

In the Environment Court of New Zealand  
at Auckland

I mua i te Kōti Taiao o Aotearoa  
I te rohe o Tāmaki Makaurau

ENV-2019-AKL-000117 / ENV-2019-AKL-000127

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*under:* the Resource Management Act 1991

*in the matter of:* an appeal pursuant to clause 14(1) of the First Schedule  
to the Resource Management Act 1991

*between:* **Bay of Islands Maritime Park Incorporated**  
*Appellant*

**Royal Forest and Bird Protection Society of New  
Zealand Incorporated**  
*Appellant*

*and:* **Northland Regional Council**  
*Respondent*

Statement of Evidence of Mark Ngata on behalf of Fishing  
Industry Parties

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Dated: 17 May 2021

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## STATEMENT OF EVIDENCE OF MARK RAYMOND NGATA

### INTRODUCTION

- 1 My full name is Mark Raymond Ngata.
- 2 I am the General Manager Inshore, Aotearoa Fisheries, trading as Moana New Zealand.  
  
Ko Hikurangi te maunga  
Ko Waiapu te awa  
No Marehara te takiwa  
Ko Ngati Porou te iwi
- 3 I have worked in the fishing and seafood industry for 30 years here in Aotearoa and Southern Africa managing activities across harvesting to manufacturing and supply chains.
- 4 My previous management roles include CEO of Ngati Porou Seafoods Group based in Gisborne and 100% owned by Te Runanga o Ngati Porou, Group Operations Manager of Ngai Tahu Seafoods 100% owned by Te Runanga o Ngai Tahu, Operations Manager (Fleet/Plant) of Sea Harvest and Lalandii in Namibia.
- 5 My previous governance roles include establishing significant iwi Commercial fishing interests namely; the 'Iwi Collective Partnership' of 19 iwi (as Chairman for 10 years) and also establishing Nga Tapuwae o Maui consisting of 44 iwi, where I was also Chairman. I also chaired Te Kawai Taumata, the electoral college of iwi organisations that appoints directors to Te Ohu Kaimoana and also Chaired the 11 year review of the Maori Fisheries Act, which developed recommendations which are before Parliament currently.
- 6 Currently I am a director on Port Nicholson Fisheries Aotearoa's largest Maori owned live Lobster export business; a director on Fisheries Inshore New Zealand (FINZ); an alternate director on the Deepwater Management Group (DWG); a Director on the Inshore Joint Venture Limited Partnership.
- 7 My formal qualifications include Diplomas in Level 5 Business Management NZ; and in Executive and Strategic Management from Stanford and Harvard Universities in the USA.

### SCOPE OF EVIDENCE

- 8 My evidence will explain how the proposed fishing controls in the Bay of Islands and Mimiwhangata areas will affect Moana New Zealand and our shareholders.

## **BACKGROUND**

- 9 Aotearoa Fisheries, trading as Moana New Zealand, is the largest Māori-owned seafood company and the second largest seafood company in terms of quota volume and value in New Zealand. We are unique in that we are the only organisation that is owned by all Māori (58 iwi across New Zealand).
- 10 Established in 2004 as Aotearoa Fisheries Limited through the Māori Fisheries Act 2004, Moana New Zealand is an important part of the inter-generational Māori Fisheries Settlement with the Crown. The nature of the settlement means that Māori will always be involved in fisheries. Activities and investments therefore take a long-term perspective that is respectful of the fisheries and the ecosystems we are part of. Our settlement assets will never be sold.
- 11 We are dedicated to contributing to the well-being of future generations. We take our role as kaitiaki seriously. It is essential to our Iwi shareholders, who we are and how we do business.
- 12 Profits are returned to Iwi in the form of dividends with the balance retained to fund our long-term, sustainable growth initiatives in line with our values of Whakatipuranga, Manaakitanga, Kaitiakitanga and Whakapapa. Last year we returned \$8.7 million to Iwi.
- 13 We are stewards of significant commercial fisheries and our interests include pāua tūwā (wild abalone), pāua kahurangi (blue abalone) koura (crayfish), ika (inshore fin fish) and tio (Pacific oysters). We also hold a 50% share of the deep-water fishing company, Sealord. Moana New Zealand does not own any fishing vessels and engages with regionally based contract fishers and harvesters.
- 14 Our inshore division contracts 30 longliners, 4 seiners and 12 trawlers. Our main target speices include Snapper, Tarakihi, Gurnard, John Dory, Ling, Hapuku and Bluenose.

## **RESPONSIBLE FISHING INITIATIVES**

### **Seabirds**

- 15 Since 2016 Moana New Zealand has voluntarily participated in a camera trial in the Hauraki Gulf and Bay of Plenty to test how fishing affects the nationally vulnerable Black Petrel.
- 16 All longline fishers deloy seabird mitigation devices which can include weights to sink the line and hooks underwater quickly, tori lines (a line with coloured flags) to discourage birds, Our fishers also take

actions to mitigate risk to seabirds such as setting lines at night when fewer birds are around and no putting offal over the side of boats.

- 17 Trawl vessels deploy bird baffling devices (see photos below) which hang down either side of the vessel to deter seabirds and stop them getting tangled in the warp wires.



**Training responsible fishers**

- 18 In 2018 Moana New Zealand launched a Responsible Fisher Awareness programme for contract skippers and crew. The programme was designed to provide information on the latest innovations, technology, responsible fishing practices and also has a strong focus on fisher wellbeing and safety. These sessions provide a valuable platform for fishers share ideas with one another and discuss what they are seeing out on the water.
- 19 All contract fishers have also completed Southern Seabird Solutions Seabird Smart training which ensures risk to seabirds is minimised.
- 20 A number of Moana employees and contract fishers and crew have visited Great Barrier, Black Petrel breeding ground, to drive deeper engagement and understanding on why looking after our seabirds is of paramount importance.

**Fishing innovation**

- 21 Moana New Zealand takes sustainable fishing practices seriously. For the past seven years, all of our full time contact trawl vessels have carried cameras on board.
- 22 Along with government, Sealord, and Sanford Moana New Zealand has contributed towards the \$52 million Precision Seafood Harvest project which is a new fishing method allowing for high quality seafood, fished with care. The modular harvesting system allows fish to swim freely for as long as necessary and small fish can escape unharmed and free from exhaustion.
- 23 We are currently participating in catch and release at depth trials for marine mammals through datalink technology.

**IMPACT OF THE PROPOSED CONTROLS**

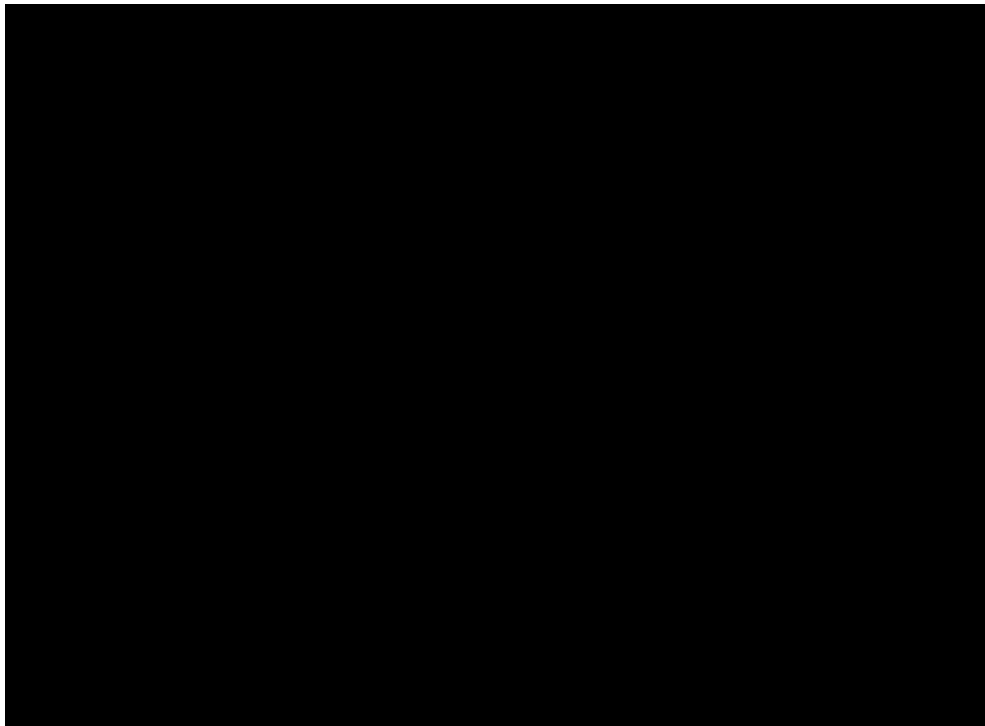
- 24 The area in question is Fishery Management Area 1 (FMA1). Within this area Moana New Zealand owns inshore quota and leases inshore quota from several of our iwi shareholders including the Iwi Collective Partnership (ICP) (Ngāi Te Rangi, Ngāti Awa, Ngāti Manawa, Ngāti Porou, Ngāti Ruanui, Ngāti Tūwharetoa, Ngāti Whare, Rongowhakaata, Taranaki Iwi, Te Aitanga a Māhaki, Te Arawa, Te Rarawa, Whakatōhea, Ngai Tai ki Torere, and Te Whanau a Apanui)

and directly with Ngāpuhi, Te Aupōuri, Whaingaroa, Ngāti Kahu, Ngāti Kuri, Ngātiwai, Pare Hauraki and Tainui.

25 We provide an overview of fish caught within the area below.

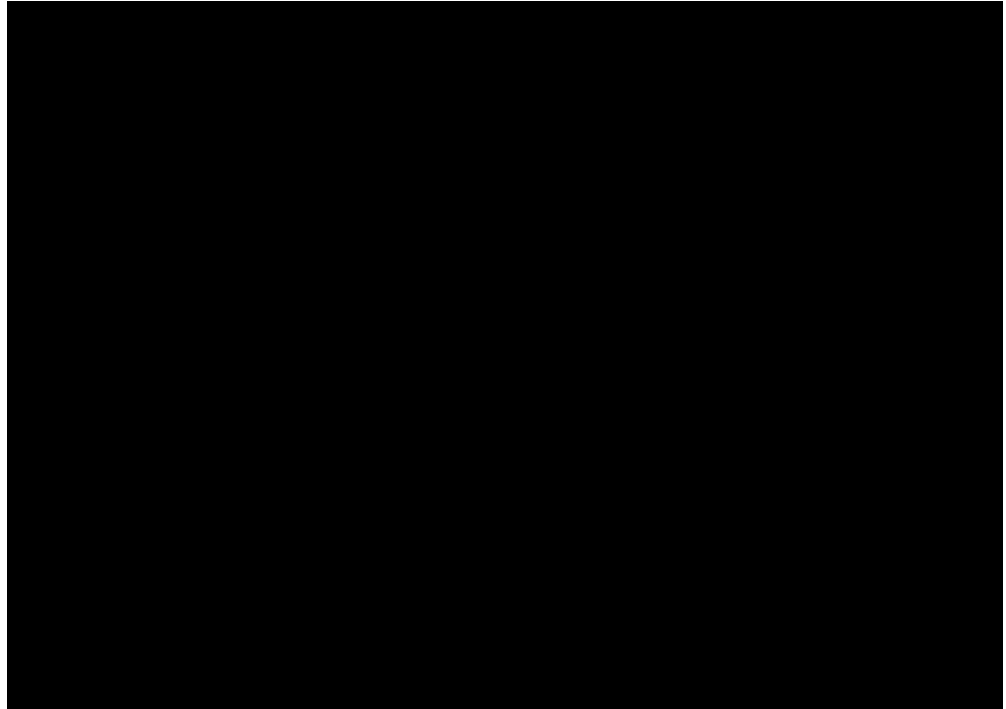
**Fishing in the areas under appeal**

26 [Redacted text block]



27 [Redacted text block]

28 [Redacted text block]



- 29 While Moana New Zealand's catch is small, the application of the proposed measures in the appeal areas will have a financial impact on our Iwi shareholders who own quota in their own right under the Maori Fisheries Settlement as well as from dividends received annually from Moana NZ. Iwi use earnings from these to support their growth and development contributing significantly to local and regional development.
- 30 Moana NZ also supports our iwi shareholders in this region with Pataka kai (customary fish) that allows iwi to maintain their tikanga and mana of rangatiratanga, whanaungatanga, and manaakitanga within their rohe moana.
- 31 Moana New Zealand recorded no fishing activity in the Maunganui Bay and Oke Bay area, the area known as Area B in the Bay of Islands or Ipiriri or in the Mimiwhangata Reserve
- 32 Our primary concerns are Area C in the Te Hā o Tangaroa protection areas and Area B in the Te Mana o Tangaroa protection areas. We are concerned that controls on fishing, as contemplated, are implemented using different laws and policies for different purposes effectively seeking to re-allocate areas of the marine environment to non-commercial fishing stakeholders by controlling commercial fishing in a way that goes beyond the sustainability requirements of the Fisheries Act and Maori Fisheries Act, undermining Māori fishing

rights and responsibilities.

- 33 Fishing activity changes from year to year and fish move fishery management areas year to year. As a responsible commercial fishing organisation, Moana NZ try to spread our catch more widely. Much like farming, our contract fishers act responsibly by moving areas frequently to disperse catch effort and to allow areas a 'rest' period (period of no fishing) to enable fish stock recovery and replenishment.
- 34 We agree with Te Ohu Kaimoana that the RMA is not designed to respond to fisheries management in the way that the Fisheries Act can provide. The Fisheries Act regime allows for much more responsive controls and mechanisms that allow the Fisheries Settlement to be upheld, consistent with the Crown's Tiriti obligations.
- 35 Restrictions or prohibitions on specific areas causes displacement of effort in surrounding areas and will do so in this case, causing increased spatial conflict between commercial and non-commercial stakeholders.

#### **CONCLUSION**

- 36 The relief in this appeal focuses on managing perceived impacts to the environment and marine life due to increasing fishing activity.
- 37 Moana NZ believes these concerns can be satisfactorily managed through effective and responsible fishing activities based on our tikanga (beliefs) and kaitiakitanga (behaviour) as a responsible commercial fishing business.
- 38 We will continue to defend any actions that look to impact our rights under the Maori Fisheries Act, however, we support a more collaborative management approach in developing regional plans amongst key stakeholders within these fishing communities to ensure best practise and equity that avoids increased spatial conflict which is of no benefit to anyone.

Mark Raymond Ngata

17 May 2021