



Fisheries New Zealand

Tini a Tangaroa

Consultation on a proposal to reopen the Kaikōura Marine Area to pāua fishing

Recommendations from the Kaikōura Marine Guardians



Fisheries New Zealand Discussion Paper No: 2021/03

ISBN No: 978-1-99-100386-7 (online)

ISSN No: 2624-0165 (online)

19th May 2021

Disclaimer

While every effort has been made to ensure the information in this publication is accurate, Fisheries New Zealand does not accept any responsibility or liability for error of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information.

This publication is available on the Ministry for Primary Industries website at:

<http://www.mpi.govt.nz/news-and-resources/publications/>

© Crown Copyright – Fisheries New Zealand

Contents

SUBMISSION INFORMATION	4
SUMMARY OF PROPOSAL	6
BACKGROUND INFORMATION	7
The Kaikōura Marine Guardians has a statutory role to provide advice to the Minister for Oceans and Fisheries on any fisheries related matters	7
All commercial and recreational pāua fishing between Cape Campbell/Marfells Beach and the Conway River has been prohibited since the 2016 Kaikōura earthquakes	7
Research shows the pāua resource along the Kaikōura coastline is recovering, but remains patchy and vulnerable to overfishing	8
Reopening the fishery needs to be precautious and adaptive.....	9
THE KAIKŌURA MARINE GUARDIANS' RECOMMENDATIONS	10
The Kaikōura Marine Guardians recommend the Kaikōura Marine Area is reopened to pāua fishing	10
The proposed management measures do not apply to customary and commercial pāua fishing.....	11
MAPS	13
Map 1: Te Whata Kai o Rakihouia i Te Tai o Marokura — Kaikōura Marine Area & Section 11 Closed Area.....	13
Map 2: PAU 3 & PAU 7 QMA Boundaries and Closed Area (soon to be established PAU 3A & PAU 3B QMAs also shown)	14
Map 3: Customary Management Areas along the Kaikōura coastline	15

SUBMISSION INFORMATION

Fisheries New Zealand invites written submissions on recommendations from the Kaikōura Marine Guardians to reopen Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area to pāua fishing later this year. This area extends between the Clarence River in the north and the Conway River in the south, and includes the Kaikōura Peninsula.

Fisheries New Zealand also invites written submissions on whether to extend this reopening further north to Cape Campbell/Marfells Beach.

The coastline between Cape Campbell/Marfells Beach and the Conway River is currently closed to commercial and recreational fishing of most shellfish and seaweed species following the 2016 Kaikōura earthquakes.

We seek your feedback on the following Kaikōura Marine Guardians' recommendations:

- 1 Do you support reopening the Kaikōura Marine Area (Clarence River to the Conway River) to pāua fishing?
- 2 Should this reopening extend further north from Cape Campbell/Marfells Beach to the Conway River?
- 3 If the fishery is reopened, do you support the following proposed management measures for the recreational fishery: an annual 1 December to 1 March fishing season, a lower daily limit of three pāua per person with an accumulation limit of six pāua per person, a new vehicle and vessel limit, and a larger minimum legal-size limit of 130mm in shell length for black-foot pāua?
- 4 Are there any other measures you would like us to consider on the proposal to reopen the Kaikōura Marine Area/extended area to fishing? This could include reopening the kina fishery.

Make sure you tell us in your submission:

- the title of the consultation document
- your name and title
- your organisation's name (if you are submitting on behalf of an organisation)
- your contact details (such as phone number, address, and email).

To assist you in providing feedback, supporting information is available to view and download from the Ministry for Primary Industries' website - <https://www.mpi.govt.nz/consultations/proposal-to-reopen-the-kaikoura-marine-area-to-paua-fishing>.

All written submissions on this proposal must be received by Fisheries New Zealand no later than **5pm on Monday, 5th July 2021**.

Submissions can be emailed to: FMsubmissions@mpi.govt.nz with 'Kaikōura Pāua Fishery Consultation' in the subject.

While we prefer email, you can post your written submissions to:

Inshore Fisheries Management
Fisheries New Zealand
PO Box 2526
Wellington 6140
New Zealand

OFFICIAL INFORMATION ACT 1982

Note that any submission you make becomes public information. People can ask for copies of submissions under the Official Information Act 1982 (OIA). The OIA says we have to make submissions available unless we have a good reason for withholding it. That is explained in sections 6 and 9 of the OIA.

Tell us if you think there are grounds to withhold specific information in your submission. Reasons might include that it's commercially sensitive or it's personal information. However, any decision Fisheries New Zealand makes to withhold information can be reviewed by the Ombudsman, who may tell us to release it.

Fisheries New Zealand may post all or parts of any written submission on its website. We will consider that you have consented to its publication, unless clearly stated otherwise in your submission.

SUMMARY OF PROPOSAL

1. Fisheries New Zealand seeks your feedback on recommendations from the Kaikōura Marine Guardians (**the Guardians**) to reopen Te Whata Kai o Rakihouia i Te Tai o Marokura - Kaikōura Marine Area to pāua (black-foot, *Haliotis iris* and yellow-foot, *Haliotis australis*) fishing later this year. This area extends between the Clarence River in the north and the Conway River in the south, and includes the Kaikōura Peninsula. This area was closed to fishing of pāua and most other shellfish and seaweed species following the 2016 Kaikōura earthquakes (**Map 1**).
2. The area north of the Kaikōura Marine Area to Cape Campbell/Marfells Beach is also closed to pāua fishing (as well as the other species) (**Map 1**). This area is outside the Kaikōura Marine Area and the Guardians' area of mandate. Fisheries New Zealand seeks your views on whether to extend this reopening further north to Cape Campbell/Marfells Beach.
3. The Guardians recommend the following management measures for the recreational pāua fishery within the Kaikōura Marine Area. These same management measures would apply to the extended area (if approved).

Reopen the pāua fishery annually from 1 December to 1 March (beginning 1 December 2021).

A lower daily limit of three pāua per person, with an **accumulation limit** of six pāua per person. *A daily limit of 5 pāua per person and a accumulation limit of 10 pāua per person currently applies.*

A new vehicle and vessel limit of four daily limits (i.e. 12 pāua per vehicle or vessel) or one pāua per person, whichever is greatest. *This would apply to buses, coaches, and charter boats, where applicable.*

A larger minimum legal-size limit of 130mm in shell length for black-foot pāua. *A minimum legal-size limit of 125mm in shell length currently applies.*

4. The Guardians also recommend a specific measuring and harvest tool for the Kaikōura recreational pāua fishery, as well as reporting of recreational pāua catch using a smartphone app. Both would be voluntary, pending work to determine their feasibility.
5. This proposal does not include recommendations for changes within the five customary management areas.

BACKGROUND INFORMATION

The Kaikōura Marine Guardians has a statutory role to provide advice to the Minister for Oceans and Fisheries on any fisheries related matters

6. The Kaikōura Marine Guardians is a statutory advisory committee established under the Kaikōura (Te Tai o Marokura) Marine Management Act 2014. The Guardians represent interests from Te Rūnanga o Ngāi Tahu and the Kaikōura community, as well as biosecurity, conservation, education, environment, commercial and recreational fisheries, marine science, and tourism.
7. The Act enables the Guardians to provide advice to Ministers¹ regarding the Kaikōura Marine Area on any biosecurity, conservation, or fisheries related matters. Ministers *must take this advice into account* when making a decision that relates to this area. The proposal to reopen the Kaikōura Marine Area to pāua fishing is made within the context of that role.

All commercial and recreational pāua fishing between Cape Campbell/Marfells Beach and the Conway River has been prohibited since the 2016 Kaikōura earthquakes

8. Pāua has traditionally supported a significant and shared customary, recreational, and commercial fishery along the Kaikōura coastline.
9. In November 2016, the Kaikōura region experienced a series of significant earthquakes that caused large coastal uplift of up to 6 metres along 110 kilometres of coastline. This uplift led to extensive habitat modification and mortality of a wide range of species in the intertidal and subtidal zones. Pāua were particularly affected with very high mortality at all life stages and loss of a significant amount of critical habitats. An estimate of the amount of the pāua fishery area lost to the uplift is about 20% of previously fished areas.
10. To protect the surviving pāua populations and associated habitats, as well as other shellfish and seaweed resources, an emergency closure² was introduced between Cape Campbell/Marfells Beach and the Conway River. This was replaced in 2017 by a closure³ under section 11 of the Fisheries Act 1996 (**the Act**) and will remain in place until such time as ongoing monitoring of the area suggests abundance has rebuilt to the point where sustainable harvesting can occur. The section 11 closure does not apply to rock lobster, scampi, and octopus fishing, or to customary fishing.

¹ This applies to the Minister responsible for the administration of the Biosecurity Act 1993, the Minister of Conservation, the Minister responsible for the administration of the Fisheries Act 1996, and any person exercising a power or performing a function under the biosecurity, conservation, and fisheries legislation.

² Fisheries (Conway River to Marfells Beach Shellfish Emergency Harvest Closure) Notice 2016 (Notice No. MPI 705) <https://gazette.govt.nz/notice/id/2016-go6651>

³ Fisheries (Conway River to Marfells Beach Shellfish and Seaweed Harvest Closure) Notice 2017 (Notice No. MPI 808) <https://gazette.govt.nz/notice/id/2017-go4857>

- The closed area straddles two Quota Management Areas (**QMAs**) - the southern portion of the PAU 7 QMA (Marlborough) and the soon to be established PAU 3A (Kaikōura) QMA⁴ (**Map 2**). Five customary management areas – Mangamaunu, Oaro, and Te Waha o te Marangai Mātaitai, and Te Taumanu o Te Waka a Māui and Oaro-Haumuri Taiāpure – are within the closed area (**Map 3**).

Research shows the pāua resource along the Kaikōura coastline is recovering, but remains patchy and vulnerable to overfishing

- Immediately following the earthquakes, Fisheries New Zealand implemented a broad research programme along the Kaikōura coastline to better understand the impacts and monitor the recovery of fish, shellfish and seaweed. This research has provided a good baseline to measure how the recovery is progressing and help us decide when the various fisheries may be reopened.
- This research shows there are encouraging signs of pāua recovery since the closure with an overall sustained increase in juvenile and adult biomass (**Figure 1**) at an area-wide level in both the PAU 3 and PAU 7 QMAs. In addition, there is evidence that the full pāua lifecycle is intact with an increase in abundance of post-earthquake juveniles at this scale.

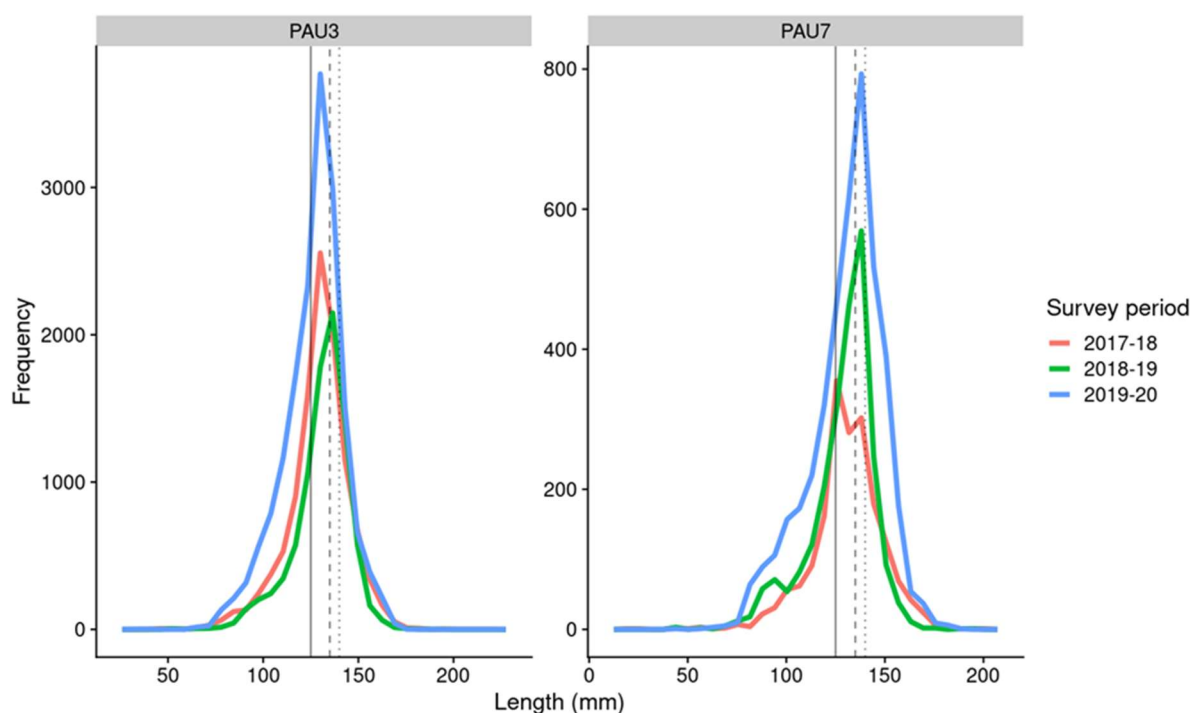


Figure 1: Change in the length-frequency profiles of pāua (all length classes) within the closed area since the 2016 Kaikōura earthquakes. Vertical lines show the legal-size of 125 mm (MLS; solid line), 135 mm (dashed line), and 140 mm (dotted line).

⁴ The PAU 3 QMA will be subdivided on 1 October 2021 into two smaller QMAs - PAU 3A (Kaikōura) and PAU 3B (Canterbury) to provide for finer-scale management of each stock and support the rebuilding of pāua populations within the Kaikōura earthquake-affected areas, while enabling sustainable utilisation within the unaffected Canterbury areas. Further information of this subdivision can be found here - <https://www.mpi.govt.nz/consultations/consultation-on-the-proposed-subdivision-of-pau3-quota-management-area/>

14. But, recovery is patchy and areas that experienced lower levels of uplift show both higher abundance and densities of pāua than areas that experienced higher uplift. While most areas have shown a net increase in pāua, some are still being affected by subsequent erosion or gravel deposition. Nevertheless, there has been a large increase in abundance and density with successful spawning events, good survival and growth rates of juveniles along the Kaikōura coastline as they filled the new available habitats.
15. Most notably is the build-up of large pāua (>120mm) in shallow, open habitats that are easily accessible from shore. These dense aggregations were not common before the earthquakes. Many of these pāua will reach the 125mm minimum legal-size limit quickly and would provide a quick and easy catch for shore-based fishers.
16. Intertidal seaweed beds have generally not recovered well in most areas along the Kaikōura coastline. Kelp beds are now appearing in some subtidal areas, but the newly formed intertidal platforms are largely absent of seaweed. Without seaweed beds, the recovery of associated fish and shellfish species will be delayed over a longer timeframe. All seaweed harvest would remain prohibited along the Kaikōura coastline under this proposal.
17. Fisheries New Zealand's Shellfish Working Group has reviewed the science information on the pāua resource along the Kaikōura coastline (17 August 2020 and 27 February 2021). The Group agreed that this information can be used for management purposes.
18. More Information about the Kaikōura research programme can be found here – <https://www.mpi.govt.nz/news/media-releases/kaikoura-earthquake-research-results-presented/>.

Reopening the fishery needs to be precautionary and adaptive

19. Ongoing monitoring indicates that in the absence of fishing, pāua within the closed area has increased in abundance, but are more patchy and easily accessible from the shoreline and directly vulnerable to localised depletion. This is particularly so in areas where there is immediate road access and localised parking along the coastline. Overfishing of these localised and easily accessible pāua could compromise the recovery of the fishery.
20. Given this and the variable nature of the recovery, a precautionary and adaptive approach is required to ensure the recovery of this important fishery continues. This means appropriate area-specific management measures will be necessary to protect the spawning biomass of pāua and ensure an ongoing and sustainable fishery.
21. The research programme is ongoing and will continue to provide important information on the recovery of the pāua fishery, as well as other shellfish and seaweed. Further research will be timed next year to assess the effects of opening the fishery. This information will be used to provide an ongoing review of the management settings for the Kaikōura pāua fishery, as well as guide decision-making to reopen the closed area to other fisheries.

THE KAIKŌURA MARINE GUARDIANS' RECOMMENDATIONS

The Kaikōura Marine Guardians recommend the Kaikōura Marine Area is reopened to pāua fishing

22. On 1 February 2021, the Guardians wrote to the Minister for Oceans and Fisheries with advice and recommendations on the reopening of the Kaikōura Marine Area to pāua fishing. This letter can be found here – <https://www.mpi.govt.nz/consultations/proposal-to-reopen-the-kaikoura-marine-area-to-paua-fishing>.
23. This advice is based on discussions with Fisheries New Zealand, scientists, fisheries stakeholders, and the local community, and in particular the outcomes of recent engagement with the Kaikōura community in 2020 on how and when the region's fisheries should be reopened. This engagement process was led by Te Korowai o Te Tai ō Marokura (a Kaikōura community-based stakeholder group) on behalf of the Guardians - <https://www.teamkorowai.org.nz/>.
24. The Guardians recommend the following management measures for the recreational pāua fishery within the Kaikōura Marine Area:

	Proposed Management Measure	Proposed Implementation
Reopen the pāua fishery to fishing	Reopen the pāua fishery annually within the Kaikōura Marine Area from 1 December to 1 March (beginning 1 December 2021). Fisheries New Zealand seeks your views on whether to extend this reopening further north to Cape Campbell/Marfells Beach.	This requires a new section 11 closure notice under the <i>Fisheries Act 1996</i> and published within the <i>New Zealand Gazette</i> .
New daily limit	A new daily limit of three pāua per person.	This requires amendments to the <i>Fisheries (Amateur Fishing) Regulations 2013</i> (Part 6) to require all recreational pāua fishers comply with the proposed measures.
New vehicle and vessel limits	A new vehicle limit and vessel limit of four daily limits (i.e. 12 pāua per vehicle or vessel) or one pāua per person, whichever is greatest. These limits will apply to buses, coaches, and charter boats, where applicable.	
New minimum legal-size limit	A new minimum legal-size of 130mm in shell length for black-foot pāua.	
A new accumulation limit	A new accumulation limit of six pāua per person (and an appropriate shucked weight equivalent).	This requires an amendment to the <i>Fisheries (Amateur Fishing) Regulations 2013</i> (Part 2).

25. The Guardians also recommend a specific measuring and harvest tool for the Kaikōura recreational pāua fishery, as well as reporting of recreational pāua catch using a smartphone app. Both would be voluntary, pending work to determine their feasibility.
26. Fisheries New Zealand also seeks your feedback on any other measure you would like us to consider on the proposal to reopen the Kaikōura Marine Area/extended area to fishing? This could include reopening the kina fishery.

The proposed management measures do not apply to customary and commercial pāua fishing

27. Customary fishing would continue to be managed under customary authorisations issued under the Fisheries (South Island Customary Fishing) Regulations 1999.
28. The Guardians' proposal does not include recommendations for changes within the five customary management areas. These areas are Mangamaunu, Oaro, and Te Waha o te Marangai Mātaitai and Te Taumanu o Te Waka a Māui and Oaro-Haumuri Taiāpure. Pāua fishing within these areas would continue to be managed by tangata whenua and the appropriate mātaitai and taiāpure management committees.
29. The proposal also does not include any additional management measures for commercial pāua fishing. Instead, the Guardians endorse measures outlined in the approved PAU3 Fisheries Plan⁵ if the fishery is reopened.
30. This Plan prescribes an '*adaptive rebuild*' approach that focuses on a conservative level of utilisation, together with management based on the collection of comprehensive fine-scale information and catch reporting, and making responsive adjustments each year to the management approach and settings, where appropriate. The Guardians note that this Plan will fulfil the requirements to enable commercial pāua harvesting to safely resume.
31. The main measures for managing commercial harvesting under the Plan are:
 - A minimum pāua harvest size in the range of 135mm to 140mm shell length, where possible, to protect spawning biomass;
 - catch spreading across the fishery using sub-area limits to avoid localised depletion and recognised patchy recovery;
 - the collection of comprehensive, fine-scale catch and location data to inform future management decisions;
 - a harvest control rule to inform recommendations on commercial harvest levels;
 - contingency measures to address unanticipated sustainability risks; and
 - fishery enhancement to promote rebuild rate and local abundance.

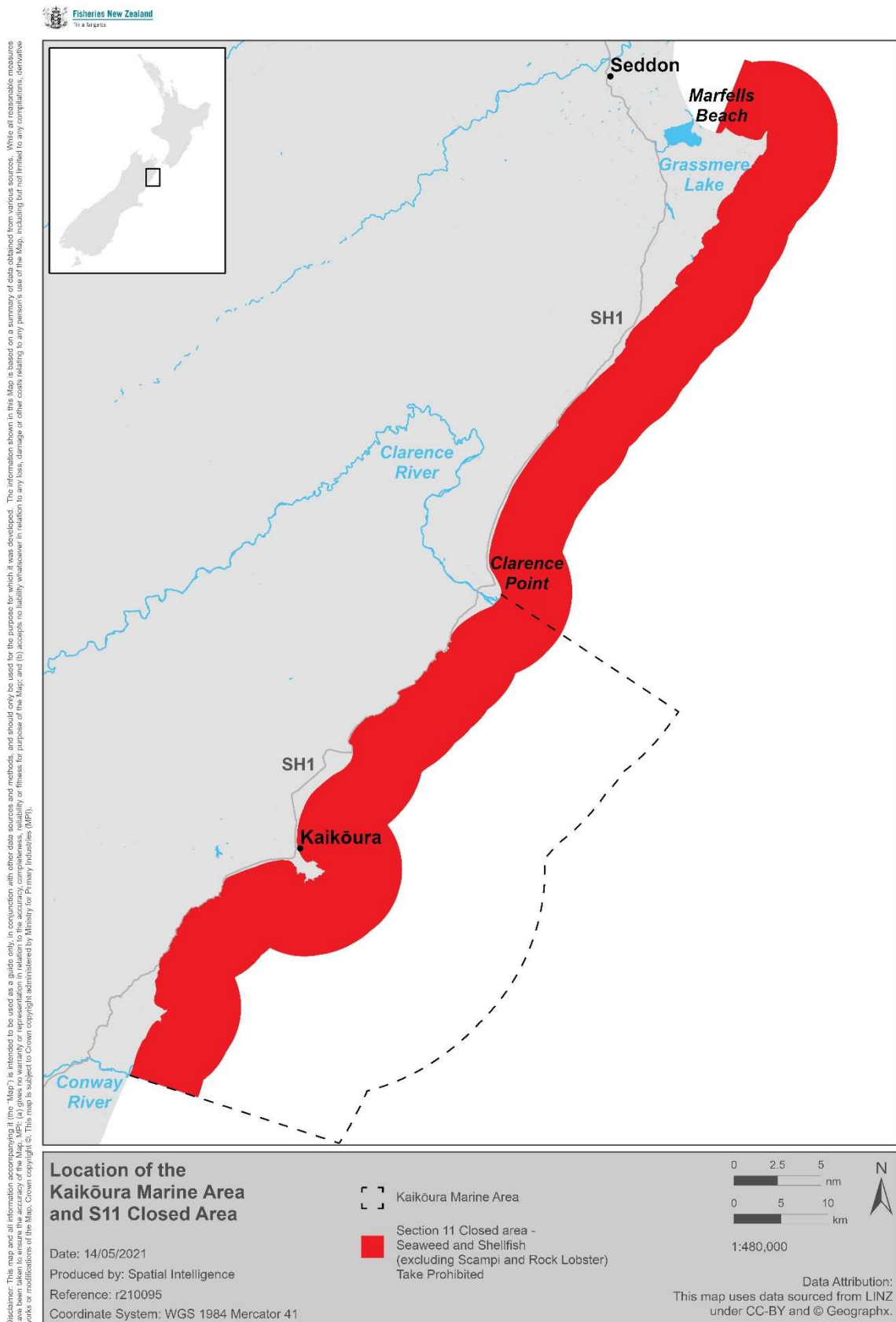
⁵ Developed by the PAU3 Management Advisory Committee (PauaMAC3) and approved on 9th April 2021 under section 11A of the Fisheries Act 1996.

32. In addition, an endorsed PAU7 Fisheries Plan⁶ will adopt a similar approach for the coastline between Cape Campbell/Marfells Beach and the Clarence River if the proposed reopening of the pāua fishery is extended to the wider area.
33. Further details regarding the PAU3 and PAU7 Fisheries Plans and the proposed commercial management approach can be found here - <https://www.mpi.govt.nz/consultations/proposal-to-reopen-the-kaikoura-marine-area-to-paua-fishing>

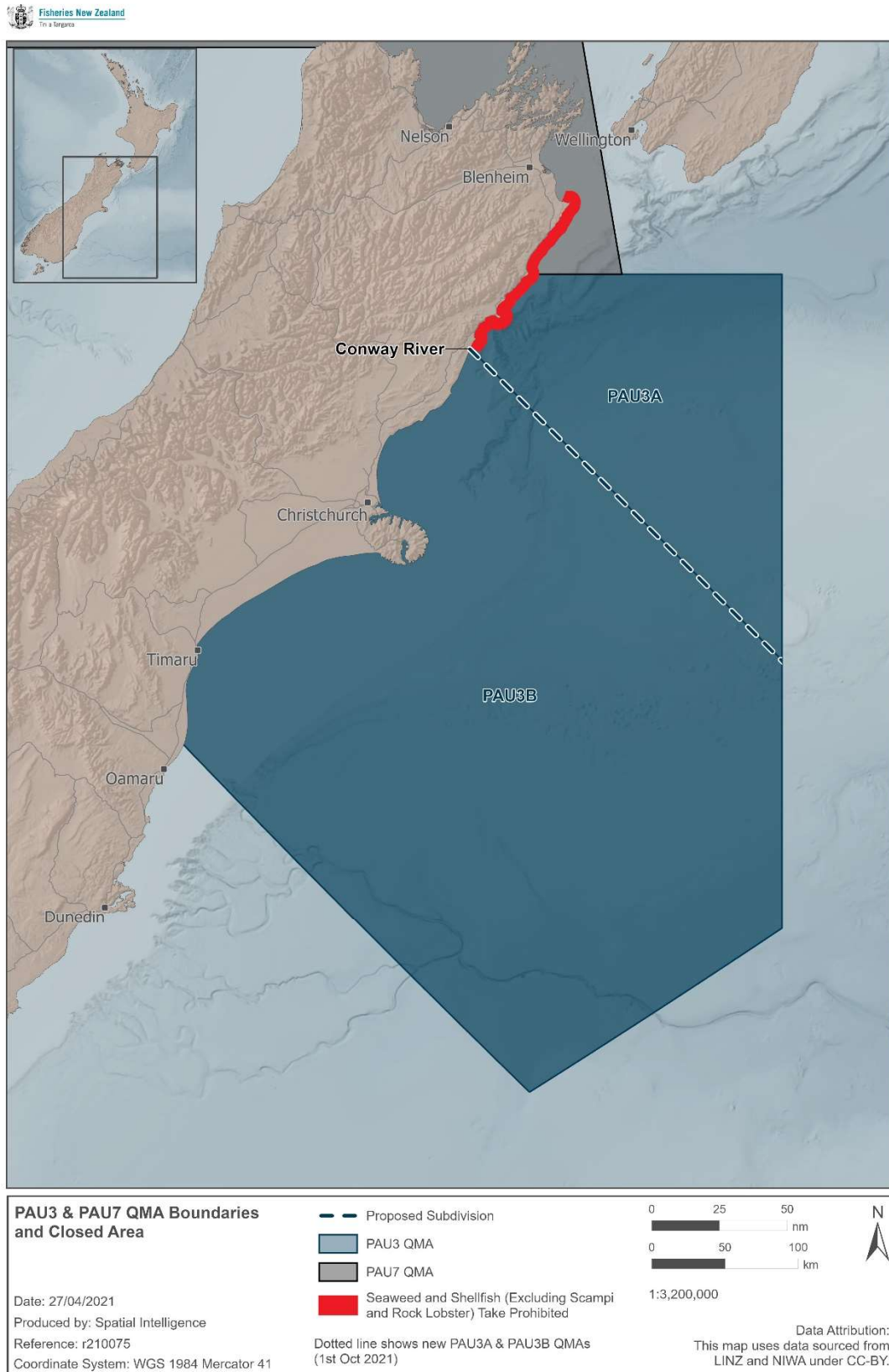
⁶ Developed by the PAU7 Management Advisory Committee (PauaMAC7) and endorsed on 14th March 2021.

MAPS

Map 1: Te Whata Kai o Rakihouia i Te Tai o Marokura — Kaikōura Marine Area & Section 11 Closed Area



Map 2: PAU 3 & PAU 7 QMA Boundaries and Closed Area (soon to be established PAU 3A & PAU 3B QMAs also shown)



Map 3: Customary Management Areas along the Kaikōura coastline

