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6 June 2024

Submission: Support the request for a 2-year temporary closure at Waiheke, Umupuia Beach, Te Mātā and Waipatukahu, under section 186A of the Fisheries Act.

Submitters

1. The New Zealand Sport Fishing Council (**NZSFC**) is a recognised national sports organisation with over 36,000 affiliated members from 50 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education, and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz.
2. The New Zealand Angling and Casting Association (**NZACA**) is the representative body for its 24 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.
3. The New Zealand Underwater Association (**NZUA**) comprises three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.
4. Collectively we are *'the submitters'*. The joint submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
5. The submitters have supported previous s186A fishing closures where there has been a clear purpose to restore abundance and productivity of the marine environment.

- Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this process. We would like to be kept informed of future developments. Our contact is Helen Pastor secretary@nzsportfishing.org.nz.

Discussion

- The **submitters support the application** made by [Ngāti Pāoa, Ngāi Tai ki Tāmaki, and Ngāti Tamaterā](#) for a 2-year temporary closure of specified areas and species under section 186A of the Fisheries Act 1996 (**the Act**). Advice was received from Fisheries New Zealand (**FNZ**) on 23 April with submissions due by 7 June 2024.
- We acknowledge that Ngāti Rehua Ngātiwai ki Aotea support the request as part of the project 'Pou rāhui, pou tikanga, pou orange: reigniting the mauri of Tikapa moana and Te Moananui-ā-Toi, the Hauraki Gulf.
- In the past few years the submitters have been actively involved in [generating public awareness](#) and support for Ngāti Pāoa's rāhui around [Waiheke Island](#), and [Ngāti Hei's successful rāhui](#) and [subsequent closure](#) of the Coromandel scallop fishery.
- We acknowledge that proposed scallop closure around Waiheke Island is within the area covered by the [indefinite closure of the scallop fishery](#) under section 11 of the Act, announced in March 2023. The s11 closure means no lawful harvesting of scallops by commercial or recreational fishers. Māori customary harvesting requires a permit authorised by Kaitiaki.
- Table 1:** Species affected by the proposed closures. Source: Fisheries New Zealand.

Area	Iwi	Prohibited species
Waiheke Island	Ngāti Pāoa	Kūta (mussels), kōura (rock lobster), pāua and tipa (beach cast scallops). The taking of other scallops is already prohibited under the Fisheries Act 1996.
Umupuia Beach	Ngāi Tai ki Tāmaki	Tuangi (cockles)
Te Mātā and Waipatukahu	Ngāti Tamaterā	Tio (oysters), kūtai (mussels), pipi and tuangi (cockles)

- The submitters have supported earlier applications for rāhui and 2-year temporary closures at [Umupuia Beach](#), [Te Mātā and Waipatukahu](#), and [Waiheke Island](#).

Umupuia Beach

- The submitters note the original application is for a 6-year temporary closure. For some areas, such as Umupuia Beach, a 6-year closure may be more appropriate than the current 2-year duration provided for under s186A.
- Umupuia Beach has been closed to the harvest of tuangi (cockles) since 2008. Recent surveys indicate some recovery of abundance, but not enough to support a reopening of the beach to public harvest. There is clearly multiple factors contributing to the ongoing depletion of tuangi, including sedimentation and land run-off.

15. In the absence of any meaningful measures to control land management practices, land run-off and recreational harvest of intertidal species, it is difficult to envisage the beach reopening to cockle harvest in the foreseeable future.
16. **We recommend** the Minister approves the 2-year s186A application for Umupuia Beach.

Te Mātā and Waipatukahu

17. The submitters reiterate the comments made in [our submission](#) in support of the 2022 application for a 2-year temporary closure of Te Mātā and Waipatukahu, as they are still relevant today:
 - “...persistent declines in shellfish beds, even those closed to harvest, is not a new phenomenon nationally or locally. We note the Hauraki Māori Trust Board initiated a s186A closure in 1998, 2000, 2002 and 2004 for the coastal area encompassing Te Mātā and Waipatukahu. In 2004 our team submitted in support of the closure. The Settlement Trust reports that the 2004 application was refused on the basis that a s186A closure was not a permanent tool for the management of customary fisheries.
 - “While a s186A closure may not be considered a suitable tool for managing customary fisheries, what is the alternative that can be applied to adequately protect our shellfish fisheries from a range of inputs that are causing depletion?”
 - “Over time our population has changed and for years there have been increasing reports of bulk harvesting by groups of people who travel to beaches close to Auckland. There does not seem to be any effective management of this activity by Fisheries New Zealand nor adequate measures to protect the intertidal habitat on which these species depend.”
18. In the past few years and more so around the 2023 general election, race baiting was common, with racial biases arising in many quarters leading to a hardening of attitudes. To reduce the potential for conflict prior to and during a 2-year temporary closure, **we recommend** –
 - a. The Minister approves the 2-year s186A application; and
 - b. That no recreational harvest is permitted and only customary harvest with a permit authorised by Tangata Kaitiaki is permissible to gather tio (rock oysters), kūtai (mussels), pipi and tuangi (cockles) from the applicable area.

Waiheke Island

19. FNZ notes that the current s186A application for the 2-year temporary closure would not apply to taking tipa that have washed ashore, beach cast scallops. Therefore, under the current closure to commercial and recreational fishing, any collection of scallops washed ashore would require a customary permit authorised by Kaitiaki.
20. In 2021 the submitters were instrumental in [gathering public support](#) for the rāhui proposed by Ngāti Pāoa, to protect tipa (scallops), kūtai (mussels), kōura (crayfish) and pāua around Waiheke Island. We attended the customary rāhui ceremony on Oneroa Beach, Waiheke on 31 January 2021 and were very pleased when the Minister for Oceans and Fisheries [approved the s186A application](#) in December that year.
21. There needs to be greater coordination and alignment with mana whenua when it comes to

approving s186A applications alongside rāhui. It is not helpful that the Waiheke s186A closure expired prior to the busy summer of 2023-24 while the rāhui remains in place, with no formal protections in place.

22. **The submitters recommend** FNZ officials engage proactively with mana whenua and provide the necessary resources so mana whenua, Ngāti Pāoa in this instance, can retain some continuity of statutory protection for species that have been subject to customary management.

Ahu Moana

23. Since 2004 the submitters have dedicated substantial resources into developing relationships with mana whenua so we can collaborate on finding mutually beneficial solutions to ongoing depletion and biodiversity loss. [Ahu Moana](#) was an agreed concept in the Sea Change process because it offered a pathway for mana whenua and local communities to work together and find realistic solutions to problems in their local area. The current s186A applicants were involved in the development of the Ahu Moana concept within Sea Change.
24. Both [Sea Change and Revitalising the Gulf](#) strategy provided for Ahu Moana, initially as two pilot projects at Aotea Great Barrier and Te Mātā. As with many community-based solutions, they suffer from a lack of funding and meaningful support from officials. There has been little progress since Sea Change was published in 2017.
25. More recently, officials have worked to implement [trawl corridors](#) as part of a [Fisheries Plan](#), and apply [19 new marine protected areas](#) in the Hauraki Gulf. The lack of progress and deliberate moves by officials to enact new legislation applying to the Hauraki Gulf Marine Park has crushed much of the goodwill developed during the Sea Change process. Any new initiatives due to this application or other measures, must have sufficient financial and community support if they are to be successful and deliver benefits for future generations.