

President
NZ Sport Fishing Council
PO Box 54242, The
Marina, Half Moon Bay,
Auckland 2144
secretary@nzsportfishing.org.nz



Spatial Allocations
Fisheries Management
Fisheries New Zealand
PO Box 2526
Wellington 6140
FMSubmission@mpi.govt.nz



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Submission

1. The **submitters oppose the application** made by Motairehe Marae Trust for a 2-year temporary closure to the harvest of scallops, pāua and rock lobster, within 3 nautical miles of Aotea Great Barrier, Te Hauturu-o-Toi Little Barrier, Mokohinau Islands, Simpson and Horn Rocks, on the basis that:
 - a. the closure will deny public access to these fishable areas without addressing the fundamental issues causing the depletion of these species;
 - b. it will displace fishing effort into neighbouring rohe with no reduction in catches; and
 - c. the majority of our members do not believe that the large size of the proposed closure is necessary to “make provision for the use and management practices of tangata whenua in the exercise of non-commercial fishing rights” as per section 186A (2) of the Fisheries Act 1996.
2. The depletion issues are a direct result of both a broken Quota Management System that embraces sustainable depletion to deliver short term profits, and the mismanagement of our waters and fish populations by officials due to the rights conferred under the QMS.
3. We acknowledge that depletion has, and is occurring. We also respect mana whenua and the local community for taking action, particularly when officials have chosen to ignore the impacts of ongoing depletion on this remote island community. The loss of mana due to a lack of kaimoana is a disgraceful outcome from years of officials’ mismanagement.

Submitters

4. The New Zealand Sport Fishing Council (NZSFC) is a recognised national sports organisation with over 37,600 affiliated members from 53 clubs nationwide. More than half our clubs and their members will be affected by this proposal if it proceeds.

5. 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.
6. The New Zealand Angling and Casting Association (NZACA) is the representative body for its 24 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.
7. The submitters have supported previous temporary fishing closures where there has been a clear purpose to restore abundance and productivity of the marine environment.
8. 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.

Acknowledgement

9. As submitters we acknowledge Ngāti Rehua - Ngāti Wai ki Aotea Trust and the Motairehe Marae Trust Board for their effort and concerns for the moana. We echo those concerns.
10. The impacts of overfishing and continued use of destructive fishing methods are issues that communities and whānau face up and down the coast, across the Hauraki Gulf Te Moanaui-ā-Toi and beyond. These are not symptoms of localised depletion, but symptoms of a Quota Management System that is not fit for purpose.
11. In 2018, the community from Pakiri to East Cape came together and launched a campaign called "The Crayfish Crisis". It took huge public pressure before the Minister acknowledged that commercial catch limits needed to be reduced from 200 to 80 tonnes. The Minister also approved cuts to the amateur daily bag limits, from six to three, which had already been voluntarily applied by recreational fishers.
12. Scallops (tipa) are another example of over allocation and the use of destructive fishing methods that remain legal under the Quota Management System. Tipa have been hammered up and down the coast. We proudly supported the tipa rāhui laid by Ngāti Hei in late 2020. From this we learnt a valuable lesson. In response to the subsequent 2-year 186A temporary closure, the commercial scallop fishing effort simply moved. The fishers took their boats and began dredging off Aotea and Te Hauturu-o-Toi Little Barrier Island. The commercial scallop fishers continued to use their destructive Victorian Box Dredge, just in a different rohe moana.

13. In both cases the Quota Management System facilitated this catastrophe. The rāhui just pushed the problem around, causing unforeseen distress to both Ngāti Rehua and Ngāti Manuhiri.
14. The solution to rebuilding fish populations in the Hauraki Gulf Te Moanaui-ā-Toi is to reduce harvest for the entire fisheries management area, not just in pockets of no-take areas.
15. While we commend the courage and tenacity of Ngāti Rehua and tautoko the desire to re-establish both your rangatiratanga and the mauri of your rohe, the downside risk we cannot ignore is that this s186A application will transfer the pressure back into the rohe moana of Ngāti Hei, Ngāti Pāoa and other hapū and communities along the Northland, Coromandel, and Bay of Plenty coastlines.

Discussion

16. In our [February submission](#) on the future management of Coromandel scallops (SCA CS) we acknowledged Ngāti Hei, Ngāti Pāoa and the Ngāti Manuhiri Settlement Trust for their proactive stance over the past few years in declaring rāhui and other customary management measures to protect scallops. Since then, the Minister has closed the Coromandel scallop fishery without banning the future use of commercial scallop dredges, yet it is the use of the Victorian Box Dredge that has contributed to the loss of scallops, scallop beds, and productivity from the Gulf.
17. The submitters believe this s186A application has a low chance of successfully restoring populations because all of these species are under the loose controls applying to the extensive Quota Management Areas (QMAs). Specifically –
 - a. The Coromandel scallop fishery, from Leigh to Maketū, is closed to commercial and recreational harvesting under s11 of the Fisheries Act 1996. Rāhui by Ngāti Hei, Ngāti Pāoa and the Ngāti Manuhiri Settlement Trust applies to customary harvesting of scallops.
 - b. Pāua 1 extends from Tirua Point south Waikato on the west coast, up around North Cape and down to Cape Runaway, East Cape. There are few if any legal size pāua around Aotea and other islands;
 - c. The CRA 2 fishery, from Te Arai to East Cape, is severely depleted and has been subject to a rebuild plan since 2018.
18. There are warning signs the ecosystems in the Hauraki Gulf Marine Park are collapsing. We know there are kina barrens, seabirds starving, and signs of chronic starvation in mushy, milky flesh snapper, a most resilient species.
19. Small area closures and the 12 High Protection Areas, 5 Seabed Protection Areas and 2 extended marine reserves proposed under the [Hauraki Gulf Marine Park spatial plan](#) do not address our concerns about the slowly collapsing ecosystems with degraded habitats, the massive sediment loads entering the Gulf, and the industrial fishing methods re-suspending sediments with trawl and Danish seiners.

20. It ought to be a concern for everyone that small MPAs are being touted as the solution to poor fisheries management and ongoing ecosystem decline, and yet at the scale of the Hauraki Gulf Marine Park and the large Quota Management Areas, these MPAs are irrelevant.
21. Despite all the rhetoric on how wonderful the QMS is, and how sustainable we are, the plain truth is that successive State of the Gulf reports show the Hauraki Gulf Marine Park environment is degrading. That is because the fish species and life within are managed at the behest of, and in primary interests of, rights holders. Commercial catch limits and trawling activity are retained at the highest level possible while non-commercial and environmental interests are grossly affected by localised depletion. Communities are more often reaching for customary management tools to solve QMA-wide problems.
22. In our view, it is unrealistic to consider that a s186A temporary closure will address the underlying causes of depletion to the extent that the species will rebound to abundant levels.
23. An integrated approach of fisheries management **and** marine protection is required because we cannot expect to displace fishing effort into Northland, Coromandel and Bay of Plenty if MPAs are applied in the Marine Park. Designating the Hauraki Gulf a separate fisheries management area will allow the Minister to reset catch limits to sustainable levels. An important change because an effective defence against the threats facing our marine environment is to restore biodiversity.
24. We can restore biodiversity by rebuilding fish stocks to a minimum target biomass of 50% of their estimated original unfished size (B50), and applying a Type 2 Seafloor Protection Area to the Hauraki Gulf Marine Park so the Minister can ban all mobile bottom contact fishing methods from inshore waters. The Minister will then be empowered to only permit low impact fishing techniques within these waters.
25. Section 11 of the Fisheries Act 1996 provides the Minister with wide-ranging powers to control catches, fishing methods, seasons and effort. These sustainability measures are rarely used, yet they have been crafted to ensure the Minister takes account of a range of factors including any effects of fishing on fish populations and the marine environment.
26. Collectively, we must do more to protect productivity of the marine environment from the risks associated with climate change, land run-off, nutrient loading and nearshore depletion. However, contemporary efforts to have inshore fish species managed to B50 have most often been thwarted by quota holders determined to maximise their harvest entitlements.
27. While we applaud local community efforts to restore abundance, the fundamental issues of depletion and overharvesting can only be addressed by fundamental fisheries reform, including but not limited to –
- a. Designating the Hauraki Gulf as a separate fisheries management area so fish populations can be managed to a minimum target stock size of B50;

- b. Prohibiting mobile, bottom contact fishing methods such as trawling, dredging and seining from inshore waters;
- c. Empowering the Minister to dismantle the perpetual fishing rights conferred under the QMS; and
- d. Replacing the QMS by applying the principles of the alternative [Rescue Fish policy](#) that requires all fisheries to be biologically, economically and socially sustainable.