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MINUTES

MARINE PROTECTION FORUM MEETING

20th MEETING – 6 October 2008

Regular meeting held at WDC Chambers from 9.30am to 5pm.

Present

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

In Attendance

Campbell Robertson and Don Neale (Department of Conservation), Scott Williamson, Laura Boren, and Nicola Pindur (Ministry of Fisheries), Andrea Jackson (Minute Secretary), Sarah Wilson (facilitator).

1.0 Apologies

Apologies were received from Carol Scott and Richard Wallace. Apologies to be accepted.

Moved apologies accepted Kerry Eggeling/Denis Shannahan *Apologies Accepted*

2.0 Agenda Confirmation and Declarations of Conflict of Interest

The meeting agenda was confirmed and no conflicts of interest were declared. Kerry Eggeling requested that the topic of the maps of Matakaitai reserves be discussed under agenda item 6.

3.0 Correspondence

The only correspondence was email correspondence between Campbell Robertson and Keith Brodie of Minerals West Coast.

Discussion ensued on this matter and whether consultation with the Minerals Industry should occur now or during the public consultation round. It was agreed that whatever process was decided, that it should also apply equally to the tourism industry, the marine farming industry and the science communities as the protection standards recommend that these groups should where relevant be represented on an MPF.

However it was also noted that this Forum was established prior to the standards being produced and this should be acknowledged. Comment was made that the minerals industry was an important industry that contributed to the national economy and it was important to work with them where possible.

APPROVED

Denis Shannahan advised the Forum that part of his role was to represent the marine farming industry because he a representative of on the West Coast Regional Council and the Council has an interest in development of marine farming through Aquaculture Management Areas (AMAs), and Carrol Browne advised the Forum that she understands that she is representing both the tourism industry and the community.

It was agreed that the Forum consultation process continue as currently planned and not include additional formal consultation steps with the four identified communities of interest. The Forum's Report needs to be written recognising this situation.

Campbell Robertson is to continue with his *informal contact*, in response to contacts from Minerals West Coast, and will advise them of the Forum's consultation process and make sure that this sector is aware of the information sources (website, etc.), the consultation process and to encourage them to participate. He will not be seeking input or participation from the sector outside that process.

4.0 Circulation of Maps

Eugenie Sage requested the Forum's approval to circulate via email the (draft) candidate site maps, to selected members of the environmental community. Carrol Scott had made a similar request in relation to major quota holders. Ian McKenzie noted that if these were to be circulated to all users, then all port associations (for albacore fishers) should also be contacted. The purpose of the circulation by email was to reach folks who are widespread or overseas, to check the key information and to gather more information.

The dangers of email circulation were discussed, and ease with which wider circulation can occur. Once the draft candidate sites reached the public arena it was too easy for wrong conclusions to be drawn, given that the Forum is not definite about any sites, boundaries or tools as yet. The Forum generally agreed that this was not the public consultation phase and it was not necessary to contact all users or everyone with an interest, but rather the main interest groups of which Forum members were representatives.

The purpose of the discussions is so that Forum members can get more information on the sites that have been narrowed down. Not to complete a consultation phase as such. All users will be contracted through the formal public consultation round.

It was agreed that the draft candidate maps were not to be circulated via email.

Eugenie Sage then tabled the following motion:

That the draft candidate maps not be made available electronically at this stage, and that consultation (with interest sectors) be progressed as expeditiously as possible.

Moved Eugenie Sage/Rick Barber

Carried

Carrol Browne wished it to be noted that she was against this motion. Eugenie Sage advised the Forum that she would mail hard copies of the maps to four environmental groups with whom she cannot consult without the maps being available.

APPROVED

5.0 Consultation Plan

Campbell Robertson outlined the material previously distributed and noted that the material encompassed questions he wanted feedback from the Forum on. He also tabled a large format timeline, which illustrated all the steps in each stage of the remaining Forum process, from now onwards. The Forum requested that all consultation documentation needs to have draft clearly marked on it.

A view was presented that it would be ideal for the Forum to recommend to the Government an agreed position on the core decisions, while a range of opinions about other matters could potentially also be presented to Ministers. Arising from this view of the ideal consultation report scenario, it was considered it would be ideal for the Forum to be agreed on the options before the public consultation round. Forum members commented that otherwise, if consultation was held on too wide a list of options then the final Report to Ministers could conceivably look quite different to the options consulted on. Therefore, it would be better to not have too wide a range of possible sites or tool options.

There followed further discussion on how wide the range of options should be, but no final decisions were made. Sarah Wilson summarised the discussion of the possible approaches as follows; if a single set of proposals can be agreed then that would be ideal, otherwise if the Forum cannot agree, or can only agree to the 'lowest common denominator' scenario then they will need to pursue a limited number of options.

The Consultation Plan was then worked through in detail and the Forum provided the following direction.

- Include what information has been provided, and what hasn't and why MFish was unable to provide some information, for instance, some commercial fishing information cannot be made public.
- An executive summary should be included in the plan and also a summary brochure that is to have a West Coast wide map and links to the full Consultation Report.
- It was noted that there was a need to summarise the MPA policy guidelines for the consultation process.
- Idea of a 'torn-off' portion of a habitat chart could be used in the summary information.
- It was agreed that the Consultation Report document has to be big enough to convey detailed information and to summarise the MPA policy document.
- It was noted that the Forum's thinking would be foreshadowed in the Consultation Report and would be tested with the public, and then refined for the report to Ministers.
- It was agreed that 'pers. comms.' could be referenced, but the in-committee notes or comments from individuals should not be personalised but recorded as " the Forum understands ..." or " the Forum has been informed...".
- An idea of a flow-chart or other diagram of the inputs (information/consultation) into the Forum process.
- As many processes or functions as possible to be illustrated using diagrams, flow-charts, etc.
- It was agreed that the agencies would draft the material around the Forum process and inputs (no timeline set).
- The idea of using new photo machinery (ROV) to document the nature of the various benthic habitats was raised by forum members and Don Neale advised that DOC would be getting the machine in December for one week. He therefore expects to undertake this work in December (weather permitting). It was agreed that Bruce

APPROVED

Watson should draft a letter to formally request the use of this machine for taking underwater photos of habitats before the end of the year. It was noted that such photos would inform the Forum but do not necessarily need to be used in all the published documents.

- Consultation documents are to be available on the Forum website and via printed documents and CDs.
- Agreed that maps need to be produced in colour, and A3 size foldout. One map for the WC overview, and then one map for each candidate site.
- Accompanying information for maps could be printed on an accompanying transparency.
- Photographs need to be in colour, relevant and useful, such as those illustrating habitats.
- Threats to be included, and how they impact on habitats, e.g., regular bottom trawling.
- The 'audience' was agreed to be predominantly coastal marine users and residents.
- It was noted that an editor would be used.
- Page 4, media message to add "environmental groups".

Roadshow process

Various roadshow options were discussed; information meetings on the submission process instead could be more productive and allow more focus on the 'hearings' process. A suggestion was made that an information roadshow could be taken to only the three main centres to launch the Consultation Report.

Another idea was that information presentations are close to the possible main MPA sites. The idea of a hearing process similar to the CMS process was thought very useful. MFish noted that in the past MFish has received criticism for holding meetings too late in a consultation period, and that people find it hard to then get submissions in before the closing date. MFish also noted that the Forum has said at all the public meetings that the Forum would come back and inform the community about the decisions, and that the Forum may be criticised for not holding meetings when they said they would.

It was agreed that the Consultation Report should be made public, and then two weeks later, over a one-week period, public information meetings should be held in the main centres, fronted by Forum members and attended by agencies and local/interested Forum members. Iwi involvement would entail one or two hui during the public information meeting week, to be held at Arahura and possibly Makaawhio.

The Forum felt that a hearings process was necessary. It was agreed that verbal submissions could be made at hearings, in a similar process as for the CMS. This process occurs as follows: the entire dialogue of what people say is not recorded, but instead the main points are noted and then read back to the submitter at the meeting, to ensure they have been correctly recorded.

Consultation Report preparation process

It was agreed that Forum members could use either the digital reviewing function ('track changes') or could mark up hard copies of the draft Consultation Report.

APPROVED

A timetable and the number of meetings that would be required to get the report finished and signed off were agreed on by the Forum. It was agreed that a Sub-committee be formed to deal with the detail of the draft Consultation Report - with the full Forum to meet to work on the first draft, then to hand it over to the Sub-committee, then the full Forum is to meet to approve the completed document.

Sub-committee members were proposed as being: Bruce Watson, Carrol Browne, Rick Barber, Denis Shannahan, and Eugenie Sage. It was noted that Carol Scott and Richard Wallace were absent and should be given the opportunity to be involved if they wished. Stuart Thomson also offered to assist, if and when his fishing commitments allowed.

Timeline

Discussions were held about the timing of the discussions with special interest groups. Carrol Browne advised that she has already held a number of discussions and has more planned. Kerry Eggeling has meetings planned for 30 October. Stuart Thomson is to meet with fishers the following week.

The purpose of the next meeting was discussed. The continuation of the discussion about sites was not scheduled until December. However, Forum members decided that in light of the timetable presented that indicates there is a long time required before any reports go to Ministers, that the site selection should proceed in November. MFish noted that Carol had indicated that she would not have had a chance to talk to everyone by then (and had flagged this in a conversation with Bruce Hamilton). However, despite this, the Forum decided that site selection and tool selection would commence at the next meeting.

It was agreed that the Forum should work through the sites and tools at the November meeting, including incorporating feedback from discussions held to date. Sufficient time was needed to allow for this most important step in the process. The target was to complete this work at the two-day November meeting but it was agreed that the work might need to be continued at the following December meeting with sign off of the sites at the January meeting.

There was discussion around the December meeting. People noted that the meeting was so close to Christmas, and therefore difficult for people to attend two full days. After a lot of discussion, it was decided that the meeting dates would be changed to a one-day meeting on the 15th December.

6.0 Meeting Dates

The future meeting dates were discussed and confirmed:

- **4 & 5 November 2008 (finish by 3pm on the second day)**
- **15 December 2008**
- **20 & 21 January 2009 (finish by 3pm on the second day)**

7.0 Agency Feedback

Campbell Robertson advised that a RMA analysis has been drafted and will now be tabled for the next meeting. Campbell Robertson has reported back about his upcoming meeting with the Minerals Industry and has been given direction by the Forum.

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Boundary Lines

MFish provided feedback about 'straight-line' site boundaries. Scott advised that 100 metres either side of a boundary line would provide a sufficient buffer for fishers operating with GPS. The Forum was advised to try and keep boundaries simple, but if they can't then complex boundary lines can be used provided that a 100metre buffer zone is included. Stuart Thomson/Kerry Eggeling hope to present a more simplified South Westland site than the 'jigsaw' site, at the next meeting, after discussions with fishers.

Scott Williamson provided feedback about the Kahurangi Point boundary, as requested. Experts suggested that the offshore boundary lines lie perpendicular to the coastline but without knowledge of a detailed habitat (it was just a convenient convention). These same experts were comfortable with the direction of the line/s being changed to a different angle. He noted that the 'shoals' habitat is more extensive in the Nelson region than is mapped on the West Coast.

Ian McKenzie advised that the shoals, as they are currently mapped on the West Coast map, are not accurate on that map or on marine charts; the main area is northwards of the West coast region and parts run 2kms south of Kahurangi Point and the shoals extend at least 9nm offshore. Don Neale noted that where the shoals extend beyond 12nm then the deep-water process would consider it. Discussion ensued about the shoals habitats and the boundary issues. Three boundary change options were considered but the final outcome was **agreement to keep the northern boundary of the region as it is currently mapped, and the motion put forward at the September 2 & 3 meeting about referring the Shallow Sub-tidal Gravel and Deep Sub-tidal Gravel habitats to the Nelson Forum remains as agreed.**

At the September meeting the motion was agreed as follows: *"The Forum agreed that the Shallow Sub-tidal Gravel and Deep Sub-tidal Gravel Habitats (shoals) be referred to a future Nelson Forum to resolve."*

Mataitai reserves process

Scott Williamson advised that the Mataitai reserves and Forum process will be separate and that MFish has an obligation to process any mataitai reserve proposals in the order they are lodged. He noted that it would be good to be able to link the two processes but only if timelines of each process mesh enough. He also noted that mataitai reserves could perform the function of an MPA, depending on the methods applied within that reserve.

Rick Barber advised that of the two maps of possible reserves handed out at the last meeting, that the sites would be out for pre-community consultation next month (ie before the applications are sent to MFish), and that he thinks that the two Ngati Waewae proposals would have no impact on the Forum possible sites. He advised, in Richard Wallace's absence, that Makaawhio is still considering some sites. Whether mataitai reserves allow commercial fishing (they do not) did need to be clarified with some members of the public, as some Forum members have heard people incorrectly saying that commercial fishing can continue in a Mataitai reserve. MFish is to send Kerry Eggeling brochures for him to distribute, as required, about mataitai reserves.

APPROVED

Protection Standards clarification

It was clarified that type 2 MPA protection would preclude the following activities:

- Bottom disturbing methods (e.g., trawling, Danish seining, dredging, etc.)
- Other bottom contact in fragile environments;

8.0 Minutes

The minutes of 2 & 3 September were approved, with two amendments suggested by Eugenie Sage.

Moved Rick Barber/Geoff Rowling

Carried

9.0 Bruce Reay Presentation on Eeling:

Bruce Reay is one of the major eelers on the West Coast rivers/lagoon/estuaries. Most West Coast rivers are fished for eels, except for Saltwater Lagoon (as it is a Scenic Reserve) and very minor river mouths. The mouths of the Waitaha and Haast rivers are not eel fished. Black River and Okarito Lagoon are both excellent eel fishing areas. Estuaries and river mouths areas generally account for 10% of the catch from any river. Even silty or floury rivers have eels present; often the eels are located in the clear creeks alongside or nearby. Least impact sites for eel fishing would be Totara River and Saltwater Lagoon as they are either Wildlife Management Areas or Reserves. Bruce advised the Forum that eels are managed sustainably by Mfish under the QMS system and the eel TACC is 62 tonnes for the ANG16 QMA and that Bruce has 5 tonnes of that TACC.

Bruce fishes all the available and productive sites periodically, on a 10-year rotational basis but other fishers may fish on a 3-year rotational basis. Other eel fishers particularly operate from Big Whanganui River to Buller River. For the more remote sites, Bruce is often the only eel fisher. He noted that all DOC managed land is now [proposed to be] closed to eel fishing due to policies in the [proposed] West Coast Conservation Management Strategy (Bruce considers this an error in law). But existing use rights means that some locations can still be fished, for instance, locations within the Kahurangi National Park, Lake Alabaster, Pike River and the Awarua River.

He noted that the customary use and existing commercial use can be allowed to continue or provision is made for it in the management plans for national parks or scenic reserves. Some 40% of his catch has historically come from DOC managed land, but recently his concession application has been declined (after 10-years of negotiation) and DOC will not allow him to cross DOC land to reach fishing sites. His concern is that to make the business financially viable the ability to fish an entire river or location was important.

The Forum moved into committee late in their meeting, at 4.10pm to review the in-committee minutes.

Moved Geoff Rowling/Kerry Eggeling

Carried

Forum moved out of committee and the meeting finished at 4.50pm.

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Confirmed
Bruce Hamilton
Chair

Papers Tabled

1. Minutes of 2 & 3 September 2008
2. In-committee minutes of 2 & 3 September 2008
3. Email correspondence re Minerals West Coast
4. Timeline 2008-2010
5. Draft Consultation Plan