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MINISTRY OF FISHERIES
Te Tautiaki i nga tiri o Tangaroa

Operation 'APATE'

HMNZS Pukaki

16 - 31 July 2011

HMNZS Taupo

12 - 24 August 2011

Prepared s9(2)(a)
July 2011

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

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Distribution

s9(2)(a)

J53M HQJFNZ

J33M HQJFNZ

Commanding Officer, HMNZS Pukaki

Commanding Officer, HMNZS Taupo

Executive Officer, HMNZS Pukaki

Navigating Officer, HMNZS Taupo

Field Operations Manager, Invercargill

Field Operations Manager, Dunedin

Field Operations Manager, Christchurch

Field Operations Manager, Petone

Field Operations Manager, Napier

Field Operations Manager, Auckland

Field Operations Manager, Auckland

Field Operations Manager, Whangarei

Field Operations - Training Manager, Dunedin

Training Officer, Petone

Fisheries Investigator, Petone, O/C

Fisheries Investigator, Petone, 2IC

Fisheries Investigator, Nelson

Fisheries Investigator, Whangarei

Fishery Officer, Dunedin

Fishery Officer, Invercargill

Fishery Officer, Auckland

Fishery Officer, New Plymouth

Fishery Officer, Masterton

Fishery Officer, Dunedin

Fishery Officer, Auckland

Fishery Officer, Napier

Fishery Officer, Christchurch

Fishery Officer, New Plymouth

Fishery Officer, Petone

MFish: Manager Maritime Planning & Forensics

MFish: NMCC Liaison Officer

MFish: Analyst Maritime Planning & Forensics

MFish: Communications Centre Manager

1. Situation

1.1. General Information

- 1.1.1. The Royal New Zealand Navy has tasked the inshore patrol vessels HMNZS Pukaki and HMNZS Taupo to assist the Ministry of Fisheries in fisheries protection duties within the New Zealand Exclusive Economic Zone from 16 July to 24 August 2011.
- 1.1.2. This will be a four phase operation comprising 'at-sea' boarding and overt surveillance of both domestic and foreign chartered fishing vessels operating in the Hoki fishery on the West Coast of the South Island (WCSI).
- 1.1.3. Operation Apate is itself part of a larger operation, Operation Bronto, which is primarily concerned with species profiling and identifying compliance risks in the WCSI Hoki fishery.
- 1.1.4. Phase One of Operation Apate will commence with the departure of HMNZS Pukaki from Wellington on Saturday the 16th July 2011. 3 x Fishery Officers will embark on Saturday the 16th July 2011, via boat transfer in Titahi Bay. Phase One will conclude with the arrival of HMNZS Pukaki in Nelson on Friday 22nd July 2011.
- 1.1.5. Phase Two of the operation will commence with the departure of HMNZS Pukaki from Nelson on Tuesday the 26th July 2011. 3 x Fishery Officers will embark on Thursday the 26th July 2011 alongside in Nelson. Phase Two will conclude with the disembarkation of 3 x Fishery Officers alongside in Wellington on Sunday 31st July 2011.
- 1.1.6. Phase Three of the operation will commence with the departure of HMNZS Taupo from New Plymouth on Friday 12th August 2011. 3 x Fishery Officers will embark on Thursday the 11th August 2011, via boat transfer in New Plymouth. Phase Two will conclude with the arrival of HMNZS Taupo in Nelson on Wednesday 17th August 2011.
- 1.1.7. Phase Four of the operation will commence with the departure of HMNZS Taupo from Nelson on Friday 19th August 2011. 3 (or 4) x Fishery Officers will embark on Friday 19th August 2011 alongside in Nelson. Phase Four will conclude with the disembarkation of 3 (or 4) x Fishery Officers via boat transfer in New Plymouth on Wednesday 24th August 2011.
- 1.1.8. During this time period it is expected that up to thirty-three (33) fishing vessels will be targeting Hoki on the WCSI, ranging in size from smaller inshore trawlers around 20m in length to deep-sea vessels in excess of 100m in length [*refer Appendix 'A'*].
- 1.1.9. Targets, and their relative priority, will be identified prior to commencing, each phase of the operation through analysis of intelligence, fishing data and

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past inspection history. Those vessels with a likelihood of offending will be targeted first whilst other vessels deemed to be a lesser risk will be boarded as part of a deterrent action.

- 1.1.10. Each phase OC will be kept updated, both prior to and during the patrol, with a prioritised list of targets and VMS picture of vessels currently operating on the WCSI.
- 1.1.11. This operation also presents MFish with an opportunity to board and inspect vessels belonging to the 'inshore' fleet, including vessels that are not fitted with an ALC as well as amateur charter and/or recreational vessels targeting Southern Bluefin Tuna amongst the Hoki fleet.
- 1.1.12. During each phase of the operation, each boarding team will consist of Navy personnel accompanied by three Fishery Officers.

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].

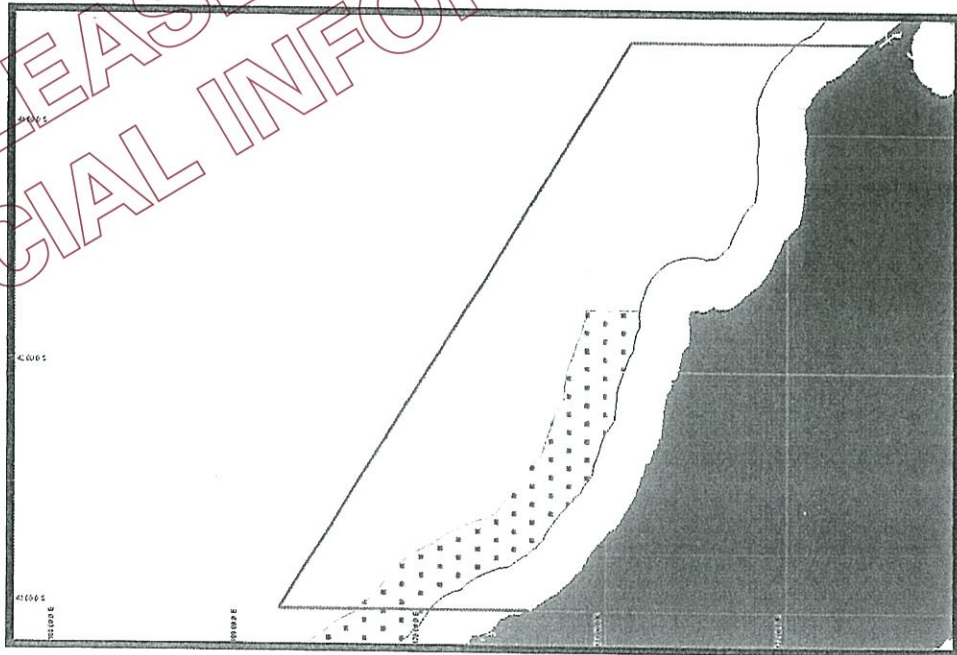


Fig. 1

- 1.2.2. VMS plots demonstrating the high concentration of fishing activity in the operational area during the period 16 to 21 July and 11 to 23 August, in the 2008-09 and 2009-10 fishing years, are attached as Appendix 'B'.
- 1.2.3. Each phase of the operation will have a dedicated O/C responsible for the co-ordination of all operational matters with the Captains and crews of the HMNZS

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Pukaki and HMNZS Taupo, as well as maintaining regular liaison with NMCC and MFish.

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 300–700 m 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. It is highly probable there will be a number of vessels operating in the Hoki fishery continuously from mid July to late August. The peak of the spawn, and number of vessels operating, however may occur anytime within this period due to environmental factors such as water temperature and availability of food sources.
- 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. 2].

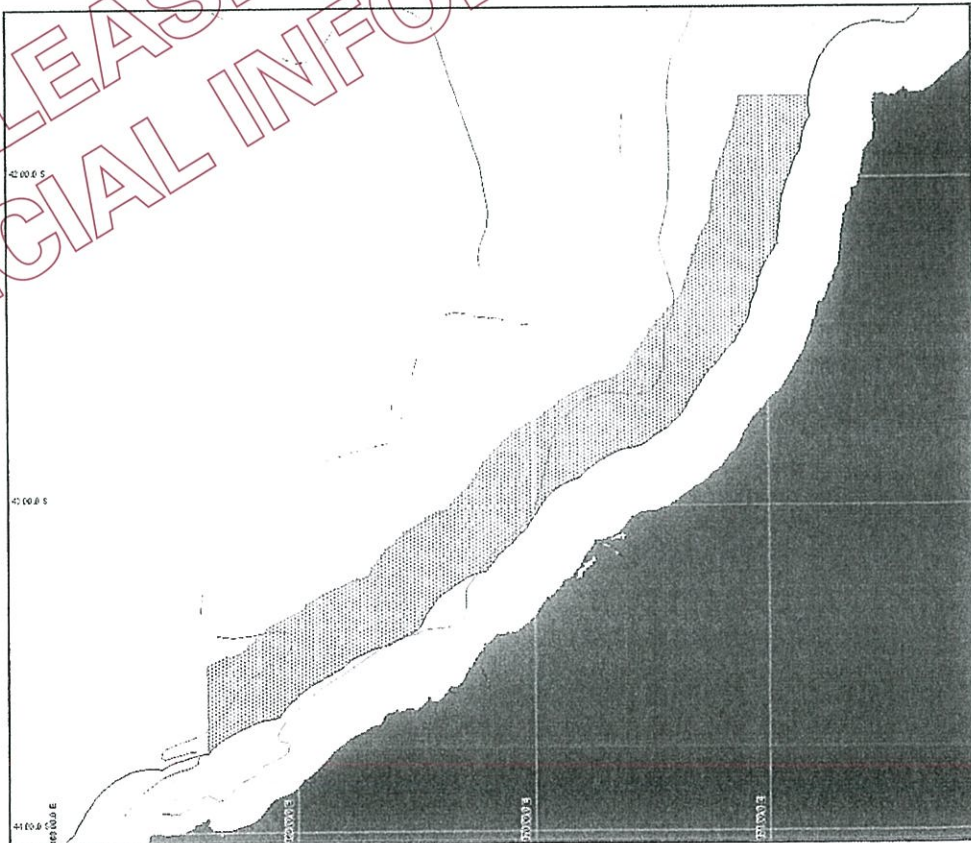


Fig.2

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- 1.3.5. Hoki is subject to the quota management system and forms one single fish stock (and one Quota Management Area), namely HOK1.
- 1.3.6. At present the Hoki fishery is considered to be in a rebuilding phase. The Total Allowable Commercial Catch (TACC) for HOK1 was effectively halved in a 4 year period from 2000 to 2004, from 250,000 tonnes to 100,000 tonnes. This fishing year, and for the second time in two years, there has been a moderate TACC increase of 10,000 tonnes taking the TACC to 120,000 tonnes.
- 1.3.7. While fishers are experiencing some small improvements in catch rates it is normal to catch a percentage of small fish (approximately <55cm in length) and damaged fish. These fish are usually not able to be processed and have little or no commercial value. It is important to monitor the catch rates and destination of both small and damaged Hoki to ensure they are reported accurately against Annual Catch Entitlement (ACE).
- 1.3.8. 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.

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2. Mission

- 2.1. To conduct 'at sea' boarding of targeted commercial fishing vessels within the WCSI Hoki fishery in order to ensure compliance with New Zealand fisheries legislation and to detect and/or deter non-compliance by those vessels.
- 2.2. To gather information and data on all vessels fishing in the hoki fishery, processing methods, catch effort, fishing gear and by-catch of other commonly caught species in order to identify compliance issues in the WCSI fishery.

3. Execution

- 3.1. During each of the four phases of this operation the boarding of commercial fishing vessels within the area of operation will be conducted. Only one boarding team will be deployed at any time using the RHIBs carried on board HMNZS Pukaki and HMNZS Taupo.

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3.1.1. One Fishery Officer for each phase of the operation will be delegated as the O/C of that phase.

3.1.2. For each phase the composition of the boarding team will be at the discretion of the C/O, in conjunction with the MFish phase O/C. Each boarding team will comprise a minimum of four (4) personnel including at least three (3) Fishery Officers.

Phase One

Saturday, 16th July to Friday, 22nd July 2011

HMNZS Pukaki

- Embark 3 x Fishery Officers and 1 x media pax via boat transfer in Titahi Bay, Wellington on Saturday, 16th July 2011, 0800 hours.
- Steam to area of operation and conduct vessel boardings weather permitting.
- Priority targets in the WCSI fishery to be identified by Maritime Planning and Forensics team
- Secondary targets include amateur charter vessels fishing amongst the Hoki fleet.
- Disembark 3 x Fishery Officers and 1 x media pax alongside in Nelson on Friday, 22nd July 2011.

Phase Two

Tuesday, 26th July to Sunday, 31st July 2011

HMNZS Pukaki

- Embark 3 x Fishery Officers alongside at Nelson on Tuesday, 26th July 2011, 0800 hours.
- Steam to area of operation and conduct vessel boardings weather permitting.
- Priority targets in the WCSI fishery to be identified by Maritime Planning and Forensics team
- Secondary targets include amateur charter vessels fishing amongst the Hoki fleet.
- Disembark 3 x Fishery Officers alongside in Wellington on Sunday, 31st July 2011.

Phase Three

Friday, 12th August to Wednesday, 17th August 2011 **HMNZS Taupo**

- Embark 1 x Fisheries Investigator in Devonport (or boat transfer) on Wednesday, 10th August at a time to be confirmed.
- Embark 2 x Fishery Officers and 1 x media pax via boat transfer at New Plymouth on Friday, 12th August 2011, 0800 hours.

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- Steam to area of operation and conduct vessel boardings weather permitting.
- Priority targets in the WCSI fishery to be identified by Maritime Planning and Forensics team
- Secondary targets include amateur charter vessels fishing amongst the Hoki fleet.
- Disembark 3 x Fishery Officers and 1 x media pax alongside in Nelson on Wednesday, 17th August 2011.

Phase Four

Friday, 19th August to Wednesday, 24th August 2011 HMNZS Taupo

- Embark 4 x Fishery Officers and 2 x media pax alongside at Nelson on Friday, 19th August 2011, 0800 hours.
- Steam to area of operation and conduct vessel boardings weather permitting.
- Priority targets in the WCSI fishery to be identified by Maritime Planning and Forensics team
- Secondary targets include amateur charter vessels fishing amongst the Hoki fleet.
- Disembark 4 x Fishery Officers and 2 x media pax via boat transfer in New Plymouth on Wednesday, 24th August 2011.

3.1.3. 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 the IPV's will operate. It will be the responsibility of each phase O/C to liaise with the Captain and crew of HMNZS Pukaki and HMNZS Taupo in the event of adverse weather conditions or other issues that may impact upon the operational plan.

3.1.4. If weather conditions are such that boarding parties deem it unsafe to carry out boardings, and that weather is expected to improve within 1-2 days, then the vessel is to remain in the patrol area to overtly monitor the hauling of nets, and vessels for accidental losses, dumping or discarding of fish.

3.1.5. If weather conditions are such that boarding parties deem it unsafe to carry out boardings, and those conditions are expected to persist for 2 days or more, then the vessel is to return to Tasman Bay and Golden Bay area to locate and inspect inshore commercial and recreational targets. Priority areas and targets will be confirmed at the time by the MFish NMCC Liaison officer in conjunction with the Nelson/Marlborough Field Operations Manager while HMNZS Pukaki (or Taupo) is in transit.

3.1.6. Any such contingency plan will be communicated to the O/C phase via the NMCC.

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3.2. Own Forces

HMNZS Pukaki and crew
HMNZS Taupo and crew
3 x Fishery Officers each phase (4 x FOs in phase 4)

It is desirable that at least 2 of the 3 Fishery Officers involved in each phase of this operation should have 'at sea' experience as either fishers or observers with an emphasis on knowledge of trawlers, gear technology/nets and the WCSI Hoki fishery.

3.3. Tasks

3.3.1. To board and inspect targeted commercial fishing vessels and to examine all fishing activity by said vessels in order to determine compliance with New Zealand fisheries legislation.

3.3.2. To board and inspect amateur charter and/or recreational vessels targeting Southern Bluefin Tuna amongst the Hoki fleet.

3.3.3. To gather evidence to a high evidential standard in relation to any detected breaches of New Zealand fisheries legislation.

3.3.4. To create a deterrent effect amongst commercial fishing vessels operating in the WCSI Hoki fishery by effecting a high profile presence in the area of operation.

3.3.5. To gather information and/or intelligence regarding fishing activity within the WCSI Hoki fishery.

3.3.6. 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.

3.3.7. To liaise with any MFish or industry observers present on any of the targeted commercial fishing vessels that are boarded.

3.4. Serious Offending

3.4.1. In the event that serious offending is detected in respect of any commercial fishing vessel inspected, then the MFish operation s9(2)(a) is to be contacted at the earliest opportunity and she will then determine an appropriate course of action.

3.4.2. 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

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3.5. Vessel Ordered to Port

- 3.5.1. 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 HMNZS Pukaki, or HMNZS Taupo, and the MFish O/C until such time as the commercial fishing vessel arrives in port.
- 3.5.2. In addition the HMNZS Pukaki, or HMNZS Taupo, will accompany the commercial fishing vessel back to port, maintaining both a regular communication link and visual presence.
- 3.5.3. A request will be made of the owner or charterer of the commercial fishing vessel, 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.

3.6. Safety

- 3.6.1. During the course of this operation, Fishery Officers will be boarding commercial fishing vessels at sea in challenging environmental conditions.
- 3.6.2. 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, particularly in areas such as the factory or freezer holds.
- 3.6.3. 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.
- 3.6.4. The health and safety of staff involved in this operation is paramount and these issues will be considered at all times. MFish staff are to comply with Navy occupational safety and health requirements at all times.
- 3.6.5. Upon embarking HMNZS Pukaki or HMNZS Taupo, the C/O will arrange for a pre-departure safety briefing by RNZN personnel for MFish staff on all aspects of Navy ship safety procedures, including boarding procedures, so as to ensure that all health and safety considerations are met
- 3.6.6. Risks can be minimised by adherence to Navy protocols regarding sea conditions in which safe boarding can occur.
- 3.6.7. Fishery Officers unfamiliar with the craft to be used in at sea boarding [RHIB's] must advise the phase O/C at the first practical opportunity. They will

In Confidence

make this known to the appropriate Navy personnel on board and request that appropriate training be provided before any boarding activity is undertaken

3.6.8. If boarding cannot be undertaken safely in open waters, consideration may be given by the phase O/C to ordering the commercial fishing vessel to steam to a more sheltered location to facilitate safe boarding. It is highly unlikely that such a direction will be made in the course of this particular operation.

3.6.9. 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 phase O/C and/or the C/O immediately.

3.6.10. Protective equipment [*as described in the Administration and Logistics section*] must be worn while boarding and extreme care taken 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.

3.7. National Maritime Co-ordination Centre [NMCC]

3.7.1. The role of the NMCC is to co-ordinate and provide intelligence in support of personnel on board HMNZS Pukaki and HMNZS Taupo, at regular intervals throughout the duration of the operation.

3.7.2. Intelligence will consist of information relevant to the operation, as acquired by NMCC.

3.7.3. All communications from NMCC to HMNZS Pukaki and HMNZS Taupo will be conducted via the MAN-R, NZDF secure messaging system, secure email, or where appropriate, via cell phone or Iridium phone on board HMNZS Pukaki and HMNZS Taupo.

3.7.4. The MFish Fishery Liaison Officer at the NMCC will be available by cell phone throughout the operation, to liaise with MFish personnel onboard HMNZS Pukaki and HMNZS Taupo.

3.8. MFish Field Operations Communications Centre [ComCen]

3.8.1. The MFish Field Operations Communications Centre will provide twice daily updates of known vessel positions from the Vessel Monitoring System [VMS] via the MAN-R or email to the C/O throughout the duration of the operation.

3.8.2. In addition the ComCen will also provide operational support via the MAN-R between 0700hrs and 1900hrs.

3.9. Debrief

3.9.1. The MFish O/C will conduct a debrief of MFish personnel at the conclusion of each phase of the operation and a copy of the complete debrief will be forwarded

In Confidence

to the MFish Fishery Liaison Officer at the NMCC. An inter-agency debrief may also occur at a later date.

3.10. Media/Solicitors

s9(2)(a)



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. Standard field gear should be taken, including wet weather gear.
- 4.1.2. RHIB suits, life vests and hard hats will be issued to Fishery Officers and must be worn when conducting boarding of commercial fishing vessels at sea. Additionally, Fishery Officers must also ensure that suitable hand protection is worn at these times. The standard issue black gloves are suitable for boarding operations.
- 4.1.3. Fishery Officers are expected to have 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, with all Fishery Officers embarking on HMNZS Pukaki and HMNZS Taupo for this operation supplying their own towels.

4.2. Meals and Accommodation

- 4.2.1. These will be provided by HMNZS Pukaki or HMNZS Taupo for the duration of the operation.

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.

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4.4. Transport

- 4.4.1. Fishery Officers are to arrange their own transport to and from their port of departure/arrival, in consultation with the MFish O/C.
- 4.4.2. Fishery Officers will need to be at the port of departure the day before scheduled embarkation and plan to return home the day of disembarkation where possible.

5. Command and Signals

MFish O/C
s9(2)(a)

Fisheries Investigator, Wellington.

Boarding Party Personnel

Phase One
s9(2)(a)

Fishery Officer, Napier
Fishery Officer, Christchurch
Fishery Officer, Petone

Phase Two
s9(2)(a)

Fisheries Investigator, Nelson
Fishery Officer, Auckland
Fishery Officer, New Plymouth

Phase Three
s9(2)(a)

Fishery Officer, Dunedin
Fisheries Investigator, Whangarei
Fishery Officer, New Plymouth

Phase Four
s9(2)(a)

Fishery Officer, Invercargill
Fishery Officer, Dunedin
Fishery Officer, Auckland

Reserves – all phases
s9(2)(a)

Fishery Officer, Masterton
Fisheries Training Officer, Petone

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5.1. Role and Responsibility

- 5.1.1. Whilst MFish personnel are on board HMNZS Pukaki or HMNZS Taupo, the C/O is in command of the vessel at all times, ensuring crew and vessel safety.
- 5.1.2. It is the responsibility of the O/C for each phase to liaise with the Captain and crew of HMNZS Pukaki, or HMNZS Taupo, taking an active part in the fisheries patrol thereby ensuring input into the decision making process.
- 5.1.3. The O/C for each phase is to establish good communications with the Captain and crew of HMNZS Pukaki, or HMNZS Taupo, to ensure that there is a clear understanding of what the Fishery Officer tasks are and how they can best be achieved.
- 5.1.4. Each phase O/C will be responsible for managing the Fishery Officers on board HMNZS Pukaki, or HMNZS Taupo, as per Ministry of Fisheries procedures.

5.2. Communications

- 5.2.1. All MFish operational communications between HMNZS Pukaki, or HMNZS Taupo, 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

s9(2)(a)



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APPENDIX 'A'

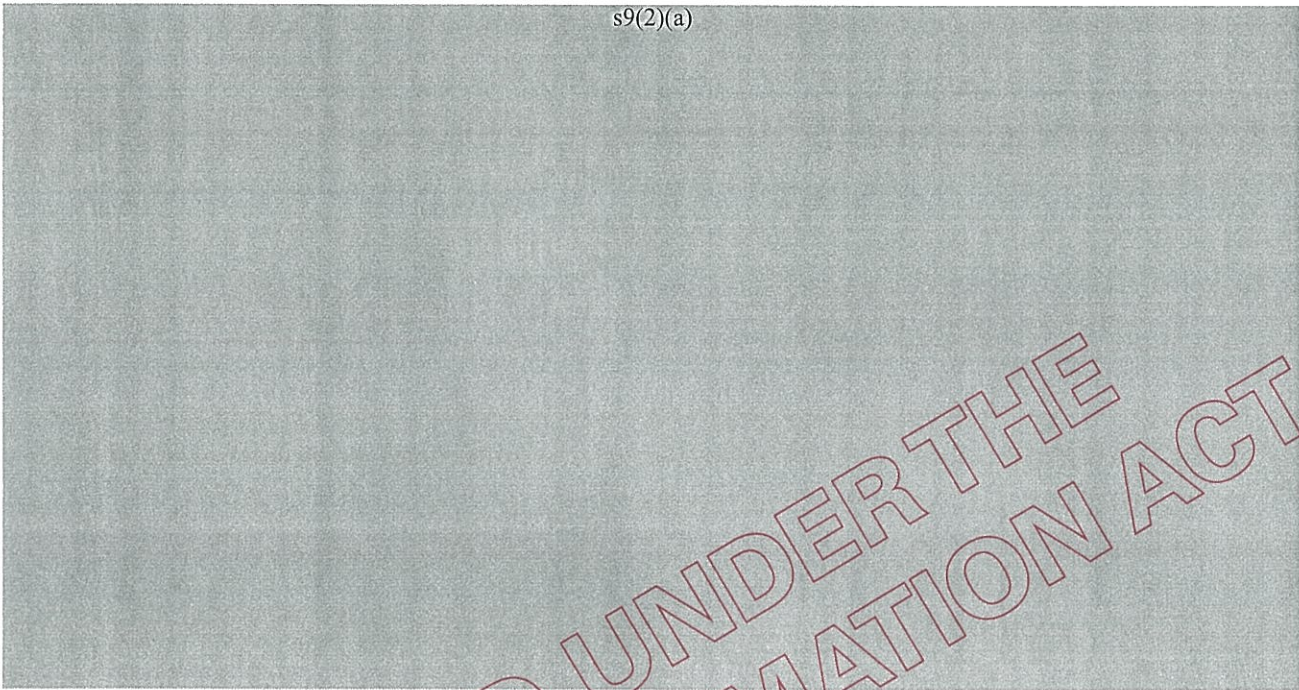
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s9(2)(b)(ii) AND s9(2)(ba)(i)

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s9(2)(b)(ii) AND s9(2)(ba)(i)

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