

## Appendix 7: Fisheries Management

### 1. Introduction

The roles and responsibilities of central and local authorities regarding the current management of the Waikato River fisheries are encompassed in statutory legislation including: the Fisheries Regulations 1986, Conservation Act 1987, Treaty of Waitangi (Fisheries Claim) Settlement Act 1992, Whitebait Regulations 1994, Fisheries Act 1996, Fisheries (Kaimoana Customary Fishing) Regulations 1998, Fisheries (Amateur Fishing) Regulations 1986, Fisheries (Commercial Fishing) Regulations 2001, Biosecurity Act 1993 and the Freshwater Fish Farming Regulations 1986. Four central and local agencies are involved in the enforcement of these, including the Ministry of Fisheries, Department of Conservation, Fish and Game and Environment Waikato. Some of these responsibilities may change with the implementation of legislation relating to the Waikato-Tainui Waikato River Claim (Speirs et al., 2010).

### 2. Whitebait

The management of the whitebait fisheries in the Waikato River catchment is an issue of specific concern to the five river iwi (tribe). Particular concerns include:

- Disagreement with council requirements for taangata whenua (locals) to have to license inter-generational whaanau (family) whitebait stands.
- The licensing of new whitebait stands 'over top' [sic] of traditional whaanau fishing sites.
- A lack of monitoring and enforcement (of the fishery itself and associated structures).
- The use of set nets over more labour intensive methods that are considered more 'fair' to the fish.
- Poor maintenance of whitebait stands and, as a result, debris entering the river when these structures break down with no one taking responsibility for their removal.
- That the management and enforcement of activities associated with whitebaiting are covered by separate authorities with neither perceived to be operating in the best interests of the fishery.
- The high number of recreational fishers.

The New Zealand whitebait fishery (including common smelt, and the galaxiids iinanga (whitebait), kooaro (climbing galaxias), banded kookopu (galaxiids), giant kookopu and short jawed kookopu) is managed by the Department of Conservation through the Whitebait Fishing (West Coast) Regulations 1994 and Whitebait Fishing Regulations 1994 prepared under the Conservation Act 1986. These regulations set out the fishing season, limits on the size and type of fishing gear and other criteria. The regulations do vary, with hand-held nets allowed in some areas and fixed nets in

others. Outside the West Coast they also allow whitebait to be taken for some customary purposes. People wishing to take the whitebait for hui (meetings) or tangi (funerals) must currently advise a 'warranted officer' of the intention to fish before the whitebait are taken and comply with whatever conditions (e.g., quantity, location, method) imposed by the Department of Conservation. Persons offending against these regulations may be fined up to \$5,000.

Because they are structures in the riverbed, the licensing and administration whitebait stands in the lower Waikato River requires a license from Environment Waikato (Waikato Regional Plan, 4.2.6 Whitebait Stands) under the Resource Management Act 1991. Currently there are 427 registered whitebait stands (Speirs et al., 2010). The Department of Conservation retains responsibility for ensuring compliance with the whitebait regulations as they pertain to the use of stands.

Evidence from discussions with tangata whenua during the consultation hui for this Study, Department of Conservation reports and the media shows that conflicts between whitebaiters are increasing. As the number of people fishing continues to increase, conflicts will arise because of a shortage of fishing sites along the riverbanks. This issue requires management of the whitebaiters and does not affect restoration of the fish stocks (see Appendix 6: Whitebait). It is therefore a governance issue requiring better education and management of the whitebaiters' behaviour by the managers of this fishery, the Department of Conservation.

### 3. Tuna

The five river iwi are also concerned about issues pertaining to the management of the Waikato River tuna fishery. These issues include:

- That commercial fisherman are allowed to take a relatively large amount of tuna compared to recreational and customary fishers and are, therefore, considered to be overfishing this resource.
- That the resource is being exploited for financial gain.
- That there is an inability by iwi to implement traditional sustainable management tools such as raahui (temporary ritual prohibition).

The management of the New Zealand tuna fishery (longfin, shortfin and Australian (spotted) longfin) is currently the responsibility of the Ministry of Fisheries who are bound, under the Fisheries Act 1996, to: *"...provide for the utilisation of fisheries resources while ensuring sustainability"* (see Appendix 5: Tuna). North Island tuna stocks were introduced into the Quota Management System on 1 October 2004. There are four stocks for each of the species in the North Island with the Waikato falling into Area 21 (see Appendix 5: Tuna). Total allowable catches (TAC) in each management area are set under Section 14 of the Fisheries Act 1996 and are regularly updated *"to ensure the best possible outcomes consistent with the purpose of the Act are produced"* (Ministry of Fisheries, 2009). In setting or varying any total allowable commercial catch (TACC) under Section 21 of the Act, the Minister of

Fisheries has to take account of the TAC and allow for Maaori customary non-commercial fishing interests, as well as recreational interests and other mortality caused by fishing (Ministry of Fisheries, 2009). Current allowances for Area 21 are given in Appendix 5: Tuna.

Tuna is a difficult fishery to manage because the relative importance and interaction between habitat, recruitment and fishing pressures have not yet been quantified. There is no control on the life stages of tuna while at sea, so restoration efforts have relied on activities that enhance the population while in freshwater (see Appendix 5: Tuna).

In terms of fisheries management, one of the four approaches suggested to restore the Waikato River tuna fishery in this Study includes:

- Revising the tuna catch regulations to maximise the return per recruit and ensure that sufficient adults reach sexual maturity. (These regulations will need to be applied, not only within the Waikato River catchment, but nationwide through catch limits, raahui and the creation of reserves, if they are to have any positive impact. For shortfins there may also need to be coordination of control with Australian authorities).

To restore tuna within the Waikato River catchment, a tuna management plan with clear and realistic goals needs to be implemented. The plan will need to be adaptive, take account local, regional and national interests and be able to identify information gaps and means to answer them. Tuna population monitoring, surveillance and enforcement will be integral components of the plan. In conjunction with resource owners and managers, it will be essential to develop and implement shortfin and longfin tuna management plans that take into account the aspirations of stakeholders for each of these fisheries (e.g., the Lake Waahi puhi fishery) to restore and maintain a sustainable tuna fishery in the Waikato (see Appendix 5: Tuna).

#### **4. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010**

In the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 the Crown acknowledges (a) the importance to Waikato-Tainui of authorised customary activities and the use of traditional whitebait stands and tuna weirs, and (b) the importance to authorised customary activities and use of traditional whitebait stands and tuna weirs as an integral part of the relationship of Waikato-Tainui with the Waikato River. Other provisions state that:

- Authorities must seek and have particular regard to resource consent applications/permits on Waikato-Tainui of authorised customary activities and the use of traditional whitebait stands and tuna weirs, and assess the effects of the activity on the authorised customary activity.
- A member of Waikato-Tainui carrying out an authorised customary activity is not liable to pay, for carrying out the activity, a coastal occupation charge provided for in a regional coastal plan or any other charge.

- Members of Waikato-Tainui may (a) continue to use, maintain and alter their traditional whitebait stands and tuna weirs that were in the Waikato River on 17 December 2009, and (b) replace their traditional whitebait stands and tuna weirs that were in the Waikato River on 17 December 2009 with other traditional whitebait stands and tuna weirs in the Waikato River.
- Joint management agreements between local authorities and the Waikato Raupatu River Trust must include processes relating to customary activities, including:
  - A process for parties to explore (a) whether customary activities could be carried out by Waikato-Tainui without need for statutory authorisation from local authority, and (b) whether customary activities could be provided as permitted activities in relevant Regional or District Plans.
  - A process for the council or the Waikato Raupatu River Trust to carry out (whole or part) the functions of the harbourmaster in relation to the carrying out of authorised customary activities.
  - A process for the development of appropriate protocols between local authorities and the Waikato Raupatu River Trust to the customary practice of placing raahui on part of the Waikato River.

## 5. Waikato-Tainui Waikato River Fisheries Accord

The Fisheries Accord sets out how Waikato-Tainui and the Ministry of Fisheries will undertake co-management of the fisheries resources of the Waikato River. The Accord also recognises the special relationship that Waikato-Tainui have with all aquatic species found within the Waikato River and provides for the exercise of Mana Whakahaere (authority in respect of the river) by Waikato-Tainui. Waikato Raupatu Lands Trust and Ministry of Fisheries (2009) provides details of the intended implementation of the accord. A joint body will be responsible for prioritising work programmes and allocating resources and funding needed to implement the agreements. It is intended that the agreements will include:

- Co-management projects covering the development of the Waikato River Regulations, fisheries components of the Waikato-Tainui Environmental Plan and the fisheries component of the Integrated River Management Plan.
- Mechanisms to provide for Waikato-Tainui management of fisheries, including the protection of elvers and glass eels, the transfer of fish for enhancement purposes and participation in pest fish eradication.
- Other arrangements that will facilitate the co-management of fisheries resources of the Waikato River.

## 6. References

Speirs, D.A.; Allen, D.G.; Kelleher, R.M.; Lake, M.D.; Marchant, A.N.; Mayes, K.A.; Watene-Rawiri, E.M.; Wilson, B.J. (2010). River management. *In*: Collier, K.; Hamilton, D.; Vant, W.N; Howard-Williams, C. (eds). Waters of the Waikato:

Ecology of New Zealand's Longest River. Waikato University's Centre for Biodiversity and Ecology Research and Environment Waikato. Pp 13–25.

Waikato Raupatu Lands Trust and Ministry of Fisheries (2009). Implementation strategy. Agreements and mechanisms outlined in the Waikato-Tainui Waikato River Fisheries Accord. May 2009. 31 p.