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## MINUTES

### MARINE PROTECTION FORUM MEETING

23rd MEETING – 20 January 2008

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

#### *Present*

Bruce Hamilton (Chair), Denis Shannahan, Stuart Thomson, Bruce Watson, Geoff Rowling, Kerry Eggeling, Carrol Browne, Carol Scott, Ian McKenzie, Rick Barber, Eugenie Sage, Emily Arthur and Richard Wallace

#### *In Attendance*

Campbell Robertson and Don Neale (Department of Conservation), Laura Boren, Scott Williamson and Nicola Pindur (Ministry of Fisheries), Helen Gillespie (Minute Secretary), Sarah Wilson (facilitator), Jose Watson (Department of Conservation – public awareness team) and Nick (member of the public with commercial fishing interests).

#### **1.0 Apologies**

Apologies were received from Richard Wallace and Rick Barber for lateness (arrived 10.00am), and Brad Stenhouse. Carol Scott left the meeting at 4.15pm

*Moved apologies accepted - Dennis Shanahan / Eugenie Sage Carried*

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

Further agenda items tabled: Carol Scott requested further options for sites to be discussed. Bruce Watson requested discussion regarding media releases and Campbell Robertson requested the members review the draft letter to Ministers. The meeting agenda was confirmed and no conflicts of interest were declared.

#### **3.0 Correspondence**

No correspondence had been received or sent since the December meeting.

#### **4.0 Mataitai Update**

Scott Williamson gave an update of the Mataitai applications to members. The eleven mataitai applications for the West Coast will be advertised the week of the 19<sup>th</sup> January. There may be other applications from around NZ advertised at the same time. The applications will be advertised only in the Press and Otago Daily Times (a decision made by MFish management).

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Scott has not seen the details but has asked that members receive maps before advertising. It is not known exactly what date the applications will be advertised.

A copy of the public notice was circulated to all members.

Richard Wallace advised that Iwi would advertise and promote the applications locally. Rick Barber mentioned that Ngati Waewae attempted to hold a public meeting before Christmas but no one attended.

Bruce Watson asked if there would be a meeting between Iwi and the forum with regard to the possible overlap in some areas. The chair advised that this meeting is to go ahead in the New Year as arranged in December 2008. Common areas will be discussed in addition to understanding what the Runanga are doing and what the forum is trying to achieve. Bruce pointed out the importance of the meeting with regard to the mosaic approach that MPAs take. That a Marine Protected Area can take account of the mataitai in the scope of protection tools utilised within it.

Carrol Browne asked if it was possible to ask for more than customary use in a Mataitai. Scott Williamson responded that members should be clear that a mataitai is the transfer of management rights of non-commercial use to Iwi.

A timeframe for a decision by MFish on the applications can not be determined. Scott Williamson outlined the process – each stage has an unbounded timeline.

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

*Vehicles and horses in Marine Reserves:* Vehicles are not expressly prohibited in a Marine Reserve, rights of public access to or upon foreshore are unaffected by creation of a Marine Reserve. However, regulations could control quad bike or other vehicle access in order to protect marine life in the reserve if this were felt necessary.

In the case of Okarito, vehicles and horses are currently not allowed to go beyond MHWS, as this is National Park. This would not change.

*Access to foreshore – Abel Tasman as an example:* The National Park previously had a 'no-mans land' corridor between the National Park and Marine Reserve. This has now been rectified and the area between the two has been gazetted as Scenic Reserve.

*Sub Antarctic Process:* Laura Boren outlined the progress made. A draft is almost ready to go out for public consultation, although a release date is uncertain. It consists of two documents, the first, a four page executive summary and the second, a fifty page booklet which documents the sites, maps, positives and negatives for sites, justifications and the steps taken by the forum.

The draft report does contain options on sites.

Laura is to obtain the 'table of contents' for WC MPF members. The SA forum included options in their consultation document as there was little middle ground in some cases. Laura will advise when the document becomes public.



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- Is there agreement within the Forum that we need the sites and want to proceed with them before we further discuss boundaries and level of protection *Carrol Browne*
- What degree of protection is required for these sites?
- Bruce Watson suggested they be small no-take areas
- Geoff Rowling questioned whether Rahui would be options as a tool for these sites, however, Scott answered that because Rahui are temporary closures for specific purposes, they would not be an appropriate tool in this instance.
- 12 mile is an important educational site but also can highlight sustainable take of resources (a cluster of families use the area for their food supply). Do all areas have to be 'no-take'? Could some allow for small recreational or customary take? In terms of consultation, small showcase sites may receive the most feedback. *Emily Arthur*

## *Summary*

There was some discussion as to whether the policy required the forum to establish the showcase sites. The Forum agreed that these sites were not being established to help achieve the objectives or principles of the MPA Policy, but were a secondary consideration. With the exception of Carol Scott, the forum was agreed on the case for showcase/educational sites on the following basis:

- **Discreet**
- **Small**
- **No-take**
- **Implementation based on community views**
- **Showcase for education and appreciation**
- **Provide samples across the region**
- **Already used by schools, tourists and locals for appreciation or education**

## Move into Committee

After discussion it was agreed that the Forum would not move into committee. In the interests of informing interested members of the public and being more transparent it would simply retain the right to move into committee if there should be a compelling need.

Carol Scott asked if 'in-committee' minutes were accessible through OIA. Nicola Pindur advised that sensitive information can be withheld if the requester could not have accessed the information otherwise. She also suggested that Forum members think about whether there is any information within the notes that they would want kept in confidence should an OIA request be made.

## 7.0 Site and Tool Selection

The meeting notes included information on each of the sites.

*Jackson Head*

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Don Neale overviewed the site. There is a mataitai application in the same general area. The wildlife refuge doesn't provide any further protection to the MPA as it only covers wildlife not marine life.

The members discussed the site and the following is a summary of comments.

- There was concern that divers would want to be able to obtain access through Ocean Beach. A no take provision would be very difficult under the Fisheries Act because the purpose of these sites is outside the scope of the Fisheries Act. So a marine reserve would be the only real option if the Forum wanted to recommend no take for this area. Therefore **the Forum decided that the best option for a boundary would be straight out from the track. Going right would be Marine Reserve and left would be open to all users.**
- Kerry Eggeling felt that the site would get local support provided that people can still access the area south of Ocean Beach track for fishing and diving.
- The consultation document needs to clearly describe boundaries i.e. boundary immediately off the end of the walkway, fishing south, no fishing north. *Campbell Robertson*
- How the site should be gazetted – by depth or distance from shore. The Forum discussed the difficulties in marking the site and **it was decided that the boundary should be straight lines between buoys and features where possible.** These would be set to coincide with approximately the 5m depth contour. Features on land could also be used.
- Kerry pointed out that it would not be possible to place buoys on the open part of the coast as it was too rough.
- There were concerns with compliance and how to draw lines on maps – divers can't see buoys underwater or markers on land. *Geoff Rowling*
- Rather than one large area encompassing both sides of the head it was suggested to have two sections which exclude the point, as this area was inaccessible to the public and difficult to mark. Therefore inconsistent with the agreed principles of the Education and Showcase sites. *Geoff Rowling*
- Stuart Thompson pointed out that the whole area was probably not accessible to schools, eg, past Flowerpot Rock is not easily accessible. Also, a straight line off the beach to Flowerpot Rock wouldn't work because of the location of boat moorings.
- Eugenie said that we shouldn't assume access was by foot. People could also go by boat to appreciate the site.
- Simple areas and close to where people can access. Take initial steps and set practical boundaries – review in 5-10 years. *Bruce Watson*
- Iwi representatives support taking the site out to the point as the area is a wahi tapu. *Richard Wallace*
- Suggested wording for the consultation document, "the Forum considered the whole area but in terms of compliance, practicality, accessibility and the purposes of the education and showcase sites the forum feels that the two smaller sites are more appropriate. It was agreed to narrow to these 2 smaller sites. The majority of the forum chose this smaller area."

**NOTE:** Eugenie Sage does not support the reduced proposal. Carol Scott does not support this site as it replicates the Punakaiki site. Geoff Rowling requested two options be offered in the consultation document.

*Hapuka – Upstream of bridge*

Don Neale overviewed the site. There is no additional protection in place other than the current 'closed whitebaiting area'.

The members discussed the site and following is a summary of comments.

- There is a significant investment in DOC's infrastructure at this site, and it well used. Additional protection of the Marine area will assist to secure the infrastructure at the site.
- The area should be recognised and appropriate tools should be used to protect the values e.g., Marine Reserve or Coastal Plan. *Bruce Watson*
- This site should be a showcase MPA and further protected by recognition in the Coastal Plan. Look at acquisition of the Legal Road to protect the area into the future. Legal Road is managed according to adjacent land use. *Bruce Watson*
- Where there is public investment – there is a need to articulate protection of the sea. *Eugenie Sage*
- Campbell Robertson noted that the bed of the river could be transferred to DOC. Although this is not certain and is a reasonably complex process. Transfer would not necessarily give it the level of protection required to meet any of the standards, let alone the no take principle agreed to earlier in the day.
- It was **agreed that the site should be upstream of the bridge only.**

*Ship Creek*

There is no commercial usage of the area – gravel extraction etc. It has a dynamic river mouth and the mouth is currently in the same general location as it was in 1988.

The members discussed the site and following is a summary of comments.

- This site is a high appreciation area with significant public investment. *Eugenie Sage*
- There are currently few tools available to protect it. The bed of the river above the bridge is public conservation land, as is part of the riverbed below the bridge. However the beach is not.
- Eugenie Sage pointed out that Fisheries Act tools of protection can't be used for education purposes.
- There was general discussion about the seaward boundary of the site. Eugenie suggested extending the Marine Reserve out to 10 meters depth and from the northern side Tauperikaka Point and south to take in some beach.
- It was noted that there is some mussel gathering along the coast to the North, some surfcasters use the area, and whitebaiting takes place here.
- Carrol Browne said that this and other showcase sites should be given MR protection now and then its in place forever.
- This site is different because it includes walkway, lagoon, beach and fresh water estuary. *Don Neale*
- The Forum acknowledged that part of the area is also part of a mataitai application and there is an opportunity to tie the two in to each other.
- Stuart Thompson suggested using the Spring Low Tide as the seaward boundary rather than going out to sea.

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- It was agreed that proposal would include the existing red area and be expanded to go straight out from the lookout to 200m (consistent with the Mataitai application) and the Northern boundary would be the Northern side of Tauperikaka point.

**Note:** Carol Scott objects to this site. Geoff Rowling objects to the northern boundary as it is subject to food gathering.

## *Cape Foulwind*

Don Neale gave an overview of the site. The walkway is on the key highlights of the area. Interpretation panels refer to the marine environment. School groups may use the south end of Tauranga Bay for rocky shore studies but are not currently led by the DOC Buller Area Office staff. DOC is to follow up on the use of the Bay for educational purposes.

The members discussed the site and following is a summary of comments.

- No commercial fishing but some recreational shoal fishing and some diving. Wall Island has a strong rip. *Ian McKenzie*
- High biodiversity values for The Steeples – The consultation document should mention that the Steeples really need protection but the Forum has left it unprotected because of its high use. *Eugenie Sage*
- There are other tools available e.g, set net bans – in use now, which gives protection to the marine environment. *Geoff Rowling*
- Emily Arthur suggested that unprotected areas could look to Guardians of Fiordland and the model used in that area. Scott Williamson was aware of the model but thought it was not appropriate to raise it in this discussion.
- It was pointed out that because the use in the area is primarily recreational that a Marine Reserve might be more difficult to get community buy-in.

**The majority of members support the showcase site at Cape Foulwind although it was agreed to further investigate the site at the Southern end of the Tauranga Bay.**

Other proposed showcase sites need a case and discussion at the February meeting. Bruce Watson will initiate this.

## **8.0 Conclusion of the Site and Tool Selection and where to from here**

The members discussed the sites and options and a summary of the comments follows:

- Carol Scott felt that Kahurangi and Okarito proposed areas were too big and the effects on fishers too great. The MPA could be achieved by doing something smaller. At Okarito in particular this was one area where commercial fishers could target particular species without running into issues with bycatch. Carol felt that replicates should be on a smaller scale. She wanted to propose options for these sites.

There was a subsequent discussion on the concept of options

- Eugenie raised the point that if options for the Kahurangi and Okarito sites were to be introduced then she would like to see an option for the Gorge site.

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- Stuart Thompson felt that offering options would further delay the completion of the Forum's work
- Bruce Watson suggested that the consultation document should put forward each site, outlining the differences of opinion rather than offering options.
- Carrol Browne did not support offering options but did suggest that documenting the financial calculations behind commercial fishing and the losses they face would be beneficial.
- Carol Scott suggested that offering options would in fact reduce the number of alternatives that the public may put forward in submissions.
- The consultation document should invite submitters to put their thoughts down. What you like, don't like, costs to them and alternatives. *Carrol Browne*
- Richard Wallace did not support offering options and reminded the members to be patient – it took 20 years for the mataitai process to get where it is now. He explained that this was an opportunity to make a large contribution to marine protection. *Richard Wallace*
- Bruce Hamilton did not support offering options.

Agencies expressed their concern with the concept of options. These concerns had been raised at the December meeting and were reiterated. These being that the Forum's job was to come up with a package of sites to consult on. They have had a huge amount of information and time to do so. To still be unable to agree on sites to consult on would suggest that they haven't completed their job.

If the Forum chose to go with options, they needed to be comfortable with either proposal being put forward. The question was also raised on how they would choose between options.

Putting options forward would most likely result in creating expectations among submitters that could not be met and would not necessarily result in the best information coming forward.

Options also make considering a package difficult. As the Forum is not considering sites on their own, rather it is a package of marine protection for the biogeographic region. This also needs to be made clear in the consultation document.

MFish staff also reminded the group that members wanted to create a 'by Coasters for Coasters' plan and to do it well once. There was a risk of not achieving either, if options were offered in the consultation document.

**It was agreed that rather than providing options the consultation document should outline the differences of opinion.**

- In response to the matter of reducing the size of the Kahurangi site raised by Carol Scott, Eugenie Sage asked how we achieve the 10% if we reduce the areas further as we are currently at about 9%. She suggested that if Kahurangi and Okarito sites are reduced then the Gorge should significantly increase.
- Kerry Eggeling felt that the greatest impact of the MRA would be with Commercial Fishers and that the 10% had begun as a guideline and over time had become cemented.



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### 9.0 Confirmation of In-Committee minutes

The Chair requested that members read the minutes and forward any changes/additions etc to the Minute Secretary for confirmation at the February meeting, so that discussion on other agenda items could be completed prior to the end of the meeting.

### 10.0 Consultation Process

- I. Release date for the consultation document in May, may still be achievable if members are committed.
- II. Meeting dates: The forum will now meet 16<sup>th</sup> and 17<sup>th</sup> February. The subcommittee will meet 3<sup>rd</sup> and 24<sup>th</sup> March via teleconference or in Hokitika or Christchurch. The forum will meet 17<sup>th</sup> April.

### 11.0 Additional Agenda Items

Campbell Robertson gave an update from the recent visit of the Minister of Conservation, Tim Grosser. The Minister is supportive of the forum continuing and of the progress made thus far. The Marine Reserves Bill was raised with him following a media article quoting MP Chris Auchinvole. He advised that they had some concerns with the Marine Reserves Bill however there will always be Marine Reserves and an Act in some form or another. He advised the forum to keep marching forward and he was supportive of this kind of 'bottom up' or community led process.

#### *Letter to Ministers*

Some alterations were made and a request added, for the Ministers to meet with members soon.

The meeting closed at 5.00pm

Confirmed  
Bruce Hamilton  
Chair

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#### □ Papers Tabled

1. Draft minutes from 15 December 2008 meeting
2. Updated maps
3. Call for submissions – proposed mataitai reserves on the West Coast