NZ ROCK LOBSTER INDUSTRY COUNCIL LTD

Ka whakapai te kai o te moana

s 9 (2)(a) [redacted]

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29th November 2022

Recommend Adjustments to the Hauraki Gulf Marine Protection Proposals

Analysis in the fishing industry submission (NZ RLIC, FINZ and PIC) shows that at least three of the proposed High Protection Areas (HPAs), one proposed Seafloor Protection Area (SPA) and one marine reserve extension will have significant adverse effects on individual commercial rock lobster fishers and will collectively impact the harvesting of significant proportions of the CRA2 TACC.

If the HPA, SPA and marine reserve extension proposals proceed, NZ RLIC recommends that adjustments should be made to the proposals in order to reduce the negative impacts on the rock lobster industry and on the sustainable management of the CRA2 rock lobster stock. Making the recommended adjustments will:

- Result in no loss of biodiversity protection;
- Significantly reduce adverse effects on individual rock lobster permit holders who are heavily reliant on these sites for their livelihoods and wellbeing;
- Significantly reduce the anticipated negative impacts of displaced rock lobster catch on the sustainability of the Hauraki Gulf rock lobster fishery and ecosystem;
- Reduce the impacts of the proposals on all CRA2 quota owners, thereby enabling the Crown to act more consistently with its obligations to Iwi quota owners under the Maori Fisheries Settlement; and
- Have no adverse effects on other marine users.

NZ RLIC's submission was prepared on the assumption that rock lobster potting would be prohibited in all five SPAs. More recently, Department of Conservation officials have informed us that the intent is to prohibit rock lobster potting in only one SPA (i.e., Mokohinau Islands). On this understanding, we have not recommended any adjustments to the proposed SPAs, with the exception of the Mokohinau Islands SPA. NZ RLIC considers that there is no biodiversity-related justification for prohibiting commercial rock lobster potting in any SPAs, including Mokohinau. If specific adverse effects of rock lobster potting are identified in relation to vulnerable benthic species with a known distribution, then NZ RLIC is prepared to address those impacts, using either non-regulatory measures or fisheries regulations.

NZ RLIC's recommended adjustments relate to:

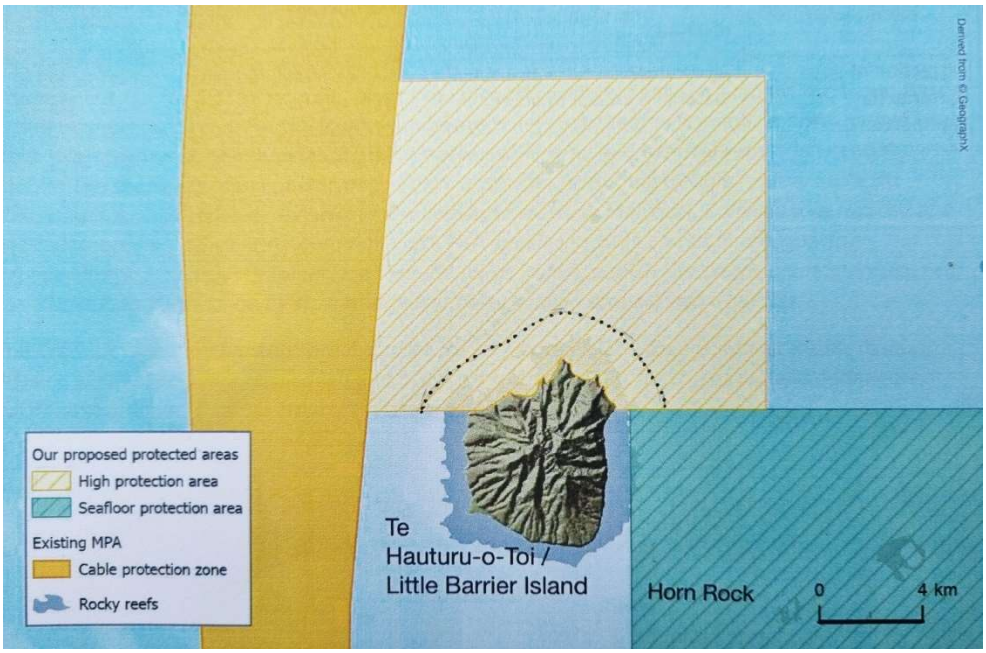
- Te Hauturu-o-Toi / Little Barrier Island HPA (boundary adjustment);
- Cape Colville HPA (boundary adjustment);
- Mokohinau Islands HPA (boundary adjustment) and SPA (adjustment to scope of prohibitions);
- Whanganui-a-Hei marine reserve extension (adjustment to scope of prohibitions in part of proposed extension);

Each of the HPA boundary adjustments entails creating a curved boundary to the HPA at a distance of 2km from the coast to enable commercial rock lobster potting in the coastal strip. Provided that commercial rock lobster potting is allowed within SPAs, the area within 2km of the coastline can be added to the adjacent SPAs, meaning that there will be no loss of area protected under the proposals. The proposed Aldermen Islands / Te Ruamāhua (south) HPA sets a useful precedent for NZ RLIC's recommended adjustment as it also has a curved boundary seaward from the coastline.

Te Hauturu-o-Toi / Little Barrier Island HPA

Proposed adjustment

Exclude from the HPA the area between the coastline and a smoothed line approximately 2km from the coastline. The sketch below is indicative of the proposed adjustment (dotted line).



Impact of the proposed adjustment on rock lobster fishing

s 9 (2)(b)(ii) [redacted]

Impact of the proposed adjustment on biodiversity protection

The proposed adjustment reduces the size of the HPA slightly but will have no negative effect on marine biodiversity protection for the following reasons:[1]

- The HPA site does not include any mapped biogenic habitats;
- Of the 8 habitat types included in the HPA site (see **Table 1**):
    - All but one are already represented in existing marine reserves or Type 2 MPAs (cable protection zones (CPZs)) in the Gulf. The one habitat type that is not already represented in an existing marine reserve or type 2 MPA is 'sheltered intertidal rocky reef' (intertidal habitats are not utilised by commercial rock lobster fishers);

[1] The analysis under this heading is based on information provided in *Revitalising the Gulf. Government action on the Sea Change Plan* (June 2021) and *Sea Change – Tai Timu Tai Pari Plan marine protected area (MPA) proposals. Agency analysis and advice on the selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network* (May 2021). Both reports prepared by the Department of Conservation and Fisheries New Zealand.

- All 8 habitat types are replicated in several other proposed HPAs and SPAs. Agency analysis confirms that each of the 8 habitat types is well represented in the MPA network;

- The area inside the boundary adjustment will continue to be included in the Revitalising the Gulf marine protection package as part of the Craddock Channel SPA; and
- The identified important marine biodiversity values at the site are located outside of the proposed 2km adjustment, including in particular the deep reef patches known as 'the Coral Patch' 7km north of the island extending northwest to the Mokohinau Islands.

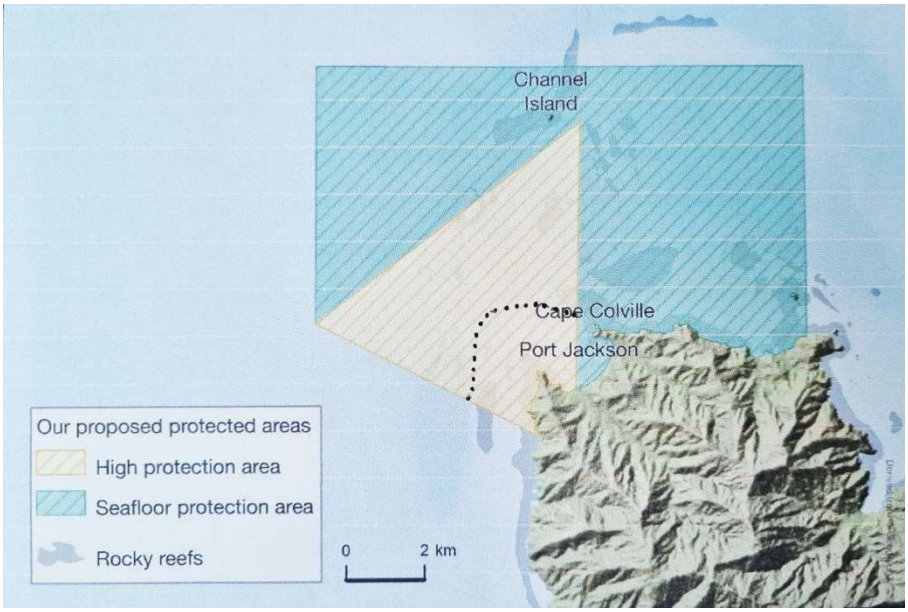
Table 1: Te Hauturu-o-Toi / Little Barrier Island habitat types and replication

Habitat type	Representation in existing MPAs	Representation in other proposed HPAs and SPAs
Sheltered shallow sand	2 marine reserves 1 CPZ	5 HPAs 4 SPAs
Sheltered shallow rocky reef	2 marine reserves 1 CPZ	5 HPAs 4 SPAs
Sheltered intertidal rocky reef	-	4 HPAs 2 SPAs
Sheltered deep sand	2 marine reserves 2 CPZs	3 HPAs 4 SPAs
Sheltered deep rocky reef	1 CPZ	3 HPAs 4 SPAs
Sheltered deep mud	1 CPZ	4 SPAs
Moderate deep rocky reef	2 CPZs	3 HPAs 1 SPA
Moderate deep mud	1 CPZ	3 HPAs 1 SPA

Cape Colville HPA

Proposed adjustment

Exclude from the HPA the area between the coastline and a smoothed line approximately 2km from the coastline. The sketch below is indicative of the proposed adjustment (dotted line).



Impact of the proposed adjustment on rock lobster fishing

s 9 (2)(b)(ii) [redacted]

Impact of the proposed adjustment on biodiversity protection

The proposed adjustment reduces the size of the HPA but will have no negative effect on marine biodiversity protection for the following reasons:[2]

- The HPA site includes one biogenic habitat (biogenic dog cockles) but this habitat type is already protected in two existing marine reserves and one CPZ in the Hauraki Gulf. It is also replicated in several other proposed HPAs and SPAs, as set out in **Table 2**. Agency analysis confirms that biogenic dog cockles are well represented in the MPA network;
- Of the other 14 habitat types included in the HPA site (see Table 2):

[2] Unless otherwise indicated, the analysis under this heading is based on information provided in *Revitalising the Gulf. Government action on the Sea Change Plan* (June 2021) and *Sea Change – Tai Timu Tai Pari Plan marine protected area (MPA) proposals. Agency analysis and advice on the selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network* (May 2021). Both reports prepared by the Department of Conservation and Fisheries New Zealand.

- 5 habitat types are represented in existing MPAs in the Gulf and are also replicated many times in other proposed HPAs and SPAs. Agency analysis confirms that each of these habitat types is well represented in the MPA network;
- A further 3 'sheltered' habitat types are not represented in existing MPAs but are replicated in multiple other proposed HPAs and SPAs. Agencies consider that 'sheltered intertidal rocky reef' is well represented in the MPA network, but that 'sheltered shallow gravel' and 'sheltered intertidal soft sediment' are not adequately represented. We note that this is not unexpected, as both habitat types are not typical of the HGMP, comprising a total area of only 4.15km^2 and 7.02km^2 respectively; and
- A further 6 'high current' habitat types are not represented in existing MPAs but are replicated in at least one other proposed HPA or SPA. Agencies consider that all the high current habitats apart from 'high current shallow sand' are well represented or adequately represented in the MPA network. Rock lobster potting is unlikely to have an adverse effect on high current shallow sand habitats;

- The area inside the boundary adjustment will continue to be included in the Revitalising the Gulf marine protection package as part of the Cape Colville SPA; and
- DOC's data portal for *MPA Policy Habitats of the Territorial Sea* indicates that the high current habitats are located further offshore than the proposed boundary adjustment.

Table 2: Cape Colville HPA habitat types and replication

Habitat type	Representation in existing MPAs	Representation in other proposed HPAs and SPAs
Biogenic dog cockles	2 marine reserves 1 CPZ	3 HPAs 2 SPAs
Very sheltered shallow sand	4 marine reserves 2 CPZs	5 HPAs 3 SPAs
Very sheltered shallow rocky reef	5 marine reserves 3 CPZs	8 HPAs 3 SPAs
Very sheltered shallow gravel	1 CPZ	1 HPA 2 SPAs
Sheltered shallow sand	2 marine reserves 1 CPZ	5 HPAs 4 SPAs
Sheltered shallow rocky reef	2 marine reserves 1 CPZ	5 HPAs 4 SPAs
Sheltered shallow gravel	-	1 HPA 1 SPA
Sheltered intertidal soft sediment	-	2 HPAs 1 SPA
Sheltered intertidal rocky reef	-	4 HPAs 2 SPAs
High current shallow sand	-	1 SPA
High current shallow rocky reef	-	2 SPAs
High current shallow gravel	-	1 SPA

High current deep sand	-	2 SPAs
High current deep rocky reef	-	2 SPAs
High current deep gravel	-	1 SPA

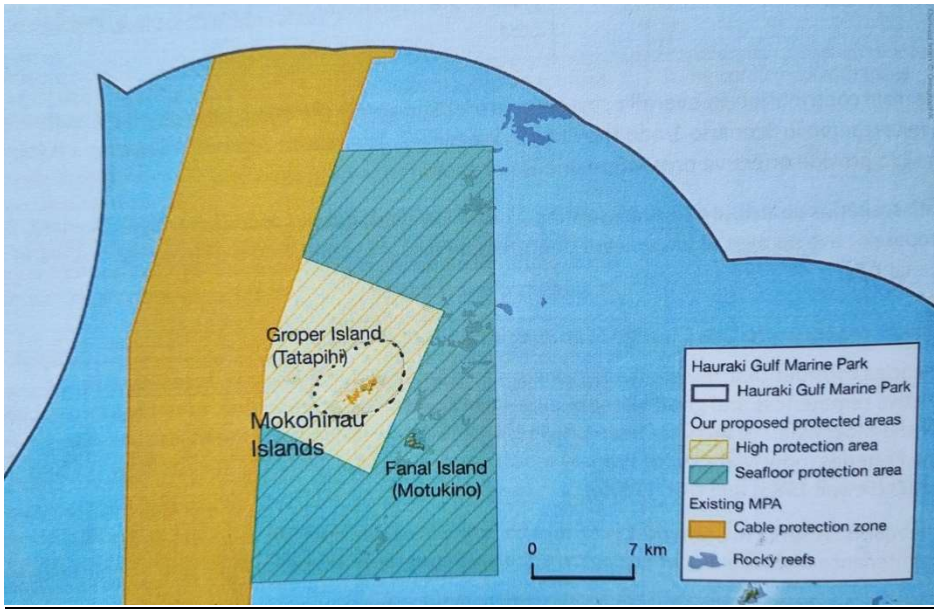
Mokohinau Islands HPA and SPA

Proposed adjustment

For the HPA, exclude from the HPA the area between the coastline of the Mokohinau Islands out to approximately 2km from the coastline. The sketch below is indicative of the proposed adjustment (dotted line).

For the SPA, adjust the scope of prohibited activities by allowing commercial rock lobster potting in the SPA. If necessary, fisheries regulations can be used to prohibit rock lobster potting in mapped areas of sensitive species such as black corals, provided the prohibition can be justified on the basis of adverse effects.

The proposed adjustment to the scope of the SPA prohibitions is consistent with the intended scope of prohibitions in the remaining SPAs (as explained by Department of Conservation officials).



Impact of the proposed adjustment on rock lobster fishing

s 9 (2)(b)(ii) [redacted]

Impact of the proposed adjustment on biodiversity protection

The proposed boundary adjustments to the HPA would have no negative effect on marine biodiversity protection for the following reasons:[3]

[3] The analysis under this heading is based on information provided in *Revitalising the Gulf. Government action on the Sea Change Plan* (June 2021) and *Sea Change – Tai Timu Tai Pari Plan marine protected area (MPA) proposals. Agency analysis*

- The HPA site does not contain any mapped biogenic habitats;
- Of the 10 habitat types at the HPA site (see **Table 3**):
    - 7 habitat types are already represented in existing marine reserves or CPZs;
    - All 10 habitat types are represented in at least 3 other proposed HPAs and SPAs;
    - Agency analysis confirms that 9 of the 10 habitat types are well represented in the MPA network. The exception, 'moderate shallow sand', is replicated in 3 other proposed HPAs and is unlikely to be adversely affected by the potting fishing method;
- The area inside the boundary adjustment will continue to be included in the Revitalising the Gulf marine protection package as part of the Mokohinau Islands SPA.

Table 3: Mokohinau Islands HPA habitat types and replication

Habitat type	Representation in existing MPAs	Representation in other proposed HPAs and SPAs
Sheltered shallow sand	2 marine reserves 1 CPZ	4 HPAs 4 SPAs
Sheltered shallow rocky reef	2 marine reserves 1 CPZ	4 HPAs 4 SPAs
Sheltered intertidal rocky reef	-	4 HPAs 2 SPAs
Sheltered deep sand	2 marine reserves 2 CPZs	3 HPAs 4 SPAs
Sheltered deep rocky reef	1 CPZ	3 HPAs 4 SPAs
Moderate shallow sand	-	2 HPAs 1 SPA
Moderate shallow rocky reef	-	2 HPAs 1 SPA
Moderate deep sand	2 CPZs	2 HPAs 1 SPA
Moderate deep rocky reef	2 CPZs	4 HPAs 1 SPA
Moderate deep mud	1 CPZ	3 HPAs 1 SPA

The proposed adjustments to the scope of prohibitions in the SPA would have no negative effect on marine biodiversity protection for the following reasons:

- The SPA site does not include any mapped biogenic habitats;
- Of the 11 habitat types at the SPA site (see **Table 4**):

and advice on the selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network (May 2021). Both reports prepared by the Department of Conservation and Fisheries New Zealand.

- 7 habitat types are already represented in existing marine reserves or CPZs;
- All but one habitat type are represented in at least three other proposed HPAs and SPAs;
- The habitat type that is not replicated at other sites – 'moderate intertidal rock reef' will not be affected by allowing commercial rock lobster potting in the SPA as rock lobster fishers do not utilise intertidal habitats;
- Agency analysis confirms that 10 of the 11 habitat types are well represented in the MPA network. The exception, 'moderate shallow sand', is replicated in 3 other proposed HPAs and is unlikely to be adversely affected by the potting fishing method.

- To the extent that rock lobster potting is shown to have an adverse effect on known distributions of sensitive species such as black corals, any adverse effects can be more efficiently addressed through the use of targeted fisheries regulations rather than blanket prohibition of commercial rock lobster potting throughout the SPA.

Table 4: Mokohinau Islands SPA habitat types and replication

Habitat type	Representation in existing MPAs	Representation in other proposed HPAs and SPAs
Sheltered shallow sand	2 marine reserves 1 CPZ	6 HPAs 3 SPAs
Sheltered shallow rocky reef	2 marine reserves 1 CPZ	6 HPAs 3 SPAs
Sheltered intertidal rocky reef	-	5 HPAs 1 SPA
Sheltered deep sand	2 marine reserves 2 CPZs	4 HPAs 3 SPAs
Sheltered deep rocky reef	1 CPZ	4 HPAs 3 SPAs
Moderate shallow sand	-	3 HPAs
Moderate shallow rocky reef	-	3 HPAs
Moderate intertidal rocky reef	-	-
Moderate deep sand	2 CPZs	3 HPAs
Moderate deep rocky reef	2 CPZs	5 HPAs
Moderate deep mud	1 CPZ	4 HPAs

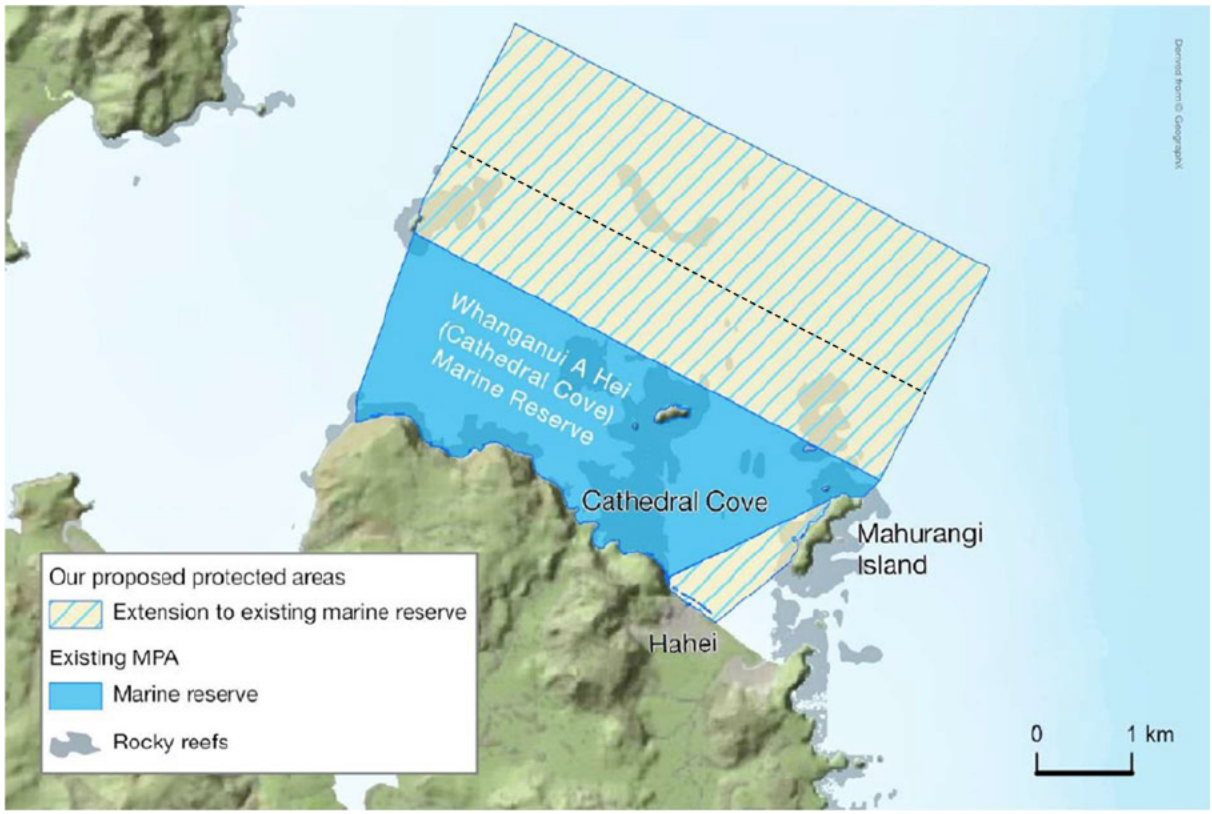
Whanganui-a-Hei (Cathedral Cove) marine reserve extension

Proposed adjustment

Adjust the scope of prohibited activities in the proposed extension by designating it as an SPA (with commercial rock lobster potting permitted) to fully mitigate the impact on permit holders.

If the above proposed adjustment is untenable, an alternative proposal is to adjust the scope of prohibited activities in the outer portion of the proposed extension by designating the outer area of the extension as an SPA (with commercial rock lobster potting permitted) to partially mitigate the impact on permit holders

The sketch below is indicative of the proposed alternative adjustment (dotted line).



Impact of the proposed adjustment on rock lobster fishing

s 9 (2)(b)(ii) [redacted]

Impact of the proposed adjustment on biodiversity protection

The proposed change of status of the outer portion of the marine reserve extension from marine reserve/HPA to SPA would have no negative effect on marine biodiversity protection for the following reasons:

- The site of the marine reserve extension does not contain any mapped biogenic habitats;
- Of the 10 habitat types at the site (see **Table 5**):
    - All 10 habitat types are already represented in existing marine reserves or CPZs;
    - All 10 habitat types are replicated in at least 3 other proposed HPAs and SPAs;
    - Agency analysis confirms that 9 of the 10 habitat types are well or adequately represented in the MPA network. The exception 'very sheltered deep sand' is replicated at multiple other sites and is unlikely to be adversely affected by rock lobster potting;
- The area designated as an SPA will continue to be included in the Revitalising the Gulf marine protection package; and
- Any issues associated with fishing pressure, including for rock lobster, around the edge of the existing marine reserve are more effectively managed under the Fisheries Act rather than by extending the marine reserve/HPA.

Habitat type	Representation in existing MPAs	Representation in other proposed HPAs and SPAs
Very sheltered shallow sand	4 marine reserves* 2 CPZs	5 HPAs 3 SPAs
Very sheltered shallow rocky reef	5 marine reserves* 3 CPZs	8 HPAs 3 SPAs
Very sheltered shallow gravel	1 CPZ	3 HPAs 2 SPAs
Very sheltered intertidal rocky reef	5 marine reserves*	5 HPAs 3 SPAs
Very sheltered deep sand	2 marine reserves* 1 CPZ	1 HPAs 2 HPAs
Very sheltered deep rocky reef	1 marine reserve*	2 HPAs 1 SPAs
Sheltered shallow sand	2 marine reserves* 1 CPZ	5 HPAs 3 SPAs
Sheltered shallow rocky reef	2 marine reserves* 1 CPZ	5 HPAs 4 SPAs
Sheltered deep sand	2 marine reserves* 2 CPZs	3 HPAs 4 SPAs
Sheltered deep rocky reef	1 CPZ	3 HPAs 4 SPAs

* including Whanganui-a-Hei

New Zealand Rock Lobster Industry Council

Paua Industry Council

FISHERIES INSHORE NEW ZEALAND

11 November 2022

Hauraki Gulf marine protection proposals

This submission is made by the NZ Rock Lobster Industry Council (NZ RLIC), the Pāua Industry Council (PIC) and Fisheries Inshore New Zealand (FINZ). on behalf of quota owners, fishers and affiliated seafood industry personnel in inshore shellfish and finfish fisheries. Collectively – and together with regional organisations, the CRA 2 Rock Lobster Company and the Fisheries Inshore Northern Committee, we directly represent all of the major inshore fisheries in the Hauraki Gulf Marine Park.

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1. Introduction

1. This submission is made jointly by:

    - The NZ Rock Lobster Industry Council (NZRLIC);
    - Fisheries Inshore New Zealand (FINZ); and
    - The Pāua Industry Council (PIC).

2. NZRLIC, FINZ and PIC are national representative bodies for the relevant sectors of the inshore fishing industry. This submission is made on behalf of quota owners, fishers and affiliated seafood industry personnel in inshore shellfish and finfish fisheries. Collectively – and together with regional organisations, the CRA 2 Rock Lobster Company and the Fisheries Inshore Northern Committee, we directly represent all of the major inshore fisheries in the Hauraki Gulf Marine Park (**the Gulf**).[1] For the purposes of this submission, the submitters are referred to as '*the fishing industry*'[2].

3. New Zealanders value fish as part of our diet. Eighty per cent of us eat fish at least once a month but less than 10% of us catch a fish once a year. That means that the fishers we represent are those that harvest the fish we put on our tables for our families and friends whether that be for a great hearty meal on a regular basis or when we treat ourselves on special occasions. The inshore fishing industry also generates valuable export revenue and regional employment.

2. Summary of industry position

4. The fishing industry supports the effective protection of marine biodiversity. However, we do not support the presumption that marine protected areas (MPAs) such as the proposed High Protection Areas (HPAs), Seafloor Protection Areas (SPAs) and extensions to existing marine reserves are the best way of achieving marine biodiversity protection in the Gulf or elsewhere. We consider that effective biodiversity protection requires careful definition of objectives and identification of threats, followed by selection of the least-cost tool for effectively managing the identified threats and achieving the objectives. If fishing is posing a risk to marine biodiversity, measures implemented under the Fisheries Act 1996 or directly by fishing sector groups will usually be the most appropriate management response.

5. The proposed HPAs and SPAs are not the most effective mechanism to achieve healthy, functioning marine ecosystems in the Gulf, but will have significant negative impacts on sustainable fisheries management and on participants in the fishing industry. While the objectives of the proposals are confused and unclear, they are not designed well to achieve biodiversity protection while taking into account impacts on commercial fishing.

6. The process for establishment of the proposed HPAs and SPAs to date has not properly involved industry representative bodies. We consider a more collaborative and engaging

[1] No commercial pāua harvesting occurs in the Gulf. However, the Pāua Industry Council is taking an active interest in the proposed HPAs and SPAs because of the damaging precedent these proposals set for other regions.
[2] The positions outlined in this submission are provided on a without prejudice basis.

process could have resulted in a consensus solution that would have achieved the same biodiversity values but with less cost to the fishing industry.

7. A process that involves the use of special legislation to implement decisions to restrain fishing activity is not in our view appropriate or an effective use of resources when an easier alternative using the measures in the Hauraki Gulf Fisheries Plan and other tools currently available to government can provide the same outcome without the need for expensive and controversial legislative processes.

8. The fishing industry has serious concerns about the *Revitalising the Gulf* marine protection proposals and the individual HPAs, SPAs and protected areas adjacent to an existing marine reserve. The primary grounds for our opposition to the individual proposals are that:

    - The Government in its ***Revitalising the Gulf*** Strategy stated that "*ecosystem based management is a holistic approach to management that considers all elements within an ecosystem and how they interact with each other, including human activities*". It further committed that "*the Strategy's actions will take an ecosystem-based approach to management and will work together to enhance the ecosystem function of the Gulf*". However, in one of its first actions under the Strategy, these proposed HPAs, SPAs and extensions of existing Marine reserves do not follow these directions. We expected to see much better integration between the tools that can be used to achieve biodiversity protection. We consider there is significant duplication between the HPA/SPA / Marine Reserve extension proposals and actions proposed in the draft Hauraki Gulf Fisheries Plan and sites already protected in the bioregion. We see no reason for what amounts to an inter-agency race to implement their preferred options, when an integrated solution can and should be achieved.
    - There are no site-specific ecological objectives for each of the original 18 sites. The objectives provided are almost entirely generic and formulaic, and do not explain the identified biodiversity values that are of high importance for ecological functioning, are unique or special and whether they are threatened or at-risk, or otherwise require protection at the site.
    - All credible threats from commercial fishing are either already managed under existing fisheries prohibitions, or can be effectively managed under actions contained within the proposed Hauraki Gulf Fisheries Plan;
    - The proposed closures are excessive in scale given consideration of the credible threats posed by particular fishing methods;
    - Most non-fishing activities that threaten biodiversity at the sites are not prohibited or effectively managed;
    - Every HPA and SPA will have adverse effects on commercial fishing while in most cases providing negligible biodiversity protection benefits;
    - Fisheries displacement will cause significant adverse effects by increasing fishing intensity and competition, requiring more effort to catch the same amount of fish in areas of lower abundance meaning more impact on biodiversity and depleting fish

stocks in the remaining areas. That can be expected to lead to increased pressure for more closures in response to localised depletion;

- The design and placement of the HPAs/SPAs is inconsistent with existing policy on establishing MPAs to achieve biodiversity protection (e.g. representativeness and replication); and

- The use of special legislation is unnecessary and undermines existing rights including the Crown's obligations under the Fisheries Settlement.

9. Instead of establishing the proposed HPAs and SPAs, the fishing industry recommends that central and regional government should work with tangata whenua and stakeholders to implement an ecosystem approach to effectively manage the full range of threats to marine biodiversity across the entirety of the Gulf using existing tools available to government and Regional Councils. For fishing-related threats, the first priority should be the completion and implementation of the proposed actions in the Hauraki Gulf Fisheries Plan. Actions under a comprehensive fisheries plan can fully manage all fisheries-related threats to marine biodiversity more effectively, and at significantly lower cost, than the proposed HPAs and SPAs. The need for any additional biodiversity protection, such as HPAs and SPAs, could be assessed and addressed in that wider context.

10. We note that most of the habitat types at the proposed sites are already represented in existing marine reserves (Type 1 MPAs) and Cable Protection Zones (CPZs, Type 2 MPAs) in the Gulf. Before requiring new areas there is a need to assess that these areas, in conjunction with the adoption of measures in the proposed Fisheries Plan, are inadequate to achieve the biodiversity protection and ecological objectives.

11. We consider there has been an over-reliance on modelling informed by historical and sparse data to predict biodiversity values within many of the proposed areas, rather than undertaking site-specific surveys to identify the presence and extent of biodiversity.

12. We would welcome the opportunity to engage with the Department of Conservation (DoC) (and Fisheries New Zealand) to discuss achieving marine biodiversity protection in the Gulf by identification of threats and selection of the least-cost tool and scope of measures, including integration between statutory tools and mechanisms and the appropriate use of the Fisheries Act 1996 to address adverse impacts of fishing on biodiversity including habitat. We are open to discussing how to meet these objectives in a principled manner, including using the information that has informed the development of the current proposals.

3. Objections to the proposals as a whole

3.1. Objectives, purposes and outcomes are confused and unclear

3.1.1 Marine protection outcomes unrelated to healthy, functioning ecosystems

13. The fishing industry supports the Government's overarching outcomes for *Revitalising the Gulf*[3] which focus on ensuring healthy, functioning ecosystems so that marine ecosystems can contribute to the full range of current and future uses and values. Our livelihood and investment depends on harvesting fish sustainably from a productive environment. While all the ecosystems in the Hauraki Gulf are all somewhat modified, our future depends on those healthy functioning ecosystems.

14. However, the stated outcomes for marine protection (in *Revitalising the Gulf* and in the Information Document[4]) are inconsistent with the Government's overarching outcomes. Instead of protecting marine biodiversity in order to achieve healthy functioning ecosystems, the marine protection outcomes comprise a confused and contradictory mix of rationales for protection with no hierarchy being set out. Progressing HPAs and SPAs, in isolation of the other mechanisms that can deliver biodiversity protection outcomes, results in inappropriate measures being considered. In particular:

- The *protection of at-risk, high ecological value and representative habitats and ecosystems in the Gulf to support their recovery* relates only to recovery of areas within HPAs and SPAs, and not to the ecological functioning of the Gulf more broadly. Furthermore, the protection of representative habitats is unrelated to improving ecological functioning;
- *Increased understanding of marine ecosystems within the Gulf, and the pressures on them, to support holistic management* is an outcome that the fishing industry supports. While this outcome is akin to the purpose of Marine Reserves, it is not an outcome of the establishment of HPAs /SPAs /extensions to existing Marine Reserves, but instead is wholly dependent on appropriate monitoring research being planned, funded and undertaken and integration with measures proposed in other elements of the strategy including fisheries management; and
- *Restoration of the Gulf's healthy marine environment to enhance cultural practices* and *social and spiritual wellbeing* suggests that an underlying purpose of the HPAs and SPAs is one of reallocation of benefits arising from marine biodiversity and resources from one set of uses to another. We understand the need and the obligation to provide for customary use and we remain confident that iwi and kaitiaki will ensure any customary non-commercial fishing does not impugn key biodiversity values or habitats. We have more concern about the apparent intent to provide for commercial non-extractive use.

[3] *Revitalising the Gulf*. Government Strategy in response to the Sea Change – Tai Timu Tai Pari – Hauraki Gulf Marine Spatial Plan. Department of Conservation, Fisheries New Zealand, Ministry for Primary Industries. June 2021. e.g. At A Glance page.4, Overarching outcomes

[4] Revitalising the Gulf Marine Protection proposals. Information document. Department of Conservation. September 2022. Page.2 Outcomes for marine protection

3.1.2 Purpose of HPAs and SPAs lacks direction

15. The purposes of HPAs and SPAs in the Information Document provide little guidance or discipline for selecting or assessing proposed sites because:

    - Protection will be applied to 'the full range' of ecosystems as well as to high value areas;
    - Purposes include not only protecting, but also maintaining, enhancing and restoring;
    - The scope includes habitats, communities and ecosystems; and
    - Allocation of extractive use rights (through provision for customary fishing) and provision for commercial non-extractive activities is part of the purpose of HPAs.

16. In a meeting with fishing industry representatives in September 2021, DOC officials were unable to provide a clearer explanation of the Government's intent, beyond repeating that the HPAs and SPAs will be implemented in order to give effect to the SeaChange Plan – as if that were a valid purpose in its own right.[5]

17. The fishing industry is open to considering how area-based protection could contribute to ensuring healthy, functioning ecosystems throughout the Gulf, but the approach adopted in *Revitalising the Gulf* and the Information Document confirms that this is not the intended purpose or outcome of the current proposals.

3.1.3 No clear site specific biodiversity objectives

18. Site specific biodiversity-related objectives are vital for effective marine protection. A response from DoC[6] confirmed these will not even be developed until a process due to start in 2023. Unless the attributes of a site that require protection are clearly defined, it is not possible to identify the threats that need to be managed.

19. *Revitalising the Gulf* includes 'objectives' for each of the original 18 sites. However, these objectives are almost entirely generic and formulaic, and do not explain why the identified biodiversity values of a site are of high importance for ecological functioning, are unique or special in any way, are threatened or at-risk, or otherwise require protection at the site.

20. The technical documents provided in support of these proposals (Evaluation of Biodiversity Protected by Sea Change MPA Proposals, and Agency Advice on Selection of MPAs) rely heavily on data modelling to determine probable site-specific biodiversity values with no site specific surveys undertaken, particularly in the off-shore areas, to ground truth the results. Without better information to inform setting of site-specific objective we risk failing to achieve the desired biodiversity outcomes while imposing unnecessarily restrictions on the fishing industry.

[5] Meeting of DOC, FNZ and industry representatives, 1 September 2021. We would note that in picking up the SeaChange Plan a number of conditions seen as necessary in that Plan for effective implementation have not been included

[6] Marine Protection Proposal Questions for DoC. Response received 25/10/22

21. We note in particular that:

- Protection of representative habitats (a site-specific objective of 11 HPAs and 2 marine reserve extensions) is not a site-specific ecological objective – instead it is indicative of a policy approach that is unrelated to ensuring ecological functioning of the Gulf;
- Protection of sensitive biogenic habitats is an objective that at least refers to ecological values, but its credibility as a site-specific objective is highly questionable because:
  i. 16 of the original 18 sites have an almost identical objective of protecting *sensitive biogenic habitats on soft and hard substrates*;
  ii. the identified biogenic organisms exhibit a high degree of repetition among sites (e.g., *sponges* are listed as a sensitive biogenic habitat at 15 sites, *soft corals* at 12 sites, and *black corals* at 6 sites);
  iii. at 12 of these 16 sites there is an inconsistency between the biogenic habitats identified in the objective, and the biogenic habitats that are supposedly represented in the MPA according to the Agency Advice;[7] and
- There is no indication as to whether the identified biogenic habitat values are of high importance for ecological functioning, are unique or special in any way, are threatened or at-risk, or are limited or widespread in the Gulf and elsewhere. In other words, the objectives may describe what is present at the site, but they do not explain why the identified biogenic values require protection of the type proposed at each site.

22. The Information Document disregards the site-specific objectives in *Revitalising the Gulf*, and instead proposes that:

- Initial biodiversity objectives for each HPA will be developed in 2023 by DOC, working with mana whenua;
- Over time, these initial site-specific biodiversity objectives for HPAs will be refined in partnership with mana whenua; and
- The biodiversity objectives will inform the management of customary fishing, habitat restoration, and research and monitoring within each HPA site (no process is outlined for developing site-specific objectives for SPAs).

23. We find it inexplicable that, after such a lengthy process, there are still no agreed site-specific biodiversity objectives – clarity is needed about which attributes require protection at each site and, therefore, the threats that require management in order to achieve the identified objectives. This should be the first step in effective marine protection, not one of the last considerations.

24. The fishing industry considers that the proposed process of the Crown and mana whenua developing site-specific objectives, with no opportunity for input from other parties, is completely inappropriate. While we have no objection to the Crown working collaboratively with their Treaty partner, site-specific biodiversity objectives are a critical aspect of effective

[7] Department of Conservation and Fisheries New Zealand 2021. Sea Change – Tai Timu Tai Pari Plan Marine Protected Area (MPA) proposals. Agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network. (referred to in this submission as the **Agency Advice**).

marine protection and are of interest and concern to a wider set of stakeholders than just DOC and mana whenua.

25. We recommend that if the proposed HPAs and SPAs proceed, site-specific biodiversity objectives for both types of sites should be developed through a fully inclusive process.

3.1.4 Absence of monitoring

26. One of the outcomes proposed is *Increased understanding of marine ecosystems within the Gulf*. Achieving that outcome is dependent on appropriate monitoring being planned, funded and undertaken. DoC has acknowledged it has no such arrangements in place and suggest these will be derived "as part of implementation"[8].

3.2 Management of activities is not proportionate to threat

27. We note that DOC has revised the activities that will be prohibited in the proposed HPAs and SPAs, as set out in **Table 1**.

Table 1: Prohibited activities – comparison of original and revised proposal

	Revitalising the Gulf	Information Document
HPAs	**Prohibited at all sites** Commercial and recreational fishing Mining and petroleum exploration Extraction of material for commercial use **Prohibited at some sites** Anchoring* (1 site) Vehicle access over foreshore* (1 site)	**Prohibited at all sites** ("may include but not limited to") Commercial and recreational fishing Mining Industrial removal of materials Dumping Erection of structures Discharge of harmful substances Discharge of sewage from outfalls Discharge of ballast* Landing of aircraft* Use of explosives or firearms
SPAs	**Prohibited at all sites** Commercial bottom trawling, dredging and Danish seining Recreational dredging Mining and petroleum exploration **Prohibited at some sites** Recreational set netting (4 sites) Recreational potting (3 sites) Commercial potting (1 site) Commercial bottom longlining (1 site) Commercial set netting (1 site)	**Prohibited at all sites** Bottom trawling Dredging Danish seining Potting Set netting Ring netting Bottom longlining Mining Dumping Sand extraction

[8] Marine Protection Proposal Questions for DoC. Response received 25/20/22

* with some exceptions

28. The fishing industry considers that effective management of identified threats is critical to achieving identified biodiversity protection objectives. Responding to all activities that threaten biodiversity in a manner commensurate with the risk each poses is at the heart of ecosystem-based management. We therefore object to the inadequate and inconsistent management of identified threats to marine biodiversity in the HPAs and SPAs. In particular:

- Fishing methods that have no adverse effects on identified biodiversity values are nevertheless prohibited at many sites;
- Non-fishing threats are managed inconsistently (with each other, and in comparison to fishing-related threats) and most terrestrial sources of threat to marine biodiversity at the sites are not managed at all; and
- The management of marine biodiversity threats arising from the exercise of customary fishing rights is uncertain and inconsistent with the management of other types of fishing rights, including rights protected under the Māori Fisheries Settlement.

29. There is a substantial disparity between the almost ubiquitous prohibition of commercial fishing activity and the absence of effective management of many other known threats. This does not suggest that the HPA /SPA /extension to marine reserve proposals seek to take an ecosystem-based (integrate all threats) approach to protecting marine biodiversity in the Gulf.

3.2.1 Fishing method prohibitions not related to threat

High Protection Areas

30. Prohibitions on commercial bottom trawling, dredging and Danish seining are unnecessary for many of the proposed HPAs as these fishing methods:

- Are already prohibited at the sites, as scallop dredging is prohibited throughout the Gulf under s.11 of the Fisheries Act and other mobile bottom-impacting fishing methods are already fully prohibited in the HPA sites at Motukawao Islands, Rotoroa Island, Rangitoto and Motutapu, , Kawau Bay, and the Ōtata / the Noises as well as in most of Tiritiri Matangi HPA and Whanganui-a-Hei marine reserve extension;
- Are not used in areas where rocky reef/biogenic structures exist (which have been prioritised for protection) due to the risk of fouling fishing gear, or
- Will be prohibited under the Hauraki Gulf Fisheries Plan by locating trawl corridors so as to avoid adverse effects on ecologically sensitive areas (see **section 3.4.2**).

Prohibiting bottom trawling, Danish seining and dredging in the HPAs therefore provides no additional biodiversity benefits because these fishing methods will not occur in these locations.

31. The site-specific objectives for HPAs in *Revitalising the Gulf* relate entirely to benthic biodiversity. The prohibition of fishing methods that do not harm the benthic environment – including static bottom-contact fishing methods (such as bottom longlining, set and ring netting or potting) and non-bottom impacting fishing methods (such as purse seining, surface

longlining and diving) typically cannot be justified in relation to the site-specific objectives. If static fishing methods are shown to threaten particular vulnerable species such as black corals, targeted controls can be implemented more efficiently under the Fisheries Act. Protection from fishing for these vulnerable species will apply irrespective of who is using the method. However, commercial fishing is wholly prohibited in the proposed HPAs, irrespective of whether the fishing method causes an actual threat to benthic biodiversity.

32. If fishing is considered to threaten broader biodiversity objectives such as the maintenance of ecological systems, natural species composition and trophic linkages, then broader scale fisheries management responses such as reducing recreational daily bag limits and TACCs will achieve these objectives far more effectively than prohibiting a particular fishing method within a small HPA.

Seafloor Protection Areas

33. Prohibitions on commercial bottom trawling, dredging and Danish seining are unnecessary for many of the proposed SPAs as these fishing methods either:

- Are already prohibited at the sites, as scallop dredging is prohibited throughout the Gulf under s.11 of the Fisheries Act and other mobile bottom-impacting fishing methods are already prohibited in most of Kawau Bay SPA and Tiritiri Matangi SPA; or
- Will be prohibited under the Hauraki Gulf Fisheries Plan by locating trawl corridors so as to avoid adverse effects on ecologically sensitive areas within the SPAs (see **section 3.4.2**).

Prohibiting bottom trawling, Danish seining and dredging in the SPAs therefore provides no additional biodiversity benefits because these fishing methods will not occur in these locations.

34. The proposals in the Information Document prohibit significantly more fishing-related activities in the SPAs than was proposed in *Revitalising the Gulf* (see **Table 1**). Static fishing methods which involve some benthic contact – i.e., potting, bottom longlining, ring and set netting – are now proposed to be prohibited in all five SPAs.[9]

35. Static contact between a fishing method and the seafloor cannot be equated with an 'adverse effect' on benthic biodiversity and DOC has provided no evidence to justify the additional prohibitions. Any prohibitions on static fishing methods in SPAs should be considered only following an analysis of:

- The physical vulnerability of the biodiversity attributes in relation to each fishing method; and
- The degree of spatial overlap between each fishing method and the biodiversity attributes that are intended to be protected.

36. In the absence of any such justification, the new prohibitions of static fishing methods impose substantial additional costs on the fishing industry (see section 3.3) with no apparent

[9] In *Revitalising the Gulf*, commercial potting, bottom longlining and set netting were prohibited in just one SPA.

additional biodiversity protection benefits. Where additional controls on static fishing methods can be justified on the basis of adverse effects on sensitive biota like black corals, implementation of more targeted controls under the Fisheries Act will achieve biodiversity protection objectives at less cost than blanket prohibition of these fishing methods in the proposed SPAs.

37. For both HPAs and SPAs the duplication of coverage of particular habitat types (see section 3.4 below) and the excessive scale of the closures imposes unnecessary impact on fishing operations and cost, to achieve the biodiversity objectives. Where static fishing method controls can be justified on the basis of adverse effects on sensitive biota (like black corals), restrictions under the Fisheries Act could be focused on addressing those issues with smaller areas of restriction.

3.2.2 Non-fishing threats managed inconsistently

38. Although DOC has added some other activities to the list of activities prohibited in HPAs and SPAs, all meaningful prohibitions remain firmly focused on fishing alone. The new non-fishing related prohibitions are mostly illusory and offer little additional biodiversity protection.

39. Councils already have a clear legal obligation under the Resource Management Act 1991 (RMA) to ensure that the adverse effects on marine biodiversity of any activities managed under that statute are avoided, remedied or mitigated. Therefore, the addition of selected RMA activities to the list of activities that 'may' be prohibited in HPAs offers no additional biodiversity protection – this includes mining, industrial removal of materials, dumping, erection of structures, discharge of harmful substances, discharge of sewage from outfalls, discharge of ballast, landing of aircraft and sand extraction. It would be more effective for central government to support councils in implementing their existing responsibilities for point and non-point sources of contaminants under the RMA than to impose potentially duplicative prohibitions under special new legislation.

40. The list of prohibited RMA activities is also inconsistent because:

- It does not include some RMA activities that are highly likely to harm benthic biodiversity in HPAs and SPAs – e.g., reclamation;
- In HPAs, sewage discharge from outfalls is prohibited but sewage discharge from vessels is not;
- In HPAs, prohibiting discharges of sewage and harmful substances does not protect the biodiversity values from discharges of sewage or harmful substances in adjacent waters;
- In SPAs, RMA activities that impact the seafloor– e.g., the erection of structures (including moorings) and reclamation – are not prohibited. These activities are likely to have far greater adverse effects on benthic biodiversity than potting, set netting or long-lining, all of which are prohibited in SPAs; and
- In both HPAs and SPAs, anchoring is not generally prohibited, even in areas of identified biogenic habitat.

41. We note in particular that typical impacts from recreational vessel use in the Gulf – e.g., sewage discharges and anchoring – are not prohibited in HPAs or SPAs, even though Auckland has the highest per capita residential boat ownership in the world[10] And all the signs are that this will increase. Threats from anchoring are likely to be no different in terms of scale and effect on benthic biodiversity to potting, long lining or set netting, so should also be precluded in HPAs and SPAs if these protections proceed and prohibitions to potting, long-lining and set-netting are included. Exceptions to precluding anchoring should of course be made to address risks to life and vessel to allow shelter in adverse weather conditions.

42. The Agency Advice and other sources identify numerous other threats to marine biodiversity in the Gulf, including: runoff of excess sediments and nutrients from forest clearance, pastoral farming and urban development; heavy metal contamination in water from urban runoff and storm water; plastic contamination in water; invasive marine species and diseases; visitor and tourism-related impacts; heavy boat traffic; illegal fishing; and environmental change (e.g., ocean warming) in response to global threats. None of these threats will be explicitly managed in the HPAs or SPAs.

Threats of terrestrial origin: sedimentation and run-off

43. A review of land based impacts on coastal fisheries and marine biodiversity throughout New Zealand (including the Hauraki Gulf) concluded that the most important land-based stressor in marine environments is sedimentation, including suspended sediment, deposition effects, and associated decreases in water clarity.[11] DOC has stated that *excess sedimentation, nutrient enrichment and runoff contaminants such as heavy metals are* ***the major pressures*** *on the Firth [of Thames]*.[12]

44. Sedimentation and turbidity threats cannot be managed by establishing an HPA or SPA. Instead, these threats arise primarily from terrestrial activities that regional councils and territorial local authorities are responsible for managing. Based on the little information available in *Revitalising the Gulf* and on relevant council websites, the fishing industry is not at all confident that councils will adequately manage direct or indirect terrestrial threats to marine biodiversity in the Gulf within a reasonable timeframe (or at all).

45. We recommend that if the proposed HPAs and SPAs proceed, the special legislation should require councils to take specific actions to manage threats to the biodiversity protection objectives of the HPAs and SPAs, including actions to effectively manage all activities that contribute to sedimentation and turbidity in the coastal marine area. It cannot be claimed that an ecosystem -based approach is being taken if there is not effective action to manage these key threats.

[10] Hakai magazine, 30 August 2021. https://www.hakaimagazine.com/news/the-tranquility-of-lockdown/
[11] Morrison, M. A., Lowe, M. L., Parsons, D. M., Usmar, N. R., & McLeod, I. M. (2009). A review of land-based effects on coastal fisheries and supporting biodiversity in New Zealand. *New Zealand Aquatic Environment and Biodiversity Report*, *37*, 100.
[12] Agency Advice. Page 117.

3.2.3 Uncertainty about customary fishing

46. The fishing industry acknowledges the authority of tangata whenua to exercise customary fishing rights in accordance with tikanga. We note that under our preferred threat-based approach to marine biodiversity protection, customary rights could continue to be exercised in all areas so long as any biodiversity risks were managed effectively. We are confident that iwi leaders and kaitiaki will assure that any exercise of their rights will not impugn the biodiversity values at an ecosystem level. Nevertheless, under an MPA-based approach, customary fishing within MPAs should be managed within the framework provided by the customary fishing regulations under the Fisheries Act, as proposed in the Information Document.

47. The current proposals highlight some significant inconsistencies with respect to customary fishing rights.

<u>High Protection Areas</u>

48. The HPAs are intended to provide a high level of protection, but customary fishing can continue, including through the use of fishing methods commonly used by recreational and commercial fishers. For example, a recreational fisher is prohibited from potting in an HPA but that same individual could pot for rock lobsters in an HPA if fishing under a customary authorisation or permit (if this was granted). Fishing from a commercial vessel (e.g., for pātaka purposes) could also take place in an HPA under a customary permit. This does not reflect a threat-based approach to marine biodiversity protection. The differential treatment of identical fishing methods may also result in an increase in recreational fishers seeking to fish under the authority of a customary permit in HPAs (as was observed during the Kaikōura pāua closure, for example).

49. While there is nothing to suggest that customary permits or authorisations will be issued in a way that results in damage to biodiversity values, there is also no certainty that any adverse effects of customary fishing will be managed within HPAs because:

- Customary fishing must not conflict with the HPA objectives, but the HPA objectives will be agreed between DOC and mana whenua without the involvement of other affected parties; and
- The preparation of a Customary Practice Management Plan is optional.

50. It is also inconsistent that DOC is prepared to make provision for customary non-commercial fishing in HPAs, but does not acknowledge the adverse effects of the HPAs on Māori customary commercial fishing rights. The principles of the Treaty of Waitangi require the Government to uphold the integrity of existing settlements between the Government and Māori/Iwi, including the Fisheries Settlement. The Government has stated that in all its reforms it will maintain the integrity of existing settlements. In our view this includes an obligation to not extinguish, or substantively preclude the exercise of, the quota owned under the Fisheries Settlement without the informed consent of Iwi mandated for fisheries purposes. Customary commercial and non-commercial fishing rights are two integrated halves of the Māori Fisheries Settlement and it is divisive and patronising for the Crown to presume that one half of a full and final settlement should be protected while the other is extinguished in the HPAs. It is not clear that iwi will accept this partitioning.

Wider considerations

51. The arrangements that DOC has reached with mana whenua in the Gulf have significant precedent-setting implications for other iwi and hapū around the country. We interpret these arrangements to mean that MPAs that currently prohibit customary fishing are no longer a favoured or viable management tool for the Government or for Iwi. We consider that such a significant policy shift should have been subject to much wider consultation (including with Iwi in other regions) rather than emerging as a *fait accompli* from a limited and closed set of discussions.

52. The policy shift means that New Zealand no longer has a fit-for-purpose statutory marine biodiversity protection tool and, in the absence of any replacement for the Marine Reserves Act, we will now be reliant on 'special legislation' to implement marine protection. This creates significant uncertainty for everyone who relies on access to marine resources for their livelihoods and wellbeing (see **section 3.6.3**). It also has immediate implications for the South-East marine protection (SEMPA) proposals which include six marine reserves in which customary fishing rights could not be exercised as the law currently stands.

53. We also question the implications of this policy shift for New Zealand's obligations under the Convention on Biological Diversity (**CBD**). Up until now:

- DOC has sought to justify the imposition of no-take marine reserves as being 'in the national interest', in part because of their contribution to New Zealand's international obligations under the CBD.[13] The fishing industry has always disputed that marine reserves are the only or the best way of implementing our CBD obligations, so we are pleased to see that DOC and the Government appears to be moving away from its original position; and
- The New Zealand government has generally adopted an unduly rigid interpretation of its reporting obligations for marine protection under the CBD, reporting only no-take marine reserves and (somewhat bizarrely)[14] Marine Mammal Sanctuaries as contributions to Aichi Target 11, which is to protect at least 10 percent of coastal and marine areas by 2020. We hope this signals that New Zealand will now report marine protection in a more comprehensive way that is not reliant solely on 'no take' areas.

3.3 Significant direct impact on commercial fishing

54. The potential impacts of the proposed area closures and fishing method restrictions varies considerably, both within and between the various fisheries that operate across the Hauraki Gulf Marine Park.

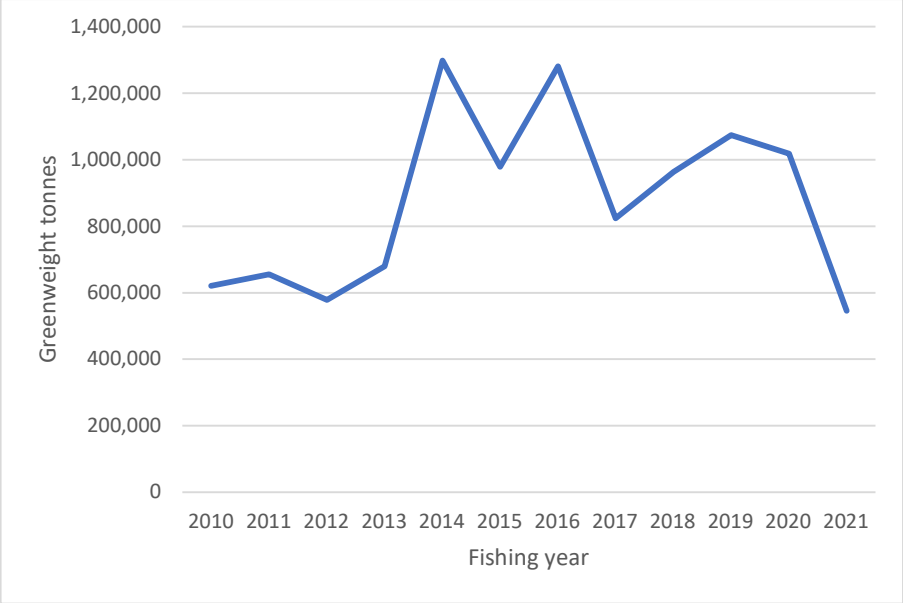
55. Two reports have been produced to estimate the impact of the marine protection proposals on commercial fishers, an initial report produced by DOC and FNZ "*Sea Change – Tai Timu Tai*

[13] See, for example, Proposed southeast marine protected areas consultation document. Department of Conservation and Fisheries New Zealand. June 2020.
[14] Notably, the Benthic Protection Areas (BPAs) have generally not been 'counted' as contributing to Aichi Target 11 even though they fit the international definitions of protection and provide significantly more protection than a marine mammal sanctuary.

Pari Plan marine protected area (MPA) proposals: agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network", and a report commissioned from MartinJenkins released midway through the consultation process. The two reports provide a summary of catch within the proposed areas calculated from the 2015/16 - 2017/18 and 2019/20 - 2020/21 October fishing years respectively. While the two reports are not directly comparable due to differences in data reporting and analysis methodologies, the contrast of catch between years, both within and between the two reports, highlights that neither report provides a robust assessment of the impact on the various commercial fisheries or fishers that will be impacted by the proposals.

56. This is most notable in the Martin Jenkins report which only uses two years data from which to characterise commercial catch within the proposed areas. Both years are also likely to be unrepresentative with fishing in 2020 impacted by Covid-19 and 2021 was impacted by a strong *La Niña* climate event that resulted in a significant drop in catch for a number of finfsh stocks and fisheries (Figure 1). Consequently, the analysis significantly under-estimates the impact of potential closures on commercial fishers.

Figure 1: Total annual finfish catch within all proposed MPAs combined.



57. Figure 1 also illustrates the variable nature of fishing and catch and the importance of considering multiple years when characterising fisheries for estimating economic impacts. Fishing and catch is heavily influenced by environmental changes and the distribution of fishstocks, particularly for pelagic species. La Niña conditions prevailed for years 2010 to 2013, and again in 2021. The agency report estimated an average annual catch of 917 t for all stocks, whereas the MartinJenkins' report characterised annual catches of 906 t and 530 t (the lowest catch for the time series) for the 2019/20 and 2020/21 October fishing years respectively. The highest total annual catch of 1,297 t occurred in 2013/14.

58. To ensure that the government analysis is robust, we recommend that the data and analysis in the MartinJenkins Part 1 report, and yet to be completed Part 2 report, be updated to include

a broader range of fishing years to more accurately characterise fishing catch and effort within the proposed closures, and estimated economic impacts.

59. Both reports also estimate the amount of catch taken within the proposed MPAs compared to the total catch within each individual QMA. This comparison however mis-represents the impacts of displaced effort and catch that will be more localised, and in most cases, will occur elsewhere within the Hauraki Gulf Marine Park.

60. Comparing catches over the last five years for five key inshore finfish stocks within the proposed MPAs with catches taken within the HGMP indicates that the impacts of displacement will be more significant (Table 2). For snapper and trevally, which account for a significant proportion of the catch within the marine park, displaced catch accounts for 12 and 25 % respectively of the total catch within the marine park.

Table 2: Compares the annual average catch (2017-2021, greenweight tonnes) for five key species caught within the proposed MPAs, the Hauraki Gulf Marine Park and the QMA.

Fishstock	MPAs (t)	HGMP (t)	% HGMP	% QMA
GUR1	8,040	86,582	9.29	0.5
JDO1	14,581	82,120	17.76	4.5
SNA1	193,693	1,590,641	12.18	3.4
TAR1	13,875	60,279	23.02	0.6
TRE1	63,873	251,012	25.45	2.6

61. Closer analysis of catch for these same key species (SNA, GUR, JDO, TAR and TRE) within each MPA by method highlights that the impacts will vary considerably between areas and fishing method. The spatial distribution of fishing effort is influenced by several factors including:

- An extensive suite of Fisheries Regulations that spatially restrict the use of certain fishing methods throughout the HGMP (see Appendix 6.1 for a map of restrictions). This is particularly evident with the concentration of Danish seine effort located within Tiritiri and Kawau SPAs,
- The necessary spatial separation of different commercial methods to avoid operational interference between bottom longlining, trawl and Danish seine operations.
- Prevailing sea and weather conditions suitable for the fishing vessel and method.
- Avoiding spatial conflict with recreational fishers by locating commercial fishing to areas further away from population centres.
- The productivity of an area with consistent or seasonal abundance of target species.
- The proximity to ports, seafood processing facilities, markets and distribution infrastructure.

- Balancing the operational costs of running their businesses and maintaining profitability, particularly at a time with significantly increased fuel costs and inflation.

Figure 2: Average annual catch (greenweight tonnes) over a five year period (2017-21).

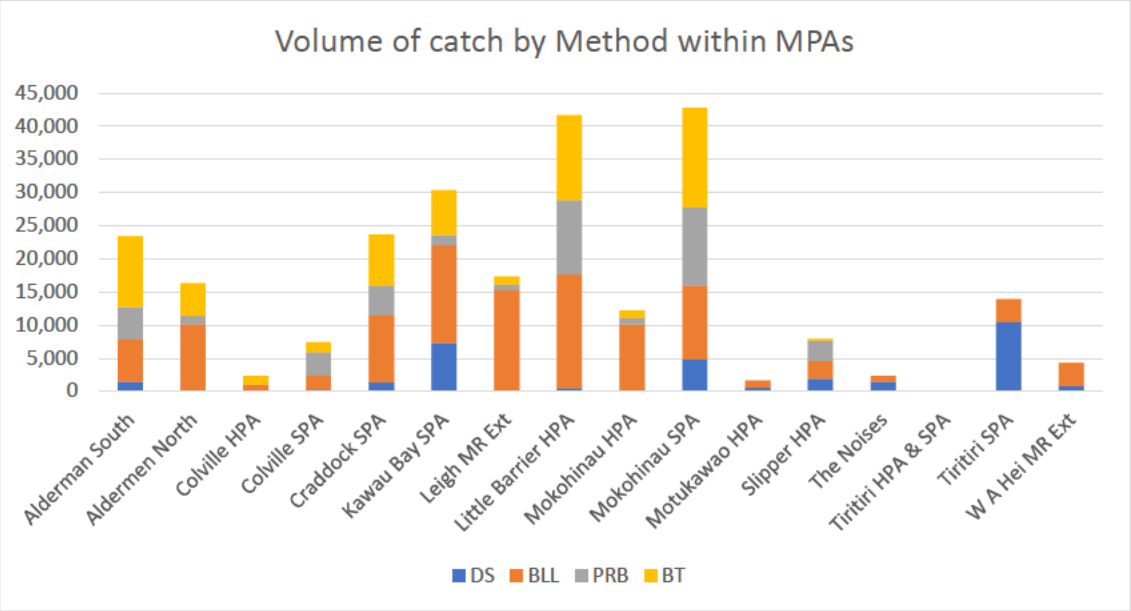
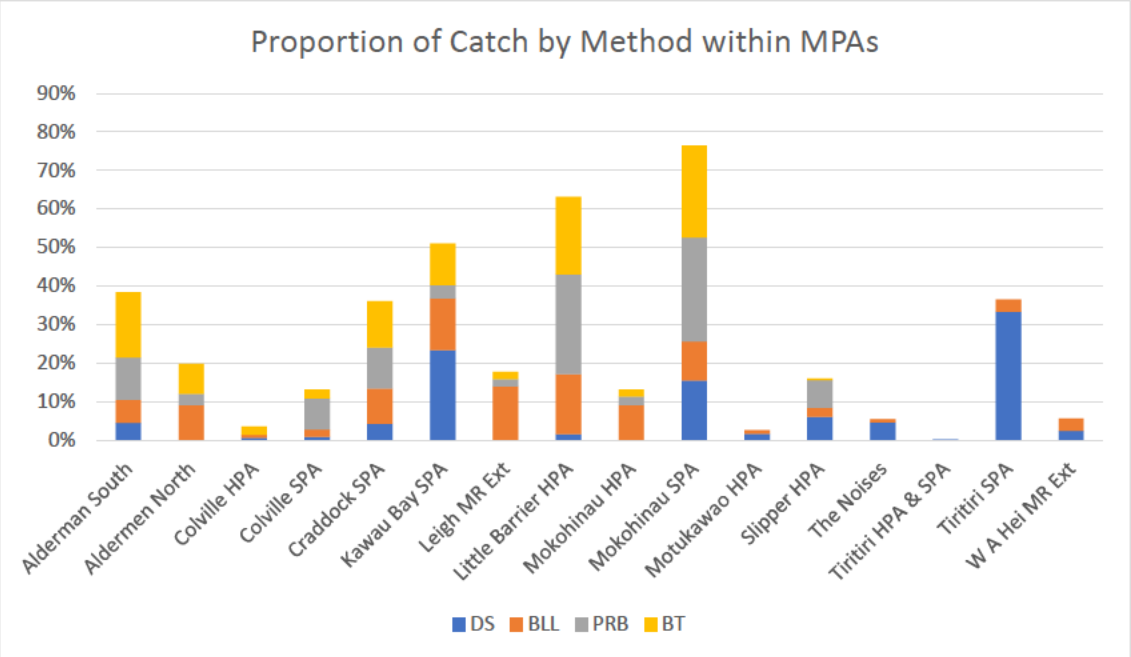


Figure 3: Proportion of annual Gulf catch by method within the MPAs (5 year average 2017-21).



62. We are also aware that the data we obtained from Fisheries New Zealand to help with our analysis, does not accurately document the catch of fishers using setnet and ring net methods within the HGMP. These fisheries are highly seasonal with effort rotating around different fishing grounds annually or over several years and with the locations of catch in any year varying based on the locations of abundance in that year in response to the environmental conditions. Consequently, effort from these fisheries is significantly underestimated by the MartinJenkins report based on two single fishing years. The Agency Report also highlighted that the impact on these methods was likely to be underestimated.

63. Analysis of catch data can indicate where impacts can be expected. It does not, however, provide a reliable assessment of impacts on individual fishing and seafood businesses, or on associated businesses and small coastal communities in which they are based. We are concerned that the current impact analysis doesn't provide a sufficiently robust estimate of these impacts to inform decision makers. We ask that work is undertaken directly with these businesses and communities to better understand these impacts.

64. The proposed closures are expected to have a number of social and economic impacts on the rock lobster industry. While agencies have indicated that special legislation will be developed to progress these proposed closures, the consideration Ministers will give to these matters is unknown – what has been clearly communicated by agencies is that they do not intend to progress the tools under the Marine Reserves Act legislation (1971). Irrespective, we consider that the policy decisions for proposals to be included under the proposed legislation should still be assessed against similar criteria and examine impacts similar to or the same as Section 13 (3) of the Fisheries Act (1996). That section requires the Minister to consider social, cultural and economic factors, and the socio-economic impacts of the closures are not limited to impacts on revenue but are likely to include:

    - Loss of income in the catching sector, quota owners, processors and distributors
    - Reduced economic viability
    - Vessels off the water
    - Unemployment
    - Inability to service debt resulting in forced exit and bankruptcy
    - Stranded assets
    - Social impacts on iwi beneficiaries
    - Economic impacts on regional communities.

65. Some fishing operations are already marginally economic as a result of the significant CRA 2 TACC reduction of 120 tonnes (60%) in 2018. Quota owners and fishers have accepted those restrictions as necessary investment to assure the sustainability of the fishery given its importance to their future. It would be a double blow if having significantly reduced catch to assure the recovery of the stock, the proposed closures then will effectively remove a significant proportion of the available rock lobster biomass in the Hauraki Gulf from sustainable utilisation. Central government agencies have acknowledged that all rock lobster fishing grounds in CRA2 are fully utilised at their current productive capacity, and as outlined in

section 3.4.3, the closure of an area that contains rock lobster habitat effectively prevents this from being available to fishing, reducing the available yield for that QMA.

66. The closure of over 1600 square kilometres in the Hauraki Gulf will severely reduce the productive rock lobster habitat available to permit holders. An analysis of industry data indicates that 15 of the proposed protection areas have been accessed by at least 8 CRA2 permit holders over the past 10 years to various degrees and timeframes (see Appendix 6.2.1 and 6.2.2).

67. s 9 (2)(b)(ii) [redacted] This does not take into account the impact on a further 5 permit holders which could not be completed in the time available. Further analysis is being undertaken to assess the impact on these permit holders.

s 9 (2)(b)(ii) [redacted]

70. s 9 (2)(b)(ii) [redacted]

71. The MartinJenkins analysis benefited from access to electronic reporting and global position reporting to access more accurate location data and the associated estimates, but also acknowledged that this information does not capture the total amount of fish that is caught by

[15] All rock lobster port prices estimated in the industry analysis use the associated figure sourced from the MPI Cost Recovery Port Price 2022-23

[16] All rock lobster port prices estimated in the industry analysis use the associated figure sourced from the SNZ Export Figures March 2022 (Fishing year 2021/22)

a permit holder. The analysis relied on measuring the proportion of a fishing event inside an area, then applying that proportion to the reported catch from the event – the analysis of industry data found that fishing occurred in more of the proposed closures than identified by MartinJenkins. The MartinJenkins analysis also acknowledged that the commercial fishing data used may be influenced by challenges arising from the COVID-19 pandemic. While commercial fishing was permitted to continue, fishers experienced disruptions that would have impacted their standard operations (e.g. inability to obtain crew meant the range of operation was limited).

72. Subsequently there have been significant additional costs on fishers and lower receipts arising from market access problems and much high freight costs getting products to consumers. Further economic pressure will be put on fishing operations because the largely fixed costs (e.g., vessel maintenance, insurance and labour) will remain. The closure of these areas will force permit holders to find and access less productive fishing grounds further from their port of domicile, increasing the time and cost associated with their operation. Variable costs are likely to increase in the current inflationary climate, with no respite from the government to business to the cost of fuel and equipment as has been provided for to the public.

73. Most rock lobster fishing operations are wholly reliant on rock lobster and don't fish other species or use other methods, and therefore don't have alternatives to maintain or substitute income. Rock lobster vessels are fairly specialist; even if an operator could afford to modify and re-equip the vessels and develop expertise in new fisheries, they couldn't fish without the very significant additional capital needed to purchase ACE or quota.

74. There will be reduced or little return for capital such as fishing equipment or holding tanks, which in general have limited utility for other purposes. It will be extremely difficult to sell the vessels, as there is a limited market for specialist vessels, which will likely be saturated with vessels from other operations in similar situations, and lack of demand due to the increasing restrictions.

75. Finfishers are also facing increased costs with increasing cost recovery for science and compliance and new costs recovery for the installation and operation of on-board cameras on all inshore finfishing vessels.

76. Where there is loss of employment for skippers, crew and other employees not limited to the direct fishing operation, this will often be in regional areas with limited prospects for other employment. This can lead to a forced shift of out of regional communities to larger centres where there is better prospect of employment. There will potentially be impacts on social programs funded by iwi and runanga from the benefits of their settlement assets. For some iwi, ACE income is an integral component to fund their staff complement and marae activities.

77. There will also be reduced revenue to quota owners, which include iwi, companies, owner operators and retired fisherman, from selling ACE that they depend on for their income. The ACE price is linked to the port price paid to fishermen. The reduction in available fishing grounds will create greater competition in remaining areas, reduce catch rates, increase fishing costs and therefore reduce income.

78. Reduced spatial access will also affect quota owners through reduced equity in quota, and will essentially remove that value from the quota owner. It is not expected that there will be any significant compensatory adjustment in quota price for the reasons listed prior.

79. For some operations substantially affected, the loss of income will negate their ability to service debt, and could lead to calling in of loads and inability to pay mortgages. The inability to service debt can lead to the need to restructure businesses, resulting in the loss of employment, closing or bankruptcy. These economic impacts will impact on investor confidence in the industry, at a time when the government has directed it to undertake an Industry Transformation Plan[17], and influence the cost of capital to remaining operations.

80. The reduction in fishing and receiving businesses will have flow on impacts in reduced economic activity for a number of associated servicing and support businesses such as transport, storage, provedoring, engineering, boatyards, marine electronics and suppliers. These fishing and support businesses are often in smaller regional towns and communities along the coastline. In some communities commercial fishing is an important proportion of economic activity.

81. The economic reductions will have flow on impacts on infrastructure and services, often in regional communities including loss of revenue for retail, business, and various services.

3.4 Proposals undermine good fisheries management

82. One of the fishing industry's primary objections to the proposed HPAs and SPAs is the startling and complete lack of integration between these proposals and fisheries management considerations. In particular:

- There is significant duplication between the HPA/SPA proposals and the Hauraki Gulf Fisheries Plan;
- Measures in the Hauraki Gulf Fisheries Plan will manage fishing-related impacts on marine biodiversity more effectively than the proposed HPAs and SPAs, throughout the Gulf, and with significantly lower cost;
- Fisheries displacement effects arising from the HPAs and SPAs will undermine ecological functioning in the Gulf – an 'oasis and desert' approach is an outcome that would be contrary to the Government's stated intent in *Revitalising the Gulf*;
- HPAs and SPAs will not result in the asserted fisheries management benefits; and
- Cumulative fisheries displacement in the Gulf, already having adverse effects in the Gulf, will be further exacerbated by the current proposals.

3.4.1 Duplication between the Fisheries Plan and HPAs/SPAs

83. A draft Hauraki Gulf Fisheries Plan is included in Revitalising the Gulf. The proposed Fisheries Plan is currently being refined and will be consulted on shortly with the intention is that it will be approved by the Minister for Oceans and Fisheries under section 11A of the Fisheries Act. Once approved, the Fisheries Plan will have statutory status as a matter that must be taken into account by decision makers under the Fisheries Act, and must be had regard to by councils when preparing regional plans under the RMA.

[17] Fisheries system reform agenda [Paper 2 of 7]

84. The measures in the draft Fisheries Plan overlap significantly in intent and effect (i.e., control of adverse effects of fishing on marine biodiversity) with the proposed HPAs and SPAs. For example:

- Bottom trawling and Danish seining will be prohibited in HPAs and SPAs, but will be prohibited throughout the Gulf with the exception of 'suitable corridors' under the Fisheries Plan;
- Commercial and recreational scallop dredging will be prohibited in HPAs and SPAs, but the entire scallop fishery SCA CS is currently closed to commercial and recreational harvest under section 11 of the Fisheries Act, apart from small defined areas around Little Barrier Island and Colville Channel. Under the measures in the proposed Fisheries Plan, commercial dredging will be confined to its current footprint (which is largely outside the proposed HPAs and SPAs), alternative methods will be encouraged, and recreational scallop dredging will be prohibited throughout the Gulf;
- Several of the proposed HPAs and SPAs include areas that are potential habitats of particular significance for fisheries management (HPSFM),[18] but ecologically important marine habitats, including HPSFM, will be explicitly protected from any adverse effects of fishing under the measures in the proposed Fisheries Plan;
- The only meaningful prohibitions in the proposed HPAs and SPAs apply to fishing activities (see **section 3.2.2**) – but any fishing activities that have an adverse effect on marine biodiversity will be fully managed under the relevant provisions of the Fisheries Plan; and
- To the extent that HPAs and SPAs aim to support healthy functioning ecosystems (as noted above, we consider that based on the nature of the proposals, this is not the only intended objective), the measures in the Fisheries Plan explicitly aim to support healthy functioning ecosystems *throughout* the Gulf (not just in those areas).

85. In relation to fishing impacts, the protection offered by HPAs and SPAs is no greater – and, in terms of spatial extent, considerably more limited – than that potentially available through measures under the Fisheries Plan. The fishing industry therefore recommends that fisheries-related threats to marine biodiversity in the Gulf should be managed through measures under the Fisheries Plan and other Fisheries Act tools, and not through a series of ad hoc HPAs and SPAs.

3.4.2 Good fisheries management will achieve better outcomes at less cost

86. If implemented as intended, we consider that implementation of measures under the proposed Fisheries Plan will render the proposed HPAs and SPAs substantially redundant because fishing-related threats to the identified marine biodiversity objectives will be managed and on a broader basis – and with far less cost to commercial fishing.

[18] For example, parts of Slipper Island HPA (seagrass habitat), Cape Colville HPA/SPA (high productivity area), Mokohinau Islands HPA (high productivity area), parts of Kawau Bay HPA and SPA (nursery area for juvenile fish).

87. Implementation of the objectives and management actions in the draft Fisheries Plan will directly achieve marine protection outcomes that are consistent with the Government's MPA protection standard,19 as follows:

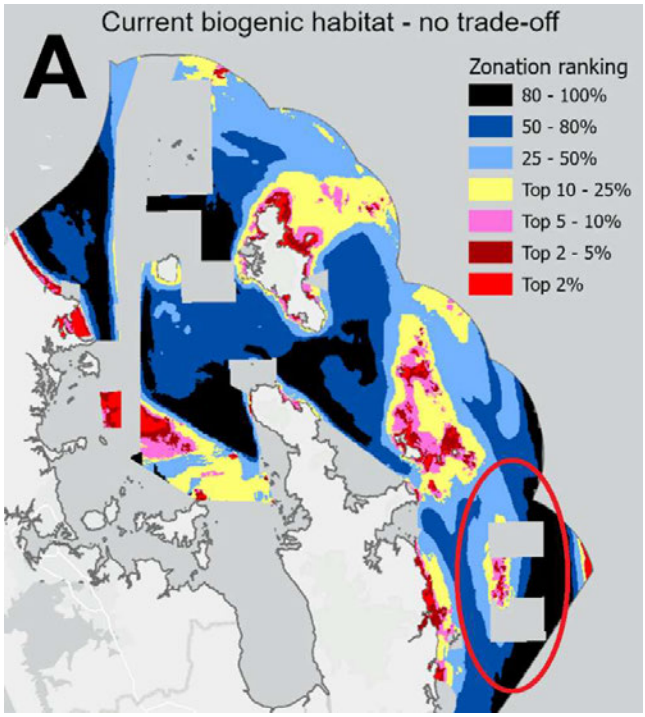
- The Fisheries Plan includes management measures to protect benthic habitats from any adverse effect of mobile bottom contact fishing methods (as noted in **section 3.4.1** above). These measures will achieve in full:
  i. the objectives of the proposed HPAs and SPAs in relation to fishing-related benthic impacts; and
  ii. the MPA protection standard requirement that the management regime must *provide for the maintenance and recovery of physical features and biogenic structures that support biodiversity*; and
- The Fisheries Plan outcome 1 is *healthy functioning aquatic ecosystems that support sustainable fisheries*. Management objectives and actions that contribute to this outcome include protecting benthic habitats from adverse effects of mobile bottom contact fishing methods, protecting ecologically important marine habitats from any adverse effects of fishing, mitigating the impacts of fishing on the marine food chain, and reducing bycatch and fishing-related deaths of non-fish and protected species. The outcome and actions mirror the MPA protection standard requirement that the management regime must *provide for the maintenance and recovery of ecological systems, natural species composition and trophic linkages*.

88. Recent work undertaken by Fisheries NZ exploring options for balancing fishing and benthic habitat protection and recovery within the Hauraki Gulf Marine Park demonstrated the potential of actions within the Fisheries Plan to achieve the biodiversity and ecosystem objectives[20]. Using the Zonation spatial planning tool to prioritise both biodiversity and fishing outcomes resulted in win-win scenarios where biodiversity protection could be optimised with least cost impact to fishing value.

89. An example that illustrates this opportunity well are the proposed HPAs for the Alderman Islands (Figure 4). The proposed closures extend over large areas of deep mud habitat that account for 92% and 25% of the North and South areas respectively (a total of 198km^2). In between the two areas is an extensive reef structure containing biogenic habitat that extends into both North and South Areas. Zonation modelling indicates that greater biodiversity benefits would be achieved by extending trawl restrictions over the full extent of reef structures, including those located between the proposed north and south HPAs areas. Setting the restrictions in this mid area areas gained a greater level of protection of biodiversity than the proposed HPAs. It also means that closing this middle area to gain biodiversity protection but allowing continued fishing access to areas of low biodiversity value but high value for fishing (mud habitats on the western and eastern sides of the MPAs) resulted in a win/win scenario.

[19] Marine Protected Areas Classification, Protection Standard and Implementation Guidelines (2008). Department of Conservation and the Ministry of Fisheries.
[20] Draft Report (yet to be published) Bennion, M.; Brough, T.; Leunissen, E.; Morrison, M.; Hillman, J.; Hewitt, J.E.; Rowden, A.A.; Lundquist, C.J. (2022). Exploring options for balancing fishing and habitat protection and recovery in the Hauraki Gulf. New Zealand Aquatic Environment and Biodiversity Report.

Figure 4: Zonation biogenic habitat mapping of the Hauraki Gulf Marine Park. The Alderman HPAs, contained in the red oval, illustrate that a significant area of high-value biogenic habitat is located outside of the HPAs. Considering both biodiversity value alongside fishing value can result in greater biodiversity gains with less impact on fishing values.



90. Implementation of the designated areas, or trawl corridors as they have been described, providing for benthic protection and recovery could be achieved through the current regulatory framework under the Fisheries Act. Using the existing regulatory framework has several advantages including clear roles and responsibilities for implementation, resourcing, and monitoring and avoiding a lengthy, complex and resource intensive process to develop and implement special legislation.

91. This work has also highlighted that biodiversity protection and fishing need not be mutually exclusive outcomes and offered a practical example how an ecosystem-based approach to fisheries management could be progressed.

92. The implementation of measures in the Fisheries Plan can therefore achieve the MPA protection standard with respect to fisheries-related impacts on physical features, biogenic structures, and ecosystem structure and functioning throughout the Gulf, not just in defined areas. Furthermore, it is indisputable that non-benthic impacts of fishing are best managed at a broader spatial scale using Fisheries Act tools such as limits on catches (Total Allowable Catches (TACs), Total Allowable Commercial Catches (TACCs), and recreational daily bag limits) rather than through the establishment of protected areas. Therefore, upon implementation of the Fisheries Plan, no additional biodiversity protection benefits will be gained by implementing the HPAs and SPAs.

93. There has been a significant increase in the level of recreational fishing the Gulf over the last 40 years with substantial changes in technology now being available to recreational fishers. As noted earlier Auckland now has the highest per capita residential boat ownership in the world

and this can be expected to further increase. The fishing industry does note, however, that there are no actions in the draft Fisheries Plan to effectively constrain recreational fishing effort, even though the heavy recreational fishing pressure is identified as a 'direct pressure' at many of the HPA and SPA sites. However, as with commercial fishing, closing an HPA or SPA to recreational fishing simply displaces recreational fishing effort to elsewhere in the Gulf without limiting the pressure that this recreational effort and catch places on the environment. Closing HPAs can be expected to exacerbate rather than reduce the impacts of recreational fishing on the marine environment in the Gulf by concentrating excessive fishing effort in the remaining open areas. We recommend that the issues with measurement and management of recreational fishing need to be rectified as the Fisheries Plan is developed and finalised.

3.4.3 Fisheries displacement from HPAs and SPAs

94. Government agencies (DOC and Fisheries New Zealand) have consistently failed to acknowledge and address:

- The adverse effects of displacement of catch from the proposed HPAs and SPAs; and
- The cumulative effects of displacement from the current proposals and existing and other proposed spatial exclusions in the Gulf and in the Quota Management Areas (**QMAs**) that the Gulf fisheries are part of.

95. It is widely understood that displacement of fishing effort from inside MPAs has a negative effect on the abundance of surrounding fish populations.[21] Research shows that the negative impacts of displaced fishing effort are more severe in countries like New Zealand where fisheries are regulated by a TAC. Unless the TAC is reduced when an MPA is established, the same amount of catch will continue to be taken, effectively guaranteeing that fishing will become more intense outside the MPA.

96. There is no suggestion in *Revitalising the Gulf* or the Information Document that the Government intends to 'rebalance' affected fish stocks by reducing TACs, TACCs and recreational bag limits to remove the negative impacts of displaced catch on surrounding fisheries. The reality that most displaced fishing effort, including recreational fishing effort, will relocate to other areas of the Gulf because of where fishers are based, not to the wider QMA, intensifying fishing pressure in the remaining open areas of the Gulf. DoC officials had been dismissive of displacement, indicating that they did not consider any displacement to be significant at the QMA scale.[22]. In a recent email exchange[23] DoC suggest "we are aware of the risk of unintended displacement effects" but no response or adjustment is suggested..

97. The negative impacts of displacement are particularly evident for species that are relatively sessile such as rock lobster. The TAC and TACC for rock lobster in this region (CRA2) are based on the area of suitable habitat (coastline and offshore reefs that contain hard substrate)

[21] For example, see the review of relevant research in Hilborn, R., K. Stokes, J. Maguire, T. Smith, L. Botsford, M. Mangel, J. Orensanz, A. Parma, J. Rice, J. Bell, K. Cochrane, S. Garcia, S. Hall, G. Kirkwood, K. Sainsbury, G. Stefansson and C. Walters (2004). When can marine reserves improve fisheries management? Ocean and Coastal Management 47 (2004) 197-205.

[22] Meeting of industry representatives, DOC and FNZ officials, 1 September 2021.

[23] Marine Protection Proposal Questions for DoC; 25-10-22

available to fishing, and the biomass of lobsters available to fishing in that area. Rock lobster can only be commercially harvested from a limited portion of CRA2 where rock lobster inhabit, as large sections of the coastline have a seafloor which does not provide suitable habitat for rock lobster. In CRA2, once rock lobster has reached a size that they can be included in the stock assessment model, they do not tend to display any alongshore movements of significant distances along the coastline (as confirmed by a program to tag and recapture lobsters). The closure of an area that contains rock lobster habitat effectively prevents the available harvestable biomass from being available to fishing, reducing the available yield for that QMA[24].

98. Central government agencies (FNZ and DOC) have acknowledged that all rock lobster fishing grounds in CRA2 are fully fished at their current productive capacity, stating "*There are no rock lobster fishing grounds within CRA2 that are not already being exploited by the incumbent commercial operators and by other sectors of the fishery. Any attempt to relocated fishing effort will have a negative impact on the CRA2 fishery in terms of increased pressure on already fully utilised areas, resulting in increased competition and conflicts, and a decline in catch. This may slow down the current process for rebuilding the CRA2 fishery…*"[25].

99. Our estimate of commercial catch that is likely to be displaced by the proposals is provided in section 3.3 of this submission. The most affected stocks (rock lobster and snapper) are highly valued by all fishing sectors and the substantial (but poorly estimated) levels of recreational catch in the Gulf will also contribute significantly to all fisheries displacement effects.

100. The Gulf fisheries are fully utilised. Therefore, if the proposals proceed without immediate commensurate reductions in TACs, TACCs and recreational bag limits, they will inevitably:

- Increase the risk of local depletion of affected stocks (especially rock lobster and snapper) in the remainder of the Gulf;
- Slow down stock rebuilding rates. This effect has been observed in international studies[26] and is directly relevant to the projected rebuilds of CRA 2, and SNA 1;
- Increase fishing-related pressure on marine biodiversity values outside the HPA and SPA boundaries and potentially reduce the resilience of marine ecosystems to other sources of environmental perturbation throughout the Gulf;
- Exacerbate spatial conflict between and within fishing sectors. Recreational and commercial fishers will all be forced to operate in a reduced area, which will result in increased competition, particularly for species that are highly valued by both sectors and have a strong spatial dependence such as rock lobster; and
- Increase the risk of a cascade of future prohibitions on fishing. For example, iwi or hapū may choose to protect areas of importance for customary fishing from the impacts of displaced commercial and recreational catch by establishing new mātaitai reserves or

[24] Webber Affidavit. Para 26-36, CIV-2020-485-320

[25] Department of Conservation and Fisheries New Zealand 2021: Sea Change – Tai Tum Tai Pari Plan marine protected areas (MPA) proposals: agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network. 166 p

[26] Hilborn, R., F. Micheli, and G. A. De Leo. (2006). Integrating marine protected areas with catch regulation. Canadian Journal of Fisheries and Aquatic Sciences 63:642-649.

s.186A closures.[27] In turn, these measures will result in further displacement of fishing effort and additional threats to fisheries sustainability and impacts on iwi or hapu in other locations in the Hauraki Gulf by increasing fishing effort in their localities and depleting the resources available.

101. All of these effects are contrary to the Government's desired outcomes in *Revitalising the Gulf*, the purported outcomes for the marine protection proposals, and the purpose of the Fisheries Act.

3.4.4 HPAs and SPAs will not create fisheries management benefits

102. The Information Document asserts that the marine protection zones are designed to increase the abundance of fish stocks. This is patently incorrect and there is no analysis to support this: the proposals were not designed to give effect to fisheries management objectives. A network of areas designed to increase the abundance of fish stocks could only be developed on the basis of an analysis of the lifecycle requirements of the various harvested fish species in the Gulf (including adult and larval movements), the habitat types that may contribute to life-cycle 'bottlenecks', and the threats to the attributes of those sites that are important for fisheries productivity. None of these steps were carried out in the design of the proposed HPAs and SPAs and it is misleading to assert or imply that they were.

103. A recent communication from DoC[28] suggests the marine protection measures and the Fisheries Plan are "expected to increase overall health of the Gulf" and "expected to benefit these locations" (locations suffering currently from localised depletion). No analysis or justification of these assertions is provided, including how the adverse effects of the substantial displacement of existing fishing activity would be addressed.

104. The negative effects of displaced fishing effort and catch on surrounding fisheries that are identified above will not be mitigated by 'spill-over' benefits to fisheries from the proposed MPAs. Studies in New Zealand and elsewhere show that while spill-over effects outside a MPA may be detectable, they are confounded by environmental and management variables and often dissipate at distances greater than 1km from a boundary.[29]

105. More significantly, the detection of spill-over near an MPA boundary does not equate to net increases in fish abundance at a regional scale. The theoretical literature consistently shows that MPAs can benefit abundance outside the boundaries only when fishing pressure is very high and stocks are seriously over-exploited.[30] The same result is seen in empirical studies – for example, monitoring of southern Californian MPAs showed that the estimated trend of

[27] We note that, contrary to the information provided in the Information Document, tangata whenua are not able to make use of s.186B closures in the Gulf as this mechanism is only able to be used in South Island fisheries waters.

[28] Marine Protection Proposal Questions for DoC 25-10-22

[29] Ovando, D. (2018). Of Fish and Men: Using Human Behavior to Improve Marine Resource Management. University of California Santa Barbara, Santa Barbara California.

[30] Hilborn et al (2004) and Ovando, D. (2018), full references above; Hilborn, R. (2017). Are MPAs effective? ICES Journal of Marine Science, doi:10.1093/icesjms/fsx068; Rassweiler, A., C. Costello, R. Hilborn, and D. A. Siegel. (2014). Integrating scientific guidance into marine spatial planning. Proceedings of the Royal Society B-Biological Sciences 281.

abundance for targeted species increased within the MPAs but decreased outside over a five year period.[31]

106. Because rock lobster are relatively sessile (see paragraph 96above) and closures essentially remove productive rock lobster habitat, the purported "spill-over" benefits are particularly illusory. Some commentators suggest that more or larger closures/reserves are needed for egg production. The science for rock lobster does not support this assertion. A detailed 2021 analysis[32] looked at the relationship between spawning stock biomass and recruitment to rock lobster fisheries in New Zealand. For all stocks examined, and all levels of biomass, there is no positive correlation – in fact a weak negative one. Egg production is apparently not the limiting factor on recruitment to rock lobster fisheries (environmental factors, natural mortality etc may be). This reinforces the view that increasing the abundance (biomass) of rock lobster, and its ecological contribution, in CRA 2 including the Hauraki Gulf, needs to be achieved by focusing on properly controlling harvest and will not be achieved by area closures.

107. As a result of shelving of quota by the industry and catch reductions in 2014 and 2018, the CRA 2 stock is rebuilding rapidly, including in the Hauraki Gulf. The most recent rapid update stock assessment of CRA2[33] which provides information about stock status in the interim years between full assessments, suggested that the median stock size in 2021 was above the B_{MSY} based reference level BR, and projected to increase strongly at current levels of catch. The recently completed full stock assessment confirmed these trends. For the reasons noted elsewhere in this section further protected area closures will jeopardise these positive fishery management outcomes for rock lobster.

108. The Information Document refers to (but does not reference) a study purporting that adult snapper at Leigh marine reserve contributed 10.6% of newly settled juveniles to the surrounding area. We presume the intended reference is Qu et al (2021).[34] The fishing industry strongly disputes the assertion that Qu et al provides an accurate or reliable basis for assessing potential fisheries benefits of the HPAs or SPAs. For example, Qu et al are unable to attribute any observed effect to the existence of a marine reserve at the site because the counter-factual (i.e., no marine reserve at Leigh) was not assessed, nor is abundance of snapper limited by recruitment.

109. In summary, if the HPAs and SPAs are established without addressing the impacts of displaced catch, they will jeopardise and be incompatible with sustainable fisheries management. The adverse effects of displacement could be mitigated by reductions to TACs, TACCs, and recreational daily bag limits. Given the HPAs and SPAs do not deliver any material benefits, these steps would cause unnecessary further adverse effects.

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[31] Hamilton, S. L., J. E. Caselle, D. P. Malone, and M. H. Carr. (2010). Incorporating biogeography into evaluations of the Channel Islands marine reserve network. Proceedings of the National Academy of Sciences of the United States of America 107:18272-18277.

[32] Exploratory analysis of stock recruitment relationships for New Zealand rock lobster. NZ Fishery Assessment Report 2021. ISSN 1179-5352

[33] Fishery Assessment Plenary Report November 2021; pages 313-335

[34] Qu, Zoe., Thrush, Simon, Parsons, Darren & Lewis, Nicolas 2021. Economic valuation of the snapper recruitment effect from a well-established temperate no-take marine reserve on adjacent fisheries. Marine Policy 134 1-8.

3.4.5 Cumulative impacts with other existing and proposed measures

110. The impacts of displaced commercial fishing from the HPAs and SPAs will be cumulative together with other existing and proposed measures in the Gulf and in the wider QMAs that the affected stocks are part of.

111. The existing spatial exclusions in the Gulf include:

- 6 marine reserves (Cape Rodney-Okakari Point, Tawharanui, Long Bay-Okura, Motu Manawa-Pollen Island, Te Matuku, Whanganui-a-Hei);
- 4 CPZs, which are recognised as Type 2 MPAs (Kawau Island CPZ, Whangaparaoa CPZ, Hauraki Gulf CPZ, Great Barrier Island CPZ);
- Numerous spatial restrictions on trawling under fisheries regulations, including prohibition of all trawling in the inner Gulf, and trawling by vessels longer than 20m in a wider area of the Gulf;
- Extensive spatial restrictions on Danish seining under fisheries regulations, including prohibition in the inner Gulf;
- Extensive spatial restrictions on scallop dredging under fisheries regulations, including prohibition in the inner Gulf and the closure in 2022 of the Coromandel scallop fishery (SCA CS) apart from two small areas around Hauturu/Little Barrier Island and near the Colville Channel;
- Several small areas in which set netting is prohibited under fisheries regulations;
- Other spatially-defined fisheries regulatory restrictions including seasonal prohibitions on finfish take, and restrictions on trawl net mesh size;
- Four 'temporary' s.186A closures (Umupuia Beach, Te Mata and Waipatukahu, Waiheke Island, East Coromandel); and
- Areas occupied by marine farms in the Firth of Thames and inner Gulf.

112. Other significant spatial exclusions that will be implemented under *Revitalising the Gulf* include:

- The prohibition of bottom trawling and Danish seining throughout the Gulf, apart from identified trawl corridors;
- The prohibition of commercial scallop dredging outside the current footprint;
- Other spatial exclusions of commercial fishing implemented through measures under the Hauraki Gulf Fisheries Plan, for example to:[35]
    - protect identified HPSFM;
    - provide for recreational fishing (Special Management Areas);
    - implement netting restrictions on or around reef systems;
    - implement 'voluntary removal agreements' whereby industry must stay out of identified areas of localised depletion for stocks used by all sectors;

[35] Draft fisheries plan management actions 1.2.3, 1.2.5, 1.4.9, 2.2.4, 2.5.3, 3.2.2 and 3.5.2.

- support iwi efforts to establish mātaitai and/or taiāpure; and
- protect sites of active mussel restoration;

- New aquaculture development arising from the Government's promotion of aquaculture in the Gulf being enabled through the review of the Regional Councils' coastal plans; and
- Ahu moana management measures, which may include prohibitions or restrictions on commercial fishing.

113. Future spatial exclusions of commercial fishing that may be implemented in the Gulf independently of *Revitalising the Gulf* include:

- Further applications for s.186A 'temporary' closures. There has recently been a significant increase in applications for s.186A closures in the Gulf in response to hapū concerns about the impacts on the exercise of customary fishing rights of localised depletion attributable to high recreational fishing pressure[36]. Each closure displaces fishing into nearby areas, increasing the likelihood of subsequent closures as adjacent hapū seek to protect their customary fishing rights; [37]
- Applications for mātaitai reserves, which may become increasingly common as iwi around the Gulf establish rohe moana and transition to using the Kaimoana Regulations;
- Applications for marine reserves under the Marine Reserves Act, which can continue to be made irrespective of the establishment of the HPAs and SPAs – as is evident from the recent application for the Hākaimangō-Matiatia (Northwest Waiheke) Marine Reserve (that will also need to be assessed);
- The granting of customary marine title (CMT) under the MACA Act if wāhi tapu associated within those CMTs have conditions prohibit or restrict fishing; and
- The prohibition of fishing in areas identified in regional coastal planning processes under the RMA (or its successor).

114. We have not undertaken a comprehensive analysis of other relevant spatial exclusions in the wider QMAs of affected stocks, but instead provide single example for the most displaced stock – i.e., CRA 2. In addition to existing spatial exclusions within the Gulf, the CRA 2 QMA includes two marine reserves (Tahua and Te Papae o Aotea), four existing mātaitai reserves, closures around the Astrolabe reef, Schooner Rocks and Motunau Plate as part of the Motiti Protection Area made under the RMA[38], and an extensive new mātaitai at Cape Runaway.

[36] For example, application by Ngāti Manuhiri for multiple sites, including: Omaha, Kawau Island, Mahurangi, Great Barrier and Little Barrier Island

[37] Nationally, in the last two years, 5 of the 10 current temporary closures were established and 4 further requests for s.186A closures were made. In 2022 five requests to extend current temporary closures for a further two years have so far been lodged.

[38] These are only the initial step in the directions provided by the Environment Court to Bay of Plenty Regional Council. Waikato Regional Council has also recently released a draft Coastal Plan in June 2022, which

115. The implementation of the existing measures identified above has already substantially restricted commercial fishing activity in the Gulf, with significant economic consequences for industry participants. These serious impacts on all CRA 2 quota owners and commercial and non-commercial harvesters are more significant when assessed cumulatively with the impacts of other existing and proposed closures in the Hauraki Gulf. The lack of coordination and integration across these ad hoc measures means that there is no due consideration of their combined effect.

116. The considerable extent of existing and proposed future spatial exclusions in the Gulf and in the relevant QMAs of affected stocks will:

- Exacerbate the total level of displacement of commercial fishing effort, with cumulative impacts on the economics of commercial fishing and the sustainability impacts (including localised depletion) on remaining accessible fish stocks and thier supporting ecosystems;
- Adversely impact on the rebuild programs put in place for fish stocks;
- Increase the level of competition and conflict between users and fuel the increasing demand for a cascading series of closures;
- Undermine customary non-commercial fishing rights where closures force displacement and hinder the ability of tangata whenua exercising their customary non-commercial rights; and
- Significantly restrict the areas to which commercial fishing effort displaced from the HPAs and SPAs can be relocated.

3.5 Network design is inconsistent with Government Policy

117. While the fishing industry considers that there are more effective (and lesser cost) approaches to protecting marine biodiversity than through the establishment of MPAs, if MPAs are to be established, this should occur in a manner that is consistent with government policy rather than ad hoc. A policy-compliant approach at least requires a minimum level of discipline and clarity. It also provides affected stakeholders with more certainty and safeguards than an ad hoc approach to MPA establishment.

118. As far as we are aware, the government's MPA Policy[39] has not been formally revoked or replaced and – for all its imperfections – it remains the only government policy on marine protected areas. If the MPA Policy has indeed been superseded or rendered redundant, that has occurred without the involvement, or even notification, of affected parties such as the fishing industry.

119. The proposed HPAs and SPAs are not compliant with the government's own MPA Policy or any other coherent policy framework. Nevertheless – indefensibly, in our view – DOC cherry

identified 87 extensive Significant Indigenous Biodiversity Areas in the coastal marine area, with policies and rules to protect these areas (as per the NZCPS).

[39] Marine Protected Policy and Implementation Plan (2005) and the Marine Protected Areas Classification, Protection Standard and Implementation Guidelines (2008) – both documents prepared by the Department of Conservation and the Ministry of Fisheries.

picks aspects of the MPA Policy to justify and support the Gulf marine protection proposals, while ignoring other less convenient aspects of the MPA Policy (for example, the requirement that one example of every habitat type should be protected in a no-take marine reserve and a replicate using other methods (such as measures under the Fisheries Act) as well as the principle that sites should be selected that minimise impacts on existing users).

3.5.1 Representativeness

120. One of the stated outcomes of the proposals is the protection of 'representative areas', justified in part by reference to the MPA Policy requirements and network design principles. The fishing industry does not support the notion that 'representative areas' require protection, but we do consider that if 'representativeness' is an intended outcome, then the analysis supporting that outcome should be objective. That is not the case for the Gulf proposals, as the Agency Advice includes analysis of representativeness that is, in our view, highly partial.

121. To begin with, the Gulf is a part of the Northeastern Coastal Biogeographic region which extends from Ahipara around the tip of North Island and down to East Cape.[40] The MPA Policy intent is that representativeness should be achieved and analysed on the scale of the bioregion, not on the scale of the much smaller Gulf. Nevertheless, the analysis of representativeness in the Agency Advice was undertaken at the scale of the Gulf only. This ignores the existence of other sites within the bioregion that may be more appropriate (i.e., lesser cost or higher biodiversity values) to achieve representative habitat protection. Furthermore, the Gulf (itself a small part of the bioregion) has been split into even smaller subdivisions, resulting in more habitat types that need to be protected in order to obtain a representative network at a small spatial scale (e.g., sites that are representative of the inner Gulf, the outer Gulf, the eastern Gulf, the Western Gulf and eastern Coromandel, as well as being representative of particular habitat types).

122. Under this analysis, the Gulf has 47 physical habitat types. The Agency Advice states that the proposed measures would protect 40 habitat types in HPAs and existing marine reserves, and a further three habitats in the existing CPZs, leaving 5 habitats *without protection in the network*. The agencies fail to mention that of the 5 unrepresented habitat types, 3 are present in tiny quantities in the Gulf (less than 2 km^2 each) and of the remaining 2 habitats, one is represented in an SPA, leaving only one habitat type, moderate mid-slope mud, unrepresented (but not necessarily threatened in any way).

123. In spite of the comprehensive representation of the Gulf's habitat types in the network, agencies consider that 23 physical habitat types are *inadequately represented.* The assessment of adequacy of representation is based on whether the proportion of features protected is of sufficient size, spatial distribution and management regime to effectively represent biodiversity. The conclusion that 23 habitat types have inadequate representation is a judgement call which cannot be readily reviewed based on the evidence provided by agencies.

124. The Gulf also has 9 recognised biogenic habitats. Agencies state that 2 biogenic habitat types are unrepresented in HPAs and existing marine reserves – i.e., biogenic green-lipped mussel and biogenic mangrove above MHW. However, green lipped mussel habitat is

[40] MPA Classification, Protection Standard and Implementation Guidelines (2008).

represented in one of the existing CPZs, and is also represented in a proposed SPA (and now also in the proposed Ōtata / the Noises HPA). There is also commitment outside of any HPAs or SPAs to undertake restoration of green-lipped mussel habitat. It is not clear why biogenic mangrove above MHW is considered to be a marine habitat type. In spite of the comprehensive representation of biogenic habitats in the network, agencies consider that 6 types are *inadequately represented*. As with the physical habitat types, the basis for this conclusion is opaque.

125. A NIWA analysis of the Sea Change proposals concluded that the MPAs would deliver some benefits for biodiversity conservation but there were shortfalls in biodiversity conservation for some species and habitats (including a number of biogenic habitats) compared with what could be achieved, and a bias toward a subset of features that receive higher priority than others (e.g., rocky reefs). NIWA made a number of recommendations about how the biodiversity protection benefits of the network could be improved, with less cost to existing users, but it is notable that these recommendations have not been progressed by the Government, nor reasons given for not doing so.[41]

3.5.2 Replication

126. The Agency Advice states that 22 physical habitats would be protected in MPAs (marine reserves, HPAs and CPZs) in at least 3 locations, and 3 biogenic habitats would be protected in at least 3 locations. This conclusion significantly underestimates the amount of replication in the network – in part, because SPAs are excluded from the analysis, but even with SPAs excluded, the amount of replication in the network is very high.

127. Our own analysis, based on the information provided by agencies, concludes that of the habitats that would be included in the 13 original HPAs (including the 2 marine reserve extensions):

- For 7 of the HPAs, all the included habitat types are already represented in existing marine reserves or CPZs – these HPAs therefore contribute no additional habitat types to the existing MPA network in the Gulf;[42]
- For an additional 3 HPAs at least half the included habitats are already represented in existing marine reserves or CPZs;[43]
- The habitat types that are represented in existing marine reserves and CPZs are often already replicated across several existing sites (one habitat type – very sheltered shallow rocky reef – is represented in 8 existing MPAs);

[41] Lundquist, C. Tablada, J., Watson, S. 2020. *Evaluation of Biodiversity Protectd by Sea Change Tai Timu Tai Pari – Hauraki Gulf Marine Spatial Plan Proposals*. National Institute of Water and Atmospheric Research.
[42] Rotoroa Island, Rangitoto and Motutapu, Aldermen Islands / Te Ruamahua north, Kawau Bay, Tiritiri Matangi, Whanganui-a-Hei marine reserve extension, Cape Rodney – Okakari point marine reserve extension.
[43] Te Hauturu-o-Toi / Little Barrier Island, Motukawao Islands / Mokohinau Islands.

- The habitat types are, with just a few exceptions,[44] replicated multiple times among the proposed HPA and SPA sites, with the number of replicate sites ranging between one and 11 sites; and
- It is not uncommon for a habitat type to be represented over 11 times in the MPA network (existing marine reserves and CPZs, and proposed HPAs and SPAs), and 'very sheltered shallow rocky reef' is represented at 20 different sites.

128. In addition, the proposed Ōtata /Noises HPA adds further replication of habitat types and there is also likely to be replication between the habitat types represented in the Gulf proposals and existing MPAs elsewhere in the northern North Island biogeographic region.

129. To put this replication into perspective, the government's MPA Policy states that the number of replicate MPAs included in the network will usually be two (meaning one site and one replicate site). The amount of replication in the Gulf marine protection proposals is clearly excessive and not consistent with a least-cost approach to biodiversity protection.

3.5.3 Connectivity

130. The Agency Advice acknowledges that connectivity is a difficult principle to assess because it incorporates complex ecological information that is often unavailable (e.g., species larval dispersal and migration) and detailed understanding of hydrodynamic conditions. As a proxy for these complex concepts, the Agency Advice uses the physical distance between sites. This type of analysis is unhelpful and tells nothing about the actual level of connectivity in the Gulf environment. While the distance between MPAs might be relevant if the intervening marine space was completely degraded (such that it would prevent the natural movement of marine species), generally mobile species would be able to move freely between an HPA and an 'unprotected' part of the Gulf.

3.6 Inadequate consultation with commercial fishing interests

3.6.1 No meaningful engagement

131. The HPA and SPA proposals have had a lengthy genesis, including through the Sea Change process, the Government's response in *Revitalising the Gulf*, and the current set of proposals. At no stage during this process has the fishing industry been adequately engaged (and not through lack of effort from the small number of individual representatives who were invited to participate). In particular, the stakeholder group that developed the Sea Change Plan did not include representation of wide parts of industry including those involved in most fin-fishing operations, scallops and the rock lobster industry, even though the Plan has a significant impact on the interests of these quota owners and harvesters. This was important because the Sea Change Stakeholder Group operated within its own confidentiality strictures and there was no opportunity for discussion or consultation on the proposals.

132. The fishing industry supported the development of an integrated Government response to the Sea Change Plan, but was let down by the level and quality of engagement prior to the approval of *Revitalising the Gulf.* Officials provided the industry with very little detail about the

[44] Five habitat types are represented only once (i.e., without a replicate).

scope of the government's proposed marine protection initiatives and how they would be implemented, severely hindering the industry's ability to provide meaningful input.

133. At that time and subsequently, officials suggested that there would be further opportunities for industry to provide input during statutory consultation on the HPAs and SPAs. This is simply not sufficient – engagement at such a late stage in a process, when decisions have already been made by Ministers, does not engender any sense of stakeholder ownership or support for proposed government measures. Furthermore, consultation on individual HPA and SPA proposals separately from the proposed fisheries management measures in the draft Fisheries Plan reflects a 'silo' mentality rather than the integrated approach that should have informed the government's response.

134. At this very late stage in the process, the fishing industry remains concerned that the problems associated with management of the Gulf have not been clearly identified, the full range of options to address those problems has not been considered, the costs and impacts of the proposed government responses have not been assessed, and the actions of different agencies (e.g., DOC's progression of the HPAs/SPAs and Fisheries New Zealand's work on the Fisheries Plan) are not integrated. The separate actions do not in any way represent an "*ecosystem-based approach to management with both working together to enhance the ecosystem function of the Gulf*" - the key tenets Ministers directed would be drive actions in *Revitalising the Gulf*.

3.6.2 Pre-determination has led to unnecessary costs

135. The Treasury's *Government Expectations for Good Regulatory Practice* (2017) sets out guidance for the design of regulatory systems, including the requirement that regulation seeks to achieve its stated objectives *'**in a least cost way**, and with the **least adverse impact** on market competition, **property rights**, and individual autonomy and responsibility.'*[45] The proposed HPAs and SPAs are inconsistent with this requirement. The stated objectives of the proposals can quite clearly be met in ways that have less cost and considerably fewer adverse impacts on property rights.

136. When the fishing industry raised the possibility of developing lesser-cost solutions in September 2021, officials informed us that progressing the proposals arrived at through the Sea Change Plan process was a higher priority than adjusting the proposals to incorporate a least-cost approach. Officials stated that engagement with industry had already occurred through the Sea Change process, Ministers had made their decisions, and the proposals might be adjusted after public consultation only to address 'serious red flags'.[46]

137. This was not accurate – there was no substantive engagement with industry in SeaChange – or the subsequent Ministerial Committee and the absence of any genuine opportunity for affected parties to influence the progress of the proposed HPAs or SPAs is in our view unreasonable and contrary to good regulatory practice.

[45] Expectations for Good Regulatory Practice (2017) www.treasury.govt.nz/regulation/expectations
[46] Meeting of DOC, FNZ and industry representatives, 1 September 2021.

3.6.3 Bureaucratic creep

138. At every iteration of the Gulf marine protection proposals, there has generally been an increase in the area protected and the level of prohibitions imposed on the fishing industry. This is not a least cost approach to achieving biodiversity protection objectives and, in many cases, the changes have not been made in a transparent manner.

139. In *Revitalising the Gulf* and in agency briefings for Ministers, the changes that officials made to the Sea Change proposals were downplayed.[47] However, there are significant differences between the Sea Change marine protection proposals and those in *Revitalising the Gulf*. Although three of the Sea Change sites were not progressed, all but one of the 18 sites in *Revitalising the Gulf* were modified by agencies. In nearly all cases, the adjustments increased the size of the HPAs, although some of the SPAs were consequentially reduced in size. In each case where two options were presented in the Sea Change Plan, agencies chose the larger option.

140. Similarly, the Information Document downplays the further changes that have been made since *Revitalising the Gulf*. While it is clear that an additional HPA has been added (the Ōtata / the Noises) it is less apparent that DOC has significantly increased the range of activities that will be prohibited in HPAs and SPAs in a manner that will have additional adverse effects on the fishing industry and for which no justification has been provided (see **Table 1** in **section 3.2** of this submission).

3.6.4 Implementation using special legislation

141. The fishing industry objects to the proposed implementation of the HPAs and SPAs using special legislation.

142. The use of special legislation means that it is likely there will be no statutory criteria against which to assess the merits of the proposal. In contrast, biodiversity protection measures implemented under the Fisheries Act can be assessed in relation to the purpose of the Act and the statutory decision criteria for sustainability measures. Even the out-of-date Marine Reserves Act has a statutory purpose and decision criteria which provide a degree of discipline for decision makers – but no such discipline could apply unless the special legislation establishes it.

143. The use of special legislation also likely means that no statutory test will be applied to protect existing fishing rights. Under New Zealand law, nearly all regulatory takings of fishing rights may be implemented only if the relevant statutory tests are met – for example, the Marine Reserves Act requires that a marine reserve must not *interfere unduly with commercial fishing*,[48] and equivalent tests exist for marine farms (Fisheries Act), mātaitai reserves (customary fishing regulations), and wāhi tapu areas (Marine and Coastal Areas (Takutai Moana) Act 2011). The purpose of these tests is to protect the integrity of the fisheries

[47] For example, the DOC and FNZ Departmental Briefing to Minister of Conservation and Minister for Oceans and Fisheries (3 March 2021) states that *Our analysis concluded that establishing the 18 sites proposed in the Strategy (noting some **minor changes to those recommended in the Sea Change Plan**) will achieve biodiversity outcomes while also balancing other interests.* [released under OIA].
[48] Marine Reserves Act section 5(6)(c).

management regime and the interests of existing rights holders, including owners of Settlement Quota so as to provide strong ongoing incentives for positive conservation of fisheries and their supporting ecosystems. No such test will apply in relation to the Gulf marine protection proposals, and therefore there is a high risk that the proposals will interfere with the effective operation of the QMS and will impinge unduly on the rights of individual fishers and iwi quota owners in a manner that is contrary to the Crown's obligations under the Fisheries Settlement.

144. These risks are exacerbated by the absence of effective procedural checks and balances. Unlike a marine reserve or fisheries regulations that are established using secondary legislation, the establishment of HPAs and SPAs by an Act of Parliament provides no opportunity for judicial review. Affected parties are not able to challenge the decision on the basis that the decision-maker failed to take account of mandatory relevant considerations or behaved in an unreasonable manner. The Select Committee process does not provide neutrality or accountability equivalent to the judicial process, particularly if the Committee has a majority of Government members.

4. Objections to individual proposals

4.1 Te Hauturu-o-Toi / Little Barrier Island **HPA**

4.1.1 Reasons for objection

145. The fishing industry objects to the proposed HPA at Te Hauturu-o-Toi / Little Barrier because:

- The site specific biodiversity protection objectives[49] do not indicate that the site contains special biodiversity values that require protection. None of the habitat types contained in the HPA are unique to this site and most of the habitat types (7 of 9) are represented in existing marine reserves or CPZs in the Gulf;[50]
- All credible threats arising from commercial fishing either already are, or will be, fully managed as:
  i. the area is closed to commercial scallop dredging;
  ii. any threats associated with other mobile bottom contact fishing methods can be fully managed under the proposed measures in the draft Hauraki Gulf Fisheries Plan; and
  iii. static and non-bottom-impacting commercial fishing methods do not threaten the identified biodiversity protection objectives;
- Other activities resulting in threats to marine biodiversity are not prohibited at the site, including anchoring;

[49] For the purposes of Section 4 of this submission, the 'site specific objectives' are those presented in *Revitalising the Gulf*.
[50] For the purposes of Section 4 of this submission, the analysis of represented habitats includes all habitat types that are present (i.e., at least 10,000 m^2) in an area, as indicated in the **Agency Advice**, Appendix 3.

- The HPA will prevent commercial diving for kina, potentially facilitating the spread of the *extensive kina barrens*[51] which are known to occur at this site; and
- The HPA will have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.1.2 Impact on commercial fishing

Rock lobster

s 9 (2)(b)(ii) [redacted]

Finfish

149. The proposed closure will have a significant impact on commercial fishers using bottom longline, purse seine, bottom trawl and precision bottom trawl methods. Out of all proposed HPA/SPAs, this area accounts for the second highest volume of finfish catch.

Greenweight tonnes caught by methods BLL, BT, DS, PRB, PS									
Year	**EMA**	**GUR**	**JDO**	**JMA**	**KAH**	**KIN**	**SNA**	**TAR**	**TRE**
2017	50	2	5	0	0	0	45	1	11
2018	406	1	5	60	1	0	33	0	62
2019	15	1	6	0	0	0	30	0	48
2020	501	0	4	0	0	0	16	0	17
2021	35	1	4	0	0	0	31	0	2
Total	1007	5	24	61	2	1	155	1	139

4.1.3 Lesser-cost alternative

150. The marine biodiversity protection objectives at Te Hauturu-o-Toi / Little Barrier can be achieved with less cost by:

- Using Fisheries Act regulations to locate trawl/Danish seine corridors so as to avoid specific areas within the site where sensitive biogenic habitats are present; and

[51] Agency Advice, page 29.

- Adjusting the shore boundaries to enable utilisation of productive rock lobster habitat with minimal loss in size and marine biodiversity representativeness, as is proposed to be undertaken for the proposed HPA closures at the Aldermen Islands/Te Ruamāhua.
- Reducing the area of mud habitat within the proposal area noting that it makes up 140 km^2 or 70% of the total area, in addition to same habitat type already being protected within the adjacent Cable Protection Zone. In particular, the northern boundary could be adjusted to allow for continued fishing in those higher productive zones that are currently fished which contain no sensitive bio-genic habitat. This would also have the added benefit of increasing the operational size of the open area for trawling between Little Barrier and the southern boundary of the Mokohihau area. The current small size of the open area would constrain activity due to difficulties of operating in a narrow space, meaning the tow restrictions will have a larger effect than noted.
- Supporting councils to effectively manage any other threats to marine biodiversity objectives under the RMA.

4.2 Slipper Island / Whakahau **HPA**

4.2.1 Reasons for objection

151. The seagrass meadow that occupies part of the Slipper Island / Whakahau HPA is an ecologically significant biogenic habitat that provides juvenile fish habitat. It is agreed that this sub-area of the site merits protection in a least cost manner, but for the reasons set out below do not consider additional restrictions are needed.

152. The fishing industry while supporting the protection of the biodiversity objects to the proposed HPA at Slipper Island / Whakahau because:

- All credible threats arising from commercial fishing either already are, or will be, fully managed as:
  i. the area is closed to commercial scallop dredging;
  ii. there is no information to suggest that other mobile bottom-impacting fishing methods are used in the seagrass meadow (a small subtidal area up to 3m deep). The seagrass meadow has expanded in size since 1973,[52] including into an adjacent bay, indicating that the protection and restoration of this habitat is compatible with historic and current levels and locations of commercial fishing effort. Any residual threats associated with mobile bottom contact fishing methods can be fully managed under the measures in the Hauraki Gulf Fisheries Plan; and
  iii. static and non-bottom-impacting commercial fishing methods do not threaten the identified biodiversity protection objectives (which relate to seagrass habitat);
- The site contains one habitat type (moderate shallow gravel) that, although uncommon in the Gulf, is not represented elsewhere the MPA network. However, there is no

[52] Agency Advice, page 71.

evidence to suggest that commercial fishing activities threaten moderate shallow gravel habitats;

- Other activities resulting in threats to marine biodiversity are not prohibited at the site, including moorings (which have caused scouring damage). The site is also subject to unmanaged threats, including declining water clarity arising from run-off of excess sediments and nutrients from land-based activities such as forest clearance, pastoral farming and urban development; and
- The HPA will have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.2.2 Impact on commercial fishing

Rock lobster

s 9 (2)(b)(ii) [redacted]

Finfish

154. The proposed closure would have some impact, particularly for fishers using Danish seine, bottom longline and bottom trawl.

Greenweight tonnes caught by methods BLL, BT, DS, PRB							
Year	GUR	JDO	KIN	SCH	SNA	TAR	TRE
2017	1.5	0.4	0.1	0.3	7.3	0.0	4.8
2018	1.7	0.3	0.3	0.1	11.9	0.2	4.2
2019	0.3	0.1	0.2	0.1	2.8	0.0	0.1
2020	0.3	0.0	0.0	0.0	2.1	0.0	0.0
2021	0.3	0.1	0.1	0.0	1.4	0.0	0.1
Total	4.1	0.9	0.7	0.4	25.5	0.2	9.1

4.2.3 Lesser-cost alternative

155. The marine biodiversity protection objectives at Slipper Island / Whakahau can be achieved with less cost by:

- Prohibiting anchoring and swing moorings in the seagrass meadow (using bylaws or rules in the regional coastal plan);
- Using fisheries regulations to prohibit bottom-impacting (commercial and recreational) fishing methods in the seagrass meadow should practices change and there is evidence that these fishing methods are used in that area; and
- Supporting councils to effectively manage any other threats to the seagrass meadow, including water quality degradation from threats of terrestrial origin, under the RMA.

4.3 Motukawao Islands **HPA**

4.3.1 Reasons for objection

156. The fishing industry objects to the proposed HPA at Motukawao Islands because:

- The site specific biodiversity protection objectives do not indicate that the site contains special biodiversity values that require protection. None of the habitat types are unique to this site and most habitat types (7 of 10) are already represented in existing marine reserves or CPZs in the Gulf;
- There is no biodiversity-related justification for prohibiting commercial fishing at the site as all credible threats arising from commercial fishing are already fully managed as:
  i. trawling, Danish seining and scallop dredging are already prohibited at the site; and
  ii. static and non-bottom-impacting commercial fishing methods do not threaten the identified biodiversity protection objectives;
- The site is subject to unmanaged threats, including declining water quality associated with land-based impacts on the wider Firth of Thames (in particular, elevated suspended sediment levels);[53] and
- The HPA will have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.3.2 Impact on commercial fishing

Rock lobster

157. Further analysis is being undertaken to assess the historic effort and potential impact of the proposed HPA closure at Motukawao Islands on permit holders.

Finfish

158. The proposed closure would have a low-level impact for fishers using Danish seine and bottom longline with low levels of catch taken from this area.

Greenweight tonnes caught by methods BLL, DS						
Year	GUR	JDO	JMA	KIN	SCH	SNA
2017	0.0	0.1	0.0	0.1	0.0	3.2
2018	0.0	0.1	0.0	0.0	0.0	1.9
2019	0.0	0.0	0.0	0.0	0.0	2.3
2020	0.0	0.0	0.0	0.0	0.0	0.6
2021	0.0	0.0	0.0	0.0	0.0	0.2
Total	0.0	0.1	0.0	0.1	0.1	8.2

[53] Identified by agencies as a "direct pressure" on the area. Other 'direct pressures' identified by DOC and FNZ include historical commercial scallop dredging and historical dredging for green lipped mussels, neither of which are current threats to the marine biodiversity of the area. [Agency Advice, page 125].

4.3.3 Lesser-cost alternative

159. The marine biodiversity protection objectives at Motukawao Islands can be achieved with less cost by:

- Managing high recreational fishing pressure which is known to occur at or around the site under the Fisheries Act; and
- Supporting councils to effectively manage any other threats to sensitive biogenic habitats, including water quality degradation from threats of terrestrial origin, under the RMA.

4.4 Rotoroa Island **HPA**

4.4.1 Reasons for objection

160. The fishing industry objects to the proposed HPA at Rotoroa Island because:

- None of the physical or biogenic habitat types (dog cockles and rhodoliths) are unique to this site and all are already represented in existing marine reserves or CPZs in the Gulf;[54]
- There is no biodiversity-related justification for prohibiting commercial fishing at the site as all credible threats arising from commercial fishing are already fully managed as:
  i. trawling, Danish seining and scallop dredging are already prohibited at the site; and
  ii. static and non-bottom-impacting commercial fishing methods do not threaten the identified biodiversity protection objectives;
- The site is subject to unmanaged threats, including excess sedimentation and nutrient enrichment from pastoral farmland and exotic forestry, and runoff of contaminants such as heavy metals;[55] and
- The HPA will have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.4.2 Impact on commercial fishing

<u>Rock lobster</u>

s 9 (2)(b)(ii) [redacted]

<u>Finfish</u>

162. Fisheries Inshore is aware that setnet fishing occurs within the area but is concerned that the impact analysis based on the recent two years doesn't adequately assess the impact. We

[54] Dog cockles are represented in three existing MPAs and rhodolith beds in two existing MPAs.
[55] These threats are identified by agencies as a "direct pressure" and the major pressures on the Firth [Agency Advice, page 117].

recommend that agencies engage directly with these fishers to better understand the impacts of the proposals on their businesses.

4.4.3 Lesser-cost alternative

163. The marine biodiversity protection objectives at Rotoroa Island can be achieved with less cost by supporting councils to effectively manage any non-fishing threats to sensitive biogenic habitats, including water quality degradation from threats of terrestrial origin, under the RMA.

4.5 Rangitoto and Motutapu **HPA**

4.5.1 Reasons for objection

164. The fishing industry objects to the proposed HPA at Rangitoto and Motutapu because:

- The site-specific biodiversity protection objectives do not include any site-specific ecological attributes. None of the habitat types are unique to the site and all are represented in existing marine reserves or CPZs in the Gulf;
- There is no biodiversity-related justification for prohibiting commercial fishing at the site as all credible threats arising from commercial fishing are already fully managed as:
  i. trawling, Danish seining and scallop dredging are already prohibited at the site; and
  ii. static and non-bottom-impacting commercial fishing methods are unlikely to threaten the (unidentified) biodiversity attributes of the site;
- The site is subject to unmanaged threats, including threats arising from the nearby Waitemata harbour such as contamination and non-indigenous invasive species (e.g., Mediterranean fan worm is established in the area);[56] and
- The HPA will have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.5.2 Impact on commercial fishing

Rock lobster

165. Further analysis is being undertaken to assess the historic effort and potential impact of the proposed HPA closure at Rangitoto and Motutapu Islands on permit holders.

<u>Finfish</u>

166. Fisheries Inshore is aware that setnet fishing occurs within the area but is concerned that the impact analysis based on the recent two years doesn't adequately assess the impact. We recommend that agencies engage directly with these fishers to better understand the impacts of the proposals on their businesses.

4.5.3 Lesser-cost alternative

167. As no site-specific ecological objectives have been provided for Rangitoto and Motutapu, a least cost approach to achieving the objectives cannot be developed. However, general management responses are likely to involve:

[56] Agency Advice, p111.

- Controlling invasive marine species under the Biosecurity Act;
- Managing high recreational fishing pressure which is known to occur at and around the site under the Fisheries Act; and
- Supporting councils to effectively manage any other threats to marine biodiversity under the RMA.

4.6 Craddock Channel **SPA**

4.6.1 Reasons for objection

168. The fishing industry objects to the proposed SPA at Craddock Channel because:

- The biodiversity protection objectives indicate that the site contains high current soft sediment habitats but there is no explanation as to why these habitats require protection at the site. None of the habitat types are unique to the site and most (4/5) are already represented in existing marine reserves or CPZs in the Gulf;
- All credible threats arising from commercial fishing already are, or will be, fully managed as:
  i. the area is closed to commercial scallop dredging;
  ii. any threats associated with other mobile bottom contact fishing methods can be fully managed under the measures in the Hauraki Gulf Fisheries Plan; and
  iii. static and non-bottom-impacting commercial fishing methods do not threaten the soft sediment habitats; and
- The HPA will have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.6.2 Impact on commercial fishing

Rock lobster

s9 (2)(b)(ii) [redacted]

Finfish

172. This proposed closure will have a moderate to significant impact on commercial fishers using bottom longline, purse seine, bottom trawl and precision bottom trawl methods. The catch

figures below for snapper highlight the short-comings of the impact analysis utilising the two most recent years only.

Greenweight tonnes caught by methods BLL, BT, DS, PRB, PS									
Year	EMA	GUR	JDO	JMA	KAH	KIN	SNA	TAR	TRE
2017	110.0	0.8	2.2	0.0	0.0	0.3	39.0	0.1	0.6
2018	0.0	0.2	0.7	0.0	0.2	0.1	21.9	0.1	0.3
2019	0.0	0.2	0.9	0.1	0.1	0.1	19.4	0.0	1.1
2020	62.0	0.1	0.6	0.0	0.1	0.2	9.1	0.0	2.4
2021	40.0	0.1	0.8	0.0	0.1	0.1	16.2	0.0	3.2
Total	212.0	1.3	5.1	0.1	0.6	0.9	105.6	0.3	7.6

4.6.3 Lesser-cost alternative

173. The marine biodiversity protection objectives at Craddock Chanel can be achieved with less cost by using Fisheries Act regulations to locate trawl/Danish seine corridors so as to avoid specific areas within the site (in particular, the high current areas) where sensitive biogenic habitats are present.

174. Static bottom contact methods (bottom longlining and potting) should be allowed given the low risk that these method pose to benthic habitats.

4.7 Cape Colville **HPA** and **SPA**

4.7.1 Reasons for objection

175. Cape Colville HPA and adjacent SPA include biodiversity values that are ecologically important and support high productivity. The sites include some high current habitat types that are not represented in existing marine reserves and CPZs in the Gulf. The attributes of the sites that support high productivity merit protection in a least cost manner, as recommended below.

176. The fishing industry nevertheless objects to the proposed HPA and SPA at Cape Colville because:

- All credible threats arising from commercial fishing already are, or will be, fully managed as:
  i. the area is closed to commercial scallop dredging;
  ii. any threats associated with other mobile bottom contact fishing methods can be fully managed under the measures in the Hauraki Gulf Fisheries Plan; and
  iii. static and non-bottom-impacting commercial fishing methods do not threaten the high current habitat types;
- The site is subject to unmanaged threats, including water quality impacts arising from terrestrial activities in the adjacent catchment which contains a mix of indigenous forests and high producing exotic grassland; and
- The HPA and SPA will both have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.7.2 Impact on commercial fishing

Rock lobster

s 9 (2)(b)(i)

[redacted]

Finfish

180. This proposed closures will have a low-level of impact on commercial fishers as catch history indicates only 7t of snapper being caught within the area over the last 5 years.

4.7.3 Lesser-cost alternative

181. The marine biodiversity protection objectives at Cape Colville can be achieved with less cost by:

- Allowing static bottom contact methods (bottom longlining and potting) in the SPA given the low risk that these method pose to benthic habitats.
- Using Fisheries Act regulations to locate trawl/Danish seine corridors so as to avoid specific areas within the site (in particular, the high current areas) where sensitive biogenic habitats are present; and
- Supporting councils to effectively manage any other threats to sensitive biogenic habitats under the RMA.

4.8 Mokohinau Islands **HPA** and **SPA**

4.8.1 Reasons for objection

182. Mokohinau Islands HPA and the adjacent SPA include biodiversity values that are ecologically important and support high productivity, as well as some sensitive benthic species (e.g., black corals). Most of the habitat types in the HPA (7/10) and SPA (7/11) are represented in existing marine reserves and CPZs in the Gulf. The attributes of the site that support high productivity and the areas that support sensitive benthic species merit protection in a least cost manner, as recommended below.

183. The fishing industry nevertheless objects to the proposed HPA and SPA at Mokohinau Islands because:

- All credible threats arising from commercial fishing already are, or will be, fully managed as:
  i. the area is closed to commercial scallop dredging;
  ii. the Hauraki Gulf Fisheries Plan includes measures for the protection of ecologically important marine habitats from any adverse effects of fishing arising from bottom-contacting fishing methods; and
  iii. it is not necessary to prohibit non-bottom contact methods such as dive fisheries in order to achieve the identified protection objectives;
- Other activities resulting in threats to marine biodiversity are not prohibited at Mokohinau Islands, including anchoring and marine tourism-related activities that may involve interaction with fragile benthic species;
- The HPA will prevent commercial diving for kina, and the inability to harvest kina may have the effect of facilitating the spread of kina barrens which are known to occur at this site – certainly the harvesting that could assist to curtail that will not be able to take place; and
- The HPA and SPA will both have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.8.2 Impact on commercial fishing

Rock lobster

s 9 (2)(b)(ii) [redacted]

Finfish

187. The proposed closure will have a significant impact on commercial fishers using bottom longline, purse seine, bottom trawl and precision bottom trawl methods. Out of all proposed HPA/SPAs, this area accounts for the highest volume of finfish catch.

HPA

Greenweight tonnes caught by methods BLL, BT, PRB							
Year	GUR	JDO	KIN	SCH	SNA	TAR	TRE
2017	0.1	0.2	0.1	1.2	2.5	0.1	0.0
2018	0.1	0.3	0.2	0.9	5.9	0.3	0.1
2019	0.1	0.2	0.1	0.2	9.5	0.1	0.0
2020	0.3	0.3	0.1	0.2	6.6	0.4	0.0
2021	0.2	1.1	0.1	0.2	17.7	0.5	0.5
Total	0.8	2.1	0.6	2.8	42.1	1.4	0.7

SPA

Greenweight tonnes caught by methods BLL, BT, DS, PRB								
Year	GUR	JDO	JMA	KIN	SCH	SNA	TAR	TRE
2017	2.5	4.1	0.1	0.4	0.5	32.4	0.6	15.3
2018	2.6	5.4	0.3	0.7	1.6	35.0	1.4	4.2
2019	2.4	5.6	0.4	0.4	2.5	29.2	1.6	2.1
2020	2.4	4.9	3.2	0.4	1.4	29.1	1.5	1.7
2021	4.1	6.4	0.6	0.3	1.7	30.2	1.0	3.2
Total	14.1	26.3	4.6	2.2	7.8	155.9	6.1	26.5

4.8.3 Lesser-cost alternative

188. The marine biodiversity protection objectives at Mokohinau Islands can be achieved with less cost by:

- Using Fisheries Act regulations to locate trawl/Danish seine corridors so as to avoid specific areas within the site where sensitive benthic species such as black corals are present;
- Allowing static bottom contact methods (bottom longlining and potting) in the SPA given the low risk that these method pose to benthic habitats.
- Using Fisheries Act regulations to protect identified areas of black corals from static bottom-contact fishing methods (recreational and commercial), where justified on the basis of adverse effects;
- Reducing the size of the SPA noting that it significantly duplicates protection of deep sand habitat (221km^2) that is also found within the Cable Protection Zone and HPA (100km^2).
- Managing high recreational fishing pressure that is known to occur at and around the site under the Fisheries Act; and
- Using regulations under conservation legislation to ensure that marine tourism activities do not interact with sensitive benthic species such as black coral.

4.9 Aldermen Islands / Te Ruamāhua (north) and (south) **HPAs**

4.9.1 Reasons for objection

189. The fishing industry objects to the proposed HPAs at Aldermen Islands / Te Ruamāhua (north) and Aldermen Islands / Te Ruamāhua (south) because:

- The biodiversity protection objectives indicate that both sites contain sensitive benthic invertebrates on reef structures, but there is no explanation as to why these habitats require protection at the sites. At the northern site, none of the habitat types are unique and all are already represented in existing marine reserves or CPZs. The inclusion of extensive areas of moderate deep mud habitat in both the southern (76km^2, 49% of the HPA) and northern areas (122km^2, 92% of the HPA) results in significant levels of duplication, contributes little biodiversity or ecological benefit but significantly impacts commercial fishing that occurs in these areas. ;
- All credible threats arising from commercial fishing already are, or will be, fully managed as:
  i. the area is closed to commercial scallop dredging;
  ii. trawl vessels avoid fishing in the reef areas (as noted in the agency analysis, the Hauraki Gulf Fisheries Plan includes measures for the protection of ecologically important marine habitats from any adverse effects of fishing; and
  iii. it is not necessary to prohibit static bottom contact methods such potting and bottom longline, or non-bottom contact methods such as purse seining, surface longlining and dive fisheries in order to achieve the identified protection objectives;
- Other activities resulting in threats to marine biodiversity are not prohibited at the site, including anchoring and marine tourism-related activities that may involve interaction with fragile benthic species;
- The HPAs will prevent commercial diving for kina, potentially facilitating the spread of kina barrens which are known to occur at these sites; and
- The HPAs will both have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.9.2 Impact on commercial fishing

<u>Rock lobster</u>

190. Further analysis is being undertaken to assess the historic effort and potential impact of the proposed HPA closures at Aldermen Islands/Te Ruamāhua on permit holders.

<u>Finfish</u>

191. The proposed closures will have a significant impact on commercial fishers using bottom longline, purse seine, bottom trawl and precision bottom trawl methods. Out of all proposed HPA/SPAs, the combined areas account for the third highest volume of finfish catch.

Alderman South

Greenweight tonnes caught by methods BLL, BT, DS, PRB, PS											
Year	EMA	GUR	JDO	JMA	KAH	KIN	SCH	SKJ	SNA	TAR	TRE
2017	1.1	1.1	1.1	133.7	0.1	1.1	0.8	93.0	14.4	14.6	1.2
2018	0.0	0.7	0.6	36.1	10.0	0.4	0.9	0.0	14.2	14.3	72.3
2019	1.1	0.6	0.6	392.2	0.1	0.4	1.0	17.9	10.3	4.8	2.0
2020	0.0	0.7	0.4	165.7	0.0	0.7	1.0	30.0	13.2	2.6	5.7
2021	198.0	0.3	0.3	0.3	2.9	0.2	0.2	14.1	7.7	2.1	36.6
Total	200.2	3.4	2.9	728.0	13.1	2.7	4.0	155.0	59.6	38.4	117.8

Alderman North

Greenweight tonnes caught by methods BLL, BT, PRB, PS										
Year	EMA	GUR	JDO	JMA	KIN	SCH	SKJ	SNA	TAR	TRE
2017	0.0	0.4	0.1	0.6	2.6	0.7	18.0	15.5	6.7	0.1
2018	0.1	0.8	0.4	1.0	1.4	1.4	0.0	15.4	8.5	0.8
2019	0.0	0.2	0.1	0.1	0.7	1.1	316.0	8.6	2.4	0.2
2020	0.0	0.2	0.1	0.1	0.5	1.3	41.0	8.4	2.1	0.3
2021	0.0	0.1	0.1	0.0	1.1	0.4	0.0	7.6	1.5	0.8
Total	0.1	1.6	0.9	1.8	6.2	4.9	375.0	55.6	21.2	2.2

4.9.3 Lesser-cost alternative

192. The marine biodiversity protection objectives at the Aldermen Islands / Te Ruamāhua could be achieved with less cost by:

- Using Fisheries Act regulations to locate trawl/Danish seine corridors so as to avoid specific areas within the site where sensitive benthic species such as black corals are present. The Fisheries NZ research project exploring trawl corridor options for balancing fishing and habitat protection and recovery in the Hauraki Gulf highlighted that greater biodiversity gains could be achieved around the Alderman Islands with less impact on commercial fishing [57]. This was achieved by extending trawl restrictions over the full extent of reef structures, including those located between the proposed north and south HPAs areas. Provision for continued trawl activity in areas (corridors) of low biodiversity value but valuable for fishing (mud habitats on the western and eastern sides of the MPAs) resulted in a win/win scenario; and
- Using Fisheries Act regulations to protect identified areas of black corals or other sensitive benthic species from static bottom-contact fishing methods (recreational and commercial), where justified on the basis of adverse effects;
- Managing high recreational fishing pressure that is known to occur at and around the site under the Fisheries Act; and

[57]Draft Report (yet to be published) Bennion, M.; Brough, T.; Leunissen, E.; Morrison, M.; Hillman, J.; Hewitt, J.E.; Rowden, A.A.; Lundquist, C.J. (2022). Exploring options for balancing fishing and habitat protection and recovery in the Hauraki Gulf. New Zealand Aquatic Environment and Biodiversity Report.

- Using regulations under conservation legislation to ensure that marine tourism activities do not interact with sensitive benthic species such as black coral.

4.10 Kawau Bay **HPA** and **SPA**

4.10.1 Reasons for objection

193. Kawau Bay HPA and SPA contain a number of different types of biogenic habitats which provide juvenile fish habitat and merit protection in a least cost manner, as recommended below.

194. The fishing industry nevertheless objects to the proposed HPA and SPA at Kawau Bay because:

- None of the habitat types in the HPA are unique to the site and all are already represented in existing marine reserves or CPZs in the Gulf. The SPA includes a wide variety of habitat types but none are unique to this site and most (20/26) are already represented in existing marine reserves or CPZs;
- All credible threats arising from commercial fishing are already fully managed as:
  i. the entire area is closed to commercial scallop dredging;
  ii. trawling and Danish seining are already prohibited throughout the HPA and in over half the SPA. The only area open to mobile bottom-impacting fishing methods is to the east of Kawau Island where no specific biodiversity values have been identified (instead, the valued attributes are located between Kawau Island, other islands and the mainland); and
  iii. static and non-bottom-impacting commercial fishing methods do not threaten the identified biodiversity protection objectives at the Kawau Bay HPA and SPA sites (particularly as no sensitive benthic invertebrates have been identified at the site);
- Other activities resulting in threats to marine biodiversity are not prohibited at the site, including trampling of intertidal rock platform communities and anchoring. The site is subject to numerous unmanaged threats as the mainland catchments around Kawau Bay have been extensively modified by pastoral farming, horticulture and residential, light industrial and roading developments. Unmanaged threats include increased nutrient and stormwater contaminant runoff from catchment development and the non-indigenous invasive species that are present at the site, such as *Undaria* (well established), Mediterranean fan worm, Asian paddle crab; and
- The HPA and SPA will both have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.10.2 Impact on commercial fishing

<u>Rock lobster</u>

s 9 (2)(b)(ii) [redacted]

Finfish

196. The proposed closures will have a moderate to significant impact on commercial fishers, particularly those using bottom longline and Danish seine. The impact analysis under-estimates the impact of this closure, noting that for the last two fishing years, the catch for snapper has been considerably lower than previous recent years.

197. Fisheries Inshore is aware that set-net and ring-net fishing occurs within the area but is concerned that the impact analysis based on the recent two years doesn't adequately assess the impact. We recommend that agencies engage directly with these fishers be better understand the impacts of the proposals on their businesses.

198.

Greenweight tonnes caught by methods BLL, BT, DS, PRB							
Year	GUR	JDO	KAH	KIN	SCH	SNA	TRE
2017	1.0	1.9	0.7	0.3	0.1	46.5	0.4
2018	0.1	0.2	1.8	0.3	0.2	21.5	0.1
2019	0.2	1.7	0.5	0.2	0.3	45.9	1.7
2020	0.1	0.2	0.3	0.1	0.2	14.2	1.2
2021	0.1	0.1	0.0	0.0	0.2	14.3	0.2
Total	1.6	4.1	3.2	0.9	0.9	142.4	3.5

4.10.3 Lesser-cost alternative

199. The marine biodiversity protection objectives at Kawau Bay can be achieved with less cost by:

- Allowing static bottom contact methods (bottom longlining, set-netting, ring-netting and potting) in the SPA given the low risk that these method pose to benthic habitats.
- Managing high recreational fishing pressure that is known to occur at and around the site under the Fisheries Act;
- Controlling invasive marine species under the Biosecurity Act; and
- Supporting councils to effectively manage other threats such as anchoring, vehicles on beaches, and urban development pressures under the RMA.

4.11 Tiritiri Matangi **HPA** and **SPA**

4.11.1 Reasons for objection

200. The fishing industry objects to the proposed HPA and SPA at Tiritiri Matangi because:

- The site specific biodiversity protection objectives do not indicate that the site contains special biodiversity values that require protection. None of the habitat types are unique to the site and all are already represented in existing marine reserves or CPZs in the Gulf;
- There is no biodiversity-related justification for prohibiting commercial fishing at the site as all credible threats arising from commercial fishing are already fully managed as:

i. the area is closed to commercial scallop dredging;
ii. trawling is prohibited throughout the HPA, SPA and adjacent CPZ, and Danish seining is prohibited in almost all of the HPA and SPA, and in the adjacent CPZ. The highest identified biodiversity values are associated with strong flow in the Whangaparaoa Passage – an area in which all commercial mobile bottom-impacting fishing methods are already prohibited; and
iii. static and non-bottom-impacting commercial fishing methods do not threaten the identified biodiversity protection objectives (particularly as no sensitive benthic invertebrates have been identified at the site);

- The HPA and SPA are clearly intended to reallocate benefits from marine resources rather than to achieve biodiversity protection for ecological purposes. Agencies explicitly state that marine protection would *enhance non-extractive recreational use of the area;*[58]
- Other activities resulting in threats to marine biodiversity are not prohibited at the site, and invasive species such as Mediterranean fan worm are abundant in places;
- Establishment of an HPA will prevent commercial diving for kina, potentially facilitating the spread of kina barrens which are known to occur at this site; and
- The HPA and SPA will both have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.
- An assessment of the potential impacts of the HPA on commercial fishing was not completed by agencies prior to the release of the *Revitalising the Gulf* strategy, as the area was amended subsequent to the impact assessment process. While agencies committed to undertaking a complete assessment should the proposal be taken forward, this information has not been made available through either the agencies or the MartinJenkins analysis.

4.11.2 Impact on commercial fishing

Rock lobster

s 9 (2)(b)(ii) [redacted]

Finfish

202. This closure will have a significant impact on fishers using Danish seine as it contributes 33% of their catch taken within the proposed MPAs.

[58] Agency Advice, page 102.

Greenweight tonnes caught by methods BLL, DS							
Year	GUR	JDO	KAH	KIN	SCH	SNA	TRE
2017	0.3	1.8	0.1	0.1	0.0	26.2	0.0
2018	0.1	0.3	0.1	0.0	0.0	6.6	0.0
2019	0.2	1.0	0.1	0.3	0.0	14.1	0.0
2020	0.1	0.2	0.0	0.0	0.0	12.8	0.0
2021	0.0	0.7	0.0	0.1	0.0	5.5	0.0
Total	0.6	4.1	0.4	0.5	0.1	65.2	0.1

4.11.3 Lesser-cost alternative

203. The marine biodiversity protection objectives at Tiritiri Matangi can be achieved with less cost by:

- Allowing static bottom contact methods (bottom longlining and potting) in the SPA given the low risk that these method pose to benthic habitats.
- Managing high recreational fishing pressure that is known to occur at and around the site under the Fisheries Act;
- Controlling invasive marine species under the Biosecurity Act; and
- Supporting councils to effectively manage other threats to marine biodiversity objectives under the RMA.

4.12 Whanganui-a-Hei (Cathedral Cove) marine reserve

4.12.1 Reasons for objection

204. The fishing industry objects to the proposed extension of Whanganui-a-Hei marine reserve, irrespective of whether the extension is implemented using an HPA or a marine reserve, because:

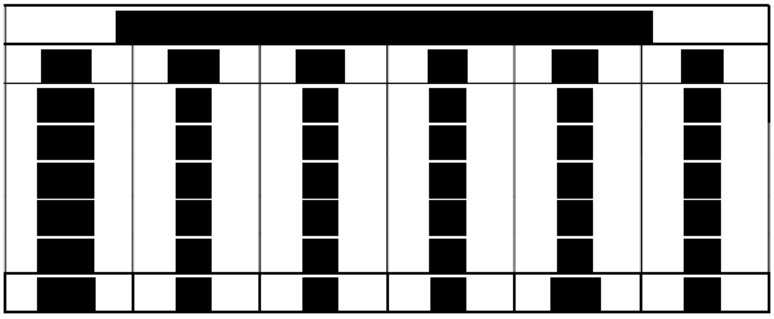
- The site-specific objectives do not identify specific ecological values that apply to the extension (as opposed to the existing marine reserve) and the extension does not protect any habitats that are not already protected within the marine reserve;
- There is no biodiversity-related justification for prohibiting commercial fishing at the site as all credible threats arising from commercial fishing are already fully managed, as:
  i. the area is closed to commercial scallop dredging;
  ii. bottom trawling and Danish seining are already prohibited across the entire site, apart from a small corner to the north-east; and
  iii. static and non-bottom impacting commercial fishing methods do not threaten the identified biodiversity protection objectives;
- Any issues associated with fishing pressure around the edge of the existing marine reserve should be managed under the Fisheries Act, not by extending the marine reserve;

- The site is subject to numerous unmanaged threats, including large numbers of visitors (resulting in trampling impacts on intertidal organisms and disturbance of coastal wildlife), heavy boat traffic, and overnight launch visits; and
- The extension of the marine reserve will have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.12.2 Impact on commercial fishing

Rock lobster

s 9 (2)(b)(ii) [redacted]



[redacted]

Finfish

210. This closure would have a low-to-moderate impact on BLL fishers.

[59] Agency Advice states that *the movement of rock lobsters beyond the boundaries [of the existing marine reserve] means their abundance within it mirrors population trends in the wider fishery. Although still more abundant within the reserve than outside it, rock lobster numbers have declined to pre-protection levels.*

Greenweight tonnes caught by methods BLL, BT, PRB							
Year	GUR	JDO	KAH	KIN	SCH	SNA	TRE
2017	0.5	0.1	0.5	0.1	0.0	12.1	0.5
2018	0.7	0.1	3.2	0.2	0.0	24.4	0.3
2019	0.8	0.1	0.8	0.0	0.1	13.2	0.5
2020	1.3	0.2	0.4	0.0	0.0	14.5	0.2
2021	1.5	0.1	0.4	0.0	0.1	15.4	0.1
Total	4.9	0.5	5.4	0.3	0.3	79.6	1.6

4.13.3 Lesser-cost alternative

211. The marine biodiversity protection objectives at Cape Rodney-Okakari Point marine reserve can be achieved with less cost by:

- Managing high recreational fishing pressure that is known to occur at and around the site under the Fisheries Act;
- Managing the adverse effects of large visitor numbers under the Conservation Act and Marine Reserves Act; and
- Supporting councils to effectively manage other threats to marine biodiversity objectives under the RMA.

4.14 The Ōtata / the Noises **HPA**

4.14.1 Reasons for objection

212. The fishing industry objects to the proposed HPA at the Ōtata / the Noises because:

- No site specific biodiversity objectives have been provided to identify attributes at the site that require protection. None of the habitat types included in the original Noises site (as described in the Agency Advice) are unique to this site and all are already represented in existing marine reserves or CPZs in the Gulf;
- There is no biodiversity-related justification for prohibiting commercial fishing at the site as all credible threats arising from commercial fishing are already fully managed, as:
  i. the area is closed to commercial scallop dredging;
  ii. bottom trawling and Danish seining are already prohibited at the site; and
  iii. static and non-bottom impacting commercial fishing methods do not threaten the identified biodiversity protection attributes (e.g., biogenic dog cockles);
- The site is subject to unmanaged threats, including declining water quality in the inner Gulf;
- Establishment of an HPA will prevent commercial diving for kina, potentially facilitating the spread of kina barrens which are known to occur at this site; and
- The HPA and SPA will both have adverse effects on commercial fishing, while providing negligible biodiversity protection benefits.

4.14.2 Impact on commercial fishing

Rock lobster

s 9 (2)(b)(ii) [redacted]

Finfish

214. This closure would have a low impact on fishers using bottom longline and Danish seine methods.

215. Fisheries Inshore is aware that set-net fishing occurs within the area but is concerned that the impact analysis based on the recent two years doesn't adequately assess the impact. We recommend that agencies engage directly with these fishers to better understand the impacts of the proposals on their businesses.

216.

Greenweight tonnes caught by methods BLL, DS.

Year	GUR	JDO	SNA
2017	0.0	0.7	2.7
2018	0.0	0.1	3.8
2019	0.0	0.1	4.3
2020	0.0	0.0	0.1
Total	0.1	0.9	10.9

4.14.3 Lesser-cost alternative

217. The marine biodiversity protection objectives at the Ōtata / the Noises can be achieved with less cost by:

- Managing high recreational fishing pressure that is known to occur at and around the site under the Fisheries Act; and
- Supporting councils to effectively manage other threats to marine biodiversity objectives under the RMA.

5. Recommendations

218. The fishing industry recommends that instead of implementing the proposed HPAs and SPAs, all identified threats to marine biodiversity *throughout* the Gulf should be managed using the lesser cost management approaches identified in **section 4** of this submission. In particular, we recommend that:

- Fishing-related threats should be managed under the Fisheries Act through the development, approval and implementation of the Hauraki Gulf Fisheries Plan (HGFP);
- The Fisheries Plan process should take priority over HPA and SPA establishment because measures under the Fisheries Plan will manage fishing-related threats to habitat and biodiversity more effectively, throughout the Gulf, and with less cost to sustainable utilisation;
- The current gap in the draft Fisheries Plan regarding genuine constraint of recreational fishing effort and catch should be rectified as the Plan is developed; and
- Actions in the Gulf to support biodiversity must be undertaken in a manner that best ensures long-term success with all parties committed to playing their part. That means it should be done in an integrated manner (not separate) using an ecosystem-based approach that addresses all threats. To enable this our preference is that the HPA and SPA process be deferred until the HGFP can progress and then reconsider and address any remaining adverse effects of fishing in the Gulf.
- In its role to ensure overall effective action across all activities commensurate with the level of risk they pose to conservation of biodiversity in the Gulf, central government should support regional councils and territorial local authorities to implement their responsibilities under the RMA (and any replacement legislation) to effectively avoid, remedy or mitigate the adverse effects on marine biodiversity of the activities (marine and terrestrial) that they are responsible for.

219. If, contrary to the recommendations above, all or any of the proposed HPAs and SPAs are progressed, we recommend that:

- Any network of HPAs and SPAs should be redesigned in in a manner that is compliant with the requirements of the Government's MPA Policy, so that excessive replication of habitats is reduced (among other matters);
- Site specific objectives should be developed through a multi stakeholder process so that the prohibitions and management responses can be tailored to the effective management of activities that threaten the achievement of the identified objectives;
- Prohibitions and other controls in HPAs and SPAs should be justified on the basis of the adverse effects of the activity on the biodiversity objectives of the site;
- The proposal should be adjusted to mitigate the impacts of displacing commercial and recreational fishing. If closures proceed for reasons that do not relate to achieving the sustainability purpose and principles of the Fisheries Act, the fishery should be 'rebalanced' by reducing TACCs and recreational daily bag limits to remove the effect of

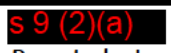
displaced catch, and commercial rights owners compensating for the loss of ability to exercise their quota rights;

- Any prohibitions and controls on activities should be implemented under existing legislation; and
- If special legislation is used, the legislation should require councils to take specific actions to manage threats to the biodiversity protection objectives of the HPAs and SPAs, including actions to manage threats arising from terrestrial activities that are within the councils' jurisdictions.

Thank you for the opportunity to provide a submission on the Hauraki Gulf marine protection proposals.

Yours sincerely

NZ Rock Lobster Industry Council Fisheries Inshore New Zealand

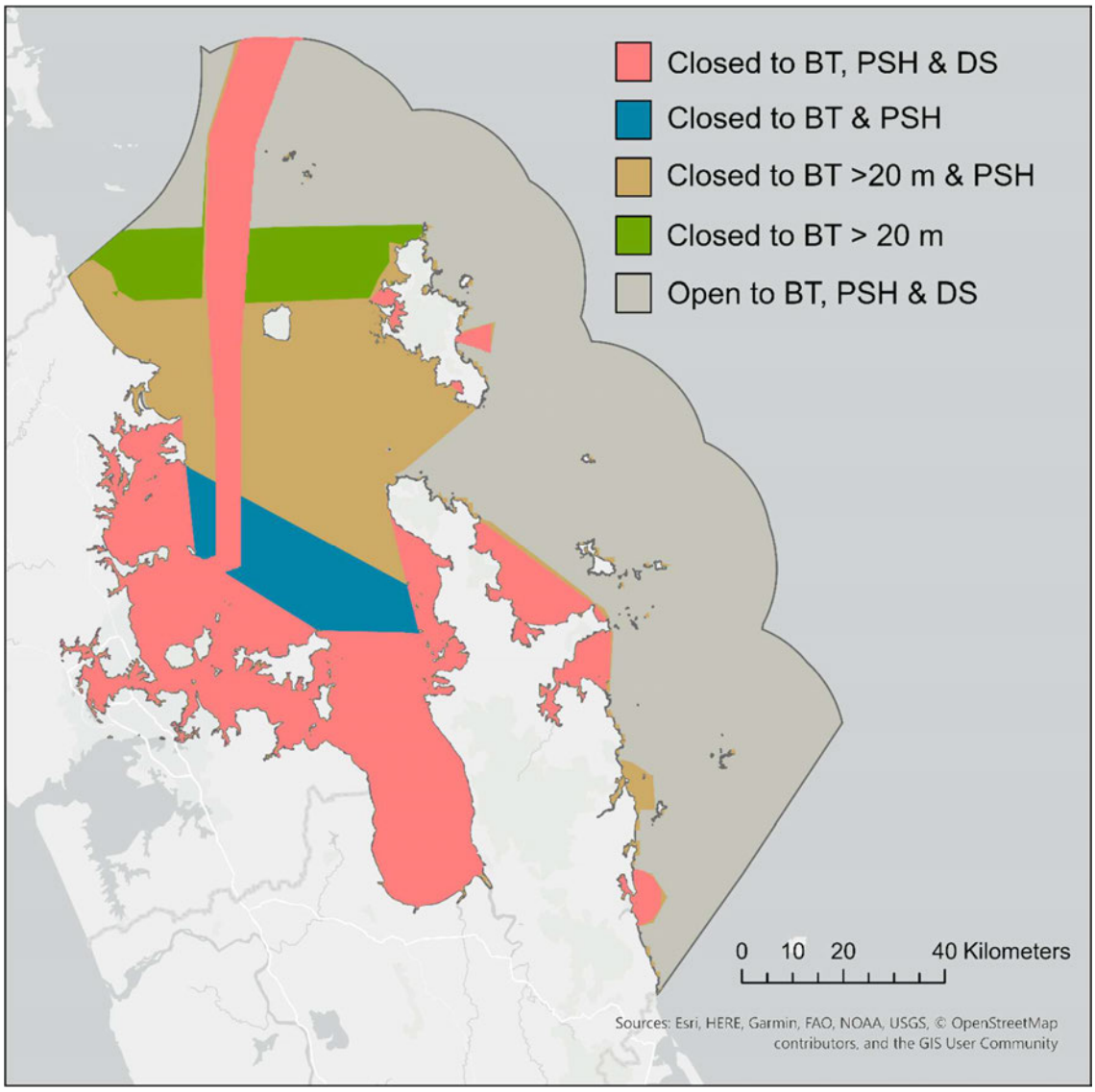


Paua Industry Council

6. Appendices

6.1 Trawl and Danish seine Fisheries Restrictions within the HGMP

Areas open/closed to commercial fishing in the Hauraki Gulf Marine Park. Closed areas for Danish Seine, bottom trawling (vessels >20 m and <20 m), and precision seafood harvesting (PSH) methods are shown.




s 9 (2)(b)(ii)

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Hauraki Gulf

Revitalising the Gulf – Marine protection proposals.

SUBMISSION BY SANFORD LIMITED

07 November 2022

Tēnā koutou katoa

Thank you for the opportunity to submit Sanford's views formally and on record in relation to your document *Revitalising the Gulf – Government Actions*. Sanford has no objection to this submission being shared with others. While Sanford has taken the opportunity to meet with Department of Conservation (***DOC***) staff in person to discuss your proposal, and is working with Fisheries New Zealand (***FNZ***) on their Hauraki Gulf Fisheries Plan, we think it is helpful for our Sanford specific views be publicly known and accessible.

Sanford
Sanford is New Zealand's oldest and only publicly owned seafood company that is catching and processing wild caught fish and growing, harvesting and processing mussels and salmon. This submission represents the view of the Sanford senior management team.

The Gulf
The Hauraki Gulf is close to our heart. The very first fish caught by the Albert Sanford in the 1860's was snapper in the Hauraki Gulf, which was processed and sold through a small Auckland retail shop on the corner of Albert and Custom Street West. While we no longer fish in the inner Gulf (a CEO decision in 2017), Sanford crewed vessels and contract skippers fishing with Sanford quota are catching fish and working mussel lines in the outer Gulf and wider Hauraki Gulf Marine Park.

Sanford is proudly working on the Auckland waterfront and has continuously operated a fishing and seafood supply business through two world wars, the 1930's depression and most recently a global pandemic. Over the last two years, Sanford staff have been essential workers and fished and fed people through the crisis.

Sustainable and ethical fishing
Not everyone has the luxury of time or the resources to go recreationally fishing. Sanford provides premier quality seafood to New Zealand, catching and processing nutritious food in a sustainable way. Sanford reports its sustainability credentials through its Integrated Annual Report and is 3rd party audited. All Sanford fishing vessels have e-camera observers and are continuously using electronic vessel monitoring and reporting. Sanford vessels fish sustainably and in a compliant and transparent fashion.

Changing perceptions in the Gulf
Sanford accepts that there is growing public and regulator's view that more protected marine areas within the Hauraki Gulf Marine Park is desirable. While there are wide and varied reasons why people want more protection, there is unity that change is needed.

Sanford wants to be a positive voice in the discussion.

Sanford staff have been involved in the Sea Change process since 2017. At the inaugural workshop, Sanford feedback to the group discussion was concern around water quality, sedimentation and invasive marine pests (biosecurity). These three issues remain in our view the biggest management challenges in the Gulf.

The Overall "Revitalising the Gulf - Government action on the Sea Change Plan, 2021"
The Revitalising Plan proposes to be guided by two overarching outcomes; kaitiakitanga and healthy functioning ecosystems. We agree with these two outcomes being the principal lens driving all Government action in the Gulf.

The two outcomes are then supported by nine actions that Government commits to deliver on. Six of the nine actions will influence the way that Sanford operates its business in the Gulf and along the wider east coast of the North Island. We don't have enough information at this point to say categorically what effect the Government actions will have on our business, but eight of the actions are expected to add significant costs.

None of the nine actions addresses the issues that Sanford was most concerned about back in 2017 - water quality, sedimentation and marine biosecurity. While the action targeting sustainable aquaculture mentions biosecurity, none of the actions goes to the core of the problem, which is the pathway invasive marine pests are being spread.

Three of the nine actions specifically target creating more protected areas as a means of recovery.

Other conservation and protection methods already at work
There are a variety of ways that protection of significant marine areas is being achieved in the Hauraki Gulf by multiple agencies. In addition to the network of coastal marine reserves that already exist and are managed by DOC, there is an extensive layer of protection offered by regional councils using the Resource Management Act. We are aware that DOC provided a list of 62 areas for Significant Natural Area (SNA) protection into the Auckland Coastal Plan process, which are in addition to the Coastal Protection Area 1 and 2 sites, and the landscape and natural area zoning and regulation. Similar sites and overlays have been submitted by DOC to the Waikato Coastal Plan. There are also cable way protection areas that have locked out all users.

Revitalising the Gulf, Marine Protection Proposals – DOCs consultation October/November 2022.
Marine Protected Areas (MPA) and Seafloor Prohibited Areas (SPA)
We support in principle the creation of marine protected areas, notwithstanding that the science around their effectiveness is not settled.

Sanford senior managers are concerned about locking up waterspace and opportunity permanently. We are concerned that climate change may create conditions where certain marine species may move to find more suitable locations, given changing water temperatures and other factor. Is there enough information available to factually determine that creation of marine reserves is the correct response?

We support more creative methods for delivering conservation improvement such as generational covenanting and partnership programmes.

Calling out some users
Sanford supports a science survey on each proposed protected area and factual understanding of the values that are being protected, and their threats. This will inform the decision about what uses are permitted/prohibited within the area.

When fishing is deemed necessary to be prohibited, this should be method specific and across all sectors. When harvesting restrictions are imposed on some species or areas, this should be across all sectors and catch reporting should be mandatory and enforced.

Management
To achieve the two overarching objectives in the plan (kaitiakitanga and healthy functioning ecosystems) requires active management, improved knowledge, and sector collaboration. A revitalised Gulf will not be delivered simply by creating more marine reserves, it needs purposeful actions, effort and a lot of resource.

The Plan is light on detail as to how the implementation of the actions will be delivered, and what more resource DOC needs to manage these sites.

Bringing in large tracts of marine coastal areas into the marine protected area programme needs to be accompanied with a management plan and a budget. Sanford is strongly supportive of a work programme that sets out the intent for each area, and then delivers and monitors achievements over time. One of the questions that we feel should be asked on a regular basis is, does 'no-use protection' making a positive contribution, and if not can we manage differently?'

Sanford is willing to help, when we no longer can fish an area our options for contributing and supporting recovery initiatives are significantly reduced; we not only want to be a positive voice, we are willing to be part of the solution, for example contributing to the mussel reef rebuild programme.

Science
Sanford supports a science-based approach to determining management actions and protected areas, using robust criteria and marine surveys to identify areas and undertake baseline reporting of significant species so that change can be tracked and reported on.

Fishing effects
We ask that Officials step above rhetoric and take an informed approach to commercial fishing. Table 2 of the DOC consultation pack refers to 'harmful bottom-contact fishing methods' which was unnecessary. The word harm is emotive and ill-defined.

The same Table 2 contains a bulleted list of activities which were suggested to "harm the seafloor". It is not clear what the basis/criteria for inclusion or exclusion of activities was. For example, bottom longlining is included, whilst anchor and chain dropping is not included. A methodological and standardised science based approach should be applied to arrive at such designations – and there is no evidence provided in the consultation documents that this has been performed.

DOC has access to the Fisheries New Zealand Aquatic Science Working Group and could use this forum to access or host an informed science discussion.

Timing

Sanford is concerned with the timing of DOC's Marine Protection Act engagement and how it cuts across the equally significant FNZ consultation on the Hauraki Gulf Fisheries Plan. These two work streams, managed by different departments have high likelihood of interconnected issues and feedbacks from one to the other. The MPA discussion should have been timed to run after, or alongside the Fisheries Plan consultation and decisions.

In our view it is not within the spirit of kaitiakitanga (manaakitanga or kotahitanga) to ask people to contribute their ideas to marine protection areas, only for them to find further down the line that there are further restrictions through the Hauraki Gulf Fisheries Plan being proposed.

The commercial reality is when we cannot fish in areas that we have relied on being able to catch, our fishing effort is displaced, and our costs are invariably increased.

Transparency

There is no clear consistency across the views of government departments, there does not seem to be 'one government voice'. We think all the discussions need to be brought to one table, so that everyone has the same access to information and can engage in the debate. This will reduce the unintended consequences, ensure integration, and better decision making.

By way of example, despite Sanford being heavily invested in the Sea Change process since 2017 there remains a lack of clarity at the policy and strategic level in relation to:

- What fishing sectors will be allowed to catch fish in the Gulf Marine Park and where
- What fishing methods are permitted within which areas
- What catch limits, and what reporting requirements will be regulated vs voluntary
- How monitoring will be undertaken
- How data will be analysis and reported on, and who is paying

More protection in specific areas

Sanford no longer fishes in the inner Hauraki Gulf.

Sanford has been engaged in a lot of the development and preparatory work which has led into the Ōtata/the Noises HPA proposal. We are supportive of this HPA proposal itself, and its addition to the initial list of HPAs/SPAs which were identified in the 2021 Government Action document. This added level of protection has been requested by the Island's private landowners', the Neureuter family' and seems to be well supported by local people.

Sanford agrees with the boundary extensions to the existing Whanganui-A-Hei and Cape Rodney – Okakari Point marine reserves. We believe that provided the baseline knowledge gained from the existing reserves, overlaid with the new proposed extensions, which we believe should be surveyed and monitored to assess the efficacy of the expanded reserve areas, is consistent with our position regarding science and fact-based decision making.

Conclusion

We welcome your questions, which can be directed through our website s 9 (2)(a) with a subject line, Hauraki Gulf proposed marine protected areas

Nga mihi nui

s 9 (2)(a)

s 9 (2)(a) General Manager Fishing
For Sanford Management Team