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Submission: We support the application by Ngāti Hei for a 2-year temporary closure around the eastern Coromandel coast to the harvest of scallops under section 186A of the Fisheries Act.

Opito Bay Ratepayers' Association

1. The Opito Bay Ratepayers' Association (OBRA) was formed in December 1992 with a focus on:
   (a) Protecting and promoting the interests, activities and concerns of the ratepayers of Opito Bay and Matapaua Bay
   (b) Acting for the preservation, protection and enhancement of the natural character and sustainable use of the coastal environment, the coastal marine area and the environment generally within and surrounding the defined territory.
2. The Association continues to provide active representation of the community, particularly in respect of plans and decisions of Thames Coromandel District Council. The Association funds and manages numerous community activities and initiatives, ranging from the provision of safety and medical equipment to community wide recreational and social activities.
3. The Association has become increasingly involved in environmental and sustainability issues over the last ten years, including having overall responsibility for:

(a) Dune restoration
(b) Planting of native species
(c) Wilding Pine clearance
(d) Walking Track clearance and maintenance
(e) A Pest Free Opito program
(f) Membership of the Sustainable Coastlines beach assessment programme.

4. Working with Ngati Hei and Legasea, we secured overwhelming community support for a voluntary rāhui on the Opito Bay and other eastern coromandel scallop beds in December 2020, as a precursor to the current application for a 2 year temporary closure. The extent of support is evidenced by significant funds raised from the local community to support a scientific survey of and report on the scallop bed (due for completion this month) and continue promotion of the rahui.

5. We are available to discuss this submission in more detail if required, and would like to be kept informed of future developments. Our contact is email prcook@me.com, telephone 021 924329.

Submission

6. We support the application by Ngāti Hei for a two-year closure of fisheries waters around the eastern Coromandel coast to the harvest of scallops (tipa) under section 186A of the Fisheries Act 1996.

7. We acknowledge Ngāti Hei in their efforts to replenish our scallops by applying a customary fisheries management tool.

8. The Minister must act now to close the scallop beds to all harvest, to enable scallop beds to recover from years of intensive dredging, and to reinvigorate spat settlement. More scallops will better provide for the cultural, social, and recreational needs of Ngāti Hei and the local community.

9. We want to acknowledge efforts made by Ngāti Hei to work alongside the community in educating the public on the need to address depleted scallop numbers. In December 2020, Ngāti Hei declared a rāhui on scallop harvesting in Opito Bay, and the Opito Bay community simultaneously announced a voluntary ban on the recreational harvest of scallops for the 2020-21 season.

10. Tourists and locals alike were respectful of the rāhui and the voluntary ban over the summer, helping Ngāti Hei in highlighting issues of fishing pressure on shellfish populations and marine ecosystem health. There has been no sightings reported of scallops taken on the Opito Bay bed since the voluntary rāhui was enacted.

11. Further support was evidenced in the recent decision of the Whitianga Scallop Festival Organisation to rebrand as Whitianga Oceans Festival and express their strong support for the rāhui.

12. We are concerned the issue of depleted scallops in the Coromandel cannot be solved solely by applying customary fisheries management tools such as a temporary closure.

13. One of the main causes of scallop depletion in eastern Coromandel is repeated use of the Victorian Box Dredge as the main method to harvest scallops in the Coromandel fishery. These dredges cause long-term damage to the benthic environment, which contributes to

the declining health of marine ecosystems, and is not economically viable for fisheries in the future. David Parker, the Minister of Oceans and Fisheries, has a wide range of management tools available under the Fisheries Act 1996, and it is not up to mana whenua or the general public to rebuild severely depleted fish and shellfish populations.

(a) **We recommend** the Minister prohibits the use of bottom trawl and dredges from our inshore waters, and the Hauraki Gulf in particular.

14. Consistent anecdotal evidence from recreational divers at Opito Bay supports the view that the scallop population has been in decline for many years, and is showing no signs of recovery. Similar concerns have been expressed about other Coromandel scallop beds at Great Mercury Island, Otama and Kuaotunu.

15. Finally, we submit that conservation is far simpler than restoration of a fish stock from the brink of collapse in a damaged ecosystem.

Wider concerns

16. The submitters acknowledge concerns by other iwi and communities that displacement of effort due to a temporary closure in the applicant area may mean increased shellfish gathering in other areas of the Gulf. These are valid concerns that need to be addressed.

(a) **We recommend** Fisheries New Zealand facilitate conversations between mana whenua and the wider community to ensure people understand the importance of the temporary closure and the potential need for the Minister to reduce overall harvest levels in the future.

17. We submit that the Total Allowable Commercial Catch (TACC) alone is not an effective management tool for scallops, and that a mix of input controls such as effort, area, and catch limits is more appropriate.

(a) **We recommend** the Minister consider a TACC reduction or a buy-back of quota in the Coromandel scallop fishery (SCA CS) given the following factors –

i) The decline of scallop abundance over recent years;

ii) The lack of any reasonable rebuild of abundance in the Challenger scallop fishery that has been closed since 2016;

iii) The reduction over time in the Coromandel commercial scallop fleet, from 23 vessels down to four;

iv) The size of the proposed closure area under s186A.

18. The submitters are concerned the fundamental drivers contributing to depletion and biodiversity loss cannot be addressed solely by applying customary fisheries management tools such as a temporary closure. The aim of fisheries management ought to be the conservation and restoration of biodiversity and the functioning of ecological systems. To achieve these goals the broader issues of habitat protection and reducing mortality must be addressed.

19. Fundamental to all functions undertaken in fisheries management is the dual purpose of section 8 of the Fisheries Act, which is to "provide for the utilisation of fisheries resources while ensuring sustainability". Ensuring sustainability is further defined as "(a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs

of future generations; and (b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment".

20. Bottom trawling and shellfish dredging using the Victorian Box Dredge are archaic industrial-scale fishing techniques that damage the benthic environment. With every drag of the trawl net or every sweep of the scallop dredge damage is inflicted on the seabed and the organisms trying to grow on it.

    (a) **We recommend** the Minister prohibits the use of bottom trawl and dredges from our inshore waters including the Hauraki Gulf.

21. A ban on bottom trawling and dredging is supported by the statutory requirements set out in the Hauraki Gulf Marine Park Act 2000. Sections 7 & 8 are important in recognising that the interrelationship between the Gulf's natural resources and its life-supporting capacity is of national significance. Section 7 of the Act spells out the significance:

    S7(2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity –

    (a) to provide for –

        (i) The historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and

        (ii) The social, economic, recreational and cultural well-being of people and communities:

    (b) To use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:

    (c) To maintain the soil, air, water, and ecosystems of the Gulf.

22. The submitters are concerned that the responsibility for rebuilding or protecting local populations of fish and shellfish is falling on the shoulders of mana whenua. This responsibility is weighing heavily on under-resourced iwi and hapū.

23. Moreover, the statutory powers available to iwi and hapū are limited. Some hapū and coastal communities are now seeking remedies under the Resource Management Act (RMA). The RMA, section 186A of the Fisheries Act, and other customary management tools were not designed to rebuild severely depleted fish and shellfish populations. That is the role of the Minister who has a suite of tools available under the Fisheries Act 1996.

24. The boom and bust cycle in scallop fisheries is not new, it has been obvious for many years. The use of evolving technology has enabled the discovery and exploitation of the last refuges of a once-prolific fishery. For example, in 2011 a large scallop bed was discovered in the Hauraki Gulf (2W) and this provided good catches from 2011 to 2013. Fisheries NZ report fishing in that area "*ceased soon after,"* and by 2015 biomass was "*very low*". It is sad that Ngāti Hei and locals struggle to recall the last major wash-up of scallops after a storm event, with only a couple in the past decade involving much smaller numbers than expected.

Additional Observations

A review of the literature confirms that the issues encountered in the scallop fisheries throughput New Zealand is consistent with international experience. In particular, there is widespread and

consistent recognition of the inefficiency and damaging nature of the various types of dredge used throughout the world, both on the scallop population and the associated marine environment. The following extracts from a 2004 ***Review of dredge fishing technologies and practice for application in New Zealand*** prepared for the Ministry of Fisheries highlight the fact that the problems associated with dredging are well known and understood, and that nothing has changed in the 17 years since this report was published, other than a continuing decline in the health of the scallop beds.

- *In New Zealand, the Fisheries Act (1996) provides for the utilisation of fisheries resources while ensuring Sustainability, where sustainability means avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment. All persons exercising or performing functions, duties, or powers under this Act, in relation to the utilisation of fisheries resources or ensuring Sustainability, shall take into account that habitats of particular significance for fisheries management should be protected.*
- *The main and most apparent effects of continued dredging on a shellfish ground are loss of species heterogeneity and diversity as epibenthic organisms are removed as well as a reduction in habitat complexity as sediment is homogenized.*
- *Until recently, development of scallop dredge technology has focused on improving the catching efficiency of the gear with little thought given to devising gear that is efficient but also less damaging to the environment. There is growing international opinion that the damaging effects of mobile fishing methods such a dredging and trawling on the seafloor are no longer acceptable. The basic design of the New Bedford ring-bag dredge has changed little over the last 60 years, except for an increase in weight and dimensions and there has been little progress in addressing the issues of incidental mortality and habitat destruction.*
- *Indirect mortality measured by shell breakage was between 0 and 18% for scallops retained (landed), and breakage increased with scallop size. Direct mortality for those scallops not retained but located by divers in or near the dive track was between 0 and 8%. However, when deaths over the next month of scallops that had encountered the gear were taken into account the estimated total indirect mortality from the box dredge was between 13 and 52%, increasing with size, and total direct mortality was 1 to 29%. The higher mortality for retained scallops may occur when scallops are tipped on to the sorting tray.*
- *A study of the sponge and bryozoan community between North Cape and Cape Reinga, and the extent to which fishing affected benthic community structure, was carried out in 1999. The epibenthic communities of sponges and bryozoans were found to be diverse, comprising many endemic species. Comparisons with epibenthic fauna samples collected from non-target catch from scallop dredging between 1996 and 1998, indicated that sponges and other epibenthic filter feeding colonial animals were most affected by scallop dredging in this region, with a marked decline in richness of sponges. The results of the survey suggest that scallop dredging has had a significant impact on the diversity and richness of epibenthic fauna in this area and by inference other areas in Northland that are more heavily fished.*

Paul Cook

Treasurer, Opito Bay Ratepayers Association