



## IN-COMMITTEE SESSION MINUTES

### MARINE PROTECTION FORUM MEETING

21<sup>st</sup> MEETING – 4 & 5 November 2008

In-committee session occurred in the course of the Forum's 4 & 5 November meeting.

#### 1. In-committee Sessions

Campbell Robertson reminded the Forum that there is a high level of public interest in the process, and the Forum should only be in-committee when it is necessary. He asked that the Forum consider whether it needed to continue using the in-committee sessions. Bruce Watson considers that in-committee sessions are still important to enable 'free and frank' discussion. Forum members agreed and it was decided to continue with the in-committee sessions for discussion of proposed MPAs and their boundaries

#### 2. Site and Tool Selection

Sarah Wilson introduced this session by restating the agreements reached at the last meeting. Discussion then occurred about the status of mataitai reserves, with Kerry Eggeling advising that commercial fishers are not keen to progress MPAs given the mataitai reserve proposals. Rick Barber advised that Poutini Ngai Tahu are running the mataitai reserve process as a separate process and has no plans to link it to the Forum process.

It was suggested that the Forum make a formal approach to both runanga about harmonising the processes. Scott Williamson advised that the mataitai reserve process has some clear criteria (e.g., consultation with local communities that are different criteria from what consultation the Forum needs/will be doing) so trying to mesh the two processes would be complicated, but not necessarily impossible.

Possible ways forward were mooted as being:

- Defer the detailed discussion of the mataitai reserve proposals until Richard Wallace is present (Weds);
- Proceed with discussion of tools and sites in the north of the region;
- Discuss Dolomite Point/Paparoa/Point Elizabeth.

Bruce Watson proposed that the Forum meet with Makaawhio representatives about the mataitai reserve proposals and find ways of working together. The Forum needs to be clear about what is being sought and what overlaps there are. There was support for this approach.

Kerry Eggeling advised that there are four sites in South Westland that have potential to cause problems to commercial fishers (Open Bay Island/Barn Bay/ Jackson Bay Head/Paringa). He understands that discussions are to be held between commercial fishers and Ngai Tahu within the next month.

Scott Williamson advised that at Jackson Bay there needs to be provision for the wharf – loading and unloading of fish and fishing gear, anchoring and the marine farm, so it is unlikely that the entire mataitai reserve proposal would be able to be established as it is currently shown on the maps.

Further discussion then occurred on the next step, with many members wishing to continue to make progress. Sarah Wilson and Bruce Hamilton advised that they had had contact with Carol Scott and Ian McKenzie, and had clarified with them that the Forum would continue to discuss site and tool selection in their absence. The Forum agreed to proceed with their work, choosing option 2 (discussion of tools and sites in the north of the region).

### Northern Area

Don Neale then recapped on the current candidate site, being one large area from the Heaphy River to Otukoroiti Point out to 12nm, with outliers out to 10metre depth, north to Kahurangi point and at the south to Crayfish Creek/Point.

Bruce Watson commenced the discussion with proposing that the Forum makes this site the major West Coast marine reserve, as it is a low impact area for the West Coast. Such a site would greatly assist in meeting the 10% target, and the WC would have at least one sizable area. The Forum then ran through other possible options, such as the site only extending to 6nm, the deletion of the outliers, or the extension of the outliers to 30metre depth.

Laura Boren queried the Forum as to whether they agreed that there is a case for a marine reserve in this area, and the response was positive, due to the large number of habitats represented and the lack of cost to West Coasters.

The Forum then moved onto discussion of the boundaries of this site. The extent of the northern boundary was raised and the Forum was reminded that they had discussed this boundary at their last two meetings and agreed to leave the protection of the 'shoals' habitat to the future Nelson Forum. Discussion then moved onto the boundaries of the outlier areas.

Geoff Rowling did not support the northern outlier at all, as the majority of amateur access in this locale is restricted to the areas just south of Kahurangi Point. Eugenie Sage suggested that in exchange for removing the northern outlier, the boundary of the southern outlier be extended to 30m depth and that the angle of the offshore boundaries remain as they are.

In response to a query, Campbell Robertson advised that the Heaphy River was not a significant whitebait fishery, mainly due to transport costs, and only a couple of fishers used the area. There are areas of private land around the Heaphy River mouth, and so the landowners would need to support the marine reserve proposal. After further discussion, the view of the Forum was that the landowner issues at the river mouth were not likely to be insurmountable.

Bruce Watson then tabled his proposal as a formal motion, noting that the proposal needs to be a draft recommendation for the public consultation process.

**“For the purposes of discussion, the Kahurangi site (as shown on the map) with the southern outlier to 30 metre depth, and the removal of the northern outlier, to go forward as a marine reserve proposal.” Seconded by Bruce Hamilton.**

Caveat: the extension of the southern outlier to be checked with Ian McKenzie.

Discussion ensued. The commercial fishers were concerned that trawlers would have to raise nets and sought a reduction to 6nm. The counter proposal was that such a large area would greatly assist the WC Forum reach a 10 % target. Don Neale advised that the proposed site is approximately 6% of the WC habitat, when taken out to the 12nm and includes a high number of habitat types.

Denis Shannahan sought a seconder for an amendment to restrict the site to 6nm, but despite discussions no seconder was found. It was acknowledged that the Forum was seeking to get the draft proposal out at this meeting and would discuss them at the December meeting when others are present and more feedback will have been received and Forum members have had time to think about it. There was general agreement that the inshore area extending out to 30metres depth is okay.

**The motion was put and was accepted**, with three members voting against it (Denis Shannahan, Kerry Eggeling, Stuart Thomson). These three expressed reservations due to a lack of feedback from Nelson fishers for the zone from 30m depth to 12nm zone.

#### Central Area

Don Neale introduced the two candidate sites that extend out to 12nm, 'Charleston' and 'Punakaiki'.

Eugenie Sage commenced the discussion on Punakaiki by commenting that these sections of the coast are the easiest access and have 'icon' status. The current proposal for this central area is too disjointed and needed a bigger vision, such as an area linking Maher Creek to Seal Island. There followed a discussion on the mix of habitats with Don Neale advising that this location does not include additional habitats to the northern site, so maybe it is a candidate site for an MPA?

Eugenie Sage advised that there is dramatic mix of landforms and associated habitats. The relative importance of landforms and their association with the marine environment was discussed. Fishers advised that the area out to 30m would work for commercial fishers (for parts of the three current inshore areas proposed). The Forum then recapped on the reasons why the various inshore areas had been excluded (with reference to minutes of 21 May), mainly due to localised use. Bruce Watson recalled that the Forum's original intention had been to create small, accessible, educational MPAs away from the high use locales.

The discussion resolved with a proposal that the Paparoa site be a special marine reserve area based on values, education and appreciation opportunities. The 'mosaic' site was worked out in detail as being:

- Marine reserve - seaward boundary to be a mix of 30 metres and 10 metres depth;
- MPA/exclusion zone around the Punakaiki settlement;
- MPA/exclusion zone around the Pororari River mouth;
- Exclusion zone around Razorback Point;
- Marine reserve area to extend out to 30 metres depth from Perpendicular Point down to Razorback Point;
- Marine reserve area to extend out to 10metre depth from Razorback Point to Maher Swamp.

It was agreed to progress this proposal via Don Neale developing a fine-scale map, as well as investigation into localised use, which is to be reflected on the fine-scale mosaic proposal.

Geoff Rowling suggested that 'land based' fishing activity should be used to work out the appropriate boundaries offshore, and the Forum agreed to the approach and tasked Don Neale accordingly.

Don Neale then recapped the reasons for the Charleston site, it has some access points and tracks but to most of the public it is very inaccessible. There followed discussion about various distances and whether habitat was already represented in the Punakaiki mosaic and in the Kahurangi area. In the end there was no strong support (except from Eugenie Sage) to progress this site, and it was recalled that this candidate site had been viewed as a duplicate site to the Punakaiki locale.

An MPA at the Point Elizabeth locale had been suggested from the Forest and Bird members feedback, as an aquarium site, but majority support for this idea was not forthcoming.

Rick Barber noted that Te Runanga o Ngati Waewae has proposed a mataitai reserve from the north bank of the Hokitika River to the north bank of the Taramakau River, which does not impact on any Forum proposal.

As the first day drew to a close, Eugenie Sage and Emily Arthur were asked for any comments re the southern area, as they will be absent for that discussion. Emily Arthur advised that the offshore area of Okarito is important to have as an MPA, at least, as the whole locale is very special. Eugenie Sage suggested Okarito would benefit from a mosaic approach, part of Okarito Lagoon deserved protection as a marine reserve and the boundaries of the Gorge River jigsaw needed improvement. The suggestion was then put that there could be a marine reserve to cover the Okarito Lagoon, and possibly 3 Mile or 5 Mile or Saltwater Lagoon.

#### Southern area

**Second day:** Eugenie Sage and Emily Arthur had left the meeting but Richard Wallace and Brad Stenhouse had joined the meeting.

#### *Okarito site*

Don Neale commenced the discussion on the second day of the meeting by recapping the candidate sites along the Okarito locale. Stuart Thomson noted that the area was good for albacore fishing, into the inshore area. In response to discussion about including inshore mud substrate habitat, Stuart asserted that mud substrate appears to move around a lot.

Bruce Watson proceeded to propose a marine reserve site from roughly the Waiho River at the southern end then up to either 5 or 3 Mile Lagoon, extending out to 10 metres. The Okarito Lagoon area could be either a MPA or mataitai reserve. Then a MPA could extend up to Saltwater Lagoon but would need to exclude major whitebait river mouths from fishing restrictions (Waitangataona, etc.).

There is potential for mataitai reserves to extend out on the coastline adjacent to the Okarito Lagoon. Campbell Robertson had been speaking with some Okarito residents and they advised Okarito bluffs are subject to mussel gathering and there was also surf casting along the spit, and Bruce responded that it would also be good to have some rocky areas in the protected zone.

The topic of black sand mining was discussed. Bruce Watson is keen to exclude from black sand mining at least one of the MPAs along the West Coast. He noted that the national park

boundary goes down to the high tide mark, so black sand should not be using water from within the national park. Campbell Robertson advised that black sand mining requires an access arrangement from DOC, but as the activity is minimum impact it is difficult to decline such applications.

The Forum then proceeded to develop a mosaic site around Okarito, detailed as follows:

- Waiho Beach (southern end) to Okarito Bluff to be a marine reserve extending out to 20 metres depth and to include the 3 Mile, and 5 Mile lagoons, and the Waiho River mouth;
- Okarito Bluff to Waitahi Bluff to be an MPA or marine reserve extending out to 20 metres depth;
- Saltwater Lagoon to be a marine reserve;
- Waitangitaona and Waitangiroto River mouths to be considered for inclusion, after the uses of the rivermouths are clarified, especially whitebaiting.

There was discussion about whether to add Abut Head north as a MPA or marine reserve. Fishers advised that this locale is a reasonable fishing resource, with an important floundering resource extending from 15-20 metres depth seawards. In response to discussions about the proposed mataitai reserve at Okarito Lagoon, Richard Wallace advised that Maori did also fish offshore in this area, as groper teeth have been found in middens, as well as double-hulled waka. He would support an extension offshore of the mataitai, but otherwise supports an MPA.

The Forum agreed to progress the mosaic of marine reserve and MPA around a mataitai reserve, with Richard Wallace to investigate the potential to extend the mataitai reserve. Campbell Robertson agreed to provide information on black sand mining permits that are within the proposed site, and he will clarify the legislative situation for people who have existing mining permits.

Kerry Eggeling expressed a major concern of fishers, that an area created as a MPA could be automatically converted into a marine reserve if any special species or feature was discovered. Stuart Thomson noted that corals are found from Knights Point south to Stewart Island. MinFish staff clarified that a MPA cannot be simply converted into a marine reserve; the marine reserve process is completely separate and its associated assessment process is quite different.

#### *Gorge River site*

It was noted that the commercial fishers want to abstain from decision making about the Gorge River site, due to the mataitai reserves proposed in South Westland. It was agreed that the Forum would proceed to consider this area with a view to achieving agreement for discussion purposes at the December meeting.

The current proposal for the Gorge River site is for a marine reserve from Longridge to Hackett, with a wider 'jigsaw' MPA, as fishers have supported this location as the least cost option for this area. It was noted that the bedrock habitat located at Longridge Point should be excluded, and this was agreed. The Forum agreed to recommend the Gorge River MPA on the proviso that cray potting and long lining could still occur (or the converse, listing the methods excluded). It was agreed to proceed to the December meeting with this proposal.

Bruce Watson commented that it will be important to include with all the proposals the explanation of what is being sought and that this main rationale should be included throughout the process, even into the gazettal notice. It needs to be presented as a total package.

*Cook River site*

This candidate site was not supported at present, but may be revisited at the next meeting, when all the decision-making during 2008 will be reviewed, as assembled by Laura Boren.

*Education/appreciation sites*

The Forum then recapped the potential education/appreciation sites, being: Jackson Bay/Ocean Beach, Ship Creek, Cape Foulwind, Hapuka Walkway. There was discussion around possible impacts on these habitats and especially future uses and what public education or appreciation might occur.

Ship Creek – Bruce Watson proposed that the area around the river mouth could be in a small marine reserve or MPA and then another package of protection to accompany it (probably by DOC). It was suggested that DOC could develop the detail, especially around the detail of the land ownership of the locale. Other Forum members agreed with the proposal, as the locale is very highly visited. Carrol Browne supports this area as a showcase for the tourism industry especially. There is everything to gain and nothing to lose. Richard Wallace advised that Ship Creek is a traditional eel catching area and Bruce Watson mooted that the marine reserve would only go as high as the state highway bridge. The habitats already mooted for protection needs to be identified, as concerns were raised about too much replication. It was agreed that DOC would provide more detailed maps for the December meeting, for the 4 areas.

Cape Foulwind – Bruce Hamilton advised that this area is an iconic tourist attraction with 140,000 visitors and 60,000 people walking the track (annually). Bruce suggested a site to protect the seal colony, including Wall Island, to function as an education/appreciation site. The Forum agreed to consider this proposal, and DOC staff were to investigate the use of a 'wildlife refuge' as a way of controlling dogs.

Ocean Beach/Jackson Bay Head - Kerry Eggeling reported that this locale supported a considerable amount of fauna, e.g., penguins. Kerry also advised that fishers need to be able to transit through Ocean Beach. The proposal was for a MPA, extending from Ocean Beach around to the creek to the west of the wharf, out to 5 metres depth.

Richard Wallace advised he would support this proposal as an alternative to the mataitai reserve but he does need to discuss with the runanga. Kerry Eggeling and Stuart Thomson advised that the fine detail of the boundary needs to be worked on, to avoid moorings and recreational cray rocks but the MPA should include Flowerpot Rock.

Hapuka Walkway – Discussion ensued on the possible impacts in the area, and the landowners and DOC responsibilities. Kerry Eggeling advised that he owns land along the Hapuka Walkway. DOC was asked to provide more information about this site for the December meeting.

Sarah Wilson closed the discussion on site and tool selection by congratulating the Forum on the excellent progress made at this meeting.

### 3. Maitaitai Reserve Proposals

Richard Wallace advised that the Forum and tangata whenua have different approaches to marine protection, to protect habitats and species respectively. All the maitaitai reserves proposed by Te Runanga o Makaawhio were all mooted 20 years ago, apart from 2 sites, when the runanga was established. The sites are of historic significance, and research has indicated some species have declined.

Richard has been involved in the maitaitai reserve process for the last 2-3 years. He acknowledged that some areas may be controversial but given the history he hopes folks will be understanding. He has heard some concerns, and does not understand all of them but thinks that compromises will be sought. For instance, the Jackson Bay Head site would make room for the wharf, anchoring and passage. Negotiations could be held on 'safe haven' sites in South Westland.

Scott Williamson was asked to clarify "commercial fishing" within maitaitai reserves, Nikki stepped out of the room to clarify questions with the manager of the Maitaitai process in Wellington. He advised that anchoring and being in transit is okay but not any form of commercial fishing which includes landing fish, sorting fish and preparing for fishing (e.g. working on nets). He noted that this issue is presently being worked through in relation to the Tory Channel maitaitai reserve proposal.

Richard is prepared to take any queries from the Forum to the Maitaitai Committee (Jo Wakefield - Chair, Mata Halliday, Paul Wilson, Brian Cadegan, Jerry Pu, Richard Wallace). This Committee meets with others, such as Rick Barber, and meets regularly at Makaawhio marae and at Hokitika and Arahura. The tribal authority was invited but did not attend. The process for the proposal is to be signed off by the runanga, then to Te Runanga o Ngai Tahu (Nigel Scott) then to the Ministry of Fisheries (technical advisor to South Island). Richard thought that a meeting between the Forum and the Maitaitai Committee would be of benefit to all. It was noted that the CRAY 8 fishers are already working with the Maitaitai Committee.

At the end of this discussion, Scott Williamson reported that he had just received advice from Wellington that the Ministry of Fisheries has now received the maitaitai reserves proposals from the Poutini Ngai Tahu, and so they are now under way in the legislative process. Therefore, in 20 working days a notification will appear in local newspapers, then a second notice in a further 5 days. Meetings will be held with locals such as adjacent landowners with tangata whenua and MinFish.

Geoff Rowling advised that there is no case law about the definition of 'locals', but Scott advised that it is defined as owning land in proximity, e.g., 'have a place of residence' (Regulation 2, South Island Customary Fisheries Regulations 1999). In response to a query about whether maitaitai reserves qualify as MPAs the response from Nicola Pindur was that they would, unless commercial fishing was allowed that meant it would no longer count, like trawling.

Discussion occurred about how to work with the Maitaitai Committee now that the proposals are in process. The Forum considered that it would still be useful to have a meeting to discuss overlaps or joint management. It was noted that the Forum could make a submission on maitaitai reserve proposals. It was agreed that the Forum Chair would write to the Chair of Te Runanga o Makaawhio to request a meeting between delegates from the Forum and the runanga about the reserves proposals of both parties.

The letter is to note that this meeting would fall outside the consultation process required by legislation for the mataitai reserve proposals. Several Forum members were able to offer themselves as delegates: Bruce Watson, Carrol Browne, Kerry Eggeling and Denis Shannahan were available while others could be available depending on the timing. It was agreed that the purpose of the meeting is to discuss the overlaps and management ideas for the Jacksons Bay and Okarito locales, and to seek ways to harmonise the proposals.

#### **4. Media Article**

The Forum discussed the media article that has appeared in the Greymouth Star on Tuesday evening including some misinformation. Two strategies were discussed, to ignore or to correct inaccurate information, either now or at the end of the meeting. It was noted that the Forum has not been running any secret agenda and that the majority of the meetings have been held out of committee.

Bruce Watson considers that the Forum should manage media proactively by using the DOC journalist to deal actively with media articles as they are published; the other option (less effective in his view) is to continue with the Forum's present method of usually issuing a press release at the end of each meeting. After further discussion the Forum agreed to issue a press release at the end of the meeting, and to mention the website in the release.

#### **5. In-committee Minutes**

The In-committee minutes from the meeting of 6 October were tabled for discussion. No amendments were made.

*Moved to accept minutes - Brad Stenhouse/Denis Shannahan*

*Carried*

The Forum agreed to move out of committee.

*Moved Kerry Eggeling/Geoff Rowling*

*Carried*

Confirmed  
Bruce Hamilton  
Chairperson