



# Friends of the Hauraki Gulf

Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

17 October 2023

Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington

## Submission to the Hauraki Gulf / Tikapa Moana Marine Protection Bill

### Introduction

The Friends of the Hauraki Gulf Inc (FoHG) is a Waiheke-based conservation organisation with members on Aotea / Great Barrier Island, Rakino Island 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.' The Friends of the Hauraki Gulf are current applicants for a 2350 ha marine reserve, the proposed Hākaimangō-Matiatia (Northwest Waiheke) Marine Reserve in the central Hauraki Gulf. This application was publicly notified in January 2022 under section 5 of the Marine Reserves Act (1971) and attracted c1300 submissions with 93% in support. The application is currently with the Department of Conservation which has been for the last 18 months compiling a report to the Minister which we are advised will be completed early in 2024.

The Friends of the Hauraki Gulf submitted to the DOC 'Revitalising the Gulf' Discussion Document in November 2022. The Bill is an outcome of that process.

### Hauraki Gulf / Tikapa Moana Marine Protection Bill

The **Explanatory note** to the Bill makes it clear that marine environment in the Hauraki Gulf is under stress and in 'decline.' This concerning trend has been a consistent theme of the Hauraki Gulf Forum three-yearly state of the environment reports since 2004. (See the latest 2023 State of the Gulf report.) To categorise this situation as an 'ecological crisis' would not be an overstatement. Human impacts, principally over-exploitation of fisheries, is considered by marine scientists to be the main cause of the environmental crisis and the decline in a wide range of marine species. As the '**State of Our Gulf**' 2020 states, 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.*

Furthermore, in recent years, we have witnessed regular mass die-off events of New Zealand fur seals evidently attempting to re-establish within the Hauraki Gulf. This was especially visible in the late winter/spring of 2021. For people living around the Gulf there could be no more distressing sign of ecosystem dysfunction than the sight of dead seal pups rotting on our beaches, many within sight of the skyline of Auckland city.

The Hauraki Gulf / Tīkapa Moana Marine Protection Bill is stated to be the New Zealand government's response to the public's growing concern at this environmental crisis. The question must be asked: is this response adequate to the scale of the problem? We believe it is not.

While we agree that the measures proposed in the Bill as the **Purpose of this Act** [s3] states, will "contribute to the restoration of the health and mauri of the Hauraki Gulf / Tīkapa Moana" we believe the 'contribution' will be limited and in terms of meaningful protection of the ecosystem and life-supporting capacity of the Hauraki Gulf from continuing human exploitation, quite inadequate.

While acknowledging the problem, the Bill's **Explanatory Note** we believe overstates the real level of protection which will likely be achieved by the Bill, i.e from 6.7% to 18% of the Hauraki Gulf. The baseline of 6.7% is reached by including the submarine cable protection zones, which would appear to amount to 6.4% of the Gulf. Yet it is an open secret that parts of the cable zone, especially between Tiritiri Matangi and Rakino, are long-standing, popular sites for recreational fishing - drift fishing in particular.

Incidentally what is referred to in the Bill as 'the Gulf' is not exactly clear. This leads to questions about the relationship of this proposed Act with existing legislation.

### **The Hauraki Gulf Marine Park Act**

For instance, we note that the Hauraki Gulf Marine Park Act (2000) [HGMPA] is only referred to in the Bill for administrative purposes (e.g. Schedule 5 consequential amendments). The existence of the **Marine Park**, let alone its enlightened **Purpose** is not acknowledged. This has the unintended consequence of creating a problem in defining what the Bill precisely means when it refers to 'Hauraki Gulf / Tīkapa Moana' and 'the Gulf'.

The proposed extension to Whanganui a Hei (Cathedral Cove) marine reserve on the eastern side of the Coromandel Peninsula, actually lies well outside the geographic Hauraki Gulf but within the boundaries of the **Hauraki Gulf Marine Park** (and that of the Hauraki Gulf Maritime Park which preceded it). In a similar situation is the Aldermen Islands / Te Ruamāhua High Protection Area. Why the Bill avoids acknowledging the Marine Park's existence while associating the boundaries of the Marine Park with the geographical Hauraki Gulf ('the Gulf') is not clear. Overlooking the Hauraki Gulf Marine Park, suggests some conceptual limitations in the drafting of

this legislation; a failure to take a broad, joined-up approach to the legislative administration of the Hauraki Gulf, by overlooking the provisions of a key piece of legislation expressly designed for this area.

A similar reductionist approach can be seen in a non-holistic approach to conceptualising the marine environment and marine ecosystems. In the Bill, the marine environment is seen as being in distinct, partitioned parts, with some parts protected and others not, e.g. the sea floor. Evidence of this is the absence of any reference to terms such as 'ecosystem', 'ecological processes' and 'life supporting capacity', key concepts of marine ecology - incidentally terms which can be found in the HGMPA. This approach we believe limits the Bill's well-intentioned conservation purpose and therefore its potential effectiveness in 'protecting, restoring and enhancing biodiversity'.

In critiquing aspects of the Bill our submission will, at the same time, propose a simple measure which we believe will readily and measurably strengthen the proposed legislation. However first we will briefly explain why we consider the Bill's 'marine protection' measures will be inadequate in dealing with the current environmental crisis within the Hauraki Gulf.

### **Seafloor Protection Areas [SPAs]**

We support the objective of the five SPA's (section 12) designed to protect the seafloor from the damaging impact of bottom trawling, dredging etc; the Bill's name for these areas, 'Seafloor Protection Areas' fairly and accurately describes their purpose.

However, while SPAs are a positive step, we believe the concept will be, in itself, inadequate to deal with a damaged and stressed marine ecosystem. A consequence of this approach means exploitation, recreational and customary fishing i.e. long-line fishing, spear fishing, forms of trawling etc will still be allowed. A best practice nature conservation approach would recognise the ecological interconnectedness of both the benthic (seafloor) habitat and the pelagic (open sea) space above, just as would be expected with the conservation of terrestrial habitats. For example, in the conservation of native forests or wetlands, ideally the whole environmental space is protected as well as the wildlife within. In attempting to protect the marine environment, ideally there should be integrated protection of both the seafloor **and** the sea above, and therefore of the wildlife, that is fish, crayfish, shellfish species etc., which inhabit it.

### **High Protection Areas [HPAs]**

We support the major instrument proposed in the Bill, the 12 High Protection Areas (HPAs) - but again with reservations.

HPAs (section 16) as such, are novel protection instruments in New Zealand legislation. We note the **Prohibitions** (for which we note exemptions are enabled) are in effect conditional. Customary fishing in a 'High Protection Area', (as well as the right to extract material such as seaweed, sand, etc), just as with the recreation, commercial and customary fishing in Seafloor Protected Areas, effectively

compromises the stated 'marine protection' purpose of the Bill. We predict that continued exploitation of fish and seafood resources by a growing population and the likelihood of the availability of even more efficient fishing technology, meaning the continued harvesting of keystone predators, such as snapper, groper and crayfish species would make the Bill's stated biodiversity recovery goals, over the long term, difficult to achieve.

While excluding commercial and recreational fishing will certainly reduce exploitation pressure in the short term, over the long term HPAs are more like to operate as informal fish farms, or, more to the point, customary game reserves. We acknowledge the Fisheries Act provisions that must be complied with, but we suggest the combining of two different objectives, customary fishing and marine protection, will likely mean difficulties and complications in the administration and monitoring of these provisions - and of the effectiveness of HPAs themselves.

Here we should make it clear we do not oppose customary fishing areas. Rather we support the provision of customary fishing areas, either directly promulgated by the government or as enabled by customary title claims under the Marine & Coastal Area (Takutai Moana) Act (2011). Again, bearing in mind accepted conservation practice on land, we doubt such areas as presently designed, over the long term can be guaranteed to function as 'High Protection Areas' to an IUCN standard.

It is sometimes argued that time-limited marine protection (ranging from short temporary closures up to 25 years); or selective exploitation might be just as effective as no-take marine reserves, but research shows this is not the case. A recent meta-analysis of previous studies published in the ICES Journal of Marine Science by Enric Sala and Sylvaine Giakoumi in 2017 shows that biomass of whole fish assemblies in marine reserves is on average:

- 670% greater than in adjacent unprotected areas, and
- 343% greater than in partially protected Marine Protected Areas.

'By comparison fish biomass in partially protected MPAs was only 183% greater than in unprotected areas, and often it was not different.'

This international study supports the study by Shears *et al.* (2006) which compared crayfish populations over time in a partially fished local 'marine park' (Mimiwhangata) with the Tāwharanui no-take MPA since 2011 a 'type 1' marine reserve). They concluded:

'On average, legal-sized lobster were eleven times more abundant and biomass 25 times higher in the no-take marine park following park establishment, while in the partially protected marine park there has been no significant change in lobster numbers. Furthermore, no difference was found in densities of legal-sized lobster between the partially protected marine park and nearby fully-fished sites (<1 per 500 m<sup>2</sup>).'

Therefore, if continued exploitation of these areas is permitted, claiming the 12 HPAs and the 5 SPAs will contribute to 18% of the Hauraki Gulf being 'protected' is over optimistic – indeed misleading.

## Marine reserves

We fully agree with and commend the statement in the Bill's Explanatory Note: **'Marine Reserves are a very effective way of protecting marine life and habitats...The also provide control sites for understanding the impact if fishing elsewhere and for measuring changes in the marine environment over time.'**

We also commend the Bill's acknowledgement of the Marine Reserves Act (1971) which was world-leading in its day – and in our opinion, despite its age, still is.

In addition to the values of Marine Reserves stated above there are other benefits in fully protected marine reserves which should be borne in mind.

Recent published research by Auckland University has revealed rather dramatic evidence of the regenerative value of marine reserves. In this case, the Hauraki Gulf snapper population. 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 marine reserve were the offspring of adult snappers from the marine reserve."*

It points out that this remarkable level of snapper population enhancement comes **'from only 0.08% of the marine space in the Hauraki Gulf.'** [Qu *et al.* 2021]. One can imagine the current state of the snapper population in the Hauraki Gulf if this marine reserve, small as it is, was not there.

In other words, marine reserves can provide significant scale of recruitment for commercially important fish populations and by implication for a much wide range of marine biota.

Furthermore, the Auckland University study estimated that the regenerative services provided by the Cape Rodney to Okakari Point marine reserve (popularly known as Goat Island or Leigh) generates an economic value of some \$15m per annum by augmenting the commercial fishery and even more significantly the recreational fishery along with the marine industry shore-side ancillary sector.

We therefore strongly support and commend the Bill's two marine reserve extensions which includes this particular reserve (Cape Rodney to Okakari Point) and Whanganui a Hei marine reserve - measures we called for in our submission to the 'Revitalising the Gulf' process.

But including extensions to just two marine reserves, means the Bill will provide only a minimal increase in totally protected areas. While the two marine reserve extensions will certainly expand the current **fully** protected areas from the currently paltry 0.3% of the Hauraki Gulf – but only by a couple of decimal points or so. [Note. The actual size of the areas of protection in the Bill are not stated].

One therefore cannot be overly impressed with the '18%' of protection talked up in the Bill's **Explanatory Note**. The reality is that the Bill as presently conceived will still only contribute to fraction of full ecological protection of the Gulf. That is to be clear,

**less half of 1% of the Gulf (or rather the Hauraki Gulf Marine Park) will be fully protected.**

## **Our submission**

As indicated in our Introduction, in April 2021 the Friends of the Hauraki Gulf lodged an application with the Director-General of the Department of Conservation (DOC) under section 5 of the Marine Reserves Act for the proposed **Hākaimangō-Matiatia (Northwest 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. In January 2022 after nine months of pre-notification consultation, including consultation with iwi, approval was given by DOC for the application (see attached) to be publicly notified under section 5 of the Marine Reserves Act. The two-month notification period closed on 20 March 2022. The application drew some 1300 public submissions, 93% of which were in support (95% for Waiheke residents). Moreover 70% of submitters identifying as Māori submitted in support, as did descendants of 19<sup>th</sup> century Ngāti Paoa chiefs who lived in this area. and the local Piritahi Marae, Tangata Whenua authorities the Ngāti Paoa Trust Board submitted in support, and expressed a willingness to become co-applicants, while the Ngāi Paoa Iwi Trust submitted in opposition.

A detailed **Response to Objectors** report under section 5 of the Marine Reserves Act, was prepared by the applicants and sent to the Minister of Conservation and the Department on 20 April 2022 – within the one-month timeline (see attached).

The Department of Conservation indicated in July 2022 it planned to complete its advice to the Minister by late November 2022. This was then postponed to July 2023. We have recently been assured by DOC that this advice will now be completed and provided to the incoming Minister of Conservation by February 2024.

## **The Ōtata / Noises High Protection Area**

Despite our reservations about the degree of protection to be enabled by HPAs promised by the Bill as it stands, we wish to record our particular support for the Ōtata / Noises HPA. This is located a few kilometres to the north of the proposed Hākaimangō – Matiatia Marine Reserve. The location of two types of marine protected area, a Type 1, fully protected marine reserve and a Type 2 HPA/customary fishing area in reasonable proximity offers a unique opportunity for comparative science. Such research would be of international importance. We take this opportunity to acknowledge and thank Ngai Tai ki Tāmaki rangatira Laurie Beamish and the late James Brown with whom we consulted in February 2022 regarding the Hākaimangō-Matiatia Marine Reserve application.

### ***The Friends of the Hauraki Gulf therefore request:***

That the proposed Hākaimangō-Matiatia Marine Reserve (2350 ha) be declared a marine reserve and included in the Bill by adding the following page to **Schedule 2 Marine Reserves**.

*Hākaimangō – Matiatia Marine Reserve (Northwest Waiheke Island)*

**Name of marine reserve**

*Hākaimangō – Matiatia Marine Reserve*

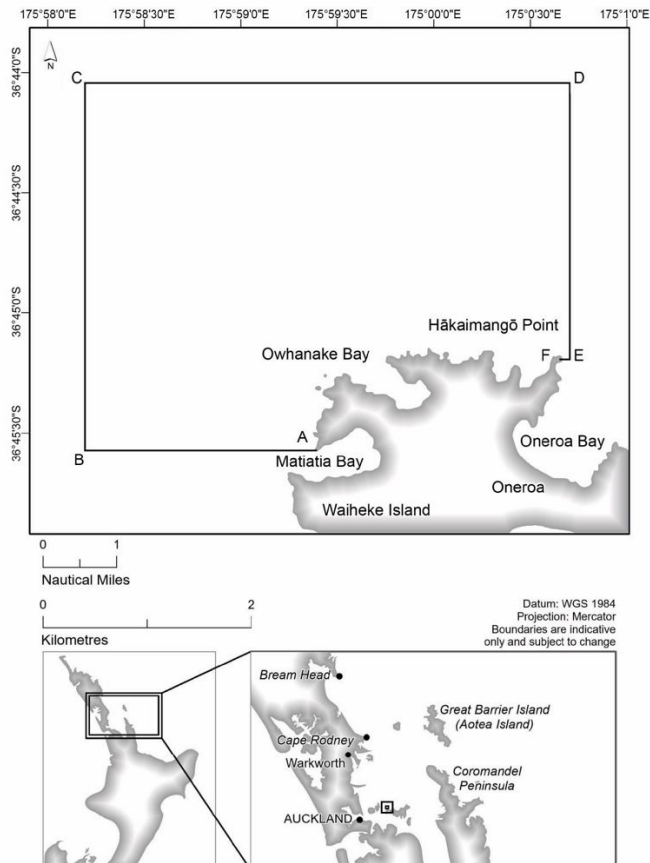
**Description of marine reserve**

*The area marked on the indicative map, where—*

- (a) **A** is the point at 36° 46.816' S and 174° 59.126' E; and
- (b) **B** is the point at 36°46.816' S and 174° 57.406' E; and
- (c) **C** is the point at 36° 44.126' S and 174° 57.406' E; and
- (d) **D** is the point at 36° 44.126' S and 175° 0.962' E; and
- (e) **E** is the point at 36° 46.151' S and 175° 0.962' E; and
- (f) **F** is the point at 36° 46.151' S and 175° 0.882' E.

**Indicative map**

*For reference, Hākaimangō – Matiatia Marine Reserve is indicated on the map, but the description overrides the map if they conflict.*



This proposed marine reserve has been through the formal public notification process of the Marine Reserves Act, gaining an unprecedented level of public support, and awaits only a report from the Department of Conservation to enable a ministerial decision on approving an Order in Council. We note the two marine reserve extensions proposed in the Bill have not been subjected to the public notification process set out in the Marine Reserves Act but agree that via the 'Revitalising the Gulf' submission process and through this public submission process of the Bill, they have undergone a parallel public notification. We further note (section 11) the two proposed marine reserve extensions will be treated as if they have been granted an Order in Council under section 4 (1) of the Marine Reserves Act.

Unlike other 'protected areas' in the Bill, the proposed marine reserve is uniquely accessible for the general public, the proposed Hākaimangō - Matiatia (northwest Waiheke) marine reserve is within an easy 10-minute walk from the Matiatia ferry/bus terminal, (35 minutes from downtown Auckland). The unique proximity of good public transport services and excellent walking tracks makes this marine reserve very convenient for scientific research and visits by students and educational groups.

Finally, as suggested this totally protected marine reserve would enable a unique opportunity for scientific study as a control site for nearby fished and customary fished areas of the Hauraki Gulf and as a measure of the success or otherwise of the 'protected areas' in the Bill.

Therefore, we believe it would make administrative sense and would certainly strengthen the stated conservation objectives of the Bill, therefore adding considerable public credibility to this legislation, if the proposed **Hākaimangō-Matiatia (Northwest Waiheke) Marine Reserve** was declared a marine reserve along with the two marine reserve extensions in the final **Hauraki Gulf / Tikapa Moana Marine Protection Act (2024)**.

We would like to speak to our submission.

Michael Lee  
Chair  
Friends of the Hauraki Gulf (Inc)

Chris Curreen  
Secretary  
Friends of the Hauraki Gulf (Inc)



## References

Hauraki Gulf Forum 'The State of our Gulf' (2020).

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/harbour-forums/docsstateofgulf/state-gulf-full-report.pdf>

2022). The Hauraki Gulf Marine Park Act (2000).

<https://www.legislation.govt.nz/act/public/2000/0001/latest/DLM53173.html>

Friends of the Hauraki Gulf (2022). Hākaimangō-Matiatia (NW Waiheke). Report in support of an application for an order in council for a marine reserve (January 2022).

<https://friendsofhaurakigulf.nz/wp-content/uploads/2021/11/Hakaimango-Matiatia-Marine-Reserve.pdf>

Friends of the Hauraki Gulf (2022) . Response to Objections – Whakautu ki nga Whakahē (April 2022).

<https://friendsofhaurakigulf.nz/wp-content/uploads/2022/05/Response-to-Objections-to-the-Hakaimango-Matiatia-Marine-Reserve-sml-2.pdf>

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.

[https://www.researchgate.net/publication/355080907\\_Economic\\_valuation\\_of\\_the\\_snapper\\_recruitment\\_effect\\_from\\_a\\_well-established\\_temperate\\_no-take\\_marine\\_reserve\\_on\\_adjacent\\_fisheries](https://www.researchgate.net/publication/355080907_Economic_valuation_of_the_snapper_recruitment_effect_from_a_well-established_temperate_no-take_marine_reserve_on_adjacent_fisheries)

Shears, Nick., Grace, Roger., Usmar, Natalie., Kerr, Vince & Babcock, Russell. 2006. Long-term trends in lobster populations in a partially protected vs. no take-take Marine Park. Biological Conservation. 132. 2: 222-231.

Sala, E. and Giakoumi, S. 2017. No-take marine reserves are the most effective protected areas in the oceans. ICES Journal of Marine Science 75:1166-1168.

Friends of the Hauraki Gulf (2022). Hākaimangō-Matiatia (NW Waiheke). Report in support of an application for an order in council for a marine reserve (January 2022).

<https://friendsofhaurakigulf.nz/wp-content/uploads/2021/11/Hakaimango-Matiatia-Marine-Reserve.pdf>

Friends of the Hauraki Gulf (2022) . Response to Objections – Whakautu ki nga Whakahē (April

<https://friendsofhaurakigulf.nz/wp-content/uploads/2022/05/Response-to-Objections-to-the-Hakaimango-Matiatia-Marine-Reserve-sml-2.pdf>