

**Te Ohu Kaimoana's Response to
the Review of Sustainability
Measures for the 1 April 2023/2024
fishing year**



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Our response to this year's sustainability review

1. E te Minita, tēnei te mihi ki a koe i tēnei āhuatanga o te wā. This document provides Te Ohu Kaimoana's advice for your review of the sustainability measures for April 2023/24.
2. Our role in this review process arises from our responsibility to protect the rights and interests of iwi/Māori and to assist the Crown to discharge its obligations under both Te Tiriti and the Deed of Settlement¹. We note in particular that Te Tiriti guaranteed that Māori would maintain tino rangatiratanga over our fisheries resources, the need for both parties to work toward furthering the fisheries settlement, and the requirement to interpret and use powers under the Fisheries Act in a manner consistent with the fisheries settlement². Our response to the sustainability round and the fisheries management measures proposed by Fisheries New Zealand (FNZ) is shaped by the following:

Te Ao Maori-centred fisheries management

3. Te Hā o Tangaroa kia ora ai tāua is the guiding principle of Te Ohu Kaimoana and endorsed by iwi. It translates to the 'breath of Tangaroa sustains us'. Māori rights in fisheries are not just a right to harvest but also to use the resource in a way that provides for social, cultural, and economic well-being now, and for future generations. Te Hā o Tangaroa kia ora ai tāua, the basis for our advice, does not mean that Māori have a right to use fisheries resources to the detriment of other children of Tangaroa: rights are an extension of responsibility and are enduring through generations to come. It is an expression of the unique and lasting connection Māori have with the environment and contains the principles we use to analyse and develop modern fisheries policy, including the positions we have provided in this response.

Protection of the settlement

4. Any regulatory decision that may potentially undermine the settlement without very clear reasoning as to how it will remain consistent with Te Tiriti and the fisheries settlement is a cause for concern. An enduring fisheries settlement is not supported by low-level regulatory decision-making that diminishes the value of settlement assets³.

¹ Māori Fisheries Deed of Settlement 1992. The Deed is, in part, given effect to by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Māori Fisheries Act 2004. The Ohu Kaimoana's statutory purpose is set out in s 32 of the Māori Fisheries Act 2004.

² See Article 2 of te Tiriti o Waitangi, s 32(b) of the Maori Fisheries Settlement Act 2004, and Fisheries Act 1996, s 5.

³ Note s 32(d) of the Maori Fisheries Settlement Act 2004.

Ki uta ki tai – A mountains to sea approach

5. There is growing awareness and concern over the impacts that human land-based activities have on our marine ecosystems. The connectivity between the land and sea means that onshore activities have flow-on effects to freshwater and marine environments—negative impacts such as sedimentation, nutrification and deforestation affect the ability for Māori to maintain aspects of their relationship with Tangaroa. The principles of Te Hā o Tangaroa require a reciprocal relationship with Tangaroa and the aquatic life within it. In essence, marine health degradation directly reduces people's ability to sustain their economic, cultural, and social wellbeing from the marine environment.
6. This issue is relevant to this year's sustainability review as it contains three stocks that have concerns about habitat degradation affecting their abundance. Kōura (crayfish), tipa (scallops) and pāua occupy inshore environments where their habitats are particularly vulnerable to land-based pollutants. The increasing plight of kina barrens are also contributing to habitat degradation of other inshore taonga and need to be better understood. Broader and more holistic conversations need to be had to address local depletion of these stocks, as well as kina barrens, and must include land-based activities that negatively impact the crucial environment of these taonga.

Whānau Māori accessing kaimoana under the recreational regulations

7. We acknowledge the integral role of recreational fishing as the lifeblood for many of our coastal communities, particularly for Māori. In our view, our communities that fish for their whānau, hapū and iwi sit outside our conceptualisation of the recreational sector. We note that some iwi actively encourage this form of fishing to occur in accordance with customary fishing regulations, but in other situations individuals are able to make an open choice.

Improved recreational catch information

8. Because recreational take is so poorly understood, management focuses on constraining commercial catch rather than understanding total harvest. A more accurate understanding of recreational catch across all stocks within this consultation process, including amateur charter vessels, will strengthen the current assessment process and provide a better insight into the health of these stocks to support improved management. We urge FNZ to address these reoccurring concerns and explore different methods and initiatives for understanding recreational catch. Potential avenues may include reporting catch and managing what fish can be returned to Tangaroa and under what circumstances.

Māngai and tautoko for Māori interests

9. We work on behalf of 58 Mandated Iwi Organisations⁴ (MIO) who represent iwi throughout Aotearoa. Further to this we support the Asset Holding Companies (AHCs) who hold Māori Fisheries Settlement Assets on behalf of their MIOs. Those assets include Individual Transferable Quota (ITQ) and shares in Aotearoa Fisheries Limited (trading as Moana New Zealand), which owns 50% of Sealord Group Limited.
10. We do not intend for our response to conflict with or override any response provided independently by iwi, through their MIOs or AHCs.

Summary

11. Based on our analysis and engagement with representatives from iwi, relevant to the stocks below, Te Ohu Kaimoana's positions can be found below in the table below.

Fish stock	FNZ's Proposal	Our Position
Kōura (CRA1)	↓	We support an alternative option for CRA.
Pāua (PAU2)	-	We support setting a TAC and Option 2 until further information becomes available.
Tīpa (SCACS)	↓	We support Option 2 and FNZ working with iwi to shape research, appropriate management measures and recovery strategies.
Kina (SUR7A)	-	We support Option 1 and FNZ to work directly with iwi in the management of their moana and taonga.

⁴ MIO as defined in The Maori Fisheries Act 2004: in relation to an iwi, means an organisation recognised by Te Ohu Kai Moana Trustee Limited under section 13 (1) as the representative organisation of that iwi under this Act, and a reference to a mandated iwi organisation includes a reference to a recognised iwi organisation to the extent provided for by section 27.

Inshore Stocks

Kōura – Northland (CRA1)

Our view

- We propose an alternative option for CRA1.

	TAC	TACC	Customary	Recreational	OSFM
Option 1.1	188	105	20	22	41

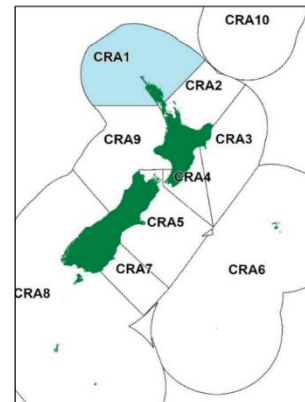
Proposed Options

Table 1: Proposed management options (in tonnes) for CRA 1 from 1 April 2023.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 (current settings)	193	105	20	27	41
Option 2	182 ↓ (11 t)	99 ↓ (6 t)	20	22 ↓ (5 t)	41
Option 3	172 ↓ (21 t)	89 ↓ (16 t)	20	22 ↓ (5 t)	41
Option 4	151 ↓ (42 t)	71 ↓ (34 t)	20	19 ↓ (8 t)	41

Table 2: Proposed recreational daily limit options for CRA 1 from 1 April 2023.

	Combined daily limit ²	Max spiny rock lobster daily limit
Option A (current settings)	6	6
Option B (proposed for Options 2 and 3 above)	6	3 ↓ (3)
Option C (proposed for Option 4 above)	6	2 ↓ (4)



Ngā whakaaro matua - rationale

Modest decrease in the TAC

12. Based on the best available information, the CRA1 stock is at a sustainable level of harvest, and the projections indicate a high probability (83%) of an increase in biomass. However, due to past reductions of the recreational allowance without adjusting recreational daily bag limits, we see it appropriate to reduce the TAC to 188 tonnes.

The best available information does not require TACC adjustments

13. There is no sustainability concern under the current commercial catch (status quo - Option 1), and this option also enables the fishery to increase above the agreed reference level of 454 tonnes.

14. Our position is to support the retention of the current TACC setting.

Aligning recreational bag limits to the recreational allowance

15. We have commented in the past, and particularly on the CRA1 stock, that recreational adjustments to the recreational allowance do not constrain the recreational sector. Regulatory changes such as bag limits and accumulation limits must occur in this sector to contribute to a TAC decrease and a corresponding reduction in the recreational allowance. We are pleased that Options 2, 3, and 4 propose decreases in daily bag limits.
16. To ensure sustainable fisheries, the recreational sector must be actively managed. Aligning past reductions in the recreational allowance by reducing daily bag limits is required to achieve this. We support the reduction of 3 kōura (spiny rock lobster) within a daily bag limit of 6 is necessary to manage recreational take. This reduction will also assist with constraining the increase of recreational catch as the CRA1 biomass looks to increase. These adjustments are necessary as recreational take is so poorly understood.

Local concerns: Complex issues require broader, holistic conversations

17. We acknowledge the localised depletion of kōura and the growing issue of kina barrens within areas of Te Tai Tokerau, however it is poor management to expect TAC and TACC reductions alone, across the wider fisheries management area to address these concerns.
18. Decreasing the TAC may contribute to fast tracking the increase of kōura populations in CRA1 generally, but effectively managing local concerns will require wider conversations to address the myriad of impacts upon the stocks and areas of concern.
19. More holistic and localised approaches to tailor management efforts to specific issues are needed, and we encourage FNZ to integrate perspectives and solutions from governing agencies, industries, stakeholders, and mana whenua to do so.

Local solutions: Supporting iwi to utilise appropriate tools to address local concerns

20. We strongly support the concerns that both Te Tai Tokerau Iwi fisheries forums have expressed regarding localised depletion issues. The CRA1 fisheries management area is extensive and too large an area to impose general reductions in order to combat localised concerns. Alongside better management of recreational fishers, the tools provided for in the Fisheries (Kaimoana Customary Fishing) regulations 1998 (customary regulations) are more suited to address sustainability concerns at the hāpori level.
21. We strongly encourage FNZ to work with whānau, hapū and iwi quota holders to identify more appropriate, fine scale management tools to address kina barrens and kōura depletion in specific areas, such as tools within the customary regulations. This must be done in a way that does not shift pressure from one bay to another but address each local concern as interconnected issues which impact on the collective.

Appropriate consultation timeframes

22. We express our disappointment in the lack of time iwi/ Māori were provided to fully engage in the CRA1 review. With less than a month to consult for this stock, it is insufficient and further places pressure on iwi quota holders to hastily feed information to their various marae and hapū in order to receive informed positions from their people. Given the nature of quota management areas encapsulating numerous rohe of iwi, and the consecutive cuts in the TAC in the past fishing years, it is essential that each iwi within CRA1 can work collaboratively to find equitable solutions to address local concerns, and with support from FNZ.

Pāua – East Cape, Hawke’s Bay, Wellington Taranaki (PAU2)

Our view

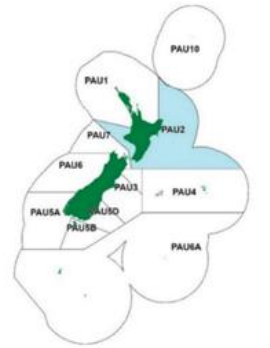
- We support setting a TAC for PAU2.
- We support Option 2 until further information on recreational harvest is gathered.

Proposed Options

Table 1: Proposed management options (in tonnes) for PAU2 from 1 October 2023.

Option	TAC	TACC	Allowances			Recreational Daily Limit
			Customary Māori	Recreational	All other mortality caused by fishing	
Current settings	N/A	121.19t	N/A	N/A	N/A	10 per fisher*
Option 1	227.19t	121.19t	12t	83t	11t	10 per fisher*
Option 2	192.19t	121.19t	12t	48t	11t	5 per fisher*
Option 3	175.19t	121.19t	12t	31t	11t	3 per fisher*

*Of each species (blackfoot pāua and yellowfoot pāua).



Ngā whakaaro matua - Rationale

Setting the TAC

23. We support the setting of a TAC limit to reflect the reductions of the recreational daily bag limit and setting of the recreational allowance. We support Option 2 as a conservative TAC limit, until further information on recreational harvest is gathered.

Maintaining the TACC

24. We support leaving the TACC limit at the current setting due to their being no concerns raised from our commercial entities.

Reduction of the recreational daily limit and allowance setting

25. Pāua are a highly valued customary, commercial and recreational fishery. The importance of decreasing the recreational daily bag limit for PAU2 is evident within the consultation document. Iwi and their kaitiaki continue to respond to mass depletion within their own rohe moana by utilising tools in the customary regulations (establishing s186A closures).

26. Examples include the s186A closure in Waimārama and three mātaimai along the Hawke’s Bay coastline which all prohibit pāua harvesting. We also note the recently gazetted s186A closure in Western Taranaki, which also

includes the prohibition of pāua harvesting, and the recent consultations for s186A closures (that both prohibit shellfish harvesting) for the Napier Port and Tangoiro/Waihirere and Motuoroi, north of Gisborne.

27. These closures alone are not an effective nor on-going management tool as compared to FNZ, local mana whenua and kaitiaki have limited tools and resources to manage recreational fishing.
28. Given the high level of uncertainty with the current estimate for the recreational catch, and feedback we have received from iwi, we believe constraining the recreational allowance to 48-tonne and a daily bag limit of 5 provides a more precautionary approach until further fine-scale information is available to better assess which pāua populations within PAU2 are at risk of decline and those that can be sustainably harvested.

Supporting the concerns of mana whenua

29. We believe the current review, recommended by the Mai Paritu ki Turakirae Fisheries forum, to manage recreational fishing is a positive step towards meaningful management of the recreational sector for PAU2 fisheries.
30. The reductions to the recreational daily bag limit is also supported by the iwi of the Te Taihauāuru Iwi Fisheries Forum FMA8 to ensure the sustainability of the pāua fishery.

Local concerns demand broader effective management

31. While we have already raised the above concerns, the actions taken by tāngata whenua (implementing s186A closures) demand a broader effective fisheries management response. Fisheries closures, whether temporary or permanent, displace fishing efforts to neighbouring areas, which increase fishing pressure and localised depletion in vicinal areas. We strongly encourage FNZ to support iwi in addressing their local concerns as interconnected issues which impact on the collective.

Solutions to effectively manage PAU2

32. The 2017/2018 National Panel Survey (NPS) represents the best information available however confidence in this data is low due to an estimate for the recreational catch sitting at 83 tonnes (± 25).
33. Comprehensive fine-scale information on the recreational harvest is needed in order to strengthen the current assessment process and provide better insight into the health of pāua to support improved management. We recognise that effective fine-scale management can be complicated, costly, and highly political. Nevertheless, it must be urgently pursued – there is no alternative way of achieving the purpose of the Fisheries Act and complying with the Crown's obligations under the Fisheries Settlement.

34. We encourage the exploration of different methods and initiatives for understanding fine-scale information on the recreational harvest in pāua fisheries and to conduct a further assessment once the current temporary closures for pāua in the QMA have been lifted. If the status of the PAU2 fishery is subsequently assessed above the target level (based on evidence, science and mātauranga), then FNZ can initiate a further review of the TAC to determine the appropriate response.

35. We encourage FNZ to work with iwi to find holistic and local solutions that consider all the impacts pāua populations face at a fine scale, given the magnitude of the PAU2 QMA. These include land-use practices that introduce additional sediment, nutrients, and pollutants. This will require committed resources and time to ensure enduring solutions. In the interim, we support the additional management measures proposed by the Pāua 2 Industry Association (PauaMAC2) to give confidence that the recreational catch will be constrained to the recreational allowance until further information and future management measures can be implemented at a fine scale.

Tipa – Coromandel Scallops (SCACS)

Our view

- We support Option 2.
- We encourage FNZ to work with iwi on shaping the research needed as well as the appropriate recovery strategies and management solutions to address the decline in the SCACS fishery.

Proposed Options

Table 1: Proposed management options for SCA CS. All figures are in tonnes of meatweight.

Option	Closure	TAC	TACC	Allowances		
				Customary Māori	Recreational	All other mortality caused by fishing
Current settings (Status quo)	Partial closure (s11)	19	5	10	3	1
Option 1	Full closure (s11)	19	5	10	3	1
Option 2	Full closure (s11)	11 ↓ (8 t)	0 ↓ (5 t)	10	0 ↓ (3 t)	1



Figure 1: Quota Management Area (QMA) for SCACS.

Ngā whakaaro matua - Rationale

Our position is that the TAC should be set to reflect the state of the fishery

36. We support a s11 closure in helping to protect scallop beds from the direct and indirect impacts of fishing activity, and provide the greatest chance of recovery to greater abundance. We note that this closure will not prohibit customary fishing. This is in line with the feedback we have received from MIO's. However, the management settings of the TAC, TACC, and allowances for SCACS should be reduced to recognise that no fishing would occur, and the TAC should be set to reflect the state of the fishery. Under Option 1, cost recovery levies will be payable and there may be a net cost for iwi holding quota in these fisheries. Hence, we support Option 2 to protect the sustainability of stock while alleviating the financial burden on iwi settlement quota interests.

Iwi are integral to creating successful fisheries management solutions

37. There is a sustainability issue in SCACS that needs to be addressed. Iwi need to be actively involved in any decision-making regarding the future of these scallop fisheries. The consultation document itself highlights how Iwi have exercised their rangatiratanga and used customary tools to improve the health of scallop populations. Examples provided include s186A closures for East Coromandel and Waiheke Island at the request of Ngāti Hei and Ngati Paoa respectively. In addition, we note that Ngāti Manuhiri has applied for a s186A closure that would cover the remaining two areas open to commercial and recreational scallop fishing. However, these measures have not led to the recovery of the stock.

38. We encourage FNZ to work with iwi to find holistic solutions that consider all the impacts that scallop populations face. These include land-use practices that introduce additional sediment, nutrients and pollutants. This will require committed resources and time to ensure enduring solutions.
39. There is a need to prioritise and commit funding to a long-term research plan for SCACS to better understand some of the issues (both fishing and non-fishing, including habitat) and develop appropriate management and recovery strategies. While a full closure of the area will not be enough to improve the health of the SCACS fishery, we note the planned research outlined in the Government's Revitalising the Gulf strategy, and in the recent release of the draft Hauraki Gulf Fisheries Plan. We see an opportunity through the strategy and plan to obtain further environmental information on the SCACS fishery area.
40. We recommend a full stock assessment of the entire SCACS QMA to understand the abundance of the stock within the entire area (i.e. the SCACS fishery extends south from Leigh to Maketū on the northeast coast of the North Island and encompasses the Hauraki Gulf and the Western Bay of Plenty). We strongly encourage such research to be shaped and to draw upon mātauranga of iwi in the Hauraki and Bay of Plenty rohe, who have customary (commercial and non-commercial) rights in SCACS QMA.

Kina – Kura Te Au, Tory Channel - Marlborough Sounds - (SUR7A)

Our view

- We support Option 1.
- We strongly encourage FNZ to work directly with iwi in the management of their moana.

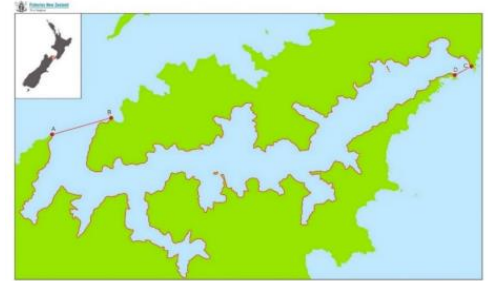
Proposed options

Table 1: Proposed management options.

Option	Description
Option 1	Regulatory change to prohibit commercial kina dredging in Tory Channel (all areas).
Option 2	Regulatory change to prohibit commercial kina dredging in specified areas of Tory Channel, while allowing it in depths greater than 50 m, where dredging would be less impactful.
Option 3	No regulatory change. Commercial fishers may voluntarily agree not to dredge for kina in Tory Channel.

Fisheries New Zealand

Review of commercial kina dredging in Tory Channel / Kura te Au, Marlborough Sounds • 1



Ngā whakaaro matua – Rationale

We support a ban on all dredging in Kura Te Au

41. To align fully with the purpose of the consultation, we support a full ban on all dredging within Kura Te Au, including commercial kina dredging and recreational dredging for all species.
42. Kina within Kura Te Au are of high quality, and the likelihood of shifting fishing efforts elsewhere is therefore low. Since the 2013/14 fishing year, the SUR7A annual catch entitlement (ACE) caught ranged from 90%-106% of the available TACC. The increase in kina dredging within the last three years indicates an increased dependence on this fishing method by commercial fishers.

We support iwi, as Treaty partners, to determine the future of their moana and taonga

43. The sustainability of the kina stock is not under review. It is only appropriate that we encourage FNZ to consider alternative fishing management, including, where selective harvest is possible, within these ecologically significant environments. Under Option 1, prohibiting kina dredging is indefinite. It is essential that alternative fishing methods are explored in order for commercial fishers to ensure avoiding localised depletion in shallower depths. Iwi must be at the forefront of these decisions and deliberations.
44. It is of the utmost importance that iwi, as kaitiaki and quota holders are involved and engaged within this process and must extend to a partnership rather than consultation. Iwi of Te Tau Ihu for many generations have conducted

their kaitiaki responsibilities to ensure that taonga such as kina can be harvested for the benefit of all who rely on Kura Te Au waters. Iwi localised knowledge and experience in generational customary fishing will provide holistic lenses and solutions to enhance such a management framework.