



**Te Ohu Kaimoana's Response
to Fisheries New Zealand's
Recreational Rules Review for
the CRA 2 Rock Lobster Fishery**

Te Ohu
Kaimoana




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Introduction

1. Te Ohu Kaimoana welcomes the opportunity to provide a response to Fisheries New Zealand (FNZ) on their proposal to reduce the daily bag limit for spiny rock lobster, and the introduction of recreational telson clipping for rock lobster in the CRA 2 fishery.

Who we are

2. Te Ohu Kaimoana was established to implement and protect the Fisheries Settlement. Its purpose, set out in section 32 of the Maori Fisheries Act 2004, is to “advance the interests of iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to:
 - ultimately benefit the members of Iwi and Māori generally; and
 - further the agreements made in the Deed of Settlement; and
 - assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi; and
 - contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.”
3. Mandated Iwi Organisations (MIOs) have approved a Māori Fisheries Strategy and three-year strategic plan for Te Ohu Kaimoana, which has as its goal “that MIOs collectively lead the development of Aotearoa’s marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent”.
4. The principles guiding our response to the draft report are set out below.

Noho ora mai rā,



Dion Tuuta
Te Mātārae - Chief Executive
Te Ohu Kaimoana

1.0 - Guiding Principles

1.1 - Te Hā o Tangaroa kia ora ai tāua

5. Prior to the colonisation of Aotearoa by the British Crown, Māori enjoyed complete authority over their fisheries resources. Te Ao Māori's relationship with Tangaroa, and ability to benefit from that relationship, was and remains underpinned by whakapapa – descent from Ranginui, Papatūānuku and their children.
6. The signing of Te Tiriti o Waitangi in 1840 affirmed Māori tino rangatiratanga over their taonga including fisheries which was an essential affirmation of the traditional Māori world view. This world view endures in the modern day. Te Tiriti o Waitangi and the 1992 Maori Fisheries Settlement are built on a much deeper foundation of Māori whakapapa connection to and relationship with Tangaroa.
7. In the modern context, when considering or developing fisheries-related policy, Te Ohu Kaimoana is guided by the principle of 'Te Hā o Tangaroa kia ora ai tāua' - the breath of Tangaroa sustains us. In this context Tangaroa is the ocean and everything connected to and within, on and by the ocean. This connection also includes humanity, one of Tangaroa's descendants.
8. Ko 'Te hā o Tangaroa kia ora ai tāua', highlights the importance of an interdependent relationship with Tangaroa, including his breath, rhythm and bounty and how those parts individually and collectively sustain humanity. The guiding principles underpinning 'Te hā o Tangaroa kia ora ai tāua' highlight how we ensure that we foster and maintain our relationship with Tangaroa.

1.1.1 - Tangaroa

9. Tangaroa is the God of the Sea and everything that connects to the sea. He is the divinity represented through Hinemoana (the ocean), Kiwa (the guardian of the Pacific), Rona (the controller of the tides – the moon) and the connection with other personified forms of the Great Divine. For some tribes, he is also the overlord for all forms of water, including freshwater and geothermal as well as saltwater.

1.1.2 - Te Hā

10. Te Hā means, breath and to breathe. Te Hā o Tangaroa represents the breath of Tangaroa, including the roar of the ocean, the crashing of waves on the beach and rocks, the voice of the animals in and above the ocean and of the wind as it blows over the ocean, along the coast and the rocks and through the trees that stand along the shoreline. Through our whakapapa to Tangaroa, we as humanity, we as tangata whenua, are the human voice for Tangaroa.
11. When Tangaroa breathes it is recognised through the ebb and flow of tide and the magnetism of the moon. This magnetism is recognised as the kaha tuamanomano (the multitudinal rope of the heavens). Therefore, we must also be mindful of the lunar calendar when working with Tangaroa and his various modes.

1.1.3 - Purpose and Policy Principles

12. Te hā o Tangaroa ki ora ai taua provides Te Ohu Kaimoana with guidance on key principles which should underpin our consideration of modern fisheries policy.
 - **Whakapapa:** Māori descend from Tangaroa and have a reciprocal relationship with our tupuna;
 - **Tiaki:** To care for Tangaroa, his breath, rhythm and bounty, for the betterment of Tangaroa in order to care for humanity as relatives;
 - **Hauhake:** To cultivate Tangaroa, including his bounty, for the betterment of Tangaroa (as a means of managing stocks) and for the sustenance of humanity; and
 - **Kai:** To eat, enjoy and maintain the relationship with Tangaroa as humanity.
13. Whakapapa as a principle recognises that when Māori (and Te Ohu Kaimoana as an extension of Iwi Māori) are considering Tangaroa, we are considering the wellbeing of our tupuna (ancestor) – rather than a thing or inanimate object. Therefore, the obligation and responsibility of Tiaki – caring for Tangaroa – comes from our descent from our Tupuna. Similarly, the responsibility and obligation of Hauhake (cultivation) is underpinned by our Tiaki obligations to Tangaroa in order to Tiaki humanity.
14. Ultimately, humanity's right to Kai – to enjoy the benefits of our whakapapa relationship with Tangaroa – are dependent upon our ability to Tiaki and Hauhake and how we uphold the responsibility and obligation in a modern and meaningful way to maintain legitimacy through practicing Tiaki, Hauhake and Kai.

15. These principles were inherent within the Treaty of Waitangi fisheries settlement and – Te Ohu Kaimoana asserts - the quota management system, which Māori endorsed as part of that historic settlement. This underscores its ongoing relevance and importance in modern New Zealand fisheries management.

2.0 Management measures for CRA 2

2.1 Context

16. The Minister of Fisheries (the Minister) in his decision letter for the 1 April 2018 fishing year set out a recovery strategy for the CRA2 fishery. This requires additional management measures to be progressed as soon as possible.
17. As part of this strategy, FNZ on behalf of the National Rock Lobster Management Group (NRLMG), is welcoming feedback on proposals to reduce the daily bag limit for spiny rock lobster and introduce recreational telson clipping for rock lobster in the CRA2 fishery.
18. A full scientific stock assessment in 2017 suggested that the CRA2 fishery requires management action to ensure that the fishery rebuilds. A multi-staged rebuild plan has been put in place by the Minister on the advice of the NRLMG to improve abundance of spiny rock lobster in the CRA2 fishery.
19. The CRA2 TAC was significantly reduced on 1 April 2018. The allocations to the TACC, recreational allowance and other sources of mortality were both substantially reduced.
20. To assist the rebuild of the fishery, customary and additional sectors need to be managed within their allowance. Estimates of recreational catch are at 34 t per year. As the fishery rebuilds the opportunity to catch rock lobster will increase, and this could see the recreational sector catching above their allowance. Steps need to be taken to minimise the risk of that happening.
21. In addition, and to help minimise illegal take, the Minister also signalled that increased compliance would be required. Illegal fishing activities would also undermine the integrity of the fisheries management regime, reduce the benefits that fishers realise from the use of the resource, contribute to localised depletion, and potentially result in non-compliance by fishers if they lost confidence in the fisheries management regime. In order to reduce the potential for illegal take, FNZ with the support of NRLMG proposed that telson clipping be introduced into the fishery.

2.2 Proposed options

It is proposed that the Fisheries (Amateur Fishing) Regulations 2013 (Amateur Regulations) be amended to introduce the measures outlined in Table 1.

Measure	Option	Description
Daily bag limit	1A	Reduce the daily bag limit for spiny rock lobster Within the daily limit of six rock lobsters (spiny and packhorse combined), amend the Amateur Regulations so that a recreational fisher must not take or possess more than <u>three spiny rock lobsters</u> .
	1B	Status quo Retain the current daily limit of six rock lobsters (spiny and packhorse combined) per recreational fisher.
Telson clipping	2A	Telson clipping is mandatory for recreational fishers Amend the Amateur Regulations to require a recreational fisher to clip the telson of every legal-sized spiny rock lobster taken from CRA 2 that they intend to keep and retain.
	2B	Status quo There is no mandatory requirement for a recreational fisher to telson clip every legal-sized spiny rock lobster that they intend to keep from CRA 2.

2.3 Our position

22. Te Ohu Kaimoana supports options 1A and 2A to reduce the daily bag limit for spiny rock lobster and to introduce mandatory telson clipping in the CRA2 fishery.

2.4 Commentary

Integrity of the TAC

23. Te Ohu Kaimoana considers that the Quota Management System (QMS) is fit for fisheries management when utilised as it was designed. However illegal and unconstrained catch undermine the integrity of the TAC. Taking additional steps to manage the risk illegal take poses to the fishery is key to providing integrity to the TAC.

24. Equally important to upholding the integrity of the TAC is managing the recreational sector within the allowance that has been set.

CRA 2 Measures

25. Te Ohu Kaimoana supports the reduction of the daily bag limit for spiny rock lobster from six to three. This should effectively constrain the recreational sector to within their 34 t allowance and limit the risk of the rebuild being undermined by sectors exceeding their allowance.

26. We also support the introduction of telson clipping to assist with reducing the possibility of illegally caught rock lobster entering the commercial supply chain. This measure has been successfully implemented in the Te Whata Kai o Rakihouia i Te Tai o Marokura (the Kaikōura Marine Area) area.

27. The elimination of illegal take is problematic, but the introduction of an initial measures can work to minimise illegal take.

28. In addition to supporting telson clipping, Te Ohu Kaimoana encourages FNZ to take further steps. This could include investigating novel measures that improve estimates of recreational take. Poor estimates of recreational take and low frequency of recreational harvest surveys are problematic to the effective management of the fishery.

29. Recreational horn tagging was recently implemented in the Victoria, Australia rock lobster fishery and is a potential tool to assist in the effective management of the rock lobster fishery. The utility of horn tagging was a measure discussed at both the Whakatane and Thames recreational CRA2 management meetings held earlier this year. This measure was supported by the customary representatives in attendance.

2.5 Conclusion

30. Te Ohu Kaimoana supports:

- option 1A and 2A to reduce the daily bag limit for spiny rock lobster and to introduce mandatory telson clipping in the CRA2 fishery
- the reduction of the daily bag limit for spiny rock lobster from six to three
- the introduction of telson clipping.

31. In addition, Te Ohu Kaimoana encourages FNZ to investigate the utility of recreational horn tagging to improve estimates of recreational take.

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