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27 July 2018

Submission: We support the closure of the Kaipara Harbour to all harvest of scallops until abundance is restored.

Recommendations

1. The Minister closes the Kaipara Harbour to all harvest of scallops until abundance is restored.

The submitters

2. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the proposal to close the Kaipara Harbour to all harvesting of scallops under section 11 of the Fisheries Act 1996. Fisheries New Zealand (FNZ) advice of consultation was received on 4 July, with submissions due by 27 July 2018.
3. The New Zealand Sport Fishing Council is a recognised national sports organisation with over 34,000 affiliated members from 56 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz. Together we are *'the submitters'*.
4. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996]
5. The submitter's continue to object to FNZ's truncated consultation timetables. It has been impossible for us to consult with our constituents on the 17 various proposal papers issued by FNZ, and respond within 18 working days. In our view this timeframe does not allow for adequate consultation. It is particularly offensive for non-commercial organisations such as ours that need to consult with a range of interests and volunteers nationwide. This is unacceptable consultation and, in our opinion, most likely unlawful as per ss12 & 13 of the Fisheries Act 1996 and as judged by the Court of Appeal¹.

¹ International Airport Ltd and Air New Zealand (CA 23/92, 73/92[1993] 1 NZLR 671).

6. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Background

7. A seasonal closure to scallop harvesting applies between 1 April and 31 August each year. The Minimum Legal Size for recreational harvest is 100mm and a 20 per person, per day bag limit applies.
8. The Kaipara Harbour is already closed to the commercial harvest of scallops. Best information suggests there is a sustainability risk to the scallop population in the Kaipara Harbour. The most recent 2017 scientific survey indicates abundance is low and the distribution of scallops is increasingly limited. There are few scallop beds holding scallops of harvestable size. Survey results show low juvenile scallop abundance, and sampled scallops within the Harbour were in poor condition with several diseases detected.
9. There have been three earlier closures of the Harbour to scallop harvesting under section 186A of the Fisheries Act 1996, from 2005-2007, 2007-2008 and 2008-2009. Closing all or significant parts of a scallop fishery has proven to be a successful strategy to rebuild scallop numbers, in New Zealand and overseas.

FNZ proposal

10. Fisheries New Zealand has proposed an indefinite closure to all harvest of scallops from the Kaipara Harbour under section 11 of the Fisheries Act 1996.

Table 1: Proposed options for the taking of scallops in the Kaipara Harbour

	Management action
Option 1 (<i>Status quo</i>)	No changes made to current management.
Option 2	Close the Kaipara Harbour to the taking of scallops as a sustainability measure under section 11 of the Fisheries Act 1996.

Submission

11. The submitters support **the closure of the Kaipara Harbour until scallop abundance is restored.**
12. It is clear that degradation of benthic habitat has reduced the ability of the scallops to reproduce and repopulate the surrounding area.
13. This effect can be seen in other areas around New Zealand, such as the Marlborough Sounds and Golden Bay regions.
14. Intensified land use activities are likely playing a large role in the sedimentation and destruction of sensitive habitat, crucial in the lifecycle of scallops.
15. More work must be completed in order to properly understand and develop mitigation techniques if we are to improve the overall health of scallop and other important fisheries.

16. The use of dredges, both commercial and recreational, needs to be restricted in important and sensitive areas across all New Zealand inshore waters to allow for proper restoration of the scallop populations.
17. The resuspension of sediment, removal of benthic structure important in larval settlement, and the destruction of other benthic organisms reduces the quality of benthic ecosystems.
18. The submitters note that the closure will be in place indefinitely, until new scientific information suggests scallop abundance has rebuilt to a level that can support harvest.
19. The submitters note another scallop abundance survey is planned for 2020. Information from that survey is expected to inform future decision-making.