

NEW MANAGEMENT MEASURES FOR THE AMATEUR PAUA FISHERY IN TARANAKI - INITIAL POSITION PAPER

Executive Summary

- 1 This paper proposes a range of management measures to enable recreational fishers to lawfully harvest black-footed puaa (*Haliotis iris*) within a defined area of Taranaki.
- 2 The Ministry of Fisheries (MFish) proposes 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 gather puaa (refer Figure 1); and
 - b) Implement an area limitation on possession of puaa at the proposed lower MLS within an internal ‘*Amateur Taranaki Puaa Fishery Area*’ to address compliance risk associated with a smaller regional MLS; and
 - c) Either i) retain the amateur daily bag limit of 10 puaa per person or ii) reduce the amateur daily bag limit to 5 puaa per person for the Taranaki region to mitigate potential impacts of recreational fishing effort on localised puaa populations and the customary fishery.
- 3 The proposed changes will be implemented by amending the Fisheries (Central Area Amateur Fishing) Regulations 1986.
- 4 MFish manages the national amateur puaa fishery using two principle tools - a MLS of 125 mm shell length¹ and a daily bag limit of 10 puaa per person.
- 5 A discrete and sustainable puaa fishery exists along the Taranaki coastline. Puaa in this fishery attain a maximum size of about 90–100 mm shell length (commonly referred to as “stunted” puaa). The 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. The amateur fishery is managed as part of the Fishery Management Area 8 – Central (Egmont) that extends between Tirua Point and Titahi Bay.
- 6 The failure for puaa in Taranaki to attain the national MLS prevents recreational fishers from lawfully utilising their local puaa resource. Lawful access to the Taranaki puaa fishery is presently restricted to fishers operating under customary fishing authorisations who are permitted to gather puaa less than the MLS.
- 7 The inability of the recreational sector to lawfully gather puaa in Taranaki contributes to a high level of offending. This is despite fisheries compliance expending resources to enforce the national MLS rule. The proposed

¹ Shell length is measured as the greatest length of the shell in a straight line parallel to the ventral surface. A national MLS of 125 mm also applies to the commercial sector.

measures allow the Taranaki community to use a highly valuable and sustainable paua resource. These measures do not affect the ability for tangata whenua to continue to issue customary fishing authorisations to gather paua.

- 8 Enabling a recreational paua fishery within the Taranaki region will impose additional risks to (i) maintaining the integrity of the national MLS, (ii) ensuring the local paua populations remain sustainable in the long-term, and (iii) mitigating the impacts of increased fishing effort on the customary fishery. This paper reviews the amateur daily bag limit and considers an area limitation on possession to address these risks.
- 9 The options presented in this paper are consistent with the purpose of the Fisheries Act 1996 ('the Act') to provide for sustainable utilisation and enable people to provide for their social, economic, and cultural well-being.
- 10 MFish is not reviewing the 125 mm MLS that applies to the commercial fishery at this time. This approach is considered appropriate as the application of a smaller commercial MLS may potentially impose significant compliance and sustainability implications for both the Taranaki region, as well as the PAU 2 stock. These implications are best addressed through the development of a paua fisheries plan. The relevant paua fisheries plan will include the Taranaki commercial paua fishery, which is expected to commence in three years time.

Regulatory Impact Analysis Requirements

- 11 This paper required a Regulatory Impact Statement, which MFish's Regulatory Impact Analysis Steering Committee reviewed
- 12 For more information on the Regulatory Impact Analysis Requirements and the meaning of the word 'significant' with reference to an IPP, please refer to the Treasury website www.treasury.govt.nz.

The Issue

- 13 Taranaki recreational fishing interests have requested 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.
- 14 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.²

² 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.

- 15 The smaller size of paua in Taranaki prevents all fishers from lawfully harvesting paua except those persons fishing under customary fishing authorisations³. 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.
- 16 The lack of legal sized paua contributes to the well known illegal fishing problems 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.
- 17 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. Given these factors, MFish does not consider that there are any reasons why a sustainable amateur Taranaki paua fishery should not be provided for at this time.
- 18 MFish proposes 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 lawfully harvest paua in Taranaki. The proposed MLS rule reflects the biological characteristics of the fishery.
- 19 Paua is an iconic species with high 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 proposes to introduce an innovative measure limiting where recreational fishers may possess paua taken from the Taranaki region.
- 20 Enabling recreational paua fishing within Taranaki will lead to an initial increase in fishing effort as local fishers take advantage of a legal regional paua fishery. Greater fishing effort may lead to depletion issues of localised paua beds. To address this concern, this paper reviews the amateur daily bag limit that applies to the Taranaki region.
- 21 The options presented in this paper 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

³ 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.

paua less than the proposed MLS and in quantities that differ from the daily bag limit (providing this is stipulated on the relevant authorisations).

- 22 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 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.
- 23 MFish will propose future research on the Taranaki paua fishery to identify issues that may arise under the proposed options.

Summary of Options

- 24 MFish proposes to:

Either:

Option 1 –Status quo

- 25 Under this option, the existing amateur MLS of 125 mm shell length and daily bag limit of 10 paua per person remain.
- 26 This option prevents recreational fishers from accessing paua within the Taranaki region.

OR:

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

Smaller MLS

- 27 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).

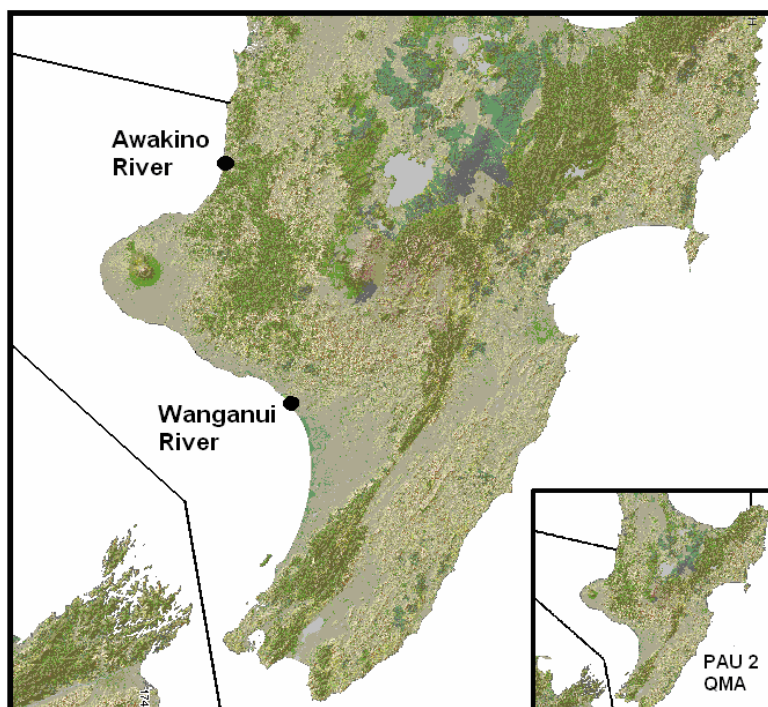


Figure 1: Map showing the area between Awakino River and Wanganui River where the proposed measures would apply.

AND

Area limitation on possession

- 28 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).
- 29 Option 2 enables recreational fishers to lawfully harvest paua at or above 85 mm in size in Taranaki, and require these fishers to possess these paua inside an ‘*Amateur Taranaki Paua Fishery Area*’. This option retains the national daily bag limit of 10 paua per person for the Taranaki region.

OR:

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

- 30 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*’.
- 31 Option 3 includes an additional measure to decrease the amateur daily bag limit when fishing within the Taranaki region⁴.

⁴ MFish is currently consulting on a separate proposal to implement restrictions on recreational fishers 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

- 32 The options presented in this paper do not affect the MLS rule that applies to the commercial fishery at this time. A review of the commercial MLS limit should be done in the context of a relevant fisheries plan.

Rationale for Management Proposals

- 33 In 1998-99⁵ NIWA surveyed the size distribution of paua populations 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 2). However, there is anecdotal information to suggest that very small numbers of legal size paua (≥ 125 mm shell length) are available within the Taranaki region, however these paua occur in deeper waters and are not easily accessible to recreational fishers.

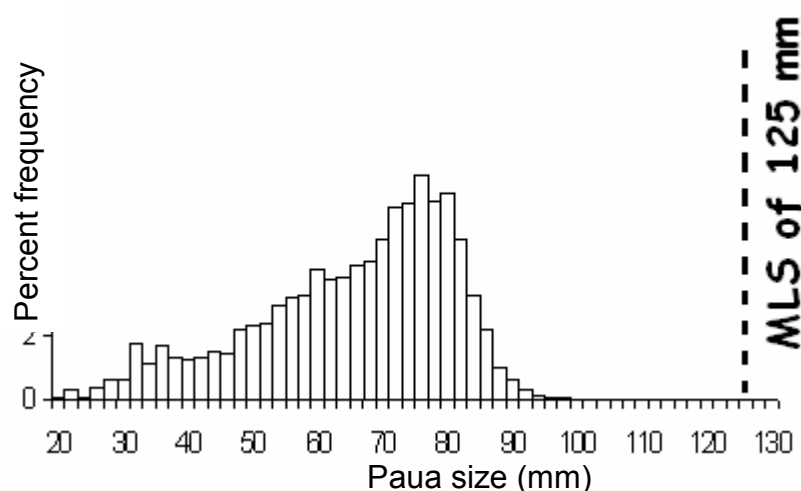


Figure 2: Length frequency distributions of paua sampled from four sites⁶ at Taranaki. The 125 mm MLS is shown

- 34 The survey also found that Taranaki paua spawn 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.
- 35 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 average rates of growth, mortality and reproduction, however, spatial variation in demography may mean that the use of a national MLS is inappropriate for managing different paua populations at a smaller scale. Based on the 1998-99 study, MFish believes a MLS of 85 mm is appropriate for the Taranaki paua fishery to protect spawning biomass, whilst providing harvest opportunities.

this paper.

⁵ PAU9702 – Determination of growth, size composition, and fecundity of paua at Taranaki and Banks Peninsula, *New Zealand Fisheries Assessment Report 2000/51, December 2000*

⁶ 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.

- 36 It is uncertain at this time whether the ability for recreational fishers to lawfully gather paua will increase the overall harvest levels from the Taranaki paua fishery in the long-term. Enabling recreational paua fishing within Taranaki will lead to an initial increase in fishing effort as local fishers take advantage of a legal regional paua fishery. Therefore, consideration should be given to whether it is necessary to support the proposed regional amateur MLS rule with a lower daily bag limit to address potential localised depletion issues. If a lower amateur bag limit is deemed necessary, MFish considers lowering this limit to five paua per person as an appropriate management measure. This matter is discussed later in this paper.
- 37 The proposal includes an additional measure to impose an area limitation on possession of Taranaki paua. The rationale for this measure is also discussed later in this paper.
- 38 Section 8 of the Act sets out a positive obligation to provide for the utilisation of fisheries resources whilst 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. The proposed amateur MLS rule is consistent with this obligation, as there is sufficient information on the Taranaki paua fishery to suggest that a limited recreational harvest is sustainable. 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.

Assessment of Management Options

Option 1 –Status quo

- 39 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.
- 40 Retaining the *status quo* prevents the recreational sector from harvesting paua in Taranaki; thereby inhibiting the local community from deriving best value from a highly valued resource. Customary harvesting of paua under customary fishing authorisations remains unchanged.
- 41 Retaining this option will lead to continued illegal gathering of paua by some members of the Taranaki community. Ongoing frustrations will still remain within this community about their inability to lawfully access their local paua fishery, and the perceived inequality that only customary fishers can lawfully gather paua.
- 42 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.

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

Smaller MLS

- 43 MFish proposes a new regional amateur MLS of 85 mm shell length for the area between Awakino River and Wanganui River, Taranaki. This option retains the national amateur daily bag limit of 10 paua per person.
- 44 The area between Awakino and Wanganui rivers encompasses the majority of reefs where stunted paua are known to occur along the Taranaki coast. The Awakino and Wanganui rivers provide appropriate northern and southern boundaries, respectively, as they are major geographical landmarks for reference purposes within the region. The Awakino River provides an appropriate northern boundary as anecdotal information suggests that legal-size paua (≥ 125 mm) can be obtained from some reefs north of the river, and therefore it is appropriate to exclude these reefs from the area where the proposed MLS rule will apply. The Wanganui River provides an appropriate southern boundary as there are virtually no paua populations between this reference point and Otaki River in the south (a distance of about 90 kilometres).
- 45 The available biological information on the Taranaki paua fishery suggests an 85 mm MLS would conserve at least 50% of the virgin egg production across a range of fishing mortalities. The virgin egg production refers to the percentage of what egg production would be in the absence of fishing, and takes into account rates of growth, natural mortality, the mean length of stock, and the number of eggs produced at any given length.
- 46 The general principle in using an MLS for fisheries management purposes is to set a size limit that ensures the spawning stock remains sustainable in the long-term despite the effects of fishing. The available literature suggests that 40–50% of virgin egg production should be considered a limit reference point. NIWA notes the use of the suggested reference point should be treated with caution as it is based on a series of assumptions of constant natural mortality and recruitment, and that fishing is evenly spread. This is not often the case in paua populations. Variable recruitment and other non-equilibrium population processes will mean there is a greater risk associated with management regimes that use a MLS as the primary management tool.
- 47 Given this uncertainty, the proposed 85 mm MLS rule is considered appropriate given the size distribution of paua along the Taranaki coastline and the relative small size at which these paua become mature. MFish believes the proposed rule provides a sufficient buffer to the spawning stock on the basis that 50% of paua mature at about 60 mm and 95% at about 75 mm. The taking of paua above 85 mm ensures the viability of the spawning stock is not compromised. The risk to the spawning stock by fishing would be further mitigated by reducing the amateur daily bag limit from 10 to 5 paua per person. This matter is discussed later.
- 48 The illegal gathering of paua smaller than the proposed MLS rule may continue in Taranaki despite the commencement of a lawful recreational fishery. It is possible such illegal take could adversely impact on the

spawning stock, and could ultimately compromise the Taranaki paua fishery as a whole. This is an ongoing risk associated with the poaching issues prevalent in paua fisheries. 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 Minister of Fisheries will need to consider this uncertainty in making his decision to on whether to approve the proposed management measures for the Taranaki paua fishery. The increased presence of recreational fishers may assist in deterring, as well as providing better information to assist in the management of risks associated with the illegal gathering of paua from the Taranaki fishery.

- 49 If a smaller MLS is adopted for Taranaki, it is appropriate to repeat the NIWA survey after five years. This survey would allow an assessment on the effects of recreational fishing on the size distribution of the Taranaki paua fishery and to enable a review of the appropriateness of a regional MLS, if required. This step is considered necessary given that 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 caused an increase in size at maturity in Taranaki, then the buffer between maturity size and the proposed MLS is reduced, and this increases the risk of fishing effort on the spawning stock.

Area limitation on possession

- 50 Paua is a fishery with a high risk of non-compliance given its high demand and consequently high value. A smaller MLS in Taranaki creates additional enforcement risk at both a regional level (ie, Taranaki fishery, PAU 2 fishery) and national level (ie, New Zealand's other paua fisheries). The burden of proof to identify paua less than the national MLS (but greater than the proposed regional MLS) that was sourced legitimately by recreational fishers from Taranaki, but found outside of that area is impossibly high. This means that effective enforcement of the fishery already subject to high risk of illegal activity is significantly compromised.
- 51 The proposed area limitation on possession rule is intended to address this risk. MFish proposes to require all recreational fishers taking paua between the Awakino River and Wanganui River to be in possession of that paua 'inside' a delineated '*Amateur Taranaki Paua Fishery Area*' (refer Figure 3).



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

- 52 The proposed ‘Amateur Taranaki Paua Fishery Area’ is defined as the area between Awakino and Wanganui rivers on the coast, and then internally within the western area bounded by State Highways 3 and 4. MFish considers 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. The proposed boundaries provide logical geographic features that are familiar to the Taranaki community and minimises confusion; thereby assisting compliance with the new fishing rules.
- 53 While the proposed area limitation on possession would prevent recreational fishers taking smaller paua outside of the ‘Amateur Taranaki Paua Fishery Area’, the proposed measure provides a feasible option for the large majority of recreational fishers that would gather paua in the Taranaki region. The proposed area limitation on possession would not apply to those fishers operating under customary fishing authorisations.
- 54 The proposed area limitation on possession is an innovative concept that has not been applied to New Zealand recreational fisheries. The intent of this measure is to mitigate the significant compliance risk associated with the proposed regional MLS rule and the implication this may have on the integrity of the national MLS limit. For example, fishers caught in possession of undersize paua taken outside Taranaki may claim to have taken these paua

within the Taranaki region as a defence. In these circumstances, it may be difficult for fishery officers to prove otherwise. The proposed requirement for fishers to possess paua taken from the Taranaki region within a defined land-based zone will assist to address this risk.

- 55 Some recreational fishers residing outside the proposed '*Amateur Taranaki Paua Fishery Area*' will view the proposed measure to be unfair. Enabling a recreational fishery in Taranaki will encourage fishers from a wider area to travel into the region to lawfully gather paua. This is particularly relevant to those fishers that reside in areas where paua do not occur (e.g. area between Wanganui and Otaki River, and from areas in the north). The proposed area limitation on possession requires these fishers to possess paua within the defined land-based zone.
- 56 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 means to reduce significant compliance risk associated with differential MLS limits but still allows access not currently available in the Taranaki paua fishery.

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

- 57 Option 3 includes an additional management measure to set a lower amateur daily bag limit of five paua per person within the Taranaki region. The proposed regional daily bag limit applies to the same area as proposed for the new MLS rule (ie, Awakino River to Wanganui River).
- 58 Presently, there is no quantitative information on the extent of the paua resource along the Taranaki coast. Anecdotal information suggests however, this resource is relatively large based on information available to MFish including from customary and recreational fishers.
- 59 MFish understands that significant quantities of paua are presently taken illegally. MFish is uncertain whether in the long-term the proposed MLS rule will cause overall removals to remain the same, decrease as fishers comply with the current or proposed daily bag limit, or increase as a result of more fishers taking up the opportunity to lawfully gather paua. It is possible that the commencement of a recreational fishery will initially result in a reduction in paua biomass as the fishery responds to greater fishing pressure.
- 60 An increase in overall harvest level may also have implications on access for customary fishers. 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 needs.
- 61 It is likely that some recreational fishers would oppose a lower daily bag limit on the basis that less than 10 paua could be insufficient to meet their needs given the small size of these paua. These fishers are likely to support

increasing the current daily bag limit to 15 or 20 paua per person to take into account the small size of paua and the resulting meat yield. MFish does not support such an approach.

- 62 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 (e.g. 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.
- 63 MFish believes there is merit to consider an initial lower regional daily bag limit for the Taranaki region to reflect the uncertainty on the impact of recreational fishing on both the Taranaki paua populations and the customary fishery. This limit can be reviewed at a later date once new information becomes available on the effects of recreational fishing on the Taranaki paua fishery.

Other management controls

- 64 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 encourages all fishers to comply with the new fishing measures. Incentives to comply are created by this review of the Taranaki paua fishery, which will enable recreational fishers to gather paua.
- 65 Legislative deterrents come through a structured penalty regime for offences with ramped infringement fines for breaches of the daily bag limit. Existing penalties would continue to apply through the current system of infringements and summary proceedings. While a new penalty would also be created if the proposed area limitation on possession rule was applied
- 66 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.
- 67 The existing priorities for recreational fishers include monitoring the MLS and daily bag limits. This proposal does not alter the activity and type of the tools already in use.

Future Management

- 68 MFish has an ongoing research strategy to provide fishery-independent information on abundance and size frequency distributions of commercial catches, and growth data to provide information on the PAU 2 fishery. However, this strategy presently does not include the Taranaki region.

- 69 If the proposed management framework is approved, it is appropriate to repeat the 1998–99 study on paua populations along the Taranaki coastline within five years time. This would allow an assessment of the effects of fishing on the size distribution of paua populations and to enable a review of the appropriateness of the proposed MLS rule (and daily bag limit), if required.
- 70 MFish, in collaboration with tangata whenua and stakeholder interests, will develop a multi-sector fisheries plan for the PAU 2 fishery. This plan should consider measures to assist the management and future planning of the Taranaki paua fishery.

Statutory Considerations

- 71 In forming the proposed management actions the following statutory considerations have been taken into account:
- 1 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.
 - 2 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.
 - 3 There are four separate Deed of Settlements 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.
 - 4 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.
 - 5 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.
 - 6 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.

- 7 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.
- 8 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 handgathering 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.
- 9 Section 9 requires the Minister to take into account the biological diversity of the aquatic environment and the principle that habitat 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.
- 10 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*.
- 11 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.

REGULATORY IMPACT STATEMENT

New Management Measures for the Amateur Paua Fishery in Taranaki

a) Executive Summary

MFish proposes to:

- 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 gather paua; and
- Implement an area limitation on possession of paua within an ‘*Amateur Taranaki Paua Fishery Area*’ to address compliance risk associated with a smaller regional MLS; and
- Either i) retain the amateur daily bag limit at 10 paua per person or ii) reduce this limit to 5 paua per person for the Taranaki region to mitigate potential impacts of recreational fishing effort on localised paua populations and the customary fishery.

The proposed measures allow recreational fishers to use a highly valuable fisheries resource within the Taranaki region by setting an MLS that reflects the biological characteristics of the fishery.

b) Adequacy statement

This Regulatory Impact Statement (RIS) has been approved by the RIA Review Group, according to criteria agreed by Cabinet.

c) Status quo and Problem

MFish manages the national amateur paua fishery using two principle tools - a MLS of 125 mm shell length⁷ and a daily bag limit of 10 paua per person.

The stunted nature of the Taranaki paua fishery prevents the recreational sector from using a highly valuable fisheries resource. Presently, only those persons operating under customary fishing authorisations are entitled to take paua within this region.

Retaining the *status quo* will continue to cause a low level of compliance within the Taranaki paua fishery as people gather paua less than the national MLS. People caught in possession of undersized paua commonly exceed the daily bag limit (often considerably) given their disregard for the amateur MLS rule.

A smaller MLS in Taranaki creates additional enforcement risk at both a regional level (ie, PAU 2 fishery) and national level (ie, New Zealand’s other paua fisheries). MFish proposes to implement an innovative ‘area limitation on possession’ rule to mitigate this risk. This rule will require all recreational fishers taking paua from the Taranaki paua fishery to be in possession of that paua

⁷ Shell length is measured as the greatest length of the shell in a straight line parallel to the ventral surface. A national MLS of 125 mm also applies to the commercial sector.

‘inside’ an internal ‘*Amateur Taranaki Paua Fishery Area*’. The enforcement risk of ensuring the integrity of the MLS is lowest under the *status quo*.

d) Objectives

The key fisheries management outcome of this proposal is to enable recreational fishers to harvest paua within a defined area of Taranaki.

In general, the objectives that the proposal is measured against are:

- The sustainable utilisation of the resource;
- The value of the resource is maximised;
- Management of the resource is credible.

This outcome is consistent with the Fisheries Act’s purpose to provide for sustainable utilisation and enable people to provide for their social, economic, and cultural well-being.

e) Preferred Option

MFish proposes to set a new regional MLS of 85 mm shell length for the Taranaki paua fishery. The proposed MLS rule will apply to a defined area between Awakino River and Wanganui River.

The proposed MLS rule is supported by an innovative ‘area limitation on possession’ rule to mitigate enforcement risk associated with differential MLSs. This rule will require recreational fishers collecting paua under the proposed rule to possess that paua within a defined land-based area within the Taranaki region.

MFish also proposes to review the amateur day bag limit within the Taranaki region to address potential risk of renewed recreational fishing effort on localised paua populations and on the customary fishery.

The proposed changes are preferred because the Taranaki paua fishery is subject to illegal fishing, as people regularly gather small paua (and often in excess of the daily bag limit) as a direct consequence of the failure of paua to attain the national MLS. The proposed management measures will enable recreational fishers to gather paua legally within the Taranaki region.

The main impacts of increased harvest levels are possible local depletion and customary access issues in areas where fishing is concentrated.

MFish will review the amateur daily bag limit to assess the merits of restricting recreational fishers to five paua per person to reduce the impacts of recreational fishing on both the local paua fishery and on the customary sector.

The proposed MLS rule could also impact on the integrity of the national MLS. MFish proposes to address this risk by requiring all recreational fishers taking Taranaki paua to be in possession of that paua ‘inside’ an internal ‘*Amateur Taranaki Paua Fishery Area*’.

There is likely to be increased costs under the proposed measures through the need to increase public awareness and understanding of the new rules. Increased costs will arise through modification of existing compliance signage, as well as promotion of the new fishing rules using new posters, pamphlets, and advertising in the local media

f) Implementation and review

The proposed management measures will come into effect on 1 October 2009.

MFish will develop an appropriate enforcement strategy to support the proposed measures. This strategy will include updating existing compliance signage, as well as developing new awareness and educational material such as pamphlets and media articles. MFish will also be working with representatives of the Taranaki recreational sector to investigate ways to better inform fishers about the proposed measures.

MFish also proposes to initiate new research on the Taranaki paua fishery within five years of implementation to evaluate the impact of the proposed measures on the Taranaki paua fishery. MFish will review the effectiveness of these measures once new information is available.

g) Consultation

MFish has previously discussed this issue with the Taranaki Fisheries Liaison Committee (involving representatives of the main Taranaki fishing clubs and organisations) and believes the proposed measures will be supported by the local recreational sector.

MFish has also discussed this matter with several Taranaki and Wanganui iwi. MFish is aware of the concerns likely to be raised by tangata whenua on the impacts of recreational fishing on the customary paua fishery and has endeavoured to address these concerns through the proposed management measures.

NEW MANAGEMENT MEASURES FOR THE AMATEUR PAUA FISHERY IN TARANAKI - SUMMARY OF SUBMISSIONS

Submissions Received

72 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 Kiihahi of South Taranaki (Nga Iwi)
- Ngati 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

- 73 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.
- 74 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).
- 75 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.
- 76 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.
- 77 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.
- 78 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.
- 79 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.

80 Each submission is summarised in Volume 3 of the series.