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## **Submission in support for a temporary closure around Waiheke Island to the harvest of scallops, mussels, rock lobster and pāua**

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

1. The New Zealand Sport Fishing Council (NZSFC) is a national sports organisation with over 36,200 affiliated members from 55 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore access to abundant fishstocks 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, we are “the submitters”. [www.legasea.co.nz](http://www.legasea.co.nz)
2. The submitters have previously supported s186A Fisheries Act (1996) fishing closure applications around the motu where there has been a clear purpose to restore abundance and productivity of the marine environment.
3. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this process. We would like to be kept informed of future developments. Our contact is Helen Pastor [secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz).

### **Submission**

4. The submitters support the application by Ngāti Pāoa for a two-year closure of fisheries waters around Waiheke Island to the harvest of scallops (tipa), mussels (kūtai), rock lobster (kōura) and pāua under section 186A of the Fisheries Act 1996. Official advice was received on 17 February with submissions due by 22 March 2021.
5. The submitters acknowledge Ngāti Pāoa in their efforts to replenish these taonga, precious species by applying a customary fisheries management tool. Clearly the current Quota Management System is not serving Ngāti Pāoa nor the community in ensuring there is sufficient abundance to meet local needs.
6. Allowing scallops (tipa), mussels (kūtai), rock lobster (kōura) and pāua to increase in number and size will contribute to the resilience of the marine ecosystem and provide cultural, social, and recreational benefits for mana whenua and the local community.

7. The submitters acknowledge concerns that displacement of effort may mean an increase in shellfish gathering around other areas in the Gulf. These are valid concerns that need to be addressed. We recommend Fisheries New Zealand facilitate conversations between mana whenua and the wider community to ensure that people understand the importance of the temporary closure and the potential need to reduce overall harvest levels in the future.
8. The submitters acknowledge the commitment by Ngāti Pāoa to work with the Waiheke community to implement a future marine management plan so any gains made during the rāhui are not lost after the s186A temporary closure is lifted. We encourage Ngāti Pāoa to work with the Waiheke community in the development of that management plan so there is widespread support and understanding of the need to follow up the rāhui with longer term measures.
9. Our team has committed time and resources to a number of processes where mana whenua and local communities are seeking to address localised depletion of fisheries resources. It was a privilege for our team to be at Opito Bay, Coromandel, in December 2020 supporting Ngāti Hei when they declared a rāhui banning the harvest of scallops from the Bay. Being alongside Ngāti Pāoa as they celebrated a rāhui around Waiheke on 31 January this year was a special moment too. These communities have genuine concerns about biodiversity loss and the impact that is having on marine ecosystem health.
10. Most recently, the submitters have supported Ngāti Hei in applying for a s186A temporary closure of harvesting to scallops (tipa) within their rohe. To support the longer term management of scallops (tipa) we have also initiated a survey to count existing scallop numbers within the Bay. We expect results from that research to be available by April 2021.
11. The submitters are concerned that the fundamental drivers contributing to depletion and biodiversity loss cannot be addressed solely by the application of a customary fisheries management tools such as a temporary closure. The aim of fisheries management ought to be the restoration of biodiversity and the functioning of ecological systems, including trophic linkages. To achieve these goals, the broader issues of habitat protection and reducing mortality must be addressed.
12. Fundamental to all functions undertaken in fisheries management is the dual purpose of section 8 of the Fisheries Act 1996, which is to “provide for the utilisation of fisheries resources while ensuring sustainability”. Utilisation is further defined as meaning the maintenance of fisheries to meet the reasonably foreseeable needs of future generations.
13. Bottom trawling and shellfish dredging are archaic industrial-scale fishing techniques that damage the benthic environment. Damage is inflicted on the seabed and the organisms trying to grow on it with every drag of the trawl net or every sweep of the scallop dredge.
14. The submitters support a prohibition on bottom trawling and dredging from our inshore waters and the Hauraki Gulf in particular.
15. A ban on bottom trawling and dredging is supported by the statutory requirements set out in the Hauraki Gulf Marine Park Act 2000. Sections 7 & 8 are important in recognising that the interrelationship between the Gulf’s natural resources and its life-supporting capacity is of national significance. Section 7 of the Act spells out the significance:  
S7(2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity –
  - (a) To provide for –
    - (i) The historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
    - (ii) The social, economic, recreational and cultural well-being of people and communities;

- (b) To use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
- (c) To maintain the soil, air, water, and ecosystems of the Gulf.