

STATUTORY DECLARATION OF CHRISTOPHER EVAN LINLEY COOPER

I, **Christopher Evan Linley Cooper**, of Dunedin, fisherman, solemnly and sincerely declare:

- 1 My name is Christopher Evan Linley Cooper. I am the sole director of Morning Dance Fish Co Limited which holds Annual Catch Entitlement (**ACE**) under client number 9791169. Octagon 2008 Trustees Limited and I hold **s9(2)(b)** quota shares in the quota management area known as CRAMAC7 (**CRA7**) under number **s9(2)(b)**.
- 2 I make this statutory declaration in support of the submissions of the Otago Rock Lobster Industry Association Incorporated on the South East Marine Reserve Proposal.
- 3 I am a second generation fisherman; my father David Cooper was a fisher. I was destined to be a fisherman since I was born. I had a swing on my father's boat which I remember swinging on in the middle of the boat when I was four years old while next to me my father and his crew were pulling in pots.
- 4 I have been fishing in the CRA7 fishery for 40 years. I started out working on other people's boats until my father and I built my first boat at Carey's Bay when I was 21. I bought the business from my dad when I was 32.
- 5 I am proud and passionate about the CRA7 fishery. I have fished most of the Otago coast for interest's sakes. I live in Karitane with my wife and two children.

Economic considerations

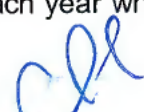
- 6 I own two vessels in the CRA7 fishery: Morning Dance and Cloud Break, a true copy of photographs of the Morning Dance and Cloud Break are **attached** and marked "A". The Morning Dance was my father's and my boat. A couple of years ago it was exclusively used for recreational fishing. It is now doing some trawling to supplement my lobster catch. Cloud Break is my new boat which I bought around late 2018. Both boats are moored at Port Chalmers.



- 7 There is two crew working on the vessel Cloud Break with the skipper, who will sometimes be me and sometimes be my skipper Jeremy Simpson. My deckhands just want a comfortable pay, they are paid on a percentage of the catch not salary. When they are paid they receive big money but if we are not catching anything then my crew suffer. If I get three seasons out of a deckhand I am happy; younger guys move on faster than people who are passionate about the business. Jeremy, my skipper, has been with me for about 6 years.
- 8 I own about half of my quota between myself and my father.
- 9 I also lease private quota from a widow whose husband died in a commercial fishing accident. She holds her husband's quota and has leased it to me for a decade. She has two children who have been through high school since I started leasing the quota so she relies upon the lease I pay to supplement her income. The rest of my quota is made up in leases from Ngāi Tahu and Fiordland Lobster Company.
- 10 Therefore, about seven tonne is quota I hold in my name, my father's name and by leasing private quota, and seven tonne is matched by Fiordland Lobster Company and Ngāi Tahu.
- 11 If my lease goes up in price then it is the crew that are affected. It hurts them. Some of them have kids and mortgages and they can't afford to have the price of the lease eat into their pay.
- 12 I have two licensed fish receivers. Roughly 50% of my catch goes to Ngāi Tahu Seafoods and 50% goes to Fiordland Lobster Company.

Volume and areas of catch

- 13 A true copy of a table detailing the volume and catch per unit effort (CPUE) I have caught each month for the last five years is **attached** and marked "B".
- 14 We always start the season close to the shore. As the season progresses in June and July I move North but stay in the shallows. When the water warms up we move further out. We move into the next depth along the s9(2)(b)(ii) in early August. The aim is to be in the deep water with s9(2)(b)(ii) August each year where



we can catch a higher grade (AA, 2A, A and B). This deep water which is in the proposed reserve, produces the big grade lobster which the markets demand. To achieve this we move about s9(2)(b)(ii) at a time.

- 15 A true copy of a table outlining the locations I fished throughout the 2019 season and the greenweight catch at each spot is **attached** and marked "C". Exhibit C is cross-referenced with maps on which I have marked the areas I fish throughout the season. True copies of these maps are **attached** and marked "D".
- 16 A true copy of a heat map detailing GPS data from digital monitoring fixed to my boat evidencing my typical fishing activity is plotted in exhibit "D" is **attached** and marked "E".
- 17 When the weather is calm and there is clear water the fish typically hide in the rough so they cannot be seen by predators. We then have to start putting pots in the reef, as a back up to the pots placed around the edge, as they don't tend to come out as far. When the waves are rolling and the water is dirty is when we get the biggest lifts as this is when the fish feel safe enough to come out of the reef, and begin the migrate so we can catch them before they start moving off. Sometimes the fish will come to the edge and then back off into the rough again to eat; they will do this several times
- 18 Typically I would have about s9(2)(b)(ii)
- 19 For the last two years I have gone south as well as north. In doing this I am splitting the catch by putting about s9(2)(b)(ii) in the south. I wouldn't be able to make a living purely in the southern zone, the north is my go to. I would only go south if it was proving to be a bad season in the north.
- 20 The northern grounds are a lot more sheltered than the south which is often hard to get to, due to tides or wind around the Cape.
- 21 The reef from s9(2)(b)(ii) is where the majority of the fishing in the area is done. It is the regular fishing ground and a straight line from Port Chalmers for me so I can be home by 4pm with top quality produce. I generally check the pots daily. The beauty of CRA7 is that fish

can be caught in the gear, and 2 hours later it is landed and gone. Other than Kaikoura this is one of the only spots in New Zealand where this can happen as everywhere else the fishing grounds are a long way off shore and live export facilities.

- 22 The competition is nowhere near as intense as it used to be. In the 1990s there must have been about 20 boats in the same area that 6 of us work in today. The reefs were practically walled around and there was so much steel in the water that the fish got put off. In saying that the fishermen in the 1990s were still pulling in tonnes upon tonne of fish and made a living. There must have been about 1000 pots in the water then. My father caught his quota in that area. 70% of the CPUE in CRA7 is generated in this area, it is the golden goose.
- 23 There are currently six vessels and we can all fit comfortably. The edges of the reef are full and there is no room but we are leaving each other a couple of metres of space between pots to work, and ensure nothing gets tangled. Occasionally pots get stacked on top of each other but we try and keep our distance from each other. There is a lot of gear but the reef can handle it. The space is perfect for the six of us and we couldn't add in another boat.
- 24 This industry is becoming harder to make a living in. We currently have to land about seven to ten tonne to break even and only the last four to five tonne is your profit margin. This is as a result of the leases being expensive. We have to take advantage of every spike in the market. In a good year there will be six or seven spikes, where the price reaches \$70 to \$80. In a bad year there will only be three.
- 25 In CRA7 we are permitted to catch different sizes of fish. I prefer to catch bigger fish as they are graded higher. When we are potting in the shallows we would throw back about 95% of the fish in the pot, as they are legal but too small to make it worth landing them. When we are on the s9(2)(b)(ii) we are still throwing about 50% to 60% back for size.
- 26 The area is the best I have seen it in the last four years. It's been so good I haven't needed to go elsewhere, though sometimes I go north to get away from everyone and enjoy the view.



Impacts on tonnage

- 27 I fish for rock lobster seasonally, starting in June and finishing in mid-February or whenever I come to the end of my quota. Peak season runs from July to September. I now try and catch fish to take advantage of the demand at Chinese New Year (January-February).
- 28 I do quite enjoy fishing off peak. The prices are better and there are less people out. However, with my skipper Jeremy in control now he likes to get the season done more quickly and I am fine leaving him to do that.
- 29 The area off s9(2)(b)(ii) where we generate our CPUE. It is the heartbeat of CRA7.

Effect of proposed closures

- 30 If the proposed marine reserve was implemented and I was unable to fish where I currently do, I would not be able to move to the Cape to fish as Gavin Heineman is already based there and I have pretty much left him to it. There is good fish at the Cape but the area is so small that Gavin is practically running his own pots over, there is no way six more boats could fit in that area. It would be an environmental disaster to put 700 more pots in there. Particularly as the best part of the s9(2)(b)(ii) which halves the area at s9(2)(b)(ii). I would be tangled in myself putting pots there, let alone when competing with someone else.
- 31 I don't think I would be able to fish further north than the proposed reserve grounds, it would be a kick to the guts to have to drive from Port Chalmers through the reserve area with plentiful high grade fish, to fish in an area with a lower grade where I would have to put in a lot more effort to land the same amount.
- 32 I think it may be possible to shift south but there isn't enough of a resource down there.
- 33 I am certain that if the main area I fish is closed off, the CPUE would go down and bring the tonnage down with it.
- 34 In addition to rock lobster I also trawl; I have a berth in Bluff which I use for codding. I hold quota for cod in BC05 in Southland. Codding is

supplemental to crayfish, my business is about 85% crays and 15% wet fish. I am a long term fishing business operator, and I will look to pass the opportunity to be a fishing family on to my kids.

What I want for the future

- 35 I would be happy if the reserve was put in place as a long inshore area. This would benefit the fish as they would be untouched and be able to grow bigger without living right next to steel pots. This would also protect the kelp beds where crays make their homes. I have no problem with a reserve in this form, the shallow areas along the coast are the breeding ground for Statistical Area 921.
- 36 The issue I have with the proposed reserve is closing off the s9(2)(b)(ii). If this happens we would have no choice but to start fishing the shore line, and land fish when they just reach legal size. Fishing the beds along the coast would decimate any population before it had a chance to move offshore into the ledges located in the proposed marine reserve. This is important.
- 37 This kind of fishing was happening in the 1990s and there weren't enough fish to even get out to the deeper water, the reefs were barren. It wrecked the coast and all the boats were forced to move south as there just wasn't a big enough population off s9(2)(b)(ii). With the main fishing area on the ledges closed I can guarantee this is what will happen, everyone will simply move in shore and catch everything at legal size, even if it isn't a high grade.
- 38 Nipping off all the fish when they reach legal size is obviously a concern, it would decimate the population, leave the reef barren and affect the migration heading into CRA8. This would be prevented if the outer line of the proposed reserve was pushed inshore to a kilometre offshore, in a long narrow section. This would leave the reefs, which are currently full of fish, to fishermen. This is working currently, the reef is the best it has been in years.
- 39 I have two sons who I could pass the business on to. They are young but it is more than likely one of them would take over. They would be mugs not to have a go at it.



40 It would be a beautiful thing to have another generation do what I have done and my father has done. Fishing is a cool life, I leave the house before everyone else in my community wakes up and I drive off in my boat to the quiet. It's a special thing to be a fisherman.

41 I don't know what the future holds for me. It is touch and go whether I would survive if the proposed marine reserve went ahead. I would make it work but I don't know where I would even start. I might not be able to continue to live in Karitane.

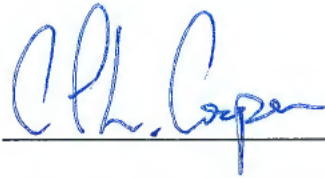
42 My father caught his quota in that area, that is where I learnt how to fish, it is a very special place for me.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957.

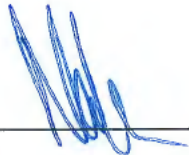
Declared at Dunedin)

this 7th day of July)

2020, before me:)



Christopher Evan Linley Cooper



A Solicitor of the High Court of New Zealand

Nathan Paul Graham
Solicitor
Dunedin

"A"

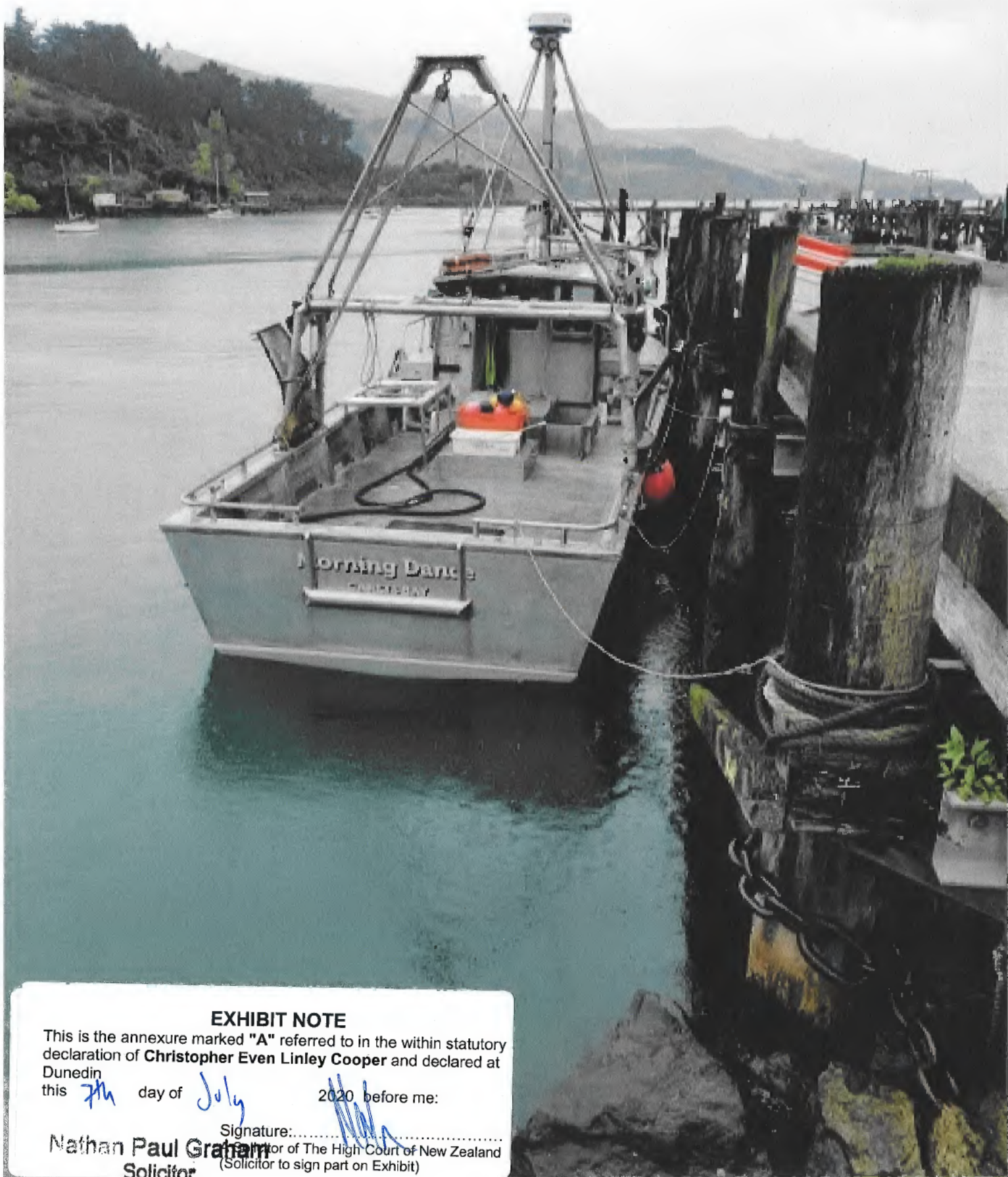


EXHIBIT NOTE

This is the annexure marked "A" referred to in the within statutory declaration of **Christopher Even Linley Cooper** and declared at Dunedin

this 7th day of July 2020 before me:

Signature: [Handwritten Signature]

Nathan Paul Graham
Solicitor
Dunedin

Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)



Example: 2019 season Cloud Break

Month	Location detailed	Reference on chart	Target species estimated greenweight catch	Catch per unit effort (CPUE)
June → August	s9(2)(b)(ii) [redacted] s9(2)(b)(ii) [redacted]	Red	s9(2)(b)(ii) [redacted]	s9(2)(b)(ii) [redacted]
10 th August → the end of the season	s9(2)(b)(ii) [redacted] 20 th [redacted] move approximately s9(2)(b)(ii) [redacted] s9(2)(b)(ii) [redacted]	Green	s9(2)(b)(ii) [redacted]	s9(2)(b)(ii) [redacted]

*Note: Blue is areas that have been fished in the past five years but they are not regularly fished.

EXHIBIT NOTE

This is the annexure marked "C" referred to in the within statutory declaration of **Christopher Even Linley Cooper** and declared at Dunedin this 7th day of July 2020 before me:

Nathan Paul Graham
Solicitor
Dunedin

Signature: [Signature]
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

2

STATUTORY DECLARATION OF COLIN JOHN PILE

I, **Colin John Pile**, of Moeraki, fisherman solemnly and sincerely declare:

- 1 My name is Colin John Pile (**John**). I hold Annual Catch Entitlement (**ACE**) under client number 9780016 and own **s9(2)(b)** quota shares in the quota management area known as CRAMAC7 (**CRA7**).
- 2 I make this statutory declaration in support of the submissions of the Otago Rock Lobster Industry Association Incorporated on the South East Marine Reserve Proposal.
- 3 I have been fishing in the CRA7 fishery for 42 years. I started fishing when I was 15 years old and I am now 57. My family has been associated with the fishery for three generations; my father, grandfather and great grandfather all traditionally fished around **s9(2)(b)(ii)**
- 4 I am based in Moeraki, have three children and have Ngāi Tahu affiliations. I used to fish for other species but have stopped as I am getting older and can currently earn enough for my needs by fishing for rock lobster.

Economic considerations

- 5 I operate one vessel in the CRA7 fishery named Chivalair, a true copy of a photograph of the Chivalair is **attached** and marked "**A**".
- 6 Over the years I have always had two crew and sometimes take on seasonal workers when it is busy. One of my crew has just retired after 20 years working with me.
- 7 I own my own ACE and also lease additional ACE from Ngāi Tahu.
- 8 I have a contract to distribute my fish to Ngāi Tahu. I have recently opened up my own boutique fish and chips shop, the "Fishwife", on the Moeraki wharf which I supply to. I put a lot of effort into setting this up, including going through a long resource consent process. It is starting to do really well but I am unsure of its future if the proposed marine reserves go ahead. I have two staff in the shop, both cooking and serving food.

Volume and locations of catch

- 9 A true copy of a table detailing the volume and catch per effort unit (CPUE) I fish at different times of the year for the last five years is **attached** and marked "B".
- 10 I fish all year around but try to start my season in the first two weeks of June. I always start fishing from s9(2)(b)(ii)
- 11 Over the last five years I have always started the season (between June – September) in the north, fishing at s9(2)(b). As soon as I start I work the front of the lighthouse. I fish along the foul from about s9(2)(b)(ii) I fish the s9(2)(b)(ii). I then move s9(2)(b)(ii) The bulk of my catch is caught around s9(2)(b)(ii) in a spot we call s9(2)(b)(b)(ii) In June and July I will work the s9(2)(b)(ii) I generally stick to a depth of between s9(2)(b)(ii) and don't go any further out than a depth of s9(2)(b)(ii)
- 12 A table detailing where I fished in which month and the amount I caught for the 2018 – 2019 is **attached** and marked "C". True copies of the maps marked with the areas I fish throughout the season referred to in exhibit "C" are **attached** and marked "D".
- 13 I recently started using digital monitoring. A true copy of a heat map detailing GPS data from digital monitoring fixed to my boat evidencing my typical fishing activity from 1 October 2019 to 4 March 2020, which is plotted in exhibit "D" is **attached** and marked "E". This doesn't show my fishing effort in the reserve area because I'm usually there in winter.
- 14 Each year, if I decide I am not catching as much as I want in the North in June and July then in August I will pack up and work out of s9(2)(b)(ii) until I reach the end of my ACE. On my way down to the southern grounds I will stop at s9(2)(b)(ii) to see if it is worth fishing there for a while.
- 15 The process of moving all my gear is long and expensive so I will only do it in the years that the fishing in the north is no good. It is a \$10,000 fuel

burn just to move the boat so relocating comes at a cost and I would not do it every season.

- 16 I randomly pot in the areas that I fish. When fishing in the north I typically leave about s9(2)(b)(ii) , compared to about s9(2)(b)(ii) . When moving south for the season I will put two loads of s9(2)(b) on the boat and truck the rest by road. I leave pots in the water for 24 hours before pulling them up. Pots limits are variable according to the depth of the water, weather and the time frames I have to work with. The weather is a lot more changeable down south.
- 17 When I move south halfway through a season I am following the migration. The fish move from the inside to the outside. There is higher grading in the south as the fish are bigger.
- 18 The most productive area is called s9(2)(b)(ii) . This is about s9(2)(b)(ii)
- 19 I am currently the northernmost fisherman and the southernmost fisherman. Ken Harris and I work the top northern grounds and Damon and I work the southern grounds when we need to shift from the north during the season.

Effect of proposed closures

- 20 I always fish either the northern grounds or the southern grounds, I do not have enough equipment and labour to put pots out in both locations. The closure of the area just s9(2)(b)(ii) would force me to make my mind up sooner rather than later as to which area I fish for the season.
- 21 My vessel has the operating range to work either north or south but it would be expensive to have to move every season.
- 22 Competition is my primary concern. At the moment it is crowded off s9(2)(b)(ii) but it works. Everyone could shift neither north nor south because there is not enough fish and neither direction could sustain 6 boats as the grounds are simply not big enough.
- 23 Gavin Heineman is the only one who currently works at s9(2)(b) and there is absolutely no room for anyone else to set up there permanently.



24 I can hold my own in s9(2) as I know the area well. I would have safety concerns if other fishermen followed my lead and located themselves in s9(2)(b)(ii) . s9(2)(b)(ii) to enter and exit. It would be a disaster if the pressure to find alternative spots to fish made others attempt to navigate the reef with no experience in that type of environment or the wrong type of boat.


What I want for the future

25 My eldest son is currently a builder but is thinking of having a crack at fishing. I have been trying to dissuade him from this. If the marine reserve goes ahead I do not want him to have to deal with the consequences, being that it would make the business so much harder to earn a living from.

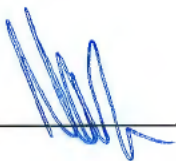
26 I was happy with the option of an inshore strip being the proposed reserve that was put forward by commercial fishermen.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957.

Declared at Dunedin)
this 7th day of July)
2020, before me:)



Colin John Pile



A Solicitor of the High Court of New Zealand

Nathan Paul Graham
Solicitor
Dunedin

"A"



EXHIBIT NOTE

This is the annexure marked "A" referred to in the within affidavit of **Colin John Pile** and sworn at Dunedin this *7th* day of *July* 2020 before me:

Signature: *[Handwritten Signature]*
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

Nathan Paul Graham
Solicitor
Dunedin

"B"

Month	Year	Greenweight	CPUE
Jun	2015	s9(	[redacted]
Jul	2015	s9(2	[redacted]
Aug	2015	s9(2	[redacted]
Sep	2015	s9(2	[redacted]
Oct	2015	s9(2	[redacted]
Nov	2015	s9(	[redacted]
Dec	2015	s9(	[redacted]
Jan	2016	s9(	[redacted]
Feb	2016	s9(2	[redacted]
Mar	2016	s9(	[redacted]
Apr	2016	s9(	[redacted]
Jun	2016	s9(	[redacted]
Jul	2016	s9(2	[redacted]
Aug	2016	s9(2	[redacted]
Sep	2016	s9(2	[redacted]
Oct	2016	s9(2	[redacted]
Nov	2016	s9(	[redacted]
Dec	2016	s9(	[redacted]
Jan	2017	s9(	[redacted]
Feb	2017	s9(	[redacted]
Mar	2017	s9(	[redacted]
May	2017	s9(	[redacted]
Jun	2017	s9(	[redacted]
Jul	2017	s9(	[redacted]
Aug	2017	s9(2	[redacted]
Sep	2017	s9(2	[redacted]
Oct	2017	s9(	[redacted]
Nov	2017	s9(2	[redacted]
Dec	2017	s9(2	[redacted]
Jan	2018	s9(2	[redacted]
Feb	2018	s9(	[redacted]
Mar	2018	s9(	[redacted]
May	2018	s9(	[redacted]
Jun	2018	s9(	[redacted]
Jul	2018	s9(2	[redacted]
Aug	2018	s9(2	[redacted]
Sep	2018	s9(2	[redacted]
Oct	2018	s9(2	[redacted]
Nov	2018	s9(2	[redacted]
Dec	2018	s9(2	[redacted]
Jan	2019	s9(2	[redacted]
Feb	2019	s9(	[redacted]
Mar	2019	s9(	[redacted]
May	2019	s9(	[redacted]
Jun	2019	s	[redacted]
Jun	2019	s9(	[redacted]
Jul	2019	s9(	[redacted]
Aug	2019	s9(	[redacted]
Aug	2019	s9(	[redacted]
Sep	2019	s9(	[redacted]
Oct	2019	s9(	[redacted]
Nov	2019	s9(	[redacted]
Dec	2019	s9(	[redacted]
Jul	2019	s9(	[redacted]

EXHIBIT NOTE

This is the annexure marked "B" referred to in the within affidavit of **Colin John Pile** and sworn at Dunedin this **14** day of **July** 2020 before me:

Signature: **Nathan Paul Graham**
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)
Nathan Paul Graham
Solicitor
Dunedin

"C"

Season: This is an example of the 2018 – 2019 season

Month	Location detailed	Reference on exhibit "D" maps	Month	Target species estimated greenweight catch	Catch per unit effort
June	s9(2)(b)(ii)	Red	June	s9	
June → September/October	s9(2)(b)(ii)	Green	July	s9	
			August	s9	
September → the end of my quota (approximately May 2019)	s9(2)(b)(ii)	Blue	September		s9(2)(b)
			October	s9	
			November	s9	
			December	s9	
			January	s9	
			February	s9	
			March	s9	
September → the end of my quota	s9(2)(b)(ii)	Blue	May	s9	

EXHIBIT NOTE

This is the annexure marked "C" referred to in the within affidavit of Colin John Pile and sworn at Dunedin

this 7th day of July 2020 before me:

Nathan Paul Graham

Solicitor
Dunedin

Signature: 
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

s9(2)(b)

s9(2)(b)

STATUTORY DECLARATION OF GAVIN CHARLES TE MAIHOROA

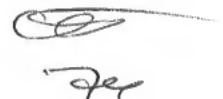
I, **Gavin Charles Te Maihoroa**, of Moeraki, fisherman, solemnly and sincerely declare:

- 1 My name is Gavin Charles Te Maihoroa. I hold Annual Catch Entitlement (**ACE**) under client number 9791711.
- 2 I make this statutory declaration in support of the submissions of the Otago Rock Lobster Industry Association Incorporated on the South East Marine Reserve Proposal.
- 3 I have been fishing in the area known as CRAMAC7 (**CRA7**) for my whole life. My family has been associated with the fishery for the past two generations, my father and grandfather were both fishermen. I have four children, three daughters and one son. I have Ngāi Tahu iwi affiliations.
- 4 I am proud and passionate about the CRA7 fishery because fishing in this area is all I have done; it is a generational activity which I love. I enjoy fishing in my spare time as well as for a living.
- 5 I fish for blue cod and trawl in addition to rock lobster.

Economic considerations

- 6 I operate one vessel for rock lobster in the CRA7 fishery called the Observer. A true copy of a photo of the Observer is **attached** and marked "**A**". I also have another boat which I use for trawling.
- 7 Fishing is a family business for me, my brother and I work on the boat together. If both boats are out at the same time we will skipper one boat each. Occasionally we will take on seasonal workers if it is a busy season. Sometimes we do a bit of charter fishing.
- 8 I lease ACE from Ngāi Tahu and the licensed fish receiver I generally supply to is Harbour Fish.

Volume and areas of catch



- 9 A true copy of a table detailing the estimated greenweight catch of rock lobster and catch per unit effort (**CPUE**) I have caught in the CRA7 fishery each month for the last five years is **attached** and marked "**B**".
- 10 Over the last five years I fished from s9(2)(b)(ii) f. True copies of maps marking where I fish throughout the season are **attached** and marked "**C**". The red areas are reef. I put about s9(2)(b) out which I move around the reefs outlined in exhibit C, dependent on what I am getting in my pots. The number of fish in the pots will vary day to day dependent on many factors, including the weather, tide and the moon. Typically I leave s9(2)(b)(ii) in the water at any given point. I generally leave pots overnight before pulling them in.
- 11 A true copy of a heat map detailing GPS data from digital monitoring fixed to my boat evidencing my typical fishing activity which is plotted in exhibit "C" is **attached** and marked "**D**".
- 12 The areas highlighted in exhibit C and D are important because there are good reef structures for crayfishing and cod potting. Certain spots in the heavily fished areas cannot be potted because there are no reef structures to fish on. It is easy to determine where the patches without reef are as they have no activity.
- 13 As the season progresses my operation spreads over a bigger distance. However, I don't fish any further south than Shag Point because this is where a lot of the other boats are and I don't want to be on top of them.
- 14 If the weather is bad then I won't catch some fish in certain places. In the past when it has been a bad season I have gone up to the coast off Oamaru.
- 15 In CRA7 we are permitted to catch different sizes of fish. I prefer to catch higher grades year round and would normally return 50 – 70% of the fish I catch to allow for this.

Impacts on tonnage

- 16 I fish for rock lobster all year because we are now allowed to fish year round. However, the market dictates how long my season goes so the

period of time I am fishing is constantly shifting, sometimes I pack my gear up early and sometimes I am fishing until April. Most recently, my season has stretched from the end of July to April. I chase the price not the fish and this dictates my season.

- 17 I think there is some competition in these areas but there are only about four boats in the southernmost areas I fish at the moment so it is manageable.

Effect of proposed closures

- 18 If the proposed marine reserve is put in place competition would increase as all the boats from Shag Point would have to move elsewhere. The only real option in that area would be for them to go north, where I fish. I expect more than a hundred pots would be relocated into new fishing spots.
- 19 If I could no longer fish for rock lobster I could switch to fishing for blue cod full time but this would mean a huge economic loss for me as blue cod doesn't bring in enough money to run a business. It also requires a lot more effort for income.

What I want for the future


- 20 I hope that my four children will take over the business as my brother and I did; they are interested and I would love to pass the business down to them and carrying on the family tradition of fishing.
- 21 Fishing is my life's passion.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957.

Declared at Dunedin)

this 9th day of July)

2020, before me:)





Gavin Charles Te Maihoroa

A Solicitor of the High Court of New Zealand

FRASER ROBERT GOLDSMITH
SOLICITOR
DUNEDIN

"A"



EXHIBIT NOTE

This is the annexure marked "A" referred to in the within affidavit of **Gavin Charles Te Maihoroa** and sworn at Dunedin this *9th* day of *July* 2020 before me:

Signature: *[Handwritten Signature]*
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

STATUTORY DECLARATION OF GAVIN SHANE HEINEMAN

I, **Gavin Shane Heineman**, of Dunedin, fisherman, solemnly and sincerely declare:

- 1 My name is Gavin Shane Heineman. I am the sole director and one of two shareholders in Danera Holdings Limited (New Zealand registered company number 6407832).
- 2 I make this statutory declaration in support of the submissions of the Otago Rock Lobster Industry Association Incorporated on the South East Marine Reserve Proposal.
- 3 Danera Holdings Limited holds Annual Catch Entitlement (**ACE**) under client number 9900216. I personally own **s9(2)(b)** quota shares in the quota management area known as CRAMAC7 (**CRA7**) under client number **s9(2)(b)**.
- 4 I began fishing on my father's boat from the age of four. I have now been commercially fishing the CRA7 fishery for 18 years. From 2015 my father, Ate Heineman, and I have fished together so I have combined his catch history with mine in this statutory declaration for the sake of simplicity. From December 2017 Danera Holdings Limited started to take over his ACE plus his vessel and fishing gear. He held ACE under client number 8483479. He and my mother, Colleen Heineman, still own **s9(2)(b)** quota shares under client number **s9(2)(b)**.
- 5 I am proud and passionate about the CRA7 fishery because of my family ties to CRA7; my family and I live, work and play in this area.
- 6 My father has worked in the fishery since the mid to late 1960s and crayfishing has always been a part of lives. We have always caught our crayfish during the winter months and been able to enjoy being at home most evenings with our families as during our summer season we are away for up to 5 days. I also fish recreationally fish in the lower South Island to provide my family and friends with a catch to plate experience.

- 7 I am hoping to be able to pass my fishing operation onto a family member or keen crewman to see our family operation carry on into the future.
- 8 I fish for trawl fish in addition to rock lobster. Rock lobster fishing makes up approximately 50% of my overall fishing activities. When trawling I mostly target flatfish but catch a variety of fish according to our quota mix.

Economic considerations

- 9 I operate one vessel in the CRA7 fishery named Echo; a true copy of a photograph of Echo is **attached** and marked "A".
- 10 There is generally me and two crew members on the vessel. Having two crew allows for the work load and for them to have good breaks when it is quiet. For example, one of the crew recently had a baby so he was able to take time off while the other one worked for him. Another has a child in Oamaru so I give him a paid week every school holiday to go and visit his child there. I want to treat them well and make sure they have a good livelihood, plus time away from what is a very demanding job.
- 11 The crew members are on labour contracts where they make their income as a percentage of the landings. If there are less fish I struggle to give them that quality of life, let alone keep both of them engaged and catching enough to make a decent income.
- 12 I generally lease ACE from my parents and Fiordland Lobster Company. In the past I paid for my ACE at a set rate upfront at the start of the season, but this year it has switched. Now I pay a percentage of the average price I sell the fish I land for; this can be over 50% so I have to grade up to return a profit for the boat. Regardless of the system, it is important that I can catch enough fish to cover my ACE lease fee and other costs. The licensed fish receiver I generally supply to is Fiordland Lobster Company.

Volume and areas of catch

- 13 A true copy of a table detailing the volume and catch per unit effort (**CPUE**) of rock lobster my father and I have caught in the CRA7 fishery in the last five years is **attached** and marked "**B**".
- 14 A true copy of maps marking the areas I fish throughout the season are **attached** and marked "**C**".
- 15 I note that I only fish at s9(2)(b)(ii) if there is not enough for me to fish at s9(2)(b)(ii) or the tides are wrong to work at s9(2)(b)(ii). All the areas I fish pose difficult conditions (such as a harsh, icy, strong Southerly wind) and are not for the faint-hearted.
- 16 These areas are important to me because they are where my father fished for over 50 years. They are also important as they provide habitat where the fish are big and high quality. The particularly productive areas are s9(2)(b)(ii) due to the bottle neck effect of s9(2)(b) during migration.
- 17 When the lobsters migrate from the northern areas of CRA7 they round s9(2)(b)(ii) closely as they migrate South. Once they pass s9(2)(b) they disperse widely and unpredictably so they are extremely hard to catch. When they migrate they are virtually impossible to catch on the sandy bottom of the sea floor as they do not stop to feed there.
- 18 When migration is going to happen is really hard to predict. It depends on the time of year molt cycles and the weather conditions. Lobster need dirty water and foul to hide under from their predators (such as octopus) so they are reluctant to migrate unless the conditions are just right. Some years the migration is better than others.
- 19 I generally leave pots 24 hours before pulling them in. A true copy of a table outlining sites I fish, how many pots I have at each location and the approximate coordinates is **attached** and marked "**D**". A true copy of plotter photos showing the coordinates of where I fish is **attached** and marked "**E**". This confirms the points plotted in exhibit "C".

- 20 In CRA7 we are permitted to catch different sizes of fish. I prefer to catch bigger fish because they give a better return. Those fish are generally the fish that migrate.

Impacts on tonnage

- 21 I fish for lobster seasonally because they are most available to CRA7 fishers at a reasonable return in good export condition in Otago's winter months. I could not catch the same tonnage elsewhere in CRA7 because there are enough vessels fishing the other good grounds. The current number of boats in the fishery is sustainable given the areas and times each of them works.

Effect of proposed closures

- 22 If the proposed marine reserve areas are closed to rock lobster fishing there will be increased competition for the remaining few areas in the CRA7 fishery that are worth fishing. Where I fish there is only room for one vessel to be potting at a time so I am generally the only one fishing there. If more than one vessel at a time worked in those areas we would have issues with safety and would probably damage our gear when working close together. There is physically no more room. It would also become an arms race to compete to land fish which would not be good for the fish and the rest of the marine environment.
- 23 I catch other types of fish but I prefer to catch rock lobster because it has been a way of life for my family for two generations. We do not have enough trawl ACE to keep Echo active full time. If I could no longer fish for rock lobster my vessel would most likely be tied up for some months each year with no income for my crew or myself.

What I want for the future

- 24 I want to ensure the fishery is abundant and healthy. I want the marine environment to be protected and to be able keep fishing.

25 Fishing is a good future for up and coming young people to be able to be employed in the industry and enjoy the lifestyle fishing has to offer.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957.

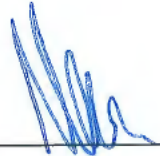
Declared at Dunedin)

this 9th day of July)

2020, before me:)



Gavin Shane Heineman



Nathan Paul Graham

Solicitor
Dunedin

A Solicitor of the High Court of New Zealand

"A"



EXHIBIT NOTE

This is the annexure marked "A" referred to in the within statutory declaration of **Gavin Shane Heineman** and declared at Dunedin this *9th* day of *July* 2020 before me:

Nathan Paul Graham
Solicitor
Dunedin

Signature:.....
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

"B"

Month	Year	Number of Pots & Traps Lifted	Vessel Days	Greenweight Catch	CPUE
Jul	2018				
Aug	2018				
Sep	2018				
May	2019				
Jul	2019				
Jul	2019				
Aug	2019				
Aug	2019				
Sep	2019				
Sep	2019				
Sep	2019				
Sep	2019				
Oct	2019				
Jul	2017				
Aug	2017				
Aug	2017				
Sep	2017				
Oct	2017				
Nov	2017				
Jun	2016				
Jul	2016				
Aug	2016				
Sep	2016				
Oct	2016				
Jul	2015				
Aug	2015				
Sep	2015				
Jul	2014				
Aug	2014				
Sep	2014				
Jun	2013				
Jul	2013				
Aug	2013				
Sep	2013				
Jun	2012				
Jul	2012				
Aug	2012				
Sep	2012				
Oct	2012				
Nov	2012				

s9(2)(b)(ii)

EXHIBIT NOTE

This is the annexure marked "B" referred to in the within statutory declaration of **Gavin Shane Heineman** and declared at **Dunedin** this **9th** day of **July** 2020 before me:

Signature:.....
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

Nathan W. Graham
Solicitor
Dunedin

Month	Year	Number of Pots & Traps Lifted	Vessel Days	Greenweight Catch	CPUE
Jul	2018		s9(2)(b)(ii)		
Aug	2018				
Sep	2018				
May	2019				
Jul	2019				
Jul	2019				
Aug	2019				
Aug	2019				
Sep	2019				
Sep	2019				
Sep	2019				
Sep	2019				
Oct	2019				

"D"

Site	Number of pots	Approximate Co-ordinates
s9(2)(b)(ii)	s9(2)	s9(2)(b)(ii) 45°53'54" S
s9(2)(b)(ii)	s9(2)	s9(2)
s9(2)(b)	s	s9(2)(b)(ii)
s9(2)(b)(ii)	s9(2)	s9(2)(b)(ii)
s9(2)(b)(ii)	s9(2)(b)	s9(2)(b)(ii) 45°55'

EXHIBIT NOTE

This is the annexure marked "D" referred to in the within statutory declaration of **Gavin Shane Heineman** and declared at Dunedin this 9th day of July, 2020 before me:

Nathan Paul Graham
Solicitor
Dunedin

Signature: 
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

STATUTORY DECLARATION OF KATHERINE KEDDELL HESSON

I, **Katherine Keddell Hesson** of Dunedin, executive officer, solemnly and sincerely declare:

- 1 My name is Katherine Keddell Hesson (**Kate**).
- 2 I am the executive officer of the Otago Rock Lobster Industry Association Incorporated (**ORLIA**). I am authorised to make this statutory declaration to supplement ORLIA's submissions on the South East Marine Reserve Proposal (the **Proposal**).
- 3 ORLIA arranged for nine commercial rock lobster fishermen to be interviewed to provide evidence to support ORLIA's submission. Notes taken during interviews with the fisher were used to prepare statutory declarations.
- 4 The statutory declarations contained information including the fisher's background with the CRAMAC7 fishery (**CRA7**), locations the fisher frequented during the season and how their operation would be affected by the Proposal.
- 5 Each statutory declaration was accompanied by several annexures. Most declarations included one or two annexures showing the catch per effort unit (**CPUE**) of fishers at different times throughout the season.

Incorrect calculations in the annexures

- 6 On 28 July 2020, just before ORLIA's submission was due I discovered that the tables in annexures on five of the statutory declarations contained incorrect CPUE calculations.
- 7 CPUE calculations rely on a standard formula [number of pots pulled by the fishers on each trip] divided by [estimated greenweight catch] = CPUE. These calculations are done using information supplied to and retained on the Ministry of Primary Industries' database. I identified that the formula used for the calculations had been inverted, resulting in an incorrect figure for all of the CPUE columns on a number of the tables for each fisher. She had also made an error in naming one of the columns 'greenweight catch' instead of 'number of pots pulled'.
- 8 The following statutory declarations have incorrect CPUE calculations in the tables as follows:
 - (a) Colin John Pile annexure C;
 - (b) Christopher Evan Linley Cooper annexure B and annexure C;

- (c) Bradley William Olsen annexure B and annexure D; and
- (d) Neil Searle McDonald annexure B.

Revised versions of the annexures

- 9 The affected declarations of five fishers had all been sworn or affirmed by the time I identified the CPUE calculation error, and they were unavailable to swear an amended version before the Proposal's submission deadline.
- 10 Because the incorrect figures are simply a calculation error, I have been able to recalculate the CPUE values using the same information from the Ministry of Primary Industries, and compile the correct CPUE figures. I have annexed the new versions of the tables in the relevant annexures to this declaration and ask that these figures be used in support of ORLIA's submission.
- 11 A revised copy of annexure C of the statutory declaration of Colin John Pile are **attached** and marked "**A**".
- 12 Revised copies of annexure B and annexure C of the statutory declaration of Christopher Evan Linley Cooper are **attached** and marked "**B**".
- 13 Revised copies of annexure B and annexure D of the statutory declaration of Bradley William Olsen are **attached** and marked "**C**".
- 14 A revised copy of annexure B of the statutory declaration of Neil Searle McDonald is **attached** and marked "**D**".
- 15 The following statutory declarations do not contain any CPUE calculation errors, and therefore have the correct information annexed:
 - (a) Trevor Robert Allison;
 - (b) Kenneth Charles Harris;
 - (c) Gavin Charles Te Maihoroa; and
 - (d) Gavin Shane Heineman.
- 16 The statutory declaration of Damon Jon Cooper (**Damon**) had not been sworn when I identified the CPUE calculation error outlined above. I was therefore able to email him two sheets with the correct calculations which he added as a second page to Annexures B and C of his declaration. To review CPUE for Damon the second sheet in each of these annexures should be referred to as containing the correct figures.

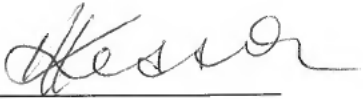
17 All of the fishers' statutory declarations, as well as my declaration, are being enclosed with ORLIA's submission document, and I ask that the exhibits attached to my statutory declaration for each of the above five fishers be referred to in place of the exhibits containing CPUE calculation errors.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957.

Declared at Dunedin)

this 30th day of July)

2020, before me:)



Katherine Keddell Hesson



A Solicitor of the High Court of New Zealand

"A"

Season: This is an example of the 2018 – 2019 season

Month	Location detailed	Reference on exhibit "D" maps	Month	Number of pots and traps lifted	Target species estimated greenweight catch	Catch per unit effort
June	s9(2)(b)(ii)	Red	June			s9(2)(b)
June → September/October	s9(2)(b)(ii)	Green	July			s9(2)(b)
			August	s9(		1878
September → the end of my quota (approximately May 2019)	s9(2)(b)(ii)	Blue	September			s9(2)(b)
			October	s9(		26144 s9(
			November			s9(2)(b)
			December			s9(2)(b)
			January			s9(2)(b)
			February			s9(
			March			s9(2)
			May			s9(2)(b)
September → the end of my quota	s9(2)(b)(ii)	Blue				

EXHIBIT NOTE

This is the annexure marked "A" referred to in the within statutory declaration of **Katherine Keddel Hesson** and declared at Dunedin this *30th* day of *July* 2020 before me:

Signature:.....
 A Solicitor of The High Court of New Zealand
 (Solicitor to sign part on Exhibit)

"B"

Month	Number of Pots & Traps Lifted	Target species estimated greenweight catch	Catch per unit effort (CPUE)
Jan 2015			
Feb 2015			
Mar 2015			
Apr 2015			
Apr 2015			
May 2015			
May 2015			
Jun 2015			
Jun 2015			
Jul 2015			
Jul 2015			
Aug 2015			
Aug 2015			
Oct 2015			
Oct 2015			
Nov 2015			
Nov 2015			
Dec 2015			
Dec 2015			
Jan 2016			
Jan 2016			
Feb 2016			
Feb 2016			
Mar 2016			
Apr 2016			
Apr 2016			
May 2016			
May 2016			
Jun 2016			
Jul 2016			
Aug 2016			
Sep 2016			
Oct 2016			
Nov 2016			
Nov 2016			
Dec 2016			
Dec 2016			
Jan 2017			

s9(2)(b)(ii)

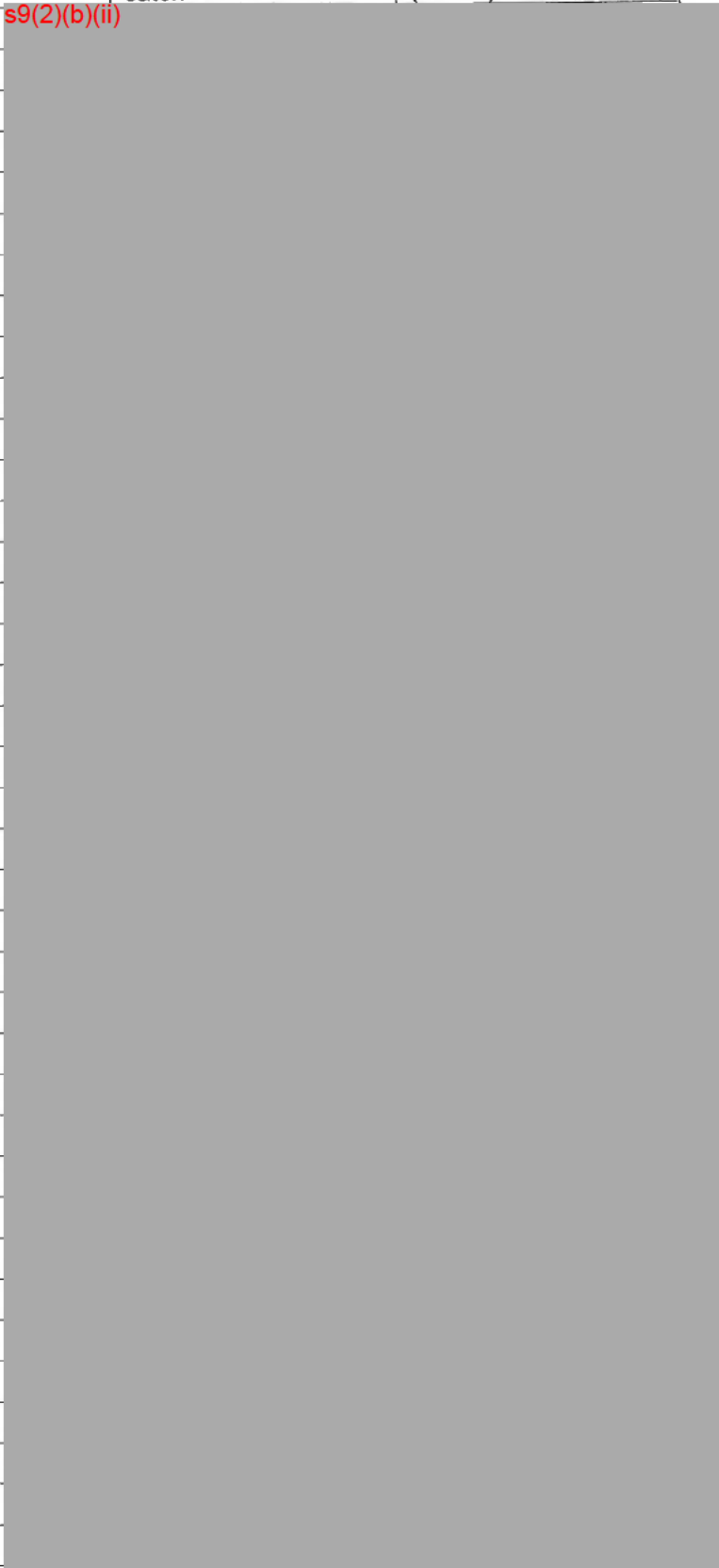


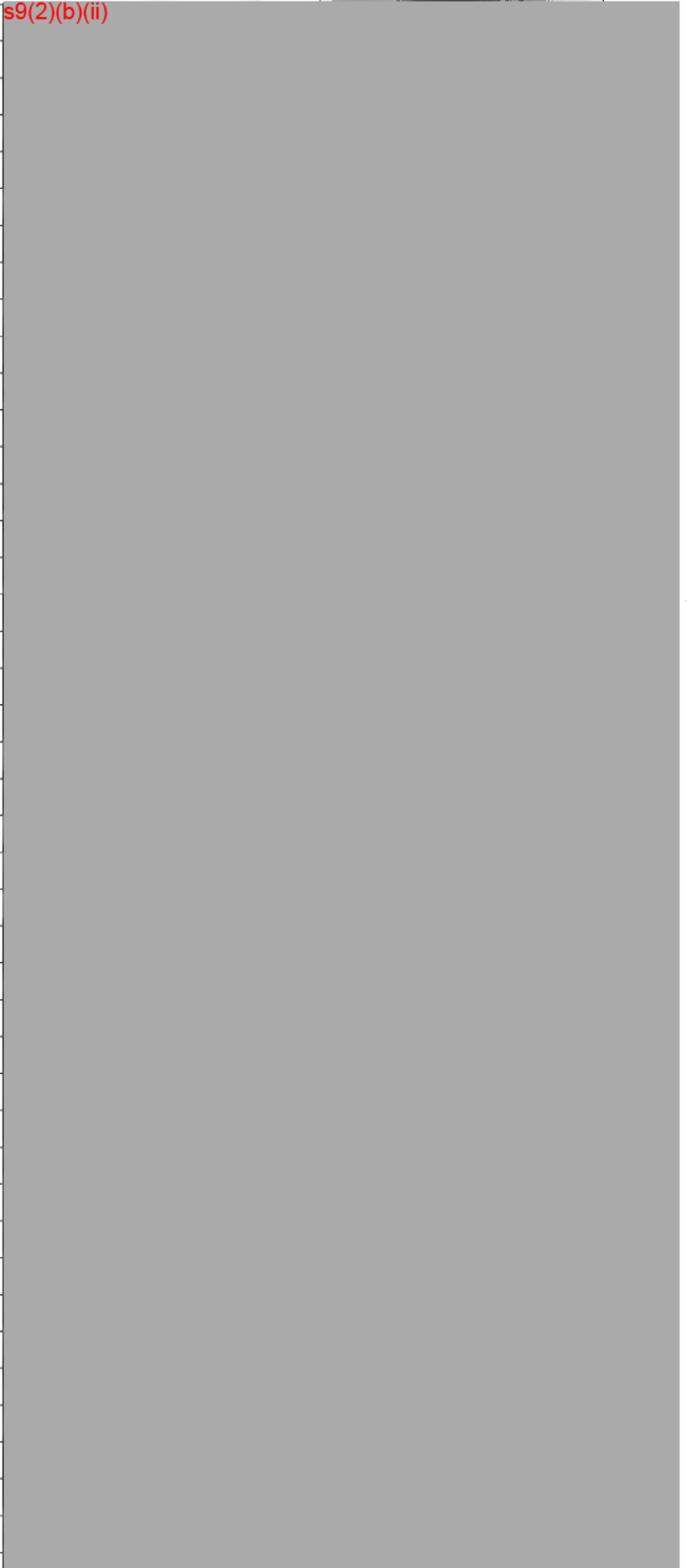
EXHIBIT NOTE

This is the annexure marked "B" referred to in the within statutory declaration of **Katherine Keddel Hesson** and declared at Dunedin this 30th day of July 2020 before me:

Signature: [Handwritten Signature]
 A Solicitor of The High Court of New Zealand
 (Solicitor to sign part on Exhibit)

Jan 2017	
Feb 2017	
Feb 2017	
Mar 2017	
Apr 2017	
Apr 2017	
May 2017	
May 2017	
Jun 2017	
Jun 2017	
Jul 2017	
Jul 2017	
Aug 2017	
Aug 2017	
Sep 2017	
Sep 2017	
Oct 2017	
Oct 2017	
Nov 2017	
Nov 2017	
Dec 2017	
Dec 2017	
Jan 2018	
Jan 2018	
Feb 2018	
Feb 2018	
Feb 2018	
Mar 2018	
Mar 2018	
Apr 2018	
May 2018	
Jun 2018	
Jul 2018	
Aug 2018	
Aug 2018	
Sep 2018	
Oct 2018	
Oct 2018	
Nov 2018	
Dec 2018	
Dec 2018	
Jan 2019	

s9(2)(b)(ii)



s9(2)(b)(ii)

Jan 2019	
Feb 2019	
Jun 2019	
Jun 2019	
Jul 2019	
Jul 2019	
Aug 2019	
Sep 2019	
Oct 2019	
Nov 2019	
Dec 2019	

Christopher Evan Linley Cooper revised exhibit "C"

Example: 2019 season Cloud Break

Month	Location detailed	Reference on chart	Number of pots and traps lifted	Target species estimated greenweight catch	Catch per unit effort (CPUE)
June → August	<p>s9(2)(b)(ii) [redacted]</p> <p>[redacted]</p>	Red	s9(2)(b)(ii)	[redacted]	[redacted]
10 th August → the end of the season	<p>s9(2)(b)(ii) [redacted]</p> <p>[redacted]th [redacted]</p> <p>[redacted]</p> <p>[redacted]</p> <p>[redacted]</p>	Green	[redacted]	[redacted]	[redacted]

*Note: Blue is areas that have been fished in the past five years but they are not regularly fished.

Signature: [Handwritten Signature]
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

Table with 5 columns: Month, Year, Number of pots and traps lifted, Target Species Estimated Greenweight Catch, Catch Per Unit Effort (CPUE). The table contains data for months from January 2015 to October 2019. A large grey redaction covers the data from the 'Number of pots and traps lifted' column onwards, starting from the first row. The redaction is labeled 's9(2)(b)(ii)' in red text.

Example year: 2019

Month	Location detailed	Reference on chart in Exhibit "E"	Number of pots and traps lifted	Target Species Estimated Greenweight Catch	Catch per unit effort (CPUE)
July to August	s9(2)(b)(ii)				
September					
October October is the end of my crayfishing season and I will transition to setnetting for the rest of the year					

"D"

Month	Year	Number of Pots & Traps Lifted	Target species estimated greenweight catch	Catch per unit effort (CPUE)
July	2015		s9(2)(b)(ii)	
August	2015			
September	2015			
October	2015			
July	2016			
August	2016			
September	2016			
October	2016			
November	2016			
July	2017			
August	2017			
September	2017			
October	2017			
November	2017			
December	2017			
May	2018			
June	2018			
July	2018			
August	2018			
September	2018			
October	2018			
July	2019			
July	2019			
August	2019			
September	2019			
October	2019			
November	2019			
December	2019			

EXHIBIT NOTE

This is the annexure marked "D" referred to in the within statutory declaration of **Katherine Keddel Hesson** and declared at Dunedin this 30th day of July 2020 before me:

Signature:.....
 A Solicitor of The High Court of New Zealand
 (Solicitor to sign part on Exhibit)

STATUTORY DECLARATION OF KENNETH CHARLES HARRIS

I, **Kenneth Charles Harris**, of Moeraki, fisherman, solemnly and sincerely declare:

- 1 My name is Kenneth Charles Harris. I hold Annual Catch Entitlement (**ACE**) under client number 8880026 and **s9(2)(b)** quota shares in the quota management area known as CRAMAC7 (**CRA7**).
- 2 I make this statutory declaration in support of the submissions of the Otago Rock Lobster Industry Association Incorporated on the South East Marine Reserve Proposal.
- 3 I have been fishing in the CRA7 fishery for 40 years. My father, Tom Harris, was a fisherman out of Moeraki too. I have no children but my boats are named after my brother's children who I am close to.
- 4 I am proud and passionate about the CRA7 fishery because it has given me a good happy life. I trawl for wet fish as a back-up business.

Economic considerations

- 5 I own three boats in total but only one, the Emma Jane, is used for fishing crayfish. A true copy of a photograph of the Emma Jane is **attached** and marked "**A**".
- 6 On each boat I generally have one skipper and one crew. On the Emma Jane I am the skipper and I employ a local woman as crew. The average salary of a crew member is \$70,000 per year. A skipper gets about \$100,000 per year. The employees on all of my boats are employed year round. Although they earn a percentage of the catch I pay them in instalments to allow for the seasonality of the work.
- 7 I own my quota and I lease approximately 3.5 tonnes from Fiordland Rock Lobster (7 tonne in total). The licensed fish receiver I generally supply to is Fiordland Rock Lobster
- 8 About 75% of my business is funded by rock lobster fishing. I do fish other types of fish but these businesses are only able to run because of my profits from cray fisheries. If I could no longer fish for rock lobster I

could fish for wet fish but I don't think that I could run the same number of boats or employ all my crew.

Volume and catch

- 9 A true copy of a table detailing the volume and catch per unit effort (**CPUE**) of rock lobster I caught in the CRA7 fishery in 2015, 2016 and 2017 is **attached** and marked "**B**".
- 10 True copies of maps marking the areas I fish throughout the season are **attached** and marked "**C**". A true copy of a table outlining where and when I fished in the last five years, including references to exhibit "C" is **attached** and marked "**D**".
- 11 These areas are important because I am able to grade for a higher quality of fish at all of these sites, they are consistently good and I don't have to fight for space and fish with the other vessels like they do at **s9(2)(b)(ii)**
- 12 A true copy of a heat map detailing GPS data from digital monitoring fixed to my boat evidencing my typical fishing activity which is plotted in exhibit "C" is **attached** and marked "**E**". Additionally, a true copy of a screenshot from the plotter on the Emma Jane is **attached** and marked "**F**". The areas marked in yellow are indicative of where I generally fish for lobster.
- 13 I generally leave pots overnight before pulling them in. One day I will fish from **s9(2)(b)(ii)**, the next day I will fish towards home.
- 14 In CRA7 we are permitted to catch different sizes of fish. When the market is right it becomes a more profitable fishery and we can grade higher. 99% of my catch would be thrown back for grading now; if I caught **s9(2)(b)(ii)** I would only keep one or two crays. It is a completely different fishery to when I started.

Impacts on tonnage

- 15 I fish for rock lobster all year around because the quantity and quality of fish and the market now allow it. I supplement my wet fishing businesses with the profits from crayfishing year round.

- 16 I cannot catch the same tonnage elsewhere in CRA7 because the rest of the fishery is already taken up by the other vessels. It is nicely balanced the way it is now.
- 17 There are certain areas that cannot be fished primarily because the reef is not there. The crayfish are not on the sand because there is no food and no protection from octopus.
- 18 I think there is not a lot of competition in these areas at the moment because the fishery is well spread across the areas that are fishable. There used to be 26 boats that worked out of Moeraki, now I am on the water alone most of the time.

Effect of proposed closures

- 19 s9(2)(b)(ii) are essential to the CRA7 fishery. If those areas were closed to rock lobster fishing it would go back to how it was pre-quota system. There would be so much competition that the fish wouldn't be able to cope. There would be:

- Tangled ropes;
- Fighting between fishers;
- Pots being stolen;
- Cutting floats;
- A grab what you can mentality where fishers land the smaller fish which we currently throw back; and
- Unsafe fishing.

What I want for the future

- 20 I fear my way of life is under attack. There is much more regulation these days and now they want to close us down for no clear benefit. There are already other measures in place to protect sustainability. The fishery has never been so good.



21 I do not want it to return to the way things were when I started fishing when we overfished and competed with each other. That was bad. I want the marine environment to be protected but I also want to be able to keep fishing the way that we do now.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957.

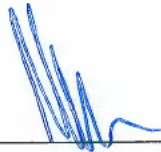
Declared at Dunedin)

this 04 day of July)

2020, before me:)



Kenneth Charles Harris



Nathan Paul Graham

Solicitor
Dunedin

A Solicitor of the High Court of New Zealand

"A"



EXHIBIT NOTE

This is the annexure marked "A" referred to in the within affidavit
of **Kenneth Charles Harris** and sworn at Dunedin
this *9th* day of *July* 2020 before me:

Signature:.....
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

[Signature] **Nathan Paul Graham**
Solicitor
Dunedin

"B"

Month	Year	Greenweight Catch	CPUE	Month	Year	Greenweight Catch	CPUE
Mar	2015	s9(2)(b)(ii)		Aug	2017	s9(2)(b)(ii)	
Apr	2015			Sep	2017		
May	2015			Oct	2017		
May	2015			Nov	2017		
Jun	2015			Dec	2017		
Jul	2015			Jan	2018		
Aug	2015			Apr	2018		
Sep	2015			May	2018		
Oct	2015			Jun	2018		
Nov	2015			Jul	2018		
Dec	2015			Aug	2018		
Jan	2016			Sep	2018		
Mar	2016			Oct	2018		
Apr	2016			Nov	2018		
May	2016			Dec	2018		
Jun	2016			Feb	2019		
Jul	2016			Apr	2019		
Aug	2016			May	2019		
Aug	2016			Jun	2019		
Sep	2016			Jul	2019		
Oct	2016			Aug	2019		
Nov	2016			Sep	2019		
Dec	2016			Oct	2019		
Jan	2017			Nov	2019		
Apr	2017			Dec	2019		
May	2017						
Jun	2017						
Jul	2017						

EXHIBIT NOTE

This is the annexure marked "B" referred to in the within affidavit of **Kenneth Charles Harris** and sworn at Dunedin

this *9th* day of *July* 2020 before me: **Nathan Paul Graham**

Signature:.....
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

**Solicitor
Dunedin**

“D”

Month	Location detailed	Reference on chart	Month	Target species estimated greenweight catch	Catch per unit effort
April → June	s9(2)(b)(ii)	Red	April	s9(2)(b)(ii)	
			May		
			June		
July → end of the season (approximately February 2019)		Green	July		
			August		
			September		
			October		
			November		
			December		
			February		

EXHIBIT NOTE

This is the annexure marked "D" referred to in the within affidavit of **Kenneth Charles Harris** and sworn at Dunedin this 9th day of July 2020 before me:

Signature: [Signature]
 A Solicitor of The High Court of New Zealand
 (Solicitor to sign part on Exhibit)

Nathan Paul Graham
 Solicitor
 Dunedin

STATUORY DECLARATION OF NEIL SEARLE MCDONALD

I, **Neil Searle McDonald**, of Dunedin, fisherman solemnly and sincerely declare:

- 1 My name is Neil Searle McDonald. I hold Annual Catch Entitlement (**ACE**) under client number 9790698.
- 2 I support the submissions of the Otago Rock Lobster Industry Association Incorporated on the South East Marine Reserve Proposal.
- 3 I have been fishing in the area known as CRAMAC7 (**CRA7**) for 42 years. My father was a boat builder based in Carey's Bay. He built my first boat for me. Fishing is now a generational activity in my family.
- 4 My wife, and therefore my children, are Ngāi Tahu so I am closely associated with CRA7. I have three children. I have two sons, a 27 year old who currently works as a carpenter and a 12 year old, and I have a daughter who is 17. I want my children to always have the option to join the business.
- 5 In addition to crayfish I also hold ACE for flat fish, elephant fish, cod, gurnard, ling and skate which I trawl and set net for. Rock lobster fishing makes up about 70% of my total fishing activity.

Economic considerations

- 6 I operate one vessel in the CRA7 fishery. She is named Mary Ann and is docked at Otakou. A true copy of a photograph of Mary Ann is **attached** and marked "**A**".
- 7 The number of crew fluctuates depending on what I am catching. When I am fishing for crayfish I hire one crew member who has been working for me for about four years. This is a good winter job for him. When I am trawling, I do the work myself and do not need to take on workers.
- 8 I lease ACE from Ngāi Tahu, I do not owe quota. I pay a 50% lease fee to Ngāi Tahu so it is important to the survival of my business that I catch

enough fish to cover that fee plus my other running costs so I can support my family.

- 9 The licensed fish receiver I generally supply to is Harbour Fish.
- 10 A true copy of a table detailing my catch per effort unit (**CPUE**) and catches for the last five years is **attached** and marked "**B**".
- 11 I moor my boat in Otakou where I live but I have gear at Warrington.
- 12 I fish the same areas year after year. True copies of maps marking the areas I fish throughout the season are **attached** and marked "**C**".
- 13 Over the last five years I have fished between s9(2)(b)(ii) [redacted] [redacted] I start the season at s9(2)(b) [redacted], and work my way s9(2)(b)(ii) [redacted] [redacted] s9(2) [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] as approximately shown on the cross hatched sections of exhibit "C". A true copy of heat maps detailing GPS data from digital monitoring fixed to my boat evidencing my typical fishing activity which is plotted in exhibit "C" is **attached** and marked "**D**". This is a snapshot between the period of 1 July 2019 to 3 March 2020. During these last six months I haven't fished in the reserve area, but I do fish through there later in the fishing year as I move north.
- 14 These areas are important because they are significant breeding grounds and are the base of migration to the southern-most part of New Zealand in CRAMAC8. As a result of crayfish migration there are generally bigger fish towards the end of the season before the fish move off and migrate south. As a result of crayfish migration there are generally bigger fish towards the end of the season before the fish move off and migrate south.
- 15 Typically, I would leave out about s9(2)(b)(ii) [redacted]. This number of pots suits the size of my vessel. I generally bait pots during the day and leave them overnight before pulling them in in the morning.
- 16 Fishing is highly dependent on the weather.

Impacts on tonnage

- 17 I think there is a higher quality of crayfish off s9(2)(b)(ii) [redacted] and we are able to catch higher grade fish than elsewhere in CRA7.

- 18 In CRA7 we are permitted to catch different sizes of fish. I return 60% to 70% of the legal fish to the water so they don't cut into my ACE entitlement. I am doing more of this 'high grading' now as there have been so many more crayfish around in the last few years.
- 19 I used to fish for crays from May to February. Now my season extends from March to March. The season is getting longer with the way the markets are going and the popularity of rock lobster in China at the moment. I try and work around the demand from China. In saying this, New Zealand only produces around 12% of what China imports so it is a small part of their market.
- 20 I do not think there is a lot of competition in the areas I fish. There used to be roughly 20 boats working in the same area. Now there is about two to three. The lack of competition means there we can catch a higher grade of fish in this area. We used to fish until the last fish, now there is an abundance of crays in the area.

Effect of proposed closures

- 21 The area I fish for crays in would be cut in half by the proposed marine reserve. My business will survive if it is implemented but I am frustrated as I have not yet been able to sit down and explain my point of view. I at least want my perspective to be heard.
- 22 I predict that if the proposed closures go ahead I would no longer be able to grade for the bigger fish the way I currently do. I could probably catch the same amount of fish elsewhere but I would not fetch the same price for them.
- 23 If I could no longer fish in the proposed marine reserve area I do not know where else I would fish for crays. My vessel does have the operating range necessary to work other grounds, when I trawl I go all the way down to Nugget Point. The uncertainty is extremely stressful.
- 24 There would certainly be an economic effect on me if the proposed closures go ahead but I could not put a figure on this. I am currently more concerned about the flow on effect on the rest of the fisheries in the

country, particularly CRAMAC8. I do not believe this would put us out of business but it could erode our history.

- 25 I do fish other types of fish, but I prefer to fish for rock lobster because crayfishing is a way to make more money faster. Trawling is a slog and does not bring in as much money for the work you do.
- 26 In my view the proposed marine reserve does not have to be the size it is currently proposed to be. It could be closer to the coast and or be a mile off shore and be longer to provide adequate protection.


What I want for the future

- 27 I have considered leaving my fishing business on to my children. I want the option to remain open and I would love to have them take over from me.
- 28 I want my legacy to ensure that my children do not have to deal with anything that I have to.
- 29 This is a great industry with a lot to offer but we do not have much control. I have seen the highs and lows of the industry over the 42 years I have been fishing.
- 30 I am not against marine reserves, but I do not agree with the way the Ministry of Primary Industries is implementing the proposal. It feels like a done deal already.
- 31 I understand that marine reserves are a thing of the future but there have to be better ways than no take reserves that balance all interests of the community.

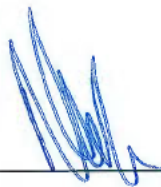
32 My concern is that the science that the Ministry has used does not add up. I feel like I have not been consulted and even when fishers have given input in the process it has been largely ignored.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957.

Declared at Dunedin)
this 7th day of July)
2020, before me:)



Neil Searle McDonald



A Solicitor of the High Court of New Zealand

Nathan Paul Graham
Solicitor
Dunedin

"A"



EXHIBIT NOTE

This is the annexure marked "A" referred to in the within statutory declaration of **Neil Searle McDonald** and declared at Dunedin this 7th day of July 2020 before me:

Signature:.....
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

Nathan Paul Graham
Solicitor
Dunedin

"B"

Month	Year	Target species estimated greenweight catch	Catch per unit effort (CPUE)
July	2015		s9(2)(b)(ii)
August	2015		
September	2015		
October	2015		
July	2016		
August	2016		
September	2016		
October	2016		
November	2016		
July	2017		
August	2017		
September	2017		
October	2017		
November	2017		
December	2017		
May	2018		
June	2018		
July	2018		
August	2018		
September	2018		
October	2018		
July	2019		
July	2019		
August	2019		
September	2019		
October	2019		
November	2019		
December	2019		

EXHIBIT NOTE

This is the annexure marked "B" referred to in the within statutory declaration of **Neil Searle McDonald** and declared at Dunedin this 7th day of July 2020 before me:

Signature:.....
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

Nath Paul Graham
Solicitor
Dunedin

STATUTORY DECLARATION OF TREVOR ROBERT ALLISON

I, **Trevor Robert Allison**, of Dunedin, fisherman, solemnly and sincerely declare:

- 1 My name is Trevor Robert Allison. I hold Annual Catch Entitlement (**ACE**) under client number 9792167. My wife, Leone, and I own **s9(2)(b)** quota shares in the quota management area known as CRAMAC7 (**CRA7**) under number **s9(2)(b)**.
- 2 I make this statutory declaration in support of the submissions of the Otago Rock Lobster Industry Association Incorporated on the South East Marine Reserve Proposal.
- 3 I grew up in Cape Saunders. I have been fishing in the CRA7 fishery for 40 years, I was crewing from 1979 and I started to run my own boat from 1986. I am the first member of my family to associate with CRA7, I fell into it because my rugby coach knew I needed a job. I was sea sick for the first two years but I can no longer imagine doing anything else. I have fished the same areas for many years now and know them like the back of my hand.
- 4 I have a family of three children to support and I want to be able to support both my children and when they come, my grandchildren, with some sort of inheritance.

Economic considerations

- 5 I operate one vessel in the CRA7 fishery named Storm Petrel; a true copy of a photograph of the Storm Petrel is **attached** and marked "A". It is docked at Karitane. The boat was refurbished last year so I had a limited season in 2019. I spent approximately \$100,000 on the refurbishment so that she was not only more modern and efficient but larger so she can hold more catch.
- 6 I work with one crewmember, a 28 year old man. He has just bought a house and has a mortgage to pay so relies upon getting consistent work

from me. I do not take on any seasonal workers as I have no need, the two of us can manage the current workload. He is a good worker and I want to be able to ensure he has security in his job and in his income.

- 7 Occasionally I take my mates out on the boat but they do not work. I take them because I get a kick out of seeing their reactions. Fishing is hard physical work but is something that people love. When you fish, you are connected to nature and you have a real affinity for it.
- 8 50% of my ACE comes from Fiordland Lobster Company. I own approximately 15% of my ACE and the remainder of the ACE comes from two private leases: one from my old business partner and one came with the boat. The licensed fish receiver I generally supply to is Fiordland Lobster Company.

Volume and areas of catch

- 9 A true copy of a table detailing the location of where I fish and the volume and catch per effort unit (CPUE) of rock lobster I have caught in the CRA7 fishery in the last five years is **attached** and marked "B".
- 10 True copies of maps marking the areas I fish throughout the season are **attached** and marked "C". A true copy of a heat map detailing GPS data from digital monitoring fixed to my boat evidencing my typical fishing activity which is plotted in exhibit "C" is **attached** and marked "D".
- 11 I leave about s9(2)(b)(ii) in the water and pull them in daily. The following is an explanation of why I fish where I do:
 - (a) s9(2)(b)(ii) to pot fish before they begin to migrate and move out onto sand. These are small, less valuable fish;
 - (b) At the height of the season I spend the majority of my time in the s9(2)(b)(ii) where crayfish are getting bigger and maturing s9(2)(
)
 - (c) s9(2)(b)(ii)

This is a good spot to fish before or after the migration when the market returns for fish are high;

- (d) s9(2)(b)(ii) there are bigger fish and with that comes more money. From what lobster is found in our pots, we are selective about what we choose to land and what we choose to return to the sea. This is called 'high grading' and means that we generally only catch the largest lobster or the type that will get the best price at the time. We deliberately place our pots where we can catch the best lobster.
- (e) When the lobster are small they are generally located closer to the shore hiding in the kelp and growing. However there are now more small fish further offshore than ever before. This is due to an increase in lobster population so there is more competition for space and resources in shore. One of the reasons the lobster numbers have grown is due to how we CRA7 fishers manage our fishery. We high grade and we have spread out our fishing activities to minimise competitive practices that cause overfishing.

- 12 In CRA7 we are permitted to catch different sizes of fish. I grade for bigger fish because I get a greater profit than smaller fish. Generally there are smaller fish found in closer to the shore and the area around s9(2)(b)(i)

Impacts on tonnage

- 13 I fish for blue cod in addition to rock lobster. Rock lobster fishing makes up approximately 80% of my overall fishing activities.
- 14 I fish for rock lobster seasonally because it is more economical to catch during the height of the season. I often switch to fishing for blue cod from December-May as there are not enough crayfish to make it worth fishing for them exclusively. There have been years where I continue to pot crays all year round, but this is heavily dependent upon the amount of crays I am landing in November and December. Chinese New Year is



making January a busier period but it also somewhat risky to leave a lot of ACE to be caught then in case the conditions for fishing are not right.

- 15 The return on cod is marginal and not enough to pay my bills. My business is based on crays, the value for blue cod is not as much and I need to put more effort in to fishing for cod to get the same financial returns.
- 16 Bad weather has the effect of potting more crays. This is because when the weather makes the sea rough, crayfish can hide from their predators in the dirty water when their predators' visibility is poor.
- 17 Where I fish there is not a lot of competition at the moment. There used to be roughly 12 boats in the same area, now there are only 6. This number of boats does not create a competitive environment as there is enough fish there for the current number of fishers. This number is sustainable for the fishery.

Effect of proposed closures

- 18 I am not sure I could stay fishing if the proposed reserves were implemented. If the proposed marine reserves are closed, I could not catch the same tonnage elsewhere in CRA7 because the areas where I fish are where the majority of crays are located. There are other sections of reef that I occasionally visit at the start or tail end of my lobster fishing season, but the fishers based in Moeraki predominantly fish in these alternative areas so I would not be able to catch enough to make a living when competing with them. There are not enough crays for everyone in the other areas of reef.
- 19 Fishing would increase in other areas as everyone would be tripping over each other to find new places to go. At the moment everyone can spread out and there are plenty of crays for us all. Compared to the past, we are no longer fishing as hard and there are fewer pots being put out and fewer days where vessels are on the water ("vessel days"). There is now far less impact on the marine environment from our fishing. There

is a healthy stock of high grade crays so everyone can maximize their output in a sustainable manner.

- 20 The size of my boat suits Karitane and Karitane is my preferred workspace. That I stay fishing where I do is important for the community in the Karitane area. My vessel is the last boat left at Karitane and the wharf facilities are already run down. If I had to stop fishing, those facilities which are available to the community would become derelict.
- 21 Karitane has short tides so there are restricted hours I can be out on the boat. Crayfishing works because I can be more productive in a shorter amount of time. The main area I fish is only an hour away so I can do a full day of work and be home 6 or 7 hours later to catch the tides. I would not be able to catch as much cod or alternative stock in these short windows of time.
- 22 I have recently refurbished my boat. In order to make this worthwhile I need to be able to catch high grade crays to fetch a higher price. While my vessel technically has the operating range necessary to travel further I would need to spend more on fuel. I would not be as productive in these areas and they would not be able to sustain me throughout the season.
- 23 In my view it makes more sense to have a smaller area close to the coast for a marine reserve. This would protect the kelp forests and penguins along the coast and ensure the public have access to the beaches.

What I want for the future

- 24 I want to ensure the fishery is abundant and healthy. I want the marine environment to be protected and to be able to keep fishing. Enabling the environment to stay as healthy as it currently is would mean that I would be able to pass my business and the quota along to either my children or my grandchildren, when they come, if any of them desire it.
- 25 Due to the advent of the Covid 19 pandemic, the world has changed. There are now so many variables that make the question of whether

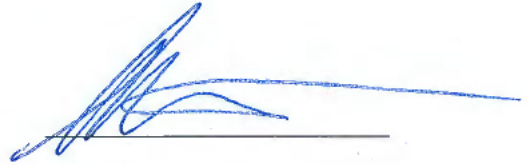
I will continue in fishing uncertain. The threat of the proposed marine reserves dramatically reducing the size of our fishery creates more uncertainty. It is stifling my business at a time when our economy needs all the help and jobs it can get.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957.

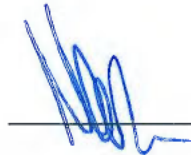
Declared at Dunedin)

this 3rd day of July)

2020, before me:)



Trevor Robert Allison



Nathan Paul Graham

Solicitor
Dunedin

A Solicitor of the High Court of New Zealand

"A"



EXHIBIT NOTE

This is the annexure marked "A" referred to in the within statutory declaration of Trevor Robert Allison and declared at Dunedin this 3rd day of July 2020 before me:

Signature:.....
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

Nathan Paul Graham
Solicitor
Dunedin

EXHIBIT NOTE

This is the annexure marked "B" referred to in the within statutory declaration of **Trevor Robert Allison** and declared at Dunedin this 5th day of July 2020 before me:

Nathan Paul Graham

Solicitor
Dunedin

Signature: [Signature]
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

"B"

2015

Month	Location detailed	Reference on chart (with approximate co-ordinates)	Target species estimated greenweight catch	Catch per unit effort (CPUE)
May	s9(2)(b)(ii)	Green	s9(2)(b)(ii)	
June		Green		
July		Red		
August		Green/Red		
September		Green		
October		Green		
November/December		Black/Green		

2016

Month	Location	Reference on chart	Target species estimated greenweight catch	Catch per unit effort (CPUE)
April/May	s9(2)(b)(ii)	Green	s9(2)(b)(ii)	
July		Red		
August		Green		
September		Green		

October	s9(2)(b)(ii)	Green	s9(2)(b)(ii)
November		Green	
December		Green	

2017

Month	Location	Reference on chart	Target species estimated greenweight catch	Catch per unit effort (CPUE)
January	s9(2)(b)(ii)	Green	s9(2)(b)(ii)	
February		Green		
March		Green		
July		Red		
August		Green		
September		Green		
October		Green		
November		Green		
December		Green		

2018

Month	Location	Reference on chart	Target species estimated greenweight catch	Catch per unit effort (CPUE)
January	s9(2)(b)(ii)	Green	s9(2)(b)(ii)	
February		Green/Red		

May	s9(2)(b)(ii)	Green	s9(2)(b)(ii)
June		Red	
July		Green/Red	
August - December		Green	

2019

Month	Location	Reference on chart	Target species estimated greenweight catch	Catch per unit effort (CPUE)
January	s9(2)(b)(ii)	Off chart area	s9(2)(b)(ii)	
April		Red		
May		Green/Red		
August - December		Green		

