



Review of Sustainability Measures and Other Management Controls for Selected Inshore Fishstocks

Final Advice and Recommendations for the Spatial
Closures within PPI 1A

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SETTING OF SUSTAINABILITY MEASURES FOR THE PIPI POPULATIONS AT MAIR BANK AND MARSDEN BANK WITHIN WHANGAREI HARBOUR (PPI 1A)



Figure 1: PPI 1A Quota Management Area

Executive Summary

1. You are being asked to make decisions on sustainability measures for the pipi populations on Marsden Bank and Mair Bank, under section 11 of the Fisheries Act 1996 (the Act). Your decisions relate to proposed area closures to commercial and recreational harvest of pipi. Marsden Bank and Mair Bank are located at the entrance to the Whangarei Harbour, which is the Quota Management Area (QMA) PPI 1A (Figure 1).
2. The pipi populations have experienced substantial decline in numbers over the past nine years at Mair Bank and, between 2010 and 2012, at Marsden Bank. Scientific and anecdotal evidence suggests that pipi are experiencing localised depletion although the direct cause(s) have not yet been identified. While fishing is not thought to be the primary cause, there is an immediate sustainability concern that harvest pressure may inhibit the recovery of the populations.
3. The Ministry for Primary Industries (MPI) proposes three options (refer to Table 1) for your consideration to address the sustainability concern noted above.

Table 1: Proposed options for sustainability measures for pipi at Mair Bank and Marsden Bank

Option 1 (<i>Status quo</i>)	<p>Mair Bank: Fishery is open for customary, recreational and commercial harvest</p> <ul style="list-style-type: none"> • Includes a daily bag limit of 150 pipi for recreational fishers (per person per day) <p>Marsden Bank: Fishery is temporarily closed under section 186A of the Fisheries Act 1996 to recreational and commercial harvest (ends 16 February 2015) supported by a customary rahui.</p>
Option 2 (<i>Mair Bank closure, Marsden Bank status quo</i>)	<p>Mair Bank: Pipi fishery is closed to recreational and commercial harvest under section 11 of the Fisheries Act 1996, supported by a customary rahui.</p> <p>Marsden Bank: Fishery is temporarily closed under section 186A of the Fisheries Act 1996 to recreational and commercial harvest (ends 16 February 2015), supported by a customary rahui.</p>
Option 3 (<i>Mair Bank and Marsden Bank closed using a consistent approach, MPI preferred option</i>)	<p>Mair Bank and Marsden Bank: Pipi fishery is closed to recreational and commercial harvest under section 11 of the Fisheries Act 1996, supported by a customary rahui.</p>

4. MPI's preferred approach is Option 3, to close both Mair Bank and Marsden Bank to the harvesting of pipi using a sustainability measure under section 11. Option 3 is considered the best approach to managing the immediate sustainability concern that harvest pressure may inhibit the recovery of the populations. Option 3 provides a more consistent approach than Option 2 as it would manage both banks under the same measure. The closure would be put into a single Gazette notice, which provides clarity to stakeholders in terms of accessibility of the law (i.e. the closure will be consolidated

in one place under the same regulations). Option 3 acknowledges that the same factors (or combination of factors) are likely contributing to the decline in pipi populations in both banks. Option 3 also acknowledges Patuharakeke hapu's preference for a section 11 closure of Marsden Bank.

5. MPI received six submissions, none of which supported retaining the status quo. The majority of submissions received expressed strong support for Option 3. Closures of both Mair Bank and Marsden Bank were also strongly supported in pre-consultation discussions held with Northland Regional Council, Northport, New Zealand Refining Company (from Marsden Point Refinery), and iwi representatives of Patuharakeke hapu.

Key Considerations

NEED TO ACT

6. In 2010, pipi populations at Marsden Bank suffered a significant die-off. In response to the die-off, in February 2011, a closure of the bank was put in place under section 186A of the Act for the use and management practices of tangata whenua in the exercise of their customary non-commercial fishing rights. The pipi closure was made with strong support from local residents and iwi to implement controls to ensure the recovery of the pipi population. The closure is also supported by a customary rahui. The current closure is due to expire on 16 February 2015 upon which Patuharakeke hapu have indicated their intention to seek a further closure under section 186A.
7. Recent survey results provide evidence of a substantial decline in the adjacent Mair Bank pipi population¹. The current population estimate (73.5 tonnes) is less than 1% of what was estimated in 2005 (10,542 tonnes). In addition, the estimated pipi population at Marsden Bank has declined to approximately 30% of the estimated 2010 abundance² (60 million in 2012 down from 208.8 million in 2010)³. The decline in abundance at Marsden Bank has continued despite the temporary closure to commercial and recreational harvest. MPI considers that the decline in pipi abundance at Marsden Bank and Mair Bank is likely due to related causes.
8. As a result, Northland Regional Council, Northport, New Zealand Refining Company (from Marsden Point Refinery), and iwi representatives have requested an additional closure of Mair Bank to pipi harvesting to assist in recovery of the population.

THE FISHERY

9. Mair Bank is an intertidal sand and shell ebb-tidal delta located at the southern side of the entrance to the Whangarei Harbour, north-eastern New Zealand (Figure 1). Marsden Bank is a sand-bank on the shoreward side of Mair Bank attached to the headland and accessible on foot from the shore at low tide (a relatively small feature compared to Mair Bank). The channel that runs adjacent to Marsden Point restricts access to Mair Bank other than by boat.
10. Mair Bank previously supported New Zealand's largest commercial harvesting industry for pipi. Over 99% of the total commercial landings of pipi in New Zealand were harvested in PPI 1A, averaging 138 tonnes between 2004/05 and 2009/10. Commercial landings began to decrease in 2010 and no commercial harvest of pipi has occurred over the past two years as a result of the population decline. The low abundance of pipi means commercial harvest is no longer considered economically viable at Mair Bank.
11. Pipi on Mair Bank and Marsden Bank are a resource of cultural and recreational significance to local residents and iwi. The Kaimoana regulations enable Tangata

¹ Pawley, M.D.M. (2014). *Population and biomass survey of pipi (Paphies australis) on Mair Bank, Whangarei Harbour, 2014*. Draft report prepared for Northern Regional Council

² Pawley, M.D.M., Smith, A.N.H. (2013). *The distribution and abundance of pips and cockles in the Northland, Auckland and Bay of Plenty regions, 2013*. New Zealand Fisheries Assessment Report 2013/0

³ The survey results for Marsden Bank were published using numbers of pipi, rather than tonnes as was published for Mair Bank. Both estimates show the substantial decline in abundance.

Kaitiaki to issue authorisations for customary fishing⁴. Marsden Bank is currently closed under section 186A of the Act. At the time of the closure, Patuharakeke hapu highlighted that a healthy stock is vital to enable them to meet their customary obligations and duties. As such, the hapu confirmed they would not issue customary authorisations for the take of pipi from Marsden Bank during its closure.

12. Boat users, as they enter and exit the harbour, are the main recreational fishers. Recreational limits for pipi at Mair Bank are 150 per person per day⁵. There are no estimates of recreational or customary mean harvest weights, or harvest estimates specific to Mair Bank.
13. In addition, the thick shell cap⁶ provides physical stability to Mair Bank. The banks play an important role in maintaining the navigable channel for the deep-water port and the stability of the sand spit as the site of New Zealand's only oil refinery. MPI therefore considers that the stability of both banks is of regional and national importance. Both Northport and New Zealand Refining Company stressed this importance in discussion with MPI.

POPULATION STATUS

14. Comparable biomass surveys of pipi on Mair Bank were completed in 2005, 2010 and 2014. The population estimates were 10152 tonnes in 2005, 4450 tonnes in 2010 and 73.5 tonnes in 2014. The 2014 survey estimate is a substantial decrease in the total (absolute) biomass of pipis at Mair Bank since the 2010 survey.
15. Comparable population surveys of pipi on Marsden Bank were completed in 2010 and 2012. The population estimate was 208.8 million pipis in 2010 which declined to 60.0 million pipis in 2012⁷. No harvestable pipi (fishers prefers ≥ 50 mm shell length) were found in the 2012 survey at Marsden Bank, compared to 10.0 million in 2010⁸.

POSSIBLE CAUSES

16. Information on the reasons for the decline of pipi is limited. Mair Bank and Marsden Bank are adjacent banks within the same population and the cause of decline is likely to be the same between these locations.
17. It is commonly perceived that harvest pressure on intertidal shellfish resources has been a major contributor to the decline in shellfish abundance at popular beaches in the Auckland, Northland, and Bay of Plenty areas. Anecdotal information suggests that non-commercial harvest has increased at Mair Bank, but estimates of catch are not available.
18. The 2010 survey concluded that it was unlikely that fishing was a cause of the decline at that time. Two results from the length frequency data suggest that the observed differences in the estimated abundance between 2005 and 2010 are not the result of fishing pressure. Firstly, although there was a decline in abundance between 2005 and

⁴ Fisheries (Kaimoana Customary Fishing) Regulations 1998

⁵ Fisheries (Amateur Fishing) Regulations 2013

⁶ A shell cap can be described as an armouring of the seabed by shells that stabilises the sediments.

⁷ MPI are unable to present figures in tonnes at this time.

⁸ While there is no minimum legal size for pipi, harvesters generally prefer to collect pipi that are > 50 mm shell length.

2010, the proportion of pipi over 60 mm in size was similar to 2005 proportions. Fishers generally target pipi 60 mm or larger. Therefore, MPI would expect any fishery-driven changes to be expressed in this length class first. Secondly, there was a strong signal in the size structure of the population that suggested changes were driven by reproductive pulses, rather than fisheries.

19. In addition, MPI considers that the level of catch from all sectors is unlikely to have been responsible for the decline in the pipi populations at Mair Bank or Marsden Bank. Historical levels of commercial catch were very low compared with the available biomass. While MPI does not have estimates on recreational and customary catch, it would be improbable that non-commercial harvest would remove a level of biomass sufficient to result in the current levels of abundance. The drop in pipi abundance at Marsden Bank, while closed to commercial and recreational harvest, also suggests fishing is not the likely cause.
20. Intertidal shellfish resources are also perceived to be under pressure from other non-harvest related impacts such as environmental degradation (Grant & Hay 2003). Potential stressors include anthropogenic contaminants and changes in the marine environment associated with human activity such as: increased sediment loading, nutrient enrichment and climate change; and, natural processes such as: harmful algal blooms, and diseases/parasite occurrences. Recent investigations highlight that there is the possibility that substances (such as pollutants not measured in the investigation) may have influenced the pipi decline.

LIKELY RECOVERY PERIOD

21. MPI scientists state that it is uncertain if the Mair Bank and Marsden Bank pipi populations will recover, and if so, how long that will take.

Consultation

22. Section 12 of the Act requires you to consult with such persons or organisations you consider have an interest in the stock or the effects of fishing on the aquatic environment in the area concerned, including environmental, commercial, and recreational interests.
23. The process also requires you to provide for the input and participation of tangata whenua having a non-commercial interest in the stock concerned, or an interest in the effects of fishing on the aquatic environment in the area concerned, and have particular regard to kaitiakitanga.
24. On 16 June 2014, MPI released an initial position paper (IPP) consulting on three options to address the decline in pipi abundance at Mair Bank and Marsden Bank (refer to Table 1). The IPP was published on the MPI website. The IPP was also sent to persons and organisations with an interest in review of fisheries' sustainability measures, and pipi specifically, including tangata whenua, environmental, recreational, and commercial stakeholders. The consultation period closed on 1 July 2014 and MPI received six submissions. Full copies of all submissions are provided in Appendix 1. Comments received on the options are discussed below where relevant in the analyses of the final proposals.
25. Prior to public consultation on the IPP, MPI met with the Northland Regional Council, Northport, the Refinery, local iwi representatives and one quota holder representative to discuss the new research results and the pipi population decline at Mair Bank and Marsden Bank. During this consultation, Patuharakeke hapu requested that the Marsden Bank closure be considered and transferred (from a section 186A closure) to the sustainability measures set out under section 11.

FINAL PROPOSALS

26. MPI proposes three sustainability measure options for your consideration in Table 1 above.

Analysis of Options

OPTION 1

27. Option 1 is the *status quo*. Under this option, no additional sustainability measures will be set for the pipi fishery at Mair Bank. Marsden Bank will continue to be temporarily closed to commercial and recreational harvest under section 186A. This closure is also supported by a customary rahui. The section 186A closure is due to end in February 2015. Local iwi have indicated that they will request a further temporary closure of Marsden Bank in the absence of a section 11 closure.
28. Marsden Bank has been closed to commercial and recreational fishing of pipi for three years (since February 2011) with little evidence to suggest rebuilding pipi populations. The decline in pipi abundance at Mair Bank, and lack of recovery at Marsden Bank where fishing does not occur, indicates that there are other factors besides fishing contributing to the decline in the pipi populations.
29. Given the temporary closure has not resulted in a recovery at Marsden Bank, there will likely be a need to extend the closure for an indefinite period of time. Utilising a section 186A closure means that it would need to be reviewed every 2 years, which is likely to be too short a time period to see recovery.
30. With limited information on the causes for the decline, it is known that fishing is an additional pressure that could exacerbate the decline, or affect recovery of pipi populations and any risk on the stability of the bank.
31. Commercial harvesting of pipi at Mair Bank was conducted at a relatively low and consistent level over time until 2010 when landings started to decrease. While MPI does not have information on recreational catch, anecdotal information suggests that recreational fishing pressure at Mair Bank has increased in recent years as observed through increased numbers of boats present at the Bank (as noted by Northport and New Zealand Refining Company staff who observed boating activity).
32. There remains a sustainability risk from continuing with the status quo that fishing activities could exacerbate the decline, or affect recovery, of the pipi population.
33. No submissions supported Option 1. MPI considers the status quo option does not address the need to manage the decline of pipi populations.

OPTION 2

34. Under Option 2, Mair Bank would be closed using a *Gazette* Notice under section 11 of the Act. Marsden Bank would, as in Option 1, stay temporarily closed under section 186A until it is scheduled to reopen in February 2015. Closure of Mair Bank would only apply to commercial and recreational harvest, but would be supported by a customary rahui. Local iwi have indicated that they will request a further temporary closure of Marsden Bank in the absence of a section 11 closure.
35. Option 2 is a more cautious approach than Option 1, but does not acknowledge that the decline in pipi abundance at the two banks appears to be linked. Patuharakeke hapu has

indicated their preference for a section 11 closure of Marsden Bank as well as Mair Bank.

36. One member of the public supported Option 2. MPI supports a closure of Mair Bank, but considers this option does not use a consistent or coherent approach to address the observed decline in the two populations, which are likely being impacted by the same cause(s). Option 2 uses two different management tools, one of which expires in February 2015, and does not address the fact that long term measures are likely required before any recovery in the population would be observed.

OPTION 3 (MPI PREFERRED OPTION)

37. Under Option 3, both Mair Bank and Marsden Bank would be closed to pipi harvesting using section 11 of the Act. As opposed to Option 2, management of the closure of Marsden Bank to pipi harvest would now fall under the section 11 sustainability closure.
38. Option 3 is considered the best approach to managing the immediate sustainability concern that harvest pressure may inhibit the recovery of the populations. Option 3 uses a single sustainability measure to remove the effect of commercial and recreational harvest on the two populations. This sustainability measure has no expiry date, which addresses the fact that long term measures are likely required before any recovery in the population would be observed. Option 3 also provides a more consistent approach than Option 2 in that it would manage both banks under the same measure. This also provides clarity to stakeholders because the closure notice will be consolidated in one place under the same regulations. The closure would be put into a single *Gazette* notice.
39. Option 3 also acknowledges Patuharakeke's preference for a section 11 closure of Marsden Bank. Closure of Mair Bank would only apply to commercial and recreational harvest, but are supported by a customary rahui.
40. Four submissions support Option 3. MPI considers this the most appropriate option given the best available information and the strong support from stakeholders. MPI will work with stakeholders on other related matters such as future monitoring and length of closure. The intention is to maintain the closure until pipi populations recover. MPI will determine what future monitoring needs are required to assess any changes in the pipi abundance and only recommend removal of the closure when stocks have recovered to a level sufficient to sustain harvest.

ADDITIONAL MANAGEMENT CONTROLS

41. There has been minimal compliance intervention required during the current closure at Marsden Bank. Should you agree to a closure at both Mair Bank and Marsden Bank, signage providing information to assist with public awareness will be updated and Compliance and Response staff will continue regular patrols of the area.

Assessment Against Statutory Obligations

42. Your central statutory considerations for setting or varying any sustainability measure are discussed below.

PURPOSE OF THE ACT

43. Section 8 sets out the purpose of the Act - to provide for utilisation of fisheries resources while ensuring sustainability.
- a) Ensuring sustainability means:
 - i. maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and
 - ii. avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment.
 - b) Utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural well-being.
44. The proposed management options seek to ensure the sustainability of pipi stocks by applying sustainability measures, in this case area closures to harvesting. Utilisation is provided by way of allowing the stocks to rebuild for future commercial, customary Māori, and recreational interests.

ENVIRONMENTAL PRINCIPLES

45. Section 9 requires you to take into account the following environmental principles:
- i. Section 9(a) requires associated or dependent species to be maintained above a level that ensures their long-term viability. It is expected that if a harvest closure restores pipi populations then this would provide flow on benefits to associated or dependent species. MPI considers that Marsden Bank pipi populations are connected to Mair Bank pipi populations. A harvest closure is necessary to protect the declining Mair Bank pipi populations from further fishery pressure, and restore the adjacent bank's population.
 - ii. Section 9(b) requires biological diversity of the aquatic environment to be maintained. The proposed closure is likely to remove any additional threat to biological diversity and is considered an indirect tool that could maintain local biological diversity (if pipi populations are restored).
 - iii. Section 9(c) requires habitat of particular significance for fisheries management to be protected. Mair Bank is considered regionally and nationally important for its commercial significance to the national pipi industry, and for the physical protection the bank provides the port and refinery. Marsden Bank and Mair Bank are both considered an important cultural and recreational gathering location for pipi. Closure of the banks will protect these habitats of particular significance

from any further risk of decline that fishing may have on pipi populations and provide a better opportunity for their recovery.

INFORMATION PRINCIPLES

46. Section 10 requires that 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 the following information principles:
- a) decisions should be based on the best available information;
 - b) decision makers should consider any uncertainty in the information available in any case;
 - c) decision makers should be cautious when information is uncertain, unreliable, or inadequate;
 - d) the absence of or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of this Act.
47. In formulating the proposals, MPI has relied on the best available information and outlined any uncertainties in the information in each case.

SUSTAINABILITY MEASURES: SECTION 11 CONSIDERATIONS

48. Section 11(1) of the Act allows you to set or vary any sustainability measure for one or more stocks or areas, after taking into account the following:
- a) Section 11(1) (a) requires you to take into account any effects of fishing on any stock and the aquatic environment. While fishing has not caused the substantial decline at Mair Bank, fishing is an existing pressure on remaining pipi populations. Any further decline could have effects on the stability of the Banks and other unknown aspects of the aquatic environment at Mair Bank. While no fishing has occurred at Marsden Bank under the section 186A closure, pipi populations have not recovered and as such are considered to be a consequence of the same impacts experienced at Mair Bank.
 - b) Section 11(1) (b) requires that you take into account any existing controls that apply to the stock or area concerned. Marsden Bank currently has a temporary closure to the harvest of pipi under section 186A of the Act. This closure has been in place since February 2011 and is due to expire in February 2015. Recreational limits for pipi at the adjacent Mair Bank are 150 per person per day. Total allowable commercial catch (TACC) is 200 t at Mair Bank.
 - c) Section 11(1) (c) requires you to take into account the natural variability of the stock concerned. Given that Marsden Bank pipi populations have continued to decline over several years and not recovered since the temporary closure has been put in place indicates a longer term change than what would be expected under natural variability. It is difficult to confirm the cause(s) of the pipi decline, because of the multiple factors that can affect pipi population dynamics, and the

limited data available on these factors. Recent investigation suggests that the causes could be related to high natural mortality and low juvenile recruitment due to changes to the physical surface habitat of Mair Bank available. However this still does not explain the low densities (as opposed to the decline in the population). There is also the possibility that substances (such as pollutants), that were not measured in the recent investigation, may have influenced the pipi decline.

49. Section 11(2) states that before setting or varying any sustainability measure, you shall have regard to any provisions of:
- a) any regional policy statements, regional plans, or proposed regional plans under the Resource Management Act 1991. The Regional Coastal Plan (the Plan) for Northland aims to promote the sustainable management of resources in the coastal marine area. Under the Plan, the Northland Regional Council seeks to assist in the sustainable management of coastal fisheries and fisheries habitats. The Council achieve this through liaising with MPI, and where appropriate, with the fishing industry, in regard to local fisheries issues.
 - b) any management strategy or plan under the Conservation Act 1987. No management strategy or plan applicable to Marsden Bank or Mair Bank have been lodged, therefore this criterion is not relevant to your assessment.
 - c) sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000. The boundaries of the quota management area for the PPI 1A stock and the Mair Bank and Marsden Bank pipi populations do not intersect with the Hauraki Gulf; therefore this criterion is not relevant to your assessment.
 - d) any regulations under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. Mair Bank and Marsden Bank pipi stocks are outside of the scope of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. There are no regulations relevant to Mair Bank and Marsden Bank, therefore this criterion is not relevant to your assessment.
 - e) any planning documents lodged with the Minister of Fisheries (Minister for Primary Industries) by a customary marine title group under section 91 of the Marine and Coastal Area (Takutai Moana) Act 2011. No planning documents applicable to PPI 1A have been lodged.
50. Section 11(2A) requires you to take into account any relevant conservation services, fisheries services or fisheries plans in considering the proposed sustainability measures. MPI is not aware of any such provisions that would impact on the proposals in this paper.
51. Section 11(3) outlines a non-exhaustive list of sustainability measures that you may set for a stock. Sustainability measures may relate to the areas from which any fish, aquatic life, or seaweed of any stock may be taken. MPI is recommending you close Mair Bank and Marsden Bank to the commercial and recreational harvest of pipi.

52. Section 11(4) allows sustainability measures to be set or varied by Gazette Notice or by recommending the making of regulations. MPI proposes that the sustainability measures be set by notice in the *Gazette*. A *Gazette* Notice is a more efficient way of imposing such controls and are more easily removed or changed as might be required.

Conclusion

53. This paper outlines MPI's final advice regarding sustainability measures in response to substantial decline in the pipi populations at Mair Bank and Marsden Bank. MPI recommends that you choose Option 3 to implement closures to the commercial and recreational harvest of pipi at Mair Bank and Marsden Bank under section 11 of the Act. The sustainability measure provided for under section 11 is considered the best available tool to control the harvest of pipi as soon as practicable. There is broad public and iwi support for the recommended closures.
54. MPI will continue work with tangata whenua, stakeholders and the local council to monitor the pipi populations and to investigate cause of the decline. The recommended closure provides an opportunity for pipi in the area to grow in size and abundance and is the best option for securing long-term fisher benefits from the pipi fisheries. Any reopening of the banks to commercial and recreational harvest in future will be determined based on recovery of the populations.
55. MPI notes that you have broad discretion in exercising your powers of decision making, and may make your own independent assessment of the information presented to you in making your decision.

Recommendations

56. MPI recommends that you either:

Option 1

Agreed/ Not Agreed

- i. **Agree** that no additional sustainability measures will be set for the commercial and recreational pipi fishery at Mair Bank; and,
- ii. **Note** that Marsden Bank will continue to be temporarily closed to commercial and recreational pipi harvesting until February 2015 under section 186A.

OR

Option 2

Agreed/ Not Agreed

- i. **Agree** to close Mair Bank to commercial and recreational pipi harvesting using section 11 of the Act; and,
- ii. **Note** that Marsden Bank will continue to be temporarily closed to commercial and recreational pipi harvesting until February 2015 under section 186A.

OR

Option 3 (*MPI preferred option*)

Agreed/ Not Agreed

- i. **Agree** to close both Mair Bank and Marsden Bank to commercial and recreational pipi harvesting using section 11 of the Act.

Note that sustainability measures will be set by notice in the *Gazette* with a 28 day period for the closure(s) to come into effect **Noted**

Note that the above proposed closures under section 11 and s186A are also supported by a customary rahui. **Noted**

Scott Gallacher
Deputy Director-General
Regulation and Assurance
for Director-General

Hon Nathan Guy
Minister for Primary Industries

/ / 2014

APPENDIX 1: SUBMISSIONS

- Joint submission from: Northland Regional Council, Northport, New Zealand Refining Company (from Marsden Point Refinery)
- David Lourie
- Ruakaka Parish Residents and Ratepayers Association Inc.
- Patuharakeke Te Iwi Trust Board Inc.
- Napo Henare
- Onerahi Yacht Club



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3 June 2014

Steve Halley
Acting Inshore Fisheries Manager
Ministry of Primary Industries
P O Box 2526
Wellington

Tena Koe Steve

SUPPORT FOR GAZETTED S11 CLOSURE OF MAIR BANK

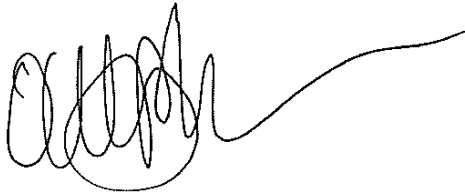
We thank John Taunton-Clark and Victoria Jollands for attending the meeting in Whangarei on 14 May 2014 to discuss the serious decline of the Pipi fishery on Mair Bank and the ongoing management of the fishery.

It was proposed by Mr Taunton-Clark that due to the current state of the fishery that the Ministry of Primary Industries (MPI) would look to issue a closure notice, by way of gazetted notice, under sustainability measures of the Fisheries Act 1996. This closure would reduce any further risk from fishing that would further exacerbate the decline or affect recovery of the fishery until such time as it is deemed appropriate to re-open the fishery.

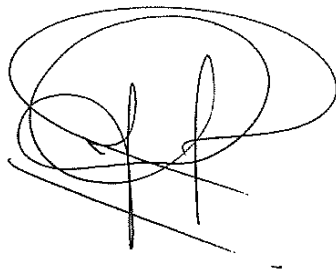
We collectively support closure of the fishery under s11 of the Fisheries Act 1996. It is our joint opinion that this closure process will provide the best and most timely protection of the remaining pipi on Mair Bank. We also support the inclusion of Marsden Bank in this closure as requested by Patuharakeke Te Iwi Trust Board. We consider that the pipi fisheries on these two banks are not only significant locally and regionally, but also nationally because of the armouring/stabilising effect that pipi have on the banks which facilitates ship passage to both the Marsden Point Oil Refinery and Northport. We are fully committed to investigating the reason(s) for the decline and look forward to working further with MPI further on this matter.

Please do not hesitate to contact me should you require any more information or wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, featuring a series of loops and a long, sweeping tail that extends to the right.

Tony Phipps
Deputy CEO/Operations Director
Northland Regional Council

A handwritten signature in black ink, consisting of a large, circular loop followed by a vertical stroke and a horizontal line.

Jon J Moore
Chief Executive
Northport Limited

A handwritten signature in black ink, featuring a large, stylized 'S' followed by a horizontal line and a vertical stroke.

Sjoerd Post
Chief Executive Officer
Refining NZ

Shellfish Submissions Fisheries Management
Inshore Fisheries
Ministry for Primary Industries
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FMSubmissions@mpi.govt.nz

David Lourie
4 Cullen Road
RD 2 Waipu
30th June 2014

Greetings,

As a member of Bream Bay Coastal Care Trust and Forest and Bird, who closely follows local issues I fully support the management concerns and ongoing plans of Patuharakeke as mana whenua mana moana and kaitiaki with regard to these resources/sites.

Patuharakeke Trust Board has for many years played a strong role in the responsible management of coastal and marine resources for the benefit of all of the community.

Yours sincerely

David Lourie
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RUAKAKA PARISH RESIDENTS AND RATEPAYERS ASSOCIATION INC.

PO Box 151, Ruakaka, 0151

30 June 2014.

The Manager,
Fisheries Management,
Ministry of Primary Industries,
PO Box 2526,
Wellington, 6140.

Dear Sir,

Re: Proposed Sustainability Measures with PPI 1A at Mair Bank and Marsden Bank, Whangarei

Our Association **supports** the introduction of measures outlined in **Option 3** of your Proposals to ensure the sustainability of the pipi beds on both Mair and Marsden Banks, Whangarei Harbour. We can see no other alternative to completely closing the banks to all forms of harvesting.

We support Option 3 with the proviso that the closure completely excludes all pipi harvesting, - be it recreational, commercial and customary.

We realise that the cause of the collapse of the pipi stocks on both banks is largely unknown but we feel that a full retrospective investigation of the cause should be undertaken to ascertain if the death of the shellfish has been caused by:-

1. Over Harvesting – especially for commercial reasons,
2. Harbour pollution and contamination
3. Infectious shellfish diseases.

Any closure must be supplemented with **adequate signage and effective policing** of the ban. At this juncture we would point out that the Notice at the end of Mair Road, Marsden Point, advising of the rahui on the taking of pipi from Marsden Bank has been missing for some time.

We ask that during the closure, and afterwards (we are hopeful that the beds will eventually recover), that a regular, rigorous and comprehensive inspection and testing programme will be instituted to fully monitor the health and population of pipi on both Marsden and Mair Banks.

We thank you for your consideration of our Submission.

Warren Daniel,

Secretary

1st July 2014

Shellfish Submissions Fisheries Management
Inshore Fisheries
Ministry for Primary Industries
P O Box 2526
Wellington 6140
FMSubmissions@mpi.govt.nz

Re: Proposed Sustainability Measures at Mair Bank and Marsden Bank, Whangarei

Tena Koe,

The Patuharakeke Mana Moana Roopu, as Kaitiaki gazetted in May 2009 under the Kaimoana Fisheries Regulations 1998, hereby submit this submission in **support of option 3** as proposed in the abovementioned consultation document.

Te Roopu Mana Moana (the Roopu) is a subcommittee of the Patuharakeke Te Iwi Trust Board Inc (PTB) and is authorized to make this submission.

Background

Marsden and Mair Bank are mahinga kai that in the past were primarily used for the gathering of pipi by ahi kaa for sustaining their families. These pipi beds have also commonly been the subject of customary permit issue to provide for tangihanga and hui. The loss of inner harbour sites to environmental degradation and industrialization has meant that these sites are among the last available for gathering clean and healthy pipi in our rohe and are therefore extremely significant to Patuharakeke. Scientific survey and cultural health monitoring results pointing to the decline of stocks on Marsden Bank culminated in our applications in 2011 and 2013 to close Marsden Bank under section 186A of the Fisheries Act 1996.

Our distress at the lack of recovery subsequent to the closure was intensified when PTB were contacted by commercial fishers in June 2012 to bring to our attention a "die-off" at adjacent Mair Bank. It was always part of our plan when we instigated the closure of Marsden Bank to look to Mair Bank as the source of future reseeding stock to regenerate the Mair Bank population. Now this source is at risk of collapse as well. Following these observations PTB made immediate contact with MPI to request an investigation into the cause of the "die-off". Unfortunately swift action was not taken and pipi were not sampled and tested for disease until April 2013. A biomass survey of Mair Bank took even longer to come to fruition and only through collaboration and continued pressure from PTB, Refining NZ, Northport and Northland Regional Council. This biomass survey was carried out in late February of this year. PTB feel that action should have been taken far sooner and we are now faced with an "ambulance at the bottom of the cliff" scenario. Therefore we are now forced to take drastic action and have little choice if we are to protect the remaining stock at these locations.

Submission

We believe the proposed closure is essential to allow us to continue our customary management practices, such as rahui and cultural health monitoring. Simultaneously, it will provide much needed time to work with MPI, the regional council and others to address knowledge gaps and seek answers as to why such a significant drop in the pipi population has occurred.

Patuharakeke originally advanced the suggestion that Marsden Bank also be included in this proposed closure of Mair Bank under s11 of the Fisheries Act 1996 (**Option 3**). As Marsden Bank pipi stocks have not begun to rebuild during the two consecutive s186A closures to date, we feel that incorporating Marsden Bank into the proposed s 11 closure will be more efficient than reapplying every two years to roll over the rahui/s186A closure. Because of the close proximity of the banks to one-another, the fact that they are both affected by dramatic population decline and the same likely causes, and their cultural significance to our hapu we consider it logical to manage them as a single unit for the purposes of management going forward.

An integrated proactive approach by MPI and other relevant agencies and stakeholders, in conjunction with Patuharakeke as mana whenua mana moana, is required to clearly identify the causes of the pipi decline and formulate a plan for their management going forward. It will however be imperative to recognize and monitor possible adverse impacts of the closure on other customary harvest sites, particularly in the Whangarei Harbour.

The closure of Mair Bank is likely to put strain on remaining inner harbour resources of cockle and pipi. Some work has been done to assess the health and abundance of resources such as Snake Bank, but a recent study undertaken by NRC (yet to be published) indicated that stocks at this site were insufficient to be utilized for a proposed reseedling programme at other inner harbour sites.

The way the proposal is currently framed offers no solutions going forward and also implies that the closure could be ongoing or even permanent. Patuharakeke are resolved that this scenario demands more than just a closure. Follow up action is required and MPI needs to actively assist Patuharakeke to monitor our rohe moana and key mahinga kai sites and develop a plan to protect and restore these sites.

We will therefore be seeking MPI's assistance to develop a plan to initiate a mahinga maitaitai reserve application in the near future. We will also be seeking the ongoing support of other agencies such as NRC and stakeholders such as Refining NZ and Northport Ltd.

This will include mapping of mahinga kai, ongoing cultural health monitoring, development of proposed bylaws based on customary tools such as the maramataka, rahui, and kaitakitanga and will seek ongoing support for our kaitiaki monitors to police any rahui or closures. It is our intention to put a customary rahui in place alongside the section 11 closure.

While a likely recovery period is unknown, Patuharakeke cannot accept merely closing down the Mair and Marsden Bank pipi fishery indefinitely. We would like a commitment

Patuharakeke Te Iwi Trust Board Inc

from MPI that the closure will be reviewed within a determined time period eg. after 2 years and then at regular intervals thereafter until the fishery has reached sustainable levels once more and is able to be reopened.

Naaku noa, na

Juliane Chetham (Trustee and Resource Management Convenor)
On behalf of Patuharakeke Te Iwi Trust Board Inc
Roopu Mana Moana

From: Onerahi Yacht Club

The management committee has authorised that I forward a submission on behalf of the Onerahi Yacht Club in relation to the proposed sustainability measures within PPI 1A at Mair Bank and Marsden Bank. As regular users of the Whangarei Harbour we believe that the strongest measures should be taken to encourage the recovery of the pipi stocks for these banks.

We therefore support proposal Option 3 – Mair Bank and Marsden Bank closed to Pipi fishery.

Regards

Ross Craven

OYC Secretary

From: Napo Henare

I support option 2 until the kai moana recovers from whatever it is that's effecting/killing the existing shellfish

Napo Henare