, where the Crown needs to address issues of significance to particular hapu or whanau, the relevant Crown agency is directed to the appropriate representatives. In our view, this approach creates incentives for Iwi, hapu and whanau to develop efficient and accountable systems to represent their interests.

*Improving environmental performance:* Te Ohu must sound a note of warning. The ambitious programme outlined in the SOI will come at a high cost. In considering the subject of environmental performance, officials need to be aware of such costs and of their effects on fisheries use. A balance must be maintained between the desire for a Rolls Royce standard of performance on environmental matters and the net value of the fisheries concerned. Lesser standards or requirements may be appropriate for smaller or lower value fisheries.

It would appear that MFish has now decided to move into the areas of *marine protected areas* and *environmental bottom lines* although proposals to include legislative provisions on each subject were specifically excluded from the Fisheries Act 1996 following extensive debate before the Select Committee considering that legislation in its Bill form.

The environmental obligations set out in the Fisheries Act differ from the drive to "protect representative areas". What is needed is a clear, rational assessment of the risks posed to the environment (including biodiversity) by fishing, rather than an ongoing desire to place an increasing number of restrictions on the fishing sector without any rational basis. As always, key questions include:

- What is the acceptable level of protection?
- What is the acceptable scale and intensity of effects for different fisheries and types of environment?

Without this prior analysis and decision-making, any work programmes addressing environmental and biodiversity risks are operating in a vacuum. Optimal outcomes and balance will be impossible to achieve.

*Improving industry economic performance:* Te Ohu notes with interest the proposed new service designed to improve *industry economic performance*. In the absence of detailed information about the programme, however, there is a certain amount of scepticism about the proposal amongst industry members (including Te Ohu staff).

Over the past 20 years there have many Government programmes to *explore ... legislative and policy impediments for sustainable development*. The fishing industry has participated in most, if not all, such programmes and the industry people involved have regularly found the programmes to have "sunk without trace", often after the incurring of considerable cost in time and effort by non-Governmental participants.

In addition, the experience also has been that Crown regulation and cost impositions have continued and expanded apace over those 20 years and continue to do so. For example, despite the fact that the mainstay hoki TACC has been reduced by 1/3<sup>rd</sup> for the 2004/05 year and the \$NZ is at record highs in relation to the \$US, the various 2005/06 year consultation documents (including the associated Conservation Services Programme), still propose substantially increased activities, regulation, direct intervention and costs.

Te Ohu believes that any programme of the kind proposed in this section needs to be cognisant of all the pressures on the fishing industry, including those from Central and Local Government noted earlier (e.g the Marine Protected Areas policy, the continuing push for better environmental performance in the absence of clear performance standards and so on). We need to be convinced of the benefits of the proposed new economic service before supporting its establishment.

*Fisheries monitoring:* Such monitoring is already a function and responsibility of MFish and is already costed into Crown levies. Why are "new initiatives" now proposed with, undoubtedly, additional costs and staff?

## **OUTPUT PLAN**

### ***Policy Advice (pp.15, 24, 27-29)***

We have already commented earlier in this response on many of the proposed policy outcomes. The sketchy nature of the information provided in the Output Plan in such areas as

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- *Refining the mechanisms used to allocate fishing rights between sectors;*
- *Improving engagement by sectors in management of fisheries;*
- *Improve the environmental performance of the fisheries sector; and*
- *Ensure an appropriate set of legislative and policy tools are available to add value to New Zealand fisheries*

are such as to render informed comment impossible. We will have to reserve judgment and adopt a "wait and see" stance.

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### ***Fisheries Information (pp.15-17, 32-38)***

Comments on particular research projects of concern to Te Ohu are included later in this response. Our comments here are of a general nature.

*Objectives and Priorities:* Throughout the Science proposals there appears to be a distinct lack of guidance from clear management objectives for research in the various individual or groups of fisheries. As a result, either the "tried and true" has been continued or pet projects have again surfaced.

Te Ohu fully agrees with comments elsewhere in the SOI complex of documents that clear (and agreed) management objectives need to be established to guide and allow priority setting

for the supporting science. The effects of lacking such objectives is becoming increasingly apparent and we would urge MFish to engage as soon as possible with the various fisheries sectors to establish such objectives.

A further problem in the Science sector has been a lack of guidance from the various stock assessment working groups on the information needs in the various fisheries. That role appears to have been transferred to the various research planning groups, rather than such groups concentrating on longer term priority setting.

A review of the roles of the stock assessment and research planning groups to optimise the guidance available in identifying management information needs and research priorities may now be warranted.

*Affordability:* Throughout the research proposals there is a complete ignoring of the state of the commercial industry - falling TACCs, over-valued \$NZ, static market returns - and any assessment of the affordability of the proposals. It is clearly time for necessity and affordability to be included in the assessment criteria of research planning groups.

*Aquatic Environment:* Two or more years ago MFish and DoC signed a high-level Memorandum of Understanding intended to establish their departmental roles, responsibilities and work areas in the fields of environmental and protected species work under the Fisheries Act.

Unfortunately, that high-level agreement appears never to have been "operationalised", that is, converted into clear operational guidelines which can be applied by both departments in developing forward plans and research proposals. The result of that failure to "operationalise" the MoU became painfully clear in the seabird area during 2004 when DoC produced its CSP seabird project proposals and MFish's Aquatic Environment Working Group produced its Medium Term Research Plan and 2005/06 research proposals.

The degree of duplication was so extreme as to cause an uproar, a hasty withdrawal of both sets of research proposals, an inter-departmental rationalisation process and a re-presentation of a joint programme later in the year to the only available (but inappropriate) forum - the Technical Working Group for the NPOA on Seabirds. That re-presentation solved the immediate short term problem, but left unsettled many matters, and left all users completely confused as to where responsibilities lie.

The 2004 seabird snafu must never be repeated. It is now time for DoC and MFish to fully "operationalise" the MOU, publicise the results and provide clarity to all parties.

*Public Interest/Public Good:* We have commented above (under *Cost recovery*) on problems with the Fisheries (Cost Recovery) Rules not reflecting s.262 of the Fisheries Act. That failure is most apparent (in the Output Plan context) in the aquatic environment research proposals area.

It concerns us that in the area of aquatic environment research, the industry is levied for projects that should be funded on a public interest/public good basis. For example, we regard many of the projects put forward in this year's round to be baseline research that should be 100% Crown funded. We think this whole area requires closer scrutiny in accordance with the following guidelines:

- Fundamental baseline research is funded by the Crown. The results are available to the public and the Crown for use as the basis for managing the effects of multiple activities, not just those of the fishing industry;
- A process of establishing acceptable levels of impact should also be Crown funded, to enable management objectives to be established; and
- Research into mitigation approaches should be funded by industry.

*Observer Services:* Te Ohu supports the questions raised by SeaFIC on the dramatic expansion of observer services proposed for the 2005/06 year, and of the cost of those services. In passing, we note that little of the increase appears to be attributable to DoC requests (refer to the 2005/06 draft CSP proposals).

***Fisheries Management (pp.17-18, 39-47)***

*NZ fisheries utilisation and sustainability reported:* We note that no deadlines for completion of Ministerial advice on utilisation and sustainability are included in the Output Plan. That omission is regrettable as it provides no measure for assessing MFish's effectiveness.

Te Ohu's predecessor organisation - the Treaty of Waitangi Fisheries Commission - regularly complained of the unwarranted delays in obtaining and gazetting Ministerial decisions in the sustainability area, with gazetted results rarely being available until the last Gazettes in March or September. Such delays, of course, seriously impacted in the past on the use by Maori of their fisheries access under the 1989 Interim and 1992 Final Settlements.

The lack of completion dates in the 2005/06 Output Plan leads Te Ohu to fear the worst - that decisions will, once again, not be available one month before the start of the 2005 fishing years.

*Stock strategies:* We also note the wording on p.41, that *stock strategies will continue to be developed in accordance with the stock strategy project plan*. The first involvement any industry group had in the whole concept of stock strategies commenced when the current consultation document (due for response on 21 February 2005) was issued. That document clearly indicates the stock strategy proposal is just that - a proposal being consulted on - and that no final decisions on progress down the stock strategy path have been taken.

Yet the 2005/06 Output Plan (p.41) clearly indicates not only that MFish has already developed a project plan for implementation of stock strategies, but also implies that implementation of that plan is already underway. Te Ohu would suggest that MFish again review the decision of the Court on the requirements for valid consultation.

*Deed of Settlement implemented:* Te Ohu has commented in past years on our dissatisfaction over the faults in the Customary Fishing Regulations, the consequential failure by Iwi to either accept or implement those Regulations, and the failure of enforcement of the Reg.27 constraints.

Certainly some progress in addressing those problems has been made in the past 12 months and it is pleasing to see MFish is proposing to continue its efforts during the 2005/06 year. We have made some suggestions (see under *Improved stakeholder participation* above) to

assist MFiSh in its interactions with Iwi, hapu and whanau and will be happy to discuss those suggestions further at an appropriate time.

As we see it, duplication of contact and interaction systems by Te Ohu and MFiSh is both unnecessary and a waste of resources. Using an existing, legislated, framework which Iwi are already turning to for inter-Iwi fisheries discussions (at the urging of Te Ohu) makes eminent sense for MFiSh to us.

*Cost recovery process managed:* Except for the Rules problems, Te Ohu is comfortable with the approach now applied by MFiSh and proposed to be followed again in the 2005/06 year. We are, though, still very uncomfortable at the extraordinarily high level of overheads in the MFiSh system which are on-charged to the industry. To us, that overhead loading is contrary to the principle behind s.262 of the Fisheries Act -that costs should be identified to and charged against the generator of those costs. In our view, MFiSh needs to justify all its on-charged services (including overheads) in terms of s.262. If it cannot do so, s.262(b) would seem to apply.

*Registry services managed:* Like SeaFIC, we are completely bemused at the cost MFiSh claims for "monitoring" registry functions undertaken by FishServe. We request a full justification of the charges under this output.

### ***Fisheries Enforcement (pp.17, 48-56)***

*General:* The industry has been demanding for many years now accountability for the very large sums already spent on fisheries enforcement, substantial amounts of which are recovered from the industry. That accountability is still missing and again is not included in the 2005/06 Output Plan. It should be.

*Poaching and Blackmarket Initiative:* We note the new initiative proposed (but yet to be endorsed by Ministers) to address poaching and blackmarket activities in the paua and rock lobster fisheries. We support the proposal in principle but have been provided with insufficient information in the SOI complex of documents to evaluate it in detail.

## **RESEARCH PROPOSALS**

### **Introduction**

Comments are included only where appropriate. Projects not commented on are supported.

### **Antarctic Fisheries**

Te Ohu does not consider itself qualified to discuss the Antarctic fisheries research or observer proposals or the priorities set.

### **Deepwater Fisheries**

***CDL 2005/01*** - Supported as amended but this project is not of high priority and could be deferred. Costs of objective 2 should be allotted to CDL2 only.

***DEE2005/01***

***DEE2005/02*** - Te Ohu is still not convinced that it is necessary to undertake both these projects in the 2005/06 year. Our preference would be to concentrate on the 02 project initially.

***OEO2005/01*** - We accept that a time series of biomass surveys would be an important tool in monitoring the abundance of the SSO4 stock but are still having some difficulties with the costs and unanswered questions involved in the acoustic method.

Enormous sums have been spent over the past 10 years (at industry cost) on the development of an acoustic assessment methodology for deepwater fisheries but we are still faced with exactly the same problems as have dogged the method throughout that time. In Te Ohu's view, the time has now come to honestly answer the question "Can the problems of target strength, target ID, shadow zone effects, and seawater sound absorption be adequately resolved for OEO surveys in the next 2 years, or not?"

If the answer is "Yes", we will support the OEO2005/01 survey proceeding. If the answer is "No", the project should be dropped and the time involved allotted to deciding on a more productive stock monitoring methodology.

***ORH2005/01*** - Supported in principle, but we are concerned at the estimated cost, bearing in mind the small size of the fishery. We are also concerned at the practicality of conducting an adequate survey of the whole fishery - neither of the previous surveys was particularly successful - during the relatively short periods the disparate parts are assessable.

***ORH2005/04*** - Not supported. Despite the comments in the MFish response to the SeaFIC submission following the RCC meeting in 2004, Te Ohu is still of the view that this work is already covered by the industry project already in hand.

***OBS2005/01*** - We have considerable doubt that the 750 days programmed can be achieved with an acceptable coverage of the term of each fishery. Observer sampling performance to date has been less than optimal in terms of the periods covered.

**Hoki and Middle Depth Fisheries**

***SBW2005/02*** - While Te Ohu supports the ongoing monitoring of the Campbell Islands fishery, we are not satisfied that continued use of the (costly) *Tangaroa* for such surveys can be justified.

In our view every effort should now be made by MFish to have the surveys conducted by industry vessels equipped with suitable sonar equipment already operating in the fishery. Analysis of the resulting records could still form contracted work.

***OBS2005/03*** - Supported, but only subject to the review of HOK observer requirements noted on p.89 of the 2005/06 year *Research Proposals* document.

**Inshore Finfish and Freshwater Eel Fisheries**

***BNS2005/01*** - It is noted that there is ongoing work on radiocarbon ( $C^{14}$ ) dating of BNS otoliths and that this project will only proceed if that work is unsuccessful or requires extension. On that basis the project is supported by Te Ohu.

### **Shellfish Fisheries**

***COC2005/01*** - As is noted in the proposal, Snake Bank is the only cockle bed in Whangarei Harbour open to commercial fishing. As such it provides the whole TACC for the COC1A fishery. All other cockle beds in that Harbour are available for noncommercial harvesting. As such, fluctuations in the availability of cockles on Snake Bank are only of interest for TACC setting and should in no way impact on TAC calculations or non-commercial fishing allowances.

COC1A entered the QMS on 1 October 2002 when the TACC was set at 346mt, well below the previous harvest levels. Te Ohu does not regard annual assessments of Snake Bank cockles as necessary, even under a CAY harvest strategy. In our view surveys at 2-3 year intervals are quite sufficient to establish sustainable harvest levels under such a management strategy. Accordingly we consider this project should be deferred for at least 12 months.

***CRA2005/01*** - Te Ohu has always favoured the ongoing monitoring of puerulus settlement as a guide to recruitment to the CRA fisheries (as has been done for many years in Western Australia) but has never been comfortable with the poor correlation achieved between puerulus settlement records and subsequent stock assessments.

While we continue to support the settlement project in principle we would welcome an analysis of that project to see if alterations would improve its predictive capability.

***SCI2005/01*** - Te Ohu has considerable doubts about the usefulness of this project at this time, given the significant outstanding questions over the appropriateness for stock assessment of indices derived from photographic surveys and CPUE and the uncertainties over what such indices indicate on stock abundance.

We would prefer that greater effort be applied to reconciling such differences and producing a viable assessment model than on the conducting of more surveys producing data of doubtful significance. As such we would support an expansion of Objective 2 and the deletion of objectives 1 and 3 from this project.

### **Non-Commercial Fisheries**

***AK2005/01***- Supported, particularly Objective 2.

Te Ohu is particularly pleased to see the link now established between this on-going project and s.186A closures in the area involved. We have contended for a long time now that all s.186A closures must immediately be supported by similar monitoring projects so that the effects of the closures can be assessed and information is available for use in consideration of closure extension applications.

A classic case is in point with the current extension application of the s.186A closure in Hicks Bay. No hard data on resources depletion was available at the time of the closure decision and no monitoring programme was put in place following that decision. As a consequence, it is virtually impossible to make any sensible comments on the application extension application.

We would strongly urge that –

- either project AK2005/01 be extended to include the Hicks Bay closure, or that an equivalent project be initiated to cover that and other s.186A closures in the area Eastern Bay of Plenty to Napier; and
- projects similar to AK2005/01 be put in place for all other s.186A closures.

**BCO2005/02** - We note the SeaFIC comments (paras 168-169 of their submission dated 31 October 2004 on the proposed Fisheries Research Services 2005/06) on the ownership of opportunistically taken BCO otoliths were studiously ignored in the MFish response to that submission. We also note that the same issue still arises from the latest iteration of this project proposal.

Te Ohu fully endorses the SeaFIC comments on this ownership of otoliths question and considers it must be addressed before further progress is made on this project. Until the matter is settled, both for the otoliths mentioned in this project proposal and more generally, we consider this project should be deferred.

**REC2005/01** - Te Ohu fully concurs that better estimation of recreational harvest is essential to the future management of shared stocks. As such we can see the justification for this project provided the methodology proposed under Objective 1, if successful, is transferable to other shared fisheries and is not limited only to fisheries such as SNA8. As we assume transferability is applicable we would suggest that by stressing SNA8 in the project proposal MFish is under-selling the importance of the feasibility study.

We would certainly expect, as noted in the MFish response to SeaFIC comments on the proposal as discussed at the RCC, that no progress is made on Objective 2 until the results of the feasibility study have been reviewed by the Marine Recreational Fishery Technical Working Group. In fact, to ensure this happens, we would strongly suggest Objectives 1 and 2 be contracted as separate projects, with REC2005/01(b) - the Objective 2 project - not being contracted until at least the 2006/07 year.

**REC2005/02** - Essentially this project seeks a new method for assessing recreational harvest - including charter vessel harvest – of fish species. Certainly results from the previous telephone/diary survey method have been less than optimal and Te Ohu has no objection to the project concept.

We are somewhat concerned at the limitation of the objectives to the Marlborough Sounds in this project though as there is little certainty new methods developed for such a localised and specialised area will be applicable more widely. We are also unsure that any results achieved will be comparable with 1999 survey results, so generating questions as to the usability of the answers from both surveys.

These doubts lead us to suggest that this project not proceed for the 2005/06 year but be resubmitted for 2006/07. In the interim we suggest its objectives and scope be refined and clarified. Is it in fact a feasibility study (like REC2005/01) for trialling different survey methods, or is it a project to produce recreational harvest data for the Marlborough Sounds and environs?

**REC2005/03** - Te Ohu is becoming increasingly disenchanted with "place holder" projects and gives notice that we are unlikely to continue to support such proposals.

Although this project falls into the "place holder" category (as it relies on the results of project REC2003/02) the importance of rapidly moving to improve recreational (and customary) harvest levels data is such that we support retention of this project.

**REC2005/04** - Like SeaFIC (op *cit.*) we reject this undefined project.

**SNA2005/04** - Like SeaFIC (op *cit.*) we reject this placeholder project. It could be resubmitted for 2006/07 when the results of project REC2003/01 are available and have been assessed.

### **Aquatic Environment**

**ENV2005/01** - The principal new item in this project, as compared to its predecessors, is Objective 2. Without that inclusion Te Ohu would have been inclined to reject the project on the basis that previous projects had identified the interactions, times, locations and species and had provided sufficient data for observer coverage targetting. The inclusion of Obj.2 though has encouraged us not to reject the project, but we support its retention for the processing of 2004/05 year only.

We would suggest that MFish review the *Cost Recovery Information* section. In our view it is inappropriate to seek to cost recover against bycatch species like BWS, MAK, MOO, POS, RBM and the like - costs should be levied against the target species only.

**ENV2005/02** - Te Ohu supports SeaFIC's call (op. *cit.*, *paras 204-215*) for this project to be withdrawn. That document clearly sets out the reasoning, with which we concur.

**ENV2005/04** - In Te Ohu's view much of this proposal repeats well-established material developed by DoC, eg Obj. 3, and is quite unnecessary.

In addition, the implication of Obj. 1 is that all marine mammal carcasses should be returned. For some years now DoC has indicated it only requires previously tagged fur seal carcasses to be returned for autopsy as it has more than sufficient general data on fur seals and only needs data on known age animals. The wording of Obj. 1 needs clarification as the retention of marine mammal carcasses on board vessels is a complex task if marketable product is not to be compromised.

Note that the comment, under *Rationale: General* that *This research is high priority... The high tonnage and high value of the fisheries concerned* is both irrelevant and illogical, as is the earlier comment about *informing the national regard*. There are other examples of inappropriateness elsewhere in the text also.

Te Ohu believes this project proposal should be withdrawn for rewriting and resubmission. The present text is just too inappropriate to be credible.

**ENV2005/05** - Like SeaFIC, we see no need for this project to be undertaken in the 2005/06 year.

**OBS2005/04** - Why the southern squid trawl fisheries? What evidence is there that 960 observer days will be required to observe trawling activities in these fisheries to meet the

defined objectives? Is it the rarity of the encounter events? What other duties will the observers so employed undertake to not die of boredom from that rarity?

This project makes very little sense. Surely the work falls within the squid trawl industry's own responsibilities under the NPOA on Seabirds? Te Ohu sees no need for this project and recommends it be withdrawn.

**ENV2005/06** - Te Ohu still concurs with SeaFIC. The project should be withdrawn until the many questions posed in the SeaFIC submission are answered.

**ENV2005/08** - We concur with the SeaFIC view that this project is entirely premature and the thinking behind it needs clarification before any project proposal is developed. While the proposal clearly delineates that the desired programme indicators relate only to NZ fisheries effects on relevant seabird and marine mammal populations, it completely omits any indication of how other "non NZ fisheries" effects - both within and outside NZ waters - are to be monitored, the effects evaluated and those effects assessed against the NZ fisheries effects.

In our view, until these matters have been addressed, any results which might be achieved from this project will exist in a vacuum, so rendering them unusable.

The project should be withdrawn from the cost recovery context also. If officials are so imbued with its importance as to insist it proceed without the essential supporting thinking, public funding should be applied.

**ENV2005/09** - Te Ohu notes five major problems with this project proposal –

- Valid and continuing customary harvest rights are characterised as *Illegal harvest of Chatham Albatrosses*;
- The project is alleged to require 5 years of data gathering, although this proposal is limited to one year;
- The range of Chatham albatross noted in the DoC *Action Plan for Seabird Conservation in New Zealand, Part A* includes the Tasman Sea, waters south of Australia and the South Pacific Ocean;
- The project is dependent on outputs from project ENV2005/08 - see above - which has not commenced and is not timed for completion until 30 September 2005, well after the commencement date proposed for this project; and
- The Cost Recovery information presupposes that the Chatham albatross is susceptible to interactions with all the principal trawl and pelagic and bottom longline fisheries, despite ascertaining information on which fisheries could be involved being the prime purpose of objective 2.

We flatly reject that either DoC or MFish has any right under any legislation to remove customary harvest rights or to characterise such rights as *Illegal harvest*.

Experience with the DoC-run Antipodean and Gibson's albatross population programmes indicates to us that even the 5 years of data gathering mentioned in the *Rationale* for Objective 1 is likely to be a severe understatement of the time required to obtain usable data. To propose a 1-year data programme is clearly a waste of time, money and effort.

No attempt is made in the proposal to identify interactions or effects across the whole range of the Chatham albatross or to evaluate any interaction effects on the population not resulting from NZ fisheries in NZ waters;

The linking of this project to results and outcomes from projects ENV 2005/01 and 08 strongly suggests that this project should be at least delayed until after 30 September 2006.

If this project proceeds at this time - we think it should not - its cost should only be attributed to those fisheries where there is clear evidence of interactions. There is no justification for a broad brush charging approach.

**ENV2005/13** - Te Ohu understood it had been generally accepted that commercial fisheries interactions with yellow-eyed penguins were minimal and that any interactions which did occur related to recreational setnet activities. As such we can see absolutely no validity in this project being included in projects to be cost-recovered from the commercial industry at all, let alone seeking to cost recover it from offshore trawl fisheries such as BNS, RBY, and TRU.

We have no objection to this project proceeding, provided it is removed from the commercial sector and is 100% Crown funded.

**ENV2005/15**

**ENV2005/16** - We do not feel qualified to comment on these projects although to us they smack strongly of Public, rather than Private, Good.

**ENV2005/17** - While the project may be useful in summarising existing data, it serves no management purpose for either the JMA or the bycatch species. When coupled with the fact that JMA in particular is a low value species and 2 of the 3 principal bycatch species (SPD and RBT) are also of low value - the *Rationale* is quite wrong in characterising the fish stocks as *both high value and high tonnage* - this project should be deferred as being of low to medium priority.

**ENV2005/18** - Te Ohu agrees with both SeaFIC and the Orange Roughy Management Co that this project is of low priority and can be deferred.

**ENV2005/20**

**ENV2005/21** - Even the MFish responses to the initial SeaFIC comments on these projects are weak. Clearly there is no priority for this work than that it is in the "Nice to do" category. Defer both projects.

**ENV2005/22** - Te Ohu notes that this project has resurfaced, despite the statement in the MFish response to SeaFIC that *This project has been deferred, as greater clarity and purpose from Fisheries Managers is required for the work to proceed.*

We can see little additional "clarity and purpose" in the material now presented and can see no justification for the project being reinstated at this time. Delete project.

**ENV2005/23** - The SeaFIC original comments are still valid. A reading of the MFish response to those comments - *The utility of National Plans for this type of work is currently under investigation* - suggests that this project, like ENV2005/22, was also to be withdrawn by MFish but it also has reappeared. Te Ohu strongly suggests it disappear again.

**Pelagic Fisheries**

**EMA2005/01** - While we have severe doubts that adequate EMA abundance indices will be developed from bycatch data from other trawl fisheries, Te Ohu agrees that an abundance index (or indices) for EMA is a necessary step forward to stock assessment. As such we support the project proceeding.

**KAH2005/02** - While Te Ohu does not object to the project *per se*, we do have some problem with the proposed *Cost Recovery Information* proposing the application of Rule 9(2). That Rule, of course, relates to commercial not the recreational fishery. As it is the recreational fishery which is to be monitored in this project, in our view the project should be 100% Crown funded or, at worst, under the Rules Schedule, be only 70% industry funded.

**PEL2005/01**- As we have commented earlier, it makes little sense in allocating costs for projects such as this one to include bycatch species such as POS, BWS and MAK which cannot be target fished. Instead we would urge cost recovery be directed at the target species only.

**TUN2005/01**

**TUN2005/02** - As the data and outputs from these projects are admitted by MFish as being important to the work of the WCPFC and of the CCSBT and will be contributed by New Zealand to scientific work of those organisations as required, it would be appropriate for a portion of the costs in each case to be met by the Crown under its international obligations.

**Stock Assessment Methods**

Te Ohu does not consider itself qualified to comment on these proposals.

Kia ora

TE Norris  
Manager Fisheries Operations