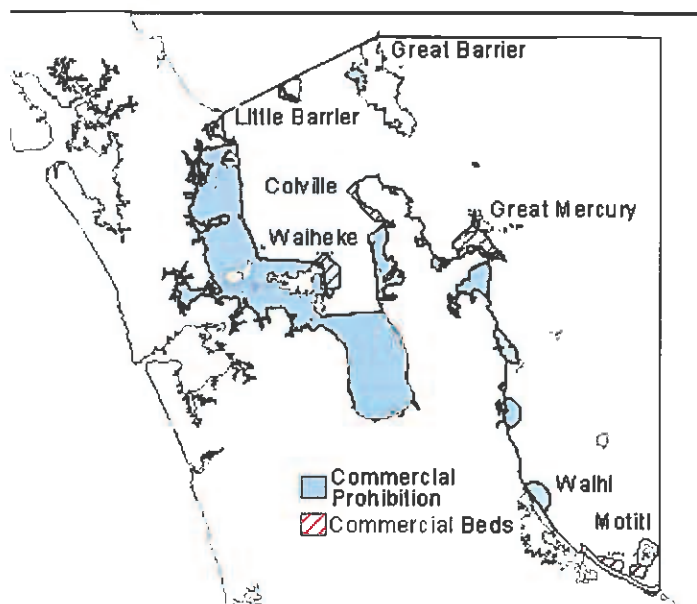


Coromandel Scallops (SCA CS): Total Allowable Catch Review Final Advice

Figure 1: Quota Management Area (QMA) for the Coromandel Scallop Fishery



SUMMARY

- 70 The Ministry for Primary Industries (MPI) recommends you set a Total Allowable Catch (TAC) of 131 tonnes under s 13(2A) of the Fisheries Act 1996 (the Act) for the Coromandel Scallop Fishery (SCA CS).
- 71 Information on the changes in abundance of scallops since the TAC was first set in 2002 suggests an increase to the TAC can be considered. An increase would generate additional utilisation benefits for the commercial fishery while ensuring sustainability.

Table 1: Final Proposals - TACs, TACCs and allowances for SCA CS (expressed as meat weight)

Option	Allowances				Other sources of fishing related mortality (t)
	TAC (t)	TACC (t)	Māori Customary (t)	Recreational (t)	
Option 1 (Status Quo)	48	22	7.5	7.5	11
Option 2	96	65	10	10	11
Option 3	131	100	10	10	11

- 72 No changes to any other management settings for SCA CS are proposed.

- 73 Option 1 represents the current (baseline) TAC and carries the least sustainability risk. Management of the fishery under this option requires an in-season TAC adjustment each year provided for by s.13(7) of the Act, SCA CS being included on Schedule 2 of the Act. Both Option 2 and Option 3 increase the baseline TAC and, in the case of Option 3, largely remove the necessity for an annual biomass survey and in-season adjustment. Sustainability risks are mitigated by retaining the option to survey the fishery in 2014-15. Removing the need for an annual survey will reduce costs and improve the efficiency of management of the fishery.
- 74 Nine submissions were received on the Initial Position Paper (IPP), three from commercial and six from recreational interests. Six submissions support Option 1. Three submissions support Option 3. No submissions support Option 2.

KEY CONSIDERATIONS

Need to Act

- 75 The Coromandel scallop fishery entered the Quota Management System (QMS) on 1 April 2002 with a TAC for the fishery set at 48t and the Total Allowable Commercial Catch (TACC) at 22t. The fishery was also put on Schedule 2 of the Act to allow for in-season increases in the TAC.
- 76 The current TAC was established at a time when the fishery was beset by both "black gill" disease and a dramatic population increase of a parchment tube worm. Consequently, the fishing years just prior to the establishment of the TAC (1999 and 2000) were the two lowest recorded landings for the fishery. The TAC has not been reviewed for the intervening ten years, except through in-season increases.
- 77 Commercial landings and in-season TAC increases based on annual surveys have exceeded the 22t 'baseline' TACC every year since 2002. This fishing year the in-season TAC is the largest since 2002 at 370 tonnes.
- 78 Therefore, a review of the TAC is appropriate given the recent performance of the fishery, and to take into account new management initiatives in the fishery such as operation of the "CPUE limit rule" management scheme. New evaluations of risk regarding different management strategies, and new dredge efficiency estimates are also available to inform the TAC.

Relevant Fishery Information

- 79 Since its introduction to the QMS, the SCA CS fishery has been managed using in-season increases to establish a new TAC every year.¹² In-season TAC increases revert to the 'baseline' TAC at the end of each fishing year. For most years, a new biomass survey has been used to determine the in-season TAC.

¹² Provided for by s 13(7) of the Act, SCA CS being included on Schedule 2 of the Act.

- 80 SCA CS is a Group 2 stock within the draft National Fisheries Plan for Inshore Shellfish (www.fish.govt.nz/en-nz/Fisheries+Planning). Objectives for Group 2 stocks include enabling annual yield from the fishery to be maximised, while maintaining the stock size at or above the level required to ensure sustainability and the spawning stock biomass. Reviewing the SCA CS TAC is consistent with this management approach.

Biological Characteristics of Scallops

- 81 Scallops are highly productive, believed to be relatively short-lived (four to seven years of age) and able to move short distances. These characteristics, along with their clumped distribution, make identifying appropriate biomass targets or minimum reference biomass levels problematic for scallop fisheries. For highly variable species, such as scallops, targets based on fishing mortality are often more appropriate than biomass.¹³

Stock Status

- 82 Information on the current stock status is available from a biomass survey conducted by NIWA under MPI project (SCA 2010/01B) in April-May 2012 and reviewed by MPI's Shellfish Working Group in October 2012.
- 83 The survey was the most extensive to-date, and included a significant area, new to the fishery and located in relatively deep water, in the Hauraki Gulf.
- 84 The survey estimates (in meat-weight) are as follows:
- 1380 tonnes – start of season biomass.
 - 370 tonnes – Current Annual Yield (CAY).
- 85 These estimates are for the surveyed beds only. There is likely to be additional biomass in those areas not surveyed, including areas where commercial scallop fishing is prohibited (see Figure 1).
- 86 In-season increases have used CAYs with an 82 percent or greater confidence that fishing mortality will be below the target used to set the TAC. This is a high level of confidence that ensures all potential sources of fishing mortality (such as direct and indirect effects of fishing on adults and juvenile scallops) are taken into consideration and exceeds the guidance set out in MPI's Harvest Strategy Standard (www.fish.govt.nz).
- 87 The 2012 survey includes new estimates of dredge efficiency¹⁴ available as a result of a new study reviewed by the Shellfish Working Group in 2011. The new dredge efficiency estimates suggest that biomass may have been

¹³ Refer www.fish.govt.nz/en-nz/Consultations/Archive/2012 for latest survey results and more information

¹⁴ Bian, R.; Williams, J.R.; Smith, M.; Tuck, I.D. (2012). Modelling scallop dredge efficiency for the Coromandel and Northland scallop fisheries. Final Research Report for Ministry Industry project SAP2009/13 46 p. (unpublished report held by NIWA, Auckland.)

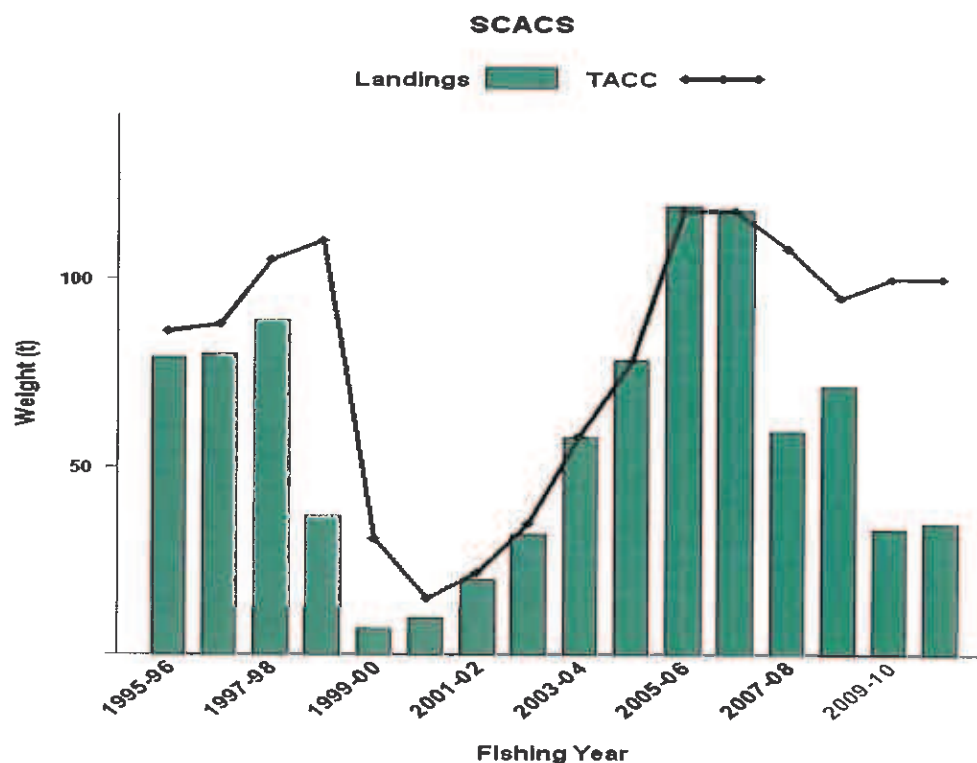
overestimated in past surveys. As the new estimates were not applied to the 2012 survey estimates, this year's CAY is likely underestimated.

SCA CS Fishery

Commercial

- 88 The SCA CS commercial season runs from 15 July to 21 December. Around seven commercial vessels operate in the fishery. Harvest from the fishery is measured as meat weight, and there is a commercial minimum legal size limit of 90 mm. The fishery currently has 20 quota holders.
- 89 Commercial fishers typically use self-tipping "box" dredges. The efficiency of these dredges is difficult to estimate and is affected by substrate type, current direction and weather conditions. Dredges cause incidental mortality of scallops and can impact on the seabed. However, the substrate in the areas commercially fished is predominantly sand, which may be less vulnerable to habitat modification than stable substrates. Dredge efficiency and direct effects of dredging are taken into account in the CAY estimates used.

Figure 2: SCA CS commercial landings and in-season TACC (t meatweight). The in-season TACC for the current year (not shown) is the highest in the series at 325 t.



- 90 For the past three years landings have been constrained by processing capacity, shellfish quality, and/or by operation of the CPUE limit rule.

Recreational

- 91 There is a strong recreational interest in this scallop fishery. The recreational and commercial fisheries are, largely, spatially separate with much of the near shore area closed to commercial scallop fishing (refer Figure 1). Recreationally, scallops are usually taken by diving, using snorkel or scuba, although small dredges are also used.
- 92 There are three recreational harvest controls. These are:
- Open season from 1 September to 31 March only
 - A 100 mm minimum recreational size limit
 - A maximum daily bag limit of 20 scallops per person. A diver may take an additional daily bag limit for each of up to two boat safety people.
- 93 There are no reporting requirements for recreational fishers and scallop catch from this sector cannot be reliably determined. Estimates of recreational catch are available from telephone and diary surveys between 1996 and 1999-2000 and vary between 3.8 to 8.8t meat weight. These estimates are, however, highly uncertain.
- 94 A pilot boat ramp survey undertaken over part of the SCA CS fishery during a peak recreational period (December 2007 to February 2008) estimated the recreational scallop harvest for the area between Cape Colville and Hot Water Beach to be 3t meat weight.
- 95 New information on recreational catch in the fishery is expected in 2013 from the Large-Scale Multispecies Survey and a new Bay of Plenty recreational scallop and rock lobster survey¹⁵.
- 96 Commercial fishers can also take scallops (as recreational fishers) if granted an approval issued under s. 111 of the Act (in accordance with the conditions imposed on such approval). In the 2011/12 fishing year approximately 0.5t meat weight was taken under s. 111 approvals.
- 97 Diver surveys of scallops were conducted annually in June–July from 2006 to 2010 at selected scallop beds in the fishery to investigate the relationship in scallop abundance between the main commercial and recreational scallop beds. Scallop abundance in commercial and some recreational beds have varied in similar ways but it is difficult to draw firm conclusions about the nature of this relationship.¹⁶

Māori Customary

- 98 Scallops are an important kaimoana species for tangata whenua. Some customary harvest information is available from reporting of customary harvest authorisations. Thirteen customary permits have been issued for 5300 scallops

¹⁵ Refer www.fish.govt.nz/en-nz/Recreational/Recreational+Research+Programme

¹⁶ Williams, JR. 2012. *Abundance of scallops (Pecten novaezelandiae) in Coromandel recreational fishing areas, 2009 and 2010*. New Zealand Fisheries Assessment Report 2012/24. 29p

with 1400 scallops reported taken. This relatively low number may, however, not represent total customary catch as customary fishers in much of the fishery are operating under regulation 27 and 27A of the Fisheries (Recreational Fishing) Regulations 1986, in which reporting is non-mandatory for customary landings.

Other Sources of Fishing Related Mortality

- 99 Incidental damage to uncaught or undersize scallops can occur during commercial dredging. The level of incidental mortality expected in the commercial dredge fishery has been previously estimated to be up to 34%. Recent studies indicate incidental mortality from commercial dredging may have been overestimated in the past. Incidental damage during commercial dredging is allowed for in the CAY estimates used for the fishery.
- 100 Other sources of fisheries related mortality are likely from recreational dredging and illegal take of scallops. MPI does not have reliable estimates of these sources of mortality.

CONSULTATION

- 101 MPI released an Initial Position Paper (IPP) on 21 December 2012, with submissions closing on 8 February 2013. The IPP was published on the consultation section of MPI's website and posted and emailed to persons and organisations with an interest in SCA CS.
- 102 The options released for consultation purposes are shown in Table 2 below.

Table 2: Proposed TACs, TACCs and allowances for SCA CS

Option	Allowances				Other sources of fishing related mortality (t)
	TAC (t)	TACC (t)	Māori Customary (t)	Recreational (t)	
Option 1 (Status Quo)	48	22	7.5	7.5	11
Option 2	96	65	10	10	11
Option 3	131	100	10	10	11

- 103 Option 1 is the *status quo*. This option reflects the earlier lack of knowledge about the SCA CS fishery since introduction to the QMS in 2002.
- 104 Options 2, and 3 take into account the improved performance of the fishery since the original TAC was set in 2002, including recent high CAY estimates. They also take into account that sustainability risks are reduced by new management initiatives in the fishery, such as operation of the "CPUE limit rule" management scheme.

Submissions

105 Nine submissions were received from tangata whenua and stakeholders during consultation:

- New Zealand Underwater Association Inc (NZUA)
- Te Ohu Kaimoana Trustee Ltd (Te Ohu)
- Coromandel Scallop Fishermens' Association (CSFA)
- Talley's Group Limited (Talley's)
- John Mort (recreational fisher)
- Chris Johnston (recreational fisher)
- Patrick Pfister (recreational fisher)
- Max Ross (recreational fisher)
- NZ Sport Fishing Council (NZSFC)

106 Six submissions, all from recreational fishers or their representative groups, support Option 1, or a modified version of Option 1.

107 Recreational submitters consider, given the biology and life history of scallops, a cautious approach should be adopted for management of the fishery.

108 John Mort, Chris Johnston, Patrick Pfister and Max Ross expressed concern that setting the TACC 35% above the long term average landings will result in significant depletion of the stock. MPI acknowledges that over the long term, if not monitored, such an increase would carry risk, however, as stated in the IPP, MPI will annually review the performance of the fishery, and will re-evaluate the abundance of scallops in the fishery in 2014-15. Re-evaluation will either be by way of a biomass survey, or through an alternative monitoring approach that has been approved by MPI's Shellfish Working Group.

109 These submitters also consider commercial fishers should be restricted to depths greater than 20 m. MPI notes that the areas most accessible to recreational fishers are already closed to commercial fishers (refer Figure 1.)

110 Recreational submitters believe that the quantity of scallops allowed for Maori customary and recreational interests should be increased to 15t each.

111 NZSFC submit an increase in this allowance will recognise that:

- Overall harvest has increased –
 - i. Since the 2005 management changes to enable a bag limit to be taken for up to two safety people onboard;
 - ii. Due to the amendment that now allows 'shucking' at sea by boat-based people,
 - iii. Due to the 6-week shift of the recreational season opening date, improving access to better conditioned scallops during daylight saving hours;
- The population with access to the Coromandel Scallop fishery has increased markedly since 1992/93, when the 7.5t allowance was made;

- New recreational harvest estimates will be available soon. Early indications suggest harvest levels could be almost double the current allowance. The Minister needs to use the best available information when setting the new allowance.
 - A 15t allowance is likely to be the maximum harvest level in any given fishing year and reduces the risk of exceeding the TAC; and
 - This will meet the Minister's lawful duty to allow for all mortality, as per s21 of the Act.
- 112 MPI notes that the pilot boat ramp survey undertaken over part of the SCA CS fishery during a peak recreational period (December 2007 to February 2008) estimated the recreational scallop harvest for the area between Cape Colville and Hot Water Beach to be 3t meat weight. And, also, preliminary results from the most recent survey of recreational scallop harvest in the eastern Bay of Plenty indicates an annual harvest of about 4t from that wider area. Bearing in mind that the eastern side of the Coromandel Peninsula is the most popular area within the fishery, MPI considers that 10t best reflects the actual recreational harvest of SCA CS scallops that you should use to allow for recreational harvest.
- 113 NZSFC also submit the following recommendations:
- That you retain the current commercial catch levels in the Coromandel Scallop fishery until there is better understanding of the abundance and available biomass in the newly discovered beds in the Hauraki Gulf.
 - That you retain the annual abundance surveys in the Coromandel Scallop fishery as they enable some level of stock monitoring in this highly variable fishery.
 - That MPI work with stakeholders to develop harvest strategies, including target and reference levels, and implement programmes to effectively monitor then regulate commercial fishing effort in the Coromandel Scallop fishery.
 - That you increase the baseline allowances for non-commercial fishing interests in the Coromandel Scallop fishery, to ensure all potential mortality remains within the TAC and to improve the management regime.
- 114 MPI notes that 98% of the catch in the last fishing season was caught in the new Hauraki Gulf beds while CPUE and the percentage of legal size scallops remained consistent and high. The 2012 survey results indicated a significantly larger biomass than was harvested at the end of this season. Further, a review of the abundance is to be undertaken in 2014-15.
- 115 The three submitters representative of commercial interests, Talley's, CSFA and Te Ohu, support Option 3. Industry sees both harvest and market efficiencies as well as reduced costs resulting from increasing the TAC and TACC.
- 116 Te Ohu submit that last season the CPUE was more than 200 kg/hr with 95% of legal size. They submit the results from the 2012 scallop survey (SCA CS 2010/01B) have estimated the CAY from the fishery at 370t and the start of

season biomass 1380t. The estimates are for the surveyed beds only. The highest proposed TAC option in the IPP is 131t, well below the CAY. It would take just under three seasons to catch the CAY if 131t were caught each year.

- 117 CSFA submit that because of the low TACC, industry have been required to carry unnecessary costs. The costs include both the direct costs of the levies for such services and the indirect costs of uncertainty of ACE increases, timing of ACE increases, and the costs of engagement in required processes and reviews. They submit that a low baseline TACC and in-season increase based on biomass surveys creates both harvest and market inefficiencies and results in a high cost framework that erodes fishery profitability that discourages quota owners to directly invest in improved fisheries management. CSFA submits Options 1 and 2 negate any future incentives.
- 118 CSFA submit that, since 2004, CAY estimates of the commercial beds have far exceeded 100t meat weight (see fig. 3). The CAY estimates would indicate an average CAY in the order of 300t meat weight. Given the already conservative nature of the CAY estimates and utilising the new dredge selectivity, they consider that the proposed 100t TACC in Option 3 to be cautious while improving utilisation.
- 119 CSFA submit they have continued to show a respectful approach to the fishery. Collectively, CSFA members may make decisions to close the fishery before the end of the season for a range of factors including, recovery rates, proportion of undersized scallops and catch rates. They submit their approach means that they do not view the TACC as a target, so, risks of rapid declines can be mitigated by the operation of the CPUE limit rules and the ability for collective decision making in the commercial fishery.
- 120 MPI notes that profit is being obtained from the fishery under the current management approach, however, that this does not exclude improved profitability from an improved or more efficient management programme. MPI agrees that the SCA CS commercial fishery is cooperatively managed across quota holders, fishers and processors by agreement under the CSFA and, that this has resulted in a stable fishery that works to improve the outcome for all its commercial members.

Other Issues

- 121 John Mort, Chris Johnston, Patrick Pfister and Max Ross express concern at the use of s.111 by commercial fishers to access a recreational take and request this section of the Act be reviewed. This issue is beyond the scope of your statutory considerations for the setting of a TAC, TACC and allowances. Nevertheless, MPI has reviewed the raw data of commercial landings under s.111. The data showed that some fishers were reporting green weight while others were reporting by meat weight causing the reported landings under this code to be significantly inflated. MPI will continue to advise fishers on correct reporting requirements.

FINAL PROPOSALS

122 MPI proposes the following options for the review of SCA CS TAC for your consideration:

Table 3: Proposed TACs, TACCs and allowances for SCA CS

Option	Allowances				Other sources of fishing related mortality (t)
	TAC (t)	TACC (t)	Māori Customary (t)	Recreational (t)	
Option 1 (Status Quo)	48	22	7.5	7.5	11
Option 2	96	65	10	10	11
Option 3	131	100	10	10	11

Option 1

- 123 Option 1 is the *status quo* and proposes no change to the TAC, TACC or allowances for Māori customary, recreational or other sources of fishing related mortality.
- 124 This Option is supported by recreational fishers, but opposed by commercial fishers and Te Ohu.
- 125 Based on the available information, this option presents a very cautious approach that does not take into account the improved performance of the fishery since the TAC was set in 2002 and the additional research and management information now available.
- 126 The current high biomass means there is confidence about biomass levels over the next two years. However, it likely that the abundance of the stock will decline at some point in the future. Option 1 is an appropriate management approach if it is considered that fishery biomass is extremely unpredictable year to year.
- 127 Option 1, however, requires significant resources both in terms of funding an annual biomass survey (industry contribution is typically about 5-6% of port price on average landings) and also in terms of analysis and support through the various ministry process and consultation. On the other hand, there is significantly reduced risk under this management approach and the fishery has improved over time.

Option 2

- 128 Under Option 2:
- The TAC increases from 48t to 96t
 - The allowance for Māori customary catch increases from 7.5 to 10t
 - The allowance for recreational catch increases from 7.5 to 10t

- The allowance for other sources of fishing related mortality is retained at 11t
- The TACC increases from 22 to 65t.

129 No submissions support Option 2.

130 Option 2 uses the average of the commercial landings over the last 10 years (65t) to indicate the long run average productivity of the fishery. It also takes into account the additional research and management information that has been gathered since the TAC was set in 2002, as well as initiatives such as the CPUE limit rule currently in use by industry.

131 Commercial landings have exceeded the current 22t TACC every year for the last ten years, suggesting long-run production from the fishery is higher than the current TACC.

132 As biomass can be anticipated to vary from one year to the next, average landings can only be an indicator of productive capacity, rather than future abundance. Under both Option 2 and Option 3 the fishery will continue to be monitored for significant changes in abundance. Risks around rapid declines will also need to be mitigated by continued operation of the industry CPUE limit rule strategy. MPI will annually review the performance of the strategy, and will re-evaluate the abundance of scallops in the fishery in 2014/15. Re-evaluation will either be by way of a biomass survey, or through an alternative monitoring approach that has been approved by MPI's Shellfish Working Group.

133 Under this Option, in-season increases will continue to be required if the fishery is considered to support a higher TAC in any given year.

134 It is proposed under Option 2 to retain the current allowance for other sources of fishing related mortality at 11t. There is uncertainty regarding incidental mortality from recreational fishing for scallops and there are incentives for illegal harvest of this high-value shellfish. MPI notes that dredge effects on incidental mortality of scallops from commercial dredging are already taken into account in the CAY estimates used to set TACs (and therefore landings) over the last 10 years.

135 The current biomass estimates indicate that those areas of the fishery outside of the new Hauraki Gulf bed are at similar levels to previous surveys. Information from recreational fishers suggests the new Hauraki Gulf bed is too deep for non-commercial fishers to access. Diver surveys of recreational fishing areas also indicate there is no firm relationship between scallop abundance in commercial and some recreational areas. Taking these factors into account MPI proposes an increase in allowances for the Māori customary and recreational fisheries to 10t each. This partially addresses submissions from recreational fishers requesting increases in these allowances to 15t.

136 Under both this option and Option 3, direct and indirect management costs in the fishery will reduce.

Option 3 (MPI preferred Option)

137 Under Option 3:

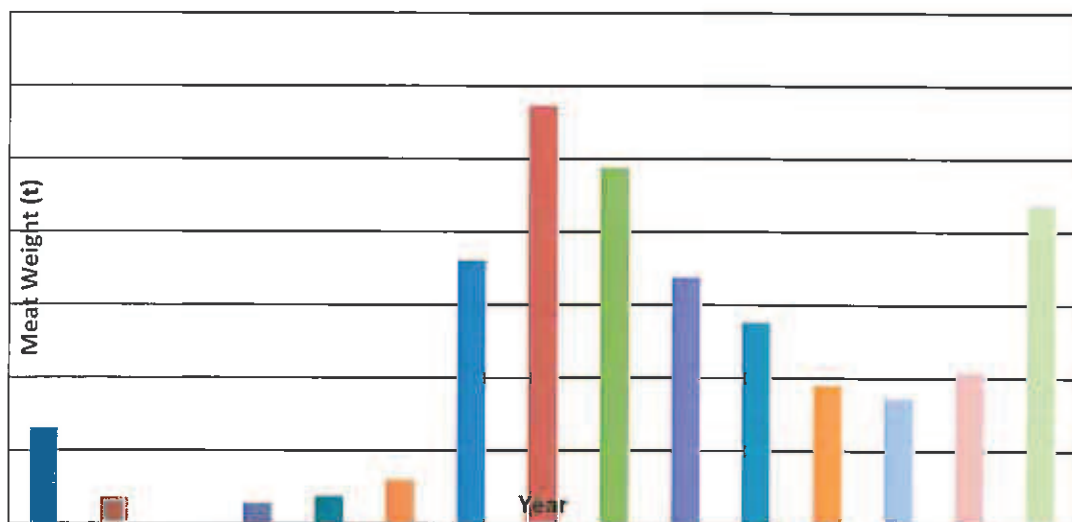
- The TAC increases from 48 tonnes to 131t
- The allowance for Māori customary catch increases from 7.5 to 10t
- The allowance for recreational catch increases from 7.5 to 10t
- The allowance for other sources of fishing related mortality is retained at 11t
- The TACC increases from 22 to 100t.

138 This option is supported by commercial submitters.

139 Option 3 takes into account the current high CAY estimates for the fishery, the additional research and management information that has been gathered since the TAC was set in 2002, and new management initiatives such as the CPUE limit rule.

140 CAY estimates give a "point in time" estimation of stock status for those areas of the fishery that were surveyed. The graph of CAY estimates (Figure 3) illustrates the difference between estimates of sustainable harvest from year to year. It reflects that the TAC for SCA CS was set in 2002 during a low point in the fishery. Since 2004, the fishery has shown significantly improved performance.

Figure 3: SCA CS CAY estimates from 1998/99 to 2011/12 (tonnes meat weight). No survey was undertaken in 2000. The 2011 estimate was a forecast based on the 2010 survey data.



141 As with Option 2, the fishery will continue to be monitored for significant changes in abundance. Risks around rapid declines will also need to be mitigated by continued operation of the industry CPUE limit rule strategy. MPI will annually review the performance of the strategy, and will re-evaluate the abundance of scallops in the fishery in 2014-15. Re-evaluation will either be by way of a biomass survey, or through an alternative monitoring approach that has been approved by MPI's Shellfish Working Group.

- 142 Given the biological characteristics of scallops, MPI considers it is likely that scallop abundance in the fishery will fluctuate even in the absence of fishing. However, the current high biomass means we can have some confidence about biomass levels over the next two years.
- 143 Other factors that also give confidence around this option include; that the majority of both last year and this year's fishing effort has been targeted at the new Hauraki Gulf beds, spelling the remainder of the fishery; and that commercial fishers indicate they anticipate harvesting significantly less than the current 325 t in-season TACC because of shellfish quality issues.

ADDITIONAL MANAGEMENT CONTROLS

- 144 MPI does not propose to change other management controls.

ASSESSMENT AGAINST STATUTORY OBLIGATIONS

- 145 This section assesses the proposed management options in terms of how they will ensure that your relevant statutory obligations are met.

General Obligations

- 146 The Ministry considers that all options satisfy the statutory requirements under section 8 of the Act in that they provide for utilisation in the SCA CS fishery while ensuring sustainability. However, Option 1 while ensuring a low sustainability risk, retains management costs, while increasing the TACC under Option 2 and 3 will reduce costs and allow for increased utilization.
- 147 In setting or varying sustainability measures, you must also act in a manner consistent with New Zealand's international obligations relating to fishing and the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- 148 A wide range of international obligations relate to fishing, including use and sustainability of fishstocks; and maintaining biodiversity (s 5(a) of the Act). The Ministry considers that the management options for SCA CS are consistent with these international obligations.
- 149 The Ministry also considers the proposed management options to be consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (s 5 (b) of the Act). Ongoing work is being done within the area covered by SCA CS to promote policies that help to recognise customary use and management practices.
- 150 There is an obligation to provide for input and participation of tangata whenua and have particular regard to kaitiakitanga (under s 12). MPI supplied written copies of the IPP to all Iwi and Iwi organisations whose rohe moana may be covered by the SCA CS QMA inviting submissions on this topic from tangata whenua. On 6 December MPI also wrote to members of the Mai i Nga Kuri a Whareki Tihirau Fisheries Forum requesting input and comments for incorporation into the consultation and final advice documents.

TAC

- 151 The biological characteristics of scallops mean that a reliable estimate of the level of the stock that can produce the maximum sustainable yield (B_{MSY}) cannot be made. Where reliable estimates of B_{MSY} are not available, s 13(2A) requires you to set a TAC that is “not inconsistent” with the objective of maintaining the stock at or above, or moving the stock to a level at or above B_{MSY} , in a way and rate considered appropriate for the stock. In doing so you must have regard to the interdependence of stocks, the biological characteristics of the stock, and any environmental conditions affecting the stock, and set a TAC using the best available information. You must not use the absence of, or uncertainty in, the best available information as a reason for postponing or failing to set a TAC.
- 152 Estimates of $B_{CURRENT}$ are available from the last biomass survey. However, B_{MSY} ; the biomass that would produce the maximum sustainable yield, has not been established. The best available information to set a TAC that is not inconsistent with the objective of maintaining the stock at or above, or moving the stock towards or above, B_{MSY} is recorded annual commercial landings, the recent biomass survey, and CAY estimates for SCA CS. In combination, this information indicates that a higher TAC would be consistent with s 13(2A).
- 153 The Coromandel scallop fishery is a target fishery with relatively little bycatch. It is managed as a separate management unit from adjacent stocks. The CAY estimates are based on the biomass estimate of the fishery. These estimates, therefore, take account of any interdependence issues.
- 154 The biology of scallops is well understood. Scallops demonstrate a highly variable biomass from year to year. The management approach under Option 1 uses a low baseline TAC and TACC with an in-season adjustment under the second Schedule of the Act. This process requires an annual biomass survey and generation of CAY estimates. Under Options 2 and 3 less frequent surveys would be needed.

Environmental considerations

- 155 The Act requires that when any effect of fishing is adverse, this effect should be avoided, remedied or mitigated. More specifically, section 9 requires you to take into account that associated or dependent species be maintained at or above a level that ensures their long-term viability, that the biological diversity of the aquatic environment should be maintained, and habitat of particular significance for fisheries management should be protected.
- 156 The commercial scallop fishery is a dredge fishery. Dredging is a non-selective fishing method and will catch species of no commercial interest to the fishers. Dredging is also known to reduce habitat heterogeneity and biological diversity. Although such effects cannot be avoided, commercial fishers tend to fish the same areas each year and only use a small proportion of each habitat type. These two factors minimise the impacts of the fishery on these matters. A larger TAC will most likely result in increased dredging activity, however, the relationship between TAC and area dredged is unlikely to be linear as during

years of high scallop population biomass, scallop densities will also be higher. MPI also notes that the fishery substrate tends to be mobile sand and, therefore, naturally disturbed.

- 157 Maori customary and recreational fishers catch scallops by diving or by using a small lightweight dredge. These harvest techniques have few impacts.
- 158 Limited information exists on the nature and location of habitats of particular significance to fisheries management, however, given the above and the localised nature of the fishery, it is considered that the fishery is unlikely to be have any significant effect on such habitats. Accordingly, fishing at the level of either of the TAC options proposed in the IPP is considered to be consistent with the environmental principles of the Act.

Section 11 considerations

- 159 In making your decision on sustainability measures for SCA CS, you must also have regard to the requirements of section 11 of the Act as follows:
- a) Section 11(1)(a): Before setting or varying any sustainability measure for this stock, you must take into account any effects of fishing on any stock and the aquatic environment. The majority of SCA CS commercial take is as a targeted dredge fishery, however, dredging is a non-selective fishing method that can catch species of no commercial interest to the fishers (associated and dependent species) and reduce habitat heterogeneity and biological diversity. The way in which these are taken into account is discussed in the previous part of this paper.
 - b) Section 11(1)(b): Before setting or varying any sustainability measure for this stock, you must take into account any existing controls under the Act that apply to the stock or area concerned. Standard management controls apply to the SCA CS fishery, for example deemed values, amateur bag limits, amateur minimum size limits, and fishing method constraints. The proposed changes to the TAC do not affect these measures.
 - c) Section 11(1)(c): Before setting or varying any sustainability measure for this stock, you must take into account the natural variability of the stock. This has been discussed previously in relation to the biological characteristics of SCA CS.
 - d) Sections 11(2)(a) and (b): Before setting or varying any sustainability measure for this stock, you must have regard to any provisions of any regional policy statement, regional plan, or proposed regional plan under the Resource Management Act 1991 and any management strategy or management plan under the Conservation Act 1987 that apply to the coastal marine area and you consider relevant. The Ministry is not aware of any such policy statements, plans or strategies that apply in relation to the SCA CS stock.
 - e) Section 11(2)(c): Before setting or varying any sustainability measure for this stock, you must have regard to sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (HGMPA) that apply to the coastal marine area and

you consider relevant. The entire quota management area for SCA CS, except that part south of the northern end of Waihi Beach, is within the Hauraki Gulf Marine Park.

Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf and the importance of sustaining the life supporting capacity of the environment of the Gulf and its islands. Importantly, life supporting capacity includes being able to provide for the relationship of tangata whenua with the Gulf, and the social, economic, recreational and cultural well-being of people and communities, and includes the use of the Gulf's resources and the maintenance of the soil, air, water and ecosystems of the Gulf. The management approach for the SCA CS stock and both options proposed in this paper are consistent with section 7 of the HGMPA.

Section 8 sets a series of management objectives for the Hauraki Gulf. These include:

- The protection and, where appropriate, the enhancement of, the life supporting capacity of the Gulf, its natural and physical resources, and the relationship of tangata whenua with the Gulf and its resources.
- The protection of the cultural and historic associations of people and communities with the resources of the Gulf.
- The maintenance and, where appropriate, the enhancement of contributions of the Gulf's resources to the social, economic well-being, and the recreation and enjoyment of people and communities.

The purpose of the in-season TAC review is to enable better utilisation of the scallop resource while maintaining the sustainability of the resource and its environment. Accordingly, the TAC increase is consistent with the management objectives set out in section 8 of the HGMPA.

- f) Section 11(2)(d): Before setting or varying any sustainability measure for this stock you must have regard to any planning documents lodged with the Minister of Fisheries (now the Minister for Primary Industries) by a customary marine title group under section 91 of the Marine and Coastal Area (Takutai Moana) Act 2011. There are no such planning documents that relate to SCA CS.
- g) Section 11(2A)(b): Before setting or varying any sustainability measure for any stock, you must take account of any relevant and approved fisheries plans. A draft national inshore shellfish plan that sets objectives is being developed but is yet to be approved.
- h) Sections 11(2A)(a) and (c): Before setting or varying any sustainability measure for any stock, you must take into account any conservation or fisheries services, or any decision not to require such services. The Ministry does not consider that existing or proposed services materially

affect the proposals for this stock. No decision has been made to not require a service in this fishery at this time.

Setting TACC & Allowances

- 160 After setting the TAC for a stock, you are required to set a TACC under s 20 of the Act.
- 161 When setting a TACC, s 21 of the Act requires you to have regard to the TAC for that stock and allow for Maori customary non-commercial fishing interests, recreational fishing interests, and for any other sources of fishing-related mortality. The Act does not provide an explicit statutory mechanism to apportion available catch between sector groups either in terms of a quantitative measure or prioritisation of allocation. Accordingly, you have the discretion to make allowances for various sectors based on the best available information.
- 162 Section 21(4) requires that when allowing for Maori customary non-commercial interests you must take into account any mātaihai reserve or closures/restrictions under s 186A within the relevant quota management area. There is one mātaihai reserve within the Coromandel scallop fishery quota management area – Mount Maunganui and Part Tauranga Harbour Mātaihai Reserve. This area is relatively small and probably holds few scallop resources. There is one s186A temporary closure and this does not relate to scallops.
- 163 Section 21(5) requires that when allowing for recreational interests under subsection (1), you shall take into account any regulations made following a recommendation under s. 311. While there are areas closed to commercial fishing by regulation in the SCA CS QMA, these regulations were not made pursuant to a recommendation made³ pursuant to s.311.

CONCLUSIONS

- 164 The best available information indicates that the current abundance of scallops in SCA CS supports an increase to the TAC. The increases proposed are consistent with the Act and would generate additional utilisation benefits from the commercial fishery while ensuring sustainability.

SUMMARY OF RECOMMENDATIONS

165 The Ministry recommends that for the SCA CS fishery for the fishing year commencing on 1 April 2013 you either:

Option 1

- i. **Agree** to retain the TAC for SCA CS at 48 t and within the TAC:
 - i. **Retain** an allowance for customary fishing of 7.5 t
 - ii. **Retain** an allowance for recreational fishing of 7.5 t
 - iii. **Retain** an allowance for other sources of fishing related mortality of 11 t
 - iv. **Retain** the TACC at 22 t

Agree / Not Agreed

OR

Option 2

- j. **Agree** to increase the TAC for SCA CS from 48 t to 96 t and within this:
 - i. **Increase** the allowance for customary fishing to 10 t
 - ii. **Increase** the allowance for recreational fishing to 10 t
 - iii. **Retain** the allowance for other sources of fishing related mortality of 11 t
 - iv. **Increase** the TACC from 22 t to 65 t

Agree / Not Agreed

OR

Option 3 (MPI preferred Option)

Agree to increase the TAC for SCA CS from 48 t to 131 t and within this:

- v. **Increase** the allowance for customary fishing of 10 t
- vi. **Increase** the allowance for recreational fishing of 10 t
- vii. **Retain** an allowance for other sources of fishing related mortality of 11 t
- viii. **Increase** the TACC from 22 t to 100 t

Agree / Not Agreed



Steve Halley
Acting Manager, Inshore Fisheries
Resource Management and Programmes



Hon Nathan Guy
Minister for Primary Industries

2 / 3 / 2013

Appendix Two

Copy of Submissions

Total Allowable Catch Review for the Coromandel scallop fishery (SCA CS)

1. This submission on the MPI review of the total allowable catch (TAC), total allowable commercial catch (TACC) and allowances for the Coromandel Scallop fishery (SCA CS) is made by the Coromandel Scallop Fishermen's Association (CSFA). CSFA represents the quota holders, permit holders and processors in this important shellfish fishery.
2. We welcome the review of the total allowable catch for this fishery. We have engaged with MPI over recent years to seek opportunities to alleviate constraints on maximising economic returns from the sustainable utilisation of this resource and the exploration of alternative management approaches to the fishery. CSFA, SeaFIC and Te Ohu Kaimoana have invested in the evaluation of alternative management strategies and the implementation and operation of fishery scale reporting systems to support our preferred management approach of closing beds once a predetermined catch per unit effort threshold has been met.
3. The IPP (para 6) rightfully recognises that the TAC was established at a time when the fishery was beset by both black gill disease and a prolific outbreak of parchment tubeworm. The incorporation of catch history over this atypical period led to the setting of a low TAC to the long-term detriment of the commercial fishery. As a consequence, costs have been borne by the industry for annual surveys to increase the available ACE. These costs include both the direct costs of the levies for such services and the indirect costs of uncertainty of ACE increases, timing of ACE increases, and the costs of engagement in required processes and reviews. We also experienced in 2011, following discovery of new beds, that the requirements for statutory consultation meant that opportunities for further in-season increases, and therefore additional economic returns were foregone. The current management approach of a low baseline TACC and in-season increase based on biomass surveys creates both harvest and market inefficiencies and additional costs that result in a high-cost, inefficient framework that erodes fishery profitability.
4. We concur with the observation of MPI that the performance of the fishery from 2004 onwards would merit a review of the TAC. Of the three options presented in the IPP we support Option 3. The use of average commercial landings over the last ten years seems a spurious methodology given that the information from the CAY estimates is available which clearly show that long run production is higher than the average catch over the last ten years. Given the recent discovery of substantial deep water beds it is further likely that the historic CAY estimates, which did not include survey data from these areas significantly underestimate the potential CAY

5. Figure 3 of the IPP shows that since 2004 CAY estimates of the commercial beds have far exceeded 100 tonnes meat weight. The CAY estimates are not provided in the IPP but would indicate an average CAY in the order of 300 tonnes meatweight. Given the already conservative nature of the CAY estimates, utilising the new dredge selectivity, we consider that the proposed 100 tonnes TACC in Option three to be cautious whilst better providing for utilisation.
6. The IPP makes reference to the preferred management approach of CSFA whereby beds are closed once a certain CPUE threshold has been met. We consider this approach is more relevant for a relatively sedentary species occupying discrete beds within a wider fishery management area. We have been clear and consistent that the current approach of a low baseline TACC and in season increase based on biomass surveys creates both harvest and market inefficiencies and results in a high cost framework that erodes fisheries profitability that disincentives quota owners to directly invest in improved fisheries management. We have adequately demonstrated that we can implement the reporting and management regime to support a CPUE limit approach for this fishery. Management Strategy Evaluation (MSE) work has shown that the CPUE limit approach is consistent with the Ministry's Harvest strategy standard and has a similar or lower sustainability risk than the current regime.
7. CSFA has continued to show a respectful approach to the fishery. Collectively, CSFA members may make decisions to close the fishery before the end of the season for a range of factors including, recovery rates, proportion of undersized scallops and catch rates. Our approach means that we do not view the TACC as a target. Risks of rapid declines will be mitigated by the operation of the CPUE limit rules and the ability for collective decision making in the commercial fishery.
8. We note that the IPP has signalled the need for on-going monitoring of scallop abundance, including a re-evaluation in 2014-15. CSFA are resolute that future monitoring should explore the use of alternative approaches to formal biomass surveys to give information on the relative abundance of the scallop populations as part of the transition away from the current high cost framework. CSFA has already invested significantly into the evaluation and annual operation of the CPUE limit approach. In 2012 MPI issued a special permit to CSFA for the purposes of carrying out qualitative pre-season investigative fishing. We would like to explore with MPI an evolution towards cost effective industry led evaluations to provide annual information for the planning of annual harvest activities and indicative harvest limits.
9. In our view Option 3 is the next step in continuing to work constructively with MPI and creates appropriate incentives for further investment by CSFA in research, improved data collection and alternative approaches for improved management of the fishery. In contrast Options 1 and 2 negate any future incentives.

10. We provide no comment on the proposed changes to the allowances for Option 3. We continue to endorse the need for improved catch information and monitoring of the non-commercial part of the fishery to inform future management decision making.

Peter Sopp
Chairman
Coromandel Scallop Fishermen's Association

Submission to Coromandel Scallop Fishery (SCA CS)

Firstly I would like to thank MPI for allowing consultation on such a valuable resource as the Coromandel Scallop Fisheries to recreational parties, such as myself.

I believe there are large areas of lip service and misrepresentation of recreational gathers as myself.

The previous consultation documents Coromandel Scallop Fisheries (SCA CS) In-Season (TAC) review as with this consultation repeatedly suggest an increase to Customary and Recreational sectors of the fisheries from 7.5 t to 10t yet no increase is actually offered.

- A recreational (TAC) of 7.5t equates to approximately 562500 scallops for this sector.
- A customary (TAC) of 7.5t equates to approximately 562500 scallops for this sector. (Note: customary permits have been issued for 5300 scallops only)
- An increase to 10t equates to 750000 scallops for each sector named above. An increase of 187500 scallops, or an extra 9375 dives. Yet I can still take no more scallops this season as I could last season or any before that.
- Amazingly, recreational gatherers on commercial boats (7 boats x 3 or 4 people, 21 -28 people) take 5% of the total recreational catch for this year.

Consultation document

Point 8

"CPUE limit rule" is largely a measure of fishery economics and practices; specifically, a minimum economic catch rate during periods of lower scallop density and not some wonderful sector implemented management scheme. A system which relies on the figures reported by the commercial sector for the benefit of the commercial sector is not likely to suggest that the resources are under pressure and will be positive regardless of the state of the resource.

Point 23

"For the past three years landings have been constrained by processing capacity and/or by operation of the CPUE limit rule". This statement is misleading and quite unbelievable. Processing capacity in 2005/6 and 2006/7 exceeded 120t, yet it is implied that they could only process approximately 35t for the past 2 years. What is more likely is the commercial sector has overfished the beds to the point it is not economically viable.

Further to this the commercial sector processed approximately 150t this year. This is also shown in figure 3: SCA CS CAY estimates from 1998/99 to 20/11/12 (tonnes meat weight) which shows a steady decline from 2005 to 2011 and only the discovery of the new beds off Little Barrier have enabled an increase in the CAY.

Point 24

The statement "recreational and commercial fisheries are, largely, spatially separate with much of the near shore area closed to commercial scallop fishing". After diving about 15 years, I have dived the same beds as the commercial boats off Kuaotunu and Otama, and have seen a steady decline in the numbers of scallops on those beds. Only due to reduced numbers have I gone to other beds Opito and Home Bay (Mercury Is) both closed to commercial operators. I have seen first-hand commercial boats back into bays drop their dredge and steam out. The commercial interests take opportunities to dredge in customary recreational areas when there is bad

weather or when they think they can do so without consequence. They are frequently seen by divers to be in very shallow waters and sometimes go to extreme lengths to manoeuvre close into shore. I therefore disagree with the statement that we are largely, spatially separate. What would serve recreational and customary sector is that commercial vessels dredge in depths of 25m or more (often too deep for recreational interests) ensuring that we are separated and that both our interests are maintained. With GPS systems on board commercial boats it would be easy to monitor and ensure that commercial boats were not dredging in areas set aside for recreational divers. As the rate of catch by recreational divers is far less than commercial divers this would mean also that the scallop beds inshore would then act as breeding grounds for more scallops.

Point 25

I agree with the harvest controls for recreational gatherers, with the exception of 20 per person. I believe that if there is to be an increase that it is awarded to the recreational gatherers and this limit should be lifted to 30 per person.

Point 29

I find the provision for commercial fishers to take recreational scallops totally repulsive and open to huge abuse. The quantity taken (according to your documentation, 36600 scallops) represents 5-6.6% of the TAC for recreational divers. This is 21 – 28 people being allowed to take a significant share of the recreational TAC. Opportunities for abuse of the system should be patently clear.

The Options

Option 1

I support this option, due to a lack of real consideration given to recreational and customary gatherers

Preference

When the in-season TACC is reviewed, the recreational daily catch increases from 20 to 30 per person plus an additional bag limit for each of up to two boat safety people.

Commercial vessels are restricted to 20m of water or more. (In line with objectives for Group 2 stocks - Incentivise sector groups to develop coordinated and collaborative responses to potential spatial or access conflicts)

Section 111 of the act be reviewed as this is a blatant misuse of the recreational TAC and disproportionate to the TAC for recreational gatherers

Option 2

I would only support this option if the recreational daily catch increases from 20 to 30 per person plus an additional bag limit for each of up to two boat safety people.

Commercial vessels are restricted to 25m of water or more. (In line with objectives for Group 2 stocks - Incentivise sector groups to develop coordinated and collaborative responses to potential spatial or access conflicts)

Preference

Section 111 of the act should be abolished as this is a blatant misuse of the recreational TAC and disproportionate to the TAC for recreational gatherers

Option 3

I do not support this option at all. Only in 2005/6 and 2006/7 have landings of 100t been achieved (and possibly 2012/13). All other years have been significantly below 100t and in fact the average over the past 16 years is 65t. It would be foolish to allow such significant over fishing to be permitted. Figures produced by commercial fishing research have to be questionable. Setting a base 50% higher than the average, could only result in significant depletion of fish stock.

Overall I have found the consultation documentation significantly biased to the commercial sector at the expense of recreational and customary sectors. Many thanks for the opportunity to voice my opinion.

John Mort
Recreational Diver and Fisherman
Whitianga

Submission to Coromandel Scallop Fishery (SCA CS)

Firstly I would like to thank MPI for allowing consultation on such a valuable resource as the Coromandel Scallop Fisheries to recreational parties, such as myself.

I believe there are large areas of lip service and misrepresentation of recreational gathers as myself.

The previous consultation documents Coromandel Scallop Fisheries (SCA CS) In-Season (TAC) review as with this consultation repeatedly suggest an increase to Customary and Recreational sectors of the fisheries from 7.5 t to 10t yet no increase is actually offered.

- A recreational (TAC) of 7.5t equates to approximately 562500 scallops for this sector.
- A customary (TAC) of 7.5t equates to approximately 562500 scallops for this sector. (Note: customary permits have been issued for 5300 scallops only)
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- Amazingly, recreational gatherers on commercial boats (7 boats x 3 or 4 people, 21 -28 people) take 5% of the total recreational catch for this year.

Consultation document

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"CPUE limit rule" is largely a measure of fishery economics and practices; specifically, a minimum economic catch rate during periods of lower scallop density and not some wonderful sector implemented management scheme. A wolf in sheep's cloths comes to mind.

Point 23

"For the past three years landings have been constrained by processing capacity and/or by operation of the CPUE limit rule". This statement is misleading and quite unbelievable. Processing capacity in 2005/6 and 2006/7 exceeded 120t, yet it is implied that they could only process approximately 35t for the past 2 years. What is more likely is the commercial sector has overfished the beds to the point it is not economically viable.

Further to this the commercial sector processed approximately 150t this year. This is also shown in figure 3: SCA CS CAY estimates from 1998/99 to 20/11/12 (tonnes meat weight) which shows a steady decline from 2005 to 2011 and only the discovery of the new beds off Little Barrier have enabled an increase in the CAY.

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The statement "recreational and commercial fisheries are, largely, spatially separate with much of the near shore area closed to commercial scallop fishing". After diving for just on 30 years, I have dived the same beds as the commercial boats off Kuaotunu and Otama, and have seen a steady decline in the numbers of scallops on those beds. Only due to reduced numbers have I gone to other beds Opito and Home Bay (Mercury Is) both closed to commercial operators. I have seen first-hand commercial boats backing into bays drop their dredge and steam out. I therefore disagree with the statement that we are largely, spatially separate. What would serve recreational and customary sector is that commercial vessels dredge in depths of 25m or more (often too deep for recreational interests) ensuring that we are separated and that both our interests are maintained.

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The Options

Option 1

I support this option, due to a lack of real consideration given to recreational and customary gatherers

Preference

- When the in-season TACC is reviewed, the recreational daily catch increases from 20 to 30 per person plus an additional bag limit for each of up to two boat safety people.
- Commercial vessels are restricted to 20m of water or more. (In line with objectives for Group 2 stocks - Incentivise sector groups to develop coordinated and collaborative responses to potential spatial or access conflicts)
- Section 111 of the act be reviewed as this is a blatant misuse of the recreational TAC and disproportionate to the TAC for recreational gatherers

Option 2

I would only support this option if the recreational daily catch increases from 20 to 30 per person plus an additional bag limit for each of up to two boat safety people. Commercial vessels are restricted to 25m of water or more. (In line with objectives for Group 2 stocks - Incentivise sector groups to develop coordinated and collaborative responses to potential spatial or access conflicts)

Preference

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Overall I have found the consultation documentation significantly biased to the commercial sector at the expense of recreational and customary sectors.

Many thanks for the opportunity to voice my opinion

Chris Johnston (Recreational Diver)
23 Sarah Ave
Whitianga 3510

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Further to this the commercial sector processed approximately 150t this year. This is also shown in figure 3: SCA CS CAY estimates from 1998/99 to 20/11/12 (tonnes meat weight) which shows a steady decline from 2005 to 2011 and only the discovery of the new beds off Little Barrier have enabled an increase in the CAY.

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The Options

Option 1

I support this option, due to a lack of real consideration given to recreational and customary gatherers

Preference

When the in-season TACC is reviewed, the recreational daily catch increases from 20 to 30 per person plus an additional bag limit for each of up to two boat safety people.

Commercial vessels are restricted to 20m of water or more. (In line with objectives for Group 2 stocks - Incentivise sector groups to develop coordinated and collaborative responses to potential spatial or access conflicts)

Section 111 of the act be reviewed as this is a blatant misuse of the recreational TAC and disproportionate to the TAC for recreational gatherers

Option 2

I would only support this option if the recreational daily catch increases from 20 to 30 per person plus an additional bag limit for each of up to two boat safety people.

Commercial vessels are restricted to 25m of water or more. (In line with objectives for Group 2 stocks - Incentivise sector groups to develop coordinated and collaborative responses to potential spatial or access conflicts)

Preference

Section 111 of the act should be abolished as this is a blatant misuse of the recreational TAC and disproportionate to the TAC for recreational gatherers

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I do not support this option at all. Only in 2005/6 and 2006/7 have landings of 100t been achieved (and possibly 2012/13). All other years have been significantly below 100t and in fact the average over the past 16 years is 65t. It would be foolish to allow such significant over fishing be permitted. Setting a base 50% higher than the average, could only result in significant depletion of fish stock.

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Many thanks for the opportunity to voice my opinion

Max Ross
Recreational Diver



25th January 2013

SCA CS Submissions
Fisheries Management – Inshore Fisheries
Ministry of Primary Industries
Private Bag 1926
Dunedin 9054
FMSubmissions@MPI.govt.nz

Dear Allen,

Talley's Group Limited thank you for the opportunity to submit in respect of the TAC Review for SCA CS for the 2013/14 fishing year.

- ♦ Talley's Group Limited own 2,514 M/T of quota in this fishery which represents 11% of the TACC currently set at 22,000 M/T.
- ♦ We transfer our ACE to fishermen each year in this fishery and enjoy excellent communication from both the fishermen and local processors in terms of all management measures and proposals.
- ♦ Having studied the consultation paper we confirm that we support Option 3 which,
 - Increases the TAC from 48 to 131 tonnes.
 - Increases Maori customary from 7.5 to 10 tonnes.
 - Increases recreational catch from 7.5 to 10 tonnes.
 - Increases the TACC from 22 to 100 tonnes.
 - Retains an allowance of 11 tonnes for other sources of mortality.
- ♦ Talley's Group Limited support the view that sustainable levels of harvest must be balanced with economic opportunity and this has clearly been considered in this case.
- ♦ Basing our decision on current high CAY estimates for the fishery provides greater value for the commercial sector which is essential, given the improved status of the fishery.
- ♦ The increase in TAC/TACC is clearly supported by the research and management information that has been gathered since 2002 and the added initiatives like the CPUE limit rule simply provide more comfort.
- ♦ It is refreshing to see that a collaborative approach by industry/MPI to manage this fishery has seen steady improvement over the past decade.

♦ Talley's Group Limited support Option 3

Best regards

Doug Saunders-Loder
Resource Manager

HEAD OFFICE
Phone: 64-3-528 2800
Email: inquiries@talley.co.nz



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President
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SCA CS submissions
Fisheries Management – Inshore Fisheries
Ministry for Primary Industries
PO Box 1926
Dunedin 9054
FMSubmission@mpi.govt.nz

8 February 2013

NZ Sport Fishing Council submission on the TAC review for the Coromandel Scallop fishery (SCA CS)

NZ Sport Fishing Council

1. The New Zealand Sport Fishing Council appreciates the opportunity to submit feedback on the Total Allowable Catch (TAC) review for the Coromandel Scallop fishery. The Ministry for Primary Industries (MPI) released their proposals on 20 December 2012, with submissions due by 8 February 2013.
2. NZSFC representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Roz Nelson, secretary@nzsportfishing.org.nz.
3. The New Zealand Sport Fishing Council is a National Sports Organisation with over 32,000 affiliated members from 56 clubs nationwide. Scallops are highly valued by Council members and our supporters, and they are harvested to feed family and friends.
4. Scallops must be abundant to enable us to provide for our social, economic and cultural wellbeing, and be sustainable to meet the reasonably foreseeable needs of future generations, as per section 8(2)(a & b) of the Fisheries Act 1996.
5. The New Zealand Sport Fishing Council is committed to ensuring that sustainability measures and management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996. A precautionary approach needs to be taken in this highly variable fishery that has such uncertain and incomplete information.

NZSFC recommendations

- That the Minister retains the current commercial catch levels in the Coromandel Scallop fishery until there is better understanding of the abundance and available biomass in the new 2W Hauraki Gulf beds.
- That the Minister retains the annual abundance surveys in the Coromandel Scallop fishery as they enable some level of stock monitoring in this highly variable fishery.
- That MPI work with stakeholders to develop harvest strategies, including target and reference levels, and implement programmes to effectively monitor then regulate commercial fishing effort in the Coromandel Scallop fishery.
- That the Minister increases the baseline allowances for non-commercial fishing interests in the Coromandel Scallop fishery, to ensure all potential mortality remains within the TAC and to improve the management regime.

Summary of proposals

Table 1: Proposed TACs, TACCs and allowances for SCA CS

Option	Allowances				Other sources of fishing related mortality (t)
	TAC (t)	TACC (t)	Māori Customary (t)	Recreational (t)	
Option 1 (Status Quo)	48	22	7.5	7.5	11
Option 2	96	65	10	10	11
Option 3	131	100	10	10	11

6. MPI advise Options 1 and 2 retain the ability to implement an in-season increase *"if the fishery is considered to support a higher TAC in any given year"*.
7. MPI prefer an increased TAC/TACC with no increase in the current allowance for other mortality, but do not specify Option 2 or 3. Industry prefers Option 3. The NZSFC prefers the Minister retains the existing Total Allowable Commercial Catch (TACC) and the annual Total Allowable Catch (TAC) review, while increasing the baseline allowances from 7.5 to 15 tonnes (t) for non-commercial fishing interests.
8. The NZSFC consider the current proposals benefit commercial interests, MPI and the Minister, to the detriment of non-commercial interests in the Coromandel Scallop fishery.
9. Benefits for industry include increased quota allocations and reduced costs associated with annual surveys and management.
10. Benefits for MPI and the Minister are reduced costs associated with annual surveys, subsequent consultation and management. The downside of less MPI involvement in the Coromandel Scallop fishery is that it could hasten the move to a more commercially dominated fishery, an outcome unlikely to benefit recreational interests.
11. The proposed increase of 2.5 tonnes in the overall recreational allowance, in Options 2 and 3, will not have a direct benefit for recreational fishers as no daily bag limit increase is proposed.

Preliminary Input

12. Some stakeholders were asked for input into the management options to be included in the Initial Position Paper (IPP). On 7 December 2012 the New Zealand Sport Fishing Council (NZSFC) was invited to comment on the options by 17 December. NZSFC did not have the resources to provide feedback by the MPI deadline. MPI did not receive any specific feedback from iwi.
13. The NZSFC was not advised of, nor invited to submit to, the in-season TAC increase process managed by MPI in 2012. The Minister for Primary Industries, David Carter, approved an increase for the 2012-13 fishing year. The TAC was increased from 48 t to 370 t. The commercial catch limit, in the form of Annual Catch Entitlement (ACE), was increased from 22 t to 325 t. It is difficult to find a more reckless response to the discovery of new scallop grounds; effectively moving from discovery to destruction as swiftly as possible for fear that natural mortality will 'waste' some scallops. The industry has neither the processing capacity nor markets for such a sudden and huge increase in scallops coming ashore.
14. Exclusion from the 2012 consultation process was detrimental to our members and supporters' interests. The New Zealand Sport Fishing Council is determined to be included in future management processes regarding this important fishery.

15. The NZSFC notes that MPI and stakeholders have not agreed on any specific harvest strategies, including target and reference levels, for the Coromandel Scallop fishery. This needs to be a priority before any changes are made to the management structure underpinning this fishery.

Management controls

Current management

16. Since 2007 the recreational harvest season has been from 1 September to 31 March. A 100mm Minimum Legal Size (MLS) applies to scallops harvested by recreational fishers. The recreational daily bag limit is 20 per person. Since 2005 a diver may take a daily bag limit for up to two safety people on board the accompanying dive vessel.
17. The commercial season in the Coromandel Scallop fishery is from 15 July to 21 December. Around seven commercial vessels operate in this fishery and there are 10 quota holders. Since 1995 a 90mm MLS has applied to commercial take.
18. The Coromandel Scallop Fishermen's Association (CSFA) has implemented a voluntary management strategy, the Catch Per Unit of Effort CPUE-limit rule. This rule has been in place for three years and applies to all seven vessels operating in the fishery.
19. The CPUE limit rule requires that when a specified, lower CPUE limit of scallops has been reached, there is no more fishing within that area for the remainder of the season.
20. The 90mm MLS that applies to commercially taken scallops is justified on the grounds that a large portion of 90-100mm scallops are damaged when landed on board for sorting. To save discard mortality it was decided to reduce the original 100mm MLS to allow these fish to be retained and be included as part of the landed catch. This begs the question what separates commercial and non-commercial fishers in this respect, and what then becomes of the 85-90mm scallops?
21. The New Zealand Sport Fishing Council advocate that a more environmentally responsible and modern response is to insist that fish are selected on the seafloor in such a manner that enables sub-legal fish to escape without injury.
22. The scallop industry escapes meeting contemporary environmental standards and continues to use Victorian designed box dredges that plow the seafloor to the cost of all benthic life. The result appears to be continuing the destruction of scallop beds; as illustrated by the maps in the *State of the Gulf* report showing how scallop beds in the Coromandel fishery have an unbroken trend of becoming smaller and smaller over time.

Abundance

23. Scallops are highly productive and biomass can vary a lot between, and within, years. Because of this high variability the SCA CS fishery undergoes an annual survey to estimate the size of the fishery and available biomass for harvest. Using those estimates MPI then propose an in-season increase to the TAC and the amount of Annual Catch Entitlement (ACE) to be made available to commercial fishers for that season. At the end of the season the TAC reverts to the original limits – 48 t TAC and 22 t TACC. This in-season process is enabled, as Scallops are included on the Second Schedule of the Fisheries Act 1996.
24. MPI and industry evenly share the cost of the annual survey, typically \$100,000 pa. There are indirect costs associated with the in-season review process, including those for consultation. These latest proposals seek to reduce costs for both industry and the Ministry for Primary Industries.

25. MPI acknowledge the variability of abundance and have indicated they have *"some confidence about biomass levels over the next two years"*. They also acknowledge that it is likely that abundance will decline *"at some point in the future"*.
26. To save less than \$100k pa the Ministry propose to grant quota rights to commercial interests, rather than just increasing the amount of ACE available in this important fishery for the next two years. ACE is only valid for one fishing season. History has taught us that quota is for much longer, and we know how hard commercial interests fight to retain those rights once granted!
27. The discovery of new 2W beds, in deeper water in the Hauraki Gulf, seems to be contributing the bulk of biomass and confidence to permanently increase the TAC and TACC.
28. An alternative, less risky strategy is for the Minister to retain the existing in-season survey/TAC increase process for a set period to better determine if this bed is viable and truly able to contribute to the available scallop biomass for more than two years.
29. It is vitally important the annual surveys are retained as they are the only form of stock monitoring in this important fishery, and because:
 - a. Recruitment of scallops is highly variable between years;
 - b. Abundance of scallops varies between and within years;
 - c. MPI acknowledge that estimates of biomass and yield may have been overestimated in past surveys;
 - d. Commercial fishing effort has not been constrained by high catch limits since 2006-07;
 - e. Commercial fishers continue to use Victorian box dredges that have a high impact on the seabed and fishery. Incidental mortality is estimated to be around 34%. Dredging has an quantified detrimental impact on recruitment;
 - f. The Coromandel Scallop fishery has long suffered from serial depletion, where a bed is discovered, heavily exploited and left highly modified as commercial fishers move on to another bed; and
 - g. Biotoxin closures in in large areas of SCA CS can concentrate fishing effort.

SCA CS survey data

30. There is no survey data provided in this year's IPP to enable independent analysis of the information underpinning the recommended TAC increases. This data, including results from each scallop bed, has been provided in previous years and is very useful.
31. The most recent stock information is derived from a biomass survey conducted in April-May 2012. As noted, these surveys are 50% paid by MPI so ought to be available to the public. Making this information available will demonstrate MPI's willingness to conduct a transparent process where all submitters have access to the same information.
32. THE NZSFC REQUESTS electronic and hard copies of the data collected during the most recent survey of the Coromandel Scallop fishery.

CPUE limit rule

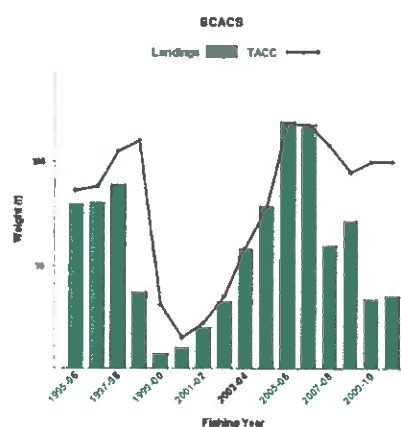
33. MPI advise this TAC review is appropriate given the potential increased abundance in the fishery for the next two years, and to take into account the implementation of the voluntary Catch Per Unit of Effort (CPUE) limit rule, by the Coromandel Scallop Fishermen's Association (CSFA).

34. The NZSFC acknowledges that this strategy offers a form of in-season monitoring. MPI and CSFA are currently *"evaluating the strategy as an alternative approach to survey-dependent management and in-season TAC adjustments"*.
35. The New Zealand Sport Fishing Council objects to any outcome that results in management be dependent on unvalidated industry-only supplied data. An independent data source must be maintained so that the Minister can use 'best available information' when making management decisions.
36. Fisheries are public property therefore the Minister must ensure that stock monitoring and evaluation remains a public process, to enable input and participation by non-commercial interests.
37. The Minister must be made aware of the social and cultural value of this fishery to the public, and not be lured into handing management inputs over to commercial interests only.
38. ~~THE NZSFC REQUESTS~~ electronic and hard copies of the CPUE limit rule programme, including details of the data collection, analysis and operation in the Coromandel Scallop fishery.

Commercial landings

39. Last year the Minister approved for the 2012-13 fishing year an in-season TAC of 370 t and a commercial catch limit increase from 22 to 325 t.
40. The 325 t in-season increase was granted even though industry advised both MPI and the Minister that season landings were only expected to reach 150 t. Despite this warning, MPI recommended to the Minister that, *"you allocate the full TAC regardless of how ACE holders may eventually use that ACE"*. And he did.
41. Clearly MPI want to take a hands-off approach to managing the Coromandel Scallop fishery. Commercial fishing effort is not being constrained by setting such a high catch limit. This is a major concern for non-commercial interests because of the high mortality rate, around 34%, associated with commercial dredging for scallops. And that commercial fishers can harvest 90mm scallops while recreational fishers are limited to 100mm scallops and individual daily bag limits.
42. MPI argue the TAC was set when stocks had been depleted by disease and that the TAC has not been reviewed for 10 years, except through in-season increases. They now propose to increase the TACC by 295% (Option 2), or 454% (Option 3).
43. The NZSFC is concerned that the proposed increases are unlikely to constrain future commercial fishing effort in average to poor years. For example, the last time commercial catch reached the specified catch limit was in the 2006-07 fishing year. (Refer Figure 1).
44. MPI argue that, *"for the past three years landings have been constrained by processing capacity and/or by operation of the CPUE limit rule"*. No information has been provided as to what that 'limit' has been over the past three years, or what it might be in the future. Without knowing the actual 'limit' figures, we can only assume that the fishery needed to be abandoned due to poor catch rates.

Figure 1: Landings and catch limits for SCA CS from 2002-03 to 2009-10. TACC refers to catch limit, and Weight refers to Meatweight



Note: Catch limits are specified in meatweight i.e. muscle and roe, as opposed to greenweight, which includes the shell.

Other mortality allowance

45. It is the statutory duty of the Minister to set aside an allowance for other sources of mortality caused by fishing. [s21, Fisheries Act 1996]
46. Currently the allowance for other mortality is 11 t of a 48 t TAC. This represents 22% of the TAC. An 11 t allowance for other mortality is retained in Options 2 (11%) and 3 (8%).
47. The NZSFC is concerned at this percentage reduction in allowance for other mortality while enabling higher catch rates. This is particularly concerning given that incidental mortality has previously been estimated to be up to 34%. MPI advise that recent studies indicate mortality rates may be lower, but biomass and yield may have been overestimated in the past.
48. MPI advise in the current IPP that, *"incidental damage during commercial dredging is allowed for in the CAI [Current Annual Yield] estimates used for the fishery"*.
49. However, in the 2012 SCA CS Final Advice Paper, MPI advised the Minister that, *"while CAI estimates may partially take into account fishing-related mortality, you are required to allow for fishing-related mortality when setting a TAC"*. At the time they advised the Minister to increase the other mortality allowance from 11 to 25 t, if he was going to increase the TAC from 48 to 370 tonnes.
50. The NZSFC would appreciate clarification on which of these two statements above is true.
51. **THE NZSFC REQUESTS** electronic and hard copies of the recent studies on incidental mortality.

Non-commercial allowances

52. It is the statutory duty of the Minister to 'allow for' non-commercial fishing interests in that stock, both Maori customary and recreational. He does this by setting aside an allowance, described as a tonnage. [s21, Fisheries Act 1996]

53. The NZSFC acknowledge that non-commercial harvest is likely to vary with abundance. Within this Coromandel Scallop review process the allowances are generally increased when the TAC increases, and reverts to the baseline allowance levels on 30 March the following year.
54. The NZSFC submit that the Minister increases the baseline allowances from 7.5 to 15 tonnes for non-commercial fishing interests. Doing this would negate the expenses associated with reviewing the Maori customary and recreational allowances every year.
55. A baseline allowance increase will also recognise that:
 - a. Overall harvest has increased –
 - i. Since the 2005 management changes to enable a bag limit to be taken for up to two safety people onboard,
 - ii. Due to the amendment that now allows 'shucking' at sea by boat-based people,
 - iii. Due to the 6-week shift of the recreational season opening date, improving access to better conditioned scallops during daylight saving hours;
 - b. The population with access to the Coromandel Scallop fishery has increased markedly since 1992/93, when the 7.5 t allowance was made;
 - c. New recreational harvest estimates will be available soon. Early indications suggest harvest levels could be almost double the current allowance. The Minister needs to use the best available information when setting the new allowance.
 - d. A 15 t allowance is likely to be the maximum harvest level in any given fishing year and reduces the risk of exceeding the TAC; and
 - e. This will meet the Minister's lawful duty to allow for *all* mortality, as per s21 of the Act.
56. A recurring theme in MPI documents is the reference to highly uncertain estimates of recreational and customary catch. Clearly the 13 Customary permits issued in the past year do not reflect tangata whenua's interests in this important fishery.
57. Realistically, we will probably never be able to predict future levels of non-commercial harvest in the Coromandel Scallop fishery.
58. However, this uncertainty merely highlights the need for the Minister to meet his obligation to 'allow for' our non-commercial fishing interests, by managing the fishery in a manner that ensures (as much as possible) that those scallops are accessible and available to non-commercial fishers.
59. As noted by the Courts, these non-commercial interests can be assessed by conducting a thorough consultation process that enables evaluation of both the quantitative and qualitative elements of people's wellbeing, when setting the TAC and allowances.

Recreational bag limits

60. There are mixed and strong views on whether the individual daily bag limit ought to be increased in the Coromandel Scallop fishery.
61. Until consultation on this issue is completed, the NZSFC submit that the most meaningful gain would be to:
 - a. Increase the baseline allowance for all non-commercial fishing interests; and
 - b. Ensure the new baseline is retained after 30 March each year.

Hauraki Gulf Marine Park Act

62. The main Coromandel Scallop beds are within the Hauraki Gulf Marine Park boundaries. When setting the TAC the Minister is required, under s11(2)(c) of the Fisheries Act 1996, to have *particular regard* to

sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000. These sections recognise the Hauraki Gulf's national significance, the wellbeing of people, and the protection and enhancement of natural resources, including kaimoana, within the Park.

63. The New Zealand Sport Fishing Council encourage MPI to work with other agencies that are responsible for activities with and around the Hauraki Gulf, to improve the potential of the Gulf and for the benefit of the environment and the communities that access those waters.

Previous NZSFC submissions

64. 2010 – Submission on the review of the Total Allowable Catch (TAC) for the Coromandel Scallop fishery, for the 2010 fishing year.
- 2007 – Submission on the proposal to review the TAC for the Coromandel Scallop fishery, for the 2007 fishing year.

6th February 2013

SCA CS Submissions
Fisheries Management – Inshore Fisheries
Ministry for Primary Industries
Private Bag 1926
Dunedin 9054



New Zealand Underwater Association Inc
Mike Percy (NZUA Environmental Section)
PO Box 875
Auckland

Submission: on behalf of the New Zealand Underwater Association (NZUA).

Whilst representing many thousands of recreational scuba divers and being closely associated to other organisations such as Spearfishing New Zealand, the NZUA is a stakeholder in matters of the marine environment that consider the health and wellbeing of all its form, with special consideration given to the health of the waters surrounding New Zealand and protection of its biodiversity. On matters that relate to Fisheries target species and their management, the NZUA has particular interest in sustainability and effects on the marine environment in general.

Total Allowable Catch Review for Coromandel Scallops for April 2013.

One of the main problems in managing Scallop Fishery is meeting the requirements of all stakeholders. One can appreciate the importance of keeping the Scallop Fishery sustainable - we have to learn from our mistakes.

The NZUA recognises the management effort to manage all of New Zealand's Scallop Fishery areas. As with any fishery, there is always concern of Total Allowable Catch (TAC) levels being set too high. It must be recognised that scallop populations are known to fluctuate with changes in their environment. These changes can have a marked effect on an area's sustainability from being sustainable one year but not in the following year. Management of scallops must focus on sustainability and must not be influenced by the pressure of opening new markets overseas. Our ocean resources have never been at such a critical level of sustainability and threaten the whole marine ecosystem. The NZUA takes the cautionary approach to any recommendation to the suggestion of any increase in TAC.

Proposed Options for TACs, TACC and allowances for SCA CS.

Agree to support the following –

- Option 1 (Status Quo).

Regards

A handwritten signature in black ink, appearing to read "Mike Percy".

Mike Percy (NZUA Environmental Section)

TE OHU KAIMOANA



MĀORI FISHERIES TRUST

31 January 2013

Ref AR/2013

SCA CS Submissions
Fisheries Management - Inshore Fisheries
Ministry for Primary Industries
Private Bag 1926
DUNEDIN 9054
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Tena koe,

REVIEW OF THE COROMANDEL SCALLOP FISHERY TOTAL ALLOWABLE CATCH AND ASSOCIATED ALLOWANCES

Introduction

Te Ohu Kaimoana Trustee Limited (Te Ohu) welcomes the opportunity to submit on the Ministry for Primary Industries' (MPIs) Initial Position Paper (IPP) on Coromandel scallops, dated December 2012. The purpose of Te Ohu is to advance the interests of iwi individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities. Amongst other things, this purpose is intended to:

- a) ultimately benefit the members of iwi and Maori generally
- b) assist the Crown to discharge its obligations under the 1992 Fisheries Deed of Settlement and the Treaty of Waitangi and
- c) contribute to the achievement of an enduring settlement of the claims and grievances referred to in the 1992 Fisheries Deed of Settlement.

Te Ohu has prepared this submission in dialogue with iwi that have commercial and non- commercial interests in the QMA8 surf clam fishery. However this submission is not intended to override any submissions these iwi may make in their own right.

The Proposal

The Ministry for Primary Industries (MPI) is seeking tangata whenua and stakeholder information and views on a review of the total allowable catch (TAC), total allowable commercial catch (TACC) and allowances for the Coromandel Scallop fishery (SCA CS) -- (see Figure 1). There are 3 options contained in the IPP.

Figure 1: Proposed TACs, TACCs and allowances

	TAC (t)	TACC (t)	Customary (t)	Recreational (t)	Other sources of fishing mortality
Option 1	48	22	7.5	7.5	11
Option 2	96	65	10	10	11
Option 3	131	100	10	10	11

Te Ohu's Preferred Option

Te Ohu supports option 3 – to increase the TAC to 131t, the TACC to 100t, the customary and recreational allowances to 10t each, and other fishing mortality to 11t.

Te Ohu also supports MPI shifting to the alternate CPUE management approach.

An Overview of the Commercial Coromandel Scallop Industry

The Coromandel Scallop Fishermen's Association (CSFA) is a commercial stakeholder organization (CSO) that is mandated to look after fisheries management matters on behalf of quota owners, vessel owners, and processors. This includes working with MPI to manage stocks, for example participating in stock assessment processes, and TAC and TACC decisions. It also involves day to day operations involving such things as interpreting catch and survey data, coordinating the fleet and catch effort, and dealing with water quality testing. A big part of CSFA's work has been developing the Catch Per Unit Effort (CPUE) approach to management.

In 2009 and 2010 CSFA reviewed the reporting areas for SCA CS and reset the boundaries of the main beds based upon historical catches and benthic substrate. The main beds are in the Hauraki/Coromandel region and there are smaller beds around the Waihi/Tauranga area. The commercial beds are largely separated from recreational beds and in some cases they are too deep (i.e. 50m to 70m) for recreational or customary fishers to access without commercial gear.

The scallop fleet comprises 7 vessels. They work collaboratively under the CSFA. During the season the fleet and processors meet weekly to discuss performance of the fishery and to agree management strategies i.e. exploring for new beds and where the boats should be fishing, if at all. The fleet is required to provide two sets of landing reports, firstly MPI landing reports and secondly industry CPUE reports. Combined, these reports provide fine scale catch data in the form of CPUE data, the average percentage of scallops kept per dredge tow, green weight to meat weight recoveries, the area being fished, and whether the vessel is looking for fish or commercial fishing. Looking involves checking and exploring for new beds. CPUE is used as an indicator of the number of recruited fish on the ground. Keepers are the average number of scallops harvested per hour that are legal size. Weight recovery is the number of green scallops to meat weight. The higher the meat weight the lower the number of scallops to achieve the TACC. During the fishing season the catch information is summarized into weekly reports (a dash board) and provided to industry and MPI managers to help them monitor catch effort and make management decisions. In addition to these decisions the fleet must also comply with industry minimum thresholds and MPI regulations when fishing.

Surveys are also an important part of management and these have historically been done by MPI under contract to NIWA. In 2012 industry obtained a special permit from MPI that will

enable them to trial “industry” lead surveys. These could involve more than one vessel and will likely occur both during and before commercial fishing starts for the year.

Considerations

There are a number of reasons why Te Ohu supports option 3 and rejects options 1 and 2. The following points are particularly relevant.

1. The collaborative approach that industry applies in managing the SCA CS fishery provides us with confidence that industry can manage the fishery.
2. The results from the 2012 scallop survey (SCA CS 2010/01B) have estimated the Constant Annual Yield (CAY) from the fishery at 370t and the start of season biomass at 1380t. The estimates are for the surveyed beds only.¹ The highest proposed TAC option in the IPP is 136t, well below the CAY. It would take just under 3 seasons to catch the CAY if 136t (option 3) was caught each year.
3. Fishing effort during the 2012 season was targeted at the new Hauraki bed. This has allowed the remaining scallop beds to be rested and available for harvesting in the future. There remains a significant amount of fish in the Hauraki bed at the end of 2012 and these could be included in the pool of beds to be fished in 2013.
4. The fine scale CPUE approach to managing stocks is affordable and offers better information to enable the fishery to be managed. Unlike the MPI/NIWA survey approach, the CPUE regime incentivizes industry to invest in innovation across the full value chain, for example developing low cost ways of locating scallop beds with high densities, improving harvesting techniques, improving processing and harvest methods, and creating new products.
5. It is unlikely that recreational fishers will be adversely impacted if the Minister approves a 100t TACC as the beds fished by commercial operators are spatially separated from other users.
6. The scallop industry needs to realign itself with the commercial environment or risk going into decline and collapsing. Part of the realignment requires the baseline TACC to be increased to 100t. We understand industry is likely to drop the CPUE approach if they have to continue doing regular formal surveys. They cannot afford to do both and still be expected to invest in research. In our view the management strategy showing greatest potential is the CPUE approach and it can be shown to be safe and within the limitations of MPIs standards.
7. Options 1 and 2 will do little more than undermine industry initiatives to improve the fishery.
8. Option 3 is consistent with MPIs National Fisheries Management Plan for SCA CS – to enable annual yield from the fishery to be maximised, while maintaining the stock size at or above the level required to ensure sustainability and the spawning stock biomass

General Comments

Overall we are pleased that options for improving management of the SCA CS fishery are finally in the formal IPP stage. Industry, SeaFIC, and the Te Ohu Group (supporting iwi) have invested significantly in this fishery during the past 4 years in order to achieve improvements to the way in which the commercial fishery is operated. MPI has also played an important role, and its predecessor the Ministry of Fisheries. By supporting option 3 the

¹ Total Allowable Catch Review for The Coromandel Scallop Fishery (SCA CS) 25 December 2012, paras 14 to 15

Minister will improve management and help to stimulate investment in the industry. As mentioned earlier, new technologies need to be developed. Systems and processes that drive MPI decision making also need to be reviewed with a view to getting rid of unnecessary costs and bureaucracy. The IPP provides an option to do these by firstly increasing the TACC to 100t and adopting the alternate CPUE approach management. In this regard we fully support this IPP being consulted. We also look forward to seeing a further IPP come out later in 2013 to remove regulations that are unnecessarily constraining commercial development in the scallop fishery.

The IPP suggests that the current management regime is responsive to biomass fluctuations and variations in the annual maximum potential catch.² We disagree with this statement. The current management regime constrains development by imposing a season, limiting the hours in which the fleet can fish, and creating potential delays in in-season TAC decisions. In relation to the latter, industry has experienced delays for years and although MPI has improved their internal systems in recent years, the system as a whole still poses unacceptable risks and is unsatisfactory. Fishers often risk breaking the law by not being able to cover ACE and therefore being penalized through deemed values.

We note that in 2011 industry was also unable to obtain a second in-season TACC increase because there was insufficient time. Industry could have caught another 20t had a second adjustment been possible. None of the above examples equate to responsiveness.

The IPP mentions the "alternate" CPUE approach to managing scallops³ but does not identify to readers that CPUE is measured at finer scales, not at the QMA scale. This should have been explained in the IPP because the general view is you cannot use CPUE to manage scallops. The reality is that it is possible to do so provide it is carried out at more appropriately sized scales. We agree with the IPP that the CPUE approach cannot predict future biomass: the approach is used by industry to obtain an indication of the state of the fishery in fine scale areas, at the time the data is collected. The IPP acknowledges that commercial fishers responsibly self-regulate if the number of keepers get to a certain proportion, or the catch rates fall below predetermined levels. A 70kg CPUE threshold was applied over the Hauraki Bed in 2012 and the actual CPUE was running at more than 200kg per hour with average 95% keepers.

MPI will be aware that the Coromandel Scallop Fishermen's Association now has a special permit to do stock surveys outside of the current season – July to December. If the Minister supports option 3, industry will put in place a program to do its own exploration and surveying, and will continue with the CPUE approach management.

The IPP suggests that landings of SCA CS during the past 3 years have been constrained by imported product.⁴ We disagree with this comment. Fresh NZ scallops sold through supermarkets (80% plus of the TACC) are preferred by consumers over imported scallops. Imported scallops are mainly consumed in fast food outlets, restaurants, and when NZ scallops are out of season.

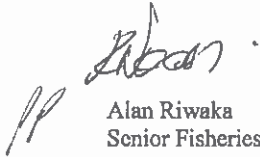
² Ibid, para 8

³ Ibid, para 10

⁴ Ibid, para 17

If you would like to discuss any matters raised in this submission please do not hesitate to contact me on 049319512 or 0212275289.

Noho mai ra

A handwritten signature in black ink, appearing to read 'Alan Riwaka', with a stylized flourish to the left.

Alan Riwaka
Senior Fisheries Management Advisor

Submission to Coromandel Scallop Fishery (SCA CS)

Firstly I would like to thank MPI for allowing consultation on such a valuable resource as the Coromandel Scallop Fisheries to recreational parties, such as myself.

I believe there are large areas of lip service and misrepresentation of recreational gatherers as myself.

The previous consultation documents Coromandel Scallop Fisheries (SCA CS) In-Season (TAC) review as with this consultation repeatedly suggest an increase to Customary and Recreational sectors of the fisheries from 7.5t to 10t yet no increase is actually offered.

- A recreational (TAC) of 7.5t equates to approximately 562'500 scallops for this sector.
- A customary (TAC) of 7.5t equates to approximately 562'500 scallops for this sector.
(Note: customary permits have been issued for 5'300 scallops only)
- An increase to 10t equates to 750'000 scallops for each sector named above. An increase of 187'500 scallops, or an extra 9'375 dives. Yet, I can still take no more scallops this season as I could last season or any before that.
- Amazingly, recreational gatherers on commercial boats (7 boats x 3 or 4 people, 21 -28 people) take 5% of the total recreational catch for this year.

Consultation document

Point 8

"CPUE limit rule" is largely a measure of fishery economics and practices; specifically, a minimum economic catch rate during periods of lower scallop density and not some wonderful sector implemented management scheme. A wolf in sheep's cloths comes to mind.

Point 23

"For the past three years landings have been constrained by processing capacity and/or by operation of the CPUE limit rule". This statement is misleading and quite unbelievable. Processing capacity in 2005/6 and 2006/7 exceeded 120t, yet it is implied that they could only process approximately 35t for the past 2 years. What is more likely is that the commercial sector has overfished the beds to the point it is not economically viable.

Further to this, the commercial sector processed approximately 150t this year. This is also shown in figure 3: SCA CS CAY estimates from 1998/99 to 2011/12 (tonnes meat weight) which shows a steady decline from 2005 to 2011 and only the discovery of the new beds off Little Barrier have enabled an increase in the CAY.

Point 24

The statement "recreational and commercial fisheries are largely, spatially separate with much of the near shore area closed to commercial scallop fishing". Some of my friends are diving the same beds as the commercial boats off Kuaotunu and Otama for almost 30 years, and they have seen a steady decline in the numbers of scallops on those beds. Only due to reduced numbers we have gone to other beds in Opito and Home Bay (Mercury Is) - both closed to commercial operators. We have seen first-hand commercial boats back into bays drop their dredge and steam out. I therefore disagree with the statement that we are largely, spatially separate. What would serve recreational and customary sector is that commercial vessels dredge in depths of 20m or more (often too deep for recreational interests) ensuring that we are separated and that both our interests are maintained.

Point 25

I agree with the harvest controls for recreational gatherers, with the exception of 20 per person. I believe that if there is to be an increase that it is awarded to the recreational gatherers and this limit should be lifted to 30 per person.

Point 29

I find the provision for commercial fishers to take recreational scallops totally repulsive. The quantity taken (according to your documentation 36'600 scallops) represents 5-6.6% of the TAC for recreational divers. This is 21 – 28 people being allowed to take a significant share of the recreational TAC.

The Options

Option1

I support this option, due to a lack of real consideration given to recreational and customary gatherers.

Preference

When the in-season TACC is reviewed, the recreational daily catch increases from 20 to 30 per person plus an additional bag limit for each of up to two boat safety people.

Commercial vessels are restricted to 20m of water or more.

(In line with objectives for Group 2 stocks - Incentivise sector groups to develop coordinated and collaborative responses to potential spatial or access conflicts)

Section 111 of the act be reviewed as this is a blatant misuse of the recreational TAC and disproportionate to the TAC for recreational gatherers.

Option 2

I would only support this option if the recreational daily catch increases from 20 to 30 per person plus an additional bag limit for each of up to two boat safety people.

Commercial vessels are restricted to 25m of water or more.

(In line with objectives for Group 2 stocks - Incentivise sector groups to develop coordinated and collaborative responses to potential spatial or access conflicts)

Preference

Section 111 of the act should be abolished as this is a blatant misuse of the recreational TAC and disproportionate to the TAC for recreational gatherers

Option 3

I do not support this option at all. Only in 2005/6 and 2006/7 have landings of 100t been achieved (and possibly 2012/13). All other years have been significantly below 100t and in fact the average over the past 16 years is 65t. It would be foolish to allow such significant over-fishing to be permitted. Setting a base 50% higher than the average, could only result in significant depletion of fish stock.

Overall I have found the consultation documentation significantly biased to the commercial sector at the expense of recreational and customary sectors.

Many thanks for the opportunity to voice my opinion

Patrick Pfister, Whitianga 23/1/2013

Recreational Diver