



# PauaMac5 Incorporated

Secretaries Office:

P O Box 1109

INVERCARGILL

Phone: 03 2187204

## Submission

### Review of commercial access restrictions in the PAU 5D fishery

#### Introduction

1. The PauaMac5 Industry Association Incorporated is a fully constituted and incorporated society that is recognised as the stakeholder organisation representing the interests of the commercial paua industry in the coastal waters of Southland, Stewart Island, Otago and Fiordland, within Quota Management Areas PAU 5A, PAU 5B and PAU 5D. We make this submission on the Ministry for Primary Industries' (MPI) Discussion Paper "Review of commercial access restrictions in the PAU 5D fishery" (the IPP) on behalf of quota owners and divers (ACE holders) in quota management area PAU 5D. The submission has been developed through consultation with our members and the Paua Industry Council Ltd (PIC).

#### Background

2. Over the last decade the paua industry has evolved its approach to the paua fishery from harvester to farmer. It has begun working constructively with MPI to develop a cooperative partnering approach leading to the development responsive management frameworks for paua fisheries based on clear harvest strategies. Over this period, along with other regional paua organisations, PauaMac5 has developed a responsible approach to fisheries management through collective action and joint decision making that places greater emphasis on the need for fine scale fisheries management, improved data collection, better understanding of the biological variation of paua stocks and management strategies to ensure stocks abundance was stable or increasing to meet the needs of future generations.
3. In parallel with this investment in fishery management, the Paua Industry Council has been working with the regional PauaMacs to identify regulatory constraints that limit the proposed management direction and/or the ability to realise sustainable economic potential. PIC has been engaging with MPI to identify constraining regulations and to prioritise these for regulatory reviews. Recent examples include changes to reporting requirements for the Chatham Island paua fishery, changes to ACE allocation and the current review of restrictions on UBA for paua harvesting in the Chatham Islands.
4. PauaMac5 requested a review of regulations relating to restrictions on commercial access in PAU 5D for the following reasons:

- The access restrictions are no longer required for food safety purposes and create an unnecessary regulatory burden
- Similar extensive access restrictions for food safety purposes do not occur in other paua quota management areas.
- The regulations discriminate against commercial stakeholders in the fishery
- The areas closed take up a significant part of the PAU 5D coastline and limit potential economic utilisation in areas where suitable paua concentrations occur.
- To alleviate resource pressure created from recent closures of sections of the PAU 5D coastline to commercial harvesting, by increasing the area available for commercial catch spreading in PAU 5D
- To help accelerate stock rebuild for all users in the fishery
- To help deter illegal harvesting activities
- To bring additional areas under active resource management based on the collective industry management frameworks, including monitoring of the relative abundance or paua in those areas for the first time.

## Objectives of the IPP

5. The IPP states that the purpose of the review is to ensure that water contamination is dealt with under the appropriate management tools and, to assess unnecessary utilisation constraints that could realise economic potential for the sustainable harvest of paua.

*Ensure water contamination is dealt with under the appropriate management tool.*

6. We agree with the analysis in the IPP that the relevant legislative framework for food safety is the Animal Products Act 1999 and that the basis for the restrictions under the Fisheries Act 1996 is no longer relevant. On this basis, from a policy perspective, there is strong justification for the repeal of all the prohibitions on shellfish gathering i.e. all areas and all species.

*Assess unnecessary utilisation constraints that could realise economic potential for the sustainable harvest of paua.*

7. The areas closed by regulation take up approximately 165 km of the PAU 5D quota management area (QMA) coastline. Not all the closed coastline contains habitats suitable for economic accumulations of paua (rocky substrates). However divers in PAU 5D have identified several stretches of coastline with good potential for sustainable utilisation.
8. PauaMac5 acknowledges that the access restrictions have resulted in relative benefits to non-commercial fishers using these areas through less competition for fish. In developing their request for a review of the regulations PauaMac5 undertook a two stage process. Firstly it used existing knowledge to identify subareas within the existing restricted access areas that contain commercially viable densities of paua. Secondly, it identified areas where they believed commercial access would have a lesser impact on non-commercial paua fishers using criteria such as access locations and knowledge of non-commercial use of areas. This process was used to acknowledge the current use of the restricted areas by non-commercial fishers and to constrain the nature of the request to limit the effects of the removal of access restrictions on



those users. The outcome of this process was to request only a small proportion of the closed areas be opened to paua.

9. We understand from meetings and press releases that recreational fishing interests are concerned that opening up these small areas will result in serial depletion of these areas reducing the ability for recreational fishers to take paua in these "local" areas. As quota owners and ACE holders PauaMac 5 takes a regional perspective on the management of the paua fishery. We see sustainability benefits from opening up these areas that will impact on the overall performance of the paua stock for the benefit of all in the fishery, including recreational interests from outside the immediate vicinity of the proposed access areas.
10. Some recreational interests also appear concerned that this request is driven by over catch in the remainder of the QMA resulting in increased difficulties in taking the TACC and that the appropriate response is to reduce the TACC. PauaMac 5 acknowledges that sequential spatial closure of areas in recent years (mataitai) has reduced the available biomass for commercial harvesting and increased pressure on the remaining open area of the fishery. Whilst this has the potential to create localised depletion, there is no evidence to suggest that the stock overall is in decline or that management intervention is required. We are confident that the outcomes of the recent stock assessment for PAU 5D will show that the stock biomass is increasing. However, without a doubt, opening of new areas will reduce pressure and serial depletion risk caused by recent closures.
11. The ability for commercial fishers to spread the same catch<sup>1</sup> over a bigger biomass gives both efficiency gains (e.g. increasing catch per unit effort and access in a range of prevailing weather conditions) but more significantly, sustainability benefits that ultimately may lead to increased utilisation benefits. The effect of adding a productive fishing area means that less effort must be concentrated on the remaining paua populations to enable commercial fishers to take their current catch. As paua are sessile animals they do not move out of the area that becomes open. In effect, any increase in area can be considered to represent a decrease in the TACC for the existing area. The outcome is that the fishery will be operating more sustainably for the benefit of all.
12. Fundamentally, the negative effects of enabling commercial access on "local" recreational fishers would be minimised by removing the full access restrictions and enabling a greater spread of commercial effort across the QMA. However we recognise that non-commercial fishers are accustomed to a degree of spatial separation. PauaMac 5 has acted respectfully in limiting the areas it has identified for the lifting of access restrictions and committing to harvest at a higher size threshold of 135 mm in areas that are opened<sup>2</sup>. We encourage non-commercial interests to provide constructive feedback to MPI on the IPP. Ideally we prefer to engage with other mandated stakeholders to develop a joint harvest strategy for this shared fishery.

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<sup>1</sup> PauaMac5 has not requested an increase in TACC as part of this regulatory review.

<sup>2</sup> Size of commercial catch is monitored through an MPI funded catch sampling programme that samples shells from throughout the PUA 5D fishery



13. The TAC is the main sustainability tool for this fishery and set using information on the biomass of the open area only. We concur with MPI that stock sustainability is unlikely to be negatively affected by the removal of restrictions. We believe that the sustainability benefits from spreading commercial catch over a larger biomass will result in stock rebuild. The use of other management measures by PauaMac5, including harvesting at 135mm to increase the spawning biomass (and ultimately recruitment) in PAU 5D will help accelerate any such rebuild. In time we consider that future stock assessments will provide for a greater TAC, sector allowances and TACC. We endorse that opened areas should be automatically be included in any future stock assessment processes and harvest strategies.
14. PauaMac5 and PIC work closely with MPI Compliance and Fisheries Officers to identify and prosecute theft from this important shared resource. Poaching impacts on all stakeholders and undermines investment in fisheries management initiatives. Indisputably the presence of legitimate commercial vessels helps deter criminal activity leaving more fish in the water for all stakeholders.

## Monitoring and Review

15. The paua industry and MPI introduced fine scale reporting for paua in 2002. The proposed areas for the easing of restrictions fall within individual statistical reporting areas so catch from these areas will be easily differentiated from other catch for monitoring purposes. PauaMac5 also invests in the use of boat and diver loggers to collect finer scale information on individual dive activity. We support the inclusion of any open areas into future stock assessment processes and into a monitoring programme.
16. Pauamac5 engages in an annual fisheries review process and uses the outcomes of its meeting to engage with MPI in its annual review of shellfish fisheries. We would be prepared to report on our experience and observations on the performance of the fishery and the regulations proposed in the IPP as part of that process. We also remain open and willing to engage constructively with other stakeholder groups.

## Conclusions

In conclusion PauaMac5:

- Welcomes this review of commercial access restrictions in the PAU 5D fishery and acknowledge the work and effort that MPI has undertaken in response to our request.
- Agrees that the original rationale for the restrictions no longer applicable and that the appropriate legislative framework for food safety is the Animal Products Act 1999.
- Is motivated to improve the distribution of catch under the current TACC throughout the QMA to increase the sustainability of the fishery for all and to share in any future review of the TAC
- Acknowledges that non-commercial fishers are accustomed to a high degree of spatial separation so have elected to limit the areas we request to be opened ensuring that most of the long standing voluntary and regulatory spatial separation remain.

- Considers that the reporting framework based on fine scale statistical areas will aid in the monitoring of regulations proposed in the IPP and is willing to contribute to any such monitoring.
- Encourages non-commercial fishers to provide relevant information as part of the submissions process. In the long term we would like to see a more cooperative approach to develop combined harvest strategies based on shared responsibilities for this important shared fishery
- Supports Option 2 of the IPP to amend the regulations to enable commercial paua harvest.

17. Pauamac5 would be prepared to take part in any further constructive discussions on the regulatory review.

Yours sincerely,  
PauaMac5



Stormalong Stanly  
Chairman

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