

Marty Sullivan
President
Kaikoura Boating and Fishing Club
PO Box 98
Kaikoura 7340
martysullivan01@yahoo.com



Fisheries Reopening
Te Korowai
PO Box 121
Kaikoura
teamkorowai@gmail.com
CC: FMSubmissions@mpil.govt.nz

30 September 2020

Te Korowai engagement on re-opening of the Kaikoura recreational and commercial shellfish and seaweed fisheries

Submission summary

1. The submitters support the Environmental principles of the Fisheries Act 1996, that associated or dependent species should be maintained above a level that ensures their long-term viability, biological diversity of the aquatic environment should be maintained, and that habitat of particular significance for fisheries management should be protected.
2. The submitters support the re-opening of the Kaikoura shellfish and seaweed fisheries provided biological criteria are met and approved by the Shellfish Working Group.
3. The submitters oppose extreme new management options for the Kaikoura recreational shellfish and seaweed fisheries. The existing recreational fisheries regulations currently meet the appropriate management criteria to re-open the Kaikoura shellfish and seaweed fisheries. No evidence has been presented in the consultation document to show that the pre-earthquake levels of the recreational harvest will be a significant threat to the sustainability of the recovering Kaikoura shellfish and seaweed stocks. The submitters are opposed explicitly to reducing recreational bag and accumulation limits, vessel limits, increasing the size limit of Blackfoot pāua, a closed season, and further gear restrictions. The submitters would consider the possibility of vehicle limits to constrain roadside harvesting of pāua in the shallow areas most impacted by the earthquakes.
4. The submitters do not support the consultation process undertaken by Te Korowai, and are concerned that Fisheries New Zealand has divested its consultation obligations in this way. There is a large degree of one-sided advocacy rather than genuine consultation in the process conducted by Te Korowai. The consultation document did not provide any scientific evidence (or links) to support any of the background information or to support the proposed changes to the recreational fishing regulations.
5. The submitters are opposed to Fisheries New Zealand's proposal to reduce daily bag limits and introduce an accumulation limit in PAU 3 and PAU 7 paua fisheries. Fisheries New Zealand do not support the status quo as an option for recreational fishing regulations either for PAU 3 or PAU 7, stating that the status quo is not ensuring sustainable utilisation of these

fisheries resources under the Fisheries Act 1996. The KBFC believes that any future catch constraints based on sustainability concerns must be proportional to each sector's current catch allocation (i.e., 86% commercial, 14% recreational) or landings (i.e., 80% commercial, 20% recreational) for PAU 3 and PAU 7 combined. The KBFC objects to Fisheries New Zealand and Te Korowai having a disproportionate focus on constraining recreational pāua catch in addressing sustainability issues.

The submitters

6. The Kaikoura Boating and Fishing Club (KBFC) appreciates the opportunity to submit feedback on the proposals in the Te Korowai consultation document about re-opening the Kaikoura shellfish and seaweed fisheries. Feedback/submissions on the Te Korowai consultation are due 30 September 2020, with an information Hui provided on 28 September 2020.
7. The KBFC is a recognised local Kaikoura based sports organisation with approximately 450 members (<https://kaikouraboatingclub.org.nz/>). The objectives of the KBFC are:
 - To provide members with facilities for boating
 - To lobby for the preservation and enhancement of recreational fishing opportunities for members
 - To do all such other things as shall be considered necessary or desirable to attain the objects of the Club.
8. The KBFC is considering affiliation to the New Zealand Sport Fishing Council, a recognised national sports organisation of 54 affiliated clubs with over 35,000 members nationwide. The Council has initiated LegaSea to generate widespread awareness and support to restore abundance in our inshore marine environment. This will assist and broaden KBFC involvement in marine management advocacy, research, education, and alignment on behalf of its members.
9. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
10. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is our President Marty Sullivan.

Background

11. The November 2016 earthquakes caused significant uplift along parts of the coastline north of the Conway River. The uplift resulted in the immediate death of many adult and juvenile pāua, other shellfish and seaweeds, also damaging and permanently altering the habitats of shellfish and seaweed along the coast.
12. To protect the surviving pāua populations and other species along the earthquake-affected coastline, an emergency closure was introduced between Marfell's Beach and the Conway River prohibiting the take of all shellfish and seaweed. This closure was replaced in 2017 by a closure under section 11 of the Fisheries Act 1996, which will remain in place until scientific

evidence supports re-opening the fisheries. However, the closure does not restrict the harvesting of shellfish or seaweed taken under a customary fishing authorisation.

13. The closed area spans portions of two pāua quota management areas, the southern aspect of PAU 7 (Marlborough) and the northern aspect of PAU 3 (Kaikoura). The closed area historically accounted for approximately 60 t of annual commercial catch and supported significant customary and recreational paua fisheries.
14. Shellfish and seaweed in some parts of the coastline show promising signs of recovery, and there are calls to develop a plan about when and how the fisheries should be reopened. However, no details of the scientific data used in monitoring the recovery are accessible at this time and will not be presented until two days before submissions close ([Hui in Kaikoura on 28 September 2020](#)).
15. Before the shellfish and seaweed fisheries can be re-opened:
 - Biological criteria must be met – monitoring of the fishery (i.e., scientific dive surveys) must show that shellfish and seaweed stocks have recovered sufficiently to allow a cautious level of harvesting; and
 - Management controls must be in place – appropriate management measures must be in place for recreational and commercial fishing to ensure that the sustainability of pāua and other species will continue to be protected once the fishery is re-opened.
16. Biological criteria for the re-opening of the pāua fishery have been proposed in the PAU 3 Fisheries Plan. The proposed biological criteria for re-opening the pāua fishery are:
 - The widespread emergence of post-earthquake recruits is observed across the fishery.
 - A sustained increase in pāua biomass is observed across the fishery. The criteria will be met when scientific dive surveys observe a steady trend of increasing adult abundance, supported by the widespread presence of post-earthquake recruits (i.e., juvenile pāua of around 100mm in length that are 3-4 years old and have settled and grown since the earthquake).
17. Pāua monitoring surveys are funded by FNZ until mid-2020 under project KAI2016-07¹ and complemented by FNZ-funded University of Canterbury research to estimate juvenile abundance. The objective of project KAI2016-07 was to assess pāua abundance and monitor pāua populations in the earthquake-affected area to inform management decisions relating to the re-opening of the pāua fishery. Fixed monitoring points within surveyed areas were established to monitor discrete pāua populations through time. However, there does not appear to be a pre-earthquake baseline of abundance in the time series, and no actual monitoring data is available for consideration at this time.

A new survey method was developed which combined estimation of survey area from GPS units worn by pāua divers (turtle loggers) with estimates from a Bayesian model for the survey that integrates estimates of pāua detection probability. The integrated model allowed estimates of pāua density with reasonable confidence. However, uncertainty was relatively high (i.e., CVs were elevated) due to high within-stratum variance in pāua densities, as well as due to a thorough treatment of parameter uncertainty. The highest densities were found in the closed area of PAU 3, especially in areas of high and medium fishery use. Pāua densities

¹ [McCowan T, Neubauer P. 2018. Paua biomass estimates and population monitoring in areas affected by the November 2016 Kaikoura earthquake. New Zealand Fisheries Assessment Report 2018/54.](#)

were relatively uniform in PAU 7, which had lower densities over-all than locations in PAU 3.

18. To ensure that the re-opening decision is based on the best scientific advice, assessing whether the criteria have been achieved will be based on research and monitoring reviewed by the FNZ Shellfish Working Group.
19. The Minister will make any decision about the re-opening of Fisheries. There are various options for how this decision could be made – examples given are:
 - The whole area could be re-opened at once, or areas that show stronger signs of recovery could be opened first;
 - Harvesting of all shellfish and seaweed species could be allowed, or only of selected species;
 - The area could be re-opened to all fishers (customary, recreational, and commercial) or just to certain sectors.
20. The Te Korowai consultation document states that the "simplest approach would be to re-open the whole area to the harvesting of all species by all fishing sectors. This would be the fairest solution and the most practical for implementation and enforcement – but it will only be possible if the biological criteria are met for all species, and appropriate management controls are in place for all sectors.
21. The Te Korowai consultation document further states that "re-opening the Kaikōura coastline to the harvesting of pāua, other shellfish and seaweed is not simply a matter of returning to the way things were before the earthquakes." It describes how "shellfish and seaweed habitats have been dramatically altered, and this could affect the long-term productivity of our seafood resources." The document then describes how "shellfish are now essentially shallow water fisheries – they are very accessible from the shore and therefore vulnerable to localised depletion." And that "although local populations may look healthy – for instance, abundant large pāua may be obvious in some areas – we won't have a full understanding of the new population dynamics for many years." It is not specific from what research data these conclusions have been obtained as no references are provided.
22. The Te Korowai consultation document also states that "the community needs to take a cautious approach once the fisheries are re-opened. A precautionary management approach will involve:
 1. Constraining the level of catch.
 2. Gathering information and monitoring the fisheries carefully.
 3. Reviewing and adjusting management settings regularly."
23. Pāua will be under particular pressure when the Kaikoura closed area is re-opened because of its popularity with customary, recreational, commercial, and illegal fishers. The Kaikoura closed area straddles two pāua management areas (PAU 3 & PAU 7), and catch allocation in these two areas is 65% commercial (139 t), 14% customary (30 t), 11% recreational (23.5 t), and 9% other (20 t) (data from Fisheries Assessment Plenary 2020).
 - Tangata Whenua determines management measures for customary pāua harvesting through the issuing of customary authorisations. Customary harvest has continued in the Kaikoura closed area at a much-reduced level (e.g, PAU 3 customary landing reduced from 11.8 tons in 2015/16 to 1.7 tons in 2017/18). No changes are proposed for the management of customary harvesting of pāua.

- The commercial pāua quota was halved following the 2016 earthquake, and commercial harvesting was restricted from the Kaikoura closed area. To re-open the Kaikoura area (PAU 3), quota holders have proposed a Fisheries Plan that will increase their catch allocation adaptively (reviewed annually based on stock monitoring), increase their current minimum harvest size of 125 mm to 135 mm (impacting less than 15% of their catch), and proposed an area subdivision of commercial PAU 3 catch entitlements.
 - Recreational fishing has been prohibited in the Kaikoura closed area since the 2016 earthquake. The recreational fisheries allowance (PAU 3 and PAU 7) is the smallest sector allocation at less than 17% of the current commercial allocation and 78% of the customary allocation (data from Fisheries Assessment Plenary 2020). However, Te Korowai states in their consultation document that "the priority is now to develop effective management measures for recreational fishing for pāua" (and other shellfish and seaweeds). Although the recreational catch is only a very small proportion of the PAU 3 and PAU 7 fisheries, both Te Korowai and Fisheries New Zealand have publicly committed to reducing the catch of recreational².
24. In a public meeting held in Kaikoura on 28 September 2020 (only two days prior to the submissions/feedback deadline), scientific data on the state of the Kaikoura pāua stock recovery was presented. The conclusions of this monitoring by the pāua industry and Canterbury University was;
- Relatively stable length frequency profiles across survey period at higher size classes.
 - Evidence of increase in abundance of post-earthquake recruits at an area-wide level (PAU3 and PAU7).
 - Variability in recruitment between sites due to uplift and habitat availability.
 - A sustained increase in pāua biomass is observed across the fishery.

Submission

25. Do you agree with the general approach proposed above?
- The KBFC disagrees with the approach taken in this consultation process. We believe that Fisheries New Zealand has divulged its legislative responsibilities in allowing Te Korowai to undertake public consultation on their behalf.
 - The KBFC believes that the consultation document has failed to present a balanced series of options or adequately present alternatives to their arguments. There is no scientific data provided other than in a Kaikoura Hui on 28 September 2020, just two days before submissions are due on 30 September 2020. The KBFC maintains that the consultation process run by Te Korowai has been inadequate and has not allowed for meaningful and considered feedback.
 - Given its focus on recreational fisheries controls, the KBFC is disappointed that it was not included in developing the general approach taken in the consultation process by Te Korowai.
26. What do you think about the biological criteria for re-opening the pāua fishery? Are there other options that should be considered?

² [Fisheries New Zealand. 2018. Proposal to reduce recreational daily bag limits and introduce an accumulation limit in PAU 3 and PAU 7 paua fisheries. Fisheries New Zealand Discussion Paper 2018/05.](#)

- The KBFC believes that the biological criteria for re-opening the pāua fishery need to be much more specific. In the Te Korowai consultation document, it states that "criteria will be met when scientific dive surveys observe a steady trend of increasing adult abundance, supported by the widespread presence of post-earthquake recruits (i.e., juvenile pāua of around 100mm in length that are 3-4 years old and have settled and grown since the earthquake)."
- The KBFC agrees with the biological criteria for re-opening the pāua fishery, but it is not clear what the abundance trend was before the earthquakes or if the scientific dive surveys have been able to record a trend successfully. The Te Korowai consultation document provides no references to scientific data to consider the current state of the Kaikoura pāua fishery, making it difficult to comment further on other options.

27. Why do we need new management controls?

- The KBFC disagrees that there is a requirement for new management controls for recreational fishers in the Kaikoura area.
- The KBFC believes that the existing recreational fisheries regulations currently meet the appropriate management criteria to re-open the Kaikoura shellfish and seaweed fisheries. No evidence has been presented in the consultation document to show that the pre-earthquake levels of the recreational harvest will be the primary threat to the sustainability of the recovering Kaikoura fish stocks.
- The KBFC believes that any future catch constraints based on sustainability concerns must be proportional to each sector's current catch allocation (i.e., 2019/2020 - 86% commercial, 14% recreational) or the last landings estimates under existing fishing regulations (i.e., 80% commercial, 20% recreational³) for PAU 3 and PAU 7 combined. Given the proportionately small recreational pāua catch and entitlement, the KBFC objects to Fisheries New Zealand and Te Korowai having a disproportionate focus on constraining recreational pāua catch when addressing sustainability issues.

28. What do you think would be an appropriate daily bag limit and accumulation limit for pāua?

- The KBFC believes that the existing recreational fisheries regulations of 5 black foot pāua per person (accumulation limit 10 pāua), and 5 yellow foot pāua per person (accumulation limit 10 pāua) currently meet the appropriate management criteria to re-open the Kaikoura shellfish and seaweed fisheries.
- There is no evidence to show that the pre-earthquake levels of the recreational harvest will be a significant primary threat to the sustainability of the Kaikoura pāua stocks.

29. Do you think a vehicle or vessel limit could be useful for the Kaikōura pāua fishery? If so, how should the limit be set (e.g., four daily bag limits?)

- The KBFC believes that a vessel limit is unnecessary, but considers that there may be some merit in considering a vessel limit (e.g., four daily bag limits) to discourage overexploitation of pāua in the most impacted areas close to the shore.

30. Do you think the minimum harvest size for pāua should be increased? What are the advantages and disadvantages of the MLS options discussed above?

³ Based on 2019/2020 commercial landings in PAU 3 and PAU 7 (includes the 2017 quota cuts) and 2011/12 recreational catch estimate (Kaikoura area open under current recreational fishing regulations).

- The KBFC disagrees that the minimum harvest size for pāua needs to be changed. There is no evidence to suggest that the current minimum recreational harvest size of 125 mm is a threat to the sustainability of the Kaikoura pāua fishery.
 - While the commercial sector has agreed to increase their minimum harvest size for pāua to 135 mm (PAU 3), this will only impact 15% of their catch. In contrast, an equivalent increase in the minimum harvest size for recreationally caught pāua will likely impact a much larger proportion of the recreational pāua catch.
31. What are your thoughts on a three-month season for pāua fishing when the fishery re-opens? Would you prefer an alternative season or no closed season?
- The KBFC disagrees that a season for recreational pāua fishing in Kaikoura is required and would prefer no closed season. There is no evidence to suggest that the current seasonal accessibility is a threat to the sustainability of the Kaikoura pāua fishery.
 - There is also likely to be a minimal recreational fishing effort for pāua outside of the summer period, so any closure is unlikely to be effective. Closing the fishery during the offseason will only unduly impact local fishers avoiding the busy summer season.
32. Although new gear restrictions for pāua are not favoured at this stage, Te Korowai is interested to hear your thoughts on gear restrictions and areas that you may think should remain closed.
- The KBFC agrees that additional gear restrictions for pāua are unnecessary for recreational fishers in the Kaikoura area.
 - The Fisheries Act allows for the temporary closure of any area in South Island fisheries waters if it is likely to assist in replenishing the stock of the species of fish, aquatic life, or seaweed in the area concerned. The KBFC may support such small scale area closures where a requirement is endorsed by scientific data, and there is an ongoing monitoring program in place.
33. Do you support mandatory registration for recreational pāua fishers? What are your thoughts on self-reporting? Do you have any other ideas on how to obtain better recreational catch data to inform future management?
- The KBFC strongly disagrees with the mandatory registration for recreational pāua fishers. Mandatory registration of recreational fishers (even at no cost) is a proxy fishing license, and KBFC is opposed to the licensing of marine recreational fishers anywhere in New Zealand.
 - The KBFC believes that using a recreational fishing creel survey specifically targeting the Kaikoura pāua fishery could provide adequate information on recreational pāua catch at the temporal and spatial scales required. Recreational creel surveys have been used successfully in the Kaikoura area and could explicitly target pāua. For example the Ministry for Primary Industries Project MAF201406 was to design a survey tool to estimate the recreational fisheries harvest of parts of PAU3, and the KBFC believes that the approach presented by NIWA (MPI Working Group - 18 August 2015) should now be considered for funding as a research project at this time.
 - The KBFC notes that contacts made during a recreational creel survey of the Kaikoura area would strengthen the next National Panel Survey of recreational fishers in the same way that a mandatory registrar of recreational pāua fishers would.
 - The KBFC also notes that the Te Korowai consultation document promotes the compulsory fisher registration system working well with a self-reporting mobile

phone app (even referencing Bess 2017). This advocacy concerns the KBFC as current research projects using the National Panel Survey to look at self-reporting show a tendency to underestimate both catch and effort, with those using a mobile phone app being among the worst.

34. Do you think that additional management measures are necessary for kina, cockles, pipi and other shellfish or seaweeds? If so, what would you propose?

- The KBFC does not believe that additional management options for kina, cockles, pipi and other shellfish or seaweeds are required beyond those available within the Fisheries Act 1996 for small scale closures supported by scientific evidence that the current recreational minimum harvest restrictions are a threat to their sustainability.

35. Do you favour either of the example approaches above? Or would you prefer a different combination of tools or management settings for pāua? What should the kete for other shellfish species and seaweed contain?

- The KBFC supports the following restrictions for the noncommercial harvest of shellfish and seaweed:
- Pāua, blackfoot ('ordinary') – daily bag limit of 5 blackfoot pāua per person, accumulation limit 10 pāua, vehicle limit 20 pāua; minimum legal size 125mm, underwater breathing apparatus prohibited.
- Pāua, yellowfoot – daily bag limit of 5 yellowfoot pāua per person, accumulation limit 10 pāua, vehicle limit 20 pāua; minimum legal size 80mm, underwater breathing apparatus prohibited.
- Kina – daily bag limit of 20 kina per person, vehicle limit 80 kina.
- Other shellfish – daily bag limits of 50 cockles, 50 mussels, 150 pipi, 150 tuatua, 20 pupu (cat's eye), or 30 of any other type of shellfish per person per day. Vehicle limits of 4 daily bag limits for all species.
- Seaweed – daily limit of 5 litres of wet volume of bladder kelp (*Macrocystis pyrifera*) per person, daily limit of 5 litres wet volume of karengo (*Porphyra* or *Ulva*) per person, seaweed can only be taken by hand gathering. Vehicle limits of 20 litres of wet volume of bladder kelp and 20 litres wet volume of karengo.