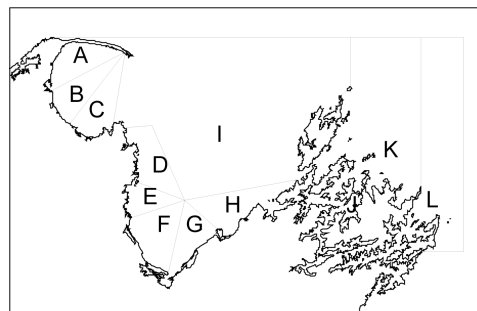


Proposal summary and draft recommendations

For the New Zealand Sport Fishing Council

MPI review of sustainability controls for southern scallops (SCA7)

5 February 2014



Quota Management Area (QMA) for SCA7

The Ministry for Primary Industries (MPI) is seeking feedback on its two proposed options for the future management of Scallop 7 (SCA7), between Cape Farewell and the Tory Channel at the top of the South Island. Both options are unacceptable and recommendations have been drafted for Board consideration.

MPI has limited consultation to 18 working days. Any changes will be implemented by 1 April 2014. Please forward your feedback ASAP to John Holdsworth at John@bluewatermarine.co.nz or Trish Rea at trish@legasea.co.nz. Submission deadline is 21 February.

MPI proposals

Table 1: Proposed TAC, TACC and allowance options for SCA 7 (tonnes, meatweight)

| Option | Allowances | | | | Other sources of fishing-related mortality (t) |
|--------------------------------|------------|----------|---------------------|------------------|--|
| | TAC (t) | TACC (t) | Māori Customary (t) | Recreational (t) | |
| Option 1 (<i>Status Quo</i>) | 827 | 747 | 40 | 40 | 0 |
| Option 2 | 130 | 46 | 40 | 40 | 4 |

Recommendations

- NZSFC submit by 21 February 2014, reiterating the need to rebuild the SCA7 fishery.
- NZSFC propose an alternative management option - the Minister agrees to vary the Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC) and allowances for SCA7 as follows:
 - Set the TAC at 50 tonnes
 - Make an allowance for Maori customary interests of 20 tonnes
 - Make an allowance for recreational interests of 20 tonnes
 - Make an allowance for fishing related mortality of 10 tonnes
 - Set a TACC of zero in Golden Bay, Tasman Bay and the Marlborough Sounds.

Any scallops within the Marlborough Sounds above the non-commercial yield are required to remain in the water to support the marine ecosystem.

Preliminary comments

Option 1 (*status quo*):

Given the current stock status it is inconceivable the Total Allowable Catch (TAC) and TACC, set in 2002, remain intact. The Minister has a lawful duty to sustainably manage this fishery to maintain the potential to meet the reasonably foreseeable needs of future generations, pursuant to s8(2)(a) of the Fisheries Act 1996. When there is known fishing related mortality the Minister is obliged to set aside a tonnage to allow for it -

- There is relatively high mortality associated with dredging scallops and this cannot be ignored.
- While unknown, there will be a level of illegal or unreported scallop harvest that must be allowed for within the TAC.

Option 1 ignores the lost productivity associated with ongoing dredging of the seabed, despite their acknowledgement of environmental changes. MPI note *“it appears that the benthic habitat in Golden and Tasman Bays is no longer suitable for scallops.....reasons for the decline in Golden and Tasman Bays are being investigated. Other shellfish stocks in this area have also declined and it appears that the suitability of benthic habitats for scallops might be lower now than in the past”*.

Commercial interests have hammered this fishery since the early 1960s. By 1975 landings reached 1244 t with a fleet of 245 vessels. The fishery was closed by 1980. It later reopened with an agreed enhancement and rotational programme in place. Last season Golden and Tasman Bays were closed and 11 boats fishing in the Marlborough Sounds landed 43 tonnes.

- Given the purpose and principles of the Fisheries Act 1996 the Minister cannot lawfully agree to option 1 for the SCA7 fishery.

Option 2:

MPI propose to reduce the TAC from 827 to 130 tonnes, and the TACC from 747 to 46t. MPI also propose the Minister sets aside 4t to allow for fishing related mortality. In the absence of any data in the Ministry's Discussion Paper it is impossible to determine if the proposed 4t allowance is sufficient. MPI consider option 2 better meets the requirement to set a sustainable TAC, under s14 of the Fisheries Act and complies with the draft National Fisheries Plan objective, to protect spawning stock by limiting catch to recent low levels until the fishery rebuilds. However, a rebuild is most unlikely unless actual catch levels are reduced.

- Option 2 will not reduce real-time commercial catch and a rebuilt fishery is unlikely.

The Directors of the Challenger Scallop Enhancement Company (CSEC) do not support a change in the TAC even though option 2 would reduce cost recovery levies from \$200K to less than \$15K. Most scallop fishers are sole operators selling to a processor. A 94% cut to these individuals' quota/ACE will probably spell the end of the smaller fisher who cannot afford to buy ACE and stay afloat. The companies and bigger boats will likely take over what is left.

Despite the Ministry's initial views, is difficult to envisage the recreational and customary allowances surviving this review intact. Commercial interests are likely to challenge both the 40t allowances, and highlight the imprecise data associated with those harvest levels. Interim survey estimates indicate around 11t of recreational harvest, mostly from the Marlborough Sounds. About 60% of overall recreational catch is reported as coming from Cape Komaru to D'Urville Island. The harvest estimates exclude catch taken from charter vessels or commercial crews using s111 approvals.

Not all customary catch is reported as there are two regimes operating, one is a voluntary scheme, the other has mandatory permit reporting requirements. MPI is not clear if the limited number of authorisations issued reflects the level of concern by tangata whenua for the low stock levels, the lack of issuance of mandatory reporting permits or whether tangata whenua are still operating under the voluntary regime.

Scallop 7 fishery

Scallop abundance is naturally highly variable between and within seasons. Scallops are at the lowest levels since surveys began in 1998. Low abundance in Golden and Tasman Bays has led to a recent voluntary commercial closure in these areas. Commercial effort is now focused within the Marlborough Sounds. This has led to increased conflict with recreational interests. SCA7 has been managed on an enhanced and rotational basis since the 1990s, by the Challenger Scallop Enhancement Company (CSEC), owned by SCA7 quota owners. The last fishing season was the first where the CSEC and recreational fishers could not agree on a closure strategy for the Marlborough Sounds.

Average commercial landings have been less than 50 tonnes (t) over the past few years. The proposed TACC in option 2 reflects average survey biomass of the Marlborough Sounds over the past five years, with a 20% exploitation rate applied. Controls include a 90mm Minimum Legal Size (MLS) for commercial fishers, a maximum dredge size and number, number of days fished, daylight fishing only and a commercial season from 15 July to 14 February.

Scallops are highly valued by recreational interests and a taonga [treasure] for customary interests. Scallops are harvested by dredging or diving. The recreational MLS is 90mm. The daily bag limit is 50 per person.