



Submission

Proposed Southeast Marine Protected Areas

To: Department of Conservation and Fisheries New Zealand

From: New Zealand Sport Fishing Council, affiliated members and

LegaSea supporters.

3 August 2020

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Part 1. Introduction

1. In February 2018 the South-East Marine Protection Forum (the Forum) provided a recommendation report to the Minister of Conservation and the Minister of Fisheries with two network options for them to consider. In March 2019 Ministers announced their decisions and outlined the statutory processes to follow. Following a delay due to the Covid-19 pandemic, the Department of Conservation and Fisheries New Zealand released the Proposed Marine Protected Area for New Zealand's Southeast Coast consultation documents on 3 June 2020. The submission deadline is 3 August 2020.
2. The New Zealand Sport Fishing Council (NZSFC) Fisheries Management - Marine Protection team reviewed the consultation documents and issued a Preliminary View in July. Feedback has been sought from members and supporters. That feedback has informed this submission, as has our previous submission made in December 2016.
3. The New Zealand Sport Fishing Council (NZSFC) is a National Sports Organisation with over 32,000 affiliated members from 55 clubs nationwide and a growing number of organisations aligning with our policies and principles.
4. This submission is a joint effort by the New Zealand Sport Fishing Council, affiliated members and LegaSea supporters, collectively referred to as 'the submitters.'
5. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Part 2. Submission

6. The submitters are concerned about the validity of the consultation process to date, the way the proposed marine protected areas have expanded, the lack of data to assess the costs to the community including recreational fishers, and the lack of evidence to support the establishment of the protected areas to the extent that they are now proposed.
7. The submitters wish to express their support for the submissions from our affiliated local club, Tautuku Fishing Club, and its members. We acknowledge that their submissions were written with a high level of local knowledge around current fishing practices and conditions in the region.
8. The submitters note that the COVID-19 pandemic has truncated the consultation period and restricted the involvement of national organisations such as ours. As representatives of a significant number of individuals with an interest in coastal management and marine protection, a considered response to proposals of this magnitude is time consuming. The available timeframe simply did not allow for the research and consultation needed to make a comprehensive submission on the proposed Southeast Marine Protected Areas.
9. It is due to the preceding points that we have formed our submission based on the recommendations from our local members and the policies of the NZSFC. It is also informed by [our previous submission](#) on proposed marine protected areas for the southeast coast, made in December 2016.
10. Our recommendations are as follows:
 - A1 Tuhawaiki (Type 2 MPA) – Support excluding bulk harvesting methods.
 - B1 Waitaki (Marine Reserve) – Oppose (support site B2).
 - C1 Moko-tere-a-torehu (Type 2 MPA) – Support excluding mobile bottom contact fishing methods.
 - D1 Te Umu Koau (Marine Reserve) – Oppose (support site D2).
 - E1 Kaimata (Type 2 MPA) – Support excluding mobile bottom contact fishing methods.
 - H1 Papanui (Marine Reserve) – Oppose (support site H2).
 - I1 Ōrau (Marine Reserve) – Oppose.
 - K1 Okaihae (Marine Reserve) – Oppose.
 - L1 Whakatorea (estuary, Type 2 MPA) – Oppose.
 - M1 Hākinikini (Marine Reserve) – Oppose.
 - Q1 Tahakopa (estuary, Type 2 MPA) – Oppose.
 - T1 Arai Te Uru (kelp protection area) – Support.

Part 3. Further Points

11. These proposals show a lack of consideration for the safety of small vessels. Many of these proposed sites cover large portions of popular, inshore fishing areas. Without access to these areas local small vessel operators may be unable to safely venture beyond the MPA borders, therefore restricting their fishing entirely.
12. The South-East Coast is plagued by adverse weather conditions. Due to this the number of days available to fish are limited. Removing areas that may provide shelter would have an undue adverse effect on the number of fishable days for our members and other non-commercial fishers.
13. The Forum states, “The fact that there is an adverse economic or social impact is not a reason to exclude a habitat in the MPA network”. The submitters disagree with this statement. The point of public consultation is to obtain the views of all involved and to take all opinions into consideration. The Courts have considered the nature of consultation including the need to consider the impacts of proposals, the need to allow sufficient time, and the requirement to provide adequate information so people can make an informed response¹. Economic and social impacts must be considered when deciding the final outcome.
14. The new cost benefit analysis presented in the 2020 consultation document focuses in detail on the adverse economic loss of commercial fishing income. However, it gives little regard to the social, economic and cultural impact of restricting the access of recreational fishing. All cultural, economic and social impacts must be considered when deciding the final outcome, and there is currently insufficient information at a fine enough spatial scale to assess the full impact that the proposed sites will have on recreational fishers. A detailed recreational fishing survey of the proposed Southeast Marine Protected Areas is therefore required before an informed decision can be made on the final outcome.
15. The purpose of the current Marine Reserves Act is very narrow. The requirements of the new Marine Protected Areas Act have yet to be written and enacted. The MPA discussion document was publicly consulted on in 2016 and the Marine Protected Areas Bill is on the parliamentary list. It seems counterproductive to consult on the implementation of MPAs without knowledge of the requirements of the new Act and a clear idea of the tools that will be available. For example, there is currently no MPA legislation in place to implement the Type 2 MPAs as described, however, there are opportunities available by using Fisheries Act tools.
16. The submitters note the proposals are deliberately tailored towards protecting the commercial sector, especially the trawl fishermen. The proposed sites are

¹ Wellington International Airport Limited and ors v Air New Zealand [1993] 1 NZLR 671, at p.675.

positioned in most cases, to avoid impacting the majority of trawl effort, we note there has not been the same level of effort given to avoiding areas of importance to recreational fishing interests. We believe this to be an outcome of inadequate prior consultation due to the absence of mandated representatives of recreational interests appointed to The Forum.

17. We believe there has been inadequate and insincere consultation with recreational fishing interests in the appointment of people to The Forum who have no clear mandate from local recreational interests. We are especially concerned by the lack of representation from the FMA3 and FMA5 Recreational Fishing Forum established by Fisheries New Zealand.
18. The establishment of these MPAs still needs to be supported by reliable scientific evidence to show the benefits that will be received, the submitters will not support the implementation of MPAs simply for the sake of it.
19. In order to justify the cost of implementation, monitoring and enforcement (as well as the negative effects to the public), there must be clear evidence that there will be significant benefit to the ecosystems in that area. It is also not clear if a management and compliance plan with an associated budget has been considered by the Department of Conservation or Fisheries NZ. These plans and costs must be considered in the cost/benefit analysis.
20. We know from the 2016 [economic study](#) carried out by the New Zealand Marine Research Foundation that residents and visiting fishers spend over \$172 million on recreational fishing activity in the South Island. How much of that is spent in this part of the southeast region is not defined in the cost/benefit analysis. Recreational fishers in these waters spend their hard-earned cash on equipment and vessels that will give them a good return for their effort and get them home safely. This contribution to the local economy needs to be determined via a local study and factored into the cost/benefit analysis associated with these proposals.
21. At present there is no reliable means of calculating recreational fisher numbers at the scale of any given area in the 2020 proposed Southeast Marine Protection Areas. We submit these proposals would be better informed about recreational harvest by a more detailed analysis of the [2017-18 MPI National Panel Survey](#) and by additional small scale recreational fishing surveys as required to supplement this data. This would provide a greater insight into the effects of these proposed MPAs would have on recreational fishing interests.
22. At present there is little information to demonstrate the impacts of recreational fishing in the Southeast region, nor does the evidence suggest that the total exclusion of recreational fishing is justified or needed to achieve the protection of any of the outlined habitats.

23. Moreover, the Minister of Fisheries has a statutory duty to 'allow for' recreational fishing interests. In part that is achieved through setting aside a tonnage of fish to 'allow for' those interests. The next duty is to actually allow that fish to be caught. The statutory obligations of the Minister to the people of the Southeast region cannot be ignored or discounted in the absence of any evidence to justify the exclusion of recreational fishing.
24. The estimates of commercial catch and displacement are unreliable. In light of revelations around mass fish dumping from trawlers working on the East Coast of the South Island, and subsequent [Heron QC report](#), it is obvious that the self-reported data from commercial fishers cannot always be relied upon and should be used with caution in support of decisions of this magnitude.
25. A more complete cost-benefit analysis of each individual proposed MPA needs to be carried out (fully including the impact on recreational fishers – not simply commercial landings and export value) and the results made publicly available for future consultation. This would more transparently outline to the public the full extent of what is being sacrificed to implement these protection measures and what benefits are being sought.
26. We submit the only reasonable conclusion after considering these proposals is that they are ideologically based and not designed to address any particular threats. We have a policy of: first management then protection. These proposals do not address any significant fisheries management need on the southeast coast other than the removal of some destructive bottom contact fishing methods.
27. There is no statement outlining what would be considered a success or the tools and methods that would be used to measure this. This would be an important part of these proposals in order to better understand the outcomes.
28. As it stands, there is a lack of information regarding the goals and rationale for these proposals. Until the threats to the marine environment have been clearly identified, and the measures of success have been explained then we do not support the implementation of measures to exclude recreational fishing based on ideology alone.
29. We note that the Forum could not reach consensus and recommended two alternative marine protected area networks, of which only the more intrusive Network 1 is proposed in the 2020 consultation document. However, the Minister of Conservation and the Minister of Fisheries recommend on 11 May 2019 that the Committee:
 - a. note that we agreed to progress Network 1 in its entirety to maintain the integrity of the Forum process and because it best meets biodiversity protection objectives.

- b. note that amendments may be made to the Network 1 proposal based on the outcomes of public consultation and assessments against the relevant statutory requirements.
30. In our [2016 submission](#) we supported all of the MPAs proposed in Network 2, and we maintain that position in our 2020 submission. We request further consultation with a more inclusive representation of recreational fishing interests and for the acquisition of more detailed data in recreational fishing activity by Fisheries New Zealand before proceeding with the establishment of the Southeast Marine Protection Areas.

Our specific recommendations for each proposed site are as follows:

31. A1. Tuhawaiki (Type 2 MPA) - Support excluding mobile bottom contact harvesting methods

- a. Costs/benefits identified – The site size has increased 3600% from the area supported by NZSFC in 2016. The costs to recreational fishers are not adequately identified.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers. However, the removal of bottom trawling and other mobile bottom contact harvesting methods is consistent with our [Rescue Fish policy](#).
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational fishing interests to determine the impact of a 5-hook limit.

32. B1. Waitaki Marine Reserve - Opposed (support site B2)

- a. Costs/benefits identified – It is not clear why there has been a 13% increase to the area supported by NZSFC in 2016. The costs to recreational fishers are not adequately identified.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers.
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational fishing interests to determine if the size increase is necessary or return the site to the original area proposed in 2016.

33. C1. Moko-tere-a-torehu Type 2 MPA - Support excluding mobile bottom contact harvesting methods

- a. Costs/benefits identified – The costs to recreational fishers are not adequately identified.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers. However, the removal of bottom trawling and other mobile bottom contact harvesting methods is consistent with our [Rescue Fish policy](#).
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational fishing interests.

34. D1. Te Umu Koau Marine Reserve – Oppose

- a. Costs/benefits identified – It is not clear why there has been a 187% increase to the area supported by NZSFC in 2016. The costs to recreational fishers are not adequately identified.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers.
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational fishing interests to determine if the size increase is necessary or returning the site to the original area proposed in 2016.

35. E1. Kaimata (Type 2 MPA) - Support excluding mobile bottom contact harvesting methods

- a. Costs/benefits identified – It is not clear why only the larger alternative one from the 2016 consultation is proposed for this site in 2020. The costs to recreational fishers are not adequately identified. The smaller alternative site (G2) was supported by NZSFC in 2016.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers. However, the removal of bottom trawling and other mobile bottom contact harvesting methods is consistent with our [Rescue Fish policy](#) and these Bryozoan beds are of national significance.
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational fishing interests.

36. H1 Papanui Marine Reserve - Support excluding mobile bottom contact harvesting methods

- a. Costs/benefits identified – It is not clear why there has been a 56% increase to the area supported by NZSFC in 2016. The costs to recreational fishers are not adequately identified.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers. However, the removal of bottom trawling and other mobile bottom contact harvesting methods is consistent with our [Rescue Fish policy](#) and these Bryozoan beds are of national significance.
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational fishing interests.

37. I1 Ōrau Marine Reserve – Opposed

- a. Costs/benefits identified – The costs fail to fully consider the significant impact on recreational fishing and there is considerable opposition to this site. The submitters continue to oppose this site.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers. The marine reserve area is likely too small and accessible (via connected reef systems) to be viable, it does not meet the protection standard.
- c. Suggested changes to site/activity (why) – This site will seriously impact recreational fishers and the submitters suggest considering a more community-based fisheries management tool such as a taiāpure or mātaītai for this area.

38. K1 Okaihae Marine Reserve – Opposed

- a. Costs/benefits identified – The costs fail to fully consider the significant impact on recreational fishing and there is considerable opposition to this site. The submitters continue to oppose this site.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers.
- c. Suggested changes to site/activity (why) – This site may seriously impact recreational fishers. The submitters suggest consideration is given to a more community-based fisheries management tool such as a taiāpure or mātaītai for this area.

39. L1 *Whakatorea Type 2 MPA – Opposed*

- a. Costs/benefits identified – The cost potentially underestimates the amount of recreational fishing at this site. The costs to recreational fishers are not adequately identified.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers. However, the removal of dredging is consistent with our [Rescue Fish policy](#).
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational fishing interests.

40. M1 *Hākinikini Marine Reserve – Opposed*

- a. Costs/benefits identified – This site is frequently used by recreational fishers who are also likely to target rock lobster as well as the paua and shore-based fishing identified. The costs to recreational fishers are not adequately identified.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers which include the displacement of fishing effort into surrounding areas.
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational interests to ensure the impact on recreational fishing is fully considered.

41. Q1 *Tahakopa Type 2 MPA – Opposed*

- a. Costs/benefits identified – The cost potentially underestimates the amount of recreational fishing at this site.
- b. Other benefits/impacts – There is insufficient information or time available to fully assess the impacts on recreational fishers. The removal of dredging is consistent with our [Rescue Fish policy](#).
- c. Suggested changes to site/activity (why) – Further consultation is required with a more inclusive representation of recreational fishing interests.

42. T1 *Arai Te Uru kelp protection area – Supported*

- a. Costs/benefits identified – Agreed.
- b. Other benefits/impacts – This proposed site is consistent with our [Rescue Fish policy](#).
- c. Suggested changes to site/activity (why) – Supported.