



## Briefing: Ring-net fishing in high protection areas

<b>To</b>	Minister of Conservation	<b>Date submitted</b>	24 September 2024
<b>Action sought</b>	Decision on the provision of ring-net fishing in select high protection areas.	<b>Priority</b>	Normal
<b>Reference</b>	24-B-0476	<b>DocCM</b>	DOC-7756819
<b>Security Level</b>	In Confidence		

<b>Risk Assessment</b>	Medium A decision to provide for ring-net fishing in high protection areas will undermine proposed protection and be considered unfair by other parties with interests in the Hauraki Gulf / Tīkapa Moana.	<b>Timeframe</b>	15 October 2024
<b>Attachments</b>	No Attachments		

<b>Contacts</b>	
<b>Name and position</b>	<b>Phone</b>
Siân Roguski, Director Policy	s 9(2)(a)
Ruth Isaac, Deputy Director-General Policy and Regulatory Services	s 9(2)(a)

## Executive summary – Whakarāpopoto ā kaiwhakahaere

1. On 17 September 2024, you met with the Minister for Oceans and Fisheries to discuss a range of proposed amendments to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill from Seafood New Zealand.
2. It was agreed that you would receive further advice on the proposed amendment to allow ring-net fishing in some of the high protection areas (HPAs).
3. Officials have identified 3 options for providing for ring-net fishing in HPAs:
  - Option 1: Ring-net fishing is not provided for in any HPAs (status quo) (recommended)
  - Option 2: Ring-net fishing is provided for in the Kawau Bay HPA and the Rangitoto and Motutapu HPA with a ‘grandfather clause’ limiting duration of the provision
  - Option 3: Ring-net fishing is provided for in the Kawau Bay HPA and the Rangitoto and Motutapu HPA.
4. We recommend Option 1: that ring-net fishing is not provided for in HPAs.
5. While the continuation of ring-net fishing in HPAs may benefit some ring-net fishers, it is likely their catch that usually occurs in these HPAs could be relocated elsewhere in the Gulf with minimal impact to fishers.
6. Further, allowing ring-net fishing would undermine the biodiversity outcomes of the HPAs and create significant equity issues by allowing one group of commercial fishers to operate in an area while other commercial fishers and recreational fishers cannot.
7. If you decide to provide for ring-net fishing in these HPAs, officials will provide further advice on appropriate conditions for this activity.
8. We recommend you forward this paper to the Minister for Oceans and Fisheries.

### We recommend that you ... (Ngā tohutohu)

		Decision
<b>a)</b>	<b>Either</b>	
	i) Ring-net fishing is not provided for in any high protection areas (recommended)	Yes / No
	<b>OR</b>	
	ii) Ring-net fishing is provided for in the Kawau Bay High Protection Area and the Rangitoto and Motutapu High Protection Area with a ‘grandfather clause’	Yes / No
	<b>OR</b>	
	iii) Ring-net fishing is provided for in the Kawau Bay High Protection Area and the Rangitoto and Motutapu High Protection Area	Yes / No
<b>b)</b>	<b>Note</b> that if you decide to provide for ring-net fishing in high protection areas, officials will provide you with further advice on recommended conditions	

c)	<b>Agree</b> to forward this paper to the Minister for Oceans and Fisheries	Yes / No
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s 9(2)(a)



Date: 24/09/2024

Ruth Isaac  
**Deputy Director-General Policy and  
Regulatory Services**

Date: / /

Hon Tama Potaka  
**Minister of Conservation**

## **Purpose – Te aronga**

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1. To seek your decision on whether there should be an amendment to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill) to enable ring-net fishing in the Kawau Bay High Protection Area and the Rangitoto and Motutapu High Protection Area.

## **Background and context – Te horopaki**

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2. On 17 September 2024, you met with the Minister for Oceans and Fisheries to discuss proposed amendments to the Bill made by Seafood New Zealand:
  - a. to allow ring-net fishing in five high protection areas (HPAs) between March and August;
  - b. boundary amendments for three HPAs to allow for rock lobster potting;
  - c. boundary amendment to the Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve to allow for rock lobster potting;
  - d. to provide for rock lobster potting and bottom longlining in the Mokohīnau Islands Seafloor Protection Area; and
  - e. to remove seafloor protection areas from the Bill.
3. It was agreed at the meeting that proposed amendments b through e would not be considered further. It was agreed that you would receive further advice on the proposed amendment to allow ring-net fishing in some of the HPAs.

## **Ring-net fishing – identification and analysis of options**

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4. Ring-net fishing is a commercial fishing method that uses large nets to target schools of fish. This fishing method can remove large quantities of fish. Ring-nets do not contact the seafloor, so this method is relatively low-impact. Ring-net fishers typically target kahawai, grey mullet and travally.
5. Seafood New Zealand recommended that ring-net fishing is provided for in five proposed HPAs; Kawau Bay, Motukawao Islands, Pakatoa and Tarahiki / Shag Island, Rangitoto and Motutapu, and The Noises HPAs. Seafood New Zealand have stated that this proposed change would impact five fishing operators and allow for their continued operations supplying local markets.

### *We have made two design assumptions in identifying options*

6. Analysis of the ring-net fishing activity in the Hauraki Gulf / Tīkapa Moana (the Gulf) indicates that 90% of catch from ring-net fishing in the five HPAs listed by Seafood New Zealand occurs in two: Kawau Bay HPA and Rangitoto and Motutapu HPA.
7. As such, the options to allow for ring-net fishing in HPAs in this paper have been limited to Kawau Bay HPA and Rangitoto and Motutapu HPA. This will have the biggest benefit to ring-net fishers while minimising the impact to the proposed HPAs and the outcomes sought by the broader protection network.
8. Further, due to the seasonality of the target species, it is recommended that any provision is limited to winter months (March-August).
9. The options identified for providing for ring-net fishing in HPAs are:
  - Option 1: Ring-net fishing is not provided for in any HPAs (status quo)
  - Option 2: Ring-net fishing is provided for in the Kawau Bay and Rangitoto and Motutapu HPAs with a 'grandfather clause' limiting duration of the provision
  - Option 3: Ring-net fishing is provided for in the Kawau Bay and Rangitoto and Motutapu HPAs.

*Overall, options to allow ring net fishing would provide some limited economic benefits to fishers and local communities ...*

10. Providing for ring-net fishing in the two HPAs would benefit six<sup>1</sup> ring-net fishers who collectively catch approximately 16 tonnes per year of fish in these areas. These fishing activities supply low-cost fish to Auckland communities.
11. Based on the nature and current distribution of ring-net fishing activities in the Gulf, it is likely that ring-net fishing activity that usually occurs within these HPAs could be relocated elsewhere in the Gulf with minimal impact to the fishers.
12. Of the six fishers who ring-net within the two HPAs, four take between 6% and 23% of their total catch (6, 15, 21 and 23%) within these areas while the HPAs account for less than 1% of the catch of the remaining two fishers. Overall, this catch represents 3% of all catch by ring-net fishers in the Gulf.

*... but it would alter the cost/benefit analysis for the proposed HPAs and introduce equity issues*

13. The provision of ring-net fishing in HPAs would alter the costs and benefits analysis previously carried out on these protection areas. Any commercial fishing is incompatible with the purpose of an HPA<sup>2</sup> and would undermine biodiversity outcomes. As such, if ring-net fishing is to be provided for in an HPA, consideration should be given to including a new classification of protected area in the Bill with a purpose that reflects the activities that are provided for and the outcomes expected.
14. The provision of ring-net fishing will create significant equity issues. During the Select Committee stage, multiple requests were made for amendments, exemptions and/or carve-outs to minimise the potential impact to users. These requests included exemptions for purse seiners, recreational fishers, and sports fishers, and carving out of areas for local fishing including at Kawau Island, Slipper Island and at Cape Colville.
15. The provision for ring-net fishing in HPAs was considered during the development of the marine protection proposals and by the Select Committee and it was recommended that it was not provided for. The Select Committee considered that to provide an exemption for one group and not others will likely be seen as unfair and be opposed by ENGOS, the public, recreational and sport fishers, and other commercial fishers.

*On balance officials recommend against allowing for ring-net fishing in HPAs*

16. We recommend that ring-net fishing is not provided for in any HPAs (as per option 1). As outlined above, ring-net fishers can continue to reap the economic benefits and supply their market by operating in areas outside of the HPAs, while preserving the biodiversity outcomes of the proposed protection and avoid equity issues.
17. If you wish to progress either options 2 or 3, we recommend the following conditions are placed on the ring-net fishing activities:
  - ring-net fishing can only occur between the months of March and August;
  - ring-net fishing can only be carried out by operators who currently use the area (noting that this creates equity issues among ring-net fishers and compliance complexities);

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<sup>1</sup> Note there is a discrepancy on how many ring-net fishers may be impacted between the analysis from Seafood New Zealand (5 fishers) and Fisheries New Zealand (6 fishers). It is likely the Seafood New Zealand number does not reflect one of the fishers with <1% of their catch impacted by the HPAs.

<sup>2</sup> The purpose of an HPA is to protect and enhance indigenous biodiversity within the HPA and, if that biodiversity is degraded, restore it.

- ring-net fishing is limited to take of certain species i.e., those currently targeted, to prevent ring-net fishers shifting their operations to higher-value species such as snapper;
  - ring-net fishing catch in these areas is limited to quantities currently caught; and
  - a new protection designation is considered for these areas as they will no longer meet the purpose of a high protection area.
18. Officials can provide you with further advice and information on how to provide for these recommended conditions, if required.
19. If progressing option 2, the 'grandfather clause' would provide for ring-net fishing until a certain point in the future e.g., five years from enactment of the Bill. If you progress this option, officials will provide you with further advice on the use of a 'grandfather clause'.

### **Risk assessment – Aronga tūraru**

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20. If you choose to provide for ring-net fishing in any of the HPAs, this will undermine the effectiveness of the high protection area. This can be managed by creating a new designation of marine protection that better reflects the activities and expected outcomes in the area.
21. There is likely to be significant opposition to a provision of ring-net fishing from the public, ENGOS, recreational and sport fishers, and other commercial fishers. Reasons for opposition will be both due to the biodiversity impact in HPAs and any perceived inequity of allowing for one part of the commercial industry to operate in an area when other commercial fishers and recreational fishers cannot.
22. The provision of ring-net fishing in any HPAs will require further policy work which will delay the enactment of the Bill.
23. If you choose to retain the prohibition of ring-net fishing in all HPAs, there may be some impact to these fisheries operations and subsequent impact to supply of low-cost fish to Aucklanders. We consider this can be largely managed through fishers shifting their operations to other areas.

### **Treaty principles (section 4) – Ngā mātāpono Tiriti (section 4)**

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24. Te Ohu Kaimoana and some mana whenua groups expressed their opposition to the prohibition of customary commercial fishing in HPAs. Any provision of commercial fishing in HPAs that does not specifically acknowledge customary commercial fishing is likely to be criticised by Te Ohu Kaimoana and some mana whenua groups.

### **Consultation – Kōrero whakawhiti**

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25. Fisheries New Zealand were consulted on this paper.

### **Financial implications – Te hīraunga pūtea**

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26. There are no financial implications to the decisions in this paper.

### **Legal implications – Te hīraunga a ture**

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27. If you decide to provide for ring-net fishing in any HPA, this decision will need to go to Cabinet and then be included in an Amendment Paper to be voted on at the Committee of the Whole House stage. If the change is agreed to, changes will be made to the Bill.

## **Next steps – Ngā tāwhaitanga**

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28. If you agree to the recommended approach to not provide for ring-net fishing in any HPA, no further action will be required.
29. If you choose to provide for ring-net fishing in any of the HPAs, officials will provide you with further advice on appropriate conditions. This decision will then go to Cabinet. If Cabinet agrees to this amendment to the Bill, this amendment will need to be put forward in an Amendment Paper to be voted on at the Committee of the Whole House stage.
30. We recommend you forward this paper to the Minister for Oceans and Fisheries.

**ENDS**

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