Fisheries New Zealand
Tini a Tangaroa

Appendix Two:

Review of Sustainability Measures for pāua (PAU 2)

Lower and central North Island pāua fishery

Fisheries New Zealand Decision Paper

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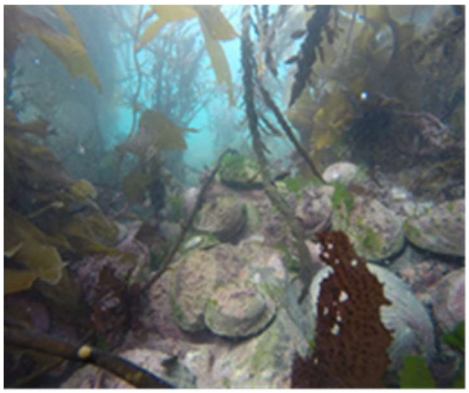
Blackfoot pāua, yellowfoot pāua
Haliotis iris, *Haliotis australis*



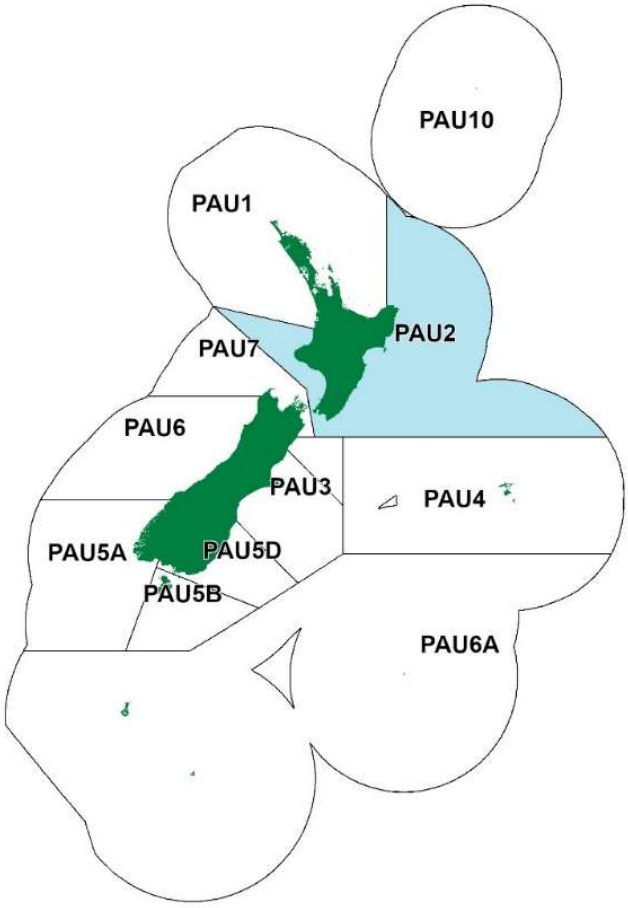


Figure 1: Quota Management Areas (QMAs) for pāua, with PAU 2 highlighted.

Table 1: Summary of options proposed for PAU 2 from 1 October 2023. TAC, TACC, and allowance figures are all in tonnes. The preferred option of Fisheries New Zealand is highlighted in blue.

Option	TAC	TACC	Allowances			Recreational Daily Limit
			Customary Māori	Other sources of mortality caused by fishing	Recreational	
Current settings	N/A	121.188	N/A	N/A	N/A	10 per fisher*
Option 1	227.188**	121.188**	12	11	83	10 per fisher*
Option 2	192.188**	121.188**	12	11	48	5 per fisher* ↓
Option 3	175.188**	121.188**	12	11	31	3 per fisher* ↓

*Of each species (blackfoot pāua and yellowfoot pāua).

**The decimal point value comes from the historic TACC figure, and we do not propose changing TACC as part of this sustainability round.

1 Why are we proposing a review?

1. This review of sustainability measures for pāua in the Quota Management Area PAU 2 (central and lower North Island, Figure 1) was initiated because of sustainability concerns associated with the current management settings. Tangata whenua and recreational fishers in the Hawke's

Bay, Wairarapa, and Taranaki regions raised concerns about the sustainability of this stock, due to observed local depletion and high levels of pressure from recreational harvest.

2. Commercial fishing controls limit commercial fishing to the south-east portion of PAU 2, along the Wairarapa coastline (Figure 2). In 2021, a stock assessment was performed for the area where commercial fishing occurs (Turakirae Head to Blackhead Lighthouse) and indicated that the biomass is likely to be at or above the target of 40% B_0 (unfished biomass) in this area. Commercial catch information is usually one of the primary data inputs used in analyses of stock status, recreational catch is not required to be reported, and we have limited information of customary catch. Therefore, an assessment of biomass is not available for the wider PAU 2 area.

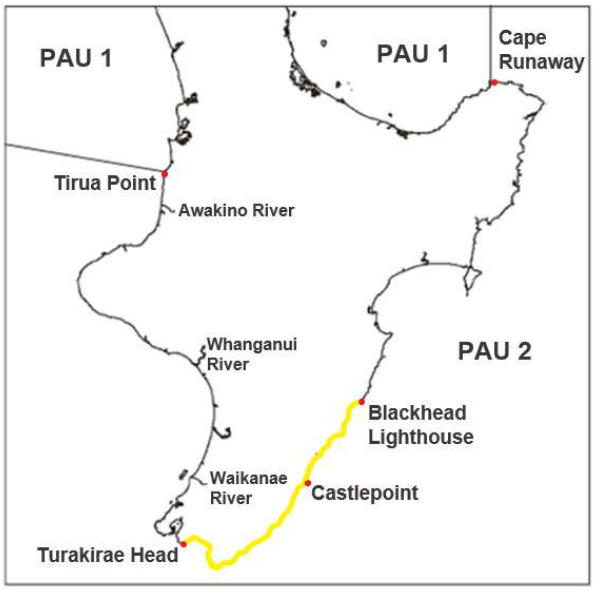


Figure 2: Boundaries of PAU 2, commercial fishing activity is confined to the south east portion of the stock, between Turakirae Head and Blackhead (outlined in yellow).

3. The Mai Paritu tae atu ki Turakirae Fisheries Forum (representing the iwi and hapū from Mahia to Wellington) has sought a review of the recreational management options along their rohe moana, which falls within PAU 2, and a reduction of recreational catch. The forum initiated this review due to concerns of localised depletion of pāua, particularly in easily accessible areas with large populations, such as Napier, that are associated with higher recreational pressure over the summer months.

4. Over the summer months in 2023, Cyclone Hale and, shortly after, Cyclone Gabrielle caused widespread damage across parts of the North Island, which included East Cape and Hawke's Bay regions (areas within PAU 2). Sedimentation has likely affected the marine environment in these areas. Sediment deposition has the potential to smother pāua, given the fact they are not very mobile. Although the environmental impacts of sedimentation on local pāua populations is still being assessed, the presence of pāua shells washed ashore following the cyclones indicates that smothering of pāua has likely occurred, and this could further exacerbate localised depletion in these areas.

5. FNZ is advising on options to set a Total Allowable Catch (**TAC**) and allowances for PAU 2, noting that currently only a Total Allowable Commercial Catch (**TACC)** is set, under section 13(2A) of the Act. Alongside this, a reduction is also proposed to the recreational daily limit for pāua taken in PAU 2.

6. As noted above, an assessment of biomass is not available for the wider PAU 2 area. However, given the concerns of localised depletion of pāua from high recreational pressure and the effects of the recent cyclones, delaying management action could pose a risk to stock sustainability. FNZ consider you should take either Option 2 or 3 as these options aim to constrain recreational catch and alleviate localised depletion, providing increased certainty around the sustainability of the stock.

7. On balance, FNZ recommends Option 2 which takes a precautionary approach to setting the TAC and allowances (Table 1). FNZ note that Option 3 is more precautionary but comes at a higher cost to utilisation. To manage recreational catch within the proposed allowance for Option 2, we support a reduction to the current recreational daily limit from ten to five pāua per species per fisher, which is expected to decrease recreational harvest by approximately 42% from current levels. Option 2 is also preferred by the Mai Paritu tae atu ki Turakirae Fisheries Forum on the condition of additional provisions[1], and a reduction of the recreational daily limit to 5 pāua per species per fisher is supported by the Te Tai Hauāuru Fisheries Forum (representing iwi and hapū from Taranaki to Titahi Bay).

8. Decisions on the catch limits and allowances for PAU 2 would come into effect 1 October 2023, the start of the next fishing year. Any change to the recreational daily limit for pāua would be implemented separately via the issuing of a new Fisheries (Recreational Management Controls) Notice, and this change is not bound to a fishing year. FNZ would look to implement any changes to the recreational daily limit as soon as a decision is made and likely prior to the beginning of the October 2023/24 fishing year.

2 Overview of powers and obligations under the Fisheries Act 1996

2.1 Decisions Ministers may make in relation to sustainability reviews

9. Provisions of the Fisheries Act 1996 (**the Act**) allow you as Minister for Oceans and Fisheries to:

Part 3: Sustainability measures

- Set and vary sustainability measures such as the TAC.

Part 4: Quota Management System

- Make allowances for Māori customary non-commercial fishing interests, recreational interests, and all other mortality to the stock caused by fishing.
- Set and vary the TACC.
- Set deemed value rates to provide an incentive for fishers not to exceed the available annual catch entitlement (**ACE**).[2]

2.2 Overarching requirements

10. In making decisions in relation to sustainability reviews, there are several sections of the Act that you are required to consider or comply with, these are outlined below.

[1] Their support is conditional on additional provisions including limiting the length of time that the reduction is in place to 5 years, allowing a transitional period to phase the new rules in and conducting recreational surveys within their rohe moana that include mana whenua in the survey process. Further information provided in section 5.1.

[2] Commercial fishers need annual catch entitlement (ACE) to catch fish, and the amount of ACE a fisher has determines how much of a fish stock they can catch during the fishing year. The amount of ACE that a fisher gets is dependent on how much of a total fishing quota the fisher owns and the total allowable catch (TAC) that FNZ has allocated for stock.

11. Section 5: You must act in a manner consistent with New Zealand's International obligations relating to fishing, and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

12. Section 8: The purpose of the Act is to provide for the utilisation of fisheries resources while ensuring sustainability.

    - "Ensuring sustainability" is defined as: "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment".

    - "Utilisation" of fisheries resources is defined as "conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural wellbeing."

13. In the Kahawai case[3], the Supreme Court stated that the purpose statement incorporates "the two competing social policies reflected in the Act" and that "both policies are to be accommodated as far as is practicable in the administration of fisheries under the quota management system". It also stated "in the attribution of due weight to each policy that given to utilisation must not be such as to jeopardise sustainability".[4]

14. Section 9: you must take into account the following environmental principles:

    (a) associated or dependent species should be maintained above a level that ensures their long-term viability

    (b) biological diversity of the aquatic environment should be maintained

    (c) habitat of particular significance for fisheries management should be protected.

15. Section 10: you must take into account the following information principles:

    (a) decisions should be based on the best available information – best available information means the best information that, in the particular circumstances, is available without unreasonable cost, effort or time.

    (b) decision makers should consider any uncertainty in the information available in any case

    (c) decision makers should be cautious when information is uncertain, unreliable, or inadequate

    (d) the absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of this Act.

16. Sections 12, 21 and 75A require you to consult before making decisions on sustainability measures, the TACC, and deemed values rates, respectively.

2.3 Statutory considerations

17. Table 2 provides an overview of your statutory considerations for varying TACs and TACCs under the Act. Where relevant, stock-specific details relating to these considerations are set out in the stock chapters within this paper.

[3] Recreational Fishing Council Inc v Sanford Limited and Ors [2009] NZSC 54 at [39]. These proceedings challenged decisions made in 2004 and 2005 by the then Minister of Fisheries setting the total allowable catch and the total allowable commercial catch for kahawai in several quota management areas.
[4] Above n 3.

Table 2: Information on your key requirements when making decisions under the Act.

Decisions you may make	Requirements – things you must do when making decisions
Part 3 Sustainability Measures	
Section 11 You may set or vary sustainability measures for any stock Sustainability measures may relate to (but are not limited to): • Catch limits • Size, sex or biological state • Areas • Fishing methods • Fishing seasons	(1) you must take into account: (a) effects of fishing on any stock and aquatic environment; and (b) existing controls under this Act that apply to the stock or area concerned; and (c) the natural variability of the stock concerned. (2) you must have regard to: (a) any regional policy statement, regional plan or proposed regional plan under the Resource Management Act 1991; and (b) any management strategy or plan under the Conservation Act 1987; and (c) sections 7-8 of the Hauraki Gulf Marine Park Act 2000; and (ca) regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and (d) a planning document lodged with you by a customary marine title group under s 91 of the Marine and Coastal Area (Takutai Moana) Act 2011 – that apply to the coastal marine area and are considered by you to be relevant. (2A) you must take into account: (a) any conservation or fisheries services; and (b) any relevant fisheries plan approved under section 11A; and (c) any decisions not to require conservation or fisheries services.
Section 11A You may approve or revoke fisheries plans	Fisheries plans may include: (a-c) fisheries management objectives, strategies to achieve them, and performance criteria to measure achievement; (d) conservation or fisheries services; or (e) contingency strategies to deal with foreseeable variations in circumstances. To date national fisheries plans have been approved for inshore finfish fisheries, deepwater and highly migratory species, the Foveaux Strait oyster fishery, PAU 3 (A & B) and PAU 4 (Chatham Islands).
Section 12 Before making decisions, you must consult	(a) you must consult with such persons or organisations as you consider are representative of those classes of persons having an interest in the stock or the effects of fishing on the aquatic environment in the area concerned, including Māori, environmental, commercial, and recreational interests; and (b) you must provide for the input and participation of tangata whenua that have: (i) a non-commercial interest in the stock concerned; or (ii) an interest in the effects of fishing on the aquatic environment in the area concerned— and have particular regard to kaitiakitanga. (2) you must provide the reasons for your decisions to the people consulted.
Section 13 You must set and may vary, a TAC for stocks in the Quota Management System (QMS)	(2) you must set (and may vary – subsection (4)) a TAC that: (a) maintains the stock at or above a level that can produce the Maximum Sustainable Yield (**MSY**), having regard to the interdependence of stocks; or (b) enables the level of any stock below a level that can produce MSY to be altered: (i) in a way and at a rate that will restore the stock to a level that can produce MSY having regard to the interdependence of stocks; and (ii) within a period appropriate to the stock, having regard to the biological characteristics of the stock and environmental conditions affecting it, or (c) enables the level of any stock above that which can produce MSY to be altered in a way and at a rate to move the stock toward or above that which can produce MSY having regard to the interdependence of stocks. (2A) If you consider that the stock level to produce MSY is not able to be estimated reliably using best available information[5], you must: (a) not use this as a reason to postpone or fail to set a TAC; and (b) have regard to the interdependence of stocks, biological characteristics of the stock and any environmental conditions affecting the stock; and (c) set a TAC

[5] Section 2(1) of the Act defines "best available information" as "the best information that, in the particular circumstances, is available without unreasonable cost, effort or time".

Decisions you may make	Requirements – things you must do when making decisions
	(i) using the best available information; and (ii) that is not inconsistent with the objective of maintaining the stock at or above, or moving the stock towards or above a level that can produce MSY. (3) In considering the way and rate at which a stock is moved toward or above a level that can produce MSY you must have regard to such social, cultural and economic factors as you consider relevant. (4) You may, by notice in the *Gazette*, vary any total allowable catch set for any quota management stock under this section. When considering any variation, you are to have regard to the matters specified in subsections (2), (2A) (if applicable), and (3).
Part 4 Quota Management System	
Section 20 You must set and may vary TACC for quota management stocks, unless a TAC has not been set for the stock	**Section 21** (1) you must have regard to the TAC and shall allow for (a)(i) Māori customary non-commercial fishing interests; and (ii) Recreational interests; and (b) all other mortality to the stock caused by fishing. (2-3) you must consult representatives of classes of people that have an interest and give reasons for your decision. (4) When allowing for Māori customary interests you must take into account (a) any mātaitai reserve in the Quota Management Area (QMA) declared under s 186: (b) any area closure or method restrictions/prohibitions imposed under s 186A. (5) When allowing for recreational interests you must take into account any regulations that prohibit or restrict fishing under s 311.

2.4 Maximum Sustainable Yield (MSY)

18. Section 13 of the Act requires you to set a stock's TAC at a level that maintains the stock at or above a level that can produce the Maximum Sustainable Yield (**MSY***)*.

19. MSY is defined under the Act as the greatest yield that can be achieved over time while maintaining the stock's productive capacity, having regard to the population dynamics of the stock and any environmental factors that influence the stock. There are a number of factors that contribute to the determination of a stock's MSY, including how fast the species grows, when and how they reproduce, and the pattern of harvesting in the fishery. Typically, MSY for a fish stock is also variable over time, because of changes in productivity and environmental factors.

20. In general, scientific working groups estimate MSY-compatible reference points for stocks based on the best available information, and management working groups set fishery or stock targets that consider these estimates as an input.

21. In the context of this review, MSY can only be estimated for the commercially fished area and not for the wider PAU 2 area, due to a lack of available scientific information. In addition to the interdependence, biological characteristics, and environmental conditions of PAU 2, proposals for setting catch limits are based on best available information (which includes the stock assessment for the commercially fished area, and anecdotal information for the wider area). The proposed catch limits are considered to be consistent with the objective of maintaining the stock at or above levels that can produce MSY as provided for by s 13(2A) of the Act (requirements for setting a TAC where the level of the stock that can produce MSY is not able to be estimated reliably using the best available information).

2.5 Judicial guidance

2.5.1 2021 High Court judgment for East Coast Tarakihi

22. The High Court has held that the Harvest Strategy Standard (**HSS**) is a mandatory relevant consideration that you must have regard to when setting a TAC under section 13 of the Act.

23. In December 2019, Forest and Bird New Zealand filed proceedings seeking judicial review of the 2019 decision on catch limit settings for East Coast tarakihi.

24. The judgment[6] was delivered on 16 June 2021 and has implications for what matters you must, and must not, consider when deciding to set or vary a stock's TAC. In particular, it provides specific direction on the application of s 13(2)(b), which pertains to any stock whose current level is below that which can produce MSY. Your decision here will be made under s 13(2A), which pertains to any stock whose current level, or the level that can produce MSY, cannot be reliably estimated. Therefore, many of the court's findings in the East Coast tarakihi case are not relevant to your decision here. However, the following key finding is relevant to your decision:

    a. **failure to consider Harvest Strategy Standard guidance –** the Harvest Strategy Standard and associated Operational Guidelines are a mandatory relevant consideration, which the Minister failed to have regard to.

2.5.2 Allocation decisions under section 21

25. Relevant judicial findings provide useful guidance in terms of your allocation decisions under section 21 of the Act.

26. In the case relating to Kahawai the Supreme Court said that the wording of the Act sets out a particular order of decisions – after allowing for Māori customary non-commercial fishing interests, recreational fishing interests, and all other sources of fishing-related mortality, the remainder constitutes the TACC.[7] On their ordinary meaning the words "allow for" require you both to take into account those interests, and to make provision for them in the calculation of the total allowable commercial catch.[8] That does not, however, mandate any particular outcome.[9]

27. Importantly, the Act does not confer priority for any interest over the other[10] and does not limit the relative weight which you may give to the interests of competing sectors.[11] It leaves that judgement to you.

28. The Courts have also provided guidance as to the nature of the allowances to be provided. Where there are competing demands exceeding an available resource it could perhaps be said you can "allow for" use by dispensing a lesser allotment than complete satisfaction, creating not a full priority but some degree of shared pain.[12] The requirement to "allow for" the recreational interest can be construed as meaning to "allow for in whole or part".[13] The Supreme Court stated that the Act envisages that the allowance for recreational interest, as well as Māori customary fishing interests and the TACC, will be a reasonable one in all the circumstances.[14]

29. Section 21 is concerned with allocation of a limited resource and that what is allowed for non-commercial fishing interests will impact on the total allowable commercial catch.[15] The consideration of the wellbeing factor (as expressed in section 8 of the Act) requires a balance of competing interests, especially in the case of a shared fishery.[16]

30. In terms of recreational interests, the Supreme Court stated that "Although what the Minister allows for, is an estimate of what recreational interests will catch, it is an estimate of a catch which the Minister is able to control. The Minister is, for example, able to impose bag and fish length limits. The allowance accordingly represents what the Minister considers recreational

[6] *Royal Forest and Bird Protection Society of New Zealand Incorporated v Minister of Fisheries [2021] NZHC 1427*.
[7] *New Zealand Recreational Fishing Council Inc v Sanford Limited and Ors* (Supreme Court, SC 40/2008, 29 May 2009) at [53].
[8] Above n 7 at [55].
[9] *Sanford Limited and Ors v New Zealand Recreational Fishing Council Inc and Anor* (Court of Appeal, CA 163/07, 11 June 2008) at [57].
[10] *New Zealand Recreational Fishing Council Inc v Sanford Limited and Ors* (Supreme Court, SC 40/2008, 29 May 2009) at [65].
[11] *Sanford Limited and Ors v New Zealand Recreational Fishing Council Inc and Anor* (Court of Appeal, CA 163/07, 11 June 2008) at [61].
[12] *Roach v Minister of Fisheries* (HC, Wellington CP715/91, 12/10/92, McGechan J) at [16].
[13] *New Zealand Federation of Commercial Fishermen (Inc) & Ors v Minister of Fisheries & Ors* (HC, Wellington CP237/95, 24/4/97) at [150].
[14] *New Zealand Recreational Fishing Council Inc v Sanford Limited and Ors* (Supreme Court, SC 40/2008, 29 May 2009) at [65].
[15] Above n 14 at [53].
[16] *Sanford Limited and Ors v New Zealand Recreational Fishing Council Inc and Anor* (Court of Appeal, CA 163/07, 11 June 2008) at [61].

interests should be able to catch but also all that they will be able to catch. The Act envisages that the relevant powers will be exercised as necessary to achieve that goal".[17]

31. No implied obligation to attain proportionality between commercial and recreational catch arises from the legislation. The imprecise [estimation] of the recreational catch precludes strict proportionality.[18] Further, in the Snapper 1 case the Court of Appeal said:

"We can see no reason why either as his primary purpose or as a consequence of some other purpose the Minister should not be able to vary the ratio between commercial and recreational interests." [19]

"If over time a greater recreational demand arises it would be strange if the Minister was precluded by some proportional rule from giving some extra allowance to cover it, subject always to his obligation to carefully weigh all the competing demands on the TAC before deciding how much should be allocated to each interest group." [20]

32. The High Court earlier said in that case:
"It is not outside or against the purposes of the Act to allow a preference to non-commercials to the disadvantage in fact of commercials and their valued ITQ rights, even to the extent of the industry's worst case of a decision designed solely to give recreationalists greater satisfaction. Both are within the Act."[21]

33. The Courts have also emphasised the importance of decisions undertaken for sustainability purposes not being undermined by increased fishing by one or other of the fishing sectors. In the Snapper 1 case the High Court said:

"When Parliament empowered the Minister to reduce the TACC for conservation purposes—not to improve recreational catch rate—it expected the Minister to take any concurrent steps necessary to minimise sabotage by recreational fishing. . . The significant point is that both law and common sense dictate that a Minister should not reduce the TACC for conservation reasons unless able to take, and taking, reasonable steps to avoid the reduction being rendered futile through increased recreational fishing."[22]

34. While this statement relates to reduction of the TACC, the principle equally applies in situations where measures are enacted to rebuild a fishery. Litigation relating to management decisions for kahawai involved this very issue, where the failure to agree to a reduction in the daily bag limit was found to be unlawful.[23]

35. In respect of quota granted to iwi under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Māori Fisheries Act 1989, in the Snapper 1 case the Court of Appeal said:

"Under the settlement Māori became holders of quota along with all other holders. Their rights were in our view no more and no less than those of non-Māori quota holders."[24]

"Under s5 of the 1996 Act the Minister in making future decisions is obliged to act in a manner consistent with the Settlement Act. The idea that the settlement is any the less just, honourable and durable should Māori quota be reduced, is unpersuasive. An asset which Māori obtained under the settlement had within it the capacity for diminution. If that capacity is lawfully realised, there cannot be any complaint on the basis that the settlement has been broken or have not proved durable. Something which was liable to happen under the settlement has happened. A reduction in TACC, which is otherwise lawful, cannot be viewed as a decision by the Minister inconsistent with the Settlement Act."[25]

[17] *New Zealand Recreational Fishing Council Inc v Sanford Limited and Ors* (Supreme Court, SC 40/2008, 29 May 2009) at [56].
[18] *New Zealand Federation of Commercial Fishermen (Inc) & Ors v Minister of Fisheries & Ors* (HC, Wellington CP237/95, 24/4/97, McGechan J) at [18].
[19] *New Zealand Fishing Industry Association (Inc) and Ors v Minister of Fisheries and Ors* (Court of Appeal, CA82/97, 22/7/97) at [17]-[18].
[20] Above n 19 at [18].
[21] *New Zealand Federation of Commercial Fishermen (Inc) & Ors v Minister of Fisheries & Ors* (HC, Wellington CP237/95, 24/4/97, McGechan J) at [89].
[22] *New Zealand Federation of Commercial Fishermen (Inc) & Ors v Minister of Fisheries & Ors* (HC, Wellington CP237/95, 24/4/97, McGechan J) at [102].
[23] *New Zealand Recreational Fishing Council Inc & Anor v Minister of Fisheries* (HC, Auckland CIV 2005-404-4495, 21 March 2007, Harrison J) at [110]-[126].
[24] *New Zealand Fishing Industry Association (Inc) and Ors v Minister of Fisheries and Ors* (Court of Appeal, CA82/97, 22/7/97) at [20].
[25] Above n 24, at [21].

36. While the Court of Appeal was dealing with a TAC/TACC reduction for sustainability purposes, the same principle would apply in terms of an adjustment of the ratio of the TAC allocated to commercial and non-commercial fishing interests.

3 About the stock

3.1 Fishery characteristics

37. PAU 2 is a shared fishery and is highly valued by customary, commercial, and recreational fishers. PAU 2 includes blackfoot pāua (*Haliotis iris*), which make up most of the pāua catch, and yellowfoot pāua (*Haliotis australis)* which are naturally less abundant, don't appear to grow as large, and are only caught in small numbers.[26]

38. Pāua are targeted by hand-gathering across the fishery. The use of underwater breathing apparatus (**UBA**) is prohibited when gathering pāua in PAU 2, so gathering is by free diving and wading.

39. Recreational fishing occurs across most of the PAU 2 area where rocky reefs exist, with the coastline offering many accessible areas of rocky intertidal and subtidal reefs where pāua are found. Some areas of the coastline are also sandy and not suitable pāua habitat, particularly the coastline between Wellington and Taranaki.

40. The growth of blackfoot pāua has been found to differ across PAU 2, with growth found to be generally faster in areas with lower mean monthly sea surface temperatures.[27] Along the Taranaki coastline, and small sections along the Wairarapa mainly north and south of Flat Point and north of Mataikona, blackfoot pāua is slower growing and forms localised stunted areas.[28] In the stunted areas, it is more difficult to find pāua that meet the commercial and recreational minimum legal size of 125mm. A different recreational minimum legal size of 85mm was introduced for blackfoot pāua in the area between the Awakino and Whanganui Rivers, the Taranaki region with slower growth rates, from 1 October 2009 (Figure 2).

41. A large proportion of PAU 2 is prohibited to commercial fishing by the Fisheries (Central Area Commercial Fishing) Regulations 1986 (Table 3). Commercial fishing controls and the slower growth of pāua in certain areas mean the majority of the commercial fishing activity is confined to the south east portion of the stock, between Turakirae Head and Blackhead (Figure 2).

[26] Fisheries New Zealand (2022). Fisheries Assessment Plenary, May 2022: stock assessments and stock status. Compiled by the Fisheries Science and Information Group, Fisheries New Zealand, Wellington, New Zealand.
[27] Naylor et al. (2006)
[28] Naylor & Fu (2016)

Table 3: Relevant commercial fishing controls for PAU 2.

Fishing controls	Fisheries (Central Area Commercial Fishing) Regulations 1986
Commercial take of shellfish, including pāua, is prohibited within the Porirua Harbour	Regulation 9A
All methods of fishing except hand-held line are prohibited within Pukerua Bay, restricting commercial take of pāua within this area	Regulation 9B
Commercial take of pāua is prohibited from Cape Runaway to Blackhead Lighthouse	Regulation 10
Commercial take of shellfish, including pāua, is prohibited between Paritu and the Nuhaka river mouth, or within 2 nm of Mahia Peninsula and Portland Island	Regulation 12(1)
Commercial take of shellfish, including pāua, is prohibited within the Wellington Harbour	Regulation 12(2)
Commercial take of pāua is prohibited within 5 nm between Tirua Point and the Whanganui river mouth	Regulation 12(3)
Commercial take of pāua is prohibited within 5 nm between the Waikanae river mouth to Turakirae Head	Regulation 12(4)

3.2 Biology

42. Pāua are found in subtidal rocky coastal habitats, in shallow waters generally less than 10 m in depth. Although pāua are mobile, they only move over a small area and are relatively sedentary, often forming large, localised aggregations on reefs. Due to their sedentary nature, their restriction to shallow rocky reef habitat, and high levels of localised fishing pressure, pāua are susceptible to overfishing and local depletion, which can hinder spawning success and overall productivity of the stock.

43. Pāua spawn directly into the surrounding water and spawning is understood to occur annually. Pāua feed primarily on drift algae that is unattached to the substrate, and small pāua graze on attached algae.

44. Growth rates and maximum size of pāua vary with latitude and are largely determined by water temperature and sea surface temperature, with growth generally faster in areas with lower mean monthly sea surface temperatures.[29] Sexual maturity of blackfoot pāua ranges from 70 mm to 90 mm total length at an age of 3-5 years[30], while yellowfoot pāua mature between 61 mm to 65 mm total length.[31] Blackfoot pāua reach a maximum length of approximately 170 mm and yellowfoot pāua 110 mm.[32]

45. Pāua are eaten by a variety of predators, including rock lobsters[33] and large predatory starfish.[34] Smaller pāua are vulnerable to predation by fish such as blue cod[35], snapper[36], spotties, and triplefins.[37]

3.3 Management background

46. Pāua were introduced into the Quota Management System (**QMS**) in 1987, with an October fishing year (1 October to 30 September). Prior to the introduction of the Fisheries Act 1996 (**the Act**), a TAC and non-commercial allowances were not required and only a TACC was required to be set. Initially the TACC was set at 100 tonnes and after some minor increases

[29] Naylor et al. (2006)
[30] Hooker et al. (1997)
[31] Wilson & Schiel (1995)
[32] Poore (1972)
[33] McCardle (1983)
[34] Andrew & Naylor (2003)
[35] Carbines & Beentjes (2003)
[36] Francis (2003)
[37] Above n 28

due to quota appeals, the PAU 2 TACC has remained at 121.188 tonnes since the 1989/90 fishing year. The stock has not been reviewed since then as commercial catch, and stock assessment information regarding commercial catch, has been stable.

3.4 Status of the stock

47. The status of PAU 2 is informed by the estimate of biomass from the stock assessment performed in 2021[38], the National Panel Survey of Marine Recreational Fishers (**NPS**) 2011/12[39] and 2017/18[40], information on reports of customary catch in PAU 2, and local observations of localised depletion due to high levels of pressure from recreational harvest. Management of PAU 2 is guided by the default of the HSS (target 40% B_0 (unfished biomass), soft limit 20% B_0, and hard limit 10% B_0).

48. The status of PAU 2 in relation to MSY and other reference points is only known for the south east portion of PAU 2, as the stock assessment was informed primarily by commercial catch information and commercial fishing controls limit commercial fishing to this area only (see Figure 2 and Table 3).

49. The 2021 stock assessment, with results reported in the May 2022 Fisheries Assessment Plenary report (**the Plenary**), concluded that within the south east component of PAU 2, where commercial fishing occurs, the biomass of pāua is likely to be at or above the target of 40% unfished biomass, that current catch levels are very unlikely to cause the biomass of the stock to be at or below the soft and hard limits and that overfishing is very unlikely to be occurring with current commercial catch levels.

50. The NPS 2011/12 and NPS 2017/18 provide consistent estimates of recreational harvest, 81.5 tonnes and 83.22 tonnes respectively (Table 4) but it should be noted there is a level of uncertainty that this reflects a current estimate given the time passed since the surveys.

51. Customary reports from PAU 2 provide an estimate of the customary catch of pāua. However, this could be an incomplete estimate of customary catch for the stock, as different metrics are used in reports e.g., ‘individuals’, ‘bags’ or ‘buckets’ of pāua and large areas have yet to be gazetted as rohe moana (defined customary fishing areas) under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (**the customary regulations**). In the areas without a gazetted rohe moana, customary catch is taken under the Fisheries (Amateur Fishing) Regulations 2013, where there is no requirement to report catch activity.

52. For stocks in which the MSY is not able to be reliably estimated using the best available information, section 13(2A) of the Act specifies that decisions to set or vary the TAC must not be inconsistent with the objective of maintaining the stock at or above or moving the stock towards or above a level that can produce the MSY.

53. The estimate of current biomass or MSY for the area outside of where commercial fishing occurs is unknown, given that catch inputs from commercial data are not available to inform an assessment of biomass in that area, and recreational catch is not required to be reported. Given this, and the observations of depletion, it is uncertain if the wider area of PAU 2 is at a level that supports MSY at this time.

4 Catch information and current settings within the TAC

4.1 Commercial

54. Commercial catch history of PAU 2 is shown in Figure 3. Landings were around 100 tonnes when PAU 2 entered the QMS in 1986/87. Following appeals to the Quota Appeal Authority,

[38] Neubauer, P (2022). The 2021 stock assessment of pāua (Haliotis iris) for PAU 2. New Zealand Fisheries Assessment Report 2022/35. 108 p
[39] Wynne-Jones, J; Gray, A; Heinemann, A; Hill, L (2014). National Panel Survey of Marine Recreational Fishers 2011-2012: Harvest Estimates. New Zealand Fisheries Assessment Report 2014/67. 139p.
[40] Wynne-Jones, J; Gray, A; Hill, L; Heinemann, A; Walton, L (2019). National Panel Survey of Marine Recreational Fishers 2017-2018. New Zealand Fisheries Assessment Report 2019/24. 104p.

the TACC was increased to 121.19 tonnes in 1989/90 and since then landings have been extremely consistent with only minor fluctuations around the TACC (Figure 3).

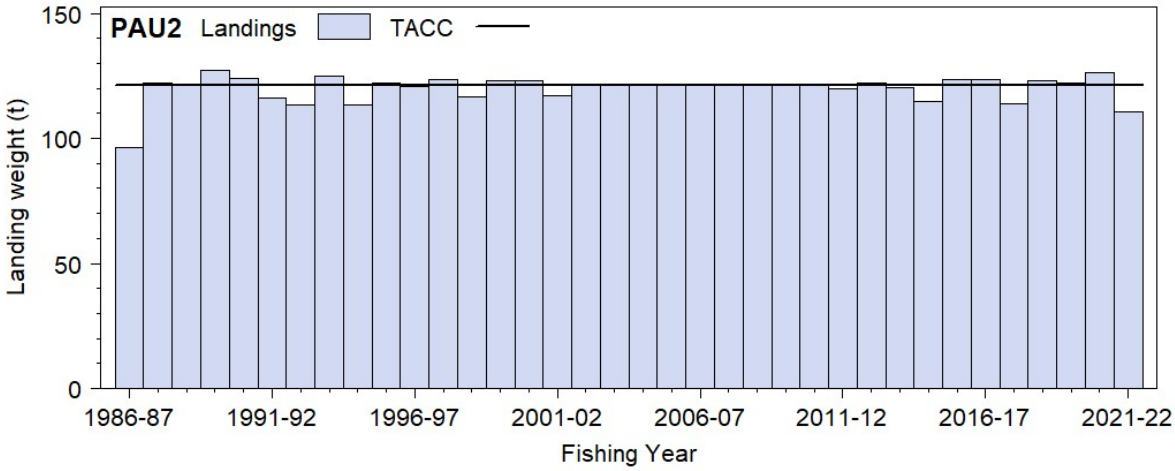


Figure 3: Reported commercial landings and TACC for PAU 2 from 1986-87 to the present (in tonnes).

4.2 Customary Māori

55. There is evidence of considerable customary harvest of pāua in PAU 2, and pāua have been identified generally as a taonga species (treasured) by most iwi in their Treaty settlements with the Crown.

56. Customary fishing activities along the area of the coastline spanning from Cape Palliser to Gisborne operate under the Fisheries (Kaimoana Customary Fishing) Regulations 1998, which require Kaitiaki to report details of customary authorisations and harvest to MPI. Based on information received from customary reports from 2008-2018[41], customary catch in PAU 2 has fluctuated annually, with an average annual harvest of approximately 11 tonnes. Customary reporting for pāua in PAU 2 likely underestimates customary harvest, as the metrics of pāua reported from customary fishing authorisations vary between sacks or bags of pāua, weight, or numbers of individual pāua, and often reports do not include any unit of measurement.

57. Uncertainty in the level of customary take is also influenced by the fact that large areas of PAU 2 have yet to be gazetted as rohe moana under the Fisheries (Kaimoana Customary Fishing) Regulations 1998, particularly along the Western Coast of PAU 2 around Taranaki and the Wellington Coast. In these areas, customary catch is taken under the Fisheries (Amateur Fishing) Regulations 2013, where there is no requirement to report catch activity.

4.3 Recreational

58. Pāua is a popular recreational species almost exclusively harvested through hand gathering, via free diving or gathering from shore. The Fisheries (Amateur Fishing) Regulations 2013 prohibit the use of underwater breathing apparatus (such as SCUBA) within PAU 2.

59. There is currently no recreational allowance set for PAU 2 and recreational fishers are not required to report the quantities of pāua they catch. Blackfoot pāua has a minimum legal size of 125 mm (excluding Taranaki where the minimum legal size has been decreased to 85 mm, discussed in 3.1) and as yellowfoot pāua are smaller, the minimum legal size is 80 mm. Across PAU 2, fishers can take a recreational daily limit of ten pāua per person for each species.

[41] Customary reports from 2019-2022 were not included in this analysis because reports did not include units of harvest, therefore it was not possible to accurately determine how much pāua was harvested annually (i.e., in weight or abundance).

60. The NPS represents the current available estimate of recreational harvest. The NPS in 2017/18[42] estimated the recreational catch in PAU 2 at 83.22 tonnes. Similarly, the 2011/12 NPS[43] gave an estimate of 81.85 tonnes (Table 4).

61. The 2017/18 NPS estimated that PAU 2 had the largest recreational harvest of pāua for any QMA. The 2017/18 NPS also estimated that 17% of recreational fishers harvest between one to three pāua per day, 14% between four to six pāua, 69% between seven to ten pāua, and 55.4% of people harvest exactly the maximum limit of ten pāua per day when gathering pāua. A further NPS is taking place between 1 October 2022 to 30 September 2023 with final results not expected before early 2024.

62. In the absence of any new survey information since 2017/18, it is expected that total recreational catch of pāua from PAU 2 has increased since this estimate, based on observations from tangata whenua and recreational fishers along the Hawke's Bay, Wairarapa, and Taranaki coastlines. These anecdotal reports indicate that these regions have experienced increased recreational fishing effort for pāua in recent years, especially during the summer months and when located in close proximity to major centres and/or easily accessible by road. Iwi in Taranaki have expressed particular concern around the effects of intense harvesting from individuals visiting the Taranaki region for many years. In response to these concerns, in December 2022 the Minister approved a request from Taranaki Iwi to temporarily close a significant portion of the Taranaki coastline pursuant to Fisheries Act 1996 to the take of pāua and other species for a two-year period (the Western Taranaki Temporary Closure). FNZ compliance have noted that following the enactment of the temporary closures harvest pressure in the Taranaki region has declined.

63. The 2017/18 NPS reported that 64.6% of recreational harvest (in tonnes) reported occurred outside of the commercially fished area that is covered under the latest stock assessment. 28.2% (23.5 tonnes) of reported recreational harvest occurred on the Wellington coastline and 18.4% (15.3 tonnes) occurred in the Taranaki region.

Table 4: Recreational harvest estimates of pāua in PAU 2 from 2011/12 NPS and 2017/18 NPS, +/- represents a 95% confidence interval (CI).

Year	Method	Number of pāua	Total weight (t)	95% CI (t)
2011/12	Panel Survey	286,182	81.85	± 24.06
2017/18	Panel Survey	283,240	83.22	± 24.47

4.4 Other sources of mortality caused by fishing

64. The other sources of fishing mortality allowance accounts for mortality that occurs due to any fishing activity that is not otherwise accounted for in the TAC. There is currently no allowance set for other sources of mortality caused by fishing for PAU 2.

65. Pāua can die from wounds caused by removal from the substrate, often from divers using sharp edged tools. Sub-legal pāua may be subject to incidental mortality if they are cut when being removed and measured, and mortality may result from pāua being returned to unsuitable habitat or wounded pāua becoming more vulnerable to predators.

66. Research suggests that incidental mortality associated with commercial fishing for pāua is about 0.3% of landed catch.[44] Incidental mortality for commercial landings in PAU 2 would

[42] Wynne-Jones, J; Gray, A; Hill, L; Heinemann, A; Walton, L (2019). National Panel Survey of Marine Recreational Fishers 2017-2018. New Zealand Fisheries Assessment Report 2019/24. 104p.
[43] Wynne-Jones, J; Gray, A; Heinemann, A; Hill, L (2014). National Panel Survey of Marine Recreational Fishers 2011-2012: Harvest Estimates. New Zealand Fisheries Assessment Report 2014/67. 139p.
[44] Gerring (2003)

equate to an average of less than 1 tonne annually. Incidental mortality from recreational and customary harvest is also assumed to occur, however the extent of this is unknown.

67. Another source of mortality caused by fishing for PAU 2 is illegal harvest or poaching of pāua. The Plenary[45] reports that illegal harvesting is likely high around Wellington and on the Wairarapa coast. Advice provided by FNZ compliance regarding illegal harvest in Wellington is consistent with that reported in the Plenary. Compliance officers in the Taranaki region advise that historically illegal harvest has been high but has decreased following the December 2022 Western Taranaki temporary closure. Although current quantitative levels of illegal harvest are uncertain for PAU 2, the 2021 stock assessment[46] acknowledges it is likely to be occurring and sets this at 10 tonnes in the model for the 2021 stock assessment.

5 Treaty of Waitangi obligations

5.1 Input and participation of tangata whenua

68. Section 5(b) of the Fisheries Act 1996 requires that the Act be interpreted and people making decisions under the Act to do so in a manner that is consistent with the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (the Settlement Act). Section 10 of the Settlement Act provides that non-commercial customary fishing rights continue to be subject to the Principles of the Treaty of Waitangi and give rise to Treaty obligations on the Crown.

69. Section 10 of the Settlement Act also requires you to consult and develop policies and programmes to give effect to the use and management practices of tangata whenua in the exercise of non-commercial fishing. Consistent with this section, FNZ has worked with iwi to develop engagement processes that enable iwi to work together to reach a consensus where possible, and to inform FNZ on how tangata whenua wish to exercise kaitiakitanga in respect of fish stocks in which they share rights and interests and how those rights and interests may be affected by sustainability measures proposed by FNZ.

70. Section 12(1)(b) of the Act requires that before undertaking any sustainability process you must provide for the input and participation of tangata whenua who have a non-commercial interest in the stock or an interest in the effects of fishing on the aquatic environment in the area concerned. In considering the views of tangata whenua, you are required to have particular regard to kaitiakitanga.

71. Input and participation of tangata whenua into the sustainability decision-making process is provided mainly through Iwi Fisheries Forums, which have been established for that purpose. Each Iwi Fisheries Forum can develop an Iwi Fisheries Forum Plan that describes how the iwi in the Forum exercise kaitiakitanga over the fisheries of importance to them, and their objectives for the management of their interest in fisheries. Iwi Fisheries Forums may also be used as entities to engage iwi with an interest in fisheries.

72. The PAU 2 management area covers the rohe of Ngāti Porou (East Cape), Mai Paritu tae atu ki Turakirae (East Coast from Mahia to Wellington), Ngā Hapū o Te Uru o Tainui (Waikato) and Te Tai Hauāuru (Taranaki to Titahi Bay) Iwi Fisheries Forums.

73. Input and participation on the proposed review of these stocks was sought from these forums and FNZ's understanding of the views of these forums is outlined in Table 5 below.

74. FNZ also received submissions from representatives who manage Iwi commercial assets, and from individual Forum representatives. Feedback from these submissions is discussed throughout later sections of this document.

[45] Fisheries New Zealand (2022). Fisheries Assessment Plenary, May 2022: stock assessments and stock status. Compiled by the Fisheries Science and Information Group, Fisheries New Zealand, Wellington, New Zealand
[46] Neubauer, P (2022). The 2021 stock assessment of pāua (Haliotis iris) for PAU 2. New Zealand Fisheries Assessment Report 2022/35. 108 p

Table 5: Summary of engagement with Iwi Fisheries Forums.

Iwi Fisheries Forum	Input on PAU 2
Ngā Hapū o Te Uru o Tainui *(Waikato)*	A one-pager outlining the proposed options for PAU 2 was presented to the forum in a hui held on 14 March 2023. A submission was received from Oparure Marae – Ngaati Kinohaku, one of the members of the Ngā Hapū o Te Uru o Tainui fisheries forum, although the response did not indicate support for any option. The response noted that reducing the recreational catch will not address concerns of compliance, excess and undersize pāua will still be taken, and that different areas within PAU 2 have unique challenges when it comes to management.
Te Tai Hauāuru *(Taranaki to Titahi Bay)*	The Te Tai Hauāuru Fisheries Forum has not been meeting regularly in 2022/23 so material was sent to forum members (via email) to ask for input. A written submission was received during consultation, noting that the forum supports the reduction of the recreational daily limit from 10 to 5 pāua, to support the sustainability of the pāua fishery.
Mai Paritu tae atu ki Turakirae *(East Coast from Paritu to Turakirae)*	Prior to the sustainability review, the Mai Paritu tae atu ki Turakirae Fisheries Forum proposed a reduction of the recreational daily limit for pāua within the forum's rohe moana. The last forum hui was held on 10 March 2023 and a one-pager outlining the proposed options for PAU 2 was presented to the forum. A joint submission was received from Ngāti Kahungunu Iwi Incorporated and the Mai Paritu tae atu ki Turakirae Fisheries Forum, which supported the proposal to set a TAC of 192.19 t and reduce the recreational daily limit to 5 pāua per species per fisher (Option 2). While they supported Option 2, their support was subject to the following provisos: • The reduction to the recreational daily limit would be temporary for a period of 5 years (October 2023 – October 2028). • The reduction recreational daily limit is phased in over a 1-year period (October 2023 – October 2024), during which time some discretion is exercised in enforcement given the vast majority of pāua gathered for Māori cultural practices is gathered under the recreational catch limits. This would ensure customary permit issuers have the necessary resources to enable them to process an anticipated increase in customary permits, resulting from the reduction to the recreational daily limit. • Surveys of recreational pāua harvest/fishers in Hawke's Bay and Wairarapa regions, and surveys of subtidal pāua population in the Hawke's Bay region are undertaken over the 5 years. • Mana whenua of the various hapū rohe, or their representatives, where surveys are undertaken are involved in the survey collection, analysis, and data interpretation. This data is then used to inform a review of the recreational daily limit at the end of the 5 years. The Mai Paritu tae atu ki Turakirae Fisheries Forum also submitted a separate response which further requested support for notifying authorities and kaitiaki to undertake localised research, monitoring of fisheries and in general assist in the kaitiakitanga of their rohe moana. Also requested recreational licensing for improved reporting and stock management.
Ngā Hapū o Ngāti Porou *(East Cape)*	The forum has not been meeting regularly in 2022/23 so material was sent to forum members (via email) to ask for input. No feedback relating to PAU 2 was received.

5.2 Kaitiakitanga

75. Under section 12(1)(b), you must have particular regard to kaitiakitanga before setting or varying any sustainability measure. Under the Act, kaitiakitanga means the exercise of guardianship, and in relation to any fisheries resources, includes the ethic of stewardship based on the nature of the resources, as exercised by the appropriate tangata whenua in accordance with tikanga Māori.

76. Information provided by forums, and iwi views on the management of fisheries resources and fish stocks, as set out in Iwi Fisheries Plans, are one of the ways that tangata whenua exercise kaitiakitanga in respect of fish stocks.

77. The Mai Paritu tae atu ki Turakirae Fisheries Forum proposed a reduction of the recreational daily limit for pāua within the forum's rohe moana, leading to this review. Their proposal resulted from observations of localised depletion in pāua populations and high recreational fishing pressure. Their view as kaitiaki is that the exercise of kaitiakitanga requires them to sustainably manage the fishery for existing and future generations. As such, they have suggested a reduction of the daily limit from ten pāua to either five or three pāua per species per fisher to allow the fishery to return to healthy levels.

Iwi Fisheries Forum Plans

78. Ngā Hapū o Te Uru o Tainui and Te Tai Hauāuru each have an Iwi Fisheries Plan. FNZ considers the proposed management options are in keeping with the objectives of the plans, which generally relate to active engagement with iwi and the maintenance of healthy and sustainable fisheries, consistent with expression of kaitiakitanga.

79. Mai Paritu tae atu ki Turakirae do not have an Iwi Fisheries Plan, however they are also exercising kaitiakitanga by observing changes in the health of the fishery, identifying causes of decline, and proposing action to improve the stock and environment, as expressed in their proposal to reduce the recreational limit for pāua.

Iwi Fisheries Plan

80. Rangitaane (North Island) have an iwi fisheries plan for their rohe (which is within FMA 2) that also contains relevant management objectives which generally relate to active engagement with iwi and the maintenance of healthy and sustainable fisheries.

5.3 Mātaitai reserves and other customary management tools

81. Under s 21(4) of the Fisheries Act you must take into account any gazetted mātaitai reserves and fishing method restrictions or prohibitions in PAU 2 when allowing for Māori customary non-commercial interests while setting or varying any TACC.

82. There are several customary fisheries management areas within PAU 2. These include six mātaitai reserves, two taiāpure and two temporary closures (Table 6).

83. Mātaitai reserves are intended to provide areas to be managed by Māori for the purpose of customary fishing. Within three of the mātaitai in PAU 2, kaitiaki have created bylaws that prohibit any person from collecting pāua for the purpose of rebuilding the fishery.. For the TAC allocation, this means that the allowances may be low compared to what iwi need to take for customary purposes.

84. It is not anticipated that the options proposed would negatively impact the availability of pāua in these areas in PAU 2. While the positive impacts are unknown, all proposed options aim to maintain or improve the sustainability of pāua stocks by maintaining or constraining the recreational harvest of pāua.

85. FNZ notes that following recent section 186A temporary closures to the take of blackfoot pāua for two years at Waimārama, Hawke's Bay (closed on 23 December 2022) and Western Taranaki (closed on 16 December 2022), there is concern of displaced recreational fishing

effort for pāua at beaches adjacent to the closures, which could be further causing localised depletion in these adjacent or surrounding areas. In addition, FNZ has received an application from Te Korowai o Ngāruahine Trust for a temporary closure at South Taranaki which includes requesting a ban on pāua take. The area requested to be closed overlaps with the same area that was requested to be closed by Taranaki Iwi. As both iwi have shared interested in this area, further discussions need to be had with both iwi before consultation can begin on this application.

Table 6: Customary fisheries management areas within PAU 2.

Customary area	Management type
Porangahau Taiāpure Palliser Bay Taiāpure	**Taiāpure** All types of fishing are permitted within a Taiāpure. The management committee can recommend regulations to manage commercial, recreational, and customary fishing.
Hakihea Mātaitai Horokaka Mātaitai[47] Toka Tāmure Mātaitai[48] Te Hoe Mātaitai[49] Moremore Mātaitai Te Kopa o Rongokānapa Mātaitai	**Mātaitai Reserve** Commercial fishing is not permitted within mātaitai reserves unless bylaws state otherwise.
Waimārama Temporary Closure[50] Western Taranaki Temporary Closure[51]	**Temporary Closures** Section 186A temporary closures are used to restrict or prohibit fishing of any species of fish, aquatic life or seaweed or the use of any fishing method.

6 Environmental and sustainability considerations under the Act

6.1 Introduction and overview

86. You are being asked to make a decision under section 13 of the Act, to set the TAC for pāua in PAU 2. This is a sustainability measure. Before setting or varying a sustainability measure, you must adhere to section 11 of the Act. When making your decision you must also comply with the requirements in sections 8-10 (Purpose and Principles of the Act).

87. The requirements and details of each of these sections are set out below, in the following order:

    a) Section 8 (Purpose);

    b) Section 9 (Environmental principles);

    c) Section 11 (Sustainability measures);

    d) Section 13 (Setting a Total Allowable Catch); and

    e) Section 10 (Information principles).

6.2 Purpose of the Act (section 8 of the Act)

88. The Act's purpose is to "provide for the utilisation of fisheries resources while ensuring sustainability." Guidance for you on the meaning of section 8 is discussed earlier in section 2.2.

[47] A bylaw prohibits the take of pāua from within the mātaitai area.
[48] Above n 47
[49] Above n 47
[50] Applies to blackfoot pāua.
[51] Applies to all shellfish (except rock lobster), conger eels, all seaweed (except beach cast) and all anemones.

89. The High Court has said, the purpose of the Act "is broadly to create an 'environmental bottom-line' of sustainability and the key lever in ensuring sustainability is the administration of the QMS, through the setting of TAC, with sustainability as the "guiding criterion"'.[52]

90. The practical effect of section 8 is that, when deciding something under a particular section of the Act (such as section 13 or 20) your powers must be exercised to promote the policy and objectives of the Act. That is, in deciding whether a proposal fits within the scope of the Act, you must keep section 8 in mind and act in a way that promotes the Act's objectives. But, subject to this constraint, "the nature and scope of [your] powers and the restrictions on them are as is provided for in the operating provisions of the Act."[53]

6.3 Environmental principles (section 9 of the Act)

91. The environmental principles, which must be taken into account when considering sustainability measures for PAU 2 are as follows:

    a) Associated or dependent species should be maintained above a level that ensures their long-term viability.

    b) Biological diversity of the aquatic environment should be maintained; and

    c) Habitat of particular significance for fisheries management should be protected.

6.3.1 Associated or dependent species – *section 9(a)*

92. There are no reported marine mammal or seabirds taken or otherwise affected when taking pāua from PAU 2, due to the selectivity of hand gathering for pāua by all sectors. Incidental bycatch is minimal and limited to epibiota organisms (attached to or within the shell of pāua) such as coralline algae and several boring or spiral shelled polychaete worms.[54] Predatory starfish attached to pāua are sometimes removed incidentally by the taking of pāua, but the levels of these removals are not considered to have significant effect on starfish populations. [55]

93. FNZ notes there is no observer coverage for PAU 2, due to the targeted method of diving used to commercially harvest pāua. The proposed option to maintain current harvest levels is not expected to significantly change interactions with marine mammals and seabirds or the level of incidental bycatch in the fishery, due to the harvest method of diving and hand gathering being selective and posing little risk.[56]

94. The selective method used in this fishery means that the options proposing to reduce recreational harvest and reduce fishing effort could even be expected to decrease interactions with marine mammals, seabirds and reduce the level of incidental bycatch in the fishery.

6.3.2 Biological diversity of the aquatic environment – *section 9(b)*

95. As pāua are a benthic species and the fishery is highly selective, FNZ considers that changes to the catch limits will have the strongest effect on biological diversity in benthic environments and these are discussed below.

96. Benthic interactions from pāua fishing includes habitat contact by divers during pāua removal, primarily in the area of pāua foot attachment and the surrounding benthic area, and from anchor contact from vessels used when diving. Vessels anchoring during or after fishing have the potential to cause damage to the reef depending on the type of diving operation (in many cases, vessels do not anchor during fishing). Damage from anchoring is likely to be greater in

[52] *The Environmental Law Initiative v Minister for Oceans and Fisheries* [2022] NZHC 2969, at [11].

[53] *New Zealand Recreational Fishing Council Inc v Sanford Limited and Ors* [2009] NZSC 54 [*Kahawai* (NZSC)] at [59].

[54] Fisheries New Zealand (2022). Aquatic Environment and Biodiversity Annual Review 2021. Compiled by the Aquatic Environment Team, Fisheries Science and Information, Fisheries New Zealand, Wellington New Zealand. 779 p.

[55] Above n 45.

[56] Above n 45.

areas with fragile species such as corals than it is on shallow temperate rocky reefs where pāua are commonly found. [57]

97. As discussed in section 1, the effects of Cyclone Hale and Cyclone Gabrielle have impacted the marine environment across parts of the North Island, particularly in East Cape and Hawke's Bay. Sedimentation has the potential to impact local pāua populations and contribute to depletion in these areas.

98. The options propose to either maintain or reduce current recreational fishing effort. A reduction in recreational fishing effort may result in a decrease in the time that fishers spend in contact with the benthic environment, although there is a potential for fishers to spend more time searching for larger pāua in an effort to gather larger fish to make up for a reduced daily limit. However, because of the low bycatch and benthic impacts associated with this fishery, FNZ does not anticipate that the proposed TAC options would have a large impact on the aquatic environment. FNZ expects that the proposed TAC options will at least maintain biological diversity and any potential increases in biological diversity cannot be currently determined. In areas affected by Cyclone Gabrielle, options that reduce recreational harvest are expected to reduce depletion and therefore alleviate negative impacts on biodiversity caused by sedimentation.

6.3.3 Habitats of particular significance for fisheries management – *section 9(c)*

99. FNZ recently consulted on guidance for defining, identifying, and managing habitat of particular significance for fisheries management and for how FNZ takes into account that these habitats should be protected when preparing fisheries management advice.

100. Pāua inhabit reefs within intertidal and shallow subtidal coastal habitats, distributed along the majority of the PAU 2 coastline. However, some areas of the coastline are sandy and not suitable pāua habitat, particularly the coastline between Wellington and Taranaki. Specific habitats of particular significance for PAU 2 have not been identified at this time, however certain features of intertidal and shallow subtidal habitats are important in supporting various life stages of pāua and are discussed in Table 7.

101. Irrespective of whether a habitat of particular significance for pāua has yet been identified, FNZ considers that maintaining current or reducing catch limits would avoid adverse effects from fishing on pāua and any associated habitats in PAU 2, which would help in ensuring their protection.

102. In addition, FNZ considers adverse effects from fishing on habitats used by pāua in PAU 2 are low because:

- habitat that supports juvenile development is unlikely to be impacted by fishing in PAU 2 due to the fishing method being hand gathering; and
- the greatest threats to pāua recruitment are likely to be from climate change, particularly changes in water temperature and water circulation, and sedimentation from increased occurrence of extreme weather events.[58]

[57] Above n 45.
[58] Cummings et al. (2021) Assessment of Potential Effects of Climate-related Changes in Coastal and Offshore Waters on New Zealand's Seafood Sector. Ministry of Primary Industries.

Table 7: Summary of information on potential habitats of particular significance for PAU 2.

Fish stock	PAU 2
Habitat	No specific habitat of particular significance for fisheries management has been identified for PAU 2 **Information available:** **Juvenile:** Newly settled juveniles favour cryptic crustose coralline algal habitat. **Adults:** Pāua move into deeper waters with the onset of maturity, favouring rocky crevices and boulders. **Spawning:** Spawning areas are widespread throughout much of PAU 2 along intertidal and shallow subtidal rocky reefs.
Attributes of habitat	• Pāua are found in shallow rocky reefs in coastal waters generally less than 10m depth. • Intertidal and subtidal rocky reefs typically consist of rocks and boulders, interspersed with cobble substrate and rock pools. Alongside these substrates, reefs typically include a wide range of seaweeds. • Crustose coralline algae attach to hard surfaces on intertidal and subtidal rocky reefs. This habitat is favoured by newly settled juveniles, is a cue for settlement, and also provides a food source for adults and juveniles. • Rocky crevices and boulders provide a cryptic habitat in the form of shade and cover for pāua. Cryptic habitats are important for pāua, particularly for juveniles.
Reasons for particular significance	• Growth and recruitment success can be influenced by food availability, with rocky reef communities offering a food source in the form of coralline algae and seaweeds. • Rocky reefs also provide shelter and shade, a source of refuge for pāua. • Rocky crevices and boulders provide substrate for adults to aggregate and supports localised recruitment. As pāua are broadcast spawners, fertilization success depends on proximity and density of mature adults.
Risks/Threats	• Land based impacts, particularly sediment deposition on habitats with benthic structure, are a threat to intertidal and subtidal rocky reefs. Sedimentation smothers coralline algae and seaweeds that provide adult and juvenile habitat. • Ocean warming due to climate change contributes to higher sea surface temperatures and may pose a threat to the productivity of pāua. Water temperature is an important determinate of growth in pāua, with growth generally slower in areas with higher mean monthly sea surface temperatures.[59] • Ocean acidification may influence the survival of crustose coralline algae, with New Zealand crustose coralline algae species found to exhibit a reduction in growth rates under lower pH.[60] Reduced availability of crustose coralline algae could threaten habitat used for settlement and a source of food for juveniles.
Existing protection measures	• Pāua fishing has negligible effects on pāua habitat due to the selective method used for harvest. There are no existing protection measures in place for intertidal and subtidal rocky reefs, specifically for spawning, juvenile and adult pāua life stages.

[59] (Naylor et al. 2006).
[60] (Cornwall et al. 2014).

6.4 Sustainability measures (section 11 of the Act)

103. Section 11 of the Act sets out various matters that you must take into account or have regard to when setting or varying any sustainability measures[61]. This includes:

- any effects of fishing on any stock and the aquatic environment; and
- any existing controls under the Act that apply to the stock or area concerned; and
- the natural variability of the stock concerned; and
- any relevant planning instruments, strategies, or services.[62]

6.4.1 Effects of fishing on any stock and the aquatic environment

104. You must take into account any effects of fishing on any stock and the aquatic environment when setting or varying the TAC.

105. "Effect" is defined widely in the Act[63]. You must take into account the broader effects of fishing for pāua on the ecosystem.

106. All options propose to either maintain or reduce the current estimate of fishing effort in PAU 2. Setting the TAC at a level based on current estimates of removals from the fishery would likely maintain current effects of fishing on the stock and aquatic environment, due to no expected change in fishing effort.

107. Setting the TAC at a level lower than current estimates of harvest would likely decrease the fishing intensity for pāua, which may indirectly benefit the surrounding benthic environment as a result of less contact with the benthic area by divers and vessel anchors.

108. As the current TACC is retained under all options, incidental mortality caused by removal from the substrate, cuts or being returned to unsuitable habitat in the commercial fishing sector should remained unchanged.

109. A reduced recreational daily limit could benefit the sustainability of PAU 2 by reducing recreational harvest by approximately 42% with a five pāua limit and 63% with a three pāua daily limit. This could positively affect spawning and productivity within the pāua stock, particularly in recreational accessible areas, as reduced recreational harvest could alleviate localised depletion and potentially increase population densities.

110. However, it should be noted that options proposing to lower the recreational daily limit have the potential of increasing handling mortality from a likely higher proportion of smaller pāua removed from the substrate to be measured but then returned to sea as fishers attempt to harvest larger pāua to make up for the lower daily limit.

111. All information relevant to your decision with regard to the effect of fishing for pāua on any other stock and the aquatic environment is discussed above in section 6.3. – 'Environmental principles', and below in section 6.5 – 'Setting a Total Allowable Catch (section 13 of the Act)'.

6.4.2 Existing controls that apply to PAU 2

112. You must take into account any existing controls under the Fisheries Act 1996 (including rules and regulations made under the Act (s 2(1A)) that apply to the stock when setting or varying the TAC.

[61] Such as setting the TAC, TACC and allowances.
[62] Sections 11 (2) and (2A).
[63] Section 2(1) of the Act defines "effect" to mean the direct or indirect effect of fishing, and includes any positive, adverse, temporary, permanent, past, present, or future effect. It also includes any cumulative effect, regardless of the scale, intensity, duration, or frequency of the effect, and includes potential effects.

113. A range of existing management controls apply to PAU 2, including:

a) Area closures: area restrictions set under the Act can apply to both recreational and commercial fishers. There are commercial fishing controls that prohibit the take of pāua in several areas of PAU 2 (see section 3.1 and Table 3). There are no general area closures currently in place for recreational harvest of pāua in PAU 2. There are however several customary management tools including mātaitai reserves, taiāpure, and section 186A area closures that fall within PAU 2 (see section 5.3).

b) Daily limits: recreational fishing of pāua is managed through daily limits. In PAU 2 no person may take or possess more than ten blackfoot pāua and ten yellowfoot pāua per day.

c) Size restrictions: blackfoot pāua have a minimum legal size of 125 mm across PAU 2. An exception to this is the Amateur Taranaki Pāua Fishery area (between Awakino and Whanganui Rivers) where blackfoot pāua has a recreational minimum legal size of 85 mm. Yellowfoot pāua has a minimum legal size of 80 mm across PAU 2.

d) Accumulation limit: recreational fishing of pāua is managed through an accumulation limit, which refers to the number of pāua that can be accumulated over a period of more than one day. In PAU 2, no person may possess more than twenty pāua, or if the number cannot be determined, no more than the amount of pāua that comprises a shucked weight of 2.5 kg.

e) Prohibited states: nationally, it is illegal to possess seaward of the mean high-water mark any recreationally taken shellfish with a minimum size restriction in such a state that it cannot be measured. This means pāua cannot be possessed seaward of the mean high-water mark in a shucked state. Commercially caught pāua must also remained unshelled until they are delivered either to the first point of sale after being taken or to a processing factory.

f) Prohibited method: pāua are targeted by hand-gathering across the fishery and the use of underwater breathing apparatus (UBA) is prohibited when gathering pāua in PAU 2.

6.4.3 Natural variability of PAU 2 and pāua stocks

114. You must take into account the natural variability of the stock when setting or varying its TAC.

115. A variety of environmental factors influence settlement, growth, and recruitment of pāua, including wave exposure, food availability, water temperature and population density.[64]

116. Growth rates and maximum size of pāua vary over a latitudinal range within PAU 2, largely due to variation in water and sea surface temperature.[65] Pāua generally grow faster in areas with lower mean monthly sea surface temperatures[66], with pāua in Taranaki and some parts of Hawke's Bay stunted due to the slower growth.[67] Decreased fishing effort could allow for greater densities and aggregations of pāua in areas with naturally higher growth rates, which would help alleviate localised depletion.

6.4.4 Relevant statements, plans, strategies, provisions, and documents

117. In setting or varying the TAC of this stock, you must have regard to the following statements, plans, strategies, provisions and planning documents that apply to the coastal marine area and that you consider to be relevant.

[64] Fisheries New Zealand (2022). Fisheries Assessment Plenary, May 2022: stock assessments and stock status. Compiled by the Fisheries Science and Information Group, Fisheries New Zealand, Wellington, New Zealand.
[65] Naylor et al. (2016)
[66] Naylor et al. (2006)
[67] Naylor, J R; Andrew, N L (2000) Determination of growth, size composition, and fecundity of paua at Taranaki and Banks Peninsula. New Zealand Fisheries Assessment Report 2000/51.

Regional Plans – section 11(2)(a)

118. There are six regional councils/unitary authorities that have coastline within PAU 2 boundaries. These are Waikato, Taranaki, Manawatū-Whanganui, Greater Wellington, Hawke's Bay, and Gisborne. These regions have multiple plans to manage the coastal and freshwater environments, including terrestrial and coastal linkages, ecosystems, and habitats.

119. The provisions of these various documents are, for the most part, of a general nature and focus mostly on land-based stressors on the marine environment. Some regional plans have objectives to ensure adverse effects on ecological systems such as shellfish areas are avoided.

120. FNZ has reviewed the regional plans and the provisions that might be considered relevant are set out in Addendum 1 (Table A1). FNZ considers that the proposed options in this paper are consistent with the objectives of the relevant regional plans.

121. FNZ engages with the Resource Management Act (RMA) coastal planning processes (including regional authorities) to support marine management decisions to manage not only the fishing effects on the coastal environment but also land-based impacts on fisheries.

Harvest Strategy Standard

122. Section 13 of the Act provides for the setting of a TAC for PAU 2, and guidance is provided by the Harvest Strategy Standard (HSS).

123. The High Court has held that the HSS is a mandatory relevant consideration that you must have regard to when setting a TAC under section 13 of the Act.

124. The HSS is a policy statement of best practice in relation to the setting of fishery and stock targets and limits for fish stocks in New Zealand's QMS.[68] It is intended to provide guidance on how fisheries law will be applied in practice, by establishing a consistent and transparent framework for decision-making to achieve the objective of providing for utilisation of New Zealand's QMS species while ensuring sustainability.

125. The HSS outlines the Ministry's approach to relevant sections of the Act and forms a core input to the Ministry's advice to the Minister on the management of fisheries. The HSS defines a hard limit as a biomass limit below which fisheries should be considered for closure, and a soft limit as a biomass limit below which the requirement for a formal time-constrained rebuilding plan is triggered.

Section 11(2A)

126. Before setting or varying any sustainability measure under section 11(2A) or making any decision or recommendation under this Act to regulate or control fishing, you must take into account—

    (a) any conservation services or fisheries services; and
    (b) any relevant fisheries plan approved under this Part; and
    (c) any decisions not to require conservation services or fisheries services.

127. There are no applicable conservation services or fisheries services, or relevant fisheries plans approved under section 11A of the Act, that relate to PAU 2. In addition, section 11(2A)(c) is not relevant to PAU 2.

6.4.5 Additional non-mandatory relevant strategies

128. The following strategy and plan are not mandatory considerations under section 11 of the Act, but you may consider them relevant (not impermissible).

[68] FNZ (2008) - Harvest Strategy Standard.

Te Mana o te Taiao – (Aotearoa New Zealand Biodiversity Strategy)

129. The Te Mana o te Taiao – the Aotearoa New Zealand Biodiversity Strategy[69] sets a strategic direction for the protection, restoration and sustainable use of biodiversity, particularly indigenous biodiversity, in Aotearoa New Zealand. The Strategy sets a number of objectives across three timeframes. Relevant objectives to setting sustainability measures for PAU 2 are:

    Objective 10: Ecosystems and species are protected, restored, resilient and connected from mountain tops to ocean depths.

    Objective 12: Natural resources are managed sustainably.

130. FNZ is working with the Department of Conservation and other agencies on implementation plans for the strategy. As part of those plans, we will identify areas of focus for FNZ in delivering Government biodiversity objectives including progression to a more integrated ecosystem-based approach to managing fisheries. In that context, this advice contains information on biodiversity and habitat impacts associated with adjustments to catch limits, consistent with your legislative obligations and the intent of Te Mana o te Taiao.

Draft PAU 2 (Wairarapa) Fisheries Plan

131. The Paua 2 Industry Association Inc. (**PauaMAC2**) is an organisation that represents the interests of the commercial fishing sector within PAU 2. PauaMAC2 has drafted a proposed PAU 2 (Wairarapa) Fisheries Plan and provided your office with the plan in December 2022, for consideration of your formal approval under section 11A of the Act. FNZ have engaged with tangata whenua on the proposed plan and submitted a brief to your office providing you with advice on whether to undertake consultation on the plan. You have approved consultation and earlier this week FNZ initiated consultation on this plan.

132. The proposed plan provides a framework for industry management of the PAU 2 fishery, by setting out voluntary measures at a finer spatial and temporal scale than is feasible under QMS settings. Measures proposed in the plan such as catch spreading arrangements, alternative minimum harvest size limits, closed areas, and real-time catch and effort reporting are to be implemented through industry initiatives within government management settings and are often already occurring to improve the fishery.

133. The proposed plan is not a mandatory consideration under section 11 of the Act as it has not been approved, but you may consider it relevant. FNZ considers that the proposed options presented in this review of catch limits and recreational management are consistent with the objectives in the draft PAU 2 (Wairarapa) Fisheries Plan. Relevant objectives include:

    - Support and enhance the sustainability of PAU 2 by building and maintaining a buffer of abundance above the default target level of 40% B_0.

    - Promote the following measures for effective management of the PAU 2 fishery to government fisheries managers:

        i. Given the observed increase in recreational fishing pressure in PAU 2 – accurate and timely information is required on recreational harvest; more effective constraint of recreational harvesting is necessary to reflect shared responsibilities and to protect the pāua fishery for future generations.

        ii. If a TAC is set for PAU 2, incentives and equity among sectors should be maintained by retaining the current proportionality between the TACC and a reasonable level of recreational catch.

[69] New Zealand Government (2020). Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020.

6.5 Setting a Total Allowable Catch (section 13 of the Act)

134. No TAC or allowances were set when PAU 2 was introduced into the QMS in 1986 under historical legislation which only provided for setting a TACC. The fishery has not been formally reviewed since then, as there has not been any apparent sustainability risk or utilisation opportunity. Now there is a sustainability concern with the current settings, under the Fisheries Act 1996 we are asking you to set a TAC and allowances for the first time.

135. You are being asked to make decisions under s 13(2A) of the Act that are consistent with maintaining a stock at or above, or moving the stock towards or above, a level that can produce the maximum sustainable yield, in light of relevant environmental considerations and the interdependence of stocks.

136. Section 13(2A) applies if the current level of the stock or the level of the stock that can produce MSY is not able to be estimated reliably using the best available information, and you must;

    a) not use the absence of, or any uncertainty in, that information as a reason for postponing or failing to set a total allowable catch for the stock; and

    b) have regard to the interdependence of stocks, the biological characteristics of the stock, and any environmental conditions affecting the stock; and

    c) set a total allowable catch:

        i. using the best available information; and

        ii. that is not inconsistent with the objective of maintaining the stock at or above, or moving the stock towards or above, a level that can produce the maximum sustainable yield.

Interdependence of stocks

137. When setting the TAC for PAU 2 under section 13, you must have regard to the interdependence of stocks, which involves the consideration of the effects of fishing on associated stocks affected by fishing for the target stock (also discussed above in section 6.4).

138. Examples include non-target fish species (bycatch) or benthic species that are incidentally taken or impacted by fishing gear. The role of the target stock in the food chain should also be considered. In particular, interdependence involves direct trophic relationships between stocks (i.e., one stock is likely to be directly affected through a predator-prey relationship by the abundance of another stock).

139. Potential bycatch from pāua fishing is minimal due to the selective method of hand gathering and is limited to epibiota organisms (attached to or within the shell of pāua) such as coralline algae and several boring or spiral shelled polychaete worms.[70] Predatory starfish attached to pāua are sometimes removed incidentally by the taking of pāua, but the levels of these removals are not considered to have significant effect on starfish populations. [71]

140. It is expected that any potential impacts of pāua fishing on associated stocks are therefore minimal, and any decrease to the fishing intensity for pāua would benefit the surrounding benthic environment and other benthic species as a result of less contact with the benthic area by divers and vessel anchors, and less pāua removal and subsequent bycatch species.

[70] Fisheries New Zealand (2022). Aquatic Environment and Biodiversity Annual Review 2021. Compiled by the Aquatic Environment Team, Fisheries Science and Information, Fisheries New Zealand, Wellington New Zealand. 779 p.
[71] Above n 64.

6.6 Information principles: uncertainties and unknowns (section 10 of Act)

141. Under section 10 of the Act, decision-makers are required to take into account four information principles:

    (a) decisions should be based on the best available information:[72]

    (b) decision makers should consider any uncertainty in the information available in any case:

    (c) decision makers should be cautious when information is uncertain, unreliable, or inadequate:

    (d) the absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of this Act.

142. FNZ considers that the information presented in this paper represents the best available scientific and stock assessment information.

143. Uncertainties in the information regarding the status of the stock are noted above in section 3.4, which highlights the limited and incomplete recreational and customary catch data for the stock, and the reliance on commercial catch data for the stock assessment, resulting in an unknown estimate of MSY for the area outside of where commercial fishing occurs.

7 Submissions

144. FNZ undertook public consultation on the PAU 2 proposals on your behalf between 15 December 2022 and 24 March 2023.

145. FNZ received 64 submissions on the PAU 2 proposals. Summaries of the submissions received and submitters support for each option are outlined in Addendum 2 (Table A2). Additional analysis of submitters views is discussed throughout section 8 and 9, and suggestions for alternative options or management controls are discussed throughout section 10 of this paper.

8 Options and analysis

146. Commercial fishing controls limit commercial fishing to the south east portion of the stock only. The last stock assessment conducted in 2021 indicates that in the area where commercial fishing occurs, the biomass is at or above the target biomass. The MSY of PAU 2 is not able to be estimated reliably using the best available information (the 2021 stock assessment), because the recent stock assessment was informed primarily by commercial catch information and therefore unavailable for the wider PAU 2 area.

147. As MSY cannot be estimated for the wider area of PAU 2, the decision to set the TAC must be made under section 13(2A) of the Act. To satisfy s 13(2A) you must ensure that your TAC decision for PAU 2 is consistent with the objective of maintaining the stock at or above, or moving the stock towards or above, a level that can produce MSY.

148. FNZ also notes the information principles set out in s 10 of the Act: (a) your decision should be based on the best available information; (b) you should consider uncertainty in the information available and (c) you should be cautious when information is uncertain, unreliable, or inadequate.

149. Option 1 proposes that the TAC be set based on current estimates of harvest and allows for the most utilisation, while Options 2 and 3 acknowledge concerns of localised depletion and have greater impact on utilisation opportunities. Under options 2 and 3, it is proposed that the recreational allowance is set lower than the current estimate and the recreational daily limit is

[72] Section 2(1) of the Act defines "best available information" to mean "the best information that, in the particular circumstances, is available without unreasonable costs, effort, or time".

reduced to constrain harvest to this allowance and alleviate localised depletion in recreationally accessible areas.

150. For each of the three options, noting the incompleteness and uncertainty in the PAU 2 customary harvest information, a customary allowance of 12 tonnes is proposed based on the average harvest from customary reports from 2008-2018. Recognising that there is mortality from fisher handling, often with injury during removal of sub-legal pāua, and illegal harvest of pāua, all options propose an allowance for other sources of mortality caused by fishing is set to 11 tonnes.

151. Under all options no change would be made to the current TACC of 121.188 tonnes, recognising that the 2021 stock assessment indicates that the current biomass is likely to be at or above the target biomass within the commercially fished area. Submissions including Pāua 2 Industry Association (**PauaMAC2**), New Zealand Rock Lobster Industry Council (**NZ RLIC**) and Te Ohu Kaimoana support this approach.

8.1 Option 1

TAC: 227.188 t	**TACC:** 121.188 t	**Customary**: 12 t	**Recreational**: 83 t	**Other mortality**: 11 t

152. Option 1 proposes to set a TAC for PAU 2 of 227.188 tonnes, providing for existing levels of utilisation. Under this option, the recreational allowance is proposed to be set at 83 tonnes, based on the consistent harvest estimates in the 2011/12 and 2017/18 NPS (81.85 tonnes and 83.22 tonnes respectively). This option also proposes that the recreational daily limit for pāua remains at ten per species per fisher.

153. This option is not expected to significantly change interactions with marine mammals and seabirds or the level of incidental bycatch in the fishery as the method for harvest is selective (diving and hand gathering) by all sectors.[73] Biological diversity of the aquatic environment associated with pāua fishing should be maintained with the proposed option, as habitat contact by divers during harvesting is minimal.[74] Setting the TAC at a level based on current estimates of removals from the fishery would likely maintain current effects of fishing on the stock and aquatic environment, due to no expected change in fishing effort.

154. Economic impacts are not expected under this option for all sectors, as the option provides for the continued levels of utilisation in all sectors, particularly in the commercial fishery as the TACC is to remain unchanged. There are social and cultural concerns to consider under this option, as tangata whenua and recreational fishers across the stock have reported localised depletion and high levels of recreational harvest in recent years.

155. The Mai Paritu tae atu ki Turakirae Fisheries Forum has proposed a reduction of the recreational daily limit for pāua within the forum's rohe moana to address concerns of localised depletion. These views are an expression of kaitiakitanga and should be given particular regard. The hapū and iwi in the Mai Paritu tae atu ki Turakirae Fisheries Form are seeking to manage the fishery to support both current and future needs and to maintain their relationship with the fishery. They consider a greater constraint on fishing effort is needed and do not support the current bag limit.

156. This option was supported by two individual submitters. A submission was also received by the New Zealand Sport Fishing Council, joint with LegaSea, New Zealand Angling & Casting Association and New Zealand Underwater Association (NZSFC), recommending that Option 1 be applied until further conditions have been met. These include waiting until new recreational harvest estimates are available, splitting PAU 2 into a minimum of three smaller management areas, completing stocks assessments for these areas, and supporting mana whenua, local clubs, and communities to collaborate and address depletion in each area.

[73] Fisheries New Zealand (2022). Aquatic Environment and Biodiversity Annual Review 2021. Compiled by the Aquatic Environment Team, Fisheries Science and Information, Fisheries New Zealand, Wellington New Zealand. 779 p.
[74] Above n 63.

157. NZSFC, and J. Williams argue that FNZ advise there is no sustainability issue in PAU 2. However, FNZ consider this is a misinterpretation of the status of the stock provided in the consultation paper. While it is true that the biomass is likely to be at or above the target biomass within the commercially fished are, the biomass is unknown for the area outside of where commercial fishing occurs. FNZ are reviewing the stock due to concerns of localised depletion and uncertainty in whether current harvest levels are sustainable. Given the current level of the stock or the level of the stock that can produce the maximum sustainable yield is not able to be estimated reliably, when making your decision, you must not use the absence of, or any uncertainty in, that information as a reason for postponing or failing to set a total allowable catch for the stock (s 13(2A)).

158. A general theme from submissions referred to increased recreational gathering and overfishing in recent years and that fishing pressure, particularly recreational harvest, needs to be reduced within PAU 2. PauaMAC2 notes that the current estimate of recreational harvest from the NPS 2017/18 is outdated and setting the recreational allowance at this level fails to address the concern of localised depletion and threatens the sustainability of the stock.

8.2 Option 2 – *Fisheries New Zealand preferred option*

TAC: 192.188 t	**TACC:** 121.188 t	**Customary**: 12 t	**Recreational**: 48 t	**Other mortality**: 11 t

159. Option 2 proposes to set a TAC for PAU 2 of 192.188 tonnes, a level more conservative than the current best estimates of harvest. Under this option, the recreational allowance is proposed to be set at 48 tonnes. To align the allowance with the estimated reduction in recreational take, a daily limit reduction from ten to five pāua per species per fisher is recommended, which aims to ensure recreational catch remains within the allowance proposed.

160. Reducing recreational harvest under this option will likely have socio-economic impacts for recreational fishers who harvest within PAU 2 as subsistence fishers, and who cannot harvest as many pāua per day.[75] However, this is our preferred option as it will still provide for those fishers in the short term and provide an economic benefit in the long term for people if abundance increases in future. Additionally, recreational fishers will still have the ability to accumulate up to 20 pāua if gathered over more than one day and they do not exceed daily limits. Further, tangata whenua who are operating under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 will still be able to collect pāua for subsistence purposes using customary allowance.

161. Under this option, recreational harvest limits would be decreased, and it is expected that this would result in less time or incidence of fishers gathering pāua. This could have the effect of reducing any adverse impacts on the benthic environment from both divers and vessel anchors, although handling mortality could have the potential to increase should fishers remove and measure more pāua in an effort to gather larger fish to make up for a reduced daily limit.

162. Although this option provides less utilisation than Option 1, it considers the uncertainty around the level of biomass in the wider PAU 2 area, and that the current estimate of recreational harvest from the NPS 2017/18 could be outdated and underestimating actual harvest. Further, this option considers that a large amount of recreational harvest reported in the NPS 2017/18 occurred outside of the area of PAU 2 which was formally assessed with a scientific stock assessment. It does allow for greater sustainability of the stock by addressing concerns of increased recreational harvesting, which in time should increase abundance and alleviate localised depletion, particularly in recreationally accessible areas.

163. This option was supported by 25 submitters, including the Te Tai Hauāuru Fisheries Forum, Ngāti Kahungunu Iwi Incorporated and the Mai Paritu tae atu ki Turakirae Customary Fisheries Forum (Joint submission), Te Ohu Kaimoana and Ngāi Tūmapūhia-ā-Rangi ki Mōtūwairaka ki Wairarapa. PauaMAC2 and the NZ RLIC support a modified version of Option 2, discussed in section 6.4.

[75] Subsistence fishers are those who fish primarily to feed family and relatives, relying on the resource as a primary food source.

164. A general theme from those who support this option is that a precautionary approach should be applied to setting the TAC, given the uncertainty in a sustainable harvest level and concerns of localised depletion. Many feel that a conservative reduction in fishing pressure, particularly recreational harvest, is needed to assist with overfishing and localised depletion while still providing for harvest opportunities. Additionally, some submitters view this option as necessary until further fine-scale information on recreational harvest is available to assess local pāua populations and inform localised management (further discussed in section 10 below).

8.3 Option 3

TAC: 175.188 t	**TACC:** 121.188 t	**Customary**: 12 t	**Recreational**: 31 t	**Other mortality**: 11 t

165. Option 3 proposes to set a TAC for PAU 2 of 175.188 tonnes. This option proposes that the TAC is set at the most conservative level and restricts the recreational allowance to 31 tonnes. To align the allowance with the estimated reduction in recreational take, a daily limit reduction from ten to three pāua per species per fisher is recommended, which aims to ensure recreational catch remains within the allowance proposed.

166. As with Option 2, potential reductions in recreational take of pāua is expected to have socio-economic impacts for recreational fishers who harvest within PAU 2, particularly subsistence fishers. The socio-economic impacts are expected to be greater than in Option 2, as this option further restricts recreational harvest. However, the proposed reduction will still provide for recreational fishers, and there will be a socio-economic benefit long term for people who rely on pāua if the stock is sustainable (as discussed in section 8.2).

167. Recreational harvest would be decreased with this option, and it is expected that this would reduce adverse impacts on the benthic environment from both divers and vessel anchors but could increase handling mortality (as discussed in section 8.2), even more so than expected with Option 2 as gatherers remove and measure more pāua in an effort to gather larger fish to make up for a reduced daily limit.

168. This option proposes to set a TAC that acknowledges concerns of localised depletion and that recreational fishing is likely occurring at a higher level than the current estimate. However, Option 3 aims to restrict harvest more than Option 2 and would provide more certainty that the stock is at or above, or is moving towards or above, a level that can produce MSY, but allow for less recreational utilisation.

169. Nineteen submissions supported Option 3, including Te Pataka o Tangaroa, Maruehi Fisheries Limited, Te Atiawa Iwi Holdings Management Ltd and Te Atiawa Taranaki Holdings, Taranaki Iwi Fisheries Limited and Ngaruahine Fisheries Limited and s9(2)(b)(ii) .

170. A general theme from those who support this option is that a precautionary approach should be applied to setting the TAC, given the greater pressure on the stock over time due to population growth and increased interest and access to the recreational fishery. There was a general view that the TAC should be set conservatively at a level suitable for future harvest pressure.

8.4 Other options proposed by submitters

8.4.1 Option 2 with a lower recreational daily limit of 3 per fisher per day

171. During consultation, a modified option was proposed by PauaMAC2 and NZ RLIC. They propose that a TAC is set for PAU 2, with the recreational allowance set at 48 t (Option 2) and the TACC retained at 121.19 tonnes but propose the recreational daily limit is set at 3 pāua per species per fisher (Option 3). They suggest that setting a lower allowance than the NPS 2017/18 estimate is more likely to ensure sustainability of the stock than Option 1. However, they are not confident that a daily limit of 5 pāua would constrain recreational catch within the recreational allowance of 48 t, as the estimates of catch reductions that could be achieved is based on an outdated harvest estimate that is likely to have increased since then.

172. The modified option proposed by PauaMAC2 and NZ RLIC notes that the daily limit cannot constrain the catch with a high level of accuracy unless the limit is set at a very low level. There is uncertainty in the estimates provided by the NPS, and it is likely that recreational harvest has increased since the last estimate, however it is the best available information to base potential catch reductions on. Although a daily limit of 3 pāua will provide more certainty around sustainability of the stock, without further certainty of the current recreational harvest levels it is unknown whether the low level is necessary for sustainability of the stock and whether it is too restrictive in providing for recreational utilisation.

8.4.2 Reduction to the TACC

173. Several submitters did not support a proposed option and noted that the opportunity for people to recreationally gather a natural resource to feed their families should be prioritised over commercial interests. The NZSFC, LegaSea, NZACA & NZUA note it is not reasonable to leave the TACC intact and recommended that options should propose a reduction to the TACC, alongside reducing recreational catch if a reduction in overall fishing pressure is justified to support the sustainability of PAU 2.

174. The proposals do not include a reduction to the TACC as the commercially fished area only covers a portion of the QMA and most of the areas that appear to be experiencing localised depletion are outside of this area. There have also been consistent commercial landings around the TACC most years for the past 20 years, and the commercially fished area is subject to voluntary catch spreading by commercial fishers, that aims to reduce localised depletion.

8.4.3 Seasonal or localised limits

175. Submissions from Te Hapu o Ngai Te Oatua and from Ngāti Pāhauwera Development Trust included alternative proposals. Te Hapu o Ngai Te Oatua propose a reduction to recreational harvest, from ten to five pāua, within the local hapū/iwi/rohe moana for gatherers who are non hapū/iwi members of the local area. Ngāti Pāhauwera Development Trust propose that a seasonal recreational harvest of 20 pāua per summer season (summer months) be implemented, instead of daily limit per fisher during this time.

8.5 Other matters raised

176. FNZ received commentary from an individual submitter S. Stanley, reviewing the joint submission made by NZSFC, as the joint submission was made publicly available on the New Zealand Sport Fishing Council website. S. Stanley commented on the following conditions in the NSZFC recommendations; that the status quo is maintained until new NPS estimates of recreational harvest are available, the QMA is subdivided and assessed, and community-based solutions are implemented. S. Stanley noted that these conditions would not be more effective than reducing the recreational daily limit and would not reduce any recreational harvest or address localised depletion. Additionally, S. Stanley noted that new recreational harvests would only strengthen the case for reducing harvest if it is shown to have increased since 2017/18. Further, S. Stanley noted that QMA subdivision would not address localised depletion directly and it is a lengthier process than reducing the recreational daily limit.

177. NZSFC propose that due to successful appeals to the Quota Appeal Authority, a total of 705 t of commercial harvest has been taken by commercial fishers in PAU 2 between 1986-87 and 2020-21, in excess of the initial 100 t quota. They note that it is possible that a review wouldn't have been necessary if the TACC was maintained at 100 t, as it was initially, and that the proposals seek to protect the quota holders at the expense of public access. NZSFC also note that the TACC has been exceeded in 5 of the last 10 fishing years, with the maximum amount overcaught in the 2020/21 fishing year exceeding the TACC by 5.07 tonnes.

178. FNZ consider that commercial harvest has been stable over the last 30 years, since the TACC increased to 121.19 t, and given the 2021 stock assessment has assessed the commercial fishery at or above the target biomass, it is likely that this level of commercial harvest is appropriate. The commentary by S. Stanley also highlights that the initial 100 t was not an assessed sustainable harvest limit and the reason for the current review is due to localised

depletion occurring in the fishery, an issue unrelated to the historical TACC. ACE owners can also choose to not fish and instead carry forward up to 10% of their ACE owned at the end of the fishing year, which can result in the TACC being exceeded the following year.

179. FNZ consider it is reasonable to retain the current TACC while reducing recreational harvest, and the recreational daily limit, as we have no estimate of biomass outside of the commercial area but have received anecdotal reports of localised depletion and it is evident that recreational fishing activity is likely placing pressure on the wider fishery. As outlined in section 6.4.5, the commercial industry takes voluntary steps to ensure the commercial fishery is sustainable, such as catch spreading arrangements, alternative minimum harvest size limits, closed areas, and real-time catch and effort reporting.

9 Recreational controls to support the TAC proposals

180. In addition to setting the TAC and allowances, it is proposed that the recreational daily limit is reduced to constrain recreational catch within the proposed allowances. FNZ considers a reduction to the daily limit is the most effective measure to manage recreational harvest to ensure that catch remains within the allowances set. The proposed reduction would apply to both blackfoot and yellowfoot pāua, as both species make up the fishery within PAU 2.

181. The options outlined would apply to all recreational fishers in PAU 2, which includes a person fishing under the Fisheries (Amateur Fishing) Regulations 2013.

- Option 1 includes a proposal to retain the recreational daily limit for pāua at ten per species per fisher per day, to align with setting the TAC so that it provides for current estimates of utilisation within the fishery.
- Option 2 proposes that the recreational limit be decreased from ten to five pāua per species per fisher per day.
- Option 3 proposes that the recreational limit is decreased from ten to three pāua per species per fisher per day.

9.1 Analysis of recreational daily limit options

9.1.1 Option 1 – Retain the current daily limit of ten pāua

182. Under Option 1, there will be no change to the daily limit or the existing recreational utilisation opportunities. However, as there have been anecdotal reports of localised depletion and decreasing abundance of pāua by recreational fishers, this option would not address this concern. This option would also not provide for the request by the Mai Paritu tae atu ki Turakirae Fisheries Forum to reduce the recreational daily limit within the forums rohe moana.

9.1.2 Option 2 and 3 – Reduce the daily limit of pāua

183. Under Option 2 and 3, the proposed daily limit reductions will impact on recreational use but will support increasing the abundance and reduce localised depletion of pāua in PAU 2.

184. Based on the current estimate of recreational harvest from the NPS 2017/18 of 83 tonnes, the options propose that the recreational daily limit is reduced to five or three pāua per species per fisher and are intended to manage the recreational catch to an allowance of 48 and 31 tonnes respectively.

185. FNZ has estimated that a recreational allowance of 48 tonnes, reinforced with a recreational daily limit of five pāua per species per fisher, could decrease the recreational harvest estimate by approximately 42%, and a recreational allowance of 31 tonnes, reinforced with a recreational daily limit of three pāua per species per fisher, would decrease the recreational harvest estimate by approximately 63%, based on the current estimate of recreational harvest from the NPS 2017/18.

186. The 2017/18 NPS estimated that 55.4 % of fishers fully caught the daily limit of ten pāua. It is likely that many fishers will continue to fully gather the daily limit of either five or three pāua should the limit be reduced. There is also a risk that the frequency of fishers fully catching their limit and gathering the accumulation limit over multiple days may increase with a reduction to the daily limit, to make up for the fact that they are not able to gather as many pāua on one day.

187. FNZ acknowledge that more frequent collection of a daily limit will minimise the overall reduction in harvest that is intended by lowering the daily limit. The risk of this however is low within PAU 2 as the frequency of fishing trips is not just determined by the incentive to gather pāua but is also influenced by other factors such as weather, costs, and accessibility to fishing grounds. The recreational accumulation limit (the number of pāua that can be accumulated over a period of more than one day, currently set at 20 pāua per fisher) also limits the frequency of fishing trips once the accumulation limit has been reached.

188. There has been support for lowering the daily limit evident in submissions, with some recreational fishers noting that they do not currently gather the daily limit and believe five or three pāua is plenty to provide for a meal.

189. A daily limit of three pāua would be expected to result in more handling mortality than a limit of five pāua, as fishers may remove, measure, and return more pāua to sea in an attempt to harvest the largest pāua to make up for the lower daily limit.

9.2 Feedback from submitters

190. There were a range of views from the submitters. Feedback suggests there is widespread support for a reduction to the recreational daily limit, with further discussion in the following sections and support for options outlined in Addendum 2 (Table A2).

9.2.1 Daily limit – ten pāua (5 submissions)

191. Five submissions were received supporting a recreational daily limit of ten pāua.

192. NZSFC, LegaSea, NZACA & NZUA support a recreational daily limit of ten pāua. They note that their submitters object to a reduction to the recreational daily limit in areas not experiencing depletion and that it will have a disproportionate effect on recreational fishers. The submission notes that PAU 2 is not a sport fishery and people gather pāua to put kaimoana on the table.

193. While this will have a disproportionate effect, FNZ view a reduction is required due to the increasing recreational pressure that the fishery faces. Should the recreational daily limit be reduced for PAU 2, further work could be considered in future to assess whether area specific daily limits are required.

194. Two individuals did not support an option but noted that they would like the recreational daily limit to remain at ten pāua per species per fisher.

9.2.2 Daily limit - five pāua (28 submissions)

195. Twenty-eight submissions were received supporting a recreational daily limit of five pāua per species per fisher.

196. Te Ohu Kaimoana support setting the recreational allowance at 48 tonnes with a daily limit of five pāua.

197. A joint submission from Ngāti Kahungunu Iwi Incorporated and Mai Paritu tae atu ki Turakirae Fisheries Forum provides support for a reduction in the recreational daily limit to five pāua. However, they note that they support this reduction as a temporary measure, for a period of 5 years (October 2023 – October 2028), so that it can be reassessed after this time. They also request that it is phased in over a 1-year period (October 2023 – October 2024) to allow discretion in enforcement, given pāua gathered for Māori cultural practices is gathered under

recreational limits, and to ensure customary permit issuers have the resources to process an expected increase in permits.

198. FNZ view that alternatively to this suggestion, the impact of reducing the recreational daily limit should be monitored in the years following implementation and if it appears that the recreational limit should be readjusted, a further review could be considered.

199. Ngāi Tūmapūhia-ā-Rangi ki Mōtūwairaka ki Wairarapa supports Option 2 for setting the TAC, which includes a reduction to the daily limit of pāua to five per species per fisher.

200. Te Tai Hauāuru Fisheries Forum support a reduction to the recreational daily limit to five pāua, to ensure the sustainability of the pāua fishery.

201. Te Hapu o Ngai Te Oatua propose a reduction to the recreational daily limit to five pāua, however propose that it applies to gatherers who are non hapū/iwi members of the local hapū/iwi/rohe moana in which the gathering takes place.

202. Three individuals did not support Option 2 for setting the TAC but would support the reduction to the recreational daily limit to five pāua per fisher.

9.2.3 Daily limit – three pāua (21 submissions)

203. Twenty-one submissions were received supporting a recreational daily limit of three pāua per species.

204. A modified option was proposed by PauaMAC2 and NZ RLIC to set the recreational allowance at 48 t (Option 2) and reduce the recreational daily limit to 3 pāua per fisher (Option 3). They are not confident that a daily limit of 5 pāua would constrain recreational catch within the recreational allowance of 48 t, as the estimates of catch reductions that could be achieved is based on an outdated harvest estimate that is likely to have increased since then.

205. s9(2)(b)(ii) supports a recreational daily limit of three, noting that the pāua stock in Wellington has been depleted to the point that it is hard to harvest pāua in some popular locations.

206. Te Pataka o Tangaroa, Maruehi Fisheries Limited, Te Atiawa Iwi Holdings Management Ltd and Te Atiawa Taranaki Holdings, Taranaki Iwi Fisheries Limited and Ngaruahine Fisheries Limited support a recreational daily limit of three, noting that increasing levels of recreational harvest and areas of localised depletion is increasingly a concern.

9.2.4 Daily limit – other/unclear (9 submissions)

207. Ngāti Pāhauwera Development Trust propose a recreational limit of 20 pāua per fisher per summer season (summer months) be implemented, instead of a daily limit per fisher during this time.

208. An individual R. Thompson proposes shore divers are allowed a daily limit of six pāua, and divers who use a vessel are only allowed a daily limit of four pāua.

209. Seven submissions were received that were unclear whether they support any reduction to the recreational daily limit.

9.2.5 Other feedback raised

210. In an effort to gather feedback on the proposed changes from the Wellington area, FNZ met with approximately forty freedivers in the Wellington community as part of a presentation evening at local dive shop s9(2)(b)(ii) . Following this, several submissions were made by attendees and general feedback during the evening's discussion indicated that divers have also observed reduced abundance and localised depletion of pāua in popular recreational dive spots throughout the Wellington region.

211. PauaMAC2 and NZ RLIC submit that temporary closures do not directly address the issue of increasing recreational fishing effort, that initially led to concerns of iwi and hapū around the local abundance of pāua. In addition, noting that temporary closures can cause displacement effects that threaten the abundance of neighbouring pāua populations, hindering the ability of neighbouring hapū to exercise customary fishing rights due to increased pressure on their fishing grounds. PauaMAC2 and NZ RLIC support the implementation of management measures that address the key concern of recreational fishing pressure, to get ahead of localised depletion and prevent a cascade of local area closures and displacement of effort. FNZ consider that a reduction to the recreational daily limit will limit localised depletion across the QMA, but particularly in areas receiving increased pressure due to effort displaced from surrounding closed areas.

212. s9(2)(b)(ii) and T. Hageraats submit that there are many factors contributing to increased recreational pressure on the fishery, including population increase, the increased build-up of coastal areas and the increased ownership and access to boats for recreational diving. They note that recreational pāua gathering has become more accessible due to cheaper dive gear, Facebook groups advertising diving conditions and catches daily, live webcams showing conditions and better road access to once remote coastline. FNZ acknowledge these factors have likely contributed to increased recreational harvest in recent years and provide reason for taking a precautionary approach in your decision to set the TAC and allowances and reduce the recreational daily limit.

213. FNZ notes that tangata whenua in the Taranaki region and associated Te Tai Hauāuru Fisheries Forum have previously brought to our attention their concern over the smaller minimum legal size limit of blackfoot pāua (85mm) in the Taranaki region, discussed in section 3.1. Tangata whenua opposed the reduction in minimum legal size as it opened the fishery to recreational harvest. The fishery had previously been limited to customary harvest because pāua in this region did not grow to the original minimum legal size of 125mm. This reduced tangata whenua's ability to practice kaitiakitanga in this region. Iwi were also concerned that slow growth rates, low productivity and easily accessible shallow habitat make this fishery more susceptible to overfishing from recreational harvest than pāua populations elsewhere in PAU 2. Tangata whenua consider that when fishing was controlled by customary permits, harvest could be controlled to protect habitat and to allow for catch spreading to prevent overfishing. While this review does not assess changes to minimum legal size limits, FNZ is open to working with tangata whenua in the future to address their concerns.

10 Additional management measures

214. The previous Minister recently issued a Fisheries (Recreational Management Controls) Notice[76] (the Notice) that contains the specifications of recreational fishing management controls for daily limits, weights, and minimum legal sizes within areas pre-defined in the Fisheries (Amateur Fishing) Regulations 2013. A reduction to the recreational daily limit for PAU 2 can be implemented via the Notice, as soon as practicable, and does not need to wait until the start of the next fishing year for pāua (1 October 2023).

215. FNZ considers that an important first step is to set an appropriate TAC and allowances for PAU 2 and reduce the recreational daily limit, to address concerns of localised depletion in the fishery. The options proposed in this review focused on action that can be taken almost immediately while future management controls are considered. FNZ's preference for Option 2 is also in light of the fact that the Notice can be amended again in future, should ongoing monitoring of the stock suggest it is necessary.

216. A summary of additional measures raised during consultation are outlined below, note that these are not proposed as options in this review and would require further consultation and analysis before they could be considered. Some of the measures suggested could not be implemented via the Fisheries (Recreational Management Controls) Notice at this time. They

[76] https://www.mpi.govt.nz/dmsdocument/53743-FisheriesRecreational-Management-Controls-Notice-2022-with-corresponding-New-Zealand-Gazette-Notice

would need to be implemented by Order in Council and would be subject to cabinet and regulation drafting procedures.

10.1 Collection of fine scale recreational catch information

217. Collection of fine scale recreational catch information could provide further insight into the stock. Suggestions to achieve this include the use of self-reporting of recreational catch and targeted recreational catch surveys across the QMA.

218. PauaMAC2, NZ RLIC, and Te Ohu Kaimoana recommend prioritisation of collecting fine scale recreational catch information to fine tune future management measures and make adequate provision for recreational utilisation of pāua.

219. Ngāti Kahungunu Iwi Incorporated and Mai Paritu tae atu ki Turakirae Fisheries Forum highlighted the importance of surveying recreational fishers to estimate pāua recreational harvest in localised areas, following the setting of the TAC.

220. Ngāi Tūmapūhia-ā-Rangi ki Mōtūwairaka ki Wairarapa, Ngāti Pāhauwera Development Trust, and Te Hapu O Ngai Te Oatua stressed that better localised stock research would allow for a better assessment of whether a reduction in recreational harvest is necessary.

221. s9(2)(b)(ii) highlights the need for accurate survey work across PAU 2, it notes it is absurd that there is no quantitative information outside of the commercially fished area, given PAU 2 is geographically and ecologically diverse, and population varies along the coastline.

222. Te Paataka o Tangaroa Ltd, Maruehi Fisheries Limited, Te Atiawa Iwi Holdings Management Ltd, Te Atiawa Taranaki Holdings, Taranaki Iwi Fisheries Limited, and Ngāruahine Fisheries Limited are concerned about increasing levels of recreational take resulting in areas of localised depletion and encourage fine scale reporting of recreational harvest to support improved management.

10.2 Recreational licensing

223. Ngāi Tūmapūhia-ā-Rangi ki Mōtūwairaka ki Wairarapa, Ngāti Pāhauwera Development Trust, Te Hapu O Ngai Te Oatua, and the Mai Paritu tae atu ki Turakirae Fisheries Forum support the introduction of recreational licensing, to allow for improved recording of recreational catch and stock management. They note this would better align with the obligations of commercial and customary fishers, who require the use of permits and to report catch.

10.3 Localised kaitiaki management

224. Ngāti Kahungunu Iwi Incorporated and Mai Paritu tae atu ki Turakirae Fisheries Forum request the use of field surveys to estimate recreational harvest and the subtidal pāua population in Hawke's Bay/Wairarapa (using the method described by McCowan and Neubauer[77]), and the inclusion of local mana whenua in the collection, analysis, and interpretation of surveys.

225. Ngāti Pāhauwera Development Trust and Te Hapu O Ngai Te Oatua support the recommendation of Te Mai Paritu tae atu ki Turakirae Fisheries Forum for increased support for localised kaitiaki management. They request to be an active part in managing the pāua fishery at the local level, such as localised research and monitoring. They note that the exercise of kaitiakitanga requires the sustainable management of the fishery for existing and future generations, and localised management will assist with this.

226. Te Ohu Kaimoana strongly encourage FNZ to support iwi in addressing local concerns, and work with iwi to find solutions that consider impacts on pāua at a fine scale, given the magnitude of PAU 2.

[77] McCowan, T.A.; Neubauer, P. (2021). Pāua abundance trends and population monitoring in areas affected by the November 2016 Kaikōura earthquake. New Zealand Fisheries Assessment Report 2021/26

227. NZSFC encourage FNZ to support an Ahu Moana approach (management by mana whenua and local communities) to the management of PAU 2, which involves fine scale and localised management.

10.4 Accumulation limit

228. The recreational accumulation limit (discussed in section 6.4.2) is currently twenty pāua per fisher if taken over more than one day (regulation 16 of the Fisheries (Amateur Fishing) Regulations 2013). If the recreational daily limit is lowered to five or three pāua, the accumulation limit would allow for an accumulation of four to six daily limits.

229. PauaMAC2 and NZ RLIC recommend that FNZ set the accumulation limit at two times the daily limit. They note that in every other pāua fishery, the accumulation limit is set at this level and is a tool to address illegal take, mitigating the ability to store and transport large quantities of pāua by fishers who deliberately exceed the daily limit, or gather for sale or barter.

230. FNZ considers that accumulation limits are an effective compliance tool. FNZ will continue to monitor and assess the effectiveness of the accumulation limit in PAU 2 and may consider proposing a review of accumulation limit requirements as necessary, given any reduction to the recreational daily limit.

10.5 Vehicle or group limits

231. Several individual submissions suggested limits for recreational take of pāua per group or per vehicle. Determining the extent of a group could be difficult and large groups of people could be incentivised to split up to gain a benefit of gathering several group limits. However, this could address concerns of localised depletion of easily accessible, shallow pāua beds by large groups travelling in vans or buses.

232. A vehicle and vessel limit has been considered as part of recent consultation on the Kaikoura pāua fishery but has not been implemented at this time. This measure could also have merit in the PAU 2 fishery, given the QMA covers densely populated areas and pāua are easily accessed from the highway in some areas.

10.6 Sub area management

233. PauaMAC2 consider that it may be appropriate to set a different recreational daily limit in sub-areas of the QMA, noting that information on sub areas is not currently available to base this scale of management.

234. Te Ohu Kaimoana support a lower recreational daily limit until fine scale information is available to assess which pāua populations within PAU 2 can be sustainably harvested.

235. s9(2)(b)(ii) recommend subdividing PAU 2 into four different zones, allowing appropriate catch limits within each zone dependent on the fishery characteristics of the area.

236. NZSFC recommend that the PAU 2 QMA is split into a minimum of three smaller areas, with stock assessments completed for each of these areas.

237. FNZ considers that sub area management would allow for finer scale recreational management tools to be applied, however further information of populations would be required first to assess where pāua depletion is occurring and where sub areas should be defined. However, this would need to be assessed against other competing scientific research priorities.

10.7 Minimum legal size limit

238. s9(2)(b)(ii) recommend a higher recreational minimum legal size (MLS) limit could be beneficial in areas that could sustain it. They note that in more productive fast growing pāua populations, a higher MLS allows for more spawning and this could be beneficial if the daily limit is lowered, as the higher MLS would yield more meat.

239. An adjustment to the MLS could be implemented via the Notice for pre-defined areas (such as the entirety of PAU 2), however adjusting the MLS in sub areas to take into account different growth rates would require a regulatory change and would be a longer process.

11 Deemed values

240. FNZ is satisfied that the current deemed value rates for PAU 2 are consistent with section 75(2)(a) of the Act in that they provide sufficient incentive for fishers to balance their catch with ACE. FNZ therefore did not consult on deemed value adjustments for PAU 2 and is not recommending any deemed value changes for your decision making as part of this advice.

241. During consultation no submissions were received relating to the deemed values for this stock.

12 Conclusions and recommendations

242. FNZ consulted on proposed options for setting an initial TAC and allowances (customary, recreational, and other sources of mortality caused by fishing), alongside a reduction to the recreational daily limit for pāua within PAU 2.

243. Prior to this review, tangata whenua, and recreational fishers in the Hawke's Bay, Wairarapa, and Taranaki expressed concerns of localised depletion and high levels of recreational harvest within PAU 2. The Mai Paritu tae atu ki Turakirae Fisheries Forum requested a review of recreational management options for pāua along their rohe moana, which is within PAU 2. Feedback from submissions also indicate that localised depletion is occurring in the Wellington region. Following Cyclone Hale and Cyclone Gabrielle during summer months of 2023, the effects of sedimentation within PAU 2, particularly in East Cape and Hawke's Bay, has likely impacted local pāua populations and may further exacerbate localised depletion in these areas.

244. Submissions have generally noted that increased recreational gathering and depletion of pāua is widespread throughout PAU 2, and that recreational harvest pressure needs to be reduced to alleviate this issue. There were additional management tools suggested during consultation and FNZ may consider exploring these for future management of the fishery, as delaying management action to further investigate alternate measures could pose a risk to stock sustainability.

245. FNZ prefers Option 2, which sets the TAC at 192.19 tonnes and reduces the recreational daily limit to five pāua per species per fisher, as this option proposes a cautious management approach in light of the uncertainty surrounding a sustainable level of recreational harvest. This option aims to reduce recreational effort and address the concern of localised depletion across the stock efficiently, while still allowing for harvest opportunities.

246. For your decisions on PAU 2 to take effect this year, any TAC and TACC changes must be published in the New Zealand Gazette before 1 October 2023. Any changes to the TAC will take effect at the beginning of the 1 October 2023 fishing year.

247. Amendments to the recreational daily bag limit can be implemented prior to the beginning of the fishing year through issuing a new Fisheries (Recreational Management Controls) Notice. If you chose to change the recreational daily bag limit, FNZ will provide you with an amended Fisheries (Recreational Management Controls) Notice and Gazette Notice for your signature. FNZ would look to implement any changes to the recreational daily limit shortly after a decision is made.

13 Decision for PAU 2

Option 1

Agree to set the PAU 2 TAC at 227.188 tonnes and within the TAC:

i. Set the allowance for Māori customary non-commercial fishing interests at 12 tonnes;
ii. Set the allowance for recreational fishing interests at 83 tonnes;
iii. Set the allowance for all other sources of mortality to the stock caused by fishing at 11 tonnes;
iv. Retain the PAU 2 TACC at 121.188 tonnes.

Agreed / Agreed as Amended / Not Agreed

AND:

Agree to retain the current recreational daily limit of ten pāua per species per fisher for PAU 2.

Agreed / Agreed as Amended / Not Agreed

OR

Option 2 ***(Fisheries New Zealand preferred option)***

Agree to set the PAU 2 TAC at 192.188 tonnes and within the TAC:

i. Set the allowance for Māori customary non-commercial fishing interests at 12 tonnes;
ii. Set the allowance for recreational fishing interests at 48 tonnes;
iii. Set the allowance for all other sources of mortality to the stock caused by fishing at 11 tonnes;
iv. Retain the PAU 2 TACC at 121.188 tonnes.

Agreed / Agreed as Amended / Not Agreed

AND:

Agree to reduce the recreational daily limit to five pāua per species per fisher for PAU 2.

Agreed / Agreed as Amended / Not Agreed

OR

Option 3

Agree to set the PAU 2 TAC at 175.188 tonnes and within the TAC:

i. Set the allowance for Māori customary non-commercial fishing interests at 12 tonnes;
ii. Set the allowance for recreational fishing interests at 31 tonnes;
iii. Set the allowance for all other sources of mortality to the stock caused by fishing at 11 tonnes;
iv. Retain the PAU 2 TACC at 121.188 tonnes.

Agreed / Agreed as Amended / Not Agreed

AND:

Agree to reduce the recreational daily limit to three pāua per species per fisher for PAU 2

Agreed / Agreed as Amended / Not Agreed

Hon Rachel Brooking
Minister for Oceans and Fisheries

8 / 7 / 2023

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15 Addendum 1 – Table of relevant regional plan provisions and policy statements

Table A1 is linked to section 6.4.4 under 'Regional Plans'. FNZ has reviewed these provisions and policy statements and plans relevant for PAU 2 and the proposals under review. The provisions are not stock specific, and for the most part, are of a general nature and focus mostly on land-based stressors on the marine environment.

Table A1: Regional plan provisions and policy statements relevant to PAU 2.

Regional Council	Document	Relevant sections
Waikato	The Waikato Regional Policy Statement	**3.7 Coastal environment** The coastal environment is managed in an integrated way that: a) preserves natural character and protects natural features and landscape values of the coastal environment; b) avoids conflicts between uses and values; c) recognises the interconnections between marine-based and land-based activities; and d) recognises the dynamic, complex and interdependent nature of natural biological and physical processes in the coastal environment. **15.4.4 Coastal marine area** (c) Marine habitats and ecosystems are protected from significant adverse effects.
	Regional Coastal Plan for Waikato	**Section 3.4 – Protection of Coastal Processes** 3.4.3 Policy – Biodiversity Ensure the protection of biodiversity, the inter-relatedness of coastal ecology, and the natural movement of biota within the coastal marine area. **Section 13.1 – Integrated Management Across Boundaries** 13.1.2 Policy – Coastal Environmental Inter-Relationships When managing the use, development and protection of the coastal environment, provide for: (a) The interconnected nature of the coastal environment; and (b) The inter-relationships between natural and physical resources; and (c) The potential for adverse effects to occur; and (d) The range of social, cultural and economic values within the Region. **Section 17.2 – Natural Character, Habitat and Coastal Processes** 17.2.3 – Consultation with the Ministry of Fisheries Environment Waikato, in conjunction with the Ministry of Fisheries, will advocate management practices to resource users harvesting marine life that: i Do not adversely affect significant or extensive areas of indigenous vegetation and habitat of indigenous fauna; ii Avoid sensitive inshore areas; and iii Ensure marine ecosystems and fish stock are managed sustainably.
Gisborne	Gisborne District Council – The Tairāwhiti Resource Management Plan	**Section C3.6 – Tangata Whenua** Under Policy 7, the Plan notes that: The RMA does not address Fisheries issues which are dealt with under the Fisheries Act or the Marine Reserves Act. Council may, however, advocate for the protection of special areas in the Coastal Marine Area that support traditional fishing or food gathering areas to the responsible agencies on behalf of or in conjunction with Iwi or hapu authorities, This policy is designed to recognise this advocacy role and supports Objective C3.6.2(3), which is to "maintain the integrity of the relationship of Māori with their culture, traditions, ancestral lands, and other resources."

Regional Council	Document	Relevant sections
Taranaki	Taranaki Regional Policy Statement	**Section 1.2 Purpose** The Regional Policy Statement for Taranaki ('the Regional Policy Statement' or 'Statement') is a statement of policy for the Taranaki region (as constituted under the Local Government (Taranaki Region) Reorganisation Order 1989). Its purpose is to promote the sustainable management of natural and physical resources in the Taranaki region by: • providing an overview of the resource management issues of the Taranaki region • identifying policies and methods to achieve integrated management of the natural and physical resources of the whole region. **Section 8. Coastal Environment** **Objective 1:** To protect the natural character of the coastal environment in the Taranaki region from inappropriate subdivision, use, development and occupation by avoiding, remedying or mitigating the adverse effects of subdivision, use and development in the coastal of subdivision, use and development in the coastal environment. **Objective 2:** To provide for appropriate, subdivision, use, development and occupation of the coastal environment in the Taranaki Region. **Section 9: Indigenous Biodiversity** **Objective 1:** To maintain and enhance the indigenous biodiversity of the Taranaki region, with a priority on ecosystems, habitats and areas that have significant indigenous biodiversity values.
	Interim version of the Proposed Coastal Plan for Taranaki	**Section 1.2 Purpose** The purpose of the Plan is to assist the Taranaki Regional Council to carry out its functions under the Resource Management Act 1991 (RMA) to promote the sustainable management of the coastal environment, including the coastal marine area, in the Taranaki region. **Section 4. Objectives** **Objective 2: Use and development** Natural and physical resources of the coastal environment are used efficiently, and activities that have a functional need or an operational need, that depend on the use and development of these resources, are provided for in appropriate locations. **Objective 4: Life-supporting capacity and mouri** The life-supporting capacity and mouri of coastal water, land and air are safeguarded from the adverse effects, including cumulative effects, of use and development of the coastal environment. **Objective 6: Natural character** The natural character of the coastal environment is preserved and protected from inappropriate subdivision, use and development and is restored where appropriate. **Objective 7: Natural features and landscapes** The natural features and landscapes of the coastal environment are protected from inappropriate subdivision, use and development. **Objective 8: Indigenous biodiversity** Indigenous biodiversity in the coastal environment is maintained and enhanced and significant indigenous biodiversity in the coastal environment is protected.
Hawke's Bay	Hawke's Bay Regional Council Coastal Environmental Plan	Section 4 – Indigenous species and habitats The Hawke's Bay Regional Council Coastal Environmental Plan includes a policy to "ensure adverse effects on ecological systems (including natural movement of biota, natural biodiversity, productivity and biotic patterns) are avoided, including adverse effects on: (a) fishing grounds; (b) shell fish areas; (c) fish spawning and nursery areas; (d) bird breeding and nursery areas; (e) fish and bird migration;

Regional Council	Document	Relevant sections
		(f) feeding patterns; (g) habitats' importance to the continued survival of any indigenous species; (h) wildlife and indigenous marine biota; (i) dune systems; and (j) the intrinsic values of ecosystems."
Manawatu-Wanganui	**Regional Policy Statement**	**Policy 8-4: Appropriate use and development** Any use or development in the CMA must: (a) avoid, as far as reasonably practicable, any adverse effects on the following important values: iii. the landscape and seascape elements that contribute to the natural character of the CMA iv. areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the maintenance of indigenous biological diversity v. the intrinsic values of ecosystems
	Horizons Regional Council One Plan (The Horizons One Plan includes the Regional Coastal Plan for the Manawatu-Wanganui region)	**Section 18** of the plan details activities in the coastal marine area. Specifically, it covers; • Occupation; • Structures; • Reclamations and Drainage; • Disturbances, Removal and Deposition; • Water Takes, Uses, Damming and Diversions; • Discharges; • Noise and Discharges into Air; • Exotic and Introduced Plants; and • Other Rules
Greater Wellington Region	**Regional Policy Statement for the Wellington region**	**3.2 Coastal environment** Objective 3 Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development
	Regional Coastal Plan for the Wellington Region	**Section 4 – General Objectives and Policies** The Regional Coastal Plan for the Wellington Region contains the following Environmental Objectives: 1) The intrinsic values of the coastal marine area and its components are preserved and protected from inappropriate use and development; 2) People and communities are able to undertake appropriate uses and developments in the coastal marine area which satisfy the environmental protection policies in the plan, including activities which: a. rely on natural and physical resources of the coastal marine area; or b. require a coastal marine area location; or c. provide essential public services; or d. avoid adverse effects on the environment; or e. have minor adverse effects on the environment, either singly or in combination with other users; or f. remedy or mitigate adverse effects on the environment and provide a net benefit to the environment; 3) The adverse effects that new activities may have on existing legitimate activities in the coastal marine area are avoided, remedied or mitigated as far as is practicable; 4) Land, water and air in the coastal marine area retains its life supporting capacity; 5) The natural character of the coastal marine area is preserved and protected from inappropriate use and development; 6) Important ecosystems and other natural and physical resources in and adjacent to the coastal marine area are protected from inappropriate use and development;

Regional Council	Document	Relevant sections
		7) Public health is not endangered through the effects of previous, present or future activities in the coastal marine area; 8) Public access along and within the coastal marine area is maintained and enhanced; 9) Amenity values in the coastal marine area are maintained and enhanced. **Section 16 – Principal reasons for Objectives, Policies and Methods** Section 16 of the Plan states that: The objectives and policies acknowledge the need to protect important characteristics and values of the coastal marine area. They also recognise that the coastal marine area is an important location for many activities, some of which are dependent on this particular location. These activities are important for the economic well-being of the Wellington Region, and to enable people to fulfil their social desires to use the coastal marine area. **Appendix 2 – Areas of Significant Conservation Value** • Castlepoint is identified in the Plan as an Area of Significant Conservation Value in the Plan, due to: Scientific, wildlife, geological, scenic, natural and conservation values; • Naturally vegetated and fragile coastal vegetation containing rare plant species (including Brachyglottis compacta); • A habitat for sea mammals and breeding ground for bird species. An internationally significant crayfish (Jasus edwardsi) larvae (puerulus) population; and • Outstanding scenic values and an important physical and geological landscape.

16 Addendum 2 – Submissions table

Table A2 below summarises the submissions received and shows submitters support for each option.

Table A2: Written submissions and responses received for PAU 2 (in alphabetical order).

Submitter	Option Support				
	PAU 2				Comments
	1	2	3	Other	
A. Forward		✓			Would also like to see a 2 month closure over winter.
A. Gay		✓			
B. Gay		✓			
B. Gay		✓			
B. Collett			✓		
B. Whyman		✓			
D. Bruce		✓			
D. Paton		✓			
E. Farmer			✓		
F. Ngatai				✓	Did not indicate a preference for any option. Notes that compliance is understaffed within the fishery.
G. Griffith-Jones				✓	Alternative proposal to keep the daily limit of 10 pāua and reduce the TACC.
H. Berge		✓			
H. Harwood		✓			
H. McLaren			✓		
J. Blyth				✓	Did not support an Option as they do not propose a reduction in take to commercial and customary fishers but would support a reduction to 5 pāua.
J. Greer		✓			
J. Jimenez			✓		
J. Lyver				✓	Did not indicate a preference for an option and submit that recreational catch should remain at 10 pāua with a seasonal closure brought in instead.
J. Lamarche			✓		
J. Shanly			✓		
J. Webb		✓			
J. Williams	✓				Supports Option 1 but does not see the need for a reduction in recreational daily limit, considering there is no scientific information to indicate a sustainability concern. If a reduction in recreational catch is justified, then TACC should also be reduced.
K. Toft				✓	Would prefer an option where the TACC is also reduced.
L. McKay		✓			
L. Williamson			✓		Agrees that a reduction in recreational catch is necessary, reduction in TACC should also be applied.

Maruehi Fisheries Limited			✓		Encourage FNZ to implement comprehensive fine scale reporting and analysis of recreational take.
M. Gay		✓			Notes there has been increased recreational pressure and suggests that re-seeding of pāua might be needed.
M. Webley		✓			
Mai Paritu tae atu ki Turakirae Fisheries Forum				✓	Request MPI further invest in supporting notifying authorities and kaitiaki to undertake localised research, support monitoring of fisheries and in general assist in the kaitiakitanga of their rohe moana.
N. Davey			✓		
NZ Rock Lobster Industry Council (**NZ RLIC**)				✓	Modified option 2, recreational allowance of 48 t but a recreational daily limit of 3 per fisher to constrain recreational harvest to this allowance.
New Zealand Sport Fishing Council (**NZSFC**) joint submission with LegaSea, New Zealand Angling & Casting Association (NZACA) and New Zealand Underwater Association (NZUA)	✓				Option 1 until new recreational harvest estimates are available expected next year, PAU 2 is split into a minimum of three smaller management areas, stock assessments are completed for each of the smaller management areas, and FNZ support mana whenua, local clubs, and communities to collaborate and find effective solutions to address depletion and rebuild abundance in each area.
Ngāi Tūmapūhia-ā-Rangi ki Mōtūwairaka ki Wairarapa		✓			A plan needs to be made to regularly evaluate the impact of the reduction of limits on the stock.
Ngaruahine Fisheries Limited			✓		Encourage FNZ to implement comprehensive fine scale reporting and analysis of recreational take.
Ngāti Kahungunu Iwi Incorporated joint submission with Mai Paritu tae atu ki Turakirae Customary Fisheries Forum		✓			Option 2 is supported, with a temporary reduction in recreational daily limit for a period of 5 years (October 2023 – October 2028) and phased in over a 1-year period (October 2023 – October 2024), during which time some discretion is exercised in enforcement. Surveys of recreational catch subtidal pāua in Hawke's Bay and Wairarapa regions over the 5 years, with mana whenua involved in the survey collection and data interpretation.
Ngāti Pāhauwera Development Trust				✓	Request MPI further invest in supporting notifying authorities and kaitiaki to undertake localised research, support monitoring of fisheries and in general assist in the kaitiakitanga of their rohe moana. Propose a seasonal harvest be implemented of 20 pāua per person per summer season.
s9(2)(b)(ii)			✓		Support a reduction to recreational daily limit. Localised management, as PAU 2 has population differences and different bag limits could be applied to account for this. Subareas could also have different minimum harvest lengths (MHS), as some areas are more productive and could benefit from a higher MHS.
Oparure Marae				✓	Did not indicate a preference for an option. Reducing the recreational catch will not address the issue of compliance. Each area within PAU 2 has unique challenges.
PauaMAC2				✓	Modified option 2, recreational allowance of 48 t but a recreational daily limit of 3 per fisher to constrain recreational harvest to this allowance.
P. Halstead			✓		
P. Stewart		✓			
R. Anderson				✓	Catch limit reductions should apply across commercial, customary, and recreational fishers.

R. Kireka				✓	Recreational daily limit should depend on the size of the family/group you are gathering for.
R. Lenihan		✓			Would support a rāhui (no-take other than customary) along the Wellington Coast to allow stock recovery.
R. Te Nahu			✓		
R. Thompson				✓	Does not support an option, instead proposes that recreational shore divers are allowed 6 pāua, and divers from vessels only 4 pāua.
S. Boyd		✓			
S. Gray		✓			
S. McRoberts				✓	
S. Nelson				✓	Supports a reduction to the daily limit but is unclear what option they support.
Taranaki Iwi Fisheries Limited			✓		Encourage FNZ to implement comprehensive fine scale reporting and analysis of recreational take.
Te Atiawa Iwi Holdings Management Ltd and Te Atiawa Taranaki Holdings			✓		Encourage FNZ to implement comprehensive fine scale reporting and analysis of recreational take.
Te Hapu O Ngai Te Oatua				✓	Request MPI further invest in supporting notifying authorities and kaitiaki to undertake localised research, support monitoring of fisheries and in general assist in the kaitiakitanga of their rohe moana. Reduction of recreational daily limit from 10 to 5 pāua for non hapū/iwi members of the local hapū/iwi/rohe moana.
Te Ohu Kaimoana		✓			Option 2 is a conservative approach until fine-scale reporting and analysis of recreational catch to is available to further assess local populations.
Te Pataka o Tangaroa			✓		Encourage FNZ to implement comprehensive fine scale reporting and analysis of recreational take.
Te Tai Hauāuru Fisheries Forum				✓	Supports a recreational daily limit of 5 pāua for the sustainability of PAU 2 (this is consistent with the proposed reduction to the recreational daily limit for Option2) .
Te Kura Kaupapa Maori o Te Parehuia o Rongomaiwahine		✓			
T. Gay		✓			
T. Hageraats			✓		Recreational daily limit of 3 pāua will be best for long term sustainability, we need to act on the cautious side.
T. Hingano	✓				
T. Rutherford			✓		When compared to the other pāua fishery that they gather from (PAU 7) in the Marlborough Sounds, where the recreational daily limit is 5 per fisher, PAU 7 is in far better shape.
V. Wall		✓			Also suggests a recreational vehicle limit of 15 pāua.
W. Barber			✓		
*S. Stanley					Not a submission on options, provided commentary on the submission made by NZSFC, joint with LegaSea, NZACA & NZUA, as the submission was made publicly available on the New Zealand Sport Fishing Council website.