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IN-COMMITTEE SESSION MINUTES

MARINE PROTECTION FORUM MEETING

18th MEETING – 29 & 30 July 2008

In-committee session occurred in the course of the Forum's 29 & 30 July meeting.

1. Candidate Sites

Don Neale outlined the work of the Forum to date, including a list of possible sites such as lagoons, river mouths and offshore sites. Don then tabled the latest version of the confidential table of possible candidate sites. Carol Scott requested the addition of an information column about the amount of hectareage that the proposed area covered, and **Don agreed to add this column in future lists.** Don then proceeded to project the map with potential sites. There followed general discussion about the process of refinement; previously the Forum has considered high use areas, habitats, replication of habitats, etc. So far the Forum had not considered tool selection. Carol Scott queried how the 10m offshore sites had been chosen and was advised that this work was recorded in the minutes of 17 June. No votes had been taken although some people had remained silent on some areas. Carol went on to query how management of MPAs extending out to the 12nm would occur, and Stuart Thomson expressed concern about such areas cutting across trawl lines.

Rick Barber suggested prioritisation of choices along the coast. Brad Stenhouse asked how many MPAs the Forum wants? Campbell Robertson referred to the Marine Protection Guidelines; each habitat type needs to be represented in a marine reserve, and 'the number of replicate MPAs included in the network will usually be two'. Don Neale noted that there is some uncertainty about whether that policy means the number of additional MPAs should usually be one or two, but thought that the intent was to mean one. Campbell further advised that the 10% figure refers to 10% of the whole NZ coastline being under some form of protection by 2010, and should be viewed as a guide rather than an absolute. The Forum needs to seek pragmatic solutions for the region.

Mataitai Reserves

Carol Scott queried the number of mataitai reserve proposals underway. If MPAs are proposed by the Forum, and then mataitai reserves are proposed then which protected areas would have status? Richard Wallace advised that mataitai reserves are further advanced than the Forum process so will likely be in place first. He suggested that MPAs could be placed around mataitai reserves. Richard Wallace advised mataitai reserves are generally placed inshore, out to about the one nm and are monitored by a kaitiaki or guardian. Nicola Pindur advised that it is not clear which mechanism would have precedence. Commercial fishing could be allowed within mataitai reserves, if authorised by the iwi. Campbell Robertson noted that mataitai reserves in effect usually do prevent commercial fishing. There followed general discussion about whether commercial fishing is likely to be allowed on any mataitai reserves placed on the

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West Coast. Richard Wallace advised that in the South Westland the runanga has looked at mahinga kai and waahi tapu, and have cut down the list of possible mataitai reserves to a viable number. Once Poutini Ngai Tahu have developed the list and it next proceeds to Te Runanga o Ngai Tahu and then to MinFish then for public consultation and finally to the Minister of Fisheries. Areas under consideration have been in the pipeline for some time and discussions have been held with neighbouring iwi. He noted that the focus of mataitai reserves was species protection, but the impact is effectively the protection of the wider habitat.

Stuart Thomson requested information on the possible mataitai reserves and the possible impacts on commercial fishers. Geoff Rowling expressed concern that the mataitai reserves will impact on the Forum process or influence it. There seems to be a race on for accessible coastline space. He noted that mataitai reserves generally exclude commercial fishing. Eugenie Sage noted that MinFish had previously advised the Forum that mataitai reserves do not constitute enough protection to be considered a MPA, and she suggested that mataitai reserves and MPAs could be overlaid. Nicola Pindur advised that if a MPA allowed some commercial use, then that would likely be removed by any overlaid mataitai reserve. She noted that management within mataitai reserves is fluid and changes over time, and this lack of assurance of management is, why it cannot be classed as a MPA.

Bruce Watson commented that many mataitai reserves might not impact on commercial fishers as commercial fishing is not generally occurring so close to shore. The ability for mataitai reserves and MPAs to coexist may be beneficial. Trying to link these processes would be very helpful for public buy-in; otherwise too many sets of restrictions will be rolled out for the public. Richard Wallace supported the concept of coexistence. Geoff Rowling commented that the policy gives no weighting to the removal of fishing effort and no grading to protection measures. Richard Wallace confirmed some impact on commercial fishers would occur in the placement of mataitai reserves, responding to a query from Stuart Thomson, and he agreed to provide information on areas being considered. Sarah Wilson suggested that Richard Wallace could work with Don Neale to identify possible sites on the WC map.

Rick Barber advised that two areas are under consideration by his runanga to protect the marine environment for the future but he also advised that the future right to place mataitai reserves will be on-going and will not be ruled out by the Forum process. Kerry Eggeling advised that crayfishers are concerned about the CRA 8 (southern South Island rock lobster) allocation. Ngai Tahu are partners in the quota ownership through their corporate arm. The mataitai reserves process is a major process that goes through a considerable number of steps, and fishers are informed when mataitai reserves are formally proposed. Carol Scott noted that there is no obligation to consult with commercial fishers but Geoff Rowling advised that there is an obligation to consult with adjacent landowners and communities. Commercial owners (quota owners) have to be consulted. Richard Wallace advised that protection measures within mataitai reserves would include the removal of predatory introduced species such as starfish. Carol Scott suggested that commercial fishers should meet with Richard Wallace about areas of commercial interest and clarify them. **Richard Wallace advised that at the Forum's meeting on 4 Sept he will be able to clarify the status of mataitai reserve applications**, and he noted that each reserve would be processed separately. **David Scranney advised he would seek policy advice about the overlaying of mataitai reserves and MPAs.**

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Candidate Sites

Sarah Wilson suggested that as the Forum has looked at the region in terms of three biogeographic areas, they could proceed to look at one of those areas and see what is needed in terms of the marine protection policy. She suggested that the Forum look at the northern area and see how many habitats are protected by each candidate sites. Don Neale then clarified how to use the table with its columns of information, for instance the first candidate site in the 0-10m zone has six habitats represented with a further six habitats nearby, whereas another candidate site within the northern area has only three habitat sites within it or nearby.

Bruce Watson raised the possibility of a more strategic approach. The objective of the Forum process was marine reserve status for each habitat type and one replication of each habitat type within at least one MPA. Other policy advice has advised that the clustering of habitats is useful, as is a linkage to landward-protected areas. He considers that the Forum should consider potential sites within isolated areas within the northern, central and southern areas and then look for replicate areas or special habitats. Finally the Forum can decide which areas should have marine reserve status. Sarah Wilson and Nicola Pindur advised that the Forum could consider possible sites in terms of habitat by habitat or by geographic area by area, but this process would be difficult so they support the Forum using the process as suggested by Bruce Watson.

Northern Area

The first area considered was the large site off the coastline along Kahurangi Point (area #1). Carol Scott queried the large area of real estate (Deep Area D1). Eugenie Sage and Bruce Watson advised that the 10% vision needs to be kept in mind, reminding the Forum that the candidate site off Kahurangi started as a bold initiative by Eugenie. The shoals at Kahurangi Point can be reconsidered when the detail of the area is revised. Bruce Watson queried how the Forum could pick up more habitat types in the northern areas to add to the candidate, where do groups of other habitats occur? Don Neale projected the table, and Bruce Watson ran through the habitat types and picked up the missing habitats. Are these habitat types missing because the candidate site boundaries are not wide enough or are these habitats present only in a few areas? Andrea Jackson suggested identifying the habitats that are quite limited in their distribution and dealing with them first to remove some complexity from the overall approach.

Kerry Eggeling raised the issue of 'cobble' habitat and whether it was in fact a habitat worth protecting. Bruce Watson responded that the issue of habitat and ecosystem protection was not about maximum diversity; some ecosystems are less rich and simpler but are still valid ecosystems to protect. Kerry Eggeling responded that cobble habitat has intrinsic value but does it have any habitat value? Bruce Watson noted that the classification system has been worked through for years and that the Forum has been given the list of habitat types through this system; the Forum does not choose it. Geoff Rowling noted that the marine reserve status might not work for single habitats. Bruce Watson noted that the Forum could use management tools such as stopping stone-picking within MPAs.

Nicola Pindur noted that if Candidate Area 1 and D1 are considered as one site then most habitat types are covered, so it would be good starting point. Bruce Watson reiterated his suggested approach. Don Neale outlined the number of habitat types in the other two options in the northern area (Charleston and Punakaiki), noting that the Charleston area also includes a reasonable variety of habitat types. Campbell Robertson queried the degree of use in these three areas, and general discussion ensued about the fishing usage of the area of the

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Kahurangi coastline. Ian McKenzie provided information generally on the fishing in this area, and Don Neale noted that the uses have been listed on the projected table. Carol Scott noted that albacore fishers came along the Kahurangi coastline, with boats from all over NZ. Rick Barber asked how far does the public decision-making decide? Eugenie Sage queried the albacore fishery in this area, need to identify the really high cost areas for fishers, which of the three proposed areas in the northern area? Ian McKenzie advised that very little albacore is caught within three nm offshore. Don Neale noted the smaller the MPA, the less protection for certain parts of the ecosystem, there are also differences between substrates at different depths and that the limitations of the mapping need to be recognised (including accuracy, scale and dynamics over time). He noted that the complexity and changeability of substrates meant small MPAs are unlikely to ensure fully representative coverage of habitat/ecosystem types. Bruce Watson thinks it is ideal to have representative habitat at various depths. Brad Stenhouse asked what about marine reserves to three nautical miles then MPA beyond that. Ian McKenzie noted that trawling is a high use from 40 metres depth offshore. Bruce Watson noted that the Charleston candidate site has nine habitats so it is not as good a representative as candidate site #1.

Central Area

Bruce Watson then led the Forum to consider the Central Area, wherein he noted that many sites are only up to four habitats. Bruce also noted that deep-water areas are open to the most debate. Possibly candidate site #15 with D4 is the best possible site, being adjacent to a national park and involves a major glacial river. It is also a good typical area for the central area. Stuart Thomson advised that there is an area of foul ground mapped in D4 that is not correct. Richard Wallace advised that part of this candidate site is being considered for a mataitai reserve, towards the north, so the two protections could coexist. Don Neale advised if the site goes further north, it will bring in more sub-tidal sand, but otherwise there is no real difference in substrates. Bruce Watson noted that if the site were moved further north there would be less impact on use than going further south. This is an area where the public could appreciate a protected site, so being an accessible area is good. So the best candidate site is still area #15 and D4. Stuart Thomson noted that in response to a query, trawling through this area is quite high use, and all the same whether the candidate site is moved to the north or south.

General discussion followed about the uses of Saltwater Lagoon. Bruce Watson commented that the Saltwater Lagoon may or may not be included in a MPA. The Forum would need to describe all the cumulative benefits of inclusion, if that is the case. It is important to consider lagoons as contributing to the 10% or more of particular lagoon types. Eugenie Sage advised that it is preferable to have sizable areas along the coastline, especially if this candidate site is the main MPA for the central area, so she recommends that all of candidate sites #15 and D4 are included. Nicola Pindur advised that the Forum should possibly consider the costs, for instance area #15 may be low cost but D4 may be too high cost. So the Forum should seek to identify the low cost options first. Geoff Rowling and Eugenie Sage then engaged in a debate about the size of marine reserves, how big should they be? Eugenie contended that there was a need to have sizable areas if they were only going to be three main reserves. Further discussion about the Forum's selection process ensued, Bruce Watson thought that further on in the process some offshore sites (separate from the inshore sites) may be suggested rather than limiting the choice to adjacent offshore sites only. Bruce Watson elaborated his vision as being three MPAs coastwide, with at least one of them being a marine reserve. Eugenie Sage

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responded with her vision of there being at least three marine reserves, one for the southern, central, northern areas.

Richard Wallace queried the degree of access for the candidate site and the habitat areas, and noted that other candidate sites in the central area are as good. Bruce Watson advised that unlike the Whataroa River, the Waiho was not normally fished for whitebait, as it is usually highly discoloured by glacial flour. Thomson mentioned again the reality of trawling issues with the different sizes of boats using different resources within any one locale. There followed a discussion about how MPAs might impact on trawlers.

Southern Area

Don Neale introduced the discussion by noting the large amount of 'unknown substrate' in this area. He had requested additional information on substrates from NIWA and they have provided a substrates map based on their latest research, which Don tabled. Bruce Watson proposed the southern most candidate site for the same reasons as the Kahurangi site as it covers just about all the habitat types and is relatively inaccessible for recreation use. Don described the candidate site, as mapped, showing the deep-water boundary around the 200 metre depth line and then the 70metre depth line down to the Gorge River with an inset to allow for trawling around the 50metre depth line down to the Gorge River. Stuart Thomson noted that the allowance for the trawl line was OK, and he noted that the trenches in the locale are fished by long lining and cray fishing occurs along the coastline. If trawling were allowed within an MPA then this would be much better for the Jackson Bay fishing community. Eugenie Sage pointed out that the shape of the offshore site had been developed to limit impacts on fishers, and that all of the South Westland is cray fished, then that means none of that coastline is protected (by nature or lack of fishing effort). The MPA process will ensure that at least some of the coastline is protected.

Kerry Eggeling advised that anywhere south of the Cook River is not suitable for marine reserves due to the value of the cray fishery, while there is no commercial fishing north of the Cook River. Denis Shannahan thought a query to the Minister of Fisheries was required to seek guidance on how to deal with the cray fishery. Bruce Watson mooted the use of special rights for locally based fishers. Geoff Rowling advised that localised management for quota species would work better whereas a marine reserve means no use for everyone. Rick Barber queried the percentage of local cray fishers and Stuart Thomson advised that the candidate site would be two-thirds of the cray fishery for one Jackson's Bay resident fisher. Richard Wallace suggested that the proposed candidate site be brought back to a smaller size. There followed general discussion of other possible options and also the status of marine reserves in terms of possible limited uses, resolving that if other management options were desired then the area really needed to be an MPA. In terms of possible uses within a marine reserve, Nicola Pindur advised that the Forum could seek legislative amendments or special legislation but that this approach has no sure outcomes.

Richard Wallace thought that the shape of the candidate site is OK but the size needs to be reduced. Stuart Thomson advised that the strip from the Hackett River to Longridge Point is the less used fishing area in this locale, while the Big Bay reef is a major reef for cray fishers. Bruce Watson supported the identification of areas of least cost for fishers. In discussing a possible candidate site from the Hackett to Longridge, being six kilometres of coastline, Kerry Eggeling thought the suitability of the site depended on how far offshore it might go, and that 3-4 nm off the coast might be OK. Kerry went on to recommend the extension of the marine

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reserve out to the 30metre depth line. He further suggested an MPA could extend further (as per the currently coloured pink area - relating to the Hackett to Longridge site) as mapped on Don's projection. There followed a general discussion about the shape of the site, being a jigsaw shape and whether this is suitable or practical for compliance. Rick Barber does not support the reduction of candidate sites and he thinks that the public consultation round will bring pressure to reduce the size of any MPAs, so the Forum should allow for this possibility. Stuart Thomson queried the choice of this site and Bruce Watson responded that it provides for a maximum number of habitats for South Westland. Geoff Rowling reminded the Forum about the Gisborne marine reserve and that no compensation for fishers has impacted on TAC and TACC which had generated conflict between users. He suggested that the Forum should seek a site with the least cost for cray fishers and should maybe consider a site a further 50kms up the coast. Eugenie Sage noted that the south South Westland area is a World Heritage area and is relatively inaccessible. Nicola Pindur queried whether the Forum should be considering the least cost within the entire region rather than least cost in a highly fished area (which seems to be the current scenario). She does not agree with the need to have a MPA in each third of the West Coast, the goal is to have one marine reserve for each habitat. Stuart Thomson gave information on possible sites further north in the southern area but noted that none of them are free of cray fishing. Sarah Wilson concluded the discussion noting that the southern candidate site has been agreed as being a strong candidate for a MPA site.

The Forum then moved on to look at Jackson's Head and Bay with the three possible sites initially chosen as suitable for small-scale accessible protected areas. Bruce Watson reminded the Forum he had suggested some sites for small, walkable viewing areas for education but he agreed that there were lots of use issues to work through. Richard Wallace identified the area from Jackson's Bay to the Waiatoto River as a possible mataitai reserve.

David Scranney queried how the Forum might assess the 'least cost' principle, given that the resilience to change in remote and small communities is a lot less than other communities. The costing of impacts is complicated. He will ask the MinFish economics team to provide formula to assist the Forum's decision-making. Campbell Robertson advised that one of the policy principles was to minimise cost, and to consider least cost when choosing between two options, and that 'least cost' does not sit above the other principles. Nicola Pindur noted that while a QMS area can be large the actual fishing area could be a lot smaller. She noted that to date the Forum's site selection has not decided between either marine reserves or MPAs and so the cost implications had only been covered in general.

There followed a general discussion on the costs and benefits of the process and how these might be assessed. Bruce Watson noted that the identification of areas that are inaccessible (as the Forum has done) does limit some costs, especially to recreational fishers. Thus most impacts then fall to the commercial sector, and to deal with this issue maybe the Forum should look to a 'Charleston-type' solution, and needs a very open discussion. David Scranney suggested a big tally spreadsheet for potential candidate sites with a scoring for habitats, cost, and other factors. Bruce Watson advised that the Department of Conservation had offered a type of cluster analysis but the Forum decided that it would be better for Forum members to develop the process themselves, based on their own knowledge. Eugenie Sage queried whether MinFish should calculate costs when social/economic benefits could accrue from marine protected areas, especially with the South Westland being a World Heritage area and the growth of tourism. Bruce Watson noted that if the Forum works on the Table of Contents for their draft Report then this work will prompt the thinking about information required.

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The discussion then moved onto consideration of the candidate area from Gillespies Point to Malcolms Knob running out to the 200metre depth line. Don Neale advised that this site has a similar habitat mix to Okarito, but additionally brought in the shallow top end of a canyon and probably some foul ground too. The Okarito site had four habitat types with a further six habitats adjacent plus a variety of wetlands, while the Gillespies site has three habitats and eight adjacent habitats (with some unknowns), it is fairly comparable to the Okarito site but does not include any tidal flat estuary environment. Bruce Watson commented that Okarito is probably a less used site because of the national park adjacent and the floury river, which overall makes Okarito a better candidate. Campbell Robertson and Denis Shannahan noted that Gillespies Beach is a popular recreational fishing area. General discussion followed about the importance of including some canyon head habitat within a MPA. Stuart Thomson advised that canyons are important for commercial fishing and that they all have a similar structure. He considers that the canyon-head habitat has been adequately covered by the southern area candidate site, whereas the Gillespies (Cook Canyon) site is more likely to create conflict. Sarah Wilson sought to conclude the discussion noting that the central area seems to have two main candidate sites, but Campbell Robertson thought that the Okarito Site had been the clear candidate.

General discussion followed about getting trawlers moving through the marine reserve and fishers confirmed that trawlers would be expected to have their gear up but that it would be OK to have fish on board. Stuart Thomson gave information on the typical trawling runs, which generally stick to the depth lines up and down the coast once a target species is found and is followed. Bruce Watson queried whether the Forum needs a high level of description of both commercial and recreational fishing to show that the Forum has gathered and been informed by this information. Campbell Robertson asked the Forum what they wanted the agencies to provide for the next stage of assessment. Denis Shannahan suggested that it would be good to have one candidate site written up as a sample. Geoff Rowling questioned the value of commercial fishing in the pink coloured offshore candidate areas; there must be areas where the fishing value is less than others. Nicola Pindur advised that such an analysis would not be easy, especially with the variables of one-year data on lat/long data, and then data covering very big areas (the Statistical Area data).

2. Draft Report Format

It was agreed that the agencies would provide the following information at the next meeting:

- Prototype example of one candidate site including mapping, and costs and benefits analysis. The example would include the current boundaries and rationale to date, and then clarify the values in the coastal extensions (of the inshore area as compared to the offshore area). It was agreed that the sample area be the Kahurangi site (area #1);
- Table of Contents with detailed sub-headings;
- MinFish to look at what information is available on the value of the fish caught for the candidate sites suggested, seeking clarity on which areas would be least cost for commercial fishers;
- Agencies to anticipate a secondary process that deals with places with special features or values (e.g., corals or fish spawning). These areas might not be big areas and might not include connectivity to land or the 12 nm boundary;
- To review the 3-4 candidate sites identified and associated habitats.

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Campbell Robertson noted that the Forum will have to use the best information they have to hand, but then the public consultation process may provide more. There is no requirement to have an exhaustive information-gathering process. Don Neale thinks this Forum Report will require the anecdotal information from fishers (as opposed to extensive technical data) as has been given by Stuart Thomson and Kerry Eggeling, etc. Geoff Rowling noted that some areas along the coastline are less productive than others; also areas known to have juvenile fish are respected by fishers who stay out of them (but this could be changing as increasingly the quota owners are no longer also the fishers). Stuart Thomson commented that the Forum has already identified a few areas, south South Westland, off the Haast to the south side of the 'cabbage patch', through the sheer nature of the site. Bruce Watson noted that the three big candidate areas cover the main habitats but don't cover 'special' areas. Additional areas for 'china shops' will be required but should be sufficient to cover only the special features. Sarah Wilson concluded the discussion with advising that the purpose of the agency work was to provide information for the Forum, to enable it to make further decisions. The work would provide a view of what a fully described MPA would look like, from the agencies view of the level of detail required for the Report.

3. Minutes Confirmation

The in-committee minutes of previous meetings were considered. A number of amendments were made to the minutes of 17 June. Rick Barber suggested changes to the heading of digital documents to make identification easier and Andrea agreed to make this change.

**Moved as approved (17 June in-committee minutes) Richard Wallace/Stuart Thomson
Carried**

The in-committee minutes of 20/21 May were to be considered, as they were deferred from the meeting of 17 June, but not everyone had copies of these minutes. It was agreed further copies were to be supplied along to all Forum members with the materials for the next meeting.

As the session was concluded, the Forum agreed to move out of committee at around 4.15pm on 30 July.

Moved Kerry Eggeling/Geoff Rowling

Carried

Confirmed
Denis Shannahan
Acting Chairperson