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5 July 2021

## Kaikōura Pāua Fishery Consultation

### 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 Kaikōura Marine Area to pāua fishing**, as we believe the biological criteria have been met based on the latest scientific information which shows pāua are now at high levels of abundance and the complete life cycle has been observed. While there is some variability and uncertainty in the scientific information, it is strongly supported by the wider information from the public that pāua have recovered to levels well above pre-earthquake densities.
3. **The submitters do not support most of the management measures proposed by the Kaikōura Marine Guardians.** We believe that the existing recreational fishery's regulations largely meet the appropriate management criteria to re-open the Kaikōura pāua fishery. No evidence has been presented in either the consultation document, or the Fisheries NZ Shellfish Working Group to conclude that pre-earthquake levels of recreational harvest will be a significant threat to the sustainability of Kaikōura pāua. The submitters are opposed explicitly to the 50% reduction in the recreational bag limit, the accumulation limit, increasing the size limit, and the proposed closed season. However, the submitters do support a vehicle limit to constrain roadside harvesting of pāua in the potentially vulnerable shallow areas, and a reduction in the daily bag limit to five pāua per person for consistency with surrounding areas.
4. **The submitters also support fine scale spatial management of pāua (i.e., closed areas) if required, an independent survey to estimate recreational pāua catch, and reopening the kina fishery.**

5. **The submitters believe the public consultation process undertaken by Te Korowai in 2020**, overstated concerns about the sustainability of pāua stocks and showed a bias against recreational fishing. There is a stark contrast between the September 2020 portrayal of Kaikōura pāua stocks in the Te Korowai consultation document and the scientific information published in a May 2021. These various concerns should bring into question the confidence that the Minister places in the advice from the Kaikōura Marine Guardians and the public support of the consultation document.
6. **The submitters are opposed to Fisheries New Zealand's 2018 policy direction to reduce recreational daily bag limits and introduce an accumulation limit in PAU 3 and PAU 7.** 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 KBRFC believes that any catch constraints must be based on legitimate sustainability concerns and consistent with each sector's current catch allocation to be meaningful (i.e., 65% commercial, 14% customary, 11% recreational for PAU 3 and PAU 7 combined). The Submitters object to the disproportionate focus on constraining recreational pāua catch in addressing unsubstantiated sustainability concerns.

## **The submitters**

7. The Kaikōura Boating and Recreational Fishing Club (KBRFC) appreciates the opportunity to submit feedback on the Fisheries NZ Kaikōura Pāua Fishery Consultation document. Submissions on the Fisheries NZ consultation are due 5 July 2021.
8. The KBRFC is a recognised local Kaikōura based sports organisation with approximately 458 members (<https://Kaikouraboatingclub.org.nz/>). It is the largest recreational fishing club in the South Island, and the objectives of the Club 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.
9. The KBRFC is a member of 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 restored abundance.
10. The KBRFC is 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].
11. The KBRFC Committee are democratically elected by club members and 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

12. 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.
13. 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 (Figure 1). However, the closure does not restrict the harvesting of shellfish or seaweed taken under a customary fishing authorisation.
14. The Kaikōura closed area straddles two pāua management areas, the southern aspect of PAU 7 (Marlborough) and the northern aspect of PAU 3 (Kaikōura). The closed area historically accounted for approximately 60 t of annual commercial catch and supported significant customary and recreational pāua fisheries. Catch allocation in PAU 3 and PAU 7 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). Customary harvest has continued in the Kaikōura closed area at a much-reduced level and no changes are proposed for the management of customary harvesting of pāua. Following the 2016 earthquake, commercial quota holders shelved quota, and both commercial and recreational harvesting was prohibited from the Kaikōura closed area (Figure 1).
15. In 2018, Fisheries NZ published a document which did 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<sup>1</sup>, although the recreational catch allowance is only 17% of the Total Allowable Commercial Catch. The document proposed to reduce recreational daily bag limits and introduce an accumulation limit in PAU 3 and PAU 7 pāua fisheries.
16. In 2019 the PAU 3 Commercial Fisheries Plan was proposed by the PāuaMAC3 industry quota holder's association and put out for consultation by Fisheries NZ in 2020. The Plan contains strategies to guide the reopening and subsequent management of the PAU 3 North fishery and the PAU 7 section of the closed area will reflect that outlined in the Plan for PAU 3 (Figure 1). The only difference will be the mechanism for how commercial catch limits are re-established as this will be through the release of shelving rather than the assignment of a new TACC. The Commercial Fisheries Plan will increase the commercial catch allocation adaptively (reviewed annually based on stock monitoring), increase the commercial minimum legal size of 125 mm to 135 mm (impacting less than 15% of commercial catch), and proposed an area subdivision of commercial PAU 3 catch entitlements.
17. Shellfish and seaweed in most parts of the coastline now show promising signs of recovery, however, before they 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

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<sup>1</sup> [Fisheries New Zealand. 2018. Proposal to reduce recreational daily bag limits and introduce an accumulation limit in PAU 3 and PAU 7 pāua fisheries. Fisheries New Zealand Discussion Paper 2018/05.](#)

- 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.
18. The biological criteria for the re-opening of the pāua fishery in the PAU 3 Commercial Fisheries Plan 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.
19. Three pāua monitoring surveys were funded by Fisheries NZ and done in summer 2017/18, 2018/19, and 2019/20 under project KAI2016-07<sup>2</sup>. The objective was to monitor changes in pāua abundance and length frequency and to ultimately inform fisheries management decisions at the scale of the closed area (Figure 1). Fixed monitoring points within surveyed areas were established to monitor discrete pāua populations through 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, See Figure 2) due mainly to high within-stratum variance in pāua densities. The highest densities were found in the closed area of PAU 3, especially in areas of high and medium fishery use. Pāua densities were relatively uniform in PAU 7, which had lower densities over-all than locations in PAU 3.
20. The measurements per unit effort, as well as biomass per unit of survey effort correlated well with density and was used as indices of changes in pāua density (Figure 2). An overall increase in pāua abundance was observed at a Quota Management Area-wide level in both PAU 3 and PAU 7 over the three survey periods but was more pronounced in PAU 7 than in PAU 3. Comparison of length frequency profiles across the three survey periods also showed reasonably stable profiles in larger size classes (125–160 mm), with an increase in the number of individuals in the 80–100 mm size range in both QMAs which is likely to be indicative of post-earthquake recruitment.
21. Despite variability in trends overall (See Figure 2), 26 out of 31 sites display an overall increase in abundance over three survey periods, with the remaining five sites showing no change or very minor decreases. There was a large pulse in recruitment observed in two thirds (21 of 30) of sites where length-frequency data were collected for the three survey periods. This was corroborated by independent observations from intertidal surveys specifically monitoring juvenile pāua abundance<sup>3</sup>. These findings show a sustained increase in pāua biomass across the fishery (Figure 2) and strong evidence of post-earthquake recruitment.
22. To ensure the re-opening decision is based on robust scientific advice when assessing if the criteria have been achieved, the final report on the three pāua surveys was reviewed by the Fisheries NZ Shellfish Working Group (17 August 2020 and 27 February 2021) which approved the information as reliable and robust enough to be used for fisheries management purposes.

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<sup>2</sup> McCowan T, 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.

<sup>3</sup> Gerrity S, Alestra T, Fischman H, Schiel D. 2020 Earthquake effects on abalone habitats and populations in Southern New Zealand. Marine Ecology Progress Series 656: 153–161.

The Fisheries Assessment Report on the three pāua surveys done to date was published in May 2021<sup>4</sup>.

23. In September 2020, Te Korowai undertook a public consultation to guide the Kaikōura Marine Guardians in their advice to the Minister of Oceans and Fisheries on the management of shellfish and seaweed in the Kaikōura Marine Management Area [s7(1)(c) Kaikōura (Te Tai o Marokura) Marine Management Act 2014]. Unfortunately, the results from the 2019/20 pāua abundance survey were not publicly available for the Te Korowai consultation, and the abundance of pāua had trended downwards slightly between the 2017/18 and 2018/19 surveys (See Figure 2). However, the 2019/20 the survey point estimates showed a sharp increase in abundance and concluded that the 2018/19 dip in observed pāua abundance was most likely due to consistently poor survey conditions during the second survey<sup>2</sup>, and not a concerning decline in abundance indicative of sustainability concerns as portrayed in Te Korowai consultation document at that time (i.e., the 2020 Te Korowai consultation was informed by the trend between two surveys which misrepresented the current situation and was incomplete information).
24. The KBRFC disputed the approach taken in the Te Korowai consultation process in our previous 2020 submission to Te Korowai, as the document unduly and disproportionately focused on the impact of the much smaller recreational fishery (i.e., only 17% of the Total Allowable Commercial Catch) and did not adequately present best available scientific information to the public in a timely manner. There was no updated scientific information provided by Te Korowai until an in person only Hui in Kaikōura on 28 September 2020, only two days before the submissions due date on 30 September 2020 (no additional documentation was provided). The analysis of submission to Te Korowai was also flawed and inconsistent with Fisheries NZ methods. The KBRFC submission to Te Korowai on behalf of 458 members was counted as equivalent to only one personal submission and not considered proportionately to its community representation.
25. On 1 February 2021, the Kaikōura Marine Guardians wrote to the Minister for Oceans and Fisheries with advice and recommendations on the reopening of the Kaikōura Marine Area (Figure 3) to pāua fishing. The advice was based primarily on the results of the flawed and premature September 2020 Te Korowai public consultation, a non-inclusive community engagement (i.e., without the KBRFC or Te Rūnanga o Kaikōura), and given prior to the review and release of the best available scientific information (i.e., the Shellfish Working Group approval on 27 February, and the Fisheries Assessment Report in published in May 2021). The Ministerial advice given by the Kaikōura Marine Guardians was both out of date and unreliable.

## Submission

26. **The KBRFC contest the Fisheries NZ assertion that the Kaikōura Marine Guardians advice is based on adequate discussions with stakeholders.** Both the KBRFC and Te Rūnanga o Kaikōura have informed Fisheries NZ of ongoing difficulties in being heard by either Te Korowai or the Kaikōura Marine Guardians. The KBRFC also maintain that the September 2020 Te Korowai consultation which informed the Kaikōura Marine Guardians February 2021 Ministerial advice was misleading in overstating sustainability concerns which the May 2021 Fisheries Assessment Document<sup>4</sup> has since shown to be unfounded and an inaccurate

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<sup>4</sup> McCowan T, 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.

representation of the actual status of the pāua stocks in Kaikōura. The advice must therefore be treated by the Minister of Oceans and Fisheries with a considerable uncertainty in its representation of both the communities' views and the best available scientific information.

27. **The KBRFC supports the reopening the Kaikōura Marine Area (Clarence River to the Conway River) to pāua fishing.** The latest scientific information available (May 2021) shows that pāua are at relatively high levels of abundance and the complete life cycle is functional, "i.e., there is widespread emergence of post-earthquake recruits and a sustained increase in biomass observed across the fishery"<sup>5</sup> (page 17).
28. **The KBRFC supports this reopening extending further north from Cape Campbell/Marfells Beach to the Conway River.** The "overall increase in pāua abundance is at a Quota Management Area-wide level in both QMAs," and the "increased abundance was generally more pronounced in PAU 7"<sup>5</sup> (page 1).
29. **The KBRFC oppose an annual 1 December to 1 March fishing season.** It is an extreme and unnecessary gross over reaction. However, the KBRFC would support a closure to the fishery during the local reproductive season, mainly June to August. A three-month closure over the spawning season is more justifiable than restricting recreational fishers' access to pāua for nine months of the year.
30. **The KBRFC oppose halving the recreational daily limit from six to only three pāua.** Pāua stocks are currently at relatively high levels of abundance, and permanently slashing the recreational daily bag limit from six to three pāua per person is not justified by any scientific information or reasonable concerns about sustainability. The KBRFC would support a reduction in the daily bag limit to five pāua per person for consistency with the surrounding areas. The KBRFC is also concerned that there is no equivalent proposed permanent reduction in the significantly more extensive commercial pāua fishery, which is already considering "the mechanism for how commercial catch limits are re-established because this will be through the release of shelving rather than the assignment of a new Total Allowable Commercial Catch"<sup>5</sup> (page 15).
31. **The KBRFC oppose an accumulation limit of six pāua per person.** If there is to be a closed season, people should have the opportunity to store pāua over that time.
32. **The KBRFC supports a vehicle limit** to give additional protection to pāua in shallow water close to the shore where concerns have been raised by the Kaikōura Marine Guardians who are especially concerned about the potential for a so called "goldrush" in these areas. The KBRFC also notes that the number of places available for parking along the Kaikōura coastline has been significantly reduced because of the earthquake reconstruction of State Highway 1, and this will further restrict accessibility to the shallow water populations of pāua.
33. **The KBRFC oppose increasing the recreational minimum legal-size limit to 130mm in shell length for black-foot pāua.** The submitters believe that it should remain at 125mm. Pāua have no blood clotting agent (i.e., they are haemophiliacs) and highly prone to release mortality if cut when removed from rocks. A higher size limit would only exacerbate release mortality in the recreational fishery because amateur fishers tend to handle many more unsized pāua than commercial fishers due to their relative inexperience.

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<sup>5</sup> McCowan T, 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.