

APPROVED



MINUTES

MARINE PROTECTION FORUM MEETING

15th MEETING – 2 May 2008

Regular meeting held at the St John Station, Hokitika beginning at 9.30am and finished at 5pm on 2 May 2008.

Present

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

No members of the public attended.

In Attendance

Campbell Robertson and Don Neale (Department of Conservation), Scott Williamson (Ministry of Fisheries), Andrea Jackson (Minute Secretary), Sarah Wilson (facilitator). Devona Adams (MinFish staff member) was welcomed.

1.0 Apologies

Apologies received from Carol Scott, Emily Arthur, Richard Wallace and Geoff Rowling. Nicola Pindur is on leave. Apologies to be accepted.

Moved – Eugenie Sage/Kerry Eggeling

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 Approval of Minutes of 7 and 8 April 2008

The minutes of the public meeting of 7 and 8 April 2008 had been circulated close to the meeting and no amendments had been received. Eugenie Sage tabled one amendment, confirming that the method of developing the Forum's Report and recommendations (as detailed by Bruce Watson) was the method previously agreed by the Forum, and that there was general agreement about that at the meeting of 7/8 April.

Minutes approved with amendment – Eugenie Sage/Brad Stenhouse

Carried

The in-committee minutes were tabled. It was agreed that the spreadsheet worked on during the meeting should be added as part of the minutes. Page 6, Okari Lagoon – the status of the walking track is to be clarified by DOC.¹ Kerry Eggeling provided some additional advice; The Old Man - Kerry Eggeling advised that this lagoon does not actually exist, its really it is a

¹ (Route confirmed as an unformed Legal Road not a DOC track – CR 14/5/08)

APPROVED

meandering river mouth. The north bank of the Cascade River is closed for whitebaiting up to 20m above the confluence of The Old Man Creek. Waitoto Lagoon - Kerry Eggeling advised that erosion in the last 8-10 years had been quite substantial and now not a lagoon but part of the river.

It was noted that the some potential editing was yet to be completed and that Forum members had not had enough time to consider it. Accordingly it was agreed that Andrea would re-circulate it, work with DOC on the editing and obtain Forum member's comments via email. The finalised version is then to be tabled at the next meeting for approval.

4.0 Matters Arising

None.

5.0 Correspondence

5.1 *Inwards* – Letter received from DOC, Head Office (David Marshall) reminding the Forum of the closing date for submissions on the NZCPS, as well as the email from Campbell Robertson. Forum considered the matter self-explanatory and no discussion ensued.

5.2 *Outwards* – Letter from Denis Shannahan that he introduced to the meeting. This letter was sent to the WCRC Councillors clarifying matters reported in a recent press article about the West Coast MPF.

5.2 *Outwards* – No correspondence was sent on behalf of the Forum, although a media release was issued. It was noted that the Forum has no control over when or where any press release is published.

6.0 Documents Pre-circulated

a) *Survey of Marine Recreational Fishing Along the West Coast, South Island (NIWA 2006)*

Eugenie Sage requested from MinFish a list of species and their codes. Kerry Eggeling noted that the flying survey method might well have missed surf-casters on the beach, so he is not sure how functional a survey it is. Scott agreed that surf-casters might have been missed; he noted that the survey is not a definitive survey but rather a 'data point'. The survey provides useful information and confirms anecdotal information such as rocky reefs being fishing hot spots. He acknowledged that information from locals is also an important source. Bruce Watson supported Scott's points.

b) *Fisheries Plan, Challenger Inshore Finfish Fishery (Excerpts from version 1.2, 13 March 2008)*

This Plan was noted and no discussion ensued.

7.0 Forum Process

It was reconfirmed that the Forum's next meeting is to be held on **20-21 May 2008**. Bruce Watson tabled his apologies in advance for 21 May.

June dates were discussed and it was agreed to keep 17 and 23/24 June pencilled in with Andrea to finalise the dates with the Chair.

July dates - 29/30 July pencilled.

APPROVED

August dates – 25/26 and 29 August pencilled. Carrol Browne advised she was not available on 26 August.

Forum members agreed to hold all these dates at present. Kerry Eggeling raised concerns about two-day rather than one-day meeting sessions, but others thought two-day meetings the most efficient method. Sarah Wilson suggested that the Forum review this matter after the next two-day meeting (having then had both one-day and two-day meetings in May).

8.0 DOC's Strategic and Budgetary Alignment (SBA) Review

Campbell Robertson gave a brief update and advised that the Department is not stopping work on marine conservation, but rather expert staff would likely be moved around within the organisation. No changes were planned within the West Coast Conservancy in terms of marine conservation and Don Neale would continue with his present role.

9.0 Consultation Sub-committee Process

Carrol Browne advised that she had had no feedback on the Sub-committee discussion paper. **It was agreed that there would be a round of public consultation, testing the selected candidate sites before the Report to the Ministers is finalised.** Carrol further noted that it was important to get the consultation round right, then the community will have buy-in and the need for monitoring and compliance would be less. Carrol outlined the proposed process. Eugenie Sage suggested that a member of the Forum should present the candidate sites and that Don Neale should be in a support role. Campbell Robertson advised that Don Neale and other support staff could develop a presentation package, and be at the meetings in support.

Scott Williamson mentioned the Hectors dolphin process where rather than a front-style presentation they used information boards on the walls and smaller group discussions. People can move around and look at detail/maps and have discussions with staff. He would recommend this style of running the meeting/informing the public. There followed a general discussion about how to inform people and allow everyone (even shy people) the chance to contribute. Bruce Hamilton has had experience with the Hector's dolphin process too and found it very well done and constructive.

Scott raised other possible options, such as Forum submissions available on the spot. Web-based submissions may be available at the meetings. Campbell Robertson noted that any submissions or 'sticky notes' comments would need to be recorded or gathered in a fair and transparent way. Stuart Thomson has recently had some experience with some concerned bach owners. People are still likely to be concerned about potentially their fishing access being removed. Kerry Eggeling noted that the use of media releases could feed into media desire for sensation. Maybe fishing magazines would be a better avenue for media releases. This would work well for the commercial sector. The question was how to reach the general public best? Carrol Browne mooted the use of radio. Bruce Watson mooted the use of *The Messenger* to do a direct mail-out of an information sheet, as the Forum did prior to the previous consultation round. Campbell Robertson advised that this method could be used again. Kerry Eggeling noted that the amount of recreation fishing in South Westland has increased greatly and it could be heading towards a Marlborough Sounds "where is the blue cod?" situation. Carrol Browne suggested that there is now an information vacuum in the public arena about the work of the Forum, and that maybe a build-up of information is needed. Scott Williamson agreed that it would be useful to start getting some key messages across in the media.

APPROVED

Sarah Wilson suggested that officials glean the best of fishing-related consultation processes and bring this information to the Forum. Eugenie Sage supported the suggestion by Sarah and suggested that this be actioned, and these ideas, plus those contained in the Sub-committee paper, be brought back to the Forum. **It was agreed** that this should be the process.

10.0 Deepwater Group Involvement

Scot Williamson provided a brief overview of the situation, noting the change for the draft standards to the final standards, and that if the forum is to consider areas deeper than 200m it needs to engage the Deep Water stakeholders, there are therefore two options:

- a) restrict the Forum decision-making to within the 200m depth or 12nm (this is the option preferred by MinFish/DOC), and make recommendation to Ministers that they will need to consider the areas deeper than 200m within the 12NM when the off-shore process is initiated after 2013.
- b) invite new Forum members from the deep water sector, being 3 from the commercial sector (as previously agreed by MinFish with this sector) and 1 representative from the conservation sector (from a practical perspective, noting how stretched these folks currently are).

Scott recommended the first option as this option reflects the original idea of the Forum and the original ideas of how the deep water could be demarcated. He noted that it would cost a further two thousand dollars or so to add further representatives to the Forum. Adding more members would also change the dynamics of the meeting.

Bruce Watson responded that if the first option is pursued, then the Forum could make decisions on deep-water areas, to go to the Ministers for them to 'park' until the deep-water process occurs. Scott advised this approach would be unacceptable to the deep-water group and for this Forum to take that approach would pose problems for other forums. Rather it would be better to "offer advice" and not to include comments on deep-water zones in the Forum's recommendations to Ministers. Eugenie Sage commented that it seems logical to include consideration of canyons, e.g., Jacksons Head, all areas within the 12 nm, which is what the Forum was set up to do. Scott responded that MinFish has made commitments to deep-water group that if Forum's consider deep-water areas, then they are allowed three representatives.

Carrol Browne commented that it seems strange that this deep-water representation issue has arisen again, when she thought it had been resolved and minuted at the second Forum meeting. The focus of the Forum now seems to be about the fishing industry and not about marine conservation. Eugenie Sage expressed concern that MinFish was attempting to rework the Protection Standard Guidelines references to the 12nm. She further suggesting that the addition of a further three commercial fishing representatives would be completely over-weighting the Forum in terms user/conservation representation. It would mean very much a 'user group' Forum. Scott noted that in the draft protection standards the option was either within the 200m or 12nm zones, and that the final West Coast Forum is a 'pilot' process, which has to fit into the national standard framework when both processes have developed simultaneously. If the West Coast Forum were being developed now it would have deep-water representatives from the beginning or would definitely exclude areas deeper than 200 metres. Bruce Watson advised that the non-commercial representatives have a very clear memory, as it was an important discussion, consequently any arrangement between MinFish and the deep

APPROVED

water group is not relevant. The Forum had agreed on its composition and this composition should not change. Bruce Hamilton recalled the same decision, and thought it had probably been made at the Forum's third meeting. The Forum had clearly decided on the 12nm limit not the 200m depth limit. At this juncture Sarah Wilson tabled another possible option, that the West Coast Forum members could talk directly with the deep water group to try to negotiate a way forward. Another possible option was to go to the two Ministers and seek their decision about a way forward.

Stuart Thomson noted that there are quite a few local fishing vessels fishing in excess of 200m even though they don't own deep-water quota. As quota owners, the deep-water group have to be involved, but he did not see the need for their involvement in the inshore area under 200m depth zone, but that's not to say they should not. He is unsure at what stage they should be brought into discussion. Eugenie Sage raised the possibility of the deep-water group discussing the value of deep-water areas, a 'least cost' investigation. Denis Shannahan noted that canyons will be covered in another process; if the Forum wants to comment on canyons this could go to Ministers to go into the second process. Bruce Watson re-iterated his belief that the 12nm limit would include 200m+ depth areas. When the Forum deals with deep-water areas, no-one is arguing that there not be consultation, but changing the make-up of the Forum now is not appropriate.

In response to a query, Scott Williamson advised that discussions have been held with the deep-water group, but that they don't have actual representatives as yet. He advised that there is a need for balanced representation from deep-water users and conservation groups. Scott thinks it is a good idea for Forum representatives to meet with the deep-water representatives to try for a suitable solution. MinFish has its own arrangements with the deep-water group, which he agrees are separate to the West Coast Forum operations. Bruce Hamilton then wrapped up this discussion by suggesting that representatives of the Forum meet face-to-face with deep-water group representatives. Scott supported this move and offered to finance such a meeting. He suggested a possible venue being either Nelson or Wellington.

The meeting was advised that there was to be a SEAFIC conference held in Wellington on 14-16 May, and the Forum agreed that this conference provided a timely opportunity for such a meeting. A query was raised about Rick Barber's possible involvement with the deep-water commercial sector. Rick confirmed that he has no personal pecuniary interest in the deep-water fisheries. Forum representatives were mooted and then agreed as being: Carol Scott, Eugenie Sage, Stuart Thomson (who will be at SEAFIC anyway) and Bruce Hamilton. Their mission was agreed as being: to explore the attitudes and expectations of the deep-water group, to test their concerns or perspective, and to test possible options. They were also to share the perspective and concerns of the Forum. Contact would also be made with deep-water marine conservation representatives, such as WWF, ECO and the Royal Society for the Protection of Forest & Bird (e.g., Cath Wallace or Barry Weeber).

In summary, the Forum agreed to a meeting between Forum representatives (being Carol Scott, Eugenie Sage, Stuart Thomson and Bruce Hamilton) and deep-water users and conservation representatives, to take place on 14-16 May in Wellington, with their mission as detailed above.

11.0 Whitebaiting in Marine Reserves and MPAs

APPROVED

Whitebaiting is managed through the Whitebait (West Coast) Fishing Regulations, which are established under the Conservation Act. A possible Recommendation from the Forum could be that whitebaiting be allowed in MPAs in general but not within a marine reserve. Eugenie Sage wants a definite legal opinion about the ability to whitebait or not under specific regimes. There ensued a general discussion about the ability to extract from MPAs and marine reserves. Scott Williamson advised that he understood that marine reserves, as the top level of protection, are supposed to be a no-take region. He considers that this should be the Forum's approach, marine reserve (no-take) and MPAs some ability to take (whitebait or otherwise). Campbell Robertson agreed with this assessment. Scott Williamson thinks the initial assessment should be made on principle. Eugenie Sage queried whether DOC could consider how whitebaiting and trout fishing (as freshwater species) can occur, given the importance of whitebaiting on the West Coast. As a least-cost process, the fact that whitebaiting occurs may preclude otherwise good candidates for marine reserves. Bruce Watson supports this approach. Whitebait will be a big issue and needs to be part of the mix in marine reserve decisions. Trout/salmon should also be considered, as we don't want major opponents to be Fish & Game New Zealand. All those species are currently managed under specific regulations separate to marine species fishing regulations. The Forum could make recommendations to Ministers about the current DOC policy on marine reserves and possible use within them. The Act does provide for limited use, but that is not how the de facto policy is running.

Campbell Robertson read out an excerpt of some advice that he had received on this matter, as follows:

"There has been a policy in place for some time, since the introduction of the MR Bill into Parliament, that it is better to exclude areas that might still be required for some limited 'take' than to allow for example, customary fishing. That approach has been supported by commercial fishing interests, on the basis of "one out, all out" for marine reserves. This policy has been applied for at least the past 6 or 7 years. It is also consistent with the MPA Policy for marine reserves to be considered to provide the highest level of 'no take' protection for marine biodiversity. Ministers will not be pleased with recommendations that fetter their statutory responsibilities in subsequent process."

Don Neale noted that the current Marine Reserves Bill is tending towards a no-take position. At the Poor Knights Marine Reserve it was found that recreational fishing is having the same or even more impact as commercial fishing on some species. The Forum would thus be asking the Minister to revert to the existing Marine Reserves Act and its policy, and to change the direction they have been moving to (i.e., no take within marine reserves). Bruce Hamilton offered to raise the matter with the Minister of Conservation who is to visit the region soon. Bruce Watson replied that he would prefer a formal approach through DOC officials.

It was agreed that the Forum request a written legal opinion on this matter from DOC; Bruce Watson and Eugenie Sage to work together on the exact wording of the request.

12.0 Iwi Representation

Scott Williamson advised that how the Forum deals with cultural issues and interests in the northern part of the zone may change due to recent Waitangi Tribunal recommendations associated with iwi boundaries from the Buller River to Kahurangi Point. Scott outlined the relevant context, as follows;

- a) Te Runanga o Ngai Tahu Settlement Act set up the current iwi boundaries;
- b) The Ngai Tahu/Ngati Apa boundary still being legally resolved;

APPROVED

- c) Fisheries Settlement Act is in the mix;
- d) The Treaty of Waitangi Tribunal Report acknowledges cultural interests of other than Ngai Tahu in this area;
- e) There is currently a Crown offer of redress to Ngati Apa.

MinFish legal advisors are working with iwi representatives about the Area 7 (West Coast) fishery issues (inshore Challenger Fisheries Plan). Rick Barber advised he is also working with this group. Scott's current recommendation to the Forum is that a Ngati Apa representative attend the Forum meetings as an observer.

Rick Barber made a number of observations from a Poutini Ngai Tahu perspective on the context as outlined by Scott. He noted that the Tribunal Report is currently under judicial review by Ngai Tahu. He also noted that the Government often does not proceed with the recommendations of the Tribunal, so it is not a sure thing by any means. Poutini Ngai Tahu holds strongly to the current Forum boundary being within the Ngai Tahu rohe, and wants to protect its mana whenua status. Consequently he does not support full Ngati Apa involvement on the Forum, however, he noted that a Ngati Apa observer could attend the public portion of the Forum meetings.

Eugenie Sage noted that the possible inclusion of a Ngati Apa representative seemed to be moving ahead of the finalisation of the Crown settlement. Scott replied that MinFish has an obligation to include tangata whenua input and involvement, so wanted to include Ngati Apa for this reason. The Crown Law advice is that Ngati Apa should be involved, so that the Forum process does not unwittingly create unnecessary Crown redress issues. Rick Barber suggested that the Forum write a letter to Te Runanga o Ngai Tahu to put this proposal formally to the iwi. Scott summarised the discussion and the decisions as being; that MinFish and DOC write to the Forum and Te Runanga o Ngai Tahu (cc Ngati Waewae) informing them of the Crown position in relation to a Ngati Apa representative attending the Forum meeting as an observer.

13.0 Observers at Future Meetings

Scott Williamson introduced this topic and listed the categories of attendees to Forum meetings, as well as their classification of attendance, as follows:

Attend in-committee-

- DOC/MinFish staff including technical experts such as Devona Adams, new support staff as staff changes occur and learning observers especially those from regions setting up their forums.
- Others possible attendees, such as deep-water technical experts or representatives, Ngai Tahu technical expert, Ngati Apa representative?

Bruce Watson commenced the discussion by commenting that sharing and learning with others is great, as long as the Forum dynamic is not spoilt. Bruce Hamilton advised that it is the Chair's role to control the input of attendees. Stuart Thomson advised that one deep water fisher lives and works locally, and he would be a possible deep water advisor who could attend. Following general discussion **it was agreed that the Chair is to decide about additional representations attending Forum meetings (with speaking opportunities through the Chair)** with a view to not having too many observers/attendees at any one time. There is also room for technical experts to attend for the relevant session only, and not to stay for the

APPROVED

decision-making. It was agreed that there needed to be a clear rationale for attendance, limits on numbers and speaking rights, as well as agreement in advance of the meeting with Chair.

The Forum moved into committee at the lunch break and returned to the public session just prior to the meeting closing.

14.0 General business

Media involvement was briefly discussed and it was agreed that Bruce Hamilton and officials would complete a press release updating the public about the Forum's process. The draft release would be circulated to the Forum members.

Meeting closed at 5pm.

Confirmed
Bruce Hamilton
Chairperson

.....

Papers Tabled

1. Draft minutes of Forum meeting of 7 and 8 April 2008 (public and in-committee)
2. Press clipping from the Greymouth Star - 'regional council voices concerns over marine reserves'
3. Letter from Denis Shannahan