

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

IN THE MATTER of the Resource Management Act
1991(the **Act**)

AND

IN THE MATTER of appeals under clause 14 of the
First Schedule to the Act

BETWEEN **BAY OF ISLAND MARITIME
PARK INCORPORATED**
(ENV-2019-AKL-000117)

**ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED**
(ENV-2019-AKL-000127)

Appellants

AND **NORTHLAND REGIONAL COUNCIL**

Respondent

**STATEMENT OF EVIDENCE OF ANDREW JAMES MUNROE JOHNSON
ON BEHALF OF THE NEW ZEALAND SPORT FISHING COUNCIL INC
Dated 17 May 2021**

**BROOKFIELDS
LAWYERS**

A Green / R Ashton
Telephone No. 09 979 2210
Fax No. 09 379 3224
P O Box 240
DX CP24134
AUCKLAND

1. INTRODUCTION AND EXPERIENCE

- 1.1 My name is Andrew James Munroe Johnson.
- 1.2 My evidence is given on behalf of the New Zealand Sport Fishing Council (**NZSFC**).
- 1.3 I am an executive committee member of the Bay of Island Swordfish Club (**BOISC**). I am also the Club's delegate to the NZSFC. I was born and raised, and still live in the Bay of Islands. I have fished in the area my entire life. I am very familiar with the location, use and values of the ecosystem in Areas A, B & C identified in the Proposed Marine Protected Areas (**the Proposal**).

2. THE BAY OF ISLAND SWORDFISH CLUB

- 2.1 Recreational fishing in New Zealand has its genesis in the waters of the Bay of Islands, particularly in the abundant waters around Cape Brett and the outer Bay of Islands, where an incredibly diverse range of species can be targeted from baitfish, such as blue koheru and mackerel, through to the classic kiwi staples like snapper, kahawai, trevally and kingfish. There is also big game species like striped and black marlin. All of these species can be caught within Area A.
- 2.2 It might seem waxing lyrical to describe the Bay of Islands as the genesis of recreational fishing, but history speaks for itself. The BOISC is the oldest game fishing club in New Zealand, our catch records date back to 1910¹. In February 1915, Major A.D Campbell caught what is believed to be the first ever marlin on rod and reel in New Zealand in the Bay of Islands (possibly within or around Area A)². During the mid-1920's the famous American writer and fisherman Zane Grey came and fished the waters of the Bay of Islands and it became famous as a world renowned fishing destination through his book "Tales of the Angler's Eldorado".
- 2.3 Every year, tens of thousands of anglers explore the waters of the Bay of Islands, hunting and gathering kaimoana. Between its two clubhouses in Russell and Paihia, the BOISC generally runs over 10 annual tournaments, but by far the highlight of the tournament calendar is the International Light Tackle Yellow Tail Tournament. This four day event has been running for over

¹ About Us. (2020). Retrieved 15 July 2020, from <https://swordfish.co.nz/about-us/>

² Illingworth, N. (1961). *Fighting fins*. Wellington [N.Z.]: Reed.

50 years, and it attracts anglers from all around New Zealand and Australia. Some anglers have been attending and travelling from Australia consecutively for 43 years³. Area A and the buffer zone of the proposed complete no take zone, occupies a significant proportion of the traditional fishing area for this tournament, and its adoption would reduce that particular tournament's scope and historical fishing practices that we have enjoyed in that location.

2.4 The BOISC and recreational anglers of the Bay of Islands have an immense appreciation and understand the value of the abundant fishery we enjoy. The BOISC has historically been supportive and provided input into fisheries management methods to protect and preserve our fishery, for example:

- (a) The BOISC was one of the initial supporters of the temporary Rāhui over Maunganui Bay (Deepwater Cove) and has supported every reapplication for the Rāhui since.
- (b) The BOISC again was one of the initial supporters and has been involved in the establishment of a bylaw with Te Komiti Kaitiaki Whakature I nga Taonga o Tangaroa for the no take of kutai from within the Te Puna Mātaitai Reserve.
- (c) The BOISC, through its involvement as a founding affiliated member of the NZSFC and a strong supporter of the LegaSea⁴ initiative, has provided input and support for hundreds of recommendations and submissions to the Minister of Fisheries regarding the management of our fisheries.

2.5 The BOISC and recreational anglers of the Bay of Islands appreciate the privilege they have by being able to fish here and they want to be involved in the management of our cherished fisheries. The Proposal has its merits, such as:

- (a) the closure to scallop dredging within Area B; and
- (b) the closure to bulk harvesting within Area C.

³ Laird, L. (2020). Youth takes heavy prize at oldest contest. Retrieved 15 July 2020, from https://www.nzherald.co.nz/northern-advocate/news/article.cfm?c_id=1503450&objectid=11657526

⁴ A non profit organisation dedicated to restoring the abundance, biodiversity and health of New Zealand's marine environment.

- 2.6 We would and can work together to manage our local fishery better as we have done in the past. However, our members do not believe that the Northland Regional Council (**NRC**), which already appears to have limited resources, has the experience and knowledge to manage this area or issue.

3. SURVEY OF BOISC MEMBERS

- 3.1 The same poll was taken of BOISC members on two club nights, on 21 and 28 of April 2020, held at the Russell and Paihia Clubrooms, where members were shown a map of the proposed protection area and asked the questions detailed below. The questions and results are set out in Table 1 below.

No	Question posed	Number of 'Yes' responses	Number of 'No' responses
1.	Are you aware of the Te Ha o Tangaroa Protection Areas for the Bay of Islands?	4	32
2.	Would you support what is being proposed	2	34
3.	Do you usually use one hook or two hooks on your line while fishing?	27 answered 'One'	9 answered 'Two'
4.	Have you ever fished inside Area A or the Buffer Zone?	36	0
5.	The area will be administered/managed by the Regional Council under the RMA, not the Ministry of Fisheries under the Fisheries Act. Do you think this is the appropriate Authority to administer and manage the area?	0	36

Table 1: Answers to BOISC member survey

- 3.2 Although this poll is based on a small data set of recreational anglers, the strong response to each question suggests that this likely expresses the view of the broader recreational anglers. From this poll it is apparent that:
- (a) Recreational anglers are not aware of what is being proposed in the areas that they currently use and occupy when fishing. Most were surprised they had not been informed of what was being proposed though normal channels NZ Fishing News, Signs at Boat ramps, Posters in Clubrooms etc.
 - (b) Recreational anglers do not support what is being proposed. The section proposed to be closed off represents a large and regularly

used fishing area and most anglers' expressed concerns about being displaced.

- (c) The majority of recreational anglers already use one hook, so it is unclear what the intended purpose of a Buffer Zone is trying to achieve. Most anglers commented that you are more productive with one hook rigs anyway.
- (d) All anglers have fished inside the proposed areas, so it is very clear fishing effort will be displaced.
- (e) No one supports the area being administered by the NRC. Most anglers commented that NRC is already failing in its mandate to control other management programmes (granting resource consents, enforcing resource consent conditions on consent holders, freshwater management, marine biosecurity), which has led to reduction in biodiversity:
 - i. Increased sediment levels (due to farming and forestry run off) in waterways, which alter the habitat in shallow and inland waterways for marine species. In fact, creating thriving habitat for invasive species such as Japanese Mantis Shrimp which are now common in Northland water ways.
 - ii. Poor water quality and increased levels of pollution in our waterways due to the lack of enforcement and inadequate conditions imposed on resource consent conditions for sewage schemes and wastewater run offs, which lead to constant bio-toxin incidents.
 - iii. Introduction of pest species, both saltwater (Mediterranean Fanworm, Japanese Mantis Shrimp and many others) and fresh water (Koi Carp).

All those interviewed agreed NRC does not need another programme to manage. If NRC is responsible for managing the ecological condition of our waterways and biodiversity, they should start with the fundamentals they are already charged with. It seems that resources are already stretched thin in attempting to meet these responsibilities.

4. PROCESS

- 4.1 It seems to me that the entire Environment Court and Council Hearings process originates from “one sentence” within a submission on the Proposed Regional Plan for Northland and a recent legal precedent from the Bay of Plenty which has set down a new interpretation of the Resource Management Act 1991 (**RMA**). Many parties (Tangata Whenua, affected Hapu Groups, Recreational Fishers, Other Fishing Clubs, affected Commercial Fishers, Free Divers, Scuba divers, Sightseers, Sailors, Charter operators and the General Public) are not present and in fact most are not aware. With lawyers representing our views it hardly feels like the setting for successful fisheries management. The number of parties joining this process late in the piece says to me that consultation has not been adequate.

5. EFFECTS ON RECREATIONAL FISHING

- 5.1 The BOISC is a strong supporter of our recreational charter fishing industry, these charter vessels provide an excellent introduction to fishing for many and allow people that would otherwise not have the means to explore the Bay of Islands with a rod in their hand. The small business fishing charter companies also complement and have roll on economic effects to many other businesses in our small Bay of Islands communities (for example, restaurants, moteliers, mechanics, and tourist operators). Area A covers many sheltered locations to which these operators take clients fishing regularly. Area A is ideal as it provides clients with scenic views of the Bay of Islands during a sheltered route getting there and back, and a diverse range of species can be targeted during a fishing trip which is what new anglers enjoy.
- 5.2 Area A and the buffer zone encompasses a significant amount of fishing area which is sheltered from NNE round to WSW (over 180 degrees), providing for safe recreational fishing and diving. The renowned anchorages in Oke Bay are also constantly occupied all year round, by overnight cruisers and small fishing boats catching dinner. Also, the beaches of Oke Bay are a popular fishing destination for land-based anglers via the short walk from Rawhiti. The stretch of coast from Albert Channel through to Whakapae Bay represents some of the best crayfish diving in the Bay of Islands. The adoption of this closure would inhibit how our community provides safely for their social, economic and cultural well-being.

Andrew James Munroe Johnson
17 May 2021