

In the Environment Court of New Zealand
at Auckland Registry

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

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: **Northland Regional Council**
Respondent

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

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

Statement of evidence of Graeme Bailey on behalf of Fishing
Industry Parties

Dated: 16 May 2021

Reference: Jo Appleyard (jo.appleyard@chapmantripp.com)
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STATEMENT OF EVIDNCE OF GRAEME SCOTT BAILEY**INTRODUCTION**

- 1 My full name is Graeme Scott Bailey.
- 2 I am the co-owner and co-director of Trinity Fishing Ltd, alongside my wife Cindy.
- 3 Trinity Fishing Ltd fishes in and around the Bay of Islands.
- 4 There are several reasons why we fish in the Bay of Islands:
 - 4.1 It is an opportunity to pull ahead financially after a long hard winter when we are usually financially behind. We are in catch up mode in regards to paying off debt accrued over the winter;
 - 4.2 The crew get a chance to make more money. The snapper is of good quality and Moana New Zealand like the quality of fish and pay a bit more for the fish caught there;
 - 4.3 Our fuel bills are about 50% less than the rest of the year because the steaming to the fishing grounds from Opuia is considerably less. i.e. a 2 hour steam each way compared to a 4 to 5 hour steam each way when fishing in other fishing grounds;
 - 4.4 The crew get to spend more time with their families;
 - 4.5 Our carbon foot print is less which is a desirable outcome.

Scope of evidence

- 5 My evidence will explain how the proposed fishing controls in the Bay of Islands and Mimiwhangata will affect me and my business. Focusing on the Bay of Islands.

MY FISHING OPERATIONS**Background**

- 6 I grew up in the Bay of Islands and started fishing with my father recreationally at an early age. I began fishing commercially in 1978 at the age of 26 years old and have held a fishing permit for all of the last 43 years.
- 7 I hold an Off Shore Master (Fishing) Certificate with Maritime NZ.
- 8 I first started commercial Fishing in the Bay of Islands using Kikorangi, an 8 meter fishing vessel, the gear was hand set and hauled with 500 hooks a set. There was no fancy technology. I set

my gear amongst many other small fishing boats peaking at 70 to 80 boats in the Bay of Islands during the summer months. There was not as many recreational fishing boats venturing out too far from shore in those days. Now it is the reverse, only a handful of Commercial fishing vessels amongst the many recreational boats. In those days I fished in the mid ground at Whale Rock but also around the Black Rocks, Nine Pin, Cape Brett and Tapeka point right into Ranfurley reef off Waitangi.

- 9 In the winter fishery I fished on the coast from Bergen’s point, including the Cavalli’s and south to Tutukaka.
- 10 I purchased my next fishing vessel about 1983. Seaharvester was a 10.7 meter steel vessel with a hydraulic hauler. Still with no fancy technology and I fished out of the Bay of Islands, Cape Brett. Whangaruru, Whangamumu and out to the Poor Knights before it was made a Reserve.
- 11 In 1986 Tutukaka became my home port but I continued to fish out of Bay of Islands over the summer months.
- 12 My original quota allocation in 1986 under the QMS regime was caught mainly in the Bay of Islands area and I fished using the QMS Fin # 8410108.
- 13 I purchased Triton (QMS FIN # 62899) in 1997, a 13.67 meter aluminium fishing vessel. Triton fishes in the Bay of Islands in November/December and into January.
- 14 I was a sole trader until 1987, at which time the business became a partnership including Cindy as a partner.
- 15 In 2010 I purchased Trinity1 and the Company Trinity Fishing Ltd was formed with a new QMS FIN # 9792581 with myself and Cindy becoming directors.

16 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 [Redacted]

18 [Redacted]

19 [Redacted]

20 [Redacted]

21 A longline is set according to the species that are being targeted and whether it is foul/reef/rock or sand and mud. If it is over reef then the line is floated mid water. This involves anchoring the line with an anchor /weight at each end and using a combination of buoys/floats and weights to set the gear at the mid depth required to catch the targeted specie. If the line is set on the sand or mud then it is set using more weights but the line is not totally on the bottom to avoid small sea life such as lice, snails, eels etc. from eating the baits. By using a floating longline in the middle ground of the Bay of Islands the reef and foul areas are not damaged. No gear is caught up and left behind as it does not snag.

22 [Redacted]

23 [Redacted]

[Redacted]

[REDACTED]

[REDACTED]

Sustainable fishing

24 [REDACTED]

25 Triton uses seabird mitigation at all times and does not catch seabirds in the Bay of Islands.

26 An observer is carried on Triton when asked by Fisheries NZ and it is usually every second year in the summer months. We have had good reports from observers on our fishing practices.

27 We use Electronic Reporting to report our catch and Triton pings every 10 minutes with our GPR. Fisheries NZ know where we are fishing at all times out on the water.

Impact of the Proposed Controls

28 The impact of the proposed controls would have a considerable effect on ourselves and our crew financially. Triton fishes in both areas covered by the proposed controls and even if we are not totally banned there will be added costs that we must absorb. Our operational costs increase exponentially every year but we do not get paid any more for our fish since the 1980's, in fact we get less money for some species than we got in the 1980's. That is our reality.

29 We've been required by Fisheries NZ to meet the cost of the new electronic reporting requirements. Cameras are coming and from what I understand it could cost about \$15,000 to set up. Most fishermen today have no margins financially to deal with any more costs. We are in that category.

30 There are already many restrictions on commercial fishing in the Bay of Islands (see Mr Clark's graph Eastern Northland Fishing Restrictions).

31 I understand that the appellants in this case have asked the Court to put proposed controls on fishing in place. For bottom longlining, those controls would be:

31.1 A total ban on fishing in Maunganui Bay and Oke Bay

31.2 An area has been outlined which includes the Bay of Islands and the area offshore from the Bay of Islands stretching around to Ngaiotonga Bay. There is another, overlapping, area stretching up from Mimiwhangata peninsula to the tip of Cape Brett.

31.3 In these areas, bottom longlining without seabird mitigation would be banned.

31.4 In these areas, bottom longlining with seabird mitigation measures may need a resource consent (I understand that there has been an update in the position of BOIMP and F&B and they may no longer be asking that bottom longlining in the inner Bay of Islands and outer Bay of Islands north of the tip of Cape Brett requires resource consent – but Triton fishes in both areas so even with this update, Trinity Fishing Ltd would still need to apply for a resource consent if the controls are put in place).

32 [REDACTED]

33 I do not understand the logic and what is expected to be achieved by putting extra controls on commercial fishing without considering the impact of other users and other environmental impacts on the area. There is only a handful of commercial fishermen in the area but the recreational boaties, fishermen, divers, tourist operators, land run off, rubbish all contribute to the impact on the environment and habitats. The pressure is on but not from the commercial fishing sector.

34 Mimiwhangata is a perfect example of what happens when only one group is shut out of an area. Commercial Ffishermen were shut out allowing only non-commercial fishing in the area. The closure of this area does not seem to be achieving results.

35 I don't understand how the Northland Regional Council can be expected to monitor, regulate and enforce commercial fishing operations. They don't have the funds or knowledge. We already have a government department in Fisheries NZ that is tasked with the job of regulating, monitoring and enforcing our fishing

operations. There has been a huge amount of money and time that has been invested by Fisheries NZ and the commercial fishermen toward systems such as the electronic reporting and cameras. The proposed controls make no sense to me and seem to just be a double up of regulation.

36 [REDACTED]

Graeme Scott Bailey

16 May 2021