

NEW MANAGEMENT MEASURES FOR THE AMATEUR PAUA FISHERY IN TARANAKI – FINAL ADVICE

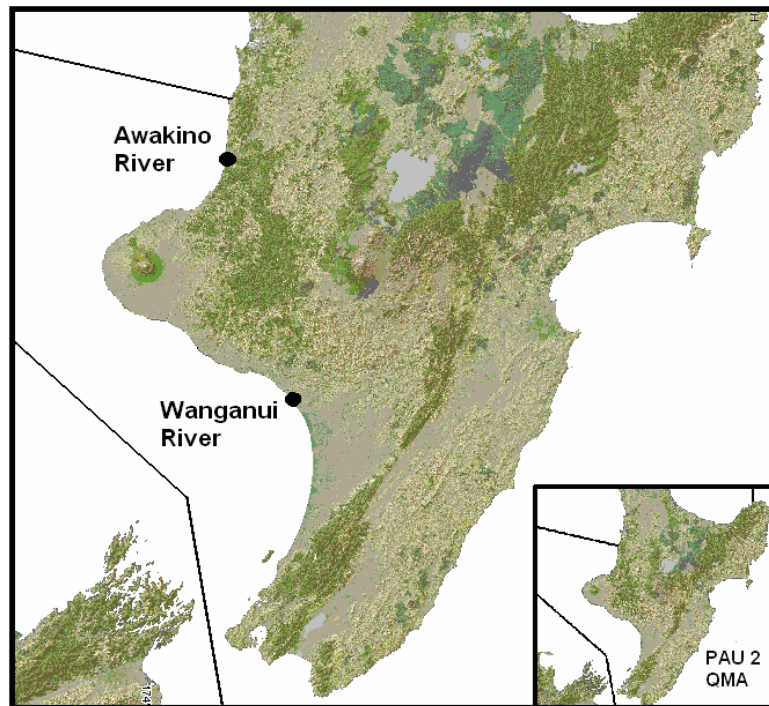


Figure 1: Map showing the area between Awakino River and Wanganui River where the proposed measures would apply.

Executive Summary

- 1 This paper seeks your decision on a range of management measures to enable recreational fishers to harvest black-footed paua (*Haliotis iris*) within a defined area of Taranaki.
- 2 An Initial Position Paper (IPP), released on 23 March 2009, proposed to:
 - a) implement a regional amateur minimum legal size (MLS) of 85 mm shell length for the area between Awakino River and Wanganui River to enable recreational fishers to gather paua (refer Figure 1); and
 - b) implement an area limitation on possession of paua at the proposed lower MLS within an internal ‘*Amateur Taranaki Paua Fishery Area*’ to address compliance risk associated with a smaller regional MLS; and
 - c) either i) retain the amateur daily bag limit¹ of 10 paua per person or ii) reduce the amateur daily bag limit to 5 paua per person for the

¹ MFish is currently consulting on a separate proposal to implement restrictions on recreational fishers

Taranaki region to mitigate potential impacts of recreational fishing effort on localised paua populations and the customary fishery.

- 3 The proposed changes will be implemented by amending the Fisheries (Central Area Amateur Fishing) Regulations 1986.
- 4 The Ministry of Fisheries (MFish) manages the national amateur paua fishery using two principle tools - a MLS of 125 mm shell length²³ and a daily bag limit of 10 paua per person.
- 5 A discrete and sustainable paua fishery exists along the Taranaki coastline. This fishery is part of the wider PAU 2 Quota Management Area (QMA) extending between Cape Runaway on the east coast and Tirua Point on the west coast of the North Island (Figure 1).
- 6 Paua along the Taranaki coast attain a maximum size of about 90–100 mm shell length. Paua that never reach the national MLS are commonly referred to as “stunted” and there are a number of other stunted paua populations around New Zealand (particularly in the North Island).
- 7 The failure for paua in Taranaki to attain the national MLS prevents recreational fishers from utilising the local paua resource. The inability of the recreational sector to gather paua in Taranaki contributes to a high level of offending.
- 8 Taranaki iwi regard paua as taonga and it is highly valued as kaimoana. Lawful access to the Taranaki fishery is presently restricted to fishers operating under customary fishing authorisations and allows the collection of paua less than the 125 mm MLS. Tangata kaitiaki currently issue these authorisations under the amateur fishing regulations, and therefore paua can only be taken for hui and tangi purposes. Customary access is presently not allowed for any other purposes (including personal consumption).
- 9 MFish has a NIWA assessment that demonstrates there is potential for the Taranaki paua fishery to sustain a limited fishery. MFish proposes that you consider allowing limited recreational access to this fishery on a trial basis (five-years) by reducing the amateur MLS from 125 mm to 85 mm.
- 10 MFish will conduct a review at the conclusion of the trial to assess how the fishery is performing in response to recreational fishing effort. If recreational fishing is shown to negatively impact on the sustainability of the Taranaki paua resource and/or the customary fishery, MFish will recommend appropriate measures as necessary.
- 11 MFish considers the trial will inform future requests for access to other stunted paua fisheries in New Zealand.

accumulating multiple daily bags limits and personal exportation (refer *Paua Accumulation and Personal Export Limits* IPP). The proposed restrictions would apply to the daily bag limit proposed in this paper.

² Shell length is measured as the greatest length of the shell in a straight line parallel to the ventral surface.

³ A national MLS of 125 mm also applies to the commercial sector.

- 12 MFish does not consider it appropriate, at this time, to allow commercial access to the Taranaki paua fishery. This is because of the complexity of the supply chain for paua, and consequently the high risks associated with managing the commercial fishery and the compliance risk of having undersized paua in the market place. Paua poaching is a major problem in New Zealand and any relaxation to the Taranaki fishery must not increase compliance risk. The best vehicle to address these issues is through a more comprehensive fisheries plan for the fishery.
- 13 The submissions received in response to the proposed measures to the Taranaki amateur paua fishery are polarised.
- 14 Customary interests strongly oppose the proposed measures because they believe recreational fishing pressure will deplete the paua resource; thereby affecting their ability to harvest paua for current and future customary needs. Several Taranaki iwi have deeds of settlement with the Crown that recognise that they have a customary non-commercial interest in the paua fishery in their respective rohe moana areas. These deeds require that information from each iwi governance entity be included in this paper. These iwi believe recreational access can be provided under existing customary fishing arrangements. Some of the issues raised could potentially be addressed using various customary management tools under the North Island customary fishing regulations.
- 15 A decision to approve the proposed measures will affect MFish's relationship with these iwi at this time. However, the proposed trial will not affect the ability for tangata whenua to continue to issue customary fishing authorisations to gather paua as they do presently. As such, MFish believes the proposed approach to enable recreational fishing in Taranaki on a limited basis will not breach the Crown's obligations under the respective deeds of settlement. Customary fishers are likely, however, to experience changes in fishing following the onset of recreational fishing through lower catch rates and/or greater difficulties in accessing paua.
- 16 Commercial interests strongly oppose the proposed measures because they believe it preferentially allocates the paua resource to the recreational sector. Industry requests that you defer your decision until such time as all sectors can consider access to the fishery within a wider management framework.
- 17 Recreational interests support the proposed measures to enable the local community to use their local paua resource that is otherwise unavailable. The recreational sector believes the current MLS penalises the local fishers and forces some people to break the law in order to get a feed of paua.
- 18 The relative easy access to Taranaki paua beds mean that localised populations could be prone to depletion, in some areas within the region, and there is some uncertainty about how this depletion could potentially impact on the long-term sustainability of the fishery. Enabling a recreational fishery where uncertainty remains about the paua populations that are easily accessible carries associated risks in terms of (i) ensuring long-term sustainability of the fishery, and (iii) mitigating the impacts of increased fishing effort on the customary fishery. These matters can be addressed by considering the MLS size and the daily bag

limit, and are discussed in more detail in this paper. MFish considers that the proposed MLS will only provide access to about 5-8% of the overall biomass.

- 19 This paper also proposes an ‘area limitation of possession’ rule that prevents fishers taking Taranaki paua from outside the region. This rule has not been applied in any other recreational fishery in New Zealand and will reduce the compliance risk associated with differential MLSs within the recreational sector. The recreational sector generally supports this proposal.
- 20 The proposed measures are consistent with the purpose of the Fisheries Act 1996 (‘the Act’) to provide for sustainable utilisation to enable people to provide for their social, economic, and cultural well-being.

The Issue

- 21 Taranaki recreational fishing interests have a longstanding request for MFish to review the amateur MLS that applies to the Taranaki paua fishery. This is because the fishery is made up of paua that generally do not attain the national amateur MLS of 125 mm shell length; thus preventing the recreational sector from lawfully harvesting paua.
- 22 Small paua are abundant throughout the Taranaki region and can be harvested with relative ease (particularly during low ‘king tides’ that occur every 1-2 months). These paua attain a maximum size of about 90-100 mm shell length and are referred to as “stunted”. Stunted paua populations also occur in many other areas including north of Auckland, Gisborne, Hawke’s Bay, eastern Tasman Bay, Bank Peninsula, and Karitane.⁴
- 23 The smaller size of paua in Taranaki prevents all fishers from lawfully harvesting paua except those persons fishing under customary fishing authorisations⁵. These authorisations enable the permit holder to take paua smaller than the national MLS and in quantities that may differ from the national daily bag limit. The quantity of paua taken under these authorisations is currently unknown, but MFish understands that these authorisations are regularly issued to enable fishers to gather paua throughout the Taranaki region.
- 24 The lack of legal sized paua contributes to the well known illegal fishing problem within the Taranaki region. People caught in possession of undersized paua commonly exceed the daily bag limit (often considerably) given their disregard for the amateur fishing rules.

⁴ The reasons why stunted populations do not reach the national MLS limit is unknown, but is likely to be related to environmental conditions such as food availability and quality, exposure, and density-dependent factors.

⁵ Fishers operating under the authority of customary fishing authorisations issued under either the Fisheries (Kaimoana Fishing) Regulations 1998 or regulation 27A of the Fisheries (Amateur Fishing) Regulations 1986 can lawfully gather paua less than the amateur MLS limit if authorisations stipulate a size smaller than the MLS limit.

- 25 Taranaki recreational fishing interests contend that the national amateur MLS is inappropriate for their region given the localised biological characteristics of the paua fishery. There is no evidence to suggest the fishery is not in a healthy state other than individuals being smaller than the national MLS. The national MLS rule prevents recreational paua fishing within Taranaki and penalises fishers from accessing a highly valuable local fisheries resource.
- 26 The IPP proposed to address this issue by implementing a regional amateur MLS of 85 mm shell length for the area between Awakino River and Wanganui River to enable recreational fishers to harvest paua in Taranaki. The proposed MLS rule reflects the biological characteristics of the fishery (in particular the size at maturity).
- 27 Paua is an iconic species with a significant risk of non-compliance given its high demand and commercial value. The proposed regional MLS in Taranaki creates additional enforcement risk at both regional and national levels. To mitigate this risk, MFish considers an additional measure (‘area limitation of possession’ rule) is necessary to restrict where recreational fishers may possess Taranaki paua.
- 28 Enabling recreational paua fishing within Taranaki will probably lead to an initial increase in fishing effort as local fishers take advantage of a legal regional paua fishery. Greater fishing effort may cause depletion of localised paua beds, which may have wider implications on the long-term sustainability of the fishery and on the customary sector. The IPP proposed a review of the amateur daily bag limit to address this concern.
- 29 The options presented in the IPP do not affect the ability for tangata whenua to continue to issue customary fishing authorisations to gather paua as presently undertaken. These authorisations will still enable fishers to gather paua within Taranaki that are less than the proposed MLS and in quantities that differ from the daily bag limit (providing this is stipulated on the relevant authorisations). As these authorisations are presently issued under the amateur fishing regulations, paua can only be taken for hui and tangi purposes (and not for personal consumption).
- 30 One likely outcome of the proposed MLS rule is a reduction in the number of customary fishing authorisations as fishers will be able to gather paua for personal use under the amateur fishing rules. Tangata whenua do not have this opportunity at present. MFish highlights that a sustainable Taranaki paua fishery should be available to both customary and recreational sectors, and not exclusively allocated to one particular sector providing that the needs of tangata whenua are met.
- 31 The IPP highlighted the need for future research on the Taranaki paua fishery to identify issues that may arise under the proposed options.

Summary of Options

Initial proposal

- 32 The IPP proposed to:

Either:

Option 1 –Retain the Status quo

- 33 Under this option, the existing amateur MLS of 125 mm shell length and daily bag limit of 10 paua per person remain.

OR:

Option 2 –Implement a new regional amateur MLS and an ‘area limitation on possession’ rule for a five-year trial period with follow-up monitoring

Smaller MLS

- 34 Under this option, a new amateur MLS will be set at 85 mm shell length (reducing from 125 mm) for the area between the Awakino River and Wanganui River, Taranaki (refer to Figure 1).

AND

‘Area limitation on possession’ rule

- 35 Under this option, recreational fishers taking paua between Awakino River and Wanganui River, Taranaki, can only possess this paua inside an ‘*Amateur Taranaki Paua Fishery Area*’ delineated by State Highways 3 and 4 (refer to Figure 3).

OR:

Option 3 – Implement proposed measures under Option 2 and a lower daily bag limit

- 36 Under this option, the amateur daily bag limit is reduced from 10 to 5 paua per person for the area between the Awakino River and Wanganui River, Taranaki and within the proposed ‘*Amateur Taranaki Paua Fishery Area*’.

Final proposal

1 **NOTE** that submissions on the proposed measures for the amateur Taranaki paua fishery are polarised in support and objection to enabling a recreational fishery to proceed.

2 AND:

AGREE to (Option 1)

Retain the existing amateur MLS of 125 mm shell length and daily bag limit of 10 paua per person (*status quo*).

OR:

AGREE to (Option 2) – MFish’s preferred option

i) Introduce a new amateur MLS at 85 mm shell length (reducing from 125 mm) for the area between the Awakino River and Wanganui River, Taranaki for a five-year trial period (refer Figure 2);

AND

ii) Require recreational fishers taking paua between Awakino River and Wanganui River, Taranaki, to only possess this paua inside an ‘*Amateur Taranaki Paua Fishery Area*’ delineated by State Highways 3 and 4 for a five-year trial period.

OR:

AGREE to (Option 3)

Implement measures under Option 2 AND decrease the amateur daily bag limit from 10 to 5 paua per person for the area between the Awakino River and Wanganui River, Taranaki and within the proposed ‘*Amateur Taranaki Paua Fishery Area*’.



Figure 2: Map of proposed ‘*Amateur Taranaki Paua Fishery Area*’. Map shows proposed internal boundaries based on State Highways 3 & 4.

Submissions Received

37 Submissions regarding this proposal were received from:

- Jim Aitken
- Keith Armstrong
- T & A Brooks
- Mark Braddock
- Chris Collins
- Steve Corlett
- David Dannefaerd
- Dobbin Family
- Mark Gulliver
- Richard Hamel
- Graham Hawkes
- Stephen Houghton
- Helen Manning / Skelton
- Stephen Mourie
- New Plymouth Surfcasting Club
- New Plymouth Sportfishing and Underwater Club
- New Zealand Recreational Fishing Council (NZRFC)
- New Zealand Rock Lobster Industry Council (NZRLIC)
- Ngaati Ruanui and Ngaa Kiiitahi of South Taranaki (Nga Iwi)
- Ngatī Te Whiti Ahi Kaa
- Danny O'Donnell
- Karl Osten
- Eric O'Regan
- Paua 2 Industry Association INC (PAU2IA)
- Paua Industry Council Ltd (PIC)
- Pete Saunders
- Seafood Industry Council (SeaFIC)
- Tasman and Sounds Recreational Fishers' Association Inc (TASFISH)
- Te Atiawa Business Centre
- Te Atiawa (Taranaki) Holdings Ltd
- Te Atiawa (Taranaki) Settlements Trust
- Te Ohu Kaimoana (TOKM)
- Top of the South Recreational Forum
- Richard Wallis
- Wellington Recreational Marine Fishers' Association (Inc)
- Pat Wells
- Murray Williams

MFish Discussion

38 MFish wishes to bring to your attention to the fact that the proposal to enable the recreational sector to harvest paua within the Taranaki region is not supported by all sectors. Rather, the views expressed in submissions indicate

there is a polarity of positions in support or objection to the proposed management measures presented in the IPP.

- 39 Tangata whenua strongly oppose the proposed measures on the basis that there is insufficient assurance that recreational fishing will not adversely impact on both the current and future customary paua fishery. They contend that the Taranaki paua fishery has already been altered by the presence of illegal fishing and that the available resource is limited and is being fully utilised under existing harvest levels (ie, customary and illegal take combined).
- 40 The commercial sector strongly objects to the fact that they are presently excluded from the Taranaki paua fishery. Local industry supports the use of differential MLSs to reflect regional fishery characteristics, and contend that any decision to expand access to the fishery must include the commercial sector. Industry requests that you defer your decision until such time as all sectors can consider access to the fishery within a wider management framework.
- 41 The recreational sector generally supports measures to provide the local community with an opportunity to lawfully gather paua from the Taranaki region. These submissions note the application of the national MLS penalises local fishers from using a highly desirable and abundant fishery resource, and the current fishing rules encourage some people to resort to illegal fishing to obtain a feed of paua.
- 42 In light of submissions, MFish remains of the view that a viable paua fishery occurs within the Taranaki region, and that the current use of a national MLS in the amateur paua fishery prevents the local recreational sector from using a highly desirable fisheries resource. This problem is just not confined to Taranaki, as there are numerous areas within New Zealand where paua fail to attain the national MLS (ie, 'stunted stocks'). At present, the only legitimate fishery within Taranaki is restricted to those persons fishing under customary fishing authorisations. In addition, an unknown quantity of paua is illegally taken by people harvesting small paua, often in large quantities.
- 43 MFish believes there is sufficient rationale to provide recreational access to this fishery under a trial basis (five-years) by reducing the amateur MLS from 125 mm to 85 mm. In considering this approach, you should ensure that:
 - the sustainability of the Taranaki paua fishery is not compromised; and
 - tangata whenua are able to continue to harvest paua to meet their current and future needs.
- 44 MFish notes that the divergent views on the IPP primarily focus on these two issues, and that there is uncertainty (risk) associated with each issue given limited information. You need to balance this uncertainty against providing utilisation opportunities for the recreational sector to a localised 'stunted' paua resource. MFish will consider each of these issues in light of submissions received under the *Assessment of Management Options* section.

45 Each submission is summarised at the end of this document.

Rationale for Management Proposals

46 In 1998-99⁶ NIWA surveyed the size distribution of paua populations⁷ along the Taranaki coast and demonstrated that individuals attain a maximum length of about 90–100 mm. The survey found no evidence of paua reaching the national MLS of 125 mm shell length (see Figure 3). There is anecdotal information to suggest that very small numbers of legal size paua (≥ 125 mm shell length) are found within the Taranaki region, however, these paua occur in deeper waters and are not easily accessible to recreational fishers.

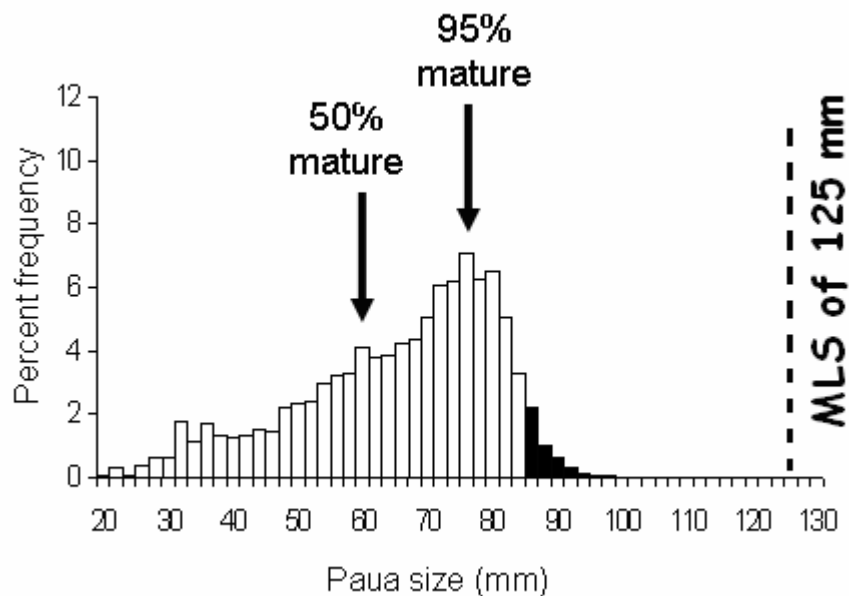


Figure 3: Length frequency distributions of paua sampled from four sites⁸ at Taranaki. The national 125 mm MLS and proportions at onset of maturity are shown. Black bars illustrate proportion of fishery available to recreational fishers under an 85mm MLS.

47 The survey also found that Taranaki paua become mature at a much smaller size than most other paua populations - approximately 50% of paua mature at about 60 mm and 95% at about 75 mm. The spawning biomass within the Taranaki paua fishery is considered to be paua greater than 60 mm (refer Figure 3).

48 The MLS is a fisheries management tool used chiefly to ensure future recruitment to fish stocks by allowing a proportion of individuals within the stock to reach sexual maturity and breed before being harvested. The MLS is usually determined by considering rates of growth, mortality and reproduction.

⁶ PAU9702 – Determination of growth, size composition, and fecundity of paua at Taranaki and Banks Peninsula, *New Zealand Fisheries Assessment Report 2000/51, December 2000*

⁷ The 1998-99 survey sampled paua at New Plymouth, Cape Egmont, Opunake, and Puketapu. These sites were chosen to span a range of conditions and paua populations found within the Taranaki region.

⁸New Plymouth, Cape Egmont, Opunake, and Puketapu.

Spatial variation in demography may mean the use of a single MLS may be inappropriate for managing populations at a smaller scale.

- 49 Egg-per-recruit analysis of the Taranaki populations indicates that a MLS set at 80 mm will preserve at least 50% of pre-fishing virgin egg production. A larger MLS provides greater protection to egg production. NIWA notes that while there is little guidance concerning 'safe' levels of conserving egg production, the available literature suggests that a minimum of 40-50% of virgin egg production should be considered a limit reference point.
- 50 However, NIWA expresses caution in applying a simple egg-per-recruit analysis (based on assumptions of constant recruitment, growth and mortality parameters) as a basis of setting an MLS within paua fisheries. Submissions from tangata whenua also express this caution. For example, the relative ease of accessing paua populations in Taranaki (ie, close proximity of reef platforms and the very low 'king' tides) may cause localised depletion of spawning biomass in some areas while the overall fishing mortality remains relatively low, and this invalidates the above assumptions. NIWA notes that conclusions drawn from 'egg-per-recruit' analyses about the appropriateness of MLSs should be treated with "great caution", and there is likely to be an increased risk in population collapse if an inappropriate MLS is used as the principal management tool.
- 51 Nevertheless, on the basis of the 1998-99 study, MFish considers an 85 mm MLS is appropriate for the Taranaki paua fishery to sufficiently protect spawning biomass, whilst providing limited harvest opportunities. The proposed MLS will only provide access to about 5-8% of the available biomass (refer Figure 3). The risk to the spawning stock under the proposed MLS is further safeguarded by either retaining or decreasing the daily bag limit (this matter is discussed under Option 3). However, continued illegal fishing of small paua may compromise the integrity of the MLS to protect spawning biomass.
- 52 Section 8 of the Act sets out a positive obligation to provide for the utilisation of fisheries resources while ensuring sustainability. Specifically, utilisation means the conservation, use, enhancement, and development of fisheries resources to enable people to provide for their social, economic and cultural well-being.
- 53 Setting a smaller MLS to reflect the biological characteristics of the Taranaki paua fishery will enable people to provide for their social, economic and cultural well-being. This action is consistent with MFish's *Statement of Intent* (2006-11) to enable people to realise best value from the sustainable and efficient use of fisheries resources.
- 54 The NIWA survey presents information on the state of the Taranaki paua fishery in 1998-99. While the survey is now 10 years old, MFish considers it remains the best available information in which to consider an alternative MLS, but the timeframe provides a source of uncertainty.

Assessment of Management Options

55 A decision to enable recreational fishers to harvest paua within the Taranaki region requires you to consider your obligations to provide for utilisation against the effects of recreational fishing on sustainability of a regional paua fishery and on other fishery users.

56 The analysis provided below considers these implications.

The sustainability of the Taranaki paua fishery

57 The proposed measures will not affect the sustainability of the PAU 2 Fishstock. As the Taranaki fishery is discrete, the effects of recreational fishing will be restricted to the Taranaki paua resource only.

58 There is no stock assessment information to quantify the size of the Taranaki paua resource (the NIWA survey does not provide biomass or sustainable yield estimates).

59 The information on the extent of this fishery is based on anecdotal information only (from fishers and fisheries compliance). Much of this information suggests the resource is both large and productive, and is based on the perception that significant quantities of paua are regularly taken (albeit illegally) throughout the fishery and that this activity is ongoing and having no discernable impact on the fishery.

60 MFish is concerned that tangata whenua state that both the size and structure of the fishery has changed in response to past and current fishing activities. They note that large paua were once relatively common in Taranaki and that these paua have generally disappeared over time. They attribute this decline to illegal fishers taking all paua sizes, as well as causing high mortality of juvenile paua (usually from leaving upturned rocks exposed).

61 MFish accepts that large paua ($\geq 125\text{mm}$) may once have been widespread through the Taranaki region. Indeed, MFish has received reports that large paua are still available in a few areas but these are mostly found in deeper waters. NIWA did not find paua larger than 100mm within the areas surveyed and MFish contends it is reasonable to expect the size structure of the fishery to change in response to high fishing pressure.

62 MFish recognises there is uncertainty in whether overall removals of paua remain unchanged under the proposed management measures. Some submitters believe that overall harvest levels will remain the same or decrease, as people reduce their respective take in order to comply with the daily bag limit. Other submitters believe there will be a significant increase in harvest, as fishers begin to participate within a recreational fishery.

63 MFish considers it likely there will be an initial increase in harvest levels as people take the opportunity to participate in a recreational fishery. In some areas, initial fishing will be concentrated to a few easily accessible reefs close to local townships and where there is good road access to the coastline. This

potential increase in fishing effort could lead to an initial depletion of large paua (≥ 85 mm) in some areas.

- 64 The onset of recreational fishing may cause a change in both size distribution and size at which paua become mature. There is evidence that fishing a stunted paua population at Hobart, Australia, caused a significant increase in size at maturity in one area and not at another. If fishing causes an increase in size at maturity in Taranaki, then the buffer between onset of maturity and the proposed MLS is reduced, and this increases the risk of fishing effort on the spawning stock.
- 65 The proposed MLS is expected to provide access to about 5-8% of the available biomass (refer Figure 3). The impacts of recreational fishing are also reduced if recreational fishers are constrained to a smaller daily bag limit (ie, Option 3). A lower daily bag limit will have two main effects – firstly, it will limit each fisher to a small quantity of paua, and secondly, in some cases it will deter fishers from collecting paua given the small yield of meat obtained from five paua. The risk of recreational fishing on sustainability is reduced under Option 3.
- 66 MFish also notes that there is no clear information to suggest a reduced bag limit is needed, especially since information from fishers and compliance officers suggests the current harvest level is sustainable. If a lower MLS is introduced, the proposed follow-up study to assess the affect of the proposed rule change on the Taranaki fishery would indicate if a future daily bag limit reduction is required.
- 67 In light of the above information, MFish contends that any reinstatement of recreational fishing be permitted on a trial basis of five years. If you agree to adopt this approach, MFish would commission research to repeat the NIWA survey after four years to assess the impacts of recreational fishing on the Taranaki fishery. The survey would assess the effects of fishing on the size distribution of the Taranaki paua fishery (as well as assessing the impacts on the customary fishery – discussed below) and enable a review of the appropriateness of a regional MLS, if required.
- 68 The proposed approach is appropriate as this will be the first time that a differential MLS is applied within New Zealand's paua fisheries and will also inform future requests for access to other stunted paua populations. While the Taranaki recreational sector may not support the proposed approach of providing recreational access on a five-year trial basis, MFish believes this is an important first step of applying differential MLSs in New Zealand paua fisheries.

Implications of recreational fishing on other fisheries users

Customary sector

- 69 MFish acknowledges that tangata whenua have a special relationship with fisheries resources within the Taranaki region, and that paua are both taonga (taonga kai a Tangaroa) and a highly significant kaimoana species. Ngā Rauru, Ngāti Ruanui, Ngāti Mutunga and Ngāti Tama have deeds of

settlement with the Crown recognising they have customary non-commercial interests within their respective rohe moana areas. These deeds require that information from each iwi governance entity be included in this paper.

- 70 Ngā Rauru and Ngatī Ruanui (through ‘Nga Iwi’ submission), and Ngatī Tama (through verbal advice) advise they do not support the proposed changes to the Taranaki paua fishery at this time. A written submission was not received from Ngatī Mutunga, but MFish understands it also does not support the proposed changes. As such, the decision to approve the proposed measures will affect MFish’s relationship with these iwi (as well as other Taranaki iwi) at this time.
- 71 Tangata whenua and TOKM state there are many mahinga kai areas within their respective rohe moana areas that are important kaimoana gathering areas. These areas include specific reefs where paua are regularly gathered. Protection of these reefs from the effects of fishing is of paramount importance. MFish acknowledges this view. MFish does note that a sustainable Taranaki paua fishery should be available to both customary and recreational sectors, and not exclusively allocated to one particular sector *providing* the current and future needs of tangata whenua are met.
- 72 Tangata whenua within the Taranaki region issue customary fishing authorisations to collect paua. These authorisations are currently issued under the provisions of r 27A of the amateur fishing regulations, and therefore are restricted to gathering paua for hui and tangi only. These authorisations do not entitle tangata whenua to collect paua for personal consumption. The Fisheries (Kaimoana Fishing) Regulations enable tangata kaitiaki to issue authorisations for a greater range of purposes than that currently provided for under the r 27A provisions, but Taranaki iwi are yet to apply these regulations.
- 73 Therefore, MFish considers the national MLS also prevents tangata whenua from fully using the paua resource within the Taranaki region. The quantity of paua taken for customary purposes is not known but it is understood to be significant based on observations by local fisheries officers. However, Ngā Iwi state that a very rough estimate of customary harvest throughout the region is less than 300 kg each year.
- 74 The proposed measures will not affect the ability for tangata kaitiaki to continue to issue customary fishing authorisations to gather paua. These authorisations will still enable fishers to gather paua less than the proposed MLS and in quantities that differ from the daily bag limit (providing this is stipulated on the relevant authorisations). One likely outcome of the proposed MLS is a potential reduction in the number of customary fishing authorisations, as tangata whenua will be able to gather paua under the amateur fishing rules for their own personal needs. Tangata whenua do not have this opportunity at present.
- 75 As such, MFish believes the proposed approach to enable recreational fishing in Taranaki on a limited basis will not breach the Crown’s obligations under the respective deeds of settlement. Customary fishers will still be able to gather paua under customary fishing authorisations but are likely to experience

changes in fishing in response to the onset of recreational fishing through lower catch rates and/or greater difficulties in accessing paua (discussed below).

- 76 Several iwi have advised MFish that recreational paua fishing within Taranaki can be accommodated under the existing customary access arrangements ie, tangata kaitiaki will issue authorisations to recreational fishers to gather paua. However, this option is not possible at this time as these authorisations cannot be used to gather paua for personal consumption.
- 77 MFish is concerned that tangata whenua generally do not support the proposed changes to the Taranaki amateur paua fishery. The main issue raised in submissions is the impact of recreational fishing on the customary fishery and that there is insufficient assurance that customary fishers will be able to collect paua to meet their current and future needs. MFish acknowledges these concerns.
- 78 The onset of recreational fishing may cause some customary fishers to experience a greater difficulty in catching paua in some areas. This difficulty will mainly be expressed in terms of lower catch rates and/or reduction in larger paua. The principal way of mitigating the impact of recreational fishing on the customary fishery is to ensure the Taranaki paua resource remains sustainable in the long-term. Maintaining a sustainable fishery at high stock levels (eg, above B_{msy}) will ensure that there are sufficient paua to meet the current and future needs of tangata whenua, as well as providing for recreational access. To achieve this outcome, customary fishers may in the interim experience reductions in accessibility and catch rates that are presently provided for. As discussed above, a review of the fishery in five years time will enable an assessment of the effects of recreational fishing on the customary fishery, and steps can be taken to address these effects if necessary.
- 79 In addition, MFish notes that existing fisheries legislation provides tools to enable tangata whenua to manage the impacts of recreational fishing within their respective rohe moana areas. These tools include mātaimitai reserves, taiapure, and temporary closures, and will enable tangata whenua to have a greater management role of the Taranaki paua fishery. For example, once Taranaki iwi apply the North Island customary regulations, tangata kaitiaki can recommend restrictions on the number and size of paua taken from a mātaimitai reserve that are more onerous than the amateur fishing rules.
- 80 MFish understands that several Taranaki iwi have or are about to commence the process to apply the North Island customary regulations. MFish is unclear as to the timeframe for iwi to complete this process.

Commercial sector

- 81 MFish acknowledges the views of PAU2IA, NZRLIC, TOKM, and SeaFIC in objection to the proposal. These views primarily focus on the exclusion of the commercial paua sector as part of the current review of the Taranaki paua fishery. The industry contends that the IPP does not adequately address this

matter and believes that a sustainable paua fishery should be available to all sectors and not preferentially allocated to the recreational sector only.

- 82 MFish accepts the current proposal focuses on the recreational sector only. This proposal does not exclude any future consideration to review the commercial fishery in respect to the Taranaki region. The decision to review the amateur fishery only is based on a longstanding request to resolve the recreational access issue to Taranaki, and there is sufficient information to support a review. Commercial fishing has not occurred within Taranaki since at least before the PAU 2 Fishstock was introduced into the QMS. Therefore, enabling a recreational fishery to proceed will not impact on the industry's ability to continue to take the total allowable commercial catch (TACC) from the PAU 2 QMA, nor will it adversely affect the economic return the industry receives.
- 83 The illegal take of paua adds increased complexity and risks in managing the commercial paua fishery. Before enabling commercial paua interests to access paua smaller than the national MLS, MFish would need to consider a range of measures that provide for a clear separation of paua outside of Taranaki, similar to the concession requirements in the rock lobster fishery. This mechanism is currently under review. In the meantime, the significant requirements of the inclusion of commercial fishers in the Taranaki paua fishery would impose further costs on the paua sector.
- 84 Any review to provide a commercial paua fishery within Taranaki must take into account the complexity of issues associated with applying differential MLSs within a commercial paua fishery. These issues are very significant and relate to both compliance and sustainability, and are clearly stated in the IPP. These issues, while directly concerning both Taranaki and the wider PAU 2 fishery, also concern all other paua fisheries in respect to the presence of small paua in the marketplace. MFish carefully considered these issues in the preparation of the IPP and it was determined that the best way to address these issues is through a more comprehensive review of the commercial paua fishery for the PAU 2 stock, particularly given there are other areas within the fishery where stunted paua occur (eg, Hawkes Bay). This approach will enable the decision to allow industry to harvest stunted paua be made within the context of both regional characteristics of the fishery, as well as from a national perspective. MFish will be working with the industry in the future to discuss this matter, and how best to address it. This may be within the framework of a fisheries plan, or another mechanism.
- 85 The proposed approach to review the Taranaki paua fishery within five years will provide information on the effects of fishing on stunted paua populations. This information will provide valuable information to inform future decisions about the management of stunted paua populations both within Taranaki and the other areas nationally. This includes commercial access to paua populations that do not attain the commercial MLS.

Option 1 –Status quo

86 This option retains the national amateur MLS at 125 mm and the daily bag limit of 10 paua per person for the Taranaki paua fishery.

Impact

87 Retaining the *status quo* will continue to prevent the recreational sector from harvesting paua in Taranaki; inhibiting the local community from deriving best value from a highly valued resource.

88 Retaining this option will lead to continued illegal gathering of paua by some members of the Taranaki community. This illegal activity will include the harvest of paua of a wide size range (including paua < 85 mm) and in excess of the daily bag limit. This is an ongoing risk associated with the poaching issues prevalent in paua fisheries.

89 Customary harvesting of paua under customary fishing authorisations remains unchanged.

90 The risk to sustainability of the paua resource arising from current harvest levels under the *status quo*, as well as the impact of this harvest on the ability for customary fishers to continue to gather paua is lowest under this option.

Costs

91 This option will require ongoing compliance costs to continue to enforce the current fishing rules within the local community. The degree of non-compliance is likely to remain the same or increase in response to ongoing frustrations within this community about their inability to lawfully access their local paua fishery. The perceived inequality that only customary fishers can lawfully gather paua is likely to remain within the local community.

Option 2 –new regional amateur MLS and area limitation on possession

92 This option implements a new regional amateur MLS of 85 mm shell length for the area between Awakino River and Wanganui River, Taranaki.

93 This option retains the national amateur daily bag limit of 10 paua per person and will require all recreational fishers taking paua from this area to be in possession of that paua ‘inside’ a delineated ‘*Amateur Taranaki Paua Fishery Area*’.

94 Both components of this option would be implemented on a five-year trial basis with a commissioned study to assess the affect of the proposed rule change on the sustainability of the fishery and on the customary sector.

Impacts

95 MFish believes this option will enable recreational fishers to access paua within the Taranaki region. It restricts access to approximately 5-8% of the population, and protects a minimum of 50% of the spawning stock. This option will not change customary fishers’ access to the fishery. It may reduce

both the number of customary permits granted and the current illegal take by creating lawful access to paua. The information gained through implementing this option and a commissioned study at the end of the proposed trial, will better inform decisions regarding commercial access to this fishery.

- 96 The main impacts of recreational fishing effort may be localised depletion where fishing is concentrated and adverse affects on the customary fishery through loss of large paua and lower catch rates. The potential for impacts are highest under this option. The impacts can be reduced by a lower daily bag limit (ie, Option 3).
- 97 Presently, customary fishers have exclusive access to the lawful paua fishery in Taranaki, and the onset of recreational fishing may cause some customary fishers to experience a reduction in catch rates and/or greater difficulty in gathering paua (ie, fishers may be required to collect paua further afield). MFish notes that harvest of paua by tangata whenua is likely to increase as fishers use the amateur fishing rules to take paua for their personal needs.
- 98 It is also possible that illegal gathering of paua smaller than the proposed MLS rule may continue in Taranaki despite the commencement of a recreational fishery. As noted above, it is possible such illegal take could adversely impact on the spawning stock, and could ultimately compromise the Taranaki paua fishery as a whole. MFish considers that while the incidence of illegal fishing should decrease under this option (as fishers take up the opportunity to comply with the new fishing rule); it is uncertain whether the quantity of illegal harvest will remain the same or decrease. The increased presence of recreational fishers may assist in deterring the illegal gathering of paua from the Taranaki fishery.
- 99 The proposed '*Amateur Taranaki Paua Fishery Area*' captures the majority of the Taranaki population that reside or live near the coast, as well as in the main internal townships and settlements in the Taranaki region. Some recreational fishers residing outside of this area will view the proposed measure to be unfair. While MFish acknowledges the proposed measure creates limitations for non-Taranaki fishers who wish to fish and take paua out of the '*Amateur Taranaki Paua Fishery Area*', MFish considers it provides a mechanism to reduce significant compliance risk associated with a differential MLS limit but still allows access not currently available in the Taranaki paua fishery.

Costs

- 100 The enforcement costs associated with this option are likely to remain the same and will be ongoing as resourcing will still be necessary to ensure compliance with the proposed fishing rules. The integrity of adopting the proposed measures requires fishers to strictly adhere to the proposed MLS and daily bag limit otherwise the spawning biomass maybe compromised and this may have implications on the sustainability of the overall fishery.
- 101 It will be necessary to support the proposed changes with appropriate educational material to inform the recreational sector of the new fishing rules.

This material would include new pamphlets and posters to inform them of the changes. This information should also include information on encouraging fishers to adopt good fishing practices such as measuring attached paua only, and returning disturbed rocks back to their original position to reduce incidental fishing-related mortality, etc. Existing signage and pamphlets will also need to be amended accordingly with the proposed new rules.

- 102 The proposed five-year trial within Taranaki will require MFish to repeat the NIWA survey. The cost of this survey will be attributed back to government.

Option 3 - proposed measures under Option 2 and a lower daily bag limit

- 103 This option will restrict recreational fishers when fishing in Taranaki to a lower daily bag limit of five paua per person.
- 104 If you are concerned about the sustainability of the fishery, you may wish to implement this option. In doing so, the costs mentioned below need to be carefully considered. MFish believes at this time there is not enough information to support the need for this measure and it could result in an increase in non-compliance.

Impacts

- 105 This option requires recreational fishers to catch a lower daily bag limit of paua than otherwise entitled in areas outside of Taranaki. This reduces the amount of paua that any one fisher is entitled to take. Recreational fishers do not support this approach as they believe a lower daily bag limit is insufficient to meet their needs given the small paua size. Adopting a lower bag limit is likely to cause some fishers to catch in excess of this limit.
- 106 The proposed lower daily bag limit will impose greater complexity for fisheries compliance for Taranaki fishers who catch their daily entitlement of paua outside this region (eg maximum of 10 paua per person) and bringing these back into Taranaki. In this situation, these fishers would need to demonstrate that they caught these paua outside the Taranaki region. This problem will not occur under Option 2 where the national daily bag limit is retained. However, this problem is common in many inshore fisheries in New Zealand where differential MLSs apply (eg, snapper, blue cod).
- 107 The risk to sustainability and impact on the customary fishery will be reduced under this option.

Costs

- 108 Similarly with Option 2 the enforcement costs are likely to remain the same and ongoing as resourcing will still be necessary to ensure compliance with the proposed daily bag limit. Low compliance with the daily bag limit could compromise the integrity of the proposed measures and may have implications on the sustainability of the overall fishery.

- 109 Again, it will be necessary to implement appropriate educational material to inform the recreational sector of the new rule. New signage and pamphlets will also be necessary.

Other management controls

- 110 The Wellington Recreational Marine Fishers' Association (Inc) supports a daily vehicle limit of 30 paua to improve the ability for fisheries compliance to combat illegal fishing activities. This proposal is considered in the final advice on a proposed paua accumulation and personal export limits. Any new measures that arise from this proposal will apply to the Taranaki region.
- 111 Several submissions highlight the need to ensure there are effective deterrents for people to comply with both the existing and proposed amateur fishing regulations. Managing compliance risk will be particularly challenging given the large geographic area to be monitored, the relatively unfettered access to the Taranaki coastline, and the special nature of the proposed area limitation on possession rule.
- 112 As discussed earlier, it is critical that proposed changes to the Taranaki amateur paua fishery are supported with good compliance with the proposed fishing rules otherwise the integrity of the proposed measures is compromised. For example, fishers taking paua less than the proposed MLS could have significant effects on the spawning biomass and subsequent recruitment.
- 113 Illegal fishing occurs irrespective of size limits and is an enforcement issue already being managed to the extent of the resource. Typical recreational offending is a breach of daily bag and MLS limits. Therefore, it is essential to support the proposed framework by creating sufficient incentives to comply and deterrents in the fishery that encourage all fishers to comply with the new fishing measures.
- 114 Current infringement penalties for taking paua less the amateur MLS and in excess of the daily bag limit are set at \$250 and \$500 depending on the quantities taken. A new penalty in respect to the proposed 'area limitation on possession' rule will also be required.

Statutory Considerations

- 115 In forming the proposed management actions the following statutory considerations have been taken into account:
- a) Section 5(a) requires decision-makers to act in a manner consistent with New Zealand's international obligations relating to fishing, including the Law of the Sea Convention and the Fish Stocks Agreement, as well as regional fishery management agreements. Any issues arising under international obligations are adequately addressed in the management options for the Taranaki paua fishery.
 - b) Section 5(b) requires decision-makers to act in a manner consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. Any issues arising under these provisions are

adequately addressed in the management options for the Taranaki paua fishery.

- c) There are four separate deeds of settlement with Taranaki iwi that prescribe various Crown obligations on the management of fisheries resources within their respective rohe moanas, including recognition of the special relationship with the paua fishery. These iwi are also developing iwi planning documents that will be recognised under the Fisheries Act 1996, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, and the Resource Management Act 1991. Any issues arising under these obligations are adequately addressed in the management options for the Taranaki paua fishery.
- d) MFish is not aware of any considerations in any regional policy statement, regional plan or proposed regional plan under the Resource Management Act 1991, or any management strategy or plan under the Conservation Act 1987 that are relevant to implementing proposed measures for the Taranaki paua fishery at this time.
- e) Section 8 sets out the purpose of the Act to provide for the utilisation of fisheries resources while ensuring sustainability. The proposed measures seek to ensure the sustainable use of the Taranaki amateur paua fishery. The proposed regional amateur MLS rule enables the development of a sustainable recreational paua fishery within the Taranaki region.
- f) The proposed measures only apply to the Taranaki region, and it is therefore unlikely that the commencement of a recreational fishery will have any discernable effect on PAU 2 stock status.
- g) The development of a recreational paua fishery will have positive social, economic and cultural implications for the Taranaki region. Presently, recreational fishers are prevented from taking paua along the Taranaki coastline. Some of these fishers resort to illegal fishing to gather paua. Establishing a lawful paua fishery enables these fishers to collect their daily recreational catch entitlement. The proposed measures will have no additional economic effects on the commercial sector. However, these measures may have an effect on the ability for customary fishers to gather paua in areas where fishing effort becomes concentrated.
- h) Section 9 requires the Minister of Fisheries to take into account that non-harvested associated or dependent species be maintained at, or above, a level that ensures their long-term viability and that the biological diversity of the aquatic environment is maintained. There is no bycatch of any associated or dependent species in this fishery due to the use of hand gathering for paua. An interdependence relationship exists between paua, kina, and seaweeds. However, there is no evidence that these interactions are of a magnitude to impact on interdependent stocks, or on biodiversity generally.
- i) Section 9 requires the Minister to take into account the biological diversity of the aquatic environment and the principle that habitats of particular significance for fisheries management should be protected.

There are no habitats of particular significance to fisheries management that would be impacted on by the harvesting of paua within the Taranaki region. It is considered unlikely that the method of handgathering would have a demonstrable adverse effect on such habitats.

- j) Section 10 requires that decisions are based on the best available information, taking into account any uncertainty in that information, and applying caution when information is uncertain unreliable, or inadequate. Information sources relied upon for this proposal include the *Report from the Fishery Assessment Plenary, May 2003 stock assessment and yield estimates, Determination of growth, size composition, and fecundity of paua at Taranaki and Banks Peninsula, New Zealand Fisheries Assessment Report 2000/51, December 2000*, and the *Incidental fishing mortality of paua (Haliotis iris) in PAU 7, Fisheries Assessment Report 2003*.
- k) Section 297 empowers the Governor-General to make regulations for certain purposes. MFish considers that the proposed changes to the Fisheries (Amateur Fishing) Regulations 1986 fit within the relevant provisions of section 297.