



# Proposed recreational harvest regulations for the Maketu Taiāpure

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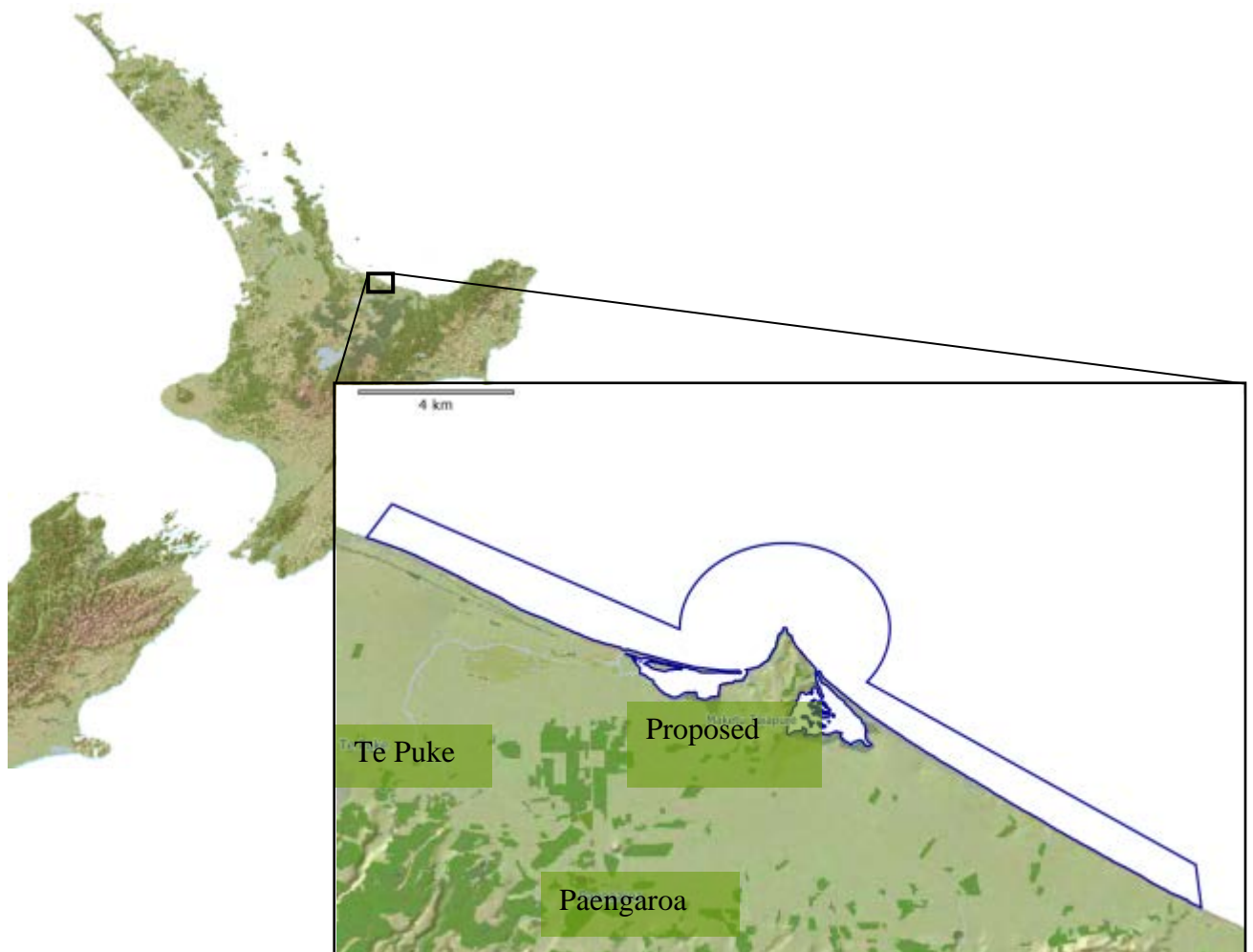
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# 1 Introduction



**Figure 1:** Map showing the Maketu Taiāpure.

This discussion paper provides the Ministry for Primary Industries' (MPI's) initial views on recommendations to establish new recreational regulations for the harvest of green-lipped mussels and paua from within the Maketu Taiāpure local fishery (the taiāpure). The views and recommendations outlined in the paper are preliminary and are provided for the purpose of consultation with tangata whenua, recreational fishers and other stakeholders.

The Maketu Taiāpure Committee (the Committee) has recommended the following regulations:

- a. Reduce the maximum amateur daily bag limit of mussels from 50 to 25 within the taiāpure;
- b. Set a minimum size restriction of 90 mm for the amateur harvest of green-lipped mussels within the taiāpure;

- c. Enact a yearly notified seasonal closure on the amateur harvest of green-lipped mussels and paua within the taiāpure.

Section 185 of the Fisheries Act 1996 (the Act) allows a taiāpure management committee to recommend to the Minister for Primary Industries (the Minister) the making of regulations for the conservation and management of fish, aquatic life, or seaweed in the taiāpure local fishery.

The Maketu Taiāpure management committee (the Committee) is concerned that key fishery stocks with the taiāpure area are depleted and that the current level of recreational harvest is unsustainable. To reduce fishing pressure and encourage recovery and growth of these key fish stocks, the Committee has proposed regulatory changes. The Committee's recommendations are attached (Appendix).

## 1.1 CONSULTATION

Tangata whenua, the industry and other stakeholders are encouraged to provide their views and additional information of relevance on these proposals. Submitters' points will be included in final advice to the Minister for Primary Industries on these issues.<sup>1</sup>

Written submissions can be sent in until Friday 19 April 2013 and should be directed to:

Inshore Fisheries Management  
Ministry for Primary Industries  
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<sup>1</sup> All submissions are subject to the Official Information Act 1982 (OIA) and can be released, if requested under the OIA. If you have specific reasons for wanting to have your submissions withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the OIA.

## 2 Proposal

MPI is seeking stakeholder feedback on regulatory recommendations put forward by the Maketu taiāpure management committee. Three preliminary options are discussed: retain the existing recreational fishing regulations, implement the recommendations of the Committee, or implement some of the Committee’s recommendations. These options have been prepared as a basis for consultation with tangata whenua, recreational fishers and other stakeholders.

Stakeholders are invited to critically review the options and provide their views, and further evidence. The preliminary options are detailed below:

<p><b>Option 1</b> <i>(current situation)</i></p>	<p>Maintain the existing recreational fishing regulations for green-lipped mussels and paua within the taiāpure. The existing regulations provide for a daily bag limit of 50 mussels and there is no seasonal closure on the recreational harvest of these two fish stocks. The current regulations were set under the Fisheries (Amateur Fishing) Regulations 1986.</p>
<p><b>Option 2</b></p>	<p>Implement all of the committee’s recommendations, which include:</p> <ol style="list-style-type: none"> <li>Reducing the maximum amateur daily bag limit of mussels from 50 to 25 within the taiāpure;</li> <li>Setting a minimum size restriction of 90 mm for the a amateur harvest of green-lipped mussels within the taiāpure;</li> <li>Enacting a yearly notified seasonal closure on the amateur harvest of green-lipped mussels and paua within the taiāpure.</li> </ol>
<p><b>Option 3</b></p>	<p>Implement some of the Committee’s recommendations:</p> <ol style="list-style-type: none"> <li><b>Accept</b> a reduction in the maximum amateur daily bag limit of mussels from 50 to 25 within the taiāpure;</li> <li><b>Do not accept</b> the establishment of 90mm size restriction for the amateur harvest of green-lipped mussels within the taiāpure;</li> <li><b>Accept</b> the establishment of a <b>fixed term seasonal closure</b> on the amateur harvest of green-lipped mussels and paua within the taiāpure.</li> </ol> <p>More detail including the rationale for these recommendations are outlined in the analysis of the Committee’s recommendations</p>

### 2.1 CURRENT SITUATION

The Maketu Taiāpure is situated mid way along the Bay of Plenty coastline and is comprised of 60 km of open shore from Wairakei in the west to Otamarakau in the east, centred on Okurei Point. The seaward boundary of the taiāpure is 1000m off shore, except around Okurei Point where it is 3000 m off shore. The area is depicted in Figure 1.

The Maketu taiāpure was established in 1996 to meet the objectives set out in section 174 of the Act. The objectives involve making better provision for the recognition of rangatiratanga and of the right secured in relation to fisheries by Article II of the Treaty of Waitangi. The Maketu taiāpure was the second taiāpure to be formed out of eight that are established around New Zealand.

The Maketu taiāpure is governed by a committee made up of representatives from Ngati Makino, Ngati Whakahemo, Te Awhe, Ngati Whakaue ki Maketu, Tapuika, Waitaha and Inland hapu.

The Committee's strategic plan includes the following vision statement: "Te Waka o Te Arawa will exercise control over the marine resources of our traditional rohe...to enhance and manage the coastal resources of the Te Arawa in a sustainable manner for the benefit of present and future users".

In taking on this role of guardianship over traditional rohe, the Committee considers action is needed to address what is seen as unsustainable fishing pressure within the taiāpure. In particular, the Committee has concerns over mussel and paua stocks within the Maketu taiāpure. The Committee considers that current recreational limits for mussels and intensive recreational fishing, especially by those from outside the community, are contributing to observed declines in the shellfish stocks. These declines have been seen to reduce the local community's ability to harvest these stocks in easily accessible areas. The Committee's concerns are outlined in more detail in the Appendix.

Consultation on the Committee's recommendations is being undertaken by the Committee, and MPI on behalf of the Minister. The Committee has already taken the proposal to the groups they represent and has been endorsed.

## 2.2 RATIONALE FOR PROPOSED REGULATIONS

### 2.2.1 Strategic context

A review of the proposals is supported by the following reasons in the Committee's proposal (see Appendix):

- The objectives of the proposals align with the strategic vision of the Committee and provide for the recognition of rangatiratanga
- Local knowledge and survey evidence by the Bay of Plenty Polytechnic suggest there has been a decline in the abundance of the green-lipped mussel and paua resources
- Voluntary tools to manage these resources appear to have been ineffective.

The general objectives for the taiāpure are to effectively manage the coastal and marine resources to aid in the restoration and sustainability of these resources while providing for the customary and non-commercial needs of fishers. Taking the Committee's recommendation

under consideration and enacting them (Option 2) supports both s 174 of the Act, and the objectives of the taiāpure.

The Committee's proposal outlines in detail the rationale for the proposed regulations. The Committee considers that to fulfil its role in looking after the community it needs to ensure that local fisheries are rebuilt and restored to abundant levels. The proposed regulations aim to protect and "future-proof" key fisheries resources within the taiāpure and the ability of the local community to access them.

### 2.2.2 Problem definition

The Committee believes that there has been a decline of key shellfish resources in the area, and that immediate action is required to rebuild shellfish populations within the taiāpure area. The committee cite intensive recreational activity from people that come from outside the local area as having the major effect on the current state of paua and green lipped mussel stocks within the taiāpure. This intensive recreational activity is driven by a few factors:

- Okurei point, within the taiāpure, is the only major rocky reef system between Mt Maunganui and Whakatane,
- the rock reef system provides the best source of green-lipped mussels and paua stock in this area, and
- the area is easily accessible to the public.

No MPI reviewed population surveys for green-lipped mussel have been completed within the taiāpure. However, in 2008 a population survey on green-lipped mussels was carried out by Bay of Plenty Polytechnic. This study notes that in the past mussel populations in the area have declined rapidly due to recreational harvesting and an influx in the abundance of spiny starfish (*Coscinasterias calamaria*), a predator of mussels. The survey found small, healthy populations of mussels surrounding Okurei point. Although healthy, the mussel beds observed were seen to be geographically disparate with limited recruitment potential. The subsequent report recommended that the existing rahui stay in place to promote continued growth and establishment of mussel beds.

Local experts and kaitiaki have reported that juvenile populations of mussels are healthy, but consider there is still a need to alleviate the fishing pressure on juvenile stocks to ensure they reach maturity and contribute to the recruitment potential of the area.

The state of local paua populations within the taiāpure has not been formally assessed. However, local experience and feedback from customary fishers suggests that paua are no longer as abundant or accessible as they once were. Accessible areas have been heavily fished to the point where paua above the legal limit of 125mm are unable to be found. The Committee believes this decline in paua abundance can be attributed to recreational fishing pressure.

Conversely, a recreational fishing survey conducted by the then Ministry of Fisheries in 2000 suggested that paua harvests within the taiāpure are small, with no paua harvesting by



recreational fishers observed during the survey period. Whether this observation is indicative of low fishing effort, or a symptom of a low abundance of legal size paua, is unknown. The Committee has a close relationship with the Bay of Plenty polytechnic marine studies programme, with which there has been previous interest in establishing on-going surveys to monitor the health of fisheries resources within the taiāpure. With the establishment of the proposed regulations there would be increased scope for these surveys to be undertaken to provide useful data on the impact these regulations may have on green-lipped mussel and paua populations.

The Committee has previously tried traditional, non-regulatory tools to reduce the fishing pressure in this area. In 2001 a rahui (local voluntary closure) was placed on the taiāpure prohibiting the harvesting of mussels and paua. However, the Committee considers that people from outside the local community did not adhere to the closure. Whether this lack of compliance was a blatant disregard for the voluntary measures or due to a lack of information, has not been established. In either case, the Committee considers that voluntary measures cannot effectively reduce recreational fishing pressure to ensure the sustainability of the paua and green-lipped mussel resources within the taiāpure. Thus, it is believed that amending the current amateur regulations relating to the harvest of green-lipped mussels and paua would be the most effective tool to reduce fishing pressure.

### 3 Assessment of Management Options

Three preliminary options are assessed: retain the existing recreational fishing regulations, implement the recommendations of the Committee, or implement some of the Committee's recommendations.

#### 3.1 OPTION 1 – STATUS QUO

##### 3.1.1 Impact

The Committee has expressed concerns about the state of green-lipped mussel and paua stocks within the taiāpure. This view is supported by groups with representation on the Committee. Continuing with the status quo would fail to address these concerns. However, Option 1 may be preferred if it is determined that the recommended regulations will have an unreasonable impact on the recreational utilisation of the fisheries within the taiāpure. This information may be provided in submission subsequent to public and stakeholder consultation.

##### 3.1.2 Costs

Option 1 could potentially undermine the purpose of the taiāpure and the appointment of the Committee, while the Committee's concerns about the current state of the green-lipped mussel and paua populations would remain unaddressed. Local knowledge and cursory studies suggest that the local populations of these species, particularly green-lipped mussel, are/have been depleted due to current rates of recreational harvest. Unaddressed, stocks may decline to a point where the community is unable to utilise these key fisheries resources in the future.

### 3.1.3 Benefits

Under Option 1 the committee would continue to rely on traditional voluntary measures to address their concerns. Recreational fishers would continue to use the fisheries resources as they currently are, and low population levels of green-lipped mussel are likely to persist. Consequently, any benefits are hard to quantify or foresee, aside from no additional compliance costs being incurred.

## 3.2 OPTION 2 – IMPLEMENT ALL OF THE COMMITTEE’S PROPOSALS TO MANAGE THE AMATEUR HARVEST OF GREEN-LIPPED MUSSELS AND PAUA

Option 2 would result in all of the committee’s recommendations, being put in place to manage the amateur harvest of green-lipped mussels and paua in the Maketu taiāpure. The recommendations are as follows:

- a. Reduce the maximum amateur daily bag limit of mussels from 50 to 25 within the taiāpure;
- b. Set a minimum size restriction of 90 mm for the a amateur harvest of green-lipped mussels within the taiāpure;
- c. Enact a yearly notified seasonal closure on the amateur harvest of green-lipped mussels and paua within the taiāpure.

The potential impact of each of these recommendations is discussed below.

Under this option the Committee’s concerns about the level of take of green-lipped mussel and paua within the taiāpure are addressed. However, the implementation of the recommended regulations would have an impact on both the local recreational fishers and fishers from further afield that utilise these resources from the taiāpure.

### Reduce the amateur daily bag limit of green-lipped mussels

#### 3.2.1 Impact

The obvious immediate impact on fishers of the implementation of a reduced bag limit would be on the number of mussels each recreational harvester could collect. However, not all recreational fishers fully utilise their daily bag limits when harvesting shellfish. Thus any impact will be limited to those that regularly collect up to the limit of the daily bag limit, and not on those who are collecting less than the bag limit.

#### 3.2.2 Cost

The establishment of these recreational regulations would incur additional compliance costs, stretching already limited resources in the Bay of Plenty area. As with the implementation of any changes in fisheries regulations, there will be the cost of advertising and informing the public on changes in the bag limits for green lipped mussels. New signage and updated brochures will be needed. Given the high prevalence of fishers from outside the local community utilising this area, extensive consultation and information campaigns would be needed to ensure a high level of public awareness of new harvest restrictions.

### 3.2.3 Benefit

A reduction in the bag limits will help decrease the fishing effort currently putting pressure on the green-lipped mussel resources. This will potentially help ensure the sustainability and availability of this fisheries resource into the future.

## Minimum amateur harvest size for green-lipped mussels

### 3.2.4 Impact

This regulation will impact fishers by increasing the effort needed to gather mussels that are above the MLS. This would likely reduce the amount that a recreational fisher could reasonably harvest in one fishing event.

### 3.2.5 Cost

Of the three proposed regulations, the introduction of MLS limit for green-lipped mussel would cause a disproportionate increase in compliance costs. Monitoring and enforcing a MLS would be onerous and time consuming. A key tool to educating on the MLS of recreationally caught shellfish and finfish species has been resources that are given out to allow recreational fishers to easily measure their catch. For paua this has been in the form of devices with a measured cut-out that can be easily attached to dive belts or paua knives with measured cut-outs in the side. Providing such resources for a relatively small and defined area would be cost prohibitive and confusing for infrequent fishers visiting the area. Without these resources a MLS for mussels would prove difficult to introduce. There would also be a risk of recreational fishers unintentionally breaking the law.

### 3.2.6 Benefit

Conversely, the introduction of MLS for green-lipped mussel would reduce both the impact of recreational harvest on mussel beds within the taiāpure, and ensure that mussels grow large enough to spawn before being harvested, hence aiding in the re-growth of the local stocks.

## Yearly notified seasonal closure on the amateur harvest of green-lipped mussels and paua

### 3.2.7 Impact

The introduction of a closed season for green-lipped mussels will have a significant effect on those fishers targeting green-lipped mussels within the taiāpure. However, the effect of a seasonal closure on paua harvest may not be as significant. The majority of paua in the Bay of Plenty area do not grow to the legal minimum size due to environmental factors. Given this information, and the low recreational harvest, most of the paua harvested in this area is likely to be under with customary permits that allow for the take of paua below the recreational size limit of 125mm.

### 3.2.8 Cost

Yearly notified seasonal closures over the peak spawning period for green-lipped mussel and paua may be difficult to establish. Spawning for both of these species is variable and depends

on a range of factors. Paua populations in north east New Zealand have a long spawning season due to warmer waters in the area, extending from summer through autumn to winter and possible into early spring. For green-lipped mussels, the key spawning season occurs from spring through the summer to early autumn.

Taking the spawning characteristics of green-lipped mussels and paua in consideration, any closure to cover key spawning periods will include part or all of the summer period, likely extending from late spring through to early autumn. A closure over the summer period would also coincide with the period of heaviest recreational fishing effort.

Additionally, the resources and time needed to review the seasonal closure annually would likely prove prohibitive. Each yearly notification of the closure period would require advice to the Minister, public consultation, and a subsequent Gazette notice. Public communication of any closure period would also be required.

A more viable option to the suggested closure would be a fixed closure period over a predetermined number of years (possibly 3-5 years). This closure would need to cover a seasonal period agreed upon by both the Ministry and the Committee.

### 3.2.9 Benefit

Closure of the green-lipped mussel and paua fisheries to recreational harvest within the taiāpure during the peak spawning season will significantly decrease fishing pressure. Such a closure would have maximum effect given that broad spawning season of these two species coincide with the period of maximum usage by recreational fishers.

## 3.3 OPTION 3 – IMPLEMENT SOME OF THE COMMITTEE’S PROPOSALS TO MANAGE THE AMATEUR HARVEST OF GREEN-LIPPED MUSSELS AND PAUA

### Reduce the amateur daily bag limit of green-lipped mussels

The impact, cost and benefit for this proposal remain as set out under Option 2.

### Do not introduce a minimum amateur harvest size for green-lipped mussels

As outlined under Option 2, the benefit of putting in place a minimum legal size for the amateur harvest of green-lipped mussels may be outweighed by the cost of implementation and impact to fishers. Implementation may result in high compliance cost and prove difficult to monitor. Therefore, under Option 3 a **minimum amateur harvest size for green-lipped mussels would not be introduced.**

### Fixed seasonal closure on the amateur harvest of green-lipped mussels and paua

Similarly, a yearly notified seasonal closure on the amateur harvest of green-lipped mussels and paua within the taiāpure, as proposed in Option 2 would be cost and time prohibitive. However, MPI considers that a fixed term seasonal closure with pre-defined closure dates would provide the outcomes the Committee is looking to achieve in a more cost effective

way. Therefore, under Option 3 a *fixed term seasonal closure on the amateur harvest of green-lipped mussels and paua* would be implemented.

## 4 Conclusions

The proposals presented in this paper are intended to support local customary initiatives to protect and attempt to increase fisheries resources for the local community by reducing the impact of recreational fishing pressure.

MPI considers a reduction in the maximum daily harvest limit, combined with a fixed seasonal closure (Option 3) may provide the outcomes the Committee is looking to achieve in a cost effective way.

Tangata whenua, recreational fishers, and other stakeholders are encouraged to provide their views on, and additional information of relevance to, the proposals outlined in this paper. Submissions will be reflected in final advice to the Minister. Any changes resulting from the Minister's decisions would take effect following Cabinet's confirmation of the Minister's decisions, in October 2013.

Tangata whenua and stakeholders are encouraged to submit their views and additional information on these proposals and in particular:

- Is the description and analysis of the current situation an accurate reflection of your experience?
- Have the key features of each option been accurately and coherently set out?
- Have all the impacts of the options been identified and accurately described?
- Where applicable, is it clear why the preferred option is preferred over other options?
- Are the risks associated with each option clear?
- Is it clear how the performance of the regulation will be monitored and assessed?

## 5 Appendix

Attached is the Maketu Taiāpure Management Committee Proposal for Regulations.



MAKETU TAIAPURE COMMITTEE OF MANAGEMENT

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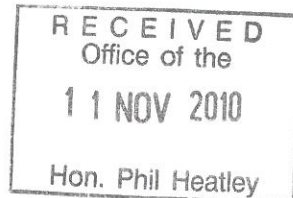
Toi tu te Marae a Tangaroa. Toi tu te Iwi  
[If the Marae of Tangaroa survives, so will the people]

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6 November 2010

PH1127 for reply

Hon Phil Heatley  
Minister of Fisheries  
Parliament Buildings  
Wellington



Tena Koe,

Nga mihi ki a koe te Minita, kia koutou hoki nga kaimahi o Te Tautiaki i nga tini a Tangaroa.

Attached please find our proposal for regulation making presented by the Maketu Taiapure Committee of Management for your consideration and approval.

No reira tena koe te rangatira, kare mutu nga mihi koe. Ma te Atua koe manaaki, Tiaki.

Elaine Tapsell  
Secretary.



**Initial Proposal to the Minister of Fisheries**  
**for Fisheries Regulations**



**Maketu Taiapure Management Committee**  
**November 2010**



## **1.0 Executive Summary**

1.1 The Fisheries Act 1996 (the Act) contains provisions allowing a Taiapure-local fishery management committee to recommend to the Minister of Fisheries the making of regulations for the conservation and management of fish, aquatic life, or seaweed in the Taiapure-local fishery.

1.2 The Maketu Taiapure Management Committee proposes to recommend to the Minister of Fisheries that he approve regulations limiting the fishing of shellfish species within the Maketu Taiapure-Local Fishery. Regulations have been proposed for non-commercial fishers only.

## **2.0 The Maketu Taiapure Committee**

2.1 The Taiapure – Local fishery situated at Maketu was established in 1996 pursuant to Part IV of the Maori Fisheries Act 1989 Sections 174 to 185. The intention of this legislation is to set aside estuarine or shoreline coastal fishing areas which have customarily been of special significance to any iwi or hapu as a source of food [Kaimoana] or for spiritual or cultural reasons. These are the only purposes under which Taiapure - Local Fisheries can be established and they recognise the role of iwi in managing certain local fisheries.

2.2 The Act contains provisions allowing for the establishment of a Taiapure-local fishery and a committee of management (sections 174 to 184). 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.” The Maketu Taiapure application for a Taiapure-local fishery was gazetted as the Maketu Taiapure in 1996. Maketu Taiapure was the second application under the Act.*

2.3 The Fisheries (Maketu Taiapure) Order 1996 was duly gazetted PURSUANT to section 54B (1) of the Fisheries Act 1983<sup>1</sup> and issued under the authority of the Acts and Regulations Publication Act 1989. The order sets out the exact co-ordinates, the land boundaries being from the original mouth of the Wairakei Stream at the north-western corner of Taylor Reserve, Papamoa to Otamarakau and from approx. 1 km – 3 km seawards. The Wairakei stream being agreed between Te Arawa and Ngaiterangi as being the boundary between the two iwi subsequent to the Treaty of Waitangi. Approximately 30 km of coastline, including both the Maketu estuary and the Little Waihi estuary comprises the Taiapure rohe.

2.4 The Maketu Taiapure area is used by all people from the Bay of Plenty region, and further a field, for recreational activities and seafood gathering. Both traditionally and today the Maketu Taiapure area has been and still is an integral part of iwi and hapu of Te Arawa Waka. The decline and deterioration in the health of the coastal and marine resources within the Maketu Taiapure area including the two estuaries in the area is unacceptable not only to Maori but all users and urgent steps must be taken to rectify this issue.

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<sup>1</sup> The Fisheries Act 1983 provides that a committee of management be appointed by the Minister of persons representative of the local Maori community (s54J). The committee may recommend regulations for the fishery. No regulation may refuse access to any person on the basis of race (s54K).]

2.5 The Taiapure has its own legal status. When preparing or changing a Regional Policy statement, under section 61, 2 [(iii) of the Resource Management Act, the BOP Regional Council has to have regard for regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to Taiapure, mahinga mataitai, or other non-commercial Maori customary fishing).

2.6 The area<sup>2</sup> contains a diverse range of species and habitats and has long been of interest to Māori and non-Māori fishers. It is extensively fished for reef and flat fish, rock lobster, mussels, kina, pāua, pipi and tuangi by recreational and customary fishers.

2.7 The Maketu Taiapure Management Committee (herein referred to as The Committee) originally consisted of representatives from the following Iwi: Ngati Whakaue, Ngati Pikiao, Tuhourangi, Ngati Rangitahi, Ngati Whakahemo, Tapuika, Waitaha and Ngati Makino. Recreational fishing representatives, a Charter Fishers' representative and a representative of the Maketu Community Environment group are also co-opted representatives on The Committee. These latter representatives act in an advisory capacity. Te Kotahitanga (Te Arawa Fisheries Trust) has and continues to be fully supportive of the purpose, roles and functions of The Committee.

2.8 Under section 185 of the Act, a Taiapure-local fishery management committee may recommend to the Minister of Fisheries the making of regulations for the conservation and management of fish, aquatic life, or seaweed within the Taiapure-local fishery area.

The Committee is committed to:

- Managing the coastal and marine fishery within the Maketu Taiapure area
- Restoration of and sustainability of the resource
- Providing employment opportunities

2.9 Through these steps and the development and introduction of stages 1 through 3 we hope to enhance and manage the coastal and marine resources within the Maketu Taiapure area in a sustainable manner for the benefit of all users both present and future.

### **3.0 Maketu Taiapure vision**

3.1 The Maketu Taiapure Management Committee Strategic Plan<sup>3</sup> has the vision statement: "Te Waka o Te Arawa will exercise control over the marine resources of our traditional rohe". The plan's intention is "to enhance and manage the coastal resources of Te Arawa in a sustainable manner for the benefit of present and future users".

### **4.0 Fisheries Concern Rationale**

4.11 In meeting the objectives of the Taiapure, the Committee have chosen to exercise their chieftainship through a community-based Taiapure management committee. The Taiapure committee wish to manaaki (look after) the local community and in order to achieve this they need to ensure that the fishery is rebuilt and restored to abundant levels. This will protect and future-proof the ability of the local community to 'catch a feed' in the Taiapure. Mo tatou, a, mo nga uri whai muri ake nei; For us and our children after us

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<sup>2</sup> Refer to Appendix 2 : map of Maketu Taiapure boundaries

<sup>3</sup> Refer Appendices

4.12 The Taiapure Committee believes that immediate action is required to rebuild all stocks of shellfish within the Taiapure area.

4.13 The Taiapure committee considers that a maximum daily bag limit is necessary to reduce recreational fishing pressure on particular species of shellfish in the Taiapure. Local knowledge indicates that all fish stocks in the Taiapure are nowhere near as abundant and accessible as they were in the past. Mussels, paua and tuangi in particular have decreased in number and distribution.

4.14 The Taiapure Committee and the Tangata Kaitiaki are primarily concerned about the green lipped mussel (*Perna canaliculus*) and black foot paua (*Haliotis iris*) within the Area. In 2001 a Rahui (local/tikanga rahui) was placed on the area prohibiting the harvesting of mussels and paua. This was in place for several years. The local community for the most part abided by the Rahui, however, people from outside of the area did not. The concern mounted about this and thus a 186A temporary closure to the harvest of mussels was explored in 2006 and 2007. The Taiapure Committee was overwhelmed at the process for implementing this temporary management tool and has since wanted to focus their efforts on longer term strategies and solutions. In 2010, the Committee again placed a Rahui (local/tikanga rahui) on the harvesting of mussels.

4.15 Local expertise recommended the Rahui was needed to stop the gathering of mussels to allow the juvenile populations to grow. Local experts and kaitiaki reports state that the current populations of juvenile mussels are in good health and the need to alleviate or halt harvesting pressure on these juvenile stocks was important and necessary. This position is further supported by recent research<sup>4</sup>.

4.16 The Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1983 still apply. These regulations provide for a daily bag limit of 50 mussels per person per day. The Taiapure Committee and Tangata Kaitiaki are of the opinion that the daily bag limit prescribed by these regulations is unsustainable and are inconsistent with the objectives of the Taiapure. The Committee are seeking that a regulation be approved that reduces the daily bag limit to 25 mussels per person per day. The Taiapure Committee and Tangata Kaitiaki are of the opinion that the lack of a size restriction rule for green-lipped mussels is also unsustainable and inconsistent with the objectives of the Taiapure. Thus the Committee also seeks a regulation that imposes a minimum size restriction on green-lipped mussels of 90mm.

4.17 To address concerns over the state of pāua and green-lipped mussels in the Taiapure area, the Committee believes regulations are necessary to limit the daily bag limit and impose minimum size restrictions for these species. The Committee also believes a regulatory mechanism that would have the purpose of protecting shellfish in recognised grounds during the spawning times (which may vary from year to year) is needed. This latter regulation would set up a mechanism whereby the Kaitiaki can advise the Minister every year as to when (if at all) the area should be closed to fishing. The Minister would then duly publish this seasonal closure as a Notice in the Gazette.

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<sup>4</sup> Jewell, M & Whitelaw, P (2008) Analysis of *Perna canaliculus*, *Xenostrobus pulex* and *Mytilus edulis aotenuis* populations in the Maketu Taiapure Area. BOP Polytechnic Marine Studies Department

4.18 Local ecological and recreational fishing knowledge asserts that pāua stocks are not as abundant and accessible as they once were. Local knowledge also asserts that ‘accessible’ areas have been very heavily fished – to the point that paua above 125mm are very difficult if not impossible to find<sup>5</sup>.

4.19 Local knowledge shows green lipped mussels have declined significantly in size as well as abundance in the Taiapure from what was once available. Results of local dive surveys undertaken in collaboration with Bay of Plenty Polytechnic of green-lipped mussel stocks shows they are currently found in average numbers in the Taiapure area. They are solitary scattered patches found in relative distances apart suggesting a lack of significant recruitment into the area<sup>6</sup>. Due to this the Committee believes the Taiapure cannot sustain harvest rates at the current recreational limits and rules for mussels.

4.21 Decreasing recreational fishing pressure for these species should result in an increase in the size and abundance of these stocks in the Taiapure<sup>7</sup>. The Committee notes that commercial fishing for paua and mussels in the Taiapure is non-existent and customary fishing for these species under authorisation from the tangata tiaki/kaitiaki is limited. Tangata tiaki/kaitiaki will continue with these conservation measures. The reduced bag limits and minimum size restriction will also ensure that available green-lipped mussel resources are shared more equitably amongst the local community.

4.22 The potential benefits of a revitalised fishery in this area will far outweigh any negatives associated with a seasonal closure. Surveys at and around Okurei will continue to occur by the BOP Polytechnic and the Committee to determine if stocks are responding to closures and other regulatory management initiatives. The timing for the removal of any seasonal closures will be determined by the Committee in collaboration with Kaitiaki and other appropriate advisors.

## **5.0 Proposed Regulations**

5.1 This proposal is aimed at increasing fisheries resources within the Taiapure that are currently in a depleted or severely depleted state. The regulations aim to reduce fishing pressure in order to encourage the recovery of fish stocks.

The Committee declares that the following regulations be applied within the Taiapure:

Regulation: Maximum daily limit on green-lipped mussels

No amateur fisher may, on any day, take or possess more than twenty-five (25) green-lipped mussels within the Maketu Taiapure area.

\*Note: this area will be described in latitudes and longitudes to ensure that it can be enforced under the Fisheries Act 1996.

<sup>5</sup> Moody, T, Iremonger, J & Guy, S (2003) Maketu Taiapure Marine Survey: a proposed survey methodology and preliminary survey of the Maketu Taiapure Area: including recommendations for further study and conservation of the marine environment. BOP Polytechnic Marine Students Department

<sup>6</sup> ibid

<sup>7</sup> ibid

Regulation: Minimum size restriction on green-lipped mussels

No amateur fisher may, on any day, take or possess green-lipped mussels under 90mm from within the Maketu Taiapure area.

\*Note: this area will be described in latitudes and longitudes to ensure that it can be enforced under the Fisheries Act 1996.

Regulation: Seasonal Closure on the harvesting of paua and green-lipped mussels

No amateur fisher may, on any day, within the notified period, take or possess paua and/or green-lipped mussels from within the Taiapure Area

\*Note: this area will be described in latitudes and longitudes to ensure that it can be enforced under the Fisheries Act 1996.

## **6.0 Conclusion**

The Maketu Taiapure Management Committee proposes to recommend regulations in the Maketu Taiapure-Local Fishery area for non-commercial fishers. By implementing the proposed regulations, these will limit the potential loss of stock levels and allow for rebuild of those stocks to ensure sustainable utilisation into the future.

Local environmental interest groups represented on the Committee endorse the proposal. The Committee seeks that proposed regulations are received favourably and implemented within a reasonable timeframe.

## 7.0 References

Jewell, M & Whitelaw, P (2008) Analysis of *Perna canaliculus*, *Xenostrobus pulex* and *Mytilus edulis aotenus* populations in the Maketu Taiapure Area. BOP Polytechnic Marine Studies Department

Pruden, M (2006) *Perna canaliculus* and *Coscinasterias calamaria* populations in the Maketu Taiapure Area; BOP Polytechnic Marine Studies Department

Moody, T, Iremonger, J & Guy, S (2003) Maketu Taiapure Marine Survey: a proposed survey methodology and preliminary survey of the Maketu Taiapure Area: including recommendations for further study and conservation of the marine environment. BOP Polytechnic Marine Students Department

Maketu Taiapure Fisheries Order 1996

Maketu Taiapure Management Committee Strategic Planning documents

The Resource Management Act 1991

## **APPENDIX 1: Maketu Taiapure Management Committee Operational Plan**

### **Maketu Taiapure Operational Plan 2007 - 2010**

#### **Vision Statement**

*“Kei a Te Arawa te tino Rangatiratanga me nga whakahaere o nga mahinga Kaimoana i roto i te rohe o Te Arawa”*

*“That Te Waka o Te Arawa will exercise control over the marine resources of our traditional rohe”*

#### **Mission Statement**

*“Ma Te Arawa, nga kaitiaki, e whakatau nga Tikanga mahinga Kaimoana hei painga mo te katoa tae atu ki nga whakatupurangakei kei te haere mai. Ma ratou ano e manaaki”*

*“To enhance and manage the coastal marine resources of Te Arawa in a sustainable manner for the benefit of present and future users”*

#### **The Foundation Members of the Maketu Taiapure Committee of Management**

Ngati Makino: Awhi Awhimate and Haare Williams,  
Ngati Whakahemo: Margaret Williams and Kevin Hiha  
Te Awhe: Riri Moko and Barman Poihipi  
Ngati Whakaue ki Maketu: Homman Tapsell and Cyril Newdick  
Tapuika: Jerry Kissling and Wihou Tamihana  
Waitaha: Tonty Te Amo and Robbie Clarke (Rangiwewehi)  
Inland hapu: William Emery and Nini Keepa

#### **Trustees of Maketu Taiapure Trust**

William Graham Whakataki Emery  
Clem Wynard Tapsell  
Frank Himepiri Taimona Wairangi Maika Te Rangipuawhe (to be replaced)  
Elaine Tapsell

## Appendix 2: Maketu Taiapure Strategic Plan

### Objectives

#### Objective 1:

*To ensure the fishery resources of the Maketu Taiapure are conserved, enhanced, protected and managed by tangata whenua for the benefit of all users both present and future.*

BY:

1. Rules and regulations governing the Maketu Taiapure will be based on existing Ministry of Fishery amateur fishing rules and regulations with additions, deletions and adjustments to take into account traditional forms of management and in accordance with the state of the local fishery as indicated by data gathered through monitoring.
2. Tangata whenua and other people will share the fishery in accordance with the principle of Maori traditional fishing lore and manaakitanga; subject to the sustainability of the fish stock and in accordance with the need.
3. The traditional harvesting rights and needs of the tangata whenua, under article 2 of the Treaty of Waitangi, are to take precedence over other users.
4. Non-commercial users are to take precedence over commercial users for the harvesting of marine resources in the Taiapure area.
5. Fishing may be controlled through regulations in recognised spawning grounds / seasons within the Taiapure area.
6. Other methods of fishing may be controlled at the discretion of the Kaitiaki Group.
7. The Kaitiaki Group will decide, based on data gathered, the levels of harvesting that are appropriate for each species taken from the Taiapure area.
8. If fishers are breaking any regulations they may be reported to Mfish.
9. Commercial fishing may be permitted in the Taiapure area by voluntary agreement and at the discretion of the Kaitiaki Group, based on data gathered. Species, quantity and timing of harvest are to be set by the Kaitiaki Group.

#### Objective 2:

*To retain Rangatiratanga, traditional, cultural and historical manaakitanga principles and customary obligations to marae of Te Arawa Waka.*

BY:

1. Ensuring the coastal waters of Te Arawa is managed by tangata whenua with management and administration to be co-ordinated by the Kaitiaki Group.



2. Ensuring tangata whenua play a major role in the planning decisions and management of the Maketu Taiapure.
3. Ensuring the Mauri of the Maketu Taiapure is protected.
4. Ensuring that waahi tapu, sacred sites and features and sites of significance are protected and preserved.
5. Ensuring that tangata whenua customary use within the Taiapure is protected.
6. Ensuring that public recreational use within the Taiapure is protected.
7. Ensuring that tangata whenua and public access is maintained.
8. Tangata whenua will be authorised to harvest an appropriate quantity of fish/shell fish for meeting obligations to marae of Te Arawa.
9. People will obtain customary permits from a person authorised by the Kaitiaki Group to issue such permits for the gathering of fish/shellfish above the amateur fishing regulations. The authorised Permit Issuers have the authority to check harvesting against the permit issued.
10. Honorary Fisheries Officers have the authority to check all fish/shellfish taken from the Maketu Taiapure area and ask for identification / permits from anyone with excess of fish/shellfish above the amateur limits.

**Objective 3:**

*To protect, nurture and enhance the food chain in the estuaries, coastline and within the waters of the Maketu Taiapure and protects the 'mauri' of the entities within the Maketu Taiapure area*

BY:

1. Identifying current pollution of the Maketu Taiapure area including waterways discharging into the Taiapure area.
2. Ensuring the Kaitiaki Group receives copies of all applications that impinge or impact on the Maketu Taiapure area.
3. Ensuring the Kaitiaki Group receives copies of all water right applications that discharge into the Maketu Taiapure area including waterways discharging into the Taiapure area.
4. Ensuring all Regional and Local authorities identify any application that impinges on the Maketu Taiapure area and be responsible for notifying the applicants that their application be referred to the Kaitiaki Group.
5. Ensuring immediate notification to the Kaitiaki Group of the intention to carry out works and/or development by Regional and District Councils and the Government that will impinge or impact on the Maketu Taiapure area, including waterways discharging into the Taiapure area.

**Objective 4:**

*To protect and preserve in their full range of natural habitats, natural values, indigenous species of fish and shellfish, bird life, plant and animal communities within the Maketu Taiapure and its environs.*

BY:

1. The Kaitiaki Group monitoring the water quality, the shorelines and sand dunes, tidal lands and sedimentation movements within the surrounding environs of the Maketu Taiapure area.
2. Restoration and preservation will be carried out in conjunction with DoC, Mfish and territorial authorities, who will be asked to assist the Kaitiaki Group in producing a plan, implementation of the plan and monitoring and measuring progress.
3. Monitoring will record changes in the habitats of importance to marine species.
4. Monitoring of beaches will record and detrimental impacts.
5. The Kaitiaki Group will oppose / are opposed to hazardous and industrial zones which may have an adverse impact on the Maketu Taiapure area.
6. The Kaitiaki Group ensuring mitigation, restoration and compensatory environmental improvement for every adverse environmental effect on the Maketu Taiapure area and environs.
7. The Kaitiaki Group supporting the monitoring of water quality to ensure the standard is of a quality to allow shellfish gathering and promote shellfish health and growth.

**Objective 5:**

*To protect and preserve waahi tapu and sacred sites of tangata whenua and features and sites of special significance.*

BY:

1. The Kaitiaki Group notifying Regional Council and local authorities, archaeological; section of the Department of Conservation and, if necessary, the Historic Places Trust, of any waahi tapu, sacred sites of tangata whenua and features and sites of special significance within the Maketu Taiapure area.
2. When a rahui is placed on an area for whatever reason, with the approval of the Taumata Kaumatua, the Ministry of Fisheries [and any other bodies as may be appropriate] are to be contacted immediately by phone/fax/email. The public are to be notified by announcements over the local radio stations.
3. Regional and District Council schemes should identify historic places at risk from natural processes to the Maketu Taiapure Kaitiaki Group.

4. Such identified sites are to have management / protection plans developed to restore and preserve the site/s with tangata whenua playing an active role.

**Objective 6:**

*To secure sufficient resources from whatever source to enable the meeting of objectives for the enhancement of the Maketu Taiapure area for current and future generations.*

BY:

1. Ensuring that sub-committees identify resources required in annual plans.
2. Ensuring that resources are made available to the Maketu Taiapure Kaitiaki Group by government, local authorities and other bodies for their responsibilities that impact on the Maketu Taiapure area.
3. Seeking support from organisations and individuals that have an interest in the maintenance and improvement of marine resources.
4. Seeking sponsorship from organisations [private / public] and individuals for specific activities / functions of the Maketu Taiapure Kaitiaki Group.

**Objective 7:**

*To ensure adequate monitoring systems are established that will achieve:*

- Improved marine environmental knowledge and monitoring of the Maketu Taiapure area.
- Recognition of the Maketu Taiapure Kaitiaki Group in decision making forums that impact on the Maketu Taiapure area.
- Co-operation with/between territorial local authorities and all other bodies for the well-being of the Maketu Taiapure area.

BY:

1. Compiling a base-line survey plan from data collection, information held by various bodies and individuals in order to provide a starting point to measure changes and to establish improvements, depletion, condition or diversity of the marine resource and ecology of the Maketu Taiapure area.
2. The performance of the Maketu Taiapure Kaitiaki Group will be measured by the success and progress made with fulfilling the over-riding principle [Vision Statement] of the Maketu Taiapure.
3. Monthly written reports are to be supplied to the Maketu Taiapure Kaitiaki Group from all sub-committee chairpersons.
4. The Maketu Taiapure Kaitiaki Group receiving from all authorities copies of approved resource consents that impact on the Maketu Taiapure, the conditions placed on such consents, the frequency of monitoring such conditions and by what agency.

5. The Maketu Taiapure Kaitiaki Group will report fully to marae, hapu, and Iwi of Te Arawa Waka in March and September of each year by way of a Hui-a-Iwi.

6. The Maketu Taiapure Kaitiaki Group will ensure areas requiring rehabilitation are identified to the appropriate organisation/s and will ensure their co-operation in the restoration of such areas.

7. Policies governing the Maketu Taiapure are to be reviewed on a regular basis so that changes can be made as and/or when required.

**Objective 8:**

*A focal point of the management of the Maketu Taiapure will be the use and development of tangata whenua human resources in all aspects of management.*

BY:

1. Emphasis in any training and employment needs to be based on collective hapu well-being.

2. Strategies for employment and training will include development of individual groups from each of the coastal marae / hapu / Iwi who will assist in the preservation and protection of our taonga.

3. Full time, part time or voluntary positions will be created to enable Maketu Taiapure Kaitiaki Group to function and operate so that the goals and objectives are achieved for the benefit if all users of the marine resource both present and future.

4. The Maketu Taiapure Kaitiaki Group will organize seminars and Hui on matters of importance to the well-being and trouble free operation of the Maketu Taiapure.

5. The Maketu Taiapure Kaitiaki Group will organize work schemes aimed at restoration, preservation and protection of the tidal lands, coastal shore, ecology, fauna and general clean up programs within the Maketu Taiapure area and environs.

**Objective 9:**

*To communicate in an effective manner with marae / hapu / Iwi, the public, local authorities, government and any other body who may have an interest in the Maketu Taiapure.*

BY:

1. Hui-a-Iwi being held in March and September of each year for the Maketu Taiapure Kaitiaki Group to report to marae / hapu / Iwi of Te Arawa.

2. Meetings for the public are to be arranged as and when necessary, to inform them of the progress of the Maketu Taiapure and outline and discuss any issues or special points of interest or concern.

3. Meetings to be arranged with other user groups, as and when necessary, to inform and/or consult on issues relating to the Maketu Taiapure.

4. Tangata whenua to strengthen communication with regional and territorial bodies that have responsibilities and plans that relate to and/or impact on the Maketu Taiapure.

5. In emergency situations e.g. Rahui, the Maketu Taiapure Kaitiaki Group will communicate with the Ministry of Fisheries and any other body that needs to be informed by phone / fax / email, and the public by local radio.

**Key Issues:**

Short Term

- Study of the existing resource and possible restrictions in some areas to enable the resource to recover.
- Study of the pattern of harvesting Kaimoana in the area.

Medium Term

- Controlled use of the marine resources to facilitate an improvement in the quantity and quality of the marine resources.

Long Term

- Extensive use by all as long as there is sustainability of the marine resources.

**Committee of Management [Kaitiaki Group] Structure:**

**Taumata Kaumatua o Te Arawa Waka**

- To advise, guide and monitor the Committee of Management Kaitiaki Group
- To develop and recommend policies / regulations in the management of the fisheries and marine resources within the Maketu Taiapure area.

**Sub-Committees**

To recommend policies / regulations to the Kaitiaki Group and implement decisions of the Kaitiaki Group

- Monitoring and Research
- Compliance
- Education and Promotion
- Restoration and enhancement
- Permit Issuers
- Finance and Planning

**Monitoring & Research:**

Tasks: Checking stocks  
Checking harvesting  
Historical Research: Traditional Fishing Methods; Customary Practices;  
Traditional Fishing Grounds/areas

**Compliance:**

Tasks: Checking harvesting against relevant regulations

Liaison with Ministry of Fisheries  
Liaison with Permit Issuers  
Enforcement

**Restoration & Enhancement:**

Tasks: Rahui  
Re-seeding  
Habitat enhancement  
Water quality monitoring  
Implementation of Regulations

**Education & Public Relations:**

Tasks: Media releases  
User groups  
Schools  
Marae / hapu / iwi  
Regional Council

**Permit Issuers:**

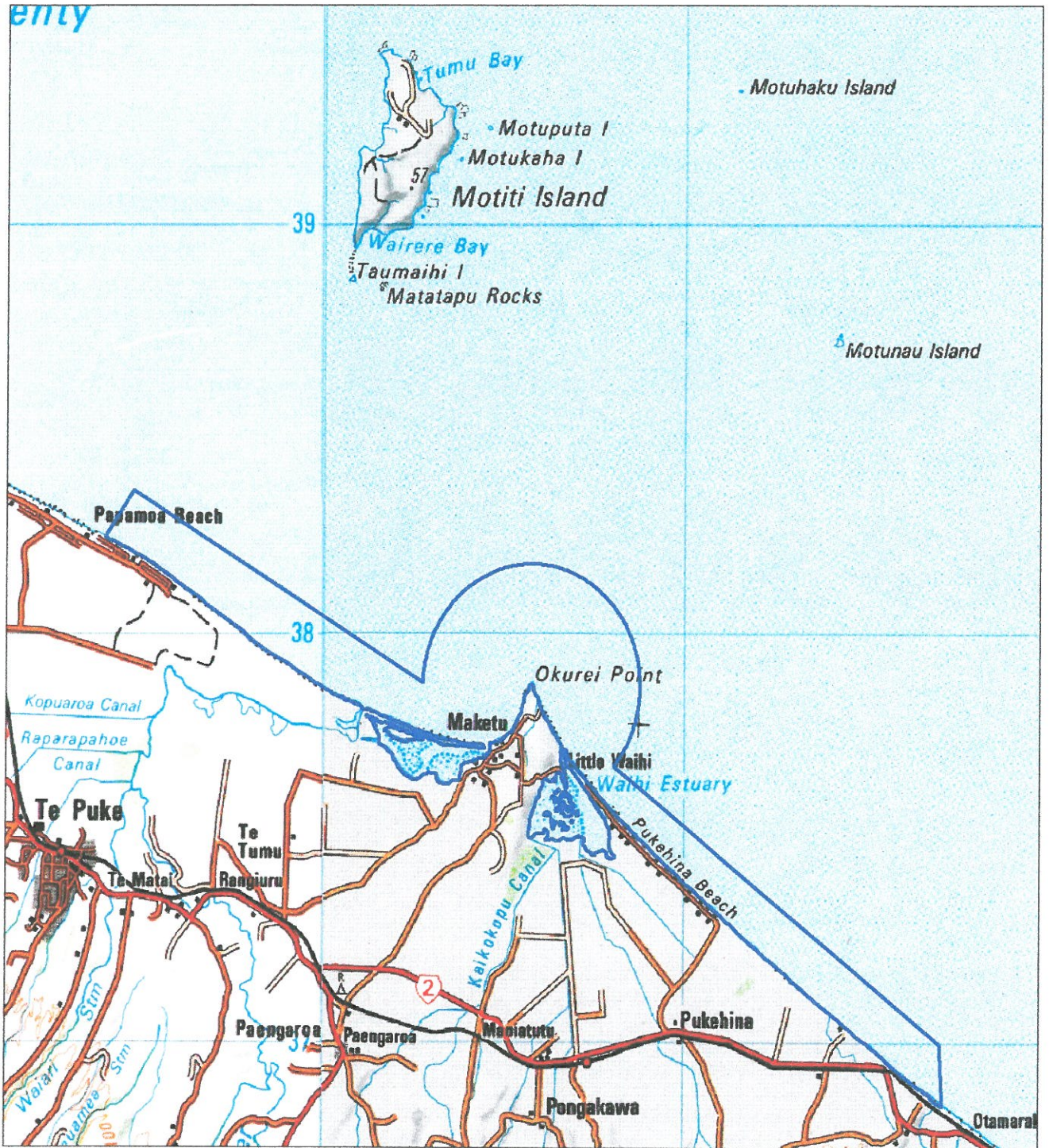
Tasks: Issue permits for customary harvest  
Check harvest on return  
Advise Kaitiaki Group of irregularities  
Recommend to Kaitiaki Group any changes  
Report monthly to the Kaitiaki Group

**Finance & Planning:**

Tasks: Identify need and sources of funding  
Applications for funding  
Sponsorship  
Ensure reporting on funding to providing bodies

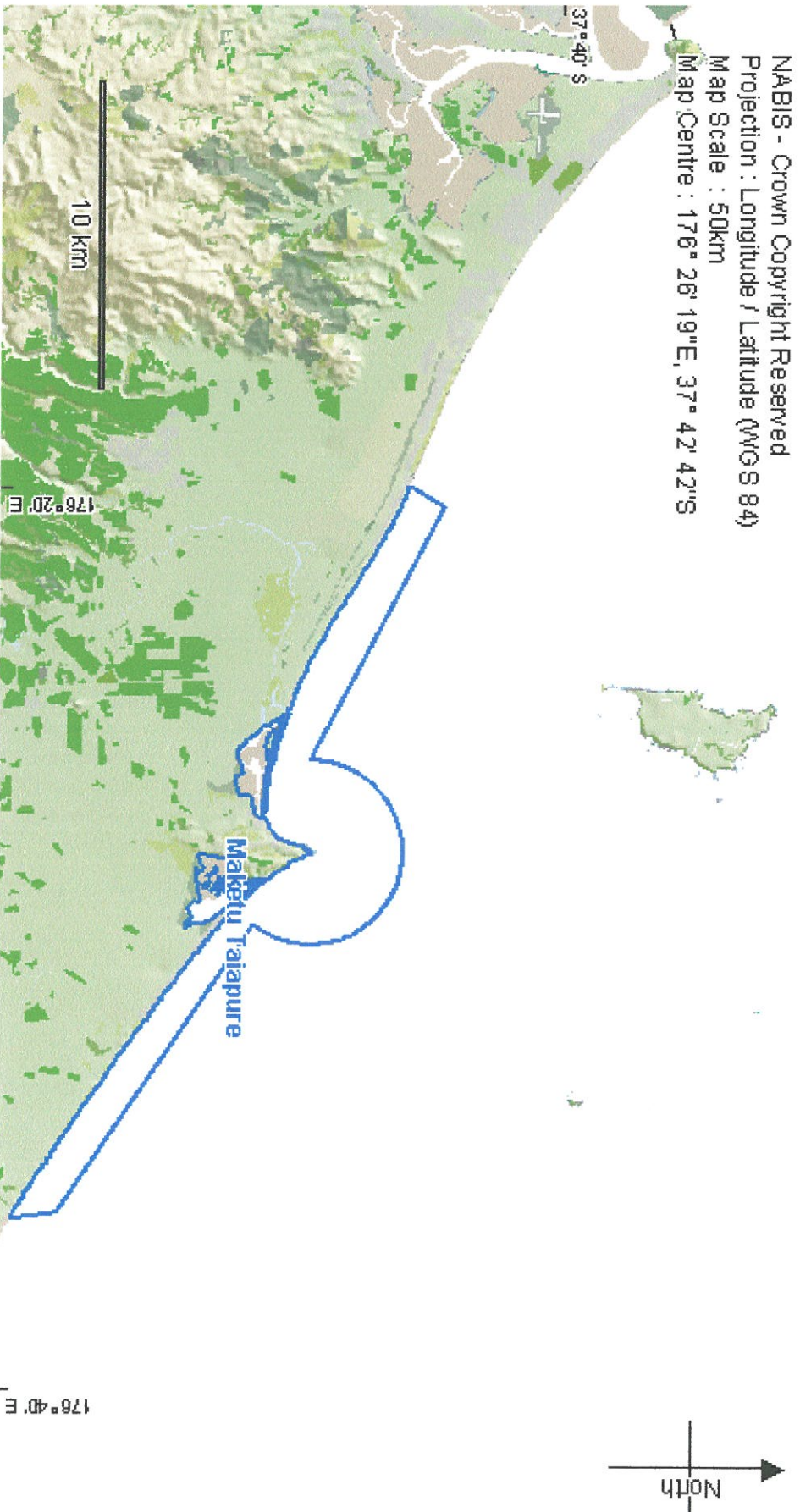
**Goals:**

- Ensure that policies are responsive to the needs of hapu and the general public that use the Taiapure area.
- Ensure compatibility with hapu environmental and resource development policies.
- Encourage territorial and local authorities to recognise and be consistent with the strategic plan of the Maketu Taiapure.
- Prepare long term plans with respect to enhancement, conservation, sustainability and monitoring in the Taiapure area.
- Enhance sub-committee capabilities to produce an annual plan which includes resources needed and submit to the Kaitiaki Group.



Appendix 3: Map 1 of Maketu Taiapure Area

Mai Wairakei ki Te Awa o te Atua



Appendix 4: Additional Map of Maketu Taiapure Area