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11 March 2016

## **NZ Sport Fishing Council-LegaSea submission responding to the consultation document: A New Marine Protected Areas Act**

### **Summary**

1. The submitters support a more integrated approach to marine protection in the New Zealand territorial sea with different Marine Protected Areas (MPA) categories to meet the specific environmental needs of an area, while taking into account existing and future values and uses. In summary we highlight the following points:
  - a. The legislation must provide for a planned approach to MPA applications to avoid the 'race for space' and take into account the cumulative effects on existing users.
  - b. The legislation must reflect the international obligation in the UN Convention on Biological Diversity to manage biological diversity and ecosystem services both inside and *outside* protected areas.
  - c. Recent work funded by the New Zealand Marine Research Foundation shows that recreational access and use will maximise the benefits from inshore marine ecosystems to New Zealand. Ocean recreation and aquaculture are the only real pathways for economic growth in the Territorial Sea.
  - d. An analysis of the social and economic costs of this legislation is required. These proposals are made without budget, staff, experience, or any of the myriad of administrative and compliance matters that arise from MPAs.
  - e. The marine reserves dispute tribunal process is perhaps the most damaging part of these proposals. It is an attempt to impose no-take marine reserves on communities and to thwart democracy.
  - f. There is no MPA category that would conserve resident demersal and benthic communities but allow low impact, surface troll fisheries for highly migratory species. Total closure of large offshore areas on ideological grounds alone is unwarranted. A separate category for species-exempt sanctuaries could be included in the legislation.
  - g. Use of all bottom contact fishing gear in territorial waters needs to be a discretionary activity to enable it to be closely monitored and controlled.
  - h. The submitters are supportive of recreational fishing parks managed under the Fisheries Act 1996, but have reservations about the current proposals.
  - i. Any fisheries legislated non-commercial fishing park needs the following elements to succeed:
    - i. A clear purpose statement.

- ii. It is large enough to sustain and replenish itself.
  - iii. It has clear abundance goals.
  - iv. There is a realistic way to measure progress and success.
- j. With the appropriate restrictions in place commercial-free fishing zones can be very effective MPAs.
  - k. The submitters do not support the proposal to compensate quota holders. The Government is not liable to pay compensation under fisheries legislation. Legislating for compensation under MPA legislation will only serve to hobble future governments by imposing a compensation regime that makes future changes in use impossible.
  - l. The Kermadec sanctuary is supported in principle and we will be following the development of that legislation with interest.

### **NZ Sport Fishing Council - LEGASEA**

- 2. The New Zealand Sport Fishing Council and our outreach LegaSea (the submitters) appreciate the opportunity to submit in response to the consultation document: *A New Marine Protected Areas Act*. The Ministry for the Environment released their Consultation Document on 12 January 2016 with submissions due by 11 March.
- 3. The NZ Sport Fishing Council is a national sports organisation with over 32,000 affiliated members from 57 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. [www.legasea.co.nz](http://www.legasea.co.nz)
- 4. We are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including “*maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations...*” [s8(2)(a) Fisheries Act 1996]
- 5. In an effort to alert people to this review process and better inform our members and supporters, the Council developed a document providing our initial analysis and preliminary view of the proposals. That document: *Initial analysis of Marine Protected Areas proposals and Preliminary view of the New Zealand Sport Fishing Council* was distributed on 31 January to clubs, other groups, and organisations aligned with LegaSea’s Principles, encouraging feedback prior to development of this submission.
- 6. The submitter’s representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this process and would like to be kept informed of future developments. Our contact is Dave Lockwood, [secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz).

### **Introduction**

- 7. In January the Government released a consultation document: *A New Marine Protected Areas Act*, with the aim of providing a better system of marine protected areas in the Territorial Sea, from the coastline out to the 12 nautical mile (nm) limit. The existing Marine Reserves Act would be repealed and replaced by the new Marine Protected Areas Act (the Act). This Act would enable different protection measures to be applied in the same area i.e. a species sanctuary could be established in a recreational fishing park.
- 8. The Act would require an economic analysis to determine the potential costs and benefits of any changes, and more community involvement in decision-making is proposed.

## Proposals

9. Four types of Marine Protected Areas are proposed with some overlap among three types, excluding marine reserves. The consultation document describes the Areas as:
  - a. **Marine reserves.** Strict controls to conserve biodiversity in its natural state.
    - Current process to establish marine reserves can be complex, rigid, costly and cumbersome.
    - New Act enables a faster and simpler process to establish marine reserves.
  - b. **Species-specific sanctuary.** Controls to protect marine life, including mammals, birds, and sharks.
    - Important feeding or breeding areas could be protected.
    - Could restrict seismic surveys or fishing methods.
  - c. **Seabed reserves.** Controls to protect the specific habitats or ecosystems such as seagrass or mussel beds.
    - Could be restrictions or prohibitions on certain activities, including anchoring, mooring, seabed mining, bottom trawling and dredging.
  - d. **Recreational fishing parks.** Aim is to improve the recreational fishing experience by providing a preference for non-commercial fishing for some species.
    - Government policy to create two parks, in the Hauraki Gulf and Marlborough Sounds.
    - Could be restrictions on recreational methods and species.
    - Restrictions on some commercial methods and species.

## Overview and Objectives

10. New Zealand is a party to the UN Convention on Biological Diversity, committing NZ to –
  - a. Establishing a system of protected areas to conserve biological diversity
  - b. Regulating or managing biological diversity outside and inside protected areas.
  
11. The 20 UN Convention Aichi Biodiversity Targets are more specific, including -

*“Target 11: By 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape.”* (<https://www.cbd.int/sp/targets>)
  
12. This convention and target appear to be central to the proposed MPA legislation and this raises some important points of clarification:
  - a. It must be noted that the protection levels signed up to in this Convention are not limited to no-take marine reserves.
  - b. The level of protection is to be aligned with perceived threats and known risks.
  - c. The level of protection is to be graduated according to risk.

We can imagine the full suite of no-take marine reserves, species specific sanctuaries, and benthic protection areas being employed to comply with the Convention.

13. The legislation needs to consider biological diversity both inside and *outside* protected areas because

as more MPAs are established there will be a significant concentration of conventional fishing methods in open access areas and these will need to be addressed.

14. The Government also needs to consider ecosystem services, which are not directly addressed anywhere in the MPA discussion document. Ecosystem services support the function and productivity of the whole ecosystem and are just as important outside MPAs as within them. It is not sufficient to enhance ecosystem services in 10% of the area to the detriment of large parts of the remaining ecosystem.
15. New Zealand is also a signatory to the new international platform IPBES (Intergovernmental Science Policy Platform of Biodiversity and Ecosystem Services), and reporting will be required to incorporate information on ecosystem services.
16. It is inevitable that the proposed extension of marine protected areas and the implementation of the Harvest Strategy Standard by the Ministry for Primary Industries (MPI) will reduce the medium and long-term sustainable yield from many of our inshore fisheries. This will enhance biodiversity and ecosystem services and provide some insurance against short-term declines in recruitment and long-term ecosystem changes. The required adjustments to non-commercial allowances and commercial TACCs will fall back on MPI and ministerial discretion. No doubt there will be uncertainty and concern from many submitters about how this will affect their constituents.
17. The objectives for establishing MPAs will be critical to the process.
18. Proposed objective 1. *“A representative and adaptable network of MPAs is created over time to enhance, protect and restore marine biodiversity in New Zealand’s territorial sea.”*

We have raised the potential for a ‘race for space’ before. Those with the first successful no-take marine reserves, species sanctuaries, seabed reserves and recreational fishing parks will limit the opportunities for future Mātaitai and MPAs as the cumulative effect on existing resource users grows. Past attempts at a structured approach to establishing MPAs across a region have been under-resourced and difficult. As with Fiordland, Kaikoura, and the Hauraki Gulf Marine Park these processes take time and are more difficult the larger the area involved. The legislation must allow time for a range of proposals to be considered, ‘first up first served’ is inadequate.

19. Proposed objective 2. *“Decisions about environmental protection and economic growth are made in a planned and integrated way, based on sound evidence, to maximise the benefits to New Zealand.”*

The New Zealand Marine Research Foundation has worked hard for the past two years to estimate the economic contribution of recreational fishing to New Zealand. The project design was presented to and discussed by the MPI Marine Amateur Fisheries Working Group. The lead research provider is Southwick Associates who have an extensive track record in the USA, Central America and the Caribbean. The project was funded by local recreational fishers and was scaled to the best estimates available of total fishing trips made and number of active recreational fishers from the National Panel Survey. The release of the economic research report is imminent. It is clear to the submitters that a variety of recreational use will maximise the benefits for inshore marine ecosystems to New Zealand, and along with aquaculture are the only real pathways for economic growth.

## **Marine reserves**

20. The submitters are concerned that achieving this objective: *“A representative and adaptable network of MPAs is created over time to enhance, protect and restore marine biodiversity in New Zealand’s territorial sea”* will be interpreted by some as 10% of the Territorial Sea in no-take marine reserves.
21. Setting aside 10% of coastal and marine areas in no-take marine reserves will have a significant effect on all fishers.

22. On a regional basis 10% would be a substantial chunk of available fishing area, especially in Northland, Bay of Plenty and the west coast of the North Island where extensive trips into offshore waters are made over summer fishing for marlin and tuna.
23. Surface trolling for highly migratory species has minimal impact on the biodiversity and ecosystem services and most areas out to 12 nautical miles are important and popular with fishers at some time of the year. This fishing effort is not recorded by the NIWA aerial overflight surveys as they do not count moving boats and seldom fly far offshore.
24. It is also not clear how this arbitrary figure of 10% would work in reality in the Hauraki Gulf, East Coast, Wellington and South Island areas.
25. There is clearly a need to consider other categories of marine protection for areas of particular importance for biodiversity and ecosystem services, to ensure the downstream effects do not nullify the perceived gains.
26. For example, as new no-take marine reserves are established fishing will be displaced, often into neighbouring areas, with potentially disastrous consequences for abundance, biodiversity and ecosystem services in those areas. This outcome would contravene both the UN Convention to conserve biological diversity and the Government's objective to enhance, protect, and restore marine biodiversity inside and *outside* protected areas.
27. There is no mention of how displaced fishing effort will be managed. Clearly the cumulative effect of MPAs will mean that the Total Allowable Catch (TAC) will need to be reduced for some species, with consequences for the Total Allowable Commercial Catch (TACC). In other areas it might be that only particular types of fishing need to be restricted without a need to alter catches. Currently the effects of fishing are managed under the Fisheries Act 1996.
28. There could also be consequences for recreational controls. Applicants for no-take marine reserves must show consideration of the cultural services provided by the marine ecosystem. These may be wide ranging but include recreational fishing access to available fish stocks and to fish of suitable, legal size.
29. Creating the start of a domino effect with displaced fishing effort from a protected area is very real and requires a structured statutory process to defend areas of particular importance for the fishing public.
30. There is no analysis included of the social and economic costs of this provision, which in itself is unusual as Treasury usually demands an economic impact study, and if one has been completed it would naturally form part of the proposal. Cabinet would be well advised to request a fiscal impact statement and be fully informed before sanctioning a Bill that risks large unintended community costs. While no-take marine reserves are not fisheries management tools in themselves they do have large spatial implications for fisheries management.
31. The proposals for connected and replicated no-take marine reserves, in the name of improved biodiversity, have become increasingly faith based. There are no sound principles to identify species at risk or determining where and what type of MPA would provide the greatest benefit. Nevertheless, Government intends establishing many more no-take marine reserves largely on the basis that they have an international obligation. However, that obligation is not being accurately interpreted and a few marine protectionist extremists are capturing government.
32. There are several core weaknesses in the approach taken to apply for, consider, promote, discuss, and decide on establishing MPAs.
33. No-take marine reserves are directed at biodiversity threats, yet identifying and considering mitigation options for any identified threat is not part of the process. Applications can be made by

anyone, and are indeed encouraged by community members or groups. Historically this has quickly become divisive, and not for any real gain.

34. Most communities want to see restored abundance and imposing a network of no-take marine reserves against community wishes when not being part of a comprehensive strategy to restore abundance will again divide otherwise peaceful communities.
35. What we are seeing is a continuum of the implicit lie, that inshore ecosystems and ecosystem services will be protected and indeed will thrive if we establish a replicated series of no-take marine reserves. The fallacy of the belief is ably demonstrated by the recent call for the Goat Island marine reserve to be extended offshore. This is New Zealand's oldest reserve and held up as the case study for the need to establish additional no-take reserves.
36. In the Goat Island reserve the abundance of marine life has ebbed and flowed, often largely reflecting the ecological condition outside the reserve. It simply is not possible to create an oasis in the desert when the desert is continually encroaching.
37. It isn't a matter of size, frequency, connectivity, or legislative reform; no-take marine reserves will, by and large, reflect the ecosystem health of adjacent areas. There will of course be exceptions where some species thrive in reserves, and others that gain no benefit at all.
38. The best protection for biodiversity is to achieve restored abundance across the entire inshore ecosystem while directing scarce biodiversity resources to protecting species and habitats known to be at risk.
39. These current proposals are made without budget, staff, experience, or any of the myriad of administrative and compliance matters that arise from no-take marine reserves. Exclusion zones become pointless unless supported by local communities and the inclusion of a dispute provision that is controlled by a tribunal attempts to override this need for local consensus.
40. The dispute tribunal process is perhaps the most damaging part of these proposals. It is an attempt to thwart democracy. It offers hope that when communities cannot agree to a no-take marine reserve it can be imposed from the top down. This is no doubt music to the ears of the evangelists that have for decades promoted no-take marine reserves as the silver bullet for restoring ecosystem health; yet by any metric, and international experience, this is clearly not true.
41. No-take marine reserves can be part of a restoration programme for New Zealand's inshore marine ecosystems, but promoting them as the main defence against the loss of biodiversity and ecosystem services is delusional.

### **Species sanctuaries**

42. Species-specific sanctuaries would permit targeted conditions to be put in place to provide protection for Maui dolphins, Brydes whales etc. As presented in the discussion document, a sanctuary would be reserved to preserve and protect one or more named species while allowing some fishing and marine activities. The Department of Conservation (DoC) would be the lead agency for these sanctuaries.
43. Any species sanctuary would contribute to the 10% MPA target. There is already around 10% of New Zealand territorial waters protected by some form of MPA.
44. The submitters raise the issue of access to highly migratory species if MPAs are extended out to the 12 nautical mile limit. There is no MPA category that would conserve resident demersal and benthic communities but allow low impact, surface troll fisheries for highly migratory species. A separate category for species-exempt sanctuaries could be included in the legislation. Alternatively, the purpose of the species sanctuaries could be broadened.

45. We submit, in the strongest possible terms, that the deep sea sport fishery is vitally important for the survival of the NZSFC member clubs and the economic viability of small coastal communities. Many of these coastal communities and surrounding regions have already suffered due to the loss of income and activity generated by local commercial fishers; much of that wealth is now accumulated by larger operators and corporate quota owners in the main centres.
46. The New Zealand Marine Research Foundation funded survey of the economic contribution of recreational fishing has found that nationally gamefishing generates \$381 million in economic activity, contributing around \$145 million to the Gross Domestic Product (GDP). This activity also supports 1780 full-time equivalent much needed jobs in regional communities.

### **Seabed reserves**

47. Benthic protection within the 12-nm limit has been a topic raised and supported in many NZSFC submissions, over a number of years. Most shallow marine areas traditionally held large and highly productive communities of benthic species, and diverse species assemblages. Large swathes of these important areas have been destroyed by a century of bottom trawling. The use of bobbins to permit trawling over rocky ground continues today.
48. The declaration of seabed reserves ought not to be restricted to unique or special habitat areas. *All* the benthos is important and integral to the functioning of our inshore ecosystems. We have an obligation to leave these habitats intact for following generations and to mitigate any risks.
49. The Environmental Principles, Section 9 of the Fisheries Act 1996, are directed to these risks yet we seldom see them used or enforced.
50. What is to be done in respect of the continuing damage inflicted on the benthos from land use? A century of siltation and contamination has modified many near shore and estuarine habitats by choking benthic life.
51. Rather than dance around the topic of the benthic damage inflicted by mobile fishing gear the matter should be faced square on - all bottom contact fishing gear in territorial waters needs to be a discretionary activity to enable it to be closely monitored and controlled.
52. Loss of productivity and ecosystem services is primarily a national cost imposed by a few.
53. It is long overdue that the shallow waters driving productivity and providing habitats for juvenile fish are protected from the large-scale damage resulting from mobile fishing gear. [The NZSFC policy for FMA1](#) targets no trawling or Danish seine fishing in waters less than 100m deep to protect juveniles and their preferred habitat. Any package of MPA proposals must consider the protection of habitat critical to the early life stages of finfish species.
54. There is no need for another statute that can be easily ignored, just administer the current statutes as intended by those that passed them into law!

### **Recreational fishing parks**

55. Recreational fishing parks are not new. There are several marine parks and a range of marine protected areas around New Zealand, from Mimiwhangata, Northland to Fiordland. None are on a sufficient scale to have much effect, but they do serve to separate commercial and recreational fishing and can have site-specific management measures.
56. While the submitters are supportive of recreational fishing parks managed under fisheries legislation there is widespread concern about the way the new parks were announced and how the current proposals were developed with little regard for other collaborative work that is underway.

57. The proposed recreational fishing parks for both the Hauraki Gulf and Marlborough Sounds have attracted the most attention. The parks purpose is stated as:
- “To enhance the enjoyment and value of recreational fishing in high-demand areas by reducing the impact of commercial fishing and enabling recreational fishers to take more responsibility for the effects of their activities in these areas and the sustainability of the fishery.”*
58. The proposal to create and establish non-commercial fishing parks as part of the new MPA Bill has nothing to gain but plenty to lose; in ecological, economic, and political terms. We have already seen the division and bitterness amongst and between commercial and non-commercial fishers since this proposal was released. The fact that both groups identify serious flaws in the proposals clearly shows that the government has got it seriously wrong.
59. The proper course of action now is to take the information gathered by this debate and rethink the purpose and value of recreational (or commercial free zones) and make a proper business case for their establishment. This would entail developing detailed objectives and require monitoring regimes with clearly understood success indicators. The recently completed research into the economy of non-commercial fishing by the New Zealand Marine Research Foundation has identified the considerable contributions already made, and the very large economic opportunities that non-commercial fishing holds for New Zealand in the future. This industry is worthy of far more serious consideration than a last minute election promise that no one expected to be delivered.
60. For example, the recreational fishery for snapper in the upper North Island contributes \$218 million to GDP and supports over 2600 fulltime equivalent jobs (NZMRF 2016). Add to that the contribution of 108,000 overseas visitors that fish in the sea while in New Zealand (IVS 2014) and it is clear that non-commercial fishing has the potential to stimulate regional economies to a far greater degree than previously imagined, and the debate around what is needed to generate this growth is deserving of a far more studied and considered approach than treating it as a throw away line.
61. Under the current proposals the impact on Treaty Settlements and the cost of compensation ensure that recreational fishing parks will always be watered down and resemble the status quo renamed. Such rebranding is disingenuous and risks large political costs. The electorate is not stupid.
62. Recreational fishing parks may enable a new administrative structure to be created, one that would enable a governance body for recreational fishers outside of MPI. Again, the need, the costs, and benefits of such a governance change have not been revealed; yet must exist.
63. We see the notion of voluntary or compulsory public self reporting catch again being promoted from Cabinet members, industry and environmental advocates, we really do wonder from where they are obtaining their advice.
64. Many people may be initially attracted to the notion of recreational fishing parks due to the false expectation of improvement in recreational fishing conditions. Even if the boundaries are considered too small there will be voices saying it is a start and we can work on increasing the area over time.
65. In reality, any fishing park needs sufficient resources applied and the following elements to succeed:
- a. A clear purpose statement.
  - b. It is large enough to sustain and replenish itself.
  - c. It has clear abundance goals.
  - d. There is a realistic way to measure progress and success.
66. The following conditions also need to be analysed and tested for their effectiveness in achieving the Government’s stated goal of increasing biodiversity and improving recreational fishing:
- a. Is the area large enough to encompass a diverse ecosystem? The catch of fish taken in the

recreational fishing park must be mostly replenished from within the park. If the fish being available to recreational fishers must first run the gauntlet of industrial fisheries at the boundaries then success would seem remote.

- b. Some clear economic benefit needs to underpin the establishment of recreational fishing parks. It is essential to move all policy settings to combine and drive the benefits. A singular focus only on spatial policy will certainly fail.
  - c. If area-specific management rules are to be imposed –
    - i. Is there acceptance that a rule is needed?
    - ii. How will it be monitored and enforced?
    - iii. How will data be collected and validated?
67. Abundance and availability are the key drivers of recreational fishing. Under the Quota Management System inshore fish stocks have been managed at levels of sustained depletion. A sea change is required if we are to achieve the abundance levels that provide for the social, economic and cultural wellbeing of fishers and drive the regional growth New Zealand desperately seeks.
68. Therefore, any plan to improve recreational fishing success will have at its core a strategy to increase abundance and have fish available where recreational fishers fish; mostly inside the Territorial Sea, the 12 nautical mile limit, or waters less than 100m deep.
69. Commercial free fishing zones can be very effective MPAs despite what some stakeholders may claim. They can enable the removal of trawling, Danish seine and purse seine methods to protect the benthos and fish stocks, if they are not excluded already. They could also remove dredging for scallops, oysters and surf clams, and exclude commercial and recreational set netting (over reef structures) to rebuild certain stocks and eliminate bycatch. Only permitting the use of unweighted recreational lines reduces incidental catch of reef species, which could be included in a list of no-take species.
70. There could reasonably be situations where all the elements of a seabed reserve and a species sanctuary (and more) were in place within a recreational fishing park MPA. Surely it is the outcome that is the measure of success, not the name.
71. The laboured claims by some sectors that recreational fishers are the problem is not shared by the submitters and is demonstrably untrue. There was a claim, repeated in part by ministers, that there can be up to 6900 recreational vessels carrying around 21,000 fishers in the Hauraki Gulf on a fine summer's day. NIWA has confirmed that the highest number of boats fishing ever recorded in their aerial survey of the Hauraki Gulf was 1859 on 15 April 2015. When scaled up for all the boats fishing at other times the total for the whole day was about 3200. The summer average would be considerably less than this.

## **Compensation**

72. One aspect of the recreational fishing park proposal is to compensate quota holders if it is “justified”; there is to be a type of Undue Adverse Effects test, based on the model used for granting aquaculture space.
73. Environment Minister Dr. Nick Smith has indicated that a recreational fishing park will only be contemplated if the impact on commercial use is small, limiting the cost of compensation. If this is so, the future prospects for additional parks looks dim to impossible, that is because the Government has already suggested the cost of displacing some small-scale effort from the inner Hauraki Gulf and Marlborough Sounds will be around \$20 million. If so, the cost of establishing something useful, say in the entire Hauraki Gulf, will forever be a barrier.

74. Notwithstanding that, the Government is not bound to pay compensation – it is voluntarily proposing it!
75. When considering what constraints might apply to a Minister altering the Total Allowable Commercial Catch (TACC) the Appeal Court had this to say:  
*While acknowledging the extensive arguments which we heard on the property rights point, we consider the answer is quite straight forward. While quota are undoubtedly a species of property and a valuable one at that, the rights inherent in that property are not absolute. They are subject to the provisions of the legislation establishing them. That legislation contains the capacity for quota to be reduced. If such reduction is otherwise lawfully made, the fact that quota are a “property right”, to use the appellants’ expression, cannot save them from reduction. That would be to deny an incident integral to the property concerned. There is no doctrine of which we are aware which says you can have the benefit of the advantages inherent in a species of property but do not have to accept the disadvantages similarly inherent.*
76. Providing no quota shares or Annual Catch Entitlement (ACE) are appropriated then changes to the TACC, for whatever purpose, is fully provided for in the Fisheries Act without the need to pay compensation. Given this, it would be foolish to now incur liability for compensation under marine protection legislation.
77. If Government really believes greater benefits to the nation result from increasing the recreational fishing industry then it cannot hobble future governments by imposing a compensation regime that makes future changes in use impossible. Yet legislating for compensation to be paid when use changes from commercial to non-commercial cements the status quo in place.
78. What’s more, no such compensation mechanism exists for the opposite – when commercial catch is increased or taken at the cost of falling non-commercial catch. Hawke Bay is an area experiencing prolonged declines in catch rates.
79. We agree wholeheartedly that better value can be derived from the recreational and sport use of our inshore fisheries. That is why the submitters have supported the New Zealand Marine Research Foundation’s recent project to measure the contribution that recreational fishing makes to the New Zealand economy.
80. Without a clear purpose in the MPA legislation to both improve the recreational fishing industry and create an achievable process for establishment, these parks are an illusion.
81. The recreational fishing parks discussion distracts people’s attention away from the fundamental changes proposed to establish a representative network of no-take marine reserves out to the 12 nm limit. The way the parks were announced and developed is nothing more than a clumsy attempt at mollifying a suspicious fishing public.
82. Ultimately, drawing another set of lines on an already crowded map fails the test. Creating policies and applying management setting to achieve higher abundance levels in all inshore fisheries will improve biodiversity and ecosystem function. It would also contribute to fishers’ and the wider community’s wellbeing, while ensuring sufficient abundance for future generations.

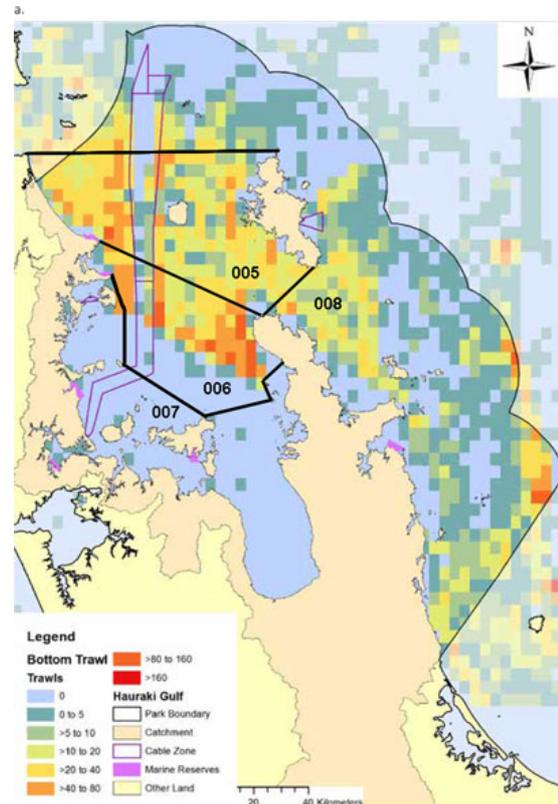
## Hauraki Gulf Recreational Fishing Park

83. The proposed boundary of the Hauraki Gulf Recreational Fishing Park is, in management terms, Statistical Area 007 with Omaha Bay added (Figure 1). This area already has no trawl or Danish seine fishing and only seasonal longline effort (Figure 2). Most of the commercial catch is kahawai, mullet, and flounder taken mainly by set nets.

Map 1: Proposed location for a Hauraki Gulf Recreational Fishing Park based on Statistical Area 7 in Fisheries Management Area 1 and Omaha Bay



**Figure 1:** Proposed Hauraki Gulf Recreational Fishing Park boundaries.



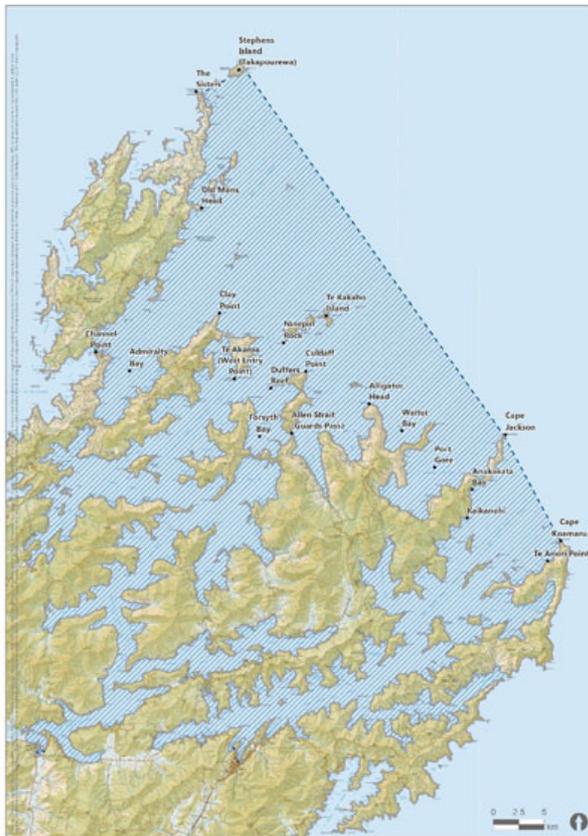
**Figure 2:** Distribution of bottom trawls in the Hauraki Gulf Marine Park between 2011 and 2014.

84. The intense trawl effort applied to areas 005 and 006, the outer Hauraki Gulf, is apparent from the above plot in Figure 2. Fishing conditions in the inner Gulf cannot be improved without eliminating the trawl and Danish seine effort in the outer Gulf.
85. The areas of intense trawling are known nursery areas and before the onslaught of trawl the seabed comprised large areas of hard bottom supporting sponge gardens acting as a nursery. These hard bottom surfaces have all been stripped bare and turned into soft, barren, and mobile seabed.
86. The Firth of Thames and the inner Waitamata have degraded benthic habitats smothered in silt with turbid water above that restricts the re-establishment of sea grass beds. Two of the main species adapted to this environment are flounder and mullet which make up over 30% of the commercial catch in area 007. These species conduct their whole life cycle within the area and are potentially the species that would benefit most from some additional protection. The submitter's representatives would like to discuss management options for these species with commercial and customary fishers to see if there is a way of preserving the livelihood of local fishers but preventing an influx of fishing effort (as soon as catch rates improve) by any fisher with FLA1 or GMU1 annual catch entitlement (ACE).

## Marlborough Sounds Recreational Fishing Park

87. The proposed boundary of the Marlborough Sounds Recreational Fishing Park is based on the Blue cod Management Area.

Map 2: Proposed location of a Marlborough Sounds Recreational Fishing Park based on the Blue Cod Management Area



**Figure 3:** Proposed Marlborough Sounds Recreational Fishing Park boundaries.

88. Other than blue cod and gurnard, the commercial catch in the proposed Marlborough Sounds Recreational Fishing Park is small.
89. With the uncertainty around the extent of the blue cod catch, this park proposal also closely resembles the status quo.
90. If there are no expected improvements in fish stock abundance or availability, it is not clear what this proposal is trying to achieve.
91. Locals are also concerned that diminishing success outside the proposed park will be ignored on the basis that the fishing public has 'their' park so anyone seeking success just needs to utilise the area provided. For a sensitive area such as the Marlborough Sounds this is not a welcome prospect.
92. It is impossible to ignore the proposition that recreational parks are proposed as a pathway to self-governance by the recreational fishing public and stricter controls on recreational fishing. Again we see no case studies, or examples of any kind, as to how this park might operate and what outcome is sought.