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SUBMISSION: ON THE HAURAKI GULF / TĪKAPA MOANA MARINE PROTECTION BILL

INTRODUCTION

1. The New Zealand Sport Fishing Council (“**NZSFC**”), LegaSea and New Zealand Angling & Casting Association (Collectively “**the Submitters**”) appreciate the opportunity to submit on the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (“**the Bill**”).
2. The Bill seeks to increase protection of the Hauraki Gulf from 6.7% to 18%, by creating 19 marine protected areas (“**MPAs**”). These areas will complement the existing Type 2 MPAs consisting of 6 marine reserves and 4 cable protection zones.
3. The Submitters consider the Bill does not go far enough. 100% of the Hauraki Gulf seafloor needs protection from destructive fishing practices.
4. In this submission our remedies refer to the Hauraki Gulf Marine Park because that is a defined area.
5. The Submitters propose the Government designates the entire Hauraki Gulf Marine Park a Type 2 MPA – to only permit the use of low impact fishing techniques such as longlining and trapping. Doing so will contribute 1.2 million hectares to New Zealand’s overarching goal of 30% marine protected areas by 2030.
6. The Submitters have been actively contributing to the Sea Change process since December 2013 and made numerous representations to the Hauraki Gulf Forum. Over decades we have developed multiple submissions to Fisheries New Zealand to conserve fish stocks in the Hauraki Gulf and wider Fisheries Management Area 1. During the past 20 years we have worked with mana whenua to develop iwi/hapū and community-led solutions to localised depletion issues. We continue to support the two

recreational fishing representatives and the eNGO representatives on the Hauraki Gulf Fisheries Plan Advisory Group.

7. The Submitters wish to be heard by the Environment Select Committee and request the hearings are held in Auckland, to enable public input and understanding of the need for active management as opposed to passive protection.

EXECUTIVE SUMMARY

8. The Bill seeks to establish the following marine protected areas (“MPAs”) in the Hauraki Gulf:
 - a. 2 marine reserves, extensions to existing reserves;
 - b. 5 seafloor protection areas (“SPAs”); and
 - c. 12 high protection areas (“HPAs”).
9. The Bill does not go far enough in terms of marine protection. 100% of the seafloor needs greater protection from destructive fishing methods. Ideally, fisheries practices are controlled using the Fisheries Act 1996. In the absence of such application, we look to the Environment Select Committee to recommend the Hauraki Gulf Marine Park is designated as a Type 2 MPA.
10. Meaningful protection will be achieved if the entire area is designated a Type 2 MPA, that way low-impact fishing can continue and the most destructive fishing methods such bottom trawling, Danish seining and dredging can be prohibited.
11. It is the use of these mobile, benthic-crushing methods on an industrial-scale that has depleted the fish populations in the Hauraki Gulf and destroyed the biodiverse benthic communities that used to inhabit the Gulf. This has had the effect of:
 - a. driving down productivity of the marine environment;
 - b. creating increasing public concern about depletion; and
 - c. driving calls for more marine protected areas without due consideration given to the causes of loss of marine biodiversity and displaced fishing effort.
12. The Committee may consider its role in developing this Bill is only marine protection however, area-based marine protection must be applied in conjunction with fisheries management controls otherwise all that will be achieved is displacement of fishing effort into smaller areas, with no corresponding assessment of the adverse effects in those areas.
13. Designating the Hauraki Gulf Marine Park as a Type 2 MPA will enable more holistic management encompassing both marine protection and fisheries management measures to modify human behaviours.
14. Successful marine protection is achieved when the community is engaged and invested in the process and outcomes. Ahu Moana is a concept developed during the Sea Change process promoting community-based solutions to address protection and

enhancement of marine life. Since learning about Ahu Moana during the Sea Change process, we have supported that community based approach to marine protection.

15. This submission from our collective organisations comments on the overall policy direction of the Bill. We acknowledge that some of our affiliated clubs and their members will be submitting on the specific proposals that most affect them and their families.

RECOMMENDATIONS

16. The Committee amend the Bill so:
 - a. the Hauraki Gulf Marine Park can be designated a Type 2 MPA; and
 - b. provision can be made for Ahu Moana.
17. The Environment Select Committee acknowledge the need to integrate fisheries management with marine protection.
18. The Environment Select Committee hold public hearings in Auckland so those most affected by the Bill can attend and be heard in person.

CONTEXT OF MARINE PROTECTION

19. The Hauraki Gulf / Tīkapa Moana Marine Protection Bill (**the Bill**) introduces new area-based tools not available under the Marine Reserves Act 1971. A Marine Reserves Bill to replace the 1971 Act has been under discussion since 2005 yet it has failed to get the necessary Parliamentary or community support during the past 18 years. This current Bill oversteps that process by proposing novel tools that have not been widely scrutinised nor considered, particularly given that the consultation for this Bill has been held over the busy election period.
20. Marine protection conversations are often fraught, and this time made more contentious by the deliberate actions of officials to:
 - a. propose tools that will create social division by enabling Māori customary fishing to occur in the HPAs while other fishing is excluded; and
 - b. deny the public a reasonable opportunity to consider the proposals and offer a positive response.
21. The multi-pronged squeeze includes consultation on this Bill developed by Department of Conservation officials, and Fisheries New Zealand's draft Fisheries Plan including a subsequent proposal for trawl corridors in the Hauraki Gulf Marine Park. Trawl corridor submissions are due by 6 November, within a week of this submission due date.
22. In our view, it is not accidental that two major consultations are occurring simultaneously, and in the lead-up to the most contestable general election we have had for many years.

23. Given the lack of public engagement and the importance of these matters to the millions of people who have access to the Hauraki Gulf, we recommend the Environment Select Committee hold hearings in Auckland, so the wider public can attend a hearing and be heard, in person.
24. We also highlight the governmental MPA Policy “*requires that the impacts on existing users of the marine environment should be minimised when selecting new protected areas*”¹. It is within this context that we make our submission and recommendations.

TWO PROPOSED MARINE RESERVES

25. Extensions to two existing no-take marine reserves have been proposed on the basis that “*marine reserves are a very effective way of protecting marine life and habitats*”². The proposed new marine reserves are adjacent to –
 - a. Cape Rodney-Okakari Point (Goat Island) marine reserve; and
 - b. Whanganui A Hei (Cathedral Cove) marine reserve.
26. There is clear evidence that crayfish and snapper abundance is lower in the Cape Rodney-Okakari Point marine reserve compared to when it was first established³. This is attributed to catches on the edge of the reserve and declines in the wider fishery.
27. The Submitters do not support the proposals as marine reserves at this scale are not fisheries management tools. If adequate protection of marine life and habitats is the goal then we propose a holistic approach to improve productivity, encompassing:
 - a. designating the Hauraki Gulf Marine Park a Type 2 MPA, to protect the benthos and enable regrowth of vital seabed organisms; and
 - b. more conservative catch limits to enable crayfish and finfish stocks in areas open to fishing to rebuild to an absolute minimum of 50% of estimated, unfished biomass (B50).
28. Moreover, the proposed extension areas are popular fishing areas for families in small boats. If these areas are closed, people fishing from small craft will be forced to leave the safety of the inshore area around Cape Rodney, and the shelter of inshore waters around Mercury Bay, to fish elsewhere. This presents a real risk for families with small children or vulnerable adults onboard.

12 HIGH PROTECTION AREAS

29. The Bill promotes HPAs “to protect, restore, and enhance biodiversity within the area”⁴. These are no-take areas for commercial and recreational fishers, while allowing for permitted Māori customary non-commercial fishing.

¹ Marine Protected Areas Classification, Protection Standard and Implementation Guidelines. Department of Conservation. Ministry of Fisheries. February 2008. At 2.1.

² Hauraki Gulf / Tīkapa Moana Marine Protection Bill. [p 2]

³ <https://gulffjournal.org.nz/poster/goat-island/>

⁴ [At 3]

30. We strongly object to this divisive proposal because it creates unnecessary conflict in the community and potentially on the water. As a society, this is not what we need.
31. Since 2004, the Submitters have dedicated substantial resources into developing relationships with mana whenua so we can collaborate on finding mutually beneficial solutions to ongoing depletion and biodiversity loss. The HPA proposal dismisses all that effort and instead encourages social disunity and enmity, which jeopardises localised efforts to protect, restore and enhance biodiversity.
32. Ahu Moana was an agreed concept in the Sea Change process because it offered a pathway for mana whenua and local communities to work together and find realistic solutions to problems in their local area.
33. Both Sea Change and the Revitalising the Gulf strategy provided for Ahu Moana, initially as two pilot projects. As with many community-based solutions, they suffer from a lack of funding and meaningful support from officials. This highlights the need for this Bill to support Ahu Moana initiatives so the community can work alongside mana whenua to find suitable ways to resolve localised issues.
34. Again, if the goal is “to protect, restore, and enhance biodiversity within the area” then designating the Hauraki Gulf Marine Park as a Type 2 MPA would remove all mobile, bottom contact fishing methods that destroy habitat and reduce biodiversity in the area.
35. Hauraki Gulf waters used to be one of the most productive areas in the country. It still provides food and shelter for finfish, a diminishing number of wild shellfish, whales, dolphins and seabirds. However, successive State of our Gulf reports⁵ show dramatic declines across the board. Devising lines that encompass HPAs will not address the inputs that are affecting overall productivity. Designating a Type 2 MPA to remove the offending mobile, bottom contact fishing practices will do more to enhance biodiversity under the water while maintaining social cohesion above the waves.
36. Equally, the exclusion of recreational fishing from these areas will not be the panacea for the protection, restoration, and enhancement of biodiversity that the proponents of the Bill suggest it will be. Recreational fishing which does not involve mobile, bottom contact is benign, provided that it is subject to appropriate management in respect of methods and catch limits. In this sense, the HPAs are a sledgehammer being used to crack a nut. By way of example, the Mokohinau Islands are a renowned destination for sport fishing of pelagic species which congregate in these areas at certain times of the year, yet they are not a resident component of the ecology of the Mokohinau Islands i.e. the taking of these species needs to be managed at a stock level, but does not have an impact on the Mokohinau Islands benthic and demersal ecology. A significant charter boat industry exists based on this world class, recreational sport fishery. The proposed HPA at the Mokohinau Islands will destroy that industry with no benefit to the ecology of the Mokohinau Islands.
37. The Mokohinau Islands are just one example of this issue, with the Alderman Islands being another prime example of an area that supports low impact recreational fishing and associated businesses committed to sustaining the productivity of the area.
38. During the Sea Change process we promoted the concept of a Special Management

⁵ <https://gulffjournal.org.nz/state-of-the-gulf/>

Area (“**SMA**”) to apply to the Mokohinau Islands and Alderman Islands Te Ruamāhua. This was to enable more active management of both areas, by prohibiting bulk harvest, destructive commercial fishing while enabling limited, high value commercial (potentially kina diving) and recreational fishing, while providing for Māori customary practices. This concept was well supported at the time, and given more publicity, it would likely gain widespread public support.

39. In these offshore areas, it is most valuable to have responsible charter and vessel operators who voluntarily police the area and activity, while still allowing for high value fishing activity. Fishing at these offshore islands generates welcome income from overseas and domestic tourists. We do not want to lose these operators committed to conserving the environment and enhancing peoples’ on-the-water experiences.
40. SMAs will enable a high level of biodiversity protection while enabling the continuation of low impact high economic value sport fishing activities.
41. The Submitters implore the Committee to listen to those whose charter businesses would be decimated by the proposed Mokohinau Islands and Alderman Islands HPAs and carefully consider the option of SMAs for these areas. SMAs are the right tool to achieve the best outcome for the environment and communities.
42. It is also noteworthy that, while the Bill prohibits a range of activities other than fishing e.g. Dumping, depositing, or discharge of waste or other matter, and the removal of sand, shingle, shell, or other natural material, these activities are already subject to regulatory requirements under the Resource Management Act 1991. This means that these activities are extremely unlikely to occur unless done in such a way that no adverse effects arise. This amounts to a similar legal test to the permitting regime proposed under the Bill.

5 SEAFLOOR PROTECTION AREAS

43. The Bill provides for 5 SPAs, “to maintain and restore benthic habitats”. Mobile, bottom contact fishing is prohibited, including bottom trawling, dredging and Danish seining.
44. As noted above, we strongly support the Hauraki Gulf Marine Park being designated a Type 2 MPA, to only permit the use of low impact fishing techniques such as longlining and trapping. However, our preference would be to designate the entire Hauraki Gulf as an SPA, but note the Bill defines an SPA as excluding aquaculture. There are existing and planned new aquaculture operations in the Hauraki Gulf, which seems to invalidate this approach.
45. Given the poor understanding of marine ecosystems, it is risky to make a pile of assumptions on what areas are worth classifying as SPAs or HPAs, and thereby worthwhile preserving, while leaving vast areas open to destructive fishing methods such as bottom trawling, dredging and Danish seining. There is a wealth of information to indicate biodiversity loss across the Hauraki Gulf, this points to the need to take a precautionary approach that incorporates both fisheries management and marine protection.

46. Regarding the proposed MPAs around the Mokohinau Islands, it is utterly illogical to have an HPA and a SPA next to a proposed trawl zone, as per Fisheries New Zealand's recent discussion. This particularly relevant because there is likely to be more intensive bottom fishing in areas that are designated as trawl zones.
47. We note that the Sea Change Stakeholder Working Group agreed on phasing out mobile, bottom contact fishing methods by 2025. Recreational dredging has since been prohibited while the status quo applies to commercial fishing methods.

DISPLACEMENT OF EFFORT

48. Across the Bill and the proposed fishing zones there are no proposals to reduce catch limits, so closing areas to fishing will merely shift that effort into other, less productive areas. In the areas left open, fishing effort is likely to intensify because in less productive areas fish are generally more difficult to catch.
49. What's more, bulk harvesting fishing effort will likely move out of the Hauraki Gulf and into Bream Bay, Coromandel and Bay of Plenty waters. Not an attractive prospect for people in those areas.
50. There has been no assessment of the environmental, social, or cultural impacts of more intensive fishing in Northland, Coromandel or waters beyond. A risk assessment must be done to assess these impacts because they will be more than minor.
51. A risk assessment is particularly relevant to island communities dependent on the sea as their main source of food. More intensive fishing would impact on these peoples' ability to gather food for the family, a serious issue when there is no alternative or local supermarket.

SUMMARY

52. The proposed MPAs in the Bill do not address the fundamental causes of declining biodiversity and abundance. The overallocation of fishing rights and destructive fishing practices have contributed to the collapse of the crayfish populations, mussel and scallop beds in the Gulf. The ongoing bulk harvesting of bait fish species is impacting on food availability for whales, dolphins, and seabirds. Recent tests point to chronic malnutrition in mushy, white flesh snapper, and the exotic seaweed caulerpa is spreading throughout the Gulf and into Northland. The Bill is limited to area based controls when it is obvious that a conservative ecosystem-based approach is required to address both area and fisheries controls.
53. Enabling Ahu Moana to empower communities to take responsibility for their collective actions, while designating the Hauraki Gulf Marine Park as a Type 2 MPA is preferable to the prospect of squeezing the public out of the Gulf over time. The Gulf is a taonga that ought to be enjoyed by all who seek to enhance their social, cultural and physical wellbeing.
54. The Submitters wish to be heard in person before the Committee in relation to this submission.