

Memo: Hauraki Gulf / Tīkapa Moana Marine Protection Bill – response to proposed changes

To	Minister of Conservation	Date submitted	13 November 2024
GS tracking #	24-B-0583	DocCM	DOC-7811058
Security Level	In Confidence		
From	Siân Roguski, Director Policy (Biodiversity, International and Funding): s9(2)(a)		
Subject	Advice on letter received by the Ngāti Manuhiri Settlement Trust, recommended changes to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill.		
Attachments	No attachments		

Purpose – Te aronga

1. To provide you with advice on proposed changes to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill) recommended by the Ngāti Manuhiri Settlement Trust.

Background and context – Te horopaki

2. On 20 October 2024 you received a letter from s9(2)(a) from the Ngāti Manuhiri Settlement Trust recommending changes to the protection areas in the Bill.
3. Following your conversation with officials on Monday, you confirmed that no further changes will be made to the Bill in response to this letter. You requested that officials provide you with advice on the contents of the letter which is provided below.
4. The Bill is the outcome of more than 10 years of development involving extensive engagement and collaboration with a broad range of interested parties. The existing boundaries represent a careful balance between optimising biodiversity protection whilst minimising impact to users e.g. fishers.
5. The Ngāti Manuhiri Settlement Trust supported the Bill. In their submission to the Environment Select Committee they made recommendations on working with mana whenua and adopting key indicators. No recommendations were made on amending boundaries or changing the designation of protection areas.
6. In general, DOC's advice at this point is not to make further changes to the Bill, given the work and extensive consultation to date. There is a high risk that further changes to address the impact of recent ring-net changes will lead to further consequences to be addressed and an unravelling of the Bill and the high level of support for the Bill. Seeking to pass the Bill by the end of this year is our recommendation and cannot be done if further policy changes are contemplated.

Response to proposed changes

7. The Ngāti Manuhiri Settlement Trust have recently recommended the following changes to the Bill, following the Government's announcement about allowing limited ring-net fishing some HPAs:

Recommended change 1

8. *'Redefine the HPA [high protection area] boundary lines for Kawau Island and Motu Tapu Island from the shoreline by 300 meters and redesignate the boundary lines as NEW seafloor protection area.*
9. *The balance of the HPA boundary area for Kawau Island and Motu Tapu Islands to be transferred to the HPA Hauturu-o-Toi.'*

Response

10. The intent of this proposal seeks to maintain the integrity of the protection areas created by the Bill (ie so that no ring-net fishing is allowed in an HPA, but ring-net fishing can continue). However, amending a high protection area (HPA) to a seafloor protection area (SPA) will significantly reduce the level of protection at these sites. An SPA is intended to protect the seafloor by managing activities that have the most impact on the seafloor. An HPA is intended to protect the whole ecosystem by managing a much broader range of activities.
11. The Kawau and Rangitoto/Motutapu sites were chosen as HPAs due to the biodiversity values at place. These wider values are still intended to be protected with the limited commercial fishing being provided for in these two sites. These sites would need to be assessed for appropriateness as SPAs. We consider that HPAs with ring-net fishing that is highly circumscribed is better than SPAs for biodiversity.
12. The proposed change would likely be strongly opposed by some members of the public and eNGOs. Some fishers and public (e.g. residents of Kawau Island) would likely support this change.

Recommended change 2

13. *'Extend the existing HPA for Hauturu o Toi to include the balance of the HPA boundary area for Kawau Island and Motu Tapu Island. Extend further NEW HPA cover for all of Hauturu-o-Toi.'*

Response

14. Te Hauturu-o-Toi / Great Barrier Island is a very popular area for fishers, both commercial and recreational. The current boundary represents a balance between biodiversity protection and minimising impact to users. The proposed change would likely be strongly opposed by fishers.
15. While this change seeks to maintain the overall level of "HPA" level protection under the original proposals, it isn't clear this would be equivalent in biodiversity terms, more fishing impacts are likely, and the overall benefit cost ratio would likely be lower.

Recommended change 3

16. *'We support the proposals to manage commercial fishing that is immediately adjacent to HPAs to seasonal fishing permits, and to establish a three-year review process inclusive of mana whenua, stakeholders and agencies.'*

Response

17. This proposal seems confused. Commercial fishing adjacent to HPAs is not regulated under this Bill. Any regulation of fishing outside of the protection areas should be done under fisheries legislation. If the intent of this recommendation was to refer to ring-net fishing, and to express support for limiting ring-net fishing outside of HPAs, then this is

not a matter for the Bill which only regulates marine protected areas. Introducing wider restrictions on ring-net fishing outside of marine protected areas is a matter for the Minister for Oceans and Fisheries.

ENDS
