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11 November 2024

Submission: Application for a 2-year temporary closure at Waimārama under section 186A of the Fisheries Act

Submitters:

1. The New Zealand Sport Fishing Council (**NZSFC**) is a recognised national sports organisation with over 37,000 affiliated members from 55 clubs 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 Together we are *'the submitters'*.
2. 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].
3. The submitters have supported previous s186A fishing closures where there has been a clear purpose to restore abundance and productivity of the marine environment.
4. In developing this submission the submitters have worked closely with the NZSFC Zone 5 representative, LegaSea Hawkes Bay representatives, and people living on the affected coast, to better understand local concerns and reasoning behind their concerns.
5. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this process. We would like to be kept informed of future developments. Our contact is Helen Pastor secretary@nzsportfishing.org.nz.

Discussion

6. The submitters **oppose the new application** for a 2-year temporary closure to pāua harvesting at Waimārama and instead urge the Minister for Oceans and Fisheries and Fisheries New Zealand (**FNZ**) **to fund and support a community-based Ahu Moana initiative** to improve the management of pāua, led by Ngā hapū o Waimārama and supported by LegaSea Hawkes Bay and the local community.

7. Advice of the current application for a temporary fisheries closure under s186A of the Act was received from Fisheries New Zealand (FNZ) on 9 October, with submissions due by 11 November 2024.

Ahu Moana localised management

8. The submitters have supported the [previous applications](#), in 2020 and 2022, made by Ngā hapū o Waimārama for a 2-year temporary closure to pāua harvesting in a defined coastal area of Hawke Bay under section 186A of the Fisheries Act 1996 (**the Act**). That support was conditional on implementation of a pāua monitoring programme and support for a long-term community-based management programme such as Ahu Moana. However, in the absence of any meaningful support from the Minister or Fisheries New Zealand, little progress has been made to survey the pāua population and monitor changes. This has created some tension in the community as peoples' expectation of receiving survey results by now remain unmet. Consequently, there is some resistance to any further public support for a s186A closure. We offer Ahu Moana as a means to address communal concerns and assist Ngā hapū o Waimārama to achieve their goals.
9. In our [2022 submission](#) we made the following statement which is still relevant today:
 - a. "The submitters acknowledge Ngāi Hapū o Waimārama in their efforts to replenish the pāua stock in the area so they can increase in number and size. A healthy pāua population contributes to the resilience of the marine ecosystem. We also acknowledge advice from people familiar with the area that there are reasonable numbers of pāua in some areas." [p.2]
10. The submitters support Ahu Moana as a useful tool for managing localised fisheries and bringing the community together to achieve their aspirations for abundant and thriving fisheries.
11. The New Zealand Sport Fishing Council [Ahu Moana Policy](#) was endorsed by the Council in July 2022.

Baseline pāua survey

12. The submitters are disappointed that no meaningful pāua monitoring programme or abundance survey has been initiated given that the area has been closed to pāua harvesting by commercial and recreational fishers since 23 December 2020.
13. The lack of funding has constrained any efforts to monitor and report on the status of the pāua population. In the absence of any efforts by FNZ to monitor the population it is now time for FNZ to fund the community to do their own survey and report on the results.
14. A survey has been discussed since the initial 2020 application and the results would have been a useful baseline to monitor any changes in abundance and distribution of pāua along the coastline. Instead, there is a clear disconnect between the views of hapū, who are concerned pāua stocks are still not abundant enough to enable harvest, and the public who advise there are plenty of pāua in areas where you would expect to see them.

Effort displacement

15. Depletion of pāua to the north and south of the closure area is a common concern. Locals attribute the depletion, in part, to the displacement of effort from the closed area. It is only natural that people who want pāua will go hunting in the nearest available spot. The impacts of this displacement must be taken into consideration in this decision-making process.
16. The displacement of effort is one of the factors that further supports the need for a Ahu Moana, community solution-driven process. It's clear that the hands-off approach by FNZ officials has not worked for this community.
17. We are also concerned at the varying reports of harvest for customary purposes. The previous applications assured us no kaitiaki permits had been issued for gathering pāua, and that a traditional rāhui remains in place to stop the harvest of pāua. Yet there are reports, seen online and in person, of permitted harvesting occurring. This type of contradiction creates conflict and resentment in the community. It generates ill-will which is unhelpful if we want to get the community to support the use of customary management tools to protect the marine environment and our kai moana. Our reality is there are no other tools available to the public, so it means the community has to work with mana whenua to achieve any meaningful protection of the intertidal zone. The blatant bragging online of pāua harvest with a permit while the fishery is closed to others just generates more ill-will.
18. The community are also concerned that pāua poaching has increased due the closure of the beach to vehicle traffic. Anecdotal reports of illegal harvesting are difficult to confirm, but the lack of any MPI presence means there are no Fisheries Officers to monitor what is happening on the beach and enforce the rules.

Management failure

19. This current process is more evidence that management of the intertidal zone is failing. Both mana whenua and the community want meaningful measures in place to protect the pāua and other shellfish for today and future generations. How we get there is up for discussion and we propose that FNZ support and fund a community based Ahu Moana approach.
20. Prior to the last application a hui was held where Ngāi Hapū o Waimārama and Ngāti Kahungunu were keen to work with local communities and actively engage with LegaSea Hawkes Bay and the local NZSFC affiliated fishing clubs. FNZ has failed to invest in helping this community get together.
21. Clearly more localised management is required. When Kiwis go on holiday to the coast there is a tradition of shellfish gathering, a much anticipated activity. Dealing with an influx of visitors over the holiday period is not unique to Hawke Bay, it happens in most places where pāua are accessible. Given that the Minister for Oceans and Fisheries has a statutory obligation to provide reasonable access for Kiwis to harvest fish, it is incumbent on FNZ to invest in a process to engage the public in a conversation about what new measures ought to be in place to protect the pāua population over the long term.
22. The Waimārama coastline is a small part of the wider Pāua 2 management area which extends from Cape Runaway, East Cape, down to Wellington, and up the west coast to Tirua Point, south Waikato. The Total Allowable Catch (TAC) was reviewed in 2023. The [Minister decided](#) to retain Total Allowable Commercial Catch (TACC) of 121 tonnes. The tonnage set aside to allow for Māori customary fishing was set at 12 tonnes, to encompass the estimated 11 tonne of harvest plus another tonne. In contrast, the tonnage set aside to allow for

recreational fishing was set at 48 tonnes, around half (58%) of the estimated harvest level. As a means to limit recreational harvest to the new allowance, the recreational daily bag limit was reduced from 10 to 5 per person. This blatantly unjust proportional decision robbed the public of reasonable access to the pāua fishery.

23. We do not accept proportional allocation. We do not agree with the 2023 decision on the basis that there is no legal basis or obligation for the Minister to take a proportional approach when deciding who gets what part of the TAC. In 1997 the High Court was plain in its determination that proportional allocation of any fish stock was not legitimate. The recreational allowance set aside to provide for amateur fishing is **not quota**, it is an **allowance** that can change over time, as does the allowance for Māori customary interests.

Ahu Moana pathway

24. So, FNZ and the Minister have a lot of work to do to get the community back on board and supporting any new measures that prohibit public harvest of pāua along the Hawke's Bay coastline north and south of Waimārama. Support and funding for the community to hui together and develop a future-focused management plan that delivers on local aspirations would be one step.
25. The next step would be to split the excessively large Pāua 2 Quota Management Area (QMA) into a minimum of three smaller, more manageable areas so stock assessments could be completed for each of the smaller areas. FNZ could then assist Ngā hapū o Waimārama and the community to collaborate and take an Ahu Moana approach, to find suitable solutions that are workable for each area.
26. As we [submitted in 2023](#), "MPI clearly doesn't have the capacity to monitor and enforce regulations across the entire PAU 2 area so any localised solution that has community support ought to be attractive to both MPI compliance staff and mana whenua". [p.9]
27. FNZ may argue that splitting PAU 2 into smaller areas is outside the scope of this s186A application however, as we also noted in 2023, "because the management area is so large it is unlikely their efforts will have much impact beyond their rohe or an impact for any longer than the duration of a 2-year temporary closure. We remind FNZ that it is the Minister's statutory duty to **ensure sustainability**, a weighty responsibility that cannot be passed onto mana whenua as they have no meaningful control over the Total Allowable Catch (TAC) or outside their rohe". [p.6]