Fisheries New Zealand
Tini a Tangaroa

To: Hon Shane Jones, Minister for Oceans and Fisheries
From: Marianne Lukkien, Acting Director Fisheries Management

Revitalising the Hauraki Gulf: Fisheries New Zealand workstreams

Date	14 December 2023	**Reference**	AM23-0731

Purpose

- This aide-memoire provides an overview of the key workstreams that Fisheries New Zealand (FNZ) is responsible for as part of the previous Government's strategy *Revitalising the Gulf: Government action on the Sea Change Plan.* Public consultation on options for bottom fishing access zones (trawl corridors) recently closed; we will provide you with further advice early in 2024 once we have analysed the submissions.

Background

1. The Hauraki Gulf / Tīkapa Moana (the Gulf) is a taonga of environmental, cultural and economic significance. Its national significance has been recognised and the area was designated as a Marine Park under the *Hauraki Gulf Marine Park Act 2000*. The health of the Gulf is under significant pressure, and its communities have seen a marked decline in its mauri (life force or essence), environmental quality and abundance of resources.

2. To address these pressures and support integrated management, the Sea Change Tai Timu Tai Pari Marine Spatial Plan (the Sea Change Plan) was developed by a stakeholder working group and published by Auckland Council in 2017. The Sea Change Plan was aspirational, non-binding and non-statutory, and was designed to act as a roadmap of future management for agencies with statutory functions in the Gulf's environmental and economic management. It included over 180 proposals covering a range of themes such as marine protection, fisheries, habitat restoration, social and cultural wellbeing, and opportunities for regional economic development.

3. The government strategy *Revitalising the Gulf: Government action on the Sea Change Plan (Revitalising the Gulf)* was released in June 2021, in response to the marine proposals in the stakeholder-led Sea Change plan.

4. The Department of Conservation (DOC) and FNZ are leading implementation of the eight key workstreams contained in *Revitalising the Gulf*. This briefing discusses the key workstreams FNZ is responsible for delivering and supporting (summary diagram in **Appendix One)**.

Fisheries New Zealand workstreams

Hauraki Gulf Fisheries Plan

5. The Hauraki Gulf Fisheries Plan was approved by the former Minister for Oceans and Fisheries in August 2023. It is the first area-based fisheries plan authorised under section 11A of the Fisheries Act 1996 and was shaped through input from iwi with interests in the region, key stakeholders, and a dedicated multi-stakeholder group - the Hauraki Gulf Fisheries Plan Advisory Group (HG-FPAG).

6. The Fisheries Plan sets out long-term desired outcomes focused on environmental, sustainable utilisation and governance outcomes, which are complemented by new approaches for managing fisheries in the Gulf. This includes an overall commitment to progress an ecosystem-based fisheries management approach and actions to improve local abundance of fish stocks.

7. FNZ has developed an annual review framework, including an annual operational plan (AOP) to prioritise the implementation of actions in the Fisheries Plan, and an annual review report to monitor progress. The AOP for 2023/24 includes actions relating, but not limited, to:
   a) restricting bottom trawling and Danish seining to bottom fishing access zones or "trawl corridors";
   b) supporting DOC on the progression of the Hauraki Gulf / Tīkapa Moana Marine Protection Bill;
   c) supporting innovation and regulating for the use of lower impact harvest methods for scallops; and
   d) developing a management plan for restoring healthy kelp forests, including progressing the establishment of a special permit purpose for kina to help address the impact of kina barrens.

8. The Fisheries Plan is intended to undergo a review after five years in 2028.

Hauraki Gulf Fisheries Plan Advisory Group

9. This multi-stakeholder group was formed in May 2022 and includes representatives from the fishing industry, recreational fishers, environmental non-Government organisations, Auckland and Waikato Councils, DOC and scientific expertise. A list of the membership is provided in **Appendix Two**. The group is supported by FNZ and provided input into the finalisation of the Fisheries Plan and consultation on trawl corridors.

10. The group is now focused on supporting the implementation of the Fisheries Plan, including supporting development of annual planning and reporting, and research prioritisation for the Gulf.

Bottom fishing access zones (trawl corridors)

11. One of the key management actions in the Fisheries Plan is to exclude bottom trawling and Danish seining from the Gulf except within defined bottom fishing access zones or "trawl corridors."
12. The development of trawl corridors is a significant work programme that has spanned over multiple years. The Sea Change Plan recommended that bottom trawling, Danish seining and dredging is transitioned out of the Gulf completely. This approach was considered during the development of the *Revitalising the Gulf* strategy.

13. It was determined that a complete ban on these methods would have direct and potential displacement effects, including increased operating costs and the potential for increased fishing pressure outside the Gulf, particularly into Northland and the Bay of Plenty. Instead, the previous Government decided to identify and consult on areas where bottom trawling and Danish seining should be prohibited within the Gulf to allow for protection and recovery of benthic environments, along with limited areas where these methods can continue.

14. The location of potential trawl corridor sites was informed by a scientific process and supported by an expert spatial planning advisory group. The proposed trawl corridor development process has attracted significant interest from iwi, stakeholders and the wider public, and in June 2023 a 36,589 signature petition from the Hauraki Gulf Alliance[1] was presented to Parliament in support for a ban on bottom trawling, scallop dredging and Danish seining in the Gulf.

15. Implementation of trawl corridors would require a regulatory change and is therefore subject to statutory processes. Public consultation officially closed on 6 November but FNZ accepted late submissions until 4 December 2023 in response to requests from stakeholders. Approximately 9,000 submissions were received. A summary of consultation options, potential impacts on fishing and biodiversity protection are outlined in Table 1 below with further detail in **Appendix Three.**

[1] The Hauraki Gulf Alliance is group of recreational fishing, environmental, law, corporate and business organisations. Founding organisations of the Hauraki Gulf Alliance include Legasea, Greenpeace and Forest and Bird.

Table 1: Proposed restricted area and impacts on commercial fishing activity and economic value for proposed trawl corridor options.

	Current	Option 1	Option 2	Option 3	Option 4
Area of the Hauraki Gulf Marine Park closed to bottom trawl and Danish seine	32% (trawl) 28% (Danish seine)	77.1% (trawl) 74.1% (Danish seine)	82.4% (trawl) 79.4% (Danish seine)	88.5% (trawl) 86.6% (Danish seine)	89.2% (trawl) 87.3% (Danish seine)
Predicted suitable habitat of biogenic species in closed area	35%	90.2%	94.8%	97.1%	97.1%
Potential reduction in fish landed/year (tonnes)		632	723	978	1017
Potential reduction in annual revenue[2]		$2.7mil	$3.1mil	$4.1mil	$4.3mil
Potential reduction in annual revenue – Trawl		$1.7mil	$2.0mil	$2.7mil	$2.8mil
Potential reduction in annual revenue – Danish seine		$1.0mil	$1.0mil	$1.4mil	$1.5mil
Estimated percentage of total trawl and Danish seine revenue impacted[3]		35%	40%	53%	60%
Potential reduction in annual export revenue (top 5 species)		$3.9mil	$4.4mil	$5.9mil	$6.2mil

16. These potential changes to landings and revenue do not account for displacement of fishing effort to other areas not affected by the closures or the substitution of fishing methods other than Danish seine and trawl and are therefore likely an overestimate.

17. FNZ is now analysing submissions and will seek your direction on progress of this work programme in early 2024. The previous Minister for Oceans and Fisheries agreed to report back to Cabinet on final decisions in April 2024, however you could alter this timing or seek to cancel this report back at your discretion.

18. FNZ has also commissioned the National Institute of Water and Atmospheric Research (NIWA) to design a programme to monitor the recovery of benthic habitats in the Gulf following any trawl corridors that may be implemented, and to collect baseline data to support this programme in 2024.

[2] Annual revenue is based on port price. Port price represents the greenweight (unprocessed) price per kg paid on a particular day (when a voluntary survey is conducted) and not an average for the whole year. The fishing method is not included in the survey even though a particular method may receive a higher landed price. The retail value of this landed fish is higher than the port price.
[3] Based on estimated average annual revenue of $7.8million per year.

Fisheries Indicators and Monitoring Framework

19. The ecosystem-based fisheries management approach proposed in the Hauraki Gulf Fisheries Plan is largely untested in New Zealand. The Fisheries Plan therefore requires close monitoring in order to learn and adapt as we implement the suite of actions set out within it.

20. A collaborative project to develop fisheries indicators (for example, the amount of stocks above the management target) and a monitoring framework for the Fisheries Plan has been established, between the Sustainable Seas National Science Challenge (run by NIWA) and FNZ, with support from a Te Ao Māori researcher. The framework for this work was finalised in mid-2023 and indicators are expected to be finalised by mid-2024.

Ahu Moana

21. Ahu Moana is an initiative included in the Sea Change plan and represents a formalised approach to supporting tangata whenua and local communities to co-manage intertidal and nearshore environments. Projects may encompass issues beyond fisheries management, such as managing the impacts of land use on the nearshore environment. The concept promotes a bottom-up approach in which projects are initiated and managed by tangata whenua and local communities, with Government involvement only as needed.

22. FNZ is currently providing support on two pilot projects with communities in Aotea (Great Barrier Island) and Te Mata and Waipatukahu (on the western Coromandel Peninsula) to achieve their local coastal management aspirations.

23. FNZ's involvement has included providing information about the available regulatory tools, assisting with funding applications, providing advice on monitoring and research methods and attending public meetings. The Aotea Ahu Moana group (Aotea Local Board, Motairehe Marae and members of the Aotea community) has been conducting marine ecological monitoring in Katherine Bay and Schooner Bay (Tryphena) and is in the process of engaging with the wider community to discuss options for introducing bylaws to address localised depletion.

24. Fisheries priorities for Ngāti Tamaterā for Ahu Moana at Te Mata and Waipatukaha include enabling more effective community-based management, monitoring of intertidal shellfish and compliance with fisheries regulations. The previous Minister met with the Hauraki Iwi Collective (of which Ngāti Tamaterā are a part) in Thames in December 2019 and subsequently approved a temporary closure under section 186A of the Fisheries Act over the shellfish beds in this area. Ngāti Tamaterā have expressed their concern about illegal harvesting within the 186A closure. FNZ has now recruited and begun training of Ngāti Tamaterā nominated Honorary Fisheries Officers.

25. Ahu Moana is separate to your obligations to Māori under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. FNZ's priority is the settlement process, however Ahu Moana is intended to fit within current settlement obligations and customary fisheries management tools.

Aquaculture

26. The Gulf is one of the country's most significant and productive shellfish aquaculture areas providing over 380 direct jobs and generating $73 million in export revenue. Pare Hauraki Kaimoana[4] recently received consent for a 300 hectare marine farm in the Coromandel Marine Farming Zone which could produce up to 8,000 tonnes of kingfish per annum at full development. When managed well and located appropriately, aquaculture can benefit both people and the environment. The Sea Change Plan advocates for the creation of aquaculture space in suitable areas that could be productively farmed while ensuring a healthy aquatic environment, maintaining water quality and avoiding conflicts with other users of the space.

27. We have briefed you separately on aquaculture.

Supporting DOC on increasing marine protection in the Gulf

28. FNZ has been supporting DOC to progress its marine protection proposals under *Revitalising the Gulf*, which require special legislation to implement. The Hauraki Gulf/ Tīkapa Moana Marine Protection Bill (the Bill) was introduced into the House in August 2023 and was subsequently referred to Select Committee. The Bill seeks to establish two marine reserves[5], which will extend current marine reserve sites, 12 new high protection areas[6] and five new seafloor protection areas[7].

29. The Bill as it stands recognises Māori rights and interests, including those provided for by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Marine and Coastal Area (Takutai Moana) Act 2011.

30. The Bill proposes that customary fishing will be prohibited in the two marine reserve extensions, which have been established for scientific study. This is standard for marine reserves under the Marine Reserves Act 1971.

31. The High Protection Areas protect various examples of marine biodiversity, and limited access to certain types of customary fishing would be allowed, provided it did not impact on the biodiversity objectives of the relevant site.

32. Seafloor Protection Areas have a purpose to maintain and restore benthic habitats and there are proposed prohibitions for bottom impact fishing activities from all sectors, including customary fishing. Fishing methods which are not prohibited can continue in these areas.

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[4] Pare Hauraki Kaimoana is an asset holding company of the Hauraki Māori Trust Board and Pare Hauraki Fishing Trust, and the mandated iwi organisation and iwi aquaculture organisation for the 12 iwi of Hauraki.
[5] The marine reserves will be treated as if they were declared by an Order in Council under section 4(1) of the Marine Reserves Act 1971 and will be managed entirely under this Act.
[6] High Protection Areas will regulate a range of activities including commercial and recreational fishing but will provide for customary fishing (with provisions).
[7] Seafloor Protection Areas will protect seafloor habitats and communities by prohibiting bottom impacting fishing activities (for example bottom trawling, Danish seining) and other activities such as dredging, sand extraction and mining.

33. In all cases the activity of customary fishing would be authorised and enforced under the existing customary fishing regulations and would be compliant with the requirements of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

34. Further detail on the impacts of the Bill on customary rights and access is in **Appendix Four.**

35. Public submissions on the Bill closed on 1 November 2023. The Bill has been reinstated and, pending retention of the Bill by the Leader of the House, will be before the Environment Select Committee.

Minister / Minister's Office
Seen / Referred

/ / 2023

Appendix One: Fisheries New Zealand workstreams under Revitalising the Gulf

Overview of the Sea Change Process to date

State of our Gulf Reports

- The Hauraki Gulf Forum commissions State of our Gulf reports every three years
- Consecutive State of our Gulf reports have shown a continual decline in the health of the Gulf due to human activity

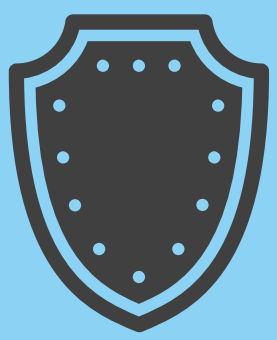
The Sea Change Plan

- The Sea Change Plan was released in 2017 by an independent Stakeholder Working Group
- The Sea Change Plan includes over 180 recommendations to improve the health and mauri of the Gulf across land and freshwater

Revitalising the Gulf

- DOC and MPI/FNZ jointly developed the Government's response to the marine proposals in the Sea Change Plan: *Revitalising the Gulf – Government action on the Sea Change Plan*
- The Strategy sets out a roadmap of actions Government will take to improve the health of the Gulf

Revitalising the Gulf Workstreams



Marine Protection (DOC lead)

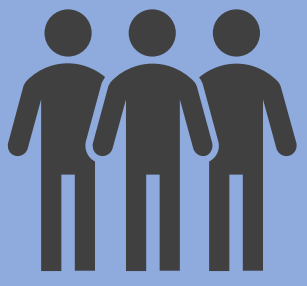
Fisheries Management (FNZ lead)

Active Habitat Restoration (DOC lead)

Aquaculture (FNZ lead)

Marine Biosecurity (BNZ lead)

Protected Species (DOC lead)



Ahu Moana (FNZ lead)

Research, Monitoring and Reporting (DOC lead, FNZ support)

Fisheries New Zealand Workstreams

- Established the Hauraki Gulf Fisheries Plan Advisory Group in 2022.
- Finalised the Hauraki Gulf Fisheries Plan in 2023
- Establishing fisheries indicators and a monitoring framework to track the implementation of the Hauraki Gulf Fisheries Plan – final suite of indicators on track for delivery in mid-2024
- Consultation to establish bottom fishing access zones (trawl corridors) closed in December 2023
- Engaging with communities on pilot projects to inform an Ahu Moana framework in 2024
- Supporting the development of aquaculture in the Hauraki Gulf

Appendix Two: Hauraki Gulf Fisheries Plan Advisory Group Membership

The group is chaired by Martin Cryer (semi-retired marine scientist) and its members are: Mark Ngata (Moana NZ);

a) Laws Lawson (Inshore Council Seafood NZ);
b) Phil Clow (Whitianga and Coromandel Peninsula Commercial Fishermen's Association)
c) Raewyn Peart (Environmental Defence Society);
d) Geoff Keey (Forest and Bird);
e) Rowan Ashton (New Zealand Sports Fishing Council);
f) Manuel Greenland (Good Fishing);
g) Mark Morrison (National Institute of Water and Atmospheric Research (NIWA));
h) Dave Allen (Auckland Council); and
i) Chris Staite (Waikato Regional Council).

Appendix Three: Bottom fishing access zones consultation options and summary of fishing impacts

Proposed options for trawl corridors

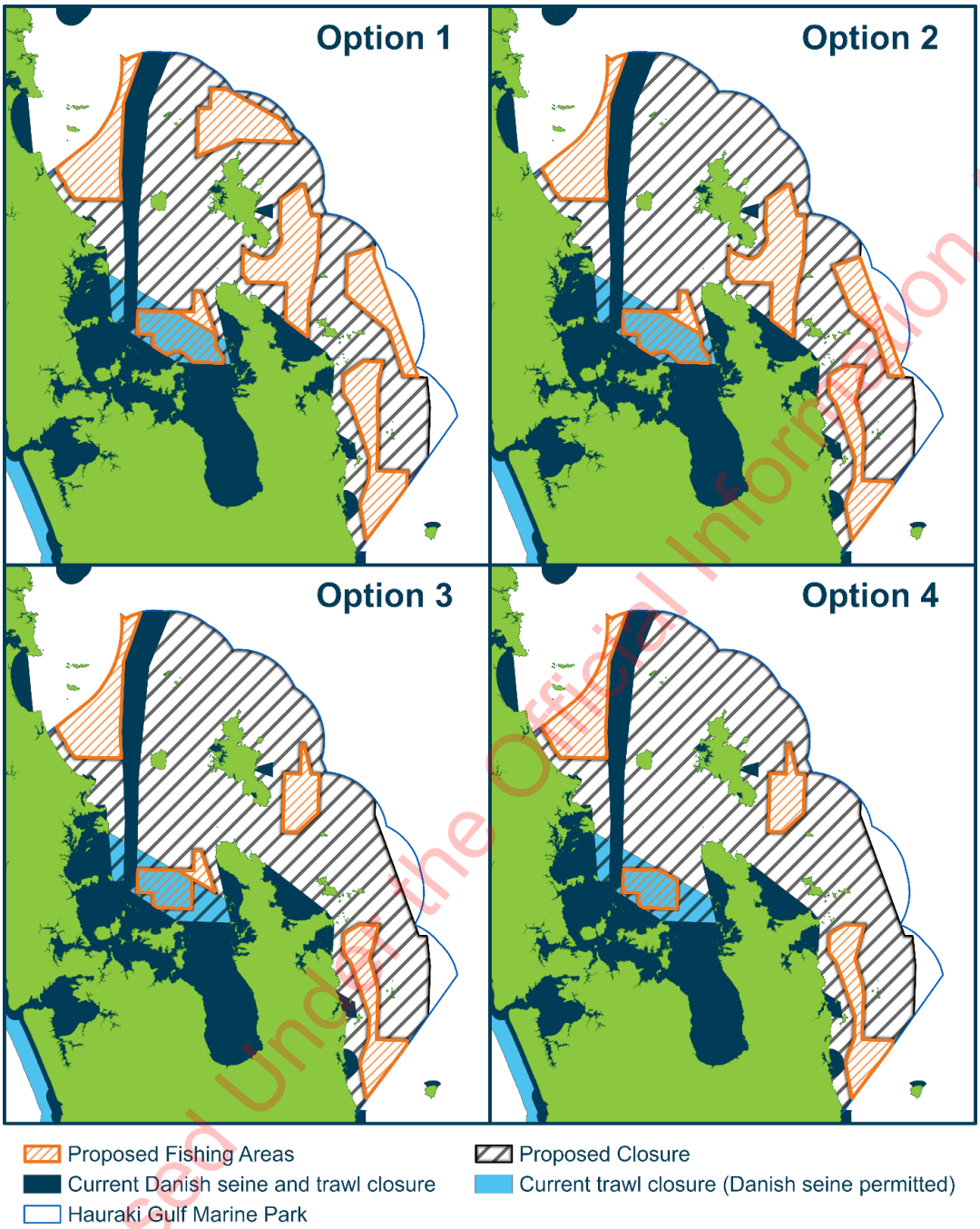


Figure 1. Comparison of the four proposed options for establishing trawl corridors.

Impact on commercial fishers

Key metrics for comparing options in Table 1 and Table 2 (below)

Percentage reductions of revenue from key species in the Hauraki Gulf, based on catch previously taken in proposed closures: Revenue is an indicative measure using change in quantity landed multiplied by port price. Each year, the Ministry for Primary Industries sends a voluntary survey to all LFRs to calculate the port price index for the year ahead. Port price represents the greenweight price per kg paid on a particular day and not an average for the whole year. The fishing method is not included in the survey even though a particular method may receive a higher landed price. The export revenue calculated is based on the top 5 export species, calculating a greenweight per kg price equivalent using publicly available conversion factors,[8] assuming the same product format of exports from the last 5 years, and assuming the full catch of these species are exported.

Number of Permit holders affected, based on catch previously taken in closures: The percentage shift shows the extent of changes in landings of the permit holders affected by the closure options, based on their total landings data over 5 years. This gives a percentage of the permit holders total catch in Fisheries Management Area 1, using either Danish seine or Trawl that is affected by the proposed closures.

Closure area: Reported as the proportion of area in the HGMP shallower than 200m and relative to the currently open to trawl and/or Danish seine fishing methods.

Predicted suitable habitat in closures: This is the primary metric to assess the biodiversity value protected by the different options. The focus is on protection of habitat forming taxa as these support diverse species assemblages and in many cases are vulnerable to the effects of bottom contact fishing. This shows the percentage of the total predicted suitable habitat in the Gulf (<200m) for biogenic habitat groups falling within closures to bottom trawl and Danish seine fishing. An average percentage is provided for the 20 biogenic habitat groups as well as the range across all groups. The lower end of the range shows the minimum level of protection for any single biogenic habitat type.

Predicted suitable habitat in closures – most vulnerable taxa: This shows the percentage of the total predicted suitable habitat in the Gulf (<200m) for biogenic habitat groups most vulnerable to the effects of trawl and Danish seine fishing that fall within closures to both methods.

[8] FishServe - Conversion Factors

Table 1. Key Economic Metrics for comparing options for bottom fishing access zones in the Hauraki Gulf

Spatial Management Options					
		Option 1	Option 2	Option 3	Option 4
Percentage reductions of revenue from key species, based on catch previously taken in proposed closure areas					
Overall		38%	43%	57%	60%
Snapper		38%	43%	58%	60%
Trevally		32%	36%	52%	56%
John Dory		39%	43%	54%	52%
Gurnard		25%	36%	50%	51%
Tarakihi		43%	54%	80%	80%
Number of permit holders affected by closures to various extents, based on catch previously taken in closures					
No. of fishing permit holders with:	<10% landings affected	10	9	8	8
	10-30% landings affected	10	10	9	9
	≥30% landings affected	1	2	4	4
Reductions to average annual landings and revenue in closures					
Estimate of total reduction in annual landings (tonnes)		632 (37%)	723 (42%)	978 (57%)	1017 (60%)
	- Trawl	435 t	519 t	705 t	725 t
	- Danish Seine	198 t	205 t	273 t	293 t
Estimate of total reduction in annual revenue		$2.7mil (38%)	$3.1mil (43%)	$4.1 mil (57%)	$4.3 mil (60%)
	- Trawl	$1.7 mil (24%)	$2.0 mil (28%)	$2.7 mil (38%)	$2.8 mil (39%)
	- Danish Seine	$1.0 mil (14%)	$1.0 mil (15%)	$1.4 mil (19%)	$1.5 mil (21%)
Estimate of total reduction in annual export revenue		$3.9 mil (37%)	$4.4 mil (42%)	$5.9 mil (57%)	$6.2 mil (59%)
	- Trawl	$2.5 mil	$2.9 mil	$4.0 mil	$4.1 mil
	- Danish Seine	$1.4 mil	$1.5 mil	$1.9 mil	$2.1 mil

Table 2. Key Biodiversity Metrics for comparing options for bottom fishing access zones in the Hauraki Gulf.

Spatial Management Options					
	Current	Option 1	Option 2	Option 3	Option 4
Closure area					
Extent (km^2)	3,759	6,291	7,008	7,989	8,076
Percentage of HGMP (< 200m)	27%	77.1% (trawl) 74.1% (Danish seine)	82.4% (trawl) 79.4% (Danish seine)	88.5% (trawl) 86.6% (Danish seine)	89.2% (trawl) 87.3% (Danish seine)
Percentage of current area open to fishing that will now be closed	-	64.2%	71.5%	81.5%	82.4%
Predicted suitable habitat in closures					
Average percentage predicted suitable habitat for 20 biogenic habitat groups (range across groups)	35% (10 – 94)	90% (82 – 100)	95% (86 – 100)	97% (89 – 100)	97% (89 – 100)
Predicted suitable habitat in closures – most vulnerable taxa					
Corals and sea pens	22%	87%	95%	97%	97%
Cup corals	15%	87%	95%	98%	98%
Sponges (Erect/upright)	32%	90%	91%	97%	97%
Bryozoa (Erect/frame-building)	15%	88%	93%	94%	94%
Bryozoa (Erect and rooted)	25%	92%	97%	99%	99%
Horse mussels	94%	100%	100%	100%	100%
Oysters	58%	96%	98%	99%	99%
Rhodoliths	10%	88%	94%	100%	100%
Tubeworms (Non-calcareous)	35%	92%	96%	97%	97%

Appendix Four: Revitalising the Gulf - Impacts on customary fishing rights and access

The Hauraki Gulf / Tīkapa Moana Marine Protection Bill (DOC lead)

Marine reserves

The Bill establishes two marine reserves which are no-take marine protection areas and as such, no fishing – including customary commercial or customary non-commercial fishing – can occur.

Seafloor protection areas (SPAs)

SPAs have a purpose to maintain and restore benthic habitats. The prohibitions in SPAs are for activities that have the largest impact on benthic habitats and include the following fishing methods; trawling that makes contact with the seafloor, Danish seining and dredging. These fishing methods are prohibited for all fishing including commercial, recreational, and customary. All other fishing can continue in these areas.

High protection areas (HPAs)

HPAs have a purpose to protect, restore, and enhance biodiversity. No fishing can occur in an HPA except for non-commercial customary fishing that aligns with the following provisions:

- Customary fishers would require authorisations under the existing customary fisheries framework established under the Fisheries Act 1996
- Customary fishing must align with any regulations made relating to biodiversity objectives for a site
- The Minister of Conservation, in consultation with the Minister for Oceans and Fisheries, could, if necessary, apply additional management actions should any activity (including customary fishing) conflict with the biodiversity objectives for a site.

The Bill includes a provision to set biodiversity objectives for HPAs through regulations and to regulate activities occurring within HPAs (including customary fishing) as necessary to give effect to the biodiversity objectives. These biodiversity objectives would be developed collaboratively by the Department of Conservation with whānau, hapū, and iwi that exercise kaitiakitanga in the HPAs. Before recommending these regulations, the Minister of Conservation must consult the Minister responsible for the administration of the Fisheries Act 1996 and be satisfied that the proposals for regulations:

- were developed collaboratively with whānau, hapū, and iwi that exercise kaitiakitanga in the HPA; and
- are based on the best available information, including mātauranga Māori; and
- if the proposals relate to the regulation of customary fishing, impose any restrictions on customary fishing only to the minimum extent necessary to give effect to the biodiversity objectives.

Fisheries New Zealand
Tini a Tangaroa

To: Hon Shane Jones, Minister for Oceans and Fisheries
From: Emma Taylor, Director Fisheries Management

Bottom Fishing Access Zones in the Hauraki Gulf: Update and Next Steps

Date	25 March 2024	**Reference**	B24-0108

Decision required	Date decision required by
YES ☒ / NO ☐	5 April 2024

Purpose

- This briefing updates you on the bottom fishing access zones proposal in the Hauraki Gulf and provides an initial summary of the results of public consultation. Your direction is sought on the next steps of this work.

Background

Context and decisions leading to the spatial closure approach

1. This briefing provides you with advice about proposals for managing the adverse effects of bottom trawl and Danish seine fishing in the Hauraki Gulf / Tīkapa Moana (the Gulf) through the implementation of spatial closures known as bottom fishing access zones or 'trawl corridors'.

2. You will also be receiving separate advice regarding bottom trawling in the exclusive economic zone, including an overview of what bottom contact fishing is, the importance of it to New Zealand's commercial fishing industries and the adverse effects it can have on seafloor habitats and wider ecosystem functioning (B24-0021 refers).

3. The health of the Gulf is under significant pressure, and its communities have seen a marked decline in its environmental quality and abundance of resources.[1] Factors driving this change are thought to include sedimentation, increasing agricultural run-off, urbanisation, industrialisation, and decades of commercial and recreational fishing.

[1] Every three years, the Hauraki Gulf Forum is required to produce a report on the State of the Hauraki Gulf environment. The reports can be found at https://gulfjournal.org.nz/state-of-the-gulf/

4. Trawling has contributed to reductions in the distributions of biogenic habitats[2] in the Gulf. There is currently no quantitative information on how stressors other than trawling impact the distribution of biogenic habitat types.

5. Observer bycatch data for the period 2012 to 2022 reported non target captures of benthic species on 34.4 percent of all observed tows, however, this is likely an underestimate as many corals and other vulnerable species fragment during contact with trawl gear and may be lost through the mesh of the net. In addition, not all tows are observed (for example, 5.1 percent of tows in the Gulf were observed in the 2021/22 fishing year).

6. There have been fewer assessments of the impacts of Danish seine fishing on benthic habitats and communities. However, both trawling and Danish seining are known to have a range of direct and indirect effects.

7. To address the range of pressures in the Gulf and support integrated management, the multi-stakeholder Sea Change Tai Timu Tai Pari Marine Spatial Plan (the Sea Change Plan)[3] was developed in 2017. The Sea Change Plan is New Zealand's first marine spatial plan and, amongst other actions, recommended that bottom trawling and Danish seining should be transitioned out of the Gulf completely through a phased approach.

8. A Ministerial Advisory Committee, agencies, and Ministers considered this recommendation (alongside the other Sea Change Plan recommendations) during the development of the *Revitalising the Gulf: Government action on the Sea Change Plan* strategy (*Revitalising the Gulf*), which was approved by Cabinet in August 2021.

9. In addition to questions around whether there was sufficient sustainability justification under the Fisheries Act 1996 (the Act) for a total exclusion of trawling and Danish seining from the Gulf, several potential risks and unintended consequences were identified. These included displacement of fishing effort and catch into other areas, impacts to Māori fishing rights (commercial and customary non-commercial), and direct and indirect impacts to fishers and the wider fishing industry.

10. *Revitalising the Gulf* proposed that a spatial management approach would allow evidence-based management of trawl and Danish seine fishing in a manner that could achieve a high level of biodiversity and ecosystem benefit, while providing for continued utilisation and minimising the range of potential impacts of a complete exclusion.

[2] Biogenic habitats are habitats created by plants and animals. These habitats may increase overall diversity, abundance, and productivity of a range of species that associate with them, including small fish. Some have higher ecological 'values' than others, depending on how well they provide for the needs of associated species.

[3] Revitalising the Gulf: Government Action on the Sea Change Plan. https://www.mpi.govt.nz/dmsdocument/45550-%20Revitalising-the-Gulf-Government-action-on-the-Sea-Change-Plan

11. The trawl corridors approach was developed and approved by Cabinet as part of the *Revitalising the Gulf* package in August 2021. It was subsequently included as a management action in the Hauraki Gulf Fisheries Plan[4], which was approved by the previous Minister for Oceans and Fisheries in August 2023.

12. The Hauraki Gulf Fisheries Plan is an area-based fisheries plan, approved by the previous Minister under section 11A of the Act. It was seen as a mechanism that would allow Fisheries New Zealand (FNZ) to deliver a holistic and cohesive fisheries management strategy tailored to the needs and challenges of the Gulf and its communities.

13. A suite of other fisheries management actions, implemented alongside the proposed trawl corridors, are expected to collectively deliver improved fisheries for the Gulf. For example, developing a management plan for restoring healthy kelp forests, including progressing the establishment of a range of measures to help address the impact of kina barrens.

Taking an evidence-based spatial management approach

14. In 2020, the National Institute of Water and Atmospheric Research (NIWA) was contracted by FNZ to collate all available spatial information on habitat forming species, to develop models predicting the distribution of biogenic habitats, and to test a spatial planning approach for the Gulf.

15. Robust models predicting the occurrence of 17 biogenic habitats across the Hauraki Gulf Marine Park, were developed for this project. These provided a substantial improvement on data previously available.

16. FNZ has mapped fishing effort and catch dating back to 2008. All available fishing data were discussed with trawl and Danish seine industry representatives and their input was sought on how best to spatially represent their interests across the Gulf.

17. The spatial decision-support tool, Zonation, which enables the consideration of multiple spatial datasets to identify priority areas for particular objectives, was used to test different planning approaches with support of a spatial planning advisory group. This advisory group was formed in 2022 and consisted of representatives from FNZ, the Department of Conservation (DOC), fishing industry, regional councils, and environmental non-government organisation experts.

18. Zonation was used to identify priority areas for biogenic habitats, based on the distribution models, and to identify priority areas for trawl and Danish fisheries based on historical catch records. The spatial planning advisory group extensively interrogated the prioritisations produced using Zonation and assessed the costs and benefits of various scenarios. A final report detailing the modelling approach and results of different planning approaches was published in March 2023[5].

[4] The Hauraki Gulf Fisheries Plan. https://www.mpi.govt.nz/dmsdocument/58396-Hauraki-Gulf-Fisheries-Plan
[5] The Zonation Report titled Exploring the use of spatial decision support tools to identify trawl corridors in the Hauraki Gulf Marine Park https://fs.fish.govt.nz/Doc/25372/AEBR-306-Spatial-Decision-Support-Tools-For-Trawl-Corridors-Hauraki-Gulf-4341-2023.pdf.ashx

Final options

19. A dedicated multi-stakeholder Hauraki Gulf Fisheries Plan Advisory Group (HGFPAG) was established in 2022 to support the finalisation and implementation of the Hauraki Gulf Fisheries Plan. The HGFPAG membership includes:
    a) Martin Cryer (Independent Chair);
    b) Laws Lawson (Seafood New Zealand);
    c) Raewyn Peart (Environmental Defence Society);
    d) Geoff Keey (Forest and Bird);
    e) Rowan Ashton (New Zealand Sports Fishing Council);
    f) Mark Morrison (NIWA);
    g) Dave Allen (Auckland Council);
    h) Chris Staite (Waikato Regional Council);
    i) Mark Ngata (Moana NZ);
    j) Manuel Greenland (Good Fishing); and
    k) Phil Clow (Whitianga and Coromandel Peninsula Commercial Fishermen's Association).

20. Noting the lessons learned from the application of different spatial planning approaches tested in the project, FNZ worked closely with the HGFPAG to identify optimal locations for potential trawl corridors. The distribution models for biogenic habitats were recognised as the best available information and the HGFPAG provided input on how to prioritise these. Further input was sought from trawl and Danish seine industry representatives to refine the spatial representation of their interests.

21. Initial suitable areas for trawl corridors were identified with the following criteria applied:
    a) trawl corridors would not be placed in areas currently closed to trawl and Danish seine fishing, and would not change gear or vessel restrictions to allow for those gear or vessel types to be used in currently restricted areas;
    b) trawl corridors would not be placed in previously unfished (by trawl or Danish seine) areas;
    c) trawl corridors would not be placed in areas currently proposed for marine protection under the Department of Conservation's Tīkapa Moana / Hauraki Gulf Marine Protection Bill; and
    d) areas deeper than 200 metres would be assessed in a separate process by a group that included representation by deep water fisheries.

22. Options were presented to the HGFPAG, and revisions made based on their feedback, with three options for trawl corridors being developed. In developing the options, efforts were made to strike a reasonable balance between protecting the areas where remnants of biogenic habitats are predicted to occur and allowing for the continuation of bottom contact fishing methods in the Gulf.

23. We note that the predicted extent of biogenic habitats represents only remnant areas of habitat after long periods of exploitation, rather than a pristine state. Most habitats are estimated to have been reduced to less than 30 percent of their range. A precautionary approach, protecting 100 percent of the remaining benthic biodiversity would be the most effective way to preserve ecosystem functioning.

24. The potential for recovery of habitats following the removal of trawling pressure was considered, but not used to inform any proposed options given the high uncertainty of the effects of a range of other stressors and the capacity of the habitats to recover.

25. Following Ministerial input, a further option (Option 4, Figure 1) was added to the options released for public consultation. Under this option all trawling would be removed from the inner Gulf, but Danish seining would be able to continue recognising specific requirements of these fishers.

26. The four options subject to public consultation vary in degrees of protection to remaining biogenic habitat and impact to bottom trawl and Danish seine fisheries. The location and size of the trawl corridors is demonstrated in Figure 1 and the area of the marine park proposed to be closed to the different methods under each option is outlined in Table 1 along with metrics on economic impact and benthic biodiversity protection.

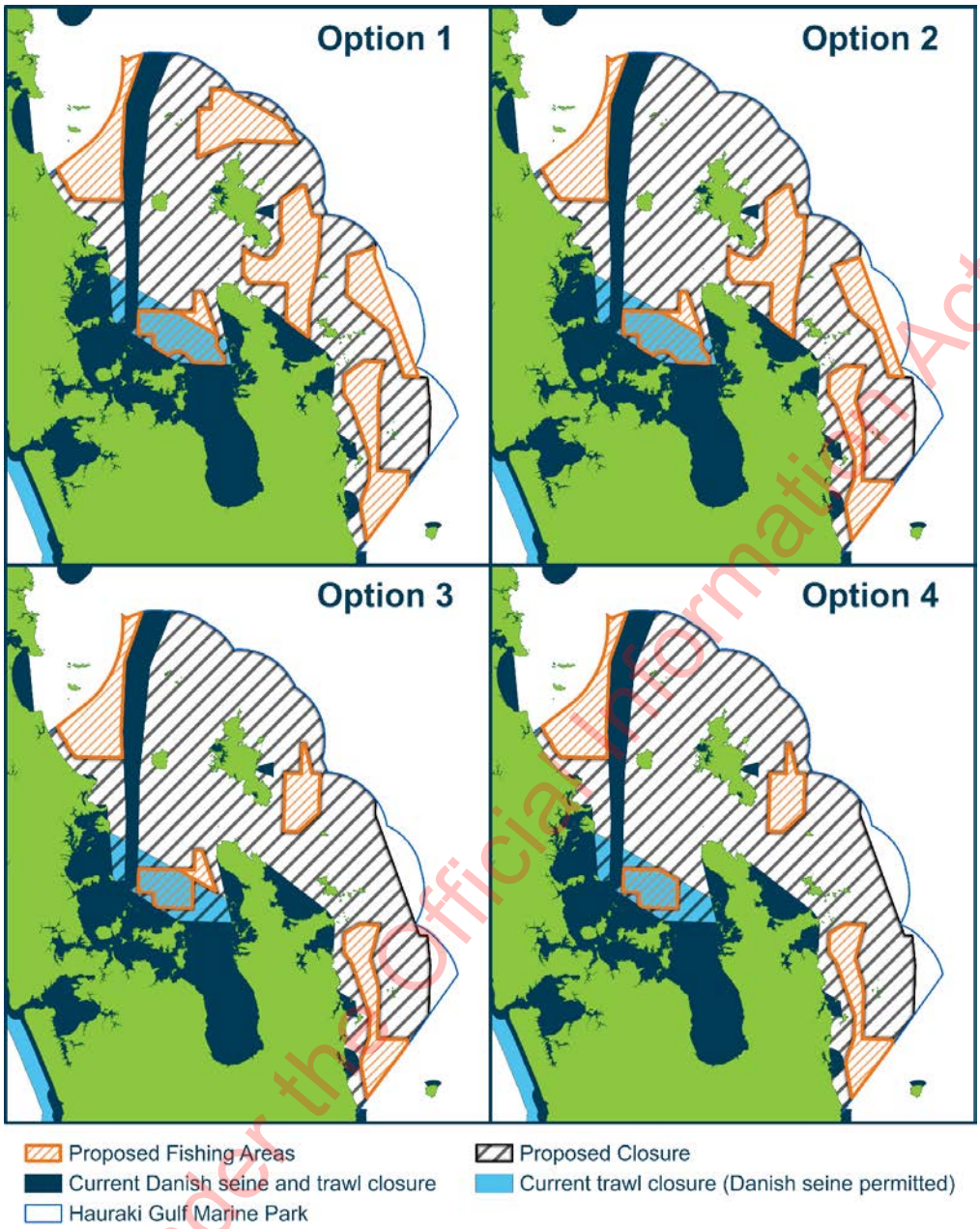


Figure 1: Maps of proposed trawl corridors. The Proposed corridors would allow for both trawl and Danish seine, with the exception of the proposed fishing area that overlaps with the current trawl closure. This area would only allow for Danish seining,

Table 1: Proposed restricted area and impacts on commercial fishing activity and economic value for proposed trawl corridor options.

	Current	Option 1	Option 2	Option 3	Option 4
Area of the Hauraki Gulf Marine Park closed to bottom trawl and Danish seine	32% (trawl) 28% (Danish seine)	77.1% (trawl) 74.1% (Danish seine)	82.4% (trawl) 79.4% (Danish seine)	88.5% (trawl) 86.6% (Danish seine)	89.2% (trawl) 87.3% (Danish seine)
Predicted suitable habitat of biogenic species in closed area	35%	90.2%	94.8%	97.1%	97.1%
Potential reduction in fish landed/year (tonnes)		632	723	978	1017
Potential reduction in annual landing revenue[6]		$2.7mil	$3.1mil	$4.1mil	$4.3mil
Potential reduction in annual landing revenue – Trawl		$1.7mil	$2.0mil	$2.7mil	$2.8mil
Potential reduction in annual landing revenue – Danish seine		$1.0mil	$1.0mil	$1.4mil	$1.5mil
Estimated percentage of total trawl and Danish seine landing revenue impacted[7]		35%	40%	53%	60%
Potential reduction in annual export revenue (top 5 species)		$3.9mil	$4.4mil	$5.9mil	$6.2mil

27. These potential changes to landings and revenue do not account for displacement of fishing effort to other areas not affected by the closures or the substitution of fishing methods other than Danish seine and trawl and are therefore likely an overestimate.

28. Implementation of trawl corridors would require a regulatory change. A number of provisions are relevant to the making of decisions under the Act, including decisions to implement any of the proposed trawl corridor options. In particular, the requirement to act in a manner consistent with the Settlement Act (section 5), the purpose of the Act to provide for the utilisation of fisheries resources while ensuring sustainability (section 8), environmental principles (section 9) and information principles (section 10) are all relevant.

29. FNZ considers that section 297 of the Act which allows the making of regulations for a range of purposes, including 'regulating or prohibiting any method of fishing', empowers the making of regulations to implement trawl corridors.

30. Given the sustainability focus of the trawl corridor proposals, FNZ acknowledges that some of the matters in section 11 (Sustainability Measures) of the Act may also be relevant for the purposes of making these regulations.

[6] Annual landing revenue is based on port price. Port price represents the greenweight (unprocessed) price per kg paid on a particular day (when a voluntary survey is conducted) and not an average for the whole year. The fishing method is not included in the survey even though a particular method may receive a higher landed price. The retail value of this landed fish is higher than the port price.
[7] Based on estimated average annual landing revenue of $7.8 million per year.

31. The previous Minister for Oceans and Fisheries agreed to report back to Cabinet on final decisions in April 2024. You have discretion to alter or cancel this report back.

Engagement and consultation

Iwi engagement

s9(2)(ba)(i)

Public consultation

36. Public consultation on trawl corridors ran from 30 August 2023 to 6 November 2023 with late submissions being accepted until 4 December 2023.

37. FNZ received 8,909 submissions. This included submissions from Treaty Partners/tangata whenua and six broad stakeholder groups (commercial fishing industry, recreational fishers, statutory and advisory bodies, environmental interests, CRIs/independent experts, and the public) (Table 2).

38. Greenpeace Aotearoa, Forest & Bird, and the Hauraki Gulf Alliance[8] co-ordinated online form submissions. In total, 8,721 submissions followed a form template from one of these groups.

39. Submitters, irrespective of their overall position on the proposals, agreed the Gulf is degraded and that something must be done to protect valuable habitat for sustainable fisheries into the future. However, submissions were divided on the best measures to achieve this.

40. The majority of submissions (comprised of individuals, eNGOs, statutory and advisory bodies and recreational fishing groups) opposed the establishment of trawl corridors and indicated opposition to all forms of bottom contact fishing methods including bottom trawling, Danish seining and scallop dredging. Many of these submitters indicated a preference that a full ban on these methods be adopted rather than the proposed trawl corridors (Table 2).

41. In contrast, submitters with a commercial interest, including MIOs and Te Ohu Kaimoana, consider that land-based pressures on benthic habitats in the Gulf (for example, sedimentation) are more important to address than fishing. In general, these submitters opposed trawl corridors but indicated a preference for the status quo or further engagement to develop options with less impact on commercial fishing (Table 2).

[8] The Hauraki Gulf Alliance is a group of 103 member organisations, businesses and individuals calling for "the Hauraki Gulf to be returned to its former abundant and healthy state". The group is a collaboration of environmental groups, including Forest & Bird and Greenpeace, and recreational fishing organisations, including the New Zealand Sport Fishing Council, LegaSea and the New Zealand Underwater Association. Collectively they are advocating for an end to mobile bottom contact fishing methods.

Table 2: Summary of submitter preferences on bottom fishing access zones in the Hauraki Gulf Marine Park

	Option 1	Option 2	Option 3	Option 4	Full ban	No option selected	Total
Environmental	0	0	0	5	14	0	**19**
Form submissions	51	11	19	69	8,561	10	**8,721**
Commercial	0	0	0	0	0	10	**10**
Recreational	0	0	0	1	2	0	**3**
Tangata whenua	0	0	0	0	1	3	**4**
Statutory and advisory bodies	0	0	0	2	2	0	**4**
CRIs/Independent experts	0	0	0	1	2	3	**6**
Individuals (public)	3	0	3	49	81	6	**142**
Total	**54 (0.6%)**	**11 (0.1%)**	**22 (0.3%)**	**127 (1.4%)**	**8,663 (97.2%)**	**32 (0.4%)**	**8,909**
Total without form submissions	**3 (1.6%)**	**0 (0%)**	**3 (1.6%)**	**58 (30.8%)**	**102 (54.3%)**	**22 (11.7%)**	**188**

Key themes

42. Submissions covered a wide range of themes, the most prevalent being:
    a) visible degradation and loss of productivity in the Hauraki Gulf Marine Park;
    b) concerns around the direct and indirect impacts of bottom contact fishing methods;
    c) the recent incursion of exotic *Caulerpa* in the Hauraki Gulf and the potential of this and other invasive species being spread via bottom contact fishing methods;
    d) the economic impacts of the trawl corridors (for example, greater fuel costs in order to access open areas and financial losses for commercial fishing companies and conversely the economic benefits associated with an improved ecosystem);
    e) Treaty of Waitangi and Māori Fisheries Settlement rights;
    f) transitioning commercial fishing to lower impact methods; and
    g) displacement of fishing effort into adjacent fishing areas.

43. Considerable feedback was also received on trawl corridors during the Hauraki Gulf Fisheries Plan consultation (prior to public consultation on trawl corridors) which traversed similar themes and issues.

44. In addition, a 36,589 signature petition from the Hauraki Gulf Alliance was presented to Parliament in June 2023 in support of a ban on bottom trawling, scallop dredging and Danish seining in the Gulf.

Iwi feedback

45. Additional to pre-consultation engagement with iwi and MIOs, four iwi or iwi organisations submitted through the public submission process, one of which advocated for a complete ban of bottom trawling and Danish seining. The three other iwi or iwi organisations that submitted did not choose any of the proposed options as they believe it undermines their rights guaranteed under the Treaty of Waitangi and Māori Fisheries Settlement rights.

46. There were requests for an iwi-led approach to managing the Gulf and for further analysis to be done before consulting again on this issue. In addition to iwi, Te Ohu Kaimoana felt the disruption to commercial fishing activities in the Gulf would adversely affect Asset Holding Companies who hold relevant quota of inshore fin fisheries and whose dividends support their MIOs to provide services to their members. They also felt MIOs who stand to have their settlement rights impacted by the proposals were not engaged with adequately.

Industry feedback

47. Submitters with a commercial interest do not support the proposed options and are concerned about the impacts of restricting bottom trawling and Danish seining on their operations and the potential displacement of effort that could occur.

48. They pointed to multiple other pressures including population growth, development, intensification of land-use, aging and more extensive infrastructure, increasing vessel numbers, recreational fishing, invasive marine species, and marine debris and contaminants as being primarily responsible for degraded benthic environments in the Gulf.

49. These submitters were also concerned about the potential for cumulative impacts on their fishing activities from the Tīkapa Moana / Hauraki Gulf Marine Protection Bill and noted the importance for commercial fishers to be able to supply a range of fish to the market throughout the year, many of which are not readily caught by alternative methods to trawling.

50. They seek further engagement and an opportunity to understand if an alternative option could avoid adverse effects without significantly impacting fishing.

Recreational fishers' feedback

51. The recreational fishing submissions generally oppose bottom trawling and Danish seining in the Gulf. These submitters expressed their concerns about the adverse impacts these fishing methods have on the seafloor including the indirect impacts such as the resuspension of sediment from trawling gear which smothers filter-feeding organisms.

52. Submitters with a recreational fishing interest support the transition to lower impact fishing techniques, such as long lining and trapping and commented on the economic viability of these alternative methods.

eNGO feedback

53. In general, eNGOs oppose bottom trawling, Danish seining and scallop dredging as fishing methods in the Gulf, or the establishment of trawl corridors.

54. These submitters commented on the adverse environmental impacts of mobile bottom contact fishing methods, including the resuspension of sediment and long-term damage to biogenic habitats, the impact on the sustainability of stocks such as scallops, and the conflict they consider the proposal has with the Sea Change Plan, the Hauraki Gulf Fisheries Plan and the Act to avoid adverse effects.

55. There was also significant concern about bottom contact fishing enhancing the spread of invasive species, such as exotic *Caulerpa*, throughout vulnerable habitats across the Gulf.

Hauraki Gulf Fisheries Plan Advisory Group feedback

56. There remain differing views amongst members of the HGFPAG on managing the adverse effects of bottom contact fishing on the benthic environment in the Gulf.

57. Environmental and recreational representatives favour the complete removal of these methods over time. They support the trawl corridors workstream as an interim step to achieving a complete removal of fishing methods that impact benthic habitat from the Hauraki Gulf Marine Park; not as a new status quo. These members expressed concerns around the impact trawling and Danish seining have on benthic habitats and they believe that allowing for bottom trawling compromises the integrity of the Fisheries Plan as an integrated hierarchical document.

58. Commercial fishing representatives would like the establishment of trawl corridors in a modified option to those consulted on to be an endpoint for restrictions. They believe that there is a lot of misinformation about both the extent of trawling in the Gulf and the effects of that trawling on the benthic environment. These members expressed concerns around displacement of fishing effort and the effect it will have on the local fresh fish market.

59. FNZ is able to provide you with a more in-depth analysis of submissions should you wish to understand in more detail the full scope of feedback.

Next Steps

60. There is significant interest in this work across multiple sectors, and we recognise the benefits of addressing all pressures on the Gulf in an integrated manner. *Revitalising the Gulf* provides a roadmap for a transparent, integrated approach outlining the range of measures required for effective spatial management. Other stressors will need to be addressed by other agencies with different statutory responsibilities.

Additional information

61. The ecosystem-based fisheries management approach proposed in the Hauraki Gulf Fisheries Plan is largely new for New Zealand. The Fisheries Plan therefore requires close monitoring in order to learn and adapt as we implement the suite of actions set out within it.

62. With respect to trawl corridors, FNZ has commissioned NIWA to conduct an extensive baseline seafloor photographic survey and to design a programme to monitor benthic habitats (currently scheduled for winter 2024). It is not anticipated that the work would materially alter the design of the access zones, rather it would lead to high-quality stratified datasets that will enable independent validation of models currently used. In addition, abundance models could be developed that will strengthen the available information on distribution of biogenic habitats in the Gulf and add confidence to the design process that has been undertaken. The new survey data will also enable a more thorough assessment of the impacts of trawling. Under current timeframes, this work could lead to further information and refined models in 2026.

63. In general, there is a paucity of information, both in the New Zealand context and internationally, on recovery potential and timelines. As such, ongoing monitoring will be critical to understand the implications of these proposals as a spatial management strategy for restoring ecosystem health and resilience.

64. Additional information that could further enhance the proposals include better characterisation of the impacts of Danish seine fishing on benthic habitats. FNZ is continuing a dialogue with Danish seine fishers to better understand the scale and possible impacts of their fishing method as well as the impacts implementing trawl corridors could have on their businesses.

65. Additionally, a greater understanding of the final outcome of the Tīkapa Moana / Hauraki Gulf Marine Protection Bill could improve the proposals. The current proposals were designed with an assumption that the Bill will pass in unchanged form.

Industry discussions

66. FNZ has met directly with fishers in the region who would be impacted by these proposals and has recently also discussed with Seafood NZ the opportunity to conduct further analyses with individual fishers to gather more granular economic behaviour and profitability information. FNZ will continue to proactively engage with the fishing industry on these proposals and other management actions proposed in the Hauraki Gulf Fisheries Plan, acknowledging the integrated nature of an ecosystem-based approach to fisheries management and the high level of communication required to achieve successful outcomes.

Other potential measures

67. There were also additional suggestions raised through engagement and consultation that could potentially mitigate the impacts of the proposals in different ways including:
    a) designating the Hauraki Gulf Marine Park as a separate Fisheries Management Area, thereby enabling the setting of more granular scale catch limits to avoid displacement of existing fishing effort; and
    b) providing support for fishers who would potentially be displaced by the proposed closures. This could either be in the form of opportunities to transition to less destructive methods or alternative livelihoods, sufficient transition time or financial support. There is not currently any budget within FNZ for this purpose.

68. These measures were discussed by the Ministerial Advisory Committee throughout development of *Revitalising the Gulf* and discarded as impractical or unachievable at that time. Officials can develop and provide you with further information on the costs and benefits of these measures if you want.

Options to progress

69. There are risks to benthic biodiversity and ecosystem resilience, as well as public perception risks and risks to stakeholder relationships if work to manage the effects of bottom impact fishing on the benthic environment within the Gulf is not progressed. Stakeholders have invested a significant amount of time over the last decade developing the Sea Change Plan, engaging in the development of *Revitalising the Gulf*, engaging in multi-stakeholder advisory group meetings and developing their advice throughout consultation on both the Hauraki Gulf Fisheries Plan and the trawl corridors proposals. The development of trawl corridors has also been covered in the media in various commentary focussed on bottom trawling in the Gulf.

70. FNZ would like to discuss where this process fits in with your priorities and potential next steps. Following your advice, officials could:

a) provide you with further advice to make a decision based on current proposals (decision document mid 2024);

b) revisit the proposals to investigate whether amendments or alternative options may be appropriate, including the costs and benefits of including Danish seine given the paucity of information on the impacts of this method (further advice late 2024); or

c) re-evaluate these proposals once there is further clarity on the outcome of the marine protection proposals in the Tīkapa Moana / Hauraki Gulf Marine Protection Bill (further advice late 2024); or

d) re-evaluate these proposals once the benthic habitat survey is conducted. Survey data will enable an alternative approach based on abundance models, which would provide greater confidence than the existing models, however this approach would delay implementation until 2027 at the earliest and may result in a similar outcome with respect to the scale and placement of zones.

Recommendations

71. It is recommended that you:

a) **Note** the options proposed for Bottom Fishing Access Zones in the Hauraki Gulf and the range of feedback received during engagement and consultation to date;

NOTED

b) **Agree** to discuss with officials where this process fits in with your priorities and potential next steps.

YES / NO

Emma Taylor
Director Fisheries Management
Fisheries New Zealand

Hon Shane Jones
Minister for Oceans and Fisheries

/ / 2024

Ministry for Primary Industries
Manatū Ahu Matua

BRIEF: Fisheries New Zealand meeting with Industry on trawl corridor impacts

To:	Hon Shane Jones, Minister for Oceans and Fisheries		
From	Jacob Hore, Manager Inshore Fisheries North, Fisheries New Zealand		
Date	4 June 2024	**MPI Reference**	MO24-0242
Priority	Low	**Security Level**	In Confidence

- At your meeting with Fisheries New Zealand (FNZ) officials on 8 April, you requested that FNZ conduct further engagement with the fishing industry on the proposed options for bottom fishing access zones (trawl corridors) in the Hauraki Gulf, and the impacts they may have in the region.

- On 7 May, FNZ officials held an online discussion with a number of industry representatives:
  - *Mark Ngata – Moana New Zealand*
  - *Steve Tarrant – Moana New Zealand*
  - *Vaughan Wilkinson – Sanford*
  - *Tom Searle – Lee Fish*
  - *Colin Williams – Sanford*
  - *Tiffany Bock – Seafood New Zealand*
  - *Laws Lawson – Seafood New Zealand*
  - *Phil Clow – Whitianga and Coromandel Peninsula Commercial Fishermen's Association*

- The parties made it clear that they oppose all of the proposed trawl corridor options. They referred FNZ back to their respective submissions from the public consultation process, stating that their views remain the same:
  - *"The proposal reflects a predetermined view that mobile bottom contact fishing methods have an adverse effect on benthic habitats and therefore should be banned from inshore areas such as the Gulf.";*
  - *"The proposal explicitly overturns the presumption of access, which is embedded in the Fisheries Act, rather than enabling utilisation through the rights-based framework of the QMS [Quota Management System].";*
  - *"The proposal attenuates quota property rights and undermines the integrity of the QMS and the Fisheries Settlement."; and*
  - *"The proposal fails to assess the impacts of displacement of effort from the closures in terms of localised depletion, the sustainability of other stocks and additional cost."*

- s9(2)(g)(i)

- In their joint submission, Moana, Sanford and Lee Fish urge FNZ to "assess alternative options in terms of the objectives of both the Fisheries Act and the Hauraki Gulf Marine Park Act 2000". No alternative options were tabled at the 7 May meeting.

- FNZ previously met with Seafood New Zealand in February 2024, at their request, to assist them with exploring the data underpinning the proposals. At that time, they felt there was potential for an alternative option to be developed, one that would still achieve good levels of biodiversity protection, an agreed mutual aspiration, but with less impact to their industry. Those meetings culminated in a collective understanding that significant additional engagement and analysis would be required to develop a feasible alternative option.

- FNZ also met directly with Danish seine and trawl fishers in November 2023. Those fishers were willing to engage further with FNZ, to support us describing in further detail the likely behaviour change of the individual fishers who would be impacted by the proposals.

- FNZ can gather this additional information to supplement the existing advice on economic impacts and displacement should you request us to do so.

- It is important to note that industry have been represented and actively involved in the relevant working groups and advisory groups throughout the development of the trawl corridor proposals.

Fisheries New Zealand
Tini a Tangaroa

To: Hon Shane Jones, Minister for Oceans and Fisheries
From: Emma Taylor, Director Fisheries Management

Hauraki Gulf Marine Protection Bill and Trawl Corridors Advice

Date	11 September 2024	**Reference**	AM24-0843

Purpose

- This aide-memoire provides you with information to support your meeting with officials on 12 September to discuss Seafood New Zealand's proposed amendments to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill) and its proposed alternative option for bottom fishing access zones or 'trawl corridors' in the Hauraki Gulf.

Background and context

1. The stakeholder-led Sea Change Plan, released in 2017, sought a network of marine protection across 15 sites and the full exclusion of all bottom contact fishing methods[1] in the Hauraki Gulf (amongst other measures).

2. The Government Strategy in response to the Sea Change Plan: *Revitalising the Gulf: Government action on the Sea Change Plan*, released in 2021, committed to establish 19 new marine protection areas through special legislation, including extending two existing marine reserves, creating 12 new High Protection Areas (HPAs) and five new Seafloor Protection Areas (SPAs) (map showing proposed protection areas in **Appendix One**).

3. The Environment Committee reported back on the Bill on 20 June 2024 with unanimous support for the Bill and recommended no material changes.

4. *Revitalising the Gulf* also directed the development of the Hauraki Gulf Fisheries Plan, which was approved in August 2023. During development of *Revitalising the Gulf*, and the Fisheries Plan, the potential impacts and unintended consequences of the full ban on bottom contact fishing proposed under Sea Change were recognised. Instead, through the Fisheries Plan, a management action was set out to 'exclude bottom trawling and Danish seining from the Hauraki Gulf, except within defined areas'. This allowed an evidence-based approach to developing proposals that identified priority areas for biodiversity protection, while also limiting impacts to Industry and displacement of fishing into other areas. Industry was heavily involved throughout the development of *Revitalising the Gulf*, the Fisheries Plan and the trawl corridor proposals.

[1] Trawl, Danish seine and dredge fishing.

5. You have previously received an overview of the fisheries deliverables under *Revitalising the Gulf* (AM23-0731 *Revitalising the Hauraki Gulf: Fisheries New Zealand workstreams* refers) and a briefing on options publicly consulted on for trawl corridors (B24-0108 *Bottom Fishing Access Zones in the Hauraki Gulf: Update and Next Steps* refers).

Seafood New Zealand's proposals

6. Seafood New Zealand has proposed the following amendments to the Bill:
   a) remove SPAs;
   b) allow ring-net fishing in inner gulf (Kawau Bay, Motukawao, Rotoroa, Rangitoto and Motutapu) HPAs over winter months;
   c) amend three HPA boundaries to allow for rock lobster potting (Mokohīnau, Little Barrier and Cape Colville);
   d) amend the boundary of the Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve to allow for rock lobster potting; and
   e) if SPAs remain in the Bill, amend prohibitions in the Mokohīnau SPA to allow for rock lobster potting and bottom longlining.

7. Seafood New Zealand has also put forward an alternative proposal for the placement of trawl corridors (**Appendix Two**).

Fisheries New Zealand (FNZ) response

Amendments sought to the Bill

8. FNZ acknowledges a small number of fishers will be significantly affected by the marine protection set out in the Bill, including some ring net fishers and rock lobster fishers.

9. Historical commercial fishing in the proposed protection areas accounts for one to three percent of total greenweight in all quota management areas that overlap with the Hauraki Gulf. This catch is estimated to have generated $4.2 million to $5.2 million in annual revenue.

10. 12 to 14 percent of permit holders fish in the proposed protection areas. Most of these fishers catch under ten percent of their total catch from within the proposed areas.

11. The prohibitions and boundaries of the HPAs and SPAs and the locations and scale of the trawl corridor proposals were carefully considered, cognisant of each other, over several years and are based off the best available information as well as extensive engagement and input from industry, iwi partners and other stakeholders.

12. All matters raised by Seafood New Zealand have been traversed throughout the development of the Bill and were raised to Select Committee, except for the proposed boundary change to Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve. The Select Committee considered that, on balance, the proposed protection areas are both pragmatic and fair, and recommended that no changes be made to any boundaries.[2]

[2] https://selectcommittees.parliament.nz/v/SelectCommitteeReport/492b9858-82ea-43d3-528a-08dc90b8774f

13. If desired, amendment papers could be proposed at the Committee of the Whole House stage of the Bill to reduce the impacts on fishers.

14. FNZ considers that amendments to allow for continued ring-net fishing in selected HPAs could:
    a) provide for continued operations of a small number of fishers supplying local markets. Seafood New Zealand asserts this would reflect approximately five operators/vessels, who remove an annual total of 18 tonnes of kahawai, grey mullet, parore and trevally. An independent Economic Impact Assessment (EIA) largely supports this;[3]
    b) be inequitable to other commercial and recreational fishers, and community members, who have also sought amendments to the proposed HPAs and SPAs; and
    c) reduce the effectiveness of the marine protection proposals.

15. FNZ considers that amendments to allow for continued rock lobster potting in HPAs and the Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve could:
    a) provide for continued operations of approximately four fishers. Seafood New Zealand asserts these fishers collectively generate an estimated $1.1 million annually in export revenue. The EIA largely supports the number of fishers impacted, however further analysis is required to validate this estimation of export value;
    b) continue to perpetuate localised depletion of rock lobster and the formation of kina barrens; and
    c) significantly reduce the effectiveness of the marine protection proposals.

16. FNZ considers that amendments to allow for continued rock lobster potting and bottom longlining in the Mokohīnau Islands SPA could:
    a) provide for the continued operation of two operators/vessels. Seafood New Zealand asserts these operators generate an estimated $200,000 in export value. Further analysis is required to validate this estimation of export value;
    b) continue to perpetuate localised depletion of rock lobster and the formation of kina barrens; and
    c) significantly reduce the effectiveness of the marine protection proposals.

17. It is important to note that the extent of the impacts discussed are focussed around the continued operation of individual fishers, within areas they currently fish. If the proposed protection areas were to be implemented unchanged, the overall catch taken from within the areas, both for ring netting and crayfish potting, as well as the revenue derived from that catch is likely to still be taken from other areas. This will happen as current fishers adapt to the changes, other fishers take up opportunity for further catch, or new fishers enter the fishery as those affected exit. While the individual impacts at an operator level will be significant and will likely have implications for the livelihoods of those most affected, the overall impact to revenue and value from the fishery will be relatively small.

[3] Based off the Economic Impact Assessment of the Marine Protection Proposals produced by MartinJenkins.

18. There are further spatial and economic analyses that can be conducted to validate the economic benefit to fishers of the proposed amendments.

19. FNZ considers there are options around how amendments could be implemented, for example they could apply on a transitional basis only, such as by delaying implementation of some or all of the HPAs and SPAs, or by 'grandparenting' named permit holders to allow them to continue their operations for a defined period.

20. Any potential amendments to the Bill would need to be discussed with the Minister for Conservation, Hon Tama Potaka.

Alternative option for trawl corridors

21. Seafood New Zealand's proposed alternative option for trawl corridors (**Appendix Two**) excludes Danish seining and bottom trawling from an additional 26 percent of the Gulf beyond existing longstanding closures (or 28 percent if the SPAs from the Bill are not factored in). These closures would protect approximately 84 percent of remnant predicted suitable habitat for biogenic species and potentially displace or impact $0.6 million to $0.8 million annually in landed catch from these areas.

22. FNZ considers that benthic habitats in the proposed SPAs could be protected through regulations under the Fisheries Act 1996 (the Act) instead, however this would only address fisheries-related impacts and not protect these areas from dredging, dumping, aquaculture and other stressors (full prohibitions in HPAs and SPAs are listed in **Appendix Three**).

23. This would deliver less protection than the SPAs in the Bill and be criticised by some stakeholders. Local government may subsequently act to achieve greater protection in these areas though the Resource Management Act 1991.

24. The fisheries restrictions could be implemented through usual regulation making powers and processes under the Act, or, alternatively, implemented as regulations by the Bill via an amendment paper at Committee of the Whole House stage.

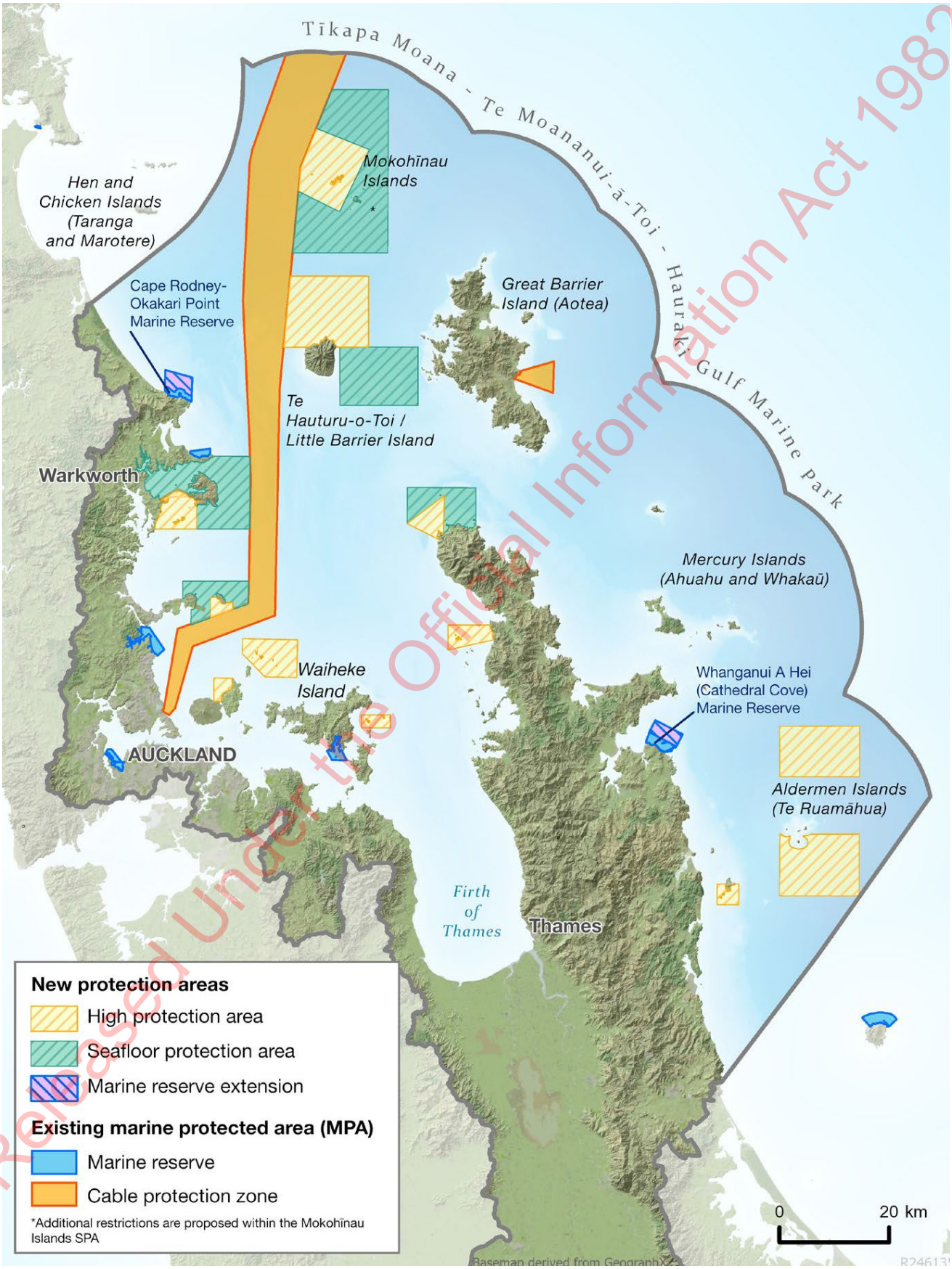
25. Based off extensive feedback prior to and during public consultation, including a petition of more than 36,000 signatures to Parliament to ban bottom contact fishing entirely from the Gulf, FNZ considers that progressing Seafood New Zealand's option would be widely criticised by many iwi and other stakeholders and could be subject to challenge. We would recommend further consultation be undertaken prior to making these regulations to reduce risk of challenge.

26. FNZ officials have prepared a presentation (**Appendix Four**) to support a discussion of the Bill, the trawl corridor proposals, and Seafood New Zealand's proposed amendments to both in greater detail at an Officials meeting with you on 12 September.

Minister / Minister's Office
Seen / Referred

/ / 2024

Appendix One: Proposed marine protection areas in the Haruaki Gulf / Tīkapa Moana Marine Protection Bill



Appendix Two: Seafood New Zealand's proposed closure areas to trawl and Danish seine in the Hauraki Gulf as an alternative to FNZs proposed 'trawl corridor' options.

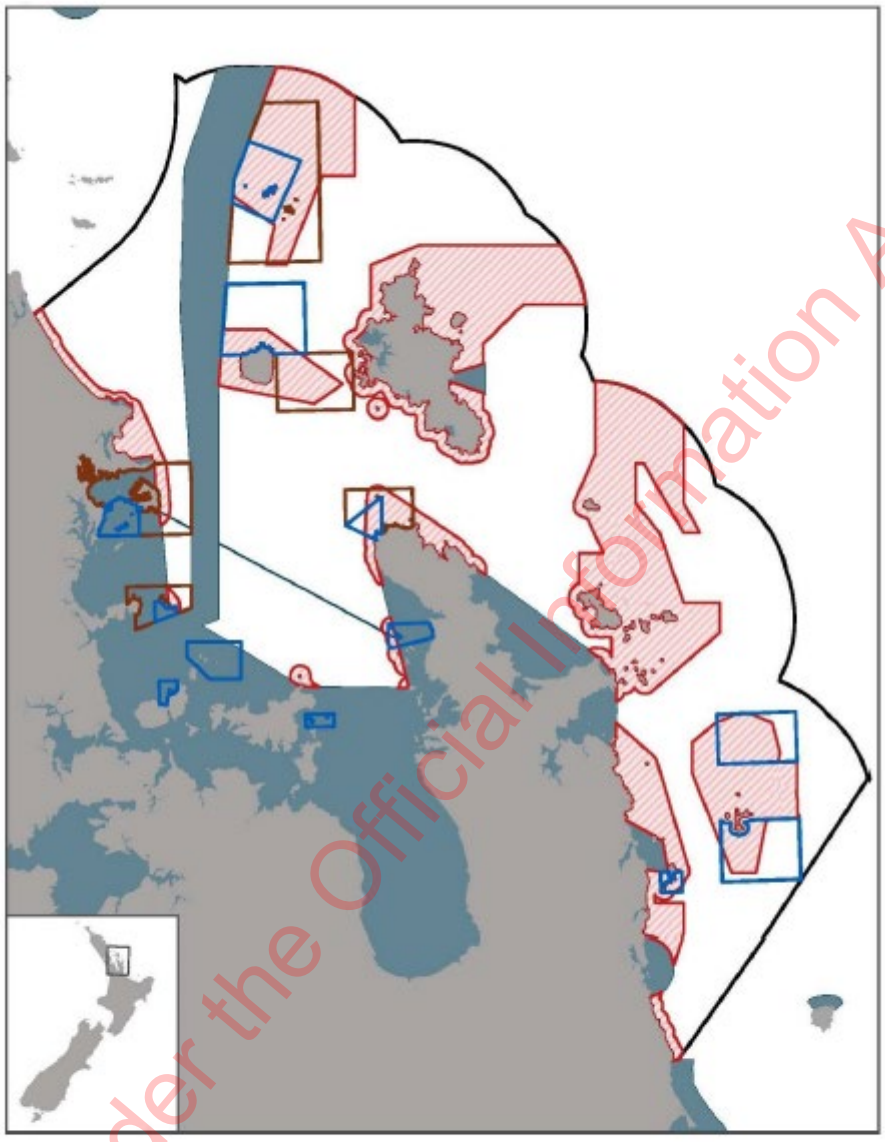


Figure 1: SNZ proposed bottom contact fishing closures in the Hauraki Gulf Marine Park.

Key: proposed closures (draft closures are SNZ proposals as outlined in this document):

- Draft Closures
- HPA
- SPA

Existing boundaries

- Hauraki Gulf Marine Park
- Danish seine and trawl closure

Appendix Three: Activities prohibited in the Hauraki Gulf / Tīkapa Moana Marine Protection Bill

12 HPAs proposed that would prohibit:

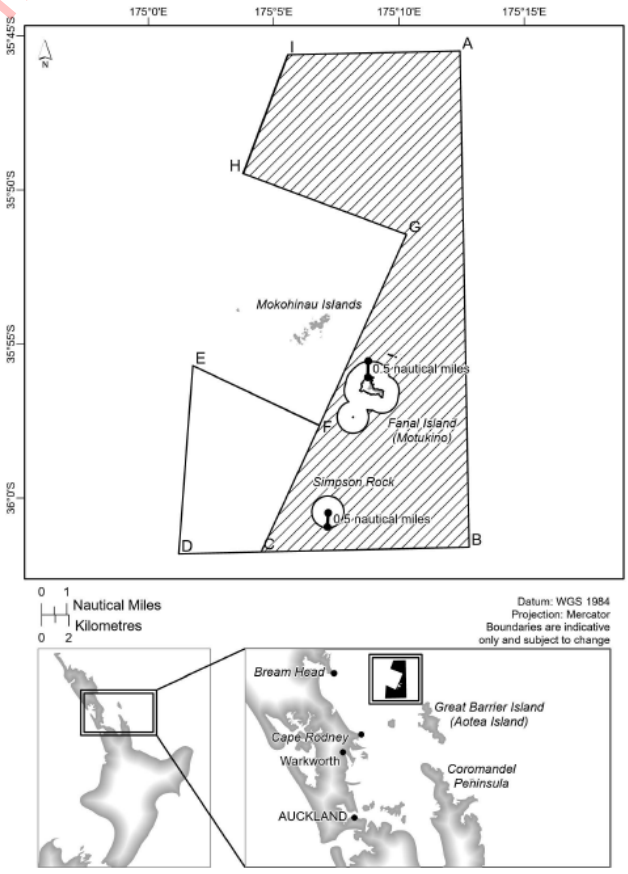
a) Fishing;
b) aquaculture activities
c) the removal of sand, shingle, non-living shell, or other non-living natural material (within the meaning of section 20(3));
d) the dumping, depositing, or discharge of waste or other matter that is likely to have a more than minor adverse effect on aquatic life;
e) the introduction of any living organism;
f) the construction, alteration, extension, removal, or demolition of a structure (including a ship);
g) the causing of vibrations (other than vibrations caused by the propulsion of a ship) in a manner that is likely to have a more than minor adverse effect on aquatic life;
h) the disturbance (including by excavating, drilling, tunnelling, or dredging) of aquatic life, habitats, or water column in a manner that is likely to have a more than minor adverse effect on aquatic life;
i) the destruction or damage of the seabed and subsoil in a manner that is likely to have an adverse effect on the seabed and subsoil;
j) the landing of an aircraft;
k) the causing of an explosion; and
l) mining activity.

5 HPAs proposed that would prohibit:

a) aquaculture activities;
b) the dumping, depositing, or discharge of waste or other matter that is likely to have a more than minor adverse effect on aquatic life;
c) dredging;
d) trawling that makes contact with the seabed;
e) Danish seining;
f) sand extraction; and
g) mining activity.

Additional activities prohibited in Mokohinau Islands SPA:

a) set netting;
b) potting that occurs within the area marked with diagonal lines; and
c) bottom longlining that occurs within the area marked with diagonal lines.



Appendix Four: Supplementary information on the Hauraki Gulf to support a meeting on 12 September 2024

Hauraki Gulf Marine Park:

- Marine Protection Bill
- Trawl corridors

Overview

12 September 2024

Timeline

Sea Change	Revitalising the Gulf Strategy	Hauraki Gulf / Tīkapa Moana Marine Protection Bill	Trawl Corridors: Spatial planning	Hauraki Gulf Fisheries Plan	Trawl corridors: Consultation
Released 2017	Released June 2021	Introduced 2023	Published March 2023	Approved August 2023	Closed November 2023
					
The Sea Change: Tai Tīmu Tai Pari Hauraki Gulf Marine Spatial Plan was released in 2017 by an independent Stakeholder Working Group. 180 recommendations to improve the health of the Gulf including: **Establish a network of MPAs across 15 sites** **Ban all bottom contact fishing methods from the Gulf**	In 2021 Government released *Revitalising the Gulf – Government action on the Sea Change Plan.* Informed by an independent Ministerial Advisory Committee. Commitments were made to: **Establish 19 MPAs through the Hauraki Gulf Marine Protection Bill** **Restrict trawl and Danish seine fishing to carefully selected areas or 'trawl corridors'.**	Bill introduced in 2023, which provides for the 19 new MPAs.	Independent scientific process run to collate information and test spatial planning approaches using the decision support tool Zonation. Extensive input from industry and other experts through a multi-stakeholder Advisory Group set up in 2022.	Hauraki Gulf Fisheries plan approved in August 2023. The plan sets out 60 management actions including one to: **Exclude bottom trawling and Danish seining in the Hauraki Gulf, except within defined areas**	~8,900 submissions received. > 85% promoted either a full ban of trawl and Danish seine fishing or Option 4 (the least permissive to fishing).

Integrated development

DOC: Marine Protection Bill

19 new MPAs

- Extending 2 current marine reserves
- 12 High Protection Areas (HPAs)
- 5 Seafloor Protection Areas (SPAs)

Complementary and integrated approach

Extensive input from iwi, industry and stakeholders over many years

FNZ: Trawl Corridors

- Options for areas where bottom fishing methods could continue (identified using evidence–based zonation tool)
- Aim to maximise biodiversity while allowing for continued utilisation

~6% of the Gulf area closed to all fishing, a further 5.5% to trawl, DS and dredge

Currently 32% closed to trawl and 28% to Danish seine

A further 45-60% would be closed to trawl and DS (including HPAs and SPAs)

What we have heard: both proposals

- Sea Change independent Stakeholder Working Group
- Ministerial Advisory Committee
- Two rounds of engagement on the Bill and the Fisheries Plan
- Multiple workshops/ discussions with industry, other stakeholders and iwi 2021-2024
- Hauraki Gulf Fisheries Plan Advisory Group – quarterly meetings since 2022
- Hauraki Gulf Benthic Spatial Planning Advisory Group – workshops in 2022

Modifications made
Marine Protection
Limiting areas where potting, bottom longlining and set-netting are prohibited in the Mokohīnau SPA
Reducing the area that prohibits commercial fishing from the Alderman Island HPAs
Boundary adjustments of 4 protection areas
Firth of Thames SPA abandoned
Trawl Corridors
Retaining a trawl corridor in the innermost area of the Gulf to provide for continued operation of several Danish seine fishers and trawl in easterly weather conditions.

Marine Protection Bill : Impacts

- 1%– 3% of the total greenweight caught across all QMAs that include the Gulf
- Two HPAs make up just under 75% of greenweight caught from the proposals
- A small number of fishers disproportionately impacted: around 12%–14% of permit holders potentially impacted to some degree (most <10% of catch)

Fishing in the proposed protection areas generates annual revenue of around **$4.2 – $4.9m and $0.4m – $0.6m over a two-year period** for the October and April fishing years, respectively.

- It is likely this impact will be lower as this fishing activity is either transferred to other areas or replaced with non-restricted methods.
- While individual operators may be significantly affected by changes to areas they access as part of their current operations, the overall impact to revenue and value will likely be relatively small and short term as the fishery adapts to the changes over time.
- These economic impacts are balanced against the environmental issues the Bill seeks to address (alongside the package of integrated measures within *Revitalising the Gulf*) such as such as kina barrens, habitat loss, and localised fisheries depletion.

Marine Protection Bill: Options to address impacts raised by Seafood NZ and RLIC

	Options that could be put forward in an amendment paper to be voted on include:			
High Protection Areas	Proceed as reported back by Select Committee	Proceed with amendments to allow for ring-netting in selected HPAs in winter	Proceed with amendments to: allow for ring-netting in selected HPAs in winter but with a grandparent clause	Proceed with amendments to: - allow for ring-netting in selected HPAs in winter - allow for additional areas for rock lobster potting in 3 HPAs and 1 marine reserve
Seafloor Protection Areas	Proceed as reported back by Select Committee	Proceed with amendments to allow for rock lobster potting and bottom longlining in one SPA	Remove SPAs from the Bill and progress trawl corridors	Remove SPAs from the Bill and do not progress trawl corridors

The benefits and risks of these options are outlined in the supporting AM [AM24-0843 refers]

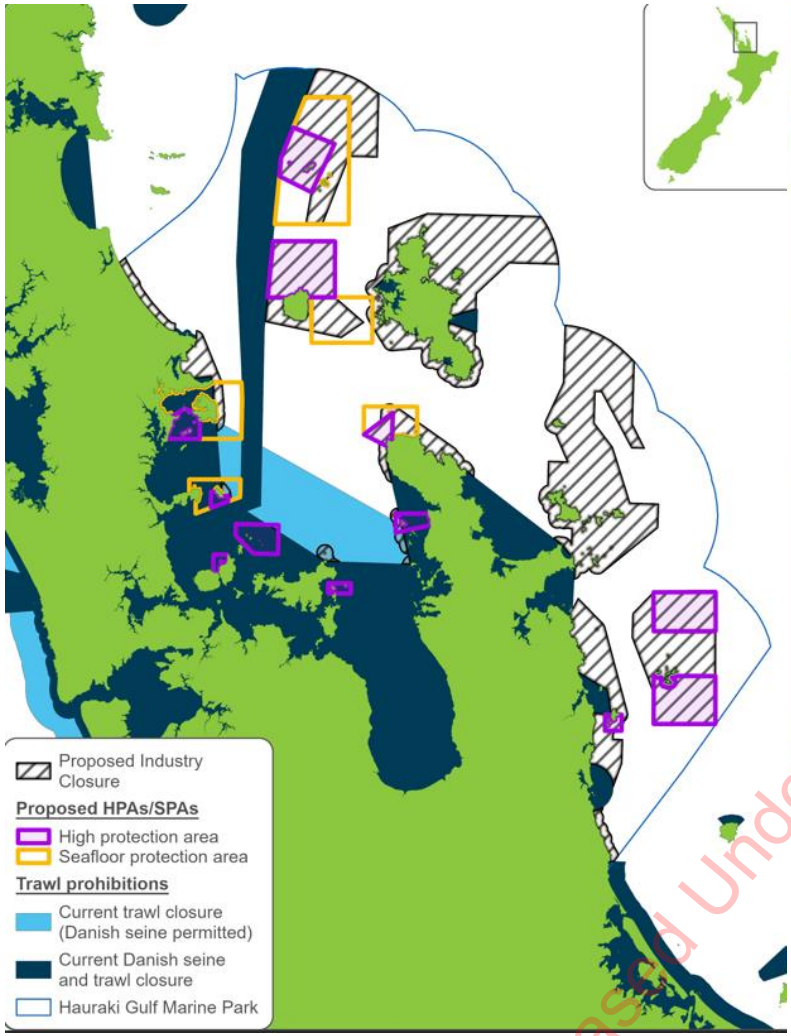
Key considerations if amendments are pursued

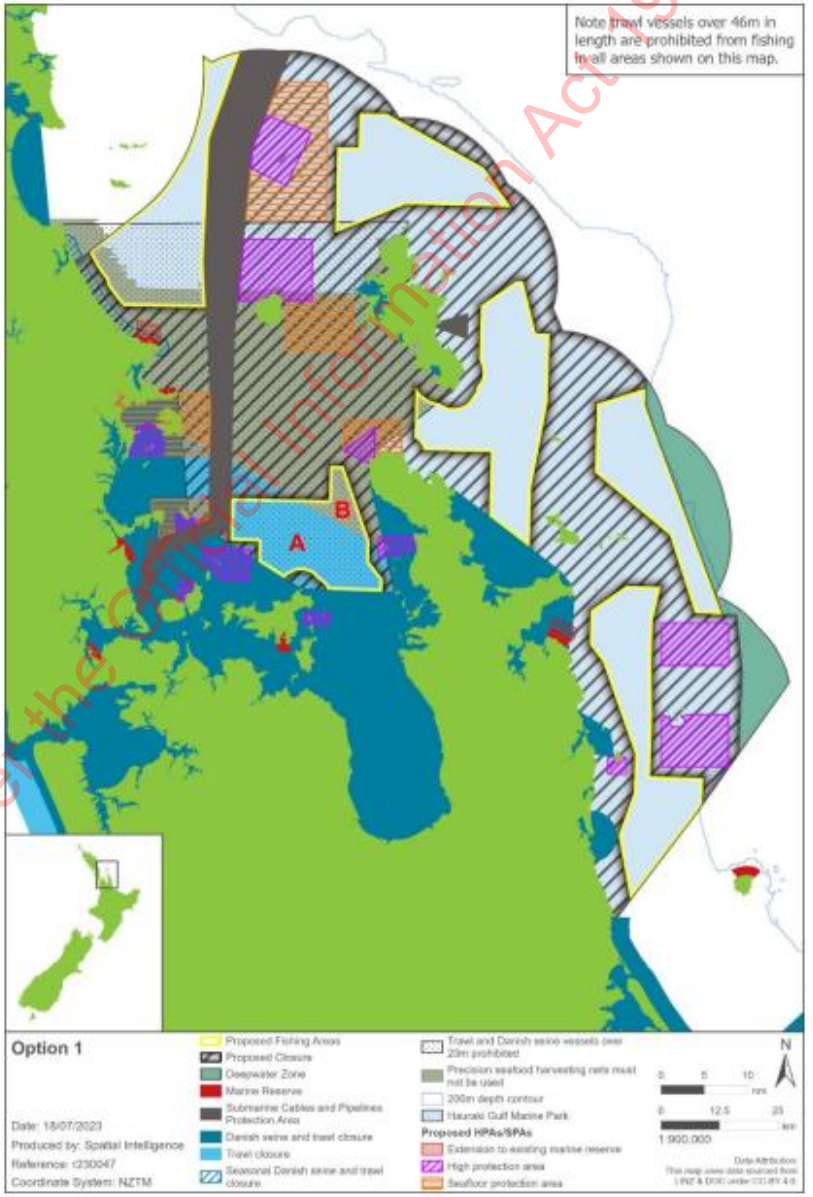
- Fairness of making amendments at this stage to address concerns raised by these groups (rock lobster and ring-net fishers) and not others. The Select Committee declined to make any material changes to the Bill after hearing submissions, which also included requests to:

  - Exempt purse seiners, recreational fishers and sport fishers from prohibitions
  - Carve out areas of the Kawau Island HPA for community/resident fishing or to provide for local fishing at a holiday park
  - Exempt local fishing at Slipper Island and Cape Colville

- Public perception. Any of the amendments proposed by Seafood New Zealand are likely to be strongly opposed by the public, many iwi, eNGOS, and some fishers.

Benthic protection through the Fisheries Act





Seafood NZ option:

- ~7 % more area closed than current footprint
- 17-20% less area closed than Option 1
- ~6% less remnant biodiversity protection than Option 1
- 7-11% annual revenue impacted compared to 38-59%

Fisheries New Zealand
Tini a Tangaroa

Trawl Corridors – Key facts

Extent of proposed spatial closures (as a % of the HGMP <200m)

Options	Trawl	Danish seine
Currently closed	33%	28%
HPAs	5%	5%
SPAs	5%	5%
SNZ Option with SPAs	27%	28%
SNZ Option without SPAs	25%	26%
FNZ Option 1	45% (35% excluding HPAs/SPAs)	46% (37% excluding HPAs/SPAs)
FNZ Option 2	50% (41% excluding HPAs/SPAs)	52% (42% excluding HPAs/SPAs)
FNZ Option 3	56% (47% excluding HPAs/SPAs)	59% (49% excluding HPAs/SPAs)
FNZ Option 4	57% (50% excluding HPAs/SPAs)	60% (50% excluding HPAs/SPAs)
Full ban	67%	72%

Trawl Corridors – Key facts

	Seafood New Zealand proposals		Fisheries New Zealand - Consulted options				Proposed by majority of submitters
	Option with SPAs included	Option with SPAs excluded	Option 1	Option 2	Option 3	Option 4	Full ban
Avg % of remnant suitable habitat protected in closures*	84.5% (73 – 100)	84.2% (71 – 100)	90.2% (82 – 100)	94.8% (86 – 100)	97.1% (89 – 100)	97.1% (89 – 100)	100%
Greenweight of fish landed/year (tonnes) in closed areas	198	136	677	770	1052	1084	1852
Estimated average landing revenue within closed area	$0.8mil	$0.6mil	$3.0mil	$3.3mil	$4.5mil	$4.7mil	$7.9mil
Estimated percentage of total trawl and Danish seine revenue impacted	11%	7%	38%	42%	57%	59%	100%
Estimated average annual export revenue (top 5 species) within closed area	$1.5mil	$1.0mil	$5.3mil	$5.9mil	$7.9mil	$8.2mil	$13.9mil

*Current average predicted extent of remnant habitat in the Gulf = 35%

Trawl Corridors – options for next steps

Option	Benefits	Risks
Do not progress Trawl Corridors	• Greater access for bottom trawl and Danish seine fishers. • No additional revenue impacted beyond EIA assessment of around **$4.2 – $4.9m and $0.4m – $0.6m over a two-year period** for the October and April fishing years (overestimate as some fishers would continue to fish elsewhere in the Gulf and/or wider QMA)	• 35% remnant biodiversity protected compared to 84-89%. • Would be widely criticised by many iwi, most stakeholders and the public • Councils may implement alternative protections through the RMA
Progress Seafood New Zealand's Option for trawl corridors	• Greater access (18-20% more of the Gulf) for bottom trawl and Danish seine fishers compared to Option 1 • $2.2M* additional annual revenue (overestimate as some fishers will continue to fish elsewhere in the Gulf and/or wider QMA) • *assumes SPAs included in the Bill	• ~6% less remnant biodiversity protected. • Would be widely criticised by many iwi, most stakeholders and the public • Additional consultation recommended
Implement one of the consulted trawl corridor options (either with SPAs or without)	• Pragmatic and based on extensive engagement • Would not require further consultation • Could be progressed at pace, providing clarity to everyone	• Many iwi, most stakeholders and the public would prefer greater area of the Gulf closed to trawl/Danish seining

Key considerations for trawl corridor options

- Councils may implement additional or alternative measures through the RMA
- Further protection may be needed to meet statutory requirements regarding specific Habitats of Particular Significance to Fisheries Management
- Additional consultation would be recommended before Seafood New Zealand's option could be implemented
- Public reaction. Seafood New Zealand's option is likely to be strongly opposed by the public, many iwi and eNGOS.

You could also consider:

- delaying implementation of trawl corridors until the results of a survey currently underway in the Gulf have been analysed and updated models have been produced.
- transitional support for the small number of disproportionately impacted fishers.