



### Departmental Briefing

Date:	2 June 2011	File references:	NHE-07-05-39 (DOC) MSU reference 10-B-0401 (MSU use only) H1171 (MFish)
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**Minister of Conservation**

**Minister of Fisheries and Aquaculture**

<b>Subject:</b>	<b>WEST COAST MARINE PROTECTION FORUM FINAL RECOMMENDATIONS</b>
<b>Action Sought:</b>	Note the contents of this submission and decide how you wish to proceed.
<b>Deadline:</b>	No deadline

<b>Paper Type:</b> (Cabinet, Statutory or Other)	Other	<b>Dept's Priority:</b> (Very High, High, Normal or Low)	High
<b>Risk Assessment:</b> (e.g. possible negative reactions/consequences)	Some negative reaction from wider stakeholder sector following decisions.	<b>Level of Risk:</b> (High, Medium or Low)	Low-medium

Contacts for telephone discussion (if required)			
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## Executive Summary

The Marine Protected Areas Policy (MPA Policy) was jointly developed by the Department of Conservation (DOC) and Ministry of Fisheries (MFish) and was released in January 2006. The MPA Policy provides a framework to protect marine biodiversity by establishing a network of marine protected areas (MPAs). For the coastal marine environment (within the 12-nm Territorial Sea), current implementation of MPA Policy is based on regional planning by forums representing various stakeholders with an interest in the marine environment.

In 2005 the West Coast Marine Protection Planning Forum (the Forum) convened and was tasked with developing recommendations for MPAs within the West Coast biogeographic region. This biogeographic region extends from Kahurangi Point in the north to Awatua Point in the south. The offshore boundary is the outer limit of the 12-nm Territorial Sea.

On 28 July 2010 the Forum presented you with their recommendations for MPAs. The Forum recommendations provide an opportunity to protect, to varying extents, the range of habitats and ecosystems present within the biogeographic region. Recommended protection tools include the highest level of protection using no-take marine reserves and partial protection using the Fisheries Act 1996. The proposed protection will help give effect to both domestic policy and international commitments to protect marine biodiversity.

The Forum gathered and considered information on the values and uses of the biogeographic region's marine environment before developing proposed MPAs that were released by the Forum in June 2009 for public consultation. The Forum reached a consensus on four primary locations for marine protection along the West Coast (Kahurangi, Punakaiki, Okarito and Gorge). They could not agree on the size or protection tools that should be applied at each of these locations.

The options recommended by the Forum reflect an inherent tension in developing MPAs that are large enough to represent a full range of marine habitats and ecosystems, but also minimise adverse impacts on existing users of the marine environment and Treaty Settlement obligations. The Forum recommended two options at Kahurangi covering 85 km<sup>2</sup> or 665 km<sup>2</sup>, three at Punakaiki with two covering 39 km<sup>2</sup> and the third covering 244 km<sup>2</sup>, two at Okarito covering 29 km<sup>2</sup> or 165 km<sup>2</sup> and two at Gorge with each covering 122 km<sup>2</sup>. In addition, the Forum recommended five Educational Showcase Sites. The five Sites are small in size and easily accessible so that people can experience and learn about the marine environment. Although these Sites are outside the scope of the MPA Policy, your decisions are not constrained or required by the MPA Policy. Accordingly, it is open to you to consider the merit of each proposed Site.

DOC and MFish recommend that the Kahurangi B, Punakaiki A, Okarito B and Gorge A options provide the best balance between biodiversity protection and minimising adverse impacts on existing users of the West Coast marine environment. If approved, these four options would increase the area of Type 1 MPAs in the 12-nm Territorial Sea from 9.3% to 9.4%. No statutory process for consultation on these options has been undertaken.

DOC and MFish officials request that you decide how you wish to proceed now that the Forum has provided you with its recommendations. Officials are seeking decisions on which, if any, of the options set out in this paper you would like to proceed with. Officials will provide advice on the statutory processes to implement the options you would like to proceed with.



## Recommended Actions

It is recommended that you—

Ministers'  
decisions

(a) Note the following:

(yes / ~~no~~)

- The Forum submitted recommendations for MPAs for the West Coast South Island biogeographic region on 28 July 2010.
- Officials seek your views on how you wish to proceed and are available to discuss the Forum's MPA options with you.
- No statutory process for consultation has been conducted by the Crown. Officials are seeking decisions on which, if any, of the options set out in this paper you would like to proceed with. Officials request that you decide how to proceed, and based on your direction, officials will provide you with further advice to implement statutory processes as required.
- Both Ministers will need to agree on a package to put forward for implementation.
- The Forum reached a consensus on four primary locations for marine protection along the West Coast: Kahurangi, Punakaiki, Okarito and Gorge. They could not agree on the size or protection tools that should be applied at each of these locations.

(b) Note that at Kahurangi, DOC and MFish note that the biodiversity protection for Option A (Kahurangi A) would be greater than Option B (Kahurangi B), but so would the adverse impacts on existing users. DOC and MFish recommend that Kahurangi B is progressed, but that you do not proceed with a Type 2 MPA in the lower 1 km of the Heaphy River.

(yes / ~~no~~)

(c) For Kahurangi select

Either Option A. Support initiation of the process for a marine reserve over the area defined as 'Kahurangi A'. ~~(yes / no)~~

Or Option B. Support initiation of the process for a marine reserve over the area defined as 'Kahurangi B'. ~~(yes / no)~~

and direct officials to investigate options for a prohibition on bottom trawling, dredging and Danish seining under the Fisheries Act 1996 in the lower 1 km of the Heaphy River marked as a proposed Type 2 MPA. ~~(yes / no)~~



Or direct officials to initiate a process to establish an alternative to either of the above MPA options based on information provided to you by the Forum and officials.

~~(yes / no)~~

- (d) Note that at **Punakaiki**, DOC and MFish note that the biodiversity protection for Option B would be greater than Options A or C, but so would the adverse impacts on existing users. DOC and MFish recommend that Option A is progressed.

~~(yes / no)~~

- (e) For **Punakaiki** select

Either Option A. Support initiation of the process for a marine reserve over the area defined as 'Punakaiki A' and direct officials to investigate options for a prohibition on bottom trawling, dredging and Danish seining under the Fisheries Act 1996 within two areas marked as proposed Type 2 MPAs.

~~(yes / no)~~

Or Option B. Support initiation of the process for a marine reserve over the area defined as 'Punakaiki B' and direct officials to investigate options for a restriction on a prohibition on bottom trawling, dredging and Danish seining under the Fisheries Act 1996 within two areas marked as proposed Type 2 MPAs.

~~(yes / no)~~

Or Option C. Support initiation of the process for a marine reserve over the area defined as 'Punakaiki C' and direct officials to investigate options for a prohibition on bottom trawling, dredging and Danish seining under the Fisheries Act 1996 within two areas marked as proposed Type 2 MPAs.

~~(yes / no)~~

Or direct officials to initiate a process to establish an alternative to any or all of the above MPA options based on information provided to you by the Forum and officials.

~~(yes / no)~~

- (f) Note that at **Okarito**, DOC and MFish note that the biodiversity protection provided by Option A would be greater than Option B. However, DOC and MFish recommend that Option B is progressed.

~~(yes / no)~~

- (g) For **Okarito** select

Either Option A. Support initiation of the process for a marine reserve over the area defined as 'Okarito A' and direct officials to investigate options for a prohibition on bottom trawling, dredging and Danish seining under the Fisheries Act 1996 within the area marked as a proposed Type 2 MPA.

~~(yes / no)~~

Or Option B. Support initiation of the process for a marine reserve over the area defined as 'Okarito B'.

~~(yes / no)~~

Or direct officials to initiate a process to establish an alternative to either of the above MPA options based on information provided to you by the Forum and officials.

~~(yes / no)~~



(h) Note that at Gorge, DOC and MFish note that the biodiversity protection for Option B would be greater than Option A. DOC and MFish recommend that Option A is progressed.

(yes)  (no)

(i) For Gorge select

Either Option A. Support initiation of the process for a marine reserve over the area defined as 'Gorge A' and direct officials to investigate options for a prohibition on bottom trawling, dredging and Danish seining under the Fisheries Act 1996 within the area marked as a proposed Type 2 MPA.

(yes)  (no)

Or Option B. Support initiation of the process for a marine reserve over the area defined as 'Gorge B' and direct officials to investigate options for a prohibition on bottom trawling, dredging and Danish restriction on under the Fisheries Act 1996 within the two areas marked as a proposed Type 2 MPA.

(yes)  (no)

Or defer a decision until you have received the Deepwater Group's response to a possible seaward boundary amendment to include canyon headlands in either Gorge A or B.

(yes)  (no)

Or direct officials to initiate a process to establish an alternative to either of the above MPA options based on information provided to you by the Forum and officials.

(yes)  (no)

(j) Note the following:

(yes)  (no)

- If you consider you have insufficient information to make your decisions, you may request officials to provide further analysis about the potential costs and benefits of any or all of these MPA options.
- You can also consider taking no action on any or all of the above MPA options, however this would result in not meeting all of the MPA Policy requirements.
- The Forum also recommended five Educational Showcase Sites. These Sites are outside the scope of the MPA Policy but consistent with the Forum's Terms of Reference. These Sites are at Siberia Bay (Cape Foulwind), Mahinapua Creek/Tūwharewhare tidal lagoon, Ship Creek, Hapuka Estuary and Jackson Head.

(k) Note that the Mahinapua/Tūwharewhare and Hapuka Estuary Sites do not meet the protection standard, and that DOC may progress these recommendations outside of the MPA Policy process.

(yes)  (no)

(l) Note that DOC and MFish recommend that you do not support the Siberia Bay and Jackson Head Educational Showcase Sites due to the areas being traditional fishing grounds of special significance to local tangata whenua.

(yes)  (no)



(m) For Siberia Bay

Agree not to initiate the process for a marine reserve over the area defined as Siberia Bay.  (yes) /  (no)

(n) For Jackson Head

Agree not to initiate the process for a marine reserve over the area defined as the Jackson Head Educational Showcase Site.  (yes) /  (no)

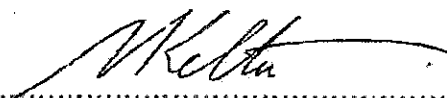
Or defer a decision until the Minister of Fisheries and Aquaculture has considered the advice paper on the Jackson Bay mātaihai reserve application.  (yes) /  (no)

(o) Note that a decision on the Ship Creek Educational Showcase Site should be based on the Forum's recommended boundary adjustment to avoid any overlap with the proposed Ship Creek (Tauperikaka) mātaihai reserve.  (yes) /  (no)

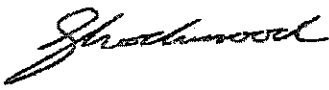
(p) For Ship Creek

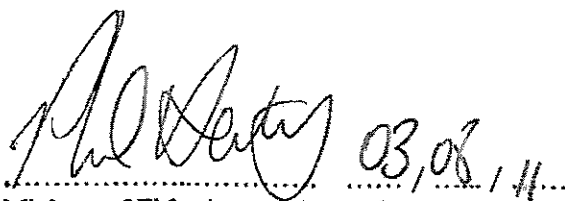
Agree to initiate the process for a marine reserve over the area as defined as Ship Creek Educational Showcase Site, except for the area that overlaps the proposed Ship Creek (Tauperikaka) mātaihai reserve.  (yes) /  (no)

(q) Note that you can consider directing officials to initiate a process to establish an alternative to any or all of the above Educational Showcase Sites based on information provided to you by the Forum and officials.  (yes) /  (no)

  
.....  
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..... 7/18/11  
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## Purpose

1. The purpose of this paper is to:
  - a) Advise you of the recommendations made for new MPAs by the Forum. These recommendations were provided to you in a presentation from Forum representatives on 28 July 2010 and a recommendation report,<sup>1</sup> which should be read in conjunction with this paper.
  - b) Provide an assessment of how the process and recommendations comply with the requirements of the MPA Policy and the Forum's Terms of Reference.
  - c) Provide departmental recommendations on which of the Forum's options should be advanced.
  - d) Provide advice on potential implementation mechanisms.
  - e) Seek your views on how you wish to proceed for any subsequent work. You can direct officials to:
    - i. progress one of the MPA options for each of the four primary locations identified by the Forum within the West Coast biogeographic region;
    - ii. develop alternative MPA options based on information and recommendations provided by the Forum for any or all of the four primary locations within the West Coast biogeographic region;
    - iii. progress none, some or all of the Forum's MPA options and proposed Educational Showcase Sites (the latter discussed in 'Other matters'). However, to meet the MPA Policy requirement to protect all habitat types, you would need to select an option from each of the four primary locations.

## Background

2. The West Coast biogeographic region extends from Kahurangi Point in the north to Awarua Point in the south. The offshore boundary is the outer limit of the 12-nm Territorial Sea. The onshore boundary is mean high water springs (MHWS). Kahurangi Point is also the northern boundary for the *takiwā* of Te Rūnanga o Ngāti Waewae, which is one of the 18 Papatipu Rūnanga that make up Te Rūnanga o Ngāi Tahu (TRONT). The West Coast biogeographic region is also within the *takiwā* of Te Rūnanga o Makaawhio, which is another TRONT Rūnanga. Some of the eight *iwi* that make up Te Tau Ihu *iwi* at the top of the South Island also assert customary rights within parts of the Ngai Tahu *takiwā* that are included in the West Coast biogeographic region.
3. On 28 July 2010 the Forum presented you with its recommendations for new MPAs in the West Coast biogeographic region. The Forum recommendations provide an opportunity to protect, to varying extents, the range of habitats and ecosystems present within this biogeographic region. Recommended protection tools include the highest level of protection using marine reserves and partial protection using the Fisheries Act 1996. The proposed protection will help give effect to both domestic policy and international commitments to protect marine biodiversity.

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<sup>1</sup> Recommendations to the Minister of Conservation and the Minister of Fisheries and Aquaculture from the West Coast Marine Protection Forum on Implementation of the Marine Protected Areas Policy for the West Coast Te Tai o Poutini South Island Biogeographic Region.



4. Approximately 80% of the West Coast terrestrial environment is public conservation land. There are many protected land sequences extending from the mountains to the sea, some with National Park status and others are World Heritage Areas. There are no marine reserves along the West Coast. The only marine areas in formal protection are four estuarine areas in National Parks or Scenic Reserves. The locations chosen by the Forum provide an opportunity to add to existing statutory protection, so that the full range of habitats and ecosystems are in some form of protection.
5. The composition and role of the West Coast Forum and the process followed to arrive at recommendations is discussed in Annex 1, and the Forum's consultation process is discussed in Annex 2.

### **The West Coast South Island Biogeographic Region**

6. The West Coast biogeographic region includes about 80 estuaries, 600 km of coastline and 13,000 km<sup>2</sup> of open sea. It is dynamic and distinct from other New Zealand coastlines. Some of its prominent features include glacial sedimentation, exposure to prevailing weather, complex coastal currents and tidal wetlands. These features influence the range of species that are found on the West Coast, including nearly 200 species of fish in the nearshore shelf, coastal reef and estuarine environments, hundreds of invertebrates, at least 175 species of seaweed, at least 23 species of marine mammal, and approximately 100 species of birds.
7. The West Coast is an important stretch of coastline for many individuals and user groups. It is culturally important to Te Rūnanga o Mākaawhio and Te Rūnanga o Ngāti Waewae, and it supports important commercial and recreational fisheries (including whitebaiting). The West Coast is also used for recreation, tourism, diving and mining.

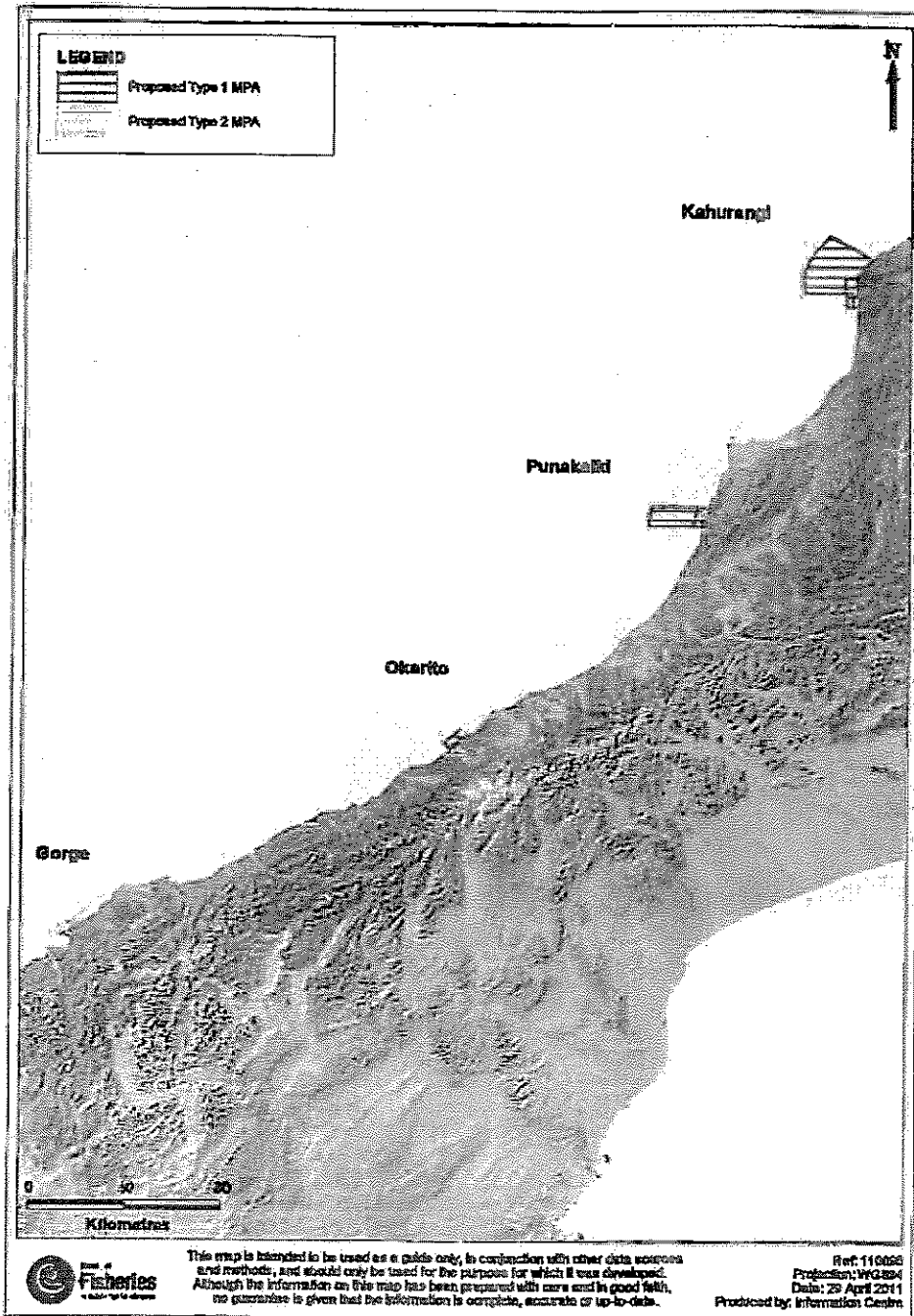
### **Policy context**

8. New Zealand is committed, through its ratification of the Convention on Biological Diversity to help stem the loss of biodiversity worldwide. In order to guide this work in the marine environment, in 2006 the previous government released the MPA Policy. The MPA Policy objective is to protect marine biodiversity by establishing a network of MPAs that is comprehensive and representative of New Zealand's marine habitats and ecosystems.
9. Under the MPA Policy there are Type 1 and 2 MPAs. Type 1 MPAs are marine reserves established under the Marine Reserves Act 1971. The MPA Policy requires at least one example of each marine habitat to be protected as a Type 1 MPA. Type 1 MPAs should also be used as a tool to protect outstanding, rare, distinctive, or internationally or nationally important marine communities or ecosystems. Type 2 MPAs also meet the MPA Policy's standard of protection but are implemented using other legislative tools, such as regulations enacted under the Fisheries Act 1996. The MPA Policy requires Type 2 MPAs to protect replicate examples of each marine habitat. The MPA Policy also provides for 'Other Marine Protection Tools,' which are areas that have statutory protection that is insufficient to achieve MPA status. The MPA Policy also requires adverse impacts on existing users of the marine environment and Treaty settlement obligations to be minimised when meeting the Policy's objective.

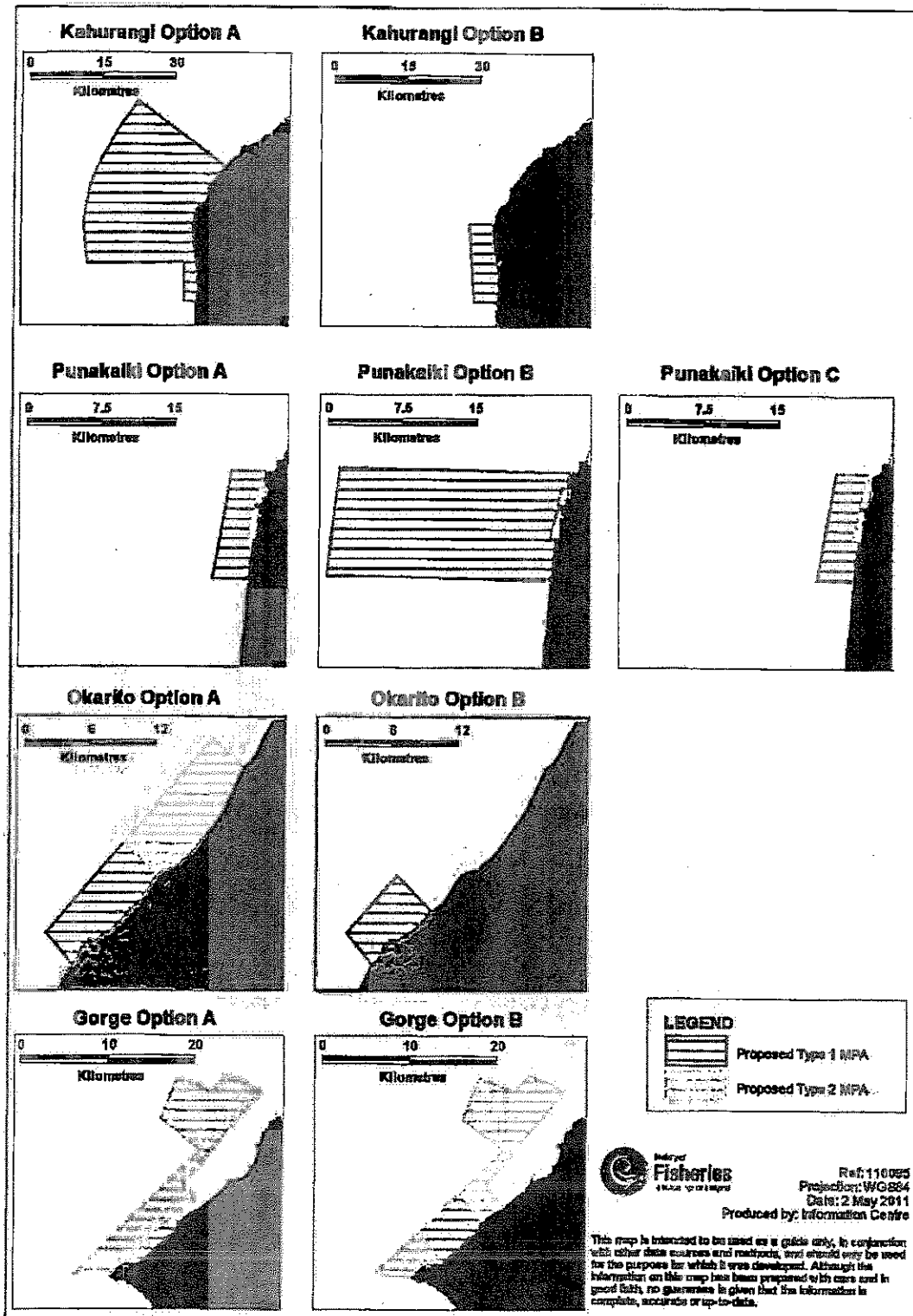


### Recommendations

10. Full descriptions of the Forum's recommendations on new MPAs and the Forum's assessment regarding how each option meets the MPA Policy requirements are set out in the recommendation report (pp. 25-75). The MPA options at the four primary locations are set out in Map 1 (to scale) and Map 2.



Map 1: Type 1 and 2 MPA options within the West Coast biogeographic region (to scale)



Map 2: Type 1 and 2 MPA options in each of the four primary locations



### *Kahurangi*

11. Kahurangi is located in the north of the biogeographic region, adjacent to the Kahurangi National Park. The Forum recommends that you consider two options.
12. Kahurangi A is a Type 1 MPA totalling 665 km<sup>2</sup> and extending 30 km along the coastline and to the outer limit of the 12-nm Territorial Sea (22.5 km) and including the estuarine habitat in the lower 1 km of the Heaphy River.
13. Kahurangi B is a Type 1 MPA totalling 85 km<sup>2</sup> and extending along 16 km of coastline and out to 5 km (2.7 nm) offshore, and a Type 2 MPA that prohibits bottom trawling, dredging and Danish seining within the lower 1 km of the Heaphy River. The Type 2 MPA would not affect whitebaiting and recreational line fishing in the River estuary.

### *Punakaiki*

14. Punakaiki is located in the central part of the biogeographic region in the vicinity of the Paparoa National Park. The Forum recommends that you consider three options.
15. Punakaiki A is a Type 1 MPA totalling 36 km<sup>2</sup> and extending along the central Paparoa coastline and out to 2 nm (3.7 km) offshore, and a Type 2 MPA that prohibits bottom trawling, dredging and Danish seining within two small inshore areas totalling 3 km<sup>2</sup> and extending 600 m offshore, including estuarine habitats in the lower reaches of the Pororari and Punakaiki Rivers. The Type 2 MPA would not affect whitebaiting, recreational line fishing, eeling and shellfish gathering.
16. Punakaiki B is a Type 1 MPA totalling 241 km<sup>2</sup> and extending along the same coastline as Punakaiki A but to the outer limit of the 12-nm Territorial Sea (22.5 km), and a Type 2 MPA within the same two small inshore areas totalling 3km<sup>2</sup>.
17. Punakaiki C is a Type 1 MPA totalling 35 km<sup>2</sup> and extending along the same coastline but to 2 nm (3.7 km) offshore, and a Type 2 MPA within two small inshore areas totalling 4 km<sup>2</sup>.

### *Okarito*

18. Okarito is also located in the central part of the biogeographic region and adjacent to the Westland National Park and Te Wāhipounamu – *South West New Zealand* – World Heritage Area. The Forum recommends that you consider two options.
19. Okarito A is a Type 1 MPA totalling 46 km<sup>2</sup> and extending along 10.5 km of coastline and out to 2 nm (3.7 km) offshore, including the lower 1 km of the Waiho River, and a Type 2 MPA that prohibits bottom trawling, dredging and Danish seining over an adjoining area totalling 60 km<sup>2</sup> and extending 2 nm (3.7 km) offshore.
20. Okarito B is a Type 1 MPA totalling 29 km<sup>2</sup> and extending along 7 km of coastline and out to 2 nm (3.7 km) offshore and including the lower 1 km of the Waiho River.



### *Gorge*

21. Gorge is located at the southern end of the biogeographic region and lies adjacent to public conservation land that is part of Te Wāhipounamu – South West New Zealand – World Heritage Area. The Forum recommends that you consider two options.
22. Gorge A is a Type 1 MPA totalling 8.5 km<sup>2</sup> and extending along 5.8 km of coastline and out to 0.53 nm (1 km) offshore, and a Type 2 MPA that prohibits bottom trawling, dredging and Danish seining within a jigsaw-shaped area totalling 114 km<sup>2</sup> that surrounds the Type 1 MPA and extends seaward to a line that approximates the 200 m depth contour (isobath).
23. Gorge B is a Type 1 MPA totalling 28 km<sup>2</sup> along the same 5.8 km of coastline and out to 2.4 nm (4.5 km) offshore, and a Type 2 MPA that prohibits bottom trawling, dredging and Danish seining within a jigsaw-shaped area totalling 94 km<sup>2</sup> that adjoins the Type 1 MPA and extends seaward to a line that approximates the 200 m depth contour (isobath).

### *Support for options*

24. The MPA Classification, Protection Standard and Implementation Guidelines advise that if consensus cannot be reached, the Forum “should provide a range of options ... making clear which options are favoured by which elements of the community/stakeholders and the advantages and disadvantages of each.” The Forum’s account of the advantages and disadvantages of each MPA option are set out in the recommendation report (pp.25-75).
25. The MPA options for the four primary locations reflect the diversity of views in submissions and within the Forum membership. The Forum was challenged in its attempts to reach consensus on recommendations due to the tension between preferences to either maximise biodiversity protection or minimise adverse impacts on existing users of the marine environment. Other sources of tension were the differences of views regarding whether MPA recommendations should represent around 10% of the biogeographic region and have at least one location extend to the outer limits of the 12-nm Territorial Sea, even though neither are requirements of the MPA Policy.
26. Many of the Forum members did not express support for individual MPA options or primary locations, as they preferred the recommendations to be treated as a package to fulfil the MPA Policy requirements. The Forum members considered the MPA proposals put forward for formal public consultation in June 2009 met the MPA Policy requirements.
27. In response to the June 2009 consultation process, six commercial stakeholder organisations (CSOs)<sup>2</sup> objected to the proposed MPAs at all four primary locations. The CSOs collectively proposed alternative MPAs for the Kahurangi, Punakaiki and Gorge locations. Subsequent discussions within CSOs and the Mineral industry led to amendments to the alternative MPAs, which became the Kahurangi B, Punakaiki C and Okarito B options.
28. The CSOs’ alternative MPA for the Gorge location was not included in the Forum recommendations.

<sup>2</sup> The six CSOs are the Paua Industry Council, PAUAMAC 7, Challenger Finfish Management Company, CRAMAC 8, CRAMAC 9 and the South Island Eel Industry Association. The Forum’s recommendation report refers to the CSOs as the Collective Commercial Fisheries Interests (CCFI).



29. The Forum's recommendations for Kahurangi A, Punakaiki A, Okarito A and Gorge A are similar to those consulted on in June 2009, with some amendments made to address matters raised during consultation and subsequent meetings with stakeholders.
30. Gorge B and Punakaiki B were proposed by one of the environmental representatives on the Forum in response to submissions from the environmental interests.
31. TRONT's advice is included in the recommendation report (pp.139-141), and explicitly sets out their reasons for supporting or opposing each MPA option. In summary, TRONT is "optimistic that support can be given" to Kahurangi B, Punakaiki A and C, Okarito A and B, and Gorge A. TRONT opposes Kahurangi A, Punakaiki B and Gorge B. Te Rūnanga o Mākaawhio supported TRONT's position.

### **Departmental Comment/Analysis**

32. This section contains the following five parts that discuss:
  - a. The compliance of the Forum's recommendations with the MPA Policy and Terms of Reference;
  - b. Protection afforded by the MPA options to the biodiversity of the West Coast biogeographic region;
  - c. The impact of the MPA options on current users of the marine environment;
  - d. The contribution these options would make to international obligations; and
  - e. Departmental recommendations.

### **Compliance with the MPA Policy and Terms of Reference**

33. DOC and MFish officials consider that all requirements of the MPA Policy and the Forum's Terms of Reference have been met and documented. In accordance with the MPA Policy, recommendations put forward by forums need to provide sufficient protection to meet a defined protection standard to gain MPA status.
34. Any significant new activities that commence in the area, or any new information on existing activities, will need to be assessed to determine whether the impacts of those activities exceed the level of impact outlined in the protection standard.
35. DOC and MFish officials consider that the MPA options at the four primary locations (Kahurangi, Punakaiki, Okarito and Gorge) meet the required standard of protection (Annex 3). However, the Forum recommendations include some matters that are outside the scope of the MPA Policy. These matters, some of which are extraneous to your decisions on the relevant MPA options, are described as follows.

#### *Kahurangi*

36. The Forum recommends any Order in Council for establishing a marine reserve for Kahurangi A or B include a condition that allows the non-commercial take of driftwood from a small section of beach adjacent to the Heaphy River mouth. Driftwood in this section of the beach is used by trampers and DOC as firewood for heating the Heaphy Hut.



It is unlikely that continuation of this activity would affect preservation of the marine reserve in its natural state, as required under the Marine Reserve Act 1971.

#### *Okarito*

37. The Forum recommends any Order in Council for establishing a marine reserve for Okarito A or B include a condition that prohibits dogs from the marine reserve to assist with protection of endangered wildlife in the adjacent Westland Tai Poutini National Park. However, this may not be possible, and is unnecessary, as there are other tools available for DOC to manage the risk of dogs entering the National Park and threatening protected wildlife.

#### *Gorge*

38. The Forum recommends any Order in Council for establishing a marine reserve for Gorge A or B include a condition that allows commercial and non-commercial extraction of greenstone (pounamu), as requested by TRONT and Te Rūnanga o Makaawhio. This type of condition does not conflict with the MPA Policy or the purpose of the Marine Reserves Act 1971. Similar conditions have been included in the Order in Council for certain marine reserves.

#### **Biodiversity protection**

39. The purpose of the MPA Policy is to establish a network of MPAs that protects marine biodiversity in a comprehensive and representative range of marine habitats and ecosystems. Biological mapping of habitats is based on physical proxies, such as available information on bathymetry, exposure and substrate.
40. The Forum agreed to consider 15 habitat types in total and not consider other habitat types and replicate examples of them, due to their depth (deepwater >200 m) or their small size and adverse impacts on existing users (deep sub-tidal gravel; shallow sub-tidal gravel). DOC and MFish agree that restricting the habitat types in this way was practical, given the available information and makeup of the Forum membership. The Forum envisaged that the deepwater habitats (>200 m) within the biogeographic region would be considered in 2013, when the MPA Policy is due to be implemented in the 200-nm Exclusive Economic Zone (EEZ).
41. Any combination of options, so long as one is chosen from each primary location, will ensure the requirements of the MPA Policy are met (e.g. Type 1 MPA used to protect at least one example of each marine habitat, and Type 2 MPA used to protect replicate examples of each habitat). In line with the implementation guidelines for the MPA Policy, the Forum considered the viability of MPA options for each habitat type, as well as their connectivity and representation of longitudinal variation as it relates to their size.
42. A total of 14 different habitat types would be represented within the resultant Type 1 MPA network, irrespective of whether the largest or smallest option is selected at each primary location. An additional habitat type (estuarine tidal flat) is already represented within the Scenic Reserve at Saltwater Lagoon and within the Westland National Park at Three Mile Lagoon, and was not recommended for further representation by the Forum.



43. If one Type 2 MPA was established at each of the four primary location, a total of 11 habitat types would be represented within them, irrespective of which option was selected at each location, for the reasons noted above. However, some habitat types would be represented only at a small proportion of their total area within the biogeographic region.
44. The MPA Policy also states that Type 1 MPAs should be used as a tool to protect outstanding, rare, distinctive, or internationally or nationally important marine communities or ecosystems. None were identified during this planning process or are known to be present within the biogeographic region. Any new activities that commence in the area, or any new information on existing activities, will need to be assessed to determine whether the impacts of those activities exceed the level of impact outlined in the protection standard.

#### *Impacts on existing users*

45. As noted, the MPA Policy states that adverse impacts on existing users of the marine environment should be minimised when meeting the objective of the Policy.

#### *Customary*

46. With respect to customary fishing, as noted, TRONT and Te Rūnanga o Makaawhio are supportive of Kahurangi B, Punakaiki A and C, Okarito A and B, and Gorge A, but opposes Kahurangi A, Punakaiki B and Gorge B.

#### *Recreational*

47. The Forum recommendations fully reflect the preferences of recreational fishers as was submitted during the June 2009 consultation process. Type 1 MPA boundaries were devised to accommodate recreational fishing along the Heaphy River (Kahurangi B) and in the Punakaiki location, including the Pororari and Punakaiki River mouths (Punakaiki A, B and C). On this basis, the Forum recommendations minimise the adverse impacts on existing recreational fishers and, therefore, do not require further assessment. The West Coast Whitebaiters Association supported the Forum recommendations, with the exception of Kahurangi A. Some recreational fishers also expressed concern with the Type 1 MPA boundary extending into the Heaphy River estuary, as this would prevent recreational fishing at this location.
48. The Forum received a late submission after they had made all of their decisions on primary locations and MPA options. This submission was from a group that use part of the Type 1 MPA in Okarito A and B for recreational fishing and whitebaiting. Given the late stage in the process when this information was received, the Forum decided not to revisit their recommendations, but to note that these individuals will have an opportunity to comment and provide input through any statutory consultation process.

#### *Commercial*

49. The Forum recommendations have varying levels of impacts on commercial mixed finfish, rock lobster (CRA8 and 9) and paua (PAU6) fisheries. As noted, in response to the June 2009 consultation process, six CSOs collectively proposed alternative MPAs for each of the four primary locations to minimise adverse impacts on commercial fishers. However, the



CSOs did not substantiate how their proposed alternatives minimise adverse impacts relative to the MPAs proposed during the June 2009 consultation process (e.g. comparison of relative catch levels).

50. As noted, the CSOs collectively proposed alternative MPAs for the Kahurangi, Punakaiki and Gorge locations, and their subsequent discussions led to amendments to these alternatives, which became the Kahurangi B, and Punakaiki C options. The Okarito B option was proposed by the CSOs after the June 2009 consultation process. In addition, the CSOs agreed on an option for the Gorge location (a small-sized Type 2 MPA over the Type 1 portion of Gorge A), which was not accepted by the Forum. Since all of these options were not subject to formal consultation, there may be some question regarding the level of CSO support.
51. Each of the Type 1 MPAs recommended by the Forum will prohibit all fishing inside those areas. Each of the Type 2 MPAs recommended will prohibit the use of mobile bottom fishing methods (bottom trawling, Danish seining and dredging). While Type 2 MPAs do not impact on commercial rock lobster, paua and eel fishing, they adversely impact on the mixed finfish fishery with respect to the use of bottom trawling.
52. The assessment of adverse impacts is limited by the fisheries return data, as these data do not allow for determination of the actual tonnage of species commercially taken from each MPA option. The Ministry can only analyse data from all waters within a particular statistical area.
53. However, since 2007/08 commercial fishers operating vessels 6 to 28 m in length report the start position of each trawl, longline (except tuna) and setnet using latitude and longitude.<sup>3</sup> The resolution (radius) of a start position is 1 nm, and the direction from the start position is not recorded. Therefore, catch/effort data incorporate a degree of uncertainty regarding the precise locations of commercial fishing operations.
54. The assessment of the adverse impacts that each MPA option has on commercial fishing is discussed as follows.

### *Kahurangi*

55. Kahurangi A was consulted on in June 2009. The CSOs consider Kahurangi A will adversely impact on the existing mixed finfish, CRA9 and PAU6 fisheries and impede the future development of PAU6 and adjoining PAU7 fisheries.
56. Based on start trawl position data from 2007/08 to 2009/10, the estimated average annual catch of QMS finfish species in Kahurangi A is 83 tonnes, which has an estimated average annual value of \$98,000 (based on export prices paid to fishers during those fishing years). The estimated value incorporates a degree of uncertainty due to market price variations. In addition, as noted, the data on start trawl positions incorporate a degree of uncertainty regarding the precise locations of trawl operations.

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<sup>3</sup> Regulation 11D of the Fisheries (Reporting) Regulations 2001.



57. The concerns of mixed finfish, CRA9 and PAU6 fishers are supported by the known extent of trawl grounds and rock lobster and paua habitats. The PAU6 TACC is 1 tonne, with 80 percent owned by the Crown and leased annually. The remaining 20 percent is owned by TRONT.
58. Kahurangi B was not consulted on in June 2009. As noted, Kahurangi B was one of three options that arose from CSOs' discussions that followed up the June 2009 consultation process.
59. Inclusion of the lower 1 km of the Heaphy River in Kahurangi A and B would not impact the mixed finfish, CRA9 and PAU6 fisheries. However, the inclusion of the lower 1 km of the River in Kahurangi A could have an impact on the commercial eel fishery.
60. Relative to Kahurangi A, Kahurangi B has less adverse impact on the existing mixed finfish, CRA9 and PAU6 fisheries. The trawl start position data show that Kahurangi B is trawled considerably less than Kahurangi A.

#### *Punakaiki*

61. Punakaiki A was consulted on in June 2009. The recommendation report refers to this option as having minimal impacts on trawl and longline fishing methods. However, the CSOs consider this option will adversely impact on the mixed finfish fishery and will be an impediment to the future development of the PAU6 fishery. These concerns are supported by the known extent of trawl grounds and paua habitats. However, PAU6 fishers do not currently fish this area.
62. There is a greater degree of uncertainty regarding the precise location of trawling within this option, given that Punakaiki A extends 3.7 km (2 nm) offshore and the resolution (radius) of a trawl start position is 1 nm. Although the start trawl position data show this area has some trawling, DOC and MFish cannot advise you on the impact Punakaiki A will have on the mixed finfish fishery.
63. Punakaiki B was not consulted on in June 2009. The recommendation report refers to it as likely having an adverse impact on commercial fisheries.
64. The start trawl position data show that Punakaiki B is the most heavily trawled of all MPA options recommended by the Forum. Based on start trawl position data from 2007/08 to 2009/10, the estimated average annual catch of QMS finfish species in Punakaiki B is 59 tonnes, which has an estimated average annual value of \$350,000 (based on export prices paid to fishers during those fishing years). This estimated annual value is considerably higher than that for Kahurangi A due to the mix of species caught. As noted, the estimated value incorporates a degree of uncertainty due to market price variation, and the data on start trawl positions incorporate a degree of uncertainty regarding the precise locations of trawl operations.
65. Punakaiki C was not consulted on in June 2009. As noted, Punakaiki C also arose from CSOs' discussions that followed up the June 2009 consultation process.



66. Since both Punakaiki A and C extend 3.7 km (2 nm) offshore, they would have the same impact on the mixed finfish fishery. However, relative to Punakaiki A, Punakaiki C minimises the impact on future development of the paua fishery.

#### *Okarito*

67. Initially the CSOs opposed any MPA options for the Okarito location due to its importance for the mixed finfish fishery.
68. Okarito A differs from that consulted on in June 2009 in that the boundary was amended to avoid any overlap with the proposed Okarito mataitai reserve, which includes the Okarito Lagoon. Accordingly, Okarito A will have no adverse impact on the eel fishery.
69. Okarito B was not included in the June 2009 consultation. As noted, Okarito B also arose from CSOs' discussions that followed up the June 2009 consultation process.
70. There is a greater degree of uncertainty regarding the precise location of trawling within this option, given that Okarito B extends at most 4.4 km (2.38 nm) offshore and the resolution (radius) of a trawl start position is 1 nm. Although the start trawl position data show this area has some trawling, DOC and MFish cannot advise you on the impact Okarito B will have on the mixed finfish fishery.
71. Given that Okarito B was proposed by the Forum's commercial fishing representative, it is expected to minimise adverse impacts on existing commercial fishing users.

#### *Gorge*

72. Gorge A was consulted on in June 2009, but has subsequently been modified by shifting the Type 1 MPA boundary to exclude a reef that is now included in the Type 2 MPA.
73. The CSOs' discussion following the June 2009 consultation process led to a proposed Type 2 MPA covering only the Type 1 MPA portion of Gorge A. While the Forum did not include this alternative in the recommendation report, the report acknowledges that both Gorge A or B would have an impact on CRA8 fishers.
74. The CSOs consider the Type 1 MPA portion of Gorge A will adversely impact on the CRA8 fishery. This concern is supported by the known extent of rock lobster habitat in the area.
75. The Type 2 MPA's jigsaw-shape was devised with local commercial fisher input to the Forum so that areas not fished were included and known trawl grounds, particularly to the north, were excluded.
76. Gorge B was not included in the June 2009 consultation. Given that Gorge A and B have the same Type 2 MPA jigsaw-shape, both options should not adversely impact on the mixed finfish fishery.



77. Given that Gorge B has a greater portion of Type 1 MPA than Gorge A, which includes more offshore reef, the impact of Gorge B on the CRA8 fishery will be more adverse than the impact of Gorge A.
78. Neither Gorge A nor B will minimise adverse impacts on the CRA8 fishery to same extent as the CSO alternative of a Type 2 MPA covering the Type 1 MPA portion of Gorge A.
79. However, relative to Gorge B, Gorge A will minimise adverse impacts on existing commercial fishing users.

### *Mining*

80. The Marine and Coastal Area (Takutai Moana) Act 2011 provides the Minister of Conservation with a decision-making role in the consent process for mining in the common marine coastal area (CMCA) only in special circumstances, such as areas within the 4<sup>th</sup> schedule of the Crown Minerals Act (which includes existing marine reserves) or other areas of public conservation land in the CMCA. Mining can also occur elsewhere in the CMCA provided that a minerals permit is obtained from the Minister of Energy and the relevant resource consents are obtained. Therefore, none of the proposed MPA options will prohibit access to this industry outright.
81. One prospecting permit for gold and other minerals has been issued to Seafield Resources Ltd that covers the majority of the 12-nm Territorial from Karamea (south of Kahurangi) to Jackson Head and encompasses all the MPA options recommended for the Punakaiki and Okarito primary locations. Seafield Resources have indicated they are undertaking a number of technical reviews of their initial prospecting programme and are following up on prospective leads to define the next steps for the programme.
82. Crown Minerals is currently assessing applications for two petroleum exploration permits that include the Kahurangi and Punakaiki primary locations.
83. There are varying levels of mineral exploration and/or extraction activity at each of the primary locations. These are addressed separately.

### *Kahurangi*

84. There are currently no minerals permits over either Kahurangi A or B. Both Crown Minerals and Petroleum Exploration and Production Association of New Zealand (PEPANZ) submitted in June 2009 their concern with the proposed MPA at the Kahurangi location, as this general area has been of interest to them for petroleum exploration, and it still shows potential. Crown Minerals and PEPANZ both stated subsequently that they are not opposed to Kahurangi B.

### *Punakaiki*

85. Seafield Resources hold a prospecting permit covering Punakaiki A, B and C, but have not raised any concerns regarding these MPA options in their submissions to the Forum.



86. One exploration permit has been issued to Alloy Resources Ltd that includes an area of intertidal coastline south of Razorback Ridge (2 km south of Punaikaiki township). This permit covers 13.52 km<sup>2</sup> with 0.25 km<sup>2</sup> overlapping with the Punaikaiki options. The majority of the minerals permit is over land. This permit was issued after the June 2009 consultation process. Alloy Resources Ltd has not applied for an Access Arrangement from DOC over the areas of public conservation land, and DOC is unaware of any exploration activities over the other parts of the permit area.

### *Okarito*

87. There are a number of minerals permits issued in the Okarito area, including Seafield Resources' prospecting permit.
88. The Forum invited Seafield Resources to advise them on their preferred MPA option for the Okarito primary location. Seafield Resources responded that they did not support either Okarito A or B, but that Okarito B would have less of an adverse impact on their prospecting operation.
89. There are at least seven minerals permits allowing the extraction of alluvial gold from beach sand. These operations are generally small scale and are confined to the intertidal area of beaches. The majority of the Forum members wanted to ensure that this activity could continue if a Type 1 MPA was established at the Okarito location.
90. Some Forum members wanted to include in the recommendations that the Three Mile Beach area be excluded from any future beach gold mining. However, this matter is outside the scope of the MPA Policy, as it pertains to a review or addition to the 4<sup>th</sup> Schedule of the Crown Minerals Act. A minerals permit was recently issued over the Three Mile Beach.

### *Gorge*

91. Currently there are no minerals permits in the Gorge area. As noted, TRONT seek to ensure that any Type 1 MPA in this area includes conditions on the Order in Council to provide for greenstone (pounamu) to be taken by tangata whenua. This has been done previously in other marine reserves, and the Forum was supportive of this request. There are unlikely to be any associated issues or risks that need special consideration.

### *Tourism*

92. Tourism is one of the three most significant contributors to the West Coast economy. In 2009 tourism accounted for 9.2% of employment, 6.1% of the West Coast GDP (\$82.7m) and 7.5% of business units.<sup>4</sup> The other two main contributors to the West Coast economy are mining and dairying.
93. While there has been no attempt to estimate the impacts of the proposed MPAs on West Coast tourism, there is good reason to expect the impacts will be positive. The majority of visitors to the West Coast come to experience nature and the vast array of natural features.

<sup>4</sup> BERL, (February 2010) Report 10: Development West Coast – West Coast Indicators 2009. Business and Economic Research Limited, Wellington, NZ.



The establishment of MPAs, particularly in accessible locations, may well enhance these experiences and possibly increase the number of people visiting the West Coast. These potential benefits could lead to more tourism ventures and opportunities to diversify nature-based products and services.

94. As noted, the Forum recommendations in the four primary locations deliberately avoid popular recreational fishing areas to minimise adverse impacts on this use of the marine environment.

#### *Science*

95. While experience from existing MPAs provides some understanding of the general effects of marine protection, it is difficult to predict the effects of establishing MPAs in the habitat types found along the West Coast. Establishment of both Type 1 and Type 2 MPAs would at least provide opportunities to learn more about the differences in the effects they have on the structure and function of marine ecosystems. This learning could help to inform future decisions about marine protection.
96. The Forum recommendations for each of the four primary locations include options adjacent to intact protected terrestrial ecosystems, so any land use effects, such as sedimentation or pollution, are likely to be minimised. These features create unique opportunities to manage and study the effects of protection across a broad sequence of adjoining and interconnected terrestrial and marine environments.

#### *International obligations*

97. As a ratifying state to the Convention on Biological Diversity, New Zealand is committed to stemming the loss of biodiversity worldwide. As part of this commitment, one of the priority actions identified in the New Zealand Biodiversity Strategy is to "achieve a target of protecting 10 percent of New Zealand's marine environment." Furthermore, targets agreed at the World Summit on Sustainable Development, supported by New Zealand and over 100 other countries, include designating a network of MPAs by 2012. Protection to meet these objectives can be provided by both Type 1 and 2 MPAs.
98. As noted, some of the Forum members wanted to recommend protection of 10% of the West Coast Biogeographic region to ensure this region contributes to New Zealand's overall biodiversity protection goals. Neither the MPA Policy nor the Biodiversity Strategy require the protection targets to be applied at the biogeographic region level. Accordingly, the Forum did not proceed with some members' preference that Forum recommendations cover 10% of the biogeographic region.
99. Currently there are 33 marine reserves around New Zealand that protect 6.9% of the 12-nm Territorial Sea. This will increase to 9.3% of the 12-nm Territorial Sea with the inclusion of the MPAs recently agreed to, but yet to be implemented, around the Subantarctic Islands. If approved, the four options recommended by DOC and MFish would increase the area of Type 1 MPAs to 9.4% of the 12-nm Territorial Sea.
100. The Marine Reserves Act 1971 does not allow for the establishment of marine reserves outside the Territorial Sea. However, there are numerous other areas, both within the



Territorial Sea and the 200-nm EEZ, where activities are restricted and that could be considered Type 2 MPAs.

101. An inventory of existing MPAs and an analysis of the gaps in habitat protection are being prepared for your consideration. It is expected that you will receive the inventory report and gaps analysis by mid-2011.

#### Departmental Recommendations

102. DOC and MFish are providing recommendations only on the options proposed by the Forum. Consideration was not given to amending any options to either achieve better representation of habitat types or further minimise adverse impacts on existing users or Treaty Settlement obligations. However, you are not bound by the Forum recommendations.
103. As noted, you can direct officials to initiate a process to establish an alternative to any of the MPA options based on information provided to you by the Forum and officials. You can also consider taking no action on any or all of the MPA options
104. Also noted, was an inherent tension in the Forum's planning process between representing a full range of marine habitats and ecosystems, while also minimising adverse impacts on existing users of the marine environment. This tension is reflected in the divergence of views expressed during the June 2009 consultation process and the MPA options recommended by the Forum.
105. DOC and MFish recommend that Kahurangi B, Punakaiki A, Okarito B, and Gorge A provide the best response to this inherent tension. Together with the estuarine habitat type already protected (at the Saltwater and Three Mile Lagoons), these four MPA options cover the full complement of the 15 habitat types considered by the Forum for biodiversity protection.
106. If approved, these four options would include a total of 157 km<sup>2</sup> of Type 1 MPAs and 117 km<sup>2</sup> of Type 2 MPAs. This equates to 1.2% of the biogeographic region in Type 1 MPAs and 0.9% in Type 2 MPAs. As noted, this also equates to a further 0.08% of the 12-nm Territorial Sea protected by Type 1 MPAs.
107. Kahurangi B would protect 9 of the 15 habitat types within 85 km<sup>2</sup> and create the largest marine reserve within the 12-nm Territorial Sea, excluding the Auckland Islands and Kermadec Islands Marine Reserves and those yet to be established in the Subantarctic biogeographic region.
108. However, Kahurangi B would protect approximately 0.25% of the deep sub-tidal mud habitat within the biogeographic region. While Kahurangi A would protect a much greater area of habitat than Kahurangi B, and better represent deep-subtidal mud habitat, it would also create adverse impacts on the mixed finfish, rock lobster and paua fisheries.
109. DOC and MFish recommend that you do not agree to a Type 2 MPA in Kahurangi B, as no bottom impacting fishing methods occur in the lower 1 km of the Heaphy River.



110. Punakaiki A would protect a further 3 habitat types within 39 km<sup>2</sup> and would protect replicate examples of a further 4 habitat types already found within Kahurangi B.
111. Punakaiki A would not provide for the development of the PAU6 fishery to the same extent as Punakaiki C. There is a significant amount of rocky coastline outside both options that would be available for enhancement of this fishery. Punakaiki B would create adverse impacts on the mixed finfish fishery.
112. Okarito B would protect an additional habitat type within 29 km<sup>2</sup> together with replicate examples of a further 3 habitat types represented in both Kahurangi B and Punakaiki A. DOC and MFish also recommend that you do not agree to banning dogs from Okarito B using the Order in Council provisions of the Marine Reserves Act, as this matter is outside the scope of the MPA Policy and can be managed using other provisions already available to DOC.
113. The recent national habitat classification work undertaken by DOC and MFish has identified the lower 1 km of the Waiho River (included in Okarito A and B) as outside the marine environment. This conclusion conflicts with the 2008 independent peer review of the habitat mapping undertaken as part of the West Coast MPA planning process. The lower 1 km of the Waiho River recommended by the Forum corresponds with the agreed upstream coastal marine area boundary in the West Coast Regional Coastal Plan that was determined in accordance with the Resource Management Act. This area may at times be influenced by wave action and saltwater inundation. Therefore, for the purposes of this process, DOC and MFish have no confirmed basis for amending the boundaries that the Forum worked with when formulating their recommendations.
114. Gorge A would protect the remaining habitat type within 122 km<sup>2</sup> together with replicate examples of 8 habitat types represented in Kahurangi B, Punakaiki A and Okarito B.
115. Both Gorge A and B would create adverse impacts on the rock lobster fishery, with Gorge B being the more adverse for this fishery. Gorge A and B would provide more replicate examples of the habitat types already represented in Kahurangi B and the only place where deep sub-tidal boulder and bedrock are found.
116. The jigsaw-shape of the Type 2 MPA portions of Gorge A and B are convoluted and would, therefore, be difficult for fishers to comply with the boundaries and problematic for MFish to enforce. The Forum was poorly advised on the implications of the shape of the Gorge from a compliance perspective.
117. The Forum discussed the biodiversity values of the canyon heads adjacent to the seaward boundary of Gorge A and B, although for reasons mentioned above the Forum did not consider this area, as it is beyond the 200 m depth contour (isobath).
118. It is open to you to consider progressing Gorge A with the possible inclusion of some of the canyon heads. Their inclusion could simplify the seaward boundary of the Type 2 MPA, making it easier for fishers to comply with and MFish to enforce. It could also allow for the inclusion of deepwater habitats that may have high biodiversity values.



119. If agreeable, DOC and MFish can draft a letter for you addressed to the Deepwater Group seeking their views on the possible inclusion of the canyon heads in Gorge A before you make your decision on this option.
120. The options recommended by DOC and MFish are in line with those suggested by the CSOs with respect to Kahurangi B and Okarito B. TRONT supported all of these recommended options. Crown Minerals and PEPANZ were supportive of Kahurangi B and reserved their opinion for any option at Okarito.

### **Next steps**

#### **Decisions on Forum recommendations**

121. The next step entails you making decisions on the Forum recommendations for the four primary locations. As noted, if you consider you have insufficient information to make your decisions, you may request officials to provide further analysis about the potential costs and benefits of any or all of the MPA options.
122. Also noted, you can consider directing officials to initiate a process to establish an alternative to any or all of the Forum recommendations based on information provided to you by the Forum and officials. You can also consider taking no action on any or all of the Forum recommendations, however this would mean not meeting the requirements of the MPA Policy.

#### **Feedback to Forum members**

123. You have responded to and thanked the Forum members for their contributions and their recommendation report. This process has taken six years to reach this stage, and while they are not working as a group any more, they remain interested in your decisions. Should you decide to progress any or all of the Forum recommendations, you should also inform the Forum members of your decisions.

#### **Risk of negative stakeholder reaction to options**

124. There is risk of negative stakeholder reaction to several of the Forum recommendations because some were not included in the June 2009 consultation process (Kahurangi B, Punakaiki B and C, Okarito B and Gorge B).
125. As noted, there was tension within the Forum between maximising biodiversity protection and minimising adverse impacts on existing users of the marine environment. Other sources of tension were views regarding MPA recommendations representing around 10% of the biogeographic region and extending to the outer limits of the 12-nm Territorial Sea. Many submitters sought that all options should be made larger and extend to the outer limits of the 12-nm Territorial Sea.
126. Kahurangi A was proposed by the Forum, in part, so as to have an MPA extend to the outer limits of the 12-nm Territorial Sea. After the June 2009 consultation, the environmental representatives on the Forum proposed Gorge B and Punakaiki B, with the latter also extending to the outer limits of the 12-nm Territorial Sea.



127. Some Forum members consider that Gorge B, Okarito A, Punakaiki A and B and Kahurangi A were a reasonable compromise between maximising biodiversity protection and minimising the adverse impacts on existing users and Treaty Settlement obligations. You should anticipate that environmental interests might respond negatively to any decision not to proceed with these options.
128. The CSOs proposed alternatives are reflected in the Forum's recommendations for Kahurangi B, and Okarito B.
129. DOC and MFish's recommendation to proceed with Punakaiki A and Gorge A poses some risk. While these two options reduce the adverse impacts on commercial fishers, there is some question regarding whether they minimise adverse impacts to the same or lesser extent than the alternatives proposed by the CSOs. For this reason, you should anticipate commercial fishing interests might respond negatively to any decision to proceed with these options instead of the alternatives initially proposed by the CSOs.
130. As noted, the Forum received a late submission from a group that use part of the Type 1 MPA in Okarito A and B for recreational fishing and whitebaiting. This group will likely respond negatively to a decision to progress either Okarito A or B.

#### **Potential implementation**

131. Any decisions to provide marine protection can be implemented using the existing statutory tools (the Marine Reserves Act 1971 and the Fisheries Act 1996) or through special legislation.

#### ***Existing legislation***

132. Under current legislation, marine reserves would be implemented under the Marine Reserves Act 1971 and fisheries prohibitions under the Fisheries Act 1996.
133. If you decide to further recommendations for marine reserves using existing legislation, you may direct DOC officials to develop marine reserve applications on behalf of the Forum and implement statutory processes.
134. Following your decision on which options to progress as marine reserve applications, it should be possible to have marine reserves established within twelve months. In order to meet this timeframe, DOC, MFish and, to a lesser extent, Parliamentary Council Office will need to allocate a high priority to this work.
135. If you decide that officials should investigate options for prohibiting bottom trawling, dredging and Danish seining under the Fisheries Act 1996, any subsequent decisions would be subject to statutory processes. Decision making would involve a further analysis of costs and benefits and a Regulatory Impact Statement as part of the annual consultation on regulatory changes undertaken by MFish. If approved, regulations could be in place for the beginning of the 1 October 2012 fishing year.



### *Special legislation*

136. An option exists to implement protection measures using special legislation rather than the existing Marine Reserves Act 1971 and Fisheries Act 1996. This would provide a stand-alone piece of legislation that protects marine biodiversity along parts of the West Coast. A similar approach was taken when establishing marine reserves in Fiordland using the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.
137. The current timeframe for implementation under special legislation is uncertain and dependent on the legislative priority it is afforded by Ministers. In the lead up to the 26 November 2011 election, officials anticipate it may be difficult to secure sufficient legislative priority for implementation under special legislation.
138. Furthermore, while the Select Committee process for special legislation would provide an opportunity for obtaining submissions from the public, this process will likely not meet the West Coast community's expectations that there will be further consultation. The recommendation report notes that the Forum decided not to consult widely on their final recommendations "as there will be another opportunity through any formal consultation process."
139. Consistent with your previous decisions regarding prohibitions on fishing around the Subantarctic Islands, MFish does not recommend using special legislation to implement protection measures.

### *Resourcing implications*

140. Current statutory processes, or alternatives, will require resourcing from DOC and MFish. In the past the implementation process for marine reserves has been protracted due to lack of statutory timeframes for processing. Ministers may choose to direct their departments to prioritise this work in order to address potential delays.

## **Other matters**

### **Educational Showcase Sites**

141. With the exception of the Forum's commercial fishing representatives, the Forum supported the concept of five Educational Showcase Sites. As noted, these Sites were developed outside the MPA Policy requirements, but in line with the Forum's task to "promote public appreciation and enjoyment of the West Coast marine environment." The five Sites are recommended for the specific purpose of establishing MPAs in coastal areas easily accessible to the public, where people could experience and learn about the marine environment. It should be noted, however, that the Forum's task can be met without establishing these Sites.
142. While the scope of the MPA Policy is to establish MPAs to enhance biodiversity protection, it also refers to MPAs as providing opportunities for education, as well as recreation, marine tourism and scientific research, to enhance New Zealand's environmental performance. DOC and MFish are of the view that it is open to you to consider the merit of each Site. These five Sites are described as follows.



143. DOC and MFish request that you make decisions on two of the five Showcase Sites (Ship Creek and Siberia Bay) and defer your decision on another Site (Jackson Head). The remaining two Sites include proposed changes that DOC can progress independently.

#### *Siberia Bay*

144. The Siberia Bay proposal is a Type 1 MPA totalling 0.88 km<sup>2</sup> (88 ha) in the unnamed bay to the north of Tauranga Bay at Cape Foulwind (near Westport), known locally as Siberia Bay.

#### *Mahināpua Creek / Tūwharewhare Tidal Lagoon*

145. The Mahināpua Creek (Tūwharewhare) proposal includes transferring the administration of 0.08 km<sup>2</sup> (8 ha) of unallocated Crown Land in the lower reaches of the Mahināpua Creek / Tūwharewhare tidal lagoon from LINZ to DOC. The lagoon is located at the mouth of the Hokitika River.

#### *Ship Creek*

146. The Ship Creek proposal is a Type 1 MPA totalling 0.17 km<sup>2</sup> (17 ha) in the lower reaches of Ship Creek and 700 m of the adjacent coastline out to 200 m offshore. Ship Creek is located in South Westland about 15 km north of the Haast township.

#### *Hāpuka Estuary*

147. The Hāpuka Estuary proposal includes transferring the administration of 0.07 km<sup>2</sup> (7 ha) of unallocated Crown Land in the lower reaches of the Hāpuka Estuary from LINZ to DOC. The Hāpuka Estuary is located in South Westland about 10 km south of the Haast township.

#### *Jackson Head*

148. The Jackson Head proposal is a Type 1 MPA totalling 0.21 km<sup>2</sup> (21 ha) in two areas on both sides of Jackson Head, located approximately 50 km south of the Haast township.

#### **Biodiversity protection**

149. As noted, the value of the five Educational Showcase Sites is their public access that makes them particularly attractive for further study and public education, not biodiversity protection per se.

150. Some changes in the abundance of particular species might be expected at the Siberia Bay, Ship Creek and Jackson Head Sites, but any such changes are likely to be localised.

#### **Impacts on existing users**

151. The minerals and commercial fishing industries submitted against the Educational Showcase Sites, as they were considered to be beyond the scope of the MPA Policy and could set a precedent for future forum planning processes. Accordingly, DOC and MFish cannot advise



you on the potential adverse impacts these Sites would pose for existing mineral extraction and commercial fishing uses.

152. Apart from Seafield Resource's prospecting permit, there are no other mining permits issued over any of the five Educational Showcase Sites.
153. TRONT oppose the Siberia Bay Site as it is a traditional fishing ground of special significance.
154. Similarly, TRONT and Te Rūnanga o Makaawhio oppose the Jackson Head Sites due to it being a traditional fishing ground of special significance. The Jackson Head Site overlaps with the Jackson Bay mātaītai reserve application.
155. TRONT is supportive of the Ship Creek Site subject to a boundary amendment to avoid any overlap with the Ship Creek (Tauperikaka) mātaītai reserve application. The recommendation report states that if the mātaītai reserve is declared, the Ship Creek Site (Type 1 MPA) boundary should "be realigned so as to adjoin but not overlap."
156. While the Jackson Head Site includes two Type 1 MPAs, their small sizes accommodate boat-based recreational fishing in the remainder of Jackson Bay and beyond. At Jackson Bay there is a boat ramp outside of the proposed MPA that is commonly used by recreational fishers.

#### **Departmental Recommendations**

157. DOC and MFish do not recommend the Siberia Bay and Jackson Head Sites be progressed due to TRONT stating the areas are traditional fishing grounds of special significance. Although the mātaītai reserve application that overlaps the Jackson Head Site is not currently proceeding, it is recommended that you defer consideration of this Site until the Minister of Fisheries and Aquaculture has considered the advice paper on this application.
158. DOC and MFish recommend that the Ship Creek Site boundary be amended to avoid any overlap with the Ship Creek (Tauperikaka) mātaītai reserve application. Should you agree, a decision could be made on whether this Site is progressed irrespective of whether the Minister of Fisheries and Aquaculture has yet considered the advice paper on the mātaītai reserve application.
159. The rationalisation of an adjacent unformed legal road at the Ship Creek Site and the transfer of land titles for the Mahināpua Creek / Tūwharewhare tidal lagoon and Hapuka Estuary Sites do not require Ministerial decisions. DOC can progress them independently.



## Annex 1: Forum process and outcomes

160. Annex 1 discusses the composition and role of the Forum and the process followed to arrive at the MPA options along the West Coast.

### Forum composition, role and process

161. Forum members were appointed by DOC's West Coast Tai Poutini Conservator in early 2005. Twelve of the 14 Forum members have been present since its commencement. Current and past members are listed below.

#### Current Forum members

Bruce Hamilton	Chair, community representative, Westport
Emily Arthur	West Coast Tai Poutini Conservation Board representative and tutor at Tai Poutini Polytechnic at the time of nomination, Christchurch
Ben Hutana	Te Rūnanga o Ngāti Waewae, Ross
Carol Browne	Community and tourism, Fox Glacier
Kerry Eggeling	Commercial fishing industry, Ōkuru
Ian McKenzie	Commercial fishing industry, Westport
Geoff Rowling	Recreational fishing, Motueka
Eugenie Sage	Royal Forest and Bird Protection Society, Banks Peninsula
Carol Scott	Commercial fishing industry, Challenger FinFisheries Management Company Ltd. Nelson
Denis Shannahan	West Coast Regional Council, Dobson
Brad Stenhouse	Recreational fishing and diving, Greymouth
Stuart Thomson	Commercial fishing industry, Greymouth
Richard Wallace	Te Rūnanga o Makaawhio, Hokitika
Bruce Watson	Environment and community, Hokitika

#### Past Forum members

Rick Barber	Te Rūnanga o Ngāti Waewae, Greymouth/Mawhera
Peter Coburn	Community and education, past chair 2005-6, Westport
Tewhe Weepu	Te Rūnanga o Ngāti Waewae, Arahura Pa
Helen Rasmussen	Te Rūnanga o Makaawhio, Ōkuru

**Note:** Denis Shannahan passed away on 29 April 2010. He had contributed throughout and supported the process since its commencement, standing in as Chair on a number of occasions. Kate Bartram (SEAFIC) attended some meetings during 2010 on behalf of Carol Scott as the representative for commercial fishing interests.

162. The Forum developed Terms of Reference prior to the release of the MPA Policy and the MPA Classification, Protection Standard and Implementation Guidelines. While the Terms of Reference reflect the MPA Policy requirements, they go beyond these requirements by tasking the Forum with promoting public appreciation and enjoyment of the West Coast marine environment. This additional task led to the Forum's consideration of five Educational Showcase Sites (some being small-sized marine reserves easily accessible to the public). In addition, some of the recommended Type 1 MPAs go beyond the requirements



of the MPA Policy by including caveats (e.g. banning dogs or allowing drift wood collection).

163. The Forum first convened in April 2005 and met 29 times. These meetings culminated in the Forum identifying potential MPAs at four primary locations and proposing protection measures for five Educational Showcase Sites. The Forum then released a consultation document in June 2009 and sought the public's views on these proposals. After considering submissions, the Forum was unable to reach consensus on one set of recommendations and have, therefore, presented between two and three options for MPAs at each primary location; some MPA options are very similar to those consulted on, and others partially reflect preferred alternatives identified by stakeholders during the consultation process. Accordingly, some of the MPA options presented to you on 28 July 2010 have not been subject to wide public consultation.
164. Although the Forum was unable to reach a consensus on whether to include the Educational Showcase Sites in their recommendations, these Sites are included in this paper so that you can consider them on their merits.
165. In developing these recommendations, the Forum took into account both the marine biodiversity values and the interests of and potential adverse impacts on existing users of the marine environment within the biogeographic region and Treaty Settlement obligations.



## Annex 2: Forum consultation

166. The Forum's June 2009 consultation process was extensive and is outlined in Appendix 4 of the recommendation report (p.113). As noted, the consultation process resulted in new information being presented that persuaded the Forum to depart from its June 2009 MPA proposals. A summary of issues raised in submissions is set out in Appendix 5 of the recommendation report (pp.116-138).
167. The stakeholder discussions after June 2009 are outlined in the recommendation report (pp.139-158). In summary, the discussions with the Paua Industry, Minerals Industry, Crown Minerals, Te Ohu Kaimoana (TOKM) and TRONT helped ensure that the Forum considered potential adverse impacts on existing users of the marine environment and Treaty settlement obligations when developing recommendations for MPAs.
168. Some of the MPA options recommended by the Forum have not been subject to wide public consultation. There has also been no formal departmental consultation on the final set of MPA options recommended by the Forum. Any statutory processes to progress particular MPA options would require consultation by the Crown.

### *Tangata whenua*

169. The MPA Policy states that "the special relationship between the Crown and Māori will be provided for, including kaitiakitanga, customary use and mātauranga Māori." Further to this, the MPA Policy states that marine protection planning forums "will constructively involve and engage with tangata whenua" and that "relevant agencies will develop and maintain a separate dialogue with tangata whenua to ensure that Treaty obligations are met."
170. As noted, the biogeographic region includes the takiwā of two of the 18 Papatipu Rūnanga that make up TRONT, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāti Waewae, in accordance with the Ngāi Tahu Claims Settlement Act 1998.
171. With respect to the process for planning MPAs in the West Coast biogeographic region, both Rūnanga and TRONT were fully involved. The Forum's Terms of Reference make particular reference to this matter: "*Tangata whenua have a special role in this process, as treaty partners with the Crown, and as kaitiaki of Ngāi Tahu Whānui Takiwa. Te Rūnanga o Makaawhio and Te Rūnanga o Ngāti Waewae have a role as stakeholders, ensuring that the principal of Kaitiakitanga (stewardship) is appropriately expressed in the marine environment, and as treaty partners of the Crown.*"
172. In late 2008 and early 2009, 11 mātaihai reserve applications were lodged for areas along the West Coast between Barn Island (south of Jackson Bay) and Arahura (north of Hokitika). Nine of these applications were lodged by Te Rūnanga o Makaawhio, one by Te Rūnanga o Ngāti Waewae and one is a joint application by both Rūnanga. MFish has been advised by both Rūnanga that seven applications are on hold and the remaining four can proceed. MFish is preparing an advice paper on these four applications.
173. None of the mātaihai reserve applications overlap with the MPA options for the four primary locations. However, the Jackson Head and Ship Creek Educational Showcase Sites overlap with two applications, which are discussed below.



174. As noted, some of the eight iwi that make up Te Tau Ihu Iwi at the top of the South Island also assert customary rights within parts of the Ngai Tahu takiwā that are included in the West Coast biogeographic region. Te Tau Ihu Iwi were not initially members of the Forum, but during the process Ngāti Apa expressed interest in the Forum process and sought to join the Forum. A representative of Ngāti Apa was invited to attend all subsequent meetings in an observer role, although this opportunity was never taken up. All Te Tau Ihu Iwi were sent copies of the June 2009 consultation document and invited to engage in the consultation process. Some submissions were received, predominantly from the iwi commercial fishing or holding companies.
175. TRONT made a submission indicating support for some of the MPA options and Educational Showcase Sites and opposition to others. TRONT also submitted concern that the Forum, including DOC and MFish, were considering submissions and information provided by other iwi and TOKM. TRONT considered these submissions and information should be rejected in their entirety.
176. Since the June 2009 consultation process was open to the public, DOC and MFish consider it was appropriate for the Forum to consider the views expressed in all submissions received. Similarly, it would be appropriate for you to consider the range of views in submissions when making your decisions on the MPA options for the four primary locations, while also recognising TRONT's status as tangata whenua.
177. TRONT provided further advice on MPA options following the June 2009 consultation process. As noted, TRONT's advice is included in the recommendation report (pp.139-141), and explicitly sets out their reasons for supporting or opposing each MPA option. In summary, TRONT is "optimistic that support can be given" to Kahurangi B, Punakaiki A and C, Okarito A and B, and Gorge A. TRONT opposes Kahurangi A, Punakaiki B and Gorge B.
178. TRONT opposes the Siberia Bay and Jackson Head Educational Showcase Sites due to both areas being traditional fishing grounds of special significance. As well, the Jackson Head and Ship Creek Sites overlap with mātaihai reserve applications.
179. TRONT is "optimistic that support can be given" to the Ship Creek Site subject to a boundary amendment to avoid any overlap with the Ship Creek (Tauperikaka) mātaihai reserve application. The recommendation report states "If the Minister approves the mātaihai reserve then the Forum recommends that the Ship Creek marine reserve boundary be realigned so as to adjoin but not overlap." MFish anticipates completing the advice paper on the four mātaihai reserve applications, including Ship Creek, by mid-2011.

#### *Maori commercial fishing interests*

180. Although TOKM were not represented on the Forum, they made a presentation and submitted their views to the Forum. Some Forum members along with DOC and MFish officials met with TOKM representatives following the June 2009 consultation process. The final maps for all MPA options were provided to TOKM and all of the Te Tau Ihu Iwi for their comment and input. No feedback was received from any of these groups.



### **Annex 3:**

## **Assessment of Proposed Management Measures against the Protection Standard**

### **1.0 Background**

The MPA Policy is being implemented in the 12-nm Territorial Sea within the West Coast biogeographic region. The Forum charged with making recommendations for new MPAs has identified sets of options within four primary locations along the West Coast (Kahurangi, Punakaiki, Okarito and Gorge).

The Forum has recommended: two options at Kahurangi covering 85 km<sup>2</sup> and 665 km<sup>2</sup>; three at Punakaiki with two covering 39 km<sup>2</sup> and the third covering 244 km<sup>2</sup>; two at Okarito covering 29 km<sup>2</sup> and 165 km<sup>2</sup> and; two at Gorge with both covering 122 km<sup>2</sup>. Seven of these options (Kahurangi B, Punakaiki, A, B & C, Okarito A and Gorge A & B) envisage the establishment of Type 2 MPAs through the prohibition of fishing methods using the Fisheries Act 1996.

What has been unclear to this point is whether the protection proposed using Fisheries Act 1996 prohibitions would be sufficient to be considered a MPA. That is the subject of this Annex and for the reasons outlined below, officials consider the sets of options proposed by the Forum are sufficient to meet the requirements of the MPA Policy and be considered MPAs.

### **2.0 Agreement on interpreting and implementing the Protection Standard**

DOC and MFish have agreed to use MFish's interpretation when assessing whether options that propose fisheries management measures provide sufficient protection to be considered MPAs (the protection standard).

The MPA protection standard, with respect to fishing, will be interpreted and implemented as follows:

- Bottom trawling, dredging and Danish seining will be prohibited in all MPAs.
- Methods that contact the seabed, such as potting and bottom set-netting, should be considered for prohibition in an MPA if they are being deployed on fragile, biogenic habitats (the additional prohibitions being confined to the fragile area, not extending to the entire MPA).
- Mid-water fishing methods such as purse seining, mid-water trawling and midwater gillnetting, will be considered on a case-by-case basis to determine if these methods are having an adverse effect on the aquatic environment. If evidence suggests mid-water methods are being used and are having an adverse effect on the aquatic environment, as defined by the Fisheries Act 1996, they will need to be prohibited if the area is to be called an MPA. If these methods are not in use, or there is no evidence they are having an adverse effect, an MPA can be established without further prohibitions.

An assessment of non-fishing impacts will be made on a case-by-case basis.



### 3.0 Analysis

The prohibitions under the Fisheries Act 1996 that are envisaged for Type 2 MPAs at Kahurangi, Punakaiki, Okarito and Gorge need to be assessed against each of the three bullet points above to determine whether they meet the protection standard.

#### 3.1 *Mobile bottom gear*

The first element of the protection standard is that bottom trawling, dredging and Danish seining be prohibited. The proposed options for the establishment of Type 2 MPAs at Kahurangi, Punakaiki, Okarito and Gorge would prohibit bottom trawling, dredging and Danish seining, and thereby satisfy the first requirement of the protection standard. Any prohibition on these methods would be implemented subject to meeting the requirements of the Fisheries Act 1996.

#### 3.2 *Immobile bottom gear*

The second element of the protection standard is to consider a prohibition on bottom contacting methods if a) they are in use, and b) they are being deployed on fragile biogenic habitats. A prohibition is not necessarily required.

With respect to the Type 2 MPA portions of the Kahurangi B, and Punakaiki A, B and C options, officials do not consider that any further method prohibitions are necessary as bottom contacting methods (bottom long lining, set netting and rock lobster potting) are not known to be in use in these areas. As identified, the protection standard requires current use of immobile bottom gear before any further prohibitions are considered. The protection standard is clear that any additional prohibitions that apply to immobile bottom gear would only apply to areas of fragile biogenic habitat and would not extend to the entire MPA.

With respect to the Type 2 MPA portions of the Okarito A, set netting is the only bottom-contacting method currently used. For Gorge A and B options, bottom long lining, and rock lobster potting are the only bottom-contacting methods currently used. These methods have a low physical impact on seafloor organisms.<sup>5</sup> In addition, the habitat maps presented to the Forum do not identify any fragile biogenic habitat within these areas. Accordingly, officials do not consider that further method prohibitions are necessary for the area within the Okarito A and Gorge A and B options.

As a result, the proposed Type 2 MPAs at all primary locations satisfy the second requirement of the protection standard.

#### 3.3 *Mid-water fishing methods*

The third element of the protection standard relates to mid-water fishing methods such as purse seining, mid-water trawling and midwater gillnetting. These methods would only be considered for prohibition if evidence suggests mid-water methods are being used and they are having an adverse effect on the aquatic environment (as assessed under the Fisheries Act 1996). These

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<sup>5</sup> Morgan, L.E., Chuenpagdee, R. 2003. Shifting gears: addressing the collateral impacts of fishing methods in US waters. Pew Science Series.



methods are not known to be in use within any of the proposed Type 2 MPAs recommended by the Forum. Accordingly, officials do not consider that further method prohibitions are necessary, as the MPA options recommended by the Forum satisfy the third requirement of the protection standard.

#### 4.0 Non-fishing activity

The protection standard provides for a case-by-case assessment of non-fishing impacts on the physical structures of the seafloor and the species resident in the area, based on best available information. Non-fishing impacts are managed under the Resource Management Act 1991 (RMA) through the West Coast Regional Coastal Plan.

Identified activities are listed and considered as follows:

##### *Bioprospecting, mining and extraction*

There are a number of minerals permits issued over a large area of the West Coast. The majority of these are for black sand gold mining along the intertidal zone. This activity could occur within a marine reserve, subject to the provisions of the Regional Coastal Plan, and if the land was included in the 4<sup>th</sup> schedule of the Crown Minerals Act, then consent from the Minister of Conservation would also be required.

There is currently one minerals prospecting permit issued for a large area of the West Coast coastal marine area, which includes the proposed MPAs at the Punakaiki and Okarito primary locations. If the company wants to pursue this mineral resource, a mining permit from the Minister of Energy would be required. This may require further consent from the Regional Council, and if the area was included in the 4<sup>th</sup> Schedule of the Crown Minerals Act, then consent from the Minister of Conservation would also be required. The MPA options at Punakaiki and Okarito meet the protection standard, given the current level of activity. However, if consent was granted, then it would be appropriate to review whether the protection standard would still be met.

##### *Wreck salvage, removal of any part or demolition*

Due to the risk of disturbance of habitats that have formed around a wreck as well as the surrounding environment these activities may require resource consent under the RMA.

##### *Research*

Some research is currently managed by permits from the Department of Conservation and Ministry of Fisheries, depending on location and nature of the research.

##### *Shipping*

Risk from oil spill and invasive species is managed under the West Coast Regional Coastal Plan, West Coast Plant Pest Management Strategy and the Marine Transport Act 1994. See also Discharges section below.



#### *Discharges*

Point source discharges from land are managed under the West Coast Regional Coastal Plan. Discharges from ships and offshore installations are currently regulated in line with RMA Marine Pollution Regulations and Rules under the Maritime Transport Act 1994 (that give effect to the international convention MARPOL).<sup>6</sup>

#### *Coastal development*

Coastal development is managed under the provisions of the West Coast Regional Coastal Plan. The Forum chose isolated sites as potential MPAs to reduce the likelihood of threats from coastal development.

#### *Seismic activity*

Some seismic surveys have been conducted over parts of the proposed MPAs at Kahurangi, and Okarito, and they may occur there in the future, although none are known to be planned for at this stage.

#### *Summary*

At the current level of activity none of the impacts identified above would prevent the protection standard from being met in the 12-nm Territorial Seas within the West Coast biogeographic region. However, if circumstances were to change significantly, such as a minerals permit being granted, a new assessment would need to be undertaken at that time.

## **5.0 Review**

Should there be a significant change in the fishing practices or other activities currently occurring within the West Coast biogeographic region, e.g. seabed mining, a subsequent analysis of whether the prevailing management measures still meet the protection standard would be required. Following a review, the MPA status may be re-confirmed or further management intervention may be considered. It is also possible that MPA status could be revoked.

Monitoring of MPAs that allow some level of use will be important to assess whether or not those activities are having an adverse effect on the aquatic environment.

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<sup>6</sup> International Convention for the Prevention of Pollution from Ships 1973.



## Office of Hon Phil Heatley

MP for Whangarei  
Minister of Fisheries and Aquaculture  
Minister of Housing

- 8 AUG 2011

Bruce Hamilton  
Chair  
West Coast Marine Protection Forum  
Buller Bridge  
WESTPORT

Dear Bruce

We are writing to inform you, as chair of the West Coast Marine protection Forum (the Forum), of our decisions on the options recommended by the Forum for marine protected areas (MPAs) on the West Coast.

In considering the Forum's recommendations and making our decisions on which options to pursue formally, it is clear to us just what a challenging task you had before you. Once again, we would like to thank you, and the rest of the Forum, for the time and effort you have put into this process.

We refer you to the attached maps that illustrate our decisions, which are described below, for each of the primary locations considered by the Forum.

### *Kahurangi*

Establish a marine reserve extending over the area proposed by the Forum as a Type 1 MPA in the 'Kahurangi B' option, but excluding its Type 2 MPA covering the lower reaches of the Heaphy River. Since mobile bottom-fishing methods (bottom-trawling, Danish seining and dredging) are not known to occur in the lower reaches of the Heaphy River, we consider a Type 2 MPA would not provide additional biodiversity protection.

### *Punakaiki*

Establish a mix of Type 1 and Type 2 MPAs consistent with the 'Punakaiki A' option recommended by the Forum.

### *Okarito*

Establish a marine reserve extending over the area proposed by the Forum as a Type 1 MPA in the 'Okarito A' option, but excluding its Type 2 MPA covering the coastal waters along the Okarito Lagoon. This decision constitutes a hybrid between the 'Okarito A' and 'Okarito B' options proposed by the Forum, which we consider may provide a greater level of biodiversity protection and a lower level of impact on existing users of the area.

### *Gorge*

Establish a mix of Type 1 and Type 2 MPAs, with a marine reserve consistent with the 'Gorge A' option recommended by the Forum, but with significant modification to a Type 2 MPA boundary. The modified boundary excludes the northern portion of a Type 2 MPA, while including the heads of canyons beyond the 200 m depth contour along the southern portion. We consider this modification of a Type 2 MPA boundary will improve compliance and enforcement and provide a greater level of biodiversity protection by including areas of

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deepwater habitats. Prior to amending the boundaries we sought and received comments from both George Clements (Deepwater Group Ltd) and Carol Scott (Challenger Finfisheries Mgmt Co Ltd).

#### *Educational Showcase Sites*

Establish a marine reserve over the area proposed by the Forum as 'Ship Creek' Educational Showcase Site based on the Forum's recommended boundary adjustment to avoid any overlap with the proposed Ship Creek (Tauperikaka) mātaītai reserve.

Not establish marine reserves over the areas proposed by the Forum as 'Siberia Bay' and 'Jackson Head' Educational Showcase Sites. We consider these two sites should not be progressed, as they include areas identified as traditional fishing grounds of special significance for tangata whenua.

Not progress the land transfers proposed by the Forum at 'Mahinapua Creek/Tūwharewhare' and 'Hapuka Estuary' Educational Showcase Sites. Progress on these proposals does not require our decisions.

We are cognisant of the different views of Forum members as reflected in the options presented to us. Having carefully considered the information presented by the Forum, we believe that the protection we will now pursue provides for biodiversity conservation and other compatible interests, whilst recognising existing use.

To implement the above measures, it is intended that prohibitions on bottom trawling, Danish seining and dredging will be sought through regulations under the Fisheries Act 1996, and that marine reserves will be established through the process prescribed by the Marine Reserves Act 1971. Officials will keep you informed of progress through the relevant legislative processes.

Our decisions will be announced in August 2011. We invite you to communicate our decisions to all Forum members. However, the contents of this letter are embargoed from further distribution until after that announcement has been made.


We would like to thank you for the comprehensive work undertaken by the Forum in gathering, considering and presenting the necessary information, and also for your patience in awaiting our decisions.

The work of the Forum has played an important role in ensuring the enduring protection of the West Coast's unique marine environment.

Yours sincerely



Hon Phil Heatley  
Minister of Fisheries and Aquaculture



Hon Kate Wilkinson  
Minister of Conservation