

Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

Manager, Fisheries New Zealand
Your Fisheries – Your Say 2019

Email: fisheries.review@mpi.govt.nz

Andrew Caddie
President KCSRA
C/- PO Box 5054
Springlands
Blenheim 7241
email: president@kcsra.org.nz
WWW: kcsra.org.nz

17 February 2019

Dear Sir/Madam

**Kenepuru and Central Sounds Residents' Association
Submission on Fisheries New Zealand (FNZ) Discussion Paper
"Your Fisheries - Your Say" – 2019/02**

I write in my capacity as President of the Kenepuru and Central Sounds Residents' Association Inc., (**Association**).

1. Introduction

- 1.1 The Association was established in 1991 and currently has approximately 280 household members who live full time or part time in the Kenepuru and Pelorus Sounds. The Association's objects include, among others, to coordinate dealings with central and local government and represent members on matters of interest to them. For an overview of the wide range of issues we represent members on, go to our website – www.kcsra.org.nz
- 1.2 We are a very active but under resourced community organisation. The significant demands on the voluntary committee members are partly due to the plethora of consultation documents issued by Central and Local Government. Nevertheless we did take the time to briefly review the above document.

2. Background

- 2.1 We formed the view that the section of the FNZ Discussion Document (**DD**) entitled "*Streamlining the decision –making process for setting catch limits* " was an area that the Association has gained some hard-won experience in and should comment on. Resource constraints mean we limit our comments on the DD to this section alone.
- 2.2 Our experience and insights around the use of Total Allowable Commercial Catch (**TACC**), setting harvest allocations and the need to use the approach set out in the MPI

Kenepuru & Central Sounds Residents Association Inc.

President	Andrew Caddie	president@kcsra.org.nz
Vice President	Tom Wright	vicepresident@kcsra.org.nz
Secretary		secretary@kcsra.org.nz
Treasurer	Stefan Schulz	treasurer@kcsra.org.nz

Harvest Strategy standard (**HSS**)¹ arises from the near tragic loss of the much-treasured Marlborough Sounds scallop fishery.

- 2.3 In 2014 other community groups alerted the Association as to the rapidly declining scallop resource in the Marlborough Sounds. The Ministry had initiated a Total Allowable Catch (**TAC**) review and issued a consultation document, which we perused and with a rising sense of alarm and urgency became (and still are) heavily involved.
- 2.4 Upon investigation we formed the view that the primary driver behind this alarming state of affairs was due to commercial overfishing. After several years of effort we and other community stakeholders were successful in having the fishery closed. This was a slightly unfortunate outcome, as arguably blameless recreational and customary fishers had to bear the brunt of a failed experiment in industry management of this much-cherished resource. We are now engaged in a collaborative working group looking to establish, among other things, some much needed biomass parameters (harvest catch rules in the DD) as to if or when the Sounds scallop resource has recovered to a stage that some level of take is sustainable into the future.
- 2.5 With the benefit of hindsight we now see the historical reluctance of industry and FNZ (MPI) to do the hard yards and set reference biomass levels and hard and soft limits as per the HSS, is a primary reason why our struggle to save the Sounds Scallop Fishery has been so long and so contested.
- 2.6 Just to stress the point, following the 2014 TAC review, the TACC for **all of SCA7** was set by the then Minister at **400 tonnes** meat weight.
- 2.7 This was a “**laugh out loud**” outcome as by this stage the commercial sector had given up on Tasman Bay and Golden Bay scallop fisheries and “voluntarily” ceased commercial operations in those fisheries. The commercial take from the Sounds – now the sole remaining (but clearly declining) viable scallop fishery - was 43 tonnes meat weight with seven to ten tonnes as the estimated catch from recreational and customary sources.
- 2.8 This example demonstrates the weakness of the TAC approach without objective Harvest Catch Rules or similar to back the process up and reduce the likelihood of uninformed political influence. In our SCA7 example, there were no management targets and limits as envisaged by the MPI Harvest Strategy Standard nor had any work been done on the same.

3. Discussion

- 3.1 As noted our comments are limited to the section of the DD looking at ways to streamline the process for setting catch limits. For obvious reasons we are also primarily focused on inshore fisheries be they shared with industry or not. In this context we note with concern the growing interest by industry in in-shore species not traditionally targeted by recreational /customary fishers eg sea cucumbers, geoducks.
- 3.2 **Agile Decision-making:** We agree that sustainability of a particular fish stock can be put at risk if the regulators are unable to respond quickly (less than 6 months). Carefully thought through changes to primary and secondary legislation to achieve a more flexible

¹ This best practice management strategy is set out in the MPI (now FNZ) **2008** publication “*Harvest Strategy Standard for New Zealand Fisheries*”.

response is long overdue.

- 3.3 **Harvest Control Rules (HCR):** In principle, we agree the use of HCR's as objective markers of the health of a fish stock is a desirable way forward. Unfortunately, the Fisheries Act 1996 contains an inherent tension in Section 8 between utilisation and sustainability. For a variety of reasons, not the least being the presence /interest of a well resourced /hungry industry, we are, with all due respect, of the view that the balance has been pushed too far in favour of utilisation.
- 3.4 We see objectively developed HCR's as a way to correct this unfortunate imbalance without requiring, every time, a major uphill all out struggle from conservation and sustainability focused concerned community groups.
- 3.5 Accordingly the setting and development of HCR's cannot be allowed to degrade into a closed discussion between officials and industry representatives.
- 3.6 **Off Shore v's Inshore Fisheries:** The DD's preference to prioritise the setting of HCR's for offshore species over inshore species is **not supported**. There needs to be species selected as priority from both inshore and off-shore fisheries. The much-treasured (by non-commercial fishers at least) **inshore scallop resource** is, by way of example, recommended as an area of priority.
- 3.7 We recently submitted on a FNZ DD concerning increasing the TACC for the sea cucumber species in the Marlborough Sounds. We noted with concern that despite having been in the QMS for well over a decade, no work had been done on developing HCR's or similar. Instead, the DD blithely stated that this could be left for some date in the future but in the meantime the DD sought to justify nearly tripling the current TACC. This is completely **the wrong approach**. If the money/resources are not available for the development of HCR's for a particular species, cease commercial fishing until it is garnered.
- 3.8 **Meaningful engagement with Stakeholders requires more than Consultation:** In principle we agree with the DD's Question 16 saying HCR's bring with it a greater focus on consultation. However the weakness, at law¹, of consultation is now fairly well understood (albeit the hard way) by community and other non-commercial groups. In other words where consultation conflicts with the views/plans of officials/industry it can be too easily pushed to one side. In the context of setting HCR's this needs to be corrected.
- 3.9 The Association's experience with the Southern Scallop Working Group could form a very useful template as a way to provide sustainable balanced outcomes to be put up for consultation.
- 3.10 **Section 13 of the Fisheries Act 1996:** After some reflection we believe an inherent weakness in the current biomass science approach to fisheries management is the unfortunate choice of words in Section 13 of the Fisheries Act. That section refers to the need to maximise the sustainable yield (**MSY**) at least seven times!
- 3.11 We submit, the goal should **not be** to try and push the harvest allocation to the edge of sustainability (maximise). This has and will continue to have predictable but unfortunate results on the health and sustainability of fish stocks. The use of MSY is, we submit,

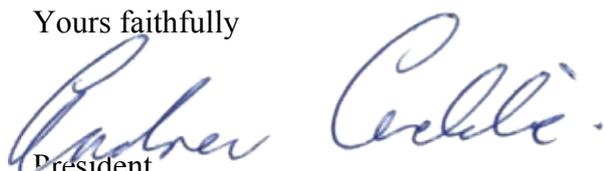
¹ See the *Wellington Airport case* re the requirements of statutory consultation in the context of setting landing charges.

part of the reason why utilisation is trumping sustainability in far too many inshore fish stocks. The reference to maximum should **be dropped** from Section 13.

- 3.12 We also find the wording of the existing HCR's approach, as set out in the Harvest Strategy Standard, reflective of why inaction is trumping action. The direction to those tasked with monitoring biomass levels needs to be much stronger. Rather than the current at this point "*we will think about it*" the HSS direction needs to be clear that proactive preventive steps are urgently required and not wait until we hit hard limits to "*consider*" closing a fishery.

Trust this assists.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Robert Cecil".

President

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Email: president@kcsra.org.nz.

c/- PO Box 5054 Springlands, Blenheim 7241