Item 3

Volume 2

# Report to the Minister of Conservation on the southeast marine reserves application

## Appendices



Department of Conservation
Te Papa Atawhai

Te Kāwanatanga o Aotearoa
New Zealand Government

Cover: Pāua, starfish and coralline seaweeds on rocky reef off the Sandfly Bay area. *Photo: © Michael Ellison*

DOC - 7249032

## CONTENTS – VOLUME 2

# Appendix 1

Joint Consultation Document including the marine reserves Application by the Director-General (starting pg 53)

# Proposed southeast marine protected areas

Consultation document

June 2020



Department of Conservation
*Te Papa Atawhai*

Fisheries New Zealand
Tini a Tangaroa

# Proposed southeast marine protected areas

Consultation document

June 2020

**Proposed southeast marine protected areas.**
**Consultation document. June 2020**

COVER: Long Point from Papatowai. *Photo: Fergus Sutherland*



This publication is printed on paper pulp sourced from sustainably grown and managed forests, using Elemental Chlorine Free (ECF) bleaching and printed with 100 percent vegetable-based inks.

# Contents

# 1 Introduction

## 1.1 Purpose of this document

The Department of Conservation (DOC) and Fisheries New Zealand are consulting on a proposed network of 12 marine protection measures in the southeast of the South Island of New Zealand. This network represents one of the two options that were put forward by the South-East Marine Protection Forum Roopu Manaaki ki te Toka (the Forum) in 2018[1] in response to a request by the Ministers of Conservation and Primary Industries at that time to recommend marine protection options for the area. Together, these measures aim to provide comprehensive and representative marine protection for the region and help to meet New Zealand's obligations under the United Nations Convention on Biological Diversity.[2]

For further information on this network and the Forum's recommendations report, visit www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection.

The appendices that are referred to in this consultation document can be found at https://survey.publicvoice.co.nz/s3/semp-consultation and include:

- Appendix 1: Application for marine reserves
- Appendix 2: Crown and Māori relationship
- Appendix 3: Catch and export value estimation methods
- Appendix 4: Habitats in the region and at each site
- Appendix 5: Taonga species.

### 1.1.1 Decisions on the network

The Ministers of Conservation and Fisheries have agreed to consult with Treaty partners and the public on the proposed network, and we are now seeking feedback on this proposal.

Your submission will inform the decisions of:

a) the Ministers of Conservation and Fisheries on the six proposed marine reserves under the Marine Reserves Act 1971.[3]
b) the Minister of Fisheries on the five proposed Type 2 marine protected areas (MPAs) and the proposed kelp protection area as regulations under the Fisheries Act 1996.[4]

---

[1] South-East Marine Protection Forum 2018: Recommendations to the Minister of Conservation and the Minister of Fisheries: recommendations towards implementation of the Marine Protected Areas Policy on the South Island's south-east coast of New Zealand. Department of Conservation, Wellington. 314 p. www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

[2] www.cbd.int/convention/

[3] www.legislation.govt.nz/act/public/1971/0015/latest/DLM397838.html

[4] www.legislation.govt.nz/act/public/1996/0088/latest/DLM394192.html

The proposed marine protection measures will be assessed against relevant legislative criteria, taking into account all available and relevant information, the submissions received, and the merits of the proposals. Once all of this information has been considered, one of the following decisions will be made.

- Retain the status quo – do not implement the proposed protection measures.
- Implement the proposed network as presented in this consultation document.
- Implement some or all of the proposed protection measures with amendments and/or conditions.

## 1.2 How to make a submission

DOC and Fisheries New Zealand welcome submissions on any or all of the proposed marine protection measures set out in this consultation document. A set of questions is provided at the end of the description of each marine protection measure. These questions are intended to stimulate discussion and help guide your submission, but answers are not mandatory. Your submission may support or oppose any aspect of the proposals. All submissions will be received by DOC and Fisheries New Zealand and will be taken into account by the Ministers of Conservation and Fisheries under their respective statutory frameworks.

The deadline for submissions is 3 August 2020.

Online submissions are preferred, as DOC and Fisheries New Zealand will be able to collate, analyse and summarise these responses more quickly and efficiently. To make an online submission, visit https://survey.publicvoice.co.nz/s3/semp-consultation.

Submissions can also be emailed to southeast.marine@publicvoice.co.nz.

If you are unable to make an electronic submission, you may make a written submission, which should include the following information.

- The title of this document.
- Your name and title.
- Your organisation's name (if you are submitting on behalf of an organisation).
- Your contact details (phone number, address and email).

Written submission should be mailed to:

Proposed southeast marine protection network
Department of Conservation and Fisheries New Zealand
Conservation House
PO Box 10420
Wellington 6143
New Zealand

Please note that any submission you make will become public information and that anyone can ask for copies of all submissions under the Official Information Act 1982.[5] The Official Information Act states that we must make information available unless there is a good reason for withholding it and

[5] http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html

provides a list of such reasons in sections 6 and 9. If you think there are grounds to withhold specific information, please state this in your submission. Reasons may include the fact that it is commercially sensitive or personal information. Note that any decision that is made by DOC or Fisheries New Zealand to withhold information can be reviewed by the Ombudsman, who may require the information to be released.

# 2 Background

## 2.1 The problem

New Zealand has one of the largest marine areas in the world and most of its biodiversity remains unexplored and poorly understood. Based on our limited knowledge, approximately 31% of New Zealand's *known* species inhabit the marine environment and approximately 51% of all our marine species are only found in New Zealand.[6] Furthermore, as much as 80% of our total biodiversity lives in the marine environment and new species are being discovered regularly.

Many pressures are affecting our marine environment, including our activities on land and in the sea and climate change. These pressures have led to a decline in biodiversity and in the condition of marine habitats,[7] and their cumulative effects amplify the threat to biodiversity in our marine environment and make it less resilient.

### 2.1.1 The role of MPAs

MPAs are one of a number of tools that are available for conserving marine biodiversity and are an important component of sustainable marine management systems. They contribute to protecting and restoring ecosystems and habitats by managing the activities that occur within them.

MPAs provide a safeguard for the marine environment, allowing it to cope better with future pressures, such as climate change. The protection of pristine, relatively untouched environments that is afforded by MPAs also provides opportunities for monitoring and studying changes to the marine environment over time. Furthermore, when developed with fishing interests in mind, MPAs can contribute to fisheries management objectives (eg they may protect spawning and nursery habitat), and MPAs can also provide for nature-based recreational and tourism opportunities, such as diving.

MPAs are most effective at supporting marine health and resilience when they form a representative network of habitats and ecosystems. Such a network protects key sites and habitats while providing links between them that are important for maintaining ecosystem processes and also maintains resilience by spreading risk (eg the replication of habitats within a network reduces the risk of losing biodiversity due to a catastrophic event).

Although MPAs are effective at managing the impacts from activities that occur within their boundaries, they do not manage all marine pressures. This is because MPAs and the ecosystems within them are interconnected with the surrounding areas and consequently affect and are affected

[6] Gordon, D.P.; Beaumont, J.; MacDiarmid, A.; Robertson, D.A.; Ahyong, S.T. 2010: Marine biodiversity of *Aotearoa* New Zealand. *PLOS ONE 5(8)*: e10905. doi:10.1371/journal.pone.0010905

[7] www.mfe.govt.nz/publications/marine/our-marine-environment-2019

by activities that occur outside their boundaries. Therefore, it is important that an MPA network complements other management regimes, such as fisheries, coastal and land management.

### 2.1.2 International obligations and New Zealand's MPA policy

New Zealand signed the United Nations Convention on Biological Diversity in 1993, agreeing to the goal of establishing an effectively and equitably managed, ecologically representative, and well-connected system of MPAs and other conservation-related measures covering at least 10% of its coastal and marine areas by 2020. New post-2020 international biodiversity targets are to be agreed in late 2020, and there is a push for more ambitious targets. These new targets will establish a yardstick by which New Zealand will be measured in the coming decade and beyond.

The *New Zealand Biodiversity Strategy*[8] reflects the New Zealand Government's commitment (through its ratification of the Convention on Biological Diversity) to help stem the loss of biodiversity worldwide. DOC and the former Ministry of Fisheries[9] developed the *Marine Protected Areas: policy and implementation plan* (MPA policy)[10] in 2005 and the *Marine Protected Areas: classification, protection standard and implementation guidelines* (MPA guidelines)[11] in 2008 to provide a framework to help deliver on the *New Zealand Biodiversity Strategy* and New Zealand's commitment under the Convention on Biological Diversity.

The objective of the MPA policy is to:

> Protect marine biodiversity by establishing a network of marine protected areas that is comprehensive and representative of New Zealand's marine habitats and ecosystems.

The MPA policy notes that this network of areas that protect marine biodiversity can include marine reserves and areas that are closed to certain fishing methods as long as these management tools enable a site's biodiversity to be maintained or recover to a healthy functioning state. Some levels of extractive use may be allowed (eg the use of less impactful fishing methods and extraction for research or scientific purposes) provided the biodiversity at the site is maintained and/or is able to recover.

The MPA policy provides for three types of management tools for its implementation: marine reserves (Type 1 MPAs), other MPAs (Type 2 MPAs) and other marine protection tools. Only Types 1 and 2 are considered MPAs for the purpose of the MPA policy. Type 1 MPAs are created via the Marine Reserves Act 1971, while Type 2 MPAs can be established by restricting or prohibiting particular fishing methods through regulations made under the Fisheries Act 1996 where this is

---

[8] Department of Conservation; Ministry for the Environment 2000: The New Zealand biodiversity strategy. Department of Conservation and Ministry for the Environment, Wellington. 146 p. www.doc.govt.nz/nature/biodiversity/nz-biodiversity-strategy-and-action-plan/new-zealand-biodiversity-strategy-2000-2020/

[9] Now Fisheries New Zealand.

[10] Department of Conservation; Ministry of Fisheries 2005: Marine Protected Areas: policy and implementation plan. Department of Conservation and Ministry of Fisheries, Wellington. 25 p. www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-policy-and-implementation-plan/

[11] Ministry of Fisheries; Department of Conservation 2008: Marine Protected Areas: classification, protection standard and implementation guidelines. Ministry of Fisheries and Department of Conservation, Wellington. 53 p. www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-classification-protection-standard-and-implementation-guidelines/

considered to provide sufficient protection to be considered an MPA. Other marine protection tools may not protect sufficient biodiversity to meet the definition of an MPA but can still contribute to the overall protection objectives of the network.

### 2.1.3 The southeast region of the South Island

The southeast region of the South Island of New Zealand currently has no MPAs in place, heightening the risk that unique marine habitats and ecosystems that are already being affected by cumulative pressures, including climate change, will be lost. This lack of MPAs also removes the opportunity to maintain representative marine areas for study and fails to meet New Zealand's MPA policy or international obligations for biodiversity in this region.

## 2.2 Southeast region and the Forum

In 2014, the New Zealand Government appointed the Forum to consider and recommend marine protection options for the southeast region. The Forum's terms of reference included the objective to provide a report for the Ministers of Conservation and Fisheries recommending levels of marine protection for the southeast region that were consistent with the MPA policy and guidelines.

Forum members represented Kāi Tahu, commercial and recreational fishing interests, conservation advocates, tourism interests, and local communities. The Forum was assisted and advised by DOC and Fisheries New Zealand.

Encouraging input to the process from iwi and communities was an important focus for the Forum. Therefore, it released a consultation document in October 2016 that detailed the 20 proposed sites on which it was seeking feedback, which resulted in 2803 submissions being received.

The Forum was unable to reach consensus and as a result proposed two alternative networks to the Ministers of Conservation and Fisheries.

- Network 1, which would cover 14.2% (1267 km$^2$) of the region and include six marine reserves, five Type 2 MPAs and one kelp protection area. Network 1 was supported by the environment, tourism, community and science representatives and one of two recreational fishing representatives.
- Network 2, which would cover 4.1% (366 km$^2$) of the region and include three marine reserves and two Type 2 MPAs. Network 2 was supported by the commercial fishing representatives and one of two recreational fishing representatives.

### 2.2.1 Ministers have decided to consult on network 1

Once the recommendations report had been presented to the Ministers of Conservation and Fisheries, DOC and Fisheries New Zealand provided advice on the recommendations by assessing them against the MPA policy. These agencies considered that network 1 better met the objectives of the MPA policy.

In May 2019, the Ministers of Conservation and Fisheries announced their agreement to consult on a network that was consistent with network 1, using tools available in the Marine Reserves Act and the Fisheries Act.

The Forum's recommendations for network 1 also included restrictions on seismic surveying and bottom disturbance across the network, as well as fishing for whitebait in the Whakatorea (L1) and

Tahakopa (Q1) Type 2 MPAs. However, these recommendations cannot be implemented under the Marine Reserves Act or Fisheries Act but rather are managed by other legislation, such as the Whitebait Fishing Regulations 1994 under the Conservation Act 1987[12] (administered by DOC) and the Crown Minerals Act 1991[13] (administered by the Ministry of Business, Innovation, and Employment). Therefore, they will be considered at a later stage once decisions have been made on the statutory processes currently being consulted on.

## 2.3 Relevant legislation

As noted above, we are currently consulting on the establishment of a proposed network of marine protection measures in the southeast region of the South Island in comparison to the status quo. This network is made up of marine reserves (Type 1 MPAs), Type 2 MPAs and a kelp protection area.

### 2.3.1 Marine reserves (Type 1 MPAs)

The six proposed marine reserves will be decided on under the Marine Reserves Act 1971. This Act has the purpose of:

> ... preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life of such distinctive quality, or so typical, or beautiful, or unique that their continued preservation is in the national interest.

Marine reserves are generally 'no-take' areas in which fishing, mining and the disturbance of all marine life and habitat are prohibited. However, some provision can be made to allow specific fishing activities and scientific research provided it is consistent with the purpose of the Act.

The statutory process for the establishment of a marine reserve requires an application that meets the requirements of the Marine Reserve Act to be made to the Director-General (DG) of Conservation. However, the DG may also make the application. In this case, the DG has made an application for the establishment of the six marine reserves that were proposed as part of network 1 by the Forum. The application is provided in Appendix 1. Any final decisions on the application will be subject to the submissions received as part of the consultation process. Therefore, aspects of the application may be changed and any or all parts of the application may not be pursued.

The proposed marine reserves will be decided on through the process set out in section 5 of the Marine Reserves Act. The Act provides for the application to be publicly notified and allows a 2-month period for the public to make any objections (or submissions). In making a decision, the Minister of Conservation must consider whether any objections made should be upheld by considering whether the proposed marine reserve would interfere unduly with a range of activities and interests, including any estate or interest in land in or adjoining the proposed reserve, any existing right of navigation, and commercial fishing. In addition, the Minister must consider whether the proposed marine reserve would interfere unduly with or adversely affect any existing use of the area for recreational purposes or would otherwise be contrary to public interest.

In accordance with the purpose of the Act, the Minister will also need to consider whether the proposed marine reserve will be in the best interests of scientific study, will be for the benefit of the

[12] www.legislation.govt.nz/regulation/public/1994/0065/latest/DLM189522.html

[13] www.legislation.govt.nz/act/public/1991/0070/latest/DLM242536.html

public, and that it is expedient to declare the area as a marine reserve either unconditionally or subject to any conditions.

The establishment of a marine reserve requires concurrence (agreement) from the Ministers of Fisheries and Transport.

### 2.3.2 Type 2 MPAs

The Type 2 MPAs will be decided on under the Fisheries Act 1996. The purpose of this Act is:

> ... to provide for the utilisation of fisheries resources while ensuring sustainability, where ensuring sustainability means (a) maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and (b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment. Utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural wellbeing.

Type 2 MPAs prohibit or restrict particular activities to manage adverse effects on the marine environment. The minimum level of protection required for an area to be considered for designation as a Type 2 MPA is the prohibition of fishing methods that involve dragging gear across the seabed (ie bottom trawling, Danish seining, and both the commercial and recreational use of dredges). Prohibitions or restrictions on other fishing methods may be required in designating a Type 2 MPA and can be established under the Fisheries Act if doing this is consistent with the purpose and principles of the Act.

### 2.3.3 Kelp protection area

One kelp protection area is also proposed, which would prohibit the harvesting of kelp from a specific area. While this does not qualify as a Type 2 MPA under the MPA policy, it would provide protection for areas of kelp and contribute to the biodiversity goals of the network. This area would be established using Fisheries (Commercial Fishing) Regulations 2001 under the Fisheries Act.[14]

## 2.4 Special relationship between the Crown and Māori

### 2.4.1 Crown obligations and decision-making

The Crown has obligations to Māori through Te Tiriti o Waitangi,[15] deeds of settlement, legislation, protocols and regulations.

When making a decision under the Marine Reserves Act, the Ministers of Conservation and Fisheries must give effect to the principles of Te Tiritiri o Waitangi.

When making decisions under the Fisheries Act, the Minister of Fisheries must act in a manner that is consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.[16]

---

[14] www.legislation.govt.nz/regulation/public/2001/0253/latest/whole.html

[15] See the Glossary at the end of this report for a definition of all Māori terms.

[16] www.legislation.govt.nz/act/public/1992/0121/latest/DLM281433.html

See Appendix 2 for details of the relevant Treaty principles.

### 2.4.2 Ngāi Tahu Claims Settlement Act 1998

As a wider context for these proposed MPAs, the Crown has acknowledged Kāi Tahu[17] rights as mana whenua under Te Tiritiri o Waitangi through various pieces of legislation, including the Ngāi Tahu Claims Settlement Act 1998.[18] Among other things, this acknowledges Kāi Tahu's connection with particular places and species.

Statutory acknowledgements are acknowledgements by the Crown of Kāi Tahu's particular cultural, spiritual, historical and traditional associations with specified areas. The statutory acknowledgements that are relevant to this region are set out in the schedules to the Ngāi Tahu Claims Settlement Act.

See Appendix 2 for more detail.

### 2.4.3 Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act 2011[19] acknowledges the importance of the marine and coastal area to all New Zealanders and provides for the recognition of the customary rights of whānau, hapū and iwi in the common marine and coastal area.

Under this Act, any whānau, hapū or iwi who consider they exercise kaitiakitanga in a part of the common marine and coastal area that is affected by the proposed marine reserves have a right to participate in the process and provide their views on the proposals. The Minister of Conservation must have particular regard to the views of affected whānau, hapū and iwi in considering the proposals.

In addition, customary marine title (if granted) gives greater rights to those who hold title in an area. There are currently three pending applications for customary marine title under the Marine and Coastal Area (Takutai Moana) Act adjacent to or over the proposed marine reserves.

- Te Rūnanga o Ngāi Tahu on behalf of Ngāi Tahu Whānui: over all of the proposed marine reserves.
- Te Maiharoa Whānau: adjacent to and over the proposed Waitaki Marine Reserve.
- Paul and Natalie Karaitiana: adjacent to and over the proposed Papanui Marine Reserve.

Should customary marine title be granted prior to the marine reserves being established, among other rights the holders would have a permission right regarding new marine reserve proposals and concessions in that area (with some conditions). This permission right includes a power to decline the application to establish a marine reserve.

If marine reserves are established prior to the determination of customary marine title, those areas will remain part of the 'common marine and coastal area'; therefore, any applications for customary

[17] Also referred to as Ngāi Tahu in relation to documents, Acts and the formal name of the tribe. In the Kāi Tahu dialect, the 'ng' becomes a 'k'.

[18] www.legislation.govt.nz/act/public/1998/0097/latest/DLM429090.html

[19] www.legislation.govt.nz/act/public/2011/0003/latest/DLM3213131.html

marine title could proceed. The existence of a marine reserve may be relevant to the assessment of whether customary marine title exists.

## 2.5 Implications for whānau, hapū and iwi

Engagement with Kāi Tahu during and after the forum process has indicated that the proposed network of MPAs will be opposed unless the following matters are satisfactorily addressed:

- rebalancing for any impacts the MPA network may have on Kāi Tahu rights and interests;
- co-management of the MPA network by Kāi Tahu and the Crown; and
- generational review of the MPA network.

### 2.5.1 Rebalancing for the impacts of the MPA network on Kāi Tahu rights and interests

The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 settled Māori commercial fishing claims and recognised non-commercial customary fishing rights. It enables the Minister of Fisheries to develop policies to help recognise Māori practices in the exercise of their non-commercial fishing right, and to make regulations that recognise and provide for customary food gathering and the special relationship tangata whenua have with their important fishing grounds.

Kāi Tahu has indicated that a network of MPAs could displace fishing pressure into other areas which, in turn, may require catch limits for commercial fish stocks to be cut in order to ensure fishing does not jeopardise stock sustainability. Kāi Tahu are concerned that this would negatively impact their customary non-commercial fishing practices and their commercial fishing interests and the economic wellbeing of coastal fishing communities.

In addition, a new MPA network has the potential to negatively impact the opportunity for Kāi Tahu to establish customary fishing areas (taiāpure or mātaitai) as provided for following the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Kāi Tahu has indicated that a 'rebalancing' process is needed to address these potential impacts. Kāi Tahu has indicated that 'rebalancing' should also include improvements to the functionality of customary fishing tools (in particular taiāpure rule-making).

### 2.5.2 Co-management by Kāi Tahu and the Crown

Co-management of MPAs acknowledges the partnership between the Crown and Kāi Tahu over the proposed MPAs and will provide for the retention and transfer of mātauraka between Kāi Tahu generations, to maintain connection to their rohe moana.

Kāi Tahu has also suggested that:

- co-management arrangements for each MPA could be modelled on the existing governance arrangement in place for the East Otago Taiāpure;
- Kāi Tahu rangers with appropriate powers to undertake day-to-day management, monitoring and compliance work should be provided for; and
- wānaka (which may include sampling and strategic take of marine life for the purpose of enhancing mātauraka and retaining the generational connection with the rohe moana) should be provided for in the MPA network and therefore not necessarily prohibited across the Type 1 (marine reserve) sites.

Further work is underway between Treaty Partners to define the scope and key elements of potential co-management arrangements. One tool that has been used previously for MPAs is statutory advisory committees, which could include tangata whenua and representatives from DOC and Fisheries New Zealand. Wider community forums to discuss management might also be an appropriate part of these management arrangements.

Once the final scope of possible co-management arrangements has been developed, DOC and Fisheries New Zealand will need to assess whether such arrangements can be achieved under the existing legislative framework. In the event of any elements that involve changes to government policy, or the making of new regulation, further public consultation may need to be undertaken.

### 2.5.3 Generational review of the MPA network

A 25-yearly generational review of the MPA network is required. This is to actively recognise the mana and engagement of Kāi Tahu in managing the network, as well as recognising their intergenerational connections to the past, present and future.

Kāi Tahu has indicated its aspirations for periodic reviews of the MPA network (5–10 years from the establishment of the MPAs) leading into the 25-yearly generational review.

### 2.5.4 Kāi Tahu concerns with the proposed Te Umu Koau Marine Reserve (D1)

Agencies are aware of significant concerns expressed by Kāi Tahu and the commercial fishing industry with regards to the proposal for a marine reserve at site D1. The proposed marine reserve extends over areas of offshore reef that are seasonally important rock lobster (*Jasus edwardsii*) fishing grounds. Kāi Tahu are concerned that prohibiting commercial fishing on these grounds would impact on their people, particularly those members of the Moeraki, Otakou and Puketeraki Rūnaka whose families are involved in rock lobster fishing, processing and export.

The Ministers of Conservation and Fisheries are interested in the views of submitters about how the marine reserves proposed for site D1 (Te Umu Koau Marine Reserve) could be progressed to balance these concerns against marine protection objectives.

## 2.6 Hector's and Māui Dolphin Threat Management Plan

Fishing method restrictions are being considered in an update of the *Hector's and Māui Dolphin Threat Management Plan.*[20] These restrictions could overlap with the proposed Tuhawaiki and Mokotere-a-torehu Type 2 MPAs and Waitaki Marine Reserve. Therefore, depending on what is decided for the updated plan, the proposed Type 2 MPAs may be superseded or implemented in a modified form.

See the Hector's and Māui Dolphin Threat Management Plan review for more information.[21]

[20] www.mpi.govt.nz/dmsdocument/34971

[21] www.doc.govt.nz/get-involved/have-your-say/all-consultations/2019/hectors-and-maui-dolphins-threat-management-plan-review/

# 3 Proposed marine protection network

## 3.1 Overview of the proposed network

The following marine protection measures are proposed for the southeast region of the South Island of New Zealand.

- Six marine reserves (Type 1 MPAs): Waitaki, Te Umu Koau, Papanui, Ōrau, Okaihae and Hākinikini.
- Five Type 2 MPAs: Tuhawaiki, Moko-tere-a-torehu, Kaimata, Whakatorea and Tahakopa.
- One kelp protection area: Arai Te Uru.

This network is almost identical to the network 1 that was proposed in the Forum's recommendations report.[22] However, some small changes have been made to the boundaries of the proposed areas to make navigation easier. Also, an additional section of the Pleasant River estuary has been added to the proposed Te Umu Koau Marine Reserve. This area was not included in the Forum's initial recommendation due to an outdated coastal boundary but was re-established as part of the estuary in 2009/10 through the removal of a groyne. Therefore, since the intent of the recommendation was to protect the entire estuary, this section has now been included.

The names for the proposed MPAs and kelp protection area have been retained as those provided by the Forum until formal support for each is obtained from rūnaka with mana whenua. These names may also be subject to change following consultation with Te Rūnanga o Ngāi Tahu and interested parties before being approved by the New Zealand Geographic Board.

### 3.1.1 Design of the MPA network

A range of international best practice documents and agreements to which New Zealand is a party provide guidance for the establishment of MPA networks, all of which share some common elements. The Convention on Biological Diversity, United Nations Environment Programme and the International Union for Conservation of Nature (IUCN) all provide examples of established principles for designing MPA networks and provide advice on the network design process.

The following best practice principles guided the design of the proposed network.

- Representation: includes elements of biodiversity (from genes to ecosystems) and associated environments that are characteristic of the larger marine area.
- Replication: an example of a given feature is protected at more than one site within a given biogeographic area.
- Connectivity: allows for larvae, juveniles and species to move from one protected site to another and to benefit one another.
- Adequacy: each site is suitably placed and sufficiently large to protect the species, populations and ecology within it.
- Viability: each site can be self-sustaining even in the face of natural and human-induced variations.

[22] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

The proposed network meets each of these best practice principles by:

- representing 17 of the 22 coastal habitats that have been identified in the southeast region in effective protection, as well as three biogenic (living) habitats in effective protection
- replicating 11 of the 17 coastal habitats and one biogenic habitat (bryozoan thickets)
- allowing for good connectivity across habitats for most of the region at the 50–100-km scale
- providing protection for nine habitats that are represented at > 10% of their total area, four additional habitats that are represented at > 5% of their total area and four further habitats that are represented at > 1% of their total area
- comprising areas that are considered to be of a suitable size based on the proposed restrictions at each site.

Figure 1 shows the locations of the proposed MPAs and kelp protection area.

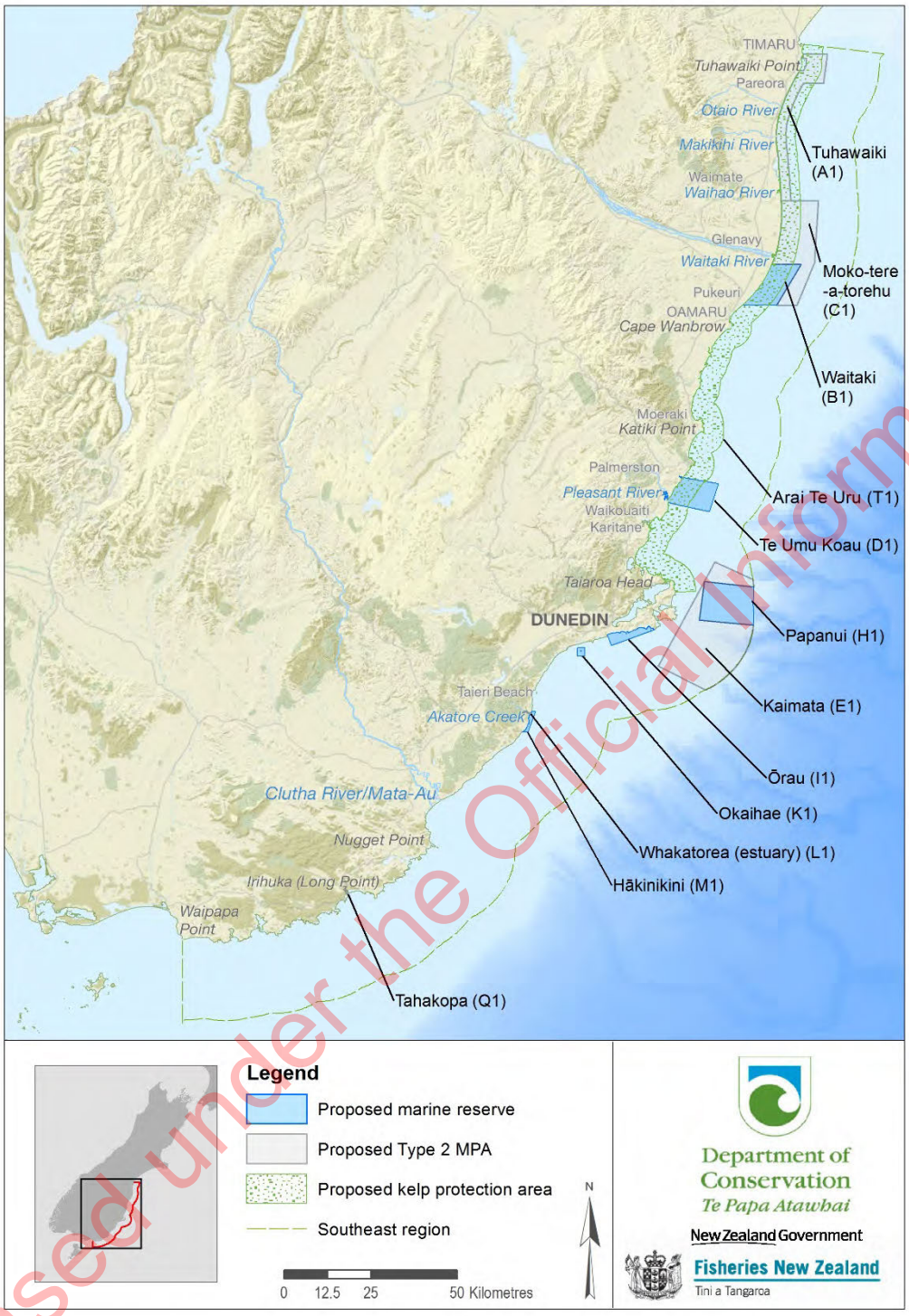



**Figure 1. Locations of the proposed marine reserves (Type 1 marine protected areas (MPAs)), Type 2 MPAs and kelp protection area in the southeast region of the South Island of New Zealand.**

### 3.1.2 Assessment criteria

The costs and benefits of establishing the proposed network were considered against the status quo (ie not implementing the network). The following criteria were used to compare options.

- Does the option have the potential to improve biodiversity conservation?
- Will the option provide reference areas for scientific study?
- Does the option minimise negative social, cultural and economic impacts?

In section 3.2, the costs and benefits of establishing the proposed network as a whole are considered in relation to these criteria. Sections 3.3–3.5 then provide a description of each individual site and identifies its costs and benefits. The methodology that was used to estimate the catch and export value is outlined in Appendix 3.

## 3.2 Costs and benefits of the overall network

**Option 1: Maintaining the status quo, no protection provided**

There are currently no marine reserves or Type 2 MPAs in the southeast region of the South Island of New Zealand.

**Biodiversity conservation**

Maintaining the status quo would mean:

- a lack of progress towards meeting New Zealand's international biodiversity commitments
- a lack of progress towards meeting the objectives of the *New Zealand Biodiversity Strategy* and MPA policy
- that marine biodiversity in the southeast of the South Island is not explicitly protected and maintained or allowed to recover. The absence of MPAs in this region increases the risk of losing unique marine habitats and ecosystems that are already being affected by cumulative pressures, including climate change.

**Reference areas for scientific study**

Maintaining the status quo would:

- not provide reference areas for the benefit of research or scientific study and may hinder our understanding of cumulative pressures and the impacts of climate change on the southeast of the South Island.

**Social, cultural and economic impacts**

Maintaining the status quo would:

- have no economic impacts on existing fisheries and other affected activities
- have no impacts on customary fisheries and Kāi Tahu's ability to exercise their non-commercial fishing rights
- have no impacts on recreational fishing
- have no added management and compliance costs
- not allow the potential benefits associated with wellbeing and public enjoyment from the proposed MPAs to be realised
- not allow the potential fisheries benefits associated with the proposed MPAs to be realised
- not meet the public's desire to see greater marine protection and their raised expectations of this from the Forum's process.

**Questions**

Do you agree with our initial analysis of the effects of maintaining the status quo? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

### Option 2: Establishing the proposed network

Together, the proposed MPAs and kelp protection area represent marine habitats of the southeastern South Island from Timaru to Waipapa Point with varying depths, exposures to weather, currents and tides, and physical characteristics.

Examples of these environments include shallow rocky reefs near Dunedin, deep canyons off the Otago Peninsula and soft-sediment (sand and mud) habitats in the northern part of the region. Important ecological areas and sensitive habitats including seagrass, thickets of bryozoans (tiny animals that form colonies) and giant kelp forests along the coast are also included in the proposed network.

#### Biodiversity conservation

Establishment of the proposed network would:

- contribute to New Zealand's international biodiversity commitments in the southeast of the South Island
- contribute to the objectives of the *New Zealand Biodiversity Strategy* and MPA policy for this area
- allow the marine biodiversity in the southeast of the South Island to be explicitly protected and maintained or allowed to recover
- protect an important biogenic habitat (kelp) from the future effects of harvesting
- provide greater benefits than establishing individual MPAs in an ad hoc fashion as it would provide the important spatial links that are needed to maintain ecosystem processes and connectivity and avoid any risks to individual sites from localised disasters, climate change impacts, etc.

#### Reference areas for scientific study

Establishment of the proposed network would:

- provide reference areas for the benefit of research or scientific study. It could, for example, enable an increased understanding of cumulative pressures and the impacts of climate change on the southeast of the South Island.

#### Social, cultural and economic impacts

Establishment of the proposed network would:

- provide potential benefits associated with wellbeing and public enjoyment from MPAs, such as tourism and educational opportunities
- allow the potential fisheries benefits associated with the creation of MPAs to be realised
- increase the risk of local depletion if fishers move to other areas to fish and fishing activity in those other areas increases as a result
- potentially be associated with negative cultural, social and economic impacts on the fishers who are affected by area and fishing method restrictions (see Table 1 for estimates of the potential economic impacts on commercial fishers)
- have potential impacts on Māori interests (see section 2.5).

Establishment of the proposed network would displace the catch from fisheries, some but not all of which could be taken from elsewhere. An estimate of the likely commercial fishery displacements caused by the network is provided in Table 1, while estimates of the displacement for individual sites are provided in sections 3.3–3.5.

**Table 1. Estimated average annual catch by fish stock that would be affected by the establishment of the proposed network based on annual catches from the 2007/08 to 2016/17 fishing years and export value estimates. QMA: quota management area.**

| Fish stock (QMA) | Estimated catch affected (kg) | Estimated % of total QMA | Estimated export value (NZ$) |
|---|---|---|---|
| Elephant fish (*Callorhinchus milii*) (ELE3) | 31,007 | 2.8 | 162,478 |
| Flatfish (FLA3) | 27,838 | 2.0 | 177,332 |
| Red cod (*Pseudophycis bachus*) (RCO3) | 26,001 | 0.7 | 40,823 |
| Red gurnard (*Chelidonichthys kumu*) (GUR3) | 24,422 | 2.3 | 171,691 |
| Rough skate (*Zearaja nasuta*) (RSK3) | 24,268 | 1.7 | 28,152 |
| Koura/rock lobster (*Jasus edwardsii*) (CRA7) | 19,949 | 23.3 | 2,068,428 |
| School shark (*Galeorhinus galeus*) (SCH3) | 13,276 | 3.6 | 67,838 |
| Rig (*Mustelus lenticulatus*) (SPO3) | 10,195 | 2.2 | 68,717 |
| Barracouta (*Thyrsites atun*) (BAR1) | 9,854 | 0.1 | 15,863 |
| Blue cod (*Parapercis colias*) (BCO3) | 7,130 | 4.2 | 106,946 |
| Arrow squid (*Nototodarus sloanii N. gouldi*) (SQU1T&J) | 7,084 | 0.0 | 30,321 |
| Spiny dogfish (*Squalus griffin, S. acanthias*) (SPD3) | 6,933 | 0 4 | 5,061 |
| Tarakihi (*Nemadactylus macropterus, Nemadactylus* sp.) (TAR3) | 4,836 | 0.5 | 17,362 |
| Hāpuku/bass (*Polyprion oxygeneios / P. americanus*) (HPB3) | 3,909 | .2 | 43,893 |

| Fish stock (QMA) | Estimated catch affected (kg) | Estimated % of total QMA | Estimated export value (NZ$) |
|---|---|---|---|
| Ling (*Genypterus blacodes*) (LIN3) | 3,553 | 0.2 | 13,425 |
| Stargazer (*Kathetostoma* spp.) (STA3) | 2,457 | 0.5 | 5,918 |
| Ghost shark (*Hydrolagus novaezealandiae*) (GSH3) | 2,449 | 0.5 | 2,646 |
| Blue moki (*Latridopsis ciliaris*) (MOK3) | 2,416 | 1.7 | 13,361 |
| Sea perch (*Helicolenus* spp.) (SPE3) | 2,051 | 0 4 | 5,474 |
| Octopus (*Pinnoctopus cordiformis*) (OCT3) | 1,574 | 4.7 | 17,124 |
| Leatherjacket (*Meuschenia scaber*) (LEA3) | 1,483 | 1.2 | 4,656 |
| Common warehou (*Seriolella brama*) (WAR3) | 1,242 | 0.1 | 5,679 |
| Smooth skate (*Dipturus innominatus*) (SSK3) | 1,068 | 0.3 | 1,240 |
| Paddle crab (*Ovalipes catharus*) (PAD3) | 448 | 1.1 | 2,961 |
| Large trough shell (*Mactra murchisoni*) (MMI3) | 309 | 0.9 | 2,082 |
| Pāua (*Haliotis iris, H. australis*) (PAU5D) | 306 | 0 4 | 16,739 |
| Kina (*Evechinus chloroticus*) (SUR3) | 211 | 5 4 | 10,473 |
| Silver warehou (*Seriolella punctata*) (SWA3) | 132 | 0.0 | 326 |
| Triangle shell (*Spisula aequilatera*) (SAE3) | 122 | 0.5 | 826 |
| Jack mackerel (*Trachurus declivis, T. murphyi, T. novaezelandiae*) (JMA3) | 121 | 0.0 | 173 |
| Bluenose (*Hyperoglyphe Antarctica*) (BNS3) | 103 | 0.0 | 1,137 |

| Fish stock (QMA) | Estimated catch affected (kg) | Estimated % of total QMA | Estimated export value (NZ$) |
|---|---|---|---|
| Kahawai (*Arripis trutta, A. xylabion*) (KAH3) | 82 | 0.1 | 20 |
| Trumpeter (*Latris lineata*) (TRU3) | 71 | 0 4 | 211 |
| Seal shark (*Dalatias licha*) (BSH3) | 45 | 0.1 | 49 |
| Pale ghost shark (*Hydrolagus bemisi*) (GSP1) | 22 | 0.0 | 24 |
| Snapper (*Pagrus auratus*) (SNA3) | 18 | 25 4 | 179 |
| Ringed dosinia (*Dosinia anus*) (DAN3) | 13 | 0.5 | 87 |
| Southern tuatua (*Paphies donacina*) (PDO3) | 12 | 0.1 | 114 |
| Queen scallop (*Zygochlamys delicatula*) (QSC3) | 12 | 0.1 | 39 |
| Kingfish (*Seriola lalandi*) (KIN3) | 11 | 0.9 | 132 |
| Other | 1,484 | 53.3 | N/A |
| Total | 238,517 | | 3,110,000 |

**Questions**

Do you agree with this initial analysis of the effects of establishing the network? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the network would you like to see? Why? Please provide evidence to support your answer.

What is your preferred option, the status quo or the network? Why?

## 3.3 Costs and benefits of the proposed marine reserves (Type 1 MPAs)

This section provides background information and outlines the costs and benefits of each proposed marine reserve. Additional information about each site can be found in Appendix 1, while a list of the habitats in the region and at each site is provided in Appendix 4 and a list of the taonga species that are present at each site is provided in Appendix 5.

### 3.3.1 Waitaki Marine Reserve

Figure 2 shows the proposed Waitaki Marine Reserve, which was identified as site B1 by the Forum.

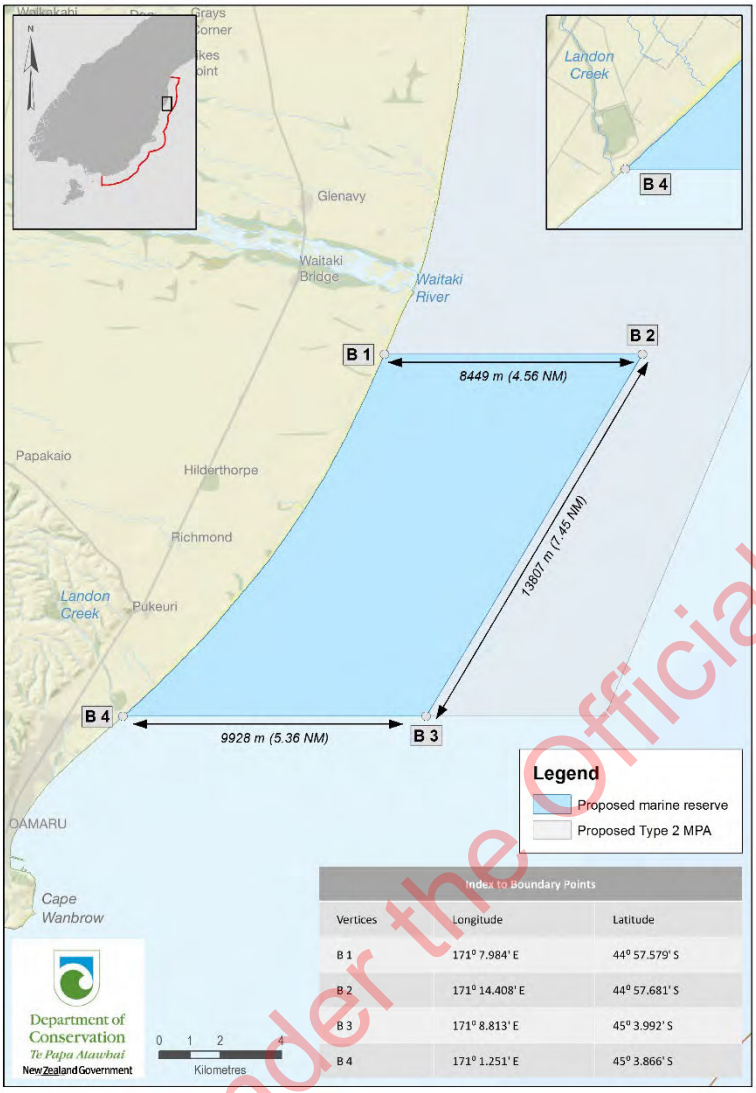



**Figure 2. Locations of the proposed Waitaki Marine Reserve and the adjacent Type 2 marine protected area (MPA).**

This site contains moderate gravel beach, moderate shallow gravel and moderate shallow mud habitats that are typical of this section of coast. It is approximately 15 × 8 km, which is considered a suitable size for allowing the maintenance and/or recovery of the biodiversity associated with these habitat types.

**Why protecting this site is important (benefits)**

The waters around the mouth of the Waitaki River hold some regionally unique, natural features due to the influence of fresh water and river sediments on the marine environment. Anecdotal evidence indicates that the cobble and gravel substrate that is found in this area supports several biogenic habitats of high biodiversity value, such as kelp and rhodolith (hard, calcified red algae) beds.

Large shoals of the juvenile form of squat lobster (*Munida gregaria)* can accumulate in the frontal systems of the river plume in late spring and summer. Squat lobsters represent an important food source for fishes, marine mammals and birds.

The area is a known foraging area for wildlife, including penguins and Otago shags (*Phalacrocorax chalconotus*) at Cape Wanbrow. The importance of this area for these species indicates its wider ecological value, which would be enhanced by establishment of the proposed marine reserve.

This is the only proposed marine reserve that would protect the biodiversity associated with gravel habitats. However, the proposed Type 2 MPAs at Tuhawaiki and Moko-tere-a-torehu would also contain these habitats. This site increases the connectivity across the network, linking with other proposed MPAs at Moko-tere-a-torehu and Tuhawaiki to the north and Te Umu Koau Marine Reserve to the south.

By protecting a range of representative habitats and unique features, this site would contribute to New Zealand's international biodiversity commitments, protect significant biodiversity, and provide an important representative area for research and scientific study.

**Activities that would be affected by the proposed marine reserve (costs)**

The 'no-take' status of marine reserves generally prohibits fishing and disturbance of any kind unless specific exceptions (that are consistent with the purpose of the Marine Reserves Act) are provided for. Swimming, snorkelling, boating and diving are not affected. Details of the activities that would be prohibited in the proposed Waitaki Marine Reserve are outlined in Table 2.

**Table 2. Activities that would be prohibited in the proposed Waitaki Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be NZ$21,491 (4.8 tonnes) per year. The biggest displacement (in terms of export value) would be experienced by the red gurnard (*Chelidonichthys kumu*), elephant fish (*Callorhinchus milii*) and rig (*Mustelus lenticulatus*) commercial fisheries, for each of which < 1 tonne per year would be expected to be displaced. |
| Recreational fishing | All recreational fishing would be prohibited. This would be unlikely to have a major impact as most recreational fishing in the area occurs at the mouth of the Waitaki River, which is excluded from the proposed reserve. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur. |
| Vehicle access over the foreshore | Driving over the intertidal area (foreshore) would be prohibited. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or activity restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.3.2 Te Umu Koau Marine Reserve

Figure 3 shows the proposed Te Umu Koau Marine Reserve, which was identified as site D1 by the Forum.

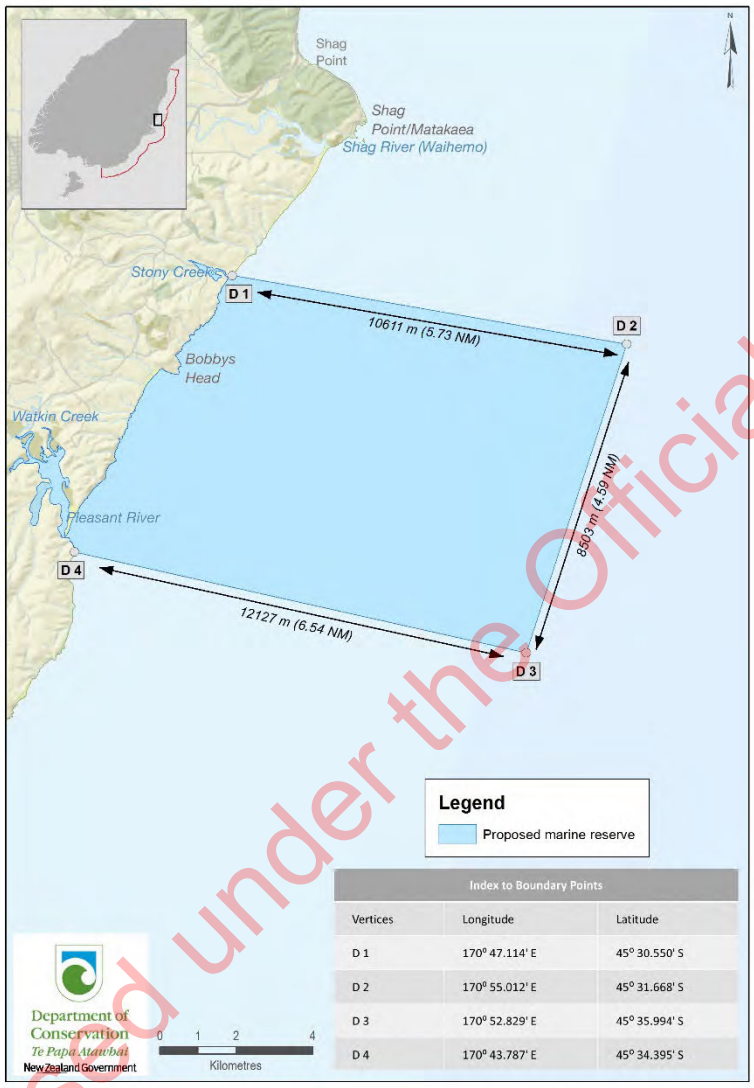



**Figure 3. Location of the proposed Te Umu Koau Marine Reserve.**

The proposed Te Umu Koau Marine Reserve contains habitats that are representative of those found from north of the Otago Peninsula to Oamaru. The combination of deep and shallow reef and sand, estuarine, and biogenic (kelp and seagrass) habitats make this site unique along the coast.

This site is approximately 8 × 10 km, which is considered a suitable size for allowing the maintenance and/or recovery of the biodiversity associated with these habitat types.

Of the seven coastal habitats that are represented by this site, two (deep sand and moderate shallow mud) are adequately replicated in other MPAs.

**Why protecting this site is important (benefits)**

This site includes a moderately exposed section of coastline that supports extensive kelp beds. Kelp forests have been likened to terrestrial forests in their structure and ability to support many other species, including koura/rock lobster (particularly the settling puerulus larvae), blue cod (*Parapercis colias*) and greenbone (butterfish; *Odax pullus*), and are one of the most productive habitat types in the world. This particular kelp forest is of outstanding value and contributes significantly to the biodiversity of the region. As with most of Otago's rocky, wave-exposed coasts, the area that is exposed at low tide is dominated by bull kelp (*Durvillaea* spp.).

Pleasant River is a tidal lagoon salt marsh habitat that is typical of tidal lagoons along this part of the coast. The edge of the Pleasant River estuary is listed as an Area of Significant Conservation Value in the *Dunedin City District Plan*[23] and as a regionally significant wetland in Schedule 9 of Otago Regional Council's *Regional Plan: Water for Otago*.[24]

An important bird area has been identified at Bobbys Head (the English name for Te Umu Koau).[25] Colonies of spotted shags (*Stictocarbo punctatus*) and tītī/sooty shearwaters (*Puffinus griseus*) have been reported at this site and hoiho/yellow-eyed penguins (*Megadyptes antipodes*) breed there.

Te Umu Koau Marine Reserve would encompass many different habitats in close proximity to each other, providing an opportunity to protect several habitats in one reserve. These include rare examples of volcanic rock reefs, estuaries, kelp forests, exposed reef shelves, sea caves and seaweed gardens. The proposed marine reserve area is considered to have exceptionally high value relating to the protection of ecosystem processes across habitats.

This is the only proposed marine reserve to represent deep reef and estuarine habitats in the Otago region. The deep reef at this site is considered to be typical of the deep reefs that are associated with this section of the coast. The inclusion of a diverse range of habitats within a single reserve would enhance the connectivity between shallow and deep reef habitats and sand and reef habitats.

By protecting a range of representative habitats and unique features, this site would contribute to New Zealand's international biodiversity commitments, protect significant biodiversity, and provide an important representative area for research and scientific study.

**Activities that would be affected by the proposed marine reserve (costs)**

The 'no-take' status of marine reserves generally prohibits fishing and disturbance of any kind unless specific exceptions (that are consistent with the purpose of the Marine Reserves Act) are provided for. Swimming, snorkelling, boating and diving are not affected. Details of the activities that would be prohibited in the proposed Te Umu Koau Marine Reserve are provided in Table 3.

---

[23] www.dunedin.govt.nz/__data/assets/pdf_file/0018/147330/Schedule-25.4-Areas-of-Significant-Conservation-Value.pdf

[24] www.orc.govt.nz/media/5795/regional-plan_-water-for-otago-updated-to-1-july-2018-schedules.pdf

[26] Department of Conservation; Ministry of Fisheries 2005: Marine Protected Areas: policy and implementation plan. Department of Conservation and Ministry of Fisheries, Wellington. 25 p. http://www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-policy-and-implementation-plan/

**Table 3. Activities that would be prohibited in the proposed Te Umu Koau Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be approximately NZ$2 million (40.6 tonnes) per year. Of this, $1.84 million is attributed to the displacement of koura/rock lobster (*Jasus edwardsii*; 17.7 tonnes), with Fisheries New Zealand estimating that 20.7% of the catch in CRA7 (the quota management area within which this site falls) occurs in this area. Commercial eeling also occurs in the Stony Creek and Pleasant River estuaries, which would be prohibited under the proposal. |
| Recreational fishing | All recreational fishing would be prohibited. Limited information is available on the use of this site for recreational fishing but it is likely that the area is used for floundering, whitebaiting, trout fishing, collecting pāua (*Haliotis* spp.), and targeting reef fishes and koura/rock lobster. However, the adverse effects on overall recreational opportunities would likely be low as alternative locations are available nearby. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Discharge of firearm | The discharging of any firearm (as defined in the Marine Reserves Act) would be prohibited. This would prohibit game shooting in the Stony Creek and Pleasant River estuaries. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur within the site. |
| Vehicle access over the foreshore | Driving over the intertidal area (foreshore) would be prohibited. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or activity restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.3.3 Papanui Marine Reserve

Figure 4 shows the proposed Papanui Marine Reserve, which was identified as site H1 by the Forum.

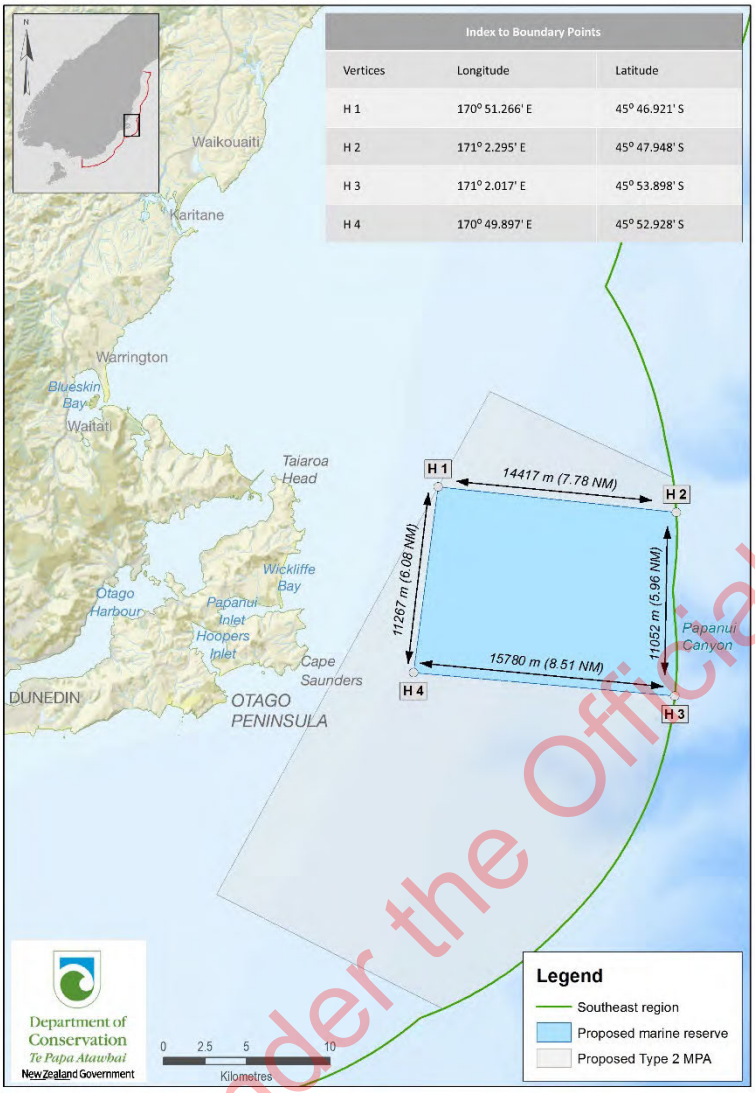



**Figure 4. Locations of the proposed Papanui Marine Reserve and the adjacent Type 2 marine protected area (MPA).**

This site contains three deep, soft-sediment habitat types and one biogenic habitat (bryozoan thickets). It is approximately 15 × 11 km, which is considered a suitable size for allowing the maintenance and/or recovery of the biodiversity associated with these habitat types.

All three of the soft-sediment habitat types at this site are replicated at least twice in the network (see Te Umu Koau, Hākinikini and Okaihae marine reserves and Kaimata Type 2 MPA). This site links with other deep gravel habitats in Moko-tere-a-torehu to the north and the adjacent Kaimata (both Type 2 MPAs), as well as with deep sand habitats from Te Umu Koau Marine Reserve in the north to Okaihae Marine Reserve in the south.

This area is one of only a few on the east coast of the South Island and one of only two in the southeast region where canyons extend substantially within the territorial sea. The habitats associated with these canyons are likely to be typical of the canyon habitats of the east coast of the South Island.

**Why protecting this site is important (benefits)**

The canyons in this area are biologically diverse, providing habitats for brittle stars, sea stars, gastropods, bivalves, shrimps, hermit crabs, bryozoans, sponges and quill worms, among others. The canyons are also hotspots for seabirds and whales, including upokohue/long-finned pilot whales (*Globicephala melas*) and parāoa/sperm whales(*Physeter macrocephalus*), making this site unique along the region's coastline, and provide a foraging area for predators such as whakahao/New Zealand sea lions (*Phocarctos hookerii*), kekeno/New Zealand fur seals (*Arctocephalus forsteri*) and hoiho/yellow-eyed penguins.

The bryozoan thicket habitat that occurs at depths of 70 m or more is a major natural feature that has been identified off the Otago Peninsula, and this is the only location where these thickets are known to occur. Thickets are distinct biogenic habitat-forming structures on the seafloor that provide habitat for a diverse community of invertebrates (eg sponges, anemones, worms, crabs, snails, sea stars and sea squirts) and many species of fishes. Bryozoans are also referred to as 'lace corals' due to their intricate structure and formations and arguably create some of the most beautiful seafloor structures and underwater scenery.

The bryozoan thickets off the Otago Peninsula are considered to be 'outstanding, rare, distinctive or internationally or nationally important marine habitat and ecosystems', meeting the criteria outlined in the MPA policy[26]. This marine reserve would afford full protection to 30% of the known distribution of habitat-forming bryozoans off the Otago Peninsula.

By protecting a range of representative habitats and unique features, this site would contribute to New Zealand's international biodiversity commitments, protect significant biodiversity, and provide an important representative area for research and scientific study.

**Activities that would be affected by the proposed marine reserve (costs)**

The 'no-take' status of marine reserves generally prohibits fishing and disturbance of any kind unless specific exceptions (that are consistent with the purpose of the Marine Reserves Act) are provided for. Swimming, snorkelling, boating and diving are not affected. Details of the activities that would be prohibited in the proposed Papanui Marine Reserve are provided in Table 4.

**Table 4. Activities that would be prohibited in the proposed Papanui Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be NZ$122,000 (21 tonnes) per year. The biggest displacement of fishing (in terms of export value) would be experienced by the blue cod (*Parapercis colias*; 3.2 tonnes), arrow squid (*Notodarus* spp.; 6 4 tonnes) and rig (*Mustelus lenticulatus*; 1.7 tonnes) commercial fisheries, which are estimated to represent 1.9%, 0.7% and 0 4%, respectively, of the quota management area landings. |
| Recreational fishing | All recreational fishing would be prohibited. While the establishment of this marine reserve would be likely to have some impact on recreational fishing, the adverse effects on overall recreational opportunities would likely be minimal as the generally preferred recreational destination at Saunders Canyon would still be available. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to |

[26] Department of Conservation; Ministry of Fisheries 2005: Marine Protected Areas: policy and implementation plan. Department of Conservation and Ministry of Fisheries, Wellington. 25 p. http://www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-policy-and-implementation-plan/

| Activity | Details |
|---|---|
| | be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site. A small proportion of a current petroleum exploration permit overlaps the reserve (approximately 18 $km^2$ or 0.1% of the full exploration block), which has an expiry date of 2021. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or activity restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.3.4 Ōrau Marine Reserve

Figure 5 shows the proposed Ōrau Marine Reserve, which was identified as site I1 by the Forum.

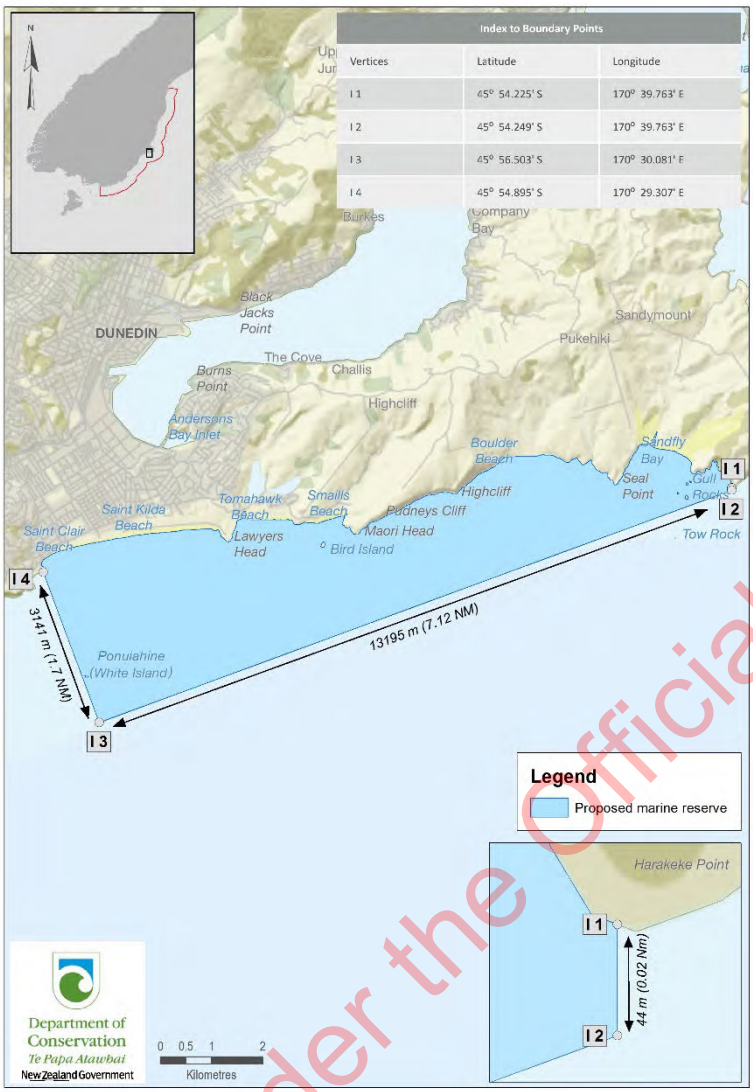



**Figure 5. Location of the proposed Ōrau Marine Reserve.**

This site is representative of the habitats that occur from south of Taiaroa Head to The Catlins. The proposed marine reserve would incorporate several beaches and rocky headlands, as well as a number of rock stacks and islands. It would protect six broad-scale habitat types (including intertidal and subtidal rocky reef and soft-sediment habitats) and one of only two boulder beaches in the region, making it particularly important for adequately representing exposed shallow sand and rocky reef habitats in the network.

With a length of approximately 13 km (incorporating more than 19 km of coastline) and extending 3 km offshore at its widest point, it is considered that this proposed marine reserve would likely be a suitable size for allowing the maintenance and/or recovery of the biodiversity associated with these habitat types.

This marine reserve along with those at Te Umu Koau, Hākinikini and Okaihae would provide at least two replicates of exposed reef and sand habitats. However, boulder beach habitat is not replicated anywhere else within the network.

This site links to other exposed habitats extending from Te Umu Koau to Hākinikini, as well as deep habitats from Moko-tere-a-torehu in the north to Okaihae in the south.

**Why protecting this site is important (benefits)**

The natural features at this site include exposed volcanic rock shorelines along which cliffs and wave-washed platforms are interspersed with sandy or boulder beaches. Small rocky islets and offshore rock stacks create unique habitats beyond the surf zone, and Lion Rock off Sandfly Bay has a dive-through cave.

Rocky reefs are dominated by forests of bull kelp (*Durvillaea* spp.) in the shallows that have a diverse understorey of other seaweeds beneath them. Koura/rock lobster and a range of reef fishes, including blue moki (*Latridopsis ciliaris*), trumpeter (*Latris lineata*) and greenbone (butterfish), are found on the reefs in this area.

At the northern end of the proposed reserve, shallow algae-dominated reefs extend to deep reef habitats where strong currents enable the formation of impressive encrusting communities of filter-feeding invertebrates (eg sponges and ascidians). Tow Rock, which is a pinnacle on the most extensive of these deep reef habitats, is not included in the reserve due to the significant cultural, commercial and recreational values associated with it.

A special feature of this area is the significant population of hoiho/yellow-eyed penguins. Some individuals forage inshore but many feed 20 km or more out to sea. Other seabirds, including tītī/sooty shearwaters, fairy prions (*Pachyptila turtur*) and kororā/little blue penguins (*Eudyptula minor*), burrow or find crevices to shelter in along this coast.

Kekeno/New Zealand fur seals haul out along this coast, but their main breeding rookeries are north of the proposed area. Whakahao/New Zealand sea lions frequent Sandfly Bay from August to November before the larger males head south to breed in the subantarctic islands, and the more secluded spots are becoming increasingly important for the small number of females that give birth here in late December. Sandfly Bay Conservation Area, Sandfly Bay Wildlife Refuge and Boulder Beach Conservation Area are important areas that are protected for the benefit of marine wildlife on shore, so extending this protection out to sea would be a valuable addition.

By protecting a range of representative habitats and unique features, this site would contribute to New Zealand's international biodiversity commitments, protect significant biodiversity, and provide an important representative area for research and scientific study.

**Activities that would be affected by the proposed marine reserve (costs)**

The 'no-take' status of marine reserves generally prohibits fishing and disturbance of any kind unless specific exceptions (that are consistent with the purpose of the Marine Reserves Act) are provided for. Swimming, snorkelling, boating and diving are not affected. Details of the activities that would be prohibited in the proposed Ōrau Marine Reserve are provided in Table 5.

**Table 5. Activities that would be prohibited in the proposed Ōrau Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be NZ$27,300 (2.6 tonnes) per year, which represents 0.1% of the export value of the southeast region. However, Fisheries New Zealand also notes that the estimated average commercial catch for each fishing method by fishery is less than 1 tonne per year, so the impact on the commercial fishing sector would likely be relatively low. |
| Recreational fishing | All recreational fishing would be prohibited. This area is valued by recreational fishers, particularly for pāua (*Haliotis* spp.) and blue cod (*Parapercis colias*). However, while there would be an effect on some types of fishing (particularly shore-based fishing), the adverse effects on overall recreational opportunities would likely be moderated by the availability of other suitable locations nearby. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. |
| Vehicle access over the foreshore | The use of vehicles over the intertidal area of the marine reserve would be an offence, with some exceptions for vessel launching, emergency services or management. Consistency with the Dunedin City Council Reserves and Beaches Bylaw 2017* is intended. |

* www.dunedin.govt.nz/community-facilities/parks-and-reserves/reserves-and-beaches-bylaw-2017

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or activity restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.3.5 Okaihae Marine Reserve

Figure 6 shows the proposed Okaihae Marine Reserve, which was identified as site K1 by the Forum.

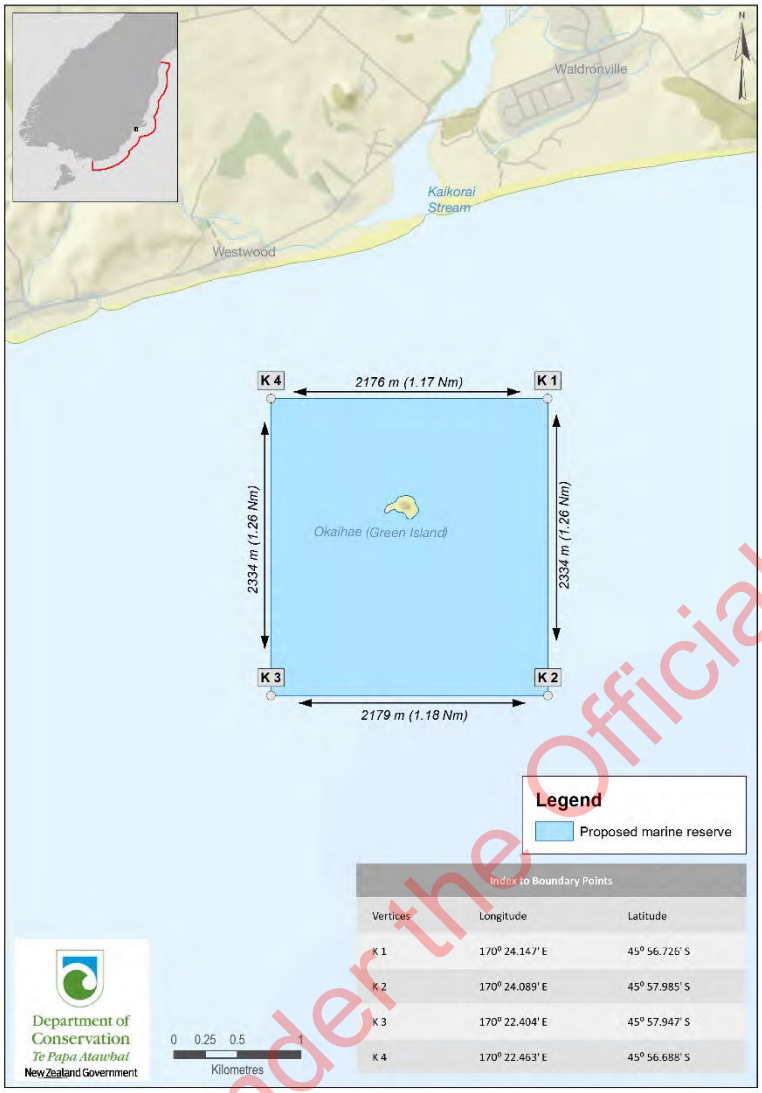



**Figure 6. Location of the proposed Okaihae Marine Reserve.**

This site would protect four habitat types (intertidal and subtidal reefs, and subtidal deep and shallow sand habitats). At 2 × 2.4 km, this marine reserve is much smaller than the other proposed MPAs but would encompass the entire reef around Green Island (Okaihae) and allow for the maintenance and/or recovery of the biodiversity associated with the reef habitats.

This marine reserve along with those at Ōrau and Hākinikini would provide at least two replicates of each of the reef and shallow sand habitats within the network. This site also links to deep habitats in

the marine reserves extending from Te Umu Koau to Ōrau and exposed habitats from Ōrau in the north to Hākinikini in the south.

**Why protecting this site is important (benefits)**

As an offshore island that is already a nature reserve, Green Island (Okaihae) is unique and has the potential to be an iconic place with the existing nature reserve extending through to the marine reserve.

The rocky reefs include forests of bull kelp (*Durvillaea* spp.) in the shallows with an understorey of other seaweed species beneath. This provides habitat for koura/rock lobster and many reef fish species, such as moki, trumpeter and greenbone (butterfish). Anecdotal evidence also suggests that hāpuku/grouper (*Polyprion oxygeneios*) were once commonly found on the Green Island reefs.

A number of seabird species live on the island, including tītī/sooty shearwaters, kororā/little blue penguins, tarāpunga/red-billed gulls (*Larus novaehollandiae*), fairy prions, hoiho/yellow-eyed penguins, little pied shags (*Phalacrocorax melanoleucos brevirostris*) and Otago shags. It is also frequently visited by kekeno/New Zealand fur seals and whakahao/New Zealand sea lions.

Anecdotally, the marine environment around Green Island has undergone a considerable decline in species diversity and abundance in the last few decades. The island is surrounded by a reasonable extent of offshore reef at diveable depths. Although the proposed marine reserve is small, protecting habitats here would likely lead to measurable changes in biodiversity, and the area could also act as a source of replenishment for invertebrates and fishes on the low-relief reefs.

By protecting a range of representative habitats and unique features, this site would contribute to New Zealand's international biodiversity commitments, protect significant biodiversity, and provide an important representative area for research and scientific study.

**Activities that would be affected by the proposed marine reserve (costs)**

The 'no-take' status of marine reserves generally prohibits fishing and disturbance of any kind unless specific exceptions (that are consistent with the purpose of the Marine Reserves Act) are provided for. Swimming, snorkelling, boating and diving are not affected. Details of the activities that would be prohibited in the proposed Okaihae Marine Reserve are provided in Table 6.

**Table 6. Activities that would be prohibited in the proposed Okaihae Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the proposed marine reserve to be NZ$19,000 (0.7 tonnes) per year, which represents 0.06% of the export value of the southeast region. The koura/rock lobster (*Jasus edwardsii*) fishery makes up an estimated $15,500 of this displacement. The impact of this site on the commercial fishing sector would likely be relatively low. |
| Recreational fishing | All recreational fishing would be prohibited. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |

| Activity | Details |
|---|---|
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur within the site. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or activity restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.3.6 Hākinikini Marine Reserve

Figure 7 shows the proposed Hākinikini Marine Reserve, which corresponds to site M1 as identified by the Forum with minor adjustments to the boundaries.

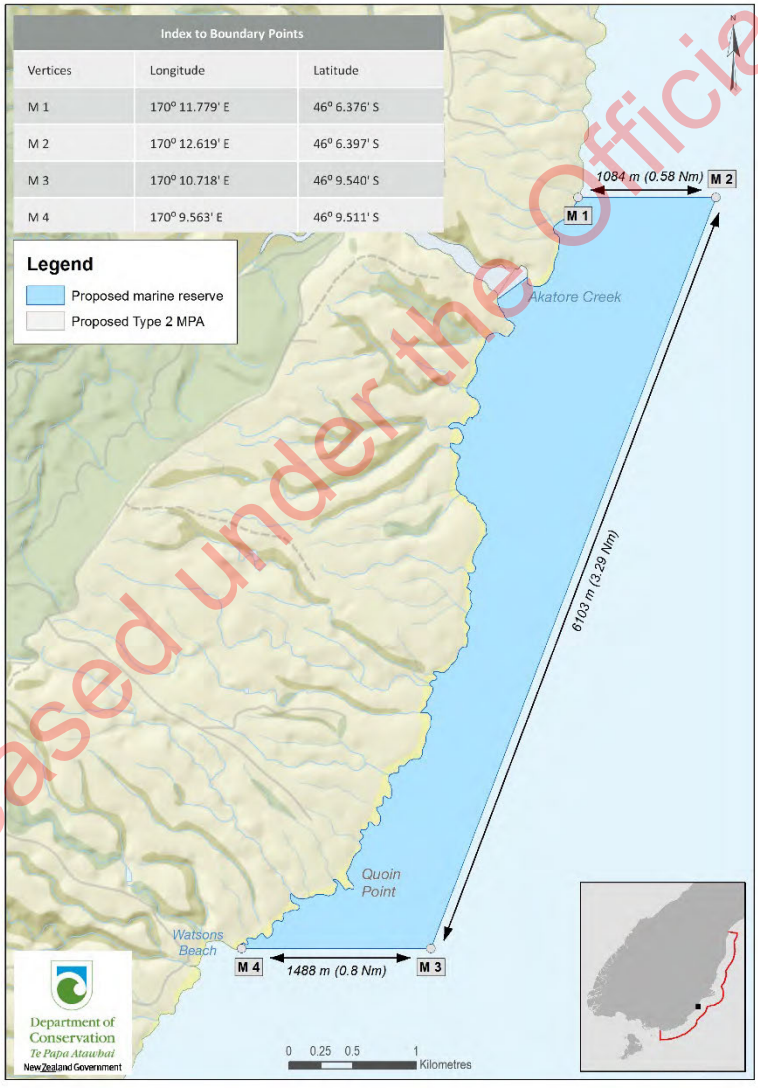



**Figure 7. Locations of the proposed Hākinikini Marine Reserve and the adjacent Type 2 marine protected area (MPA).**

This site would be representative of the rocky reef habitats and sandy beaches that are found from south of Taiaroa Head to The Catlins.

At approximately 6 km long (incorporating more than 9 km of coastline) and extending 1.5 km offshore at its widest point, this proposed marine reserve is expected to be a suitable size for allowing the maintenance and/or recovery of the biodiversity associated with the habitats it contains.

This marine reserve along with those at Ōrau and Okaihae would provide at least two replicates of reef and sandy beach habitats. This site also links to exposed habitats at Ōrau and Okaihae marine reserves and provides connectivity with estuarine habitats in the adjacent Type 2 MPA in the Akatore estuary (Whakatorea).

**Why protecting this site is important (benefits)**

This site includes a unique exposed section of Otago Schist wave-cut platforms interspersed with sand beaches, which are a combination of modern fine- to medium-grained quartz sands and much coarser quartz sand that is believed to have originated from the erosion of the geological 'Taratu Formation'. The platforms include rock pools, crevices and gutters, which provide many micro-habitats along the intertidal zone and form a beautiful and rugged coastline. Mussel beds of *Perna canaliculis* and *Mytilus galloprovincialis* extend subtidally, finding space between the bull kelp.

At Quoin Point, there is a breeding rookery of kekeno/New Zealand fur seals, and whakahao/New Zealand sea lions are increasingly observed hauling out on some beaches here.

There has been speculation that the water along this coastline was once clear enough to allow *Macrocystis* kelp beds to form offshore, which is supported by the presence of small, stunted *Macrocystis* in rock pools along the coast.

By protecting a range of representative habitats and unique features, this site would contribute to New Zealand's international biodiversity commitments, protect significant biodiversity, and provide an important representative area for research and scientific study.

**Activities that would be affected by the proposed marine reserve (costs)**

The 'no-take' status of marine reserves generally prohibits fishing and disturbance of any kind unless specific exceptions (that are consistent with the purpose of the Marine Reserves Act) are provided for. Swimming, snorkelling, boating and diving are not affected. Details of the activities that would be prohibited in the proposed Hākinikini Marine Reserve are provided in Table 7.

**Table 7. Activities that would be prohibited in the proposed Hākinikini Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be NZ$239,300 (7 tonnes) per year, which represents 0.7% of the export value of the southeast region. The fisheries that would most likely be affected are the koura/rock lobster (*Jasus edwardsii*) and flatfish trawl fisheries, for which approximately 2.37% and 0.10%, respectively, of their quota management area catches occur at this site. |
| Recreational fishing | All recreational fishing would be prohibited. This area is used by recreational fishers, particularly for pāua (*Haliotis* spp.) fishing. While there would be an effect on some types of fishing, particularly shore-based fishing, the adverse effects on overall recreational opportunities would likely be moderated by the availability of other suitable locations nearby. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to |

| Activity | Details |
|---|---|
| | be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur within the site. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

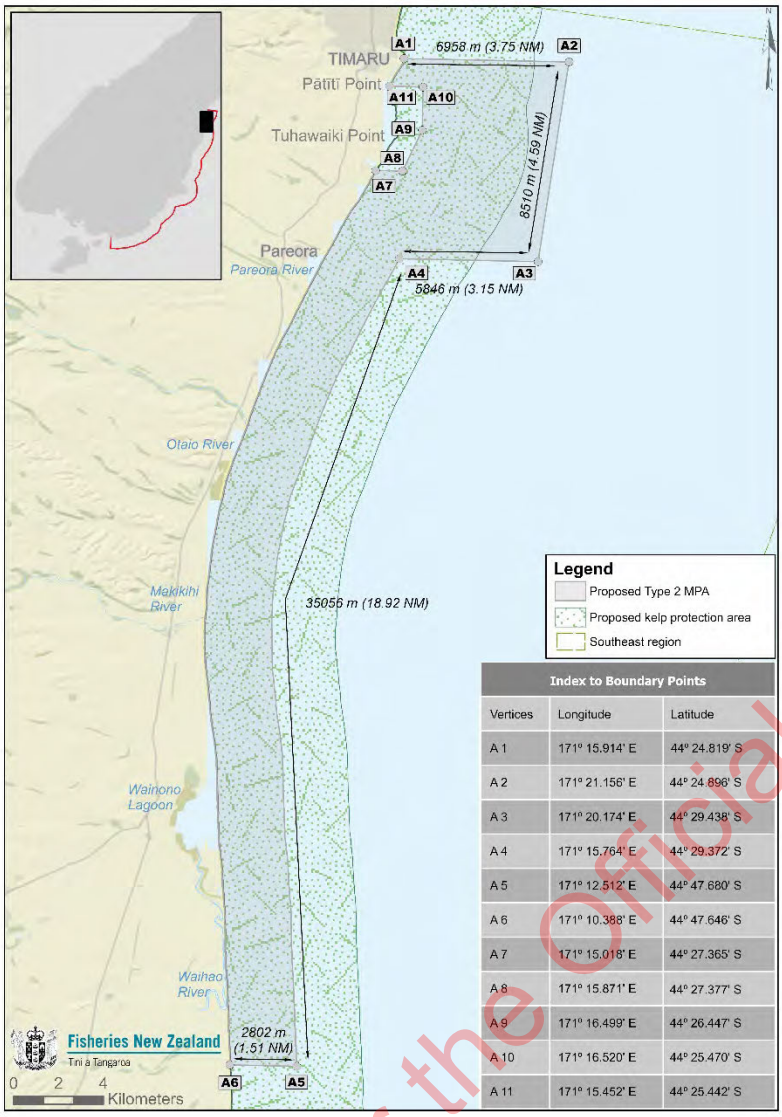
Please consider the stated costs and benefits described above. What changes to the site or activity restrictions would you like to see? Why? Please provide evidence to support your answer.

## 3.4 Costs and benefits of the proposed Type 2 MPAs

This section provides background information and outlines the costs and benefits of each proposed Type 2 MPA. A list of the habitats in the region and at each site is provided in Appendix 4 and a list of the taonga species that are present at each site is provided in Appendix 5.

### 3.4.1 Tuhawaiki

Figure 8 shows the proposed Tuhawaiki Type 2 MPA, which was identified as site A1 by the Forum.




Index to Boundary Points

| Vertices | Longitude | Latitude |
|---|---|---|
| A 1 | 171° 15.914' E | 44° 24.819' S |
| A 2 | 171° 21.156' E | 44° 24.896' S |
| A 3 | 171° 20.174' E | 44° 29.438' S |
| A 4 | 171° 15.764' E | 44° 29.372' S |
| A 5 | 171° 12.512' E | 44° 47.680' S |
| A 6 | 171° 10.388' E | 44° 47.646' S |
| A 7 | 171° 15.018' E | 44° 27.365' S |
| A 8 | 171° 15.871' E | 44° 27.377' S |
| A 9 | 171° 16.499' E | 44° 26.447' S |
| A 10 | 171° 16.520' E | 44° 25.470' S |
| A 11 | 171° 15.452' E | 44° 25.442' S |

**Figure 8. Locations of the proposed Tuhawaiki Type 2 Marine Protected Area (MPA) and the adjacent kelp protection area.**

This site includes four coastal habitat types: moderate gravel beach, moderate shallow mud, moderate shallow sand, and moderate shallow gravel. With a width of approximately 7 km in the northern section, this proposed Type 2 MPA is expected to be a sufficient size for allowing the maintenance and/or recovery of the biodiversity associated with these habitat types.

This Type 2 MPA together with that at Moko-tere-a-torehu and the marine reserves at Waitaki and Te Umu Koau would provide replication of all four habitat types. This site also provides connectivity with the soft-sediment habitats in the MPAs further south.

### Why protecting this site is important (benefits)

The waters south of Timaru are an important nursery area for school sharks (*Galeorhinus galeus*) and a spawning area for elephant fish (*Callorhinchus milii*). In addition, this area is particularly significant for pahu/Hector's dolphins (*Cephalorhynchus hectori*), kororā/little blue penguins, hoiho/yellow-eyed penguins (particularly juveniles in their pelagic phase) and a range of sessile invertebrates, indicating its wider ecological value, which would be enhanced by establishment of the proposed MPA.

Protecting this site by prohibiting a range of fishing methods within it would contribute to New Zealand's international biodiversity commitments and enable biodiversity to be maintained, including important habitats for school sharks and elephant fish.

**Activities that would be affected by establishment of the proposed Type 2 MPA (costs)**

Bottom trawling, dredging, Danish seining, set netting, mid-water trawling and commercial long lining would be prohibited. In addition, a five-hook limit for line fishing would apply for recreational fishing to reduce the level of extraction but allow some recreational take. Details of the activities that would be affected by establishment of the proposed Tuhawaiki Type 2 MPA are provided in Table 8.

**Table 8. Activities that would be affected by establishment of the proposed Tuhawaiki Type 2 Marine Protected Area (MPA).**

| Activity | Details |
|---|---|
| Commercial fishing | Fisheries New Zealand estimates that establishment of this Type 2 MPA would displace an average of approximately 110 tonnes of catch per year. It is used by an average of 25 commercial fishers each year, at least 19 of whom use fishing methods that would be prohibited. Based on Statistics New Zealand data from 2017, Fisheries New Zealand estimates the export value of the potentially displaced commercial catch to be approximately NZ$463,000 per year. The commercial catch data indicate that the most significant impact would be on commercial bottom trawling for flatfish, elephant fish (*Callorhinchus milii*) and red gurnard (*Chelidonichthys kumu*). |
| Recreational fishing | A five-hook limit for line fishing would apply for recreational fishing. This would likely have a low impact on recreational fishers. Recreational dredging would be prohibited. |
| Customary fishing | This site has customary significance, with two historical pā sites in the vicinity, as well as adjacent customary fishing areas. Te Rūnaka o Arowhenua exercises kaitiakitanga for the northern part of the site and administers a mātaitai reserve at Tuhawaiki Point, which is excluded from the proposed Type 2 MPA. (Mātaitai reserves are established over traditional fishing grounds to recognise and provide for customary management practices and food gathering.) Te Rūnaka o Waihao exercises kaitiakitanga for the southern part of the site. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or fishing restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.4.2 Moko-tere-a-torehu

Figure 9 shows the proposed Moko-tere-a-torehu Type 2 MPA, which was identified as site C1 by the Forum.

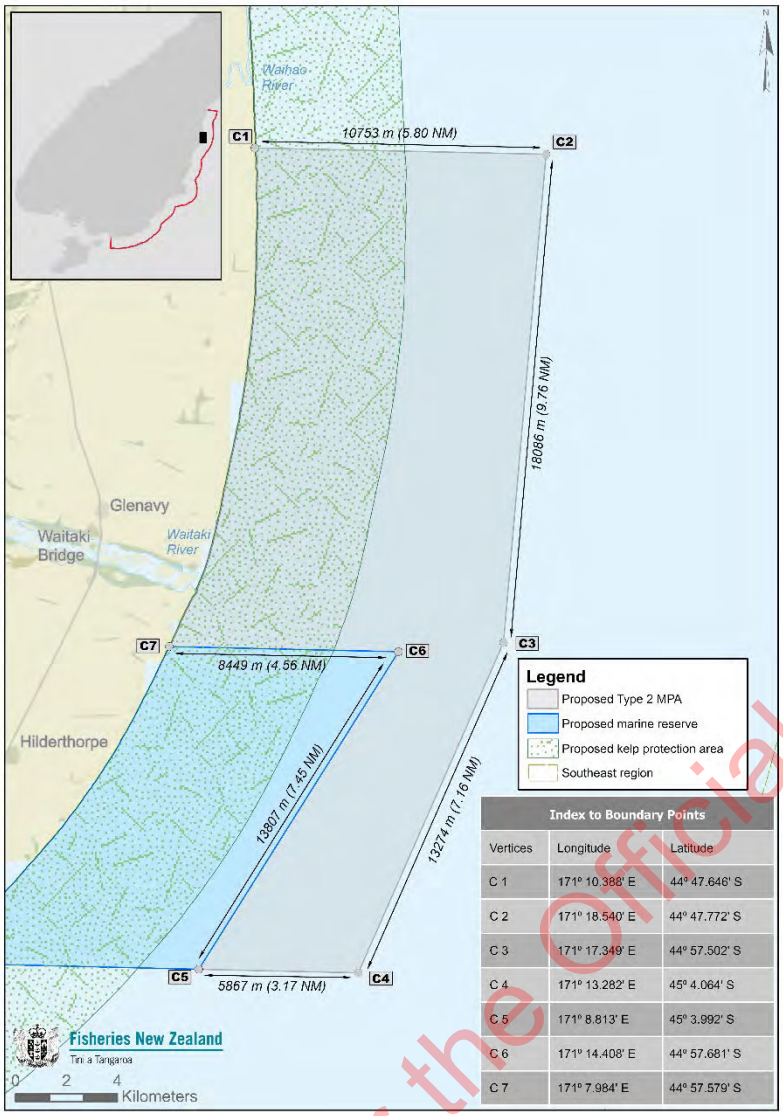



**Figure 9. Locations of the proposed Moko-tere-a-torehu Type 2 Marine Protected Area (MPA) and the adjacent marine reserve and kelp protection area.**

This site includes five habitat types: deep gravel, moderate gravel beach, moderate shallow gravel, moderate shallow mud and moderate shallow sand.

The proposed Type 2 MPA spans approximately 19 km of coastline from south of the Waihao River to south of the Waitaki River and covers an area of approximately 254 km$^2$. It adjoins the offshore and northern boundaries of the proposed Waitaki Marine Reserve and establishes a link along the southeast region's coastline, as well as providing replication of some of the habitat types that are present at Tuhawaiki Type 2 MPA.

### Why protecting this site is important (benefits)

The Waitaki River has a strong influence on the North Otago and South Canterbury coasts in terms of freshwater inputs to the marine environment and the transportation of sediment from the land to the sea.

The cobble and gravel substrate that is found in this area supports several biogenic habitats of high biodiversity value, such as kelp and rhodolith beds, which are likely to provide habitat for juvenile fishes.

Some of the densest concentrations of squat lobster have been found around the mouth of the Waitaki River, representing an important food source for fishes, marine mammals and birds. Seabirds (including kororā/little blue penguins) and pahu/Hector's dolphins are known to forage in this area, indicating its high biodiversity values and associated habitats.

Protecting this site by prohibiting a range of fishing methods within it would contribute to New Zealand's international biodiversity commitments and enable biodiversity to be maintained and recover.

**Activities that would be affected by establishment of the proposed Type 2 MPA (costs)**

Bottom trawling, dredging, Danish seining, set netting, and mid-water trawling would be prohibited. Details of the activities that would be affected by establishment of the proposed Moko-tere-a-torehu Type 2 MPA are provided in Table 9.

**Table 9. Activities that would be affected by establishment of the proposed Moko-tere-a-torehu Type 2 Marine Protected Area (MPA).**

| Activity | Details |
|---|---|
| Commercial fishing | This site is used by an average of 17 commercial fishers each year, at least 10 of whom use gears that would be prohibited. Establishment of the proposed Type 2 MPA would displace an average of approximately 34.5 tonnes of catch per year, around 25% of which would be attributed to the set net prohibition. A further 20 tonnes of this catch is taken by Danish seining, 6 tonnes by trawling and 0.3 tonnes by dredging. The most significant potential impact of establishing this proposed Type 2 MPA would be on the red gurnard (*Chelidonichthys kumu*), rig (*Mustelus lenticulatus*) and school shark (*Galeorhinus galeus*) commercial fisheries. |
| Recreational fishing | The proposal to establish a Type 2 MPA rather than a marine reserve around the mouth of the Waitaki River is to ensure that there is no impact on customary and recreational fishing associated with the river mouth, particularly salmon fishing and kohikohi inaka. Recreational dredging would be prohibited. There is little evidence that the proposed fishing restrictions at Moko-tere-a-torehu would have a significant impact on recreational fishing interests. |
| Customary fishing | This area and its waterways are of high cultural importance to Kāi Tahu hapū associated with this area (represented by traditional settlements and rich mahika kai resources). There are high customary fisheries interests immediately in and around the mouth of the Waitaki River, and the Waihao Marae and Māori reserve lands are located just to the north of this proposed site. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or fishing restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.4.3 Kaimata

Figure 10 shows the proposed Kaimata Type 2 MPA, which was identified as site E1 by the Forum.

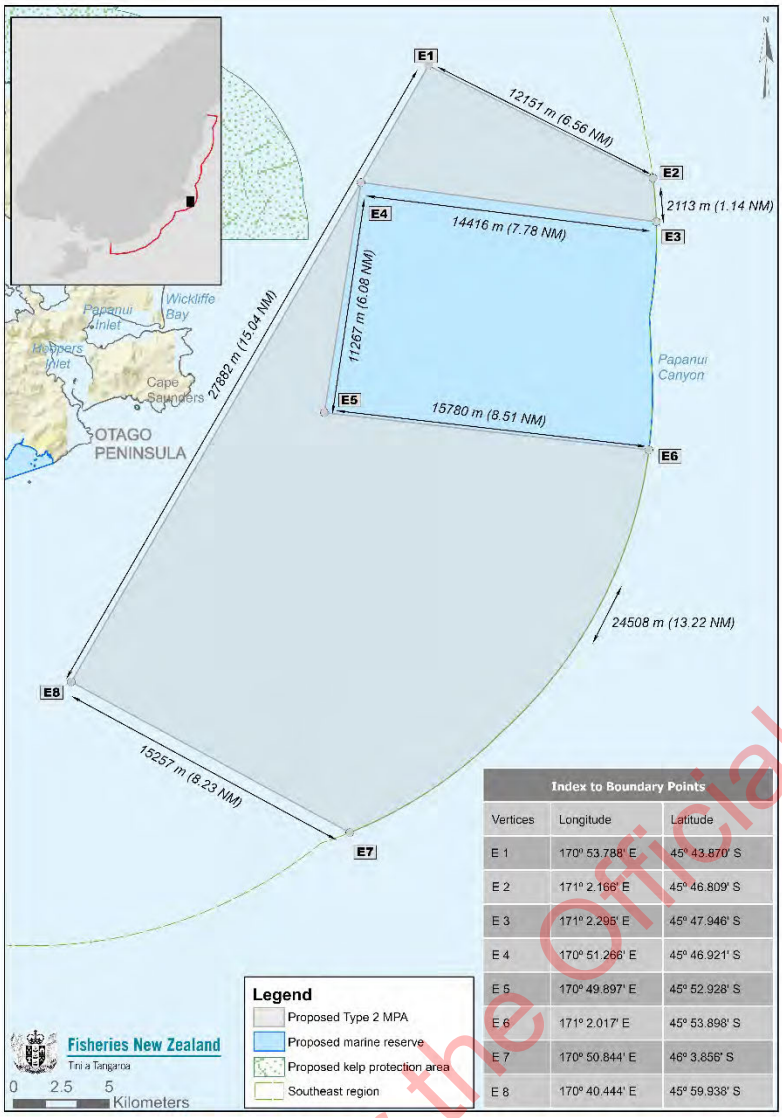



**Figure 10. Locations of the proposed Kaimata Type 2 Marine Protection Area (MPA) and the adjacent marine reserve and kelp protection area.**

This site is approximately 450 km² and was designed to complement the proposed Papanui Marine Reserve. It includes regionally important bryozoan thickets and would protect approximately 65% of the known and potential extent of habitat-forming bryozoans off the Otago Peninsula. Deep water sand and deep sand habitats are also included at the proposed site.

### Why protecting this site is important (benefits)

The waters to the east of the Otago Peninsula are defined by a unique set of oceanographic conditions. Coastal, subtropical and subantarctic waters mix here, and an upwelling of deep, nutrient-rich water supports a rich diversity of habitats and associated ecosystems.

Bryozoan beds represent an important biogenic habitat in this area, supporting diverse invertebrate communities (eg sponges and anemones) and juvenile fishes. The proximity of deeper waters due to the narrow shelf and the abundance of organisms using bryozoans as habitat create feeding grounds for some larger vertebrates, such as whakahao/New Zealand sea lions and hoiho/yellow-eyed penguins. Numerous other species are known to frequent these waters, including various protected sharks, and seabirds also forage here, among which eight species are threatened and three species are classified as Nationally Critical.

Protecting this site by prohibiting a range of fishing methods would contribute to New Zealand's international biodiversity commitments and enable biodiversity within this site to be maintained or enhanced.

**Activities that would be affected by establishment of the proposed Type 2 MPA (costs)**

Bottom trawling, dredging, Danish seining, set netting, mid-water trawling and purse seining would be prohibited. Details of the activities that would be affected by establishment of the proposed Kaimata Type 2 MPA are provided in Table 10.

**Table 10. Activities that would be affected by establishment of the proposed Kaimata Type 2 Marine Protected Area (MPA).**

| Activity | Details |
|---|---|
| Commercial fishing | This site is used by approximately 27 commercial fishers each year, at least seven of whom use gears that would be prohibited by establishment of this MPA. However, 19 of these are pot fishers who would be unaffected. Establishment of the proposed Type 2 MPA would displace approximately 18 tonnes of catch, approximately 80% of which would result from the set net prohibition. Approximately 4 tonnes of catch is taken from this site by trawling. No Danish seining or dredging has been reported at this site. The export value of potentially displaced commercial catch from the area is NZ$77,500. The commercial catch data indicate that the most significant potential impact of the proposed prohibitions at this site would be on the school shark (*Galeorhinus galeus*), rig (*Mustelus lenticulatus*) and flatfish fisheries. |
| Recreational fishing | Establishment of this Type 2 MPA would have a low impact on recreational fishers. |
| Customary fishing | Traditional settlements in the Cape Saunders area used sheltered anchorages to access the rich fisheries in this area. Maintaining and enhancing marine ecosystems that contribute to the biodiversity of the Otago coast is an important issue for Kāi Tahu. The shelf and canyons are similarly considered to be important in terms of customary fisheries. Ōtākou whānau and hapū have maintained a continuous and active role in all facets of fishery activities, be it customary, commercial or recreational. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or fishing restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.4.4 Whakatorea

Figure 11 shows the proposed Whakatorea Type 2 MPA, which was identified as site L1 by the Forum.

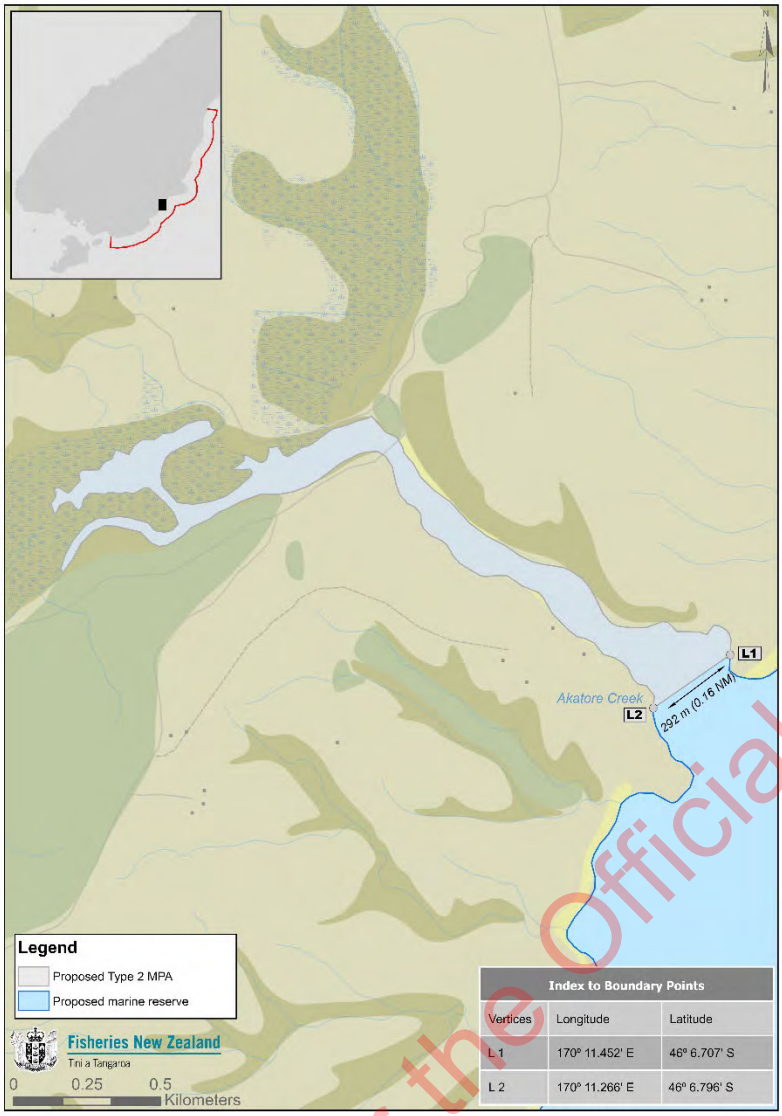



**Figure 11. Locations of the proposed Whakatorea Type 2 Marine Protected Area (MPA) and the adjacent marine reserve.**

Whakatorea includes the entire Akatore estuary and incorporates 0.28 km² of estuarine habitat. It includes mud flats, sand flats and estuarine sandy beach habitat types. This Type 2 MPA would provide a replicate of an estuarine system, examples of which are also found in the proposed Te Umu Koau Marine Reserve and Tahakopa Type 2 MPA. The boundary of this site at the mouth of the Akatore Creek adjoins the proposed Hākinikini Marine Reserve.

### Why protecting this site is important (benefits)

The Akatore estuary is a known nursery area for flatfish and hosts two species of galaxiids (the adults of whitebait species), whitebait and fauna of higher trophic levels, particularly eels. It also includes one of the best examples of a salt marsh outside The Catlins.

The commercial harvesting of eels can alter the size and sex distribution of their populations, so harvesting methods that have the potential to extract significant numbers of eels would be restricted to maintain the food web.

This area can be easily accessed and is close to Dunedin. Therefore, the potential benefits associated with protection include providing access to a near-natural estuary and related educational opportunities (eg birdwatching).

**Activities that would be affected by establishment of the proposed Type 2 MPA (costs)**

Dredging, set netting, commercial line fishing, mechanical harvesting (including spades for collecting shellfish) and fyke net fishing would be prohibited. Details of the activities that would be affected by establishment of the proposed Whakatorea Type 2 MPA are provided in Table 11.

**Table 11. Activities that would be affected by establishment of the proposed Whakatorea Type 2 Marine Protected Area (MPA).**

| Activity | Details |
|---|---|
| Commercial fishing | Fisheries New Zealand has limited information on commercial fishing activity in the Akatore estuary due to the scale at which commercial catches are reported. Therefore, it is not possible to estimate the catch that would be displaced or the potential economic loss that would be associated with establishment of this Type 2 MPA.<br><br>Some commercial fishing for shortfin eels (*Anguilla australis*) takes place in the estuary, which would be affected by the prohibition on fyke netting. The submissions received by the South-East Marine Protection Forum indicated that the mean shortfin eel catch is approximately 1.75 tonnes per year. Establishment of this MPA could displace shortfin eel fishing effort into surrounding estuaries. However, this may be limited as other estuaries in the relevant quota management area are already closed or restricted to commercial fishing activity. |
| Recreational fishing | Fisheries New Zealand considers that the potential impacts on recreational fishers would likely be low. The forum report noted that those who were opposed to this MPA considered that local recreational fishers would be adversely affected. |
| Customary fishing | The Akatore estuary is a customary mahika kai resource for whānau and hapū associated with this area. It is of particular interest to the Taieri-based Ōtakou whānau, who use the estuary for the customary gathering of shellfish. The whānau and hapū who remain in the area around the mouth of the Taieri River have maintained a continuous and active role in all facets of fishery activities, be it customary, commercial or recreational. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or fishing restrictions would you like to see? Why? Please provide evidence to support your answer.

### 3.4.5 Tahakopa

Figure 12 shows the proposed Tahakopa Type 2 MPA, which was identified as site Q1 by the Forum.

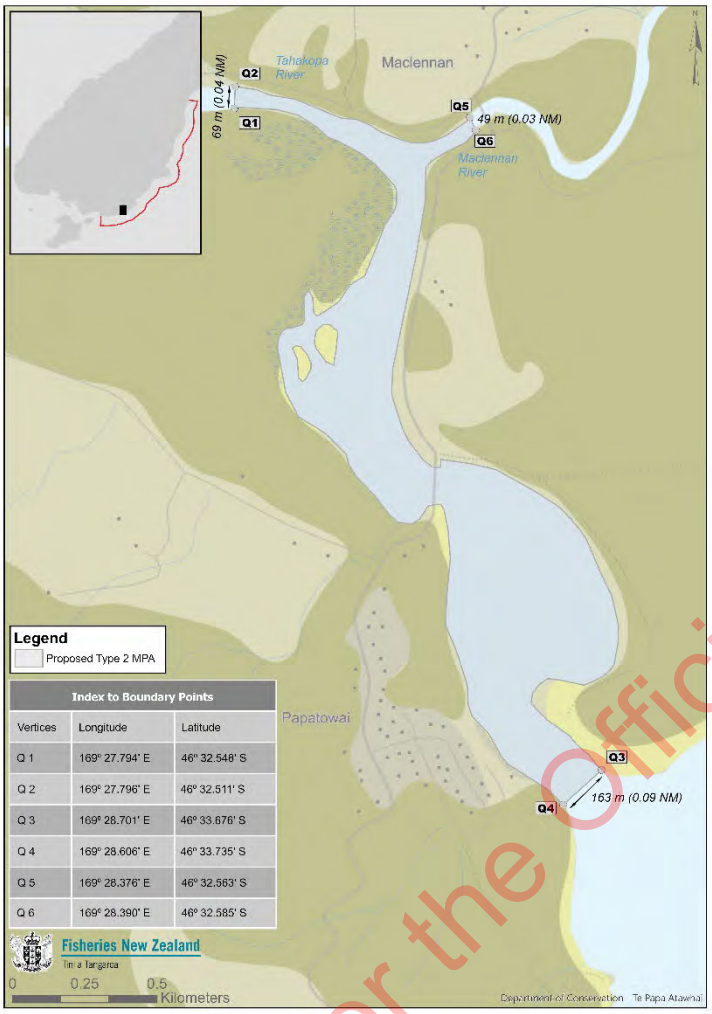



**Figure 12. Location of the proposed Tahakopa Type 2 Marine Protected Area (MPA).**

The Tahakopa estuary is a tidal lagoon and comprises 0.68 km$^2$ of estuarine habitat that includes mud flats and sandy beach habitat. This Type 2 MPA would provide a replicate example of an estuarine system in association with the proposed Te Umu Koau Marine Reserve.

**Why protecting this site is important (benefits)**

The western side of the Tahakopa estuary has unmodified mud flats with a small area of salt marsh turf and an extensive area of tall jointed rush (*Juncus articulatus*). This area is of special significance for wading birds and whitebait spawning, and flatfish are also a feature of the estuary's biodiversity. Salt marsh has been removed from elsewhere in the estuary by human activities.

The commercial harvesting of eels can alter the size and sex distribution of their populations, so harvesting methods that have the potential to extract significant numbers of eels would be restricted to maintain the food web.

The Tahakopa estuary can be accessed by the public via various walks and access points, although parts are only accessible by water. Including this area in a Type 2 MPA would enable families and visitors to learn about and experience estuarine habitats in a natural condition.

**Activities that would be affected by establishment of the proposed Type 2 MPA (costs)**

Dredging, set netting, commercial line fishing, mechanical harvesting (including spades for collecting shellfish) and fyke net fishing would be prohibited. Details of the activities that would be affected by establishment of the proposed Tahakopa Type 2 MPA are provided in Table 12.

**Table 12. Activities that would be affected by establishment of the proposed Tahakopa Type 2 Marine Protected Area (MPA).**

| Activity | Details |
|---|---|
| Commercial fishing | Fisheries New Zealand has limited information on commercial fishing activity in the Tahakopa estuary due to the scale at which these catches are reported. Therefore, it is not possible to estimate the catch that would be displaced or the potential economic loss resulting from establishment of this Type 2 MPA.<br><br>Fisheries New Zealand is aware of some commercial fishing activity for shortfin eels (*Anguilla australis*) in this estuary and considers that a prohibition on fyke netting would have an impact on this. The submissions received by the South-East Marine Protection Forum estimated that the mean shortfin eel catch is approximately 2.75 tonnes per year. |
| Recreational fishing | The recreational set netting that currently occurs in the Tahakopa estuary would be prohibited. |
| Customary fishing | The Tahakopa estuary has extensive wāhi tapu and wāhi taōka sites, with carbon dating providing evidence of some of the oldest archaeological sites known in New Zealand. The estuary is regularly used by whānau to gather mahika kai and launch waka ama. Customary practices are used to educate and transfer intergenerational mātauraka in traditional gathering practices. Set net and fyke net prohibitions would affect the ability of tangata whenua to gather kai moana using these methods. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or fishing restrictions would you like to see? Why? Please provide evidence to support your answer.

## 3.5 Costs and benefits of the bladder kelp protection area, Arai Te Uru

Figure 13 shows the proposed Arai Te Uru kelp protection area, which was identified as site T1 by the Forum.

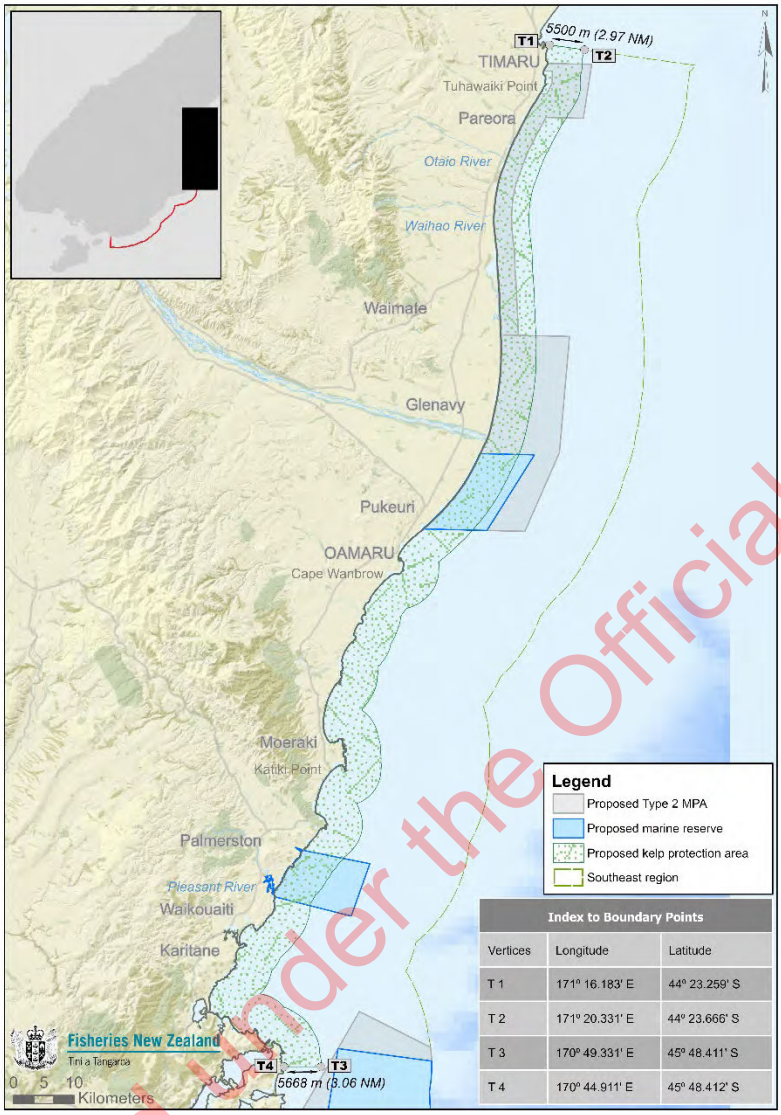



**Figure 13. Locations of the Arai Te Uru kelp protection area and the adjacent marine reserves and Type 2 marine protection areas (MPAs).**

### Why protecting this site is important (benefits)

Bladder kelp (*Macrocystis pyrifera*) forests are important biogenic habitats that support biodiversity and provide ecosystem services in the southeast region.

Kelp forests have been likened to terrestrial forests in their structure and ability to support many other species, including koura/rock lobster (particularly the settling puerulus larvae), blue cod and greenbone (butterfish), and are one of the most productive habitat types in the world.

The decline in kelp forests can be linked to increased sedimentation from land and other stressors, and kelp harvesting adds an additional and unwarranted risk to the value provided by this species.

This site was proposed for protection to prevent kelp forests from being affected by commercial harvesting in the event that harvesting operations are developed in this area.

The protection of the kelp forests would have potential benefits to fisheries (eg through the provision of habitat for juvenile koura/rock lobsters), maintain the role of this habitat type in coastal erosion mitigation and reduce the effects of climate change on coastal habitats.

**Activities that would be affected by the establishment of the Arai Te Uru kelp protection area (costs)**

The commercial harvest of bladder kelp would be prohibited. Details of the activities that would be affected by establishment of the proposed Arai Te Uru kelp protection area are provided in Table 13.

**Table 13. Activities that would be affected by establishment of the proposed Arai Te Uru kelp protection area.**

| Activity | Details |
|---|---|
| Commercial fishing | Bladder kelp (*Macrocystis pyrifera*) harvesting is managed under the quota management system. This area is within quota management area KBB3G, which extends from Slope Point northwards to the mouth of the Waiau Toa / Clarence River. There are currently six KBB3G quota holders.<br><br>Fisheries New Zealand estimates that only a small amount of attached bladder kelp is currently harvested from this area (the main harvest occurs around Banks Peninsula). Fisheries New Zealand notes that the establishment of this site may impact on the ability of quota holders to fully develop the kelp fishery (harvesting of kelp) and reduce the value of the bladder kelp quota they hold, which could put pressure on kelp beds in other parts of KBB3G if exploitation of the stock increases. |
| Recreational fishing | Not affected. |
| Customary fishing | Not affected. |

**Questions**

Do you agree with the costs and benefits identified for this site? If not, why not? Please provide evidence to support your answer.

Are there other benefits or impacts that have not been described here?

Please consider the stated costs and benefits described above. What changes to the site or fishing restrictions would you like to see? Why? Please provide evidence to support your answer.

# 4 Implementation and monitoring

The proposed marine reserves would be established under the Marine Reserves Act 1971, while the proposed Type 2 MPAs would be established using regulations under the Fisheries Act 1996.

Marine reserves are administered by DOC, whose management responsibilities include marking the boundaries (where necessary), informing the public of permitted and prohibited activities, undertaking biological monitoring, issuing scientific permits, and overseeing the enforcement provisions of the Marine Reserves Act in relation to offences. Compliance and enforcement costs would be funded within DOC baseline funding and/or via DOC's Biodiversity 2018 Programme, which has provided additional funding for marine reserve compliance.

The Ministry for Primary Industries (MPI) is responsible for enforcing any new fisheries regulations. Enforcement of the new regulations would be incorporated into normal MPI compliance operations in the area, and MPI would consider the appropriate level of compliance activity as part of implementing the new regulations. It is expected that compliance and enforcement activity would be funded from within existing baseline funding.

# 5 Glossary of Māori terms

Note: This glossary includes Māori terms that are presented in both this report and the accompanying appendices. Many of these definitions have been taken from the Forum's recommendations report.[27]

| | |
|---|---|
| **hapū** | Extended family. |
| **iwi** | Tribe, people. |
| **kai moana** | Seafood. |
| **kaitiakitanga** | The exercise of guardianship; in relation to fisheries resources, this includes the ethic of stewardship based on the nature of the resources, as exercised by the appropriate mana whenua in accordance with tikaka Māori (Fisheries Act 1996). |
| **kohikohi inaka** | Whitebaiting. |
| **kōiwi tākata** | Unidentified (Māori) human remains / skeletons. |
| **mahika kai** | Places where food and resources are procured and the practices of gathering such resources. |
| **manaakitaka** | Hospitality; this is a key cultural value as the ability to share kāi and appropriately host visitors at home or the marae is highly valued. |
| **mana whenua** | Customary authority or rakatirataka exercised by an iwi or hapū in an identified area. |
| **mātauraka** | The traditional knowledge accumulated by generations of Kāi Tahu whānau and hapū through co-existence with and the use and protection of their natural resources. |
| **pou** | Someone or something that strongly supports a cause or is a territorial symbol. |
| **rūnaka** | The governing council or administrative group of a Māori hapū or iwi. |
| **takiwā** | Traditional area of occupation of a hapū or iwi. |
| **taoka/taonga** | Highly prized. |
| **Te Tiriti o Waitangi** | The Treaty of Waitangi. |
| **tino rangatiratanga** | Sovereignty, autonomy, self-government. |

[27] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

| | |
|---|---|
| **wāhi taōka** | Places of special value. |
| **wāhi tapu** | Sacred place or site. |
| **waka ama** | Outrigger canoe. |
| **wānaka** | Intergenerational sharing of knowledge. |
| **whanau** | Family group; to be born, give birth. |

# Appendices

Long Point at dawn. *Photo: Fergus Sutherland*

# Contents

# Appendix 1: Application for marine reserves

## 1 Purpose and statutory framework

### 1.1 Purpose

This is an application by the Director-General (DG) of Conservation for Orders in Council pursuant to section 4(1) of the Marine Reserves Act 1971[1] to declare as marine reserves six areas of sea and foreshore in the localities of the Waitaki River, Bobbys Head (Te Umu Koau), Sandfly Bay (Ōrau), Papanui Canyon, Green Island (Okaihae) and Quoin Point (Hākinikini).

This application includes descriptions of the locations and extents of the proposed marine reserves, the background to the application, and an assessment of the effects that marine reserve status may have on existing users of these areas.

A copy of the DG's formal notice of intention to apply for the Orders in Council is provided as an annex at the end of this appendix.

The purpose of marine reserves is set out in section 3 of the Marine Reserves Act, which states that marine reserves will be preserved and maintained in a natural state for the scientific study of marine life and that the public shall have freedom of access. The Act also defines the purpose of marine reserves to preserve areas and marine life and defines ways in which reserves will be administered and maintained. Marine reserves also have a role in advancing public understanding and appreciation of the marine environment.

**Note:** This application follows on from the decision of the Ministers of Conservation and Fisheries to proceed with the statutory processes for establishing the network of marine protected areas (MPAs) that was identified as network 1 in the recommendations report of the South-East Marine Protection Forum Roopu Manaaki ki te Toka (the Forum).[2] This network comprises the six marine reserves covered by this application as well as five additional Type 2 MPAs that are proposed to be established under the Fisheries Act 1996 and a kelp protection area. The Department of Conservation (DOC) and Fisheries New Zealand have produced a *Southeast marine protection network consultation document*[3] that includes more information about all of the proposed marine protection measures in this region.

---

[1] www.legislation.govt.nz/act/public/1971/0015/latest/DLM397838.html?src=qs

[2] South-East Marine Protection Forum 2018: Recommendations to the Minister of Conservation and the Minister of Fisheries: recommendations towards implementation of the Marine Protected Areas Policy on the South Island's south-east coast of New Zealand. Department of Conservation, Wellington. 314 p. www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

3 https://survey.publicvoice.co.nz/s3/semp-consultation

## 1.2 Statutory framework

Section 3 of the Marine Reserves Act states:

> Marine reserves to be maintained in natural state, and public to have right of entry.
>
> (1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest.
>
> (2) It is hereby further declared that, having regard to the general purpose specified in subsection (1), marine reserves shall be so administered and maintained under the provisions of this Act that—
>
> > (a) they shall be preserved as far as possible in their natural state
> >
> > (b) the marine life of the reserves shall as far as possible be protected and preserved
> >
> > (c) the value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained
> >
> > (d) subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the marine life or for the welfare in general of the reserves, the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe, and record marine life in its natural habitat.
>
> (3) For the purposes of this section but subject to any authorisation given under section 11(b), no person shall fish in a marine reserve except—
>
> > (a) persons (not being persons holding a permit issued under Part 4 of the Fisheries Act 1983) authorised by notice in the Gazette given by the Minister after having regard to the purpose specified in subsection (1); and
> >
> > (b) in accordance with such conditions as to time, place, species of fish, methods, and gear to be used in fishing, as may be specified in the notice; and
> >
> > (c) where not inconsistent with any conditions imposed under paragraph (b), in compliance with restrictions imposed on fishing by the Fisheries Act 1983 and any regulations made under it.
>
> (4) Nothing in this section shall apply to prohibit any person from fishing in the reserve in accordance with any conditions imposed by any Order in Council made under section 5.

## 1.3 Applying for an Order in Council

For the purposes of section 3(1) of the Marine Reserves Act, marine reserves are established by an Order in Council that is made by the Governor-General following the process set out in section 5 of the Act. This process begins here, with the DG of Conservation lodging this formal application for Orders in Council to declare the marine reserves and includes the following steps.

1. An application is made by (or to) the DG of Conservation.

2. Public notification is given of the intention to apply for an Order in Council to declare the area a marine reserve, including a request for any objections.

3. Specific written notification is given to anyone owning an estate or with interest in land adjoining the proposed reserve (including Māori land owners), any regional council that acts as a harbour board with jurisdiction over the area, any local authority that has control of the foreshore in the area, and the Secretary of Transport and the DG of Fisheries.

4. A 2-month deadline is established from the first day of public notification for objections.

5. A 3-month deadline is established from the first day of public notification for the applicant (in this case the DG) to respond to these objections if they so wish.

6. The DG refers the application, objections and any answer to those objections to the Minister of Conservation.

7. When (as in this case) the DG is the applicant, the Minister may decide to also obtain and consider an independent report on the objection(s) and the application.[4]

8. The Minister of Conservation decides whether or not to uphold any objections. If objections are upheld, the application does not proceed.

9. If no objections are upheld, the Minister of Conservation considers the application and whether declaring the area a marine reserve will be in the best interests of scientific study, will be for the benefit of the public and is expedient.

10. If the Minister of Conservation is satisfied that the application meets the above requirements, the concurrence (agreement) of the Ministers of Fisheries and Transport is sought. If concurrence is withheld, the application does not proceed.

11. If concurrence of the Ministers of Fisheries and Transport is obtained, the Minister of Conservation recommends that the Governor-General makes an Order in Council to establish the marine reserve.

12. An Order in Council is made and notified in the New Zealand Gazette. The order declaring the marine reserve comes into force 28 days after it is notified.

## 1.4 Role of the Department of Conservation

This application is made by the DG of Conservation, as provided for under section 5(1)(a)(v) of the Marine Reserves Act.

Regardless of who the applicant is, all marine reserves are administered by DOC, whose management responsibilities include marking the boundaries (where necessary), informing the public of permitted and prohibited activities, undertaking biological monitoring, issuing scientific permits, and overseeing the enforcement provisions of the Act in relation to offences.

[4] The Report of the Regulations Review Committee on the Marine Reserve (Whanganui A Hei (Cathedral Cove)) Order 1992 recommends that this should happen as a matter of course.

## 1.5 Responses invited

DOC welcomes submissions on the proposed marine reserves that are set out in this application. Anyone who wishes to object or make a submission in support of this application should do so no later than 2 months after the public notification date.

Online submissions are preferred as they allow DOC to collate, analyse and summarise these responses more quickly and efficiently. To make an online submission, visit https://survey.publicvoice.co.nz/s3/semp-consultation.

Submissions can also be emailed to southeast.marine@publicvoice.co.nz.

If you are unable to make an electronic submission, you may post a written submission, which should include the following information.

- The title of this document.
- Your name and title.
- Your organisation's name (if you are submitting on behalf of an organisation).
- Your contact details (phone number, address and email).

Written submissions should be mailed to:

Proposed southeast marine protection network
Department of Conservation and Fisheries New Zealand
Conservation House
PO Box 10420
Wellington 6143
New Zealand

## 1.6 Statutory considerations

Under section 5(5) of the Marine Reserves Act, the DG of Conservation must refer any objections to the application to the Minister of Conservation who, pursuant to section 5(6) of the Act, will decide whether any of the objections should be upheld. The DG has the right as applicant to answer any objections received. Any answers provided by the DG are to be considered by the Minister of Conservation alongside any objections.

It is noted that where the applicant is the DG (as is the case here), the Minister of Conservation may obtain an independent report on the objections and applications from an independent source. The Minister may also consider any submissions in support of the application that have been included in the applicant's answer to objections. Such submissions in support may be relevant to the public interest, to which the Minister is required to have regard under section 5(6)(e) of the Act.

The final decision on which sites will be designated as marine reserves will have regard to any relevant information that is submitted as part of this consultation. Details of evidence received and a government response to the issues raised in the consultation will be published, together with the final decision for each site.

# 2 Background

## 2.1 Marine protection commitments

### 2.1.1 Convention on Biological Diversity

As a signatory to the United Nations Convention on Biological Diversity,[5] New Zealand has committed to conserving at least 10% of its coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services. Marine conservation will be achieved through the establishment of effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, which will be integrated into the wider landscapes and seascapes.[6]

### 2.1.2 New Zealand Biodiversity Strategy

The *New Zealand Biodiversity Strategy*[7] (NZBS) reflects the commitment by the New Zealand Government, through its ratification of the United Nations Convention on Biological Diversity, to help stem the loss of biodiversity worldwide.

The *Marine Protected Areas: policy and implementation plan*[8] (MPA policy; see section 2.1.3) was designed to contribute to Objective 3.6 of the NZBS and is a direct response to the following two priority actions under that objective.

> Action 3.6(a): Develop and implement a strategy for establishing a network of areas that protect marine biodiversity, including marine reserves, world heritage sites, and other coastal and marine management tools such as mātaitai and taiāpure areas, marine area closures, seasonal closures and area closures to certain fishing methods.
>
> Action 3.6(b): Achieve a target of protecting 10 percent of New Zealand's marine environment by 2010 in view of establishing a network of representative protected marine areas. Action 3.6(b) will be important as an indicator of progress towards achieving marine biodiversity protection. However, the ultimate extent of protection will be determined by what coverage is required to establish a comprehensive and representative network of marine protected areas.

[5] www.cbd.int/convention/

[6] www.cbd.int/sp/targets/rationale/target-11/

[7] Department of Conservation; Ministry for the Environment 2000: The New Zealand Biodiversity Strategy. Department of Conservation and Ministry for the Environment, Wellington. 146 p. www.doc.govt.nz/nature/biodiversity/nz-biodiversity-strategy-and-action-plan/new-zealand-biodiversity-strategy-2000-2020/

[8] Department of Conservation; Ministry of Fisheries 2005: Marine Protected Areas: policy and implementation plan. Department of Conservation and Ministry of Fisheries, Wellington. 25 p. www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-policy-and-implementation-plan/

### 2.1.3 MPA policy

DOC and the former Ministry of Fisheries[9] developed the MPA policy in 2005 and the *Marine Protected Areas: classification, protection standard and implementation guidelines*[10] in 2008 to provide a framework to help meet Objective 3.6 of the NZBS and New Zealand's commitment under the United Nations Convention on Biological Diversity. To address the objectives and actions of the NZBS, the objective of the MPA policy is to:

> Protect marine biodiversity by establishing a network of MPAs that is comprehensive and representative of New Zealand's marine habitats and ecosystems.

Of note is the requirement to establish a **network** of MPAs. As such, the six marine reserves that are included in this application and the five additional Type 2 MPAs and kelp protection area that are proposed, as outlined in the *Southeast marine protection network consultation document*, should be considered in combination as part of a network.

Planning principle 3 of the MPA policy states that:

> The special relationship between the Crown and Māori will be provided for, including kaitiakitanga customary use and mātauranga Māori.

This requires the observance of obligations arising from Te Tiriti o Waitangi[11] commitments to mana whenua and ensures effective participation at an early planning stage. In addition, planning principle 5 requires consideration of the impacts on customary use rights and that any such impacts are minimised when selecting areas to recommend as MPAs.

### 2.1.4 South-East Marine Protection Forum

In 2014, the then Minister of Conservation Hon. Dr Nick Smith and the then Minister for Primary Industries Hon. Nathan Guy appointed a forum to undertake a collaborative process to consider and recommend marine protection options for the southeast of the South Island of New Zealand.

The South-East Marine Protection Forum was a multi-stakeholder group that included representatives from Kāi Tahu,[12] commercial and recreational fishing interests, conservation advocates, tourism interests, and local communities, all of whom have an interest in the marine environment. It was tasked with developing recommendations for MPAs along the southeastern coast of the South Island within territorial waters to 12 nautical miles (NM) offshore. The Forum was assisted and advised by DOC and Fisheries New Zealand.

---

[9] Now Fisheries New Zealand.

[10] Ministry of Fisheries; Department of Conservation 2008: Marine Protected Areas: classification, protection standard and implementation guidelines. Ministry of Fisheries and Department of Conservation, Wellington. 53 p. www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-classification-protection-standard-and-implementation-guidelines/

[11] See the Glossary at the end of the *Southeast marine protection network consultation document* for definitions of all Māori terms.

[12] Also referred to as Ngāi Tahu in relation to documents, Acts and the formal name of the tribe. In the Kāi Tahu dialect, the 'ng' becomes a 'k'.

The Forum's terms of reference[13] included the objective to provide a report for the Ministers of Conservation and Fisheries recommending levels of marine protection for the Otago subregion[14] of the Southern South Island biogeographic region, consistent with the MPA policy and guidelines.

*Public engagement and consultation on the proposed sites*

Encouraging input to the process from iwi, associates and communities was an important focus for the Forum. This was enabled by:

- holding public information sessions throughout the southeast of the South Island
- making the online mapping and collaboration tool SeaSketch[15] open to the public
- setting up an online questionnaire, a Facebook page and an 0800 number to receive comments about the value of the marine environment and people's concerns
- Forum members attending numerous hui, events, and stakeholder and public meetings throughout the process.

The Forum released a consultation document in October 2016 that detailed the 20 proposed sites on which it was seeking feedback.[16] A total of 2803 submissions were received, all of which were carefully considered by the forum members.

*Forum recommendations to Ministers and decision*

In February 2018, the Forum presented the Ministers of Conservation and Fisheries with a recommendations report that detailed two alternative networks for marine protection for consideration (networks 1 and 2).[17] DOC and Fisheries New Zealand also provided advice to the Ministers to assess the recommendations against the MPA policy and relevant Acts.[18] These agencies considered that network 1 provided the best level of representation and replication for coastal, estuarine and biogenic habitats, and best met the policy requirements.

In May 2019, the Ministers of Conservation and Fisheries jointly announced their agreement for network 1 to be progressed through public consultation and assessment against statutory criteria.

---

[13] See Appendix 3.3 of the South-East Marine Protection Forum recommendations report: www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf.

[14] Note: the terms of reference were established for the Otago subregion, though the Forum considered and recommended marine protection options for the southeast of the South Island of New Zealand, encompassing Otago, Southland and Canterbury subregions.

[15] www.seasketch.org/#projecthomepage/5331eff529d8f11a2ed3dd04/about

[16] www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection/south-east-marine-protection-forum/

[17] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

[18] Department of Conservation; Fisheries New Zealand 2018: Joint agency advice on the South-East Marine Protection Forum recommendations. Department of Conservation and Ministry of Fisheries, Wellington. 150 p. www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-joint-agency-advice.pdf

This network comprises the six marine reserves being applied for here, five Type 2 MPAs and a kelp protection area.

## 2.2 Special relationship between the Crown and Māori

### 2.2.1 Treaty partners

The Crown has a number of obligations to Māori, including those arising through Te Tiriti o Waitangi, deeds of settlement, legislation, protocols and regulations. The DG of Conservation is grateful for the input from Kāi Tahu and Papatipu rūnaka into the Forum's recommendations and seeks to continue to work closely with them as Treaty partners.

When making a decision under the Marine Reserves Act, both the Minister of Conservation and the Minister of Fisheries must give effect to the principles of the Treaty of Waitangi.[19]

The following Treaty principles are most relevant to the proposed marine reserves.

- **Partnership – mutual good faith and reasonableness:** The Crown and Māori must act towards each other reasonably and in good faith. These mutual duties of reasonableness and good faith describe the nature of the relationship between the Crown and Māori and are the core of what has been described as the Treaty partnership. This principle is about how the Crown should behave towards Māori and Māori towards the Crown.
- **Informed decision-making:** The Crown and Māori need to be well informed of each other's interests and views. When exercising the right to govern, Crown decision-makers need to be fully informed. For Māori, full information needs to be provided in order to contribute to the decision-making process. This is closely connected to the principles of good faith and active protection. Consultation is a means of achieving informed decision-making.
- **Active protection:** The Crown must actively protect Māori interests that are retained under the Treaty as part of the promises that were made in the Treaty for the right to govern. This includes the promise to protect tino rangatiratanga and taonga. Active protection requires informed decision-making and judgement as to what is reasonable in the circumstances.
- **Redress and reconciliation:** The Treaty relationship should include processes to address differences of view between the Crown and Māori. The Crown must preserve its capacity to provide redress for proven grievances that result from a failure to uphold the promises made in the Treaty. Māori and the Crown should demonstrate reconciliation as grievances are addressed.

[19] Under section 4 of the Conservation Act 1987, the Conservation Act and any legislation that is administered under it, including the Marine Reserves Act 1971, must be interpreted and administered to give effect to the principles of the Treaty of Waitangi. www.legislation.govt.nz/act/public/1987/0065/latest/DLM103610.html

Detailed information about how MPAs may affect Treaty rights, particularly the principles of kaitiakitaka, mātauraka and manaakitaka, is provided in sections 1.14–1.17 of the Forum's recommendations report.[20]

To better acknowledge and provide for kaitiakitaka and mātauraka, co-management functions would be incorporated into the management of the proposed marine reserves (see section 3.4).

### 2.2.2 Takiwā of Ngāi Tahu Whānui

The southeast region of the South Island of New Zealand includes the takiwā of Ngāi Tahu Whānui, which consist of:

- Te Rūnaka o Arowhenua, which centres on Arowhenua and extends from Rakaia to Waitaki, sharing interests with Kāi Tūāhuriri ki Kaiapoi between Hakatere and Rakaia, and thence inland to Aoraki/Mount Cook and the Southern Alps/Kā Tiritiri o te Moana
- Te Rūnaka o Waihao, which centres on Wainono and extends inland to Ōmarama and the Southern Alps/Kā Tiritiri o te Moana, sharing interests with Te Rūnaka o Arowhenua to Waitaki
- Te Rūnaka o Moeraki, which centres on Moeraki and extends from Waitaki to Waihemo and inland to the Southern Alps/Kā Tiritiri o te Moana.
- Kāti Huirapa Rūnaka ki Puketeraki, which centres on Karitane and extends from Waihemo to Purehurehu, including an interest in Dunedin (Ōtepoti) and the greater harbour of Ōtākou, and extends inland to the Southern Alps/Kā Tiritiri o te Moana, sharing an interest in the lakes and mountains to Whakatipu Waitai with rūnaka to the south
- Te Rūnaka o Ōtākou, which centres on Ōtākou and extends from Purehurehu to Te Mata-au and inland, sharing an interest in the lakes and mountains to the western coast with rūnaka to the north and south
- Te Rūnaka o Awarua, which centres on Awarua and extends to the coasts and estuaries adjoining Waihopai, sharing an interest in the lakes and mountains between Whakatipu Waitai and Tawhititarere with other Murihiku rūnaka and those located from Waihemo southwards.

### 2.2.3 Ngāi Tahu Claims Settlement Act 1998

*Statutory acknowledgements*

Statutory acknowledgements are an acknowledgement by the Crown of a statement of Kāi Tahu's particular cultural, spiritual, historical and traditional associations with specified areas. The statutory acknowledgements relevant to this region are set out in the schedules to the Ngāi Tahu Claims Settlement Act 1998.[21] These include statutory acknowledgements for:

- Te Tai o Arai Te Uru (the Otago Coastal Marine Area; Schedule 103)
- the Waitaki River, including the river mouth

[20] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

[21] www.legislation.govt.nz/act/public/1998/0097/latest/DLM429090.html

- the Clutha River/Mata-au, including the river mouth.

*Taonga species*

Schedules 97 and 98 of the Ngāi Tahu Claims Settlement Act set out taonga species. These schedules list a number of seabirds, marine mammals, shellfish and fish species, as well as one species of kelp. The list of taonga species that was agreed on with the Crown does not include some species that have been brought into the quota management system, so the schedules are not an exhaustive list of taonga species that are of importance to Kāi Tahu. It should also be noted that all native species are treasured by Kāi Tahu.

Sections 288 and 298 of the Ngāi Tahu Claims Settlement Act are intended as an acknowledgement by the Crown of the cultural, spiritual, historic and traditional associations of Kāi Tahu with the taonga species listed in the Act. Under the Act, the Ministers of Conservation and Fisheries have obligations (in relation to these taonga species) to:

- advise and consult with Te Rūnanga o Ngāi Tahu
- have particular regard to their advice as an advisory committee
- recognise and provide for the association of Kāi Tahu with taonga species.

Such obligations arise:

- for the Minister of Conservation when reviewing any relevant conservation management strategy reviews or any non-statutory actions pertaining to taonga species, or when making policy decisions concerning the protection, management, use or conservation of a taonga species
- for the Minister of Fisheries when making policy decisions concerning the protection, management, use or conservation of taonga species within the Kāi Tahu claim area.

The southeast region wholly adjoins the coastline of the takiwā of Ngāi Tahu Whānui as defined by the Te Rūnanga o Ngāi Tahu Act 1996.[22] The marine, coastal and estuarine species listed in Schedules 97 and 98 that are likely to occur within this region are listed in Appendix 5.

### 2.2.4 Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act 2011[23] acknowledges the importance of the marine and coastal area to all New Zealanders and provides for the recognition of the customary rights of whānau, hapū and iwi in the common marine and coastal area.

Under the Act, any whānau, hapū or iwi who consider themselves to exercise kaitiakitanga in a part of the common marine and coastal area that is affected by the proposed marine reserves has a right to participate in the process and provide their views on the proposals. The Minister of Conservation must have particular regard to the views of affected whānau, hapū and iwi in considering the proposals.

Additionally. customary marine title (if granted) gives greater rights to those who hold title in an area. There are currently three pending applications for customary marine title under the Marine

[22] www.legislation.govt.nz/act/private/1996/0001/latest/DLM117218.html

[23] www.legislation.govt.nz/act/public/2011/0003/latest/DLM3213131.html

and Coastal Area (Takutai Moana) Act in areas that are adjacent to or over the proposed marine reserves.

- Te Rūnanga o Ngāi Tahu on behalf of Ngāi Tahu Whānui over all of the proposed marine reserves.
- Te Maiharoa Whānau adjacent to and over the proposed Waitaki Marine Reserve.
- Paul and Natalie Karaitiana adjacent to and over the proposed Papanui Marine Reserve.

Should customary marine title be granted prior to the marine reserves being established, among other rights the holders would have a permission right regarding new marine reserve proposals and concessions in that area (with some conditions). This permission right includes a power to decline the application to establish a marine reserve.

If marine reserves are established prior to the determination of customary marine title, those areas will remain part of the 'common marine and coastal area' to allow any applications for customary marine title to proceed. The existence of a marine reserve may be relevant to the assessment of whether customary marine title exists.

# 3 The application

## 3.1 The applicant

This is an application by the DG of Conservation. It is largely guided by the recommendations of the South-East Marine Protection Forum, which was established in 2014 and tasked with recommending MPAs for the coastal region of the southeastern South Island from Timaru to Waipapa Point, in accordance with the MPA policy.[24]

The minutes and reports produced by the Forum serve to document the planning and implementation of the processes that were undertaken to progress the establishment of marine reserves.

## 3.2 Proposed marine reserve locations and names

The locations of the six proposed marine reserves are shown in Figure A1.1. and briefly described below. More complete descriptions, boundaries and details are provided in section 4.

The names of the proposed reserves that are used in this application have been retained as those provided in the Forum's recommendations report until formal support is given by rūnaka with mana whenua for each site. These names may be subject to change following consultation with Te Rūnanga o Ngāi Tahu and interested parties, before being approved by the New Zealand Geographic Board.

[24] www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-policy-and-implementation-plan/

No land areas above the level of mean high-water springs (MHWS) are included in the marine reserve proposals (including land on offshore rock stacks). The proposals lie entirely within the foreshore and seabed of the marine and coastal area, as defined in the Marine and Coastal Area (Takutai Moana) Act. No private land is included.

### Waitaki Marine Reserve

Known by the Forum as site B1, the proposed Waitaki Marine Reserve's northern boundary starts approximately 2 km south of the mouth of the Waitaki River and extends south for 14.8 km (8 NM). The site includes the coastal marine area from MHWS to 8 km (4.3 NM) offshore, encompassing 101.3 km$^2$. See section 4.1 for a full description.

### Te Umu Koau Marine Reserve

Known by the Forum as site D1, the proposed Te Umu Koau Marine Reserve starts approximately 100 m north of the mouth of Stony Creek and extends south to a point approximately 400 m south of the mouth of Pleasant River. It includes the prominent feature of Bobbys Head. The reserve extends from MHWS to a straight-line outer boundary that ranges between 10 km and 12 km offshore and covers approximately 96 km$^2$. The reserve includes both the Stony Creek and Pleasant River estuaries up to the coastal marine area boundary. See section 4.2 for a full description.

### Papanui Marine Reserve

Known by the Forum as site H1, the western edge of the proposed Papanui Marine Reserve starts approximately 6 km from Cape Saunders and extends north approximately 11 km. The reserve extends out to the 12-NM territorial sea limit, incorporating Papanui Canyon, and covers a total of 167 km$^2$. See section 4.3 for a full description.

### Ōrau Marine Reserve

Known by the Forum as site I1, the boundary of the proposed Ōrau Marine Reserve extends 17.8 km (9.6 NM) from Harakeke Point on the Otago Peninsula to the outer point of the Saint Clair Beach saltwater pool. It includes Lawyers Head, Maori Head, Seal Point and the waters surrounding Gull Rocks from MHWS. The seaward boundary extends from Harakeke Point to approximately 1 km to the south of the breaking reef to the west of White Island (Ponuiahine). The area does not include Tow Rock. The reserve covers 28.8 km$^2$. See section 4.4 for a full description.

### Okaihae Marine Reserve

Known by the Forum as site K1, the proposed Okaihae Marine Reserve encompasses Green Island (Okaihae) and extends approximately 1 km to the north, west and east of the island and 1.3 km to the south, covering a total of 5 km$^2$. See section 4.5 for a full description.

### Hākinikini Marine Reserve

Known by the Forum as site M1, the proposed Hākinikini Marine Reserve's northern boundary begins approximately 0.8 km north of the entrance to Akatore Creek and extends south along the coastline for approximately 6.5 km to the northern point of Watsons Beach. It extends out from MHWS to approximately 0.6 to 1.3 km offshore and covers 5.9 km$^2$. See section 4.6 for a full description.

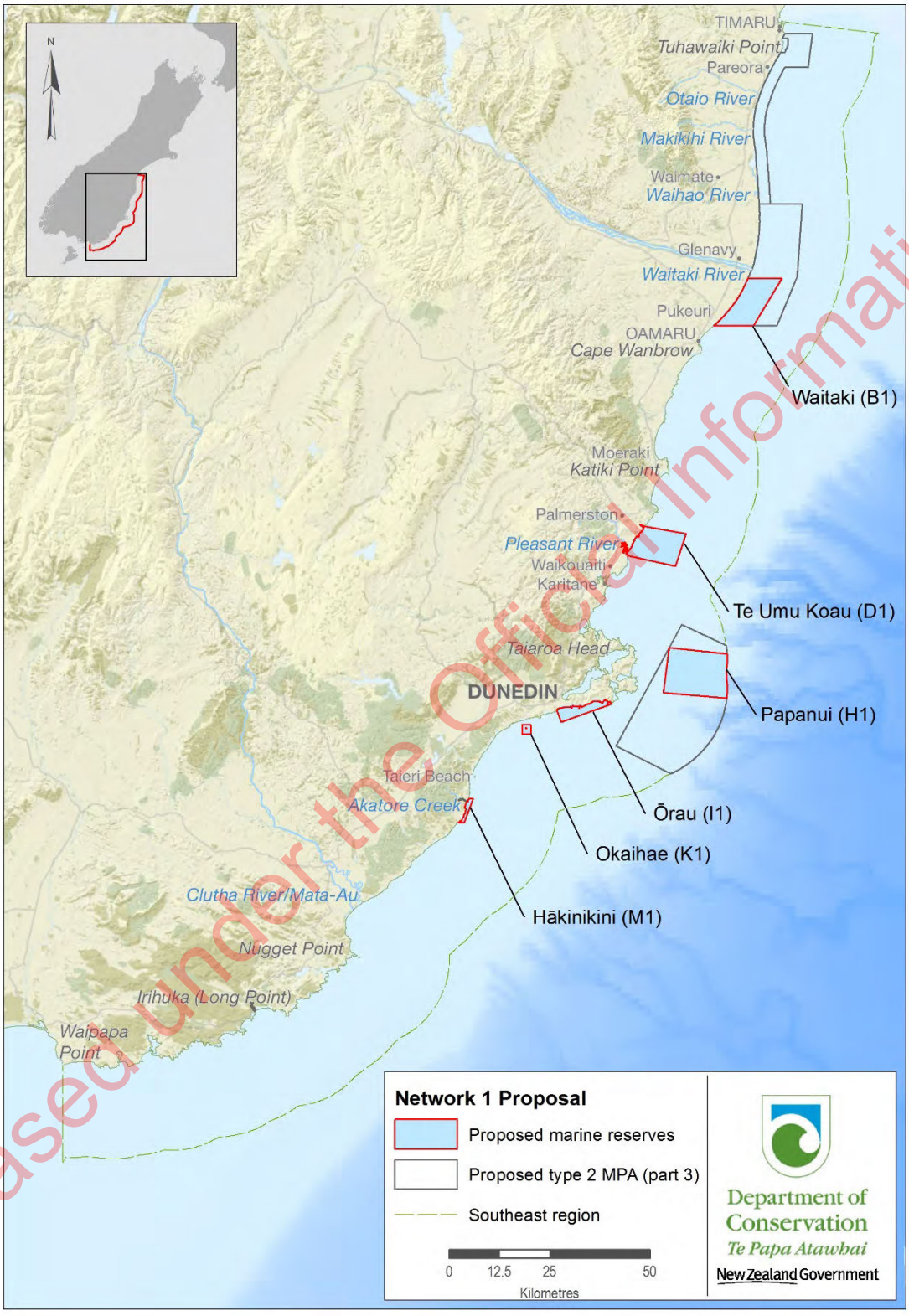



Figure A1.1. Locations of the six proposed marine reserves included in this application and the five Type 2 marine protected areas (MPAs).

## 3.3 Values

### 3.3.1 Natural values

Overall, the six proposed marine reserve areas are representative of marine environments of the southeastern South Island, from Timaru to Kaka Point. They include a variety of habitat types across a range of depths, exposures and substrate characteristics. Together, they include features that represent much of the region, from exposed shallow reefs in the vicinity of Dunedin, to moderately exposed soft-sediment and reef habitats north of the Otago Peninsula, and deep biogenic habitats and canyons off the Otago Peninsula.

They also include ecologically important and sensitive biogenic habitats. Of particular note are the giant kelp forests and bryozoan thickets, but other ecologically important habitats that have not been well mapped due to limited information about their distribution are also known to occur, such as seagrass in the Pleasant River estuary.

*Habitat and ecosystem types*

The purpose of the Marine Reserves Act is to preserve, as marine reserves for the scientific study of marine life, 'areas of New Zealand that contain underwater scenery, natural features, or marine life of such distinctive quality, or so typical, or beautiful, or unique that their continued preservation is in the national interest'. Representation of the full range of habitats and ecosystems in marine reserves has high scientific value, contributing to the scientific purpose of the Act, and is also a key aspect of the MPA policy, which states that marine reserves will be used to protect:

> (i) representative examples of the full range of marine communities and ecosystems that are common or widespread;
>
> (ii) outstanding, rare, distinctive, or internationally or nationally important marine communities or ecosystems; and
>
> (iii) natural features that are part of the biological and physical processes of the marine communities and ecosystems referred to in (i) and (ii), in particular those natural features that are outstanding, rare, unique, beautiful, or important.[25]

The sites that are contained in this application aim to protect and preserve a representative range of New Zealand's marine habitats. A total of 22 coastal habitat types have been mapped in the southeast region, 18 of which are included within the proposed marine reserves (Table A1.1).[26]

In addition, three biogenic (living) habitats have been mapped in this region: giant kelp forest, bryozoan thickets and seagrass beds. Among these, kelp forest and bryozoan thickets are included in Te Umu Koau and Papanui marine reserves, respectively. Furthermore, although seagrass has

[25] MPA policy, paragraph 30, p. 12. www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-policy-and-implementation-plan/

[26] Note that in addition to the marine reserves, the Forum recommended the establishment of five Type 2 MPAs and one kelp protection area that also contribute to the protection of habitats. A full list of the habitats that are covered by both types of protection can be found in Appendix 4.

not been mapped within the Pleasant River estuary, it is known to be present there and is therefore included to some degree in Te Umu Koau Marine Reserve.

Finally, the proposed marine reserves include two different estuary types:[27] a beach stream at Stony Creek and a tidal lagoon at Pleasant River.

**Table A1.1. Habitat types that are present in the six marine reserves. Values are the percentage of each habitat type that is included in each reserve as a proportion of the total area of that habitat in the southeast region.**

| | | Percentage of region's habitat included in proposed marine reserves | | | | | |
|---|---|---|---|---|---|---|---|
| Habitat type | Total area of habitat in the southeast region (km²) | Waitaki (B1) | Te Umu Koau (D1) | Papanui (H1) | Ōrau (I1) | Okaihae (K1) | Hākinikini (M1) |
| Deep gravel | 1102.0 | | | 1.9 | 0.1 | | |
| Deep mud | 128.0 | | 7.4 | | | | |
| Deep reef | 163.0 | | 4.5 | | | | |
| Deep sand | 4785.0 | | 0.8 | 2.7 | 0.1 | | |
| Deep water sand | 73.1.0 | | | 25.0 | | | |
| Exposed boulder beach | 0.0 | | | | 80.3 | | |
| Exposed intertidal reef | 7.2.0 | | | | 6.2 | 0.4 | 8 4 |
| Exposed sandy beach | 6.3.0 | | | | 9.0 | | 0.6 |
| Exposed shallow gravel | 6.5.0 | | | | 3.5[1] | | |
| Exposed shallow reef | 90.9 | | | | 2.7 | 0.2 | 2.9 |
| Exposed shallow sand | 547.0 | | | | 3.1 | 0.6 | 0.5 |
| Moderate gravel beach | 3.2 | 13.2 | | | | | |
| Moderate intertidal reef | 5.2 | | 3.6 | | | | |
| Moderate sandy beach | 6.4 | | 3.2 | | | | |
| Moderate shallow gravel | 902.0 | 9.7 | | | | | |
| Moderate shallow mud | 133.0 | 10.4 | 7.6 | | | | |
| Moderate shallow reef | 117.0 | | 24.8 | | | | |
| Moderate shallow sand | 768.0 | | 0.1 | | | | |
| Sheltered intertidal reef | 0.4 | | | | | | |
| Sheltered sandy beach | 1.0 | | | | | | |
| Sheltered shallow reef | 4.5 | | | | | | |
| Sheltered shallow sand | 25.9 | | | | | | |
| Giant kelp forest | 18.0 | | 32.8 | | | | |
| Bryozoan habitat | 431.0 | | | 29.9 | | | |
| Seagrass | 7.2 | | (*) | | | | |
| Estuarine environment | 90.6 | | 1.1 | | | | |

* Habitat is known to be included but the amount is unknown.

[1] Habitat is present but not considered to contribute to the overall representation.

[27] Hume, T.; Gerbeaux, P.; Hart, D.; Kettles, H.; Neale, D. 2016: A classification of New Zealand's coastal hydrosystems. NIWA Client Report No. HAM2016-062 prepared for the Ministry of the Environment. 120 p. www.mfe.govt.nz/sites/default/files/media/Marine/a-classification-of-nz-coastal-hydrosystems.pdf

### 3.3.2 Recreational and educational values

While the objectives for the establishment of the proposed reserves are primarily scientific in accordance with the Marine Reserves Act, there are also recreational and educational values to be enjoyed within the proposed reserves.

All of the sites will provide opportunities for the public to access and learn about the marine environment in a more natural state and will provide opportunities for environmental education (such as through media and publications, photography, and the arts).

## 3.4 Implications for tangata whenua and Māori cultural interests

Engagement with Kāi Tahu during and after the forum process has indicated that the proposed network of MPAs will be opposed unless the following matters are satisfactorily addressed:

- rebalancing for any impacts the MPA network may have on Kāi Tahu rights and interests;
- co-management of the MPA network by Kāi Tahu and the Crown; and
- generational review of the MPA network.

### 3.4.1 Rebalancing for the impacts of the MPA network on Kāi Tahu rights and interests

The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 settled Māori commercial fishing claims and recognised non-commercial customary fishing rights. It enables the Minister of Fisheries to develop policies to help recognise Māori practices in the exercise of their non-commercial fishing right, and to make regulations that recognise and provide for customary food gathering and the special relationship tangata whenua have with their important fishing grounds.

Kāi Tahu has indicated that a network of MPAs could displace fishing pressure into other areas, which in turn may require catch limits for commercial fish stocks to be cut in order to ensure fishing does not jeopardise stock sustainability. Kāi Tahu are concerned that this would negatively impact their customary non-commercial fishing practices and their commercial fishing interests and the economic wellbeing of coastal fishing communities.

In addition, a new MPA network has the potential to negatively impact the opportunity for Kāi Tahu to establish customary fishing areas (taiāpure or mātaitai) as provided for following the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Kāi Tahu has indicated that a 'rebalancing' process is needed to address these potential impacts. Kāi Tahu has indicated that 'rebalancing' should also include improvements to the functionality of customary fishing tools (in particular taiāpure rule-making).

### 3.4.2 Co-management of MPAs by Kāi Tahu and the Crown

Co-management of MPAs acknowledges the partnership between the Crown and Kāi Tahu over the proposed MPAs and will provide for the retention and transfer of mātauraka between Kāi Tahu generations, to maintain connection to their rohe moana.

Kāi Tahu has also suggested that:

- co-management arrangements for each MPA could be modelled on the existing governance arrangement in place for the East Otago Taiāpure;

- Kāi Tahu rangers with appropriate powers to undertake day-to-day management, monitoring and compliance work should be provided for; and
- wānaka (which may include sampling and strategic take of marine life for the purpose of enhancing mātauraka and retaining the generational connection with the rohe moana) should be provided for in the MPA network and therefore not necessarily prohibited across the Type 1 (marine reserve) sites.

Further work is underway between Treaty Partners to define the scope and key elements of potential co-management arrangements. One tool that has been used previously for MPAs, is statutory advisory committees, which could include tangata whenua and representatives from DOC and Fisheries New Zealand. Wider community forums to discuss management might also be an appropriate part of these management arrangements.

Once the final scope of possible co-management arrangements has been developed, DOC and Fisheries New Zealand will need to assess whether such arrangements can be achieved under the existing legislative framework. In the event of any elements that involve changes to government policy, or the making of new regulation, further public consultation may need to be undertaken.

### 3.4.3 Generational review of the MPA network

A 25-yearly generational review of the MPA network is required. This is to actively recognise the mana and engagement of Kāi Tahu in managing the network, as well as recognising their intergenerational connections to the past, present and future.

Kāi Tahu has indicated its aspirations for periodic reviews of the MPA network (5–10 years from the establishment of the MPAs) leading into the 25-yearly generational review.

### 3.4.4 Kāi Tahu concerns with the proposed Te Umu Koau Marine Reserve

Agencies are aware of significant concerns expressed by Kāi Tahu and the commercial fishing industry with regards to the proposal for a marine reserve at site D1. The proposed marine reserve extends over areas of offshore reef that are seasonally important rock lobster (*Jasus edwardsii*) fishing grounds. Kāi Tahu are concerned that prohibiting commercial fishing on these grounds would impact on their people, particularly those members of the Moeraki, Otakou and Puketeraki Rūnaka whose families are involved in rock lobster fishing, processing and export.

The Ministers of Conservation and Fisheries are interested in the views of submitters about how the marine reserves proposed for site D1 (Te Umu Koau Marine Reserve) could be progressed to balance these concerns against marine protection objectives.

## 3.5 Implications for current users and other groups

Section 5(6) of the Marine Reserves Act states that in deciding whether or not any objection to this application should be upheld, the Minister of Conservation shall:

> ... uphold the objection if [she] is satisfied that declaring the area a marine reserve would—
>
> (a) interfere unduly with any estate or interest in land in or adjoining the proposed reserve:
>
> (b) interfere unduly with any existing right of navigation:
>
> (c) interfere unduly with commercial fishing:

(d) interfere unduly with or adversely affect any existing usage of the area for recreational purposes:

(e) otherwise be contrary to the public interest.

This section of the application considers these matters while summarising the potential implications of the proposed marine reserves for current users and other groups. Individuals and groups such as these are fully entitled to participate in the public process for these marine reserve applications. As mentioned above, DOC has particular obligations to administer the Marine Reserves Act in such a way as to give effect to the principles of the Treaty of Waitangi.

A desire to minimise the adverse effects of the proposed MPAs and kelp protection area on existing users was an important consideration of the Forum's deliberations and is reflected in this application (ie based on their recommendations). See the recommendations report for more information.[28]

### 3.5.1 Estate or interest in the land in or adjoining the proposed reserves

#### Adjoining landowners

Adjoining landowners have been identified and will be notified of the application for marine reserves as required under the Marine Reserves Act. Adjoining landowners have also had opportunities to contribute to the site selection via the forum process.

#### Mining and exploration interests

One active exploration permit is in place over a section of the proposed Papanui Marine Reserve, which equates to 0.1% of the area covered by the exploration permit. The active permit's expiry date is November 2021.

There are no other current minerals permits or applications located in or within 100 m of the proposed marine reserves.

Once a marine reserve is declared under the Marine Reserves Act, the 'land' to which marine reserve status applies is automatically added to Schedule 4 of the Crown Minerals Act 1991.[29] Section 61(1A) of the Crown Minerals Act prevents the Minister from accepting an application for an access arrangement over land listed in Schedule 4 unless one of the exceptions in section 61(1A) apply.

#### Other authorisations and interests

There are no other known estates or interests in the land that might be affected by the proposed marine reserves.

[28] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

[29] www.legislation.govt.nz/act/public/1991/0070/latest/DLM242536.html

### 3.5.2 Navigation

It is noted that the Minister of Transport has a concurrence role for the proposed marine reserves in which the effects on navigation may be further assessed and considered.

Maritime New Zealand (MNZ) has been consulted in relation to vessel activity within the proposed reserves. MNZ agrees that there are no issues relating to channel markers, dredging and buoys and that, because there is no intention to place reserve boundary markers in the water, it is unlikely that the proposed marine reserves would interfere unduly with navigation and anchoring.

### 3.5.3 Commercial fishing

In addition to the Minister of Conservation's decision regarding whether there would be undue interference with commercial fishing, the Minister of Fisheries has a concurrence role for these proposed marine reserves in which the effects on commercial fishing may be further assessed and considered.[30]

Three of the forum members represented the fishing industry. Nine commercial fishing stakeholder organisations[31] made a joint submission to the Forum's consultation, and other commercial fishing organisations and individual fishers also took the opportunity to contribute to the forum process through submissions and discussions.

While fishing interests were considered in the recommendations, the proposed marine reserves would have varying levels of impact on commercial mixed finfish, eel, koura/rock lobster and pāua (*Haliotis* spp.) fisheries. The estimated levels of commercial catch that would be displaced are shown in Table  and more detail for each individual site is provided in section 4. While displacement does not equate to the actual impact on the fishery, it does provide an indication of the relative effect that the sites may have on the industry.

It is considered that the Forum used the best available information from Fisheries New Zealand and other sources to formulate the recommendations on which this application is substantially based. The assessment of adverse impacts is limited by the fisheries return data, as these do not allow the actual tonnage of species that are commercially taken from each proposed marine reserve area to be determined. Since 2007/08, commercial fishers operating vessels 6–28 m in length have reported the coordinates of the start position of each trawl, longline (except tuna) and setnet in latitude and longitude.[32] However, since the resolution (radius) of a start position is 1 NM and the direction from the start position is not recorded, catch/effort data incorporate a degree of uncertainty regarding the precise locations of commercial fishing operations.

**Table A1.2. Estimated average annual catch (kg) that would be affected by establishment of the marine reserves based on annual catches from the 2007/08 to 2016/17 fishing years obtained from the CatchMapper**

[30] The Minister of Fisheries is required to make his/her decision independently and will focus particularly on those matters that are within their portfolio, namely commercial, recreational and customary fishing and the effects of the marine reserve upon those matters.

[31] The nine fishing organisations were Southern Inshore Fisheries Management Company Ltd, PauaMAC5 Inc., Otago Rock Lobster Industry Association, CRA8 Management Committee Inc., New Zealand Rock Lobster Industry Council, Paua Industry Council, Fisheries Inshore New Zealand, New Zealand Federation of Commercial Fishermen Inc. and Kina Industry Council Inc.

[32] Fisheries (Reporting) Regulations 2017.
http://legislation.govt.nz/regulation/public/2017/0154/latest/whole.html

database (www.mpi.govt.nz/dmsdocument/29675-aebr-2018200-forecasting-quantity-of-displaced-fishing-part-2-catchmapper-mapping-eez-catch-and-effort). Free on board (FOB) export value estimates (NZ$) are based on export prices for the 2017 calendar year (rounded to the nearest $100). Only fish stocks with a combined total export value of $10,000 are shown. Note that commercial eeling is not accounted for in this table as information at the scale of individual estuaries and/or catchments is not collected by Fisheries New Zealand. QMA refers to the quota management area.

| | % QMA landings affected | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Fish stock** | **Waitaki (B1)** | **Te Umu Koau (D1)** | **Papanui (H1)** | **Ōrau (I1)** | **Okaihae (K1)** | **Hākinikini (M1)** | **Total affected catch (kg)** | **Total % QMA landings affected** | **Total export value (NZ$)** |
| Koura/rock lobster (*Jasus edswardsii*) | | 20.67 | | 0.08 | 0.17 | 2.37 | 19,948 | 23.29 | 2,068,328 |
| Blue cod (*Parapercis colias*) | 0.01 | 1.59 | 1.94 | 0.39 | 0.07 | 0.03 | 6849 | 4.03 | 102,726 |
| Flatfish | 0.01 | 0.21 | 0.02 | 0.02 | 0.01 | 0.19 | 6478 | 0.46 | 41,264 |
| Arrow squid (*Nototodarus sloanii, N. gouldi*) | < 0.01 | < 0.01 | 0.72 | 0.02 | | | 6649 | 0.74 | 28,460 |
| Red gurnard (*Chelidonichthys kumu*) | 0.06 | 0.23 | 0.01 | 0.01 | < 0.01 | 0.01 | 3439 | 0.32 | 24,179 |
| Hāpuku/bass (*Polyprion oxygeneios / P. americanus*) | 0.02 | 0.31 | 0.06 | 0.07 | < 0.01 | 0.20 | 1858 | 0.66 | 20,860 |
| Elephant fish (*Callorhinchus milii*) | 0.06 | 0.22 | 0.04 | 0.01 | < 0.01 | 0.01 | 3731 | 0.34 | 19,550 |
| Pāua (*Haliotis iris, H. australis*) | 0.02 | 0.33 | | | | 0.02 | 306 | 0.37 | 16,739 |
| Octopus (*Pinnoctopus cordiformis*) | | 3.54 | 0.54 | 0.09 | 0.03 | 0.26 | 1503 | 4 46 | 16,355 |
| Rig (*Mustelus lenticulatus*) | 0.09 | 0.03 | 0.36 | < 0.01 | | < 0.01 | 2261 | 0.48 | 15,244 |
| School shark (*Galeorhinus galeus*) | 0.02 | 0.04 | 0.50 | < 0.01 | | | 2076 | 0.56 | 10,605 |

### 3.5.4 Recreational purposes

#### Recreational fishing

In addition to the Minister of Conservation's decision regarding whether there would be undue interference with recreational use of the areas, the Minister of Fisheries has a concurrence role for these proposed marine reserves in which the effects on recreational fishing may be further assessed and considered.

DOC and Fisheries New Zealand provided advice about recreational fishing to the Forum and the Ministers of Conservation and Fisheries, and it is considered that the forum recommendations (which are very similar to these marine reserve proposals) minimise the adverse impacts on existing recreational fishers while meeting the requirements of the MPA policy.

This is particularly evident where nearby areas that are used by recreational fishers have been excluded from the proposed marine reserves while maintaining the integrity of the proposed protection. Nevertheless, some sites would have a greater effect on recreational fishers than others, as described in section 4.

#### Other recreation

Recreational activities that involve the extraction or disturbance of marine life or alterations to their habitats would be prohibited or restricted in the proposed marine reserves. However, activities involving the observation (including the viewing and photography) of marine life would be allowed and encouraged.

It is proposed that some existing recreational activities that otherwise may be an offence under the Act may continue without being inconsistent with the purpose of the reserves. For all of the proposed marine reserves, these include:

- the non-commercial gathering of beach stones, non-living shells and driftwood from the foreshore of each proposed marine reserve using only hand-held (non-mechanical) methods
- driving on the foreshore by the most direct formed route to launch or retrieve a vessel
- anchoring vessels.

### 3.5.5 Scientific interests

Scientific interests are particularly relevant to the provisions of the Marine Reserves Act. Any individual or group wishing to take marine life for the purpose of conducting scientific research in the proposed marine reserves would require the prior approval of the DG of Conservation under section 11(b) of the Marine Reserves Act as well as any necessary approvals under section 97 of the Fisheries Act.

It is considered that the six proposed marine reserves would provide some new opportunities for scientific research. However, all scientific research activities in the proposed reserves would have to be consistent with the purposes and principles of the Marine Reserves Act and the management objectives of the reserves.

### 3.5.6 Other public interests

It is proposed that driving on the foreshore would be prohibited in all six marine reserves except in the case of launching or retrieving a vessel, for access by any lifeguard or emergency services acting in the course of their duty, or for management activities.

The DG of Conservation is not aware of any other public interests, including social, economic, environmental, community, scientific or educational interests, that the proposed marine reserves may affect.

## 3.6 Justification

### 3.6.1 Meeting the purpose of the Marine Reserves Act

The purpose of the Marine Reserves Act is set out in section 3(1), which states (emphasis added):

> It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the **scientific study of marine life**, areas of New Zealand that contain **underwater scenery, natural features, or marine life** of such **distinctive quality**, or so **typical**, or **beautiful**, or **unique** that their continued preservation is in the **national interest**.

### 3.6.2 For the scientific study of marine life

The scientific study of marine life is of national importance because it is currently difficult to evaluate the state of New Zealand's marine and coastal biodiversity due to only very limited information being available. The proposed marine reserves would provide opportunities to undertake scientific study to improve our understanding of the structure and functioning of the marine environment, which is consistent with the purpose of studying marine life. Scientific studies in the proposed areas would also contribute to a better understanding of how the impacts of human use and development on marine environments can be managed.

A wide variety of scientific studies could be undertaken in the proposed reserve areas. Possible topics of interest include:

- studying population dynamics and community structures over a wide range of habitats in relatively undisturbed marine environments – this represents a significant opportunity, as other mainland New Zealand marine reserves do not include such a wide range of habitats throughout an entire biogeographic region
- surveying and monitoring marine environments and biological processes – this would expand on previous studies in the southeast region and could include assessments of intertidal larval settlement and patch dynamics, inshore fishery trawl surveys, and biological inventories.
- using the proposed reserves as control areas against which changes elsewhere could be measured and assessed.

Pressures on the marine environment are widespread and we generally have a poor understanding of the capacity of the marine environment to withstand these. By removing these pressures, we can protect some areas from the risk of unknowingly pushing habitats and ecosystems towards irreversible change while gaining an understanding of how habitats and ecosystems operate in the absence of pressures.

### 3.6.3 Criteria

To qualify for marine reserve status, the proposed area must contain at least one of the section 3(1) criteria that are highlighted in bold in section 3.6.1 above (ie underwater scenery, natural features or marine life). It may contain any or all of these features in combination. In addition, one of the descriptive criteria (ie distinctive quality, typical, beautiful or unique) must apply to one or more of these features. It should be noted that to meet the requirements of section 3(1), it is not necessary for all listed features and descriptions to be present.

It is considered that this application meets the requirements under section 3(1) of the Act for each of the six proposed marine reserves for the reasons set out below and explained in more detail for each individual site in section 4.

**Underwater scenery, natural features, or marine life**

The proposed reserves contain a wide variety of natural features and marine life, as indicated in the individual site descriptions (see section 4).

**... of such distinctive quality**

Together, the six sites combine to represent the distinct natural history of the Otago region. The seascapes and coastlines have a high degree of natural character, with a number of iconic and distinctive ecosystems present – for example, the giant kelp forests north of the Otago Peninsula and the bryozoan thickets offshore.

**... or so typical**

The MPA policy habitat classification identified 22 coastal habitats in the southeast region, which are expected to reflect the patterns of biodiversity. Together, the six proposed reserves represent 17 of these habitat types that typify the region. In addition, the sites include examples of important ecological areas, such as giant kelp forests, bryozoan thickets, and tidal lagoon and beach stream estuary types.

**... or beautiful**

While beauty is a subjective criterion, arguably the coastlines associated with the proposed reserves and the distinctive features of the sites are considered beautiful.

**... or unique**

Only limited information is available about the southeast region, with relatively few dedicated marine surveys having been undertaken at a regional scale. However, much more information is available for some localities that tend to be the focus of scientific studies, often due to the ease of access. Based on the best available information, the proposed sites do contain features that are unique.

**... that their continued preservation is in the national interest**

The Marine Reserves Act is an enabling statute that provides for areas to be set aside for scientific study. It is a matter of national interest that MPAs, including marine reserves, are set aside for the protection of marine biodiversity. This is also outlined in the NZBS, which has an objective to

'protect a full range of natural marine habitats and ecosystems to effectively conserve marine biodiversity, using a range of appropriate mechanisms, including legal protection'.[33]

The MPA policy on which these marine reserve proposals are based is a key component of the Government's commitment to ensuring that New Zealand's marine biodiversity is protected by establishing a network of MPAs that is comprehensive and representative of its marine habitats and ecosystems.

The proposed reserves will protect a range of marine habitats, allowing marine life to be preserved and providing relatively undisturbed areas that are rich in natural values for scientific study and for current and future generations of people to enjoy.

Although the purpose of the Act is specific to scientific study rather than biodiversity protection, it is considered that biodiversity protection is a valid consideration in terms of the benefit to the public. The proposed marine reserves would contribute to New Zealand's international commitment to protecting biodiversity and would enhance its reputation.

While it is acknowledged that certain impacts would occur, particularly in terms of extractive uses, the Forum accounted for existing users as far as practicable. In keeping with the NZBS and MPA policy, and in consideration of the Act, the areas that are included in this application have been selected to minimise the adverse effects on users while maintaining the integrity of the network and its value to scientific study.

The phrase 'interfere unduly' in section 5(6) of the Act refers to an effect that is unjustified or unwarranted in the circumstances.[34] It is not consistent with the Act to separate out the considerations of effects on users from the benefits to public interest. In determining whether or not an effect of the marine reserve is 'undue', the significance of the effect must be weighed against the benefits – that is, it is necessary to look at the wider aspects of public interest. It is acknowledged that there will be adverse effects on some existing users, but it is considered that the benefits to other values on balance warrant the creation of the reserves. As such, the preservation of each area in itself and as a network is in the national interest.

### 3.6.4 Meeting other legislative requirements

The Crown's obligations to give effect to the principles of the Treaty of Waitangi under section 4 of the Conservation Act 1987 and the impacts of the proposals on tangata whenua are detailed in sections 2.2 and 3.4.

Under section 4(1) of the Marine Reserves Act, no area for which any lease or licence under the Marine Farming Act 1971[35] is in force can be declared a marine reserve.[36] Furthermore, under

---

[33] NZBS, Objective 3.6, p. 67. www.doc.govt.nz/globalassets/documents/conservation/new-zealand-biodiversity-strategy-2000.pdf

[34] As considered by the Court of Appeal in *CRA3 Industry Association Inc v Minister of Fisheries* [2001] 2 NZLR 345.

[35] www.nzlii.org/nz/legis/hist_act/mfa19711971n29163/

[36] In the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, all existing Marine Farming Act leases and licences were deemed to be 'coastal permits' under the Resource Management Act 1991. www.legislation.govt.nz/act/public/2004/0109/latest/DLM324738.html

section 4(2) of the Act, no area within the jurisdiction of a local authority that is exercising the previous jurisdiction of a harbour board can be declared a marine reserve without the authority's consent. With respect to this application, no marine farming lease or licence has been issued for any part of the proposed reserves and no part of the proposal falls within the jurisdiction of a harbour board.

In accordance with section 4(4) of the Marine Reserves Act, the establishment of the proposed marine reserves would not have any effect on the application of the regime contained in the Crown Minerals Act 1991[37] or the Continental Shelf Act 1964.[38]

One active exploration permit is in place over part of the proposed Papanui Marine Reserve, which equates to 0.1% of the area covered by the exploration permit. The active permit's expiry date is November 2021. There are no other current minerals permits or applications located in or within 100 m of the proposed marine reserves.

Depending on the circumstances, a minerals or exploration permit does not, in itself, authorise any person to enter land (that he or she does not own) and carry out mining operations. Under the Crown Minerals Act, areas that are declared to be a marine reserve will automatically become part of Schedule 4 of the Crown Minerals Act. Pursuant to section 54(a), a person who holds a permit that relates to the common marine and coastal area and is listed in Schedule 4 may only exercise the permit if that person has obtained an access arrangement. Section 61(1A) significantly limits the types of activities in respect of which an access arrangement may be considered in these circumstances.

In addition, under section 4(5) of the Marine Reserves Act, the Minister of Mines (with the Minister of Conservation's concurrence) can make the right to do anything in a marine reserve by virtue of a mining interest[39] subject to the Act by notifying the holder of the interest. If such notice is given, that mining interest shall then be subject to the Act and exercised in accordance with the Act. If there was any intention to limit or prevent existing or future mining interests[40] from being exercised in any newly established marine reserve, then the notification process provided for under section 4(5) should be carried out.

In addition to the considerations set out in section 3.5 in relation to commercial fisheries, the Minister of Conservation must seek concurrence from the Minister of Fisheries to establish a marine reserve. The Act also stipulates that any person who is authorised to fish under section 3(3)(a) must still comply with any conditions imposed and the Fisheries Act and regulations where it is not inconsistent with those conditions.

---

[37] Although this section refers to the Petroleum Act 1937, Coal Mines Act 1979, Mining Acts 1926 and 1971 and the Iron and Steel Industry Act 1959, these Acts have been repealed. Therefore, the Crown Minerals Act 1991 should be substituted for those Acts and should be read into section 4(4).

[38] www.legislation.govt.nz/act/public/1964/0028/latest/whole.html

[39] Refer to section 2 of the Marine Reserves Act for a definition of 'mining interest', noting that the repealed Acts in this subsection should be read as a reference to the Crown Minerals Act.

[40] Noting that future mining interests would be subject to the access limitations that arise from the land's inclusion in Schedule 4.

### 3.6.5 Community support

It is considered that this application has a substantial level of community support and acceptance, due in part to the extensive and inclusive process that was followed by the Forum and government agencies. The forum process enabled the levels of community support to be gauged and the application to be shaped in response to community input.

As detailed in the Forum's recommendations report, there were a large number of submissions to the Forum's consultation document. An independent summary of submissions[41] showed a considerable degree of support for the proposals, which were generally similar to the present application. The summary of submissions also raised issues that were later taken into account by the Forum when preparing their final recommendations to the Ministers of Conservation and Fisheries.

While substantial support was indicated by the submissions, there was also generally widespread opposition from the commercial and recreational fishing sectors.

It is expected that any remaining concerns will be expressed and taken into account through the statutory process of this application.

## 3.7 Proposed management

### 3.7.1 Level of protection

Since all of the proposed sites would be marine reserves, it is generally proposed that no taking or disturbance of marine life (other than for approved scientific and management purposes) would be permitted. This is in keeping with section 3(2) of the Marine Reserves Act, which states that:

> ... marine reserves shall be so administered and maintained under the provisions of this Act that—
>
> (a) they shall be preserved as far as possible in their natural state
>
> (b) the marine life of the reserves shall as far as possible be protected and preserved
>
> (c) the value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained ...

However, it is proposed that the Orders in Council that establish these reserves make provision for certain activities to continue within specified locations. The activities that would and would not be affected by each of the proposed marine reserves are set out in the tables in section 4. The reasons for these provisions are to allow the maintenance of existing rights and authorities that have potentially significant but nevertheless acceptable effects on the marine life and habitats within the proposed marine reserves.

In all other circumstances, visitors will be encouraged to explore and enjoy the reserves above and below the water without disturbing, damaging or removing any natural features.

---

[41] Opus 2017: South-East Marine Protection Forum: summary of submissions. Opus International Consultants Ltd, Christchurch. 365 p. www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/final-sempf-sos-30-june-2017.pdf

Of particular note, all forms of fishing will be generally prohibited unless authorised under the Marine Reserves Act (eg scientific collecting under permits and/or permitted via Gazette notice or Order in Council). As far as it is consistent with the purposes of the Act, undertaking wānaka (which may include the sampling and strategic take of marine life for the purpose of enhancing mātauraka and retaining the generational connection with the rohe moana) could be expressly provided for.

### 3.7.2 Co-management and generational review

These management options are described above in sections 3.4.2 and 3.4.3 and are subject to further engagement.

### 3.7.3 Boundary identification

Land-based markers could be used to mark some of the coastal boundaries. Some signage is likely to be developed, especially where it will help to inform people about the reserves and encourage regulatory compliance. However, it is not feasible to mark all of the boundaries of the proposed marine reserves for two main reasons.

a) The land terrain and use may prohibit establishing markers.

b) The offshore boundaries are too exposed to make the use of moored buoy markers practical.

Provision of the latitude and longitude coordinates of the boundary corners of each proposed reserve would enable boats equipped with Global Positioning System (GPS) devices to accurately determine the boundaries. The information that is required to determine the reserve boundaries would be made available to a wide range of visitors (eg boat operators and walkers).

DOC would arrange for the reserve boundaries to be defined on a survey office plan. Land Information New Zealand and the office of the Navy hydrographer would be requested to include the boundaries in the relevant navigation charts. The boundaries of the reserves would also be included in the Nautical Almanac if the reserves are gazetted.

### 3.7.4 Compliance and enforcement

Compliance and enforcement activities would be overseen by DOC pursuant to the Marine Reserves Act, the Order in Council and any management plan that is prepared specifically for each marine reserve. As well as formal compliance monitoring and enforcement by relevant agencies, DOC would encourage the support and involvement of local residents and users to help ensure public compliance with the provisions of the reserves. As mentioned above, Kāi Tahu has suggested that Kāi Tahu rangers be introduced, with appropriate powers to undertake day-to-day management, monitoring and compliance work across the network.

### 3.7.5 Monitoring and scientific research

Monitoring and scientific research in the proposed marine reserves would be important for a number of reasons and should be effectively planned and coordinated. Organisations such as universities, Crown Research Institutes, government agencies and individuals may conduct scientific research in marine reserves provided they first obtain the necessary approvals from the DG of Conservation.

Appropriately designed, scientifically robust assessments of biodiversity and key species would be vital for assessing the effectiveness of the reserves in terms of meeting ecological objectives and social and Kāi Tahu expectations.

A research and monitoring plan for the reserves would include provision for informing the 25-yearly generational review referred to in section 3.4.3. Medium-term assessments to review how well the reserves are meeting their management objectives would also be included to measure the ecological, cultural, social and economic effects of the reserves.

### 3.7.6 Education and interpretation

Marine reserves are places where people can experience the benefits of a protected marine environment first-hand. DOC would provide opportunities for the public to learn about the marine life and habitats of the marine reserves through publications, interpretative signs and, where appropriate, public talks, displays and media features.

Educational initiatives that are in keeping with the purpose of the marine reserves would be encouraged. Information would be gathered and disseminated to highlight the natural values of the proposed reserves, including those sites that are remote and less accessible (eg Papanui Marine Reserve).

## 3.8 Summary

This application seeks to establish six marine reserves (covering a total of 1267 km$^2$) within the southeast region of the South Island of New Zealand. The proposed marine reserves would give full protection to a series of habitat types, marine life and natural features that are considered so typical, beautiful or unique that their continued preservation is in the national interest.

The proposed marine reserves would enhance the existing protection of the region's natural and scientific values. Subject to further statutory consultation, it is considered that this application satisfies the requirements of the Marine Reserves Act 1971 and would make an important contribution to the establishment of a national marine reserve network incorporating representative examples of the full range of habitats and ecosystems that are found in New Zealand's marine environment.

DOC considers that the proposed marine reserves are of a size that would protect a wide range of marine habitats and ecosystems, while also minimising impacts on existing users of the marine environment and Treaty settlement obligations.

Each of the proposed marine reserve sites is described in section 4 below.

# 4 Application sites

## 4.1 Waitaki Marine Reserve

### 4.1.1 Site location

The boundaries for this site start approximately 2 km south of the Waitaki River and extend 14.8 km south along the coast to just north of Landon Creek. The reserve would extend from MHWS to approximately 8 km offshore, roughly aligning with the 20-m depth contour. The location, including coordinates, are shown in Fig. A1.2.

The site is consistent with the proposed site B1 in the Forum's recommendations report.[42]



[42] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

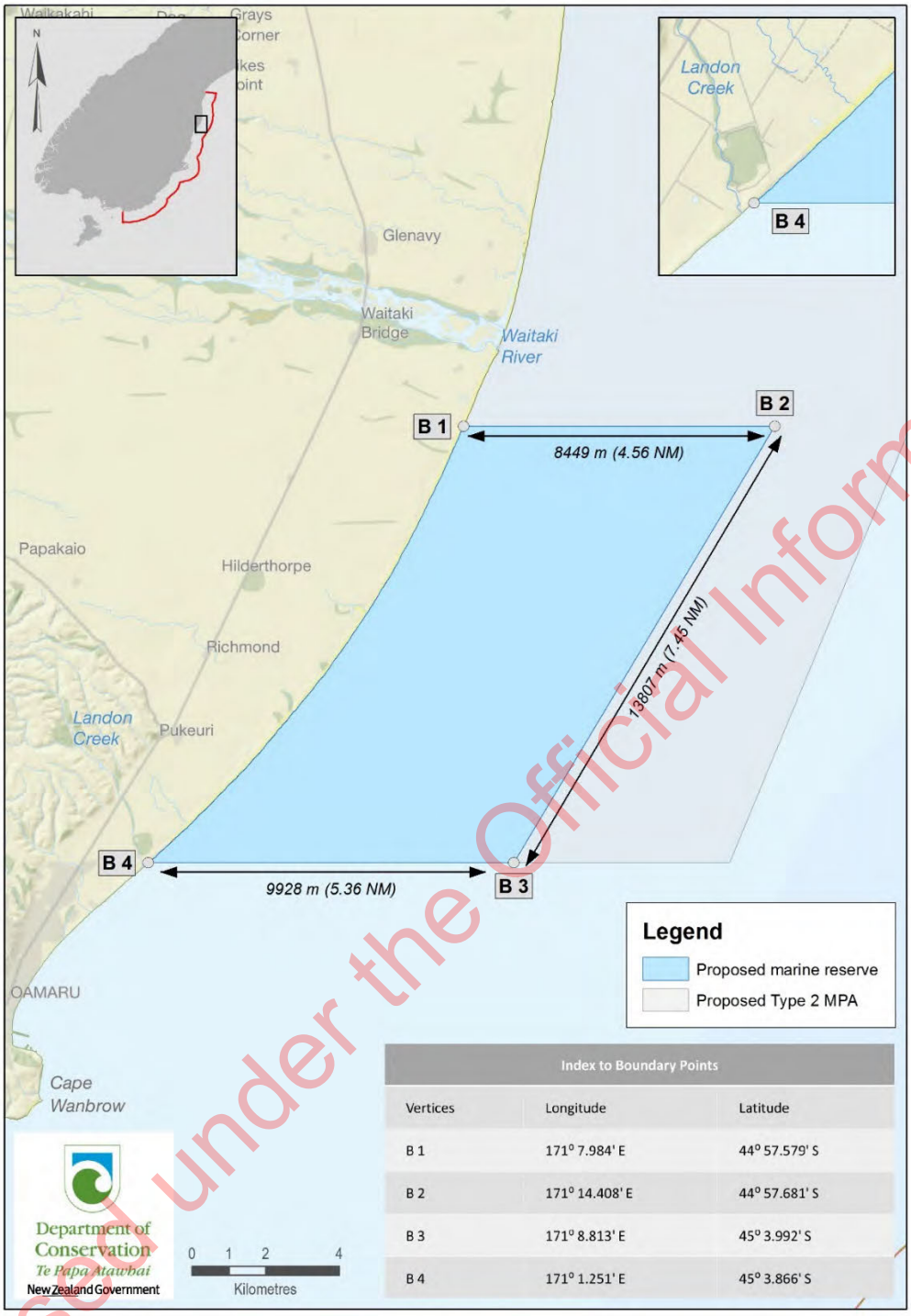



**Figure A1.2. Locations of the proposed Waitaki Marine Reserve and the adjacent Type 2 marine protected area (MPA).**

### 4.1.2 Why this site is important

River mouths are known for their productivity and the mouth of the Waitaki River is no exception, with the waters here being believed to hold some regionally **unique, natural features** due to the influence of fresh water and river sediments on the marine environment. Although it has not yet been studied, anecdotal evidence indicates that the cobble and gravel substrate found in this area

supports several biogenic habitats of high biodiversity value, such as kelp and rhodolith (hard, calcified red algae) beds. Furthermore, the large shoals of the juvenile form of squat lobster (*Munida gregaria*) that can accumulate in the frontal systems of the river plume in late spring and summer testify to this river's contribution to a much wider ecological system.

This site would protect a representative portion of moderately exposed and deep gravel habitats and the associated marine life that is **typical** of the North Otago and South Canterbury coast. This is the only marine reserve that would protect these habitat types and is therefore considered important to include in a representative network of protected sites.

The area covered by the reserve is a known foraging area for wildlife, including penguins and Otago shags (*Phalacrocorax chalconotus*) at Cape Wanbrow.

It is therefore considered that the protection of the natural features and marine life of this site is consistent with the Marine Reserves Act in that they are so '**typical**, or **beautiful**, or **unique** that their continued preservation is in the **national interest**'.

### 4.1.3 How this site would contribute to the network

This site would contribute to a comprehensive and representative network of protected sites in the southeastern South Island by protecting gravel beach and shallow gravel and mud habitats that are typical of this section of coast. The reserve would provide links with other proposed protected areas to the north and south of this location. Appendix 4 provides the full list of habitats that have been identified in the region and shows the contribution this site would make to the network of protected sites.

### 4.1.4 Activities that would be affected

Under the Marine Reserves Act, the activities listed in Table A1.3 would be prohibited in the proposed Waitaki Marine Reserve.

**Table A1.3. Activities that would be prohibited in the proposed Waitaki Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be NZ$21,491 (4.8 tonnes) per year. The biggest displacement of fishing (in terms of export value) would be experienced by the red gurnard (*Chelidonichthys kumu*), elephant fish (*Callorhinchus milii*) and rig (*Mustelus lenticulatus*) (*Mustelus lenticulatus*) commercial fisheries, for each of which < 1 tonne per year would be expected to be displaced.<br><br>Additional information, including information about all affected fisheries, can be found in the Forum's recommendations report* and the agency advice to Ministers.† |
| Recreational fishing | All recreational fishing would be prohibited. Based on available information, the establishment of this site as a marine reserve would not be likely to have major impacts on recreational fishing opportunities as most recreational fishing in this general area occurs at the mouth of the Waitaki River, which is excluded from the reserve. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1a) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or |

| | |
|---|---|
| | petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur within the site. |
| Vehicle access over the foreshore | Driving over the intertidal area (foreshore) would be prohibited. |

* www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

† www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-joint-agency-advice.pdf

Any other use that is not permitted by the Marine Reserves Act and not explicitly allowed for in the Order in Council would be prohibited in this marine reserve.

### 4.1.5 Activities that are unlikely to be affected

Activities that are likely to take place at the site but are not considered to be inconsistent with the purpose of the reserve at their current levels of intensity are detailed in Table A1.4.

**Table A1.4. Activities that are unlikely to be affected by establishment of the proposed Waitaki Marine Reserve.**

| Activity | Details |
|---|---|
| Kōiwi tākata | The retrieval of kōiwi tākata that are unearthed in the reserve by natural or other means would not be restricted by the establishment of the reserve. |
| Access | Access to the marine reserve, or sites within the marine reserve, would not be affected by the designation of the marine reserve (with the exception of vehicle access across the foreshore of the reserve). |
| Fossicking | The non-commercial gathering of beach stones, non-living shells and driftwood on the foreshore of each proposed marine reserve using only hand-held (non-mechanical) methods would be permitted. |
| Anchoring | No restrictions on anchoring are proposed. |
| Existing resource consents | • Bore construction consents: RM13 454.01, RM17.059.01, RM18.384.01<br>• Compliance certificate: 2007.C16.<br>• Discharge to air permits: 2002.656, 2004.163, 2005.287, 2006.199, 2006.284, 2009 424, RM13.162.01, RM15.358.01, RM17.246.01, 2002.704, 2005.303, 2005.605, 2005.77, 2006.198, 2008.089, 2008.227, RM13.058.01, RM17.246.01.<br>• Discharge to land permits: 2002.704, 2005.303, 2005.605, 2005.77, 2006.198, 2008.089, 2008.227, RM13.058.01, RM14.057.01, RM14.253.01, RM15.100.01, RM18 451.01, 98419, 98519, 98520, 98521.V1.<br>• Discharge to water permit: 2002.655.<br>• Divert water permit: 2007.653.<br>• General/structure land use consent: RM15.283.01.<br>• Groundwater take permits: 98523, 2374, RM15.283.02, 2001.989, 2001.A06.V1, 2008.338.V1, 2010.221.V1, RM13.376.01.V1, RM14.038.01, RM15.076.01, RM18.064.01, RM18.119.01. |
| Transit | No restrictions on transit through the marine reserve are proposed. |

### 4.1.6 Summary

The establishment of a marine reserve at this site would provide for the protection of representative habitats that would be of value for the scientific study of marine life. It is

considered that the marine reserve would be likely to have a relatively low impact on fishing interests (commercial, customary and recreational).

Given the value of the marine reserve and the relatively low potential impact, it is considered that it would not unduly interfere with existing uses and that it would be in the national interest to establish this reserve.

### 4.1.7 More information

Additional information can be found in the Forum's recommendations report and in the online mapping tool SeaSketch.[43]

## 4.2 Te Umu Koau Marine Reserve

### 4.2.1 Site location

The proposed boundaries for Te Umu Koau Marine Reserve start approximately 100 m north of the mouth of Stony Creek and extend south to a point approximately 400 m south of the mouth of Pleasant River. The reserve would extend from MHWS to a straight-line outer boundary that ranges between 10 and 12 km offshore, approximately out to the 40-m depth contour. The reserve would include the Stony Creek and Pleasant River estuaries up to the coastal marine area boundary. The location, including coordinates, is shown in Fig. A1.3.

This site is consistent with the proposed site D1 in the Forum's recommendations report,[44] except that an additional section of Pleasant River estuary is also now included. This part of the estuary was not initially included in the Forum's recommendation due to an outdated coastal boundary but was re-established as part of the estuary in 2009/09 through the removal of a groyne. Therefore, since the intent of the recommendation was to protect the entire estuary, this section has now been included in the marine reserve.

[43] http://seasket.ch/iwDLVg_bHB

[44] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

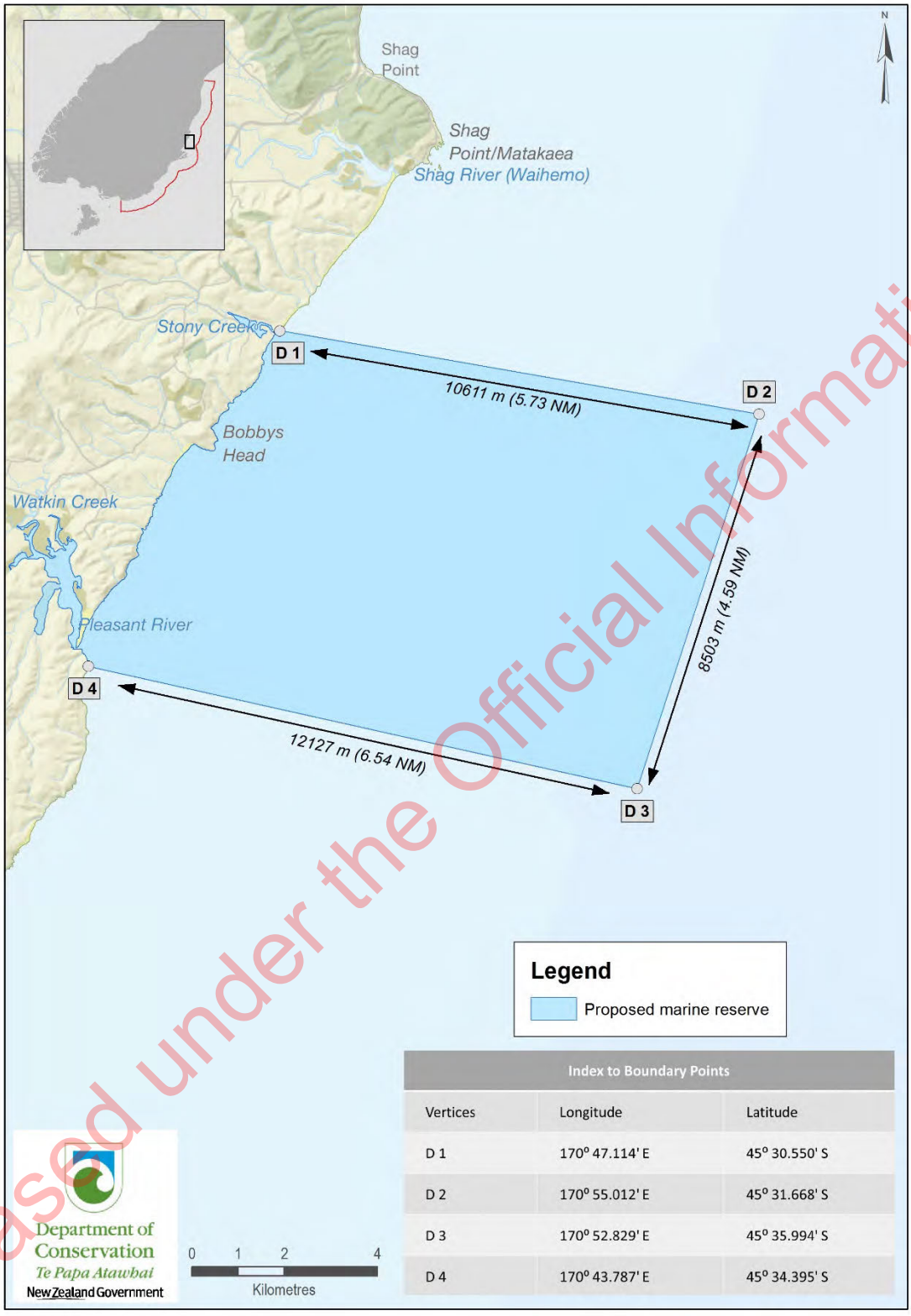



**Figure A1.3. Location of the proposed Te Umu Koau Marine Reserve.**

### 4.2.2 Why this site is important

This site is an exposed sedimentary section of coastline that supports an extensive *Macrocystis* kelp forest habitat that dominates offshore sandstone and limestone platform reefs and is

bordered by two estuaries that are representative of this coastline. Kelp forests provide some of the most spectacular **underwater scenery** for divers, and the reefs within this site have a **distinctive quality** and natural **beauty**.

Kelp forests have been likened to terrestrial forests in their structure and ability to support many other species and are one of the most productive habitat types in the world. The population structure of *Macrocystis* kelp forests is wave-dominated, with the kelp growing at depths of up to 20 m and reaching full size and reproductive maturity within 2 years. At this age, individual kelp are likely to be removed by the drag forces of breaking waves during storms, following which the light reaching the seabed will stimulate the growth of new *Macrocystis* plants, driving the diversity of algae species that is associated with this habitat type.

This dominant and ecosystem-defining **natural feature** is of outstanding value and contributes significantly to the biodiversity of the region. As with most of Otago's rocky, wave-exposed coasts, the area that is exposed at low tide (the sublittoral fringe) is dominated by rimurapa/bull kelp (*Durvillaea antarctica*) and the seaweed *Xiphophora gladiata*.

Kelp forests also provide important habitat for koura/rock lobster (particularly the settling puerulus larvae), blue cod (*Parapercis colias*) and greenbone (butterfish; *Odax pullus*).

Pleasant River is a tidal lagoon salt marsh habitat that is considered **typical** of tidal lagoons on this part of the coast, as well as having **natural features** of recognised **beauty**. The *Dunedin City District Plan* defines the edge of the Pleasant River estuary as an Area of Significant Conservation Value, describing it as having succulent herb swamp, mud flat, salt rush and reed swamp, regional significance, and a high degree of wetland **naturalness**.[45] It is also listed in Schedule 9 of the *Regional Plan: Water for Otago* as a regionally significant wetland,[46] and there is community support to restore the estuary.

An important bird area has been identified at Bobbys Head (the English name for Te Umu Koau).[47] Colonies of spotted shags (*Stictocarbo punctatus*) and tītī/sooty shearwaters (*Puffinus griseus*) have been reported at this site, and hoiho/yellow-eyed penguins (*Megadyptes antipodes*) breed there.

The diverse and iconic **natural features**, **marine life** and species associated with the coastline make this area inarguably of **distinctive quality**, **typical** and **beautiful**.

Te Umu Koau Marine Reserve would encompass many different habitats in close proximity to each other (including rare examples of volcanic rock reefs, estuaries, kelp forests, exposed reef shelves, sea caves and seaweed gardens), providing an opportunity to protect several habitats in a single reserve. The proposed marine reserve area is considered to have exceptionally high value in terms of the protection of ecosystem processes across habitats.

This area is the only proposed marine reserve to represent deep reef and estuarine habitats in the Otago region, and the deep reef at this site is considered **typical** of the deep reefs associated with

[45] http://www.dunedin.govt.nz/__data/assets/pdf_file/0018/147330/Schedule-25.4-Areas-of-Significant-Conservation-Value.pdf

[46] www.orc.govt.nz/media/5795/regional-plan_-water-for-otago-updated-to-1-july-2018-schedules.pdf

[47] Forest and Bird 2018: Important bird areas for New Zealand seabirds. www.forestandbird.org.nz/resources/important-bird-areas-new-zealand-seabirds

this section of the coast. The diverse range of habitats contained in a single reserve would enhance connectivity between shallow and deep reef habitats and across sand and reef habitats.

As well as including features that are considered typical of the north Otago coast, this site also includes several **unique** features. Therefore, it is considered that the protection of the underwater scenery, natural features and marine life at this site is consistent with the Marine Reserves Act in that they are so '**typical**, or **beautiful**, or **unique** that their continued preservation is in the **national interest**'.

### 4.2.3 How this site would contribute to the network

This site would contribute to a comprehensive and representative network of protected sites in the southeastern South Island by protecting seven broad-scale habitat types: subtidal and intertidal reef habitats, subtidal and intertidal soft-sediment habitats, two biogenic habitats (giant kelp forest and seagrass), and an estuarine environment.

This reserve has the highest degree of representativity (number of habitats represented) among the proposed marine reserves in this application. The connectivity that would be present across estuarine, shallow coastal and deep habitats in a single reserve would be unique and highly desirable.

Appendix 4 provides a complete list of the habitats that have been identified within the region and shows the contribution this site would make to the network of protected sites.

### 4.2.4 Activities that would be affected

Under the Marine Reserves Act, the activities listed in Table A1.5 would be prohibited in the proposed Te Umu Koau Marine Reserve.

**Table A1.5. Activities that would be prohibited in the proposed Te Umu Koau Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be approximately NZ$2 million (40.6 tonnes) per year. Of this, $1.84 million would be attributed to the displacement of koura/rock lobster (*Jasus edwardsii*) (17.7 tonnes), with Fisheries New Zealand estimating that 20.7% of the catch in CRA7 (the quota management area within which this site falls) occurs in this area.<br><br>Commercial eeling occurs in the Stony Creek and Pleasant River estuaries, which would be prohibited under the proposal.<br><br>Additional information that was used in forming the application, including information on all affected fisheries, can be found in the Forum's recommendations report* and the agency advice to Ministers.† |
| Recreational fishing | All recreational fishing would be prohibited. Limited information is available on the use of this site for recreational fishing, but it is likely that the area is used for floundering, whitebaiting, trout fishing, collecting pāua (*Haliotis* spp.), and targeting reef fishes and koura/rock lobster. However, the adverse effects on overall recreational opportunities would likely be low as other suitable locations are available nearby. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |

| | |
|---|---|
| Discharge of firearm | The discharging of any firearm (as defined in the Marine Reserves Act) would be prohibited. This would prohibit game shooting from the Stony Creek and Pleasant River estuaries. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur within the site. |
| Vehicle access over the foreshore | Driving over the intertidal area (foreshore) would be prohibited. |

* www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

† www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-joint-agency-advice.pdf

Any other use that is not permitted by the Marine Reserves Act and not explicitly allowed for in the Order in Council would be prohibited in this marine reserve.

### 4.2.5 Activities that are unlikely to be affected

Activities that are likely to take place at the site but are not considered to be inconsistent with the purpose of the reserve at their current levels of intensity are detailed in Table A1.6.

**Table A1.6. Activities that are unlikely to be affected by establishment of the proposed Te Umu Koau Marine Reserve.**

| Activity | Details |
|---|---|
| Kōiwi tākata | The retrieval of kōiwi tākata that are unearthed in the reserve by natural or other means would not be restricted by the establishment of the reserve. |
| Access | Access to the marine reserve, or sites within the marine reserve, would not be affected by the designation of the marine reserve, with the exception of vehicle access across the foreshore of the reserve. |
| Fossicking | The non-commercial gathering of beach stones, non-living shells and driftwood on the foreshores of the proposed marine reserve using only hand-held (non-mechanical) methods would be permitted. |
| Anchoring | No restrictions on anchoring are proposed. |
| Existing resource consents | • Dam water permits: 2008.007, 2008.009, 2008.011.<br>• Discharge to water permits: 2008.571, 2008.575, 2008.579.<br>• Surface water take permit: 2008.008.V1. |
| Transit | No restrictions on transit through the marine reserve are proposed. |

### 4.2.6 Summary

The habitats contained within the proposed Te Umu Koau Marine Reserve are representative of the habitats that occur from north of the Otago Peninsula to Oamaru. The combination of deep and shallow reef and sand, estuarine, and biogenic (kelp and seagrass) habitats make the site unique along the coast. This site is also the only location that would protect deep reef (ie deeper than 30 m) habitat within the southeast region.

*Impacts on commercial fishing*

It is acknowledged that the establishment of a marine reserve at this site would be likely to have an effect on the commercial fishing sector, particularly the koura/rock lobster fishery in CRA7.[48]

Fisheries New Zealand estimates that 20.7% (17.7 tonnes) of the current annual catch of koura/rock lobster that is taken within CRA7 would be displaced by the establishment of this proposed marine reserve. This level of displacement has the potential to cause localised depletion over the remaining areas of fished habitat, at least in the short term.

If localised depletion occurs or if fishers expend more effort to catch koura/rock lobster for some other reason (eg reduced access to their preferred fishing grounds), there is the potential for a reduced catch per unit effort (CPUE) to be reflected in a decreased total allowable commercial catch (TACC) the following year. The magnitude of this decrease, should it occur, and the length of time over which any reduction would remain is difficult to estimate due to the complexity of the CRA7 fishery.

Establishing an area that would allow for some level of recovery for koura/rock lobsters (as an important component of the ecosystem) would be of significant ecological value. Although it is unknown how the stock associated with the reefs in the reserve would respond to protection and how the stock would respond at a greater fishery scale, this is of scientific interest.

*Costs and benefits*

It should be noted that it is not possible to adequately and effectively protect the habitats covered by this site (particularly the shallow and deep rocky reef habitats) at any other location along the coast without having an effect on commercial fishing interests. It is considered that the Forum took the entire coast into account, including existing uses and values, in formulating their recommendations and that this locality provides a balance between protection and the level of impact on existing users. This is consistent with the MPA policy under which the Forum operated.

The values associated with this site in terms of scientific purposes and the inclusion of specific habitats in a representative network of protected sites are considered to be highly significant.

In determining whether an effect of the marine reserve is 'undue', the significance of the effect must be weighed against the benefits – that is, it is necessary to consider the wider aspects of public interest. Although adverse effects on some existing users could be expected, on balance it is considered that the benefits to other values warrant the creation of the reserve. As such, the designation of this reserve is in the national interest and would not unduly affect existing users.

### 4.2.7 More information

Additional information can be found in the Forum's recommendations report and in the online mapping tool SeaSketch.[49]

[48] CRA7 is the quota management area for koura/rock lobster in which this site is located.

[49] http://seasket.ch/iMWRh5ubHl

## 4.3 Papanui Marine Reserve

### 4.3.1 Site location

This site covers the area from a water depth of 60–80 m to and including the head of Papanui Canyon. It starts approximately 6 km from the coast at Cape Saunders and extends to the 12-NM territorial sea limit. The location, including coordinates, is shown in Fig. A1.4.

This site is identical to the proposed site H1 in the Forum's recommendations report.[50]



[50] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

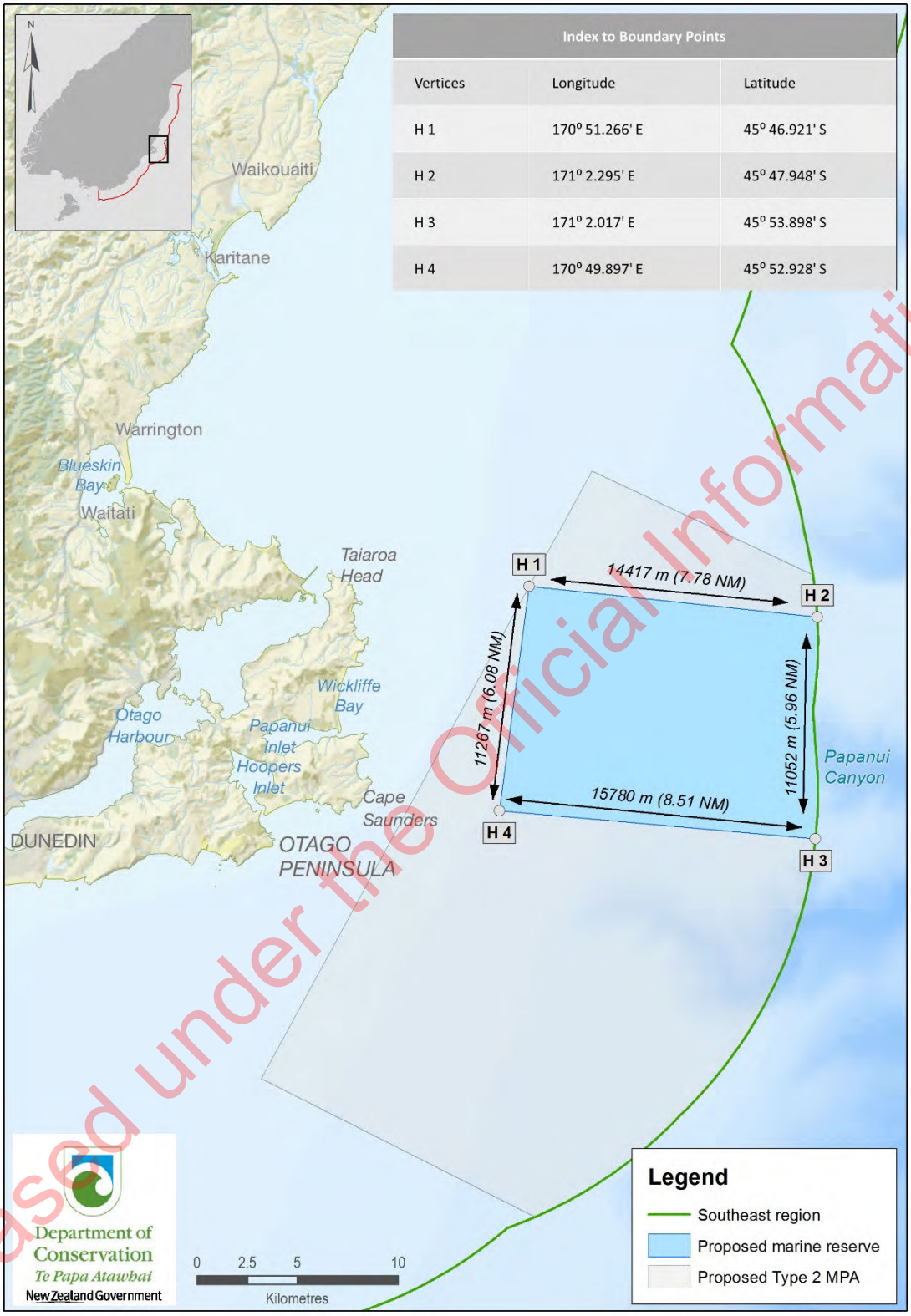



Figure A1.4. Locations of the proposed Papanui Marine Reserve and the adjacent Type 2 marine protected area (MPA).

### 4.3.2 Why this site is important

The biodiversity of the marine area around the Otago Peninsula is strongly influenced by the southland current, the Otago Peninsula and undersea canyons, which together create a **unique** oceanographic environment that supports a diverse variety of marine life.

This area is one of only a few on the east coast of the South Island and one of only two in the southeast region where canyons extend substantially within the 12-NM territorial sea. The habitats associated with these canyons are likely to be **typical** of the canyon habitats of the east coast of the South Island and are biologically diverse, providing habitats for brittle stars, sea stars, gastropods, bivalves, shrimps, hermit crabs, bryozoans, sponges and quill worms, among others. The canyons are also hotspots for seabirds and whales, including upokohue/long-finned pilot whales (*Globicephala melas*) and parāoa/sperm whales (*Physeter macrocephalus*), making this site **unique** along the region's coastline.

The bryozoan thicket habitat that occurs at depths of 70 m or more is a major natural feature that has been identified off the Otago Peninsula. While bryozoans have been found in and around the canyon heads and at many other localities along the southeast coast, the area off the Otago Peninsula is the only location where thickets are known to occur. Thickets are distinct biogenic habitat-forming structures on the seafloor that provide habitat for a diverse community of invertebrates (eg sponges, anemones, worms, crabs, snails, sea stars and sea squirts) and many species of fishes.

Bryozoans are also referred to as 'lace corals' due to their intricate structures and formations and arguably create some of the most **beautiful** seafloor structures and underwater scenery. The Forum considered that the bryozoan thickets off the Otago coast met the definition in the MPA policy as 'outstanding, rare, distinctive or internationally or nationally important marine habitats and ecosystems'.

The canyon area is known to be a foraging area for numerous high-trophic-level predators, which include whakahao/New Zealand sea lions (*Phocarctos hookerii*), kekeno/New Zealand fur seals (*Arctocephalus forsteri*) and hoiho/yellow-eyed penguins.

As such, it is considered that the protection of the underwater scenery, natural features and marine life at this site is consistent with the Marine Reserves Act in that they are so '**typical**, or **beautiful**, or **unique** that their continued preservation is in the **national interest**'.

### 4.3.3 How this site would contribute to the network

This site would contribute to a comprehensive and representative network of protected sites in the southeastern South Island by protecting three broad-scale deep, soft-sediment habitat types and one biogenic habitat (bryozoan thickets). Appendix 4 provides a full list of the habitats that have been identified within the region and shows the contribution this site would make to the network of protected sites.

### 4.3.4 Activities that would be affected

Under the Marine Reserves Act, the activities listed in Table A1.7 would be prohibited in the proposed Papanui Marine Reserve.

**Table A1.7. Activities that would be prohibited in the proposed Papanui Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be NZ$122,000 (21 tonnes) per year. The biggest displacement of fishing (in terms of export value) would be experienced by the blue cod (*Parapercis colias*; 3.2 tonnes), arrow squid (*Notodarus* spp.; 6 4 tonnes) and rig (*Mustelus lenticulatus*; 1.7 tonnes) commercial fisheries, which are estimated to represent 1.9%, 0.7% and 0 4%, respectively, of the quota management landings.<br><br>Additional information that was used in forming the application, including information on all affected fisheries, can be found in the Forum's recommendations report* and the agency advice to Ministers.† |
| Recreational fishing | All recreational fishing would be prohibited. The establishment of a marine reserve at this site would be likely to have some impact on recreational fishing. However, the adverse effects on overall recreational opportunities would likely be minimal as the generally preferred recreational destination at Saunders Canyon would remain available. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site. A proportion of a current petroleum exploration permit marginally overlaps the reserve (approximately 18 km$^2$ or 0.1% of the full exploration block), which has an expiry date of 2021. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur within the site. |

* www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

† www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-joint-agency-advice.pdf

Any other use that is not permitted by the Marine Reserves Act and not explicitly allowed for in the Order in Council would be prohibited in this marine reserve.

### 4.3.5 Activities that are unlikely to be affected

Activities that are likely to take place at this site but are not considered to be inconsistent with the purpose of the reserve at their current levels of intensity are detailed in Table A1.8.

**Table A1.8. Activities that are unlikely to be affected by establishment of the proposed Papanui Marine Reserve.**

| Activity | Details |
|---|---|
| Access | Access to the marine reserve, or sites within the marine reserve, would not be affected by the establishment of the marine reserve. |
| Anchoring | No restrictions on anchoring are proposed. |
| Transit | No restrictions on transit through the marine reserve are proposed. |

### 4.3.6 Summary

The waters to the east of the Otago Peninsula are defined by a unique set of oceanographic conditions due to the mixing of coastal, subtropical and subantarctic waters and the upwelling of deep, nutrient-rich waters that is likely to occur through the various canyons that are found along the continental shelf. These conditions support a rich diversity of habitats and associated ecosystems.

Bryozoan thickets represent an important biogenic habitat in this area that supports a diverse invertebrate community and juvenile fishes. It is considered that the bryozoan thickets off the Otago Peninsula meet the definition of 'outstanding, rare, distinctive or internationally or nationally important marine habitat and ecosystems', and this marine reserve would afford full protection to 30% of the known distribution of habitat-forming bryozoans in this area.

The values associated with this site are highly significant both for scientific purposes and for the inclusion of specific habitats in a representative network of protected sites. As such, the establishment of this marine reserve would not unduly interfere with existing users, would be in the national interest and is considered to be consistent with the Marine Reserves Act.

### 4.3.7 More information

Additional information can be found in the Forum's recommendations report and in the online mapping tool SeaSketch.[51]

[51] http://seasket.ch/i0JBrDeHrB

## 4.4 Ōrau Marine Reserve

### 4.4.1 Site location

The proposed Ōrau Marine Reserve stretches from Harakeke Point in the north to Saint Clair point (saltwater pool) in the south. It extends from MHWS to approximately 3.1 km south-southeast of Saint Clair point, passing through the breaking reef just west of White Island (Ponuiahine). The location, including coordinates, are shown in Fig. A1.5.

This site is consistent with the proposed site I1 in the Forum's recommendations report.[52]



[52] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

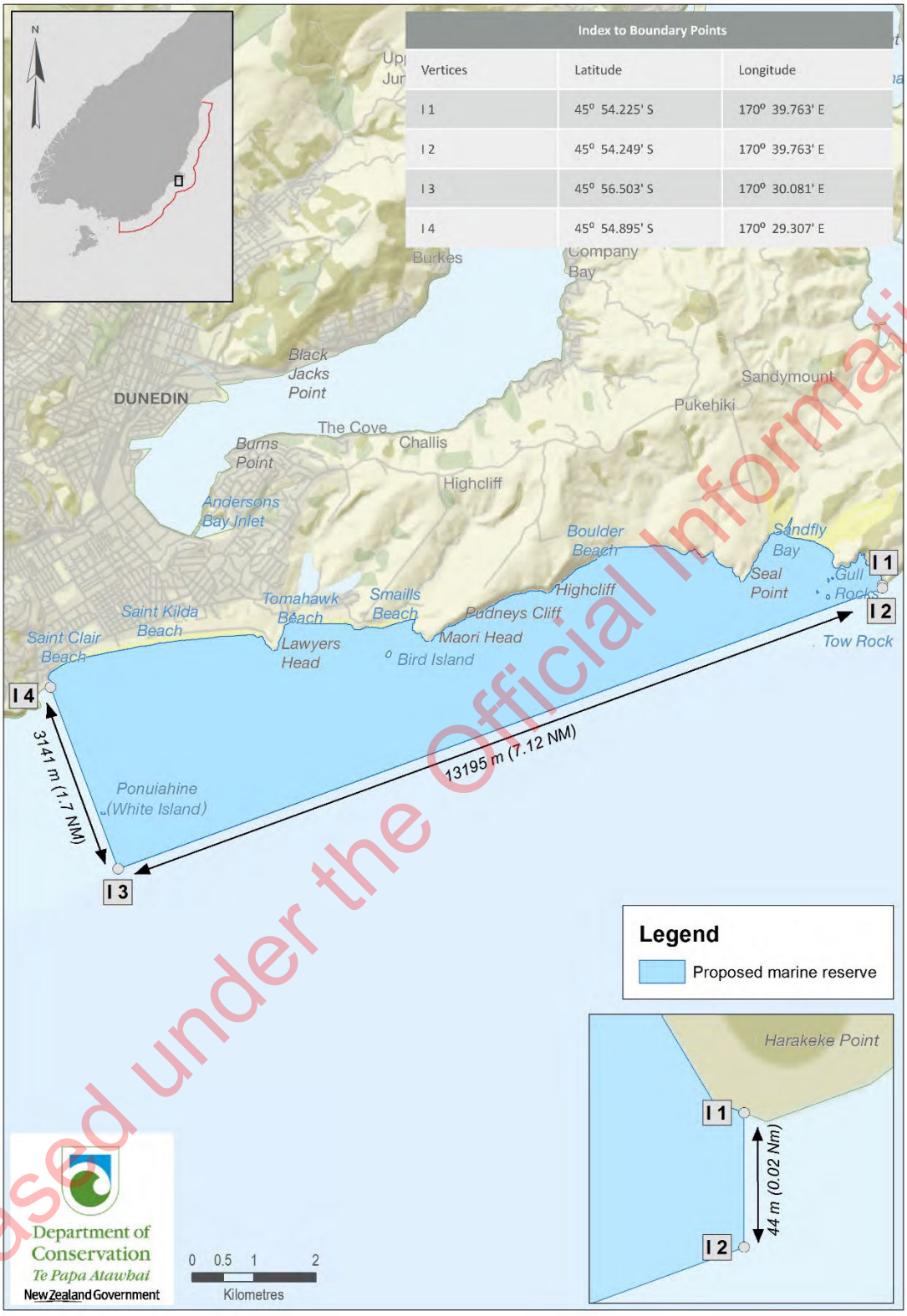



Figure A1.5. Location of the proposed Ōrau Marine Reserve.

### 4.4.2 Why this site is important

The natural features at this site include exposed volcanic rock shorelines with cliffs and wave-washed platforms interspersed with sandy or boulder beaches, making for a **beautiful** and inspiring coastline. Small rocky islets and offshore rock stacks create unique habitats beyond the surf zone, and Lion Rock off Sandfly Bay has a dive-through cave.

The intertidal and coastal habitats at this site are very exposed to southerly swells, and this is reflected in the nearshore habitats. Rocky reefs are dominated by forests of bull kelp (*Durvillaea* spp.) in the shallows and a diverse understorey of other seaweeds beneath. Koura/rock lobster and a diverse range of reef fishes, including blue moki (*Latridopsis ciliaris*), trumpeter (*Latris lineata*) and greenbone (butterfish) are found on reefs in this area.

At the northern end of the proposed reserve, shallow algae-dominated reefs extend to deep reef habitats where strong currents enable the formation of impressive and **beautiful** encrusting communities of filter-feeding invertebrates (eg sponges and ascidians). Tow Rock, which is a pinnacle on the most extensive of these deep reef habitats, is not included in the reserve due to the significant cultural, commercial and recreational values associated with it.

This area would be representative and **typical** of a southern exposed rocky shoreline.

A special feature of this area is the significant population of hoiho/yellow-eyed penguins, some of which forage inshore but many of which feed 20 km or more out to sea. Other seabirds, including tītī/sooty shearwaters, fairy prions (*Pachyptila turtur*) and kororā/little blue penguins (*Eudyptula minor*), burrow or find crevices to shelter in along this coast.

Kekeno/New Zealand fur seals haul out along this coast, but their main breeding rookeries are north of the proposed area. Whakahao/New Zealand sea lions frequent Sandfly Bay from August to November before the larger males head south to breed in the subantarctic islands, and more secluded spots are becoming increasingly important for the small number of females that give birth here in late December. Sandfly Bay Conservation Area, Sandfly Bay Wildlife Refuge and Boulder Beach Conservation Area are important areas that are protected for the benefit of marine wildlife on shore, so extending protection out to sea would be a valuable addition.

This site includes a number of **unique features** as well as those that are considered **typical** of the region south of Taiaroa Head. As such, it is considered that the protection of the underwater scenery, natural features and marine life of this site are consistent with the Marine Reserves Act in that they are so '**typical**, or **beautiful**, or **unique** that their continued preservation is in the **national interest**'.

### 4.4.3 How this site would contribute to the network

Ōrau Marine Reserve would contribute to a comprehensive and representative network of protected sites in the southeastern South Island by protecting six broad-scale habitat types (including intertidal and subtidal rocky reef and soft-sediment habitats) and one of only two boulder beaches in the region. As such, the site is particularly important for adequately representing exposed shallow sand and exposed rocky reef in the network. Appendix 4 provides a full list of the habitats that have been identified within the region and shows the contribution this site would make to the network of protected sites.

### 4.4.4 Activities that would be affected

Under the Marine Reserves Act, the activities listed in Table A1.9 would be prohibited in the proposed Ōrau Marine Reserve.

**Table A1.9. Activities that would be prohibited in the proposed Ōrau Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be NZ$27,300 (2.6 tonnes) per year, which represents 0.1% of the export value of the southeast region. However, Fisheries New Zealand notes that the estimated average commercial catch for each fishing method by fishery is less than 1 tonne per year, so the impact on the commercial fishing sector would likely be relatively low.<br><br>Additional information that was used in forming this application, including information on all affected fisheries, can be found in the Forum's recommendations report* and the agency advice to Ministers.† |
| Recreational fishing | All recreational fishing would be prohibited. This area is valued by recreational fishers, particularly for pāua (*Haliotis* spp.) and blue cod (*Parapercis colias*). While there would be an effect on some types of fishing (particularly shore-based fishing), the adverse effects on overall recreational opportunities would likely be moderated by the availability of other suitable locations nearby. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. |
| Vehicle access over the foreshore | The use of vehicles over the intertidal area of the marine reserve would be an offence, with some exceptions for vessel launching, emergency services or management. Consistency with Dunedin City Council's Reserves and Beaches Bylaw 2017‡ is intended. |

* www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

† www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-joint-agency-advice.pdf

‡ www.dunedin.govt.nz/__data/assets/pdf_file/0020/132581/10-Reserves-and-Beaches-Bylaw-2017-and-Maps.pdf

Any other use that is not permitted by the Marine Reserves Act and not explicitly allowed for in the Order in Council would be prohibited in this marine reserve.

### 4.4.5 Activities that are unlikely to be affected

Activities that are likely to take place at the site but are not considered to be inconsistent with the purpose of the reserve at their current levels of intensity are detailed in Table A1.10.

**Table A1.10. Activities that are unlikely to be affected by establishment of the proposed Ōrau Marine Reserve.**

| Activity | Details |
|---|---|
| Kōiwi tākata | The retrieval of kōiwi tākata that are unearthed in the reserve by natural or other means would not be restricted by the establishment of the reserve. |
| Access | Access to the marine reserve, or sites within the marine reserve, would generally not be affected by the designation of a marine reserve. However, use of vehicles over the intertidal area would be prohibited, except in the case of launching or retrieving a vessel, for access by any lifeguard or emergency services acting in the course of their duty, or for management activities. |
| Fossicking | The non-commercial gathering of beach stones, non-living shells and driftwood on the foreshores of the proposed marine reserve using only hand-held (non-mechanical) methods would be permitted. |
| Anchoring | No restrictions on anchoring are proposed. |
| Existing resource consents | • Coastal discharge permits: 2001.084, 2002.623, 2002.624, RM11.313.10.<br>• CMA use permits: 2001.085, 2002.478, 2002.482, 2002.573, 2002.621, 2006.509, 2006.534, 2010.256, 2010.257, RM13.428.01, RM13.428.02, RM13.428.05, RM13 428.04, RM14.309.07, RM14.309.05, RM14.309.08, RM18.381.01.<br>• Discharge to air permits: 2002.626, RM13.428.06, RM15.142.01.<br>• General/structure land use permit: RM13.428.03.<br>• Compliance certificate: RM13 428.07. |
| Transit | No restrictions on transit through the marine reserve are proposed. |

### 4.4.6 Summary

The habitats that are contained within the proposed Ōrau Marine Reserve are representative of the habitats south of Taiaroa Head through to The Catlins. The combination of deep and shallow reef and sand habitats make the site unique along the coast. The reserve would incorporate several beaches and rocky headlands, as well as a number of rock stacks and islands.

It is acknowledged that the establishment of a marine reserve at this site would be likely to have an impact on the recreational fishing sector, particularly for shore-based fishing, but it is important to note that eliminating adverse effects on existing users is not possible if effective protection is to be established. Therefore, it needs to be determined whether the restrictions would unduly affect recreational fishing interests.

The values associated with this site in terms of scientific purposes and the inclusion of specific habitats in a representative network of protected sites are considered to be highly significant.

In determining whether an effect of the marine reserve is 'undue', the significance of the effect must be weighed against the benefits – that is, it is necessary to look at the wider aspects of public interest. It is acknowledged that there would be adverse effects on some existing users, but it is considered that the benefit to other values on the balance warrants the creation of the reserve. As such, the designation of this reserve is in the national interest and would not unduly impact on existing users.

### 4.4.7 More information

Additional information can be found in the Forum's recommendations report and in the online mapping tool SeaSketch.[53]



[53] http://seasket.ch/OOri-p_brl

## 4.5 Okaihae Marine Reserve

### 4.5.1 Site location

This site surrounds Green Island (Okaihae)and extends from MHWS (or to the boundary of the nature reserve) to approximately 1 km to the north, west and east of the island and 1.3 km south of the island. The location, including coordinates, of the proposed marine reserve is shown in Fig. A1.6.

This site is consistent with the proposed site K1 in the Forum's recommendations report.[54]



[54] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

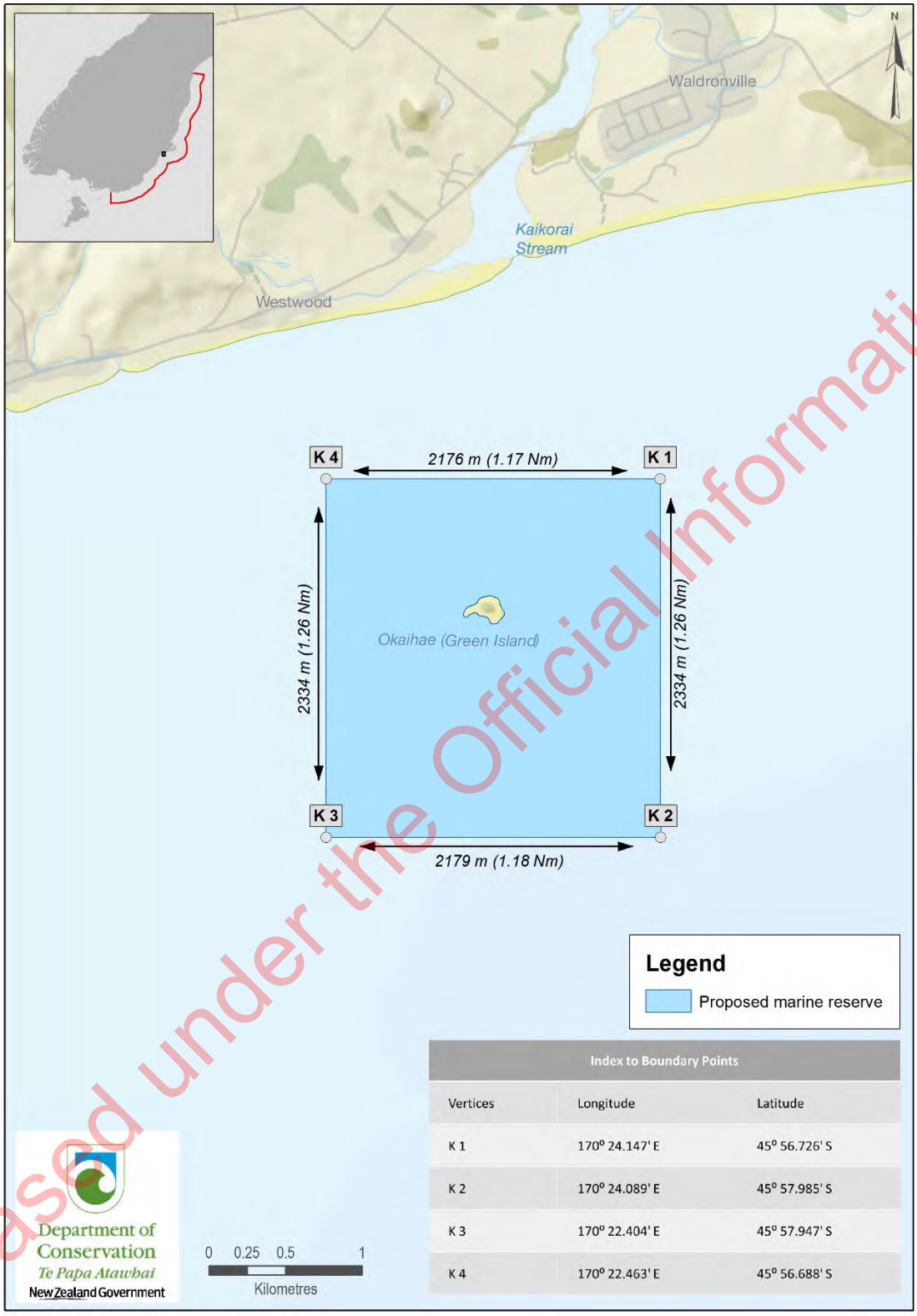



Figure A1.6. Location of the proposed Okaihae Marine Reserve.

### 4.5.2 Why this site is important

As an offshore island on the coast that is already a nature reserve, Green Island (Okaihae) is a **unique**, **beautiful** and inspiring setting. The rocky reefs include forests of bull kelp (*Durvillaea* spp.) in the shallows with an understorey of seaweed species beneath, which provides habitat for koura/rock lobster and many reef fish species, such as moki, trumpeter and greenbone (butterfish). According to anecdotes, hāpuku/grouper (*Polyprion oxygeneios*) were also once commonly found on the Green Island reefs.

A number of seabird species live on the island, including tītī/sooty shearwaters, kororā/little blue penguins, tarāpunga/red-billed gulls (*Larus novaehollandiae*), fairy prions, hoiho/yellow-eyed penguins, little pied shags (*Phalacrocorax melanoleucos brevirostris*) and Otago shags. It is also frequently visited by kekeno/New Zealand fur seals and whakahao/New Zealand sea lions.

Anecdotally, the marine environment around Green Island has undergone a considerable decline in species diversity and abundance in the last few decades. The island is surrounded by a reasonable extent of offshore reef at diveable depths. While the proposed marine reserve is small, the protection of habitats in this area is likely to lead to measurable changes in its biodiversity, and the area could also act as a source of replenishment for invertebrates and fishes on the low-relief reefs. Green Island has the potential to be an iconic place with the existing nature reserve extending through to the marine reserve.

The island and surrounding marine environment is a **unique** feature off the Otago coast and, as such, it is considered that the protection of the underwater scenery, natural features and marine life of the site are consistent with the Marine Reserves Act in that they are so '**typical**, or **beautiful**, or **unique** that their continued preservation is in the **national interest**'.

### 4.5.3 How this site would contribute to the network

Okaihae Marine Reserve would contribute to a comprehensive and representative network of protected sites in the southeastern South Island by protecting four broad-scale habitat types (intertidal and subtidal reefs, and subtidal deep and shallow sand habitats). This site would also contribute to the adequate representation of exposed habitat types within the network. Appendix 4 provides a full list of the habitats that have been identified within the region and shows the contribution this site would make to the network of protected sites.

### 4.5.4 Activities that would be affected

Under the Marine Reserves Act, the activities listed in Table A1.11 would be prohibited in the proposed Okaihae Marine Reserve.

**Table A1.11. Activities that would be prohibited in the proposed Okaihae Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the proposed marine reserve to be NZ$19,000 (0.7 tonnes) per year, which represents 0.06% of the export value of the southeast region. The koura/rock lobster (*Jasus edwardsii*) fishery makes up an estimated $15,500 of this displacement. The impact on the commercial fishing sector of this site would likely be relatively low.<br><br>Additional information that was used in forming this application, including information on all affected fisheries, can be found in the Forum's recommendations report* and the agency advice to Ministers.† |
| Recreational fishing | All recreational fishing would be prohibited. |

| | |
|---|---|
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur within the site |

* www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

† www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-joint-agency-advice.pdf

Any other use that is not permitted by the Marine Reserves Act and not explicitly allowed for in the Order in Council would be prohibited in this marine reserve.

### 4.5.5 Activities that are unlikely to be affected

Activities that are likely to take place at this site but are not considered to be inconsistent with the purpose of the reserve at their current levels of intensity are detailed in Table A1.12.

**Table A1.12. Activities that are unlikely to be affected by establishment of the proposed Okaihae Marine Reserve.**

| Activity | Details |
|---|---|
| Kōiwi tākata | The retrieval of kōiwi tākata that are unearthed in the reserve by natural or other means would not be restricted by the establishment of the reserve. |
| Access | Access to the marine reserve would not be affected by the designation of the marine reserve. However, it should be noted that Green Island is a nature reserve and landing is prohibited. |
| Anchoring | No restrictions on anchoring are proposed. |
| Transit | No restrictions on transit through the marine reserve are proposed. |

### 4.5.6 Summary

The habitats that are contained within the proposed Okaihae Marine Reserve contribute to the representation of habitats south of Taiaroa Head through to The Catlins. Although this would be a small reserve, it would enclose an entire island and reef system and so should be effective in maintaining and restoring the marine life and providing opportunities for scientific study.

It is acknowledged that the establishment of this site would be likely to have some impact on the recreational fishing sector, but it is important to note that eliminating adverse effects on existing users is not possible if effective protection is to be established. Therefore, it needs to be determined whether the restrictions would unduly affect recreational fishing interests. While there would be an effect on fishing, the adverse effects on overall recreational opportunities would likely be moderated by the availability of other suitable locations nearby.

The values associated with this site in terms of scientific purposes and the inclusion of specific habitats in a representative network of protected sites are considered to be highly significant.

In determining whether or not an effect of the marine reserve is 'undue', the significance of the effect must be weighed against the benefits – that is, it is necessary to look at the wider aspects of public interest. It is acknowledged that there would be adverse effects on some existing users, particularly recreational fishers, but it is considered that the benefit to other values on balance warrants the creation of the reserve. As such, the designation of this reserve is in the national interest and would not unduly impact on existing users.

### 4.5.7 More information

Additional information can be found in the Forum's recommendations report and in the online mapping tool SeaSketch.[55]



[55] http://seasket.ch/Qg8fzHerbR

## 4.6 Hākinikini Marine Reserve

### 4.6.1 Site location

This proposed marine reserve begins 0.8 km north of Akatore Creek and extends south along the coastline for approximately 6.5 km to just north of Watsons Beach. It extends from MHWS and out to approximately 0.6 to 1.3 km offshore. The location, including coordinates, of this proposed marine reserve is shown in Fig. A1.7.

This site is consistent with the proposed site M1 in the Forum's recommendations report[56] with minor adjustments to the boundaries.



[56] www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

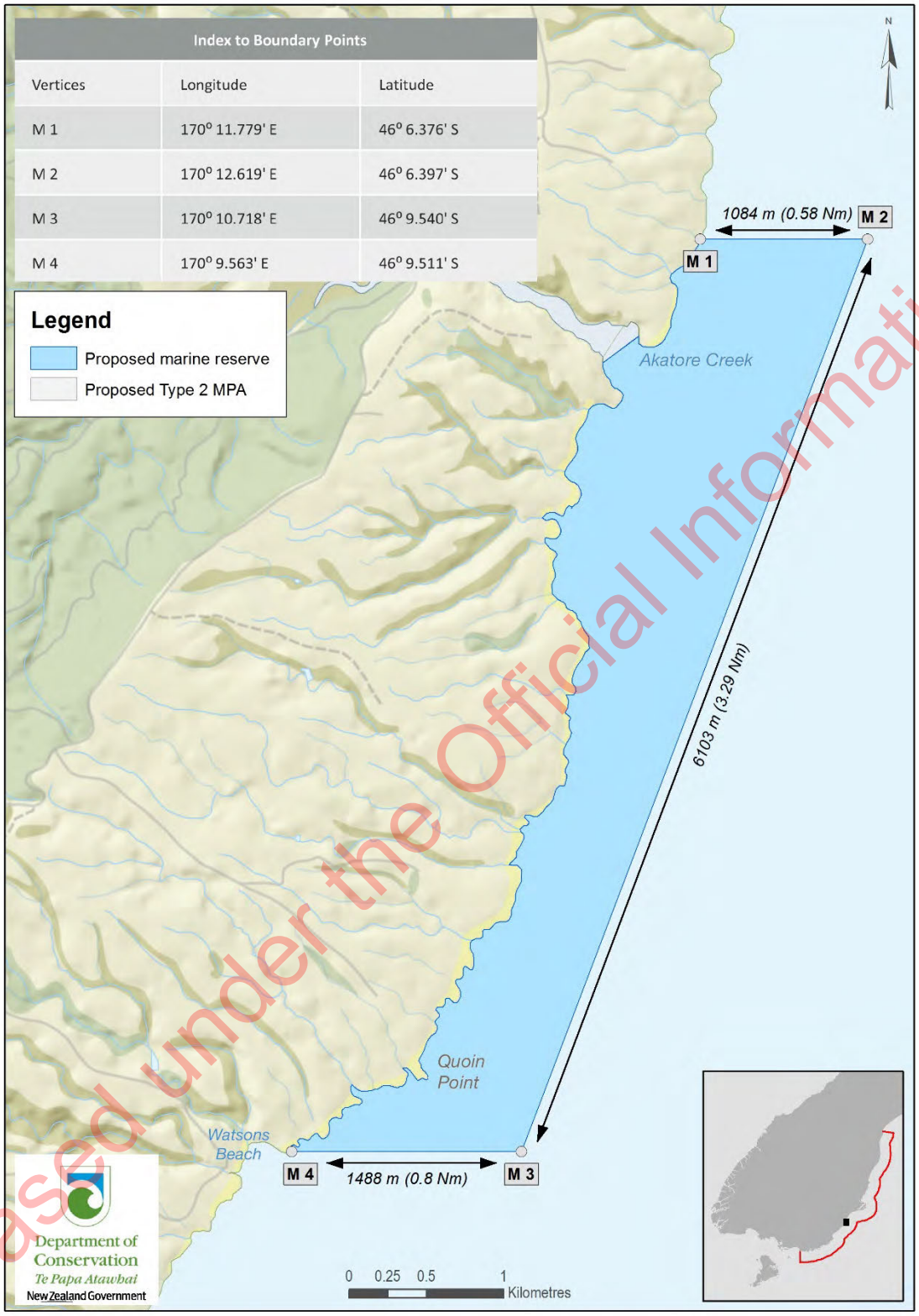



Figure A1.7. Locations of the proposed Hākinikini Marine Reserve and the adjacent Type 2 marine protected area (MPA).

### 4.6.2 Why this site is important

The site includes a **unique** exposed section of Otago Schist wave-cut platforms interspersed with sand beaches, which are a combination of modern fine- to medium-grained quartz sands and much coarser quartz sand that is believed to have originated from the erosion of the geological 'Taratu Formation'. The platforms include rock pools, crevices and gutters, providing for many micro-habitats along the intertidal zone and forming a **beautiful** and rugged coastline. Mussel beds of *Perna canaliculis* and *Mytilus galloprovincialis* extend subtidally finding space between the bull kelp (*Durvillaea* spp.).

At Quoin Point there is a breeding rookery of kekeno/New Zealand fur seals, and whakahao/New Zealand sea lions are increasingly observed hauling out on some of the beaches here.

There has been speculation that the water along this coastline was once sufficiently clear to allow *Macrocystis* kelp beds to form offshore, which is supported by the presence of small, stunted *Macrocystis* in rock pools along the coast.

Hākinikini Marine Reserve would provide an example of exposed intertidal and shallow rocky reef that is **typical** of the exposed Otago coastline. It would also improve the connectivity between the two other exposed rocky shore marine reserves (Ōrau and Okaihae), as well as providing connectivity with the estuarine habitats in the proposed Whakatorea Type 2 MPA and the opportunity for scientific study. Such replication, connectivity and provision of the opportunity for scientific study are important considerations in creating a network of protected areas.

This site includes a number of **unique** features as well as those that are considered **typical** of the region south of Taiaroa Head. As such, it is considered that the protection of the underwater scenery, natural features and marine life of this site would be consistent with the Marine Reserves Act in that they are so '**typical**, or **beautiful**, or **unique** that their continued preservation is in the **national interest**'.

### 4.6.3 How this site would contribute to the network

Hākinikini Marine Reserve would contribute to a comprehensive and representative network of protected sites in the southeastern South Island, in particular by protecting exposed intertidal and subtidal rocky reef habitats. Appendix 4 provides a full list of the habitats that have been identified within the region and shows the contribution this site would make to the network of protected sites.

### 4.6.4 Activities that would be affected

Under the Marine Reserves Act, the activities listed in Table A1.13 would be prohibited in the proposed Hākinikini Marine Reserve.

**Table A1.13. Activities that would be prohibited in the proposed Hākinikini Marine Reserve.**

| Activity | Details |
|---|---|
| Commercial fishing | All commercial fishing would be prohibited. Based on 2017 values, Fisheries New Zealand estimates the export value of potentially displaced commercial catches from the site to be NZ$239,300 (7 tonnes) per year, which represents 0.7% of the export value of the southeast region. The fisheries that would most likely be affected are the koura/rock lobster (*Jasus edwardsii*) and flatfish trawl fisheries, for which approximately 2.37% and 0.10%, respectively, of their quota management area catches occur at this site. |

| | |
|---|---|
| | Additional information that was used in forming this application, including information on all affected fisheries, can be found in the Forum's recommendations report* and the agency advice to Ministers.† |
| Recreational fishing | All recreational fishing would be prohibited. This area is used by recreational fishers; particularly for pāua (*Haliotis* spp.) fishing. While there would be an effect on some types of fishing, particularly shore-based fishing, the adverse effects on overall recreational opportunities would likely be moderated by the availability of other suitable locations nearby. |
| Customary fishing | Customary fishing would generally be prohibited but exceptions may be made to allow Kāi Tahu to take or disturb marine life for wānaka. Any such exceptions would need to be expressly provided for and be consistent with the purpose of the Marine Reserves Act 1971. |
| Mining and petroleum exploration | All mining and petroleum exploration would be prohibited with the possible exception of the activities listed in section 61(1A) of the Crown Minerals Act 1991. No mining currently occurs at this site and no active petroleum permit or open block offers are present. Foregone benefits from future potential mining or petroleum extraction in the area would not be significant as the area is not believed to hold any significant deposits of Crown minerals. |
| Extraction of any material for commercial use | All commercial extractive activities would be prohibited. No current extraction of material is known to occur within the site. |

* www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

† www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-joint-agency-advice.pdf

Any other use that is not permitted by the Marine Reserves Act and not explicitly allowed for in the Order in Council would be prohibited in this marine reserve.

### 4.6.5 Activities that are unlikely to be affected

Activities that are likely to take place at the site but are not considered to be inconsistent with the purpose of the reserve at their current levels of intensity are detailed in Table A1.14.

**Table A1.14. Activities that are unlikely to be affected by establishment of the proposed Hākinikini Marine Reserve.**

| Activity | Details |
|---|---|
| Kōiwi tākata | The retrieval of kōiwi tākata that are unearthed in the reserve by natural or other means would not be restricted by the establishment of the reserve. |
| Access | Access to the marine reserve, or sites within the marine reserve, would not be affected by the designation of the marine reserve. |
| Fossicking | The non-commercial gathering of beach stones, non-living shells and driftwood on the foreshore of the proposed marine reserve using only hand-held (non-mechanical) methods would be permitted. |
| Anchoring | No restrictions on anchoring are proposed. |
| Existing resource consents | • Discharge consents: 95426, 95427. |
| Transit | No restrictions on transit through the marine reserve are proposed. |

### 4.6.6 Summary

The habitats that occur in the proposed Hākinikini Marine Reserve are representative of the habitats south of Taiaroa Head to The Catlins. While establishment of this marine reserve would be likely to have some impact on recreational fishing, it is important to note that eliminating

adverse effects on existing users is not possible if effective protection is to be established. Therefore, it needs to be determined whether the restrictions would unduly affect recreational fishing interests.

The values associated with this site in terms of scientific purposes and the inclusion of specific habitats in a representative network of protected sites are considered to be high. As such, it is considered that the establishment of a marine reserve at this site is consistent with the Marine Reserves Act in that it would not unduly interfere with existing users and would be in the national interest.

### 4.6.7 More information

Additional information can be found in the Forum's recommendations report and in the online mapping tool SeaSketch.[57]

# Annex 1: Copy of formal notice of intention

## Notice of intention to apply for marine reserves on the southeast coast of the South Island – Recommencement of Public Consultation

*Public consultation on proposed marine reserves was initiated on 17 February 2020 and withdrawn on 9 April 2020 due to New Zealand's emergency response to the global COVID-19 pandemic. The Department of Conservation is now recommencing public consultation and invites public feedback on the proposed marine reserves, which are unchanged from those consulted on in February 2020. Full details are provided below.*

In May 2019, the Ministers of Conservation and Fisheries announced that statutory processes would begin to establish six marine reserves under the Marine Reserves Act 1971 and five Type 2 marine protected areas and a kelp harvesting prohibition area under the Fisheries Act 1996. Together, these would create marine protected areas on the southeastern coast of the South Island similar to network 1 as recommended by the South-East Marine Protection Forum Roopu Manaaki ki te Toka. The identification system used by the forum (e.g. B1) alongside the proposed name of each marine reserve is provided below.

Pursuant to section 5 of the Marine Reserves Act 1971 and section 48 of the Marine and Coastal Area (Takutai Moana) Act 2011, the Director-General of Conservation hereby gives notice of his intention to apply for Orders in Council declaring marine reserves in six areas of sea and foreshore in the southeast South Island, with their proposed names, as follows:

1. **Waitaki Marine Reserve** (B1). The proposed marine reserve boundary starts approximately 2 km south of the Waitaki River mouth and extends south for 14.8 km (8 NM). The site includes the coastal marine area from MHWS and extends offshore 8 km (4.3 NM). Area: 101.3 km$^2$.

[57] http://seasket.ch/Ogc8Ke-XX5

2. **Te Umu Koau Marine Reserve** (D1). The proposed marine reserve boundary starts approximately 100 m north of the mouth of Stony Creek and extends south to a point approximately 400 m south of the mouth of Pleasant River. It includes Bobbys Head and the entirety of Stony Creek and Pleasant River estuaries. The reserve extends from MHWS to a straight line outer boundary that ranges between 10 km and 12 km offshore. Area: 96 km².

3. **Papanui Marine Reserve** (H1). The proposed marine reserve boundary starts approximately 6 km out from Cape Saunders and extends north approximately 11 km. It then extends to the 12 NM territorial sea limit, incorporating Papanui Canyon. Area: 167 km².

4. **Ōrau Marine Reserve** (I1). The proposed marine reserve boundary extends from Harakeke Point on the Otago Peninsula 17.8 km to the outer point of Saint Clair. It includes Lawyers Head, Māori Head, Seal Point and the waters surrounding Gull Rocks from MHWS. The seaward boundary extends from Harakeke Point to approximately 1 km to the south of the breaking reef to the west of Ponuiahine (White Island). The area does not include Tow Rock. Area: 28.8 km².

5. **Okaihae Marine Reserve** (K1). The proposed marine reserve encompasses Okaihae/Green Island, extending approximately 1 km to the north, west and east of the island, and 1.3 km to the south. Area: 5 km².

6. **Hākinikini Marine Reserve** (M1). The proposed marine reserve boundary begins approximately 0.8 km north of the entrance to Akatore Creek and extends south along the coastline for approximately 6.5 km to the northern point of Watsons Beach. It extends from MHWS to approximately 0.6 to 1.3 km offshore. Area: 5.9 km².

A map of the proposed marine reserves, a consultation document with more information about the areas (including the formal application for the marine reserves) and a link to make an objection or submission are all available at this website: https://survey.publicvoice.co.nz/s3/semp-consultation.

More information can also be found on the DOC website: https://www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection/. DOC is currently investigating the possibility of running live online question and answer sessions with the public. Details will be provided on the DOC website.

To register for regular email updates on the SEMP consultation please email: semp@doc.govt.nz.

Note: Fisheries New Zealand is concurrently running a consultation process on five proposed Type 2 marine protected areas and a kelp harvesting prohibition in the same area (all using the Fisheries Act). The consultation document contains maps and information about these proposed areas.

Printed copies of the consultation document and map are also available for viewing at Department of Conservation offices in Christchurch, Dunedin and Invercargill; visitor centres in Dunedin and Wellington; and public libraries in Waimate, Oamaru and Balclutha during office hours. A map of the proposed marine reserves can be viewed outside the DOC office in Geraldine.

You can request a hard copy of the consultation document (including a formal application for the marine reserves) by emailing: semp@doc.govt.nz.

Any person, whānau, hapū and iwi or organisation who wishes to object to Orders in Council being made that establish the marine reserves, may do so by specifying the grounds of the objection in writing and submitting them to the Director-General of Conservation at https://survey.publicvoice.co.nz/s3/semp-consultation. If you are unable to provide an online submission, you can post it to the postal address below.

Under the Marine and Coastal Area (Takutai Moana) Act 2011, any whānau, hapū or iwi exercising kaitiakitanga in a part of the common marine and coastal area affected by the proposed reserves, have a right to participate in the process and provide their views. The Minister of Conservation must have particular regard to the views of affected whānau, hapū and iwi when considering the proposed marine reserves. To exercise that right, whānau, hapū or iwi who exercise kaitiakitanga in a part of the common marine and coastal area covered by the marine reserve proposals must advise the Director-General of Conservation that they are affected and provide their views on those proposals using the website above. If you are unable to provide an online submission via https://survey.publicvoice.co.nz/s3/semp-consultation, you can post it to the postal address below.

**All objections, submissions and advice must be provided by 3 August 2020 (being two months from the date of first publication of this notice – 3 June 2020).**

This notice of intention to apply for marine reserves is given by the applicant (the Director-General of Conservation) whose address is:

Proposed southeast marine protection network
Department of Conservation
Conservation House
PO Box 10420
Wellington 6143
New Zealand

Director-General of Conservation

New Zealand Government

# Appendix 2:
# Crown and Māori relationship

## Treaty principles

The following Treaty principles are most relevant to the proposed marine protected areas (MPAs).

- **Partnership – mutual good faith and reasonableness:** The Crown and Māori must act towards each other reasonably and in good faith. These mutual duties of reasonableness and good faith describe the nature of the relationship between the Crown and Māori and are the core of what has been described as the Treaty partnership. This principle is about how the Crown should behave towards Māori and Māori towards the Crown.
- **Informed decision-making:** The Crown and Māori need to be well informed of each other's interests and views. When exercising the right to govern, Crown decision-makers need to be fully informed. For Māori, full information needs to be provided in order to contribute to the decision-making process. This is closely connected to the principles of good faith and active protection. Consultation is a means of achieving informed decision-making.
- **Active protection:** The Crown must actively protect Māori interests that are retained under the Treaty as part of the promises made in the Treaty for the right to govern. This includes the promise to protect tino rangatiratanga and taonga. Active protection requires informed decision-making and judgement as to what is reasonable in the circumstances.
- **Redress and reconciliation:** The Treaty relationship should include processes to address differences of view between the Crown and Māori. The Crown must preserve its capacity to provide redress for proven grievances that result from a failure to uphold the promises made in the Treaty. Māori and the Crown should demonstrate reconciliation as grievances are addressed.

## Ngāi Tahu Claims Settlement Act 1998

### *Taonga species*

Schedules 97 and 98 of the Ngāi Tahu Claims Settlement Act 1998[58] set out taonga species. These schedules list a number of seabirds, marine mammals, shellfish and fish species, as well as a species of kelp. The list of taonga species that was agreed on with the Crown does not include some species that have been brought into the commercial quota management system, meaning that these schedules do not provide an exhaustive list of taonga species that are of importance to Kāi Tahu. It should also be noted that all native species are treasured by Kāi Tahu.

Sections 288 and 298 of the Ngāi Tahu Claims Settlement Act are intended as an acknowledgement by the Crown of the cultural, spiritual, historic and traditional associations of

[58] www.legislation.govt.nz/act/public/1998/0097/latest/DLM429090.html

Kāi Tahu with the taonga species listed in the Act. The Ministers of Conservation and Fisheries have the following obligations (in relation to these taonga species).

- To advise and consult with Te Rūnanga o Ngāi Tahu.
  - Under section 304(1) of the Ngāi Tahu Claims Settlement Act, the Minister of Conservation must consult with, and have particular regard to the advice of, Te Rūnanga o Ngāi Tahu in its capacity as an advisory committee.
  - Under section 303 of the Act, the Minister of Fisheries must consult with Te Rūnanga o Ngāi Tahu in its capacity as an advisory committee to recognise and provide for the association of Kāi Tahu with the taonga fish species, which is consistent with the overall objectives of the Fisheries Act 1983[59] and the Fisheries Act 1996.[60]
- To recognise and provide for the association of Kāi Tahu with the taonga species.

Such obligations arise:

- for the Minister of Conservation when reviewing any relevant conservation management strategy reviews or any non-statutory actions pertaining to taonga species, or when making policy decisions concerning the protection, management, use or conservation of a taonga species
- for the Minister of Fisheries when making policy decisions concerning the protection, management, use or conservation of the taonga species within the Kāi Tahu claim area.

The southeast region wholly adjoins the coastline of the takiwā of Ngāi Tahu Whānui as defined by the Te Rūnanga o Ngāi Tahu Act 1996.

The marine, coastal and estuarine species included in Schedules 97 and 98 that are likely to occur within the proposed MPAs are listed in Appendix 5.

***Statutory acknowledgements***

The Ngāi Tahu Claims Settlement Act includes statutory acknowledgements for:

- Te Tai o Arai Te Uru (the Otago Coastal Marine Area; Schedule 103)
- the 'Waitaki River', including the river mouth
- the Clutha River/Mata-Au, including the river mouth.

[59] www.legislation.govt.nz/act/public/1983/0014/latest/DLM66582.html

[60] www.legislation.govt.nz/act/public/1996/0088/latest/DLM394192.html

# Appendix 3: Catch and export value estimation methods

## Catch estimation methods

Commercial fishing catches were estimated based on the average of annual catches taken over 10 consecutive fishing years (2007/08 to 2016/17 inclusive). The information was sourced from fishing catch effort and landings returns reported to Fisheries New Zealand. Species catch weights for each proposed marine protected area (MPA) were estimated based on the area of the mapped fishing events that intersected with each proposed area for protection. There are limitations to the fisheries data that were used in the assessment largely due to the scale at which the data are reported, so these should be regarded as estimates only (see section 6.6 of the recommendations report of the South-East Marine Protection Forum Roopu Manaaki ki te Toka [61]).

## Export value estimation methods

The export value of each displaced commercial fishery is based on 2017 data and reflects the value of export goods, including raw materials, processing, packaging, storage and transportation up to the point where the goods are about to leave the country as exports. It does not include storage, export transport or insurance costs to get the goods to the export market. There is uncertainty regarding the matching of some species and processed states, and the prices derived may only represent a portion of the total exports of that species. Therefore, export values should be regarded as estimates.



[61] South-East Marine Protection Forum 2018: Recommendations to the Minister of Conservation and the Minister of Fisheries: Recommendations towards implementation of the Marine Protected Areas Policy on the South Island's south-east coast of New Zealand. Department of Conservation, Wellington. 314 p. www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

# Appendix 4: Habitats in the southeast region and at each site

The area (in km$^2$) of each habitat type that occurs in each of the proposed marine reserves and Type 2 marine protection areas (MPAs) is shown in Table A4.1. The information is based on the best available information and is in accordance with the *Marine Protected Areas: policy and implementation plan*[62] and the *Marine Protected Areas: classification, protection standard and implementation guidelines.*[63]



[62] Department of Conservation; Ministry of Fisheries 2005: Marine Protected Areas: policy and implementation plan. Department of Conservation and Ministry of Fisheries, Wellington. 25 p. www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-policy-and-implementation-plan/

[63] Ministry of Fisheries; Department of Conservation 2008: Marine Protected Areas: classification, protection standard and implementation guidelines. Ministry of Fisheries and Department of Conservation, Wellington. 53 p. www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/marine-protected-areas/marine-protected-areas-classification-protection-standard-and-implementation-guidelines/

Table A4.1. Total area of each habitat type in the southeast region of the South Island of New Zealand and in each of the proposed marine reserves and Type 2 marine protection areas (MPAs).

| | | | Deep habitats > 30 m | | | | | Exposed habitats (generally south of the Otago Peninsula) | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Coastline length (excluding estuaries) | Area (km²) | Deep water sand > 200 m | Deep gravel | Deep mud | Deep reef | Deep sand | Exposed boulder beach | Exposed intertidal reef | Exposed sandy beach | Exposed shallow gravel | Exposed shallow reef | Exposed shallow sand |
| Total of habitat in region | | | 73.1 | 1102.2 | 128.2 | 163.4 | 4785.8 | 0.03 | 7.2 | 6.3 | 6.5 | 90.9 | 547.1 |
| Proposed marine reserves | | | | | | | | | | | | | |
| Waitaki (B1) | 14.8 | 101.0 | | | | | | | | | | | |
| Te Umu Koau (D1) | 10 4 | 96.0 | | 0.1 | 9.5 | 7.3 | 37.6 | | | | | | |
| Papanui (H1) | 0.0 | 173.0 | 18.2 | 20.9 | | | 128.8 | | | | | | |
| Ōrau (I1) | 19.5 | 28.7 | | 0.7 | | | 7.1 | 0.02 | 0.4 | 0.6 | 0.2 | 2.4 | 17.2 |
| Okaihae (K1) | 0.7 | 5.0 | | | | | 1.6 | | 0.0 | | | 0.2 | 3.2 |
| Hākinikini (M1) | 9.3 | 5.9 | | | | | | | 0.6 | 0.0 | | 2.7 | 2.5 |
| Total proportion in marine reserves | | | 18.2 | 21.7 | 9.5 | 8.1 | 233.3 | 0.02 | 1.5 | 0.9 | 0.2 | 9.3 | 35.3 |
| (% of region) | | | 25.0 | 2.0 | 7 4 | 4.9 | 4.9 | 80.30 | 20.8 | 13.5 | 3.5 | 10.3 | 6.4 |
| | | | | | | | | | | | | | |
| Proposed Type 2 MPAs | | | | | | | | | | | | | |
| Tuhawaiki (A1) | 40.6 | 158.0 | | | | | | | | | | | |
| Moko-tere-a-torehu (C1) | 19.2 | 254.0 | | 16.7 | | | | | | | 1.1 | | |
| Kaimata (E1) | - | 632.0 | 52.7 | 47.2 | | 0.4 | 348.8 | | | | | | |
| Whakatorea (L1) | - | 0.3 | | | | | | | | | | | |
| Tahakopa (Q1) | - | 0.7 | | | | | | | | | | | |
| Total proportion in Type 2 MPAs | | | 52.7 | 63.9 | | 0.4 | 348.8 | | | | 1.1 | | |
| (% of region) | | | 72.1 | 5.8 | | 0.2 | 7.3 | | | | 17.1 | | |

| | | | Moderate exposed habitats (generally north of the Otago Peninsula | | | | | | | Sheltered habitats (generally west of the Otago Harbour) | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Coastline length (excluding estuaries) | Area (km²) | Moderate gravel beach | Moderate intertidal reef | Moderate sandy beach | Moderate shallow gravel | Moderate shallow mud | Moderate shallow reef | Moderate shallow sand | Sheltered intertidal reef | Sheltered sandy beach | Sheltered shallow reef | Sheltered shallow sand |
| Total of habitat in region | | | 3.2 | 5.2 | 6.4 | 901.8 | 132.9 | 116.8 | 768.3 | 0 4 | 1.0 | 4.5 | 25.9 |
| Proposed marine reserves | | | | | | | | | | | | | |
| Waitaki (B1) | 14.8 | 101.0 | 0.4 | | | 87.1 | 13.8 | | | | | | |
| Te Umu Koau (D1) | 10.4 | 96.0 | | 0.2 | 0.2 | | 10.1 | 29.0 | 0.8 | | | | |
| Papanui (H1) | 0.0 | 173.0 | | | | | | | | | | | |
| Ōrau (I1) | 19.5 | 28.7 | | | | | | | | | | | |
| Okaihae (K1) | 0.7 | 5.0 | | | | | | | | | | | |
| Hākinikini (M1) | 9.3 | 5.9 | | | | | | | | | | | |
| Total proportion in marine reserves | | | 0.4 | 0.2 | 0.2 | 87.1 | 23.9 | 29.0 | 0.8 | | | | |
| (% of region) | | | 13.2 | 3.6 | 3.2 | 9.7 | 18.0 | 24.8 | 0.1 | | | | |
| | | | | | | | | | | | | | |
| Proposed Type 2 MPAs | | | | | | | | | | | | | |
| Tuhawaiki (A1) | 40.6 | 158.0 | 1.9 | 0.0 | | 33.0 | 44.4 | 2.7 | 75.4 | | | | |
| Moko-tere-a-torehu (C1) | 19.2 | 254.0 | 0.7 | | | 195.6 | 19.7 | | 20.5 | | | | |
| Kaimata (E1) | - | 632.0 | | | | | | | | | | | |
| Whakatorea (L1) | - | 0.3 | | | | | | | | | | | |
| Tahakopa (Q1) | - | 0.7 | | | | | | | | | | | |
| Total proportion in Type 2 MPAs | | | 2.5 | 0.0 | | 228.6 | 64.1 | 2.7 | 96.0 | | | | |
| (% of region) | | | 77.8 | 0.2 | | 25.3 | 48.2 | 2.3 | 12.5 | | | | |

| | | | Estuarine | Biogenic habitats | | |
|---|---|---|---|---|---|---|
| | Coastline length (excluding estuaries) | Area (km²) | Total estuarine | Giant kelp forest | Bryozoan habitat | Seagrass |
| Total of habitat in region | | | 90.6 | 18.0 | 431.0 | 7.2 |
| Proposed marine reserves | | | | | | |
| Waitaki (B1) | 14.8 | 101.0 | | | | |
| Te Umu Koau (D1) | 10.4 | 96.0 | 1.1 | 5.9 | | ?* |
| Papanui (H1) | 0.0 | 173.0 | | | 129.0 | |
| Ōrau (I1) | 19.5 | 28.7 | | | | |
| Okaihae (K1) | 0.7 | 5.0 | | | | |
| Hākinikini (M1) | 9.3 | 5.9 | | | | |
| Total proportion in marine reserves | | | 1.1 | 5.9 | 129.0 | ?* |
| (% of region) | | | 1.2 | 32.8 | 29.9 | |
| | | | | | | |
| Proposed Type 2 MPAs | | | | | | |
| Tuhawaiki (A1) | 40.6 | 158.0 | | | | |
| Moko-tere-a-torehu (C1) | 19.2 | 254.0 | | | | |
| Kaimata (E1) | - | 632.0 | | | 276.0 | |
| Whakatorea (L1) | - | 0.3 | 0.3 | | | |
| Tahakopa (Q1) | - | 0.7 | 0.7 | | | |
| Total proportion in Type 2 MPAs | | | 1.0 | | 276.0 | |
| (% of region) | | | 1.1 | | 64.0 | |

* Habitat known to be present but not mapped.

# Appendix 5:
## Taonga species

The taonga (taoka) species that are included in Tables A5.1 and A5.2 are those that are listed in Schedule 97 (and provided for in sections 287 to 296) of the Ngāi Tahu Claims Settlement Act 1998.[64] In addition, the taonga fish and shellfish species that are listed in Schedule 98 (customary fisheries) are also included. Important customary freshwater fisheries such as tuna, kanakana/lamprey and inaka/whitebait, have not been captured in Schedule 98, but all have an important component of their life cycle at sea.

Tables A5.1 and A5.2 indicate the taonga species that are considered likely to occur within (or in the immediate vicinity of) each of the six proposed marine reserves and the five Type 2 MPAs, respectively.

Taonga species are recognised in the Ngāi Tahu Claims Settlement Act and provide a pou that represents the special relationship the Kāi Tahu iwi has with native wildlife in its takiwā. Many of the listed species are present in or near the areas proposed for protection. Some areas provide significant foraging habitat for these species, and adjacent coastal land may provide breeding habitat for seabirds and marine mammals in addition to being home to kā tamariki o Tane. The coast is an important interface between the domains of Takaroa (God of the sea) and Tane (God of the forests and birds), with important stories of this relationship being told through taonga species such as the sand-binding sedge pīkao (*Ficinia spiralis*).

Some sites in the network are of particular importance to many of the listed taonga species. These lists have been included in recognition of Kāi Tahu's special relationship with New Zealand's native species and to ensure the visibility of this special relationship throughout the process of establishing a network of protected sites in the southeast region. However, we also acknowledge that the lists are not a complete representation of that relationship, and any lists of this nature will be subject to updates and corrections over time.

Notes:

1. In the following tables, ✓ indicates those taonga species that are considered to breed within or immediately adjacent to the site, or to be enduringly present there, while (✓) indicates those taonga species that are considered to occur intermittently within the site.
2. The information in these tables is based on the best available information about the habitats and species that are present at each site and the known southeast coast habitats and distributions of the taonga species listed. In some cases, the species may not have been specifically recorded within the site. A more authoritative list could be acquired by undertaking targeted surveys of the different species and groups of plants and animals.

[64] www.legislation.govt.nz/act/public/1998/0097/latest/DLM429090.html

**Table A5.1. Taonga species that are present at the proposed marine reserve sites.**

| Species | Proposed marine reserve | | | | | |
|---|---|---|---|---|---|---|
| | Waitaki | Te Umu Koau | Papanui | Orau | Okaihae | Hakinikini |
| **Mammals** | | | | | | |
| Kekeno/New Zealand fur seal (*Arctocephalus forsteri*) | (✓) | (✓) | (✓) | ✓ | ✓ | ✓ |
| Whakahao*/New Zealand sea lion (*Phocarctos hookerii*) | (✓) | (✓) | (✓) | ✓ | (✓) | ✓ |
| Rāpoka/leopard seal (*Hydrurga leptonyx*) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| Ihupuku/southern elephant seal (*Mirounga leonina*) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| Paikea/humpback whale (*Megaptera novaeangliae*) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| Parāoa/sperm whale (*Physeter macrocephalus*) | | | (✓) | | | |
| Tohorā/southern right whale (*Balaena australis*) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| | | | | | | |
| **Birds** | | | | | | |
| Karoro/southern black-backed gull (*Larus dominicanus*) | ✓ | (✓) | (✓) | ✓ | ✓ | ✓ |
| Kōau/shags† | ✓ | ✓ | (✓) | ✓ | ✓ | ✓ |
| Kororā/little blue penguin (*Eudyptula minor*) | (✓) | ✓ | ✓ | ✓ | ✓ | |
| Kōtare/kingfisher (*Halcyon sancta*) | | | | (✓) | | (✓) |
| Kōtuku/white heron (*Egretta alba*) | (✓) | (✓) | | (✓) | | |
| Kuaka/bar-tailed godwit (*Limosa lapponica*) | | (✓) | | | | (✓) |
| Pākura/pūkeko/swamp hen (*Porphyrio porphyrio*) | | | (✓) | (✓) | | (✓) |
| Pārera/grey duck (*Anas superciliosa*) | | | (✓) | (✓) | | |
| Poaka/pied stilt (*Himantopus himantopus*) | ✓ | ✓ | | ✓ | (✓) | ✓ |
| Tara/terns (*Sterna* spp.) | (✓) | ✓ | (✓) | ✓ | (✓) | ✓ |
| Hoiho/yellow-eyed penguin (*Megadyptes antipodes*) | (✓) | ✓ | (✓) | ✓ | ✓ | (✓) |
| Tawaki/Fiordland crested penguin (*Eudyptes pachyrhynchus*) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| Pokotiwha/Snares crested penguin (*Eudyptes robustus*) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| Tītī‡ | (✓) | (✓) | (✓) | ✓ | ✓ | (✓) |
| Toroa/albatrosses and mollymawks (*Diomedea* spp.) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| | | | | | | |
| **Plants** | | | | | | |
| Rimurapa/bull kelp (*Durvillaea antarctica*) | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Pīkao/golden sand sedge (*Ficinia spiralis*) | | | | | | |
| Wīwī/rushes (all indigenous *Juncus* spp. and *J. maritimus*) | ✓ | ✓ | | ✓ | | ✓ |

| Species | Proposed marine reserve | | | | | |
|---|---|---|---|---|---|---|
| | Waitaki | Te Umu Koau | Papanui | Orau | Okaihae | Hakinikini |
| | | | | | | |
| **Fishes and invertebrates**<br><br>**Schedule 98** | | | | | | |
| Kāeo/sea tulip (*Pyura pachydermatum*) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Koeke/common shrimp (*Paleamon affinis*) | | | | ✓ | | ✓ |
| Kōkopu/hawai/giant bully (*Gobiomorphus gobioides*) | ✓ | ✓ | | | | |
| Paraki/ngaiore/common smelt (*Retropinna retropinna*) | ✓ | ✓ | | ✓ | ✓ | ✓ |
| Piripiripohatu/torrentfish (*Cheimarrichthys fosteri*) | ✓ | | | | | |
| Taiwharu/giant kōkopu (*Galaxias argenteus*) | | ✓ | | | | ✓ |
| Pipi/kākahi (*Paphies australe*) | | ✓ | | | | |
| Tuaki/hākiari/kuhakuha/pūrimu/surfclams (*Dosinia anus, Paphies donacina, Mactra discors, Mactra murchsoni, Spisula aequilateralis, Basina yatei* or *Dosinia subrosa*) | ✓ | ✓ | | ✓ | ✓ | ✓ |
| Tuatua (*Paphies subtriangulata, P. donacina*) | ✓ | ✓ | | ✓ | | ✓ |
| Waikaka/pūpū/mudsnails (*Amphibola crenata, Turbo smaragdus, Zediloma* spp.) | ✓ | ✓ | | | | |
| | | | | | | |

* Names that were listed in the schedule in association with the New Zealand sea lion were whakahao and rāpoka. Since rāpoka is also known to refer to leopard seal (*Hydrurga leptonyx*), this species is also included in our consideration of marine mammal taonga that are occasionally present in this area.

† According to Schedule 97 of the Ngāi Tahu Settlement Act 1998, 'kōau' includes the black shag (*Phalacrocorax carbo*), pied shag (*P. varius varius*) and little shag (*P. melanoleucos brevirostris*). Other important shag species present at these east coast sites include spotted shags (*Stictocarbo punctatus*) and Otago shags (*Leucocarbo chalconotus*), so these have also been considered here for completeness.

‡ According to Schedule 97 of the Ngāi Tahu Settlement Act 1998, 'tītī' comprises the following seabird species: sooty shearwater/muttonbird (*Puffinus griseus*), Hutton's shearwater (*Puffinus huttoni*), common diving petrel (*Pelecanoides urinatrix*), South Georgian diving petrel (*Pelecanoides georgicus*), Westland petrel (*Procellaria westlandica*), fairy prion (*Pachyptila turtur*), broad-billed prion (*Pachyptila vittata*), white-faced storm petrel (*Pelagodroma marina*), Cook's petrel (*Pterodroma cookie*) and mottled petrel (*Pterodroma inexpectata*).

Table A5.2. Taonga species that are present at the proposed Type 2 marine protected area (MPA) sites.

| Species | Proposed Type 2 MPA | | | | | |
|---|---|---|---|---|---|---|
| | Tuhawaiki | Moko-tere-a-torehu Koau | Kaimata | Whakatorea | Thakopa | Arai Te Uru |
| **Mammals** | | | | | | |
| Kekeno/New Zealand fur seal (*Arctocephalus forsteri*) | (✓) | (✓) | (✓) | | | (✓) |
| Whakahao*/New Zealand sea lion (*Phocarctos hookerii*) | (✓) | (✓) | (✓) | (✓) | ✓ | (✓) |
| Rāpoka/leopard seal (*Hydrurga leptonyx*) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| Ihupuku/southern elephant seal (*Mirounga leonina*) | (✓) | (✓) | (✓) | (✓) | (✓) | (✓) |
| Paikea/humpback whale (*Megaptera novaeangliae*) | (✓) | (✓) | (✓) | | | (✓) |
| Parāoa/sperm whale (*Physeter macrocephalus*) | | (✓) | (✓) | | | |
| Tohorā/southern right whale (*Balaena australis*) | (✓) | (✓) | (✓) | | | (✓) |
| | | | | | | |
| **Birds** | | | | | | |
| Karoro/black-backed gull (*Larus dominicanus*) | ✓ | (✓) | (✓) | ✓ | ✓ | ✓ |
| Kōau/shags† | ✓ | (✓) | (✓) | ✓ | ✓ | ✓ |
| Kororā/little blue penguin (*Eudyptula minor*) | (✓) | (✓) | (✓) | ✓ | ✓ | ✓ |
| Kōtare/kingfisher (*Halcyon sancta*) | | | | ✓ | ✓ | (✓) |
| Kōtuku/white heron (*Egretta alba*) | (✓) | | | (✓) | (✓) | |
| Kuaka/bar-tailed godwit (*Limosa lapponica*) | | | | (✓) | (✓) | |
| Pākura/pūkeko/swamp hen (*Porphyrio porphyrio*) | (✓) | | | (✓) | (✓) | |
| Pārera/grey duck (*Anas superciliosa*) | | | | (✓) | (✓) | |
| Poaka/pied stilt (*Himantopus himantopus*) | ✓ | | | ✓ | ✓ | |
| Tara/terns (*Sterna* spp.) | (✓) | (✓) | (✓) | ✓ | ✓ | ✓ |
| Hoiho/yellow-eyed penguin (*Megadyptes antipodes*) | (✓) | (✓) | (✓) | | | (✓) |
| Tawaki/Fiordland crested penguin (*Eudyptes pachyrhynchus*) | (✓) | (✓) | (✓) | | | (✓) |
| Pokotiwha/Snares crested penguin (*Eudyptes robustus*) | (✓) | (✓) | (✓) | | | (✓) |
| Tītī† | (✓) | (✓) | (✓) | | | (✓) |
| Toroa/albatrosses and mollymawks (*Diomedea* spp.) | (✓) | (✓) | (✓) | | | (✓) |
| | | | | | | |
| **Plants** | | | | | | |
| Rimurapa/bull kelp (*Durvillaea antarctica*) | | | | | | ✓ |
| Pīkao/golden sand sedge (*Ficinia spiralis*) | | | | | | ✓ |
| Wīwī/rushes (all indigenous *Juncus* spp. and *J. maritimus*) | ✓ | | | ✓ | ✓ | |

| Species | Proposed Type 2 MPA | | | | | |
|---|---|---|---|---|---|---|
| | Tuhawaiki | Moko-tere-a-torehu Koau | Kaimata | Whakatorea | Thakopa | Arai Te Uru |
| | | | | | | |
| **Fishes and invertebrates**<br><br>**Schedule 98** | | | | | | |
| Kāeo/sea tulip (*Pyura pachydermatum*) | ✓ | ✓ | ✓ | | | ✓ |
| Koeke/common shrimp (*Paleamon affinis*) | | | | ✓ | ✓ | ✓ |
| Kōkopu/hawai/giant bully (*Gobiomorphus gobioides*) | | | | ✓ | ✓ | |
| Paraki/ngāiore/common smelt (*Retropinna retropinna*) | | | | ✓ | ✓ | ✓ |
| Piripiripohatu/torrentfish (*Cheimarrichthys fosteri*) | | | | | | |
| Taiwharu/giant kokopu (*Galaxias argenteus*) | | | | ✓ | ✓ | |
| Pipi/kākahi (*Paphies australe*) | | | | ✓ | ✓ | |
| Tuaki/hākiari/kuhakuha/pūrimu/surfclams (*Dosinia anus, Paphies donacina, Mactra discors Mactra murchsoni, Spisula aequilateralis, Basina yatei* or *Dosinia subrosa*) | ✓ | | | ✓ | ✓ | ✓ |
| Tuatua (*Paphies subtriangulata, P. donacina*) | ✓ | | | ✓ | ✓ | ✓ |
| Waikaka/pūpū/mudsnails (*Amphibola crenata, Turbo smaragdus, Zediloma* spp.) | ✓ | | | ✓ | ✓ | ✓ |
| | | | | | | |

* Names that were listed in the schedule in association with the New Zealand sea lion were whakahao and rāpoka. Since rāpoka is also known to refer to leopard seal (*Hydrurga leptonyx*), this species is also included in our consideration of marine mammal taonga that are occasionally present in this area.

† According to Schedule 97 of the Ngāi Tahu Settlement Act 1998, 'kōau' includes the black shag (*Phalacrocorax carbo*), pied shag (*P. varius varius*) and little shag (*P. melanoleucos brevirostris*). Other important shag species present at these east coast sites include spotted shags (*Stictocarbo punctatus*) and Otago shags (*Leucocarbo chalconotus*), so these have also been considered here for completeness.

‡ According to Schedule 97 of the Ngāi Tahu Settlement Act 1998, 'tītī' comprises the following seabird species: sooty shearwater/muttonbird (*Puffinus griseus*), Hutton's shearwater (*Puffinus huttoni*), common diving petrel (*Pelecanoides urinatrix*), South Georgian diving petrel (*Pelecanoides georgicus*), Westland petrel (*Procellaria westlandica*), fairy prion (*Pachyptila turtur*), broad-billed prion (*Pachyptila vittata*), white-faced storm petrel (*Pelagodroma marina*), Cook's petrel (*Pterodroma cookie*) and mottled petrel (*Pterodroma inexpectata*).

New Zealand Government

# Appendix 2

## PublicVoice Summary of Submissions report – September 2020

# Proposed southeast marine protected areas

## Summary of submissions

## September 2020


Department of Conservation
*Te Papa Atawbai*
New Zealand Government
Fisheries New Zealand
Tini a Tangaroa

**About PublicVoice**

PublicVoice Limited is a research and engagement consultancy located in Wellington, New Zealand. We specialise in research and engagement activities related to public policy and public consultation. PublicVoice works for a range of New Zealand local and central government agencies. You can find out more about our work at www.publicvoice.co.nz.



| | |
|---|---|
| Document status: | Final |
| Version: | 1.1 |
| Date: | 22 September 2020 |
| Author(s): | Jared Bothwell, Dianne Long, Natalie Daddy, Zachary Hing |

# Table of contents

# Index of Tables and Figures

# Figures

# 1. Executive summary

The purpose of this document is to provide a high-level summary of the submissions received during public consultation on the proposed southeast marine protected areas.[1] This summary includes public submissions made via the PublicVoice online survey interface, as well as submissions emailed or posted directly to PublicVoice, the Department of Conservation (DOC) and Fisheries New Zealand (FNZ). It covers submissions made during both the original submission period, before the consultation was closed due to COVID-19 (17 February–9 April 2020) and those made after consultation reopened (3 June–3 August 2020).[2] A total of 4,056 submissions were received during the consultation period.

This report is intended to be a summary of submissions only and does not provide an analysis of feedback or any recommendations. Any recommendations in response to submissions received will be made through agency advice to the Minister of Conservation and Minister of Fisheries.

## 1.1 Background to the consultation process

The southeast coast of New Zealand is biologically diverse. Through the implementation of Marine Protected Areas (MPAs), New Zealand has the potential to meet its obligations under the United Nations Convention on Biological Diversity. In response to this, DOC and FNZ consulted on a proposed network of 12 MPAs on the South Island's southeast coast. This stretch of New Zealand's coast currently has no MPAs in place.

The proposed network of 12 MPAs represents one of two options that were put forward by the government-appointed South-East Marine Protection Forum, Roopu Manaaki ki te Toka (the Forum), in February 2018.[3] The Minister of Conservation and the Minister of Fisheries agreed to progress Network 1 as recommended by the Forum using existing legislation.

---

[1] Proposed southeast marine protected areas. Consultation document. June 2020 https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

[2] Notice of intention to apply for marine reserves on the southeast coast of the South Island – Recommencement of Public Consultation https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-public-notice.pdf

[3] South-East Marine Protection Forum (2018), 'Recommendations to the Minister of Conservation and the Minister of Fisheries: Recommendations towards implementation of the Marine Protected Areas Policy on the South Island's south-east coast of New Zealand'. Department of Conservation, Wellington. https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/semp/sempf-recommendations-report.pdf

The agencies then ran a public consultation process that included the proposed Network 1 MPAs including:

- Six proposed Marine Reserves (Type 1 MPAs): Waitaki (B1), Te Umu Koau (D1), Papanui (H1), Ōrau (I1), Okaihae (K1) and Hākinikini (M1).
- Five proposed Type 2 MPAs: Tuhawaiki (A1), Moko-tere-a-torehu (C1), Kaimata (E1), Whakatorea (L1) and Tahakopa (Q1).
- One proposed Bladder Kelp Protection Area: Arai Te Uru (T1).

**Marine Reserves (Type 1 MPAs)**

Marine reserves are generally 'no-take' areas in which fishing, mining and the disturbance of all marine life and habitat are prohibited. However, some provision can be made to allow specific fishing activities and scientific research provided it is consistent with the purpose of the Marine Reserves Act 1971.

**Type 2 MPAs**

Type 2 MPAs prohibit or restrict particular activities to manage adverse effects on the marine environment. The minimum level of protection required for an area to be considered for designation as a Type 2 MPA is the prohibition of fishing methods that involve dragging gear across the seabed.

**Bladder Kelp Protection Area**

The Bladder Kelp Protection Area would prohibit the harvesting of bladder kelp from a specific area.

## 1.2 Key findings

Submissions provided feedback on the proposed full network and/or each of the proposed MPAs.

### 1.2.1 The proposed network

Of the 4,056 submissions received, 3,893 (96%) submissions indicated a preferred option regarding the proposed full network. 90% (3,521) of these submissions supported implementing the proposed full network, 8% (319) of submissions preferred the status quo (not to implement the proposed MPAs) and 1% (53) preferred another option. Submissions classified as 'environmental' were the largest supporters of the network (3,398). 3,271 of the submissions classified as 'environmental' were individual submissions that originated from an online form developed by the independent conservation organisation, Forest & Bird.[4] See section 2.1.1 for more details about the Forest & Bird submissions.

[4] An example of the Forest & Bird online submission can be viewed in Appendix 1.

The top reasons provided for supporting the implementation of the proposed network were that:

- The network would protect marine life/biodiversity/habitats
- The network would protect sea caves and deep water reefs at Te Umu Koau (proposed Marine Reserve (D1))
- The network would address a poor record of marine protection in New Zealand

Many supporters of the proposed network also suggested changes. These included:

- Extending the proposed Waitaki Marine Reserve (B1) to protect dolphin and penguin habitats
- Including Long Point or the Nuggets to represent Catlins habitats
- Extending the proposed Moko-tere-a-torehu Type 2 MPA (C1) to protect dolphin and penguin habitats
- Including Tow Rock/Gull Rocks in the proposed Ōrau Marine Reserve (I1)

Support for the status quo came mainly from recreational and commercial fishing interests. The top reasons provided in support for maintaining the status quo were that:

- The network forces fishers into unsafe areas
- The network will impact local-sport, culture and tourism
- The network will negatively impact recreational fishing

Many submissions that preferred another option suggested changes. This includes changes from submitters who supported the network, or the status quo. The most frequently cited changes included:

- Increase restrictions/monitoring with the current management system
- Increase the coverage and connection of the network
- Increase species-specific protection
- To have better inclusion of community and local knowledge in management

### 1.2.2 Proposed marine reserves, Type 2 MPAs & Bladder Kelp Protection Area

Table 1 gives an overview of the preferred option of the submissions that commented on specific proposed MPAs. It is important to view these MPA-specific preferred options in the context of the preferences expressed across the proposed network. Of the 3,893 submissions that indicated a preferred option regarding the proposed full network, 90% (3,521) supported implementing the proposed full network. 8% (319) preferred the status quo (not to implement the proposed MPAs) and 1% (53) preferred another option (see section 1.2.1). Commentary for each proposed MPA is included below the table, discussing the most frequently cited reasons for support, objection and partial support.

*Table 1. Proposed marine reserves, Type 2 MPAs & Bladder Kelp Protection Area — overview of preferred options*

| MPA | I fully support the proposal (MPA should be implemented) | I object to the proposal being implemented (support the status quo and do not implement the MPA) | I partially support the proposal (want the MPA implemented with changes) | Total number of submissions |
|---|---|---|---|---|
| Proposed Waitaki Marine Reserve (B1) | 62%<br>88 | 27%<br>38 | 11%<br>15 | 141 |
| Proposed Te Umu Koau Marine Reserve (D1) | 32%<br>87 | 59%<br>161 | 9%<br>25 | 273 |
| Proposed Papanui Marine Reserve (H1) | 60%<br>91 | 28%<br>43 | 12%<br>18 | 152 |
| Proposed Ōrau Marine Reserve (I1) | 33%<br>90 | 58%<br>158 | 9%<br>24 | 272 |
| Proposed Okaihae Marine Reserve (K1) | 36%<br>88 | 59%<br>143 | 5%<br>12 | 243 |
| Proposed Hākinikini Marine Reserve (M1) | 62%<br>87 | 31%<br>44 | 6%<br>9 | 140 |
| Proposed Tuhawaiki Type 2 MPA (A1) | 70%<br>86 | 25%<br>30 | 5%<br>6 | 122 |
| Proposed Moko-tere-a-torehu Type 2 MPA (C1) | 70%<br>88 | 23%<br>29 | 7%<br>9 | 126 |
| Proposed Kaimata Type 2 MPA (E1) | 67%<br>88 | 25%<br>33 | 8%<br>10 | 131 |
| Proposed Whakatorea Type 2 MPA (L1) | 69%<br>86 | 27%<br>34 | 4%<br>5 | 125 |
| Proposed Tahakopa Type 2 MPA (Q1) | 69%<br>88 | 25%<br>32 | 6%<br>7 | 127 |
| Proposed Arai Te Uru Bladder Kelp Protection Area (T1) | 73%<br>96 | 24%<br>31 | 3%<br>4 | 131 |

#### 1.2.2.1 Proposed marine reserves

**Waitaki Marine Reserve (B1)**

A total of 141 submissions were received specifically for the proposed Waitaki Marine Reserve. 62% (88) of these submissions fully supported the proposal, 27% (38) objected, and 11% (15) partially supported the proposal.[5] The most frequently cited reason for support was the benefits associated with the marine reserve for marine life, habitats and ecosystems. The most frequently cited reason for objection was that the status quo of fishing was sustainable. The most frequently cited reason for partial support was the benefits associated with the marine reserve for marine life, habitats and ecosystems. The most frequently cited change was to increase the area of the proposed marine reserve.

**Te Umu Koau Marine Reserve (D1)**

A total of 273 submissions were received specifically for the proposed Te Umu Koau Marine Reserve. 32% (87) of these submissions fully supported the proposal, 59% (161) objected, and 9% (25) partially supported the proposal.[6] The most frequently cited reason for support was the benefits associated with the marine reserve for marine life, habitats and ecosystems. The most frequently cited reason for objection was the impact the marine reserve would have in displacing fishing pressure to surrounding areas. The most frequently cited reason for partial support was the benefits associated with the marine reserve for marine life, habitats and ecosystems. The most frequently cited change was to increase the area and connectivity of the proposed marine reserve.

**Papanui Marine Reserve (H1)**

A total of 152 submissions were received specifically for the proposed Papanui Marine Reserve. 60% (91) of these submissions fully supported the proposal, 28% (43) objected, and 12% (18) partially supported the proposal.[7] The most frequently cited reason for support was the benefits associated with the marine reserve for marine life, habitats and ecosystems. The most frequently cited reason for objection was the impact the proposal would have on recreational fishing. The most frequently cited reasons for partial support were equally, the benefits associated with the marine reserve for marine life, habitats and ecosystems, that the proposed area needed to be increased and to ban commercial fishing but allow recreational fishing. The most frequently cited change was to increase the area of the proposed marine reserve.

[5] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Waitaki Marine Reserve. Refer to section 5.4.
[6] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Te Umu Koau Marine Reserve. Refer to section 5.4.
[7] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Papanui Marine Reserve. Refer to section 5.4.

**Ōrau Marine Reserve (I1)**

A total of 272 submissions were received specifically for the proposed Ōrau Marine Reserve. 33% (90) of these submissions fully supported the proposal, 58% (158) objected, and 9% (24) partially supported the proposal.[8] The most frequently cited reason for support was the benefits associated with the marine reserve for marine life, habitats and ecosystems. The most frequently cited reason for objection was the impact the proposal would have on recreational fishers. The most frequently cited reason for partial support was that the proposed area needed to be increased. The most frequently cited change was to increase the proposed marine reserve area and species protection.

**Okaihae Marine Reserve (K1)**

A total of 243 submissions were received specifically for the proposed Okaihae Marine Reserve. 36% (88) of these submissions fully supported the proposal, 59% (143) objected, and 5% (12) partially supported the proposal.[9] The most frequently cited reason for support was the benefits associated with the marine reserve for marine life, habitats and ecosystems. The most frequently cited reason for objection was the impact the proposal would have on recreational fishing. The most frequently cited reason for partial support was that there would be increased public enjoyment and education. The most frequently cited change was to increase the area of the proposed marine reserve.

**Hākinikini Marine Reserve (M1)**

A total of 140 submissions were received specifically for the proposed Hākinikini Marine Reserve. 62% (87) of these submissions fully supported the proposal, 31% (44) objected, and 6% (9) partially supported the proposal.[10] The most frequently cited reason for support was the benefits associated with the marine reserve for marine life, habitats and ecosystems. The most frequently cited reason for objection was the impact the proposal would have on recreational fishing. One of the reasons for partial support was that community benefits would outweigh the costs. The most frequently cited change was to increase the area of the proposed marine reserve.

[8] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Ōrau Marine Reserve. Refer to section 5.4.
[9] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Okaihae Marine Reserve. Refer to section 5.4.
[10] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Hākinikini Marine Reserve. Refer to section 5.4.

#### 1.2.2.2 Proposed Type 2 MPAs

**Tuhawaiki Type 2 MPA (A1)**

A total of 122 submissions were received specifically for the proposed Tuhawaiki Type 2 MPA. 70% (86) of these submissions fully supported the proposal, 25% (30) objected, and 5% (6) partially supported the proposal.[11] The most frequently cited reason for support was the benefits associated with the Type 2 MPA for marine life, habitats and ecosystems. The most frequently cited reason for objection was that the status quo for managing fisheries was sustainable. One of the reasons for partial support was the belief that the area would add little protection. The most frequently cited change was to exclude mobile bottom contact harvesting, set netting and trawling within the proposed Type 2 MPA.

**Moko-tere-a-torehu Type 2 MPA (C1)**

A total of 126 submissions were received specifically for the proposed Moko-tere-a-torehu Type 2 MPA. 70% (88) of these submissions fully supported the proposal, 23% (29) objected, and 7% (9) partially supported the proposal.[12] The most frequently cited reason for support was the benefits associated with the Type 2 MPA for marine life, habitats and ecosystems. The most frequently cited reason for objection was that the status quo of fishing was sustainable. The most frequently cited reason for partial support was that the area needed to be increased. The most frequently cited change was to ban harmful fishing methods within the proposed Type 2 MPA.

**Kaimata Type 2 MPA (E1)**

A total of 131 submissions were received specifically for the proposed Kaimata Type 2 MPA. 67% (88) of these submissions fully supported the proposal, 25% (33) objected, and 8% (10) partially supported the proposal.[13] The most frequently cited reason for support was the benefits associated with the Type 2 MPA for marine life, habitats and ecosystems. The most frequently cited reason for objection was that the status quo of fishing was sustainable. The most frequently cited reason for partial support was support for restrictions on fishing. The most frequently cited change was to increase the size of the proposed Type 2 MPA.

**Whakatorea Type 2 MPA (L1)**

A total of 125 submissions were received specifically for the proposed Whakatorea Type 2 MPA. 69% (86) of these submissions fully supported the proposal, 27% (34) objected, and 4% (5)

[11] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Tuhawaiki Type 2 MPA. Refer to section 5.4.
[12] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Moko-tere-a-torehu Type 2 MPA. Refer to section 5.4.
[13] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Kaimata Type 2 MPA. Refer to section 5.4.

partially supported the proposal.[14] The most frequently cited reason for support was the benefits associated with the Type 2 MPA for marine life, habitats and ecosystems. The most frequently cited reasons for objection were, equally, that the status quo of fishing was sustainable and the impact the proposal would have on recreational fishing. No reasons were given for partial support. The most frequently cited change was to ban damaging harvesting methods within the proposed Type 2 MPA.

**Tahakopa Type 2 MPA (Q1)**

A total of 127 submissions were received specifically for the proposed Tahakopa Type 2 MPA. 69% (88) of these submissions fully supported the proposal, 25% (32) objected, and 6% (7) partially supported the proposal.[15] The most frequently cited reason for support was the benefits associated with the Type 2 MPA for marine life, habitats and ecosystems. The most frequently cited reason for objection was that the status quo of fishing was sustainable. The only reason given for partial support was that there were alternative or better ways of managing the area. The most frequently cited change was that there were alternative or better ways of managing the area of the proposed Type 2 MPA.

#### 1.2.2.3 Proposed Bladder Kelp Protection Area

**Arai Te Uru Bladder Kelp Protection Area (T1)**

A total of 131 submissions were received specifically for the proposed Arai-Te-Uru Bladder Kelp Protection Area. 73% (96) of these submissions fully supported the proposal, 24% (31) objected, and 3% (4) partially supported the proposal.[16] The most frequently cited reason for support was the benefits associated with the proposed kelp protection area for marine life, habitats and ecosystems. The most frequently cited reason for objection was the impact on kelp harvesting. The most frequently cited reason for partial support was opposition to a blanket ban at the site. The most frequently cited changes were equally, that *Undaria* controls were needed, to allow beach harvesting, to allow harvesting for control only, and to implement a sustainable management framework within the proposed Bladder Kelp Protection Area.

### 1.2.3 Final comments

Submissions made through the PublicVoice online survey interface could include comments in addition to the structured questions asked. These comments were analysed as per section 3.1.2. At the broadest level, each comment was categorised depending on whether it voiced

[14] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Whakatorea Type 2 MPA. Refer to section 5.4.
[15] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Tahakopa Type 2 MPA. Refer to section 5.4.
[16] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Arai Te Uru Bladder Kelp Protection Area. Refer to section 5.4.

support for the network and proposed MPAs, wanted changes made to them or objected to any of the proposed protection measures.

For those comments that supported the network and proposed MPAs, the most common theme was that the network and proposed MPAs would protect the marine environment and enhance biodiversity. The most common theme requesting changes to the proposed network and MPAs was that they should cover a smaller area. For those that opposed the protection measures, the most common theme was that the network would create safety issues for recreational fishers.

# 2. The consultation process and submissions

A consultation document was made available to the public through a variety of channels.[17] The document outlined the proposed network and each of the proposed MPA sites, including an initial cost/impact and benefit analysis. The public was invited to submit feedback on any, or all, of the proposed MPAs. Submissions were received through the PublicVoice online survey interface, by email or in hardcopy. A total of 4,056 submissions were received during the consultation process.

## 2.1 Where did submissions come from?

Submissions were received via the following channels:

*Table 2. Submission channels*

| Submission type/channel | Count |
|---|---|
| Forest & Bird online form submissions | 3,271 |
| Survey responses received via the PublicVoice online survey interface | 407 |
| Written form submissions from recreational fishers using printed templates provided by fishing clubs | 266 |
| Other written submissions received via post or email | 112 |
| **Total** | **4,056** |

### 2.1.1 Forest & Bird online form submissions

3,271 individual submissions that used an online form developed by Forest & Bird were received. All these submissions followed the same structure. Individuals could also add their own comments. 1,902 of the Forest & Bird online form submissions included individual comments.

For the purposes of this summary of submissions report all Forest & Bird online form submissions were categorised as supporting the network (implement the full network of proposed marine protection measures).

An example of the Forest & Bird online form submission can be found in Appendix 1.

[17] Department of Conservation and Fisheries New Zealand (2020), 'Proposed southeast marine protected areas'. https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

### 2.1.2 PublicVoice online survey interface

407 individual submissions were received through the online survey interface developed by PublicVoice. A set of consultation questions were developed following a bespoke Regulatory Impact Assessment and were included in the consultation document and the PublicVoice online survey interface. It was not mandatory for each question in the survey to be answered. An open-ended question was included at the end of the survey where submissions could communicate any other points not included by the preceding questions. The questions asked via the PublicVoice online survey interface are listed in Appendix 2.

### 2.1.3 Written form submissions from recreational fishers using printed templates provided by fishing clubs

266 individual hard copy written submissions were received from recreational fishers using printed templates provided by fishing clubs. These submissions were structured as per the PublicVoice online survey interface questions and followed three different form templates, examples of which can be found in Appendix 3. 162 of these submissions also contained additional hand-written comments from the individual.

### 2.1.4 Written submissions received via post or email

112 individual written submissions were received via post or email. These submissions followed no set structure and were processed and categorised as per the PublicVoice online survey interface submissions.

### 2.1.5 Late submissions

Five late submissions were received before midnight on the 10th of August 2020, being one week after consultation officially closed. These were accepted by the Director-General of Conservation and are included in this summary of submissions report.

# 3. Data analysis methodology

## 3.1 Framework of analysis

An online survey interface was built for the collection of submissions. 407 submissions were received via the interface. The interface questions (see Appendix 2) formed the framework of analysis for all submissions.

### 3.1.1 Statistical analysis

All submissions were analysed and, where necessary, categorised using the questions asked in the PublicVoice online survey interface (see Appendix 2). Table 3 provides an example of how the statistical data are reported for questions where submitters were given a list of answers to choose from. Shading in tables indicates the frequency of submissions. The highest number of submissions in each column is shaded in a darker colour. 'Tangata whenua' 'Environmental', 'Recreational fishing', 'General public', 'Commercial fishing', 'Other' and 'Owner of land adjacent to a proposed MPA' below the heading 'Main interest' refers to the main interest of the submitter. 'Total' includes all submissions received that were relevant to the question. 'Identify as tangata whenua' refers to submissions that were classified as per question 6 in the PublicVoice online survey interface (see Appendix 2). 'Exercise kaitiakitanga' refers to submissions that said that they exercised kaitiakitanga for a specific marine reserve (see Appendix 2).

The statistics reported on specific proposed MPAs do not include the numbers associated with submissions on the overall network. For example, 141 submissions provided a specific preference on the proposed Waitaki Marine Reserve. Of these 88 fully supported the proposed Marine Reserve. These numbers do not include the 3,521 submissions that indicated support for the overall network, which by default includes the proposed Waitaki Marine Reserve. Statistics about specific MPAs should, therefore, be interpreted in the context of the overall responses to the proposed network.

*Table 3. Example of statistical analysis table*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 3 | Environmental # = 66 | Recreational fishing # = 29 | General public # = 31 | Commercial fishing # = 6 | Other # = 4 | Owner of land adjacent to a proposed MPA # = 2 | Total # = 141 | Yes # = 13 | Yes # = 28 |
| Waitaki Marine Reserve (B1) | 2% | 47% | 21% | 22% | 4% | 3% | 1% | 100% | 9% | 20% |
| | 3 | 66 | 29 | 31 | 6 | 4 | 2 | 141 | 13 | 28 |

### 3.1.2 Thematic analysis

The analysis of responses to open-ended interface questions and written submissions was undertaken by PublicVoice. Themes were extracted from the text data by having a team of research analysts identify, analyse and interpret patterns of meaning within the open-ended responses. Each theme was then analysed for frequency. Results are presented in table format. Frequency tables are a representation of the number of times a code is mentioned in all submissions. Of importance to note is that the same submission may be coded multiple times under the same themes or sub-themes as submitters may allude to more than one theme in a single submission or answer. The foundation for the thematic analysis used by PublicVoice is the methodology developed by Braun and Clarke, 2006.[18]

**Classification of themes**

To aid interpretation, the results from the thematic analysis were organised into the following top-level categories.

- **Community** — responses relating to impacts, benefits, or concerns for the local community, or society at large.
- **Economic** — responses relating to economic impacts or benefits.
- **Environmental** — responses relating to the marine environment, ecosystems or species.
- **Fishing** — responses relating to the practice of fishing or the state of fisheries.
- **Scientific** — responses relating to scientific justification or proposed research.
- **SEMP process** — responses expressing concerns including both the Forum and Crown SEMP processes

**Further categorisation**

Submissions were then further categorised into sub-themes under each of these top-level categories. In instances where comments could fit into more than one theme, they were placed into the theme which they alluded to more strongly. For example, comments relating to the impact of the proposal on customary rights to fish could be categorised under 'community' or 'fishing'. However, the comment was more weighted towards the community practice rather than a general fishing concern and so was categorised under the theme 'community'. The same is true of comments that could be categorised under both 'fishing' and 'economic' themes.

## 3.2 Reporting

Tables illustrating the frequency of codes associated with each theme have been included to demonstrate the significance of each theme. It is important to note that in some cases a

[18] Braun and V. Clarke (2006), 'Using thematic analysis in psychology'. *Qualitative Research in Psychology, 3*(2), 77-101.

submission may be coded more than once with the same theme or sub-theme, as the theme or sub-theme might have been mentioned multiple times in a single submission.

*Table 4. Example of thematic analysis table*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 19 |
| | Impact on recreational fishing | 5 |
| | Displacement impact | 4 |
| | Impact of fishing overstated | 4 |
| | Cost to commercial fishing underestimated | 3 |
| | Cost to commercial fishing minor | 2 |
| | Reserve infringes on rights to fish | 1 |
| SEMP process | | 14 |
| | Insufficient analysis | 12 |
| | Lack of consultation | 2 |
| Environmental impacts/costs | | 4 |
| | Reduce area | 4 |
| Community impacts/costs | | 2 |
| | Reserve limits food supply for community | 1 |
| | Responsible take is sustainable for future generations | 1 |
| Economic impacts/costs | | 1 |
| | Impact on businesses | 1 |

# 4. Who we heard from

## 4.1 Overview of submissions

This section provides an overview of the submissions received.

### 4.1.1 Individual/organisation

3,989 (98%) submissions were received from individuals and 62 (2%) on behalf of organisations.[19] A list of organisations which provided submissions is available at Appendix 4.

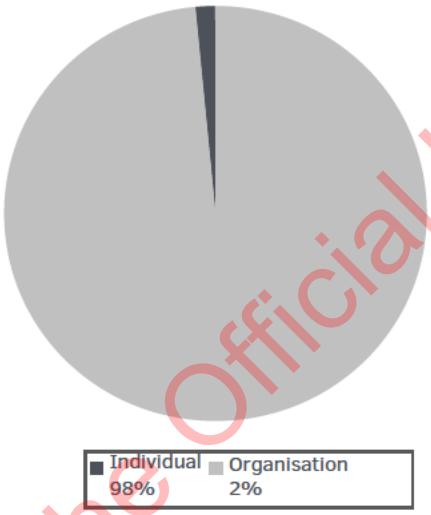



*Figure 1. Submitter type — individual/organisation*

### 4.1.2 Tangata whenua

The Crown has obligations to Māori through Te Tiriti o Waitangi, deeds of settlement, legislation, protocols and regulations. Details of these are outlined in section 2.4 of the consultation document.[20] For their views to be identified and assist Ministers in giving those submissions appropriate weight in their decision making, the online survey interface asked submitters to indicate whether they identified as tangata whenua.

[19] Five submissions did not state if they were responding as an individual or organisation.
[20] Department of Conservation and Fisheries New Zealand (2020), 'Proposed southeast marine protected areas'.
https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

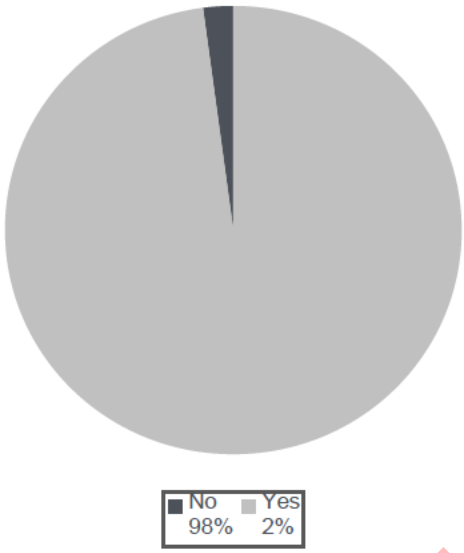



*Figure 2. Do you identify as tangata whenua?*

2% (86) of submitters identified themselves as tangata whenua. Of these, 44 provided additional details[21] regarding their tangata whenua status (see Table 5).

*Table 5. Tangata whenua — additional details*

| Tangata whenua — additional details | Count |
|---|---|
| Kāi Tahu | 20 |
| Kāti Huirapa Runaka ki Puketeraki | 6 |
| Ngāti Porou | 6 |
| Fisheries-defined Tangata Tiaki | 2 |
| Kāti Māmoe | 2 |
| Non-Māori | 2 |
| Waitaha | 2 |
| Ngāi Tūhoe | 2 |
| Taiāpure committee member | 1 |
| Māori (details unspecified) | 1 |
| Ngāti Tūmatauenga (NZ Army) | 1 |
| Ngāi Te Ruahikihiki | 1 |
| Te Aitanga a Mahaki | 1 |
| Ngāti Kahungunu | 1 |
| Ngā Puhi | 1 |

[21] In some cases, submitters provided multiple affiliations.

| Tangata whenua — additional details | Count |
|---|---|
| Tākitimu Te Waka | 1 |
| Ngāti Ranginui | 1 |
| Ngāti Maniapoto | 1 |
| Ngāti Toa Rangatira | 1 |
| Tainui | 1 |
| Tai Tokerau | 1 |
| Ngāti Te Ata | 1 |
| Ngāti Whakaue | 1 |

### 4.1.3 Kaitiakitanga

The Marine and Coastal Area (Takutai Moana) Act 2011 acknowledges the importance of the marine and coastal area to all New Zealanders and provides for the recognition of the customary rights of whānau, hapū and iwi in the common marine and coastal area.

Under the Act, any whānau, hapū or iwi who consider themselves to exercise kaitiakitanga in a part of the common marine and coastal area that is affected by the proposed marine reserves has a right to participate in the process and provide their views on the proposals. The Minister of Conservation must have particular regard to the views of affected whānau, hapū and iwi in considering the marine reserve proposals. The PublicVoice online survey interface asked submitters to indicate whether they considered they exercise kaitiakitanga in the area of the proposed marine reserves. Table 6 provides the number of submissions which indicated this.

*Table 6. Number of submissions that consider they exercise kaitiakitanga in proposed marine reserves*

| Exercise kaitiakitanga | Count |
|---|---|
| Waitaki Marine Reserve (B1) | 28 |
| Te Umu Koau Marine Reserve (D1) | 39 |
| Papanui Marine Reserve (H1) | 28 |
| Ōrau Marine Reserve (I1) | 37 |
| Okaihae Marine Reserve (K1) | 29 |
| Hākinikini Marine Reserve (M1) | 24 |

### 4.1.4 Main interest

Submissions were classified according to main interest groups outlined in the PublicVoice online survey interface. Submitters using the PublicVoice online survey interface were able to select their own main interest. A main interest was allocated to submissions not received through the PublicVoice online survey interface. The main interest allocated was based on the content of the

submission. If no clear main interest could be ascertained, the submitter was allocated to the category 'other'. The breakdown of main interest groups is detailed in Table 7.

*Table 7. Submissions classified by main interest*

| Main interest | Count |
|---|---|
| Environmental | 3431 |
| Recreational fishing | 397 |
| General public | 120 |
| Commercial fishing | 44 |
| Tangata whenua | 23 |
| Owner of land adjacent to a proposed marine protected area | 20 |
| Other | 21 |
| Total | **4,056** |

### 4.1.5 Sites submitted on

Submissions focused on the proposed network as a whole and/or the various sites that make up the proposed network. Table 8 shows a breakdown of submissions by network site. The highest number of submissions were received on the proposed full network (3,913). In general, proposed marine reserves received a higher number of specific submissions than the proposed Type 2 MPAs and the proposed Arai Te Uru Bladder Kelp Protection Area (see Figure 3 for MPA locations).

*Table 8. Sites submitted on*

| Sites submitted on | Count |
|---|---|
| Full network submission | 3,913 |
| Te Umu Koau Marine Reserve (D1) | 283 |
| Ōrau Marine Reserve (I1) | 282 |
| Okaihae Marine Reserve (K1) | 252 |
| Papanui Marine Reserve (H1) | 165 |
| Hākinikini Marine Reserve (M1) | 148 |
| Kaimata Type 2 MPA (E1) | 142 |
| Waitaki Marine Reserve (B1) | 141 |
| Arai Te Uru Bladder Kelp Protection Area (T1) | 138 |

| | |
|---|---|
| Tahakopa Type 2 MPA (Q1) | 133 |
| Moko-tere-a-torehu Type 2 MPA (C1) | 132 |
| Whakatorea Type 2 MPA (L1) | 131 |
| Tuhawaiki Type 2 MPA (A1) | 128 |

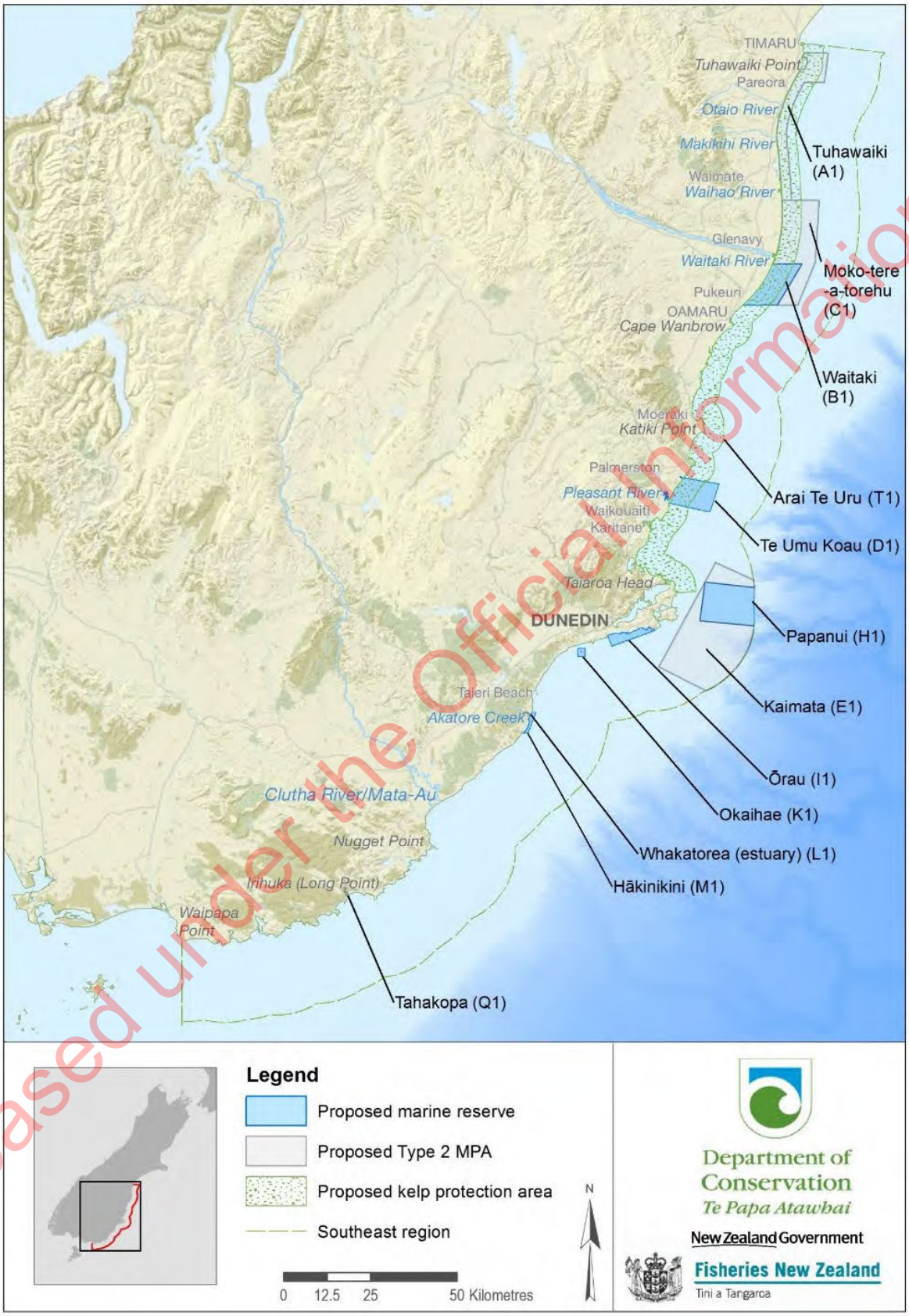



*Figure 3. Locations of proposed MPAs*

# 5. Submissions on the proposed full network of MPAs

Submitters could choose to submit on the proposed network as a whole (Figure 3) and/or on each of the individual sites that make up the proposed network. This section summarises results of consultation where submitters chose to submit on the entire proposed network.

Submissions on the entire network include the following proposed MPAs, but also commented on the general impacts or benefits of the proposed network as a whole.

The network includes:

- Six proposed Marine Reserves (Type 1 MPAs): Waitaki (B1), Te Umu Koau (D1), Papanui (H1), Ōrau (I1), Okaihae (K1) and Hākinikini (M1)
- Five proposed Type 2 MPAs: Tuhawaiki (A1), Moko-tere-a-torehu (C1), Kaimata (E1), Whakatorea (L1) and Tahakopa (Q1)
- One proposed Bladder Kelp Protection Area: Arai Te Uru (T1)

## 5.1 Proposed full network — questions asked

The following questions were asked in the PublicVoice online survey interface and formed the framework of analysis for all submissions received.

**Status quo — impacts/costs**

- Do you agree with our initial analysis of the impacts/costs of maintaining the status quo? Answers: Agree, Disagree, Don't know/Don't wish to comment
- Why do you agree/disagree?
- Are there other impacts/costs that have not been described in our initial analysis?

**Status quo — benefits**

- Do you agree with our initial analysis of the benefits of maintaining the status quo? Answers: Agree, Disagree, Don't know/Don't wish to comment
- Why do you agree/disagree?
- Are there other benefits that have not been described in our initial analysis?

**Network — preferred option**

- What is your preferred option, the status quo, the network or another option? Answers: The status quo (do not implement any of the proposed marine protection measures), The network (implement the full network of proposed marine protection measures), Another option, Don't know/Don't wish to comment.
    - Why do you support the status quo?
    - Or, Why do you support the network?

- Or, What 'other' option would you prefer?

## 5.2 Level of agreement with impacts/costs analysis

The consultation document presented an analysis of the impacts/costs and benefits of implementing the proposed full network, and alternatively of not implementing any of the proposed MPAs (i.e. maintain the status quo). Submissions were able to indicate agreement or disagreement with the analysis. Where written submissions included comments on the impacts/costs analysis, a categorisation was allocated to them that aligned with their comments. Written comments were also included under the relevant questions for thematic analysis.

It is important to note that some submitters framed their answers around the perceived impacts/costs and benefits of *implementing the proposed network*, rather than *maintaining the status quo*. These two types of responses were separated in the thematic analysis to ensure clarity in the results.

A total of 442 submissions provided feedback on the initial analysis of the impacts/costs of maintaining the status quo. Of these 31% (137) agreed and 69% (305) disagreed with the initial analysis (Table 9). Of the 39 submitters who identified as tangata whenua (at question 6 of the PublicVoice online survey interface), 79% (31) disagreed with the impacts/costs analysis.

*Table 9. Level of agreement with impacts/costs analysis of maintaining status quo*

| | Main interest | | | | | | | | Identify as tangata whenua |
|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 8 | Environmental # = 94 | Recreational fishing # = 262 | General public # = 48 | Commercial fishing # = 18 | Other # = 6 | Owner of land adjacent to a proposed MPA # = 6 | Total # = 442 | Yes # = 39 |
| Agree | 13% | 74% | 5% | 85% | 22% | 50% | 67% | 31% | 21% |
| | 1 | 70 | 14 | 41 | 4 | 3 | 4 | 137 | 8 |
| Disagree | 88% | 26% | 95% | 15% | 78% | 50% | 33% | 69% | 79% |
| | 7 | 24 | 248 | 7 | 14 | 3 | 2 | 305 | 31 |

### 5.2.1 Reasons for disagreement with impacts/costs analysis of maintaining the status quo

Some submissions that disagreed with the impacts/costs analysis stated that maintaining the status quo would be *better* than estimated in the consultation document (Table 10). The most frequent theme was fishing impacts/costs, e.g. that with the status quo bad weather and terrain already limited access and takes so the impact is minimal.

Other submissions that disagreed with the impacts/costs analysis stated that maintaining the status quo would be *worse* than estimated in the consultation document (Table 10). The most frequent theme was fishing impacts/costs, e.g. that maintaining the status quo would result in declining fish stocks in the long term.

*Table 10. Reasons for disagreement with impacts/costs analysis of maintaining status quo*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| **Impacts/Costs — Status quo better than analysis** | | **234** |
| Fishing impacts/costs | | 230 |
| | Bad weather/terrain already limits access and takes | 216 |
| | Fish stocks better managed through quota system | 10 |
| | Area not overfished | 4 |
| Environmental impacts/costs | | 2 |
| | Mātaitai and taiāpure could manage area also | 1 |
| | An absence of MPAs does not mean the area is at risk | 1 |
| Community impacts/costs | | 1 |
| | Status quo allows for public enjoyment e.g. fishing, diving | 1 |
| Scientific impacts/costs | | 1 |
| | Science still possible without MPAs | 1 |
| **Impacts/Costs — Status quo worse than analysis** | | **32** |
| Fishing impacts/costs | | 26 |
| | Declining fish stocks long term | 13 |
| | Declining fish stocks impact on fishers | 6 |
| | Declining fish stocks impact on customary fishing rights | 5 |
| | Impact of commercial fishing on fish stocks underestimated | 2 |
| Economic impacts/costs | | 3 |
| | Long-term economic impact understated | 1 |
| | Loss of international credibility will affect fish sales | 1 |
| | Degraded environment impacts tourism | 1 |
| Environmental impacts/costs | | 3 |
| | Increased risk of losing marine habitats | 3 |
| **Issues with SEMP process** | | **18** |
| Process of identifying and quantifying costs inaccurate | | 17 |
| Public desire for network inaccurately represented | | 1 |

### 5.2.2 Reasons for agreement with impacts/costs analysis of maintaining the status quo

Submissions agreeing with the impacts/costs analysis of maintaining the status quo in the consultation document largely did so because of environmental impacts/costs (Table 11). They also expressed a general trust in the SEMP process.

*Table 11. Reasons for agreement with impacts/costs analysis of maintaining status quo*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental impacts/costs | | 50 |
| | Status quo leads to depletion of marine life | 33 |
| | Status quo ignores international and domestic commitments | 17 |
| SEMP process and goals | | 19 |
| | General agreement with SEMP process | 12 |
| | SEMP process thorough | 7 |
| Fishing impacts/costs | | 4 |
| | No immediate impacts on fisheries | 2 |
| | Endemic populations affected by commercial fishing | 2 |
| Scientific impacts/costs | | 3 |
| | Status quo leads to less opportunities for scientific research | 3 |
| Economic impacts/costs | | 2 |
| | Status quo has no economic cost | 2 |

### 5.2.3 Other impacts/costs of maintaining the status quo not included in the consultation document

Themes from submissions suggesting other impacts/costs of maintaining the status quo not included in the consultation document are listed in Table 12. The most frequent impacts/costs not included were about the environment, e.g. that maintaining the status quo would cause degradation of the marine environment.

*Table 12. Other impacts/costs of maintaining the status quo, not in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental impacts/costs | | 15 |
| | Causes degradation of marine environment | 9 |
| | Failure to meet international commitments | 4 |
| | Loss of international reputation | 2 |
| | Increased climate change effects with status quo | 1 |
| | Costs of land based activities not considered | 1 |
| Economic impacts/costs | | 12 |
| | Loss of eco-tourism opportunities | 7 |
| | Long term economic impacts through fishery deterioration | 5 |
| Community impacts/costs | | 3 |
| | Impact on future generations | 2 |
| | Domination of water by commercial interests | 1 |
| Fishing impacts/costs | | 3 |
| | Impact of fishing on marine species | 2 |
| | Quota management system not working | 1 |

### 5.2.4 Reasons for disagreement with impacts/costs analysis of implementing the proposed network

Most submissions that disagreed with the impacts/costs analysis of implementing the proposed network believed that it would be *worse* than estimated in the consultation document (Table 13). The most frequent theme was fishing impacts/costs associated with the proposed network, e.g. cost of the proposed network to the fishing industry.

One submission that disagreed with the impacts/costs analysis of implementing the proposed network believed that it would be *better* than estimated in the consultation document (Table 13). The theme for this submission was economic impacts/costs, i.e. that implementing the proposed network would have increased economic gains and improved fish stocks.

*Table 13. Reasons for disagreement with impacts/costs analysis of implementing the proposed network*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| **Impacts/costs — Network worse than analysis** | | **25** |
| Fishing impacts/costs | | 8 |
| | Cost of network to fishing industry understated | 7 |
| | Network will impact commercial pāua | 1 |
| Economic impacts/costs | | 7 |
| | Potential impact on economy understated | 3 |
| | Costs do not consider impact of COVID-19 | 2 |
| | Decrease income for fishers | 1 |
| | Costs real and measurable, but benefits speculative | 1 |
| General costs worse than stated (unspecified) | | 3 |
| Community impacts/costs | | 4 |
| | Loss of commercial fishing will impact communities | 3 |
| | Costs of network fall disproportionately on society | 1 |
| SEMP process | | 3 |
| | DOC advising Minister — conflict of interest | 1 |
| | More consultation needed on costs of network | 1 |
| | Area increased from what was agreed | 1 |
| **Impacts/costs — Network better than analysis** | | **1** |
| Economic impacts/costs | | 1 |
| | Increased economic gains with better fish stocks | 1 |

### 5.2.5 Other impacts/costs of implementing the proposed network

Themes from submissions suggesting other impacts/costs of implementing the proposed network not included in the consultation document are listed in Table 14. The most frequent impacts/costs not included were about fishing impacts/costs, e.g. that the proposed network would force fishers into unsafe conditions.

*Table 14. Other impacts/costs of implementing the proposed network, not in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 984 |
| | Network forces fishers into unsafe areas | 558 |
| | Negative impact on recreational fishing | 313 |
| | Network will negatively impact commercial fishing | 91 |
| | Network will cause overfishing in remaining areas | 9 |
| | Interferes unduly with commercial fishing/increases costs | 7 |
| | Smaller commercial fishing industries overlooked | 2 |
| | Full costs/impacts assessment for commercial fishing needed | 2 |
| | Restrictions on commercial fishing already in place | 1 |
| | Kina barrens without fishing | 1 |
| Community impacts/costs | | 716 |
| | Network will impact local sport, culture, and tourism | 372 |
| | Network limits food supply for community | 244 |
| | Access to seafood important during COVID-19 | 52 |
| | Network will result in anxiety/depression/worry | 92 |
| | Network will negatively impact local communities | 2 |
| | Negative impact of network on Kāi Tahu settlement | 2 |
| | Network impact people's relationship to ocean | 2 |
| | Network impacts on tangata whenua not understood | 1 |
| | Network will impact teaching mahinga kai | 1 |
| Environmental impacts/costs | | 426 |
| | Network will pressure adjacent areas | 211 |
| | Increased travel pollution (fishing further away) | 210 |
| | Network does not address land based impacts | 2 |
| | Network does not provide adequate species protection | 1 |
| | Network 2 lower cost | 1 |
| | Limited ability for scientific research due to weather | 1 |
| Economic impacts/costs | | 9 |
| | Loss of fishing | 5 |
| | Loss of fishing tourism | 2 |
| | Increased costs for sea rescue | 1 |
| | Lower cost alternatives to network | 1 |
| SEMP process | | 8 |
| | Insufficient analysis | 5 |
| | More consultation needed | 1 |
| | Research outcomes not specified | 1 |
| | International and domestic commitment goals not specified | 1 |

## 5.3 Level of agreement with benefits analysis

A total of 411 submissions provided feedback on the initial analysis of the benefits of maintaining the status quo (Table 15). Of these 73% (301) disagreed and 27% (110) agreed with the initial analysis. Of the 34 submitters who identified as tangata whenua (at question 6 of the PublicVoice online survey interface), 85% (29) disagreed with the benefits analysis.

*Table 15. Level of agreement with benefits analysis of maintaining status quo*

| | Main interest | | | | | | | | Identify as tangata whenua |
|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 7 | Environmental # = 89 | Recreational fishing # = 252 | General public # = 46 | Commercial fishing # = 8 | Other # = 5 | Owner of land adjacent to a proposed MPA # = 4 | Total # = 411 | Yes # = 34 |
| Agree | 29% | 56% | 6% | 74% | 50% | 60% | 50% | 27% | 15% |
| | 2 | 50 | 15 | 34 | 4 | 3 | 2 | 110 | 5 |
| Disagree | 71% | 44% | 94% | 26% | 50% | 40% | 50% | 73% | 85% |
| | 5 | 39 | 237 | 12 | 4 | 2 | 2 | 301 | 29 |

### 5.3.1 Reasons for disagreement with benefits analysis of maintaining the status quo

Submissions that disagreed with the benefits analysis believed that maintaining the status quo would be *worse* than estimated in the consultation document (Table 16). The most frequent theme was fishing benefits, e.g. that maintaining the status quo would lead to declining fish stocks.

Other submissions that disagreed with the benefits analysis believed that maintaining the status quo would be *better* than estimated in the consultation document (Table 16). The most frequent theme was fishing benefits, e.g. the benefits of preferred alternative management under the status quo.

*Table 16. Reasons for disagreement with benefits analysis of maintaining status quo*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| **Benefits — Status quo worse than analysis** | | **51** |
| Fishing benefits | | 35 |
| | Status quo leads to declining fish stocks | 21 |
| | Status quo will not benefit fisheries | 14 |
| Environmental benefits | | 13 |
| | Status quo does not protect environment/biodiversity | 12 |
| | Listed benefits are short term | 1 |
| Economic benefits | | 3 |
| | Status quo does not benefit economy long-term | 2 |
| | Limited economic benefits for society | 1 |
| **Benefits — Status quo better than analysis** | | **16** |
| Fishing benefits | | 12 |
| | Prefer alternative management under status quo | 7 |
| | Impacts of recreational fishing inaccurate | 2 |
| | Adverse weather already restricts access/protects marine life | 1 |
| | Allows for safe fishing | 1 |
| | Benefits of recent changes to quota allowances not yet seen | 1 |
| Community benefits | | 2 |
| | Community management benefits | 1 |
| | Community education would benefit status quo | 1 |
| Economic benefits | | 1 |
| | Tourism occurs with status quo | 1 |
| Scientific benefits | | 1 |
| | Scientific study possible with status quo | 1 |

### 5.3.2 Reasons for agreement with benefits analysis of maintaining the status quo

Submissions agreeing with the benefits analysis of maintaining the status quo in the consultation document largely did so because of the fishing benefits (Table 17). They also expressed a general trust in the SEMP process and the consultation document.

*Table 17. Reasons for agreement with benefits analysis of maintaining status quo*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing benefits | | 17 |
| | Status quo benefits recreational and commercial fishers | 11 |
| | Area not overfished | 2 |
| | Bad weather already limits access and takes | 2 |
| | Restrictions for commercial fishers | 1 |
| | Maintaining status quo means no short term impact for fishers | 1 |
| SEMP process | | 12 |
| | Analysis undertaken well | 8 |
| | General agreement | 3 |
| | Consultation document very pro-MPA | 1 |
| Economic benefits | | 5 |
| | No cost associated with status quo | 4 |
| | Network would result in loss of income to commercial fishers | 1 |
| General agreement | | 4 |
| Environmental benefits | | 2 |
| | Network will not help biodiversity withstand climate change | 2 |
| Community benefits | | 1 |
| | Status quo allows for maintained food supply | 1 |

### 5.3.3 Other benefits of maintaining the status quo not included in the consultation document

Themes from submissions suggesting other benefits of maintaining the status quo not included in the consultation document are listed in Table 18. The most frequent benefits not included were about fishing, e.g. that maintaining the status quo would be more convenient and safer for fishing.

*Table 18. Other benefits of maintaining the status quo, not in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing benefits | | 588 |
| | Status quo is more convenient and safer for fishing | 579 |
| | Current management system works | 7 |
| | Allows for rotational fishing | 1 |
| | Customary fishing rights retained | 1 |
| Community benefits | | 377 |
| | Status quo allows for safe healthy recreation | 211 |
| | Status quo allows people to make sandbags to protect from flood | 161 |
| | Community fishing culture maintained | 3 |
| | Relationship between tangata whenua and fisheries preserved | 1 |
| | Status quo allows for maintained food supply | 1 |
| Environmental benefits | | 212 |
| | Status quo reduces pollution from car and boat travel | 209 |
| | Protecting marine biodiversity can be done at a lesser cost | 1 |
| | Current conservation measures not taken into consideration | 1 |
| | Seal numbers increasing with status quo | 1 |
| SEMP process | | 4 |
| | Insufficient analysis | 2 |
| | Proposal lacks explanation | 1 |
| | Proposal unacceptable | 1 |
| Stated benefits can be achieved without reserves | | 1 |
| Economic benefits | | 1 |
| | Status quo supports economy in global recession | 1 |

### 5.3.4 Reasons for disagreement with benefits analysis of implementing the proposed network

Some submissions that disagreed with the benefits analysis believed that implementing the proposed network would be *worse* than estimated in the consultation document (Table 19). The most frequent theme was fishing benefits, e.g. that the network forces fishers into unsafe conditions.

Other submissions that disagreed with the benefits analysis believed that implementing the proposed network would be *better* than estimated in the consultation document (Table 19). The only theme was economic benefits, e.g. that implementing the proposed network would benefit fisheries.

*Table 19. Reasons for disagreement with benefits analysis of implementing the proposed network*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| **Benefits — Network worse than analysis** | | **790** |
| Fishing benefits | | 561 |
| | Network forces fishers into unsafe areas | 561 |
| SEMP process | | 217 |
| | Evidence unsound | 212 |
| | More consultation needed on benefits | 3 |
| | Decision makers removed from environment | 1 |
| | DOC advising Minister — conflict of interest | 1 |
| Community benefits | | 9 |
| | Network limits enjoyment | 5 |
| | Network limits food supply for community | 2 |
| | No recognition of Māori customary fishing rights | 2 |
| Environmental benefits | | 3 |
| | No significant ecological benefits | 2 |
| | Network not fit for purpose | 1 |
| **Benefits — Network better than analysis** | | **2** |
| Economic benefits | | 2 |
| | Network will benefit fisheries | 2 |

### 5.3.5 Reasons for agreement with benefits analysis of implementing the proposed network

Submissions agreeing with the benefits analysis of implementing the proposed network in the consultation document largely did so because of environmental benefits (Table 20), e.g. that the proposed network would protect marine life and ecosystems.

*Table 20. Reasons for agreement with benefits analysis of implementing the proposed network*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 11 |
| | Network will protect marine life and ecosystems | 8 |
| | Currently no marine reserves in area | 2 |
| | Mitigates climate change effects | 1 |
| General agreement | | 9 |
| | Status quo leads to no overall benefits | 9 |
| Fishing benefits | | 7 |
| | Network replenishes fish stocks | 7 |
| Community benefits | | 1 |
| | Network will benefit swimmers and divers | 1 |
| Economic benefits | | 1 |
| | Status quo will reduce income of all sectors | 1 |

### 5.3.6 Other benefits of implementing the proposed network

Themes from submissions suggesting other benefits of implementing the proposed network not included in the consultation document are listed in Table 21. The most frequent benefits not included were about the environment, e.g. that implementing the proposed network would benefit biodiversity and ecosystems.

*Table 21. Other benefits of implementing the proposed network, not in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 9 |
| | Network benefits biodiversity and ecosystems | 5 |
| | Network mitigates climate change effects | 2 |
| | Benefit NZ international reputation | 1 |
| | Network reduces damage from bottom-trawling | 1 |
| Fishing benefits | | 8 |
| | Network benefits adjacent areas (spill over) | 5 |
| | Protection of estuaries | 1 |
| | Stops impacts of set netting | 1 |
| | Branding benefits of sustainable fishing | 1 |
| SEMP process | | 6 |
| | Insufficient analysis | 6 |
| Scientific benefits | | 4 |
| | Economic benefit of knowledge economy | 1 |
| | Scientific study can be achieved at a lesser cost | 1 |
| | Marine reserves would provide unfished baseline for study | 1 |
| | Scientific benefits outweigh costs | 1 |
| No benefits to maintaining status quo | | 3 |
| Community benefits | | 1 |
| | Establish local management groups | 1 |
| Economic benefits | | 1 |
| | Value of ecotourism omitted | 1 |

## 5.4 Network or status quo — preferred option

Submissions indicating a preferred option regarding the proposed full network could choose between the following options:

- The status quo (do not implement any of the proposed MPAs)
- The network (implement the full network of proposed MPAs)
- Another option

A preferred option was allocated to submissions not received through the PublicVoice online survey interface. The preferred option allocated was based on the content of the submission. Each submission was reviewed based on the three preferred options, and the option most strongly alluded to in the submission was allocated.

A total of 3,893 submissions indicated a preferred option regarding the proposed full network (Table 22). 90% (3,521)[22] of submissions indicated a preference for implementing the proposed full network, while 8% (319) preferred the status quo and 1% (53) preferred another option. Submissions classified in the environmental main interest group provided by far the largest number of submissions (3,418 out of 3,893 submissions).

*Table 22. Proposed network or status quo — preferred option*

| | Main interest | | | | | | | | Identify as tangata whenua |
|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 15 | Environmental # = 3,418 | Recreational fishing # = 294 | General public # = 115 | Commercial fishing # = 32 | Other # = 13 | Owner of land adjacent to a proposed MPA # = 6 | Total # = 3,893 | Yes # = 50 |
| The network | 7%<br>1 | 99%<br>3,398 | 3%<br>8 | 85%<br>98 | 6%<br>2 | 69%<br>9 | 83%<br>5 | 90%<br>3,521 | 20%<br>10 |
| Another option | 27%<br>4 | 1%<br>18 | 7%<br>22 | 5%<br>6 | 0%<br>0 | 15%<br>2 | 17%<br>1 | 1%<br>53 | 22%<br>11 |
| The status quo | 67%<br>10 | 0%<br>2 | 90%<br>264 | 10%<br>11 | 94%<br>30 | 15%<br>2 | 0%<br>0 | 8%<br>319 | 58%<br>29 |

[22] Most of the submissions received for the proposed network were from the Forest & Bird online template. This translates into the high number of submissions categorised as support within the environmental main interest group.

Submissions indicating a preference for implementing the proposed network tended to be classified in the environmental or general public main interest groups. 99% (3,398) of submissions classified in the environmental interest group preferred the proposed network, while 1% (18) preferred another option and 0.1% (2) preferred the status quo. Submissions indicating a preference for the status quo tended to be classified in the recreational and commercial fishing interest groups. 90% (264) of submissions classified in the recreational fishing group preferred the status quo, while 7% (22) preferred another option and 3% (8) preferred the proposed network. Those who identified as tangata whenua (at question 6 of the PublicVoice online survey interface) also tended to prefer the status quo, with 58% (29) preferring the status quo, 22% (11) preferring another option and 20% (10) preferring the proposed network.

### 5.4.1 Reasons for supporting the proposed network

Table 23 shows the different reasons why submissions preferred the option of implementing the proposed network. Submissions provided justifications centred around themes of the environment, fishing, community, economy, science and the SEMP process while some suggested changes to expand the proposed network. Submissions that supported implementing the proposed network largely provided environmental justifications.

**Environmental justifications**

Submissions giving environmental justifications for implementing the proposed network frequently suggested that the proposed network would protect marine life, biodiversity and habitats and that the proposed network would address New Zealand's poor record of marine protection. They also said that the fullest possible network would be needed to meet international obligations, to protect species from climate change and to help marine ecosystems recover.

**Network supported, additional extensions increase benefits**

Some submissions that supported implementing the proposed network also mentioned extensions that would have increased the benefits of the proposed network. For example, these extensions included extending the proposed Waitaki Marine Reserve (B1) and Moko-tere-a-torehu Type 2 MPA (C1) to protect dolphin and penguin habitats. Submissions also suggested including Long Point or the Nuggets to protect some of the Catlins habitats or including Tow Rock in the proposed Ōrau Marine Reserve (I1).

**Fishing justifications**

Submissions giving fishing justifications for implementing the proposed network frequently suggested that it was necessary to ban destructive fishing (e.g. banning set netting to restore natural marine communities), that the proposed MPAs were important to managing fisheries

and fish stocks, and that implementing the proposed network is supported due to the negative impact of fishing on the marine environment.

**Community justifications**

Submissions giving community justifications for implementing the proposed network frequently suggested that conservation benefited present and future generations, that the oceans were important for humans (as a resource for human survival), and that there was an ethical imperative to conserve.

**Economic justifications**

Submissions giving economic justifications for implementing the proposed network frequently suggested that it would benefit the tourism industry, that environmental protection would lead to economic gain, and that the potential impact of the proposed network on the fishing economy had been exaggerated in the consultation document.

**Scientific justifications**

Submissions giving scientific justifications for implementing the proposed network frequently suggested that it would allow for scientific studies and baselining.

**SEMP process**

Some submissions supported implementing the proposed network due to approval of the SEMP process. Some supported the implementation of the proposed network but expressed concern over too many concessions to commercial fishing during the SEMP process.

*Table 23. Reasons submissions supported implementing the proposed network*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 20,272 |
| | Network protects marine life/biodiversity/habitats | 3,448 |
| | Protects sea caves and deepwater reefs at Te Umu Koau | 3,301 |
| | Addresses poor record of marine protection in NZ | 3,329 |
| | Need the fullest network to meet international obligations | 3,328 |
| | Need the fullest network to protect species from climate change | 3,316 |
| | Need the fullest network to help marine ecosystems recover | 3,316 |
| | Support marine reserves generally | 216 |
| | Spill over benefit of creating reserves | 18 |
| Network supported, additional extensions increase benefits | | 13,275 |
| | Extend Waitaki B1 to protect habitats of dolphins/penguins | 3,331 |
| | Include Long Point or the Nuggets to represent Catlins habitats | 3,304 |
| | Extend Moko-tere-a-torehu C1 to protect habitats of dolphins/penguins | 3,301 |
| | Include Tow Rock/Gull Rocks in the Ōrau Marine Reserve | 3,293 |
| | Network supported. Would like more areas included | 46 |
| Fishing justifications | | 3,551 |
| | Ban destructive fishing | 3,408 |
| | Ban set netting to restore natural marine communities | 3,304 |
| | Marine reserves important to manage fisheries and fish stocks | 61 |
| | Negative impact of fishing on marine environment | 51 |
| | Will benefit fishing in long run | 14 |
| | Enforcement of compliance is necessary | 10 |
| | Reduce/monitor fishing pressure for future generations | 7 |
| Community justifications | | 249 |
| | Conservation for benefit of present and future generations | 178 |
| | Oceans important for humans | 38 |
| | Ethical imperative to conserve | 24 |
| | Marine reserve important for recreation/education | 4 |
| | Protect heritage | 2 |
| | Support co-management between Kāi Tahu and the Crown | 1 |
| | Protection for mana and social capital | 1 |
| | Protect Māori interest | 1 |
| Economic justifications | | 57 |
| | Benefits tourism industry | 49 |
| | Environmental protection leads to economic gain | 7 |
| | Network impact on fishing economy is exaggerated | 1 |
| Scientific justifications | | 10 |
| | Would allow for scientific studies/baselining | 9 |
| | Will provide opportunities for mātauranga Māori | 1 |
| SEMP process | | 13 |
| | Trust the integrity and thoroughness of proposal | 10 |
| | Concern over concessions to fishing | 3 |

### 5.4.2 Reasons for supporting the status quo

Table 24 shows the different reasons given why submitters preferred the option of maintaining the status quo. Submissions provided justifications centred around the themes of fishing, community, the SEMP process, the environment, the economy and science. Submissions that supported maintaining the status quo largely provided community justifications.

**Community justifications**

Submissions giving community justifications for maintaining the status quo frequently suggested that the proposed network would impact local-sport, culture, and tourism and that the network would limit food supply for the community. Submissions also suggested that the status quo allowed for safe and healthy recreational fishing and allowed people to make sandbags to protect against flooding. Some expressed feelings of stress and anxiety over the possible implementation of the proposed network, while some suggested that the proposed network would unfairly impact low-income groups or increase the impact on those already affected by COVID-19.

**Fishing justifications**

Submissions giving fishing justifications for maintaining the status quo frequently suggested that the network would force recreational fishers into unsafe areas, that bad weather and terrain already limited access and takes. They also suggested that the proposed network would overall negatively impact recreational and commercial fishing and that the current quota management system works well and is preferred. Some suggested that current fish stocks under the status quo were not overfished.

**Environmental justifications**

Submissions giving environmental justifications for maintaining the status quo frequently suggested that an impact of the proposed network would be displacing fishing pressure to surrounding areas and that the status quo reduced pollution from car and boat travel. They also suggested that the proposed network would not enable protection (e.g. because the majority of marine impacts were actually from land-based activities).

**SEMP process**

Some submissions supported maintaining the status quo due to concerns over the SEMP process. These suggested that more meaningful consultation was required, that the analysis had been insufficient and that there was concern over the policies and legislation guiding the process (e.g. that the application for marine reserves was not made for scientific study). They also suggested that there were procedural concerns with the SEMP Forum or that the SEMP process was inconsistent with Te Tiriti o Waitangi obligations.

**Economic justifications**

Submissions giving economic justifications for maintaining the status quo frequently suggested that the proposed network would have a negative impact on fishing and that the status quo provided economic stability after COVID-19.

**Scientific justifications**

Submissions giving scientific justifications for maintaining the status quo suggested that the proposed marine reserves would not meet the requirements for scientific study.

*Table 24. Reasons submissions supported maintaining the status quo*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Community justifications | | 1,301 |
| | Network will impact local sport, culture, and tourism | 388 |
| | Network limits food supply for community | 247 |
| | Access to seafood important during COVID-19 | 52 |
| | Status quo allows for safe healthy recreational fishing | 210 |
| | Status quo allows people to make sandbags to protect from flooding | 161 |
| | Stress and anxiety associated with network implementation | 93 |
| | Unfairly impact low income groups | 91 |
| | Increased impact for people already affected by COVID-19 | 91 |
| | Proposals contrary to public interest | 10 |
| | Impact customary fishing rights | 6 |
| | Preference for community management groups instead | 4 |
| Fishing justifications | | 1,268 |
| | Network forces fishers into unsafe areas | 571 |
| | Bad weather/terrain already limits access and takes | 211 |
| | Network will negatively impact recreational fishing | 309 |
| | Network will negatively impact commercial fishing | 118 |
| | Prefer QMS management | 25 |
| | Fish stocks are not overfished | 20 |
| | Should only be a ban on commercial fishing | 5 |
| | Fishing prevents kina barrens | 4 |
| | Impacts on quota values and rights | 3 |
| | Prefer management by user groups | 2 |
| Environmental justifications | | 452 |
| | Network will pressure adjacent areas | 229 |
| | Status quo reduces pollution from car and boat travel | 209 |
| | Network will not enable protection | 10 |
| | Majority of marine impacts are land based activities | 6 |
| | Already a number of reserves protecting habitats | 3 |
| | Licenced anglers and hunters should be allowed to continue | 1 |
| SEMP process | | 274 |
| | More meaningful consultation required | 213 |
| | Insufficient analysis | 29 |
| | Concern over Policies and Acts guiding process | 13 |
| | Application for marine reserves not made for scientific study | 4 |
| | SEMP process inconsistent with Tiriti o Waitangi obligations | 12 |
| | Impact of proposal on Tiriti o Waitangi settlements | 5 |
| | Overrides QMS, agreed by iwi under Tiriti o Waitangi | 3 |
| | South Island Customary Fishing Regulations cannot be changed | 1 |
| | Proposal needs to clarify partnership with Māori | 1 |
| | Procedural concerns with SEMP Forum | 7 |
| Economic justifications | | 19 |
| | Negative economic impact of network on fishing | 10 |
| | Status quo provides economic stability post COVID-19 | 7 |
| | Status quo supports Māori economic development | 2 |
| Scientific justifications | | 8 |
| | Marine reserves will not meet requirements for scientific study | 8 |

### 5.4.3 Reasons for wanting another option

Table 25 shows the different reasons given why submitters wanted another option. Submissions gave justifications centred around the themes of fishing, the environment, the SEMP process, community, and the economy. Submissions that wanted another option largely gave environmental justifications. This also includes changes from submitters who supported the network, or the status quo.

**Fishing justifications**

Submissions who gave fishing justifications frequently wanted an increase in restrictions and monitoring within the current fisheries management system instead of the network. They also suggested a ban on destructive and non-selective fishing methods and for recreational fishing to be allowed in MPAs. Some suggested that more needs to be done to stop commercial fishing, while others suggested that the commercial fishing of bladder kelp, pāua and crayfish should be permitted.

**Environmental justifications**

Submissions giving environmental justifications frequently wanted an increase in the coverage and connection of the proposed network (e.g. to include some of the Catlins habitats, Long Point, or Tow Rock). They also wanted an increase in species protection. Some suggested different design changes to the proposed network (e.g. to implement a precautionary principle into the design, or to increase the area without a total ban).

**SEMP process**

Some submissions wanted the SEMP process to be re-started with some changes. Submissions frequently wanted better inclusion of community and local knowledge in the process and for there to be more consultation with iwi. They also suggested for the influence of commercial fishing to be limited and for the SEMP process to be less controlled by the government.

**Community justifications**

Submissions giving community justifications frequently wanted co-management and better consultation with tangata whenua. They also wanted to be ensured that customary rights were maintained.

*Table 25. Reasons for wanting another option*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing justifications | | 461 |
| | Increase restrictions/monitoring with current management system | 427 |
| | Ban destructive/non-selective fishing methods | 9 |
| | Allow recreational fishing | 7 |
| | Do more to stop commercial fishing | 5 |
| | Allow commercial fishing | 5 |
| | Add more fishing/resource prohibitions | 4 |
| | Restrict foreign access to fisheries | 3 |
| | Mitigation of costs for fishing industry needed | 1 |
| | Offshore protection more important than inshore | 1 |
| Environmental justifications | | 104 |
| | Increase coverage and connection of network | 53 |
| | Include Catlins habitats | 13 |
| | Include Long Point reserve | 8 |
| | Include Tow Rock | 1 |
| | Increase species specific protection | 12 |
| | Network design suggestions (misc.) | 12 |
| | Network not fit for purpose | 3 |
| | Precautionary principle used for design | 2 |
| | Increase area without total ban | 1 |
| | Support prohibition of petroleum exploration | 1 |
| | Ensure integrated management of all areas | 1 |
| | Consideration for ITQ property development rights | 1 |
| | Invasive species management | 1 |
| | Make marine reserve a shifting boundary | 1 |
| | Ecosystem-based management approach | 1 |
| | Must meet local and international obligations | 9 |
| | Need to manage land based impacts | 8 |
| | Mātaitai management preferred | 4 |
| | Decrease coverage and connection of network | 4 |
| | Climate change management needed | 2 |
| SEMP process | | 33 |
| | Better inclusion of community/local knowledge | 12 |
| | More consultation with iwi needed | 8 |
| | Limit influence of commercial fishing | 3 |
| | Less government control | 3 |
| | Length of process delaying protection | 3 |
| | Insufficient analysis | 2 |
| | Ongoing management, monitoring and enforcement needed | 2 |
| Community justifications | | 12 |
| | Co-management/consultation with tangata whenua necessary | 5 |
| | Ensure customary rights maintained | 4 |
| | Network limits food supply for community | 1 |
| | Ensure resource consents for water discharge will be allowed | 1 |
| | Educate community instead | 1 |

# 6. Submissions relating to proposed marine reserves

This section of the report summarises submissions received on each of the six proposed marine reserves. Details of the habitats, ecosystems and biodiversity for each proposed marine reserve can be found in the consultation document.[23]

Marine reserves are generally 'no-take' areas in which fishing, mining and the disturbance of all marine life and habitat are prohibited. However, some provision can be made to allow specific fishing activities and scientific research provided it is consistent with the purpose of the Marine Reserves Act 1971.[24]

The statistics reported in this section on specific proposed marine reserves do not include the numbers associated with submissions on the overall network. For example, 141 submissions provided a specific preference on the proposed Waitaki Marine Reserve. Of these 88 fully supported the proposed marine reserve. These numbers do not include the 3,521 submissions that indicated support for the overall network, which by default includes the proposed Waitaki Marine Reserve. Statistics about specific marine reserves should, therefore, be interpreted in the context of the overall responses to the proposed network.

## 6.1 Questions asked relating to proposed marine reserves

The following questions were asked in the PublicVoice online survey interface and formed the basis of analysis for all submissions on marine reserves.

**Affected whānau, hapū or iwi**

- Do you consider you exercise kaitiakitanga in the area of the proposed marine reserve?
  Answers: Yes, No

**Costs**

- Do you agree with the impacts/costs identified for this site?
  Answers: Agree, Disagree, Don't know/Don't wish to comment
- Why do you agree/disagree? Please provide evidence to support your answer.
- Are there other impacts/costs that have not been described in our initial analysis?

[23] Department of Conservation and Fisheries New Zealand (2020), 'Proposed southeast marine protected areas'. https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

[24] Department of Conservation and Fisheries New Zealand (2020), 'Proposed southeast marine protected areas'. https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

**Benefits**

- Do you agree with the benefits identified for this site?
  Answers: Agree, Disagree, Don't know/Don't wish to comment
- Why do you agree/disagree? Please provide evidence to support your answer.
- Are there other benefits that have not been described in our initial analysis?

**Site proposal**

- What option best represents your view on this site?
  Answers: I object to the proposal being implemented (support the status quo and do not implement the marine reserve), I fully support the proposal (I want the marine reserve implemented), I partially support the proposal (I want the marine reserve implemented with changes), Don't know/Don't wish to comment (do not object or support)
    - Why do you object to this proposal?
    - Why do you fully support this proposal?
    - Why do you partially support this proposal?
    - What changes to the site or activity restrictions would you like to see?

## 6.2 Proposed Waitaki Marine Reserve (site B1)

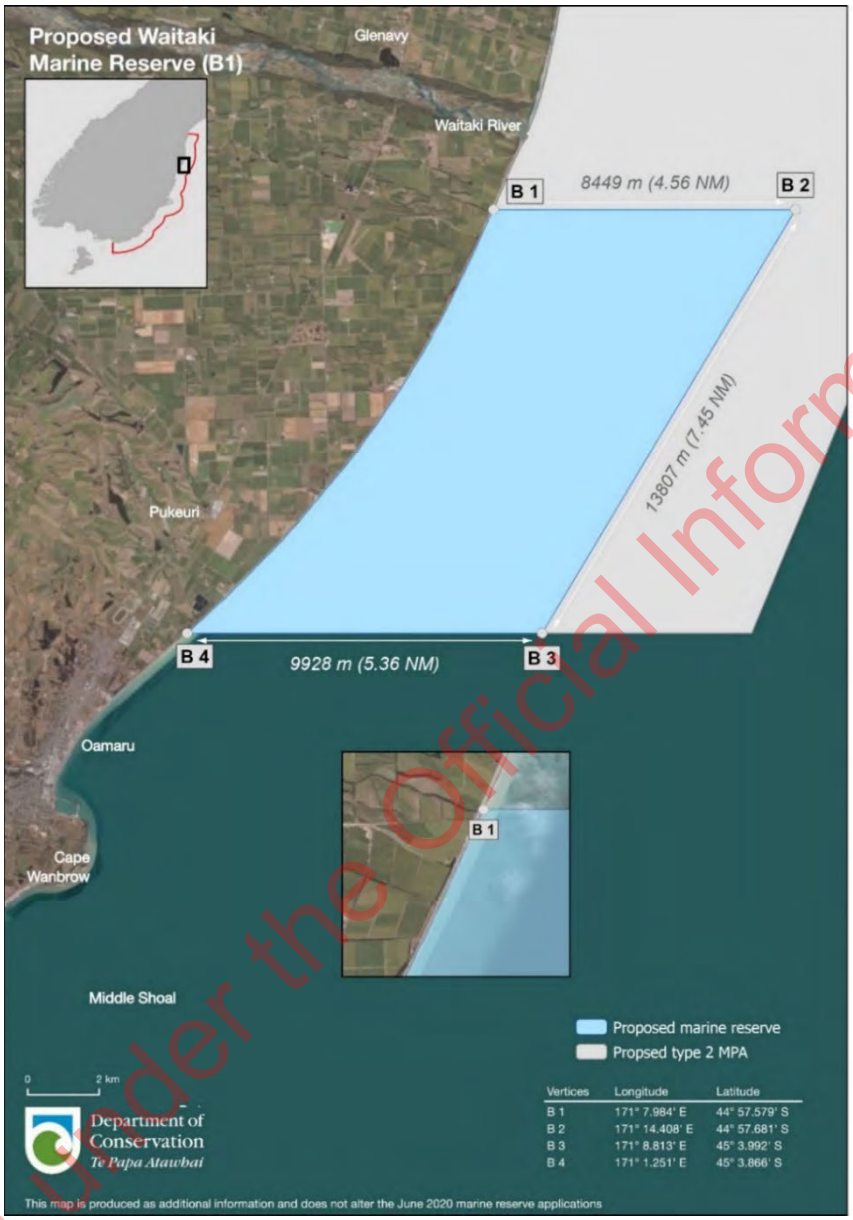



*Figure 4. Proposed Waitaki Marine Reserve (B1)*

The proposed Waitaki Marine Reserve is around 15x8km in size. The area is influenced by fresh water and river sediments from the Waitaki River. Refer to the consultation document for details of the habitat types and biodiversity found here.[25]

[25] Proposed southeast marine protected areas. Consultation document. June 2020 https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

### 6.2.1 Proposed Waitaki Marine Reserve: who we heard from

A total of 141 submissions provided feedback on the proposed Waitaki Marine Reserve (Table 26).[26] This includes 28 submitters who consider they exercise kaitiakitanga in the area of the proposed marine reserve[27] and 13 who identified as tangata whenua at question 6 of the PublicVoice online survey interface. In terms of main interest groups, the majority of submissions were from the environmental group (47%). Three submissions received stated their main interest as tangata whenua.

*Table 26. Proposed Waitaki Marine Reserve (B1) — who we heard from*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 3 | Environmental # = 66 | Recreational fishing # = 29 | General public # = 31 | Commercial fishing # = 6 | Other # = 4 | Owner of land adjacent to a proposed MPA # = 2 | Total # = 141 | Yes # = 13 | Yes # = 28 |
| Waitaki Marine Reserve (B1) | 2% | 47% | 21% | 22% | 4% | 3% | 1% | 100% | 9% | 20% |
| | 3 | 66 | 29 | 31 | 6 | 4 | 2 | 141 | 13 | 28 |

### 6.2.2 Proposed Waitaki Marine Reserve: level of agreement with impacts/costs analysis

A total of 69 submissions indicated a position on the impacts/costs analysis of implementing the proposed Waitaki Marine Reserve (Table 27). Of these 71% (49) indicated agreement and 29% (20) indicated disagreement with the analysis. Submissions indicating agreement with the impacts/costs analysis for the proposed Waitaki Marine Reserve tended to be classified in the environmental main interest group (38). The greatest number in disagreement came from the main interest group classified as recreational fishing (10). Across the main interest groups, 18 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 10 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the impacts/costs analysis.

[26] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Waitaki Marine Reserve. Refer to section 5.4.

[27] Submitters were asked to indicate whether they considered they exercised kaitiakitanga at the site of each proposed marine reserve to determine whether a submitter was "affected iwi, hapū, or whānau" for the purposes of the Marine and Coastal Area (Takutai Moana) Act 2011.

*Table 27. Proposed Waitaki Marine Reserve (B1) — level of agreement with impacts/costs analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 1 | Environmental # = 42 | Recreational fishing # = 11 | General public # = 11 | Commercial fishing # = 2 | Other # = 2 | Owner of land adjacent to a proposed MPA # = 0 | Total # = 69 | Yes # = 10 | Yes # = 18 |
| Agree | 0% 0 | 90% 38 | 9% 1 | 82% 9 | 0% 0 | 50% 1 | 0% 0 | 71% 49 | 40% 4 | 44% 8 |
| Disagree | 100% 1 | 10% 4 | 91% 10 | 18% 2 | 100% 2 | 50% 1 | 0% 0 | 29% 20 | 60% 6 | 56% 10 |

### 6.2.2.1 Reasons for disagreement with impacts/costs analysis

Submissions disagreeing with the impacts/costs analysis of implementing the proposed Waitaki Marine Reserve largely did so because of concerns with the SEMP process (Table 28). For example, submissions suggested that there had been a lack of consultation.

*Table 28. Proposed Waitaki Marine Reserve (B1) — reasons for disagreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| SEMP process | | 4 |
| | Lack of consultation | 2 |
| | Evidence unsound | 2 |
| Fishing impacts/costs | | 3 |
| | Impacts on commercial fishing | 1 |
| | Reseeding is required | 1 |
| | Costs for fishing speculative | 1 |
| Community impacts/costs | | 2 |
| | Proposal infringes on customary rights to fish | 1 |
| | Community value of fishing | 1 |

### 6.2.2.2 Reasons for agreement with impacts/costs analysis

Submissions agreeing with the impacts/costs analysis of implementing the proposed Waitaki Marine Reserve largely did so because of the environmental impacts/costs (Table 29). For example, submissions suggested that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 29. Proposed Waitaki Marine Reserve (B1) — reasons for agreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental impacts/costs | | 11 |
| | MPA benefits justify the costs | 9 |
| | Cost of no spillover | 1 |
| | Cost to NZ reputation if fail to implement network | 1 |
| Fishing impacts/costs | | 5 |
| | Impact on recreational fishing | 3 |
| | Little impact on fishing | 2 |
| Scientific impacts/costs | | 1 |
| | Scientific benefits justify costs | 1 |
| SEMP process | | 1 |
| | Agree with analysis and proposal | 1 |

#### 6.2.2.3 Other impacts/costs

Other suggested impacts/costs not described in the initial analysis are listed in Table 30. The most frequent suggestions for impacts/costs not included were equally about the community and the SEMP process, e.g. the impact of the proposal on the relationship between tangata whenua and the sea.

*Table 30. Proposed Waitaki Marine Reserve (B1) — other impacts/costs not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Community impacts/costs | | 2 |
| | Impact on tangata whenua relationship with sea | 2 |
| SEMP process | | 2 |
| | Insufficient analysis | 2 |
| Fishing impacts/costs | | 2 |
| | Loss of biodiversity will impact fisheries | 1 |
| | Impact on recreational fishing | 1 |
| Economic impacts/costs | | 1 |
| | Impacts on local economy | 1 |

### 6.2.3 Proposed Waitaki Marine Reserve: level of agreement with benefits analysis

A total of 82 submissions indicated a position on the benefits analysis of implementing the proposed Waitaki Marine Reserve (Table 31). Of these 74% (61) indicated agreement and 26% (21) indicated disagreement with the analysis. Submissions indicating agreement with the benefits analysis for the proposed Waitaki Marine Reserve tended to be classified in the environmental main interest group (48). The main interest group with the greatest number in disagreement was recreational fishing (9). Across the main interest groups, 18 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 11 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both these groups disagreed with the benefits analysis.

*Table 31. Proposed Waitaki Marine Reserve (B1) — level of agreement with benefits analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 2 | Environmental # = 52 | Recreational fishing # = 11 | General public # = 12 | Commercial fishing # = 2 | Other # = 2 | Owner of land adjacent to a proposed MPA # = 1 | Total # = 82 | Yes # = 11 | Yes # = 18 |
| Agree | 0% 0 | 92% 48 | 18% 2 | 75% 9 | 0% 0 | 50% 1 | 100% 1 | 74% 61 | 18% 2 | 44% 8 |
| Disagree | 100% 2 | 8% 4 | 82% 9 | 25% 3 | 100% 2 | 50% 1 | 0% 0 | 26% 21 | 82% 9 | 56% 10 |

### 6.2.3.1 Reasons for disagreement with benefits analysis

Submissions disagreeing with the benefits analysis of implementing the proposed Waitaki Marine Reserve largely did so because of community benefits (Table 32). For example, submissions suggested that Māori customary fishing rights were not addressed.

*Table 32. Proposed Waitaki Marine Reserve (B1) — reasons for disagreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Community benefits | | 5 |
| | Māori customary fishing rights not addressed | 2 |
| | No benefit for community under network | 2 |
| | Network breaches community rights | 1 |
| SEMP process | | 2 |
| | Benefits overstated | 2 |

### 6.2.3.2 Reasons for agreement with benefits analysis

Submissions agreeing with the benefits analysis of implementing the proposed Waitaki Marine Reserve largely did so because of environmental benefits (Table 33). For example, submissions suggested that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 33. Proposed Waitaki Marine Reserve (B1) — reasons for agreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 13 |
| | MPA benefits marine life/habitats and ecosystems | 11 |
| | Spillover effect | 1 |
| | Contributes to local/international biodiversity commitments | 1 |
| Community benefits | | 3 |
| | Community benefits outweigh costs | 3 |
| Scientific benefits | | 3 |
| | Scientific benefits outweigh costs | 3 |
| SEMP process | | 3 |
| | Agree with analysis and proposal | 3 |
| Fishing benefits | | 1 |
| | Will prevent commercial fishing | 1 |

### 6.2.3.3 Other benefits

Other suggested benefits not described in the initial analysis are listed in Table 34. The most frequent suggestions for benefits not included were environmental benefits, e.g. that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 34. Proposed Waitaki Marine Reserve (B1) — other benefits not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 6 |
| | MPA benefits marine life/habitats and ecosystems | 6 |
| SEMP process | | 3 |
| | Trusts integrity of process | 3 |
| Community benefits | | 1 |
| | Community enjoyment of the environment | 1 |
| Economic benefits | | 1 |
| | Economic benefits of protecting nursery grounds | 1 |

## 6.2.4 Proposed Waitaki Marine Reserve: preferred option and reasons why

Section 6.1 lists the questions asked in relation to the preferred option for the proposed Waitaki Marine Reserve. Submissions that indicated a preference regarding the proposed Waitaki Marine Reserve were categorised using the following criteria:

- I object to the proposal being implemented (support the status quo and do not implement the marine reserve)
- I fully support the proposal (I want the marine reserve implemented)

- I partially support the proposal (I want the marine reserve implemented with changes)

A preferred option was allocated to submissions not received through the PublicVoice online survey interface. The preferred option allocated was based on the content of the submission. Each submission was reviewed based on the three options, and the option most strongly alluded to in the submission was allocated.

A total of 141 submissions responded with a preferred option on the proposed Waitaki Marine Reserve (Table 35). [28] Of these 62% (88) fully supported the proposed marine reserve (wanting the marine reserve implemented), 27% (38) objected to the proposed marine reserve (support the status quo and do not implement the marine reserve) and 11% (15) partially supported the proposed marine reserve (wanting the marine reserve implemented but with changes). Across the main interest groups, 26 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 13 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. 46% of those who consider they exercise kaitiakitanga and 62% of those identifying as tangata whenua objected to the proposed marine reserve.

*Table 35. Proposed Waitaki Marine Reserve (B1) — preferred option*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 3 | Environmental # = 66 | Recreational fishing # = 28 | General public # = 31 | Commercial fishing # = 6 | Other # = 5 | Owner of land adjacent to a proposed MPA # = 2 | Total # = 141 | Yes # = 13 | Yes # = 26 |
| I fully support the proposal | 0% | 86% | 4% | 84% | 0% | 60% | 50% | 62% | 23% | 38% |
| | 0 | 57 | 1 | 26 | 0 | 3 | 1 | 88 | 3 | 10 |
| I object to the proposal being implemented | 67% | 0% | 86% | 13% | 100% | 20% | 50% | 27% | 62% | 46% |
| | 2 | 0 | 24 | 4 | 6 | 1 | 1 | 38 | 8 | 12 |
| I partially support the proposal | 33% | 14% | 11% | 3% | 0% | 20% | 0% | 11% | 15% | 15% |
| | 1 | 9 | 3 | 1 | 0 | 1 | 0 | 15 | 2 | 4 |

[28] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Waitaki Marine Reserve. Refer to section 5.4.

### 6.2.4.1 Reasons for objecting to the proposal

Table 36 shows the different reasons given for objecting to the proposed Waitaki Marine Reserve. These objections largely relate to fishing. For example, submissions objected to the proposal on the grounds that the status quo of fishing was sustainable.

*Table 36. Proposed Waitaki Marine Reserve (B1) — reasons for objecting to the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing objections | | 14 |
| | Status quo of fishing is sustainable | 7 |
| | Impact on recreational sports | 4 |
| | Alternative/better ways of managing area | 2 |
| | Impact on commercial fishers | 1 |
| Community objections | | 10 |
| | Reserve limits food supply for community | 4 |
| | Proposal infringes on customary rights to fish | 3 |
| | Reserve contrary to public and national interest | 2 |
| | Network will impact local sport, culture, and tourism | 1 |
| SEMP process | | 9 |
| | Lack of consultation | 3 |
| | General disagreement | 2 |
| | Objection to Type and size of MPA | 2 |
| | Legislative concerns | 1 |
| | Insufficient analysis | 1 |
| Environmental objections | | 2 |
| | Network does not address land impacts | 2 |
| Scientific objections | | 2 |
| | Research unlikely in area | 2 |
| Economic objections | | 1 |
| | Economic impact on local fishers | 1 |

### 6.2.4.2 Reasons for fully supporting the proposal

Table 37 shows the different reasons given for fully supporting the proposed Waitaki Marine Reserve. Reasons for full support were largely environmental justifications. For example, submissions fully supported the proposal on the grounds that the proposed Waitaki Marine Reserve would benefit marine life, habitats and ecosystems.

*Table 37. Proposed Waitaki Marine Reserve (B1) — reasons for fully supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 61 |
| | MPA benefits marine life/habitats and ecosystems | 31 |
| | Support, increase area | 19 |
| | Extend north to protect Waitaki River mouth | 14 |
| | Support marine reserve generally | 9 |
| | Spillover effect | 2 |
| Community justifications | | 3 |
| | Community benefits outweigh costs | 3 |
| Economic justifications | | 3 |
| | Improve tourism | 3 |
| Scientific justifications | | 3 |
| | Scientific benefits outweigh costs | 3 |
| SEMP process | | 3 |
| | Trusts integrity of process | 3 |
| Fishing justifications | | 2 |
| | Estimated value of displaced fisheries is low | 1 |
| | Loss of biodiversity will negatively impact fisheries | 1 |

### 6.2.4.3 Reasons for partially supporting the proposal

Table 38 shows the different reasons given for partially supporting the proposed Waitaki Marine Reserve. Reasons for partial support were largely environmental justifications. For example, submissions supported the proposal on the grounds that the proposed Waitaki Marine Reserve would benefit marine life, habitats and ecosystems but requested to increase the area.

*Table 38. Proposed Waitaki Marine Reserve (B1) — reasons for partially supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 8 |
| | MPA benefits marine life/habitats and ecosystems | 3 |
| | Increase area | 3 |
| | Extend north to cover Waitaki river mouth | 1 |
| | Support marine reserves generally | 1 |
| | Decrease area | 1 |
| Fishing justifications | | 3 |
| | Allow recreational fishing | 2 |
| | Little impact on fishing | 1 |
| Community justifications | | 2 |
| | Community access required | 1 |
| | Status quo secures local employment | 1 |

### 6.2.4.4 Suggested changes to site/activity restrictions

Submissions also suggested changes to the proposed Waitaki Marine Reserve (Table 39). One frequently proposed change was to increase the area of the proposed marine reserve.

*Table 39. Proposed Waitaki Marine Reserve (B1) — suggested changes to site/activity restrictions*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental changes | | 17 |
| | Increase area | 13 |
| | Land impacts require consideration | 2 |
| | Protect against bycatch | 1 |
| | Allow necessary by-wash | 1 |
| Fishing changes | | 5 |
| | Ban commercial fishing only, allow recreational fishing | 4 |
| | Retain quota management system | 1 |
| Community changes | | 2 |
| | Ensure customary fishing rights protected | 1 |
| | Mātaitai management of Waitaki river mouth | 1 |

## 6.3 Proposed Te Umu Koau Marine Reserve (site D1)

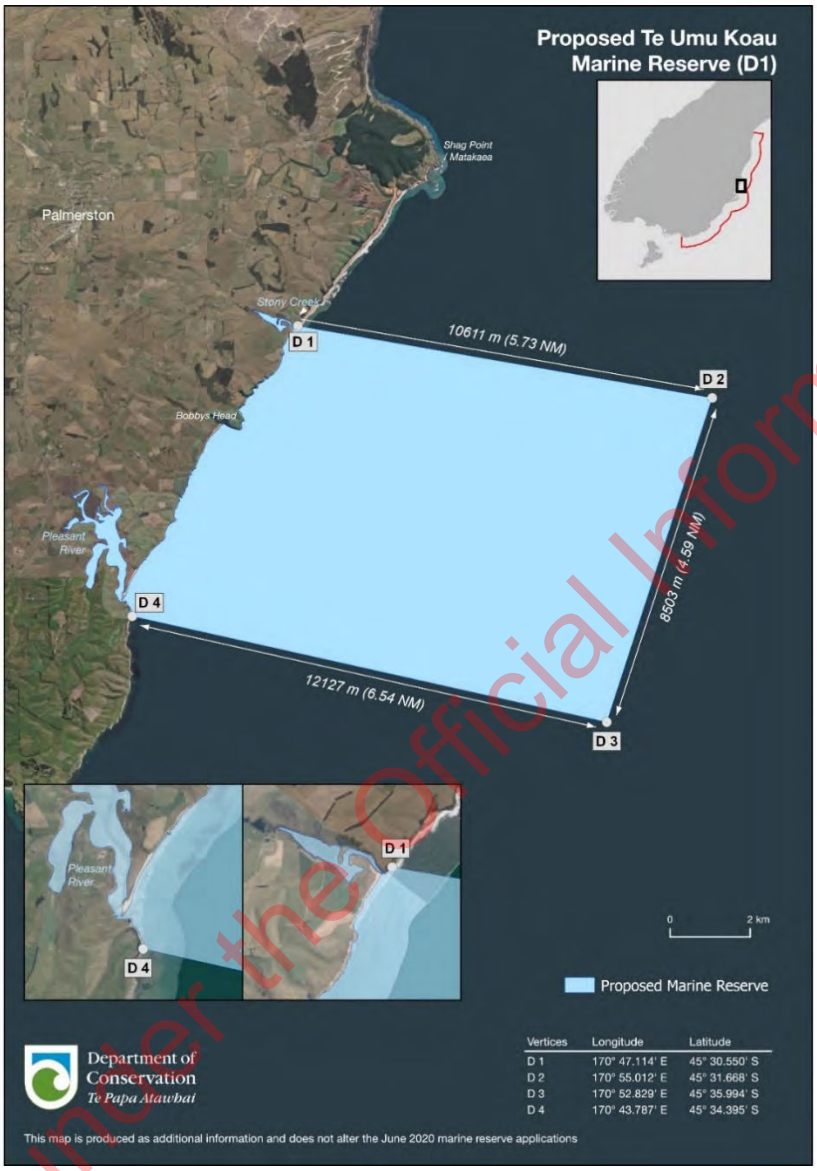



*Figure 5. Proposed Te Umu Koau Marine Reserve (D1)*

The proposed Te Umu Koau Marine Reserve is 8x10km in size. It contains rare examples of many habitats including estuaries, sea caves and volcanic rock reefs. The site contains ecologically important kelp and seagrass beds, and is the only proposed marine reserve to represent deep reef and estuarine habitats in the Otago region. Refer to the consultation document for details of the habitat types and biodiversity found here.[29]

[29] Proposed southeast marine protected areas. Consultation document. June 2020 https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

### 6.3.1 Proposed Te Umu Koau Marine Reserve: who we heard from

A total of 283 submissions provided feedback on the proposed Te Umu Koau Marine Reserve (Table 40).[30] This includes 39 submitters who consider they exercise kaitiakitanga in the area of the proposed marine reserve[31] and 39 who identified as tangata whenua at question 6 of the PublicVoice online survey interface. In terms of main interest groups, the majority of submissions were from the recreational fishing group. Ten submissions stated their main interest as tangata whenua.

*Table 40. Proposed Te Umu Koau Marine Reserve (D1) — who we heard from*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 10 | Environmental # = 66 | Recreational fishing # = 135 | General public # = 29 | Commercial fishing # = 21 | Other # = 9 | Owner of land adjacent to a proposed MPA # = 12 | Total # = 283 | Yes # = 39 | Yes # = 39 |
| Te Umu Koau Marine Reserve (D1) | 4% | 23% | 48% | 10% | 7% | 3% | 4% | 100% | 14% | 14% |
| | 10 | 66 | 136 | 29 | 21 | 9 | 12 | 283 | 39 | 39 |

### 6.3.2 Proposed Te Umu Koau Marine Reserve: level of agreement with impacts/costs analysis

A total of 88 submissions indicated a position on the impacts/costs analysis of implementing the proposed Te Umu Koau Marine Reserve (Table 41). Of these 52% (46) indicated agreement and 48% (42) indicated disagreement with the analysis. Submissions indicating agreement with the impacts/costs analysis for the proposed Te Umu Koau Marine Reserve tended to be classified in the environmental main interest group (32). The greatest number in disagreement came from the main interest group classified as recreational fishing (15). Across the main interest groups, 27 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 15 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the impacts/costs analysis.

[30] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Te Umu Koau Marine Reserve. Refer to section 5.4.

[31] Submitters were asked to indicate whether they considered they exercised kaitiakitanga at the site of each proposed marine reserve to determine whether a submitter was "affected iwi, hapū, or whānau" for the purposes of the Marine and Coastal Area (Takutai Moana) Act 2011.

*Table 41. Proposed Te Umu Koau Marine Reserve (D1) — level of agreement with impacts/costs analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 6 | Environmental # = 41 | Recreational fishing # = 17 | General pub ic # = 9 | Commercial fishing # = 5 | Other # = 3 | Owner of land adjacent to a proposed MPA # = 7 | Total # = 88 | Yes # = 15 | Yes # = 27 |
| Agree | 17%<br>1 | 78%<br>32 | 12%<br>2 | 100%<br>9 | 0%<br>0 | 0%<br>0 | 29%<br>2 | 52%<br>46 | 33%<br>5 | 30%<br>8 |
| Disagree | 83%<br>5 | 22%<br>9 | 88%<br>15 | 0%<br>0 | 100%<br>5 | 100%<br>3 | 71%<br>5 | 48%<br>42 | 67%<br>10 | 70%<br>19 |

### 6.3.2.1 Reasons for disagreement with impacts/costs analysis

Submissions disagreeing with the impacts/costs analysis of implementing the proposed Te Umu Koau Marine Reserve largely did so because of fishing impacts/costs (Table 42). For example, submissions disagreed with the analysed impact of the proposed marine reserve on recreational fishing.

*Table 42. Proposed Te Umu Koau Marine Reserve (D1) — reasons for disagreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 19 |
| | Impact on recreational fishing | 5 |
| | Displacement impact | 4 |
| | Impact of fishing overstated | 4 |
| | Cost to commercial fishing underestimated | 3 |
| | Cost to commercial fishing minor | 2 |
| | Reserve infringes on rights to fish | 1 |
| SEMP process | | 14 |
| | Insufficient analysis | 12 |
| | Lack of consultation | 2 |
| Environmental impacts/costs | | 4 |
| | Reduce area | 4 |
| Community impacts/costs | | 2 |
| | Reserve limits food supply for community | 1 |
| | Responsible take is sustainable for future generations | 1 |
| Economic impacts/costs | | 1 |
| | Impact on businesses | 1 |

### 6.3.2.2 Reasons for agreement with impacts/costs analysis

Submissions agreeing with the impacts/costs analysis of implementing the proposed Te Umu Koau Marine Reserve did so because of the SEMP process (Table 43). Agreement was expressed in relation to the impacts/costs analysis and the proposal as whole.

*Table 43. Proposed Te Umu Koau Marine Reserve (D1) — reasons for agreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| SEMP process | | 2 |
| | Agree with analysis and proposal | 2 |

### 6.3.2.3 Other impacts/costs

Other suggested impacts/costs not described in the initial analysis are listed in Table 44. The most frequent suggestions for impacts/costs not included were about fishing, e.g. the impact the proposed Te Umu Koau Marine Reserve would have by displacing fishing pressure to surrounding areas

*Table 44. Proposed Te Umu Koau Marine Reserve (D1) — other impacts/costs not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 16 |
| | Displacement impact | 5 |
| | Consideration for transition package/compensation | 4 |
| | Impact on recreational fishing | 4 |
| | Mobile species still available for catch | 2 |
| | Impact on quota | 1 |
| Community impacts/costs | | 11 |
| | Damage to community through loss of economic activity | 3 |
| | Impact on future generations | 2 |
| | Impact on locals | 2 |
| | Tangata whenua need kai for tamariki and tangihanga | 1 |
| | Regulation harmful to society | 1 |
| | Loss of generational knowledge | 1 |
| | Impact on Tiriti o Waitangi settlements | 1 |
| Economic impacts/costs | | 3 |
| | Cost to tax payers | 1 |
| | Impact on commercial fishing | 1 |
| | Impact on iwi, hapū and whānau | 1 |
| Environmental impacts/costs | | 3 |
| | Land based impacts not considered | 2 |
| | Marine reserve will not increase fish stocks | 1 |
| SEMP process | | 1 |
| | Insufficient analysis to determine all costs | 1 |

### 6.3.3 Proposed Te Umu Koau Marine Reserve: level of agreement with benefits analysis

A total of 102 submissions indicated a position on the benefits analysis of implementing the proposed Te Umu Koau Marine Reserve (Table 45). Of these 65% (66) indicated agreement and 35% (36) indicated disagreement with the analysis. Submissions indicating agreement with the benefits analysis for the proposed Te Umu Koau Marine Reserve tended to be classified in the environmental main interest group (47). The main interest group with the greatest number in disagreement was classified as recreational fishing (17). Across the main interest groups, 25 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 15 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the benefits analysis.

*Table 45. Proposed Te Umu Koau Marine Reserve (D1) — level of agreement with benefits analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 5 | Environmental # = 51 | Recreational fishing # = 18 | General pub ic # = 10 | Commercial fishing # = 7 | Other # = 3 | Owner of land adjacent to a proposed MPA # = 8 | Total # = 102 | Yes # = 15 | Yes # = 25 |
| Agree | 40% 2 | 92% 47 | 6% 1 | 100% 10 | 0% 0 | 33% 1 | 63% 5 | 65% 66 | 27% 4 | 44% 11 |
| Disagree | 60% 3 | 8% 4 | 94% 17 | 0% 0 | 100% 7 | 67% 2 | 38% 3 | 35% 36 | 73% 11 | 56% 14 |

#### 6.3.3.1 Reasons for disagreement with benefits analysis

Submissions disagreeing with the benefits analysis of implementing the proposed Te Umu Koau Marine Reserve largely did so because of fishing benefits (Table 46). For example, submissions suggested that the benefits associated with the current regulations were not being considered.

*Table 46. Proposed Te Umu Koau Marine Reserve (D1) — reasons for disagreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing benefits | | 11 |
| | Benefits of current regulation not considered | 9 |
| | Current system benefits fishers | 2 |
| SEMP process | | 4 |
| | Insufficient analysis | 3 |
| | Lack of consultation | 1 |
| Economic benefits | | 3 |
| | Tourism benefits overstated | 1 |
| | Increase fishing imports (benefits outside NZ) | 1 |
| | Impact on local businesses | 1 |

### 6.3.3.2 Reasons for agreement with benefits analysis

Submissions agreeing with the benefits analysis of implementing the proposed Te Umu Koau Marine Reserve largely did so because of environmental benefits (Table 47). For example, submissions suggested that the proposed Te Umu Koau Marine Reserve would benefit marine life, habitats and ecosystems.

*Table 47. Proposed Te Umu Koau Marine Reserve (D1) — reasons for agreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 23 |
| | MPA benefits marine life/habitats and ecosystems | 21 |
| | Reserve consistent with Marine Reserves Act | 1 |
| | General support for benefits of reserve | 1 |
| Scientific benefits | | 7 |
| | Scientific benefits outweigh costs | 7 |
| Community benefits | | 7 |
| | Community benefits outweigh costs | 6 |
| | Will benefit recreation | 1 |
| Fishing benefits | | 5 |
| | MPA would increase fish stocks | 4 |
| | MPA would address unsustainable fishing | 1 |
| SEMP process | | 3 |
| | Trusts integrity of process | 3 |

### 6.3.3.3 Other benefits

Other suggested benefits not described in the initial analysis are listed in Table 48. The most frequent suggestions for benefits not included were about the environment, e.g. that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 48. Proposed Te Umu Koau Marine Reserve (D1) — other benefits not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 9 |
| | MPA benefits marine life/habitats and ecosystems | 8 |
| | Fishing controls lobster populations | 1 |
| Fishing benefits | | 4 |
| | MPA would increase fish stocks | 4 |
| SEMP process | | 2 |
| | Trusts integrity of process | 2 |
| Economic benefits | | 1 |
| | Increase fishing imports (benefits outside NZ) | 1 |
| Scientific benefits | | 1 |
| | Benefits to science | 1 |

### 6.3.4 Proposed Te Umu Koau Marine Reserve: preferred option and reasons why

Section 6.1 lists the questions asked in relation to the preferred option for the proposed Te Umu Koau Marine Reserve. Submissions that indicated a preference regarding the proposed Te Umu Koau Marine Reserve were categorised using the following criteria:

- I object to the proposal being implemented (support the status quo and do not implement the marine reserve)
- I fully support the proposal (I want the marine reserve implemented)
- I partially support the proposal (I want the marine reserve implemented with changes)

A preferred option was allocated to submissions not received through the PublicVoice online survey interface. The preferred option allocated was based on the content of the submission. Each submission was reviewed based on the three options, and the option most strongly alluded to in the submission was allocated.

A total of 273 submissions responded with a preferred option on the proposed Te Umu Koau Marine Reserve (Table 49).[32] Of these 59% (161) objected to the proposed marine reserve (support the status quo and do not implement the MPA), 32% (87) fully supported the proposed marine reserve (wanting the marine reserve implemented) and 9% (25) partially supported the proposed marine reserve (wanting the marine reserve implemented but with changes). Across the main interest groups, 38 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 35 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. Half of those who consider they exercise kaitiakitanga and 80% of those identifying as tangata whenua objected to the proposed marine reserve.



[32] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Te Umu Koau Marine Reserve. Refer to section 5.4.

*Table 49. Proposed Te Umu Koau Marine Reserve (D1) — preferred option*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 9 | Environmental # = 67 | Recreational fishing # = 130 | General pub ic # = 28 | Commercial fishing # = 21 | Other # = 6 | Owner of land adjacent to a proposed MPA # = 12 | Total # = 273 | Yes # = 35 | Yes # = 38 |
| I fully support the proposal | 0% 0 | 85% 57 | 1% 1 | 89% 25 | 0% 0 | 17% 1 | 25% 3 | 32% 87 | 9% 3 | 21% 8 |
| I object to the proposal being implemented | 67% 6 | 0% 0 | 95% 124 | 11% 3 | 90% 19 | 50% 3 | 50% 6 | 59% 161 | 80% 28 | 50% 19 |
| I partially support the proposal | 33% 3 | 15% 10 | 4% 5 | 0% 0 | 10% 2 | 33% 2 | 25% 3 | 9% 25 | 11% 4 | 29% 11 |

### 6.3.4.1 Reasons for objecting to the proposal

Table 50 shows the different reasons given for objecting to the proposed Te Umu Koau Marine Reserve. These objections largely related to fishing. For example, the impact the proposed marine reserve would have in displacing fishing pressure to surrounding areas

*Table 50. Proposed Te Umu Koau Marine Reserve (D1) — reasons for objecting to the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing objections | | 533 |
| | Displacement impact | 281 |
| | Displacement pressure small reef from Pleasant Point to Matanaka | 91 |
| | Displacement pressure taiāpure area | 91 |
| | Displacement pressure Shag Point area | 91 |
| | Impact on recreational fishing | 103 |
| | Create safety concerns for recreational fishers | 96 |
| | Impact on commercial fishing | 30 |
| | Status quo is sustainable | 20 |
| | Alternative/better ways of managing area | 3 |
| Environmental objections | | 100 |
| | Reduce reserve coverage | 95 |
| | Bring boundary to only 500m offshore | 91 |
| | May cause kina barrens | 2 |
| | Object to inclusion of estuaries | 1 |
| | Existing reserves make for better MPAs | 1 |
| | Impact of tourism on marine species | 1 |
| SEMP process | | 34 |
| | Evidence unsound | 16 |
| | Lack of consultation | 9 |
| | General opposition | 6 |
| | Status quo is preferred | 2 |
| | Process halted until legislation updated | 1 |
| Community objections | | 23 |
| | Family traditions/businesses impacted | 8 |
| | Impact on rights and practices of tangata whenua/Kāi Tahu | 5 |
| | Loss of jobs and income | 4 |
| | Reserve limits food supply for community | 3 |
| | Reserve will impact local sport, culture, and tourism | 2 |
| | Kāi Tahu must be included in co-management | 1 |
| Economic objections | | 10 |
| | Loss of revenue from commercial fishing | 4 |
| | Fishers need area to recover from COVID-19 | 4 |
| | Impact on local business | 1 |
| | Will decrease value of quota | 1 |
| Scientific objections | | 1 |
| | Reserve not scientifically justified | 1 |

### 6.3.4.2 Reasons for fully supporting the proposal

Table 51 shows the different reasons given for fully supporting the proposed Te Umu Koau Marine Reserve. Reasons for full support were largely environmental justifications. For example, submissions fully supported the proposal on the grounds that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 51. Proposed Te Umu Koau Marine Reserve (D1) — reasons for fully supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 51 |
| | MPA benefits marine life/habitats and ecosystems | 35 |
| | Support for marine reserves in general | 9 |
| | Increase area | 6 |
| | Support banning vehicles from inter-tidal area | 1 |
| Fishing justifications | | 7 |
| | Limited impact on fishing | 3 |
| | Ban commercial fishing | 2 |
| | Reserve benefits fisheries | 2 |
| Community justifications | | 6 |
| | Community benefits outweigh costs | 3 |
| | Easily accessible reserve | 3 |
| Scientific justifications | | 6 |
| | Scientific benefits outweigh costs | 5 |
| | Area of scientific significance | 1 |
| SEMP process | | 2 |
| | Concern over concessions to fishing | 1 |
| | Trusts integrity of process | 1 |
| Economic justifications | | 1 |
| | Support required for affected fishers | 1 |

### 6.3.4.3 Reasons for partially supporting the proposal

Table 52 shows the different reasons given for partially supporting the proposed Te Umu Koau Marine Reserve. Reasons for partial support were largely environmental justifications. For example, submissions supported the proposal on the grounds that the proposed marine reserve would benefit marine life, habitats and ecosystems, but requested that the marine reserve area be increased in some submissions and decreased in others.

*Table 52. Proposed Te Umu Koau Marine Reserve (D1) — reasons for partially supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 10 |
| | MPA benefits marine life/habitats and ecosystems | 4 |
| | Increase area | 3 |
| | Decrease area | 2 |
| | Status quo preferred | 1 |
| Fishing justifications | | 10 |
| | Ban commercial fishing only, allow recreational fishing | 4 |
| | Do not support inclusion of estuaries/lobster reefs | 3 |
| | Alternative/better ways of managing area | 2 |
| | Impact of displaced demand | 1 |
| Community justifications | | 4 |
| | Maintain community access and involvement | 2 |
| | Iwi will be significantly impacted | 1 |
| | Wants full Kāi Tahu co-management | 1 |
| Economic justifications | | 1 |
| | Impact on iwi assets | 1 |
| Scientific justifications | | 1 |
| | Benefits for scientific study | 1 |

### 6.3.4.4 Suggested changes to site/activity restrictions

Submissions also suggested changes to the proposed Te Umu Koau Marine Reserve (Table 53). One frequently suggested change was to increase the area of the proposed marine reserve and connectivity between marine reserves.

*Table 53. Proposed Te Umu Koau Marine Reserve (D1) — suggested changes to site/activity restrictions*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental changes | | 21 |
| | Increase area and connectivity | 11 |
| | Decrease size of reserve | 6 |
| | Reserve should not include estuaries | 2 |
| | Close to taiāpure at Karitane | 1 |
| | Prefer type 2 MPA | 1 |
| Fishing changes | | 19 |
| | Ban commercial fishing only, allow recreational fishing | 10 |
| | Alternative/better ways of managing area | 7 |
| | Prohibit fishing | 2 |
| Community changes | | 4 |
| | Community involvement desired | 2 |
| | Co-management with iwi needed | 1 |
| | Wāhi mahinga kai need to be protected and co-managed with Crown | 1 |
| Economic changes | | 2 |
| | Transition package for fishers | 1 |
| | Ensure iwi assets and prosperity protected | 1 |

## 6.4 Proposed Papanui Marine Reserve (site H1)


*Figure 6. Proposed Papanui Marine Reserve (H1)*

The proposed Papanui Marine Reserve is 15x11km in size. The area is valued for its biologically diverse canyon habitats and contains very rare bryozoan ('lace coral') thickets. Refer to the consultation document for details of the habitat types and biodiversity found here.[33]

[33] Proposed southeast marine protected areas. Consultation document. June 2020 https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

### 6.4.1 Proposed Papanui Marine Reserve: who we heard from

A total of 165 submissions provided feedback on the proposed Papanui Marine Reserve (Table 54).[34] This includes 28 submitters who consider they exercise kaitiakitanga in the area of the proposed marine reserve[35] and 16 who identified as tangata whenua at question 6 of the PublicVoice online survey interface. In terms of main interest groups, the majority of submissions were from the group classified environmental (40%). Four submissions stated their main interest as tangata whenua.

*Table 54. Proposed Papanui Marine Reserve (H1) — who we heard from*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 4 | Environmental # = 66 | Recreational fishing # = 47 | General public # = 33 | Commercial fishing # = 9 | Other # = 5 | Owner of land adjacent to a proposed MPA # = 1 | Total # = 165 | Yes # = 16 | Yes # = 28 |
| Papanui Marine Reserve (H1) | 2% | 40% | 28% | 20% | 5% | 3% | 1% | 100% | 10% | 17% |
| | 4 | 66 | 47 | 33 | 9 | 5 | 1 | 165 | 16 | 28 |

### 6.4.2 Proposed Papanui Marine Reserve: level of agreement with impacts/costs analysis

A total of 73 submissions indicated a position on the impacts/costs analysis of implementing the proposed Papanui Marine Reserve (Table 55). Of these 66% (48) indicated agreement and 34% (25) indicated disagreement with the analysis. Submissions indicating agreement with the impacts/costs analysis for the proposed Papanui Marine Reserve tended to be classified in the environmental main interest group (34). The greatest number in disagreement came from the main interest group classified as recreational fishing (14). Across the main interest groups, 18 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 11 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the impacts/costs analysis.

[34] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Papanui Marine Reserve. Refer to section 5.4.

[35] Submitters were asked to indicate whether they considered they exercised kaitiakitanga at the site of each proposed marine reserve to determine whether a submitter was "affected iwi, hapū, or whānau" for the purposes of the Marine and Coastal Area (Takutai Moana) Act 2011.

*Table 55. Proposed Papanui Marine Reserve (H1) — level of agreement with impacts/costs analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 1 | Environmental # = 40 | Recreational fishing # = 16 | General public # = 11 | Commercial fishing # = 3 | Other # = 2 | Owner of land adjacent to a proposed MPA # = 0 | Total # = 73 | Yes # = 11 | Yes # = 18 |
| Agree | 0% 0 | 85% 34 | 13% 2 | 91% 10 | 33% 1 | 50% 1 | 0% 0 | 66% 48 | 36% 4 | 33% 6 |
| Disagree | 100% 1 | 15% 6 | 88% 14 | 9% 1 | 67% 2 | 50% 1 | 0% 0 | 34% 25 | 64% 7 | 67% 12 |

### 6.4.2.1 Reasons for disagreement with impacts/costs analysis

Submissions disagreeing with the impacts/costs analysis of implementing the proposed Papanui Marine Reserve largely did so because of fishing impacts/costs (Table 56). For example, submissions suggested that there would be a negative impact on recreational fishing.

*Table 56. Proposed Papanui Marine Reserve (H1) — reasons for disagreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 9 |
| | Impact on recreational fishing | 4 |
| | Area not significant to commercial fishing | 2 |
| | Ban commercial fishing only | 2 |
| | Displacement impact | 1 |
| SEMP process | | 5 |
| | Insufficient analysis | 4 |
| | Lack of consultation | 1 |
| Community impacts/costs | | 3 |
| | Breaches Tiriti o Waitangi agreements | 1 |
| | Impact on customary rights | 1 |
| | Local disagreement with proposal | 1 |
| Economic impacts/costs | | 1 |
| | Impact on businesses | 1 |
| Environmental impacts/costs | | 1 |
| | Marine mammals do not use the area | 1 |

### 6.4.2.2 Reasons for agreement with impacts/costs analysis

Submissions agreeing with the impacts/costs analysis of implementing the proposed Papanui Marine Reserve largely did so because of fishing impacts/costs (Table 57). For example, submissions agreed about the potential impact on fishing.

*Table 57. Proposed Papanui Marine Reserve (H1) — reasons for agreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 4 |
| | Impact on fishing | 2 |
| | Little impact on fishing | 2 |
| Community impacts/costs | | 2 |
| | Community benefits outweigh costs | 2 |
| Scientific impacts/costs | | 2 |
| | Scientific benefits outweigh costs | 2 |
| SEMP process | | 2 |
| | Agree with analysis and proposal | 2 |

### 6.4.2.3 Other impacts/costs

Other suggested impacts/costs not described in the initial analysis are listed in Table 58. The most frequent suggestions for impacts/costs not included were about fishing, e.g. submissions emphasised the potential impact on recreational fishing.

*Table 58. Proposed Papanui Marine Reserve (H1) — other impacts/costs not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 4 |
| | Impact on recreational fishing | 3 |
| | Displacement impact | 1 |
| Economic impacts/costs | | 2 |
| | Cost to tax payers | 1 |
| | Impact on commercial fishing | 1 |
| Community impacts/costs | | 2 |
| | Reserve limits food supply for community | 1 |
| | Loss of income | 1 |
| SEMP process | | 1 |
| | Lack of consultation | 1 |

## 6.4.3 Proposed Papanui Marine Reserve: level of agreement with benefits analysis

A total of 93 submissions indicated a position on the benefits analysis of implementing the proposed Papanui Marine Reserve (Table 59). Of these 73% (68) indicated agreement and 27% (25) indicated disagreement with the analysis. Submissions indicating agreement with the benefits analysis for the proposed Papanui Marine Reserve tended to be classified in the environmental main interest group (50). The main interest group with the greatest number in disagreement was classified as recreational fishing (17). Across the main interest groups, 20 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 12 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the benefits analysis.

*Table 59. Proposed Papanui Marine Reserve (H1) — level of agreement with benefits analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 1 | Environmental # = 53 | Recreational fishing # = 20 | General public # = 13 | Commercial fishing # = 2 | Other # = 3 | Owner of land adjacent to a proposed MPA # = 1 | Total # = 93 | Yes # = 12 | Yes # = 20 |
| Agree | 0% 0 | 94% 50 | 15% 3 | 92% 12 | 0% 0 | 67% 2 | 100% 1 | 73% 68 | 17% 2 | 35% 7 |
| Disagree | 100% 1 | 6% 3 | 85% 17 | 8% 1 | 100% 2 | 33% 1 | 0% 0 | 27% 25 | 83% 10 | 65% 13 |

### 6.4.3.1 Reasons for disagreement with benefits analysis

Submissions disagreeing with the benefits analysis of implementing the proposed Papanui Marine Reserve largely did so because of fishing benefits (Table 60). For example, submissions suggested that the status quo was sustainable.

*Table 60. Proposed Papanui Marine Reserve (H1) — reasons for disagreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing benefits | | 8 |
| | Status quo is sustainable | 5 |
| | Displacement impact | 2 |
| | Impact on recreational fishing | 1 |
| Economic benefits | | 3 |
| | Tourism benefits overstated | 2 |
| | Increase in fishing imports (benefits outside NZ) | 1 |
| Community benefits | | 1 |
| | General community disagreement | 1 |

### 6.4.3.2 Reasons for agreement with benefits analysis

Submissions agreeing with the benefits analysis of implementing the proposed Papanui Marine Reserve largely did so because of environmental benefits (Table 61). For example, submissions suggested that the proposed Papanui Marine Reserve would benefit marine life, habitats and ecosystems.

*Table 61. Proposed Papanui Marine Reserve (H1) — reasons for agreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 29 |
| | Increase area | 14 |
| | MPA benefits marine life/habitats and ecosystems | 12 |
| | Benefits of protecting marine life outweigh costs | 2 |
| | Contributes to local/international biodiversity commitments | 1 |
| Scientific benefits | | 6 |
| | Scientific significance of area | 4 |
| | Scientific benefits outweigh costs | 2 |
| SEMP process | | 5 |
| | Trusts integrity of process | 5 |
| Community benefits | | 3 |
| | Community benefits outweigh costs | 3 |
| Fishing benefits | | 3 |
| | MPAs important for maintaining fisheries | 2 |
| | Reserve increases sustainability of harvests | 1 |
| Economic benefits | | 1 |
| | Benefits tourism | 1 |

### 6.4.3.3 Other benefits

Other suggested benefits not described in the initial analysis are listed in Table 62. The most frequent suggestions for benefits not included were about the environment, e.g. that the proposed Papanui Marine Reserve would benefit marine life, habitats and ecosystems.

*Table 62. Proposed Papanui Marine Reserve (H1) — other benefits not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 7 |
| | MPA benefits marine life/habitats and ecosystems | 6 |
| | Increase area | 1 |
| SEMP process | | 3 |
| | Trusts integrity of process | 3 |
| Fishing benefits | | 2 |
| | Status quo allows safe fishing | 1 |
| | MPA would increase fish stocks | 1 |
| Economic benefits | | 1 |
| | Increase fishing imports (benefits outside NZ) | 1 |

## 6.4.4 Proposed Papanui Marine Reserve: preferred option and reasons why

Section 6.1 lists the questions asked in relation to the preferred option for the proposed Papanui Marine Reserve. Submissions that indicated a preference regarding the proposed Papanui Marine Reserve were categorised using the following criteria:

- I object to the proposal being implemented (support the status quo and do not implement the marine reserve)

- I fully support the proposal (I want the marine reserve implemented)
- I partially support the proposal (I want the marine reserve implemented with changes)

A preferred option was allocated to submissions not received through the PublicVoice online survey interface. The preferred option allocated was based on the content of the submission. Each submission was reviewed based on the three options, and the option most strongly alluded to in the submission was allocated.

A total of 152 submissions responded with a preferred option on the proposed Papanui Marine Reserve (Table 63).[36] Of these 60% (91) fully supported the proposed marine reserve (wanting the marine reserve implemented), 28% (43) objected to the proposed marine reserve (support the status quo and do not implement the marine reserve) and 12% (18) partially supported the proposed marine reserve (wanting the marine reserve implemented but with changes). Across the main interest groups, 26 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 13 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. 58% of those who consider they exercise kaitiakitanga and 69% of those identifying as tangata whenua objected to the proposed marine reserve.

*Table 63. Proposed Papanui Marine Reserve (H1) — preferred option*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 1 | Environmental # = 66 | Recreational fishing # = 38 | General public # = 32 | Commercial fishing # = 9 | Other # = 5 | Owner of land adjacent to a proposed MPA # = 1 | Total # = 152 | Yes # = 13 | Yes # = 26 |
| I fully support the proposal | 0% 0 | 86% 57 | 5% 2 | 88% 28 | 0% 0 | 60% 3 | 100% 1 | 60% 91 | 23% 3 | 27% 7 |
| I object to the proposal being implemented | 100% 1 | 0% 0 | 76% 29 | 13% 4 | 89% 8 | 20% 1 | 0% 0 | 28% 43 | 69% 9 | 58% 15 |
| I partially support the proposal | 0% 0 | 14% 9 | 18% 7 | 0% 0 | 11% 1 | 20% 1 | 0% 0 | 12% 18 | 8% 1 | 15% 4 |

### 6.4.4.1 Reasons for objecting to the proposal

Table 64 shows the different reasons given for objecting to the proposed Papanui Marine Reserve. These objections largely related to fishing. For example, submissions objected to the proposal on the grounds that it would impact recreational fishing.

[36] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Papanui Marine Reserve. Refer to section 5.4.

*Table 64. Proposed Papanui Marine Reserve (H1) — reasons for objecting to the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing objections | | 23 |
| | Impact on recreational fishing | 8 |
| | Status quo is sustainable/working | 7 |
| | Impact on commercial fishing | 4 |
| | Alternative/better ways of managing area | 3 |
| | Displacement impact | 1 |
| SEMP process | | 8 |
| | General disagreement | 3 |
| | Lack of consultation | 2 |
| | Insufficient analysis | 2 |
| | Process halted until legislation updated | 1 |
| Community objections | | 8 |
| | General community opposition | 3 |
| | Reserve limits food supply for community | 2 |
| | Stress and anxiety associated with network implementation | 1 |
| | Network will impact local sport, culture, and tourism | 1 |
| | Breaches Tiriti o Waitangi rights | 1 |
| Environmental objections | | 5 |
| | Status quo is fine | 3 |
| | Areas are not all unique | 1 |
| | Reserve not fit for purpose | 1 |
| Economic objections | | 2 |
| | Impact on local businesses and community | 2 |
| Scientific objections | | 1 |
| | No evidence to support scientific claim | 1 |

### 6.4.4.2 Reasons for fully supporting the proposal

Table 65 shows the different reasons given for fully supporting the proposed Papanui Marine Reserve. Reasons for full support were largely environmental justifications. For example, submissions fully supported the proposal on the grounds that the proposed Papanui Marine Reserve would benefit marine life, habitats and ecosystems.

*Table 65. Proposed Papanui Marine Reserve (H1) — reasons for fully supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 59 |
| | MPA benefits marine life/habitats and ecosystems | 37 |
| | Support marine reserves in general | 16 |
| | Increase area | 6 |
| Fishing justifications | | 6 |
| | MPAs important for maintaining the stability of fisheries | 3 |
| | Support removal of damaging harvesting methods | 2 |
| | Benefit of environmental conservation outweighs cost to fishing | 1 |
| Scientific justifications | | 5 |
| | Scientific benefits outweigh costs | 3 |
| | Scientific significance of area | 2 |
| Community justifications | | 4 |
| | Community benefits outweigh costs | 3 |
| | Easily accessible | 1 |
| SEMP process | | 1 |
| | Trusts integrity of process | 1 |

### 6.4.4.3 Reasons for partially supporting the proposal

Table 66 shows the different reasons given for partially supporting the proposed Papanui Marine Reserve. Reasons for partial support were largely environmental justifications. For example, submissions supported the proposal on the grounds that the proposed Papanui Marine Reserve would benefit marine life, habitats and ecosystems but requested to increase the area.

*Table 66. Proposed Papanui Marine Reserve (H1) — reasons for partially supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 8 |
| | MPA benefits marine life/habitats and ecosystems | 4 |
| | Increase area | 4 |
| Fishing justifications | | 5 |
| | Ban commercial fishing only, allow recreational fishing | 4 |
| | Move reserve to allow boat launches | 1 |
| Community justifications | | 2 |
| | Community benefits outweigh costs | 1 |
| | Maintain community access | 1 |
| Science justifications | | 1 |
| | Benefit scientific study | 1 |

### 6.4.4.4 Suggested changes to site/activity restrictions

Submissions also suggested changes to the proposed Papanui Marine Reserve (Table 67). One frequently suggested change was increasing the area of the proposed marine reserve.

*Table 67. Proposed Papanui Marine Reserve (H1) — suggested changes to site/activity restrictions*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental changes | | 13 |
| | Increase area | 10 |
| | Make reserve temporary | 1 |
| | Petroleum exploration permits in region forfeited to Crown | 1 |
| | Prohibit seismic surveying | 1 |
| Fishing changes | | 10 |
| | Ban commercial fishing only, allow recreational fishing | 7 |
| | Monitor displacement of fishing effort | 1 |
| | Alternative/better ways of managing area | 1 |
| | Move reserve to allow boat launches | 1 |
| SEMP process | | 2 |
| | Preference for Type 2 MPA | 1 |
| | More consultation needed | 1 |

## 6.5 Proposed Ōrau Marine Reserve (site I1)


*Figure 7. Proposed Ōrau Marine Reserve (I1)*

The proposed Ōrau Marine Reserve is distinctive for its yellow-eyed penguin (hoiho) population and boulder beach habitat. It includes several beaches, rock headlands rock stacks and islands. It is around 13km in length and reaches to a maximum of 3km offshore. Refer to the consultation document for details of the habitat types and biodiversity found here.[37]

[37] Proposed southeast marine protected areas. Consultation document. June 2020 https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

### 6.5.1 Proposed Ōrau Marine Reserve: who we heard from

A total of 282 submissions provided feedback on the proposed Ōrau Marine Reserve (Table 68).[38] This includes 37 submitters who consider they exercise kaitiakitanga in the area of the proposed marine reserve[39] and 34 who identified as tangata whenua at question 6 of the PublicVoice online survey interface. In terms of the main groups, the majority of submissions were from the group classified as recreational fishing (56%). Seven submissions stated their main interest as tangata whenua.

*Table 68. Proposed Ōrau Marine Reserve (I1) — who we heard from*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 7 | Environmental # = 68 | Recreational fishing # = 159 | General public # = 32 | Commercial fishing # = 8 | Other # = 7 | Owner of land adjacent to a proposed MPA # = 1 | Total # = 282 | Yes # = 34 | Yes # = 37 |
| Ōrau Marine Reserve (I1) | 2% | 24% | 56% | 11% | 3% | 2% | 0% | 100% | 12% | 13% |
| | 7 | 68 | 159 | 32 | 8 | 7 | 1 | 282 | 34 | 37 |

### 6.5.2 Proposed Ōrau Marine Reserve: level of agreement with impacts/costs analysis

A total of 92 submissions indicated a position on the impacts/costs analysis of implementing the proposed Ōrau Marine Reserve (Table 69). Of these 55% (51) indicated agreement and 45% (41) indicated disagreement with the analysis. Submissions indicating agreement with the impacts/costs analysis for the proposed Ōrau Marine Reserve tended to be classified in the environmental main interest group (39). The greatest number in disagreement came from the main interest group classified as recreational fishing (27). Across the main interest groups, 22 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 13 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the impacts/costs analysis.

[38] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Ōrau Marine Reserve. Refer to section 5.4.

[39] Submitters were asked to indicate whether they considered they exercised kaitiakitanga at the site of each proposed marine reserve to determine whether a submitter was "affected iwi, hapū, or whānau" for the purposes of the Marine and Coastal Area (Takutai Moana) Act 2011.

*Table 69. Proposed Ōrau Marine Reserve (I1) — level of agreement with impacts/costs*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 3 | Environmental # = 43 | Recreational fishing # = 29 | General public # = 10 | Commercial fishing # = 3 | Other # = 4 | Owner of land adjacent to a proposed MPA # = 0 | Total # = 92 | Yes # = 13 | Yes # = 22 |
| Agree | 0% 0 | 91% 39 | 7% 2 | 90% 9 | 0% 0 | 25% 1 | 0% 0 | 55% 51 | 31% 4 | 18% 4 |
| Disagree | 100% 3 | 9% 4 | 93% 27 | 10% 1 | 100% 3 | 75% 3 | 0% 0 | 45% 41 | 69% 9 | 82% 18 |

### 6.5.2.1 Reasons for disagreement with impacts/costs analysis

Submissions disagreeing with the impacts/costs analysis of implementing the proposed Ōrau Marine Reserve largely did so because of fishing impacts/costs (Table 70). For example, they disagreed with the analysed impacts/costs for recreational fishing.

*Table 70. Proposed Ōrau Marine Reserve (I1) — reasons for disagreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 24 |
| | Impact on recreational fishing | 14 |
| | Status quo of fishing is sustainable | 7 |
| | Displacement impact | 3 |
| SEMP process | | 5 |
| | Inaccurate analysis | 4 |
| | General opposition | 1 |
| Community impacts/costs | | 3 |
| | Reserve limits food supply for community | 2 |
| | Need kai for tangihanga and teaching younger generation | 1 |
| Economic impacts/costs | | 1 |
| | Tourism potential | 1 |

### 6.5.2.2 Reasons for agreement with impacts/costs analysis

Submissions agreeing with the impacts/costs analysis of implementing the proposed Ōrau Marine Reserve largely did so because of fishing impacts/costs (Table 71). For example, submissions suggested agreement with the impacts/costs analysis of the impact of fishing.

*Table 71. Proposed Ōrau Marine Reserve (I1) — reasons for agreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 7 |
| | Impact of fishing | 4 |
| | Displacement impact | 2 |
| | Impact on fishing mitigated by similar nearby sites | 1 |
| SEMP process | | 3 |
| | Agree with analysis and proposal | 3 |

### 6.5.2.3 Other impacts/costs

Other suggested impacts/costs not described in the initial analysis are listed in Table 72. The most frequent suggestions for impacts/costs not included were about fishing, e.g. the impact of restricted access on fishers.

*Table 72. Proposed Ōrau Marine Reserve (I1) — other impacts/costs not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 6 |
| | Impact on fishers | 3 |
| | Costs associated with policing the area | 1 |
| | Increased probability of shark attacks | 1 |
| | Displacement impact | 1 |
| SEMP process | | 3 |
| | Inaccurate analysis | 3 |
| Community impacts/costs | | 2 |
| | Impact on mental health of recreational fishers | 1 |
| | Impact on rights to harvest | 1 |
| Environmental impacts/costs | | 3 |
| | Edge effects impacting ability of species to recover | 1 |
| | Costs of not protecting foraging grounds | 1 |
| | Land impacts not assessed | 1 |

## 6.5.3 Proposed Ōrau Marine Reserve: level of agreement with benefits analysis

A total of 104 submissions indicated a position on the benefits analysis of implementing the proposed Ōrau Marine Reserve (Table 73). Of these 63% (65) indicated agreement and 38% (39) indicated disagreement with the analysis. Submissions indicating agreement with the benefits analysis for the proposed Ōrau Marine Reserve tended to be classified in the environmental main interest group (47). The main interest group with the greatest number in disagreement was classified as recreational fishing (26). Across the main interest groups, 28 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 15 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the benefits analysis.

*Table 73. Proposed Ōrau Marine Reserve (I1)— level of agreement with benefits analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 3 | Environmental # = 50 | Recreational fishing # = 30 | General public # = 13 | Commercial fishing # = 3 | Other # = 5 | Owner of land adjacent to a proposed MPA # = 0 | Total # = 104 | Yes # = 15 | Yes # = 28 |
| Agree | 0% 0 | 94% 47 | 13% 4 | 85% 11 | 0% 0 | 60% 3 | 0% 0 | 63% 65 | 27% 4 | 32% 9 |
| Disagree | 100% 3 | 6% 3 | 87% 26 | 15% 2 | 100% 3 | 40% 2 | 0% 0 | 38% 39 | 73% 11 | 68% 19 |

### 6.5.3.1 Reasons for disagreement with benefits analysis

Submissions disagreeing with the benefits analysis of implementing the proposed Ōrau Marine Reserve largely did so because of fishing benefits (Table 74). For example, submissions suggested that the status quo was sustainable.

*Table 74. Proposed Ōrau Marine Reserve (I1) — reasons for disagreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing benefits | | 15 |
| | Status quo is sustainable | 10 |
| | Impact on recreational fishing | 5 |
| SEMP analysis | | 5 |
| | No benefits | 3 |
| | Inaccurate analysis | 2 |
| Community benefits | | 2 |
| | Reserve limits food supply for community | 2 |

### 6.5.3.2 Reasons for agreement with benefits analysis

Submissions agreeing with the benefits analysis of implementing the proposed Ōrau Marine Reserve largely did so because of the environmental benefits (Table 75). For example, submissions suggested that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 75. Proposed Ōrau Marine Reserve (I1) — reasons for agreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 16 |
| | MPA benefits marine life/habitats and ecosystems | 13 |
| | Contributes to local/international biodiversity commitments | 2 |
| | Complements land based reserve | 1 |
| Community benefits | | 6 |
| | Community benefits outweigh costs | 5 |
| | Easily accessible area | 1 |
| Scientific benefits | | 6 |
| | Scientific benefits outweigh costs | 6 |
| SEMP process | | 3 |
| | General agreement | 3 |

### 6.5.3.3 Other benefits

Other suggested benefits not described in the initial analysis are listed in Table 76. The most frequent suggestions for benefits not included were about the community, e.g. that the area was easily accessible.

*Table 76. Proposed Ōrau Marine Reserve (I1) — other benefits not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Community benefits | | 4 |
| | Easily accessible | 3 |
| | Improved environmental status | 1 |
| Environmental benefits | | 2 |
| | Status quo is sustainable therefore no need to strive for listed benefits | 1 |
| | MPA benefits marine life/habitats and ecosystems | 1 |
| Economic benefits | | 1 |
| | Increase fishing imports (benefits outside NZ) | 1 |
| Scientific benefits | | 1 |
| | Possibility for citizen science projects | 1 |
| SEMP process | | 1 |
| | Insufficient analysis | 1 |

## 6.5.4 Proposed Ōrau Marine Reserve: preferred option and reasons why

Section 6.1 lists the questions asked in relation to the preferred option for the proposed Ōrau Marine Reserve. Submissions that indicated a preference regarding the proposed Ōrau Marine Reserve were categorised using the following criteria:

- I object to the proposal being implemented (support the status quo and do not implement the marine reserve)
- I fully support the proposal (I want the marine reserve implemented)
- I partially support the proposal (I want the marine reserve implemented with changes)

A preferred option was allocated to submissions not received through the PublicVoice online survey interface. The preferred option allocated was based on the content of the submission.

Each submission was reviewed based on the three options, and the option most strongly alluded to in the submission was allocated.

A total of 272 submissions responded with a preferred option on the proposed Ōrau Marine Reserve (Table 77).[40] Of these 58% (158) objected to the proposed marine reserve (support the status quo and do not implement the marine reserve), 33% (90) fully supported the proposed marine reserve (wanting the marine reserve implemented) and 9% (24) partially supported the proposed marine reserve (wanting the marine reserve implemented but with changes). Across the main interest groups, 36 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 34 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. 58% of those who consider they exercise kaitiakitanga and 76% of those identifying as tangata whenua objected to the proposed marine reserve.

*Table 77. Proposed Ōrau Marine Reserve (I1) — preferred option*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 7 | Environmental # = 67 | Recreational fishing # = 151 | General public # = 31 | Commercial fishing # = 8 | Other # = 7 | Owner of land adjacent to a proposed MPA # = 1 | Total # = 272 | Yes # = 34 | Yes # = 36 |
| I fully support the proposal | 0% 0 | 85% 57 | 2% 3 | 87% 27 | 0% 0 | 29% 2 | 100% 1 | 33% 90 | 9% 3 | 19% 7 |
| I object to the proposal being implemented | 86% 6 | 0% 0 | 91% 137 | 13% 4 | 100% 8 | 43% 3 | 0% 0 | 58% 158 | 76% 26 | 58% 21 |
| I partially support the proposal | 14% 1 | 15% 10 | 7% 11 | 0% 0 | 0% 0 | 29% 2 | 0% 0 | 9% 24 | 15% 5 | 22% 8 |

### 6.5.4.1 Reasons for objecting to the proposal

Table 78 shows the different reasons given for objecting to the proposed Ōrau Marine Reserve. These objections largely related to fishing. For example, submissions objected to the proposal on the grounds that it would negatively impact recreational fishers.

[40] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Ōrau Marine Reserve. Refer to section 5.4.

*Table 78. Proposed Ōrau Marine Reserve (I1) — reasons for objecting to the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing objections | | 356 |
| | Will negatively impact recreational fishers | 299 |
| | Unfairly prohibit recreational fishing | 90 |
| | Prevents shellfish and driftwood gathering | 90 |
| | Create safety concerns for small boat users | 96 |
| | Status quo of fishing is sustainable | 23 |
| | Will negatively impact commercial fishing | 17 |
| | Displacement impact | 9 |
| | Alternative/better ways of managing area | 7 |
| | No spillover from reserves | 1 |
| Community objections | | 23 |
| | Infringes on rights as tangata whenua | 7 |
| | Reserve limits food supply for community | 6 |
| | Impact on community jobs | 3 |
| | Impact family traditions/businesses | 3 |
| | Reserve contrary to public interest | 1 |
| | Prefer a taiāpure | 1 |
| | Impact on future generations | 1 |
| | Prefer rāhui tikanga | 1 |
| SEMP process | | 14 |
| | Insufficient analysis | 5 |
| | Lack of consultation | 4 |
| | Substitute for Type 2 MPA | 2 |
| | Too political | 2 |
| | Consultation document doesn't show care/understanding of area | 1 |
| Economic objections | | 6 |
| | Need access to fishing to recover from COVID-19 | 2 |
| | Impact local businesses' income | 2 |
| | Loss in value of quota | 1 |
| | Loss of revenue from commercial fishing | 1 |
| Environmental objections | | 4 |
| | Status quo is sustainable | 3 |
| | Species feed further out from proposed area | 1 |
| Scientific objections | | 2 |
| | Insufficient scientific evidence to support reserves | 1 |
| | Not in best interest of scientific study | 1 |

### 6.5.4.2 Reasons for fully supporting the proposal

Table 79 shows the different reasons given for fully supporting the proposed Ōrau Marine Reserve. Reasons for full support were largely environmental justifications. For example, submissions fully supported the proposal on the grounds that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 79. Proposed Ōrau Marine Reserve (I1) — reasons for fully supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 52 |
| | MPA benefits marine life/habitats and ecosystems | 20 |
| | Support, increase area | 15 |
| | Support marine reserves in general | 12 |
| | Improve snorkelling | 3 |
| | Support reserve, do not believe Tow Rock should be included | 1 |
| | Complement land based reserves | 1 |
| Community justifications | | 12 |
| | Reserve would allow for recreation | 7 |
| | Accessibility | 3 |
| | Community benefits outweigh costs | 2 |
| Scientific justifications | | 8 |
| | Scientific benefits outweigh costs | 4 |
| | Easily accessible for studies | 4 |
| Economic justifications | | 3 |
| | Improved tourism | 3 |
| Fishing justifications | | 3 |
| | Alternative fishing sites available | 2 |
| | Spillover benefits fisheries | 1 |
| SEMP process | | 1 |
| | Trusts integrity of process | 1 |

### 6.5.4.3 Reasons for partially supporting the proposal

Table 80 shows the different reasons given for partially supporting the proposed Ōrau Marine Reserve. Reasons for partial support were largely environmental justifications. For example, submissions supported the proposal but would like the area of the proposed marine reserve increased.

*Table 80. Proposed Ōrau Marine Reserve (I1) — reasons for partially supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 15 |
| | Increase area | 6 |
| | Reduce reserve area | 5 |
| | MPA benefits marine life/habitats and ecosystems | 3 |
| | General support for reserve | 1 |
| Community justifications | | 7 |
| | Ensure community can still access | 2 |
| | Ensure small boat owners can still launch | 2 |
| | Ensure DCC can continue discharge in area | 1 |
| | Benefits to public interest outweigh costs | 1 |
| | Reserve limits food supply for community | 1 |
| Fishing justifications | | 6 |
| | Ban commercial fishing only, allow recreational fishing | 3 |
| | Recreational fishers do not cause damage | 3 |
| Scientific justifications | | 1 |
| | Scientific benefits outweigh costs | 1 |

### 6.5.4.4 Suggested changes to site/activity restrictions

Submissions also suggested changes to the proposed Ōrau Marine Reserve (Table 81). One frequently suggested change was an increase in the area of the proposed marine reserve and species protection.

*Table 81. Proposed Ōrau Marine Reserve (I1) — suggested changes to site/activity restrictions*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental changes | | 26 |
| | Increase area and species protection | 21 |
| | Move reserve further north | 1 |
| | Rather have the harbour as a marine reserve | 1 |
| | No site extensions will be considered | 1 |
| | Make whole coast a reserve with less restrictions | 1 |
| | Exclude Smaills beach | 1 |
| Fishing changes | | 19 |
| | Ban commercial fishing only, allow recreational fishing | 12 |
| | Prohibit recreational fishing | 5 |
| | Alternative/better ways of managing area | 2 |
| SEMP process | | 3 |
| | Regular monitoring/generational review | 2 |
| | Prefer type 2 MPA | 1 |
| Community changes | | 3 |
| | Te Rūnanga o Ōtākou — preferential access to commercial development | 1 |
| | Local iwi seek rights to extract for cultural practices | 1 |
| | Te Rūnanga o Ōtākou seek representation in governance | 1 |

## 6.6 Proposed Okaihae Marine Reserve (site K1)


*Figure 8. Proposed Okaihae Marine Reserve (K1)*

The proposed Okaihae Marine Reserve is 2x2.4km in size. It would encompass the surrounding reef and sand habitats of Green Island (Okaihae), itself already a nature reserve. Refer to the consultation document for details of the habitat types and biodiversity found here.[41]

[41] Proposed southeast marine protected areas. Consultation document. June 2020 https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

### 6.6.1 Proposed Okaihae Marine Reserve: who we heard from

A total of 252 submissions provided feedback on the proposed Okaihae Marine Reserve (Table 82).[42] This includes 29 submitters who consider they exercise kaitiakitanga in the area of the proposed marine reserve[43] and 28 who identified as tangata whenua at question 6 of the PublicVoice online survey interface. In terms of main interest groups, the majority of submissions were from the group classified as recreational fishing (54%). Six submissions stated their main interest as tangata whenua.

*Table 82. Proposed Okaihae Marine Reserve (K1) — who we heard from*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 6 | Environmental # = 63 | Recreational fishing # = 137 | General public # = 33 | Commercial fishing # = 9 | Other # = 3 | Owner of land adjacent to a proposed MPA # = 1 | Total # = 252 | Yes # = 28 | Yes # = 29 |
| Okaihae Marine Reserve (K1) | 2% | 25% | 54% | 13% | 4% | 1% | 0% | 100% | 11% | 12% |
| | 6 | 63 | 137 | 33 | 9 | 3 | 1 | 252 | 28 | 29 |

### 6.6.2 Proposed Okaihae Marine Reserve: level of agreement with impacts/costs analysis

A total of 75 submissions indicated a position on the impacts/costs analysis of implementing the proposed Okaihae Marine Reserve (Table 83). Of these 57% (43) indicated agreement and 43% (32) indicated disagreement with the analysis. Submissions indicating agreement with the impacts/costs analysis for the proposed Okaihae Marine Reserve tended to be classified in the environmental main interest group (34). The greatest number in disagreement came from the main interest group classified as recreational fishing (20). Across the main interest groups, 18 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 12 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the impacts/costs analysis.

[42] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Okaihae Marine Reserve. Refer to section 5.4.

[43] Submitters were asked to indicate whether they considered they exercised kaitiakitanga at the site of each proposed marine reserve to determine whether a submitter was "affected iwi, hapū, or whānau" for the purposes of the Marine and Coastal Area (Takutai Moana) Act 2011.

*Table 83. Proposed Okaihae Marine Reserve (K1) — level of agreement with impacts/costs analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 2 | Environmental # = 38 | Recreational fishing # = 20 | General public # = 10 | Commercial fishing # = 3 | Other # = 2 | Owner of land adjacent to a proposed MPA # = 0 | Total # = 75 | Yes # = 12 | Yes # = 18 |
| Agree | 0% 0 | 89% 34 | 0% 0 | 90% 9 | 0% 0 | 0% 0 | 0% 0 | 57% 43 | 25% 3 | 17% 3 |
| Disagree | 100% 2 | 11% 4 | 100% 20 | 10% 1 | 100% 3 | 100% 2 | 0% 0 | 43% 32 | 75% 9 | 83% 15 |

### 6.6.2.1 Reasons for disagreement with impacts/costs analysis

Submissions disagreeing with the impacts/costs analysis of implementing the proposed Okaihae Marine Reserve largely did so because of the fishing impacts/costs (Table 84). For example, submissions disagreed with the impact the proposed marine reserve would have on recreational fishing.

*Table 84. Proposed Okaihae Marine Reserve (K1) — reasons for disagreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 13 |
| | Impact on recreational fishing and diving | 6 |
| | Status quo of fishing is sustainable | 4 |
| | Displacement impact | 2 |
| | Costs associated with policing the area | 1 |
| SEMP process | | 4 |
| | Evidence unsound | 2 |
| | Lack of consultation | 1 |
| | General disagreement | 1 |
| Community impacts/costs | | 4 |
| | Mahinga Tangaroa area | 1 |
| | Proposal infringes on customary rights to fish | 1 |
| | Kai for tangihanga | 1 |
| | Social value of engaging with unique marine life impacted | 1 |
| Scientific impacts/costs | | 2 |
| | Limited research undertaken on island | 2 |
| Economic impacts/costs | | 1 |
| | Tourism boats cannot launch from nearby | 1 |

### 6.6.2.2 Reasons for agreement with impacts/costs analysis

Submissions agreeing with the impacts/costs analysis of implementing the proposed Okaihae Marine Reserve largely did so because of fishing impacts/costs (Table 85). For example, submissions suggested that the impact on recreational fishing would be limited.

*Table 85. Proposed Okaihae Marine Reserve (K1) — reasons for agreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 2 |
| | Limited impact on recreational fishing | 1 |
| | Impact on fishing | 1 |

### 6.6.2.3 Other impacts/costs

Other suggested impacts/costs not described in the initial analysis are listed in Table 86. The most frequent suggestions for impacts/costs not included were about fishing, e.g. that the degree of impact on fishing was not included.

*Table 86. Proposed Okaihae Marine Reserve (K1) — other impacts/costs not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 3 |
| | Degree of impact on fishing | 3 |
| Environmental impacts/costs | | 3 |
| | Negative environmental impact associated with reserve | 3 |
| Community impacts/costs | | 2 |
| | Proposal infringes on customary rights to fish | 2 |
| SEMP process | | 1 |
| | Evidence unsound | 1 |

## 6.6.3 Proposed Okaihae Marine Reserve: level of agreement with benefits analysis

A total of 84 submissions indicated a position on the benefits analysis of implementing the proposed Okaihae Marine Reserve (Table 87). Of these 65% (55) indicated agreement and 35% (29) indicated disagreement with the analysis. Submissions indicating agreement with the benefits analysis for the proposed Okaihae Marine Reserve tended to be classified in the environmental main interest group (43). The main interest group with the greatest number in disagreement was classified as recreational fishing (19). Across the main interest groups, 19 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 11 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the benefits analysis.

*Table 87. Proposed Okaihae Marine Reserve (K1) — level of agreement with benefits analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 2 | Environmental # = 46 | Recreational fishing # = 20 | General public # = 12 | Commercial fishing # = 3 | Other # = 1 | Owner of land adjacent to a proposed MPA # = 0 | Total # = 84 | Yes # = 11 | Yes # = 19 |
| Agree | 0% 0 | 93% 43 | 5% 1 | 92% 11 | 0% 0 | 0% 0 | 0% 0 | 65% 55 | 18% 2 | 37% 7 |
| Disagree | 100% 2 | 7% 3 | 95% 19 | 8% 1 | 100% 3 | 100% 1 | 0% 0 | 35% 29 | 82% 9 | 63% 12 |

### 6.6.3.1 Reasons for disagreement with benefits analysis

Submissions disagreeing with the benefits analysis of implementing the proposed Okaihae Marine Reserve largely did so because of fishing benefits (Table 88). For example, submissions suggested that there would be negative impacts on recreational fishing.

*Table 88. Proposed Okaihae Marine Reserve (K1) — reasons for disagreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing benefits | | 8 |
| | Negative impacts on recreational fishing | 3 |
| | Fishing prevents kina barrens | 2 |
| | Limited impacts from fishing | 2 |
| | Displacement impact | 1 |
| Community benefits | | 2 |
| | Reserve limits food supply for community | 1 |
| | Proposal infringes on customary rights to fish | 1 |
| Economic benefits | | 1 |
| | Inaccessible to tourists | 1 |
| SEMP process | | 1 |
| | Evidence unsound | 1 |

### 6.6.3.2 Reasons for agreement with benefits analysis

Submissions agreeing with the benefits analysis of implementing the proposed Okaihae Marine Reserve largely did so because of environmental benefits (Table 89). For example, submissions suggested that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 89. Proposed Okaihae Marine Reserve (K1) — reasons for agreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental Benefits | | 15 |
| | MPA benefits marine life/habitats and ecosystems | 9 |
| | Complement land based reserves | 3 |
| | Benefits of protecting marine environments outweigh costs | 2 |
| | Contributes to local/international biodiversity commitments | 1 |
| Scientific benefits | | 5 |
| | Scientific benefits outweigh costs | 5 |
| Community benefits | | 5 |
| | Community benefits outweigh costs | 5 |
| SEMP process | | 3 |
| | Agree with analysis and proposal | 3 |

#### 6.6.3.3 Other benefits

Other suggested benefits not described in the initial analysis are listed in Table 90. The most frequent suggestions for benefits not included were about the community, e.g. that the proposed marine reserve was important for recreational activities and education.

*Table 90. Proposed Okaihae Marine Reserve (K1) — other benefits not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Community benefits | | 4 |
| | Important for recreational activities and education | 3 |
| | Benefit of community management | 1 |
| Environmental benefits | | 2 |
| | Easily accessible | 1 |
| | MPA benefits marine life/habitats and ecosystems | 1 |
| Scientific benefits | | 1 |
| | Easily accessible for scientific study | 1 |

### 6.6.4 Proposed Okaihae Marine Reserve: preferred option and reasons why

Section 6.1 lists the questions asked in relation to the preferred option for the proposed Okaihae Marine Reserve. Submissions that indicated a preference regarding the proposed Okaihae Marine Reserve were categorised using the following criteria:

- I object to the proposal being implemented (support the status quo and do not implement the marine reserve)
- I fully support the proposal (I want the marine reserve implemented)
- I partially support the proposal (I want the marine reserve implemented with changes)

A preferred option was allocated to submissions not received through the PublicVoice online survey interface. The preferred option allocated was based on the content of the submission. Each submission was reviewed based on the three options, and the option most strongly alluded to in the submission was allocated.

A total of 243 submissions responded with a preferred option on the proposed Okaihae Marine Reserve (Table 91).[44] Of these 59% (143) objected to the proposed marine reserve (support the status quo and do not implement the marine reserve), 36% (88) fully supported the proposed marine reserve (wanting the marine reserve implemented) and 5% (12) partially supported the proposed marine reserve (wanting the marine reserve implemented but with changes). Across the main interest groups, 28 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 28 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. 54% of those who consider they exercise kaitiakitanga and 82% of those identifying as tangata whenua objected to the proposed marine reserve.

*Table 91. Proposed Okaihae Marine Reserve (K1) — preferred option*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 6 | Environmental # = 61 | Recreational fishing # = 131 | General public # = 32 | Commercial fishing # = 9 | Other # = 3 | Owner of land adjacent to a proposed MPA # = 1 | Total # = 243 | Yes # = 28 | Yes # = 28 |
| I fully support the proposal | 0% 0 | 92% 56 | 2% 2 | 88% 28 | 0% 0 | 33% 1 | 100% 1 | 36% 88 | 11% 3 | 29% 8 |
| I object to the proposal being implemented | 83% 5 | 0% 0 | 95% 124 | 13% 4 | 100% 9 | 33% 1 | 0% 0 | 59% 143 | 82% 23 | 54% 15 |
| I partially support the proposal | 17% 1 | 8% 5 | 4% 5 | 0% 0 | 0% 0 | 33% 1 | 0% 0 | 5% 12 | 7% 2 | 18% 5 |

### 6.6.4.1 Reasons for objecting to the proposal

Table 92 shows the different reasons given for objecting to the proposed Okaihae Marine Reserve. These objections largely related to fishing. For example, submissions objected to the proposal on the grounds that it would have an impact on recreational fishing.

[44] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Okaihae Marine Reserve. Refer to section 5.4.

*Table 92. Proposed Okaihae Marine Reserve (K1) — reasons for objecting to the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing objections | | 323 |
| | Impact on recreational fishing | 195 |
| | Reserve creates safety concerns for small boat users | 91 |
| | Important recreational fishing spot | 91 |
| | Status quo is sustainable | 101 |
| | Area is not overfished | 93 |
| | Impact on commercial fishing | 20 |
| | Alternative/better ways of managing area | 4 |
| | Displacement impact | 3 |
| SEMP process | | 21 |
| | Evidence unsound | 11 |
| | Lack of consultation | 6 |
| | Oppose Type 1 MPAs | 2 |
| | Too political | 2 |
| Community objections | | 17 |
| | Impact of proposal on Tiriti o Waitangi settlements | 5 |
| | Impact on family business and community jobs | 5 |
| | Reserve limits food supply for community | 4 |
| | Reserve will impact local sport, culture, and tourism | 3 |
| Environmental objections | | 9 |
| | Reserve not able to ensure protection | 7 |
| | Alternative areas more suitable | 2 |
| Economic objections | | 6 |
| | Impact on fishing interests | 6 |
| Scientific objections | | 1 |
| | Preservation not in best interests of science | 1 |

### 6.6.4.2 Reasons for fully supporting the proposal

Table 93 shows the different reasons given for fully supporting the proposed Okaihae Marine Reserve. Reasons for full support were largely environmental justifications. For example, submissions fully supported the proposal on the grounds that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 93. Proposed Okaihae Marine Reserve (K1) — reasons for fully supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 49 |
| | MPA benefits marine life/habitats and ecosystems | 32 |
| | Support marine reserves generally | 12 |
| | Support, increase area | 5 |
| Community justifications | | 6 |
| | Community benefits outweigh costs | 3 |
| | Recreational access | 3 |
| Scientific justifications | | 5 |
| | Scientific benefits outweigh costs | 5 |
| Fishing justifications | | 1 |
| | Spillover benefits fisheries | 1 |

### 6.6.4.3 Reasons for partially supporting the proposal

Table 94 shows the different reasons given for partially supporting the proposed Okaihae Marine Reserve. Reasons for partial support were largely fishing justifications. For example, submissions supported the proposal as long as the taking of kina and recreational fishing would be allowed.

*Table 94. Proposed Okaihae Marine Reserve (K1) — reasons for partially supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing justifications | | 3 |
| | Allow kina take | 1 |
| | Allow recreational fishing only | 1 |
| | Status quo is sustainable | 1 |
| Community justifications | | 3 |
| | Increased public enjoyment and education | 2 |
| | Ensure DCC can continue discharge in area | 1 |
| SEMP process | | 2 |
| | Prefer Type 2 MPA | 1 |
| | Evidence unsound | 1 |
| Environmental justifications | | 1 |
| | More protection needed | 1 |

### 6.6.4.4 Suggested changes to site/activity restrictions

Submissions also suggested changes to the proposed Okaihae Marine Reserve (Table 95). One frequently suggested change was for alternative or better ways of managing the area of the proposed marine reserve.

*Table 95. Proposed Okaihae Marine Reserve (K1) — suggested changes to site/activity restrictions*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing changes | | 10 |
| | Alternative/better ways of managing area | 5 |
| | Ban commercial fishing, allow recreational fishing | 5 |
| Environmental changes | | 7 |
| | Increase area | 6 |
| | No extensions will be considered | 1 |
| Community changes | | 4 |
| | Prefer community management | 1 |
| | Te Rūnanga o Ōtākou — preferential access to commercial development | 1 |
| | Local iwi seek rights to extract for cultural practices | 1 |
| | Te Rūnanga o Ōtākou seek representation in governance | 1 |
| SEMP process | | 2 |
| | Prefer Type 2 MPA | 1 |
| | Regular monitoring to inform generational review | 1 |

## 6.7 Proposed Hākinikini Marine Reserve (site M1)

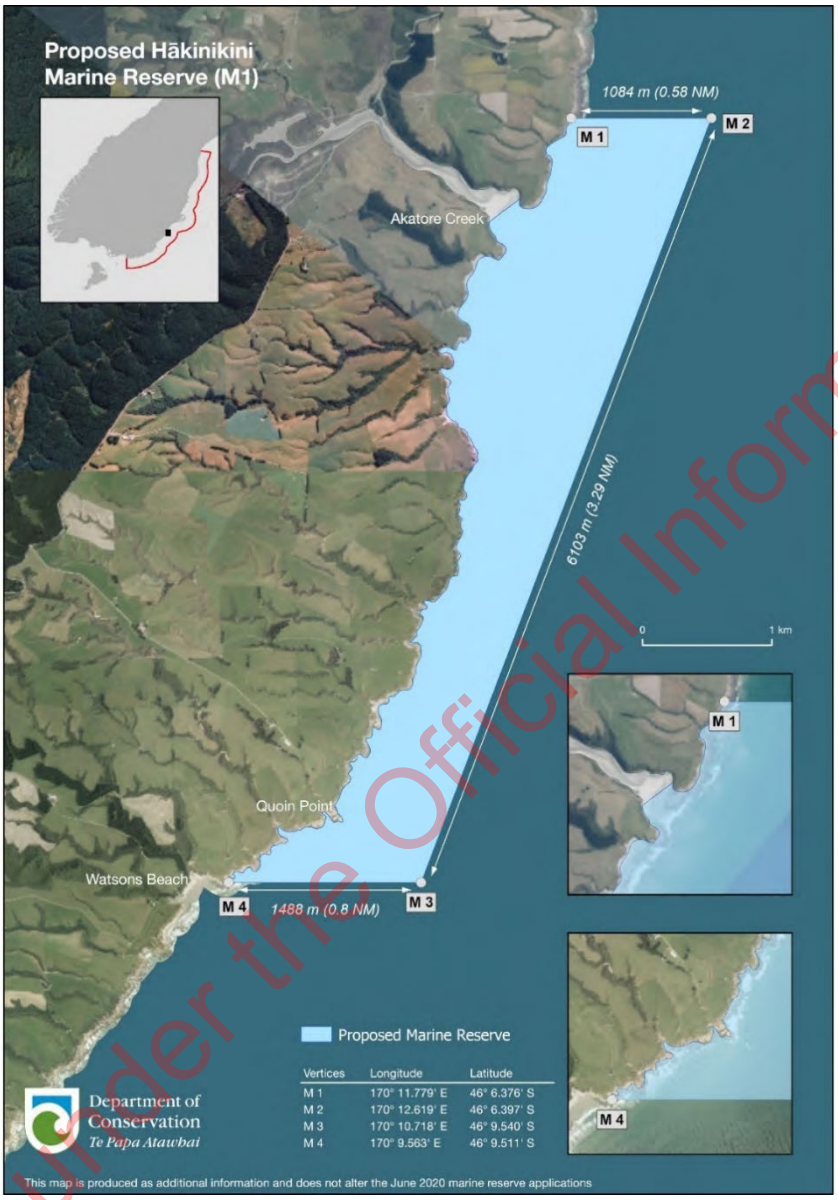



*Figure 9. Proposed Hākinikini Marine Reserve (M1)*

The proposed Hākinikini Marine Reserve includes schist wave-cut platforms and sandy beaches and a New Zealand fur seal (kekeno) breeding rookery. It would be about 6km long and 1.5km at its widest. Refer to the consultation document for details of the habitat types and biodiversity found here.[45]

[45] Proposed southeast marine protected areas. Consultation document. June 2020 https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2020/semp-consultation/semp-consultation-document.pdf

### 6.7.1 Proposed Hākinikini Marine Reserve: who we heard from

A total of 148 submissions provided feedback on the proposed Hākinikini Marine Reserve (Table 96).[46] This includes 24 submitters who consider they exercise kaitiakitanga in the area of the proposed marine reserve[47] and 13 who identified as tangata whenua at question 6 of the PublicVoice online survey interface. In terms of main interest groups, the majority of submissions were from the group classified as environmental (43%). Three submissions stated their main interest as tangata whenua.

*Table 96. Proposed Hākinikini Marine Reserve (M1) — who we heard from*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 3 | Environmental # = 63 | Recreational fishing # = 36 | General pub ic # = 30 | Commercial fishing # = 7 | Other # = 4 | Owner of land adjacent to a proposed MPA # = 5 | Total # = 148 | Yes # = 13 | Yes # = 24 |
| Hākinikini Marine Reserve (M1) | 2% | 43% | 24% | 20% | 5% | 3% | 3% | 100% | 9% | 16% |
| | 3 | 63 | 36 | 30 | 7 | 4 | 5 | 148 | 13 | 24 |

### 6.7.2 Proposed Hākinikini Marine Reserve: level of agreement with impacts/costs analysis

A total of 70 submissions indicated a position on the impacts/costs analysis of implementing the proposed Hākinikini Marine Reserve (Table 97). Of these 61% (43) indicated agreement and 39% (27) indicated disagreement with the analysis. Submissions indicating agreement with the impacts/costs analysis for the proposed Hākinikini Marine Reserve tended to be classified in the environmental main interest group (33). The greatest number in disagreement came from the main interest group classified as recreational fishing (12). Across the main interest groups, 14 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 9 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the impacts/costs analysis.

[46] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Hākinikini Marine Reserve. Refer to section 5.4.

[47] Submitters were asked to indicate whether they considered they exercised kaitiakitanga at the site of each proposed marine reserve to determine whether a submitter was "affected iwi, hapū, or whānau" for the purposes of the Marine and Coastal Area (Takutai Moana) Act 2011.

*Table 97. Proposed Hākinikini Marine Reserve (M1) — level of agreement with impacts/costs analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 0 | Environmental # = 39 | Recreational fishing # = 12 | General pub ic # = 10 | Commercial fishing # = 3 | Other # = 3 | Owner of land adjacent to a proposed MPA # = 3 | Total # = 70 | Yes # = 9 | Yes # = 14 |
| Agree | 0% 0 | 85% 33 | 0% 0 | 90% 9 | 0% 0 | 0% 0 | 33% 1 | 61% 43 | 44% 4 | 21% 3 |
| Disagree | 0% 0 | 15% 6 | 100% 12 | 10% 1 | 100% 3 | 100% 3 | 67% 2 | 39% 27 | 56% 5 | 79% 11 |

### 6.7.2.1 Reasons for disagreement with impacts/costs analysis

Submissions disagreeing with the impacts/costs analysis of implementing the proposed Hākinikini Marine Reserve largely did so because of fishing impacts/costs (Table 98). For example, submissions disagreed with the stated impacts on recreational fishers.

*Table 98. Proposed Hākinikini Marine Reserve (M1) — reasons for disagreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 10 |
| | Will impact recreational fishers | 4 |
| | Costs to commercial fishing overstated | 2 |
| | Displacement impact | 2 |
| | Alternative/better ways of managing area | 1 |
| | Status quo is sustainable | 1 |
| SEMP process | | 5 |
| | Evidence unsound | 5 |
| Community impacts/costs | | 3 |
| | Mahinga Tangaroa area | 1 |
| | Proposal infringes on customary rights to fish | 1 |
| | Important area for locals | 1 |
| Environmental impacts/costs | | 1 |
| | Alternative areas more in need of preservation | 1 |

### 6.7.2.2 Reasons for agreement with impacts/costs analysis

Submissions agreeing with the impacts/costs analysis of implementing the proposed Hākinikini Marine Reserve largely did so because of fishing impacts/costs (Table 99). For example, submissions suggested that they agreed with the stated impacts/costs on fishing.

*Table 99. Proposed Hākinikini Marine Reserve (M1) — reasons for agreement with impacts/costs analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing impacts/costs | | 3 |
| | Impact on fishing | 2 |
| | Fishing concessions will compromise biodiversity | 1 |
| Environmental impacts/costs | | 1 |
| | Biodiversity has decreased | 1 |
| SEMP process | | 1 |
| | Agree with analysis and proposal | 1 |

### 6.7.2.3 Other impacts/costs

Other suggested impacts/costs not described in the initial analysis are listed in Table 100. Suggestions for impacts/costs not included were equally about fishing (e.g. the impacts on recreational fishing), and the SEMP process, which submissions suggested was flawed in that the evidence was unsound. The evidence was identified as unsound in that it failed to adequately identify the costs to the recreational sector and lacked fine scaled fisheries catch data.

*Table 100. Proposed Hākinikini Marine Reserve (M1) — other impacts/costs not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| SEMP process | | 3 |
| | Evidence unsound | 2 |
| | Lack of consultation | 1 |
| Fishing impacts/costs | | 3 |
| | Impacts on recreational fishing | 2 |
| | Displacement impact | 1 |
| Community impacts/costs | | 2 |
| | Proposal infringes on customary rights to fish | 1 |
| | Loss of tradition and connection to the sea | 1 |

## 6.7.3 Proposed Hākinikini Marine Reserve: level of agreement with benefits analysis

A total of 77 submissions indicated a position on the benefits analysis of implementing the proposed Hākinikini Marine Reserve (Table 101). Of these 66% (51) indicated agreement and 34% (26) indicated disagreement with the analysis. Submissions indicating agreement with the benefits analysis for the proposed Hākinikini Marine Reserve tended to be classified in the environmental main interest group (41). The main interest group with the greatest number in disagreement was classified as recreational fishing (14). Across the main interest groups, 15 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 9 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. A majority of both of these groups disagreed with the benefits analysis.

*Table 101. Proposed Hākinikini Marine Reserve (M1) — level of agreement with benefits analysis*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 0 | Environmental # = 44 | Recreational fishing # = 14 | General pub ic # = 10 | Commercial fishing # = 3 | Other # = 3 | Owner of land adjacent to a proposed MPA # = 3 | Total # = 77 | Yes # = 9 | Yes # = 15 |
| Agree | 0% 0 | 93% 41 | 0% 0 | 90% 9 | 0% 0 | 0% 0 | 33% 1 | 66% 51 | 33% 3 | 33% 5 |
| Disagree | 0% 0 | 7% 3 | 100% 14 | 10% 1 | 100% 3 | 100% 3 | 67% 2 | 34% 26 | 67% 6 | 67% 10 |

### 6.7.3.1 Reasons for disagreement with benefits analysis

Submissions disagreeing with the benefits analysis of implementing the proposed Hākinikini Marine Reserve largely did so because of environmental benefits (Table 102). For example, submissions suggested that the status quo is sustainable.

*Table 102. Proposed Hākinikini Marine Reserve (M1) — reasons for disagreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 6 |
| | Status quo is sustainable | 4 |
| | Alternative areas more in need of preservation | 1 |
| | Marine reserve would not benefit protection | 1 |
| SEMP process | | 4 |
| | Evidence unsound | 3 |
| | There are no benefits | 1 |
| Community benefits | | 3 |
| | Proposal infringes on Tiriti o Waitangi rights | 3 |
| Fishing benefits | | 2 |
| | Negative impacts on commercial fishers | 2 |

### 6.7.3.2 Reasons for agreement with benefits analysis

Submissions agreeing with the benefits analysis of implementing the proposed Hākinikini Marine Reserve largely did so because of the environmental benefits (Table 103). For example, submissions suggested that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 103. Proposed Hākinikini Marine Reserve (M1) — reasons for agreement with benefits analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 10 |
| | MPA benefits marine life/habitats and ecosystems | 6 |
| | Benefits of protecting environments outweigh the costs | 3 |
| | Contributes to local/international biodiversity commitments | 1 |
| Scientific benefits | | 5 |
| | Scientific benefits outweigh costs | 5 |
| Community benefits | | 5 |
| | Community benefits outweigh costs | 5 |
| SEMP process | | 2 |
| | Agree with analysis and proposal | 2 |

### 6.7.3.3 Other benefits

Other suggested benefits not described in the initial analysis are listed in Table 104. The most frequent suggestions for benefits not included were about the environment, e.g. that the benefits associated with the 'Lobsters' surfing site should be recognised.

*Table 104. Proposed Hākinikini Marine Reserve (M1) — other benefits not included in the analysis*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental benefits | | 2 |
| | 'Lobsters' surfing site should be recognised | 1 |
| | MPA benefits marine life/habitats and ecosystems | 1 |

## 6.7.4 Proposed Hākinikini Marine Reserve: preferred option and reasons why

Section 6.1 lists the questions asked in relation to the preferred option for the proposed Hākinikini Marine Reserve. Submissions that indicated a preference regarding the proposed Hākinikini Marine Reserve were categorised using the following criteria:

- I object to the proposal being implemented (support the status quo and do not implement the marine reserve)
- I fully support the proposal (I want the marine reserve implemented)
- I partially support the proposal (I want the marine reserve implemented with changes)

A preferred option was allocated to submissions not received through the PublicVoice online survey interface. The preferred option allocated was based on the content of the submission. Each submission was reviewed based on the three options, and the option most strongly alluded to in the submission was allocated.

A total of 140 submissions responded with a preferred option on the proposed Hākinikini Marine Reserve (Table 105).[48] Of these 62% (87) fully supported the proposed marine reserve

[48] This total does not include the 3,893 submissions that provided feedback to the overall network, which by default includes the proposed Hākinikini Marine Reserve. Refer to section 5.4.

(wanting the marine reserve implemented), 31% (44) objected to the proposed marine reserve (support the status quo and do not implement the marine reserve) and 6% (9) partially supported the proposed marine reserve (wanting the marine reserve implemented but with changes). Across the main interest groups, 22 submissions consider they exercise kaitiakitanga in the area of the proposed marine reserve, and 12 submissions identified as tangata whenua at question 6 of the PublicVoice online survey interface. Half of those who consider they exercise kaitiakitanga and half of those identifying as tangata whenua objected to the proposed marine reserve.

*Table 105. Proposed Hākinikini Marine Reserve (M1) — preferred option*

| | Main interest | | | | | | | | Identify as tangata whenua | Exercise kaitiakitanga |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tangata whenua # = 2 | Environmental # = 62 | Recreational fishing # = 31 | General pub ic # = 29 | Commercial fishing # = 7 | Other # = 4 | Owner of land adjacent to a proposed MPA # = 5 | Total # = 140 | Yes # = 12 | Yes # = 22 |
| I fully support the proposal | 0% 0 | 94% 58 | 3% 1 | 90% 26 | 0% 0 | 25% 1 | 20% 1 | 62% 87 | 25% 3 | 32% 7 |
| I object to the proposal being implemented | 50% 1 | 0% 0 | 90% 28 | 10% 3 | 100% 7 | 75% 3 | 40% 2 | 31% 44 | 50% 6 | 50% 11 |
| I partially support the proposal | 50% 1 | 6% 4 | 6% 2 | 0% 0 | 0% 0 | 0% 0 | 40% 2 | 6% 9 | 25% 3 | 18% 4 |

### 6.7.4.1 Reasons for objecting to the proposal

Table 106 shows the different reasons given for objecting to the proposed Hākinikini Marine Reserve. These objections largely related to fishing. For example, submissions objected to the proposal on the grounds that it would impact on recreational fishing.

*Table 106. Proposed Hākinikini Marine Reserve (M1) — reasons for objecting to the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing objections | | 38 |
| | Impact on recreational fishing | 13 |
| | Status quo of fishing is sustainable | 11 |
| | Alternative/better ways of managing area | 6 |
| | Impact on commercial fishing | 4 |
| | Displacement impact | 4 |
| SEMP process | | 11 |
| | Unsound evidence | 5 |
| | Lack of consultation | 3 |
| | Oppose Type 1 MPAs | 2 |
| | Too political | 1 |
| Environmental objections | | 9 |
| | Status quo is sustainable | 4 |
| | Reserve cannot manage environmental threats | 4 |
| | Area not suitable for conservation | 1 |
| Community objections | | 8 |
| | Reserve not in communities best interest | 4 |
| | Reserve contrary to public interest | 2 |
| | Proposal infringes on customary rights to fish | 2 |
| Scientific objections | | 1 |
| | No evidence preservation in best interests of science | 1 |
| Economic objections | | 1 |
| | Impact on tourism | 1 |

### 6.7.4.2 Reasons for fully supporting the proposal

Table 107 shows the different reasons given for fully supporting the proposed Hākinikini Marine Reserve. Reasons for full support were largely environmental justifications. For example, submissions fully supported the proposal on the grounds that the proposed marine reserve would benefit marine life, habitats and ecosystems.

*Table 107. Proposed Hākinikini Marine Reserve (M1) — reasons for fully supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 48 |
| | MPA benefits marine life/habitats and ecosystems | 28 |
| | Support marine reserves generally | 13 |
| | Support, increase area | 5 |
| | Area is valuable for fish stocks | 2 |
| Scientific justifications | | 3 |
| | Scientific benefits outweigh costs | 3 |
| Community justifications | | 3 |
| | Community benefits outweigh costs | 3 |
| Fishing justifications | | 2 |
| | Area rarely used for fishing | 1 |
| | Spillover benefits fisheries | 1 |
| SEMP process | | 1 |
| | Trusts integrity of process | 1 |

### 6.7.4.3 Reasons for partially supporting the proposal

Table 108 shows the different reasons given for partially supporting the proposed Hākinikini Marine Reserve. Reasons for partial support were equally fishing, scientific, community and environmental justifications. For example, submissions partially supported the proposal on the grounds that community benefits would outweigh the costs.

*Table 108. Proposed Hākinikini Marine Reserve (M1) — reasons for partially supporting the proposal*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Community justifications | | 1 |
| | Community benefits outweigh costs | 1 |
| Environmental justifications | | 1 |
| | Unique area to protect | 1 |
| Fishing justifications | | 1 |
| | Alternative/better ways of managing area | 1 |
| Scientific justifications | | 1 |
| | Scientific benefits outweigh costs | 1 |

### 6.7.4.4 Suggested changes to site/activity restrictions

Submissions also suggested changes to the proposed Hākinikini Marine Reserve (Table 109). One frequently suggested change was to increase the area of the proposed marine reserve.

*Table 109. Proposed Hākinikini Marine Reserve (M1) — suggested changes to site/activity restrictions*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental changes | | 7 |
| | Increase area | 6 |
| | No extensions will be considered | 1 |
| Fishing changes | | 7 |
| | Ban commercial fishing only | 3 |
| | Allow recreational fishing | 2 |
| | Alternative/better ways of managing area | 2 |
| Community changes | | 5 |
| | Local iwi seek rights to extract for cultural practices | 2 |
| | Prefer rāhui tikanga | 1 |
| | Te Rūnanga o Ōtākou — preferential access to commercial development | 1 |
| | Te Rūnanga o Ōtākou seek representation in governance | 1 |
| SEMP process | | 3 |
| | Regular monitoring to inform 20/25 year generational review | 2 |
| | Evidence unsound | 1 |

47 subsequent pages are related to Type 2 MPAs submissions and are withheld in full under section 9(2)(f)(iv) of the OIA.



# 7. Submissions relating to proposed Type 2 MPAs

9(2)(f)(iv)

11 subsequent pages are related to submissions on the proposed Arai Te Uru Bladder Kelp Protection Area T1 and are withheld in full under section 9(2)(f)(iv) of the OIA.



# 8. Submissions relating to the proposed Arai Te Uru Bladder Kelp Protection Area (T1)

9(2)(f)(iv)

# 9. Final comments

This section of the report presents the final comments made in submissions. The PublicVoice online survey interface included the following opportunity:

**Comments and supporting documents**

- Please add any final comments to your submission

This section includes comments made by submitters that range from comments on proposed individual MPAs, to comments on the proposed network in its entirety, or comments around the SEMP process and legislation for example.

Submissions including final comments have been grouped into three main categories. These are final comments offering support for the proposed network/individual MPAs, final comments suggesting changes to the proposed network/individual MPAs, and final comments that object to the proposed network/individual MPAs.

Where written submissions included comments that were not related to a specific question in the PublicVoice online survey interface, they were captured here under the final comments.

## 9.1 Support

Submissions including final comments of support have been grouped into main themes and can be found in Table 192. These themes include environmental, community, economic, general, scientific and fishing support, as well as support for the SEMP process.

**Environmental justifications**

Submissions with environmental justifications for support of the proposed network/individual MPAs, most frequently suggested that the proposed network would benefit the protection of biodiversity, the marine environment, and endangered species. Other submissions suggested that New Zealand needed more MPAs and protection. Others expressed the desire to protect the aesthetic and uniqueness of the area.

**Community justifications**

Submissions with community justifications for support of the proposed network/individual MPAs, most frequently suggested that the network would protect wildlife and ecosystems for future generations. Submissions also mentioned that the proposed MPAs would be beneficial for the community at present, as well as for future generations.

**Economic justifications**

Submissions with economic justifications for support of the proposed network/individual MPAs, most frequently mentioned the ocean as being important for the New Zealand economy, the desire to have environmental protection prioritised over profits and business, and the increase in tourism that would result from the proposal being implemented.

**General support**

Submissions also suggested general support for the proposed network/individual MPAs, with no clear justification for support.

**SEMP process**

Submissions with support for the SEMP process most frequently mentioned support for review and monitoring, and trust for the integrity of the process. The collaborative approach taken by SEMP was also listed as a reason for support.

**Scientific justifications**

Submissions with scientific justifications for support noted that the marine reserves would be beneficial for scientific study.

**Fishing justifications**

Submissions with fishing justifications for support mentioned that the network would benefit fishing due to the spill over effect of implementing the network.

*Table 192. Final comments in support of the proposed network/individual MPAs*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental justifications | | 1,657 |
| | Protecting biodiversity/marine environment/endangered species | 1,319 |
| | NZ needs more marine reserves/protection | 124 |
| | Protect as area is aesthetically pleasing and unique | 105 |
| | Mitigate climate change effects | 35 |
| | Network supported, but would like it increased | 23 |
| | Benefits image/reputation of NZ | 20 |
| | Meet legislation requirements | 19 |
| | Status quo will destroy environment | 5 |
| | Each habitat type should be represented in network | 2 |
| | Support targeted protection (kelp protection) | 2 |
| | Allows for protection without restricting access | 1 |
| | Simple shaped reserves easier to manage | 1 |
| | Do not allow any more compromises to network | 1 |
| Community justifications | | 158 |
| | Protect wildlife/ecosystem for future generations | 126 |
| | Marine reserves beneficial for community and future generations | 18 |
| | Snorkelers/divers benefit | 11 |
| | Support a rāhui as well | 2 |
| | Protection part of Tiriti o Waitangi obligations | 1 |
| Economic justifications | | 41 |
| | Ocean is important for NZ economy | 22 |
| | Environment protections over profits/business | 14 |
| | Will increase tourism | 5 |
| General support | | 16 |
| Fishing justifications | | 14 |
| | Network will benefit fishing from spillover effects | 14 |
| SEMP process | | 10 |
| | Support for review and monitoring | 4 |
| | Trust the integrity of the process | 4 |
| | Note the collaborative approach taken by SEMP | 2 |
| Scientific justifications | | 9 |
| | Marine reserves beneficial for scientific study | 9 |

## 9.2 Submitters' suggested changes

Submissions that included final comments suggesting changes to the proposed network/marine reserves/MPAs, have been categorised into the main themes of environmental changes, fishing changes, community changes, and economic changes (Table 193). The most frequently cited theme for change was the environment.

**Environmental changes**

Submissions including comments for environmental changes most frequently cited decreasing the coverage and connection of the proposed network, a preference for mātaitai or a preference for Type 2 MPAs over marine reserves and pointed to the mole at Aramoana as being a good option for an MPA. Submissions also frequently cited that support was conditional upon the MPAs being moved to a different area. Seal Point was another location included as desirable for protection, along with the Catlins habitats. Submissions also included as a suggested change, increasing the area of the marine reserves, altering some marine reserves to better protect species, the need to address land-based pollution, the prohibition of destructive seafloor activities and the need for a review process. Also included, with the least frequency, is the need to meet international obligations and to allow game bird hunting in the estuarine areas of the proposed network.

**Fishing changes**

Submissions suggesting fishing changes most frequently cited the need for more fishing and resource prohibitions and the banning of set netting and trawling and suggested that recreational fishing be allowed to continue. The need for increased policing of fisheries is also suggested along with reviewing the current quota management system. Allowing easier access for recreational fishers, and only controlling commercial fishing were cited with equal frequency. A few submissions suggested decreasing fishing quotas in areas adjacent to MPAs, having different rules at different times of the year, and making changes to the Fisheries Act.

**Community changes**

Submissions suggesting community changes most frequently cited the need for more community education, co-management with tangata whenua, and the management of the area to be based on community or customary management. Also included in community changes was the desire to have continued customary use.

**Economic changes**

Submissions suggesting economic changes most frequently cited the need for the government to support those economically impacted (e.g. commercial fishermen), consideration for the impact on the wellbeing of Kāi Tahu and the need for proper funding to ensure that the marine reserves were successful.

*Table 193. Final comments suggesting changes to the proposed network/individual MPAs*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Environmental changes | | 1,022 |
| | Decrease coverage and connection of network | 424 |
| | Prefer mātaitai or Type 2 over Type 1 MPA | 213 |
| | The mole at Aramoana would make a good MPA | 91 |
| | Support if MPAs moved to different area | 90 |
| | Seal Point would make a good reserve | 90 |
| | Increase area covered by reserves | 43 |
| | Include Catlins habitats | 24 |
| | Change reserves to protect specific species more | 18 |
| | Land based pollution/bywash needs to be managed | 8 |
| | Prohibit all destructive sea floor activities | 7 |
| | Allow review after set time | 6 |
| | Needs to meet NZ international obligations | 4 |
| | Allow bird hunting in estuaries | 4 |
| Fishing changes | | 95 |
| | More fishing/resource prohibitions needed | 21 |
| | Ban set netting and trawling | 17 |
| | Allow recreational fishing | 17 |
| | Increased policing of fisheries needed | 15 |
| | Review of current quota system | 8 |
| | Allow easier access for recreational fishers | 5 |
| | Only commercial fishing should be controlled | 5 |
| | Decrease quota in adjacent areas | 3 |
| | Different rules between different times of the year | 2 |
| | Changes to Fisheries Act | 2 |
| Community changes | | 34 |
| | More community education needed | 11 |
| | Co-management with tangata whenua needed | 9 |
| | Should be based on community or customary management | 6 |
| | Allow customary use | 5 |
| | Ensure safety of recreational fishers | 2 |
| | Ensure resource consents can be granted to DCC | 1 |
| Economic changes | | 7 |
| | Government should support those economically impacted | 4 |
| | Impact on wellbeing of Kāi Tahu | 2 |
| | Proper funding needed to ensure reserves are successful | 1 |

## 9.3 Oppose

Submissions including final comments in objection to the proposed network/individual MPAs have been categorised into the main themes of fishing objections, concern over the SEMP process, general opposition, environmental objections, community objections and economic objections (Table 194). The most frequently cited theme for objection was fishing.

**Fishing objections**

Submissions with fishing objections most frequently cited the status quo being well regulated by bad weather and sea conditions that limited access for fishing. Also included in fishing objections was the suggestion that the area was managed and could continue to be managed by fishers using the quota system. The negative impacts of the proposed network/individual MPAs on both commercial and recreational fishing were also cause for objection among submissions.

**Concern over the SEMP process**

Submissions with objections based on the SEMP process most frequently included concern over the lack of representation in the consultation process and insufficient analysis being conducted for the proposed network/individual MPAs.

**Environmental objections**

Submissions with environmental objections most frequently cited the remaining areas that will be available for recreational fishing as being unsafe or inaccessible for boats, the possibility that reserves would lead to fishing pressure being placed on the remaining unprotected areas and the area not having a declining fish stock.

**Community objections**

Submissions with community objections most frequently cited the impact the proposed network/individual MPAs would have on community culture, the impact the proposed network/individual MPAs would have on peoples' ability to access food and the infringement of the proposed network/individual MPAs on Māori customary rights.

**Economic objections**

Submissions with economic objections most frequently suggested that little regard had been paid to the economic impacts of the proposed network/individual MPAs, and that the proposed network/individual MPAs would impact jobs. Cited with equal frequency was the objection that the primary industries had already been impacted by COVID-19 and that the proposed network/individual MPAs would impact local business and commercial fishing.

*Table 194. Final comments in objection to the proposed network/individual MPAs*

| Main theme | Sub-theme/s | Frequency |
|---|---|---|
| Fishing objections | | 170 |
| | Weather/sea conditions limit access for fishing | 61 |
| | Could be/is managed by fishers (e.g. quota changes) | 26 |
| | Negative impact on commercial fishing | 18 |
| | Negative impact on recreational fishing | 16 |
| | Unsafe for recreational fishers to travel far in small boats | 14 |
| | Increased travel costs for recreational fishers | 12 |
| | Existing restrictions already enough | 11 |
| | Area not overfished | 7 |
| | Only ban commercial fishing | 5 |
| Concern over SEMP process | | 105 |
| | Lack of representation in consultation process | 63 |
| | Insufficient analysis | 30 |
| | Politically motivated | 8 |
| | Concern about legislation | 4 |
| General opposition (reasons unspecified) | | 8 |
| Environmental objections | | 145 |
| | Unsafe/inaccessible for boats to access/go further | 87 |
| | Displacement impact of reserves | 35 |
| | Area not having a decline in fish | 11 |
| | Unable to pick seashells/seaweed | 6 |
| | Stops nature from being enjoyed | 3 |
| | Network does not do enough | 3 |
| Community objections | | 99 |
| | Impact on community culture | 42 |
| | People unable to access food | 42 |
| | Infringement on Māori customary rights | 10 |
| | Restricts mana whenua | 5 |
| Economic objections | | 27 |
| | Little regard paid to economic impacts | 11 |
| | Will impact jobs | 6 |
| | Primary industries already hit by COVID-19 | 5 |
| | Impact on local business and commercial fishing | 5 |

# 10. Appendices

## 10.1 Appendix 1 — Forest & Bird template[70]

To the Department of Conservation & Fisheries New Zealand:

This is an individual submission in support of greater marine protection in Aotearoa.

I support establishing the proposed South East Marine Protected Areas network in full, as well as additional protection for marine life in Otago.

It is particularly important that the proposed network:

- Protects sea caves and the entirety of deep water reefs at Te Umu Koau near Palmerston
- Bans set netting in all marine protected areas, to restore the natural marine communities including top predators and seriously threatened species, such as yellow-eyed penguins, sea lions and Hector's dolphins.

The proposed network needs to be improved by:

- Better representing dolphin, little blue penguin, and unrepresented sea tulip habitats by extending Waitaki B1 Marine Reserve and Moko-tere-atorehu C1 southwards and offshore to 12 nautical miles.
- Gaining some of the richest high current biodiversity in the entire network, by including Tow Rock in the Ōrau Marine Reserve
- Ensuring representation of the Catlins habitats with protection either at Long Point or the Nuggets.

New Zealand has a poor record of marine protection and this proposed network already includes significant concessions to fishing. We need the fullest network possible to help marine ecosystems recover, meet our international obligations, and protect marine species from climate change impacts.

Ngā mihi

[70] In some instances, the template was accompanied by additional comments from the submitters. These were included in the thematic analysis.

## 10.2 Appendix 2 — PublicVoice online survey interface questions

Below is the list of questions that appeared on the online survey interface. These questions were taken from the consultation document.

**SEMP 2020**

**Proposed marine protection measures for south-eastern South Island**

1. **Your details**
2. **Please tell us your name***
3. **What is your email address?***
4. **Are you responding as an individual or as an organisation?**
   ( ) Individual
   ( ) Organisation
5. **Please state the name of the organisation**
6. **Do you identify as tangata whenua?**
   ( ) Yes
   ( ) No
7. **Please provide details**
8. **Which category best describes your main interest in this area?**
   ) Amateur fishing charter vessel operator
   ( ) Commercial fishing
   ( ) Environmental
   ( ) General public
   ( ) Owner of land adjacent to a proposed marine protected area
   ( ) Recreational fishing
   ( ) Tangata whenua
   ( ) Other (please specify)
9. **Information release**
   All submissions will be released publicly after the removal of any personal or commercially sensitive information (including your name and email address). A public release supports a transparent process. If you have specific reasons for not wanting your submission released, please state them below. All submissions are subject to the Official Information Act.
   [ ] I do not want my submission released
10. **Please state the reasons for not wanting your submission released (required)***
    Proposed marine protection measures

---

11. **I would like to make a submission on the establishment of the full network:***
    ( ) Yes
    ( ) No
    And/or
    I would like to make a submission on the following sites: (please tick all that apply)

[ ] Waitaki Marine Reserve (B1)
[ ] Te Umu Koau Marine Reserve (D1)
[ ] Papanui Marine Reserve (H1)
[ ] Ōrau Marine Reserve (I1)
[ ] Okaihae Marine Reserve (K1)
[ ] Hākinikini Marine Reserve (M1)
[ ] Tuhawaiki (A1)
[ ] Moko-tere-a-torehu (C1)
[ ] Kaimata (E1)
[ ] Whakatorea (L1)
[ ] Tahakopa (Q1)
[ ] Arai Te Uru bladder kelp protection area T1)

### The full network

### Status quo assessment – costs/impacts

**12. Do you agree with our initial analysis of the costs/impacts of maintaining the status quo?**
( ) Agree
( ) Disagree
( ) Don't know/Don't wish to comment

**13. Why do you disagree? Please provide evidence to support your answer.**

**14. Why do you agree? Please provide evidence to support your answer.**

**15. Are there other costs/impacts that have not been described in our initial analysis?**

---

### Status quo assessment – benefits

**16. Do you agree with our initial analysis of the benefits of maintaining the status quo?**
( ) Agree
( ) Disagree
( ) Don't know/Don't wish to comment

**17. Why do you disagree? Please provide evidence to support your answer.**

**18. Why do you agree? Please provide evidence to support your answer.**

**19. Are there other benefits that have not been described in our initial analysis?**

---

### Network or status quo

**20. What is your preferred option, the status quo, the network or another option?**
( ) The status quo (do not implement any of the proposed marine protection measures)
( ) The network (implement the full network of proposed marine protection measures)
( ) Another option
( ) Don't know/Don't wish to comment

**21. Why do you support the status quo? Please provide evidence to support your answer.**

**22. Why do you support the network? Please provide evidence to support your answer.**

**23. What 'other' option would you prefer? Please provide an explanation of the changes you suggest, including evidence to support your answer.**

---

### Individual sites

---

### Marine Reserves (The same questions were asked for each proposed marine reserve)

### Affected whānau, hapū or iwi

**24. Do you consider you exercise kaitiakitanga in the area of the proposed marine reserve?**

( ) Yes
( ) No

25. **Please provide any additional relevant details**

Costs

26. **Do you agree with the costs/impacts identified for this site?**

( ) Agree
( ) Disagree
( ) Don't know/Don't wish to comment

27. **Why do you disagree? Please provide evidence to support your answer.**
28. **Why do you agree? Please provide evidence to support your answer.**
29. **Are there other costs/impacts that have not been described in our initial analysis?**

Benefits

30. **Do you agree with the benefits identified for this site?**

( ) Agree
( ) Disagree
( ) Don't know/Don't wish to comment

31. **Why do you disagree? Please provide evidence to support your answer.**
32. **Why do you agree? Please provide evidence to support your answer.**
33. **Are there other benefits that have not been described in our initial analysis?**

Site proposal

34. **What option best represents your view on this site?**

( ) I object to the proposal being implemented (support the status quo and do not implement the marine reserve)
( ) I fully support the proposal (I want the marine reserve implemented)
( ) I partially support the proposal (I want the marine reserve implemented with changes)
( ) Don't know/Don't wish to comment (do not object or support)

35. **Why do you object to this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
36. **Why do you fully support this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
37. **Why do you partially support this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
38. **What changes to the site or activity restrictions would you like to see? Please consider the stated costs and benefits described in the consultation document. Please provide evidence to support your answer.**

---

**Proposed Type 2 MPAs (The same questions were asked for each of the proposed Type 2 MPAs).**

Costs

39. **Do you agree with the costs/impacts identified for this site?**

( ) Agree
( ) Disagree
( ) Don't know/Don't wish to comment

40. **Why do you disagree? Please provide evidence to support your answer.**
41. **Why do you agree? Please provide evidence to support your answer.**
42. **Are there other costs/impacts that have not been described in our initial analysis?**

Benefits

43. **Do you agree with the benefits identified for this site?**

( ) Agree

( ) Disagree
( ) Don't know/Don't wish to comment

44. **Why do you disagree? Please provide evidence to support your answer.**
45. **Why do you agree? Please provide evidence to support your answer.**
46. **Are there other benefits that have not been described in our initial analysis?**

Site proposal

47. **What option best represents your view on this site?**

( ) I object to the proposal being implemented (support the status quo and do not implement the Type 2 MPA)
( ) I fully support the proposal (I want the Type 2 MPA implemented)
( ) I partially support the proposal (I want the Type 2 MPA implemented with changes)
( ) Don't know/Don't wish to comment (do not object or support)

48. **Why do you object to this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
49. **Why do you fully support this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
50. **Why do you partially support this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
51. 
52. **What changes to the site or fishing restrictions would you like to see? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**

---

## Arai Te Uru bladder kelp protection area

Costs

53. **Do you agree with the costs/impacts identified for this site?**

( ) Agree
( ) Disagree
( ) Don't know/Don't wish to comment

54. **Why do you disagree? Please provide evidence to support your answer.**
55. **Why do you agree? Please provide evidence to support your answer.**
56. **Are there other costs/impacts that have not been described in our initial analysis?**

Benefits

57. **Do you agree with the benefits identified for this site?**

( ) Agree
( ) Disagree
( ) Don't know/Don't wish to comment

58. **Why do you disagree? Please provide evidence to support your answer.**
59. **Why do you agree? Please provide evidence to support your answer.**
60. **Are there other benefits that have not been described in our initial analysis?**

Site proposal

61. **What option best represents your view on this site?**

( ) I object to the proposal being implemented (support the status quo and do not implement the kelp protection area)
( ) I fully support the proposal (I want the kelp protection area implemented)
( ) I partially support the proposal (I want the kelp protection area implemented with changes)
( ) Don't know/Don't wish to comment (do not object or support)

62. **Why do you object to this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
63. **Why do you fully support this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
64. **Why do you partially support this proposal? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**
65. **What changes to the site or fishing restrictions would you like to see? Please consider the stated costs/impacts and benefits described in the consultation document. Please provide evidence to support your answer.**

---

## Comments and supporting documents

66. **Please add any final comments to your submission**

Upload any supporting documents

You can upload any of the following file types: png,gif,jpg,jpeg,doc,xls,docx,xlsx,pdf,txt. A maximum of 10 files can be uploaded.

Thank you for making a submission

---

## 10.3 Appendix 3 — Fishing Club templates[71]

### 10.3.1 Template A.

Costs and Benefits of the Overall Network - Option 1: Maintaining the Status Quo

**Do you agree with our initial analysis of the effects of maintaining the status quo? If not, why not? Please provide evidence to support your answer.**

I do not agree. The lack of MPAs in this region does not significantly increase the risk of losing unique marine habitats and ecosystems at present. This is because bad weather and adverse sea conditions are common along the south east coastline, and this already limits the amount of recreational fishing to about 60 days a year. Recreational fishing further off the coast, such as around the canyons, can be available for as little as 20 days a year.

Because of these natural limitations on fishing there is little need for reserves to further restrict recreational fishing on the south-east coast. Working around bad weather and adverse sea conditions, and also around work commitments and tides, I already have limited opportunities to go fishing. To require me to travel for 2 hours (either in a car or out to sea) to be able to fish would further prohibit me from enjoying recreational fishing on the already very limited days I am able.

**Are there any other benefits or impacts that have not been described?**

Maintaining the status quo would have many benefits which are not addressed, including continuing to provide a safe environment for recreational fishing and shore fishing without the need to travel a long distance offshore. Small crafts and inflatable vessels are currently able to be used safely, without venturing too far out to sea. Spearfishing is possible in safe environments away from strong currents and shipping channels. As there are already limited places to launch bigger boats, the status quo means it is possible for the owners of large boats to find local options to launch without having to travel a long distance south to Taieri Mouth.

The status quo fosters a good environment for community fishing, which enables me to participate in a healthy outdoor activity with relative ease, and enables children to be introduced to the sport in a safe environment. For recreational fishers without vehicles like some of my friends, the marine reserves will mean fishing is impossible at any locations within walking distance (for example in Dunedin where the entire local coastline will be unavailable). This will entirely prevent access to the sport for those who do not have a vehicle, which I think is very unfair.

Another benefit of the status quo is reduced pollution from boats and cars travelling long distances to avoid the protected areas. I think the effect of increased fuel consumption through

[71] In some instances, the template was accompanied by additional comments from the submitters. These were included in the thematic analysis.

travel should be taken into account, as goes against the efforts to protect the environment. The costs associated with increased fuel consumption will also mean fishing is more expensive for boaters.

The status quo, where we are able to fish off beaches close to towns, cities and coastal settlements (especially areas with lots of cribs) and where we can fish close to the places we launch our boats enables our important and unique fishing culture to be maintained and encouraged. Fishing spots close town or close to beach/holiday settlements create very important opportunities for me to go fishing safely and easily. The community culture is a major benefit of the status quo in my opinion. I think this culture will be lost if the marine reserves are put in place, and that only those with large crafts will be able to safely get out far enough.

Maintaining the status quo means that residents of St Clair, St Kilda and South Dunedin will continue to be able to prepare emergency sand bags during the frequent flooding situations that result from rising sea levels and climate change. The benefit of being able to take sand from a beach within walking distance should not be understated. In poorer areas of Dunedin I know many residents do not have access to a car, and I know from experience that the flooding can be sudden and unpredictable. Sand bags are currently many resident's sole line of defence, so the no-take policy could have a serious impact.

The status quo also provides families with a means to put locally gathered nutritious food on their tables at minimal cost. Amid the current Covid-19 crisis (with supplies in supermarkets running low due to panic-buying and impending isolation restrictions) the ability for locals to be able to get food to feed themselves, their families and neighbours becomes increasingly important. This will only become more important as the likely economic impacts of the Pandemic worsen and unemployment rises. For those who are unemployed and those on low or limited incomes, the ability to catch fish and gather seafood locally will become vitally important in order to support themselves and their families to eat. If the status quo is abandoned in favour of the proposed network, fishing and gathering seafood becomes far more difficult, which will simply increase the strain on many individuals and families during this crisis. While I do not believe there is any good time to implement the proposed network, doing so during a pandemic and economic crisis is the worst timing possible.

**Costs and Benefits of the Overall Network - Option 2: Establishing the Proposed Network**

**Do you agree with the initial analysis of the effects of establishing the network? If not, why not? Please provide evidence to support your answer.**

I do not agree. Because of the natural limitations on recreational fishing caused by tides and adverse weather conditions, the marine biodiversity in the South East of the South Island does not require explicit protection to thrive. There is no need to ban recreational fishing for the sake of making an "explicit" protection and meeting international obligations, because common sense and evidence do not suggest that the protection is actually necessary. I would like to see proof of the exact benefits that are expected to result from protections in this context, rather

than a discussion of the benefits of marine reserves generally. I can see why Marine Reserves are needed in densely populated areas like Auckland where the weather is calm and there are many more fishers, but given the limitations on me already I am not convinced they are necessary in our situation. Why not just have stricter rules on how many fish a boat can catch per day or some less extreme measure?

I understand there is a benefit of linking the marine reserves so that marine life has a safe passage between them, but the detriment of this is that it entirely removes the availability of recreational fishing along a coastline. This means the effect on recreational fishing would be extreme and sudden, rather than minor and workable.

This is not what local people want, and local people will not support it. I would be more supportive of Marine Reserves if they were for one or two beaches local beaches rather than a whole coastline like the Marine Reserves Act intended. This would give researchers a spot to study and gather real evidence, which I think is important before a blanket ban on all fishing over a huge area the size of Auckland or three quarters the size of Stewart Island is brought in for the sake of it. People who enjoy fishing deserve local opportunities to do that safely, and close to shore.

**Are there other benefits or impacts that have not been described?**

If the proposed marine reserve areas off the coast of Dunedin were put in place, I would have to go a long way off the beach before I start fishing, which is of great concern for me. This is an impact which has been ignored.

These reserves would remove a number of fishing spots close to shore, and therefore prevent the sheltering from wind and bad weather that is currently possible.

I need safe and easily accessible areas to fish. A variety of launching and fishing places need to be kept open so that I can find a spot out of that day's wind and weather. If I have to travel further to another fishing spot I will not be able to take advantage of any weather window that might come up during weekends or holidays.

There are clear safety issues for me if the marine reserve areas off the south coast of Dunedin are adopted. I will lose opportunities to take family and friends out fishing because it will be more difficult and dangerous. It will also be very time consuming if we have to travel well off the coast and out into the weather before putting a line out.

As I mentioned above, there will also be major impacts on recreational sport and community culture if fishing close to local cribs and seaside towns is prohibited. This may also have an impact on tourism as I know friends who have travelled within New Zealand to go recreational fishing at our local spots.

I also consider that an unintended consequence of establishing the proposed Marine Reserves is that it will push all sectors of the fishing community into the same areas to fish (which will be limited). The likely outcome of this is that it will place extreme pressure on marine life in those

limited areas where fishing and gathering of seafood can still be undertaken. There is a high risk that due to competition for those limited areas, marine life will be depleted, which creates new problems in areas which previously had none.

Please consider the stated costs and benefits described in the proposal. What changes to the network would you like to see? Why? Please provide evidence to support your answer.

**I would like to see the status quo maintained.**

If that is not possible, my preference would be for measures that restrict the amount of fish recreational fishers are allowed to take, rather than the introduction of the proposed network.

If that is not possible, my second preference would be for type 2 MPAs (as were designated in the original consultation process), rather than type 1, to enable recreational fishing to continue safely and locally.

If that is not possible, my third preference would be for scattered Marine Reserves (rather than continuous) similar to those in the Hauraki Gulf, in order to preserve local launching and fishing sports at regular intervals along the coastline.

Please note that I also support the submissions of the Tautuku Fishing Club Dunedin & Haast Inc. Without their leadership, I would not have known about these marine reserve proposals and the submission deadline.

The process has not involved any real consultation. For example, the Department of Conservation has not explained it properly in the local paper, the Otago Daily Times. For something that is going to have significant and permanent effects on recreational fishing along the whole South Eastern Coast I would have expected more information to be given so public awareness was raised. There was some done in 2016, but that was 4.5 years ago on a different network of proposed marine reserves. It has been managed poorly, especially at a time when we, like the rest of the country, have been coping with the Covid-19 Pandemic, and the increasing stress and restrictions which have gone along with it.

### 10.3.2 Template B.

Note: Template B is largely a combination of both A and C

**Costs and Benefits of the Overall Network - Option 1: Maintaining the Status Quo**

**Do you agree with our initial analysis of the effects of maintaining the status quo?**

**If not, why not? Please provide evidence to support your answer.**

Our Coastline does not allow easy fishing in the proposed areas. This is because bad weather and adverse sea conditions are common along the south east coastline, and this already limits the amount of recreational fishing. Recreational fishing further off the coast, such as around the canyons, can make this very dangerous having to travel so far out and so deep, A lot of fishers

DO NOT have access to crafts or electric reels and are unable to travel that far out and as it is so deep It would be likely to put inexperienced fishers lives at risk.

I do not feel comfortable having to travel that far out to sea, Fishing is meant to be an enjoyable activity for the whole family to experience This is not going to happen if there was a need to travel so far out in some adverse sea conditions. Especially when on the South Coast the weather can be unpredictable when the wind gets up.

Fishing is meant to be a cheap fun experience the family can do together and under the proposed Protected area this does NOT allow this.

I am totally against the size of the areas proposed. Because of these natural limitations on fishing there is little need for reserves to further restrict recreational fishing on the south-east coast

What about the people who DO NOT have access to any fishing craft?

The Marine Reserve is ridiculous. It does not have to be such a big area, the East Otago Coast line has few fishing areas where it is safe.

**Are there any other benefits or impacts that have not been described?**

Maintaining the status quo would have many benefits which are not addressed, including continuing to provide a safe environment for recreational fishing and shore fishing without the need to travel a long distance offshore. Small crafts and inflatable vessels are currently able to be used safely, without venturing too far out to sea. Spearfishing is possible in safe environments away from strong currents and shipping channels. As there are already limited places to launch bigger boats, the status quo means it is possible for the owners of large boats to find local options to launch without having to travel a long distance south to Taieri Mouth.

The status quo fosters a good environment for community fishing, which enables me to participate in a healthy outdoor activity with relative ease, and enables children to be introduced to the sport in a safe environment.

For recreational fishers without vehicles like some of my friends, the marine reserves will mean fishing is impossible at any locations within walking distance (for example in Dunedin where the entire local coastline will be unavailable). This will entirely prevent access to the sport for those who do not have a vehicle, which I think is very unfair.

Another benefit of the status quo is reduced pollution from boats and cars travelling long distances to avoid the protected areas. I think the effect of increased fuel consumption through travel should be taken into account, as goes against the efforts to protect the environment. The costs associated with increased fuel consumption will also mean fishing is more expensive for boaters.

The status quo, where we are able to fish off beaches close to towns, cities and coastal settlements (especially areas with lots of cribs) and where we can fish close to the places, we

launch our boats enables our important and unique fishing culture to be maintained and encouraged. Fishing spots close town or close to beach/holiday settlements create very important opportunities for me to go fishing safely and easily. The community culture is a major benefit of the status quo in my opinion. I think this culture will be lost if the marine reserves are put in place, and that only those with large crafts will be able to safely get out far enough.

The status quo also provides families with a means to put locally gathered nutritious food on their tables at minimal cost. This will only become more important for those who are unemployed and those on low or limited incomes, the ability to catch fish and gather seafood locally will become vitally important in order to support themselves and their families to eat. If the status quo is abandoned in favour of the proposed network, fishing and gathering seafood becomes far more difficult, which will simply increase the strain on many individuals.

**Costs and Benefits of the Overall Network - Option 2: Establishing the Proposed Network**

Do you agree with the initial analysis of the effects of establishing the network? If not, why not? Please provide evidence to support your answer.

I do not agree. Because of the natural limitations on recreational fishing caused by tides and adverse weather conditions, the marine biodiversity in the South East of the South Island does not require explicit protection to thrive. There is no need to ban recreational fishing for the sake of making an "explicit" protection and meeting international obligations, because common sense and evidence do not suggest that the protection is actually necessary. I would like to see proof of the exact benefits that are expected to result from protections in this context, rather than a discussion of the benefits of marine reserves generally. I can see why Marine Reserves are needed in densely populated areas like Auckland where the weather is calm and there are many more fishers, but given the limitations on me already I am not convinced they are necessary in our situation. Why not just have stricter rules on how many fish a boat can catch per day or some less extreme measure?

I understand there is a benefit of linking the marine reserves so that marine life has a safe passage between them, but the detriment of this is that it entirely removes the availability of recreational fishing along a coastline. This means the effect on recreational fishing would be extreme and sudden, rather than minor and workable.

This is not what local people want, and local people will not support it. I would be more supportive of Marine Reserves if they were for one or two beaches local beaches rather than a whole coastline like the Marine Reserves Act intended. This would give researchers a spot to study and gather real evidence, which I think is important before a blanket ban on all fishing over a huge area the size of Auckland or three quarters the size of Stewart Island is brought in for the sake of it. People who enjoy fishing deserve local opportunities to do that safely, and close to shore.

**Are there other benefits or impacts that have not been described?**

If the proposed marine reserve areas off the coast of Dunedin were put in place, I would have to go a long way off the beach This is an impact which has been ignored. These reserves would remove a number of fishing spots close to shore, and therefore prevent the sheltering from wind and bad weather that is currently possible.

I need safe and easily accessible areas to fish. A variety of launching and fishing places need to be kept open so that I can find a spot out of that day's wind and weather. If I have to travel further to another fishing spot, I will not be able to take advantage of any weather window that might come up during weekends or holidays.

There are clear safety issues if the marine reserve areas off the south coast of Dunedin are adopted. The loss to take family and friends out fishing because it will be more difficult and dangerous.

Also consider that an unintended consequence of establishing the proposed Marine Reserves is that it will push all sectors of the fishing community into the same areas to fish (which will be limited). The likely outcome of this is that it will place extreme pressure on marine life in those limited areas where fishing and gathering of seafood can still be undertaken. There is a high risk that due to competition for those limited areas, marine life will be depleted, which creates new problems in areas which previously had none.

I am totally against the size of the areas proposed. Because of these natural limitations on fishing there is little need for reserves to further restrict recreational fishing on the south-east coast.

Please consider the stated costs and benefits described in the proposal. What changes to the network would you like to see? Why? Please provide evidence to support your answer

I would like to see the status quo maintained.

If that is not possible, my preference would be for measures that restrict the amount of fish recreational fishers are allowed to take, rather than the introduction of the proposed network.

If that is not possible, my second preference would be for type 2 MPAs (as were designated in the original consultation process), rather than type 1, to enable recreational fishing to continue safely and locally.

If that is not possible, my third preference would be for scattered Marine Reserves (rather than continuous) similar to those in the Hauraki Gulf, in order to preserve local launching and fishing sports at regular intervals along the coastline.

Please note that this has not been explained it properly in the local paper. For something that is going to have significant and permanent effects on recreational fishing along the whole South Eastern Coast I would have expected more information to be given so public awareness was raised. There was some done in 2016, but that was at least 4.5 years ago on a different network

of proposed marine reserves. It has been managed poorly, especially at a time when we, like the rest of the country, have been coping with the Covid-19 Pandemic, and the increasing stress and restrictions which have gone along with it.

I am totally opposed to a Marine Reserve and the amount proposed. It does not have to be such a big area, the East Otago Coast line has few fishing areas where it is safe.

OKAIHAE:

This is a great place to take novice divers spearfishing and gathering crayfish. Also, to catch blue cod. groper, gurnard close to shore. Great for small boats to launch off Brighton Beach and fish and dive safely.

If this was to be put into a reserve it would surely be missed by recreational fishers and divers and create huge safety concerns for the small boat users.

For what reason does this need to be put into a MPA as the marine life is plentiful and sustainable in its current format.

Te UMU KOAU Area :

If the MPA is imposed to 12km off shore there would be tremendous fishing pressure put on the small reef structure from Pleasant Point- Matanaka, the Taiapouri and the shag Point areas.

This would not enhance any of the out-laying areas but would decimate areas beside the MPA due to over fishing. I know of at least 30 boats that fish in the proposed MPA area so they would be pushed to the remaining small area. That is not good management of our coast line.

Small boats would have no areas to fish and create safety concerns having to travel further due to over fishing in the remaining small area.

If the proposal area was to be fished at 12km off shore, an electric reel would be required which are out of most people price range. Especially for families.

I do not support the proposed MPA in this area in its current format.

Orau.

This would be a huge loss to the recreational fishers and divers they gather Paua, crayfish and blue cod along this part of coast line. It is the only area for small craft to fish and dive safely.

People take their Children and grandchildren along to the beaches in this area. They love gathering shells and pieces of drift wood. If the reserve is imposed, they and any other people would not be able to do this under a type 1 MPA.

For people with small boats it would be very dangerous if you have to boat from Port Chalmers. I have huge safety concerns for everyone. The only other place to dive and fish is Cape Saunders which has dangerous currents and sea conditions putting people's lives at huge risk.

It is of my view this reserve should NOT be imposed.

.....

The area of Coastline between Shag Point and Taieri Mouth is very exposed to weather conditions. The general public DO NOT have a lot of area to fish along our Coast Line.

You say in your Documents that this will not affect DIVERS, I find this very hard to believe, and the person that made that statement has absolutely no idea about our coast line.

Our coast line is not like the North Island, the top of the South Island, Stewart Island or Fiord land where there are Islands and Bays with reef everywhere so MPA'S can be imposed and still leave a lot of area for fisherman and divers.

I acknowledge that Marine Reserves have their place. There are some great places in the North island Southland including Stewart island. A small reserve can be beneficial but when a whole coast line is being proposed this effects people lively hoods, mental health and wellbeing. Having such large areas of reserves will affect the local; community's that thrive on having easily accessible food.

For example, an area that would have made a great MPA would have been the Mole at Aramoana the entrance to Otago Harbour. It has all the fish species, as well as paua, crayfish and kelp, plus easy access for the public plus the Albatross colony on the other side of the harbour but you seem to not want this. WHY.

Another area that would make an excellent MPA is Seal Point with a radius of approximately 300 meters around the point. It has good access for people from land and has sea lions and Penguins around it. I would be happy to support Te Umu Koau proposed MPA if the 12km boundary off shore was brought in to just 500 meters off shore, I feel this would benefit all parties. (recreational, commercial fishers and divers as well as support the Taiaporai at Karitane.)

People with small boats will NOT be able to get a feed without endangering lives.

People will have to put themselves in unnecessary risk to provide for their families (THIS IS WRONG)

People cannot afford large boats and the cost of running them. Some people cannot afford a boat at all.

With the Covid 19 crisis there are people out there without work and little to no income and you will take food and recreation away from them.

The commercial fishermen will lose their businesses because of these Proposed MPA'S in their current format.

Documents show we have a healthy fishery down here, the adverse weather helps keep this fishery in check.

There needs to be FAR BETTER planning around a reserve instead of a person in Parliament saying I want MPA'S put in place by a certain date.

Has this person ever lived and fished in the Otago areas? I would think NOT or they would have a better understanding of the sea, weather conditions in these areas.

The whole MPA process has had faults and to now try and push this through in a hurry will cost, lives, lively hoods, and a lot of stress to people that is not needed.

I feel the process on MPA'S cannot carry on with out better Representation, information and discussion. This will affect our lives and our children's lives in the future so let's get it right.

I am totally against the MPA'S current recommended reserves in our area in the present proposal, but I would support MPA if they were put in the correct place and reduced to a smaller size so everyone gets the benefit from them.

Regards

### 10.3.3 Template C.

We do not agree with the information supplied in the MPA forum document.

**OKAIHAE:**

This is a great place to take novice divers spearfishing and gathering crayfish. Also, to catch blue cod. groper, gurnard close to shore. Great for small boats to launch off Brighton Beach and fish and dive safely.

If this was to be put into a reserve it would surely be missed by recreational fishers and divers and create huge safety concerns for the small boat users.

For what reason does this need to be put into a MPA as the marine life is plentiful and sustainable in its current format.

**Te UMU KOAU Area :**

If the MPA is imposed to 12km off shore there would be tremendous fishing pressure put on the small reef structure from Pleasant Point- Matanaka, the Taiapouri and the shag Point areas.

It is of the fishing clubs view this would not enhance any of the out-laying areas but would decimate areas beside the MPA due to over fishing. I know of at least 30 boats that fish in the proposed MPA area so they would be pushed to the remaining small area. That is not good management of our coast line.

Small boats would have no areas to fish and create safety concerns having to travel further due to over fishing in the remaining small area.

If the proposal area was to be fished at 12km off shore, an electric reel would be required which are out of most people price range. Especially for families.

I do not support the proposed MPA in this area in its current format.

**Orau.**

This would be a huge loss to the recreational fishers and divers they gather Paua, crayfish and blue cod along this part of coast line. It is the only area for small craft to fish and dive safely.

People take their Children and grandchildren along to the beaches in this area. They love gathering shells and pieces of drift wood. If the reserve is imposed, they and any other people would not be able to do this under a type 1 MPA.

For people with small boats it would be very dangerous if you have to boat from Port Chalmers. I have huge safety concerns for everyone. The only other place to dive and fish is Cape Saunders which has dangerous currents and sea conditions putting people's lives at huge risk.

It is of my view this reserve should NOT be imposed.

The area of Coastline between Shag Point and Taieri Mouth is very exposed to weather conditions. The general public DO NOT have a lot of area to fish along our Coast Line.

You say in your Documents that this will not affect DIVERS, I find this very hard to believe, and the person that made that statement has absolutely no idea about our coast line.

Our coast line is not like the North Island, the top of the South Island, Stewart Island or Fiord land where there are Islands and Bays with reef everywhere so MPA'S can be imposed and still leave a lot of area for fisherman and divers.

I acknowledge that Marine Reserves have their place. There are some great places in the North island Southland including Stewart island. A small reserve can be beneficial but when a whole coast line is being proposed this effects people lively hoods, mental health and wellbeing. Having such large areas of reserves will affect the local; community's that thrive on having easily accessible food.

For example, an area that would have made a great MPA would have been the Mole at Aramoana the entrance to Otago Harbour. It has all the fish species, as well as paua, crayfish and kelp, plus easy access for the public plus the Albatross colony on the other side of the harbour but you seem to not want this. WHY.

Another area that would make an excellent MPA is Seal Point with a radius of approximately 300 meters around the point. It has good access for people from land and has sea lions and Penguins around it.

I would be happy to support Te Umu Koau proposed MPA if the 12km boundary off shore was brought in to just 500 meters off shore, I feel this would benefit all parties. (recreational, commercial fishers and divers as well as support the Taiaporai at Karitane.)

People with small boats will NOT be able to get a feed without endangering lives.

People will have to put themselves in unnecessary risk to provide for their families (THIS IS WRONG)

People cannot afford large boats and the cost of running them. Some people cannot afford a boat at all.

With the Covid 19 crisis there are people out there without work and little to no income and you will take food and recreation away from them.

The commercial fishermen will lose their businesses because of these Proposed MPA'S in their current format.

Documents show we have a healthy fishery down here, the adverse weather helps keep this fishery in check.

There needs to be FAR BETTER planning around a reserve instead of a person in Parliament saying I want MPA'S put in place by a certain date. Has this person ever lived and fished in the Otago areas? I would think NOT or they would have a better understanding of the sea, weather conditions in these areas.

The whole MPA process has had faults and to now try and push this through in a hurry will cost, lives, lively hoods, and a lot of stress to people that is not needed.

I feel the process on MPA'S cannot carry on with out better Representation, information and discussion.

This will affect our lives and our children's lives in the future so let's get it right.

I am totally against the MPA'S current recommended reserves in our area in the present proposal, but I would support MPA if they were put in the correct place and reduced to a smaller size so everyone gets the benefit from them.

Regards.

## 10.4 Appendix 4 — Organisations which provided submissions

- Anderson Family Trust Partnership
- Aotearoa Quota Brokers Limited
- Canterbury Aoraki Conservation Board Te Rūnanga Papa Atawhai O Waitaha Me Aoraki
- Christchurch Penguin Rehabilitation
- Dive Otago
- Divenation
- Dunedin City Council
- Dunedin Host
- Eastern Boating And Fishing Club
- Environment and Conservation Organisations Of NZ Inc
- Environment Canterbury Regional Council
- Ezifish Charters Ltd
- Fiordland Lobster Company
- Fish and Game New Zealand
- Fish Mainland
- Forest & Bird
- Giant Kelp 3G Quota Owner Group
- Global Penguin Society
- Green Island Fishing Club
- Harbour Fish South Island Seafood
- Herbert Heritage Group
- International Bryozoology Association
- Kina Industry Council
- Korokota Marae, Te Parawhau Hapu
- Lower Waitaki Irrigation Company Limited
- Maui And Hector's Dolphin Defenders
- Moana Project
- Monarch Wildlife Cruises
- New Zealand Conservation Authority (NZCA)
- New Zealand Sea Lion Trust
- New Zealand Sport Fishing
- North Otago Dolphin Protection
- NZ Rock Lobster Industry Council; Pāua Industry Council; Fisheries Inshore NZ
- Ornithological Society
- Otago Conservation Board
- Otago Museum
- Otago Rock Lobster Industry Association
- Our Seas Our Future
- PauaMac Incorporated
- Penguin Rescue
- Port Chalmers Fishermen's Co-Operative
- Sanford Limited
- Save The Otago Peninsula (Stop) Inc Soc
- Sea Shepherd New Zealand
- South Island Eel Industry Association
- Southern Clams Limited
- Southern Fantastic
- Southern Inshore Fisheries
- Specialty and Emerging Fisheries Group
- St Clair SLSC
- Stewart Island Adventures Snorkeling
- Tautuku Fishing Club Dunedin And Haast Incorporated
- Te Ohu Kaimoana
- Te Rūnanga O Ōtākou
- The Friends of Taputeranga Marine Reserve Trust
- The New Zealand Marine Sciences Society (NZMSS)

- The New Zealand Professional Fishing Guides Association
- Waitaha Taiwhenua O Waitaki Trust
- Waitaki Branch of Forest & Bird
- West Coast Penguin Trust
- Wise Response Society
- WWF
- Yellow-Eyed Penguin Trust

**Produced by PublicVoice Limited**

Suite 2, 5 Bouverie Street

Petone

Lower Hutt, 5012

Ph: (04) 909 7463

Email: info@publicvoice.co.nz