



## **N Z RECREATIONAL FISHING COUNCIL**

---

PO BOX 26-064  
NEWLANDS  
WELLINGTON  
64 4 972 5041      PHONE  
64 4 972 5048      FAX  
rfcmax@xtra.co.nz      EMAIL

Hon Chris Carter  
Minister of Conservation  
Parliament Buildings  
WELLINGTON

Hon David Benson –Pope  
Minister of Fisheries  
Parliament Buildings  
WELLINGTON

Leah Neoh  
Box 1020  
WELLINGTON

By email to [MPA@fish.govt.nz](mailto:MPA@fish.govt.nz)

### **SUBMISSION ON THE MARINE PROTECTED AREAS POLICY**

#### **STATEMENT AND IMPLEMENTATION PLAN**

**28<sup>th</sup> February 2005**

The Council thanks you for your letter of 14<sup>th</sup> November 2004 and subsequent advice providing an extension of time to submit on the above subject. We thank you for this opportunity to present our submission to you.

#### **THE COUNCIL AND ITS REPRESENTATION:**

The New Zealand Recreational Fishing Council represents national and regional associations, clubs, corporate and individual members. Whilst a number of these have their own policies and will make submissions to you we believe they will be consistent with this submission lodged by the overall body.

The national organisations represented are N.Z. Angling & Casting Association, N.Z. Big Game Fishing Council, N.Z. Trailer Boat Federation, N.Z. Marine Transport Association, N.Z. Sports Industry Association and N.Z. Underwater Association. The regional associations cover the whole country and are in Northland, Bay of Plenty/Waikato, Taranaki, Wellington, Tasman Bay, and Otago. The Council also has some Maori groups as members with Te Runanga o Ngai Tahu as a regional association. We also maintain a close contact with many of the tribes affiliated to Te Tai Tokerau in the north. Some of our larger member clubs include the members of the Buckland's Beach Yacht Club (3500), Mercury Bay Ocean Sports Fishing Club (2200), Whakatane Sports Fishing Club (2500) and Auckland's Outboard Boating Club (1680).

The membership represented both directly and indirectly is in the vicinity of 300,000 recreational and sustenance fishers. In addition by default we represent the public interest in the fishery and those fishers who are non-members. We say by default because we are the only constituted representative body that has been recognised by Government and the Courts of doing so.

It further needs to be noted that most “Maori” fishers exercise rights under the amateur fishing regulations (as distinct from Customary Regulations) and therefore our comments cover that type of catch also.

Over 1,000,000 New Zealanders fish for sport or sustenance. The 1996 research to provide estimates of Recreational and Sustenance Harvest Estimates found that there are approx 1.35 million recreational and sustenance fishers in New Zealand and therefore we effectively, through our associated member groups, represent that number.

The Council has been recognised in two court cases as representing the recreational fishers of New Zealand. The Council was attached to these cases without its prior knowledge and the court papers show it was ordered “to represent the recreational fishing public of New Zealand”. The first of these was the order of attachment to the High Court Action on the Manukau Taiapure application. The second relates to the SNA1 challenge of the Minister’s decision that was heard by the High Court. The Council also holds “Approved Party Status” for consultations with the Ministry of Fisheries and is recognised by them and the Minister of Fisheries as a stakeholder group.

The Council has a Board of elected officers and members. The Council consults with its members and the public using various means. These include newsletters, its web site and various press releases. In addition it consults through the various fishing media and meetings it holds and receives input through those forums.

This submission has been prepared and presented after consultation via email and our web site to our members and board members.

We are aware that some of our National Members and Regional Members may be submitting their own submissions and we support their submissions unless they are obviously different in the end result produced.

## **OVERALL CONCERNS/COMMENTS**

In general terms the Council supports Marine Protected areas and the Marine Protected Policy Statement and Implementation Plan but has concerns that the overall emphasis is on total protection by the use of Marine Reserves and has insufficient recognition of other forms of protection. However we adopt the philosophy of MPAs being in the right place for the right reasons Council is not opposed to Marine Reserves Per Se but sees them as the highest protection TOOL where no other type of protection is available. It is the ad hoc nature of applications and the supposed percentage policy to which we object with most being in the wrong place for the wrong reasons.

For all MPAs Council has a philosophy that goes like this.

You must first define the problem. i.e. What biodiversity is it that is at risk?  
What are you trying to protect?

You must then define what is causing the problem. i.e. What is causing the risk?

You must then decide what the best tool to address that risk is.

You must then pursue that tool.

We note that no specific provision is made for an overall plan for the country that we believe is necessary to reduce and prevent the ad hoc nature of applications currently being lodged and submitted. We submit that a moratorium should be implemented (preventing further MPAs being created) until such time as this policy statement has had time to take effect and the Oceans policy is implemented by government.

The NZRFC has a formal Marine Reserves Policy that was adopted at its Annual General Meeting in 1993 and is relevant to MPAs. This policy reads:

*“That the Council through its members supports the establishment of marine reserves only where it is fully demonstrated that the purposes of the legislation are being met by the application”.*

Another aspect needing to be taken into account is the cumulative effects of Marine Reserves and Marine Protected areas. This aspect is presently being ignored by applicants and others.

## **THE PLAN ITSELF**

Turning now to the Consultation Document itself we now make the following comments and observations.

### **Policy Statement**

Under the heading “The New Zealand Biodiversity Strategy” we note the quotation of the desired outcome by 2020 as (without numbering):

- 1. New Zealand’s natural marine habitats and ecosystems are maintained in a healthy functioning state. Degraded marine habitats are recovering. A full range of marine habitats and ecosystems representative of New Zealand’s marine biodiversity is protected.*
- 2. No human-induced extinctions of marine species within New Zealand’s marine environment have occurred. Rare or threatened marine species are adequately protected from harvesting and other human threats, enabling them to recover.*
- 3. Marine biodiversity is appreciated, and any harvesting or marine development is done in an informed, controlled and ecologically sustainable manner.*

4. *No new undesirable introduced species are established, and threats to indigenous biodiversity from established exotic organisms are being reduced and controlled.*

In respect of 1 we note that it relates to habitats and ecosystems being maintained in a healthy state. We submit that many areas of our inshore waters and outer EEZ already fall into this category and they are protected by weather, lack of access and little (if any) use. This type of protection seems to be ignored and lacking in the documents.

In respect of 2 we note the reference to “other human threats”. The document does refer to the RMA but seems to exclude any policies and actions outside the marine area itself. It concentrates purely on aspects of the foreshore and seabed but ignores pollution from land based activities.

Under the heading of “The 10% Protection Target” the document refers to the NZBS containing an action to:

*“Achieve a target of protecting 10 percent of New Zealand’s marine environment by 2010 in view of establishing a network of protected marine areas”.*

We note that it refers to “NZ’s Marine Environment” but does not define what is meant by that term. If it is taken as the whole EEZ then we can end up with a situation where the whole inshore area could be restricted just to meet the 10% criteria. The reverse could also occur. It does not define whether it is 10% by area in the localised areas being based on regions or 10% of the inshore zone or 10% of each habitat type. In the latter case you then need to define the “habitat types” that exist so that the criteria can be met. The policy statement needs to be more explicit as to exactly what is meant if it is to succeed.

It must be noted that the Council has considerable reservations over the use of a percentage figure as used in the NZBS.

Under the heading “The MPA Objective” we note the primary objective 3.6 is quoted as:

*Protect a full range of natural marine habitats and ecosystems to effectively conserve marine biodiversity, using a range of appropriate mechanisms, including legal protection.*

We consider the term “legal protection” needs defining as to what is meant. We further note that other protections such as “weather, lack of access and little (if any) use” are not excluded by this objective.

Under the heading “The MPA Objective” we note that action 3.6(a) is quoted as:

*Action (a): Develop and implement a strategy for establishing a network of areas that protect marine biodiversity. Included in the network will be marine reserves, world heritage sites, and other coastal and marine areas such as*

*mataitai and taiapure areas, marine area closures, areas subject to seasonal closures and areas with restrictions to certain fishing methods.*

We note the reference herein to “*marine area closures, areas subject to seasonal closures and areas with restrictions to certain fishing methods*” but submit that the policy under consultation seems to downgrade and ignore many of these possibilities.

We further note under the heading “The MPA Objective” the groups mentioned as key players and that this seems to ignore “other fisheries stakeholders” plus local clubs groups and organisations.

Under the heading “Definition of Marine Protected Area” we note the statement:

For the purpose of this policy, an MPA is defined as:  
*“an area of the marine environment especially dedicated to or achieving the protection and maintenance of biological diversity at the marine community, habitat and ecosystem level”.*

We question whether this is a form of reinventing the wheel. We note the use of the term “an area” and the term “especially dedicated to”. It is our submission this is to restrictive and this reflects later in the policy. Using cable protection zones as an example they are effectively eliminated because they are not “especially dedicated to” protecting biodiversity. But whilst they are created for another purpose they do protect biodiversity. You can anchor, fish, trawl or dredge through such zones and they are effectively no take marine areas. This definition effectively excludes them just because they were set up for another purpose.

It is also our submission that this definition excludes other areas that are covered by other regulations that have a similar result. An example is the west coast from north of New Plymouth to north Auckland. This area is protected by many fisheries regulations that have the effect of protecting biodiversity. It has a number of voluntary agreements that enhance that protection and it now has set net restrictions to protect Maui’s Dolphin. None of these are specifically designed to protect biodiversity but the cumulative effect is that they do. However that area is excluded because of the restrictive definition contained herein..

Under the heading Policy Scope we note the scope of the policy is biodiversity protection at the “habitat and ecosystem level, not individual species”. We question why it cannot come down to individual species level also. We cite “Maui’s Dolphin” and “Hectors dolphin” set net areas as examples.

Under the heading Policy Scope we note that a number of issues are to be considered “in the development of the Oceans Policy”. We refer to our general comments above on this matter.

Under the heading Policy Scope we note that “Spatially, the policy covers both the territorial sea (coastline to 12 nautical miles) and the exclusive economic zone (12 to 200 nautical miles)”. We note our earlier comments under the 10% protection area.

Under the footnote on page 5 we note the statement:

The description of marine reserves as a management tool in this strategy is based on the new Bill rather than the existing Marine Reserves Act.

We seek clarification of the status of reserves created under the 1971 Act as this footnote (and the definition referred to above) seems to exclude them from being an MPA as they were not created specifically to “protect biodiversity”.

### **MPA Implementing Principles**

We note these principles will guide the implementation process. We therefore comment on them as follows:

**Generic Principle 1:** states *“National priorities for MPA establishment will be developed on an annual basis.”*

*The MPA policy is a national one designed to achieve government outcomes. National priorities, together with the policy’s principles, will be used to guide and inform implementation at the regional level. An inventory of MPAs will be prepared each year to guide progress against the priorities.*

This seems to imply that the priorities will be altering on an annual basis thereby creating a changing environment. Council seeks certainty rather than annual changes. We have no objection to the “annual inventory” noting one has already been commenced. However we note many deficiencies in that first inventory provided.

**Generic Principle 4:** states *Property rights, as well as their scope and associated responsibilities, will be respected.*

*MPAs are more likely to be established in a timely and efficient manner where appropriate recognition is given to the rights and responsibilities of users of the marine environment.*

Council has some difficulty with this statement as for it to be effective those rights must be clearly defined. The Public and Recreational fishers rights have been poorly defined to date so we question how this principle will occur.

**Generic Principle 5:** states *The special relationship between the Crown and Maori will be provided for, including kaitiakitanga, customary use and mātauranga Maori.*

*This principle reflects the obligations that arise from the Treaty of Waitangi and the various commitments to tangata whenua that are included in marine management legislation. Whilst these rights do not constitute a veto over MPA proposals, they do mean that where MPAs are being considered for a particular area, tangata whenua should be involved at an early stage.*

A similar principle for the public and recreational users right needs adding.

**Generic Principle 6:** states *MPA research will be effectively planned and co-ordinated.*

*MPA research is important for a number of reasons. These include determining whether individual MPAs are meeting their objectives, how MPAs*

*should best be designed and managed, and the social and economic impacts of MPAs. MPAs also provide invaluable comparisons or controls for research investigating the ecological structure and function of marine communities, with potential benefits for fisheries and environment management. The Implementation Plan will outline requirements for the coordination of processes for contracting and reviewing research.*

Council notes that *the social and economic impacts of MPAs* need to be determined in the initial stages of creation of an MPA rather than later. We further note the reference to *potential benefits for fisheries* but question this statement. We have seen no evidence that MPAs give benefits to fisheries but have seen lots of evidence showing the reverse.

**Generic Principle 9:** states *A monitoring and evaluation programme will be undertaken.*

*A monitoring and evaluation programme will be developed to assess progress towards achieving the MPA policy objective and to assess the effectiveness of the individual MPAs at achieving their own specific objectives. The programme will use the generic, network and site and tool selection principles as a basis for the monitoring framework. The monitoring programme will provide information that will be fed into a formal review process and will also be made available to stakeholders to enable them to participate in the planning processes.*

We note the statement *individual MPAs at achieving their own specific objectives* but see no further reference to the setting of those objectives or who by or when. The statement implies some form of management plan and we therefore seek clarity of what is meant by the quotation.

**Generic Principle 10:** states *MPA implementation will be undertaken in a transparent manner that constructively engages groups with an interest in marine biodiversity protection.*

*Consistent with statutory obligations, agencies will have clearly defined implementation processes and will coordinate the implementation mechanisms and their respective consultation processes so that stakeholders can effectively participate.*

We note that this principle will not remove the ad hoc basis of applications being made and some certainty in that area is needed. We further note the reference to *their respective consultation processes so that stakeholders can effectively participate* BUT no reference to resourcing of those and funding to ensure effective participation.

## **Network Principles**

**Network Principle 1:** states *MPA network design will be based on the protection of biodiversity and ecosystem function.*

*The complexity and inter-connectedness of the marine environment means that the MPA network needs to be habitat and ecosystem based. Where possible, MPA network planning should be designed to ensure the maintenance of ecosystem processes.*

We note no reference in this principle to the assessment of risk, what biodiversity is at risk, what it is at risk from or consideration of the best tool available.

**Network Principle 2:** states *MPAs should be distributed based on an agreed classification of environment types.*

*For the purposes of MPA planning, agreement is needed on the use of classification systems, including the scale or scales at which the marine environment will be classified.*

We note no reference in this principle to how this classification system is to be developed, how and by whom it is to be agreed with. We consider this is necessary before further MPAs are created. Refer our comments earlier.

**Network Principle 3:** states *The MPA network should protect the full range of natural marine habitats and ecosystems.*

*In order to meet the biodiversity strategy objective, the MPA network should be representative of all marine environments (at the agreed scale) and should cover centres of endemism, unique or special areas and habitats of particular importance to ecosystem function.*

We note in this principle the reference to an “agreed scale” but no reference to how the scale is to be developed, how and by whom it is to be agreed with. We consider this is necessary before further MPAs are created. Refer our comments earlier.

**Network Principle 5:** states *Priority will be given to establishing MPAs where the most significant biodiversity protection gains can be achieved.*

*National priorities for MPA planning will be set and reviewed annually. The overall goal is to protect the full range of marine habitats and ecosystems. Prioritisation of actions will therefore be strongly influenced by risks and threats to the habitats and ecosystems that are under-represented in the network.*

We note in this principle the reference to *where the most significant biodiversity protection gains can be achieved.* We see however no indication as to who is to do the relevant assessment nor the basis on which it will be done. We note the reference to “prioritisation” and “risks and threats” but again however no indication as to who is to do the relevant assessment nor the basis on which it will be done.

**S&T principle 1:** states *Every MPA should be designated on the basis of a clearly defined objective, which will be consistent with the network priorities and the MPA principles.*

*It is important that the intended purpose of each MPA is clearly defined and contained in a management plan. This will provide clarity about the anticipated contribution of the MPA to the network, guidance on tool selection, and a reference for performance monitoring.*

We note in this principle the reference to *the intended purpose of each MPA is clearly defined and contained in a management plan.* We see however no indication as to



who is to define the purpose or create the management plan in either this principle or the one following.

**S&T principle 3:** states *The mechanism used to establish MPAs should be consistent and secure in the long-term, subject to any necessary changes to allow them to better achieve objectives, taking into account natural dynamics.*

*Many improvements in biodiversity will not happen in the short-term. The MPA policy represents a long-term investment in the marine environment with the expectation that benefits will arise over time. Therefore it makes sense to work towards long-term protection. **Nevertheless it may be necessary to adjust the design and/or location of some MPAs in light of changing environmental conditions, improving knowledge and changes in the use of the marine environment.***

We draw your attention to the section highlighted. We note that such comment and principle gives no certainty for the future where we believe such is necessary.

**S&T principle 6:** states *The primary criteria for site selection will be meeting the policy objective and national priorities. Once satisfied, consideration may be given to other benefits and costs associated with site and tool selection.*

*The establishment of an MPA network representing the full range of marine habitats and ecosystems is the objective. In many cases the gaps in the network will be able to be filled at a number of different sites. Where this is the case, selection of the site will analyse the costs and benefits of the proposed MPAs. **Additional (non-biodiversity) benefits of one site over another could include increased amenity values through accessible educational, diving and tourism opportunities.** However, if providing for the additional benefits increases adverse effects on resource users, in some circumstances this may require considerations of redress.*

We draw your attention to the section highlighted. We submit that amenity values of accessible educational, diving and tourism operations need to be removed. MPAs are being created to PROTECT MARINE BIODIVERSITY. They are not being created for amenity values. They are not being created to allow government departments and agencies to grant concessions for money raising purposes.

We further note the comments re compensation for adverse effects on resource users. We consider that such should and must be paid. However we consider that where such effects will occur requiring compensation the MPA should not be created in the first place thereby removing the needs.

### **Integration of Protection Tools**

Under the heading “Marine Reserves” we note the reference to “*Representative examples of the full range of marine communities and ecosystems that are common or widespread;*”

We again express our objection to this criteria and refer to past submissions plus to our submission on the Bill itself. We have no difficulty with the other two criteria.

Under the heading “Marine Reserves” we note the statement *The Minister of Conservation cannot approve a marine reserve proposal if it would have an undue adverse effect on a range of interests, including tangata whenua and customary and recreational fishing.* We agree with this acknowledgement but note that past ministers have ignored this to suit themselves.

Under the heading Fisheries Act Tools we note the statement

*Fisheries tools used to contribute to the MPA network need to be used in a manner consistent with the Fisheries Act 1996. Total fisheries closures under the Fisheries Act 1996 protect marine habitats from impacts associated with fishing. Partial fishing closures provide more targeted protection from particular fishing methods (e.g. restrictions on bottom impacting fishing methods), or apply during particular seasons.*

We concur with those statements. The section then states:

*In implementing measures to manage the effects of fishing on the environment, MFish takes a risk-based approach, and seeks to use the lowest cost approach capable of achieving the desired outcomes. **This means that where an area is a priority for protection but is not impacted on by fishing, a marine reserve is likely to be the choice of tool to use.** MFish is implementing Stock Strategies as the basis for managing fish stocks, or groups of fish stocks. This approach is discussed in the Implementation Plan.*

We do not agree with the statement we have highlighted. The section then states:

*In some cases voluntary agreements are used as an alternative to a regulated closure. In considering if such an agreement could also contribute towards the MPA network, the extent to which all fishers operating in the area signed up to the agreement, and could demonstrate an adequate level of compliance would be important, together with the extent to which the restrictions adequately protect the biodiversity values of the site. Mātaitai Reserves, Taiapure and Section 186 closures provide for customary Maori use and management practices rather than to protect biodiversity at the habitat and ecosystem level. However, they could potentially have the effect of protecting biodiversity (e.g. if they included a reasonable sized no-take or highly restricted take area). Including such areas in the MPA network would require consultation with, and agreement from the tangata whenua.*

We concur with most of the content in this section however note that no reference is made to cumulative effects of a number of closures and agreements. We are puzzled by the last statement that inclusion of some areas into the MPA network needs consultation with and agreement from tangata whenua. Does this not give a veto ability referred to previously?

Under Resource Management Act Tools we note the statement:

*Areas of significant conservation value are identified in some regional coastal plans. These areas could potentially be identified for MPAs if they fall within the national priorities.*

It is our submission that these MUST be deemed to be MPAs as if they are not they cannot be considered as valuable in the coastal plans referred to.

We also refer to our comments earlier about the lack of consideration of land based effects on MPAs.

Under the heading Marine Parks we note the statement:

*Marine parks restrict particular activities (e.g. marine dumping, bottom impacting fishing methods), and may include a small no fishing area. Some of the restrictions in the area may already be in place under other legislation like the Fisheries Act. Examples include the Hauraki Gulf Marine Park and the Sugarloaf Islands Marine Protected Area. **It may be that parts of existing parks with the greatest restrictions in place, rather than the whole park, protect biodiversity to a sufficient level to be included in the network.***

It is our submission that these entire parks are MPAs and must be included in the network. To do otherwise is an assertion that fishing by the public for recreational purposes is denigrating biodiversity. This is not the case. In such areas the method of fishing is mainly trolling for pelagic species that are not resident in the area nor under pressure.

Under Other tools administered by DoC it is stated:

*Marine mammal sanctuaries are set up under the Marine Mammals Protection Act 1978 (administered by the Department of Conservation) to protect marine mammals. The MPA policy is about protection of habitats and ecosystems, rather than particular species. Nevertheless, marine mammal sanctuaries could contribute to the network where the measures to protect against the threats to a marine mammal have the effect of protecting the marine biodiversity of the habitat or ecosystem in the area. This may be the case particularly where sanctuaries are combined with other management tools like fisheries restrictions.*

We again refer to previous comment re the definition being imposed and particular species and consider this section downgrades the overall policy. The section further states:

*Wildlife refuges, sanctuaries and management reserves are established under the Wildlife Act 1953 to protect particular species and their habitats in a defined area. Establishment of Wildlife refuges, sanctuaries and management reserves would not be influenced by this policy as they are targeted at specific species and their habitats. Nevertheless, where refuges, sanctuaries and management reserves are established, they could count towards the network if the measures to protect the wildlife have the effect of protecting the marine habitats and ecosystems in the area.*

We note that all these are Landbased and reference to them is inappropriate to a policy on the marine area. The section then states:

*Both national park and reserves (under the Reserves Act) can include inertial areas. Some types of parks and reserves provide a high level of protection and could be used to count towards the network if they are of sufficient size.*

Whilst we concur with the suggestion because intertidal zones exist we see no validity in the reference to an area being of *sufficient size*. Either the area protects biodiversity or not. The size is irrelevant.

Under Cable Protection Zones we note the statement:

*Cable protection zones established under the Submarine Cables and Pipelines Protection Act 1996 are another example of a management tool that is not used for the purpose of protecting marine habitats and ecosystems. However, in preventing all marine based activity that may threaten cables, they also prevent most marine based activities that may threaten habitat and ecosystem biodiversity values—except for cable laying and maintenance activities. If the degree of protection is sufficient such areas could contribute to the MPA network.*

We refer to our earlier submission and reiterate it is only the restrictive definition that excludes such zones. They must be included as MPAs

Under the heading Integration with wider Environmental Management you state:

*Area based marine protection is only one approach to biodiversity protection. Regardless of the management tool used, coastal MPAs are vulnerable to non-point source impacts such as sedimentation, run-off, eutrophication and general pollution. Effective fisheries management and other management tools, such as those under the Resource Management Act, have an important role to play in contributing to the MPA policy objective. Similarly, marine incursions create a significant risk to the achievement of biodiversity outcomes. It is expected that planning and prioritising marine Biosecurity work will take into account the location of MPAs. Other risks, such as climate change induced impacts are more difficult to control, and require coordinated action both nationally and globally.*

We concur with these comments. The paper then states:

*The Oceans Policy project is expected to strengthen integration of different tools that can contribute to marine management objectives, including marine biodiversity protection. In the interim this Policy Statement and the Implementation Plan will encourage consideration to be given to such impacts. The Department of Conservation's role in regional coastal planning will also be used to encourage councils to give consideration to land-based effects on the marine environment, and particularly impacts on MPAs. The Minister of Conservation has committed to the review of the National Coastal Policy Statement within two years.*

We reiterate our earlier submission re the Oceans Policy

## **Marine Protected Areas - Implementation Plan**

Under the heading Background we note the statement

*In addition there are a number of tools that indirectly contribute to protection of biodiversity, such as cable protection zones, but the primary purpose of such tools are not biodiversity related.*

We refer to our earlier submission and reiterate it is only the restrictive definition that excludes such zones. They must be included as MPAs

Under the heading Integration of Departmental Processes we note the statement:

*Monitoring will be undertaken in relation to both the establishment of a network of MPAs and performance of MPAs in protecting biodiversity.*

We concur with this statement.

Under the heading Policy/Standards Phase we note the statement (numbering added):

*The policy/standards phase consists of:*

- 1. Identifying (subsequently updating) existing inventory of MPAs;*
- 2. Application of the classification system, agreed information standards, and MPA principles;*
- 3. Consideration of information provided by an expert technical group about particular areas; and*
- 4. Identifying & reviewing national priorities – includes providing information to Ministers on progress implementing the policy, making refinements to the implementation plan, and identifying specific high priority areas based on new information (in accordance with generic principle 1).*

Under 1 we note we have received the first inventory but it is deficient with many areas missing. Under 2 we refer to our earlier comments on the classification system. Under 4 we note the comments of making refinements and question whether or not these alterations are to be consulted on and if so how?

We note that “*Two key elements will underpin the success of the MPA policy – information on biodiversity and classification systems. The officials group, as part of the policy/standards phase, will develop information standards (see section on “Inter-Agency Coordination”)*”. We question in many places the classification system to be used plus the consultation to occur on these key elements. These are not clear from the documents provided. We further note that the defining of some meanings is required for clarity and note these as habitat types and environment classes. We trust these will become clear in the near future.

Under the heading Policy/Standards Phase we note the statement:

*A priority for development as part of the standards framework is the use of an agreed classification system. The purpose of the classification system is to identify different environment classes within the EEZ and categorise those environment classes in terms of biodiversity. As part of the classification system, agreement is required as to the scale at which marine environments are classified (see network principles 2 & 3). With this framework appropriate sites for protection can be identified.*

Whilst we concur in general we reiterate our earlier comments on the subject.

Under the heading Policy/Standards Phase we note the statement:

*In the short term, a complete habitat/environment class classification system will not be available. Existing tools, namely the Marine Environment Classification (MEC) and the Interim Near-shore Marine Classification (INMARC), will be used and refined as the information basis is developed over time. In addition, certain decision support tools may be used. Alternate classification systems may be used in future, as they are developed.*

On the basis that the classification system is not yet available we again recommend a moratorium on MPAs until such time as an adequate classification system exists.

Under the heading Operational Phase Policy/Standards Phase we note the statement:

*For DoC the primary focus is on the implementation of marine reserves and updating of the New Zealand Coastal policy statement.*

We note our concerns in respect of the ad hoc nature of this primary focus and the lack of a national plan. We again recommend a moratorium on MPAs until this policy can be implemented in full. The difficulty we have is the cumulative effects of such reserves and the increased pressure caused to other users outside areas so declared.

Under the heading Operational Phase Policy/Standards Phase we note the statement:

*Departments will undertake separate consultation on management tools within their legislatively mandated areas of responsibility. The respective processes undertaken by DoC and MFish will be conducted in a transparent manner (generic principle 10).*

We submit that each Department must become involved in and with the opposites consultation processes.

Under the heading MFish Stock Strategies we note the statement:

*Stock strategies will set objectives, consider risk against those objectives and outline the set of the tools the Government will use in each fishery to manage risk of failing to achieve the objectives. A panel composed of subject matter experts will undertake a risk and value assessment.*

Whilst this causes little difficulty to us we consider insufficient detail is provided relating to the “panel of experts” and how they will be appointed and operate.

Under the heading Department of Conservation Regional Approach we note the statement:

*The Department is developing a regional approach to site selection for marine reserves to satisfy a long held requirement to lift this process to a strategic level. The approach is based on 8 marine bio geographic regions (derived from scientific consensus, as outlined in the draft INMARC report). The initial focus will be on the near-shore to 12 nautical miles in accordance with the mandate of the existing Marine Reserves Act. Other classifications and*

*decision making tools to assist with offshore MPA site selection will be used when the Marine Reserves Bill is passed.*

Whilst again we have little difficulty with this approach the appointment of those participating and the providing of funding is of concern.

Under the heading Regional consultation with stakeholders we note the statement:

*The Department proposes to convene meetings in each region with stakeholders, user groups, conservation interests and tangata whenua, jointly or individually, to begin a process of identifying in consultation with them, priorities for protection and sites within the near-shore marine environment that could meet the requirements and goals of the NZ Biodiversity Strategy and the MPA policy objective.*

We reiterate our comments above relating to resourcing etc.

Under the heading Statutory process for marine reserves we note the statement:

*The Department will proceed into formal marine reserve applications (individual or multiple) based on the information gathered in the above stages, including knowledge of user needs and impacts. It will aim to work towards consensus that has been reached with communities of interests at stage 2, while always mindful of the objectives and goals for marine protection.*

We note the timetable and programme. We reiterate our comments above relating to a possible moratorium and ad hoc applications. We also note the reference to *all bio geographic regions* and request a definition of this term and how it relates to the paper/issue for consultation.

Under the heading Coordination of Processes we note the statement:

*Each Department will be responsible for undertaking its own analytical process to determine requirements to meet its respective legislative obligations (DoC's regional approach; MFish stock strategies). Those processes will be informed by the classification system, current inventory of MPAs, identified national priorities, and best available information.*

We submit this is a reflection of the cart before the horse process. We consider the classification system, inventory and national priorities in addition to the Oceans policy should come first.

We further note the statement:

*In addition, changing legislative accountability under the Marine Reserves Bill changes the role MFish plays in Marine Reserves from one of concurrence to one of consultation. This further reduces the need for MFish to be actively involved in stakeholder consultation related to implementation of Marine Reserves.*

In this regard we draw attention to our submissions on the Bill and our objection to this changing role. We would further submit the role will not reduce but will increase with the need for Mfish to be involved in all applications as early as the consultation stages.

Under the sections Monitoring of MPA Implementation and Inter-Agency Coordination we observe a lack of mention of any public input into the processes. We also note the lack of mention of any reporting process to the public and stakeholders. This omission needs correcting.

Under the section Annual Operating Plan we note reference in the first two years to the “Maintaining the inventory of MPAs”. It is however missing from year three. Do we take this to mean after three years the inventory will be dropped? We submit that this will not be acceptable. In addition also it should be read as “updating and Maintaining the MPA inventory and it must be included in all years rather than just the first two.

#### **CONCLUDING COMMENT.**

We feel that think many stakeholder groups are concerned about how these policies will be implemented. They are concerned with Mfish and DOC the running of separate processes and the ways and means of integrating these.

We note that there is still uncertainty as to just how this will work in practice. There is still resistance in commercial and recreational groups to using closed areas as fisheries management tools. We support in general the thrust of your proposals but have raised our reservations in many areas of them.

We thank you again for the opportunity to present this submission and trust it is of some assistance to you. We look forward to your answers to the questions raised herein.

Max Hetherington  
Secretary/Manager