



# Public submissions received for the 2024 April sustainability round

Part 2: Submissions on all other stocks

March 2024

Proactive release



**Table of submissions and responses on 2024 April sustainability round proposals**

#	Name/Organisation	Stock(s) included in submission
Deepwater stock submissions		
1	Seafood New Zealand Ltd. – Deepwater Council	SKI 3 & SKI 7, SWA 4, SBW 6B
2	Sealord Group Ltd.	SKI 3 & SKI 7, SWA 4, SBW 6B
3	Ngāti Mutunga of Wharekauri Asset Holding Company Ltd	SKI 3, SWA 4, SBW 6B
4	Southern Inshore Fisheries Management Co. Ltd	SKI 3 & SKI 7
5	Ngātiwai Holdings Ltd.	SWA 4, SBW 6B
6	Talley's Ltd.	SWA 4
Southern bluefin tuna submissions		
7	T. Allen (Tiamana – Te Whiu Hapu)	STN 1
8	Forest and bird NZ – S. Maturin	STN 1
9	Birdlife International	STN 1
10	Seafood New Zealand Ltd. – Inshore Council	STN 1
11	New Zealand Sport Fishing Council (NZSFC) and LegaSea,	STN 1
12	E. Morris	STN 1
Kaikōura pāua submissions		
13	New Zealand Sport Fishing Council (NZSFC) and LegaSea, joint recreational submission with the New Zealand Angling & Casting Association (NZACA)	Kaikōura pāua
14	Fish Mainland	Kaikōura pāua
15	Forest and Bird NZ – S. Burnett	Kaikōura pāua
16	Pāua Industry Council (PIC)	Kaikōura pāua
17	PāuaMAC3	Kaikōura pāua
18	PāuaMAC7	Kaikōura pāua
19	PāuaMAC2	Kaikōura pāua
20	PāuaMAC4	Kaikōura pāua
21	PāuaMAC5	Kaikōura pāua
22	D. Schiel	Kaikōura pāua
23	G. Creighton	Kaikōura pāua
24	S. Gerrity	Kaikōura pāua
25	G. Burrell	Kaikōura pāua
26	R. Ford	Kaikōura pāua
27	J. Terry	Kaikōura pāua
28	P. Russ	Kaikōura pāua
29	D. Ternent	Kaikōura pāua
30	K. Ngapora	Kaikōura pāua
31	R. Boyd	Kaikōura pāua
32	C. Buschl	Kaikōura pāua
33	I. Bradbury	Kaikōura pāua
34	LegaSea Kaikōura pāua form submissions (156)	Kaikōura pāua

2 February 2024

Mr. James Andrew  
Manager Deepwater Fisheries  
2024 Sustainability Review  
Fisheries Management  
Fisheries New Zealand  
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By email: **s9(2)(a)**; [FMsubmissions@mpi.govt.nz](mailto:FMsubmissions@mpi.govt.nz)

Dear James,

## REVIEW OF FISHERIES SUSTAINABILITY MEASURES FOR APRIL 2024

### Background

1. Thank you for the opportunity to submit on the Fisheries New Zealand Review of Sustainability Measures for deepwater fisheries for 2023-24.
2. Seafood New Zealand Deepwater Council (DWC) has a strong and unified mandate to represent our members, who collectively own some 63% of all commercial quota shares and 91% of the quota shares for all deepwater species, including quota in the fisheries for hake, hoki, jack mackerel, ling, orange roughy, oreos, scampi, southern blue whiting, and squid.
3. DWC's role is to enable deepwater quota owners to collaboratively realise their vision to be trusted as the best-managed deepwater fisheries in the world.
4. To give effect to this, DWC works in close alignment with Fisheries New Zealand (FNZ), the Department of Conservation, and others to enable New Zealand to obtain the maximum benefits from our deepwater fisheries resources, within a responsibly managed long-term sustainable framework.
5. This submission is provided on behalf of owners of silver warehou (SWA 3 and SWA 4) quota owners who are members of DWC. Collectively, members of DWC own 95% of the quota shares for each of SWA 3 and SWA 4.

### Review of Sustainability Measures for 2023-24

6. The following deepwater stocks are proposed for review by FNZ for the 2023-24 year as part of the April 2024 Sustainability Round:
  - **SBW 6B:** Two options are proposed for SBW 6B. Option 1 is to maintain the status quo of 2,264 t TACC. Option 2 is to increase the TACC by 100% to 4,888 t.
  - **SKI 3 and SKI 7:** Three options are proposed for both SKI 3 and SKI 7. Option 1 is to maintain the status quo of 1,091 t TACC for both stocks. Option 2 is to increase the TACC by 20% to 1,309 t for both stocks. Option 3 is to increase the TACC by 30% to 1,418 t for both stocks.
  - **SWA 4:** Two options are proposed for SWA 4. Option 1 is to maintain the status quo of 4,500 t TACC. Option 2 is to increase the TACC by 11% to 5,000 t.
7. It is noted that there is an opportunity for increased utilisation for these stocks, with TACC increases proposed for each stock.

## Deepwater Quota Owners' Submissions

### Southern Blue Whiting (Bounty Plateau) (SBW 6B)

#### Proposed TACC Options

- Option 1: Maintain the status quo of 2,264 t; and
- Option 2: Increase the TACC by 100% to 4,888 t.

#### Overview

8. SBW 6B (Bounty Plateau) is characterised by highly variable recruitment, with the fishery being punctuated by infrequent large year classes some years (e.g., 2002, 2007 and 2012) that sustain the fishery for many years, including subsequent years where recruitment is low.
9. Management of the fishery in terms of catch limits rests entirely on acoustic data feeding into an assessment from which a harvest level is proposed. Due to the inability to obtain adequate acoustic data in 2018 and 2019, the TACC was reduced by 10% for 2020 (from 3,145 t to 2,830 t). This reduction was supported by DWG Shareholders.
10. An HCR-based management procedure was subsequently developed to enable the setting of SBW 6B catch limits, which included years where the undertaking of a survey was not possible.
11. The SBW 6B Bounty fishery monitoring and assessment process has been ongoing for several years with NIWA providing support to surveys (e.g., echosounder calibration) and undertaking data analysis and assessment.
12. In previous years, (e.g. 2020 and 2021) the vessel on station to undertake an acoustic survey of spawning aggregation(s) at Bounty was unable to obtain a robust snapshot that aligned with prescribed protocols and methods. However, this was not the case in 2023, with the vessel on station providing robust biomass estimates.
13. The TACC has not been taken in the last four years (Figure 1 below).

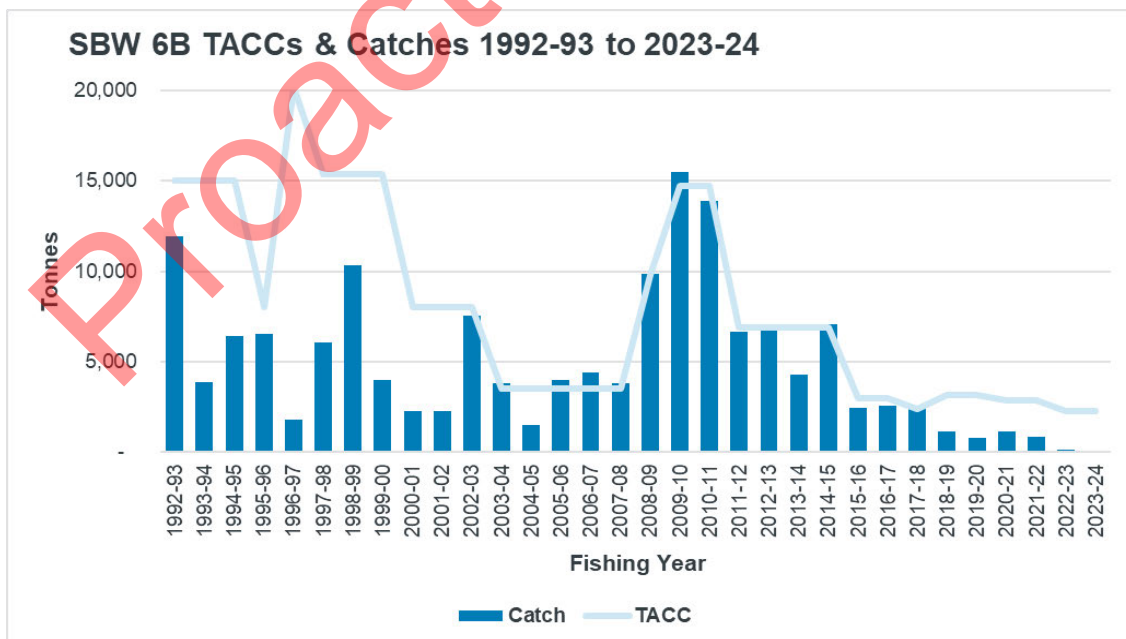


Figure 1: SBW 6B Catches (blue bars) against TACC (light blue line) from 1992-93 to 2023-24.

## Stock Status

14. The last review of SBW 6B was in 2022 when the TACC was precautionarily reduced by 20%.
15. A successful survey of SBW 6B in 2023, which provided robust estimates of increased biomass, has provided for a proposed increase to the TACC by 2,624 t (2,264 t to 4,888 t).
16. The best available information from the recent acoustic survey in August 2023 indicates that there is an opportunity for increased utilisation because the biomass has increased since 2016 and is the highest recorded since 2014. The mean survey biomass estimate of 12,506 t (18% CV) was 62% higher than the last biomass estimate of 7,719 t in 2017.
17. The ageing of fish from the survey in 2023 also confirms there has been strong recruitment into the fishery from the 2018-year class and supports an increase in utilisation.

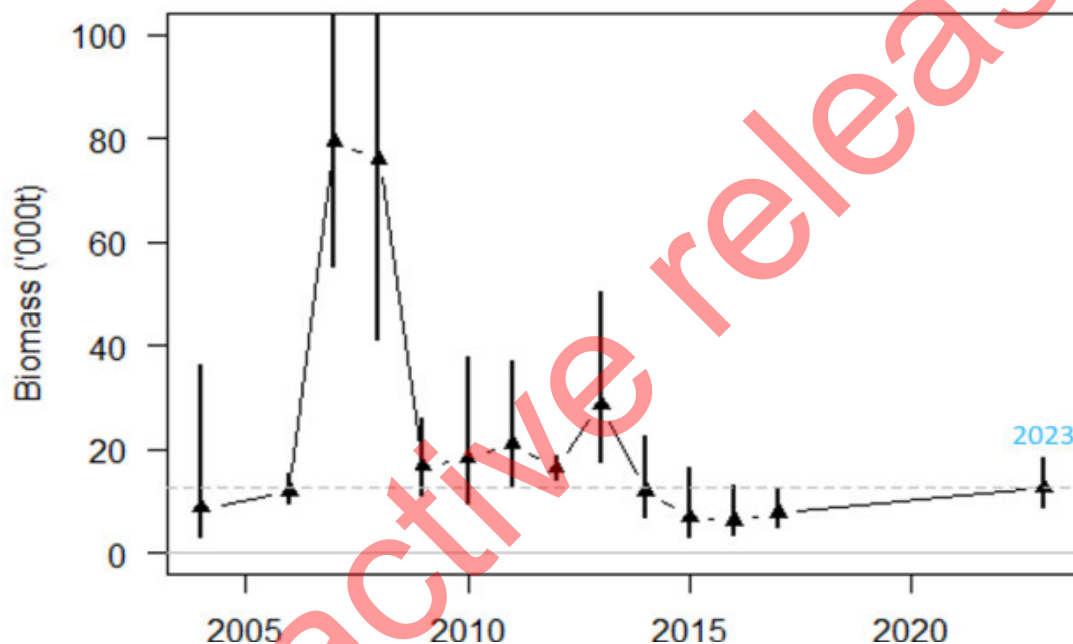


Figure 2: Biomass estimates between 2004 and 2023 (Doonan, 2023). The grey horizontal line is the 2023 biomass (observed) to enable comparison to other biomass estimates (whether above or below).

## Environmental Considerations

18. Option 2 is likely to provide for some increase in fishing effort in SBW 6B.
19. Fur seals are caught on occasion at the Bounty Islands but at levels far below what would be considered a sustainability concern with an estimated island population of 21,500 (Taylor, 1996). Seabirds are also caught in low numbers (zero observed captures since 2016-17).
20. With current DWC operational procedures and other protected species risk management practices in place, DWC considers this potential increase in effort to pose a low protected species risk. Other environmental risks are also considered very low.

## Economic Considerations

21. Based on the export value of dressed southern blue whiting during the 2022 calendar year of \$1,780 per tonne, this TACC increase would result in a potential increase in revenue of approximately \$2.83m per year above Option 1 if the entire current TACC was caught.
22. Option 1 would unnecessarily reduce the benefits of the current opportunity for increased sustainable utilisation and would preclude other non-surveying vessels from benefiting from this resource.

23. In addition, maintaining the currently low TACC would increase the risk of a survey not going ahead in 2024, due to the lack of sufficient ACE to fund the survey, risking a knock-on effect that we have seen in recent years with the inability to obtain useable acoustic biomass estimates.

**Recommendation**

24. DWC submits in support of FNZ's proposed Option 2, to increase the SBW 6B TACC by 100% from 2,830 t to 4,888 t for the 2023-24 fishing year, submitting that the proposed increase is consistent with the best available information from the recent acoustic survey, biological information and in accordance with section 13(2A) of the Fisheries Act 1996.

Proactive release

## Gemfish (SKI 3 & 7)

### Proposed TACC Options

- Option 1: Maintain the status quo of 1,091 t (for both stocks); and
- Option 2: Increase the TACC by 20% to 1,309 t (for both stocks)
- Option 3: Increase the TACC by 30% to 1,418 t (for both stocks).

### Stock Status

25. Gemfish is an unavoidable bycatch species, and it is unlikely that any increase in the TACC would result in any change in behaviour and the targeting of this species.
26. Based on the best available information indicating an ongoing sustained increase in the abundance of gemfish in SKI 3 and SKI 7, DWC supports FNZ's proposal to increase the TACC to each of the SKI 3 and SKI 7 stocks by 20% (1,309 t) and 30% (1,418 t) respectively.
27. DWC noted that although FNZ has increased the TACC twice for both of these stocks since 2020, landings have continued to exceed catch limits in all years since 2020.
28. A Level 2 partial quantitative stock assessment was accepted by the 2021 Fisheries Assessment Plenary for SKI 3 and SKI 7. The DWWG concluded in 2021 that given recent recruitments, SKI 3 and SKI 7 stock size is likely to increase over the short term. Since then, the biomass index from the 2021 WCSI trawl survey has corroborated this information.
29. In addition, Devine et al. (2023, in press) suggest substantial recruitment pulses are starting to enter the fishery as recently as the 2021-22 fishing year. This suggests that the earlier predicted "short-term increase" may be more sustained.

### Environmental Considerations

30. Risks to protected species would not be influenced by a change in the catch limits due to gemfish being caught almost entirely as a bycatch species (i.e. no increase in fishing effort expected)

### Economic Considerations

31. Landings of gemfish in SKI 3 and SKI 7 have exceeded the available ACE by considerable margins for recent years, and both stocks have incurred significant deemed value invoices since the 2017-18 fishing year.
  - In the 2020-21 fishing year, \$403,611 was incurred for SKI 3 and \$327,102 for SKI 7.
  - In the 2021-22 fishing year \$16,034 was incurred for SKI 3.
  - For the 2022-23 fishing year, the available ACE for SKI 3 was over-caught by approximately 20%, incurring \$158,189 of deemed values.
32. The continuously high deemed value bills are a result of the lack of ACE availability for both of these stocks over consecutive years. The excessively precautionary and incremental increases to catch limits over recent years have done little to mitigate the high deemed value costs incurred by quota owners and ACE holders.
33. The status quo and the increase proposed under Option 2 (particularly for SKI 3) would likely continue to constrain the availability of ACE if the abundance and recruitment of gemfish continue to increase as suggested by Devine (2023).
34. Option 3 would provide headroom of 116 t if landings in the coming years reflect the 2022-23 year. It is still possible that this setting would continue to constrain ACE if the abundance of gemfish increases over the medium term.

### Recommendation

35. DWC considers the increase of 30% to the TACC under Option 3 to be the most preferred option available, given the anticipated and continued increase in the abundance of gemfish in both SKI 3 and SKI 7. There is no evidence that this would pose a sustainability concern for the stock.

36. The unnecessary and unreasonable deemed value costs attributed to these stocks would also be mitigated under Option 3 for the short term if annual landings remain at similar levels. However, it is unclear if these limits will continue to be suitable in 2024-25 when the changes are implemented. An additional option of a 40% increase will give more assurance that excessive deemed value costs will not be incurred. The TACC increase for both fisheries in 2020-21 was too conservative and has not been able to provide sufficient ACE for the gemfish catch in hoki or squid fisheries. Both SKI 3 and SKI 7 have been overcaught in recent years, even since the TACC was increased. The best available information suggests the biomass of the stocks has increased 10-fold since 2015, with fishing effort decreasing during the same time.

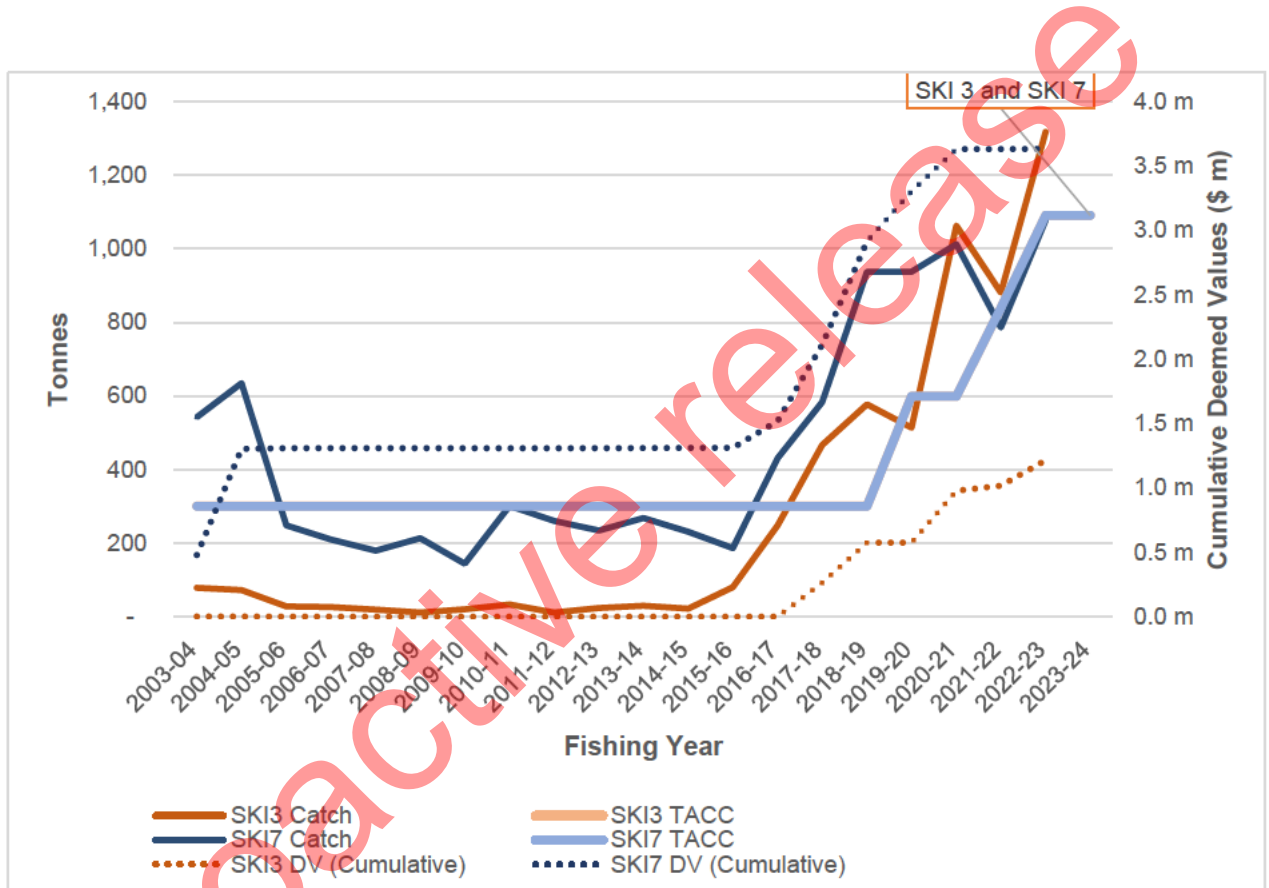


Figure 3: SKI 3 and SKI 7 TACCs and Catches against Deemed Values paid from 2003-04 to 2023-24



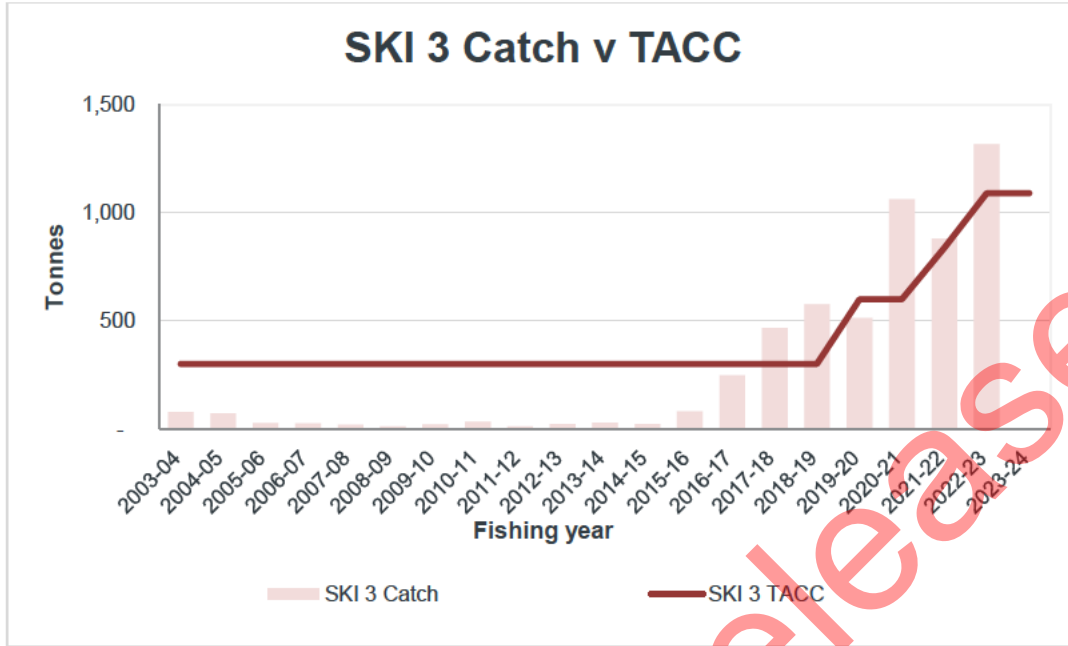


Figure 4: SKI 3 Catches against TACC from 2003-04 to 2023-24

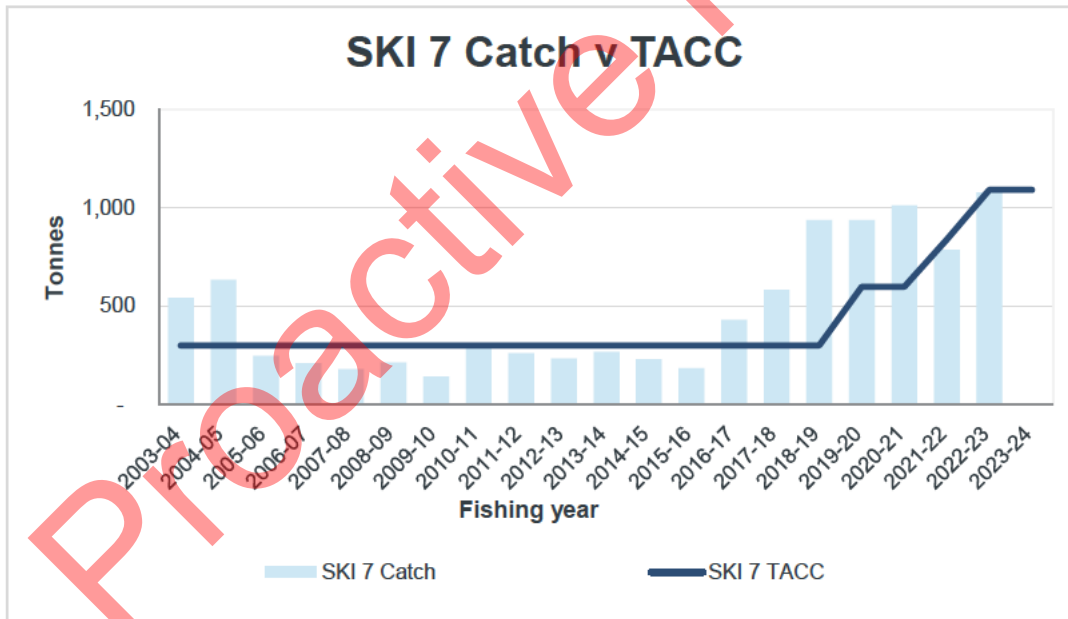


Figure 5: SKI 7 Catches against TACC from 2003-04 to 2023-24

## Silver Warehou (SWA 4)

### Proposed TACC Options

- Option 1: Maintain the status quo of 4,500 t; and
- Option 2: Increase the TACC by ~11% (500 t) to 5,000 t.

### Stock Status

37. The SWA 3 and SWA 4 stocks have been the subject of several research projects in recent years without success in producing a relative stock status. The best available information on the biomass of SWA 3 and SWA 4 comes from research undertaken during 2022 and 2023.

38. It is understood that there is an interdependent relationship between SWA 3 and SWA 4, the stock structure for SWA 3 and 4 is not known. The Plenary acknowledges that:<sup>1</sup>

*“It is uncertain whether the same stock migrates from one area to another, spawning whenever conditions are appropriate, or if there are several separate stocks. The current management areas bear little relation to known spawning areas and silver warehou distribution.”*

39. What is more the Plenary report highlights the inability of the 2023 research to reject a single stock hypothesis (especially for SWA 3 and SWA 4)<sup>2</sup>

*“An assessment of a stock including all of Chatham Rise and Southland (SWA 3 and SWA 4) was then attempted in 2023. The available catch and effort data, observer length and female maturity data, and age sample data could not reject a single stock hypothesis.”*

40. The CPUE and biomass indices of SWA 3 and 4 have been variable but relatively high in recent years, with the Chatham Rise trawl survey showing an overall increasing trend, indicative of an increasing biomass trend.<sup>3</sup>

**Table1: 2023 Silver Warehou SWA 3 and SWA 4 Stock Assessment Model Runs**

CPUE Sensitivity Runs:	SSB <sub>0</sub>	SSB <sub>2022</sub> /SSB <sub>0</sub>
Short delta-lognormal	475,708 t	0.85
Spatio-temporal	130,566 t	0.65
Long delta-lognormal	119,961 t	0.64

41. Table 1 shows that all three 2022-23 CPUE Sensitivity runs, show a spawning stock biomass (SSB) of over 64% SSB<sub>0</sub>, with the delta lognormal run- indicating a SSB of 85% SSB<sub>0</sub>. This high biomass is highly visible in catches (see Figure 8) and overly represented as punitive deemed values.

42. Based on this, the Plenary concluded that there was no sustainability issue for the Chatham Rise (and Southland).

43. Catches of silver warehou exceeded the TACC in 2022-23.

<sup>1</sup> FNZ (2023) - May 2023 Fisheries Assessment Plenary, (Part 3) p 1475

<sup>2</sup> FNZ (2023) - May 2023 Fisheries Assessment Plenary, (Part 3) p 1475

<sup>3</sup> FNZ (2023) - May 2023 Fisheries Assessment Plenary, (Part 3) p 1478 (figure 3)

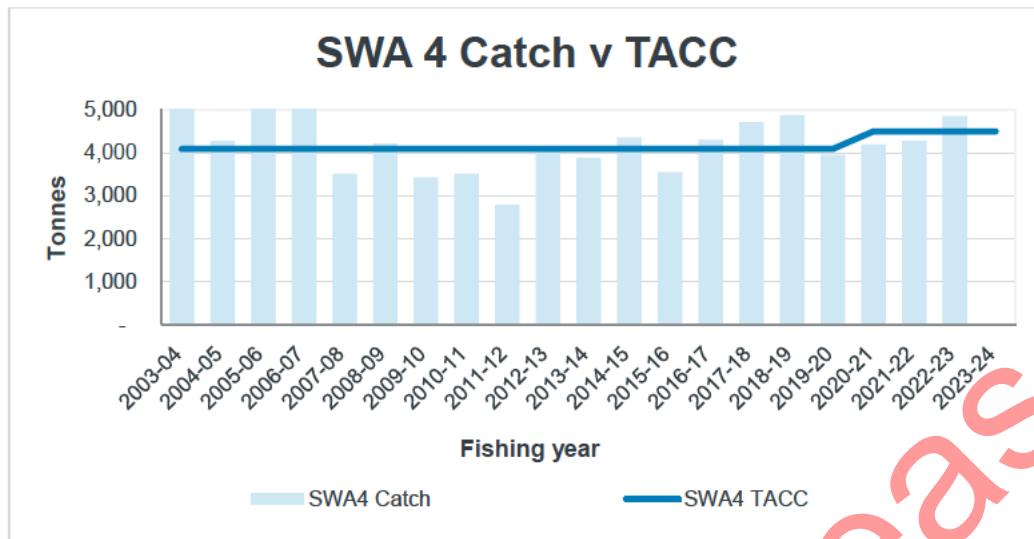


Figure 6: SWA 4 Catches (light blue bars) against TACC (blue line) from 2003-04 to 2022-23

### Environmental Considerations

44. Risks to protected species are unlikely to be influenced by a change in the catch limits due to silver warehou being mainly a non-target species of the hoki fishery.

### Economic Considerations

45. The proposed increase to the TACC under Option 2 could result in a small increase in export volume. The export value of 500 tonnes of silver warehou is estimated to be around \$1.4m FOB.
46. The exceeded catches in SWA have resulted in excessive deemed value costs. DWC notes that the catch and availability of SWA 4 ACE are constrained by the current limits (as with SWA 3), with landings being within 90% of the TACC for some years.
47. For many operators, balancing catch against ACE can be extremely challenging. The 11% increase proposed by FNZ will alleviate some of the pressure, however, again, as we see with other choke species/stocks where there is no sustainability concern, the response to limit increases can be very delayed and often not enough to make a real difference.
48. What is more, low and slowly responsive sustainability settings have resulted in the loss of legitimate increased catch opportunities (indeed operators on these fisheries have suffered large and unnecessary deemed value bills instead).
49. Since 2003-04, the industry has paid some \$15,989,512 (SWA 3: \$9.5m and SWA 4: \$7.6m) in deemed values to the Crown for these stocks where both TACCs are arguably - based on the best available scientific assessments - still set too low.
50. For the period 2003-04 to 2023-24, the TACCs catches, and accumulated deemed value payments are shown in Figure .

### Observations

51. After feedback from quota owners from the October 2023 sustainability round, it was noted that ACE availability for SWA 4 is constrained but not necessarily reflected in the deemed value bills.
52. DWC considers that an increase to the TACC is needed, based on the evidence that the abundance of silver warehou is increasing. However, an additional option of a 15% increase should also be considered to mitigate future constraints of ACE with increasing abundance.
53. Noting that SWA 3 and SWA 4 are “highly interrelated,” that a single stock structure (particularly for SWA 3 and 4) “was unable to be rejected,” and that the “current management areas bear little relation

to known spawning areas and silver warehou distribution.” It is helpful to look at catches from SWA 3 and 4 together, as DWC presented in our submission in 2023 for SWA 3.

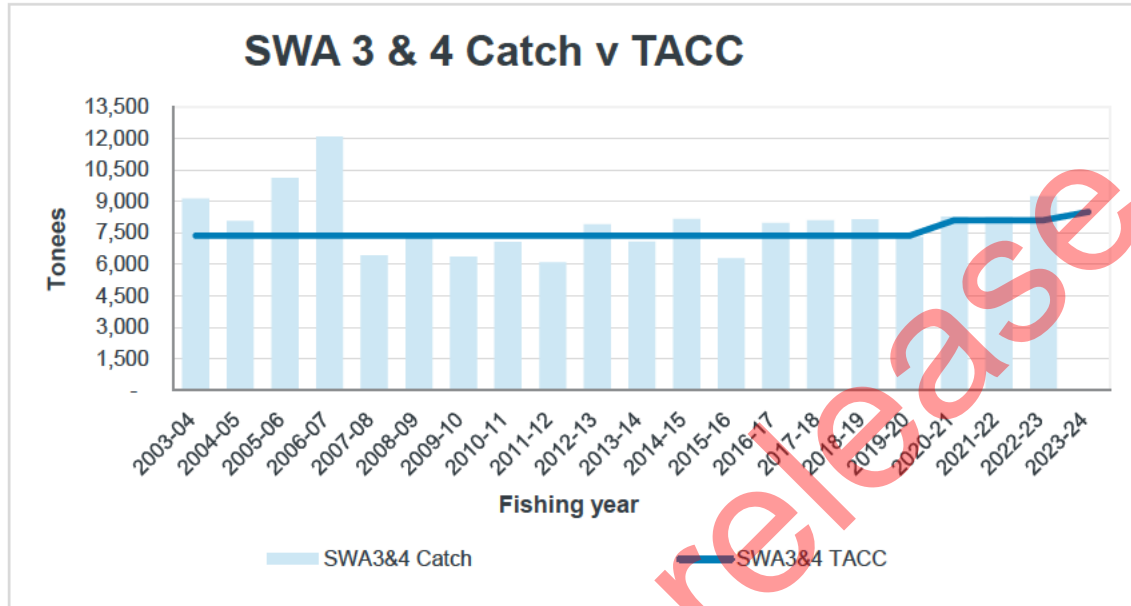


Figure 7: SWA 3 and 4 (together) Catches (light blue bars) against TACC (blue line) from 2003-04 to 2023-24

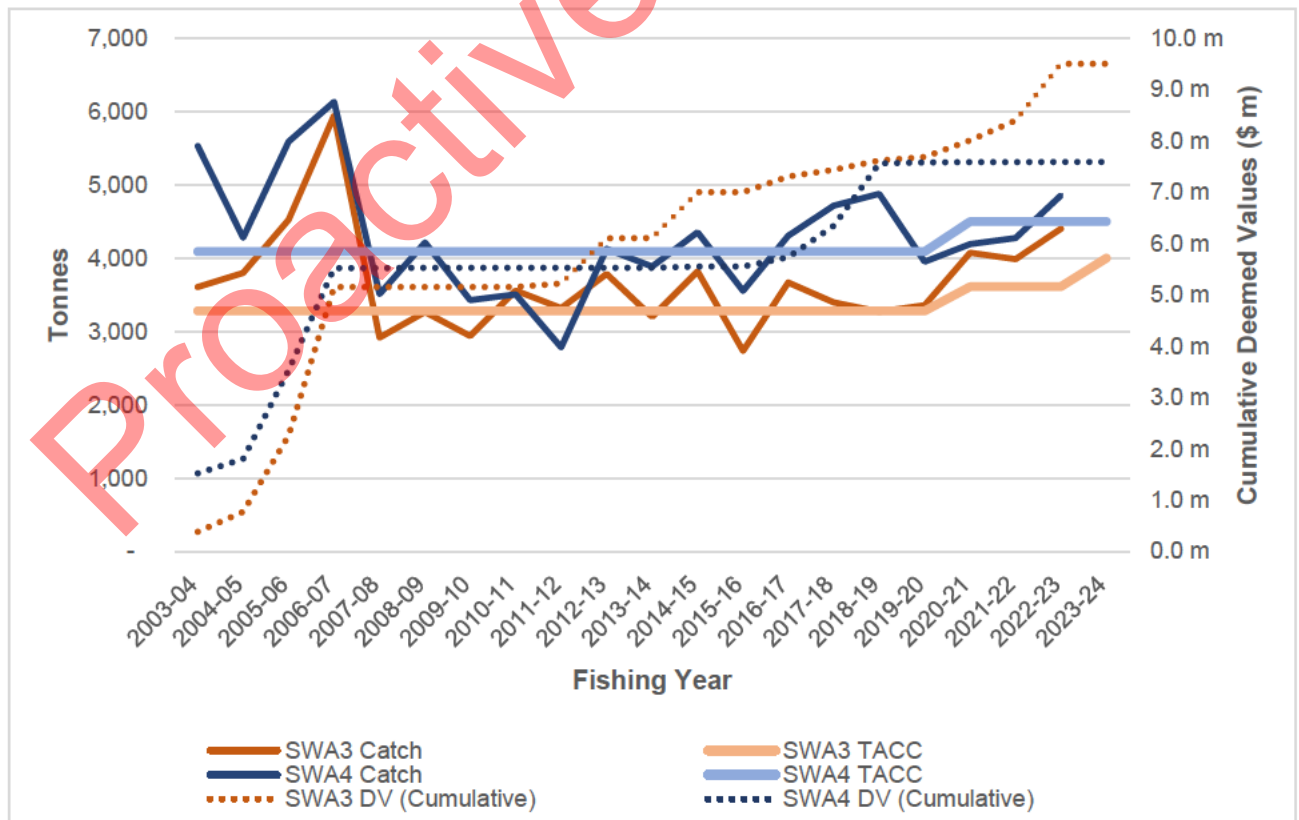


Figure 8: SWA 3 and SWA 4 TACCs and Catches against Deemed Values paid from 2003-04 to 2023-24

54. In the two QMAs, combined catches have exceeded combined TACCs in 8 of the past 11 years, including 2020-21, 2021-22 and significantly in 2022-23 where the TACC has been increased twice.
55. Landings have exceeded the TACCs in SWA 3 in 2019-20, 2020-21, 2021-22, & 2022-23; even with the 10% increase to the TACC in 2020-21. As a result, annual deemed value costs incurred by quota owners (see Figure 8). The proposed increase of 10% will alleviate some of this cost but the increased biomass means that these costs will continue to be payable in both SWA 3 and SWA 4.
56. Silver warehou is a large by-catch fishery and it is well understood that fishers have little control over the catch in relation to TACC, especially where there is increased abundance. As such, deemed value charges are unnecessary and arguably punitive. What is more, the species have an undue influence on other target catches such as hoki. To this end, noting that SWA 3 and SWA 4 are primarily by-catch fisheries, DWC has consistently advocated that any increase in TACC should be above the sum of catches, not merely meeting it (and in doing so inviting further deemed value charges).
57. The DWC alternative proposal (the same as it was last year), is in addition to the proposed 11% increase to SWA 4, increasing the TACC in SWA 4 by an additional 5% (250 tonnes) and SWA 3 by an additional 5%. This would alleviate ACE availability issues, provide necessary headroom to minimise effects on other Chatham Rise fisheries such as HOK 1 and SQU 1T, as well as align with the best available information which "*indicates that the abundance of silver warehou [in SWA 3 and SWA 4] appears to have remained at a high level for an extended period of time*".

### Recommendations

58. DWC notes and supported an increase to the TACC in SWA 3 in October 2023 by 10.8% from 3,610 tonnes to 4,000 tonnes (an increase of 390 tonnes). Further to this we support FNZ's proposed increase to SWA 4 by 11% from 4,500 t to 5,000 t (which is consistent with the DWC submission on SWA 3 in 2023).
59. However, notwithstanding the increase provided for SWA 3 and the 11% increase proposal for SWA 4, the CPUE indications and catches indicate that SWA taken in the HOK, SQU1T and BAR fisheries as bycatch, will continue to have a punitive effect with continued deemed values resulting from catches that exceed available ACE (which in some cases denote increased bycatch comparisons in SWA 4 for 2023-24 of up to 25% in SWA 4, and ~50% in SWA 3)
60. It is DWC's submission that arresting the increase is a priority for the SWA 3 and SWA 4 fisheries, given that the amount of deemed values paid over many years cannot be logically justified given knowledge of the increasing status of these stocks.
61. DWC considers that an additional increase to the TACC is needed, based on the evidence that the abundance of silver warehou. However, an option of an additional increase should also be considered to mitigate future constraints of ACE with increasing abundance.
62. It is DWC's submission that 30 % increases to both SWA3 and SWA4 would not only cause no sustainability issues to these fisheries and that is what we should be pushing for.

### Proposed (Alternative) Option

63. The DWC proposes an **alternative proposal to increase the TACC in SWA 4 an additional 30% to that proposed in Option 1 (an increase to 5,850 t), and a 20% increase in SWA 3 (an increase to 4,800 t)**
64. This proposed increase for both SWA 3 and SWA 4 would provide necessary headroom in order to minimise effects of other Chatham Rise fisheries such as HOK 1 and SQU 1T, as well as align with the statutory objective *to maintain the stock at or above a level that can produce maximum sustainable yield*, based on the best available information (which "*indicates that the abundance of silver warehou in SWA 3 (and SWA 4) appears to have remained at a high level for an extended period of time*").
65. It is noted that this more significant proposed increase, which could be even be addressed during the consultation for the October round, would alleviate ACE availability issues and largely remove punitive and unnecessary deemed value obligations, which have been consistently imposed in recent years with abundant SWA biomass resulting in unavoidable bycatches in other target fisheries (e.g. HOK, SQU).

## Further Engagement

DWC and deepwater quota owners would be happy to engage in further discussions with FNZ on any matters pertaining to this submission before FNZ completes its final advice on the sustainable management of the fisheries, should it be beneficial.

Regards,

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Aaron Irving  
GM  
Seafood New Zealand | Deepwater Council

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Proactive release

31 January 2023

2024 Sustainability Review  
Fisheries Management  
Fisheries New Zealand  
PO Box 2526  
Wellington 6140

BY EMAIL: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

**Sealord Group Limited Submission in relation to the Review of sustainability measures for selected fish stocks – April 2024 round**

**Introduction**

1. Sealord Group Limited (**Sealord**) welcomes the opportunity to provide comments on the Fisheries New Zealand (**FNZ**) discussion papers for *Review of sustainability measures for selected fish stocks – April 2024 round (Discussion Papers)*. Sealord supports effective science-based management to ensure ongoing sustainability and utilisation of fisheries resources.
2. Sealord is one of New Zealand's leading seafood companies. Established in 1961, a 50% interest in Sealord was acquired by Māori in 1992, which is currently held by Moana New Zealand (Aotearoa Fisheries Limited) for the benefit of all Māori. The other half of Sealord is owned by Nissui Corporation.
3. Today Sealord employs more than 1,200 people in New Zealand and overseas, with over NZD 900 million of assets and annual revenues of approximately NZD 450 million (not including the Independent Fisheries business). Sealord has interests in fishing both in New Zealand and internationally. Domestically, the majority of Sealord's quota holdings are in deep water fisheries. Sealord also holds interests in inshore quota. In addition, Sealord has very recently acquired the Independent Fisheries business. The Independent Fisheries quota portfolio is the fourth largest deepwater parcel in New Zealand.
4. Sealord operates exclusively in middle-depth and deepwater trawl fisheries, hence we have limited to our feedback to the questions in the Discussion Papers which relate these fisheries (SWA4, SKI3&7, SBW6B).

## Submissions on Discussion Papers

### *Silver warehou (SWA4)*

7. Sealord supports option 2 in the Discussion Paper No. 2023/29, which is to increase the SWA4 catch limit from 4,545 t to 5,050 t.
8. We submit that for SWA4 (also most tier 2 stocks and JMA7) there are no sustainability concerns but no pathway to formal biomass assessment. Further, as a principally bycaught species, modest changes to the TACC will not affect fisher behaviours. FNZ must come up with a strategy to economically manage these fisheries in a timely manner. As it stands, industry is too regularly paying deemed value for abundant unavoidable bycatch, missing utilisation opportunities for these species, and is unable to prosecute the target fisheries at the lowest cost and with the most efficient fuel burn (i.e. carbon emissions).
9. Six months ago, when Sealord submitted on SWA3 for the October sustainability round, we suggested that both Chatham Rise silver warehou fisheries should be increased together for the 2023 fishing year. SWA4 is now proposed for an overdue TACC increase for the 2024 fishing year. It is likely that increasing abundance will result SWA4 over-catch in 2023 and likely Deemed Value charges. Sealord submits that TACC increases should be applied retrospectively to fishing year 2023.
10. Sealord supports Adaptive Management Practices for silver warehou and similar species. These fisheries are those that have been proven difficult to measure biomass and can be effectively monitored annually through CPUE. An interim criterion could be for bycatch fisheries wherein changing TACC will not change fishing effort. We submit that identifying appropriate fisheries and instituting adaptive management harvest strategies should be prioritised by FNZ as a matter of urgency.
11. Sealord would like to express concern at what we see as a diminishing of capacity at NIWA in the fisheries science and stock assessment teams. We have also been made aware that non-NIWA consulting scientists in New Zealand are at full capacity. Sealord submits that rebuilding this competency at NIWA should be a priority workstream. We suggest a two streamed solution, with novel management approaches (as above) complementing NIWA recruitment.
12. In 2017 then then Minister for Primary Industries, Hon Nathan Guy, introduced the *Integrated Electronic Monitoring and Reporting System (IEMRS)* citing "... significant improvements in fisheries management."<sup>1</sup> The compliance costs to operators keeps increasing without any delivery of the promised improvements. Sealord submits that modern New Zealand commercial fishing is data rich and highly monitored, for many stocks traditional assessments are over-precautionary.

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<sup>1</sup> [Sub17-0011 - Submission to Cabinet Template \(mpi.govt.nz\)](https://www.mpi.govt.nz/submissions/sub17-0011)



*Southern blue whiting (SBW6B)*

13. Sealord supports option 2 set out in the Discussion Paper No. 2023/31, which proposes raising the SBW6B TACC to 4,988 t.
14. Sealord agrees with the rationale laid out by FNZ.
  - a. A fishery independent biomass assessment shows increased biomass since the previous assessment in 2016.
  - b. Evidence of recent strong recruitment from the 2018 year class.

*Gemfish (SKI3&7)*

15. Sealord supports option 3 for SKI3 and SKI7 as proposed in the Discussion Paper No. 2023/30.
16. Sealord catches gemfish as bycatch in our mackerel, hoki, squid and ling fisheries. Gemfish abundance has been on the increase since 2016 and gemfish bycatch levels have exceeded the TAC since biomass started to increase.
17. Gemfish is a fast growing and early maturing species, and population biomass is known to increase rapidly. Currently all gemfish stocks are growing at a rate faster than they can be assessed under the traditional stock assessment model (figure 1). As suggested above for silver warehou, Sealord submits that more agile management is needed for gemfish fisheries. Failure to do so will result in an underutilised resource, choked inefficient target fisheries, and unnecessarily punitive (and unjustified) deemed value charges.
18. Since 2016, when gemfish bycatch around the country began to increase, fishing companies have paid \$3.3m in deemed value on this one species. Sealord alone has been charged over \$300,000 in deemed value for a low level of unavoidable bycatch of this abundant species. Sealord submits that the changes to management processes we are advocating for in this submission (adaptive management techniques and retrospective TACC application) are essential for effective and equitable management of fisheries that are not amenable to traditional spawning biomass measurements.

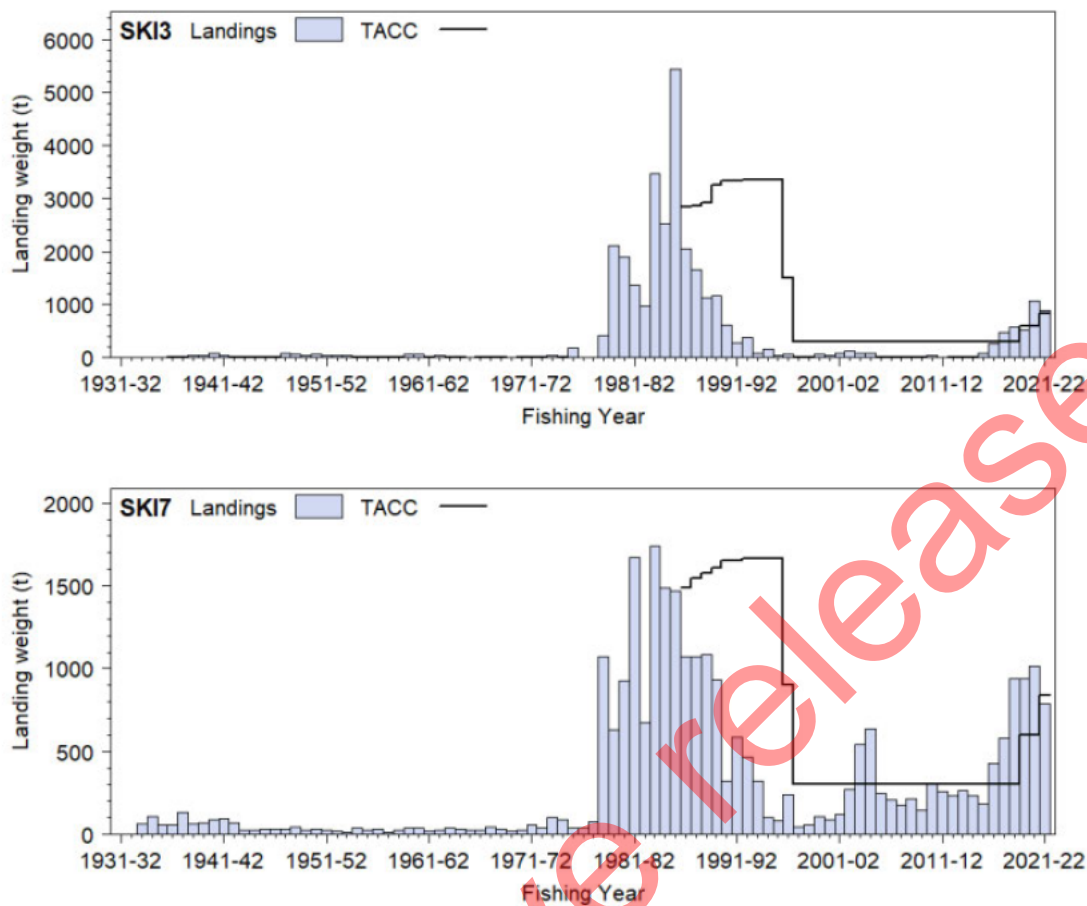


Figure 2: SKI 3 and SKI7 landings and TACC. As with SKI1 and 2, the TACC increases lag years behind abundance increase and unavoidable gemfish bycatch. All SKI stocks show the same increase since 2016 suggesting an environmental driver (from 2023 Fishery Summary <https://www.mpi.govt.nz/dmsdocument/57373/direct>).

## Summary and concluding comments

19. In summary, Sealord's position on April 2024 Review of sustainability measures for fisheries:

- a. SWA4: Option 2, increase TACC to 5,000 tonnes.
- b. SBW6B: Option 2, increase TACC to 4,888 tonnes.
- c. SKI3&7: Option 3, increase TACCs to 1,418 tonnes each.

20. Sealord has the following suggestions for management of fast-growing mobile species:

- a. Change the harvest strategy of key species so they can be managed agilely based on CPUE as a proxy for abundance (eg Draft Fisheries ITP 1.4.3).
- b. Monitor CPUE annually and make regular modest adjustments to the TAC as per an adaptive management framework.



- c. Apply TACC changes retrospectively when it becomes clear that the stock assessment process has failed to keep up with changes to oceans and fisheries.

21. We would be happy to discuss any aspect of this submission with you further.

Yours faithfully

**SEALORD GROUP LTD**

s 9(2)(a)

Doug Paulin

**Chief Executive Officer**

Proactive release

# Ngāti Mutunga O Wharekauri Asset Holding Co Ltd

PO Box 50  
Waitangi  
Chatham Islands

s 9(2)(a)

2 February 2024

Fisheries New Zealand  
Fisheries Management Team  
By email: [fmsubmissions@mpi.govt.nz](mailto:fmsubmissions@mpi.govt.nz)

## REVIEW OF SUSTAINABILITY MEASURES FEBRUARY 2024 FISHING YEAR

By email: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

Tēnā koe,

Ngāti Mutunga o Wharekauri Asset Holding Company Ltd (NMOWAHC) is the fully owned subsidiary of Ngāti Mutunga o Wharekauri Iwi Trust (NMOWIT). The NMOWIT and NMOWAHC are fully committed to the sustainable management of its fisheries and ensuring their protection and continued productivity for future NMOW and Wharekauri generations to come. This is paramount to NMOW's and the Island's own sustainability and economic viability.

Of the fish stocks being reviewed by Fisheries NZ (FNZ) for the April 2024 Sustainability Measure, three are directly relevant to NMOWAHC, being SWA4, SBW6B and BYX3. NMOWAHC supports the same positions adopted by the Seafood New Zealand Deep Water Council (DWC) in their submission. In summary, these are set out below.

### SWA4

- FNZ options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 (Status quo)	4,545	4,500	0	0	45
Option 2	5,050 (↑ 505)	5,000 (↑ 500)	0	0	50 (↑ 5)

- NMOWAHC supports **Option 2.**

SBW6B

- FNZ options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 ( <i>Status quo</i> )	2,309	2,264	0	0	45
Option 2	4,988 (↑ 2,679)	4,888 (↑ 2,624)	0	0	100 (↑ 55)

- NMOWAHC supports **Option 2.**

SKI3

- FNZ options:

Stock	Option	TAC	Total allowable commercial catch (TACC)	Allowances		
				Customary Māori	Recreational	All other mortality caused by fishing
	Option 1 ( <i>Status quo</i> )	1,103	1,091	1	0	11
SKI 3	Option 2	1,323 (↑ 220)	1,309 (↑ 218)	1	0	13 (↑ 2)
	Option 3	1,433 (↑ 330)	1,418 (↑ 327)	1	0	14 (↑ 3)

- NMOW AHC supports **Option 3.**

Ngā mihi nui

s 9(2)(a)

For, Ngati Mutunga o Wharekauri Asset Holding Company Limited

2. Southern Inshore Fisheries Management Co. (Southern Inshore) represents 104 inshore fishstocks throughout the Fisheries Management Areas 3,5,7 & 8. In addition to representation and advocacy for shareholders the Company also invests in annual research projects, for additional monitoring of key stocks, over and above the cost recovery process.
3. Southern Inshore is a member of the Seafood New Zealand (SNZ) Inshore Council which is our sector representative entity (SRE).
4. Southern Inshore work closely with the SNZ Deepwater Council where our representative stocks are caught in both the inshore and deepwater fisheries.
5. We support the submission made by SNZ Deepwater Council.
6. The contact for this submission is Carol Scott.

#### **Gemfish (SKI 3 & 7)**

7. The consultation paper provides three options:
  - Option 1 – Maintain the status quo of 1,091t to (for both stocks);
  - Option 2 – Increase the TACC by 20% to 1,309t (for both stocks); and
  - Option 3 – Increase the TACC by 30% to 1,418t (for both stocks).
8. The recent partial quantitative stock assessment was accepted by the FNZ Deepwater working group and 2021 Fisheries Assessment Plenary which concluded that the recent recruitment will see the stock size likely increase in the short term.
9. Whilst we agree that the TACC should be increased to the maximum level proposed in Option 3 we would request that more headroom be provided with a further Option 4 seeking that the TACC be increased by 40% to 1,530t (for both stocks).
10. A more reasonable increase to the TACC now will reduce the need to further review the TACC next year if current catch trends and expected recruitment occur in the short term.

11. All too often the review of TACCs only provide for increases up to the current catch and neglect to forward plan for expected recruitment trends in the fishery.
12. We believe the increase to at least 1,530t will not put either the SKI 3&7 fishery at risk and will decrease the impact from continued accrual of deemed values.
13. We look forward to a proactive approach by FNZ to consider a more realistic TACC setting and continued monitoring of these two commercially important fisheries.

Proactive release

# Ngātiwai Trust Board

129 Port Road, Whangarei 0110  
P O Box 1332, Whangarei 0140, New Zealand

s9(2)(a)

Email: [ngatiwai@ngatiwai.iwi.nz](mailto:ngatiwai@ngatiwai.iwi.nz) Website: [www.ngatiwai.iwi.nz](http://www.ngatiwai.iwi.nz)



2 February 2024

Fisheries New Zealand  
Fisheries Management Team  
By email: [fmsubmissions@mpi.govt.nz](mailto:fmsubmissions@mpi.govt.nz)

## Review of Fisheries Sustainability Measures for April 2024-25 Fishing Year

Tēnā koe,

Ngātiwai Holdings Limited (NHL) is a fully owned subsidiary of Ngātiwai Trust Board. The Ngātiwai group is fully committed to the sustainable management of its fisheries and ensuring their protection and continued productivity for future Ngātiwai generations to come.

Of the fish stocks being reviewed by Fisheries NZ (FNZ) for the April 2024 Sustainability Measure, only two are directly relevant to NHL, being SWA4 and SBW6B.

NHL supports adopting a conservative approach to these fisheries with its position with respect to each fish stock set out below.

### SWA4

- FNZ options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 (Status quo)	4,545	4,500	0	0	45
Option 2	5,050 (↑ 505)	5,000 (↑ 500)	0	0	50 (↑ 5)

- NHL supports **Option 1**.

### SBW6B

- FNZ options:

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 (Status quo)	2,309	2,264	0	0	45
Option 2	4,988 (↑ 2,679)	4,888 (↑ 2,624)	0	0	100 (↑ 55)



- NHL supports **Option 1.**

Nāku noa, nā,

s 9(2)(a)

For, and on behalf of, Ngātiwai Holdings Limited

Proactive release



2<sup>nd</sup> February 2024

Mr James Andrew  
Manager Deepwater Fisheries  
2024 Sustainability Review  
Fisheries New Zealand  
PO Box 2526  
Wellington 6040

By email: s9(2)(a) [FMsubmissions@mpi.govt.nz](mailto:FMsubmissions@mpi.govt.nz)

Dear James,

- Thank you for the opportunity to submit on the Fisheries New Zealand Review of Sustainability Measures for Deepwater Fisheries for 2023-24.
- Talley's Limited supports the submission made by Seafood NZ (Deepwater Council) in terms of increasing the TACC's of each fish stock but respectfully urges FNZ to increase them further.
- We enclose a copy of the submission we made on the 26th July, 2023 in respect of the 2023/24 fishing year and are extremely disappointed that more notice wasn't taken of our requests then.
- We strongly maintain the view that FNZ are adopting an overly precautionary approach to the management of these two fish stocks.
- We reiterate; Industry has paid \$16m in deemed values between 2003/04 and 2021/22 whilst FNZ continue to do nothing but tinker with the TACC's.
- The 'science' is limited and the plenary reflects on uncertainty with assessments because of large catches but it also states that there is no need to be concerned about the sustainability of the stocks at current catch levels.
- Industry can no longer continue to pay excessive deemed values in these stocks.
- We urge you to seriously increase the TACC's according to our July submission on the basis that the fishery can easily withstand it. There will be no impact on the sustainability of the stock and you will not impose significant financial stress on those that catch these stocks as a by-catch of Hoki and Squid.

Yours faithfully  
s9(2)(a)

Dion Iorns  
Quota Manager  
Talleys Ltd

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1 Ward Street  
PO Box 5, Motueka



26<sup>th</sup> July 2023.

Mr. James Andrew  
Manager Deepwater Fisheries  
Fisheries New Zealand  
P.O. Box 2526  
Wellington 6040  
By email - s9(2)(a)

**Review of Sustainability Measures for Silver Warehouse for 2023-24**

1. Thank you for the opportunity to submit on FNZ's Review of Sustainability Measures for deepwater fisheries and particularly in this case on SWA3 and SWA4.
2. We acknowledge that the submission date for these stocks was 17<sup>th</sup> July and therefore apologise for the delay in our response.
3. Talley's Limited have had a presence in both the SWA3 and SWA4 fisheries since the introduction of the QMS in 1986 and currently own the following –

	<i>Talley's own</i>	<i>TACC</i>	<i>% TACC</i>
<b>SWA3</b>	202.344 m/t	3,610.0 m/t	5.61
<b>SWA4</b>	581.933 m/t	4,500.0 m/t	12.93

A lack of commitment in reviewing the TACC of these stocks over many years has had a detrimental impact on our company and it is for that reason we wish to outline those specifically.

4. We strongly endorse the Seafood NZ Deepwater Council position and reject the two options presented by FNZ in respect of SWA3 which were to –

Option 1 – maintain the Status Quo, a TACC of 3,610.0 tonnes.

Option 2 - a TACC increase of 390 tonnes (10.8%) taking it from 3,610 tonnes to 4,000 tonnes.

5. Our preference is that FNZ review the TACC of SWA 3 and increase it by 15% which would mean providing an additional 542.0 tonnes and taking the TACC from 3,610.0 tonnes to 4,152.0 tonnes. We submit additionally that FNZ should apply a 15% increase to the adjacent SWA4 fishstock. Whilst it was not included in the initial review, we feel strongly that the two fisheries are closely linked and warrant the same attention. Our respectful request is that you apply the same principles to SWA4 and therefore increase the TACC from 4,500.0 tonnes to 5,175.0 tonnes.
6. We have absolute confidence in the rationale that supports our view; we want an increased level of SWA3 TACC and the inclusion of an increase for SWA4.
7. The supporting documentation reflects on the fact that –

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NEW ZEALAND

- There is no apparent sustainability concern with the stocks even in the absence of any robust stock assessment.
- FNZ's own scientific reports supported by the performance of these fisheries in recent years states that the best available information for the SWA3 and SWA4 is reflected in the Deepwater Fisheries Assessment Working Group and concluded that *the abundance throughout both QMA's appears to have been increasing over much of the last 30 years.*
- The majority of SWA3 and SWA4 is taken as a by-catch of the Chatham Rise hoki fishery and the squid fishery.
- It is highly unlikely that any increase in TACC will see an increase in fishing effort.
- The industry is subjected to paying significant Deemed Values in the absence of any meaningful TACC increase. Between 2003-04 and 2021-22 industry has paid \$15,989,512 in DV's for both SWA3 and SWA4 and TACC adjustments through that time have been fruitless.
- Even with past TACC increases the landings continue to exceed the TACC without increased effort. Adjustments to DV's in that time are nothing more than 'tinkering' and offer no respite from a continually increasing abundance.

#### Summary

- The TACC's of both SWA3 and SWA4 need to be increased by 15%.
- The deemed values need to be set at a level that incentivises landing.
- Industry requests that FNZ hold meetings following this outcome and work together to look at improved management options in assessing SWA3 and SWA4.
- We believe that a management approach that consists of evaluations using a combination of trawl survey and age data along with commercial catch data in a real-time annual setting sense would provide far more appropriate outcomes.
- As a significant industry player that owns SWA3 and SWA4 quota and that fishes as opposed to leasing, we would be happy to engage in any future management discussions.

Yours sincerely,

s 9(2)(a)

Tony Hazlett  
CEO  
Talley's Limited

20 December 2023

Long Term Prospects of Southern Bluefin Tuna Stocks

Nore Martin

Senior Customary Fisheries Advisor

Tini a Tangaroa - Fisheries New Zealand

Manatū Ahu Matua - Ministry for Primary Industries



Tena ra tatou Katoa

I hope this mail finds you all well. I have carefully reviewed the recent developments regarding the Southern Bluefin Tuna and the proposed changes by Fisheries New Zealand, and I am compelled to express my concerns about the potential long-term effects on the sustainability of these stocks.

While I acknowledge that the Southern Bluefin Tuna is internationally managed by the Commission of Conservation of Southern Bluefin Tuna (CCSBT), and the New Zealand's national allocation raises apprehensions about the overall health of the Southern Bluefin Tuna population.

The proposed in season increase to the total allowable catch (TAC) for the 2023/24 fishing year, including the generation of more Annual Catch Entitlement (ACE) and an increase in the allowance for recreational fishing, appears to prioritise short-term economic interest over the long-term viability of the species.

It is crucial to consider the potential consequences of such increases, particularly as they extend into the full fishing year from 1 October 2024. Overexploitation of Southern Bluefin Tuna stocks can have severe repercussions on the population dynamics, ecosystem balance, and the economic interest of both commercial and recreational fisheries in the long run.

I would like to urge Fisheries New Zealand to carefully reevaluate the proposed changes, considering the need for sustainable management practices that ensure the continued health and abundance of Southern Bluefin Tuna stocks. Sustainable fishing practices are not only essential for the conservation of marine biodiversity but also for securing the livelihoods of those dependant on these resources.

I appreciate your attention to this matter and trust that the decision-makers will prioritise that long-term sustainability of Southern Bluefin Tuna stocks.

Mauri ora

Te Rau Arena

Tiamana

Te Whiu Hapu

s 9(2)(a)



## Submission form

### Review of sustainability measures for 1 April 2024

Once you have completed this form, send it by email to [FMsubmissions@mpi.govt.nz](mailto:FMsubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to:

2024 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

**Submissions on the proposals must be received no later than 5pm on Friday 2 February 2024.**

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own. If preparing your own, please use the same headings as used in this form.

#### Submitter details

Name of submitter or contact person	Sue Maturin
Organisation (if applicable)	Forest and Bird
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	Southern Bluefin Tuna
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Other - Status Quo

#### Submissions are public information

Note that all, part, or a summary of your submission may be published on this website. Most often this happens when we issue a document that reviews the submissions received. People can also ask for copies of submissions under the Official Information Act 1982 (OIA). The OIA says we must make the content of submissions available unless we have good reason for withholding it. Those reasons are detailed in sections 6 and 9 of the OIA. If you think there are grounds to withhold specific information from publication, make this clear in your submission or contact us. Reasons may include that it discloses commercially sensitive or personal information. However, any decision MPI makes to withhold details can be reviewed by the Ombudsman, who may direct us to release it.

[Official Information Act 1982 – NZ Legislation](#)



## Forest and Bird seek a decision to Maintain the Status Quo until:

1. The SLL Circular is updated to require 3/3 seabird bycatch mitigations (i.e. the simultaneous use of tori lines and weighted lines and set at night or use the hook-shielding device) everywhere all the time.
2. There is an approved operational dedicated bycatch reduction plan for sea turtles.
3. The NPOA-Sharks has been approved and measures to reduce shark bycatch and mechanisms to release sharks alive are introduced.

Forest and Bird submit that Options 1 and 2 for additional ACE are inconsistent with the Fisheries Act 1996; particularly sections;

- 5a – International Obligations in relation to failure to adequately consider the NZ Biodiversity Strategy- Te Mana o te Taiao, and the National Plan of Action on Seabirds,
- Section 8- Purpose of the Act in relation to the impact on seabirds, marine turtles, sharks and other bycatch species, and the Environmental principles,
- Section 9a and b- in relation to ensuring the maintaining the viability of associated species above a level that ensures their long-term survival and ensuring the maintenance of the aquatic biodiversity.
- Section 10- The information provided is not based on the best available information nor does the paper adequately consider the need for caution in relation to uncertain or unreliable information.
- Section 11a. The options 2 fail to adequately consider the impact on the aquatic environment especially for seabirds, turtles and sharks.

## Reasons

### International Obligations

The proposal risks NZ Aotearoa not meeting international commitments to reduce seabird bycatch towards zero as set out in the vision, goals and objectives of the National Plan of Action – Seabirds 2020 (NPOA-S), and Te Mana o te Taiao – Aotearoa New Zealand Biodiversity, or meeting NZ Aotearoa's obligations to reduce seabird bycatch under the United Nations International Plan of Action – Seabirds (IPOA). ([chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mpi.govt.nz/dmsdocument/3962-national-plan-of-action-2013-to-reduce-the-incident-catch-of-seabirds-in-new-zealand-fisheries](https://www.mpi.govt.nz/dmsdocument/3962-national-plan-of-action-2013-to-reduce-the-incident-catch-of-seabirds-in-new-zealand-fisheries))

*Under the United Nations Convention on the Law of the Sea (UNCLOS) coastal states like New Zealand are obliged to ensure their Exclusive Economic Zone (EEZ) conservation and management measures take into account the effects on species like seabirds that are associated with or dependent on harvested species so as to maintain or restore their populations above levels at which their reproduction may be seriously threatened. A similar obligation is placed on all states fishing on the high seas. These obligations are repeated in the subsequent 1995 United Nations Fish Stocks Agreement (UNFSA) and now could be considered binding on all countries as part of customary international law.<sup>1</sup>*

The Review of Sustainability Measures for southern bluefin tuna for 2024-2025, (Consultation Document) fails to provide the best available information on the status of threatened species populations that are known to interact with the SBFT surface long line fishery to show that populations of these species are being maintained or restored to above levels at which their reproduction may be seriously threatened. There is available information on population survival and reproductive success for most to the 6 listed threatened species that the BFT fishery interacts



with, but it is not referenced or provided. The updated Risk Assessment (SEFRA) does not provide this, nor can it be relied upon.

Relying on SEFRA does not improve certainty. None of the models use post 2020 data and the change in the SE east coast BFT fishery is not included. It does not adequately take into account recent seabird population trends and the management input for determining threat levels has not been considered. The International Whaling Commission has recently sought a review of the of SEFRA in relation to Maui and Hector's dolphins which is also applicable to how SEFRA is used for seabirds.

The Consultation document references the six species which the SLL fishery proposes a substantial portion of risk to. These are black petrel, Salvin's albatross, Westland petrel, flesh-footed shearwater, southern Buller's albatross, and Gibson's albatross. The document fails to consider Antipodean albatross which is considered to be a "Species of Particular Concern" in the NPOA-S.

The Conservation status of Critically threatened Salvin's, Antipodean and Gibson's albatross has not changed since at least 2012 and the conservation status for southern Buller's albatross as worsened. These populations are not being maintained or restored to levels above *at which their reproduction may be seriously threatened*.

New Zealand has an obligation to ensure that our SLL fishery is using practices that best avoid the risk of seabird bycatch and is not contributing to the overall bycatch of these species in particular, through poor practice.

The Antipodean and Gibson's albatross are in serious trouble, with the Antipodean population predicted to decline by a further 80% on top of an already drastic decline over the next 30 years. They are on a path to extinction. Their status has remained "nationally critical" since they were classified as that in 2012, as has the status for Salvin's albatross.

Thirty-two Antipodean albatross have been recorded in the observed capture data base between 2002/3- 2019/20. Ten of these were caught in 2018-2020 and several more have been caught since then.

There is no analysis of the extent of risk the proposal poses to the maintenance or restoration of threatened populations, to biological diversity or to the aquatic environment. Failure to provide this means decision makers can't properly take into account the matters under Sections; 5, 8, 9 and 11 Fisheries Act 1996.

### Ensuring Sustainability

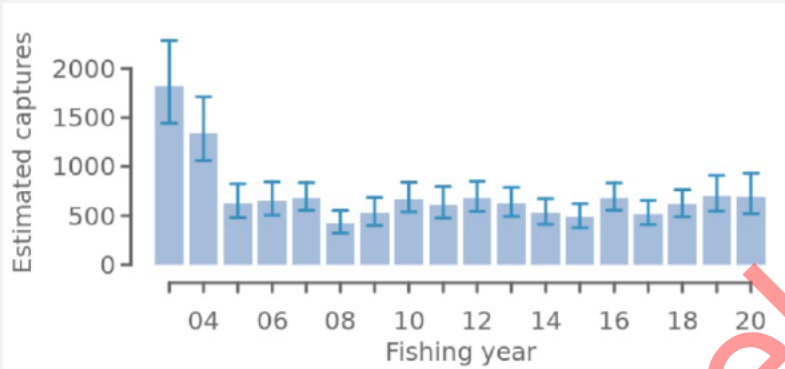
The National Plan of Action – Seabirds 2020 (NPOA-S), and Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy need to be taken into account as they are part of our international obligations and both guide consideration of maintaining aquatic biodiversity and avoiding, remedying or mitigating the adverse effects of fishing. Both have objectives that require the number of fishing-related mortalities is decreasing towards zero by 2025 and in the case of Te Mana o te Taiao that the mortality of non-target species for all species from marine fisheries has been reduced to zero by 2050.





Seabird bycatch in the surface long line fishery including the SBFT are not trending down and are not decreasing to anywhere near zero. The Consultation report does not provide any data on the current trends in total numbers of seabirds, turtles or sharks captured in the BFT fishery.

As noted in the Consultation document for the review of the SLL Circular *“estimates of seabird captures in the SLL fleet operating in New Zealand’s waters have remained steady for many years (Figure 1). While observer data is limited for the SLL fleet, best available information suggests that SLL fishing continues to represent a risk to seabirds and there is a potential need for additional mitigation measures to continue reducing seabird bycatch by SLL vessels.”*



The Consultation document recognizes that the proposed higher catch limits may result in increased effort and therefore a higher risk of seabird interactions. This is likely to lead to a further increase in effort off the se coast of the SI which is a well-known seabird especially albatross hot spot. The Consultation report notes that the catch has been expanding of the east coast of the South Island in recent years and continued to expand in 2022. This is a high-risk area for seabird capture. There has been very low observer coverage for the last several years so little is known about the bycatch, however fishers reported that 18 large unidentified albatross were captured in just 3 months in the surface long line tuna fishery off the se Otago coast between Jan-end of March 2022.

No data is presented showing trends of bycatch per unit of effort. Data presented in the NPOA-S Annual reports show that the capture rates have been significantly increasing and have more than doubled since 2019.

**Table 1 Summary of capture rates per 1000 hooks for BFT SLL Fishery 2019/20 – 2021/22**

Fishery	Observed Capture rate per 1000 hooks		
	2019/20	2020/21	2021/22
North Island BFT	0	0	n/a
South Island BFT	0.057	0.40	1.11

New Zealand’s 2023 Annual Report to the WCPFC also shows that the catch rates have been going up, (See Table below). Data for 2022/23 is not publicly available, but should be considered as part of the proposed catch increase for BFT.



With more effort it is highly likely that catch rates and the number for seabirds and other species caught will increase. The proposed increase in ACE will further jeopardise New Zealand's ability to deliver on international obligations and the NPOA-S and Te Mana o Te Taio.

**Table 2 Capture Rate for SLL Tuna Fisheries as presented to WCPFC 2023**

<https://meetings.wcpfc.int/node/15331>

Year	Number of vessels	Number of hooks	Fishing effort		Observed seabird capture	
			Observed hooks	% hooks observed	Number	R
2017	32	2 104 324	330 235	15.7	57	0.1
2018	33	2 233 199	291 638	13.1	98	0.2
2019	28	1 977 487	165 149	8.4	56	0.2
2020	28	1 949 002	193 551	9.9	24	0.1
2021	28	1 535 392	179 169	11.7	53	0.2
2022	22	1 270 685	68 870	5.4	60	0.3

There is no analysis of the extent of risk the proposal is likely to result in an increase in seabird bycatch and what that means in terms of achieving New Zealand's commitment to the maintenance or restoration of threatened populations, to biological diversity or to the aquatic environment. Failure to provide this means decision makers can't properly take into account the matters under Sections; 5, 8, 9 and 11 Fisheries Act 1996.

The consultation document refers to the proposed changes to reduce seabird bycatch in the SLL circular, however no decisions have been made. The proposals as presented will not significantly reduce seabird bycatch and can not be relied upon to decrease the risk of the proposed increase in BFT, or result in adequately avoiding, remedying or mitigating the adverse effects of fishing on the aquatic environment, Section 8 Fisheries Act 1996.

### Turtles

The Consultation document refers to the shocking bycatch of critically endangered sea turtles in 20/21 fishing year. It is suggested that this was an exceptional season, however with climate change we do not know whether more turtles are likely to overlap with BFT fleets and therefore be at greater risk in future years. Increasing BFT catch is likely to increase the risk to turtles. It is recognized that there is a need for a dedicated bycatch reduction plan and this is needed before any increase to BFT catch is allowed.

### Sharks

1. The consultation document considers only the potential impact on sharks in relation to TACC however some commercial fishers are killing and dumping sharks. This practice needs to be stopped and not exacerbated through an increase in BFT catch. All protected sharks and sharks that aren't wanted for food must be live released. Decisions on the NPOA-sharks are awaited and the BFT proposed increase should be on hold pending approval of NPOA-Sharks and measures to reduce shark bycatch and mechanisms to release sharks alive are introduced.

Friday, 02 February 2024

To [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

RE: BirdLife International Submission on the Review of Sustainability Measures for Fisheries – April 2024: Proposed changes to the Total Allowable Catch (TAC) of Southern Bluefin Tuna.

**BirdLife International<sup>1</sup> recommends that the status quo is maintained on total allowable catch (TAC) of Southern bluefin tuna catch until:**

- 1. The Surface Long Line Circular is updated to require 3/3 seabird bycatch mitigations, that is, the simultaneous use of tori lines, weighted lines and night setting, or the standalone measures of hook-shielding devices across all fishing areas.**
- 2. All vessels that may fish for Southern Bluefin Tuna are equipped with cameras and a minimum of 30% of footage is reviewed.**

**Justification for this position:**

BirdLife International (BLI) congratulates Aotearoa New Zealand along with the other Members of the Commission for the Convention on Southern Bluefin Tuna (CCSBT) for implementing management measures in the global Southern Bluefin Tuna (SBT) fishery that have seen the recovery of this IUCN RedList Endangered Species. Unfortunately, the CCSBT has failed to ensure the implementation of measures to protect ecologically related species, such as albatrosses and petrels. Consequently, BirdLife's position is that the increase in TAC in the SBT fishery is premature and irresponsible. For any fishery to be 'sustainable' it must include the impacts to ecologically related species.

Thirteen of the 22 species of albatross in the world breed in Aotearoa while a further five visit Aotearoa's Exclusive Economic Zone (EEZ) – a total of 18 albatross species are found in Aotearoa's waters. Aotearoa therefore holds major responsibility to ensure that fisheries are not impacting on their populations. BLI acknowledge that a significant amount of work has been done in the New Zealand fisheries sector to improve bycatch mitigation. However, Aotearoa has not demonstrated that it is not meeting its obligations under its own legislation, the 1996 Fisheries Act in relation to the impact of fisheries on seabirds, marine turtles, sharks, and other ecologically related species and maintaining the viability of these associated species that ensures the long-term survival.

The Sustainability Measures Review for southern bluefin tuna in 2024-2025, as outlined in the Consultation Document, falls to present recent information regarding threatened species populations affected by the New Zealand SBT surface longline fishery. The Consultation Document addresses the six species facing substantial risk from the surface longline fishery, but it overlooks the Antipodean albatross, labelled a "Species of Particular Concern" in Aotearoa's NPOA-Seabirds. The conservation status of highly threatened Salvin's, Antipodean, and Gibson's albatross has remained unchanged since 2012, while that of southern Buller's albatross has worsened. These populations are not being

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<sup>1</sup> BirdLife International (BLI) is a global conservation organisation and the pre-eminent global authority on birds. BLI leads assessments of the conservation status of all birds included in the International Union for the Conservation of Nature (IUCN) Red List programme. BLI are an accredited observer to all five tuna Regional Fisheries Management Organisations (RFMOS) advocating for improved seabird bycatch mitigation in commercial fisheries globally through the BirdLife International Marine Programme.

maintained or restored to levels ensuring reproductive sustainability, as per the requirements of the Fisheries Act (Sections 8 and 9a and 9b).

New Zealand is obligated to ensure that its fisheries adopt practices that minimise the risk of seabird bycatch and does not contribute to population declines. The Antipodean and Gibson’s albatross face a severe threat, with the Antipodean population projected to decline by an additional 80% over the next 30 years. Their status has remained "nationally critical" since 2012, as has the status for Salvin’s albatross. This demonstrates the urgent need to address seabird bycatch in its fishery, before effort is increased.

Fisher reported captures in the surface longline tuna fishery off the southeast Otago coast included 18 large unidentified albatrosses in just three months in between January and the end of March 2022. Even one albatross death can have an impact on the population for species that are highly threatened. Alarming, the NPOA-Seabirds Annual Report for 2023 reveals that bycatch rates in the surface long line fleet have more than doubled since 2019. While this may be due to better data reporting by fishers in the face of the camera roll out, it emphasizes that there are significant gaps in data on seabird bycatch in the SBT fleet and that it may be worse than previously reported.

Further, implementation and accurate reporting of mitigation measures in New Zealand’s SBT fleet have also been questioned, for example, New Zealand reported high (<90%) compliance with night setting to the CCSBT in 2017-2020, but AIS analysis revealed actual rates of night setting were much lower <sup>2</sup>:

Observer data included in public RFMO reports significantly overstate the proportion of longline hooks that are set at night, as determined from our AIS data.

Flag state, year and RFMO region	Percentage of fishing effort with observers	Observer data: percent of effort using night setting <sup>a</sup>	AIS data: sets entirely at night	AIS data: sets majority at night	Number of sets
New Zealand 2017 CCSBT Area 5	17.8 %	93 %	40 %	56 %	≈280
New Zealand 2017 CCSBT Area 6	22.7 %	98 %	63 %	87 %	≈30
New Zealand 2018 CCSBT Area 5	17.1 %	98 %	39 %	62 %	≈320
New Zealand 2018 CCSBT Area 6	17.2 %	100 %	59 %	63 %	<50
New Zealand 2019 WCPFC S. of 30°S	8.4 %	97 %	39 %	59 %	≈250
New Zealand 2020 WCPFC S. of 30°S	9.9 %	92 %	58 %	76 %	≈250

Until the seabird bycatch mitigation measures for the SBT fleet are improved to meet best practice standards<sup>3</sup>, and there is 100% camera coverage to allow for review of the fleet’s implementation of these mitigation measures, TAC should remain at status quo to ensure that there is no additional impact to already threatened seabirds in Aotearoa.

Dr Stephanie Borrelle

s 9(2)(a)

Pacific Marine Regional Coordinator | Ko te kaiwhakaahaere ā-Rohe o Te Moananui-ā-Kiwa  
BirdLife International

s 9(2)(a)

<sup>2</sup> Kroodsmas, D., Turner, J., Luck, C., Hochberg, T., Miller, N., Augustyn, P., & Prince, S. (2023). Global prevalence of setting longlines at dawn highlights bycatch risk for threatened albatross. *Biological Conservation*, 283, 110026.

<sup>3</sup> <https://www.acap.aq/resources/bycatch-mitigation/mitigation-advice/3956-acap-2021-pelagic-longlines-mitigation-review-bpa/file#:~:text=ACAP%20recommends%20that%20the%20most,setting%20and%20bird%20scaring%20lines.>

1 February 2024

Fisheries New Zealand  
FMsubmissions@mpi.govt.nz

## **Review of sustainability measures for southern bluefin tuna (STN1) - Fisheries New Zealand Discussion Paper No: 2024/25**

1. The Seafood New Zealand Inshore Council welcomes the opportunity to provide comment on the review of sustainability measures for southern bluefin tuna. Our comments are set out below, but we note that other representative organisations, companies and quota-holders and fishers have also made their own submissions on the review, and we support them.

### **Who we are**

2. Seafood New Zealand is a professional organisation delivering industry-good services for the wider benefit of the seafood industry. This includes the development of responses on legislative and regulatory proposals affecting the industry. Our vision at Seafood New Zealand is that we are **leading a thriving seafood industry that creates value for all New Zealanders from a healthy marine environment.**
3. Seafood New Zealand works with other industry representative bodies, such as the New Zealand Rock Lobster Industry Council and the Paua Industry Council, and with other organisations engaged in the management of New Zealand's fisheries and oceans. These include, inter alia, Te Ohu Kai Moana, Fisheries New Zealand (FNZ), the Department of Conservation (DOC), the Ministry for the Environment, regional councils and environmental advocacy organisations.

### *Inshore Council*

4. The Inshore Council of Seafood NZ represents more than 80% by value and volume of the commercial inshore finfish, pelagic and tuna fishing in New Zealand. The Inshore Council addresses issues on behalf of the sector both nationally and regionally and works directly with, and on behalf of, our members on fisheries management related risks and opportunities.
5. Our key outputs are the development of, and agreement to, appropriate policy frameworks, processes and tools to:
  - a. assist the sector to manage inshore, pelagic and tuna fishstocks more effectively;
  - b. minimise the sector's interactions with protected species and associated ecosystems; and
  - c. work positively with other fishers and users of marine space where we carry out our harvesting activities.
6. The Inshore Council provides management services through regional committees to the quota owners, fishers and Licensed Fish Receivers (LFRs), of fish stocks, primarily in the North Island. The Inshore Council also has a committee for highly migratory species fisheries.
7. To continue to provide Kiwis with locally caught seafood, the fishing industry is wholly dependent on healthy and sustainable fish stocks. We therefore actively engage in

fisheries management policy to ensure our fisheries remain sustainable and beneficial to New Zealand.

### Our position

8. We support FNZ's proposed Option 1 for an in season increase to the TAC including the allocation of the additional catch between the TACC and recreational allowance. We further support this Option as the basis for setting the STN1 TAC for the 2024/25 year, however, our support for the allocation to the recreational allowance is contingent on the urgent implementation of measures to adequately manage and monitor southern bluefin tuna recreational catch.
9. We support the increase to the TAC based on the information provided through the 2023 stock assessment undertaken by the CCSBT Scientific Committee. Additionally, we support the proposed increase to the TACC; this additional catch entitlement coupled with the recovery of international markets provides an opportunity for commercial operators to generate additional revenue.
10. Since 2018, southern bluefin tuna recreational catch has increased approximately four-fold. In 2019, a daily bag limit of one southern bluefin tuna per person was implemented, however, this has failed to effectively constrain the overall recreational catch within the allowance. While it may be having some effect of constraining the daily catch by individuals, more measures are required to limit the overall recreational catch. We have serious concerns that the lack of adequate management measures to constrain recreational catch within the allowance is undermining our fisheries management regime.

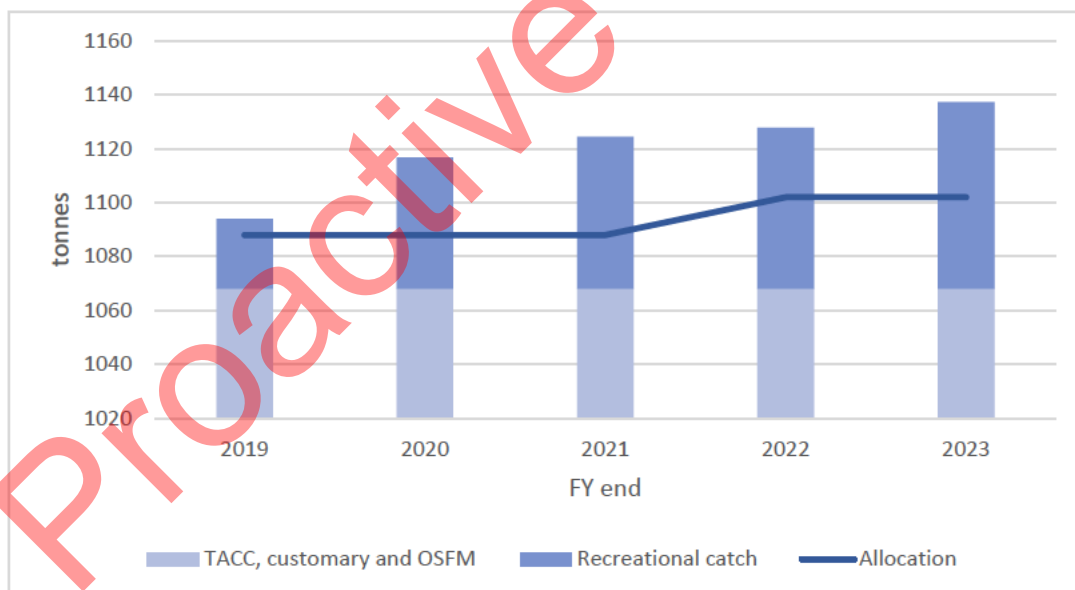


Figure 1: Hypothetical total STN1 catch if TACC fully was utilised with actual estimated recreational catch against the total international allocation.

11. In recent years, market impacts from COVID-19 combined with increased fuel and freight costs have meant the commercial sector has not fully utilised the TACC. However, prior to this and in the 2022/23 fishing year, commercial catch closely matched the TACC. The STN1 management measures for the commercial sector including, electronic reporting, ACE carry forward and live-release regulation supports the ability for commercial fishers to stay within their catch limit.

12. If the TACC had been fully utilised over the past five seasons, then New Zealand's total fishing mortality would have exceeded its international allocation due to recreational catch exceeding the allowance (Figure 1).
13. It is inappropriate for New Zealand to rely on the under catch of one sector to ensure our international obligations are met. If mechanisms are not implemented to constrain recreational catch, there is a genuine risk that New Zealand's total catch could exceed its allocation. This could damage our reputation on international fisheries management forums.
14. Further to the risk to our international reputation, failure to appropriately constrain recreational catch creates limitations in our ability to recognise the rights and interests of other sectors in this fishery. For example, the last catch allocation provided to New Zealand in 2021 went entirely to the recreational allowance in an attempt to account for the growing catch and excluding other sectors the opportunity to benefit from the increase. The Minister's 2021 decision included a request to review the management controls for recreational charter vessels specifically, we consider this review is overdue.
15. Therefore, our support of the proposed changes to the recreational allowance is contingent on the implementation of a daily boat limit of one Southern bluefin tuna in the October 2024/25 fishing year and commencement of the following measures:
  - a. Mandatory catch reporting by recreational fishers targeting STN1,
  - b. mandatory daily catch reporting by charter vessel operators,
  - c. closing the recreational target fishery when the actual or estimated recreational catch has reached the recreational allowance, and
  - d. requiring recreational fishers to return STN1 to the sea after the target fishery has closed.

#### *Landing exceptions review*

17. We acknowledge the intended review for the landing exception of STN1. We support the retention of the exception to allow the return to sea of live STN1. This enables fishers to return small, less valuable fish to grow and support the future fishery. It also assists in keeping catch within the TACC.

#### *Protected species interactions*

18. The discussion document recognises that the proposed increased catch limits may result in an increase in effort and therefore risk to protected species. We recognise this risk and support the DOC Protected Species Liaison Programme to assist fishers to mitigate potential risks to protected species. We engage directly with DOC and FNZ to monitor and address protected species interactions; this has been made more responsive and effective through the liaison programme, electronic reporting and improvements in industry operational procedures.
19. During the 2022/23 fishing year, the fleet targeting STN1 on the East Coast South Island implemented a suite of mitigation measures in recognition of the fishery having a higher risk to seabirds and tailored accordingly, including several measures that go beyond the regulated requirements. The fleet reviewed and refined those measures and committed to an improved iteration for the 2023-24 fishing year, including an agreement to trial Hookpods<sup>[1]</sup> on all vessels in this fishery for the entire season.

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<sup>[1]</sup> Hookpods are a mitigation tool that shield the hook until it reaches a depth that is low risk to seabirds.

Seafood New Zealand will continue to work with the operators in this fleet, DOC and FNZ to evaluate the efficacy of hookpods in this fleet. We have also committed to continuing support for operators in other surface longline fisheries around New Zealand to develop and implement similar operational procedures and agreements to minimise risk to seabirds.


20. We note that the discussion document notes the uncertainty around the level of seabird interactions in the recreational and charter vessel fleets. We are concerned about the lack of information in this space and would like to see effort made to enable better reporting and an evaluation of the fishing gear used in the game fishing sector.

#### **Concluding statements**

21. We recognise New Zealand's international obligations to adequately report and manage the catch of STN1 within its allocation.
22. We support the proposed Option 1 for and in season increase for STN1.
23. We support the proposed Option 1 for the 2024/25 STN1 TAC, however, our support of the allocation to the recreational allowance is contingent on the implementation of measures to adequately constrain the growth of and improve the monitoring of recreational catch.
24. We recognise the potential increase of effort associated with a higher catch limit and the risk this may pose to protected species. We remain committed to mitigating this risk.
25. Please let us know if there is any further information that we can provide to inform and assist this consultation process. We would be happy to meet with FNZ officials to discuss any of the content of this submission.

Yours sincerely

s 9(2)(a)



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2 February 2024

**Submission:** We support Option 1 to increase to the STN 1 TAC and the allowance for recreational fishing interests

## Recommendations

1. The Minister supports the proposed increase in the STN 1 Total Allowable Catch of 186 tonnes.
2. The Minister and Fisheries New Zealand recognise that a significant recreational fishery has developed for southern bluefin tuna in New Zealand.
3. The Minister acknowledges that setting a reasonable allowance for a new recreational fishery is critical to avoiding allocation disputes in the future.
4. The Minister supports the proposed increase of 35 tonnes to the recreational allowance, to allow for the expected catch and recreational fishing interests.
5. The Minister and Fisheries New Zealand note that NZSFC and LegaSea will continue to promote the current bag limit and responsible fishing practices in the tuna fishery.

## The submitters

6. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the proposals for the future management of southern bluefin tuna (STN 1). Fisheries New Zealand (FNZ) advice of consultation was received on 13 December 2023, with submissions due by 2 February 2024.
7. The New Zealand Sport Fishing Council is a recognised national sports organisation of 50 affiliated clubs with over 36,700 members nationwide. The Council has initiated LegaSea to

generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. [www.legasea.co.nz](http://www.legasea.co.nz). Together we are 'the submitters'.

8. 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]
9. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is s9(2)(a) , [secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz).

## Background

10. Management of southern bluefin tuna (**SBT**) throughout its range is the responsibility of the Commission for Conservation of Southern Bluefin Tuna (**CCSBT**) of which New Zealand is a founding member. Japanese longliners were catching 1000s of tonnes of SBT a year in New Zealand waters (1960s to 1980), mostly prior to the establishment of the Exclusive Economic Zone (EEZ). NZSFC supported the "New Zealandisation" of our tuna fishers in the 1980s and early 1990s.
11. There has been a recreational fishery out of Fiordland since the 1970s and SBT were taken when the Pacific bluefin tuna fishery, 60 miles off Greymouth and Hokitika, developed in the early 2000's. In 2017 a new, more accessible recreational fishery off Cape Runaway was developed. Good catch rates and favourable weather that year attracted hundreds of anglers to the eastern Bay of Plenty at short notice.
12. Since the early 1990s southern bluefin had a domestic catch limit of 420 tonnes (t). On introduction to the Quota Management System (**QMS**) in 2004 the Total Allowable Commercial Catch (**TACC**) was set at 413 t, with a recreational allowance of 4 t, a customary allowance at 1 t and other sources of fishing related mortality at 2 t. There has been a series of in-season increases following allocation decisions by the CCSBT.
13. In 2018 the Total Allowable Catch (**TAC**) was set at 1088 t, with a TACC of 1046 t, a recreational allowance of 20 t, a customary allowance at 2 t and other sources of fishing related mortality at 20 t (Figure 1). In 2021 the recreational allowance was increased from 20 to 34 tonnes.
14. The reported catch worldwide was around 14,000 t for a long time. CCSBT agreed to reduce global catches by 20% in 2010, to 9,449t in 2011. The Commission has determined that the spawning stock biomass of SBT is on track to meet the international management target of 30% of the unfished spawning stock biomass (or proxy) by 2035 at current catch levels.

15. At its latest meeting in October 2023, the CCSBT agreed to increase the Global TAC for the next three years (to 2026), by 3,000 tonnes to a total of 20,647 tonnes, in accordance with recommendations from its scientific committee. As a result of this, New Zealand’s national allocation has increased by 186 tonnes. There is now a utilisation opportunity to reflect this international decision within New Zealand’s domestic catch settings for southern bluefin tuna.

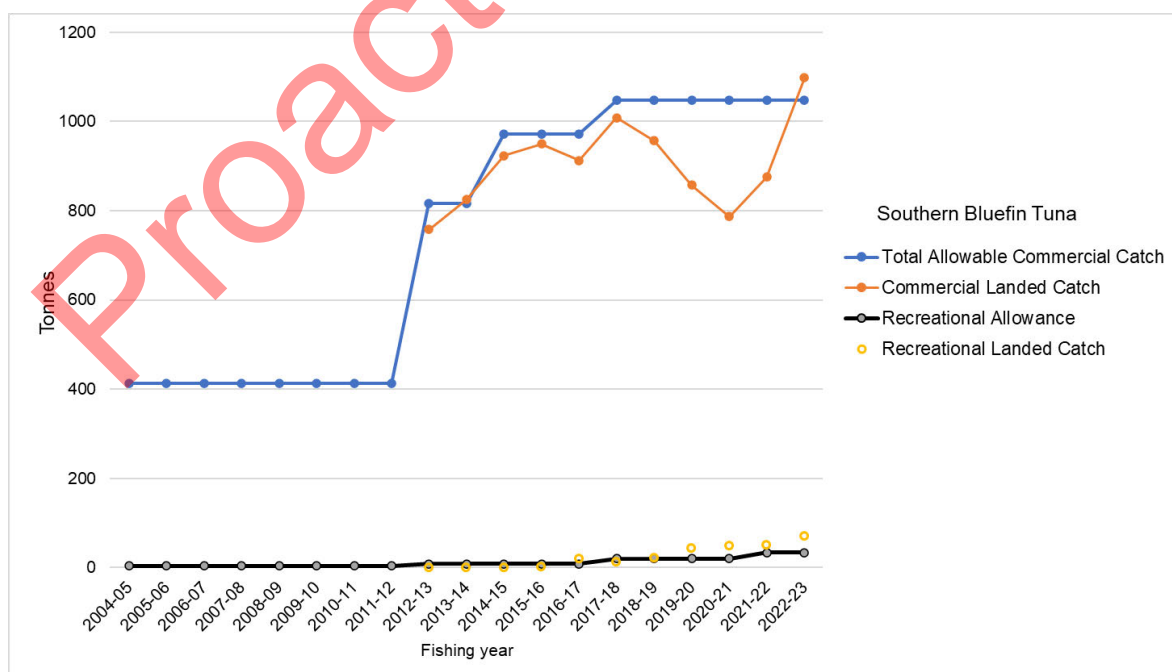
## Proposals for southern bluefin tuna

16. Fisheries NZ’s [Discussion Paper No: 2023/28](#) proposes one option. Increase the commercial TAC by 186 tonnes and the allowance for recreational interests by 35 tonnes (Table 1).

**Table 1: Current and proposed catch settings for STN 1. Figures in tonnes.**

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Current settings	1,102	1,046	2	34	20
Option 1	1,288 (↑ 186)	1,197 (↑ 151)	2	69 (↑ 35)	20

17. There have been significant increases in the TACC since the introduction of southern bluefin tuna into the QMS in 2004, and limited change to the recreational allowance. The New Zealand TAC has been regularly under caught in recent years but was close to fully caught in 2022-23 as commercial fishers are allowed to carry over some of their uncaught ACE from the previous year (Figure 1). The addition of 35 t to the allowance for recreational fishing will take it from 3.0% to 5.4% of the revised TAC.



**Figure 1: The allowances for commercial and recreational fishers for southern bluefin tuna made under the Quota Management System. Commercial fishers are allowed to carry over some of their uncaught ACE from the previous year.**

## Discussion

### Recreational catch

18. The fast development of the recreational fishery for southern bluefin tuna off Cape Runaway in 2017 caught many people by surprise. Information from tuna longline fishers and a social media storm saw hundreds of anglers gamefishing in July. Thanks largely to the hard work by members of the Waihou Bay Sport Fishing Club and the patience of returning anglers, we have weigh station data for a high proportion of landed catch. This is useful for management purposes, describing the fishery, and estimating total recreational harvest.
19. In 2017 NZSFC clubs recorded 266 landed southern bluefin from the east coast recreational fishery, most of which were over 60 kg and the average weight was 72 kg. Worldwide it is rare to find so many large southern bluefin tuna reasonably close to the coast.
20. Fisheries New Zealand contracts a project to survey fishers at the Waihou Bay boat ramp to compile weigh station records from fishing clubs, Amateur Charter Vessels records, and recreational catch taken on commercial vessels (s111) from around New Zealand. The combined recreational harvest estimate from the North and South Island fisheries in 2022-23 was 69.3 tonnes. This estimate includes an additional 22.5% over the recorded catch to allow for unaccounted recreational catch.
21. A recommendation from the Waihou Bay Sport Fishing Club in 2018 asked fishers to limit their landed catch to one SBT per boat, per day. This voluntary measure was promoted by other NZSFC clubs that year and included in the LegaSea FishCare guide prior to the regulation change to one southern bluefin tuna per angler, per day.
22. The [FishCare Southern Bluefin Tuna Guide](#) includes information on best practice methods for handling SBT prior to their release and the importance of looking after fish that are kept, to maintain quality and avoid waste of these valuable fish.
23. The submitters support the proposed 35 t increase in the STN 1 recreational allowance. As the Supreme Court in the Kahawai case has previously highlighted, the Minister has discretion however the allowance must be reasonable, and "***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 e.g. bag limits and minimum lawful sizes"<sup>1</sup>. [emphasis added]
24. The increased allowance from 34 t to 69 t represents just 0.0033% of the 2024 Global TAC, and even if this allowance was fully caught, this catch rate would have no effect on the spawning stock biomass which is currently rebuilding.

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<sup>1</sup> New Zealand Recreational Fishing Council Inc And Anor V Sanford Limited And Ors SC 40/2008 [28 May 2009]. At [55]

**From:** [Ethan Morris](#)  
**To:** [FMSubmissions](#)  
**Subject:** Blue fin tuna take  
**Date:** Wednesday, 20 December 2023 7:36:33 pm

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I propose you leave the bluefin tuna take allocate as it is, the stocks are growing slowly each year, and as such there are more people fishing for and inclined to recreationally fish for these fish as this is only a very recent fishery that has actually come into reach for most recreational fisherman as the stocks were diminished by so much in years prior to 2020, increasing the take seems absolutely ludicrous to me as more new Zealanders have access to these fish at the moment than ever before, what you propose puts that at a great risk, every one deserves to have access to this amazing fishery, let the bluefin stocks grow to what they once were

Proactive release

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02 February 2024

## Submission: Review of sustainability measures for the wider Kaikōura recreational pāua fishery (PAU 3A)

### Recommendations

1. **The Minister reopens** the wider Kaikōura pāua fishery to recreational harvest from 22 April to 22 July 2024 (three months).
2. **The Minister** commits Fisheries New Zealand to work towards reopening the wider Kaikōura pāua fishery to recreational harvest for nine months of the year (12 months excluding the busiest holiday season), with a daily bag limit of 3 pāua per person.
3. **The Minister notes** that the recreational sector rejects proportional allocation of the TAC and any moves to change the nature of the tonnage set aside to 'allow for' recreational interests from an allowance to an allocation.

### The submitters

4. The New Zealand Sport Fishing Council (**NZSFC**) appreciates the opportunity to submit on the reopening of the Kaikōura recreational pāua fishery (PAU 3A) for a further season in 2024. On 13 December 2023 Fisheries New Zealand (**FNZ**)

released the Discussion Paper 2023/27, with submissions due by 2 February 2024. On 8 January 2024 FNZ advised amendments to the Discussion Paper with the same feedback deadline of 2 February.

5. The New Zealand Sport Fishing Council is a recognised national sports organisation of 50 affiliated clubs with over 36,700 members nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. [LegaSea.co.nz](http://LegaSea.co.nz)
6. The New Zealand Angling and Casting Association (**NZACA**) is the representative body for its 24 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.
7. The New Zealand Underwater Association (**NZUA**) comprises three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.
8. Collectively we are *'the submitters'*. The joint 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].
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 and compliance with Court directions. This includes maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations and the Minister using best available information to make precautionary decisions.
10. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to

be kept informed of future developments. Our contact is s9(2)(a),  
[secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz)

## Discussion

11. The submitters support FNZ option 2, a 3-month recreational fishing season, from 22 April to 22 July, for the 2024 year, and after 2024 we support the wider Kaikōura pāua fishery to be reopened to recreational harvest for nine months of the year (12 months excluding the busiest holiday season), with a daily bag limit of 3 pāua per person.
12. Pāua is an iconic species in many parts of the country, it is one of our national treasures. Pāua are highly valued by all sectors and anyone willing to get in the frigid waters of Kaikōura to gather a special treat for the family ought to have reasonable access to the available pāua.
13. The submitters urge the Minister to direct Fisheries New Zealand to provide advice on what controls will be required to restore recreational harvest of pāua over 9 months. This information would inform a Ministerial decision to restore the recreational season to better align with current commercial and Māori customary 12-month access to pāua when the Total Allowable Catch (**TAC**) is next reviewed.
14. The submitters note FNZ advice that this review does not include changes to the PAU 3A TAC, allowances or the Total Allowable Commercial Catch (**TACC**). And that new stock assessment information may be available later this year to enable a review of the TAC, allowances and TACC for the 2024/25 fishing year.
15. We also note FNZ advice that the PAU 3A fishery is rebuilding, and that management measures applied to recreational harvest last season “constrained recreational catch to a sustainable level through a relatively short season during autumn/winter 2023”.

## Proportionality

16. The obsession to control recreational harvest while allowing commercial and an unknown Māori customary catch to continue demonstrates a clear bias towards limiting public access to what is a public resource. We have previously submitted in support of Māori customary harvest having priority when it comes to providing



kai for special occasions. However, there is no alignment with this current policy promoted by FNZ and the statutory obligations on the Minister. As the Supreme Court in the Kahawai case has previously highlighted, the Minister has discretion however, *“The Act envisages that the allowance for recreational fishing interests will be a reasonable one in all the circumstances. It also envisages that will be the case for the allowance for Maori customary fishing interests. The position is the same for the total allowable commercial catch, although the Act recognises that in some circumstances it may be reasonable to fix the commercial catch at zero”*<sup>1</sup>.

17. This bias is also evident in the following statement from paragraph 77 of the discussion document).

*“FNZ is proposing to commission a third independent survey to estimate recreational harvest of pāua if the season is opened. This survey will enable weekly catch totals to be reviewed by a reference group consisting of FNZ, Te Rūnanga o Kaikōura, Kaikōura Marine Guardians, and relevant stakeholder representatives, with the potential to adjust recreational controls in-season if appropriate.”*

18. This is misleading the public as there is no obligation to adjust recreational controls in-season. While an in-season reduction in recreational harvest may suit the parties mentioned, there is no statutory basis for such action. While we have a history of taking a responsible approach in promoting a reduction in recreational daily bag limits or limiting harvest for sustainability reasons, this is not applicable in this circumstance.

19. Under s21 of the Act the tonnage set aside to ‘allow for’ non-commercial fishing interests, both Māori customary and recreational, is an allowance not an allocation. In contrast, the TACC is an allocation which is then apportioned to commercial fishers based on the proportion of quota they hold in each fish stock. At the end of each fishing year commercial landings are compared to the TACC and financial penalties can be ascribed to any over catch, and under catch can be carried forward to the next fishing year. No such regime exists for non-commercial interests. The allowances are set aside to allow for yearly fluctuations in effort, weather, and availability of fish inshore.

20. We do not accept the targeting of recreational harvest as a means to protect the TACC from reductions. If the recreational allowance is insufficient to cover catch

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<sup>1</sup> New Zealand Recreational Fishing Council Inc And Anor V Sanford Limited And Ors SC 40/2008 [28 May 2009]. At [65]

under current controls, then the TAC needs to be reviewed. FNZ has indicated that review may occur prior to the 2024/25 fishing year.

21. Moreover, the Courts have traversed the scheme of the Act. The Kahawai decision quotes the Court of Appeal Snapper 1 decision:

*“It is important to recognise that what is allowed for by the Minister in respect of the interests for which he must allow before setting the TACC, is not a quota as such. To take recreational fishers as an example, 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 e.g. bag limits and minimum lawful sizes. Having set the TAC the Minister in effect apportions it between the relevant interests. He must make such allowance as he thinks appropriate for the other interests before he fixes the TACC. That is how the legislation is structured.**”<sup>2</sup> [emphasis added]*

22. Under the existing legislation and as confirmed by the Courts, there is clearly no proportional allocation of the TAC between commercial and non-commercial interests. Statements such as that included in paragraph 77 of the FNZ proposal document perpetuate the myth that the TAC is proportionately shared amongst the various interests. This is a grave misrepresentation of the truth. We do not accept proportional allocation by stealth.

23. And we do not find it acceptable practice by Fisheries New Zealand to make such misleading statements when many of the people reading paragraph 77 will not have a good understanding of the scheme of the Act. This practice is contrary to the principles underpinning public consultation and as laid out in the Wellington Airport proceedings<sup>3</sup>.

24. At the outset of the Quota Management System (QMS) the TACC was set at 57 tonnes (t). There were regular increases to the TACC and by 2017 it was 91.615 t due to appeals by commercial interests to the Quota Appeal Authority. The TACC has never constrained commercial harvest as prior to the 2016 earthquakes the TACC had been exceeded 11 years out of the 30 preceding years. And any uncaught catch could be carried forward to the following year.

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<sup>2</sup> At [55].

<sup>3</sup> *Wellington International Airport Limited and ors v Air New Zealand* [1993] 1 NZLR 671 At [p.675].

## Recreational allowance

25. Prior to October 2017 there was no TAC or allowances set aside for non-commercial fishing interests or fishing related mortality. In 2017 the allowance set aside for recreational interests was 8.5 t. This was based on 50% of the 2011/12 National Panel Survey recreational harvest estimate of 16.98 t in PAU 3.
26. Due to the effects of the 2016 earthquakes, the PAU 3 fishery was split into PAU 3A (Kaikoura) and PAU 3B (Canterbury). These areas were established as new fish stocks with new catch settings. In the PAU 3A Kaikoura fishery new controls were established and the TAC was set at 40.5 t, and within that the recreational allowances was reduced from 8.5 t to 5 t. This reduction provided, in part, protection for the new TACC which was reduced from 45.8 to 23 tonnes.
27. When the fishery did reopen it was clear from this decision that the new allowance of 5 tonne was insufficient to cover expected catch. Given that the fishery had been closed to recreational harvest for five years, Fisheries New Zealand ought to have advised the Minister that he could reasonably expect a large public interest in harvesting pāua and that he ought to set aside an allowance to cover the expected catch. If that allowance was under-caught it could be reduced again after further review.
28. The deliberate under-setting of the recreational allowance is contrary to the Court's directions for the Minister to set aside an allowance that is reasonable and that represents the estimated, expected recreational catch.
29. During the first 3-month open season in 2022 recreational harvest was estimated around 42 t. The second open season (2023) the recreational harvest estimate was 12 t. Such large fluctuations in recreational harvest emphasise the need for a precautionary decision when it comes to setting the TAC and then setting aside the non-commercial allowances. There are gaps in the knowledge of catch by both Māori customary and recreational fishers, so the Minister has an obligation to set aside sufficient allowances to cover potential catch. There is no escape from this statutory duty.

## Recreational daily bag limit

30. Until December 2019 the recreational daily bag limit (DBL) in PAU 3 was 10 per person, per day. On 12 December 2019 this reduced to 5 per person, per day.

An accumulation limit of two DBLs was also introduced, to a maximum of 10 per person.

31. For the 2023 open season the recreational DBL was reduced again, from 5 to 3 per person, per day. The accumulation limit of two DBLs was reduced to a maximum of 6 per person.
32. The submitters urge the Minister to consider what controls may be required to restore a 9-month recreational fishing season for pāua, with a DBL of 3 per person, per day however, the impacts of such a change would be moderated by removing the 'derby' nature of the current season where people rush in while the fishery is open. Clearly there was a larger public harvest prior to the earthquakes and changing to a 9-month season may help to dampen the 'goldrush' mentality.

Proactive release

1 February 2024

Inshore Fisheries Management  
Fisheries New Zealand  
[FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

**Submission: Review of the Kaikōura recreational pāua fishery for 2023/24**  
**Fisheries New Zealand Discussion Paper No: 2023/27**

### **Introduction**

Fish Mainland is a not-for-profit incorporated society with charitable status whose purpose is to coordinate and assist the South Island marine fishing community in restoring and sustaining fisheries resources for the benefit of all who fish in South Island waters.

In so doing, we aim to work collaboratively with government, tangata whenua and others to bring about the best public outcomes, which often involve public access to the marine environment.

Fish Mainland is a member-based organisation. The members have democratic control over the organisation through the power to nominate, elect and remove Regional Directors of the Board. Also, the South Island Mandated Iwi Organisations can appoint and remove two other Directors. The Board appoints more Directors and an independent Chair of the Board.

Elected and appointed Directors of the Board demonstrate Fish Mainland's mandate to represent South Island recreational fishers [Recreational Fishing South Island NZ - Fish Mainland](#)

### **Submission**

While recreational fishers would appreciate a higher catch level for the PAU3A fishery, the Fisheries New Zealand Discussion Paper No: 2023/27 makes a grave mistake in misleading the public; it is blatantly misleading for this Paper to ignore the statutory obligation to uphold the 5-tonne recreational allowance.

The 5-tonne allowance is not a political play thing, and officials are not above the law. This allowance must be upheld until the Minister makes any further decision about it once he has considered the available information and submissions after the scheduled review of the PAU3A TAC in 2024.

Instead, the Discussion Paper makes repeated errors in suggesting a 20-tonne recreational catch level as being 'sustainable' based on modelling. It is not the role of officials to ignore the recreational allowance nor prejudge what revised allowance the Minister might make after the scheduled TAC review.

We entirely support the Paua Industry Council (PIC) in stating that the recreational catch must be constrained within the statutory allowance, as it is essential for ensuring sustainability, by constraining the total catch of all sectors within the TAC.

We agree with PIC that this is particularly important in the Kaikōura pāua fishery, which is still recovering and remains vulnerable to changing environmental conditions due to the 2016 earthquakes.

As neither option 1 nor 2 aims to constrain recreational catch within the 5-tonne allowance, neither are satisfactory nor lawful. Based on past survey results, the recreational catch under these options is very likely to exceed the 5-tonne recreational allowance, with a higher risk of exceeding the allowance under option 2.

It should be glaringly obvious by now that Fisheries New Zealand continues to fail in its efforts to manage this fishery.

It should also be glaringly obvious that real-time information on recreational catch levels and locations is critical for improving the management of PAU3A. Without this information, management measures cannot be adequately adaptive, putting the pāua fishery at risk.

Improved information gathering is urgently needed and, therefore, should be a high priority outcome for opening the fishery.

Accordingly, we trust that Fisheries New Zealand will now act to address the strong local support for recreational fishers reporting their catch; local support is strongest for mandatory reporting, which provides much higher quality data than if reported voluntarily.

Fish Mainland has developed a self-reporting system with Fisheries New Zealand to collect information, and the interface with recreational fishers is the Mainland Catch app.

To support this system, Fisheries New Zealand should also act to put in place a legal framework that allows a fishery to close once the recreational catch reaches the fishery's allowance. Such a framework is necessary to further ensure stock sustainability.


Furthermore, we urge Fisheries New Zealand to reconsider the adverse consequences of closing any fishery. The reason is that all fisheries that have been closed entirely have subsequently been over-exploited once re-opened.

Finally, as we have stated previously, emphasis should be placed on the need for a precautionary and adaptive management approach, where the recreational pāua fishery at first would be opened on a limited basis (less than what options 1 or 2 propose), and the extent of further openings based on improved recreational catch information. This way, the public can have confidence in the way this fishery is managed and more prepared for and accepting of changes as they occur.

Thank you for the opportunity to provide input into these important and significant decisions.

Yours sincerely,

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Larnce Wichman NZOM  
Chair of the Board  
[info@fishmainland.nz](mailto:info@fishmainland.nz)



# Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

## Submission on Fisheries New Zealand: Review of the Kaikōura recreational pāua fishery for 2023/24

**To** Fisheries New Zealand  
**From** Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)

**Submitter** **Scott Burnett**  
Top of the South Conservation Manager  
The Royal Forest & Bird Protection Society (Forest & Bird)  
PO Box 899, Nelson 7040  
021 294 2416  
s9(2)(a)

**Date** 16 January 2024

### Introduction to Forest & Bird

#### New Zealand's largest and oldest conservation organisation

The Royal Forest & Bird Protection Society (Forest & Bird) is New Zealand's largest and longest-serving independent conservation organization with over 100,000 members, supporters, and volunteers. Our mission is to be a voice for nature – on land, in the sea, and in our fresh waters.

Forest & Bird's constitutional purpose is to *"take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand."*

## Review of the Kaikōura recreational pāua fishery for 2023/24

1. Forest & Bird prefer a precautionary approach to fisheries management and are concerned that recreational take from the previous two years is significantly greater than the five tonnes per annum set within the PAU 3A TAC. An estimated cumulative total of 54 tonnes has been harvested in the past two years and although shifting the harvest season to Autumn/winter, reducing bag limits, and reducing season length, last year has reduced the take, it is still more than double the five tonne allowance.
2. Because of this, and because of the uncertainty of modelling explained in Appendix 2 of the consultation document, **Forest & Bird strongly recommend a review of the PAU 3 TAC and TACC for the 2024/25 fishing year.**
3. If Fisheries New Zealand commit to a review of the TAC and TACC occurs ahead of the 2024/25 season, then **Forest & Bird support Option 1**, a two month opening of the Kaikōura recreational pāua fishery open from 22 April to 22 June 2024.

Thank you for the opportunity to comment.  
Scott Burnett

Proactive release





# PĀUA INDUSTRY COUNCIL

30 January 2024

## Submission on review of the Kaikōura recreational pāua fishery for 2023/24

### Introduction and summary

1. The Pāua Industry Council (PIC) welcomes the opportunity to submit on Fisheries New Zealand's consultation document reviewing the management settings for the Kaikōura recreational pāua fishery (i.e., PAU3A and part of PAU7) for the 2023/24 fishing year.
2. PauaMAC3 and PauaMAC7 are the mandated representative organisations for pāua quota owners and commercial harvesters in the two affected Quota Management Areas (QMAs). PIC fully supports the submissions of the two PauaMACs.
3. PIC has identified two legal errors in FNZ's consultation document, that is:
  - a) The failure to properly position the review within the context of the current statutory allowances for recreational fishing; and
  - b) The failure to recognise the provisions of the approved Fisheries Plans for PAU3 and PAU7, which are mandatory relevant considerations under section 11 of the Fisheries Act 1996 (the Act).
4. PIC informed FNZ of these errors on 21 December in the expectation that the consultation document would be withdrawn, amended and reissued to provide submitters with (a) an accurate understanding of the legal framework for decision making, and (b) new options consistent with the statutory obligation to constrain recreational catch within the allowance. Instead of amending the consultation document, on 4 January FNZ placed a note on the MPI website restating the recreational allowances for PAU3A and PAU7, affirming that '*recreational fishing is to be managed in a way that meets these allowances*', and inviting feedback on alternative options to achieve this. The note also acknowledged that the fisheries plans for PAU3 and PAU7 will be taken into account.<sup>1</sup>
5. PIC does not support FNZ's proposed management of the Kaikōura recreational pāua fishery. The two options set out in the consultation document will demonstrably fail, by a significant margin, to constrain recreational catch within the recreational allowance. It is FNZ's responsibility to develop and consult on management options that are consistent with the

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<sup>1</sup> April sustainability round consultation webpage: <https://www.mpi.govt.nz/consultations/review-of-sustainability-measures-for-fisheries-april-2024-round/>

Minister's legal obligation to manage recreational catch within the recreational allowances for PAU3A and PAU7. The public should not be required to do the job that FNZ is already paid to do. Furthermore, requesting the public to put forward alternative management approaches denies the opportunity for affected parties to provide feedback on management measures that could be imposed as a consequence of submissions.

6. PIC proposes the following management approach for season three of the Kaikōura recreational pāua fishery:
  - a) FNZ should develop and re-consult on management options that will, with a high degree of certainty, constrain recreational catch within the 5 tonne recreational allowance for PAU3A plus an appropriate (small) amount for PAU7; and
  - b) If in-season monitoring shows that the 5 tonne allowance is about to be exceeded, the recreational fishing season should immediately be closed; and
  - c) Commercial utilisation should be allowed as of right (subject to all relevant regulatory provisions and fisheries plans) rather than relying on a section 11 Gazette Notice to exempt commercial fishing from the area closure.

### Managing recreational catch within the allowance

7. PIC welcomes FNZ's belated acknowledgement on the consultation webpage that '*recreational fishing is to be managed in a way that meets these allowances*' (i.e., the recreational allowances for PAU3A and PAU7). We note however, that:
  - The consultation document does not reflect this legal obligation;
  - Neither of the options presented enables recreational fishing to be managed in a way that meets the allowances;
  - There are real and serious consequences of allowing the catch to persistently exceed the allowances; and
  - FNZ's repeated references to '20 tonnes' as a limit for recreational catch risks prejudging the 2024/25 PAU3A TAC review.

### Consultation document does not reflect legal obligation

8. FNZ asserts throughout the consultation document that recreational catch should be constrained either to some unspecified 'sustainable' or 'appropriate' level (e.g., paragraphs 3, 51 & 77) or to 20 tonnes (e.g., paragraphs 23, 71, 74 & 76). Nowhere in the consultation document does FNZ state that recreational catch will be managed in a way that meets the statutory allowances – i.e., 5 tonnes for PAU3A and a (small) proportion of the 15 tonne PAU7 allowance.
9. The '20 tonne' figure, which is repeated throughout the consultation document, is irrelevant to the current consultation process. The consultation relates to management measures that will effectively constrain recreational catch within the current 5 tonne allowance, whereas the 20 tonne figure was derived from modelling of predicted future biomass under a limited (and, in our view, unrealistic) range of potential future management settings which do not currently

apply to the fishery. PIC considers that the repetition throughout the consultation document of '20 tonnes' misleads submitters by suggesting that up to 20 tonnes can currently be harvested by recreational fishers and that the consultation is occurring within that context.

**Neither of the options constrains catch within the allowance**

10. FNZ presents two options for submitters – i.e., a two month fishing season beginning on 22 April (Option 1) or a three month fishing season beginning on 22 April (Option 2). FNZ estimates that about 12 tonnes of pāua would be caught under Option 1 and 16 tonnes under Option 2. Neither of these options comes close to constraining recreational catch within the 5 tonne allowance for PAU3A (plus an extra 1-2 tonnes for PAU7).<sup>2</sup> It is ludicrous that the options include a longer season that would result in an even larger catch than occurred in 2023, but do not include a shorter season that would be more likely to constrain the catch within the allowance.
11. On the consultation website, FNZ invites feedback on alternative options to achieve the legal obligation to manage catch within the recreational allowance. PIC considers that this is an inappropriate request. Submitters do not have access to the detailed monitoring information or other management-related information that is available to FNZ and that should inform the development of effective management responses. Furthermore, any new management approaches put forward by submitters (including those we suggest below) are not able to be scrutinised and responded to by affected stakeholders.
12. PIC therefore recommends that FNZ should re-consult on new management proposals that are designed to manage recreational catch within the 5 tonne allowance for PAU3A and an additional small allowance for the affected area of PAU7. Non-exclusive additional options that, in conjunction with a short fishing season of one or two months, could be explored include:
  - Daily bag limit of 2 pāua per person and accumulation limit of 4;
  - Vehicle and vessel limit equivalent to 4 daily bag limits;
  - Minimum legal size of 130mm for blackfoot pāua;
  - Use of a specific measuring and harvesting tool;
  - Recreational fisher registration;
  - Real-time fine-scale catch reporting;
  - Authorised tags;
  - Individual season limits; and
  - Automatic season closure when the allowance is reached.

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<sup>2</sup> In the absence of reliable information about the distribution of recreational catch within PAU7, it is challenging to assess the proportion of recreational catch that can safely be taken from the Marfell's Beach – Clarence River area of PAU7 without exceeding the 15 tonne allowance across PAU7. If the distribution of commercial harvest (which may or may not reflect recreational harvest patterns) is used as a proxy, approximately 10% of the 15 tonne PAU7 allowance (i.e., 1.5 tonnes) might be assumed to be a reasonable allowance for the PAU7 portion of the wider Kaikōura area.

13. Points 2,3,4,5 and 6 above were originally recommended to the Minister by the Kaikōura Marine Guardians in 2021 following an extensive process of local public consultation. The Minister’s decision letter on the 2023 season noted that there was overall agreement among submitters that additional measures were needed to appropriately manage the recreational season and sought further advice from FNZ on these matters. PIC is disappointed that the Guardians’ recommended measures, which were always intended to support a limited fishing season, have not been pursued by FNZ.

#### **Real and serious consequences of allowing catch to exceed the allowance**

14. In the 2021/22 season an estimated 42 tonnes of recreational catch was taken from PAU3A and an additional 3 tonnes from the affected area of PAU7.<sup>3</sup> It was also estimated that around 10 tonnes of pāua, mostly under the legal size, were taken and returned to the sea, many of which would have died from handling stress and cuts. During the 2023 season an estimated 11.66 tonnes was taken from PAU3A and no estimate was made for PAU7.<sup>4</sup>
15. PIC’s concerns with the over-catch of the allowance in 2021/22 and 2023, and FNZ’s proposed exceedance of the allowance in 2024, are not simply technical or legal concerns. Although the marine environment at Kaikōura is gradually stabilising after the uplift, nearshore pāua populations remain vulnerable to changing environmental conditions such as high levels of sedimentation and shingle inundation and variable recovery of algal beds. A carefully managed ‘adaptive rebuild’ approach is therefore vital for the future sustainability and resilience of the fishery. Instead, FNZ has facilitated persistent significant over-catch of the recreational allowance, which has had material consequences for the local abundance and sustainability of the pāua fishery and for the current and future rights and interests all pāua harvesters.
16. Monitoring undertaken by the University of Canterbury shows that, as a direct consequence of FNZ’s management settings, recreational fishers removed around 74% of nearshore pāua biomass during the 2021/22 season<sup>5</sup> and a further 12% during the 2023 season,<sup>6</sup> dramatically depleting pāua in the accessible intertidal zone (to near zero at the most accessible sites). Significant changes to population structure were observed at nearshore fished sites in comparison to closed sites, with the population shifting towards smaller pāua. After season two, the average pāua size at fished sites was 112mm whereas at closed sites the average length was 138mm.<sup>7</sup> Egg production in pāua is related logarithmically to size, so this represents a significant reduction in the reproductive potential of nearshore pāua populations. The potential for future consequences on recruitment may therefore be high, but any recruitment effects from the depletion over the past two seasons will not be visible for a further three to four years.<sup>8</sup>

<sup>3</sup> Holdsworth J.C. (2022). Harvest estimates from land-based amateur fishers—Kaikōura Marine Area to Marfell’s Beach. New Zealand Fisheries Assessment Report. 40:27.

<sup>4</sup> Holdsworth, J. C. (2023). Harvest estimates from land-based amateur fishers – Kaikōura Marine Area to Marfell’s Beach. New Zealand Fisheries Assessment Report 2023/40.

<sup>5</sup> Schiel, D.R., S Gerrity and S Orchard (2023). Allocations, quota and abalone fishery management: the tragedy of the commons revisited. New Zealand Journal of Marine and Freshwater Research 2023.

<sup>6</sup> Sean Gerrity, University of Canterbury, unpublished presentation to PauMAC3 AGM, 2023.

<sup>7</sup> Gerrity (ibid).

<sup>8</sup> Schiel et al (ibid).

17. The readily accessible nearshore pāua populations targeted by recreational fishers (e.g., areas near carparks) overlap with areas accessible to customary fishers, but are spatially distinct from the less accessible and/or offshore areas harvested by commercial divers. Nevertheless, the commercial sector is concerned about the observed depletion of accessible nearshore pāua populations as this has consequences for sustainable yield at the stock level and will result in spatial changes to non-commercial fishing patterns due to the serial depletion of nearshore areas.
18. Although the Total Allowable Catch (TAC) is supposed to function as a total limit on sustainable extraction, the PAU3A TAC is currently meaningless. By allowing recreational catch to persistently exceed the allowance FNZ has reduced the effective customary and commercial share of the available yield in favour of the recreational sector. This implies a priority of recreational interests over the Crown's obligation to protect the value of the Deed of Settlement – a position that is clearly inconsistent with section 5(b) of the Act.
19. Routine exceedance of the recreational allowance is also inconsistent with the scheme of the Act as it undermines quota owners' confidence in the security of their harvest rights, diminishing incentives to nurture the fishery and eroding the basis of the QMS. For example, there is little incentive for PAU3A quota owners to protect the health of the fishery by implementing cautious management measures such as higher Minimum Harvest Size if the benefits of increased stock abundance are reallocated to recreational fishers – irrespective of whether the reallocation occurs via ongoing exceedance of the allowance or resetting of the allowance (or both).
20. In light of the above points, FNZ's positive 'spin' on the exceedance of the recreational allowance is extremely disturbing. Recreational pāua fishing well in excess of the allowance is described benignly in the consultation document as a '*very popular activity*', rather than as a threat to the local abundance and sustainability of pāua and an unsanctioned imposition on the current entitlements of customary and commercial fishers and the future fishing opportunities of all sectors.

#### **Prejudging the 2024/25 sustainability review of PAU3A**

21. PIC is concerned that in repeating the '20 tonne' figure throughout the consultation document, FNZ is prejudging what revised allowance the Minister might make after the scheduled review of the PAU3A TAC in 2024. By stating that a 20 tonne allowance is 'sustainable' FNZ is inappropriately influencing stakeholder expectations about what the recreational allowance will be. This is particularly concerning as FNZ suggests that 20 tonnes of recreational catch is 'sustainable' in isolation of any consideration of the current or future TAC, TACC or customary allowance, and without regard to mandatory relevant considerations. In particular, the modelling in Appendix 2, on which the 20 tonne figure is based, includes assumptions about commercial catch that are not consistent with the provisions of the PAU3 Fisheries Plan.
22. We emphasise that any changes to the recreational allowance may be made by the Minister only when the PAU3A TAC is reviewed, and not inferred or anticipated in the current consultation process. PIC recommends that the TAC review should be given highest priority in 2024 and we remind FNZ that the strategies in the PAU3 Fisheries Plan will be directly relevant.

## Fisheries Plans are a mandatory relevant consideration

23. The Minister for Oceans and Fisheries has approved the PAU3 and PAU7 Fisheries Plans under section 11A of the Act. By virtue of section 11(2A) the fisheries plans are mandatory relevant considerations that must be taken into account by the Minister for all sustainability decisions affecting the Kaikōura pāua fishery.
24. Although FNZ has now acknowledged (on the MPI consultation webpage) that the fisheries plans will be taken into account, the consultation document does not reflect this understanding. The consultation document instead dismisses the plans, stating that *'the two plans exclusively concern their individual commercial pāua fisheries and are unrelated to the context of this proposal'*.<sup>9</sup> This statement is incorrect. Both fisheries plans contain provisions that are relevant to the management of the pāua fishery as a whole, including recreational fishing.
25. Having prepared and consulted on the fisheries plans in accordance with the Act, PauaMAC3 and PauaMAC7 have a legitimate expectation that the provisions in the plans will be taken into account by the Minister in all decisions about the PAU3A and PAU7 fisheries. PIC considers that FNZ has failed to adequately inform submitters about the fisheries plans and the relevance of their provisions to the management of the Kaikōura recreational pāua fishery. The provisions that are of particular relevance to the current consultation, and which should have been included in FNZ's consultation document are:
  - The 'adaptive rebuild' approach which underpins the PAU3 Fisheries Plan; and
  - Strategies setting out industry expectations regarding collective responsibility in shared fisheries and commensurate measures for recreational fishing in both fisheries plans.

### Adaptive rebuild – what does it mean?

26. FNZ describes the 'adaptive rebuild' approach in paragraph 70 of the consultation document, and states that *'FNZ maintains that this strategy **remains appropriate** for this fishery as it continues to rebuild, and the proposed options presented in this document **align with** this overarching approach'*.
27. PIC endorses FNZ's view that adaptive rebuild is an appropriate strategy for the fishery. However, the adaptive rebuild approach is not simply 'appropriate' as an FNZ preference – it is a key element of the PAU3 Fisheries Plan and is therefore a mandatory relevant consideration for the Minister. It is also the only existing strategic approach for rebuilding and managing the PAU3A fishery.
28. The consultation document describes adaptive rebuild as an approach which *'applies a conservative level of utilisation, together with management based on the collection of comprehensive fine-scale information and reporting'*.<sup>10</sup> This is a precis of the more detailed description of adaptive rebuild in the PAU3 Fisheries Plan, i.e.:<sup>11</sup>

<sup>9</sup> FNZ consultation document, paragraph 64.

<sup>10</sup> FNZ consultation document, paragraph 70.

<sup>11</sup> PAU3 Fisheries Plan, page 4 (emphasis added).

*the fishery is opened to a **conservative level of utilisation** with management based on collecting comprehensive fine-scale information from the fishery and making **responsive adjustments** to the management approach and settings. Spawning pāua are protected by a high minimum harvest size. The commercial catch limit is set initially at a low level, then **reviewed and adjusted regularly** using a harvest control rule. All fisheries data and analysis is reviewed by the FNZ Shellfish Working Group. **Commensurate management measures** apply to any recreational fishing that may occur during this phase.*

29. It is clear that the management options in the consultation document, and FNZ's management of the reopening of the PAU3A fishery to date, do not align with an adaptive rebuild approach. In particular:
- A management approach that allows the recreational catch to exceed the allowance by a factor of more than eight times in 2021/22 and more than two times in 2023 is not consistent with an initial '*conservative level of utilisation*';
  - Proposing the same (or weaker) management settings for 2023/24 is not a '*responsive adjustment*' to the exceedance that was observed in previous years;
  - Leaving the PAU3A TAC in place for three years without reviewing it is not a regular or '*responsive adjustment*' and has contributed, in part, to the ongoing exceedance of the recreational allowance; and
  - The failure to implement management measures that aim to constrain recreational catch within the allowance, when commercial catch is constrained within a low initial TACC, is not aligned with '*commensurate management measures [for]... recreational fishing*'.
30. PIC supports the adaptive rebuild approach, as set out in the PAU3A Fisheries Plan. We recommend that FNZ should implement the adaptive rebuild strategy with greater understanding and commitment, including in relation to timing and regularity of TAC reviews, collection of fine-scale information about the fishery, and responsive management settings.

#### **Commensurate management measures for recreational fishing**

31. Although the PAU3 and PAU7 Fisheries Plans specify actions that are undertaken primarily by the pāua industry, they also contain provisions that are directly relevant to the management of recreational fishing. The plans set out industry expectations about how recreational fishing will be managed, while acknowledging that the Minister is not bound by the provisions. The inclusion in the industry fisheries plans of strategies relating to recreational fishing was deliberate and necessary – pāua is a shared fishery and industry management of commercial fishing under the fisheries plans is unlikely to be effective or successful if it occurs in isolation from the effective management of non-commercial fishing.
32. The strategies of particular relevance to the current consultation are as follows:
- **PAU3 Fisheries Plan, Strategy 2.6 Commensurate measures for recreational fishing** – this strategy promotes collective responsibility in the rebuilding of PAU3A across customary, commercial and recreational fishing sectors, including through '*genuine constraint on recreational fishing effort*'. The explanation states that '*the success of the*

*adaptive rebuild programme depends upon meaningful controls on catch and the collection of comprehensive harvest information to enable responsive adjustments of management settings’; and*

- **PAU7 Fisheries Plan, Strategy 3.4 Shared fishery responsibility** – this strategy promotes ‘*effective management of recreational harvest within the recreational allowance*’. The explanation acknowledges that these matters (i.e., managing recreational fishing) are ‘*beyond the industry’s direct control but are nevertheless essential for achieving the objectives of the Plan.*’

33. We recommend that FNZ’s final advice to the Minister should include discussion of the relevant strategies in the PAU3 and PAU7 Fisheries Plans, and implications for the setting of controls on the Kaikōura recreational pāua fishery for the 2023/24 season.

### Monitoring recreational catch

34. We note and endorse FNZ’s proposal to commission an independent survey to estimate recreational harvest on a weekly basis during the fishing season. However, based on the significant over-catch of the recreational allowance in 2023, we are not confident that FNZ will implement meaningful or timely measures to *adjust recreational controls in-season if appropriate*.<sup>12</sup>

35. It is an extremely rare (and costly) privilege for New Zealand’s fisheries managers to have access to weekly estimates of recreational catch and it is imperative that this timely information is used during the fishing season. PIC emphasises that FNZ has a legal obligation to constrain recreational catch within the allowance. We therefore recommend that when monitoring indicates that the 5 tonne allowance for PAU3A is about to be reached, the entire area (including the affected part of PAU7) should be closed to recreational fishing. Leaving PAU7 open when PAU3A is closed is likely to result in excessive displacement of fishing effort into PAU7.

### ‘Normalising’ the fishery

36. It is inappropriate that FNZ is still managing the Kaikōura pāua fishery under the Fisheries (Conway River to Marfell’s Beach Shellfish and Seaweed Harvest Closure) Notice 2022. Even though the Kaikōura coast is no longer in an emergency situation, the Gazette Notice remains in place as an effective closure of the commercial and recreational pāua fishery, with specified exceptions.

37. In November 2022 PIC recommended to FNZ that the management of the fishery should be ‘normalised’ – that is:

- The closure notice should be repealed for pāua;
- Permanent, year-round commercial harvesting should be allowed subject only to relevant regulations and fisheries plans;

<sup>12</sup> FNZ consultation document, paragraph 77.



- Customary management measures (including any ongoing closures of mātaimai reserves) should be provided for under bylaws or taiāpure regulations; and
  - Recreational management controls (seasons, bag limits, other measures) should be set under amateur fishing regulations and notices.
38. It is now well past the time for normalising the management of the fishery, yet FNZ has taken no steps towards this outcome over the past years. In particular, there is absolutely no justification for the continued control of commercial access under the 2022 Notice (or any replacement Notice). We recommend that commercial harvesting should be allowed as of right, subject to standard management controls including fisheries plans, and not dependent on a clause in a Gazette Notice.


## Recommendations

39. In summary, PIC recommends that:

- a) FNZ should develop and re-consult on management options that will constrain recreational catch within the 5 tonne recreational allowance for PAU3A plus an appropriate (small) amount for PAU7, including options previously recommended by the Kaikōura Marine Guardians;
- b) If in-season monitoring shows that the 5 tonne allowance is about to be exceeded, the recreational fishing season should immediately be closed;
- c) FNZ's final advice to the Minister should include discussion of the relevant strategies in the PAU3 and PAU7 Fisheries Plans (including the 'adaptive rebuild' approach and strategies relating to management of shared fisheries);
- d) Commercial pāua harvesting should be allowed as of right (not subject to a s.11 Gazette notice); and
- e) PAU3A should be given highest priority for a TAC review in 2024.

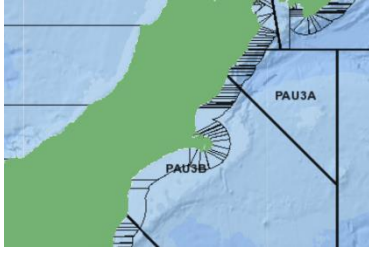
Yours sincerely

s 9(2)(a)



**Storm Stanley**

Chairman – Paua Industry Council Ltd



## Paua 3 Industry Association Incorporated

c/o RLIC, P.O. BOX 947

Pipitea, Wellington 6011

February 1<sup>st</sup> 2024

### **FNZ review of the Kaikōura area recreational pāua fishery for 2024**

#### **INTRODUCTION**

The Pau3 Industry Association Incorporated (PauaMAC3) welcomes the opportunity to submit on the proposals to enable recreational pāua fishing access to the Kaikōura earthquake affected area.

PauaMAC3 is a fully incorporated society which represents the interests of, and advocates for, the Quota Share Owners, divers and industry participants in the Kaikōura/Canterbury pāua fisheries PAU3A and PAU3B. As such we have a strong interest in the health and ongoing sustainability of the resource on which our industry and way of life are based. Therefore the management of the activities and impacts of other participants on the PAU3A fishery are of particular interest.

#### **SUMMARY**

PauaMAC3 supports and endorses the more detailed submissions lodged by the Pāua Industry Council and our sister organisations PauaMACs 2, 4, 5 and 7.

We support access to this valued fishery by recreational fishers, particularly those based in the Kaikōura region. However we consider that the options proposed by this Fisheries New Zealand (FNZ) consultation will fail to meet the Minister's statutory requirements, and are another missed opportunity to put in place fisheries management measures appropriate to the fishery.

#### **OUR CONCERNS FOR THIS PARTICULAR CONSULTATION ROUND INCLUDE;**

- Neither of FNZ's options will constrain recreational catch to within the recreational allowance
- The consultation document is drafted in such a way that it is likely to inappropriately predetermine any allocation decisions which may arise as a result of this years TAC review for PAU3A
- FNZ is wrongly managing the Kaikōura pāua fishery under the Fisheries (Conway River to Marfells Beach Shellfish and Seaweed Harvest Closure) Notice 2022 even though the fishery

is no longer in an emergency situation that would justify the use of special management measures.

## 1) THE MINISTER IS LEGALLY REQUIRED TO CONSTRAIN THE RECREATIONAL CATCH INSIDE THE ALLOWANCE

We defer to the more detailed legal and case law outlined in the PIC submission on the Minister's obligations to constrain recreational catch. The Ministry statement on the consultation website, "*the recreational allowance for PAU3A is 5 tonnes, and the recreational allowance for PAU7 is 15 tonnes. Recreational fishing is to be managed in a way that meets these allowances*", confirms this fact. Neither of the options presented will do this, and the Ministry reinforces that by predicting that Option 1 will lead to a recreational catch more than double the allowance and Option 2 more than three times.

While it may well be that the recreational catch allowance will change after the upcoming TAC review, the situation for the proposed 2024 recreational season is that the Minister is required to take measures to constrain catch to the current allowance, 5 tonne.

No additional management measures are included in the options provided, though the Ministry has separately invited suggestions of other management measures to help constrain catch. Regrettably this is not reflected in the actual consultation document. So the status of such extra suggestions is unclear given they will not have been consulted on.

Despite that, PauaMAC3 re-iterates, from previous advice we and other organisations have provided to FNZ, the following measures should be implemented by the Minister;

- **Season closure when the allowance is reached** – The Minister has available from the contracted survey teams weekly updates of total estimated catch, yet fails to take action when the allowance limit is breached. For the 2024 year this should be rectified with a closure declaration once the allowed 5 tonne is reached.
- **an increase to the minimum legal size to 130mm.** The catch length frequency data for recreational catch is showing a decline in average length. It is a matter of urgency to increase the minimum legal size (MLS) before the inshore pāua population loses more biomass and making a MLS increase difficult. An increased MLS has been demonstrated to have sustainability benefits to pāua populations.
- **recreational catch reporting or registration.** The ongoing intensive monitoring of recreational catch has been useful to date as an interim measure. However in the longer term it is not going to be tenable. Simply requiring a real time recreational reporting regime would provide that information and help address the wider issue of understanding actual levels recreational pāua catch in this country.
- **A vehicle / vessel limit of 4 times the daily bag limit.** The gaming of daily bag limits by groups of fishers and associates is a recognised phenomenon and has to be addressed. We

note that local recreational fishing representative bodies are recommending a similar measure.

- **specified harvesting tool** – Pāua which are undersized when caught and then returned to sea are easily injured. The standard free Ministry harvest tool is a very useful and well designed implement for dislodging pāua from the reef without damaging them. It, or a specified standard tool, should be regulated for use in Kaikōura.

- **Reconsult** - PauaMAC3 recommends that FNZ should develop and re-consult on management options that constrain recreational catch inside the recreational allowance.

## 2) THE CONSULTATION DOCUMENT PREDETERMINES WHAT RECREATIONAL ALLOWANCE IS APPROPRIATE BEFORE ANY TAC REVIEW HAS BEEN COMPLETED

The document states:

*“This proposal does not include changes to the PAU 3A Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC), or non-commercial allowances.”* (p.4 para 5.)

yet further states

*“ On this bases recreational take under both options is expected to be below the 20 tonnes suggested as sustainable under the stock assessment; ”* (p.12, para 76)

The source of the 20 tonne figure is highly problematic. This was derived not from any stock assessment, despite what the consultation document’s author claims. It comes from a series of population modelling runs informed by different catch scenarios suggested by FNZ.

One of the model inputs used was that commercial catch was simulated with a default Harvest Control Rule (HCR). The HCR used ensured that any increased level of recreational catch would automatically lead to a corresponding commercial catch reduction under the HCR . For example if recreational catch was set high in the model, then commercial catch was commensurately reduced in the simulations. This key trade-off was highlighted in the modelling, and represents a de facto reallocation of allowances.

It is remarkable that FNZ thought that this was a reasonable basis to consult on.

This predetermination by FNZ of any results to come from the upcoming TAC review is unacceptable. It represents clear breaches of the 1992 Maori Fisheries Settlement amongst other things.

## 3) THE KAIKŌURA PĀUA FISHERY SHOULD BE “NORMALISED”.

The fishery has rebuilt to reasonably high levels of abundance, though there is some environmental resetting occurring in places as the effects of the 2016 earthquake dissipate.

The ongoing use of Gazette Notice under section 11 to manage the fishery is wrong. It seems clear to us that the ministry is avoiding its responsibility to properly manage the recreational catch using the correct management tools, and is instead using the Gazette

Notice. If the Ministry continues to try and manage on such an ad hoc basis it will lead to an ongoing decline in inshore biomass as the fundamental issue of the incentivising of recreational fishers to race for fish remain.

In PAU3A the first season of recreational catch at 42 t reduced the available biomass by around 70%. The second season reduced that remaining smaller population by a further 12%. The trajectory FNZ is enabling is that the accessible stocks be fished down to the level where scarcity takes care of meeting the recreational allowance. This hardly meets Fisheries Act requirement to allow for utilisation while ensuring sustainability.

### **PAUAMAC3 RECOMMENDS THAT;**

- The closure be repealed for pāua
- Customary management measures should be provided for under bylaws or taiapure regulations
- recreational controls which properly manage recreational fishing be set under amateur fishing regulations and notices
- commercial harvesting of pāua reverts to a permanent year round regime subject to the relevant Fisheries Act regulations and fisheries plans.
- of the two options presented, the three month season will clearly lead to the higher risk of recreational catch exceeding the allowance. Therefore in the absence of any other measures a two month season is the least bad option to implement.

FNZ has signalled no pathway to moving back to a normalised fishery, despite it being 8 years since the earthquake. It is past time that this should be done. Firstly to return to the correct management regime framework to ensure long term sustainability, and secondly provide certainty to all participants in the fishery and to the Kaikoura community.

PauaMAC3 would welcome the chance to discuss these points further.

Nga mihi

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Ta Mark Solomon

Chair Pau3 Industry Association Incorporated



## PauaMAC 7 submission on Review of the Kaikōura recreational pāua fishery for 2023/24

1. This submission is made by PauaMAC 7 Industry Association Incorporated (PauaMAC 7) on behalf of the commercial pāua industry in the PAU7 fishery.
2. Our submission focuses on the area of the wider Kaikōura recreational pāua fishery that is within PAU7 (i.e., the area from Clarence River to Marfells Beach). PauaMAC 7 supports the submission of PauaMAC 3 in relation to FNZ's proposals as they apply within PAU3A. We also support the submission of the Pāua Industry Council.

### **FNZ has not assessed the proposals in relation to the PAU7 recreational allowance**

3. Although the pāua fishery that FNZ is reviewing includes part of PAU7, the consultation document focuses almost entirely on the Kaikōura Marine Area (PAU3A) and ignores PAU7. For example:
  - FNZ states that the permanent re-opening of the PAU3A commercial fishery was approved in 2023 but fails to mention that the permanent re-opening of commercial fishing in the earthquake affected area of PAU7 was approved at the same time;<sup>1</sup>
  - In the 2021/22 season an estimated 3 tonnes of recreational catch was taken from the PAU7 area, in addition to the 42 tonnes taken from PAU3A;<sup>2</sup>
  - The fishery information in Section 4 of the consultation document does not mention the management of the commercial fishery in PAU7 and does not mention the approved PAU7 Fisheries Plan; and
  - The Minister for Oceans and Fisheries has a legal obligation to implement management measures that seek to constrain PAU7 recreational catch within the PAU7 recreational allowance, but the allowance (15 tonnes) is not mentioned anywhere in the consultation document.

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<sup>1</sup> FNZ consultation document, paragraph 11.

<sup>2</sup> FNZ consultation document, paragraph 14.

4. FNZ has failed to assess the proposals in relation to the 15 tonne recreational allowance for PAU7. In particular, FNZ has made no attempt to assess the amount of recreational catch that could safely be taken from the Marfells Beach-Clarence River area without causing the 15 tonne allowance to be exceeded across the entire PAU7 QMA. The Minister therefore has no way of knowing if the management measures that FNZ is proposing are consistent with the Minister's legal obligations to constrain recreational catch within the PAU7 recreational allowance.

5. PauaMAC 7 therefore recommends that:

- FNZ should assess the available information and estimate an appropriate upper limit of recreational catch for the Marfells Beach-Clarence River area, so as to ensure that the 15-tonne recreational catch allowance is not exceeded across the PAU7 QMA;

PAU7 recommends to accurately manage and account for the recreational catch and that mandatory catch reporting should be required.

- Further to the points above PAU7 recommends that the review of the MLS be undertaken immediately. All latest scientific advice (although a full paper has not yet been completed) points to an MLS of 125mm not being appropriate to protect a high enough level of spawning biomass in a heavily exploited stock.
- FNZ should then develop and re-consult on management options that will constrain recreational catch within the estimated upper limit. If in-season monitoring shows that the estimated limit is about to be exceeded in the affected area of PAU7, the recreational fishing season should immediately be closed; and
- If in-season monitoring shows that the recreational allowance in PAU3A (5 tonnes) is about to be exceeded, the recreational fishing season in both QMAs (i.e., PAU3A and the affected area of PAU7) should be closed so as to prevent the displacement of recreational catch from PAU3A to PAU7.

#### **PAU7 Fisheries Plan is a mandatory relevant consideration**

6. The PAU7 Fisheries Plan was approved by the Minister for Oceans and Fisheries in May 2023. Several provisions in the Fisheries Plan are directly relevant to FNZ's proposals, as follows:

- Strategy 3.4, Shared Fishery responsibility, promotes a number of requirements for effective management of the PAU7 fishery, including the *effective management of recreational harvest within the recreational allowance*;
- Although Strategy 3.4 addresses matters that are beyond the industry's direct control, the Plan states that the matters are nevertheless *essential for achieving the objectives of the Plan*;
- The most relevant objective is Objective 1, which is to *rebuild the PAU7 fishstock to at least 40% B<sub>0</sub> as rapidly as possible, taking into account the need to provide for utilisation*.

7. PauaMAC 7 recommends that FNZ should provide advice to the Minister on the relevant provisions of the PAU7 Fisheries Plan and the implications of these provisions for the Minister's

decision. We remind FNZ that the Minister is obliged to take the Fisheries Plan into account in all sustainability decisions affecting the PAU7 fishery.

**No justification for commercial fishing remaining subject to Gazette Notice**

8. The PAU7 Marfells Beach – Clarence River pāua fishery is no longer in an emergency situation, yet commercial fishing is still subject to a default prohibition in the Gazette Notice, and is only allowed as an exception to the prohibition in the Gazette Notice. We consider that there is no justification for making commercial fishing subject to the Gazette Notice.
9. PauaMAC 7 recommends that commercial harvesting should be allowed as of right (subject to all relevant regulatory provisions and the fisheries plan), rather than relying on the Gazette Notice to exempt commercial pāua fishing from the area closure.

Yours sincerely

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Jason Baker

Chairman

PauaMac7 Industry Association In

s 9(2)(a)

Proactive release



23 January 2024

## Submission on the Review of the Kaikōura recreational pāua fishery for 2023/24

### Introduction

1. The Pāua 2 Industry Association (**PāuaMAC2**) is a regional organisation that represents industry participants in the PAU2 Quota Management Area (where the commercial fishery is constrained to the Wairarapa coastline).
2. PāuaMAC2's focus is on ensuring the long-term health of the PAU2 fishery promote and ensure the sustainable utilisation of the fishery. It also has an interest in pāua fisheries management at a national level and in other QMAs for precedents and applications that may be relevant in PAU2.
3. PāuaMAC2 welcomes the opportunity to submit on the Review of the Kaikōura recreational pāua fishery for 2023/24 and endorses the submissions made by PāuaMAC7 and PāuaMAC3 (which have a direct interest in the fishery).

### Submission

**The consultation document is misleading with regard to the amount that recreational catch should be constrained to:**

4. The recreational allowance in PAU3A is 5 t. The Minister has a legal obligation to constrain recreational catch within the recreational allowance (affirmed by the Supreme Court in the Kahawai decision). This is acknowledged on the MPI website containing the consultation document that:

“the recreational allowance for PAU3A is 5 tonnes, and the recreational allowance for PAU7 is 15 tonnes. Recreational fishing is to be managed in a way that meets those allowances”.

5. However, this is the only place this is expressed and is not referred to in the actual consultation document itself. Rather, a figure of 20 t is referred to throughout as a “sustainable” limit within which recreational catch should be constrained. This figure is not

relevant to this consultation process. It has been nominated as a figure from modelled predicted future biomass under a range of arbitrary future management settings which do not currently apply to the fishery.

6. The way this information is presented is misleading as it creates the impression that the legal obligation is for the Minister to constrain recreational catch within 20 t, when it is actually 5 t. We believe this will prejudice the outcome of this review.
7. By contrast, the consultation document for the recent “Review of sustainability measures for pāua (PAU2) – 2023 April round” outlined three options for TACCs and recreational allowances for PAU2, where the management settings (in this case bag limit) attempted to proportionately reflect different recreational allowances shown below:

*Proposed recreational allowances and corresponding recreational bag limits from the PAU2 sustainability review – 2023 round.*

	Recreational allowance	Recreational bag limit
Option 1	83 t	10
Option 2	48 t	5
Option 3	31 t	3

In this case there is an obvious intention to constrain recreational catch using the bag limit management setting. The same rationale is absent in the PAU3A review, as stated, the recreational allowance is not even referred to in the consultation document. It is confusing how two consultation documents from the same organisation dealing with similar issues can be framed so differently.

**Neither of the proposed options will constrain recreational catch within the recreational allowance:**


8. In the consultation document, Fisheries New Zealand estimates that Option 1 will result in recreational catch of 12 t and Option 2 will result in recreational catch of 16 t. In other words, Option 1 will result in recreational catch that is more than double the recreational allowance, and Option 2 will result in recreational catch that is more than triple the recreational allowance. Both Options are incompatible with Fisheries New Zealand’s stated intention (and legal obligation) to manage fisheries within the recreational allowance (see paragraph 4 above).
9. If recreational catch is not constrained within the allowance, there could be serious consequences for this fishery which is still stabilising after the earthquake. Continued unconstrained recreational take will contribute to the localised serial depletion of easily accessible nearshore areas threatening the overall sustainability of the pāua fishery, and impacting the rights and harvest opportunities of customary and commercial fishers.

## Recommendations

10. Fisheries New Zealand needs to re-write the consultation document in a way that accurately reflects the requirement for management options to constrain recreational catch with the 5 t allowance for PAU3A (and a proportional amount of the 15 t for PAU7).
11. The only way for recreational catch to be constrained within the allowance is that if in-season monitoring shows that the recreational allowance has been reached, then the recreational fishing season should immediately be closed. Even if a third option of a one month season (and the same bag limits) was included in a re-drafted consultation document, by Fisheries New Zealand's own logic and estimates, this would result in a recreational take of at least 6 t which still exceeds the allowance.
12. The Kaikōura earthquake caused an unprecedented disruption to one of New Zealand's most important pāua fisheries. After the five year closure, stocks had recovered and rebuilt back to levels rivalling the best pāua fisheries in the country. This should present a 'blank slate' opportunity for managers to be innovative with management measures to ensure the fishery remains abundant for all users. Despite the very high recreational catch in the first two seasons, this opportunity still exists. Other options that could be considered for management are:
  - a. Reduced daily bag limits of 2 pāua per person, and an accumulation limit of 4;
  - b. Vehicle and vessel limits equivalent to 4 daily bag limits;
  - c. An increased minimum legal size of 130 mm for black foot paua;
  - d. Require to use a specific measuring and harvest tool;
  - e. Recreational fisher registration;
  - f. Authorised pāua 'tag' system facilitating individual season limits;
  - g. Real time catch reporting leading to fishery closure when the recreational allowance is reached.
13. Thank you for reading our submission.

Ngā mihi


s 9(2)(a)



**Toa Pomare**

Chairman - PāuaMAC2 Industry Association Inc

s 9(2)(a)





**PāuaMAC4 Industry Association Incorporated**

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Chatham Islands

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## **PāuaMAC4 submission on the review of the Kaikōura recreational pāua fishery for 2023/24**

### **INTRODUCTION**

1. PāuaMAC4 represents the interests of stakeholders of the commercial pāua fisheries in the PAU4 QMA (the Chatham Islands) including quota owners, ACE holders and harvesters. The primary purpose of PāuaMAC4 is to ensure the long term sustainability of the PAU4 fishery.
2. PāuaMAC4 also has an interest in fisheries management at a national level and across the other pāua QMAs for applications and precedents that may be relevant to PAU4.
3. PāuaMAC4 appreciates the opportunity to submit on the review of Kaikōura recreational pāua fishery for 2023/24. We endorse the submissions made by the Pāua Industry Council, and PāuaMAC3 and PāuaMAC7 which have a direct interest in the fishery.

### **SUBMISSION**

#### **Neither of the proposed options are likely to constrain recreational catch within the recreational allowance**

4. The Minister has an obligation to constrain the recreational catch within the recreational allowance. In PAU3A the recreational allowance is 5t and in PAU7 it is 15t (although only a small proportion of this QMA is part of the area in review).
5. By Fisheries New Zealand's own account, neither of the options proposed in this review will effectively restrict recreational catch to these allowances. Option 1 (two month season) and Option 2 (three month season) will result in an anticipated recreational catch of 12 t and 16 t respectively in PAU3A. Both of these options therefore result in a recreational catch more than double the recreational allowance in PAU3A.
6. Throughout the consultation document, a figure of 20t is erroneously referred to as some sort of target that recreational catch should be constrained within. This is in

conflict with the note on the MPI website containing the link to the consultation document, that:

“The recreational allowance for PAU3A is 5 tonnes, and the recreational allowance for PAU7 is 15 tonnes. Recreational fishing is to be managed in a way that meets those allowances”.

This inconsistency is very misleading and could prejudice the outcome of this review, and it may set a precedent that the recreational allowance can be simply disregarded when making management decisions.

7. Given the high levels of recreational catch in the first two seasons after the re-opening and the levels of catch anticipated by FNZ under the two proposed options, the only viable means of managing recreational catch is to have the season closed to recreational fishing when the recreational allowance is reached. We understand this could be a viable option with proposed in season monitoring of recreational catch by Blue Water Marine.
8. Further measures that could be considered are:
  - a. Reduced daily bag limit of 2 per person, and accumulation limits of 4;
  - b. Vehicle and vessel limits equivalent to 4 daily bag limits;
  - c. Increased minimum legal size to 130mm;
  - d. Requirement for a specific harvesting and measuring tool;
  - e. Recreational fisher registration; Authorised pāua ‘tag’ system facilitating individual season limits.

#### **The PAU3 and PAU7 s11A Fisheries Plans are overlooked as relevant considerations**


9. The Minister for Oceans and Fisheries has approved s11A Fisheries Plans for PAU3 and PAU7. The consultation document erroneously states that “the two plans exclusively concern their individual commercial pāua fisheries and are unrelated to the context of this proposal”. Under s11(2A) of the Act, the fisheries plans are mandatory relevant considerations that must be taken into account for decisions about sustainability measures.
10. Further, both plans contain strategies relevant to the management of the fishery as a whole, including recreational fishing. It is noted on the MPI webpage with the linked consultation document that: “the PAU3 and PAU7 fisheries plans approved under s11A of the Fisheries Act 1996 contain strategies that are relevant to the wider management of the Kaikōura Pāua Fishery and these will be taken into account”, but as above, this messaging is inconsistent and misleading.
11. PāuaMAC4 was the first pāua QMA to have a Fisheries Plan Ministerially approved (in 2019). This plan has since been the foundation for industry based management as well as strategies for fishery sustainability for all stakeholders. It is concerning to see fisheries plans portrayed in a manner that suggests they do not need to be considered for such significant fishery sustainability decisions.

12. We recommend that Fisheries New Zealand’s final advice paper to the Minister should include discussion of the relevant sections of the PAU3 and PAU7 Fisheries Plans. In particular, advice should detail the ‘adaptive rebuild’ approach from the PAU3 Fisheries Plan (also referenced in the discussion document), and the implications this has for management settings in the recreational pāua fishery in Kaikōura.

13. We thank you for reading our submission.

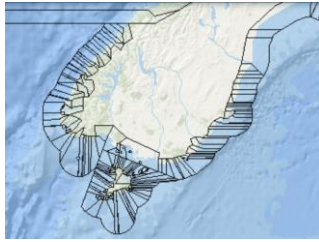
Nga mihi

s 9(2)(a)

A large grey rectangular box redacting the signature of Albert Tuuta.

Albert Tuuta  
Chairman

Proactive release



## **PāuaMAC5 Industry Association Inc**

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INVERCARGILL

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**Feb 1<sup>st</sup> 2024**

# **The Kaikōura recreational pāua fishery season for 2024 – proposals by Fisheries New Zealand**

## **Introduction**

PauaMAC5 represents the commercial pāua industry in PAU5A (Fiordland), PAU5B (Stewart Island) and PAU5D (Southland/Otago). Our members include owners of pāua quota and Annual Catch Entitlement, as well as fishing vessel operators, processors, fish dealers and harvesters who operate in the PAU5 fisheries.

We thank Fisheries New Zealand for the opportunity to contribute to the public consultation regarding what management measures should be implemented to allow recreational access to the PAU3A fishery while ensuring the Ministers legal obligations under the 1996 Fisheries Act are met.

## **Summary**

(1) PauaMAC5 supports and endorses the Pāua Industry Council and other PauaMAC submissions  
(2) PauaMAC5 supports recreational access to the PAU3A fishery and considers that there should be a period allowed for that to happen in 2024. But this is contingent on complementary management measures being implemented which will ensure that the current recreational allowance is not exceeded for the third year in a row.

## **Submission**

FNZ is presenting two options for consultation, neither of which they expect to ensure that the recreational catch is held under the allowance. Option 1 anticipates a recreational catch over twice the actual allowance, while Option 2 estimates over 3 times the allowance will result. The allowance is barely mentioned, instead FNZ state that recreational catch should be held under 20 tonne, four times the allowance, "to ensure sustainability".

On examination the 20 tonne figure is derived not from a stock assessment, even though it is presented as such. It is cherry picked from a population modelling exercise which was not designed or intended to substitute for a stock assessment. Further the 20 t figure was unrealistically based on an input to the model which instructed the model to reduce the commercial catch being automatically reallocated to recreational. The 20t figure is any case irrelevant.

The legal situation is that the Minister is required to constrain recreational catch to 5 tonne until a formal sustainability review and TAC setting process is undertaken. We understand that FNZ is undertaking a Sustainability Review for PAU3A this year. That is the time any changes to the

current TAC and recreational allowance should be considered. There is a risk that by flagging the 20 tonne figure in this consultation document FNZ will be seen to be predetermining the outcome of that process.

**PauaMAC5 recommends that ;**

The following management actions are implemented prior to any reopening to ensure the Minister meets his obligations. FNZ should develop and re-consult on management options that will constrain recreational catch within the 5 tonne allowance for PAU3A plus an appropriate (small) amount for PAU7. Further measures we consider need to be applied;

- The season to be closed when the allowance is caught
- Reduced daily bag limits of 2 pāua per person, and an accumulation limit of 4;
- Vehicle and vessel limits equivalent to 4 daily bag limits
- An increased minimum legal size of 130 mm for black foot paua;
- Require to use a specific measuring and harvest tool;
- Recreational fisher registration;
- Real time catch reporting leading to fishery closure when the recreational allowance is reached

**The Fishery needs to be managed under the appropriate regulations**

We understood that the PAU3A fishery reopening process would be by way of an adaptive rebuild approach. This was recommended by Te Korowai, The Kaikoura Marine Guardians and other key stakeholders. Instead FNZ has opted for an annual ad hoc and reactive approach which does not provide a pathway back to any sort of normalised management regime.

PauaMAC5 recommends that FNZ now transition to a normalised fishing season for all sectors as follows.

- The closure be repealed for pāua
- Customary management measures should be provided for under bylaws or taiapure regulations
- recreational controls which properly manage recreational fishing be set under amateur fishing regulations and notices
- commercial harvesting of pāua reverts to a permanent year round regime subject to the relevant Fisheries Act regulations and fisheries plans.

PauaMAC5 representatives would be very keen to discuss this submission further if FNZ has any questions, or requires clarification.

Ngā mihi

s 9(2)(a)

Storm Stanley - Deputy Chairperson



**Submission to Fisheries New Zealand relating to  
 “Review of the Kaikōura recreational pāua fishery for 2023/24”  
 Fisheries New Zealand Discussion Paper No: 2023/27**

1 February 2024

By David R Schiel (Distinguished Professor, Marine Science), Head of Marine Ecology Research Group, Canterbury University, Private Bag 4800, Christchurch

Contact: s 9(2)(a)

My preferred option: None of those being proposed – they need revision and a far more effective real-time means of stopping recreational fishing when the 5 t allocation is reached.

**Submission and summary**

1. Fisheries NZ is to be congratulated on saving tax-payer dollars by essentially rehashing previous reports and coming up with nothing new in terms of management initiatives for the recreational pāua fishery in the Kaikoura region. The downside of this inadequate and misleading ‘review’ is that any initiatives to improve the management of the recreational fishery will be delayed yet another year, while being overfished by FNZ’s own criteria. This discussion paper does not follow all of the research, science and knowledge necessary to manage an abalone fishery sustainably.
2. The paper is repetitive in meaningless jargon, that is both inconsistent with FNZ’s own stated principles and with sustainable management. For example, Item 3: “*We propose a similar management approach to the last season, which constrained recreational catch to a sustainable level...*”. The recreational allocation was overfished by around 900% and 100% in the two open seasons so far. In what way does FNZ consider this to be acceptable, constrained or sustainable in the long run?
3. In the same vein, Item 23: “*This information indicates that the PAU 3A stock is safe for the next two to three years under all modelled catch assumptions*”. What does ‘safe’ mean here? Extracting minerals is ‘safe’ until, of course, it all runs out. There is a designated allocation of 5t, which has been vastly exceeded. How is that ‘safe’, and what is meant here?
4. Again, Item 23: “*scientific modelling suggests that constraining recreational catch at 20 tonnes or less remains necessary if the fishery is to remain sustainable long-term*”. Where exactly did this 20 t figure come from? To our best knowledge it is a voodoo number based on erroneous assumptions that has been oft-repeated in the two latest FNZ documents. The ‘or less’ part is correct. And as it stands now, the ‘or less’ number should be the mandated 5 tonne allocation.
5. At no point does this document actually consider the life history of pāua or consequences of severe reduction in the numbers of large adults. Pāua recruit almost exclusively in the low intertidal and immediate subtidal zones in particular rocky habitats. They take on average 8 years or so to reach the minimum legal harvesting size. In the first year of the fishery re-opening after the extended post-earthquake closure, the best estimates were that 42-45 tonnes of pāua were taken recreationally – this is at least 35 t over the allocation. It represents well over 80,000 animals that were not supposed to be fished. This represents hundreds of thousands of ‘pāua years’. *In situ* research (note: not modelling) clearly showed that inshore populations were reduced by up to around 70% in 3 months. The pāua were distributed more patchily. Because they are dioecious (male and female) and broadcast spawners (eggs and sperm combine in the open water), they need to be in close proximity to successfully reproduce. Severe reduction in numbers and densities is an impost on future

recruitment, and this effect can take a few years to manifest. The full life history of this species needs to be considered in any management strategy, as do the consequences of removing so many large pāua over the designated allocation.

6. Similarly, the recreational take last year was 12 tonnes, again far over the annual allocation of 5 tonnes. This is not 'sustainable' in any context that someone outside of FNZ would understand, but maybe FNZ has a different view of what sustainability means.
7. The biggest problem with this document and the proposed management is that it is the 'same old, same old'. There is nothing new or innovative in it at all, despite the number of meetings, consultations and ideas put forward over the past two years. This hidebound approach to management has failed in pretty much all of the wild-caught abalone fisheries in the world. It is overly optimistic, based on often unwarranted assumptions, and has little capacity for resilience in the face of future disasters (such as the 2016 earthquake).
8. The only thing that is working in such fisheries worldwide, other than complete closure, is setting sustainable allocations that can be enforced, and closing the fishery when the allocation is reached. This will entail methods of reporting in real-time, as is done for example in Australia.
9. We have argued that the Kaikōura fishery is special. Not only was the fishery greatly affected by the earthquake, but through intensive in-field research we have seen how remarkably it recovered in the absence of fishing. Many lessons were learned about how these populations responded – none of which is even cited in this so-called 'review'. It has been argued in many meetings by different people that this fishery presents a novel opportunity to trial new methods of recreational reporting, of working across the commercial, cultural and recreational sectors in designing and trialling new methods, such as app-based reporting. None of that discussion is reflected in this inadequate fisheries document. Instead, we get the startling conclusion (Item 79) that a potential review might occur next year to consider long-term management approaches. Why wait another year? What miraculous new information is going to come to hand, other than an updated model? It is a recreational fishery that is particularly accessible to the public because of State Highway 1 running along much of the coastline, and you can bet safely that the allocation will again be exceeded unless there is some sort of intervention.
10. I head the Marine Ecology Research Group of Canterbury University. We did intensive field surveys over 7 years charting the recovery of the coastal ecosystem after the Kaikōura earthquake, and detailed *in situ* surveys of pāua populations just before and just after the fishery re-opening. This information told us what pāua population abundances actually were, and what was lost after fishing, through hard-won field data and surveys in wave-impacted nearshore waters. This research had much publicity around the International Abalone Symposium in early 2023, and generated much local and international discussion about collapsed wild fisheries and avenues to better management. We published reports under the banner of FNZ and have produced scientific publications on the research. Much of this research over 7 years was funded by MPI/FNZ. Yet, not any of it has been referred to or cited in this 'review' document. We did it to help in management and we worked with the various sectors and FNZ to produce better outcomes. It appears that none of this is relevant to FNZ.

In summary,

11. I do not accept the proposed management plan that FNZ has put forth; it will solve no problems and offers no improvements in management;

12. FNZ should develop a management option that will effectively constrain recreational catches to the set allocation, which is 5 t – anything more than this is overfishing and to the detriment of the overall fishery;
13. FNZ needs an immediate mechanism to stop the recreational fishery as soon as the 5 t allocation is reached – not after it is severely overfished;
14. There should be real review of this fishery as soon as possible this year and should be chaired by a knowledgeable person independent of FNZ and the various fishing sectors, but with these sectors as participants. The aim should be to arrive at a workable plan for public consultation, and a way forward for a real-time catch-reporting system so that catch data can be collected to give feedback on fishery performance and inform future management strategy and allocations. If something useful can be trialled soon, we can all learn more as we make progress.
15. And, finally, bear in mind, there is only one pāua fishery in the region, and we need to align management so there is participation and buy-in by all sectors.

I add some relevant references, in case a more thorough review takes places.

Gerrity, S.T.; Schiel, D.R. (2023). Recreational fishing effects on wadeable pāua populations along the Kaikōura coast, 2021–22. *New Zealand Fisheries Assessment Report 2023/01*. 27 p.

Schiel, D.R., Gerrity, S. and Orchard, S., 2023. Allocations, quota and abalone fishery management: the Tragedy of the commons revisited. *New Zealand Journal of Marine and Freshwater Research*, pp.1-18.

Orchard, S., Gerrity, S. and Schiel, D.R., 2024. Re-thinking recreational fishing—how a natural disaster presents insights and opportunities for achieving sustainability and equity objectives. *Marine Policy*, 159, p.105916.

Yours sincerely

s 9(2)(a)

David R Schiel



## Submission form

### Review of sustainability measures for 1 April 2024

Once you have completed this form, send it by email to [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to:

2024 Sustainability Review, Fisheries Management, Fisheries New Zealand, PO Box 2526, Wellington 6140, New Zealand.

**Submissions on the proposals must be received no later than 5pm on Friday 2 February 2024.**

Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own. If preparing your own, please use the same headings as used in this form.

#### Submitter details

Name of submitter or contact person	Geoff Creighton
Organisation (if applicable)	
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	Kaikoura recreational paua fishery
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 1

#### Submissions are public information

Note that all, part, or a summary of your submission may be published on this website. Most often this happens when we issue a document that reviews the submissions received. People can also ask for copies of submissions under the Official Information Act 1982 (OIA). The OIA says we must make the content of submissions available unless we have good reason for withholding it. Those reasons are detailed in sections 6 and 9 of the OIA. If you think there are grounds to withhold specific information from publication, make this clear in your submission or contact us. Reasons may include that it discloses commercially sensitive or personal information. However, any decision MPI makes to withhold details can be reviewed by the Ombudsman, who may direct us to release it.

[Official Information Act 1982 – NZ Legislation](#)



## Submission:<sup>1</sup>

### Details supporting your views:

This paua fishery is particularly vulnerable due to its easy access and needs the maximum protection it can be given. I support the 2 month option, though would like to see greater restrictions. If it was possible, further measures should be looked at. For instance the Australians have many more specific measures than we do – recreational permitting and set days and times that it can be accessed. Having set days/times would allow far better policing and information gathering from fishery officers gaining more accurate information to what is being harvested

Proactive release

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<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically, we accept the following formats: Microsoft Word, Text, PDF, and JPG.

Hello, my name is Shawn Gerrity and I am a marine ecologist at the University of Canterbury. I have been researching the Kaikōura pāua populations since the 2016 earthquakes, through the 5 year fishery closure and the 2021 re-opening of the fishery. I have learned that, while the Kaikōura pāua population is resilient, it is highly sensitive to shore-based recreational harvest. We observed dramatic depletion of inshore populations during the 2021 disaster, where the 5t allocation was exceeded by nearly 40t. This overharvest will have ongoing effects on the population in terms of reduced recruitment, many of which won't be apparent in the fishery for several years. The 2022-23 season was marginally better, but the rec harvest still greatly exceeded the 5t allocation. I think we can do better.

The biggest problem in my opinion is that the recreational harvest is NOT held to the 5t allocation. This is a breach of the statutory obligation that Fisheries New Zealand has to constrain the harvest to the set allocations. We know without a doubt that, regardless of season length or timing, the allocation will be exceeded yet again this year. Furthermore, asking the public for ideas after 2 consecutive seasons of recreational overharvest is unacceptable, considering that FNZ had 5 years of a fishery closure to put effective regulations into place, and completely failed to do so.

I would strongly recommend a catch-reporting requirement for recreational fishers, and a mechanism to close the fishery once the allocation is met. These are standard policy in most recreational fisheries across the world, and is the very first step in sustainable fishery management. Pāua fishers should be required to obtain a license (free or inexpensive) and report their cumulative pāua harvest in real time. This could mean a tagging system like what is currently being used in Canterbury for sea-run salmon. Once the 5t allocation is met each season, the fishery needs to be closed.

Making the fishing season inconvenient for people by shortening it and putting it over winter is an archaic management tool. It is also ineffective, as we saw last season when the allocation was exceeded yet the fishery remained open. There needs to be a better catch reporting system and a mechanism to close the fishery once the allocation is met. Until those conditions are met, I am afraid we will start to see the effects of serial depletion, and the once thriving Kaikōura pāua fishery will be in serious trouble. This can absolutely be avoided if meaningful action is taken soon.


I do not accept the proposed management plan that FNZ has put forth, and strongly recommend the following;

- 1.) FNZ should develop a management option that will effectively constrain recreational catch to the set allocation
- 2.) FNZ should close the recreational fishery AS SOON AS in-season monitoring shows that the 5t allocation has been met
- 3.) FNZ should begin public consultation for NEXT SEASON, and plan to introduce a catch-reporting system so that catch data can be collected to give feedback on fishery performance and inform future management strategy

Thank you for your time in reviewing my submission. I sincerely hope that meaningful changes to the management strategy of this fishery are made in a relevant time frame, with a focus on long-term sustainability, so that future generations can enjoy this resource.

Sincerely, Shawn Gerrity

s 9(2)(a)



February 1, 2024



## Submission form

### Review of sustainability measures for 1 April 2024

Once you have completed this form, send it by email to [FMsubmissions@mpi.govt.nz](mailto:FMsubmissions@mpi.govt.nz)

While we prefer email, you can also post your submission to:

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Anyone may make a submission, either as an individual or on behalf of an organisation. Please ensure all sections of this form are completed. You may either use this form or prepare your own. If preparing your own, please use the same headings as used in this form.

#### Submitter details

Name of submitter or contact person	Greg Burrell
Organisation (if applicable)	
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	Kaikōura recreational pāua fishery – PAU3A and part PAU7
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Option 2 – fishery open three months (22 April to 22 July 2024)

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## Submission:<sup>1</sup>

### Details supporting your views:

The available data provided by the Ministry supports my own observations, which is that the short, winter opening of the paua season was successful at reducing fishing pressure in 2023. Extending the season by one month, further into winter, will create more opportunity for keen, experienced fishers to collect paua, while still protecting the fishery from opportunistic over-fishing during the popular summer holiday period.

As an ecologist and keen fisher, I strongly support ongoing monitoring of the fishery, so that we can understand the impacts of recreational and commercial harvest. I also support regular review of the data and communication of the results to the public. That's because it's important to know the state of the fishery and to know whether current regulations are fit for purpose, could be relaxed, or need to be tightened.

Proactive release

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<sup>1</sup> Further information can be appended to your submission. If you are sending this submission electronically, we accept the following formats: Microsoft Word, Text, PDF, and JPG.



**From:** [Richard Ford-5035](#)  
**To:** [FMSubmissions](#)  
**Subject:** Kaikoura Paua  
**Date:** Thursday, 25 January 2024 10:41:42 am

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You don't often get email from richard.ford@marlborough.govt.nz. [Learn why this is important](#)

Dear MPI, I support a 3 month recreational opening of Kaikoura paua fishery

**Richard Ford**  
Instrument Technician/Industrial Electrician



**MARLBOROUGH  
DISTRICT COUNCIL**



s 9(2)(a)

15 Seymour Street, PO Box 443  
Blenheim 7240, New Zealand

s 9(2)(a)

[www.marlborough.govt.nz](http://www.marlborough.govt.nz)

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**From:** [Jason and Katie Terry](#)  
**To:** [FMSubmissions](#)  
**Subject:** Submission Form  
**Date:** Thursday, 18 January 2024 5:41:23 pm

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Review of sustainability measures for 1 April 2024

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### Submitter details

Name of submitter or contact person Jason Terry

Organisation (if applicable)

Email address [s 9\(2\)\(a\)](#)

Fish stock(s) this submission refers to Review of the Kaikōura recreational pāua fishery for 2023/24

Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented) Option 2

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(OIA). The OIA says we must make the content of submissions available unless we have good reason for withholding it. Those reasons are detailed in sections 6 and 9 of the OIA.

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### Submission:

Details supporting your views:

Due to weather conditions on the east coast a season of 3 months would more likely offer a period of safe weather for Paua Diving.

**From:** s 9(2)(a)  
**To:** [FMSubmissions](#)  
**Cc:** s 9(2)(a) [Tracy Bateman](#)  
**Subject:** Review of sustainability measures for April 2024  
**Date:** Monday, 8 January 2024 1:21:31 pm

---

Re. Kaikoura Paua Recreation fishing season,

This is Phil Russ, from Ward. s 9(2)(a)

My simple submission on this, or any recreational fishery in fact, "ONE RULE FOR ALL". At the moment with at least "two" rules, Recreational fishers are always penalised for blatant plundering of fisheries, with the so-called brown permit ?? And do we ever hear of the MPI ( Ministry of Prime Idiots ) putting their hands up, to try and right the situation ??

I wish this to be made public also, please ??

Phil Russ, Ward

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## Submission form

### Review of sustainability measures for 1 April 2024

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#### Submitter details

Name of submitter or contact person	Dwayne Tement
Organisation (if applicable)	
Email address	s 9(2)(a)
Fish stock(s) this submission refers to	Kaikoura paua fishery
Your preferred option as detailed in the discussion paper (write 'other' if you do not agree with any of the options presented)	Id like to see option 2

#### Submissions are public information

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I feel the weather over these months will greatly limit the diveable days. Its also winter so only the hardy will brave the waters for a feed. Worked well last season with many marginal or non diveable days. Keeping it clear of summer is a good move unfortunately.

Proactive release

**From:** [Kauahi Ngapora](#)  
**To:** [FMSubmissions](#)  
**Subject:** Sustainability Measure Review - Kaikōura Recreational Paua Fishery.  
**Date:** Wednesday, 13 December 2023 2:29:37 pm

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I support option 2 being a 3-month open period for the recreational paua fishery from 22 April to 22 July 2024.

Proactive release

**From:** [Russ Boyd](#)  
**To:** [FMSubmissions](#)  
**Subject:** Review of sustainability measures for April 2024  
**Date:** Monday, 1 January 2024 10:19:44 pm

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Kaikoura paua fishery review. I'm in favour of option 1 again. 2 months is good.  
May i propose a vehicle/ vessel limit also to stop the mini buss's turning up and 1 person collecting the limit for 20 people.

Cheers Russ

Proactive release

**From:** [Colin Busch](#)  
**To:** [FMSubmissions](#)  
**Subject:** Paua season  
**Date:** Thursday, 14 December 2023 9:30:18 am

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Option one

Sent from my iPhone

Proactive release



**From:** [Ian Bradbury](#)  
**To:** [FMSubmissions](#)  
**Subject:** Submission on proposal to reopen the Kaikōura coastline to pāua, shellfish, and seaweed fishing for the 2022-23 fishing year  
**Date:** Tuesday, 2 January 2024 2:44:48 pm

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Inshore Fisheries Management  
Fisheries New Zealand  
PO Box 2526  
Wellington 6140  
New Zealand.

SUBMISSION ON PROPOSAL TO REOPEN THE KAIKŌURA COASTLINE TO  
PĀUA, SHELLFISH, AND SEAWEED FISHING FOR THE 2022-23 FISHING YEAR

by Ian Bradbury

Date of Submission:  
26/11/2022

I wish to make the following comments:  
Yes open the season up

I support the following options:

SEASON

I support a 3-month open season for pāua gathering running from 1 May to 31 July 2023.

DAILY LIMIT

I support a recreational daily bag limit of 5 pāua per person, per day.  
I support the 5 daily bag limit to be a combination of blackfoot and yellowfoot pāua.

MINIMUM LEGAL SIZE

I support a recreational minimum legal size for pāua of 125mm shell length (status quo).

MAXIMUM VEHICLE AND VESSEL DAILY LIMIT

I support a maximum of up to 2 daily bag limits, which means a limit of 10 pāua per vehicle or vessel irrespective of passenger numbers.

IN-SEASON, INDEPENDENT SURVEY

I support an in-season independent survey to measure how many pāua are being taken by recreational fishers.

Yours Faithfully  
Ian Bradbury

## **LegaSea (NZ Sport Fishing Council) form submissions for Kaikōura pāua**

Similar to in previous sustainability rounds, LegaSea (NZ Sport Fishing Council) set up an online template during the consultation period as a means for individuals to submit via a form on the Kaikōura pāua proposal. Fisheries New Zealand received a total of 156 submissions on Kaikōura pāua via this online form before 5pm on 7 February 2024.

The template included several statements which individuals could agree with / support in their submissions. Below is a table summarising these statements and how many individual submitters agreed with each.

<b>LegaSea template statements</b>	<b>Number of submissions that agreed with the statement</b>
<b>SEASON</b> I support a 3-month open season for recreational pāua gathering running from 22 April to 22 July 2024.	118
<b>SEASON</b> After 2024, I want the Kaikōura pāua fishery to be reopened to recreational harvest for 9 months of the year (excluding the Xmas holiday season), with a daily bag limit of 3 pāua per person.	93
<b>DAILY LIMIT</b> I support a recreational daily bag limit of 3 pāua per person, per day.	118
<b>DAILY LIMIT</b> I support the 3 daily bag limit to be a combination of blackfoot and yellowfoot pāua.	65
<b>MAXIMUM VEHICLE AND VESSEL DAILY LIMIT</b> I support a maximum of up to 2 daily bag limits, which means a limit of 6 pāua per vehicle or vessel irrespective of passenger numbers.	115
<b>MAXIMUM VEHICLE AND VESSEL DAILY LIMIT</b> I don't support a vehicle or vessel limit of 6 pāua, irrespective of passenger numbers.	33
<b>ALLOCATION VERSUS AN ALLOWANCE</b> I object to any in-season adjustment to controls on recreational fishing, on the basis that the allowance must be reasonable.	65

Individual submitters using this form were able to provide comments in addition to these template statements. Below is a sample of some individual form submissions received to give an indication of how these submissions were formatted and presented.

Fisheries New Zealand has summarised the feedback received via form submissions, as well as feedback from other submissions, within the Kaikōura pāua chapter of our final advice paper (*Review of sustainability measures for the April 2024 round*).

**From:** [Tess Ashley](#)  
**To:** [FMSubmissions](#)  
**Subject:** Submission on the proposal to reopen the Kaikōura coastline to pāua harvest by recreational fishers in 2024.  
**Date:** Friday, 2 February 2024 12:51:07 pm

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Inshore Fisheries Management  
Fisheries New Zealand  
PO Box 2526  
Wellington 6140  
New Zealand.

## SUBMISSION ON REVIEW OF THE KAIKŌURA RECREATIONAL PĀUA FISHERY FOR 2023/24

by Tess Ashley

Date of Submission:  
02/02/2024

I wish to make the following comments:

The paua season should be open for nine months of the year excluding the summer months. this would ensure the paua is not exploited in the Summer season and should spread the take over the rest of the year.

Previous years we have seen paua numbers dwindle because of the concentrated season.

I support the following options:

### SEASON

I support a 3-month open season for recreational pāua gathering running from 22 April to 22 July 2024.

After 2024, I want the Kaikōura pāua fishery to be reopened to recreational harvest for 9 months of the year (excluding the Xmas holiday season), with a daily bag limit of 3 pāua per person.

### DAILY LIMIT

I support a recreational daily bag limit of 3 pāua per person, per day.

### MAXIMUM VEHICLE AND VESSEL DAILY LIMIT

I don't support a vehicle or vessel limit of 6 pāua, irrespective of passenger numbers.

### ALLOCATION VERSUS AN ALLOWANCE

Yours Faithfully  
Tess Ashley

**From:** [Brian Gray](#)  
**To:** [FMSubmissions](#)  
**Subject:** Submission on the proposal to reopen the Kaikōura coastline to pāua harvest by recreational fishers in 2024.  
**Date:** Wednesday, 31 January 2024 9:19:26 pm

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Inshore Fisheries Management  
Fisheries New Zealand  
PO Box 2526  
Wellington 6140  
New Zealand.

## SUBMISSION ON REVIEW OF THE KAIKŌURA RECREATIONAL PĀUA FISHERY FOR 2023/24

by Brian Gray

Date of Submission:  
31/01/2024

I wish to make the following comments:

I think you need more people checking the coast as it is going on today even the season being closed

I support the following options:

### SEASON

I support a 3-month open season for recreational pāua gathering running from 22 April to 22 July 2024.

### DAILY LIMIT

I support a recreational daily bag limit of 3 pāua per person, per day.

I support the 3 daily bag limit to be a combination of blackfoot and yellowfoot pāua.

### MAXIMUM VEHICLE AND VESSEL DAILY LIMIT

I support a maximum of up to 2 daily bag limits, which means a limit of 6 pāua per vehicle or vessel irrespective of passenger numbers.

### ALLOCATION VERSUS AN ALLOWANCE

I object to any in-season adjustment to controls on recreational fishing, on the basis that the allowance must be reasonable.

Yours Faithfully  
Brian Gray

**From:** [Lisa Christian](#)  
**To:** [FMSubmissions](#)  
**Subject:** Submission on the proposal to reopen the Kaikōura coastline to pāua harvest by recreational fishers in 2024.  
**Date:** Tuesday, 30 January 2024 9:59:26 am

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Inshore Fisheries Management  
Fisheries New Zealand  
PO Box 2526  
Wellington 6140  
New Zealand.

## SUBMISSION ON REVIEW OF THE KAIKŌURA RECREATIONAL PĀUA FISHERY FOR 2023/24

by Lisa Christian

Date of Submission:  
29/01/2024

I wish to make the following comments:  
We need to protect the Pāua especially for locals to the area.

I support the following options:

### SEASON

I support a 3-month open season for recreational pāua gathering running from 22 April to 22 July 2024.

### DAILY LIMIT

I support a recreational daily bag limit of 3 pāua per person, per day.  
I support the 3 daily bag limit to be a combination of blackfoot and yellowfoot pāua.

### MAXIMUM VEHICLE AND VESSEL DAILY LIMIT

I support a maximum of up to 2 daily bag limits, which means a limit of 6 pāua per vehicle or vessel irrespective of passenger numbers.

### ALLOCATION VERSUS AN ALLOWANCE

Yours Faithfully  
Lisa Christian