

# Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

Fisheries New Zealand  
Fisheries regulation amendments 2022

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3 March 2022

Dear Sir/ Madam

## **Kenepuru and Central Sounds Residents' Association (Association)— Opposition to the Proposal to allow Commercial Fishers to use Underwater Breathing Apparatus (UBA) to Harvest Scallops in SCA7. – Proposal 10**

I write in my capacity as President of the Kenepuru and Central Sounds Residents Association (Association).

### **Introduction**

1. The Association was incorporated in 1991 and currently has over 300 mainly household members whose residents live full time or part time in the Kenepuru or Central Pelorus Sounds. The Association's objects include, among other things, to coordinate dealings with central and local government on matters of interest to members.
2. The Association is active on a wide variety of issues of interest to members. Of keen concern to members is the preservation and enhancement of the unique and iconic marine environment of the Sounds. For more detail see our web site ([www.kcsra.org.nz](http://www.kcsra.org.nz)).
3. An area of very active involvement by the Association has been the struggle, since 2014, to try and save the Marlborough Sounds iconic scallop fishery from decline and collapse due to commercial over fishing. In other words attempt to avoid the fate of scallop fisheries in Tasman and Golden Bays.
4. Our first step was to bring commercial interests to their senses and have the scallop fisheries in SCA7 closed to all comers. This was achieved in 2016.
5. We (and other community groups) then successfully lobbied the then Minister of Fisheries to convene a group of stakeholders to develop a strategy to facilitate the rebuild of scallop stocks in SCA7 to a healthy level to allow both commercial and non-commercial fishing activity that is sustainable.

6. This group is known as the Southern Scallop Working Group (SSWG) and is a multi-sector group including, tangata whenua, commercial, recreational, community interests as well as scientists and representatives of Fisheries New Zealand.

7. The SSWG has produced the *Southern Scallop Strategy: Marlborough Sounds* as a Fisheries Plan under Section 11A of the Fisheries Act 1996. The SSWG has then prepared an Implementation Plan and is taking steps to do exactly that.

8. Accordingly, the Association is **bitterly disappointed** that FNZ has seen fit to make this proposal without any formal reference to or discussion with the Southern Scallop Working Group.

### **Response to FNZ Questions**

9. Section 6.1 of the FNZ Consultation document (which we only found out about by chance and very late in the piece) sets out a little detail (2 pages) as to why FNZ thinks this is a good idea for the likes of SCA7. It then proposes the following question:

**Question:** Do you support the proposal to enable use of UBA in commercial scallop fisheries?

**Answer:** The Association **strongly opposes** this proposal at this point in time.

### **Discussion**

10. The Association acknowledges that the practice of dredging for scallops is most likely well and truly past. The science and evidence against even the medium term sustainability of such practices is huge. I refer you to, for example, the EDS submission dated 8 February 2022 in relation to a FNZ review of sustainability measures in SCA1 and SCA CS. I note its commentary on the significant adverse impacts on benthic flora and fauna from dredging activity.

11. Should we be so lucky to bring back from collapse the scallop fisheries in SCA1, SCA CS and SCA 7 then we will need to develop, assess and discuss alternative fishing methods and how they might be used in a sustainable manner given the characteristics and attributes of each area.

12. Future alternative harvesting methods by commercial operators could well involve the use of UBA devices. However to abruptly pave the way for their introduction without proper process is very poor practice and in our view, in the case of SCA7, indefensible.

13. It is also quite astounding we submit that, given the FNZ led review that is being undertaken for SCA1 and SCA CS, this proposal seems to be proceeding quite independently of that review. Pre-empting it in fact.

14. We are quite confident that the Prime Ministers Chief Science advisor would also be appalled at the way this proposal is being introduced to cover SCA 7 given the existence of an active multi sector-working group like SSWG.

15. Thus a topic for development within the SSWG has been the use of Refugio areas to protect and enhance the establishment of a critical mass of healthy scallop-breeding stock. These areas would, of necessity, be found among the areas intensively commercially fished prior to closure of SCA7. In this light we must register our concern at the potential implications of your paragraph 236 on the creation of such Refugio areas.

16. We are also surprised at the lack of information offered to support this proposed regulation in the light of the requirements of the information principles set out in section 10 of the Fisheries Act. Thus, for example, there has been no attempt to enlighten readers as to what has changed in regard to the UBA risks outlined in your paragraph 228?

17. We fail to see how the Minister can meet the statutory requirement of ensuring sustainability of the stock when making his decision on the information contained in the FNZ discussion document. What is proposed and the information supporting it is, we submit, well short of the ecosystem approach favoured by the Prime Ministers Chief Science Advisor.

18. We submit there needs to be more intensive discussion and review of the merits, shortcomings and possible deployment of the proposed use of UBA devices by commercial operators. The implications of such an introduction are too serious for our surviving beleaguered scallop fisheries to be seen only from the lens of providing flexibility for commercial operators.

19. Pending such an informed review, which in the case of SCA 7, should be led by the SSWG the Association **is opposed** to FNZ proposal 10.

### **Conclusion**

20. We submit that the proposal should be withdrawn for at least SCA 7 pending a proper review by the SSWG, then and only then can the so called “pros” of the proposal outlined in your paragraph 241 be properly tested and debated.

21. Should there be a public hearing or similar on this matter the Association requests the opportunity to attend and would be represented.

Regards

A handwritten signature in blue ink, appearing to read "Andrew Caddie". The signature is fluid and cursive, with a large initial 'A' and a long, sweeping underline.

Andrew Caddie

President Kenepuru and Central Sounds Residents' Association