

NZMSS submission on **Guidance for identifying a habitat of particular significance for fisheries management.**

**18 November 2022**

Sent via email to: [FMSubmissions@mpi.govt.nz](mailto:FMSubmissions@mpi.govt.nz)

To whom it may concern,

This submission is made on behalf of the membership of the New Zealand Marine Sciences Society (NZMSS) - Te Hunga Mātai Moana O Aotearoa. It is made in good faith in my role as President of the NZMSS and in accordance with the Code of Ethics and Rules of the Royal Society of New Zealand.

NZMSS is a professional society affiliated to the Royal Society of New Zealand - Te Apārangi and has approximately 470 members. We are a non-profit organisation that provides access to, and within, the marine science community, and we identify emerging issues through annual conferences, annual reviews, a listserv and a website [www.nzmss.org.nz](http://www.nzmss.org.nz). NZMSS membership covers all aspects of scientific interest in the marine environment and extends to the uptake of science in marine policy, resource management, the environment and the marine business sector. We speak for members of the society, and we engage with other scientific societies as appropriate.

In general, NZMSS supports the identification of habitats of significance in the marine environment as a protection mechanism specific to fisheries resources in NZ waters. We recommend careful consideration on how this tool will be cohesive with/ work alongside existing protection mechanisms enabled by other Acts. Please see our feedback to the consultation questions on the following pages.

Please contact us via the email address provided below for any further information regarding this submission.

Anna Madarasz-Smith

A handwritten signature in dark ink, appearing to be 'Anna Madarasz-Smith', written in a cursive style.

President – New Zealand Marine Science Society

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## **Consultation responses**

### **Q1. WHAT ARE YOUR VIEWS ON THE PURPOSE OF THESE GUIDELINES AND THE WORKING DEFINITION TO SUPPORT IDENTIFICATION OF HOS?**

The Society has reservations over the ability to alter the definition of HoS throughout time. Although this has the potential to act in a positive manner, should the definition be found wanting, there is a high likelihood that this may compromise the ability to maintain the integrity of systems, and therefore the integrity of the tool. Additionally change in such critical components could also reduce buy in/support at a range of levels.

The Society also believe that degraded areas or sites of historical significance that have recovery potential, and where degradation can be attributed to fishing impacts wholly or in part, should not be excluded from the definition.

### **Q.2 WHAT ARE YOUR VIEWS ON THE EVIDENCE REQUIRED FOR HABITAT AREAS TO BE CONSIDERED HOS?**

The Society:

- supports consistency in methodology for the collection of scientific evidence.
- supports an emphasis on non-invasive methods of data collection e.g., no adverse effects from information gathering to inform HoS protection.
- supports a lower confidence around the spatial bounds of an area where necessary so as not to restrict an area for consideration as a HoS or exclude it from being added to the register.
- feels that the focus on current state of an area is limiting the potential for highly significant sites with strong restoration potential to be considered for protection through HOS mechanism. The Society feels that we need to consider both protection of what we have left, as well as active restoration of areas with considerable potential to be restored to functional HOS based on historical evidence.

### **Q.3 WHAT ARE YOUR VIEWS ON THE INFORMATION ASSESSMENT FOR IDENTIFYING HOS?**

The Society supports habitat mapping and juvenile fish surveys as methods for evidence gathering to support identifying HOS, provided no adverse effects arise from the data collection in the process.

### **Q.4 WHAT ARE YOUR VIEWS ON THE EXPERT LED APPROACH WE ARE PROPOSING TO IDENTIFY HOS?**

The Society has come concerns with the membership and the communication structure of the AEWG, BRAG groups, proposed as the expert panel for evidence review to identify HOS. We believe a more inclusive and diverse panel is required, with strong recording and access for meeting minutes and decisions. We also believe that the AEWG and BRAG groups have been set up to meet a specific requirement, and there is not complete overlap between the mandates of these groups and the group that would be required to assess evidence though the proposed process.

The Society supports the establishment of a specific HoS review group with a focus on representativeness and ensuring no conflicts of interest. We recommend the inclusion of members such as universities, regional councils, and mana whenua.

**Q.5 WHAT ARE YOUR VIEWS ON THE APPROACH PROPOSED TO IDENTIFY ADVERSE EFFECTS ON HOS?**

The Society believes that indirect effects of fishing need to be taken into account alongside direct effects. An example of this is included in the *Review of commercial fishing measures for the Cape Brett to Mimiwhangata area, Northland*.

**Q.6 WHAT ARE YOUR VIEWS ON THE APPROACH PROPOSED TO ESTABLISH AND PUBLISH HABITAT AREAS AS HOS WHOSE PROTECTION MUST BE TAKEN ACCOUNT OF?**

-A process map/flow chart could assist in the visualisation and understanding of the process for identifying and publishing HOS to enable better understanding. This would include (but not be limited to)

- the evidence gathering,
- proposing a HoS,
- expert consideration,
- what happens after a HoS is added to the register-risk assessment,
- when advice to Minister is provided,
- how this is included in fisheries plans,
- how consultation is undertaken with public via sustainability measures, and
- any future steps e.g., review

**Q.7 WHAT ARE YOUR VIEWS ON THE INFORMATION INCLUDED IN THE EXAMPLE REGISTER ENTRIES OF POTENTIAL HOS?**

We believe that spatial information is required in the register- including coordinates, map etc. These can be added top charts and could be specific or generalised depending on the certainty of boundaries.

We believe that data provenance is important including the date of inclusion in register which will be required for tracking purposes (and potentially enforcement) over time. Additionally, any other dates of importance e.g., review timelines

**Q.8 WHAT ARE YOUR VIEWS ON HOW HABITAT AREAS CAN BE PROPOSED AS HOS?**

-Similar question to Q.2 and Q.6, see previous responses.

**Q.9 WHAT ARE YOUR VIEWS ON MATTERS THAT SHOULD INFORM RESEARCH PRIORITIES FOR HOS?**

The Society encourages the Ministry to consider how climate change will affect fisheries habitat and stock shifts and align research priorities to address information gaps in this space.

**Feedback on research priorities**

**Q.1 WHAT ARE YOUR VIEWS ON THE TOOLS AVAILABLE THAT COULD PROVIDE PROTECTION TO HOS?**

Tools available under the Fisheries Act appear to focus on spatial and temporal management of fishing threats with the ability to still harvest fish stocks within the area. Presumably this will focus on a shift away from methods that undermine the function a habitat provides for fisheries resources. To limit transferral of adverse effects to other areas (fishing displacement), we encourage quota reductions to be considered in line with the protection measures for HOS to take into consideration the reduction in fishable area within an FMA.

The Society recommends that a review stage be built into the process to ensure the management approach/intervention is having the desired effect, or if further measures are required. Timeframes for observing change will be difficult to quantify and vary throughout Aotearoa though a rough broadscale review period could be determined.

The Society would like further clarification on how compliance to any spatial and temporal management will be monitored, and specification of the consequences for non-compliance.

## **Q.2 WHAT ARE YOUR VIEWS ON MATTERS WE SHOULD CONSIDER WHEN TAKING INTO ACCOUNT THAT HOS SHOULD BE PROTECTED?**

The Society is supportive of the risk assessment approach, however, would like further clarity on:

- how fishing effort would be viewed by FNZ in the risk assessment- e.g., what pattern/s in the data would equate to evidence of adverse effect, and
- whether fishing methods are weighted depending on the likelihood of adverse effects.

We encourage the use of 'best available data' to inform that process, so that information gaps/lack of information will not cause a delay in the implementation for enacting protection via the HoS mechanism. We suggest that limitations and uncertainties are identified, but progress is continued using the principals of the precautionary approach.

We support engagement with tangata whenua and stakeholders around management of adverse effects of fishing on HoS and any measures proposed under S 11 of the Act to undergo public consultation

## **Q.3 WHAT ARE YOUR VIEWS ON OPTIONS FOR CONSIDERING NON-FISHING IMPACTS ON HOS?**

The Society supports considering all impacts on HOS, however, understands the different Acts of law, and agencies responsible, for the management of different impacts. We support FNZ coastal planning team engaging with other agencies to address non-fishing impacts on HOS and marine systems in general, in an integrated and cohesive way.

We believe that it is important to document non-fishing impacts within the register to provide clarity on the management agencies charged with implementing mitigations and provide a framework for the FNZ coastal planning team to work with other agencies to promote integrated management.

END OF SUBMISSION