

# Local Area Management

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# Local Area Management

- Some current examples
- Available tools for local area management
  - Section 11 sustainability measures
  - Section 298 regulations
  - Voluntary Agreements
- Maori customary management tools
- Discussion time
  
- What does local area management mean to you?
- What problems do you wish to address with local area management?
- Problem solving – choose one to work through
  
- Local area management and the Shared Fisheries process

## Some Current Examples of Local Area Management

### Regulated

- West Coast one mile commercial restriction
- Coromandel Scallops - areas closed to commercial scallop fishing
- Harbours closed to commercial trawling, Danish seining, dredging
- Tauranga Harbour – closure to commercial drag netting
- Hauraki Gulf commercial method restrictions

### Voluntary

- CRA4
- Purse seine agreement in FMA 1

## Available regulatory tools for local area management

- Section 11 sustainability measures
  - by notice in the *Gazette*
  - by making regulations under section 298
- Section 297 general regulations
  - regulating fishing (species, areas, periods, sizes, methods..)
- Part VII - Dispute Resolution Procedure
  - Resolving disputes about effects of fishing on other fishing interests
  - Section 311 - Areas can be closed to commercial fishing methods

## Section 11 – Sustainability Measures

- Minister may set or vary any sustainability measure for one or more stocks or areas
- May relate to:
  - The catch limit for a stock
  - The size, sex or biological state
  - The areas from which fish are taken
  - The fishing methods used
  - The fishing seasons
- Must take into account any approved relevant fisheries plan
- Examples –
  - Cockle Bay seasonal closure implemented by *Gazette Notice*
  - Auckland/Coromandel shellfish bag limits implemented by regulation (*Section 298*)

## Section 297 – General Regulations

- 297.1.a.ii  
Regulating, authorising or prohibiting the taking or possession of fish, aquatic life or seaweed from any area
- 297.1.a.iii  
Regulating, authorising or prohibiting the taking or possession of fish, aquatic life or seaweed at any time, for any period
- 297.1.a.vii  
Regulating or prohibiting any method of fishing
- 297.1.a.viii  
Regulating or prohibiting the possession or use of any kind of gear, equipment, or device used for, or related to, fishing

## Part VII – Dispute Resolution

- Applies to disputes about the effects of fishing on others' fishing interests
- Provides for a process and guidelines to determine if a dispute relates to a matter that significantly affects the fishing activities of one or more persons
- Opportunity for parties to negotiate, take collective action (if appropriate), and resolve disputes
- The Minister may appoint a Fisheries Dispute Commissioner if parties are unable to resolve the dispute
- The Minister may make regulations following the dispute resolution under section 297 and as guided by Section 311, to –
  - Close an area to commercial fishing
  - Prohibit commercial fishing method(s) in an area  
to better provide for recreational fishing for a stock

## Voluntary Agreements

- Often the first option
  - Good to obtain information and clarify concerns
  - Mixed history of success
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- Examples –
    - Purse seine agreement has been successful and enduring
    - Coromandel scallop areas began as voluntary > dispute process > regulated closures

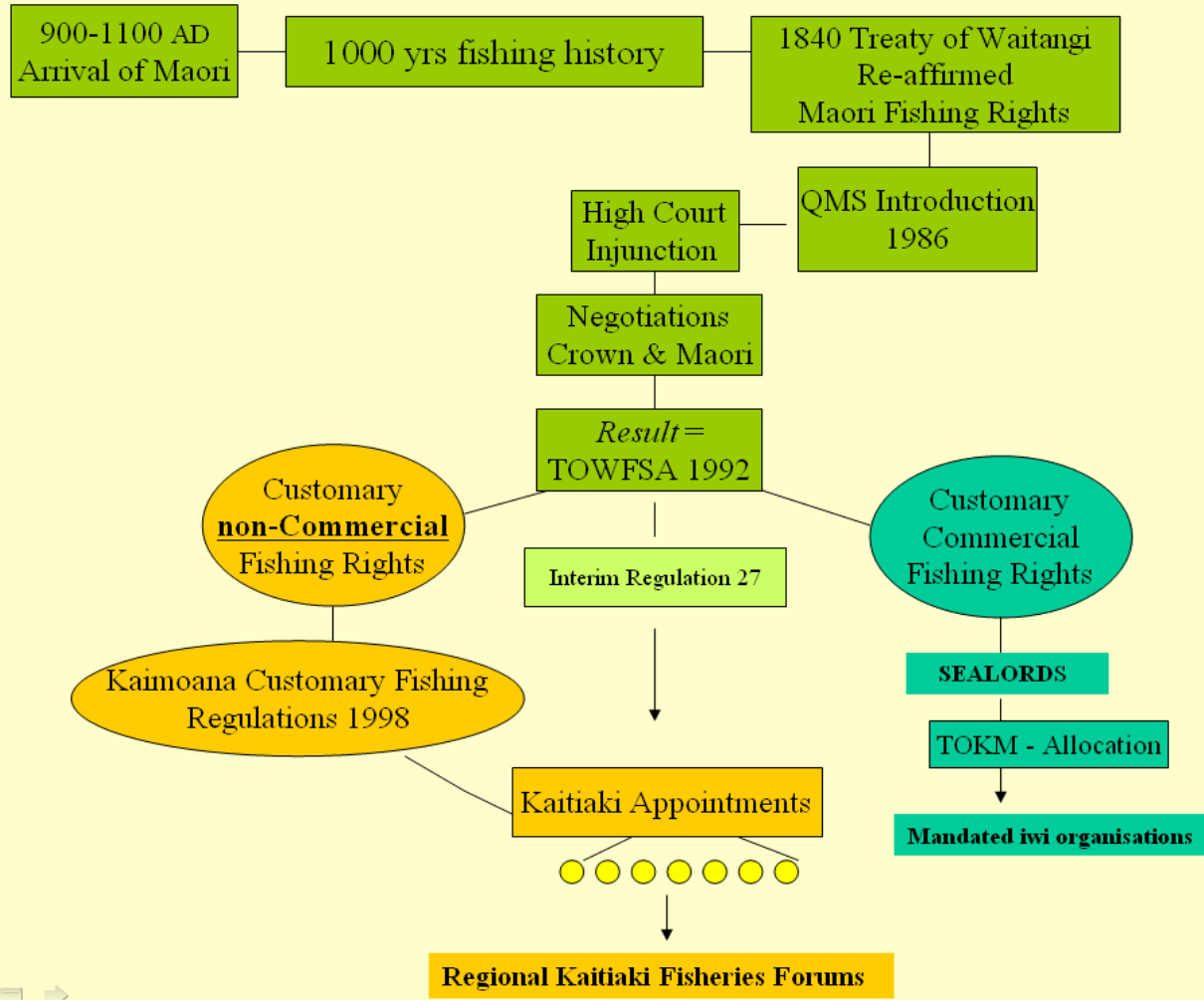


## Tools – Customary Fisheries Tool Box

- Taiapure – Local Fisheries
- Temporary Closures (s186A)
- Mahinga Mataitai Reserves

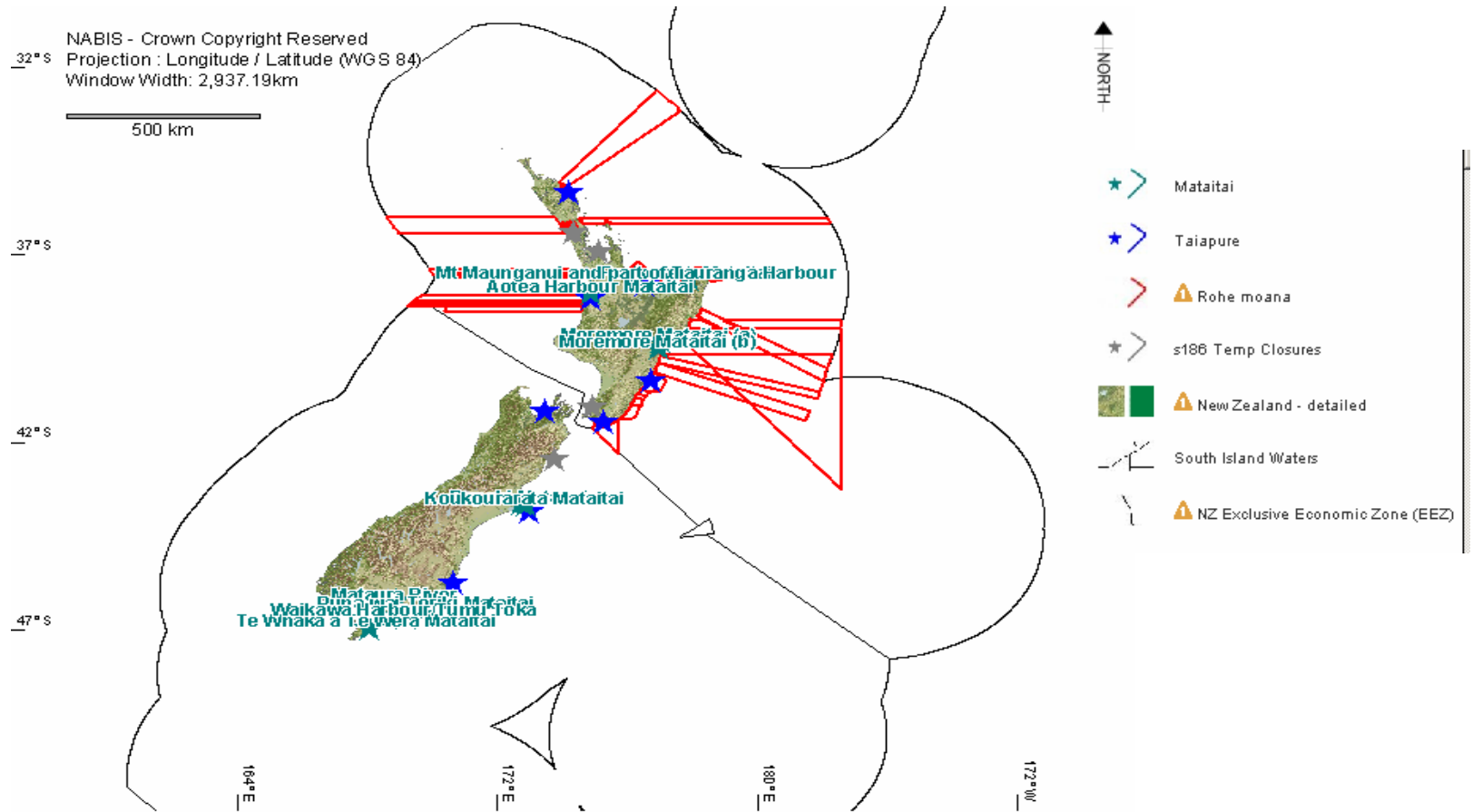


# History in Brief





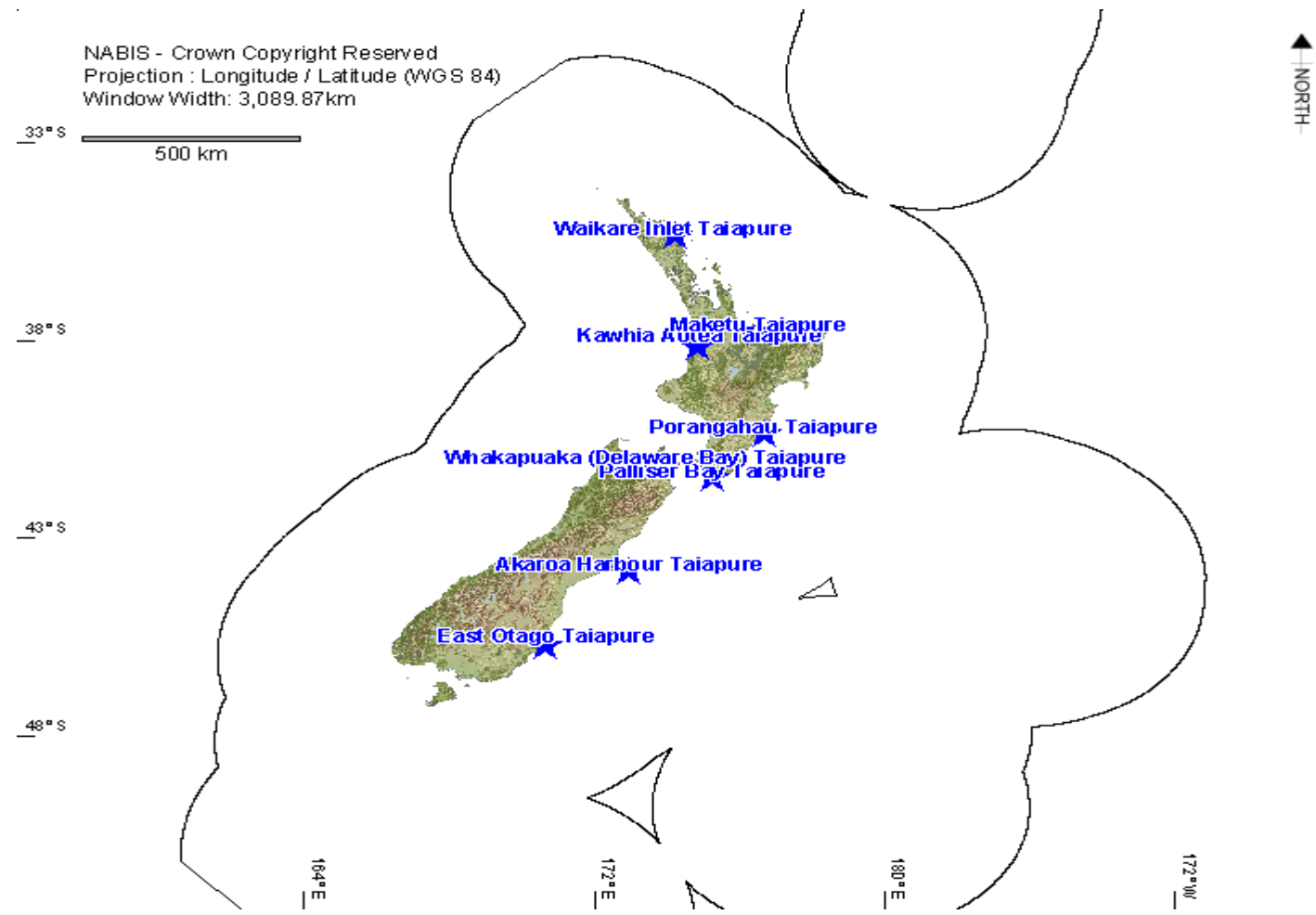
# Fisheries Management and Customary Tools



This map is intended to be used as a guide only, in conjunction with other data sources and methods, and should only be used for the purpose for which it was developed. Although the information on this map has been given that the information is complete, accurate or up-to-date.



# Taiapure

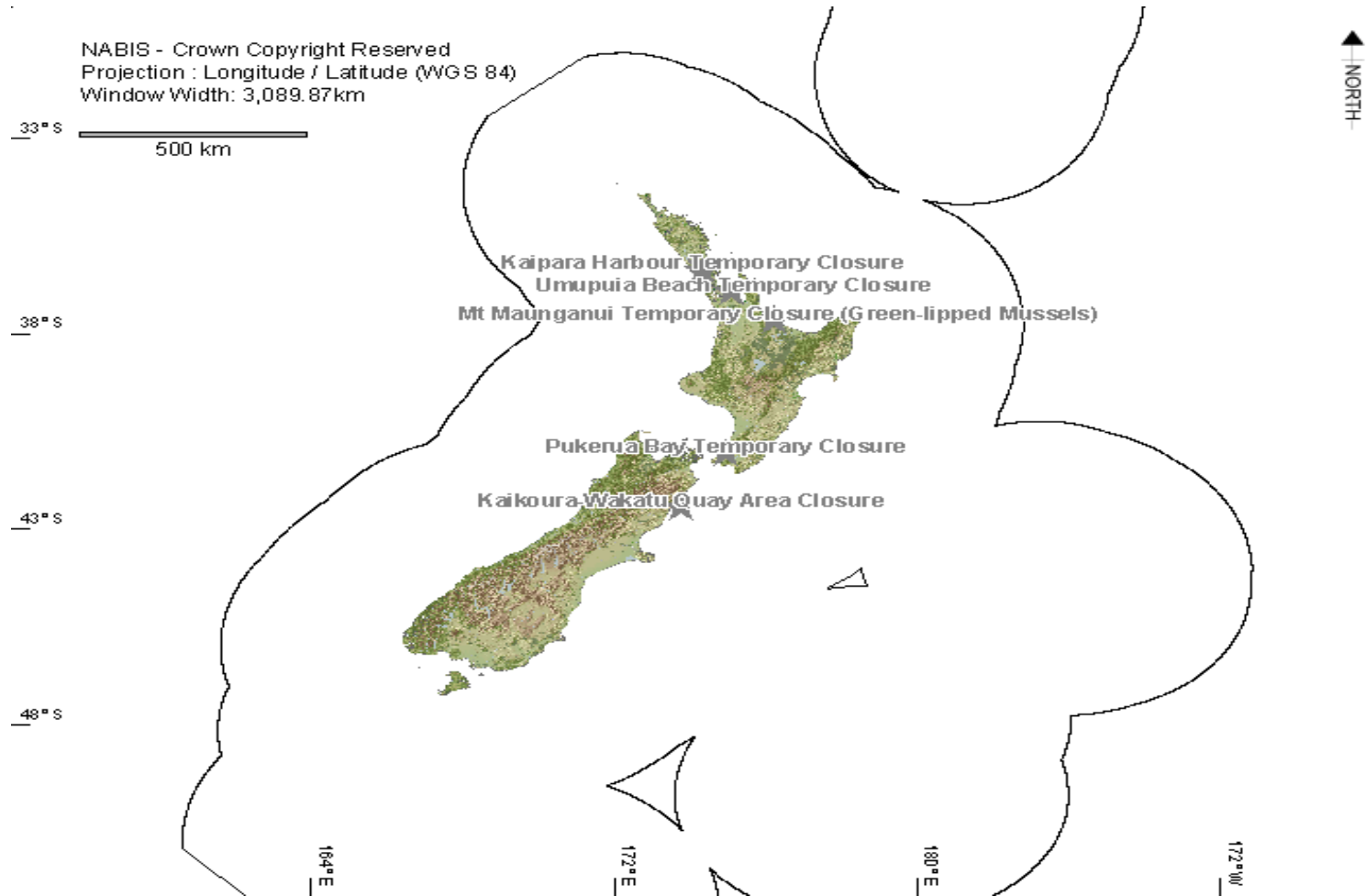


## Taiapure – Section 175, Fisheries Act 1996

- Tangata Whenua can act as managers of local fisheries that are culturally significant to iwi / hapu
- Relate to estuarine or littoral coastal waters only
- Allows all fishing, including commercial
- A management committee is formed to advise the Minister of Fisheries on making regulations controlling commercial and recreational fishing
- Can use ss 186 (customary), 297 (general) or 298 (sustainability) regulatory provisions of Fisheries Act 1996



# Temporary Closures 186 A & B



## Section 186 A, 186 B Temporary Closures

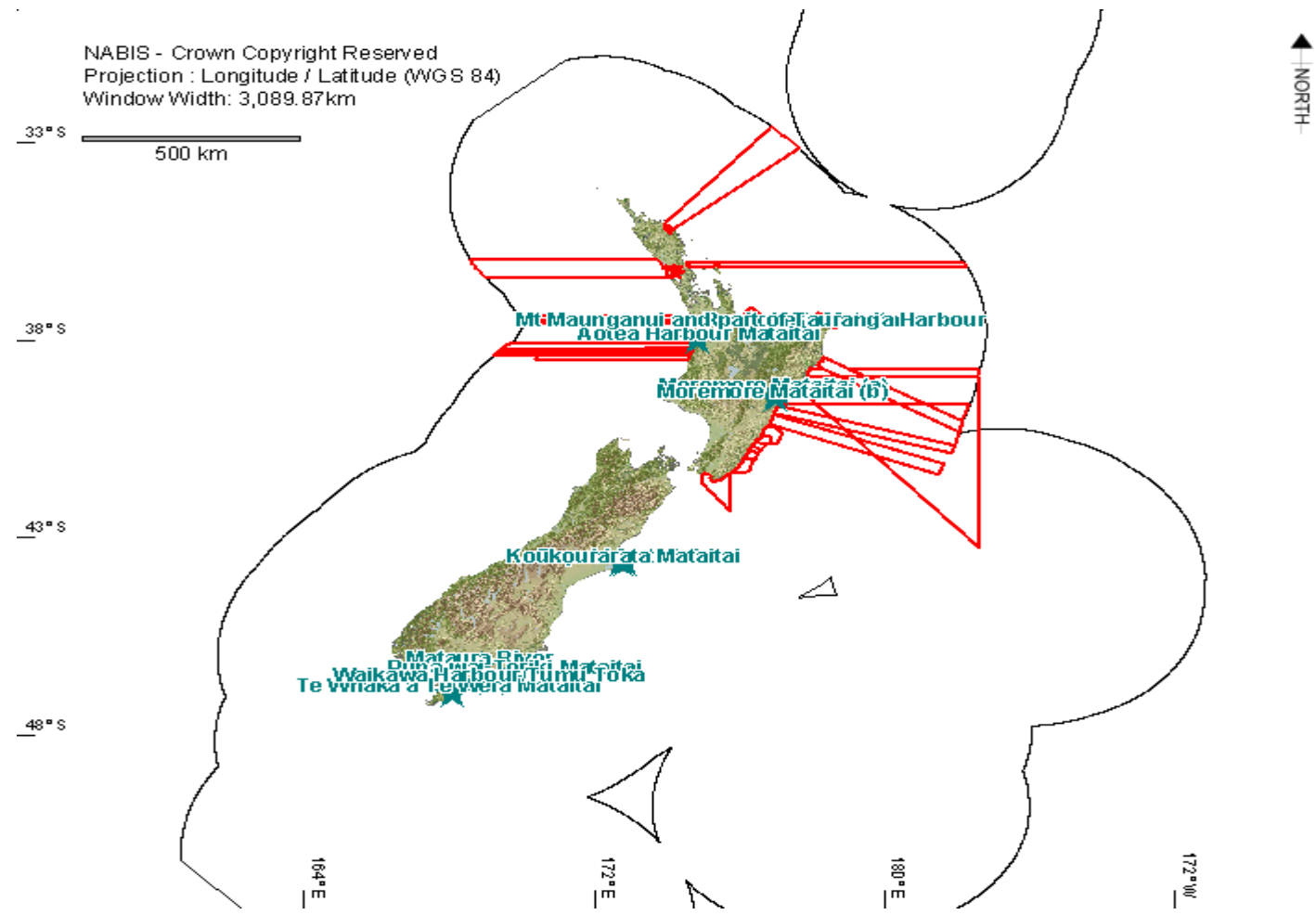
- To recognise and provide for customary fishing practices, the Minister of Fisheries can temporarily close –
  - an area, or
  - restrict a fishing method
- Intention is to improve the availability and / or size of kaimoana OR recognise a customary fishing use and management practice
- Maximum of two year period, but can be extended
- Applies to ALL fishing

## Temporary Closures continued.....

- **The Minister of Fisheries must be satisfied that:**
- There is a negative impact on customary use and management
- A closure or restriction will improve numbers / sizes of fish or recognise a customary fishing practice
- Impacts on rights of all affected parties have been considered
  
- **The Minister of Fisheries can proceed once:**
- Consultation with interested parties has occurred
- Input and participation of Tangata Whenua has been provided for



# Mataitai and Rohemoana



## Kaimoana Reg 23 - Mataitai Reserves

- Tangata Whenua can protect their traditional kaimoana grounds by establishing a Mataitai Reserve
- Traditional fishing ground for the purpose of recognising and providing for Customary Management practices and food gathering
- The Minister of Fisheries must appoint Tangata Kaitiaki to manage the Mataitai Reserve

## Mahinga Mataitai Reserves

- **Mataitai criteria**
- Must have a special relationship between Tangata Whenua and the proposed Mataitai Reserve
- The general aims of the proposed Mataitai Reserve must be consistent with sustainable management of the fishery
- Is an identified traditional fishing ground; and
- Is of a size appropriate to effective management by Tangata Whenua
  
- **A Mataitai must not:**
- Unreasonably affect local community
- Prevent commercial quota harvest
- Unreasonably prevent recreational fishing



## Discussion Time.....

- Questions
- Clarification
- More examples.....

## Why should we want local area management ?

- What does local area management mean to you?
- What problems do you wish to address with local area management?
- Problem solving – choose a case and work through the problem and possible solutions



# Local area management & Shared Fisheries Process

Views from the AFMAC.....



Ministry of

**Fisheries**

Te Tautiaki i nga tini a Tangaroa

New Zealand Government

Thanks for listening, and tight lines!