



## Office of Hon Nathan Guy

MP for Otaki

Minister for Primary Industries

Minister for Racing

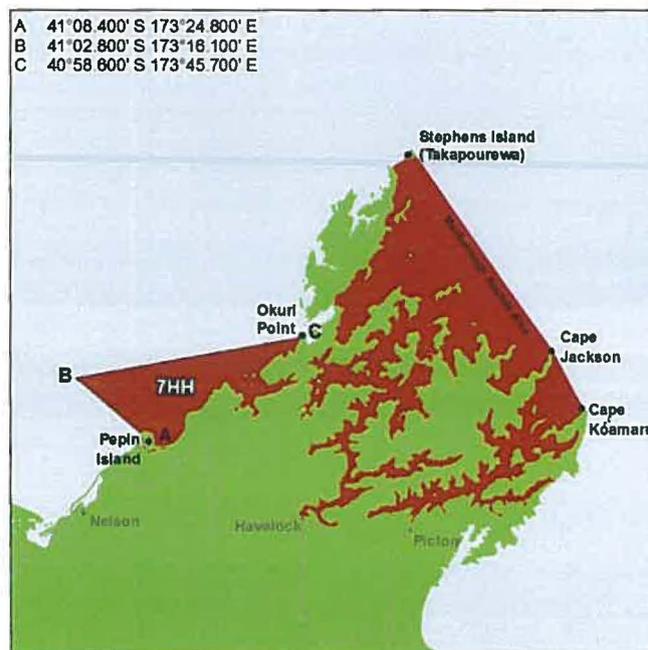
B16-0433

Dear Stakeholder

I write to inform you of my decision to close parts of the Southern Scallop Fishery (SCA7) for the 2016-17 season to both recreational and commercial scallop fishing.

Taking into account the information and views provided during consultation, I consider a closure of the Marlborough Sounds and eastern part of Tasman Bay for the season to be appropriate.

A map showing the closed areas is below.



**Map showing the areas (in red) that are closed to the taking and possessing of scallops for the 2016-17 Southern Scallop Fishery season.**

Copies of the discussion document and information papers providing final advice are available on the Ministry for Primary Industries (MPI) website

[www.mpi.govt.nz/news-and-resources/consultations](http://www.mpi.govt.nz/news-and-resources/consultations)

## **Consultation**

To help get a better understanding of the fishery, MPI worked with a stakeholder group with representatives from recreational and commercial sectors along with input from local iwi, prior to consulting on the proposals contained in the discussion document. I would like to thank these parties for their insights and efforts to support this fishery. I would also like to thank all those who provided submissions during consultation and participated in the public drop in sessions held at Blenheim, Nelson, Motueka and Takaka.

In making my decision I have considered the submissions received on MPI's discussion document, as well as the final advice provided to me by MPI, and the relevant legislative provisions and my obligations under the Fisheries Act 1996.

## **Reasons for my decision**

Over the past three years I have become increasingly concerned about the status of the Southern Scallop Fishery. I reduced the Total Allowable Catch, and Total Allowable Commercial Catch for the fishery in 2013, and called for measures at that time to support a rebuild of the fishery. However, despite the implementation of reduced commercial catch limits, and other measures, the results of a survey in November 2015 showed the fishery had continued to decline. Since November I have been briefed by MPI officials on several occasions. They have updated me on the work of the stakeholder group established to help develop measures to turn the fishery around, the views of stakeholders, and on options available for this season and for longer term management of the fishery.

While the fishery remains an important shared fishery, it has become clear to me that it is no longer significantly enhanced, with both commercial and recreational fishing now concentrated in the wild fishery in the Marlborough Sounds. I am aware that scallop fisheries can fluctuate naturally, however, the fishery has followed a trend of decline and parts of the fishery are now at the hard limit (the point at which it is MPI policy to consider closure). Furthermore, the relatively few remaining dense beds, which are likely to be the areas fished, are also the key areas for sustainability as scallops need to be at sufficient density to ensure breeding success. I am concerned that depletion of these beds or disturbance by fishing this season could exacerbate the decline.

Overall, the strong message from the scientific evidence, as well as most submissions, is the need to take the next step and close parts of the fishery. The reasons for my decision are set out in more detail below.

### *Scientific assessment of the fishery*

Over the last ten years, the scientific assessments of the fishery show the abundance of scallops in the fishery has declined. A survey carried out in November 2015 shows parts of the fishery; Golden and Tasman Bay, are at the hard limit, with relatively few beds at a viable density to fish. The status of the Marlborough Sounds in relation to this limit is unknown, but scallop abundance here has also declined.

I am aware that the November survey was at the end of the commercial season and that it is to be expected that the number of scallops would be lower following harvesting. However, I note that this was only one of three surveys undertaken last year all of which pointed to the fishery being at this limit.

I am also aware that the November survey showed a number of juvenile scallops, and that a further survey this year could provide more information whether these juvenile scallops had recruited to the fishery. However, there have been numbers of juveniles seen before that have not grown through into the fishery. The science advice is that the level of recruitment remains uncertain.

Reasons for the decline in the fishery continue to be investigated. Most experts agree that the suitability of the environment is lower now than in the past, and that this might be due to both human caused influences and natural drivers affecting productivity. However, the exact cause is not known.

On balance, I consider that having the overall biomass at its current level and restricted to a limited number of the densely populated beds required for spawning poses a risk to the overall fishery that requires action prior to harvesting.

#### *Spatial closures an effective tool*

I have a variety of tools at my disposal to manage sustainability concerns in this fishery. Catch limits and rotational fishing have been used in the past to effectively manage catch in combination with enhancement. I have worked with industry to reduce catch limits significantly in the last few years based on scientific advice on the percentage of scallops that should be harvested from any bed annually to ensure sustainability. Despite these measures the beds have not responded as I would like. I consider that a different approach is needed.

Spatial closures have been used previously in the Southern Scallop fishery and in other scallop fisheries to help protect the reproductive capacity of the fishery. Of the options available to me for this season, I consider that closing the Marlborough Sounds and eastern Tasman Bay this season is the most effective approach to help prevent a further decline of this important fishery, while longer-term management options are developed. It will rest the remaining dense beds, allowing these scallops to spawn and grow without fishing disturbance.

Information provided from submissions and during the public sessions confirmed that closing only some discrete areas, as would have occurred under the other closure proposal put forward for consultation, would have been difficult to enforce and carried risks of shifting to the remaining open beds creating a risk of overfishing those beds.

#### *Impact of closures*

I acknowledge that my decision will have an impact on stakeholders. This is an important shared fishery, and I read the views in submissions from stakeholders and tangata whenua, both in support and in opposition to the closure, and the information provided on the extent of this impact.

There is significant support from many recreational stakeholders and from tangata whenua for the closure, with many submitters indicating they are willing to forgo immediate utilisation of the fishery over the coming season in the interests of the longer-term sustainability and improved future access.

The Challenger Scallop Enhancement Company's submissions and letters, as well as the submissions from diving businesses and charter vessel operators, highlighted the economic impact of a closure on their businesses. I understand that there will be an impact on quota value and annual return for commercial fishers from my decision, but note that the long run economic value of the fishery relies on its sustainability.

While the company would prefer that decisions are deferred until updated survey information is available, I am concerned this information would not be available until well into the season. I consider there is a need for urgency and to provide greater certainty that fishing by all sectors does not exacerbate a further decline in the fishery.

While some submissions (from both recreational and commercial sectors) suggested the closure should apply only to one sector, I consider the closures should apply to both recreational and commercial sectors to ensure scallops can spawn and grow without fishing disturbance. I note that tangata whenua, through the Te Tau Ihu and Te Waka a Maui Iwi Forums have also agreed to support the closure, and I commend them for this stance.

I am aware that a number of submitters raised the issue of a wider closure of the whole fishery including such areas as Golden Bay and the remainder of Tasman Bay. The initial view of officials was that these areas hold relatively few scallops. However, I have asked MPI to keep a close watch on activity over the coming months. If fishers shift significant effort into other parts of the fishery I will look carefully at also closing these parts of the fishery.

#### *Other proposals*

Many submitters suggested alternative measures or options that were not consulted on. Most of these ideas (for example changes to regulations) would require more time to develop and implement. They will be worked through by MPI in consultation with fishery stakeholders over the coming months.

I considered alternative options and the strong preference put forward by the Challenger Scallop Company in its submissions that the annual decision-making process used in previous years be followed. However, as noted above, the results of such a survey and annual process would not be available until well into the season. I note that in previous years, any such survey results have been available before now, so that they are available prior to the start of the season.

I am of the view that an increase in scallop numbers, if shown by a survey later this year, would be a positive sign, but that a closure for the season would still be appropriate to protect the remaining scallop beds.

There was support in submissions and during the public sessions for continuation of a stakeholder group to develop longer term proposals to manage the fishery. Such a group would consider the feedback on the longer term measures submitted during consultation. Any proposals would be subject to wider engagement and consultation to gauge stakeholder and public views before any decisions are made.

Yours sincerely

A handwritten signature in blue ink that reads "Nathan Guy". The signature is written in a cursive style with a long, sweeping underline.

Hon Nathan Guy  
**Minister for Primary Industries**