



Golden Bay Ring Road Spat Catching Limited and Tasman Bay Ring Road Spat Catching Limited - spat catching permit applications

Decision Document

28 June 2018

DECISION DOCUMENT — GOLDEN BAY AND TASMAN BAY RING ROAD SPAT CATCHING PERMIT APPLICATIONS

PURPOSE

- 1 This paper provides you with advice to consider when making your decisions on applications for spat catching permits by Golden Bay Ring Road Spat Catching Limited (**GBRR**) and Tasman Bay Ring Road Spat Catching Limited (**TBRR**).

EXECUTIVE SUMMARY

- 2 The Aquaculture Management Area (**AMA**) subzones that are the subject of these decisions are:
 - AMA2 (Golden Bay) — subzones (e), (f), (h) (i), (j) and part of (p) – see Figure 1.
 - AMA3 (Tasman Bay) — subzones (f), (g) and (h) – see Figure 2.
- 3 In 2009, the Chief Executive of the then Ministry of Fisheries (**MFish**) made a preliminary decision to decline both spat catching permit applications because he was not satisfied that there would not be an undue adverse effect on commercial scallop fishing in the Southern Scallop Fishery (**SCA7**).¹ The applications were then put on hold while the aquaculture decisions on the Tasman Interim Aquaculture Management Areas (**Tasman IAMAs**) were completed.²
- 4 Fisheries New Zealand³ has now recommenced processing the GBRR and TBRR spat catching permit applications. However, because of the time that has passed since the preliminary decision was made, Fisheries New Zealand sought information from tangata whenua and stakeholders in September 2017. Fisheries New Zealand then released a consultation document in May 2018 setting out its position at that time. The position was that the proposed spat catching activities would not have an undue adverse effect on recreational, customary or commercial fishing.
- 5 Fisheries New Zealand received one submission on the consultation document, from GBRR and TBRR, who support Fisheries New Zealand's position as set out in the consultation document. GBRR and TBRR also submitted that the potential effects on yellow-belly flounder fishing, raised in a submission on the applications in September 2017, have been addressed by changing spat catching practices in the existing sites.
- 6 After considering the best information available at this time, including the submission made on the consultation document, Fisheries New Zealand considers that the aquaculture activities proposed by the GBRR and TBRR spat catching applications will not have an undue adverse effect on:
 - recreational fishing – for the reasons set out in this paper and summarised in paragraph 39;
 - customary fishing – for the reasons set out in this paper and summarised in paragraph 66; and
 - commercial fishing – for the reasons set out in this paper and summarised in paragraph 91.

¹ SCA7 is the quota management area (**QMA**) for scallops covering Golden and Tasman bays and the Marlborough Sounds, including the areas of the applications.

² Section 27 of the *Aquaculture Reform (Repeals and transitional Provisions) Act 2004* specifies the order in which applications are to be processed. The Tasman IAMAs were completed in 2017, after Legal challenges on MPI's decision were withdrawn.

³ On 30 April 2018, Fisheries New Zealand was established as branded business unit within MPI. Fisheries New Zealand's responsibilities include assessing applications for spat catching permits.

- 7 Accordingly, Fisheries New Zealand recommends that you approve the spat catching applications. You have the delegated authority to make these decisions.

APPLICATION DETAILS

Golden Bay Ring Road Spat Catching Limited

Regional council:	Tasman District Council (TDC).
Application received:	23 February 2006.
Resource consent:	NN990366 – granted 14 September 2006 (replacing a consent granted in 1994).
Location of Application Sites: (see Figure 1)	Golden Bay – Aquaculture Management Area 2 (AMA2) subzones (e), (f), (h), (i), (j) and part of (p).
Size of Application Sites:	Total area: 1,308.77 hectares (ha) Additional area able to be occupied: 217.17 ha. ⁴
Type of Activity:	Seasonal (1 November to 30 April) and rotational spat catching.
Species:	Green-lipped mussel (<i>Perna canaliculus</i>); Scallop (<i>Pecten novaezelandiae</i>) bycatch.
Farm structures	Standard spat catching longlines and anchors with droppers.

Tasman Bay Ring Road Spat Catching Limited

Regional council:	TDC.
Application received:	23 February 2006.
Resource consent:	NN990367 – granted 14 September 2006 (replacing a consent granted in 1994).
Location of Application Sites: (see Figure 2)	Tasman Bay – Aquaculture Management Area 3 (AMA3) subzones (f), (g) and (h).
Size of Application Sites:	Total area: 1,096.06 ha Additional area able to be occupied: 182.01 ha.
Type of Activity:	Seasonal (1 November to 30 April) and rotational spat catching.
Species:	Green-lipped mussel (<i>Perna canaliculus</i>); Scallop (<i>Pecten novaezelandiae</i>) bycatch.
Farm structures	Standard spat catching longlines and anchors with droppers.

⁴ See *Background* section for an explanation of areas covered by each application.

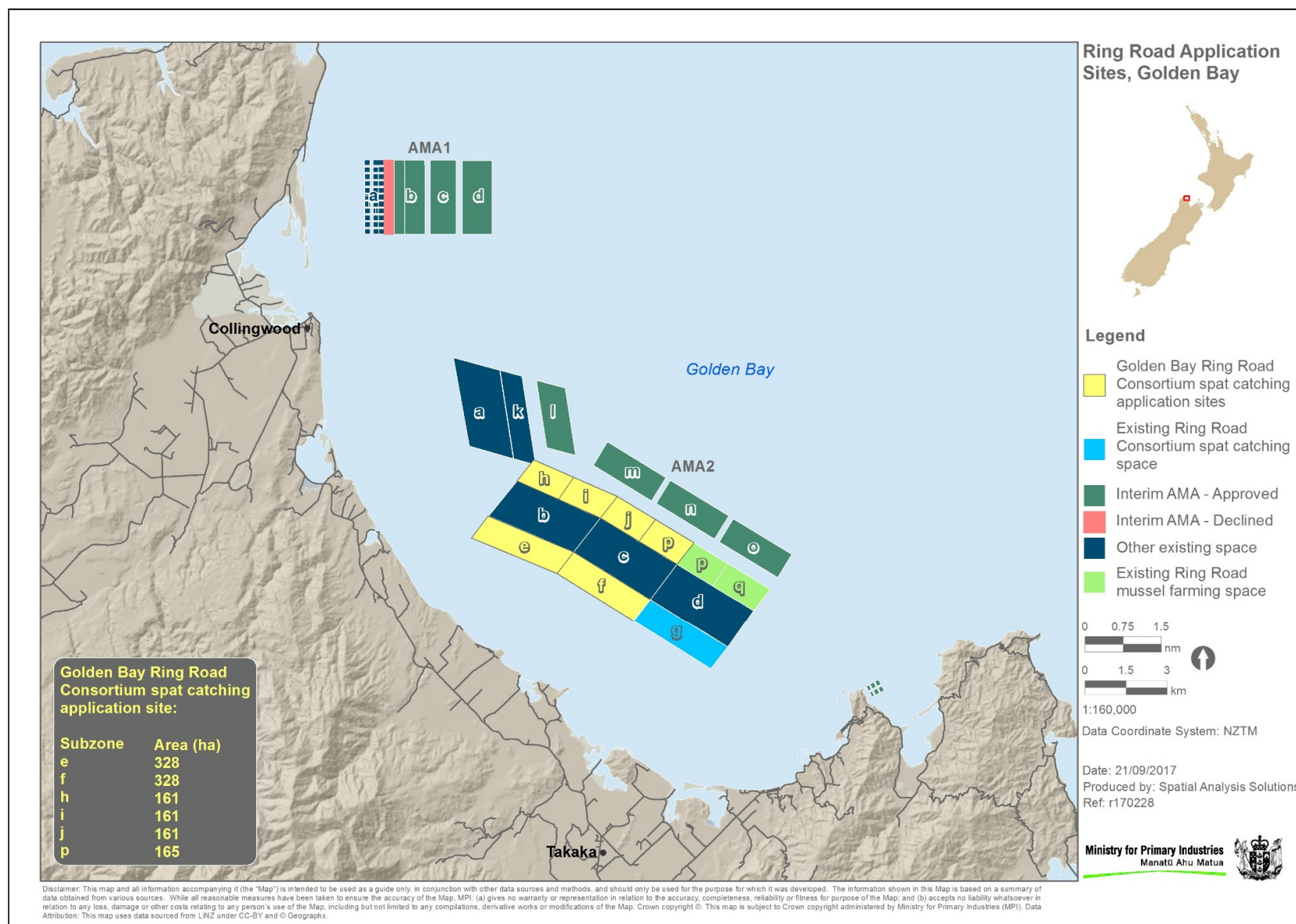


Figure 1. The location of proposed Golden Bay Ring Road spat catching sites, and existing aquaculture space, in Golden Bay.

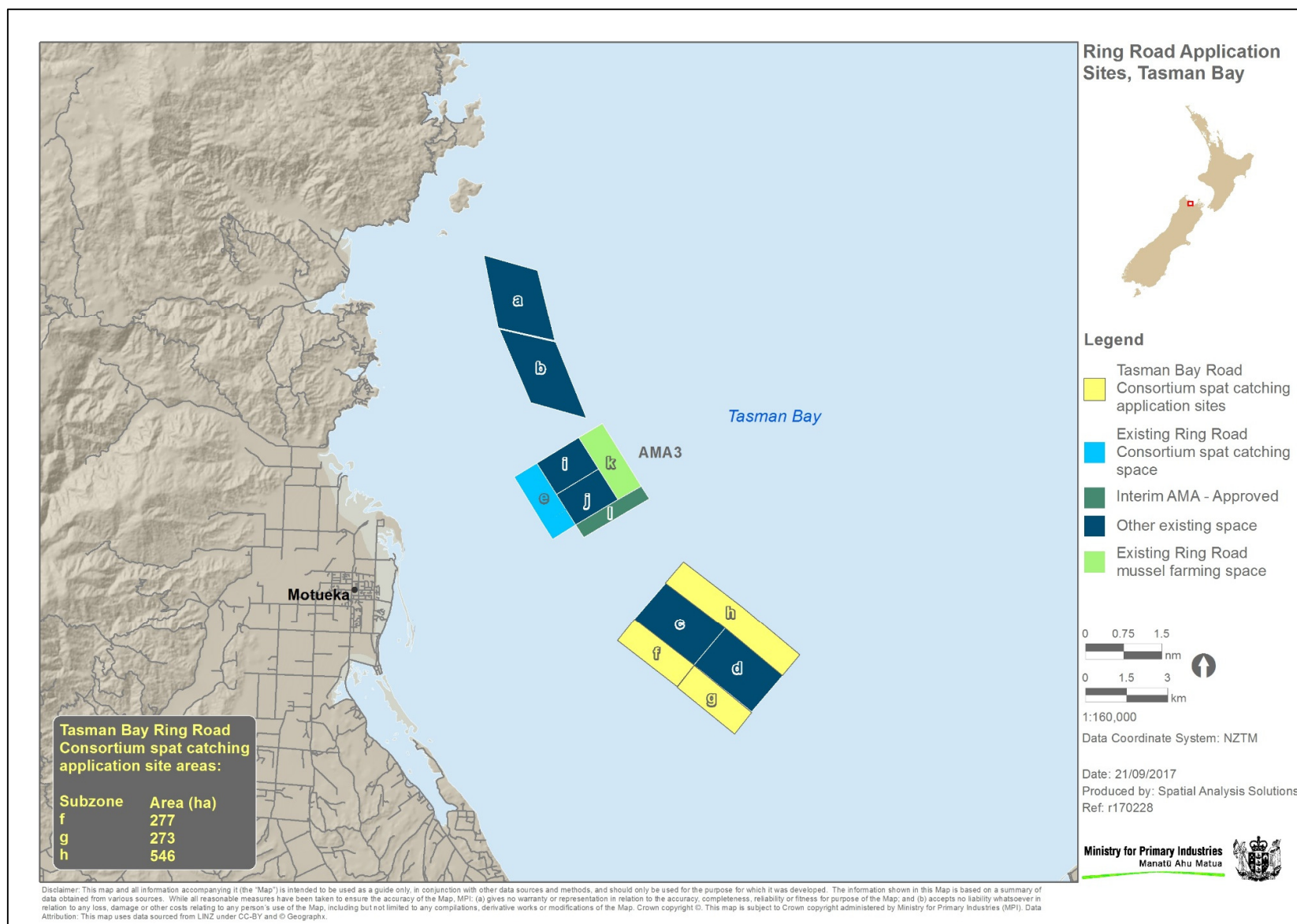


Figure 2. The location of proposed Tasman Bay Ring Road spat catching sites, and existing aquaculture space, in Tasman Bay.

BACKGROUND

- 8 In 2006, Ring Road Consortium (**RRC**) lodged spat catching permit applications for sites in Golden and Tasman bays. In 2009, the Chief Executive of the then Ministry of Fisheries (**MFish**) made a preliminary decision to decline both spat catching permit applications. He was not satisfied at that time there would not be an undue adverse effect on commercial scallop fishing in SCA7. Following these decisions the resource consents for the application sites were transferred to GBRR and TBRR, for the Golden Bay and Tasman Bay sites respectively.⁵
- 9 In 2009, appeals were lodged against the Chief Executive's 2008 decision on the Tasman IAMAs in Golden and Tasman bays. The Tasman IAMAs were 'ahead in the queue' of the GBRR and TBRR spat catching permit applications and the outcome of the legal proceedings could have had a material effect on the GBRR and TBRR applications. Accordingly, MFish placed the GBRR and TBRR applications on hold, pending finalisation of the Tasman IAMA decision.
- 10 By February 2017, outstanding legal proceedings on the Tasman IAMAs were withdrawn following reconfirmation of two decisions; the 2008 decision on all fishing except commercial scallop fishing in SCA7, and a later 2015 decision on commercial scallop fishing in SCA7. These decisions were that there would not be an undue adverse effect on recreational, customary or commercial fishing from the aquaculture activities proposed for the areas covered by the Tasman IAMAs.
- 11 Now the Tasman IAMA decisions are finalised, Fisheries New Zealand has recommenced processing the GBRR and TBRR spat catching permit applications. Because of the time that had passed since the preliminary decision was made, and because of changes that have occurred to the SCA7 scallop fishery (as recognised in the Tasman IAMA decision), Fisheries New Zealand sought information in September 2017 from interested parties on the GBRR and TBRR spat catching permit applications. This allowed Fisheries New Zealand to assess the applications using the best available current information.
- 12 Fisheries New Zealand then released a consultation document in May 2018. This gave interested parties the opportunity to comment on Fisheries New Zealand's current position before making the final decisions on the GBRR and TBRR spat catching applications.

Resource consents held by the Ring Road Consortiums

- 13 Resource consents are held by GBRR and TBRR for both marine farming and spat catching in Golden Bay and Tasman Bay. These consents cover both the existing sites GBRR and TBRR has and the proposed sites that make up the applications being assessed in this paper (see Table 1). The existing sites allow a mixture of mussel farming and spat catching. However, the proposed sites that comprise the applications are for spat catching only.

Table 1: Resource consents for existing and proposed GBRR and TBRR sites (see Figures 1 and 2)

Resource consent	Location	Subzone/s	Activity
Existing sites			
RM020102 & RM070990	Golden Bay – AMA2	(q) and part (p)	Green-lipped mussel farming
NN990366	Golden Bay – AMA2	(g)	Green-lipped mussel spat catching
RM050101v1	Tasman Bay – AMA3	(k)	Green-lipped mussel farming
NN990367	Tasman Bay – AMA3	(e)	Green-lipped mussel spat catching

⁵ The consortia are referred to in this paper as the Ring Road Consortium, or individually as the Golden Bay Ring Road Spat Catching Limited and Tasman Bay Ring Road Spat Catching Limited, as appropriate.

Table 1 continued

Resource consent	Location	Subzone/s	Activity
Proposed sites (covered by these applications)			
NN990366	Golden Bay – AMA2	(e), (f), (h), (i), (j) and part (p)	Green-lipped mussel spat catching
NN990367	Tasman Bay – AMA3	(f), (g) and (h)	Green-lipped mussel spat catching

Activities permitted by resource consents for spat catching application sites

Golden Bay

14 Resource consent NN990366 in Golden Bay allows for the seasonal occupation of:

- one of subzones (e), (f) and (g); and
- one third of the area covered by subzones (h), (i), (j) and the part of (p) covered by resource consent NN990366.

15 Because subzone (e) is existing space, GBRR will not gain any additional space should subzones (f) and (g) be approved.⁶ However, should the offshore portion of the application be approved, GBRR will be able to occupy an additional 217.17 ha at any one time, being one third of subzones (h), (i), (j) and part of (p).

16 Resource consent NN990366 allows for the rotation of structures between the subzones, as listed above. However, GBRR is not required to rotate between the subzones. GBRR must just ensure that structures are in a contiguous block within the allowed areas.

17 Structures are permitted by the resource consent to be in the water from 1 November to 30 April each year.

Tasman Bay

18 Resource consent NN990367 in Tasman Bay allows for the seasonal occupation of:

- one of subzones (e), (f) and (g); and
- one third of subzone (h).

19 Because subzone (e) is existing space, TBRR will only gain a small amount of additional space should subzones (f) and (g) be approved.⁷ However, should subzone (h) be approved, TBRR will be able to occupy an additional 182.01 ha at any one time, being one third of subzone (h).

20 Resource consent NN990367 allows for the rotation of structures between the subzones, as listed above. However, TBRR is not required to rotate between the subzones. TBRR must just ensure that structures are in a contiguous block within the allowed areas.

21 Structures are permitted by the resource consent to be in the water from 1 November to 30 April each year.

⁶ Minor differences in the size of subzones (e), (f) and (g) could result in a reduction of 3 ha being occupied, depending on which subzone was used.

⁷ Minor differences in the size of subzones (e), (f) and (g) could result in an additional 4 – 8 ha being occupied, depending on which subzone was used.

STATUTORY CONTEXT

- 22 The *Aquaculture Reform (Repeals and Transitional Provisions) Act 2004* (**the Transitional Act**) requires spat catching permit applications under section 67Q of the *Fisheries Act 1983* to continue to be processed, subject to provisions of the Transitional Act.
- 23 The Transitional Act distinguishes between spat catching applications received at or before commencement of the Transitional Act and applications received after commencement. Sections 25 – 25B apply to applications received at or before commencement. Sections 26 – 26B apply to applications received after commencement. The GBRR and TBRR spat catching applications were received in February 2006, that is, after the commencement of the Transitional Act, so sections 26 – 26B apply.
- 24 Sections 26A and 26B of the Transitional Act contain matters relevant to a decision on an application under section 67Q of the *Fisheries Act 1983*. Under section 26A of the Transitional Act the Director-General⁸ must:
- (a) grant the application if satisfied that the activities contemplated by the application would not have an undue adverse effect on fishing;
 - (b) decline the application if not satisfied that activities contemplated by the application would not have an undue adverse effect on recreational or customary fishing; or
 - (c) defer making a decision if not satisfied that the activities contemplated by the application would not have an undue adverse effect on commercial fishing. Deferring the decision gives the applicant time to lodge an aquaculture agreement or compensation declaration.
- 25 Section 26B(1) of the Transitional Act requires the Director-General, in making a decision on an application, to have regard to any:
- (a) information held by Fisheries New Zealand;
 - (b) information supplied by the applicant;
 - (c) information supplied by fishers or other persons that information has been sought from (see the *Consultation* section below); and
 - (d) other information requested and obtained from any other source.
- 26 Section 26B(2) of the Transitional Act specifies the only matters the Director-General must have regard to in determining whether granting an application will have an undue adverse effect on fishing. These matters are as follows:
- (a) the location of the areas that the spat catching permit relates to in relation to areas in which fishing is carried out;
 - (b) the likely effect of the aquaculture activities in the areas that the spat catching permit relates to on fishing of any fishery, including the proportion of any fishery likely to become affected;

⁸ The reference in the Act is to 'chief executive of the Ministry of Fisheries'. The appropriate official is now the Director-General of the Ministry for Primary Industries.

- (c) the degree to which the aquaculture activities in the areas that the spat catching permit relates to will lead to the exclusion of fishing;
 - (d) the extent to which fishing for a species in the areas that the spat catching permit relates to can be carried out in other areas;
 - (e) the extent to which the occupation of the coastal marine area authorised by the spat catching permit will increase the cost of fishing; and
 - (f) the cumulative effect on fishing of any authorised aquaculture activities, including any structures authorised before the introduction of any relevant stock to the quota management system.
- 27 “Undue adverse effect” is not defined in the relevant legislation but the Court of Appeal has said that the definition of “adverse effect” in section 186C of the *Fisheries Act 1996* could be adopted. This defines “adverse effect,” in relation to fishing, as restricting access for fishing or displacing fishing. The court also said that in relation to “undue” in this context the ordinary meaning of the word was “going beyond what is appropriate, warranted or natural”.⁹ This test needs to be applied in relation to recreational, customary and commercial fishing.
- 28 The *Fisheries (South Island Customary Fishing) Regulations 1999* (**the South Island Regulations**) define customary food gathering as the traditional rights confirmed by the Treaty of Waitangi and the *Treaty of Waitangi (Fisheries Claims) Settlement Act 1992*, being the taking of fish, aquatic life, or seaweed or managing of fisheries resources, for a purpose authorised by Tangata Tiaki/Kaitiaki, including koha, to the extent that such purpose is consistent with tikanga Māori and is neither commercial in any way nor for pecuniary gain or trade.
- 29 The South Island Regulations and regulation 50 and 51 of the *Fisheries (Amateur Fishing) Regulations 2013* (**the Amateur Regulations**) provide for Tangata Tiaki/Kaitiaki to determine the customary purpose for which fish, aquatic life, or seaweed may be taken, methods used, seasons fished, size and quantity taken etc. The South Island Regulations and regulations 50 and 51 do not contemplate restrictions under the *Fisheries Act 1996* on the quantity of fish taken or the methods used to take fish. Should tangata whenua fish without customary authorisations, all the recreational limits under the Amateur Regulations apply.

CONSULTATION

- 30 In 2008, MFish consulted with persons and organisations having a recreational, customary or commercial fishing interest in the areas of the GBRR and TBRR spat catching permit applications. Submissions received were considered in the preliminary decisions made in February 2009.
- 31 In accordance with section 26 of the Transitional Act, in August 2017, Fisheries New Zealand invited recreational, customary and commercial fishers to provide any additional information on the effect of the proposed GBRR and TBRR applications on their fishing.¹⁰ Fisheries New Zealand also wrote directly to Challenger Scallop Enhancement Company (**CSEC**), as they had requested to be informed, and met with Te Tau Ihu Forum (**the Forum**).

⁹ *SMW Consortium (Golden Bay) Limited v The Chief Executive of the Ministry of Fisheries* [2013] NZCA 95. at [52].

¹⁰ Fisheries New Zealand informed fishers through the email alert system it operates to inform interested fishers of current applications or recent aquaculture decisions.

- 32 A closing date of 17 September 2017 was given for submissions to be provided. Two submissions were received, from CSEC and Port Nelson Fisherman's Association (**PNFA**). Copies of the submissions provided to Fisheries New Zealand for consideration in the consultation document are attached as Appendix One.
- 33 Also in accordance with section 26 of the Transitional Act, following release of the consultation document in May 2018, Fisheries New Zealand invited submissions from tangata whenua and targeted stakeholders.¹¹ A closing date of 6 June 2018 was given for submissions to be provided. One submission, from GBRR and TBRR, was received. A copy of the submission received by Fisheries New Zealand for consideration in this decision document is attached as Appendix Two.

ANALYSIS - CONSIDERATION OF MATTERS UNDER SECTION 26B OF THE TRANSITIONAL ACT

- 34 Fisheries New Zealand has considered all relevant information, including information available or submitted since the preliminary decision was made in February 2009.
- 35 The following sections of this paper provide Fisheries New Zealand's assessment of the effects of the proposed aquaculture activities on recreational, customary and commercial fishing against the six matters set out in section 26B(2) (a) to (f) of the Transitional Act. These are the matters that you must consider in deciding whether you are satisfied that the GBRR and TBRR spat catching permit applications will not have an undue adverse effect on fishing.
- 36 The following sections also build on the decisions made on the Tasman IAMAs and look at the additional and specific effects of the proposed GBRR and TBRR spat catching applications on recreational, customary and commercial fishing.
- 37 For the purpose of this assessment, customary fishing differs from recreational fishing if it is undertaken outside of the recreational limits provided in the Amateur Regulations and is instead authorised by a customary authorisation.

Recreational fishing

- 38 Fisheries New Zealand received no additional information on recreational fishing in submissions on the consultation document. Also, no other information has become available to Fisheries New Zealand since the consultation document was released suggesting the effects on recreational fishing will be any different to that assessed in the consultation document.
- 39 Accordingly, Fisheries New Zealand remains satisfied the aquaculture activities proposed for the areas of the application sites would not have an undue adverse effect on recreational fishing because:
- anchored rod/line fishing and diving/spear fishing could still occur in the areas, as could all recreational fishing when spat catching structures are not in the water;
 - there are other areas available for recreational fishing elsewhere in Golden and Tasman bays that can absorb any recreational fishing displaced;
 - occupation of the areas of the application sites will result in a minimal, if any, increase in the cost of recreational fishing; and

¹¹ The consultation document was provided to stakeholders who submitted prior to the consultation document (CSEC and PNFA), the Forum and TDC (both of whom have a recognised interest) and the applicant.

- the additional adverse effect on recreational fishing from occupation of the application sites is only small and would not cause the cumulative effect on recreational fishing to become undue.

40 The above conclusions were reached following the more detailed assessment below.

Location of the application areas relative to fishing areas

- 41 Fisheries New Zealand considers the GBRR and TBRR spat catching permit application sites are located where there is a moderate amount of recreational fishing, predominantly by stationary and mobile rod/line methods, and longlining. A small amount of set netting and diving/spear fishing may also occur. Fisheries New Zealand considers that snapper, kahawai, kingfish, gurnard and tarakihi are the main species targeted and/or caught. Scallops have historically been an important species for recreational fishers, but abundance has declined significantly.
- 42 Available information on recreational fishing activity in Golden and Tasman bays comprises:
- information provided in submissions, if any;
 - information provided in relevant coastal permit applications;
 - information provided by the applicant;
 - Information in previous spat catching or marine farming permit applications;
 - fishing surveys and Amateur Charter Vessel (**ACV**) reports; and
 - Fisheries New Zealand information (for example, institutional knowledge or Fishery Officer observations).
- 43 No submissions on the GBRR and TBRR applications were received from recreational fishers as part of the consultations in September 2017 and May 2018. However, submissions received before the preliminary decision in 2009 suggest snapper, kingfish and kahawai are targeted in the areas of the application sites, including existing marine farms in AMA2 and AMA3.
- 44 Recreational fishing surveys of Golden and Tasman bays have not been done at a scale that allows a detailed assessment of how important the areas of the application sites are compared to other parts of the bays. However, recreational fishing surveys do indicate where recreational fishing is concentrated in the bays and how popular fishing in the bays are compared to other parts of New Zealand. The most recent multi-species recreational fishing survey of Golden and Tasman bays (in 2011-12) (MPI, 2014) suggests vessel-based fishing is relatively popular in the bays. Recreational fishing surveys also suggest that fishing effort is concentrated in a number of hotspots around the coast of both bays. With the exception of one of the application sites in Golden Bay, where a moderate amount of fishing was reported, the areas of the application sites are generally outside these hotspots.
- 45 Scallop fishing by dredging has historically been an important recreational fishery in Golden and Tasman bays, including in the vicinity of the GBRR and TBRR application sites. However, scallop abundance has declined significantly over a number of years. The scallop fishery in Golden Bay and Tasman Bay is currently closed.
- 46 Reporting of ACV fishing has been mandatory since 2010. Records show that ACV fishing in Golden and Tasman bays is concentrated around Separation Point (between Golden and Tasman bays) and from Cable Bay north towards d'Urville Island in Tasman Bay. Relatively little ACV fishing is reported from the areas of the GBRR and TBRR application sites.

47 Figure 3 below shows the combined effort reported from recreational fishing surveys between 2005 and 2012, and the ACV data from 2011-14.¹²

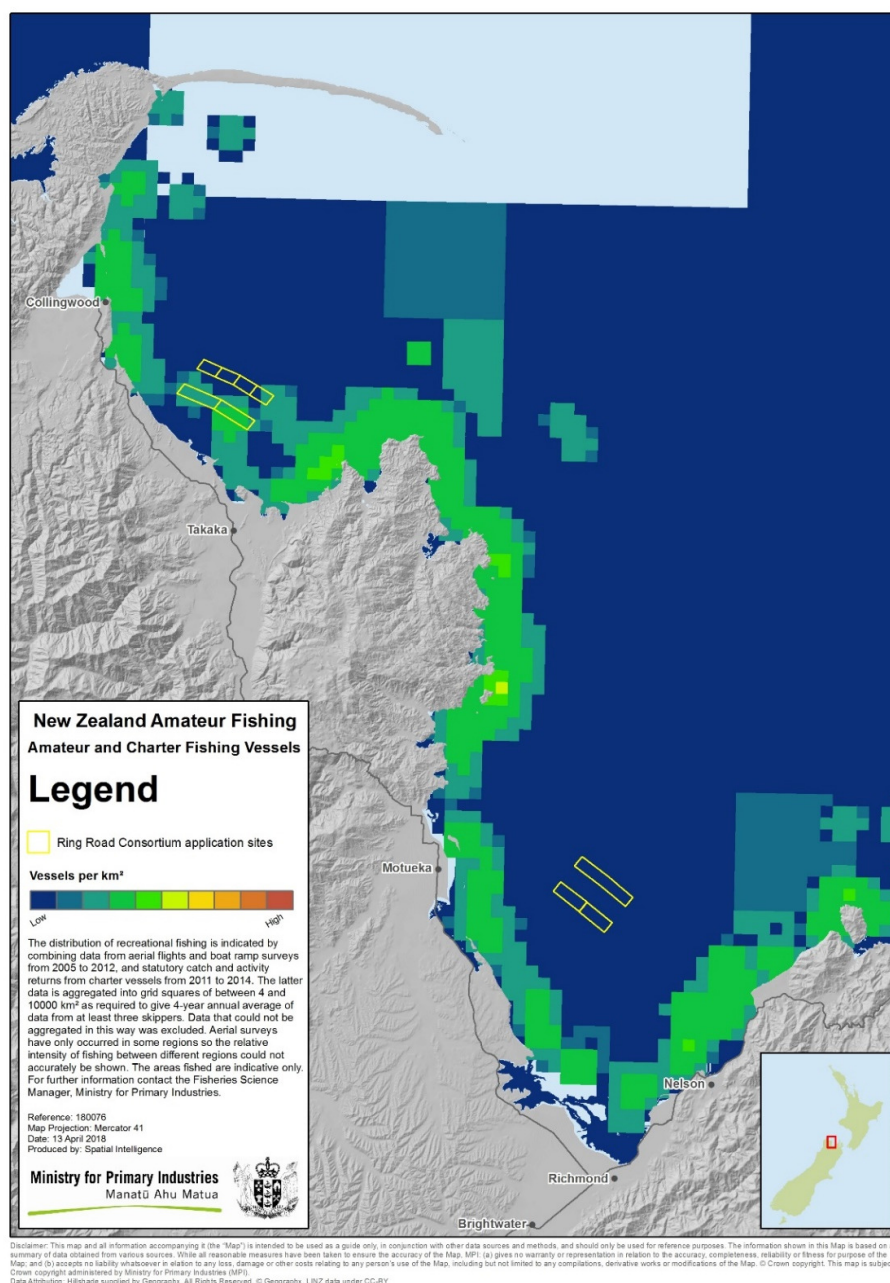


Figure 3. Combined boat ramp/aerial surveys 2005-2012, and charter vessels returns 2011-2014.

48 Table 2 below summarises Fisheries New Zealand's assessment of the main methods used, and species targeted and caught in the areas of the GBRR and TBRR application sites, based on recreational fishing surveys (MPI, 2014 and MPI, 2017¹³), ACV reporting, the 2008 Tasman IAMA decision, and submissions.

¹² ACV data that has been confidentialised and mapped for public release is currently only available between 2011 and 2014.

¹³ MPI, 2017 surveyed blue cod and snapper only.

- 49 As shown, Fisheries New Zealand has assessed that stationary and mobile rod/line methods, and longlining are the main methods used. Lesser amounts of set netting and diving/spear fishing may also occur. Snapper, kahawai, kingfish, gurnard, trevally and tarakihi are the main species targeted or caught. A moderate amount of recreational fishing may occur at the GBRR and TBRR application sites. A large amount of fishing is unlikely at the application sites given their common substrate and bathymetry, the presence of existing marine farms and there being more popular recreational fishing areas elsewhere in the bays.

Table 2: Likely recreational fishing methods used, and species targeted and caught, at the areas of the GBRR and TBRR application sites.

	Source of Information		
	Survey results for Golden and Tasman bays 2011-12 and 2015-16, ACV data 2010-17.	Other information	My assessment
Methods used	<p>Rod/line (77% of trips), diving (7% of trips), dredging (6% of trips) and other (10% of trips) are the main methods used in Fisheries Management Area 7 (FMA7).</p> <p>Top two methods used by ACV vessels from Tarakohe (Golden Bay) - Hand line drifting and hand line on anchor.¹⁴</p> <p>Top five methods used by ACV vessels from Nelson (Tasman Bay) - Hand line drifting, hand line on anchor, diving, dredging and bottom longlining.</p>	<p>Recreational fishers use line fishing, dredging and spear fishing in the areas of the application sites (Submissions on preliminary decision, 2009).</p>	<p>Stationary and mobile rod/line methods likely to be the main methods used. Longlining and spear fishing/diving may also be used.</p> <p>Dredging has primarily been for scallops. Little dredging, if any, is now likely due to decline in scallop fishery in Golden and Tasman bays, and the current closure of the scallop fishery.</p>
Species targeted or caught	<p>Blue cod, snapper, kahawai, tarakihi and sea perch are the main finish species caught in FMA7. Scallops, cockles, mussels, paua and oysters the main shellfish species caught in FMA7.</p> <p>Top five species caught by ACV vessels from Tarakohe (Golden Bay) – blue cod, snapper, tarakihi, sea perch, hapuku/bass.¹⁵</p> <p>Top five species caught by ACV vessels from Nelson (Tasman Bay) – blue cod, kingfish, rock lobster, hapuku/bass, sea perch.</p>	<p>Snapper, kingfish and kahawai targeted by recreational fishers (Submission on preliminary decision, 2009).</p> <p>Flatfish, rig and gurnard are also known to be targeted and/or caught in Golden and Tasman bays (Anecdotal information).</p> <p>Scallop numbers have been much reduced since 2001-02 in Golden Bay and 2002-03 in Tasman Bay (Tasman IAMA final decision, 2015).¹⁶</p> <p>ACV reports show charter vessel fishing is relatively low in the areas of the application sites.</p>	<p>Snapper, kahawai, kingfish, tarakihi and gurnard are likely the most commonly caught species in the areas of the application sites. Rig, flatfish and sea perch may also be caught.</p> <p>Scallops are not likely to be present in sufficient quantities to be targeted or caught by recreational fishers. The current closure also prevents scallop fishing.</p> <p>Habitat and/or water depth mean blue cod, cockles, mussels, paua, rock lobster and hapuku/bass are unlikely to be targeted or caught in the areas of the application sites.</p>

¹⁴ Approximately 5% of ACV records for vessels fishing from Tarakohe and Nelson did not report the method used. Rod/line fishing in the MPI (2014) fishing survey is comparable to hand line fishing in the ACV data.

¹⁵ Approximately 10% of ACV records for vessels fishing from Tarakohe and 20% of vessels leaving from Nelson did not report the species caught.

¹⁶ There was a temporary increase in biomass in Golden Bay between 2005 and 2007.

Exclusion of fishing

- 50 Fisheries New Zealand considers the aquaculture activities proposed in the areas of the application sites would exclude a small amount of recreational fishing by trolling, drift fishing, set netting and longlining. Although not currently permitted, Fisheries New Zealand also considers dredging for scallops would be temporarily excluded while structures are in the water.
- 51 Because the rotational requirements of the resource consents limit the area that can be occupied, fishing would be excluded from only approximately 217 ha and 182 ha of the consented area in Golden Bay and Tasman Bay, respectively. Further, seasonal occupation of the sites means that any exclusion would not be year-round. Although, Fisheries New Zealand notes recreational fishing for most species is concentrated during the summer months when spat catching structures are permitted to be in the water.
- 52 It is common for recreational fishers to fish by rod/line (or hand line) within spat catching sites and marine farms, so it is possible stationary fishing would continue between the proposed structures. Also, Fisheries New Zealand considers diving/spear fishing would not be excluded from the application sites. However, anecdotal information from recreational fishers suggests that spaces between longlines of mussel farms in the Marlborough Sounds are too narrow for longlining, set netting and trolling without risk of entanglement.¹⁷ Fisheries New Zealand is not aware of the proposed spacing of longlines for the GBRR and TBRR spat catching permit applications and therefore concludes these methods may be impacted. Fisheries New Zealand considers that drift fishing also may be excluded from the spat catching areas because of entanglement risk.
- 53 Fisheries New Zealand considers that, should the scallop fishery be opened in the future, recreational fishers would not be permanently excluded from taking scallops in the application sites. Over the three months from mid-July each year, when the scallop season has previously opened, recreational fishers would be able to take scallops before structures are permitted to be in the water.

Availability of other fishing areas

- 54 Fisheries New Zealand considers there are other areas available in Golden and Tasman bays for any recreational fishing excluded from the areas of the application sites.
- 55 The Golden and Tasman bays region is subject to area closures and various species and method restrictions.¹⁸ These restrictions limit the availability of alternative recreational fishing areas outside of the areas of the application sites. However, Fisheries New Zealand considers alternative areas in Golden and Tasman bays could absorb most recreational fishing excluded from the GBRR and TBRR application sites because:
- the substrate beneath AMA2 in Golden Bay and AMA3 in Tasman Bay, dominated by soft mud, is representative of the wider Golden and Tasman bays region.¹⁹ No information suggests the

¹⁷ FMA7 Recreational Fishing Forum, 27 May 2013.

¹⁸ The Amateur Regulations and the *Marine Reserves Act 1971*.

¹⁹ Cawthron (2005a), Description of benthic environment, hydrodynamics, hydrology and spatial variation in Tasman Bay and Cawthron (2005b), Description of benthic environment, hydrodynamics, hydrology and spatial variation in Golden Bay in Preliminary decision report on Ring Road Consortium Spat Catching Applications, 2009.

application sites offer fishing opportunities (for example, habitat, species, methods) specific to them;

- the same methods as those used at the areas of the application sites could be used elsewhere in Golden and Tasman bays; and
- there are sufficient alternative areas, particularly for rod/line and diving/spear fishing which can occur amongst spat catching and mussel farms.

Increased cost of fishing

- 56 Fisheries New Zealand considers the aquaculture activities proposed for the areas of the application sites would result in a minimal, if any, increase in the cost of recreational fishing.
- 57 Based on the available information, Fisheries New Zealand considers there is a high likelihood that any recreational fishing excluded from the sites could be carried out nearby with minimal additional cost. Fisheries New Zealand also considers that most species targeted at the sites could be taken using alternative fishing methods or when structures are not in the water.

Likely effect on fishing

- 58 Fisheries New Zealand considers the likely effect on recreational fishing from the aquaculture activities proposed in the areas of the application sites would be small.
- 59 There is little quantitative data available on recreational catch taken from the areas of the application sites or Golden and Tasman bays generally. Recreational fishers are not required to report catch or fishing locations. Fisheries New Zealand is therefore unable to estimate an average annual recreational catch or proportion of recreational catch likely to be affected by the proposed aquaculture activities. Rather, Fisheries New Zealand can only make an assessment of the effect of the proposed aquaculture activities on recreational fishing based on qualitative information.
- 60 Overall, Fisheries New Zealand considers the effect on recreational fishing from the proposed aquaculture activities would be small because:
- not all recreational fishing methods would be excluded from the application sites;
 - alternative areas within Golden and Tasman bays could absorb the recreational fishing displaced from the application sites;
 - notwithstanding the decline in abundance of the scallop fishery, there is sufficient time for scallops to be taken when spat catching structures are not permitted to be in the water; and
 - anecdotal evidence suggests some recreational fishing opportunities can be enhanced by green-lipped mussel spat catching structures.²⁰

Cumulative effects

- 61 Fisheries New Zealand considers that effects from the aquaculture activities proposed for the areas of the application sites, added to the effects of existing aquaculture in Golden and Tasman bays, would not have an undue adverse effect on recreational fishing in either of these bays.
- 62 There is no quantitative catch data available to assess the cumulative effects of authorised aquaculture on recreational fishing catch. As noted, recreational fishers are not required to report catch or fishing

²⁰ Including submissions from recreational fishers on preliminary decision (2009) and The Fishing Paper, Issue 144 (September 2017).

locations. Fisheries New Zealand can therefore only make an assessment of the cumulative effects on recreational fishing based on the likely importance of the application sites for recreational fishing and the amount of aquaculture activities already authorised in the relevant recreational fishery.

63 Fisheries New Zealand notes there is already a large amount of authorised aquaculture space in Golden and Tasman bays (approximately 5,000 ha and 3,800 ha respectively²¹). However, overall Fisheries New Zealand considers the authorised space has not had an undue adverse effect on recreational fishing. This is because some fishing (for example, anchored rod and line fishing) can occur within the existing farms and spat catching areas, and not all the authorised aquaculture space is located in popular fishing areas. In addition, Fisheries New Zealand is satisfied that recreational fishing is not excluded from existing seasonal spat catching areas when structures are not in the water.

64 As noted, Fisheries New Zealand considers the adverse effects of the aquaculture activities proposed for the areas of the application sites would be small. Subsequently, taking into account the effects of existing authorised aquaculture areas, Fisheries New Zealand considers the additional effects from occupation of the application sites would not cause the cumulative effect on recreational fishing to become undue.

Customary fishing

65 Fisheries New Zealand received no additional information on customary fishing in submissions on the consultation document. Also, no other information has become available to Fisheries New Zealand since the consultation document was released suggesting the effects on customary fishing would be any different to that assessed in the consultation document.

66 Accordingly, Fisheries New Zealand remains satisfied the aquaculture activities proposed within the areas of the application sites would not have an undue adverse effect on customary fishing because:

- anchored rod/line fishing and diving/spear fishing could still occur in the areas;
- there are other areas available for customary fishing elsewhere in Golden and Tasman bays that can absorb any customary fishing displaced;
- occupation of the areas of the application sites would result in a minimal, if any, increase in the cost of customary fishing; and
- the additional adverse effect on customary fishing from occupation of the application sites is only small and would not cause the cumulative effect on customary fishing to become undue.

67 The above conclusions were reached following the more detailed assessment below.

Location of the application areas relative to fishing areas

68 Fisheries New Zealand considers the GBRR and TBRR spat catching permit application sites are located where there is likely to be some customary fishing, predominantly by stationary and mobile rod/line methods. Lesser amounts of set netting, longlining and diving/spear fishing may also occur. Fisheries New Zealand considers that snapper, kingfish, flatfish, rig, kahawai and green-lipped mussels are the main species targeted and/or caught. Scallops have historically been an important species for customary fishers, but abundance has declined significantly.

²¹ Of the authorised aquaculture space in Golden Bay, approximately 2,560 ha is authorised for marine farming and approximately 2,440 ha is authorised for seasonal spat catching (scallops and mussels). Of the authorised aquaculture space in Tasman Bay, approximately 1,550 ha is authorised for marine farming and approximately 2,250 ha is authorised for seasonal spat catching (scallops and mussels).

- 69 Fisheries New Zealand considers that at least the eight iwi at the top of the South Island may have customary fishing interests in the areas of the application sites.²² While there are no existing customary management areas (for example, taiapure-local fishery or mātaihai reserves) in the vicinity of the application sites²³, the eight iwi have jointly notified their Tangata Tiaki/Kaitiaki for an area/rohe moana that encompasses the areas of the application sites. Although, Fisheries New Zealand notes the notification is in dispute.²⁴
- 70 Available information on customary fishing is primarily qualitative information from submissions and quantitative catch information from customary authorisations. There is limited information on customary catch at the scale of individual marine farms. Fishing locations for customary authorisations only need to be reported at the Fisheries Management Area (**FMA**) or Quota Management Area (**QMA**) scale, although more specific sites are sometimes identified. Fishing methods are not reported. Furthermore, customary authorisations issued under regulations 50 and 51 of the Amateur Regulations do not need to be routinely reported.
- 71 From January 2009 to April 2016, several customary authorisations were issued for Golden and Tasman bays. However, it is not possible to say whether this fishing was in the areas of the application sites. No submissions on the GBRR and TBRR applications were received from customary fishers as part of the consultations in September 2017 and May 2018.
- 72 Dredge scallop fishing has historically been an important customary fishery in Golden and Tasman bays, including in the vicinity of the GBRR and TBRR application sites. However, scallop abundance has declined significantly over a number of years. Little, if any, scallop fishing by customary fishers is likely to be occurring.
- 73 Table 3 below summarises Fisheries New Zealand's assessment of the main methods used and species caught and targeted by customary fishers in the areas of the GBRR and TBRR application sites. This information is based on submissions, customary authorisations, the 2009 preliminary decision and other information, including information on recreational fishing. In the absence of comprehensive information on customary fishing, particularly on methods used, Fisheries New Zealand considers that customary fishing is likely to be similar in nature to recreational fishing.

²² The eight iwi, collectively known as Te Tau Ihu o Te Waka o Maui (**Te Tau Ihu Iwi**), include those defined as tangata whenua in regulation 2 of the South Island Regulations: the whānau, hapu or iwi that hold manawhenua manamoana over a particular area and are represented by Ngāti Apa Ki Te Waipounamu Trust; or Ngāti Koata No Rangitoto Ki Te Tonga Trust; or Ngāti Rarua Iwi Trust; or Ngāti Tama Manawhenua Ki Te Tau Ihu Trust; or Ngāti Toa Rangitira Manawhenua Ki Te Tau Ihu Trust; or Te Atiawa Manawhenua Ki Te Tau Ihu Trust; or Te Runanga A Rangitane o Wairau; or Te Runanga O Ngāti Kuia Trust.

²³ The Minister approved Whakapuaka (Delaware Bay) Taiapure in 2002 and two maitaitai on the west coast of Golden Bay in December 2010 (Te Tai Tapu (Kaihoka) Mataitai and Te Tai Tapu (Anatori) Mataitai).

²⁴ Because the notification is in dispute, customary authorisations for the top of the South Island are issued under regulations 50 and 51 of the Amateur Regulations.

Table 3: Likely customary fishing methods used, and species targeted and caught, at the areas of the GBRR and TBRR application sites.

	Source of information			
	Submissions	Customary authorisations for Golden and Tasman bays ²⁵	Other information	My assessment
Methods used	N/A ²⁶	N/A	Recreational fishers commonly use stationary and mobile rod/line methods, dredging, diving/spear fishing and longlining so customary fishers may also use these methods.	Stationary and mobile rod/line methods likely to be the main methods used. Longlining and spear fishing/diving may also be used. Dredging has primarily been for scallops. Little dredging, if any, is likely due to decline in scallop fishery in Golden and Tasman bays, and the current closure of the scallop fishery.
Species caught or targeted (most common species first)	N/A	Scallops, rock lobster, blue cod, snapper, flatfish, butterfish, kina, blue moki, rig, kahawai, green-lipped mussels.	Snapper, kahawai, kingfish, tarakihi and gurnard are targeted and/or caught by recreational fishers in Golden and Tasman bays. Rig, flatfish and sea perch may also be taken by recreational fishers (anecdotal information), so customary fishers may also take these species. Scallop numbers have been much reduced since 2001-02 in Golden Bay and 2002-03 in Tasman Bay (Tasman IAMA final decision, 2015). ²⁷	Snapper, kahawai, kingfish, flatfish, rig and green-lipped mussels are the species most likely to be caught by customary fishers in the areas of the application sites. Scallops are not likely to be present in sufficient quantities to be targeted or caught by customary fishers. Habitat and/or water depth mean blue cod, cockles, blue moki, green-lipped mussels, paua, rock lobster and hapuku/bass are unlikely to be targeted or caught in the areas of the application sites

²⁵ Where the area was not stated in the customary authorisation, it was assumed as possibly coming from Golden or Tasman bays if the statistical area encompassed the bays.

²⁶ No submissions were received on customary fishing for the preliminary decision in 2009, prior to the release of the consultation document or following its release.

²⁷ There was a temporary increase in biomass in Golden Bay between 2005 and 2007.

Exclusion of fishing

- 74 Fisheries New Zealand considers the aquaculture activities proposed for the areas of the GBRR and TBRR spat catching permit applications will exclude a small amount of customary fishing by trolling, drift fishing, set netting, and longlining. Although there is likely to be little, if any, dredging for scallops by customary fishers, Fisheries New Zealand also considers this type of fishing would be temporarily excluded while structures are in the water.
- 75 Because the rotational requirements of the resource consents limit the area that can be occupied, fishing would be excluded from only 217 ha and 182 ha of the consented area in Golden Bay and Tasman Bay respectively. Further, seasonal occupation only is permitted by the resource consents. As a result, for customary fishing methods that are excluded from the areas of the application sites, this exclusion is not year-round.
- 76 It is common for recreational fishers to fish by rod/line (or hand line) fishing within spat catching sites and marine farms, and Fisheries New Zealand considers it likely customary fishers will also fish in this way. Therefore, it is possible that customary fishing by stationary rod/line methods could continue between the proposed structures. Also, Fisheries New Zealand considers diving/spear fishing will not be excluded from the proposed structures.
- 77 However, as discussed in the *Recreational fishing* section, Fisheries New Zealand considers that longlining, set netting, trolling and drift fishing by recreational fishers may be excluded from the application sites. Fisheries New Zealand considers use of these methods by customary fishers would be similarly affected. And, should the scallop fishery recover in the future, dredging by customary fishers would similarly only be excluded while structures are permitted to be in the water.

Availability of other fishing areas

- 78 Fisheries New Zealand considers there are alternative areas available for customary fishing in Golden and Tasman bays.
- 79 Apart from the Tonga Island and Horoirangi Marine Reserves, all of Golden and Tasman bays are available for customary fishing under regulations 50 and 51 of the Amateur Regulations.²⁸ A large number of alternative areas are therefore available for customary fishing that may be displaced from the application sites.
- 80 Fisheries New Zealand also considers there are alternative areas in Golden and Tasman bays for customary fishers because:
- the substrate beneath AMA2 in Golden Bay and AMA3 in Tasman Bay, dominated by soft mud, is representative of the wider Golden and Tasman bays region.²⁹ No information suggests the areas of the application sites offer fishing opportunities (for example, habitat, species, methods) specific to them;
 - the same methods as those used at the areas of the application sites could be used elsewhere in Golden and Tasman bays; and

²⁸ *The Marine Reserves Act 1971.*

²⁹ Cawthron (2005a), Description of benthic environment, hydrodynamics, hydrology and spatial variation in Tasman Bay and Cawthron (2005b), Description of benthic environment, hydrodynamics, hydrology and spatial variation in Golden Bay in Preliminary decision report on Ring Road Consortium Spat Catching Applications, 2009.

- there are sufficient alternative areas, particularly for rod/line and spear fishing which can occur amongst spat catching and mussel farms.

Increased cost of fishing

- 81 Fisheries New Zealand considers the aquaculture activities proposed for the areas of the GBRR and TBRR application sites would result in a minimal, if any, increase in the cost of customary fishing.
- 82 Based on the available information, Fisheries New Zealand considers that any customary fishing displaced from the application sites can be carried out nearby with minimal additional cost. Fisheries New Zealand also considers that most species targeted in the application sites could be taken using alternative fishing methods or when structures are not in the water.

Likely effect on fishing

- 83 Fisheries New Zealand considers the likely effect on customary fishing from the aquaculture activities proposed in the areas of the application sites would be small.
- 84 As noted, there is little available quantitative data on customary catch taken from the application sites. Fisheries New Zealand is therefore unable to estimate an average annual customary catch or proportion of customary catch likely to be affected by the proposed aquaculture activities. Rather, Fisheries New Zealand can only make an assessment of the effect of the proposed aquaculture activities on customary fishing based on qualitative information.
- 85 Overall, Fisheries New Zealand considers the effect on customary fishing from the proposed aquaculture activities would be relatively small because:
- not all customary fishing methods would be excluded from the sites;
 - alternative areas within Golden and Tasman bays could absorb the customary fishing displaced from the application sites;
 - notwithstanding the decline in abundance of the scallop fishery, there is sufficient time for scallops to be taken when spat catching structures are not permitted to be in the water; and
 - it is likely some customary fishing opportunities would be enhanced by green-lipped mussel spat catching structures as anecdotal evidence suggests this is the case for some recreational fishing.³⁰

Cumulative effects

- 86 Fisheries New Zealand considers effects from the aquaculture activities proposed for the areas of the application sites, added to the effects of existing aquaculture in Golden and Tasman bays, would not have an undue adverse effect on customary fishing in either of these bays.
- 87 There is no quantitative catch data available to Fisheries New Zealand to assess the cumulative effect of authorised aquaculture activities on customary fishing. As noted, site-specific fishing locations are not typically reported with customary authorisations. Fisheries New Zealand can therefore only make an assessment of the cumulative effects on customary fishing based on the likely importance of the

³⁰ Including submissions from recreational fishers on preliminary decision (2009) and The Fishing Paper, Issue 144 (September 2017).

application sites for customary fishing and the amount of aquaculture activities already authorised in the relevant customary fishery.

88 Fisheries New Zealand notes there is already a large amount of authorised aquaculture space in Golden and Tasman bays (approximately 5,000 ha and 3,800 ha respectively³¹). However, overall Fisheries New Zealand considers the authorised space has not had an undue adverse effect on customary fishing. This is because some fishing (for example, anchored rod and line fishing) can occur within the existing farms and spat catching areas, and not all the authorised aquaculture space is located in popular fishing areas. In addition, Fisheries New Zealand is satisfied customary fishing is not excluded from existing seasonal spat catching areas while structures are not in the water.

89 As noted, Fisheries New Zealand considers any adverse effects of the aquaculture activities proposed for the areas of the application sites will be small. Subsequently, taking into account the effects of existing authorised aquaculture areas, Fisheries New Zealand considers the additional effects from occupation of the application sites would not cause the cumulative effect on customary fishing to become undue.

Commercial fishing

90 Fisheries New Zealand received one submission relating to effects on commercial fishing following release of the consultation document.³² This information has been incorporated into this decision document and is discussed below in *Exclusion of fishing*. No other information regarding effects on commercial fishing has become available to Fisheries New Zealand since the consultation document.

91 Taking into account the information contained in the submission, Fisheries New Zealand remains satisfied the aquaculture activities proposed within the areas of the GBRR and TBRR application sites would not have an undue adverse effect on commercial fishing because:

- they would only allow a small amount of additional space to be occupied by structures at any one time;
- a small amount of commercial fishing is likely to occur in the areas able to be occupied;
- there are alternative fishing areas in general statistical area 038 (**SA038**) and the relevant QMAs or FMA7 for most, if not all, catch taken from the application sites;
- occupation of the areas of the application sites would not result in a significant increase in the cost of commercial fishing; and
- the additional adverse effect on commercial fishing would not cause the cumulative effect on commercial fishing for any fish stock to become undue.

92 The above conclusions were reached following the more detailed assessment below.

Location of the application areas relative to fishing areas

93 Golden and Tasman bays are in FMA7. Historically, most commercial fishing has been reported by statistical area. The application sites are in SA038, which extends from Farewell Spit in the west to the

³¹ Of the authorised aquaculture space in Golden Bay, approximately 2,560 ha is authorised for marine farming and approximately 2,440 ha is authorised for seasonal spat catching (scallop and mussels). Of the authorised aquaculture space in Tasman Bay, approximately 1,550 ha is authorised for marine farming and approximately 2,250 ha is authorised for seasonal spat catching (scallop and mussels).

³² From the applicants, GBRR and TBRR.

northern tip of d'Urville Island in the east (491,542 ha). Further detail on fisheries management and statistical areas is in Appendix Three.

- 94 Fisheries New Zealand has assessed the main fisheries, the bathymetry and the habitat known to occur in SA038 and the relative amounts of fishing that report by start position. Most catch in SA038 is taken by trawling. Appendix Three has further detail on how Fisheries New Zealand analyses commercial fishing. This information, along with institutional knowledge, has been used to inform Fisheries New Zealand's view on the commercial fishing that occurs in the vicinity of the application sites, as discussed below and summarised in Tables 4 and 5.
- 95 Fisheries New Zealand is satisfied that commercial trawling in Golden Bay does not occur in the application sites during the period that spat catching structures are permitted to be in the water (1 November to 30 April). The seasonal trawl closure in Golden Bay, that encompasses the application sites, only allows trawling between 1 May and 31 October each year. No spat catching structures are permitted to be in the water during this period.
- 96 However, Fisheries New Zealand considers that commercial trawling in Tasman Bay does occur in the application sites, as it is permitted in the application areas year-round. Of the catch estimated to come from the application sites (discussed further in the *Likely effect on fishing* section) an average of 56% is estimated to be caught between 1 November and 30 April each year, when spat catching structures are permitted to be in the water.
- 97 Fisheries New Zealand considers that little dredging is likely to take place in the application sites. Typically most dredging in Golden and Tasman bays has been for scallops, with lesser amounts of flat oysters being taken. However, the SCA7 scallop fishery has declined significantly and neither bay has been commercially fished for scallops for several years.³³ Golden and Tasman bays are also currently closed to commercial scallop fishing, although this is not a permanent closure. In years when the SCA7 scallop fishery has been open, fishing has occurred in the application sites. Dredging for flat oysters is permitted in the application sites. Although, the information Fisheries New Zealand holds suggests little oyster dredging is likely to occur, particularly in Golden Bay.
- 98 In PNFA's submission on these applications, it stated that yellow-belly flounder is an important species targeted by commercial fishers in Tasman Bay, particularly out to the 30 m depth contour.
- 99 Fisheries New Zealand considers that Tasman Bay, in particular, is important for commercial fishing for yellow-belly flounder, with an average of 11,600 kg estimated to be caught in SA038 each year.³⁴ Most of this is caught by trawling and some is likely to be caught in the application sites. The likely effect of the proposed spat catching activities is discussed in the *Likely effect on fishing* section below.
- 100 As detailed in Tables 4 and 5, set netting, Danish seining and long lining are the other methods also likely to be used in the application areas. Although, Danish seining is prohibited in some areas of the application sites in Golden Bay.

³³ Golden Bay was last commercial fished for scallops in 2011/12 and Tasman Bay in 2006/07, with the exception of approximately 1 tonne caught in Tasman Bay in 2015.

³⁴ For the fishing years 2010/11 to 2015/16. The estimates of yellow-belly flounder catch are based on the start position of events only and are therefore only indicative of the amount of catch caught from the application sites.

Table 4: Fisheries that are included in the commercial fishing assessment of the Golden Bay application.

Fishery (Main fish stock or depth range and main fishing method) ^A	Statistical area	% of fine scale fishing events	Average annual no. fishing days ^B	% of main fish stock caught in statistical area	Included in assessment of proposed farm?	Rationale for excluding fishery from proposed farm assessment ^C
Paddle Crab (PAD7), Pot	038	0%	317	90%	Yes	
Flatfish (FLA7), Danish Seine	038	1%	174	34%	Yes	
Mixed Fishery, Danish Seine	038	1%	123	N/A	Yes	
Rig (SPO7), Set Net	038	95%	95	44%	Yes	
Mixed Fishery, Set Net	038	95%	58	N/A	Yes	
Geoduck (PZL7), Diving	038	0%	25	71%	Yes	
School shark (SCH7), Set Net	038	95%	22	11%	Yes	
Sea cucumber (SCC7B), Diving	038	0%	21	84%	Yes	
School shark (SCH7), Long Line	038	46%	16	11%	Yes	
Other species, Potting	038	0%	14	N/A	Yes	
Other, Diving	038	0%	12	N/A	Yes	
Inshore Mix <80m depth, Trawl	038	99%	1017	N/A	No	Period when structures permitted to be in water overlaps seasonal trawl closure.
Rock Lobster (CRA5), Lobster Pot	932	0%	733	3%	No	Rock lobsters concentrate in areas of rocky reef, although they may move across an open sandy bottom at certain times of the year. There is no rocky reef in the application sites.
Flatfish (FLA7), Trawl	038	99%	610	34%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.
Red Cod (RCO7), Trawl	038	97%	366	17%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.
Snapper (SNA7), Trawl	038	99%	229	77%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.
Gurnard (GUR7), Trawl	038	100%	204	28%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.

A – Main fishstock refers to the species most often caught by the relevant method; it does not include all species taken by that method. Figures from 2007/08 to 2011/12.

B – Excludes fisheries with less than 10 days fishing per year.

C – Unless otherwise stated, fishing is permitted and MPI has no information to indicate it does not occur in the vicinity of the coastal permit area.

Table 4 continued.

Fishery (Main fish stock or depth range and main fishing method) ^A	Statistical area	% of fine scale fishing events	Average annual no. fishing days ^B	% of main fish stock caught in statistical area	Included in assessment of proposed farm?	Rationale for excluding fishery from proposed farm assessment ^C
Barracouta (BAR7), Trawl	038	99%	176	3%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.
Spiny Dogfish (SPD7), Trawl	038	99%	108	8%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.
Cockles (COC7A), Mechanical Harvest	038	0%	102	100%	No	Application sites are offshore of intertidal zone where this method is used.
Blue Warehou (WAR7), Trawl	038	100%	38	10%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.
Albacore (ALB1), Trawl	038	0%	36	0%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.
Paua (PAU7), Diving	789	0%	31	3%	No	Paua are found in areas of rocky reef. There is no rocky reef in the application sites.
Blue Cod (BCO7), Pot	038	0%	19	24%	No	Blue cod are unlikely to be found over the soft substrates found in the application sites.
Butterfish (BUT7), Set Net	038	30%	13	4%	No	Butterfish are unlikely to be found over the soft substrates found in the application sites.
Tarakihi (TAR7), Trawl	038	98%	11	4%	No	Period when structures permitted to be in water overlaps seasonal trawl closure.

Table 5: Fisheries that are included in the commercial fishing assessment of the Tasman Bay application.

Fishery (Main fish stock or depth range and main fishing method) ^A	Statistical area	% of fine scale fishing events	Average annual no. fishing days ^B	% of main fish stock caught in statistical area	Included in assessment of proposed farm?	Rationale for excluding fishery from proposed farm assessment ^C
Inshore Mix <80m depth, Trawl	038	99%	1017	N/A	Yes	
Flatfish (FLA7), Trawl	038	99%	610	34%	Yes	
Red Cod (RCO7), Trawl	038	97%	366	17%	Yes	
Paddle Crab (PAD7), Pot	038	0%	317	90%	Yes	
Snapper (SNA7), Trawl	038	99%	229	77%	Yes	
Gurnard (GUR7), Trawl	038	100%	204	28%	Yes	

Table 5 continued.

Fishery (Main fish stock or depth range and main fishing method) ^A	Statistical area	% of fine scale fishing events	Average annual no. fishing days ^B	% of main fish stock caught in statistical area	Included in assessment of proposed farm?	Rationale for excluding fishery from proposed farm assessment ^C
Barracouta (BAR7), Trawl	038	99%	176	3%	Yes	
Flatfish (FLA7), Danish Seine	038	1%	174	34%	Yes	
Mixed Fishery, Danish Seine	038	1%	123	N/A	Yes	
Spiny Dogfish (SPD7), Trawl	038	99%	108	8%	Yes	
Rig (SPO7), Set Net	038	95%	95	44%	Yes	
Mixed Fishery, Set Net	038	95%	58	N/A	Yes	
Blue Warehau (WAR7), Trawl	038	100%	38	10%	Yes	
Paua (PAU7), Diving	784	0%	31	3%	Yes	
Geoduck (PZL7), Diving	038	0%	25	71%	Yes	
School shark (SCH7), Set Net	038	95%	22	11%	Yes	
Sea cucumber (SCC7B), Diving	038	0%	21	84%	Yes	
School shark (SCH7), Long Line	038	46%	16	11%	Yes	
Other species, Potting	038	0%	14	N/A	Yes	
Other, Diving	038	0%	12	N/A	Yes	
Tarakihi (TAR7), Trawl	038	98%	11	4%	Yes	
Rock Lobster (CRA5), Lobster Pot	932	0%	733	3%	No	Rock lobsters concentrate in areas of rocky reef, although they may move across an open sandy bottom at certain times of the year. There is no rocky reef in the application sites.
Cockles (COC7A), Mechanical Harvest	038	0%	102	100%	No	Application sites are offshore of intertidal zone where this method is used.
Albacore (ALB1), Trawl	038	0%	36	0%	No	The very small amount of this fishery located in SA038 is unlikely to be near the application sites.
Blue Cod (BCO7), Pot	038	0%	19	24%	No	Blue cod are unlikely to be found over the soft substrates beneath the application sites.
Butterfish (BUT7), Set Net	038	30%	13	4%	No	Butterfish are unlikely to be found over the soft substrates found in the application sites.

Exclusion of fishing

101 As explained in the *Background* section, if the spat catching permit applications are approved, an additional 1,309 ha in Golden Bay and 1,096 ha in Tasman Bay would be approved for spat catching. However, because the resource consents provide for rotation over the consented area and some of the area covered by the consents is existing space, not all the additional space could be occupied by spat catching structures at the same time. Table 6 summarises the subzones that structures can be rotated across and sets out the additional area of structures that could be in the water at any one time if the spat catching applications are approved.

Table 6: Average area of application sites able to be occupied (refer Figure 1 and Figure 2)

Location	Subzone rotation	Total new space	Additional occupied space
Golden Bay – AMA2	e, f (new) or g (existing)	657.3 ha	0 ha ³⁵
	1/3 of h, i, j, and part p (all new)	651.5 ha	217.2 ha
Tasman Bay – AMA3	e (existing), f or g (new)	550.0 ha	0 to 8.5 ha ³⁶
	1/3 of h (new)	546.0 ha	182.0 ha

102 If approved, the applications would result in an additional 217 ha able to be occupied by structures in Golden Bay and 182 ha in Tasman Bay. Depending on which subzones were occupied, there could also be a small additional space (4.3 ha or 8.5 ha) in subzones (f) and (g) in Tasman Bay.

103 Fisheries New Zealand acknowledges that it is not possible to use some commercial fishing methods immediately adjacent to spat catching structures. Accordingly, Fisheries New Zealand has used a buffer around spat catching structures of 500 m for trawling and seining, and 75 m for dredging³⁷. Within these respective buffers Fisheries New Zealand considers these fishing methods will be excluded.

104 Taking into account existing aquaculture, and buffers, Fisheries New Zealand has estimated the average amount of area that would be excluded for different fishing methods if the spat catching applications are approved (Table 7). Although the resource consents require 1/3 of subzones (h), (i), (j) and part of (p) in AMA2, and 1/3 of (h) in AMA3, to be used in contiguous blocks, the consents do not specify where the occupied area must be within the consented area. As a result it is not possible to identify the particular area that would be occupied. Fisheries New Zealand has therefore assumed the area excluded to commercial fishing would be an average of 1/3 of the area that would be excluded if the total area (that is all of subzones (h), (i), (j) and part of (p) in AMA2 and (h) in AMA3) was occupied.³⁸

Table 7: Average area excluded by the proposed spat catching activities for commercial fishing methods.

Commercial fishing method	Avg area excluded from additional 217 ha of structures in Golden Bay	Avg area excluded from additional 182 ha of structures in Tasman Bay
Trawling	292 ha	204 ha
Seining	292 ha	204 ha
Dredging	221 ha	190 ha
Other methods	217 ha	182 ha

³⁵ Subzones (e) and (f) in AMA2 are approximately 3 ha smaller than the existing subzone (g). If GBRR chooses to use either of these two subzones, the amount of space actually occupied will be slightly less.

³⁶ Subzones (f) and (g) in AMA3 are respectively 4.3 ha and 8.5 ha larger than subzone (e). If TBRR chooses to use either of these subzones, the additional space than can be occupied is either 4.3 ha or 8.5 ha.

³⁷ In 2007 / 2008 MFish investigated in depth appropriate exclusion distances to use for various fishing methods. This included consultation with commercial fishers. MFish and later the Ministry for Primary Industries have further refined these exclusion distances as additional information has become available, including from commercial fishers (MFish, 2007; MFish, 2008).

³⁸ Because the resource consents allow structures to be rotated across different subzones, the actual area excluded, including buffers, would vary. This is because parts of some subzones are already excluded to commercial fishing by existing aquaculture space immediately adjacent to the GBRR and TBRR application sites.

105 Fisheries New Zealand considers that commercial fishing will only be excluded from the areas of the application sites while spat catching structures are permitted to be in the water. Fisheries New Zealand has previously been concerned that spat drop-off from spat catching structures could be sufficient to exclude commercial fishing year-round, including when the structures are not in the water.³⁹ However, new information suggests levels of spat drop-off in the application sites is likely to be low and unlikely to exclude commercial fishing.

106 Resource consent monitoring of the existing spat catching sites has shown significantly reduced levels of spat drop-off.⁴⁰ No mussels (adult or spat) were observed in the survey areas of the existing Golden Bay spat catching sites during the last monitoring, in 2013, two months after spat catching lines had been removed (Forrest, 2013).⁴¹ As a result, monitoring of spat drop-off is no longer required, unless trigger levels are reached in the GBRR and TBRR mussel farming sites, which have year-round occupation.

107 PNFA is concerned that spat catching structures in the Tasman Bay application sites will have a year-round effect on the availability of suitable fishing areas for yellow-belly flounder. PNFA stated that when the existing spat catching structures are removed at the end of each season, anchors are sometime lost and left on the seabed, which damages fishing gear. The resource consents held by GBRR and TBRR require all structures to be removed at the end of each spat catching season, including anchors.

108 GBRR and TBRR submitted on this matter in response to the consultation document. They state that since this issue was first raised, in around 2001, management practices have changed and that, as CSEC agree, structures being left on the seabed is no longer an issue. However, this has not been confirmed by CSEC. In any event, Fisheries New Zealand can only assess the spat catching permit applications based on what is permitted in the relevant resource consents. If PNFA continues to have concerns about compliance with the resource consents, these need to be raised with TDC, the issuing authority.

109 If the SCA7 fishery is opened to commercial fishing in the future, Fisheries New Zealand is satisfied that commercial fishers would not be excluded from taking scallops in the application sites. The SCA7 fishery is a seasonal fishery, open from 5 July to 14 February each year. However, in years when fishing for scallops has occurred, CSEC generally did not open the season for commercial fishers until September or October to optimise the return from individual shellfish.⁴² Fisheries New Zealand is satisfied that the one to two months before spat catching structures could go in the water on 1 November is sufficient time for fishers to harvest available scallops from the application sites. As noted above, Fisheries New Zealand is also satisfied that drop-off from the spat catching structures would not prevent commercial fishing, including fishing for scallops, during the period of the year spat catching structures are not permitted to be in the water.

Availability of other fishing areas

110 Fisheries New Zealand considers there are sufficient alternative areas available within Golden and Tasman bays for any catch displaced from the spat catching application sites during the period structures are permitted to be in the water.

³⁹ Preliminary decision C18-1158 and C18-1159 (2009) and Tasman IAMA – Final evaluation (2008).

⁴⁰ This has been attributed to reductions in how long spat catching structures are left in the water at any one time (Forrest *et. al.*, 2014).

⁴¹ The survey areas included area where lines had been deployed for > 84 days.

⁴² CSEC have managed the SCA7 scallop fishery through a memorandum of understanding with Fisheries New Zealand.

111 As noted, trawling is the main commercial fishing method used in Golden and Tasman bays. Although, trawling is not permitted to occur in the Golden Bay application sites during the period that spat catching structures are permitted to be in the water. And, Fisheries New Zealand is satisfied that commercial fishing would only be excluded during the period that spat catching structures are permitted to be in the water. As a result, only a small amount of commercial fishing, predominately set netting, would be excluded from the Golden Bay application sites. Fisheries New Zealand considers this could be caught elsewhere in the Bay as no information suggest the Golden Bay application sites are especially important for set netting.

112 Trawling is permitted in the Tasman Bay application sites during the period that spat catching structures are permitted to be in the water. As a result, more commercial fishing is likely to be displaced from the Tasman Bay application sites than in Golden Bay. Fisheries New Zealand considers that some of the catch displaced could be taken when spat catching structures have been removed. And, Fisheries New Zealand is satisfied that sufficient alternative areas remain in Tasman Bay to absorb most displaced catch unable to be taken in the application sites when structures are not permitted to be in the water.

113 PNFA submitted that yellow-belly flounder are only found in commercially viable quantities out to the 30 m depth contour.⁴³ PNFA is concerned that if the applications are approved they would not leave much suitable area to target yellow-belly flounder. Fisheries New Zealand has estimated the amount of yellow-belly flounder caught in the vicinity of the application sites during the period of the year spat catching structures are permitted to be in the water, discussed in *Likely effect on fishing* below, based on start position of fishing events.

114 Fisheries New Zealand notes the amount of catch estimated to come from the application sites is a small proportion of the total yellow-belly flounder catch in SA038, with most of the Tasman Bay catch coming from inshore of the application sites. Fisheries New Zealand is satisfied that sufficient alternative areas remain to absorb any catch of yellow-belly flounder displaced from the application sites.

115 Fisheries New Zealand also notes the application sites could be fished when the spat catching structures would not be in the water, from 1 May to 31 October. The catch of yellow-belly flounder in Tasman Bay occurs predominantly during this period. Consequently, Fisheries New Zealand is satisfied this shows it is viable to fish for yellow-belly flounder over this time. If fishers are able to increase the amount of fishing effort for yellow-belly flounder during this period, this would also absorb some of the fishing for yellow-belly flounder that may be displaced.

116 Fisheries New Zealand recognises that areas of authorised aquaculture space have reduced the availability of other commercial fishing areas over time. In SA038 there are approximately 8,800 ha of marine farms that make up more than 70% of the 12,300 ha of aquaculture in FMA7.⁴⁴ The cumulative effect of the existing aquaculture is considered further below.

Increased cost of fishing

117 Fisheries New Zealand considers there would be minimal, if any, increase in the cost of commercial fishing if the Golden Bay spat catching application is approved. Because the Golden Bay application sites are within the area closed to trawling from 1 November to 30 April each year, little fishing will be

⁴³ Water depths at both the Golden Bay and Tasman Bay spat catching sites are around 15 – 22 m.

⁴⁴ The 8,800 ha and 12,300 ha of authorised aquaculture space includes recent aquaculture decisions that may still be in the judicial review period.

impacted. As a result, it is unlikely fishers would need to need to adapt fishing patterns or gear to compensate for any loss of catch.

118 Fisheries New Zealand is also satisfied that any increase in the cost of commercial fishing is unlikely to be significant if the Tasman Bay application is approved. As noted, the Tasman Bay application sites are located where trawling is permitted year-round. As a result, Fisheries New Zealand considers the Tasman Bay application, if approved, would increase the cost of fishing more than the Golden Bay application. If fishers need to change where or how they fish, this is likely to increase the cost of fishing.

119 However, fishers are able to fish in the area of the application sites during the six months each year when structures are not permitted to be in the water. Fisheries New Zealand considers this change in when fishing occurs in the application sites is unlikely to have a significant effect on the cost of fishing. Fisheries New Zealand does not hold information on the cost to fishers of shifting fishing effort to different times of year and notes this is likely to vary from fisher to fisher. However, Fisheries New Zealand is satisfied this is not likely to be large given around half the catch in Tasman Bay comes from the period spat catching structures are not in the water.

120 For the same reasons as for other fishing in Tasman Bay, Fisheries New Zealand is satisfied that any increase in the cost of fishing for yellow-belly flounder is unlikely to be significant.

Likely effect on fishing

121 As noted above, the additional area that could be occupied by spat catching structures is limited by the rotational conditions of the resource consents and because some of the consented area is existing space.

122 Taking into account the additional area that would be excluded, and the period of the year that structures can be in the water, Fisheries New Zealand has calculated the average amounts of catch estimated to come from the area excluded in Golden and Tasman bays during the period structures are permitted to be in the water.⁴⁵ Appendix Four shows the amount of catch of the main fish stocks affected that is estimated to come from the application sites. Fisheries New Zealand has used this total amount of catch from each subzone to estimate the average amounts of catch affected by the spat catching applications in Golden and Tasman bays.

123 In Golden Bay, Fisheries New Zealand estimates the proposed spat catching activities would exclude an annual average of 73 kg of catch from commercial fishing. In Tasman Bay, Fisheries New Zealand estimates the proposed spat catching activities would exclude an annual average of 615 kg of catch from commercial fishing.

124 As noted above, an average of 11,600 kg of yellow-belly flounder is estimated to be caught in SA038 each year. This is concentrated in the period from 1 May to 31 October when spat catching structures are not permitted to be in the water. This is particularly so in Golden Bay, where the trawl closure only allows fishing from 1 May to 31 October. Of the catch coming from Golden Bay and Tasman Bay, an

⁴⁵ As noted, if the spat catching applications are approved up to 1/3 of subzones (h), (i), (j), and part of (p) in Golden Bay and subzone (h) in Tasman Bay could be occupied by additional seasonal spat catching structures. Because the third that may be occupied can vary, Fisheries New Zealand has assumed the amount of catch excluded will be 1/3 of the total catch coming from each of these subzones.

average of 12 % (73 kg) and 38 % (4,150 kg) respectively was caught when spat catching structures are permitted to be in the water.

125 Of the yellow-belly flounder estimated to be caught each year during the period spat catching structures are permitted to be in the water:

- no catch is estimated to come from the application sites in Golden Bay; and
- an average of 1,120 kg, or 27%, is estimated to come from all the application sites in Tasman Bay, equating to 9.7% of the estimated catch from SA038.

126 However, not all subzones can be occupied at the same time and the amount of catch coming from the different subzones may vary. The amount of catch estimated to come from the additional area able to be occupied by structures in Tasman Bay (182 ha of the 1,096 ha total), is an average of 186 kg. This is approximately 1.6% of the SA038 catch of yellow-belly flounder and 0.03% of the flatfish fishery in FMA7.⁴⁶

127 Of the yellow-belly flounder catch likely to come from the application sites in Tasman Bay while spat catching structures are permitted to be in the water, Fisheries New Zealand is satisfied that the amount of catch likely to be lost to the fishery would be less. As a mobile species, it is likely that these yellow-belly flounder could be caught adjacent to the areas excluded or once structures have been removed from the water.

128 Given the relatively small catch of all species likely to be affected by the proposed aquaculture activities,⁴⁷ Fisheries New Zealand has not attempted to determine the likely changes in catch rates for the displaced fishing in order to estimate the net effect on commercial fishing. This assessment is based on the worst-case scenario that all of the catch displaced from the application sites would be lost from the affected fisheries and no new catch would be available from the vacated area. However, as noted for yellow-belly flounder, the actual amount of catch lost to the affected fisheries may be less.

Cumulative effects

129 Fisheries New Zealand considers the addition to the cumulative effect on commercial fishing from the aquaculture activities proposed in the GBRR and TBRR application sites is small.

130 Fisheries New Zealand acknowledges that aquaculture development in Golden and Tasman bays has occurred in areas important to commercial fishing, particularly for snapper and, historically, scallops. This aquaculture development has had varying cumulative effects on commercial fishing in Golden and Tasman bays.

131 Around 8,800 ha and 12,300 ha of authorised aquaculture activities in SA038 and FMA7 respectively have been previously assessed for their cumulative effect on commercial fishing. For any fish stocks potentially affected by the additional area of structures permitted in the application sites, as indicated in Tables 4 and 5, the cumulative effect has previously been assessed as a maximum of approximately 3.16 % effect on any fish stock and not undue.⁴⁸

132 As noted, the additional area of structures permitted in the application sites would affect approximately 73 kg and 615 kg of average annual catch in Golden Bay and Tasman Bay respectively. This amount

⁴⁶ Eight species of flatfish, including yellow-belly flounder are managed under the FLA7 flatfish quota management stock.

⁴⁷ 73 kg in Golden Bay and 615 kg (including yellow-belly flounder) in Tasman Bay.

⁴⁸ SNA7 snapper fishery.

of combined catch has been assessed as adding a maximum of 0.13 % to any affected fish stock.⁴⁹ Fisheries New Zealand considers this amount of catch would not cause the new level of cumulative effect on any fish stock to become undue.

133 Fisheries New Zealand's assessment of cumulative effects is based on the assumption that all of the catch displaced from areas of authorised aquaculture activities would be lost from the affected fisheries. However, finfish in particular are mobile and, though they will likely pass through marine farms, can be caught outside of the farms. As a result, Fisheries New Zealand considers the actual levels of cumulative effects are likely to be less than assessed.

CONCLUSION

134 After considering the best information available at this time, including information received in the submission on the consultation document, Fisheries New Zealand's conclusion is that:

- the application by Golden Bay Ring Road Spat Catching Limited for a spat catching permit in AMA2 — subzones (e), (f), (h), (i), (j) and part of (p); and
- the application by Tasman Bay Ring Road Spat Catching Limited for a spat catching permit in AMA3 — subzones (f), (g) and (h)

would not have an undue adverse effect on recreational, customary or commercial fishing for the reasons outlined in this paper.

135 As noted in the consultation document, this conclusion represents a significant shift from the preliminary decision in 2009, which was to decline the applications because of undue adverse effects on commercial scallop fishing. Fisheries New Zealand's conclusion is based on updated information and data that reflects how benthic effects of spat catching has changed since 2009 and submissions received to date.

⁴⁹ SNA7 snapper fishery.

RECOMMENDATIONS

136 Fisheries New Zealand recommends that you:

- a) **Note** that you are making decisions on two spat catching applications, as follows:

Golden Bay Ring Road Spat Catching Limited

- AMA2 — subzones (e), (f), (h), (i), (j) and part of (p); and

Tasman Bay Ring Road Spat Catching Limited

- AMA3 — subzones (f), (g) and (h)

Noted

- b) **Note** that under the Transitional Act, you must:

- grant a spat catching permit application if you are satisfied the activities contemplated by the application would not have an undue adverse effect on fishing; or
- decline a spat catching permit application if you are not satisfied the activities would not have an undue adverse effect on recreational or customary fishing; but
- defer making a decision if you are not satisfied that the activities contemplated by a spat catching application would not have an undue adverse effect on commercial fishing. Deferring the decision gives the applicant time to lodge an aquaculture agreement or compensation declaration.

Noted

- c) **Note** the contents of this Decision Document and all its attachments.

Noted

- d) **Agree** with Fisheries New Zealand's assessment of the two spat catching applications against the matters set out in section 26B(2) of the Transitional Act.

Agreed

- e) **Approve** Golden Bay Ring Road Spat Catching Limited's application for a spat catching permit for the subzones defined in a) above.

Approved / Declined / Approved as Amended

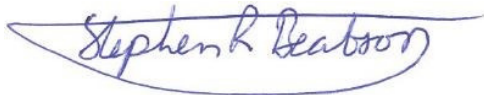
- f) **Approve** Tasman Bay Ring Road Spat Catching Limited's application for a spat catching permit for the subzones defined in a) above.

Approved / Declined / Approved as Amended

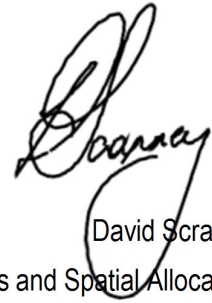
g) **Note** that if you agree to grant the spat catching applications, Fisheries New Zealand will:

- advise the applicants, submitters, Te Tau Ihu Forum, Tasman District Council and other interested parties of your decisions; and
- provide for your signature a public notice that notifies your decisions.

Noted



Steve Beatson
Senior Fisheries Analyst
Fisheries New Zealand



David Scranney
Manager Customary Fisheries and Spatial Allocations
Fisheries New Zealand
For Director-General

29/ June / 2018

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APPENDICES

Appendix One	Submissions received by Fisheries New Zealand for consideration in consultation document
Appendix Two	Submissions received by Fisheries New Zealand for consideration in decision document
Appendix Three	Additional information on commercial fishing
Appendix Four	Estimates of commercial catch from GBRR and TBRR application sites

Appendix One – Submissions received by Fisheries New Zealand in September 2017

[Not relevant to request]

From: s 9(2)(a)
Sent: Wednesday, 13 September 2017 11:19 a.m.
To: Mailbox_uae
Subject: Spat catching Ring road Tasman Bay.

s 9(2)(a)

The current proposals are closing more and more area down to commercial fishermen who target Yellow belly flounders (YBF), which are a premium local and export fish. YBF only exist in viable quantities from the shore out to the 30 metre depth line. They are seldom caught deeper than this, this doesn't leave much area to target this species.

It is unlikely that the proposals will affect Recreational and customary fishing as YBF flounders are targeted by them on the Estuary's. We have already lost a significant amount of prime fishing ground to the current Mussel farmers, who have their farms situated on redundant Scallop Beds. YBF fishermen haven't been bothered too much by the current spat catching arrangements as it is very seasonal and not in the same place all year round. But when they remove the Spat Catching lines they consistently lose Anchors on the seabed, which damages our fishing gear, and apart from this it isn't very environmentally friendly leaving large metal anchors all over the seabed. This fact could very well cause problems to Recreational and Customary Fishers, and future fishing activities, targeting different fish in this area.

The area from 3nm to the shore is closed to most commercial fishing practices for 7 months of the year, from 01st of October to the 30th of April for the Snapper fishery. Wouldn't it be more practical to install the spat catching lines just inside the 3nm closed area, as this is still on the old mussel/scallop/oyster beds, so spat catching shouldn't be compromised by the shift inside the 3nm mile line. This would mean that for the majority of the year the Spat catching lines wouldn't be a problem with commercial fishing activities. This would also enhance the snapper fishing for Recreational fishermen who fish around the spat catching lines, i.e. they wouldn't have to worry about their fishing gear being trawled through, as the spat catching lines would be in a no go area inside the closed 3 nm limit over summer.

s 9(2)(a)

s 9(2)(b)(ii)

24 August 2017

s 9(2)(a)

Senior Analyst Spatial Allocations
Ministry for Primary Industries
NELSON

By email: s 9(2)(a)

RE CONSULTATION – GOLDEN BAY RING ROAD AND TASMAN BAY RING
ROAD SPAT CATCHING APPLICATIONS - s 9(2)(b)(ii)

1. Thank you for forwarding the consultation document.
2. In response to that documentation I have already given you an indication that in respect of both scallop and commercial fishing operations, that industry accept for the purposes of this application that there is no undue adverse effect on scallop fishing, scallop spat catching or general commercial fin fish operations.
3. Having said that, it is now our concern to ensure that the process moves along relatively quickly, and to that end we would be grateful if you could collate for us a set of the submissions when received by MPI so that we can give our view in relation to those submissions if they affect matters that overlap into the commercial fishing operations.
4. The point of the matter is, as indicated, we are anxious to now move this application along in cooperation with the Ring Road as it represents a fresh opportunity for integrated arrangements with the Ring Road.
5. Our view is that the consultation is limited to UAE matters of limited scope (not fishery resources) and is not a reopening of the TDC Plan changes or for an all out submission on fishing in general.
6. Please keep in touch.

Thank you

Yours faithfully

s 9(2)(b)(ii)

s 9(2)(a)

s 9(2)(a)

Appendix Two – Submission received by Fisheries New Zealand in June 2018

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 6 June 2018 10:27 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Consultation document - Ring Road Consortium spat catching applications

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Transferred to Piritahi

[REDACTED]

Thank you for the copy of the Ring Road Spat Catching Consultation document. We acknowledge the content of the document and the effort put into your assessment. We note that your findings/recommendations at this stage are that the applications in both Golden Bay and Tasman Bay will not have an undue adverse effect on fishing. We wish to draw to your attention to the comment by fishers that seasonal spat catching anchors have been left in Tasman Bay at the end of the season. As you will recall we discussed this matter with you at our meeting in (September I believe) 2017 and again in our e mail to you on 17 September 2017. Since the original concerns around abandoned anchors (around 2001) the Ring Road companies' management procedures have changed/improved and with the agreement of CSECo this activity is longer an issue.

In other matters, we support the findings of your consultation report.

Best regards

[REDACTED]
Director
Golden Bay and Tasman Bay Spat Catching companies

From: [REDACTED]
Sent: Tuesday, 8 May 2018 4:37 PM
To: [REDACTED]
Subject: Consultation document - Ring Road Consortium spat catching applications


Hi [REDACTED],

Please find attached the consultation document on the Golden Bay Ring Road Spat Catching Limited and Tasman Bay Ring Road Spat Catching Limited spat catching applications.

If you would like to comment on the consultation document or provide any additional information, please note that Fisheries New Zealand has set a closing date of 6 June 2018.

Kind regards

[REDACTED]
Fisheries Analyst, Aquaculture and Fisheries Permitting
Fisheries Management | Fisheries New Zealand - Tini a Tangaroa
Ministry for Primary Industries - Manatū Ahu Matua | 118 Vickerman Street | Private Bag 14 | Nelson 7042 | New Zealand
Telephone: [REDACTED] | Facsimile: 64-3-545 7799 | Web: www.fisheries.govt.nz; www.mpi.govt.nz

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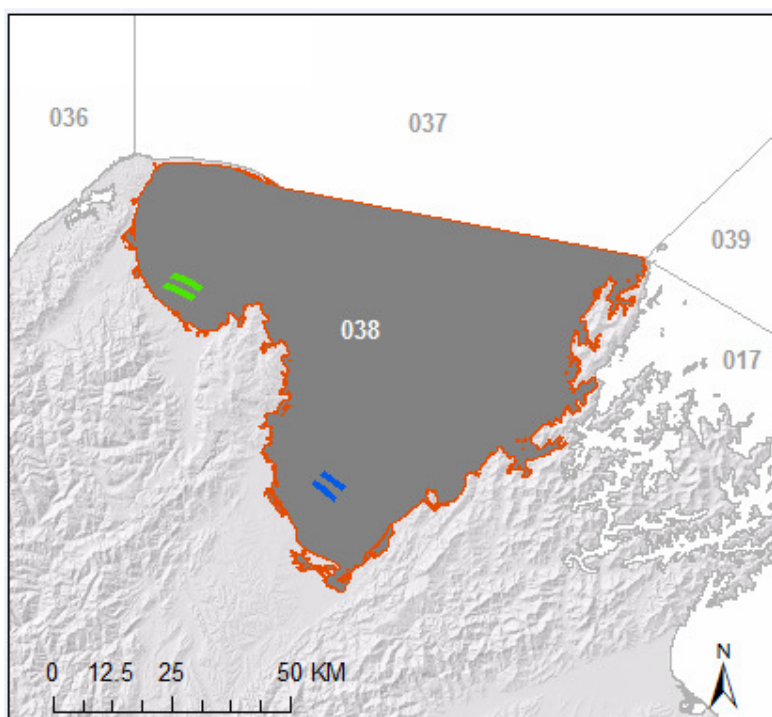


Appendix Three – Additional information on commercial fishing

Fisheries boundaries

1 New Zealand's 200 nautical mile (nm) Exclusive Economic Zone (EEZ) is divided into ten Fisheries Management Areas (FMAs) for fisheries management purposes. A Quota Management Area (QMA) is an area a designated fish stock is managed under the Quota Management System, and is generally based around FMAs. As noted, these applications are in FMA7.

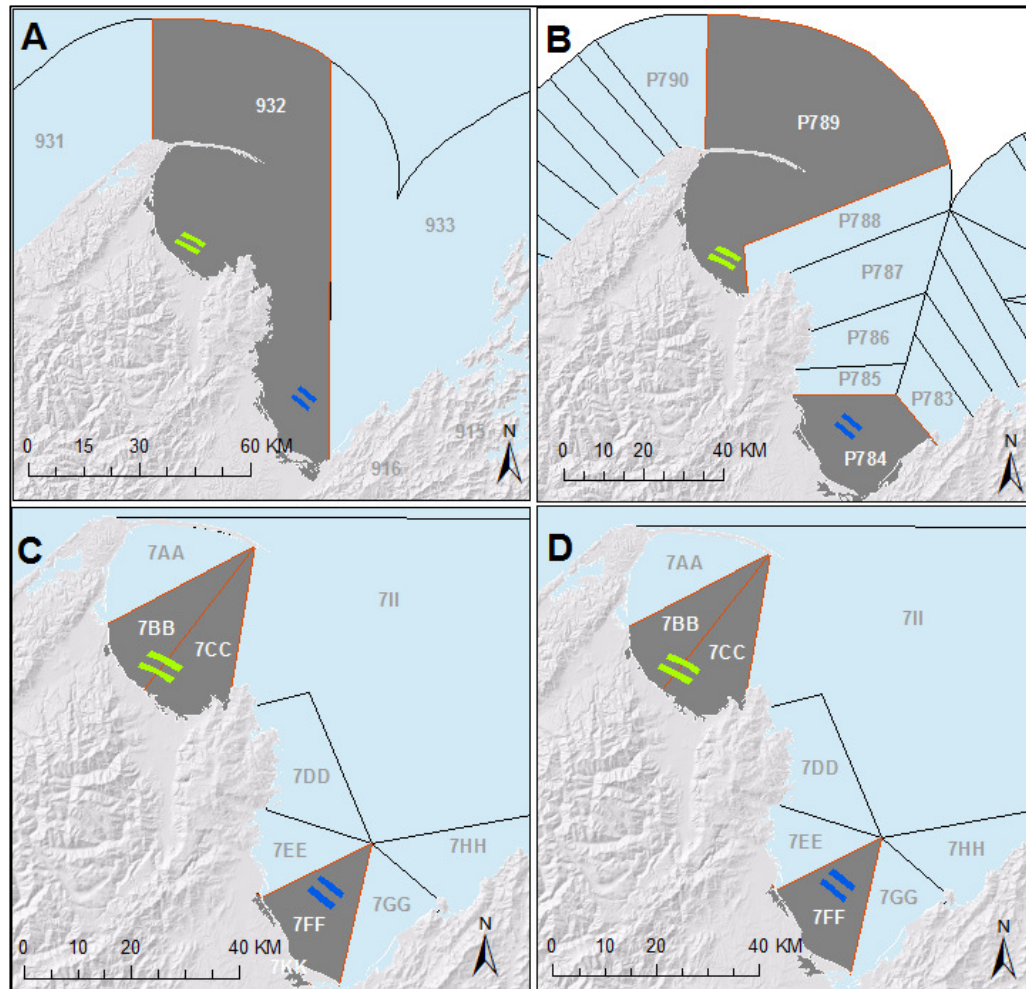
2 Fisheries reporting has historically occurred by general statistical area. There are 120 of these areas in New Zealand's 200 nm EEZ and this provides for more fine scale data to be collected than at an FMA scale. As noted, these applications are in general statistical area 038 (SA038) (Map 1).



Map 1: General statistical area SA038. The approximate location of the spat catching permit application sites are the green blocks (Golden Bay) and blue blocks (Tasman Bay).⁵⁰

3 Rock lobster, paua, scallops and oysters are reported by species-specific statistical areas rather than by general statistical area. The areas of the GBRR application sites fall within rock lobster statistical area 932, paua statistical area P789, scallop statistical areas 7BB and 7CC and oyster statistical areas 7BB and 7CC (Maps 2A, 2B, 2C and 2D). The areas of the TBRR application sites fall within rock lobster statistical area 932, paua statistical area P784, scallop statistical area 7FF and oyster statistical area 7FF.

⁵⁰ Hillshade imagery produced by Geographx. Sourced from www.koordinates.com under CC-BY. <http://creativecommons.org/licenses/by/3.0/nz/>



Map 2: Species-specific statistical areas that encompass the application sites (Golden Bay in green and Tasman Bay in blue). A – Rock lobster statistical area 932. B – Paua statistical areas P789 (Golden Bay) and P784 (Tasman Bay). C – Scallop statistical areas 7BB and 7CC (Golden Bay) and 7FF (Tasman Bay). D – Oyster statistical areas 7BB and 7CC (Golden Bay) and 7FF (Tasman Bay).⁵¹

Commercial fishing reporting and analysis

4 Reporting by statistical area only provides coarse-scale information about where commercial fishing occurs. However, since 2007/08 vessels over 6 m long that have used trawl or line fishing methods have reported the start position of each fishing event by latitude and longitude to within 1 minute, which equates to around 1 nm. Since 2006/07, start positions for netting methods have reported to within 2 nm. Using this fine scale position data, Fisheries New Zealand has modelled and mapped fishing intensity for different segments of fishing, characterised by a type of fishing gear and the main species caught.⁵²

5 The location of fishing by vessels less than 6 m long within SA038 is unknown. However, based on information from Fisheries Officers and Maritime New Zealand, Fisheries New Zealand has mapped long lining, bottom trawling and set netting by vessels less than 6 m as being within enclosed bays and within 3 nm of open coasts. This detail can be commercial sensitive and cannot be publically released. Knowledge about species

⁵¹ Hillshade imagery produced by Geographx. Sourced from www.koordinates.com under CC-BY. <http://creativecommons.org/licenses/by/3.0/nz/>

⁵² The CatchMapper tool is used to model the estimated catch from landing data, and is the best information available from fisheries statistics. This informs our assessment, and particularly, Tables 4 and 5 of this decision document.

and information from commercial fishers and fishing companies, and Fishery Officers can also help to determine whether specific types of fishing are likely to occur in an area.

6 The maps of fishing intensity (effort per ha) for each fishing sector were used to calculate the average annual amounts of fishing effort that is likely to be displaced from the exclusion zone/s of the GBRR and TBRR application sites.⁵³ Average landings per unit effort for all species caught in each fishery segment were then used to estimate the amount of fish likely to have been landed.

7 Fishing effort that is only reported by statistical area was apportioned evenly across the area available for fishing although some areas are likely to include more productive habitats than others. The parts of the statistical area available for fishing for each type of fishing method are defined by using all available information (including regulated closures, bathymetry, seabed substrate, and consultation with fishers) about where the method is likely to be used. Where fishing is reported to the statistical area level, there is increased uncertainty as to where fishing events have taken place within the statistical area.

8 The amount of fishing was averaged over October fishing years 2007/08 to 2015/16. Eight years is long enough to take into account natural variation in the abundance and distribution of fish stocks and fishing effort so that likely average future fishing is fairly represented.

⁵³ The "exclusion zone" used for commercial fishing methods assessed is the coastal permit area, with the exception (where applicable) of dredging, trawling and seining. In sheltered waters, buffers of 50 m, 250 m and 500 m respectively are applied. In open water, including Golden and Tasman bays, buffers of 75 m, 500 m and 500 m respectively are applied.

Appendix Four – Estimates of annual average commercial catch from the GBRR and TBRR application sites⁵⁴

Site: AMA 2 / Subzone (e)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
FLA7	221.165	0.122	0.06%
RCO7	145.436	0.000	0.00%
GUR7	37.642	0.013	0.03%
BAR7	35.198	0.000	0.00%
SPO7	24.613	1.035	4.21%
BUT7	16.915	6.736	39.82%
JDO7	13.149	0.000	0.00%
SNA7	11.608	0.059	0.51%
SCH7	8.307	4.558	54.87%
SPZ7	6.082	0.000	0.00%
Total (Top 10)	520.12	12.52	2.41%
Total (All)	547.06	15.74	2.88%

Site: AMA 2 / Subzone (h)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
FLA7	88.752	11.425	12.87%
GUR7	39.891	1.994	5.00%
SPO7	36.42	24.730	67.90%
RCO7	36.359	1.453	4.00%
SPD7	23.029	10.497	45.58%
CAR7	15.888	7.178	45.18%
SNA7	15.463	4.574	29.58%
SCH7	9.45	8.247	87.27%
RSK7	6.5	0.093	1.43%
JDO7	5.465	0.821	15.02%
Total (Top 10)	277.22	71.01	25.62%
Total (All)	298.72	74.20	24.84%

Site: AMA 2 / Subzone (f)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
FLA7	290.859	0.821	0.28%
GUR7	207.702	0.184	0.09%
RCO7	161.266	0.001	0.00%
SNA7	86.947	1.697	1.95%
SPO7	57.232	27.295	47.69%
RSK7	42.92	0.004	0.01%
SCH7	33.558	25.745	76.72%
SPZ7	26.794	0.054	0.20%
BAR7	25.106	0.000	0.00%
SPD7	20.419	6.339	31.04%
Total (Top 10)	952.80	62.14	6.52%
Total (All)	1029.25	75.04	7.29%

Site: AMA 2 / Subzone (i)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
FLA7	125.092	15.913	12.72%
GUR7	57.155	2.718	4.76%
RCO7	48.595	2.093	4.31%
SPO7	35.627	23.049	64.70%
SNA7	35.222	4.825	13.70%
SPD7	22.679	8.745	38.56%
CAR7	15.239	6.219	40.81%
RSK7	7.713	0.119	1.54%
JDO7	7.682	1.184	15.41%
SCH7	6.731	4.414	65.58%
Total (Top 10)	361.74	69.28	19.15%
Total (All)	387.30	71.78	18.53%

⁵⁴ Top ten fish stocks by full year catch for 2007/08 to 2015/16 fishing years. Note, scallop data excluded from table.

Site: AMA 2 / Subzone (j)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
FLA7	85.396	13.307	15.58%
GUR7	43.087	2.294	5.32%
SNA7	39.146	3.452	8.82%
RCO7	36.807	1.797	4.88%
SPO7	21.367	11.509	53.86%
SPD7	15.446	2.777	17.98%
CAR7	11.042	3.173	28.74%
BAR7	8.409	0.011	0.13%
RSK7	8.365	0.084	1.00%
JDO7	6.799	1.016	14.94%
Total (Top 10)	275.86	39.42	14.29%
Total (All)	299.23	42.86	14.32%

Site: AMA 2 / Subzone (part p)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
FLA7	48.523	7.849	16.18%
GUR7	27.502	1.362	4.95%
SNA7	24.881	2.574	10.35%
RCO7	22.839	1.054	4.61%
SPO7	14.514	8.368	57.65%
SPD7	10.464	2.060	19.69%
CAR7	8.171	2.737	33.50%
RSK7	7.833	0.047	0.60%
BAR7	5.317	0.007	0.13%
JDO7	4.006	0.596	14.88%
Total (Top 10)	174.05	26.65	15.31%
Total (All)	192.56	29.04	15.08%

Site: AMA 3 / Subzone (f)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
FLA7	608.521	259.482	42.64%
SNA7	537.994	503.37	93.56%
GUR7	201.835	67.582	33.48%
SPO7	163.316	81.958	50.18%
RCO7	110.123	27.901	25.34%
SPD7	57.186	6.788	11.87%
SCH7	50.046	44.899	89.72%
CAR7	44.129	18.654	42.27%
RSK7	27.51	7.074	25.71%
BAR7	23.507	19.668	83.67%
Total (Top 10)	1824.17	1037.38	56.87%
Total (All)	1970.35	1116.32	56.66%

Site: AMA 3 / Subzone (g)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
SNA7	612.864	572.903	93.48%
FLA7	594.206	254.887	42.90%
GUR7	183.508	57.487	31.33%
SPO7	180.261	116.255	64.49%
RCO7	110.822	19.836	17.90%
BAR7	58.404	54.62	93.52%
CAR7	55.335	13.032	23.55%
SPD7	44.348	6.91	15.58%
SCH7	42.707	39.717	93.00%
RSK7	38.583	13.583	35.20%
Total (Top 10)	1921.04	1149.23	59.82%
Total (All)	2063.05	1236.04	59.91%

Site: AMA 3 / Subzone (h)			
Fish stock	Full Year (kg)	Part Year (kg)	Part Year %
SNA7	883.555	790.46	89.46%
FLA7	818.58	357.902	43.72%
SPO7	465.774	164.029	35.22%
GUR7	324.271	115.114	35.50%
RCO7	195.349	41.57	21.28%
SCH7	106.298	91.279	85.87%
BAR7	87.594	62.924	71.84%
SPD7	78.264	12.207	15.60%
CAR7	71.146	21.219	29.82%
RSK7	61.242	21.831	35.65%
Total (Top 10)	3092.07	1678.54	54.29%
Total (All)	3380.39	1844.01	54.55%