



23 May 2013

Tēnā koutou

## **New ministerial purpose for issuing a special permit – wild oysters**

Thank you for your submission on a proposal to introduce a new special permit purpose to enable marine farmers to collect wild Pacific oysters to stock their farms. This proposal is made under s 97(1)(c) of the Fisheries Act 1996.

I am writing to inform you that the Minister for Primary Industries has approved this proposal. The new purpose is as follows:

*“To provide interim relief so that marine farmers whose businesses are affected by the oyster herpes virus can take wild (feral) oysters for the purpose of relay and/or transfer onto a marine farm for on-growing and sale without the requirement to hold a commercial fishing permit and land to a licensed fish receiver, subject to food safety requirements.”*

A copy of the Ministry for Primary Industries (MPI) final advice paper can be downloaded at <http://www.fish.govt.nz/en-nz/Consultations/Archive/2013/Special+Permit+for+the+Collection+of+Wild+Oysters+for+Aquaculture+Purposes/default.htm>

The new purpose allows MPI to consider issuing a special permit to a marine farmer to take wild oysters for relay and/or transfer purposes onto their farm. The purpose is valid for a period of three years, and we expect farmers to operate under normal commercial fishing requirements after this time. The oyster virus presents an unusual and special circumstance, and we are keen to help the oyster farming industry recover.

All applications for a special permit under the new purpose must be made on the *Special Permit Application Form*, which can be obtained from the Fisheries Management, Spatial Allocation Team at MPI (phone 03 548 1069, or email [specialpermits@mpi.govt.nz](mailto:specialpermits@mpi.govt.nz)). For more information about the special permit application process, please contact the Spatial Allocation Team.

To assist applicants, we have prepared the attached Information Sheet that outlines the criteria of eligibility to receive a special permit under the new purpose and what information must accompany all applications.

I wish to highlight that MPI will consult with tangata whenua on individual special permit applications. This consultation will provide a further opportunity for iwi to raise any matters specific to individual applications, including concerns about proposed quantities of oysters to be taken and where they can be collected from.

Further, special permits will only allow small distance movements of wild oysters onto marine farms and marine farmers will still need to comply with all food safety requirements. Issues raised in submissions can be effectively managed using special permit conditions.

Please do not hesitate to contact me if you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read "D. Scranney". The signature is fluid and cursive, with a large loop at the end.

Dave Scranney  
**Manager, Spatial Allocations Team**

## **Information sheet for special permit applications to collect wild Pacific oysters to relay/transfer to marine farms**

The Minister for Primary Industries has approved a special permit purpose under section 97(1)(c) of the Fisheries Act to provide interim relief to the oyster farming industry affected by the oyster herpes virus.

The purpose allows MPI to consider issuing special permits to marine farmers to take wild (feral) Pacific oysters for relay/transfer onto their marine farms for ongrowing and sale. With a special permit, a marine farmer would not be required to become a commercial fisher or land oysters to a Licensed Fish receiver; this would save additional costs.

This sheet provides information to applicants about the criteria for issuing special permits under this purpose and the information that applicants will be required to submit.

### **General criteria**

1. The collection of wild Pacific oysters will be restricted to oyster beds within the vicinity of a marine farm (ie, within the same bay or inlet). A permit will allow a farmer to stock their farm with wild oysters and will not authorise them to collect oysters on behalf of other farmers.
2. Large scale movements, and movements from an affected area to a non-affected area, will be prohibited.
3. The permit holder will be required to provide a specialised monthly report that outlines the quantity of wild pacific oysters collected under the special permit.
4. The collection of wild Pacific oysters must not have an unreasonable effect on other Pacific oyster fishers, including customary harvest. Consultation with iwi/hapu to identify any concerns about the proposed collection is required. MPI will contact relevant iwi/hapu when an application is received to inform them about the application and whether they want to engage with the applicant directly.
5. The collection of Pacific oysters from a mātaimai or oyster reserve will not be allowed without written permission from kaitiaki.
6. The permit holder will be exempt from the requirement to use a vessel registered under the Fisheries Act 1996 when taking Pacific oysters. Any vessel used, however, must be registered in accordance with the Animal Products Act 1999.
7. The permit holder will be required to comply with all food safety requirements under the Animal Products (Regulated Control Scheme – Bivalve Molluscan Shellfish) Regulations 2006; administered under the Animal Products Act 1999.
8. This will require a farmer to obtain and hold a 'relay' permit (if necessary) issued by MPI before gathering any Pacific oyster. MPI will require farmers to demonstrate that they hold the relay permit before a special permit can be issued. No food safety requirements apply if oysters collected are less than 37 mm in size (ie, oyster spat).

9. All special permits will expire on or before 12 May 2016. No ongoing rights or expectations will be created by the special permits.

10. The special permit application fee is likely to be waived (to be confirmed).

### **Information requirements for applicants**

1. All applications must be made on the approved form.

2. An applicant must:

- Demonstrate that the oyster herpes virus has adversely affected their oyster farming business.
- Include a copy of their relay permit with their application.
- Advise the location of the proposed collection area to enable effective consultation with relevant iwi/hapu. MPI may direct the applicant to engage directly with iwi/hapu when selecting an appropriate collection area.
- Include the details of the farm that will receive the oysters, (eg location and authorisation number).
- Provide an estimate of the quantities of Pacific oysters they wish to collect.

### **Further information**

If you have any questions or require further information, please contact the Fisheries Management, Spatial Allocations Team at MPI (phone 03 548 1069, or email [Specialpermits@mpi.govt.nz](mailto:Specialpermits@mpi.govt.nz)).