

New Zealand Big Game Fishing Council

(Incorporated)

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Submission to the Local Government and Environment Select Committee from the New Zealand Big Game Fishing Council

Background

1. The NZBGFC was formed in 1957 to act as an umbrella group for sport fishing clubs and to organise a tournament that would attract anglers from around the world. Club membership has grown steadily and we now represent over 33,000 members from 59 clubs spread throughout NZ. We run New Zealand's only nation-wide fishing tournament, which has evolved over time and remains successful with up to 1400 entries each year.
2. NZBGFC compile and publish the New Zealand records for fish caught in saltwater by recreational anglers and are affiliated with the International Game Fish Association who compile world record catches. The Council supports the Ministry of Fisheries Gamefish Tagging programme by purchasing and distributing tags.
3. In the early 1980's the NZBGFC was instrumental in establishing and funding the NZ Recreational Fishing Council to ensure better representation of non-commercial fishers at the national level. The NZRFC continues to be recognised in this role.
4. In 1996 NZBGFC helped establish the NZ Marine Research Foundation, which aims to sponsor research on aquatic plants and animals and the interactions between people and marine ecosystems to the benefit of all New Zealanders, including participants in ocean recreation.
5. The constitution of the NZ Big Game Fishing Council states:
"THE OBJECTS for which the Council is established are:-

- (a) To promote and foster all matters and questions relating to the interests of ethical sport fishing.
- (b) To promote and foster the protection and preservation of sport fish and its food supply within waters surrounding New Zealand.
- (c) To promote foster and encourage the sport of fishing both as a recreation and as a potential source of scientific data and to place such data at the disposal of as many recreational anglers and prospective recreational anglers as possible whether or not by conducting educational campaigns within the Dominion of New Zealand for this purpose."

6. We have a long history since our formation in 1957 of on-going dialogue with Commercial fishers, the Ministry of Fisheries (its predecessors) and Ministers on matters pertaining to the protection and preservation of species of particular interest to our members, the school fish they feed on and the wider environment.

NZBGFC Policy on Marine Reserves

7. NZ Big Game Fishing Council has developed policies on a number of issues including marine reserves. This policy was last reviewed and confirmed by the 94 club delegates attending the Council AGM in September 2002.

"Marine Reserves

- a) The NZBGFC is not opposed to the establishment of marine reserves in situations where it has been clearly established that a need for special protection exists. This should not include average or typical examples of marine habitats, but rather areas that are "particularly fragile and/or vulnerable to a range of potential impacts and enforcement is more practical than other mechanisms." The onus should be on the proposer to justify the need for marine reserve status.
- b) Justifying the establishment of reserves by arguing the benefits of spillover effects, genetic variation and regeneration of juvenile fish are extremely tenuous arguments at best, which we do not support. Whatever the possible benefits, marine reserves cannot be justified as fisheries management tools.
- c) The nature of our fishing activities utilizes many of our offshore islands, many of which appear to be targeted for marine reserve status. The NZBGFC will vigorously oppose any marine reserve proposal that attempts to take the total area around any offshore island, such as has occurred at the Poor Knights. Such action seriously disadvantages our members. If marine reserve status can be justified in the case of any offshore island, it must follow the basic pattern of the Tuhua (Mayor Island) reserve, where only a portion of the waters are reserved for "no take", such compromise to be reached through genuine negotiation between our members and other stakeholders.

- d) That all marine reserves applications allow ample notification in a timely manner to enable meaningful submissions and consultation by the public, affected NZBGFC clubs and the Council itself. ”

Submission on the Marine Reserves Bill

8. The NZBGFC is concerned the ability of the public to enjoy the activities associated with fishing for food or recreation are constrained by many factors. These include legal restrictions such as harvest limits or closed seasons; restricted fishing zones around shipping lanes, communication cables and military zones; the establishment of Aquaculture Management Areas; sub-littoral mining for sand, shingle and other substances; other forms of coastal development; and in some areas, pollution. Fishing effort is also constrained by natural factors including weather conditions and the availability of safe, sheltered fishing grounds within range of suitable boat ramps or marina facilities. New marine reserves will restrict access to many more prime recreational sites.
9. The development of customary fishing rights has added the possibility of further restrictions through the establishment of mataitai and taiapure, while the whole question of the rights of recreational fishers to an equitable share of the fisheries resource is presently under review by the Ministry of Fisheries. Given these factors, the members of the NZBGFC hold strong views on the cumulative erosion of areas the public have available for fishing. This Bill will only accelerate this loss of access.
10. The same or greater restrictions are placed on commercial fishing and there will be an inevitable increase in competition between recreational and commercial fishers in the areas that remain open. Surveys conducted on behalf of the Ministry of Fisheries in recent years estimate that at least one million New Zealanders go fishing in the sea annually. New Zealand is a maritime nation and fishing is an important social and cultural activity for many New Zealanders, Maori and Pakeha. The economic benefits for recreational and subsistence fishing, particularly in small coastal communities should not be underestimated.

Purpose of Marine Reserves (Section 7)

11. The NZ Big Game Fishing Council is concerned about the effect of expanding marine reserves into the whole EEZ. Highly migratory species, such as tuna and billfish, will not receive any significant protection from marine reserves in the EEZ. Closing areas to all fishing in the whole water column to protect a special benthic community or underwater structure seems excessive to our members. In deep water there may be hundreds, or thousands, of metres vertical separation (and no interaction) between the benthic community and the highly migratory tuna and billfish that our members target. Surely method closures such as those applied to 19 seamounts in our EEZ under the Fisheries Act 1996 offer sufficient protection.
12. Our other concern with inclusion of the EEZ relates to the vastly increased area that will be required to meet the current Governments arbitrary goal of “10% of New

Zealand's marine environment in marine protected areas by 2010." New Zealand's Territorial Sea covers 17 million ha. When you include the EEZ the total area is close to 500 million ha. By including the EEZ the Government and environmental lobby groups will be expecting an extra 48 million ha of marine protected area by 2010. As a consequence we could see much more than 10% of New Zealand's coastline closed to all fishing in a flurry of coastal marine reserves following the passing of this Bill. Especially if the Department of Conservation continue with their strong advocacy role for Marine reserves and have sole responsibility to administer this legislation.

13. The Purpose is worded so that any marine area in New Zealand can be selected as a marine reserve. NZBGFC believe that Marine Reserves provide maximum protection under law and this form of protection should only be used to protect areas of particularly sensitive habitat and/or unique assemblages of marine organisms where it has been **clearly established** that a need for special protection exists. To set out to preserve "full range of marine communities and ecosystems" would take thousands of reserves and is not practicable or possible. We submit that "full range" be deleted from Section 7(a).
14. There is no definition of marine biodiversity in the Bill yet it is the corner stone of it's purpose. There needs to be an accurate definition of marine biodiversity for the purpose of this Bill.

Principles of the Marine Reserves Bill (Section 8 and 9)

15. NZBGFC support the principle that should encompass the range of habitats and marine communities that distinguish a marine area (Section 9a). In fact we want a much better description in future marine reserve proposals of exactly which marine community and habitat type the proposed reserve will try to protect and how that habitat or community is threatened by existing use.
16. A definition of what the "natural state" (Section 9b) aspired to in a marine reserve is required in Interpretation (Section 3). We could argue that humans have been interacting with marine communities for thousands of years and we are just another predator in the ecosystem. Therefore some modest extraction by people will maintain marine communities in their "natural state". Certainly Maori see themselves as part of the sea and marine communities, not as dangerous aliens.
17. NZBGFC agree that historic material should be protected in a marine reserve (Section 9c) but reject that it should be a reason for creating a marine reserve as previously suggested.
18. Section 9e does not go far enough. NZBGFC believe that the fundamental principle of freedom of access to Marine Reserves needs to be stated, as it is in the current Marine reserves Act. Charging the public for access to marine reserves is inconsistent with this principle. Having to pay for a new bureaucracy set up to issue, administer and enforce concessions for little or no real return in the majority of Marine reserves is unacceptable.

NZBGFC Submit that the Select Committee:

- Note our concern that much more than 10% of prime New Zealand coastline and the most accessible marine areas will be closed to fishing.
- Delete the words “full range” from Section 7(a)
- Require applicants to describe which marine community and habitat type the proposed reserve will try to protect and how it is threatened by existing use.
- Add definition of “marine Biodiversity” and “natural state” to Section 3.
- Include the “freedom of public access” to Marine Reserves in Section 9(e).

Use of Reserves

19. It is entirely consistent with the purpose and principles of this Bill that marine reserves can be used for recreational or educational purposes **even if** there is a financial gain or reward. It is nonsense to suggest that the Public won't be charged for access under a concession system. Commercial operators will just have to increase their charges to their clients to pay the concession and administration fees to DoC. It is also more likely under a restricted access concession scheme for commercial operators to inflate prices further in those reserves where demand is high. We are totally opposed to a concession scheme – it will be the Public that pay in the end.
20. If the establishment of a marine reserve is truly in the national interest then why charge only the minority of people that choose to use a party or charter boat to access the reserve. For example the bus company who takes thousands of people a year to Goat Island marine reserve wont need a concession but the operator of a small boat who takes 100 people a year from Leigh would have to pay full concession and administration costs. This money will probably be used for maintaining facilities that their clients never use.
21. If access needs to be restricted to a marine reserve then it is best done by the management committee, who can identify the real issues and develop appropriate solutions that apply to all users, rather than restricting commercial operators only. Concessions for scientific study may be required.
22. NZBGFC supports the no take provisions of the Bill. Marine reserves are the highest form of protection and should only be used where other forms of management are shown to be inadequate for maintaining biodiversity.

Establishment of Marine reserves

23. The way proposals and applications are developed and the involvement of the wider community including recreational fishers is critical to this legislation. The decision to broaden the purpose of the Marine Reserves Act appears to have already been made. The processes that apply this change on the ground need improving. There must be honesty and transparency and a regional or national strategy, rather than an ad hoc scattergun approach or some arbitrary target percentage.
24. NZBGFC is concerned that this legislation empowers individuals or groups to close any area of the coast under the biodiversity “banner” but does not empower those with a reasoned response to shape the areas proposed.
25. The Marine Reserves Act should require people or groups who are considering reserving a marine area to consider what options are afforded in other legislation (such as the Fisheries Act 1996) as part of the process of initiating a marine reserve and as part of any proposal. The prime areas for marine reserve proposals appear to be headlands and offshore islands. These are also prime areas for recreational access to sheltered waters that offer unique opportunities for fishing and diving.
26. Sections 47 and 48 allow anyone to apply for a marine reserve over any area and “if practicable” consult with Iwi, Hapu or interested persons. It is clear to NZBGFC that the main effect of marine reserve proposals in almost all cases is the no take provision on existing extractive users. Therefore it should be mandatory to consult with national organisations such as NZBGFC, NZ Recreational Fishing Council, NZ Underwater Association and SeaFIC at an early stage in the development of a proposal. Consultation should include discussing the position of proposed boundaries of a marine reserve.
27. It is not good enough for a proposal to proceed for a large area (half of the Bay of Islands for example) with only the provision that the applicant will “**consider ways** of avoiding or mitigating adverse effects on existing users of the area concerned **if those ways do not compromise the purpose of this Act and are consistent with its principles**” (Section 48c). Extractive users could find themselves having no say in the proposed boundaries of a reserve and if their concerns were not consistent with the purpose and principles of the Act they could be ignored.
28. The problem is biodiversity is often greatest around headlands, reefs and offshore islands. A number of applications in the past have not adequately considered special or unique fishing and extractive diving opportunities. Prime fishing spots can be quite localised and as long as the location of these are taken into account in forming the boundaries of a reserve there will be a much better chance of wider community support.
29. A case in point is the Volkner Rocks proposal that was extended from half a mile to one mile, late in the process and without the support of a full steering committee meeting. The way the concerns of recreational fishers were treated in the

discussion document was plainly dismissive. The result was a flood of opposition from our members, as possibly the best kingfish fishery in the country (on the south ridge, which is well away from the prime dive sites and sensitive habitats) was threatened. If “undue adverse effects” of this scale are allowed to occur attitudes of the fishing public will harden toward new marine reserve proposals.

30. As stated previously the purpose and principles of the Act are so broad that any area in New Zealand could qualify. NZBGFC submit that Section 49 (1) must also require a description of the significant habitat or marine community that warrants the high level protection offered in the Marine Reserves Act.
31. Section 51 (2) states that “The Director-General must permit a proposal to proceed as an application if – consultation has occurred.” This is far too loose. NZBGFC believe that the Director General must be sure that the consultation has been adequate and has included representatives of those parties affected by the proposal.
32. In this electronic age (email and faxes) NZBGFC believes that is not necessary that a submitter must serve 2 copies on the Director General for the submission to be valid (Section 55(3)). Government should encourage the use of modern technology in making submissions to reduce costs to all concerned.
33. NZBGFC supports Section 62 which requires an independent report on the process and assesses “whether the draft report of the Director-General under Section 61 represents a fair and balanced assessment of the application, all submissions received, the applicant’s response, and any other relevant matters” in every case where the Director General is the applicant and in other cases where appropriate.
34. The concurrence role of the Minister of Fisheries has been a valuable check that the proposal and application process has considered the impact on extractive users. NZBGFC propose changes to the Bill to reinstate the concurrence role of the Minister of Fisheries.
35. It is important that proposers are aware that marine reserves are not the only tool for protecting marine areas. Habitats and marine communities can also be protected by provisions of the Fisheries Act 1996. The Ministry of Fisheries should be informed of marine reserve proposals at an early stage.
36. Combining commercial and recreational fishing under Section 67(2) c (iii) is not acceptable. This could be interpreted as – the Minister must be satisfied that the marine reserve proposal will have no undue adverse effect on both commercial and recreational fishing. What if it has no effect on one or the other? We submit that this subclause be split into:
Commercial fishing: and
Recreational and subsistence fishing:
37. NZBGFC agree that the Minister of Conservation must be sure that a marine reserve is in the public interest before approving an application (Section 67 (2)).

Review and Alteration of Marine Reserves

38. NZBGFC support the provision for marine reserves to be reviewed or altered if the reserve fails to achieve the purpose that it was established for (Section 73 (1) (b)). In addition NZBGFC believe that a review or alteration should be available if there have been significant errors made in the process or content of the application or establishment.

39. The Act should also prevent the continual submitting of previous unsuccessful marine reserve applications with slight adjustments to commence a new process. This is wasteful of effort and could be used by applicants to wear down opposition in time.

NZBGFC Submit that the Select Committee:

- Delete the need for concessions for recreational and educational purposes.
- Require DOC to promptly notify national organisations that represent extractive users of all marine reserve consultation underway.
- Require proposer to consult with national organisations that represent extractive users regarding the boundaries of marine reserve proposals before proposals are lodged.
- Section 49 (1) must also require a description of the significant habitat or marine community that warrants the high level protection offered in the Marine Reserves Act.
- Section 51 (2) the Director General must be sure that the consultation has been **adequate** and has included representatives of those parties affected by the proposal.
- Section 55 (3) should allow the transmission of single copies of submissions in line with the electronic age.
- Make changes to retain the concurrence role of the Minister of Fisheries
- Require DOC to promptly notify the Ministry of Fisheries of new marine reserve proposals being developed.
- Combining commercial and recreational fishing in Section 67(2) c (iii) is not acceptable. They must be in separate subclauses.
- Add to Section 73 that a review or alteration to a marine reserve can be started if there have been significant errors made in the process or content of the application or establishment

NZBGFC would like to be heard in support of this submission.

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Thankyou for the opportunity to contribute to this process.

**Jeff Romeril
PRESIDENT NZBGFC**