

Restoring the health of the Hauraki Gulf Tīkapa Moana

Submissions on the
Hauraki Gulf / Tīkapa Moana Marine Protection Bill
Bottom Fishing Access Zones in the Hauraki Gulf Marine Park

Hon Willow-Jean Prime

Hauraki Gulf / Tīkapa Moana Marine Protection Bill

Government Bill

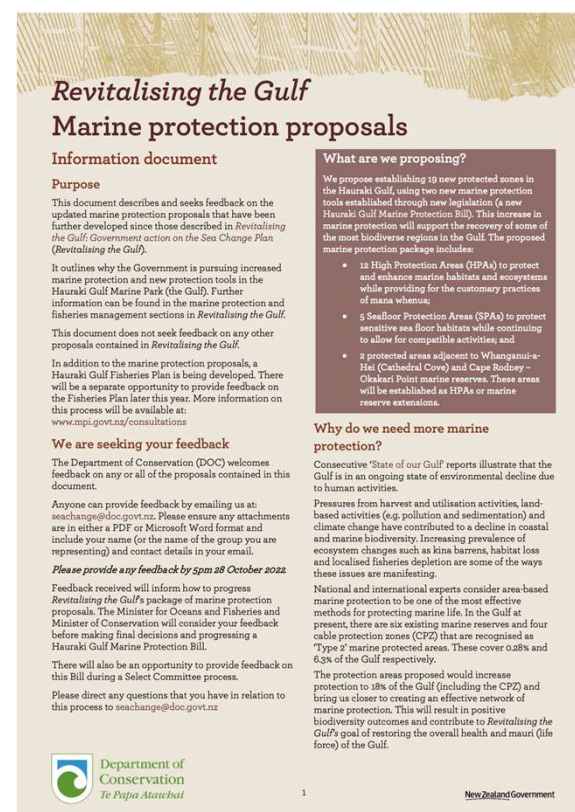
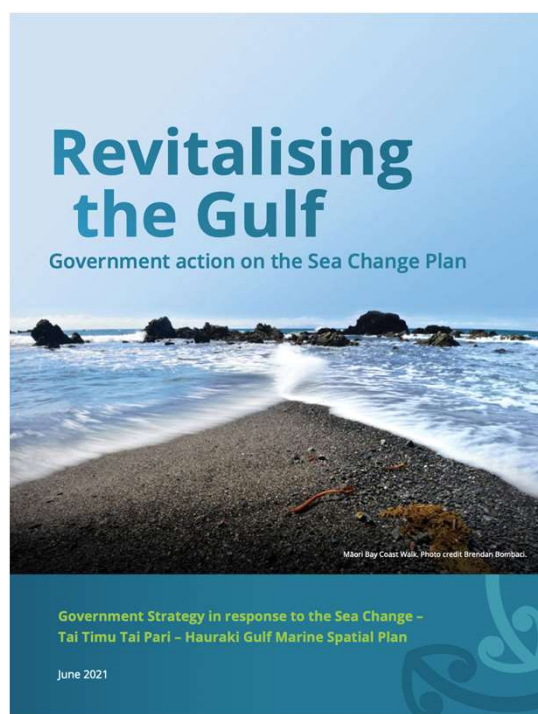
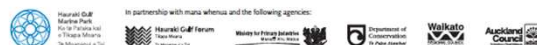
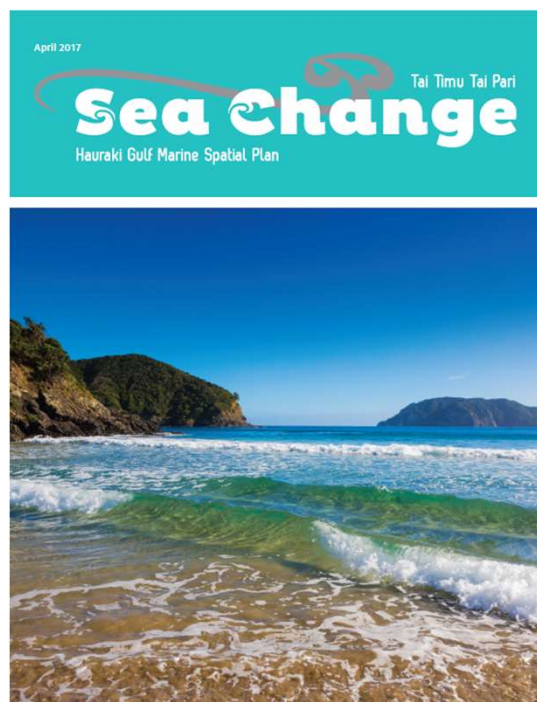
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The Hauraki Gulf / Tīkapa Moana Bill

www.legislation.govt.nz

The Bill is 10 years in the making



Process for Bill to become law

1. Bill introduced to Parliament on 22 August
2. Referred to Environment Committee 30 August
- 3. Submissions close 1 November**
4. May be extended when new Environment Committee established (after election)
- 5. Select Committee holds hearings (in person or remotely)**
5. Select Committee reports back to Parliament with any changes (due 29 February 2024)
6. Second and Third Readings
7. Royal assent by Governor-General

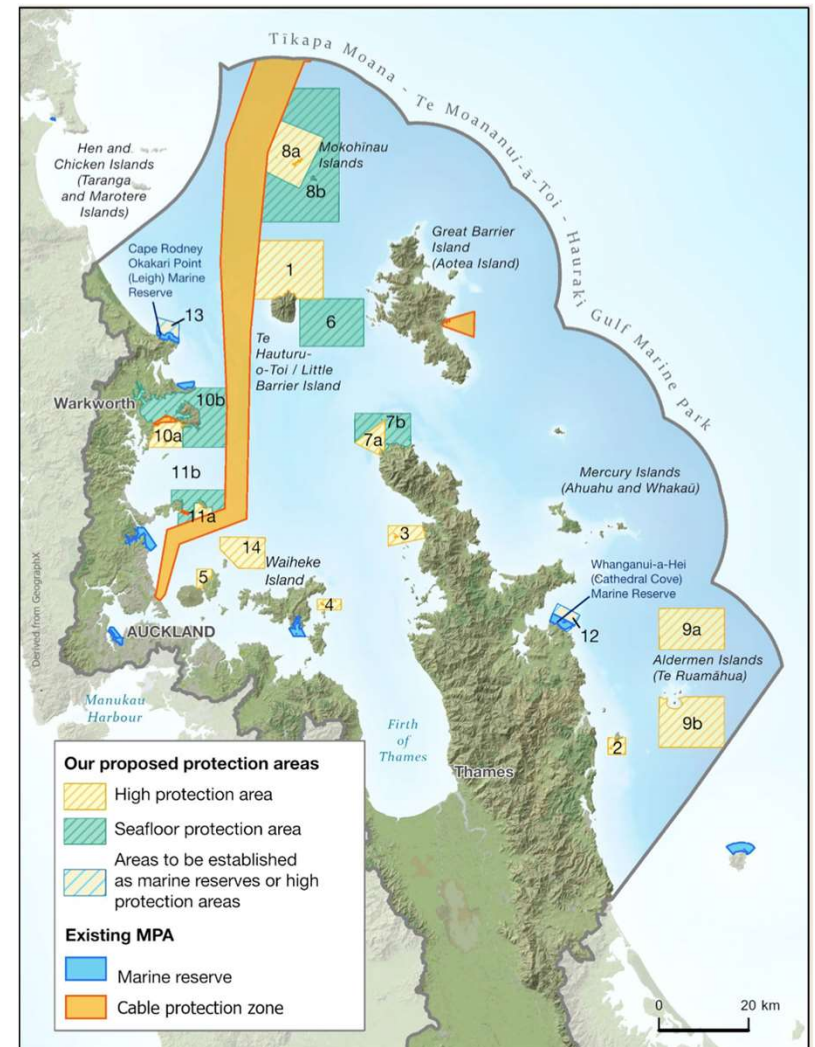
What does the Bill do?

Purpose

“To contribute to the restoration of the health and mauri of the Hauraki Gulf /Tikapa Moana.....”

Creates:

- 2 Marine Reserves
- 12 High Protection Areas
- 5 Seafloor Protection Areas



Why more marine protection?

- Ongoing degradation
- Loss of kelp forests (and kina barren expansion)
- Depleted fish stocks (scallops, crayfish, tarakihi, cockles)
- Lack of food for predators (seabirds, Brydes whales, milky snapper)
- Invasive species (Caulerpa)
- Climate change (sea water warming, acidification)

**MPAS HAVE PROVEN EFFECTIVENESS IN ENABLING
MARINE AREAS TO RECOVER**



2 new Marine Reserves

- Extensions to Leigh and Hahei marine reserves
- Needed as existing areas not large enough to protect marine life
- Managed under the Reserves Act 1971
- Allows integrated management with established marine reserve areas



12 High Protection Areas

- Not marine reserves
- Prohibit most damaging activities (incl. commercial and rec fishing)
- Enable customary fishing (subject to conditions)
- Setting of biodiversity objectives (by regulation)
- Permitting system to authorize activities
- Enforcement system
- Review after 25 years



5 Seafloor Protection Areas

- Protects benthic habitats
- Bottom trawling, Danish seining, dredging, mining and dumping prohibited
- Other fishing unaffected
- Additional protections around Mokohīnaui Islands (set netting, potting and bottom longlining)



How could the Bill be improved?



Purpose of SPAs and HPAs too weak

Not clear WHAT is to be maintained, or restored, and WHEN

Clause 12 Purpose of seafloor protection areas

The purpose of seafloor protection areas is to maintain and restore benthic habitats within the seafloor protection areas.

Clause 16 Purpose of high protection areas

The purpose of high protection areas is to protect, restore and enhance biodiversity within the high protection areas.

Strengthening purpose of SPAs HPAs

Clause 12 Purpose of seafloor protection areas

The purpose of seafloor protection areas is to maintain and, if degraded, restore the ecological integrity of benthic habitats within the seafloor protection areas.

Clause 16 Purpose of high protection areas

The purpose of high protection areas is to protect, and if degraded restore, and enhance, the ecological integrity of biodiversity within the high protection areas.

Clause 5 Interpretation

Ecological integrity means the extent to which an ecosystem is able to support and maintain its:

- (a) composition (being its natural diversity of indigenous species, habitats, and communities); and
- (b) structure (being its biotic and abiotic physical features); and
- (c) functions (being its ecological and physical processes)

Biodiversity objectives are crucial

- Permits need to be consistent with the biodiversity objectives (in most cases)
- Permits can be revoked or amended if they are no longer consistent with biodiversity objectives
- Customary fishing must comply with biodiversity objectives
- Minister can make regulations to manage activities occurring within HPAs to give effect to biodiversity objectives
- Additional management actions (including regulation of customary fishing) cannot occur until biodiversity objectives are established
- They would be expected to inform management, research and monitoring for each site (although this is not directly provided for in the current Bill).

Current issues with biodiversity objectives

- Not mandatory
- No purpose provided for them
ie what they need to achieve –
so could be set anywhere
- No provision for public input
into setting of biodiversity
objectives



Strengthening Biodiversity Objectives

25B Biodiversity objectives

There shall at all times be biodiversity objectives set for each protected area, recommended and issued by the Minister in accordance with **section 25D**.

25C Purpose of biodiversity objectives

The purpose of biodiversity objectives is to state objectives for each protected area that are—
appropriate to the characteristics of the protected area; and sufficient to achieve the purpose of the protected area ...

25E Preparation of biodiversity objectives

The Minister must not make a recommendation or issue biodiversity objectives under **subsection**

25B unless the Minister ... is satisfied that the biodiversity objectives—

(i) were developed collaboratively with whānau, hapū, and iwi that exercise kaitiakitanga in the protection area; and

(ii) were provided to the public with reasonable opportunity for interested persons to make submissions on the proposed biodiversity objectives; and

(iii) are based on the best available information, including mātauranga Māori.

Monitoring of protected areas critical

- Essential part of adaptive management
- Enables management to be adjusted according to rate of recovery
- Needed to inform 25 year review

**No provision for monitoring
in Bill**



Providing for monitoring

25F Monitoring of protected areas

- (1) The Director-General **must monitor** the state of each protected area.
- (2) The Director-General must, at intervals of not more **than 3 years**, compile and make available to the public a **review of the results** of its monitoring under subsection (1) to enable the public to be informed and participate under this Act.
- (3) The monitoring shall include measuring the **extent to which the biodiversity objectives for each protected area have been met**.
- (4) Where any biodiversity objectives have not been met, the Director-General shall identify **additional management actions** required to achieve the biodiversity objectives.
- (5) Monitoring shall be undertaken **collaboratively with whānau, hapū, and iwi** that exercise kaitiakitanga in the protected area.
- (6) Monitoring required by this section must be undertaken in accordance with any **regulations**.

Adjusting boundaries

- Monitoring may show that boundaries not in right place
- Boundaries may need to be adjusted to better meet BOs
- Need strict criteria to guide such changes

No current provision for changing boundaries in the Bill



Provision to adjust boundaries

25G Alteration of boundaries of protected area

(1) Where the results of monitoring indicate that—

- (a) the biodiversity objectives for any protected area have not been met; or**
- (b) the purpose of the protected area is not being met; and**
- (c) an alteration to the boundaries of the protected area would contribute to meeting the biodiversity objectives or the purpose of the protected area —**

the Governor-General shall, by Order in Council made on the recommendation of the Minister, alter the boundaries of a protected area.

(2) The Minister must not make a recommendation under **subsection (1) unless the Minister—**

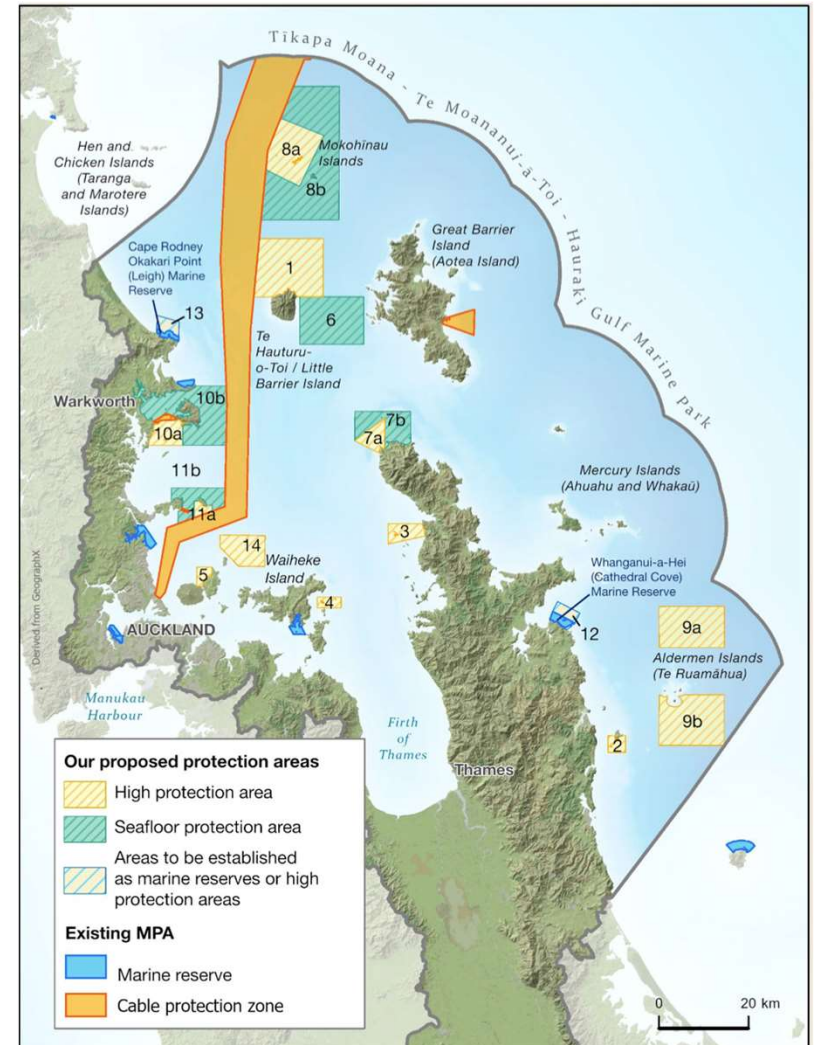
- (a) has consulted the Minister responsible for the administration of the Fisheries Act 1996; and**
- (b) is satisfied that the proposal to alter the boundaries of a protected area—**
 - (i) was developed collaboratively with whānau, hapū, and iwi that exercise kaitiakitanga in the proposed protected area; and**
 - (ii) was provided to the public with adequate time and opportunity to make a submission; and**
 - (iii) is based on the best available information, including mātauranga Māori; and**
 - (iv) is reasonably necessary to achieve the purpose of the Act.**

Gaps in coverage

For example:

- Ahuahu Great Mercury Island
- Aotea Great Barrier Island
- Waiheke Island

No provision in Bill to add new protected areas



Enable addition of new protected areas

25A Establishment of additional protected areas

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, declare a high protection area or a seafloor protection area within the Hauraki Gulf / Tīkapa Moana.
- (2) The Minister must not make a recommendation under subsection (1) unless the Minister—
 - (a) has consulted the Minister responsible for the administration of the Fisheries Act 1996;
and
 - (b) is satisfied that the proposal to declare a protected area—
 - (i) was developed collaboratively with whānau, hapū, and iwi that exercise kaitiakitanga in the proposed protected area; and
 - (ii) was provided to the public with adequate time and opportunity to make a submission; and
 - (iii) is based on the best available information, including mātauranga Māori; and
 - (iv) is reasonably necessary to achieve the purpose of the Act.

Other matters that need strengthening

- Tightening up permitting process (including public notification)
- Ability to change permits when unanticipated cumulative effects or amendments to biodiversity objectives
- Enabling public interest entities to appeal permit decisions
- Creating an offence for breaching conditions of permit
- Amending test for regulatory activities within protected areas from “necessary” to “reasonably necessary”

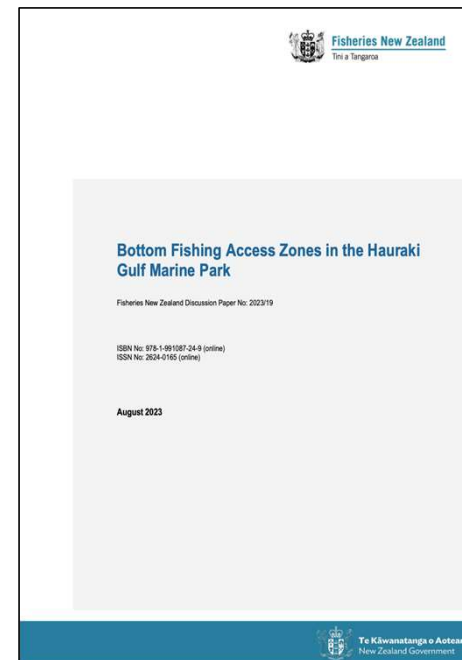
A scenic view of a coastal area with blue water, green hills, and a small boat. The sky is blue with some clouds. The water is a deep blue, and the hills are green. A small boat is visible in the water, leaving a white wake. The text "EDS draft submission at www.eds.org.nz" is overlaid on the image.

EDS draft submission at www.eds.org.nz

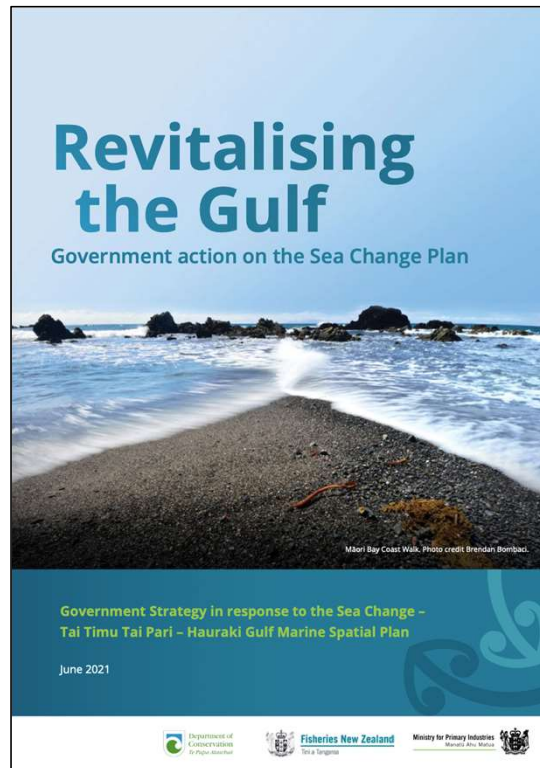
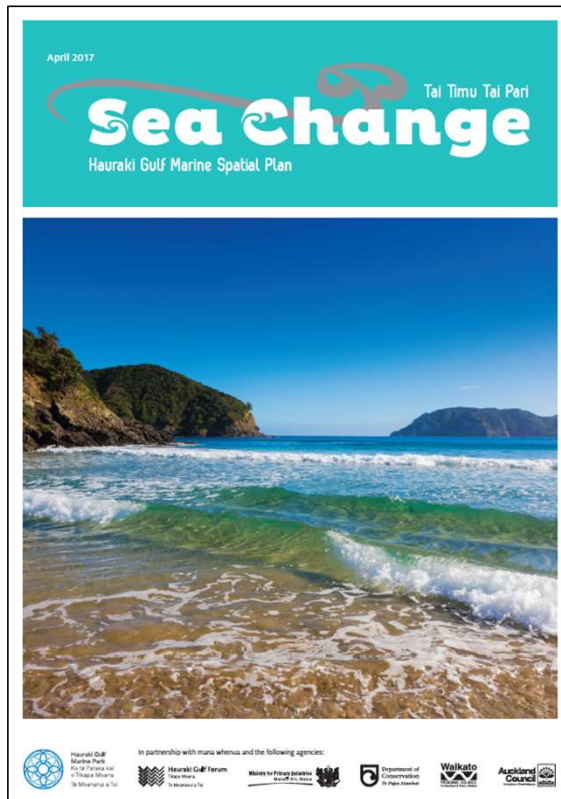
Seeking feedback on submission – are there other matters that should be addressed (eg undertaking research in protected areas; co-management etc)

Bottom Fishing Access Zones in the Hauraki Gulf Marine Park

- Discussion paper August
- Submissions close 6 November
- Advice to Minister
- Ministerial decision
- Implementation through regulations under Fisheries Act



Where has it come from?



What it proposes:

4 options for BFAZs
of varying sizes

No option for transition
to full exclusion (as in
Sea Change)

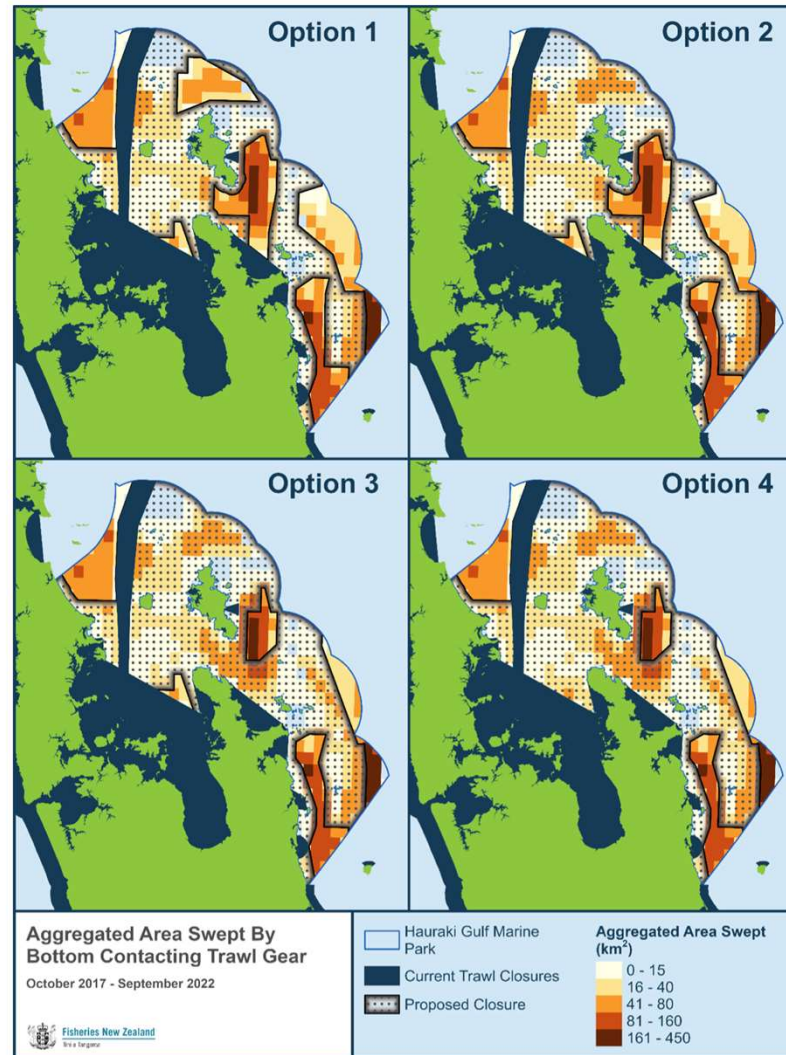


Figure 1. Aggregated Area Swept by Bottom Contacting Trawl Gear in the Hauraki Gulf Marine Park for each of the 4 proposed Options.

How were areas determined?

Modelling of suitable habitats for vulnerable biogenic habitat groups

Zoning taking into account historical catch records

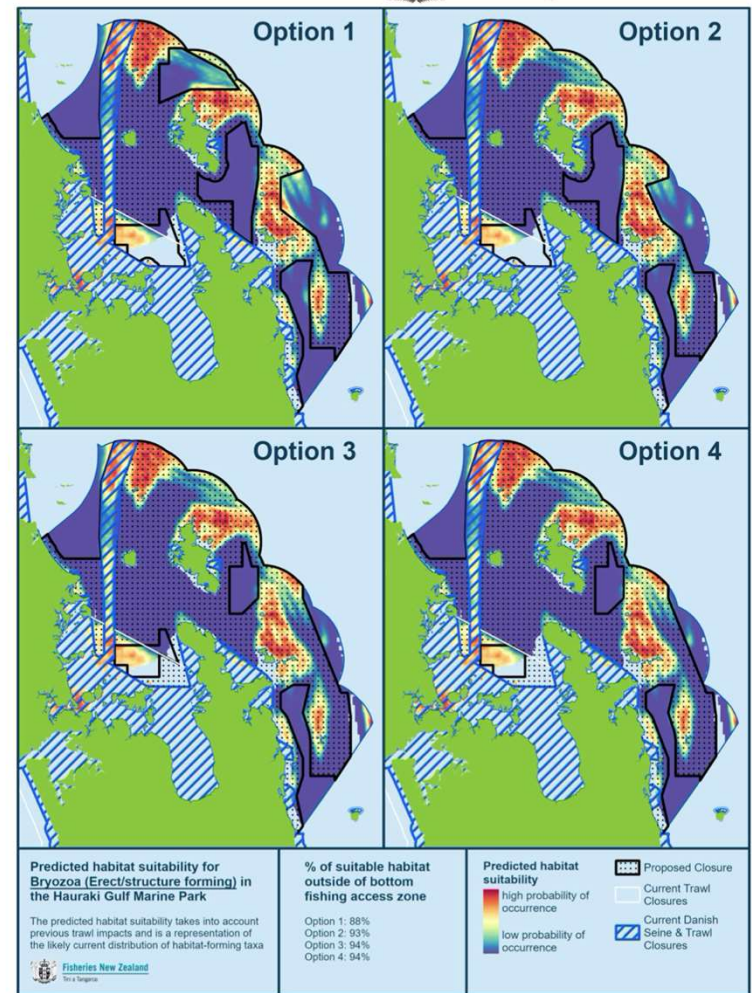


Figure 4. Predicted habitat suitability for erect/structure forming bryozoans in the Hauraki Gulf Marine Park relative to each of the 4 proposed options.

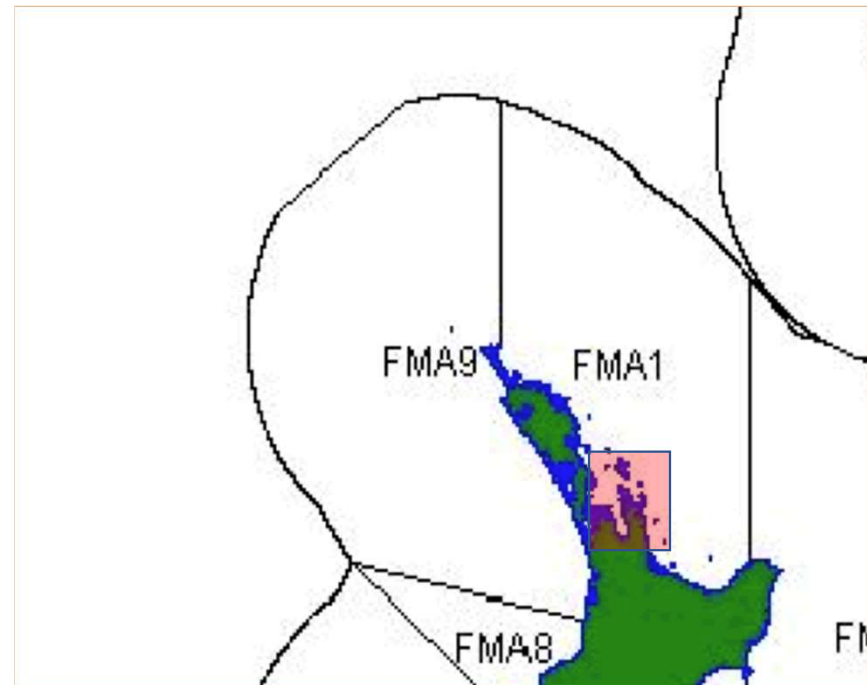
Case for full exclusion of damaging fishing methods

- History of wide-spread damage to Gulf biogenic habitats from bottom trawling
- Considerable amount of damage was intentional
- Damage has had a profound impact on health and productivity of Gulf, severely reducing carrying capacity
- Industry has failed to adopt newer less damaging technologies
- Sea Change Tai Timu Tai Pari provided for full transition out of Gulf by 2025



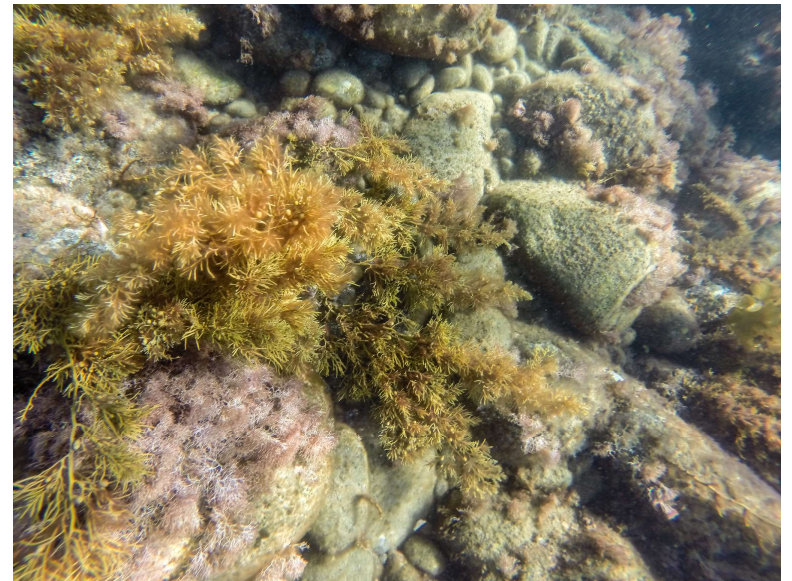
Concerns about proposals

- Uncertainties in modelled biogenic habitat mapping not made clear (and that precautionary approach needed)
- Information on economic impacts to fishing industry appears misleading
- Not best available information under s10 of Fisheries Act



Concerns about proposals (contd.)

- Options do not meet objective in Fisheries Plan of protecting marine habitats from “any adverse effects” of bottom contact fishing methods
- Options do not enable the adverse effects of fishing on the aquatic environment to be “avoided” or “remedied” under s8 (only to be “mitigated”)



What EDS is seeking

- Option 4 as transitional measure (with boundary adjustments)
- Bottom trawling and Danish seining out of the Gulf by 2028
- Bottom trawling within BFAZs during transition to use best practice methods including doors that don't contact seabed
- Support provided for vessels to transition to other methods (ie soft loans) to address displacement effort and enable higher value catch



Questions and comments

EDS draft submission on www.eds.org.nz