

In the High Court of New Zealand
Auckland Registry

CIV2005-404-4495

Under Part I of the Judicature Amendment Act 1972

In the matter of an application for review

between

**The New Zealand Recreational Fishing Council Inc, and New Zealand Big
Game Fishing Council Inc**

Plaintiffs

and

Minister of Fisheries

First Respondent

and

The Chief Executive of the Ministry of Fisheries

Second Respondent

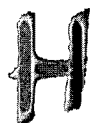
and

**Sanford Limited, Sealord Group Limited, and Pelagic & Tuna New Zealand
Limited**

Third Respondent

Affidavit of Kevin George Rintoul in Reply

Sworn this 2nd day of October 2006



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I, **Kevin George Rintoul**, of Whitianga, Charter boat operator, swear:

- 1.1 I make this affidavit in reply to the affidavits of Kevin Murray and Peter Reid, who are both skippers of purse seine vessels. Peter Reid and Kevin Murray make statements about the availability and abundance of Kahawai within the QMA1 area. I am not in a position to comment on their observations concerning the Bay of Plenty but I disagree with their observations to the extent that these statements suggest high levels of abundance elsewhere within the QMA 1 area. I say this from 28 years of observing the marine environment, as a commercial fisher, recreational fisher and (now) a charter boat operator. I am member of the Mercury Bay Game Fishing Club.
- 1.2 I currently operate a charter vessel from Whitianga for which I have been operating for the last six years. Prior to this I had a long involvement in commercial fishing.
- 1.3 My first involvement with commercial fishing was as a helicopter pilot working for a NZ company that based helicopters on American tuna boats fishing from New Zealand waters. I got into commercial trawling in 1978, and was involved as a commercial fisher in single and pair trawling. I was a partner in two surface long liners during the 1980's, and was cray fishing within Mercury Bay waters between 1990 and 1995. I was involved as a member of The Coromandel Scallop Management Committee with the introduction of scallops into the quota management scheme for commercial fishers. I was also involved as a commercial fisher in trolling for tuna.
- 1.4 I ceased commercial fishing 6 years ago, sold my quota, and for the last six years have been running a 2 hours cruise from Whitianga through the Hahei marine reserve for up to 2 trips per days for 7 days a week in the tourist season. The charter vessel caters mostly for overseas visitors who have a large interest in the marine environment and associated birdlife.
- 1.5 When I started commercial fishing in the late 70's, and throughout the 1980s there were large schools of adult schooling fish, including kahawai. Sometimes there were very large schools. These bait fish were widespread. These were large mature fish that were located within the Mercury Bay, as well as further out to the Mercury Islands and nearby waters. By "bait fish" I mean kahawai, trevally, and mackerel. If a school of "bait fish" is seen it is a marvelous experience for tourists. If a school is



located I would now stop the vessel and drift through these schools. Large schools of these fish were once an everyday occurrence within the Mercury Bay.

- 1.6 In the last two years or so I would say that you could only see a sizeable school of bait fish once every 3 months if you're lucky. There are still small schools of juvenile kahawai around as there has always been but there is nowhere near the size and numbers of schools that there were. The colour of the kahawai gives an idea of their size. When they are feeding on the surface their backs come out of the water. The larger mature fish have a green back.
- 1.7 The absence of trevally is even more marked than kahawai. Large schools of trevally have all but gone. The absence of schools of kahawai means that sport and game fishers can never rely on kahawai being available.
- 1.8 I mention that there is almost no commercial fishing within Mercury Bay apart from the occasional long liner. I do not believe that the level of recreational fishing within the Bay is a significant contributor to the absence of large schools of kahawai. Mercury Bay is located within the Haruaki Gulf Marine Park.

SWORN by KEVIN GEORGE RINTOUL)
 at Whitianga)
 this 2nd day of ~~September~~ October 2006)
 before me:)

Kevin George Rintoul

[Signature]


Derek Collier, J.P.
Managing Director
Whitianga
New Zealand

**A Solicitor of the High Court of New Zealand/
 Justice of the Peace**