



Spatial Planning and Allocations
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RE: Review of Sustainability Measures for East Coast Tarakihi for 2021/22.

SUBMITTER DETAILS

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1. Introduction

- 1.1. This is a submission on the Review of Sustainability Measures for East Coast Tarakihi for 2021/22, based on the information released by Fisheries New Zealand for public consultation on 27 July 2021 (**the Consultation Document**).¹
- 1.2. The Environmental Defence Society (**EDS**) is an independent not-for-profit organisation conducting interdisciplinary policy research and litigation. It was established in 1971 with the purpose of improving environmental outcomes in Aotearoa New Zealand. EDS has a special interest in coastal and marine ecosystems and is currently leading research on future options for oceans system reform. The findings of this research will be available in a Final Report to be finalised in December 2021, following the release of a Working Paper in August.

¹ Ministry for Primary Industries (2021) Review of Sustainability Measures for East Coast Tarakihi for 2021/22, Includes: TAR 2, TAR 3 and the East Coast portions of TAR 1 & TAR 7. Fisheries New Zealand Discussion Paper No: 2021/19. 27 July 2021. Accessed online at: <https://www.mpi.govt.nz/dmsdocument/45949-East-Coast-TAR-consultation-decision-document-2021>

- 1.3. EDS is familiar with the key issues that need to be addressed in fisheries management decision-making in Aotearoa New Zealand. In 2018, EDS published findings from an in-depth study of the fisheries management system.² The Report evaluates the extent to which current management approaches for inshore fisheries, including tarakihi, are sufficient to support thriving fisheries and communities. The findings represent an investigation of national and international literature reviews; an economic analysis and review of stock assessment data for key stocks; and more than 60 interviews with people closely involved in fisheries management. More recently, EDS has submitted on proposals to temporarily close fishery areas to the harvest of taonga species; and proposed sustainability measures for the management of wild fish stocks.³
- 1.4. This submission considers the proposed measures for East Coast tarakihi in the context of current legislative requirements, with a focus on the Fisheries Act 1996 (**the Act**), the Harvest Strategy Standard for New Zealand Fisheries 2008 (**HSS**),⁴ and the Operational Guidelines for New Zealand's Harvest Strategy Standard 2011 (**Operational Guidelines**).⁵

2. Summary of submission

2.1. EDS requests:

- a) The inclusion of additional proposals for consideration by the Minister of Fisheries (**the Minister**), that have measures required to rebuild the East Coast tarakihi stock to 40% of the unfished spawning biomass (SB_0) in 10 or less years with a 70% or greater probability of achieving the target. The three options proposed by Fisheries New Zealand do not achieve the minimum standards required by the HSS and therefore do not provide the Minister with the best available information in setting a sustainable TAC and TACC for the East Coast tarakihi stock.
- b) That the Minister reject the three proposed options and adopt an option that at least meets, and ideally exceeds, the minimum standards set by the HSS.
- c) That the Minister impose a prohibition on the use of bottom trawl fishing methods to target tarakihi and other inshore fish stocks within the 100m depth contour.

3. Proposed sustainability measures for East Coast tarakihi

- 3.1. Tarakihi are caught in coastal waters, at depths between 50m and 250m. Available information indicates that tarakihi located off the east coast of Aotearoa New Zealand comprise a single biological stock, and as a result TAR 2, TAR 3, and the East Coast parts of TAR 1 and TAR 7 are managed together (**East Coast tarakihi**).⁶

² Peart, R. (2018) "Voices from the Sea: Managing New Zealand's Fisheries", EDS, Auckland, New Zealand.

³ Copies of recent submissions prepared by EDS are available at: <https://www.eds.org.nz/our-work/publications/submissions/>

⁴ Ministry for Primary Industries (2008) "Harvest Strategy for New Zealand Fisheries: Ministry of Fisheries – October 2008", pp 27.

⁵ Ministry for Primary Industries (2011) "Operational Guidelines for New Zealand's Harvest Strategy Standard Revision 1: Ministry of Fisheries – June 2011", pp 78.

⁶ Fisheries New Zealand (2021), above n 1, page 4, at [20].

- 3.2. Recent estimates of the abundance of East Coast tarakihi demonstrate that the stock is depleted and requires rebuilding to achieve the management target of 40% of the unfished spawning biomass (SB_0).⁷ In 2018, the abundance of the stock was estimated to be 17% of SB_0 ; with a more recent stock assessment in 2019 providing an estimate of 15.9% SB_0 .⁸ These estimates are below the soft limit of 20% SB_0 set for the stock, and indicate that action is required to move the stock to a size at or above that which can produce the maximum sustainable yield (**MSY**) in accordance with the Act.
- 3.3. The Consultation Document includes three options for rebuilding the East Coast tarakihi stock to the target of 40% SB_0 :⁹
- a) Option 1 proposes to reduce the current catch limits by 30% as a single cut to the Total Allowable Catch (**TAC**) and Total Allowable Commercial Catch (**TACC**) implemented in 2021/22. This option comprises a maximum rebuild timeframe of 10 years, with a 52% probability of achieving the target biomass.
 - b) Option 2 proposes to reduce the current catch reductions in a phased manner, by implementing an initial cut of 10% to the TAC and TACC limits in 2021/22; followed by an additional cut of 25% in 2022/23. This option comprises a maximum rebuild timeframe of 10 years, with a 54% probability of achieving the target biomass.
 - c) Option 3 proposes to reduce the current catch limits by 20% as a single cut to the TAC and TACC limits implemented in 2021/22. This option comprises a maximum rebuild timeframe of 15 years, with a 67% probability of achieving the target biomass.

4. Legislative requirements and relevant considerations for setting of sustainability measures

- 4.1. The Minister is required to comply with the requirements of s 13 of the Act when setting or varying a TAC for a wild fish stock that is managed within the quota management system (**QMS**). Where the current level of a stock is below that which can produce the MSY, the requirements of s 13(2)(b) apply and the Minister must set the TAC:
- (i) *in a way and at a rate that will result in the stock being restored to or above a level that can produce the maximum sustainable yield, having regard to the interdependence of stocks; and*
 - (ii) *within a period appropriate to the stock, having regard to the biological characteristics of the stock and any environmental conditions affecting the stock.*
- 4.2. In addition, the Minister must take account of the environmental and information principles listed under s 9 and s 10 of the Act. These principles are mandatory relevant considerations for the setting of sustainability measures under s 11 of the Act. The key environmental principles that require consideration for the setting of measures relating to East Coast

⁷ Fisheries New Zealand (2021), above n 1, page 4, at [24].

⁸ Fisheries New Zealand (2021), above n 1, page 4, at [24].

⁹ Fisheries New Zealand (2021), above n 1, page 20, at [127] (for a summary).

tarakihi are discussed at section 6 below, while the key information principles include *inter alia*:

- *decisions should be based on the best available information (s 10(a)); and*
- *decision makers should be cautious when information is uncertain, unreliable, or inadequate (s 10(c)).*

4.3. Although the HSS and Operational Guidelines are not explicitly referred to in the Act, they provide important guidance for decision-making under the Act. The High Court was recently required to consider the status and role of the HSS in relation to the setting of catch limits for tarakihi in the case of *Royal Forest and Bird Protection Society of New Zealand Incorporated v Minister of Fisheries [2021] NZHC 1354*.

4.4. The High Court held that the HSS represents “*the best available information*”, in terms of s 10(a) in relation to acceptable probability levels, as well as for other matters relevant to the interpretation of s 13;¹⁰ and found that the HSS is an implied mandatory relevant consideration for the Minister in setting a TAC under s 13.¹¹ In considering the HSS, the High Court included commentary on the role of the targets and limits in the HSS, noting that these established “*default targets and limits as a minimum standard*”; and that default actions meant “*a typical course of action, unless there are other considerations or exceptional circumstances*”.¹²

5. Assessment of proposed options against key requirements and relevant considerations

5.1. EDS is very disappointed to see, despite the recent findings of the High Court, that none of the three options proposed in the Consultation Document meet the minimum standards set by the HSS and Operational Guidelines. None of the options include a TAC that will, in terms of the probability of achievement, enable the level of the East Coast tarakihi stock to be altered within a period appropriate to the stock.

Period appropriate to the stock

5.2. For stocks that have fallen below the soft limit, the HSS recommends that a formal, time-constrained rebuilding plan is adopted.¹³ The HSS specifies that the rebuilding plan should aim to restore the stock to, at least, the target level of biomass within a timeframe of between *Tmin* (being the minimum time to achieve rebuild to target in the absence of fishing) and $2 * Tmin$ (twice the minimum time).¹⁴ Based on the recommended approach of the HSS, an appropriate rebuilding period for East Coast tarakihi is between 5 and 10 years.¹⁵

¹⁰ *Royal Forest and Bird Protection Society of New Zealand Incorporated v Minister of Fisheries [2021] NZHC 1354*, at [152].

¹¹ Above n 10, at [153].

¹² Above n 10, at [143].

¹³ MPI (2008), above n 4, page 7, at [23] under “*specifications*”.

¹⁴ MPI (2008), above n 4, page 8, at [24] under “*a soft limit that triggers a requirement for a formal, time-constrained rebuilding plan*”.

¹⁵ Fisheries New Zealand (2021), above n 1, page 6, at [34].

- 5.3. The Consultation Document departs from the HSS by including consideration of extended stock rebuilding timeframes based on the generation time¹⁶ for East Coast tarakihi (of 14.7 years). Fisheries New Zealand refer to examples of “*international best practice*” to determine an appropriate rebuilding period for the stock;¹⁷ and conclude:¹⁸

“Fisheries New Zealand considers that the use of T_{min} plus one generation time is appropriate as the upper limit to the rebuild period, and that any period in the range of 5-19.7 years would be appropriate for rebuilding the East Coast tarakihi stock.”

- 5.4. EDS does not support the inclusion of the East Coast tarakihi generation time for determining an appropriate rebuilding period; and considers a departure from the guidance of the HSS is unjustified in the circumstances.
- 5.5. In June 2021, the High Court affirmed “*the HSS remains best international practice and the best available information*”.¹⁹ The examples of international best practice cited by Fisheries New Zealand to justify the inclusion of a stock’s generation time in the determination of an appropriate rebuild period were developed prior to the HSS, which was issued in 2008.²⁰ For example, the United States rebuild management strategy was approved in 1998 (10 years prior to the HSS being issued). Further, the Canadian example cited in the Consultation Document prefers a rebuilding strategy that is based on an estimate of T_{min} and includes consideration of a stock’s generation time if a value for T_{min} cannot be quantified. The examples cited do not represent new information or approaches that were not available for consideration at the time the HSS was developed for the management of Aotearoa New Zealand fisheries. EDS submits that the examples of international best practice relied on by Fisheries New Zealand do not represent the “*best available information*” and a maximum rebuild period that exceeds 10 years is not consistent with the principles and purpose of the Act.
- 5.6. EDS requests that Option 3, which provides for a maximum rebuild period of 15 years, be removed from ministerial consideration because it is not based on the best information. The purpose of the HSS is to provide for standardised decision-making, particularly in relation to the setting of catch limits (TACs / TACCs) for wild fish stocks falling within the management regime established by the QMS. Departing from the standards of the HSS on an ad-hoc basis, that is not supported by the best available information, undermines the purpose of the HSS and Operational Guidelines; and leads to an inconsistent fisheries management regime.

Acceptable probability

- 5.7. The HSS identifies 70% as the minimum standard for the acceptable probability of rebuild for a depleted stock such as East Coast tarakihi.²¹ The HSS and Operational Guidelines identify

¹⁶ This is defined in the Consultation Document as the average time taken for an individual to replace itself within a stock or population. Refer to Fisheries New Zealand (2021), above n 1, page 7, at [38].

¹⁷ Fisheries New Zealand (2021), above n 1, page 7, at [38].

¹⁸ Fisheries New Zealand (2021), above n 1, page 8, at [41].

¹⁹ Above n 10, at [156].

²⁰ Fisheries New Zealand (2021), above n 1, page 7, at [38].

²¹ MPI (2011), above n 4, page 8.

the following reasons for why a probability greater than 50% is recommended for depleted stocks:²²

- *“This approach ensures rebuilding plans are not abandoned too soon.”*
- *“There is a need to rebuild the age structure and biomass of a stock that has been depleted below the soft limit, and these objectives may not be achieved by using a probability as low as 50%.”*
- *“The reason for requiring a probability level greater than 50% is that a stock that has been severely depleted is likely to have a distorted age structure (an over-reliance on juvenile fish, with relatively few large, highly fecund fish). In such instances it is necessary to rebuild both the biomass and the age composition.”*

5.8. In setting the TAC for East Coast tarakihi, the Minister is required to have regard to what the HSS says about probability.²³ The High Court has provided the following guidance:²⁴

“The weight to be given to the HSS on this point is a matter for the Minister, but it is not solely at the Minister’s discretion. While the HSS does not have legislative force, there is no counter argument from the respondents to the HSS statement that one cannot be satisfied that rebuild is complete until there is at least a 70 per cent probability that the target has been achieved.”

5.9. EDS requests that Option 1 and Option 2 be removed from ministerial consideration because they do not provide for an acceptable probability of achieving the target biomass within a period that is appropriate to the East Coast tarakihi stock. Adopting a probability of ~50% does not address the issues raised in the HSS relating to the distortion of a stock’s age structure and over-reliance on juvenile fish; and is not a sufficiently cautious approach to ensure the sustainability of the stock.

5.10. EDS requests that additional proposals be included to demonstrate the catch limits required to achieve consistency with the HSS; and to enable the Minister to have due regard to the HSS in determining what an appropriate TAC is for the East Coast tarakihi stock. The TAC reduction needed to achieve the target will be greater if a probability of 70% is adopted; and EDS submits that the Minister will not be able to have due regard for the HSS unless measures that comply with, or exceed, the minimum standards of the HSS are included for his consideration.

5.11. In summary, EDS does not support the adoption of any of the three options included in the Consultation Document because:

- the options are not based on the best available information, and are not consistent with s 10(a);

²² Refer to MPI (2008), above n 4, page 8 (footnote 8); and MPI (2011), above n 5, page 10.

²³ Above n 10, at [166].

²⁴ Above n 10, at [166].

- the options do not reflect an appropriately cautious approach for a stock that requires rebuild, and are therefore not consistent with s 10(c); and
- the options will not achieve the purpose of the Act, which requires a level of utilisation that ensures sustainability.

EDS requests that additional proposals be included that, as a minimum, comply with the standards of the HSS. This will ensure decision-making is based on the best available information; and results in measures that ensure the sustainability of the East Coast tarakihi stock in accordance with the purpose and principles of the Act.

The remainder of this submission discusses relevant environmental considerations that were not adequately addressed by the Consultation Document. Based on the best available scientific information, it demonstrates that additional measures, which exceed the minimum requirements of the HSS, are necessary to ensure the sustainability of East Coast tarakihi. EDS requests that immediate consideration is given to additional proposals that seek to remedy the depleted status of the stock in accordance with the principles and purpose of the Act.

6. Environmental and sustainability considerations

- 6.1. The Consultation Document does not adequately address the Minister’s environmental obligations under ss 8 and 9 of the Act; and therefore, does not provide the Minister with the best available information on which to make decisions on sustainability measures for the East Coast tarakihi stock. This outcome is not consistent with the information principles listed under s 10 of the Act, and does not provide for decision-making that will achieve the purpose of the Act.
- 6.2. Bottom trawling is the dominant fishing method used to target tarakihi on the east coast, and therefore the Minister needs sufficient information to consider the impacts of bottom trawling on:²⁵
 - a) Biological diversity of the aquatic environment; and
 - b) Habitat of particular significance for fisheries management.
- 6.3. EDS submits that the Consultation Document does not include adequate information on the potential for adverse cumulative effects from bottom trawling on biological diversity and habitats of particular significance for fisheries management.
- 6.4. In regard to benthic impacts, the Consultation Document advises that:²⁶
 - *“The proposed changes are unlikely to increase trawl effort”*; and
 - *“Bottom trawling in this fishery is also typically confined to areas that have been consistently fished over time (rather than areas of relatively undisturbed biodiversity)”*.

²⁵ Fisheries Act 1996, s 9.

²⁶ Fisheries New Zealand (2021), above n 1, page 17, at [109].

It does not identify the types of benthic impacts that might result from bottom trawling, their extent, or their magnitude. Nor does it account for cumulative and chronic effects from prolonged multi-species trawl efforts within the East Coast tarakihi fishery area, where repeated trawling over many years can push marine ecosystems towards tipping points. Simply maintaining the status quo in regard to harvest methods, without assessing their impacts and ensuring that these are sustainable, is not sufficient to meet the requirements under the Act.

- 6.5. The Consultation Document identifies the following tarakihi spawning and nursery areas as potential habitats of significance for the East Coast tarakihi fishery:²⁷

Spawning areas

- Cape Runaway to East Cape;
- Cape Campbell to Pegasus Bay; and
- the west coast of the South Island near Jackson Bay.

Nursery areas

- the Canterbury Bight; and
- Pegasus Bay.

- 6.6. In describing potential risks and threats to spawning and nursery areas, the Consultation Document advises that *“mobile bottom-contact fishing methods can impact benthic habitats, but the specific habitat attributes important for tarakihi are not known”*.²⁸ It concludes that *“the options proposed are unlikely to pose a threat to the areas identified as potential habitats of significance”*.²⁹
- 6.7. EDS submits that the approach adopted by Fisheries New Zealand disregards available information on tarakihi nursery habitats; and does not adequately account for adverse benthic impacts on the ecological attributes of these habitats nor does it consider the cumulative effects of past bottom trawling fishing activities occurring within these habitats.
- 6.8. A comprehensive stock assessment of East Coast tarakihi was published in 2018, and includes a summary of the information available to characterise the distribution of spawning and juvenile tarakihi in Aotearoa New Zealand.³⁰ The stock assessment includes reference to a study published in 1975, which describes important nursery sites off the south-western coast of the North Island; in Tasman Bay at the top of the South Island; at the Canterbury Bight; in

²⁷ Fisheries New Zealand (2021), above n 1, page 18.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Langley, A.D. (2018) Stock assessment of tarakihi off the east coast of mainland New Zealand, *New Zealand Fisheries Assessment Report 2018/05*. 85p, page 13, at [4.1.1].

the northern part of Pegasus Bay; and around the Chatham Islands.³¹ That study identified the following attributes of tarakihi nursery grounds:³²

- they occurred at depths of 20m to 100m and were located between 10km and 30km from the coastline; and
- they hosted dense and varied invertebrate benthic epifauna dominated by sponges and small corals.

6.9. The 1975 study also reports useful observations on the impact of historic bottom trawling on tarakihi spawning and nursery habitats. Some of the relevant observations are reproduced below:

*“field notes on the catches off the east coast of the South Island...indicate that concentrations of young tarakihi there tend to be associated with areas of a rich invertebrate benthic epifauna containing a variety of sponges, worms, echinoderms, and molluscs. The area around Stn J08/041/69, off Oamaru, for example, is locally infamous for the great quantities of sponge usually brought up by trawl nets and is therefore known among the fishermen as the “Hay Paddock””.*³³

*“The Tasman Bay nursery ground coincides with an area known among the local fishermen as “the coral”, containing an extremely rich benthic epifauna of sponges and small corals which is a hazard to the lightly constructed trawl nets used in the commercial fishery. In the north-eastern part of Tasman Bay, where a minor concentration of young tarakihi was found in 1970, a small area of “coral” is also said to exist. The trawl net of James Cook brought up large quantities of this material at most stations where young tarakihi were abundant, especially in the centre of the nursery ground.”*³⁴

6.10. EDS submits that it is not appropriate for Fisheries New Zealand to rely on scientific uncertainty to defer a comprehensive assessment of the potential impacts of bottom trawling on habitats of importance for the East Coast tarakihi fishery. Indeed, such an approach is inconsistent with s 10 (d) of the Act which provides “the absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of this Act”. Available information indicates that historic bottom trawling practices have impacted important tarakihi nursery and spawning habitats; and the sustainability of current and future fishing methods cannot be adequately evaluated without this important information.

6.11. EDS considers additional sustainability measures are required to ensure the continued harvesting of East Coast tarakihi is sustainable and undertaken in a manner that is consistent with the purpose of the Act.

³¹ Ibid.

³² Vooren, C.M. (1975). Nursery grounds of tarakihi (Teleostei: Cheilodactylidae) around New Zealand. *New Zealand Journal of Marine and Freshwater Research* 9: 121–158.

³³ Refer to Vooren (1975), above n 32, at page 124.

³⁴ Refer to Vooren (1975), above n 32, at page 134.

7. Request for prohibition on bottom trawling within the 100m depth contour

- 7.1. The literature demonstrates that bottom trawl fishing methods can generate significant and permanent adverse effects on marine ecosystems, including:³⁵
- loss of biodiversity;
 - loss of benthic productivity;
 - modification of important breeding or juvenile fish habitat leading to reduced fish recruitment;
 - an altered seafloor structure (with reduced structural complexity and damage to or a reduction in structural biota); and
 - cumulative effects and interactions with other stressors (including existing effects, especially in the coastal zone, and climate change).
- 7.2. While available scientific information does not make it possible to quantify the full impact of historic and present bottom trawl fishing methods on benthic habitats and marine species, it is sufficient to indicate that trawling is likely to be having significant adverse effects on marine biodiversity and habitats. It casts sufficient doubt on the sustainability of regulatory measures that enable this fishing method to be used to target inshore fish stocks.
- 7.3. EDS requests that Fisheries New Zealand include an additional proposal to prohibit the use of bottom trawl fishing methods to target tarakihi within the 100m depth contour. A prohibition on the use of bottom trawling fishing methods to target tarakihi is within the scope of the Minister's powers to set or vary sustainability measures for fish stocks under s 11(3) of the Act. Research into the distribution of tarakihi across different life stages indicates that juveniles are mainly located off the east coast of the South Island in waters of less than 100m depth.³⁶ Therefore, EDS considers that a prohibition within this depth limit is necessary to protect spawning and nursery areas of significance for the East Coast tarakihi fishery; and to ensure the sustainability of this fishery.
- 7.4. EDS requests the consideration of a broader prohibition on the use of bottom trawl fishing methods to target any inshore fish stocks within the 100m depth contour. A species-specific prohibition will not drive the changes in fishing method and behaviour required to maintain biological diversity; protect habitats of particular significance for inshore fish stocks; and to ensure sustainability in accordance with the environmental principles and purpose of the Act.
- 7.5. The purpose of the Act requires the Minister to consider whether a proposal will avoid, remedy or mitigate any adverse effects of fishing on the aquatic environment.³⁷
- 7.6. The definition of "effect" includes, *inter alia*, permanent effects; past, present or future effects; and any cumulative effect which arises over time or in combination with other effects.³⁸ A prohibition on mobile bottom trawling fishing methods within the 100m depth contour will avoid the generation of additional adverse effects from this practice; while giving important benthic habitats time to recover from the effects of historic trawling efforts.

³⁵ Fisheries New Zealand (2000) "Aquatic Environment and Biodiversity Annual Review 2019-20, Compiled by the Fisheries Management Science Team, MPI, Wellington, NZ", at page 401.

³⁶ Hurst et al (2000) as cited in Langley, A.D. (2018), above n 30, page 14 (the original report is unpublished and held by MPI).

³⁷ Fisheries Act 1996, s 8(2).

³⁸ Fisheries Act 1996, s 2.

7.7. The Act defines “aquatic environment” broadly as:

- (a) *the natural and biological resources comprising any aquatic ecosystem; and*
- (b) *includes all aquatic life and the oceans, seas, coastal areas, inter-tidal areas, estuaries, rivers, lakes and other places where aquatic life exists.*

The term “aquatic ecosystem” is defined by s 2 as “any system of interacting aquatic life within its natural and physical environment”. The core provisions of the Act therefore anticipate and encourage the adoption of an ecosystem-based approach to fisheries management. A prohibition on the use of bottom trawl fishing methods to target inshore fish stocks would give effect to an ecosystem based approach and is consistent with the purpose and principles of the Act.

7.8. Although the consequences of climate change on the marine environment are not well understood, changes are already being observed across coastal systems in Aotearoa New Zealand. Measurements of sea-surface temperature since 1981 demonstrate that our coastal waters have warmed by 0.2°C per decade; and marine heat waves (periods of extremely high sea surface temperature) are becoming more frequent.³⁹ Other observed changes include rising sea levels, declines in ocean pH, and changes in ocean wave patterns.⁴⁰ These changes are anticipated to exert additional pressure on our taonga marine species, by altering primary productivity; driving changes in species distribution and populations; and may impact the reproductive capacity of certain fish stocks (e.g. snapper and hoki).⁴¹ EDS submits that the future outlook demands a cautious approach to the setting of sustainability measures; and requires the adoption of strong protective measures for benthic habitats of importance to inshore fish stocks.

³⁹ Ministry for the Environment & Stats NZ (2019) New Zealand’s Environmental Reporting Series: Our marine environment 2019. Available from www.mfe.govt.nz and www.stats.govt.nz. Refer to page 5 of the Report.

⁴⁰ Ministry for the Environment & Stats NZ (2019), above n 39, at pages 45-52.

⁴¹ Ibid.