

# Fish stock reviews for 1 October 2024

## South Island – Pāua 3A (PAU 3A)



Proposal [online here](#).

### 1. Current total allowable catch (TAC) settings and proposed options (tonnes).

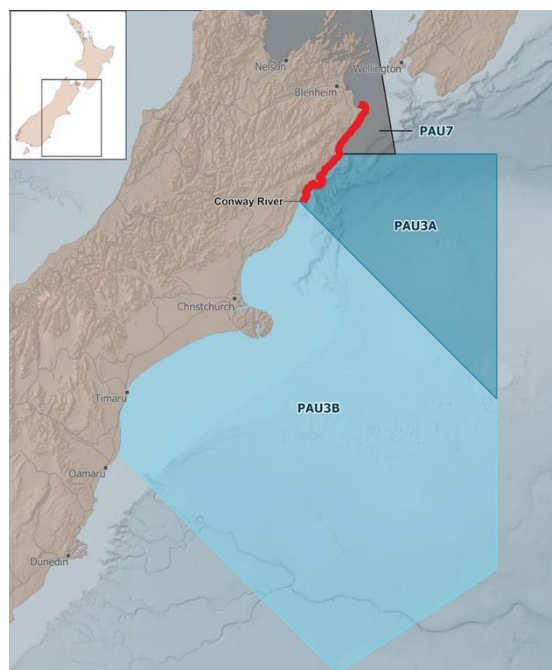
**Table 1:** Proposed management options (in tonnes) for PAU 3A from 1 October 2024.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 <i>Status quo</i>	40.5	23	7.5	5	5
Option 2a	55.5 (↑ 15)	34.5 (↑11.5)	7.5	7.5 (↑2.5)	6 (↑1)
Option 2b	63 (↑ 22.5)	34.5 (↑11.5)	7.5	15 (↑10)	6 (↑1)
Option 3a	70.5 (↑ 30)	46 (↑23)	7.5	10 (↑5)	7 (↑2)
Option 3b	80.5 (↑ 40)	46 (↑23)	7.5	20 (↑15)	7 (↑2)

Fisheries New Zealand (FNZ) is also consulting on an increase in the minimum legal size from 125 mm to 130 mm for recreational and commercial fishers.

### 2. What is the current status of this fish stock?

The Kaikōura pāua fishery (Pāua 3A) is estimated to be ‘About as Likely as Not (40-60%)’ to be at or above<sup>1</sup> the management target<sup>2</sup>. Future projections estimate a slight increase in abundance under current catch settings.



### 3. Is overfishing occurring?

It is ‘Unknown’ whether overfishing is occurring in Kaikōura and ‘Unknown’ if current catch levels or total allowable catch settings will cause overfishing in the future<sup>3</sup>.

### 4. What is the primary fishing method used to harvest pāua in this area?

Hand gathering while freediving. Some recreational and customary catch is taken by wading in shallow water.

### 5. What are the associated species and habitats?

Pāua are an important contributor to the Kaikōura coastal ecosystem, grazing seaweeds and as food for rock lobster and fishes.

<sup>1</sup> Fisheries Assessment Plenary – Volume 3: Red Gurnard to Yellow-eyed mullet. May 2024. Fisheries New Zealand. At [p.1115]

<sup>2</sup> Management target is the level that a fish stock should be managed at or above to ensure sustainable use. The management target for PAU 3A is 40% of the unfished biomass, PAU 3A is estimated to be at around 46%.

<sup>3</sup> Fisheries Assessment Plenary – Volume 3: Red Gurnard to Yellow-eyed mullet. May 2024. Fisheries New Zealand. At [p.1115-1116]

**6. What are the primary concerns/recommendations of the New Zealand Sport Fishing Council & LegaSea for this review?**

- a. The Minister, FNZ and stakeholders must accept that recreational fishers must have reasonable access restored to the Kaikōura pāua fishery with an allowance of XX tonnes and open season of XX months (Recommended values TBC).
- b. Recreational fishers have strenuously opposed setting the recreational allowance as a proportional share relative to the Total Allowable Commercial Catch (TACC).
- c. The 2016 earthquakes caused the loss of critical intertidal and sub-tidal pāua habitat, and the fishery was closed for five years.
- d. A staged resumption of harvesting began in December 2021 with a three month open season. The onsite recreational harvest survey that year recorded high catch rates of large pāua and estimated a total catch of 42 t with a CV of 17.5%.
- e. The survey during the two month open season from 15 April 2023 estimated a recreational harvest of 11.7 t (CV 25%).
- f. Large scale recreational fishing surveys (regional or national) have not provided accurate harvest estimates for PAU 3 or the Kaikōura Marine Area (KMA).
- g. The FNZ Shellfish Working Group have recommended using 24 tonnes as the best estimate of pre-earthquake recreational harvest for the PAU3 A stock assessment. The current allowance for recreational harvest of 5 tonnes is acknowledged as unrealistic.
- h. There is no evidence that 5 tonnes was a reasonable allowance for recreational fishing interests given the high profile and easy access to this fishery from State Highway 1.
- i. The Minister is not required to follow the commercial sector Fisheries Plan for Pāua 3. The Supreme Court has ruled that the Minister has discretion when setting the non-commercial allowances.
  - i. In terms of the recreational allowance the Supreme Court ruled that, “The Act envisages that the allowance for recreational interests will be a reasonable one in all the circumstances. It also envisages that will be the case for the allowance for Māori customary fishing”<sup>4</sup>.
  - ii. The Supreme Court recalled the 1997 Court of Appeal decision discussing the recreational allowance, “the allowance is simply the Minister’s best estimate of what they will catch during the year, they being subject to the controls which the Minister decides to impose upon them eg. Bag limits and minimum lawful sizes”<sup>5</sup>.
- j. Pāua abundance in the KMA is currently high and recreational fishers support maintaining the stock above pre-earthquake levels. This would rule out having an open season for recreational fishers over the peak summer holiday period.
- k. FNZ propose increasing the minimum legal size for pāua from 125 mm to 130 mm, to reduce localised depletion and maintain spawning stock biomass. Any increase to 130 mm will only affect recreational fishers and will not have a significant impact on overall catch or spawning stock biomass.

**7. Who can you contact?**

- a. **Email submission to:** [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)
- b. **Email NZSFC fisheries team:** [FM@legasea.co.nz](mailto:FM@legasea.co.nz)
- c. Submissions are due with Fisheries New Zealand by 29 July 2024.

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<sup>4</sup> New Zealand Recreational Fishing Council Inc and Anor v Sanford Limited and Ors SC 40/2008 [28 May 2009]. Para 65.

<sup>5</sup> New Zealand Fishing Industry Association (Inc) v Minister of Fisheries (CA 82/97, 22 July 1997) (“Snapper 1”) at p 17 per Tipping J for the Court.