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IN-COMMITTEE SESSION MINUTES

MARINE PROTECTION FORUM MEETING

14th MEETING – 7 and 8 April 2008

In-committee session occurred in the course of the Forum's 7 and 8 April meeting.

1. Initial Introductory Session

Te Runanga o Ngati Waewae - Rick Barber commenced this session with an explanation that the Te Runanga o Ngai Tahu Act provided the legal framework for the operation of the Tai Poutini runanga. Pounamu and kai were key taonga to keep in good health and abundance, and in terms of kai moana that meant a healthy Tangaroa. Access to kai was also important. He thinks it is beneficial to reconnect people with Tangaroa, and recent work the runanga has undertaken in conjunction with DOC (whales, foreshore, archaeological sites) has been helpful in linking people back to Tangaroa. He noted that the new marae for Ngati Waewae will overlook Tangaroa.

A few slides of these activities were projected; slides of a whale jawbone from a sperm whale being retrieved by whanau and DOC staff, and of pounamu (Rick noted that pounamu lives in the ocean and foreshore too and so is viewed by Maori as a fish). Richard Wallace also noted that the hauora (holistic health and well-being) of Tangaroa is important.

Ministry of Fisheries – Scott Williamson outlined the Fisheries Plan and noted that it is a continual work in progress. The Plan is available on the MinFish website. The Plan identifies the use and values of fisheries (by fish stock) as well as fish stock management, research and monitoring. Scott offered to run an evening tutorial. Scott then proceeded to run a data projected view of the Fishery Plan showing Fishery Management Area 7 that covers the West Coast. He explained key aspects and concepts, as follows:

- QMS – Quota Management system is a total take allocation control mechanism.
- TAC – Total Allowable Catch is composed of customary fishing take, recreational take, over-fishing related mortality (OFRM) and the Total Allowable Commercial Catch (TACC)
- Every fish stock has an allocation of quota shares that are shares in perpetuity, essentially an on-going property right. No entity is allowed to own 100% of the quota shares for any stock.
- ACE - Annual Catch Entitlement, which is TACC x owner proportional quota = ACE.
- Some species have not had a TAC set in FMA 7 e.g., elephant fish.
- The 1983 Fisheries Act set TACC without setting the TAC, while the later Act in 1996 used TAC as the starting point. The QMS for some fish stock is set under the 1983 Act and others under the 1996 Act, where they remain today.
- Key information sources are www.fish.govt.nz; Fisheries Plan on that website; Challenger Fin Fisheries Plan.

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General discussion ensued. Stuart Thomson asked the Forum to note that fishermen generally do not own their own quota; 90% of the inshore fishing fleet are independent contract fishers to quota owners, who are the large fishing companies. Such fishermen have to accept the price offered for their catch. Carol Scott noted that the 10% of fishers who own quota (and fish for their own quota) have to grapple with additional complications such as the ACE and associated costs. Scott Williamson noted that there is a high degree of quota owning aggregation; the top three owners of the red cod quota own 70% of the total quota. He noted that businesses are run trading quota and matching ACEs to quota shares. The main fishing methods in the Challenger Area (West Coast region) are bottom trawling but set netting, trolling and dredging are also used. Scott also noted that the average age of the CIFF fleet is 34 years old and the fleet is progressively aging, as few new vessels are being built, but those new vessels are larger.

The discussion moved on to fish stock and Scott Williamson projected a table showing the estimated catches by tonnes within the main statistical areas for the West Coast (Areas 33, 34 and 35). The table served to illustrate the amount of variation of caught between the statistical areas from north to south. For instance, more barracuda is catch in the north, while the catch of blue cod is consistent over the region. The main species of value are barracuda, flatfish and snapper. Don Neale noted that the inshore fisheries generally have multiple species caught. Stuart Thomson advised that in targeting flatfish, for instance, a wide variety of other fish is caught, so fishers need to obtain ACE for all these common species. Eugenie Sage queried how often the TAC is recalculated and Scott advised that it depends on new information coming through, and that there are no set timeframes. Scott advised that most species have had their TAC's reviewed in recent years. If TACC is either reduced or increased and then the proportional quota changes but no monetary adjustment payments are made.

Sarah Wilson wrapped up this information-sharing session noting that this overview session has been very useful, and shows how much knowledge is in the group, and the importance of explaining the terminology and concepts to everyone in the Forum.

2. West Coast Habitats

Don Neale tabled a package of information materials, consisting of:

- a) Spreadsheet of tidal flat and tidal estuaries and river mouths
- b) Detailed maps of the four estuaries in the reserve category
- c) An inventory of existing MPA management tools ('gap analysis')
- d) An explanation of the West Coast marine classification maps

Don went on to overview the application of the new classification system to the habitat maps contained in the West Coast Marine and Coastal Environment Report, highlighting the changes made. Campbell Robertson explained that 'exposure' had been added to final national standards due to several scientific submissions. Don noted that 'foul ground' related to areas where driftwood collects or large rocks and boulders, and foul ground is generally in deeper areas. The foul ground category is overlaid on other categories, especially the deep sub-tidal category. Don then referred the Forum to the spreadsheet of tidal flat, tidal estuaries and river mouths. It was noted that 'mud' generally does not occur really close inshore. Don also placed large regional maps on the walls; they show the main classification categories. He also presented a "cut-out" version that graphically illustrated the three main depth zones. Don also presented the NIWA map that showed the new depth survey data recently generated by NIWA.

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Bruce Watson requested that classification system and protection standards guidelines be perused so that everyone has the same understanding. Carol Scott agreed, while Campbell Robertson and Don Neale noted that they couldn't offer any further explanation or interpretation than exists in the guideline document. Sarah Wilson highlighted the sequence of guideline processes to be worked through; the context of selection guidelines, the site selection guidelines, and the tool selection guidelines.

Sarah Wilson also discussed the possible site selection process, as follows; potential sites are identified, and then refined to sites to be recommended to Ministers, as well as tools selected for the recommended sites. The Forum generally agreed with the suggested process, with the caveat that their decision-making would not necessarily follow such a linear process.

3. MPAs Classification, Protection Standard and Implementation Guidelines

The Forum worked through the *Site Identification and Protected Area Design Guidelines* at page 20.

'Protect whole habitats and ecosystems' - There was a query about the extensive areas of sandy or mud bottom habitat as mapped. The Forum was referred to the glossary at pages 45-47, which noted that the habitat can be of any size, so it will be up to the Forum to determine appropriate sizes. Don Neale advised that any area on the West Coast could consist of shallow sand to deep mud substrates. The idea of marine reserves being extended out from every major river, similar to idea of National Park extensions was raised. It was noted that Maori 'reserves' are not currently mapped on the Forum's Report maps.

'Size of protected areas' - There was a query, that if marine reserves were set up, then would it be better for fishers to have one large area or several smaller areas. Fishers noted that it would depend on location and that few places would not impact on some people (fishers, bach owners). It was agreed that "fewer, larger areas rather than numerous smaller areas" were preferable and not to be too hung up on trying to capture all migratory species. It was noted MPAs may only need to extend 3 NM rather than 12 NM.

'Maximise connectivity' - Don Neale advised the pros and cons for a chain of MPAs rather than a few large MPAs.

'Represent latitudinal and longitudinal variation' - Don Neale noted that the main difference in ecology is in the longitudinal (cross-shelf) rather than latitude (north-south).

'Consider sea and adjacent land uses in planning protected areas' - It was reiterated that this is the logical starting point and marine reserves were logical additions to landward protected areas.

'Keep boundaries simple and aim for low boundary to area ratio' - fishers noted that straight line boundaries, that can be found by GPS reference would be most helpful (rather than ovoid shapes). It was agreed that simple shapes were helpful too.

The Forum worked through the *Site Selection Guidelines* at pp 21-22.

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Primary considerations

'Protect the full range of marine habitats and ecosystems' – It was noted that the “full range protection” is really part of the prior set of guidelines. Use of habitat clustering was seen as logical.

'Cultural use' – It was noted that some traditional mahinga kai areas will need protection. A cultural values/impact assessment may be required. Cultural use can be used to support protection for cultural reasons as well as avoiding adverse effects on cultural use. It may be useful to progress Taiapure recommendations at the same time.

'Adverse impacts on users' – Not just money, but impacts on other values too. In response to a query, Scott Williamson advised that both MPAs or marine reserves will mean additional management/monitoring costs and this aspect will be part of the Minister's decisions.

'Social and economic interests' – It was noted that 'landscape values' would come into this area of consideration. Discussion occurred about the consideration of AMAs. It was agreed that only existing areas could be considered, i.e., Jacksons Bay. Any issues are to be picked up in the selected sites public consultation process. Consideration of 'potential' AMA areas is simply not feasible (large and complex assessment).

Secondary considerations

'Number of protected areas' – Multiple habitat protection is a desirable MPA design feature.

'Have fewer large (versus numerous smaller) protected areas' – Fewer, larger MPAs are desirable.

'Susceptibility to degradation' – For instance, the Greymouth and Westport river mouths are well known degraded sites due to on-going dredge sediment dumping and sites such as these can be easily excluded from site consideration.

'Compatibility with adjacent land-use' – Previously discussed and agreed as desirable.

'Replication' – It can be of benefit to replicate habitat protection, to provide 'insurance' protection.

It was summarised that the secondary considerations are mainly MPA design features.

The Forum then worked through the *Tool Selection Guidelines* at pp 22-23.

'The size of the MPA'

'The likely level of biological extraction from an MPA (from all sources)'

'The frequency of extraction'

'The type of species being extracted and its ecological importance'

The Forum agreed that these tool selection guidelines were mainly MPA design features.

Sarah Wilson suggested that the Forum now look at possible sites for marine reserves or the potential use of other tools. In response to a query, Don Neale noted that there is a marine

reserve of 100 hectares in Fiordland, while at the Kermadec Islands the marine reserve extends out to 12 nm.

4. Candidate Site Selection – Lagoons/estuaries

Saltwater Lagoon – An extensive discussion about this lagoon raised a number of issues and clarified the Forum process to be used in assessing all lagoons. Saltwater lagoon is completely within the Saltwater Lagoon Scenic Reserve, which covers the wet area as well as some land borders. Don noted that the lagoon was protected to some extent by its status within a Scenic Reserve. He noted that the lagoon mouth could be blocked naturally for years at a time, whereas other lagoons have an artificial opening regime operating. This means the natural status of this lagoon is high, as it is one of the more natural coastal wetland areas with good biological integration.

Bruce Watson noted that this lagoon has been used for floundering and duck shooting. Don Neale advised that the Reserves Act and National Park Act both restrict the taking of plants and animals. No take under Reserves Act and no take of native flora and fauna under the NPA. Effectively this means that no fishing should be taking place within these areas. A query was raised about the ability to whitebait within a marine reserve? Ditto trout and salmon? DOC will investigate and report back.

DOC has checked the use of this lagoon and it appears to be little, access is difficult. This issue of DOC undertaking, or not, compliance monitoring was raised. Don advised that the previous opening called "the cutting" was due to previous black sand gold mining; there may be a mining licence holder still. The same issue may well apply to other lagoons and coastal stretches (beach mining and licence holders). Don also noted that in general, the easier the access to lagoons, the greater the amount of use.

Other than identifying this lagoon as an MPA, could other tools be used, such as a request for addition of the lagoon to national park? It was noted that such a change would impact on the ability to eel fish. Another possible option was to add the area to those sites excluded from whitebait fishing. In response to a query, Don advised that there are a total of eight other coastal estuaries (Oparara, Okari, Okarito, Three Mile, Haupuka, Saltwater, Orowaiti and Karamea). Don further advised that of this group, the lagoons that were least modified are Saltwater, Okarito, Three Mile and Haupuka; while the cluster of coastal lagoons near Westport are the most modified. There are two categories of estuaries; the tidal flat estuaries within the CMA and other estuary categories. In response to a query, Don advised that there were a few differences between the southern-northern lagoons; the distribution limit of some species occurred in northern lagoons. Southern lagoons had a sand beach frontage rather than gravel beach frontage as did northern lagoons.

It was noted that Crown land is not a management status but rather a 'no management' status, so a move into any form of conservation land status would be beneficial. The possibility of recommending the fencing of estuaries was raised, with the process to be via the Report to Ministers, onwards to the West Coast Regional Council for inclusion in the Regional Coastal Plan and the Land and Riverbed Management Plan.

There followed a discussion about the best process for assessing coastal lagoons. Should estuaries with adjacent protected land be the only ones considered or all of them? It was decided to consider all lagoons, and find those to be eliminated as candidate sites. Using the

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information matrix devised by Don Neale (as requested by the Forum) the Forum proceeded to make an initial assessment of all the lagoons commencing with the four estuaries that are adjacent to reserve areas (and large scale maps are produced by Don).

Saltwater Lagoon (candidate) – The lagoon bed is conservation land, it is an internationally significant habitat with few users and high natural values.

Okarito Lagoon (candidate in part) – Only the coastal marine area is not Crown land. Internationally significant habitat but lots of uses such as whitebait, floundering shellfish gathering and eeling. Noted that a nohoanga site exists and the far northern bank is a pa site. Noted that most of the extractive uses occur at the southern end, so the site may suit partial cover in a MPA.

Three Mile Lagoon (candidate) – the bed is conservation land and it is surrounded by national park. Less diversity of habitat than Saltwater Lagoon. The uses tend to be historic so reasonably natural state. Only foot/bike/horse access along the beach. Some eeling and set netting but at a low use level. Weed control.

Hauptuka Lagoon (candidate) – Probably not Crown land (except CMA) and surrounded generally by conservation land, with a visitor walkway. Some farming in catchment. Close to whitebaiting.

Tidal Flat Estuaries

Oparara River – Part Kahurangi National Park in upper catchment. The bed is natural but surrounded by farmland (farm run-off). Not high biodiversity. Easy road access and uses includes surfcasting at entrance, whitebaiting, shellfishing.

Karamea River (candidate in part) – More diverse biologically, easy access and higher uses such as whitebaiting, surface snapper, set net floundering and shellfish gathering. The southern end is a whitebait exclusion area. There may be potential for a partial MPA site in the north.

Orowaiti River (candidate in part) - A similar habitat to Karamea but shellfish unable to be gathered due to degradation from discharges, this situation is currently being improved. Biologically diverse, good habitat for whitebait spawning and large rush habitat. Whitebait fishery to be retained?

Okari Lagoon (candidate) – Somewhat less diverse habitat compared to the other lagoons but includes saltmarsh flats and cockle beds. Some good margins but farmland margins, as is the catchment. Land between the lagoon and the sea is conservation land, “the spit”. The northern end has good access. DOC is to clarify landowner and public access. Uses include whitebaiting, protection works (a major causeway) with some conservation restoration with local support at the lagoon mouth.

Tidal Lagoons

A process discussion occurred about the best way to undertake the tidal lagoon assessment, some options listed were:

- Remove high use areas from consideration
- Identify high value sites

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- Check Report, at page 47 the highest value sites are listed. Don suggested that Mahinapua Creek and Kapitea Creek could be added.

The last option was chosen.

The following values and information in relation to the tidal lagoons are as follows:

New River (Kaimata)/Saltwater River – Mixed catchment and is contaminated by industry. Whitebaiting near the mouth but otherwise no special flora or fauna. Mouth moves and is often artificially opened. Don noted it has been rated due to landform rather than habitat.

Totara River/Lagoon – Mixed catchment, Coastal Protection Area, duck shooting and whitebaiting site. Access at both the southern and northern ends. No special flora or fauna. Mouth is often artificially opened.

Te Rahotaiepa River – (*Partridge rated area) Located near the lanthe Forest. Margins mixed and with some forest. Not very accessible. Protected area but no special flora or fauna.

Hikimutu Lagoon (into the Poerua River) – (*Partridge rated area) Catchment mainly Saltwater Ecological Area. Bed is Crown land and CMA. Resilience rating high due to surrounding DOC land and intact habitats and surrounding wetland areas. Access is difficult, across the river, some motorbikes present. Black sand gold mining on the beach.

Waitangitaona/Waitangiroto Rivers – (*Partridge rated area) Nature Reserve for the white heron colony. Historically the river mouth has closed and backed up so much that it threatened the white heron colony. It was noted that if this was made a MPA then the ability to open the lagoon may be removed.

File Mile Creek/Lagoon – (*Partridge rated area) Within national park, including the bed and catchment. Black sand mining on beach and existing permits, so maybe used for water pump access.

Waikowhai Stream (Gillespies Beach) – (*Partridge rated area) Catchment partly in conservation land, including a DOC footbridge. Maori 'reserve' around lagoon area? Black sand mining on beach. Creek naturally opens and closes.

Ohinetamatea River – (*Partridge rated area) Located between the Cook and Karangarua Rivers. Portion in conservation land and in the catchment. Access via walking route over bluff: "difficult". Whitebait stands the main use.

Hermitage Swamp (mouth Cascade River) - Whitebait exclusion area extends from the north side of the Cascade River to Cascade Creek only, while stands exist in the Cascade River.

The Forum agreed that all nine of the assessed tidal lagoons should be considered candidate sites subject to them being located in the coastal marine area (as there was some doubt as to the location of some of them). This aspect prompted a query as to whether being located within the CMA was sufficient to provide suitable protection, through the Regional Coastal Plan.

In moving on to considering other less rated tidal lagoons the Forum decided the following criteria be used to form an assessment matrix, as follows:

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- Adjacent land use (e.g., protected area/farmland)
- Degree of catchment intactness/modification
- Degree of current usage
- Size of the site within the CMA

Don Neale projected the matrix table and the Forum's assessments in relation to the criteria were recorded directly onto the table.

Candidate sites (with relevant comments)

Nile River

Pororari River - High landscape and tourism use values.

Flowery Creek

Mahinapua Creek - Easy to protect as already whitebait exclusion zone.

Totara Lagoon (*Partridge rated area)

Omoeroa Swamp Lagoon – completely surrounded by conservation land but actually status of the bed unclear. Difficult access. Mining licence area.

Ship Creek – (Davis report rated) Intactness, conservation land. Small but rating high.

Possible whitebaiting site?

The Old Man – (Davis report rated). Listed as a small, important connection to the Cascade River.

Discarded sites

Glasseye Creek – Nothing special.

Hibernia Creek – Nothing special.

New River

Break Creek – Nothing special.

Birchfield Creek/Jones Creek – Farming modification and ex-dumping sites

Wharetea River – Totally surrounded by farmland with some bush margin. Access limited; hydro application in headwaters.

Collins Creek/Devery Creek – Old dredge ponds, so artificially created.

Seven Mile Creek/Matuku River – Water quality re coal dust has improved a lot. Maori values: the area was a meeting point and habitat of the bird Matuku

Waikoriri Creek – Not in CMA.

Ohinemaka River/Black Creek – Conservation land. Diversity of recreation activity including shooting, fishing and whitebaiting.

Hunts Creek/Manakaihua River – Likely Maori values, Maori Reserve in northern part. Catchment farmland.

Mataketake Lagoon – Not great or little tidal influence. Position in CMA debateable. Not included due to the marginal nature of tidal connections.

Waiatoto Lagoon – Large but changeable in size with artificial opening. Fairly natural and DOC land. Uncertainty re future survival re erosion.

Arawhata River Lagoon – Intactness low and farmland. Erosion a problem. Not in CMA.

Possible sites

Kapitea Creek - Biggest known little blue penguin habitat.

Lawson Creek (Waiwhera) – Needs more investigation.

Waikukupa Swamp – Not DOC nor conservation land. Small area of site so values not so high? Connectivity to river mouth noted.

5. Candidate Site Selection – River Mouths

The assessment moved onto river mouths. The sites rated by Partridge as listed at page 45 of the Report were especially considered but it was noted that this rating did not necessarily relate to the CMA area.

Candidate sites

Heaphy River - (*Partridge rated area)

Tiropahi River – Small but good quality habitat. Only recreation use, not fishing as the banks are too steep.

Taramakau River in part - (*Partridge rated area) Statutory Acknowledgment Area and nohoanga site. A local conservation group is working with DOC on improving the northern bank and whitebait spawning habitat. Some rock protection and gravel extraction between bridge and coast.

Hokitika River in part - (*Partridge rated area) Large site with modified margins and farmland catchment plus dairy discharges. Bed is conservation land. Some rock protection areas. The estuarine area around the Mahinapua Creek outlet is the best possibility for a MPA.

Wanganui River – Bed is conservation land. Good regenerating native forest margins although farming in catchment.

Poerua River – Linked to Hikimutu Lagoon. Adjacent to conservation land.

Discarded sites

Kohaihai River – Road access and small site.

Little Wanganui River - (*Partridge rated area) Upper catchment conservation land but intactness low due to pasture and housed margins.

Falls Creek – Too small.

Mokihinui River – Modified margin. Highly rated river in terms of majority of catchment. Hydro scheme if proceeds will impact on sediment supply.

Ngakawau River – Water quality an issue due to Solid Energy mining discharge albeit on improving.

Waimangaroa River – Issues with water quality and surrounding land use.

Buller River - (*Partridge rated area) The CMA does not include the wetland reaches. River mouth dredged and channelised.

Fox River – Changeable course of river mouth but tied to bluff. National park in the catchment and many passive visitor uses, including Maori values in cave. State Highway bridge and channelisation, as well as some gravel extraction.

Canoe Creek

Ten Mile Creek

Grey River – Similar status to Buller River (rock protection and dredging).

Arahura River - (*Partridge rated area) Tied in with Flowery Creek that has been approved as a candidate site. The Mawhera Incorporation owns the riverbed. Margins have been highly modified and new large guide banks are due to be built. Runanga representatives advised against approval. A possible maitaitai area along the mussel beds has been suggested.

Mikonui River – (*Partridge rated area) Modified and farmland.

Waitaha River – Northern bank quite modified. Further information being sought about birds.

Possible sites

Totara River – Farmland in vicinity. Access by road on one side. Set netting of flounder a use. Eugenie Sage suggested this site has potential.

Punakaikai River

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6. Agreed Forum Process

The following steps have been agreed:

1. Clear criteria for decisions on whether a site is a candidate or not.
2. Assessment of each classification type or habitat to develop a list of potential candidates (sieving).
3. Review the pool of candidate sites to get agreed recommendations for MPAs/Marine Reserves. For the purposes of the recommendation report a fuller description of the proposed areas will be necessary. Don Neale introduced the estuary spreadsheet of information he assembled to assist the Forum's deliberations. He noted that the use of "1/2" means 'part' not 'half'. It was agreed that size is to be changed to "small/med/large". Don Neale agreed to add additional comments. It was agreed that a further column be added to record cultural information, as suggested by Rick Barber.

Sarah Wilson checked the progress/agenda/briefing prior to departures. There followed general discussion about how to complete the initial estuarine site selection. Could identified 'cluster of habitats' be used as a selection mechanism? Don Neale is able to illustrate patterns that emerge from the whole West Coast maps. Ideas of weighting and graphical illustration (colours/dots, etc) were discussed. After extensive discussion it was agreed that no 'short-cut' process is appropriate and that the Forum needs to work carefully through each habitat type in detail, as they did the day before. Ideas of overviews/weightings/hot spots/DOC views were ultimately rejected.

Bruce Watson raised the possibility of the potential addition of an assessment factor – resilience- to deal with the movement of river mouths and hence tidal estuary outlets, and also coastal margin movement inland. Resilience could be defined as the ability of the habitat to be mobile within the locality and ability to sustain natural ecological processes. Adjacent public land, especially conservation land, is important for 'resilience' in the long term. Rick mentioned the Maori concept of "mauri", the enduring ability to sustain life/natural processes in the face of change. There followed discussion about the ranking of resilience e.g., scale 0-5 or high/med/low. Forum agreed that it should be the latter method. The Forum noted that in the future they might require more information or a review of the possible MPAs might be needed by Don Neale.

The issue of landward demarcation of estuaries was agreed to be investigated by Campbell Robertson, the ability to demarcate boundaries especially lagoons which move a lot. The potential for marine reserves and other sites/uses to be mapped or recorded was discussed. Don Neale is to review and add 'resilience' rating and the re-rating of size to the estuary sites already reviewed by the Forum.

Confirmed
Bruce Hamilton
Chairperson