Environmental Protection Authority

Fast Track Approvals Team

cc: Keely Paler – Application Lead

via email: substantive@fasttrack.govt.nz

Te Ohu Kaimoana response to the Bream Bay Sand Extraction Project – Fast Track Application

Tēnā koe,

Ka ū tonu mātau kia whakaratoa te iwi.

On behalf of Te Ohu Kaimoana, we submit this response on the Bream Bay Sand Extraction Project Fast Track Application (the application).

Te Ohu Kaimoana Trustee Limited is the corporate trustee for Te Ohu Kaimoana (also known as the Māori Fisheries Trust) and the Takutai Trust (also known as the Māori Commercial Aquaculture Settlement Trust). Both have been established by legislation – the Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act 2004 (MCACSA). We work on behalf of 58 Mandated Iwi Organisations (MIOs) who represent iwi throughout Aotearoa. Asset Holding Companies (AHCs) hold Fisheries Settlement Assets on behalf of their MIOs. The assets include Individual Transferable Quota (ITQ) and shares in Aotearoa Fisheries Limited which, in turn, owns 50% of the Sealord Group. Our purpose, among others, is to assist the Crown to discharge its obligations under the Māori Fisheries Deed of Settlement and Te Tiriti o Waitangi.

We acknowledge the complexities surrounding the application; however, it is essential that the application uphold Te Tiriti o Waitangi obligations and appropriately recognise and protect Māori fisheries and aquaculture settlement interests. Our comments are therefore focused on ensuring that the application properly protect Māori rights and interests in fisheries and aquaculture.

There are four (4) key areas we wish to address in our response:

1. Our overall position;
2. Tangaroa and the Environment;
3. Māori Customary Non-Commercial Fisheries Settlement Rights and Interests; and
4. Māori Customary Commercial Fisheries Settlement Rights and Interests;

Ngā manaakitanga,

Brianna Boxall
Te Mātārae Taupua | Interim Chief Executive

Our Overall Position

1. Te Ohu Kaimoana is opposed to the Project. Te Ohu Kaimoana's opposition is detailed in this submission however, at the outset, we confirm our view that the Project is inconsistent with the Māori Fisheries Settlement and therefore able to be declined on the basis that, under section 7 of the Fast-track Approvals Act 2024 (FTA), persons performing and exercising functions, powers, and duties under the FTA will not be able to act in a manner that is consistent with the Māori Fisheries Settlement.

2. We anticipate that submissions will be made by iwi through their MIOs and/or AHCs. We do not intend our response to conflict with or override any response provided independently by iwi.

Tangaroa and the Environment

3. Tangaroa embodies both the physical and spiritual dimensions of the marine environment. His presence extends beyond the material world and reflects the spiritual connection Māori hold with the moana (ocean). Tangaroa's health is expressed through the balance and connectedness of ecological systems within the moana. For Māori, he is not regarded as a resource to be extracted from, but as a tupuna (ancestor) to whom Māori are related through whakapapa (genealogy). The wellbeing of Tangaroa is seen as inseparable from that of his uri (descendants), which includes us, as humans. Therefore, when Tangaroa is thriving, so too are we.

4. We acknowledge that there are many taonga species and wāhi tapu located in Bream Bay that are critically important to the iwi and hapū of this region. These taonga species and wāhi tapu are not only of ecological significance to the marine environment, but are also central to the identity, wellbeing, and customary practices of iwi and hapū across Te Ākau. As such, the health of these taonga species and the protection of wāhi tapu are intrinsically linked to the health and condition of the marine and coastal environment, and therefore Tangaroa as well.

5. We hold that any application must recognise the significance of not only these taonga species and wāhi tapu, but also the health of the ocean more broadly. The applicants must ensure that any potential impacts on the ecosystem are carefully assessed and managed in consultation with iwi and hapū.

6. We also acknowledge that iwi and hapū who have whakapapa to Bream Bay have expressed a range of different views regarding the appropriateness of this application. We are aware of the concerns raised by different iwi and hapū relating to the potential impacts of this application on their moana and we respect their rangatiratanga as mana moana of Te Ākau, to determine their own positions on this application. We strongly encourage the applicant to prioritise engagement with hapū and iwi as the application progresses, as it is important that these discussions are afforded sufficient time and space to ensure that iwi and hapū aspirations for their moana, and for their interests, are properly recognised and provided for.

Māori Customary Non-Commercial Fisheries Settlement Rights and Interests

7. The Māori Fisheries Settlement (the Settlement) was agreed through the signing of a Deed of Settlement in 1992 and then given effect through the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Māori Fisheries Act 2004. The Settlement is a foundational expression of the Crown's obligations under Te Tiriti in relation to Māori fishing rights.

8. In addition to these core Fisheries Settlement Acts, the broader legislative framework includes the Fisheries Act 1996, under which the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and the Fisheries (South Island Customary Fishing) Regulations 1999 were established. These Regulations are integral to the practical exercise of customary fishing affirmed by the Settlement. They enable Māori to exercise their customary fishing rights in a contemporary context.

9. One of the primary ways in which these customary fishing rights are exercised is through the establishment of rohe moana. A rohe moana is a defined customary fishing area that formally recognises the customary fishing rights and interests of Tangata Whenua within that area. Rohe moana hold statutory

recognition under part 9 (section 186) of the Fisheries Act 1996. Within rohe moana, hapū and iwi with recognised customary non-commercial fishing interests appoint their own Tangata Tiaki/Kaitiaki, who are responsible for exercising statutory authority on behalf of their respective hapū or iwi.

10. Upon review of the application, we were unable to identify any assessment undertaken by the applicant regarding the potential impacts of the proposed project on customary non-commercial fisheries interests in Bream Bay. We note that a rohe moana is located within Te Ākau, extending along the Bream Bay coastline from the eastern end of Andersons Cove and towards the intersection by Springfield Road. Patuharakeke is recognised as tangata whenua of this rohe moana, which was gazetted in 2009. Tangata Tiaki/Kaitiaki have been appointed by the Patuharakeke Te Iwi Trust Board alongside Ngāti Kahu o Torongare and Te Parawhau and Ngāti Tū hapū, reflecting the shared whakapapa and whanaungatanga across the harbour.

11. In addition, a second rohe moana, gazetted in 2021, is situated in proximity to Bream Bay. Its boundaries begin at Tokapiripiri and end at Te Paepae o Tū (Bream Tail), extending outward to the Exclusive Economic Zone (EEZ) boundary. Patuharakeke, Ngāti Kahu, Te Parawhau and Ngāti Tū are also recognised as tangata whenua of this rohe moana and have appointed Tangata Tiaki/Kaitiaki representing their interests in this area. With the proposed application falling within the boundaries of these gazetted rohe moana, we expect that tangata whenua and their appointed Tangata Tiaki/Kaitiaki will be engaged with to understand potential impacts on their customary non-commercial fishing rights and interests.

12. Moreover, we could not identify any evidence within the application, of formal engagement with the relevant Tangata Tiaki/Kaitiaki of these rohe moana. Given that Tangata Tiaki/Kaitiaki hold statutory authority within their respective rohe moana, including holding responsibilities for customary non-commercial fisheries interests exercised on behalf of their hapū and iwi, their roles must be given direct consideration. To ensure that customary non-commercial rights and interests, as guaranteed under the Māori Fisheries Settlement, are not overlooked in this process, we encourage the applicant to engage directly with the relevant Tangata Tiaki/Kaitiaki in relation to this application.

Māori Customary Commercial Fisheries Settlement Rights and Interests

13. In addition to recognising customary non-commercial fishing rights and interests, the Settlement also established significant customary commercial fishing interests and created an economic foundation to support iwi in achieving their commercial fishing aspirations. The Deed of Settlement restored Māori property rights to fisheries resources and provided funding for iwi to purchase a 50% stake in Sealord Group Limited. Iwi were also guaranteed 20% of the quota for all new species introduced into the Quota Management System (QMS) as part of their Settlement. Additionally, the iwi-owned commercial fishing enterprise Aotearoa Fisheries Limited (now trading as Moana New Zealand) was established. The structure of where both Moana New Zealand and Sealord fit into Te Ohu Kaimoana Group Limited has been outlined in **Figure 1 of Appendix Two**.

14. These commercial elements of the Settlement were designed to uphold the Crowns obligations under Te Tiriti o Waitangi, provide a sustainable economic base for iwi, and ensure iwi remained key participants in Aotearoa's growing seafood sector.

Spatial Overlap on Fisheries Settlement Interests

15. Moana New Zealand is the largest Māori-owned fisheries company in Aotearoa and a key expression of Treaty settlement rights exercised in a modern context. Their existing fishing operations directly overlap with the proposed project area and are directly affected by the application, as its fishers currently operate within the proposed project area. While there is spatial overlap between the proposed project site and Moana New Zealand's existing fishing operations, the significance of this overlap is best understood in the broader operational context of the area.

16. Bream Bay is recognised as an important fishing ground for Moana New Zealand and its fishers. In particular, it provides sheltered conditions during periods of strong westerly winds, which are common

throughout the winter months. These conditions enable fishing to continue when offshore areas are inaccessible, making Bream Bay a reliable and strategically important location for their business. Moana New Zealand also notes that snapper populations move between the Hauraki Gulf to surrounding areas like Bream Bay often. In recent years, these movements have meant that significant clusters of large, healthy snapper have been migrating toward Te Ākau. These snapper movements are reflected in Moana's strong fishing performance recorded in the area between the years of 2021 and 2023.

17. The proximity of Bream Bay to Whangārei further contributes to its operational importance. Shorter travel distances reduce fuel consumption and associated costs, which is a relevant consideration given current fuel price pressures and its impacts on commercial fishing operations.

18. While the direct spatial overlap between the proposed project area and Moana New Zealand's fishing activities is acknowledged, the primary concern raised relates to the cumulative impact of multiple restrictions on fishing activities across the wider FMA1 area. Moana New Zealand notes that a number of recent and proposed fisheries management measures in the FMA1 area, including high protection area closures from the Hauraki Gulf adjacent to Bream Bay, proposed trawl corridors in the Waikato East Coastal Marine Area and a proposed mātaitai along the Bream Bay coastline, are collectively reducing the spatial extent of available commercial fishing grounds.

19. In this context, Moana New Zealand considers that the addition of further spatial constraints through the proposed application may contribute to increased pressure on remaining accessible fishing areas. This has the potential to impact their fishing operations over time, as their ability to fish and utilise their quota becomes more constrained.

Settlement Quota Could Be Impacted

20. The QMS has 10 Fisheries Management Areas (FMA) which are then divided into separate Quota Management Areas (QMA) for different fish stocks, depending on the known biological distribution of these stocks. The use of QMAs for fisheries management allows for finer controls on stocks, such as allocating catch limits across fishing sectors. QMAs were also utilised when allocating settlement quota. We note that this application is located within FMA1. A diagram displaying all Fisheries Management Areas in New Zealand can be found under Appendix One.

21. Settlement quota is allocated among iwi according to whether a fish stock is considered to be a deepwater stock or an inshore stock. For deepwater stocks, 75% of quota is allocated based on an iwi population based on the 2001 census data, and the remaining 25% is allocated according to the proportion of coastline within the QMA that each iwi claims. For inshore stocks, all quota is allocated based on the percentage of coastline within the QMA.

22. This means the number of iwi with a stake in a particular fish stock depends on the size of the QMA and whether the stock is classified as deepwater or inshore. As such, the way settlement quota is allocated means that a diverse range of iwi have interests in particular fisheries in an FMA. To support in the understanding of how settlement quota is allocated and the methodology behind the allocation model itself further information is provided within Appendix Two.

23. Under the Māori Fisheries Amendment Act 2024 (MFAA), settlement quota cannot be sold outside of iwi (through their Mandated Iwi Organisations and Asset Holding Companies) or Te Ohu Kai Moana Group (Te Ohu Kai Moana Trustee Limited and every subsidiary, trust, or other entity over which it has effective control, including Aotearoa Fisheries Limited and its subcompanies). Collectively, this group is referred to as the 'Māori Pool' and the MFAA is designed to ensure that the ownership of settlement quota is preserved and protected within this group for future generations.

24. However, because settlement quota must remain within the Māori Pool, iwi are unable to sell or transfer their shares to anyone outside of that group. This restriction means that if the value of quota declines as a result of seabed sand extraction or any of its related impacts, iwi have no ability to exit or recover that value through the open market. In effect, iwi are obliged to carry the full weight of any loss in value.

25. This creates a risk, as it effectively locks iwi in. If activities like sand extraction on the seabed reduces the productivity or sustainability of the fisheries tied to that quota, iwi cannot offset or mitigate their losses

by divesting. Instead, any negative effect on the fish stocks flows directly into the value of iwi settlement assets. With no market mechanism available to recover that value, the consequences of sand extraction activities on the seabed becomes disproportionately shouldered by all iwi holding quota interests in that impacted area.

26. It is important to recognise that settlement quota cannot be reduced to its commercial value alone. Settlement quota was hard fought for and was intended to recognise the tino rangatiratanga of Māori over their fisheries. It provides not only commercial opportunities, but also the means to uphold the commitments of Te Tiriti o Waitangi, the ability for Māori to exercise kaitiakitanga over their fisheries, and a way to ensure that commercial fisheries rights were cared for on behalf of the future mokopuna (descendants) to come. In this sense, settlement quota is a taonga tuku iho (heirloom/treasure) in which its value cannot be reduced to monetary terms.

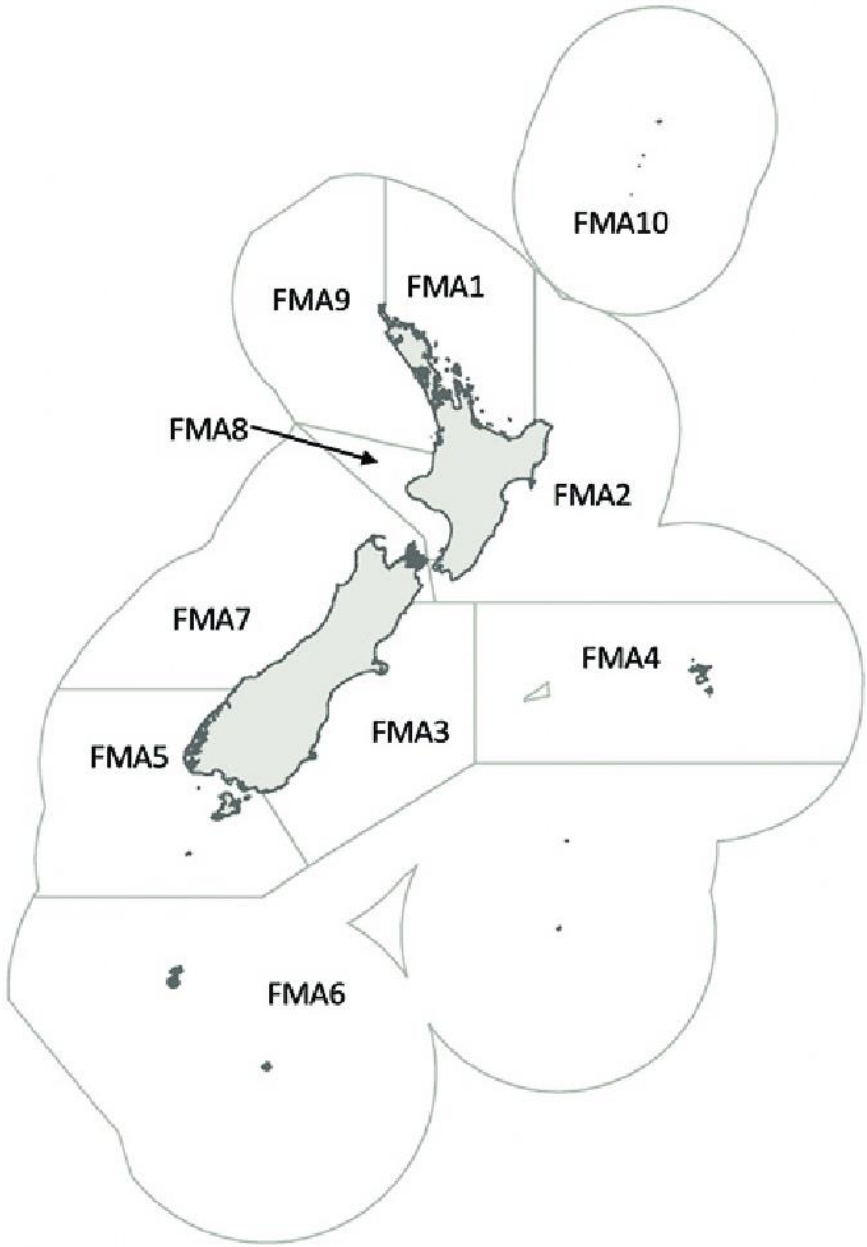
27. As such, this issue raises an FTA section 7 breach given the application poses a direct risk to the iwi quota in Bream Bay, which is a core component of the Fisheries Settlement, the granting of approval would ultimately undermine the integrity of the Settlement itself.

Our Recommendations

28. Te Ohu Kaimoana recommend that Bream Bay Sand Extraction Project be declined for the reasons set out in this submission including inconsistency with FTA, section 7.

Appendices

Appendix 1: Fisheries Management Areas



Appendix 2: Allocation Model (via Supplementary material filed to the DMC in relation to the Trans-Tasman Resources Application – 2016)

ATTACHMENT: Te Ohu Kai Moana Trustee Ltd: Supplementary material

The Māori Fisheries Settlement

1. The Fisheries Settlement settles all Māori claims to fisheries, based on an agreement that the Crown would allocate particular assets (including quota, cash and shares in fishing companies) and implement regulations for customary food gathering. All Māori are beneficiaries.

2. The Settlement cleared the way for the Government to extend the Quota Management System (the **QMS**) to all New Zealand's commercial fisheries. There are currently 100 species (or species gropuings) within the QMS, made up of 638 individual stocks.[1] Each stock is managed individually within a quota management area to ensure the sustainability of the fishery. Commercial fishing rights for each of these stocks take the form of quota shares known as Individual Transferrable Quota (**ITQ**).

3. ITQ is a perpetual right which needs to be protected to create certainty for investment and incentives for good stewardship. The property rights that have been allocated as part of the Settlement include these same characteristics but have the additional significance of being part of a Treaty of Waitangi settlement. In that respect, the Crown has a duty to protect them.

4. The Crown also has duties in respect of Māori non-commercial fishing rights which continue to give rise to Treaty obligations on the Crown.[2] The Fisheries Settlement requires the Crown, through the Minister, to develop policies to help recognise use and management practices of Māori in the exercise of non-commercial fishing rights.

Background to the Fisheries Settlement

5. By the 1980s, the Crown's failure to recognise tribal authority and property in fisheries had to a large extent undermined the ability of Māori to develop effective ways to exercise their authority or protect their rights in a modern context. At the same time, Māori concerns about removal of their ability to participate and lack of recognition of their fishing rights came to a head when the QMS was introduced and ITQ allocated to private interests as a means of preventing further degradation of fisheries.

6. The QMS was introduced in 1 October 1986. In response, Māori obtained an injunction against the Crown to prevent further fish-stocks from being introduced into the QMS until the issue of ownership had been resolved.

[1] fs.fish.govt.nz

[2] See section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992).

7. In 1989, Māori and the Crown agreed to an interim settlement to resolve these claims. This settlement recognised that Māori customary interests in fisheries include commercial and non-commercial aspects. It provided for 10% of the quota for all fisheries in the QMS to be allocated to Māori. The Crown established the Māori Fisheries Commission to hold this quota and develop a process to allocate the quota. The Crown was not able to deliver 10% of the quota for some stocks and so it provided cash to the Commission in lieu of the outstanding quota. For this reason, the current settlement shares for many of these "pre-settlement" stocks are less than 10%.

8. In 1992, a final settlement of Māori fisheries claims was enshrined in the Fisheries Deed of Settlement and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. Under the settlement, the Crown:

    - gave Māori funds to purchase 50% of Sealord Products Ltd
    - guaranteed to provide Māori with 20% of the quota for all species brought into the Quota Management System after that time
    - restructured the Māori Fisheries Commission into the Treaty of Waitangi Fisheries Commission to increase its accountability to Māori; and
    - agreed to regulate to allow self-management by Māori of fishing for subsistence and cultural purposes.

9. In return, Māori agreed:

    - that all Māori claims to commercial fishing rights and interests were settled
    - to stop litigation (including any Waitangi Tribunal claims) about Māori commercial fisheries
    - to support legislation to give effect to the settlement
    - to endorse the QMS
    - that the Crown should regulate to provide for customary non-commercial fishing.

10. A key role for the Treaty of Waitangi Fisheries Commission was to develop proposals to allocate the various commercial assets and benefits arising from the settlement. It also had responsibility for stewardship of the assets until allocation was complete and to assist iwi/Māori into the "business and activity" of fishing.

Beneficiaries of the Fisheries Settlement

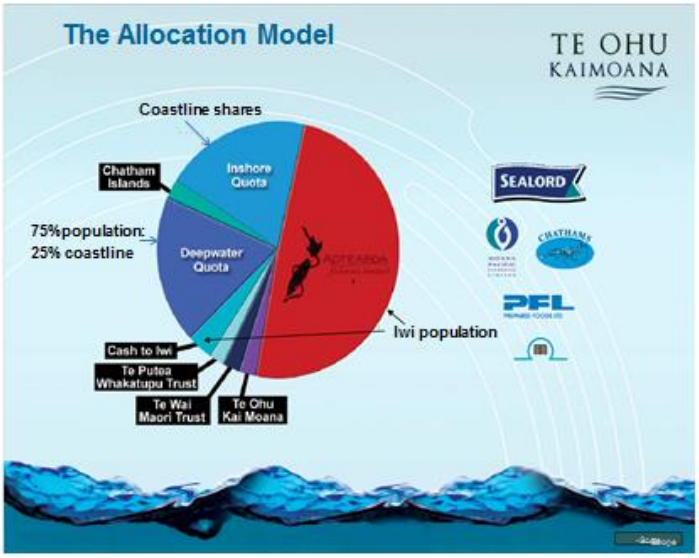
11. The Settlement is intended to benefit all Māori. For twelve years following the settlement agreement, the Commission facilitated debate among Māori about how the commercial fisheries assets should be allocated. The debate focused on three main issues:

    - to whom should ownership of the assets be allocated, for instance how is an "iwi" defined and how would urban Māori be provided for?

- how would the assets be managed – centrally, through cooperation a national entity and individual iwi, or by each iwi individually?
- how would full or beneficial ownership be allocated, for instance should it be based on the relative population of each iwi, or the extent of their coastline, or a combination of these factors?

12. By 2004, 96% of iwi agreed the final allocation model should advance into law. The model includes the following:
    - 75% of quota shares for stocks classified as "deepwater" stocks would be allocated according to an iwi's population, while 25% would be allocated according to the percentage of coastline within the quota management area that iwi claim and agree with their neighbours
    - quota shares for stocks classified as "inshore" stocks would be allocated fully based on the percentage of coastline within the quota management area that iwi claim and agree with their neighbours
    - quota in freshwater fisheries would be allocated to iwi based on an agreement reached between iwi whose rohe falls within the relevant QMA. Where no agreement can be reached, the quota shares will be allocated based on the proportion that the population of each iwi living within the quota management area bears to the combined population of those iwi living within the quota management area
    - income shares in Aotearoa Fisheries Ltd (which owns 50% of Sealord) are allocated to iwi based on their population.
13. This is now enshrined in the Māori Fisheries Act 2004, which also established Te Ohu. A key duty of Te Ohu is to administer, allocate and transfer the settlement assets. The allocation model identifies 57 iwi. Each iwi would receive assets based on:
    - satisfying strict governance and mandating rules
    - a mix of an iwi's population and coastline, as outlined above.
14. Figure 1 summarises the settlement assets and the basis for allocation. Fifty five of fifty seven iwi who have Mandated Iwi Organisations and Asset Holding Companies in place have received their "population based" assets (shares in deepwater stocks and income shares for Aotearoa Fisheries Ltd). Many iwi have also reached agreement on their coastline interests and have been allocated their inshore quota, and relevant percentage of their deepwater quota. Note there is a special allocation scheme for the Chatham Islands. The Wai Māori and Putea Whakatupu Trusts were also established.

Figure 1: The Allocation Model



15. Te Ohu continues to retain ownership of quota for the relevant inshore and deepwater stocks where iwi are yet to finalise their governance arrangements or resolve coastline agreements. In the meantime, Te Ohu continues to make the appropriate Annual Catch Entitlement (**ACE**) available to those iwi. ACE is generated annually and is based on the share of the Total Allowable Commercial Catch (**TACC**) that quota holders are entitled to harvest. This entitlement can be freely traded.

16. At the same time it is important to note that while ACE can be traded by iwi, the provisions in the Māori Fisheries Act currently prevent the sale of settlement quota outside the entities involved in the allocation of the commercial settlement assets – iwi (through MIOs and AHCs) and the Te Ohu Kaimoana group (Te Ohu and AFL). This group as a whole must retain ownership of settlement quota. If the value of quota is at risk, iwi cannot trade their settlement portions outside this group.

17. Iwi and Te Ohu together hold 10 - 20% of the quota shares for all fish-stocks.

18. An additional complication in the context of the Application is that the QMS areas do not encompass the same geographical area - some encompass relatively small areas while others extend over large areas. This means that the number of iwi who have an interest in a particular fish-stock will depend on the geographical extent of the quota management area, and whether the fishstock is classified as “deepwater” or “inshore” for allocation purposes under section 7 of the Māori Fisheries Act.

19. However, it is not clear from the Application that the nature and extent of iwi interests under the Settlement fully understood. In addition, given concerns that have been expressed about the potential effects of any sediment plume on aquaculture in the Marlborough and Tasman regions we also consider it important to signal that the interests of iwi under the Māori Commercial

Aquaculture Settlement could be affected. We raised this concern in the context of our previous submission on TTR's 2013 application, but we remain concerned in the context of this Application.

Basis for identifying iwi interests in commercial fishing

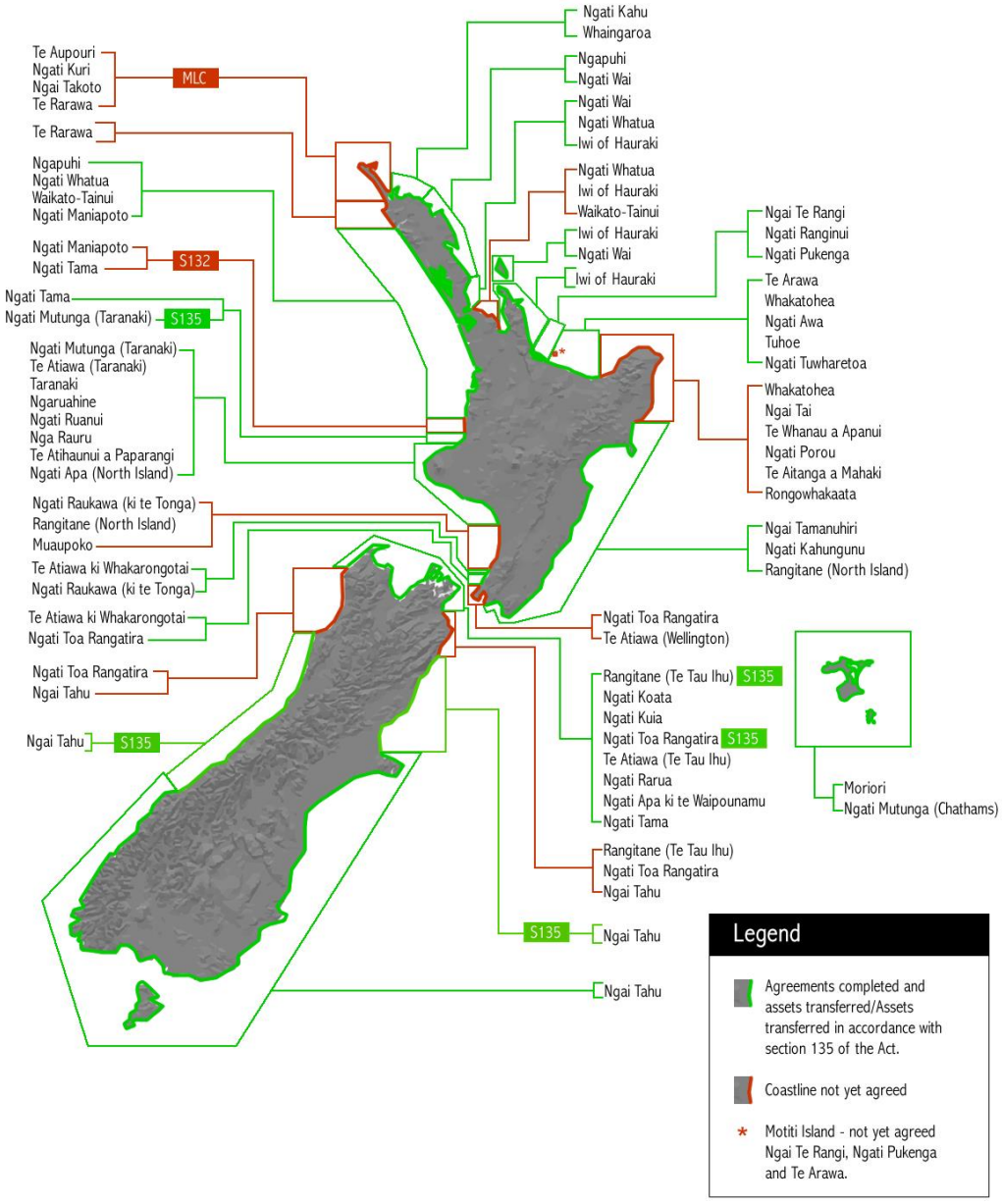
20. Stocks managed within the Quota Management System are classified under section 7 of the Māori Fisheries Act as "deepwater" or "inshore". The model for allocation to iwi is different for each and will determine how many iwi share in particular stocks and what proportion of the settlement quota each receives.

21. The population component of an iwi's interests is set out under Schedule 3 of the Māori Fisheries Act. The coastline component is determined on the proportion of the total coastline within a quota management area that an iwi successfully claims. This proportion is generally resolved by iwi by agreement. There are some lengths of coastline that have yet to be agreed. Figure 2 provides an overview of the coastline within which agreements have been reached as at February 2016,[3] and those that have yet to be reached. These agreements are without prejudice.[4]

Figure 2: Snapshot of progress on coastline agreements for fisheries allocation purposes

[3] There have been additional coastline agreements reached in September 2016.

[4] There five iwi who are landlocked and who do not claim coastline interests. They are: Ngati Hauiti, Ngati Maru, Ngati Whare, Ngati Manawa and Ngati Raukawa ki Waikato.


Ngati Kahu
Whaingaroa
Te Aupouri
Ngati Kuri
Ngai Takoto
Te Rarawa
MLC
Ngapuhi
Ngati Wai
Ngati Wai
Ngati Whatua
Iwi of Hauraki
Te Rarawa
Ngapuhi
Ngati Whatua
Waikato-Tainui
Ngati Maniapoto
Ngati Whatua
Iwi of Hauraki
Waikato-Tainui
Iwi of Hauraki
Ngati Wai
Iwi of Hauraki
Ngati Maniapoto
Ngati Tama
S132
Ngai Te Rangi
Ngati Ranginui
Ngati Pukenga
Te Arawa
Whakatohea
Ngati Awa
Tuhoe
Ngati Tuwharetoa
Ngati Tama
Ngati Mutunga (Taranaki)
S135
Ngati Mutunga (Taranaki)
Te Atiawa (Taranaki)
Taranaki
Ngaruahine
Ngati Ruanui
Nga Rauru
Te Atihaunui a Paparangi
Ngati Apa (North Island)
Whakatohea
Ngai Tai
Te Whanau a Apanui
Ngati Porou
Te Aitanga a Mahaki
Rongowhakaata
Ngati Raukawa (ki te Tonga)
Rangitane (North Island)
Muaupoko
Ngai Tamanuhiri
Ngati Kahungunu
Rangitane (North Island)
Te Atiawa ki Whakarongotai
Ngati Raukawa (ki te Tonga)
Te Atiawa ki Whakarongotai
Ngati Toa Rangatira
Ngati Toa Rangatira
Te Atiawa (Wellington)
Ngati Toa Rangatira
Ngai Tahu
Rangitane (Te Tau Ihu)
S135
Ngati Koata
Ngati Kuia
Ngati Toa Rangatira
S135
Te Atiawa (Te Tau Ihu)
Ngati Rarua
Ngati Apa ki te Waipounamu
Ngati Tama
Moriori
Ngati Mutunga (Chathams)
Ngai Tahu
S135
Rangitane (Te Tau Ihu)
Ngati Toa Rangatira
Ngai Tahu
S135
Ngai Tahu
Ngai Tahu
Legend
Agreements completed and assets transferred/Assets transferred in accordance with section 135 of the Act.
Coastline not yet agreed
* Motiti Island - not yet agreed Ngai Te Rangi, Ngati Pukenga and Te Arawa.

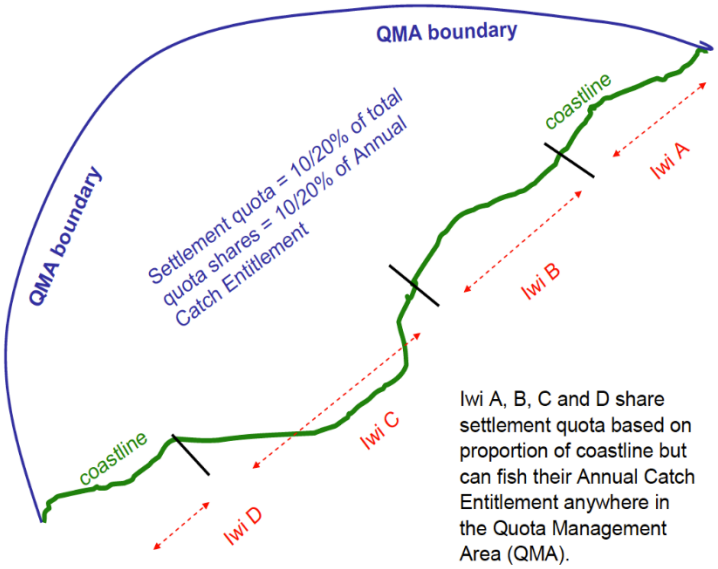
22. The steps for determining how settlement quota is allocated can be summarised as follows:

Steps	Allocation approach
What is the total amount of settlement shares for the fish-stock?	• 10% if introduced into the QMS before the final settlement • 20% if introduced into the QMS after the final settlement
How is the stock classified and as a consequence what is the allocation approach? • Deepwater →	Mix of population (75%) and coastline (25%)
• Inshore →	100% coastline
• Freshwater →	By agreement between iwi whose rohe is in the QMA, or based on their relative resident populations

Settlement quota entitlements can be fished throughout a quota management area

23. It is important to understand that iwi are not restricted to fishing their ACE within their own local coastline areas. Their ACE can be fished anywhere within the quota management area. Figure 3 illustrates this as it relates to inshore quota.

Figure 3: Iwi settlement quota within a QMA



24. Spatial exclusions or effects on the ecosystems that support fisheries can require a reduction in the Total Allowable Commercial Catch or reduce the amount of quality produce available – leading to a reduction in the value of quota. Such a result would affect all quota holders including iwi quota holders.