

# **Amendment to the Recreational Scallop Season in Fisheries Management Area 9**

## **SUBMISSION ON BEHALF OF NON-COMMERCIAL FISHERS**

**27 August 2007**

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Non-commercial submission

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Amendment to the Recreational Scallop Season in Fisheries Management Area 9

Date: 27 Aug 2007

1. This submission is made by option4 (the submitters), an organisation which promotes the interests of non-commercial marine fishers in New Zealand, to the Ministry of Fisheries (MFish) in response to MFish's proposed amendment to the recreational scallop season in Fisheries Management Area 9 (FMA9).
2. The FMA9 scallop fishery extends from North Cape to Tirua Point, north Taranaki. Within that area there are a number of scallop fisheries that have different characteristics.
3. In recognition of the outstanding issues associated with the Kaipara Harbour, this submission addresses scallop management in FMA9 excluding that Harbour. MFish is bound to deal with both tangata whenua and the Kaipara Harbour Sustainable Fisheries Management Study Group (KHSFMG) in addressing the temporary section 186A closure to the harvesting of scallops and the longer-term management issues of concern to the local Kaipara community.

## Submission

4. option4 submit that the following open season apply to the FMA9 (excluding the Kaipara Harbour) scallop fishery:
  - **Preferred option** - 1<sup>st</sup> September to 31<sup>st</sup> March the following year (inclusive), to align with the FMA1 scallop season;
  - **Second option** - 15<sup>th</sup> July and 14<sup>th</sup> February the following year (inclusive), that is, no change to the current season.
5. option 4 opposes proposals to shorten the harvesting season for scallops in FMA9 as there are no legitimate reasons for doing so. It is outrageous to expect non-commercial fishers to accept anything less than the current season. We do not accept the MFish proposals for the following reasons:
  - the west coast scallop fishery is a food fishery of importance to both recreational and customary fishers.
  - closing the season earlier to both reduce the take of under-sized scallops and thereby the pressure on compliance is not supported. This is because if there is an issue with the take of undersize scallops then that needs to be addressed through education and higher profile enforcement measures.
  - scallop abundance and condition can vary considerably from year to year. The main drivers for this are recruitment and growth rates and not the length of the season.
6. The recent High Court decision regarding the judicial review of the Minister's 2004 and 2005 kahawai decisions (the Kahawai Legal Challenge) made particular mention of the purpose of the Fisheries Act 1996, in that the Minister of Fisheries has a statutory obligation to manage fisheries both sustainably and to enable people to provide for their wellbeing. We have not seen any evidence of MFish' effort to assess changes in the social, economic and cultural wellbeing that would result from changes proposed in the FMA9 scallop fishery Initial Position Paper (IPP). option4 would expect that shifting the season to reduce winter catch, when scallops may be in poor condition, and allow better access over summer when scallops may be in good condition would have a positive impact on people's wellbeing. However, shortening the season would have a negative impact on the people's ability to provide for their wellbeing during good seasons.

7. The submitters appreciate that scallops are highly variable and therefore the quality and quantity of scallops available varies from season to season. During poor seasons we would expect fishing effort to decrease. If a sustainability issue is identified this could be managed at a more local scale with the use of rahui.
8. MFish's proposed amendment to the recreational scallop season in FMA9 is a sustainability measure under section 11 of the Fisheries Act 1996 therefore section 12 obligations apply.
9. Section 12 requires that the Minister before doing anything must provide for the input and participation of tangata whenua having a non-commercial interest in the stock concerned, or an interest in the effects of fishing on the aquatic environment in the area concerned, and have particular regard to kaitiakitanga.
10. There is no mention in IPP of these requirements and whether the Minister has satisfied his section 12 obligations in relation MFish's proposed amendment to the recreational scallop season in FMA9, a sustainability measure.
11. The submitters request MFish that before doing anything further in relation to proposed amendment to the recreational scallop season in FMA9 that MFish take such steps required by section 12 to have the Minister to comply with the Minister's obligations under section 12.
12. There has been some debate on whether there should be a ban on scallop dredging at night. However, night dredging seems to be more of an issue in the Kaipara Harbour than the Manukau Harbour. There maybe a need for MFish to consider a dredging ban during the hours of darkness on the Kaipara Harbour, following consultation with tangata whenua and the local community. We do not support a QMA wide ban on night dredging at this time.

## Conclusion

option4 thank MFish for the opportunity to have input into the process for this very important fishery.

Please keep us informed both in relation to the progress of this proposed sustainability measure, and in further management proposals for this fishery.

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