

# Te Taumanu o Te Waka a Māui Taiāpure and Oaro Haumuri Taiāpure Management Committees



27 October 2017

## Executive Summary

1. The Fisheries Act 1996 (the Fisheries Act) contains provisions allowing a taiāpure-local fishery management committee to recommend to the Minister of Fisheries (now the Minister for Primary Industries) the making of regulations for the conservation and management of fish, aquatic life or seaweed in a taiāpure-local fishery.
2. The Oaro Haumuri Taiāpure and Te Taumanu o Te Waka a Māui Taiāpure Management Committees (the taiāpure committees), recommend to the Minister for Primary Industries that he approve regulations restricting and prohibiting the fishing of shellfish, finfish and seaweed species within these Taiāpure-Local Fisheries. Regulations have been proposed for both commercial and recreational fishers. These cover:
  - changing the s186B temporary closure on Waiōpuka Reef to an open-ended closure;
  - introducing a ban on rock lobster fishing from Amateur Charter Vessels (ACV) and a new daily bag limit and pot limit for recreational rock lobster fishing within both taiāpure;
  - introducing new daily bag limits for recreational fishing of butterfish, blue moki, tarakihi, gurnard, flatfish, trumpeter, marblefish, leatherjacket, red cod, yellow-eyed mullet, kahawai, rig and school shark accompanied by commercial fishing prohibitions for these species within both taiāpure;
  - introducing a recreational fishing ban on blue cod fishing within both taiāpure;
  - introducing a commercial and recreational fishing ban on all other shellfish species (except rock lobster) and all seaweed species within Te Taumanu o Te Waka a Māui Taiāpure;
  - introducing a commercial and recreational fishing ban on all other shellfish species (except rock lobster) and all seaweed species within the Oaro-Haumuri Taiāpure (with a caveat for pāua and karengo).

## **Oaro Haumuri Taiāpure, Te Taumanu o Te Waka a Māui Taiāpure & Taiāpure Committees**

3. The Fisheries Act contains provisions allowing for the establishment of a taiāpure and the subsequent appointment of a management committee<sup>1</sup>. The object of this part of the Act (Part IX) is to “...make...better provision for the recognition of rangatiratanga and of the right secured in relation to fisheries by Article II of the Treaty of Waitangi”. Te Rūnanga o Kaikōura’s applications for the Oaro Haumuri Taiāpure and Te Taumanu o Te Waka a Māui Taiāpure were given legal effect by the Kaikōura (Te Tai o Marokura) Marine Management Act 2014 and the taiāpure committees were appointed to manage these taiāpure under Part IX of the Fisheries Act in August 2015.
4. The taiāpure committees are made up of representatives from Te Rūnanga o Kaikōura as well as local recreational fishers, commercial rock lobster and pāua fishers, the University of Canterbury and the Kaikōura Branch of Forest and Bird.
5. The two taiāpure (refer Map 1 and Map 2) contain a diverse range of species and habitats. The areas are fished by recreational, commercial and customary fishers.

### **Taiāpure Vision**

6. The fisheries resources and marine environment within the taiāpure areas are protected and enhanced to abundant levels for present and future generations to enjoy and use in a sustainable manner and for mahinga kai practices to continue through the generations.

*Mō tātou, ā, mō ngā uri ā muri ake nei  
For us and our children after us*

### **Taiāpure Objectives**

7. The objectives of the taiāpure are to:
  - i) ensure customary fishers have access to and use of abundant supplies of mahinga kai in order to exercise their customary rights including the manaaki of manuhiri;
  - ii) actively promote the use of traditional tikanga (customs) and kawa (protocols) such as rāhui (temporary closures) through the management regulations for the taiāpure (using ‘lore’ to create the ‘law’);
  - iii) prevent further degradation of the mauri and wairua of these taiāpure;
  - iv) ensure the adverse impacts of human activities on the marine environment, fisheries habitat and associated and dependant species are avoided, remedied or mitigated;
  - v) ensure all mahinga kai from these taiāpure are fit for human consumption.

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<sup>1</sup> Sections 174 to 184 of the Fisheries Act 1996.

## Overview & Background

8. In meeting the objectives of the taiāpure, Te Rūnanga o Kaikōura has chosen to exercise their chieftainship through community-based taiāpure management committees. The taiāpure committees wish to manaaki (look after) the local community and, in order to achieve this, they need to ensure the fishery is rebuilt and restored to abundant levels. This will protect and future-proof the ability of customary fishers and the local community to 'fish for a taste' in the taiāpure.
9. In recommending these initial management measures, the taiāpure committees considered that an area closure, species prohibitions and reduced daily bag limits were all necessary to reduce fishing pressure on shellfish and finfish species in order to build abundance. Local knowledge indicates that fish stocks in the taiāpure were nowhere near as abundant and accessible as they were in the past. Pāua in particular had decreased in number and distribution in customary depths. The recent earthquake has exacerbated these issues. The recommended regulatory measures are now required in order to achieve the vision and objectives of the taiāpure committees.
10. Many of the recommended regulatory measures are supported by research undertaken on behalf of the taiāpure committees by Te Tiaki Mahinga Kai (a research and monitoring support team for Customary Protection Area (CPA) managers centred at the University of Otago).
11. Accordingly, the taiāpure committees recommend the Minister for Primary Industries, under section 297 of the Fisheries Act, makes regulations to ensure the conservation and management of fish, aquatic life and seaweed in the taiāpure.

## Area Closure – Waiopuka Reef

12. The fishery at Waiopuka Reef was once extremely abundant and was a significant resource for Ngāi Tahu who occupied the Takahanga Pā area. Traditional customary knowledge notes that from the time the Ngāi Tahu leader Maru Kaitātea took Takahanga Pā for Ngāi Tahu occupation, the site acted as a staging post for Ngāi Tahu migrations further south. Takahanga Marae remains as a focal point for Ngāti Kuri and as such the kaimoana provided by Te Taumanu o Te Waka a Maui will be required to sustain the many cultural functions of the marae as well as supply the hapū members with an abundant food source.
13. The reef is currently closed under a s186B 'rāhui'. The Rāhui was first established in the year 2000. The current rāhui is due to expire in July 2018.
14. Surveys by Te Tiaki Mahinga Kai in May 2017 indicate that the densities of pāua at Waiopuka were relatively low. It was noted that for species with a free-spawning reproductive strategy, like pāua, low densities can result in limited fertilisation success – known as a population allee effect. For pāua, densities of less than 1 m<sup>2</sup> may be sufficient to cause this allee effect. The densities of pāua

in Waiopuka were significantly below 1 m<sup>2</sup>. Other important mahinga kai species are present in low densities also.

15. Therefore, to address concerns over the status of the fishery at Waiopuka, the taiāpure committee believes an open-ended prohibition on harvesting is warranted and necessary.
16. No end date would be placed on the closure, however, it is the taiāpure committee's intention to periodically monitor the closure to determine if it has achieved sufficient density to facilitate the customary harvesting practices previously used in the area. Given the slow recovery rate, the Committee requests that rather than regularly having to make application to renew a temporary closure, that the regulation be open-ended and only rescinded when target densities have been achieved.
17. Accordingly, Te Taumanu o Te Waka a Māui Taiāpure Committee recommends, under section 185 of the Fisheries Act, the Minister makes a regulation under section 297 of the Fisheries Act that:
  - prohibits the taking of fish, aquatic life and seaweed from the Waiopuka Reef area.
18. The taiāpure committee also notes that the s297 regulation will allow for experimental fishing under customary authorisations issued by Kaikōura Tangata Tiaki/Kaitiaki via r11 of the *Fisheries (South Island Customary Fishing) Regulations 1999* in order to develop an appropriate fishing regime for when the Waiopuka closure is lifted.

#### **New recreational rock lobster bag and pot limits and prohibition on ACV**

19. Local knowledge and observations indicate that near-shore rock lobster stocks have declined from the numbers that the Ngāti Kuri ancestors once relied upon in the two taiāpure. To rebuild these near-shore stocks in order to achieve the vision and objectives of the taiāpure, the taiāpure committees believe a reduction in recreational fishing pressure is warranted and necessary. Several measures are proposed that combined will work to retain greater rock lobster numbers in the shallows for customary and recreational fishers alike to access using customary, hand gathering methods.
20. The taiāpure committees note that further reductions in commercial rock lobster fishing pressure in the taiāpure are not warranted at this time as CRAMAC5 has already taken the necessary steps to reduce fishing pressure in these areas over the past four years. The reduction in effort was necessary as the areas became more popular with other sectors. Commercial data shows a stable level of ACE (Annual Catch Entitlement) in and around the taiāpure over the past 5 years. Four of the five Kaikōura commercial vessels have harvested in and adjacent to the taiāpure over generations. One of these vessels has moved south with 6mt of ACE, one vessel has moved north with 3mt of ACE, one fisherman has taken 5mt off his vessel and put it on another vessel that is now fishing south in and around the Bushett Scholl. Further, not all remaining ACE

caught adjacent to the two peninsula areas has been caught within the boundaries of the taiāpure. The taiāpure committees will of course work with CRAMAC 5 to ensure the commercial catch levels remain at these reduced levels.

21. Accordingly, the taiāpure committees recommend, under section 185 of the Fisheries Act, the Minister makes regulations under section 297 of the Fisheries Act that:
- prohibits rock lobster fishing from Amateur Charter Vessels within the two taiāpure;
  - limits the recreational daily bag limit to three (3) rock lobster per fisher within the two taiāpure; and
  - limits the number of recreational rock lobster pots that may be used when taking rock lobster from within the two taiāpure to three (3) per vessel (regardless of the number of fishers on board).
22. In doing so, the above measure will not only increase the access to the lobster fishery in the taiāpure for recreational fishers who have less capacity (smaller boats, smaller/less pots) but it will also recognise that hand gathering is a customary fishing method, in line with the taiāpure status of the fishery, and it will recognise and provide for the protection of juvenile rock lobster that are so critical to the long-term sustainability of the fishery.

**New recreational daily bag limits and commercial prohibition for butterfish, blue moki, tarakihi, gurnard, flatfish, trumpeter, marblefish, leatherjacket, red cod, yellow-eyed mullet, kahawai, rig and school shark**

23. Local knowledge and observations indicate that near-shore stocks of these species have declined from the numbers that the Ngāti Kuri ancestors once relied upon in the two taiāpure. To provide greater customary fisher access to these stocks when they are within the taiāpure, the taiāpure committees believe a reduction in recreational fishing pressure and a ban on commercial fishing for these stocks is warranted and necessary.
24. Accordingly, the taiāpure committees recommend, under section 185 of the Fisheries Act, the Minister makes regulations under section 297 of the Fisheries Act that:
- prohibits the commercial fishing for butterfish, blue moki, tarakihi, gurnard, flatfish, trumpeter, marblefish, leatherjacket, red cod, yellow-eyed mullet, kahawai, rig and school shark from within the two taiāpure;
  - restricts the recreational daily bag limit to three (3) butterfish, three (3) blue moki, three (3) tarakihi, three (3) gurnard, three (3) flatfish, one (1) trumpeter, three (3) marblefish, three (3) leatherjacket, three (3) red cod, six (6) yellow-eyed mullet, three (3) kahawai, one (1) rig and one (1) school shark per fisher within the two taiāpure.

## **Recreational prohibition for blue cod fishing**

25. Local knowledge and observations indicate that near-shore blue cod stocks have declined from the numbers that the Ngāti Kuri ancestors once relied upon in the two taiāpure. To rebuild these near-shore stocks in order to achieve the vision and objectives of the taiāpure, the taiāpure committees believe a prohibition on recreational fishing is warranted and necessary. These measures will work to retain greater blue cod numbers inside the taiāpure for customary fishers to access. The taiāpure committees note that blue cod is not targeted commercially with the two taiāpure and therefore there is no need to prohibit commercial blue cod fishing through new regulations.
26. Surveys by Te Tiaki Mahinga Kai in May 2017 indicate that there is a relatively small, near-shore Kaikōura Peninsula population and that only 4% of them are at or above the minimum legal size compared to 23% offshore.
27. Accordingly, the taiāpure committees recommend, under section 185 of the Fisheries Act, the Minister makes regulations under section 297 of the Fisheries Act that:
  - prohibits recreational blue cod fishing within the two taiāpure.
28. In doing so, the above measure will not only recognise and provide for greater customary fisher access, in line with the taiāpure status of the fishery, but it will also recognise and provide for the protection of juvenile blue cod that are so critical to the long-term sustainability of the fishery.

## **Recreational and commercial prohibition on fishing for all other species of shellfish (except rock lobster) and all seaweed species within Te Taumanu o Te Waka a Māui Taiāpure**

29. In response to the recent earthquake the Minister has approved the implementation of a s11 sustainability measure prohibiting the recreational and commercial harvest of all species of shellfish (except for rock lobster and scampi) and all species of seaweed for the kaikōura region.
30. To “...make...better provision for the recognition of rangatiratanga...”, Te Taumanu o Te Waka a Māui Taiāpure committee believes they, as reserve managers, should determine when and how fishing recommences within the taiāpure. Surveys by Te Tiaki Mahinga Kai in May 2017, which indicate that the densities of pāua in the taiāpure are well below 1 m<sup>2</sup> and that other key customary stocks are in a depleted state, support the need for a taiāpure regulation regardless of the impacts of the earthquake. The taiāpure committee therefore believes that a taiāpure regulation, that matches the provisions of the s11 sustainability measure (with the exception of scampi), is warranted and necessary.
31. The taiāpure committee is committed to providing future access to recreational and commercial fishers once stocks have rebuilt. In determining when and how fishing recommences within the taiāpure, the taiāpure committee will of course

work closely with groups such as the PauaMAC3 to ensure a fair opening regime that balances this access off against the need to conserve and rebuild stocks and to recognize and provide for customary fishing rights.

32. Accordingly, the taiāpure committee recommends, under section 185 of the Fisheries Act, the Minister makes a regulation under section 297 of the Fisheries Act that:
  - prohibits the recreational and commercial harvest of all species of shellfish (except for rock lobster) and all species of seaweed within Te Taumanu o Te Waka a Māui Taiāpure.
33. The taiāpure committee also notes that the s297 regulation will allow for experimental fishing under customary authorisations issued by Kaikōura Tangata Tiaki/Kaitiaki via r11 of the *Fisheries (South Island Customary Fishing) Regulations 1999* in order to develop an appropriate fishing regime for when elements of the prohibition are lifted.

**Recreational and commercial prohibition on fishing for all other species of shellfish (except rock lobster) and all seaweed species within the Oaro-Haumuri Taiāpure (with a caveat for pāua and karengo)**

34. In response to the recent earthquake the Minister has approved the implementation of a s11 sustainability measure prohibiting the recreational and commercial harvest of all species of shellfish (except for rock lobster and scampi) and all species of seaweed for the kaikōura region.
35. To “...make...better provision for the recognition of rangatiratanga...”, the Oaro-Haumuri Taiāpure committee believes they, as reserve managers, should determine when and how fishing recommences within the taiāpure. The taiāpure committee therefore believes that a taiāpure regulation, that matches the provisions of the s11 sustainability measure (with the exception of scampi), is warranted and necessary.
36. However, despite this initial ‘blanket’ taiāpure closure, it is the policy position of the Oaro-Haumuri Taiāpure Committee that when the s11 sustainability measure is lifted for pāua and karengo, a concurrent amendment should be made to this s297 regulation for pāua and karengo in the Oaro-Haumuri Taiāpure. This policy position has been developed in line with the best available information from PauaMAC3 and from Martin MacDonald (the commercial karengo fishing permit holder) that indicates these stocks in this taiāpure were not affected by the earthquake. As such, the taiāpure committee believes the s11 closure period should be sufficient to protect these stocks – in other words further restrictions through a taiāpure regulation would be unwarranted.
37. The taiāpure committee will also monitor the state of the fishery within the taiāpure over the period of the s11 closure in order to ascertain whether further immediate amendments should be made to the s297 regulation for other species.

38. The taiāpure committee is committed to providing future access to recreational and commercial fishers once stocks have rebuilt. In determining when and how pāua fishing recommences within the taiāpure when the s11 closure is lifted, the taiāpure committee will of course work closely with PauaMAC3 to ensure the special status of the taiāpure is recognized in any future Fisheries Plan for the Kaikōura region of the PAU 3 fishery (such that a fair opening regime is agreed to that balances access off against the need to conserve stocks and to recognize and provide for customary fishing rights in the taiāpure).
39. Accordingly, the taiāpure committee recommends, under section 185 of the Fisheries Act, the Minister makes a regulation under section 297 of the Fisheries Act that:
- prohibits the recreational and commercial harvest of all species of shellfish (except for rock lobster) and all species of seaweed within the Oaro-Haumuri Taiāpure;
  - Amends the initial taiāpure regulation to lift the prohibition on gathering pāua and karengo when the s11 sustainability measure is lifted for these species.
40. The taiāpure committee also notes that the s297 regulation will allow for experimental fishing under customary authorisations issued by Kaikōura Tangata Tiaki/Kaitiaki via r11 of the *Fisheries (South Island Customary Fishing) Regulations 1999* in order to develop an appropriate fishing regime for when elements of the prohibition are lifted.

## Proposals – Summary

41. Under section 185 of the Fisheries Act, the taiāpure committees recommend that the Minister for Primary Industries makes the following regulations under section 297 of the Fisheries Act:

### Prohibition on taking from Waiopuka Reef

- 1) No person may, on any day, **take** or **possess** any fish, aquatic life or seaweed taken from Waiopuka Reef within Te Taumanu o Te Waka a Māui Taiāpure.
- 2) For the purposes of this regulation, Waiopuka Reef commences at 42° 25.020'S 173° 42.492'E on the mean high water mark; then proceeding in a easterly direction to a point at 42° 25.020'S 173° 42.500'E; then proceeding in an east northeast direction to a point at 42° 25.010'S 173° 42.570'E; then proceeding in a north easterly direction to a point at 42° 24.800'S 173° 42.800'E; then proceeding in a north westerly direction to a point at 42° 24.540'S 173° 42.320'E; then proceeding in a south southwest direction to a point at 42° 24.790'S 173° 42.190'E; then proceeding due south to a point at 42° 24.791'S 173° 42.190'E on the mean high water and then following the mean high water mark to the point of commencement.



**Prohibition on Amateur Charter Vessels taking rock lobster**

- 1) No amateur fisher may, on any day, **take** or **possess** any rock lobster taken from within Te Taumanu o Te Waka a Māui Taiāpure and the Oaro-Haumuri Taiāpure from a registered Amateur Charter Vessel.

**Recreational bag and pot limits for rock lobster**

- 1) No amateur fisher may, on any day, **take** or **possess** more than three (3) rock lobster taken from within Te Taumanu o Te Waka a Māui Taiāpure and the Oaro-Haumuri Taiāpure.
- 2) Amateur fishers may not **use**, or **set** more than three (3) rock lobster pots per vessel (regardless of the number of fishers on board) to take rock lobster from within Te Taumanu o Te Waka a Māui Taiāpure and the Oaro-Haumuri Taiāpure.

**Commercial prohibition on taking butterfish, blue moki, tarakihi, gurnard, flatfish, trumpeter, marblefish, leatherjacket, red cod, yellow-eyed mullet, kahawai, rig and school shark**

- 1) No commercial fisher may, on any day, **take** or **possess** any butterfish, blue moki, tarakihi, gurnard, flatfish, trumpeter, marblefish, leatherjacket, red cod, yellow-eyed mullet, kahawai, rig and school shark taken from within Te Taumanu o Te Waka a Māui Taiāpure and the Oaro-Haumuri Taiāpure.

**Recreational bag limits for butterfish, blue moki, tarakihi, gurnard, flatfish, trumpeter, marblefish, leatherjacket, red cod, yellow-eyed mullet, kahawai, rig and school shark**

- 1) No amateur fisher may, on any day, **take** or **possess** more than three (3) butterfish, three (3) blue moki, three (3) tarakihi, three (3) gurnard, three (3) flatfish, one (1) trumpeter, three (3) marblefish, three (3) leatherjacket, three (3) red cod, six (6) yellow-eyed mullet, three (3) kahawai, one (1) rig and one (1) school shark taken from within Te Taumanu o Te Waka a Māui Taiāpure and the Oaro-Haumuri Taiāpure.

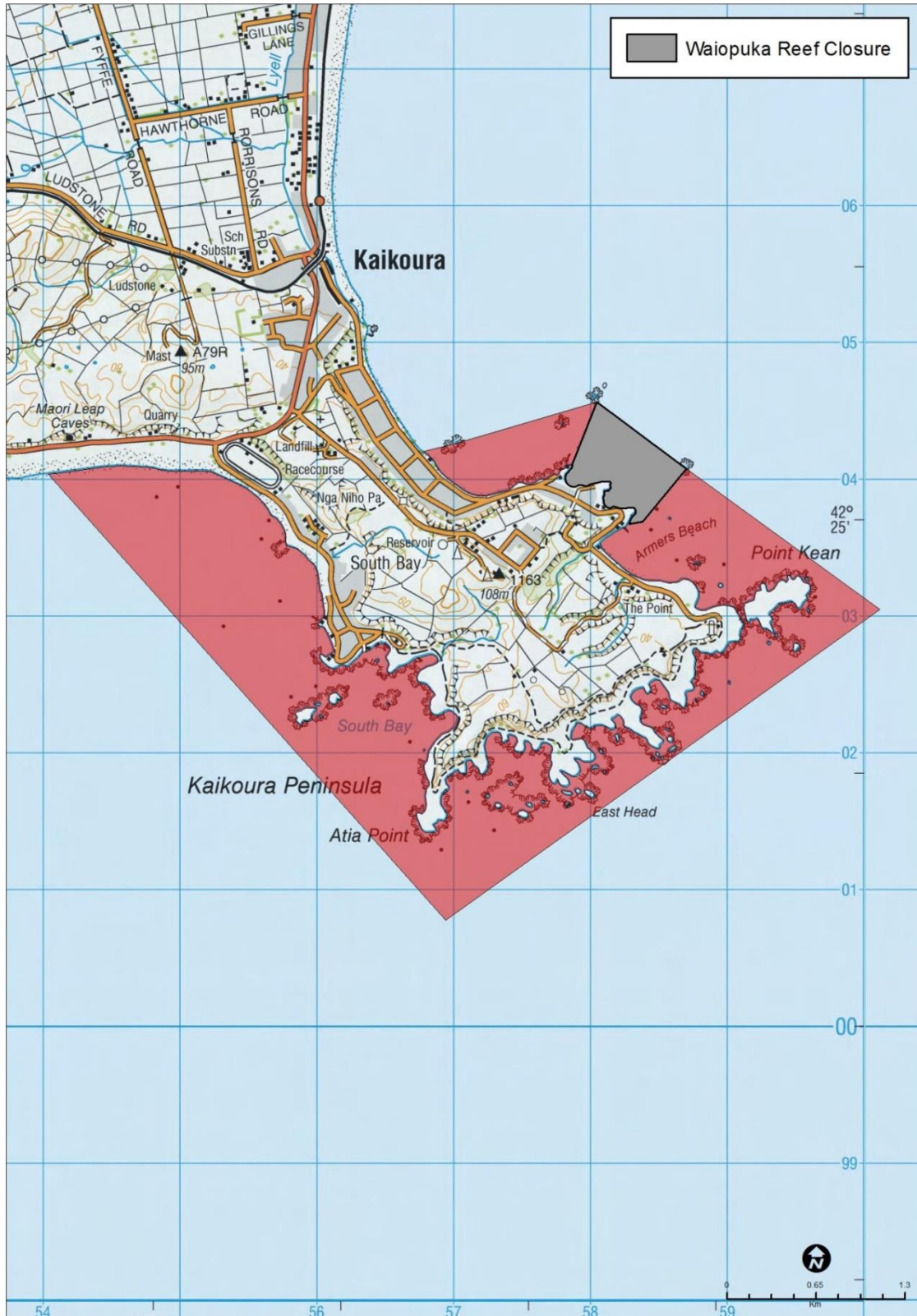
**Recreational prohibition on taking blue cod**

- 1) No amateur fisher may, on any day, **take** or **possess** any blue cod taken from within Te Taumanu o Te Waka a Māui Taiāpure and the Oaro-Haumuri Taiāpure.

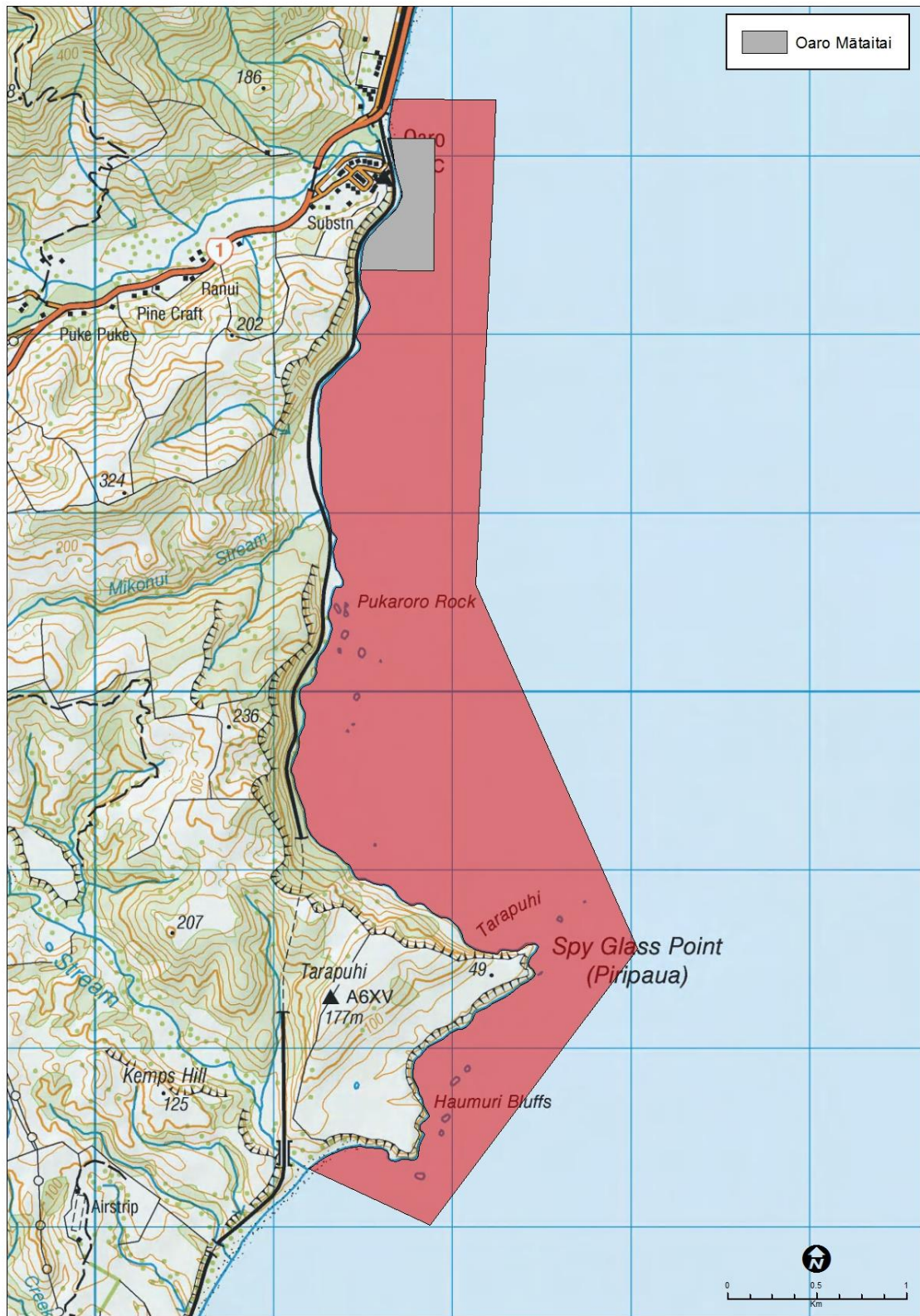
**Commercial and recreational prohibition on taking shellfish and seaweed**

- 1) No person may, on any day, **take** or **possess** any species of shellfish (except rock lobster) or any species of seaweed taken from within Te Taumanu o Te Waka a Māui Taiāpure.
- 2) No person may, on any day, **take** or **possess** any species of shellfish (except rock lobster) or any species of seaweed taken from within the Oaro-Haumuri Taiāpure.

42. By implementing the regulations as outlined above, the measures will limit the potential ongoing loss of stock levels and allow for rebuilding of those stocks to ensure sustainable utilisation into the future.
43. Implementation will also contribute to the legislative object of the taiāpure provisions of the Fisheries Act, by making better provision for the recognition of rangatiratanga given that the taiāpure areas have been, and are, of special customary significance to Kāti Kuri as a source of food and for spiritual and cultural reasons.



Map 1 – Te Taumanu o Te Waka a Māui Taiāpure



Map 2 – Oaro-Haumuri Taiāpure