18 March 2022

Submission on an application by the Friends of Hauraki Gulf to establish the Hākaimangō-Matiatia (Northwest Waiheke) Marine Reserve

Introduction

1. This submission on the application by the Friends of Hauraki Gulf to establish the Hākaimangō-Matiatia (Northwest Waiheke) Marine Reserve 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 we directly represent all of the major commercial fisheries in the Hauraki Gulf. For the purposes of this submission, the submitters are referred to as '*the fishing industry*'.

3. The fishing industry supports the effective protection of marine biodiversity. However, we do not support the presumption that marine reserves established under the Marine Reserves Act 1971 (MRA) are the best way of achieving New Zealand's marine biodiversity protection objectives, particularly in response to fishing activity. We consider that effective biodiversity protection requires careful definition of objectives and identification of threats, followed by selection of the least-cost tool for 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.

Summary of submission

4. The fishing industry **opposes** the application to establish a marine reserve at Hākaimangō-Matiatia (Northwest Waiheke).

5. The small amount of commercial fishing in the proposed marine reserve uses low-impact fishing methods and has a negligible effect on the biodiversity values of the site. Nevertheless, the proposed marine reserve may **interfere unduly with commercial fishing** because:
(a) the cumulative impacts on set netters of this and other proposed marine protected areas (MPAs) are likely to be significant;
(b) the displacement of recreational fishing from the site is likely to interfere with commercial fishing elsewhere in the Gulf; and
(c) the marine reserve has no obvious benefits for biodiversity or scientific research, which suggests that even a small impact on commercial fishing is likely to be "undue".

6. The proposal does not comply with the requirements of the MRA as it is **contrary to the public interest**. Specifically, it is not in the public interest to:

- seek to protect marine biodiversity using outdated legislation that is contentious and no longer fit for purpose;
- establish a marine reserve that cannot be justified in relation to the purpose of the MRA;
- undermine, detract from, and duplicate the strategic marine planning process that was undertaken for the Hauraki Gulf through Sea Change and is currently being advanced through *Revitalising the Gulf*;
- threaten the sustainability of fisheries by displacing fishing effort from the marine reserve – an effect that will be significantly exacerbated by the cumulative impacts of fisheries displacement from the *Revitalising the Gulf* MPA proposals;
impose a costly marine reserve which is incapable of managing the major threats to the Gulf's marine biodiversity, including climate change, siltation and contamination from terrestrial sources;
- prohibit fishing through imposing a marine reserve when there is a purpose-built statute (the Fisheries Act) which provides more effective and efficient measures to manage any adverse effects of fishing on marine biodiversity; and
- act in a manner that is potentially contrary to the Minister for Oceans and Fisheries' obligations under the Treaty of Waitangi Fisheries Settlement.

Commercial fishing at the marine reserve site

7. An objection to a marine reserve must be upheld if the marine reserve interferes unduly with commercial fishing (MRA s.5(6)(c)).

8. A small amount of commercial fishing takes place in the area of the proposed marine reserve using low volume, low-impact fishing methods, as follows:

- Three fishers use set nets and ring nets to target small volumes of rig, mullet and trevally, equating to approximately 20 fishing events in total per year but this is important ground at the time of year that the fishers can access it (see restrictions in para 9 below);
- A small amount of sea cucumber has been harvested in previous years; and

- A small amount of kina is harvested, which may contribute to the absence of "kina barrens" at the site.

9. Apart from that, commercial fishing is already significantly restricted at the site, as follows:

   - Trawling, Danish seining and scallop dredging are prohibited under fisheries regulations;
   - All finfish take is prohibited from 1 October to 31 March under fisheries regulations; and
   - No commercial rock lobster fishing has taken place at the proposed site in recent years due to a preference by commercial operators to avoid areas with high recreational fishing effort.

10. Although the direct effects on commercial fishing directly arising from establishing a marine reserve at the site are not likely to be significant due to the low volumes harvested, the government has already proposed to prohibit set netting in 11 High Protection Areas (HPAs), one Seafloor Protection Area (Mokohinau SPA) and two marine reserve extensions in the Hauraki Gulf Marine Park.[1] The cumulative effects of the current proposal together with the *Revitalising the Gulf* MPAs is likely to have a significant impact on commercial set netters. We note that government agencies have not evaluated the impact of the *Revitalising the Gulf* MPAs on set netters and ring netters because the fishers using these methods historically were required to report at the spatial scale of statistical areas and the agencies did not access more recent fine-scale electronic reporting data.[2]

11. All bottom-impacting commercial fishing methods are prohibited at the site and the total volume of commercial harvest is small. Prohibiting commercial fishing by establishing a marine reserve would therefore achieve no biodiversity protection benefits beyond those already provided by existing management measures. Even a relatively minor impact on commercial fishing at the site may therefore be **undue** because the prohibition of commercial fishing is not balanced by any benefits in relation to either marine biodiversity protection or the purpose of the MRA (see point b) below).

12. The applicants have not provided any information on recreational fishing at the site, but we note that Haggitt (2016) states that:[3]

    - The site is adjacent to the Motuihe Channel and the Noises Islands which are subject to heavy recreational fishing pressure; and
    - The western and northwestern areas of the Waiheke coastline experience very high recreational fishing effort, which has increased over the last 5-6 years and snapper catch is especially high within the Motuihe Channel region.

[1] Department of Conservation, Fisheries New Zealand, Ministry for Primary Industries (2021). Revitalising the Gulf. Government Strategy in response to the Sea Change Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan. June 2021.

[2] 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. Page 140.

[3] Haggitt, Tim (2016). Ecological survey of Waiheke Island northwest coastline December 2016. Prepared for Auckland Council and Hauraki Gulf Conservation Trust. eCoast.

13. If the site is subject to heavy recreational fishing pressure, then the displacement of recreational fishing effort into other areas of the Hauraki Gulf may interfere with commercial fishing, as described under point d) below and in doing so place greater pressure on the environment.

14. Our analysis of the impact of the proposed marine reserve on commercial fishing is hindered by the absence in the application of any information on fisheries impacts. We therefore recommend that Fisheries New Zealand (FNZ) should urgently:
(a) undertake an analysis of cumulative impacts on set netters of this proposal and the *Revitalising the Gulf* MPAs; and
(b) provide comprehensive information on recreational fishing at the site as soon as possible.

15. The fishing industry reserves the right to reassess the impacts of the application on commercial fishing once that information and analysis has been made available. In the interim, however, we consider that although only a small amount of commercial fishing takes place at the site, the proposed marine reserve if approved may **interfere unduly with commercial fishing** because:

- access to these grounds at the time of year currently possible is important to set netters and the cumulative impacts on set netters of this and other MPA proposals are likely to be significant;
- the displacement of recreational fishing from the site is likely to interfere with commercial fishing elsewhere in the Gulf; and
- the marine reserve has no obvious benefits, which suggests that any impact on fishing is likely to be "undue".

Contrary to the public interest

16. An objection to a marine reserve must be upheld if the marine reserve is contrary to the public interest (MRA s.5(6)(e)). The fishing industry objects to the proposed marine reserve on the grounds that it is contrary to the public interest for the reasons outlined below.

a) The MRA is not fit for purpose

17. It is not in the public interest to seek to protect marine biodiversity using outdated legislation that is contentious, not fit for purpose (i.e., has a purpose unrelated to biodiversity protection), and does not directly recognise or give effect to the Treaty relationship. The Department of Conservation (DOC) is well aware of the failings of the MRA and for that reason has deliberately decided to implement the *Revitalising the Gulf* MPAs using special legislation rather than the MRA.

b) The marine reserve is not justified in relation to the purpose of the MRA

18. It is not in the public interest to establish a marine reserve that has not been, and cannot be, justified in relation to the purpose of the MRA. The purpose of the MRA is to [preserve] *as marine reserves* ***for the scientific study of marine life****, areas of New Zealand that contain*

underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued ***preservation is in the national interest***.[4]

19. The applicants make no attempt to justify the proposed marine reserve in relation to the statutory purpose of preserving areas *for the scientific study of marine life,* nor in relation to the more onerous requirement that declaring the marine reserve will be *in the* ***best interests*** *of scientific study*.[5] The application does not:

- identify particular research projects that would be undertaken in the reserve;
- explain why this site is more important than any other site for the scientific study of marine life; or
- explain why marine reserve status is necessary in order for scientific study of marine life to be undertaken at the site.

20. The application provides no justification for preserving the site *in the national interest*. To the contrary, the application is of local origin, consultation to date has been highly localised, and the bulk of the application is focused on the alleged interests of residents of Waiheke Island.

c) The marine reserve is not aligned with the Government's strategic direction for biodiversity protection in the Hauraki Gulf

21. For nearly nine years the government has supported a resource-intensive, multi-stakeholder planning process (i.e., Sea Change) for the Hauraki Gulf. In 2021 the government prepared a strategic response – *Revitalising the Gulf* – to the outputs of the Sea Change process.

22. In these circumstances it is not in the public interest for DOC to accept an application, or for Ministers to approve an application, for an *ad hoc* marine reserve in the Hauraki Gulf. The consideration of this proposal is an unnecessary expenditure of public resources and suggests that the government does not have confidence in the outcomes of Sea Change or the MPAs proposed in *Revitalising the Gulf.* The approval of an *ad hoc* marine reserve proposal would undermine any benefits of strategic marine planning.

23. The Sea Change process sought to *identify and protect the full range of marine communities and ecosystems with high biodiversity value* – but did not identify the Hākaimangō-Matiatia site among those areas. Likewise, the government's biodiversity protection outcome for the Gulf is the *protection of at-risk, high ecological value and representative habitats and ecosystems in the Gulf to support their recovery*.[6] The government did not identify the Hākaimangō-Matiatia site as a habitat that is at risk, of high ecological value or representative. Instead, the government selected a nearby site at Rangitoto/Motutapu which is likely to have similar values. While *Revitalising the Gulf* acknowledges one community-led marine biodiversity protection project that may be included within the government proposals – i.e., the Noises Islands – it does not recognise the Hākaimangō-Matiatia proposal.

[4] Marine Reserves Act, section 3.
[5] Marine Reserves Act, section 5(9).
[6] Department of Conservation, Fisheries New Zealand, Ministry for Primary Industries (2021). Revitalising the Gulf. Government Strategy in response to the Sea Change Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan. June 2021.

d) The marine reserve jeopardises sustainable fisheries management

24. Under the Fisheries Act, New Zealand's fisheries must be managed to provide for utilisation while ensuring sustainability. It is not in the public interest to establish a marine reserve which threatens the sustainability of fisheries.

25. It is now widely understood that displacement of fishing effort from inside marine reserves has a negative effect on the abundance of surrounding fish populations[7] Research shows that the negative impacts of displaced fishing effort are *more severe* in countries like New Zealand where fisheries are regulated by a Total Allowable Catch (TAC). Unless the TAC is explicitly reduced when a marine reserve is established, the same amount of catch will continue to be taken, effectively guaranteeing that fishing will become more intense outside the reserve.[8] Therefore, in TAC-regulated fisheries such as rock lobster, snapper and other QMS finfish stocks, the implementation of the proposed marine reserve will:

    a) increase the risk of local depletion. For example, recreational fishing pressure that is displaced from the marine reserve will concentrate fishing pressure in remaining open areas of the Gulf – that will put more pressure on that environment than previously and it will generally mean more effort as you will be fishing in areas with lower density of fish (if it was higher it would already be the key area for fishing);

    b) Slow down stock rebuilding rates. This effect has been observed in international studies[9] and is directly relevant to the CRA 2 rock lobster stock which is currently being managed under an agreed rebuilding strategy;

    c) Exacerbate spatial conflict between fishing sectors. Customary, 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 all sectors and have a strong spatial dependence such as rock lobster; and

    d) Increase the risk of a cascade of future controls on fishing. For example, Hauraki Gulf iwi and hapū may choose to protect areas of importance for customary fishing from the impacts of increased effort in traditional fishing areas from displaced recreational catch by establishing new mātaitai reserves or temporary closures under section 186A of the Fisheries Act. In turn, these measures will result in further displacement of fishing effort and additional threats to fisheries sustainability.

26. The effects described above will be significantly exacerbated by the **cumulative effect of fisheries displacement** arising from the *Revitalising the Gulf* proposals and other existing and proposed fisheries closures. The existing spatial exclusions in the Hauraki Gulf Marine Park include: six marine reserves, four cable protection zones, extensive spatial restrictions on

[7] 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.

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

[9] 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.

trawling, Danish seining, and scallop dredging under fisheries regulations, and four temporary section 186A closures. Other significant spatial exclusions that will be implemented under *Revitalising the Gulf* include: 18 MPAs (11 HPAs, 5 SPAs and 2 marine reserve extensions); the prohibition of bottom trawling and Danish seining throughout the Gulf apart from identified trawl corridors; the prohibition of all recreational scallop dredging and of commercial scallop dredging outside the current footprint; various measures to be implemented under the Hauraki Gulf Fisheries Plan and Ahu Moana management measures, both of which may include prohibitions or restrictions on fishing.[10]

27. Cumulatively, these proposals will cause substantial displacement of fishing resulting in:

- major cumulative impacts on the economics of fishing;
- cumulative localised depletion and, potentially, negative effects on fish stock sustainability; and
- the severe restriction of areas where fishing effort displaced from the proposed marine reserve can be relocated
- Additional negative impacts on the habitats and ecosystems that support fisheries through increased pressure on less productive areas.

28. The negative effects on surrounding fisheries that are identified above will <u>not</u> be mitigated by 'spillover' benefits to fisheries from the proposed marine reserve. Studies in New Zealand and elsewhere show that while spillover effects outside a marine reserve may be detectable, they are confounded by environmental and management variables and often dissipate at distances greater than 1km from a reserve border.[11] The fishing industry strongly disputes the applicant's assertion that Qu et al (2021)[12] provides an accurate or reliable basis for assessing potential fisheries benefits of the proposed reserve.

29. In summary, the establishment of the marine reserve – particularly when considered in the context of existing and proposed management measures for the Hauraki Gulf – will jeopardise and be incompatible with sustainable fisheries management. Threats to fisheries sustainability such as those noted above are inconsistent with the Minister for Oceans and Fisheries' responsibilities under the Fisheries Act and are therefore matters that the Minister should consider when exercising concurrence under the MRA.

e) The marine reserve will not achieve its intended purpose because numerous threats to marine biodiversity remain unmanaged

[10] Future spatial exclusions of commercial fishing that may be implemented independently of *Revitalising the Gulf* include: further applications for s.186A 'temporary' closures; applications for mātaitai reserves; the granting of customary marine title under the Marine and Coastal Area (Takutai Moana) Act where wāhi tapu conditions prohibit or restrict fishing; and the prohibition of fishing in areas identified in regional coastal planning processes under the Resource Management Act 1991 (as already signaled strongly by Waikato Regional Council).

[11] Ovando, D. (2018). Full reference above.

[12] 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.

30. It is not in the public interest to establish a marine reserve when the majority of threats to marine biodiversity cannot be managed by establishing a marine reserve. The only potential threat to marine biodiversity that is typically prohibited by declaring a marine reserve is legal fishing. [13]

31. The most significant threats to marine biodiversity in the Hauraki Gulf and internationally are ocean acidification and climate change. [14] These threats cannot be managed by establishing a marine reserve.[15]

32. 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.[16] DOC has stated that *excess sedimentation, nutrient enrichment and runoff contaminants such as heavy metals are* ***the major pressures*** *on the Firth [of Thames],* adjacent to Waiheke Island.[17] Haggitt (2016) notes that *turbidity is often elevated along much of the western and northwestern coastline [of Waiheke Island]…* and *…the* ***high turbidity often experienced*** *within the proposed reserve is likely to be due to largerscale sediment inputs into the inner Hauraki Gulf rather than associated with immediate land use*. Sedimentation and turbidity threats cannot be managed by establishing a marine reserve.

33. Furthermore, the hinterland of the proposed marine reserve site is not "pristine" – according to Haggitt (2016) *the terrestrial interface between Matiatia Bay and Hakaimango Point is dominated by high producing exotic grassland with small areas of broadleaf indigenous hardwood, indigenous forest and pockets of manuka and kanuka and herbaceous freshwater*

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[13] To the extent that illegal fishing activity occurs in an area, it is not prevented by the declaration of a marine reserve. The MRA does not directly prohibit mining and petroleum exploration. Access restrictions to all marine reserves apply under Schedule 4 of the Crown Minerals Act 1991, but exceptions can be made under s.61(1A) of that Act.

[14] **International**: Halpern, B. S. et al (2019). Recent pace of change in human impact on the world's ocean. (2019) Nature Scientific Reports 9:11609 https://doi.org/10.1038/s41598-019-47201-9 **New Zealand**: MacDiarmid, A, A McKenzie, J Sturman, J Beaumont, S Mikaloff-Fletcher and J Dunne (2012). Assessment of anthropogenic threats to New Zealand marine habitats. New Zealand Aquatic Environment and Biodiversity Report No 93.

[15] The applicants assert that marine reserves are more resilient to climate change. No evidence has been provided to support this proposition. Furthermore, even if an area inside a marine reserve is shown be more resilient to climate change, utilisation pressures outside the marine reserve will increase when a marine reserve is established. While the net result is difficult to predict, it cannot be assumed that the overall resilience of the marine environment to climate change will increase. Marine reserves are therefore unlikely to reliably enhance the resilience of the marine environment at a regional scale, but effective broad-scale management of identified threats – e.g., through effective fisheries management and comprehensive management of point and non-point source discharges into the marine environment – can reliably contribute to such an outcome.

[16] 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.

[17] 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. Page 117.

vegetation associated within Owhanake Bay.[18] It also contains vineyards and tourist accommodation. Haggitt notes that the sewage treatment plant (which discharges into Matiatia Bay just outside the proposed reserve boundary) creates potential for Matiatia Bay *to be negatively affected through nutrient enrichment and nuisance algal blooms in tandem with contamination of shellfish beds and reduced water quality. Equally, poorly maintained or performing septic tanks are likely to be an issue for the area.* None of these impacts can be managed by declaring the area to be a marine reserve.

34. The existence of pervasive unmanaged threats means that the sites cannot be preserved as far as possible in their natural state, as required under MRA s.3(2)(a). Imposing controls on only one stressor while taking no action on the primary pressures is inconsistent with the Government's stated priority to advance ecosystem-based management of the marine environment.

f) There are more effective ways to manage any fisheries-related threats to marine biodiversity

35. Given that the only activity a marine reserve is capable of managing is legal fishing activity, it is not in the public interest to impose a marine reserve when the Fisheries Act is a purpose-built statute under which the activity of fishing can be regulated far more efficiently and effectively.

36. Under the Fisheries Act, management measures that are available to avoid, remedy or mitigate adverse effects of fishing on marine biodiversity, protected species and aquatic ecosystems and habitats include: setting catch limits (FA s.11, s.13); implementing fisheries plans for the bespoke management of fish stocks or areas (FA s.11A); and avoiding, remedying, or mitigating any adverse effect of fishing on protected species such as marine mammals or seabirds (FA s.15). Decision-makers must take into account the Act's environmental principles, which provide that *associated or dependent species should be maintained above a level that ensures their long-term viability; biological diversity of the aquatic environment should be maintained; and habitat of particular significance for fisheries management should be protected* (FA s.9). A non-limiting list of measures is available to give effect to these principles, including controls on size, sex or biological state of fish that may be taken, area controls, fishing method controls, and fishing seasons (FA s.11).

37. In particular, the fishing industry considers that any adverse effects of high recreational fishing pressure on harvested fish populations and on the marine environment at the proposed marine reserve site should be managed through the urgent adoption of targeted controls and restrictions under the Fisheries Act. A blunt closure such as that provided by a marine reserve simply displaces recreational fishing effort elsewhere in the Gulf without addressing the root causes of excessive recreational catch. It is therefore likely to exacerbate rather than reduce the impacts of recreational fishing on the Hauraki Gulf marine environment.

38. To the extent that the marine reserve proposal seeks to prohibit fishing or to protect habitats that are important for fisheries productivity, it duplicates the government's draft Hauraki Gulf

[18] Haggitt, Tim (2016). Waiheke Island Marine Reserve Network – Gaps Analysis and Feasibility Study. eCoast.

Fisheries Plan.[19] One of the management objectives in the draft Fisheries Plan is to protect ecologically important marine habitats from any adverse effects of fishing, including by identifying and protecting habitats of particular significance to fisheries management in the Gulf. The proposed marine reserve is an unnecessary duplication, particularly as Fisheries Act controls are able to provide a more targeted approach to managing fisheries-related threats to important fish habitats (e.g., known snapper spawning sites).

g) Inconsistent with the Minister's obligations under Fisheries Settlement

39. DOC's administration of the MRA is subject to the obligation in the Conservation Act 1987 s.4 to interpret and administer the Act to give effect to the principles of the Treaty of Waitangi. The Minister for Oceans and Fisheries has explicit Treaty obligations under Fisheries Act s.5(b), which requires the Minister to act in a manner consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. We consider that the adverse effects of the proposed marine reserve on the sustainable management of fisheries (as set out under point d) above) are relevant to the Treaty obligations of both Ministers.

40. Furthermore, it is not clear from the application whether the proposed marine reserve has the support of:

- Ngāti Paoa as mana whenua;
- Other iwi and hapū with customary fisheries interests in the Hauraki Gulf; and
- Mandated Iwi Organisations which own quota for fisheries within the relevant Quota Management Areas that overlap the proposed site (Bay of Plenty and Northland) and the kaitiaki in those areas who manage customary non-commercial fishing who will experience additional fishing pressure in their rohe moana.

41. In the absence of explicit support from relevant iwi entities, it is not in the public interest to implement measures that are inconsistent with the Crown's obligations under the Maori Fisheries Settlement.

Conclusion

42. The application does not provide adequate information to enable a full assessment of the potential impacts of the Hākaimangō-Matiatia (Northwest Waiheke) marine reserve on commercial fishing. However, there is sufficient information to indicate that the marine reserve is likely to interfere unduly with commercial fishing, particularly when account is taken of the effects of displaced recreational catch and the cumulative impacts of other existing and proposed MPAs in the Hauraki Gulf.

43. Irrespective of the potential impacts on fishing, the establishment of the proposed marine reserve would undermine the strategic marine planning process that has been undertaken for the Hauraki Gulf. Establishing a marine reserve will not manage the full range of threats to

[19] Department of Conservation, Fisheries New Zealand, Ministry for Primary Industries (2021). Revitalising the Gulf. Government Strategy in response to the Sea Change Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan. Appendix 2 – Draft Hauraki Gulf Fisheries Plan. June 2021.

marine biodiversity at the site or in the Hauraki Gulf generally. To the extent that fishing (by any sector) has an adverse effect on biodiversity at this site or elsewhere in the Gulf, those impacts should be avoided, remedied or mitigated by the adoption of appropriate controls under the Fisheries Act.

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