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“More fish in the water/Kia maha atu nga ika ki roto i te wai”

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28 July 2010

Review of the total allowable catch (TAC) for the Coromandel Scallop Fishery (SCACS).

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Introduction

- 1. This submission is made on behalf of NZ Sport Fishing (NZSF), the Hokianga Accord, the mid north iwi fisheries forum, and option4. The joint submitters acknowledge and support the submissions made by the Coromandel-based NZSF clubs.
2. This submission is made in the interests of assisting the Minister of Fisheries (the Minister) and Ministry of Fisheries (MFish) to achieve abundant fisheries that will enable all New Zealanders to provide for their social, economic and cultural well-being.

3. The joint submitters appreciate the opportunity to comment on the review of the total allowable catch (TAC) for the Coromandel Scallop fishery (SCACS). The Initial Position Paper (IPP) was released for consultation in early July, with submissions due by 28 July 2010.
4. MFish has proposed two management options based on information about scallop abundance in SCACS during May/June 2010. Those options are to increase the total allowable catch (TAC) to either 154 or 147 tonnes of meatweight. At the end of the 2010 fishing season the TAC would revert back to the baseline of 48 tonnes (t).
5. The joint submitters accept that the Coromandel scallop fishery (SCACS), which extends from Cape Rodney around Hauturu (Little Barrier) to Motiti in the Bay of Plenty, is highly variable.
6. We accept that the Fisheries Act allows for increased commercial harvest in years of high abundance, but acknowledge the need for caution when setting the total allowable catch (TAC) and Annual Catch Entitlement (ACE) in this important fishery. Not every last scallop has to be taken in one season.
7. We remind MFish and the Minister of Fisheries (the Minister) that the public regard scallops as kaimoana, it is not a sport fishery, and people harvest scallops to feed their whanau and friends.
8. We believe that the box dredge technology used to harvest scallops commercially is destructive and the impact of using this outdated technology is detrimental to the environment in reducing biodiversity, rebuild rates and area productivity.
9. Because of this we are concerned that the sustainability purpose and environmental principles of the Fisheries Act 1996 (the Act) are not being met in the scallop fisheries and that there are no incentives for commercial fishers to change their fishing gear or methods, even in areas where abundance is low.
10. The baseline level for both customary Maori and recreational fishers ought to be increased from 7.5 to 15 tonne each per season, using s21 of the Fisheries Act 1996, based on the likely maximum harvest that would allow for these interests. This would mean that no annual adjustment was necessary for the non-commercial sector.
11. Commercial dredging should only be allowed in areas where there is sufficient scallop density and sustainable management of the environmental effect of fishing. This is particularly important where the commercial and amateur fisheries overlap.
12. Some areas have low scallop abundance. Commercial fishers with greater fishing power, a six-week season head-start and a 10 mm smaller size limit could seriously affect the rebuild of these fisheries and ability of non-commercial fishers to harvest sufficient legal-sized scallops.
13. If the low-density areas at Waiheke, Waihi and the southwestern Bay of Plenty are closed to commercial dredging then a higher ACE could be warranted to take advantage of the current abundance in other areas.

### **Recommendations for the 2010 fishing year**

- ⇒ That the MFish-proposed total allowable catch (TAC) increase to either 154 or 147 tonne, options one and two respectively, are rejected;
- ⇒ That the total allowable catch (TAC) for SCACS is set at 117 tonnes (t) meatweight;
- ⇒ The baseline allowance made for customary Maori interests is 15 t;
- ⇒ The baseline allowance made for recreational interests is 15 t;
- ⇒ The allowance made for fishing related mortality is 22 t;
- ⇒ The TACC remains at 22 t and additional ACE of 43 t is provided; and
- ⇒ Commercial dredging is excluded from areas that have a low-density of legal size scallops.

## Submission

14. The joint submitters strongly oppose the MFish proposals to increase the Annual Catch Entitlement (ACE) to either 100 or 95 tonnes, options one and two respectively, and wonder why the two options proposed are so similar. Surely if MFish are to spend resources on consultation and the Minister is expected to make a decision then meaningful management choices offering more than a 5 percent difference is required.
15. If commercial dredging was excluded from areas that have a low density of legal size scallops then an alternative TAC of 137 tonnes could be supported, as specified in Table 1\*. These low-density areas (less than one scallop per 25 square metres) have been identified in the NIWA biomass survey<sup>1</sup> as Motiti/Papamoa, Waihi and Waiheke.

**Table 1:** Current and proposed total allowable catch and allowances for Coromandel scallops (tonnes meatweight).

<b>Coromandel Scallops (SCACS)</b>	<b>Total allowable catch (TAC)</b>	<b>Recreational allowance</b>	<b>Customary allowance</b>	<b>Other mortality</b>	<b>Commercial Annual Catch Entitlement (ACE)</b>
<b>Baseline</b>	48	7.5	7.5	11	22
<b>MFish option 1</b>	154	10	10	34	100
<b>MFish option 2</b>	147	10	10	32	95
<b>Our submission</b>	117	15	15	22	65
<b>Alternative*</b>	137	15	15	27	80

16. We note from the NIWA report that there are fairly substantial numbers of small scallops over a large area in the Waihi bed. We also note these seem to have been present for the past two years and have not matured into legal size fish.
17. Moreover, NIWA has applied average growth, from old tagging studies, to all scallops between the date of the survey and the start of the season. Doing this would over-estimate the available yield of scallops in the Waihi/Plenty area if actual growth is less than average.
18. Commercial fishing in the Plenty area would result in large numbers of sub-legal fish being dredged for minimal landed catch.

## Background

19. Coromandel scallops (SCACS) were introduced into the quota management system (QMS) in 2002 and are managed under section 13(7) of the Act. This and other scallop stocks were added to the Second Schedule because scallop population can fluctuate markedly between seasons. Second Schedule and s13(7) provisions entitle the Minister to increase the catch limits within a fishing season if the pre-season survey shows an increase in abundance.
20. The main commercial scallop areas have been surveyed annually for more than 30 years to help monitor the productivity of these stocks.
21. In the 1970s and 1980s scallop fishermen with their extremely destructive dredges kept finding new areas to fish. As one area became decimated and productivity fell because of the damage caused by the dredges, the fishermen simply moved to another area. The real consequences to productivity only became apparent once all the areas that could possibly be dredged had been dredged.

<sup>1</sup> Biomass survey and stock assessment for the Coromandel scallop fishery, 2010. NIWA, 28 June 2010.

## **Statutory requirements**

22. The Purpose and Principles of the Fisheries Act 1996 are set out in sections 8 to 10. The Act requires that the Minister manage fisheries sustainably, to enable people to provide for their social, economic and cultural wellbeing.

## ***Total allowable catch (TAC)***

23. The Minister must set a total allowable catch (TAC) before he can consider utilisation. The joint submitters strongly recommend a conservative TAC of 117t for the 2010 fishing year because of concerns for the long-term sustainability of key scallop beds in this important fishery.
24. Setting the TAC at 117t would reflect the variable nature of the fishery and encourage commercial fishers to only dredge areas once per season.
25. Local Coromandel fishing clubs report their members are struggling, in the Papamoa/Motiti areas, to harvest their 20-bag limit on one dive tank of air. This is a major concern, the fishery is clearly not providing for people's well-being and this represents a serious breach of statutory duty that the Minister must address.

## ***Increased baseline non-commercial allowances***

26. The joint submitters are pleased that MFish has finally recognised that non-commercial harvest is likely to increase with abundance.
27. While we acknowledge the proposed in-season increase in the allowances these will revert back to baseline levels at the end of the fishing year.
28. We submit that an increase in the baseline allowances from 7.5 to 15t for both Maori customary and recreational interests is made under s21 of the Act. Doing this would negate the need to review these allowances every year.
29. A baseline increase will also recognise that:
  - a. Overall harvest has increased since the 2005 management changes to enable a bag limit to be taken for up to two safety people onboard, the legitimising of 'shucking' at sea by boat-based people, and the six-week shift of the recreational season opening date;
  - b. The population with access to the SCACS areas has increased markedly since the 1996 harvest survey that the 7.5t allowance is based on;
  - c. This would fulfil the Minister's statutory obligation to 'allow for' non-commercial fishing interests and all mortality caused by fishing, as per s21 of the Act; and
  - d. This is likely to be the maximum harvest level in any given fishing year.
30. Setting the baseline allowances at a high enough level so that it is seldom reached is a sound long-term management strategy. Non-commercial fishers could then exercise their judgement whether it was worth fishing hard in a particular season (and coming close to the allowance) or to expend their efforts elsewhere and leave the beds to rebuild.
31. The policy of having baseline catch levels well above average catch is not new. The Flounder 1 (FLA1) fishery is managed in a similar manner, whereby the total allowable commercial catch (TACC) is set at a very high level. In 2005 the Ministry explained this management strategy as,  
"The existing management of FLA1 relies on a TACC well above current catches, to provide flexibility for commercial fishers to take flatfish in larger numbers in years of high abundance"<sup>2</sup>.
32. There is no logical reason why the same strategy cannot be applied to the allowances for the non-commercial sector in the Coromandel scallop fishery.

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<sup>2</sup> Executive summary, FLA1 Final Advice Paper, Ministry of Fisheries 2005, page 185.

33. There are practical and economic advantages for increasing both the recreational and Maori customary baseline allowances to 15t per annum. Future in-season scallop review processes would be much simpler for MFish, and the Minister would not need to consider an adjustment every year this fishery is reviewed.

#### ***Customary interests***

34. The Minister has a statutory obligation to ‘allow for’ Maori customary non-commercial fishing interests. The only true way to ‘allow for’ those interests is to have sufficient scallops (tipa) in the water and available to be caught.
35. Traditional access to the quantity and quality of scallops by tangata whenua has diminished over time. This is due to a combination of factors, including the commercial use of outdated box dredge technology reducing the ecological biodiversity and productivity of the scallop fishery.
36. Section 12 of the Act requires that the Minister provides for the “*input and participation*” of tangata whenua having a non-commercial interest in the stock concerned, the effects of fishing on the aquatic environment and to ***have particular regard to kaitiakitanga*** [guardianship].
37. The submitters do not accept that allowing the deployment of Victorian box dredges within SCACS meets the Minister’s statutory obligations, takes into account and ‘allows for’ Maori’s non-commercial fishing and environmental interests or has any regard for kaitiakitanga.
38. The submitters strongly advise MFish to resource tangata whenua in a manner that enables them to exercise their traditional tikanga and to assist them in providing meaningful “*input and participation*” into fisheries management processes such as this in-season scallop review.
39. While it is accepted that much of the harvesting by tangata whenua is exercised under the ‘recreational’ fishing right the Minister still has an obligation to ‘allow for’ customary use of the SCACS fishery by ensuring scallops are available, when required, by tangata whenua.

#### ***Other mortality***

40. It is still a major concern to non-commercial fishers that the mortality associated with commercial scallop fishing is estimated to be around 34 percent of the catch level. This is an unacceptably high level of fishing related mortality.
41. The submitters note the current mortality rate is set at 11 tonnes when the TACC is set at 22 t. This is a 50 percent mortality rate at baseline levels.
42. MFish propose to increase the mortality allowance to 32 or 34 t meatweight if the TAC is increased to their proposed 147 or 154 t. This represents a mortality rate of 34 percent.
43. It would be logical to assume that mortality is proportional to fishing effort. The submitters request an explanation from MFish as to why they propose to ‘allow for’ different mortality rates at higher commercial catch levels.
44. The submitters acknowledge and accept that incidental mortality from recreational dredging is likely to be minor. We also note that the predominant harvesting method by non-commercial fishers in SCACS is diving as opposed to dredging.

#### ***Environmental impacts***

45. There obviously needs to be recognition of the adverse effect on benthic communities in the management of this fishery. The submitters believe the environmental principles of the Fisheries Act 1996 are not being met under the current management strategy and the Minister needs to instruct the MFish to take measures to address the environmental issues.

46. It is our belief it is the incessant use of heavy Victorian dredges in some areas has changed the environment. We also believe that the reason why we have experienced some strange diseases/intruders infesting the scallops, such as black gill disease and tubeworms, is due to destructive commercial dredging directly impacting on the environment and quickly spreading these problems through the beds.
47. While there is natural variability in most scallop populations driven by variable recruitment, we believe that heavy dredging on beds with low density only makes the situation worse and delays recovery.

### **Minimum standards**

48. There should be minimum standards that need to be met in order to participate in harvesting in the scallop fishery.
49. The current system is devoid of incentives for fishers to experiment with more environmentally friendly fishing methods. Fishers should be rewarded for lowering the rate of damage caused to:
  - ⇒ The seabed environment;
  - ⇒ Diverse benthic communities that provide attachment and shelter for spat and juveniles;
  - ⇒ Scallops that pass underneath the dredge and are damaged; and
  - ⇒ Undersized scallops and legal-sized fish damaged in the dredge that would normally be dumped at sea due to their broken condition.

### **Management framework**

50. The submitters consider that scallop fishery managers should be able to direct any increased fishing effort toward areas where the surveys have determined that scallop density is highest. This would enable higher catch rates while minimising dredging effort. Higher fuel prices and a reduction in fishing vessels number may mean that this will occur anyway. However, MFish must have the ability to close areas within SCACS to commercial fishing because of low scallop density.
51. Dredging with the existing commercial dredges should only be allowed once scallop density rises to a commercially AND environmentally acceptable level.
52. Other areas which are still recovering from damage from previous year's fishing should be left unfished until they show signs that the biodiversity has stabilised and the scallop population has recovered and is disease-free.
53. This year's survey clearly shows that the Waiheke, Waihi and Papamoa/Motiti beds have low density of 90mm or larger scallops. These areas are of interest to both commercial and non-commercial fishers.
54. It would be unreasonable for the Minister to allow large increases in the scallop ACE for the Waiheke, Waihi and Papamoa/Motiti beds where commercial fishers:
  - a. Have vastly more fishing power than non-commercial fishers;
  - b. are able to take 90mm scallops compared to the 100mm recreational size limit; and
  - c. can take scallops six weeks before amateur fishers.
55. We submit that commercial fishers have a number of significant advantages over non-commercial fishers.
56. Areas that have a low density of 100mm scallops must be closed to commercial fishing for the season. This year these areas are off Waiheke, Waihi and Papamoa/Motiti.

57. If adjustment to the TAC is the only management tool available then the ACE for the 2010 fishing year must be set conservatively, at 65 tonnes. (As per table 1 above).
58. If commercial dredging could be excluded from these low-density areas then an alternative ACE of 80 tonnes is acceptable for the SCACS 2010 fishing year. (As per table 1 above).
59. The joint submitters support initiatives to better manage the scallop fishery for all interests, and ultimately achieve "more fish in the water/kia maha atu nga ika ki roto i te wai" for our mokopuna [descendants].

***Daily bag limit increase***

60. There are mixed opinions on whether the individual daily bag limit should be increased. From our perspective the most meaningful gains would be:
  - a. To ensure the ongoing sustainability of the Coromandel scallop fishery;
  - b. To increase the baseline allowance for all non-commercial fishing interests; and
  - c. That the new baseline allowance of 15t is made using s21 of the Act so the allowance remains intact after the end of the 2010 fishing year.

**Conclusion**

The joint submitters of NZ Sport Fishing, the Hokianga Accord and option4 appreciate the opportunity to submit on the review of the total allowable catch (TAC) for the Coromandel scallop fishery.

We would like to be kept informed of future developments and want to participate in further management decisions for this fishery.

Yours faithfully,

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