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## MINUTES

### MARINE PROTECTION FORUM MEETING

24th MEETING – 16/17 February 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, Rick Barber, Eugenie Sage, Emily Arthur, Richard Wallace

#### *In Attendance*

Campbell Robertson and Don Neale (Department of Conservation), Laura Boren (Ministry of Fisheries), Helen Gillespie (Minute Secretary), Sarah Wilson (facilitator). Dan Breen (HQ DOC Marine Conservation Team)

#### **1.0 Apologies**

Apologies were received from Scott Williamson, Nicola Pindur, Carrol Browne, Geoff Rowling and Carol Scott for both days. Rick Barber arrived at 9.45am Apologies to be accepted.

Apologies for day 2, Brad Stenhouse, Stu Thomson, Rick Barber, Richard Wallace

*Moved apologies accepted - Eugenie/Dennis                      Apologies Accepted*

#### **2.0 Agenda Confirmation and Declarations of Conflict of Interest**

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

#### **3.0 Correspondence**

Outwards mail:

Letter from the Forum to the Ministers of Conservation and Fisheries. Bruce Hamilton had discussed the content of the letter with Chris Auchinvole and he had suggested that the letter also go to MP Nick Smith – Minister for the Environment.

Inwards:

1. Letters received from the Office of Minister of Fisheries and Minister of Conservation advising receipt of our letter.

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2. Email letter received from Carol Scott advising her apologies for this and future meetings until further notice.

Eugenie requested that the release of papers to members be completed in a more timely fashion. It was not acceptable to be asked to read papers during meetings. Bruce Hamilton supported this and asked agencies to take heed of the request.

#### **4.0 Feedback from Agencies on tasks assigned from last meeting**

Laura provided members with the table of contents from the consultation document of the Sub Antarctic Marine Protected Areas Forum. She advised that the consultation process is expected to start within the next two months and she will update members when this document is released.

Laura advised that catch information and data that members had requested for the proposed sites will soon be available from MFish staff. She will disseminate this as soon as she has it. Mataitai application maps were also provided to members.

#### **5.0 Educational /Showcase Sites**

Sarah summarised the case for these sites and the progress to date. Eugenie and Rick requested that the seven bullet point definition of these sites be more robust and stress the viability of the sites as a protected area. After discussion it **was agreed that 'Fit for purpose' be added to the bullet points defining showcase sites.**

In agreeing that showcase sites should be 'no take', members discussed that Marine Reserve, Marine Protected Area and/or Scenic Reserve status may conflict with this. Forum members don't wish to stop people fishing for acclimatised fish. This point needs to be made clear in consultation documents. The forum needs to explore other tools to achieve 'no take'.

Richard commented that the recent mataitai applications are being targeted because of the racial issue and he feels that 'no take' should mean just that. Bruce Watson was concerned that this could raise opposition within groups for e.g., trout fishers, who would not otherwise oppose the sites.

Each of the educational sites was then discussed.

#### **Jackson Head**

A summary of the discussion follows:

- The orange line drawn on the map indicates the 'line of sight'. It was suggested that Coastal markers may be able to be used. It was pointed out that the orange line needs to be included in the key on the map and that this needs to be clear in the consultation document.
- Eugenie questioned whether the protected area could be extended to the orange line – it would be clearer and cheaper (given the cost of the markers). She held concerns about the viability of the site given its small size.

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- Kerry felt that the cost was irrelevant as the same number of markers was required regardless of where they were located.
- Eugenie felt that the seaward boundary on the Jackson Bay side was confusing – it appeared as though it dissected Flower Pot Rock and that it was drawn in an irregular shape. This discrepancy is the result of map overlays and different mapping systems being used. The line should be on the northern side of Flower Pot Rock.
- Kerry and Flag pointed out that the irregular shape took account of the safe moorings in the area and that the reports need to make this clear. Bruce W reaffirmed that the area was designed to align boundaries with the moorings and that the intention was to ensure that moorings were on one side and the marine reserve on the other.
- The consultation document and report to Government should clearly state why and where the lines are drawn for this reserve and what the Forum is trying to achieve. There should also be a recommendation to Government that there is adequate implementation funding i.e. for markers and interpretation panels and to be as specific as possible.

**It was agreed to proceed with the Jackson Head sites as in the maps, including the slight amendment to the boundary to include Flower Pot Rock but noting that Eugenie feels the southern section is too small to be viable.**

### **Hapuka Lagoon**

Campbell outlined the need for the Forum to be clear on what it wants from the area and that this will dictate the level of protection that is required, for e.g., whether the area is protected as a scenic reserve or as a wildlife reserve. Eugenie suggested a Scenic Reserve and this was supported by Bruce W, because it gives the Department the tools to protect the area adequately. A scenic reserve doesn't prevent trout fishing, but would prevent set netting. Kerry noted that he was not aware of any set netting to occur there anyway, and if it did it was probably catching trout rather than flatfish.

There was a discussion about boat speed restrictions and DOC staff outlined that every river has a 5 knot speed restriction unless that restriction has been uplifted under the Maritime Transport Act. Hapuka River is one of the few rivers where the restriction has not been uplifted. This issue is not for this Forum to deal with, however.

**It was agreed by members that the area should be Scenic Reserve unless the Department could advise that another reserve status was more appropriate.**

### **Ship Creek**

Discussion of the site is summarised as follows:

- Kerry felt that the overlap with this proposed site and the mataitai application needed to be resolved. Eugenie reminded the group that the aspect north of the point was included as it represented several habitats.
- Stu had been asked by fishers whether surfcasting could still be done. This would be possible at the southern end of the walkway which was outside of the proposed site.
- There was discussion about the bed of Ship Creek and whether some other method of protection was needed as the maps show that part of the bed is public conservation

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land. Bruce W suggested the transfer of this public conservation land to Scenic Reserve with a Marine Reserve overlay.

- Richard advised that the mataitai/ marine reserve overlap discussion is still to take place formally and negotiations still need to occur. He suggested moving the boundary south to eliminate the overlap.
- After further discussion about the overlap and whether it was necessary to shift the boundary, **it was agreed to leave the boundary as it is so that the area is protected in some way.**
- Campbell suggested that the consultation document needs to acknowledge the overlaps with the mataitai.

### **Wanganui River Mouth**

DOC staff summarised the site. All of the land including the bed of the river is public conservation land, there are access issues as the road and track have been eroded by the river (no decision on repair has been made as yet) and it is a significant recreational fishery.

Kerry advised that Westland District Council has been asked to put rock into the river to stabilise the road and access way for the bach/house owners on the road.

Bruce W felt that accessibility issues detracted from using this site but that was not to say that the site doesn't have significance.

**The members agreed not to include Wanganui River Mouth as a showcase site.**

### **Mahinapua Creek**

Don summarised the features of this proposed site: Currently closed to whitebaiting but is popular for recreational fishing. The bed of the creek up to the line marked is coastal marine area administered under the Foreshore and Seabed Act by DOC and the Regional Council (this is usual). The spit is recreation reserve and has a complex mix of landownership. He suggests transfer of the land to DOC either as public conservation land or some kind of reserve. He also noted that DOC is working through a proposal for the whole of the Mahinapua River to be transferred from LINZ to DOC. This was proceeding irrespective of the MPA process, but recognition by the MPF ties in and supports this process.

Bruce W reminded members this site is a good candidate because it already has good connectivity between sea, land, estuary and creek here, plus community conservation initiatives including pest trapping and penguin nest box building.

**After discussion members agreed that the area proposed on the maps should be a scenic reserve unless DOC can advise that another reserve status would be more appropriate.**

Note: The consultation document needs to make clear that the process to make an area a scenic reserve doesn't need public consultation. That this consultation and submission process offers the opportunity to comment before the change in status takes place (if it is to do so).

The document also needs to include a proposal to move the track away from the estuary to the gorse covered area.

The intention of the members is that the area is 'no take' except for acclimatised species.

### 12 Mile

Don summarised the site and explained that it was both an education and food-gathering site of importance.

A lengthy discussion followed and reflected the complicated nature of a site that offers many things to many people. The irony of the discussion was that this was a small site but reflected well, the challenge that the Forum has in balancing education and harvesting etc and how to manage this for each of the proposed sites. This grappling of the two key issues of sustainability and community involvement needs to be written into the consultation and final documents

- Several members questioned the size of the proposed area and whether it was worth pursuing.
- Emily advised that she had spoken to a local couple who know of at least 12 families who fish the area.
- That couple said there would be local opposition if the area became Marine Reserve. MFish have confirmed on several occasions that a reduced bag limit rather than 'no take' (required in a marine reserve) is not an option. Kerry supports the need to advocate for changes to regulations like this so that there can be reduced take, not 'no take' and still afford the area some protection.
- Don mentioned that Canterbury University use the area to monitor mussel beds. It seemed that trends in population of the beds may not have been part of their monitoring.
- Two different areas were proposed in order to separate the education area from a proposed food gathering area. This was problematic due to accessibility of mussel beds and that food gathering also includes, crayfish, kina and paua and these were caught predominantly in the proposed education area.
- Emily felt that this site could be an important site for education around the sustainability of food sources and that with some changes to bag limits in the area could be viable.
- Stu reinforced that any changes in bag limits required both education and enforcement. Emily did suggest that the community is so close knit that they would probably enforce any rules.
- Kerry reminded the group that it was both an educational site and food gathering site now because it was safe and accessible and to highlight it with protection would not change that, but perhaps increase the number of users and reduce the amount of seafood.
- Don advised that this area is in the Coastal Protection Plan because of its 'specialness' – education and shellfish gathering. He did suggest that the area might be of interest to Iwi via a mataitai. Rick and Richard explained that it was not part of the current applications because they simply did not have the human resource to manage any further areas.
- Bruce W wished to put forward some form of marine protection for the area to ensure sustainability. He felt that the area could be divided into two parts – one with no take

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and the other for education and public use for fishing and gathering while sustaining marine life. Compliance would be a key issue.

- Stu disagreed strongly with the idea of no take. He recalls being taken to the area as a small child to learn about marine life and to gather seafood and he wishes to be able to do this with his grandchildren in the same manner. He reinforced the safe nature of the area for young and old alike.
- Bruce H suggested that the presence of kina in the Punakaiki area has reduced as the area has become more popular and that this may occur at 12 mile.
- MFish advised that the Forum could make any recommendations that it desired but that the educational/showcase sites were outside the scope of the Marine Protected Areas Policy and therefore agencies may place a lower priority on them.
- Brad suggested that the boundary of the site could be intertidal, which would mean shallow rock pools were protected – beyond that the seaward side would not be protected therefore the species take could still happen.
- If a general area with no fixed boundary was put forward Eugenie felt that through consultation the Forum would find out where in the area the take was highest.
- Denis opposed any restriction of the 12 mile area. He stated that it is a very popular recreational area for the people of Greymouth and surrounding districts for collecting mussels and rock fishing. He said the area is self protecting as weather conditions and tides regulate that very few days of the year people can gather mussels or fish from the rocks. He felt sure the forum would face a lot of opposition if any restrictions were put on this area.

This significant discussion led to three proposals being put forward for voting by members. These proposals are:

1. Draw a new boundary which includes some part of the area as 'no take' – this being the prime area for educational purposes. Ask for comments on the boundary, assuring submitters that the boundaries are flexible and that comments are welcomed
2. Designate the existing proposed area as Type 2 MPA, which allows for harvesting (shell fish gathering etc) and for educational purposes
3. Given the divergence of opinion on this site by members, exclude the area from the marine protection process.

Members were then requested to cast their vote for the proposal that they supported. Six votes – the majority - were cast for option 3; **therefore the 12 Mile site will not be included in the process.** 1 vote was received for option 1 and 3 votes for option 2.

### **Tauranga Bay/Cape Foulwind**

DOC staff in the Westport Office provided Campbell with a map outlining the use of the area by schools. The site includes car parks, toilets and is accessible.

Flag has spoken to some users with many more still to speak with but advises that there doesn't seem to be a great deal of opposition.

Some groups use Cape Lighthouse, probably because it is more sheltered than the sites proposed.

Bruce H asked whether the southern boundary needs to be extended further to offer the penguins and seals further protection. Flag advised that the penguins are already protected. He

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did know that mussels are gathered in the south but was unsure how much fishing was undertaken.

It was agreed to include Tauranga Bay/Cape Foulwind as amended as a marine reserve.

Motion:

**That the forum seeks public consultation on a package of showcase/educational sites:**

Jackson Head

Ship Creek

Hapuka River

Mahinapua Creek

Cape Foulwind/Tauranga Bay (as amended)

As shown by the boundaries on the maps of February 2009, with the status and management regime summarised in the minutes and the area to be included in the total % area recommended for protection.

Motion put	Eugenie Sage/Kerry Eggeling	Carried
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#### 6.0 Confirmation of all outstanding committee minutes

- Confirmation of minutes from the public meeting of 15 December.

Moved minutes be accepted	Brad Stenhouse/Emily Arthur	Carried
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- Confirmation of minutes from the In Committee meeting of 15 December

Moved minutes be accepted with amendments	Eugenie Sage/Rick Barber	Carried
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Members are requested to forward any amendments to the January minutes to the minute secretary for circulation and approval prior to the next forum meeting

Campbell asked the members if the in committee minutes should be placed on the website now. Eugenie suggested that if we wait until the report goes out before placing minutes on the website, the public will have all the information around the decisions.

The Minute secretary is to send the latest minutes out including all amendments with a 'Request Reply' request. They will then be approved by Bruce H and placed on the website.

#### 7.0 Consultation Process

The consultation process and strategy were reaffirmed with some minor amendments and a summary of progress to date was given to the Forum. Campbell and Laura met with the editors on January 21. Eugenie was able to attend this meeting also. The emphasis remains that from now on things need to move quickly. Much of the information is public now and the community expect to see something formal.

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*Process for developing the report:*

The subcommittee (previously appointed) includes Bruce Watson, Carrol Browne (Chair of the subcommittee), Rick Barber, Denis Shanahan, Eugenie Sage and Stu Thompson (will assist as available). Carol Scott's input into the subcommittee is to be clarified.

The role of the subcommittee is to work with agencies to ensure the Forum's ownership of the document. It was agreed that there would be interaction with the subcommittee and the forum members and that emailed material will be copied to all members but not held up awaiting reply. It was emphasised that the consultation report is owned by the Forum.

The timeline for completion was discussed and it was decided that the notification of meeting locations and dates would be more appropriately done at the beginning of May.

Flag queried who decides who 'interested parties' are and it was agreed that those involved in CMS communications and any who have expressed interest in being involved through agencies or members should be included in this group. Campbell has a meeting with the web designers and following this meeting, hopes that it will be possible to register contact details on the website or email. In the interim members should be considering their contacts and who would be interested in receiving the document. Mailing lists from members will be included in a database following the meeting with web designers.

*Consultation process:*

Campbell suggested that the document should be released as soon as possible after completion. The road show of meetings should be held a couple of weeks after the release of the document. These meetings would tentatively be held in Motueka, Karamea, Westport, Barrytown (for Punakaiki residents), Hokitika, Okarito and Haast. Past experience (CMS process) suggested that these initial meetings were important in terms of information sharing and getting the message to the communities and those affected by the proposals. They also make it easier for people to engage in the submission process – a process that makes many people feel nervous. It was felt that initial meetings were better scheduled for evenings while the hearing could be daytime. For those not able to attend a venue the Forum may offer teleconference.

A power point presentation will be prepared for the road show and this will include aerial photos and maps of the proposed sites.

Members requested that the timeline and the strategy document be kept up to date. They also requested that CD's of The West Coast Marine and Coastal Environment be available.

It was proposed to have one mail out to interested parties, this would include a brochure, a letter including meeting dates and venues and a submission form. The Minute Secretary is to coordinate the mail out and to ensure that accurate details of who receives information are held.

*Submissions:*

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It was agreed that submission forms would be made available at the road show venues and that people could lodge these on the night. Whether submissions could be received from the floor at the road shows was discussed and it was agreed that this is sometimes problematic. Although the forum wants the road show meetings to be relatively relaxed it accepts that the process does need some formality so would not accept submissions verbally at road show meetings.

Members discussed how submissions should be dealt with when received. It was **agreed that someone (yet to decide who that person would be) should prepare a report and have all the information available to members.** Potentially someone may be contracted to undertake a submission summary.

There was some discussion around the questions to be included in the submission form and in particular the addition of two further questions. That is; 'Are there any other matters in this report that you'd like to make comment on?', and 'Do you have any further information about the environmental values or benefits of protecting the proposed sites?'

#### Media Strategy:

The members agreed that it was important that the community receives a common message from the Forum during this time when media interest will increase. The process was now at an important and critical stage and progress could be slowed if railroaded by inaccuracies in media releases. Campbell will continue to scan articles, tailor responses and circulate to members.

**It was agreed that any member wishing to write articles for publication would do so through Bruce Hamilton and then distribute to Forum members.**

Eugenie is to draft an article for the May issue of Forest & Bird and will follow this process. A similar article may be formulated for use in various newsletters e.g., Penguin Trust and Greenpeace.

**It was agreed that a letter should be written to all absent members outlining the process for communicating in publications.**

Bruce Hamilton signalled his intention to attend all hearings and he would expect at least one other member to attend all hearings. Ideally others would attend if the hearing was held in or near their location.

## 8.0 Consultation Document

The first draft of the consultation document was circulated. This draft gave an overview of the structure and style. Feedback on the document was limited at the meeting as members had only just received the document and any further feedback was to be directed to the Minute Secretary by 23<sup>rd</sup> February for consideration at the sub committee meeting on 2<sup>rd</sup> March.

## 9.0 Messenger Article

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A media release and maps will soon be submitted to The Messenger and similar editorial will be submitted to the Seafood Industry Council – monthly publication and to the fishing magazine edited by Darryl Crimp. Eugenie was not satisfied with the prose used in the proposed article and submitted a revised article to be circulated amongst members. It was felt that the Messenger was the most widely circulated and free publication to reach most households on the West Coast.

## 10.0 Maitaitai Update

Richard Wallace provided members with an update on the Maitaitai applications which have recently been submitted. Consultation is needed around some of the areas especially long haul trawl lines right in the middle of application areas for example.

He acknowledged that Iwi have spent twenty years mapping and finding these areas. They have identified some areas where reduced take is proposed and others which will have a finite time of fishing. He also acknowledged the overlap with MPA's at Jackson Head, Ship Creek and potentially Okarito.

Eugenie pointed out that the appellation on the Okarito map should say "also subject to maitaitai application".

Rick Barber advised that the submission period closes 6<sup>th</sup> March. The main issue in sustainability for the applications is human resource. The main purpose of the maitaitai was to meet the needs of Tangata Whenua.

Stu Thompson reminded Richard that several commercial fishers are affected by the maitaitai applications, not only those of CRA8 and he awaits a meeting with Iwi to discuss other concerns. Stu pointed out that trawl area No. 6 map is just an extension of the MPA because trawl for scallops is not allowed given no contact with the bottom is allowed.

Eugenie asked when the meeting between Iwi and the Forum would take place. Rick and Richard are to arrange a meeting date suitable to both Runanga and Paul Wilson and refer back to Bruce Hamilton. The meeting will either be held at Whare Wananga or the boardroom at Ngati Waewae.

Emily questioned whether the forum could make a submission to the maitaitai applications if the meeting between the forum and Iwi did not take place before 6<sup>th</sup> March. She proposed a submission from the forum to the Minister that both Maitaitai and MPA be integrated and read together.

Laura advised that this integration won't happen as the group would like because the two processes are based on different purposes and have different statutory requirements. Under the definitions of the Maitaitai submissions the forum would not be entitled to make a submission as they are not 'local community'. It was pointed out the MFish initially said that maitaitai were not type 3 MPA, but now accept that they are.

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Rick Barber suggested writing a letter advocating the integration of Mātaaitai and MPA's. Discussion followed with Eugenie and Emily both expressing concern that the Mātaaitai applications have the potential to derail the MPA process if not integrated.

Bruce Hamilton felt that this matter could be raised with the Ministers when they meet with the Forum.

Eugenie then proposed the following motion.

**That the Forum writes to the Ministers suggesting MPF and Mātaaitai processes be integrated as much as possible and that the Minister of Fisheries not make a final decision on declaration of Mātaaitai until after he has considered the Forum's report.**

Motion put                      Eugenie Sage/Bruce Watson

Discussion around the motion followed. Richard Wallace did not want to see Mātaaitai held up waiting for the MPA. Rick Barber supported the motion in part and proposed an amendment to the motion.

Amended motion:

**That the Forum writes to the Ministers suggesting MPF and Mātaaitai processes be integrated and proceed as expeditiously as possible.**

Move amendment              Rick Barber/Richard Wallace  
5 in favour/1 against the amendment

Motion Carried

## 11.0 General Business

The letter received from Carol Scott was discussed and members empathised with the situation that she is in. The Forum acknowledges that there is huge pressure from the people that she represents. It was agreed that a letter be written by Bruce H and Campbell asking Carol for her support by continuing to advise the Forum.

Confirmed  
Bruce Hamilton  
Chair

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### ☐ Papers Tabled

1. Draft minutes from 15 December 2008 meeting
2. Draft minutes from 20 January 2009 meeting
3. Notes on education/showcase sites

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4. WCMPF Consultation Plan/Strategy
5. Draft Messenger Article
6. Draft Consultation Report