

31 May 2007

Option4
PO Box 37-951
Parnell
Auckland

Dear Sir or Madam

Proposed temporary closure to the taking of scallops in Kaipara Harbour

The purpose of this letter is to consult with you on the request by Environs Holdings Limited of Te Uri o Hau, Ngāti Whātua and the Kaipara Harbour Sustainable Fisheries Management Study Group (the requestors) to extend the temporary closure on the taking of scallops from the Kaipara Harbour. This request is made under section 186A of the Fisheries Act 1996 (the Act).

Section 186A provides that the Minister of Fisheries (the Minister) may temporarily close an area, or restrict or prohibit the use of any fishing method in respect of an area, by way of a notice in the Gazette if satisfied that the closure, prohibition or restriction will recognise and provide for the use and management practices of tāngata whenua in the exercise of non-commercial fishing rights by:

- improving the availability and/or size of fish, aquatic life, or seaweed; or
- by recognising a customary fishing practice.

Any notice given under section 186A can remain in force for a maximum period of two years. However, a further notice may be given for a further period of up to two years.

Before determining whether or not to give notice under section 186A, the Minister must first consult those who the Minister considers are representative of those persons interested in the species or the area concerned. The Minister must also provide for the input and participation in the decision-making process of tāngata whenua with a non-commercial interest in the species or the effects of fishing in the area concerned. This requirement to consult also applies to requests for extensions to existing closures, restrictions, or prohibitions.

On that basis, this letter serves to consult with you about the proposal to extend the current closure on the taking of scallops from the Kaipara Harbour for a further one-year period.

Background

The Kaipara Harbour is an important customary scallop fishery for Ngāti Whātua. Scallops are found throughout many parts of the Kaipara Harbour, with the major beds currently located in the vicinity of Tinopai and Shelly Beach.

The original request was made in October 2004 for a total ban to the taking of scallops in the Kaipara Harbour within an area inside of a line bounded by the North and South Head. The requestors considered that the levels of scallops within the Harbour at the time were severely depleted, which was of considerable concern to Kaipara marae and the wider local community. While the causes of the depletion were not known, it was considered likely that high levels of scallop taking, combined with poor conditions for recruitment were contributing factors.

The requestors considered it a reasonable expectation that a two-year closure would reduce pressure on the beds so scallops could recover to a size and number that would allow for sustainable fishing by customary and recreational users. It was expected that the temporary closure would also allow time for surveys to be completed on the scallop beds and to introduce a workable management regime through a restricted scallop season.

On this basis, the Minister agreed to a temporary closure to the taking of scallops from within the Kaipara Harbour for a period of two years. The area closed is described in the Fisheries (Kaipara Harbour Temporary Closure) Notice 2005, which came into force on 15 July 2005.

Proposal to extend the temporary closure

The closure has been requested to be reinstated for a further one-year period. The requestors advise that recent anecdotal observations indicate that while there is an increased abundance of juvenile scallops across the area, there is a distinct lack of mature adults. The requestors have indicated that once the further one-year closure has ended, a shortened season for recreational scallop harvesting would help the fishery to be managed sustainably. The Ministry is likely to consult on the length of the season separately, following a Ministerial decision in late 2006 to further investigate how this management measure is applied to the west coast between North Cape and Tirua Point.

The requestors conclude that the scallop population within the Kaipara Harbour has not recovered sufficiently in terms of availability and size during the current closure, and another one-year period is required to ensure they return to a level of abundance and size that allows recreational and customary fishing to resume.

In the near future the Ministry will undertake a survey of the scallop beds in Kaipara Harbour. The results of this survey will be made available to the requestors for their consideration.

Submissions

If you would like to make a submission on the request to reinstate the temporary closure for the taking of scallops in the Kaipara Harbour, please respond in writing by **20 June 2007** to Tracey Smith, Ministry of Fisheries, P O Box 1020, Wellington, or by email to tracey.smith@fish.govt.nz (ph: 04 819 4585).

Yours sincerely



Randall Bess
Spatial Allocations Manager