

## Cover note

<b>TO</b>	Hon. Stuart Nash, Minister of Fisheries
<b>FROM</b>	9(2)(a) Policy analyst, Animal, Marine & Plant Policy
<b>DATE</b>	29 November 2019
<b>SUBJECT</b>	Decision on the Moutere Ihupuku / Campbell Island Marine Reserve Extension

### Purpose

This cover note provides you with a brief overview on your role in the decision on whether or not to extend the Moutere Ihupuku / Campbell Island Marine Reserve, 9(2)(h), and MPI's recommendation.

### What is the issue?

Under the Subantarctic Islands Marine Reserves Act, you and the Minister of Conservation are required to make a decision on whether to extend the Campbell Island/Moutere Ihupuku Marine Reserve from 39% of the territorial sea to the entire territorial sea or maintain the status quo.

If a decision to extend the reserve through the truncated process provided under the Act, then it must be completed by 2 March 2020 through an Order in Council. Officials have asked for a decision by 13 December 2019 to allow time for the Order in Council process.

Ngāi Tahu and Te Ohu Kaimoana have advised the DOC and MPI that they do not support the extension of the reserve. This is on the basis that it would impact their commercial and customary fishing rights in that area and that there is insufficient information to justify the extension. Ngāi Tahu consider that a decision to extend would be contrary to the principles of the Treaty of Waitangi and undermines the Maori fisheries settlement of 1992.

Agencies have advised Ministers on 3 pathways forward (extend the marine reserve in full, do not extend and maintain the status quo, or do not extend and take an alternative approach to marine protection), 9(2)(h)

9(2)(h)

9(2)(h) We are aware this decision will likely have wider implications for our broader marine work such as SEMPF and MPA reform.

- MPI strongly recommend that you decide not to extend the reserve, but work with Ngāi Tahu and Te Ohu on an alternative protection option, as it balances the lowest risk to the Maori/Crown relationship, with the potential to apply further protective measures to the Additional Area in the future.
- DOC did not recommend a preferred option.

When making their decision, Ministers will have to take the following into account:

1. The statutory independent report completed by Envirostrat Ltd. in 2018 under the Act, which recommends extending the reserve, on the basis that there is low fishing potential in the area and vulnerable biodiversity. ENGOs and scientists support this recommendation.
2. The limitation of the data used by the review. The most recent catch records used to inform the review's conclusion regarding the viability of a deepwater crab fishery in the Additional Area were from 1970 and 1976 and from an area inside the existing marine reserve. Because of this, the review states that it was not possible to quantify the value of the crab fishery from recent commercial (or exploratory) fishing records. It is this lack of recent data that has become a concern for agencies, our Treaty Partner and industry.
3. Ngāi Tahu and Te Ohu Kaimoana have expressed strong opposition to the extension of the reserve and extending the reserve would negatively impact the Crown's working relationship with Ngāi Tahu.
4. 9(2)(h) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Proactive release