

30 October 2023

Submission on Bottom Fishing Access Zones (BFAZ) in the Hauraki Gulf Marine Park (HGMP)

Introduction

1. This submission addresses the proposed Bottom Fishing Access Zones (BFAZ) in the Hauraki Gulf Marine Park (HGMP) as set out in the Fisheries New Zealand Discussion Paper No 2023/19 (Discussion Paper).
2. The [Waiheke Marine Project](#) (WMP) is an emergent prototype of community and Mana Whenua taking collaborative action to protect and regenerate Waiheke Island's land and sea. The WMP embodies Ahu Moana (concept from SeaChange - Tai Timu Tai Pari) at scale so the mauri of Waiheke's marine environment is protected and regenerated. The WMP enables all voices to find ways through the systemic barriers and resourcing capacity that so often inhibit marine care efforts.

Since April 2019, the WMP has been finding innovative ways to give effect to Te Tiriti and practise active partnership and collaboration built on mutual trust and respect. Dozens of tangible, reinforcing actions are underway across and around Waiheke Island that have been either catalysed or supported by the WMP. All of these actions are guided and paced by Te Tiriti partnership and multiple ways of knowing that build on historical knowledge and lean into youth ideas.

The WMP core focus is to bring to life the nine commitments (see Appendix 1) agreed at the 2020 Future Search event by 76 diverse voices of the Waiheke marine social system. This WMP submission on the proposed BFAZ in the HGMP is written through the lens of the nine commitments, with at least six of these nine commitments being directly relevant to the proposed BFAZ options.

Summary of Submission

3. Bottom trawling has been undertaken in the HGMP since 1899 and has caused profound and wide-spread damage to benthic habitats. Some of this damage was intentionally caused by commercial trawlers towing chains to flatten the seabed so that it was more suitable for trawling. More recently, bottom trawling has been banned in the inner Hauraki Gulf but remains intensive in the outer Hauraki Gulf (see Figure 1).
4. The loss of biogenic habitats from destructive bottom fishing methods has had a profound impact on the ecological health and productivity of the HGMP. The HGMP is now thought to support less than half the biomass present in 1925, and there is a potential bottleneck in the availability of juvenile habitat to support forage fish production. There is also recent evidence that fish, kekeno (NZ fur seals) and seabirds (e.g. kororā) in the HGMP are undergoing prolonged periods of starvation (e.g. the phenomenon of skinny, white fleshed snapper that was discovered earlier in 2023).
5. The Hauraki Gulf Fisheries Plan, which must be taken into account under the Fisheries Act when setting measures to address the environmental impacts of bottom trawling and Danish seining, has the objective of protecting marine habitats from ‘any adverse effects’ of bottom contact fishing methods. Our comprehensive [submission](#) earlier this year reflects the WMP position on the Hauraki Gulf Fisheries Plan and we stand by the recommendations outlined in that submission.
6. The WMP is particularly concerned about the proposed Danish seining area directly north of Waiheke Island (see Figure 2). The WMP believes there is no place for bulk harvesting and/or bottom contact methods in the HGMP. Such methods are also being used to target mainly bait fish, like mackerel, which are an extremely important food source for larger fish, seabirds and marine mammals. Both the excessive pressure on and the sustained disruption of the larger food web have significant flow-on ecological effects on the health of the HGMP, degrading the mauri of the HGMP as a whole (see Commitment 2 in Appendix 1). The WMP supports an ecosystems-based approach grounded in Te Tiriti partnership to achieve the aspirations of marine protection and regeneration.



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7. The WMP is disappointed that a zero trawling option was not put forward by Fisheries NZ in the consultation on BFAZ (see Figure 3). It should be acknowledged that the objectives put forward in the independent stakeholder process of SeaChange was to remove trawling completely. The rationale put forward by Fisheries NZ for not having a zero trawling option is misleading and the WMP would like to see zero mobile bottom contact fishing methods as a longer-term goal with more progressive action towards this. In order to meet the legal requirements under the Fisheries Act to avoid and remedy any adverse effects of fishing on the aquatic environment, the options provided to the Minister needs to include one option that sees a complete withdrawal of bottom trawling and Danish Seining from the HGMP.
8. If BFAZs were to be used as a transition measure, then such a transition period should be no longer than five years (i.e. *all* bottom contact methods to be completely removed by 2028). There should also be a requirement that any vessels accessing BFAZ during the transition period use best practice methods including, in the case of bottom trawling, the mandatory use of semi-pelagic doors (or other doors) that do not contact the seabed.
9. If a transition approach were to be adopted (with all bottom trawling and Danish seining removed from the HGMP by 2028), the WMP would support Option 4. This would be subject to a requirement to invest in and apply best practice methods within the BFAZ during the transition period.
10. BFAZs require compliance, enforcement, and monitoring (i.e. does the biodiversity come back unaided when trawling ends?). The WMP strongly advocates for the resourced monitoring of both compliance and biodiversity outcomes in areas inside and outside of the corridors. The WMP also strongly advocates for continued research to support future decisions. Our support for Option 4 is therefore by no means the end point. Noting that the marine environment is currently under significant anthropogenic stress within the context of climate change, we strongly recommend that any next stages of policy development and implementation are adaptive and responsive to new information that emerges from ongoing monitoring and research endeavours.
11. In light of our above recommendation, the WMP proposes a ‘sunset clause’, noting that there is currently a small number of trawlers and Danish seiners operating in the Gulf.



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12. The WMP recommends that this sunset clause applies to all mobile bottom contact fishing methods, not just trawling and seining (i.e. tipa/scallop dredging and any other new methods that have sea floor contact or engage in bulk harvest and therefore result in major ecosystem disruption [e.g. purse seining] should also be excluded from the HGMP).

13. There is a need to ensure that this sunset clause also applies to areas deeper than 200m, noting that the current BFAZ proposal is limited to depths shallower than 200m.

14. The recent arrival of the invasive seaweed Exotic Caulerpa (EC) in the HGMP and the ongoing impacts of climate change must also be considered. Mobile bottom contact fishing methods such as trawling are likely to exacerbate the spread of EC and should be removed from the HGMP in a timely manner.



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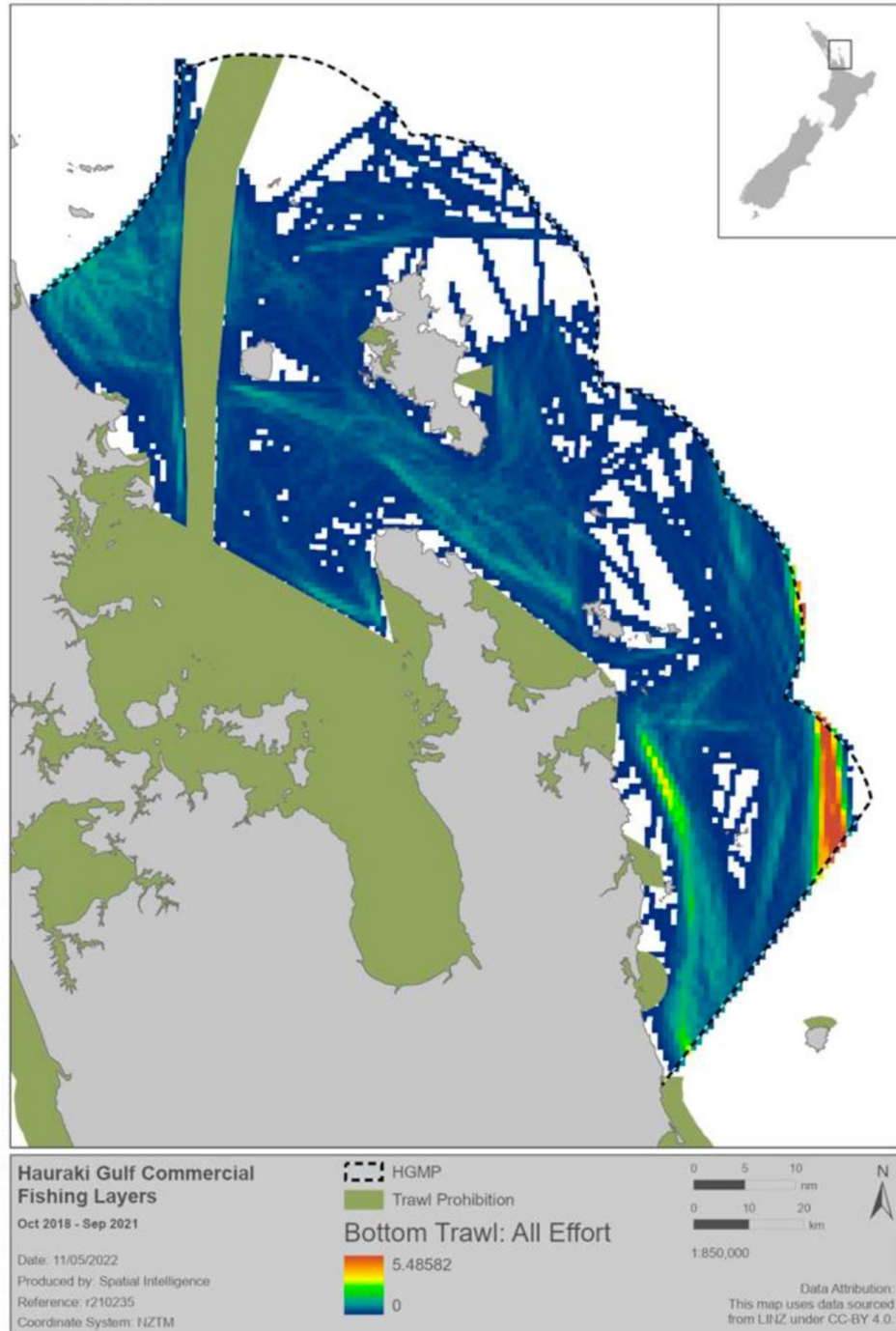


Figure 1

Bottom trawl efforts from October 2018 to September 2021.



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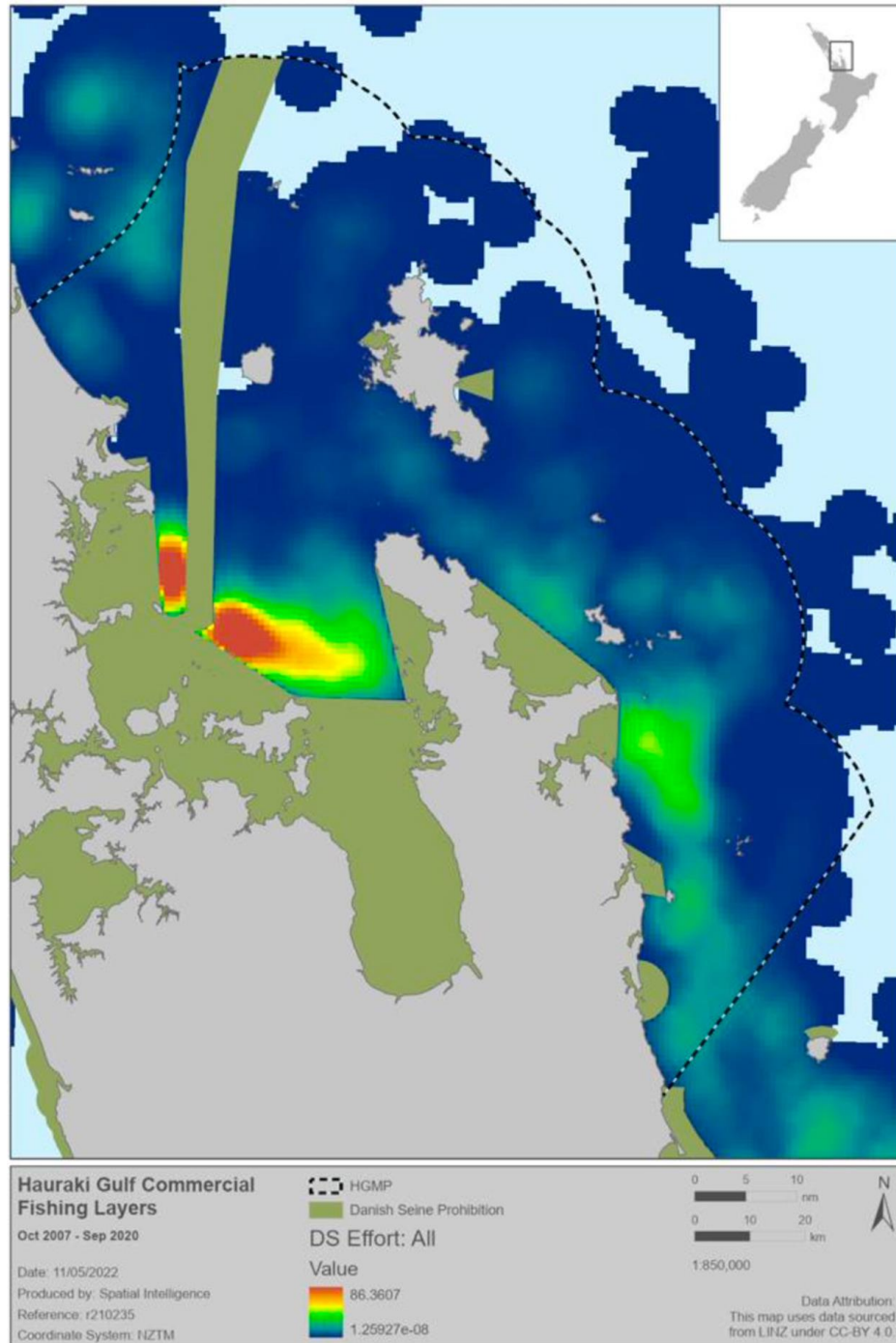


Figure 2

Danish seine efforts from October 2007 to September 2020.



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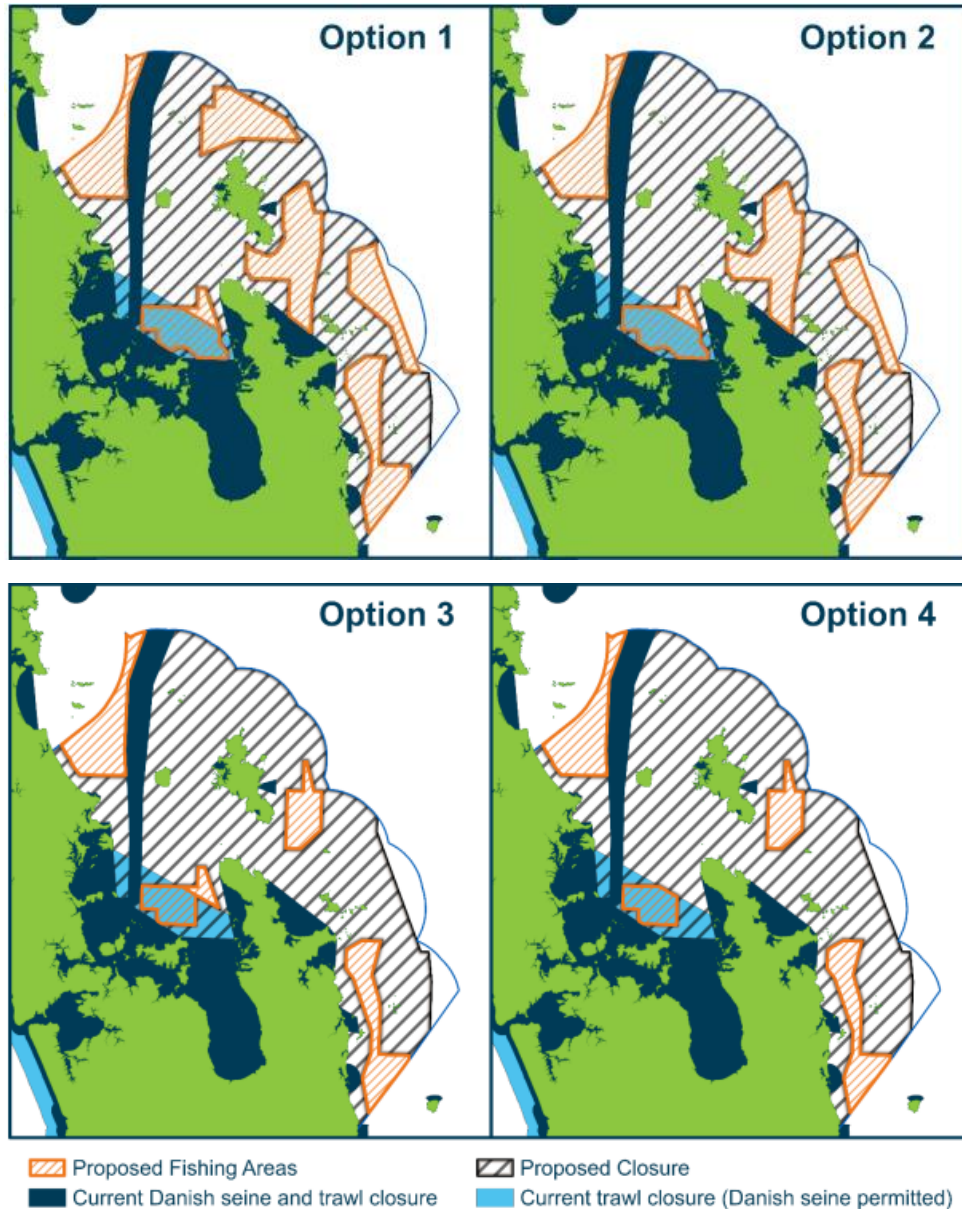


Figure 3

Summary maps of the four options for Bottom Fishing Access Zones (BFAZ) in the Hauraki Gulf. Note: the unmarked area on the map is the area of the Hauraki Gulf Marine Park which is greater than 200m in depth and was not considered for BFAZ as part of this consultation.

Current proposals for BAFZ:

As stated above, the current proposals in the Discussion Paper outline four options (see Figure 3) for establishing BAFZs within the HGMP. These options range from the smallest closure area of 3,759km² to the largest closure area of 8,076km². No option proposes to entirely close the HGMP to bottom trawling and Danish seining, nor are there any proposals to transition existing and affected fishing vessels to more sustainable and less environmentally damaging fishing methods (thereby leaving displacement issues unaddressed).

The Discussion Paper poses a number of questions and we address these below:

1. *Which option do you support for proposed Bottom Fishing Access Zones? Why?*

The WMP seeks a total transition of bottom trawling and Danish seining **out** of the HGMP, in line with the Sea Change Plan, so would only support any proposal to establish BFAZ to the extent that they are used as a transition measure for the eventual full removal of these methods. As an interim option until the full removal of bottom trawling and Danish seining, the WMP would support Option 4 as this option represents the highest level of biodiversity protected (i.e. Option 4, Figure 3).

2. *If you do not support any of the options listed, what alternative(s) should be considered? Why?*

A full removal of bottom trawling and seining (both purse and Danish) out of the HGMP should be considered for the reasons outlined above. This removal is in accordance with the Sea Change Marine Spatial Plan, and should be an option presented to the Minister for consideration, with an accompanying package of support measures for the industry provided.

3. *Do you have any ideas or alternative approaches to the management of bottom fishing impacts, apart from the proposed Bottom Fishing Access Zones?*

The WMP supports a total ban on all trawling and Danish seining in the HGMP. As described above, a better approach is to remove bottom trawling and Danish seining from the HGMP entirely and to support the affected vessels to transition to other less damaging methods as set out in the Sea Change Marine Spatial Plan.

4. *Is there any literature or research that is relevant and has been omitted in this paper?*

N/A



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5. *Do these proposed options adequately provide for Treaty of Waitangi obligations and customary access to fishing? Why?*

No. Te Tiriti o Waitangi fisheries rights have been and continue to be severely compromised by the degradation of the Hauraki Gulf. Examples of this include the loss of mauri and reduction in fisheries productivity. This means that commercial and non-commercial customary harvests are far less than would otherwise be possible if there were healthy habitats. Much of this loss in productivity is due to the historic use of damaging fishing methods in the HGMP, and the Hauraki Gulf has been unable to recover while such methods continue.

Removing bottom habitat damaging fishing methods from the HGMP and undertaking both passive and active habitat restoration will help restore the fisheries, which in turn supports the exercise of Māori fisheries rights and kaitiakitanga. It should also be noted that the Sea Change process, which provided for a phase out of bottom trawling and Danish seining from the HGMP (along with dredging), was a project led by a Mana Whenua, central, regional and local government co-governance body. That body adopted the Marine Spatial Plan, which was developed through consensus by a Mana Whenua and multi-stakeholder representative group. It should also be noted that, as reported in the Discussion Paper, “the majority of iwi primarily supported the removal of some or all mobile contact fishing from the Gulf.” Furthermore, transition support should be targeted toward Māori commercial fishers and assist with the adaptation of their fishing vessels to non-benthic impacting methods.

6. *Do you think these options adequately provide for social, economic, and cultural wellbeing?*

No. The continued use of damaging fishing methods for over a century and the devastating effect this has had on benthic habitats has considerably reduced the social, economic and cultural wellbeing associated with the HGMP. Conversely, social, economic and cultural wellbeing will all be increased by a healthier and more productive HGMP with the removal of seabed damaging methods. The decline of the Hauraki Gulf is the decline in the health and wellbeing of our people and across the broader outcomes.

7. *Do you think the proposed options appropriately consider the sustainability obligations under the Act?*

No. This is because they do not include measures to adequately ‘avoid’ and/or ‘remedy’ the adverse effects of bottom trawling and Danish seining on the benthic habitats of the HGMP.

8. *Do you think the criteria outlined in section 5 will provide a suitable basis to assess the options and their impacts?*

No. The WMP supports the general approach taken in terms of predicting the distribution of biogenic habitats, however, we emphasise the significant amount of uncertainty surrounding the modelled outputs. This is due to the large gaps in available data that have informed the



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model and the model outputs not being ground truthed. The WMP is concerned that the gaps in input data and uncertainties in the modelled outputs are not clearly described in the Discussion Paper. This data gives the impression that the percentages shown for the protection of suitable habitats by the different options are precise and factually correct. Moreover, the WMP is concerned that an over-reliance on modelling, which only considers the likely presence or absence of particular species, does not adequately recognise the impacts that trawling has on the broader functioning of soft seabed sediments. Such impacts can include biogeochemical changes and a reduction in the carbon storage capacity of the sediments. These impacts need to be taken into account when considering options.

The WMP is also concerned that the economic data used to compare the economic impacts of the different options depicts a misleading picture. An explanation of the uncertainties surrounding the data presented and the importance of adopting a precautionary approach needs to be clearly articulated and included in any analysis of the options provided to the Minister.

9. *Do you think the proposed options appropriately consider the effects on the benthic environment?*

No. As outlined above, the level of uncertainty in the modelled data has not been adequately explained and the impact of trawling on soft sediment communities have not been factored into the analysis as they should be. In addition, the edge effect, where trawling induced sediment disperses into protected areas has also not been adequately accounted for.

10. *Do you think the proposed options adequately mitigate the adverse effects of mobile bottom contact fishing methods on the benthic environment?*

No. Mitigation is not the standard required under the Fisheries Act. Given the historical and current context in the HGMP, avoidance and remedy of past damage is imperative. In this context, none of the proposed options achieve the required outcome unless they are treated *only* as transitional measures toward full exclusion of benthic damaging fishing methods in five years time (i.e. by 2028). Furthermore, the lack of any measures to address potential displacement efforts mean that mitigation may not be achieved when considered over the broader fishery. Regulations requiring the adoption of best practice methods (including trawl doors that do not contact the seabed), supported with financial assistance that helps fishing vessels transition to more environmentally friendly fishing equipment, is also required.

Summary:

- The WMP supports a complete ban on all mobile bottom contact fishing methods (inclusive of bottom trawling and Danish seining) in the HGMP.



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- The WMP would support a zero trawling option, for example, as has been outlined in the proposal for ‘Option 0’ by the [Hauraki Gulf Alliance](#).
- In the absence of a zero trawling option, Option 4 is the preferred option of the four options provided in the Discussion Paper. However, the WMP would *only* support this in the context of it being a transitory measure to achieve a ban of all bottom contact fishing methods by 2028 at the latest.
- In light of the recent arrival of Exotic Caulerpa (EC), any activity that disturbs the seafloor and harms benthic habitats should be considered a high risk for the further spread of invasive species such as EC and other species of marine biosecurity concern (e.g. Mediterranean Fanworm). Significantly more investment needs to be made by central government agencies in mitigating ongoing marine biosecurity threats. The WMP have been actively working alongside and in support of Mana Whenua (Ngāti Pāoa) to respond to and manage the current outbreak of EC in Waiheke waters. Given the proximity of all four proposed corridors to Waiheke Island and other known infestation areas of EC, proceeding with trawl corridors at this point could result in further spread, having devastating impacts on the local marine ecosystem.

In addition, the WMP notes:

- Issues of localised fisheries depletion are exacerbated by the current management strategies of central government. Discussions and decisions about how data is gathered, research analysis and stock assessment all take place at a spatial scale that is not relevant to local situations nor do they operate collaboratively with Mana Whenua and local knowledge holders. Until the agencies of MPI and DOC acknowledge and change their operating approach, the intent of protecting and regenerating marine ecosystems will remain challenging to implement.
- The WMP has been operating ‘management’ or marine care strategies that are directly addressing localised depletion issues for almost 3 years. Agencies such as MPI¹ Auckland Council² and DOC³ have all requested access to WMP collected data that give valuable insights into the status of local marine ecosystems.
- Despite this credible way of embodying the Ahu Moana concept, to date the central government chooses to not invest or actively learn with the WMP as an Ahu Moana prototype.

¹ At the HGF annual conference, October 2022, MPI Contractor Martin Cryer discussed with WMP how CRA stock assessment could use WMP collected data on kōura populations.

² Auckland Council and Biosecurity NZ, February 2023, are wanting to use WMP collected data on seafloor surveying, looking for exotic caulerpa and general environmental monitoring.

³ DOC wants to use WMP collected data on distribution and abundance of kororā.



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The Waiheke Marine Project remains in support of regenerative, ecosystem-based management grounded in Te Tiriti partnership to restore a healthy Hauraki Gulf. This is in line with the intentions of the SeaChange Plan, published in 2016. As such, we are very willing to work more closely with MPI, DOC and local authorities to bring these intentions to fruition.

Heoi anō, nā

Craig Thorburn, Dean Ogilvie, Grant Crawford, Miranda Andrews, Jeanine Clarkin, Glen Carbines, Matt von Sturmer, Lindsay Jeffs and Tessa O’Shea **Waiheke Marine Project Steering Group**

Appendix 1: The 9 Commitments of the Waiheke Marine Project



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How to protect and regenerate Waiheke’s marine environment

Common Ground

Commitment

Te Tiriti o Waitangi

We are giving effect to the principles of Te Tiriti o Waitangi through active partnership and collaboration built on mutual trust and respect.

Mauri

Waiheke ki uta, Waiheke ki tai, Waiheke ki tua – Waiheke from the mountains to the sea and beyond. We are regenerating the mauri of all ecologies. We will see healthy and abundant ecosystems, full of vitality achieved through preservation and restoration.

Learning

We are committed to the development and implementation of diverse learning opportunities for the community at large. Listening to the voices of Moana and whenua, for the moana and whenua, utilising science and Mātauranga. We are committed to empowering Rangatahi engagement, advocacy, and voices now and for generations to come.

Integrated Management

We will co-design and implement an integrated management framework that results in people and nature thriving through collaborative, inclusive, co-governance of hilltop to seabed.

Protection Tools

Working together we will learn and discover how to bring ahu moana to life. We are committed to the use and enjoyment of our marine environment and to developing effective marine protection through exploring and using the best mechanisms including rāhui and Marine Protected Areas.

Effective Legislation

Advocate local and central government to create effective legislation for coastal areas that is reactive and agile to include: Vessel registration, identification and skipper licensing. Delegated responsibility for local management of compliance, monitoring and enforcement.

Clean Water

We are committed to take a range of collaborative actions to remove contaminants entering the ocean to achieve clean water for all.

Waiheke Way

We are committed to local Waiheke decision-making through inspiring leadership to establish, maintain and sustain the Waiheke Way. Our Pledge: Nāku te Rourou, Nōu te Rourou, Ka ora ai e tātou taonga! With your respect, And my respect ‘our’ Waiheke will surely thrive!

Circular Economy

We are committed to a regenerative circular economy and a net zero emissions island by supporting viable and resilient business on Waiheke which hold as a priority the mauri of the moana (e.g. compliance, meaningful reporting guidelines, planning etc.).

As collectively agreed at Future Search Hui 30th October – 1st November 2020

www.waihekemarineproject.org

