

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 Mark Semmens on behalf of Fishing
Industry Parties

Dated: 16 May 2021

Reference: Jo Appleyard (jo.appleyard@chapmantripp.com)
Amy Hill (amy.hill@chapmantripp.com)

chapmantripp.com
T +64 4 499 5999
F +64 4 472 7111

PO Box 993
Wellington 6140
New Zealand

Auckland
Wellington
Christchurch



STATEMENT OF EVIDNCE OF MARK ALLEN SEMMENS**INTRODUCTION**

- 1 My full name is Mark Allen Semmens.
- 2 I am an Owner Operator of a small inshore trawler FV L'Avenir which sells its catch to Moana Fisheries Auckland.
- 3 I have been fishing 46 years I grew up in Russell and started fishing in the Bay of islands before I finished school.
- 4 My area of operation is from North Cape to Great Barrier. Home port for the L'Avenir is Whangarei. The L'Avenir is a 50 foot wooden vessel, built in 1957 for trawling. I have one crew member when I fish.

SCOPE OF EVIDENCE

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

Background

- 6 Inshore trawling is the method used on my vessel.
- 7 We use very light gear to keep the bottom contact to a minimum and fuel use to a minimum, we also use rubber discs to act as wheels to raise the gear to further reduce bottom contact. I have plastic Dyneema warps rather than the traditional wire warps. The Dyneema warps are lighter and are readily seen by seabirds, which helps to avoid accidentally capturing seabirds in the gear.
- 8 We never trawl on or over Reefs this would destroy our gear. The foul ground or reefs in this area are volcanic in nature and as a consequence are very rough and gnarly. Gear does not slide over these reefs and their jagged nature means they hold gear if it touches them. I only work over mud or sand seabed.
- 9 Target species are John Dory, Trevally, Snapper, Tarakihi and to a lesser degree Gurnard. Because I target species that are above the sea bottom, I do not set my gear hard on the bottom. For example, in a recent trip with 8 tows, the trawl doors still retained the rust on the bottom of the doors whereas a hard set would have polished the bottom of the doors.

10

██
██

[Redacted]

11 [Redacted]

12 I am careful with the disposal of any waste or discards overboard and try to retain as much as possible to release while I do not have warps in the water. This decreases the risk of catching seabirds.

13 [Redacted]

14 I have a Protected Species Risk Mitigation Plan on my vessel and follow its provisions when fishing.

15 All Moana Trawlers have cameras recording and transferring data to their IT. The L’Avenir has had cameras on board for over 10 years.

16 [Redacted]

Impact of the proposed controls

17 [Redacted]

- 18 [REDACTED]
[REDACTED]
- 19 If I was prohibited from fishing in these areas it would force me to fish further out to sea in the winter. With bigger seas and stronger winds to deal with, working further out with only one crew member is much more dangerous.
- 20 Fishing effort needs to be spread evenly up and down the coast to stop local depletion. This is something that fishers are very conscious of, and we try to spread our effort as much as we can rather than always fishing one area hard. The bans that have been proposed could cause areas of heavy fishing activity all around the borders leading to local depletion, which would have a negative effect on everyone fishing in the area and could impact on our ability to land the catch that we need per trip.
- 21 If you have to transit the area covered by the 2 maps that would require 3 .5 hours each way that's 7 hours your engine is burning diesel for no return and the added emissions.
- 22 Small local fisherman need support to access sheltered grounds. We do not have vessels that can be out in rough seas.

Mark Allen Semmens

16 May 2021