



MINISTRY OF FISHERIES
Te Taitiaki i nga Hiri a Tangaroa

Operation Mega

Operation Orders

September 2008

1 Situation

The hoki fishery

The hoki fishery in New Zealand fisheries waters is essentially managed as one fishstock nationally, (HOK1). This has a Total Allowable Catch (TAC) of 91,040 tonnes for the 2007-08 fishing year. HOK1 has a Total Allowable Commercial Catch (TACC) of 90,000 tonnes. The small remaining balance of the TAC is distributed as a customary allowance of 20 tonne, recreational allowance of 20 tonne and other mortality of 1,000 tonne. This excludes the Kermadec Fisheries Management Area which has a separate TACC of 10 tonne.

Catches in HOK1 have exhibited a declining trend over recent times. As a consequence the TACC has been systematically reduced from 250,000 tonne in 2001 to its current level.

Hoki spawn occurs from late June to mid-September. The two main spawning areas are the Hokitika Canyon on the West Coast South Island (WCSI) and Cook Strait. For stock assessment purposes these have been considered as two separate stock units, western and eastern.

The biomass of the hoki western stock has been severely stressed. This stock has displayed an extended period of poor recruitment and year class strengths have been below average. Recent population model projections indicated the hoki western stock biomass would not increase unless recruitment levels improved beyond what had occurred in recent years or the commercial catch is reduced. However the 2008 stock assessment is more positive, suggesting the biomass of the western fishery is likely to increase with the current level of catch.

The western stock has had a catch limit of 40% of the TACC imposed on it since the 2004-05 fishing year. The WCSI spawn fishery had remained New Zealand's largest hoki fishery until last year (when slightly more stock was taken from the Chatham Rise).

The biomass and recruitment level of the eastern stock (including Cook Strait) is not stressed to the same degree, but is lower than the long term average for his stock. The biomass of this stock is likely to remain near current levels with current eastern fishery catches.

The plenary report details that no information is available concerning illegal hoki catch. While this hoki plenary acknowledges there are a number of potential sources of fishing mortality in the hoki fishery, they have not been quantified and are not incorporated into the stock assessment. It details such mortalities include loss of catch through burst bags in the hoki spawn fishery, mortality through net escapement (both through escapement panels and net mesh) and dumping of small fish.

MFish fisheries managers have previously proposed that the TACC be reduced by 5% to account for illegal catch (primarily unreported dumped hoki). This was rejected by industry on the basis of 'no proof' that dumping was occurring. MFish did not pursue this in the absence of defensible estimates of discards.

Operation Maxi – Dumping/highgrading by factory trawlers

In 2005 Operation Maxi was conducted, examining the hoki catches of vessels fishing in the WCSI fishery to determine whether sufficient small hoki ($\leq 550\text{mm}$) was being landed by vessels not carrying MFish observers compared to those vessels that had MFish observers onboard. As an outcome of this, Operation Maxi sought to quantify the extent of dumping and misreporting of small hoki that was believed to be occurring.

Information was gathered on the operations of the WCSI hoki fishing fleet including the length that hoki was being processed to in the various size grades. Hoki length frequency data was gathered by MFish observers and fishery officers from both at sea and landed catch phases of the fishing operations.

This data was analysed alongside stock modelling data which enabled the amount of hoki that was too small to be processed to be predicted.

Hoki that is unable to be processed because it is either too small or damaged can either be processed into fish meal, packed whole in blocks (green block – typically to be subsequently mealed onshore or used as aquaculture feed) or discarded at sea under the authority of a MFish observer or fishery officer upon being satisfied that the amount has been accurately quantified and reported.

For each vessel a comparison was made between the quantity of small hoki landed or otherwise reported (e.g. observer approved discards) and the predicted quantity.

Analysis by s 9(2)(a) and others showed that dumping of small hoki by foreign charter vessels was prevalent when MFish observers were not onboard. The presence or absence of an industry observer had no impact on whether dumping occurred from a vessel. This research indicated between 52 and 71% of small hoki caught were dumped in these circumstances. In weight this was between 596 and 1806 tonnes or 1.8 to 5.6% of total landings by the factory vessel fleet (vessels $> 46\text{m}$).

Fish are dumped because they are not of value. With the hoki fishery this is typically because either the fish are too small or due to the extent of damage they have sustained. Highgrading is the deliberate dumping of a portion of the target species and is most likely to occur where:

- The price difference between large and small fish is great;
- The fisher can confidently expect to catch large fish in subsequent fishing to replace those small fish disposed of;
- The costs of the additional fishing effort is not prohibitive and

- The fishery is managed under an ITQ system where there is a limit on the landing quantity by each fisher.

Provided larger fish are accessible there is a clear financial incentive to land them in preference to small hoki. Hoki are subject to rapid decline in quality after capture and must be processed quickly. Larger fish take preference in the production line as smaller fish take longer to process (i.e. more must be handled to generate each tonne of product). As larger fish require less effort to process, they consequently incur lower costs than smaller fish. The market pays higher prices for large hoki compared to small hoki. Furthermore, the cost of ACE for hoki has no relationship to fish size. As large hoki yield a significantly greater return than small hoki, there is incentive for fishers to conserve ACE (for which there is less availability as a consequence of TACC reductions) for prime product only.

The small hoki that are dumped are typically 1 – 3 year old fish. Hoki mature at 3 -5 years, so the small fish being removed from the fishery are not contributing to recruitment and rebuilding of the stressed stock.

WCSI Factory vessels

The factory vessels fish in that portion of the WCSI hoki spawn fishery that is beyond 25 nautical miles from land. They operate both day and night in relative isolation. These circumstances provide ample opportunity, especially for non MFish observed vessels, to engage in dumping/highgrading of unwanted hoki.

The rate for foreign crewed charter vessels without meal plants onboard to get green block meal on land means little or no financial gain is obtained from it. As there is no incentive for fishers to land fish that have no or low economic return, dumping (for quota species) or discarding (for non-quota species) is the preferred option by fishers for dealing with it.

In 2007 during the spawn fishery, the medium mid water trawl was 3.4 hours in duration with a medium catch of 9.3 tonne, giving a medium catch of 3.5 tonnes per hour. Bottom trawling was less successful with a medium tow time of 7 hours and a medium catch of 3.1 tonne. This was a medium catch of 0.4 tonne per hour. With longer tows the quality of the fish is compromised to a greater extent, with potential for fish to be rejected as a consequence.

WCSI Inshore vessels

The head of the Hokitika Canyon is where the greatest concentration of spawning hoki congregate. The head of the Hokitika Canyon is inside 25 nautical miles, being an area closed to vessel greater than 46 m in overall length. As such no factory trawlers participate in this sector of the fishery (although there have previously been prosecutions for breaches of this closed area). This area is fished by smaller domestic 'fresher' vessels that hold catch on ice for landing at Greymouth, Westport or Nelson for shore based processing. Only 10% of the WCSI hoki spawn fishery was taken from inside the 25 mile line in 2007.

Hoki year to date catches by some of the New Zealand deepwater companies are greater than normal. Some of these companies traditionally make ACE available to fresher vessels. Because of these catch rates some of the local fleet may not have the same degree of access to ACE that they have previously relied on. In the current tight economic environment, such fishers may be encouraged to illegally dispose of 'reject' grade quota species in their catches to optimise the value to be gained from the ACE they do have.

Cook Strait fishery

The Cook Strait hoki spawn fishery similarly excludes vessels over 46 m in overall length. No factory trawlers participate in this fishery. It is fished by the smaller 'fresher' vessels that land typically in Picton, Nelson or Wellington. Picton landed catch is trucked to shore based processing facilities in Nelson and Christchurch. Vessels operating in this fishery also carry catch onboard whenever they return to their port of domicile (which includes additional ports such as Timaru), such as at the end of the season.

The Cook Strait fresher vessels use mid water trawl gear. In 2007 the medium tow duration was 0.6 hour for a medium catch of 12 tonne per tow, giving a medium catch of 19.8 tonne per hour. Larger volumes of fish per tow can also lead to quality compromises with potential for fish to be rejected as a consequence.

Small hoki has not been an issue in the Cook Strait fishery in recent seasons with catches being composed of larger fish. However one of the main bycatch species in this fishery is spiny dogfish. Soft fleshed hoki are particularly susceptible to damage from the spines of these fish, so dumping of damaged fish needs to be monitored.

There have been historical issues where fresher boats landing to Picton have tailored their landed catch size to match the capacity of the trucks consigning that product to other destinations for processing. Any over capacity caught or damaged fish was dumped prior to landing or retained onboard and dumped on the return voyage to the fishing grounds so as to free hold space for subsequently caught fresher or undamaged catch. The accuracy of reporting returns and completion within correct timing parameters is critical in ensuring such catch gets counted against ACE and is disposed of to an approved 'destination' rather than dumped.

Current conditions

The reduction in the HOK1 TACC by 10,000 tonnes since 2005, coupled with an increasing cost structure centred on fuel prices has generated conditions that are highly conducive to fishers highgrading out any inferior catch that will not yield optimum value.

2 Mission

To determine whether participants in this years commercial hoki spawn fisheries are engaged in dumping/highgrading or misreporting catch, while creating a deterrent to both those offences and breaches of other regulatory requirements through compliance inspections.

3 Execution

This plan will run from 1 July to 31 August 2008 and will cover the West Coast and Cook Strait hoki spawn fisheries.

These orders focus on shore based inspections, separately examining the factory vessel and fresher vessel fleets.

A sea operational phase is to run concurrently to these orders. That will be coordinated by FI s 9(2)(a) (Wellington Investigations) which will include liaison with the observer group to identify this seasons compliance issues in the WCSI hoki fishery and will include the use of military/police/customs assets for covert/overt inspections. Other initiatives will be explored to detect any highgrading/dumping breaches (e.g. the identification of charter vessel operators in the tuna fishery and use of them as informants or the use of their vessels to take fishery officers to sea in a covert inspection role).

After the operational phases, any follow up issues will be coordinated by the operation O/C. This will include any investigations to be started/completed, collation and analysis of the end results, feed back to staff involved and debriefing the operation.

The vessel inspections are to be completed according to standard operational procedures (see Fishing Vessel Inspection training notes, refer: Outlook – Public-Compliance – National – Training – Induction course lesson notes). Check CAMS entries in respect of each vessel to be inspected to determine if outcomes from previous inspections will impact on the nature and extent of the current inspection.

Powers

These inspections will be conducted pursuant to the Fisheries Act 1996, section 199 (1) where in the course of the enforcement and administration of the Act, a fishery officer may, at any reasonable time,-

- (a) ...enter and examine any vessel ... or examine any record, record document, article, and any gear apparatus, device, or contents of any kind therein:
- (b) Stop any person and examine any record, document, article, container, gear, apparatus, device, fish ... in the possession of that person.

Copies of records required will be taken pursuant to F.A. s.206(1).

Factory vessel fleet

There are likely to be approximately 32 factory trawlers operating in the WCSI fishery this hoki spawn season.

Vessels in the fleet have been assigned an inspection priority rating, as per the colour coding on the spreadsheet target vessels.xls the. (Refer **Appendix 1**)

The operation seeks to have firstly each of the high risk and secondly each of the medium risk vessels inspected once during the season. To date the shipping schedules are not comprehensive detailing which port each vessel will land into, but based on last years movements this may place Nelson staff under some pressure to complete the desired level of coverage. Coverage of these vessel inspections is to be in order of risk priority where our ability to get the targeted coverage is compromised. **Fishery officer staff will undertake the inspections at the directive of their DCM.**

Vessels that have observers onboard or are rated as low priority based on previous inspection outcomes are not required to be inspected as part of this operation but are not expressly excluded should time or other information to hand indicate this is warranted.

The observer programme anticipates the peak of the fishing effort will occur in August, this year. If this eventuates there may be some small hoki issues as smaller fish tend to congregate in the WCSI fishery later in the season. What year classes turn up in the fishery depends on the growth rates but surveys have shown there is a strong 2005 year class. Anecdotal comments from industry suggest acoustic surveys have similarly identified there will be a lot of small fish in the hoki fishery this year. These fish will be 55 – 60 cm in overall length. As such there should be reasonable representation of small grade hoki taken in the catches.

As at late June 2008 the deepwater factory fleet remain disbursed around the EEZ. The Korean ^{s 9(2)(b)(ii)} vessels of ^{s 9(2)(b)(ii)} and the ^{s 9(2)(b)(ii)} vessels of ^{s 9(2)(b)(ii)} on or in the vicinity of the northern hoki banks adjacent to Cape Foulwind. This is on the hoki migration path to the Hokitika Canyon spawning area.

The ^{s 9(2)(b)(ii)} has recently been inspected on landing. She had been targeting hoki, hake and jack mackerel on the WCSI. The inspection team have highlighted concerns that only a small quantity of hoki green block (comprising of small and damaged hoki) was landed in comparison to an observed trip by that vessel last year. In contrast a significantly larger quantity of javelin has been landed this trip compared to that previous observed hoki trip. There is initial conjecture that the non-quota javelin reported as discarded on this non observed trip may be small or damaged hoki.

Data gathered from shore based inspections will be compared to data gathered from this years observed vessels fishing in the same area. The highgrading analysis (as per Operation Maxi) depends on a comparison of the hoki length/frequency curve (obtained from observer data), with the proportions of small fish in landed catches from unobserved trips. As the length/frequency curve changes each season, data from earlier seasons can not be used for this year's comparison. The extent of the observer coverage this year will not be sufficient to allow this level of analysis to be conducted. The inspections will be used to build the profile of compliance issues in the hoki fishery this year.

The **Deepwater Vessel Inspection Form** should be completed in respect of each factory vessel. (Refer **Appendix 2**).

Where the inspection identifies a result outside the expected specification parameter, please ensure that photographs and/or video footage is obtained documenting this. Where the inspection identifies any matter in breach of the regulated requirements, the matter is to be dealt with in accordance with standard operating procedures.

In the completion of/additional to the Deepwater Vessel Inspection Form, the following matters should be considered to build the profile of the compliance issues:

Crew list

- Obtain copy of crew list and identify senior crew (including factory manager)

Briefing

- Where possible, establish whether or not briefing of senior crew was conducted prior to voyage and whether or not a briefing acknowledgement sheet was signed. Ascertain who conducted the briefing and the particulars covered in this seasons briefing.

Documentation

- Obtain a copy of the unload schedule detailing species, states, grades and numbers of cartons – ensure that meal and green block figures are included on documentation. Ensure the details on the unloading docket comply with the requirements of r.12(2) Recordkeeping Regs 1990.
- Obtain copy of the cargo plan.
- Obtain copies of daily processing summaries produced by vessel in relation to hoki states by quality and size grades
- Obtain copy of LFR docket when this is generated.

Destination of product

- Establish destination for hoki product (including meal and green block).
- Where product is going direct into containers for export, identify vessel product is to be shipped on, along with departure port and departure date. Where generated, obtain a copy of shipping/sales documentation.
- Ensure 'source documents' are being completed by the Licensed Fish Receiver for any movements of product as required by the Fisheries (Recordkeeping) Regs 1990, r.11.
- The product needs to be able to be accurately recorded and tracked so that ultimately sales invoice documentation can be examined to determine the influence of price as a driver of dumping/highgrading.
 - From the LFR, obtain an example of the full documentary trail for a product line from a previous landing.

Nets

The dumping and highgrading of unwanted small fish would not arise if those fish were left in the sea to grow bigger. In practice, the trawl nets in use in the hoki fishery are not constructed to facilitate the exclusion of small fish beyond the minimum mesh size requirements. Examine all trawl nets onboard each vessel in accordance with the Fisheries (Commercial Fishing) Regulations 2001, regulation 71. Use the training notes on "Trawl Gear and Codend Construction" and attached reporting schedules to assist. (Refer **Appendix 3**).

The examination of the trawl net codend mesh size needs to establish the average mesh size of those meshes (e.g. 112mm) and not just that the mesh size is compliant (e.g. >100mm). This level of examination is needed where dumping/highgrading of small fish is detected, so as to negate any claims that small hoki catch (below that vessel's minimum processing specification) escaped capture due to utilisation of larger mesh size than is required by the regulations.

- Obtain copies/details of net, float and cod-end plans associated with gear used whilst fishing WCSI hoki
- Identify nets and cod-ends used, and record information as per gear and cod-end reports
- *As appropriate* discuss/note attitudes (e.g. master, operator etc) to TACC stock rebuilding initiatives -
 - increasing codend mesh size to allow small HOK to escape & be accessible to capture in subsequent years;
 - decreasing tow times to reduce lining effect in codend & for juvenile escapement;
 - use of square mesh;
 - Decreasing twine thickness to increase mesh opening & decrease stiffness which inhibit escapement; decreasing extent of chaffing gear;

- use of fish mitigation devices to direct small fish out of net before entering codend.

Hoki processing specifications

- Obtain copies/details of vessel processing specifications for all hoki states produced by vessel*. This is to include:
 - **Size** grades (e.g. 'S' small, 'M' medium, 'L' large, '2L' extra large)
 - What is the minimum fish length for each grade (mm)
 - What is the weight range of a processed piece for each grade (grams)
 - **Quality** grades (e.g. 'A' premium, '+' seconds; A premium, 'B' seconds; 'AA' premium, 'A' seconds; 'S' seconds etc).
 - Ascertain any time restrictions in which hoki must be processed to qualify for premium grade (i.e. maximum time fish can be on deck/in pounds before being processed; maximum trawl time from start of tow etc)
 - Ascertain the specifications used in relation to damaged fish used for the quality grades (e.g. damaged - if it is not possible to get 2 complete fillets due to external damage etc)
 - Ascertain if there are maximum codend bag size criteria imposed on quality grades etc
- * Check against to **Appendix 4** (Operation Maxi vessel processing specifications), as to whether this material has been previously obtained. A lot of size grade data has previously been obtained but not quality grades. If the specifications have previously been obtained, confirm all particulars are still correct.
- Ascertain whether they adjust the minimum fish size for each grade when the fishery is dominated by small year classes coming through (e.g. like 2005 when weak year classes from 2000 and 2001 meant the 2005 fishery was dominated by juvenile 2002 and 2003 hoki which were less than 550 mm in overall length). Ascertain whether the minimum size specifications for each grade are market driven and as such that specification must be met regardless of the fish that present during fishing.
- Compare the specifications detailed in the vessel's manual against any specification diagrams and instructions posted in the factory. Photograph those records. Confirm the vessel operated to those specification standards during this trip.
- Ascertain how the factory staff physically sort the fish by size grade during processing.

- From the factory, ascertain/obtain particulars of how the saws or Baader machines are set and how the operator ensures the fish are cut to the appropriate specification. (i.e. manual setting, use of template gauges, judge by eye etc). Record particulars of machine type/model in use. Photograph.
- Ascertain the minimum size of fish that can be safely processed (small fish can become misaligned, resulting in quality issues & incorrect states. What happens to fish that can't be processed to specification?

Meal plant (where applicable)

- Where the vessels has a meal plant - Ask master what hoki meal contains (i.e. small fish and damaged fish). What are the bottom line specifications below which fish gets mealed. Get him to spell out the reason(s) why such fish are mealed.
- Obtain specifications for the meal product lines produced.
 - What species are in the various product lines (e.g. white meal – made mainly from hoki; brown meal – made from Jack Mackerel, Warehou, Dories; bone meal etc).
 - What the moisture percentage content of the product is. (Typically 5 – 9%. It should not be greater than 10% - would be difficult to sell with that quantity of moisture)
 - Obtain copies of the vessels records of the meal product lines and quantities produced for this trip (White; Brown; Whole fish to meal; offal to meal)
- Ascertain the meal plant capacity per hour when on hoki (when mealing hoki alone and secondly when mealing hoki with high bycatch).
- How is meal from offal only quantified? Is it weighed before it is mealed/ put into a hopper of known volume etc?
- How is whole hoki to meal quantified?
- When mealing whole fish to meal (catching target and bycatch species at the same time), ascertain how they accurately apportion quantities against the fishstocks from which that meal is made.
 - Obtain copies of the vessels in house records quantifying product to meal for this trip.
 - Do they keep hoki separate from other species in the mealing process (because it is more valuable)? How? How many meal plant silos/hoppers do they have? Capacity?
- Ascertain the prices for the different meal types and grades.
- Establish where the meal is destined for and for what purpose.
- Establish whether or not the hoki meal is going to be landed or retained
- Obtain particulars of the vessel's offal discharge system (from the vessel management plan - re offal discharge system. Where are mincers/other fitted for offal/fish waste control? Where are discharge points? Is waste pumped out to sea surface or subsurface? (Cue for at sea/aerial surveillance teams). Photograph.

- (At office) Calculate recovery rate percentage of hoki meal from hoki offal
 - Hoki offal recovery rate (should be 12 – 14%. Should not exceed 16.7%). If % higher, product likely includes undeclared whole fish.
 - Whole hoki recovery rate (13 – 16%). If % higher, product likely includes undeclared whole fish.
 - Establish and compare ratios of bycatch/target species in meal; bycatch/target species greenweights.

"Reject" hoki

- From CLR quantify total "reject" hoki [total of HOK MEA (greenweight excluding offal, OFF) + HOK GRE destination 'A' + HOK GRE BLO (Green block)].
- Establish total HOK Greenweight landed from vessel declarations.
- Calculate total % of hoki "rejects" in total hoki catch. [Based on observer assessments of a Korean non meal plant vessel in 2004 WCSI hoki fishery, this should be 7 - 8%. If declaration is significantly less than this - suspect dumping (this % is an indicator only as the year class composition has changed since then. Comparison with current observer data is required)].

Carton inspections

Hoki carton checks

Randomly select 5 cartons from each state (e.g. HGT), quality grade (i.e. A, B) and size grade (e.g. S, M, L, 2L) = 40 cartons. Obtain the sample from a range of packing dates shown on the cartons.

For each block check the accuracy and compliance by the vessel with its declarations and own specifications. Record the following:

- Is the carton labelling requirements met? Common & scientific name of fish, date of packaging, LFR name or name of entity "packed for" Fisheries (Recordkeeping) Regs 1990 r.19
- Record state, quality grade, size grade, nominal weight, packing date
- Are contents consistent with labelling and processing specifications for that grade? Check state cuts against Fisheries (Conversion Factors) Notice 2005
- Using **Appendix 5** (Hoki carton examination for weight and number of fish)
 - Weigh and record Gross weight of carton (fish, glaze and packaging)
 - Weigh and record weight of fish in each block (fish and glaze only)
 - Count number of fish per block in each carton

- Determine from the vessel what deductions they use for packaging (dry carton, liners and strapping) (kgs) and glaze (%). Check any vessel records for packing weights. Uplift an example. Record how and where these records are kept. *[The new regulations for determining net weight of fish processed at sea will have a regulated allowance of 2% for glaze for GRE, HGT and DRE states. Glaze allowance will not apply to FIL state. Alternatively vessels can apply for a specific glaze deduction rate or a deduction allowance where polyphosphates are applied to fillet of fillet block at sea].*
- Weigh 20 samples of packaging (cardboard carton, liners and strapping/glue). Where packaging weights vary between size grades within a product line (such as plastic interleaving), packaging weight should be based on the median size grade of that product line.
- Establish how glaze is determined by vessel (i.e. what methodology do they use to calculate glaze)
- Take photo of the contents of each carton that does not conform to specification (include details of product and use scale rule to illustrate fish size)

Hoki green block checks

Where vessel does not have meal plant:

- Establish total number of blocks containing whole green hoki associated with that trip
- Establish contents of green block (i.e. what are blocks primarily made up of – e.g. small hoki, damaged hoki, hoki unfit for human consumption)
- Ascertain the damaged state below which fish goes into green block.
- Ascertain the size below which fish goes into green block.
- How are these specifications conveyed to staff.
- Establish where the green block is destined for and for what purpose
- Establish whether or not the green block is going to be landed or retained
- Does the trawler get paid for the Green Block?
 - What price per tonne?
 - Is it to be mealled at a plant in NZ? Where? *[2004 Op Mini – identified it cost vessel \$50/tonne to get block mealled on land. No financial gain resulted]*
 - Ascertain GRE BLO export quantity. Is this quantity merely to fill up remaining hold space beyond premium product lines being shipped?

Randomly select 20 blocks and record the following:

- Describe details in relation to packaging and labelling of green block
- Weigh and record gross carton weight (fish, glaze and packaging) and weight of each block (fish and glaze only). See **Appendix 6** (Hoki green block carton examination).
- Count number of fish/block (if heavily iced attempt to give best estimate)
- Determine size range of hoki contained in block (i.e. 300-550mm) (2004 WCSI sampling yielded 15% of catch was <55cm. Need to test alongside current year's length frequency sampling)
- Ascertain if damaged hoki is in the Green block. (Previous sampling for damaged hoki in green block: 1994-95 = 20%, 2004-05=52%, 2005-06=35%).
- Take photos of a representative sample of green block (include details of product and use scale rule to illustrate size)
- At office calculate % of GRE BLO plus meal in total catch. (2004-05 WCSI observer data = 1.5% by weight of total hoki processed; 2005-06 = 1.5%)

Purchase tax invoice documentation

- Obtain copy of purchase tax invoice when generated. Fisheries (Recordkeeping) regulations 1990 r.13. Ensure price is included for each state and grade. If it is a nil value invoice, obtain sales invoices/make arrangements for these to be made available when they are generated. [Need to assess potential for smaller fish to be discarded due to their low or nil value, or whether there are any incentives to land reject fish].
- Establish how vessel is paid for catch. [Op Mini. Identified crew wage based on 26.5% of profit. Profit = Sales - expenses - foreign crew advance payments. Senior crew benefit most in % split + get 4.5% bonus when performance targets met]

TCEPR completion

- Ascertain when, how and by whom top 5 species are estimated & entered in TCEPR (ie visual estimates prior to processing or back calculated post processing). [Committing entries prior to processing decreases opportunity for highgrading /dumping /replacement of unwanted fish]
- Ascertain how they complete the TCEPR daily processing summary - (see explanatory note Section 3, point 1) i.e. fill out this section for the fish taken on the date at the top of the form, whether or not it was processed that day.
- Ascertain how they distinguish between catch (taken on the date at the top of the TCEPR form) that is still being processed after midnight and catch from tow(s) taken on the subsequent day when both catches are onboard (i.e. in the fish pounds) at the same time. Obtain the onboard recordkeeping procedures to track the fish.

- Check TCEPR effort section for any fishing effort in less than 450m (Deepwater Group Ltd code of practice restriction to protect small hoki). Note hoki are found in 300 – 700 m.
- Ascertain whether the vessel is monitoring each tow to assess the quantity of juvenile hoki in their catch. *[Note: This is a requirement of the Deepwater Group Limited, but does not apply to the WCSI and Cook Strait hoki spawn fisheries during the period 1 June to 15 September. Outside this period, where a vessel catches more than 10% by number of small hoki (<60cm) in any catch that contains more than 2 tonne of hoki, the vessel is required to move to a new towline. The new towline must be 5 n.m. away from all parts of the towline where the 10% threshold was exceeded. Alternatively the new towline must be at least 100 metres different from where the 10% threshold was exceeded. They must remain away from the towline where the 10% threshold was exceeded for at least 5 days.]* Check they have been completing the Deepwater Group Ltd reporting records that must be completed in this regard (see **Appendix 7**). Review examples where <60 cm hoki has been exceeded by 10% for action taken by vessel, cross checking against TCEPR to confirm if 'Move on' rule is complied with.

Bycatch

- Observed vessels have been shown to consistently land greater quantities and a greater range of bycatch species than unobserved vessels.
- Check unloading schedule, TCEPRs and CLRs for bycatch species mix and quantity. There are numerous influences dictating what bycatch is caught, including gear type used, time of day, whether the fishing was inside or outside the Hokitika Canyon, time of the season depth and others. Use the following table from Operation Maxi as an indicator of the bycatch species that should likely appear in the catch mix. This table identifies species that were caught in 18% or more of observed tows.

| Common name | Species code | % occurrence of bycatch in observed tows |
|----------------|--------------|--|
| Alfonsino | BYX | 18 |
| Barracouta | BAR | 34 |
| Bluenose | BNS | 21 |
| Common Roughy | RHY | 21 |
| Frostfish | FRO | 82 |
| Gemfish | SKI | 50 |
| Hake | HAK | 87 |
| Jack Mackerels | JMA | 47 |
| Javelin fish | JAV | 82 |
| Ling | LIN | 92 |
| Lookdown dory | LDO | 24 |
| Rat tail | RAT | 43 |

| | | |
|----------------|-----|----|
| Rays Bream | RBM | 21 |
| Red Cod | RCO | 32 |
| Redbait | RBT | 64 |
| Scabbardfish | BEN | 39 |
| Sea Perch | SPE | 21 |
| Silver Dory | SDO | 26 |
| Silver Warehou | SWA | 47 |
| Spiny Dogfish | SPD | 49 |
| Squid | SQU | 60 |

- Obtain a copy of the vessel's fishing plan detailing the species and quantities that it had access to fish against. Is there any correlation between missing expected species and their ACE availability?
- If higher value species are missing or declared in lesser quantities than expected, consider:
 - The bycatch may have been dumped (due to no ACE, or little ACE remaining to cover catch or expected future catch for the remainder of the season, no or little ACE available on the market)
 - It may have been landed declared as a different species
 - There is potential that the bycatch may have been landed in a state with a smaller conversion factor.
 - It may have been misreported against a different QMA. Did the vessel fish in another QMA in this trip? Was that species retained onboard (destination 'R') from a previous trip?
- Be vigilant for any indicators that identify such product (e.g. documentary or carton code marking etc).
- In Operation Maxi the § 9(2)(b)(i) did not report any BYX, BSH, BAR, RCO, RBM, POS, JMA, SCI and SCH for the season. She also only landed trivial quantities of SPD and FRO and very little non-QMS bycatch.
- Identify species where large quantities of heads (state HDS) make up a greater than expected percentage of the landed catch e.g. Ling or Hake HDS. This may be an indicator that there has been misreporting of the body of that fish (e.g. inferior quality fish disposed of or disposing of a percentage of a species that the vessel doesn't have sufficient access to ACE for). Conduct carton weight tests to check the accuracy of the declared carton nominal weights. Conduct a sample count of heads per carton (as was done for small 'S' grade fish) to establish the average count of heads per carton. Ensure all the grade specifications have been obtained for each processed state of that species (number of pieces per carton). *Subsequent calculations can be made to determine the approximate number of heads and bodies in the landed catch. Expectation would be that there would be a one to one match or fewer heads. Should an excess of heads to bodies arise, the quantification will require a more thorough assessment. The processed state (principal versus additional), TCEPR and CLR greenweight declarations will impact on whether misreporting has transpired.*

Area misreporting

- Prior to the inspection, request a voyage plot from s 9(2)(a) for the voyage to which the landing relates. Establish whether the vessel has fished in other Fisheries Management Areas as to whether there is potential misreporting of bycatch issues. This is more likely to occur in respect of vessels travelling south on leaving the hoki grounds and moving through FMA5 to land at east coast ports. The last trip of the hoki season for such vessels is particularly flagged as being a likely time for a misreporting event to occur.
- Misreporting of LIN7 caught bycatch as LIN5 is a high risk. LIN5 is ACE is both cheaper and more readily available on the market than LIN7 ACE.

Fresher vessel fleet

Inspection locations: Picton, Nelson, Greymouth, Westport, Wellington, (Lyttelton and Timaru).

At each of the principal landing ports, Picton, Nelson, Greymouth, Wellington and Westport, target a selection of vessels where a full unload (all species in all states) can be monitored. A full tally examination is to be conducted for both bin counts and weight of the product. Where the product is not weighed at the point of landing or the product is consigned to another location, the bin count and weighing should also be fully monitored at the receiving LFR premise. In some instances this will require coordination between staff from different locations (e.g. a Picton landing examined by Blenheim staff and then Christchurch staff monitoring the receiving at a Christchurch based LFR premise).

Ascertain the identity of the truck driver, the truck and trailer registration particulars, company name, consignment destination and whether product will be consigned to any other conveyance or premise on route.

Use the observer tally sheet TS4 (**Appendix 8**), specify the container type(s) used as per the container types in the CLR and Fisheries (Reporting) Regs. In addition to the container number and weight, record the time each container is received by the truck as a means of monitoring the accuracy of your tally sheet entries. Check the accuracy of the shore based company tally clerk figures (bin counts and weights) and or the truck driver's tally record.

Ascertain from the skipper what the ice weight (kg) per bin is. Sample some bins to verify the accuracy of that quantification.

Where bin weights are not recorded on unloading, utilise truck weigh scale records where feasible. Liaise with the driver as to how truck axle weight compliance is determined.

Liaise with the Police Commercial Vehicle Inspection Unit (CVIU) re inspection weight records they may have ascertained for hoki trucks relating to consignment of catches that are of particular concern.

Review the contents of the containers during the course of the unloading. Have the hoki been sorted by size and quality? Are there bins of 'reject' hoki in the landed catch or is there variable size and quality in the bins? Are there any indicators that dumping of low value fish may have transpired?

Ascertain from the skipper his fishing plan regarding hoki and bycatch. What is his hoki ACE balance? If fishing against company ACE, ascertain any directives received from the company concerning catch specifications or limitations?

Ascertain from each truck driver which vessels they will be receiving from for that consignment before the unloading commences and whether there is a specified maximum quantity/number of bins that can be received from those vessels. Compare the actual quantity landed by the vessel to the trucks capacity. If the truck is full to maximum capacity, review the vessel's Trawl Catch Effort Return, particularly comparing the quantity caught and effort in the last tow to other shots from which that landing is composed. Has there been potential dumping to align catch to the truck capacity. Count the number of empty bins back loaded onto the vessel for the return voyage. How does this relate to the truck capacity? Check the vessel hold after the unloading is complete. Does catch remain onboard and has it been declared as "R" in the CLR? What is the size and quality of that fish? Is that likely to be dumped?

If the truck receives catches from multiple vessels, ascertain how it is determined which catch belongs to whom.

Are the Fisheries (Recordkeeping) Regulation 1990 requirements r.12 re unloading dockets being satisfied?

Complete observer sheet TS5 to summarise your tally information (**Appendix 9**). Make this record available (i.e. fax; email a scanned copy) to the team completing the inspection of the product at the receiving LFR premise.

Ascertain whether the LFR has any criteria as to hoki that it will not receive (e.g. small or damaged hoki). What does the LFR do with such small or damaged fish that are consigned to it (both physically and how it is recorded)?

Check the accuracy and timeliness of reporting and recordkeeping declarations by fishers and LFRs. Ascertain full explanations for any discrepancies between their records and yours. Have minor discrepancies amended and report major irregularities.

4 Administration and logistics

Item Reference coding

_____/-----/----

Vessel name/initials of fishery officer followed by warrant number/starting from 001, sequential number for the items you have uplifted or generated.

Appointments

Standard health and safety gear to be carried

Warrants

Notebooks

Cell phones

Equipment required

Digital camera

Clip board

Forms (see Appendices)

Property record sheets

Digital scales (certified)

Ruler

Net measuring equipment (gauges and test weights - certified)

Net measurement schedule

Tape for resealing opened cartons

Certified scales

Gloves

Safety gear (whites for LFR premises, safety gumboots, hard hats, reflective jackets)

Overalls

Freezer jackets and leggings

Zip lock plastic bags and stick on labels

Fish ID guide

Access to required fisheries legislation

- Fisheries (Recordkeeping) Regulations 1990
- Fisheries (Commercial Fishing) Regulations 2001
- Fisheries (Conversion Factors) Notice 2005
- Fisheries (Reporting) Regulations 2001

Dress

- FO field overalls

Documentation

- Provided Deepwater inspection forms, weighing/tally/net inspection sheets, jobsheets, copies of documentation uplifted and recommendations reports etc to s 9(2)(a), Nelson.
- Officers completing the inspection work are to complete CAMS entries.

Logistics

- Meals, accommodation (e.g. for inspections required in Timaru, West Coast et) to be organised by each district office responsible for the respective locations.

5 Command

- OC Shore inspection phase – FI s 9(2)(a)

6 Appendices

- 1 Spreadsheet target vessels.xls
- 2 Deepwater Inspection Form
- 3 Net measuring schedule
- 4 Operation maxi vessel processing specifications
- 5 hoki carton examination for weight and number of fish
- 6 Hoki green block carton examination
- 7 Deepwater Group Ltd reporting form
- 8 Observer Tally sheet TS4
- 9 Observer Tally summary TS5



Subject: Op Mega – P3 Orion Flight NZO214 – 11 July 2008

11.07.08
0530 hrs **Introduction:**
Drive to RNZAF Whenuapai with FI § 9(2)(a) for briefing.

0600 hrs Attend briefing at IMSS. Flight is NZO214.

0645 hrs Board P3.

0815 hrs On board briefing NZO214.

0834 hrs Take off.

1012 hrs ZMTH – § 9(2)(a) – Cook Strait.

1036 hrs § 9(2)(b)(ii) – Cook Strait – In transit.

1048 hrs Vessel identified as Rover transiting through Cook Strait. Vessel is same description and colouring as § 9(2)(b)(ii). Appears the vessel may now be re registered as port of registration by name on starboard stern is § 9(2)(b)(ii).

Close up inspection of photograph still shows § 9(2)(b)(ii) painted on the roof of the bridge.

1051 hrs § 9(2)(b)(ii) – Cook Strait.

1102 hrs § 9(2)(b)(ii) stood down from operations in Cook Strait via Wellington maritime Radio.

1321 hrs § 9(2)(b)(ii)
§ 9(2)(b)(ii) – WCSI.

1323 hrs § 9(2)(b)(ii) – WCSI.

1325 hrs § 9(2)(b)(ii) – WCSI.

1328 hrs § 9(2)(b)(ii)

1320 hrs § 9(2)(b)(ii) – WCSI.

1332 hrs § 9(2)(b)(ii)
§ 9(2)(b)(ii) – WCSI.

Name: § 9(2)(a)
Position: Fisheries Investigator
Warrant No: 900
Date: 11 July 2008

Checked
by:
Position:
Date:

JOB SHEET - Continued

Rig of the s 9(2)(b)(ii) shows bouys for the bird mitigation devices still tied up and stowed on the port and starboard sides of the stern of the vessel. Warp lines are in the water and the vessel is fishing. I asked the pilot to return for an on top view so that further photographs can be obtained of the vessel not trailing its Tori Lines.

On return for the on top shots the Tori Lines had now been deployed since our first pass and were now trailing behind the vessel. Photography obtained and return to rigging the other vessels.

1340 hrs s 9(2)(b)(ii) – WCSI.

1348 hrs s 9(2)(b)(ii) – WCSI.

1351 hrs s 9(2)(b)(ii) – WCSI.

1400 hrs s 9(2)(b)(ii) – WCSI.

1401 hrs s 9(2)(b)(ii) – WCSI.

1410 hrs s 9(2)(b)(ii) – WCSI.

Continue south searching for vessels and ask the crew to end search and return to Whenuapai via the Taranaki Bight, due to the remainder of the Hoki fleet still currently fishing up there for JMA.

Crew advise that they can not return early due to their tasking by s 9(2)(b)(ii)

Continue south patrolling for another 40 minutes with no further vessels located. Return to base.

1637 hrs Land RNZAF Whenuapai. Attend debrief.

Name: s 9(2)(a)
Position: Fisheries Investigator
Warrant No: 900
Date: 11 July 2008

Checked by:
Position:
Date:

Page 2 of 2

07 July 2008

Superintendent s 9(2)(a)
District Commander
Police Station
PO Box 693
Wellington

Dear s 9(2)(a)

Re : Ministry of Fisheries use of Police RHIB for maritime operations

The Ministry of Fisheries (MFish) is about to commence Operation Mega which is essentially a maritime surveillance operation focussing on commercial fishing vessels operating in the Hoki fishery on the West Coast of the South Island and Cook Strait.

Through the asset tasking process at the National Maritime Coordination Centre, the Wellington Police RHIB was sought by MFish to support planned boarding operations in Cook Strait.

Detailed discussions have since been held with Inspector s 9(2)(a) and Senior Sergeant s 9(2)(a) to facilitate the operational planning process for this phase of Operation Mega.

The plan is to have an RNZAF P3K Orion aircraft conduct an aerial surveillance patrol in Cook Strait on the 11th, 22nd, 23rd & 24th of July and the 21st of August. The RHIB will be on 'standby' to deploy Fishery Officers into Cook Strait to board any commercial fishing vessel that is detected by the Orion aircraft as being in breach of the Fisheries Act 1996 or associated regulations.

It is not anticipated that any Police personnel will be involved in the actual boardings and their role will simply be to provide the platform to facilitate the boarding.

In the event that no offending is detected by the Orion aircraft, then the RHIB will be stood down at the earliest opportunity.

On the 14th of August, it is intended to use the Police RHIB to deliver an MFish boarding team to HMNZS Te Kaha which will be deployed in Cook Strait for the day supporting the boarding of commercial fishing vessels. Once the MFish team has been embarked on HMNZS Te Kaha, the Police RHIB will return to base and will have no further involvement in the operation.

I would like to take this opportunity to formally acknowledge the support that NZ Police are providing to this operation. Without inter-agency support such as this, smaller agencies such as MFish are severely restricted in our ability to implement effect maritime enforcement.

We have previously conducted multi-agency maritime operations with NZ Police both in Wellington and Auckland and look forward to working together in the future.

On a more personal note, congratulations on your appointment to the District Commander position and I look forward to possibly catching up with you at some stage in the near future.

Kind regards

s 9(2)(a)

Manager
Maritime Operations

Released under the Official Information Act



Memorandum

| | | | | |
|-----------------|---|-------------------------------------|---|---|
| To: | s 9(2)(a), Investigations Manager, Wellington Investigations Services | | | |
| CC: | | | | |
| From: | s 9(2)(a), Fisheries Investigator | | | |
| Date: | 01 February 2017 | File Ref: | | |
| Subject: | Op Mega – Bird Mitigation Devices – s 9(2)(b)(ii) – 22 nd and 23 rd July 2008 | | | |
| Remarks | <input type="checkbox"/> Urgent | <input type="checkbox"/> Reply ASAP | <input checked="" type="checkbox"/> For Your Review | <input type="checkbox"/> Please Comment |

This file relates to the above vessel that was flown over by an RNZAF Orion aircraft on the 22nd and 23rd of July 2008.

I was the observer on the flight as part of Operation Mega. The operation concentrated on the WCSI Hoki Fleet but the flight also looked at other vessels from that fleet that were fishing in areas close by.

On both the 22nd and the 23rd of July 2008 after the flyover of the WCSI Hoki Fleet, the aircraft then looked at vessels in the Taranaki Bight currently engaged in fishing for JMA.

On the 22nd of July 2008 at 1041 hrs, s 9(2)(b)(ii) was flown over and photographs were taken of the vessel fishing during the fly by of the vessel. The close distance fly by of a vessel when capturing evidential quality photographs is called the "Rigging" of the vessel.

At 1210 hrs on the 23rd of July 2008 s 9(2)(b)(ii) was again flown over. The vessel was engaged in a tow at the time and was again photographed during the "rigging" of the vessel.

I was forwarded the photographs for review at a later date and upon review of the photographs it could be seen that the vessel appeared to not have bird mitigation devices deployed as required for both days.

There were only two photographs obtained of the vessel each day and from the oblique angle that they were taken from, it could not be confirmed if there may have in fact been buoys for Tori Lines trailing behind the vessel but out of the frame of the photo.

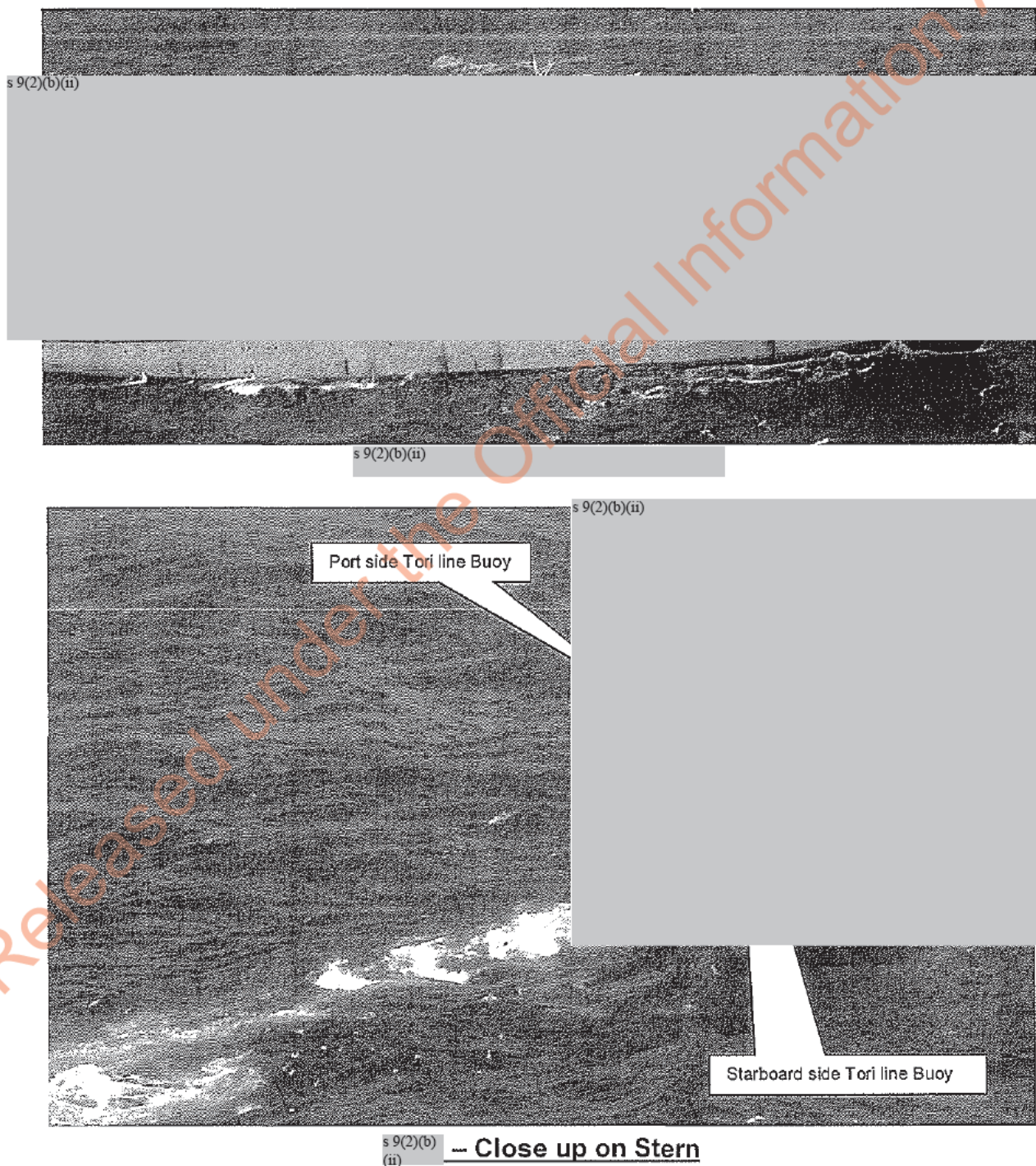
I requested from IMSS RNZAF via FO s 9(2)(a) at HQJFNZ a copy of the close up video footage of the rig done of that vessel. I requested this a short time after reviewing the photos but due to operational demands on IMSS, the footage was not able to be delivered until Tuesday the 21st of October 2008.

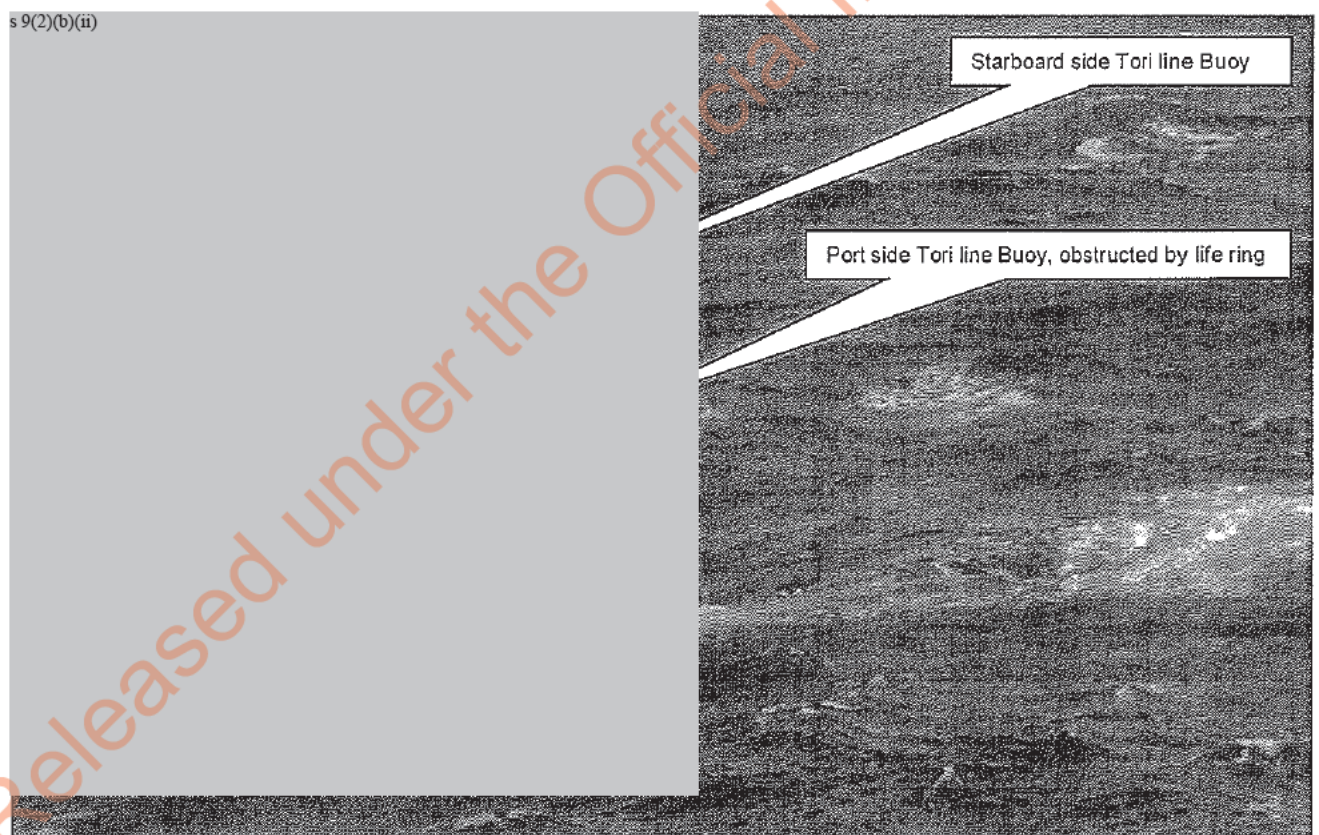
Upon review of that footage, it can be confirmed that the vessel was engaged in fishing and that the Bird Mitigation devices for over the Warps were not deployed.

They can be seen to be stowed in drums on the port and starboard side of the vessels stern.

I have also reconfirmed the same from the still photographs and have described their positions in the photographs below.

NZO 500 – 22 July 2008:





The photographs show the Buoys stowed and the fact the vessel is fishing.

Copies of these photos are attached to the file for use in the interview and a copy of the video footage has also been burnt onto a disc for use to show those being interviewed also.

The Fisheries (Commercial Fisheries) Regulations 2001 stipulate the requirement for vessels over 28 meters that use a trawl net, to carry and use bird scaring devices as outlined in the New Zealand Gazette Notice number 33, page 842, published on the 6th of April 2006. A copy of that notice outlining the requirements is also attached to this file.

It is therefore an offence under sections 58A – C of the above regulations if any breach of that notice does occur.

As per our discussion on the matter follow up is required with the vessel concerned, and others located during the Op Mega flights.

Industry worked with the Ministry regarding these rules. Warnings regarding the rules were sent in letters to all permit holders and the Deepwater Working Group notified industry also regarding earlier infringements.

I feel it is of high importance that a message is sent to industry that the rules regarding Bird Mitigation devices are going to be strenuously enforced as many warnings have already been given.

File for your information and forwarding to DCM Nelson for follow up please.

s 9(2)(a)

Fisheries Investigator
Wellington Investigation Services



Memorandum

| | | | | |
|-----------------|---|-------------------------------------|---|---|
| To: | s 9(2)(a), Investigations Manager, Wellington Investigations Services | | | |
| CC: | | | | |
| From: | s 9(2)(a), Fisheries Investigator | | | |
| Date: | 01 February 2017 | | File Ref: | |
| Subject: | Op Mega – Bird Mitigation Devices – s 9(2)(b)(ii) – 22 July 2008 | | | |
| Remarks | <input type="checkbox"/> Urgent | <input type="checkbox"/> Reply ASAP | <input checked="" type="checkbox"/> For Your Review | <input type="checkbox"/> Please Comment |

This file relates to the vessel s 9(2)(b)(ii), which was flown over by an RNZAF Orion aircraft on the 22nd of July 2008.

I was the observer on the flight as part of Operation Mega. The operation concentrated on the WCSI Hoki Fleet but the flight also looked at other vessels from that fleet that were fishing in areas close by.

At 0927 hrs on the 22nd of July 2008 the vessel was located fishing (warp lines in the water) but the bird mitigation devices (BMD's) were stowed on the stern of the vessel and not deployed.

The vessel was flown over and photographs were taken of it fishing during that fly by. The close distance fly by of a vessel when capturing evidential quality photographs is called the "Rigging" of the vessel.

I requested a return flight over the vessel to capture further images of the vessel without the BMD's deployed while fishing.

Upon returning to the vessel only a minute or so later the BMD's were now deployed and trailing behind the vessel as required.

I was forwarded the photographs for review at a later date and upon review of those photographs it could be seen that the vessel did have the BMD's stowed and deployed them after our initial fly by.

I requested from IMSS RNZAF via FO s 9(2)(a) at HQJFNZ a copy of the close up video footage of the rigs done of that vessel. I requested this a short time after reviewing the photos but due to operational demands on IMSS, the footage was not able to be delivered until Tuesday the 21st of October 2008.

Footage was obtained of the rigging of the vessel that took place on the 22nd of July 2008. Upon review of that footage, it can be confirmed that the vessel was engaged in fishing and that the BMD's for over the Warps were not deployed.

They can be seen to be stowed on the port and starboard side of the vessels stern gantry over the stern ramp.

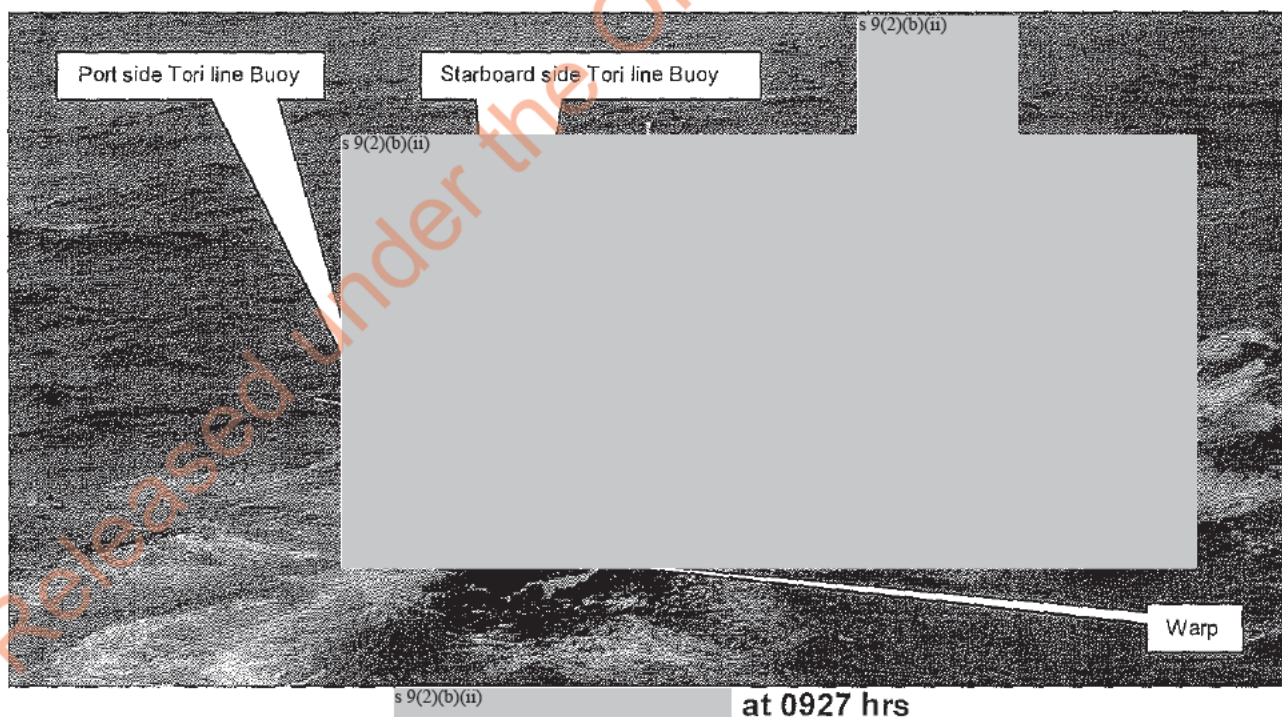
It can also be seen from the fly by video footage that there are no crew on the deck or the well area of the vessel. Upon review of the TCEPR for the vessel for that day, the master has reported on that TCEPR that the start of the tow was 0930hrs.

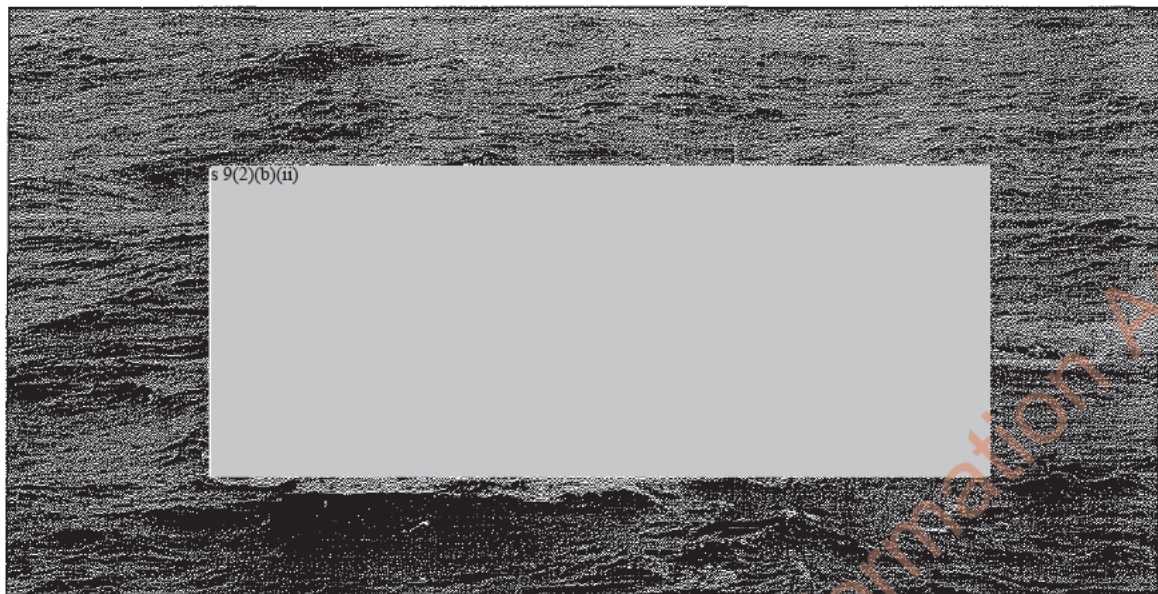
It is my view that if the vessel had just started the tow why is there an absence of any crew in the working area of the vessel. Crew can also not be seen making any attempt at letting the BMD's go while the warps are already in the water. It would appear to me that the crew have only let the BMD's be deployed due to the fact the P3 Orion aircraft has flown by the vessel.

Although the TCEPR shows a start time for the tow of 0930 hrs which coincides with the fly by, there may be other evidence located on board that shows a tow start time to the contrary. I believe that if the ships log or fishing masters log book is checked by the investigating officer, this may provide proof that the vessel has attempted to mislead the Ministry of Fisheries by reporting a false start time to the tow to cover themselves.

The information outlined above is also described in the photographs below.

NZO 500 – 22 July 2008:





s 9(2)(b)(ii)

at about 0928 hrs showing buoys now deployed



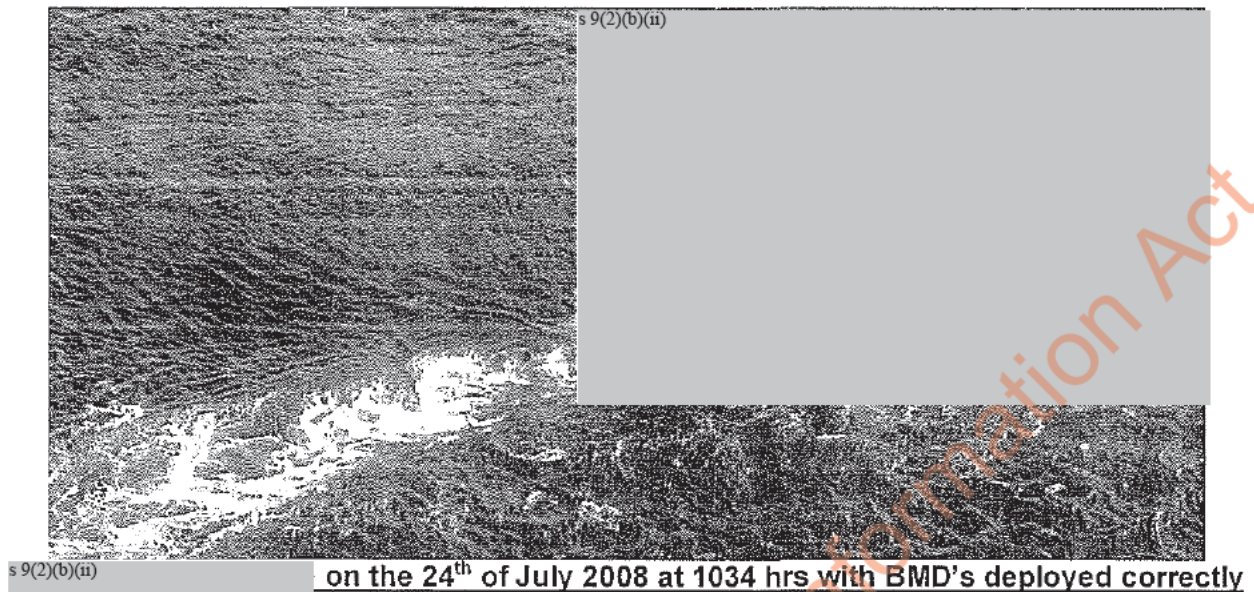
s 9(2)(b)(ii)

Buoys now gone
from stern gantry

s 9(2)(b)(ii)

at about 0928 hrs close up on stern showing buoys now
deployed

NZO514 – 24 July 2008:



Copies of these photos are attached to the file for use in the interview and a copy of the video footage has also been burnt onto a disc for use to show those being interviewed also.

The Fisheries (Commercial Fisheries) Regulations 2001 stipulate the requirement for vessels over 28 meters that use a trawl net, to carry and use bird scaring devices as outlined in the New Zealand Gazette Notice number 33, page 842, published on the 6th of April 2006. A copy of that notice outlining the requirements is also attached to this file.

It is therefore an offence under sections 58A – C of the above regulations if any breach of that notice does occur.

The TCEPR for the date concerned are also attached and are located with the jobsheets for the flight. The start and end times for the tow on the day also confirms that the vessel was fishing at the times the photographs were taken.

As previously mentioned in my report it is suggested that the investigating officer obtains corroborative evidence from other documents on the vessel to ensure the vessel was breaching the legislation as is suspected.

As per our discussion on the matter follow up is required with the vessel concerned, and others located during the Op Mega flights.

Industry worked with the Ministry regarding these rules. Warnings regarding the rules were sent in letters to all permit holders and the Deepwater Working Group notified industry also regarding earlier infringements.

I feel it is of high importance that a message is sent to industry that the rules regarding Bird Mitigation devices are going to be strenuously enforced as many warnings have already been given.

File for your information and forwarding to DCM Dunedin for follow up please.

s 9(2)(a)

Fisheries Investigator
Wellington Investigation Services

Released under the Official Information Act



Memorandum

| | | | | |
|-----------------|---|-------------------------------------|---|---|
| To: | s 9(2)(a), Investigations Manager, Wellington Investigations Services | | | |
| CC: | | | | |
| From: | s 9(2)(a), Fisheries Investigator | | | |
| Date: | 01 February 2017 | File Ref: | | |
| Subject: | Op Mega – Bird Mitigation Devices – s 9(2)(b)(ii) – 11 and 22 July 2008 | | | |
| Remarks | <input type="checkbox"/> Urgent | <input type="checkbox"/> Reply ASAP | <input checked="" type="checkbox"/> For Your Review | <input type="checkbox"/> Please Comment |

This file relates to the vessel s 9(2)(b)(ii), that was flown over by an RNZAF Orion aircraft on the 11th and 22nd of July 2008.

I was the observer on the flights as part of Operation Mega. The operation concentrated on the WCSI Hoki Fleet but the flight also looked at other vessels from that fleet that were fishing in areas close by.

On both the 11th and the 22nd of July 2008 the vessel was located fishing (warp lines in the water) but the bird mitigation devices (BMD's) were stowed on the stern of the vessel and not deployed.

On the 11th of July 2008 at 1401 hrs s 9(2)(b)(ii) was flown over and photographs were taken of the vessel fishing during that fly by. The close distance fly by of a vessel when capturing evidential quality photographs is called the "Rigging" of the vessel.

On the 22nd of July 2008 at 0940 hrs the s 9(2)(b)(ii) was again "Rigged" during an Op Mega flight and again the vessel appeared to be fishing with warp lines in the water, but BMD's were stowed in the same position as seen previously on the stern of the vessel.

I was forwarded the photographs for review at a later date and upon review of the photographs it could be seen that the vessel appeared to not have BMD's deployed as required for both days.

There were only two photographs obtained of the vessel each day and from the oblique angle that they were taken from, it could not be confirmed if there may have in fact been buoys for Tori Lines trailing behind the vessel but out of the frame of the photo.

I requested from IMSS RNZAF via FO s 9(2)(a) at HQJFNZ a copy of the close up video footage of the rigs done of that vessel. I requested this a short time after reviewing the photos but due to operational demands on IMSS, the footage was not able to be delivered until Tuesday the 21st of October 2008.

Footage could only be obtained of the rigging of the vessel that took place on the 22nd of July 2008. Upon review of that footage, it can be confirmed that the vessel was engaged in fishing and that the BMD's for over the Warps were not deployed.

They can be seen to be stowed in drums on the port and starboard side of the vessels stern.

The vessel was again flown over on the 23rd of July 2008, but on this occasion the BMD's were deployed and the starboard side Tori Line buoy can be seen trailing behind the warp in the correct manner.

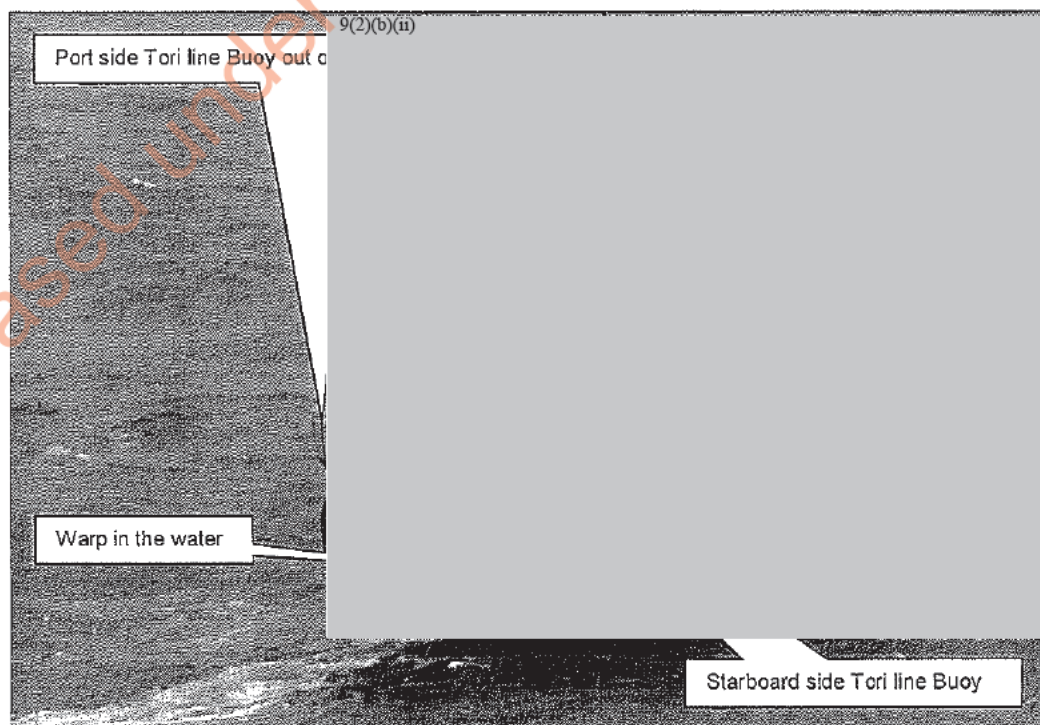
With the review of the photographs of the [REDACTED] over the three days as outlined and with the video footage reviewed for the 22nd of July 2008, I can say by comparison that the vessel definitely did not have its BMD's deployed as required on the 11th of July 2008.

The information outlined above is also described in the photographs below.

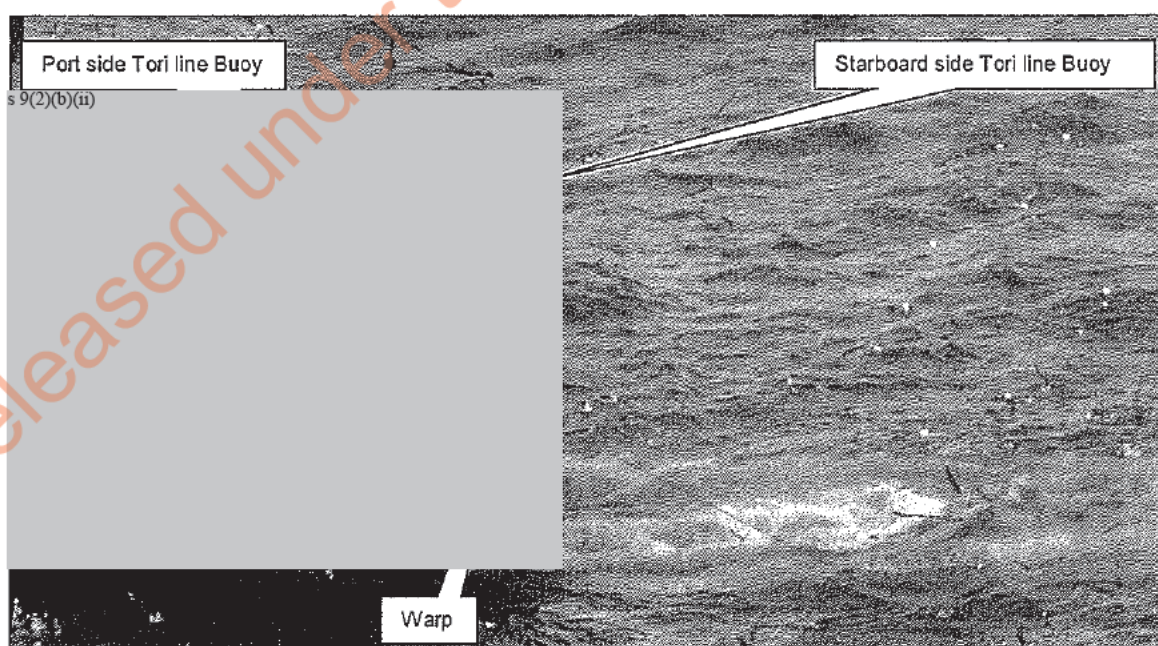
NZO 214 – 11 July 2008:



at 1401 hrs



- Close up on Stern



s 9(2)(b)(ii) – Close up on Stern at 0940 hrs



The photographs show the Buoys stowed and the fact the vessel is fishing on both the 11th and 22nd of July 2008. Photographs at 1044 hrs on the 23rd of July 2008 show that the vessel is capable of fishing with the buoys deployed as is required.

Copies of these photos are attached to the file for use in the interview and a copy of the video footage has also been burnt onto a disc for use to show those being interviewed also.

The Fisheries (Commercial Fisheries) Regulations 2001 stipulate the requirement for vessels over 28 meters that use a trawl net, to carry and use bird scaring devices as outlined in the New Zealand Gazette Notice number 33, page 842, published on the 6th of April 2006. A copy of that notice outlining the requirements is also attached to this file.

It is therefore an offence under sections 58A – C of the above regulations if any breach of that notice does occur.

TCEPR's for the dates concerned are also attached and are located with the jobsheets for the flights. The start and end times for the tows on those days also confirms that the vessel was fishing at the times the photographs were taken.

As per our discussion on the matter follow up is required with the vessel concerned, and others located during the Op Mega flights.

Industry worked with the Ministry regarding these rules. Warnings regarding the rules were sent in letters to all permit holders and the Deepwater Working Group notified industry also regarding earlier infringements.

I feel it is of high importance that a message is sent to industry that the rules regarding Bird Mitigation devices are going to be strenuously enforced as many warnings have already been given.

File for your information and forwarding to DCM Christchurch for follow up please.

s 9(2)(a)

Fisheries Investigator
Wellington Investigation Services

RESTRICTED



MINISTRY OF FISHERIES
Te Taaitiaki i ngā taiti a Tangaroa

Operation Mega

Operation Orders

1 July - 30 August 2008

Distribution :

s 9(2)(a)

RNZN

JFNZ

JFNZ

PNHQ

O/C Wellington Police Maritime Unit

MFish : Manager Maritime Operations

MFish : Liaison Officer : NMCC

MFish : Investigation Manager - Chch

MFish : DCM - Nelson

MFish : DCM - Chch

MFish : DCM - Petone

MFish : Fisheries Investigator

MFish : Fisheries Investigator

MFish : Acting DCM - Petone

RESTRICTED

1. Situation

1.1. General Information

- 1.1.1. The Ministry of Fisheries has established the need for continued monitoring of both, the deepwater/factory fleet operating within the Hoki fishery on the West Coast of the South Island (WCSI), and the fresher vessel fleet operating within same fishery as well as within the Hoki fishery in Cook Strait.
- 1.1.2. The areas are within the New Zealand Exclusive Economic Zone and the operation will run from Tuesday the 1st of July to Sunday the 31st of August 2008.
- 1.1.3. This will be a Four Phase Operation. Phase One will be aerial covert surveillance of the West Coast and Cook Strait Fleets utilising an RNZAF P3K Orion aircraft. Phase Two will comprise of vessel port inspections of both domestic and foreign chartered fishing vessels operating within the same fisheries. Phase Three will involve 'at-sea' boarding utilising HMNZS Te Kaha and the NZ Police Maritime Unit. Phase Four will involve the utilisation of a RNZN Seasprite Helicopter which will conduct close surveillance of target vessels operating in the WCSI Hoki Fishery.
- 1.1.4. Operation MEGA is itself a follow on phase of previous operations entitled Operations Mini and Maxi, which dealt with the investigation of all compliance issues arising from the WCSI Hoki fishery.
- 1.1.5. Operation MEGA is intended to obtain data to determine whether patterns of fishing behaviour persist within the Hoki fishery as were established through Op's Mini and Maxi, so as to deter and detect fisheries offending.
- 1.1.6. Target vessels operating on the WCSI and Cook Strait have been identified through analysis, prior to commencing this operation. Those vessels with a likelihood of offending will be targeted first whilst other vessels will be boarded as part of an ongoing deterrent action.
- 1.1.7. There are potentially fifty (50) fishing vessels targeting Hoki on the WCS and Cook Strait at this time, ranging in size from smaller inshore trawlers around 20m in length to deep-sea vessels in excess of 100m in length. A list of those vessels is attached [refer Appendix 'A'].
- 1.1.8. For this operation a single boarding team only will be operated from HMNZS Te Kaha. The boarding team will consist of naval personnel accompanied by at least two Fishery Officers.

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1.2. Location

1.2.1. The area of operation is contained within Fisheries Management Area 7 [*Challenger*] and is best described as being bounded by latitude 40-40.00S at the northern end and 43-00.00S at the southern end and extending out from the coast by up to 60 nautical miles [refer Fig. 1]. The Cook Strait area of operations can best be described as falling within fisheries statistical area 016 in FMA6 and statistical area 017 falling within FMA7 [refer Fig. 2].

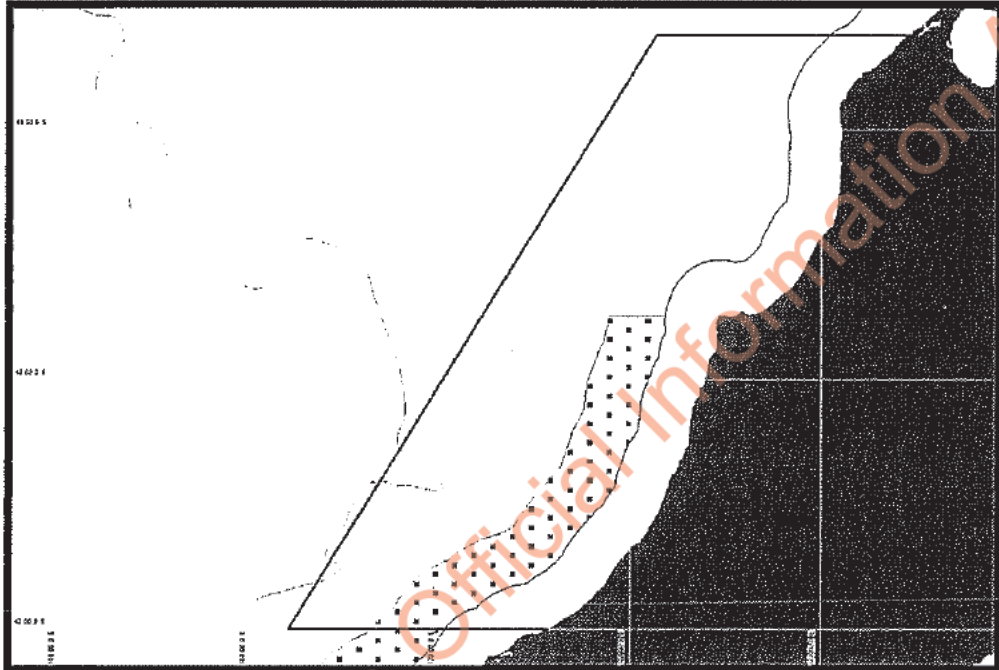


Fig. 1

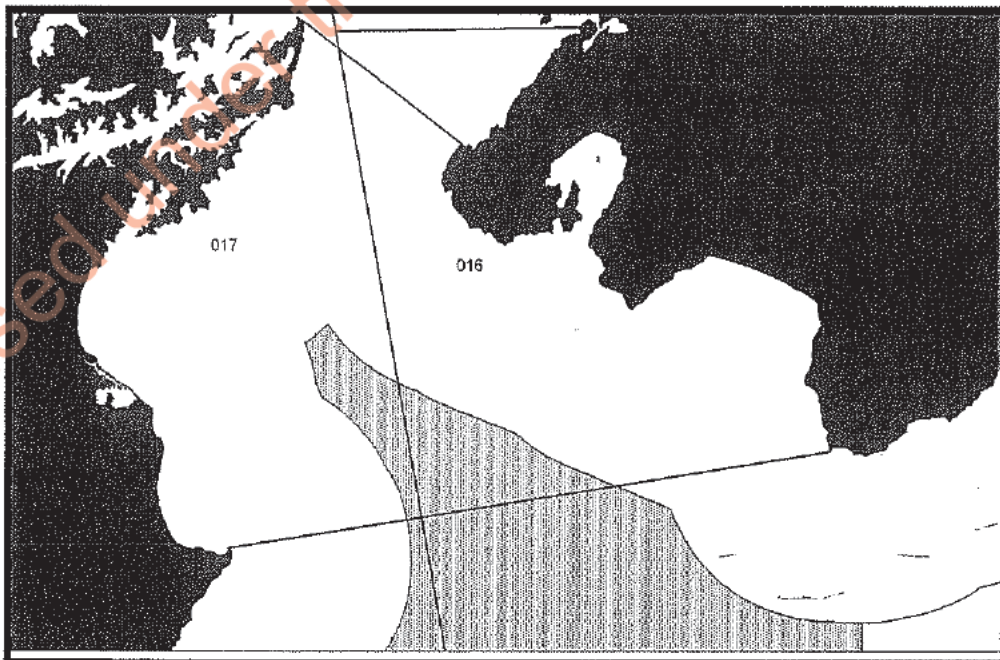


Fig. 2

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1.2.2. VMS plots demonstrating the high concentration of fishing activity in the operational areas during the period 1 July to 30 August, in the 2005-06 and 2006-07 fishing years, are attached [refer Appendix 'B'].

1.2.3. The MFish Operation O/C is Investigations Manager ^{s 9(2)(a)} who will be responsible for the direction of the operation and co-ordination of all operational matters.

1.3. WCSI Hoki Fishery

1.3.1. Historically, the main fishery for Hoki has operated from mid-July to late August on the WCSI where Hoki aggregate to spawn.

1.3.2. The spawning aggregations begin to concentrate in depths of 300–700m around the Hokitika Canyon from late June, and further north off Westport later in the season. Fishing in these areas continues into September in some years.

1.3.3. There are a number of variables that need to be considered with regard to whether in fact the Hoki fleet will still be operating in the WCSI Hoki fishery in mid to late August. Significantly, with the TACC reduced to 90,000 tonnes for this season, there may be;

- fewer vessels in the fishery due to lack of available ACE
- a shorter catching period due to good catches in June, July and early August
- timing of the commencement of the spawn due to environmental factors

1.3.4. Foreign chartered vessels may not fish inside the 12-mile Territorial Sea and there are various vessel size restrictions around some parts of the coast of New Zealand. On the WCSI, a 25-mile line closes much of the Hoki spawning area in the Hokitika Canyon and most of the area south to the Cook Canyon to vessels with an overall length larger than 46m [refer Fig. 1].

1.3.5. There is an area bounding the Hokitika Canyon that is subject to voluntary closure as a consequence of the 'Industry Agreed Code of Practice for Hoki Target Trawling : Version 8'. In 2004, this area was subject to voluntary closure from 20 August. It must be noted that there are no legislative sanctions for not abiding by the 'voluntary' closure.

1.3.6. The TACC for Hoki was reduced from 250,000 to 200,000 tonnes in the 2001–2002 fishing year, to 180,000 tonnes in 2003–2004 and further to 100,000 tonnes in the 2004–2006 fishing years, then dropped again to 90,000 tonnes for the 2007–2008 fishing year.

1.3.7. The reduction in the Hoki TACC has placed greater pressure on vessel masters to ensure profitability of fishing trips and provided additional incentive for them to either unlawfully discard small or damaged Hoki that

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are unable to be processed, or to a lesser extent, meal these fish without declaring them as the correct species.

- 1.3.8. Hoki is subject to the quota management system with a single fish stock available, namely HOK1. There is no size limit for Hoki and it is not a stock that may be returned to the sea unless the discarding is either approved by a Fishery Officer or MFish observer, or involves the safety of the vessel.
- 1.3.9. Due to several years of poor recruitment, the size frequency curve of the Hoki population is distinctly bimodal. The majority of fish caught in commercial trawls in the WCSI fishery are over 75cm in length, but around 15% are 55cm or smaller and there are few fish in the gap between.
- 1.3.10. For vessels fishing in the WCSI Hoki fishery in the 2003-04 fishing year, there is a 99% level of confidence that at least 9.2% of the Hoki catch (by number) would have been Hoki less than 50 cm in total length. This is supported by visual examination of Hoki catch landed by two vessels and from reports by all MFish observers on vessels targeting Hoki on the WCSI during the 2003-04 fishing year.
- 1.3.11. Operation MINI, a Serious Offences Unit [SOU] investigation which focussed on unlawful discarding of Hoki by two Korean vessels in the 2003 - 2004 fishing year, confirmed that Hoki under 50cm in length were considered uneconomic to process and large numbers of these small fish were discarded without authorisation.
- 1.3.12. Whilst the SOU investigation focussed on two vessels, there was evidence to support the belief that the practice of unauthorised discarding of small and damaged Hoki was widespread amongst the Hoki fleet and in particular, foreign charter vessels.

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2. Mission

- 2.1. To conduct covert and overt aerial surveillance of targeted commercial fishing vessels as well as in port inspections of these vessels within the WCSI Hoki fishery in order to ensure compliance with New Zealand fisheries legislation and to detect/deter offending by those vessels.
- 2.2. To conduct covert and overt aerial surveillance of targeted commercial fishing vessels as well as 'at sea' boarding's and in port inspections of these vessels within the Cook Strait Hoki fishery in order to ensure compliance with New Zealand fisheries legislation and to detect/deter offending by those vessels.

3. Execution

3.1. The RNZAF P3 Orion Aircraft will be flying patrols on the following dates:

- 11th, 22nd, 23rd and 24th July 2008.
- 14th & 21st August 2008.

3.1.1. The timings for the flights will be determined by analysis of vessel data to establish the optimum time for affecting the desired outcome.

3.2. The Seasprite helicopter will fly in support of the P3 Orion patrols for the week of 21st to 25th of July 2008 so as to secure evidence of any unauthorised discarding of quota species from vessels as identified by the P3 patrol. The helicopter will transit to and from the staging area on the 21st & 25th of July and will be operationally deployed on the 22nd, 23rd and 24th of July.

3.3. Potential boarding of fishing vessels in the Cook Strait fishery will be supported by the NZ Police Wellington Maritime Unit RHIB vessel on the:

- 11th, 22nd & 24th of July 2008.
- 14th & 21st of August 2008.

3.3.1. The boarding of commercial fishing vessels within the area of operation in Cook Strait will be carried out by a single MFish boarding team supported by the Wellington based NZ Police RHIB.

3.3.2. The boarding team will comprise a minimum of three (3) Fishery Officers. Police personnel will not be involved in boarding the fishing vessels and will be restricted to the operation of the RHIB.

3.3.3. Any decision on whether boarding activity will be undertaken on the days identified for operational deployment, taking into account relevant weather and sea conditions, will be the responsibility of the Police Officer in command of the NZ Police Maritime Unit RHIB.

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3.3.4. This does not prevent any Fishery Officer involved in boarding operations on that day to cancel the days activity if they are not confident of achieving the operational objective in a manner that does not involve undue risk to MFish personnel.

3.4. HMNZS Te Kaha will support boarding operations of fishing vessels operating in the Cook Strait Hoki fishery on the 14th of August 2008.

3.4.1 Due to the likelihood of adverse weather conditions in the operating area at this time of the year, flexibility will be required in determining where and when HMNZS Te Kaha will operate. It will be the responsibility of the MFish O/C to liaise with the Captain and crew of HMNZS Te Kaha in the event of adverse weather conditions or other issues that may impact upon the operational plan.

3.4.2 The boarding of targeted commercial fishing vessels within the area of operation in the Cook Strait fishery will be conducted by a single boarding team utilising the RHIB vessel from HMNZS Te Kaha.

3.4.3 The boarding team will comprise a minimum of two (2) Fishery Officers.

3.4.4 At 0700hrs on the 14th of August 2008, Fishery Officers will rendezvous with and be transferred to HMNZS Te Kaha by the NZ Police Wellington Maritime Unit.

3.4.5 Boarding Operations will then be conducted throughout the day, concluding no later than 1800hrs.

3.4.6 At the conclusion of the days operations, Fishery Officers will remain on board HMNZS Te Kaha and transit to the port of Lyttelton, disembarking the vessel at around 1000hrs on the 15th of August 2008.

3.5 Own Forces

RNZAF P3 Orion Aircraft and crew
1 x Fishery Officer.

NZ Police Maritime Unit RHIB and crew
3 x Fishery Officers.

RNZN Seasprite and crew
1 x Fishery Officer.

HMNZS Te Kaha and crew
4 x Fishery Officers.

It is desirable that Fishery Officers involved in this operation should have 'at sea' experience as either commercial fishers or observers with an emphasis

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on knowledge of trawlers, gear technology/nets and the WCSI and Cook Strait Hoki fishery.

3.4. Tasks

- 3.4.1. To conduct covert and overt aerial surveillance of vessels operating within the WCSI and Cook Strait fishery and identify any incidents of unauthorised discarding or dumping of quota species from commercial fishing vessels.
- 3.4.2. In the Cook Strait area, to board and inspect targeted commercial fishing vessels identified through surveillance as possibly offending and to examine all fishing activity by said vessels in order to determine compliance with New Zealand fisheries legislation.
- 3.4.3. To deploy the RNZN Seasprite as a response to any possible offending identified by the RNZAF P3 Orion flights.
- 3.4.4. In all instances, to gather evidence to a high evidential standard in relation to any detected breaches of New Zealand fisheries legislation.
- 3.4.5. To create a deterrent effect amongst commercial fishing vessels operating in the WCSI and Cook Strait Hoki fishery by effecting a high profile presence in the areas of operation.
- 3.4.6. To gather information and/or intelligence regarding fishing activity within the WCSI and Cook Strait Hoki fishery.
- 3.4.7. To ensure that all documentation relating to information or intelligence gathered and tasks undertaken during the course of the operation, is completed and entered into the appropriate MFish database.
- 3.4.8. To liaise with any MFish or industry observers present on any of the targeted commercial fishing vessels that are boarded.
- 3.4.9. To conduct comparative analysis of data collected from the 'at sea' inspections and aerial surveillance activity, with data collected through port inspections of commercial fishing vessels landing catch taken from the WCSI and Cook Strait Hoki fisheries.

3.5. Serious Offending

- 3.5.1. In the event that serious fisheries offending is detected, the Operation O/C [Investigations Manager ^{s 9(2)(a)}] is to be contacted at the earliest opportunity and he will then determine an appropriate course of action.

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- 3.5.2. Serious offending may comprise, but is not limited to;
- the unauthorised discard of quota species
 - illegal nets or cod-ends
 - non-completion of fishing returns
 - fish on board that does not match completed returns

3.6. Vessel Ordered to Port

- 3.6.1. In the event that it becomes necessary to issue a direction to the Master of a commercial fishing vessel pursuant to Section 204 of the Fisheries Act 1996 [*vessel ordered to port*] then a minimum of two (2) persons including at least one (1) Fishery Officer, will remain on board that fishing vessel. Regular communication will be maintained with the Fishery Officer who ordered the vessel to port and the MFish O/C until such time as the commercial fishing vessel arrives in port.
- 3.6.2. Where 'at sea' boarding's are supported by the NZ Police Maritime Unit RHIB, the RHIB will accompany the fishing vessel back to port. In the case of a vessel being ordered back to port by the Fishery Officer on board the RNZAF P3 Orion, the maintenance of a communication link and visual observation of the fishing vessel will be dependant on the ability of the aircraft to remain on task.
- 3.6.3. In the event that the Master of the commercial fishing vessel is not compliant with the directive, the owner or charterer of the vessel will be contacted and requested to advise the Master to fully comply with the directive of the Fishery Officer to return to such port as is agreed upon between the Master and the Fishery Officer.

3.7. Safety

- 3.7.1. During the course of this operation, Fishery Officers will be boarding commercial fishing vessels at sea and such boarding activity can sometimes take place in what can best be described as a hostile environment.
- 3.7.2. It is likely that fishing operations will be in progress on board any commercial fishing vessel subject to boarding and there are risks presented by the presence of potentially dangerous equipment on the trawl deck area. Equally, the below decks area of a commercial fishing vessel presents a number of potential hazards to the unwary, particularly in areas such as the factory or freezer holds.
- 3.7.3. The sea surface temperature in the area of operation at this time of the year will be around 10° Celsius and accordingly, even short periods of immersion in the sea can be extremely dangerous.
- 3.7.4. All Fishery Officers involved in boarding commercial fishing vessels at sea on this operation, should have attained the Required Physical Standards (RPS) within six months prior to the 31st of August 2005.

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- 3.7.5. The health and safety of staff involved in this operation is paramount and these issues will be considered at all times.
- 3.7.6. The MFish O/C will arrange for a pre-departure safety briefing by RNZN, RNZAF and NZ Police personnel for MFish staff on all aspects of Navy ship, Air Force aircraft and Police vessel safety procedures, including boarding procedures, so as to ensure that all health and safety considerations are met.
- 3.7.7. Risks can be minimised by adherence to Navy and Police protocols regarding sea conditions in which safe boarding can occur.
- 3.7.8. Fishery Officers unfamiliar with the craft to be used in at sea boarding [RHIB's] must advise the MFish Boarding Party O/C at the first practical opportunity. He will make this known to the appropriate Navy or Police personnel on board the vessels and request that appropriate training be provided before any boarding activity is undertaken.
- 3.7.9. If boarding cannot be undertaken safely in open waters, consideration may be given by the MFish Boarding Party O/C to ordering the commercial fishing vessel to steam to a more sheltered location to facilitate safe boarding.
- 3.7.10. Should any Fishery Officer have concerns about the circumstances or conditions in which an at sea boarding is about to take place, they must draw those concerns to the attention of the MFish O/C at the earliest opportunity.
- 3.7.11. Protective equipment will be supplied [*as described in the Administration and Logistics section*] and must be worn at all times. Fishery Officers are to be alert to potential hazards, not only to themselves, but also to other members of the boarding party, both prior to and whilst undertaking the inspection of any commercial fishing vessel.

3.8. National Maritime Co-ordination Centre [NMCC]

- 3.8.1. The role of the NMCC is to provide information in support of the operational deployment of NZDF assets throughout the duration of the operation.
- 3.8.2. Information will consist of updates of known vessel positions from the Vessel Monitoring System [VMS] and other information relevant to the operation, as acquired by NMCC.
- 3.8.3. All communications from NMCC to NZDF assets will be conducted via the NZDF secure messaging system, secure email, or where appropriate, via cell phone or Iridium phone on board HMNZS Te Kaha.

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3.8.4. The MFish NMCC Liaison Officer will be available throughout the operation, to liaise with MFish or NZDF personnel.

3.9. Debrief

3.9.1. The MFish O/C will conduct a debrief of MFish personnel at the conclusion of the operation and a copy of the debrief will be forwarded to the MFish NMCC Liaison Officer. An inter-agency debrief may also occur at a later date.

3.10. Media/Solicitors

3.10.1. All queries are to be referred to § 9(2)(a); Investigation Manager, Ministry of Fisheries, Christchurch.
[Phone : § 9(2)(a) Cell : § 9(2)(a)]

3.10.2. Before any press release is made, consultation will take place between MFish and the NZDF press liaison officer.

4. Administration and Logistics

4.1. Equipment

4.1.1. It is the responsibility of the Fishery Officers involved in this operation to ensure that they are appropriately equipped and able to fully carry out Fishery Officer functions.

4.1.2. Full issues of safety equipment for maritime boarding operations to be utilised by those MFish personnel deployed on the Police RHIB and HMNZS Te Kaha, will be made by the Manager : Maritime Operations (IM § 9(2)(a)) prior to deployment. This safety equipment is to be worn at all times when conducting boarding of commercial fishing vessels at sea. Additionally, Fishery Officers must also ensure that the supplied gloves are also worn during boarding operations.

4.1.3. Fishery Officers are expected to have with their Warrant of Authority with them at all times during the course of this operation.

4.1.4. Any equipment supplied by the RNZN must be used, stored and returned at the completion of the operation, in accordance with Naval Regulations.

4.1.5. Bedding will be supplied by the navy for Fishery Officers embarking on HMNZS Te Kaha for the operation but they will need to supply their own towels.

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4.2. Meals and Accommodation

4.2.1. Accommodation will be organised by the O/C Operation and in accordance with normal practice of their respective DCM's.

4.3. Costs and Allowances

4.3.1. All other costs and allowances will be paid on receipt of appropriate documentation by Fishery Officers home Districts.

4.4. Transport

4.4.1. Fishery Officers are to arrange their own transport to the centre to which they have been assigned as well as the return trip in consultation with the MFish O/C IM s 9(2)(a)

5. Command and Signals

MFish O/C

s 9(2)(a)

Investigations Manager Christchurch.

Boarding Party Personnel

11 July 2008:

NZ Police RHIB

s 9(2)(a)

s 9(2)(a)

s 9(2)(a)

Fishery Officer, Petone

Fishery Officer, Petone

Fishery Officer, Petone

22 July 2008:

NZ Police RHIB

s 9(2)(a)

s 9(2)(a)

s 9(2)(a)

Fishery Officer, Petone

Fishery Officer, Petone

Fishery Officer, Petone

24 July 2008:

NZ Police RHIB

s 9(2)(a)

s 9(2)(a)

s 9(2)(a)

Fishery Officer, Petone

Fishery Officer, New Plymouth

Fishery Officer, New Plymouth

14 August 2008:

HMNZS Te Kaha

s 9(2)(a)

s 9(2)(a)

s 9(2)(a)

s 9(2)(a)

(O/C)

Fishery Officer, Nelson

Fishery Officer, Petone

Fishery Officer, New Plymouth

Fishery Officer, Nelson

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21 August 2008:

s 9(2)(a)

s 9(2)(a)

s 9(2)(a)

Fishery Officer, Petone

Fishery Officer, Petone

Fishery Officer, Petone

RNZAF P3 Orion Observers

11 July 2008:

s 9(2)(a)

Fisheries Investigator, Petone

22 July 2008:

s 9(2)(a)

Fisheries Investigator, Petone

22 July 2008:

s 9(2)(a)

Fisheries Investigator, Petone

DCM, Petone

23 July 2008:

s 9(2)(a)

Fisheries Investigator, Petone

24 July 2008:

s 9(2)(a)

Fisheries Investigator, Petone

14 August 2008:

s 9(2)(a)

Fisheries Investigator, Petone

21 August 2008:

s 9(2)(a)

Fisheries Investigator, Petone

RNZN Seasprite Observer

22 – 24 July 2008:

s 9(2)(a)

Fishery Officer, Christchurch

5.1. Role and Responsibility

5.1.1. Whilst MFish personnel are on board HMNZS Te Kaha, the Naval Officer-in-Charge is in command of the vessel at all times, ensuring crew and vessel safety.

5.1.2. It is the responsibility of the MFish O/C to liaise with the Captain and crew of HMNZS Te Kaha, taking an active part in the fisheries patrol thereby ensuring input into the decision making process.

5.1.3. The MFish O/C is to establish good communications with the Captain and crew of HMNZS Te Kaha, to ensure that there is a clear

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understanding of what the Fishery Officer tasks are and how they can best be achieved.

5.1.4. The Mfish Boarding Party O/C will be responsible for managing the Fishery Officers on board HMNZS Te Kaha as per Ministry of Fisheries procedures.

5.1.5. The Mfish Observer on board the RNZAF P3 Orion is in control of the tasking of the aircraft in regard informing the aircraft of the best use of the aircraft in order to get the most potential from it to achieve the overall mission of the operation.

5.1.6. The Mfish Observer on board will relay the updates of the aircrafts progress and any infringements to the Operation O/c via standard communications via NMCC.

5.1.7. Any response requirements of either the NZ Police RHIB, HMNZS Te Kaha or the RNZN Seasprite will be communicated directly to those platforms via normal military avenues and standard operating procedures.

5.2. Communications

5.2.1. All Mfish operational communications between HMNZS Te Kaha and any shore based facility should be made via the NMCC. If any such communication is not made via the NMCC, then a synopsis of the message should be copied to the NMCC at the earliest practical opportunity after the communication takes place.

5.3. Contact Information

Mfish

s 9(2)(a)

[Investigations Manager]
[O/C Operation Mega]

Phone [DDI]: s 9(2)(a)

Mobile: s 9(2)(a)

Email: s 9(2)(a) @fish.govt.nz

HMNZS Te Kaha

s 9(2)(a)

Phone : s 9(2)(a)

Mfish Boarding Team Members:

Fishery Officer s 9(2)(a)
(O/C Boarding Party)

Phone s 9(2)(a)

Mobile: s 9(2)(a)

Fishery Officer s 9(2)(a)

Phone: s 9(2)(a)

Mobile: s 9(2)(a)

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Fishery Officer § 9(2)(a)

Phone: § 9(2)(a)
Mobile: § 9(2)(a)

Fishery Officer § 9(2)(a)

Phone: § 9(2)(a)
Mobile: § 9(2)(a)

RNZAF 6 Squadron

§ 9(2)(a)

Phone: § 9(2)(a)

Mfish Observer on board:

Fishery Officer § 9(2)(a)

Phone: § 9(2)(a)
Mobile: § 9(2)(a)

NZ Police – Wellington Maritime Unit

Senior Sergeant § 9(2)(a)

Phone: § 9(2)(a)
Mobile: § 9(2)(a)
Email: § 9(2)(a) @police.govt.nz

Mfish Boarding Team Members:

Fishery Officer § 9(2)(a)

Phone: § 9(2)(a)
Mobile: § 9(2)(a)

Fishery Officer § 9(2)(a)

Phone: § 9(2)(a)
Mobile: § 9(2)(a)

Fishery Officer § 9(2)(a)

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Phone: § 9(2)(a)
Mobile: § 9(2)(a)

Fishery Officer § 9(2)(a)

Phone: § 9(2)(a)
Mobile: § 9(2)(a)

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RNZAF – 5 Squadron

Flt Lt s 9(2)(a)

Phone: s 9(2)(a)

Mfish Observers on board:

Fisheries Investigator s 9(2)(a)

den

Phone: s 9(2)(a)

Mobile: s 9(2)(a)

DCM s 9(2)(a)

Phone: s 9(2)(a)

Mobile: s 9(2)(a)

National Maritime Co-ordination Centre [NMCC]

Fisheries Liaison Officer

s 9(2)(a)

Phone [DDI]: s 9(2)(a)

Mobile: s 9(2)(a)

Email: s 9(2)(a)@fish.govt.nz

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APPENDIX 'A'

| | | |
|----|--------|-------------------------------|
| 1 | 6KWL | 519 Dong Won |
| 2 | 6MLQ | Oyang 70 |
| 3 | 6NBG | Oyang 77 |
| 4 | ZMTZ | Amaltal Explorer |
| 5 | 7LNQ | Tomi Maru 87 |
| 6 | 9HKS5 | Altair II |
| 7 | 9HSJ6 | Atria |
| 8 | DTBQ2 | Pantas No1 |
| 9 | DTAC7 | Oyang 97 |
| 10 | DTA18 | Sur Este 707 |
| 11 | DTAN2 | Pacinui |
| 12 | DTAP6 | Sur Este 700 |
| 13 | DTAR6 | Sur Este 709 |
| 14 | DTBJ8 | Dong Won 701 |
| 15 | DTBK4 | Melilla No.201 |
| 16 | DTFO | Dong Won 522 |
| 17 | ZMOK | Otakou |
| 18 | URIF | Aleksey Slobodchikov |
| 19 | UROE | Ivan Golubets |
| 20 | USLC | Profesor Mykhaylo Aleksandrov |
| 21 | UTZT | Alexander Buryachenko |
| 22 | JGCR | Koshin Maru No1 |
| 23 | UZCA | Kapitan Rusak |
| 24 | DTBP6 | Oyang 96 |
| 25 | YJQR7 | Mainstream |
| 26 | YJST2 | Meridian 1 |
| 27 | ZMAM | Amaltal Mariner |
| 28 | ZM2169 | Antonio Z |
| 29 | ZMZK | Galatea II |
| 30 | ZM2241 | West Bay |
| 31 | ZM2348 | Rover |

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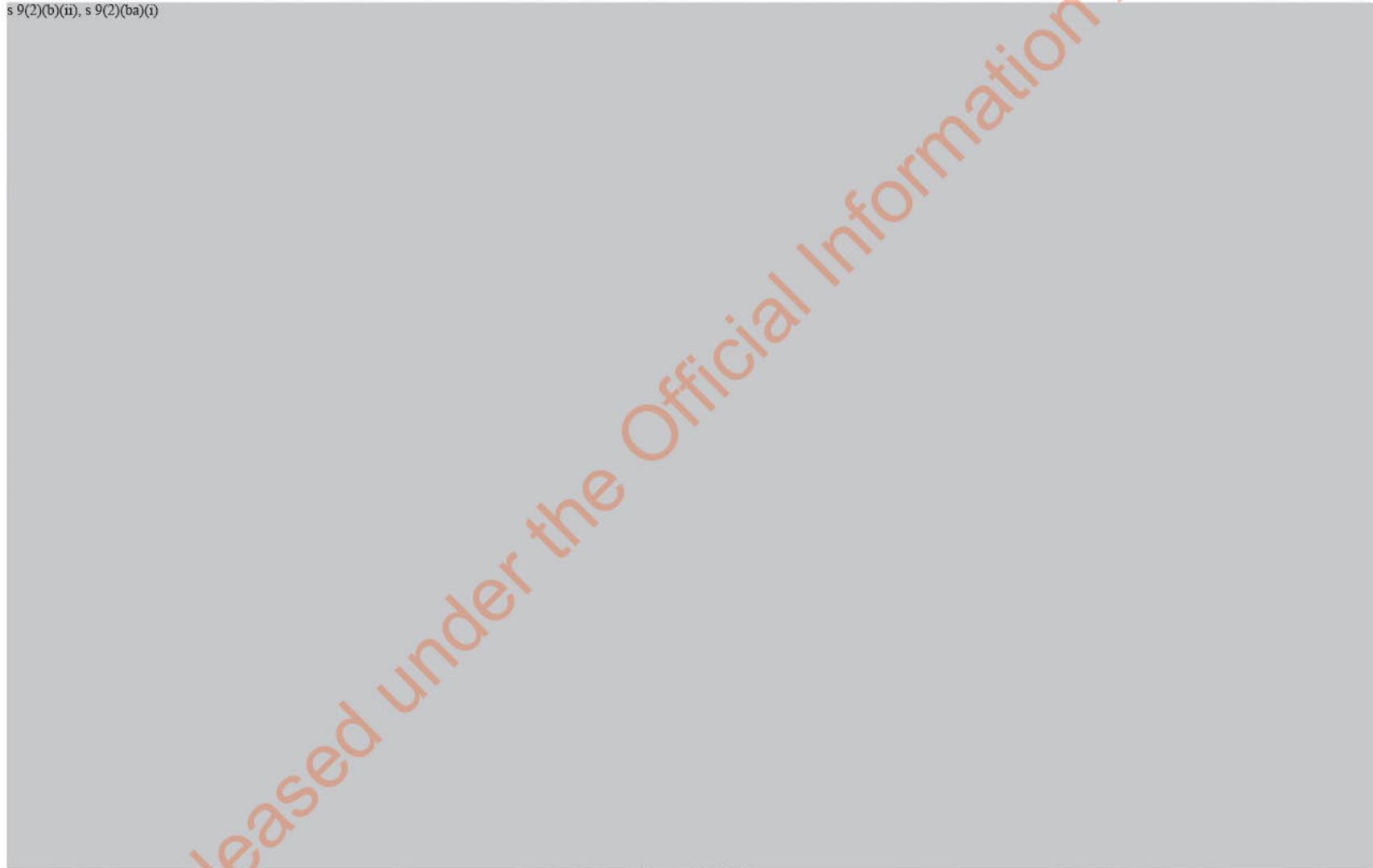
| | | |
|----|---------|--------------------|
| 32 | ZM6960 | Corsair |
| 33 | ZMOR | Ocean Ranger |
| 34 | ZMA2394 | Resolution II |
| 35 | ZMKW | Amaltal Enterprise |
| 36 | ZMA2601 | San Discovery |
| 37 | ZMA2856 | San Rakino |
| 38 | ZMA3161 | San Enterprise |
| 39 | ZMA3180 | San Tongariro |
| 40 | ZMA3228 | San Rakaia |
| 41 | ZMA3532 | Cook Canyon |
| 42 | ZMRE | Rehua |
| 43 | ZMAA | Amaltal Atlantis |
| 44 | ZMAC | Amaltal Columbia |
| 45 | ZMTH | Thomas Harrison |
| 46 | ZMDM | Tasman Viking |

NOTE: Those vessels highlighted in red indicate that they are under 46m in total length and therefore able to fish inside the 25 nautical mile line.

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APPENDIX 'B'

s 9(2)(b)(ii), s 9(2)(ba)(i)



June 2006

Released under the Official Information Act

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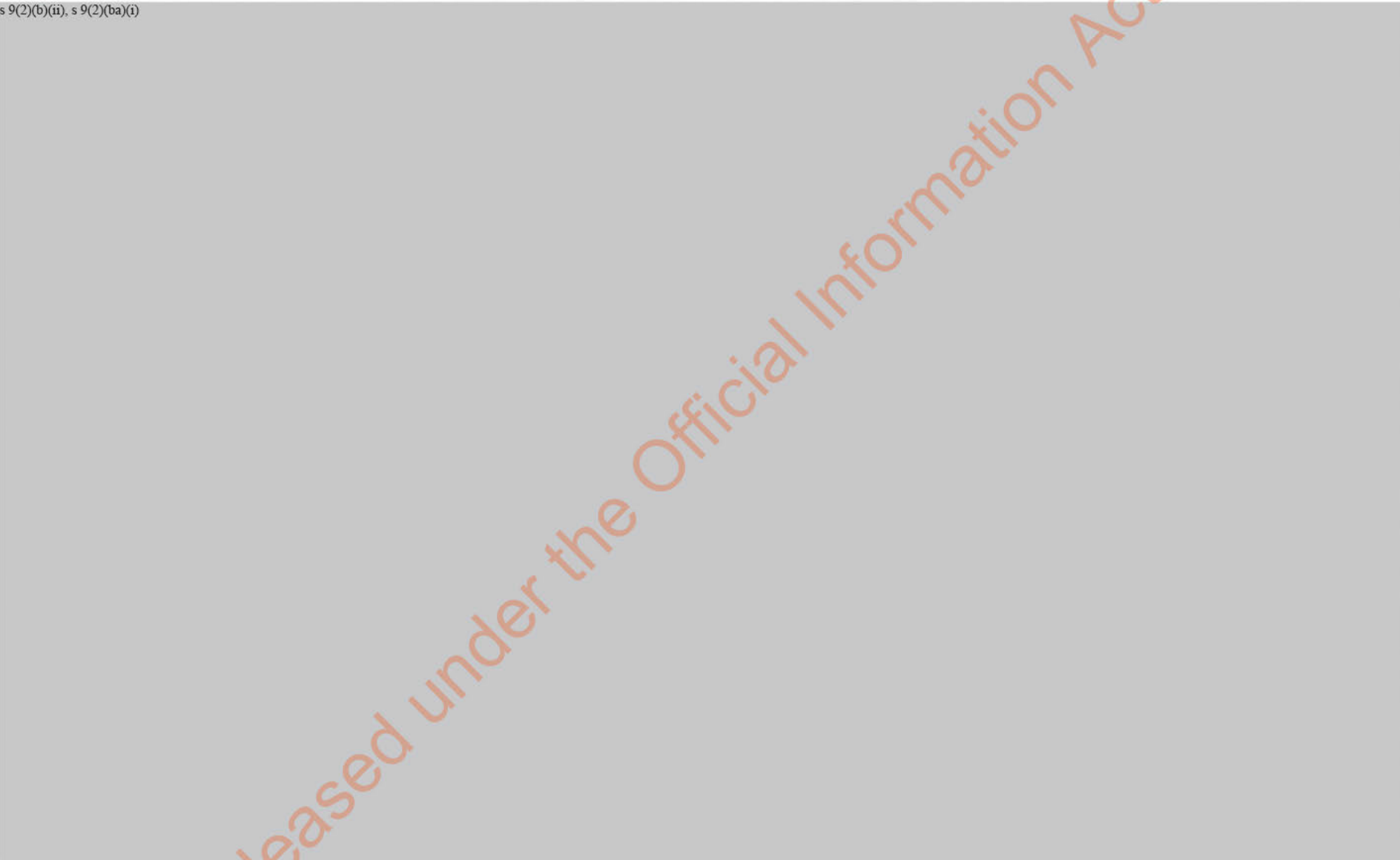
s 9(2)(b)(ii), s 9(2)(ba)(i)

Released under the Official Information Act

July 2000

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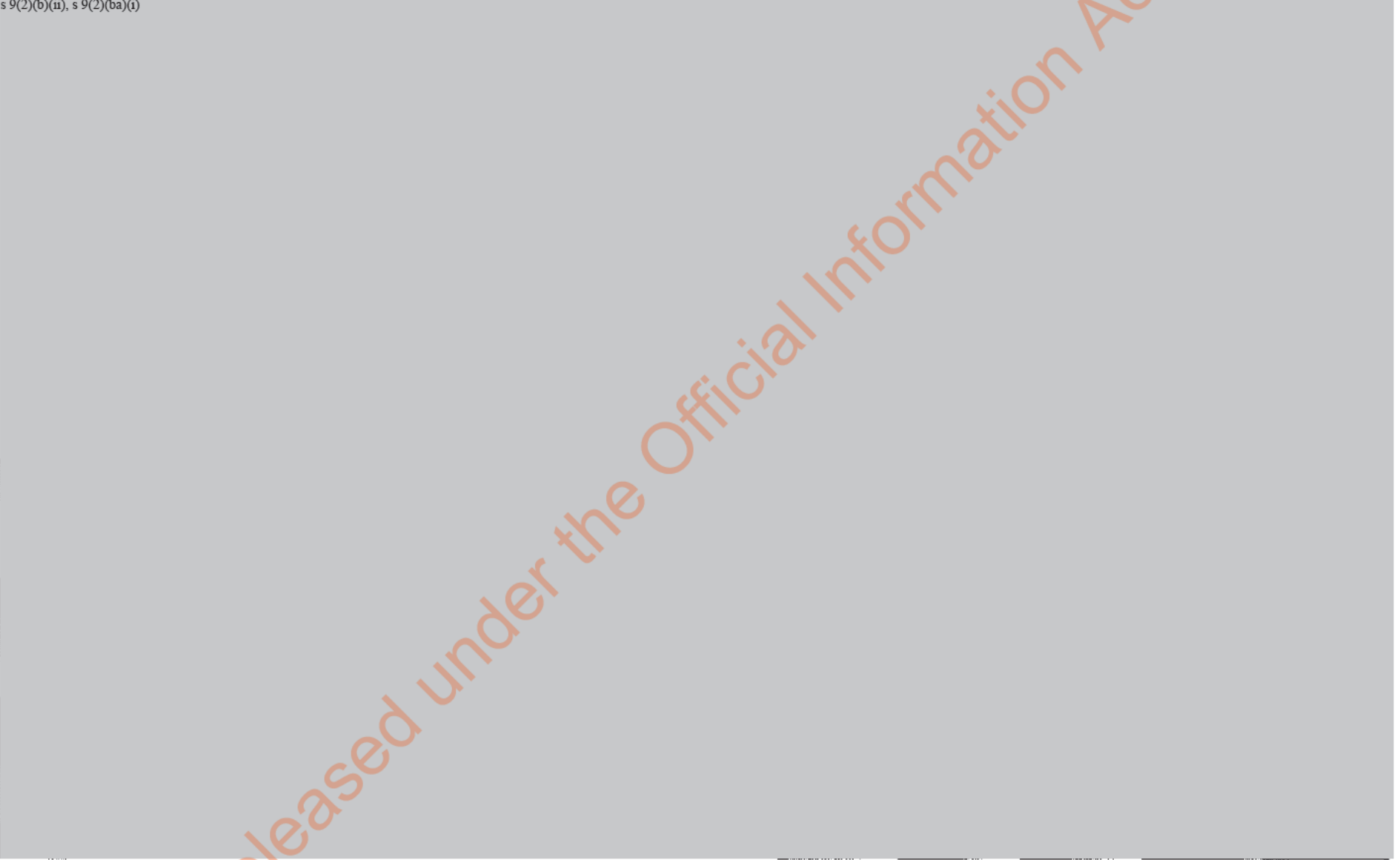
s 9(2)(b)(ii), s 9(2)(ba)(i)



June 2007

RESTRICTED

s 9(2)(b)(ii), s 9(2)(ba)(i)



July 2007