

Proposal to include a new purpose for Special Permits

Summary of issues

June 2008

The Ministry of Fisheries (MFiSh) is seeking comments on a proposal to add a new purpose to issue special permits under section 97(1)(c) of the Fisheries Act 1996. Following consultation, approval will be sought from the Minister of Fisheries (the Minister). The MFiSh Initial Position Paper (IPP) was released on 26th May 2008.

Further information is on the MFiSh website at

<http://www.fish.govt.nz/en-nz/Consultations/IPP+for+New+Purpose+Special+Permit/default.htm?WBCMODE=PresentationUnpublished>.

Submissions are due by **7th July 2008** and can be sent to Tracey Steel, Ministry of Fisheries, PO Box 1020, Wellington or emailed to tracey.steel@fish.govt.nz.

Proposed new purpose

MFiSh's proposed new purpose is:

“To allow persons or organisations to take fish from stocks with a nominal total allowable catch in conjunction with a research programme that is likely to provide sufficient information to establish commercial catch limits in accordance with statutory requirements.”

Intention of new purpose

MFiSh consider the current purposes for issuing special permits do not provide an appropriate mechanism to permit commercial exploratory fishing, research and data collection programmes that will help establish a more informed catch limit in the future.

This new purpose would only be applied to stocks within the Quota Management System (QMS) and where information on stocks with very low total allowable catches is unavailable or inadequate. No future quota allocations will be based on special permit activities.

Process

Following the submission process MFiSh will provide a Final Advice Paper (FAP), summarising submitters' input, to the Minister for his consideration. If approved, quota owners or their organisations will be able to apply for a special permit immediately. MFiSh will consult with stakeholders, “where relevant” [MFiSh], on each specific application made under this purpose, as per s 97(2) of the Fisheries Act.

Summary of issues

- There is no formal framework to enable exploratory or developmental fishing that gathers biological information to support future management decisions, now that a policy decision has been made not to continue with adaptive management programmes (AMPs).
- AMPs have been discontinued due to problems associated with trying to reduce TACs issued for an AMP. (Industry has successfully challenged a TAC reduction in Orange Roughy ¹). Ultimately all existing AMPs will be discontinued.
- MFiSh considers it should provide quota owners with reasonable means to develop QMS stocks as part of achieving the sustainable utilisation purpose of the Act.

¹ ANTONS TRAWLING COMPANY LIMITED And Anor V THE MINISTER OF FISHERIES High Court WN CIV2007-485-2199 [22 February 2008].

- MFish considers changes to total allowable catches (TACs) are not the appropriate mechanism to enable fishery development.
- Commercial fishers and quota owners have expressed interest in developing deepwater crabs and deepwater clams (geoducks), but current catch limits prevent them gathering adequate stock information – New fisheries.
- MFish considers this new purpose could also apply to fisheries that were closed or severely curtailed by reductions in catch limits – Closed fisheries.
- MFish seeks comment on whether the proposed purpose is suitable for new and closed fisheries, or if two separate purposes are required. Both new and closed fisheries are defined in the IPP.
- MFish's preference is to issue special permits to an organisation representing a large proportion of quota owners rather than issuing permits to each participating quota owner, to simplify administration and reduce management costs.
- Special permit applicants will be expected to cover the application costs, including MFish's risk assessment of the programme on fish stocks, the marine environment and/or other interests.

Advantages identified by MFish for issuing special permits

- Special permits provide a flexible mechanism that applies for a limited time.
- Provides the potential for fishers to recover operational costs by selling their catch.
- MFish Chief Executive can revoke the permit if key components of the programme are not being met; this includes non-compliance by individuals or vessels involved.
- There is no obligation to extend a special permit or reissue another permit if the data collected during the programme does not provide sufficient information to develop a harvest strategy.
- Permits can specify conditions on area catch limits, effort restrictions, gear specifications and reporting requirements.
- MFish's chief scientist will review the planned research and data collection prior to a permit approval.
- MFish recommends the permits are limited to:
 - Target fisheries only.
 - Commercial fisheries with zero or nominal recreational and customary allowances, or only if the commercial take will not affect or be opposed by non-commercial fishers.
 - Fisheries in which all or a majority of quota owners support the harvest increase and research programme.

Application review process

- All special permit applications should set out to improve stock information.
- Exploratory fishing programmes are likely to have annual review requirements even if the permit is granted for multiple years.

Your views

We would like to hear your views on the special permit issue and any other relevant matters that should be raised with MFish. A brief summary of initial comments taken from recent emails is included in Appendix One.

If non-commercial fishers agree a submission is worthwhile then we can provide a draft for initial comment by Wednesday 18th June. Each organisation can then customise their submission to include appropriate feedback from their community.

Alternatively organisations or individuals can advise Blue Water Marine Research or Moana Consultants Ltd if they want to participate in a collective submission.

MFish submission deadline is Monday 7th July.

Contacts

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Appendix One

A brief summary of initial comments include:

- If sections 13 and 14 of the Fisheries Act were amended, as suggested by some non-commercial fishers², then this purpose would be unnecessary as the Minister could set a TAC at a level that best achieves the purpose of the Fisheries Act.
- Not a good idea to give quota holders exclusive access to special permits. The permits should be available to any New Zealander wanting to carry out exploratory fishing.
- Under NO circumstances grant any permits to fishing companies to explore industry-depleted fisheries over and above the current total allowable commercial catch (TACC).
- Under NO circumstances grant any permits to explore any potential new fisheries until MFish can properly manage the fish stocks it currently has under its umbrella. There can be absolutely no movement on this whilst MFish allows unconstrained commercial catch levels on stocks that they hold absolutely no stock level or other data on.
- It is worth submitting on and emphasising that there must be minimal effect on the environment, associated or dependant species, and other marine users including fishers. Effects must be monitored and if they become significant then the special permit should be revoked.
- There must be a full consultation process before a special permit for this purpose is issued.
- We should support the special permit idea. Experimental/exploratory fishing needs a formal framework.
- No open-ended 'keep building up the catch until we see a decline in abundance' plans to be supported.
- Issues such as non-commercial use and degradation of the marine environment ought to be identified, documented and impacts assessed.
- Permits to be species specific.
- Small reporting areas, no larger than the present statistical management areas to be used in the exploratory fishing programme.
- The special permit is a good idea, providing it is only issued after the appropriate management and fish plans are in place and with full, meaningful stakeholder consultation.
- We are all seeing a degraded marine environment from the discharge of dredge waste and the impact has never been a concern of MFish, so hopefully research into assessing factors to describe what is a degraded impact on the marine environment should open up MFish into a wider role than they have been willing to take in the past.
- Special permits are of little or no significance in the big picture of fisheries management.

² http://www.option4.co.nz/Fisheries_Mgmt/section13.htm.