

Improving whitebait management

Te whakapai ake i te whakahaere īnanga

Summary of Submissions
Whakarāpopoto o ngā tāpaetanga
Whiringa-ā-nuku – October 2020

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Director General's Foreword

A passion for whitebait bred from generations of family whitebaiting traditions, a love of New Zealand's ecological treasures, or an appreciation of the important place that these taonga hold in New Zealand's culture, could be strongly felt during our recent consultation on improving whitebait management.

Indeed, I myself grew up in Hokitika where we had a strong family tradition of whitebaiting on 'the bar' and the family outings we so looked forward to in September every year when the bait would run.

The importance of the future of our whitebait, and our whitebait fishery was evident from the more than 11,000 people and organisations who submitted on our Discussion Document *Improving whitebait management – Te whakapai ake i te whakahaere īnanga*.

I would like to thank all those who submitted and am encouraged to see submitters showing a real commitment to ensuring whitebait continue to be a treasured part of New Zealand's biodiversity for many generations to come.

Currently, New Zealand's native fish are in decline. Among those we call whitebait, four of our six species are at risk or threatened. These are the adult populations of whitebait species, on which the future of the whitebait fishery depends.

The feedback we have received on proposals to enable an overarching management goal for the whitebait species and options for the future regulation of the whitebait fishery, is critical to ensuring a path forward that will enable both a healthy whitebait population and a healthy, sustainable fishery in New Zealand, for generations to come.

We all need to do our part in looking after these native fish better so that they and the fishery flourish, and from the submissions we received, and those we spoke to at our public discussion sessions and hui, it is clear that as a country we are invested in the future of these taonga.

DOC looks forward to working with our Treaty Partner organisations, stakeholders and the New Zealand public to improve whitebait management in New Zealand and ensure New Zealanders passion for whitebait remains for many generations to come.

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'Lou Sanson', with a stylized flourish at the end.

Lou Sanson
Director General

Kupu Whakataki a te Tumuaki Ahurei

He ngākau whiwhita mō te īnanga (whitebait) kua hua mai i ngā tini reanga o ngā mahi hao īnanga ā-whānau, he aroha ki ngā taonga hauropi o Aotearoa, he maiohatanga rānei ki te wāhi hira o ēnei taonga ki te ahurea o Aotearoa, i kaha rangona ai i tā mātou akoako nō nākuanei mō te whakapai i te whakahaere īnanga.

Waihoki i tipu ake ahau anō ki Hokitika, i a mātou i reira he tikanga kaha ā-whānau te hao īnanga ki "te pae", me ngā haerenga ā-whānau i rikarika nei mātou i te Mahuru o ia tau i te wā e rere ana ngā īnanga.

Kei te pūrangiaho te hiranga o te īnanga hei te wā e heke mai ana, me tā tātou mahinga īnanga mai i te nui atu i te 11,000 tāngata, whakahaere hoki nā rātou i tuku tāpae ki tā mātou Puka Kōrerorero *Improving whitebait management – Te whakapai ake i te whakahaere īnanga*.

Kei te hiahia au ki te mihi atu ki a rātou i tuku tāpae mai, ā, kei te whakamānawatia ahau i taku kite i ngā kaituku tāpaetanga e whakaatu ana i te tino ūnga ki te whakarite ka noho tonu te īnanga hei wāhanga puipuiaki o te rerenga rauropi o Aotearoa mō ngā reanga kei te heke mai.

I tēnei wā, kei te mimiti haere ngā ika māori o Aotearoa. Mai i ērā momo e kīia ana e tātou he īnanga, e whā mai i te ono o ō tātou momo e whakaraerae ana, kei te mōrearea rānei. Koinei ngā taupori ika kātui o ngā momo īnanga, e whakawhirinaki ana te mahinga īnanga hei te wā e heke mai ana ki tērā.

He mea waiwai ngā kōrero whakahoki kua riro i a mātou mō ngā marohi hei whakaahei i tētahi whāinga whakahaere whānui mō ngā momo īnanga me ngā kōwhiringa mō te whakahaere ā-ture i te mahinga īnanga hei te wā e heke mai ana, kia whakaritea he ara whakamua ka whakaahei ai i te taupori īnanga hauora, i te mahinga īnanga hauora, toitū ki Aotearoa, mō ngā reanga whakaheke.

Me oti i a tātou katoa te wāhanga kei a tātou kia pai ake te manaaki i ēnei ika māori kia taurikura ai rātou, te mahinga īnanga hoki, ā, mai i ngā tāpaetanga i riro mai, mai anō i te hunga i whakawhiti kōrero mai ki ā mātou wāhanga kōrerorero, hui anō hoki, e mārama ana te kitea kei te tino whirinaki tātou o tēnei whenua ki ēnei taonga mō te wā e heke mai ana.

Kei te hīkaka a Te Papa Atawhai ki te mahi tahi ki ō tātou hoa Tiriti, te hunga whaipānga, me te iwi whānui o Aotearoa hei whakapai i te whakahaerenga īnanga ki Aotearoa, me te whakarite ka mau tonu te ngākau whiwhita mō te īnanga o te hunga nō Aotearoa hei ngā tini reanga kei te heke mai.

Ngā mihi nui



Lou Sanson
Tumuaki Ahurei

Executive summary

The Department of Conservation (DOC) is responsible for making sure that New Zealand's whitebait populations are healthy, and our whitebait fishery is sustainable. Currently four of the six whitebait species are classified by the New Zealand Threat Classification System as At Risk or Threatened.

The Conservation Act 1987, and its associated regulations and notices, gives DOC most of the management responsibilities relevant to whitebait including management of the whitebait fishery.

Two sets of regulations currently apply to the whitebait fishery: the Whitebait Fishing (West Coast) Regulations 1994; and the Whitebait Fishing Regulations 1994 (covering the rest of New Zealand including the Chatham Islands). These regulations were last reviewed in the mid-1990s.

This consultation sought feedback on these regulations, alongside other measures intended to improve fishery and species management.

The Minister of Conservation first called for a review of whitebait management in 2018. This included public engagement in 2018/19 (through a working group, public drop-in sessions, and hui), from which the Discussion Document for this consultation was developed.

During the consultation period (which took place from January to March 2020) DOC ran 22 regional discussion sessions, attended by around 1,500 members of the public. Thirteen hui were also held with Treaty Partners.

DOC received 11,533 submissions, including:

- 7,692 submissions received from individuals on a Royal Forest and Bird Protection Society of New Zealand (Forest and Bird) template
- 2,226 submissions received from individuals on a West Coast Whitebaiters' Association (WCWA) template
- 887 unique individual submissions received through DOC's online submission form
- 68 submissions that presented the views of organisations or groups, in whole or in part
- 22 submissions from Treaty Partner organisations, Treaty settlement entities and other national or regional Māori organisations
- Other submissions from individuals received by email, post, fax and forwarded by DOC's regional offices.

The consultation sought feedback on a proposed management goal and outcomes for whitebait and proposed amendments to the whitebait fishing regulations.

Management goal and outcomes

The majority of submitters (including a sizeable group of Forest and Bird template submitters) suggested that changes needed to be made to the management goal, the predominant reason being that the goal needed to reflect a stronger focus on the fish rather than the fishery.

Of submitters that commented on the proposed management outcomes, 69% of submitters did not agree with these, while 31% were supportive. Again, submitters suggested that outcomes need to better reflect that conservation comes first, and fisheries come second. Many submitters stated the outcomes needed to better reflect commercial as well as recreational fishers.

Proposals outlined in the Discussion Document

Timing of the season – This proposal received the greatest number of comments and was supported by the greatest number of submitters with 97% of respondents in agreement with shortening the length of the season. Seventy percent supported DOC's preferred option, 15 August – 14 October, while 24% supported 1 September – 15 November (the current West Coast whitebait fishing season). Submitters suggested this was an effective way to manage and support sustainable whitebait populations.

Upstream limits – Virtually all submissions contained a view on upstream limits. Overall, 97% of these submissions supported establishing upstream limits for whitebait fishing. Most submitters agreed that upstream limits should be set with a combination of back-pegs and tidal limits as a default, when back-pegs are not in place. Supporters of this proposal stated upstream limits would have a positive effect on whitebait species populations; help with compliance and enforcement; and allow flexibility at the local river level. The main concern for those not in favour were that these may restrict communities and hapū access to a food source and could cause whitebaiters to converge into a small area causing habitat damage and tension between whitebaiters.

Creation of refuges – Again, the majority of submissions contained a view on the creation of refuges with 74% in agreement (however, for those who identified they lived or fished on the West Coast only 5% agreed). Submitters commented that refuges help safeguard future populations and protect whitebait habitat and spawning grounds. However, support for many was dependent on factors such as: an entire river system should not be a refuge; refuges should only be created in regions that don't currently have them (there was strong resistance to further refuges being created on the West Coast); and a need for valid, scientific data, and more research to be undertaken, before waterways are selected and refuges are created.

Amendment of fishing practices – Of the 14 proposed changes to fishing practices some received more comments than others. Overall, of submissions that contained a view on fishing practices 99% agreed with the proposals to phase out diversions, to restrict the size and location of screens and diversions, on prohibiting fishing from structures other than stands, and within 20 metres of weirs, groynes and illegal diversions; on nets not being located beyond the edge of a stand; only allowing use of one net per stand and on the 20 metres minimum distance between staggered fishing gears. Conversely there was virtually no support for introducing the drag net provisions nationwide. There was strong support (between 76% and 78% of those submissions that had a view) for the proposal for a 6-metres maximum gear limit, the incursion limit of one-quarter the width of a waterway, and for phasing out sock nets, traps in nets and screens.

Levels of support were markedly different for those living on the West Coast with much less support for the distance between gear and virtually no support for the proposals to phase out sock nets, traps in nets and screens or reducing the allowable incursion into a waterway from one-third to one-quarter of the waterway.

Phase out export – Of the 78% of submissions that commented on this proposal virtually all agreed to phase out export. However, whether submitters agreed or not, many conveyed the view that phasing out the export of whitebait was insignificant in effect, due to small export numbers. Many expressed this proposal should be extended to phase out other sales (commercial and/or recreational). Many of those who disagreed (as well as some that agreed), noted the potential for aquaculture in this area.

Compliance and monitoring

Submissions commented on compliance monitoring, monitoring the whitebait species, fishery monitoring, and review. Many submissions sought the establishment of baseline information to help assess the efficacy of different regulatory interventions and some made a range of suggestions about how both compliance and monitoring could be better resourced.

Alternative or additional management options

Some submitters proposed alternative or additional management strategies that were out of scope for this consultation. Comments related to current activities which submitters suggested needed a higher emphasis or level of resourcing than currently occurs. These included giving priority to habitat enhancement and water quality; managing introduced species; and research and monitoring.

Other management strategies that were not part of the regulatory proposal package supported by submitters included: introducing a license system for whitebait fishers; introducing a catch limit or a quota system for whitebait and providing for a local or regional rather than a national approach to regulating whitebait fishing.

Next steps

Submissions informed recommendations to the Minister of Conservation about whitebait management (including potential regulatory amendments).

Whakarāpopoto matua

Kei te noho haepapa a Te Papa Atawhai mō te whakarite e hauora ana ngā taupori īnanga o Aotearoa, ā, e toitū ana tā tātou mahinga īnanga. I tēnei wā e whā mai i ngā momo īnanga e ono kei te whakarōpūhia e te New Zealand Threat Classification System hei E Whakaraerae Ana, hei Mōrearea rānei.

Nā te Conservation Act 1987, me āna waeture, pānui hoki, i tuku ki Te Papa Atawhai te nuinga o ngā haepapa whakahaere e hāngai ana ki te īnanga, tae atu ki te whakahaerenga o te mahinga īnanga.

E rua ngā huinga waeture e pā ana ki te mahinga īnanga i tēnei wā: te Whitebait Fishing (West Coast) Regulations 1994; me te Whitebait Fishing Regulations 1994 (e whakakapi ana i te toenga o Aotearoa kei roto nei ko ngā motu o Wharekauri). Ko te arotake o mua o ēnei waeture i tū i waenga i te rautau 1990.

Nā tēnei akoako i rapu kōrero whakahoki mō ēnei waeture, ki te taha o ētahi atu āhuatanga e takunetia ana hei whakapai ake i te mahinga ika me te whakahaerenga momo.

I tono tuatahi te Minita mō Te Papa Atawhai ki tētahi arotake o te whakahaerenga īnanga i te tau 2018. I roto i tēnei ko te tūhononga tūmatanui i ngā tau 2018/19 (mā tētahi rōpū mahi, he wāhanga kuhu-noa-mai tūmatanui, he hui anō hoki), ā, mai i ērā i whakawhanaketia te Puka Kōrerorero mō tēnei akoako.

I te wā akoako (i whakatūria atu i te marama o Kohitātea ki Poutūterangi i te tau 2020) nā Te Papa Atawhai i whakahaere ngā wāhanga kōrerorero 22, ā, i taetae atu te tata ki te 1,500 ngā tāngata nō te iwi whānui. I whakatūria hoki ngā hui tekau mā toru ki ngā Hoa Tiriti.

I riro i Te Papa Atawhai ngā tāpaetanga 11,533, kei roto i ēnei ko te:

- 7,692 ngā tāpaetanga i riro mai i ngā tāngata takitahi ki tētahi tātauira a Te Reo o te Taiao (Forest and Bird)
- 2,226 ngā tāpaetanga i riro mai i ngā tāngata takitahi ki tētahi tātauira a te West Coast Whitebaiters' Association
- 887 ngā tāpaetanga takitahi ahurei i riro mai i te puka tāpaetanga tuihono a Te Papa Atawhai
- 68 ngā tāpaetanga i whakaatu i ngā tirohanga o ngā whakahaere, ngā rōpū rānei, te katoa o tērā, he wāhanga rānei
- 22 ngā tāpaetanga mai i ngā hoa Tiriti, me ētahi atu whakahaere Māori, hinonga whakataunga Tiriti hoki
- Ētahi atu tāpaetanga i riro mai i ngā tāngata takitahi nā te imēra, te tuku reta, te waea whakaahua, ā, i tukuna anō e ngā tari ā-takiwā a Te Papa Atawhai.

I rapua e te akoako te kōrero whakahoki mō tētahi whāinga whakahaere marohi me ngā putanga mō te īnanga, he panoni marohi ki ngā waeture mahinga īnanga.

Te whāinga me ngā putanga whakahaere

Ko te nuinga o ngā kaitāpae (kei roto nei ko tētahi rōpū rahi o ngā kaitāpae tātauira a Te Reo o te Taiao) i marohi kia whakamahia he panoni ki te whāinga whakahaere, ā, ko te take matua me whakaatu te whāinga i te aronga kaha ake ki te ika, kua ko te mahinga ika.

Mai i ngā kaitāpae nā rātou i kōrero mō ngā putanga whakahaere marohi, 69 ōrau o ngā kaitāpae kāore i whakaae ki ēnei, waihoki, 31 ōrau i tautoko. Tērā anō, i marohi te nuinga o ngā kaitāpae kia pai ake te whakaatu a ngā putanga ko te whāomoomo te mea tuatahi, ā, me tuarua ngā mahinga īnanga. Tokomaha ngā kaitāpae i whakapuaki me pai

ake te whakaatu a ngā putanga i ngā kaihao ika ā-ahumoni, tāpiri atu ki ngā kaihao ā-rēhia.

Ngā marohi e whakatakotoria ana ki te Puka Kōrerorero

Te wā mō te kaupeka – I riro i tēnei marohi te tau nui rawa o ngā kōrero, ā, i tautokona e te tau nui rawa o ngā kaitāpae, arā 97% o ngā kaiwhakahoki kōrero i whakaae kia whakawhāititia te roanga o te kaupeka. Whitu tekau ōrau i tautoko i te kōwhiringa he pai ake ki Te Papa Atawhai, arā ko te 15 Hereturikōkā – 14 Whiringa-ā-nuku, ā, 24% i tautoko i te 1 Mahuru – 15 Whiringa-ā-rangi (te kaupeka haonga īnanga o nāiane ki Te Tai Poutini). I marohi ngā kaitāpae koinei tētahi ara pai hei whakahaere, hei tautoko i ngā taupori īnanga toitū.

Ngā paenga pito whakarunga – Tino tata ki te katoa o ngā tāpaetanga i whai whakapae mō ngā paenga pito whakarunga. 97% o ēnei tāpaetanga i tautoko kia whakatūria he paenga pito whakarunga mō te hao īnanga. I whakaae te nuinga o ngā kaitāpae me whakarite ngā paenga pito whakarunga ki ngā mātiti ā-muri (back-pegs), me ngā tepenga tai hoki hei tepenga pūtake, ina kāore i reira ngā mātiti ā-muri. Nā te hunga tautoko i tēnei marohi i kī he pai te pānga o ngā paenga pito whakarunga ki ngā taupori momo īnanga; he āwhina ki te tautuku me te uruhi; me te tuku i te pīngoretanga ki tēnā awa, ki tērā awa. Ko te āwangawanga matua mō rātou kāore i whakaae kei here pea ēnei i te āheinga o ngā hapori, o ngā hapū ki tētahi puna kai, ā, ka whakaritea pea kia whakarauika ngā kaihao īnanga ki tētahi wāhi paku, mā korā e hua mai te tūkinō nōhanga, me te manawa pā i waenganui i ngā kaihao īnanga.

Te hanga āhuru mōwai – Ka pērā anō, i whai te nuinga o ngā tāpaetanga i tētahi whakapae mō te hanga āhuru mōwai, ā, 74% i whakaae (heoi anō mō rātou i tautuhi i tā rātou noho, hao ika rānei ki Te Tai Poutini, e 5% noa iho i whakaae). I kī ngā kaituku tāpaetanga mā ngā āhuru mōwai e āwhina ki te whakahaumarua i ngā taupori mō te wā e heke mai ana, me te tiaki i te nōhanga me ngā wāhi toene. Heoi anō, ki ngā tini kaitāpae i whirinaki tā rātou tautoko ki ngā āhuatanga pēnei i: me kua tētahi pūnaha awa katoa e noho hei āhuru mōwai; me hanga anake ngā āhuru mōwai ki ngā rohe kāore i te whai kē i tētahi (he ātete kaha ki te whakatūnga mai o ētahi atu āhuru mōwai ki Te Tai Poutini); ā, me te hiahia ki te raraunga pūtaiao whaimana, ā, kia nui hoki te rangahau, i mua i te kōwhiri i ngā arawai me te hanga āhuru mōwai.

Te whakarerekē i ngā tikanga hao īnanga – Mai i ngā panoni marohi 14 ki ngā tikanga hao īnanga, i nui ake ngā kōrero i riro i ētahi, i ā ētahi atu. Hui katoa, mai i ngā tāpaetanga i whai whakapae mō ngā tikanga hao īnanga i whakaae te 99% ki ngā marohi kia āta whakakorea ngā whakapeau, kia herea te rahi, te wāhi hoki o ngā ārai me ngā whakapeau, mō te whakakore i te haonga īnanga mai i ngā hanganga atu i ngā tūnga, ā, i roto tonu i te 20 m o ngā whakapuni, ngā ārai poto, ngā whakapeau turekore rānei; e pā ana kia kua ngā hao e whakatūria kei tua atu i te taha o tētahi tūnga; te whakaae kia whakamahia te hao kotahi anake ki ia tūnga, ā, mō te tawhiti itinga rawa 20 m i waenga i ngā taputapu hao īnanga whitiwhiti. Manohi anō tata ki te kore te tautoko mō te whakauru i ngā wāhanga hao tō puta noa i te motu. He kaha te tautoko (i waenganui i te 76% me te 78% o ērā tāpaetanga i whai whakapae) mō te marohi kia 6 m te tepenga mōrahi mō ngā taputapu, te tepenga kōkuhutanga o te 1/4 te whānui o tētahi arawai, me te āta whakakore i ngā hao tōkena, i ngā tawhiti ki ngā hao me ngā ārai.

I kitea te rerekētanga o ngā taumata tautoko o ērā e noho ana ki Te Tai Poutini, arā he tino iti iho te tautoko mō te tawhiti i waenganui i ngā taputapu, ā, tata ki te kore te tautoko mō ngā marohi kia āta whakakorea ngā hao tōkena, ngā tawhiti ki ngā hao me ngā ārai, te whakaheke rānei i te kōkuhutanga ki tētahi arawai e whakaaetia ana i te 1/3 ki te 1/4 o te arawai.

Te āta whakakore i te hokohoko ki tāwāhi – Mai i te 78% o ngā tāpaetanga i kōrero tēnei marohi tata ki te katoa i whakaae ki te marohi kia āta whakakorea te hokohoko ki tāwāhi. Heoi anō, ahakoa i whakaae ngā kaitāpae, kāore rānei, tokomaha i tuku i te whakapae he pānga iti tō te āta whakakore i te hokohoko ki tāwāhi o te īnanga, i runga i

ngā tau iti o te hokohoko ki tāwāhi. Tokomaha i whakapuaki me whakawhānui tēnei marohi kia āta whakakorea ērā atu hokonga (ā-ahumoni, ā-rēhia hoki/rānei). Tokomaha o rātou kāore i whakaae (me ētahi hoki i whakaae), i kōrerotia te pitomata mō te mahinga pāmu wai ki tēnei āhuatanga.

Te tautuku me te aroturuki

I kōrero ngā tāpaetanga mō te aroturuki tautuku, te aroturuki i ngā momo īnanga, te aroturuki mahinga īnanga, me te arotake. He maha ngā tāpaetanga i hiahia ki te whakatūnga o ngā mōhiohio pūtake hei āwhina ki te arotake i te pai o ngā mahi whakahaere ā-ture rerekē, ā, nā ētahi i tuku mai te whānuitanga o ngā marohi mō te whakapai i te tuku rauemi ki te tautuku me te aroturuki hoki.

Ngā kōwhiringa whitiwhiti, tāpiri rānei

I marohi ētahi kaitāpae i ngā rautaki whakahaere whitiwhiti, tāpiri rānei kei waho i te hōkai o tēnei akoako. Ngā kōrero e hāngai ana ki ngā mahi o nāianeī nā ngā kaitāpae i marohi me nui ake te ngoi, te taumata tuku rauemi i tērā o nāianeī. Kei roto i ēnei ko te tuku whakaarotau ki te whakareinga nōhanga me te kounga wai; te whakahaere i ngā momo rāwaho; te rangahau me te aroturuki.

Ko ētahi atu rautaki whakahaere kāore i roto i te kete waeture marohi i tautokona e ngā kaituku tāpaetanga ko: te whakauru i tētahi pūnaha raihana mō ngā kaihao īnanga; te whakauru i tētahi tepenga hao, pūnaha toha rānei mō te īnanga me te whakarite i tētahi aronga ā-rohe, ā-takiwā rānei kua ko te aronga ā-motu mō te whakahaere ā-ture i te haonga īnanga.

Ngā mahi whai muri

Nā ngā tāpaetanga i whakamōhio ngā marohi ki te Minita mō Te Papa Atawhai e pā ana ki te whakahaere īnanga (tae atu ki ngā panoni waeture ka taea pea).

1: Introduction | Kupu Whakataki

1.1 Purpose of this consultation | Te take o tēnei akoako

Conserving whitebait species and ensuring the future of our whitebait fishery

The Department of Conservation (DOC) is responsible for making sure that New Zealand's whitebait populations are healthy and that our whitebait fishery is sustainable.

Currently four of the six whitebait species are classified by the New Zealand Threat Classification System as At Risk or Threatened. Threats and pressures affecting whitebait species include habitat loss and degradation; the break-up of habitat by barriers; loss of spawning sites; introduced fish species such as trout; and fishing pressure. The nature and extent of these threats varies among different locations and between whitebait species.

There are many differences between management of the whitebait fishery and other recreational and freshwater fisheries in New Zealand. While essential work continues by DOC and other government agencies (such as the Ministry for Primary Industries, Ministry for the Environment and regional and district councils) to address certain threats to whitebait (for example, habitat improvement, water quality), management of the whitebait fishery can also be improved. Recent decisions in the Action for Healthy Waterways package will be important for addressing broader threats to whitebait aside from fishing.¹

The Conservation Act 1987, and its associated regulations and notices, gives DOC most of the management responsibilities relevant to whitebait including management of the whitebait fishery.

Currently, two sets of regulations apply to the whitebait fishery: the Whitebait Fishing (West Coast) Regulations 1994; and the Whitebait Fishing Regulations 1994 (which cover the rest of New Zealand including the Chatham Islands). These regulations have not been reviewed since the mid-1990s.

The consultation sought feedback on these regulations, alongside feedback on how we best manage whitebait species in New Zealand. In particular feedback was sought on:

- a proposed management goal for the six species fished as whitebait
- proposed management outcomes for the whitebait fishery
- proposed amendments to the whitebait fishing regulations.

1.2 The consultation process | Te hātepe akoako

What we did

On the direction of the Minister of Conservation in 2018, DOC began work on improving whitebait management.

¹ www.mfe.govt.nz/action-for-healthy-waterways

From mid-2018 to early 2019, DOC led an extensive engagement process, co-designed with Māori subject-matter experts, to discover New Zealanders' thoughts on whitebait.

This process involved nationwide community drop-in sessions: a project webpage; an online survey; and a dedicated, quick-response email address. Hui were held with iwi and ongoing engagement with Te Wai Māori Trust took place. DOC convened a Whitebait Working Group, whose members reflected New Zealanders' diverse interests in whitebait. Members of the public who submitted Ministerial letters on whitebait were also encouraged to contribute.

Overall, contributions were received from more than 3,000 people and organisations.

Issues identified during this engagement process informed the proposals outlined in the *Improving whitebait management – Te whakapai ake i te whakahaere inanga* discussion document, which supported the 2020 consultation.

This document was released on DOC's website and in hard copy on the 13 January 2020, with consultation taking place through to 16 March 2020. During this time the DOC whitebait management webpages received 18,646 unique page views, and the discussion document was downloaded approximately 6,500 times. A total of 2,500 copies of the Discussion Document were printed, these were available at the discussion sessions, and at regional DOC offices. Due to the popularity of the document copies were also sent out to some regional DOC visitor centres, individual members of the public who requested them, some libraries and a number of sporting goods stores (where whitebaiting equipment is sold).

Within the consultation period, DOC ran public discussion sessions in 22 locations around New Zealand. These two-hour sessions enabled members of the public to hear from a panel of DOC representatives, and to ask questions relating to the discussion document and whitebait management, more broadly. A record of questions posed by attendees was kept at all sessions.

In total these sessions were attended by around 1,500 members of the public, comprising recreational and commercial whitebait fishers, conservationists and interested members of the public, among others. These discussion sessions were advertised on DOC's website, DOC's Facebook page and in daily and community newspapers.

A dedicated whitebait management consultation email address was created and monitored regularly. Correspondents used this to ask questions about the consultation, the proposals in the Discussion Document, and matters relating to whitebait more broadly.

This email address was one of three methods by which submissions could be sent to DOC, alternatively, submitters could fill in an online form (hosted by SurveyMonkey) or send a hard-copy written submission to DOC via mail or fax.

Treaty Partner organisations, Treaty settlement entities and other national or regional Māori organisations

Under section 4 of the Conservation Act 1987, DOC is required to give effect to the principles of the Treaty of Waitangi. Part 5B of that Act relates to freshwater fisheries. The Act states that Māori fishing rights are unaffected by any of the provisions set out in its Part 5B. Further, Clause 16 of the Conservation (Indigenous Freshwater Fish) Amendment Bill that passed in 2019 clarified that regulations do not affect Māori fishing rights. Relevant provisions of Treaty settlement acts also apply.

DOC has been engaging with iwi/hapū/whānau specifically on whitebait management since 2018 (with elements of that process in 2020 including consultation on regulatory proposals). In that time, DOC has heard diverse perspectives on this topic. This diversity is also reflected in consultation feedback.

Work with DOC's Treaty Partner organisations continued through this consultation, with 13 hui held around New Zealand. On an ongoing basis, DOC is working to strengthen its relationships with whānau, hapū and iwi. DOC's understanding is that there is no one-size-fits-all approach to growing Treaty Partner engagement in whitebait management, or for customary fishing. DOC welcomes approaches from Treaty Partners at any time on these matters.

Next steps

DOC received 11,533 submissions during this consultation. Analysis of these submissions has been captured in this summary paper and was used to develop DOC's recommendations to the Minister of Conservation on next steps. Recommendations were provided to the Minister of Conservation in mid-2020.

There will be no changes to the whitebait regulations for the 2020 season.

1.3 What was consulted on? | I akoakohia te aha?

Current state

The current state of whitebait management is laid out in Part 1: Introduction of the Discussion Document. It contained information on:

- What whitebait are – overview of the six included native species and their spawning and migration habits.
- How they are currently managed – including their conservations status and the legislation and policy that impacts their management.
- The whitebait fishery – including an overview of the two current whitebait fishing regulations, and an illustration of how whitebaiting compares to other recreational fisheries in New Zealand. This section also included an overview of the cultural significance of whitebait in New Zealand.
- Current work being undertaken in this space – including information on the impact of the Biodiversity 2018 funding on whitebait management.
- The public engagement process on whitebait management – outlining how DOC engaged with the public during 2018/19 and summarising major issues and management options identified through this process.

Views were sought on whether there was agreement with the description of the current state, and whether there should be additional information considered.

Management goals and outcomes

The proposed management goal considered in this consultation for the six species of native fish that are caught as whitebait was:

Ensure healthy and restored whitebait populations and provide for a sustainable fishery

The proposed management outcomes consulted on were that:

- The whitebait fishery is well managed.
- The fishery is managed for the recreational enjoyment of participants.
- Treaty Partners are involved in the management of the whitebait fishery.

- Fishing activity does not compromise the intrinsic value of the species and resource.
- Options of future generations are safeguarded.
- Management of the whitebait fishery is nationally consistent.
- Compliance with the management regime is the norm and the extent and severity of non-compliance does not increase over time.
- The fishery is well supported by habitat management.

Regulatory proposals

The regulatory proposals set out in consultation are listed below and described in more detail in sections 2 and 3 of this Summary. The following table also shows how the proposals consulted on compare to the current regulations for whitebait fishing.

In addition to seeking views on specific regulatory proposals the Discussion Document sought views on:

- any minor or technical amendments that would clarify or streamline the regulations
- which regulatory proposals should be prioritised
- other management options that should be considered.

Monitoring and implementation

The Discussion Document sought feedback on:

- implementation – including how to ensure regulations are understood and when they should be introduced
- views on how the proposed regulations, and their efficacy, should be monitored.

Summary of the in-scope regulatory proposals compared with the existing regulatory regime

Change proposed	Options (* DOC's recommended options)	Comparison with existing regulations
Timing of the whitebait season	<p>For New Zealand, excluding the Chatham Islands:</p> <ul style="list-style-type: none"> • 15 August – 14 October* • 1 September – 30 October • 1 September – 15 November 	<p>1 September – 15 November is the current season for whitebait fishing on the West Coast of the South Island.</p> <p>In the rest of New Zealand excluding the Chatham Islands, the whitebait season runs 15 August – 30 November.</p>
Nationwide upstream limits on whitebait fishing	<ul style="list-style-type: none"> • Introduce back-pegs to mark upstream limits to whitebait fishing* • Where back-pegs are not in place, whitebait fishing occurs within tidal limits* <p>(Both elements comprise DOC's recommended option).</p>	<p>The upstream limit of whitebait fishing is defined using back-pegs and the tidal extent on the West Coast of the South Island.</p> <p>Around the rest of New Zealand, there is currently no upstream limit for whitebait fishing.</p>
Creation of whitebait refuges in selected waterways (fishing excluded)	<ul style="list-style-type: none"> • Temporary short-term (2 years on, 2 years off) • Temporary medium-term (5 – 10 year time frame) • Longer-term (10+ year time frame)* 	<p>Permanent closures to whitebait fishing are in place in some waterways on the West Coast of the South Island.</p> <p>Whitebait fishing is excluded from national parks and certain reserves, unless a specific permission is in place.</p>
Whitebait fishing practices	<ul style="list-style-type: none"> • Phase out: <ul style="list-style-type: none"> -sock nets* -traps in nets* -screens and diversions* 	<p>Sock nets, traps and screens may be used around New Zealand.</p>

Change proposed	Options (* DOC's recommended options)	Comparison with existing regulations
	<ul style="list-style-type: none"> Nationwide size and location restrictions on screens and diversions 	Regulatory provisions for screens differ between the West Coast (for example, size and placement) and the rest of New Zealand (no specific requirements).
	<ul style="list-style-type: none"> Fishing prohibited from structures other than stands* 	This provision is in place on the West Coast of the South Island but not elsewhere around New Zealand.
	<ul style="list-style-type: none"> Fishing prohibited within 20 m of weirs, groynes and illegal diversions* 	Fishing is prohibited within 20 m of any tide gate, flood gate, outlet pipe or culvert around New Zealand. On the West Coast, fishing is not permitted within 20 m of illegal diversions.
	<ul style="list-style-type: none"> Nets not to be located beyond outer edge of stand* 	This provision is in place on the West Coast of the South Island but not elsewhere around New Zealand.
	<ul style="list-style-type: none"> One net used when fishing from a stand* 	This provision is in place on the West Coast of the South Island but not elsewhere around New Zealand.
	<ul style="list-style-type: none"> Nationwide maximum overall length limit for gear of 6 m* 	This provision is in place around New Zealand but not on the West Coast of the South Island. Other limits (such as on net size) also apply within this overall limit.
	<ul style="list-style-type: none"> Nationwide maximum incursion of gear (excluding stands) into a waterway of one-quarter* 	This distance is currently 1/3 of the width of a waterway. (Other limits, such as gear size limits also apply within this incursion distance).
	<ul style="list-style-type: none"> Drag net provisions to apply nationwide 	This provision is in place around New Zealand but not on the West Coast of the South Island.
	<ul style="list-style-type: none"> Minimum distance of 20 m between fixed fishing gear (not stands), where gear extends the maximum legal distance into a waterway* 	There is currently no minimum distance set between fixed fishing gear (excluding stands), including where gear extends into waterways.

Change proposed	Options (* DOC's recommended options)	Comparison with existing regulations
Phasing out the export of whitebait	<ul style="list-style-type: none"> Phase out export of the whitebait species* 	Export of whitebait is legal.

2: The response | Te Urupare

2.1 Size of response | Te rahi o te urupare

DOC received a total of 11,533 submissions. Template submissions accounted for 86% of all submissions received: 2,226 submissions contained content prepared by the West Coast Whitebaiters' Association (WCWA) and 7,692 submissions contained content prepared by the Royal Forest and Bird Protection Society of New Zealand (Forest and Bird). Of the template submissions received, 4,579 included a unique comment (626 WCWA and 3,953 Forest and Bird). Most template submissions were received electronically.

Submissions reached DOC from several sources including through the DOC website and via email, post and fax to DOC and forwarded on by other ministers. Some people added to their submission or submitted several times over the consultation period. Where this could be clearly identified, the content of their submissions has been combined and has been counted once as a unique submission in this analysis.

The DOC online submission form was used to make 887 unique individual submissions. The remaining 10,556 unique individual submissions were submitted to DOC via email or post.

In addition to these formal submissions, 43 hard-copy petitions with a total of 531 signatures were mailed to DOC. Signatories were listed in support of a series of statements reflecting the WCWA template content.

2.2 Who responded | Nā wai i urupare

DOC's online submission form enquired whether a submission represented the views of an individual or an organisation and asked information about the submitters' interests in whitebait (for example, if they were a customary, commercial and/or recreational fisher, and if they had a scientific or environmental interest or were an interested member of the public). If they were a fisher, they were asked about the regions they had fished in. Where this information was provided in other submissions (received by email, post etc.) this was included in the analysis.

- Individual viewpoints comprised the vast majority (99%) of all submissions.
- 68 submissions represented the views of organisations or groups, in whole or in part. A list of these organisational submitters is included in Appendix 1 (see [Appendix 1](#)) and included groups with a membership base (for example representing whitebaiters in particular areas of New Zealand or those with a national, regional or local conservation or environmental interest); science or conservation organisations (including a zoo and a museum); regional councils; Conservation Boards, outdoor recreational pursuits; and businesses in whitebaiting localities and umbrella organisations representing commercial whitebaiters.
- 22 submissions were received from Treaty Partner organisations, Treaty settlement entities and other national or regional Māori organisations.
- Among submissions where a location was provided, the largest numeric contribution was from people living and/or fishing on the West Coast of the South Island (2,605 submissions). This included the 2,226 submissions using the WCWA template. Another 94 submissions were received from those who indicated that they fished on the West Coast as well as in other regions. There were 1,046 submitters who indicated that they lived or fished in other regions of New Zealand and 701 of these were from fishers (including 590 recreational fishers). No

location information was available for 7,789 submissions including those using the Forest and Bird template.

- The online form sought information from submitters about their interests in whitebait. The vast majority of those completing DOC's online submission form indicated their interest in whitebait was fishing.
- Of the submissions received via other means (for example, by post, email), nearly three-quarters had used the Forest and Bird template and around one-quarter were from fishers.
- Information on the submitters interest in whitebait was provided by 1,431 individuals and is outlined in the below table.

Interest in whitebait reported in submissions

Category	Submissions interest in whitebait	
	Number of submissions	As a % of all
Treaty Partner organisations	22	0.2%
Whitebait fishers	1,148	10%
• Customary	90	
• Recreational	918	
• Commercial	48	
• Did not specify fisher type	194	
Environmental interest	427	4%
Scientific interest	61	0.5%
Consumer	13	0.1%
Interested member of the public	49	0.4%
No information about interest	113	1%
Template submissions:		
• WCWA	2,226	19%
• Forest and Bird	7,692	69%

Note: As some submitters stated more than one interest, the column totals do not equal the total number of submissions received or add up to 100%.

2.3 Treaty Partner organisations, Treaty settlement entities and other national or regional Māori organisations | Te urupare mai i ngā whakahaere Hoa Tiriti, ngā whakahaere Māori ā-motu, ā-rohe anō, ngā hinonga whakataunga Tiriti hoki

DOC welcomes engagement with whānau/hapū/iwi on an ongoing basis, including on whitebait. In response to DOC's engagement with Treaty Partners and call for submissions on the proposed changes to the whitebait regulations, DOC received submissions from 22 organisations and entities (listed in [Appendix 2](#) – which provides an overview of the feedback received from these organisations on the proposed goal, outcomes, on each of the specific proposals and issues of implementation).

In some instances, it was apparent the content of submissions had been circulated as several submission stated they support the submission made by another organisation. (Te Kotahitanga o Te Atiawa Trust and Ngati Hapu O Te Atiawa Iwi and Te Korowai o Ngāruahine supported the submission from the Te Wai Māori Trust. Similarly, Poutini Ngāi Tahu and Te Ngāi Tūāhuriri Rūnanga stated support for the submission from Te Rūnanga o Ngāi Tahu.)

Broadly, submissions received from Treaty Partner organisations, Treaty settlement entities and other national or regional Māori organisations were concerned about the severity and diversity of threats and pressures acting on whitebait and their freshwater habitats. Some submissions questioned how the threats and pressures affecting the whitebait species (aside from fishing) were being addressed by Government (details are contained throughout this document and in Appendix 2). Two organisations commented that their input into DOC's 2018/19 engagement on whitebait had not been reflected in the proposals in this consultation (for example, suggesting prohibiting the sale of whitebait).

As well as commenting on the specific proposals, some of these submissions suggested broader perspectives that needed to be considered when making decisions about the management of whitebait including the following.

Broader context

Crown – Māori relations – Some submissions included views on the respective roles of Māori and the Crown regarding ownership and management of freshwater and freshwater species including the whitebait species. Submissions also set out views on whether the Crown had fulfilled Treaty of Waitangi obligations in current and prospective legislation and in the development of the current proposals and the Discussion Document. Some submissions considered that these obligations were not met.

Te Ao Māori and mātauranga – Several submissions addressed how or identified which Māori values and concepts could and should be incorporated into any decision-making about whitebait. These submissions considered that Te Ao Māori, taonga values or mātauranga should have been more broadly reflected in the Discussion Document, and/or whitebait management, more generally. Holistic views of the whitebait species, ecosystems and human responsibility were highlighted. Submissions broadly discussed the importance of science, research, and mātauranga in informing the future management of the fishery and these species. The development of cultural monitoring tools was also highlighted. Submissions also stressed that whitebait management should recognise and encompass some or all the following: rangatiratanga, mātauranga Māori, tikanga, kaitiakitanga.

Customary practices – The Discussion Document stated that Māori fishing rights are unaffected by the proposals set out in this consultation (p. 19). Some submissions set out the importance of, and expectations relating to, cultural take. Three submissions sought legal confirmation of the exemption of customary fishing from the regulatory

proposals. Clarification was also sought on how the exemption would be implemented. Two submissions supported regulatory amendment, provided that this did not affect their customary take.

2.4 Submission templates and petitions | Ngā tātauirā tāpaetanga me ngā petihana

As described above, there was a large coordinated response to this consultation with most individual and a few organisational submitters using one of two online or printed submission templates – one created and circulated by WCWA and the other by Forest and Bird. Many submitters only added their details to the template, while others made additional comments – either emphasising a point in the template or making an additional point or suggestion not included in the template.

The WCWA template was used in 2,226 submissions (around 19% of all submissions) and the Forest and Bird template was used in 7,692 (around 67% of all submissions).

While other submissions contained very similar content, two other circulated template submissions could be identified – one containing a series of printed statements to which the submitter added their signature (37 submissions, mostly from West Coast contributors). The other was a printed form circulated among Southland whitebaiters containing a list of questions and options loosely based on the consultation questions listed in the Discussion Document. The submitter indicated which options they agreed or disagreed with (92 submissions).

Several petitions were also received as part of the consultation. These were printed statements based on the WCWA submission template with multiple signatures underneath². While not included in the submission count these views have been noted and are captured in the analysis that follows.

As well as coordinating the circulation of template submissions to their members, WCWA and Forest and Bird (national office and several regional branches) also made detailed submissions on behalf of their organisations and branches. The template content was derived from these more detailed submissions (the content of which is summarised in [Appendix 3](#)).

WCWA became an incorporated society in 1995.³ At the time of consultation, membership was 441⁴ with 70% of members living outside the West Coast region.⁵

The objectives of WCWA are:⁶

- To protect and enhance by all possible means the interests of whitebait fishers in the territorial areas covered by the Whitebait Fishing (West Coast) Regulations 1994 or any replacement regulations or statutory provisions.
- To encourage, promote and safeguard in any manner which the WCWA thinks fit the conservation and propagation of all species of whitebait in the recognition

² Those signing the petition did not provide additional comments. In addition, some signatures were illegible and lacked contact information meaning it was not possible to work out if these individuals made a separate submission or signed several petitions.

³ (Details from a search at <https://app.businessregisters.govt.nz>)

⁴ Reported in WCWA's submission

⁵ C. Riley, pers. comm.

⁶ <https://westcoastwhitebaiters.co.nz/about-us/>

that the resource must be preserved for the benefit of present and future generations.

- To recognise and honour the Treaty of Waitangi.
- WCWA communicates with its members on Facebook,⁷ through its website,⁸ and at meetings.

For this consultation, WCWA promulgated suggested responses to the consultation⁹ and developed a submission template which was posted online.

Forest and Bird was founded in 1923 and has approximately 80,000 members and 47 regional branches nationwide.

- Forest and Bird's constitution identifies its main purpose as: *To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.*¹⁰
- Forest and Bird's branches hold meetings, and at a national level, communications with its membership and supporters include email updates and a quarterly magazine.
- Forest and Bird created an online submission template for this consultation, which included a field for adding unique individual comments. Key points included in this template are summarised in [Appendix 3](#). A total of 7,692 submissions used this template, of which 626 provided individual comments. The additional comments provided on template submissions are included and reflected in under the appropriate sections of this Summary.

2.5 Analysis and reporting on submission content | Te tātari me te pūrongo i ngā kiko tāpaetanga

This report is structured around the headings used in the Discussion Document and the material which was in-scope for this consultation. It also summarises views which fall outside the scope of the consultation, and submitters' comments on proposals they considered should have been included, as well as views on the consultation process and/or Discussion Document.

This report provides an overall summary of all submissions, and then reviews these in the context of the current regulatory framework (where one set of regulations apply to the West Coast region and another to the rest of New Zealand). This means that submissions identifiable as reflecting West Coast interests (where the Whitebait Fishing (West Coast) Regulations 1994 apply) and submissions from the rest of New Zealand (where the Whitebait Fishing Regulations 1994 apply) are summarised separately.

The report also highlights whether each proposal was addressed in either or both of the main template submissions (as together template submissions accounted for the majority of the response) and key views on each proposal contained in submissions from organisations (distinguishing views from those representing Treaty Partners, Māori groups and Treaty settlement entities from other organisational types).

⁷ <https://www.facebook.com/whitebaitassociationwc/>

⁸ <https://westcoastwhitebaiters.co.nz/>

⁹ <https://westcoastwhitebaiters.co.nz/doc-consultation-responses/>

¹⁰ www.forestandbird.org.nz/about-us/our-society (see link to Constitution)

2.6 Overarching feedback | Te tuanui o ngā kōrero whakahoki

The main aim of the consultation was to seek feedback on the proposed approach and specific proposals relating to regulating the fishing of whitebait.

Response to proposals

As can be seen from this table virtually all submissions addressed the proposed changes to regulations relating to the whitebait season; the nationwide introduction of upstream limits; the establishment of refuges; and changes to some forms of fishing practices. A smaller majority of submissions addressed the proposal to phase out the export of whitebait and some other forms of fishing practice.

Some submissions stated that they did not feel they had the expertise to comment on a proposal or trusted DOC with the decision.

The strength and range of views is presented in the table below and discussed in detail in the sections that follow.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ₁	94	1,046	7,789 ₂
% of submissions that commented on					
State of whitebait	8%	10%	68%	61%	<1%
Goal	76%	11%	78%	64%	99%
Outcomes	8%	9%	69%	59%	<1%
Proposed changes to the regulations					
Seasons	99%	99%	95%	93%	100%
Upstream limits	100%	100%	100%	100%	100%
Refuges	98%	99%	97%	88%	100%
Fishing practices					
- Phasing out sock nets	98%	99%	97%	88%	100%
- Phasing out traps in nets	88%	87%	14%	16%	99%
- Phasing out screens	88%	87%	15%	13%	99%
- Phasing out diversions	67%	<1%	-	3%	99%
- Limits on size of screens/diversions	87%	86%	13%	8%	99%
- Limits on location where screens diversions can be used	87%	86%	9%	6%	99%
- Prohibiting fishing from structures other than stands	87%	85%	3%	6%	99%
- Prohibiting fishing from within 20 m of groynes, weirs and illegal diversions	33%	>99%	99%	94%	1%
- No net use beyond the edge of a stand	87%	85%	3%	9%	99%

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
% of submissions that commented on					
- One net to be used when fishing from a stand	87%	85%	1%	7%	99%
- Maximum gear limit of 6 m	87%	85%	2%	7%	99%
- Nationwide incursion of 1/4 of a waterway	86%	85%	2%	5%	99%
- Apply West Coast drag net provisions nationwide	86%	85%	1%	6%	99%
- 20 m distance between staggered fixed fishing gear	67%	1%	2%	6%	99%
Phasing out the export of whitebait	78%	12%	93%	85%	100%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Other overarching feedback

In addition to the comments that addressed the proposals in the discussion document several other areas were commonly commented on that fall outside the scope of the consultation. Some of these submissions were concerned with DOC current roles and responsibilities and how these are coordinated with those of other agencies. Most of these areas are discussed in more detail in the Out-of-scope management options section (see [Out-of-scope](#) section). They include:

- the need for more information and research about whitebait species and the impact of different interventions on populations (for example, are populations of whitebait improved through the creation of refuges)
- habitat of whitebait species
- managing introduced species and predators of whitebait
- responsibilities for enforcing the regulations – including observations of the frequency of contact with DOC staff and concerns about the behaviour of some fishers
- views on the whitebaiting in general including the deep value placed on whitebaiting as an activity and the role that aquaculture currently and could potentially play in ensuring whitebait species populations.

Whitebait fishing

Many submitters described how they and their families had whitebaited, in particular rivers, for several generations and/or over several decades. Some provided details of their stand numbers and described the significance of whitebaiting to them and their family/community. Many emphasised the recreational and social/community value of whitebaiting or the economic value to the wider community (including accommodation, food and other retail outlets). Some submissions included catch data or detailed their willingness to share more information about the characteristics of their river and tides and the logic behind the fishing methods used given those conditions and the age of

those fishing (particularly referring to older people and children who may not be as strong). Others described the financial investment they had in whitebaiting – the stands, the gear, and accommodation (owning baches/cribs) and that they expected compensation should they be prevented from whitebaiting in the future.

Those that did not state they were fishers, including those who indicated they had an environmental interest, were generally concerned that the proposed regulations did not go far enough to prevent the whitebait species from going extinct or manage fishing pressure credibly/effectively. Some submitters considered that whitebaiting should be banned permanently or until populations recover, while others (including many fishers) considered that banning or phasing out the sale of whitebait was necessary.

3: Summary of submissions | Whakarāpopoto o ngā tāpaetanga

3.1 Current state | Te āhua o nāianeī

The current state of whitebait management was laid out in Part 1: Introduction of the Discussion Document. It contained information on:

- what whitebait are
- how they are currently managed
- the whitebait fishery
- current work being undertaken in this space
- public engagement process on whitebait management.

Views were sought on whether submitters agreed with the description of the current state, and whether any other additional information should be considered.

A small proportion of submissions, (around 8% or 980 submissions) included comments relating to the description of the current state of whitebait management in New Zealand.

Neither of the main template options directly addressed the description of the state of whitebait in New Zealand or whether they agreed or disagreed with the description. However, the 7,692 submissions using the Forest and Bird template emphasised the importance of data collection while the 2,226 submissions using the WCWA template emphasised the importance of having accurate and valid scientific data before making whitebait management decisions and noted that in response to a request made to DOC in 2018, there was no information available that showed a decline in whitebait numbers in West Coast rivers or Fiordland.

Of the 980 submissions that commented on the description of the current state of whitebait management, 46% broadly agreed with the description while 54% did not agree with it. A higher proportion (65%) of those that live or fish on the West Coast disagreed with the description.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/ fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of all submissions					
% including comment on the description	8%	10%	68%	61%	<1%
% that did not comment on the description	92%	90%	32%	39%	>99%
Number that commented on the current state of whitebait	980	265	64	636	15
Of submissions that included comments on the description					
Agreed with description	46%	35%	42%	52%	20%
Disagreed with description	54%	65%	58%	48%	80%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Whitebait species – spawning and migration

A few submissions commented on the description of whitebait as the juvenile form of specific species along with common smelt. Some provided information on spawning and/or migration patterns generally or in particular waterways. Two submissions were largely focused on the relevance of the description and proposals to the unique features of the Chatham Islands (smelt and landlocked lagoon) and three submissions including the New Zealand Freshwater Science Society submission suggested that Stokell's smelt (*Stokellia anisodon*) (red smelt) should be included.

Some submissions (including the Forest and Bird template submission) suggested that the Discussion Document in general (including the description section) should have had a much greater emphasis on the endangered fish species rather than the fishery and fishers.

The WCWA template included the statement that the importance of new technologies should not be overlooked and the advent of successful aquaculture of all five species of whitebait provides management opportunities such as restocking and supplementation of existing populations not previously considered, and has great potential to improve whitebait stocks.

Current whitebait management – conservation status and legislative and policy context

Some submissions commented on the use of the New Zealand Threat Classification and the New Zealand Freshwater Fish Database (NZFFD) system.

Many agreed with or accepted the use of these classifications with some submissions questioning whether the proposals went far enough given the conservation status of some or all of the species. Some questioned the validity of the systems and whether data and use of the NZFFD was robust or comprehensive enough to establish a decline in whitebait species. Some disagreed with use of these classifications because they were based on the populations of the adult species not on juvenile forms known as whitebait. These submissions suggested there was not enough scientific evidence to determine a decline and/or suggested that there were many other factors other than fishing that

contributed to the decline in the adult species including loss of habitat, water quality/pollution and changes in land use around waterways.

Regardless of whether a decline in whitebait species was accepted or not, many submitters suggested that it would be useful to gather more information relating to the various species in order to determine the factors affecting numbers of both whitebait and the adult species. Some submissions suggested that greater use could be made of catch data.

There were diverse views on whether a national approach to managing whitebait was necessary. Some thought it was important to have nationwide regulations while others disagreed. Of those supporting a nationwide approach, some considered that this would improve compliance particularly on the West Coast where visitors sometimes do not comply with the existing West Coast regulations.

Of those that disagreed with a nationwide approach, some called for a regional or local approach to the management of the whitebait fishery because in their view a one-size-fits-all system is not appropriate because of the diversity of river forms, weather and other local conditions.

Whitebait fishery – current regulations

Many of those who fished on the West Coast supported the existing West Coast regulations and considered that the only change needed was to extend these regulations to the rest of New Zealand.

Many submissions focused on the differences between the management of whitebait and other recreational and freshwater fisheries in New Zealand as outlined in the Discussion Document. Specifically, these submissions suggested the following should be adopted in order to effectively manage the whitebait fishery:

- a licence system – some suggested that licence fees could be used to fund research and enforcement
- a daily catch limit or quota
- restricting or banning the sale of whitebait (including a concern that some of those selling whitebait do not pay tax on sales).

Some submissions addressed DOC's role in ensuring compliance and enforcing the existing regulations. A number of these commented that they felt that the current regulations were not being enforced adequately or outlined their experiences with DOC.

I have never in 40 years been approached by a DOC officer asking about any catch details, how can data driven decisions be made without public contact.

A few suggested that agencies other than DOC could be given responsibilities for monitoring populations of whitebait or enforcing whitebait regulations.

Alternatively, some submissions suggested that DOC should receive additional or reprioritise funding to enable effective enforcement of regulations.

The whitebait fishery

The Discussion Document provides a brief overview of where whitebaiting occurs, the factors affecting methods chosen and who the whitebaiting community consists of. It pointed out that public catch records are very limited and that there are wide fluctuations in whitebait runs from year to year in different regions.

Some submissions included their views on the composition and characteristics of the whitebaiting community – some differentiating commercial from recreational and customary fishers. In particular, some whitebaiters were described as greedy, uncaring towards the environment and exhibiting bullying/territorial behaviour.

Another distinction drawn in submissions was between whitebaiters local to an area and those visiting from another region or river who were not always familiar or compliant with the regulations that applied (especially on the West Coast).

Existing work on whitebait and Biodiversity 2018 funding

The Discussion Document set out elements of DOC's ongoing work on the whitebait species around New Zealand and by year. It also outlined the availability and allocation of Biodiversity 2018 funding.

Some submissions included details of whitebait related and river restoration projects they had been involved in as a community group or as individuals.

Many submissions from whitebaiters and those with an environmental interest suggested a greater emphasis is needed on habitat restoration and protection.

One submission commented that the ongoing work elements listed in the Discussion Document had not yet resulted in an increase in threatened native fish, or an increase in whitebait catches.

The public engagement process (2018/19)

The Discussion Document set out details of and findings from the process DOC undertook in 2018 and early 2019 to find out what New Zealanders thought about whitebait.

Several submissions mentioned their participation in this process and/or their views on whether the findings were adequately reflected in the scope of the current consultation (for example, expressing disappointment that the sale of whitebait and consideration of habitat were out of scope).

3.2 Management goal and outcomes | Te whāinga me ngā putanga whakahaere

Management goal

Ensure healthy and restored whitebait populations and provide for a sustainable fishery

Rationale for the management goal

The above management goal was developed following feedback from the 2018/19 public engagement which suggested any goal for managing whitebait should reflect the conservation of these species, and the preservation and protection of the whitebait fishery.

Response to the proposed management goal

The following table shows that 8,756 submissions (76% of all submissions) directly provided a view on the goal and that nearly all of those that commented suggested that changes are needed to the goal. This included the 7,692 submissions received using the Forest and Bird template that proposed the goal be changed to reflect a greater focus on fish conservation rather than on changes fishing.

View on goal	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of <u>all</u> submissions:					
% that included a view on the goal	76%	11%	78%	64%	99%
% that did not include a view on the goal	23%	89%	22%	26%	1%
Total number of submissions that provided a view on the goal	8,756	280	73	670	7,733
Of the submissions that provided a view on the proposed goal:					
% that agreed with the goal as is	3%	25%	23%	27%	-
% that suggested changes/disagreed	97%	75%	77%	73%	100%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

How submissions supported the proposed management goal

Some submissions stated they agreed with the goal or described it as 'appropriate' or 'spot on'. Several submissions agreed with the goal because it encompasses both healthy whitebait populations and a sustainable fishery (rather than seeing these as incompatible or competing goals).

There were also submissions that expressed agreement with the management goal but did not consider that the proposals outlined in the Discussion Document would be able to achieve the goal. Alternatively, some submissions stated that while the goal was sound, they considered that there was no evidence that there was a decline in whitebait, and therefore the goal had essentially been achieved, with no further actions needed.

Why submitters wanted changes to the proposed management goal

Of the submissions that suggested that changes were needed to the goal, some thought it was a matter of tweaking the existing wording to make it more effective and/or measurable while others fundamentally disagreed with the overall emphasis and suggested replacing it altogether.

Suggestions of minor changes to the existing goal (*Ensure healthy and restored whitebait populations and provide for a sustainable fishery*) included:

- Replacing 'restored' as this is ambiguous and hard to measure – 'does it refer to 1980 or a pre-human population baseline'?
- Rejigging words to place more emphasis on the conservation of fish 'ensure healthy and restored whitebait populations THAT provide for a sustainable fishery' or 'ensure healthy and restored whitebait populations, and where suitable, provide for a sustainable fishery'.
- Replace 'provide' with 'manage' so that DOC's goal is to 'manage a sustainable fishery'.

Suggestions of replacement goals included or echoed the suggestions on the Forest and Bird template submission (which accounted for 91% of the total response) which was focused on fish rather than on fishing and based on the logic 'if the fish populations are plentiful then the fishery will be too'. The suggestion is as follows:

Ensure that all six native whitebait fish species are: classified as non-threatened; have abundant and healthy habitat; have safe passage for migration; and are present and thriving in locations they are expected to be and have historically been found.

There were a number of comments identifying that habitat enhancement or restoration and biodiversity should be reflected in the management goal.

Proposed management goals should have a strong emphasis on habitat restoration and preventing further biodiversity and habitat loss.

Other submissions suggested an approach involving a prioritised list of management goals. The collection of 'valid data' was considered to be the most important goal; followed by extensive habitat management; enhancements including breeding programmes; licensing; predator management; enforcement of regulations; retention of West Coast regulations; and finally monitoring juvenile catch.

Other submissions described the goal as 'emotive' or that a revised goal should be developed based on additional scientific and/or stakeholder input.

The Goal is suitably high-level but knowledge gaps make it impossible to measure progress. Need more specific measurable goals.

Treaty Partner perspectives

Of the 22 Treaty Partner submissions, eight commented on the management goal, two expressed broad support for the management goal, as long as whitebait fishing is recognised as only one of several contributing areas to achieving the goal (other areas included habitat protection and water quality). The other six submissions provided a variety of suggestions for the goal/approach to whitebait management, including that it should:

- be developed on the basis of further discussions on whitebait management and with reference to Te Ao Māori – whether it be inclusion of kaitiakitanga and mātauranga Māori, or acknowledgement that whitebait is a taonga
- consider other arrangements in place such as those through the Treaty settlements or Environment Management Plan (for example, in Tainui-Waikato)
- consider responsibilities and better coordination for those enforcing regulations and managing the whitebait habitat.

Organisational perspectives

Of the 21 organisations that provided a view on the management goal, two-thirds suggested changes were needed and one-third were generally supportive of it. The comments by organisations were similar to those received from individuals.

Submissions included the following suggestions that the goal should be:

- more specific and include a time frame (for example 2025)
- more strongly focused on conservation – such as that all species are no longer threatened and/or with greater emphasis on conservation over people's enjoyment/the fishery
- focused on habitat (protection/restoration) especially spawning sites and health of the waterways (water quality and addressing pollution)
- include Stokell's smelt.

In discussing the goal, submissions also included suggestions of the measures that need to be in place including:

- a fishing licence which could fund scientific research
- a quota for commercial fishers and catch limit for recreational fishers or banning commercial fishing
- mandatory iwi consultation and representation on whitebait management.

Management outcomes and their rationale

The Discussion Document set out eight management outcomes designed to support the delivery of the proposed management goal and to clarify the intent for managing the whitebait fishery. Views were sought on these outcomes and whether additional outcomes should be added. These proposed outcomes are described below along with an overview of relevant commentary received in the submissions.

Response to the proposed management outcomes

The following table shows that 960 submissions (8% of all submissions) provided a view on the proposed management outcomes in their submission. Neither of the main template submissions included statements on outcomes. Of the 960 submissions that included a view on the management outcomes, 31% agreed with the outcomes while 69% disagreed or considered the outcomes needed adding to. There was little commentary in the submissions relating directly to the outcomes.

View on proposed outcomes	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of <u>all</u> submissions					
% that included a view on outcomes	8%	9%	69%	59%	<1%
% that did not include a view on outcomes	92%	91%	31%	41%	>99%
Total number of submissions that provided a view on outcomes	960	242	65	616	37
Of submissions providing a view					
% that agreed with proposed outcomes	31%	31%	25%	34%	0%
% that suggested changes/disagreed	69%	69%	75%	66%	100%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Views on the management outcomes

Comments received on the outcomes included:

- Strong support for all the outcomes (*good, well-researched or common-sense stuff*).
- Support the outcomes but suggest that the proposed regulatory changes would not achieve them.
- Outcomes need to better reflect that conservation comes first and fisheries come second.

- Outcomes need to address not only recreational fisheries but also commercial fisheries. *Outcomes are good but only refer to recreational fishing. Catching whitebait for financial gain is commonplace and could be phased out so that recreational fishing is what it says – for recreation.*
- Disagree with the 'nationally consistent' outcome, too many regional differences (for example, river conditions, variance in weather, ecological differences) that need to be taken into account. *Outcomes should reflect the unique regions we have instead of trying to have the 'one rule for all' model.*
- Support of 'nationally consistent' outcome with some supporting nationwide adoption of the West Coast regulations.
- The 'compliance' outcome, needs thorough enforcement to achieve the outcome (level of enforcement not achievable, will need better funding).
- 'Habitat' outcome – greater importance needs to be placed on this outcome/should be at the top of the list.
- Outcomes are unclear or hard to measure/should be more science driven, for example, what does 'well-managed' mean/how do you measure this?

Treaty Partner perspectives

There was mixed feedback from Treaty Partner organisations on the management outcomes. While some mostly supported them, others considered that the scope of the outcomes required actions beyond the proposed whitebait fishing regulations, and others were not in favour of (the outcome) a national approach to the management of whitebait species. Some Treaty Partner organisations suggested there were other outcomes that needed to be included (around quota management, licensing and commercial fishing arrangements).

Organisational perspectives

Most organisations did not specifically comment on the proposed management outcomes. Comments were received from fishing/aquaculture organisations, and community trusts and businesses about the additional outcomes they would like included. These comments included a more explicit focus on conservation particularly a focus on habitat before the fishery; on introduced species; and on species specific management. A few submissions were focused on commercial fishing and suggested a quota and daily catch limit for commercial and recreational fishers or banning commercial whitebaiting and all sales. Other community-based organisations and business suggested that Treaty Partner organisations should be involved in the whitebait fishery through participating in meetings and decision-making. Two organisations suggested that a harder line should be taken to compliance issues including increasing penalties for non-compliance and having more channels for reporting pollution or non-compliance. Several submissions suggested that healthy habitat should come before the fishery.

Comments relating to specific outcomes

Outcome: The whitebait fishery is well managed.

Rationale – Management of the whitebait fishery is provided for by the Conservation Act. Good management must provide for both fishing and conservation of these species.

Comments on this outcome included:

- The fishery is already well-managed on the West Coast. The rest of New Zealand would be well managed with adoption of the West Coast regulations.
- This outcome is not measurable.
- The emphasis needs to be on conservation.

Outcome: The fishery is managed for the recreational enjoyment of participants.

Rationale: The Conservation Act requires the protection of recreational freshwater fisheries. This proposed outcome focuses on managing the fishery for recreational purposes, such that the recreational experience of fishing and that all fishers catching some whitebait takes precedence over each fisher catching a large amount of whitebait.

Comments on this outcome included:

- Suggestions that this should be the main outcome.
- One submission liked the focus on 'recreational enjoyment' rather than 'ability to sell' while other submissions suggested that the outcome also needs to cover commercial and customary fishers or that the wording suggests that non-recreational may not be able continue to fish.
- That it is unclear and will be difficult to measure or enforce.
- That this outcome should be secondary to outcomes that focus on conservation of the species.

Outcome: Treaty Partner organisations are involved in the management of the whitebait fishery.

Rationale: The Conservation Act must give effect to the principles of the Treaty of Waitangi. Treaty settlements also underpin relationships between government agencies and some Treaty Partner organisations. Whitebait are taonga for Māori, and DOC is committed to working alongside whānau, hapū and iwi to manage these species, including in the context of the fishery.

Comments on this outcome included:

- A suggestion that this should be listed as the first outcome to signal its importance or stated more strongly.
- That this involves the creation of new roles and funding to allow Treaty Partner organisations to be effectively involved in decision-making.
- The view that Treaty Partner organisations should not be involved as it results in special conditions being granted.

Outcome: Fishing activity does not compromise the intrinsic value of the species and resource.

Rationale: The Conservation Act requires the management of natural resources for conservation purposes. The Act defines conservation to include preservation and protection of natural resources to maintain their intrinsic values.

Comments on this outcome included:

- That this needs to be a clearer priority as the fishery is primarily managed to preserve the intrinsic value of the species (as per the Conservation Act).
- Better clarification needed as to the meaning of 'intrinsic value'.
- Suggestions that continuing to allow either the unrestrained fishing or the sale of whitebait is not compatible with the intrinsic value.
- A suggestion that the outcome should be reworded to state that fishing activity does not compromise the productivity of the species and resource value.

Outcome: Options of future generations are safeguarded.

Rationale: The Conservation Act defines conservation to include safeguarding the options of future generations. DOC needs to ensure that whitebait are managed so that our impacts not compromise the options of tomorrow's New Zealanders, including options for using and valuing whitebait that are not currently exercised.

While not specifically referring to this outcome, many submissions reflected this intent including Treaty Partner organisations, those who wished future generations of their family to continue to enjoy whitebaiting and/or the whitebait species as part of New Zealand's biodiversity.

Outcome: Management of the whitebait fishery is nationally consistent.

Rationale: The whitebait fishing regulations in place have evolved over time, with varying local and regional applications and purposes. Streamlining the regulations at a national level will reduce complexity and facilitate compliance efforts.

Comments relating to this outcome were made throughout submissions and showed a clear divide between those who agreed with streamlining and a national approach and those who considered variations were necessary (and manageable) to cater to the uniqueness of each local or regional fishing environment. There was also the view that a simple solution would be for the West Coast regulations to apply nationwide. The range of comments included:

- The view that this outcome is a no-brainer/should be a main outcome.
- A view that there should be no exemptions such as 'customary entitlements'.
- Supporting greater consistency across regulations in different areas; however, some variability is required due to the inconsistency in fishing environments.
- That research shows a need for localised regulations, tailored by species data from each river or catchment.
- There are differing pressures, both environmental and fisheries, across the country.
- Outcome assumes that all rivers fish the same – not the case/should reflect unique regions we have.

Outcome: Compliance with the management regime is the norm and the extent and severity of non-compliance does not increase over time.

Rationale: Non-compliance can result from fishers not knowing or understanding the fishing regulations, or intentionally disregarding those regulations. Ensuring compliance with the management regime benefits all who value the fishery and these species. Conducting effective enforcement and achieving compliance is challenging in the whitebait fishery, and DOC works to improve compliance on an ongoing basis.

Again, while not directly addressing this outcome, many submissions commented on compliance including their own observations of compliance and enforcement of existing regulations. As outlined in the Monitoring Section (see [Views on Monitoring](#)) some submissions included a range of suggestions about how further compliance could be achieved. Comments relating to this outcome included:

- General agreement that increased emphasis on compliance will help achieve the goal.
- Noting that additional educational and enforcement resources are needed.

Outcome: The fishery is well supported by habitat management.

Rationale: Without suitable habitat, the whitebait species will not persist. DOC will support the whitebait fishery by continuing its own work, and working with others, to safeguard habitat for all life stages of these species. This includes advocacy work conducted under the Resource Management Act.

As highlighted throughout this report many submissions considered that habitat management should be the main management strategy – some thought this should be the priority rather than a focus on fishing activity. Comments on this outcome included:

- Habitat management is the most important outcome and should be listed first.
- A view that habitat management is DOC’s primary function, yet it receives virtually no consideration in the Discussion Document.
- That the outcome should be reworded to read: The populations of whitebait should be supported by habitat management.

3.3 Timing of the whitebait fishing season | Te wā o te kaupeka hao inanga

What was proposed in the Discussion Document

The current whitebait fishing season for the West Coast runs from 1 September – 15 November. The current season for the rest of New Zealand (excluding the Chatham Islands) begins two weeks earlier on 15 August and finishes two weeks later on 30 November. The Chatham Islands season runs from 1 December to the last day of February – no changes are proposed to this season.

Three options were proposed to align the whitebait fishing seasons around New Zealand (excluding the Chatham Islands). The first two of these proposals provide for a shorter fishing season of approximately 9 weeks in duration, while the third (the current West Coast season) is just under 11 weeks. This reduces the season for the rest of New Zealand by 2 weeks. Options were:

- 15 August – 14 October (DOC’s preferred option)
- 1 September – 30 October
- 1 September – 15 November (the current West Coast whitebait fishing season)

Rationale for the shortening the season

The whitebait fishery is managed as a recreational fishery. DOC is required to balance recreational enjoyment with the conservation of the fished species.

This measure was proposed to reduce fishing pressure on whitebait, by increasing the opportunity for these species to pass upstream when migrating especially during periods of peak migration.

One fishing season was proposed for mainland New Zealand to simplify the regulations and facilitate compliance.

Retention of the current Chatham Islands fishing season was proposed as whitebaiters known to fish on the Chatham Islands are resident, and so the difference in timing with the rest of New Zealand does not cause confusion.¹¹

The annual timing of peak whitebait migrations upstream shows some variability between years and rivers or regions. For inanga (which comprises most of the whitebait

¹¹ A submission was received from the Chatham Islands Council.

catch nationwide), the peak migration period is relatively long. Therefore, a shorter season that overlaps with less of their peak upstream migration period will ensure that catching opportunities are provided for, while fishing pressure is reduced overall.

In DOC’s public engagement process in 2019, DOC conducted a survey of which 75% of respondents supported shortening the whitebait season.

Alternative options proposed in the Discussion Document

- Opening a whitebait fishing season in alternate years (or less frequently).
- In-season closures.

Response to this proposal

The following table shows that virtually all (11,409 or 99%) submissions included a view on the timing of the whitebait season. The table and figure below, clearly show variation between those submitters who had a connection with the West Coast and other submissions. The majority of those associated with the West Coast favoured Option 3 where the current West Coast season would be introduced nationwide.

The submissions favouring Option 1 included those using the Forest and Bird template submission while the views of those that indicated that they lived or fished in places other the South Island’s West Coast were more evenly spread across the three options.

View on timing of the whitebait season	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of <u>all</u> submissions					
% that included a view on the season	99%	99%	95%	93%	>99%
% that did not include a view on the season	<1%	<1%	5%	7%	<1%
Total number of submissions that included a view on the season	11,409	2,582	89	969	7,769
Of submissions providing a view:					
% that preferred Option 1 – 15 August – 14 October (DOC's recommended option)	70%	<1%	4%	23%	99%
% that preferred Option 2 – 1 September – 30 October	3%	4%	25%	26%	<1%
% that preferred Option 3 – 1 September – 15 November (current West Coast season)	24%	94%	58%	21%	<1%
% that preferred another season or approach	3%	2%	12%	30%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Views on shortening the season and a nationwide season

The majority of submissions agreed with the concept of shortening the whitebait season and/or aligning it nationwide.

The majority supported a whitebait season of 11 or fewer weeks on the basis that whitebait have the opportunity to migrate and spawn the remaining weeks of the year providing an effective way to manage and support sustainable populations of the whitebait species. Many of those living or fishing on the West Coast did not want the West Coast season to be changed and a portion of those suggested that extending the season to the rest of New Zealand would be the best solution.

A few submissions favoured a longer season or alternatively disagreed with whitebaiting altogether and considered there should be no whitebaiting season at all or at least until populations recover.

Views were varied on the need for a nationwide consistency in the timing of the season (excluding the Chatham Islands) with some submissions suggesting that local and regional conditions (weather, tidal patterns, etc.) mean that different seasons should apply. A few of these submissions suggested that with notices and publicity, compliance should not be an issue as is the case for other fisheries with regional differences. Other submissions suggested that it would be useful to have one season across New Zealand because then there would be a common understanding of when fishing was permitted meaning compliance and enforcement would be easier.

Of those that opposed changing the current season some wished to retain the status quo as they considered it was working well in the regions that they fished in. A small number disagreed with the notion that changing the fishing season would impact on fishery management (some suggesting that habitat and pest management would be better strategies for improving numbers).

Other submissions were against shortening the season because:

- whitebait do not always run at the same time each year
- it misses peak migration of some species
- whitebait run pre and post the current season
- weather already impacts on the season, shortening it further would leave little time to fish
- businesses in smaller communities (for example, accommodation, pubs, general stores) will lose income
- of the impact on recreational whitebaiters who only have weekends to whitebait (those who are not retired).

Option 1 – 15 August – 14 October (DOC's recommended option)

Submissions favouring Option 1 included:

- the Forest and Bird circulated submission template view that *it is the best option to protect peak migration of the different species*
- those that agreed with DOC's rationale for recommending this timing
- those that stated it was the best option for particular whitebait species
- those that stated it suits the particular regions

It gives the rare species more chance of not being caught as they migrate later and streamlining the seasons would make management and compliance easier.

Submissions opposing Option 1 included:

- those that noted that this option does not include Labour weekend or school holidays which are popular times for families/friends to get together for whitebaiting and will therefore mean a substantial loss of revenue to a range of businesses in whitebaiting communities
- those that stated August is too early for whitebaiting – there are fewer daylight hours and the water is too cold
- those that stated shortening the season by a further two weeks is unfair on the West Coast because flooding and weather already mean that a full season cannot be fished.

Option 2: 1 September – 30 October

This option was supported by a relatively small number of submissions but did include some fishers who were of the view that if the season was going to be shortened to nine weeks, the timing of Option 2 was the best compromise. Other submissions supporting Option 2 included those that stated:

- the dates are easy to remember (some assumed that it would include 31 October) and would be easier to comply with and enforce
- this option allows for the traditional Labour Weekend and school holidays and therefore has less economic implications for small local communities and businesses
- *'losing two weeks in November is better than the alternatives as whitebait is sometimes gutty¹² by then and would be better left to breed'.*

Option 3: 1 September – 14 November (the current West Coast season)

Option 3 involves the timing and length (11 weeks) of the current West Coast season remaining the same and being introduced to the rest of New Zealand (shortening the season by around 4 weeks). The predominant view of those supporting Option 3 was that the West Coast season (and other rules) should be applied to the rest of New Zealand. This view was contained in the template circulated by the WCWA. Other comments supporting Option 3 included views, such as that:

- a season of 2 1/2 months will still allow whitebait to migrate to their spawning habitats in the other 9 1/2 months
- this option is the fairest as the West Coast already has a shorter season than the rest of New Zealand and/or that these dates worked very well on the West Coast
- this season has been effective already in maintaining populations of the various whitebait species (and comments that whitebait numbers had not declined)
- it is better for the West Coast because many fishing days are already lost due to flooding and weather – too large a reduction would not work (in particular for the West Coast) as seasonal spring floods already reduce the number of fishing days by as much as 50%.

I have kept a diary, writing in daily catch and weather conditions. over the last 10 years we have had 15 days a season where we couldn't fish because of flooding, rough seas and blocked river mouths. This is why I do not support shortening of the length of the Whitebait season because the actual fished period is less than the number of days allowed

¹² The term 'gutty' refers to whitebait with gut contents, acquired when fish have spent a few days or longer feeding in rivers.

Other seasons or alternative approaches

A wide range of other 'potential' seasons were suggested in the 360 submissions that favoured a different season or different approach – the shortest season suggested was 2 weeks, right through to 4 1/2 months. The earliest start date suggested was July (supported by only one submission), and the latest finish date suggested was 30 November.

Some stated that they were unqualified to comment on the season dates but considered it should be shortened in general. Others favoured a regional approach or coastal approach (such as different seasons for the east and west coasts of New Zealand).

Alternative approaches included:

- Close for a season; alternate season on, season off; or cut the season in half.
- Leave the season as it currently is but whitebait fewer days of the week or shorten fishing hours.
- Adapt the season to regional conditions, for example, in some regions the whitebait runs occur earlier than in others.
- Close the whitebait fishery or ban fishing for a number of years until whitebait have recovered.
- Have a shorter season but include Labour weekend and/or school holidays.

Treaty Partner perspectives

Overall Treaty Partner organisations supported shortening the length of the whitebait season, though not all were in agreement, or commented, on the season dates presented in the Discussion Document. Of those submissions which stated a date, DOC's preferred option of 15 August – 14 October was the most popular among the Treaty Partner submissions, followed by 1 September – 30 October. One of the submissions that was not in support considered that DOC's preferred option may not be sufficient to address the issue of abundance in their rohe, while a second submission that also did not support the proposal was in favour of a different approach such as halving the season or fishing occurring only every alternative year.

Organisational perspectives

In discussing the timing of the whitebait season, science organisations supported the shortening of the season but have varied views on whether a nationwide season would be an effective tool. NZFSS suggested further work is needed in order to determine the best timing of the season. This would include additional monitoring of the run times of different species and the effects of climate change. NIWA suggested that a *nationally consistent timing may be detrimental to the species in general, given our scientific knowledge of this species.*

West Coast fishing organisations supported Option 3 while Netting Supplies Ltd supported Option 2 (suggesting reducing the number of whitebaiting days a week as an alternative that would be easier to monitor). The Waikanae Estuary Whitebait Association was only in favour of shortening the season if other conservation activity and monitoring occurs. Cascade Whitebaiters Ltd was focused on retaining the current season on the West Coast. They suggested any change could '*change fisher behaviour to fish more intensively and increase the level of non-compliance*'.

Submissions from The New Zealand Conservation Authority and the Conservation Boards (Waikato, Taranaki/Whanganui, Canterbury, Otago and Southland) supported shortening the season. Otago and Southland Boards supported Option 1 and Waikato supported Option 2. No specific comments on season were received from the West Coast or Nelson-

Marlborough Conservation Boards who favoured other mechanisms for improving the state of whitebait such as improving habitat, catch limits and licensing.

All but one of the submissions from other conservation organisations supported DOC's preferred option with some caveats. The National Office of Forest and Bird suggested that the options proposed were 'system rather than science based' and pointed out that use of national average migration dates does not take account of local sea temperatures and climate change. They would prefer a flexible locally based approach that takes account of scientific understanding of things such as the effect of climate change on peak migration times.

The Tauranga and Te Puke Branches of Forest and Bird suggested the alternative of fishing on even years and limiting fishing on these years to September and October so that short jaw and giant kōkopu have an extra chance to restore their populations.

The Otago Museum supports the proposed season but reiterate *'that a spatial based licencing system would be the only way of making things equitable with the increasing number of fishers, shortening the season and implementing new fishing gear regulations. There are already ongoing reports of the aggressive territorial behaviour of 'warring whitebaiters'.*

Of the territorial local authorities that responded the Hawke's Bay Regional Council and Nelson City Council supported Option 1, while the Grey District Council and West Coast Regional Council supported Option 3. The Chatham Islands Council supported retaining the current season suggesting that the Discussion Document did not point out that the primary reason for the different whitebaiting season on the Chatham Islands is to align with the current understanding of seasonal timing of land-locked juvenile smelt migrations in Te Whānga.

While the Waikato Regional Council agrees that reducing the fishing season is a reasonable management option, it has reservations about the effectiveness of this proposal based on current knowledge. They suggest that *dates for a fishing season should be based on robust scientific evidence which does not yet exist. A narrow season does not account for the variability of behaviours across the whitebait species.*

Nearly all the community organisations supported a shortening of the whitebait season, with regional variance in relation to which dates they supported.

Seven of the community-based trust supported Option 1, four supported Option 2 and two West Coast-based organisations supported Option 3. A Waikato group did not think there was value in changing the season as whitebait continued to decline after introducing the current season.

3.4 National upstream limits for whitebait fishing | Ngā paenga pito whakarunga ā-motu mō te hao īnanga

What was proposed in the Discussion Document

Upstream limits involve limiting the areas in which whitebaiting is permitted to the tidal zone. Upstream limits to whitebait fishing have been in place on the West Coast of the South Island for decades.¹³ The Discussion Document set out two approaches to introducing nationwide upstream limits on whitebait fishing. DOC's preferred option was to:

- introduce back-pegs to mark out the upstream extent of whitebait fishing on selected New Zealand rivers

¹³ For example, the Fisheries (West Coast Whitebait Fishing) Notice 1984.

- on other rivers, where back-pegs are not in place, whitebait fishing occurs within the tidal portion of waterways (such as a tidal limit).

The Discussion Document stated that Regulations for the customary fishing of whitebait are out of scope so this is not affected by the introduction of tidal limits.

Rationale for the proposal

Excluding fishing activity from specified areas (such as through upstream limits) is a routine fisheries management tool.

Upstream limits were proposed to increase the proportion of whitebait passing through lowland habitats, so that whitebait are not exposed to fishing pressure beyond those areas within which the water level fluctuates with the tides. Limits would also reduce disturbance and damage to the spawning and adult habitat of most whitebait species (excluding īnanga) caused by fishers entering waterways and from gear placement.

Upstream limits would provide for whitebait fishing to occur in areas closer to the coast.

Setting aside upstream habitats provides refugia for adults of the whitebait species, and for whitebait returning from the sea.

The use of back-pegs is considered particularly valuable in rivers where whitebaiting is particularly popular and the tidal limit is ambiguous or extremely variable (for example, rivers with a low gradient). It would be impractical and too resource-intensive to place back-pegs on all rivers.

The introduction of upstream limits to whitebait fishing around the rest of New Zealand would achieve national consistency (with the West Coast) and help compliance and enforcement of this measure.

Alternative options proposed in the Discussion Document

- Rotational river closures.
- Voluntary closures to whitebait fishing.

Response to this proposal

Views were sought on: agreement or otherwise with the proposed approach to use both back-pegs and tidal limits (or if just one approach was preferred); the proposal in general; and specific waterways in which back-pegs should be placed.

Overall, most submitters agreed that upstream limits should be introduced nationwide using DOC's recommendation of a combination of back-pegs and tidal limits as a default, when back-pegs are not in place. A higher proportion of those that fished or lived in other areas of New Zealand, outside of the West Coast, supported the use of back-pegs only.

Views are summarised in the following table.

Views on the introduction of upstream limits nationwide	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of all submissions:					
% that included a view on upstream limits	98%	99%	93%	87%	>99%
% that did not include a view	2%	1%	7%	13%	<1%
Total number of submissions that included a view on setting upstream limits nationwide	11,322	2,568	87	910	7,757
Of submissions that provided a view					
% that agree with setting upstream limits nationwide	97%	98%	72%	74%	>99%
% that disagree	2%	1%	16%	15%	<1%
% that neither agree or disagree	1%	1%	1%	11%	<1%
Total number of submissions that included a view on how upstream limits should be set					
Of those that provided a view on how upstream limits should be set					
% that suggest use of either back-pegs or tidal limits	95%	94%	56%	55%	>99%
% that suggest use of back-pegs only	3%	4%	23%	21%	<1%
% that suggest use of tidal limits	1%	1%	9%	9%	<1%
% with another view	1%	1%	12%	15%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Submission suggestions on the location of upstream limits

Views were sought on suggestions of which waterways would be suitable for back-pegs. Many submissions contained suggestions of back-peg locations or where other upstream limits could feasibly be introduced. Some commented on how these were already working on the West Coast. These views and comments have been captured in *Appendix 4: Views on Waterways along with views on the appropriateness of creating refuges in these waterways.* (See [Appendix 4.](#))

Views on upstream limits

Many submissions included comments relating to their views on the feasibility of introducing nationwide upstream limits generally or in the waterways they are familiar with. A few submissions sought more clarification on what upstream means; how decisions would be made about the placement of back-pegs; and defining tidal limits in some waterways.

Submissions included the following reasons for supporting nationwide upstream limits. Nationwide limits:

- would allow more whitebait the opportunity to spawn and survive
- provide a clear demarcation of fishing areas and a consistent system that allows everyone to know where fishing is allowed and where it is prohibited
- allow flexibility at the regional or local river level and provide an alternative to closing rivers altogether
- have already been introduced and accepted on the West Coast (and proved to be effective).

Submissions opposing upstream limits suggested that tidal limits would:

- restrict community and hapū access to their food source
- concentrate whitebaiters into a smaller area which could damage habitat or cause tension between whitebaiters
- increase pressure on the river mouth
- introduce safety issues in some waterways as older people often whitebait upstream
- involve too much effort in erecting and maintaining back-pegs
- be hard to determine or define due to the characteristics of some waterways. It would also be difficult to know where to place a back-peg
- be hard to enforce
- not be effective in managing the fishery compared to habitat and water quality management
- not change things significantly as by the time the fish have got upstream, they are 'bellied' (*have been feeding*) and are no longer good for eating.

Use of back-pegs only

Some submissions preferred the option of utilising back-pegs only. Commonly mentioned reasons for this preference were:

- back-pegs provide certainty as to where the limit is as tidal limits can alter with each tide
- back-pegs are physical and visual markers which cannot be misinterpreted
- it's a simple means of protecting the whitebait habitat. It's a no-go area.

Further commentary included suggestions that rather than back-peg or tidal portion of waterways in place, closing off tributaries of the upper rivers would be more sensible or that tidal limits should not apply to all streams.

Treaty Partner perspectives

The majority of submissions received from Treaty Partner organisations supported nationwide upstream limits. Those who were not in support considered that upstream limits would restrict some whānau and hapū access to their food source; concentrate fishing effort into inanga spawning habitat; and would increase compliance costs. One submission stated that both Waikato-Tainui mātauranga and tikanga and western science should be used to decide the appropriate upstream limit demarcation method and approach in their rohe. Another suggested that this proposal might increase fishing pressure in some areas. Some submissions stated that they wished to have further discussions with DOC before decisions are made on which rivers are selected for the placement of back-pegs or as refuges.

Organisational perspectives

This proposal was addressed by two thirds of the organisations that made submissions.

Of the science organisations, only the New Zealand Freshwater Sciences Society addressed upstream limits and agreed with the proposal to use back-pegs or tidal limits where back-pegs are not present. This view was also supported by the majority of community trusts, conservation organisations and Trustpower. A few organisations supported only the use of back-pegs and one organisation supported only the use of tidal limits. One organisation suggested that upstream limits should not be introduced as DOC did not have the capacity to enforce upstream limits. While agreeing with their use, The National Office and Rotorua Branch of Forest and Bird sought more information on how the location of back-pegs and tidal limits will be determined and enforced.

Of the territorial local authorities Hawke's Bay Regional Council emphasised the need for appropriate consideration to be given when setting these limits because upstream sites are known to be fished by local iwi or hapū.

Grey District Council noted that both methods of limiting upstream fishing are used on the West Coast and they support a combination of both methods.

Nelson City Council stated that they reserved comment on the introduction of nationwide upstream limits but agreed that back-peg markers could be used to demarcate the upstream extent for their two whitebaiting rivers, the Maitai and Wakapuaka, and would better define the fishing area.

The Chatham Islands Council stated they did not consider upstream limits appropriate for a fishery in an (often land-locked) coastal lagoon.

3.5 Creating refuges for the whitebait species in selected waterways | Te hanga āhuru mōwai mō ngā momo inanga ki ngā arawai kua kōwhiritia

What was proposed in the Discussion Document

That refuges for the whitebait species are created, in which whitebait fishing is excluded from specified waterways for a specified duration.

Three terms were proposed:

- Refuges in which fishing is permitted for 2 years, then excluded for 2 years, in a repeating cycle.
- Refuges in which fishing is excluded for 5 to 10 years initially and then reviewed.
- Long-term refuges that are in place for at least 10 years, and on an ongoing basis if no review is undertaken (DOC's preferred option).

The Discussion Document suggested that long-term refuges:

- enable selected waterways¹⁴ to act as refuges on an ongoing basis
- enable protected adult populations to provide whitebait that contribute to runs in other rivers on an ongoing basis
- provide a focus for habitat improvement work.

The Discussion Document also suggested that shorter-term options may be more acceptable to fishers using popular fishing rivers, or where the impacts and outcomes of

¹⁴ DOC uses 'waterways' in an inclusive sense here, to encompass waterways in which whitebait occur (for example, including creeks, rivers, lagoons, estuaries).

excluding fishing activity are less certain. Therefore, a mixed model may be optimal, to balance conservation and fishing outcomes.

The Appendix of the Discussion Document contained lists of waterways for consideration in each region created by DOC, based on existing data.

Rationale for the proposal

Areas that are already closed to whitebait fishing provide some protection for whitebait from fishing pressure. However, as all closed areas are located on the West Coast of the South Island, this does not provide for conservation of biological or genetic population structure. Additional waterways acting as refuges for whitebait species would support a better future for these fish throughout New Zealand.

The public engagement undertaken in 2018 found that 69% of survey respondents supported the permanent closure of more rivers to whitebait fishing.

Alternative options proposed in the Discussion Document

- Rotational river closures.
- Opening a whitebait fishing season in alternate years.
- In-season closures.
- Voluntary closures to whitebait fishing.

Views on refuges

Views were sought on whether refuges should be created or not, how they should be selected, on possible locations of refuges and on the length of time refuges should be in place.

The following table shows that virtually all (11,353 or 98%) submissions included a view on the creation of refuges. Overall, 74% of these submissions agreed with the creation of refuges – the majority but not all of these were submitted on the Forest and Bird template submission form.

The main comment on refuges made by a large proportion (90%) of submissions from the West Coast (including those that submitted on the WCWA template) was that no more refuges should be created on the West Coast. Some of these submissions suggested that the rest of New Zealand should consider creating refuges.

A small proportion of submissions disagreed with the creation of refuges; did not have a strong view on refuges but made other comments relating to refuges; or did not comment at all on the creation of refuges.

View on creation of refuges	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of <u>all</u> submissions					
% that provided a view on the creation of refuges	98%	99%	97%	88%	>99%
% that did not provide a view on the creation of refuges	2%	1%	3%	12%	<1%
Total number that provided a view on the creation of refuges	11,353	2,584	91	919	7,759
% that agreed to their creation	74%	5%	53%	57%	>99%
% that neither agreed nor disagreed	3%	3%	26%	28%	<1%
% that disagreed to their creation overall	1%	1%	11%	12%	<1%
% that disagreed to their creation on the West Coast	21%	90%	10%	3%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Views on the creation of refuges

General comments

Many submissions contained comments on the creation of refuges with considerable comment on the existence of refuges on the West Coast.

Those that supported the creation of refuges:

- Agreed that they would allow healthy populations of whitebait species to recover.
- Suggested decisions about the location and duration of refuges needs to be based on research findings. For example, the Forest and Bird template submission supported selecting locations based on where it is best to support the recovery of locally threatened species and on an understanding of population genetics, as well as source and sink factors.
- Suggested that refuges be permanent, like marine reserves providing certainty and ease of compliance.
- Suggested that there is a need for consultation and partnership in decision-making with iwi and local whitebaiters to ensure buy-in on refuges, and full understanding of the process.
- Suggested that refuges should be tributaries, lagoons and black water¹⁵ locations.

¹⁵ The term black water refers to Waterways that are strongly coloured with tannins released from decomposing plant matter, such that the water appears reddish brown to black.

Those that opposed the creation of refuges:

- Did not consider there was evidence to support the creation of refuges and/or did not believe there was a decline in whitebait species. Some commented that the data that DOC was using to make recommendations was 20 years old.
- Did not consider closing off rivers would contribute to the management of whitebait (some simply stating that refuges are not needed).
- Suggested other proposed regulations would suffice (such as the use of back-pegs, shortening the season, changing fishing practices).
- Suggested that a greater priority should be attending to the habitat (for example, addressing effluent, run-off, and stopping the drainage of swamps) and allowing the work that is being done on restoring habitat to continue (for example, fencing rivers, tributaries and lagoons).
- Suggested that there would be little point having refuges if there is no predator control (for example, of introduced fish species or birds).
- Were opposed to the closure of whole rivers but considered that there should be no fishing on tributaries where spawning occurs (for some species).
- Suggested that stand holders would need to be compensated.
- Opposed the creation of more refuges on the West Coast.
- Suggested that closing rivers would put more pressure on neighbouring rivers and streams (which could be completely fished out) and this would be counterproductive in terms of numbers. There might also be tensions between established fishers on the remaining rivers and those that have moved.
- A concern that closing entire rivers will put fishing pressure on the rivers that remain open and that may turn out to be counterproductive in terms of populations and/or friction with long-term fishers of the waterways that remain open.

Views on refuge duration

Many submissions did not specify a tenure and suggested that the duration of refuges should be based on good science (including the Forest and Bird template submission).

Of the small proportion of submissions that provided a view on the duration of refuges, some did not think it was appropriate to set one time frame for all New Zealand or across all waterways selected as refuges. They suggested that refuge duration should be determined on a case-by-case basis or that the effectiveness of different durations should be compared.

Common themes across these submissions included:

- Ensuring sound evidence-based criteria for selecting the duration of refuges.
- Ensuring that the refuge duration selected provides for the ongoing monitoring of each of the species (and comparison with populations outside refuges).
- A need to review the effectiveness of the refuge and confirm its effectiveness before extending the term.
- Ensuring that closures were accompanied by habitat protection work and the management of known predators of the whitebait species.

Long-term refuges (of 10 or more years and DOC's preference)

Comments supporting longer-term refuges included:

- preferring the clarity of long-term or permanent refuges for fishers and ease of compliance
- that this approach has worked well with waterways on the West Coast
- that this time frame allows threatened species to become non-threatened
- that this allows enough time for data collection and monitoring of the species.

Comments against long-term refuges included:

- concerns about the economic effects on local communities and stand holders
- in effect this means that a river will be closed permanently to recreational fishers
- a preference for shorter time frames which allowed for more frequent reviews and were perceived as more palatable to fishers and communities than permanent or long-term closures.

Temporary medium-term refuges (of 5 to 10 years)

Those supporting a medium-term refuge suggested that this option allowed enough time for data collection and fish stock replenishment.

Those that disagreed with this time frame suggested that it was not long enough for recovery of fish numbers.

Temporary short-term (2 years alternating)

Similarly, those supporting a 2 years open, 2 years closed regime suggested this limited time frame would allow some data to be collected and reviewed/ revised whereas those that disagreed did not think it would be long enough. Other submissions suggested that a 2-yearly alternating pattern would be confusing to fishers, and involve significant compliance and public education effort to be effective.

One submission suggested that waterways that are closed in successive cycles should be far away from one another (not adjacent).

Views on selecting refuges

Submissions on selecting refuges included views on:

- **how** decisions should be made
- **who** should be involved in decision-making
- **which** waterways should be included or not included.

How decisions should be made

As described above, many submissions had a strong view that any decisions about establishing refuge (or reviewing the effectiveness of a refuge in order to make decisions about extending or discontinuing it) should be evidence based.

A small number of submissions disagreed with the information provided in the Appendices of the Discussion Document about the different species found in the sites/waterways that might be appropriate for selection as refuges.

Some submissions listed the factors they considered should be part of decision-making, such as confirming that whitebait species are in decline in an area, that a waterway is a

source not a sink of whitebait (such as a known spawning sites for particular species), and considerations such as the effects of climate change and zones of tidal reach.

Other comments included:

- A concern that decisions would be made by popular vote and without consideration for local communities or stand-holders who would suffer economically.
- Selection of refuges should be based on habitat requirements of each of the whitebait species – ensuring that each of the species prospers.
- The suggestion that refuges are only likely to be effective in places where other pressures are also minimised such as predation and poor water quality due to effluent run-off.

Who should be involved in making decisions

While some submissions suggested that decision-making should be left up to DOC and their experts, other submissions suggested DOC should not be making decisions without wider consultation, listening and responding to the views of others including:

- scientists and researchers
- iwi/hapū/mana whenua
- local communities
- local fishers
- local and regional councils.

Which waterways

In addition to suggestions received for specific waterways, many submissions made general suggestions that refuges:

- should only be in tributaries/lagoons etc. – an entire river should not be selected
- should not be on the West Coast, where there are already 23 refuges
- should be spread evenly around the country
- should be in known spawning sites
- should not be in rivers with īnanga in them, as this species runs all year round.

Views on the location of refuges

Submitters were asked to suggest which waterways would be suitable for creating refuges in. Many submissions listed waterways that they thought refuges should or should not be created in (or commented on how refuges were already working on the West Coast). These views have grouped by region in Appendix 4: Views on Waterways. This Appendix also includes views on possible locations for upstream limits.

Treaty Partner perspectives

The majority of Treaty Partner submissions supported creating whitebait refuges in certain waterways but wished to be actively involved in decision-making. A list of waterways that could be utilised as refuges supported by Treaty Partner organisations can be found in Appendix 2, alongside waterways not supported as refuges. There was a wide range of feedback on the duration of refuges, with no real consensus on this among Treaty Partner organisations (suggestions ranged from 1 to 3 years through to long-term and permanent closures).

Organisational perspectives

The three science organisations and Trustpower supported the creation of refuges when particular criteria are met (especially monitoring and data collection). In addressing the topic, the New Zealand Freshwater Science Society preferred the terms 'closed' or 'reserves' to refuges. These agencies emphasised the need for clarity about the purpose of each refuge which will drive what baseline data is collected and how effectiveness is assessed. Refuges were seen as interventions alongside other conservation measures. Factors they considered important to making decisions about whether a waterway is useful as a refuge included:

- dispersal distances of whitebait at sea and tidal influences
- the extent of the egg and larval fish production in the waterway
- ensuring that a waterway is a population source (containing breeding sites) not a population sink.

Trustpower supports DOC's recommended option of a longer-term (10+ year time frame) for whitebait refuges. They stated they supported this option as it allows enough time for a baseline dataset to develop from the monitoring programmes currently being established. Furthermore, they stated once this dataset has provided evidence on the state of the population across the regions, it may be appropriate to reassess the location, quantity, and duration of the refuges.

The majority of territorial local authority submissions provided opinions on the introduction of refuges in their area. The West Coast Regional Council and Grey District Council strongly opposed closing additional rivers on the West Coast (as did other West Coast organisations). Nelson City Council's submission provided a detailed table of possible refuge locations. The Bay of Plenty Regional Council suggested that the selection criteria were overly simplistic and based on the presence of the species rather than a richer differentiation on the quality of the habitat and management potential.

The Waikato Regional Council agreed that refuges would be beneficial but suggested further data and strategic planning is needed.

One of the main areas commented on by community groups, trusts and businesses was the suitability or not of their local rivers and waterways for refuges along with the impact that closing a proposed waterway would have on the community. Appendix 4 lists all these proposed refuges.

New Zealand Conservation Authority and five of the Boards (Waikato; Taranaki; Canterbury Aoraki; Otago and Southland) supported refuges.

There was a general consensus that more scientific research needs to be done into the selection of refuges nationwide.

The limits to our scientific understanding of the ecology and population dynamics of whitebait species and the extent and effects of fishing pressure make wise management uncertain [The Water and Wildlife Habitat Trust].

3.6 Whitebait fishing practices | Ngā ritenga hao īnanga

What was proposed in the Discussion Document

Proposed changes included a nationwide restriction in use of several fishing practices that have been identified as facilitating fishers to catch high volumes of whitebait and

other species and/or which promote equitable access to fishing, while still allowing a range of fishing methods to be used.¹⁶

Each of the proposed changes could be implemented independently, or in a variety of combinations. DOC recommended most options.

Some changes involved phasing out use of fishing equipment. Specifically phasing out:

- sock nets
- traps in nets
- screens (and prohibiting diversions). This was DOC's recommended option OR the alternative of implementing nationwide restrictions on the *size* of screens and diversions and on the *locations* where these could be used.

Other changes involved introducing nationwide restrictions on where fishing occurs, specifically prohibiting fishing for whitebait:

- from structures other than stands
- within 20 metres of weirs, groynes and illegal diversions
- with nets beyond the outer edge of a stand
- with more than one net from a whitebait stand.

Several other proposed restrictions related to the size and placement of gear in waterways, these were to:

- implement a maximum overall length limit of 6 metres for fishing gear used to take whitebait (excluding spotter boards) nationwide
- revise the current regulations that provide for fishing gear (excluding stand structures) to span one-third of the width of a waterway, to instead span up to one-quarter of the width of a waterway
- set a specified minimum distance of 20 metres between fixed fishing gears (not stands) that span one-third of a waterway (such as 'No part of any two gears of this type may be less than 20 metres of each other').

The final option was applying the current provisions for drag nets in the whitebait fishing regulations (all New Zealand, except the West Coast) nationwide.

Rationale for restrictions in fishing practices

Proposals focused on:

- Providing for a variety of fishing gear to be used.
- Ensuring fishers who must share fishing grounds have reasonable access to fishing spots and catch (by using particular equipment – one fisher can limit another's access to positions to fish from or likelihood of catch because of access to the waterway).
- Avoiding undue impacts on fished and bycatch species. Non-target species are also caught in whitebait nets. Gear that increases the likelihood that non-target species would escape or allows bycatch or excess whitebait to be released alive is preferred.

During public engagement, 78% of all survey respondents, agreed or strongly agreed that there should be more restrictions on gear used to fish for whitebait. Among all gear types, sock nets, screens and traps were most commonly identified as problematic as they enable large catches with minimal effort.

¹⁶ For information on existing regulations relating to fishing equipment and use, please see links on www.doc.govt.nz/parks-and-recreation/things-to-do/fishing/whitebaiting/

Alternative options proposed in the Discussion Document

- Rules around whitebait stands.
- Voluntary changes to gear used by whitebait fishers.

Views on restricting fishing equipment

Views were sought on agreement with the proposals along with any comments including suggested time frames for implementation. The proportion of submissions that addressed the various proposals varied from 90% who provided views on phasing out sock nets to 33% who provided views on fishing within 20 metres of weirs, groynes and other illegal structures (see following tables).

Comments received could be categorised broadly into likely effects of a change on:

- fish species including bycatch
- fishers including stand holders
- communities and local businesses
- ease of compliance and enforcement.

Views and comments specific to a proposal are presented below. The following table summarised views on changing fishing practices in general.

	Comments on changes in fishing practices and the effects on:
Fish	
Support for	<ul style="list-style-type: none"> • forms of fishing that still allow whitebait species to go upstream and spawn • forms of fishing promoting the live release of unwanted catch and that reduce bycatch • reducing overfishing by <i>'greedy people who are the biggest threat to whitebait'</i> • forms of fishing that are dependent on weather and fishers being able to see fish
Opposition to:	<ul style="list-style-type: none"> • changes where there is no proof that there will be a reduction in bycatch or survival rates of unwanted catch • changes when there is no proof of a decline in whitebait species populations • changes in one or more fishing practices when other interventions would be more effective in restoring fish numbers, for example, shortening season, introducing refuges, upstream limits, habitat enhancement, predator control, catch limits or stopping sales/commercial whitebaiting
Fishers	
Support for:	<ul style="list-style-type: none"> • forms of fishing involving active participation and skill on the part of the fisher rather than passive 'set and forget' approaches which some submissions described as 'harvesting' or inappropriate for a recreational fishery • forms of fishing that allow better access to fishing spots and put fishers on an equal footing (catch-sharing). (A view that the most forceful individuals secure prime fishing spots) • compensation when investment has been made in one form of equipment that is no longer permitted

Opposition to:	<ul style="list-style-type: none"> • changes that might lead to more drownings or other safety issues because of the terrain of particular waterways • changes that would mean that some groups (for example, some older people, some women, children or those with disabilities) would not be able to fish because of the strength needed to raise nets or withstand windy conditions • changes based on popular vote or where there is no evidence of effectiveness • changes that affect an established practice/way of life in particular regions or waterways and which would restrict the much-valued social aspect of fishing • changes which mean that another form of fishing might favour those with more resources/commercial fishers (such as inequitable access)
Communities and businesses	
Support for:	<ul style="list-style-type: none"> • undertaking an impact assessment to determine the potential impacts for Māori. There was broad support for all proposals by a few Treaty Partner organisations
Opposition to	<ul style="list-style-type: none"> • the introduction of new requirements without adequate notice for manufacturers of fishing equipment • changes which adversely affect people's livelihoods (because changes to methods means an area can no longer be safely fished)
Compliance and enforcement	
Support for:	<ul style="list-style-type: none"> • basing New Zealand-wide regulations on the current West Coast regulations as these are working well • creating nationally consistent regulations meaning all fishers know the regulations that apply in all regions • increasing enforcement to minimise use of illegal fishing methods
Opposition to:	<ul style="list-style-type: none"> • a New Zealand-wide approach because different fishing methods are required in different waterways due to factors such as width, current (fast or slow), water opacity (silt)
Other general comments on changes in fishing practices	
	<ul style="list-style-type: none"> • If changes are made and whitebait recover faster than expected, fishing rules can be relaxed. • Some submitters consider that rules need to apply to all fishers in the same way (commercial and recreational). Others consider that different rules should apply to fishers who catch from stands. • Gear changes are unnecessary if the sale of whitebait is prohibited. • Multiple gear types are often used on the same river. • There should be a range of legal gears, and something for all New Zealanders to use.

	<ul style="list-style-type: none"> • Range of suggestions on phase-in time for gear changes to take effect and be enforced (for example, immediately, 2 years, 5 years). • Some Treaty Partner organisations, Treaty settlement entities and other national or regional Māori organisations sought explicit confirmation that these proposals would not affect customary fishing.
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Views on phasing out sock nets and traps in nets

DOC recommended phasing out sock nets and traps in nets.

This table shows that most submissions included a view on phasing out sock nets (98%) or on traps in nets (88%). This included those using the two main submission templates (Forest and Bird or WCWA).

Overall, 77% of these submissions agreed with the phase out of sock nets and traps in nets. The vast majority of those who lived or fished on the West Coast wished to retain their use (94% wished to retain sock nets and 98% wished to retain traps in nets). Views of those living or fishing in other regions were mixed.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Socks in nets					
Of <u>all</u> submissions:					
% that included a view on sock nets	98%	99%	97%	88%	>99%
% that did not include a view on sock nets	2%	1%	4%	12%	<1%
Number of submissions with a view on sock nets	10,708	2,382	44	572	7,710
Of submissions providing a view:					
% agreeing with phase out	77%	6%	75%	73%	>99%
% wishing to retain use	23%	94%	25%	27%	<1%
Traps in nets					
Of <u>all</u> submissions					
% that included a view on traps in nets	88%	87%	14%	16%	99%
% that did not include a view on traps in nets	12%	13%	86%	84%	1%
Number of submissions with a view on traps in nets	10,155	2,276	13	164	7,702
Of submissions providing a view:					
% agreeing with phase out	77%	2%	38%	30%	>99%
% wishing to retain use	23%	98%	62%	70%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

The main reasons given for agreeing with the phase out of sock nets or traps in nets included:

- Suggesting that sock nets and traps in nets are a passive way of fishing. For example, if traps in nets were banned – sock net fishers would have to lift their nets more often to check for catch (for example, after seeing whitebait swimming in).
- Suggesting that rivers would NOT need to be closed if sock nets were banned. Sock nets can also be used when a river is in flood, if it is raining or it is windy. No visibility is required because the rivers would be unfishable during and directly after a flood, on windy days when there is no visibility or if it is raining.
- Suggesting they are indiscriminatory and catch all bait, fresh or bellied. Fish remain in nets for hours at a time, dying before they can be released. Sock net bycatch includes shortfin and longfin eels, bullies, yellow-eyed mullet, and other species.
- Rebuttal of the arguments that sock nets are a huge investment or that banning them would preclude less strong people from fishing.
- Suggesting that while sock nets might be needed in Southland or Otago and that the fishery is managed sustainably there, they are not needed in other parts of the country.
- Suggesting that traps be allowed in scoop nets and that they should be the only nets permitted because unwanted catch is released before dying. As people would need to attend the net, this would result in greatly reduced catches. This measure in combination with limiting the length of stands and banning stands, would mean there would be no need for other proposed measures such as shortening the season.
- Suggesting a time frame over which these could be phased out including banning from 2020 or alternatively over the next 5 years.

The main reasons given for retaining the use of sock nets or traps in nets included:

- Sock nets are the only way to safely fish on fast moving rivers especially for some older people, some women and those with disabilities because of the ease of lifting them and because there is a danger with other forms of net to get caught in the wind. If they are banned then people will resort to unsafe practices and there will be more drownings, or people will give up whitebaiting which is a valuable source of social and outdoor activity.
- Sock nets are part of life and whitebaiting in Southland and on other rivers with deep swift waters or waterways with a lot of sediment.
- Suggesting retaining use of sock nets, but only from stands.

Further suggestions relating to sock nets or traps in nets included:

- Recommending reducing sock net size.
- Recommending a regulation to lift nets every 2 hours.
- Permitting a single trap in nets, together with a 25% reduction in net mouth diameter and a 2-metre length limit.
- Phasing out double traps in 2 years.
- Retaining traps but providing another escape hole.
- Scoop and set nets with traps to have maximum length of 2.5 metres.
- Suggesting that scoop nets should be excluded from a trap ban, as they require a fisher to be actively operating their net.

Views on restrictions to screens and diversions

The Discussion Document sought views on phasing out screens and prohibiting diversions or alternatively limiting their size and/or the locations where they could be used. Many submissions agreed with both options or referred to only screens or only diversions. As can be seen from the following table, of all submissions, 88% commented on phasing out screens, 67% on phasing out diversions, 87% on restricting the size of screens or diversions or on restricting their location. Of those that provided a view on these elements, the majority agreed with each proposal element. However, a small proportion of submissions from those living or fishing on the West Coast did not support phasing out screens (13%) but were supportive of restricting their size and location.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Screens and diversions					
Total number of submissions	11,533	2,605 ₁	94	1,046	7,789 ₂
Phasing out screens					
Of all submissions					
% that included a view on phasing out screens	88%	87%	15%	13%	99%
% that did not include a view on phasing out screens	12%	13%	85%	87%	1%
Number that included a view on phasing out screens	10,120	2,262	14	141	7,703
Of those with a view on phasing out screens					
% agreeing with phase out	76%	<1%	7%	21%	>99%
% wishing to retain use	24%	>99%	93%	79%	<1%
Phasing out diversions					
Of all submissions					
% that included a view on phasing out diversions	67%	<1%	-	3%	99%
% that did not include a view on phasing out diversions	33%	>99%	100%	97%	1%
Number that included a view on phasing out screens	7,730	6	-	28	7,696
Of those with a view					
% agreeing with phase out	>99%	17%	-	57%	>99%
% wishing to retain use	<1%	83%	-	43%	<1%
Restricting the size of screens and diversions					
Of all submissions					
% that included a view on restricting size	87%	86%	13%	8%	99%
% that did not include a view on restricting size	13%	14%	87%	92%	1%
Number that included a view on restricting size	10,034	2,238	12	86	7,698
Of those with a view:					
% agreed with restricting size	>99%	>99%	>99%	88%	>99%

Screens and diversions	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
% that disagreed with restricting the size	<1%	<1%	<1%	12%	<1%
Restricting the locations where screens and diversions may be used					
Of all submissions					
% including a view on restricting location	87%	86%	9%	6%	99%
% that did not include a view on restricting location	13%	14%	91%	94%	1%
Number that included a view on restricting location	9,997	2,231	8	63	7,695
Of those with a view:					
% agreed with restricting location	>99%	>99%	>99%	81%	>99%
% that disagreed with restricting the location	<1%	<1%	<1%	19%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

The main reasons given for agreeing with the phase out or restricting the size of screens and diversions included:

- It would save a lot of whitebait/make a huge difference to the numbers of whitebait caught and allow them to swim upstream to breed.
- It would avoid unattended/passive fishing. Suggestion that skill should be involved.
- It would stop some of the big unfair hauls.
- With narrow channels/streams and screens it is *'mass slaughter for any whitebait and is unfair as some people all but block off the stream'*.
- Use of screens (along with set nets and winches) constitutes harvesting not fishing.
- It would mean that all fishers could have equal opportunity in accessing fishing spots or the waterway and that there would then be no advantage to having a long stand.
- Rules for screens should be the same for all fishers, including stand users.
- Suggesting that DOC has to make some bold calls to ban both traps and screens *'this would change us all to whitebait fishers and get rid of all the issues, with people fishing more than one net and put all on equal footing of catching whitebait within the width of the mouth of your net which is set by regulation'*.
- Supporting restrictions on where screens can be used. For example, screens should not be used in small streams or placed mid-river or should only be permitted for authorised stand users.

The main reasons given for not phasing out or limiting the size or location of screens and diversions were:

- The use of screens is essential due to the size of the Whanganui River and the big lift in tides.
- Stands by their very design require screens as part of their working structure. The proposal of phasing out screens simply won't work in the case of registered stands.

Further suggestions and comments relating to screens and diversions include

- Reducing size to 2 to 3 metres.
- Allowing 1 square metre screen per net.
- Suggesting a maximum distance between screens and banks (of 2 to 3 metres). Allowing a small distance would accommodate issues with tidal surges.
- Commenting on regional practices or needs (for example a 3-metre limit is already in place in Taranaki and that 10-metre screens are needed on the Waikato due to tidal changes and willows on banks).
- A combined limit for screen and net of 4 metres, or not more than 20% across rivers.
- Management of screening would be an effective way of spreading whitebait catches. In places, over-zealous screening can be an issue. In a run of whitebait what usually happens is if one fisherman misses a shoal the next fisherman catches it and screening is more about sharing the catch than managing it.

Views on prohibiting fishing from structures other than stands

Most submissions (overall 87%) provided a view on the proposal to prohibit fishing from structures other than stands with most agreeing with the proposal.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of <u>all</u> submissions:					
% that included a view on prohibiting fishing from structures other than stands	87%	85%	3%	6%	99%
% that did not include a view	13%	15%	97%	94%	1%
Number that included a view on prohibiting fishing from structures other than stands	9,983	2,217	3	65	7,698
Of those that had a view:					
% that agreed	>99%	>99%	100%	85%	>99%
% that disagreed	<1%	<1%	-	15%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Some submissions did not provide a view on this proposal but sought further clarification on the definition of 'structure' and 'stands'. For example, does a structure include a rock wall (as at the entrance to the Grey and Buller rivers), concrete steps, flood protection, tip heads at the river mouth, wharfs, gabion basket protection or retaining walls and does a stand include a wooden stand, rock, the bank, a possie or a place from which you put out some spotters and scoop?

One submission suggested refining the definition to man-made structures – defined as any concrete, steel or rocks placed in water to control water flow.

Other comments relating to fishing from structures other than stands included:

- The construction of stands is regulated whereas other structures are not. Those using other structures will compete with stand holders and do not have accountability.
- That there should be no preference given to stand holders and that this should also include stands.
- Concern that this would cause disparity favouring the more affluent (while acknowledging that this would protect the bank from fishing damage).
- Suggesting that this will not work in the North Island – there should be separate rules for North and South.
- *'There has been fishing from structures that are not stands for generations. It seems unfair to deny fishers access to these sites and yet if they build a stand it's all OK. There did not used to be stands and people used to fish from the shore. It would have been less efficient but with the proliferation of stands the level of escapement will be far less.'*
- Supporting fishing from stands and any man-made structure including rock walls and grassed riverbanks.
- Outlining why a structure is used for safety/environmental reasons and how it protects the riverbank and allows for the net to be secured alongside.

Other comments on the proposal to prohibit fishing from structures other than stands include:

- Deliberation on whether this how this would work on rivers (such as the Grey) which do not have dedicated stands and noting that this would stop at least 80% of fishing activity on the Grey River.
- Concern that the value and property right of licensed registered stands as tradable commodities might be eroded in the name of conservation without scientific evidence.

Views on the prohibition of fishing within 20 metres of weirs, groynes and illegal diversions

The following table shows that the majority of those that provided a view on this proposal had used the Forest and Bird template with virtually all agreeing. Some submissions commented that they thought this was already a requirement and may not have provided a view because of this.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of <u>all</u> submissions, % that included a view on the prohibition of fishing within 20 m of weirs, groynes and illegal diversions	67%	<1%	1%	6%	99%
% that did not include a view	33%	>99%	99%	94%	1%
Number that included a view on the prohibition of fishing within 20 m of weirs, groynes and illegal diversions	7769	13	1	62	7693
Of those that included a view on the prohibition of fishing within 20 m of weirs, groynes and illegal diversions					
- % that agreed	>99%	100%	100%	>99%	>99%
- % that disagreed	<1%	-	-	<1%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Comments in support prohibiting fishing within 20 metres of groynes, weirs and other illegal diversions included:

- These locations are where whitebait congregate spawn.
- Prohibition would help whitebait to move upstream.
- Noting that this is already an accepted rule on the West Coast and in Mokau. Others thought it was already illegal.

The main reasons for disagreeing with the prohibition of fishing within 20 metres of groynes, weirs and other illegal diversions include:

- This would prohibit most fishing of the Grey River.
- Fishing from groynes should be permitted where this has been a traditional activity and is consistent with fishing from a riverbank.

Other comments or suggestions concerning the proposal to prohibit fishing within 20 metres of groynes, weirs and other illegal diversions included that:

- Prohibiting disturbing the riverbed to build rock groynes that guide whitebait into the net.
- Recommending a greater distance than 20 metres (for example, 100 metres from flood gates).

- The suggestion to extend to all exempt tributaries, instead of river refuges outside National Parks.

Views on the proposals that nets should not be used beyond the edge of stands and that one net only should be used per stand

Overall, 87% of submitters provided views on the proposals concerning nets and stands – with virtually all agreeing with the proposal. A much smaller proportion of those living or fishing in areas outside the West Coast responded and of these also agreed with the proposal to prohibit use of nets beyond the edge of stands.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Nets beyond the outer edge of a stand					
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of all submissions:					
% that included a view on nets not to be located beyond outer edge of stand	87%	85%	3%	9%	99%
% that did not include a view	13%	15%	97%	91%	1%
Number that included a view on nets not to be located beyond outer edge of stand	10,011	2,222	3	89	7,697
Of those that had a view:					
% that agreed	>99%	>99%	>99%	54%	>99%
% that disagreed	<1%	<1%	<1%	46%	<1%
Total	100%	100%	100%	100%	100%
One net to be used when fishing from a stand					
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of all submissions					
% that included a view on one net to be used when fishing from a stand	87%	85%	1%	7%	99%
% that did not include a view	13%	15%	99%	93%	1%
Number that included a view on one net to be used when fishing from a stand	9,997	2,219	1	79	7,698
Of those that had a view:					
% that agreed	>99%	>99%	100%	97%	>99%
% that disagreed	<1%	<1%	-	3%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

The main reasons for agreeing with the proposals to prohibit fishing from beyond the outer edge of a stand or using more than one net per stand included:

- One net per stand is sufficient or is common sense.

- This measure, together with net size limitations would put all whitebaiters on an equal footing.

The main reasons for disagreeing with the proposals to prohibit fishing from beyond the outer edge of a stand or using more than one net per stand included:

- These are impractical and unsafe in particular rivers or conditions. The proposals seem to be based only on one type of river fishing.
- Suggesting that a catch limit would be more practical.
- Suggesting the proposed changes are unreasonable as they do not allow for the variety in rivers across the country, the different conditions they present, and will greatly reduce the success rate for the average recreational fisher trying to 'catch a feed'.
- That this does not cater for the situation where more than one person is fishing from a stand (it should be one net per person).
- That if the 6-metre gear limit is applied, even if the net is outside the stand, the whitebait are free to swim through the unnetted area underneath the stand.

Other comments included:

- If the 6-metre gear limit included stands and nets, this would make the 'no net outside stands' proposal irrelevant.
- Suggesting that nets set floating clear in midstream away from a jetty, should also be prohibited.

Views on a nationwide 6-metre maximum gear limit (excluding stands) and a nationwide maximum incursion of gear into waterway of one-quarter

A similar proportion of submitters commented on both these proposals. Some submissions commented on them together, or commented on how submitters saw them interacting with other proposals.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Nationwide 6-m maximum gear limit (excluding stands)					
Total number of submissions	11,533	2,605 ₁	94	1,046	7,789 ₂
Of all submissions					
% that included a view on a nationwide 6-m gear limit	87%	85%	2%	7%	99%
% that did not include a view	13%	15%	98%	93%	1%
Number of submissions that included a view on a nationwide 6-m gear limit	9,977	2,210	2	68	7,697
Of those that had a view					
% agreed	78%	<1%	50%	54%	>99%
% disagreed	22%	>99%	50%	46%	<1%
Nationwide maximum incursion of gear into waterway of 1/4 of the waterway					

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of all submissions					
% that included a view on a nationwide maximum incursion	86%	85%	2%	5%	99%
% that did not include a view	14%	15%	98%	95%	1%
Number that included a view on a nationwide maximum incursion	9,956	2,207	2	52	7,695
Of all with a view that included a view on a nationwide maximum incursion					
% – agreed	78%	1%	100%	96%	>99%
% – disagreed	22%	99%	-	4%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

The main reasons for agreeing with the proposals for a 6-metre maximum gear length and incursion of gear (excluding stands) into a waterway of one-quarter included:

- Agreeing that these proposals will help fish escape upstream and allow a more 'even playing field for 'baiters'.
- Suggesting even smaller limits to gear length (from 1 to 5 metres) or a smaller incursion across a waterway (for example, 20%) especially in small waterways.
- Agreeing with the limit for netting size but suggesting that this limit does not include tie-back and head ropes on the bank or in the water to secure gear as these do not catch whitebait.
- Commenting on a recent court decision which determined that the ropes used in 'ghost-fishing' (where nets are pulled into waterways using pulleys) were included in the definition of gear used to whitebait.
- Suggesting no screens attached to poles.
- Agreeing that if screens are retained, then they supported the 6-metre limit.
- Stating that screen length limits are in place in the Taranaki and Waikato areas.
- Suggesting that there should be no water flowing on the land side of the screen.

The main reasons for disagreeing with the proposals for a 6-metre maximum gear length and incursion of gear (excluding stands) into a waterway of one-quarter included:

- Suggesting that these proposals are not practical on the West Coast which has developed regulations to suit the wider rivers, flooding and other weather conditions there.
- Suggesting that an overall limit of 6 metres would make fishing impossible in many sites on gentle slopes as this would involve continually moving gear due to the incoming tide. A limit of 10 metres would be more practical.

- Suggesting that one-quarter is too much incursion in small streams up to 20 metres in width particularly if people are fishing on both sides of the waterway. One alternative would be to only allow fishing with nets on smaller streams.
- Noting that some streams are smaller than 6 metres across so the proposed gear limit is too wide.
- Suggesting that it is unfair to treat stand users and 'pot netters' the same way – 6 metres is too wide for pot netters while on some rivers (for example, the Waiatoto River) stand holders have gained resource consents for 30-metre stands.

Other comments included:

- Suggesting this should be decided and agreed upon locally. DOC could work with local and regional councils to determine the maximum length of stands in some rivers. Alternatively, that each river should be classified in terms of water volume and practical maximum mouth size of nets and DOC should set and advise local laws for whitebaiting (as Fish and Game does for trout and salmon rivers).
- Suggesting that the overall length limit should be changed to width to avoid confusion.
- The suggestion that either or both of these proposals should include stands.
- In addition to commenting on the proposals some submissions commented on the exclusion of stands from the maximum gear length.
- Commenting that the maximum stand length is 5 metres in the Mohikinui River and questioning whether the 6-metre gear limit means that fishing is allowed beyond the outer end of the stand.

Views on introducing the drag net provisions nationwide

The current situation is that drag nets may be used to fish whitebait in all of New Zealand (excluding the West Coast), subject to certain net design and size restrictions (for example, nets cannot have pockets or traps or be more than 1 metre in height¹⁷).

Overall, 86% of submission included a view on the use of drag nets with the majority opposing the introduction of the drag net provisions nationwide.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ₁	94	1,046	7,789 ₂
Of <u>all</u> submissions:					
% that included views on introducing the drag net provisions nationwide	86%	85%	1%	6%	99%
% that <i>did not</i> include views	14%	15%	99%	94%	1%
<i>Number</i> that included views on introducing the drag net provisions nationwide	9,973	2,211	1	66	7,695
<i>Of those with a view</i>					

¹⁷ See Regulation 7 in the Whitebait Fishing Regulations 1994.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
<i>% agreed</i>	<1%	<1%	100%	35%	0%
<i>% disagreed</i>	>99%	>99%	-	65%	>99%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Comments received opposing the use of drag nets included:

- Suggesting that the use of drag nets greatly interferes with other river users and/or with scoop netters.
- Suggesting that if they are used well, they are lethal to whitebait.
- Noting that drag nets are not used in the Manawatu – Whanganui region.

Comments received agreeing with the use of drag nets included:

- Suggesting that drag netting should be retained as it is an active form of fishing compared with setting and leaving sock nets. This means that whitebait will have a better chance of escape and survival.

Other comments on drag nets included suggesting that:

- Conditions vary from river to river.
- There should only be one net used per person.
- The size of nets be reduced by one-third.
- A specified upper limit on size would help to prevent excessive harvesting in Te Whānga Lagoon, Chatham Islands.
- Phasing out other forms of equipment would mean that those using drag nets would have access to more bait.

Views on a 20-metre minimum distance between fixed fishing gears

The Discussion Document set out how the proposal to set a minimum distance between fixed fishing gear (not stands) addresses the issue where the combined effect of nets on either side of a waterway is to block off the majority of the waterway, making whitebait escapement less likely. Overall 67% of submissions included a view on the proposed 20-metre minimum distance between fixed fishing gear. This response was largely comprised of those using the Forest and Bird template submission and virtually all agreed with the proposal. A very small proportion of other categories responded and among those, views were split fairly evenly between agreeing with the proposal and not.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Total number of submissions	11,533	2,605 ₁	94	1,046	7,789 ₂
Of all submissions:					
% that included a view on a 20 m minimum distance between staggered fixed fishing gear	67%	1%	2%	6%	99%
% that did not include a view	23%	99%	98%	94%	1%
Number that included a view on a 20-m minimum distance between staggered fixed fishing gear	7,773	19	2	60	7,692
Of submissions that included a view:					
% that agreed	99%	47%	50%	43%	>99%
% that disagreed	1%	53%	50%	57%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

The main comments for agreeing with the proposed 20-metre minimum distance between fixed gear (excluding stands) included suggesting:

- That it would provide more chance for fish escapement (it would break up the 'maze wall of death' approach on each size of the river, staggering their net placement).
- That the 20-metre minimum distance in the direction of the waterflow on the same riverbank would reduce conflict and arguments between fishers.
- That they agree with the 20-metre proposal, providing regulations relating to the distance from stands still applies.
- A bigger minimum distance of 40 metres.

The main comments for disagreeing with the proposed 20-metre minimum distance between fixed gear (not stands) included suggesting:

- That the situation depicted and described in DOC's Discussion Document is rare and does not require regulation. Staggering is not an issue. If a juvenile whitebait is not swimming upstream in the centre of the waterway it will get caught regardless of staggering.
- The distance is too far especially on larger waterways where there is plenty of opportunity for whitebait to escape.
- Smaller distances (for example, 15 or 10 metres) and/or suggesting that it be a matter of agreement between those whitebaiting in particular waterways.
- This would greatly restrict the number of whitebaiters that could fish a river and that this would create conflict and competition for spots. An aggressive few could control a high yielding part of the river.

- This distance is not practical or fair on some waterways where there are only a few metres in which to fish (such as not fishing spots all the way along) and/or that it disadvantages non-stand holders.
- This would not be practical at river mouths or when whitebaiting in the surf or where a waterway is affected by high tides, meaning the distance between nets changes as the tide comes in.
- It would be very difficult to enforce or would require regular DOC visits in order to achieve compliance.
- It may not lead to a decrease in fishing pressure or there is no evidence that fixed fishing gear is any more efficient than a scoop net. Fish can swim around fixed nets and a scoop net with long spotter board can cover great width and very effectively target whitebait.

Other comments included:

- Varying views on whether the 20-metre proposal was practical on small waterways or not. One submission suggested that the proposal applied more to smaller and narrower waterways while another suggested that it was a large distance on small rivers and not necessary.
- Outlining existing protocols or understandings about the distance between fixed gear on particular waterways (and how this is conveyed to newcomers to a fishing area).
- Comments relating to the impracticality of a 20-metre distance between fishers for families or other groups fishing together using scoop nets. (Note: Fixed fishing gear includes equipment staked, tied, attached or otherwise secured in/along the riverbed/bank but not handheld scoops or nets).

Treaty Partner perspectives

Many of the Treaty Partner submissions expressed support for some or all of the proposed changes to whitebait fishing practices.

- There was strong support (6 to 7 submissions) for the following proposals: fishing prohibited within 20 metre of weirs, groynes and illegal diversions; one net used when fishing from a stand; nationwide maximum overall length limit for gear of 6 metres; and nationwide maximum incursion of gear (excluding stands) into a waterway of one-quarter.
- There was moderate support (4 to 5 submissions) for the following proposals: Phasing out sock nets and traps in nets; nationwide size and location restrictions on screens and diversions; fishing prohibited from structures other than stands; nets not to be located beyond outer edge of stand; drag net provisions to apply nationwide; and minimum fixed distance of 20 metres between fixed fishing gear (not stands), where gear extends the maximum legal distance into a waterway.
- One submission did not support phasing out sock nets and traps if the season was shortened.
- Introducing the regulation of prohibiting fishing from structures other than stands, could legitimise illegal stands, another submission stated.
- Some submissions also stated that fishing pressure would be reduced by a nationwide maximum incursion of gear (excluding stands) into a waterway of one-quarter or a minimum fixed distance of 20 metres between fixed fishing gear (not stands), where gear extends the maximum legal distance into a waterway. Two other submissions also offered alternative distances for these regulations one-sixth and 40 metres respectively.

Organisational perspectives

While agreeing with the majority of measures (and having no view on the proposal to limit the overall length for gear to 6 metres) the Freshwater Science Society of New Zealand questioned whether the implications of phasing out sock nets and traps in nets had been fully considered and whether it would lead to greater escapement of fish or enjoyment of fishers. They note that phasing out sock nets may have a disproportionate impact on whitebaiting in Southland and were not aware of a bycatch issue with these nets. They suggested that phasing out of traps in nets means that nets will have to be lifted more frequently which may adversely affect the less physically fit who are likely to find fishing more difficult. It might lead to the same volume of whitebait being caught but by fewer people.

The Cawthron Institute suggested that banning sock nets and traps in nets may help to reduce killing bycatch which occurs when fish are held for prolonged periods in the nets, and when they are lifted and the weight of the catch crushes and suffocates the fish. They also question whether imposing catch limits rather than changing fishing equipment would be a better approach.

Two councils (Hawke's Bay Regional Council and Grey District Council) disagreed with some of the proposed changes to fishing practices because of the practicalities of fishing particular types of rivers as an older person. They suggested that the phasing out of sock nets and screens would unfairly reduce the catch opportunities and enjoyment of less active fishers.

Of the conservation organisations that commented on fishing practices all were supportive but several suggested that restrictions needed to be in combination with imposing catch limits. The Waikato Conservation Board noted that the practicalities of fishing in different regions needs to be considered and the Mountains to Sea Conservation Trust suggested clearer diagrams be included in the new regulations.

There was considerable commentary on fishing practices from the fishing/aquaculture organisations. They did not support phasing out sock nets and traps, screens and diversions but suggested a size limit on the floating screen depth. They did support one fishing net from a stand. They also suggested wording needed to be tweaked on several of the other proposals.

The fishing equipment suppliers sought adequate notice of any change so they are able to adjust their manufacturing requirements if needed and disagreed with the claim that all traps 'facilitate large catches of whitebait and enable fishers to not monitor gear but still catch fish'. They suggested that this only applies to longer nets that may have multiple traps such as set nets. Shorter nets with single traps do not completely stop whitebait from swimming out and traps in scoop nets are only there to retain catch so the angler does not have to empty his net after each scoop.

Comments from community-based trusts and businesses were generally supportive of introducing all or some of the measures as a means of reducing bycatch and improving survival rates. Those that disagreed suggested that a regional, waterway-based approach was more appropriate.

3.7 Phasing out the export of whitebait | Te āta whakakore i te hokohoko ki tāwāhi o te inanga

What was proposed in the Discussion Document

The Discussion Document described how New Zealand currently exports a relatively small volume of frozen and chilled whitebait to a small number of countries.

DOC's recommended option is to end the export of whitebait, from when new whitebait fishing regulations come into effect.

Rationale for the proposal

Phasing out the export of whitebait reduces incentives to develop a market for New Zealand whitebait overseas and/or to catch whitebait in order to meet that demand.

Previous engagement suggested that whitebait is not being treated appropriately as taonga and some suggested that whitebait species should not be sold at all (including because of their At Risk and Threatened status). Addressing the export market would reduce one component of commercial activity.

Alternative options proposed in the Discussion Document

- Implementing catch limits for whitebait.
- Phasing out wild-caught whitebait.

Response to this proposal

Views were sought on agreement with the proposal and any suggestions of other approaches that could be taken to ending the export of whitebait species.

The following table shows that just over three quarters (9,045 or 78%) of all submissions included a view on the proposal to phase out the export of whitebait. Of those that commented on export virtually all agreed with the proposal to phase out export. Many of those submissions were made on the Forest and Bird template submission form.

Whether or not they agreed with phasing out the export of whitebait, many submissions conveyed the view that the proposal to phase out the export of whitebait was insignificant in effect. Some of these submitters called for an immediate ban on exporting whitebait and/or called for a ban on sales of commercial fishing or sale of whitebait by recreational fishers.

Among those who did not express a view on phasing out whitebait directly were the significant group (2,489 submissions) using the WCWA template which instead emphasised the potential of aquaculture.

	All submissions	Fishes or lives on West Coast	Fishes on West Coast and in other locations	Does not live or fish on the West Coast	No NZ address/fishing information
Phasing out export of whitebait					
Total number of submissions	11,533	2,605 ¹	94	1,046	7,789 ²
Of all submissions:					
% that included a view on phasing out export	78%	12%	93%	85%	>99%
% that did not include a view on phasing out export	22%	88%	7%	15%	<1%
Total number submissions including a view on phasing out export	9,045	320	87	887	7751
Of submissions containing a view on phasing out export:					
% that agree with phasing out export	97%	58%	67%	86%	>99%
% that disagree	1%	16%	20%	5%	<1%
% that neither agreed or disagreed	2%	26%	14%	10%	<1%

1. Includes 2,226 submissions using the WCWA template

2. Includes 7,692 submissions using the Forest and Bird template

Views on phasing out the export of whitebait

A number of submissions commented that they did not know that whitebait was being exported. Some submissions considered it wrong that we were exporting endangered species and wanted an immediate stop to it. Of these, many opposed any commercial whitebaiting and were disappointed that phasing out sales was not also considered as this would have much more impact on the management of whitebait.

Other reasons for supporting the proposal to phase out the export of whitebait included:

- Agreeing that it is a strategy for taking the financial gain out of whitebaiting and/or the incentive for large catches.
- Pointing out that the proposal aligns whitebait with other recreational fisheries in New Zealand and that most commercial fisheries in New Zealand have other mechanisms (for example, quotas, catch limits) that apply.
- That it is easier to phase out export when a relatively small quantity is involved – less economic and other impact.

Several submitters were supportive of the proposal to phase out wild-caught whitebait but did not object to the export of farmed whitebait which had been cultivated through aquaculture.

There were two main reasons that people disagreed with the proposal to phase out the export of whitebait. One was that current export levels of whitebait are so low it would not make a difference to conservation. The second was due to the opportunities provided through aquaculture to breed whitebait for export without negatively impacting natural whitebait species populations.

Other reasons for opposing the proposal included:

- The opinion that the world should taste our delicacy.

- The need to treat whitebait as like other seafood species and introduce the commercial catch into quota management. Commercial fishers should then be able to sell as they please, similar to crayfish and pāua.

A number of alternative suggestions were also provided, these included:

- Considerations being given to introducing the ban (for example, 2 years from now).
- Considerations being given to compensation of those involved in export who have invested considerable money into their businesses.
- A temporary export ban until fishing can support itself again.

Treaty Partner perspectives

The majority (10) of Treaty Partner submissions supported phasing out export completely. There was considerable comment on aquaculture, with three submissions supporting phasing out wild-caught whitebait but enabling the export of aquacultured whitebait. Submitters included management options relating to aquaculture namely: an export licence which could mitigate compliance monitoring work; and that food safety regulators could be used to manage compliance and monitoring at the exporter's cost.

Organisational perspectives

Of the two science organisations that commented both considered that phasing out export of whitebait will have little impact on whitebait conservation because it represents a minor part of the catch. The Cawthron Institute suggested that this proposal does not deal with *the elephant in the room – the unrestrained sale of whitebait per se*. The New Zealand Fresh Water Science Society queried whether trade in whitebait is a breach of CITES that limits the trade, export and import of threatened species.

Of the community trusts and businesses most support the phasing out of export with some commenting that amounts exported are small.

Cascade Whitebaiters question the logic of the proposal (the relationship between export and domestic sales) while the WCWA states that *as all species of whitebait can now be successfully bred through aquaculture, there is no valid reason whitebait cannot be exported, particularly if produced through aquaculture which is likely to increase in the future*.

The Mountains to Sea Conservation Trust: Whitebait Connection supports the phasing out of all commercial whitebait fishing for export, excluding farmed whitebait where wild populations are not affected. They suggest that consultation with industry and MPI is needed and processes implemented to ensure compliance with best practice.

The West Coast Tai Poutini Conservation Board suggested that the *phasing out of whitebait export was short sighted as it does not allow for possible future beneficial conservation effects for whitebait sustainability. For example, relieving pressure on the 'wild' whitebait population by fostering an alternative viable commercial source of whitebait for domestic consumption through whitebait farming*.

Otago Museum supported the phase out of whitebaiting as this aligns with other wild foods. They also *suggested that although giant kōkopu, īnanga, kōaro and shortjaw kōkopu are not CITES listed, the convention still prohibits the sale of all endangered species*.

Another aquaculture organisation AquA describes current developments in the aquaculture of whitebait and export marked opportunities. They suggest that depriving this industry of the opportunity of exporting its product in future would be a crippling financial blow and prevent the resultant conservation benefits flowing to the wild whitebait populations. They recommended instead that *the export of all live whitebait (of all life stages) ceases; and the export of all wild caught whitebait ceases with the exemption of aquacultured whitebait within an MPI registered Fish Farm*.

They suggest these measures would prevent the possibility of whitebait farms with New Zealand sourced brood stock being started overseas and prevent the fishing wild whitebait to meet the growing export demand created by aquaculture businesses.

3.8 Minor and technical amendments to the whitebait fishing regulations | Ngā panoni iti me ngā panoni hangarau ki ngā waeture hao īnanga

Views were sought on how the whitebait fishing regulations could be made simpler and clearer. Some of the suggestions relating to the overall look and feel of the regulations included:

- simplify them/write in plain English
- shorten them
- use bullet points
- appendix for each regulation, explaining what the purpose/objective is
- include more background.

Other suggestions related to presenting technical information clearly (including diagrams), defining terms and having all relevant information in one place.

Definition and clarification were sought for the following:

- Terminology, such as: structure, stand, sock net, set net, diversion, what is included in 'gear', trap; define stream width.
- Clarification of: 6-metre overall limit; the wording of the existing 6 metre and one-third of a waterway rules, and the relationship between the two rules; what applies to stands (for example, 6-metre rule), what applies to fishing not conducted from stands, and what applies to each specific fishing method; the legality the legality of fishing in river mouths.

A few comments were received on the process of finalising the regulations, for example, the suggestion to test a draft version with whitebaiters before finalising.

4: Implementation and monitoring | Te whakatinana me te aroturuki

The Discussion Document set out how the success of the regulatory options proposed for whitebait would be evaluated through several types of monitoring – specifically measures of compliance, of the status of the whitebait populations, monitoring fisher movements between different rivers if new refuges/fishing exclusions are introduced, and of public opinion of the efficacy of fishery management.

In addition, the Discussion Document stated that proposed changes to the whitebait fishing regulations could be phased in over time and that monitoring and review time frames relating to a regulation would depend on the phase-in time. A regulation would remain in place, until a review was triggered – which would be within 5 years of the new regulations coming into force and/or due to new government policy or the emergence of new information.

Views on monitoring

Most submissions did not directly address the role of monitoring in evaluating the success of new regulatory options, however they did include views on:

- DOC's current regulatory role including the frequency and nature of interactions with DOC rangers, observations or experiences of compliance and enforcement, the effectiveness of penalties and the adequacy of resourcing this function.
- The need for more information on all the factors that contribute to the sustainability of whitebait species and on the whitebait fishery.

Of the submissions that directly discussed the role of monitoring in evaluating the proposed regulations – some agreed or disagreed generally, while others provided specific feedback as detailed below.

Several submissions made general statements concerning monitoring and evaluation including that better baseline data is required and that consideration needs to be given to introducing different regulatory measures sequentially to assess the respective contribution of different proposals.

Monitoring element: Compliance relevant to all proposed regulation changes on an ongoing basis

The proposed approach involves:

- *DOC rangers conducting compliance and law enforcement of the whitebait fishery annually.*
- *Evaluating compliance with the new regulations by monitoring the number and nature of infringements (data collected from 2020, when infringement legislation came into effect for the whitebait fishery) and prosecutions (data collected from the 1990s).*

Some submissions raised questions about whether compliance monitoring data would be robust enough to provide baseline information to evaluate new regulations against. These submissions suggested that existing regulations have not been enforced effectively and that this means prosecution and infringement numbers do not reflect actual levels of non-compliance.

Submissions suggested that this was due to a lack of resourcing (DOC staff have many other responsibilities), DOC staff using an adversarial rather than an educational or user-friendly approach, DOC's conflicting roles as enforcer and for conservation of natural resources and a lack of coordination with other agencies (including district and regional councils who have responsibilities for the waterways).

Several submissions commented that (in their experience) visits from DOC rangers were infrequent, focused on the wrong locations or activities, and that some whitebaiters warned others of an impending visit by mobile phone meaning that fishers were compliant during a visit but returned to non-compliance after a visit. A few submissions stated that reports of non-compliance made to DOC had not been responded to or that they had been threatened by other fishers when reporting non-compliance.

Suggestions to improve compliance capacity included:

- Providing 24/7 compliance support, including via a call centre or 0800 number where incidents could be reported.
- Involving other agencies (for example, MPI, Fish and Game, councils) and iwi as honorary rangers and kaitiaki with appropriate training given.
- Empowering DOC staff to be more effective, for example, by involving police officers in compliance patrols, and using drones, boats, helicopters and remotely viewed cameras, in the course of their work.

- Encouraging whitebaiters to report non-compliant activity was also suggested, as well as improving cooperation with whitebaiters by focusing compliance monitoring on major transgressions.

Monitoring element: Status of the whitebait species population

The proposed approach involves:

- *DOC continues to monitor populations of native fish that produce young that comprise the whitebait fishery by:*
 - *evaluating their status every 5 years using the New Zealand Threat Classification System (NZTCS)*
 - *assessing the presence and abundance of these species using the New Zealand Freshwater Fish Database (NZFFD).*
- *Over the next 4 years, DOC is initiating new monitoring programmes for freshwater species, supported by Biodiversity 2018. These will:*
 - *establish 150 sites for monitoring freshwater biodiversity (including freshwater fish)*
 - *establish a targeted monitoring programme for migratory freshwater fish, to assess the persistence and security of these species long term.*

Many submissions overall specified a need for more information on the whitebait species and the factors that affect the status of their populations. Feedback received on the two forms of monitoring on the NZTCS and the NZFFD included views that:

- The increase in freshwater biodiversity monitoring to 150 sites nationwide is important progress. However, as only a portion of these sites will include whitebait species' habitats, broader monitoring is also needed at sites where whitebait species are known to occur. Monitoring adult and juvenile fish is important at such sites, with standardised methods used over time.
- Monitoring capacity could be increased through citizen science (where data is provided by fishers, and others), with iwi, and through broader community participation. Further, individuals and organisations that collect and hold freshwater fish information should be encouraged to contribute this to the NZFFD. Holding data outside this database reduces the value of the database. Because this does not currently occur, some submissions suggested that the NZFFD would not be useful.
- Monitoring of habitat quality and introduced species is also required to understand population dynamics of the whitebait species over time.

Monitoring element: Changes in the whitebait fishery

Unlike the other elements this is only relevant to monitoring the proposal to create refuges in selected waterways (where whitebait fishing is excluded).

The proposed approach involves:

DOC Operations staff could be asked to report on their observations about fisher movements between rivers as fishing exclusions started and after these ended. Annually for 5 years, then as required (for example, when closed rivers open).

Concerns included:

- Whether DOC was resourced to carry out this work systematically (as with compliance).

Suggestions included:

- Using the approaches used in other recreational fisheries.

- Data collection from the fishery is needed, for example, catch logs, time spent fishing, where fishing occurs, species caught and type of fishing (customary, commercial, recreational), habitat characteristics in fishing locations (as well as in closed areas, outside the fishery).
- Measuring fishery escapement, catch volumes and different methods.
- An educative role on the part of DOC officials and district and regional council staff.
- Fishery reporting should include a requirement for stand holders and all other operators selling whitebait catch to provide catch and sales records, including records documenting buyers.

Monitoring element: Public opinion of the efficacy of fishery management

The proposed approach involves:

Media relating to whitebait is monitored by DOC's communications team. Media stories and social media posts on whitebait and the whitebait fishery would be evaluated for key messages.

A few submissions suggested that this element would not help evaluate new regulations because good news stories do not tend to be reported and because of unreliable information being provided by whitebaiters in order to protect their catch. Others suggested that this method of monitoring would be biased due to special interest group distortion – some with no knowledge of whitebaiting – or may be affected by the 'digital divide' as older whitebaiters don't use computers. A few suggested monitoring the views of local whitebaiting associations would be of more value.

Review of regulations

Submissions were not in agreement in relation to a 5-year review time frame for any new regulations for whitebait fishing. Some supported a shorter time frame (for example, 2 years), while others agreed 5 years was appropriate. Some supported longer time frames such as 10 years, and sufficient time frames to ensure that short-term variability does not conceal the detection of changes in species status and the fishery.

Reporting the findings of monitoring

A few submissions contained views on how the results of monitoring should be reported on. Suggestions included:

- Frequency: report annually or biennially.
- Dissemination of findings: report through local associations, scientific reporting channels and media.
- Content: include a description of the monitoring that has occurred; levels of compliance with management measures; and any other monitoring information relevant to juvenile and adult forms of each of the six whitebait species (including environmental factors such as water quality and habitat management).

Views on when regulations should be introduced

The Discussion Document sought feedback on the timing of the introduction of regulatory changes and set out strategies for mitigating risks.

Many submissions indicated a preference for either introducing regulations as soon as possible, in 2020 or alternatively never or only after evidence was produced that

whitebait species are in decline. Some submissions recommended introducing regulations successively over time.

A range of considerations were included in other submissions including:

- allowing enough time for further discussion and consultation (including with iwi), education or to establish baseline data
- after the 2020 election
- considering the social and economic implications for stand holders, those who will need to replace equipment and require compensation and for manufacturers of fishing equipment (for example, nets).

5: Out-of-scope management options | Ngā kōwhiringa whakahaere kei waho i te hōkai

Some submissions proposed additional management strategies for whitebait that were out of scope for this consultation.

These could be broadly categorised into management options that relate to activities which already occur, but which submissions suggested needed a higher emphasis or level of resourcing than the five key areas of proposed regulatory change. These included giving priority to:

- habitat enhancement and water quality
- managing introduced species
- research and monitoring
- clarity around organisational responsibilities.

Many submissions suggested that one or several additional management strategies would have a much greater or significant impact on improving whitebait species populations and maintaining a fishery than those in the regulatory proposal package. These options included:

- banning the sale of whitebait
- introducing a license system for whitebait fishers
- introducing a catch limit or a quota system for whitebait
- providing for a local or regional rather than a national approach to regulating whitebait fishing.

Habitat enhancement and water quality

Many submissions focused on the need to improve or enhance the habitat (including for each of the whitebait species throughout their lifecycle) as the first step towards improving whitebait numbers in New Zealand.¹⁸ Many said that degradation of habitat was the primary cause of decline in whitebait numbers (rather than fishing) or suggested that this be addressed instead of, before, or together with the proposals outlined in the Discussion Document. Similarly, some submissions considered the quality of water needed to be improved before any other management options are implemented.

¹⁸ For further information about habitat management, see <https://www.doc.govt.nz/nature/habitats/freshwater/>

Some submissions suggested that all or some of proposals were likely to have little effect unless habitat and/or water quality was also attended to. The rationale for these views was often that the proposals may be designed to promote greater escapement of whitebait but if the habitat that the whitebait escape to cannot support them or is of poor quality then they will not survive. A related rationale was that if the habitat and water quality are in good shape beforehand then it will be much easier to distinguish and monitor the effects of any fishery interventions introduced by regulation.

Aspects of habitat enhancement mentioned in submissions included improving water quality, reducing levels of contaminants, ensuring upstream access, maintaining riverbanks/riparian planting, the creation and maintenance of wetlands, improving shade over streams, water flow, reducing weed growth, monitoring the effects of climate change and interventions to improve habitat.

Some submissions outlined the factors they considered has led to the destruction of habitat including effluent run-off from dairy farming, spraying of vegetation by councils or land owners (herbicides and pesticides), the timing of weed removal, bank damage by fishers, and drainage of wetlands.

Submissions also focused on climate change and suggested that more consideration be given to impact of flooding on habitat.

Other submissions outlined the work already being done to improve waterways and surroundings, the successes and challenges experienced, the involvement of different groups in this work and how this work was supported by DOC or regional councils.

Some suggested more dedicated resources were needed to improve habitat and water quality including funding and facilitating an infrastructure which involves and coordinates the activities of iwi, landowners, fishers, and community groups, along with the agencies with regulatory responsibilities. It was suggested that charging a whitebait fishing licence fee could help fund increased effort, or DOC (or another agency) could receive increased funding from central government.

Introduced and predator species

Some submissions suggested that another factor affecting survival of whitebait species is the predation of whitebait and/or competition for habitat. Several submitters suggested that predation by birds and introduced fish species was significant. Rather than a sole focus on fishing, some considered that it would be more effective to manage the introduced species that prey on whitebait (the same rationale as suggested above – a fishing change could be introduced meaning more whitebait escape, only to be eaten by predators). Some argued that unless there was improved predator control, no whitebaiting zones such as above back-pegs or in refugia or improvements to the habitat would not be effective. This is because (unlike fishers) these species have the opportunity to consume whitebait 24/7 and they also compete for, or degrade, the whitebait species' habitat.

Suggestions for managing introduced species included predator-free refuges and increasing bag-limits for introduced fish species.

It was suggested that measures could be funded by fees from whitebait licences if introduced.

Research and monitoring

Many submissions sought a much greater emphasis on research and monitoring. Some considered that information in the New Zealand Freshwater Fish Database was out of date and noted that it had not been systematically collected. For some, better evidence of a decline in the whitebait species was needed before they would agree to any of the proposed regulation changes. For some, it was understanding much more clearly the factors which impact on whitebait species moving to adulthood including factors affecting habitat, water quality, pest management, weather/flooding, as well as factors relating to the fishery – numbers of fishers, methods used and catch data.

Some submissions emphasised the need for good baseline data as this is necessary for any robust monitoring, review and evaluation of the effects of any proposals implemented. Another suggestion was to introduce any proposals successively so that the impacts of each proposal could be evaluated.

Some submissions suggested that there would be value in creating an infrastructure to enable better communication and consultation with local communities/fishers and iwi and which provided systems where they could contribute catch data and/or on other factors such as habitat restoration, climate/weather impacts and water quality. Some submissions described projects they were already involved in.

Organisational responsibilities

Many submissions suggested that better coordination and communication is needed between organisations whose activities relate to the whitebait species and whitebaiting. Some submissions mentioned DOC and councils with regulatory responsibilities for whitebait and their habitat (such as enforcing regulations, the licensing whitebait stands and responsibilities relating to land use and water quality). Also mentioned were agencies with responsibilities for managing other fisheries such as Fish and Game and the Ministry of Primary Industries or whitebait related researchers. There was a strong call for more involvement of iwi in decision-making and groups involved in conservation, representing fishers and/or local communities. Suggestions included:

- Improving communication among authorities (better collaborative engagement and actions between tangata whenua, regional and local councils, Fish and Game and DOC).
- Bringing all whitebait administration under one body (for example, under MPI, Fish and Game or DOC).
- Forming a management group (such as the West Coast Sustainable Wild Whitebait Fishery project group) which consists of DOC staff, whitebait scientists and whitebaiter representatives to look at improvements which could be made to each region.
- Establishing further whitebaiting associations.
- Establishing and funding iwi involvement in the management and kaitiakitanga (guardianship and protection) of whitebait stocks nationally.
- Improving the education of whitebaiters and local communities around whitebait and compliance.
- Improving compliance through better monitoring and enforcement.

Licensing

There was strong support from both fishers and non-fishers to introduce a license and fee to manage and monitor the whitebait fishery. This, many stated, would create an

income stream for research, monitoring, compliance and/or enforcement. Some submissions supported a licence for all whitebaiters, some for commercial fishers only, and a number felt a licence for recreational fishers was the best way to manage whitebait.

A licensing scheme would better align whitebait fishery with other fisheries in New Zealand, submissions stated. Many submissions supported a license alongside a catch limit or quota system and data collection. Some submissions considered that a licensing system would provide a framework for clearer communication of rules and regulations to fishers and would also be easy to police. For licensing purposes, some submissions distinguished between recreational and commercial fishers.

Banning sale

Submissions provided significant comment on the sale of whitebait and whether it should be banned. It was suggested that this provided the strongest incentive to catching large quantities of whitebait and using whitebaiting methods that resulted in more bycatch. Those who wanted to see the sale of whitebait phased out stated that a ban would help manage fish stocks, cutting out the 'greed' factor driving an increase in fishing, which can lead to competition and conflicts between fishers. Many considered that it aligned with other regulations as no other native species are allowed to be sold.

Many commented that they considered this measure would be much more effective than phasing out the export of whitebait.

In discussing sale, some submissions made clear distinctions between: recreational fishers who fish for their own/family consumption: those that sell whitebait casually (perhaps covering petrol/accommodation costs) but who may not pay tax and; those with whitebaiting or aquaculture businesses.

The majority of those who commented on this topic wanted the sale of all whitebait completely banned. This included fishers. Another popular view was that only the commercial sale of whitebait should be banned, while smaller numbers focused on banning the (private) sale of recreational whitebait or of those without a license (if such a system were to be brought in). In contrast, there were also a number of submissions (including the WCWA submissions) that asked that the sale of whitebait be retained.

Implications of a ban were discussed including hardship for commercial whitebaiters and for small, rural communities and the potential for development of a black market for whitebait.

Submissions also considered that with other measures in place, such as habitat management and/or a quota system or restocking with aquaculture, then a ban would not be necessary.

Some submissions focused on a license and quota system for all commercial sale of whitebait.

Catch limit/quota

There was considerable support for catch limits or a quota system, among submitters, to manage whitebait and regulate sales. Many felt catch limits alongside a licensing system and data collection, would effectively improve the management of whitebait.

Submitters suggested catch limits provided better alignment with other New Zealand fisheries. Submitters varied as to who a catch limit should apply to – all fishers, recreational or commercial (submissions were focused on a clear distinction between recreational and commercial fishers, for effective management of whitebait if a catch limit or quota system is introduced). A number of submitters considered that commercial whitebaiting should not continue unless a quota system is introduced. Some focused on a quota per river while other on a quota per fisher.

Regional approach vs National approach

Some submissions agreed that one set of regulations should apply nationwide for fairness and ease of compliance. Some submissions included the view that the West Coast regulations should be introduced to the rest of New Zealand (excluding Chatham Islands). However, many submissions suggested that this was not appropriate given the wide variation in climate, terrain and characteristics of waterways around New Zealand. Differentiation was made between the East and West Coast, the North and South Islands, the special characteristics of regions, and between individual waterways of different width, depth, current, whether braided or not, propensity to flood, whether populated with registered stands or not and nature of fishing spots/banks.

It was argued that introducing some proposals might create unfairness around the country because of these variations and would particularly affect townships and businesses who depend on income from the whitebaiting season (including accommodation, hospitality and retail businesses).

It was also argued that other fisheries have regional variations without creating a problem for compliance or enforcement and that effective ways of communicating local requirements exist.

Except for submissions with West Coast interests supporting the application of the West Coast fishing regulations nationwide, there were few specific suggestions on regional differences in regulations that would be appropriate.

Stands

A range of issues relating to whitebaiting stands were raised in submissions (generally from whitebaiters and in a few organisational submissions). Some were observational, such as noting the increase in the number of stands on some rivers or stating that the perspective of a submission was as a stand owner. Some emphasised the value of stands to families – some have had stands going back generations and/or wish to pass on the stand to the younger generation. One Treaty Partner submission suggested that stands encourage overfishing and a sense of ownership. Some distinguished themselves as stand holders from pot netters and thought there should be different rules about equipment. Others thought that if a stand holder is a commercial fisher then they should be subject to a fishing license and quota/catch limits. The West Coast Regional Council described how their regional plan includes comprehensive provisions for managing whitebait stands on listed rivers, and these are monitored throughout the fishing season and this means whitebait fishing on the West Coast is closely managed and monitored by both DOC and the West Coast Regional Council.

A few submissions sought a clearer definition of a stand in the regulations relating to fishing practices and the proposal to prohibit fishing from structures other than stands.

Several submissions raised the issue of compensation for stand holders if regulations were changed – either due to their location becoming a refuge and/or if the regulations changed fishing practices so that they were no longer able to use the equipment they

had invested in (particularly the use of screens and reducing the incursion into the waterway). Some questioned the practicality of no fishing beyond the end of a stand.

Some submissions commented on the advantage that stand holders have over other fishers in terms of a permanent access to the waterway and whitebait. Views were divided as to whether this was fair. While some submissions suggested that this was fair as stand holders paid fees to local councils (some who commented said that the fees were an important source of income), other suggested that it was not fair and out of place in a recreational fishery. They suggested that stands promote greedy catches and should be phased out along with banning the sale of whitebait/commercial whitebaiting.

View were also divided on the environmental impact of stands. Some commented that stands help prevent damage to banks or that as stand holders they were committed to their river and involved in projects to help preserve and enhance habitat and water quality. Others suggested that stands damaged habitat, obstructed access and/or areas around stands were messy or that they had seen debris from stands or the structures washed down river.

6: Comments on the consultation process | He kōrero mō te hātepe akoako

DOC's Improving Whitebait Management consultation process included:

- 22 public discussion sessions
- the publication and distribution of the Discussion Document online and as a printed version
- the call for submissions
- information published on the DOC website
- a dedicated email address and team to respond to queries
- proactive publicity including press releases and social media
- engagement with Treaty Partner organisations.

Feedback on various aspects of this consultation process was included in submissions and received via email (to DOCs whitebait management email address), at DOC's public discussion sessions and via phone.

Uptake of the Discussion Document and analysis of DOCs whitebait management website pages also provide insight into public engagement with the process, along with the numbers attending the public discussion sessions.

These meetings were held in February and March 2020 and were attended by around 1,500 people (an increase in numbers from the sessions held during the 2019 engagement period). The 2-hour sessions were designed to provide members of the public with an opportunity to hear from a panel of DOC representatives, and to ask questions relating to the Discussion Document and whitebait management, more broadly. A record of questions raised by attendees was kept at all sessions. Participants were encouraged to convey their views by a written submission.

In total 2,500 copies of the *Improving Whitebait Management* Discussion Document were printed and made available at discussion sessions, and in DOC offices. In response to demand, copies were also sent out to some regional DOC visitor centres (in whitebaiting areas), to individual members of the public who requested them, some libraries and several sporting-goods stores (where whitebaiting equipment is sold).

The electronic version of the Discussion Document was downloaded from the DOC website around 6,500 times.

DOC's website includes four webpages which relate to the current consultation on improving whitebait management:

- consultation on changes to whitebait management
- changes proposed to whitebait management in New Zealand
- improving whitebait management
- whitebait management FAQs.

During the consultation period these pages received 18,646 unique page views, with viewers spending an average of 3 1/2 minutes on the pages

The most popular of these pages was the 'Consultation on changes to whitebait management' page which accounted for half of the unique page views.

Viewers spent the most time on the 'Changes proposed to whitebait management in New Zealand' webpage, spending an average of 6 1/2 minutes on this page.

DOC's social media pages also provided information on the consultation (including event pages set up for each of the discussion sessions) – around a quarter of those who visited the whitebait webpages were referred from Facebook.

Feedback on the Discussion Document and DOC website

While many submissions just included comments on specific proposals (covered above), a small number of submissions included comments on the content and presentation of the Discussion Document itself and/or on the DOC website.

Some submissions commented that the Discussion Document and/or material on the website was well-presented, comprehensive and helpful in providing information on improving whitebait management.

Others raised specific concerns about the Discussion Document including that:

- it was not comprehensive enough and did not fully address the issues of whitebait management
- that the focus of the document was wrong – for example, initiatives deemed out of scope should have been included such as those concerning habitat and water quality improvement and less about the fishery
- there was not enough hard science within the Discussion Document (or noted that the work of particular whitebait researchers was not mentioned)
- it did not mention the principles of the Treaty of Waitangi
- it was too long.

A small number of submissions commented that they did not think there was enough publicity about the existence of the document and/or that there were not enough printed copies available.

Comments on the regional public meetings

Some submissions contained comments on the regional public meetings held around New Zealand and some attendees made comments at the meetings themselves.

Some attendees at meetings commented that they appreciated DOC fronting the meetings; addressing the issues; the effort made to go to communities and; the opportunity for interested people to ask questions.

Some submissions stated either that they had attended one or more sessions or that they had not been able to attend a session for some reason. Some people commented that they had made an effort to get to the meetings by travelling long distances.

As well as mentioning their attendance, some submissions included comments about aspects of these sessions including:

- Notification of meetings – some submissions suggested that there was not enough publicity about meetings or mentioned that they knew of interested people who missed out or had only learned of the meeting second hand. One submission suggested that minutes should have been made available to those who could not attend. Some considered that there should have been more time between the publication of the document and their local meeting.
- Time of day that meetings were held – many suggested that it would have been better if the meetings were held in the evenings or weekends so that those with work commitments could attend. Several submissions suggested this meant that attendees were not representative of all with an interest in whitebait – for example, higher percentage of retired people at the meetings. Others noted that it is difficult to find a time that suits all and many whitebaiters are retirees.
- Locations/venues – some submissions suggested that it would have been appropriate to hold meetings in additional geographic locations (for example, in the Bay of Plenty) while others suggested that more appropriate venues could have been selected (less urban and closer to whitebaiting locations). A few submissions complained about poor sound quality.
- Purpose/format of meetings – while the purpose of the meetings was for DOC to present and discuss the discussion document and nature of the consultation process, several submissions commented that they had expected to be able to convey their views or make a verbal submission at the meeting and/or that proceedings should have been officially recorded. Instead they were told to make a written submission. Some submissions stated an impression that decisions had already been made or were going to be made too quickly. One attendee commented that the louder people at meetings may not necessarily represent all those attending.
- Content of the meeting – several submissions commented the meetings were well presented and informative. Other submissions stated that there was too much focus on some aspects of whitebait management and not others during the question and answer sessions.
- DOC representative expertise – several submissions commented that the DOC presenters and representatives were well informed and responsive to questions. Other submissions suggested that they lacked subject-matter or technical knowledge and were annoyed that when they raised questions or comments they would have liked a response to that they were told to put it in a submission. Others commented they would have liked to see representatives from other agencies such as local authorities or Fish and Game at the meetings.

Time frames and submission processes

A common piece of feedback received at the public discussion sessions, and through the dedicated whitebait email address, people needed more time to be able to submit on the proposed changes. As a result of this feedback the consultation period was extended by two weeks. A number of submissions received prior to this extension also commented on the tightness of the time frames.

Submissions indicated that the on-line survey form was easy to use and provided a chance to submit in-depth thoughts, while some suggested the format meant they had to *'write essays in the comment boxes'*. Some did not like that the survey form asking *'set-questions'*.

DOC's dedicated whitebait management email address received thousands of emails during the consultation process, this included: submissions; requests for further information or clarification to inform submissions; requests for hard copies of the Discussion Document; requests for further community hui; questions on timing around

when any changes might come into effect, and; general admin emails (for example, what is the best way to submit, have you received my submission).

Feedback on next steps in the decision-making

A small number of submissions commented on the decision-making process, some considered that decisions had already been made and were a foregone conclusion, while others commented that they hoped the Minister of Conservation would consider their submissions, or all submissions, in her decision-making process. A number wanted to be further consulted prior to any amends to regulations being finalised.

Several submitters and attendees at the discussion session felt that there should have been further community and iwi consultation, during the consultation period.

7: Conclusion | Kupu whakatepe

DOC used the submissions received during consultation and the analysis presented in this report to inform recommendations made to the Minister of Conservation about whitebait management (including recommended regulatory amendments).

Glossary

Back-pegs	Markers placed by DOC that indicate the upstream limit of whitebait fishing in a waterway
Conservation Act	The Conservation Act 1987
Diversion	Any item (excluding a screen) that may be used to divert whitebait into a net
Drag net	Any net that is weighted on its bottom edge or part of such a net that is operated by surrounding whitebait and being drawn through the water to shore or over the bed of a waterway
Stand	A structure from which whitebait are fished, which is subject to the Resource Management Act 1991 and associated management plans
Screen	Metallic or fabric gauze material and its supporting frame that does not impede the flow of water and can be used to divert whitebait into a net
Whitebait	Young or fry of six species of indigenous freshwater fish: īnanga/īnaka (<i>Galaxias maculatus</i>), kōaro (<i>Galaxias brevipinnis</i>), banded kōkopu (<i>Galaxias fasciatus</i>), giant kōkopu (<i>Galaxias argenteus</i>), shortjaw kōkopu (<i>Galaxias postvectis</i>) and common smelt/pōrohe/paraki (<i>Retropinna retropinna</i>), as defined in the whitebait fishing regulations
Whitebait fishing regulations	Collectively, the Whitebait Fishing (West Coast) Regulations 1994 and the Whitebait Fishing Regulations 1994

8: Appendices | Ngā āpitihanga

Appendix 1 Organisations that contributed submissions to this consultation

Councils

1. Bay of Plenty Regional Council
2. Chatham Islands Council
3. Grey District Council
4. Hawke's Bay Regional Council
5. Nelson City Council
6. Waikato Regional Council
7. West Coast Regional Council

NZ Conservation Authority and Boards

8. Canterbury Aoraki Conservation Board
9. Nelson Marlborough Conservation Board
10. Otago Conservation Board
11. Southland Conservation Board
12. Taranaki/Whanganui Conservation Board
13. Waikato Conservation Board
14. West Coast Tai Poutini Conservation Board
15. Northland Conservation Board
16. New Zealand Conservation Authority

Fishing/Aquaculture organisations and groups

17. Aorere Whitebaiters
18. AquA
19. Cascade Whitebaiters Ltd
20. Condon and Monk Whitebaiting Partnership
21. Monk Contracting
22. Netting supplies
23. Premium Marine Technology Limited
24. South Westland Salmon
25. Waiatoto Whitebait Ltd
26. Waikanae Estuary Whitebaiters Network
27. West Coast Whitebaiters' Association (WCWA)
28. Southland Recreational Whitebaiters Association

Science/Research organisations

29. Cawthron Institute
30. New Zealand Freshwater Science Society (NZFSS)
31. National Institute of Water and Atmospheric Research (NIWA)

Outdoor recreation

32. Council of Outdoor Recreation Associations (CORANZ)
33. Environmental River Patrol – Aotearoa
34. New Zealand Federation of Freshwater Anglers (NZFFA)
35. Wellington Fish and Game Council

Conservation focus

36. Auckland Zoo
37. Otago Museum
38. Environment and Conservation Organisations of NZ Inc

- 38. Hectors Protectors
- 39. Mountains to Sea Conservation Trust – Whitebait Connection

Forest and Bird:

- 40. National Office
- 41. Rotorua Branch
- 42. Tauranga and Te Puke Branches

Community/Family Trusts/groups

- 43. Ahuriri Estuary Protection Society
- 44. Bernsport
- 45. Blue River
- 46. Cambridge Tree Trust
- 47. Community Waitakere
- 48. Friends of Golden Bay
- 49. Friends of the Matai
- 50. Haast Beach General Store
- 51. Haast Beach Motel
- 52. Hori and Iti Rangihinemutu Rawiri Whānau Trust
- 53. Industrial Access Solutions
- 54. Kapiti Coast Biodiversity Projects Inc.
- 55. Mangakotukutuku Stream Care Group
- 56. Mokihinui Ratepayers Association
- 57. Mokihinui Recreational Reserve Board
- 58. Nacsan Products
- 59. Ngati Pareraukawa
- 60. Onekaka Biodiversity Group
- 61. Opawaho/Heathcote River Network
- 62. Tainui Whitebaiters
- 63. Tararata Stream Team
- 64. The Soap Box
- 65. Waiau Fisheries and Wildlife Habitat Enhancement Trust
- 66. Waikanae Estuary Care Group
- 67. Water and Wildlife Habitat Trust

Other

- 68. Trustpower Ltd

Appendix 2 Overview of feedback Treaty Partner organisations, Treaty settlement entities and other national or regional Māori organisations

Organisations

A total of 22 submissions were categorised as representing the views of Treaty Partner organisations, Treaty settlement entities and other national or regional Māori organisations.

- Maungaharuru-Tangitū Trust
- Mawhera Incorporation and Waewae Kaumatua Kahui
- Mokau ki Runga Regional Management Committee (Maniapoto Māori Trust Board)
- Nga Maunga Whakahii o Kaipara (Ngati Whatua o Kaipara)
- Ngāti Pāhauwera Development Trust
- Ngati Tahu-Ngati Whaoa Runanga
- Patuharakeke Te Iwi Trust Board
- Tamareheroto hapū
- Te Arawa River Iwi Trust
- Te Korowai o Ngāruahine
- Te Kotahitanga o Te Atiawa Trust and Ngati Hapū O Te Atiawa Iwi and Ngā Hapū o Te Atiawa Iwi
- Te Maru o Kaituna River Authority
- Te Ngāi Tūāhuriri Rūnanga
- Te Roopuu Mana Whenua Collective o Whanganui
- Te Rūnanga Ngāti Ruanui Trust
- Te Rūnanga o Ngāi Tahu
- Te Rūnanga o Ngāti Mutunga
- Te Rūnanga o Ngāti Waewae (Te Rūnaka o Kāti Waewae) and Te Rūnanga o Makaawhio, together known as Poutini Ngāi Tahu
- Te Taiwhenua o Heretaunga (of Ngāti Kahungunu ki Heretaunga)
- Te Wai Māori Trust
- Te Whakakitenga o Waikato Inc. (formerly known as Waikato-Tainui Te Kauhanganui Inc.)
- Te Ātiawa Manawhenua Ki Te Tau Ihu Trust

Response by proposal

Proposal/Element	Number that contained views (of 22)
Management goal	14
Management outcomes	15
Season (shortening)	18
Upstream limits	17
Refuges	19
Fishing practices (details below)	14
Export	14

General comments

- Several submissions suggested that further work was needed to develop a management approach and regulations with Māori and/or to investigate the impacts of proposals on Māori, before any decisions were made and suggested that DOC be resourced to do this.

- Several submissions were concerned about how proposals affect customary access to waterways and fishing methods and/or wanted confirmation that these will not be affected (as was their understanding) and more details of how this would work in practice.
- Two submissions expressed broad support for all proposals that protect and conserve the whitebait species.

Crown – Māori relations

- Three submissions were opposed to a Crown position where nobody owns freshwater and stated that freshwater reforms (including whitebait species) should not proceed until rangatiratanga and rights in freshwater had been appropriately recognised.
- Te Roopuu Mana Whenua Collective o Whanganui referenced the Te Awa Tupua Act 2017, and Tupua te Kawa, as fundamental to the future management approach. The submission describes this holistic approach to management as: *'that one of the cultural measures for the health of the Whanganui River is the health of the people of the Awa (and vice versa)'*.
- Te Rūnanga Ngāti Ruanui Trust welcomed DOC's recognition of the uniqueness of each Treaty partner's engagement with DOC on whitebait, and that a one-size-fits-all approach was not appropriate (Discussion Document p. 19), emphasising this needs to be actioned meaningfully.
- Six submissions stated that the Discussion Document and/or consultation process did not meet their expectations, with some framing this with reference to the Treaty of Waitangi. Te Taiwhenua o Heretaunga (of Ngāti Kahungunu ki Heretaunga) stated they expected to have a greater role and responsibility in whitebait related decision-making, in partnership with DOC. Two submissions commended DOC on its recognition of Treaty partner organisations and the engagement it had undertaken as part of the process. Te Rūnanga o Ngāi Tahu did not consider the consultation period to be adequate.

Te Ao Māori and mātauranga

- Several submissions addressed how or identified which Māori values and concepts could and should be incorporated into any decision-making about whitebait.
- Six submissions considered that Te Ao Māori, taonga values or mātauranga should have been more broadly reflected in the Discussion Document, and/or whitebait management, more generally. Holistic views of the whitebait species, ecosystems and human responsibility were highlighted. Three submissions did not consider taonga values of whitebait were reflected appropriately or sufficiently in the Discussion Document. Submissions broadly discussed the importance of science, research, and mātauranga in informing the future management of the fishery and these species. The development of cultural monitoring tools was also highlighted. Submissions also stressed that whitebait management should recognise and encompass some or all of the following: rangatiratanga, mātauranga Māori, tikanga, kaitiakitanga.

Customary practices

- The Discussion Document stated that Māori fishing rights are unaffected by the proposals set out in this consultation (p. 19). Some submissions set out the importance of, and expectations relating to, cultural take. Three submissions sought legal confirmation of the exemption of customary fishing from the regulatory proposals. Clarification was also sought on how the exemption would be implemented. Two submissions supported regulatory amendment, provided that this did not affect their customary take.

Scope of this consultation

- Submissions broadly recognised the severity and diversity of threats and pressures acting on whitebait and their freshwater habitats. There was a variety of views across submissions about whether the scope of the consultation would address these threats and pressures.
- Some submissions questioned how Government was addressing other (non-fishing) threats and pressures affecting the whitebait species.
- Two organisations stated that their input into DOC's 2018/19 engagement on whitebait was not reflected in the proposals in this consultation (for example, suggesting prohibiting the sale of whitebait).

Feedback on current state

Key comments or suggestions:

- That the Introduction to the Discussion Document has a European focus (through terminology and viewing other living things as a resource to be used), which denies the value of the taonga (whitebait) and denies the value of the fish themselves as part of the wider ecosystem and of intrinsic value. The cultural value of whitebait to Māori mentioned on page 19 needs to be integrated throughout. Regulations around the conservation and fishing of whitebait species must acknowledge the kaitiaki role of tangata whenua and customary, proprietary, decision-making rights, interests and responsibilities of tangata whenua to freshwater.
- The Discussion Document makes passing reference to taonga without acknowledging the full extent of its importance in every aspect of life and does not connect Māori rights and values to the proposals.
- The Discussion Document does not ask for input on the issues that are fundamental to the protection and enhancement of these species.
- Mana whenua need to play a leading role in the management of the whitebait fishery. This will look different around the country, DOC should work with interested whānau, hapū and iwi groups and develop relationship agreements that set out respective roles and responsibilities.
- Looking for policy assurances and acknowledgements in several areas, particularly in relation to the rights, responsibilities of mana whenua, customary take, season timing and upstream limits and the selection and creation of whitebait refuges.
- Agreeing that the number of galaxiids in our streams have declined over time (Taranaki), and that a number of factors have influenced this trend. Reducing the whitebaiting pressure on the fishery is a quick stop gap measure that can be implemented while we work to restore the quality of and access to habitat.
- That information used to inform decisions about whitebaiting needs to include the differences between the six species (the current populations of juveniles and adults as well as preferences for spawning habitat and timing). Considering that it is impossible to establish a sustainable fishery without baseline data about what the current state of the fishery is and what the current take is. Unlike other recreational fisheries there is no license, no bag limit, so no size limit for whitebait. There does not seem to be any justification for this fishery to be managed so differently to others.
- The current issues and threats impacting taonga whitebait within the Waikato River are due to landscape changes, development of artificial barriers, introduction of pest fish and most importantly the management of whitebait. It has been useful to assess the DOC Discussion Document against an Environmental and Fisheries Plan.

- That two baseline surveys be undertaken (by iwi and hapū in conjunction with the local council) – one to understand Te Ao Māori and from a mātauranga Māori perspective what the fishery was like, in terms of habitat condition, species presence and abundance. The second is to understand the state of the current fishery, in particular species presence and abundance, identification of pressures on each species and the effects of harvest (numbers of fishers, catches, distribution and sale).
- That the Discussion Document does not refer to Section 4 of the Conservation Act¹⁹ or the numerous Treaty Settlement arrangements that contain specific provisions relating to whitebait and the freshwater fisheries. DOC has fallen short of its obligations.
- Several submissions referred to legislation, Environment Management Plans and other key documents/information and suggested these were important to consider when changing regulations including:
 - Te Maru O Kaituna document and action plan 'Kaituna He Taonga Tuku iho' and Te Tini a Tuna 2019 – 2029
 - the Mauri Model Decision Making framework by Dr Kepa Morgan
 - Tupua Te Kawa of the Te Awa Tupua Act 2017 (re Whanganui River and its tributaries)
 - case law
 - consistency with Ngai Tahu Deed of Settlement Act 1997 and Ngai Tahu Settlement Claims act 1998
 - Greater Christchurch Regeneration Act 2016 and the regulations setting out Ngai Tahu customary rights to take titi (muttonbird) as an example of what customary rights to take and manage inaka (whitebait) could look like in practice
 - the vision and strategy for the Waikato River, (Te Tura Whaimana) and Objective 22.3.1-2 of Tai Tuma Tai Pari Tai Ao – Waikato Tainui's Environmental Plan as the proposed regulations is inconsistent with these.²⁰

Other suggestions and comments

- DOC is not the correct agency to protect the fishery unless they have a dedicated enforcement component.
- Resourcing and engaging an independent mātauranga Māori scientist to survey the spawning decline and research the full span activities of the whitebait species in the Whanganui River and its tributaries.

Management goal and outcomes

Proposed Goal: Ensure healthy and restored whitebait populations and provide for a sustainable fishery

Key comments or suggestions on the goal included:

¹⁹ See www.legislation.govt.nz/act/public/1987/0065/latest/whole.html#DLM104078

²⁰ Please see www.waikatoregion.govt.nz/assets/WRC/Community/Iwi/Waikato-Tainui-Environmental-Plan.pdf – 22.3.2.1 to ensure that taonga species are protected, restored and managed, consistent with the tikanga, kawa, maatauranga, and mana whakahaere of Waikato-tainui & 22.3.2.2 taonga species are protected and enhanced to give effect to the exercise of mana whakahaere.

- Support for the management goal, while recognising that whitebait fishing is one of several areas (such as habitat protection and restoration) where work is needed to achieve the goal proposed.
- Recommending a full review of the management of whitebait.
- Incorporating Te Tiriti o Waitangi, Mātauranga Māori, and the 'Wai 262 report'²¹ (relating to indigenous fauna and flora) into the management of whitebait to ensure sustainability and protection of taonga.
- The goal could evolve as the management direction was progressed and should include some reference to Te Ao Māori.
- A goal should deliver collective sustainable protection and enhancement methods for whitebait spawning and habitat.

Proposed outcomes:

- *The whitebait fishery is well managed.*
- *The fishery is managed for the recreational enjoyment of participants.*
- *Treaty Partners are involved with the management of the fishery.*
- *Fishing activity does not compromise the intrinsic value of the species and resource.*
- *Options of future generations are safeguarded.*
- *Management of the whitebait fishery is nationally consistent.*
- *Compliance with the management regime is the norm and the extent and severity of non-compliance does not increase over time.*
- *The fishery is well supported by habitat management.*

Key comments or suggestions from those that agreed with one or more of the proposed outcomes included:

- Agreeing with all outcomes, but noting that their scope requires actions beyond the proposed whitebait fishing regulations.
- Agreeing that a nationally consistent approach will help with compliance.
- Agreeing that Treaty Partners should be involved with the management of the fishery (along with freshwater management). Involvement was suggested at either an iwi, regional or river-based level. Some suggested that they should have had more input into the Discussion Document and this constituted a breach of the Treaty.

Key comments or suggestions from those that disagreed or suggested additional or alternative outcomes included:

- Preferring a regional approach to the regulation and management whitebait management noting this works well for other fisheries (for example, the management of introduced species).
- That a strategy, structure, and compliance with the management regime was central to ensuring the stability of the whitebait resource.
- That quota management, licensing recreational fishers and commercial fishing arrangements should also be outcomes.

²¹ For example see: www.tpk.govt.nz/en/a-matou-kaupapa/wai-262-te-pae-tawhiti

Regulatory proposals

Timing of the whitebait season

The Discussion Document proposed three options to for the nationwide timing of the whitebait season:

- *Option 1: 15 August – 14 October (DOC’s recommended option) – 7 submissions*
- *Option 2: 1 September – 30 October – 3 submissions*
- *Option 3: 1 September – 15 November (the current West Coast season) – 2 submissions*

Eighteen submissions provided a view and/or comments on the proposed option to change the timing of the whitebait season. Of these, 12 supported one of the three proposed options.

Comments made by those preferring Option 1 included:

- Recommending monitoring and reviewing the timing on an annual basis to ensure stability.
- Agreeing with a nationally consistent approach providing that fishing practices and upstream limits are also changed.

Comments made by those preferring Options 2 or 3 included:

- provides for recreational fishing, limits fishery impact, and improves efficiency of enforcement work
- aligning nationally stops out of season sales of illegal catch
- better information about peak spawning in each awa desirable
- the season should include Labour weekend.

Other comments or suggestions included:

- Support shortening the fishing season as a straightforward and potentially effective way to address fishing pressure.
- Reduce season length by half or allow fishing alternate years. Start the season later.
- Shorten the season for 10 years to allow stock recovery and collect information to understand fishery better.
- To fully address the issue of abundance in the Waikato-Tainui fishery area suggest amending the Waikato-Tainui (Waikato River Fisheries) Regulations 2011 and use both Waikato-Tainui mātauranga and tikanga and western science to decide when the fishery opens and closes. This could include in-season closures.
- Reduce to a 2-month season for 3 years.

Upstream limits

The Discussion Document proposed two approaches to introducing nationwide limits to the upstream extent of whitebait fishing:

- *use of back-pegs*
- *uses of tidal limits where back-pegs are not in place.*

Seventeen submissions contained views on nationwide upstream limits. Of these, broadly seven agreed that nationwide limits should be introduced and three disagreed. Other submissions preferred the use of different measures or approaches to making decisions.

Key comments included:

- Concern that this measure would restrict hapū and communities access to their food and to traditional whitebaiting stands.
- Concern that it would be too expensive and labour intensive to erect back-pegs and to enforce these without having knowledge of the potential gain.
- Taking a neutral view but suggesting further information and/or dialogue is required.
- That other proposed measures may suffice and/or that use of mātauranga and/ancestral knowledge and western science should be used to make decisions on the need for back-peg markers.
- Noting that upstream limits could increase fishing pressure in some areas (particularly where the inland extent of tidal areas is limited/short) and cause further damage to habitat and inanga spawning sites.
- Requiring or desiring further engagement with DOC before finalising the selection of rivers for placement of back-pegs.
- Requesting a back-peg on the Hoteo River.

Refuges

View were sought on the approach to creating and selecting whitebait refuges in selected waterways and on location and suggested duration of potential refuges.

Nineteen submissions included a view or comments on refuges. Of these, 5 clearly supported their introduction while others had concerns.

Key comments on refuges in general included:

- Agreeing with the concept but wanting assurance that this would not affect customary take or affect traditional fishing sites.
- Suggesting that decisions be made regionally, based on discussions with local iwi and hapū, and considering mātauranga in the first instance, then local fishing knowledge and science.
- Implementing a strong monitoring regime.

Discussion on specific waterways included:

- Support for refuges in the Kaituna catchment (with discussion with Te Maru o Kaituna River Authority).
- 'WaiOokehu' [*sic*] River, north of Kai-iwi, included as a refuge.
- The Mokau ki Runga Regional Management Committee indicated a preferred option of closing half of the river (both sides) in the upper Awakino River area, followed by a gradual increase in the areas closed to whitebaiting, gradually moving towards the mouth of the Awakino river. Alternative options proposed were a single refuge river in the rohe (the Awakino River, due to ease of management), or, allowing whitebait stands on one side of the Awakino river only, and for a specified distance (to Awakau Road is suggested).
- Te Atiawa rohe, proposed refuges are: Huatoki Stream, Te Henui Stream, Waiongana Stream, Waitara River and Waiwhakaiho River.
- Long-term refuges requested by Maungaharuru-Tangitū Trust are Aropaoanui River, Esk River, Te Ngarue Stream (noting that the official geographical name is Te Ngarue not Te Ngaru), and Waikari River – Waipātiki.
- The Mimi River and Urenui River are important for whitebait fishing in the rohe of Te Rūnanga o Ngāti Mutunga, and not supported as refuges.

- Te Korowai o Ngāruahine opposes the selection of Kaūpokonui Stream as a possible whitebait refuge, noting that this '*Stream is the principle stream in the rohe of Ngāti Tu hapū and is a significant source of kai.*'

Fishing methods

Proposals include:

- *Phasing out: sock nets; traps in nets and screens and diversions or imposing nationwide size and location restrictions on screens and diversions.*
- *Prohibiting fishing from structures other than stands or within 20 metres of weirs, groynes and illegal diversions.*
- *Nets not to be located beyond outer edge of stand.*
- *One net used when fishing from a stand.*
- *Nationwide maximum overall length limit for gear of 6 metres.*
- *Nationwide maximum incursion of gear (excluding stands) into a waterway of one-fourth.*
- *Drag net provisions to apply nationwide.*
- *Minimum fixed distance of 20 metres between fixed fishing gears (not stands).*

Fourteen submissions contained views or comments on fishing practices. Of these, some provided views on several of the proposals, while others agreed or disagreed with all the proposals in general.

Key comments and suggestions included support of the proposed changes subject to:

- provision for Māori customary/river iwi fishing practices
- determining and considering the potential impact on Māori (and within particular rohe)
- combining with catch limits, which would be more effective without increasing the enforcement/compliance monitoring burden.

Some addressed the issue of taking a nationwide rather than regional or river-based approach. Comments included:

- Noting that regional rules work for other fisheries and suggesting considering decision-making by regional management groups (that include iwi) particularly if there is significant pushback from fishers.
- Suggesting that one size does not fit all because of different river characteristics.

Submissions that did not support changes in fishing practices suggested that:

- DOC should obtain more intelligence before changing methods that vary by waterway (and instead focus on introducing a licence and quota).
- Fishing gear restrictions may not address abundance problems within the Waikato-Tainui fishery area. This is because decreasing the efficiency of the gear used by fishers simply means the fishers are likely to fish for longer with less efficient gear, fish illegally or create new gear that fits within the regulations but is more efficient.

Other suggestions or considerations included:

- Further definition is needed for diversions and the practice involved and adding in consideration and retention of the customary practice of 'channelling' which involves a hydrological flow that a fisher creates by running through a passage of formed rock walls back into the main stem of the awa, a small catch net is placed at the top end with flow entering from the main stem above.

- Providing for fishing gear to span up to one-sixth of the way of a waterway, and set a specified minimum distance of 40 metres between these fixed fishing gears, inclusive of stands.
- Noting new fishing gear restrictions will only be effective if DOC increases compliance effort in the Waikato-Tainui fishery area. As there is no mention of increase compliance in the Discussion Document Waikato-Tainui remain uncertain about the efficiency of gear restrictions.
- Concern about the compliance rates of existing and new stands and a lack of regulatory mechanisms to determine adverse effects on existing rights of customary fishers using traditional stands when new stands are built.
- Restricting fishing activities to existing stands (by prohibiting fishing from other structures) could legitimise illegal stands which would have the effect of entrenching the allocation of access to the whitebait fishery (with stands) and may exclude access.
- The proposal to prohibit nets extending from the outer edges of stands is not applicable on the Whanganui River.

Phasing out export

Ten submissions were supportive of phasing out export altogether, including one that identified this as a particularly important management option while another agreed in general, subject to the impacts on Māori being determined through undertaking an impact analysis (economic) study.

Other comments and suggestions from those supporting the phase out of export included:

- Ecological health and survival must be paramount for species in decline along with protecting and managing the fishery for customary use and recreational use by tangata whenua and New Zealanders. Phasing out export provides a good balance between competing objectives as it is likely to reduce pressure on the species from commercial take.
- Disagreeing with the sale of whitebait and suggesting that banning the export of whitebait is a first step towards this.
- Also introducing a quota and licence system (even if quota is balloted).
- That no permits for new stands be allocated.
- A 2-year deadline should allow commercial fisheries to meet current contracts and allow adequate time to downsize.
- That as aquaculture is already recognised in New Zealand as a sustainable method of providing other kaimoana for local and export sale that whitebait should not be treated any differently to these species.

Three additional submissions supported phasing out the export of wild-caught whitebait but considered that the export of aquacultured whitebait should continue to be legal.

Three submissions disagreed with phasing out the export of whitebait.

- One of these submissions suggested that because all food exports in NZ must meet stringent food safety standards (including full accountability as to where and how the food was grown or farmed) farmed whitebait would be subject to these requirements. This adds little extra cost to DOC because existing food safety regulators are utilised to manage compliance and monitoring at the export company's costs.

Additional comments and suggestions included:

- Aquaculture may be a potential investment opportunity for iwi.

- Live farmed fish exports should be prohibited.
- Noting that commercial sale of natural stock whitebait is prohibited on selected North Island rivers.
- Applying a season limit/cap.

Implementation of regulations

Compliance and enforcement

Key comments or suggestions:

- Submissions highlighted the importance of education and communication with fishers during the transition to a new regulatory regime, as people learned the new requirements and adapted their fishing practices. One submission noted that awareness of the new regulations needed to be appropriately tailored to Māori communities.
- Five submissions noted the need for compliance work to embed the practices set out in new regulations. To boost compliance capacity, submissions proposed that iwi become involved in compliance monitoring, with training appropriate to a kaitiaki role.
- One submission suggested transferring whitebait fishery compliance to MPI
- One submission supported the new infringement provisions that DOC can incorporate in its enforcement approach.

Phase in for new regulations

Submissions that commented on the phase-in period for new regulations stated that:

- Export should be phased out in 2 years, to provide businesses to adapt if necessary (1 submission).
- New regulations overall should be phased in as soon as possible (1 submission) and before next season (2 submissions).

To deliver on its recommended approach to improving whitebait management, Waikato-Tainui Te Kauhanganui Inc sought *'direct and early engagement with the Minister of Conservation and Minister of Fisheries to advance amendments to the Waikato-Tainui (Waikato River Fisheries) Regulations 2011 to include the management of whitebait (matamata) within the Waikato-Tainui fisheries area'*.

Other management measures supported in submissions

Alternative management measures proposed in submissions are listed, with the number of submissions recommending each measure in parentheses.

- introducing catch limits (6)
- prohibiting the sale of whitebait (5)
- introducing fishing licences (4)
- introducing a quota (2)
- ensuring that no whitebait fishing occurs between dawn and dusk (1)
- effectively managing the commercial component of the whitebait fishery:
 - introducing a limit on the amount of whitebait that can be sold (1)
 - introducing registration for sellers and buyers of whitebait (1)
- implementing a length limit of 6 metres for screens, nets, and diversions (1)
- consulting on a nationwide riparian margin requirement for whitebait spawning habitats and waterways (1)

- addressing issues around whitebait stands (noting that these are managed by councils, under the Resource Management Act) (1)
- developing fishery management plans for each of the 6 whitebait species (1).

Appendix 3 Overview of the West Coast Whitebaiters' Association and Forest and Bird organisational and template submissions

Two organisations, the West Coast Whitebaiters' Association (WCWA) and the national office of Forest and Bird provided the main template submissions received during this consultation. The template submissions formed the majority of submissions. Other submissions used very similar language suggesting that these submissions had been used as the basis of these submissions.

Given this influence on the nature and content of submissions this appendix sets out these views first presenting the content of the submissions from the two organisations, then presenting the content of the submission templates created by each organisation that were widely used by individual submitters.

Regional branches of Forest and Bird also provided submissions.

The WCWA's organisational submission was supported by the mayors of Buller, Grey and Westland District Councils and the Chairs of the West Coast Regional Council, Development West Coast, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.

Key points from the organisational submissions

Key points from the WCWA submission	Key points from the Forest and Bird National Office submission
<p><i>Threats to and pressures on the whitebait species:</i></p> <p>Habitat protection, addressing fish passage barriers and maintaining spawning areas are important.</p> <p><i>Populations of the whitebait species (juveniles and adults):</i></p> <p>The abundance of juvenile whitebait is variable between seasons and information made available by WCWA members for three West Coast rivers does not indicate a decline in their catch.</p> <p>There are some gaps in the knowledge of whitebait species. For example, the submission cites sources reflecting that precise estimates of the number of adult fish of some whitebait species are difficult to generate.</p>	<p><i>Threats to and pressures on the whitebait species:</i></p> <p>The Department is failing in its responsibility to 'preserve so far as is practicable' the six species that make up the whitebait catch.</p> <p>A diversity of threats and pressures affects native fish: water quality, passage barriers, invasive fish, and loss of habitat due to water abstraction, land use changes, removal of riparian margins, wetland drainage, river modification, and piping of streams. For whitebait, fishing is an additional threat affecting juveniles migrating upstream.</p> <p>The impacts of threats and pressures act cumulatively such that fishing may be a serious pressure even where it is not a primary threat. The combination of pressures acting together, and with additional pressures such as climate change, appears likely to hinder species recovery.</p> <p>Freshwater regulatory reforms and the National Policy Statement for Indigenous Biodiversity have the potential to improve the outlook for native fish, with timely</p>

Key points from the WCWA submission	Key points from the Forest and Bird National Office submission
<p><i>The value of the whitebait fishery:</i></p> <p>Non-resident whitebaiters who travel to the West Coast to fish provide income to the region prior to the main tourist season</p> <p>The resident community is also active in whitebaiting, and the recreational value of the fishery is considered to be significantly greater than the monetary value that could be assigned to it.</p> <p><i>Management goal and outcomes:</i></p> <p>The management goal proposed in the discussion document is supported, but not the perceived implication that all whitebait fisheries require restoration.</p>	<p>implementation. Action to address all threats and pressures is required urgently.</p> <p><i>Fisheries management:</i></p> <p>A precautionary management approach is the only prudent one, considering the sensitive population dynamics of freshwater diadromous fish especially under climate change.</p> <p>The options in the discussion document do not establish a robust foundation for fisheries management and would be more appropriate as second tier management tools.</p> <p>Firstly, the management regime must include a fishing licence, commercial and recreational catch limits, and data collection on the whitebait catch.</p> <p>The lack of catch records is a result of the difficulties inherent in obtaining reliable data and <i>'the lack of political will to properly design a system and a culture which supports data collection for the public good'</i>. If data on fish catch and escapement are not available long-term, the effects of management controls and conservation efforts cannot be fully understood.</p> <p>There is clear evidence from several publicly available sources that a whitebait fishing licence and catch limits are strongly supported by fishers and conservationists. It is not clear why these options are not included in the discussion document.</p> <p>There has been no significant progress on whitebait fishery management that addresses the points raised by a critical review of DOC's management that was conducted after the regulatory review process of the mid-1990s.</p> <p><i>Management goal and outcomes:</i></p> <p>The goal does not adequately recognise the intrinsic value of these native fish. It should be rewritten to prioritise this, as follows:</p> <p>Ensure all six native whitebait fish species:</p>

Key points from the WCWA submission	Key points from the Forest and Bird National Office submission
<p>While recreation is important, many people who are not fishers enjoy eating whitebait.</p> <p>Establishing whitebait fishing regulations that apply nationwide is simplistic, though establishing nationally consistent general fishing rules is supported with some river or catchment specific elements.</p> <p>The regulations should take account of commercial fishers and stand holders.</p> <p><i>Feedback on specific regulatory proposals</i></p> <p>Retention of the current West Coast fishing season (1 September – 15 November) and application of upstream limits to fishing are supported.</p> <p>Additional whitebait refuges on the West Coast are not supported.</p> <p>In contrast with tributaries, closing medium to large rivers to whitebait fishing will shift fishing pressure elsewhere. If tributaries or small water bodies are made into refuges they should be closed to whitebait fishing permanently.</p> <p>WCWA does not support seeking information on proposed river closures in public consultation.</p> <p>Some of the proposals to amend whitebait fishing practices are supported: nationwide size and location restrictions on screens, one net to be used from a stand and not located beyond the stand’s outer edge, prohibition of fishing from structures other than stands and within 20 m of weirs, groynes and illegal diversions.</p> <p>Others are not supported: phasing out sock nets, traps, screens and diversions, an overall length limit for gear, applying drag net provisions nationwide, a minimum distance between gear spanning the maximum legal portion of a waterway.</p> <p>Phasing out export is not supported, due to the feasibility of production of aquacultured whitebait.</p> <p>If the rest of New Zealand adopted the measures already in place on the West</p>	<ul style="list-style-type: none"> - qualify to be and are classified as not-threatened - have safe and healthy habitat - have connected passage for migration through entire migratory range - are present and abundant in habitats where they are historically expected to be found. <p><i>Feedback on specific regulatory proposals:</i></p> <p>Support for:</p> <ul style="list-style-type: none"> - the fishing season of 15 August – 14 October to best protect average peak migration of the different species, noting that locally-relevant season dates that are flexible based on emerging scientific information are preferred. - Fishing gear that reduces bycatch. - Ending whitebait export as soon as possible, noting that this has minimal efficacy in terms of alleviating fishing pressure. - Back-pegs and tidal limits to indicate the upstream extent of whitebait fishing. - Refuges, and their identification using the precautionary principle, scientific information, considering species status, and incorporating climate change into refuge selection on an ongoing basis. - Considering refuge time frames in terms of the life histories of the species they are intended to support, consult on the selection criteria for refuges as well as those time frames, and require an evaluation prior to taking the decision to re-open refuges to fishing. - Introducing changes as soon as possible. <p><i>Monitoring arrangements:</i></p>

Key points from the WCWA submission	Key points from the Forest and Bird National Office submission
<p>Coast, and some of the new proposals, this might mean that less popular measures (such as entire river closures) become unnecessary. WCWA identifies the following measures specifically: a shorter fishing season, back-pegs, prohibiting multiple nets and wings, requiring screens to be attached to the bank, and a maximum gear span of ¼ of any waterway.</p> <p>WCWA supports regulations for minor gear changes taking effect from 2022.</p> <p>The whitebait fishing regulations should be simplified.</p>	<ul style="list-style-type: none"> - Additional resourcing is required for compliance, regardless of which management options are adopted. Partnerships with other agencies/groups may be an option to achieve this. - Findings of monitoring should be published 1-2 yearly.

Other general points made in the WCWA submission:

- Few New Zealanders have sufficient knowledge or experience to provide valid input into the management of this fishery.
- If it became illegal to sell catch whitebait, illegal sale is likely to occur.
- An adaptive management strategy should be pursued, with some area-specific regulations (for example, where local declines are detected).
- A dedicated DOC budget for whitebait management should be established.
- WCWA is willing to assist DOC to collect data for fisheries management. Such work with representative groups could be supported by a fishing licence.
- Establishing groups nationwide, akin to the 'Sustainable Wild Whitebait Fishery' Group may mean that unpopular regulations are not required.
- Voluntary rangers or river wardens should be considered.

Key points contained in the template submissions

Comments on management goals and outcomes

The WCWA online template and other West Coast hard copy templates and petitions suggest the outcomes should be:

- The maintenance of a long term, sustainable fishery to be enjoyed by both present and future generations.
- management goals should be prioritised such that juvenile catch is the least important threat
- There is a lack of data on juvenile catch and this should be monitored.
- Data should be collected in cooperation with fishers
- Habitat and predator management, enhancement including breeding programmes, a fishing licence for whitebaiters and enforcement of regulations also contribute to the Outcome.

The Forest and Bird template submission and organisational submissions suggest that:

The management goal should be amended as follows, to place priority on the fish species rather than the fishery:

Ensure all six native whitebait fish species:

- are classified as Not Threatened
- have abundant and healthy habitat
- have safe passage for migration
- are present and thriving in the locations they are expected to be and have historically been found.

Overview of points supported and opposed

WCWA online template submissions and other West Coast hard copy template and petition:

Support:

- The West Coast as a model for whitebait fishery management NZ-wide.
- NZ-wide whitebait population monitoring.
- Science-based management decisions.

Oppose:

- Management decision-making without catchment-level population data.
- Closing rivers to regulate catch.
- Phasing out screens.
- Creating new refuges on the West Coast while there are none in place elsewhere in New Zealand.

Other West Coast-focused template submissions:

Support:

- Nationwide fishing season of 1 September – 30 October.
- Upstream limits on whitebait fishing and back-pegs.
- Creating refuges in NZ outside the West Coast.
- No fishing from structures other than stands.
- No fishing within 20 m of weirs, groynes and illegal diversions.

Oppose:

- Phasing out sock nets, traps, and screens.
- Creating new refuges on the West Coast.
- Maximum overall length for whitebait fishing gear.
- Extend drag net provisions nationwide.

Support (continued)

Overview of points supported and opposed

- No nets beyond the outer edges of stands
- One net to be used per stand.
- Nationwide maximum on the incursion of gear (excluding stands) into waterways of 1/4 the width of the waterway.
- Minimum distance of 20 m between fixed gears (excluding stands).
- No water allowed behind fixed gear.
- The West Coast as a model for whitebait fishery management NZ-wide.
- Increase the bag limit on trout, a predator of whitebait.
- Changes in regulations should be based on scientific data.

Forest and Bird submissions

Support:

- The fishing season of 15 August – 14 October, which best protects peak migration of the different species.
- A back-peg system and use of tidal limits as a reference.
- Whitebait refuges in each region, with the selection of these sites focused on supporting the recovery of locally threatened species.
- Refuge selection process informed by scientific information including population genetics, as well as source and sink factors. Time frames for refuges should also be informed by science.
- Restrictions on fishing gear to eliminate the risk of bycatch.
- Phasing out of whitebait export.

Other general points

The WCWA online template and West Coast hard copy template and petitions state:

- Whitebaiting is an iconic recreational activity.
- Management should be based on scientific information (also in submission from the WCWA).
- Evidence-based regulation should occur alongside other measures, for example, habitat enhancement, water quality improvement and ensuring fish passage (also in submission from the WCWA).
- There is no evidence to show a decline in whitebait numbers the West Coast or Fiordland.
- New technology, aquaculture and restocking should not be overlooked (also in submission from the WCWA).

Comments and suggestions on the other West Coast-focused template submissions include:

- Disagree with current state description due to a lack of catch data for juvenile whitebait, adult population data for some catchments, and because the New Zealand Threat Classification System recognises data gaps.
- Ending 1080 drops in whitebait fishing areas.
- Allocating funding to habitat conservation, as this is the best way to improve whitebait management.
- The DOC website should be easier to navigate and more transparent.
- Whitebait were plentiful on the West Coast and in Southland last season.
- Research should be conducted in consultation with local communities and stakeholders.

The Forest and Bird template submissions suggest:

- Allowing whitebait fishing without limits in place (such as catch limits) is unacceptable, and at odds with how New Zealand's endangered birds are treated (also in Forest and Bird organisational submission).
- The options presented in the Discussion Document support fishing more than native fish.
- As basic elements of fisheries management, a fishing license, catch limit and data collection programme are needed for whitebait (also in Forest and Bird organisational submission).

Appendix 4 Views on suitability of waterways for upstream limits or refuges

Views on the suitability of Northland regional waterways for upstream limits or refuges

Northland region waterway	Suggestions or comments made in one or more submissions
Hatea River	Refuge
Kaeo River	Refuge
Kohinui Stream	Refuge
Mangawhai Harbour	Refuge
Ngunguru River	Refuge: Can confirm that there are īnanga in this stream and that it is a popular whitebaiting spot.
Otaika Creek	Refuge: A well-known whitebaiting spot and work is already being undertaken on habitat restoration.
Otamatea River – Wairau	Refuge: Most landowners would be supportive.
Punaruku Stream	Refuge: Consult with Nicki Wakefield.
Ruakākā River, Estuary and or Reserve	Refuge: Ruakaka River is a Fonterra priority river and Fonterra are currently working to help improve īnanga spawning habitat. We can confirm there are also īnanga in this river.
Takahiwai Stream	Refuge: Landowners would support this and we are doing lots of work on habitat restoration here.
Otaika Creek	Refuge
Waikaraka Stream	Refuge: As it flows into the Whangarei Harbour Marine Reserve – the Waikaraka site should technically be a reserve up to the upper saline limit. We can confirm there are banded kōkopu and īnanga in this stream and know the location of the īnanga spawning site.
Waitangi River	Upstream limit: (zone 630 and 635 on DOC maps), like to see back-pegs placed to prevent whitebait being taken upstream of 35°40'06.7"S 174°29'08.3"E'.
	Refuge: Zone 630 – Banded kōkopu, īnanga breed here as well as other native fish which could be impacted as bycatch. Concern that if other rivers become off limits people will target ours and while locals have worked hard to restore the population here it wouldn't take much to knock them right back.
	Not a refuge: Not sure how useful as the Haruru Falls mean not a lot of migratory galaxiids can use much of the river, but there is a lot of community effort going into restoration so could be good for buy in.

Views on the suitability of Auckland waterways for upstream limits or refuges

Auckland region waterway	Suggestions or comments made in one or more submissions
Awaawaroa and Te Matuku Bays on Waiheke Island	Refuge: In Eastern Auckland the only proposed refuges are on the Barrier Islands. None of these streams contain giant kōkopu. Giant kōkopu have been found at Awaawaroa and Te Matuku Bays on Waiheke Island, the only places in the Auckland region.
Henderson Creek	Refuge: All species.
Hoteo	Refuge: Will need to be carefully considered due to community/iwi interest (may be too contentious).
Kawakawa	Refuge: Will need to be carefully considered due to community/iwi interest (may be too contentious).
Lake Spectacle	Upstream limit: Also a fairy tern habitat.
Mahurangi/Hepburn Creek	Refuge: Will need to be carefully considered due to community/iwi interest (may be too contentious).
Mangare/Tararata	Refuge: Giant kōkopu.
Mimiwhangata	Upstream limit
Nukumea Stream,	Refuge: Giant kōkopu.
Orewa	
Okura River	Refuge: All species.
Orangihina-Harbourview Park (Te Atatū)	Refuge: Large freshwater wetland site with banded kōkopu and probably other galaxiids.
Orere River	Refuge
Orewa	Refuge: Giant kōkopu.
Pahurehure	Refuge
Puhinui	Refuge
Pakihi	Refuge: Will need to be carefully considered due to community/iwi interest (may be too contentious).
Piha/Karekare	Refuge
Poutaua Stream	Refuge
Tāwharanui (near Matakana)	Upstream limit
	Refuge: A pest-free park and marine reserve.
Te Henga/Waitakere River	Refuge

Views on the suitability of Waikato waterways for upstream limits or refuges

Waikato region waterway	Suggestions or comments made in one or more submissions
Awakino	<p>Upstream limit: Tidal limits – the confluence of the Manganui Stream (not including Manganui).</p> <p>Refuge: Use upper limits and tributaries as refuges. Close smaller nearby waterways. Best option due to ease of management. Support an option (preferred) to close off half of the river (both sides) in the upper Awakino river area or as another option allow whitebait stands to be allowable on one side of the Awakino river only, and then for a specified distance.</p> <p>Not a refuge: High cost loss to large numbers of individuals if closed. They all have either stands valued at over \$5,000 each (which would be worthless) or they own baches on these rivers that would be devalued considerably. Along with Mokau and Marakopa – all too close in distance to each other. This is a disaster for the rest of the rivers because all these people who fish these three rivers will inundate the other rivers in the area. I have seen what has happened to our crayfish reefs when the marine reserve was put in at the Whitecliff Tongaparata.</p>
Waikato River	<p>Upstream limit: There are hundreds of refuges on the Waikato River for whitebait but perhaps it could be back-pegged at Murray’s Road.</p> <p>Not a refuge: Need to promote adult habitat here rather than refuge. Te Puuaha o Waikato whānau have traditionally employed Raahui (temporary closure) as a management tool based on Waikato-Tainui maatauranga and Tikanga Waikato-Tainui ancestral knowledge and guiding principles. These decisions were made in season and as an expression of mana motuhake by the whānau. There are already many refuges on the Waikato River for these fish. Waikato suggestions are not well thought out.</p>
Kiritihere	<p>Upstream limit: Tidal limit at road bridge.</p>
Wainui (Taharoa)	<p>Upstream limit: Tidal limit which is limited by a fish pass anyway.</p>
Mokau	<p>Upstream limit: Possibly the Awakau River bridge.</p> <p>Refuge: (1762, 1754, 1779).</p> <p>Not a refuge: High cost loss to large numbers of individuals if closed. They all have either stands valued at over \$5,000 each (which would be worthless) or they own baches on these rivers that would be devalued considerably (also see note under Awakino).</p>
Marokopa River	<p>Upstream limit: Main bridge by Karaka Road. Upper reaches River – it could be the long bridge as an upper limit. At Moerangi Road.</p> <p>Refuge: Use upper limits and tributaries as refuges. Close smaller nearby waterways.</p>

Waikato region waterway	Suggestions or comments made in one or more submissions
	Not a refuge: Can understand for Mokau as the size of catches - don't understand for Marakopa just make the season shorter. Very little whitebaiting done on the north bank right up the river, which allow the bait to travel undisturbed. There is more whitebait there than there has ever been (also see note under Awakino).
Oparau River	Upstream limit
Whangamaroro River	Refuge

Views on the suitability of Bay of Plenty waterways for upstream limits or refuges

Bay of Plenty region waterways	Suggestions or comments made in one or more submissions
Huntress Creek Estuary and Stream	Upstream limit: Huntress Creek Estuary: Kukumoa Stream. Huntress Creek Stream – Must come under consideration as an area not to be fished for whitebait. If unable to achieve this, then 20-metre distance must be increased to 100 metres away from the flood gates so that the fishers of whitebait cannot make screens to herd the whitebait into narrow areas.
Kaituna Cut/River	Refuge
Kukumoa Stream	Refuge
Pongakawa	Upstream limit
Rangitaiki River	Upstream limit: Have a non whitebaiting zone in mouth of the river allowing Whitebait unimpeded access to the river. Refuge: Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes. Not a refuge: Have relatively poor whitebait spawning habitat due to often steep sided banks, presence of riprap, or excessive growths of sweet ryegrass within the potential spawning zones of whitebait. Therefore, any īnanga migrating into these rivers are likely to have a much lower reproductive success than īnanga in other rivers with better spawning habitat.
Tarawera	Upstream limit Not a refuge: See note for Rangitaiki.
Thornton	Upstream limit
Whangaparaoa	Not a refuge: See note for Rangitaiki.
Wairoa	Upstream limit
Waiotahe	Not a refuge: See note for Rangitaiki.
Whakatane	Upstream limit Not a refuge: See note for Rangitaiki.

Bay of Plenty region waterways	Suggestions or comments made in one or more submissions
Wharere Canal	Not a refuge: The number of whitebait that enter the Wharere Canal to what is caught is probably about 25% catch rate. This area shouldn't be a refuge.

Views on the suitability of Gisborne region waterways for upstream limits or refuges

Gisborne region waterways	Suggestions or comments made in one or more submissions
	Talk to Gisborne District Council if you haven't already as they have done a lot of work locating inanga spawning sites in the area (sometimes in collaboration with our regional provider) and none of those rivers are named on your list.

Views on the suitability of Hawke's Bay region waterways for upstream limits or refuges

Hawke's Bay region waterways	Suggestions or comments made in one or more submissions
Aropaoanui River	Refuge: We support of these rivers being long-term refuges for whitebait, providing that customary take by our hapū is not negatively impacted. The Trust is also supportive of these awa being a focus for habitat improvement work.
Clive River	Upstream limit
Esk River	Refuge: See comment above under Aropaoanui River.
Ngaruroro	No upstream limit: Unnecessary as stands only go up so far.
TukiTuki	Upstream limit
Tutaikui	Upstream limit
Waikari River – Waipatiki Stream	Refuge: See comment above under Aropaoanui River.

Views on the suitability of Taranaki region waterways for upstream limits or refuges

Taranaki region waterways	Suggestions or comments made in one or more submissions
Awakino	Refuge
Hautoki Stream	Upstream limits
	Refuge: Along with Te Henui, Waiongana, and Waitara streams and Waiwhakaiho, these rivers form Statutory Acknowledgement to Te Atiawa.
Kaupokonui Stream	Not a refuge: The Kaupokonui Stream is the rohe of Ngati Tu hapū and is a significant source of kai.

Taranaki region waterways	Suggestions or comments made in one or more submissions
Mangati	Refuge: Some of the smallest waters, which often have very good whitebait populations, where a couple of nets could effectively harvest most of the whitebait coming up could be candidate.
Mohakatino	Not a refuge: High-cost loss to large numbers of individuals if closed. They all have either stands valued at over \$5,000 each (which would be worthless) or they own baches on these rivers that would be devalued considerably.
Mokau	Upstream limit
Mimitangiatua (Mimitangi atua)	Upstream limit Not a refuge: In the Ngati Mutunga rohe whitebaiters are fairly evenly distributed among the three main whitebait fishery awa. Closing one, or even part of one, of these awa would create unnecessary conflict among the whitebait fishers for an unknown improvement in the fishery. Some whānau/hapū would not be able to access fishery from traditional sites. Would concentrate fishers on a smaller number of awa and so be more liable to cause conflict, overfishing, and damage to the riverbanks, which can be an important spawning area to whitebait such as īnanga.
Onaera	Not a refuge: See above note under Mimitangiatua.
Te Henui Stream	Refuge
Urenui	Not a refuge: See above note under Mimitangiatua.
Patea River	Refuge: Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes.
Stony River	Refuge: Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes.
Tongaporutu	Not a refuge: High cost loss to large numbers of individuals if closed. They all have either stands valued at over \$5,000 each (which would be worthless) or they own baches on these rivers that would be devalued considerably.
Waikaikai	Refuge
Waitaha	Refuge
Waitara River	Refuge
Waiwhakaiho	Refuge Not a refuge: Pressure on the adjacent waterways such as the Te Henui Stream will be horrendous and there will be wars with the locals.
Waiongana Stream	Refuge

Views on the suitability of Manawatu – Whanganui region waterways for upstream limits or refuges

Manawatu – Whanganui region waterways	Suggestions or comments made in one or more submissions
<p>Hawkens Creek, Waitotara</p> <p>Hokio Stream</p> <p>Kai Iwi Stream (2318)</p> <p>Lake Surprise</p> <p>Matarawa Stream (Nixons Creek)</p> <p>Mowhānau Stream</p> <p>Putiki Stream</p> <p>Turakina River</p> <p>Whanganui River</p>	<p>Upstream limit</p> <p>Refuge: Create refuges the length of the Hokio Stream.</p> <p>Not a refuge: The Mowhānau Stream should be chosen instead. These streams empty into the South Taranaki Bight within 300 m of each other. Closing the bigger Kai Iwi would send those whitebaiters to the Mowhānau and over crowd the Mowhānau.</p> <p>Refuge</p> <p>Upstream limit</p> <p>Refuge: An important breeding ground for whitebait. This stream winds its way through the park, then urban environment before reaching farmland. This stream is extensively fished and all sorts of illegal fishing heavily impacts on the species making it to the breeding grounds.</p> <p>Refuge: Mowhānau Stream should be chosen instead of the Kai Iwi Stream (2318). Although the Mowhānau hasn't any data in the NZFFD it would correlate closely to the Kai Iwi in terms of species. These streams empty into the South Taranaki Bight within 300m of each other. Closing the bigger Kai Iwi would send those whitebaiters to the Mowhānau and over crowd the Mowhānau. The Mowhānau is a much less prone to siltation during flooding, has good egg laying areas and is being proposed as a Catchment Conservation Group by local farmers.</p> <p>Set as a special research case.</p> <p>Upstream limit</p> <p>Upstream limit</p> <p>Upstream limit</p> <p>Refuge: Tributaries of the Whanganui River should be made refuges. Also smaller local rivers like the Kai Iwi, Turakina etc. Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes.</p> <p>Not a refuge: Need to resource and engage an independent mātauranga Māori scientist to survey the whitebait spawning decline and to research the full life span activities of the whitebait species in the Whanganui river and its tributaries. Not really been enough study done on the Whanganui River. It is a large river which has bait running up it all year and as long as the regional council stops spraying the riverbank and doing other 'remedial' work it is fine the way it is.</p> <p>Local whitebaiters on this river respect the environment and their fishing. Give us some data to support decision. If you enforce a</p>

Tasman region waterways	Suggestions or comments made in one or more submissions
Oparara River	Upstream limit: Put back-pegs 100 m below high tide line.
Karamea River at the Main Road bridge	Upstream limit: Norm Stopforth, head of DOC at that time put the pegs 500 m below high tide line in the Karamea River at the Main Road bridge. (High tide line means at the top of king tides). Still has a good catch.
Onekaka catchment	This river has the highest recorded diversity of native fish species from a single 100 m survey (12 species).
Waihopai River	Refuge: More heavily utilised by whitebaiters than the suggested Otepunui Creek.

Views on the suitability of Nelson region waterways for upstream limits or refuges

Nelson region waterways	Suggestions or comments made in one or more submissions
Wakapuaka River at Cable Bay near Nelson	Refuge: Because a community group has invested \$600,000 to plant 100,000 trees on council-owned Paremata Flats Reserve and as part of the ecological restoration of the reserve a lot of effort has gone into enhancing an important spawning river for whitebait

Views on the suitability of Marlborough region waterways for upstream limits or refuges

Marlborough region waterways	Suggestions or comments made in one or more submissions
Awatere: State Highway 1	Upstream limit
Opawa: Butter Factory corner	Upstream limit
Opoao river: Roses Overflow	Upstream limit
Roses Overflow: Vickerman Street	Upstream limit
Spring Creek: State Highway 1	Upstream limit
Wairau River and Diversion	<p>Upstream limit: Wairau River: State Highway 1 and diversion.</p> <p>Refuge: Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes.</p> <p>Not a refuge: Little value as a refuge as is man-made and joins the Wairau river after a short distance. It is not and never has been a whitebait breeding area.</p> <p>The runs are consistent and have not dropped over the years.</p> <p>Maybe you should swap it to the Wairau River once you have more information on stocks runs etc. Little or no spawning habitat in the diversion. Man-made river created to divert flood waters from the Upper Wairau River. The use of upstream limits and protection of the feeder creeks around it would be more important.</p>

Views on the suitability of Canterbury region waterways for upstream limits or refuges

Canterbury region waterways	Suggestions or comments made in one or more submissions
Ashburton River	Not a refuge: Community has fought for years to get flows increased in the Ashburton River (it has been excessively over abstracted) and in 2023 a higher minimum flow will be set but if it were to be made a refuge the increase in flow would be for nothing if we could not fish it.
Ashley/Rakahuri River	<p>Not a refuge: Closing rivers in the Canterbury area would put too much pressure on the remaining rivers and may do more harm than good.</p> <p>If the proposal is to close the north bank of the river mouth I am totally opposed. This will impact a large number of fishers who live on the north side of the river in Amberley, Waipara Leithfield etc. forcing them to drive a lot further to fish.</p>
Kahutara River	Not a refuge: It only has a small amount of regular fishing people and we stick to the rules and care very much about the

Canterbury region waterways	Suggestions or comments made in one or more submissions
<p>Lyell Creek</p> <p>Ōpāwaho Heathcote River</p> <p>Opihi River/Lagoon/Estuary</p>	<p>whitebait. It is also our favourite time of the year for getting together and getting a feed. I think reducing time and nets will still enable our whānau to enjoy this yearly.</p> <p>Don't close the Kahutara River or Lyell Creek. Closing one or the other would cause over fishing in the other as everyone would go the place that is open. The bigger rivers are much less accessible to us older people and there are a lot of older people in Kaikoura who enjoy whitebaiting and the feed it provides.</p> <p>Oppose a whitebait refuge river in the Kaikoura area simply because there are not enough rivers that catch whitebait and the two main whitebait rivers are small and if one were to be made a refuge river it would have an adverse effect on the river that was not a refuge river whereby everyone would end up whitebaiting at the one river, which would result in increased altercations and friction.</p> <p>Upstream limit: Possible restricted area further upstream could be discussed with fishers/whitebaiters</p> <p>Should not be a refuge: See comment for Kahutara River.</p> <p>Refuge</p> <p>Upstream limit: Millers Creek and Mercies Creek – these two streams flow into the Opihi Lagoon. Policing of these would be difficult I should know as I have lived in that area previously. SH1 bridge around the Wareing road access which is tidal/is considered an unofficial back limit for the main river. The stream at the south end of the lagoon is traditionally not fished. The stream at the north end, has an unofficial back limit of the car park round about.</p> <p>Refuge: Ban all whitebaiting on the North side of Opihi from the lagoon upstream.</p> <p>Suggest the stream flowing into the Opihi Lagoon from the north as after a few tides the bait becomes gutty and not edible.</p> <p>These areas should be refuges and protected and enhanced by removing the polluting dairy runoff plus excess fertiliser runoff.</p> <p>Not a refuge: Orari/Opihi – the fisher people will go to the other and cause a most unsatisfactory situation as people struggle to find a place to fish also the 60 campervans and caravans that situate themselves for 8 weeks at the Orari would shift to the limited spaces near the Opihi.</p> <p>Opihi River nobody fishes above Waipopo Huts (or very close above).</p> <p>Generally, this river has a large lagoon and while there is some sock net fishing whitebait populations are generally protected. There is a haven for whitebait in the Orakipaoa Creek, and associated lagoon wetlands north and south of the river mouth.</p> <p>The principal species in these waterways is inanga which is reported to have a lifespan of around 12 months only.</p>

Canterbury region waterways	Suggestions or comments made in one or more submissions
Orari	<p>Upstream limit: At the top of the lagoon, which is well below the tidal limit but essential to prevent the over-exploitation of whitebait on this river. Some quite large catches occur where the current pushes hard against the bank. Easily avoided by placing the back-peg well inside the tidal zone and obviating the necessity to close the river for periods; the old lagoon drain; lower bridge.</p> <p>Refuge: Large lagoons that flow into the estuaries should be refuges and protected and enhanced by removing the polluting dairy runoff plus excess fertilizer runoff.</p> <p>Near the river mouth is the culvert leading to the Old Orari Lagoon and this culvert and the Old Lagoon and associated drains are not fished. This area provides a significant refuge for whitebait.</p> <p>Not a refuge: Closing this river would mean that fishers would go to the other rivers. This would mean people there would struggle to find a place to fish. In addition, the 60 campervans and caravans that currently situate themselves for 8 weeks at the Orari would find limited spaces near the Opihi.</p> <p>It is a very popular and safe river for older people to get to and fish</p> <p>The tidal reach on the north side of the river mouth is heavily fished because access is generally suitable for cars. Near the river mouth is the culvert leading to the Old Orari Lagoon and this culvert and the Old Lagoon and associated drains are not fished. This area provides a significant refuge for whitebait. Further upstream and a short distance from the river mouth is the spring feed Ohapi system and this is not fished. There is limited whitebaiting in the mainstream upstream of the confluence with the Ohapi.</p> <p>If Orari was to be a refuge then all those whitebaiters will end up at Opihi. This river isn't big enough for 500 nets.</p>
Rangitata	<p>Upstream limit: At or below the peg currently showing the upper limit of lure fishing for salmon.</p>
Styx River	<p>Upstream limit: From the flood gates.</p>
Taranaki	<p>Upstream limit: Next to Ashley River should be a breeding ground and closed off.</p>
Rakaia River	<p>Refuge: Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes.</p>
Rangitata River	<p>Refuge: Has all the elements to be considered, for example, dairy, irrigation, habitat lose and a conservation order.</p> <p>Often there is a large lagoon on the northside that provides a haven for whitebait. This is not fished. There is spring fed system on the south side that is good whitebait habitat, and this is not fished. The river system consists of many seeps and weeps that hold whitebait and they are not fished. These weeps are solely used by native fish and are not trout habitat.</p>

Canterbury region waterways	Suggestions or comments made in one or more submissions
Runanga River	Not a refuge: Closing rivers in the Canterbury area would put too much pressure on the remaining rivers and may do more harm than good.
Saltwater Creek (North Canterbury)	Refuge: The boundary would have to be at the state highway bridge. There is a Mohunga fishing reserve downstream from the houses on the North Bank below the bridge. On the south side of the creek within the picnic spot is also a popular fishing area. Above the bridge there is permanent river water and many small swampy streams that never run dry. A perfect whitebait habitat and spawning area. Not a refuge: Practicality as a refuge remains questionable, as the outlet predominantly remains blocked.
Waiau	Upstream limit: An example where the tidal limits don't go up the river very far so back-pegs set about 1 km up stream would help.
Waihao – Bradshaws ford or lower Smithfield	Upstream limit: At least 20 m from any part of the piped outflow. Refuge: Waihao Box.
Waimakariri	Upstream Limit: Below SH1 Main Road Bridge, Cam River 250 m from confluence with Waimakariri and any other waterway running into the Waimakariri below the SH1 Main Road bridge; creek at the back of the yachting club.
Waimataitai (Washdyke) lagoon	Upstream limit: This place has been a source of a great amount of argument in recent years. Clarification with a sign is essential.

Views on the suitability of West Coast region waterways for upstream limits or refuges

West Coast region waterways	Suggestions or comments made in one or more submissions
Arawhata River	Upstream limit Refuge: The possibility of example habitat rivers being subject to partial closures might be an option, for example, Waiatoto and Arawhata as varied habitat examples, with week-on week-off closures biennially, effectively giving them a 'rest' each fortnight, every 2 years. This would get much more support from the general whitebaiting fraternity.
Awarua River	Upstream limit: Awarua/Big Bay. Refuge: Awarua River upstream from the Department of Conservation swing bridge. Awarua River and Stream.
Cascade River and Creek	Upstream limit Refuge: Cascade River and Creek the north bank of the Cascade River from 20 m upstream from Old Man Creek to the sea; Old Man Creek and Barn Creek, which enters the Cascade River; and any tributary stream of Barn Creek.

West Coast region waterways	Suggestions or comments made in one or more submissions
Grey River	<p>Not a refuge: The Cascade River has since the 50s had back-pegs and an entire side closed off up until large creek spawning area. Why punish ruin a sustainable tax-paying family business?</p> <p>The Cascade River and all rivers south in Fiordland, Shag River, Trotters Creek, Kakanui River should not be refuges as the West Coast already has enough.</p>
Hokitika River	<p>Upstream limit: Should have a back-peg.</p>
Haast River	<p>Upstream limit: Back-peg should be brought closer to the river mouth.</p>
Haast River	<p>Refuge</p>
Haast River	<p>Not a refuge: The Haast River has never been a big fishing river compared to rivers further south so why would it be a refuge. In the lagoon on the north side of mouth, local bach owners have opened up a spawning stream into an adjoining swamp which has seen large quantities of bait accessing over the fishing season.</p>
Haast River	<p>No issue of it being over fished as it is such a large river it will never be over flogged.</p>
Haast River	<p>Shutting up the Haast Rivers for 10 years is absurd. Many years ago they shut up Oreti Beach to protect the Toheroa and it has never been opened up again.</p>
Haast River	<p>It already has a major spawning and breeding tributary (Crikey Creek) closed.</p>
Hapuka River	<p>Refuge: Should include Hapuka River (including any tributary stream of the Hapuka River) that extends to the sea on the south bank and to the Okuru Lagoon on the north bank.</p>
Hapuka River	<p>So long as it doesn't close other rivers sharing the same estuary. Turnball open, Okura open, south bank of estuary closed – same estuary.</p>
Hokitika River	<p>Upstream limit</p>
Hokitika River	<p>Not a refuge: Unfair to close when it already has a major spawning and breeding tributary (Mahinapua Creek) closed.</p>
Hokitika River	<p>The south side of the Hokitika River is by and large closed to fishing except for some bait that may miss the wide mouth and brown water of Manhinapua creek any bait caught east of the creek mouth is low volume. The sanctuary and the long duration of over 30 years of whitebait protection at the creek has contributed immensely to the fish spawning over the years. Great shoals have been seen making their way safely up the deep and wide creek. Hokitika River indirectly has one of the best spawning waters and locations on the West Coast while at the same time provides fishing chances for towns inhabitants. There is no point in closing medium to large rivers where whitebaiting accounts for a very small part of a 'run'.</p>
Hunts Creek	<p>Refuge</p>
Kakanui River	<p>Not a refuge</p>

West Coast region waterways	Suggestions or comments made in one or more submissions
<p>Karamea</p> <p>Karamea (near Blackwater Creek)</p> <p>Manaia</p> <p>Maruia</p> <p>Matarawa Stream</p> <p>Moeraki River (Blue River)</p> <p>Mokihinui River</p>	<p>Not a refuge: Economic impact on small community.</p> <p>Closing rivers with stands expect there will be legal action for compensation.</p> <p>Already an accepted number of refuges on the West Coast (22) and no evidence that whitebait numbers or species are declining. There is no need for more refuge numbers on the West Coast.</p> <p>There are many other similar rivers including on the East Coast of the South Island and in the North Island.</p> <p>Upstream limit: We would like to see a back-peg set further forward on narrow streams (channels).</p> <p>Refuge: Granite Creek nearby (also unlisted) provides good fishing opportunities. Blackwater could therefore be selected as a refuge as it is restricted currently above Highway 67, and gives the bait access to good spawning.</p> <p>Upstream limit</p> <p>Upstream limit</p> <p>Refuge</p> <p>Refuge</p> <p>Upstream limit</p> <p>Refuge</p> <p>Not a refuge: A very small community and the whitebait season brings in considerable revenue/ small rural communities rely heavily on the annual whitebait community for their livelihood.</p> <p>Closure on community would be disastrous. There are two camping grounds, two hotels, accommodation suppliers, bach owners, ratepayers who all rely on the whitebait season. The closure will rip the guts out of Mokihinui and Seddonville</p> <p>A considerable investment by stand holders with resource consent to fish bought and paid for but the outcome.</p> <p>Closure will lead to public disobedience, many family's here have third and fourth generation fishers, the anger at this proposal is very real.</p> <p>No inanga breeding site on the Mokihinui.</p> <p>Mokihinui is already well managed so why penalise those whitebaiters.</p> <p>Coast rain means rivers often flood providing natural non-fishing periods.</p> <p>Data that was shown to explain the closing of the Mokihinui River is of a substandard quality. This is due to be being both outdated (2007) and inconclusive.</p> <p>The Mokihinui River is the most popular river in Northern Buller for recreational whitebaiting. Closing this river would increase the fishing pressure in the surrounding rivers.</p>

West Coast region waterways	Suggestions or comments made in one or more submissions
<p>Ohinemaka</p> <p>Ohinetamatea River – Saltwater Creek</p> <p>Okarito River</p> <p>Okuru</p> <p>Orawaiti Stream and Estuary</p>	<p>No clear causation relationship between the decrease in whitebait numbers and the recreational whitebaiting of the Mohikinui River.</p> <p>Already an accepted number of refuges on the West Coast (22) and no evidence that whitebait numbers or species are declining. There is no need for more refuge numbers on the West Coast.</p> <p>There are many other similar rivers including on the East Coast of the South Island and in the North Island.</p> <p>Dam report several years ago only about 20% of the whitebait travelling up the river is caught.</p> <p>The Mokihinui River has all the proposed changes already in place, stand lengths, no sock or box nets, two closed creeks and a back-marker peg.</p> <p>Already has hundreds of kilometres of habitat beyond the back-peg which is essentially all Kahurangi National Park. Estuarine area has no wetland habitat breeding area so what is the point in closing it as a refuge.</p> <p>Refuge</p> <p>Refuge</p> <p>Upstream limit</p> <p>Refuge: Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes.</p> <p>Not a refuge: Just because it 'sometimes' shares a mouth with the Hapuka doesn't mean they should be closed. Close only tributaries and wetlands. The Hapuka closure works very well the way it is and is respected.</p> <p>The Okuru River has back-pegs.</p> <p>Lost assets which equate to approximately 2 million dollars on just the Okuru River, to stand holders for stands which are their retirement investments.</p> <p>Lost revenue, lifestyle, businesses and the economy to the South Westland residents who rely on the whitebaiters and their visitors to sustain a living, motels, garages, shops hotels, camping grounds etc.</p> <p>Loss of huge revenue to the Westland District Council as they collect annually, lease and rate payments from the caravan and hut holders on all of the rivers.</p> <p>Loss of revenue to the West Coast Regional Council for the registration of stands. Stand holders on the rivers have current Resource Consents with the West Coast Regional Council which are valid for another 8 years.</p> <p>No scientific data to support proposed action.</p> <p>Refuge</p>

West Coast region waterways	Suggestions or comments made in one or more submissions
Shag River	Not a refuge
Stafford	Refuge
Taramakau River	Refuge: Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes.
	Not a refuge
Trotters Creek	Not a refuge
Turnbull River	Not a refuge: Just because it 'sometimes' shares a mouth with the Hapuka doesn't mean they should be closed. Close only tributaries and wetlands.
	Upstream limit: Don't think it needs to be a refuge just place a back-peg.
Greymouth River	Upstream limit: Should have a back-peg.
Hokitika River	Upstream limit: Back-peg should be brought closer to the river mouth.
	Not a refuge
Okarito	Upstream limit
Punakaiki River	Upstream limit: Has a back-peg and it doesn't worry us at all. It's good for the bait.
	Refuge
	Not a refuge: There are numerous areas the whitebait breeds in down Burkes Road for example. The whitebaiters protect these areas. There are also numerous grasses along riverbanks that the whitebait spawn onto and these can be found on most rivers.
	There are only a small number of fisherman that fish it so it's not overfished. Six to eight people.
	Back-peg marker makes our river the smallest area to fish probably in New Zealand.
	Canterbury University have studied our river for years and see no great decline in species and amount caught in our area.
Smoothwater River	Refuge
Waitoto River	Upstream limit
	Refuge: Any tributary stream of the Waitototo River and the waters of the Waitototo River above the mean high-water mark

Views on the suitability of Otago region waterways for upstream limits or refuges

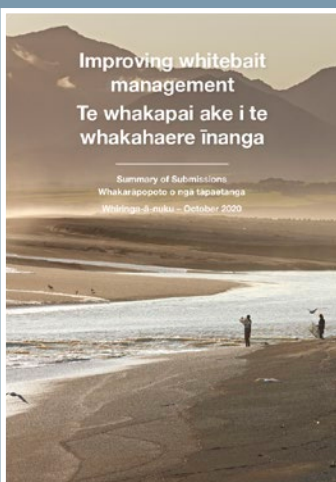
Otago region waterways	Suggestions or comments made in one or more submissions
Opihi River	Upstream limit
Owaka River, South Otago	Upstream limit

Otago region waterways	Suggestions or comments made in one or more submissions
Taieri River	Upstream limit Refuge: Site potentially appropriate for whitebait refuges that intersect Trustpower hydroelectric power schemes.
Waikouaiti	Upstream limit Not a refuge: Only a small amount of people fish at this location and therefore don't believe there would be any benefits to this river being a refuge.
Waireka Creek (off Kakanui River)	Refuge: Waireka Creek is a major spawning area. As to closing rivers in north Otago's situation there are very few safe river for young and old to fish. If Kakanui was closed it would be a kick in the guts for that age bracket. The Waitaki River is not safe for them as an option. People have been swept out and drowned over the years.

Views on the suitability of Southland region waterways for upstream limits or refuges

Southland region waterways	Suggestions or comments made in one or more submissions
Aparima River	Upstream limit: Possibly after the bend in river to the east of bridge on the Otautau Riverton Highway. Not a refuge: Predominant species is inanga which run May to January. Already a refuge as bait run before and after the season. Smaller streams will be decimated and restricts many older and long-term responsible fishermen. Has very good spawning environments. We have only recognised three species as well as smelt and over last two season have noticed our catches have increased as well as long stands being fished. We do not believe on the Aparima bait are in decline. No one fishes the middle of the river so that there is a safe passage for the inanga/whitebait to pass. No one fishes outside the designated hours, or if the river is dirty or in flood.
Mataura	Upstream limit
Oreti	Upstream limit
Oreti River and its subsidiaries	Refuge: (The Makarewa River and the Waikiwi Stream) whitebait stands are already prohibited on these rivers therefore easier to close permanently without upsetting whitebait stand owners.
Oreti River; Otepuni Stream Kingswell Creek	Refuge: In the Otepuni Stream and Kingswell Creek, there is minimal inanga habitat in the vicinity of the saltwater wedge where inanga would normally spawn. It would be advantageous to create refuges and improve spawning habitat in these locations (where the Bluff Highway crosses the Kingswell Creek, and where the railway line crosses the Otepuni Stream.)
Pourakino	Upstream limit
Titiroa	Upstream limit

Southland region waterways	Suggestions or comments made in one or more submissions
<p>Waiau</p> <p>All rivers south of Wairau</p> <p>Niagara River</p> <p>Otepunī Creek</p> <p>Titiroa River</p> <p>Waiau River</p> <p>Waikawa River</p> <p>Waimatuku River</p> <p>Waihopai River</p>	<p>Upstream limit</p> <p>Refuge: All rivers north of the Waiau with less than 2 m width at low tide be closed. No fishing in Estuaries.</p> <p>Refuge: Small rivers such as the Niagara River could be totally closed and this would support whitebait on the Titoroa and the Mataura rivers. This should also be in consultation with the local fisherman.</p> <p>Not a refuge: Nobody catches whitebait from this creek because it is too polluted. It might be better to protect parts of the Waihopai River.</p> <p>A refuge: No whitebaiting above the road bridge as the man-made locks shut and the bait can't migrate up stream.</p> <p>In the immediate vicinity of the locks, such as above the bridge, to allow bait to get through when the tide locks open and a refuge above that as there is a lot of inanga habitat. Other major rivers should have a similar system to the West coast where the first or a nominated tributary is closed to fishing.</p> <p>Not a refuge: Disagree with no fishing in the area, Highway 92 bridge to the lock gates on Titoroa River.</p> <p>Refuge: Whitebait stands are already prohibited on these rivers therefore easier to close permanently without upsetting whitebait stand owners.</p> <p>Not a refuge: Smaller streams will be decimated and restricts many older and long-term responsible fishermen.</p> <p>Not a refuge: Chosen simply as there are not a great lot of fishers on it and you are hoping for less resistance as opposed to choosing larger rivers with tributaries with large numbers of fishers.</p> <p>Refuge: This is a smaller river that could be closed to support whitebait on the Oreti and the Aparima.</p> <p>Refuge: Protect parts.</p>



For more about whitebait management:

- www.doc.govt.nz/whitebait-management

For more about whitebait:

- www.doc.govt.nz/whitebait-migratory-galaxiids
- www.doc.govt.nz/inanga
- www.doc.govt.nz/whitebaiting

Or email:

- whitebait@doc.govt.nz