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MINUTES

MARINE PROTECTION FORUM MEETING

25th MEETING – 5th May 2009

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

Present

Bruce Hamilton (Chair), Denis Shannahan, Stuart Thomson, Bruce Watson, Kerry Eggeling, Brad Stenhouse, Eugenie Sage, Richard Wallace, Geoff Rowling, Carrol Browne, Ben Hutana (standing in for Rick Barber)

In Attendance

Campbell Robertson and Don Neale (Department of Conservation), Dan Lees (Scott's replacement) and Laura Boren (Ministry of Fisheries), Helen Gillespie (Minute Secretary),

1.0 Apologies

Apologies were received from Rick Barber, Emily Arthur, Carol Scott, Ian McKenzie. Apologies to be accepted.

Moved apologies be accepted – Eugenie Sage / Stu Thompson - 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.

Matters arising from the last meeting – the confirmed minutes of the previous meeting are now on the website and these minutes have been copied to members.

3.0 Correspondence

Outwards mail:

Letter to Minister of Conservation's Senior Private Secretary

Inwards:

1. Letter received from Hon. Phil Heatley.

Discussion of the content and intent of this letter followed. Some members felt that the letter reflected the view of officials who assist the forum rather than the views of the Minister himself.

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That said, there has been general agreement from members about the sites proposed. While the letter cautions that education sites are additional to the MPA Policy requirements Eugenie pointed out that the consultation report should illustrate that these sites do represent many of the principles of the policy.

Kerry noted that the meeting in Wellington gave him the impression that officials thought that showcase sites were a great idea.

Stu recalled that the forum had been tasked with finding unique solutions to issues – the showcase sites were an example of this.

Richard felt that the report should show the education sites as inclusive in the total proposed. He felt that to “sell” them as an add-on may create public resistance.

4.0 Feedback from Chair on meeting with Ministers of Conservation, Fisheries and Local MP Chris Auchinvole

Campbell, Kerry and Laura provided feedback to the forum on the meeting attended by Bruce Hamilton, Bruce Watson and Kerry Eggeling. The Chair advised that the Minister's officials had assured members that they would receive a letter from the Minister's office as soon as possible. Bruce expected to receive this very soon.

Richard raised a concern as an Iwi representative on the forum that discussion with the Minister could be perceived as a discussion with Iwi, which it was not. However he was OK with the forum's recommendations as they have had Iwi involvement throughout the process. However if the forum is discussing Mātaitai then an Iwi presence is required.

Kerry noted that he felt that they received a positive reception from the Minister's staff on their proposals.

5.0 Mātaitai Update

Laura gave an update on the Mātaitai applications from the Runanga and MFish. Of the 11 initially submitted two were delayed with technicalities. These two have now also been publicly notified.

The consultation subcommittee also sought advice from MFish on whether a Mātaitai Reserve meets the protection standard. It was said, that they should meet the protection standard but that in each instance it will need to be assessed that all appropriate methods are excluded to ensure it meets the standard.

6.0 Draft letter to Ministers on Mātaitai

Richard opened discussion on this letter which initially gave him cause for concern. He wished to give assurance to forum members that Runanga didn't want to prevent people from making a living. He advised that some boundaries have been shifted to take account of mooring spots and where cray pots are usually placed. He indicated that some areas will be closed eventually. In these areas Runanga will consider putting tonnage limits and a five year window. Beyond five years there will be alternative fishing areas available. The Runanga may adjust size of Mātaitai.

As soon as the mātaitai is granted, the Runanga will be applying to MFish to allow fishing to continue.

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Stu asked if there will be an invitation to consult with regard to some mataitai. Richard said that the group had felt that Stu was an important person to speak with. Campbell suggested that the paragraphs in the draft letter pertaining to this be removed as these topics were outside of the forum's scope and need to be discussed separately between the commercial fishing sector and Runanga.

Kerry observed that the apprehension within the commercial fishing is that no one has spoken to them about where they should be mooring, anchoring, cough pots etc.

Several members asked when the Runanga and Forum members would meet. This had been discussed and committed to at several meetings previously. The importance of the meeting was highlighted by the fact that the consultation report will go out to the public and there needs to be discussion with regard to boundaries of MPA and mataitai.

Iwi representatives felt that there was no impediment to holding a meeting (in Hokitika) the agencies did point out that they have met with both Runanga as part of their Crown obligations but these meetings were separate to those that the forum was trying to organise. This interaction will continue.

Eugenie suggested that forum members may wish to attend a Runanga meeting. The meeting in Wellington reflected the need to meet with Iwi – saying that such a meeting should take place sooner and before the process moves further forward.

Iwi representatives are happy to 'cohabit' in terms of Mataitai and Marine Protected Areas but it is problematic with protection mechanisms - Type 1, Type 2, and Mataitai. There is no concern about the sites, the only concern is about the livelihood of the people who work in those areas. Any concerns between Iwi and the commercial fishing sector should be addressed by the two parties – not through this Forum.

Motion:

That the letter regarding Mataitai, with changes noted, be sent to the Ministers of Conservation and Fisheries.

Moved Eugenie/Dennis

Motion carried

Action Point:

Campbell Robertson is to write to both Runanga inviting a meeting with the Forum to discuss mataitai and marine protected areas. The emphasis is on Makaawhio - but every effort should be made to include Ngati Waewae. It was agreed that the meeting could be held in Hokitika, but this was up to the Runanga.

7.0 Consultation Report

MFish and DOC staff overviewed the progress on the consultation report.

Laura advised that the report has changed a lot. It has gone from being a short concise report to a stand-alone document. The subcommittee has worked hard to progress the document. The section called 'Design and planning principles' is the part of the report causing problems at the moment and forum members were asked to try to resolve this.

Campbell wants to see a quality document soon. He is cognisant of the need to keep the momentum going and that the public now expect consultation to commence soon.

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Discussion about structure and content followed:

- It was felt that the technical aspects of the report should be left to the experts.
- Eugenie wished to congratulate Laura and Don and others who have put in a lot of work to get the document to where it is now.
- Several members felt that the title didn't accurately reflect whose report it was. It may appear that the report belongs to MFish and/or DOC rather than being the Forums document with assistance from the agencies.
- Members felt that the maps were outstanding and asked if they would be printed in A3 or A4. While cost is a factor – this has to be weighed with readability.
- Carrol emphasised the importance of the messages and layout of the first twenty pages in terms of capturing the audience. A tighter, sharper introduction may help sell the thinking behind the work that the Forum has done.
- One member noted that while he had not read a document like this before, as a lay person, he had not found anything wrong with it.
- Given the knowledge gathered by the members through the process, the document must articulate this well for the public. It was pointed out that expressions must be right and that our intent is reflected in the document. There is general agreement with what should go out to the public – just conjecture about how it is worded. The report needs to be formatted for the public. The image is important.

Specifics amendments are listed below:

- Title page – is it the Forum's document or is it the agencies document.
- Do we use footnotes - technical question or in the body of the text. This has been discussed by the sub committee and may be best answered by the experts.
- Do we want Parts or chapters or sections?
- Carrol gave an alternative table of contents layout to Laura and spoke to it. This layout was agreed by the members and added to during the ensuing discussion.
- Proposed packages – Needs more content on how the forum implemented the policy
- References to West Coast South Island – shorten this to West Coast with a note that it is intended to mean West Coast South Island.
- Eugenie requested the addition of commentary about research findings in marine reserves be included in the section 'why protect the marine environment'. Discussion followed and it was generally agreed that further commentary would not be included, however Eugenie maintained her view that the document should have additional information on the benefits of marine reserves.
- The document needs two sections – one the intent of the policy and one the application of it.
- That the agencies investigate whether Wildlife Act and Conservation Act control mechanisms can be used in the proposed MPA's of Okarito to control areas adjacent to Marine Reserves – for example allowing dogs but only on leads rather than attempting to enforce a complete ban.

Campbell advised that Reserve status for Mahinapua is not going to be the best method of protection. One of the management objectives for a Reserve is to exterminate exotic flora and

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fauna. It also makes it technically illegal to take any animal from a reserve area. Therefore technically public couldn't take fish whether introduced or not, although such provisions were seldom enforced. He suggested that gazetting the area as Public Conservation land would achieve the same protection objectives and but also allow recreational fishing to continue.

Ship Creek

Include a recommendation that DOC follow up with Council about transferring the legal road reserve to public conservation land.

Hapuka

Include the same recommendations for the unformed legal road as with Ship Creek.

Jackson Bay

Eugenie wished to note her 'conservation representative' comment – she wished to see the area as it was originally proposed - not reduced. Her original concern was with viability of a smaller area.

Ambiguity with page 74 table. Part A refers to prohibiting fishing then saying then kina fishing will be affected. Also recreational fishing explanation should not have "however the main fishing areas are outside the area proposed for protection"

page 80

Eugenie asked whether this interpretation was still correct given the recent case law relating to Solid Energy/Powelliphanta – access.

page 96 – CD versus web links. Discussion was held and it was agreed that CD was vital to cater for those who don't have broadband but that reference to legislation would be via weblink only.

8.0 Timeline and process for production and final sign off of the Consultation report

15th May - Redraft to a final state including the executive summary and submission form – distribute to all and feedback to sub committee -

22nd May - format and edit

8th June - sub committee meet and sign off

12th June - final changes – PRINT

29th June - RELEASE

6th July - Start road show (Don away that week)

Submissions would close end of August.

Hearings end of September

Confirmed
Bruce Hamilton
Chair

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□ **Papers Tabled**

1. Letter from forum chair to Minister of Conservation's Private Secretary
2. Letter from Hon. Phil Heatley Minister of Fisheries
3. Draft letter to Ministers on Maitaitai proposals
4. Notes from Julie Slee (editors) on draft Consultation document
5. Consultation document
6. Draft Subcommittee minutes from 30 March meeting