

NZSFC Summary

Review of Surf Clam 7 management proposals

MPI are reviewing the Total Allowable Catch (TAC) and Total Allowable Commercial Catch (TACC) for four species of Surf Clam: Deepwater Tuatua (PDO), Large Trough Shell (MMI), Ringed Dosinia (DAN), and Triangle Shell (SAE), in Quota Management Area 7 (QMA7). Substantial TAC and TACC increases have been proposed for all species, with the alternative being the status quo. The Initial Position Paper (IPP) was released on 14 January and **submissions are due by 11 February**. Any changes will apply from 1 April 2016.



This paper reviews the available information, highlights concerns and provides a recommendation that the New Zealand Sport Fishing Council submit a brief response to MPI.

Feedback

Please review this information and provide your earliest **feedback, by 9 February**, so it can be incorporated into a New Zealand Sport Fishing Council submission. Contact Trish Rea trish@moanaconsultants.co.nz or Josh Barclay josh@legasea.co.nz.

Recommendations –

The New Zealand Sport Fishing Council submit a brief response objecting to the proposed TAC and TACC increase for Surf Clam 7 stocks on the basis of:

- Inadequate biomass and biological information.
- A statutory requirement to consider the importance of Surf Clams to sustaining biodiversity and ecosystem function, and impacts on other species.
- A management and research plan is required before any TAC increases.
- While the Minister may have broad discretion in decision-making, he has a statutory duty to ensure sustainability. [Supreme Court, 2009]
- Concerns for the environmental impacts of dredging sensitive benthic habitat important for sustaining other species.
- MPI has failed to constrain commercial harvest to the statutory catch limits.
- The Minister has a statutory duty to ‘allow for’ non-commercial fishing interests, these extend beyond just catch. While recreational catch is minimal the community appreciates that having Surf Clams in their natural habitat contributes to peoples’ wellbeings.

The NZSFC submit the following solution -

The New Zealand Sport Fishing Council support the development of a management and research plan before any TAC or TACC is granted in Surf Clam 7. The plan must incorporate the views of the local community and tangata whenua, and enable the Minister to act in a precautionary manner until more information is available on stock levels, fishing impacts, biodiversity and ecosystem function.

Biology

Surf Clam is a collective term for a group of bivalve clams that are found in or immediately beyond the surf zone of sandy beaches down to 10m depth. The surf zone is a high energy zone that allows for rapid growth and reproduction. Surf Clam populations can be subject to localised catastrophic mortality from erosion during storms, high temperatures and low oxygen levels during calm summer periods, blooms of toxic algae and excessive freshwater outflow.

Management

The proposed options are as follows, with Option 1 being to keep the current limits:

Table 1. Proposed management settings for four surf clam stocks in QMA 7.

Stock Options	Total Allowable Catch (t)	Total Allowable Commercial Catch (t)	Allowances		
			Māori Customary (t)	Recreational (t)	Other sources of fishing – related mortality (t)
PDO 7					
Option 1 (<i>status quo</i>)	52	50	1	1	0
Option 2	200	188	1	1	10
SAE 7					
Option 1 (<i>status quo</i>)	112	112	-	-	0
Option 2	235	223	-	-	12
MMI 7					
Option 1 (<i>status quo</i>)	61	61	-	-	0
Option 2	144	137	-	-	7
DAN 7					
Option 1 (<i>status quo</i>)	15	15	-	-	0
Option 2	133	126	-	-	7

The Surf Clam became a QMS species in 2004 with no changes in TACs since. The original TACs were set based on Maximum Constant Yield (MCY) estimates using a 1994 biomass survey. The Shellfish Working Group has agreed that these estimates are outdated and inaccurate. Deepwater Tuatua (PDO) and Triangle Shell (SAE) are the main species of commercial interest, considered a potential, substantial export fishery.

The commercial catch of Deepwater Tuatua (PDO) and Triangle Shell (SAE) has been increasing in recent years. The TACC of PDO was exceeded in 2014/15. The TACC for SAE has also been exceeded, by 44% in 2012/13 and 70% in 2013/14. This excess has prompted a review of the deemed value. SAE and PDO are a target species and listed on Schedule 6 of the Fisheries Act so they may be returned to the sea if likely to survive.

In November 2015 quota owners did a biomass survey in the Cloudy Bay area. For the survey a 100% survey dredge efficiency was used, which would assume that 100% of the clams that interact with the dredge are then landed. This was then used to calculate biomass, biomass is assumed to be underestimated. The results of this survey have been extrapolated and used to form a new biomass estimate and subsequent higher MCY for the whole of QMA 7.

There are currently no estimates of recreational or customary take, it has been assumed that, due to inaccessibility, these will be low. The non-commercial allowances will be retained at current levels. MPI request input from submitters on levels of non-commercial catch as insufficient data is currently available.

Initial views

The Shellfish Working Group (SWG) has agreed that the proposed TACs would be low risk for the short/medium term. However, lack of data is a problem and the SWG recommend that a new management and research plan be developed in 2016. Benthic damage from this trawling is assumed to be very low due to these species being found in the surf zone, the dredge marks are reported to be washed away within 20 minutes. Low levels of bycatch have been reported.

In 2015 local recreational fishers called a public meeting to discuss their serious concerns about commercial dredging practices and the main operator, Cloudy Bay Clams, and the lack of management action by the Ministry for Primary Industries. They are concerned MPI has allowed excessive catch to continue under the guise of “research”. Also that the deemed value (DV) rate of \$1.02 for SAE is too low, making excess catch a profitable exploit. MPI is now consulting on a new DV rate starting at \$5.00 per kilo of excess.

Commercial fishers consider surf clams to be a developing fishery able to sustain year-round harvesting at the proposed new TACC levels. Port price for landed SAE has risen from \$0.83/kg to \$5.00/kg.

MPI view –

MPI have stated that Option 1 is “the most cautious response, but likely to unnecessarily constrain the fishery”. Option 2 “recognises that available abundance in the fishery would allow for the opportunity for increased sustainable utilisation.” Also Option 2, “Based on an export price of \$8.00 per kilogram provided by industry, a 410 tonne increase in commercial catch (across all four Surf Clam stocks) is potentially worth approximately \$3.3 million annually.”

NZSFC concerns –

- Limits have been proposed at or above their own estimates of Maximum Constant Yield (MCY) with little knowledge of other mortality.
- Little consideration given to importance of Surf Clams to sustaining biodiversity and ecosystem function, and impacts on other species.
- Little regard given to the local community’s concerns.
- Data on non-commercial catch is non-existent and assumed to be 0.
- Data used to determine estimates was only collected from single, small area and extrapolated out and applied to the entire QMA.
- Seems counter intuitive to set TACs, and then design a new management and research plan.
- Surf Clams are a target species on Schedule 6 yet the TAC and TACC has been exceeded since 2012/13. This fishery is clearly being developed for export markets.
- Granting TACC increases on the basis of ongoing, excessive catch sets a dangerous precedent, encouraging excessive fishing in this and other vulnerable stocks.