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MINUTES

MARINE PROTECTION FORUM MEETING

27th MEETING – 26/27 November 2009

Regular meeting held at St Johns Rooms, Stafford Street, Hokitika.

#### Present

Bruce Hamilton (Chair), Denis Shannahan, Stuart Thomson, Bruce Watson, Eugenie Sage, Geoff Rowling, Carrol Browne, Carol Scott, Ian McKenzie, Emily Arthur, Kerry Eggeling and Brad Stenhouse

#### In Attendance

Campbell Robertson and Don Neale (Department of Conservation), Rob Tinkler (Ministry of Fisheries), Sarah Wilson (Facilitator) and Helen Gillespie (Minute Secretary)

#### 1.0 Apologies

Apologies were received from Kerry Eggeling for day two and from Carrol and Emily for lateness. No apologies were received from R Wallace, B Hutana

Moved apologies be accepted – Eugenie Sage / Dennis Shanahan - Apologies accepted

#### 2.0 Agenda Confirmation, Timetable and Declarations of Conflict of Interest

The meeting agenda was confirmed and no conflicts of interest were declared.

#### 3.0 Correspondence

Outwards mail: With regard to the draft letter to Hon Phil Heatley, Carol Scott requested that the letter should say 'that Paua 7 agrees that the boundary realignment for their sector should be delayed until the MPA process is complete'.

Moved outwards and inwards correspondence be received and approved subject to minor amendments as above. - Eugenie Sage/ Geoff Rowling

#### 4.0 Confirmation of minutes

Moved that minutes of the meeting held 20/21 October be approved, subject to minor amendments. - Eugenie Sage / Dennis Shanahan

#### 5.0 Update on Actions from Previous meeting and matters arising

In response to a request from members, a trawl survey report from NIWA was presented.

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- ❖ *Eugenie requested that content from this report be included into the final report to Ministers<sup>1</sup>.*

Discussion about the report followed and the main points were:

- It was not relevant to continue surveying an area that would be in a marine reserve, as this would not reflect the general population stocks available to be fished.
- that one of the purposes of a marine reserve was to conduct scientific study
- that the marine reserves would add another foul ground area and not be sampled in the future
- there is less confidence in the historic data if sampling sites are removed

Rob Tinkler (MFish) explained the two sets of catch data that was provided to members with the meeting papers. He advised caution in interpreting the information, given that it represented only one years catch effort and did not include all methods or species.

- Stu advised that fishing effort in the Southern West Coast area has increased since 1 October 2009 as Talley's had reopened their depot at Jackson Bay. He also reminded members that fishing on the West Coast was affected by several factors including, weather, time to get to fishing grounds, proximity to ports and cost of fuel.
- Eugenie thanked Rob for the data that he had provided.

Bruce W noted that no response had been received from MFish on the Maitaitai as a type 2 MPA. He felt that this clarification was fundamental to the process and as a group the Forum agreed that they would:

- ❖ *... "assume that Maitaitai don't qualify because fishing methods can be reintroduced."*

## 6.0 Overview of Summary of Submission

Members discussed the summary of submissions and the following points were raised:

- the report didn't give equal weight to environmental/individual submissions versus those from the commercial sector.
- the contractor seemed to have mentioned some individuals but not referenced others.
- the language used seems to be strong and loaded
- the views of the minerals and petroleum industry – Crown Minerals should be listed separately as they are a Government Department
- the report is not sufficiently neutral
- where the author has paraphrased rather than directly quoting, this needs to be reflected in the summary so that readers don't interpret quotes as facts
- Eugenie offered to provide assistance to the author to neutralise the language in the document

## 7.0 Recommendations to Ministers

The members reviewed each of the sites and made decisions about the package of MPA's to be put forward to Ministers.

- A general discussion about submitting options to the Ministers resulted in acceptance that more than one option for sites could be pursued.

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1

❖ *... Indicates points to be included in the final report to Ministers*

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## Kahurangi

The main discussions points were:

- Carol Scott and Campbell had met with the Paua Industry and Paua7 fishers. They were not opposed to “sliding” the 2.7NM CSO (Combined Stakeholder Organisations) option further north so that it started at the original boundary in the south and went as far as Wekakura Point. Carol advised that based on the paua fishers concerns the collective CSO’s would also support this option.
- Campbell said that he had also presented this option to Crown Minerals and PEPANZ and both had no opposition to this revised proposal.
- The forum discussed the MED and PEPANZ submissions and many felt that if the larger scale marine reserve was progressed, they thought that due to the scale and size of the site it would be unlikely to affect the petroleum industry’s ability to explore for and extract oil/gas. They therefore felt that they did not need to adjust the boundary to take account of the petroleum industry’s interest. Campbell explained that this was a matter that Ministers would have to consider through s5(6) of the Marine Reserves Act process, and the forum should not ignore their concerns.
- Campbell explained that he had discussed driftwood take from the Heaphy River mouth with the Buller Area Manager, and they were very keen to ensure that this activity was able to continue. Part of the special character of the Heaphy Track walk is lighting a small bonfire on the beach at the Heaphy Hut. It was also noted that driftwood is taken to fuel the hut fire. Much of the driftwood was gathered from within the Estuary mouth, and often from above MHWS, however, it would be difficult if not impossible to enforce any take from this beach if driftwood take was prohibited from below MHWS.
- It was accepted by members that the public *should* be able to continue to take driftwood and light a bon fire on the beach at the Heaphy River mouth. The most practical means of allowing this activity was through the use of the Order in Council provisions in the Marine Reserves Act.

The forum agreed that a marine reserve should be recommended at this site and that two options are proposed.

**Option A:** The area as initially proposed in the consultation document.

**Option B:** A marine reserve extending from Wekakura Point to Crayfish Point and out to 2.7 NM (5km), excluding the Heaphy river mouth. This proposal includes a marine reserve and candidate MPA in the Heaphy River Mouth.

**PLUS:** An Order in Council to allow for driftwood gathering for both options A & B from around the Heaphy River Mouth.

## Gorge

Members reviewed the various options put forward by submitters. Some discussion was had on rationalising the boundaries and the main points raised were:

- Crayfishers had reluctantly accepted the initial proposal and any extension to boundaries would further affect their operations and was opposed.
- Increasing the size of the marine reserve out to the seaward boundary of the Fisheries Act protected area, would offer some connectivity with any potential deepwater marine reserves in the future. It would most likely also offer deep reef – either bedrock or other – this habitat type is not included in the current proposal and due to the scale of the mapping is not shown on the habitat maps for this area. Extending the boundary would preclude long line, crayfishing, trawling and recreational fishing in that area.

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- Extending the marine reserve would reduce 'edge effects'.

The forum agreed that a marine reserve and MPA should be recommended at this site and that 2 options should be proposed.

**Option A:** The area as initially proposed in the consultation document

**Option B:** As originally proposed but increase the size of the Marine Reserve by extending it seaward to the boundary of the proposed Fisheries Act protected area.

**PLUS:** An Order in Council for Pounamu removal within the Gorge site for both options A and B, This was sought by Ngai Tahu and Te Runanga o Makaawhio in their submissions, and has previously been done in the Long Island-Kokomohua Marine Reserve.

## Punakaiki

Discussion of the submission summary and proposals raised the following points:

- The submissions summary does not accurately reflect the significant community support for the original proposal.
- From the discussions that Carol and Campbell had with the paua industry, they are still not prepared to give up a potential commercial fishery. They explained that they are mindful of the potential closure associated with the Kahurangi proposal and the Maitaitai proposals which may preclude paua fishing. They therefore need to be able to access all fishable grounds. They noted that while this area is not currently fished, it is a potential development fishery that also has some value to recreational fishers
- Other members were not comfortable with the extension of the Fisheries Act area to the north, and felt that based on the overall submissions received, that the original proposal should remain as the preferred option.
- Carol explained that the CSO would accept moving the seaward boundary to 2NM on the proviso that the area from Pororari Beach and including Perpendicular Point is removed from the marine reserve and protected using Fisheries Act protection tools.
- Some members felt that the extension of the boundary to 12NM would represent good reserve design and it is within the scope of the policy.

The forum agreed that a marine reserve should be recommended at this site.

- ❖ The forum reached consensus that three options would be put forward – acknowledging the different views of the sectors involved.

**Option A:** The area as initially proposed in the consultation document

**Option B:** Extension of the original proposal out to 12NM

**Option C:** Boundaries as proposed in option A above, with the removal of the northern part of the marine reserve, from Pororari Beach to Perpendicular Point, and the inclusion of Fisheries Act protection tools in this area.

## Okarito

The submission summary noted that this site made up a significant portion of all submissions received. Discussion with members raised the following points:

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- Most submissions for the lagoon area were focussed on protection of fishing (trout) and duck shooting.
- The forum noted from the submissions that the lagoon area was also an important short finned eel fishery; some members felt that the eels in this area should be protected, as they were an important part of the ecosystem.
- Three Mile Lagoon is part of the National Park and while not a marine reserve, it is afforded the same protection. The same can be said for Saltwater Lagoon which is a Scenic Reserve.
- The Mataitai proposal for the lagoon is still proceeding with a small adjustment to the seaward boundaries. .
- Rob Tinkler (MFish) agreed to research tools available to regulate commercial fishing as the intent of the forum was not to stop recreational fishing in the northern part of the lagoon.
- The forum supports the Mataitai application for this area and supports a Marine Protected Area for the entire lagoon should the Mataitai application fail.
- The CSO noted the significance of this area for commercial trawling, and could only reluctantly agree to the area proposed and mapped at the previous meeting. (Waiho Beach to Five Mile Lagoon out 2 NM), this option would still capture the River Mouth habitat type as required by the Policy.
- The forum discussed at some length further extensions to the proposal as suggested by a number of submissions, in particular the area to the north of the proposed MPA around Abut Head. The agencies were asked to provide some further advice on the values in this area, but in the meantime given that this area was not consulted on and the forum had already discussed and dismissed its inclusion in the earlier site selection process, the majority agreed it was unlikely to include this area in the recommendations, but rather note the values of this area to the Ministers and suggest that they may wish to consider including this area for protection sometime in the future. Stu noted the significance of this area for trawling, and that it is fished very close to the shore.
- ❖ Environmental concerns still wish to see the northern lagoon as a marine reserve because of the values in the lagoon.

The forum agreed that a marine reserve should be recommended at this site and that two options are proposed.

**Option A:** The area as initially proposed in the consultation document excluding the marine reserve in the lagoon. The Mataitai proposal for the lagoon is supported, and it should be recommended that if this fails, then the whole site be proposed to be a marine protected area with, if possible, exclusion of eel fishing.

**Option B:** From the Southern end of Waiho to the Five Mile lagoon outlet out 2NM and including the CMA (Coastal Marine Area) area of the Waiho River mouth, .all as marine reserve.

## Educational Showcase Sites

A general discussion on the purpose and validity of the educational showcase sites within the context of the Policy and the consultation document raised the following main points:

- The object of these sites was to partly compensate for inaccessibility to other Marine Reserves. Showcase sites may not be fully viable marine reserves; rather they would be 'showcases or samplers' in addition to the main sites.
- The Forum has promoted the sites as educational showcases and they provide an opportunity for the public to interact with the marine environment.
- Carol Scott presented a different view and was unhappy that the forum was considering educational showcase sites which she felt were over and above the MPA policy. She also

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expressed concern that the forum was establishing a precedent for other MPA forums by making recommendations over and beyond their role.

- The sites proposed had been discussed in the media and together with the main sites presented a network of marine reserves.
- Carol also expressed concern that three out of the four main sites (Kahurangi, Punakaiki, Okarito) were accessible and that this therefore also negated the need for educational showcase sites.
- Several members supported the sites as they had been proposed, with some changes at the Tauranga Bay site.
- No habitats were primarily represented in the showcase sites
- The only showcase site which provides replication of habitat types is the depth substrate exposure at Jackson Head.
- The Forum has been tasked with finding innovative solutions in this process and these sites represent such innovation.
- Commercial stakeholders are trying to minimise the financial impact and would not wish to see any increase in size.
- There was good support for the sites to be termed educational showcase sites but some questions still remain about whether they actually meet the criteria. Acknowledging that Punakaiki and Okarito are also accessible and therefore have educational values.
- The sites are limited demonstrations of the goals that the Forum is trying to achieve
- There is a divergence of opinion on what constitutes viability of a site – it is dependant on the dominant species and the communities present. There are also social views about the level of protection required in an area. There is no easy answer.
- The size of the showcase sites has been raised by many submitters who felt that they were too small to be viable; this was also discussed at length. Some members of the forum felt that any significant increase in size of the sites would render them full marine reserves and this was not the intent of the showcase sites.
- ❖ The wording and expression of all views in the final document will be important, for e.g., “While not fully viable these sites...”
- It was expressed that some of the submitter proposals (for e.g. Forest and Bird) would be better responded to at a central government level and that the Forum is tasked with finding local solutions that local communities can live with.

Most of the forum agreed that the proposals should continue to include the educational showcase sites; however both Carol Scott and Eugenie expressed their dissent. Carol felt these sites were outside of the CSO interpretation of the MPA Policy and therefore not required. Eugenie felt that they were too small to be viable marine reserves in their own right and were therefore likely to be counter productive to their original purpose. She felt that they needed to be at least 5sqkm.

## Tauranga Bay

Generally there was support from submitters to move the proposed site north but the Forum acknowledges that further consultation would be required.

- There was support from environmental representatives for Wall Island to remain in the proposal.
- It was agreed by the majority to map the area north of but excluding Wall Island. This area is locally known as Siberia Bay.
- Some further feedback with local people would be required, but the majority of submitters, including those that attended the hearings had few concerns with this proposal.

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## **Mahinapua**

There was no substantial opposition to this proposal from Forum members.

- Under the proposal the eel fishery would be affected, as any commercial activity (including eeling) on public conservation land would require a concession. While the granting of the concession is at the discretion of the Minister (or their delegate) some on the Forum wanted to recommend that the Minister of Conservation should not approve commercial eeling concessions in this area in the future.
- The Forum was advised that the entire bed of Mahinapua Creek would be proposed by DOC for transfer and therefore a concession would also be required to eel in the upper reaches.

## **Ship Creek**

Generally the current proposal was supported by Forum members.

- There is a small overlap with the proposed Mataitai – agencies are trying to arrange a meeting with all parties concerned. It was suggested that edge boundaries of the Forum proposal be moved to align with the Mataitai application. Agencies agreed to advise the forum of any meeting date once arranged.
- Retain the recommendation to transfer the road reserve to Conservation land
- There was an inconclusive discussion about the Forest & Bird proposed extension at Ship Creek

## **Hapuka**

Generally the current proposal was supported by Forum members.

- There was some support for paragraph 181 of the Consultation Document to be included in the recommendation to the Ministers, noting that this could be further discussed during the preparation of the final document.

## **Jackson Head**

There was some support for the current proposal.

- It was noted that there is a Mataitai application over this area and there is currently a conflict over the duplicate protection proposals. This overlap should also be discussed at the meeting with Makaawhio.
- There was some discussion about amendments and extensions to the boundaries to recognise the various submissions for this site. The majority of the Forum acknowledged that any extension or modification to the boundaries would most likely have a significant effect on recreational and commercial fishers in the area.
- Recreational fishers did not support the extensions sought in the submissions because it was one of the few places in South Westland with beach access for divers. A number of fishers use the newly proposed area to fish.
- It was suggested and agreed that the original proposal be extended north to the headland as is illustrated in the consultation document on page 98. Eugenie felt that this would be an ineffective extension.

## **Other sites proposed by submitters**

### **Charleston**

Forest and Bird, among many other submitters, requested that an additional educational showcase site be established at Charleston.

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- The reasons for recommending this site were to protect seal and penguin habitats as well as habitats that are not found at Punakaiki.
- The southern boundary was proposed as the Four Mile River mouth and the northern boundary at the south bank of the Nile River. Constant Bay would be included in the proposal but not Joyce Bay. The seaward boundary is proposed as .5km and 10 metres depth, though environmental concerns would like to see 20 metres depth.
- It was noted that recreational fishers go to Hampton Rock to fish. They previously fished off the rocks at Constant Bay but since a drowning there signs have been erected warning of the dangers.
- There was some agreement that this proposal was not consistent with the purposes of the educational showcase sites, had not been consulted on and was likely to impact on a number of users. So the forum should note that a number of submitters had sought an additional Marine Reserve in this area, but the forum were unable to recommend this without going back for a further round of consultation.

## Point Elizabeth

The forum discussed a presentation received at the Westport hearing from one Westport fisherman and one Nelson fisherman. Both who were concerned about bottom trawling of what seem to be nursery areas. The Forum acknowledges that this is a Fisheries management issue and is an MFish responsibility.

Stu discussed these issues with Greymouth fishers and they said that it is no different to many areas and that at certain times of the year, more small fish are caught. This is seasonal and most fishers simply move to other areas.

The majority of the forum agreed not to progress this matter further.

## 12 Mile

This proposal was sought by the West Coast Branch of Forest and Bird submission. There was concern that it was promoted during the earlier site selection process and rejected by the forum at that stage due to the high use of the area by local people. Some forum members thought that it could provide an opportunity for community management, and sought information from MFish on the ability to use interim controls over small areas, such. Such as creation of a trial no-take area.

For the same reasons as the Charleston site, it was agreed that the forum wouldn't make a recommendation on this area as no consultation had been undertaken.

Rob (MFish) is to investigate whether there are options for temporary closures over these areas, to gauge their success and acceptability by the community.

- ❖ Identify in the final report that there has been no public consultation on the 12 Mile or Charleston proposals but that the forum would like agencies to look at these sites in the future.

## 8.0 Process from here

It was agreed that there was no requirement for a meeting on 15 December and the next meeting has now been scheduled for **Tuesday 26 January** starting at **8.30am**.

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**Report sub-committee:** It was agreed that Carol Scott, Bruce Watson, Eugenie Sage, and Bruce Hamilton would form the report development sub-committee. This committee will keep the whole forum informed of progress.

A teleconference for the report sub-committee has been agreed for the morning of 18<sup>th</sup> December.

## 9.0 Actions

Agencies (DOC) agreed to provide maps of the agreed options and tables to all forum members ASAP and before Xmas.

It was agreed to try and replicate the style of the Sub-Antarctics report, as much as possible. DOC will provide a table of contents and a copy to the forum.

Provide draft material to the forum by the 19 January. It was decided that the document does need to stand alone.

Appendix 3 of the consultation document could be a summary of the initial report and the brochure could be a summary of the consultation document.

Needs to be robust in terms of planning principles and needs to be a convincing case for Ministers.

The Forum is keen to hand-over the final report to Ministers in person, but will arrange this nearer the time, once the report is nearing completion.

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Closed 4pm

Confirmed  
Bruce Hamilton  
Chair

- .....
- **Papers Tabled**
    1. Submissions analysis
    2. Maps of submitters suggestions
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