FISHING
FOR THE FUTURE

A strategy for the Fisheries of the Kaipara Harbour

Final Report prepared by:

The Kaipara Harbour Sustainable Fisheries Management Study Group

December 2003

Fishing for the Future

A Strategy for the Fisheries of the Kaipara Harbour

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Appendices

Decisions for the Minister

The Kaipara Harbour Sustainable Fisheries Management Group presents this report with the knowledge that this Strategy requires some key decisions to be made by the Minister of Fisheries.

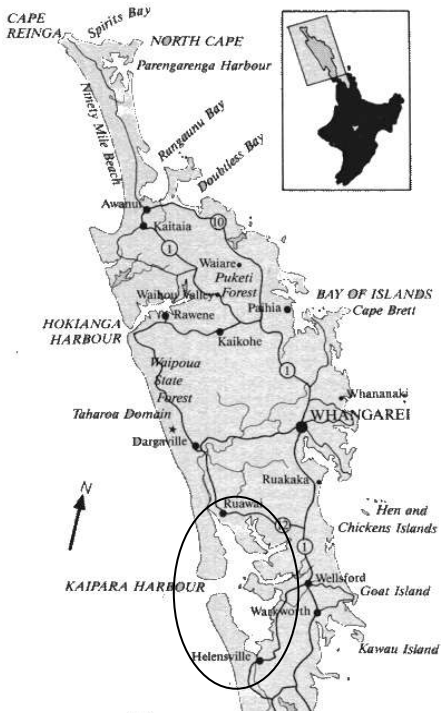
The Kaipara community and current fishers do not have the resources to manage this extensive Harbour on its own, and recognise that the Crown has the primary responsibility for managing these fisheries sustainably. The key decisions required by the Minister are as follows:

- A decision to introduce amended regulations specifically for the Kaipara Harbour that encompass the Codes of Practice outlined in this Strategy. The experience on the harbour is that voluntary agreements do not work and that amendments to regulations that are specific for the Kaipara are required. It is noted that there is a history of regulations that are specific to the Kaipara.

- The immediate imposition of a S186A Temporary Closure of the harbour for scallop collection for a period of up to two years to allow these depleted shellfish to recover.

- A decision to manage the fisheries of the Kaipara Harbour as a separate entity in order to manage ongoing fishing pressure. Given the size and importance of the harbour, the Study Group believes that a separate management regime is required. Two approaches are outlined within this Strategy and the pros and cons of each debated. Both involve a complimentary reduction in the current TACCs (Total Allowable Commercial Catch) for QMA1.

The Minister is asked to commit to a timetable in which he can address these issues.


CAPE REINGA
Spirits Bay
NORTH CAPE
Parengarenga Harbour
Ninety Mile Beach
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Doubtless Bay
Awanui
Kaitaia
Waiare
Puketi Forest
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WHANGAREI
Dargaville
Ruakaka
N
Ruawai
Hen and Chickens Islands
KAIPARA HARBOUR
Wellsford
Goat Island
Wadsworth
Kawau Island
Helensville

Executive Summary

The Kaipara Harbour is New Zealand's largest enclosed waterway and the second largest harbour in the world. It covers 500 square kilometres and contains over 3,000 kilometres of coastline. It has long been recognised as an important as a nursery for juvenile fish.

There is evidence of an increasing problem with fish stocks within the harbour, especially as an increasing percentage of the commercial catches within QMA1 are coming from the Kaipara. This is of particular concern to Maori, who have indicated that they do not feel able to exercise their customary fishing rights. Under the Deed of Settlement with Te Uri O Hau the Ministry of Fisheries is required to consult with the hapu and iwi of the harbour. In a low income area such as the Kaipara, the state of the local fisheries is of significant concern to the community.

Previous attempts to manage fishing pressure on the harbour have failed.

Some stakeholders, particularly companies owning significant quota, consider attempts at management as opposed to their economic interests. There is currently no company structure available to fulfil local area management, as defined by the Ministry of Fisheries, nor is there likely to be one in the foreseeable future. Fishers and quota holders have been unable to achieve a consensus previously on codes of practice issues, despite a number of attempts.

The aim of this Strategy is a sustainable Kaipara Harbour fishery. There is a clear preference from fishers, Maori and the community to work together with all stakeholders in order to achieve this.

The Study Group has worked for three years and undertaken wide consultation with all stakeholders. The views of all parties have been taken into account.

This Strategy outlines a basket of measures aimed at fulfilling the objective of a sustainable fishery on the Kaipara. The most significant recommendation is the establishing of a separate management area for the Kaipara. Options are presented to achieve this including:

- A separate Quota Management Area imposed by the Minister at Government's expense, recognising the special nature of the Kaipara and the sustainability issue posed.
- A permitting system which requires a separate licence endorsement for fishing on the Kaipara.
- Both these options also envisage the associated setting of a lower TACC for the wider (QMA 1) area to reflect current catch levels or lower, in order to ensure that the Kaipara sustainability measures are not undermined through over-fishing outside of the Harbour.

A separate QMA is the preferred approach of the Study Group.

In addition, codes of fishing practice for the commercial and recreational sectors are outlined. These require amendments to the current regulations. Part of the code of fishing practice is regulated and part voluntary. Regulation is seen as critical, as previous voluntary efforts on the harbour have failed. These measures will also require the development of a suitable compliance strategy in tandem with the local community.

Further, the Study Group is proposing a S186A temporary closure of the scallop beds for a period of up to two years.

The Study Group's clear aim has been a sustainable fishery for the benefit of all stakeholders. This will only be achieved if people work together and if measures are supported by regulation. Our experience has been that stakeholders will contribute significant resources to addressing issues only when there is a clear statutory authority and framework that provides for a necessary level of certainty. The Ministry of Fisheries and the Fisheries Act 1996 are clearly intended as the vehicles for providing this.

Such working together forges new directions for collective and community management of fisheries resources. This cannot be driven through a "*lassex faire"* or "hands off" approach by the Ministry (as for example through the framework suggested by the Ministry of Fisheries for Fisheries Plans) but rather must be through a collaborative approach between the community, fishers, iwi and the Crown, using meaningful dialogue so that people can achieve real results.

Background to the Kaipara Harbour

Geography

The Kaipara Harbour is the largest harbour in the southern hemisphere. Geographers describe it as a drowned river valley system. This characteristic results in New Zealand's largest enclosed waterway with some 3,350 kilometres of coastline and a total harbour area of 500 square kilometres.

The harbour acts as a catchment for over half of Northland's waterways and river systems, particularly the Northern Wairoa River and tributaries.

The Kaipara is tidal and characterised by large areas of shallow water that become mud flats at low tide. It is an important habitat for plant and bird life and has long been identified as a nursery area for marine life.

The Kaipara Harbour is protected by a large sandbar at the harbour mouth, making entry and exit difficult for vessels. However, its long coastline makes it readily accessible at a large number of launching points.

History

The harbour was an important part of pre-European history. Some of the largest concentrations of pre-European Maori population were based around the harbour, particularly at Pouto.

The wide range of the harbour made it an early means of transport for European settlers. The Kaipara became an important area for timber and later gum extraction, and at one stage was New Zealand's busiest port.

Following the depletion of timber and gum resources the harbour diminished in importance and the port was closed in 1947. Despite its proximity to Auckland, land use around the harbour remained dominated by pastoral farming until development pressures over the last recent years.

Increasingly the harbour is being discovered for its recreational values and accessibility to the metropolitan centres of Auckland.

Commercial Fishing on the Harbour

The richness of the Kaipara as a fishery was recognised early in European settlement.

An observer in 1888 wrote "*Snapper* can be caught by line fishing in the Kaipara, at the rate of 60 or 70 an hour per line of two hooks, and of an average weight of about 9 lbs each…*Mullet* average about 2 lbs each in weight, and I have known 120 dozen of them to be netted by two men in a day up here.

Patiki, a fish shaped exactly as the English flounder, but resembling more nearly in flavour the sole, are here in great numbers, and can be caught with a net in boatloads".

In 1882 a fish canning plant was established in Helensville employing twenty people. Seven or eight boats supplied the cannery which produced some 3,000 one pound tins of fish per day. The cannery was later moved to Batley, where it eventually was disbanded when the local area became depleted of mullet.

In 1913 twenty boats were counted fishing on the harbour with a new canning plant established at Helensville. In 1928 one hundred fishermen were reported as being employed on the harbour.

The sheltered nature of the harbour and therefore its ability to be worked in a variety of weathers led to the establishment of the fishery. In addition to the traditional catches of mullet and flounder, shark fishing became a large operation in the late 1940's. Rig has now become a significant commercial species and to a much lesser extent trevally.

On the West Coast outside the Harbour, Japanese long-lines began targeting snapper in the 1950's and 60's.

By the late 1960's, New Zealand single trawlers had become prominent. They were supplanted by pair trawlers in the following decade. By the 1980's the snapper fishery on the West Coast was significantly depleted, and this had an impact on the harbour fisheries.

Kaipara has a long tradition of launch-based commercial fishers who live in the local communities scattered around the harbour. A significant development in the 1970's was the introduction of mono-synthetic nets in place of the original rag nets, leading to increased fishing power. A parallel development was the increasing use of mobile dories to set nets or engage in the practice of ring netting. This led to the introduction of a limit (1,000 m) on the length of net that could be set on the Kaipara in an attempt to control fishing pressure.

Provision for net stalling is another measure that is unique to the Kaipara.

In 1982/83 many part-time fishers were excluded from the fishery as part of a process of rationalisation.

The introduction of the Quota Management System (QMS) in 1986 heralded a major change in the way that fisheries are managed. The level (based on peak catch years) and scale (the whole of the upper North Island) at which quota was set meant that these catch restrictions have never served as an effective constraint on fishing pressure for the main target species of flounder, grey mullet and rig, particularly in the Kaipara.

The last decade has been characterised by increasing spatial competition and conflict between commercial fishers on the Harbour.

Recreational Fishing

The Kaipara recreational fishery is primarily based around line fishing for snapper, and to a lesser extent kahawai and gurnard. Up until the 1960's the harbour was generally regarded as a productive fishery. However, by the 1970's a rapid decline had occurred.

The best areas for fishing include the Graveyard (near the harbour entry), the deeper channels and the nearby edge of the mud banks. During the summer, large numbers of juvenile snapper are found in the upper reaches of the harbour.

There is a growing charter boat industry and a large seasonal influx of holiday-makers.

A popular activity is dredging for scallops and, to a lesser extent, collecting cockles and pipi. There is widespread concern over the current depletion of these resources, particularly scallops.

Local people also set nets on the edge of channels to catch flounder and mullet.

Customary Fishing

The Kaipara is a customary fishery that is an important source of food (kai moana) for the numerous marae that are located along its edge.

Traditionally, fishing seasons were observed and at various times of the year large fishing camps were set up to catch snapper, kahawai and shark. These were dried on large racks to preserve them. Spearing of flounder, netting for mullet and the collection of shellfish were regular events.

The 1992 settlement of customary fishing rights safeguards Maori commercial interests, and provides for self-management of customary harvesting and the opportunity to create fishery management areas (such as mätaitai reserves and taiapure-local fisheries).

Ngati Whatua and Te Uri O Hau, have been part of the Kaipara Harbour Sustainable Fisheries Management Study Group. They have signalled their support for this process through the parallel development of a Customary Take Management Plan for the Harbour. This is presented in Appendix 5 for information.

There has been growing concern about protecting customary fishing rights.

The Te Uri O Hau Treaty Settlement formally recognised that the North Kaipara is the rohe or traditional fishing ground of the hapu. At present there is concern that customary fishers cannot readily access snapper or catch flounder, grey mullet and sharks in their nets. Local shellfish beds are depleted and there are a range of issues associated with environmental impacts and changes to the fisheries habitats, many arising from increased development on the coastal fringe of the Harbour.

Considerable debate among marae continues regarding fishing issues and the management actions that may be needed.

People on all marae have clearly indicated that their preference is to work as part of the local community, but results are needed in order to prove the efficacy of this approach.

Sources Used: The Natural History of Kaipara Harbour – Elaine Bardsley
New Zealand Oceanographic Institute 1979
Tall Spars, Steamers and Gum – Wayne Ryburn 1999
Kaipara Experiences of a Settler in Northland New Zealand – P W Barlow 1888

Previous Fisheries Management Experience on the Harbour

Prior to 1984 there were many regulations unique to the Kaipara Harbour and a high proportion of part-time fishers, particularly Maori. In 1984 the Ministry removed all those fishers who caught under $10,000 of fish (a significant amount at the time). This step was introduced despite a social impact report warning of the effects of such a move.

Between 1984 and 1986 the Kaipara Harbour Fisheries Liaison Committee operated as a forum for discussion. Its success was limited. The Committee effectively disbanded with the introduction of the quota management system in 1986.

In 1989 a draft fisheries management plan was published for the Auckland Fisheries Management Area. This provided for amended regulations within the Kaipara. The plan was subsequently withdrawn.

Conflict on the harbour grew. In 1994 a meeting was hosted by the Otamatea Maori Trust Board to reduce fishing conflict. A draft code of fishing practice was tabled. While initial agreement was reached, without regulatory support this code was soon forgotten. Conflict inevitably increased.

In 1997 a conflict at Tinopai involved both the Police and Ministry of Fisheries. It led to the Ministry funding a mediation process in an attempt to find a workable solution that would deal with what had become violent confrontation.

This mediation was unsuccessful. Further conflict led to meetings at Matakohe in 2000 in order to discuss a possible strategy for the harbour. In 2000 a temporary closure at Tinopai was introduced in support of a local rahui. These events led to the establishment of the Kaipara Harbour Sustainable Fisheries Study Group.

Also in this year the Northern Inshore Fishing Company (who represent some of the fishers on the harbour) met to discuss and investigate a code of fishing practice. The membership was unable to agree and this initiative lapsed.

The formulation of this Strategy has already had some impact on fishing practices by raising awareness of issues, but the underlying causes of this conflict remain unaddressed.

Problem Definition

A NIWA study (see Appendix 3) concludes that catch rates of the three major commercial species have declined in recent years in the Kaipara Harbour. However, an increasing proportion of landings from each species Quota Management Area comes from the Kaipara Harbour (see appendix 3).

This increased commercial fishing effort applied to the flounder (FLA), grey mullet (GMU) and rig (SPO) fisheries in the Kaipara Harbour has caused evidence of:

- Localised depletion effects in certain areas;
- Increased fishing effort being applied in the harbour to maintain catch levels (as shown by decline in the catch per unit effort measure);
- Spatial conflict and
- Wide-spread reports of inefficient fishing practices, leading to wastage through juvenile mass mortality, by catch and low quality fish.

There is far more Quota available than is caught for FLA1, GMU1 and SPO1. Therefore the Quota Management System does not serve to limit or manage fishing pressure effectively in this instance.

The group believes that an outstanding need exists to more effectively control commercial fishing effort within the Kaipara Harbour.

Localised depletions suggest that controls or regulations on recreational and customary fishers for the Kaipara Harbour need to be revised in order to safeguard the fisheries for all sectors.

Risk Assessment

Over recent years increased conflict has arisen where fishers compete for declining fish and space. This has resulted in reported loss and/or damage to equipment, injuries, wasteful practices and increased costs.

Without agreement and rules to guide the activity of commercial and recreational fishing on the harbour, increased conflict is inevitable. This conflict will be exacerbated by increasing numbers of recreational users of the harbour and the re-establishment of harbour transportation routes.

The attractiveness of the Kaipara Harbour for marine farming and aquaculture is another factor which will grow in importance over coming years. Aquaculture management areas are proposed for sections of the harbour, and a small industry already exists.

At the same time there is an increasing call for reserves to protect rare or unique environments (like wetlands) and animal species.

Customary fishers have rights to the Kaipara Fishery that are safeguarded by the Treaty of Waitangi, and are specifically provided for through a recent treaty settlement with the Crown and by provisions of the Fisheries Act (1996).

The actions of commercial and recreational fishers can serve to undermine these rights, particularly in areas that are customarily fished such as in front of local marae. Increasingly, marae are discussing instigating partial closures of the harbour in such key areas to safeguard their rights.

Ngati Whatua has formulated a Customary Take Management Plan for the harbour to sit alongside the Strategy. They see a holistic approach as preferable to piecemeal closures[1].

Doing Nothing

Doing nothing is likely to damage the economic viability of fishers on the harbour, to result in increasing dissatisfaction by recreational fishers, to cause localised depletions, to worsen spatial conflict and to further undermine customary fishing rights.

Summary

With increased fishing pressure and spatial conflict on the harbour already evident, doing nothing is a high risk option.

Other pressures are looming with the economic development of the harbour environs and the need for Tangata Whenua to safeguard their customary rights.

There are increasing calls for local area closures.

The difficulties of managing such a large area require a partnership approach between the Crown and the community to find long-term solutions and to ensure compliance.

This partnership will (as discussed under Compliance) require the use of all tools, including regulation.

[1] Ngati Whatua Customary Take Management plan 2002

An approach to Fisheries Management on the Kaipara

Current Ministry of Fisheries Policy is to achieve accountability through property rights. No representative structure exists for the Kaipara Harbour in order to do this, nor is there likely to be any in the foreseeable future.

Experience on the Kaipara shows that it is not possible to have right-holders (essentially quota owners) manage by consensus or by contractual rights, because stakeholders are both numerous and diverse. On the Kaipara such an approach has led to conflict within and between fishing sectors, and between fishers and other groups.

The Study Group recognises that the Quota Management System can provide an appropriate basis for the management of commercial fisheries within New Zealand. However, the QMS alone is not effective in dealing with multi-sector fisheries issues within enclosed areas such as harbours.

Many of the problems relating to the Kaipara Harbour stem from the introduction of the Quota Management System in 1986. At that time quota was set too high and areas were set too large to allow for the effective management of the Kaipara, a recognised and established fishery. The ramifications of this remain (since 1986) unaddressed.

The Fisheries Act is based on the concepts of sustainability and utilisation. A level of accountability is clearly required. The rights and responsibilities of all stakeholders must be clearly reflected in fisheries management.

As far as the Kaipara is concerned, the Study Group's belief is that combined stakeholder management is preferable to the current level of limited management that is provided on a national scale. The rights of Maori in particular will not be met unless such an approach is adopted.

Without a combined approach, the danger is that stakeholder groups will pursue their own interests, and this will create inevitable tension. This has been the experience on the Kaipara, where there have been violent clashes. Thankfully these have not occurred while the Study Group has offered a forum for dialogue. Where such clashes do occur, the Minister is required to intervene.

A structural approach is needed for fisheries management that provides for involvement of all stakeholders and that is based on getting people to work together in partnership. In this way people can be encouraged to find and ‘own’ solutions. These solutions will need to be underpinned by regulation in many cases.

It is not possible for groups such as the Study Group to produce fisheries plans of the nature and type envisaged by the Ministry of Fisheries. Such are beyond the capability of local volunteer groups who have no dedicated resources.

Ultimately the Minister is faced with the philosophical choice between accountability based upon the narrow property rights of a select group of quota holders, or to have accountability based upon a concept involving a broader group of stakeholders working in partnership.

If the aim of fisheries management is 'sustainable utilisation', then it is the Study Group's belief that there are several different ways of achieving this and that 'one size does not fit all'. We have sought to find a way that is appropriate to the needs of the harbour.

Ultimately the Group believes that collective stakeholder management, underpinned through the statutory powers of the Minister and the Fisheries Act, is the way forward for the Kaipara.

The Study Group and its Workings

Increased pressure on the harbour, and community concern at local depletions led to the establishment of the Tinopai Fisheries Management Committee. This community and Tangata Whenua, supported by the local community placed a rahui at Tinopai asking fishers to respect the closure of the 'funnel area' of the harbour to commercial fishing.

This action led to conflict between the parties. In 1999 interested fishers asked to meet the Tinopai Fisheries Management Committee at Matakohe.

A series of meetings of interested parties were facilitated by an independent chairperson, the Mayor of Kaipara.

As a result, agreement was reached to form a study group. This study group comprised knowledgeable and interested people who are iwi, commercial and recreational fishers from the community.

Each sector went through a selection process for members to sit on the group.

This initiative was supported by the Minister of Fisheries, the Honourable Pete Hodgson. In March of 2000 he wrote supporting the proposal that a "Steering Committee would be formed for the purpose of generating proposals for an overall Fisheries Management Strategy for the Kaipara Harbour. This committee would initially address the following outstanding issues:

- Investigating whether there should be a separate Quota Management Area (the QMA) for the Kaipara Harbour;
- Developing a code of practice to guide how fishing activity should be conducted on the harbour;
- Achieving an understanding of how customary fishing provisions such as mataitai reserves and taiapure-local fisheries would be applied to the harbour".

The first meeting of the group was in June 2000. The group established its terms of reference as coming up with a holistic view, ensuring sustainable management of the fisheries of the Kaipara Harbour across all sectors.

Group Process

The group determined that it would work by consensus, that it would meet monthly with members bearing their own expenses, and that it would use the Mayor of Kaipara as Chairperson to facilitate progress.

The Ministry of Fisheries provided technical assistance and administrative support as requested by the group.

The group began by defining the issues to be addressed and considering options for resolution. Members undertook this discussion on the basis that they were not fully representative of the views of their sector but rather acting as a think tank in coming up with ideas to be put forward for a full consultation process.

Additional expertise and knowledge was brought to the meetings as required.

The group produced comprehensive discussion documents for consultation in 2001.

These discussion documents were titled 'Fishing for the Future: a Suggested Way Forward for the Kaipara Harbour'. Some 300 copies of documents were mailed to stakeholders and organisations with an interest in the harbour, including all commercial fishers, quota holders and licensed fish receivers who had an interest in the Kaipara (area 044) during the previous 3 years.

Public meetings were held in six community centres around the harbour, with three special meetings for commercial fishers.

Submissions were sought through this process. Submissions closed at the end of 2001.

A total of thirty-seven written submissions were received representing the views of eighty-six individual submitters. Twenty-one submissions were received from the recreational sector including five from community groups and recreational clubs. Ten submissions were from individual commercial fishers. Two submissions were from organisations within the fishing industry and one submission was from a commercial stakeholder. Two submissions were from regional or government bodies.

In addition, full minutes were kept of all meetings and verbal points made in these were also treated as submissions.

Once received the submissions were analysed by the group, discussed in full and responses recorded.

Separately, iwi representatives in association with Ngati Whatua held hui at marae around the harbour. These hui were aimed at developing a Customary Take Management Plan for the harbour and providing input to the Kaipara Harbour Sustainable Fisheries Management Group Discussion Document. This Customary Take Management Plan specifically supports the initiative of the Study Group and the key provisions of the Strategy.

Finalising The Strategy

The strategy in this document has been developed by the Study Group, based on their analysis of the submissions received and the discussion document prepared. This again was the subject of discussion with the communities and stakeholders of the Kaipara through public meetings and a submission process, as well as being presented to other interested parties within New Zealand.

The broadly-based membership of the Study Group is as follows:

Group Members		
Name	**Sector**	**Relevant Experience**
John Fenwick	Commercial	John lives at Pahi. He has been self-employed as a fulltime commercial fisher on the Harbour since 1963.
Doug Matich	Commercial	Doug was born at Pouto and has spent his life on the Harbour, now living at Ruawai. He has 60 years commercial experience.
Peter Matich	Commercial	Peter lives at Ruawai. He has been a commercial fisher for 16 years on the Harbour.
Vance Pook	Commercial	Vance comes from a family of fishers (see the photo of his father on the front cover). Living at Pahi he has over 30 years experience commercial fishing.
Murray Prictor	Commercial	Murray lives at Port Albert and has been a commercial fisher for 40 years. He is a past Director of Leigh Fish. On the Kaipara he has extensive commercial experience.
Ivan Kostanich	Commercial	Ivan now retired, has a lifetime of fishing experience on the harbour. He lives at Helensville.
Graeme Ramsey (Chairman)		Mayor of the Kaipara District, Graeme lives at Baylys Beach on the West Coast. He knows the Harbour well but has never fished on it - seen by the Group as an advantage for a Chairperson.
Paul Shepherd	Iwi	Paul lives at Tinopai where he works as a carpenter. Born and raised on the Kaipara he is active in iwi and environmental issues.
Esther Gray	Iwi	Born and bred on the Harbour Esther lives on the Otamatea River. She is a Manager for the Te Uri O Hau Settlement Trust.
Malcolm Smith	Community	Malcolm lives at Tapora where he farms and contracts. He has been a recreational fisher on the Harbour for 50 years.
Des Subritzky	Community	Chair of the Kaipara District Fisheries Committee, an Honorary Fisheries Inspector for many years and once a Harbour Warden, Des has lived on the Kaipara all his life. The Subritzky Channel was named for his grandfather.

Ross Webber	Community	Ross has lived for 47 years at South Kaipara Head. A farmer and plumber he is a keen recreational fisher and a member of the Kaipara Cruising Club.
Peter Yardley	Community	Peter is currently a commercial fisher and charter boat operator. He has over 30 years fishing and aquaculture experience on the Harbour.

Support was provided by:

Bob Drey - Ministry of Fisheries

Christine Yardley - Volunteer researcher and community administrator

Wikiriwhi Hetaraka - Te Uri O Hau, Ngati Whatua

Additional contributions were given by:

Compliance Managers (MFish)

Marae Representatives

Sid Richards, Pouto

Mikaera Miru, Tinopai

Mike Ford, Helensville

Parallel Iwi Process

Te Uri O Hau in their Deed of Settlement were given special status regarding the waters of the northern half of the harbour. Te Uri O Hau are a hapu of Ngati Whatua whose rohe includes the entire Kaipara.

In 2000 Ngati Whatua began work to implement the Customary Take Regulations. Support for Ngati Whatua iwi representation on the Study Group was achieved at a number of consultation hui in August and September of 2000.

In parallel Ngati Whatua continue to develop their Customary Take Regulations.

In 2001 nine hui were held in parallel to the Study Group's public meetings with the broader community. These hui overwhelmingly gave support for kaitiaki status and the role of iwi, a whole community approach to the Kaipara and measures to support the strategy of the Study Group.

Overall, a kaupapa of sustainable management through collective stakeholder management was a clear preference of tangata whenua.

A Customary Take Management Plan was released in 2002 as a basis for outlining Te Uri O Hau and Ngati Whatua interests. This is contained in the Appendices. There are now some minor differences between this Plan and this Strategy, but the two were designed to be complementary.

Since 2002, Ngati Whatua and Te Uri O Hau have continued to meet on marae around the harbour. Strong support for the Study Group and Strategy has been indicated, although one marae at Tinopai feels that rahui need to be included in any strategy for the harbour.

Concern about fishing stocks on the harbour continues to grow amongst people on marae.

Objectives and Measures

The Group proposes the following objectives.

Overall Goal

To ensure the sustainable utilisation of the fisheries of the Kaipara Harbour so that this resource meets the economic, social and cultural needs of existing and future generations.

Objective 1

To establish a management regime for fishing on the whole of the Kaipara Harbour that addresses the issues of sustainability and utilisation in line with the objectives of the Act, improves catch per unit effort and avoids localised depletions.

In order to achieve this the following must be applied:

- Measures adopted should be simple, and easily understood.
- Additional costs that impact upon the viability of current fishing operations must be avoided, and ongoing management costs must also be able to be contained and be simple to administer.
- Access to the Kaipara Fishery should be fair and equitable for all.
- Any regime must have the general support of fishers on the harbour.
- Controls on fishing pressure should be progressive and linked to quantifiable measures.
- Where possible measures should be administered by fishers themselves.
- Existing tools within the Fisheries Act 1996 should be utilised where available.

Objective 2

To enhance the benefits to be derived from utilising the Kaipara Fishery by maximising the quality of fish that is harvested and reducing the impacts of fishing on the Fishery.

In order to achieve this the following must be applied:

- An improvement in the size of fish caught should help ensure the breeding potential of this resource is fully realised, while enhancing economic returns.
- Measures should reduce the level of juvenile fish and by-catch mortality in nets.
- Measures should maximise the benefits to be derived from the scallop fishery.

- Measures to enhance the quality of fish should provide a marketing opportunity to better "brand" fish caught within the Kaipara.
- Measures must reduce the amount of wasted or damaged fish that occurs in nets.
- Workable controls that provide for fish passage through channels, inlets and bays are essential.
- Measures need to promote the best use of fishing practices in order to avoid disruptive activities and reduce conflict.
- The impacts of fishing on the environment, where possible, need to be understood.

Objective 3

Begin to develop a compliance and monitoring regime that identifies quantifiable improvements from measures taken and allows for the ongoing review of these measures on the Kaipara Harbour.

This must be achieved in line with the following policy statements:

- The most effective approach should be one of a partnership between fishers, iwi and the community.
- Care must be taken to ensure that compliance costs are not raised unnecessarily and that all rules are enforceable where necessary.
- There must be an ongoing means of assessing results and discussing these with all stakeholders to the Fishery.

Key Performance Indicators

A group of KPI (or yardsticks) are proposed to ensure monitoring and ongoing assessment of the measures contained in this strategy.

It is proposed that KPI include:

- Quality of fish that are landed (size and condition as shown by price differentials).
- Fishing effort (catch per unit effort), which is used to evaluate the performance of many fisheries in New Zealand.
- Administrative costs.
- Compliance with strategy.
- Surveyed satisfaction of stakeholders, about the results to date and the approach going forward.

The proposals contained in this document aim at meeting the objectives above and can be measured for effectiveness against the yardsticks outlined above as KPI.

Proposals

Proposal 1 – Managing Fishing Pressure - Options

Objective

The objective of this proposal is to establish a separate management regime for the Kaipara in order to effectively control fishing pressure on the harbour.

Any approach must retain the key feature of equity of accessibility.

Two options are presented to achieving this objective.

Option A - Licencing or Permitting

Basis of Approach

This approach would involve using or amending a Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulation. This regulation would require that fishers need to have a "Kaipara Harbour" endorsement on their permit before being allowed to fish for FLA (flounder), GMU (grey mullet) and SPO (rig) in the Kaipara Harbour. Permits are issued annually. This would be consistent with Section 92 of the Fisheries Act 1996 (i.e. a permit issued subject to conditions). The Chief Executive of the Ministry is empowered to issue conditions on an area-specific basis where this is warranted. This is an instance where such a condition is warranted.

This concept, in part, has previously been applied to the Tauranga Harbour. Further, the notion that previous catch history should determine future access rights is widely applied to most fisheries managed in New Zealand.

Working of the Proposal

It is proposed that a permit endorsement would initially be granted on the basis of a demonstrated history of fishing on the Kaipara Harbour. The catch landing records of an individual fisher would need to indicate they have landed a minimum (two tonne is suggested) of FLA, GMU or SPO averaged over the last three fishing years, (i.e., the years to September 2000, 2001 and 2002) from statistical fishing area 044 (Kaipara Harbour).

Importantly, a further regulation would be made to ensure that only the endorsed permit holder could actually fish on the Kaipara Harbour. The Study Group's concern is that the ability for somebody else to fish the permit would undermine the intention to reduce fishing pressure by opening an obvious loophole.

Loss of Permit Endorsement

Should a fisher holding an endorsed permit fail to land a preset required amount of fish (two tonne combined average over three years is envisaged) during any subsequent period, as determined by the local management group, then that fisher would lose the Kaipara Harbour endorsement on their permit. This action would result in the progressive decline of the number of commercial fishers on the Harbour and provide the on-going ability to adjust fishing numbers in line with the capacity of the resource.

Evaluation of this Option

The advantages of this option are:

- That it avoids the costs of separate quota management areas.
- That it is based on approaches that have previously been applied.
- That it provides an identifiable, limited group of fishers for management and compliance purposes.

However the disadvantages of this approach:

- The practical issue of a composition of management group and concern about capture.
- It is not supported by all fishers as they have concerns about practical working issues and particularly succession.
- That crew would not be available to fishers at times of injury or illness.

Analysis of Impact

Our analysis of the impact of this approach suggests that in the last statistical year 46 fishers would qualify for a permit endorsement and 45 would not. Overall there would be an initial reduction of 4% of the total fish taken from the harbour.

As an 'input' control, the ability to reduce fishing pressure is indirect. However, individual permit holders operating in a set net or ring net fishery are physically limited as to how hard they can fish, given the regulated limits on net length and soak time. Therefore such a control will be effective in the longer term in both reducing fishing pressure and spatial conflict.

The Ministry of Fisheries (Wellington) has not provided an analysis of how much this option would cost, but it is anticipated to be very low. All that is required is a quick review of existing catch effort landing return data for statistical area 044. This information would be used according to an agreed 'decision rule' to determine whether or not to endorse a permit for the Kaipara.

Option B - Separate Quota Management Area

Basis of Approach

In this approach the Minister would exercise his power to create a separate quota management area based on the evidence of sustainability and concern about the increasing pressure on the Kaipara Harbour. It is considered highly unlikely that quota holders on their own would determine a subdivision of QMA for the Kaipara.

A separate quota management area would be based on area 044.

Analysis of this Option

The advantages of this option are:

- It is in line with legislation and the philosophy of QMS.
- It is easily understood.
- It is a direct mechanism to control pressure and specifically an output control.

The disadvantages of this approach are:

- The cost of introducing a QMA estimated at roughly $30,000 per species (Ministry of Fisheries – Wellington) without the ability to pass this on to the industry.
- The resistance of existing quota holders who may see this as a diminution of their rights.
- Potential challenge in Court to the Minister's decision.
- Increased administration and research costs.

Analysis of Impact

This option represents a departure from the ‘user pays’ philosophy that underpins the management of commercial fisheries in many areas. However, the Fisheries Act 1996 and recent case law suggests that the Minister has an overriding responsibility to ensure that fisheries are properly managed. In this instance the initial decisions taken when the QMS was set up in 1986 have led, in part, to the current unsustainable situation in the Kaipara Harbour. The nature of the Kaipara fisheries means that the users of this resource do not have the ability to fund the costs of separate QMAs on their own. For this reason, it is considered appropriate that the Crown exercise its primary responsibility to provide for the public good.

Setting of TACCs

Both of the above options also anticipate that a major reduction would occur in the TACC's for FLA1, GMU1 and SPO1, so that fishing pressure outside of the Harbour will not undermine the benefits to be gained from utilising either of the options listed above. The TACCs for these QMAs have been consistently under-caught and, with the declining CPUE, it is the view of the Study Group that the sustainability provisions of the Fisheries Act place an obligation on the Ministry to review these fisheries as a matter of urgency.

The Study Group propose a reduction to at least current levels of catch. This would effectively put a cap on pressure and allow a baseline for monitoring. However simply reducing TACCs in existing QMAs does not address the underlying issue of a increasing proportion of fish being taken from the Kaipara, given the accessible, sheltered nature of the harbour.

Recommendation

The Study Group favours a separate QMA for the Kaipara established by the Crown.

Ministry of Fisheries submissions to the Study Group suggest that 'any attempt to fetter those rights by excluding certain rights holders from a specified area is likely to be vulnerable to challenge if there is not unanimous agreement by all rights holders'.

The Kaipara fisheries are unique insofar as a large proportion of the quota fished in the Harbour is owned by the fishers themselves. Many of these fishers chose not to be represented by any stakeholder organisation, and this typifies the independent nature of Kaipara stakeholders. Therefore the views of stakeholders, including quota holders, are diverse and a full consensus position is unlikely to be achieved. However, this must not be used as an excuse for inaction.

Our belief is that a case exists for the Minister to exercise his powers under the Act.

Proposal 2 - Commercial Code of Practice

Code of Practice (Regulated)

The Case for Regulation

The Ministry of Fisheries has indicated that it does not like regulated differences across the country. However, the case for these is clear insomuch as:

- Different regulations already exist across New Zealand.
- Attempts at voluntary measures have been unsuccessful.
- The Guardians of Fiordland Strategy has been endorsed by the Minister and this is based on a similar approach.

1 Minimum Fish Size

Issue

Many fishers have elected to target the minimum fish size for flounder and grey mullet, as fishing pressure has increased. In the case of flounder, these small fish attract market resistance and a lower price. It also increases stock fluctuations as 40% of 25 cm females have not bred (Ministry research), while the smaller net mesh that tends to be used increases juvenile damage and mortality.

The effect on the grey mullet fishery is similar. Grey mullet that are taken small would only supply the bait market. If left to grow, these fish could return a premium on the fresh or smoked fish market.

Desired outcome

If the size of the fish caught were to increase, then the fishery could benefit in the following ways:

- Higher price for the fisher.
- Increase in quota value.
- Potential reduction in annual stock variations.
- Increase in bio-mass, making it possible to catch less fish for more money.

Recommendation

The proposal is to increase the minimum size for flatfish to 27 cm (between $10^{1/2}$ and 11 ins), with the exception of sand flounder (dabs) maintained at 23 cm. It is estimated that this increase in size represents roughly a year's growth, based upon studies of flounder growth rates. Therefore, after one year the number of fish recruited to this new minimum size should be approximately similar to those available under the old size limit, albeit that the biomass will be considerably larger.

It is not considered practicable to specify a minimum size for grey mullet, however fishers will be encouraged to target fish over 35 cm (14 ins) in length.

It is considered that the current mesh size for rig ensures an adequate sized fish.

2 Minimum Mesh Size and Weight

Issue

Current minimum mesh sizes tend to catch smaller, lighter fish with an increase in juveniles - especially for flounder and grey mullet (Ministry research). Net webbings have also changed significantly over the last 20 years. Today's webbings are strong and finer, compared to the rag nets once used. These webbings are very efficient and do tend to catch smaller fish. This type of catch typically attracts a low price, which forces the fisher to increase effort. Damage to juveniles is also increased and this has a flow-on effect for future stock levels. The taking of fish in their first breeding cycle has a similar effect.

Desired outcome

Targeting larger fish by using a bigger mesh size would mean that fishers could expect a better price, handle less fish, increase quota value, and improve stock viability by reducing juvenile damage and mortality.

Recommendation

The proposal is to increase the current mesh size for flounder to 121 mm (4 ¾ ins) and to 92 mm ($3^5/_8$ ins) for grey mullet. Ministry research in West Coast harbours has indicated that increases in mesh sizes are an effective way of selecting the size of fish caught. It is also noted that many fishers on the Kaipara are already using these larger mesh sizes. A one-year phase in period for these new nets would be provided because of the need to reduce financial hardship, while making progress in achieving the desired outcome.

The issue of net mesh weight and mesh type needs to be considered further, in light of the impacts of other controls that are being proposed.

The current mesh size for rig is 125 mm. It is not considered that this needs changing.

3 Net Length

Issue

The maximum net length allowed for flounder, grey mullet and rig in harbours is 1000 metres. Many fishers are now setting this length. The practice of working nets regularly throughout a set is no-longer common. A reason for this could be the length of the nets now in use. One consequence of not regularly working the nets is an increase in damage or mortality to both juveniles and non-target species. A second outcome is that catch quality suffers, as the time between catching and chilling increases.

Desired outcome

A system of fishing which enabled fishers to re-institute the practice of regularly clearing their nets would be beneficial to the sustainability of the fishery while maximising catch quality and value. The

fishing power of nets should also be tailored more closely to the shallow, confined spaces of the Kaipara.

Recommendation

It is proposed to reduce the total length of set nets allowed to 800m for flatfish, grey mullet and rig. The effectiveness of this measure would be monitored and reviewed after two years. The choice of this net length is based upon the practical experience of fishers on the Kaipara, and is designed to enable fishers to clear their nets in what is considered to be an appropriate timeframe.

4 Regulation 38

Issue

Regulation 38 [Fisheries (Commercial Fishing) Regulations] restricts the length of any net or set of nets to not more than ¼ of the distance across any channel, river, and stream or any arm of the sea at any stage of the tide. How this is measured is slightly different for the two types of water bodies. The regulation is designed to provide for the adequate passage of fish in these areas. Many of the commonly used commercial sets for FLA, GMU, and SPO may be set illegally at times in the Kaipara, depending on the state of tide. At low tide the harbour consists of series of narrow channels, inlets, and bays, particularly in the upper reaches where rivers or streams enter the harbour. A strict interpretation of Reg 38 would mean that many areas of the harbour couldn't be legally fished as a result.

This is a frequent area of complaint on the Harbour, but there are no recent prosecutions under the Regulation.

Desired Outcome

While the intention of regulation 38 is understood, it needs to be worded and interpreted in a way that is workable for the Kaipara Harbour. The goal of allowing some fish to be able to move up and down channels, inlets or bays over a tide, without being completely blocked by a net, could still be achieved while providing for the setting of nets in positions where these can still be expected to catch fish.

Recommendation

The Study Group recommend that this issue be referred to the ongoing Management Group. After three years debate we recommend that a practical approach be determined, based on examining the key rivers of the Harbour.

5 Soakage Time/ Net Attendance

Issue

The maximum soakage time for netting flounder, grey mullet and rig is 18 hours. It has been suggested that long soak times (the time between setting and removing nets from an area) are not desirable because fish that are meshed can die and lose quality rapidly, while other fish are slow to return to these grounds once the nets are removed. Predators such as sea lice, rays and sharks are

attracted to the area and destroy the catch and gear. Where juvenile or non-target species are meshed, these can be damaged or die when left in the net for long periods of time, particularly during the warm summer months. The reality is that a soak time of 18 hours is also difficult to enforce.

If nets are left unattended then it is unlikely that these will be actively 'worked'. Working a net helps to ensure that it doesn't drift, that seabirds are unmeshed, that it is lifted if a big school of non-target species swims into it, and that snagging accidents are avoided. Even with well-marked nets, other harbour users can find it difficult to read net direction. These incidents can be dangerous for boaties and result in serious damage to nets. They also damage public relations between fishers and other user groups.

Desired Outcome

A reduced soakage time would help to maintain catch levels by encouraging fish to keep moving onto the grounds. A drop in the number of predators would benefit gear and reduce damage to the catch. The less time that fish are left in the net, particularly during the summer, the higher the quality and hence value of the catch. Fishers can actively work the net to their best advantage, improving catch rates and quality while preventing damage to their gear and other species. It would reduce risks for other user groups and generate a positive image for the industry. This could also help to ensure that nets are not lost during foul weather.

Recommendation

The proposal is that the maximum soakage time for set nets for all fisheries in the harbour would be limited to 6 hours soak time for the summer (1 October to 30 April) and 12 hours for the winter (1 May to 30 September). The exception, SPO (rig) would have a 12 hour year round soakage time.

The reasons for this approach to soakage times is that during the summer months there are more juvenile fish in the Harbour and the warmer water causes fish to deteriorate faster in the net, whereas in the winter months the opposite is true. SPO is the exception due to the larger mesh sizes used and the resultant lower by-catch and juvenile mortality.

The practical experience of fishers is that the maximum soak times listed above will serve to optimise the working of set nets on the Kaipara.

Net attendance would not be compulsory during the time the net is allowed to be in the water.

6 Marking Nets

Issue

Unattended nets with 20 cm diameter floats 1,000 metres apart are sometimes hard to spot in daylight and impossible at night. The hazard they can present to other harbour users is very real.

Desired outcome

The intention is to mark nets in a way that makes it simple for any harbour user to avoid them, thereby reducing damage to fisher's gear and making the Kaipara a safer place.

Recommendation

It is proposed to increase the minimum size of floats used on set nets to 30 cm in diameter and to require reflectors.

7 Stalling Nets

Issue

There is an existing regulation which allows the stalling of commercial set nets on the Kaipara Harbour, providing these are not longer than 540m. Stalling means allowing fish in a net to strand due to the falling tide. It has been reported that some fishers are allowing their nets to stall in a way that leaves fish stranded for hours. This has a significant effect on fish quality and prevents the live return of juvenile and by-catch fish to the sea.

Desired outcome

There is a case for allowing stalling of nets on the Kaipara because of the extreme tidal nature of this harbour. However, there is also a need to ensure that fish quality is enhanced and that juvenile/by-catch mortality is reduced.

Recommendation

It is proposed that the current regulation allowing stalling on the Kaipara (this allows for stalling with a maximum 540m net) be modified to provide for stalling only when the fisher is in attendance and actively working their net. In this way the fisher can immediately remove fish that have been stranded from the net.

Commercial Code of Practice (Voluntary)

1 Spoilage

Issue

Spoilage begins immediately as the fish is stressed and dies. It affects the gills, flesh, and gut, and, although not visible at first, the longer the fish is left dead in the net, or un-chilled on the deck, the greater the degree of deterioration. As spoilage progresses the catch value drops and so do the returns to the fisher.

Desired Outcome

Regular clearing of nets and chilling down the catch quickly can increase catch quality and gain a better price at market.

Recommendation

It is proposed that a detailed specification be developed for the catching and handling of fish on the Kaipara, so that the overall objective of enhancing the quality of fish caught can be realised. This could be in the form of a pamphlet or fact sheet and could be supported by an industry-sponsored training programme. In addition, existing regulations pertaining to the release of undersize fish and the filling in of catch-effort landing returns at ramps could be more rigorously policed.

2 Fouling of Grounds

Issue

In some fisheries on the Kaipara, fouling of grounds through the disposal of fish offal at sea can be a serious problem. This is particularly true when the rig are running, as such a large proportion of each fish is discarded when they are trunked. This practice can be bad for both fishing grounds and shellfish beds. It is also offensive to other user groups.

Desired Outcome

Fish waste is a potentially valuable resource and could perhaps be utilised in a way that would reduce fouling to a minimum while generating another source of income within the fishery.

Recommendation

Further discussion is required on what practicable options are available for the proper disposal of fish waste, in conjunction with local authorities.

SUMMARY

These recommendations form a basket of measures. Taken together they address the concerns raised by fishers.

Codes of Fishing Practice

Options Considered by the Study Group

The Group also considered the status of codes of fishing practices outlined in the second question posed by the Minister.

The following options were considered:

Option 1 - Voluntary Codes of Practice

The Study Group only supports the use of voluntary practices for such measure as quality control and training. This is because voluntary codes of practice have been tried for the Kaipara on a number of occasions without success.

There is no representative structure in place for either commercial or recreational fishers, nor is there likely to be one in the foreseeable future. This means that there is no mechanism for disseminating information about voluntary codes of practice nor for promoting their usage. In fact, the level of conflict evident on the Kaipara means that the necessary goodwill and consensus building for such an approach is largely absent.

It is much more practical for fishers to have certainty as to what the rules are. Enforcement of voluntary controls is not usually possible. Certainty of rules and the channels for redress when these are not followed are viewed by commercial fishers as critical, given the nature of the Harbour and its recent history.

Option 2 - Regulated Codes Of Practice

The Study Group supports the continued use of regulated practices where these reduce the potential for conflict and enhance the benefits for the Kaipara fisher as outlined in the Objectives section of the strategy.

Regulated rules add certainty, apply to all and are unambiguous.

Through the consultation process all sector groups on the Kaipara have indicated a strong support for regulated Codes of Practice that are immediately enforceable by Fisheries Officers and do not require lengthy and expensive civil action to ensure compliance.

For these reasons the Study Group supports this option as opposed to voluntary or contractual Code of Practices.

Proposal 3 - Recreational Code of Practice

Code of Practice (Regulated)

1 Landing of Undersize Fish

Issue

Some fishers are illegally landing undersize fish by first filleting these at sea. Young fish grow quickly and do not reproduce until a certain age. Enforcement of minimum size restrictions is therefore an important part of fisheries management.

Desired Outcome

The catching and landing of undersize fish would be eliminated. Provisions of this 'code of practice' are aimed at reducing the catch of juvenile fish. Proper fishing and handling techniques should reduce the mortality of undersized fish that are released. Fisheries Officers must be able to readily identify undersized fish when landed.

Recommendation

The proposal is for all fish landed to be in a whole state, with no filleting occurring at sea, except where the fish are to be eaten onboard the boat. Gutting on board is permitted. This will aid compliance officers in determining whether fish landed are of a legal size, particularly in the Kaipara where juvenile snapper abound in the summer months. This measure should be viewed in tandem with the suggested voluntary control on hook size, which should help reduce the number of juvenile snapper that are gut hooked.

2 Scallops

It should be noted that scallops are the subject of a specific recommendation of this Strategy. The recommendation is for an immediate closure of harvesting for up to 2 years under s186A.

This section considers fishing practices once harvesting restarts.

Issue

The scallop beds in the Kaipara Harbour are under increasing pressure. Heavy fishing at the start of the season, when the condition of scallops is often poor, can result in lower returns. There have also been occasions of poor reproduction, parasitic attack and black gill syndrome. The scallop beds are then not able to withstand fishing pressure during the peak of the season in December/January. Night dredging can provide a cover for illegal activity and is hard to police.

Desired Outcome

The harvesting pressure applied to the Kaipara scallop beds should be limited to coincide with the peak condition of the scallops. This would maximise returns from the resource, while reducing waste.

Recommendation

It is proposed that the annual open season for scallops on the Kaipara Harbour should be from 1 October to 14 January inclusive. This new season will correspond to the time when scallops are generally in peak condition. Night dredging would be banned in order to aid compliance. Further discussion would be encouraged on the design of appropriate amateur dredges for the Kaipara in order to lower the rate of damage to undersize scallops.

Scallop research will be promoted as a way of measuring the effectiveness of these and any future controls.

3 Minimum Set Net Mesh Sizes

Issue

Small mesh tends to catch smaller, lighter fish, including young fish, of both target and non-target species. Depending on how long the net is set, the weather conditions and time of year, a number of these fish may die or be damaged.

Desired Outcome

The intention would be to catch larger, heavier fish, while avoiding meshing juvenile fish. In this way, less fish will be needed to provide a decent feed. It will also give the fish more opportunity to breed at least once before being caught.

Recommendation

The proposal is to increase the current mesh size for flounder from 100 mm to 121 mm (4 ¾ ins) and from 90 mm to 92 mm ($3^{5}/_{8}$ ins) for grey mullet. A one-year phase in period for these new nets would be provided because of the need to reduce financial hardship, while making progress in achieving the desired outcome.

4 Minimum Fish Sizes

Issue

Mullet and flounder grow most quickly in the first several years. A bigger fish tends to provide more satisfaction. Fish should be allowed to breed several times before they are caught. The average size of flounder and grey mullet has declined over the past several decades in the Kaipara.

Desired Outcome

The average size of flatfish and grey mullet caught should be increased so that fewer fish are needed to make a decent feed.

Recommendation

It is proposed to increase the minimum size for flatfish from 25 cm to 27 cm (between $10^{1/2}$ and 11 ins), with the exception of sand flounder (dabs), which would be maintained at 23 cm. It is not considered practicable to specify a minimum size for grey mullet (as the damage caused in netting mullet prevents release), however fishers will be encouraged to target fish over 35 cm (14 ins) in length.

5 Net Soakage Times

Issue

Leaving the net in the water for long periods of time reduces the quality of the catch and increases the risk of losing the net. It also increases potential by-catch and juvenile fish mortality, while encouraging predators to have a go – particularly during the warm summer months. Some recreational nets have been observed in the water for 24 hours or more. There has been the suggestion that recreational nets have a lower 'fishing power' than commercial and therefore should be exempt from the same provisions.

Desired Outcome

The aim is to have all nets operating at maximum efficiency while reducing wastage and by catch. Nets work best during the change of tide and this aspect should be enhanced.

Recommendation

The proposal is that the maximum soakage time for set nets for fisheries in the harbour would be limited to 6 hours soak time for the summer (1 October to 30 April) and 12 hours for the winter (1 May to 30 September). SPO (rig) would have a 12 hour year round soakage time.

6 Net Attendance

Issue

The Kaipara Harbour is very tidal and strong currents flow through many of the channels. Nets that are set and then left often don't fish very well. These nets can dry out, block channels or be swept away by the tide. This results in wastage, increased by-catch and even net loss. Policing a long 'maximum soakage time' can often be difficult.

Desired Outcome

The aim is to ensure that fishers work their nets by raising or re-setting them as necessary, releasing juvenile and non-target species before these are injured or die.

Recommendation

There is no specific proposal for net attendance. Rather it is proposed to rely on a reduced soak time.

7 Marking Nets

Issue

Unattended nets with 20 cm diameter floats are sometimes hard to spot in daylight and impossible at night. The hazard they can present to other harbour users is very real.

Desired outcome

The intention is to mark nets in a way that makes it simple for any harbour user to avoid them, thereby reducing damage to fisher's gear and making the Kaipara a safer place.

Recommendation

It is proposed to increase the minimum size of floats used on set nets to 30 cm in diameter with reflectors.

Recreational Code of Practice (Voluntary)

1 Juvenile Snapper

Issue

The Kaipara Harbour is a nursery area for juvenile snapper. Many undersize snapper are caught by recreational fishers, especially during the summer months. A number of these snapper will die when released, particularly if gut-hooked or mishandled. (It should be noted that commercial fishers very seldom target snapper in the harbour).

Desired Outcome

The recreational fishing methods used for snapper should effectively target legal-sized snapper, while avoiding the problem of smaller fish swallowing the hook and dying as a result.

Recommendation

A minimum size hook of 6/0 would be encouraged for snapper fishing. Research is also encouraged about requiring the use of specially designed hooks that promote lip hooking of fish and the possible banning of stainless steel hooks, which may resist being dissolved in gut-hooked fish that are released. Fishers are also encouraged to become familiar with the Ministry pamphlet entitled "*Techniques for releasing undersized fish"*

SUMMARY

These recommendations form a basket of measures. Taken together they address the concerns raised by fishers.

Proposal 4 – S186A Temporary Closure of Scallop Beds

Issue

The scallop beds on the Kaipara are currently severely depleted and the Study Group believes that immediate action is required.

Desired outcome

While the cause of the depletion is debatable it is recognised that dredging cannot help. Therefore the Group proposes two steps in this strategy:

- An immediate closure of the scallop beds in the Kaipara Harbour for up to two years to allow this important resource to recover
- A shorter scallop season in the future and research to determine the cause of depletions.

Recommendation

The Study Group will work with Te Uri O Hau to collect the necessary information and consult in support of a proposal to the Minister of Fisheries for a S186A temporary closure of the Kaipara to assist the replenishing of the scallops in the Harbour.

Compliance

Issue

Compliance is widely identified as a key issue. The regulatory changes proposed will be ineffective without effective compliance.

Effective compliance requires regulation, to avoid long and costly court proceedings.

Desired outcome

The Study Group requests that the Ministry of Fisheries produce a compliance plan for the Kaipara Harbour. The Study Group envisages that this would involve a partnership with the local community, who can offer support (in terms of time and resources). Indeed, there is a long history of community contribution to compliance issues on the Harbour.

Recommendation

The compliance plan would detail a strategy of how Ministry of Fisheries and community compliance resources would be efficiently utilised towards achieving the specific proposals outlined in this document. This partnership is only possible where there is a genuine commitment of the parties to work closely together. The Study Group will provide that commitment on behalf of the Kaipara community.

Education and Training

Issue

The Kaipara Harbour is one of the few areas that has provided opportunities for new fishers to enter the industry. With a minimal investment in boats, fishing gear and leased quota a fisher can target grey mullet, flounder or rig in the area.

However no standards have been set or training given in the skills of fishing and often these fishers will engage unknowingly in sometimes disruptive and wasteful practices. This can serve to bring the whole industry into disrepute.

Desired Outcome

There is a need to educate fishers on the Kaipara as to what standards are expected of them in terms of how fishing gear is operated and fish are handled. Emphasis should be given to avoiding spatial conflict within the sector and with other sector groups, while enhancing the quality and value of every fish caught.

Recommendation

A training programme is proposed through the industry so that new commercial fishers can be adequately prepared for the challenge of fishing sustainably and co-operatively within the confines of the Kaipara Harbour. This would be based upon the agreed code of practice.

Monitoring and Research

Issue

The Study Group believes that there is an ongoing need for monitoring the effects of the proposals in this strategy and addressing other issues affecting the Harbour.

Desired outcome

To this end the Study Group see an ongoing role for an expanded management group. In fact, fishing may not have been the logical starting point for managing the issues facing the harbour. However, it was the most pressing.

Other issues, particularly relating to water quality and aquaculture development are looming. The involvement of other stakeholders, particularly Government agencies and Local Government, will need addressing. There are several models operating in New Zealand for such a group.

Recommendation

This monitoring would, on a regular basis, examine the impact of the recommendations in this strategy and to make adjustments to these if necessary. A two year review of the proposals is recommended.

A detailed timetable will need to be developed.

In addition, specific research needs have been identified by the fishers and communities of the Kaipara. In particular, communities of the Kaipara would like examined the impact that trawling at the mouth of the Kaipara is having on the snapper fishery in the Harbour.

In addition the issue of rig being caught as they enter the harbour to pup has not been addressed. This is a scientific issue that needs consideration.

Other research needs that have been identified include water quality issues, and shellfish depletion (reflecting a very current issue).

SUMMARY

The Study Group has now responded to the three questions that the Minister posed. It has taken three years to do so.

Scientific analysis of the issues confirms that too much fishing pressure is at the heart the Kaipara problem. There is no mechanism to control fishing pressure on the Harbour. Pressure is growing.

The Study Group has identified 2 options, (each involving a reduction in the TACC), as possible ways of reducing fishing pressure on the Kaipara. Of the two options a separate QMA for the harbour, at Crown expense, is the preferred approach.

Analysis also confirms that 'doing nothing' is not an option for the Kaipara.

It is now up to the Minister to consider which option will best meet the objectives outlined.

The Codes of Fishing Practice are generally supported by fishers and will serve to enhance the value of the Kaipara fishery, while reducing conflict.

Taking a voluntary approach to these codes is not an option. The Study Group believes that they must be regulated.

The strategy for the Kaipara represents an integrated mix of proposals that attempt to holistically deal with fisheries issues. Proposals have been developed by a number of stakeholders and twice open to submissions by all stakeholders.

Tangata whenua of the Kaipara support the strategy and want to see proposals actioned as a matter of priority.

The Kaipara Harbour Sustainable Fisheries Study Group has worked for three years to produce this Fisheries Strategy at very little cost to the Crown. People and organisations will commit resources to these issues if they see results.

The process of developing this Strategy has served to unite the community and focus attention on the depleted state of the fisheries in the Kaipara.

The future of Kaipara fisheries is now in the Minister's hands.

Appendices

Appendix One

Management Options Considered by the Study Group

Introduction

The first question posed by the Minister to the Study Group was to consider the case for a separate Quota Management Area for the Kaipara Harbour.

This is based on the desired outcome of reducing the fishing pressure on the harbour.

The Group considered a number of options. The proposals for a separate QMA or a permitting arrangement that are contained within this document were derived after consideration of the options listed below. These options and the key features of each option and a summary of the Group's response are contained within this Appendix.

Option 1 - Reduce TACCs for FLA1, GMU1 and SPO1 to Below Current Catch Levels

The Total Allowable Commercial Catches (TACCs) for these species have been significantly under caught over the last five years. The Study Group supports this option (in tandem with other controls), however, a reduction in overall TACCs would not necessarily improve catch rates, (catches per unit of effort) or prevent localised depletions in the Kaipara. The NIWA research (shown in Appendix Three) indicates that an increasing proportion of the overall TACC is being taken from the Kaipara Harbour.

The Study Group is concerned that the accessibility of the Kaipara, its sheltered nature and its proximity to major markets means that it can be fished with little investment and with ease of access. Therefore it is more likely to become depleted than other areas in FLA1, GMU1 and SPO1.

Large companies including quota holders are strongly opposed to this measure. This is a factor which the Group has considered. In addition, it is unclear whether the Ministry of Fisheries would consider this to be a priority, notwithstanding the view of the Study Group that the sustainability provisions of the Fisheries Act would require urgent action in this regard.

Option 2 - Separate Quota Management Areas for FLA, GMU and SPO in the Kaipara Harbour

The Study Group supports this measure as it would be effective in reducing the commercial catch in the Kaipara Harbour to sustainable levels, while introducing a management regime that deals holistically with the harbour as a separately identifiable entity.

Significant concern has been expressed among fishers about additional costs being borne by them. Therefore the Study Group support this measure only if the government could fund the costs, as our analysis shows that this is an expensive option that is beyond the capacity of the fishers to establish and to administer.

Large companies and quota holders have voiced their opposition to this option. Concern has been expressed about the precedent that this would set in other areas of New Zealand and the potential restriction this would cause on the current flexibility enjoyed by some fishers. The Study Group believes that this option is entirely consistent with the current framework for management of commercial fisheries in New Zealand and is entirely appropriate, given the large scale of the Kaipara Harbour and the community of interest associated with it.

Option 3 - A Sub Area Catch Limit

The Study Group is opposed to this measure because of the impact that it would have upon the fishers and the fishery. While it would be effective in reducing the commercial catch within the Kaipara Harbour it could cause a "race for fish", because once the overall limit has been reached then fishing must stop. Such a race to fish would undermine the philosophy of the Fishery Management Strategy for the Kaipara and directly contradict the objectives and policy statements that have been developed.

This contradiction would come because it is believed that this option would increase competition and conflict, reduce quality in value of fish and provide economic hardship for some small fishers who are unable to compete in such a "race for fish".

Option 4 - Regulated Licencing or Permitting System for the Kaipara

The Study Group supports this option because it would effect a gradual reduction in numbers of fishers and fishing pressure over time without imposing large costs.

The concept is relatively cheap to establish and administrate and is easily understood by all. This option is supported by local fishers and can be administered in part by them.

The Group believe that this option would create an environment where the permitted Kaipara fishers are committed to the fishery and are more likely to work in a collaborative fashion governed by codes of practice. However, there are issues to be resolved with the detail of such an option and the Ministry of Fisheries has signalled its opposition because of a perceived conflict with its prevailing ‘property rights’ philosophy.

Option 5 - Purchase of Quota or ACE

This option of buying quota and then retiring it has not been widely considered by the Study Group. No funds are currently available for this process and there is currently no mechanism available to 'retire' quota within a portion of FLA1, GMU1 and SPO1.

Option 6 - The Use of Civil Contracts and Agreement

The Group does not favour this option. A number of attempts to negotiate voluntary consensus agreements among Kaipara fishers have failed in the past. The nature of the harbour is that of dispersed communities and fishers that are highly individualistic and relatively isolated. Therefore no representative structures exist, and are unlikely to exist in the foreseeable future, in order to facilitate

negotiated contracts or agreements. The Northern Inshore Fisheries Company currently represents a small percentage of Kaipara Harbour fishers, many of whom own their own quota.
Fishers also lack the financial and technical resources to pursue such an option.

For these reasons the Study Group does not consider this a viable option.

Option 7 - Local Area Closures

The Study Group prefers a holistic approach to the Kaipara Harbour rather than the use of local area closures as the primary tool to address over-fishing. The Group believes that such local area closures serve to transfer fishing pressure and hence problems elsewhere within the harbour, rather than dealing with the cause of the issue.

Local area closures are an ad hoc approach to harbour management that would contradict the objectives and policy statements contained within this document.

In addition, local area closures have been the cause of tension between communities and sector groups in the past. Such an approach would only exacerbate these tensions as well as leading to difficulties in administration and compliance.

However, the Study Group does see that this is the fallback option for many people and communities, if a whole of harbour approach is not implemented.

Option 8 - Do Nothing

The Strategy considers this option and concludes that this is not a viable option.

Appendix Four

Summary of 2003 Submissions

Numbers Received

134 submissions were received

These represented a total of 505 signatories

Commercial fishing submissions:

- 8 submitters were identified as being from commercial fishers
- 4 were from ex commercial fishers

Organisational submitters include:

- Northern Inshore Fishing Co Limited
- NZ Federation of Commercial Fishermen

- Ministry of Fisheries
- Department of Conservation
- Auckland Regional Council
- Northland Regional Council
- Rodney District Council
- Northland Conservation Board

- Point Curtis Cruising Club
- Kaipara Cruising and Sport Fishing Club
- Ruawai Boating Club
- Greypower – Dargaville

Support

91 submissions expressed overall support for the Strategy

Supporting submissions representing a total 448 signatories

By signature this represents 89% support for the Strategy

By submission these 91 submissions represent 68% overall support

A further 38 submissions expressed varying degrees of support

Opposition

5 submissions expressed significant opposition to the Strategy

Of these 2 were individual submissions (1 commercial, 1 recreational)

3 were group submissions:

- NIFCL
- NZ Federation of Commercial Fishermen
- Ministry of Fisheries

The Working Group have considered all submissions in the preparation of the final Strategy