



**Fisheries New Zealand**

Tini a Tangaroa

# Review of Management Settings in the East Otago Taiāpure

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# 1 Submission Information

1. Fisheries New Zealand welcomes written submissions on any or all of the proposals contained in this Discussion Document. All written submissions must be received by Fisheries New Zealand no later than 5:00pm on the 7<sup>th</sup> December 2018.

Submissions can be emailed to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

Alternatively, the postal address is:

Inshore Fisheries Management  
Fisheries New Zealand  
P O Box 2526  
Wellington 6011

## 1.1 OFFICIAL INFORMATION ACT 1982

2. All submissions are subject to the Official Information Act and can be released (along with personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. Fisheries New Zealand will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.





## 2 Executive Summary

3. The East Otago Taiāpure Management Committee (the Committee) and Fisheries New Zealand are seeking information and views from tangata whenua and stakeholders on proposed fisheries regulatory changes for the East Otago Taiāpure (Figure 1).



Figure 1: The East Otago Taiāpure

4. The Committee is proposing five regulatory changes:
  - temporary closure to recreational pāua fishing;
  - closure to commercial pāua fishing;
  - prohibiting harvesting of seven species of kelp;
  - prohibiting the use of set-nets; and
  - prohibiting filleting of fish at sea.
5. The Committee considers that the proposed changes are needed to address a decline in fish stocks in the taiāpure. The changes are intended to allow for the regeneration of the fish stocks and, thereby, enable sustainable use into the future. They recognise rangatiratanga in the management of local fisheries, and the rights secured by Māori in relation to fisheries by Article II of the Treaty of Waitangi.
6. Fisheries New Zealand considers that the proposals would contribute to improved abundance of the relevant fish stocks in the taiāpure, while noting the proposals would have an impact on utilisation of some of these fish stocks in the short term.

### 3 What is proposed?

7. The East Otago Taiāpure Management Committee (the Committee) has recommended five regulatory changes to the Minister of Fisheries. In summary, the proposals are:

#### ***Pāua***

- 1) Temporary closure of recreational pāua<sup>1</sup> fishing across the full area of the taiāpure (with the exception of Huriawa and Mapoutahi peninsulas where an indefinite closure is already in place).
- 2) Indefinite closure of commercial pāua fishing across the full area of the taiāpure.

#### ***Kelp***

- 3) Prohibiting the harvest of seven species of kelp: *Durvillaea antarctica*, *D. willana*, *Ecklonia radiata*, *Macrocystis pyrifera*, *Marginariella boryana*, *M. urvilliana* and *Lessonia variegata*.

#### ***Set-nets***

- 4) Prohibiting the commercial and recreational use of set-nets in the taiāpure.

#### ***Filleting at sea***

- 5) Prohibiting filleting at sea by requiring all fishers to hold only whole or gutted fish aboard their vessels when fishing within the taiāpure.
8. These measures are intended to ensure sustainability of fish stocks within the taiāpure and recognise rangatiratanga as set-out in Part 9 (Taiāpure-local fisheries and customary fishing) of the Fisheries Act 1996 (the Act).

### 4 East Otago Taiāpure

9. The East Otago Taiāpure was gazetted in 1999 and the Committee responsible for management was appointed in 2001 by the authority of the Minister under the Act.
10. The object of Part 9 of the Act is to make better provision for the recognition of rangatiratanga and of the rights secured for Māori by way of Article II of the Treaty of Waitangi (the Treaty) in relation to fisheries waters of customary significance.
11. The Committee is made up of representatives from Kāti Huirapa Rūnaka ki Puketeraki, local recreational fishers, the Karitane Commercial Fishermans' Cooperative, the University of Otago, River-Estuary Care Waikouaiti-Karitane, as well as representatives from the Warrington and Blueskin Bay communities.
12. The objectives of the Committee are to:
  - a) ensure customary, recreational and commercial fishers have access to, and, sustainable use of, fisheries resources;

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<sup>1</sup> Both black foot pāua (*Haliotis iris*) and yellow foot pāua (*H. australis*).

- b) actively promote the use of tikanga (customs) and kawa (protocols) such as rāhui (temporary closures) through the use of management regulations for the taiāpure (using law to give effect to ‘lore’);
  - c) ensure the adverse impacts of human activities on the marine environment, nursery areas, spawning grounds, fisheries habitat and associated and dependant species are avoided, remedied or mitigated; and
  - d) ensure all fisheries resources from the taiāpure are fit for human consumption.
13. The Committee has the power to recommend to the Minister regulations for the conservation and management of fish, aquatic life or seaweed within the area covered by the taiāpure.
  14. Previously, at the Committee’s recommendation, regulations were implemented in 2007 to reduce bag limits of shellfish and finfish species within the taiāpure, including setting a daily bag limit of five pāua per person. A temporary (two year) closure on taking pāua around Huriawa Peninsula also came into effect in 2010, implemented under section 186B of the Act (customary use). This was renewed in 2012, and again in 2014.
  15. In April 2016 the Committee recommended closing both the Huriawa and Mapoutahi peninsulas to both recreational and commercial pāua harvesting until such time as they recover (i.e. with no end date). These two closures were implemented under Section 11 of the Act, and came into effect on 29 September 2016.

## **Pāua (proposals 1 & 2 of 5)**

### **Background to the proposals**

16. At the Committee’s request, the University of Otago has carried out research to compare relative changes in pāua population structure and abundance from 2008 to the present.
17. The University looked at the percentage of pāua within the 1m depth range above minimum harvestable size outside the current rāhui (closure) on Huriawa Peninsula. They found a decline from 15% in 2008-09 down to 4% in 2016. Against this trend the percentage of legal sized pāua within the rāhui has increased marginally (i.e. <1%).
18. The results of this research have been reviewed by Fisheries New Zealand’s Shellfish Working Group, which concurred that they indicate a potential decline of pāua in the taiāpure in the areas that are not closed to fishing.
19. The Committee considers that the reduced recreational bag limit of five pāua per person (implemented in 2007) has not prevented a decline in the abundance of legal sized pāua outside the rāhui.
20. In response, the Committee initially proposed the use of the traditional Māori management strategy of “wading-only” for recreational and customary fishers. However, after further discussion with local fishers and advice from Fisheries New Zealand about the complexities of enforcing such a strategy, the Committee withdrew this proposal.

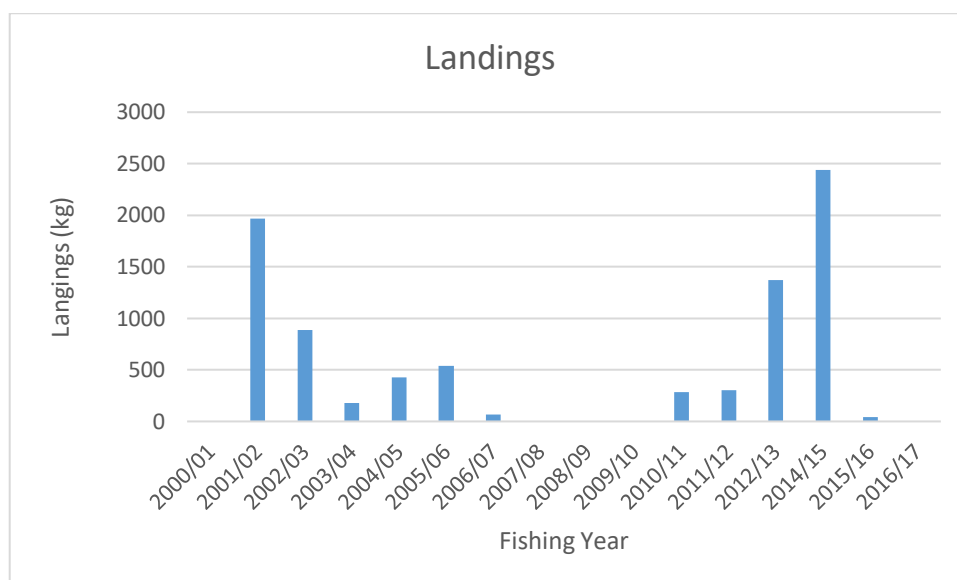
21. Instead, the Committee recommends a temporary closure for recreational pāua fishing across the taiāpure (with the exceptions of Huriawa and Mapoutahi peninsulas where an indefinite closure is already in place), and an indefinite closure to commercial pāua fishing.

#### **Recreational closure (temporary)**

22. The recreational closure is intended to be lifted, or partially lifted, when continued monitoring by the University of Otago shows the pāua population to have recovered sufficiently to allow sustainable harvest. Given the slow growth rate of pāua, however, the Committee does not expect this to be for at least several years.
23. To assist with a rebuild of the stocks, the Committee and Otago University are undertaking a programme of rearing pāua spat and then using the spat to reseed depleted areas within the taiāpure.
24. Further, the Committee states, when the fishery has recovered sufficiently, it intends to trial 'community' pāua fishing using a wading only technique. The trial would be either through a special research permit, or through the issuing of customary authorisations by tangata kaitiaki/tiaki. Such a trial would recognise that wading is a customary fishing method for pāua harvesting, in line with the taiāpure status of the fishery, and would allow for the development of a fit-for-purpose 'opening' regime when pāua numbers recover.
25. Compliance inspections within the taiāpure area by Fisheries New Zealand have averaged 420 inspections per year over the previous four years, which is over 40% of all inspections carried out in Otago, indicating the area's popularity.
26. The National Panel Survey of Marine Recreational Fishers 2011–12: Harvest Estimates gives an estimate of 22.45 tonnes of recreational harvest in PAU 5D, and 35% of fishers took 5 or less per day. Over 20% took 1 or 2 pāua. The daily bag limit in the taiāpure area, which is a subset of PAU 5D, is five.
27. Fisheries New Zealand considers the taiāpure is popular for casual pāua fishing and is increasingly visited by recreational shellfish gatherers from nearby Dunedin who opportunistically take pāua as a component of a mixed shellfish bag. As the area is limited to a daily bag of five pāua, while in all other areas in Otago it is ten, more serious pāua harvesters target other areas. Shellfish gatherers will still be able to harvest shellfish within the taiāpure, however, they will be required to forego any pāua they may find on the reefs.

#### **Commercial closure (indefinite)**

28. Substantial parts of the taiāpure are already closed to commercial pāua fishing, including the coast from Omimi to Brins Point, Waikouaiti Bay, Huriawa Peninsula and Mapoutahi Peninsula areas. Effectively, only the Warrington reef area supports commercial pāua fishing, however, significant accretion over the previous 40 years has inundated much of the available pāua habitat with sand.
29. The average annual catch (see following graph) has been less than 500kg. At a Port Price of \$23.50, this has a value of \$11 750.



Annual landings of pāua from the East Otago Taiāpure area

### Preliminary consultation

30. The Committee has spent some time discussing the pāua proposals with the community, including at meetings facilitated by Fisheries New Zealand in April 2018. Feedback from this preliminary consultation has indicated broad support for a temporary closure of the taiāpure to recreational pāua fishing.
31. The Committee has also discussed the proposal to indefinitely close commercial pāua fishing with commercial pāua fishing representatives. The industry has agreed to voluntarily withdraw from fishing anywhere in the taiāpure.
32. The industry has indicated it will not oppose the introduction of a regulation to prohibit commercial pāua fishing in the taiāpure. However, it is concerned that a number of closure proposals that will have implications for pāua have recently been put forward by the South-East Marine Protected Areas Forum<sup>2</sup> process. These are expected to have significant commercial implications for pāua quota holders.

### Kelp (proposal 3 of 5)

33. The Committee seeks a prohibition on harvesting attached<sup>3</sup> kelps (*Durvillaea antarctica*, *D. willana*, *Ecklonia radiata*, *Macrocystis pyrifera*, *Marginariella boryana*, *M. urvilliana* and *Lessonia variegata*) from within the taiāpure.
34. These habitat-forming native kelps are long-lived, recover slowly (if at all depending on the harvesting method), and are habitats of particular significance for fisheries management.
35. Anecdotal evidence from long-term fishermen in the Otago area indicates that population size and range of *Macrocystis pyrifera* beds may already be reduced compared to twenty years ago.

<sup>2</sup> The Forum was appointed by the former Minister of Conservation and the former Minister for Primary Industries. The Forum's purpose was to recommend to the Government what sites are deserving of marine protection and what type of marine protection the sites need. Ministers are considering the recommendations put forward by the Forum.

<sup>3</sup> The state of being attached (rooted) to hard surfaces in the natural marine environment.

36. Under these circumstances, the Committee considers harvesting seaweed to be problematic, and the introduction of a regulation that prohibits harvesting larger attached kelp from within the taiāpure to be appropriate.
37. Fisheries New Zealand notes that there is no commercial harvesting of these species reported in the taiāpure at this time, and recreational harvest is limited to beachcast seaweed (for garden composting) and small amounts of other species (eg *Porphyra* - karengo).

### **Set-Nets (proposal 4 of 5)**

38. A prohibition on the use of set-nets in coastal waters, implemented as part of the Hector's Dolphin Threat Management Plan (TMP), covers much of the taiāpure area. It does not, however, apply to estuarine waters such as the Waikouaiti River, Waitati, and Purakaunui estuaries.
39. To further protect species such as dolphins and penguins, and to conserve nearshore finfish stocks, the Committee proposes the prohibition of set-net use in these parts of the taiāpure also. This regulation would supersede another which was implemented in 2007 at the recommendation of the Committee, requiring set-net fishers active within the taiāpure to remain within the immediate vicinity of their net at all times.<sup>4</sup>
40. There is no commercial set-netting, and Fisheries New Zealand understands that there is little recreational set-netting, within the estuarine waters of the taiāpure (Waikouaiti River, Waitati, and Purakaunui estuaries). However drag netting for flounder is popular, which would be unaffected by this proposal.

### **Filleting at Sea (proposal 5 of 5)**

41. The Committee consider local knowledge and observations indicate that near-shore finfish stocks have declined from the numbers that once could be relied upon in the taiāpure. To assist with recovery of finfish stocks in the taiāpure, the Committee recommends the introduction of a taiāpure-wide regulation to require fishers to possess finfish in a whole or gutted state when aboard fishing vessels. The Committee believes that landing whole or gutted fish would encourage fishers to eat all edible parts of the fish rather than just the fillets which, in turn, may reduce fishing pressure on finfish stocks as fishers will have caught a 'feed' with fewer fish being killed.
42. The Committee also notes this measure will recognise tikanga, which forbids the discharge of fish offal into the ocean, and may also assist in enforcing minimum legal sizes, especially with blue cod (*Parapercis colias*).
43. While many fishers (estimated 70%) fillet at sea, Fisheries New Zealand notes that being required to possess blue cod in a whole or gutted state is already in place in the Marlborough Sounds, and is being considered for inclusion in the National Blue Cod Strategy<sup>5</sup>. Fisheries New Zealand also understands that the majority of fishers fish north of the taiāpure, with limited fishing in the taiāpure itself.

<sup>4</sup> Regulation 134 of the Fisheries (Amateur Fishing) Regulations 2013 and regulation 3F of the Fisheries (South East Area Commercial Fishing) Regulations 1986.

<sup>5</sup> For more information: <https://www.mpi.govt.nz/protection-and-response/sustainable-fisheries/national-blue-cod-strategy/>.

## 5 Your Feedback and Further Information

44. The Committee and Fisheries New Zealand seek submissions information and views from tangata whenua and stakeholders on the proposals.
45. Should you require further information, please see:

*Fisheries Act (1996)*

<http://www.legislation.govt.nz/act/public/1996/0088/latest/DLM394192.html>

*Customary Fisheries Management Areas*

<http://www.mpi.govt.nz/law-and-policy/maori-customary-fishing/managing-customary-fisheries/customary-fisheries-management-areas/>