

11 January 2006

Dear Stakeholder

## **Decisions on stocks to be introduced into the Quota Management System on 1 October 2006**

This letter outlines my final decisions on whether to introduce or not introduce further stocks into the Quota Management System (QMS) on 1 October 2006. I have decided to:

- Introduce deepwater clam (also known as king clam) and knobbed whelk in fishery management areas (FMAs) 1 to 9 into the QMS; and
- Not to introduce deepwater clam, knobbed whelk, cockle, pipi and tuatua stocks of fishery management area 10 into the QMS (ie, the waters around the Kermadec Islands).

For deepwater clam and knobbed whelk stocks in fishery management areas 1 to 9, I have made decisions on the Quota Management Areas (QMAs), fishing year and unit of measure for the expression of Total Allowable Commercial Catches and Annual Catch Entitlements (ACE). I would encourage you to contribute to the consultation process for setting Total Allowable Catches and other management measures for these new stocks, which will commence in the New Year.

In reaching my decisions, I have considered the Ministry of Fisheries' Final Advice Paper, dated 10 November 2005, and the issues and information put forward in submissions. I appreciate the efforts made by all concerned to enable decisions to be made on the introduction of stocks into the QMS on 1 October 2006.

### **Deepwater clam (*Panopea zelandica*)**

I have decided to introduce deepwater clam (also known as king clam) into the QMS on 1 October 2006. Deepwater clam are found in discrete, localised populations and are a relatively long-lived species. These biological characteristics indicate that deepwater clam is susceptible to the effects of fishing and require active management. Therefore, I am satisfied the QMS provides the best management framework for ensuring the sustainability of deepwater clam, while providing opportunities for development.

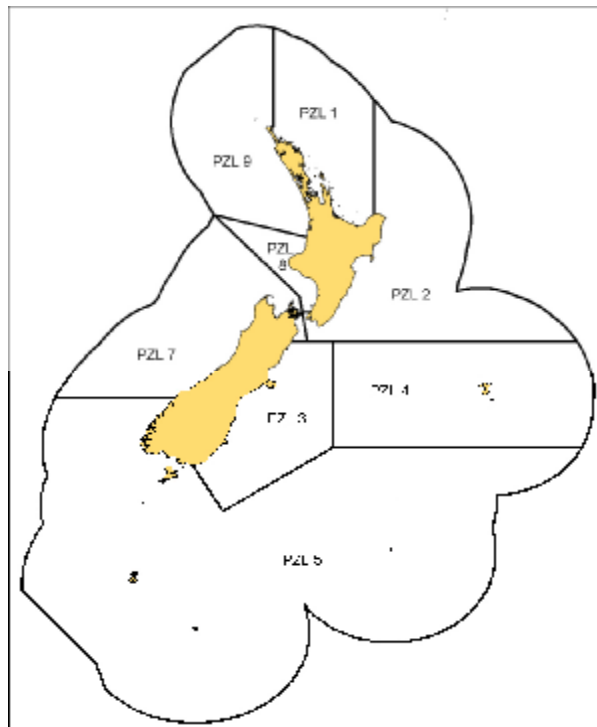
I received few submissions in response to the Ministry of Fisheries' Initial Position Paper dated 9 August 2005. I note that most submissions support managing this species under the QMS. I disagree with the view of Te Ohu Kai Moana Trustee Limited that the deepwater clam stock within the Kermadec fishery management area should be introduced into the

QMS. This is because the species is unlikely to be accessed outside the Kermadec Marine Reserve, if it is present there at all. I have therefore decided not to make deepwater clam in fishery management area 10 subject to the QMS.

I agree with the eight QMAs proposed for deepwater clam as outlined in the Initial Position Paper (refer figure 1) and defined as follows: PZL 1 (FMA 1), PZL 2 (FMA 2), PZL 3 (FMA 3), PZL 4 (FMA 4), PZL 5 (FMA 5 & FMA 6 combined), PZL 7 (FMA 7), PZL 8 (FMA 8) and PZL 9 (FMA 9).

I have decided the fishing year for deepwater clam will be from 1 October to 30 September. The unit of measure for deepwater clam will be greenweight. These are appropriate for the fishery and are used at present.

**Figure 1: Quota Management Areas for the deepwater clam fishery**



### **Knobbed whelk (*Austrofusus glans*)**

I have decided to introduce knobbed whelk into the QMS on 1 October 2006. The knobbed whelk is a sedentary species susceptible to localised depletion. The knobbed whelk is a valuable commercial species, and it is a low capital cost fishery to enter. Under open access commercial fishers would have an incentive to ‘race for catch’, rather than efficiently fish to obtain the best value from the fishery. Therefore, I am satisfied that the QMS provides the best management framework for ensuring the sustainability of knobbed whelk, while providing opportunities for development.

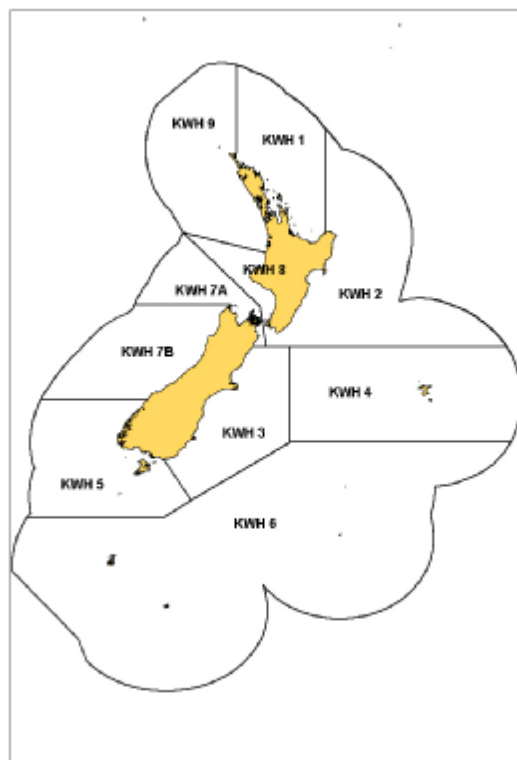
I received few submissions in response to the Ministry’s Initial Position Paper. I note that most submissions support managing this species under the QMS. I disagree with the view of Te Ohu Kai Moana Trustee Limited that the knobbed whelk stock within the Kermadec

fishery management area should be introduced into the QMS. This is because the species is unlikely to be accessed outside the Kermadec Marine Reserve, if it is there at all. I have therefore decided not to make knobbed whelk in fishery management area 10 subject to the QMS.

I agree with the ten QMAs proposed for knobbed whelk as outlined in the Initial Position Paper (refer figure 2) and defined as follows: KWH 1 (FMA 1), KWH 2 (FMA 2), KWH 3 (FMA 3), KWH 4 (FMA 4), KWH 5 (FMA 5), KWH 6 (FMA 6), KWH 7A (FMA 7 Clarence River to Bush End Point, Farewell Spit), KWH 7B (FMA 7 Bush End Point, Farewell Spit to Awarua Point), KWH 8 (FMA 8) and KWH 9 (FMA 9).

I have decided that the fishing year for knobbed whelk will be from 1 October to 30 September. This is consistent with the fishing year that applies to the associated dredge oyster and scallop fisheries. The unit of measure for knobbed whelk will be greenweight.

**Figure 2: Quota Management Areas for the knobbed whelk fishery**



### **Cockle, pipi and tuatua in fishery management area 10**

I have decided not to introduce cockle (*Chione (Austrovenus) stutchburyi*), pipi (*Paphies australis*) or tuatua (*Paphies subtriangulata*) in fishery management area 10 into the QMS, and to remove these stocks from Schedule 4C of the Fisheries Act 1996, thus removing a moratorium on issuing permits to fish these stocks. This decision completes the process of reviewing whether remaining cockle, pipi and tuatua stocks should be introduced into the QMS. Most other remaining stocks of these species were introduced into the QMS on 1 October 2005, as outlined in the previous Minister's decision letter dated 31 March 2005.

Within fishery management area 10, it is not anticipated that any landings of these stocks will occur as cockle, pipi or tuatua are unlikely to be found, and all suitable habitat in the area is encompassed within the Kermadec Marine Reserve. Similarly, no landings of cockle, pipi or tuatua have been reported for fishery management area 10. If cockle, pipi or tuatua were to be found outside the area encompassed within the Kermadec Marine Reserve, regulation 18A of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 would apply. This regulation prohibits the targeting of non-QMS species in fishery management area 10.

Therefore, I have concluded that the existing section 11 sustainability measure, already in place for fishery management area 10, as set out in regulation 18A, better meets the purpose of the Act than QMS introduction.

QMS introduction of cockle, pipi and tuatua stocks in fishery management area 10 could be re-considered in the future should the factors described above change. In relation to a submission by Te Ohu Kai Moana Trustee Ltd regarding entitlements to these stocks arising from the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, I note that such entitlements would be granted upon QMS entry. There seems to be no advantage in introducing these stocks in that respect, particularly if they have not been found in the area.

Yours sincerely

Hon Jim Anderton  
**Minister of Fisheries**