



Spatial Planning and Allocations
Fisheries Management
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RE: Proposed temporary closure of the Whangaroa area to the harvest of scallops

SUBMITTER DETAILS

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1. Introduction

1.1. This is a submission on the request prepared by Nga Hapū o Karangahape marae, Whānau pani, Ngāti Kaitangata and Ngāti Kauwau for a temporary closure of part of the marine and coastal area at Whangaroa to the harvest of scallops (the request).¹

1.2. The Environmental Defence Society (EDS) is a not-for-profit organisation dedicated to achieving good environmental outcomes for all New Zealanders. It has a track record that demonstrates a long-standing commitment to the improvement of marine species and ecosystem management in Aotearoa New Zealand. National fisheries management is a core research area for EDS. In 2018, EDS undertook an in-depth study into the operation of the fisheries management system, with a focus on inshore stocks.² The report presents findings on the operational effectiveness of the Quota Management System and includes specific analysis on the issue of shellfish habitat loss.³ EDS is currently leading research on potential options for oceans governance reform in Aotearoa New Zealand.

¹ Porter, N. 15 February 2021. Request prepared on behalf of Nga Hapū o Karangahape marae, Whānau pani, Ngāti Kaitangata, and Ngāti Kauwau. Available at: <https://www.mpi.govt.nz/dmsdocument/44419-Request-for-Whangaroa-Area-Temporary-Closure->

² Peart, R. (2018) *Voices from the Sea: Managing New Zealand's Fisheries*. Environmental Defence Society. Auckland, New Zealand. pp 168.

³ Peart, R., above n 3, at page 74.

2. Summary of submission

- 2.1. EDS supports the request for the Minister of Oceans and Fisheries (the Minister) to close the waters of the Whangaroa Harbour and adjacent coastal area to the harvest of scallops in accordance with the statutory powers afforded by section 186A(1)(a) of the Fisheries Act 1996 (the Act).
- 2.2. EDS urges the Minister to undertake a survey of scallop populations within the Northland Scallop Fishery (SCA1) without delay. The most recent scallop stock assessment of SCA1 was undertaken in 2007, and the most recent biomass survey of scallop beds located within the proposed temporary closure area was undertaken in 2003 (18 years ago). The paucity of available data provides a poor basis for decision-making and must be addressed. In the interim, EDS submits that the Minister should adopt a precautionary approach by issuing a temporary closure notice to prohibit the harvest of scallops in the requested area for a minimum period of 2 years.

3. The request

- 3.1. On 15 February 2021, Nga Hapū o Karangahape marae, Whānau pani, Ngāti Kaitangata, and Ngāti Kauwau requested that the Minister exercise his powers under section 186(A)(1)(a) of the Act to close a part of the nearshore coastal and marine area extending north from Whangaihe Bay to Te Whatu (Berghan Point) to the harvest of scallops for a minimum period of 3 years.⁴ The proposed closure area is located off the north-east coast of Northland.
- 3.2. The request advises that Nga Hapū o Karangahape placed a rāhui over the proposed closure area on 16 January 2021, with the objective of regenerating and replenishing depleted scallop stocks.⁵ The request raises concerns about the depletion of scallop stocks in the proposed closure area and describes how local iwi and hapū are now unable to undertake customary harvest practices as there are no scallops to collect.⁶ It also raises concerns about the impacts of sediment, siltation, dredging, water quality, overfishing and climate change on the nearshore marine area more broadly.⁷
- 3.3. Nga Hapū o Karangahape advised that they are also seeking to develop a long-term management plan to enable regeneration and monitoring of the nearshore scallop stocks.⁸

4. Species subject to the proposed temporary closure area

- 4.1. The request seeks to prohibit the harvest of scallops from a discrete part of the nearshore coastal and marine area at Whangaroa, Northland. The proposed closure area includes the

⁴ Porter, N., above n 1, at page 2.

⁵ Porter, N., above n 1, at page 2, para [15].

⁶ Porter, N., above n 1, at page 1, para [11].

⁷ Porter, N., above n 1, at page 1, para [5].

⁸ Porter, N., above n 1, at page 1, para [12].

Whangaroa Harbour, and fisheries waters around Motutara Island, Wekarua Island (Sugar Loaf), Stephenson's Island, and Oruatemanu Island.⁹

- 4.2. The proposed closure area forms part of the Northland scallop fishery (SCA1). The SCA1 fishery represents a regionally important commercial fishery that extends north from Cape Rodney at Leigh, on the east coast, to Reef Point at Ahipara, on the west coast.¹⁰ The focus of commercial fishing in this area has been on discrete scallop beds located off the north east coast, including beds near Mahinepua Island (Stephenson Island),¹¹ which are located within the proposed temporary closure area. All commercial fishing is conducted by self-tipping box dredges.¹²
- 4.3. Scallops located within the wider SCA1 fishery area have been subject to significant recreational and customary harvest efforts in the past.¹³ Harvest efforts have tended to focus on sheltered and enclosed bays, where non-commercial harvest methods can be undertaken with greater success.¹⁴
- 4.4. EDS understands the last biomass survey of SCA1 was undertaken in 2007, though industry-based surveys of select commercial fishery areas (located outside of the proposed temporary closure area)¹⁵ were conducted annually between 2012 and 2017.¹⁶ The data collected during the industry-led surveys of core commercial scallop areas indicates that there has been a decline in scallop abundance when compared with historic surveys of the same areas.¹⁷
- 4.5. Surveys of scallop biomass at Whangaroa were undertaken between 1993 and 2003.¹⁸ During this time period, stock biomass declined from 172 tonnes to 33 tonnes.¹⁹ No surveys have been undertaken since 2003. There is insufficient data to assess the status of scallop stocks within the SCA1 fishery area, including beds located within the proposed temporary closure area.
- 4.6. Notwithstanding the current level of scientific uncertainty over the status of scallop stocks within the temporary closure area, the most recent trends reported by New Zealand Fisheries are concerning, and consistent with the declines observed by Nga Hapū o Karangahape in the Whangaroa Harbour and adjacent coastal waters.
- 4.7. Given local observations of declines in the abundance of scallops, and the complete paucity of reliable and relevant scientific data to assess the status of scallop stocks in the Northland scallop fishery area, EDS supports the requested temporary closure of the waters of the

⁹ Ministry for Primary Industries (2021) "The proposed closure area" <https://www.mpi.govt.nz/consultations/proposed-temporary-closure-of-the-whangaroa-area-to-the-harvest-of-scallops/>

¹⁰ Fisheries New Zealand (2019). Fisheries Assessment Plenary, November 2019: stock assessments and stock status. Compiled by the Fisheries Science and Information Group, Fisheries New Zealand, Wellington, New Zealand. 579p. At page 417.

¹¹ Ibid.

¹² Ibid.

¹³ Williams, J. (2009) Abundance of scallops (*Pecten novaezelandiae*) in Coromandel recreational fishing areas, 2008, New Zealand Fisheries Assessment Report 2009/8 February 2009. Report prepared for the Ministry of Fisheries, Wellington 2009. 18p. At page 4.

¹⁴ Ibid.

¹⁵ The industry-led biomass surveys were conducted at Bream Bay and Rangaunu.

¹⁶ Fisheries New Zealand, above n 11, at page 420.

¹⁷ Fisheries New Zealand, above n 11, at page 426.

¹⁸ Fisheries New Zealand, above n 11, at page 423.

¹⁹ Ibid.

Whangaroa Harbour and adjacent coastal area to the harvest of scallops for a minimum period of 2 years.

- 4.8. EDS notes that the request of Nga Hapū o Karangahape marae, Whānau pani, Ngāti Kaitangata, and Ngāti Kauwau is not isolated. Indeed, other iwi and hapū have also placed rāhui over parts of their rohe and recently requested that the Minister exercise his powers to implement temporary closures of important fisheries under the Act. These requests should not be viewed in isolation but taken as a collective call for greater protection of the important fisheries resources located in the waters of Aotearoa New Zealand and the marine habitats that sustain these resources.
- 4.9. EDS urges the Minister to consider long-term solutions that are ecosystem focused (i.e. the establishment of a network of permanent no-take areas and implementation of marine spatial plans). EDS acknowledges that Nga Hapū o Karangahape are seeking to establish a long-term management plan for the restoration of scallop beds in the area, and this could provide an opportunity for the Ministry for Primary Industries to collaborate with the hapū and other relevant government agencies (i.e. the Northland Regional Council, Far North District Council, Department of Conservation and Ministry for the Environment) to develop an integrated management plan that addresses pressures deriving from the wider catchment (including terrestrial sources of pollution and sedimentation which degrade scallop habitats).

5. Spatial extent of the proposed temporary closure area

- 5.1. The proposed closure area is primarily within the “General Marine Zone” in the Proposed Northland Regional Plan 2020 (PRP). This zone encompasses most of Northland’s coastal marine area and identifies areas that are not specifically set aside for commercial, marine, or mooring purposes.²⁰ Parts of the proposed closure area are also identified as Significant Ecological Marine Areas, Significant Bird Areas, and Significant Marine Mammal and Seabird Areas in the PRP. To the north of the entrance to Whangaroa Harbour, parts of the nearshore coastal environment are subject to an Outstanding Natural Feature Overlay. EDS considers the proposed closure will not undermine any of the values sought to be protected by the PRP and will indeed provide an opportunity to strengthen protection for an ecosystem and habitat that has been identified in the PRP as particularly vulnerable to modification.

6. Other matters

- 6.1. EDS recognises that the request seeks to establish a temporary closure area for a minimum period of three years, which is beyond the remit of the Minister’s powers under the Act. Pursuant to section 186A(5) a notice may be in force for a maximum period of 2 years. EDS submits that an initial temporary closure period of 2 years should be adopted. This action will provide sufficient time for the Ministry to conduct an urgent assessment of the Northland scallop stock to assist with the development of a long-term management plan for the fishery. The data collected can be used to inform future decision-making on whether or not the

²⁰ Refer to the description of “General Marine Zone” in the Proposed Northland Regional Plan 2020, at page 310.

temporary closure should be extended in accordance with section 186A(6) of the Act. It will also provide an important baseline for local efforts coordinated by Nga Hapū o Karangahape.