



## **Cabinet paper material**

### **Proactive release**

**Hon. Eugenie Sage, Minister of Conservation**

**Title: South-East Marine Protected Area Network Recommendations**

**Date: 11 May 2019**

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These documents have been proactively released:

**Cabinet paper – South-East Marine Protected Area Network Recommendations**

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Author: Office of the Minister of Conservation, Office of the Minister of Fisheries

**Cabinet Environment, Energy and Climate Committee minute – ENV-19-MIN-00007**

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### **Material redacted**

No material has been withheld from these documents.

[Security classification – In Confidence]

Office of the Minister of Fisheries

Office of Minister of Conservation

Chair, Cabinet Environment, Energy and Climate Committee

## **SOUTH-EAST MARINE PROTECTED AREA NETWORK RECOMMENDATIONS**

### **Purpose**

1. This paper provides an update of Ministers' initial decisions on the South-East Marine Protection Forum's recommendations for a new marine protected area network.

### **Background**

#### **South-East Marine Protection Forum process and recommendations**

2. The South-East Marine Protection Forum (the Forum) was established in 2014 by the then Minister for Primary Industries, Hon Nathan Guy, and the then Minister of Conservation, Hon Dr Nick Smith.
3. The Forum members represented Kāi Tahu<sup>1</sup> (as tangata whenua), commercial and recreational fishing, the environmental, scientific and tourism sectors, and the community. There was an independent Chair.
4. The Forum's main objective was to provide recommendations to us, as the Ministers of Conservation and Fisheries, for establishing a network of marine protected areas (MPAs) consistent with the Marine Protected Areas Policy and Implementation Plan.
5. The region considered by the Forum (the Forum region) was the marine area from Waipapa Point in Southland to Timaru in South Canterbury, including estuaries, and out to the 12 nm limit of the territorial sea.
6. The Forum members engaged with tangata whenua, stakeholders and the wider community throughout the south-east South Island to understand the values associated with the marine and coastal areas, in particular the biodiversity values and existing uses. Using the views and information they gathered, and with support and guidance from scientists the Forum developed an initial set of 20 proposals.
7. In 2016, the Forum consulted widely on those proposals, and received over 2,800 submissions. They then engaged in a deliberations process - compromising, amending or discarding proposals; with a view to balancing effects on users with biodiversity protection outcomes.

#### **Forum recommended two alternate networks**

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<sup>1</sup> While Ngāi Tahu is the official name for the local tangata whenua, the 'k' and 'ng' are used interchangeably, consistent with the Kāi Tahu dialect. The Forum's preference is the use of the 'k' in all instances except where the words are in statute or are legislative terms (e.g. Te Rūnanga o Ngāi Tahu).

8. On 23 February 2018, the Forum provided us with their recommendations. In the final stages of developing their recommendations, they could not reach consensus and therefore recommended two alternative MPA networks:
  - Network 1, encompassing six marine reserves<sup>2</sup> and five Type 2<sup>3</sup> areas, covering 1,267 km<sup>2</sup> (14.2% of the Forum region), with an additional restriction on commercial harvest of bladder kelp; and
  - Network 2, encompassing three marine reserves and two Type 2 areas, covering 366 km<sup>2</sup> (4.1% of the Forum region).
9. Network 1 was supported by the representatives of the science, tourism, environmental and community sectors, as well as one of the two recreational fishing representatives. Network 2 was supported by the three commercial fishing representatives and the other recreational fishing representative.
10. Kāi Tahu did not oppose either network; conditional on a generational review and co-management of the MPAs jointly by the Crown and Kāi Tahu. They did however oppose the proposal in Network 1 of a marine reserve at Irihuka / Long Point.
11. We acknowledge that the Forum worked incredibly hard over three and a half years to develop their recommendations. We also note that the collaborative model recommended in the MPA Policy proved particularly challenging for the Forum in the development of their final recommendations.

#### **DOC and Fisheries New Zealand provided joint advice on Forum recommendations**

12. On 19 October 2018, we received joint advice from Fisheries New Zealand and Department of Conservation (the agencies), on the Forum's recommendations. Agencies differed on the extent of the boundaries of some of the proposed sites in Network 1, and in regard to some of the proposed fishing restrictions.
13. The agencies considered that neither network represented the full range of habitats in the Forum region but agreed that Network 1 was aligned with the MPA Policy to a higher degree than Network 2.

#### **Decision to progress Network 1 and further engagement with Kai Tahu**

14. In December 2018 we decided to progress Network 1 in its entirety in order to respect the integrity of the Forum process.
15. Amendments to the network may be made in future, based on the outcomes of statutory public consultation and assessments against the relevant statutory requirements.
16. We also instructed the agencies to continue working with Kāi Tahu to explore the principles of generational review and co-management for the MPA network, and their aspirations for Irihuka / Long Point.

#### **Implementation of the Forum recommendations via existing legislation**

17. Our decision to progress Network 1 will be implemented using the Fisheries Act 1996 and the Marine Reserves Act 1971, therefore no new legislation will be required.

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<sup>2</sup> Type 1 Marine Protected Areas (MPA) are marine reserves which are typically established under the Marine Reserves Act 1971. In this briefing, Type 1 MPAs are referred to as marine reserves.

<sup>3</sup> Type 2 MPAs are other marine protected areas that meet the protection standard that are not marine reserves.

18. We have instructed the agencies to work together and, wherever possible, align the processes and public consultation required by these two Acts.

### **Timeframes and next steps**

19. Once the discussions with Kāi Tahu are sufficiently progressed, a public consultation document will be released. Thereafter, the process to establish the MPA network will take approximately 18 months.
20. We intend to provide you with the public consultation document prior to its release.

### **Consultation**

21. The Forum undertook extensive consultation with stakeholders as well as working collaboratively with the Department of Conservation (DOC) and Fisheries New Zealand.
22. As well as the public, the following government agencies will be consulted as part of the statutory consultation requirements:
  - Treasury
  - Ministry of Transport
  - Ministry for the Environment

### **Financial Implications**

23. The cost of establishing and maintaining the new MPA network may require additional budget appropriations to both DOC and Fisheries New Zealand to support monitoring, compliance and enforcement. We will provide you with further advice on budget implications when we update you on our plans for undertaking public consultation.

### **Legislative Implications**

24. If Network 1 is implemented, it will require making Orders in Council and Fisheries Regulations.

### **Impact Analysis**

25. No Regulatory Impact Analysis (RIA) is required at this stage, one will be undertaken for any proposed Fisheries Regulations.
26. After public consultation, each proposed MPA will also be assessed against the relevant statutory requirements.

### **Publicity**

27. We plan to announce our decision to progress Network 1 as soon as practicable following Cabinet discussion.

### **Proactive Release**

28. We intend to proactively release this paper, in whole, once we have advised the Forum members and Kāi Tahu.

### **Recommendations**

29. The Minister of Conservation and the Minister of Fisheries recommend that the Committee:
- a) **note** that the South-East Marine Protection Forum has delivered its recommendations to us for establishing the Marine Protected Areas;
  - b) **note** that we have considered joint DOC and Fisheries New Zealand advice on the Forum's recommendations;
  - c) **note** that we agreed to progress Network 1 in its entirety to maintain the integrity of the Forum process and because it best meets biodiversity protection objectives
  - d) **note** that amendments may be made to the Network 1 proposal based on the outcomes of public consultation and assessments against the relevant statutory requirements.
  - e) **note** that we have instructed DOC and Fisheries New Zealand to continue work with Kai Tahu to explore their aspirations for establishing and managing MPAs in this region;
  - f) **note** that we have instructed DOC and Fisheries New Zealand to use existing legislation and align the statutory processes where possible; and
  - g) **note** that we will provide you with the public consultation document prior to its release.

Authorised for lodgement

**Hon Stuart Nash**  
Minister of Fisheries

**Hon Eugenie Sage**  
Minister of Conservation