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

Fisheries Management
Fisheries New Zealand
fmsubmissions@mpi.govt.nz

6 November 2023

SUBMISSION: ON MOBILE BOTTOM FISHING ACCESS ZONES IN THE HAURAKI GULF MARINE PARK

INTRODUCTION

1. The New Zealand Sport Fishing Council ("**NZSFC**"), LegaSea, New Zealand Angling & Casting Association and New Zealand Underwater (Collectively "**the Submitters**") appreciate the opportunity to submit on the proposed options for bottom fishing access zones (**trawl corridors**) in the Hauraki Gulf.

2. The Submitters opposed the four options for trawl corridors as presented by Fisheries New Zealand ("**FNZ**"). We support the least destructive option, which we propose as Option Zero.

3. The Submitters propose an alternative to the four FNZ options. Our alternative is referred to as Option Zero and includes supportive management alternatives.

EXECUTIVE SUMMARY

4. Following analysis of Options 1 to 4 in Fisheries New Zealand's *Discussion Paper No. 2023/19 Bottom Fishing Access Zones in the Hauraki Gulf Marine Park*, dated August 2023, we conclude the proposals are: -

    a. Contrary to sections 8, 9 and 10 of the Fisheries Act 1996 (**Fisheries Act**);

    b. In breach of sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (**HGMPA**);

c. Unreasonably prejudiced towards allowing the continuation of commercial fishing using destructive fishing methods, despite the statutory obligations in sections 8, 9 and 10 of the Fisheries Act;

d. Inconsistent with the statutory requirements of section 11 of the Fisheries Act.

e. Unreasonably prejudiced towards maintaining the status quo rather than delivering a step-change in the way the Hauraki Gulf Marine Park is managed in response to three decades of State of the Gulf reports[1] detailing the continuous decline in marine ecosystem function;

f. A failure to provide for integrated application of fisheries management and marine protection through implementation of ecosystem-based fisheries management, as agreed during the Sea Change process;

g. Inconsistent with New Zealand's numerous international and domestic commitments to implement ecosystem-based fisheries management, including in the Convention on Biological Diversity (CBD), the Food and Agriculture Organization of the United Nations General Assembly[2], and Te Mana o te Taiao - The Aotearoa New Zealand Biodiversity Strategy.

h. Contrary to public opinion, 84% of people living around the Hauraki Gulf want bottom trawling banned[3].

i. Inconsistent with the Hauraki Gulf Forum's goal to "remove from the Marine Park all fishing methods that damage the seafloor"[4].

RECOMMENDATIONS

5. In the interests of a stronger, more resilient, and healthier Hauraki Gulf Marine Park we recommend and seek the following:

   a. **The Minister rejects** the Options 1 to 4 promoted by Fisheries New Zealand to provide for Bottom Fishing Access Zones (trawl corridors) in the Hauraki Gulf Marine Park;

[1] https://gulfjournal.org.nz/state-of-the-gulf/

[2] *The UNGA adopts resolutions on implementing ecosystem-based fisheries management every year. For the most recent, see: UNGA A/RES/76/71, 2021. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. Downloaded from: https://undocs.org/en/A/RES/76/71. Accessed 16 November 2022.*

[3] Horizon Research. "Hauraki Gulf Survey," Hauraki Gulf Forum. October 2021.

[4] https://gulfjournal.org.nz/wp-content/uploads/2020/11/Briefing-to-Incoming-Government.pdf

b. **The Minister supports Options Zero**, no bottom trawling or mobile bottom impact fishing within the Hauraki Gulf Marine Park;

c. **The Minister acknowledges** the Purpose and Principles of the Fisheries Act statutory requirement to take into account ***any effects*** of fishing on ***any stock and the aquatic environment***[5], and applies section 11 of the Fisheries Act to prohibit from the Park all mobile, bottom contact fishing methods including bottom trawling, Danish seining and dredging[6].

d. **The Minister acknowledges** the need for active management as opposed to passive protection by designating the Hauraki Gulf Marine Park a Type 2 MPA - to only permit the use of low impact fishing techniques such as longlining and trapping.

e. **The Minister designates** the Hauraki Gulf Marine Park as a separate Fisheries Management Area to enable the restoration of ecosystem function and biodiversity, by enabling the setting of species-specific catch limits to:

   i. To avoid displacement of existing fishing effort into East Northland, Coromandel, and Bay of Plenty.

   ii. Regulate how much fish is removed from Park waters; and

   iii. Rebuild the abundance of fish stocks to a minimum of 50 percent of their estimated, unfished biomass (B50).

STRUCTURE OF SUBMISSION

6. This submission now addresses:

   a. Section 1: Legal, procedural, environmental, social and economic context;

   b. Section 2: Why the proposed Options 1-4 are completely untenable;

   c. Section 3: Why the alternative Option Zero is necessary to meet the requirements of the applicable legal framework and the social and economic needs of the people and communities of the Hauraki Gulf Marine Park.

[5] Section 11(1)(a) Fisheries Act 1996.
[6] While dredging is not included in the Discussion Paper, the use of commercial dredges is still permitted within the Hauraki Gulf Marine Park.

SECTION 1: LEGAL, PROCEDURAL, ENVIRONMENTAL, SOCIAL AND ECONOMIC CONTEXT

Legal Context – FNZ Proposals Contrary to sections 8, 9 and 10 of the Act and the HGMPA

7. As noted, the Submitters do not support any of the four Options proposed by FNZ. FNZ advise the status quo or a complete ban of bottom trawling and Danish seining "are not proposed options"[7]. Plainly, the status quo of environmental decline is not a tenable option. However, to decline to consider a complete ban on bottom trawling and Danish seining, as proposed by Sea Change, represents clear bias and predetermination.

8. We submit that the only appropriate and lawful choice is Option Zero - no mobile, bottom contact fishing methods including bottom trawling, Danish seining and dredging[8] in the Hauraki Gulf Marine Park.

9. FNZ advises that the Bottom Access Fishing Zones (**trawl corridors**) would be implemented through the general regulation making provisions under section 297 of the Fisheries Act. "Section 297 allows the making of regulations for a range of purposes - including 'regulating or prohibiting any method of fishing'[9].

10. The Minister, in making a decision, must exercise that authority in a manner that conforms with both the purpose and principles of the Act, and how those provisions have been interpreted by the Courts.

11. The Supreme Court in *New Zealand Recreational Fishing Council Inc v Sanford Limited* [2009] NZSC 54, [2009] 3 NZLR 438 held at [39]-[40] that "**Utilisation**", and "**ensuring sustainability**" in the purpose of the Fisheries Act are "two competing social policies" however, the ultimate priority is with "ensuring sustainability":

> *… The statutory purpose is that both policies are to be accommodated as far as is practicable in the administration of fisheries under the quota management system. But recognising the inherent unlikelihood of those making key regulatory decisions under the Act being able to accommodate both policies in full, s 8(1) requires that in the attribution of due weight to each policy that [the weight] given to utilisation must not be such as to jeopardise sustainability.* ***Fisheries are to be utilised, but sustainability is to be ensured.***
>
> ***This ultimate priority is recognised in the two definitions.*** *The first consideration in the definition of "utilisation" is the conserving of fisheries resources. Their use, enhancement and development, to enable fishers to*

[7] At 5.

[8] Dredging is not included in the Discussion Paper, recreational dredging is prohibited while the use of commercial dredges is still permitted within the Hauraki Gulf Marine Park.

[9] Discussion Paper 2023/19, at 4.

provide for their social, economic and cultural wellbeing, are considerations which follow. The definition of "ensuring sustainability", on the other hand, reflects the policy of meeting foreseeable needs of future generations which is concerned with future utilisation. These complementary definitions apply whenever those terms are used in the Act.

12. In the CRA 1 proceedings, *The Environmental Law Initiative v Minister for Oceans and Fisheries* [2022] NZHC 2969, the Court cited the findings of the Supreme Court and found that:

    a. The Fisheries Act contains ***mandatory environmental bottom lines*** in its purpose of "ensuring sustainability" and in its "environmental principles"[10]:

        i. associated or dependent species should be maintained above a level that ensures their long-term viability;

        ii. the biological diversity of the aquatic environment should be maintained;

        iii. habitat of particular significance for fisheries management should be protected.

    b. The Fisheries Act is to be interpreted and applied in a manner consistent with New Zealand's international law obligations relating to fishing, which imports both an "ecosystem approach" and a "precautionary approach".

13. The Court's legal findings are of general application to all decisions made under the Fisheries Act. The significance of the CRA 1 decision cannot be overstated. It represents a paradigm shift in application of the Fisheries Act:

    a. The Fisheries Act contains environmental bottom lines for the maintenance of the biological diversity of the aquatic environment. People exercising functions under the Act have a duty to remedy or mitigate ***any*** past, present, future, or cumulative effects of fishing on ***any*** stock and the aquatic environment. This includes the adverse historical effects of fishing that have present day adverse effects on the biological diversity of the aquatic environment e.g. the destruction of benthic habitats by mobile, bottom contact fishing methods including trawling, Danish seining and dredging.

    b. Adverse environmental effects of fishing activities on biodiversity can no longer be balanced or traded off against utilisation objectives. Accordingly, while the social and economic effects of proposed regulations under the Fisheries Act are a relevant consideration, these effects **cannot** be used to justify a breach of bottom lines in the Fisheries Act. The way in which the FNZ discussion cites the economic outcomes of each of their Options is misleading, in that it could easily influence the content of submissions from people unaware of the CRA 1 decision.

14. The making of regulations under section 297 does not absolve the decision maker from complying with the need to recognise the ultimate priority placed on the Minister to ensure

[10] The Environmental Law Initiative v Minister for Oceans and Fisheries [2022] NZHC 2969, paragraphs [11], [108], [117].

sustainability and apply the mandatory environmental bottom line approach of the Fisheries Act.

15. The Hauraki Gulf Fisheries Plan, recently approved under section 11A of the Fisheries Act, also forms part of the relevant legal context. Under section 11(2A) of the Fisheries Act, the Hauraki Gulf Fisheries Plan must be taken into account before making any decision or recommendation under this Act to regulate or control fishing. Relevantly, the Hauraki Gulf Fisheries Plan states –

> "*Management Objective 1.1 Protect marine benthic habitats from any adverse effects of bottom contact fishing methods, to enable passive and active restoration that support ecosystem services.*
>
> *Management Action 1.1.1*
>
> - *Exclude bottom trawling and Danish seining from the Hauraki Gulf except within defined areas".*

16. Management Objective 1.1 is very clear that the outcome to be achieved is to protect marine benthic habitats from **any adverse effects** of bottom contact fishing methods. The objective is not to balance adverse effects of bottom contact fishing methods against the short-term economic benefits of these methods. The objective is also to enable restoration, rather than perpetuation of the status quo and ongoing adverse effects.

17. The first element of the Management Action 1.1.1 "exclude bottom trawling and Danish seining from the Hauraki Gulf" is clear in its meaning. The proposed exemption for "defined areas" is uncertain as no management guidance is provided as to how these areas are to be defined. Management Action 1.1.1 should be interpreted consistently with Objective 1.1. Accordingly, any exemptions would only meet the objective where they protect marine benthic habitats from **any adverse effects** of bottom contact fishing methods. In the Submitters' view, this is not the case for Options 1 to 4 proposed by FNZ.

18. In terms of the information principles and available information, there is much uncertainty about the biological diversity of the aquatic environment in the Park, and a serious lack of data specific to the Hauraki Gulf Marine Park. In June our Advisory Group representatives implored the Minister to seek an independent peer review of the data and use of the zonation model prediction tool.

> *"The ecological health of the Hauraki Gulf Marine Park is severely impaired, and in many respects faces imminent disaster.* ***This necessitates the application of the precautionary principle in policy setting".***
>
> *[emphasis added]*

19. There is a fundamental paucity of information in support of the proposals. For instance, intensification of fishing effort within the proposed trawl corridors is an inevitable outcome of the proposals. No data has been shared that describes the effects of more intensive fishing in the trawl corridors if any one of FNZ's Options 1 to 4 are implemented. If that

evidence is available, it ought to have been made publicly available. In addition, no meaningful benthic surveys have been undertaken of the proposed trawl corridors.

20. There are multiple studies describing the effects of bottom impact fishing on fisheries and the benthic environment, some of which are cited elsewhere in this submission. There has been no proper evaluation of the ecological impacts of more intensive trawling in the proposed corridors, or how those areas relate to spawning grounds for fish stocks.

21. In the absence of any assessment of the effects of more intensive fishing in the trawl corridors proposed in Options 1 to 4, the Minister is statutorily obliged, and empowered, to apply the precautionary principle and prohibit mobile bottom contact fishing within the Hauraki Gulf Marine Park.

22. The Hauraki Gulf Marine Park Act 2000 (among other things):

    a. Recognises the national significance of the interrelationship between the Hauraki Gulf, its islands and catchments, and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands;

    b. Establishes the Hauraki Gulf Marine Park;

    c. Establishes statutory objectives for the management of the Hauraki Gulf Marine Park, its islands, and catchments.

23. It is axiomatic that management of the Hauraki Gulf Marine Park must be consistent with the statutory objectives for the Park, as set out in section 8:

    a. The protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands and catchments;

    b. The protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands and catchments;

    c. The protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands and catchments, with which tangata whenua have an historic, traditional, cultural and spiritual relationship;

    d. The protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic and physical resources;

    e. The maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands and catchments, to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand; and

    f. The maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands and catchments, which

contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

24. Simply put, these management objectives do not permit the making of regulations that facilitates ongoing environmental degradation from destructive fishing practices.

25. It is anticipated that other submitters may argue that restrictions on mobile bottom contact fishing methods are a breach of the Treaty of Waitangi/Te Tiriti o Waitangi. The Submitters do not consider that there can be any validity to such arguments given:

    a. Clause 5.1 of the Fisheries Deed of Settlement 23 September 1992 provided for the Permanent Settlement of Commercial Fishing Rights and Interests, stating:

        > *Māori agree that this Settlement Deed, and the settlement it evidences, shall satisfy all claims, current and future, in respect of, and shall discharge and extinguish, all commercial fishing rights and interests of Māori whether in respect of sea, coastal or inland fisheries (including any commercial aspect of traditional fishing rights and interests), whether arising by statute, common law (including customary law and aboriginal title), the Treaty of Waitangi, or otherwise, and whether or not such rights or interests have been the subject of recommendation or adjudication by the Courts or the Waitangi Tribunal.*

    b. This clause is reflected under section 9 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 which provided that all claims (current and future) in respect of, or directly or indirectly based on, rights and interest of Māori in commercial fishing are hereby fully and finally settled, satisfied, and discharged.

    c. In any event, there can be no customary interest in the bottom trawl or Danish seine fishing methods which were not customarily practiced and were imported through colonisation.

Procedural context

26. The Sea Change plan recommended destructive fishing methods, bottom trawling, Danish seining and dredging, be phased out by 2025. A description of the planning processes leading up to and including Sea Change and Revitalising the Gulf is included in **Appendix A**.

27. The Submitters have become deeply disillusioned by this process which has cherry-picked elements of the Sea Change outcomes and undermined the integrated package that secured a remarkable degree of stakeholder consensus. In summary:

    a. The Hauraki Gulf Marine Park was established 23 years ago in 2000, alongside the Hauraki Gulf Marine Park Act. One of the main purposes for implementing this Act was to integrate and establish objectives for the management of the Hauraki Gulf.

b. The Hauraki Gulf Forum was formed and the planning process that became Sea Change was initiated by the Auckland Council and Waikato Regional Council, supported by iwi/hapū, the DOC and Ministry for Primary Industries (**MPI**).

c. In December 2016 the Sea Change Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan was released however it wasn't widely published until March 2017. Critical elements of the Sea Change Plan included:

   i. Transition away from mobile, bottom contact fishing methods by 2025;

   ii. Creation of a separate Fisheries Management Area for the Hauraki Gulf Marine Park;

   iii. Marine protection to be included as an integrated package of management measures;

   iv. Establishment of a Hauraki Gulf Fisheries Plan Advisory Group.

d. Since its inception, the Hauraki Gulf Forum has published regular reports on the condition of the marine environment[11]. The 2017 State of the Environment report showed continuing declines in fish populations and the health of the marine environment. The 2023 State of our Gulf report highlighted the ongoing loss of biodiversity and declining health of benthic habitats.

e. In June 2021, the Government released the Revitalising the Gulf strategy[12], which includes elements cherry-picked from the original Sea Change plan.

28. More recent processes have occurred with the development of the Hauraki Gulf Marine Park Fisheries Plan. In February 2023, one of two recreational fishing representatives on the Hauraki Gulf Fisheries Plan Advisory Group resigned from the Group alleging the process was a sham, and that the outcomes were pre-determined to suit commercial interests. He has since been replaced.

29. In June 2023 two recreational fishing representatives on the Hauraki Gulf Fisheries Plan Advisory Group wrote to the Minister expressing grave concerns that the advice given to the Minister in respect of the Fisheries Plan was misleading and deficient.

> *"The substantial flaws of the advice itself are eclipsed only by the fatal failings of the process by which it has been generated. Our duty to the marine ecology, to you Honourable Minister and to the people of Aotearoa New Zealand compels us to strenuously give notice that the advice you have received is unreliable, and its principal aims are to benefit the commercial fishing industry at the expense of the stated goals of the Plan."*

[11] https://gulfjournal.org.nz/state-of-the-gulf/
[12] https://www.doc.govt.nz/globalassets/documents/our-work/sea-change/revitalising-the-gulf.pdf

30. The Minister approved the Fisheries Plan in August 2023 without amendment or further consultation despite the strong misgivings expressed by non-commercial fishing and environmental representatives on the Advisory Group.

31. A fatal flaw of the process was the decision to conduct separate consultations on the Plan, the trawl corridors, and marine protection for the Hauraki Gulf Marine Park. In our view, all these matters are interrelated and must be considered concurrently. However, we clearly haven't been given that respect and are now having to grapple with these separate yet inextricably entwined processes. This is an inefficient and insincere way to manage such momentous decision-making processes.

Environmental context – A history of degradation

32. The marine environment of the Hauraki Gulf Marine Park has been degraded and neglected for far too long. Bottom trawling has been occurring in the Marine Park for over 120 years, with trawlers commissioned for some species from 1899. Over the years technology has advanced, starting from steam powered vessels with small nets, to now, where boats are larger and faster, towing nets that have increased in size and robustness. It is deeply concerning that the recently released Fisheries Industry Transformation Plan raises the prospect of larger, more powerful vessels plying our coastal waters.

33. In the Hauraki Gulf Marine Park, adverse effects of mobile, bottom contact, industrial fishing have been evident for decades. The best available information clearly demonstrates that bottom trawling, scallop dredging and Danish seining have significant adverse environmental effects on marine biodiversity and habitats of significance to fisheries management and productivity.

34. Past research has identified that seven of the highest-ranking threats to New Zealand marine habitats relate to human activity. The primary threat is sedimentation due to changes in land use with shellfish dredging ranked as the second highest threat and bottom trawling was the third equal highest ranking threat to marine habitats (alongside invasive species)[13].

35. There are many peer-reviewed studies highlighting adverse effects of bottom trawling and scallop dredging on seafloor habitats and marine species populations, for example:

> *"Disturbance, through bottom fishing activities such as dredging and trawling, has impacts not only on the commercially-targeted species, but also on the benthic communities and habitats, the resident biota, and on key ecosystem functions (Thrush & Dayton 2002). These effects include the modification of sedimentary characteristics through sediment removal and turnover (Guerra, García et al. 2003), and damage or destruction of many species, particularly*

[13] MacDiarmid A, McKenzie A,Sturman J, Beaumont J, Mikaloff-Fletcher S, Dunne J. (2012).Assessment of anthropogenic threats to New Zealand marine habitats.

large, habitat-forming epibenthos. These changes to habitats can cause ongoing modification of ecosystem functioning (de Juan et al. 2009).”[14]

“The total number of epifaunal organisms was significantly reduced following a single pass of a trawl (90%) or scallop dredge (59%), as was the diversity of the associated community and the total number of M. modiolus at the trawled site. At both sites declines in anthozoans, hydrozoans, bivalves, echinoderms and ascidians accounted for most of the change. A year later, no recovery was evident at the trawled site.”[15]

36. Bottom trawling also disturbs and re-suspends vast quantities of sediment with plumes of sediment present several days after a single trawl[16]. This alters natural sediment fluxes and reduces organic carbon turnover (Pusceddu et al. 2014), the depth of the oxic layer in sediments (Churchill 1989, Warnken et al. 2003, Bradshaw et al. 2012), reducing morphological complexity and benthic habitat heterogeneity. The mixing of sediments and overlying water can alter the chemical makeup of the sediment and have considerable effects in deep, stable waters (Rumohr 1998). Chemical release from the sediment can also be changed, as shown for phosphate in the North Sea (ICES 1992, noting lower fluxes were observed after trawling events). The nature and extent of these effects in the Hauraki Gulf remains poorly understood and a precautionary approach is therefore required.

37. Devastating impacts on Gulf fish populations are evident through numerous peer-reviewed case studies, for example:

“For many of the principal exploited species, noticeable declines in abundance occurred in the late 19th century and early 20th century. The historical narratives indicate that the declines were first evident in species such as oysters, grey mullet and flat fishes in sheltered, shallow, easily accessed areas, but later progressed to species with a wider inshore distribution such as snapper (Pagrus auratus) and blue cod (Parapercis colias), or a deep-water refuge such as hāpuku or groper. McKenzie & McDiarmid (2012) estimated that the combined biomass of exploited species in the Hauraki Gulf is now about 41% of the biomass present in 1930.”[17]

38. FNZ exclude discussion of scallop dredging in this consultation on the basis that the Coromandel scallop fishery (and East Northland fishery) is closed to commercial and recreational harvesting under section 11 of the Act. The recently approved Hauraki Gulf Marine Park Fisheries Plan proposes to prohibit the use of recreational dredges to harvest

[14] Baird S.J., Hewitt J., Wood B.A. (2015). Benthic habitat classes and trawl fishing disturbance in New Zealand waters shallower than 250 m. *New Zealand Aquatic Environment and Biodiversity Report No.144.*

[15] Cook R., Farin as-Franco J.M., Gell F.R., Holt R.H.F., Holt T., et al. (2013) The Substantial First Impact of Bottom Fishing on Rare Biodiversity Hotspots: A Dilemma for Evidence-Based Conservation. *PLoS ONE 8(8): e69904.* doi:10.1371/journal.pone.0069904

[16] Bradshaw C, Jakobsson M, Brüchert V, Bonaglia S, Mörth C, Muchowski J, Stranne C, Sköld M, (2021) Physical Disturbance by Bottom Trawling Suspends Particulate Matter and Alters Biogeochemical Processes on and Near the Seafloor

[17] MacDiarmid A.B, Mckenzie A., Abraham E. (2016). Top-down effects on rocky reef ecosystems in north-eastern New Zealand: a historic and qualitative modelling approach. New Zealand Aquatic Environment and Biodiversity Report No. 171.

scallops. While the fishery is closed, now is the opportune time to ban the use of commercial scallop dredges to ensure a transition to sustainable harvest methods.

39. As above, the Minister has a statutory obligation to mitigate ***any*** effects of fishing. Until the scallop fishery was closed the Victorian Box Dredge was the most common dredge used by commercial fishers. This Box Dredge is a destructive tool that damages more scallops than the amount that makes it to market. For example:

> *"Studies show it is estimated the self-tipping box dredge only has 40% catch efficiency for scallops."*[18]

40. International studies for scallop dredging using a box dredge, the same type as the Victorian Box Dredge, shows:

> *"Mortality for scallops is 4-8 times higher from fishing gear than by natural mortality. There is an estimated 12-22% of stock caught by a scallop dredge being landed as catch, with the rest wasted through dredge associated mortality."*[19]

41. Seafloor damage in the Hauraki Gulf Marine Park relates directly to shellfish dredging:

> *"More importantly, the loss of extensive mussel beds has significantly altered the benthic ecosystem, removing hard surfaces upon which many invertebrate species settled, thus directly and indirectly impoverishing the communities preyed upon by several ecologically and economically important finfish species."*[20]

42. It is also illogical and unreasonable to allow Danish seining to continue. Dragging miles of weighted rope along the seabed targeting spawning schools of fish disrupts reproduction. It is widely accepted that this method is responsible for the destruction of the John dory population in the Hauraki Gulf. No information is provided by FNZ as to how the proposed corridors relate to spawning aggregations and the nursery grounds of juvenile fish and how intensification of trawling in these areas may affect fisheries productivity. For example, the proposed trawl zone to the west of the cable zone off Pakiri Beach, Bream Bay, includes shallow waters favoured by juvenile gurnard and snapper. If this area is to remain open to fishing there must be a requirement to prohibit mobile, bottom contact fishing in waters less than 50m deep, because this is the domain of juvenile fish, necessary for successful recruitment.

43. FNZ poorly describe the loss of benthos due to trawling, the data that is provided is debateable because benthic data from the Hauraki Gulf was limited and poorly reported

[18] Beentjes M.P., Baird S.J. (2004). Review of dredge fishing technologies and practice for application in New Zealand. New Zealand Fisheries Assessment Report July 2004. NIWA.

[19] Morrison M. Population Dynamics of the scallop Pecten Novaezelandiae in the Hauraki Gulf. PhD Diss., University of Auckland, 1999. http://hdl.handle.net/2292/1706

[20] Paul L.J. (2012). A history of the Firth of Thames dredge fishery for mussels: use and abuse of a coastal resource. New Zealand Aquatic Environment and Biodiversity Report No.94 2012. NIWA.

pre-1990 trawl surveys.

44. There are numerous studies describing a significant long-term effect of mobile bottom contact fishing is the reduced species diversity in marine ecosystems as large densities of organisms that make up benthic communities are removed. As Simon Thrush, a renown marine ecologist explains, “they are long-lived, slow growing, and have poor dispersing larvae making them susceptible to functional extinction”[21].

45. In addition, exotic seaweeds Caulerpa brachypus and Caulerpa parvifolia, which are unwanted organisms under the Biosecurity Act 1993, have been detected at Aotea Great Barrier Island, Ahuahu Great Mercury Island, Waiheke Island, Kawau Island and in Te Rawhiti Inlet in the Bay of Islands. Recent advice from NIWA states, “It was initially thought the exotic species found would be restricted to depths shallower than 10m, but the response team had found it at more than 40m in depth”. This is in the depth where some trawling occurs.

46. We are concerned that invasive species such as Caulerpa get a much stronger hold in environments that are degraded. Caulerpa is a high biosecurity threat given the degraded state of the Gulf.

47. A controlled area notice has been imposed by MPI in an effort to prevent the spread of these unwanted organisms, but no restrictions are proposed for mobile, bottom contact fishing methods including bottom trawling and Danish seining. These fishing practices present an obvious and serious risk of dispersal given that Caulerpa can be spread from one area by the movement of a frond settling in another area.

48. Other marine pests that are present or potentially present in the Hauraki Gulf Marine Park, and that are liable to be distributed by mobile, bottom contact fishing methods include but are not limited to wakame (Asian kelp), Mediterranean fan worm, Australian droplet tunicate, clubbed tunicate/leathery sea squirt, Asian paddle crab, and carpet sea squirt. Given the risks associated with the spread of these organisms, a precautionary approach is required.

> *“The third highest ranking threat caused by direct human activity in the marine environment was considered to be that posed by invasive species. The responding experts indicated that invasive species threaten forty-five New Zealand coastal and shelf marine habitats.”*[22]

49. Prohibiting destructive fishing methods from inshore waters would deliver numerous long-term benefits, from encouraging habitat to rebuild, enhancing biodiversity and recovery of fish populations over time. The removal of these impactful methods is necessary to meet the long-term objectives of ecosystem-based fisheries management, and to comply with the purpose and principles of the Fisheries Act and the Hauraki Gulf Marine Park Act.

---

[21] Turner S.J, Thrush S. F, Hewitt J.E, Cummings V.J, Funnell G (1999). Fishing impacts and the degradation or loss of habitat structure.

[22] MacDiarmid A, McKenzie A,Sturman J, Beaumont J, Mikaloff-Fletcher S, Dunne J. (2012). Assessment of anthropogenic threats to New Zealand marine habitats.

Social and economic context

50. It is anticipated that quota owners will submit that economic considerations require a continuation of mobile, bottom-contact fishing in large areas. This argument fails to acknowledge and address the environmental bottom lines as required by the Fisheries Act. Such arguments also ignore the fact that commercial fishers who do not use these destructive methods are economically viable.

51. For example, Leigh Fisheries Ltd, established in 1957, operates from Leigh Harbour in the northern Hauraki Gulf. Over the past 66 years, Leigh Fisheries has maintained a successful and productive longline fleet. Their website explains why they chose longlining over other industrial harvest methods: They were low on resources and fortunately, long-line fishing was also the most economical way to harvest fish (it used less diesel and could be done with smaller boats and less gear than trawling, while delivering a much better product).

52. This logic is even more relevant now than it was in the past. In comparison to industrial techniques, longlining dramatically reduces the environmental impacts of commercial fishing. Longlining is a selective way to fish. Longline caught fish are better quality and demand a premium enabling companies to make more profit per kilo of fish harvested. This is proven in Leigh Fisheries' long-standing supply relationship with the Japanese market, where customers pay a premium for the best quality fresh fish. Transitioning to a low-impact, high-value fishery is entirely possible, and inevitable, if commercial fishing is to continue in the Gulf in the long term.

53. In this context, the FNZ discussion paper is unreasonably prejudiced towards allowing the continuation of commercial fishing using destructive fishing methods, despite the statutory obligations on the Minister and the recently approved Hauraki Gulf Fisheries Plan.

54. In terms of social effects, the FNZ proposals are contrary to public opinion which strongly supports a complete ban of bottom trawling and destructive bottom impact fishing in the Hauraki Gulf Marine Park (84%)[23].

55. In August 2022 the Hauraki Gulf Alliance of 110 organisations launched a petition, gathering over 36,000 signatures from people who want bottom trawling, scallop dredging and Danish seining banned from the Hauraki Gulf Marine Park. Alongside receiving 7,700 submissions collected in response to Fisheries New Zealand's Hauraki Gulf Fisheries Plan.

56. Moreover, the FNZ Options are inconsistent with the Hauraki Gulf Forum's goal to "remove from the Marine Park all fishing methods that damage the seafloor"[24].

57. FNZ goes to great lengths to describe and present the economic impacts of each Option in their discussion paper, this is grossly misleading on several grounds:

[23] Horizon Research. "Hauraki Gulf Survey," Hauraki Gulf Forum. October 2021. https://gulfjournal.org.nz/wp-content/uploads/2021/11/Hauraki-Gulf-poll-final.pdf
[24] https://gulfjournal.org.nz/wp-content/uploads/2020/11/Briefing-to-Incoming-Government.pdf

a. Firstly, the CRA 1 High Court ruling makes it clear that economic outcomes of Ministerial decisions cannot take precedence over the need to comply with the purpose and principles of the Fisheries Act. This is not explained in the Discussion Document; and

b. Secondly, it is very odd to include estimates of economic loss due to excluding trawling from certain areas when the amount of ACE available in the quota management area is unchanged. That is, there is no proposal to reduce catch limits, yet the proposal document presents 'Reductions to average annual landings and revenue in closures' [at Table 9, p41].

    i. This current FNZ process is a conversation about ***where*** commercial fishing might occur within the Hauraki Gulf Marine Park and ***how*** it is carried out, not how much fish may be taken.

58. Notwithstanding the above, any economic cost to the commercial sector from a move away from bottom contact methods must be considered in the context of the substantial social and economic benefits of tourism and recreational angling within the Hauraki Gulf Marine Park. There is ultimately a strong economic and social case which supports taking strong actions to enhance the ecology of the Hauraki Gulf Marine Park:

    a. The most comprehensive study of the economic contribution of recreational fishing, *Recreational Fishing in New Zealand: A Billion Dollar Industry* (Southwick 2017), estimated $970 million in direct contribution nationally, on an annual basis.

    b. At least one third of this economic activity takes place in the Hauraki Gulf. The Hauraki Gulf is on the doorstep of the largest and most affluent city in New Zealand, with more sheltered waters and anchorages than anywhere else in the North Island.

59. While fishing is a passion for thousands of people, for many it is part of a day or weekend on the water enjoying the many amenities the Hauraki Gulf Marine Park has to offer.

60. Snapper is by far the largest recreational fishery in New Zealand, both in catch and in economic activity generated. The economic contribution of the recreational snapper fishery in the upper North Island was estimated to be $335 million in direct spending and $236 million in indirect and induced contributions, supporting the equivalent of 2,630 full time equivalent jobs.[25]

61. The economic activity of the commercial sector is outlined in Table 9, page 41, "Key Economic Metrics for comparing options for bottom fishing access zones in the Hauraki Gulf". Presentation of the estimates of total reduction in annual revenue and annual export revenue is misleading given:

    a. the scale of the fisheries quota management areas (**QMAs**) applying to the 'key' species. For example, the QMA for Snapper 1, Tarakihi 1E, and Trevally 1 extends

[25] Holdsworth, John; Rea, Trish; Southwick, Rob. Recreational Fishing in New Zealand - A Billion Dollar Industry. Produced for the New Zealand Marine Research Foundation. March 2016.

south from North Cape to Cape Runaway, East Cape. The QMA applying to gurnard and John dory encompasses the east and west coasts of the upper North Island;

b. any reduction of current commercial catch within the Marine Park will be supplemented by those fish being caught elsewhere in the QMAs;

c. the trawl corridors will result a change in fisher behaviour, intensifying fishing effort within trawl corridors, which will likely reduce catching costs;

d. that FNZ base their estimates of reduced annual exports on the basis that the full catch of the five key species caught in the trawl corridors will be exported, yet FNZ also advise elsewhere in the Discussion Paper that "an estimated 50% of all fish commercial caught in the Gulf is sold in Auckland restaurants, fish shops and take-away shops". [At 37]

Conclusion in relation to context

62. The above forms critical context for why the four trawl corridor options proposed by FNZ are completely untenable, as explained further in the next section.

SECTION 2: WHY THE PROPOSED OPTIONS 1-4 ARE COMPLETELY UNTENABLE

Perpetuating the status quo

63. We are concerned the FNZ Discussion Paper is unreasonably prejudiced towards maintaining the status quo rather than delivering a step-change in the way the Hauraki Gulf Marine Park is managed in response to three decades of State of our Gulf reports[26] detailing the continuous decline in marine ecosystem function. FNZ are obliged to act in good faith. In this process, FNZ has failed to act in good faith. For example, adopting the term "bottom fishing access zones" is a deliberate mischaracterisation. A more accurate description is "**mobile** bottom fishing access zones" or simply "Bottom trawl and Danish seine corridors". Omitting any reference to "mobile" removes the objectionable part. While bottom fishing can be fairly benign, mobile bottom fishing is destructive and offensive to a growing number of people.

64. Bottom trawling, Danish seining and dredging are non-selective fishing methods that are associated with high rates of mortality – delivering low value catch, usually from multi-day trips, while damaging benthic organisms and habitats that are crucial for sustaining marine life.

[26] https://gulfjournal.org.nz/state-of-the-gulf/

65. As noted above, officials have not assessed the effects of more intensive fishing in the trawl corridors proposed in Options 1 to 4.

66. On October 10 officials released Supplementary Information including heat maps of trawl effort in the Hauraki Gulf Marine Park between October 2017 and September 2022. FNZ use aggregated data to show on maps the proposed trawl corridors encompass areas within the Marine Park that are currently trawled. FNZ propose the most intensively trawled areas are included in all 4 Options.

67. In releasing the Supplementary Information, FNZ used aggregated data to develop the heat maps, and justified withholding individual trawl tracks on the basis of confidentiality under the OIA. There is no explanation on the level of aggregation compared to raw data. This omission compromises our ability to make meaningful comments on existing trawl effort.

68. Public consultation has also been compromised by the delayed release of the supplementary information 29 days after the release of the original proposal and 18 days before the submission deadline.

Why recovery is not possible under the status quo

69. The FNZ proposals do not include any incentives for the 22-trawl vessel fleet to scale back their fishing impacts.

70. There is no intention to reduce catch levels or create a separate fisheries management area so that catch limits can be adjusted to constrain fishing effort inside or outside of the Hauraki Gulf Marine Park. The status quo reigns.

71. FNZ has made no effort to explain or even depict in their maps that bottom trawling and Danish seining occurs outside of the Hauraki Gulf Marine Park. This influences how people view trawling:

    a. In assuming that the FNZ maps show where all the trawling is occurring, whereas the truth is, there is a substantial amount of trawling outside of the Marine Park; and

    b. This limits peoples' consideration of how existing trawling effort may shift to east Northland, east Coromandel, and the Bay of Plenty.

72. We cannot reconcile the information supplied by FNZ. In the Supplementary Information FNZ provides a series of maps explaining, "the predicted habitat suitability takes into account previous trawl impacts and is a representation of the likely current distribution of habitat-forming taxa". The real data is either absent or aggregated beyond recognition. Filter feeding communities are usually the most diverse and prolific in high current areas. These include sponges, soft corals and bryozoans. The Colville Channel has all the conditions for high benthic diversity, yet there is no adequate explanation why FNZ has classified it as low occurrence for all taxa plotted.

73. Furthermore, the habitat maps predict the ***existing*** extent of biogenic habitats, which is very different to the predicted ***historical*** extent of habitats. While it stands to reason that trawling has significantly modified the benthos and there are now few organisms in the places most heavily fished. The argument that this makes those areas suitable for ongoing trawling is convenient, yet inconsistent with recovery and revival of the Gulf.

74. The FNZ map (Figure 6) in the Supplementary Information predicts the distribution of horse mussels in tiny areas, mainly around the inner islands and close in around Coromandel. No mention that historically horse mussels were found throughout the Hauraki Gulf, and that in the past, commercial fishers towed heavy chains to clear the seabed of anything capable of damaging their nets. It stands to reason that if you trawl an area extensively, the 3-D living organisms are trashed. That is why bottom trawling and Danish seining must stop, to allow recovery of ecosystems.

Impact of trawl corridors on coastal communities

75. Implementation of trawl corridors will impact on people living outside the Hauraki Gulf Marine Park as existing fishing effort will be displaced into east Northland, Coromandel, and the Bay of Plenty.

76. The Hauraki Gulf needs to be designated as a separate fisheries management area to avoid displacement of fishing effort into neighbouring waters.

77. Any small-scale fishing operators in the neighbouring areas will be impacted by the larger vessels fishing out of the main centres of Auckland, Whangarei, and Tauranga. The larger vessels tend to be more efficient, using bulk harvesting methods that damage the seabed in coastal areas before returning to the main port. There are few benefits from this approach for small coastal communities who are already impacted by the localised depletion of fish and the loss of local owner/operators who used to supply their communities with fresh, locally caught fish.

78. MacDiarmid et al (2012) found evidence to suggest that a single trawl impacts 1-10km^2 by resuspending sediments[27], so the proposed buffer of 1nm around all protected areas and no trawl corridors within 2nm of the coastline or major islands will not be sufficient to mitigate the effects of bottom trawling in the trawl corridors on local communities dependent on the sea for food and their social and cultural wellbeing.

79. Having abundant fish populations is important in economic and non-economic terms, particularly for coastal communities who derive their wellbeing and existence value from living next to a thriving marine environment. By continuing to destroy the seabed and bulk harvest fish there is a loss of yield from popular fish stocks such as snapper, trevally, John dory and gurnard. The losses associated with keeping stocks below B50 is difficult to calculate however, in making a decision, the Minister must take into account the flip side,

[27] MacDiarmid A, McKenzie A,Sturman J, Beaumont J, Mikaloff-Fletcher S, Dunne J. (2012).Assessment of anthropogenic threats to New Zealand marine habitats.

which is our coastal communities having access to an abundant fishery, increased ecosystem function, and a thriving marine environment.

Conclusion on FNZ options

80. The FNZ four Options fail to provide for integrated application of fisheries management and marine protection through implementation of ecosystem-based fisheries management, as agreed during the Sea Change process.

81. The FNZ Options are manifestly inconsistent with New Zealand's numerous international and domestic commitments to implementing ecosystem-based fisheries management, including in the Convention on Biological Diversity (CBD), the Food and Agriculture Organization of the United Nations General Assembly[28], and Te Mana o te Taiao - The Aotearoa New Zealand Biodiversity Strategy.

82. It is not good enough for FNZ to propose four Options that are inconsistent with domestic and international legal requirements and the public interest. The FNZ approach would mean that the government will not meet its international obligations and local commitments to ecosystem based fisheries management. FNZ's Discussion Paper does not provide a pathway to transition the commercial fishing industry from deploying destructive fishing methods to lower impact techniques, this is to the detriment of the Hauraki Gulf's communities' social, economic and cultural wellbeings. We can do so much better.

SECTION 3: ALTERNATIVE - OPTION ZERO

83. Any Ministerial decision must be made in the context of current discussions around the recently approved Hauraki Gulf Marine Park Fisheries Plan and the Hauraki Gulf / Tīkapa Moana Marine Protection Bill, which is open for submissions until 1 November 2023. The Bill proposes 19 marine protected areas (MPAs) for the Marine Park.

84. The Submitters have consistently rejected the separate processes, advocating for active management as opposed to passive protection. If decision-makers are serious about ecosystem based fisheries management and taking a holistic view, then marine protection and fisheries management need to be delivered as an integrated package and not with the piecemeal approach that has been taken thus far.

85. We recommend the Minister rejects FNZ's Options 1 to 4 and instead supports the alternative Option Zero - **Protect 100% of the Hauraki Gulf Marine Park from mobile,**

[28] *The UNGA adopts resolutions on implementing ecosystem-based fisheries management every year. For the most recent, see: UNGA A/RES/76/71, 2021. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. Downloaded from: https://undocs.org/en/A/RES/76/71. Accessed 16 November 2022.*

bottom contact fishing methods (including scallop dredging)[29].

86. Successful restoration of the Hauraki Gulf is achievable. Option Zero takes a bold yet pragmatic approach, taking into account the existing uses of Park waters and the degraded state of the benthic environment. To successfully restore Gulf waters the Minister must take positive action including, but not limited to the following -

    a. Designate the Hauraki Gulf Marine Park a Type 2 MPA - to only permit the use of low impact fishing techniques such as longlining and trapping.

        i. Our preference would be to designate the Hauraki Gulf Marine Park as a Seafloor Protection Area (SPA) to maintain and restore benthic habitats by prohibiting bottom-impact activities such as trawling, Danish seining and dredging. However, the Marine Protection Bill defines an SPA as excluding aquaculture. There are existing and planned new aquaculture operations in the Hauraki Gulf Marine Park, which seems to invalidate this approach.

    b. Designate the Hauraki Gulf Marine Park as a separate Fisheries Management Area (QMA 1A) to enable the restoration of ecosystem function and biodiversity, by enabling the setting of species-specific catch limits to:

        i. Avoid displacement of existing fishing effort into East Northland, Coromandel and Bay of Plenty.

        ii. Regulate how much fish is removed from Park waters; and

        iii. Rebuild the abundance of fish stocks to a minimum of 50 percent of their estimated, unfished biomass (B50).

87. It is most likely Government support will be required to assist fishers to transition from current bulk harvesting methods to low impact techniques. It will take time for the benthic environment and productivity to recover (in some places it may not recover to its former productive state), and fish populations will also take time to rebuild to abundant levels.

88. Option Zero recognises that commercial fishing is important to New Zealanders, for jobs and fish supply. The loss of the scallop fishery has had a profound effect on fishers, families and businesses in Northland, and the people in Coromandel who are still dealing with the aftermath of last summer's cyclones.

89. Option Zero may also help to fast-track the restoration of the benthic environment after decades of dredging, so a viable hand-gathering scallop fishery can resume when the beds have recovered.

90. Science has moved on since trawling, Danish seining and dredging were permitted in the Marine Park. There is no longer any plausible deniability. There is certainly no justification for the continued use of destructive fishing methods in the Hauraki Gulf Marine Park.

[29] While dredging is not within scope of the FNZ proposals, the same precautionary approach must apply to dredging as it is a destructive mobile, bottom contact fishing method causing benthic damage.

Appendix A

The Hauraki Gulf Marine Park was created with the passing of the Hauraki Gulf Marine Park Act in 2000. The Hauraki Gulf Forum is a statutory body charged with managing the Marine Park and its resources. The Forum produces a report every three years describing the state of the Gulf and the responses of agencies to strategic issues. Agencies included in the Forum include local and regional councils, iwi/hapū representatives, nominees from Fisheries New Zealand (**FNZ**) and the Department of Conservation (**DoC**).

1. The planning process that became Sea Change was initiated by the Auckland Council and Waikato Regional Council, supported by iwi/hapū, the DOC and Ministry for Primary Industries (**MPI**).

2. In 2011 the Hauraki Gulf Forum released a draft plan for the Gulf waters and proposed some marine protected areas. Implementation of the plan was expected by 2015. Discussions continued and a stakeholder working group was established in December 2013.

3. In 2014 seven 'Roundtables' were established to focus on specific aspects that were affecting the Gulf. Those Roundtables were: Fish Stocks; Biodiversity & Biosecurity; Water Quality, Aquaculture; Accessible Gulf; and Infrastructure & Commercial Uses. NZSFC participated in the Fish stocks and Biodiversity & Biosecurity roundtables.

4. By the end of 2014 the Roundtables completed their discussions and a formal handover of information to the Stakeholder Working Group (**SWG**) occurred in February 2015. The SWG was expected to report to the government in June 2015.

5. The process stalled in 2015. Renewed interest in the process led to a new independent chair being appointed to the SWG in September 2015. The New Zealand Sport Fishing Council (**NZSFC**) had one representative on the SWG until his departure in October 2015. The NZSFC nominated a new representative to the Working Group in December 2015.

6. In December 2016 the Sea Change Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan was released however it wasn't widely published until March 2017. Critical elements of the Sea Change Plan included:
    a. Transition away from mobile, bottom contact fishing methods;
    b. Creation of a separate Fisheries Management Area for the Hauraki Gulf Marine Park;
    c. Marine protection to be included as an integrated package of management measures;
    d. Establishment of a Hauraki Gulf Fisheries Plan Advisory Group.

7. Since its inception, the Hauraki Gulf Forum has published regular reports on the condition of the marine environment. The 2017 State of the Environment report showed continuing declines in fish populations and the health of the marine environment. The 2020 State of our Gulf report also highlighted ongoing loss of biodiversity and benthic habitats.

8. In April 2020, the Government released a stakeholder and iwi strategy overview in response to Sea Change. In June 2020 the NZSFC submitted a comprehensive response to the government's strategy. The submission was a joint statement from a range of organisations concerned about the ongoing degradation and lack of meaningful response to address the well-known issues affecting the Gulf.

9. In June 2021, the Government released the Revitalising the Gulf strategy, which includes elements cherry picked from the original Sea Change plan. The Strategy action points relating to fish populations and marine environments in the Hauraki Gulf Marine Park include the draft Hauraki Gulf Fisheries Plan, Hauraki Gulf Marine Protected Areas, and trawl corridors.

10. In April 2022, officials confirmed the appointment of representatives to participate in the Hauraki Gulf Fisheries Plan Advisory Group. Their role was to inform and amend the draft Hauraki Gulf Fisheries Plan. One representative from the NZSFC was accepted on to the Group. There were only four Group meetings during the remainder of 2022. This proved to be inadequate given the scale of reforms required to achieve the stated objectives.

11. At a similar time, other stakeholder groups, such as an Iwi advisory group, were established in isolation. What was recorded as input from each stakeholder group was not shared with the other groups and input and information was segregated and stonewalled by FNZ. It is understood that the Fisheries Plan Advisory Group requested to meet with participants of other advisory groups to discuss ideas and collaborate effectively. Instead, FNZ only showed one short power point from the Iwi Advisory Group, which was not informative. Further requests from the Advisory Group to collaborate with the other groups were declined by officials.

12. Representatives on the Advisory Group have been unable to publicly discuss how the content of the Fisheries Plan has evolved throughout the process due to the conditions set out in the Group's Terms of Reference. Similarly, the nature and extent of any 'trawl corridors' remained confidential until FNZ released their proposals in the *Discussion Paper No. 2023/19* *Bottom Fishing Access Zones in the Hauraki Gulf Marine Park*, dated August 2023. It is this type of constraint that denies the public adequate information to make informed decisions even this far into the development process. We believe the efforts by officials to withhold vital information including the Fisheries Plan and the location of 'trawl corridors' are unnecessary and obstructive.

13. In January 2023, the draft Hauraki Gulf Fisheries Plan was released for public consultation. Submissions were due by 3 March 2023. The Minister Rachel Brooking announced her approval for the Fisheries Plan on 9 August 2023.

14. We are disappointed and concerned that the Government's Revitalising the Gulf strategy does little to defend the Hauraki Gulf Marine Park from ongoing destructive fishing practices. Instead, the Government is relying on the Department of Conservation DOC to create 19 new marine protected areas to remedy over a century of damage.

15. The proposed pockets of marine protected areas will merely shift fishing effort into the wider Gulf and beyond, with no intent to manage the displaced effort or other fisheries issues. A bit like a balloon, if you squeeze it in one place the rest is put under pressure. This is not an acceptable way to treat the Gulf's neighbours in Northland, Coromandel and the Bay of Plenty.

16. It is unacceptable that after so much public investment in the Sea Change and later planning process, the fishery interventions so urgently needed are absent. A plan to deliver a plan for fisheries management sometime in the future is not bold nor is it transformative, it is merely a tick-the-box exercise by officials. We cannot keep ignoring the degradation of the Hauraki Gulf Marine Park waters and biodiversity, while denying public access to popular areas. Decision makers cannot expect to pass the cost of destructive fishing on to the public and future generations.