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Submission on 'Revitalising the Gulf' & proposed Hauraki Gulf Protection Bill

Introduction

The Friends of the Hauraki Gulf Inc (FoHG) is a Waiheke-based conservation organisation with members on Aotea / Great Barrier and Rakino islands and the Auckland mainland. Its purposes include 'to research and advocate for the setting aside of marine protected areas, especially no-take marine reserves...' and 'to encourage and facilitate the scientific study of marine life and the natural history of the Hauraki Gulf.' In April 2021 FoHG lodged a formal application with the Director-General of The Department of Conservation (DOC) under section 5 of the Marine Reserves Act for the Hākaimangō-Matiatia (NW Waiheke) Marine Reserve, located in the central Hauraki Gulf. At 2,350ha in area, this would be the biggest no-take marine protected area in the Hauraki Gulf Marine Park. The following is our formal submission to the 'Revitalising the Gulf' Plan:

Marine ecosystems in the Hauraki Gulf are under stress and in many cases damaged and disrupted. Human impacts, principally through over exploitation are considered by marine scientists to be the main cause of the precipitous decline in a wide range of marine biota within the Hauraki Gulf. This deeply concerning trend has been a consistent theme of the Hauraki Gulf Forum three-yearly state of the environment reports since 2004 (see *State of Our Gulf 2020*). Given this trend and the mounting weight of evidence, to categorise this situation as an 'ecological crisis', indeed an 'emergency', is not an overstatement.

As an illustration of the accelerating ecological deterioration of the Hauraki Gulf, from estimated virgin biomass there has been a:

*57% decline in key fish stocks,
67% decline in seabirds,
76% decline in crayfish / kōura,
83% decline in snapper / tāmure,
86% decline in trevally / arara,
86% decline in all shark species / mangō,
97% decline in whales and dolphins.*

[Source 'State of Our Gulf 2020']

It is worth considering that this crisis which is local and immediate, ongoing and a result of human impacts on the natural world, especially the unsustainable exploitation of natural resources, is related to the global crisis of human-induced climate change for which local authorities and government have declared an emergency. Therefore the ecological crisis in the Gulf also requires a meaningful response by the responsible authorities, especially the NZ government.

Instead of dealing with the worsening situation there has been only many years of empty talk and little or no action. The Friends of the Hauraki Gulf believe the very best that can be said about the limited protections offered by the 'Revitalising the Gulf' initiative is that they are a start but given the scale of the crisis we have to say they are totally inadequate. Moreover, the conflicted objectives of this initiative, which arguably are only superficially about nature protection, they could do more harm to the country than good.

The Friends of the Hauraki Gulf note that the 'Revitalising the Gulf' initiative was a response to the Auckland Council-driven 'Sea Change' (so-called) non statutory marine spatial plan which, we can say with some authority was dominated and frankly compromised by resource users and corporate interests with conflicts of interest – while the general public living in and around the Hauraki Gulf was effectively excluded from the process. The process was therefore deeply flawed from the outset. The Minister's 'Revitalising the Gulf' response to Sea Change, while allaying some of our worst fears as presented will frankly do little to restore ecological health and natural biodiversity of the Hauraki Gulf.

The key instruments in the Minister's initiative appears to be twelve High Protection Areas (HPAs), five Sea Floor Protection Areas (SPAs) and two 'Protected Areas' adjacent to two existing marine reserves.

Sea Floor Protection Areas (SPAs)

We support the objectives of the SPAs in protecting the benthic habitat but we would also like them to include pelagic protections to recognise the ecological connections between pelagic and benthic habitats. Currently the SPA's are open to surface fishing. Favouring one form of exploitation, or one group of exploiters over another, is a serious flaw in what is meant to be a marine protection plan. On the face of it, whatever the equity in this approach protecting the seafloor while allowing continued exploitation of the water column is certainly is not good science and bad conservation practice.

If the government wishes to set aside recreational-only fishing areas that is its right and indeed we are sure this would be a popular initiative, but it is not credible to promote this as marine protection measure.

Protection Areas

We maintain that the 'Protection Areas' contiguous with marine reserves should be treated as extensions to the marine reserves and gazetted as such under the Marine Reserves Act because:

- The protection measure has been scientifically proven to work.
- It's easier for the public to understand.
- Is the gold standard for marine protection.
- Provides a reference to benchmark **ALL** fishing impacts.
- We don't think the HPA legislation will provide meaningful gains in biodiversity and abundance (see below).

Moreover FoHG supports a similar extension be made the Tāwharanui marine reserve.

High Protection Areas (HPAs)

The major instrument proposed in the initiative are the High Protection Areas. HPAs are legally undefined and presently have no status under law. We predict their establishment will not come without difficult procedural, political and legal difficulties. They are notable in that they will include built-in rights for Māori customary fishing practices. The nature of these 'customary practices' are undefined and will evidently depend on how iwi authorities choose to exercise them. One can confidently assume fishing will not be limited to customary technology and methods, instead the full range of modern (including commercial / bulk harvesting) technologies will likely be deployed.

Customary fishing in a supposedly 'High Protection Area', just like the proposed surface fishing in a Sea floor Protected Area undermines other limitations on fish exploitation. Fish populations are unlikely to be conserved to meaningful levels. If there are agreed limitations to customary take, ensuring compliance with future HPA rules will be difficult if not impossible to independently determined. More so given DOC's present management culture and lack of resources, which the department always points to in explaining its under -performance. The inherently divisive nature of this concept will become a lightning rod for community disaffection (especially given similar race-based government initiatives) and an un-needed distraction to the mission of marine conservation. If these problems are not honestly addressed and resolved, the so-called High Protection Areas (HPA)s are imposed they will in effect become fishing preserves rather like private game reserves in the United Kingdom. This is not what the public wants, nor what our country needs right now.

The Friends of the Hauraki Gulf's primary objective is nature conservation and whatever one thinks of the equity of the HPA / customary practice concept, our concern is that if these enable continued exploitation, they are unlikely to achieve any meaningful protection of fish populations and will therefore NOT 'Revitalise the Gulf'. If the Crown wishes to set aside reserve areas for customary fishing practices for instance as an outcome of customary title claims under the Marine & Coastal Area (Takutai Moana) Act (2011), that is the Crown's prerogative.

The Friends of the Hauraki Gulf urges the government to please not obfuscate the matter of claimed property rights of one section of the community with nature conservation. Imagine if the government under the guise of customary practice attempted to impose a regime expressly designed to enable sectional interest exploitation in our national and regional parks – 'Revitalising' our native forests by shooting pigeons and hunting kiwi with dogs?

Our message to the government then when it comes to marine conservation: please do not mislead the people of New Zealand and please do not mislead yourselves.

HPAs at present do not exist in law. They are novel experiments with contradictory, arguably conflicting objectives, this inherent conflict of objectives will likely subvert the stated intention of 'Revitalising the Gulf'. That is if the government intends the public to interpret the word 'revitalising' in terms of revitalising the natural environment of the Hauraki Gulf – and not something else entirely.

Marine reserves - existing statutory protection

However, we do have legal, effective and proven mechanisms to enable protection and conservation of our marine environment. Most notably marine reserves. The Marine Reserves Act 1971 was world-leading legislation in its time and in its effectiveness, despite some ill-informed and often not disinterested criticism, has stood the test of time. Marine Reserves work.

A recent ground-breaking study by Auckland University has revealed rather dramatic evidence of the benefits of our oldest marine reserve Cape Rodney to Okakari Point (Leigh) Marine Reserve for the Hauraki Gulf snapper population (and by implication other marine biota). The paper states:

"Empirical evidence shows that 10.6% of newly settled juvenile snappers sampled up to 55 km outside of the Cape Rodney - Okakari Point (Leigh) marine reserve were the offspring of adult snappers from the marine reserve. This suggests a significant boost to the commercial fishery of \$NZ 1.49 million catch landing value per annum and \$NZ3.21 million added from recreational fishing activity associated spending per annum. These values all come from the recruitment effects associated with one species, from only 0.08% of the marine space in the Hauraki Gulf, New Zealand. The economic valuation of this marine reserve's snapper recruitment effect demonstrated \$NZ 9.64 million in total spending accruing to recreational fishing per annum and \$NZ 4.89 million in total output to commercial fisheries annually."

– Qu et al. 2021

If the government is serious about 'Revitalising the Gulf' then we ask why are there not marine reserves included in the proposal?

A 2021 Horizon Research poll showed 77% support for 30% of the Hauraki Gulf to be put in Marine Protected Areas. Those polled understood these to be no-take. Friends of the Hauraki Gulf are very disappointed to hear that the government is considering that the no-take extensions to the existing marine reserves might be opened to exploitation.

Years of official inaction led to Friends of the Hauraki Gulf lodging an application for the first marine reserve in the Hauraki Gulf for 20 years. After a 10-month period of pre-notification consultation working with DOC, the final application was publicly notified under the Marine Reserves Act on 20 January this year. Within the two month submission period the application drew 1303 responses with a remarkable 93% of these in support.

70 % of submitters identifying as Māori were in support as was the tangata whenua Ngāti Paoa Trust Board and the local Piritahi Marae. On 20 April, complying with the deadlines set in the Marine Reserves Act, Friends of the Hauraki Gulf sent a Response to Objectors document to the Minister of Conservation.

We are disappointed that despite having well over a year to familiarise itself with the application, the deliberate speed of the deadlines set out in the Act, and most importantly the marine ecological crisis in the Gulf, DOC is 'slow walking' the application. Six months on has still not provided any written advice to the Minister to assist her to make a decision.

We would point out that it is doubtful that any measure in 'Revitalising the Gulf' (timorous as they are in terms of real conservation gains) would draw the overwhelming level of support that the public has given the Hākaimangō-Matiatia (NW) Waiheke marine reserve. This overwhelming demonstration of public support is the real 'sea change'. Given all this, it is fair to ask the question: is the government's strategy to 'Revitalise of the Gulf' by conserving nature, or is that just a greenwashing label for shifting resource exploitation or revitalisation by continued exploitation? The Friends of the Hauraki Gulf believe the government can do better than this.

Our submission

The Friends of the Hauraki Gulf therefore submits the following:

1. That fishing 'customary' or otherwise must not occur in any conservation or designated protected area. To favour one form of resource exploitation or group of exploiters over another is wrong in principle. To proceed otherwise is inequitable and flies in the face of the proven benefits of no-take marine protection and moreover undermines the credibility of stated conservation goals of the 'Revitalising the Gulf' initiative.
2. The proposed extensions to the Whanganui a Hei (Cathedral Cove) and Cape Rodney to Okakari Point (Leigh) marine reserves must be formally incorporated into the adjacent marine reserves under the Marine Reserves Act and therefore given the statutory protection of no-take marine reserves. A similar extension of the Tāwharanui marine reserve, for the same reasons, should be included in the plan.
3. Finally, to give public credibility to the stated objective of 'Revitalising the Gulf' and to include the coastal marine area of Waiheke Island, the proposed Hākaimangō –Matiatia (NW Waiheke) Marine Reserve which has been through statutory public notification and has drawn overwhelming public support, needs to be formally adopted by the government and incorporated into the 'Revitalising the Gulf' plan.

[Please note: In regard to Point 3 of this submission, Friends of the Hauraki Gulf have organised an on-line petition. After being opened for just seven days prior to the close of this submission process it has gathered 250 signatories. The petition will be forwarded as an appendix to this submission once it has been completed.]



Michael Lee

Chairperson



Chris Curreen

Secretary

References

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