

26 June 2018

Inshore Fisheries Management
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Tēnā koe,

Temporary Closure of Southern Scallop Fishery - 2018/02

Introduction

1. Te Ohu Kaimoana welcomes the opportunity to respond to the “Temporary Closure of Southern Scallop” consultation document, released on 12 June 2018.
2. In developing this response, we have consulted with the majority of the Te Tau Ihu iwi and their feedback has been incorporated. However, our response is not intended to detract from any submission made by iwi or iwi-owned fishing companies.

Who are we?

3. Te Ohu Kaimoana was established to implement and protect the Fisheries Settlement. Its purpose, set out in section 32 of the Maori Fisheries Act 2004, is to “advance the interests of iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to;
 - a. Ultimately benefit the members of iwi and Māori generally; and
 - b. Further the agreements made in the Deed of Settlement; and
 - c. Assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi; and
 - d. Contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.
4. Te Ohu Kaimoana is the representative of 58 Mandated Iwi Organisations (MIOs), who in turn represent all Māori who own the Fisheries Settlement Commercial Assets (Individual Transferable Quota and shares in Aotearoa Fisheries Limited which, in turn, owns 50% of Sealord Group).
5. MIOs have approved a Māori Fisheries Strategy and three-year strategic plan for Te Ohu Kaimoana, which has as its goal “that MIOs collectively lead the development of Aotearoa’s marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent”.

Context

6. The Minister decided to close SCA7 to commercial and recreational scallop fishing for the 2016 and 2017 fishing years, following a significant decline of biomass in the fishery. In Golden and Tasman Bays, scallop biomass collapsed in the 2000s and has remained at

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negligible levels since then. In the Marlborough Sounds, science indicates scallop biomass steadily declined between 2009 and 2015.

7. The iwi of Te Tau Ihu have responded to the closure by taking the Minister’s decision into account when considering whether to issue customary fishing permits for scallops. Our understanding is that this has translated to a zero harvest for customary harvest during the period of the closure.
8. Surveys undertaken in 2017 and 2018 indicate the overall biomass in the SCA7 fishery is not significantly different from previous years. The abundance in Tasman and Golden Bays has remained low, with the main beds of scallops being confined to the outer Marlborough Sounds. In key areas of the outer Sounds there are indications of stunted growth due to high densities. These stunted scallops will not be able to contribute to a fishery if they are not actively managed, but they will contribute to the spawning biomass.
9. Te Ohu Kaimoana considers it highly likely that fishing is not the primary factor contributing to the low biomass of scallops in SCA 7. Rather, we consider that sedimentation run-off from agriculture, forestry and other land-based activities are contributing to the low biomass. A comprehensive research programme was commissioned by MPI in 2017 to further investigate the wider drivers of decline in the fishery. The initial results of this research will become available in late 2018.
10. A new multi stakeholder group is also being established to help form management options and develop an agreed regime for re-opening the fishery. This could occur if there was an opportunity to sustainably utilise scallops in the outer Marlborough Sounds. However, a rebuild of the Tasman and Golden Bay beds will almost certainly require land-based impacts to be better mitigated.
11. In many respects the status of the current fishery mirrors the situation faced in the early 1980s when the fishery was also closed for a number of years. At that time, the prevailing view was that it had been intensive fishing prior to the QMS being introduced that was the main problem. This time round it appears that the primary issue relates to the adverse effects of sedimentation sourced from the mismanagement of land-based activity. We remain hopeful that the forthcoming study will shed some light on the actual cause of the more recent stock decline.
12. The situation in the 1980s was overcome through an investment in fine-scale management - at that time led by the Ministry of Agriculture and Fisheries (who held both research and management responsibilities), working with customary, recreational and commercial interest to establish an enhancement and rotational fishing programme for the main areas of the fishery. These techniques were also trialled in the Marlborough Sounds over that period but were only partially successful. The key management strategy for that area of the fishery was to set a sub-area catch limit for the commercial fishery based on the Current Annual Yield (CAY).

Proposed Options

13. Fisheries New Zealand have proposed two options:

Options	
Option 1	Continue a total closure of the SCA7 fishery, including Port Underwood.
Option 2	No closure. The fishery, including Port Underwood, would be opened to fishing when the season opens on 15 July.

Our Position

14. The two options are remarkably stark - to either keep the fishery closed or to open it (presumably under the existing TAC/TACC settings). Te Ohu Kaimoana supports Option 1.

Commentary

15. The SCA 7 fishery was initially managed under s 14 of the Fisheries Act 1996. This was possible when the fishery was supported by an enhancement programme and rotational fishing regime. However, the Marlborough Sounds fishery has been managed under a CAY strategy for the commercial sector and an open access regime for the recreational sector (subject to a 50 scallop per person daily limit and a seven-month season).
16. While there are still some healthy beds within the Marlborough Sounds section of the SCA 7 fishery, it is apparent that the default management settings that are in place (particularly in relation to the management of the recreational catch) are inadequate. It is important to ensure that part of the fishery would be sustainably managed if it were to be reopened on 15 July 2018. This is the time that the open season for recreational fishing would commence, even though scallops are rarely in a condition for harvest. On the other hand, the commercial sector delay harvesting until the scallops are in the condition sought by markets and so there is time to develop management measures for that part of the fishery if needed.
17. It is important that the proposed multi-sector advisory group be formed so that a finer scale management regime can be developed. This group could also participate in the processes that control the impacts of land-based activity on inshore fisheries.
18. We propose that the multi-stakeholder group should have terms of reference to guide members and comprise sufficient iwi (or their nominated representative body), commercial and recreational representatives.
19. Fisheries New Zealand should consider establishing two groups, one for the Tasman/ Golden Bay area (where the issue is more likely to be management of non-fishery impacts), and another for the Marlborough Sounds (which has a similar issue in the inner Sounds, but in the outer Sounds the challenge is around ensuring sustainable utilisation (if and when the fishery is reopened)).

Noho ora mai rā,



Dion Tuuta
Chief Executive Officer
Te Ohu Kaimoana