


**SUBMISSION ON THE PROPOSED MARINE PROTECTED AREAS  
FOR NZ'S SOUTH ISLAND SOUTH EAST COAST**

**SUBMITTER DETAILS**

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I do not wish for my name and address to be released under the Official Information Act 1982.

I do not wish the commercially sensitive information that I have provided, to be released under the Official Information Act 1982

**CREATING A NETWORK OF MPA / GENERAL COMMENTS**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> A Tuhawaiki to Parerora (Type 2)          | <input type="checkbox"/> K Green Island (Type 1)                 |
| <input checked="" type="checkbox"/> B Waitaki Coastal (Type 1) No extension   | <input type="checkbox"/> L Akatore Estuary (Type 2)              |
| <input type="checkbox"/> C Waitaki (Type 2)                                   | <input type="checkbox"/> M Akatore Coastal (Type 1)              |
| <input checked="" type="checkbox"/> D Pleasant River to Stoney Creek (Type 1) | <input type="checkbox"/> N Akatore Offshore (Type 2)             |
| <input type="checkbox"/> E Bryozoan Bed (Type 2) – option 1                   | <input type="checkbox"/> O Long Point (Type 1)                   |
| <input type="checkbox"/> F Saunders Canyon (Type 1) – option 1                | <input type="checkbox"/> P Long Point Offshore (Type 2)          |
| <input checked="" type="checkbox"/> G Bryozoan Bed (Type 2) – option 2        | <input type="checkbox"/> Q Tahakopa Estuary (Type 1)             |
| <input checked="" type="checkbox"/> H Papanui Canyon (Type 1) – option 2      | <input type="checkbox"/> R Tautuku Estuary (Type 2)              |
| <input type="checkbox"/> I Harakeke Point to White Island (Type 1)            | <input type="checkbox"/> S Haldane Estuary (Type 2)              |
| <input type="checkbox"/> J White island to Waldronville (Type 2)              | <input checked="" type="checkbox"/> T Kelp Forest (Type – other) |

- 1 This submission is made on behalf of Tautuku Fishing Club Dunedin and Haast Incorporated ("Club") and its members, in response to the proposed marine protected areas for New Zealand's South Island southeast coast. The Club generally supports steps to enhance the marine environment, and has accepted the establishment of a number of marine reserves as indicated on the front page of this submission. The Club otherwise considers that there is insufficient information at this time to take any further steps to establish marine reserves or management areas on the South Island's south east coast.
- 2 The Club and its members oppose areas C, E, F, I, J, L, M, N, O, P, Q, R and S.
- 3 The Club considers that the forum cannot recommend any other reserves, where the impact of all of the other proposed marine reserves on recreational fishing is substantial in several cases and completely unquantified in others.
- 4 In addition, because the impact on commercial users has not been substantiated the Club cannot assess how the displacement effects resulting from changes to commercial fishing practice will impact on recreational fishers, and this is an essential consideration.

#### **Limited impact at present**

- 5 Decisions on marine reserves or management areas along the south east coast must take full account of the fact that adverse weather and adverse sea conditions prevent recreational fishing for most of the year. Because of this, there are extremely limited effects on habitat from recreational fishing use at present.
- 6 To the extent that there is usually only about 40-60 days that recreational fishing is safely available, and these are further subject to the other restrictions on when people can go out fishing (i.e. work and other commitments). Because of these natural restrictions there is a significantly reduced need for marine reserves or other management mechanisms to be created to protect the biodiversity and specified habitats on the south-east coast of the South Island, particularly when compared with more populated marine areas of New Zealand such as the Hauraki Gulf. Further out to sea, such as over Saunders's Canyon, weather and sea conditions are even more restrictive and fishing may only be possible for recreational fishers 20 days a year.
- 7 The Forum has acknowledged (page 190 of the consultation document) it has limited information available, both in regard to environmental and social aspects of the proposed reserves. There is no evidence that could support a conclusion that exclusion of recreational fishing is necessary to protect any of the identified habitats given the existing limited recreational fishing access, and therefore no Type 1 reserves should be recommended over any of the areas not supported by the Club and other recreational fishers.
- 8 In the light of the lower population and existing limitations from weather etc. on recreational fishing there are too many reserves and management areas proposed for the south east coast. The number of areas should be significantly reduced from the long list outlined in the consultation document. In addition, where a management area is to be put forward by the forum there is no justification for extending the management area so far beyond a particular habitat it is seeking to protect. A management area restricted to the confines of the relevant habitat is all that is required by the legislation, and all that can possibly be justified on the information available.

- 9 Impacts on stakeholders and Iwi are too great to adopt wide ranging and unjustified protections at this time. The forum should recognise the inadequacies of the legislation it is working under, and await the more flexible and robust approach that will be available following legislation reform.
- 10 The reserves accepted by the recreational fishers provide sufficient habitat protections without overextending the forum's reach and creating unjustified impacts on existing users. The Forum does not have enough information to provide a basis for recommending any further marine reserves in the face of opposition from existing users.

### **Recreational fishers**

- 11 It has been clearly recognised in the government's consultation document for 'A new marine protected areas act' that the current legislation does not address recreational amenity values, nor those of recreational fishers (page13). Without the ability to fully consider this stakeholder group, the forum must not create onerous and unfair restrictions on recreational fishers.

### **Safety**

- 12 Any potential impact on the safety of recreational fishers must be fully appreciated by the forum. A number of the areas identified for marine reserves or management areas would result in recreational fishers having to travel a large distance offshore before starting to fish. This creates significant safety concerns, particularly for families.
- 13 Recreational fishers with young families will have reduced fishing opportunities because several of the proposed areas would mean recreational fishing could only be done in waters further out from the coast where weather and sea conditions are considerably more risky.
- 14 Because of the often difficult weather and sea conditions, and the high probability of quickly changing conditions, fishing areas must be maintained that are close to the coast, and in areas that provide an easy retreat when the weather turns bad. Areas I and K are the most utilised areas to the south of Dunedin that offer these opportunities for smaller craft and recreational fishers with young families.
- 15 All Type 1 reserves that create:
- a The need to travel well offshore before starting fishing; and/or
  - b Which mean that fishing opportunities in sheltered areas, or close to shelter are removed; and/or
  - c Which mean that long distances need to be travelled in to shore when weather conditions deteriorate;
- will cause significant safety issues for recreational fishers.
- 16 For example, the area near Green Island is a valuable fishing spot for recreational fishers and could be locked up by the proposed Area K. The shelter offered by the island, the insurance value of being able to fish nearby when there is a risk of bad weather, and having that proximity to shelter, is invaluable and would present a significant loss. The

implementation of this proposed area would have a significant impact on existing recreational users.

- 17 As another example, the current form of the proposed marine reserve at Harakeke Point to White Island will result in recreational fishers having to travel far into open water before starting fishing. The weather conditions at this distance off shore will be considerably more difficult and changeable, and no shelter is available in bad weather. This area offers several unique launching points close to Dunedin city that provide recreational fishers and their families the opportunity to get out fishing during an appropriate weather window. Locations which provide this opportunity must be preserved and proximity to residential areas maintained. It is this proximity which promote recreational fishing opportunities.
- 18 Another area which has similar considerations is Long point, over which area O is proposed. This area should not be put forward as a Type 1 reserve.

### **Fishing culture**

- 19 Areas which are close to towns, cities and other residential settlements provide important opportunities for recreational fishers. Any reserves close to residential areas, particularly communities popular for holidaying and local tourism, must enable continued recreational access to support and encourage fishing opportunities for the public.
- 20 Tourism opportunities are not confined to overseas tourists. New Zealanders travel within New Zealand to go recreational fishing, and this source of recreation, and the corresponding income for local residents must be protected.
- 21 Living and interacting with the coastline and the ability to gather seafood is an essential part of life for many that live and holiday on the coastline. Marine reserves close to residential areas will remove this important social and cultural experience and should be avoided. Mātaimai are respected where these are present, and similar flexible management mechanisms should be preferred once legislation reform is completed.

### **Inadequate information about recreational fishing**

- 22 The marine forum has some scientific information to understand the south east coast, but information gathering to understand impacts on recreational fishers has been almost non-existent. The forum does not have enough information to understand the impact of the proposed areas on recreational fishers, and information should be gathered from to provide a clear understanding of:
  - a Favoured launching sites;
  - b Best and/or most popular recreational fishing spots;
  - c Preferred spots in different types of weather;
  - d Important sheltering locations;
  - e Counts of recreational takes;
  - f Understanding safety considerations for smaller fishers.

- 23 Independent and robust information about existing recreational fishing on the south-east coast is essential for the forum to understand the impact of imposing restrictions on existing recreational users and fishing opportunities, before identifying proposed reserves or management areas.
- 24 Without this information the forum is not in a position to assess the impacts of specific areas on recreational fishers, and is not in a position to put forward any area because it does not have a sufficient understanding of the likely adverse impacts on recreational fishers.
- 25 It appears from the questions asked in the consultation document that the forum is attempting to understand these impacts through the consultation process. It is unreasonable to gather the necessary information to understand impacts on recreational fishing through this process. These impacts should have been identified before the proposed areas were finalised for consultation.
- 26 A clear policy direction for the Forum is to evaluate how proposed areas will impact on existing users recreational fishers, but this has not been done as there is no information available on this issue. There have also been limitations on recreational fishing representation on the forum, and it is of course difficult for two recreational fishers to represent the views of a very wide and dispersed group.
- 27 The current recreational fishers' representatives are both based in Dunedin. Again this poses a significant limitation in terms of further information directly available to the Forum as the south east coast area also covers the Catlins and further north to Oamaru. No information about recreational users in these areas is available to the Forum.

#### **Inadequate information on commercial fishing**

- 28 The consultation process cannot justifiably proceed without information about impacts commercial fishing being made available to all parties before they make their final submissions. No information about impacts on commercial fishers is available at this time.
- 29 Given that the forum must weigh the adverse impacts on existing users, and the commercial fishers will be the existing users that are most impacted, the lack of information about commercial fishing creates an unfair and inequitable process. Consultation should be put on hold until adequate information is publicly available.
- 30 If the process is not put on hold, an anomalous situation will result in that a significant portion of the information that the forum will need to take into account, was not available to any other submitters, including Iwi and recreational fishers. The lack of scrutiny and unfairness will bear out exactly the concerns about the inadequate consultation process undertaken to establish reserves under current legislation that has been identified in the New Marine Protected Areas Act consultation document.
- 31 Impacts on commercial fishers are essential to consider in understanding how any network of reserves might function. Where one area might prevent commercial fishing there will be a clearly felt displacement effect on other fishing grounds. The current proposals and lack of information about impacts on existing commercial users means that no assessment of understanding of displacement effects is possible at this time, and this puts the recreational fishers in an impossible position.

- 32 Consultation on and recommendation of any proposed marine reserves is premature until information about impacts on commercial fishers is made public. Given the lack of information the forum is already working with, it would seem obvious that making available any commercial fishing information is essential for the community to review before finalising their submissions.

### **Restrictions in current legislation**

- 33 The current proposals have been formulated with reference to protecting specific habitats and have a very narrow focus purely because the legislation relied on to create these protections also has a narrow focus. The process is difficult to follow and understand for many recreational fishers. It is also inappropriate that the southeast coast is considered an isolation, due consideration should also be given to other ecosystems and habits in adjoining coastal areas.
- 34 Setting out information about habitat types and locations does not assist much of the community to understand why the Forum is looking to lock up particular marine environments. The marine area is a community resource and protections need to be put in place with the full involvement of all members of the public, not just a narrow and select focus on the needs of the scientific community.
- 35 The proposals put forward cannot be sufficiently supported because the process does not provide for a wide enough assessment of each environment, or of the use of each area. The scientific basis in the current legislation is old fashioned and wrong.
- 36 A more appropriate approach will incorporate a broader assessment that encompasses the shoreline and other ecosystem interactions. The Forum has attempted to refer to these things as providing reasons for siting reserves in some areas, but ultimately these are not matters that the Forum can consider because they are outside the scope of the Marine Reserves Act or other fisheries legislation which is being relied on to create the proposed areas.
- 37 Regeneration of fish stocks, protection of an endangered species, or identification of a unique ecosystem, these are all reasons that are easier for recreational fishers to understand when compared to the reasons for locking up a marine area under the current legislation. It is difficult to see the process as reasonable when the mere action of identifying various types of habitats appears to be used to justify preventing fishing access, even without first obtaining any understanding about what is actually present in the relevant marine area.
- 38 Any reasons identified for restricting fishing opportunities should be clearly articulated and supported with information to allow recreational fishers to appreciate and understand the reasons why they may need to limit recreational fishing access. The present legislation, and the limited information available to the Forum, gives the impression that the current process is proceeding full steam ahead without any clear information or good reason to underpin a decision or recommendation.
- 39 If clear, well supported reasons could be researched and communicated to recreational fishers it would certainly be appreciated by members of the recreational fishing community who, aside from commercial fishers, are the people who actually interact with the southeast coast marine environment most frequently. At the moment the lack of

information only contributes to making this a very intimidating and difficult process, with a great personal impact in terms of removing valued recreational pursuits.

### **Alternative management mechanisms**

- 40 The current legislation creates inflexible and complicated marine protections. The reasons that need to be relied on for creating a marine reserve are far too narrow for the interests of all stakeholders to be adequately considered. Moreover, the reasons given are not supported by sufficient evidence or information to understand what might be protected. Management mechanisms must be properly tailored to match the reasons that they are put in place, and with due consideration of all of the characteristics and uses of that area.
- 41 Protections based solely on types or classes of habitat is an inadequate justification for wide ranging 'national parks' of the sea. It is an approach which selects one to two types of habitat for protection without gathering further information about what else may actually be present in each habitat. It is possible, and there is no information to contradict this, that a protection of Exposed Shallow Gravel, will just be a protection for a bunch of rocks with no real other value.
- 42 Until more information is available about what ecosystem any particular habitat might support, and the information is compiled to identify an appropriate management mechanism to best manage that ecosystem, the proposed areas are unjustified and overly restrictive. The approach in the current legislation isolates a scientific rationale, but science is not a reason for creating a reserve in itself, science is the method by which information should be found to establish and support a widely acceptable and collaborative approach to managing the marine environment.
- 43 It is obvious that the expanse of Area I, which has had substantial modification and an ongoing serious pollution source, is unlikely to offer any particular benefit in terms of habitat protection. The habitats which the forum has been tasked to find are located further down the coast from the substantial and continual source of wastewater pollution. It is unnecessary for Area I to be extended so far to the north given the current human impact on the environment. This is a highly utilised recreational fishing area and a Type 1 marine reserve of the size proposed will have too great an effect on existing users.
- 44 A number of the proposed areas would best be managed through seasonal restrictions, species specific protections or other more flexible options, which are unavailable under the current legislation. It is recognised that considerable benefit is gained from mechanisms which work with the community. The recreational fishing community in Dunedin cares for this environment as if it were part of their backyard.
- 45 Diving spots along the south coast are plentiful, but it is the weather and sea conditions that limit opportunities, not fishing. A suggestion has been made in the consultation document that a marine reserve is needed to create diving opportunities off Tow rock is particularly contentious. The reserve proposal is hugely restrictive, for minimal gain. The most common reason for recreational diving is recreational fishing. These waters are rarely clear enough to offer good diving opportunities for any other reason. This opportunity must be kept open along the south coast, especially near populated areas.
- 46 Where the evidence gathered shows that an alternative management regime would be more appropriate than what is being consulted on, it is open to the Forum to make a

recommendation that the relevant area be considered at a future date, once the new Marine Protected Areas legislation has been enacted and more appropriate management mechanisms are available. The Forum should do this as it offers the best and most equitable option for moving forward.

### **Collaborative approach**

- 47 A more collaborative approach is needed which allows interested groups to come together to identify the issues that are most important to them. Recreational fishers may also have some areas that they would like to see properly managed, for example to provide for and encourage regeneration of fish stocks through seasonal restrictions or periodical no-take areas.
- 48 Management mechanisms such as this have already been put in place by Iwi along parts of the south east coast and it is these type of management mechanisms which should be utilised in the future. A collaborative, well supported and thoughtful approach should be preferred. If everyone is involved in creating the management mechanisms then everyone will abide by them.
- 49 The current approach is too onerous and insufficiently explained for many sectors of the community. The scientific reasons for creating the currently considered proposals are incomprehensible for most recreational fishers. The only thing that many can see is the lost access to recreational fishing with family and friends. More information needs to be gathered to ensure that the most appropriate protections are identified and to ensure that everyone understands and supports the reasons for putting management methods in place.
- 50 Any opportunity for a group of representative members of the community to revise and revisit management mechanisms over time would also seem to be a modern and intelligent way forward. The current proposals do not allow for this, they are too inflexible in time. Nor do the current proposals allow for customary management, they lock up marine areas for all parts of the community including Iwi. What has been done to date is not an appropriate approach to partnered management of resources between the Crown and Iwi.
- 51 An adaptable and dynamic approach must be preferred to best achieve the type of protections that the community is actually seeking and that will give the best outcomes for the environment and the community.
- 52 All people interested in this process should turn their attention to lobbying for the new marine protected areas legislation to be enacted, as the ideas encapsulated there along with the need for any new protected areas to be based on sound evidence, will provide a better direction than the one offered by the forced and inadequately supported network of reserves put forward in the current process.