

S7626

13 October 2006

Minister of Fisheries

NORTHLAND SCALLOP FISHERY GAZETTE NOTICE AND DECISION LETTER

1 For the Northland scallop fishery, you recently decided to make an in-season TAC increase from 75 to 120 tonnes meatweight. Within the TAC, you decided to increase the Annual Catch Entitlement for quota owners from 40 to 70 tonnes meatweight, to increase the allowance for other sources of fishing mortality from 20 to 24 tonnes meatweight, and to increase the allowances for both recreational and customary fishing from 7.5 to 13 tonnes meatweight; these increases will revert to the initial levels at the end of the fishing year.

2 Attached for your signature, is the *Gazette* Notice to give effect to your decision. You are also required by section 12(2) of the Fisheries Act 1996 to provide reasons in writing for your decision to the parties who were consulted about the management proposals. Accordingly, accompanying this paper is a draft decision letter for your consideration. MFish recommends that you sign the attached *Gazette* Notice and the letter to interested parties explaining the reasons for your decision to increase the TAC for the Northland scallop fishery.

Graeme McGregor
for Chief Executive
Ministry of Fisheries

AGREED / NOT AGREED / AGREED AS AMENDED

Hon Jim Anderton
Minister of Fisheries

/ / 2006

Attachment 1: Gazette Notice

Fisheries (Northland Scallop Total Allowable Catch) Notice 2006

Fisheries (Northland Scallop Total Allowable Catch) Notice 2006 (No. F)

Pursuant to section 13 of the Fisheries Act 1996, the Minister of Fisheries, after having regard to the matters specified in that section, makes the following notice.

Notice

1. Title— This notice may be cited as the Fisheries (Northland Scallop Total Allowable Catch) Notice 2006.

2. Commencement— This notice shall come into effect the day after the date of its notification in the *New Zealand Gazette*.

3. Northland Scallop Fishery defined – The Northland Scallop Fishery quota management area is the area defined as SCA1 in the First Schedule of the Fisheries Act 1996.

4. Total allowable catch for the Northland Scallop Fishery increased for 2006-07 fishing year—The total allowable catch for the Northland Scallop Fishery for the 2006-07 fishing year is increased to 120 tonnes meatweight in accordance with section 13(7) of the Fisheries Act 1996.

5. Total allowable catch for the Northland Scallop Fishery reverts – From 1 April 2007, the total allowable catch for the Northland Scallop Fishery reverts back to 75 tonnes meatweight in accordance with section 13(8) of the Fisheries Act 1996.

Dated at Wellington this day of 2006.

Hon Jim Anderton
Minister of Fisheries

***Attachment 2: Draft decision letter on Northland scallop fishery
in-season TAC review for 2006***

Dear Fishery Stakeholder

2006 IN-SEASON TAC REVIEW FOR THE NORTHLAND SCALLOP FISHERY

This letter outlines the reasons for my final decisions on the Total Allowable Catch (TAC) for the Northland scallop fishery for the 2006 season. The Northland scallop fishery, also known as SCA1, occupies the area from Reef Point (90 Mile Beach) to Cape Rodney (Hauraki Gulf).

On the basis of the research survey conducted in May-June this year, I have decided to increase the TAC for the Northland scallop fishery from 75 tonnes meatweight to 120 tonnes meatweight. The TAC increase has been allocated as follows:

- the Annual Catch Entitlement for commercial quota owners is increased from 40 to 70 tonnes meatweight;
- the allowance for other sources of fishing-related mortality is increased from 20 to 24 tonnes meatweight;
- the allowance for recreational fishing is increased from 7.5 to 13 tonnes meatweight;
- the allowance for customary Maori fishing is increased from 7.5 to 13 tonnes meatweight.

At the end of the current fishing year for the Northland scallop fishery, the TAC will revert to 75 tonnes meatweight, the Annual Catch Entitlement for commercial quota owners will revert to 40 tonnes meatweight, the allowance for other sources of fishing-related mortality will revert to 20 tonnes meatweight, the allowance for recreational fishing will revert to 7.5 tonnes meatweight, and the allowance for customary fishing will revert to 7.5 tonnes meatweight.

The change to the TAC and the creation of 30 tonnes additional Annual Catch Entitlement to quota owners should take effect in late October. The Ministry of Fisheries will advise quota owners by letter of the exact date once this is known. The commercial and amateur fishing season for the Northland scallop fishery closes each year from 14 February.

In reaching my final decisions for the 2006 season, I carefully considered the available fishery assessment information, advice from the Ministry of Fisheries, and the issues and information put forward by sector groups in submissions. I also had regard to the legislative provisions of the Fisheries Act 1996 (the Act), especially the sections relating to the purpose of the Act, the environmental and information principles, and the setting and amending of sustainability measures.

The Act imposes an obligation to provide for the utilisation of fisheries resources as long as sustainability is ensured. The Northland scallop fishery is listed on the Second Schedule of the Act, which enables an in-season increase to the TAC when this is sustainable. The pre-season research survey that was conducted in May-June indicates that additional yield will be

available from the fishery for the remainder of the 2006 season. It is good news that the research survey has shown an improvement in the biomass of the Northland scallop fishery, especially in the Bream Bay area.

Opinion was varied amongst commercial quota owners as to whether to increase the available Annual Catch Entitlement to either 70 or 100 tonnes meatweight. I have settled on 70 tonnes because the majority of quota owners and non-commercial stakeholders supported this option. I have agreed with the majority of stakeholders that it is appropriate at this stage to adopt a cautious management approach due to the variability of scallop populations to ensure a successful long-term biomass rebuild.

Opinion was also varied regarding the increase in the non-commercial allowances. Recently available information suggests that the fishing sectors may not be as spatially separated in the Northland scallop fishery as previously thought. Specifically, information on the amount of the recreational scallop catch by sub-area from the nationwide recreational fishing surveys conducted in recent years indicates that 55% of the Northland recreational scallop catch was taken from the two open coastal zones (North Cape-Cape Brett; Cape Brett-Cape Rodney). The remainder of the recreational catch (45%) was taken from the Bay of Islands and Whangarei Harbour that are closed to commercial scallop fishing. Although these areas were not included in the pre-season biomass research survey, scallop abundance is likely to have also increased.

In my view, the most compelling factor regarding the recreational allowance issue is that there has been a significant increase in the biomass of the scallop fishery. An increased recreational catch can be expected due to the increase in scallop biomass. Given that the recreational catch is likely to increase, it is reasonable to increase the recreational allowance. Accordingly, I have decided to increase the recreational allowance by the same proportion as the increase in the Annual Catch Entitlement for commercial fishers. Therefore, the recreational allowance will be increased from 7.5 to 13 tonnes meatweight.

There is no quantitative information available on the overall tonnage of Northland scallops taken by Maori customary fishers. In the absence of quantitative catch information and where the fishery is of known importance to Maori, the Ministry has a general criterion that the recreational allowance be used as a benchmark to set the customary allowance. I see no reason to depart from this general policy for Northland scallops. Therefore, the Maori customary allowance will also be increased from 7.5 to 13 tonnes meatweight.

Finally, it is again pleasing to make a positive decision based on the improvement in the Northland scallop fishery, and that stakeholders are benefiting from the improvement.

Yours sincerely

Hon Jim Anderton
Minister of Fisheries

/ / 2006