

File No: 25 12 05  
Document No: 27428097  
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6 November 2023

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Tēnā koe,

**Waikato Regional Council Submission to the consultation document: Proposed options for bottom fishing access zones (trawl corridors) in the Hauraki Gulf**

Thank you for the opportunity to submit on the consultation document: Proposed options for bottom fishing access zones (trawl corridors) in the Hauraki Gulf. Please find attached the Waikato Regional Council's (the council's) submission, formally endorsed by the council's Strategy and Policy Committee on **1 November 2023**.

Should you have any queries regarding the content of this document please contact Joao Paulo Silva, Senior Policy Advisor, Policy Implementation directly on (07) 9497179 or by email [joapaulo.silva@waikatoregion.govt.nz](mailto:joapaulo.silva@waikatoregion.govt.nz).

Nāku iti noa, nā,

A handwritten signature in black ink, appearing to read "Tracey May". The signature is stylized and cursive.

Tracey May  
Director Science, Policy and Information

## **Submission from Waikato Regional Council on the consultation document: Proposed options for bottom fishing access zones (trawl corridors) in the Hauraki Gulf**

### **Introduction**

1. We appreciate the opportunity to make a submission on the consultation document: Proposed options for bottom fishing access zones (trawl corridors) in the Hauraki Gulf. We look forward to future consultation processes and would welcome the opportunity to comment on any issues explored during their development.
2. Waikato Regional Council (the council) recognises that human based activities have led to an ongoing decline in ecosystem health in the Hauraki Gulf (the Gulf) and decades of mobile bottom contact fishing methods have resulted in long-term degradation of benthic habitats.<sup>1</sup> We consider it essential to better manage mobile bottom contact fishing methods in the Gulf.
3. The council considers that this proposal is mostly based on the economic losses for fisheries against specific biodiversity gains (specific taxa and biogenic habitat) from restricting areas for fishing. However, we consider that there are other benefits from removing physical disturbance in the seabed that should have been assessed. The discussion document does not provide evidence of the overall benefits of removing physical disturbance in the seabed, e.g., the benefits to a wider array of ecosystem services that would be positively impacted. We consider that the proposal in its current form will demonstrate some of the benefits when compared to status quo, however, assessing all benefits of removing physical disturbance in the seabed would provide a more appropriate basis and be a fairer comparison for determining the most appropriate option.
4. Of the proposed options, we consider that option 4 will provide the greatest level of environmental protection in the Gulf. This option (when compared to the other options) will better provide for the Gulf recovery while still allowing for some fishing operation to happen, helping to prevent displacement of activities for other areas and providing for commercial fishing operations and quota holders (including Māori owned quota and fishing operations). Council is resolute in its position, we advocate for a complete ban of mobile bottom contact fishing methods in Tikapa Moana.

### **Summary**

5. The council's submission provides general comments and answers some of the questions posed in the discussion document. In summary, the council:
  - a) Notes that benefits from reducing physical disturbance in the seabed other than biodiversity gains were not included in the discussion document.
  - b) Highlights the impacts of seabed disturbance in the Waikato region.
  - c) Notes that the external damages from commercial fishing activities are only referred to briefly in the discussion document and considers that this should be better explained as the intent of this policy is to address these issues.
  - d) Considers that option 4 will provide for better biodiversity protection, however we support a complete ban of mobile bottom contact fishing methods in Tikapa Moana.
  - e) Considers it essential to recognise the importance of scallop habitats and the documented effects in the the Gulf that led to a complete closure of scallop dredging. We consider that scallop populations must be protected from the impacts of any disturbances (not only dredging).
  - f) Considers that Treaty of Waitangi principles should be considered when progressing this work, especially during the implementation and execution phases.
  - g) Considers that bottom-contact fishing methods damaging the benthic environment are the key issue and addressing those methods would be an appropriate starting point to manage bottom fishing impacts. We query why regulating fishing methods is not an option.
  - h) Provides a range of relevant literature that could add value to this policy work.

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<sup>1</sup> [STATE OF THE GULF | Hauraki Gulf Forum STATE OF THE GULF \(gulffjournal.org.nz\)](http://STATE.OF.THE.GULF | Hauraki Gulf Forum STATE OF THE GULF (gulffjournal.org.nz))

- i) Considers that the effects in the benthic environment were not appropriately considered and recommends considering the change in ecosystem services provided by the benthic environment to properly evaluate the options.

#### General comments

6. We recommend investigating a wider range of benefits from restricting physical disturbance to the seafloor. This should include using direct and indirect valuation methods and assessing non-tangible values (cultural aspects) that capture the benefits of safeguarding the marine environment. Even if not recorded comprehensively, at the very least these types of benefits should be acknowledged. We note that the financial impacts of the restrictions on fishing activities have been explored in the discussion document and weighed alongside potential biodiversity gains. However, in addition to biodiversity gains there are a range of other benefits from reducing physical disturbance to the seafloor which were not included. We consider that this proposal will provide greater benefits when compared to the status quo. To determine the best option, we consider that all benefits from removing physical disturbance in the seabed should be included in the evaluation.
7. The WRC technical report: *Impacts of seabed disturbance in the Waikato region*<sup>2</sup> highlights the impacts of seabed disturbance in the Waikato region and that, currently, approximately 2000 km<sup>2</sup> of the Waikato region's coastal marine area (CMA) is disturbed every year. The effects of these activities on the marine environment include habitat disruption, impacts on species, alteration of food webs, and changes to seabed chemistry. This proposal has the potential to provide benefits for the Waikato region's CMA and we suggest assessing the current effects of these activities in the Gulf.
8. We consider that there is uncertainty regarding the information provided within the discussion document in terms of understanding the benefits of better outcomes for benthic ecosystems and the external damages arising from commercial fishing activities. For example, it is unclear what the avoided damage means in terms of ecosystem services, and it is unclear how this is expected to evolve over time. The external damages from commercial fishing activities are only referred to briefly at paragraph 2 of the discussion document. We consider that this should be better explained as the intent of this policy is to address these issues.
9. We note that the definition of "utilisation" (at para 57) includes "conserving, using, enhancing and developing". However, the term utilisation elsewhere in the report (such as at para 130) seems to refer to the 'using' part only, and not conserving, enhancing, and developing. We recommend having a more comprehensive assessment of the term utilisation and considering "conserving, enhancing and developing".
10. At paragraph 92, the discussion document notes that "*where information is uncertain, unreliable or inadequate this has been identified and articulated.*" Identifying and articulating information is to be commended, but it is not clear how this has affected decisions or option development. We recommend providing better transparency about *how* these deficiencies in information affected conclusions about the options.

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<sup>2</sup> [Impacts of seabed disturbance in the Waikato region | Waikato Regional Council](#)

## Questions posed with the discussion document.

Q1 - Which option do you support for proposed Bottom Fishing Access Zones? Why?

11. Of the proposed options, we consider that option 4 is the most restrictive and will provide for better biodiversity protection in the Gulf. This will better provide for the Gulf's recovery while still allowing for some fishing operation to occur in the Gulf, helping to prevent displacement of activities to other areas and providing for commercial fishing operations and quota holders (including Māori owned quota and fishing operations). However, the council considers that a complete ban of mobile bottom contact fishing methods in the Gulf, as proposed by Sea Change marine spatial plan, is the most efficient approach restore and protect the benthic habitats in the Gulf.
  
12. We note that there are inconsistencies in the language of the discussion document and *Revitalising the Gulf – Government action on the Sea Change Plan (Revitalising the Gulf)*. *Revitalising the Gulf* reads: "The draft Hauraki Gulf Fisheries Plan acknowledges that a healthy, functioning aquatic environment supports sustainable fisheries, and includes proposals to remove trawl fishing from all but discrete "corridors" to achieve both fisheries sustainability and biodiversity protection goals within an adaptive management framework."<sup>3</sup> Taking a literal interpretation to the language of *Revitalising the Gulf*, it suggests an option that is more restrictive than option 4. The wording of "all but discrete corridors" suggests it is more by exception that areas should be left open to fishing impacts. From the extract, we consider that the intention of *Revitalising the Gulf* was to have restricted areas going beyond the proposed option 4. However, we note the discussion document also indicates that "The status quo or a complete ban of these fishing methods throughout the Hauraki Gulf Marine Park area are not proposed options."

Q3-Do you have any ideas or alternative approaches to the management of bottom fishing impacts, apart from the proposed Bottom Fishing Access Zones?

13. We consider that bottom-contact fishing methods damaging the benthic environment are the key issue and addressing those methods is an appropriate starting point. We query why regulating fishing methods is not an option. We understand that there might be good reasons for not considering this option, however, if this is the case Fisheries New Zealand (FNZ) should make it clear.
  
14. We consider it essential to recognise the importance of scallop habitats and the documented effects in the Gulf that led to a complete closure of scallop dredging. We consider that scallop populations must be protected from the impacts of other disturbances, not just dredging. This is needed to support the recovery of scallop populations. While less severe, trawling and seining can have wider spatial impacts (a bigger footprint) so can still have significant impacts on scallop populations (albeit not at the intensity of dredging). We recommend assessing the impacts of other disturbances in the scallop populations.
  
15. The discussion document (at para 27-28) notes that trawling activity has decreased in the last few years. While this could be important background information that affects policy design, there is no explanation of this trend. We recommend assessing the reasons behind the decline in trawling activities.
  
16. The discussion document (at para 38) refers to the efficiency of bottom contact methods. We assume this is intended to refer to technical or productive efficiency or even cost-effectiveness, but not to allocative or dynamic efficiency. If so, then it is not appropriate to imply that these methods are *economically* efficient, since this term encompasses allocative and dynamic aspects. The presence of external costs, such as damage to benthic habitat means that these methods are not likely to be efficient in a policy context.

Q4-Is there any literature or research that is relevant and has been omitted in this paper?

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<sup>3</sup> [Revitalising the Gulf: Government action on the Sea Change Plan \(doc.govt.nz\)](#) at page 66

17. Yes, there is a range of relevant literature that could add value to this policy work. For instance, we note a paper that could provide better context to Section 2: Dayton PK, Reversal of the Burden of Proof in Fisheries Management (1998), Science.279.5352.821.<sup>4</sup>
18. Further, we recommend the following publications:
- a) Thrush and Dayton (2002) Disturbance to Marine Benthic Habitats by Trawling and Dredging: Implications for Marine Biodiversity, Annual Review of Ecology and Systematics. Vol. 33:449-473
  - b) Turner et al. (2001) Fishing impacts and the degradation or loss of habitat structure, Fisheries Management and Ecology doi.org/10.1046/j.1365-2400.1999.00167.x
  - c) Thrush et al. (1998) Disturbance of the marine benthic habitat by commercial fishing: impacts at the scale of the fishery, Ecological Applications.
  - d) Thrush et al. (2016) Implications of fisheries impacts to seabed biodiversity and ecosystem-based management, ICES Journal of Marine Science, Volume 73.
  - e) Dayton et al. (1995) Environmental effects of marine fishing, Aquatic conservation: marine and freshwater ecosystems, VOL. 5, 205-232.
  - f) Gray et al. (2006) On effects of trawling, benthos and sampling design, Marine Pollution Bulletin, Volume 52, Issue 8, Pages 840-843.
  - g) de Juan et al. (2007) Functional changes as indicators of trawling disturbance on a benthic community located in a fishing ground (NW Mediterranean Sea) Marine Ecology Progress Series.
  - h) Davies, Kiberd and Williams (2021). Valuing the impact of a potential ban on bottom-contact fishing in EU marine protected areas. New Economics Foundation. London.
  - i) Foley, Armstrong, Kahui, Mikkelsen and Reithe (2012). A Review of Bioeconomic Modelling of Habitat-Fisheries Interactions. International Journal of Ecology.

*Q5-Do these proposed options adequately provide for Treaty of Waitangi obligations and customary access to fishing? Why?*

19. We recommend upholding the Treaty of Waitangi principles throughout the implementation and execution phases. We consider that the impact of the proposed options on meeting the Treaty of Waitangi obligations and ensuring customary access to fishing is contingent on the specific choices made and the efficacy of their implementation. Each option carries varied potential outcomes, shaped by their execution and alignment with the foundational principles of the Treaty and customary rights. The core issue hinges on the contrast between intent and execution. While the options might be designed with a respectful and protective stance towards the Treaty of Waitangi and customary fishing rights and protecting and restoring biodiversity, the actual benefits or shortcomings will be revealed in the thoroughness and respectfulness of the execution phase.

*Q6 - Do you think these options adequately provide for social, economic, and cultural wellbeing?*

20. We consider that the proposed options are anticipated to influence social, economic, and cultural wellbeing in different ways. Their efficacy is not uniform but is nuanced, with outcomes varying extensively depending on the specific community sectors and individual contexts involved. Each option introduces distinct trade-offs. While some might bolster economic prosperity, others could elevate social or cultural wellbeing.
21. The intrinsic balance or imbalance within each option will significantly influence its overall impact on community wellbeing. Employing a utilitarian approach, aiming for the "greatest good for the most people", may inadvertently sidestep the nuances of equitable distribution of benefits. This path could overlook minority or vulnerable groups, leading to imbalances in the sharing of prosperity or wellbeing. There is a risk that vulnerable communities might only glean marginal benefits from the proposed options. The overarching strategies and implementations need a granular approach, ensuring that these communities are not merely recipients of residual benefits but are central to the planning and execution phases.

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<sup>4</sup> <http://daytonlab.ucsd.edu/Publications/Dayton98.pdf>

22. We acknowledge that there may be individual businesses whose commercial viability may be compromised if these restrictions are implemented at the expense of achieving the broader benefits of improved ecological outcomes and ecosystem services. The information provided does not enable clarity around this matter. In particular, the extent to which operators are able to adapt, for example by moving fishing efforts elsewhere, and if so, how this will affect the costs of catch-efforts.
23. According to the discussion document the 'long-term economic benefits' seem to be more focused on directly affected businesses and consumers. We consider this a narrow scope of analysis and consider that a natural capital and ecosystems services approach would be a useful complementary method to assess the long-term economic benefits.

*Q8-Do you think the criteria outlined in section 5 will provide a suitable basis to assess the options and their impacts?*

24. The criteria and approach outlined in section 5 is clear and logical. We support the constraining principles outlined in paragraph 116 and the zonation and prioritisation process. However, we also consider that having better information around the expected behavioural response and the effects on ecosystem services would help answering this question, with respect to assessing the impacts of the options presented. Considering that lack of information we are unable to respond. We suggest that behavioural response and ecosystem services should be part of future research into the impacts within the corridors and comparison to their adjacent margins.

*Q12-Do you think the proposed options appropriately consider the effects on the benthic environment?*

25. No, we consider that the effects in the benthic environment were not appropriately considered. We strongly recommend considering the change in ecosystem services provided by the benthic environment in order to evaluate the options properly.

*Q13-Do you think the proposed options adequately mitigate the adverse effects of mobile bottom contact fishing methods on the benthic environment?*

26. We recommend providing an assessment comparing the ecosystem service gains for option 4 in relation to option 3.
27. We consider that option 4 could appropriately mitigate many current adverse effects of mobile bottom gear on the more complex components of the benthic environment. However, alternative approaches to manage bottom impacts should also be investigated. We consider it appropriate to use option 4 as a starting point and then collect empirical evidence to ascertain effects and decide whether further reductions are necessary by evaluating the results, i.e., compared disturbed and undisturbed areas within the corridors (should be known from vessel GPS), or to undisturbed areas just outside of the corridors. The effects in the biodiversity must be properly assessed; if effects are found, then further restrictions should be imposed.
28. We noted that paragraph 165 reads: "it is expected that the impacts will be less than bottom trawling". We consider it inappropriate to expect the impact's result. We consider that instead of expecting, FNZ should test, demonstrate and conclude (as per the Dayton study at para 17).
29. We note that the benefits of option 4 in relation to option 3 are not demonstrated in the metrics provided in the discussion document. There is a chance that option 4 would provide for greater environmental gains, especially for scallops.

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