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**MSC Fisheries Certification Programme**  
**Fishery Surveillance Audit Report**

<b>MSC Accredited Certification Body:</b>	SGS Product & Process Certification PO Box 200, 3200 AE Spijkenisse, The Netherlands
<b>Project Number:</b>	M5004
<b>Certificate Holder:</b>	Hoki Fishery Management Company (HFMC) Ltd.
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<b>Website:</b>	<a href="http://www.hokinz.com">www.hokinz.com</a>
<b>Country:</b>	New Zealand
<b>Fishery Name:</b>	New Zealand Commercial Hoki Fishery
<b>Fishing Area:</b>	New Zealand Exclusive Economic Zone
<b>Management Authority:</b>	Ministry of Fisheries, Wellington
<b>Main Species:</b>	<i>Macruronus novaezelandiae</i>
<b>Fishing Methods:</b>	Mid water and bottom-trawl
<b>Total Allowable Commercial Catch:</b>	100,000 tonnes for 2004/2005 fishing season
<b>Surveillance Number:</b>	Nine
<b>Surveillance Period:</b>	December 2004
<b>Certificate Date of Issue:</b>	14th March 2001
<b>Certificate Lifetime:</b>	5 years
<b>MSC Registration Number:</b>	SGS-NL-MSC-F-0004

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### **Scope of the Surveillance Audit**

This scheduled Surveillance Audit was conducted to assess the performance of the HFMC on the outstanding Corrective Action Requests and Appeals Panel Recommendations. In addition, randomly selected aspects of the condition of the hoki fishery in relation to the MSC standard were assessed.

### **Summary of Surveillance Audit Findings**

The objective of this on-site surveillance audit was to verify the phased completion of the requirements relating to the outstanding Major Corrective Action Requests (CARs) and to discuss with stakeholders and interested parties, the issues relating to the planned reduction of the TACC for the 2005 fishing year. The Minor CAR's were also assessed.

The Major CAR's 12 and 13 were closed as was Minor CAR 15. Minor CAR's 16 and 17 remain open and two new Minor CAR's were raised relating to HFMC Code of Practice (COP) updates (Minor CAR 18) and Strategic Planning (Minor CAR 19) that relates in part to CAR 17.

There was a good level of participation in the audit process from stakeholders and interested parties.

The main audit findings were:

- CAR 12 (seal by-catch) and CAR 13 (management system) were both closed because good progress has been made on each of the requirements, as adjusted throughout the course of the CAR period.
- Significant progress was made on CAR 15 to allow it to be closed.
- CAR 16 remains open and is to be completed by 31<sup>st</sup> March 2005.
- Appeal Panel Requirements (APRs) 2, 3, 5 and 6 were reviewed, and 2 and 3 were both closed. Some aspects of APR 3 have been transferred to the new CAR 19, and APR 5 was reviewed and incorporated into actions under CAR 16. APR 6 remains open.



## **Details of Progress on Outstanding Corrective Action Requests (CARs)**

### ***Major CAR No 12: Ecological Risk Assessment, Indicator 2H***

#### ***Fishery Environmental Strategic Plan – Phase 3***

##### **Details of non- compliance**

- Completion of a more detailed analysis of vessel-level seal bycatch rate
- Technical review and evaluation of the draft Seal Action Plan by the HFMC Environmental Steering Group (ESG)
- Updating of the Seal Action Plan by HFMC.

To be completed by 31 October 2004.

### ***Findings***


#### **a) Completion of a more detailed analysis of vessel-level bycatch rate**

The recent evaluation of seal bycatch in fisheries (Baird 2004) provides an important analysis of vessel-level bycatch rate both across the hoki fishery and in specific sub-areas of the fishery (including the WCSI region). The fishing procedures or characteristics (such as gear types, locations etc) of a small number of vessels in the hoki fishery may predispose these vessels to have high seal bycatch rates, which may be reflected as high seal catches in the fishery as a whole (Figure D2 below). If the fishing characteristics of the vessels that have high seal bycatch rates can be determined, then it may be feasible to quickly and effectively reduce seal bycatch rates across the fishery as a whole by developing and applying improved fishing practices for the few vessels that appear to catch the most seals, and extending these practices to the rest of the fishing fleet as appropriate.

The HFMC has prepared a Fur Seal Action Plan that outlines the steps in assessing the fishing factors most responsible for the high levels of sea bycatch, and to improve the Code of Practice to incorporate specific management measures to control fishing factors that are considered to contribute to the highest levels of seal bycatch. A project proposal has been prepared to conduct a more detailed analysis of 3 years (20001, 2002 and 2003 fishing years) of observer data and the anecdotal comments recorded simultaneously by the observers.

The HFMC considers that the major reduction in Total Allowable Commercial Catch (TACC) now in effect is likely to lead to reduced fishing effort in the West Coast of the South Island (WCSI) during the spawning fishery (where historically most seals have been caught). The quota for the west coast fishery has declined from 72,000 tons in the current year (2004-05) to 40,000 tons for the next year fishing year (2005-06) as a result of the agreed split between eastern and western fisheries. The reduced TACC may also mean that there will be significant restructuring in the fishery and the number and type of vessels operating in the WCSI region of the fishery.

The imperative for reducing seal bycatch has been driven substantially by the issues in the WCSI spawning fishery, which HFMC anticipates will be severely reduced (and possibly there may be no

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spawning WCSI fishery) in 2005 because of the TACC reduction. Therefore, the technical evaluation of the factors underlying the high seal bycatch rate in the WCSI fishery has now become less urgent. However, the identification of the fishing factors that have historically contributed to high seal bycatch rates by specific vessels remains important in the WCSI and other areas of the hoki fishery. The determination of these factors is therefore still required and should be undertaken to inform the next revision of the marine mammal section of the Code of Practice (COP).

While the previously required urgent analysis of vessel-level factors has not been completed by the HFMC, this work is now less urgent because of the likely low level of fishing in the coming WCSI spawning fishery. With the provision of the marine mammal section of the COP, it is now appropriate to move the focus of improvements in seal bycatch to the provisions of the COP. To ensure that an appropriate rate of activity is maintained in this matter of seal bycatch, this present CAR is closed and selected aspects are transferred to a new CAR (CAR 18) where the focus is on improving the COP. This will ensure that verification of compliance of the fleet with the seal bycatch aspects of the COP can be brought within the control of the Civil Contract, through the internal auditing procedures.

b) Technical review and evaluation of the draft Seal Action Plan by the ESG

The CAR requires that the Seal Action Plan be reviewed by the ESG, to assist the HFMC in identifying management responses that may be effective in reducing the seal bycatch. This has not been completed, however, this is now less urgent than when the Major CAR was established, for the reasons presented in (a) above. Nonetheless, the HFMC approach to revising the COP as summarised in the Seal Action Plan should be considered by the ESG in due course, to provide advice to the HFMC about effective means of expressing vessel controls in the next version of the COP.

c) Updating of the Seal Action Plan by the HFMC

The Seal Action Plan has been updated by the HFMC to reflect the issues discussed in (a) above.

These aspects (a, b and c above) of this Major CAR are now **CLOSED**.

Some related requirements have been included in new Minor CAR 18 (see below).

### **Objective evidence sighted**

- NIWA Client Proposal "Investigation of fur seal catch rates for individual vessels in the west coast South Island hoki fishery" dated 1 October 2004.
- Review of Sustainability Measures and Other Management Controls for the 2004 & 2005 (01 October) Fishing Year. Ministry of Fisheries internal document p.49-69.
- Baird 2004. Estimation of the incidental capture of New Zealand fur seals (*Arctocephalus forsteri*) in commercial fisheries in New Zealand waters, 2002–03" by S. J. Baird, NIWA. Draft Working Group Report; Ministry of Fisheries Research Project ENV2001/03, Objective 1; July 2004
- Final ESG Minutes from the meeting of 6 September 2004
- Final ESG Minutes from the meeting of 4 November 2004
- Draft ESG Minutes from the meeting of 8 December 2004
- Revised Seal Action Plan (8 Dec 04)



### **Major CAR No 12: Ecological Risk Assessment, Indicator 2H**

#### **Fishery Environmental Strategic Plan – Phase 4**

##### **Details of non-compliance**

- Completion of the integration of the appropriate mitigation technique(s) into the HFMC Code of Practice for mitigating Seal bycatch.

To be completed by 31 November 2004.

##### ***Findings***

This CAR was established in 2004 to ensure that if Seal Excluder Devices (SEDs or any other mitigating techniques) were shown to be effective in sea trials, they would be promptly and effectively introduced to the Code of Practice and used where necessary in the fishery.

The Final Report on the trials of SEDs (Cawthorn, 2004) indicates that there is no conclusive evidence that the SEDs as used in the trials are useful as a device for routine mitigation of seal bycatch. A number of technical issues associated with the trials and the video procedures used to observe the SEDs prevented a reliable assessment of the SEDs. As a result, the sea trials and other work on assessing the potential for SEDs to mitigate seal bycatch in the fishery have been terminated by the HFMC.

The recent analysis of vessel-level bycatch (Baird 2004) indicated that there may be a number of at-sea practices by individual vessels responsible for the high bycatch rates of seals. In response to this, and in anticipation of a further assessment of the vessel-level patterns discussed in Phase 3 of this CAR (above), the HFMC has proceeded to a number of small but important improvements in the COP. Matters improved include:

- Requirement to move on when there is a congregation of seals around a vessel
- Compliance requirements
- Integration of the marine mammal aspects of the COP into the Civil Contract
- Vessel management plans to define auditable and verifiable vessel-specific seal management requirements.

This aspect of this Major CAR is **CLOSED** now.

Further aspects of continuous improvement of the COP in relation to marine mammals are required under the terms of the new CAR 18.

##### ***Objective evidence sighted***

- Cawthorn M. (2004) Camera Operations *Independent 1*; 14.6.03 – 03.7.03. Report to Hoki Fisheries Management Company. 11 pp.
- Cawthorn M. (November 2003). Unpublished technical description of SLEDs.
- Draft HFMC & Squid Fishery Management Company Code of Practice for reducing incidental catch of marine mammals (Pinnipeds); dated 15 November 2004.



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**Major CAR No 13: Management System – Phase 5**

**Details of non- compliance**

- The HFMC management system needs to include a suitable internal audit and corrective action process to verify compliance with Codes of Practice requirements of its members including review and update of all Codes of Practice and integrate these into the Deed.

To be completed by 30 November 2004.

**Findings**

The HFMC management system was reviewed for inclusion of a suitable audit and corrective action process to verify compliance with agreed Agreed Codes of Practice as specified in the Deed. In addition to the procedural review, HFMC member companies were also audited for compliance with HFMC agreed Codes of Practice (as set out in the Deed) and traceability requirements. Office, factory and vessel personnel of HFMC member companies were interviewed to verify compliance with required performance levels. Most companies have started to report CoP data to the HFMC via Seafood Industry Council (SeaFIC) after signing the Deed Agreement. Compliance with CoP and traceability requirements were found to be adequate at this stage although implementation has recently started and is thus subject to continued surveillance (e.g. next audit).

At this stage, HFMC Management is monitoring CoP related data accurately and takes timely action to correct non-compliances of HFMC member companies. Review and update of various Codes of Practice is an ongoing process that is happening appropriately. Development of new CoPs has also occurred in the case of Code of Practice Bulk Fishing Operations, Handling of Biodegradable Wastes at Sea and Handling of Non-Biodegradable Wastes at Sea. Adoption of updated CoPs takes place at HFMC Directors Meetings after which the new CoPs become mandatory for implementation by the HFMC member companies that have signed the Deed.

**Objective evidence sighted**

- Performance Indicator Framework – Addendum to the Hoki Target Trawling Code of Practice (v.7 09-09-04)
- Hoki Length Frequency Data Form
- Draft Code of Practice Bulk Fishing Operations – dated 30-11-04
- Draft Code of Practice Handling of Biodegradable Wastes at Sea – dated 30-11-04
- Draft Code of Practice Handling of Non-Biodegradable Wastes at Sea – dated 30-11-04
- Hoki Target Trawling Code of Practice v.8 26.10.04
- The HFMC Deed
- HFMC/SFMC Code of Practice for Reducing Incidental Catch of Seabirds
- Draft HFMC & Squid Fishery Management Company Code of Practice for reducing incidental catch of marine mammals (Pinnipeds); dated 15 November 2004.
- Draft HFMC & Squid Fishery Management Company Code of Practice for reducing incidental catch of seabirds; v2 dated 1 October 2004.



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- National Plan of Action to Reduce the Incidental Catch of Seabirds in New Zealand Fisheries. Code Practice Guideline. Department of Conservation and the Ministry of Fisheries. August 2004.
- Various HFMC member companies Catch Reports; Briefing Notes to Skippers; Acknowledgement of Briefings by Skippers; Trawl, Catch, Effort and Processing Return Forms; MFish Observer Reports; Company specific Observer Reports; Cold Storage Traceability Records.
- SeaFIC Data Management System – Summary for Hoki CoP 01/10/2003 – 30/09/2004.
- HFMC Business Plan for 2004 – 2005.

### **Minor CAR No 16: Ecosystem Objectives**

#### **Details of Non-compliance**

- Progress towards development of measurable objectives for key ecosystem components, as defined by APR 5, will include (a) a multi-stakeholder workshop to be conducted in 2005, and (b) an analysis of the outcomes of ENV 2003/03 for the purposes of establishing ecosystem objectives for Chatham Rise hoki fishery”.
- The design for part (a) to be completed by 30 November 2004; the outcome of (b) to be completed by 31 March 2005.

### **Findings**

The ESG has discussed and further refined the approach to be adopted in developing and establishing a series of management objectives for ecosystem components. The approach to be adopted is to conduct a multi-stakeholder workshop in 2005 with the specific intention to identify ecosystem management objectives for the hoki fishery.

The ESG has agreed to assist the HFMC to begin the process of discussion within the agencies (Department of Conservation or DOC and the Ministry of Fisheries or MFish) and industry to ascertain the likely nature and timing of such a workshop. The ESG is intending to discuss this at their next meeting in February/March 2005.

Only limited progress is evident on designing the workshop, as was required to be completed by 30 November 2004. This aspect of the CAR is therefore not complete and remains **OPEN**.

To ensure a timely completion of the requirement to conduct an appropriate workshop, the CAR is revised as follows:

- (a) the HFMC will issue a short discussion paper, prepared in discussion with the ESG, outlining the objectives, scope/content, timing, funding arrangements, logistics and indicative participants for a multi-stakeholder workshop on ecosystem management objectives for the hoki fishery; the paper will be completed and circulated to the ESG by 31 March 2005;
- (b) the workshop identified in (a) above will be undertaken by 30 June 2005;
- (c) the previous requirement (the earlier part (b)) remains open and is to be completed by 31 March 2005.



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***Objective evidence sighted***

- Draft minutes of the Dec 2004 ESG meeting

***Minor CAR No 17: Strategic Planning and stakeholder input***

**Details of non-compliance**

- The management system lacks an overall strategy for managing the environmental impacts of the hoki fishery

To be completed by 31 March 2005.

***Findings***

In the previous audit (September 2004), it was assessed that some progress had been made on developing the various components of the Fisheries Plan. It was also obvious that resources had been dedicated to improve the involvement of the stakeholders in a more systemic approach to the development to assist with the fishery plan. However the overall strategy linking the environmental risk assessment, a risk management plan, objectives, tasks and activities has not been clearly established. More progress and further input from stakeholders needs to occur to complete an overall strategy that will be consistent with a fishery plan.

The audit team note that during the course of the certification period there has been several documents produced that are components of the plan. There has also been some stakeholder participation, in particular through the Environmental Steering Group. Since the last audit there has been 2 notable pieces of work:

1. The draft Strategic Research Plan Planning Framework, for input into the fisheries plan. This is an early draft that the HFMC requested National Institute for Water and Atmospheric Research (NIWA) to develop. It is significant in that it recognises that any Fisheries Management Plan developed will need to include a supporting research plan that will address research issues that have been determined to be relevant to the utilisation and management of middle depth fisheries. The drivers in determining such research may be external, such as those required by the Ministry of Fisheries and other government departments and may be mandatory. Other drivers may be more under the control of the HFMC, for example research as identified by the Fishery Environmental Strategic Planning group. Linking all these together into a cohesive framework will enable the issues (and research actions resulting from them) to be incorporated and prioritised into a time-structured research plan. This component needs further progress before being incorporated into the Fishery Plan
2. A Fisheries Plan template for middle depth fisheries. This recognises that all middle depth species (not just hoki) will be included in one Fishery Plan. The paper proposes a structure of the plan, and identifies some focus areas, goals and objectives. However this is very much in early draft and preliminary form, and requires much more work and stakeholder involvement. This urgently requires immediate progress to meet the March 2005 deadline.



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***Objective evidence sighted***

- Flowchart of proposed building blocks/components of the Fisheries Plan with some timeframes September 2004
- Fishery Environmental strategic Plan July 2004 – Dec 2006. Appendix 1: Hoki Fishery Plan Development
- Draft Medium Term Research Plan for Middle Depth Fisheries (August 2004) MFish
- Hoki Fishery Management Company Strategic research Planning Framework prepared by R Hurst, A Dunn NIWA draft September 2004
- Fisheries Plan for middle depth fisheries. HFMC Draft Document, November 2004



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### ***Details of New CARs Raised***

#### **Minor CAR No 18: HFMC Code of Practice Compliance**

##### **Details of non- compliance**

- The Code of Practice, particularly in relation to seals and seabirds, shall continue to be appropriately developed, implemented and monitored for compliance.

To be completed by 31 July 2005.

### ***Background***

The fishery is undergoing a substantial restructuring as a result of the reduced TACC for the next fishing year. This is expected to substantially reduce the seal bycatch in the fishery overall because of changes to the fishery in the WCSI region. As a result the imperative to urgently implement changes in fishery practices in relation to seal bycatch is somewhat reduced. However, the fishery must still continue to move to implement management strategies that reduce the underlying rate of seal bycatch in the fishery, no matter what the level of fishing effort is. This will be most effective if it is implemented through the mechanism of the Code of Practice implemented through the provisions of the Civil Contract.

The National Plan of Action for Seabirds (NPOA) has been issued, including provisions that are specific to the hoki fishery. While the NPOA is the appropriate process for control and reduction in seabird bycatch, the Key Performance Indicators applied to the hoki fishery are non species-specific, and may leave at risk species of birds that have been earlier identified (in the hoki Environmental Risk Assessment or ERA) as being of concern through interactions with the hoki fishery. The Code of Practice (COP) therefore needs to be updated to reflect the species-specific risks, and to provide for auditable verification of compliance of vessels with their individual Vessel Management Plan.

### ***Findings***

- a) The analysis of vessel-level patterns in seal bycatch has not been adequate to provide a robust basis for updating the Marine Mammal section of the COP. The HFMC is now required to conduct further work to determine the vessel-level factors that are related to the patterns of seal bycatch shown in Figure D2 (below) to determine which factors are most likely to have been responsible for causing the highest levels of seal bycatch.
- b) the HFMC is required to seek comments on the Seal Action Plan (SAP) from the ESG, and to update the SAP in response to ESG comments.
- c) the HFMC is required to update the Marine Mammal section of the COP to reflect the findings of part (a) above, and (in Section 6 of the Marine Mammal section) to require action to be taken by the HFMC under the Civil Contract in the event of detection of a non-compliance.
- d) the HFMC is required to update the Seabird section of the COP to reflect the following matters:
  - (i) Appendix 7 of the Seabird section (the Daily Reporting Form) will be updated to include relevant data that will enable audit verification of the compliance with the offal and fishwaste management provisions of Sections 7.1 and 7.2, and the move-on provisions of Section 8.5;

- (ii) The identification guide (Section 8.5) must contain species-level descriptions and the correct MFish/DOC code numbers of each of the birds described to be at highest risk from interaction with the hoki fishery in Appendix 4, and taking account of the list of 15 priority bird species identified by DOC under their Conservation Services Program (listed below);
- (iii) Each of the 9 bird species in Appendix 4 to be identified as a high alert group in Section 8.5, which, if encountered, will trigger high frequency reporting to HFMC, and intensive reporting of the move-on provisions through the Daily Reporting Form.
- (iv) Section 9, subsection (b), to be updated to specify that submission of the Daily Reporting Forms may also be required weekly or daily under the provisions of Section 8.5.
- (v) Section 9 to be updated to require action to be taken by the HFMC under the Civil Contract in the event of detection of a non-compliance.

*Priority Species of Seabirds (Source: Department of Conservation; draft list of priority species 2004)*

Salvin's albatross	<i>Thalassarche salvini</i>
White capped/Shy albatross	<i>Thalassarche steadi</i>
Buller's albatross (Southern)	<i>Thalassarche bulleri</i>
Black petrel	<i>Procellaria parkinsoni</i>
Antipodean albatross	<i>Diomedea antipodensis</i>
Chatham Island albatross	<i>Thalassarche eremita</i>
Campbell/New Zealand black-browed albatross	<i>Thalassarche impavida</i>
Northern giant petrel	<i>Macronectes halli</i>
Gibson's albatross	<i>Diomedea gibsoni</i>
Southern royal albatross, toroa	<i>Diomedea epomophora</i>
Grey petrel	<i>Procellaria cinerea</i>
Westland petrel	<i>Procellaria westlandica</i>
Northern royal albatross, toroa	<i>Diomedea sanfordi</i>
White-chinned petrel	<i>Procellaria aequinoctialis aequinoctialis</i>
Light-mantled sooty albatross	<i>Phoebetria palpebrata</i>

### **Objective evidence sighted**

- Draft HFMC & Squid Fishery Management Company Code of Practice for reducing incidental catch of marine mammals (Pinnipeds); dated 15 November 2004.
- Draft V2 HFMC & Squid Fishery Management Company Code of Practice for reducing incidental catch of seabirds; dated 1 October 2004.

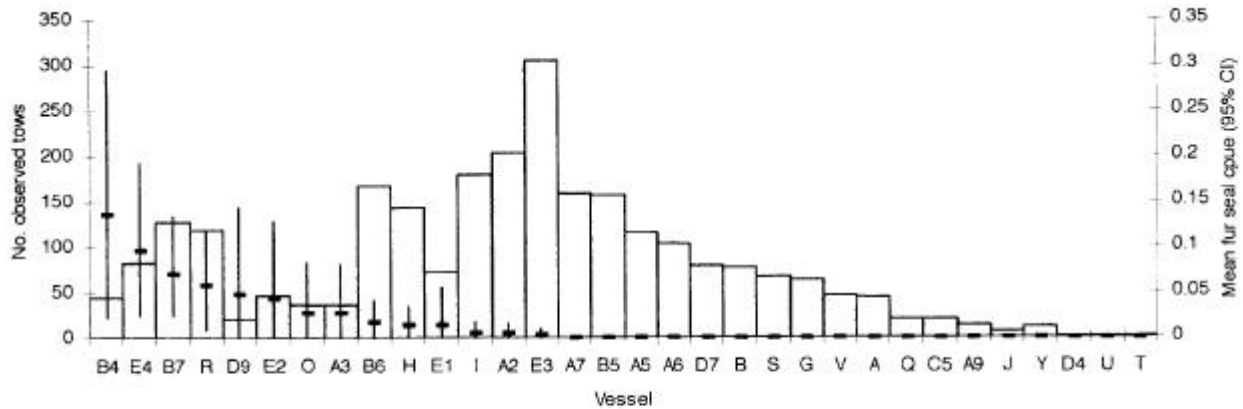


Figure D2: Number of observed tows (histogram) and mean fur seal catch rates for all observed hoki vessels, 2002-03.

Figure D2: from "Estimation of the incidental capture of New Zealand fur seals (*Arctocephalus forsteri*) in commercial fisheries in New Zealand waters, 2002-03" by S. J. Baird, NIWA. Draft Working Group Report; Ministry of Fisheries Research Project ENV2001/03, Objective 1; July 2004.

### **Minor CAR No 19: Fishery Environmental Strategic Plan**

#### **Details of non-compliance**

- The benthic impact component of the Fishery Environmental Strategic Plan needs to be incorporated into the Fishery Plan.
- The Fishery Environmental Strategic Plan needs to be linked to the HFMC internal audit program.

To be completed by 31 July 2005..

#### **Background**

The purpose of this new corrective action is to require the HFMC to better understand and manage the environmental impact associated with trawl fishing on benthic communities.



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### **Findings**

The focus for auditing progress on design and implementation of benthic impacts requires more effective implementation of the measures to reduce the impact as identified in the Fishery Environmental Strategic Plan July 2004 – 2006:

- Ensure that any bottom trawling uses existing trawl paths, to the greatest extent possible.
- Use mid water trawls wherever possible.
- Commit to research to assess the impact of the fishery on benthic habitats – note that this will take the form of Government purchased research supported by HFMC as appropriate.
- Monitor progress towards overall goal by mapping hoki trawl paths and gear use in 2005 and thereafter every two years.
- Report publicly on progress towards the overall goal in 2005 and thereafter every two years.

### **Objective evidence sighted**

- HFMC Fishery Environmental Strategic Plan July 2004 – December 2006

### **Minor CAR No. 15: Benthic Impacts**


#### **Details of non- compliance**

- There is a lack of project design and commitment to conduct research to assess the impact of the fishery on benthic habitats.

To be completed by 30 November 2004.

### **Background**

This CAR is focused on requiring HFMC to develop and begin the implementation of a relevant set of activities to address the issues surrounding the impacts of the fishery on the benthic ecosystems. SGS recognises that both assessment and mitigating benthic impacts in waters where the hoki fishery operates are complex and resource demanding activities, and an appropriately comprehensive and effective approach will take some time to develop and implement. Also, both assessing and mitigating such impacts will be a process of continuous improvement, as new information and data about the ecosystems is developed from surveys and research programs, and as the fishery evolves. There are specific changes that could be implemented in the fishery immediately, such as removing heavy ground gear from bottom trawl nets, to mitigate some benthic impacts. But without a more detailed and strategic analysis of the impact issues, any such major changes in the fishery may contribute little to mitigating actual benthic impacts and impose major costs on the fishery for little environmental or economic return. Therefore, the development of an effective and lasting set of solutions to assessing and mitigating benthic impacts in the hoki fishery should be based on a robust analysis of the nature and extent of the existing (and historic)

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impacts, followed by an agreed set of changes to fishing practices that are embodied within the Civil Contract Code Of Practice.


SGS also recognises that much of the research and analysis required to address the issues of identifying and mitigating benthic impacts is expensive and long term. The CAR does not imply or expect that the benthic impact issues will be fully identified and resolved within the timeframe of the MSC certification. The intention is to ensure that the fishery is embarked on a robust pathway that will lead to lasting solutions to mitigation of the benthic impacts, and that these are fully institutionalised and accepted in the fishery management system. The role of this CAR therefore is to ensure that, within the timeframe of this certification, the initial steps along such a pathway by the HFMC are appropriate and timely, and that the actions and timeframes are commensurate with the scientific and institutional capacity in the New Zealand context.

For the success of such long term complex ventures, and to achieve effective and efficient fishery management, it is crucial to maintain an active engagement with the relevant government, non-government and scientific stakeholders. One important aspect of this is the engagement and support provided by HFMC for the existing government and technical processes in New Zealand that design and implement major research projects of relevance to the benthic impact (and related) issues of the hoki fishery.

In addition to short term industry funded research projects where the HFMC is able to provide resources and commitment to resolving specific issues, there are two important government systems for conducting marine research in New Zealand, coordinated by MFish and by DOC. The participation and commitment of the HFMC to these processes is an important indicator of support for resolving benthic impact issues, many of which will require joint mitigation activities by government, the hoki fishery and the private sector outside the hoki fishery.

The HFMC has prepared a Fishery Environmental Strategic Plan (FESP) to deal, amongst others, with the issue of mitigating benthic impacts. The plan focuses on benthic impacts through establishing an objective to reduce impacts, and makes a commitment to specific actions that are considered to contribute to reducing benthic impacts (such as using existing trawl paths as far as possible). As part of the FESP, the involvement and support of HFMC in a range of marine environmental research projects is noted, but the specific role and levels of support provided by the HFMC for participation in research projects relevant to assessment and mitigation of benthic impacts has been difficult to determine.

This CAR was extended to require HFMC to demonstrate their further commitment to research projects that would provide important contributions to understanding the nature and extent of the benthic impacts of the fishery. Commitments by the HFMC have been noted in respect of both industry-funded research and public good research. Clarifying the extent to which benthic impacts research projects are supported by HFMC is confounded by the complex process that operates in New Zealand to prioritise industry and government research funds for marine research. Throughout the course of the MSC certification period a number of key environmental research projects have been proposed and subsequently withdrawn or failed to be implemented because, at least partly, of institutional difficulties that appear to be beyond the influence of the HFMC. In particular, the lack of clear and effective working relationships between the government agencies and the industry, and confused responsibilities within a complex New Zealand decision-making environment, confounds the potential for effective design and implementation of benthic

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impacts research relevant to the hoki fishery. This appears to be a substantial impediment to the development of major industry-funded marine research projects on benthic impacts, and it consequently appears unlikely that the original intention of this area of concern for the MSC process (a lack of knowledge about the benthic impacts of the fishery) will be substantially advanced within the 5-year term of the current MSC certification.

There are however some small but important projects that are underway, some of which are actively supported by the HFMC. Specific evidence of support for benthic impacts research by HFMC has been noted as follows:

- FORST project application: the HFMC is noted as a key collaborator in a major public good research project, although at this time there is no specification of the actual commitment of HFMC resources because the project has not yet been approved (by FORST) to proceed;
- Support (in working group discussions) for project ENV 2003/03;
- Limited support (in working group discussions) for proposed project ENV2005/15 Information for managing the effects of fishing on physical features of the deep-sea environment, and the associated project ENV 2005/16 Investigate the effects of fishing on physical features of the deep-sea environment.

Establishing objective evidence of the active support of HFMC for benthic impacts research projects is difficult because of the very complex institutional and legal framework within which such major research projects must be developed in New Zealand. The HFMC have identified a number of issues associated with provision of their support for such projects. These include the lack of appropriate reference to, consultation with, or involvement of, the industry in research designs; the apparent overlap of projects and hence industry costs for projects between agencies; and the allocation of costs to government versus industry sources.


Nonetheless, the project ENV2003/03 on mapping of the detailed fine scale fishing effort on the Chatham Rise, which is now scheduled to report in early 2005, will provide an important contribution to assessing the matter of benthic impacts of the fishery in that specific area. While that project is an important step, it is only a small response to the matter of assessing, and subsequently better managing, the benthic impacts of the fishery.

## Findings

Overall, the HFMC appears to provide only limited support for benthic impacts research projects of relevance to the hoki fishery. However, some of this failure may be attributable to the highly complex New Zealand decision-making system for major research projects within which the HFMC must work. Without the support of the agencies and broader stakeholder community, it is unlikely that HFMC advocacy of specific benthic impacts research will be successful in leading to reduced benthic impacts of the fishery.

This CAR is therefore **CLOSED**.

The focus for auditing progress on design and implementation of benthic impacts projects is moved to a new CAR (CAR 19) that will require more effective implementation of the FESP, where stakeholders (through the ESG) have the opportunity to assist the HFMC to design, advocate for, and implement, more effective research projects focused specifically on issues relating to the hoki fishery. Actions in relation to

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specific objectives of the FESP relating to benthic impacts (including research projects) will also be brought within the compliance framework of the Civil Contract.

### ***Objective evidence sighted***

- NZ Seafood Industry Council Submission on Fisheries Research Services for 2005/06; 31 October 2004.
- NIWA Tender, Schedule 4 Methodology and Schedule 1 Milestone Programme, for Project ENV2003/03
- HFMC Fishery Environmental Strategic Plan July 2004 – 2006



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### **Details of Progress on Outstanding APRs**

#### **Appeal Panel Recommendation 2**

##### **Details of non-compliance**

- Seal excluding devices be tested in New Zealand waters as a complement to the trials off Western Tasmania.

### **Findings**

A final report of the Sea Lion Excluder Devices (SLEDs) trials (Cawthorn, 2004) has been provided. The report outlines a number of technical difficulties that were encountered in deploying the SLED equipment. The design being trialed here has been adapted from the SLED design used for mitigating the bycatch of sea lions in the squid fishery. The trials conducted here are specifically to determine the effectiveness of the SLED in permitting seals to escape from hoki trawl nets.

The difficulties experienced resulted in only little useful footage from the video camera that was used to record the behaviour of the SLED and the seals as they escaped from the trawl net. No convincing evidence was found that seals within the net are safely ejected through the excluding device. This means that although it has not been proven that the SLEDs do not permit the safe removal of seals, it is clear that there is no basis to continue with a program of broader installation of Seal Excluder Devices (SEDs) in the hoki fishery without considerable further design changes and sea trials. While further SLED trials could be conducted, it is unlikely that there will be any rapid progress made in this area. The need for further trials of SLEDs to mitigate seal bycatch will depend on the success of the improvements in the Code of Practice at reducing total seal bycatch and the bycatch rate.

The intent of the APR has been achieved and this APR is now **CLOSED**.

Further aspects of seal bycatch mitigation are considered under CAR 18, and the seal bycatch issue will be kept under close surveillance in further audits.

### **Objective evidence sighted**

- Cawthorn M. (2004) Camera Operations *Independent 1*; 14.6.03 – 03.7.03. Report to Hoki Fisheries Management Company. 11 pp.



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### ***Appeal Panel Recommendation 3***

#### **Details of non-compliance**

- The trawl grounds should be mapped, especially those areas where trawls impact on the seabed

#### ***Findings***

The intention of this APR is that the habitats where the fishery operates should be mapped, as an important initial step in assessing the nature and extent of benthic impacts, and to underpin the establishment of ecosystem objectives for the fishery. The HFMC have previously provided evidence of work to map the broad-scale locations of bottom trawling. The current research project ENV2003/03 is specifically focused on fine-scale mapping of trawling on the Chatham Rise, and this will provide (when it reports in early 2005) a more detailed understanding of the extent of trawling and the frequency of trawling in that area.

Project ENV2003/03 will provide a detailed mapping of the distribution of trawling effort, but it does not provide a matching program of mapping the habitats in the area. Therefore the intent of the APR is partly achieved, and remains to be completed for the Chatham Rise area.

One of the key issues in progressing this requirement for benthic habitat mapping is the context within which this information is to be used. Since it is unclear how the benthic habitat mapping information is to be used in both assessing impacts and establishing subsequent objectives and fishery actions, the scale and resolution of the mapping that will be required is not clear. This means that the nature and intensity of any required mapping projects cannot be clearly established, and project designs and costings are difficult to develop and justify within the New Zealand framework of major marine projects.

In order to progress this matter more efficiently, this APR is now **CLOSED**, and the intent behind the requirement for mapping is transferred to a new CAR (CAR 19) which will require a specific focus by HFMC on achieving progress on the Fishery Environmental Strategic Plan, which includes both research and activities in relation to benthic impacts.

#### ***Objective evidence sighted***

- ENV2003/03 Summary of Project Methodology, NIWA.



### ***Appeal Panel Recommendation 5***

#### **Details of non- compliance**

- Interim but measurable management objectives for key ecosystem components should be set using existing knowledge, consistent with the principles of the Precautionary Approach, and with the full understanding that these objectives would be revised as the Ecological Risk Assessment is completed

#### ***Findings***

The approach taken by HFMC to achieving this requirement is to support the conduct of a detailed technical workshop jointly with stakeholders. The achievement of this requirement is the focus of CAR 16, which remains open. This APR therefore remains **OPEN**. Evidence relating to this recommendation will be the subject of the next surveillance audit.

### ***Appeal Panel Recommendation 6***


#### **Details of non- compliance**

- The fishery observer programme and the procedures manual be reviewed for effectiveness and efficiency.

#### ***Findings***

Fisheries observers are placed on (some) commercial fishing vessels to collect biological data about fish, fisheries interactions with non-target species, and monitor fishing activity and catches in a variety of fisheries. The MFish Observer Programme has been collecting fisheries information since 1986, but there has been no overarching review of what information is collected, to what standard it is collected, and how it is stored and made available. The Observer Program is currently under review by the Ministry to improve its efficiency and effectiveness. A number of specific initiatives have been proposed (and implemented), including a *Gaps Analysis*, an *Observer Policy and Plans* project, an *Observer Implementation Planning, Funding and Purchasing* project, an *Observer Services Delivery* project, and an *Observer Information Strategic Plan*. These initiatives have not yet been completed, and it is as yet unclear how they will improve the Observer Program, or the Procedures Manual, as required under this APR.

While a number of issues (such as the limitations of number of observer days that can be allocated to specific issues in the hoki fishery) are well recognised by the industry, the agencies and stakeholders, the nature and pace of the review of the Observer Program does not appear to be a matter that can heavily influenced by the HFMC. While it is possible for the HFMC to unilaterally enhance the number of industry observer days in the hoki fishery, this is not an effective tool in the New Zealand context for capturing reliable and stakeholder-accepted data on, for example, environmental issues. The MFish Observer Program data provides the most reliable and broadly accepted data in relation to environmental and protected species issues in the hoki fishery, and is maintained as the major tool for capture of reliable data about environmental issues.

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The review of the Observer Program is not yet finalised, although some important initiatives are underway, and therefore this APR remains **OPEN**.

### **Other issues assessed**

#### **TACC / Recruitment**

#### **Findings**

In the previous audit report there was a discussion on the status of the NZ hoki fishery stock. The primary concern over the hoki fishery was the depleted nature of the stock and the poor recruitment in the western population. The 2004 stock assessment indicated that the current catches from the western population were likely to be unsustainable. The western stock appears to have declined (median estimates 13-22%  $B_0$ ) and recruitment since 1995 is estimated to be poor. However the current catches from the eastern fishing grounds were considered unlikely to substantially change stock size. The stock is estimated to be at or above 40%  $B_0$  and recruitment since 1995 is estimated to be above average for 1 or 2 years, however, significantly increased catches in the eastern fishing grounds would probably not be feasible.

Since the September audit the Minister of Fisheries has made a decision to reduce the TACC for Hoki for the 2004 /2005 fishing year from 180,000 tonnes to 100,000 tonnes with a split of 40,000 tonnes to be taken from the western stock and 60,000 tonnes from the eastern stock.

The Minister is required under the Fisheries Act to set a TAC that moves the stock towards the level that can produce the maximum sustainable yield (MSY).

Management options considered included a range of steps intended to move the stock towards a level that can produce MSY:

- Option 1: 140 000 tonnes
- Option 2: 120 000 tonnes
- Option 3: 100 000 tonnes

These options represented the range of TACCs the stock assessment showed would meet the performance criteria set by the hoki working group under differing recruitment scenarios, model runs and catch splits. The resulting TACCs generated acceptable probabilities of stock rebuild for both western and eastern stocks with a 90% probability that all target catches from the different fisheries (east/west and spawning/non-spawning) would be caught in every year from 2005 to 2007.

Incorporating alternative assumptions for future stock recruitment, catch split, and model specifications, the assessment estimated that the maximum annual catch that met the performance criteria agreed to by the Plenary was 140 000 tonnes under 'normal' recruitment assumptions. If poor recent recruitment continued in the western population, the maximum annual catch was estimated to be 120 000 tonnes. A catch of 100 000 tonnes or less was required under certain model runs and catch split arrangements to meet the performance criteria.



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There was support for each of the options in the submissions received from stakeholders. Industry did not hold a single position on what the TACC should be. Some submissions supported option 1 as they considered the stock assessment was uncertain and they stressed the economic harm a lower TACC would do to small and medium sized operators. Other submissions from hoki quota owners supported a TACC of 100 000 tonnes because it was needed to rebuild the stock and would provide greater economic benefits in the long term.

MFish's Final Advice paper recommended a TACC of 120 000 tonnes on the basis that it provided the best balance between sustainability and long-term utilisation.

After considering the information and advice provided, the Minister of Fisheries decided on a TACC of 100 000 tonnes to address the real risk of the further depletion of the hoki stock. A reduction to 100 000 tonnes is the most precautionary of the options presented. He considered that a TACC of 100 000 tonnes was required to achieve the purpose of the Fisheries Act to provide for utilisation while ensuring sustainability. The long-term objective is to ensure that hoki is rebuilt to MSY.

### ***Objective evidence sighted***

- Final Advice Paper 3 September 2004 - Review of Sustainability Measures and Other Management Controls for the 2004- 05 (01 October) Fishing Year by MFish
- Minister's letter to Stakeholders September 2004

### ***Warp Strike Video Monitoring Trial***

### ***Findings***

HFMC undertook to develop mitigation strategies to reduce seabird mortality arising from interactions with trawl fishing gear. An at-sea trial was designed to test the effectiveness of 'bird bafflers' mounted on the stern of a trawler in reducing the incidence of interactions. There was to be control during the experiment over the deployment of the 'bafflers' and the discharge of fish processing waste. The researchers who analysed the video data provided a report for discussion by the HFMC Environmental Steering Group.

Seabird contacts with trawl warps were studied from video imagery recorded on a fishing trawler in New Zealand waters during winter 2004. Five-minute samples of video imagery were analysed according to time of day throughout the voyage of six weeks. The samples were used to determine the incidence of bird warp contacts within an experimental regime which used combinations of two categories of operation – 'bird bafflers' deployed or not; and fish processing waste (offal) discharged or not. It was noted that it was difficult to find enough footage where warp was in the proper position on the video screen and when the warp was in the correct position and the sump pump (a source of vessel waste) was also turned off.

However despite these constraints there was a close proportional correlation between on-board visual counts of bird warp contacts and the replicated video imagery. The video imagery also enabled accurate species identification for contacts.



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No bird strikes occurred when no form of offal was being discharged. 'Bird bafflers' modified bird behaviour when offal was being discharged, lowered the incidence of warp contacts, and the number of birds that occurred within the warp entry risk zone. However, it was noted that the results were drawn from only small sample sizes, and some of the conclusions depended on equivocal data that lacked statistical power and significance. It was also noted that the use of mitigating devices such as 'bird bafflers' do not compensate for the lack of proper offal management as a mechanism for avoiding bird contacts with fishing gear associated with factory trawlers.

It would seem that the most efficient method (also reported from trials overseas [Sullivan et al. 2004]) of having factory processing trawlers *avoiding* seabird interaction and contact with trawling gear is to constructively manage or prevent discarding of waste material. It is noted that trawlers non-processing at sea ('freshers' or 'ice-boats') have consistently returned extremely few birds as bycatch during their operations.

The Steering Group agreed that the reasonable probability of the offal effect on bird strikes should be accepted and the focus should now be on reducing all forms of offal discharge. If offal discharge could be avoided then there would be little need to do further investigation, however if there were to be a delay in implementing effective offal management systems across the whole fleet then there may be a need to do further work on bafflers or other mitigating devices.

As far as bafflers were concerned DOC considers that there is still a need to determine the effectiveness of bafflers. It was suggested that there was two options that could be considered. Option 1 – to design a trial to look at the effectiveness of bafflers – possibly by exploring further existing information and increasing the sample size of the Rehua trial; or Option 2 – to demonstrate that warp strike is significantly reduced in the fishery through eliminating offal discharge and the risk to birds thereby reduced. Both of these, however, would require procedures for accurately monitoring of warp strike and subsequent effects on birds that had been struck.

An interesting result from the work was the systematic discrepancies between MFish observer data and the video data recorded over the same time period. The 'real time' observer observations were not as accurate in documenting both the 'heavy' and 'touch' contacts of birds with the warps. The video records also allowed the bird contacts to be followed more reliably to determine if, and how quickly, a bird recovered from a strike, allowing a potentially more reliable estimate of the importance of any specific contact. These are probably matters for further consideration by industry and government

### ***Objective evidence sighted***

- Analysis of seabird contacts with trawl warps from video imagery: vessel *Rehua*, June - July 2004  
Draft - 26 November 2004 C.J.R. Robertson & R.H. Blezard



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***HFMC Environmental Steering Group Meeting 08-12-04***

***Findings***

The HFMC Environmental Steering Group (ESG) conducted 11 meetings throughout 2004. Representatives from HFMC, Ministry of Fisheries, Ministry for the Environment, Department of Conservation, National Institute of Water and Atmospheric Research, World Wide Fund for Nature (NZ), Sea Food Industry Council, Te Ohu Kai Moana and the Royal Forest and Bird Protection Society (NZ) were invited to attend these meetings. Many of these organizations (such as MFish, DoC, NIWA, WWF and SeaFIC) attend on a regular basis, From time to time additional experts or observers have also been invited to meetings, including members of the SGS audit team. Two members of the SGS audit team attended this particular ESG meeting.

The ESG is chaired by an independent Chair. Agendas are distributed prior to meetings and minutes distributed immediately following meetings for corrections and adjustment as necessary.

Stakeholder's views of the operation of this group are generally positive. Most believe that it provides an good forum for discussion of fishery environmental issues and as a result some positive research has been initiated. Most also believe the HFMC has been responsive to suggestions and recommendations that have been raised through the ESG However one stakeholder suggested that some key environmental initiatives were not being considered by the ESG before decisions were being made by the HFMC. There was also a suggestion that stakeholders could have more input into setting the agenda for the ESG. The HFMC is responsible for calling for agenda items and preparing the agenda.

The ESG operates as an advisory group to the HFMC, and any decisions made by the group are confirmed by the Chair and recorded in the minutes. The Chair attempts to seek consensus but in the event of not being able to do so a majority vote if there is a need for a decision. Dissenting views are recorded in the minutes.

Where the ESG recommends a course of action to the HFMC, the HFMC will consider and make a response to such a recommendation. However beyond consideration, the HFMC is not bound to act on decisions made by the ESG.

***Objective evidence sighted***

- Memo to the HFMC Environmental steering group "Membership and decision making Framework" 22<sup>nd</sup> March 2004
- Minutes of Environmental Steering Group meetings.



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### **Communication between HFMC and Stakeholders**

#### **Findings**

In every surveillance audit there has been consistent complaints from some stakeholder groups about the poor level of communication from HFMC. The Environmental Steering Group meetings and minutes are considered to be important but not enough.

One of the main complaints is that the HFMC website is “out of date” and does not contain relevant and important information. There are many initiatives, projects, research and activities undertaken by the HFMC that stakeholders are either not aware of or only made aware of once these are well underway. Some suggestions for web site inclusion have included the SGS audit reports, Corrective Action reports, current research, proposed research, ESG minutes, Code of Practice and progressive updates on important initiatives such as the Fishery Plan.

HFMC has indicated that it is in the process of updating its website. There also needs to be a systematic process put in place for regular update of the site. Stakeholder Communication is an essential component of MSC certification. There are other means of keeping stakeholders well informed such as regular mail outs or Emails. It is acknowledged that some information is sensitive to the HFMC and it would not be appropriate for distribution to other groups. However there is considerable room for improvement and with a little additional HFMC effort there should be a substantial increase in effective communication with stakeholders. Tangible Improvements in communication between the HFMC and stakeholders will be considered at the next audit.

### **Issues Raised by Stakeholders and Interested Parties**

#### **Findings**

##### **MSC Principle 1 – Stock management**

- One stakeholder considered that the setting of the TACC at 100,000 tons, and the continuous decline in TACC in preceding years, demonstrates both the lack of sustainability of the fishery, and the failure of the MSC process to intervene and effectively ensure the fishery operates at sustainable levels. The TACC tracks downward the capacity of the fishery to catch fish, although lagged by at least one year, and hence demonstrates the overexploitation of the fishery. The hoki fishery now meets the MSC criterion for ‘depleted’ and hence there should be an appropriate stock recovery strategy should urgently be put in place, in the view of this stakeholder.

##### **MSC Principle 2 – Fishery impacts in the ecosystem**

- Most stakeholders considered that the ESG was at least reasonably effective as a forum to raise environmental issues, and to provide advice and comment to the HFMC about issues.
- Some stakeholders were concerned that there is as yet no scientifically demonstrated reduction in environmental impacts, particularly in relation to seals, seabirds and seabed impacts, despite more



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than 4 years of MSC certification and a number of CARs imposed by the audit process. The reduction in seal bycatch is considered by one of these stakeholders to not be the result of MSC intervention, and there is a lack of commitment by the HFMC to actually conduct seal mitigation research on SEDS, which several stakeholders consider to be important in mitigating seal bycatch,

- One stakeholder was concerned about the lack of a focus on warp strikes as a key process that threatens bird populations.
- One stakeholder was concerned that there is too much dependence by the HFMC on the input and work of stakeholders, as opposed to the HFMC themselves taking a leadership role in mitigating environmental impacts; this also interacted with an unclear set of processes for governance of management of the environmental issues in the fishery, in the view of this stakeholder.
- One stakeholder considered that the hoki fishery was taking an important leadership role in collecting monitoring data for seabird mitigation initiatives.

### **MSC Principle 3 – Fishery management system**

- Some stakeholders were concerned about the possibility that internal compliance auditing may not be adequate to ensure compliance with COP and the possibility that penalties imposed within the Civil Contract may not be adequate to ensure compliance with the terms of the COP.
- One stakeholder considered that communications with stakeholders is minimal to non-existent, and this does not signal a good working relationship between the various parties.
- One stakeholder was concerned that there is an ongoing lack of technical rigour in the approaches and research conducted and supported by the HFMC.

### ***Planning and focus for the next surveillance audit***

The next on-site audit will be conducted in early April 2005, and will include:

- Verification of outstanding CARs – 16 and 17
- Review of progress on outstanding Appeals Panel Recommendations
- Performance evaluation system for seabirds (NPOA)
- Environmental Steering Group effectiveness
- Improvements in Stakeholder communication
- Development of the COP and Civil Contract

### ***Organisations consulted***

- Hoki Fishery Management Company (HFMC) – Wellington (Richard Cade)
- Seafood Industry Council – Wellington (Dave Banks)
- Forest & Bird Protection Society – Wellington (Barry Weeber, Kevin Hackwell)
- World Wildlife Fund (WWF) New Zealand – Wellington (Jo Breese, Chris Howe, Nathan Walker)
- Ministry of Fisheries (MFish) – Nelson (Jim Cornelius and Rob Tinkler)
- Department of Conservation (DOC) – Wellington (Johanna Pierre)
- NIWA – Wellington (John McKoy, Rosie Hurst)
- Sealord – Nelson (Colin Williams, Chris Miles, Valeri Belov, Yuri Khlybov)



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- Independent Fisheries – Littleton (Stephen Bishop)
- Vela Fisheries – Littleton (Chris Ludeke)

**Assessment team members**

Mr. Aldin Hilbrands – MSC Programme Manager and Lead Assessor  
Dr. John Bryden – Management System Assessor  
Mrs. Jo Akroyd – Fishery Management specialist  
Dr. Trevor Ward – Marine Ecosystem specialist

**Date**

11<sup>th</sup> February 2005