

Fisheries New Zealand

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Submission on reopening Whangārei Harbour to recreational scallop fishing

SUBMITTER DETAILS

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Introduction

1. This is a submission on the consultation on reopening Whangārei Harbour to recreational scallop fishing as set out in the Fisheries New Zealand (**FNZ**) Discussion Paper No: 2026/26 (**Consultation Document**).¹
2. The Environmental Defence Society (**EDS**) is an independent not-for-profit organisation conducting interdisciplinary policy research and litigation. It was established in 1971 with the objective of bringing together the disciplines of law, science and planning to promote better environmental outcomes.
3. EDS has a special interest in the marine environment and recently completed a multi-year project looking at issues within the national oceans management system and options for future reform, which had (among other things) a focus on fisheries matters.²
4. EDS opposes the proposal to reopen this fishery. The scallop beds in Whangārei Harbour remain significantly depleted. The preliminary results of the 2026 survey do not indicate recovery and therefore do not justify a decision to allow recreational fishing. EDS requests that, consistent with evidence-based decision-making, Whangārei Harbour remains closed to scallop harvesting.

¹ Fisheries New Zealand (**FNZ**) (2026) *Consultation on reopening Whangārei Harbour to recreational scallop fishing* (FNZ, August 2026, FNZ Discussion Paper No: 2026/26) (**Consultation Document**), available [here](#).

² G Severinsen, R Peart, B Rollinson, T Turner and P Parson *The breaking wave: Oceans reform in Aotearoa New Zealand* (Environmental Defence Society (**EDS**), May 2022), available [here](#); R Peart *Pathways to oceans reform* (EDS, September 2025), available [here](#).

Fishery Context

5. Aotearoa New Zealand's scallop fisheries have high customary, recreational and commercial value. This value has been depleted by significant overfishing and habitat disturbance leading to collapse. As a result, it is vital these stocks are allowed to recover undisturbed. Opening the fishery while stocks are in a vulnerable state threatens the ability of populations to rebuild.
6. The SCA 1 fishery was closed in 2022.³ This followed a 2021 survey which found the overall biomass had been in significant decline, including in many key scallop beds.⁴ It was clear the stock could not support a sustainable fishery. As shown below in Figure 1, this trend of decline is not isolated and has been seen across the country's major scallop fisheries.

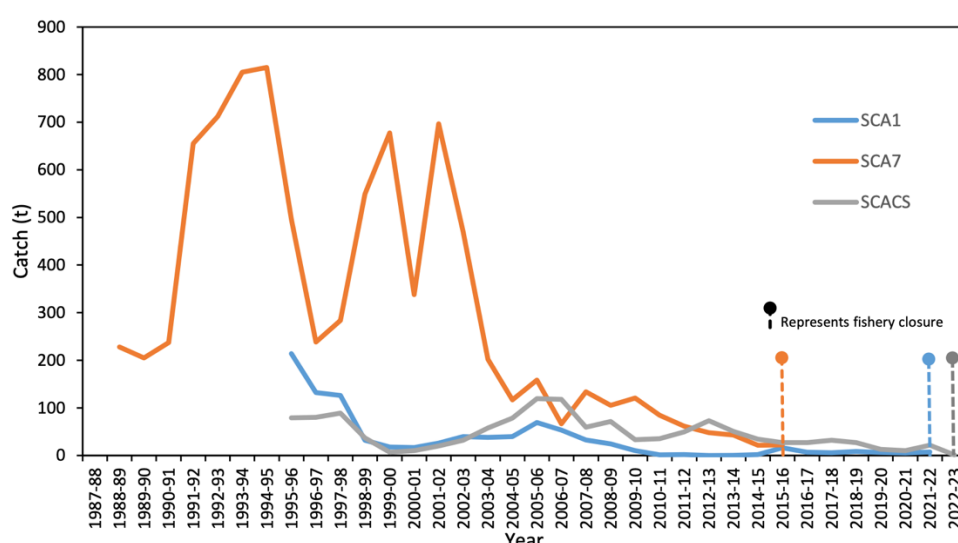


Figure 1. Historical landings for Nelson/Marlborough (SCA 7), Northland (SCA 1), and Coromandel (SCA CS) scallop fisheries. Dotted line represents fishery closure.⁵

7. In many scallop beds, the extent of depletion has pushed the density of scallops below the level needed for successful reproduction. The minimum density of scallops required for successful reproduction and recruitment has been estimated at 0.1 scallops per square metre. Many previously abundant scallop beds have been reduced below this threshold.⁶

³ David Parker *Changes to fisheries sustainability measures for the 2022 April Round* (Ministry for Primary Industries (MPI), n.d.), available [here](#).

⁴ MPI *Fisheries Assessment Plenary November 2025 – Introduction – Scallops Northland* (November 2025) at 512, available [here](#); J R Williams and others *Dive and dredge surveys of scallops in SCA 1 and SCA CS, 2021* (FNZ, July 2024, New Zealand Fisheries Assessment Report 2024/36) at 51-54, available [here](#).

⁵ MPI *Fisheries Assessment Plenary November 2025 – Introduction – Scallops (SCA)* (November 2025) at 513, available [here](#).

⁶ J R Williams and R C Babcock "Patterns of reproduction and spawning behaviour for scallops, *Pecten novaezelandiae*, in northeastern New Zealand" (2004) 23 *Journal of Shellfish Research* 318; S E Bayer and others "Fertilization success in scallop aggregations: reconciling model predictions and field measurements of density effects" (2018) 9(8) *Ecosphere* e02359. Consultation Document, at [14]; MPI, above n 5.

8. A survey of Whangārei Harbour in 2024 found that some scallop beds in Urquharts Bay had experienced a localised increase.⁷ Nonetheless, it was noted there was no evidence of recovery elsewhere and the population was experiencing ongoing effects of low recruitment and density, impacting reproduction. For this reason, it was emphasised that further recovery of the population was likely to take several years.⁸
9. The proposals set out in the Consultation Document are based on the preliminary results of a survey of the scallop beds in Whangārei Harbour conducted in June 2026.⁹ These results show that the level of biomass in the region is still significantly depleted. Notably, these results are yet to be peer-reviewed through FNZ's science working group process.¹⁰
10. As shown below in Table 1, over 99% of the estimated meat weight of scallops over 100 mm found in the 2026 survey were in only three strata: Urquharts (22%), McDonald Bank East (40%) and Snake Bank East (38%).¹¹ The remaining strata contributed less than 0.2% each.

Table 1. Preliminary absolute biomass estimates in tonnes meatweight for each 2026 surveyed strata for scallops above 100 mm and above 105 mm.¹²

Strata	100 mm or larger scallops	105 mm or larger scallops
Smugglers	0.008	0.008
Frenchman North	0	0
Urquharts deep	0.009	0.0006
Urquharts	1.98	1.46
McDonald Bank East	3.58	2.47
Snake Bank East (new)	3.42	2.87
Marsden Cove (new)	0	0
Total (new)	9.00	6.81

11. The Urquharts, McDonald Bank East and Snake Bank East strata were also the only beds found to have a density of scallops above the threshold needed for reproduction (0.1 scallops per m²).¹³ The Consultation Document only provides the trends in density for the Smugglers and Urquharts strata, but even these show that the recruitment density of these strata has declined since the 2022 closure (Table

⁷ J R Williams and others *Camera, dive and dredge surveys of scallops in SCA 1 and SCA CS, 2024* (FNZ, March 2025, New Zealand Fisheries Assessment Report 2025/16) at 60, available [here](#).

⁸ Ibid at 63-64.

⁹ Consultation Document at 6.

¹⁰ Ibid at [11].

¹¹ FNZ *Supplementary information on the 2026 Whangārei Harbour scallop biomass survey* (15 September 2026) at 2, available [here](#).

¹² Ibid at 2.

¹³ Ibid at 2.

2).¹⁴ This limited recruitment is likely to have ongoing impacts on recovery and abundance.¹⁵

Table 2. Median density of recruited (100 mm or larger) scallops per square metre in tonnes for strata surveyed in 2021, 2024 and 2026.¹⁶

Survey strata	2021	2024	2026
Smugglers	0.057	0.005	0.001
Urquharts	0.089	0.255	0.165

12. Strata with relatively higher biomass have the potential to provide recruits for neighbouring regions that are relatively depleted.¹⁷ These strata may be instrumental in helping the remainder of the fishery to recover. Therefore, this biomass must be maintained, rather than fished down.

13. The 2026 survey suggests that not only has the harbour not recovered since the closure, but it remains largely in decline. Reopening these beds to fishing effort would be potentially devastating.

Recreational Fishing Effort

14. There is little known about historic levels of recreational fishing effort, with the current estimates based on the national panel survey (**NPS**).¹⁸ As shown in Table 3, these estimates suggest recreational harvest could remove a substantial proportion of the biomass if the fishery is reopened.

Table 3. Estimated meatweight of scallops based on the 2026 survey compared to estimates of recreational harvest from the NPS.

Estimate	Meatweight (t)
2026 above critical density (0.1 per m ²) at 100 mm minimum legal size (MLS). ¹⁹	3.64
2026 above critical density (0.1 per m ²) at 105 mm MLS. ²⁰	1.96
2011-12 recreational harvest. ²¹	2
2017-18 recreational harvest. ²²	3

¹⁴ Consultation Document at 11.

¹⁵ Ibid at [23].

¹⁶ Ibid at 11.

¹⁷ Bayer and others, above n 6, at 3.

¹⁸ Consultation Document at [28].

¹⁹ Ibid at 11.

²⁰ Ibid at 11.

²¹ MPI, above n 4, at 525; J Wynne-Jones and others *National Panel Survey of Marine Recreational Fishers 2011-12: Harvest estimates* (MPI, November 2014, New Zealand Fisheries Assessment Report 2014/67) at 58, available [here](#).

²² MPI, above n 4, at 525; J Wynne-Jones and others *National Panel Survey of Marine Recreational Fishers 2017-18* (FNZ, July 2019, New Zealand Fisheries Assessment Report 2019/24) at 75, available [here](#).

15. It should be noted there is significant uncertainty associated with the results of the NPS given it is based on very few panellists (ten in 2011-12, and 21 in 2017-18).²³
16. If the beds were reopened, the recreational harvest levels are likely to be greater than those estimated for the 2011-12 and 2017-18 fishing years. The NPS estimates were collected when the remainder of the recreational fisheries in SCA 1 and SCA CS were open.²⁴
17. Given Whangārei Harbour would be the only open recreational scallop fishery, there is a significant potential for displaced fishing effort. The fishery is close to a population centre and highly accessible.²⁵ This is likely to attract recreational fishers from further afield, increasing the level of fishing effort.
18. FNZ suggests that fishing effort will be concentrated in the Urquharts and McDonald Bank East strata because this is where the density is highest.²⁶ Based on the potential fishing effort, this would likely drive these beds below the density needed for reproductive success.
19. Furthermore, there is no evidence that this fishing effort would self-limit at scallop densities above the critical threshold for reproductive success. Nor is there evidence, that once depleted, fishing effort would not move on to other more depleted beds. In fact, serial depletion of scallop beds has been an issue in other fisheries.²⁷
20. Given the extremely fragile state of the scallop fishery, EDS does not consider that the proposed changes to the recreational fishing rules are adequate to offset the risk of depletion and collapse.

Proposed Options

21. FNZ has proposed that the Whangārei Harbour be opened to recreational harvest.²⁸ This includes options for a limited season and changes to the recreational fishing rules. FNZ has proposed a number of changes to the recreational fishing rules in addition to this. These include:
 - a) Decreasing the recreational daily limit from 20 per person per day to ten per person per day;
 - b) Prohibiting scallop dredging within the harbour;
 - c) Increasing the MLS of scallops from 100 mm to 105 mm;

²³ Consultation Document at 13-14.

²⁴ Ibid at [31].

²⁵ Ibid at 8.

²⁶ Ibid at [17].

²⁷ For example, see MPI *Fisheries Assessment Plenary November 2025 – Introduction – Scallops Nelson Marlborough* (SCA 7) (November 2025), available [here](#).

²⁸ Consultation Document at 15.

- d) Introducing an accumulation limit for scallops at three times the daily limit.²⁹
22. If any of the beds were to be reopened (which EDS opposes), dredging must be prohibited given that the population is in such a fragile state. Dredging is known to disturb and disrupt the spawning activity of scallop beds, reducing reproductive success.³⁰
23. In addition to the wide-scale removal of and damage to scallops, dredging results in a loss of biodiversity and damage to benthic habitat.³¹ Among other interactions, this can reduce the reproductive success of scallop beds through sediment resuspension and decreasing habitat suitability.³²
24. As the scallop beds in Whangārei Harbour are already experiencing very low recruitment, further risks to reproductive success will only lessen the ability of the population to recover. The combination of these factors would make any fishing effort, and particularly dredging, unsustainable.
25. Increasing the MLS from 100 mm to 105 mm is a minimal change and unlikely to offset this. The same can be said for the proposed reduction in the daily limit and introduction of an accumulation limit. This will not change the reproductive disturbance caused by fishing effort, and will still leave most scallop biomass vulnerable to harvest.³³

Conclusion

26. None of the proposed measures adequately address the depletion of the fishery. With significant uncertainty around levels of recreational harvest if the beds were to be reopened, and a lack of recovery of Whangārei Harbour scallops as a whole, the fishery must remain closed.

²⁹ Ibid at 5.

³⁰ MPI, above n 5, at 518-519.

³¹ For example, see Bryce D Stewart and Leigh M Howarth “Chapter 14 – Quantifying and managing the ecosystem effects of scallop dredge fisheries” in Sandra E Shumway and G Jay Parsons (eds) *Scallops: biology, ecology, aquaculture, and fisheries* (3rd ed, Elsevier, Amsterdam, 2016) 585; MPI, above n 5, at 518; Tarek Soliman and others “An evaluation of strategies for restoring a degraded New Zealand scallop fishery using stochastic dynamic simulation modelling” (2021) 299 *Journal of Environmental Management*.

³² MPI, above n 5, at 519.

³³ Consultation Document at 11.