

Speech: Shaun Lee, STET Limited

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Distinction Hotel in Te Rapa Hamilton

Hearing on Waikato Regional Councils proposed Coastal Plan.

Kia ora ko Shaun Lee toku ingoa

Due to time restrictions today I will focus on points 11.01 to 11.08 in my submission which relate to controlling the effects of fishing, mostly in the Hauraki Gulf Marine Park.

Waikato Regional Council has a statutory obligation to maintain biodiversity under the Resource Management Act. Councils 'may' control activities, including fishing, under the RMA to maintain indigenous biological diversity. Therefore WRC must first consider if biodiversity is being maintained and if not ask itself if managing the effects of fishing would help. I should not need to tell you that biodiversity is in decline. The evidence is very clear in the last four State of the Gulf reports I worked on. Here are a few key points:

- The scallop fishery has collapsed
- High value fish have disappeared from our reefs
- Kina barrens are rampant
- Workups are getting smaller and less numerous
- Our resident whales have stopped eating fish
- And of course, all the species of seabirds and numerous freshwater fish that are going extinct.

For this speech I looked at the May 2023 and November 2024 Fisheries Assessment Plenary's and compared stocks that occur in the Waikato CMA that were landed in 2005 (which is when the current CMP came into effect) with the most recent fishing year. Landings are the key metric used by fisheries scientists in stock assessments.

I found 14 stocks where the commercial landings were 25% more or less than the 2005 levels, and were probably managed sustainably so we probably don't need to worry about those. I found 8 stocks with more than a 25% increase in landings. These were:

- Ling
- Barracouta
- Trevally
- Packhorse rock lobster
- Redbait
- Southern bluefin tuna
- Pacific bluefin tuna
- Yellow-eyed mullet

I'd like to think that this means these fish populations are also doing ok.

However alarmingly I found 37 stocks where commercial landings had dropped by more than 25% these were.

- Red snapper
- Butterfish
- Stargazer
- Striped marlin
- Red Cod
- Porae
- Rig
- Shortfin eel & Longfin eel
- John Dory
- Swordfish
- Red gurnard
- Blue cod
- Tarakihi
- Arrow squid
- Red rock lobster
- Jack mackerel
- Blue warehou
- Flatfish
- Grouper
- Bigeye tuna
- Albacore tuna
- Porbeagle shark
- Frostfish
- Leatherjacket
- Mako shark
- Yellowfin Tuna
- Bluenose
- Blue shark
- Moonfish
- Pilchard
- Rays beam
- Skipjack tuna
- Paddle crab
- Scallops
- Anchovy
- Green-lipped mussel spat
- Sprats

Landings of the last eight of those stocks have collapsed by more than 90%.

I need to point out that many of these species were not doing great in 2005. For example, striped marlin had been heavily impacted by Japanese fishers in the 1990's. NZ landings have only declined by 40% since 2005 but the striped marlin have been classed as overfished since 2019. This means less than 20% of the population remains. It's worth noting that low spawning biomass (or the lack of big breeding adults) is a significant contributing problem yet Sports Fishing clubs in the Waikato Region regularly celebrate landing these large individuals.

Fishing negatively affects multiple species of seabird via bycatch and food removal, each seabird species has a national threat classification, in Auckland they have a regional threat status, many of these seabirds are going extinct and managing the effects of fishing is likely to improve their regional threat status (if WRC gave them one). WRC has 14 species of seabird that are At Risk of extinction, they are:

- Little penguin
- Buller's shearwater
- Sooty shearwater
- Red-billed gull
- White-fronted tern
- Pycroft's petrel
- Little shearwater
- Pied shag
- Cook's petrel
- Flesh-footed shearwater
- Fairy prion
- White-faced storm petrel
- Little shag
- Black shag

WRC also have six species of seabird that are Threatened with extinction:

- Reef heron
- Caspian tern
- Spotted shag
- Black petrel
- New Zealand storm petrel
- Black-billed gull

The proportion of seabird species that breed in the Hauraki Gulf Marine Park that are Threatened have increased from 4% in 2002 to 22% today.

Threatened and At Risk marine mammals live in the Waikato CMA. Killer whale are Nationally Critical but just pass through the area. Bottlenose dolphin are nationally endangered residents, as are Waikato's critically endangered Māui dolphins and Bryde's whales. No one denies fishing is affecting these species.

Waikato also has freshwater fish that are going extinct. They are most vulnerable to fishing when migrating to the ocean. In the At Risk category WRC has:

- Bluegill bully
- Upland bully
- Inanga
- Kōaro
- Torrentfish
- Kākahi
- Longfin eel

In the Threatened category WRC has:

- Black mudfish
- Short-jawed kokopu
- Giant kokopu
- Lamprey

WRC have a statutory responsibility to reduce fishing pressure on these species to stop them going regionally extinct.

All the species I have just mentioned have backbones. 90% of the biodiversity in the Waikato CMA does not and we have no idea how it's doing, this is well illustrated by the fact that 53 percent of New Zealand sponge species are not described, this means they don't even have names. However, what we do know is that they are all being regularly smashed to bits by bottom impact fishing methods.

There are a few any species of endemic coral in the Waikato CMA, small stony corals and beautiful black corals, they are protected under the Wildlife Act so fishers have to throw them back, but of course they don't survive.

These invertebrates and the plants in the Waikato CMA are Councils responsibility because they form biogenic habitats that Council must manage the effects of all activities on. Furthermore, these habitats provide ecosystem services which both the public and industry want — like improvements in water clarity, denitrification and carbon sequestration.

Clearly by not managing the effects of fishing WRC has failed to maintain biodiversity in its 2005 coastal plan. WRC now has a responsibility to not just maintain but to restore lost biodiversity in its CMA. The question this panel must answer is "If WRC doesn't manage the effects of fishing, will biodiversity be restored?" To answer that on the east

coast you have to critique the government's plan called Revitalise the Gulf 2021. This plan is based on Sea Change - Tai Timu Tai Pari 2017 which both government agencies and the Waikato Regional Council were party to.

Let's start with the Hauraki Gulf Fisheries Management Plan. It's nearly two years old and hasn't resulted in a single reduction in fishing in the Marine Park. Furthermore the government is currently consulting on a bill to weaken the Fisheries Act's ability to "ensure sustainability". It would be foolish for this panel to put their trust in the same agency that has overseen such huge biodiversity loss and is not acting differently, yes the rhetoric is there, but with no evidence of change in management actions we can expect restorative actions to be delayed until they are forgotten about (like the Sea Change 2017 plan). If you think the trawl corridors of which I was a working group member, will be evidence based I can send you evidence that FNZ is considering something quite different, that's if the corridor's happen at all. If you think the work on finally identifying Habitats of Particular Significance for fisheries (which is 28 years late) will make a difference, I have spent many hours in meetings with staff and industry on that workstream and don't think it will result in significant protection from the effects of fishing in the Waikato CMA.

Scallop dredging has the most impact on the seafloor habitats of any fishing activity, in Revitalising the Gulf they government openly states that they will open up new areas to dredging if new beds are found. Managing fisheries with 100% closures is like crashing your car to slow down. Sea Change planned to phase out all dredging by in the marine park by 2025, WRC can make sure dredging does not resume.

Last month a high court judge told the Minister for Oceans and Fisheries that *"If fishing cannot occur in an environmentally sustainable manner, it cannot occur at all."*

Unfortunately this will not lead to sweeping reform of our industry regulator due to regulatory capture, former Fisheries Minister David Parker once suggested that our fisheries regulator had been captured by industry, that's becoming very transparent with the Seafood Industry Forum driving changes in the Fisheries Act. Regulatory capture isn't limited to the commercial sector—any decision-maker tasked with maintaining indigenous biodiversity must be mindful of influence, including influence from the recreational sector.

Moving on to the Hauraki Gulf Protection Bill which is being opposed by the recreational fishing sector. The Bill is a good start, but no one thinks the protection areas are enough to maintain biodiversity. That's because:

- The areas are not big enough, the combined network of HPAs and Marine Reserves will only cover 6.2% of the marine park and international marine protection experts all agree we need to protect 30% which is why there is a

United Nations goal of 30% by 2030.

- The HPA & SPA controls are experimental, we just don't know if partial take MPAs will protect vulnerable species like large lobster, Giant Boar fish, John Dory, Hapuku or several species of globally threatened sharks.
- Because experts were limited in scope they haven't managed to cover a representative percentage of habitats. Page 135 of the agency analysis breaks it down by habitat type. We know where these habitats are in the Waikato CMA and I list them for protection in my submission.

And of course, Revitalising the Gulf does absolutely nothing to help freshwater fish that use the Gulf as part of their lifecycle.

So if the government is failing to maintain biodiversity, does that mean it's okay for the council to also fail?

No. Just because central government is failing doesn't mean regional councils should follow suit. That would be like the captain of a ship ignoring a hole in the hull—if the crew also does nothing, the whole ship sinks. If one level of government neglects its duty, that makes it even more important for others to step up before the damage becomes irreversible. WRC has the tools and the mandate to act, and in the face of government inaction, its role becomes even more critical.

The people of Aotearoa want more marine protection. This was well expressed in a local poll by the Hauraki Gulf Forum in 2021 which had 77% support for putting 30% of the Gulf into marine protected areas and only 5% opposing.

The only significant MPAs created in the last 10 years in Aotearoa have been created by two Regional Councils. Nothing else has been actioned. RMA protection areas are the only way NZ has been advancing its international obligations for 30% protection by 2030.

WRC has both the authority and the obligation to address these impacts. Given the urgency of marine ecosystem decline, WRC should take immediate action to manage the effects of fishing within its jurisdiction.

Thanks for your time today.