

Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

Inshore Fisheries Management
Ministry for Primary Industries
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21 June 2018

Dear Sir/Madam

Submission – FNZ Discussion Paper (2018/02) – Temporary Closure of Southern Scallop SCA7 Fishery

I submit this submission on the above Ministry for Primary Industries (**MPI**) - Fisheries New Zealand (**FNZ**) - Discussion paper in my capacity as President of the Kenepuru and Central Sounds Residents' Association (**KCSRA**). The FNZ Discussion paper advances two options for the current scallop season. To maintain the last two season's closure of SCA7 and the Port Underwood area (**Option One**) or open the entire SCA7 fishery to all comers as of 15 July 2018 (Option Two).

Background

1. **Who we are:** KCSRA was established in 1991, and currently has around 265 household members whose residents live fulltime or part-time in the Kenepuru and Pelorus Sounds. The KCSRA's objects include, among others, to coordinate dealings with central and local government and promote the interests of residents of Kenepuru Sound and adjacent areas.
2. **What we do:** Our website (www.kcsra.org.nz) demonstrates that KCSRA is very busy representing the interests of members in a wide variety of matters. For example, advocating for better and safer roads and provision of public toilets in places of high visitor use, liaison and representations to the local council, and involvement in local environmental/conservation issues.

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Introduction

3. **Why we are interested:** In January 2014 KCSRA received notice of a MPI Initial Position Paper entitled “*Review of Sustainability Measures for SCA7*”. The focus of that paper was a review of the Total Allowable Catch (TAC) then set at around 800 tonnes meat weight for SCA7. We were shocked to realise that the TAC bore no relationship to what was actually happening in the fishery (and still does not).
4. It became very clear to KCSRA that the experiment in passing governance of the resource to commercial interests via a Memorandum of Understanding had failed. This is evidenced by the total collapse of the once flourishing Tasman and Golden Bays scallop fisheries primarily due, in our view, to commercial overfishing and governance failure.¹ This failure of governance was also rapidly pushing the Marlborough Sounds fishery to collapse by out of control commercial interests.² This was **not acceptable** for a resource that was much treasured by the Sounds community.
5. Accordingly, the committee of KCSRA rapidly inserted representatives into the process who came up to speed with the management, legal and scientific issues. Crucial to our involvement was joining an alliance of local community organizations’ (Pelorus Boating Club and the Marlborough Recreational Fishers Association). Over the next two years we kept our members informed as we and the Alliance submitted in opposition to Industry Harvest Plans, commented on the design and outcomes of biomass surveys, made media releases, attended MPI convened multi-sector working group meetings and wrote on numerous occasions to the then Minister over our increasing concerns.
6. The continued rapid decline in available scallop biomass in the Sounds was such that by the end of the 2015/16 season the commercial harvest from the Sounds had collapsed to 21 tonnes³. This galvanised the Alliance to greater efforts to remove the scales from the eyes of MPI officials and scientists. We were successful in that in June 2016 the then Minister announced a complete closure of the Sounds scallop fishery. In 2017 this closure was repeated as the latest MPI biomass survey still painted a picture of the Sounds scallop fishery teetering on the abyss of collapse.
7. In the intervening period the Alliance, working with MPI, tried hard to progress the much-needed restructure of the governance arrangements for the Sounds resource. **We did not succeed**. It is submitted that the Industry (as represented by the Challenger Scallop Enhancement Company – CSEC) achieved this result by being allowed by MPI to effectively use the tactic of refusing to engage. **It is a most unfortunate outcome**.

¹ Thus for example it is recorded that in parts of TB/GB planned rotational fishing on a 3-year cycle morphed, in fact, into annual fishing over 8 years. See page 21, paragraph 2.3.1 of “A summary of expert opinion to help rebuild shell fish fisheries in Tasman and Golden Bays” – November 2015 NIWA Information Series No 84.

² Commercial exploitation rates in the Sounds in 2012 were as high as 40% - page 1126, Volume 3 - MPI Fisheries Assessment Plenary –May 2016 -SCA7. At this point recreational representatives refused to agree to the commercial harvest plan in 2013 sparking the subsequent TAC review referred to in paragraph 3 above..

³ In 2009 the Commercial take was over 100 tonnes meat weight from the Marlborough Sounds Fishery. Recreational and customary take has been estimated by MPI to be relatively stable at around 11 tonnes from all the SCA 7 fisheries.

Discussion

8. The 2017 election and formation of the coalition government has given non commercial interests such as the Alliance **some hope** as to the possibility of a top down change of policy direction and culture on this matter.
9. We are greatly heartened by the fact that the new Minister has come to the top of the South to meet with the Alliance. The Alliance is very pleased that following this meeting the new Minister has clearly encouraged his officials to progress a more representative replacement governance structure.
10. Industry too has realised a change of environment has occurred. It has slowly started to more meaningfully engage with both non-commercial interests and FNZ officials as to Terms of Reference for a new multi sector group to assist the Minister in achieving the sustainable management of the Sounds fishery.
11. Further the 2018 NIWA biomass survey commissioned by the rebranded MPI division now know as Fisheries New Zealand has, as the FNZ Discussion paper records, revealed an improving upward biomass trend. However the FNZ Discussion paper advises that this encouraging trend is **not** statistically different from the last few years' results.
12. We understand this to mean that there is still no solid empirical evidence basis to advocate for Option two. In other words we are being asked to review yet another Discussion paper painting a still grim picture of the situation and seeking a response to two proposed "*management options*" – **to close or not to close for another season?**

Support for Option One - Continued Closure

13. On the basis of the results of the 2018 NIWA biomass survey and the FNZ commentary in the Discussion paper KCSRA supports and **thus submits in favor of Option One.**

Other Matters raised in the FNZ Discussion Paper.

14. **Revisiting Option One - Alarm Bells:** Whilst the fishery has been closed for two seasons it has been extensively bio-massed surveyed on several occasions using intrusive dredging sampling. This sampling method results in mortalities and disturbance to the clearly fragile beds.
15. Accordingly, we note the somewhat vague narrative in section 8 of the Discussion paper suggesting that closure under Option One could be revisited **with concern**. Presumably this would require further sampling and disturbance to the beds. **We do not think this wise.** It is too early -in what we hope is a recovery cycle – for FNZ pander to commercial interests itching to "have a go" irrespective of longer-term potential damage. We reserve our position accordingly.

16. **Multi sector Governance group;** The Alliance has lobbied hard for such a group with strong representation from non-commercial groups who have a focus on guardianship and sustainable management of the Sounds resource. The Alliance strongly believes, on an evidentiary basis, that we are in the current mess due to a failure of governance. Our only concern around the creation of an advisory multi sector group is - **why is FNZ dragging the chain on getting this initiative underway?**

17. **Factors to be considered in any Opening regime:** The FNZ Discussion paper seeks input in the various matters that might make up an agreed opening regime without compromising the rebuild of the resource. The FNZ Discussion paper lists a few areas of consideration. With all due respect we submit that the focus of review and inquiry for the multi sector group must be on the primary driver of the collapse - commercial over fishing. We list some further examples /areas that, we submit, need serious work before we can hope to see a sustainable harvest by the commercial sector.

18. **Commercial Exploitation Rate-:** In essence this is the available biomass as calculated by a survey multiplied by an agreed percentage or exploitation rate. The latest NIWA research confirms that this has been set **way too high**. The Alliance has consistently argued for a much lower rate. **We have been proved right again.** Setting a new rate (eg around 8 to 10%) should rank high on the agenda of the multi sector group.

19. **Hard and Soft Limits:** This is an area that FNZ and its predecessors have found too hard. We submit that the “hard” question that has to be phrased and addressed is whether this management approach is transferable to relatively immobile shellfish. If not, is there an alternative to other than taking more of a precautionary approach? We submit that the multi sector group needs to review this vexed area.

20. **Rotational Fishing:** As previously noted the available scientific literature seems clear that the break down of a three yearly rotational fishing regime for commercials was a major factor in the collapse of the TB and GB beds. We strongly submit that the multi-sector group needs to assess if this is a viable option for the Sounds and what it might look if implemented.

21. **Disease:** There have been vague reports of disease in the likes of the Ketu bed. The multi sector group needs to be tasked with reviewing and making recommendations to get to the bottom of this.

22. **Recreational Bag Limits:** There may well be support amongst recreational fishers for a reduced bag limit in certain circumstances. For example if the fishery or selected parts of it was opened to a “light” non-commercial catch effort only. Some veteran recreational fishers are, quite reasonably so, suspicious that sacrifices here by non-commercial fishers will be merely scooped up by an increased harvest for commercial fishers. Bag reductions need to be evidentiary based and carefully worked through to avoid this outcome. The door **should not** be closed to revisiting non-commercial bag reductions if subsequent biomass surveys support the same.

23. **Shorter Season:** Should we be so lucky to be looking at a combined harvest by non commercial and commercial fishers then careful thought needs to be given by the multi sector

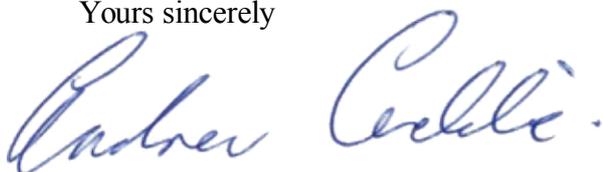
group as to how to avoid conflict between these groups in the shorter season approach bearing in mind the small number of viable beds.

24. **Enhancement:** For the record we reiterate our deep concern at the prospect of any push to allow commercial enhancement of the Sounds scallop beds. Part of this well-founded skepticism is due to the historic fact that enhancement was quickly followed by commercial over fishing and collapse in TB and GB.
25. **Flexible Regulation:** We submit that a much more flexible approach to management of the resource is required and this should not be frustrated by the seemingly rigid regulatory toolbox we have at the moment. The multi sector group needs to test the parameters identified as desirable in an opening regime as to regulatory flexibility and make recommendations accordingly.

Conclusion

26. For the coming season the best available scientific evidence supports Option One. We also record that, in our view, the risks associated with Option two are **significantly under estimated** in the FNZ Discussion paper.
27. The closure period needs to be constructively used. We urge the Minister to take urgent steps to secure the long-term future of the Sounds resource by directing his officials to have the Ministerial approved multi sector working group meet in the next few weeks.

Yours sincerely



Andrew Caddie
President

Kenepuru and Central Sounds Residents' Association