

**SUBMISSION ON THE PROPOSED MARINE PROTECTED AREAS
FOR NZ'S SOUTH ISLAND SOUTH EAST COAST**

SUBMITTER DETAILS

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- I do not wish for my name and address to be released under the Official Information Act 1982.
- I do not wish the commercially sensitive information that I have provided, to be released under the Official Information Act 1982

Are you responding as an individual or as an organisation?

- Individual
 Organisation

Which category best describes your main interest in this area?

- Amateur fishing charter vessel operator
 Commercial fishing
 Environmental
 General public
 Owner of land adjacent to a proposed marine protected area
 Recreational fishing
 Tangata whenua
 Other (please specify)

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Proposed marine protection measures

I would like to make a submission on the establishment of the full network:

Yes

No

And

I would like to make a submission on the following sites: (please tick all that apply)

- Marine reserves
 - Waitaki Marine Reserve (B1)
 - Te Umu Koau Marine Reserve (D1)
 - Papanui Marine Reserve (H1)
 - Ōrau Marine Reserve (I1)
 - Okaihae Marine Reserve (K1)
 - Hākinikini Marine Reserve (M1)
 - Type 2 marine protected areas
 - Tuhawaiki (A1)
 - Moko-tere-a-torehu (C1)
 - Kaimata (E1)
 - Whakatorea (L1)
 - Tahakopa (Q1)
- Kelp protection area
- Arai Te Uru bladder kelp protection area (T1)

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- 1 This submission is made on behalf of Tautuku Fishing Club Dunedin and Haast Incorporated ("Club") and its members, in response to the proposed southeast marine protected areas Consultation document from February 2020.
- 2 The Club and its members support the general policy of protection of marine biodiversity representative of New Zealand's marine habitats and ecosystems. The Club considers the protection of marine biodiversity is beneficial to all New Zealanders, including recreational fishers.
- 3 However, the Club considers the negative impact the proposed Type 1 MPAs will have on recreational fishing will be substantial. It considers the need for Type 1 MPAs in these areas (rather than other, less restrictive alternatives) is not sufficiently demonstrated. It considers that the demonstrable negative impacts of some of the Type 1 MPAs on recreational fishing outweigh the benefits.
- 4 The Club and its members strongly object to the proposed heavy reliance on Type 1 MPAs.
- 5 It is the Club's submission Type 2 MPAs should be substituted for the Type 1 MPAs originally proposed at Ōrau, Okaihae and Hākinikini. The Club considers using Type 2 MPAs in these areas would achieve the policy goal of protection of marine biodiversity, while avoiding the numerous negative impacts on recreational fishing.
- 6 The Club and its members therefore oppose all proposed Type 1 marine reserves but support the five Type 2 MPAs proposed in the original consultation: Tuwhawaiki, Moko-tere-a-torehu, Kaimata, Whakatorea and Tahakopa and the introduction of Type 2 MPAs at Ōrau, Okaihae and Hākinikini.
- 7 The Club and its members submit that no Type 1 MPAs should be implemented because:
 - a Recreational fishing has a limited impact on Marine Biodiversity in these areas at present, and its prohibition is therefore unnecessary to achieve the policy goals;
 - b Alternative protection measures are available to achieve the desired result of protecting marine biodiversity, without the need for Type 1 MPAs;
 - c Insufficient consideration has been given to the impact of Type 1 MPAs on recreational fishers and commercial fishers in these areas to enable informed and fair decision-making and the process of this consultation has been unsatisfactory in many respects;
 - d The safety of recreational fishers will be reduced if type 1 MPAs are implemented in these areas;
 - e Fishing culture, community culture, and tourism will be negatively impacted by the implementation of Type 1 MPAs in these areas; and
 - f The restrictions in the current legislation mean this process would best be put on hold until the legislation is updated.

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LIMITED IMPACT OF RECREATIONAL FISHING AT PRESENT

- 8 Decisions on marine reserves along the south east coast must take full account of the fact that adverse weather and adverse sea conditions already prevent recreational fishing for most of the year. This is to the extent that there are usually only about 40-60 days that recreational fishing is safely available, and these are further subject to the other restrictions on when people can go out fishing (i.e. work and other commitments).
- 9 Because of these natural restrictions, there are extremely limited effects on habitat from recreational fishing use at present. There is therefore a significantly reduced need for marine reserves or other management mechanisms to be created to protect the biodiversity and specified habitats on the south-east coast of the South Island, particularly when compared with more populated marine areas of New Zealand, such as the Hauraki Gulf, where weather and adverse sea conditions are much less extreme. Further out to sea, such as over the proposed Papanui Marine Reserve, weather and sea conditions are even more restrictive and fishing may only be possible for recreational fishers 20 days a year.
- 10 There is no evidence to support a conclusion that the exclusion of recreational fishing is necessary to protect any of the identified habitats given the existing limited recreational fishing access. Therefore, no Type 1 reserves should be implemented and instead, if any marine reserves are designated, they should be Type 2 reserves in the limited locations supported by the Club and other recreational fishers.
- 11 In light of the lower population and existing limitations from weather on recreational fishing, there are too many reserves and management areas proposed for the south east coast. In addition, there is no justification for extending the management area so far beyond a particular habitat it is seeking to protect. A management area restricted to the confines of the relevant habitat is all that is required by the MPA Policy, and all that can possibly be justified on the information available.
- 12 Impacts on stakeholders and Iwi are too great to adopt wide ranging and unjustified protections at this time. The Forum should recognise the inadequacies of the legislation it is working under, and await the more flexible and robust approach that will be available following legislation reform.
- 13 The Type 2 reserves accepted by the recreational fishers provide sufficient habitat protections without overextending the Forum's reach and creating unjustified impacts on existing users. The Forum does not have enough information to provide a basis for recommending any further marine reserves in the face of opposition from existing users.
- 14 Furthermore, the proposed Type 1 MPAs would not protect the fishery resources and environment from a number of other, greater threats, such as discharge of sediment, plant nutrients and toxins (including the raw sewerage off Lawyer's Head, which is in the middle of the proposed Type 1 MPA). In the Club's view, the harvesting of flora and fauna from the Southeast Coastal Area is of lesser impact than many other activities.

ALTERNATIVE PREFERABLE MEASURES

- 15 Both the MPA Policy and the Consultation Document note that areas that are closed to certain fishing methods may be implemented in lieu of Type 1 Marine Reserves, as long as these

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management tools enable a site's biodiversity to be maintained or recover to a healthy functioning state.

- 16 It is therefore the Club's submission that Type 2 MPAs should be implemented in Ōrau, Okaiahe and Hākinikini. This would achieve the policy goal of protecting marine biodiversity while avoiding the negative consequences associated with Type 1 MPAs, detailed in these submissions.
- 17 The current legislation creates inflexible and complicated marine protections. The reasons that need to be relied on for creating a marine reserve are far too narrow for the interests of all stakeholders to be adequately considered. Moreover, the reasons given are not supported by sufficient evidence or information to understand what might be protected. Management mechanisms must be properly tailored to match the reasons that they are put in place, and with due consideration of all of the characteristics and uses of that area.
- 18 Protections based solely on types or classes of habitat are an inadequate justification for wide ranging 'national parks' of the sea. It is an approach which selects one to two types of habitat for protection without gathering further information about what else may actually be present in each habitat. It is possible for example, and there is no information to contradict this, that a protection of "Exposed Shallow Gravel" will just be a protection for a bunch of rocks with no real other value.
- 19 Until more information is available about what ecosystem any particular habitat might support, and the information is compiled to identify an appropriate management mechanism to best manage that ecosystem, the proposed areas are unjustified and overly restrictive. The approach in the current legislation isolates a scientific rationale, but science is not a reason for creating a reserve in itself, science is the method by which information should be found to establish and support a widely acceptable and collaborative approach to managing the marine environment.
- 20 It is obvious that the expansive Ōrau Type 1 reserve, which contains an ongoing serious pollution source, is unlikely to offer any particular benefit in terms of habitat protection. The habitats which the Forum has been tasked to find are located further down the coast from the substantial and continual source of wastewater pollution. It is unnecessary for this reserve to be extended so far to the north given the current human impact on the environment. This is a highly utilised recreational fishing area and a Type 1 marine reserve of the size proposed will have too great an effect on existing users.
- 21 A number of the proposed areas would best be managed through seasonal restrictions, species specific protections or other more flexible options, which are unavailable under the current legislation. It is recognised that considerable benefit is gained from mechanisms which work with the community. The recreational fishing community in Dunedin cares for this environment as if it were part of their backyard.
- 22 A more collaborative approach is needed which allows interested groups to come together to identify the issues that are most important to them. Recreational fishers may also have some areas that they would like to see properly managed, for example to provide for and encourage regeneration of fish stocks through seasonal restrictions or periodical no-take areas.
- 23 The Club strongly supports an integrated Iwi, community and agency approach for managing marine areas, such as was successful in Fiordland in the 1990s, where a representative community

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working group (later Fiordland Marine Guardians) was formed and an agreed vision, information sharing and consultation resulted in a management plan for the harvesting of paua in the area. The key to success is ensuring local involvement in the management of local areas and the co-operation of all interested groups. This has not happened through the current process.

- 24 Management mechanisms such as this have already been put in place by Iwi along parts of the south east coast and it is these type of management mechanisms which should be utilised in the future and recognised as contributing towards biodiversity protection. A collaborative, well supported and thoughtful approach should be preferred. If everyone is involved in creating the management mechanisms then everyone will abide by them.
- 25 The current approach is too onerous and insufficiently explained for many sectors of the community. The scientific reasons for creating the currently considered proposals are incomprehensible for most recreational fishers. The only thing that many can see is the lost access to recreational fishing with family and friends. More information needs to be gathered to ensure that the most appropriate protections are identified and to ensure that everyone understands and supports the reasons for putting management methods in place.

INSUFFICIENT CONSIDERATION OF RECREATIONAL FISHERS

- 26 At pages 17-21 of the Consultation Document, the Costs and Benefits of the proposed network are discussed. The Club considers that:
 - a The interests of recreational fishers have not been given adequate weighting in these considerations.
 - i For example, at page 18, the listed impact relevant to recreational fishing is that the implementation of the proposed network may:
 - A “potentially be associated with negative cultural, social and economic impacts on the fishers who are affected by area and fishing method restrictions (see Table 1 for estimates of the potential economic impacts on commercial fishers)”.
 - ii To group the cultural, social and economic impacts of the proposed network on both recreational and commercial fishers into one bullet point, noted merely as “potential” impacts, demonstrates a lack of understanding of a diverse range of negative consequences of the network, all worthy of genuine and thorough consideration.
 - b Implementing Type 1 MPAs at Ōrau, Okaihae and Hākinikini would interfere unduly with and adversely affect the Club members’ existing usage of the Type 1 areas for recreational purposes and would therefore be contrary to the public interest under the Marine Reserves Act 1971, s 5(6)(d) and (e).
 - 27 It is the Club’s submission that further consideration should be given to the opinions of recreational fishers. Further information should be gathered by the Forum before these plans are rolled out. The consultation process should not be used as an information gathering opportunity.

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The conclusions regarding the impact of each of the proposed Type 1 MPAs demonstrates a complete lack of understanding local usage and concerns.

- 28 For example, the effects of the proposed Type 1 MPA at Ōrau on recreational fishers are understated and described as “likely to be moderated by other suitable [unspecified] locations nearby”. Without access to the popular fishing spots within the proposed Type 1 MPA at Ōrau, the nearest viable alternative would be to:
- a Launch into the Dunedin harbour (for example at Port Chalmers); or
 - b Drive for 40 minutes to Taieri Mouth.
- Because fishing in the polluted and busy harbour is no substitute for the ocean fishing opportunities in the Ōrau area given the species of fish are different and paua and crayfish cannot be found in the harbour, the only real “suitable” location is Taieri Mouth. Launching at Taieri Mouth presents the issue of getting over the bar – which can be dangerous for small crafts. The increased travel time may be a deterrent, and will also lead to all recreational fishers being forced into the same, already popular, fishing spots.
- 29 Shore based, or “wet fishers” will also be heavily impacted by the introduction of the Ōrau Marine Reserve. It is important to provide safe opportunities for Shore fishing close to and accessible from Dunedin City. Without the popular shore fishing spots at St Kilda, Tomahawk and Boulder Beach, our Club members are likely to venture to more precarious fishing spots such as Cape Saunders, where their safety will be put at risk.
- 30 Diving spots along the south coast are plentiful, but it is the weather and sea conditions that limit opportunities. The most common reason for recreational diving is recreational fishing. These waters are rarely clear enough to offer good diving opportunities for any other reason. This opportunity must be kept open along the south coast, especially near populated areas. There are popular diving spots for our members in the proposed Ōrau, Okaihae and Häkinikini areas. Paua diving is particularly popular in the proposed Type 1 Ōrau area, and there is no substitute area available. Okaihae is a popular spot for spear fishing, and this type 1 MPA will be a great loss to the diving community if implemented.
- 31 The marine Forum has some scientific information to understand the south east coast, but information gathering to understand impacts on recreational fishers has been almost non-existent. The Forum does not have enough information to understand the impact of the proposed areas on recreational fishers, and information should be gathered from fishers to provide a clear understanding of:
- a Favoured launching sites;
 - b Best and/or most popular recreational fishing spots;
 - c Preferred spots in different types of weather;
 - d Important sheltering locations;

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- e Counts of recreational takes;
 - f Understanding safety considerations for smaller boats.
- 32 Independent and robust information about existing recreational fishing on the south-east coast is essential for the Forum to understand the impact of imposing restrictions on existing recreational users and fishing opportunities, before identifying proposed reserves or management areas.
- 33 Furthermore, this independent information gathering should take account of the voluntary agreements in place between commercial and recreational fishers along the south east coast. These agreements essentially separate the two sectors based on longstanding agreements. The imposition of Type 1 MPAs severely disrupts these separations and potentially displaces the two sectors. The likely consequence would be that they compete more than previously over other stretches of coastline that both value for access and fishing. In other words, there is potentially a far greater level of disruption, as a consequence of implementing some MPA proposals, than the Club could outline in its submission at this time.
- 34 Examples of this potential disruption include a displacement of recreational fishers from the Type 1 MPA to the area around Taieri Mouth and the Otago Harbour will lead to increased pressure on these areas which could become sea deserts due to increased volumes of fishing which would previously have been spread out over the Type 1 MPA areas.
- 35 Without this information the Forum is not in a position to assess the full impacts of specific areas on recreational fishers along the south east coast, and is not in a position to put forward any area because it does not have a sufficient understanding of the likely adverse impacts on recreational fishers. It is unreasonable to gather the necessary information to understand impacts on recreational fishing through this process. These impacts should have been identified before the proposed areas were finalised for consultation.
- 36 There have also been limitations on recreational fishing representation on the Forum, and it is of course difficult for two recreational fishers to represent the views of a very wide and dispersed group. The Club and its members are especially concerned about the representation of recreational fisher's views given:
- a The Club and other local fishing-related organisations did not have any input into the selection of the person who allegedly was tasked with representing our interests, which the Club considers to be a breach of due process requirements;
 - b The expressed directive by the panel to alleged sector representatives that they were banned from informing locals of progress made and seeking their input throughout the process, which the Club considers to be a breach of natural justice requirements;
 - c Nelson Cross was removed from the panel, and his replacement Steve Bennett was unwilling to inform us when we requested a report on updates; and
 - d Tim Ritchie seems unlikely to have been able to thoroughly represent the views of recreational fishers, given his strong environmentalist background.

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- 37 The consequence of the process followed by the Forum is that it has formulated its proposals within a void of locally relevant information, which inevitably raised the prospect of the proposals attracting opposition. This process goes entirely contrary to what the Marine Guardians of Fiordland and Kaikoura found to be central to their success. As the Guardians designed their proposed management changes, those changes were tested with local input and modified through compromises 'gifts and gains'. The end result was that everyone involved had a sense of buy-in and preparedness to support their collective changes. In summary, the Club considers the Forum's process is fundamentally flawed and counterintuitive if the Forum wants to gain local support. The process should be seriously reconsidered.
- 38 The Club considers the deadline for these submissions is a further breach of due process and natural justice requirements that disadvantages any representation of recreational fishers' interests in this process. Firstly, the COVID-19 lockdown prevents our members from accessing non-essential postage services to allow us to communicate with them. This constraint on public service alone has adversely impacted on the quality of our submission. Notwithstanding the lockdown, because the Easter period is one of the most popular times for recreational fishing, the two month period for submissions could not have occurred at a worse time for recreational fishers. In other words, if the lockdown was not in place, it would have been even more difficult to gather the input of fishers at this time.
- 39 The Club understands that the Fisheries Minister has received multiple requests to delay the consultation deadlines for the proposal due to the Covid-19 crisis. The Club's view is that if the consultation deadlines proceed as originally scheduled that this will exclude a number of interested parties from making their submissions and will therefore make the process less democratic, at best.
- 40 Failure to extend the submission period would also suggest that consultation will be in breach of due process and natural justice requirements.
- 41 The Club appeals to the Forum to demonstrate its obligations and duty of care for others by ensuring the public has an opportunity to have their say.
- 42 Under the current circumstances, the Club appeals to the Forum to defer its process until the legislation is updated, or at least until the expected economic and social upheaval as a consequence of COVID-19 has run its course.

INADEQUATE INFORMATION ON COMMERCIAL FISHING

- 43 The Club and its members are also concerned with the level and depth of analysis of the effects of the proposed network on Commercial Fishers. For example, it is not clear whether the Treasury has done any analysis, and we question whether the Department of Conservation could demonstrate the capability to analyse these effects fairly and transparently.
- 44 Given that the Forum must weigh the adverse impacts on existing users, and the commercial fishers will be the existing users that are most impacted, the lack of information about commercial fishing creates an unfair and inequitable process. Consultation should be put on hold until adequate information is gathered and made publicly available.

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- 45 Impacts on commercial fishers are essential to consider in understanding how any network of reserves might function. Where one area might prevent commercial fishing there will be a clearly felt displacement effect on other fishing grounds. The current proposals and lack of information about impacts on existing commercial users means that no assessment of understanding of displacement effects is possible at this time, and this puts the recreational fishers in an impossible position.
- 46 Consultation on and recommendation of any proposed Type 1 MPAs is premature until information about impacts on commercial fishers is made public. Given the lack of information the Forum is already working with, it would seem obvious that making available any commercial fishing information is essential for the community to review before finalising their submissions.
- 47 The current proposals have been formulated with reference to protecting specific habitats and have a very narrow focus purely because the legislation relied on to create Type 1 MPAs also has a narrow purely scientific focus. The process is difficult to follow and understand for many recreational fishers. It is also inappropriate that the southeast coast is considered in isolation, due consideration should also be given to other ecosystems and habitats in adjoining coastal areas.

SAFETY WILL BE REDUCED BY PROPOSED MPAS

- 48 Any potential impact on the safety of recreational fishers must be fully considered by the Forum. A number of the areas identified for Type 1 MPAs or management areas would result in recreational fishers having to travel a large distance offshore before starting to fish. This creates significant safety concerns, particularly for families using smaller-sized boats.
- 49 The proposed Type 1 MPA at Ōrau is one example. This will reduce the safety of our Dunedin-based Club members because it will force them to venture out beyond areas sheltered from wind, and increase their travel time from shore. These safety considerations are not to be understated, as in our experience the swells in this area are large and the sea conditions very changeable. The need to travel too far from shore will put our members at risk. This area also offers several unique launching points close to Dunedin city that provide recreational fishers and their families the opportunity to get out fishing during an appropriate weather window (for example Tomahawk Beach). Locations which provide this opportunity must be preserved and proximity to residential areas maintained. It is this proximity which promotes recreational fishing opportunities. Another area which has similar safety considerations is Hākinikini.
- 50 Recreational fishers with young families will have reduced fishing opportunities because several of the proposed areas would mean recreational fishing could only be done in waters further out from the coast where weather and sea conditions are considerably more risky. Again, many of our members with families enjoy fishing in the proposed Ōrau Type 1 area, which provides a safe space for children to be introduced to the sport.
- 51 Because of the often difficult weather and sea conditions, and the high probability of quickly changing conditions, fishing areas must be maintained that are close to the coast, and in areas that provide an easy retreat when the weather turns bad.
- 52 All Type 1 reserves:

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- a That create the need to travel well offshore before starting fishing; and/or
- b Which mean that fishing opportunities in sheltered areas, or close to shelter are removed; and/or
- c Which mean that long distances need to be travelled in to shore when weather conditions deteriorate;

will cause significant safety issues for recreational fishers.

53 Another example is Okaihae, a valuable fishing spot for recreational fishers. The shelter offered by Green Island, the insurance value of being able to fish nearby when there is a risk of bad weather, and having that proximity to shelter, is invaluable and would present a significant loss. The implementation of this proposed area would have a significant impact on existing recreational users, including divers and spear fishers.

FISHING CULTURE, COMMUNITIES, AND TOURISM WILL BE NEGATIVELY IMPACTED

- 54 Areas like Ōrau, Hākinikini and Te Umu Koau which are close to towns, cities and other residential settlements provide important opportunities for recreational fishers. Because these proposed reserves are close to residential areas, particularly communities popular for holidaying and local tourism, continued recreational access is necessary to support and encourage fishing opportunities for the public. Each occasion that weather is permissible, local fishers can be seen fishing off the coast within these areas.
- 55 Tourism opportunities are not confined to overseas tourists. New Zealanders travel within New Zealand to go recreational fishing, and this source of recreation, and the corresponding income for local residents, must be protected. The Dunedin City Council describes Dunedin as “a sea fisherman's dream” on its website, but the proposed Type 1 MPA at Ōrau will be detrimental to the Council's stated promotion of the City.
- 56 Living and interacting with the coastline and the ability to gather seafood is an essential part of life for many that live and holiday on the coastline. Type 1 MPAs close to residential areas will remove this important social and cultural experience and should be avoided.
- 57 Ready access to safe fishing spots also ensure that families have a means to put locally gathered nutritious food on their tables at minimal cost. This is going to become increasingly important over the coming months, following the expected severe economic downturn which will in turn lead to high unemployment and many families being without income. The ability to gather seafood to feed the family will become a vital lifeline for many families struggling with the economic downturn. Preventing them from being able to access this valuable resource by introducing the Type 1 MPAs will cause real and serious hardship to such families and goes against the current governmental advice to “be kind” during this crisis. The Club and its members appeal to the Forum's sense of compassion, especially over the coming months.
- 58 Introduction of the Type 1 MPAs will also prevent struggling families from being able to collect driftwood from the beach to heat their homes. It will also prevent residents in low-lying areas of St Clair, St Kilda and South Dunedin from being able to prepare emergency sandbags during the

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frequent flooding situations in those areas. In poorer areas, many residents do not have access to cars, so need to be able to take sand from the beach within walking distance in order to protect their homes from flood damage, as sand bags are often the only line of defence for such residents (many of whom cannot afford to relocate during floods). Any restriction on access to sand on nearby beaches for flood control would be a serious oversight.

- 59 There is also likely to be a mental health impact of introducing Type 1 MPAs, as for many, fishing and gathering seafood is a calming leisure activity which allows them to get into nature and is therefore good for mental health. With the current Covid-19 crisis and impending financial crisis the government is focussing on ways to improve mental health. Fishing and seafood gathering fit this bill, and the effective removal of these as options for a large portion of the recreational fishing community is likely to have an adverse effect on mental health.
- 60 The Club also has a thriving community built around local fishing and seafood gathering, particularly recreational fishing off Tomahawk beach/Smaill's Beach from Maori Head to Harakeke Point (see attached photo). Tractors are used to launch boats of Club members from Tomahawk Beach to assist families in putting food on their tables. The Club runs various popular community events such as our Easter Classic fishing competition and our "Ken Wyber Cup" for the heaviest fish caught at Smaill's Beach which has been an annual event since 1981 (see attached photos of a young club member with the cup). Fish which have been caught at Smaill's Beach for this competition include Tope, Barracoutta and Blue Cod.
- 61 These events will be greatly impacted by the proposed Type 1 MPAs, which will prevent fishing in our popular areas. We consider this will be a great loss to our communities, and their sense of community spirit. It may also lead to a reduction in tourism.

RESTRICTIONS IN CURRENT LEGISLATION

- 62 Setting out information about habitat types and locations does not assist much of the community to understand why the Forum is looking to lock up particular marine environments by establishing so many Type 1 MPAs. The marine area is a community resource and protections need to be put in place with the full involvement of all members of the public, not just a narrow and select focus on the needs of the scientific community or meeting an arbitrary target to lock up a set proportion of habitats in a particular region.
- 63 The proposals put forward cannot be sufficiently supported because the process does not provide for a wide enough assessment of each environment, or especially the known uses of each area. The scientific basis in the current legislation is outdated and fails to capture the interests and concerns of locals.
- 64 A more appropriate approach will incorporate a broader assessment that encompasses the shoreline and other ecosystem interactions. The Forum has attempted to refer to these things as providing reasons for establishing Type 1 MPAs in some areas, but ultimately these are not matters that the Forum can consider because they are outside the scope of the Marine Reserves Act or fisheries legislation which is being relied on to create the proposed areas.
- 65 Regeneration of fish stocks, protection of an endangered species, or identification of a unique ecosystem, these are all reasons that are easier for recreational fishers to understand when

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compared to the reasons for locking up a marine area under the current legislation. The Club understands that the intent of the MPA Policy is to provide that bridge between the Marine Reserves Act and current interests in biodiversity protection. But this Policy too makes it difficult to see the current process as reasonable when the mere action of identifying various types of habitats appears to be used to justify preventing fishing access, even without first obtaining any understanding about what is actually present in the relevant marine area.

- 66 Any reasons identified for restricting fishing opportunities should be clearly articulated and supported with information to allow recreational fishers to appreciate and understand the reasons why they may need to limit recreational fishing access, and especially in those situations where they might be expected to forego fishing altogether. The present legislation, and the limited information available to the Forum to date, gives the impression that the current process is proceeding full steam ahead without any clear information or good reason to underpin a decision or recommendation to establish the proposed Type 1 MPAs.
- 67 If clear, well supported reasons could be researched and communicated to recreational fishers it would certainly be appreciated by members of the recreational fishing community who, aside from commercial fishers, are the people who actually interact with the southeast coast marine environment most frequently. At the moment the lack of information only contributes to making this a very intimidating and difficult process, with a great personal impact in terms of removing valued and longstanding recreational pursuits.

SUMMARY OF OUR SUBMISSIONS

- 68 The Club and its members submit that Type 1 MPAs should not be implemented in Ōrau, Okaihе or Hākinikini because:
 - a Recreational fishing has a limited impact on marine biodiversity in these areas at present, and its prohibition is therefore unnecessary to achieve the MPA Policy goals;
 - b Alternative protection measures are available to achieve the desired result of protecting marine biodiversity, without the need for Type 1 MPAs;
 - c Insufficient consideration has been given to the impact of Type 1 MPAs on recreational fishers and commercial fishers in these areas to enable informed and fair decision-making and the process of this consultation has been unsatisfactory in many respects;
 - d The safety of recreational fishers will be reduced if Type 1 MPAs are implemented in the areas outlined in this submission;
 - e Fishing culture, community culture, and tourism will be negatively impacted by the implementation of Type 1 MPAs in these areas; and
 - f The restrictions in the current legislation mean this process would best be put on hold until the legislation is updated, or at least until the expected economic and social upheaval as a consequence of COVID-19 has run its course.
- 69 The Club and its members strongly object to the proposed heavy reliance on Type 1 MPAs.

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70 It is the Club's submission that Type 2 MPAs should be substituted for the Type 1 MPAs proposed at Ōrau, Okaihae and Hākinikini. The Club considers using Type 2 MPAs in these areas would achieve the policy goal of protection of marine biodiversity, while avoiding the numerous negative impacts on recreational fishing.



Recreational fishing off Tomahawk Beach/Maori Point to Harakeke Point.



Recreational fishing off Tomahawk Beach/Maori Point to Harakeke Point.



Recreational Fishers' tractor to launch boats of Tomahawk Beach to assist families in fishing our coast in providing food for their tables.



Recreational fishing off Tomahawk Beach/Smaill's Beach from Maori Head to Harakeke Point.



Tautuku Fishing Club Dunedin "Ken Wyber Cup" heaviest fish caught from Smaill's Beach. Has been fished from 1981! Fish species that have been caught are Tope, Barracoutta, and Blue Cod.