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MINUTES

MARINE PROTECTION FORUM MEETING

12th MEETING – 12 September 2007

Regular meeting held at the St John Station, Hokitika beginning at 8.30am on 12 September 2007.

Present

Bruce Hamilton (Chair), Brad Stenhouse, Denis Shannahan, Stuart Thomson, Carol Scott, Geoff Rowling, Ian McKenzie, Kerry Eggeling, Te Whe Weepu, Bruce Watson and Carrol Browne.

No members of the public attended.

In Attendance

Murray Reedy (Manager Marine Protection Project) and Campbell Robertson, Department of Conservation, Nicola Pindur, Claire Norris and Scott Williamson (Ministry of Fisheries), Andrea Jackson (Minute Secretary).

1.0 Apologies

Apologies received from Emily Arthur and Eugenie Sage. Apologies to be accepted.

Moved – Kerry Eggeling/Geoff Rowling

Apologies Accepted

2.0 Agenda confirmation and Declarations of Conflict of Interest

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

3.0 Confirmation of Minutes of 20 June 2007

The minutes of the meeting of 20 June 2007 were tabled. The draft minutes had been circulated by email and no changes had been requested in that process. Carol Scott had a question in relation to Forum governance, and requested an update. Nicola Pindur replied that both the Ministry of fisheries and the Department of conservation are drafting a joint paper to guide the way that future forums may be established and operated. This paper is still being developed but, as has previously been indicated by MinFish and DOC officials involved in the drafting, has no implications for forums that are already established (i.e., West Coast SI, Hauraki and Kaikoura). Nicola also noted, as was stated at the last meeting, that the document will not be released for consultation.

The minutes of the meeting of 20 June 2007 were confirmed as a true and accurate record of the proceedings of the meeting.

Moved – Denis Shannahan/Brad Stenhouse

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4.0 Matters Arising

None.

5.0 Correspondence

5.1 Andrea Jackson advised that in discussion with Eugenie Sage it was agreed that the letter Eugenie was to write to the WCRC about the Seafield consent, in conjunction with Andrea, would add nothing given the previous correspondence. Therefore it was agreed that a further letter was not worthwhile.

5.2 The Forum has recently received a letter from the Hon. Jim Anderton encouraging the Forum to continue with their process without waiting for the draft national standards to be finalised. Bruce Hamilton had scanned and circulated this letter. This letter was the subject of some discussion and explanation.

Carol Scott noted that at the last Forum meeting the Forum had set a timetable and she thought that the Forum was not going to move beyond that. Bruce Hamilton advised that he had talked to the DOC Head Office officials (Felicity Wong and Murray Hosking) about the work of the Forum being on-going. Bruce reported that officials were keen for the Forum to keep moving forward. Murray Reedy noted that the Forum meeting minutes recorded that the Forum was to move onto Phase 4 at the current Forum meeting (today). Bruce Hamilton then ruled that the issue of the Forum process should be further discussed at the scheduled item (7.2) and he would advise the Forum of the outcome of the discussion then.

It was agreed that the Chair would respond to the letter received from the Hon. Jim Anderton, thanking him for his support through the MPA process.

6.0 NIWA Recreational Fishing Research

Nicola Pindur reported back on progress with the NIWA research. The research appears to be useful in identifying the places that fishing take place, but in terms of numbers of people fishing, the survey response was probably too limited to be useful for accurate numbers. In terms of the impacts of any fishing limitations measures on recreational fishers, any new limits on set-netting is the fishing regulation that may impact on fishers the most. Nicola can follow up on the research report format and the process researchers are to use.

7.0 Forum Process and Timeline

Murray Reedy reminded the Forum members that at the last Forum meeting he had tabled a Process paper to formalise the meeting business and to ensure that all voices were heard and recorded in the minutes, especially the lack of support or possible dissent. He believes it is useful to slow down the meeting process and record results in more detail, possibly using a whiteboard to devise the exact wording of any resolutions. It has become clear that not everyone has understood items at the time. Bruce Hamilton noted that the Forum has to accept reality that it is hard to obtain the full agreement of every Forum member. Murray Reedy, supported by Carrol Browne, commented that it is still good to aim for consensus. Bruce Watson supported the whiteboarding of resolutions, as it useful to see these visually. It would also be good to record the dissenting views and the reason why the dissension arises.

Geoff Rowling went on to discuss property rights. He believes that they need to be considered, and other national issues such as the impacts of the development of marine reserves on the treaty settlements regarding fisheries. Getting the number of affected property owners will be

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difficult and this includes recreational fishers. Moving commercial and recreational fishers out of areas puts greater pressure on other areas. Government should provide compensation for this reallocation of resources. Ian McKenzie wants the process done properly and not in a rushed way. Bruce Watson considered that there is room for the Forum to suggest compensation, after the consideration of 'less cost' first. So this is an issue that the Forum can consider in the future.

Murray Reedy responded that there will be two stages in the Forum process, firstly the recommendations of the best placement for MPA's, and the second stage will be the implementation of the MPA's, which should be separately considered. Scott Williamson advised that the position of the current government (and all Governments in the past when any marine reserve or other closure has been considered) is that there will not be compensation to fishers. Part of the rationale for this is that fishing rights were initially given away (by the Crown) for free and as Government does have the ability to provide or remove those rights. How to protect conservation areas at minimal or marginal cost to fishers is the question. It's too early to say what the best method will be.

Bruce Watson commented that the situation could be that while the cost to industry is 'marginal' it could be higher for individuals. Kerry Eggeling raised possible set netting and trawling restrictions in relation to Hector's dolphin, and according to his calculations trawlers have caught very few Hector's dolphins over the last two decades. If Hector's dolphin fishing-related restrictions come into force, then these restrictions (as currently proposed) would ensure adequate protection to all species throughout the coast. Geoff Rowling noted that the fishing sector is currently having difficulty dealing with a wide range of government initiatives (Hector's dolphin protection measures, MPA's, etc). Stuart Thomson added that these issues being in the public area at present was making it harder to retain the support of their industry colleagues for the Forum process. Murray Reedy asked how the Forum could assist fishing members in this environment and Stuart responded that maintaining the transparency and openness of the Forum process would be important. Denis Shannahan reported that he had been at a NZ Local Government Conference in Dunedin earlier this year and a speaker, Sara Rose, had stated that in the 1960s there were *presumed* to be some 70,000 Hector's dolphins on the West Coast.

Nicola Pindur discussed the difficulty of 'back dating' the numbers of Hector's dolphin from a few decades ago. It is a very difficult modelling exercise and there are a lot of caveats to be aware of which are often not reported in articles. Nicola also noted that historic population data is only one piece of information that the Minister could take account of but he needs to be aware of the difficulty of caveats around it. Currently a possible aerial survey of all Hector's dolphin populations is being considered (as part of the plan). Scott Williamson advised that the Hector's dolphin population situation is much better than the dire situation for Maui dolphins, but the actual population levels are not well known. Scott is picking that the Minister is unlikely to go for the most restrictive measures on the West Coast due to much better populations of dolphins on the West Coast. The 'status quo' option on the West Coast also exists.

Nicola Pindur noted that the next option from simply 'status quo' includes increased observation and there may be ways to do that within existing budgets/cost/levies. Stuart questioned if it was \$800 per day that operators were to pay. Nicola clarified this by explaining large trawlers generally pay total observation costs while on the smaller boats the costs are borne by levies and the costs are spread across all fishers within a quota management area. There are not enough observers to go on every boat, so the Minister is looking at some

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increased or reallocation of observation days. Scott Williamson noted that the MinFish webpage has good information; he will provide a hard copy of a four-page summary of the options in the plan. Webpage is www.minfish@govt.nz. Geoff Rowling advised that fishers get stretched trying to cover all the current government initiatives.

Murray Reedy advised that the Crown does have some precedents in terms of reallocations e.g., pastoral leases, forest land, etc. Scott Williamson thinks that the fishing industry is different. Any compensation would go to the large quota owners rather than small fishers. Compensation is therefore a really hard policy issue and so the Forum should not consider compensation as a possibility. The Forum would be better to focus on 'least cost' sites. Nicola Pindur added that if the Forum was going to try and pose different tools or ideas looking at having less marine reserves would probably have more success than asking for compensation. Government is likely to support ideas from the Forum where least cost and protection can occur.

In terms of gaps analysis of the existing protection measures, Don Neale has mainly completed this work but due to ill health is not available today to present it. Murray Reedy advised that hard copies would be mailed to Forum members as soon as the material was available.

7.1 Classification System

Murray Reedy suggested that in terms of applying the classification system, DOC could model this in some areas. Geoff Rowling replied that modelling could be useful, then the Forum would have something concrete and visual to consider, and such a step would provisionally highlight possible areas. Bruce Watson and Carrol Browne agreed that identifying 'provisional' areas is the only realistic way to proceed. Murray Reedy advised that he had asked Don Neale if he could model one segment but Don thought that the modelling needed to include the whole West Coast. Don is part way through a 'gaps' analysis.

Bruce Watson suggested a meeting of a group of Forum members with Don to test Don's suggested approach. In response to a query from Carol Scott, Murray Reedy clarified that he is suggesting that the draft classification system be applied to information contained in the West Coast Marine and Coastal Environments Report to get a picture of the West Coast in order to identify what areas are unique, characteristic or distinctive. Carol Scott advised that there are some documents available that will support the implementation of the MPA National Standards, and Bruce Watson thought it would be useful to obtain that documentation. Carol Scott suggested the Forum request the information she was presented at a meeting with SeaFic. Carol Scott does not agree to actually selecting sites until the national standards are approved because the classification system could change.

Geoff Rowling asked Carol if she was happy for a test case using the current draft standard to be undertaken, as it was logical to trial the existing information. Carol responded that she was not. Bruce Watson then commented that the Forum should have modelled the classification system and should have been submitting (in regard to the draft national standards) on how the trial or model had run, but it is too late to do that now. Scott Williamson advised that he can't see the classification system changing greatly, other than minor tweaking or fine-tuning, as the draft standard has been in development over some years. The protection standards are more likely to change after the consultation process. Nicola Pindur noted that Murray Hosking had advised the Forum at the last meeting that if the classification system changes, then the categories are likely to be aggregated upwards or downwards in scale.

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Geoff Rowling noted that a modelling exercise would expand our knowledge and be interesting to see how it ran. A modelling exercise would not paint the Forum into a corner. Bruce Hamilton added that it would be good to make a start, to marry the Report with the classification system and see what comes out. Bruce Watson supported this point by adding that a modelling exercise would help develop the Forum's thinking.

To wrap the discussion on the possible Forum use of the draft classification system, Murray Reedy proceeded to whiteboard the two options discussed.

1. Apply the draft classification system to one or two segments of the West Coast marine environment to map habitats/ecosystems, or
2. Do nothing more until the Ministers sign off the classification system.

Carrol Browne expressed a desire for the Forum to reach consensus rather than voting. Nicola Pindur commented that as the Forum meets about every two months, the agency staff could continue with mapping/modelling so that the Forum can see how the classification system would be applied in a practical way. It was likely the Forum members would have feedback on how modelling looks, and other changes they would like to see so progressing it now will save time in the future. Scott Williamson further added that one or two base maps could have table 2 of the draft classification system applied, colour-coding where the different habitat types as best knowledge allows. This possible approach was then detailed in a group discussion as follows:

- a) Take DOC's base maps;
- b) Apply the draft coastal classification (table 4);
- c) Produce colour-coding/digitalised maps showing habitats;
- d) Present the result to the Forum;
- e) Adjust the result as required when the classification system is finalised.

The first option was formally moved, that the Forum apply the draft classification system, as detailed above.

Moved: Bruce Watson/Carrol Browne

Bruce Hamilton then asked all Forum members to respond to this proposed resolution. Comments were as follows:

Geoff Rowling – now thinks that there may be value in Option 2 (the do nothing option) to make it clear to Ministers that the Forum needed certainty in order to move forward positively. Stuart Thomson, Kerry Eggeling, Carol Scott and Ian McKenzie supported this view. Brad Stenhouse declared himself somewhat undecided. Denis Shannahan thought it important to have a 'mock-up'. Te Whe Weepu wants to see progress and a positive message sent to Government. Carrol Browne posed a question to the members of the fishing community, as follows: doesn't supporting Option One seem a waste of time and money? What message might that send to Ministers? Geoff Rowling replied that the Government process could often take longer than initially advised and the approval timeframe could extend out and leave the West Coast in a difficult position. Bruce Watson noted that if the Forum votes against the resolution then he can't see how it would give a message to Government, as Government works in a much bigger framework. He hopes the agency staff can progress the work anyway.

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The motion was then formally placed and was lost (Bruce Hamilton, as Chair, did not vote). Votes for the motion were Bruce Watson, Denis Shannahan, Carrol Browne. Votes against were Geoff Rowling, Brad Stenhouse, Te Whe Weepu, Stuart Thomson, Kerry Eggeling, Carol Scott and Ian McKenzie.

The second Option was then proposed as a motion: do nothing more until the Minister signs off the classification system.

Moved: Kerry Eggeling/Carol Scott.

Carried

Votes for the motion were Brad Stenhouse, Te Whe Weepu, Stuart Thomson, Kerry Eggeling, Carol Scott and Ian McKenzie.

Votes against the motion were Bruce Watson, Denis Shannahan, Carrol Browne (Bruce Hamilton, as Chair, did not vote).

8 Sub-committee Process for Submissions on the Forum's Report

Bruce Watson tabled the Sub-committee report (the notes of the Sub-committee meeting). He noted that some issues arose in the discussions that relate to future stages of the Forum process and so would reoccur. He noted that the issue natural 'protection/restrictions' arose quite often. Some submitters had provided information about commercial fishing issues. In summary, he recommends that an Addendum be produced as a current action. In the future the Forum could recommend that a revised Report could be produced.

As well, the Sub-committee had requested that letters be drafted by three submitters (to John Benn, the Buller Recreational Fishing Association and to the WC Development Trust) for tabling at this meeting, to be approved by the Forum and signed out by the Chair. Geoff Rowling tabled a minor amendment to the letter to the Fishing Association.

Bruce highlighted the whitebait regulation issue. So far the Forum has given assurances to whitebaiters that the work of the Forum in establishing MPA will not consider whitebaiting areas. Murray Reedy has previously explained to members of the public that any changes to whitebait regulations need to go through a very specific separate process. Bruce Watson considers that this ruling may not be appropriate, and he wishes this item to be re-addressed by the Forum in the future.

Bruce Watson then formally tabled the Sub-committee Report for discussion. Geoff Rowling noted that charter boat users are targeting blue fin tuna that is 30nm or more offshore. Stuart Thomson noted that some charters are inshore. **It was agreed** that recreational charter fishing needs to be accurately reported (at page 83 of the Report) and **that an additional paragraph is to be drafted.** Bruce Watson offered to draft the paragraph, then to be sent to the fishing members of the Forum for their review.

It was moved that the Forum accept the Sub-committee Report and Recommendations (plus the amendments to charter fishing section) and the three response letters (as amended).

Moved: Bruce Watson/Stuart Thomson

Carried unanimously

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It was agreed that the work on the Report Addendum would be undertaken by the two agencies and then circulated to the whole Forum for review.

9.0 Draft National Standards

Brad Stenhouse commented that it would have been good to emphasis points of agreement, such as the southern boundary.

Carol Scott advised that she will be making a separate submission and so will not be part of any submission made by the Forum, even on a specific point such as the southern boundary.

Bruce Watson moved that the Forum make a submission on the location of the southern boundary using the argument previously submitted to DOC Head Office. It would also be helpful to add another item to the submission, i.e. flexibility in describing the 12 nm limit (in line with the draft submission by Don Neale/Eugenie Sage-page 2, para 4). The last two sentences of this paragraph could be used. Carol Scott raised the issue that the Forum does not have any deep-water fishing representatives, and the Forum may need to this representation. Other members did not support this idea.

The motion was then formally put, that the Forum makes a submission on the draft protection standard (details as above).

**Moved Bruce Watson/ Kerry Eggeling
abstained**

Carried/Carol Scott

It was agreed that the Minute Secretary would draft the submission and then forward for review to the Chair, and then to the full Forum for review and approval.

There followed a general discussion on the classification system. Nicola Pindur noted that the development of the classification system has involved lots of science, and now the consultation process invites the involvement of the fishers and wider community. Bruce Watson queried what would happen to estuarine fishing or river fishing or whitebait fishing, in terms of section 9.4.11 'applying the protection standard to fishing'? There followed a general discussion over what it might cover. Bruce Watson noted that it seems a huge gap in the protection standard not to deal with fishing in estuaries and rivers although mining and all sorts of other activities are to be addressed. Murray Reedy thought this was a good point, as there would appear to be a gap in the standards. He believes a Forum submission on this point would be a good idea.

The Forum developed the following wording as a group, for addition to section 9.4.11. of the protection standard.

"In addition to dealing with MinFish we would like to see an explanation in this section dealing with other agencies (i.e., DOC, and NZ fish and Game) who have responsibility for fishing."

Moved Bruce Watson/Geoff Rowling

Carried/Carol Scott abstained

10.0 Administration

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The future Forum meeting dates were discussed. Bruce Hamilton noted that there is no point meeting until the draft standards are finalised. The production of the Addendum can be completed by email circulation. Carrol Browne raised the issue of organising the next round of public consultation, possibly this could require a sub-committee meeting. Bruce Hamilton responded that there was no point in a full Forum meeting on this topic alone, but it should be added to the agenda of the next meeting.

It was agreed that the next Forum meeting be held on Wednesday 5 December starting at 9.00am, with a dinner the evening before on 4 December, if the standards have been signed off by Government.

Bruce Hamilton reminded people of the process for dealing with the forum minutes via email circulation. This time the process needed to be completed. He instructed the Minute Secretary to send out the draft meeting minutes with completion instructions for Forum members (as previously agreed by the Forum) and the target dates for responses.

11.0 General business

Bruce Hamilton raised the topic of a MinFish CD on marine reserves, but MinFish staff were not aware of such a CD.

Bruce Hamilton closed the meeting at 2.30pm by expressing his personal appreciation and thanking Murray Reedy for his contribution to the Forum process (in the event that the forum does not meet in December and in recognition of the fact Murray is to retire from DOC in January 2008). Murray and Nicola Pindur have lead the Forum process and shown great ability to deal with differing views.

Confirmed
Bruce Hamilton
Chairperson

Papers Tabled

1. Draft minutes of Forum meeting of 20 June 2007
2. Correspondence letter form Hon. Jim Anderton
3. Submission Sub-committee meeting notes
4. Analysis of submissions (two tables)
5. Draft submission on Classification System (Don Neale/Eugenie Sage for Forum)
6. Compilation of Forum comments on draft submission