

17 May 2021

Mr D Bolger
Fisheries New Zealand
Ministry for Primary Industries
PO Box 10420
Wellington

cc E Taylor
Fisheries New Zealand
Ministry for Primary Industries
PO Box 10420
Wellington

Dear Dan

Comments on proposed temporary closure of the eastern Coromandel coast to the harvest of scallops

1. This submission is presented on behalf of Coromandel Scallop Fishermen's Association and Fisheries Inshore New Zealand Ltd (FINZ) in response to Fisheries New Zealand's (FNZ) consultation on the Proposed temporary closure of the eastern Coromandel coast to the harvest of scallops.
2. FINZ is the Sector Representative Entity for inshore finfish, pelagic and tuna fisheries in New Zealand. Its role is to deal with national issues on behalf of the sector and to work directly with, and behalf of, its quota owners, fishers and affiliated sector representative organisations to engage
3. FINZ also provides management services through regional committees to the quota owners, fishers and Licensed Fish Receivers of fish stocks in FMA1, 2, 8 and 9, as well as species directed work such as for the Coromandel Scallop Fishermen's Association.
4. This submission also had the support of the New Zealand Rock Lobster Industry Council, and the Paua Industry Council. Together with FINZ, the three organisations represent quota owners and commercial harvester in all major inshore fisheries.

Overview

5. FINZ acknowledge the concerns identified by Ngāti Hei in relation to scallops and their recourse to a customary management tool. However, we do not consider that a temporary closure under section 186A of the Fisheries Act 1996 is the most appropriate management response to achieve the desired management outcomes.
6. The best available data does not indicate an abundance decline in the Coromandel scallop fishery and does not support the use of a Section 186A closure.
7. We consider the best manner to advance management of this fishery to achieve desired outcomes can be achieved through recognition and support for the current CPUE management of the fishery and a holistic approach to address the increasing environmental pressures on the fishery.
8. We provide further details below.

Statutory requirements have not been met

No evidence has been provided to show there are any adverse effects from scallop harvesting or customary practices

9. Section 186A states the Minister "must be satisfied that the method is having an adverse effect on the use and management practices of tangata whenua in the exercise of non-commercial fishing rights." The wording 'the Minister must be satisfied' should be consistent with Section 10 of the Act to make sure that decisions are based on best available information.
10. The proposal submitted does not reference or consider the available information on the fishery.

11. No evidence has been provided that suggests that commercial scallop harvesting is having an adverse effect on the use and management practices of tangata whenua in the exercise of non-commercial fishing rights. We believe the Minister is unable to be satisfied of any adverse effect on customary practices as per Section 186A(3) as no information has been provided to demonstrate that a s186A closure will improve the availability or size of scallops or that current commercial harvesting is having an adverse impact on undertaking customary practices.
12. No information is provided to support statements in the application and there is no reference to the best available information associated with the fishery. The best available information from the fishery does not support this application, as the most detailed management approach (Industry CPUE Management Rule) does not indicate a decline in abundance of scallops within the proposed area (**Appendix 2**).

The spatial scale of the application is inappropriate for consideration under Section 186A

13. There is no rationale provided as to why the rahui is being proposed for the whole rohe moana given the concerns raised in the application. Of the concerns raised, the only spatial indication statement was 'along the entire the coastline' but no context is provided. Important information is missing associated with the concerns raised:
 - Were these wash ups in one place or randomly spread across the coastline?
 - What were expected numbers associated with wash ups based on?
 - Under what environmental conditions have scallops historically washed up?
14. In addition, there is no rationale provided as to why the rahui is being proposed for the whole rohe moana. There has been no consideration of where scallops live within the proposed area or any attempt to justify the rationale for the broader application. What consideration has been made to identify scallop beds based on :
 - the location of suitable substrate – scallops are usually found in sand and mud
 - suitable depths – scallops are generally found to be from low tide to 50m depth (but are known to be deeper in some cases)
 - hydrodynamics – they are often found in sheltered waters of harbours, there is a paucity of information about them being found in offshore areas such as proposed by the rohe moana boundaries.¹

Current fishery management approaches and available fisheries data has not been recognised

15. The application does not identify the current management in place for the Coromandel scallop fishery. Commercial fishing is managed in a very disciplined manner by the sector.
16. Since 2009 a logbook programme has been implemented to obtain detailed information from the fishery to manage the fishery at a finer spatial scale.² Appendix 1 and 2 shows the difference in spatial scale of the industry management in place compared to the statutory management. This finer spatial scale data supports the management of commercial fishing of the Coromandel scallop fishery through a CPUE limit management approach.
17. The logbook programme compiles data on a weekly basis, and summaries of catch rates by fishing bed to inform local fishers decisions to rotate their harvest to protect individual beds and the broader abundance and where appropriate voluntarily close scallop beds.³
18. This is a non-regulated approach that local scallop fishers have implemented to "farm" the fishery. The actual management of the commercial fishery is conducted through the CPUE management approach not just the TAC/TACC.
19. This management approach implements an informal at-sea cooperation that limits fishing pressure applied to dense concentrations of scallops and enables fishers to move locations and reduce fishing pressure on beds when large concentrations of small animals re identified.⁴ This is adaptive management applied continuously through the season.

¹ <https://fs.fish.govt.nz/Page.aspx?pk=8&stock=SCACS>

² The logbook data included: daily catch rates by fishing bed (estimated catch and landed catch weight); fishing conditions including vessel speed, wind direction and speed, swell speed and direction; scallop meat recovery rates; and proportion of catch above the Minimum Legal Size (MLS)

³ <https://www.mpi.govt.nz/dmsdocument/4401-FAR-201448-Management-Strategy-Evaluation-for-the-Coromandel-Scallop-Fishery>

⁴ <https://fs.fish.govt.nz/Doc/24041/FSR-2016-01-Scallop-review.pdf.aspx>

20. Management Strategy Evaluations of the Coromandel fishery identified that the Coromandel scallop industry logbook system has demonstrated an ability of industry to manage the fishery.⁵

Aspirations for effective fisheries management will not be achieved through a s186A closure

The proposed closure will not address environmental impacts on the fishery

21. Scallop fisheries worldwide are recognised as being characteristically variable with differences in catch and catch rates within and among years.⁶ As the 2009 FNZ plenary states 'The very high fecundity of this species, and likely variability in the mortality of larvae and prerecruits, leads to great variability in annual recruitment. This, combined with variable mortality and growth rate of adults, leads to scallop populations being highly variable from one year to the next, especially in areas of rapid growth where the fishery may be supported by only one or two year classes'.⁷
22. The application has no evidence to support the assertion that any abundance change is associated with harvesting of scallops and it is not supported by the available information. FNZ's plenary states that variability in scallop populations is highly variable and that 'this variability is characteristic of scallop populations world-wide, **and often occurs independently of fishing pressure.**'⁸ This is supported by Currie and Parry (1996) who identified that reductions in scallop densities caused by dredging were usually small compared with annual changes in population density.
23. The available scientific literature as raised in the previous points, and the CPUE data available from the fishery, collectively suggest that there is no evidence to support the assertion that any abundance change is associated with commercial harvesting of scallops.
24. Effective fisheries management will not be achieved without addressing environmental impacts. The recent reduction in commercial effort on the eastern side of Coromandel is associated with environmental changes and terrestrial activities adversely impacting the fishery. Examples include:
- Environmental changes e.g., hydrodynamic changes and climate change impacts
 - Terrestrial runoff because of land use changes e.g., increased population and forestry
 - Sedimentation, siltation and heavy metal build-up because of land use including dredging and spoil disposal progressively smothering beds
25. FNZ has acknowledged the need to recognise environmental drivers on fish stock abundance. We consider that FNZ could be a stronger advocate for fisheries protection. FNZ should be actively engaging with Councils and terrestrial stakeholders on the impacts of land use on the marine environment. The draft National Inshore Fish Plan has a dedicated section referring to progressing ecosystem-based fisheries management, yet when there are species specific opportunities to progress this, there is a lack of clarity on how FNZ intend to do this.

We are supportive of stakeholder aspirations to engage on upcoming research

26. We support the aspirations of all stakeholders having access to Fisheries New Zealand scientific outputs and note that upcoming proposed Fisheries New Zealand research programme will be made public through established and recognised public forums.
27. However, we consider the third request as part of the application which requests prior access to the upcoming research by Fisheries New Zealand and its contractors in determining stock abundance in the Coromandel scallop fishery (SCA CS) should not be granted through this section 186A application. Rather the applicants should participate in the science process with its disciplines and protections to ensure robustness in the results.
28. As demonstrated by the references in this proposal there is publicly available information on SCA-CS and upcoming Fisheries New Zealand research will be made public through established and recognised public forums.

⁵ <https://www.mpi.govt.nz/dmsdocument/4401-FAR-201448-Management-Strategy-Evaluation-for-the-Coromandel-Scallop-Fishery>

⁶ https://fs.fish.govt.nz/Doc/21783/85_SCA-CS_09.pdf.ashx

⁷ https://fs.fish.govt.nz/Doc/21783/85_SCA-CS_09.pdf.ashx

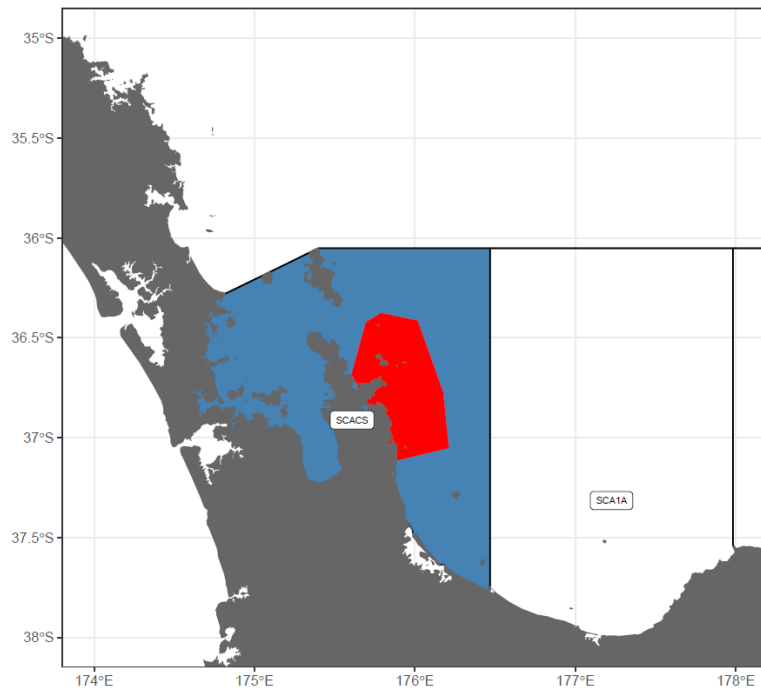
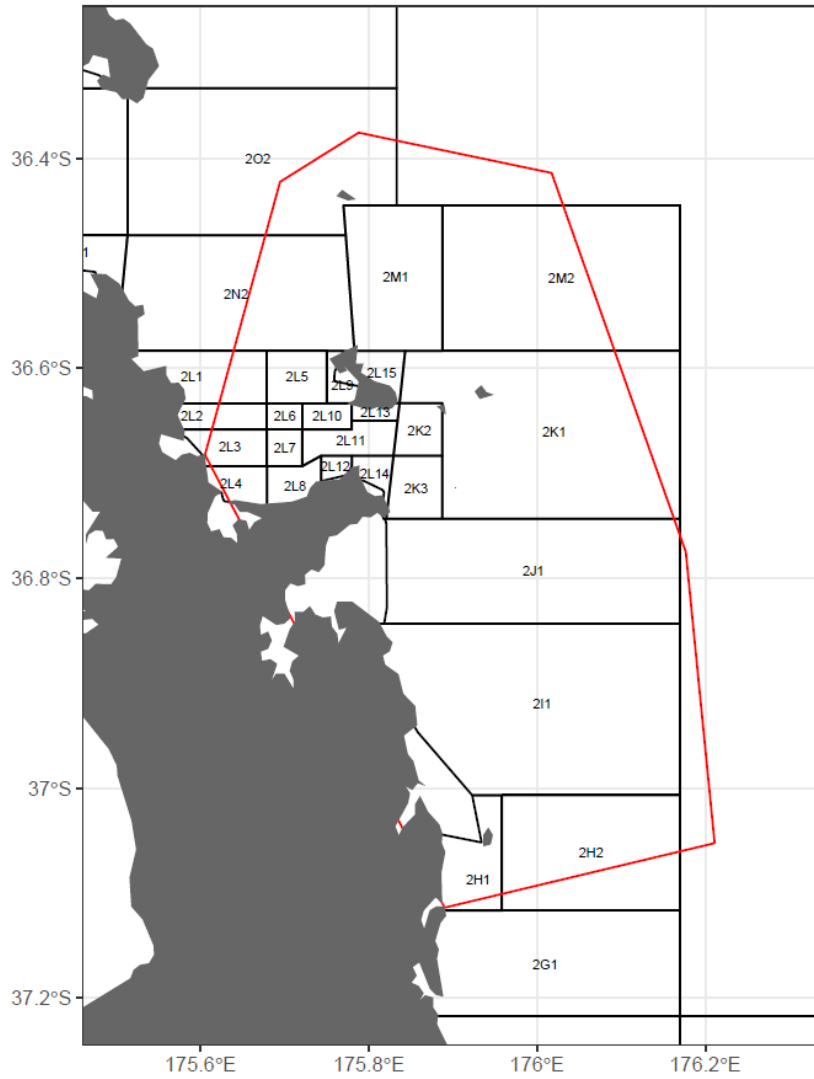
⁸ https://fs.fish.govt.nz/Doc/21783/85_SCA-CS_09.pdf.ashx

We support the aspirations of advancing management of the fishery

29. We empathise with the frustrations identified in the proposal that FNZ has not been more actively managing / advocating for this fishery. We are equally frustrated with the level of inaction around the management of the fishery and the lack of recognition and publication of the current fishery management approach implemented by the commercial sector for this fishery.
30. Since 2009 CSFA has been advocating for recognition of the fine scale management and has been promoting the establishment of a S11A fisheries plan for coromandel scallops fishery. The proposed S11A fisheries plan would support multi-sectoral management and address the need to advance holistic management for this fishery.
31. Dialogue between all stakeholders (terrestrial and marine) is needed to address the dynamic between environmental impacts on end users and the role of national, local and regional councils on this.

Appendices

Appendix 1 Spatial scale of the application associated with the Industry CPUE management approach management spatial scale (top) and the statutory QMA management (bottom)



Appendix 2 Summary of effort and abundance trends indicated by Catch Per Unit Effort management for the scallop beds within the proposed closure area since 2013.

Green bars indicate weekly catches for each area where the catches were above the CPUE limit, orange bars indicate where CPUE was below the soft CPUE limit which then means fishers look to shift their effort to a new area, and purple indicate where CPUE was below the hard limit – which closes the area for the season.

