

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



28 April 2022

OIA 865-22

Ben Amrein
fyi-request-18767-6e43bb19@requests.fyi.org.nz

Dear Ben Amrein

Thank you for your email of 3 March 2022 requesting copies of papers related to PAU 3 and PAU 7 I received in my capacity as Minister for Oceans and Fisheries. Your request has been considered under the Official Information Act 1982 (OIA).

You requested the following:

1. *All information and advice on the Paua 3 and Paua 7 Kaikoura earthquake affected areas.*
2. *All information and advice you received that lead to your decision in regards to the reopening of the Paua 3 and Paua 7 Kaikoura earthquake affected areas.*

Please find the following information attached as Appendix One:

- B21-0175 – *Consultation on recommendations by the Kaikōura Marine Guardians to reopen the Kaikōura Marine Area to pāua fishing*
- B21-0200 – *Kaikōura/Canterbury Pāua (PAU 3) Fisheries Plan*
- AM20-0807 – *Update on PAU 3 and PAU 7 reopening - Kaikōura and Cape Campbell*
- B21-0621 – *Reopening the Kaikōura coastline to pāua and kina fishing – new gazette notice for approval*
- AM21-0237 – *Meeting with the Pāua Industry Council.*

Some information has been withheld pursuant to the following sections of the OIA:

- Section 9(2)(a) – *to protect the privacy of natural persons.*

Please note, remaining documents which relate to PAU 3 and Pau 7 have already been made available to the public. Below are links to two relevant web pages. The first is a link to MPI's consultation page for the re-opening of the Kaikōura Marine Area to Pāua. The second is a link to MPI's Cabinet papers and related documents. For ease of use, I suggest you type in the following keywords for documents related to your request: 'PAU 3', 'PAU 7', 'Kaikoura earthquake', 'Kaikoura marine guardians', and 'Kaikoura'.

- <https://www.mpi.govt.nz/consultations/proposal-to-reopen-the-kaikoura-marine-area-to-paua-fishing>
- <https://www.mpi.govt.nz/about-mpi/official-information-act-oia-releases/mpi-and-corporate-official-information-act-releases/cabinet-papers-and-related-documents/>.

I am satisfied that in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

I trust the information provided is of assistance. You are advised of your right to raise any concerns with the Office of the Ombudsman. You can contact the Ombudsman at info@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker', written in a cursive style.

Hon David Parker
Minister for Oceans and Fisheries



To: Hon David Parker, Minister for Oceans and Fisheries
 From: Emma Taylor, Director Fisheries Management, Fisheries New Zealand

Consultation on recommendations by the Kaikōura Marine Guardians to reopen the Kaikōura Marine Area to pāua fishing

Date	24 March 2021	Reference	B21-0175
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Decision required	Date decision required by
YES <input checked="" type="checkbox"/> / NO <input type="checkbox"/>	9 April 2021

Recommendations
Note the Kaikōura Marine Guardians has provided recommendations to reopen the Kaikōura Marine Area to pāua fishing.
Note the recommendations include a suite of management measures aimed at ensuring recreational pāua catch is sustainable, should the fishery be reopened.
Agree that Fisheries New Zealand consult on the Kaikōura Marine Guardian’s recommendations.

Consultation
A medium/high level of stakeholder, public, and media interest is likely on this proposal.

Contacts for telephone discussion (if required)			
Name	Position	Contact number	First contact
Allen Frazer	Manager Inshore Fisheries South	9(2)(a)	<input checked="" type="checkbox"/>
Paul Creswell	Senior Inshore Fisheries Analyst		<input type="checkbox"/>

Key messages
<p>This briefing seeks agreement to consult on recommendations from the Kaikōura Marine Guardians (the Guardians) to reopen the Kaikōura Marine Area to pāua fishing later this year. This area was closed to commercial and recreational fishing of most shellfish and seaweed under section 11 of the Fisheries Act 1996 following the 2016 Kaikōura earthquakes.</p>
<p>The recommendations were developed after consultation with tangata whenua, stakeholders, and the local community in 2020, following research that showed an overall increase in abundance of pāua since the closure.</p>
<p>New management measures relating to recreational pāua fishing are recommended, including a lower daily bag limit of three pāua per person and a larger minimum legal size of 130mm. The Guardians note the pāua industry has requested subdivision of the PAU3 Quota Management Area, as well as approval of a PAU3 Fisheries Plan, and do not recommend any additional measures for commercial pāua harvesting beyond those specified in the PAU3 Fisheries Plan.</p>
<p>Fisheries Zealand proposes to commence consultation in April 2021 with a six-week period for submissions. We are directly engaging with tangata whenua in the lead up to consultation. As the closed area extends northwards beyond the Kaikōura Marine Area, we will also be seeking feedback on whether the proposed measures should also apply to that area.</p>
<p>Following consultation, Fisheries New Zealand will provide you with further advice on the recommendations and any next steps. We note a cautious management approach is required to ensure the recovery of this important fishery is not compromised.</p>

Background

1. In 2016, the Kaikōura region experienced a series of significant earthquakes that caused coastal uplift and resulted in extensive habitat modification and direct mortality of a wide range of marine species inhabiting the intertidal and subtidal zones. Black-foot pāua was particularly affected with high mortality at all life stages and loss of a significant amount of critical habitat.
2. To protect the surviving pāua populations, as well as other shellfish and seaweed resources along the earthquake-affected coastline, an emergency closure¹ was introduced between Marfells Beach and the Conway River that prohibited the taking of most shellfish and seaweed (**Figure 1**). This was replaced in 2017 and 2018 by a closure under section 11 of the Fisheries Act 1996 (the Act)².

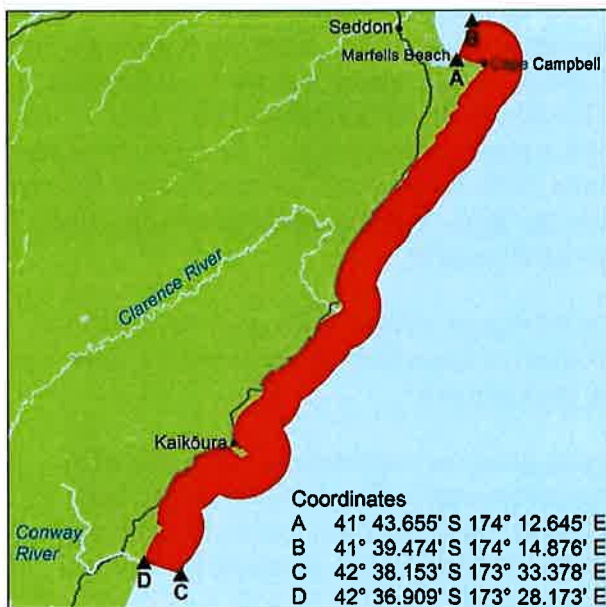


Figure 1: Area covered by the earthquake-related closure

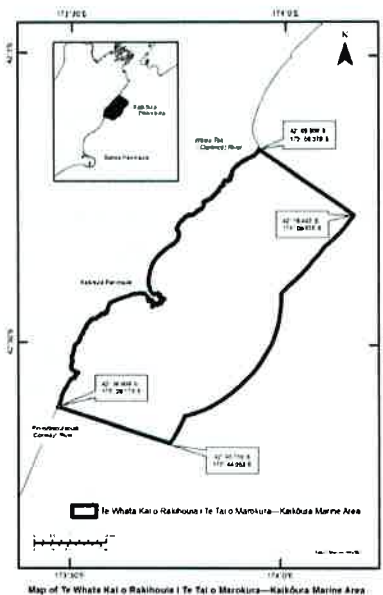


Figure 2: Kaikōura Marine Area

3. Immediately following the earthquakes, Fisheries New Zealand implemented a research programme to monitor the recovery of shellfish and seaweed within the closed area. This research shows an overall increase in adult pāua and other shellfish abundance since the closure, with areas that experienced lower levels of uplift showing higher abundance and higher densities of pāua and other shellfish than areas that experienced higher uplift.
4. Intertidal seaweed beds have generally not recovered in most areas along the Kaikōura coastline. Small populations of kelp are now appearing in some subtidal areas, but the newly formed intertidal platforms are largely completely absent of all seaweed. Without seaweed beds recovering, the recovery of associated fish and shellfish species will be delayed over a longer timeframe.

¹ Fisheries (Conway River to Marfells Beach Shellfish Emergency Harvest Closure) Notice 2016 (Notice No. MPI 705) <https://gazette.govt.nz/notice/id/2016-g06651>

² The closure currently does not apply to rock lobster, scampi, and octopus fishing, or to customary fishing.

5. Monitoring indicates that pāua in the closed area are now more easily accessible from the shoreline and highly vulnerable to localised depletion. Given this and the variable nature of the recovery, appropriate management measures will be necessary to ensure sustainable utilisation and avoid localised overfishing that could further set back recovery if the area is reopened.
6. Fisheries New Zealand has previously provided you with an outline (AM20-0807) of the various steps and timings it considers are required to give you confidence to consider a reopening or partial reopening of the closed area. This includes an ongoing monitoring programme to assess the recovery of fisheries affected by the earthquakes and continuing dialogue with the Kaikōura Marine Guardians (**the Guardians**), tangata whenua (Ngāti Kuri), and the PAU3 quota owners.

The Kaikōura Marine Guardians

7. The Guardians is a statutory advisory committee established under the Kaikōura (Te Tai o Marokura) Marine Management Act 2014. The Act enables the Guardians to provide advice to Ministers regarding the Te Whata Kai o Rakihouia i Te Tai o Marokura - Kaikōura Marine Area on any biosecurity, conservation, or fisheries related matter. This area extends from the Clarence River in the north to the Conway River in the south and includes the Kaikōura Peninsula. Note that this area does not include the coastline north to Marfells Beach (**refer to Figure 2**).
8. The Guardians represent interests from Te Rūnanga o Ngāi Tahu and the Kaikōura community, as well as biosecurity, conservation, education, environment, commercial and recreational fisheries, marine science, and tourism³.
9. In 2020, the Guardians engaged with tangata whenua, stakeholders and the local community about the management measures required to allow the fishery to be reopened. The Kaikōura community signalled to the Guardians that a precautionary and adaptive approach for the recreational harvest of pāua is necessary.
10. On 1 February 2021, the Guardians wrote to you with their recommendations on the reopening of the Kaikōura Marine Area to pāua fishing (**Appendix One**). They advised you to consider reopening the pāua fishery later this year, provided measures are in place to ensure a sustainable level of recreational catch that protects spawning pāua given the increased availability of pāua in shallow water.
11. The Guardians recommend the following suite of management measures for the recreational pāua fishery within the Kaikōura Marine Area:
 - a. **Reopen the recreational pāua fishery** from 1 December to 1 March (beginning 1 December 2021).
 - b. A **low daily bag limit** of three pāua per person (a daily bag limit of five pāua per person currently applies), with an **accumulation limit** of two daily bag limits (ie, six pāua per person).
 - c. A **new vehicle and vessel limit** of four daily bag limits (ie, 12 pāua per vehicle or vessel) or one pāua per person, whichever is greatest.

³ Guardians members are Larnee Wichman (Chair), Ta Mark Solomon, Richard Craig, Barry Dunnett, Dr John Hellstrom, Dr Sharyn Goldstien, Kauahi Ngapora, Gina Solomon and Carol Scott.

- d. A **new larger minimum legal size** of 130mm for black-foot pāua (a minimum legal size of 125mm currently applies).
 - e. Introduction of an '**approved measuring and harvest tool**' for the Kaikōura recreational pāua fishery.
 - f. **Compulsory reporting** of recreational pāua catch using a smartphone app.
12. Noting the complexity associated with these last two measures, the Guardians recommend as an initial step Fisheries New Zealand continue to support development of a voluntary app for recreational catch reporting and strongly encourage its use.
13. Overall, we consider the measures to be sensible within the context of a recovering, but fragile pāua fishery. Of the six recommended measures, the use of a recreational reporting app and the introduction of vehicle and vessel limits are likely to be most problematic. Vehicle or vessel limits can be difficult to enforce and may have unintended consequences and require further work in terms of practical application.
14. Compulsory reporting of recreational catch is controversial; it would be a major shift in New Zealand fisheries management and require significant consultation and resource to implement. MPI is supporting Fish Mainland (who represent some South Island recreational fishing interests) through its Sustainable Food and Fibre Futures fund to develop a voluntary reporting app for the blue cod (BCO3) fishery. As this work progresses, it could be expanded to voluntary reporting of other recreationally important fisheries such as pāua over time.

Customary fishing

15. The Guardians' proposals do not directly affect the customary pāua fishery. Customary fishing will continue to be managed under the Fisheries (South Island Customary Fishing) Regulations 1999.
16. Fisheries New Zealand is seeking input from Ngāti Kuri (a hapu of Ngāi Tahu), on management measures for the Mangamaunu, Oaro, and Te Waha o te Marangai Mātaitai, and Te Taumanu o Te Waka a Māui and Oaro-Haumuri Taiāpure. Pāua fishing within these areas would continue to be managed by tangata whenua and the appropriate mātaitai and taiāpure committees.

Commercial fishing

17. The Guardians note the pāua industry has requested subdivision of the PAU3 quota management area, as well as approval of a PAU3 Fisheries Plan, and that the plan includes management measures to ensure commercial pāua fishing is sustainable if the closed area is reopened. They have not made any recommendations relating to the commercial pāua fishery beyond endorsing the measures in the plan. Both the subdivision and the plan are under active consideration by you and by Cabinet (scheduled for the Cabinet Economic Development Committee on 24 March).

Proposed consultation

18. Fisheries New Zealand proposes that the Guardians' recommendations are released for public consultation. This will allow the level of support to be gauged, and for submissions, information, and views to be considered in terms of management measures to ensure the effective management of recreational fishing, should a decision be made to open the fishery.
19. The recommendations would be released for consultation for a period of six weeks on our webpage and through Fisheries New Zealand's recreational mailing list. Links to the associated research reports will also be provided.
20. We have provided tangata whenua with a copy of the recommendations and are seeking their input prior to consultation. We are scheduled to meet with Ngāti Kuri in Kaikōura to discuss the recommendations on 31 March.
21. The closed area extends beyond the Kaikōura Marine Area and, therefore, the Kaikōura Marine Guardians' statutory area of interest. Fisheries New Zealand considers it appropriate to also seek feedback as part of the Kaikōura consultation process on whether reopening of the northern part of the closed area (Marfells Beach to Conway River) should also be considered. Pāua beds within this area were also significantly affected by the November 2016 earthquakes and feedback would be sought on whether the same suite of recreational management measures outlined above would also apply to this northern area.

Media and communications

22. There is expected to be a medium/high level of interest in the recommendations. Fisheries New Zealand will work with your office to prepare proactive and reactive media messaging.

Next steps

23. If you agree, Fisheries New Zealand will release a consultation document in April 2021. Following consultation, Fisheries New Zealand will provide you with further advice on the Guardians' recommendations and any next steps.
24. As outlined previously in AM20-0807, a cautious management approach to any reopening is required to ensure the recovery of this important fishery is not compromised. Fisheries New Zealand notes the importance of complementary measures for both recreational and commercial fishing of pāua, such as those proposed by commercial fishers within their PAU3 fisheries plan.

Recommendations

25. It is recommended that you:

- a) **Note** the Kaikōura Marine Guardians has provided recommendations to reopen the Kaikōura Marine Area to pāua fishing.

NOTED

- b) **Note** the recommendations include a suite of management measures aimed at ensuring recreational pāua catch is sustainable, should the fishery be reopened.

NOTED

- c) **Agree** that Fisheries New Zealand consult on the Kaikōura Marine Guardian's recommendations and report back to you following consultation.

YES / NO



Emma Taylor
Director Fisheries Management
Fisheries New Zealand

Hon David Parker
Minister for Oceans and Fisheries

/ / 2021

Minister's comments

Appendix One: Kaikōura Marine Guardians' recommendations



1st February 2021

Hon David Parker
Minister for Oceans and Fisheries
Parliament Buildings
Wellington 6160
Email: david.parker@parliament.govt.nz

Kaikōura Marine Guardians' advice on re-opening the Kaikōura shellfish and seaweed fisheries

Summary

This paper sets out the advice of the Kaikōura Marine Guardians (**the Guardians**) on the re-opening of the Kaikōura shellfish and seaweed fisheries. Recent dive surveys show that, although recovery is uneven in places, the full pāua lifecycle is now intact and functioning across widespread areas of the fishery. The Guardians recommend that the Minister should consider re-opening the pāua fishery from 1 October 2021 subject to: (a) review of the survey results by the Shellfish Working Group; and (b) new regulations to ensure the effective management of recreational fishing. Our recommendations focus on recreational fishing in order to ensure the increased availability of pāua in shallow water does not result in unsustainable levels of recreational take, whereas commercial harvest is constrained by the commercial catch limits and measures in the PAU3 Fisheries Plan.

A package of recreational management measures should urgently be consulted on and implemented, including a lower daily bag limit, vehicle and vessel limits, a longer minimum legal size, a specified fishing season, the use of approved harvesting tools and the reporting of recreational catch. If necessary, a two stage process should be undertaken in order to first, introduce essential regulatory measures and encourage voluntary self-reporting of catch and, secondly, develop and introduce a compulsory catch reporting regime. Current mechanisms for assessing recreational catch do not provide information in a timely manner or at a spatial scale that is useful for devising management responses to help safeguard the fishery.

There is little information on the recovery of species other than pāua. The Guardians recommend that these fisheries could also be considered for re-opening from 1 October 2021, subject to the commissioning of research to assess the level of recovery of the stocks.

The Kaikōura Marine Guardians

The Kaikōura Marine Guardians were established by the Kaikōura (Te Tai o Marokura) Marine Management Act 2014. They are appointed by the Ministers for Conservation and Fisheries to advise the Ministers on any matter that affects Te Whata Kai o Rakihouia i Te Tai o Marokura – the Kaikōura Marine Area. Ministers and others exercising statutory powers must take the Guardians' advice into account where it relates to the Kaikōura Marine Area.

Background

The area from Conway River to Marfells Beach is currently closed in order to allow shellfish and seaweed to recover from the effects of the November 2016 earthquake.¹ The closure applies to the commercial and recreational harvesting of pāua, most other shellfish (with the exception of scampi, rock lobster and octopus) and all seaweed.

The Guardians have been working with Te Korowai, Fisheries New Zealand (FNZ), scientists, other fisheries stakeholders, and the local community to monitor and understand the impacts of the earthquake and the recovery of the stocks in the closed area. Survey results are now showing good signs of recovery of shellfish and seaweed along many earthquake-affected areas of the coast. In mid-2020 Te Korowai, on behalf of the Guardians, engaged with the local community about when and how the fisheries should be re-opened. Te Korowai prepared a public consultation document outlining issues and options and, taking account of community feedback, provided their recommendations on re-opening to the Guardians.

The Guardians considered Te Korowai's advice at a meeting on 20 October 2020. The Guardians' recommendations to the Minister are broadly consistent with the advice provided by Te Korowai and feedback from the local community.

When should the fisheries be re-opened?

The Guardians' advice is based on the following two criteria that we consider are necessary before the shellfish and seaweed fisheries can be re-opened:

- Biological criteria must be met – monitoring of the fisheries must show that shellfish and seaweed stocks have recovered sufficiently to allow a cautious level of harvesting; and
- Management controls must be in place – appropriate management measures must be in place for recreational and commercial fishing to ensure that the sustainability of pāua and other species will continue to be protected once the fisheries are re-opened.

The biological criteria for the re-opening of the pāua fishery are (a) widespread emergence of post-earthquake recruits is observed across the fishery, and (b) a sustained increase in pāua biomass is observed across the fishery. These criteria will be met when scientific dive surveys observe a steady

¹ Fisheries (Conway River to Marfells Beach Shellfish and Seaweed Harvest Closure) Notice 2018
<https://gazette.govt.nz/notice/id/2018-go3659>

trend of increasing adult abundance, supported by widespread presence of post-earthquake recruits (i.e., juvenile pāua of around 100mm in length that are 3-4 years old and have settled and grown since the earthquake).²

The Guardians understand that dive surveys have shown that the full pāua lifecycle is now intact and functioning over a widespread area of the fishery. We note that there is some ‘patchiness’ as recovery has not been uniform in all areas. However, the latest monitoring results show that the biological criteria have been achieved over a reasonable portion of available pāua habitat. We therefore recommend:

Recommendation 1: FNZ should confirm that biological criteria for re-opening the pāua fishery have been met by scheduling a presentation of the dive survey results to the FNZ Shellfish Working Group for review;

Recommendation 2: FNZ should fund ongoing research and monitoring to continue to monitor the recovery of affected pāua populations;

Recommendation 3: Subject to the outcomes of the Shellfish Working Group review, the Minister should consider re-opening the pāua fishery from 1 October 2021 (provided suitable management measures are in place); and

Recommendation 4: For other affected species, FNZ should commission appropriate research to determine whether the stocks have recovered sufficiently to enable a conservative level of harvesting from 1 October 2021 and, if so, whether any additional management controls are required for these species.

A package of management measures for recreational fishing

Re-opening the Kaikōura coastline to the harvesting of pāua, other shellfish and seaweed is not simply a matter of reverting to the recreational fishing controls that were in place before the earthquakes. Some parts of the coastal environment are still highly dynamic because of continued erosion of uplifted substrate and increased sedimentation after storm events. Pāua and other shellfish in the closed area are now easily accessible from the shore and therefore highly vulnerable to localised depletion. It will be many years before we have a comprehensive understanding of how the earthquake has affected the long-term productivity of the fisheries.

The Guardians received a strong message from Te Korowai that the local community wants to take a precautionary and adaptive approach once the fisheries are re-opened, including:

1. Constraining the level of fishing effort and catch;
2. Gathering information and monitoring the fisheries carefully and effectively; and
3. Reviewing and adjusting management settings regularly.

Based on the community engagement undertaken by Te Korowai, the Guardians recommend a package of new management measures for recreational pāua harvesting. These measures are designed to

² The biological criteria for re-opening the pāua fishery are specified in the PAU3 Fisheries Plan, Strategy 2.2.

constrain recreational catch to a safe level for the Kaikōura fishery and to protect spawning pāua so as to enable the population to continue to recover.

The main measure currently used to manage recreational catch is the daily bag limit. However, bag limits are only effective at constraining the total recreational catch if they are set at relatively low levels. The available science suggests that the current daily bag limit of five pāua is too many to effectively constrain recreational catch at Kaikōura, and we therefore recommend that the bag limit should be reduced to three pāua, along with reduced accumulation limits. To support the reduced bag limit, we recommend the introduction of vehicle and vessel limits (detailed below) to help address concerns about large groups of people travelling to Kaikōura and taking more pāua than the fishery can sustain.

The current minimum legal size (MLS) of 125mm for blackfoot pāua and 80mm for yellowfoot pāua is adequate to protect breeding pāua, but our recommended new blackfoot MLS of 130mm would provide additional spawning opportunities and is an important safeguard for the productivity of the fishery as it continues to rebuild. We also recommend a closed season to constrain recreational fishing effort and enable careful monitoring of recovery. The use of an approved pāua harvesting tool will help improve compliance with the new MLS and minimise the risk of damage to pāua during harvesting.

In developing this package of measures, we have been hampered by the lack of comprehensive, reliable, location-specific information on recreational fishing. Knowing where and how much harvest is occurring will be critical for the successful recovery and on-going management of the Kaikōura pāua fishery. Without this information, management measures can't be adjusted reliably to meet the needs of the fishery and its users. Our final recommendation is therefore for compulsory reporting of all recreational pāua catch. For some this is a challenging prospect, but we believe it will be understood and well supported. The Kaikōura pāua fishery provides an ideal opportunity to trial a new approach to information collection that could be a game-changer for the effective management of recreational fishing throughout New Zealand.

These new regulatory measures should be put in place *prior* to the re-opening of the earthquake-affected area to recreational pāua harvesting. Time is short and we therefore recommend that:

Recommendation 5: FNZ should urgently consult on and implement the following package of management measures for recreational pāua fishing:

- a) A daily bag limit of three pāua and an accumulation limit of two daily bag limits (i.e., six pāua);
- b) A vehicle limit and a vessel limit of four daily bag limits (i.e., 12 pāua) or one pāua per person, whichever is greatest;
- c) A minimum legal size of 130mm for blackfoot pāua, subject to review by the Shellfish Working Group;
- d) Subject to advice from the Shellfish Working Group – Either: A three month fishing season over the summer months, with the remainder of the fishing year closed for the purpose of limiting recreational fishing effort and allowing ongoing recovery to be monitored and assessed prior to the start of the following season; Or: A closed season to align with the pāua spawning period (timing to be determined);

- e) A requirement to use an 'approved tool' – i.e., a measuring and harvesting tool designed specifically for Kaikōura pāua; and
- f) Compulsory reporting of recreational pāua catch using a smartphone app.

We recognise that in the limited time before 1 October 2021 it may not be feasible to develop and fully implement the final two items in this package of measures. We recommend:

Recommendation 6: If items 5e) and 5f) are unable to be fully implemented prior to re-opening the pāua fishery to recreational harvesting, FNZ should:

- a) Provide a specific measuring and harvesting tool for Kaikōura pāua and encourage its use while a new regulations requiring the use of the approved tool are developed;
- b) Continue to support the development of a smartphone app for recreational catch reporting for pāua in the Kaikōura Marine Area and strongly encourage its use by recreational fishers; and
- c) Prioritise the development of a compulsory recreational reporting regime for pāua harvesting in the Kaikōura Marine Area.

Management measures for commercial fishing

The Guardians do not recommend any additional measures for commercial pāua harvesting beyond those specified in the PAU3 Fisheries Plan. The fisheries plan provides a set of precautionary management measures for commercial pāua harvesting and is supported by the Iwi and local community. We consider that, once approved, the fisheries plan will fulfil the requirement for 'appropriate management measures' to enable commercial pāua harvesting to safely resume.

Yours sincerely



Larne Wichman
Chairman
Kaikoura Marine Guardians



To: Hon David Parker, Minister for Oceans and Fisheries

From: Emma Taylor, Director Fisheries Management, Fisheries New Zealand

Kaikōura/Canterbury Pāua (PAU 3) Fisheries Plan

Date	30 March 2021	Reference	B21-0200
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Decision required	Date decision required by
YES <input checked="" type="checkbox"/> / NO <input type="checkbox"/>	15 April 2021

Recommendations
Note the Plan meets requirements of and supports the purpose and principles of the Fisheries Act 1996 and has the potential to improve management of the fishery.
Agree to approve the Plan under Section 11A of the Fisheries Act 1996.
Agree to sign the attached letters notifying PauaMAC3, Ngāi Tahu and Te Ohu Kaimoana of your decision.

Consultation
Key comments: The industry representative body, PauaMAC3, developed the Plan in consultation with commercial and some Māori, recreational and environmental interests. Fisheries New Zealand sought input on the Plan from Te Waka a Māui me Ōna Toka Iwi Forum and also released it for public consultation. Iwi and a majority of the submissions support the Plan.

Contacts for telephone discussion (if required)			
Name	Position	Contact number	First contact
Allen Frazer	Manager Inshore Fisheries South	9(2)(a)	<input checked="" type="checkbox"/>
Damian Cloeter	Senior Inshore Fisheries Analyst		<input type="checkbox"/>

Key messages

PauaMAC3 has requested approval of the PAU 3 (Kaikōura/Canterbury) Fisheries Plan (the Plan) under section 11A of the Fisheries Act 1996 (the Act).

Fisheries New Zealand considers the Plan supports the purpose and principles of the Act, and that its management approaches and strategies reflect the shared nature of the fishery. We recommend you approve it as a Fisheries Plan under Section 11A of the Act.

Should you approve the Plan, we have attached letters for you to send to industry, Ngāi Tahu and Te Ohu Kaimoana to notify them of your decision.

Background

1. PAU 3 is the pāua fishery located along the Kaikōura and Canterbury coasts off the eastern side of New Zealand's South Island. It extends from the mouth of the Clarence River in the north to the mouth of the Waitaki River in the south (Figure 1).

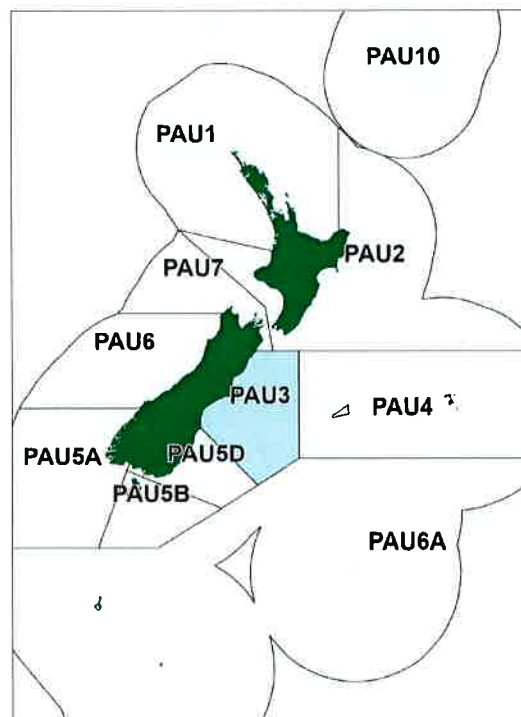


Figure 1: PAU 3 QMA

2. Customary, commercial and recreational fishers highly value the fishery. The fishery is managed under the Quota Management System (QMS) as PAU 3, comprising black-foot pāua (*Haliotis iris*) and yellow-foot pāua (*H. australis*).
3. The November 2016 Kaikōura earthquakes caused significant uplift along parts of the PAU 3 coastline north of the Conway River. Along with mortality of adult and juvenile pāua, the earthquakes damaged pāua habitat.

4. In order to protect the surviving pāua populations along the earthquake-affected coastline, an emergency closure was introduced between Marfells Beach and the Conway River prohibiting the take of all shellfish and seaweed. The emergency closure was replaced in 2017 by a closure under section 11¹ of the Act, which will remain in place until scientific evidence supports re-opening the fisheries (Figure 2).

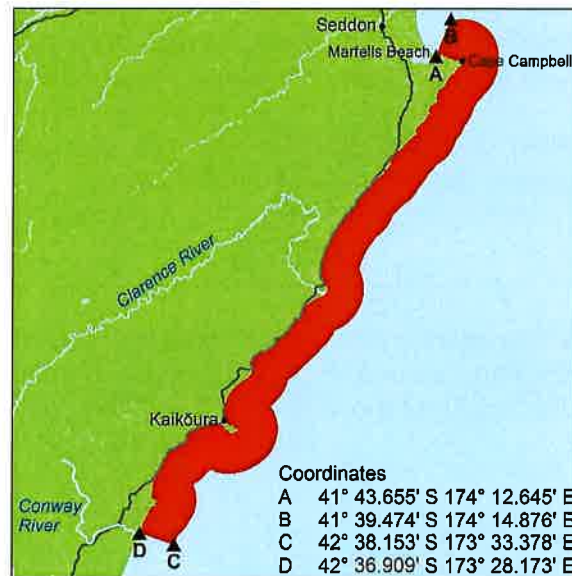


Figure 2: Area covered by the earthquake-related closure

5. As a result of the closure, important commercial and recreational pāua harvesting areas in PAU 3 are no longer accessible. The closure created a significant risk of commercial and recreational fishing effort shifting into adjacent areas outside of the closure leading to overfishing and depletion of pāua populations in these areas.
6. In response, the TACC was halved to 45.8 tonnes, a TAC was set at 79.3 tonnes (including customary and recreational fishing allowances), and the recreational daily limit for pāua was reduced from 10 to 5 per person per day.
7. The long-term effects from the earthquakes to the fishery have not been quantified but include impairment of recruitment as a result of juvenile habitat loss and lowering of carrying capacity and available harvestable yield.

¹ The closure applies to shellfish (excluding rock lobster and scampi) and seaweeds and would replace the existing emergency closure in the earthquake-affected area. This closure does not apply to customary take.

PAU 3 Fisheries Plan

8. Industry has developed the Pāua Fisheries Plan (Appendix One) for PAU 3 to be approved under section 11A of the Fisheries Act 1996. Under this section of the Act, you may approve a fisheries plan that includes fisheries management objectives to support the purpose and principles of the Act, strategies to achieve fisheries management objectives, and performance criteria to measure the achievement of the objectives and strategies.
9. The Plan was drafted by PauaMAC3 (industry representative body) on behalf of all PAU 3 quota owners and harvesters, and with the involvement and support of Ngāi Tahu and Te Ohu Kaimoana. It relates primarily to management of commercial fishing, and the majority of measures are voluntary in nature.
10. The Chair of the Pāua Industry Council presented your predecessor with a copy of a draft plan in September 2019 on behalf of PauaMAC3 and asked that the plan progress to public consultation.
11. Subdivision of the PAU 3 QMA is a prerequisite to successful implementation of the Plan. Therefore, in parallel with the Plan quota owners also requested the PAU 3 QMA be subdivided into two smaller QMAs under sections 25 and 25A of the Fisheries Act to recognise the changed nature of the fishery due to the earthquakes. Fisheries New Zealand has sought decisions on subdivision of the QMA prior to consideration of the PAU 3 Fisheries Plan.
12. On 8 December 2020 ([B20-0582](#)) you agreed to recommend to the Cabinet Economic Development Committee (DEV) that PAU 3 be subdivided and DEV agreed to the subdivision at its meeting on 24 March 2021 (DEV-21-MIN-0051).

Consultation and submissions

13. Fisheries New Zealand carried out public consultation on the PAU 3 Fisheries Plan from 28 May – 2 July 2020 (having been delayed because of COVID-19 priorities).
14. Fifteen submissions were received representing the following interests:
 - Phil Russ – Recreational
 - Tim Robinson – Recreational
 - Darcy Thomson – Recreational
 - Brent and Kelly Sintes – Recreational
 - Ian Bradbury – Recreational
 - Kaikōura Marine Guardians – Recreational
 - Fish Mainland – Recreational
 - Marlborough Recreational Fishers Association – Recreational
 - Pāua Industry Council (PIC) - Commercial
 - PauaMAC3 - Commercial
 - PauaMAC4 - Commercial
 - PauaMAC5 - Commercial

- PauaMAC7- Commercial
 - Te Rūnanga o Ngāi Tahu - Customary
 - Te Ohu Kaimoana - Māori Fisheries Trust
15. A summary of submissions is attached in Appendix Two.
16. Of the 15 responses, nine supported the Plan (five from commercial entities and three from the recreational sector) and one supported with changes to the Plan (Te Ohu Kaimoana).
17. In its response, Te Ohu Kaimoana stated it would like to see a commitment to engage iwi and Papatipu Rūnanga in the Plan, specifically in parts 2.0 and 4.2 of the Plan.
18. Ngāi Tahu stated that reference to *proportional allocation* in the Plan was unnecessary, given customary authorisations provide 'actual data'. Additionally, it stated that Papatipu Rūnanga needs to be included in future consultation in decision-making regarding the specific strategies in the Plan.
19. Two submissions did not support the Plan and instead lobbied for a reduction in take across all sectors (commercial, recreational, customary).

Input and participation of tangata whenua and amended Plan

20. On 21 July 2020, in response to these responses and submissions, PauaMAC3 provided an amended version of the PAU 3 Fisheries Plan.
21. Fisheries New Zealand sought input at Te Waka a Māui me Ōna Toka Iwi Forum on the Plan. The forum advised that it supports the plan given the amendments that had been made following its input and consultation.
22. Ngāi Tahu and Te Ohu Kaimoana also subsequently advised that, on the basis of the changes made, they support the amended Plan.

Analysis

23. The Plan includes management strategies for a fishery that has changed due to the 2016 Kaikōura earthquakes. The northern parts of the QMA were particularly affected as uplift damaged habitat and caused extensive mortality to pāua populations along parts of the PAU 3 coastline north of the Conway River.
24. The Plan seeks to help maintain a sustainable fishery in the southern (open) portion of PAU 3 while protecting the northern (closed) portion of the fishery while stocks rebuild. The Plan looks at developing a management regime for the closed area (once reopened) that is precautionary and adaptive.
25. It advocates for more responsive and finer-scale management of the commercial fishery, increased collaboration with stakeholders and iwi around management decisions, and a more transparent and certain operating environment for industry.

26. The key management tools in the Plan, and desired outcomes, are presented in Table 1 below. A detailed analysis of the plan proposals, including a tool-by-tool assessment, is provided in Appendix Three.

Table 1: PAU 3 Fisheries Plan strategies and desired outcomes

	Management tool	Desired outcome	Explained
1	ACE shelving	Use ACE shelving ² to enhance the rate of rebuild.	Voluntary management of commercial harvest levels with the TACC. As the PAU3 TACC was halved following the earthquakes there are no immediate plans to shelve ACE in the fishery.
2	Industry rules	Non-regulatory measures that are agreed to and implemented by industry members on a voluntary basis.	E.g. rules relating to area closures or Minimum Harvest Size (MHS).
3	Ministerial decisions	In some cases, the necessary management measures are beyond the control of the PAU 3 industry and rely on decisions made by the Minister of Fisheries and implemented under relevant Fisheries Act provisions.	For example, decisions on TACs and allowances, or recreational allowances, or recreational fishing regulations.
4	Collaborative initiatives	Development of collaborative initiatives to achieve outcomes that are common to this Plan and to Iwi aspirations set out in relevant planning documents.	PAU 3 is a shared fishery and collaborative actions by all fisheries stakeholders will be required to achieve the Plan's objectives.
5	Advocacy & education	Implementing strategies/management measures to address issues that arise and impact the pāua fishery, such as the protection of pāua habitat degradation from land-based activities.	Implement strategies in the Plan by education and advocacy.
6	Authorised management	The Plan advocates for 'authorised management'. This type of management tool would require amendments to the Fisheries Act 1996.	'Authorised management' is when a group of quota owners are authorised by the Minister of Fisheries to develop rules that apply to all commercial harvesters in the fishery. However, your approval of the Plan under section 11A would not constitute an agreement or commitment to do this, despite its inclusion in the Plan. Industry acknowledge the aspirational nature of this objective and understand that the ability to achieve this form of management is not currently available, and there is no legislative backing in place to enforce such an approach.

27. Overall, Fisheries New Zealand considers believes the Plan meets requirements of and supports the purpose and principles of the Act and has the potential to improve management of the fishery. The measures in the plan are largely voluntary, but in some cases place a monitoring role on Fisheries New Zealand, or require us to consider reviewing a sustainability measure or authorisation for an activity. These are able to be resourced within our current workplan.

² Prior to the start of the fishing year, quota owners transfer the specified percentage of ACE to a non-fishing entity – i.e., to PauaMAC3's account on the publicly accessible ACE register maintained by FishServe. ACE that is shelved cannot be fished during that year. The process is repeated every year that the shelving is in place. ACE shelving requires a high level of support from quota owners in order to achieve the specified level of catch reduction.

Next steps

28. Should you agree to approve the Plan, we recommend that you sign the attached letters notifying PauaMAC3, Ngāi Tahu and Te Ohu Kaimoana of your decision (refer Appendix Four).
29. Fisheries New Zealand will commence supporting implementation of those parts of the Plan for which we hold responsibility and will work with PauaMAC3 to develop the Annual Operating Plans which give effect to the specific objectives of the Plan.
30. We anticipate there will be low media interest in this decision. We will work with your office to respond to any media requests.

Recommendations

31. It is recommended that you:

- a) **Note** the Plan meets requirements of and supports the purpose and principles of the Act and has the potential to improve management of the fishery.

NOTED

- b) **Agree** to approve the Plan under Section 11A of the Fisheries Act 1996.

YES / NO

- c) **Agree** to sign the attached letters notifying PauaMAC3, Ngāi Tahu and Te Ohu Kaimoana of your decision.

YES / NO



Emma Taylor
Director, Fisheries Management
Fisheries New Zealand

Hon David Parker
Minister for Oceans and Fisheries

/ / 2021

Minister's comments

Appendix Four: Decision letters

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



B21-0200

Jason Ruawai
PauaMAC3 Industry Association
9(2)(a)

Tēnā koe Jason

Approval of the Kaikōura/Canterbury Pāua (PAU 3) Fisheries Plan

I am writing to notify you of my approval of the Kaikōura/Canterbury Pāua (PAU 3) Fisheries Plan submitted to me by the Paua 3 Management Committee (PauaMAC3) in accordance with section 11A of the Fisheries Act 1996.

I support your efforts to develop an effective management plan to restore, and maintain, the sustainability of the pāua fishery. It is my view that the Plan will be beneficial in providing more responsive management of the resource, increased stakeholder commitment to management decisions, and a more transparent operating environment.

I also note your aspirations around the concept of 'authorised management', and the desire to use statutory tools to support this. Authorised management is not possible under the current legislation, therefore my approval of the Plan under s11A does not constitute an agreement or commitment to do this, despite its inclusion in the Plan.

Thank you for working with Fisheries New Zealand in developing your Fisheries Plan. My officials will contact you in preparation for the roll-out of the feedback and monitoring systems within the Plan.

Thank you, once again, for your efforts to safeguard this important resource for future generations. I wish you well in delivering the objectives contained in your Fisheries Plan.

Nāku noa, nā

Hon David Parker
Minister for Oceans and Fisheries

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



B21-0200

Lisa te Heuheu
Chief Executive Officer
Te Ohu Kaimoana

9(2)(a)

Tēnā koe Lisa

Approval of the Kaikōura/Canterbury Pāua (PAU 3) Fisheries Plan

I am writing to notify you of my approval of the Kaikōura/Canterbury Pāua (PAU 3) Fisheries Plan as submitted to me by the Paua 3 Management Committee (PauaMAC3) in accordance with section 11A of the Fisheries Act 1996.

I support this effort to develop an effective management plan to restore, and maintain, the sustainability of the pāua fishery. It is my view that the Plan will be beneficial in providing more responsive management of the resource, increased stakeholder commitment to management decisions, and a more transparent operating environment.

I would like to thank you for providing input on the Plan and engaging with Fisheries New Zealand through the consultation process. Your leadership and support in safeguarding this important resource for future generations is appreciated.

Nāku noa, nā

Hon David Parker
Minister for Oceans and Fisheries

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



B21-0200

Nigel Scott
Principal Advisor – Mahinga Kai
Te Ao Tūroa
Te Rūnanga o Ngāi Tahu

9(2)(a)

Tēnā koe Nigel

Approval of the Kaikōura/Canterbury Pāua (PAU 3) Fisheries Plan

I am writing to notify you of my approval of the Kaikōura/Canterbury Pāua (PAU 3) Fisheries Plan as submitted to me by the Paua 3 Management Committee (PauaMAC3) in accordance with section 11A of the Fisheries Act 1996.

I support this effort to develop an effective management plan to restore, and maintain, the sustainability of the pāua fishery. It is my view that the Plan will be beneficial in providing more responsive management of the resource, increased stakeholder commitment to management decisions, and a more transparent operating environment.

I would like to thank you for providing input on the Plan and engaging with Fisheries New Zealand through the consultation process. Your leadership and support in safeguarding this important resource for future generations is appreciated.

Nāku noa, nā

Hon David Parker
Minister for Oceans and Fisheries



To: Hon David Parker, Minister for Oceans and Fisheries
Rino Tirikatene MP, Parliamentary Under-Secretary Oceans and Fisheries

From: Emma Taylor, Director Fisheries Management, Fisheries New Zealand

Update on PAU 3 and PAU 7 reopening - Kaikōura and Cape Campbell

Date	8 December 2020	Reference	AM20-0807
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Contacts			
Name	Position	Contact number	First contact
Emma Taylor	Director, Fisheries Management	s 9(2)(a)	<input type="checkbox"/>
Allen Frazer	Team Manager, Inshore Fisheries South	s 9(2)(a)	<input checked="" type="checkbox"/>
Damian Cloeter	Senior Fisheries Analyst	s 9(2)(a)	<input type="checkbox"/>

Key messages

- This paper responds to your request for an update on the review of the closure around Kaikōura that was put in place for recreational and commercial fishing of pāua, other shellfish and seaweed following the 2016 Kaikōura earthquakes.
- There are several inputs into the review. Research results from the monitoring programme commissioned by Fisheries New Zealand show some recovery in the fisheries affected by the earthquakes. However, there is a high degree of spatial variability in the recovery of key species such as pāua, which will need to be considered in any managed reopening of the area.
- The Kaikōura Marine Guardians, in consultation with the local community, are drafting recommendations regarding recreational fishing regulations, in anticipation that the fishery will be reopened in 2021. They are expecting to finalise and provide their recommendations to you in the next few weeks.

- Quota holders for the Canterbury and Marlborough pāua areas (PAU 3 and PAU 7) that were affected by the closure have developed fisheries plans to support management of commercial pāua fishing, also with the expectation that the fishery will reopen in 2021. In the case of PAU 3, quota holders have requested the quota management area be subdivided as a prerequisite of their fisheries plan. Fisheries New Zealand has publicly consulted on these plans and the subdivision proposal and has provided you with a decision paper recommending the subdivision be approved (refer B20-0582). Should you approve subdivision, we will seek your decision on the PAU 3 fisheries plan in February 2021.
- Tangata whenua support the PAU 3 fisheries plan and the subdivision of PAU 3. However, they do not support the proposed PAU 7 fisheries plan. It is also uncertain whether Ngāti Kuri will support the recommendations being developed by the Kaikoura Marine Guardians for PAU 3.
- Fisheries New Zealand has met with tangata whenua (Te Tau Ihu) to ensure we fully understand the reasons for their objection to the PAU 7 fisheries plan, and to confirm the views of Ngāti Kuri on the Kaikoura Marine Guardians recommendations. We have further hui scheduled over January and February 2021.
- Subject to the outcome of these hui we expect to seek your decision on the PAU 7 fisheries plan and your agreement that we publicly consult on the Kaikoura Marine Guardians proposals in February 2021.

Background

1. The 2016 Kaikōura earthquakes caused coastal uplift of up to six metres along 130 kilometres of coastline and resulted in extensive direct mortality of a wide range of marine species inhabiting the subtidal and intertidal zones. The uplift also affected many habitats that are critical in supporting important ecosystems and fisheries species. This will have an ongoing impact on fisheries in the area.
2. Black-foot pāua was particularly affected, with high mortality at all life stages and loss of a significant amount of critical habitat, including intertidal and shallow sub-tidal rocky reef habitats that support settlement from the plankton and juvenile life phases.
3. In order to protect the surviving pāua populations along the earthquake-affected coastline, a closure under section 11 of the Fisheries Act 1996 (the Act), was put in place between Marfells Beach and Conway River, prohibiting the take of all shellfish and seaweed (Figure 1), with the exception of rock lobster and scampi. The closure straddles the southern extent of PAU 7 and the northern part of PAU 3 (Figure 2).

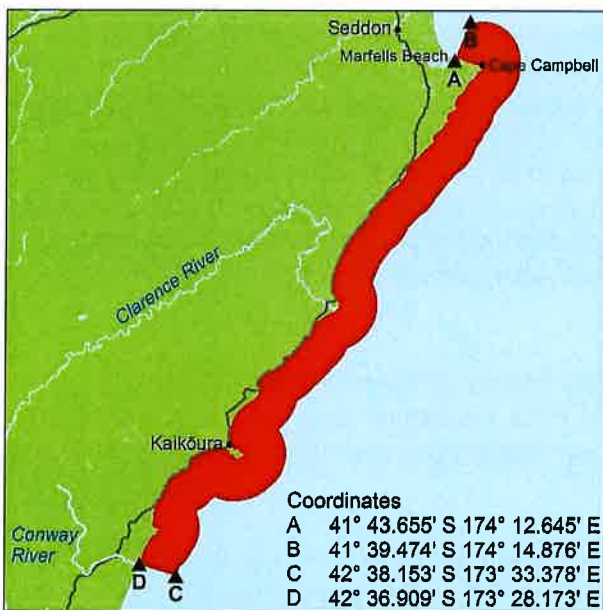


Figure 1: Area covered by the earthquake-related closure Figure 2: PAU 3 and PAU 7 with area closure highlighted.

Scientific monitoring programme

- Immediately following the earthquakes, Fisheries New Zealand implemented a scientific monitoring programme to monitor recovery within the closed area. This research programme shows an overall increase in adult pāua and other shellfish abundance since the closure (Figure 3), with areas that experienced lower levels of uplift showing higher abundance and higher densities of pāua and other shellfish than areas that experienced higher uplift.

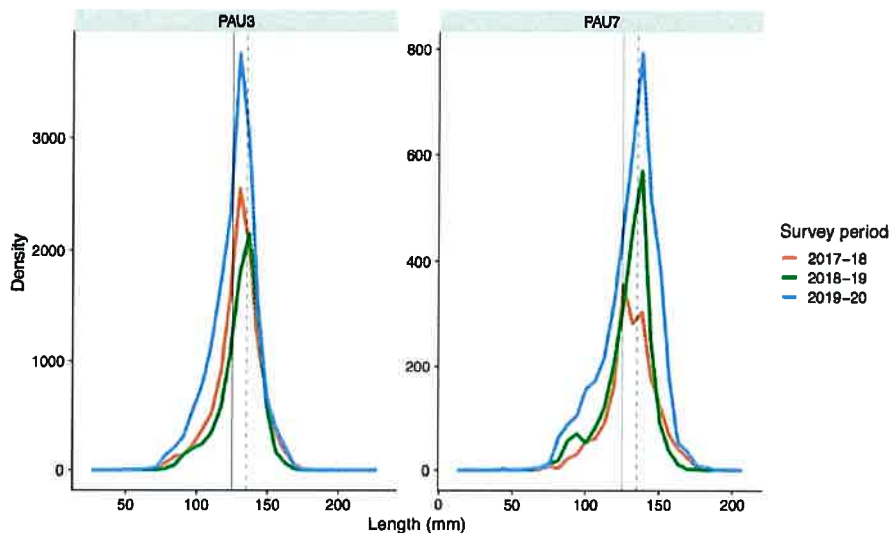


Figure 3: Change in the density of pāua (all length classes) in the PAU3 and PAU 7 closed areas since the 2016 Kaikōura earthquakes

- These results suggest that a precautionary approach is needed for any reopening or partial reopening to consider the localised and patchy recovery that is occurring.

6. Management measures will need to be in place to carefully constrain both commercial and recreational fishing catch. For pāua, which is the most highly sought-after species, these measures would ideally apply at a finer scale to avoid localised overfishing that could further set back recovery.

Pāua industry proposals to support a commercial reopening

PAU 3

7. PauaMAC3, on behalf of PAU 3 quota owners, has requested that PAU 3 be subdivided to allow for the management of two distinct topographic areas created by the Kaikōura earthquakes. They consider that subdivision of PAU 3 would allow for more targeted management of the two distinct pāua fisheries that have been created as a consequence of the Kaikōura earthquakes.
8. PauaMAC3 has also submitted a PAU 3 Fisheries Plan for approval under section 11A of the Act. The plan is dependent on PAU 3 being subdivided and focuses on managing commercial harvesting activity to maintain a sustainable fishery in the southern portion of PAU 3 (which was unaffected by the earthquakes), while protecting the northern (currently closed) portion as stocks rebuild.
9. Fisheries New Zealand commenced public consultation on both the fisheries plan and the proposed subdivision of PAU 3 in March 2020, however, this was halted due to COVID-19. Consultation has now been completed and we have provided you with a decision paper on the proposed subdivision (B20-0582 refers), which recommends it be approved. As the PAU 3 fisheries plan is dependent on subdivision, should you approve the subdivision we will seek your decision on the fisheries plan in February 2021.

PAU 7

10. PauaMAC7, on behalf of PAU 7 quota owners, has also submitted a PAU 7 Fisheries Plan for approval under section 11A of the Act. The plan aims to address the uncertainty and patchy nature of the recovery along the coastline using fine scale commercial harvesting strategies, in a similar way to the PAU 3 Fisheries Plan.
11. Fisheries New Zealand publicly consulted in the PAU 7 Fisheries Plan between July and August 2019. The majority of submissions received supported the plan, however, despite several hui facilitated by Fisheries New Zealand, PauaMAC7 failed to gain the support of tangata whenua (through Te Tauihu Forum) for the plan.
12. Due to the impact of COVID, further planned hui to discuss the plan were delayed. In July 2020 Te Tauihu forum wrote to the previous Minister of Fisheries outlining their concerns that the fisheries plan would have an adverse effect on their rights provided through Treaty settlements. Following this letter, we met again with the forum in November 2020 to discuss their concerns and ensure we clearly understand their reasons for their objections to the plan.

13. Subject to the outcome of ongoing hui with the Forum we expect to provide you with advice on whether to approve the PAU 7 fisheries plan in February 2021, at the same time as our advice on the PAU 3 fisheries plan.

Recreational measures to support a reopening

Kaikōura Marine Guardians recommendations

14. The Kaikōura Marine Guardians (KMG) is a statutory advisory committee that provides advice to Ministers regarding the Kaikōura Marine Area. KMG, and its statutory role. It was created through the Kaikōura (Te Tai o Marokura) Marine Management Act 2014.
15. Te Korowai is a Kaikōura community group established in 2005 with the aim of safeguarding the Kaikōura coastal and marine environment. In September 2020, Te Korowai engaged with the Kaikōura community with the support of Fisheries New Zealand, on the reopening of the Kaikōura fishery. The community views they received will inform the recommendations on reopening the PAU 3 fishery that KMG is intending to provide to you in the next few weeks.
16. In October 2020, tangata whenua at Kaikōura (Ngāti Kuri) raised concerns with Fisheries New Zealand regarding Te Korowai's community consultation process and requested we pause our support and engagement with Te Korowai. We have agreed to do so pending further hui with Ngāti Kuri. However, we continue to work with KMG, noting their role as a statutory advisory committee.
17. We have further hui scheduled with Ngāti Kuri to obtain their input and confirm their position on KMG's recommendations regarding reopening the fishery at Kaikōura (when these are received). Once these hui have occurred, we will seek your agreement to publicly consult on recreational management measures (which will include consideration of KMG's recommendations) in March 2021.

Cape Campbell fishery reopening

18. The northern areas around Cape Campbell experienced higher uplift and fisheries were generally more impacted by the earthquakes. Fisheries New Zealand's monitoring programme suggests that, as for Kaikōura, the abundance of species is increasing, but the recovery of pāua and pāua-supporting habitat may be more fragile than further south. The northern part of the fishery is much more accessible to fishers than previously as most pāua are now found in very shallow water.
19. Fisheries New Zealand is developing proposals for managing recreational catch for this area and expects to publicly consult on these in March 2021 at the same time as the recreational proposals for Kaikōura. A fine scale approach is likely to be required to ensure localised overfishing does not occur, which will be challenging to enforce given the remoteness of the fishery. More accurate recreational information may assist, and Fisheries New Zealand is investigating whether there is an opportunity to implement and trial recreational self-reporting in Kaikōura.

Next steps

20. There is a strong expectation on the part of commercial and recreational fishers and the KMG that the Kaikōura fishery is recovering sufficiently to allow it be reopened or partially reopened later next year. This is supported by the monitoring programme. This programme also shows, however, that recovery is patchy and will require a cautious, fine scale management approach that does not compromise recovery of this important fishery.
21. Fisheries New Zealand's review is working towards a reopening or partial reopening date of 1 October 2021, which is the start of the next fishing year. Based on this date the timings for the various components of the review are as follows:

Key steps	Date
Decision on PAU 3 subdivision by DEV	February 2021
Decision on PAU 3 and PAU 7 fisheries plans	February 2021
Consult on KMG recreational regulations	March 2021
Consult on Cape Campbell recreational regulations	March 2021
Consult on TACs for subdivided PAU 3	June 2021
Decision on TACs and whether to reopen the fishery	August 2021

22. Should some of these steps not be achieved in the required timeframe or should key elements of the required management approach not be in place, Fisheries New Zealand will be recommending any reopening be delayed until such time as we are confident that the fishery can be managed sustainably.

Minister / Minister's Office

Seen / Referred

/ / 2020

Minister's comments



To: Hon David Parker, Minister for Oceans and Fisheries
From: Allen Frazer, Manager Inshore Fisheries South

Reopening the Kaikōura coastline to pāua and kina fishing – new gazette notice for approval

Date	21 October 2021	Reference	B21-0621
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Decision required	Date decision required by
YES <input checked="" type="checkbox"/> / NO <input type="checkbox"/>	1 November 2021

Purpose
Fisheries New Zealand requests that you sign the attached notice for publication in the <i>New Zealand Gazette</i> to reopen the Kaikōura coastline to pāua and kina fishing on 1 December 2021.

Contacts for telephone discussion (if required)			
Name	Position	Contact number	First contact
Allen Frazer	Manager Inshore Fisheries South	9(2)(a) [REDACTED]	<input checked="" type="checkbox"/>
Paul Creswell	Senior Analyst	9(2)(a) [REDACTED]	<input type="checkbox"/>

Key messages

On 29 September 2021 you agreed to reopen the wider Kaikōura coastline to commercial and recreational pāua and kina fishing from 1 December 2021.

To implement this decision, we request you sign the attached notice for publication in the *New Zealand Gazette* so that it becomes effective on 1 December 2021 following a period of 28 days' notice.

Background

1. On 29 September 2021 you agreed to reopen the commercial and recreational pāua and kina fisheries along the wider Kaikōura coastline (Marfells Beach/Cape Campbell to Conway River) in response to a proposal from the Kaikōura Marine Guardians [B21-0452]. You decided that pāua fishing is to be permitted for an initial three-month period from 1 December 2021 to 28 February 2022, and that kina fishing is to be permitted from 1 December 2021 onwards.
2. This area is currently closed to fishing for most shellfish and seaweeds (including pāua and kina) pursuant to a section 11 notice under the Fisheries Act 1996 following the widespread impacts of the November 2016 Kaikōura earthquakes.
3. In order to implement your decision, a new section 11 notice for publication in the *New Zealand Gazette* is required to replace the current notice¹. The new notice will remove the fishing prohibition on pāua and kina fishing, subject to the above conditions. The notice will continue to provide that the closure does not apply to the fishing of rock lobster, scampi, and octopus, or to customary fishing.
4. Your decision initially excluded pāua fishing in five customary management areas, pending further consideration by tangata whenua and the relevant management committees. Since then, tangata whenua (Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu) and the committee for the Oaro Haumuri Taiāpure have agreed this taiāpure be included in the wider reopening. Fisheries New Zealand concurs with this as monitoring of this area in southern Kaikōura shows pāua was relatively unaffected by the earthquakes. The attached notice takes this change into account.

Next Steps

5. If you agree to sign the attached notice, Fisheries New Zealand will arrange for it to be published in the *New Zealand Gazette*. This will need to occur by 3 November to become effective on 1 December following a period of 28 days-notice.
6. Your decision has already been publicised, with further communication and education planned in the lead up to the 1 December reopening. This will include new brochures, pāua handling guidelines, signage as well as media and social media messaging.

¹ Fisheries (Conway River to Marfells Beach Shellfish and Seaweed Harvest Closure) Notice 2018 (Notice No. MPI 890). <https://gazette.govt.nz/notice/id/2018-go3659>

Recommendations

7. It is recommended that you:
- a) **Agree** to sign the attached Fisheries (Conway River to Marfell's Beach Shellfish and Seaweed Harvest Closure) Notice 2021 (Notice No. MPI 1394) for publication in the *New Zealand Gazette* to enable commercial and recreational pāua and kina fishing commence from 1 December 2021, subject to conditions.

YES / NO



Allen Frazer
Manager, Inshore Fisheries South
Fisheries New Zealand



Hon David Parker
Minister for Oceans and Fisheries

22/ 10 / 2021

Minister's comments

Appendix One: New Gazette Notice

Fisheries (Conway River to Marfells Beach Shellfish and Seaweed Harvest Closure) Notice 2021 (Notice No. MPI 1394)

Pursuant to section 11 of the Fisheries Act 1996, the Minister for Oceans and Fisheries, after complying with sections 11 and 12 of that Act, gives the following notice.

Notice

1. Title

This notice is the Fisheries (Conway River to Marfells Beach Shellfish and Seaweed Harvest Closure) Notice 2021.

2. Interpretation

In this notice:

Shellfish means all species of the phylum Echinodermata and phylum Mollusca, and all species of the class Crustacea at any stage of their life history, whether living or dead, but does not include:

- scampi (*Metanephrops challengeri*)
- rock lobster (*Jasus edwardsii*) or
- octopus (*Pinnoctopus cordiformis*)
- kina (*Evechinus chloroticus*)

Seaweed means all kinds of algae and sea-grasses that grow in New Zealand fisheries waters at any stage of their life history, whether living or dead.

Blackfoot pāua means *Haliotis iris*.

Conway River to Marfells Beach Area means waters within the following lines:

- (a) from the starting point on Marfells Beach at 41°43.655'S and 174°12.645'E; then
- (b) by a straight line for approximately 4 nautical miles in a generally north-north easterly direction to a seaward point at 41°39.474'S and 174°14.876'E; then
- (c) proceeding in a generally easterly then southerly direction by a line, each point of which is 4 nautical miles from the mean high-water mark of the South Island to a seaward point at 42°38.153'S and 173°33.378'E; then
- (d) by a straight line in a generally west-north westerly direction to a point at 42°36.885'S and 173°28.113'E (a point on land at the Conway River); then
- (e) by a line in a generally north easterly direction along the mean high-water mark to the starting point.

3. Commencement

This notice comes into force on **1 December 2021 at 00.01 AM**.

4. Conway River to Marfells Beach Area closed for the taking of shellfish (excluding scampi, rock lobster, octopus, and kina) and seaweed

A person must not take shellfish or seaweed from the Conway River to Marfells Beach Area, or possess shellfish or seaweed taken from the Conway River to Marfells Beach Area, while this notice is in force unless clause 5 applies.

5. Conway River to Marfells Beach Area open for the taking of blackfoot pāua for a three-month period

A person may take blackfoot pāua during the period from **1 December 2021** (beginning at 00.01 AM) to **28 February 2022** (ending at 11.59 PM) from the Conway River to Marfells Beach Area.

Despite this, a person must not take blackfoot pāua during the period from **1 December 2021** (beginning at 00.01 AM) to **28 February 2022** (ending at 11.59 PM) within the following four customary management areas, as declared by the Kaikoura (Te Tai o Marokura) Marine Management Act 2014:

- Mangamaunu Mātaitai Reserve
- Oaro Mātaitai Reserve
- Te Waha o te Marangai Mātaitai Reserve
- Te Taumanu o Te Waka a Māui Taiāpure

6. Penalty

Under section 228 of the Fisheries Act 1996, every person commits an offence and is liable to a fine not exceeding \$100,000 (as set out in section 252(5) of that Act) who contravenes, or fails to comply with, any sustainability measure implemented by notice in the *New Zealand Gazette* under section 11(4)(b)(i).

7. Customary Fishing

This notice does not restrict the taking of fish, aquatic life or seaweed taken in accordance with Regulations 50-52 of the Fisheries (Amateur Fishing) Regulations 2013 or the Fisheries (South Island Customary Fishing) Regulations 1998.

8. Revocation

The Fisheries (Conway River to Marfells Beach Shellfish and Seaweed Harvest Closure) Notice 2018 (Notice No. MPI 890) is revoked.

Explanatory Note

This note is not part of the notice but is for explanatory purposes only.

All amateur fishing for blackfoot pāua and kina will still be subject to the Fisheries (Amateur Fishing) Regulations 2013.

Dated at Wellington this 22 day of October 2021



HON David Parker, Minister for Oceans and Fisheries

Certified as in order for signature



Abby Bradford
Solicitor
Legal Services
20/10/2021



To: Rino Tirikatene MP, Parliamentary Under-Secretary Oceans and Fisheries
From: Emma Taylor, Director Fisheries Management, Fisheries New Zealand

Meeting with the Pāua Industry Council

Date	7 April 2021	Reference	AM21-0237
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Key messages

- This aide memoire provides background information for your meeting with Storm Stanley and Nici Gibbs from the Pāua Industry Council on Monday, 12th April 2021 at 12pm, Parliament Buildings, Wellington.
- They wish to talk to you about the PAU 3 (Kaikōura/Canterbury) and PAU 7 (Marlborough) fisheries, and in particular the reopening of the Kaikōura/Cape Campbell area to commercial fishing. We expect them to ask for your support to reopen this fishery later this year in light of several industry initiatives – the PAU 3 Quota Management Area (QMS) subdivision, and PAU 3 and PAU 7 Fisheries Plans.
- A Fisheries New Zealand official will be available to attend in support. Talking points are provided at Appendix Two.

Background

1. The Pāua Industry Council is the national governance group for the five regional Pāua Management Advisory Committees (PauaMACs) representing commercial pāua fishing interests. Storm Stanley is the Chairman and Nici Gibbs is a Senior Advisor.

2. The Kaikōura coastline between Marfells Beach in the north and the Conway River in the south, including the Kaikōura Peninsula, is closed to commercial and recreational fishing of most shellfish and seaweed (Appendix One). This closure was introduced following the 2016 Kaikōura earthquakes.
3. The closed area straddles two Quota Management Areas (QMAs) - the southern portion of the PAU 7 QMA (Marlborough) and the soon to be established PAU 3A (North) QMA.
4. Ongoing research shows an overall increase in adult pāua abundance along the Kaikōura coastline since the closure. But recovery is patchy and pāua are more easily accessible from the shoreline and highly vulnerable to localised depletion. The research suggests the fishery can sustain a limited harvest by adopting a cautious and adaptive approach to avoid localised overfishing.
5. The Minister for Oceans and Fisheries (the Minister) will shortly decide on whether to consult on a proposal from the Kaikōura Marine Guardians to reopen the closed area to recreational pāua fishing (discussed below).

PAU 3 subdivision

6. PauaMAC3, on behalf of PAU 3 quota owners, requested last year that the PAU 3 QMA be sub-divided into PAU 3A (Kaikōura) and PAU 3B (Canterbury) to better manage the two new distinct topographic areas created by the Kaikōura earthquakes. Cabinet has now approved this sub-division and it was announced on 25th March [DEV-21-SUB-0051]. The pāua industry has been notified and Fisheries New Zealand's website will shortly be updated with this decision.
7. The subdivision will take effect on 1 October 2021 and will allow for finer scale management to support the rebuild of pāua in the northern area, while maintaining a sustainable fishery in the southern area. Steps are now being taken to prepare an Order in Council to make this change in the next few weeks. Fisheries New Zealand is working with FishServe on arrangements to provide quota shares for each of the new QMAs.
8. We intend to consult on respective new Total Allowable Catches (TACs), Total Allowable Commercial Catches (TACCs), non-commercial allowances, and deemed values as part of the upcoming 1 October Sustainability Round. Fisheries New Zealand will work with PauaMAC3 on appropriate TACC and deemed value settings prior to consultation.

PAU 3 and PAU 7 Fisheries Plans

9. In 2020, the PauaMAC3 and PauaMAC5 submitted Fisheries Plans for each fishery for approval under section 11A of the Fisheries Act 1996. Fisheries Plans provide a mechanism to formally approve multi-sector led fisheries management objectives, strategies, and performance criteria to provide better sustainable utilisation outcomes for any stock, fishing years, areas, or a combination. These two Plans reflect a similar PAU 4 (Chatham Islands) Fisheries Plan approved in March 2019.

10. Both Plans include a range of strategies and actions based on finer scale pāua abundance and fishing information, and include spatial catch limits, larger minimum legal-size limits, and Annual Catch Entitlement (ACE) shelving arrangements. The industry views these Plans as the best mechanism to manage our pāua fisheries using a proactive and adaptive approach. This will be particularly important if the Kaikōura coastline is reopened to fishing, as management will need to be adaptive as the fishery responds to fishing.
11. The Minister has recently agreed to 'endorse' the PAU 7 Fisheries Plan [B21-0067]. This endorsement (rather than approval) is due to Te Taihū Iwi not supporting the Plan because of engagement issues over its development. Iwi are significant quota owners and the Crown must actively protect Māori rights and interests in this important fishery. Given that the success of the Plan is reliant on all sectors working together, the Minister was concerned about the Plan's ability to achieve its intended outcomes without their support.
12. The Minister has encouraged PauaMAC7 to closely work with Te Taihū Iwi over the next two years as a pathway forward to approving the Plan. After this period, Fisheries New Zealand will provide updated advice for reconsideration.
13. The Minister will shortly make a decision on the PAU 3 Fisheries Plan. Fisheries New Zealand has recommended that this Plan is approved, as it is supported by both Iwi and stakeholders [B21-0200]. The Plan reflects the PAU 3 sub-division.

Kaikōura Marine Guardians

14. The Minister has recently received a request from the Kaikōura Marine Guardians (KMG) to reopen the closed area to recreational pāua fishing. The proposal seeks to reopen the recreational fishery for a three-month period (beginning 1 December 2021) under a suite of new management measures to ensure a sustainable harvest (ie, a three pāua daily bag limit and a larger 130mm minimum legal-size limit). Fisheries New Zealand has briefed the Minister on this request and is waiting for a decision on whether to consult on this proposal [B21-0175]. If approved, Fisheries New Zealand anticipates consultation would begin in late April.
15. While the proposed consultation will focus on KMG's proposal, the Minister will consider reopening the closed area within the context of both the commercial and recreational fisheries later this year. The industry has agreed in principle that if reopened, they would begin fishing at the same time as the recreational fishery, and operate in a way that mitigates interactions with recreational fishers (ie, using larger minimum legal-size limits and fishing away from popular areas).

Pāua ecosystem-based management

16. A focus of the Fisheries Plans is the move towards ecosystem-based management. The Pāua Industry Council has already completed work on what this means for New Zealand's pāua fisheries and the shellfish's role within the coastal ecosystem. Identifying habitats of particular significance for pāua management is underway and the industry will produce maps across all commercial pāua fisheries.

17. The industry intends to engage with regional councils to protect these important habitats from land-based activities under the RMA (ie, sedimentation). Fisheries New Zealand has a small dedicated team that is beginning to work with regional councils on the implications of the RMA on fisheries management. The industry's expectation is that land-based effects are better managed under the RMA.

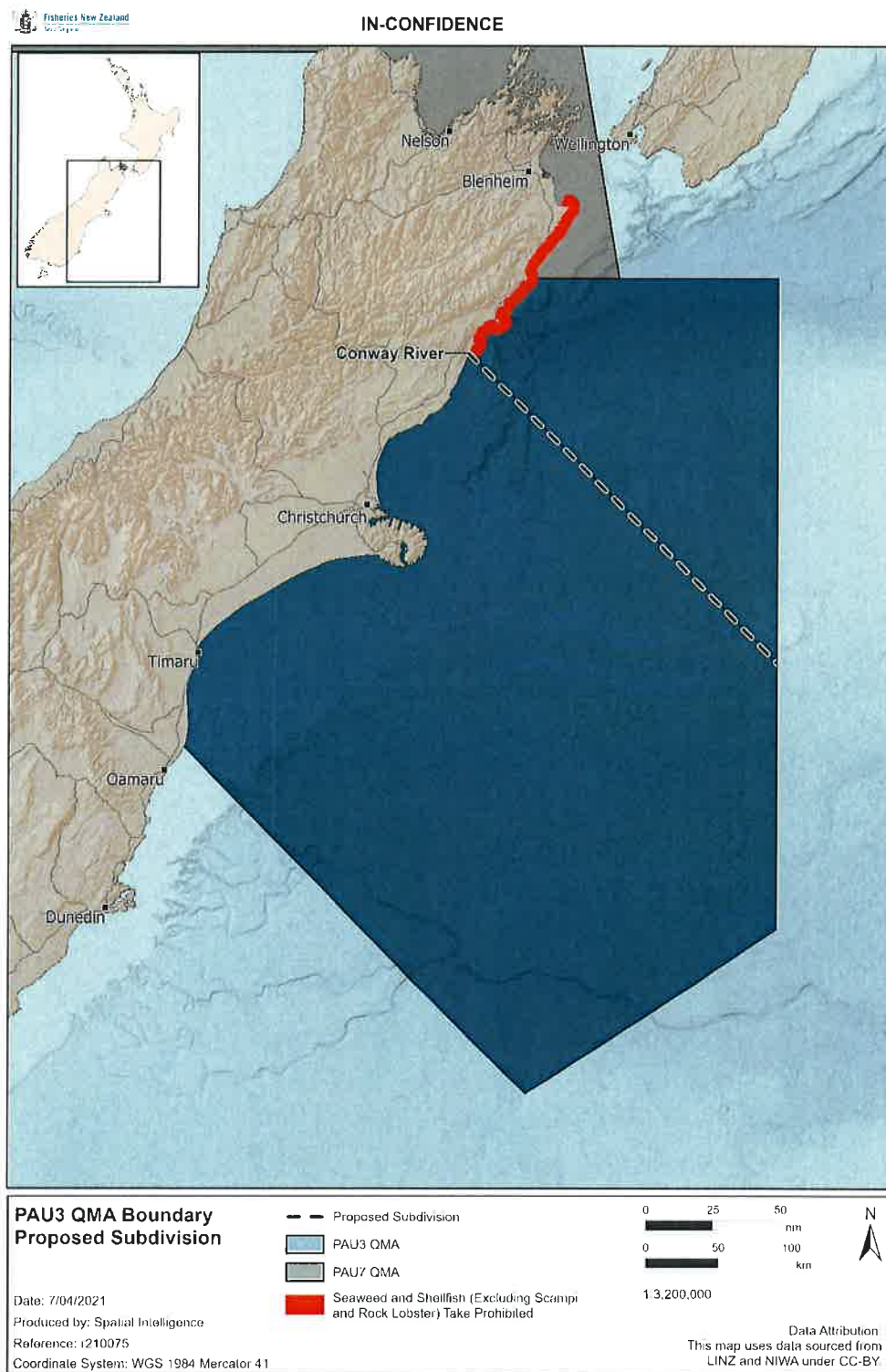
Minister / Minister's Office

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Minister's comments

Appendix One: PAU3 and PAU7 Quota Management Areas and the Kaikōura Closed Area



Appendix Two: Talking points

Talking Points

1. I am pleased the PAU 3 QMA is to be sub-divided into smaller areas to better manage the two distinct pāua fisheries following the 2016 Kaikōura earthquakes.
 - I am keen to learn what commercial catch information you have available to assist Fisheries New Zealand to set new TACCs for the smaller sub-QMAs.
2. I acknowledge that the Pāua Industry Council and the PauaMACs are doing a lot of work to improve the management of their commercial fisheries through Fisheries Plans, and in particular developing an appropriate management approach to address the challenges within the Kaikōura pāua fishery as it rebuilds.
 - If the Kaikōura pāua fishery is reopened, what steps will the industry undertake to mitigate the potential effects of commercial fishing on recreational fishers?
 - How will you mitigate the risks of localised depletion given pāua are very vulnerable to overfishing and could compromise the rebuild of the Kaikōura fishery?
3. I understand the Minister recently endorsed the PAU 7 Fisheries Plan, rather than approve, because of the lack of support from Te Taihū Iwi.
 - Can you tell me what actions PauaMAC7 intends to undertake to engage with Te Taihū Iwi over the next two years to gain their support for the PAU 7 Fisheries Plan?
4. I support an ecosystem-based management approach for our pāua fisheries given their vulnerability to overfishing and look forward to seeing maps that identify habitats of particular significance for pāua management.
 - What is your proposed approach to engage with regional councils once these maps are prepared, and what role do you see Fisheries New Zealand playing to support you?