

7 September 2005

Dear Stakeholder

SETTING OF SUSTAINABILITY MEASURES FOR STOCKS TO BE INTRODUCED INTO THE QUOTA MANAGEMENT SYSTEM ON 1 OCTOBER 2005

This letter outlines my final decisions for the setting of sustainability measures for cockle, non-QMS dredge oysters, pipi, non-QMS scallops and tuatua, which will be introduced into the Quota Management System (QMS) on 1 October 2005.

I have made decisions regarding the setting of Total Allowable Catches (TACs), Total Allowable Commercial Catches (TACCs), other allowances, deemed values, overfishing thresholds, and regulatory proposals for the stocks concerned. My decisions will take effect on 1 October 2005.

In reaching my final decisions, I have carefully considered the available fishery assessment information, MFish's Final Advice Paper (FAP) dated 14 July 2005, and the issues and information put forward by stakeholders for each of the stocks and regulatory proposals in response to the Initial Position Paper (IPP), dated 31 March 2005.

I have also given careful regard to the legislative provisions of the Fisheries Act 1996 (1996 Act), especially those relating to its purpose (s 8), environmental and information principles (ss 9 and 10, respectively), and the setting and amending of sustainability measures (ss 11 and 13).

I take this opportunity to acknowledge your participation in the MFish consultation process. I appreciate the amount of work and effort that went into the formulation of your submissions within the timeframe available.

Pipi, cockle, and tuatua stocks

All remaining stocks of pipi, cockle, and tuatua will be introduced to the quota management system on 1 October 2005.

The total allowable catches (TACs) for these stocks will be set under s 13 of the Fisheries Act 1996. TACs will be set at, or above, a level that is likely to be able to produce the maximum sustainable yield. In some areas, it is considered that these fisheries cannot support further utilisation or development above the level of current harvest. For these stocks, TACs will provide for existing recreational and customary catch, and other sources of fishing-related mortality due to illegal catch. Total allowable commercial catches (TACCs) are generally set at zero in these stocks.

In some other areas, the TAC will provide for some additional utilisation (above current harvest levels). These TACs include existing recreational and customary catch, and provide for other sources of fishing-related mortality. In addition, TACCs are set at a level that can accommodate some commercial fishing.

Pipi

I have decided to set the TACs and allowances for pipi stocks as outlined in Table 1.

Table 1: TACs, allowances, and TACCs for pipi stocks (tonnes)

Stock	TAC	Customary allowance	Recreational allowance	Other sources of fishing-related mortality	TACC
PPI 1B	160	76	76	8	0
PPI 1C	243	115	115	10	3
PPI 2	7	3	3	1	0
PPI 3	19	9	9	1	0
PPI 4	3	1	1	1	0
PPI 5	3	1	1	1	0
PPI 7	4	1	1	1	1
PPI 8	3	1	1	1	0
PPI 9	21	10	10	1	0

Cockle

I have decided to set the TACs and allowances for cockle stocks as outlined in Table 2.

Table 2: TACs, allowances, and TACCs for cockle stocks (tonnes)

Stock	TAC	Customary allowance	Recreational allowance	Other sources of fishing-related mortality	TACC
COC 1B	46	22	22	2	0
COC 1C	72	32	32	3	5
COC 2	5	2	2	1	0
COC 3B	58	27	27	3	1
COC 4	3	1	1	1	0
COC 5	7	2	2	1	2
COC 7C	7	3	3	1	0
COC 8	3	1	1	1	0
COC 9	13	6	6	1	0

Tuatua

I have decided to set the TACs and allowances for tuatua stocks as outlined in Table 3.

Table 3: TACs, allowances, and TACCs for tuatua stocks (tonnes)

Stock	TAC	Customary allowance	Recreational allowance	Other sources of fishing-related mortality	TACC
TUA 1A	84	40	40	4	0
TUA 1B	126	60	60	6	0
TUA 2	7	3	3	1	0
TUA 3	7	3	3	1	0
TUA 4	3	1	1	1	0
TUA 5	3	1	1	1	0
TUA 7	3	1	1	1	0
TUA 8	5	2	2	1	0
TUA 9	102	26	26	7	43

Other management measures for pipi, cockle, and tuatua

I have also agreed to place pipi, cockle, and tuatua on the Sixth Schedule of the Fisheries Act. This provision will allow commercial fishers to return these shellfish to the sea in certain circumstances. It will provide flexibility for dealing with bycatch, or shellfish that are below market size.

Further, daily catch limits for pipi, cockle, and tuatua will be revoked. Commercial fishing for these shellfish species will, instead, be controlled through TACCs.

I have also agreed to make various amendments to regulations that specify where commercial fishing for pipi, cockle, and tuatua can occur in the Auckland Fishery Management Area.

In particular, Regulations 4C and 4D of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 (the Regulations) will be amended to remove reference to Ponui Island and Waihi Estuary as areas in which commercial fishing for cockle and pipi, respectively, may occur. This measure will allow small-scale commercial fishing to continue in Ohiwa Harbour, but will prevent commercial harvesting in other areas of COC 1C and PPI 1C where MFish has no evidence to indicate it would be sustainable.

For tuatua, I have agreed to amend regulation 4A of the Regulations to remove reference to Maketu (Bay of Plenty) within TUA 1B as an area in which commercial fishing for tuatua may occur. Regulation 4A will also be amended to remove reference to areas in TUA 9 currently specified as being available for commercial tuatua harvesting (Ninety Mile Beach; Hokianga Harbour to Maunganui Bluff; and specific areas between Maunganui Bluff and the North Head of the Kaipara Harbour). The Kaipara Harbour will remain open for commercial harvest.

Oyster stocks

The current non-QMS dredge oyster stocks are to be introduced into the quota management system on 1 October 2005.

I note that these dredge oyster stocks are not on schedule 4C of the Fisheries Act 1996 and, as such, have been open fisheries. I consider this inappropriate and look forward to the sustainability constraints entry into the QMS will bring to these stocks.

The TACs for these stocks will be set under s 13 of the Fisheries Act 1996 and will be as outlined in Table 4.

Table 4: Proposed TAC, Allowances, and TACC for dredge oysters (OYS) in tonnes

Stock	TAC	Customary allowance	Recreational allowance	Other sources of fishing-related mortality	TACC
OYS 1	4	1	1	1	1
OYS 2A	4	1	1	1	1
OYS 3	7	2	2	1	2
OYS 4	20	2	2	1	15
OYS 5A	8	2	2	1	3
OYS 7A	4	1	1	1	1
OYS 7B	4	1	1	1	1
OYS 7C	5	1	1	1	2
OYS 8A	4	1	1	1	1
OYS 9	4	1	1	1	1

There is limited information available to assess the sustainability of these oyster stocks. I have, therefore, decided to set TACCs to accommodate expected incidental bycatches of dredge oysters in each area and I have provided nominal allowances in most areas for both customary and recreational fishers. Some slightly larger allowances have been made for areas where information suggests harvest is larger. (OYS 3, OYS 4, OYS 5A & OYS 7C). For all areas, I consider it appropriate that equal allowances should be provided for customary and recreational fishers.

I have also decided to set nominal allowances for other sources of fishing-related mortality based on the potential impacts of dredging as the main fishing method, and to account for some illegal catch.

I also consider it appropriate to put these dredge oyster stocks on the Sixth Schedule of the Act as this will allow commercial fishers who do not hold ACE to return these shellfish to the sea.

Scallop stocks

The substantial scallop fisheries have already been introduced into the QMS (i.e. SCA1, SCACS, SCA4, SCA7). All remaining stocks of scallops will be introduced to the quota management system on 1 April 2006.

The TACs for these remaining stocks will be set under s 13 of the Fisheries Act 1996. TACs will be set at, or above, a level that is likely to be able to produce the maximum sustainable yield. I have decided to set the TACs and allowances for these scallop stocks as outlined in Table 5.

Table 5: TACs, allowances, and TACCs for scallop stocks (in tonnes meatweight).

Stock	TAC	Customary allowance	Recreational allowance	Other sources of fishing-related mortality	TACC
SCA1A	8	3	3	1	1
SCA2A	4	1	1	1	1
SCA3	4	1	1	1	1
SCA5	8	3	3	1	1
SCA7A	4	1	1	1	1
SCA7B	2	0	0	1	1
SCA7C	4	1	1	1	1
SCA8A	4	1	1	1	1
SCA9A	26	12	12	1	1

I note that the information available to assess the sustainability of these scallop stocks is very limited and uncertain. The data available on both commercial and non-commercial catch is not considered to be fully reliable. Although most of these scallop stocks are small, there is considerable interest in these stocks by all sectors. On balance, taking into account submissions received, the uncertainty in the information, and the small size of these scallop stocks, I have decided to adopt a more cautious approach than proposed in the IPP in establishing the level of catch that will maintain these fisheries at or above the B_{MSY} .

I have decided to set TACCs to accommodate incidental bycatches of scallops in each area. I have provided nominal allowances in most areas for both customary and recreational fishers, with larger allowances for the more abundant scallop areas (SCA1A, SCA5, SCA9A). For all areas, I consider it appropriate that equal allowances should be provided for customary and recreational fishers.

As dredging is the main fishing method for scallops, I have decided to set nominal allowances for other sources of fishing-related mortality arising from dredging by all sectors, and to account for some illegal catch.

I have also agreed to place scallops on the Sixth Schedule of the Fisheries Act. This provision will allow commercial fishers to return these shellfish to the sea alive and will mitigate the economic impact if fishers do not hold ACE.

Scallop stocks have highly variable recruitment and growth. To accommodate the annual variability in numbers of scallops, I have agreed that these scallop stocks be added to the

Second Schedule to the Fisheries Act. Listing scallops on this schedule provides the flexibility to make in-season adjustments to the TAC to take advantage of any infrequent increases in abundance.

I note that there is a need to undertake a further review of the scallop fishing regulations within each of the new scallop QMAs.

Yours sincerely

Hon David Benson-Pope
Minister of Fisheries